UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS

FIRST SESSION

VOLUME 149—PART 14

JULY 17, 2003 TO JULY 25, 2003

(PAGES 18451 TO 19911)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2003

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

SENATE—*Thursday, July 17, 2003*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

Let us pray.

God of power, God of love, thank You for bringing us through life's many trials and reminding us that we belong to You. Keep our feet on the right path. Forgive our failure to sometimes see beyond today's challenging events and our unwillingness to trust the unfolding of Your loving providence. Lord, open our eyes that we may see the invisible world of Your unstoppable purposes and catch a new vision of Your glorious design for our world. Guide our Senators. Make them Your agents to bless humankind. And again we ask that You would be a shield for our troops in harm's way. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will immediately resume consideration of the Defense appropriations bill. Last night, we locked in an order of amendments to be offered over the course of the day. Although we have not locked in time agreements on these amendments, we expect to be voting on a couple of them as early as 11 or 11:30 this morning. The chairman is here and is prepared to work through the remaining amendments to the bill. It is our expectation to complete this bill today or tonight.

As I stated yesterday, and as stated by the chairman as well, if—it is an "if"—we complete the Defense bill today and we are able to begin with the Homeland Security appropriations bill on Monday, there will be no rollcall votes during Friday's session. Again, that is if we complete the bill today. If not, we will go into tomorrow and have rollcall votes tomorrow.

Monday is a no-vote day. However, as has been mentioned on the floor, we would expect Members to be present on Monday to offer amendments to the Homeland Security bill.

As a reminder to all Senators, at 4 p.m. today the Prime Minister of Britain, the Right Honorable Tony Blair, will deliver an address to both Houses of Congress.

Senators have been notified—but I will remind them—that they are asked to gather in the Senate Chamber no later than 3:40 this afternoon in order to proceed to the Hall of the House of Representatives.

As we look ahead to next week, we will continue on the appropriations bills that are available. We will continue to have busy sessions throughout.

I remind Members that the last week prior to the recess will be devoted to completion of the Energy bill. I have been hoping to reach an agreement so that Members will file their amendments on the Energy bill no later than Wednesday of next week. That would enable the chairman and the ranking member to begin to work through the amendments prior to that final week of consideration.

I remind my colleagues that we began consideration of the Energy bill on May 6 of this year. I believe there has been more than adequate time to draft amendments, and therefore I hope we can set this reasonable filing deadline. I know at this time there are objections on the other side of the aisle. However, I will continue to work with Senator DASCHLE and the assistant Democratic leader in an effort to reach this consent.

I thank all Members. As always, we will notify Senators as votes are scheduled throughout the day.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader.

Mr. REID. Mr. President, first of all, Senator DODD has agreed to a time limit. As soon as the Senator has an opportunity to review his amendment, I am sure he will agree to that time limit.

Senator BYRD has an amendment he will offer following that. He said he would not agree to a time on this amendment, but he said he wouldn't take long.

As the leader knows, we have agreed to vote on Senator BYRD's amendment, and then Senator DODD wants a vote on his amendment after we complete the debate.

We have a list of the amendments we are going to offer. Senator BYRD has three. Other Senators have one each.

We should be able to move through this in a reasonable period of time—hopefully before too long. I assume the majority leader will have the Senate in recess from 3:30 until the time the Prime Minister of Britain completes his speech. I hope he follows the model and precedent of the most recent President as far as length is concerned so he doesn't take too much of our time off the floor.

The Senate will bring up the Energy bill. We worked hard on the Energy bill. Senator BINGAMAN and Senator DOMENICI have worked hard. But we have not even spent 2 full weeks on that bill. Last time we had 8 weeks. I acknowledge that the last time, one of the reasons it took more time was ANWR, which this bill doesn't have in it. That will help us significantly. We will do what we did to cooperate with the majority on this bill.

As everyone knows, the Democratic leader wants this bill passed very badly. But I say to the distinguished majority leader, he can only do so much. There are more than 300 amendments on both sides. It will be a heavy task to get through this in a week.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, I appreciate those comments. As I mentioned, we started on the Energy bill on May 6. We had 12 days of consideration on the floor of the Senate. The bill was marked up prior to that.

I have tried to lay this out from the outset recognizing that we are going to address the bill—and we spent 12 days on it—during the last week of this month so we can plan, so we can get amendments considered and get the list down to a manageable number.

The reason I come to the floor every day is that I want to encourage Members on both sides of the aisle to focus on this right now. I get this feeling and sense that people are going to say we are going too fast and we are running out of time. That is the only reason I stress this in just about every other statement and in every meeting. I think everybody understands that and is working. But I do want to complete this bill. We are setting adequate time to do that.

If we can come to some sort of agreement by midweek next week as to what amendments we will be looking at, it will be hugely helpful. That is what we are working for on both sides of the aisle.

PRIME MINISTER TONY BLAIR'S ADDRESS TO A JOINT MEETING OF CONGRESS

Mr. FRIST. Mr. President, let me comment briefly on Prime Minister Tony Blair's address to the joint meeting of Congress this afternoon. It is a historic time.

This afternoon, the Senate and the House of Representatives have that distinct honor of welcoming British Minister Tony Blair to address this joint meeting of the Congress. This type of address is the highest honor which Congress can bestow. Prime Minister Blair will be the fourth sitting Prime Minister of the United Kingdom to address a joint session of the United States and Congress, preceded only by Winston Churchill, Clement Richard Atlee, and Margaret Thatcher—three of history's greatest leaders.

Today's historic tribute signifies our abiding friendship and our deep respect not only for the Prime Minister but for the great people of the United Kingdom.

Throughout the last century, the United Kingdom and the United States have stood shoulder to shoulder to defend the free people of the world. That is because our two nations share more than just history. We share deeply held principles of devotion to governance with the consent of the electorate, a devotion to justice based on the rule of law and the principles of due process and devotion to economic freedom based on a belief that every individual should be free to express his or her God-given talents.

Together, the United States and the United Kingdom defeated the twin evils of fascism and communism. Today, we stand together to defend democracy everywhere.

In Africa, the Middle East, and Europe, Prime Minister Blair has led the way to bring freedom to the oppressed, relief to the suffering, and the promise of peace to those living in war-torn regions.

In Sierra Leone, Prime Minister Blair led the effort to end a brutal and senseless civil war. In Kosovo and the Balkans, the Prime Minister rallied our two great nations to bring stability and security to that troubled region. In our great time of need, Prime Minister Blair has shown tremendous courage; he has shown tremendous resolve to defeat our enemies no matter how deep their caves or how fearsome their arsenal.

In Afghanistan, the United Kingdom contributed forces to Operation Enduring Freedom and led the International Security Assistance Force. In Iraq, Prime Minister Blair worked tirelessly to build the coalition to free the Iraqi people from the savagery of Saddam Hussein, a man who—and we should never forget this—used chemical weapons to commit mass murder against his neighbors as well as his own people.

Under the Prime Minister's leadership, the United Kingdom sent over 30,000 troops—nearly a fourth of the British military—to fight alongside our valiant women and men.

We are grateful for the Prime Minister and the British people for their strength and their resolve.

This afternoon, on behalf of the people of the United States, we will pay tribute to the Prime Minister for his courage and his vision. We will listen to his counsel. We will reaffirm the bond between our two great nations, purchased not by treasure or self-interest but by loyalty and brave mutual sacrifice.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2658, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDENT pro tempore. Under the previous order, the Senator from Iowa, Mr. HARKIN, is recognized for not to exceed 25 minutes.

The Senator from Iowa.

Mr. HARKIN. Mr. President, some of this week's news headlines and lead stories on the evening news, when looked at together, raise important questions about our direction as a country and about key Federal Government policy—both economic policy and foreign policy. The economic issues raised affect the quality of life of every American family and the future of our children. The foreign policy issues touch on the reasons that thousands of Americans are deployed today in perilous circumstances in Iraq. As we all know, our soldiers are risking their lives daily in Iraq, and daily American troops are being killed.

On the economic front, the front page of the Washington Post reported earlier this week that the White House now projects that the Federal budget deficit will top $450 billion this year: "Budget Deficit May Surpass $450 billion." That is 50 percent higher than the administration predicted just 6 months ago. In 6 months it has increased by 50 percent. The administration's Office of Management and Budget also predicts a $475 billion deficit for next year.

Now, a couple times in my remarks this morning I will be talking about low-balling. I think the $450 billion budget deficit figure is a low-ball figure. I think the $475 billion budget deficit estimate for next year is also a low-ball figure. I think they are both going to be in the neighborhood of $½ trillion or more.

Why could I possibly say that? One reason is that the projected $475 billion deficit for next year does not include any accounting for the cost of the war in Iraq, or for our continued operations in Afghanistan. It is simply not there, as though it costs us nothing.

We now know, thanks to the recent hearing held by the Senate Armed Services Committee and the continued questioning of Secretary Rumsfeld, who at first did not have the figures for how much it was costing us on a monthly basis in Iraq, but was pressured by the Senators on the Armed Services Committee to get the figures during a break when the Senators came to vote—well, he came back, and what did we learn? We learned from Secretary Rumsfeld that the cost of our operations in Iraq are now running at about $4 billion a month. That is $1 billion a week.

Again, to those of us who have been around here for some time, and have seen how these figures have been skewed in the past, I also think that is a low-ball figure. I think the figures of our operations in Iraq, when all is said and done, is going to be much closer to $5 to $6 billion per month. But we will take their figure, the administration's figure of $4 billion a month.

Again, that number has been escalating. At the beginning of the war, the Defense Department said that the occupation costs would only be about $2 billion a month. In June, it rose to $3 billion a month. Now it is $4 billion a month. That is just in Iraq. In Afghanistan, we are spending another $1 billion each month. When you add up those two, that is about $60 billion a year. That is not even in our budget.

We are on the Defense appropriations bill right now—a record $369 billion for defense and not one penny in there for Afghanistan or Iraq. So when you see the figure of a $450 billion deficit, hold your breath because it is going to go up. It is going to be bigger than that because of these costs in Iraq and Afghanistan.

But there is another reason why these deficits are going up. The basis for the $450 billion deficit is certainly not the war in Iraq, and it is not what we are doing in Afghanistan; it is because of the President's massive tax cuts enacted in 2001 and this year—tax cuts that benefited the wealthiest in our society.

Over one-half of the benefits of the tax break bill in 2001 went to those people making over $1 million a year. This year, we just added on to that. Based on the tax cuts enacted this year, a person making $1 million a year in America now will get over $93,000 a year in a tax cut. You wonder why we are having a $450 billion deficit.

So those are the two paths our country is going down that I believe is putting us in dire jeopardy: The economic path of more and more massive tax breaks for those at the top—not investing in education, not investing in basic medical research, not investing in rebuilding our schools and our highways and bridges and roads, not investing in our infrastructure in our country, not investing in Early Start and Head Start, not investing in Well Start programs, not investing in higher education so our kids can get a chance to go to college, not investing in that—but taking the great wealth of this country and giving it, in tax breaks, to the wealthiest few.

That is the basis for why our economy is in a shambles. Then you add on to it the foreign policy debacle of the last 2 years. The foreign policy debacle is now leading us to spend $60 billion a year on Afghanistan and Iraq, the foreign policy debacle that is leading to U.S. troops being killed every day in Iraq.

The headline in this morning's Washington Post: "'Guerilla' War Acknowledged."

> The U.S. military's new commander in Iraq acknowledged for the first time yesterday that American troops are engaged in a "classical guerilla-type" war against remnants of former Iraqi president Saddam Hussein's Baath Party and said Baathist attacks are growing in organization and sophistication.

I guess we didn't learn anything from Vietnam, did we? I guess we just didn't learn a thing. No, we were so anxious to rush headlong into this war without getting the support of our allies, making this a United Nations effort, at least at a minimum a NATO effort, rather than a solo effort by the United States. Now when we look around and we need help in paying the bills, it is only the U.S. taxpayers who are being asked to pay. Make no mistake, the bills will be paid. We will pay those bills. And I will vote for this bill, too, because we can't pull the rug out from underneath our military. No one is talking about pulling our troops suddenly out of Iraq now that they are there. Certainly no one here in the Senate would suggest that we don't provide all that we can for their security and their success.

But we have to ask the tough questions of what got us here, what led us here, what policy decisions put us in this terrible situation. As we consider defense spending, it is appropriate to examine the cause of why we are committing $1 billion a week in Iraq in addition to the cost of human lives.

Again, we can look at a second story from Tuesday's Washington Post. President Bush on Monday defended his State of the Union remarks on Iraq by saying:

> I think the intelligence I get is darn good intelligence. And the speeches I have given were backed by good intelligence.

"President Defends Allegation on Iraq." Well, the President essentially, with these remarks, seems to be sticking with the story he told in his State of the Union Address. His spokesman days before had acknowledged that the President should not have claimed that Iraq was trying to buy uranium from Africa; that this claim was based on bad intelligence, forged documents. But the President did not renounce this claim. In fact, he seemed to stand by it.

President Bush also said the CIA doubts about the intelligence regarding Iraqi efforts to buy uranium in Africa were "subsequent" to the State of the Union Address. That is what the President said. However, we know this is not true. The CIA insisted last October that similar claims be removed from a speech the President delivered at that time.

And wonder of wonders, on July 14, the President said we went to war with Saddam Hussein "after we gave him a chance to allow the inspectors in, and he wouldn't allow them in." Just driving in this morning from home into the Senate, I was listening to the radio, and this was brought up on the radio. And you could hear the President's own words:

> We gave him a chance to allow the inspectors in, and he wouldn't allow them in.

That has got to be one of the most bizarre statements I have ever heard not only any President but any public official ever make.

The fact is, last November, the inspectors were let in, led by Hans Blix. They went into Iraq on November 18 last fall. And they were there doing their job. But continually President Bush said they couldn't do it, that they couldn't find anything. We kept trying to support the inspectors, some of us, but the President kept saying, no, they couldn't operate. The inspectors only left Iraq just before the bombs started falling.

And now for this President to say that Saddam Hussein wouldn't let them in has got to be something really bizarre. What could the President possibly be thinking? How could the President even utter such words?

The administration's claims about Iraq's nuclear program have always been at the center of their justification for the war in Iraq. In a speech in Cincinnati last October laying out the case for the resolution authorizing the use of force in Iraq, President Bush used the word "nuclear" 20 times in one speech. Perhaps his most dramatic statement raised the specter of a nuclear attack on the United States. President Bush warned in that speech:

> Facing clear evidence of peril, we cannot wait for the final proof—the smoking gun—that would come in the form of a mushroom cloud.

In March, shortly before the war began, Vice President CHENEY went further. He said: Hussein "has been absolutely devoted to trying to acquire nuclear weapons." And here is what the Vice President said in all seriousness:

> And we believe he has, in fact, reconstituted nuclear weapons.

That is what Vice President CHENEY said last March.

We ask, where are the facts? We have yet to see any facts, only speculation based upon forged documents. That is a claim with absolutely no evidence behind it. And this is the Vice President of the United States.

So we have to ask, does President Bush stand by his claim that Iraq was trying to purchase uranium, or was that statement a mistake? It is not enough to blame an aide who stopped that claim once but allowed it—attributed to another source—the second time. It is not enough to claim, as another aide did, that the statement was technically true because it said that "the British Government has learned" about the alleged purchase attempt even though our own Government believed the allegations wrong.

It is time for President Bush to come clean. Does he believe his own claim? Did Iraq even have an active nuclear weapons program when we invaded? If so, then why have we not found any evidence for it in the months since the war ended? And if not, then why did we invade in the first place?

This is not just about one statement. It is about a war justified by claims that Iraq was actively pursuing nuclear weapons, by dire warnings about mushroom clouds. Yet the U.N. could not find any evidence of a continuing nuclear weapons program, and now apparently we can't either.

The administration can't hide that fact behind conflicting statements and wrong information. They can't continue to mislead and misdirect the American public and the Congress. The cost in money and in lives and in reputation is too great.

Is this really the culmination of a misguided policy started by a few individuals in the early 1990s, expounded and developed in the later 1990s, and now encompassed by some in this administration, a new doctrine called "preemption"; preemption, that we can somehow go in and militarily invade a country based not upon evidence, based not upon hard facts but based upon a kind of feeling, a supposition, maybe a belief, just a belief that they may, in fact, some day come to harm us?

George Will had a column in the newspaper on June 22 talking about the doctrine of preemption. He said something I thought was very interesting. He said:

> To govern is to choose, almost always on the basis of very imperfect information. But preemption presupposes the ability to know things—to know about threats with a degree of certainty not requisite for decisions less momentous than those for waging war.

If I can interpret Mr. Will, I think he was saying that sometimes you can take certain actions, the consequences of which, if you are wrong, are not momentous. But to base military action under a doctrine of preemption on potential threats about which you do not have adequate facts, and based only upon a belief or a feeling, the results of that can be terribly momentous.

Mr. Will goes on to say:

> Some say the war was justified—

That is what we are hearing now.

> —even if [weapons of mass destruction] are not found nor their destruction explained, because the world is "better off" without Saddam. Of course it is better off. But unless one is prepared to postulate a U.S. right, perhaps even a duty, to militarily dismantle any tyranny—on to Burma?—it is unacceptable to argue that Saddam's mass graves and torture chambers suffice as retrospective justifications for preemptive war.

I ask unanimous consent that Mr. Will's entire column of June 22 be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times Union (Albany, NY), June 22, 2003]

THE MISSING WEAPONS DO MATTER

(By George Will)

WASHINGTON.—An antidote for grand imperial ambitions is a taste of imperial success. Swift victory in Iraq may have whetted the appetite of some Americans for further military exercises in regime change, but more than seven weeks after the President said, "Major combat operations in Iraq have ended," combat operations, minor but lethal, continue.

And overshadowing the military achievement is the failure—so far—to find, or explain the absence of, weapons of mass destruction that were the necessary and sufficient justification for pre-emptive war. The doctrine of pre-emption—the core of the President's foreign policy—is in jeopardy.

To govern is to choose, almost always on the basis of very imperfect information. But pre-emption presupposes the ability to know things—to know about threats with a degree of certainty not requisite for decisions less momentous than those for waging war.

Some say the way was justified even if WMDs are not found nor their destruction explained, because the world is "better off" without Saddam. Of course it is better off. But unless one is prepared to postulate a U.S. right, perhaps even a duty, to militarily dismantle any tyranny—on to Burma?—it is unacceptable to argue that Saddam's mass graves and torture chambers suffice as retrospective justifications for pre-emptive war. Americans seem sanguine about the failure—so far—to validate the war's premise about the threat posed by Saddam's WMDs, but a long-term failure would unravel much of this President's policy and rhetoric.

Saddam, forced by the defection of his son-in-law, acknowledged in the mid-1990s his possession of chemical and biological WMDs. President Clinton, British, French and German intelligence agencies and even Hans Blix (who tells the British newspaper The Guardian, "We know for sure that they did exist") have expressed certainty about Iraq having WMDs at some point.

A vast multinational conspiracy of bad faith, using fictitious WMDs as a pretext for war, is a wildly implausible explanation of the failure to find WMDs. What is plausible? James Woolsey, President Clinton's first CIA director, suggests the following:

As war approached, Saddam, a killer but not a fighter, was a parochial figure who had not left Iraq since 1979. He was surrounded by terrified sycophants and several Russian advisers who assured him that if Russia could not subdue Grozny in Chechnya, casualty-averse Americans would not conquer Baghdad.

Based on his experience in the 1991 Gulf War, Saddam assumed there would be a ground offensive only after prolonged bombing. U.S. forces would conquer the desert, then stop. He could manufacture civilian casualties—perhaps by blowing up some of his own hospitals—to inflame world opinion, and count on his European friends to force a halt in the war, based on his promise to open Iraq to inspections, having destroyed his WMDs on the eve of war.

Or shortly after the war began. Saddam, suggests Woolsey, was stunned when Gen. Tommy Franks began the air and ground offenses simultaneously and then "pulled a Patton," saying, in effect, never mind my flanks, I'll move so fast they can't find my flanks. Saddam, Woolsey suggests, may have moved fast to destroy the material that was the justification for a war he intended to survive, and may have survived.

Such destruction need not have been a huge task. In Britain, where political discourse is far fiercer than in America, Tony Blair is being roasted about the missing WMDs by, among many others, Robin Cook, formerly his foreign secretary. Cook says: "Such weapons require substantial industrial plant and a large work force. It is inconceivable that both could have been kept concealed for the two months we have been in occupation of Iraq."

Rubbish, says Woolsey: Chemical or biological weapons could have been manufactured with minor modifications of a fertilizer plant, or in a plant as small as a microbrewery attached to a restaurant. The 8,500 liters of anthrax that Saddam once admitted to having would weigh about 8.5 tons and would fill about half of a tractor-trailer truck. The 25,000 liters that Colin Powell cited in his U.N. speech could be concealed in two trucks—or in much less space if the anthrax were powdered.

For the President, the missing WMDs are not a political problem. Frank Luntz, a Republican pollster, says Americans are happily focused on Iraqis liberated rather than WMDs not found, so we "feel good about ourselves."

But unless America's foreign policy is New Age therapy to make the public feel mellow, feeling good about the consequences of an action does not obviate the need to assess the original rationale for the action. Until WMDs are found, or their absence accounted for, there is urgent explaining to be done.

Mr. HARKIN. Well, again, there is one statement after another. Here is a speech that the Vice President gave on August 26, 2002, to the VFW national convention.

"Simply stated," said the Vice President, "there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them. I think that is important. He is amassing them to use against our friends, against our allies, and against us."

Well, if he was amassing them, where are they? What information did Vice President CHENEY rely upon last August 26 when he uttered those words? Words have import. Words have consequences, especially when those words are uttered by the President of the United States or the Vice President—even more so than words uttered by us on the Senate floor.

I believe the consequences of those words led us into a war in Iraq that, quite possibly, either could not have happened because we could have had inspectors and we could have weakened Saddam more and more over the months and years; or it could have been a war in which we were there with the world community. But, no, the President wanted to rush into this. The words he used and the words that were used by the Vice President were used to frighten the American people, to stampede the Congress into passing a resolution.

Mr. President, I think, as we look at our duties here—and, of course, we have to support our troops and we have to pass this bill—the hard questions need to be answered. What did the President know? When did he know it? What did the Vice President know and when did he know it? Why did they use the words they used when, in fact, the intelligence showed just otherwise? And why underneath it all do we continue a policy of getting further and further in debt in this country—to the point that it jeopardizes our children's future? These are the hard questions this President has to answer.

With that, I yield the floor and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I have a parliamentary inquiry. What is the pending business?

The PRESIDENT pro tempore. The Defense appropriations bill.

AMENDMENT NO. 1276

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 1276.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a review and report regarding the effects of use of contractual offset arrangements and memoranda of understanding and related agreements on the effectiveness of buy American requirements)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. (a) The Secretary of Defense—

(1) shall review—

(A) all contractual offset arrangements to which the policy established under section 2532 of title 10, United States Code, applies that are in effect on the date of the enactment of this Act;

(B) any memoranda of understanding and related agreements to which the limitation in section 2531(c) of such title applies that have been entered into with a country with respect to which such contractual offset arrangements have been entered into and are in effect on such date; and

(C) any waivers granted with respect to a foreign country under section 2534(d)(3) of title 10, United States Code, that are in effect on such date; and

(2) shall determine the effects of the use of such arrangements, memoranda of understanding, and agreements on the effectiveness of buy American requirements provided in law.

(b) The Secretary shall submit a report on the results of the review under subsection (a) to Congress not later than March 1, 2005. The report shall include a discussion of each of the following:

(1) The effects of the contractual offset arrangements on specific subsectors of the industrial base of the United States and what actions have been taken to prevent or ameliorate any serious adverse effects on such subsectors.

(2) The extent, if any, to which the contractual offset arrangements and memoranda of understanding and related agreements have provided for technology transfer that would significantly and adversely affect the defense industrial base of the United States and would result in substantial financial loss to a United States firm.

(3) The extent to which the use of such contractual offset arrangements is consistent with—

(A) the limitation in section 2531(c) of title 10, United States Code, that prohibits implementation of a memorandum of understanding and related agreements if the President, taking into consideration the results of the interagency review, determines that such memorandum of understanding or related agreement has or is likely to have a significant adverse effect on United States industry that outweighs the benefits of entering into or implementing such memorandum or agreement; and

(B) the requirements under section 2534(d) of such title that—

(i) a waiver granted under such section not impede cooperative programs entered into between the Department of Defense and a foreign country and not impede the reciprocal procurement of defense items that is entered into in accordance with section 2531 of such title; and

(ii) the country with respect to which the waiver is granted not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(c) The Secretary—

(1) shall submit to the President any recommendations regarding the use or administration of contractual offset arrangements and memoranda of understanding and related agreements referred to in subsection (a) that the Secretary considers appropriate to strengthen the administration buy American requirements in law; and

(2) may modify memoranda of understanding or related agreements entered into under section 2531 of title 10, United States Code, or take other action with regard to such memoranda or related agreements, as the Secretary considers appropriate to strengthen the administration buy American requirements in law in the case of procurements covered by such memoranda or related agreements.

Mr. DODD. Mr. President, let me, first of all, thank the distinguished chairman of the committee, the President pro tempore, and the ranking member, Senator INOUYE, for their cooperation on this amendment. As I understand it, this amendment has been accepted by both sides.

I will briefly describe the amendment. My intention is not to ask for a recorded vote so we will move the process along. I will enter into a brief colloquy perhaps with the ranking member about the prospects of this being held on in conference.

Briefly, as all of my colleagues, I am deeply troubled by the state of our economy. I spent last week—part of it—in my State, as I am sure many colleagues did over the July 4th break, talking to manufacturers, labor unions, and others.

As most of my colleagues know, my State is heavily dependent on defense contract work—if not the most dependent on a per capita basis, certainly one of the top States on a per capita base. We have been very proud of this tradition over the years. It dates back to the Revolutionary War when Connecticut was known as the Provision State. In addition to its nomenclature of being the Constitution State, it is the Provision State as well.

As a result of the cooperation of the Defense Appropriations Subcommittee over the years, Connecticut's contribution has continued to grow in a variety of areas. Like everything else, there are areas for improvement in how we can help sustain this quality of work that is being done by some of the finest technicians, some of the finest workers the world has ever seen, producing the most sophisticated equipment and hardware that has ever been produced by any nation.

Yet we are also seeing, as a result of the realities of the world, more and more people are losing their jobs in the technology area. The industrial base is eroding. In fact, we are told in one article, which I placed on this chart, that roughly 27,000 technology jobs moved overseas in the year 2000, and this research organization predicts the number will mushroom to 472,000 by the year 2015 if companies continue to farm out as much of our technology work at today's frenzied pace.

The jobless issue is important. More than 9 million Americans are out of work, and nearly 400,000 jobs have been lost just since January of this year. Job losses continue to mount in the manufacturing sector, even in the defense industry, I might add.

Manufacturing is the engine that drives our economy, sustaining the industrial base. I note to all of my colleagues that this is critically important. This is what made America a leader over the years. It is what made us the great industrial and military power we are today.

Manufacturers produce $1 out of every $6 of our economy's gross domestic product. During the last decade, U.S. manufacturing has been responsible for 21 percent of the total economic growth and one-third of productivity growth in the United States.

In my State, Connecticut, manufacturers are also a critical part of our local economy. More than 5,600 individual manufacturing companies in the State of Connecticut employ more than 240,000 people who are paid over $10 billion a year in salaries and income. These manufacturers create more than $27 billion in added value and generate $45 billion in annual sales.

Yet despite the importance of this manufacturing sector, manufacturers across the country are struggling today to survive. In an economy where 9.4 million Americans are out of work, it is particularly upsetting to learn that the U.S. defense contractors are continuing at a rapid pace to outsource a considerable number of manufacturing positions overseas.

This is being done under the so-called offset contracts. Under these arrangements, foreign governments buy major weapons programs from American companies only if the manufacturer contracts out a significant portion of that work in that country.

For example, when Poland agreed to buy several Lockheed Martin F–16 aircraft, United States contractors agreed to outsource over 40 components of this work to Polish companies, amounting to hundreds of United States job losses to foreign workers.

No one disputes there is an important role for these offset agreements, and this amendment does not eliminate them at all. Quite the contrary. The jobs that may be lost may be offset by other gains from better commercial and defense relations in foreign countries.

The issue is whether or not the trend that these arrangements are following is headed in the wrong direction. U.S. companies are outsourcing more and more, and I am worried this could result in a loss of sensitive technology overseas, a loss of segments of the national industrial base, and a loss of jobs during this economic downturn.

As I mentioned, there were 40 different contracts in 1 particular job and 1 particular country. When American companies enter into future contracts with the U.S. Government, it means that our taxpayer dollars will now go to work in another country rather than to support our own economic needs.

With certain components being built in other countries, offset arrangements may actually undermine existing "buy American" laws that require specific military machinery—everything from naval circuit breakers to machine tools and ball bearings—to be manufactured by workers in the United States.

For these reasons, I am offering this amendment this morning that will add a measure of accountability to these offset contracts. The amendment requires the Secretary of Defense to review these arrangements and report to the Congress on, among other things, the effect on the industry's industrial base and what actions have been taken to minimize damage to American defense industries, what financial impact these arrangements might have on U.S. manufacturing, the implications of technology transfer arising from these arrangements, and, lastly, how consistent some of the business arrangements, resulting from these offset arrangements, are with existing "buy American" laws that pertain specifically to defense policy.

Armed with this information, we will be better able to ensure that when American companies enter into foreign contracts, the U.S. industrial base will be preserved and the general interests of the American people will be protected.

This amendment also allows the Secretary discretion to modify existing memoranda of understanding with other countries affecting offset agreements if he or she finds it necessary upon reviewing this information. He may also submit to the President any recommendations he thinks might be necessary to strengthen "buy American" laws.

This added protection is particularly important to all of us at a time when people all over the Nation are experiencing the highest unemployment rate in 9 years, most recently measuring 6.4 percent.

I appreciate the consideration of this amendment by the chairman and the ranking member of the committee. This is not a radical approach. As I said, it does not in any way eliminate these offset arrangements but merely requires a greater accountability so we can watch carefully what is happening, so we do not end up with more jobs being lost, particularly in these critical technologies that are so vital not only to our economic success and well-being but also to preserving the industrial base for our national security needs in the 21st century.

I ask that the amendment be agreed to. If I may say to my colleague from Hawaii, I am not going to ask for a recorded vote. I appreciate their review of the amendment and their acceptance of it. I hope steps will be taken to try to preserve this amendment in conference if that is possible.

Mr. INOUYE. Mr. President, I can assure my distinguished colleague from Connecticut that we will do our utmost in convincing the House conferees to accept this.

Mr. DODD. Mr. President, I thank the Senator from Hawaii very much for his continued support.

I have no further need for additional time. I ask unanimous consent that the amendment be agreed to.

The PRESIDENT pro tempore. Is there further debate? If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1276) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I ask unanimous consent to proceed for 10 minutes as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

Mr. McCONNELL. I thank the Chair.

(The remarks of Mr. McConnell pertaining to the introduction of S. 1428 are printed in today's Record under "Statements on Introduced Bills and Joint resolutions.")

The PRESIDING OFFICER (Ms. Murkowski). The Senator from Illinois.

Mr. DURBIN. May I inquire of the Chair the pending business before the Senate.

The PRESIDING OFFICER. The pending business is the Defense appropriations bill.

AMENDMENT NO. 1277

Mr. DURBIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. Durbin] proposes an amendment numbered 1277.

Mr. DURBIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the availability of funds for the Intelligence Community Management Account pending a report on the development and use of intelligence relating to Iraq and Operation Iraqi Freedom)

Insert after section 8123 the following:

Sec. 8124. (a) Limitation on Availability of Certain Funds.—Notwithstanding any other provision of law, of the amount appropriated by title VII of the Act under the heading "Intelligence Community Management Account", **$50,000,000** may only be obligated after the President submits to the appropriate committees of Congress a report on the role of Executive branch policymakers in the development and use of intelligence relating to Iraq and Operation Iraqi Freedom, including intelligence on—

(1) the possession by Iraq of chemical, biological, and nuclear weapons, and the locations of such weapons;

(2) the links of the former Iraq regime to Al Qaeda;

(3) the attempts of Iraq to acquire uranium from Africa;

(4) the attempts of Iraq to procure aluminum tubes for the development of nuclear weapons;

(5) the possession by Iraq of mobile laboratories for the production of weapons of mass destruction;

(6) the possession by Iraq of delivery systems for weapons of mass destruction; and

(7) any other matters that bear on the imminence of the threat from Iraq to the national security of the United States.

(b) Additional Matters on Uranium Claim.—The report on the matters specified in subsection (a)(3) shall also include information on which personnel of the Executive Office of the President, including the staff of the National Security Council, were involved in preparing, vetting, and approving, in consultation with the intelligence community, the statement contained in the 2003 State of the Union address of the President on the efforts of Iraq to obtain uranium from Africa, including the roles such personnel played in the drafting and ultimate approval of the statement, the full range of responses such personnel received from the intelligence community, and which personnel ultimately approved the statement.

(c) Appropriate Committees of Congress Defined.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. DURBIN. Madam President, yesterday as a member of the Senate Intelligence Committee, I sat through a 5-hour hearing with the Director of the Central Intelligence Agency, Mr. George Tenet. It was one of the longest hearings I have ever been a party to in that committee. Virtually every member of the committee was present for the entire hearing. I think we can accurately draw the conclusion from that that it was a hearing of great importance because it addressed an issue which is central to our foreign policy and our national security, and that is the intelligence agencies of our Government.

We are asking now some very difficult but important questions along two lines. First, was the intelligence gathered before the United States invasion of Iraq accurate and complete? Secondly, was that information relayed and communicated to the American people in an honest and accurate fashion? Those are two separate questions that are related.

Yesterday, Director Tenet reiterated publicly what he has said before on July 11, that he accepted responsibility for the fact that in the President's State of the Union Address last January a sentence was included which was at best misleading. The sentence, of course, related to whether or not Iraq had attempted to obtain uranium from the African nation of Niger. What I am about to say is not from the hearing yesterday but rather from public disclosures and press reports relative to that issue.

What we know is this: The allegations and rumors about Iraq obtaining uranium and other fissile materials from the country of Niger had been discussed at some length for a long period of time. In fact, documents had been produced at one point that some believed implicated the Iraqis and the Niger nation in this particular transaction. It is also true, though, that the people who are expert in this area had looked carefully and closely at that documentation and many had come to the opposite conclusion. Some had concluded this information, whether it was from British intelligence sources or American intelligence sources, was dubious, was not credible. Then it was disclosed that the documentation was actually a forgery.

Many of those documents have been made public. Yesterday a leading newspaper in Italy published the documentation and it was reported on the news channels last night in the United States that when those documents were carefully reviewed, it was found that, in fact, they contained things which on their face were ridiculous, names of ministers in Iraq and Niger who had not been in that position for years, supposedly official seals on documentation which, when examined closely, turned out to be patently false and phony.

So it was with that backdrop that the President, in his State of the Union Address, considered a statement concerning whether or not Niger had sold these fissile materials to Iraq.

It has been disclosed publicly and can be discussed openly on the Senate floor that there was communication between the Central Intelligence Agency and the White House on this issue. It is apparent now to those who have followed this story that there was a discussion and an agreement as to what would be included in the speech. The 16 famous words relative to this transaction have now become central in our discussion about the gathering and use of intelligence.

What I heard yesterday during the course of 5 hours with Director Tenet is that we have been asking the wrong question. The question we have been asking for some period of time now since this came to light was, Why didn't Director Tenet at the CIA stop those who were trying to put misleading information in the President's State of the Union Address? That is an important question. Director Tenet has accepted responsibility for not stopping the insertion of those words. But after yesterday's hearing and some reflection, a more important question is before the Senate. That question is this: Who are the people in the White House who are so determined to include this misleading information in the State of the Union Address and why are they still there?

That goes to the heart of the question, not just on the gathering of intelligence but the use of the intelligence by the Executive Office of the President. That is an important question. It is a question we should face head on.

An attempt was made last night by my colleague from New Jersey, Senator CORZINE, to call for a bipartisan commission, a balanced commission, to look into this question about intelligence gathering and the use of the intelligence leading up to the war on Iraq. His amendment was defeated by a vote of 51 to 45 on a party-line vote—all Republicans voting against it; all Democrats supporting it. Senator CORZINE's effort for a bipartisan, balanced, evenhanded commission was rejected by this Senate.

The amendment which I bring today offers to the Senate an alternative. If the Senate does not believe there should be a bipartisan commission to investigate this question, this use of intelligence, then what I have said in this amendment is that we are calling on the President to report to Congress, the appropriate committees in the classified and unclassified fashion, whether or not there was a misuse of intelligence leading up to the war on Iraq. Those are the only two options before the Senate.

In this situation, we have the Intelligence Committee in the House and the Senate looking at the classified aspect of this issue. We have said in the Senate that we do not accept the idea—at least, the Republican side does not accept the idea—of a bipartisan commission looking at this issue. So, clearly, the responsibility falls on the shoulders of the President.

This amendment says that the President will report to the appropriate committees of Congress on this use of the intelligence information.

Why is this an important discussion? It is particularly important from several angles. First, if we are engaged successfully in a war on terrorism, one of the greatest weapons in our arsenal will be intelligence. We will have to depend on our intelligence agencies to anticipate problems and threats to the United States. We will have to gather credible information, process that information, determine its credibility, determine its authenticity, and use it in defense of the United States. Now, more than ever, intelligence gathering is absolutely essential for America's national security.

Second, the President has said we are now following a policy of preemption; we will no longer wait until a country poses an imminent threat to the United States or our security. If the President and his administration believe a country may pose such a threat in the future, the President has said we are going to protect our right to attack that country to forestall any invasion or attack on the United States.

How do you reach the conclusion that another country is preparing to attack? Clearly, again, by intelligence gathering. Now, more than ever, in the war on terrorism and the use of a policy of preemption, we depend on intelligence. Those are the two central points.

Equally, if not more important, is what happened in the lead-up to the invasion of Iraq. For months, the President, the Vice President, and his Cabinet all sought to convince the American people this invasion of Iraq was not only inevitable but was, frankly, in the best interests of America's national security. The administration, the President, gathering the intelligence data, presented it to the American people in a variety of different fashions. We can all recall how this started. It was almost a year ago that in Crawford, TX, we first heard the President while he was in summer retreat suggest that something had to be done about Iraq and used the words "regime change."

Then, over the months that followed, a variety of different rationales came forward for the need to invade Iraq and remove Saddam Hussein. First and foremost—and nobody argued this point on either side of the aisle—Saddam Hussein was a very bad leader, not just for the people of Iraq but for the region and a threat to the world. His removal from power from the beginning was certainly something that everyone understood would be in the best interest of the people of Iraq.

But the obvious question was, if you are going to set out just to remove bad leaders of the world, where would you draw the line and what would those leaders do in response? So the administration said there are more arguments, even more compelling rationales.

First and foremost, in Iraq they were developing nuclear weapons. We recall that conversation. As evidence of that, administration officials talked about the fact that Iraq had obtained certain aluminum tubes that could likely be used for the development of new nuclear weapons.

Now, in fact, we know on reflection that there was even a debate within the administration whether these aluminum tubes could be used for nuclear weapons. Despite that, the administration said categorically, we believe they will be used for nuclear weapons and we believe that is a rationale for the invasion.

Second, on other weapons of mass destruction, chemical and biological weapons, the administration went so far in its presentation to suggest that there were 550 sites where there was at least some possibility of weapons of mass destruction. They went into detail about how these weapons could threaten Israel, could threaten other countries in the region, might even threaten the United States. That information was given repeatedly.

The fact is, we are 10 weeks after the successful completion of our military invasion of Iraq. More than 1,000 inspections have been made in Iraq. No weapons of mass destruction have been found. There has been some small evidence related to the discovery of something buried in a rose garden that could have been a plan for the use of a nuclear device. There has been the discovery of these mobile units in trailers which might have been used for the development of biological weapons. Those things have been discovered but of the so-called 550 sites, the fact is we have not discovered or uncovered one as I stand here today.

I am confident before this is over that we will find some evidence of weapons of mass destruction in Iraq. It could happen as soon as tomorrow. I think that will happen. I believe that will happen. But we were told we were dealing with 550 sites. Statements were made by the President, the Vice President, Ms. Condoleezza Rice and others, that Saddam Hussein had arsenals of chemical and biological weapons. They have not been apparent.

To think in that lightning-fast conquest of Baghdad, somehow Saddam Hussein had the time to literally wipe away or destroy any evidence of weapons of mass destruction strains credulity.

What we have now is a serious question as to whether the intelligence was valid and accurate or whether it was portrayed to the American people in a valid and accurate way.

We also had allegations that Saddam Hussein was linked with al-Qaida. Of course, this is something of great concern to the American people. We know that the al-Qaida terrorists are responsible for September 11, the loss of at least 3,000 innocent American lives on that tragic day. We would and should do what we can in any way, shape, or form to eliminate al-Qaida's threat to terrorism. I joined the overwhelming majority of the Senate, giving the President the authority and power to move forward on this question as to whether or not we should eliminate al-Qaida and its terrorist threat. The fact is, now, as we reflect on that information provided by the administration prior to the invasion of Iraq, there is scant information and scant evidence to link Saddam Hussein and al-Qaida.

The list goes on. It has raised serious questions about the intelligence gathering leading up to the invasion of Iraq and the portrayal of that information to the American people. There is nothing more sacred or important in this country than that we have trust in our leaders when it comes to the critical questions of national security. When a President of the United States, with all of his power and all of his authority, stands before the American people and says: I am asking you to provide me your sons, your daughters, your husbands, your wives, your loved ones, to stand in defense of America—that, I think, is the most solemn moment of a Presidency. That is what is being questioned now. Was the information, for example, in the State of the Union Address, accurate in terms of America's intelligence? Two weeks ago the President conceded at least that sentence was not.

What I have asked for in this amendment is that the Bush White House come forward with information on the gathering and use of this intelligence. With this information, they will be able to tell us with more detail exactly how the intelligence was used, intelligence related to the possession by Iraq of chemical and biological and nuclear weapons and locations, the links of the former Iraqi regime to al-Qaida, the attempts of Iraq to acquire uranium from Africa, the attempts of Iraq to procure aluminum tubes for the development of nuclear weapons, the possession by Iraq of mobile laboratories for the production of weapons of mass destruction, and the possession by Iraq of delivery systems for weapons of mass destruction, and any other matters that bear on the imminence of the threat from Iraq to the national security of the United States.

I go into particular detail in paragraph B of this amendment where it relates to the acquisition of uranium from Africa because I think this has become abundantly clear. Some person or persons in the White House were bound and determined to include language in the President's State of the Union Address which was misleading, language which the President has disavowed, language which in fact Director Tenet said should never have been included.

When you look at the uranium claims that were made in the President's State of the Union Address, and then read the statements made afterwards by members of the Bush White House, we can see on their face that we need to know more. Bush Communications Director Dan Bartlett, discussing the State of the Union Address, said last week that:

> There was no debate or questions with regard to that line when it was signed off on.

I will tell you point blank that is not factual, based on statements made by Director Tenet.

On Friday, July 11 of this year, National Security Adviser Condoleezza Rice said there was "discussion on that specific sentence so that it reflected better what the CIA thought."

Miss Rice said, "Some specifics about amount and place were taken out."

Director Tenet said Friday that CIA officials objected and "the language was changed."

White House Press Secretary Ari Fleischer said Monday, July 14, that Miss Rice was not referring to the State of the Union speech, but she was, instead, referring to President Bush's October speech given in Cincinnati—even though Miss Rice was not asked about that speech.

We have a situation here where the President and his advisers and speech writers were forewarned in October not to include in a speech in Cincinnati any reference to the acquisition of uranium by Iraq from the nation of Niger or from Africa. That admonition was given to a member of the White House staff and that element was deleted from the President's speech.

Now we have statements from the President's National Security Adviser suggesting that there was still some discussion that needed to take place when it came to the State of the Union Address. I will tell you that is not a fact. This amendment which I am offering is asking that we have final clarity on exactly what happened in the White House on this critical piece of information that was part of the President's most important speech of the year, his State of the Union Address.

White House Press Secretary Ari Fleischer also said on Monday, July 14, that while the line cut from the October speech in Cincinnati was based on Niger allegations, the State of the Union claim was based on "additional reporting from the CIA, separate and apart from Niger, naming other countries where they believed it was possible that Saddam was seeking uranium."

But Fleischer's words yesterday contradicted his assertion a week earlier that the State of the Union charge was "based and predicated on the yellowcake from Niger."

Consider the confusion and distortions which we have already received from this administration about that line in the speech, and what it was referring to. That is a clear indication that more information is needed, more clarity is needed. We need from the President leadership in clearing this up and, frankly, clearing out those individuals who attempted to mislead him in his State of the Union Address.

Miss Rice was asked a month ago about the President's State of the Union uranium claim on ABC's "This Week," and here is what she replied:

> The intelligence community did not know at the time or at levels that got to us that there was serious questions about this report.

But senior administration officials acknowledged over the weekend that Director Tenet argued personally to White House officials, including Deputy National Security Adviser, Stephen Hadley, who is in the office of Condoleezza Rice, that the allegations should not be used in the October Cincinnati speech, 4 months before the State of the Union Address.

CIA officials raised doubts about the Niger claims, as Director Tenet outlined on July 11, last Friday. The last time was when "CIA officials reviewing the draft remarks" of the State of the Union "raised several concerns about the fragmentary nature of the intelligence with National Security Council colleagues."

Here is what it comes down to. We now have a battle ongoing within the administration over the issue of gathering and use of intelligence. The American people deserve more. They deserve clarity. They deserve the President's disclosure. They deserve the dismissal of those responsible for putting this misleading language in the President's State of the Union Address. I think what is at stake is more than a little political embarrassment which this administration has faced over the last several days. What is at stake is the gathering and use of intelligence for the security of the United States of America.

This issue demonstrates the administration's intelligence-derived assertions about Iraq's levels of weapons of mass destruction-related activities raised increased concern about the integrity and use of intelligence and literally the credibility of our Government.

We now know that when Secretary Colin Powell, the Secretary of State, was to make his address to the United Nations several days after the President's State of the Union Address, he sat down and, it has been reported in U.S. News and World Report, for a lengthy gathering with Director Tenet at CIA headquarters and went through point by point by point to make certain that he would not say anything in New York at the United Nations which could be easily rebutted by the Iraqis. Secretary Powell wanted to be careful that every word that he used in New York was defensible. And one of the first things he tossed out was that element of the President's State of the Union Address which related to acquiring uranium from Africa.

Secretary Powell took the time and, with the right advisers, reached the right conclusion that certain things being said about Iraq that were being hyped and spun and exaggerated could not be defended. And he was not about to go before the United Nations Security Council and to use that information. He was careful in what he did because he knew what was at stake was not only his personal credibility but the credibility of the United States. That is why this incident involving the State of the Union Address is so important for us to look into.

On the question of weapons of mass destruction, on August 26 of last year, Vice President CHENEY said:

> Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, against our allies, and against us.

On September 26, 2002, the President said:

> The Iraqi regime possesses biological and chemical weapons.

On March 17, 2003, President Bush told the Nation:

> Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised.

On March 30, 2003, Secretary of Defense Donald Rumsfeld, said:

> We know where they are. They're in the area around Tikrit and Baghdad and east, west, south, and north somewhat.

Not only did the administration tell us that there were over 500 suspected sites Secretary Donald Rumsfeld was even specific as to their location.

Here we are 10 weeks later and 1,000 inspections later with no evidence of those weapons of mass destruction.

On the al-Qaida connection, last year Secretary of Defense Donald Rumsfeld described evidence about a connection between Iraq and al-Qaida as "bulletproof." But he did not disclose that the intelligence community was, in fact, uncertain about the nature and extent of these ties.

In his speech before the United Nations Security Council on February 5, 2003, Secretary of State Colin Powell said, in addition to the al-Qaida-affiliated camp run by Abu Musab al-Zarqawi in areas not controlled by the Iraqi regime, two dozen extremists from al-Qaida-affiliated organizations were operating freely in Baghdad.

The claim of a close connection between the Iraqi regime and al-Qaida was key to the fears that Iraq could team up with terrorists to perpetrate another devastating attack on the United States. It is critical that the truth of these assertions be examined in light of what the United States has found during and after the war.

On the issue of reconstituting its nuclear weapons program in addition to the dispute about whether Iraq was trying to acquire uranium from Africa, the intelligence community was divided about these aluminum tubes that Iraq purchased and whether they were, in fact, intended to develop nuclear devices or only conventional munitions. Administration officials made numerous statements, nevertheless, expressing certainty that these tubes were for a nuclear weapons program.

In a speech before the United Nations General Assembly on December 12, 2003, the President said,

> Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon.

On September 8, 2000, National Security Adviser Condoleezza Rice said on CNN's "Late Edition" that the tubes "are only really suited for nuclear weapons programs, centrifuge programs."

On August 26, Vice President DICK CHENEY told the Veterans of Foreign Wars that "many of us are convinced that Saddam will acquire nuclear weapons fairly soon. Just how soon we cannot gauge."

On March 16, the Vice President said:

> We believe he has, in fact, reconstituted nuclear weapons.

Consider these assertions and these statements leading up to our decision to invade. The hard question which has to be asked is whether the intelligence supported the statements. If the intelligence did not, then in fact we have exaggerated misleading statements which have to be made part of our record.

On the question of mobile biological warfare laboratories, Secretary of State Powell said in his speech to the United Nations Security Council that "we know that Iraq has at least seven of these mobile, biological agent factories."

On May 28, 2003, the CIA posted on its Web site a document it prepared with the Defense Intelligence Agency entitled "Iraqi Mobile Biological Warfare Agent Production Plants." This report concluded that the two trailers found in Iraq were for biological warfare agent production, even though other experts and members of the intelligence community disagreed with that conclusion, or believe there is not enough evidence to back it up. None of these alternative views were posted on the CIA's Web page.

Did this Nation go to war based on flawed, incomplete, exaggerated, or misused intelligence?

I am a member of the Senate Select Committee on Intelligence, which is conducting this review. I support that review because there is a lot we need to get into. We have oversight responsibilities over the intelligence agencies.

I commend our Chairman, Senator ROBERTS, and our ranking member, Senator ROCKEFELLER, on that committee. They have requested that the Inspectors General of the Department of State and the Central Intelligence Committee work jointly to investigate the handling and characterization of the underlying documentation behind the President's statement in the State of the Union Address. I certainly support that investigation.

But the question of how intelligence related to Iraq was used by policymakers is a different question that simply must be determined.

What we are saying now is if the Senate, as it did last night, rejects the idea of a bipartisan commission to look into the question, at the very least we should say in this Department of Defense appropriations bill that the President has a responsibility to report to Congress on this use of intelligence and information. It really goes to the heart of the President's responsibility as the head of our country and as Commander in Chief. He needs to have people near and around him giving him the very best advice based on the best intelligence. It is not only good for his administration, but it is essential for the protection of this Nation.

I yield the floor.

Mr. STEVENS. Madam President, before the Senator leaves, I wish to say categorically that had I been the Vice President of the United States, based upon the intelligence briefings that I have participated in now for over 20 years, I would have made exactly the same statements the Vice President made.

I believe sincerely that the record of history shows clearly that Iraq has tried to acquire and did acquire nuclear capability in the past. The Israelis destroyed it once. We know he was trying again to reestablish them.

There is no question that he had weapons of mass destruction. He used them on the Iranians. He used them on the Kurds. Gas is a weapon of mass destruction.

There is also no question at all that he had the vehicles to transport weapons of mass destruction. Why did he build the vehicles if he didn't have them?

This nit-picking at the language that was used—it was used, we now know, in error in terms of veracity as far as the reliance upon the concept of what the British had because it was later disclosed that one of the things they had was a forged document. Why did the United Nations, 17 times, ask to examine that country to find the weapons of mass destruction if the world did not believe he was after weapons of mass destruction, after he used them on the Iranians more than 15 years ago? They bombed the plant that absolutely had the reactor in it. And we knew he had weapons then.

I have to say that when we look at what has happened, when our troops went into those barracks after the war commenced, they found that the Iraqis had special masks to protect them against weapons of mass destruction. We don't have those kinds of weapons.

The Senator is a member of the Intelligence Committee. I am reliably informed that at a classified session yesterday he asked CIA Director George Tenet the very questions which he has asked on the floor, and he received the answers. Some of the Members don't like the answers, but they received them. Had Director Tenet took responsibility for a mistake in his agency—clearly he had problems about the way that document was handled and in terms of the speech.

This is the third time this has come up now on this bill. This amendment would fence the Community Management Agency of the CIA, one of the most important and vital works of the agency. It would take $50 million from them.

I am not going to do it now, but sometime in the future I am going to ask the Senator whether he believes that he never had weapons of mass destruction. Does he believe Iraq never had weapons of mass destruction? Does he believe there was no reason to go in there and do what we did?

The problem is this amendment standing alone would deny the following programs funding:

Assistant Director of the CIA to allocate their collection efforts against terrorists and other high-priority target activities. This is their central community program.

Talking about the intelligence community, one of them is the National Drug Intelligence Center's Analysis of Information for Narcotraffickers—a vital concept that deals with counterterrorism activities.

The second is the National Counterintelligence Oversight Analysis Assessment of Vulnerabilities to Foreign Intelligence Services.

The next is efforts to improve the intelligence community's expertise in foreign languages.

This was identified as the key unmet need by the joint inquiry that investigated the 9/11 activities.

Each of those programs is essential to our national security.

In order to make his point on this concept, the Senator again seeks to fence off $50 million for those vital activities. I hope the Senate listens to us about what he is willing to do in order to make this statement again.

I shall move to table this amendment. But, again, I have been asked this question many times personally at home by the press and by family friends. Some of us are exposed to intelligence at a very high level of Government. We can't come out and talk about it.

I noticed in the paper yesterday that some of our people because of this issue are starting to "lip off" about intelligence matters that should be classified. The Senate and the Congress should come back to order on that. We are allowed access to classified information—and to have us, because of some question about one phrase in the President's speech, suddenly decide that classification means nothing, is wrong, and it is not in the best interest of the United States.

Now, Senator INOUYE and I have been involved in extremely classified information for years. As a matter of fact, at our request, there was what we call a "tank" built in our building so we could have those people come visit us and we would not have to go out and visit the CIA or the other intelligence agencies. And we do listen to them.

Based on everything I have heard—everything I have heard; and the two of us have shared the chairmanship of the Defense Appropriations Subcommittee, which is defense intelligence related, since 1981—everything I have heard convinces me, without question, that Iraq tried to develop a program of weapons of mass destruction, and did, in fact, have weapons of mass destruction. And we were justified—just as the Israelis were over 15 years ago when they went in and bombed one plant—we were justified to go in and just absolutely disestablish that administration because it had rebuked the U.N. 17 times in terms of the attempt to locate those weapons of mass destruction and to do what Saddam Hussein agreed he would do after the Persian Gulf war. He agreed to destroy them. He admitted he had them. He agreed to destroy them. And we tried to prove he destroyed them. Now, what is all this question about whether he had them? Because he admitted he had them.

It is time we settle down and get back to the business of providing the money for the men and women in uniform around the world, and to ensure that the people who conduct our intelligence activities have the money to do what they have to do.

The extended debate on this floor about intelligence activities because of that one 17- or 16-word—I don't remember—the small phrase in the President's State of the Union message is starting to really have an impact on the intelligence-collecting activities of this country. We do not want to besmirch that. We have the finest intelligence service in the world. If someone made a mistake—and now it has been admitted there was a mistake; not in whether or not he was trying to put together his nuclear weapons program—the mistake was in reference to what the British did have; and it was later found that the foundation for what the British thought they had was a forged document.

Intelligence is absolutely essential to a nation that bases its capability to maintain peace on force projection, and we have to rely on many people to provide us information. Human beings make mistakes. God forbid that anyone would ever say because of one mistake we should harness the core efforts of our intelligence efforts and deny them the money this bill has for them to proceed until this commission, which the Senator wants to create, reports. I cannot believe we would delay the release of these funds for those reasons.

The ongoing efforts of the Intelligence Committee are known. The Senator is a member of the Intelligence Committee. We who are members of the Subcommittee on Defense Appropriations have access to everything they have access to, because we manage the money that finances the agencies they investigate. So there is a whole series of us here who have access to extremely classified information.

We classify it primarily because there are so many people involved that many lives might be in jeopardy if we disclose the sources of that information or we disclose the impact of that information in terms of the relationship to some of the programs we are funding today.

I urge the Senate to settle down. I urge the Senate to settle down. We do not need this continued debate about the words in that State of the Union message. That is history, and it is going to be examined in terms of politics in the future.

Now we had arranged the schedule this morning so we could conduct our business and still start the markup of four separate appropriations bills. I must be absent now as chairman of the committee for a period of time.

I move to table the Senator's amendment, and I ask unanimous consent that the vote on that occur at a time to be determined by the majority leader after consultation with the minority leader. At the time of the stacking of votes on this and other amendments, I shall seek approval for a recorded vote on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Madam President, reserving the right to object, I ask what the Senator's intention is regarding the schedule right now after the Senator concludes his remarks?

Mr. STEVENS. Madam President, I have a motion to table. Has the motion to table been accepted by the Chair?

The PRESIDING OFFICER. The Senator has a unanimous consent request.

Mr. STEVENS. Madam President, I ask unanimous consent that the time for that vote be determined by the majority leader after consultation with the minority leader.

Mr. REID. Madam President, I reserve the right to object. The Senator from Illinois is also a member of the Appropriations Committee, but he wants to have an opportunity to respond.

Mr. DURBIN. I do.

Mr. REID. He can do it any way he chooses. We are not going to have a vote right away, so he can attempt to have the floor. I wonder if the Senator from Alaska would—we have no right to object in any way to the motion to table, but the Senator from Illinois has more to say.

Mr. STEVENS. I have no objection if the Senator wishes to respond. I wish to get my motion to table on the record, and I am happy for the Senator to speak after that motion in relationship to the amendment. I have no problem with that. I just want to get my part of this business done so I can go chair that committee markup.

The PRESIDING OFFICER. The motion to table is pending.

Mr. STEVENS. Is there an objection to my request that the motion to table vote be postponed until a time certain to be determined by the majority leader after consultation with the minority leader?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I am prepared to yield the floor, and you can talk as much as you want.

Mr. REID. Has the unanimous consent request been agreed to?

The PRESIDING OFFICER. No, it has not.

Without objection, it is so ordered. The request is agreed to.

Mr. REID. Madam President, before the distinguished chairman of the Appropriations Committee leaves the floor, the Senator from Minnesota asked a question: What are we going to do now? We have a number of amendments lined up. We are not going to do those because the two managers of this bill are members, of course, of the Appropriations Committee, as are Senator DURBIN and myself.

Mr. STEVENS. Will the Senator yield?

I would be prepared to make a request that after Senator DURBIN makes his remarks there be a period for morning business during which the Senator from North Dakota may be able to speak for up to 30 minutes on a matter not related to this bill.

Mr. REID. Reserving the right to object, the Senator from Wyoming wishes to speak for 10 minutes, I am told, on the bill itself.

Is that right?

Mr. THOMAS. Yes. I was going to follow up on what has been said.

Mr. REID. The Senator from North Dakota has no objection to him going first, he being the Senator from Wyoming.

Mr. STEVENS. That is fine.

Madam President, I ask unanimous consent that the Senator from Wyoming have 10 minutes to speak on the bill, and following that time, the Senator from North Dakota have 30 minutes as in morning business, and following that the Senator from——

Mr. DAYTON. Minnesota.

Mr. STEVENS. Minnesota.

Mr. DAYTON. I would like to speak on Senator DURBIN's amendment. I would agree to 5 minutes.

Mr. STEVENS. Could it be that we agree to 30 minutes of debate pertaining to matters relating to this amendment, notwithstanding the motion to table has been made? Is that agreeable? That will give us enough time to get back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Also, Mr. President, if I could, Senator KENNEDY is going to be here at around 11 o'clock. Of course, that has slipped.

Mr. STEVENS. It is roughly 11 o'clock.

Mr. REID. He will offer the next amendment. Perhaps then Senator BYRD will. Really, we are narrowing the number of amendments that are going to be offered.

Mr. STEVENS. Mr. President, I don't know what the Senate would do without the assistance of the distinguished Democratic whip. We have in history Light Horse Harry, and this is our "Heavy Horse" Harry. He does the heavy work around here, and we all appreciate him.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, pursuant to the unanimous consent agreement, I can assure my colleagues I will not take 30 minutes. I will be extremely brief because I already stated my case in support of this amendment. But I would like to respond to the Senator from Alaska.

He and I have had some titanic struggles on this floor over a variety of issues, but I have the highest regard and respect for him personally. I am certain he did not mean to suggest nor did he say I have disclosed any classified information in my statement this morning. I would not do that, not knowingly. What I have disclosed to the Senate, in preparation for a vote on this amendment, has all been a matter of public record and published information.

There are many other things I have learned as a member of the Senate Intelligence Committee to which I can't make reference, because it is classified and very important, that remain classified. But I don't know which bill you would go to if you didn't go to the Defense Department bill to deal with questions of intelligence. It is one of the few, if only, bills coming before the Senate relating to intelligence gathering. We don't have a full blown discussion here about appropriations for the Central Intelligence Agency and all the intelligence aspects of the Federal Government. It is a carefully guarded secret of our Government as to how much is being spent and how it is spent. Many people have objected to that over the years. I understand their objections. I also understand the wisdom that we try to keep in confidence exactly what we are doing to gather information to protect America. About the only place where we openly discuss the funding of intelligence is in this bill. If you don't come to this floor on this bill to suggest that we can do a better job in gathering intelligence to protect America, then, frankly, there is no other appropriations bill to which you can turn.

I assume you might argue that the Department of Homeland Security, our new Department, has some aspects of intelligence. Maybe that argument can be made. But the most compelling argument is on this bill, the Department of Defense bill. That is why this amendment is not superfluous or out of line. This is where the amendment needs to be offered because what we are saying is, America is only as safe as the men and women who are protecting it, men and women who are in uniform, literally putting their lives on the line, and men and women working for our Government gathering information so that we can anticipate threats and make certain we protect the people.

What I have said in this amendment is we, clearly, know now that in the President's State of the Union Address statements were made which the President has disavowed as not being accurate and which the Director of the Central Intelligence Agency has said should not have been included because they were misleading. That is a critical element.

We gather across this Rotunda in the House of Representatives once a year, the combined membership of the House and the Senate, the Cabinet, the Supreme Court, the diplomatic corps, to hear the President deliver the State of the Union Address. It is his most important speech of the year. He outlines to the people the accomplishments of our Nation and the challenges we face.

This President came before us last January in an atmosphere leading up to an invasion of Iraq, a war. I don't think there is any more serious undertaking by a government than to say we are going to war. We are asking our citizens to put their lives on the line for the security of America. The President came to the people with that message.

We now know that at least one major part of that message—they say it is only 16 words but it was a major part of his message—was not accurate.

Do I think the President intentionally misled the American people? There is no evidence of that whatsoever. I have not heard a single person say he intentionally misled the American people in making that statement. But I will tell you this, there were people in that White House who should have known better. They had been warned 4 months before not to use the same reference in a speech the President was giving in Cincinnati. They had been told by the CIA that the information was not credible, could not be believed, should not be stated by the President of the United States, and that section was removed from the President's speech in October.

Those same people in the White House, bound and determined to put that language in the President's State of the Union Address, put in misleading language which attributed this information not to our intelligence, because our intelligence had disavowed it, discredited it, said we can't believe it.

No, they attributed it to British intelligence. Our people believed the British intelligence had been wrong from the start and yet we allowed that to be included in the speech.

Across America and around the world, people heard our President say that Iraq was acquiring uranium—or attempting to—from Niger in Africa to develop nuclear weapons. That is a serious charge. It is as serious as any charge that has been made against Saddam Hussein's regime. Someone in the White House decided they would cut a corner and allow the President to say this by putting in that phrase "based on British intelligence."

I would think the President would be angered over the disservice done to him by members of his staff. I would think the President would acknowledge the fact that even if Director Tenet could not discourage that member of the White House staff and stop them from putting in that language, the President has within his ranks on his staff some person who was willing to spin and hype and exaggerate and cut corners on the most important speech the President delivers in any given year.

That is inexcusable. This amendment says that this President will report to Congress on exactly what happened in reference to that State of the Union Address, that finally we will know the names of the people involved, that they will be held accountable for this misconduct which has caused such embarrassment, not just to the President, not just to his party, but to our Nation.

We need to be credible in the eyes of the world. When statements such as the one made by the President are clearly disavowed by the President, it affects our credibility.

Last night we tried to create an independent bipartisan commission to look into this question in an honest fashion. It was rejected on a party-line vote with every Republican voting against it.

Now I have taken the second option. Now we call on the President himself. Harry Truman from Independence, MO, used to say "the buck stops here," when it comes to the President. The buck has stopped on the President's desk. The question is, What will he do to establish his credibility, to make certain that the next State of the Union Address is one that is credible in the United States and around the world and to make sure those people who misused the power of their office to lead him to make those misleading statements are removed once and for all?

It is a painful chapter in American history but it is one we cannot avoid. So long as it is unresolved, there will be a shadow over the intelligence gathering and use of this administration. That is not in the best interest of national security. It is not in the best interest of the people.

We in Congress have our responsibility, as a coequal branch of Government, to enforce oversight and to make certain that the American people are well served.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Following the custom of alternating back and forth, I am prepared to defer to my colleague from Wyoming. I would like to inquire as to his intentions to speak.

Mr. THOMAS. Madam President, my understanding was that I was going to have 10 minutes, then we would go to Senator CONRAD, and then the Senator from Minnesota.

The PRESIDING OFFICER. It is correct that the Senator from Wyoming has 10 minutes, to be followed by the Senator from Minnesota.

Mr. REID. I am sorry.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Is the consent agreement, as interpreted by the Chair, that the two morning business matters will be completed prior to debate on the motion to table? That seems a little unusual.

The PRESIDING OFFICER. The Senator from Wyoming is speaking on the amendment for up to 10 minutes.

Mr. REID. I apologize.

Mr. DAYTON. I have asked unanimous consent that following the conclusion of the remarks of the Senator from Wyoming, I might speak on the amendment for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. THOMAS. Madam President, I rise to discuss similarly what our floor leader said a few moments ago in terms of this bill before us. We are here to talk about the Defense appropriations. We have gone on now for a couple of days focusing on this matter of uranium from Africa. It seems to me that we need to focus on the issue that is before us and that is supporting our troops where they are, the Defense appropriations that we have, and probably the most important, certainly the largest appropriation that is before us.

I have been listening now for some days and listening to the media, the charge that the 16 words President Bush uttered during his January State of the Union have been false. This is what he said:

> The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

That is what was said. So we say this may be false because in fact the British Government continues to stand by the assertion even if the CIA does not. So what Mr. Bush said about what the British believed was true in January, and it is still true today. That is what the British believed.

Now do we need to take a look at our intelligence system? Of course, that is very important to us. But anyone who thinks every piece of intelligence is going to have certified truthfulness behind it, of course, is being naive. Because that is not the way things work.

It is so clear this is so political that it really is kind of hard to accept. In fact, there are ads out now, political ads, assailing the President's credibility, and they go ahead and quote what the President said. But interestingly enough, they leave off the words "the British government has learned."

They leave those off. Doesn't this give you some feeling that we are taking this a little more politically than we are anything else? It seems to me that is the case. We are here now and this whole matter of weapons of mass destruction is an issue we are all concerned about. But this matter of uranium is not the reason we are in Iraq. Saddam Hussein used chemical weapons on his own people, his neighbors. Clearly, the production facilities were making chemical and biological weapons. There is no question about that.

In September 1980, Iraq invaded Iran, and Iraq used chemical weapons. In 1988, chemical weapons were used against Iraqi Kurdish, killing 5,000 Kurds. After Operation Desert Storm, February 18, 1991, in the terms of the cease-fire, Iraq accepted the conditions of the U.N. Security Council resolution. That resolution required Iraq to fully disclose and permit the dismantling of the weapons of mass destruction. That did not happen. That is why we are there.

This idea of leading us off the track because of the uranium is not really the issue. Should we look at our intelligence system? Of course. We do that constantly. But we don't need to take away the dollars that are in this bill for those agencies while we take a look at it. There is nothing more important in the world today than to have intelligence.

I just think we need to cut through some of the things that have been going on here and we need to get down to what issues there are that affect our defense and the American people and deal with those. Politics is fine, but this is not the place to continuously use items that are obviously just political and try to take away the credibility of the President, which is one of his greatest assets, and I understand that. I understand that we are in an election cycle and so on. I really think it is time to deal with the important issues. We are having hearings. I think we need to move on and deal with the issues before us—to continue to clean up the situation in Iraq, look for peaceful solutions. That is really what it is all about.

I will not take any more time. For a couple of days, I have been listening to this constant recital of the same sort of thing. It seems to me it is pretty clear where we are. We are in Iraq for a number of reasons, this being a very slight impact on the decisionmaking. What we are really intent on doing is getting on with these appropriations bills, supporting our military, providing a strong military so we can continue to do the things we have to do. But this idea of continuing to try to contain an issue and make it something more than it really is seems to me to be worn out.

I hope we can move forward. We have a lot to do. We need to deal with the issues that are before us. I don't think this particular amendment is useful. We already have a system for looking at this. Withholding money pending a third-party operation simply doesn't make sense. I hope we will table this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. I fully concur with my colleague that we need to conclude our work on this bill. This is the third day we have been on this matter. There are several hundred billion dollars involved; it is one of the most costly measures we consider every year. The majority leader said we will complete work on the bill tonight. I expect we will do so with that instruction. I am prepared to stay late, as others of my colleagues are, to talk about these issues. I cannot think of anything that is more profoundly important to this country today and to the future of this Nation and to the world today and to the future of the world than what we are addressing, which is the circumstances that caused the President of the United States to make, as my colleague from Illinois said, an onerous and fateful decision to start a war, doing something that was unprecedented in our Nation's history—to initiate a war against another country, invade another country.

Now, there may be other reasons cited for doing so, but under international law, under the U.N. Charter, of all the reasons cited by the administration for this action, the one that has no credence is the threat of an immediate and urgent attack against the United States by weapons of mass destruction with the missile capability to deliver them. That is what was stated and implied on a frequent basis by members of the administration last fall.

This is not about one 16-word inclusion in the President's State of the Union speech, as important as that is. This is about questions, as the Senator from Illinois said, that dictated the actions or influenced the actions of Congress last October in voting to give the President the authority to initiate military action, which the President followed through on 6 months later, for which we have 145,000 sweltering Americans in Iraq today. I was there 2 weeks ago in 115-degree temperatures. If anything, they are even hotter than that at this point in time. Some of those incredibly brave young men and women won't come home to their families and friends alive. They will give the ultimate sacrifice on behalf of their country.

So these are profound matters. I commend my colleague from Illinois for his careful choice of words and his reasoned approach to these matters, in recognition of his position on the Senate Intelligence Committee, his restraint in sharing only unclassified information to support his amendment, which I am proud to support myself.

We have tried on this side of the aisle in the last days to strike some bipartisan agreements about how to address matters of disclosure of financial expenditures for this military undertaking. We talked with the distinguished chairman of the Senate Appropriations Committee about where the money is in this bill for the purposes of the ongoing military operations in Iraq and Afghanistan.

The chairman informed us that 2 days ago, in the 2003 supplemental appropriations, those funds were provided that are being drawn down for the purpose of conducting these military operations in those two countries and we should expect another supplemental appropriations request to be forthcoming early in the next calendar year. That same day, however, the comptroller for the Department of Defense was quoted as saying there remains only $4 billion in that account. Given the statement of the Secretary of Defense to our Senate Armed Services

Committee the week before that we are spending, on a monthly basis, $4.8 billion in Iraq and Afghanistan combined, it is quite obvious that that $4 billion is going to last them less than another month.

So we have tried and we have not been as successful as we should be because it ought to be transparent to this body exactly what is being spent, where it is being spent, and we ought to be appropriating, as others have pointed out—Senator **BYRD** first and foremost among them—that we ought to be doing this through proper channels.

Yesterday, as the Senator from Illinois said, we tried to get an agreement for a bipartisan independent commission that would be established and that would bring, it is my conception, the distinguished senior Americans, those whose credibility and integrity and experience and wisdom are unquestioned and would bring forth for the benefit of this body, but most importantly for the benefit of all the American people, what are the facts in these questions that have been raised and how do they instruct us in terms of the veracity of our intelligence information and the veracity of our political leaders.

Yesterday there was an editorial in the Washington Post which stated just that. It said: "Wait for the facts." It cited the President's remarks in his State of the Union Address, the 16-word sentence that has received so much attention. It went on to say:

> If so, that would represent one of several instances in which administration statements on Iraq were stretched to reflect the most aggressive interpretation of the intelligence.

That, I believe, is a carefully phrased way of saying what I said earlier in my remarks. There were several times last fall when the implication was made or the assertion was stated that these weapons of mass destruction were not only developed but were poised to be used against the United States and that they constituted an immediate and urgent threat to our national security which, as I said before, both under U.N. charter and international law, is the single legal basis for the United States to invade another country: The threat of imminent attack or the actual attack itself.

As the most powerful nation in the world, the one that has led the way for over the last half century in not starting wars—finishing wars successfully, but not starting them—for us to engage in now the first of what the President has articulated as the doctrine of preemption, where we will initiate those wars, we will attack first, in the judgment of this Senator is a very unwise course which will dangerously destabilize the world if it becomes the normal practice of nations, other than the United States—and we have to expect it will—to launch those kinds of attacks.

Last August, before the Veterans of Foreign Wars in Nashville, Vice President **CHENEY** said:

> There's no doubt that Saddam Hussein has weapons of mass destruction.

Secretary of Defense Donald Rumsfeld in September in Atlanta said that American intelligence had "bulletproof" evidence of links between al-Qaida and the government of President Saddam Hussein of Iraq.

In each case, officials have offered no details to back up those assertions. Mr. Rumsfeld said today doing so would jeopardize the lives of spies and dry up sources of information.

As was stated by a couple of my colleagues, we have to rely on this hidden information which can be alluded to, to prove just about any point anybody wants to make, but we cannot know the facts.

In October, the President himself made his argument, quoting an article in the Chicago Tribune, for invasion, emphasizing the notion Hussein could strike the United States first and inflict "massive and sudden horror."

Finally, Secretary Rumsfeld, again testifying before the Armed Services Committee, said:

> The United States must act quickly to save tens of thousands of citizens.

I could go on with illustrations. My point is, we should let the facts speak for themselves. We deserve to know the facts. We deserve and must know, for the sake of our national security, whether the information we received from intelligence agencies was accurate, and we need to know for the sake of our democracy whether the representation of those facts by our leaders was accurate.

That is the intent of the Durbin amendment. It is the reason it should be approved by this body. It is the reason this body should do what is right, which is to seek together to know the facts.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I thank my colleagues for raising these important issues. I am going to take the first few minutes of my 30 minutes to talk on what has been discussed this morning because I think it is so important to the country, and then I will turn to another subject.

I have not previously spoken on these issues on the floor because my primary responsibility in the Senate is representing the State of North Dakota, and I have special responsibility for budget issues in my position as ranking member on the Budget Committee and as a senior member of the Finance Committee for matters that relate to Social Security and Medicare and the financing of the U.S. Government, and, of course, in my role on the Agriculture Committee dealing with questions of agricultural policy. I am not on the committees that deal with foreign policy and defense policy.

All of us have a responsibility to speak out when we believe the country is headed in a wrong direction. I believe the President is taking us down a road that is fraught with real danger for the country.

The President asked this Congress—the Senate and the House—for authority to launch a preemptive attack on another nation, an attack before that country had attacked us or attacked any of our allies. In fact, Iraq had not engaged in an attack on anyone for more than a decade. The President told us and told the world that they, Iraq, represented an immediate and imminent threat to America.

I personally believe there may be a place for preemptive attack in protecting the American people. I believe if we have clear and convincing evidence that a country represents an imminent threat to our people, we have a right to act first, especially in a world where weapons of mass destruction do exist, to prevent catastrophic loss to our Nation.

When we launch a preemptive attack on another country, we had better have it right. We had better make certain that what we are saying and telling the world is correct. This President and this administration told the world and told this Congress that Iraq had weapons of mass destruction. There were many reasons to believe that statement, but now the harsh reality is, those weapons of mass destruction have not been found. This administration and this President told the Congress and told the world that Iraq was trying to develop a nuclear capability, and they gave as their best evidence that Iraq was seeking to buy uranium from Niger. That has proved to be wrong.

The President told the world and told this Congress that there was a clear connection to al-Qaida, and repeatedly we were told the best evidence was there was a terrorist camp in Iraq training al-Qaida operatives. Now we learn that camp was in a part of Iraq not controlled by Saddam Hussein but controlled by the Kurds.

The day before yesterday, the President made the most astonishing statement of all. In the Washington Post, the President is quoted as saying that he attacked Iraq because Saddam Hussein would not permit the U.N. weapons inspectors into the country.

I do not know if the President was misquoted. I have seen no attempt to correct the record. I said nothing about this yesterday because I hoped that the White House would say the President was misquoted. There has been no attempt to correct the record.

We all know the weapons inspectors of the U.N. were in the country. They were in Iraq. They were going site to site trying to determine if there were weapons of mass destruction, trying to determine if there was a nuclear program underway in that country. For the President to now say he attacked Iraq because they would not permit inspectors absolutely stands the facts on their head. The inspectors were there. The reason the inspectors left is because we were threatening to attack Iraq. So saying that Saddam Hussein did not permit inspectors in as a rationale for war is mighty thin.

We have a fundamental problem of the credibility of the Nation. Our country told the world a set of assertions, one after another, that have proven to be wrong or have proven not to be demonstrably the case. That puts our country's credibility at risk. When we are talking about attacking other nations preemptively, as I said in the beginning, we better make certain we have it right because if we start going around the world attacking countries and cannot prove our assertions that they represented an imminent threat to us, then I think America is in very serious risk of alienating the world community. That is not in our interest.

Mr. REID. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. REID. Senator DURBIN had to go to an appropriations meeting, but he asked that I relate to the Senate, and I will do it through the Senator from North Dakota—is the Senator from North Dakota aware there is a Web site the President has—I am sure the Senator is aware of that; is that right?

Mr. CONRAD. Yes.

Mr. REID. Well, I am aware of the fact that there was a part of that Web site that one can no longer get into. "Behind the Scenes" is what it was entitled. I hold up in front of the Senator now something that was on the Web site that one could go to, but one cannot anymore, talking about how the President prepares the State of the Union Message.

It says: Behind the Scenes, State of the Union preparation.

And it shows the President with his hands out there. It shows the President going over his speech word by word.

Under this, it says: While working at his desk in the Oval Office, President Bush reviews the State of the Union address line-by-line, word-by-word.

I want the Senator from North Dakota to know that Senator DURBIN—this is on his behalf but certainly I underline and underscore what he wanted to be printed in the RECORD—we are to a point that the Senator from North Dakota said we are. It is the credibility of not necessarily going to war in Iraq, which is certainly part of it, but the credibility of this country in the world. Can the United States of America, the great country that it is—can people depend on the word of the President of the United States? And certainly in that they have taken this off the Web site, it indicates that there is certainly a problem with the President going over his speech word-by-word, line-by-line.

Mr. CONRAD. I say to the Senator, I have not said anything for weeks on this issue, but with each passing day I become more concerned about the credibility of our Nation. When a policy is announced of preemptive strike, something we have never done before in our country's history—I remember going to grade school and being taught that America never attacked first, but if somebody attacked us, we countered and we always won. That was what we were taught growing up. I was proud of it. I was proud that America never attacked first.

Now the world has changed. I would be the first to acknowledge the world has changed. I can see a role for preemptive strike in a world where weapons of mass destruction do exist in order to prevent catastrophic loss to this country. But we better be very certain before we launch an attack on another nation that that attack is justified and that, in fact, that nation represents an imminent threat because, if we start attacking nations and we cannot prove our assertions, very quickly the rest of the world is going to doubt our word, our credibility, and our basic goodness as a nation. Now, that is serious business.

The fact is, this administration told the world Iraq had weapons of mass destruction; that they were trying to develop nuclear capability; that there was a connection to al-Qaida. Each and every one of those claims now is in question. It is not just 16 words in the State of the Union. It is far more serious than that.

For the President, the day before yesterday, to compound it by saying he attacked Saddam Hussein because he did not permit U.N. weapons inspectors in that country is false on its face. We all know the weapons inspectors were there. We all know they were going site to site trying to find weapons of mass destruction. The question of whether or not they were effective or not is another question but to assert to the world that we attacked Iraq because there were not inspectors there, I am afraid it makes us look as though we are not very careful with our claims.

(The further remarks of Mr. CONRAD are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, what is the business before the Senate?

The PRESIDING OFFICER. The Durbin amendment is before us.

Mr. KENNEDY. I ask unanimous consent that it be temporarily laid aside so that my amendment will be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1280

Mr. KENNEDY. Madam President, I send an amendment for myself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. HARKIN, and Mr. LIEBERMAN to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. HARKIN, and Mr. LIEBERMAN, proposes an amendment numbered 1280.

Mr. KENNEDY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the use of funds for converting to contractor performance of Department of Defense activities and functions)

Beginning on page 46, strike line 24 and all that follows through ": *Provided further*, That the" on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) requires a determination regarding whether the offers submitted meet the needs of the Department of Defense with respect to items other than costs, including quality and reliability;

(3) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(4) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) $10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A–76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

Mr. KENNEDY. Madam President, this is an issue which we have considered a number of different times. I know the manager of the bill is familiar with the amendment. I know he is necessarily absent at this time, but he does know the substance of the amendment, and he is involved in the activities of the Appropriations Committee.

I will make a presentation and then engage with him when he returns to elaborate and summarize again the reasons and the rationale for this amendment.

I also understand it is both the desire of leadership and the floor managers to move the process along. I will be glad to work out with the managers of the bill a time for the Members to consider this amendment in a timely way.

Basically, this is the issue. I will go through it in more careful detail in just a few moments.

In 1993, we had approximately 1 million Federal employees. It has been the desire and the plan of this administration in the last 2½ years to see that the number of Federal employees is reduced dramatically and that there be outsourcing.

The amendment which we are proposing today follows and embraces the Commercial Activities Panel recommendations on outsourcing so that it will be fair to employees and fair to the taxpayers. This is an excellent report that was made up of contractors and other distinguished panel members. It was recommended in the Defense Authorization Act of 2001. The panel adopted as its mission to improve the current sourcing framework and process so that they reflect the balance among taxpayers' interests, Government needs, employee rights, and contractor concerns.

That is what this panel recommended.

The administration has been selective in part of the recommendations this panel has taken.

This amendment would include the two principal recommendations which the current administration has refused to include. They are included on page 50 of the Commercial Activities Panel. I will describe them in greater detail. But the sum and substance of this amendment is effectively to follow the recommendations that were made in a nonpartisan way which is going to ensure we are going to get the best for the taxpayer dollar and treat the Federal employees fairly.

The current administration has carefully eliminated two very important protections the panel recommended. This amendment incorporates those two recommendations in the administration's consideration for the outsourcing which will, if accepted, ensure that as the administration is considering the most efficient way to get the most efficient result as a result of contract competition we will carry forward the mission, in this case, of the Federal employees and the taxpayers.

That is what I think we ought to try to do. We ought to do what is fair to the taxpayer and to the employees. The current system does not. This amendment will.

Of the Federal employees that we are talking about, 40 percent are veterans. At the current time, 9,000 of these workers have been activated. A great many of them are over in Iraq. This is a wonderful set of circumstances.

While on the floor of the Senate, we say we care about our service men and women in Iraq, and we have several thousand of them over in Iraq who happen to be Federal employees. Forty percent of the Federal employees are veterans, and we are about to do them short shrift, if we do not accept the amendment which I offer. I think that is something which would be unworthy of this body at any time and would be unworthy of this body at this particular time.

The Office of Management and Budget put in place this year the most sweeping changes in rules on outsourcing of Government work in half a century. These rules contain no requirement for fair competition that would enable the Government employees an opportunity to demonstrate that they can do the work more effectively and for lower cost than private contractors.

Now the administration wants to use these new rules to privatize at least 225,000 Department of Defense civilian jobs in the years ahead. That is too much work, too many jobs, and too much of our national security to contract out without fair competition.

As I mentioned, nearly 40 percent of the civilian employees in the Department of Defense are veterans who served this Nation proudly. More than 8,000 are activated reservists serving in Iraq and other parts of the world defending our Nation. We owe it to these patriotic Americans not to privatize their jobs without fair competition.

At a time when we are spending $4 billion a month in ongoing operations in Iraq, we should ensure the taxpayers are getting the best value for their money. Yet one of the most significant parts of the administration's proposal for the Department allows so-called "streamlined" competition for activities involving 65 or fewer employees. The streamlined rules emphasize speed in privatizing Federal jobs at the expense of quality and cost. The process must be finished in 90 days. The rules eliminate important fair competition requirements.

Federal employees are at a competitive disadvantage because the rules do not allow them to submit their best bids known as the "most efficient organization" plans. That is in contrast to the recommendation. They effectively prohibit Federal employees from being able to submit their best bid.

The rules also eliminate the guarantee of cost savings because they fail to require contractors to show appreciable savings by privatizing the work.

That is why I offer this amendment today, to ensure that no funds are spent on contracting out Defense Department jobs without fair competition. This amendment is about fair competition.

Federal employees must be allowed to offer their best bids. Competition must take into account both the cost savings and the quality. And the health care costs for employees cannot be a deciding factor because Federal employees would obviously be at a disadvantage, and contractors would have an incentive to deny health benefits at all.

There are companies that do not provide the health care benefits. If they are in competition with the Federal employers who do provide it, it obviously skews it in favor of the private companies. We do not want to use the competition, in terms of Government contracts, to encourage employers to drop their health insurance for their employees. That certainly would be counterproductive in terms of all of the challenges we are facing in the health care area. Under this amendment they are not disadvantaged, therefore, by providing the health benefits to the Federal employees.

This amendment in no way prevents public-private competition. It is a moderate approach to ensure that competition is fair and leads to cost savings.

The Commercial Activities Panel, the group charged with reviewing outsourcing policies, has recommended that any replacement for the current competition process should include "the right of employees to base their proposal on a more efficient organization, rather than the status quo." This is their second recommendation under section 4, on page 50:

> [T]he right of employees to base their proposal on a more efficient organization, rather than the status quo.

That particular recommendation is eliminated, which obviously disadvantages the Federal employees in terms of the competition.

The panel, comprised largely of contractor and administration representatives, made no exception for functions involving 65 or fewer employees. This is just a figure that was drawn by the administration.

The Commercial Activities Panel also recommended that any replacement in the current competition process should include a minimum cost differential, which requires the private contractor to be at least 10 percent or $10 million more efficient than the Federal Government.

Without the minimum cost differential, a private contractor could be judged just a few dollars more efficient and take the work away from the Federal employees. Taxpayers would actually lose money on such a contract because of the significant costs of conducting the competition, shifting the work to the private sector, and administering the Government's role in the contract. Unless the private sector can show a significant reduction in the cost, it makes no sense to privatize the work.

That has been thoroughly reviewed in this panel, and yet their recommendations on the 10 percent or $10 million requirements are effectively eliminated. This panel reviewed the various minimum standards that ought to be included and made their recommendations, but the administration has effectively eliminated those. This amendment, again, embraces their overall recommendations.

On the issue of health care costs, the amendment would reduce the perverse incentive for contractors to provide inferior health care benefits to the employees. The amendment would require the Defense Department to determine the average cost of health insurance for a Federal employee, which remains the same each calendar year for each employee.

If the health care costs for Federal employees and private contractors are the same or the contractor's contribution is in excess of the standard established by Congress for the Federal workforce, then the provision will have no effect. But if the contractor's contribution is less than the Federal standard, the contractor cannot receive an unfair advantage in the cost comparison process.

This provision addresses a bipartisan concern about inferior or nonexistent health insurance coverage for employees, particularly for those who perform the Federal Government's work.

At a time when we are more concerned than ever about homeland defense, these OMB rules give an unfair advantage to private contractors who have little accountability. Yet critical aspects of our national security could be privatized.

The repair of planes, ships, and tanks, and the storage and distribution of vital weapons and supplies can be contracted out under these rules. We all know what a disaster it was when the private companies screened bags at our airports. Now Federal workers are doing the job better and Americans are feeling safer.

Today, there is far too little real competition for contracts to provide goods and services to Federal agencies. We should be getting the most out of every taxpayer dollar. But less—listen to this—less than 1 percent of Department of Defense service contracts today are subject to full public-private competition.

Adoption of this amendment will lead to a better and more efficient procurement policy for the Department of Defense. No jobs would be outsourced without an analysis showing cost savings. Government procurement should be based on what is best for taxpayers and national defense and national security. The amendment will produce real savings for the taxpayers and more reliable equipment for our courageous men and women in uniform.

We face great challenges to the Nation's security in these difficult times. More than ever, we rely on the Department of Defense, its dedicated members of our Armed Forces, and its dedicated civilian employees. We owe it to all of them to see that any competition process treats them fairly.

Let's not spend money on outsourcing that results from unfair competition and produces inefficient results. Public-private competition should be fair to Federal employees. I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in support of the Kennedy amendment. A-76 is a program that was implemented by the Government several years ago to try to make sure that contracts let in the public and the private sector are actually saving money. Are the taxpayers getting the best bang for the buck that was intended at the time the contracts were let?

Folks in the public sector have never minded competing with the private sector for any type of public contract. The problem with A-76 is, when they go back and review those contracts that have been let, it seems they always go review the contracts that were awarded to the public sector and they never go to the contracts that were awarded to the private sector.

If A-76 is going to be fairly applied to the public sector, it ought to be applied to the private sector. That is simply not the way A-76 has worked over the years.

I complained about the previous administration on this issue, I complain to the current administration on this issue, and we have simply seen no change in the policy with respect to A-76.

Competition is what makes our country go round and round in the business community. Nobody minds competing if they are in business for the right reason. And when it comes, in my case, to the instances where I have the most experience—in the public depots—we have never minded competing with the private sector for a contract when it comes to repair or improvement of our military weapons systems. But every time we get awarded a public contract, it seems that 1 year, 2 years, or 3 years out, all of a sudden we are seeing an A-76 that is submitted and the folks come in and review the contract that has been awarded to the public depot, while, on the other side of that coin, the dozens and dozens and dozens and billions of dollars in contracts that are awarded to the private sector are never subject to the A-76 review.

Senator KENNEDY's amendment goes a long way toward righting that wrong. I support that amendment. I support making competition open, making competition fair between the public sector and the private sector. And if the administration is not going to take the initiative to do that, and make sure that is the fact of the matter in contracts that are awarded to the public sector, then this is the type of action we have to take.

I support the amendment.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside so the Senator from Wisconsin, Mr. FEINGOLD, can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. What is the pending business at this time?

The PRESIDING OFFICER. The Kennedy amendment has been set aside in order for the Senator from Wisconsin to present an amendment.

AMENDMENT NO. 1279

Mr. FEINGOLD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1279.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To state the sense of the Senate on a report on the detention and April 11, 2003, escape in Yemen of the suspects in the attack on the U.S.S. Cole)

Insert after section 8123 the following:

SEC. 8124. It is the sense of the Senate that—

(1) the President should, in consultation with the Secretary of State, the Attorney General, and the Director of Central Intelligence and taking into account limitations connected with ongoing legal proceedings, submit to Congress a report on the circumstances surrounding the detention and April 11, 2003, escape in Yemen of the suspects in the attack on the U.S.S. Cole; and

(2) the report should—

(A) describe the efforts undertaken by the United States Government to investigate security at the Yemen detention facility holding individuals suspected of being involved in the attack on the U.S.S. Cole, including information on when such efforts were undertaken;

(B) describe the efforts undertaken by the United States Government to monitor the status of such individuals throughout their detention and to question such individuals about their relationship to al Qaeda and their involvement in the attack on the U.S.S. Cole; and

(C) describe the efforts undertaken by the United States to determine how the escape occurred and to determine who was involved in aiding and abetting the escape.

Mr. FEINGOLD. I rise today to offer an amendment directly relevant to the most important national security priority before this country today. That, of course, is the fight against international terrorist networks that have murdered Americans.

We have heard a good deal recently about some questionable assertions made by the administration in the lead-up to the military action in Iraq. We still have not satisfactorily resolved concerns that I and some of my colleagues raised in the lead-up to the war in Iraq that I referred to and have referred to for almost a year as the "ever shifting justifications for United States action in Iraq."

Congress is right to keep asking questions. The American people are right to demand answers. They deserve a complete and public accounting of how a piece of intelligence that was removed from a Presidential speech last fall because of doubts of its veracity then found its way into this year's State of the Union Address.

I rise to point out the administration's shifting justifications and flawed intelligence are not the only problems. There is another problem, and I argue it is as alarming or even more alarming. The problem is while all of this was underway—that is, the Iraq activities—while we were hearing less-than-accurate information as part of the administration's hard sell, we may well have been dropping the ball when it comes to addressing the most urgent threat to our national security; that is, combating the al-Qaida terrorist network and other international terrorist networks of global reach.

Of course, the horror of September 11, 2001 is seared into the memory of all Americans, but there have been other horrors: The African embassy bombings of 1998 and, yes, there was the attack on the USS *Cole* in Yemen. On October 12, 2002, the USS Navy destroyer *Cole* was attacked by a small boat laden with explosive during a brief refueling stop in the harbor of Aden, Yemen. The attack killed 17 members of the ship's crew, including a sailor from my home State of Wisconsin, and wounded 39 others. The evidence clearly indicates al-Qaida was responsible for the attack on USS *Cole*.

However, how many people know on April 11, 2003, just a few months ago, 10 men suspected of involvement in the *Cole* bombing escaped from a prison building in Aden, Yemen? How many people have heard about that? It is not only the basic information that has been in short supply; explanations for this escape of these al-Qaida suspects is also hard to come by.

In early May, the Yemeni foreign minister suggests in remarks made to the BBC that "part of the problem is the long period of time during which they [the suspects] were held." The Yemeni government called for sending them to court, but Washington also asked for postponement until the conclusion of its investigations into the *Cole* explosion or the file of terrorism in general.

The comments continue: "Incidents like this happen, especially when prisoners spend a long time in one place and guards become reassured that the prisoners have become used to prison and will not escape."

This Yemeni statement suggests the U.S. Government was certainly aware of the detainees and involved in the issue. That is, of course, something we would expect in this case, about people who were in prison in Yemen whom we knew to be the likely people involved in the bombing of our USS *Cole*.

On May 15, the Justice Department unveiled a 51-count indictment against two of the escapees, Jamal al-Badawi and Fahd al-Qusaa. The two were indicted on various terror offenses, including murder of United States nationals and murder of United States military personnel. The indictment said Badawi was recruited by senior members of Osama bin Laden's inner circle and he bought the attack boat in Saudi Arabia and obtained the trailer and truck used to tow the boat to Aden harbor. The press conference at which the indictments were announced underscored the seriousness of this matter. Obviously, given the press conference held by the administration official, this is not a small or a marginal issue.

We are talking here about the escape of operatives of Osama bin Laden. We are talking about people here who murdered 17 Americans. Fighting those forces, the forces of al-Qaida, must be our first priority.

When I wrote to the State Department and the Justice Department to gain some answers about just what happened here, I have to tell my colleagues, the answers were not satisfying in the least. In fact, a number of questions remain.

What were the circumstances surrounding the detention of the suspects? Where were they held? Were they moved? Where were they moved? What steps did the administration take to ensure the United States was familiar with the status of people suspected of involvement in a terrorist attack on our sailors? Did anyone representing the United States Government ever question these suspects? Did anyone ever visit the facility where they were being held? Did anyone even bother to visit the facility after the escape to try to understand how they escaped? Was the U.S. Government involved in any way in monitoring these detainees prior to their escape?

Again, I am talking about al-Qaida operatives. The indictment of Jamal al-Badawi indicates he was recruited by members of Osama bin Laden's inner circle. If he was a known al-Qaida operative, why didn't the United States take steps to monitor the detention facility where he was held? What do we know about the circumstances surrounding their escape? What kind of help did they have? Do the facts tell us anything about whether the decisions to facilitate the escape were taken only at a low level or were they taken at a higher level? If these escapees had help, what happened to the people who helped them? What does the U.S. Government know about these people and about what they are doing now? What steps have we taken to urge that those people be held accountable for their actions? What steps are currently being taken to find and detain the escapees? What steps are being taken to ensure they do not reach United States soil?

It is not unreasonable to expect answers to these questions. My very modest amendment simply expresses the sense of the Senate that the administration should provide them in the form of a report on this incident. If such a report needs to come in a classified format, I understand that, of course, and that is fine. What is not fine, though, is the prospect of letting this issue go unexamined. This escape occurred just as our brave troops were entering Baghdad, at least in part, in the name of stopping the threat of terrorism.

We cannot afford to be easily distracted, incapable of focusing on a global effort to stop terrorists because of our intense focus on other issues with only a nebulous connection to this most important priority of stopping international terrorist networks. I fear we have wondered far afield from the urgent task at hand. I am troubled that the same administration that was recklessly threading together any and all justifications for a war with Iraq a few months ago may have at the same time been complacent about the status of the USS *Cole* attackers.

This past Sunday on Meet the Press, Secretary Rumsfeld suggested that finding Saddam Hussein was more important in terms of providing, in his words, "closure" than finding Osama bin Laden. I know the al-Qaida network consists of far more than one man, but I fear the Secretary's remarks are emblematic of the problem. First and foremost, I believe the American people want to defeat the forces that attacked us. But this administration is leading us in some unrelated directions. We should be focused on stopping al-Qaida, stopping other terrorist networks, and denying terrorists access to resources, opportunities, and safe havens.

We all deserve to know what happened with this escape. All of us should join together in determining what lessons we can learn from this incident and what it tells us about where we have been placing our national security focus and priorities.

I urge my colleagues to support this amendment.

I intend to withdraw the amendment at this time, but we will certainly be revisiting this issue. I hope the administration will hear those words and respond to the need for the answers to these questions. The legislative option certainly remains available on other, perhaps more appropriate, vehicles. But given my inability to get answers to these questions thus far, I believe it is necessary to begin the process of raising this matter in the legislative process itself.

AMENDMENT NO. 1279 WITHDRAWN

Mr. President, I ask at this time to withdraw the amendment.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield to my colleague from Nevada.

Mr. REID. Mr. President, I was speaking on the floor the other day about a statement on President Bush's Web site. I read from that one site. I had been told earlier that part of the Web site was no longer available to the public. Since that time, I have been advised that is not true. If that were the case, I would want that stricken from the RECORD. I would, however, say that doesn't take away from the fact part of the President's Web site indicates that he reads every word of his speeches, especially his State of the Union speeches, and works on it on a word-by-word basis.

Mr. JOHNSON. Mr. President, we are currently debating the Defense appropriations bill.

I wanted to call to the attention of my colleagues reports in the media this morning that the new U.S. military commander in Iraq has acknowledged now for the very first time that American troops are engaged in what he calls a "classical guerrilla-style war" against the remnants of the former Iraq President Saddam Hussein's Baath Party. He acknowledges that the attacks are growing in organization and sophistication.

These statements by Army GEN John Abizaid in his first Pentagon briefing since taking charge of the U.S. Central Command last week are in stunning and sharp contrast with earlier statements from Defense Secretary Donald Rumsfeld. It was only 2½ weeks ago that Secretary Rumsfeld insisted that the U.S. military was not involved in a guerrilla war. As Secretary Rumsfeld said as recently as Sunday on ABC News, the fighting in Iraq did not fit the definition of a guerrilla war.

I think it is important that the American public and we in the Senate acknowledge the circumstances that our troops now find themselves in a near unilateral circumstance because of the unwillingness or the inability of this administration to attract an international coalition for the aftermath of the Iraqi war.

Now it was also reported yesterday yet another American was killed in a rocket-propelled grenade attack, making him the 33rd U.S. soldier killed since President Bush declared major combat over, and the seventh soldier killed since President Bush, 2 weeks ago, said "bring 'em on" to the Iraqi militants. In addition, the pro-American mayor of an Iraqi city was also assassinated.

Minnesota Public Radio this week quoted Mary Kewatt, the aunt of a soldier killed in Iraq, saying:

> President Bush made a comment a week ago, and he said "bring it on." Well, they brought it on, and now my nephew is dead.

Our Nation would be better served, and the security of our troops would be better served, if our President would spend less time trying to look and sound like a grade-B movie cowboy and a little more time providing some leadership to internationalize this situation in Iraq, and to give our troops some notion of when they are coming home.

I have to believe if President Bush had his two daughters in service to the military in Iraq, and his family's blood was on the line—as are thousands of American families', including thousands of America's daughters whose lives are also at risk—he may have thought twice before goading the Iraqi guerrilla war fighters to take another shot at America's military's finest in that country.

So we find ourselves now in a circumstance where we have morale problems reported because our troops have no idea when they are coming home. We now have an indication that there are few troops readily available to sustain a force of the 148,000 we have in Iraq.

The Army has 33 Active Duty combat brigades. There are now 16 in Iraq, two in Afghanistan, two in South Korea, and most of the rest are either committed to other missions or reconstituting, leaving just three brigades to send to Iraq as replacement forces.

The recruitment of multinational forces has been largely a failure because of the administration's insistence that everything be run through the United States rather than through the United Nations or NATO.

The Army indicates they are likely to activate two or more enhanced National Guard brigades by the beginning of next year for rotation to Iraq by March or April. And I quote: "Every possible unit worldwide is being considered for the possible rotations."

It is troubling that we continue not to see a long-term strategy that is international in nature. We continue to see the blood being the blood, almost exclusively, of American troops. We see the financial cost as being almost exclusively the burden of American taxpayers, as we are being told now the expenditures will run easily $4 billion per month for as far as the eye can see.

To put that in some perspective, we are not able to fully fund the VA health care program for the entire year for all of the veterans of our Nation who have served our country because we cannot find the $2 billion for the entire year, but we are spending $4 billion in a month in Iraq. We cannot fund our schools; we cannot fund our prescription drug program at a decent level.

So I think people have to wonder, How long will this go on? We cannot cut and run. The decision has been made. We are there. The world is a better place without Saddam Hussein, there is no question about that. But we do have to wonder why it is the United States should have to serve as a unilateral police force for the world, why the administration has not found ways to internationalize this issue, given the good will that was extended to us from allies all around the world post 9/11. That seems now to have been badly eroded.

So I hope our President will spend a little more time on international diplomacy, a little more time rethinking his budget priorities, a little less time posing for photo opportunities and trying to sound like a tough guy, when, at the time, it is our young men and women whose lives are at great risk, and will be at great risk on and on and on into the future if things do not change soon.

We can take great pride in the courage, the professionalism, the skill of our American military. They are second to none. They are the finest military in the world. But these unending deployments are going to cause great morale problems, are going to cause problems with recruitment and retention of our military. It is making a shambles of too many of their families' lives and their businesses.

We need to find a way so that it is not the United States that has to carry single-handedly this kind of burden on into a limitless future. I think the circumstances we find ourselves in now are testimony to, frankly, inadequate planning, unrealistic planning about what was, in fact, going to occur after the major military portion of the attacks in Iraq. Somehow there were these naive notions that the expatriates from Iraq would step in, we would decapitate the leadership, and all would go on well and easily. That is not the case. Now we find ourselves in a full-blown guerrilla war. The United States is in up to its neck now.

We owe tremendous gratitude to our soldiers who are fighting in these circumstances. We need to find a way, this administration needs to find a way so we do not find this lasting forever, that our taxpayers wind up being drained, that families all across this country wind up going through such tremendous emotional and other hardships, as we find ourselves virtually exclusively out on our own on the front lines in this very difficult part of the world.

So as Prime Minister Blair comes to visit with us later on this afternoon, I am hopeful perhaps this will be the beginning of a more realistic assessment on the part of the Bush administration about what, in fact, will have to come next. And what will have to come next will have to be an international alliance, not the exclusive energy and budget and blood of Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from South Dakota leaves the floor, I want to make everyone aware of the fact that Senator JOHNSON and his wife Barbara have a son, as we speak, in the United States Army. In 5 years, this young man has been to war four times. So a lot of people could come to the floor and speak as Senator JOHNSON has spoken and not have the credibility or the foundation or the understanding he has. But he and his dear wife have spent many a worried hour wondering if their son was going to come home.

So I applaud my friend, the distinguished junior Senator from South Dakota, who is such a fine Member of the Senate, for yesterday and today coming in and giving the Senate the benefit of his thoughts, thoughts no one can render but for having had a son in harm's way as a result of being in the United States military.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, to follow up on the comments of the Senator from South Dakota, he alluded to the presence of over 100,000 United States troops in Iraq. As it turns out, if you look across the globe today, we have United States forces stretched around the world in places and numbers we have not seen for a long time—not only Iraq but Afghanistan, Bosnia, Korea, Japan, Germany, and many other places.

We support the deployment of those military personnel through a combination of sealift and airlift. When I served on active duty during the Vietnam war, we were fortunate in having so many more overseas bases from which we could forward deploy or resupply. Many of those bases are closed today, and we rely instead on a mixture of different kinds of aircraft, military and civilian, and on sealift, a variety of ships to serve as a bridge, a sea bridge or an air bridge, to connect this country to our troops deployed around the world.

The air bridge is changing. In this country we are seeing the retirement of an older aircraft built in the 1960s. The C–141 is being retired. It is being replaced by a newer aircraft, a very good aircraft called the C–17. To date, we have received about 100 of those new cargo aircraft and about another 80 have been placed on order and will be coming into the fleet in the coming years. We have as part of that air bridge C–5s, perhaps the largest cargo aircraft in the world, 74 C–5As built in the 1970s, about 50 C–5Bs built in the 1980s. A third part of this air bridge is the C–130. We have them in the Delaware Air National Guard, and they are in air guards throughout the United States. But it is really those three aircraft—the C–5, C–17, the C–130s—that enable us to resupply our troops and to move our men, women, materiel, and weaponry around the globe.

The C–5 carries enormous amounts of cargo, roughly twice the amount of a C–17, at distances roughly twice the distance of a C–17, even more cargo than a C–130 and greater distances than the C–130. The C–5s have been used in the Iraqi war and Afghanistan to move men, women, and materiel, equipment, from the United States into theaters. And the movement of those personnel and that equipment within theater has fallen largely to C–17s and to C–130s.

I wish I could stand here today and say the combination of ships we have in our sealift capability and aircraft as part of our air bridge is sufficient to meet our needs. Our sealift capability is inadequate. Our airlift capability is in even worse shape.

I have an article—this is a June 2 edition of Air Force magazine—where they talk a good deal about the squeeze on air mobility—not just my words but the words of the top people in military airlift in the Air Force who cite examples of how our inability to move as much personnel, as much equipment as we sought made it difficult in some cases for us to implement our game plan in that part of the world. If the current assets, especially the current air assets we have within the Air Force, are insufficient to provide sufficient airlift, what might be sufficient?

Every so often, the Air Force is asked or directed to do another update to look at their assets and what we expect to be the need for airlift in the years to come and to tell us and the administration what their needs are. We need a new analysis and we need an update.

My hope is the language in the Defense bill, the authorization bill which is now in conference—that out of that conference will come clear direction for the Air Force, authorization for the Air Force to update that last study which is called MRS–05, out of that update will flow a good deal of the information we need.

We don't need another study or another analysis to tell us that the resources we have on the airlift side are woefully inadequate. The answer is more, not less. A critical question for us in this body, especially as we face a budget deficit this year of $450 billion, is how do we go about meeting our woefully inadequate airlift capability, how do we do that in a way that is cost-effective and in a way that recognizes that we have these huge deficits and that as far as the eye can see they continue. I want to talk about that.

I would like to talk for the next several minutes about a cost-effective airlift, and then later today Senator BIDEN and I, along with Senator CHAMBLISS and others, will offer an amendment that we believe addresses in good faith how we might make some progress on that front today.

There are some who would like to take our C–5s, the fleet—there are 74 C–5As and 50 C–5Bs—some would like to get rid of all the C–5As, send them to the boneyard and let that be that. They have some interest in upgrading or modernizing the C–5Bs but less interest in doing anything for the C–5As.

As it turns out, we are going to be flying C–5As and C–5Bs for a good long while, probably for the remainder of this decade on both As and Bs and, for Bs, well beyond that; even programs for As well beyond this decade. There has been a lot of debate in this Chamber in the last couple years on how we might upgrade the capability of the C–5 to make it more mission capable.

The Air Force pays a lot of attention to a number called the mission capable rate for aircraft. The mission capable rate for the new C–17 is in the mid 80s—it does a really fine job—the mission capable rate over the last 12 months for the C–5As, about 60 percent; the mission capable rate for the C–5Bs over the last 12 months, 72 percent. Two upgrades have been proposed to both aircraft. One of those upgrades is fairly inexpensive, the second expensive.

The less expensive upgrade is the Avionics Modernization Program. The Avionics Modernization Program would enable us to take a 1970s cockpit of a C–5A or a 1980s cockpit of a C–5B and turn it into a 21st century cockpit. Not only would it look different, the plane would fly differently, would be controlled differently. The communication gear would become 21st century communications equipment. Its reliability and effectiveness would be enhanced as would that of the crew—new training, avoidance equipment, the ability to actually fly at very accurate levels of altitude to enable us to get the maximum advantage out of the airspace in the skies in which we fly.

The avionics modernization package costs about $3 million per aircraft. Between fiscal years 2002 and 2003, the Congress authorized and appropriated money to install the avionics modernization package in a total of 10 C–5 aircraft. This year, in the fiscal year 2004 authorization bill, there was an authorization for 30 additional kits, for the cockpits, communications systems, and all. In this bill, there is money appropriated for 18.

Let's go back. I talked about the number of C–5s we have: 74 C–5As, 50 C–5Bs. The Air Force is in the process of retiring 14 of the least dependable C–5As, the ones that are least mission capable, that create the most maintenance headaches. So we will end up with 60 C–5As and 50 C–5Bs later this year or next. The Air Force would like to see their C–5s AMPed, or fully equipped with this new upgrade, the avionics modernization package, by fiscal 2007. In order for us to meet that schedule, we need to appropriate not AMP kits for 18 C–5As in 2004 but for 30 to get us back on schedule. That 30, plus the original 10, will take us to 40 AMP kits for C–5s. That would leave about 70 more we would need to fund in 2005, 2006, and 2007.

What do we get out of AMPing the aircraft? Among the things that we get is better mission capable numbers. Last week I was privileged to meet with the four star general who is the commanding officer of our airlift mobility command, and I asked him: In terms of mission capable improvement, what can we look for? For each avionics modernization program that we put in a C–5, how much improvement would we get?

He said it would be anywhere from 3 to 5 points of improvement of mission capability in each aircraft. That could mean taking the C–5 numbers, the A numbers, for the last year where the mission capable rate was 60 and bring it up to 63, or even as high as 65. It would take the 72 percent mission capable rate from the C–5Bs from the last 12 months and raise it to 75 percent, or maybe as high as 77 percent.

If you think about it, if we were to actually install the AMP kits in all C–5As and Bs, at roughly $3 million apiece, the cost to the Treasury is about $350 million. If you multiply 3 percentage points or 5 percentage points—let's take somewhere in between, say a 4-percent increase in the mission capability rate for AMPing C–5s. If you multiply that 4 percent across the whole 110 C–5As and Bs we have in our inventory at the end of this year, we end up with the equivalent of about—because of improvements in mission capability rates—4.4 additional C–5 aircraft.

The cost of getting those four additional C–5 aircraft is about $350 million. The cost of a new C–5 or a new C–17 is a whole lot more than that. We can get four equivalent C–5s simply out of being more mission ready and mission capable by AMPing, installing the avionics modernization package in all the C–5s.

I want to talk a moment, if I could, about those who are interested in doing something about the As, not the Bs. I have talked about this first improvement, this first retrograde, the avionics modernization package.

The second piece is reengining, referred to as RERP. Reengining the C–5s would be a next step and a far more expensive step. We would not only change up the engines and install the same kind of engines that are on Air Force One, we would make major changes in the hydraulics and landing gear. Those are the major areas that cause downtime on the C–5s.

If you put together the improvements in mission readiness for AMPing the aircraft and another 3 to 5 percentage points, and from 10 to 15 percentage points by reengining the aircraft, you are talking about improvement in mission capability rates for the C–5As from roughly 60 percent to somewhere in the mid-70s, and improving the mission capable rate of the Bs from the low 70s to somewhere in the mid-80s.

There was a big debate a year or two ago on whether or not we ought to go forward and install both the first inexpensive fix, the avionics modernization package, and the reengining, just appropriate money to do both. The agreement that was struck was to do both fixes on a total of three aircraft. We are going to install the avionics modernization package on one C–5A and two C–5Bs. We are going to install the reengining package, new engines, hydraulics and landing gear and other changes, on one C–5A—the same A—and two C–5Bs. We are going to fly them for a while and see how they work. If they work as advertised, or if they continue to have a high failure rate—and I have a hunch they are going to work—we are not talking about developing a new engine, we are talking about taking the same engine as on Air Force One, a modern aircraft engine, and it will give us 10,000 hours between changes of engines instead of 1,000, and it will make a huge difference in our mission capable rate.

Somewhere down the line we will have the opportunity to have those test aircraft—three of them—in the air, flying for a year or so; we will see how they are performing and we will then make the decision as to whether we want to invest more money in either of those retrofits.

I think that is smart. When we are talking about spending that kind of money, we ought to upgrade the planes and fly them for a while and see if they work as advertised.

The avionics modernization package has already been installed in at least one aircraft, and more are coming. The aircraft that it has been installed in was actually installed ahead of schedule and within budget. The early test is going well.

The Air Force has chosen a site on the east coast and one on the west coast to continue the work that has begun on the avionics modernization package installation for the C–5s.

We should go forward and put the C–5 avionics modernization package in as many C–5s as quickly as we can. Those are not my words. Those are the words of the four star general who actually heads up military airlift command. Those were his words as recently as last week. He said: Provide for us as many AMPed C–5s as you can, as quickly as you can.

The reason is that it is a fairly cheap fix to get aircraft readiness up and to give him the aircraft tails, if you will, that he needs in order to support our troops in Afghanistan, Bosnia, Iraq, and other places around the world—probably Liberia next. Who knows.

Let me close with this thought. Sometimes we are asked to appropriate money on this floor and we are asked to appropriate money for defense projects and others that have not been authorized by the authorizing committee. These 12 additional AMP kits, avionics modernization packages, for the C–5s have been authorized in both the House authorization bill, the Defense bill, and the Senate authorization bill. The authorizing committees are on board.

Sometimes we are asked to appropriate money when a branch of our Armed Forces has not expressed interest in a particular kind of weapons system or project or gizmo. In this case, these 12 kits, on top of the original 18 in the bill, are in the Air Force's list of unfunded priorities.

Sometimes we are asked to appropriate money when neither the aircrews who fly these planes nor the maintenance folks who maintain them nor the four-star generals in charge of the whole show really think it makes a lot of sense. In this case, the aircrews who fly them, the maintenance crews who maintain them, and the four-star general who is in charge of the whole show say we need as many C–5s AMPed as quickly as we can.

Sometimes we are asked to appropriate dollars to buy a capability that is not needed. In this case, we need airlift. We need it. We need it today; we needed it last month; we needed it last year; and we are going to need more of it next year. We cannot meet the current demands for airlift.

If we actually put on all of our C–5s between now and 2007 the avionics modernization package, it is the equivalent of giving the Air Force three, four, or as many as five additional C–5 aircraft with which to meet their missions.

Sometimes we are asked to appropriate dollars for items that are not cost-effective. I am going to tell my colleagues, to get the effect of three or four or five additional C–5 aircraft for $350 million by simply raising mission capability by anywhere from 3 to 5 points per aircraft for $3 million apiece is a bargain in this world, and it is one we should not pass by.

If we end up with a mix of C–5As and C–5Bs—let's say in C–5Bs you have a cockpit that is 21st century—modern communications equipment, modern terrain avoidance, altitude separation equipment—and you end up with C–5As that have not been modernized or a 1970 cockpit with the old altitude separation equipment, the old terrain avoidance, the old communications gear—we put our crews in a difficult or maybe dangerous situation.

Today, C–5 aircrews move from C–5As to C–5Bs and fly them interchangeably. It does not matter because one aircraft is very similar to the other. The people who maintain the aircraft maintain the C–5As as easily as they can maintain a C–5B. Most of the spare parts fit interchangeably with the C–5Bs. I would not want to say to a crew today: You are going to fly the C–5B with the new avionics modernization, you are going to get in a 21st century cockpit and fly this aircraft, and then say to the same crew: Tomorrow you are going to fly the old aircraft with the old cockpit, with the old equipment.

I would not want to say to the maintenance crews: We expect you to maintain this old aircraft, and a lot of them are located at the same bases. Do we expect them to maintain the same aircraft—it is a differently configured aircraft in the cockpit—and expect them to have the expertise and training to do maintenance on an entirely different cockpit?

Finally, in terms of keeping spare parts, we do not put the spare parts at Air Force bases that have C–5As. There are Air Force bases around the world and in places where we support troops and have airlift.

I would not be making a big deal about this if the wings on the C–5As or C–5Bs were about to deteriorate and fall off. They are not. The wings and fuselages of the C–5As and C–5Bs, according to the experts, have another 30 or 40 useful years of life on them.

Mr. STEVENS. Will the Senator yield?

Mr. CARPER. I will be happy to yield.

Mr. STEVENS. Mr. President, the Senator from Delaware is a pilot and I am a pilot, and we are quite interested in this subject. We have had fairly long discussions about C–5As and C–5Bs. As I have told my friend from Delaware, I have conferred at length with the Air Force, and the Air Force just does not want to have money earmarked solely for C–5As. They will agree, if we want to do so, to specifically state that this money we have in the bill can be used for C–5As or C–5Bs for the kits. Some of the C–5As may, in fact, be eligible for such new kits, making them, as the Senator would say, 21st century capable.

The Air Force, however, objects to this amendment because this amendment—the Senator from Delaware has not offered it yet, but the Senator from Delaware is considering it, and I have reviewed it—would take money from the overall account. It would, in fact, diminish the moneys that are available for C–17s and other procurement of aircraft.

We are more than willing to allow the Air Force to make the determination which C–5As should be modified by these kits, but, again, I have to state to my friend, we must oppose the concept of having this money taken from the procurement account for the purpose of modernizing the C–5s against the wishes of the Air Force.

There is a study underway, as I understand it, which may identify C–5As that would be kept. I would even be willing to specify the money could be used for any of those planes that were designated in that mobility study to be eligible for the kits. But the Senator's amendment is still not acceptable.

I hope he will work with us and work with our staff in the remainder of the afternoon and see if we can work out something that is agreeable.

We have deterred from the regular order to which we agreed last night, and that was that Senator BYRD would offer the next amendment. So I hope my friend from Delaware will allow a distinguished senior Member of the Senate to proceed with his amendment, and we will try to work out some kind of accommodation with regard to the amendment of the Senator from Delaware.

I know Senator BIDEN is also very much involved. Perhaps between now and the time we return from the address to be given to us by the distinguished leader of the British Parliament, we can come to some satisfactory agreement with the Senator from Delaware.

Mr. CARPER. Mr. President, Senator BIDEN indicated he is interested in offering the amendment after Prime Minister Blair addresses our joint meeting. So I will not do it at this time. If I can accept the kind offer of the chairman to find some common ground, I would very much like to discuss that with him and Senator INOUYE and their staffs.

Let me close, if I may. I see Senator BYRD is on his feet. I want to close.

Sometimes we are asked to appropriate money in ways that will not have much effect in a positive respect for those who fly our aircraft or for those who maintain our aircraft. As sure as we are gathered here today, a decision to put an avionics modernization package on our C–5As and C–5Bs will make those aircraft safer for the crews who fly them, it will make them easier to maintain for the folks in this country and around the world who are trying to maintain the aircraft as they meet their missions throughout the world, and it is a bargain for the taxpayers of this country.

Finally, it is a cost-effective—a highly cost-effective—way to maintain and to strengthen the air groups that connect us in this country to our disparate forces around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1281

Mr. BYRD. Mr. President, 216 years ago yesterday, in a sweltering room in Philadelphia, 55 men of extraordinary talents reached a most critical decision on the design of a new government for the United States. Days and weeks of acrimonious debate had failed to resolve disputes on the representation of each of the original 13 colonies. Men like Washington, Madison, Franklin, and Hamilton struggled over the issue of how the people of our Nation would be represented in their Government.

But then, on July 16, 1787, the Framers of what came to be our Constitution reached a breakthrough.

On that date, yesterday, 216 years ago, they struck a bargain that has come to be known as the Great Compromise. States with large populations would have the benefit of more numerous representation in the House of Representatives and States with small populations would be protected by equal representation in the Senate. Without that landmark agreement, work on a new constitution to replace the failed Articles of Confederation might have foundered.

Without the Great Compromise, we in this Chamber might never have met to debate the issues of the day. But as we debate the bill before us, one cannot help but recognize the perilous situation in which the United States finds itself with respect to our foreign commitments. We take up the fiscal year 2004 Defense appropriations bill at a time when nearly 150,000 of our troops are facing guerrilla attacks as they patrol Iraq.

While the administration had once predicted that our liberating forces would be greeted with smiles and covered with flowers, the Secretary of Defense is now warning that attacks on our troops may increase during the rest of July. In light of all of these facts, some may argue that we need to pass this bill soon in order to show support for our troops who remain under fire, nearly 17 weeks after the war in Iraq began and nearly 11 weeks after the President delivered his victory speech on the USS *Abraham Lincoln* where there was a banner over his head which proclaimed, "Mission accomplished." There it was, that banner streaming above his head proclaiming, "Mission accomplished."

If we rush to pass this bill to show support for our troops in Iraq, we will be rushing for naught because not one thin dime, not one copper penny, contained in this Defense bill is for the additional cost of war in Afghanistan or Iraq.

There is not one red cent in this bill for the additional costs to support 150,000 troops in Iraq or the nearly 10,000 troops who remain in Afghanistan. Linking speedy action on this bill to support for our troops who are now standing in harm's way is what is known as a bait and switch routine. This is a bill that only funds our military as if we were in a time of peace, but we all know we are going to be hit with a massive bill for wartime costs in a couple of months.

Let there be no doubt, the amount of money we are spending in Iraq and Afghanistan is massive. Since September 11, 2001, Congress has appropriated $104.3 billion to the Defense Department for homeland security missions in pursuit of al-Qaida in Afghanistan and elsewhere, and the war in Iraq.

The total bill in Iraq so far, according to the Pentagon's comptroller, has reached $48 billion. The Secretary of Defense reported last week, I believe it was, to the Armed Services Committee that we are spending $3,921,000,000 each month for our occupation of Iraq, a figure nearly double that of its prewar estimates. Secretary Rumsfeld also reported that we are spending nearly $943 million each month for military operations in Afghanistan.

I opposed the war in the beginning. I opposed the war in Iraq. Contrary to White House charges of revisionist history—which I maintain, as far as the revisionist part is concerned, is on the side of the White House—I never believed that Iraq posed a clear and imminent threat to the United States, and I stood right on this floor and said that. I never believed, and so stated at the time, that Iraq posed a clear and imminent threat to the security of our country. But when the war in Iraq began, I stated I would do everything in my power to provide our troops with the funds needed to ensure their safety, even though I disagree with the policy that took them into Iraq.

GEN Tommy Franks said to the House Armed Services Committee on July 11 that our troops could be patrolling Iraq for the next 4 years, and the new commander in Iraq, GEN John Abizaid, acknowledged that our troops are facing guerrilla attacks. In today's papers he so stated.

We know our troops need money for food, fuel, ammunition and pay. There is no reason we must wait to provide for these needs until the administration requests its next stopgap spending measure. Congress should insist that these costs be included in the President's regular budget request.

I am sure it will come as a surprise to many Americans to know that the administration has not presented Congress with any request nor any explanatory detail regarding the costs that are racking up right now, this very minute, during our occupation of Iraq. The President has not requested any funding for the additional costs of the 150,000 troops who are expected to remain in Iraq for an extended period of time, nor has the President requested any additional funds for the cost of rooting out al-Qaida from Afghanistan.

The American people would be stunned to learn that the Senate is taking up a $368 billion appropriations bill for the Department of Defense that does not include one thin dime for the additional costs, the incremental costs, of the war in Iraq or the mission in Afghanistan.

When we start talking about appropriations, budget resolutions, and supplemental spending bills, the eyes of many Americans start to glaze over. While John Q. Public may not know the intricacies of Federal budgeting, he fully expects that somebody in Washington is watching over his taxpayer money and that somebody is making sure of its effective use, that somebody is asking questions about the expenditures of his monies. But when it comes to financing military missions overseas, the White House continues to try to turn the Constitution on its head. The White House wants to spend the money first and have Congress approve the funding later. When it comes to this war in Iraq and the aftermath of the conflicts in Iraq and Afghanistan, the administration views Congress like an automatic teller machine: Just put the request into the machine, into the ATM, and the money slides out in seconds, no questions asked.

Last October, Congress approved a resolution authorizing military action in Iraq. I voted against that. I am proud I voted against it. As long as I stay in the Senate, I shall keep the tally sheet right in front of me, as I sit at my desk in my office, showing the votes on that matter.

At the time, the White House and the Department of Defense asserted that the cost of the mission was not knowable. That is what the administration witnesses said before our committee—that the costs were not knowable.

The message from the White House was basically, trust me, trust me. It is your money.

We have heard that. We have heard that old saying right here. But in this instance, it is your money, trust me. They said they would send the bill, the costs to Congress when they knew more about the details of the mission.

Well, when the President submitted his FY 2004 budget to the Congress in February, he continued to keep Congress in the dark. He requested no funding for the war in Iraq. Why? The House and the Senate needed to pass budget resolutions that the President hoped would include $1.5 trillion of additional tax cuts. Perhaps the White House feared that a $60 billion bill for Iraq, just for FY 2003, might worry some Members who are concerned about deficit spending when it came to voting on the bill to cut taxes. On March 13, 2003, the Senate Budget Committee approved the budget resolution with $1.3 trillion of additional tax cuts and assumed no additional costs for the war in Iraq. On March 21, 2003, the House passed their budget resolution, including $1.3 trillion of tax cuts and assumed nothing about the cost of the war in Iraq. On March 26, the Senate passed a budget resolution that assumed over $800 billion in tax cuts. What was curiously missing from the conference report was an amendment that had been offered by Senator FEINGOLD and approved by the Senate to set aside $100 billion for the war in Iraq.

When did the White House finally send up their request for a supplemental for the costs of the war in Iraq? The White House waited until March 25, 2003, to submit a massive $62.6 billion request for the Department of Defense—6 months after the Congress considered the resolution to authorize military action in Iraq, 2 months after the President submitted his FY 2004 budget to Congress, and 1 week after the war in Iraq began.

Once the request was made to the Congress, the White House put its foot on the gas pedal and insisted that Congress move rapidly to pass the request in order to support the troops that were already deployed in the field. One hearing was held on March 27. As I recall, the hearing was so compressed for time that Members were not even allowed to make opening remarks. On April 1, the Senate Appropriations Committee approved the President's total funding request for DoD. On April 3, the Senate approved the request. Thirteen days later, the Iraq supplemental for FY 2003 was public law.

So the administration strategy worked. The strategy goes like this. Force the Congress to make difficult choices with either inadequate information or bad information. Deploy the forces. Get the funding hook in the nose of Congress by putting the troops in the field. Go to war. Spend the money. And insist that Congress move promptly to approve the funding again, after it is spent and more is needed to replenish accounts.

Now the Senate has before it the FY 2004 Defense Appropriations bill. Once again, the White House is hiding the ball when it comes to facing up to the true costs of the mission in Iraq. Apparently, there will be no request for the additional costs of this mission until next February—after the fact. In other words, it will be a replay of last year. Meanwhile, there are 150,000 troops in the field in Iraq and 10,000 in Afghanistan, but no dollars to support them; no submission to Congress for how the money will be used; no oversight to ensure accountability; no plan for when the troops might come home; no plan for how to manage troop strength so that we do not have to keep our reserves deployed overseas for years at a time; no plan for attracting troops from other countries; no plan for seeking contributions from other countries to help cover the costs of the war and the peace in Iraq.

No, this White House wants to simply dictate the decisions and have the congressional ATM machine spit out the money.

The administration's only proposal so far is to slap down the national credit card and stick Congress and the taxpayer with a huge bill for supplemental appropriations somewhere down the road.

This is not an acceptable way to pay for our overseas missions. This is a blatant attempt to mislead the American people about administration policies that are leading to fiscal disaster. That is why I offer an amendment that states the sense of the Senate that the President should include in the budgets that he submits to Congress a specific request for funds to pay for our incremental costs in Iraq and Afghanistan.

We should put an end to this financial shell game of allowing the administration to hide the cost of occupation by using supplemental appropriations bills. My amendment would stop allowing this administration to hide the costs of these foreign adventures from the public. My amendment calls on the President to be up front with the American people about how much money we will really need to support our ongoing military operations overseas.

Congress needs to start holding the administration accountable for the funds that it spends for our military. We need to scrutinize the President's budget to make sure that we are getting the best value for our taxpayer money. If the administration keeps secret how it is spending the money appropriated to it for Iraq and Afghanistan, there is no check on its activities.

In the weeks before the war, the chief U.N. weapons inspector lambasted Saddam Hussein for playing a game of "catch as catch can." The chief U.N. weapons inspector excoriated the Iraqi regime for submitting misleading documents that did nothing to reveal what that secretive regime was up to.

Why in the world is the U.S. Congress settling for a game of "catch as catch can" when it comes to having this administration be honest about how we are going to pay for the huge costs of occupying Iraq?

Why would the Congress, which holds the power of the purse—the Constitution has not been amended but 27 times, but not once in this matter. Congress still holds the power of the purse. It rests here in the people's branch.

Why would the Congress, which holds the power of the purse, settle for misleading budgets from the President that are intended to disguise the enormous budget deficit by excluding the costs of occupation of Iraq and Afghanistan?

We have to plan for these huge costs. There ought to be some tough questions asked about some of these expenditures. For example, we are paying $3.9 billion per month to support 150,000 troops in Iraq, and $950 million per month to support nearly 10,000 troops in Afghanistan. Many Americans must wonder, why does it cost $26,000 a month to support one soldier in Iraq but $95,000 a month to support one soldier in Afghanistan?

By using supplemental appropriations bills to fund the costs of extensive military deployments, the administration has found a tactic to avoid elementary questions such as that one.

The folks at the Pentagon and the Office of Management and Budget only need to wait until the right moment to send a supplemental funding request to Congress, and use the old cattle prod that we must pass the bill immediately, no matter what its cost, or our troops will run short of supplies.

It works. It works like a charm. Yes, like a charm. In the end, it is a budget tactic that is deceitful, allows for abuse and misuse of the public treasure, and cynically uses the very real emotional attachment that all Americans have for our troops.

The American people are coming to grips with the dangers of postwar Iraq. They read about them every day. They have read the headlines of daily attacks on American soldiers and they understand that the stakes are very high. The American people want a plan for postwar Iraq, so that they can be assured their loved ones will stay in harm's way only as long as absolutely necessary.

Congress must come to grips with the costs of postwar Iraq, as well as those associated with our continuing mission in Afghanistan. Yet a look at this defense budget leaves one wondering how these costs are being covered. There is no additional money for Iraq or Afghanistan.

Mr. SARBANES. Will the Senator yield for a question on that point?

Mr. BYRD. Yes. Yes, I do.

(Mr. ALEXANDER assumed the chair.)

Mr. SARBANES. Am I correct in understanding this Defense Appropriations Committee bill has no money in it for Iraq, either the military costs or the reconstruction costs? Is that correct?

Mr. BYRD. The Senator is correct, with reference to incremental costs, additional costs. Of course, we will be paying salaries there that we would pay whether the personnel were there or whether they were back in West Virginia or in Maryland or wherever. The incremental costs for Iraq and Afghanistan, there is not one thin dime in this budget, not one.

Mr. SARBANES. If the Senator will yield for a further question?

Mr. BYRD. Yes, I yield.

Mr. SARBANES. How is the Congress expected to play its role with respect to appropriations, and overseeing the expenditure of the public moneys, if we are not furnished this information?

Mr. BYRD. The Congress, apparently, is expected to just go along and hear all this talk about the "Commander in Chief," and not dare to raise a head to ask a question. You are not supposed to ask questions. You are supposed to put the money down. And that is the way we did it last year. The troops are there and by the time we got around to considering the supplemental appropriation bill, they had already spent several billion dollars, between $30 and $40 billion or some such—already spent. So we have to pay the bills. That is already spent. We have to do that.

Mr. STEVENS. Will the Senator yield to me for a question?

Mr. SARBANES. Will the Senator yield to me for a further question?

Mr. BYRD. Yes.

Mr. SARBANES. Of course, last year we were just getting into this situation. I understand in the past there have been instances in which, prior to actually going into operation, we weren't given figures because it is so hard to estimate them. Then they come to you for a supplemental. Of course, when they come for a supplemental, what can you do but give the supplemental? At that point you have no choice.

Mr. BYRD. Yes.

Mr. SARBANES. But now we are a year later and it seems to me it ought to be possible to make some estimates that would be contained in the budget.

It is my understanding that in the past, although we may not have gotten estimates before operations began, once they commenced and continued for a period of time, then estimates were contained in the budget requests because it was a continuing matter and you were in a period where you could make such calculations. Of course, that is not being done in this instance.

Mr. BYRD. No.

Mr. SARBANES. We are now well into it. It ought to be possible to make some estimates and contain those in the budget so we have an opportunity to review them. Would the Senator agree with that?

Mr. BYRD. Oh, absolutely, I agree with that. That is what my amendment is about. Here we were, over in the Armed Services Committee. I asked the Secretary of Defense how much is our country spending per month in Iraq, on the war in Iraq, on the occupation of Iraq, and how much in Afghanistan? In both instances the Secretary said he didn't know. He would have to wait a while and get back to me.

Well, that is an old game.

Mr. STEVENS. Will the Senator yield to me for a question?

Mr. BYRD. If I may finish, and then I will be glad to.

That is an old game. You put it off. You don't want to answer on the record. You don't want to answer in public. And you don't want to answer that question lest there be a followup question. So you just put it off. Say, "Senator, I am sorry, I don't have that figure. I will have to take a while. It may take me a while, take us a while to give you that figure."

I said, Well, no, we want the figure now.

That is the way we are being handled. That is the way Congress is being handled, and I think it is wrong.

Then the answer came back, after a short recess of 20 or 30 minutes. The answer came back from the Secretary of Defense that the war in Iraq is costing about $3.9 billion per month, and almost $1 billion, $943 million, I believe, per month, in Afghanistan.

Those answers we needed, and with that kind of information. I am sure the Defense Department had this estimate long before I asked them the question in the committee. They had these estimates. They should have incorporated them into a request in the budget bill. That could have been done. They could have foreseen—well, we are spending on the average of $1 billion a week in Iraq. Let's put it in the budget. Let's put $52 billion in the budget. That would be the way they ought to deal with Congress. That is the way they ought to deal with the people's representatives in Congress. But they are not doing it. They didn't do it then.

Mr. SARBANES. I thank the distinguished Senator. I think his answers have only underscored the importance of his amendment, which I very strongly support.

Mr. BYRD. I thank the distinguished Senator. I now yield to my friend from Alaska.

Mr. STEVENS. Mr. President, with regard to the question of the Senator from Maryland, does the Senator from West Virginia know that yesterday I pointed out the report we have from the Congressional Research Service is that no President has ever asked for funds for war in advance? No Senate has ever appropriated moneys based upon contingencies, predictions of how much would be spent for war.

In the Balkan situation, President Clinton did send money for the peacekeeping operations following the conflict in the Balkans. But I am really informed—does the Senator realize no President has ever conducted war financing the way the amendment of the Senator would require the President to do it, if it were a legislative mandate?

Parenthetically, as part of that question, though, I wonder if the Senator understands, we are prepared to accept the Senator's amendment because it is a sense-of-the-Senate resolution which would indicate a request from the Congress that the President consider, in effect, to change that policy and submit a budget request in this instance which we are perfectly willing to support, to send to the President. But does the Senator realize, the statement of the Senator from Maryland indicates he thinks we should have before us now to include in the 2004 budget an amount that someone predicts will be necessary to fight a war when we don't know what the contingencies are, we don't know what the requirements are?

I wonder if the Senator heard the distinguished Senator from Hawaii yesterday when he explained his position as a platoon leader, and as a platoon leader if he had been asked how many grenades he was going to use in the next engagement, or how many rifle bullets he would need in the next engagement, or whether he could tell how much he would need for the next engagement so it could be passed on up to the President of the United States as to how much money we would need to conduct the war in Italy, it couldn't have been done. It can't be done now.

Does the Senator understand why we are opposing this? It is contrary to the tradition of the United States. And it is contrary to common sense to ask for a contingency budget request in the budget itself for operations considering what is going on in Iraq today. This could expand tomorrow or cease the next day. The contingency concept for a war like this cannot be predicted for a Presidential budget to be presented to the Congress. And it is presented 9 months before it goes into effect.

We are saying the President, in his submission in January, should give us a budget to tell us how much we will spend in a war and that the spending would commence at the start of the following October.

With due respect, does the Senator not agree that the problem we have here is to understand the President submitted this 2004 budget before the war began? How in the world can we expect the President to include in this 2004 budget request a request for expenses that may occur after October 1 of this year in terms of Iraq? Every President has financed those in the same way. Every single war has been financed the way this President is trying to finance this war.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. STEVENS. I am asking that question of my friend from West Virginia. He has the floor. I would like to get into this debate some kind of a balance with regard to how we are doing it. The Senator has the right to send a request to the President saying it "should" be done in a different way. But to say it "must" be done a different way, we oppose.

Mr. SARBANES. If the Senator will yield.

Mr. BYRD. Yes, without losing my right to the floor.

Mr. SARBANES. It is my understanding—and I phrase the question carefully in this regard—that while it is accurate to say we have not had these figures requested prior to entering into hostilities, that once we have gone into hostilities which have continued over a period of time, that has not prevailed.

Second, President Bush landed on an aircraft carrier out in the Pacific and said it was all over—"mission accomplished."

We are now into—presumably by his own statement—a postwar period in which we are trying to do a lot of reconstruction and peacekeeping. It seems to me under that premise put forward by the President himself that we ought to be receiving budget estimates. They can put an asterisk on it that says this is our best estimate. It may prove out to be different as circumstances develop. But we are not being given any figures on which to pass judgment.

Then after the fact, we receive a supplemental. Of course, a supplemental is going to be approved. There is no meaningful review at that point because it has already been done.

Then we are told this money has already been expended. You have to replenish the coffers without having a chance to subject the figures to the requirement that they pass muster.

I thank the Senator for yielding.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Does the distinguished Senator from Alaska have any further questions at the moment?

Mr. STEVENS. Mr. President, the Senator is very kind. I have a whole lot of questions to ask. But I prefer to get on with the debate.

Mr. BYRD. Questions of me?

Mr. STEVENS. The only question to the Senator is that I would respectfully ask if he understands that we are willing to take the amendment as the Senator has drafted it because it seeks a change in policy and it is a sense-of-the-Senate resolution. We are seeking that change in policy.

Again, parenthetically, I believe the time may come when we have wars or postwar engagements of such magnitude that we should find a new way to budget contrary to past procedures.

But, again, I urge the Senator from Maryland to understand that history goes against the policy he has suggested.

I hope the Senator from West Virginia understands my feeling in terms of the way we are handling things now. Does the Senator realize there is $32 billion left from what we provided in the supplemental for the war in Iraq? It is no-year money. It is not money that would cease to be available after September 30. We gave the President $62.6 billion, and it was no-year money. It did not have to be spent by the end of September.

We have, in fact, appropriated money which, if this afterwar resistance—whatever it is—diminishes, should be enough money. We should not have to have another request.

That is the position this Senator takes. Does the Senator understand my position on that?

Mr. BYRD. Mr. President, since before this war began, I have asked repeatedly of this administration what their estimate of the cost of this war is. Do you have any estimate? We get a blank stare.

I cannot believe that an administration is going to lead a country into war without having some inside estimates by the very capable people who surround the President about what this war would cost. Of course, nobody—least of all me—would ever expect the administration to be able to say it is going to cost $2.785 trillion. But I, others, and the American people were seeking some kind of a realistic range—and now more so than then.

Now we know that it has been testified to in the Armed Services Committee that the war in Afghanistan is costing $3.9 billion a month. We know that. That wasn't known just at the beginning of that day. I am sure the Defense Department had already run the estimate and had come out with the figures. Why couldn't the administration use those figures and say to the Congress, well, we estimate that it is costing in Iraq $3 billion, $3.5 billion, between $3.5 billion and $4.1 billion, or something like that?

We just get stonewalled when we ask questions of that kind. I think Congress is entitled to better than that.

Mr. STEVENS. This will be my last interruption. Will the Senator yield to me for one other question?

Mr. BYRD. Absolutely.

Mr. STEVENS. Does the Senator recall that in the 2003 budget request President Bush asked for $10 billion for contingency operations for defense emergency response funds for Afghanistan, the war on terrorism, and the activities that were going on at that time, and that he and I joined together in denying that request? We denied the request because we did not believe we should appropriate moneys based upon a contingency request.

Mr. BYRD. We approved it in the omnibus bill.

Mr. STEVENS. No. We turned it down in the omnibus, also.

Mr. BYRD. We approved it in the omnibus bill. That is the information I have.

Mr. STEVENS. The Senator was talking about the money we put in in January. That was money that already had been spent in Afghanistan and the war on terrorism. And we included those funds at that time in the omnibus bill. But we turned down the $10 billion for the contingency operation. I didn't like the defense emergency response fund. The Senator from West Virginia didn't like the defense emergency respond fund that just sits out there—a big pot of money which they can take money out of without telling us what they are going to spend it for.

We face two different problems: One is that we have a request in the budget for a big pot of money that they are going to spend any way they want when we have always requested that we get money based on how much expenses had actually been incurred in fighting an engagement.

Does the Senator disagree with that?

Mr. BYRD. What we are advocating is that funds would be provided in the Appropriations Act to specific accounts set forth in such act.

Mr. STEVENS. That is why we support the Senator's request. That is why the Senator's request for the sense-of-the-Senate resolution is imminently sensible. And I would like to follow that procedure. That is not the procedure we followed in the past. This President is following precedence in connection with the way he has, in fact, presented the budget for 2004 and the supplemental request for the war in Iraq.

I thank the Senator.

Mr. DAYTON. Mr. President, will the Senator yield for a question?

Mr. BYRD. Yes. I yield for a question.

Mr. DAYTON. I thank the Senator.

The Senator from Alaska has been in conversation with the administration, evidently, regarding funds already available. I was here 2 days ago when the same statement was made about the need for funds and when that would occur next year. Then I read yesterday morning in the paper that same day—the day before, on Tuesday—the comptroller for the Department of Defense said in a supplemental appropriation that was made earlier this fiscal year there is $4 billion remaining for the purpose of war activities which, as the Senator pointed out, at the rate of $3.9 billion a month in Iraq, plus in Afghanistan $.9 billion a month—that would be $4.8 billion a month—there would not even be enough remaining amongst the funds to be expended to cover that.

So I ask the Senator from West Virginia, doesn't that underscore what the Senator said about the difficulty in getting the same numbers from the same principals?

Mr. BYRD. It does.

Mr. STEVENS. Will the Senator yield just for a clarification?

Mr. BYRD. Yes.

Mr. STEVENS. My staff informs me that the Senator has the numbers turned around. There were $15 billion, of which $4 billion have been used. We are certifying there are $11 billion left now.

Mr. DAYTON. I read the figures differently. If I am incorrect, I will stand corrected. If the Senator's staff is correct, then that would be enough money for about 2½ months of the next fiscal year—I shouldn't say the next fiscal year because my understanding is they are drawing down that money now.

Mr. STEVENS. The distinguished Senator from West Virginia still has the floor. If he will let me respond, parenthetically, again, the Senator is correct, if the expenses continued at the rate of the expenditures for the months of June and July—the two 4 weeks just previously—the Senator is correct, the account was $3.9 billion a month for those operations. We do not consider that even today the activities are continuing at the same rate they were in the average per day for the last 4 weeks.

Mr. DAYTON. I thank the Senator.

Mr. STEVENS. In addition to that, there is $45 billion in specific service accounts that are in fact going to be used in Iraq. So we are not dealing with something where there is no money provided. There is $45 billion in specific unit accounts where that money will be spent in Iraq. And it is an augmentation because of the Iraqi conditions.

Mr. BYRD. Mr. President, my amendment reads as follows:

> It is the sense of the Senate that—any request for funds for a fiscal year for an ongoing overseas military operation—

The word is "ongoing"—

> for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31 United States Code. . . .

These are ongoing—ongoing operations.

What is to keep this administration from sending up an amended budget request right today? The administration has already said we are spending $3.9 billion a month in Iraq and almost $1 billion a month in Afghanistan. Why doesn't the administration send up an amended budget request right now and let us include that money in this appropriations bill?

Now, the administration knows that is what it is spending. Why couldn't we at least include it in this bill that is before the Senate, rather than wait until next February when the administration will send up a request for that amount plus a great deal more? And why not anticipate the remaining months the administration expects to be in Iraq and Afghanistan and anticipate for the same amount on into the future?

It is this thing that I feel very strongly about: the Congress of the United States being held at bay when it comes to getting information from this administration. When it comes to appropriations, the Congress has control of the purse strings. And when we asked the administration witnesses, at least one of them said these figures are not knowable, this information is not knowable. Well, they have these estimates. They had them then, and they could have been included. So the Congress can exercise its constitutional oversight over these moneys that are being appropriated and spent.

I am glad the distinguished Senator from Alaska has indicated he intends to accept this amendment. But while we are on this subject, I have a chart here.

Now, the distinguished Senator from Alaska—and he is a distinguished Senator, a very distinguished Senator, my friend—time and time again he has said something about the moneys during the Clinton administration.

The supplementals for Kosovo and Bosnia were in the range of $2 billion to $3 billion for each mission. The Iraq supplemental that was passed this April was $62.6 billion. If we are to believe the cost estimates of Secretary Rumsfeld, that he testified to at a recent Armed Services hearing, the current cost of supporting 150,000 troops in Iraq and 10,000 troops in Afghanistan is $4.8 billion per month, or $58 billion if our troops are to remain in Iraq and Afghanistan for all of fiscal year 2004. The fiscal situation is completely different today than it was in 1998 and 2000 when supplementals were approved for Bosnia and Kosovo.

As one can see on this chart, in those years, we were running large surpluses: $69 billion in fiscal year 1998 and $236 billion in fiscal year 2000. The issue of how to finance a $2 billion supplemental was not and did not need to be a critical element of the debate.

Just this week, the White House released their Mid-Session Review. And the White House projections are on this chart.

The White House projects deficits of $455 billion for fiscal year 2003 and $475 billion for fiscal year 2004. The estimate of $475 billion for fiscal year 2004, the year of the Defense appropriations bill that is now pending before the Senate, does not include any cost, not one dime, for the incremental cost of the war in Iraq or the mission in Afghanistan. Therefore, if the President had requested a budget amendment or a supplemental for these missions, the deficit for fiscal year 2004 would likely be over $500 billion. And if you exclude the Social Security surplus, the deficit for fiscal year 2004 could exceed $650 billion.

Mr. NELSON of Florida. Will the Senator yield on that point?

Mr. BYRD. Let me just finish briefly. The cost of the war in Iraq and the mission in Afghanistan is over $1 billion per week. General Franks has said that it is likely we will need to retain significant numbers of troops in Iraq for years to come. We know that now. We should not hide the ball from the American people until next year.

If we want to talk about then, we were running huge surpluses back in those days. Yet the cost was small, talking about $2 billion, $3 billion, when surpluses were running $69 billion, $125 billion, $236 billion, $127 billion. Now we are talking in a deficit situation. We are running huge deficits, astronomical deficits, never to be heard of before deficits. The costs we are talking about hiding here and waiting until the supplemental comes before Congress are many, many times higher than they were during the Clinton administration. So it is a little like trying to equate apples and oranges.

Yes, I yield.

Mr. NELSON of Florida. Mr. President, I thank the Senator from West Virginia for the point he has made. I would like to underscore it. By the administration's own figures, they are projecting the budget deficit—that is, the amount of money that we have to go out and borrow to pay our existing debts—in this fiscal year as $455 billion as illustrated by the chart the Senator has just shown. They are projecting next year $475 billion of deficit spending. Yet they will not come forth with a supplemental request when finally the Senator from West Virginia got the Secretary of Defense to admit in the Senate Armed Services Committee that the monthly cost for carrying on the war is $3.9 billion a month, just in Iraq, plus about $750 million a month in the war being prosecuted in Afghanistan.

Mr. BYRD. Nine hundred and forty-three million.

Mr. NELSON of Florida. And thus, as the Senator has pointed out, it brings it to well over some $60 billion additional.

Isn't it curious that if they are projecting $475 billion by their own figures in deficit financing for next year, that they do not add the additional $60 billion of anticipated war expenses, and that doesn't even count for the additional interest that will have to be paid on that newly incurred debt. Therefore, the deficit gets larger and larger and larger. To the average person what that means is, it is going to stall the recovery. It is going to cause the cost of money to go up in the interest rates.

But if we, as dictated by the Constitution, are to fulfill our appropriations duty, is it not logical that this Senate and the House of Representatives should have the information as to what the projected costs are of carrying on the function of the Government of the United States, including the defense of the United States? That is the question.

Mr. BYRD. They should have. The President, I say, should send up a supplemental budget request today for $58 billion.

Mr. NELSON of Florida. Would not the Senator wonder, then, since they refused to do that, and here we are in the middle of a war and a soldier is getting killed every day, would the Senator not wonder why they don't? I think that it might be that it just shows that annual deficit spending exploding higher and higher, which is ultimately going to have an effect on the financial markets of this country and make it all the more difficult for the economic recovery to occur.

Mr. BYRD. Yes. Well, I thank the distinguished Senator from Florida for his thoughtful observations. I would hope that the administration would send up a supplemental request. Otherwise, I think we ought to try to add to it this bill. Why not? Why not? That is the anticipated cost. In any event, let me finish my statement. I am almost at the end.

The administration has reported to Congress that we are spending $4.8 billion each month in Iraq and Afghanistan. These costs can be anticipated, can be budgeted, and can be controlled. They are costs driven by policy emanating from the White House. There is absolutely no reason why they should not be included in the Defense appropriations bill that is now before the Senate.

If we truly want to support our troops, we should have truth in budgeting. My amendment calls on the President to be up front about the costs of our deployments in Iraq and Afghanistan. It would stop the practice of gimmicks and secrecy which hide the true cost of these foreign entanglements from the American people, the American taxpayer.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1281

(Purpose: To state the sense of Congress on funding of ongoing overseas military operations, including overseas contingency operations)

Mr. BYRD. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1281:

Insert after section 8123 the following:

SEC. 8124. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

Mr. STEVENS. Mr. President, the reliance of the Department of Defense on supplemental appropriations for contingency and peacekeeping operations began with the end of the last Persian Gulf War, and the introduction of United States military forces into the Balkans.

Excluding the costs of Operation Iraqi Freedom, the incremental costs of U.S. peacekeeping and contingency operations from fiscal year 1991 to 2003 total $36.8 billion.

Congress has debated and passed a supplemental appropriations bill for the Department of Defense every year from fiscal 1991 to the current fiscal year. The Congress has debated funding these operations from offsets within other discretionary programs, or from within the defense topline.

Beginning with the supplemental request of the Clinton Administration for fiscal year 1998 Congress has provided defense spending as an emergency or provided funding without offsets.

The Appropriations Committee attempted to mitigate the need for emergency supplementals by creating the Overseas Contingency Operations Transfer Fund in the defense bill, and the Clinton Administration still found it necessary to request emergency supplementals.

In March of fiscal year 1998, the Clinton Administration sought $1.9 billion for ongoing operations in Bosnia and Southwest Asia. In fact, the Senate considered an amendment to strip the emergency designation from those funds. That amendment was defeated 92 to 8.

Since the 105th Congress, supplemental defense appropriations have been provided as emergencies or without offsets. The Congress passed two supplemental defense bills in fiscal year 1999 totaling $19.1 billion.

The Senate will recall that the President requested a $10 billion contingency fund for the global war on terrorism as part of the fiscal year 2003 budget request.

The Congress rejected that request until the Administration could better define the costs of contingencies. Those funds were appropriated as part of the Omnibus Bill passed earlier this year.

The Clinton Administration was aware that operations in Southwest Asia and the Balkans were ongoing, yet chose not to fund fully those operations in the budget request. As I stated earlier, the Congress passed emergency supplementals for fiscal years 1998, 1999, 2000, 2001, and 2002.

The Congress has passed nine consecutive supplemental emergency defense appropriations without offsets.

Funding from the fiscal year 2003 supplemental was used to offset the difference between the President's budget request for fiscal year 2004 and the discretionary total in the budget resolution.

As operations progress in Iraq the Administration will better define contingency costs. That is the position taken by the Congress last year—and the approach to funding used by the Clinton Administration to fund peacekeeping in the Balkans.

The Appropriations Committee will examine the costs of operations in Iraq as they are identified. The Senate will have the opportunity to consider those costs in any necessary supplemental. That has been the approach to funding contingencies taken by this body for 6 years.

Mr. DODD. Mr. President, I rise to speak in support of the amendment offered by my distinguished colleague, Senator BYRD. I was not able to speak in support of this amendment when it was being debated because I was in a meeting with the distinguished Prime Minister of the United Kingdom, Tony Blair. This was an important amendment, and I am pleased that it was adopted earlier today.

This amendment calls upon the Bush administration to tell the Congress and the American people "up front" in its annual budget submissions, what it plans to spend on foreign military operations, particularly those in Iraq and Afghanistan. It also asks the administration to identify the specific Department of Defense accounts that will be tapped to pay for those activities.

Greater fiscal accountability is clearly needed, especially in light of an explosion in the size of the Federal deficit that has occurred since the Bush administration took office. Increased defense spending has undoubtedly played a role in that growing deficit.

This year's fiscal deficit will reach $455 billion—the largest Federal deficit in the history of this Nation. Just five short months ago, the Bush administration estimated that the fiscal year 2003 deficit would be $305 billion—no small amount. But more than $150 billion short of what it now estimates will be the fiscal gap. Obviously, this is more than simply a question of a rounding-off error on the part of the administration's budget experts.

I for one am skeptical that the administration really believed that its original estimates were on target.

What is not debatable is that our Nation's fiscal house is in disarray. We urgently need to get a handle on Federal spending. A first step in getting that handle is for the administration to come clean with the Congress and with the American people about what our commitments in Iraq and Afghanistan will mean in monetary terms.

Up until now, the administration has consistently "low balled" the cost of our military operations in these countries. They have skirted cost questions by being intentionally vague about their plans.

We now know that the military phase of the Iraq operation—the period from January thru April—cost approximately $4.1 billion per month.

Beginning in May, we were told that the cost of the pacification phase of the operations would be much lower—closer to $2 billion per month. That turned out to be untrue.

This past Sunday, Defense Secretary Rumsfeld admitted what has become evident—that these costs were running closer to $4 billion per month. The costs of operations in Afghanistan add an additional $1 billion per month to Department of Defense military expenditures. At current rates of spending we will have spent more than $70 billion dollars for military operations in Iraq by the end of the year.

On the non-military side in Iraq, $7 billion—$2.4 billion in U.S. appropriated funds—will have been spent by the end of the year on humanitarian and reconstruction efforts. And that is just the beginning. The total bill for nation building in Iraq could go as high as $100 billion when all is said and done.

The Byrd amendment attempts to address a larger concern that simply the dollars and cents of our commitment in Iraq; it really goes to the overall conduct of our policy there.

Let me say very clearly that I am in no way critical of what our brave men and women serving in our armed forces have been doing in Iraq, or elsewhere. We are all very proud of our U.S. Service members—those who have served or are now serving in Iraq and Afghanistan. We pray for the speedy recovery of those injured in the service of their country, and our hearts go out to the families who have lost loved ones.

Nor do I mourn the removal of Saddam Hussein—the world is far better place now that he is no longer the dictator of his people.

The bottom line is the U.S. military has done and is doing a tremendous job—under very difficult conditions.

Having said that, it is increasingly apparent that the Bush administration was ill prepared for what is now confronting on the ground in Iraq—both in terms of the extent of hostilities and the costs of the operations.

Last year when the Congress debated the resolution authorizing the President to use force in Iraq, many of us were concerned that the administration had not done sufficient thinking or planning for what we could expect in post-Saddam Hussein Iraq.

Such concerns were dismissed by administration officials.

I do not like to say the following, but I must.

There has been a level of arrogance on the part of some in the administration when it comes to foreign policy generally and most especially Iraq. That arrogance has caused senior policymakers in the administration to be closed to advice from career government military and foreign policy experts and dismissive of congressional concerns about the challenges that we might confront in post-Saddam Iraq.

I supported the congressional resolution authorizing the use of force last year. And, I would do so again today. But I firmly believe that the concerns I expressed during consideration of that resolution—about the importance of getting broad international support for whatever we wanted to do in Iraq—take on even more significance today.

We will never know whether more patience would have gained us the U.N. Security Council endorsement for our efforts to rid Iraq of Saddam Hussein. I for one believed that it would have been worthwhile to give that U.N. process a little more time to get that endorsement.

I did not believe at the time that Saddam Hussein was an imminent threat to the United States, although I never doubted that he possessed, or at the very least sought to possess some quantity of weapons of mass destruction. Clearly, nothing found in Iraq thus far has caused me to change my assessment about the level of threat Iraq posed to the United States.

There is no doubt that had we gotten a U.N. endorsement for our campaign, we would be in a far stronger position today to convince other governments to participate in ongoing peacekeeping efforts and to share the costs of Iraq relief and reconstruction.

It is also very clear that the administration got it wrong with respect to the mix of combat forces and military police that would be required for the post war phase of the operations. If there had been more of a police presence at the outset, it might have served as a deterrent against the vigilantism that is now occurring.

The Bush administration has consistently asserted that we are not along in Iraq—that there is a "coalition" of governments helping us restore security and build a democratic Iraq.

That really isn't the case.

There are currently 148,000 American troops in Iraq. The non-American component of the military coalition is only 13,000 strong. The administration states that there will be an additional 17,000 foreign military deployed to Iraq later this summer. Should that come to pass, U.S. troops will still represent roughly 75 percent of the forces on the ground in Iraq.

Moreover, if current levels of violence continue, more troops are going to be needed to stem the American casualties that are now being sustained—some experts estimate that double the current number of troops there may be needed.

Where are those additional troops going to come from? I strongly urge the administration to turn to the U.N. and to NATO for that assistance. It is in our national security and foreign policy interests for the U.N. and NATO to become partners in rebuilding Iraq.

However, if we are unable to persuade our friends and allies to help in this effort, the deployment of additional U.S. troops may be needed to protect those already deployed. This could include American Reservists and members of the National Guard. And, while I agreed in principle with what my colleague, Senator BYRD, was seeking to do on Tuesday with an earlier amendment, namely to prevent unlimited deployments of reservists and members of the Guard to Iraq and Afghanistan, I was also concerned about the safety of our troops.

Unfortunately, the fluidity of the situation in Iraq may require the deployment of these forces for an unspecified time. That is why I reluctantly opposed that amendment.

Why is there such uncertainty surrounding Iraq? Because I believe that U.S. policy is adrift. The administration has not been able to get its arms around what is going on there.

One day the administration says it wants to put Iraqis in charge of their own country as quickly as possible. Another day it announces that the Coalition Provisional Authority, headed by retired U.S. Ambassador Paul Bremer, is the Government of Iraq. One day the administration tells us that Iraq's oil revenues will be sufficient to rebuild Iraq's economy. Another day it calls for the convening of an international donors conference to raise billions of additional dollars it says are needed to restore Iraq's economy.

As this policy drifts, increasingly the Iraqi people blame America for the ongoing chaos in their country. And who is the face of America on the streets of Iraq? Americans in uniform. They have become the targets.

Growing hostility has already cost 82 American lives since May. Every day we pick up the newspaper and read about another two or three American service members being attacked or killed by unknown assailants. Yet the administration continues to tell us that all is going as planned.

And the need for administration officials to be up front with the American people about Iraq goes beyond simply telling them how much it is going to cost or how many troops will be necessary.

It also goes to the matter of the administration's credibility—its credibility about what it has told the American people concerning Iraq's weapons of mass destruction. There are mounting questions as to whether some in the administration manipulated or distorted intelligence in order to justify what they wanted to do for other reasons.

President Bush has hurt U.S. credibility by overstating the case about the dangers of Iraq's weapons of mass destruction—particularly with respect to its nuclear weapons capacity.

Attempts to construct a "coalition of the willing" within our own intelligence community, in order to tilt intelligence was also dangerous, divisive, and unnecessary. We all accepted that Saddam had a clear track record with respect to WMD—they didn't have to "gild the lily" with information which we now know was false. And more seriously, which some administration officials knew at the time to be false. Even more serious is the willingness of these officials to pressure career intelligence analysts to sign up to conclusions about Iraq's WMD program that they didn't believe to be accurate. This calls into question the integrity of our entire intelligence community.

This issue does not seem to be going away. The administration has yet to give an acceptable explanation for what really happened or to identify who was responsible. We need to get to the bottom of this and put in place safeguards to prevent future manipulation of intelligence. It is extremely unlikely at this juncture that closed congressional hearings dominated by one party are going to allay the American people's concerns.

I recognize that the Byrd amendment does not attempt to address the intelligence issue I have just mentioned. I raise it in the context of the debate on this amendment because it is part of an administration pattern with respect to all matters related to Iraq—a pattern of secrecy, stonewalling, and obfuscation.

With the adoption of this amendment, the Congress has sent a modest signal to the administration that, at least on the spending side of our engagement with Iraq, we expect more transparency from our government.

Mr. FEINGOLD. Mr. President, I rise in support of amendment No. 1281 offered by the distinguished Senator from West Virginia to H.R. 2658.

I am disappointed that the amendment offered by the Senator from North Dakota was tabled yesterday. I have been a consistent advocate of transparency in our budgeting practices, and this amendment would have gone a long way to promoting such good practices. I am happy that we have a second chance to address this issue with the amendment offered by the Senator from West Virginia.

The Office of Management and Budget recently announced that they expect this year's budget deficit to reach $455 billion and predict a $475 billion deficit for fiscal year 2004. The estimates for fiscal year 2004 do not even include the cost of operations in Iraq. Such a dire fiscal picture makes it even more important that we get a better sense of the costs of future operations and make our decisions accordingly.

When we are conducting military operations or know that such operations are imminent, the budget must reflect it. We should not blithely go along as if it were a time for business as usual. We should budget responsibly for what is happening.

I would like to remind my colleagues about how much trouble we have had trying to get realistic figures from the administration about the cost of the Iraqi operations. We should not be operating in the dark. We must be presented with all of the facts so that our judgments on these tough issues are sound. Honest budgeting demands it.

As my distinguished colleagues have noted, we are no longer in the situation where the costs of the operations in Iraq and Afghanistan are unknown. The Secretary of Defense recently told us that we can expect to be spending almost $4 billion a month in Iraq and almost $1 billion a month in Afghanistan. The Pentagon comptroller has publicly stated that the administration has a good idea of what our overseas military operations will cost over the next year. Why are we pretending otherwise?

It is interesting to note that before the operations in Iraq, the Congressional Budget Office estimated that occupation costs would be between $1 billion and $4 billion a month, showing that we can get reasonable estimates. We can use those estimates to better the budgeting process.

We should continue to try to improve the process to ensure that we in the Senate and the American people can clearly see the facts and set priorities accordingly.

This amendment is not limited to this year or to the operations in Iraq or Afghanistan. Some may say that budgeting for potential future operations is not possible. I agree that predicting an exact cost is difficult, but that does not mean we cannot prepare a rough estimate. In fact, doing so will help us better analyze our options and make better decisions about any future engagements. The Senate wisely chose this path with the recent budget resolution when it adopted the amendment offered by myself and the senior Senator from New Jersey setting aside $100 billion of the tax cut for operations in Iraq.

I strongly urge my colleagues to support this amendment. When we ask the American people to support future operations they should know what we expect the operations to cost. We owe the American people this honesty. I commend the distinguished ranking member of the Appropriations Committee for offering this amendment and for repeatedly raising important questions about the administration's policy on Iraq. He has performed a valuable service, and I thank him for it.

Mr. STEVENS. Mr. President, I would like to try out a unanimous consent request. There is pending my motion to table the Durbin amendment and there is pending the Byrd amendment. The Senator from West Virginia wishes to have a rollcall vote. Senator McCONNELL would like to have 5 minutes to speak before these votes commence.

I ask unanimous consent that we vote on the Durbin amendment following Senator McCONNELL's statement of not to exceed 5 minutes, and that is on or in relation to the amendment. I have made a motion to table that. After that, I ask that we have a vote on Senator BYRD's amendment, which I shall support. That will have everyone here in time to go and listen to the Honorable Tony Blair, if we can get started in a few minutes.

I support Senator BYRD's amendment because it is a sense-of-the-Senate resolution saying that any request for funds for the fiscal year for the ongoing operations in Afghan and Iraq should be included in the annual budget and that any such funds provided should be provided in the Appropriations Act for such fiscal year to appropriate specific accounts for such acts.

I support that concept. I do say what it really says to me is that the President's budget would contain an estimate of the costs for an ongoing operation and we would allocate the funding to the specific accounts subject to our approval of the estimates based upon specific hearings before our committee and listening to the representatives of the various services of the military. I think that makes eminent sense. It is a change of policy, in my judgment, and therefore it is a sense-of-the-Senate resolution seeking the President's concurrence in that policy.

I ask unanimous consent that the Senator from Kentucky be recognized for 5 minutes and, following that, we vote on the amendment of Senator DURBIN; and I ask that it be in order to ask for the yeas and nays on my motion to table the Durbin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, and I do not object, I wonder if the Senator would mind having the vote on my amendment as the first vote. It would occur 5 minutes after the Senator from Kentucky.

Mr. STEVENS. I am willing to reverse that order. I modify the request and ask that the Senator from Kentucky speak for 5 minutes, and following that the vote on Senator BYRD's amendment, and following that there be a vote that would occur, with a limitation of 10 minutes, on my motion to table the Durbin amendment. Following the Durbin amendment, we will be walking down the hall to go over to a joint session of Congress.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object. There would be no second-degree amendments in order, right?

Mr. STEVENS. Right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the yeas and nays are ordered on the motion to table the Durbin amendment.

Mr. STEVENS. Have the yeas and nays on Senator BYRD's amendment been ordered?

The PRESIDING OFFICER. No.

Mr. STEVENS. I ask for the yeas and nays on the Byrd amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, we have witnessed a parade of Democrats coming to the floor to lob accusations against the President about the war in Iraq. Ostensibly, they are concerned about a potentially mistaken piece of intelligence regarding Iraq's efforts to procure uranium from abroad. In their zeal to score political points, they have sacrificed the national interest on the altar of partisan politics and are making accusations that are grossly offensive against the President and those of us who believe—and continue to believe—that our liberation of Iraq was the right thing to do.

Senator CONRAD, only hours ago, said:

> This administration told the world Iraq had weapons of mass destruction, that they are trying to develop nuclear capability, there is a connection to al-Qaida, and each and every one of those claims is now in question, every one of them. It is not just 16 words in the State of the Union. It is far more serious than that.

Mr. President, that charge is stunning. It is an accusation that all of us who voted for the war, who viewed classified intelligence about Iraq and who believe this war was just, should repudiate. Perhaps the Senator should tell the family of the Kurdish woman and her child that Saddam Hussein didn't have weapons of mass destruction and that we were wrong to have liberated his oppressed people. They will not be so sanguine as these Senators, because she and hundreds of fellow villagers were murdered in a gas attack ordered by Saddam Hussein. This attack occurred in 1987. She won't be able to defend this because she is deceased as a result of an attack using weapons of mass destruction.

There were two victims of the town of Halabja, where some 5,000 died from a chemical attack in 1987. And 3,000 died that year from a similar chemical attack in Sumar. Another 5,000 died from mustard gas in Al Basrah also in that year. In fact, there are documented 10 different occasions upon which Saddam Hussein used chemical weapons against his own people.

So it is not in doubt that Iraq was using weapons of mass destruction. No one has doubted that Iraq had weapons of mass destruction. I don't doubt we will find further evidence of weapons of mass destruction in Iraq. The French didn't doubt it; the Germans didn't doubt it; the Russians don't doubt it; the U.N. weapons inspectors never claimed Iraq did not have weapons of mass destruction. There may have been a dispute over the best way to uncover and dispose of these weapons, but no responsible expert—I repeat, no responsible expert—said Iraq doesn't have a weapons-of-mass-destruction program. No one said that, Mr. President.

No responsible country confirmed that Iraq didn't have a weapons-of-mass-destruction program, because it was glaringly apparent that Saddam was vigorously committed to obtaining and maintaining an arsenal of chemical, biological and, yes, nuclear weapons.

That is why the U.N. Security Council unanimously passed Resolution 1441, which declared Iraq in material breach of its obligations under numerous previous resolutions, which declared that Iraq failed to account for weapons of mass destruction that it previously admitted having stockpiled. That is why Saddam Hussein never let inspectors have unfettered and free access to the suspect sites. Why would he have done all of that had he not had weapons of mass destruction? That is why he led inspectors on a wild goose chase through the Iraqi desert for 12 long years. That is why he buried research facilities, why he intimidated scientists, why he removed the tongues of those who questioned his regime. That is why he built the mobile biological weapons labs we uncovered in the Iraqi desert. He did all of those things because he had weapons of mass destruction.

It is amazing that the very individuals who were willing to give U.N. inspectors up to 12 years to conduct these "Keystone Cops" inspections are now unwilling to give the United States military 10 weeks—not 12 years, but 10 weeks—to search for weapons of mass destruction while simultaneously hunting Baath party loyalists and restoring order to a nation wrecked by decades of misrule.

There are thousands of suspect sites capable of producing weapons of mass destruction and weapons-of-mass-destruction components. There are millions of places in which weapons of mass destruction could be hidden.

I am confident, the President is confident, the Secretary of State is confident, and the Secretary of Defense is confident that evidence of Hussein's WMD programs will be found. But keep in mind that Iraq is a country the size of California, and that for more than a decade Hussein and his cronies perfected the art of concealment. Still we have already found mobile biological weapons—already found—mobile biological weapons, various centrifuges to process uranium, and shells specifically designated to hold chemical weapons. The programs are there and we will find them.

I thank the chairman.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Defense appropriations bill following the statement of the right honorable Mr. Blair, the Senator from West Virginia be recognized to offer another amendment.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, may I make an inquiry of the distinguished Senator from Alaska? The Senator is prepared to accept my amendment, and the Senate will vote on it. Does he think that amendment will have any impact on the procedures? Does he think that will result in any change in the procedures which we have been experiencing heretofore? It is a sense-of-the-senate resolution but, in his opinion, may we expect to see it carried out?

Mr. STEVENS. Respectfully, that is sort of asking me the same thing as the contingency question. I am prepared to argue with the Office of Management and Budget and the White House that the procedures should be changed. After the initiation of war Congress should have estimates, as indicated by the Senator's amendment. Therefore, I support it. Whether we will be successful, God knows.

This is a 15-minute rollcall vote and will be followed by a 10-minute rollcall vote on the Durbin amendment. I urge Members to vote promptly so we may leave the body at 3:40 p.m. to listen to Mr. Blair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will take 1 minute.

I thank the distinguished chairman of the committee for his courtesies and for the cooperation he has given. He has sought to get action by the Senate on various and sundry amendments. He has tried to move the bill forward, and he has lived up to what I think is the reputation of not only fairness but also of integrity. I am thankful to him for accepting this amendment.

I was interested in his response to my question a moment ago. I believe he means what he says, and I hope he will join me in urging the Office of Management and Budget and the White House to live up to the intent, the spirit of this amendment whether it is the current administration or a following administration, which may be Democratic or Republican.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1281 offered by the Senator from West Virginia. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 15, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—81

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Voinovich
Warner
Wyden

NAYS—15

Bennett
Brownback
Bunning
Cornyn
Craig
Crapo
Dole
Enzi
Hutchison
Inhofe
Kyl
Santorum
Sessions
Sununu
Thomas

NOT VOTING—4

Graham (FL)
Kerry
Lieberman
Miller

The amendment (No. 1281) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that after the next vote, which we are going to go ahead and do now, and we want to encourage everybody to come and vote as soon as possible, that after the next vote is completed, the Senate will stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1277

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Durbin amendment No. 1277. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—62

Alexander
Allard
Allen
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dodd
Dole
Domenici
Dorgan
Edwards
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—34

Akaka
Baucus
Bingaman
Boxer
Breaux
Byrd
Cantwell
Clinton
Corzine
Daschle
Dayton
Durbin
Feingold
Feinstein
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Wyden

NOT VOTING—4

Graham (FL)
Kerry
Lieberman
Miller

The motion was agreed to.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE RIGHT HONORABLE TONY BLAIR

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 3:48 p.m., took a recess, subject to the call of the Chair, and the Senate, preceded by RICHARD B. CHENEY, Vice President of the United States, William H. Pickle, Sergeant at Arms, and Emily Reynolds, Secretary of the Senate, proceeded to the Hall of the House of Representatives to hear an address delivered by the Right Honorable Tony Blair, Member of Parliament, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

(For the address delivered by the Prime Minister of the United Kingdom of Great Britain and Northern Ireland see today's proceedings in the House of Representatives.)

At 4:40 p.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. CORNYN).

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until the hour of 5 p.m., with Senators permitted to speak therein for not to exceed 1 minute each to comment on the historic speech we have just heard.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield to the Senator from Idaho since his State was mentioned.

The PRESIDING OFFICER. The Senator from Idaho.

CONGRATULATING PRIME MINISTER TONY BLAIR

Mr. CRAIG. Mr. President, fellow Senators, I think today we watched a piece of history made on the floor of the U.S. House in a joint meeting when Tony Blair, the Prime Minister of Great Britain and Northern Ireland, spoke to us. Not only was it a brave and proud speech, but it was a speech of neighbor to neighbor, friend to friend, as truly Great Britain has become over the years and Tony Blair has become during this period of joint effort in Iraq.

In that speech, he mentioned places out West: Idaho and Nevada. Prime Minister Blair, Idahoans invite you to come visit, to come and meet us. We are a great people, a part of this great country of which we are so proud. And, yes, there are Idahoans who question our outreach in foreign policy and scratch their heads and say: Why now? But there are many of us who recognize the leadership role that we play that you challenged us to today.

So on behalf of all of Idaho—our Governor and the congressional delegation of our State—Prime Minister Blair, come see us, come visit us. You will find that we are a people who stand with you in your call to the world for leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I understand why the Senator from Idaho said that, but I would encourage the Senator to read a little book called "Coming into the Country" by McPhee. That is a book about a place in Alaska where people live who the British leader says he thinks he wants to talk to—in the wilds of Alaska, in the great frontier of America.

The British leader thought he was going to the wilderness when he talked about Idaho. If he wants to see the wilderness in this country, he has to go to Alaska today. That is where 77 percent of the federally declared wilderness exists.

Mr. President, I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank the distinguished Senator.

Mr. President, I join my colleagues in commending the distinguished Prime Minister for his eloquent remarks in which I think he captured the essence of what all of us would like to see in the coming weeks and months and years; that is, a joint coalition of peaceful, liberty-loving nations to address the scourge of terrorism. I think he properly described what needs to be done by leaders of this Nation and others around the globe if we are going to succeed in that effort.

It was also wonderful to hear the English language spoken with such eloquence. It was refreshing not to see a teleprompter, I might add, and to hear a political leader with a sense of humor, a sense of commitment and passion, and a deep sense of understanding of the values that our two nations have shared—and, as he properly described, not Western values but human values of freedom-loving peoples everywhere.

I join my colleague from Alaska, and others, in thanking the Prime Minister for his eloquence, for his commitment, for his friendship, and for his loyalty. I look forward to a continuing relationship with this remarkable leader.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I have never heard a speech that better charted the values of free peoples—not only of free peoples in our country but I think free peoples all over the world. I have never heard a speech that was as incredibly positive as this speech, that called on everyone to rise to their best value, to stand to their best commitment, and to perform as free-loving peoples should everywhere.

On a scale of 1 to 10, Mr. President, that speech, in my book, was a 10. I have never heard better. And I have never seen a course charted that is sounder, truer, or can redound in better benefits for freedom-loving people.

I salute Tony Blair, the distinguished Prime Minister of the United Kingdom.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I join with my colleagues in commending the Prime Minister of Great Britain, Tony Blair, for his outstanding, articulate, and insightful remarks.

While we worry sometimes on minutia, he brought back the international global perspective while we are in the midst of a war against terrorism.

These were historic remarks that I think got us, as Americans, renovated, invigorated, and re-resolved in this war on terror. He also served, I think for us as Americans and the United States, as a bridge to our friends in Europe. While most of them were with us in this most recent conflict in Iraq, some were not. But there are so many of those shared values that bring us together. Indeed, Prime Minister Blair brought those forward. While in some areas the Germans and the French are helping, we want others to join in the United Nations and NATO.

I would say the most important things the Prime Minister mentioned were not that we have shared interests in trade or shared interests in security but that we have a shared love of individual liberty.

And if Thomas Jefferson—not a very well-loved person, I am sure, in Great Britain—were on that floor of the House just a moment ago, he would have said: Well done, Mr. Prime Minister. Those are good, sound Jeffersonian principles that he advocated.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise very briefly to state the obvious and what everyone else has stated. The Prime Minister made a remarkable speech today. We should listen to our friends. I took away much of what others did as well, but I took away one very important message we heard from a friend; that is, don't give up on Europe, that France and Germany are our friends.

By reference, Mr. Kagan and those who believe Europe is an anachronism and is an "Old Europe" are dead wrong, and that if Europe and the United States stand together, the world will stand with us. If Europe and the United States are divided, the world will be divided. It is that basic.

I hope everyone listened to not only the rhetoric but to the substance of his message. The substance of his message: The neo-conservative notion that Europe is no longer an asset, that Europe no longer shares our values, will be the very thing that will undo this great country of ours. We are united. We are together. We have to work on it. And if we stand together, the world will stand with us.

For that, I thank the Prime Minister for delivering his message and reminding us, his friends, of how valuable that alliance is. There is none more valuable.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I echo the comments of the senior Senator from Delaware and recognize his expertise as a former chairman of the Foreign Relations Committee and assure him that I took the same message he did, that Tony Blair is trying to remind us all of that which we instinctively know: the importance of friends.

I took great pleasure in the fact that he cited America's history in establishing friends and, indeed, spoke a little bit against his own history when he talked about empires that sought for land or territory or power but that the Americans seek only to export liberty to those places where it has not yet taken hold. And that is the cause around which the entire world must repair.

I would add one other thought to the thoughts that have been made. I agree with the Senator from California that was the best explanation she has ever heard in a speech. And I must add, not only is it the best one that I have ever heard, that includes speeches I have given, which, for a politician, is a tough thing to have to admit.

I was struck by his comment that I think should resonate throughout the current debate, and that is the debate over Iraq, the motivations for going into Iraq, the prelude that built up to the decision in Iraq; that is, when he said, as best I can recall: If we were wrong, all we have done is free a people from a horrible tyrant and brought freedom to millions, and history will forgive us that error. But if we were right, history would not forgive us for hesitating, if we had done so.

I think while he was not injecting himself into the debate here in America at the time, that summary is the best I have heard of the way we should be conducting our examination of the decision to go forward in Iraq. If, in fact, the decision was built on some flawed assumptions, the results of the decision are still worth it.

But if the assumptions turn out not to have been flawed and we discover, in fact, that things were as we had anticipated, I agree with the Prime Minister that history would treat us very badly if we had walked away from that.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I associate myself with the remarks that have gone on before. It was a truly inspiring speech. I think there is a little bit of irony to the fact that we have a Brit inspire us on freedom and liberty. That was the most inspiring speech I have heard since Margaret Thatcher did the same thing. They somehow have the ability to look into our past and explain our present and move us on into the future. I appreciate the fact that he was here and spoke and shared those words with us. It was awe inspiring.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. STEVENS. Parliamentary inquiry: Has the time expired?

The PRESIDING OFFICER. Five o'clock has arrived. The time for morning business has expired.

Mr. STEVENS. Does the Senator seek to speak in morning business?

Mr. ALEXANDER. I would like to speak for about 1 minute.

Mr. STEVENS. I ask unanimous consent that the Senator from Tennessee may speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I believe Tony Blair taught us a lot about the world. I think he taught us more about ourselves. His speech was historic, but it will be remembered more because it reminded us of what it means to be an American. The assistant Democratic leader and I and other

Senators have worked on legislation this year to put back into its rightful place in our schools the teaching of American history. I would suggest that in the first chapter of those textbooks we put Tony Blair's speech.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I know that euphoria is here, and Tony Blair rendered a great speech. I thought it was tremendous. But I have to recall the speeches President Clinton gave. I can remember during those speeches that there were times when I didn't realize I was listening to a speech. President Reagan was really good. And Tony Blair, of course, was extremely good. I was so impressed when he did it without a teleprompter; he did it from his written speech. He was very impressive. When I met him an hour or so ago, I introduced myself and said I was a Senator from Nevada, Las Vegas and Reno. He said at that time he had always wanted to go to Nevada. And so when he was searching for a State to identify in his speech, I am glad he mentioned Nevada. I say to my friend from Idaho, who has invited him to Idaho, I certainly have no objection to the Prime Minister of Great Britain going to Idaho, but I am confident he will stop in Nevada as well.

Mr. STEVENS. Mr. President, someone told me they thought it was a nice thing to have conservatives applaud a liberal. Do you know, when I listened to Tony Blair, I didn't think about being conservative or liberal. I thought about the fact that here is a man who has had admitted difficulties in his own country but was willing to come on our stage and tell us he believes in American principles and he is willing to be a partner with us. That is a sign of a great man. I think he is a great leader for the world as well as for Great Britain. I hope that people don't think of it as a speech of a liberal or even of a conservative. He was speaking to us as Americans and bringing out the best in us. I really am delighted that we gave him the opportunity to speak to us.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004—Continued

Mr. STEVENS. Mr. President, we are awaiting an amendment to be offered. I hope Senators will come and bring their amendments.

Mr. REID. Would the Senator yield?

Mr. STEVENS. I yield to the Senator from Nevada.

Mr. REID. Mr. President, I say to the distinguished comanager of the bill, we are waiting for Senator BYRD to come and offer his two amendments, one dealing with adding some money to the bill, the other dealing with adding some money for AIDS, rearranging the bill, I should say.

The Senator from Delaware is considering offering an amendment and also the Senator from California, Mrs. FEINSTEIN, and Senator SCHUMER. I would say to those Senators or their staffs who are within the sound of my voice that Senator BYRD is not here. I am sure we could move forward on one of their amendments. I would recommend that they work their way to the floor or at least call the cloakroom so we can get them lined up to offer one of their amendments. There is really a down time here now.

I think it would be to everyone's advantage that we move forward on this most important bill. As has been indicated, we are going to certainly try to finish this bill tonight. It appears we can do so. We don't have a lot of amendments remaining.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1283

(Purpose: To rescind $1,100,000,000 of the amounts appropriated for procurement and research, development, test and evaluation, and to appropriate $1,100,000,000 for fighting AIDS/HIV, tuberculosis, and malaria)

Mr. BYRD. Mr. President, I have an amendment which I shall send to the desk shortly.

This January, in his State of the Union Address, President Bush announced a 5-year, $15 billion global AIDS initiative. The President received a lot of praise for that announcement, as he should have. AIDS is a dreadful disease which is currently inflicting an almost unimaginable toll on the African continent, devastating entire populations.

Sub-Saharan Africa has been far more severely affected by AIDS than any other part of the world. According to UNAIDS—the Joint United Nations Program on HIV/AIDS—in 2002, there were 29.4 million people living with HIV and AIDS in sub-Saharan Africa. Africa has about 10 percent of the world's population but more than 70 percent of the worldwide total of infected people. In fact, the infection rate among adults is about 8.8 percent in Africa, compared with 1.2 percent worldwide.

More than 17 million Africans have died from AIDS since its emergence, and UNAIDS estimates that by 2020, an additional 55 million Africans will lose their lives to the epidemic. The sheer brutality of these statistics is hard to fathom and must tug at the hearts and souls of all of us in this body.

AIDS' severe social and economic consequences are depriving Africa of skilled workers and teachers while reducing life expectancy by decades in some countries. An estimated 11 million children in Africa have been orphaned by AIDS—having literally watched their AIDS-inflicted parents slowly slip away before their eyes. These AIDS orphans are now facing increased risk of malnutrition and reduced prospects for education. AIDS is being blamed for declines in agricultural production in some nations, and is regarded as a major contributor to the famine threatening southern Africa. The United Nations Development Programme Annual Report for 2003 states that, "HIV/AIDS is a catastrophe for economic stability and may be the world's most serious development crisis."

For far too long, the world has turned a blind eye to the suffering on the African continent. Does the United States, as the wealthiest Nation on Earth, not have a special moral responsibility to act to alleviate some of the worldwide misery caused by AIDS? Americans have always been generous and caring people, and I have no doubt that they would expect their elected officials to rise to the occasion and take the lead in ridding the world of this horrid disease, wherever it takes root.

I am pleased by Congress' initial response to the President's call for action to combat the AIDS crisis in Africa—with passage of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. And I was encouraged that our President publicly touted the legislation's passage as a moral triumph.

However, I have seen far too many fancy White House bill signing ceremonies and dressed-up press releases in the last 2½ years to be entirely confident that this Administration would simply keep its promise to fully fund this legislation. Once the cameras stop rolling and the headlines fade away, this administration seems to have established a troubling pattern of repeatedly making promises but failing to deliver the dollars needed to keep them. The drastically underfunded No Child Left Behind Act and the President's skimpy funding requests to meet our homeland security needs are perfect examples.

Last week, as President Bush visited five African countries, he again pledged that the United States would play a leading role in combating AIDS. The President repeatedly promised to do all in his power to make sure that Congress fully financed his proposed 5-year, $15 billion program to attack the disease in the world's poorest countries. I commend him for having gone to Africa, and for promoting greater efforts to fight AIDS.

He should be held to his commitment to those in Africa who are suffering from AIDS.

Clearly, an expectation has been created that the administration and Congress will provide $3 billion toward this noble initiative in fiscal year 2004, as language explicitly authorizing that amount for fiscal year 2004 is spelled out in the new Global AIDS law that the President proudly signed.

Unfortunately, despite all the recent headlines, photo-ops, and White House promises regarding the African AIDS crisis, the simple fact remains that the President did not put enough money behind his promises, as he failed to include $3 billion to fight AIDS in his fiscal year 2004 budget. That is right! He requested only $1.9 billion, not the $3 billion that the world now expects. That is $1.1 billion less than what he promised.

Just last Thursday, Members of this body went on record, by a vote of 78-to-18, in support of a Sense of the Congress Resolution that stated our intent to provide full appropriations for the $15 billion AIDS initiative touted by our President, including $3 billion in fiscal year 2004.

The lives of millions worldwide are at stake. Now is the time to honor the financial commitment made by Congress and the President to combat Global AIDS. My amendment to the Defense Appropriations bill would do just that by allocating $750 million in fiscal year 2004 to the Coordinator of United States Government Activities to Combat HIV/AIDS Globally for the purpose of making a contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria and $350 million for the Secretary of Health and Human Services for programs to combat AIDS overseas. This amendment would be completely offset by a $1.1 billion across-the-board cut in the amounts appropriated for the Department of Defense under Titles III and IV of this legislation for Procurement, as well as for Research, Development, Test and Evaluation.

The bill before the Senate includes $73,976,000,000 in procurement spending, an amount that is $1,255,000,000 above the President's request. This bill also includes $63,565,000,000 for research and development programs, a level that is $1,738,000,000 above the President's request. Certainly, the Senate should be willing to reduce the current procurement and research funding by less than eight-tenths of 1 percent in order to fulfill the President's promise. It is his promise. He had pledged our Nation's help with one of the most dreaded and destructive scourges on the globe. But he is trying to shift the burden to Congress to make up the difference in the underfunded budget request. Congress should step up to this challenge and appropriate the money that we have already authorized by an overwhelming vote.

My amendment would allow us to fulfill the humanitarian promise made by our Government to fight the worst public health crisis that history has ever known with a total $3 billion appropriation in fiscal year 2004.

This amendment would help to alleviate some of the misery endured by millions of AIDS-inflicted families around the globe for roughly what we spend in a single day to fund the Department of Defense.

Mr. President, AIDS is a catastrophe for millions around the globe. What better message can we send than to reduce our behemoth military budget ever so slightly in order to keep our national word to help fight this dread disease. It is the right thing to do. It is the noble thing to do. Let's do it.

Mr. BYRD. Mr. President, I send to the desk an amendment. I ask unanimous consent that the following cosponsors be added.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mrs. CLINTON, Mr. PRYOR, Mr. LAUTENBERG, Mrs. MURRAY, Mr. CORZINE and Mr. BINGAMAN, proposes an amendment numbered 1283:

On page 120, between lines 17 and 18, insert the following:

(RESCISSION OF FUNDS)

SEC. 8124. (a) Of the amounts appropriated under titles III and IV of this Act, $1,100,000,000 is hereby rescinded. The Secretary of Defense shall allocate the rescinded amount proportionately by program, project, and activity.

(b) In addition to other amounts appropriated or otherwise made available under this Act, funds are hereby appropriated to the Department of Defense for fiscal year 2004 in the total amount of $1,100,000,000.

(c) Of the amount appropriated under subsection (b), the Secretary shall transfer $750,000,000, to remain available until expended, to the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, for an additional contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, which shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(d) Of the amount appropriated under subsection (b), the Secretary shall transfer $350,000,000 to the Secretary of Health and Human Services for global HIV/AIDS programs of the Centers for Disease Control and Prevention and the National Institutes of Health.

Mr. BYRD. Mr. President, the cosponsors are Senators CLINTON, PRYOR, LAUTENBERG, MURRAY, and CORZINE. I ask they be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, AIDS has been a matter of attention by our subcommittee since 1982. It was our subcommittee that initiated the first AIDS research with public funds that I know of in the world. That research is still going on by the Department of Defense. We were looking for some way to prevent the transmission of AIDS. I am sad to say we have not been successful.

In the period just prior to our bill in the eighties, I had listened to a lecture at the Cosmos Club where the lecturer had predicted we would witness AIDS becoming a plague—more than an epidemic; it actually would become a plague. That prediction has become too true, and the President has committed $15 billion over a period of 3 years for our contributions to the AIDS program.

We have in our budget so far total spending of $2.4 billion that is directed to global AIDS spending. I am trying to get the total figures. I think we have over another $2 billion in our total budget directed toward AIDS spending.

It is true that money is going to agencies other than USAID, but in foreign operations, there is $1.5 billion, and Labor, Health and Human Services has $683 million.

My point is, we have an enormous amount of money in the bill before us already for AIDS spending. I am compelled to oppose the Senator's amendment because it transfers from defense procurement and research and development programs to another bill, the Health and Human Services bill and the Agency for International Development, which is in a third bill, the State-Justice-Commerce bill, portions of money allocated by our committee to those two other subcommittees. In effect, Senator BYRD's amendment would transfer from the Defense Department to the Department of Health and Human Services and the Department of State $1.1 billion.

I have to oppose this amendment in the first place because I believe we have already met the commitment of the President. There is no reason I know of to accelerate that and provide more than the $3 billion. We have already committed to—as a matter of fact, because of the request initially, I believe we have in excess of $4 billion in this budget available to us for AIDS already.

The fund the Senator from West Virginia would take the money from is for the modernization of our aircraft. We are trying to modernize this force. We need to replace aging C–130s and the aging C–46 helicopters. We have an enormous number of vehicles and aircraft that have to be replaced because of the damage they have suffered from activities in Afghanistan and Iraq.

The modernization funding in this account is also for the National Guard and Reserve. We all have some real concern over the amount of money that is already available for those activities. Bluntly, I do not think we can afford to take $1.1 billion out of defense and put it into the Department of State and the Department of Health and Human Services, or Education—wherever it goes—at this time.

We are going to lose a sizable number of the weapons systems we would otherwise modernize or replace with this

$1 billion. I call attention particularly to the fact that despite the authorization and request of the President, we were unable to fund the F–18 fighter the administration seeks to procure. We are unable to fund the total amount of F–22s. We have reduced the number of ships in the Virginia class from seven to five. I am already mentally confused over why we have to be so constricted, but that was the problem in the overall budget. We already have taken $3.1 billion out of the Defense budget and spread it through the nondefense budgets in order to meet the objections that were raised by so many Senators to the allocations we initially intended to make without that $3.1 billion. This would make it $4.2 billion out of Defense.

I say to my friend from West Virginia, we just cannot do that. There is no way we can take any more money out of the funds we have set aside to replace the aging fighters, helicopters, and the equipment that was damaged or destroyed in Iraq and Afghanistan.

We do have a letter from Dr. O'Neill, the Director of Office of National AIDS Policy. He says this:

> By careful design, the President's 2004 budget request is for $2 billion—

On this set-aside fund. As I said, our accounting is that set-aside fund for global activities is $2.241 billion.

In any event, to continue Mr. O'Neill's letter, he said:

> This request was based on the sound judgment that funds in excess of this amount could not be spent effectively in this first year. These funds will be spent in a focused manner, increasing each year, to efficiently and effectively create the necessary training, technology, and infrastructure base needed to ensure delivery of appropriate medical treatment protocols and the long-term success of this initiative.

He stated in another paragraph, and I am pulling sentences out of this letter:

> For the reasons stated above, the administration strongly opposes any efforts to increase funding beyond the $2 billion requested in the President's FY 2004 budget.

I ask unanimous consent that the letter be printed in the RECORD in full after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Prior to the President's initiative, the total for AIDS was $1.2 billion. It is my judgment, because of the amount of money we are spending in all the other agencies to increase our knowledge and ability to deal with AIDS, that this is a proper amount of money. We have the commitment that this money will increase as we get more and more people trained.

We listened to the Secretary of State the other morning tell us about the problem we have in finding people to train and help with the medical problems of the people we are dealing with in terms of AIDS throughout Africa in particular. I thought it was a very moving response he gave to the questions about AIDS.

Very clearly, right now there are two issues in the amendment of the Senator. First, I believe we have met the initial year's objective for the President's global initiative on AIDS. I believe we have an overwhelming amount of money in the total bills before the Congress this year, all 13 appropriations bills, on AIDS. Further, the way the Senator from West Virginia wants to offset this amount, in my judgment, will bring great harm to the area of modernization of our aging equipment and the replacement of the equipment that has been damaged and destroyed by war.

So I am forced to say to the Senator from West Virginia that I am compelled to make a motion to table his amendment at an appropriate time. I certainly do not want to do that before my friend has had a chance to make any comments he wants to make about my comments.

I ask unanimous consent that the schedule of the projection of spending for global AIDS be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S.G. CONTRIBUTIONS TO GLOBAL HIV/AIDS SPENDING

[Dollars in millions]

USG appropropriations	FY 2004 budget	FY 2005 budget	FY 2006 budget	FY 2007 budget	FY 2008 budget	Total FY 2004–2008
Base Bilateral Spending	$970	$970	$970	$970	$970	$4,850
Global Fund	200	200	200	200	200	1,000
Mother to Child Initiative[1]	300	n/a	n/a	n/a	n/a	300
Emergency Plan for AIDS Relief	450	1,250	1,800	2,400	2,600	8,500
TB and Malara	120	120	120	120	120	600
Total HIV/AIDS Spending	2,040	2,540	3,090	3,690	3,890	15,250

[1] Beginning in FY2005, funding for the Mother to Child Initiative is part of the Emergency Plan.

Mr. STEVENS. It shows in 2004, $2.040 billion; in 2005, there is $2.540 billion; in 2006, there is $3.090 billion; in 2007, $3.690 billion; in 2008, $3.890 billion. In all, the total is $15.250 billion over the 5-year period. This is a commitment that we will keep.

I think it is wise to start this program on a sound basis. This summary I have had prepared shows all treatment of AIDS and all of our programs other than defense.

The last chart I want to put in the RECORD shows zero for defense, as far as AIDS is concerned. In the lump sum we have for medical research, I know there is a sum of money that continues to be spent in pursuing the research base for a way to prevent transmission of AIDS, to develop a vaccine for AIDS. That is not disclosed on this, so there is actually more than this in the total amount for the bill.

I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Program	FY'03 appropriation	FY'04 budget request	FY'04 recommendation???—dependent on allocation
Subcommittee—Foreign Operations:			
Child Survival Assistance for bilateral programs	591,500,000	650,000,000	685,000,000
Child Survival Assistance for Global Fund	250,000,000	100,000,000	300,000,000
Other Economic Assistance	38,500,000	40,000,000	50,000,000
Bilateral Malaria & AIDS	105,000,000	105,000,000	105,000,000
State Department Global AIDS Initiative	0	450,000,000	450,000,000
Other	2,000,000	1,500,000	1,500,000
Total Foreign Operations	987,000,000	1,346,500,000	1,591,500,000
Subcommittee—Labor-HHS:			
CDC Global AIDS program	142,569,000	143,763,000	142,569,000
CDC Mother to Child Transmission	40,000,000	150,000,000	90,000,000
CDC International Applied Prevention Research	11,000,000	11,000,000	11,000,000
NIH International Research	252,300,000	274,700,000	274,700,000
DOL AIDS in the workplace	10,000,000	0	0

Program	FY'03 appropriation	FY'04 budget request	FY'04 recommendation???—dependent on allocation
Global Fund Contribution from NIH	100,000,000	100,000,000	150,000,000
CDC Malaria & Tuberculosis	15,000,000	15,000,000	15,000,000
Total Labor-HHS	570,869,000	694,463,000	683,269,000
Subcommittee—Defense:			
DOD HIV–AIDS education w/African Armed Forces	7,000,000	0	0
Subcommittee—Agriculture:			
Section 416(b) Food Aid	25,000,000	0	0
Total—All Subcommittees	1,589,869,000	2,040,963,000	2,274,769,000

Mr. STEVENS. Does the Senator from West Virginia wish to make an additional statement before I make a motion to table?

Mr. BYRD. Yes, I do, and there are other Senators who wish to speak on this.

Has the Senator yielded the floor?

Mr. STEVENS. Yes, I have.

EXHIBIT 1

THE WHITE HOUSE,
Washington, July 17, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER FRIST: It is my understanding that an amendment regarding funding for HIV/AIDS, tuberculosis and malaria may be offered today to the Department of Defense FY2004 appropriations bill currently under consideration on the Senate floor.

I want to reiterate the Administration's strong support for the FY2004 budget request of $2 billion for all international HIV/AIDS, tuberculosis and malaria activities, including $200 million for the Global Fund to Fight HIV/AIDS, TB, and Malaria. This request is a solid first step in fulfilling the President's commitment of providing $15 billion over the next five years to address the HIV/AIDS pandemic in Africa, the Caribbean and around the world.

I recently finished traveling to Africa with the President where he saw first-hand the positive impact that current U.S. funding is having in caring for the sick, providing treatment for individuals living with HIV/AIDS and extending lives. He also witnessed the vast infrastructure and capacity challenges that need to be addressed in order to scale-up many of these efforts.

It is by careful design that the President's FY2004 budget request is for $2 billion. This request was based on the sound judgment that funds in excess of this amount could not be spend effectively in this first year. These funds will be spent in a focused manner, increasing each year, to efficiently and effectively create the necessary training, technology, and infrastructure based needed to ensure delivery of appropriate medical treatment protocols and the long term success of this initiative.

These funds are vital to our efforts to combat HIV/AIDS abroad, but must be spent in the right way, at the right time. Similarly, efforts to increase funding to the Global Fund to Fight AIDS, TB and Malaria are not appropriate at this time. Currently, the United States is responsible for over 40% of all contributions made to the Global Fund. We have reached a critical time in the Global Fund's development, and other nations must join the U.S. in supporting the work of the Global Fund.

For the reasons stated above, the Administration strongly opposes any efforts to increase funding beyond the $2 billion requested in the President's FY2004 budget. I appreciate your unwavering leadership on this issue and look forward to the continued strong bipartisan support of the Senate in ensuring the success of this lifesaving initiative.

Sincerely,

DR. JOSEPH F. O'NEILL,
Director, Office of National AIDS Policy.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, there is ample precedent for across-the-board cuts in the Defense bill. In fact, the language is taken out of section 8135 of the fiscal year 2002 Defense Appropriations Act. Even with these cuts, the procurement, research, and development accounts remain $2 billion above the President's request and $6.7 billion above fiscal year 2003. So the procurement, research, and development accounts are robustly funded.

This amendment provides the funds called for in the 78-to-18 vote last week on the State Department authorization which called for $3 billion.

I understand Senator HARKIN wishes to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I rise in strong support of the amendment offered by Senator BYRD. This amendment fulfills a promise we made to the entire world to fund the global AIDS initiative. When I say "we," I mean all of us—the Congress and the President of the United States. President Bush made this promise to fund the global AIDS initiative at $15 billion, $3 billion per year for 5 years, in his State of the Union Address last January. I was there. I remember when he said it.

I remember after the President made that commitment, everyone—Republicans and Democrats, House Members and Senators—all stood and gave him a prolonged standing applause for that commitment. The President even signed a bill authorizing this money. We passed a bill saying, yes, we authorize it.

Recently, the President has traveled through Africa restating this commitment, and I was quite taken by the President's words in Africa saying we were going to meet our commitment and we would provide the $3 billion this year. Yet the President neglected to include this full funding in his budget for this initiative. Rather than calling for $3 billion in 2004 that was promised and authorized, the President's budget calls for a mere $1.9 billion, falling far short of the promises he made and we made.

Yet the President is in Africa saying we are going to provide $3 billion. Basically, I think he said we have provided $3 billion. That is what is authorized. We know around here you can authorize anything but until the Appropriations Committee appropriates the money it is meaningless.

Here is the President saying we came up with the $3 billion to fight AIDS in Africa, the African leaders applaud him, thanking him for that, and yet he only put $1.9 billion in the budget.

Millions of people experience pain and suffering caused by the AIDS epidemic. People around the world are being robbed of healthy and productive lives. This epidemic is ravaging families, communities, and economies across the globe, nowhere more so than in Africa. The United States has a responsibility to fulfill the promise we made.

The amendment offered by the Senator from West Virginia would uphold our commitment, our promise, to fight the AIDS epidemic and our promise to adequately fund the initiative. This amendment offered by Senator BYRD provides the full $3 billion for 2004, the full $3 billion that the President was taking credit for and touting in his recent trip to Africa. This would be offset by taking the $1.1 billion from the amounts appropriated for the Defense Department procurement and research account. The amendment by Senator BYRD would add to the $1.9 billion the amount of $1.1 billion to bring it to the $3 billion level promised by President Bush on his recent trip to Africa.

Let me be clear: This money is not coming out of the salaries of our troops or the support for our troops. It is not coming out of our work in Afghanistan. This money comes from two titles of the Defense appropriations bill that include $1.25 billion more than the President's budget request.

We are spending in this bill about $1 billion a day for the Armed Forces, for defense. There is no excuse to deny the AIDS initiative that we promised, the President promised, the President touted so earnestly on his trip through Africa. There is no excuse to deny the

$1.1 billion more a year to bring it to the $3 billion level.

Again, sometimes I am sure people wonder about what we are doing. The average American probably does not understand the difference between an authorization and appropriation. What is the difference? That is where the confusion is.

Last week the Senate overwhelmingly voted 78 to 18 in support of a sense-of-the-Senate resolution stating that the global AIDS initiative should be fully funded. That means we should fund it at the $3 billion level.

Now the Senate needs to put its money where its mouth is. This is the amendment by which we can do it. It does not detract anything from our troops. It comes out of an account that is even $1.25 billion more than the President's budget request.

We all just returned from a joint session of Congress and we listened to Prime Minister Tony Blair speak. I thought it was a fine speech; maybe even more than that. I thought it was a very good speech in all of its aspects. But there was one aspect that pertains to what this amendment is about. Prime Minister Blair said at one point in his speech that we cannot—we, being the United States—walk away from our other commitments in the world aside from national security. He mentioned specifically the AIDS catastrophe that is happening throughout Africa. He said we have to meet our commitments and our responsibilities there, and he got a standing ovation for that.

It is nice to give standing ovations to the Prime Minister of Great Britain when he says we should meet our responsibilities to meet the AIDS crisis. It is nice to vote for a sense-of-the-Senate resolution that says we should fully fund it. It is nice to even vote for the authorizing bill authorizing we fully fund it.

But there is another thing that Prime Minister Blair said that I thought was worth noting. I am paraphrasing because I don't have the speech; I am just remembering it. He said something about our reputation, about making sure we stood strong for what we believed in and that we stand up to what we have committed to. If we do not, then what is the rest of the world going to think? They will think, OK, that is what the United States says but the only thing the United States ever backs up is military action. I hope it does not boil down to that, that the only thing we ever back up in terms of commitments is a military commitment. We ought to look upon the other commitments in the same light. Once we make the commitment and we make the promise, we fulfill it and we keep it. This is one that compels us to give an overwhelming vote to the amendment offered by Senator BYRD. This is the amendment that does it.

I know there will be arguments saying we cannot take it out of defense. As I pointed out, it comes out of an account that is $1.25 billion more than what the President even requested.

Now is the time to stand up and be counted. Now is the time to back up our reputation for being a caring nation and for being a nation that stands behind its word. We gave our word. The President, 2 weeks ago, gave his word in Africa for $3 billion and yet we have only come up with $1.9 billion. Now is the time to come up with the full $3 billion.

Mr. STEVENS. Will the Senator yield?

Mr. HARKIN. I yield.

Mr. STEVENS. Does the Senator have a quote that the President would spend $3 billion?

Mr. HARKIN. I don't have the quote but I will get it for you in a short amount of time. The President, if I remember right, said in Africa that we have—again, I am paraphrasing; I don't know if I have the right word—but we have pledged $3 billion this year to fight AIDS in Africa. He said that in Africa.

Mr. STEVENS. I would like to see that. I would be happy to see that quote.

I don't want to interrupt the Senator.

Mr. HARKIN. I will get my staff to run it down.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President I will speak for a very few minutes on this same issue and indicate my strong support for the amendment Senator BYRD has offered.

As my colleague, Senator HARKIN, indicated, I strongly support this amendment. I believe this is the obvious follow-on to the vote we had last week where 78 Members of the Senate agreed when appropriations bills did come to the Senate we would vote to fully appropriate the funds that were authorized in the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003. That was legislation we passed earlier this year that I strongly supported. It did provide $15 billion worth of funds. It authorized $15 billion worth of funding for this purpose. It was a follow-on to the President's State of the Union speech.

In the State of the Union speech, the President committed this country to this initiative. I strongly supported it. Then, as a follow-on to that State of the Union speech, we passed the authorizing legislation which, as I understood it, said we will appropriate $3 billion a year for 5 years in order to fight this terrible epidemic of infectious disease we see around the world.

From my perspective, the question is whether we consider this to be an urgent problem. If we do consider it to be an urgent problem, then I think the funding that was laid out in that authorization bill is the right funding. I was surprised to hear the quotations from the letter Dr. O'Neill has sent on behalf of the administration indicating the administration does not want $3 billion this first year, 2004. It does not want $3 billion the second year, 2005. And only in the later years is the administration going to be requesting $3 billion or more in order to make up the full $15 billion.

That would be an appropriate approach to a problem that is not urgent. That would be an appropriate approach to a problem we can just as well deal with 3 years from now as today. But this issue is not that type of problem. This is an urgent problem. Accordingly, I think it is entirely appropriate that we try to fund this AIDS initiative the way it was designed in the authorizing legislation, the way the President signed off on it in the authorizing legislation, and the way I thought all of us had agreed to proceed with it.

The statistics are devastating. We have gone through those to great lengths here, the number of teachers who are being lost because of HIV/AIDS, the number of people who are going untreated with HIV/AIDS in Africa because of lack of resources. The global AIDS fund is desperately in need of additional resources. We have committed $200 million rather than the full $1 billion that was anticipated we would commit this year.

We can, obviously, fall back on a 5-year plan and say: Look, we never did intend to give you $3 billion the first couple of years. We are sorry if you misunderstood us. But the truth is most Members of Congress and I think most Members of the Senate—I certainly can speak for myself. When I voted for the authorizing legislation, I assumed we were going to appropriate the funds we were authorizing in that bill on that schedule in order to get to the $15 billion. That was my assumption.

I can understand the reluctance to take any funds out of the defense budgets. I have supported defense budgets virtually every year since I have been in the Senate. I intend to support the budget again this year. But this is a very small amount. This is funding which can readily be replaced in a supplemental. There will be a defense supplemental down the road. We have all talked about that. Most of the discussion in the last 2 days is how we have the defense supplemental coming. We have already passed one this year. We will have another one next year. This is a very appropriate place for us to identify some funds we can use for this urgent need.

In its January 2000 report, The Global Infectious Disease Threat and Its Implications for the United States, the

CIA noted that over the next 20 years HIV/AIDS and associated diseases in sub-Saharan Africa would:

> . . . kill up to a quarter of their populations . . . (and) this will further impoverish the poor . . . and produce a huge and impoverished orphan cohort unable to cope and vulnerable to exploitation and radicalization.

The estimate predicted increased political instability and slower democratic development as a result of AIDS.

According to the World Bank:

> The illness and impending death of up to 25 percent of all adults in some countries will have an enormous impact on national productivity and earnings. Labor productivity is likely to drop, the benefits of education will be lost, and resources that would have been used for investments will be used for health care, orphan care, and funerals. Savings rates will decline, and the loss of human capital will affect production and the quality of life for years to come.

More than 30 percent of teachers are HIV positive in parts of Malawi and Uganda, 20 percent in Zambia, and 12 percent in South Africa. AIDS is killing people at middle and upper levels of management in both business and government; the trained personnel to replace them are not available.

Without a workforce, there is no productivity. Without productivity, a country's economy quickly deteriorates and the government collapses into chaos. All too often, terrorism and fanaticism springs forth from this chaos and begin to spread outwards from its birthplace, inflicting damage and destruction on other countries.

HIV/AIDS, TB, and malaria are threats not just to the developing countries whose citizens have been ravaged by these diseases, but they are also threats to regional and international stability. AIDS, TB, and malaria claim the lives of 15,000 Africans each and every day. Every month that goes by in Africa, close to half a million people die from these diseases.

AIDS has serious implications for issues of security in Africa, since HIV infection rates in many armies is extremely high. Domestic political stability is threatened when security forces become unable to perform their duties due to AIDS. Peacekeeping efforts on the part of more stable African nations are at risk as well as rates of infection among the peacekeeping troops grow. While he was in Nigeria last week, President Bush said:

> We will not allow terrorists to threaten African peoples or to use Africa as a base to threaten the world.

If we underfund the efforts to fight HIV/AIDS and its associated disease, we will be allowing just that.

The HIV/AIDS, TB, and malaria pandemic in Africa is an international emergency. While visiting Botswana last week, President Bush declared:

> This is the deadliest enemy Africa has ever faced, and you will not face this enemy alone.

Congress conveyed the same message last week in passing an amendment that asserted its belief that nothing short of full funding for HIV/AIDS, TB, and malaria should be appropriated. The Byrd amendment allows us to do just that, and to do so without cutting vital services to other international health programs. The funding to do this would result from a .079 percent cut for all programs and activities within Title III and Title IV. These two Titles are receiving $3 billion more in funding than President Bush requested in his budget for fiscal year 2004. The Byrd amendment allows full funding for international HIV/AIDS, TB, and malaria programs. It allows the promise made to be a promise kept. I urge my colleagues to support this amendment.

HIV/AIDS, TB, and malaria are threats not just to the developing countries whose citizens have been ravaged by these diseases, but they are also threats to regional and international stability. AIDS, TB, and malaria claim the lives of 15,000 Africans each and every day. Every month that goes by in Africa, close to half a million people die from these diseases.

I hope very much we can support the amendment of Senator BYRD. I hope it will get the same 78 votes we got for the sense-of-the-Congress resolution last week when we talked about whether we were going to appropriate money on the same schedule and at the same level we had authorized money in the earlier legislation this year.

I commend the Senator from West Virginia for his amendment. I will certainly support it and I urge my colleagues to do so as well.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to speak in support of Senator BYRD's amendment which I have cosponsored.

The Senate worked hard and passed the Global AIDS Initiative back in May. At the President's request, this bipartisan authorization bill calls for $15 billion to help fight the spread of HIV and AIDS in Africa. The bill authorized $3 billion for this fight this year. This money is desperately needed.

Approximately 29 million people, including 10 million people between the ages of 15 to 24 and 3 million children under the age of 15, are currently living with HIV/AIDS worldwide. The future spread of this epidemic depends in large measure on whether the world will accurately teach young people how to protect against contracting HIV and AIDS.

Yesterday, I learned something very disturbing. The White House sent a letter to Congress asking to limit funding to $2 billion. That is $1 billion short.

I don't understand why President Bush, who has talked about his commitment to help fight AIDS in Africa over and over again, would ask for less money.

We must back up our promises with real action, not phony rhetoric.

Successful, proven programs for prevention, care, and treatment do exist but they are still small in scale, with many programs starved for resources. At least $9.2 billion is needed to mount a response to the AIDS crisis according to UNAIDS.

Current global spending to address the crisis is far below this, at about $1 to $2 billion.

A fair contribution by the U.S. Government to the global HIV/AIDS response would be between $2.75 and $3 billion given our share of the global economy, close to 30 percent. The United States is spending just over $500 million on global HIV/AIDS this year; and now President Bush is asking Congress to appropriate $1 billion less than it authorized for next year.

The tragic impact of the AIDS epidemic is undeniable. One in every three adults in Africa is living with HIV/AIDS. Across the world, each year, 800,000 infants contract HIV before or during birth. Ninety percent of these HIV-infected babies are in sub-Saharan Africa.

The global AIDS bill has the power to save lives through a combination of prevention and treatment. But in order to be effective, we must provide the necessary resources.

In a speech last week during his trip to Botswana the President pledged that the U.S. would be a partner in the battle against a disease that has already killed more than 17 million in sub-Saharan Africa, and talked of his proposal to spend $15 billion over 5 years to help the hardest-hit African and Caribbean nations battle AIDS. That means Congress should be spending $3 billion a year. Now the President's own person—the Director of the Office of National AIDS Policy—is asking for $1 billion less. The message this sends to the world is discouraging.

A failure to provide full funding is a setback that will cost lives. I urge the Senate to support Senator BYRD's amendment.

Mr. LEAHY. Mr. President, I support this amendment of my friend, the distinguished senior Senator from West Virginia.

A couple of months ago, at the U.S. Coast Guard Academy, the President spent a good deal of time talking about the global AIDS crisis, the worst public health threat in human history. I commend him for that, and for going to Africa, which highlighted the devastation caused by AIDS there.

President Bush has shown real leadership on AIDS, although it is important to mention that a bipartisan group in Congress has been pushing for stronger action on AIDS for years.

A short time after the President's Coast Guard Academy speech, we passed the United States Leadership Against AIDS, TB and Malaria Act, which authorized $15 billion over 5 years to combat AIDS, tuberculosis and malaria. That was consistent with what the President proposed in his State of the Union address back in January. It was an important step. It showed that we are beginning to take the AIDS pandemic seriously.

But that was an authorization bill. It did not appropriate any money. For all intents and purposes, it was like writing the check with out enough money in the bank.

Let me explain. The President's budget request contains only $1.9 billion of the $3 billion we authorized for AIDS for fiscal year 2004. $1.9 billion is a good step, but we should do more. It remains to be seen whether the promise of that authorization bill—a promise with which I agree—will be fulfilled.

The amendment of the Senator from West Virginia is the first real test of that.

The United States Leadership Against AIDS, TB and Malaria Act also called for up to $1 billion for the Global Fund to fight AIDS and TB and Malaria. Again, a promise. For fiscal year 2004, the President has only budgeted $200 million for the Global Fund, which is one-fifth of the amount authorized. It is also a cut of $150 million from what was appropriated last year.

There is another problem. While the President's fiscal year 2004 budget for Foreign Operations includes approximately $1.3 billion to combat HIV/AIDS, it robs Peter to pay Paul to pay for increases in HIV/AIDS programs, as the President's budget would cut other essential international health programs from 5 to 63 percent.

Child survival and maternal health programs are cut by 12 percent. These are the programs that provide lifesaving child immunizations. They also help to reduce the 600,000 pregnancy-related deaths each year that could be avoided. Instead, the President's budget cuts these programs by 12 percent.

It would cut programs to combat other infectious diseases like measles. Measles kills 1 million children—not 100,000 or 200,000—but 1 million children a year. Again, this is something which is easily preventable. Every one of us can just go to the doctor's office and get our children and grandchildren immunized against measles. In many poor nations, parents and grandparents do not have that luxury. They need our help.

The President's budget cuts funding for programs which combat measles, polio, SARS, ebola and other deadly diseases by 32 percent.

These are not my numbers, these are the administration's numbers. These numbers are in the President's budget.

These cuts will hurt children the most in countries where vaccines costing a few pennies make the difference between life and death. That is not acceptable.

If somebody said to us, look at those five children, you can save their lives by spending a dollar, would we do it? Of course, we would do it.

These are not Democratic or Republican programs. I have been joined time and again by colleagues on the other side of the aisle who support these health programs in both the Senate and the House.

Anyone who knows anything about public health knows that building the health infrastructure in developing countries is essential if you are going to effectively combat AIDS. It is the same thing with child nutrition. It is the same thing with maternal health. You don't fight AIDS in a vacuum. It isn't an either/or proposition. People who are malnourished, who are in poor health, who have weak immune systems, who are at risk of other infections, are far more vulnerable to AIDS. It is common sense.

Mr. President, we hear a lot of speeches here. We may feel good about giving those speeches, but I do not feel good about lofty rhetoric that bears little resemblance to reality, especially when it deals with a catastrophe like AIDS. The President's budget falls short. The allocation for Foreign Operations falls short. We have to do something.

Senator BYRD's amendment builds on an amendment offered by Senator BINGAMAN to the State Department Authorization a couple of weeks ago. That amendment, which passed 78–18, called for full funding—$3 billion, for the first year of the President's $15 billion AIDS initiative, even if it means exceeding the budget ceilings. This amendment does not exceed the ceilings.

This amendment would provide full funding of the United States Leadership Against AIDS, TB and Malaria Act. It is what we said we would do. Senator BYRD's amendment would do it.

His amendment would provide the additional $750 million we authorized for the Global Fund to Fight AIDS, TB and Malaria. And it would provide $350 million for CDC and NIH programs to combat AIDS. That is what we said we would do when we passed the AIDS authorization bill, and again when we passed the Bingaman amendment.

If we are going to lead, and especially if we are going to ask others to do more, we are going to have to stop playing shell games with the foreign aid budget. We are going to have to start keeping our promises.

Leadership is good policy. Leadership means resources. Leadership is not a press release.

Let's stop the rhetoric. Let's do what needs to be done to stop the 15,000 new HIV infections that occur each day. Then the United States can show the promise and the moral leadership a great Nation should show.

Mr. DASCHLE. Mr. President, Senator BYRD has once again laid before the Senate a critical challenge. The numbers he has cited are staggering, confirming what we all know too well: that the world has never known a pandemic greater than the AIDS pandemic.

At the end of last year, there were nearly 43 million people living with HIV. Since January 1, there have been at least 15,000 new HIV infections daily, meaning that we can expect another 45 million infections by 2010. These numbers do not begin to tell the story of the suffering—that story I have seen in the faces of suffering mothers and fathers, daughters and sons throughout Africa and Central Asia.

We simply must do more to stop this crisis.

Given the enormity of this challenge, I regret that I cannot vote for Senator BYRD'S amendment. The amendment would pay for this vital increase with a rescission in other defense programs. Just as I have objected to the President's cuts in other vital global health programs to fund the limited AIDS funding increase in his budget, I must vote against this important amendment.

But this will not be the last word. As soon as we can—on the Labor appropriations bill or on the foreign operations appropriations bill—I will work with my colleagues to provide new money for this vital fight. New resources that will fund the promise we made earlier this year with the global AIDS authorization. New resources that will not come out of a bill that must fund our Armed Forces and other emerging threats. New resources that will help us get a leg up on this deadly pandemic.

We must not—we will not—stand down in this battle.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the subject of how much money it takes to comply with the authorization and requests on AIDS is not a matter for the Defense bill. This is an attempt to take defense money and shift it over to the Health and Human Services bill and the State bill in anticipation that those bills will not meet the satisfaction of those who want to see this money put out on $3 billion a year rather than $15 billion over 5 years.

I understand the motivation for that: to put up more money. But that money is divided between the Labor, Health and Human Services subcommittee on the one hand and the State-Justice-Commerce bill on the other hand. Or perhaps some of it might go into the foreign operations bills. I don't know. But it is not defense.

What this is doing is suggesting we take defense money that is needed to replace the helicopters we have lost, to repair damage to the equipment we have had damaged in Afghanistan and Iraq, and it also goes to eliminate other items that are needed in terms of modernization.

I oppose this amendment for that reason alone right now. I am not prepared to get into the argument about the total amount we have for AIDS, in terms of whether or not there is a commitment for $3 billion a year or $15 billion over 5 years. The point is, as the manager of this bill, my task is to assure we get the money we need for defense.

It is an enormous amount, I say to those who say it is $1 billion, that is true—$1 billion a day. We are spending approximately $1 billion a day for defense globally and that is a whale of a lot of money. I am often reminded of Senator Dirksen saying a billion here and a billion there and it becomes real money. There is no question about it, this is real money.

But this is not the bill on which money is allocated for AIDS under global AIDS. On that basis alone I ask the Senate to support my motion to table the amendment of the Senator. Does the Senator from Nevada wish to speak before I make that motion?

Mr. REID. I would, very briefly.

Mr. STEVENS. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I would rather the money for this amendment would come from someplace else. I hate to see it coming from the Defense bill. But as the Senator from New Mexico indicated, this is a very large bill.

My problem is, however, we have people in this administration going around giving speeches about things that have been authorized and not appropriated.

We had the problem with the Leave No Child Behind. The State of Nevada is in desperate shape in education for a number of reasons, not least of which is the obligations the State of Nevada has because of the unfunded mandate given as a result of the Leave No Child Behind. The State of Nevada still, as we speak, doesn't have a budget. They should have had one months ago.

We had the same situation on homeland security. We finally passed the 11 appropriations bills. As the distinguished ranking member of the Appropriations Committee would acknowledge, he and a number of us tried in many different ways to have money added to take away from the burden of State and local governments for homeland security. We couldn't get that money. We got some money but not enough money.

Then when the President signed those 11 bills, you will remember, even Republicans got upset because he said: I like the bill for everything except there is not enough money for homeland security.

We did everything possible to get more money for homeland security and we simply were not supported by the administration. Even Republicans said that was going too far.

Education, homeland security, and now we have the President and members of his administration going around talking about global AIDS and what a terrible thing it is. And it is. I was in Africa with the Senator from New Mexico and the distinguished Democratic leader last August. On the continent of Africa, over 6,000 people are dying every day from AIDS. Over 6,000 people every day, 7 days a week, and no holidays.

Last week I offered an amendment on the State Department authorization bill to get money for Mexico, a free enterprise system, microlending to help that country pick themselves up and help so people are not streaming across our borders because they are poverty stricken.

I got an e-mail saying, Why are you giving money to those Mexicans? We need money at home. Why give money to those Mexicans? It was the right thing to do, not simply because it helped the Mexican people but because it helped us. That amendment helped us. It helped the United States. It helped everyone in the United States. For every person who doesn't try to come across the border illegally, and doesn't get across, it saves this country money.

Mr. President, this AIDS money also helps us as a country. We are better off if we don't have 6,000 people dying on that continent.

As I said, I wish there was some other way to get this money. But we have to make sure the people of America understand the difference between authorizing and appropriating. It is easy to make speeches saying we authorize this. But if you do not appropriate the money, it winds up being nothing.

Today we reported out of the Energy Subcommittee the energy and water bill. We did the best we could in that bill. But we have thousands of projects that have been authorized and which are desperately needed in our various States around the country. We don't have enough money to pay for them. We have done a disservice, in many instances, by authorizing money and then not appropriating it. The Senator from West Virginia is not dumping money into Africa which would not help this country. That money to fight global AIDS is going to directly help the United States of America.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, let me reiterate a few things that have already been said. This is not an across-the-board cut on an entire bill. The language here is taken out of section 8135 of the fiscal year 2002 Defense Appropriations Act. In other words, there is ample precedent for the way we are providing the money. Even with these cuts, the procurement and research and development accounts remain $2 billion above the President's request and $6.7 billion above fiscal year 2003. These are real budget funds. Here we have a $368 billion Defense bill. We shouldn't hesitate to reduce it by $1.1 billion to pay for a program as important as global AIDS. I know the administration says it doesn't want that much money this year. The administration prefers doing the ramped-up approach.

People understand simple math. Fifteen billion dollars over 5 years is $3 billion a year. I think we should provide the full $3 billion. People understand that is certainly going to be $15 billion over a 5-year period if we do it $3 billion a year. It is easy to understand that. But by doing the ramped-up approach, it appears that the President is not fulfilling his commitment. I want to help him fulfill that commitment.

I remember, as well as the distinguished Senator from Alaska does, when we were trying to provide moneys for homeland security. We tried to provide moneys for our firemen, our policemen, and our health personnel. We were told by the then-Director of Homeland Security, former Governor Tom Ridge, in a letter that they didn't need that much. It seems that the administration doesn't need the money if some effort is being made on this side of the aisle to provide the money that the administration needs. They know they don't need that then and they come back later and ask for it themselves. They say they need it then.

This is an opportunity to show the world that we mean what we say. This is an opportunity to show the world that the President means what he says.

Here we are quibbling over eight-tenths of 1 percent. We are fiddling over that little measly amount of money when we could adopt the amendment. People of the world would understand what we are saying. They would believe the President is backing up his commitment. Why do we quibble over a few tenths of 1 percent here?

have made the case.

I ask unanimous consent that certain letters I have received be printed in the RECORD. These are letters of support for the amendment. They come from the Global AIDS Alliance, the Episcopal Church Office of Government Relations located in Washington, DC, Physicians for Human Rights, the General Board of Church and Society of the United Methodist Church, and the Center for Health and Gender Equity.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GLOBAL AIDS ALLIANCE,
Washington, DC, July 16, 2003.
Senator ROBERT BYRD,
United States Senate,
Washington, DC.

DEAR SENATOR BYRD: We would like to express our deepest appreciation for the amendment you plan to offer to the Defense Appropriations Bill, which would increase funding for the fight against the AIDS pandemic. The attached letter from diverse national and international groups shows clear support for the level of increase your amendment would provide.

Your amendment reflects a realistic appraisal of the true scale of the epidemic and of the real and serious threat to US national security it poses. The US National Intelligence Council has warned AIDS is poised to destabilize areas of high US strategic interest. On July 3, the US Centers for Disease Control warned that China, India and other parts of Asia were threatened by what it termed an "AIDS catastrophe." Humanitarian considerations alone are enough to justify full US support for the fight against AIDS, but these strategic considerations show that it is only appropriate your amendment be approved during consideration of the Defense Appropriations Bill.

The fight against this global threat would be significantly bolstered by your amendment. The $1.1 billion increase would allow the US to make good on its $3 billion commitment to the global effort against AIDS and other health threats in FY 2004. Providing $750 million of the increase to the Global Fund to Fight AIDS, TB and Malaria makes particularly good sense from a public health perspective. The Fund can efficiently utilize these resources, and it can provide them not only to Africa but also to such seriously impacted regions as Asia and Eastern Europe. We also support providing a portion of the increase to AIDS programs run by the Department of Health and Human Services.

Already, twenty five million people have died from AIDS. Around the world, more than 42 million people are infected with the virus and few of these have access to life-saving medicine. If we don't act now, there will be 25 million AIDS orphans facing a bleak future by the end of the decade. Yet, as the Director of UNAIDS, Peter Piot, recently noted, "[T]he mismatch between need and funding continues to be one of the biggest obstacles in the struggle to control the epidemic." Your amendment would ensure the US shows full leadership in the global effort.

Sincerely,

DR. PAUL ZEITZ,
Executive Director.

THE EPISCOPAL CHURCH,
Washington D.C., July 17, 2003.

DEAR SENATE: We are writing on behalf of the Episcopal Church to urge your support for a Byrd amendment that would increase funding to help fight the global AIDS pandemic. Senator BYRD is expected to offer this amendment during Senator floor consideration of the Defense Appropriations bill. The amendment would increase AIDS funding by $1.1 billion, with $750 million of that amount to be earmarked for a U.S. contribution to the Global Fund and the remaining $350 million to be allocated by the Department of Health and Human Services for overseas AIDS spending. This additional $1.1 billion in spending would increase total 2004 global AIDS spending to $3 billion a year, an amount equal to a first year installment in President Bush's five-year, $15 billion Emergency Global AIDS Initiative.

The global AIDS crisis is a priority for the Episcopal Church. Our partners in the Anglican Communion, serving Christians and their communities in 165 countries worldwide, face the daily hardships caused by this terrible disease. In parts of Africa, where over half of the Anglican Communion resides, the AIDS pandemic has created more than a health crisis: it has decimated the workforce, led to a collapse in education systems, deepened poverty, undermined the production of agriculture, and created millions of orphans and vulnerable children. However, AIDS can be beaten. The experience of a successful AIDS program in Uganda makes this clear. Uganda implemented a national AIDS program, and in just ten years, reduced that country's AIDS rate from 15 percent to 5 percent.

Today, we have an effective new mechanism that can build on success stories like Uganda's. The Global Fund to Fight TB, AIDS, and Malaria allows for a coordinated global response to the AIDS pandemic. Global Fund grants are putting half a million people with AIDS on life-saving drugs—a six fold increase in the number of people in Africa receiving these drugs. The Fund focuses on providing support for successful programs on the ground and leveraging our allies to do their fair share to fight AIDS. Just this week, an international conference was convened to review to date the progress made by the Global Fund and to address funding issues. The European Union is now committed to raising $1 billion for the Global Fund. U.S. leadership is clearly serving as a catalyst in leveraging the financial support of other major donor countries. A significant U.S. contribution would further challenge other donors to do more to support The Fund.

The Byrd amendment would allow the Senate to fulfill the humanitarian promise made to fight HIV/AIDS. The Byrd amendment would be offset by a small reduction in proposed spending by an amount less than eight-tenths of one percent. Even then, the Senate would still provide more for procurement than was requested in the President's budget.

We urge your support for the Byrd amendment to the Defense Appropriations bill. Now is the time for Congress and the President to make good on the promise to fully fund the Global AIDS Initiative and a U.S. contribution to the Global Fund. Your support can make a significant contribution in the effort to launch this much-needed world health campaign.

Sincerely,

MAUREEN T. SHEA,
Director of Government Relations.
JERE MYRICK SKIPPER,
International Policy Analyst.

PHYSICIANS FOR HUMAN RIGHTS,
Boston, MA, July 17, 2003.
Hon. ROBERT C. BYRD,
United States Senate,
Washington, DC

DEAR SENATOR BYRD: We thank you for your efforts to ensure that the full $3 billion authorized for fiscal year 2004 by the U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 is appropriated. These diseases kill 6 million people per year, or more than 16,000 per day, making it crucial that the full level of authorized funding to combat them is authorized. Physicians for Human Rights therefore strongly supports your amendment to appropriate an additional $1.1 billion for HIV/AIDS funding, including $750 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria.

We are especially pleased that your amendment includes strong support for the Global Fund. The Fund is facing a shortfall of up to $600–800 million for this year, and needs an additional $3 billion through 2004. The Fund is already proving its efficiency at quickly distributing funds based on an innovative, country-driven process that ensures the participation of civil society and that proposals adhere to best scientific practices. These features, along with the Fund's multiple accountability mechanisms, make the Fund an excellent mechanism to deliver funds to resource-poor countries, and it deserves the full support of the United States.

The proposals coming into the Global Fund demonstrate that countries have plans to spend resources, what they lack are the resources. When President Bush was in Africa last week, he saw both the awesome need for funding and the equally tremendous energy and commitment of the African people to overcome the diseases that plague their continent. The President and the Congress must trust that given the resources, this energy and commitment will be translated into results. This is already happening throughout Africa—where the resources are available.

African health professionals, who are among those in the best position to know what their countries need and what they can spend, are urging the United States to appropriate $3 billion this year. So are American health professionals who have extensive experience in fighting HIV/AIDS in Africa. We are including a letter that includes their strong support for $3 billion in fiscal year 2004 appropriations to fight HIV/AIDS. In a short time, it was signed by 35 African health professionals from 13 countries and 67 American health professionals, along with 13 health professionals from other countries.

Again, we thank you for offering your amendment, and urge your colleagues to support your amendment.

Sincerely,

LEONARD S. RUBENSTEIN,
Executive Director,
Physicians for Human Rights.

GENERAL BOARD OF CHURCH AND SOCIETY OF THE UNITED METHODIST CHURCH,
Washington DC, July 17, 2003.
Senator ROBERT BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: I am writing to extend our support to your proposed amendment to the Defense Appropriations bill that will increase the level of funding for HIV/AIDS, Malaria and TB. The United Methodist Church strongly advocates for full funding of the AIDS Initiative proposed by President Bush in his State of the Union speech as well as the U.S. Leadership Against AIDS, TB and Malaria Act of 2003. It is our hope to see $3 billion for FY2004 appropriated which would include one billion dollars for the Global Fund.

We now know that AIDS can be beaten. The experience of Uganda makes this clear. The HIV rate in Uganda was reduced from 15% in 1990 to approximately 5% according to UNAIDS. Today, we also have effective mechanisms to build on the success in Uganda because of the creation of the Global Fund to Fight AIDS, Malaria and Tuberculosis.

The Global Fund, chaired by Health and Human Services Secretary Tommy Thompson, is scaling up successful programs on the ground and leveraging our allies to do their fair share in the fight against AIDS. Grants by the Global Fund are putting half a million people with AIDS on life-saving drugs—a six fold increase in the number of people in Africa receiving these drugs.

As we listen to our United Methodist brothers and sisters particularly in Africa, it becomes quite clear that this bill is one of the most critical pieces of legislation considered by Congress. The full funding of this is necessary if we are to make any significant impact in the pandemic. I thank you for your leadership on this issue and wish you the very best as you proceed forward with this important task.

Peace and grace,

LINDA BALES, Program Director,
Louise and Hugh Moore Population Project.

CENTER FOR HEALTH AND GENDER EQUITY,
Takoma Park, MD, July 17, 2003.

Hon. ROBERT BYRD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BYRD: I am writing to express my strong support, on behalf of the Center for Health and Gender Equity (CHANGE), for your effort to increase U.S. spending for global AIDS programs by offering an amendment to the Defense Appropriations bill.

CHANGE, a U.S.-based international women's health and rights organization, worked hard to develop and pass an effective global AIDS policy to respond specifically to the needs of women and girls in preventing HIV infection. While we are disappointed with some of the harmful provisions—particularly in regard to HIV prevention efforts—we feel the bill itself is a positive advancement and support fully funding this initiative. It is critically important for the U.S. government to appropriate a full $3 billion to combat global AIDS and make good on our promise to do so. Cutting unnecessary defense spending is an appropriate way to reach the authorized funding amount and support the essential Global AIDS Fund, since the President has failed to request an adequate amount in his own budget and has discouraged Congressional appropriators from providing sufficient funds in the foreign operations budget.

We applaud your leadership in this effort and are working to ensure passage of your amendment on the Senate floor.

Sincerely,

JODI L. JACOBSON,
Executive Director.

Mr. BYRD. Mr. President, I also ask unanimous consent that the names of Senators BINGAMAN and CANTWELL be included as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor. I thank the distinguished Senator from Alaska for his patience and for waiting until we could finish our statements before he moves to table.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I stand with much reluctance to speak against the amendment proposed by the good Senator. But I would like to commend him first for bringing this matter to our attention.

I think it should be noted that as of this moment this Nation has spent over $15 billion primarily in research. If this was a case where we had a vaccine or we had some drug or some medicine that could cure global AIDS and that we were not purchasing it in a sufficient quantity, that would be another issue. Then one could say this is an emergency and we need more drugs or we need more vaccines. But we are still in the process of developing this vaccine.

Experience has shown us that by merely appropriating money does not find solutions with these problems. One must train technicians. One must take time to do research. Men and women who are experts in this area and who have a schedule are much more knowledgeable to tell us at this stage whether we should be spending so much. Finally, when we hopefully reach that moment when we can tell the world we have found the vaccine and we have found the drugs that can do it, then we can spend huge amounts.

We have spent over $15 billion. It is not an easy problem. To say that it is complex would be an understatement.

If this amount suggested by my friend and mentor would cure the problem, I think all of us here would be supporting it. But I think all of us realize we are still at the development stage.

If you study the process followed by other development programs, you will note that we always start small and then grow up to a point where we can do the huge spending. But we still must develop the vaccine. We still must develop the medicine. And just spending money is not going to do that.

Much as I want to support my dear friends, I find that I will be supporting my chairman in the motion to table.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I had a conversation with the Senator from Iowa concerning the President's statement. I am informed by a call we made to the President's Director of AIDS Policy that in a background briefing with the press it was plainly spelled out that the President's request for 2004 was $2 billion but that there was an absolute commitment for $15 billion over 5 years.

I will say this. There is no question that the amount of money in this account is higher. This is one of the things I have been trying to say all day, that in this bill are substantial amounts of money that relate to Iraq. That increase is for the procurement of aircraft, ammunition, and specialized equipment that was destroyed in Iraq. It is not being spent in Iraq, but it is being spent to replenish particularly the special operations command, special operations forces. They consumed a considerable amount of their equipment and supplies. That extra money will be in this account. It will be reduced $1.1 billion if this amendment is agreed to.

It would be my hope Senators would look at this as an amendment to take money from the Defense bill to meet the AIDS obligation. We will be back on this AIDS obligation next week, hopefully, when we get to the Health and Human Services bill.

We had authorized $370 billion in the Defense authorization bill. We have found here $3.69 billion, despite the fact we already took out of this account $3.1 billion and allocated it to nondefense accounts.

I do believe we have performed literally miracles—well, my squadron's motto in World War II was, "We do the impossible immediately. Miracles take slightly longer." So I cannot say this was a miracle, but it sure was doing the impossible to try to find the money to try to meet the objectives of the Defense authorization bill, notwithstanding the fact that we have taken $3.1 billion out of it.

Mr. President, there is no question that there is no one on the floor of this Senate who is more committed to the war on AIDS than this Senator. I do not know how many people understand it. I believe I do understand it in the way that it replicates cells, destroys cells. It really is a total global plague now.

I am proud our President has made this commitment of $15 billion. Instead of standing here and challenging the commitment on the basis we have not provided $3 billion in the first year, we should applaud the President for making the commitment for $15 billion. I applaud him again today for that.

I also hope the Senate will understand we have reviewed every request for equipment that has been made in addition to those items that were authorized. We have allocated the money as best we can. The Senator from Hawaii and I have had no disagreements at all on that.

I, once again, am very proud of the support of my friend. And I do make a motion to table the amendment of the Senator from West Virginia, and I ask unanimous consent that vote on that motion take place at a time to be determined by the majority leader after consultation with the minority leader.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Senator BYRD has specifically requested, many times—and I have relayed this, I think—at least I tried to—that he wants a vote when he completes the debate. So we should have a vote now.

Mr. STEVENS. I understand that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. STEVENS. Will the Senator yield for a moment?

Mr. President, I ask unanimous consent that when the Senator finishes his remarks, I be recognized to make a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from Alaska will be recognized following the conclusion of the remarks of the Senator from Iowa.

The Senator from Iowa.

Mr. HARKIN. I thank the Presiding Officer, and I thank the chairman.

Mr. President, I just want to clarify something to make the record as clear as I can. Earlier in my remarks, I had said the President, traveling in Africa, had stated that he wanted the full $3 billion for the AIDS funding in Africa for this year. The chairman of the committee had asked me about that, and I had said that I would come up with the documentation. Well, it is sort of half of this and half of that. I will admit now that the President did not specifically say: "$3 billion." I wanted to admit that for the record.

However, the President did say—and I will quote his words exactly—on July 12, in Abuja, Nigeria:

> The people of Africa are fighting HIV/AIDS with courage. And I'm here to say, you will not be alone in your fight. In May, I signed a bill that authorizes $15 billion for the global fight on AIDS. This week, a committee of the House of Representatives took an important step to fund the first year of the authorization bill. And the Senate is beginning to take up debate.

And here is the key language:

> The House of Representatives and the United States Senate must fully fund this initiative, for the good of the people on this continent of Africa. . . .

Well, to "fully fund this initiative," I have a copy of the authorizing language. The authorizing language says, specifically, under paragraph A(2):

> Authorize the appropriation of a total $15 billion for fiscal years 2004 through 2008.

Specifically, the act authorized $3 billion to be appropriated in fiscal year 2004 for HIV/AIDS and related programs. So, specifically, the authorizing bill authorized $3 billion in this coming fiscal year. The President said:

> The House and the Senate must fully fund this initiative.

He may not have said $3 billion, but what he said must mean $3 billion because that is full funding of the bill for next year. It is right, he didn't use $3 billion, but he said he wanted it fully funded. If it is fully funded, it must be $3 billion for this next year.

Secondly, the Secretary of State, on a briefing in South Africa, was asked a question:

> The House Appropriations Committee today cut back the first year's funding from about $3 billion to about $2 billion.

And Secretary Powell answered:

> I would, of course, have preferred full funding of the President's request to make the best use of the money that Congress has provided for this. And I'll wait and see the congressional action and see how this ultimately emerges from the Congress.

So here we have the President saying he wanted it fully funded. He says:

> The House and Senate must fully fund this initiative.

That can only mean that we must come up with the $3 billion. So while the President didn't specifically say $3 billion, that is the full import of his words that he spoke in Africa.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I asked for and have obtained a copy of the transcript that was made at the background briefing provided for the President's speech in Africa. This was made by Dr. Joseph O'Neill, the President's director for AIDS policy. He was asked this question by the press:

> Can you clarify something about the money issue? You've talked about full funding, but no one has yet defined what full funding is. Is it the $2 billion that the President originally requested for next year? Or is it the $3 billion that was in the authorization bill? Or is it something else?

Dr. O'Neill answered:

> Full funding and what we are going after is $15 billion over five years. Our request for this year, 2004, as you know, is $1.9 billion if you exclude the tuberculosis and malaria money.
>
> And I want to make a very clear point on this, because it's something where there has been continuing confusion. We have requested and will request $15 billion over five years. Now, in order to be effective with those dollars, we would be foolish to think we would spend the same amount every year. In order to do—particularly to do the treatment that is the cornerstone of this initiative—and I can say this because I'm a practicing physician myself, I still [see] HIV/AIDS patients, this is a very tough thing to do—in order to do that, we need to build a lot of infrastructure, we need to do a lot of training, particularly of health care workers. So for the first year, it's going to take less money to get the job done than it will in the outyears.
>
> So we've always been clear [on that], we've always tried to be clear that we've always intended to ramp up these dollars over five years for a total of $15 billion over five [years].

That is the statement on which we relied. Again, I come back to the fact that we are talking, in this instance, about the problem of the other bills that do handle HIV/AIDS and not this bill.

I understand the Senator from West Virginia would like to make a statement. I ask unanimous consent that he be permitted to make the statement before I renew the motion to table his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the facts are staggering. More than 5 million people are infected with HIV/AIDS each year. That is 15,000 people infected each day, 625 people infected every hour, more than 10 people every minute—people of virtually all ages, people in every corner of the world. Last year, more than 3 million people died from AIDS. The longer we wait to find a cure, the longer we wait to fulfill the pledge to the global HIV/AIDS trust fund, the longer we wait, the greater the tragedy.

The Byrd amendment would allow the Senate to fulfill the humanitarian promise made to fight HIV/AIDS. This amendment would help to alleviate some of the misery endured by millions of AIDS-inflicted families around the globe for roughly what we spend in a single day to fund the Department of Defense.

This amendment would make good on the Government's pledge to the world and the effort to combat the global HIV/AIDS epidemic. The President promised $15 billion in the next 5 years. Congress has authorized $3 billion for the next fiscal year. But the authorization without appropriation is a will-o'-the-wisp. The President's budget only provides $1.9 billion. This amendment would increase funding for the global AIDS/HIV initiative by $1.1 billion to $3 billion. The amendment would be offset by a $1.1 billion across-the-board cut in the amounts appropriated for the Defense Department procurement as well as for research, development, test, and evaluation. We are spending more than $1 billion a day for defense in this bill. Surely we can afford to spend $1 billion more in a year to combat AIDS and HIV.

I reiterate that a few days ago—last week it was, I believe—President Bush visited five African countries. He again pledged that the United States would play a leading role in combating AIDS. The President repeatedly promised to do all in his power to make sure that Congress fully financed his proposed 5-year, $15 billion program to attack the disease in the world's poorest countries. This is the President's chance. Why wait? He may not be around here for 5 years. Who knows, right? The President may not be in power for 5 years. He may not be around here 5 years. Why not help him to fulfill his commitment today? Three billion dollars in 1 year—$3 billion—to attack this disease.

On July 10, 2003, the Senate voted in a sense-of-the-Senate resolution 78 to 18 to provide full appropriations for the $15 billion AIDS initiative touted by our President, including $3 billion in fiscal year 2004. Now is the time, Senators, to step up to the plate and honor your commitment. Now is the time to help the President to honor his commitment.

I urge all of my colleagues to support this amendment and to vote no on the motion to table.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I renew my motion to table the Senator's amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that immediately at the conclusion of the next vote, the Senate proceed to executive session for consideration of Calendar No. 291, Allyson Duncan, to be a U.S. Circuit Judge for the Fourth Circuit; provided that there then be 10 minutes for debate equally divided between Senators DOLE and EDWARDS and, at the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination without further intervening action or debate; provided, further, that immediately following that vote, the Senate proceed to a vote on the confirmation of Calendar No. 294, Louise Flanagan, to be U.S. District Judge for the Eastern District of North Carolina; provided that following those votes, the President be immediately notified of the Senate's action and the Senate resume legislative session; provided, further, that the time for voting on each of the confirmations of these judges be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, will the Senator from Alaska modify his request to allow Senator SCHUMER to be recognized after the votes are completed to speak for up to 10 minutes? He has an amendment that has been worked out and he wants to speak, and that will finalize that.

Mr. STEVENS. Yes. I so modify my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1283.

The yeas and nays are ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Texas (Mrs. HUTCHISON) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessary absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "Yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 24, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—71

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Daschle
DeWine
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Inhofe
Inouye
Johnson
Kohl
Kyl
Landrieu
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Reed
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—24

Bingaman
Boxer
Byrd
Cantwell
Chafee
Clinton
Corzine
Dayton
Dodd
Feingold
Feinstein
Harkin
Jeffords
Kennedy
Lautenberg
Leahy
Mikulski
Murray
Pryor
Reid
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—5

Graham (FL)
Hutchison
Kerry
Lieberman
Miller

The motion to table was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Prior to that time commencing on the nominations, I ask unanimous consent, other than the managers' package which is being cleared on both sides, that the only other amendments to the Defense appropriations bill to be in order will be: Senator BYRD's amendment, with Senator BYRD speaking for 20 minutes and 10 minutes for me; Senator BIDEN's amendment, 10 minutes for Senator BIDEN and 5 minutes for me; and I ask further that following disposition of those amendments the bill be read for the third time and the Senate proceed to vote on final passage of the bill without further intervening action or debate.

Mr. DASCHLE. Reserving the right to object.

Mr. BIDEN. Reserving the right to object.

Mr. DASCHLE. I ask that the order be reversed; Senator BIDEN be recognized first and then Senator BYRD second.

Mr. BIDEN. Mr. President, in the interest of my colleagues, there will be an opportunity next week, and I will not propose my amendment.

The PRESIDING OFFICER. Is there an objection to the unanimous consent request?

Mr. STEVENS. That means other than the managers' package, the only amendment in order to this bill would be Senator BYRD on a 30-minute timeframe, 20 minutes for Senator BYRD and 10 minutes for myself; that will follow the 10 minutes of debate on the circuit court judge and the vote on that confirmation.

I, again, renew my request for unanimous consent that following the disposition of those amendments and the circuit judge this bill be read for the third time and the Senate vote on final passage of the Defense appropriations bill with no further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. STEVENS. I ask unanimous consent that the scheduled rollcall vote previously ordered on the confirmation of Calendar No. 294 be vitiated and we now have a vote on the confirmation of the other nomination.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, the distinguished senior Senator from Alaska is referring to the district court judge; is that correct?

Mr. STEVENS. The district court judge, yes. There will be a vote scheduled on the confirmation of the circuit court judge, Allyson Duncan. I ask that we vitiate the rollcall on the district judge and have a rollcall vote on the circuit judge. There will be 10 minutes equally divided on the circuit judge.

Mr. LEAHY. Reserving the right to object, the district judge is strongly supported by both the Senators, Democrat and Republican Senators, of the nominee's State. After appropriate consultation, we have no objection to a voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ALLYSON K. DUNCAN, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Allyson K. Duncan, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes equally divided between Senator DOLE and Senator EDWARDS.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on this nominee.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, I am pleased tonight we are confirming two of President Bush's judicial nominees from my home State of North Carolina, Allyson Duncan to the Fourth Circuit Court of Appeals and Louise Flanagan to the Eastern District of North Carolina. Our free society is based on reasoned, dispassionate judgment of the men and women of our judicial branch of our Government who share a sense of honor and duty to our country and to our Constitution. Every indication is that these two talented and experienced individuals will provide just that.

Judges interpret and apply the laws that govern our Nation, including our fundamental rights and liberties protected in the Constitution. However, on the Fourth Circuit Court of Appeals, there is a North Carolina vacancy that is the longest on the entire Federal bench. It dates back nearly a decade to July 31, 1994. In fact, North Carolina has had no representation on the Fourth Circuit Court in nearly 4 years, though we are the largest State in the circuit. Two seats have stood empty on North Carolina's Eastern District Court for 2½ and 5½ years, respectively.

I am pleased the Senate has stepped up and fulfilled its duties for these to nominees, taking steps to fill these vacancies to address the disparity for North Carolina.

This vote is historic in more ways than one. Allyson Duncan is the first woman from North Carolina to serve on the Fourth Circuit Court of Appeals. She is also the first African-American woman to serve on the Fourth Circuit Court. Ms. Duncan's résumé is most impressive, marked with numerous positions of significant responsibility in both the public and private sectors. Currently, an attorney with the Raleigh law firm of Kilpatrick Stockton, Ms. Duncan is the president of the North Carolina Bar Association, and an active member of the North Carolina Association of Women Attorneys. Prior to that, she was a judge on the North Carolina Court of Appeals, and a professor of law at North Carolina Central University.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, I rise to enthusiastically express my support for the nomination of Allyson Duncan for the Fourth Circuit Court of Appeals and Louise Wood Flanagan for the U.S. District Court for the Eastern District of North Carolina.

This is a historic day for my home state of North Carolina. Once confirmed, Allyson Duncan will be the first North Carolinian to join the Fourth Circuit Court of Appeals in 23 years. North Carolina is the only State in the Union with no judges on a Federal appellate court. And we have the longest-standing vacancy in the Federal appeals court system.

I was very proud to support Judge Duncan's nomination and it was my pleasure to introduce her during her confirmation hearing. She will restore the voice of North Carolina to this very important Federal Court and breaks a logjam that has damaged our state for too many years.

This historic development shows what can be done when the President truly respects the advice and consent role of the Senate. In this case, President Bush did more than just pay lip service to this important responsibility. He reached out to Senator DOLE and me before he made his decision—he consulted with us—he sought our advice. In making his decision, the President selected a nominee who represents the mainstream of our state.

I commend the President for consulting with us and for making an excellent nomination. If he takes this approach to future judicial nominations we have a real opportunity to find common ground in the search for excellence on the Federal bench. When we work together, we find outstanding nominees like Allyson Duncan who represents the best of North Carolina.

As impressive as her resume is, even more telling is her steller repudiation throughout the North Carolina legal community. I have heard from folks all over the State who can't say enough about Allyson Duncan. What people keep telling me is that this is a woman of extraordinary intellect and skill, who loves the law, strives for justice and never allows politics to interfere with her commitment to fairness and equality.

When the Senate confirms Allyson Duncan—which I hope will happen soon—her confirmation will mark a number of "firsts."

She will be the first North Carolinian to join the 4th Circuit in over 20 years; she will be the first African American woman to serve on that distinguished court. And most important, I hope she will be the first in a series of bipartisan, consensus judicial nominations from our State.

I yield the floor.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of Allyson K. Duncan, who has been nominated to the U.S. Court of Appeals for the Fourth Circuit.

Ms. Duncan is truly an impressive woman and has the enthusiastic support of both North Carolina senators, along with a unanimous "Well Qualified" ABA rating.

She graduated first in her class at Hampton University, a historically black college. She then attended Duke University Law School and was appointed an Earl Warren Legal Scholar, a scholarship awarded to black law students demonstrating leadership and an interest in the public interest.

Upon graduation, our nominee clerked for the Honorable Julia Cooper Mack on the District of Columbia Court of Appeals, before beginning her tenure at the Equal Employment Opportunity Commission in 1978. Ms. Duncan held several positions at the EEOC, starting as an appellate attorney, serving as the assistant to the Chairman, and ultimately becoming acting legal counsel.

Ms. Duncan left the EEOC for a teaching post at North Carolina Central University School of Law, another historically black college, where she taught property, employment discrimination, labor law, and appellate advocacy.

Our outstanding nominee is also a pioneer. After leaving her teaching post in 1990, she became the first black woman to be appointed to the North Carolina Court of Appeals as an associate judge. She served in that capacity for one year, after which she hit another milestone.

Ms. Duncan was then appointed commissioner of the North Carolina Utilities Commission—another first for a black woman. As commissioner, she was responsible for telecommunications, natural gas and water regulations. She served as commissioner until she entered private practice with the law firm of Kilpatrick Stockton, where she is currently a partner. Her area of concentration is energy-related issues, but she also handles regulatory matters involving rate making, and mergers and acquisitions.

I am proud to add that if confirmed, Ms. Duncan will hit a third milestone: that of being the first black woman to sit on the Fourth Circuit Court Appeals. A circuit, I would like to note, that has a 24 percent black population—the highest black population for all of the circuit courts.

Allyson Duncan has a fine background, which will serve her well as a circuit court judge. She will be a terrific addition to the Court, and I urge my colleagues to join me in supporting her nomination.

Mr. LEAHY. Mr. President, today the Senate will confirm the first new judge to the Fourth Circuit from North Carolina in 23 years as well as a nominee to the District Court for the Eastern District of North Carolina. I want to thank Senator EDWARDS for his efforts to resolve the impasse that has stalled so many nominees from North Carolina. Part of his reward will be the service that Judge Allyson Duncan will soon be providing to the people of North Carolina as a member of the

United States Court of Appeals for the Fourth Circuit. When Senator EDWARDS obtained a hearing for Judge Duncan last month, her nomination had already progressed further than the Republican majority had allowed the nominations of Judge James Beaty, Judge James Wynn, and Judge Rich Leonard to proceed when they were nominated to the Fourth Circuit by President Clinton from 1995 through 2001. This confirmation means that North Carolina once again is represented on the Fourth Circuit.

In addition, Judge Duncan will be the first African-American woman to serve on the Fourth Circuit, a circuit that did not have an African-American judge until President Clinton appointed Roger Gregory 2½ years ago.

A good way to see how much faster we are proceeding on judicial nominations for a Republican President is to compare where we are in July of this year to July of any year during the last Democratic administration when the Republicans controlled the Senate. Over the last 6½ years of Republican control under President Clinton, the Republicans allowed only 19 judicial confirmations, on average, by July 16, and included only 4 circuit court nominees, on average, by this time. We have now doubled the number of judicial confirmations and more than doubled the number of circuit court confirmations.

On this day, in 1995, only 27 judicial nominations had been confirmed; in 1996, only 10; in 1997, only 6; in 1998 the confirmations totaled 33; in 1999, only 9; and in 2000 the confirmation total by this point of the year was 29. Today, we confirm the 37th and 38th judges so far this year. We have already confirmed more judges in only the seventh month of this year than the Republican majority was willing to confirm in all of 1999, in all of 1997, and more than twice as many as the Republican majority was willing to consider during the entire 1996 session. Vacancies in the courts stand at less than half of what they were during the Clinton years and we have more Federal judges serving than ever before.

Today, we confirm the 10th judge to the Courts of Appeals. This is more than were confirmed in all of 4 of the past 6 years when the Republicans were in the majority—in 1996, 1997, 1999, and 2000. And in the 2 other years, the Tenth Circuit nominee was not confirmed until much later in the year.

As I have noted throughout the last 3 years, the Senate is able to move expeditiously when we have consensus nominees. I am delighted that these North Carolina nominees have the support of Senator EDWARDS and Senator DOLE and that we have been able to move forward so expeditiously to confirm them. Unfortunately, far too many of this President's nominees have records that raise serious concerns about whether they will be fair judges to all parties on all issues.

The PRESIDING OFFICER. All time has been yielded. The question is, Will the Senate advise and consent to the nomination of Allyson K. Duncan, of North Carolina, to be United States Circuit Judge for the Fourth Circuit?

The yeas and nays have been ordered. The clerk will call the roll.

Mr. McCONNELL. I announce that the Senator from Texas (Mrs. HUTCHISON and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 289 Ex.]

YEAS—93

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Wyden

NOT VOTING—7

Breaux
Graham (FL)
Hutchison
Kerry
Lieberman
Miller
Warner

The nomination was confirmed.

NOMINATION OF LOUISE W. FLANAGAN, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA

The PRESIDING OFFICER. Under the previous order, the Senate will now consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Louise W. Flanagan, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

NOMINATION OF LOUISE W. FLANAGAN

Mrs. DOLE. Mr. President, Louise Flanagan is the first woman to serve as a district court judge for North Carolina's Eastern District. Serving as a magistrate judge for the Eastern District since 1995, Louise Flanagan is consistently praised by her colleagues on the Eastern District Court for her integrity and her fairness in the courtroom. Whether in previous positions with the law firms of Ward and Smith in Greenville, NC, or Sonnenschein Nath and Rosenthal in Washington, DC, or at the Center for National Security Law, Ms. Flanagan's accomplishments are numerous on behalf of the public and the institutions she has served. I am certain she will bring judicial temperance, integrity, and character to the Federal bench.

For these individuals and for so many other qualified men and women, being nominated to serve on the Federal bench by the President of the United States marks the pinnacle of a long and remarkable legal career. For those who are confirmed, it represents an opportunity to use their wisdom and legal training to uphold our Constitution and protect the rights and freedoms upon which our Nation was founded.

As I campaigned for the Senate, I told the people of North Carolina that I believe each and every judicial nominee deserves a hearing and a vote by the full Senate. I believe in the capability, independence, and prudence of the Members of this institution. If a person has concerns about an issue or a nominee, then I believe he or she should make a persuasive case to the other members of this body in a forthright, open, and honest debate. This process is established in our Constitution, and it is what our representative democracy is all about.

We are here today because the process is working for these two North Carolina nominees. I am confident that both of these highly qualified women will meet their duties with professionalism, impartiality, and competence, and I hope that other well-qualified candidates who have been sent forth, such as Judge Terrence Boyle, might soon join them.

I yield the floor.

Mr. HATCH. Mr. President, I rise today in support of the nomination of Judge Louise Wood Flanagan to be a U.S. District Court Judge for the Eastern District of North Carolina. Judge Flanagan currently serves as a Federal magistrate judge.

After earning her law degree from the University of Virginia School of Law in 1988, she served as law clerk for Judge Malcolm Howard on the very court to which she has been nominated. In 1990, she joined the North Carolina law firm of Ward and Smith, where she handled complex commercial litigation and litigated approximately 300 cases in state, federal, and bankruptcy court. Throughout her career, Judge Flanagan, has consistently demonstrated the strong legal intellect, integrity, and judicial temperament required of a U.S. District Court Judge.

In 1995, Judge Flanagan was appointed to be a Magistrate Judge for the U.S. District Court for the Eastern District of North Carolina. In this position she handles both criminal and civil matters and has earned a reputation of fairness, honesty, and keen intellect. She will make an excellent addition to the Federal bench.

I commend President Bush for nominating her and urge my colleagues to join me in supporting this nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Louise W. Flanagan, of North Carolina, to be United States District Judge for the Eastern District of North Carolina?

The nomination was confirmed.

Mr. STEVENS. I move to reconsider the votes and to lay those motions on the table.

The motions to lay on the table were agreed to.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from New York, Mr. SCHUMER, will be recognized for up to 10 minutes.

The Senator from New York.

AMENDMENT NO. 1315

Mr. SCHUMER. Mr. President, I believe the amendment is already part of the managers' package, so it does not have to be read.

In the interest of time, Mr. President, of the 10 minutes allotted to me, I will yield back 4, take 3 for myself, and yield 3 to the senior Senator from Washington.

Mr. President, I ask unanimous consent that Senator MURRAY be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, this amendment is very simple. We have all heard the reports, which bother us, tear at our hearts, that our soldiers are going to have to stay a longer period of time because of the fighting, the chaos, the problems in Iraq.

One of the quickest ways to get them home is that we set up an indigenous police force. After all, our Army, the greatest Army in the world, that has done such a great job in Iraq, has not really been trained to be a police force to stop looting and to create civil order, et cetera.

We are in the process of training Iraqis to take over this job, and I am sure most Americans wish it could be done as quickly as possible. This amendment is a reminder of that and an importuning of the administration to do just that, by requiring that every 180 days there be a report from the administration to Congress and the American people that talks about the progress of setting up such a police force, the cost of such a police force, and how it might affect the timetable and speed up the timetable, more particularly, of our soldiers coming home.

We know we have to restore rule of law in Iraq. We know it should best be done by an indigenous Iraqi police force. This amendment simply says, let's get that done quickly, and let the administration report to us on how that progress is going. It is important to the soldiers. It is important to law and order in Iraq, and it is important to the American people.

Nothing would make us all happier than to bring so many of our brave soldiers home, and home quickly. This amendment is both a reminder and an importuning addressed to that fact.

With that, I yield back the rest of my 3 minutes, and yield the remaining time to the Senator from Washington, the cosponsor of this amendment.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mrs. MURRAY. Mr. President, I come to the floor to support the Schumer amendment to the Defense bill regarding the development of an Iraqi police force. This is an urgent amendment—one of the most important Iraq-related amendments we have considered on the defense bill.

The Schumer amendment will focus the administration's attention on the domestic security issue in Iraq that threatens American servicemen and women, other Americans and foreigners now in Iraq, and the Iraqi people.

One of the reasons we went to war in Iraq was to liberate the Iraqi people. The military campaign was named, "Operation Iraqi Freedom." Again and again, from the President on down, we have been told that we acted on behalf of the Iraqi people.

We all witnessed the scenes of jubilation at the fall of Saddam Hussein's regime. Time and again, the administration has told us that we have restored freedom to the Iraqi people.

We all hope this is ultimately true. But the truth today is very different for women in Iraq and particularly in Baghdad.

Yesterday, Human Rights Watch released a report detailing reports of rape, assault, and kidnapping of women and girls in Baghdad. The report cites 25 credible allegations of rape and abduction since the fall of Saddam Hussein. It is believed that the number of rapes and sexual assaults in Baghdad is far higher. Women are discouraged from reporting the crime and face social isolation and even "honor killings" by other family members for being violently victimized.

Yesterday's New York Times contains a disturbing article about the dangers confronting women in Baghdad. I ask unanimous consent to have the article, "Rape (And the Silence About It) Haunts Baghdad," printed in the RECORD.

[From the New York Times, July 16, 2003]

RAPE (AND SILENCE ABOUT IT) HAUNTS BAGHDAD

(By Neela Banerjee)

BAGHDAD, IRAQ, July 15.—In her loose black dress, gold hairband and purple flip-flops, Sanariya hops from seat to seat in her living room like any lively 9-year-old. She likes to read. She wants to be a teacher when she grows up, and she says Michael, her white teddy bear, will be her assistant.

But at night, the memory of being raped by a stranger seven weeks ago pulls her into its undertow. She grows feverish and has nightmares, her 28-year-old sister, Fatin, said. She cries, "Let me go!" "I am afraid of the gangsters," Sanariya whispered in the twilight of her hallway. "I feel like they are killing me in my nightmares. Every day, I have these nightmares."

Since the end of the war and outbreak of anarchy on the capital's streets, women here have grown increasingly afraid of being abducted and raped. Rumors swirl, especially in a country where rape is so rarely reported.

The breakdown of the Iraqi government after the war makes any crime hard to quantify. But the incidence of rape and abduction in particular seems to have increased, according to discussions with physicians, law-enforcement officials and families involved. A new report by Human Rights Watch based on more than 70 interviews with law-enforcement officials, victims and their families, medical personnel and members of the coalition authority found 25 credible reports of abduction and sexual violence since the war. Baghdadis believe there are far more, and fear is limiting women's role in the capital's economic, social and political life just as Iraq tires to rise from the ashes, the report notes.

For most Iraqi victims of abduction and rape, getting medical and police assistance is a humiliating process. Deeply traditional notions of honor foster a sense of shame so strong that many families offer no consolation or support for victims, only blame. Sanariya's four brothers and parents beat her daily, Fatin said, picking up a bamboo slat her father uses. The city morgue gets corpses of women who were murdered by their relatives in so-called honor killings after they returned from an abduction—even, in some cases, when they had not been raped, said Nidal Hussein, a morgue nurse.

> "For a woman's family, all this is worse than death," said Dr. Khulud Younis, a gynecologist at the Alwiyah Women's Hospital. "They will face shame. If a woman has a sister, her future will be gone. These women don't deserve to be treated like this."
>
> It is not uncommon in Baghdad to see lines of cars outside girls' schools. So fearful are parents that their daughters will be taken away that they refuse to simply drop them off; they or a relative will stay outside all day to make sure nothing happens.
>
> "Women and girls today in Baghdad are scared, and many are not going to schools or jobs or looking for work," said Hanny Megally, executive director of the Middle east and North Africa division of Human Rights Watch. "If Iraqi women are to participate in postwar society, their physical security needs to be an urgent priority."
>
> Beyda Jafar Sadiq, 17, made the simple decision to go to school on the morning of May 22 and never returned. Her family has been looking for her ever since. They have appealed to every international nongovernmental organization, the Iraqi police and the American authorities. Her eldest brother, Feras, 29, has crisscrossed the country, visiting the morgue in Basra in the south, traveling to Amara and Nasiriya on reports from acquaintances that they saw a girl who looked like Beyda. "I just want to find her," said Beyda's mother, Zakiya Abd, her eyes swollen with grief. "Whether she's alive or dead, I just want to find her.
>
> Some police in Baghdad concede that at this point, there is little they can do to help. Their precinct houses were thoroughly looted after the war. Despite promises from the American authorities, Baghdad police still lack uniforms, weapons, communications and computer equipment and patrol cars. "We used to patrol all the time before the war," said a senior officer at the Aadimiya precinct house. "Now, nothing, and the criminals realize their is no security on the streets."
>
> The Human Rights Watch report alleges that sometimes when women try to report a rape or families ask for help in finding abducted women, they are turned away by Iraqi police officers indifferent to the crimes. Some law-enforcement officials insist abduction and rape have not increased, while other officials and many medical personnel disagree. Bernard R. Kerik, a former New York City police commissioner and now an adviser to the Interior Ministry, told of recently firing a precinct chief when he learned that the official had failed to pursue a family's report of their missing 16-year-old daughter. "The biggest part of the issue is a culture that precludes people from reporting," Mr. Kerik said. "It encourages people not to report."
>
> If an Iraqi woman wants to report a rape, she has to travel a bureaucratic odyssey. She first has to go to the police for documents that permit her to get a forensic test. That test is performed only at the city morgue. The police take a picture of the victim and stamp it and then stamp her arm. That is so no one else goes in her place and says that she was raped, that she lost her virginity," said Ms. Hussein, the nurse. At the morgue, a committee of three male doctors performs a gynecological examination on the victim to determine if there was sexual abuse. The doctors are available only from 8:30 a.m. to 1:30 p.m. If a victim arrives at any other time, she has to return the next day, without washing away any physical evidence. Hospitals can check victims only for broader trauma, like contusions and broken bones.
>
> Dr. Younis said she had seen more rape cases in the months after the war than before. Yet even when women come to the hospital with injuries that are consistent with rape, they often insist something else happened. A 60-year-old woman asserted that she had been hit by a car. The mother of a 6-year-old girl begged the doctor to write a report saying that her daughter's hymen had been ruptured because she fell on a sharp object, a common lie families tell in the case of rape, Dr. Younis said. Shame and fear compel the lies, Dr. Younis said. "A woman's father or brother, they feel it is their duty to kill her" if she has been raped, Dr. Younis said. "It is the tribal law. They will get only six months in prison and then they are out."
>
> Sanariya's family took her to a doctor three days after her attack only because the bleeding had not stopped. She had been sitting on the stairs at about 4 p.m. on May 22 when an armed man dragged her into an abandoned building next door. He shot at neighbors who tried to help the girl. He fled when she began screaming during the assault.
>
> Her mother refuses to let her outside now to play. Fatin lied to her family and said an operation had been done to restore Sanariya's hymen. But when her eldest brother, Ahmed, found out otherwise, he wanted to kill Sanariya, Fatin said.
>
> Out of earshot of her family, Sanariya said she feels no better now, two months after the attack. "I don't sleep at night," she said in the hallway. "I don't sleep."

Mrs. MURRAY. The article describes a 9-year-old girl who wakes up screaming, "Let me go!" This is a 9-year old girl whose life has been forever changed by unimaginable violence. She says in the article, "I am afraid of the gangsters. I feel like they are killing me in my nightmares. Every day, I have these nightmares."

The story of this young girl—one of too many stories—ought to be enough to focus the Congress and the administration on the urgency of the domestic security situation in Iraq.

Have we restored freedom to the Iraqi people when women and girls live in fear of abduction, rape, and murder?

Have we restored freedom to the Iraqi people when women are denied participation in a new Iraqi government and economy because their physical security is threatened every time they go out alone? Have we restored freedom to the Iraqi people when 9-year-old girls are victimized in the most horrifying way?

I want to share with the Senate a passage from the summary of the Human Rights Watch report titled, "Climate of Fear: Sexual Violence and Abduction of Women and Girls in Baghdad."

The summary reads:

> Many of the problems in addressing sexual violence and abduction against women and girls derive from the U.S.-led coalition forces and civilian administration's failure to provide public security in Baghdad. The public security vacuum in Baghdad has heightened the vulnerability of women and girls to sexual violence and abduction. The police force is considerably smaller and more poorly managed when compared to prior to the war. There is limited police street presence; fewer resources available to police to investigate; little if any record keeping; and many complaints are lost. Many hospitals and the forensic institute are unable to operate twenty-four hours a day as they did before the war, thus preventing women from obtaining medical treatment and the forensic examinations necessary to document sexual violence in a timely manner.

The summary concludes with the following,

> At the time of writing, plans for Iraq's reconstruction are taking shape and rights of women and girls are at stake. It is essential that all parties involved in these plans address the state's inadequate protection of the rights of women and girls. Those involved in the reconstruction process should ensure that any existing and new trends toward treating women and girls unequally before the law and discouraging women and girls from reporting sexual violence, or punishing women and girls for being the victims of sexual violence are countered.

We all know that our troops are faced with dangerous resistance throughout Iraq. Just yesterday, our military leaders acknowledged that we were facing a guerrilla warfare campaign of resistance. We know that our troops are serving honorably in a tremendously difficult environment. All of America is proud of our all volunteer force now serving in Iraq and the region.

Despite the efforts of U.S. personnel, we have not adequately addressed the domestic security crisis in Iraq. We cannot ignore that women and young girls are being victimized with terrible consequences. These crimes do not just affect individual women but the way women are viewed and the role they will play in a new Iraq.

We cannot be silent about the abuse and violence that has come to women and girls in liberated Iraq. The Schumer amendment is our opportunity today to tell the administration that we will not tolerate silence on the treatment of women and girls in Iraq.

Mr. President, I commend the Senator from New York for bringing this issue to the Senate for the reasons he stated in order to allow us to know when our troops are going to be home. But, as I mentioned, I add another dimension to why it is so important to put a police force and have a trained police force in Iraq and on the ground there.

I would recommend to all of my colleagues that they take the time to pick up the New York Times from yesterday and read the article I referred to, which is a front page article: "Rape (And Silence About It) Haunts Baghdad." I will read from the beginning of that article:

> In her loose black dress, gold hairband and purple flip-flops, Sanariya hops from seat to seat in her living room like any lively 9-year-old. She likes to read. She wants to be a teacher when she grows up, and she says Michael, her white teddy bear, will be her assistant.
>
> But at night, the memory of being raped by a stranger seven weeks ago pulls her into its undertow. She grows feverish and has nightmares, her 28-year-old sister, Fatin, said. She cries, "Let me go!"

"I am afraid of the gangsters," [she says].

Every one of our colleagues should read the Human Rights Watch report that has just been released titled "Climate of Fear, Sexual Violence and Abduction of Women and Girls in Baghdad." That report says that many of the problems in addressing sexual violence and abduction that are increasing in Iraq against women and girls derived from the United States-led coalition force's and civilian administration's failure to provide public security in Baghdad.

We went to war in Iraq. We have heard everyone say it was to restore freedom. Let's make sure the young girls in Iraq have that security and that freedom as well. They do not have it today. The amendment by the Senator from New York puts us on track. We need to follow this in Iraq. I commend the Senator for the amendment and I thank the manager of the bill for accepting it.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENTS NOS. 1285 THROUGH 1298, EN BLOC

Mr. STEVENS. Mr. President, I send to the desk a series of amendments. The first is an amendment in the amount of $2 million from available funds for the Software Engineering Institute. The second is $10 million from O&M funds for civil-military programs and the innovative readiness training program. The third is $10 million for the missile procurement program set-aside for assured access to space. The next one is an amendment regarding a study of the mail delivery in the Middle East. The next amendment is to conform the appropriation provision relating to the use of RDT&E funds Defense-wide. The next amendment is to make available from amounts available for research, development, test, and evaluation $4 million for the Center for Adaptive Optics. The next is to make available $1 million from amounts available for RDT&E for completion of the Rhode Island Disaster Initiative. The next is setting aside $8 million from amounts available for the death gratuity payments for the fiscal year 2004 on behalf of Senator WARNER. The next is to make available from amounts available for shipbuilding and conversion $20 million for the DDG-51 modernization planning program. The next is to provide for appropriations for the Army Museum of the Southwest. The next is to provide for the use of funds for privatization or transfer to another Federal agency of the prison guard functions for Fort Leavenworth, KS. The next provides for the purchase of Humvee tires. The next is to make available from amounts available $2.5 million for the Lewis and Clark Bicentennial Commemoration Activities. The next is to prohibit the use of funds to decommission a Naval or Marine Corps Reserve aviation squadron pending a Comptroller General report.

All of these amendments have been cleared on both sides and have been referred to my good friend from Arizona for his review.

I send them to the desk and ask unanimous consent that they be presented en bloc so they might be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 1285 through 1298 en bloc.

Mr. STEVENS. Mr. President, while the clerk is examining those, I have a new partnership in the Senate. My good friend from Nevada has joined the club of the admirers of the Incredible Hulk.

Mr. REID. I liked the applause. That was nice.

The PRESIDING OFFICER. Is there further debate on the amendments, as offered?

If not, the question is on agreeing to the amendments.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1285

(Purpose: To make available from amounts available for Operation and Maintenance, Army Reserve, $2,000,000 for a Software Engineering Institute)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", up to $2,000,000 may be available for a Software Engineering Institute Information Assurance Initiative.

AMENDMENT NO. 1286

(Purpose: To provide up to $10,000,000 of Operation and Maintenance, Defense-Wide funds for civil-military programs and the Innovative Readiness Training (IRT) program)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to $10,000,000 may be used for civil-military programs and the Innovative Readiness Training (IRT) program.

AMENDMENT NO. 1287

(Purpose: To increase by $10,000,000 the amount of Missile Procurement, Air Force funds set aside for assured access to space)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading "MISSILE PROCUREMENT, AIR FORCE", up to $10,000,000 may be used for assured access to space in addition to the amount available under such heading for the Evolved Expendable Launch Vehicle.

AMENDMENT NO. 1288

On page 120, insert the following on line 18:

"SEC. STUDY REGARDING MAIL DELIVERY IN THE MIDDLE EAST.

(a) STUDY.—The Comptroller General of the United States shall conduct a review of the delivery of mail to troops in the Middle East and the study should:

(1) Determine delivery times, reliability, and losses for mail and parcels to and from troops stations in the Middle East.

(2) Identify and analyze mail and parcel delivery service efficiency issues during Operations Desert Shield/Desert Storm, comparted to such services which occurred during Operation Iraqi Freedom.

(3) Identify cost efficiencies and benefits of alternative delivery systems or modifications to existing delivery systems to improve the delivery times of mail and parcels.

(b) REPORT.—No later than 60 days after date of enactment of this Act, the Comptroller General of the United States shall submit a report to the congressional defense committees on the General Accounting Office's findings and recommendations.

AMENDMENT NO. 1289

(Purpose: To conform the appropriation provision relating to use of RDT&E, Defense-Wide funds for an initial set of missile defense capabilities to the corresponding authorization provision)

Strike section 8114, and insert the following:

SEC. 8114. Funds available to the Department of Defense under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" for the Missile Defense Agency may be used for the development and fielding of an initial set of missile defense capabilities.

AMENDMENT NO. 1290

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation for the Air Force, $4,000,000 for the Center for Adaptive Optics)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $4,000,000 may be available for adaptive optics research.

AMENDMENT NO. 1291

(Purpose: To make available from amounts available for Research, Development, for Test, and Evaluation, Navy, $1,000,000 for the completion of the Rhode Island Disaster Initiative)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $1,000,000 may be available for the completion of the Rhode Island Disaster Initiative.

AMENDMENT NO. 1292

(Purpose: To make available from amounts available for military personnel, $8,000,000 for the costs during fiscal year 2004 of an increase in the amount of the death gratuity payable with respect to members of the Armed Forces from $6,000 to $12,000)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title I of this Act for military personnel, up to $8,000,000 may be available for the costs during fiscal year 2004 of an increase in the amount of the death gratuity payable with respect to members of the Armed Forces under section 1478 of title 10, United States Code, from $6,000 to $12,000.

AMENDMENT NO. 1293

(Purpose: To make available from amounts available for Shipbuilding and Conversion, Navy, $20,000,000 for DDG-51 modernization planning)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "SHIPBUILDING AND CONVERSION, NAVY", up to $20,000,000 may be available for DDG-51 modernization planning.

AMENDMENT NO. 1294

(Purpose: To provide appropriations for the Army Museum of the Southwest)

At the appropriate place, insert:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by Title II under the heading "Operation and Maintenance, Army", up to $4,000,000 may be used for the Army Museum of the Southwest at Ft. Sill, Oklahoma.

AMENDMENT NO. 1295

(Purpose: To limit the use of funds for the privatization or transfer to another Federal agency of the prison guard functions at the United States Disciplinary Barracks at Fort Leavenworth, Kansas)

Insert after section 8123 the following:

SEC. 8124. No funds appropriated or otherwise made available by this Act may be obligated or expended for the purpose of privatizing, or transferring to another department or agency of the Federal Government, any prison guard function or position at the United States Disciplinary Barracks at Fort Leavenworth, Kansas, until 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a plan for the implementation of the privatization or transfer of such function or position.

AMENDMENT NO. 1296

(Purpose: To provide funds for the purchase of HMMWV tires)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II, under the heading "Operation and Maintenance, Marine Corps", up to $6,000,000 may be used for the purchase of HMMWV tires.

AMENDMENT NO. 1297

(Purpose: To make available from amounts available for National Guard Personnel, Army, $2,500,000 for Lewis and Clark Bicentennial Commemoration Activities, and to make available from amounts available for Operation and Maintenance, Army National Guard, $1,500,000 for such activities)

Insert after section 8123 the following:

SEC. 8124. (a) AVAILABILITY OF CERTAIN PERSONNEL AMOUNTS.—Of the amount appropriated by title I of this Act under the heading "NATIONAL GUARD PERSONNEL, ARMY", up to $2,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

(b) AVAILABILITY OF CERTAIN OPERATION AND MAINTENANCE AMOUNTS.—Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to $1,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

AMENDMENT NO. 1298

(Purpose: To prohibit the use of funds to decommission a Naval or Marine Corps Reserve aviation squadron pending a Comptroller General report on the requirements of the Navy and Marine Corps for tactical aviation)

Insert after section 8123 the following:

SEC. 8124. (a) LIMITATION ON USE OF FUNDS.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended to decommission a Naval or Marine Corps Reserve aviation squadron until the report required by subsection (b) is submitted to the committee of Congress referred to in that subsection.

(b) REPORT ON NAVY AND MARINE CORPS TACTICAL AVIATION REQUIREMENTS.—(1) Not later than twelve months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Appropriations of the Senate a report on the requirements of the Navy and the Marine Corps for tactical aviation, including mission requirements, recapitalization requirements, and the role of Naval and Marine Corps Reserve assets in meeting such requirements.

(2) The report shall include the recommendations of the Comptroller General on an appropriate force structure for the active and reserve aviation units of the Navy and the Marine Corps, and related personnel requirements, for the 10-year period beginning on the date of the report.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1280 WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending Kennedy amendment No. 1280 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1299

Mr. STEVENS. Mr. President, I have another portion of the managers' package. The amendment I send to the desk has been agreed to on both sides. I ask for its immediate consideration and adoption.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KENNEDY, for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. LAUTENBERG, Mr. DURBIN, Mr. SARBANES, Mr. LIEBERMAN, Ms. MIKULSKI, and Mrs. CLINTON, proposes an amendment numbered 1299.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1299

(Purpose: To limit the use of funds for converting to contractor performance of Department of Defense activities and functions)

Beginning on page 46, strike line 24 and all that follows through ": *Provided further*, That the" on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(3) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) $10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A–76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(d) Nothing in this Act shall affect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

Ms. MIKULSKI. Mr. President, I am proud to cosponsor this amendment to make sure that competitions between civilian Defense Department employees and private companies are fair. The Department of Defense has stacked the deck against Federal employees. The administration is seeking to privatize much of the Federal workforce—to replace dedicated Federal workers with cronyism and patronage.

The Kennedy amendment does not stop privatization. Yet it ensures that competitions between civilian Defense Department employees and private companies are fair. It puts Federal employees on an equal footing with private contractors. It says that you cannot win competitions for Federal jobs by denying health care benefits to your employees. It makes sure privatization does not come at the expense of health benefits for employees. Government contracts should not be won by denying health benefits to hard-working Americans.

The Office of Management and Budget has issued a directive calling for bounty hunters in Federal agencies to privatize 850,000 jobs over the next 3 years. That is nearly half of the Federal workforce. To speed up the process, the Bush administration changed the rules for public/private competitions. The new rules stacked the deck against employees, and made it harder for them to compete for their own jobs. It created streamlined competitions that are not even based on cost savings. The employees cannot even submit their own lowest bid. These new rules are unfair and inefficient. They will likely end up costing more to American taxpayers.

I stand up for an independent Federal workforce. We should not replace good Government jobs with bad private sector jobs. A company should not be able to win a bid because it saves money by denying health care benefits for their employees. Privatization should not come on the backs of the employees. Our economy is in trouble. Health care costs are rising—and millions of Americans lack any health insurance. Why does this administration want to make this problem even worse?

Our democracy depends on a strong civil service. We need a civil service in this country that is independent, reliable, and free of cronyism and political patronage. We are trying to spread democracy to Iraq and to nurture new democracies around the world. Yet right here at home, there are some who want to get rid of a pillar of democracy—our independent Federal workforce.

As a Senator from Maryland, I am so proud to serve over 100,000 Federal employees. I wish you could meet them the way I do—on the job and at the supermarket. I represent people who are Nobel Prize winners at the National Institutes of Health and the National Institute of Standards and Technology. I represent FBI agents. I represent the National Security Agency, and the faculty of the U.S. Naval Academy.

I know what Federal employees do. They work hard every day. They did not get their jobs because they volunteered on someone's campaign. The civilian employees at the Defense Department work hard to support our troops and to protect our Nation. They are committed to securing the homeland, and to making sure our soldiers are ready to protect us.

If we are going to contract out Defense Department work, we need to be very careful. It is a matter of national security. It is a matter of homeland security. America's military bases and facilities are all potential terrorist targets. Those who work there must be trusted and carefully screened. Yet the Department of Defense wants to get rid of trusted employees who have served our Nation for years—and replace with who knows what. What would happen if the private company changed ownership, or is bought by a foreign company? What safeguards are there to protect our military and our military infrastructure?

That is why I am cosponsoring the Kennedy amendment. This amendment simply calls for civilian Defense Department employees to be treated fairly when they are competing for their own jobs. Federal employees' jobs are on the line. The independence of our Federal workforce is on the line. At the very least, the competition should be fair. I urge my colleagues to support this amendment.

Mr. STEVENS. Mr. President, it was necessary to handle it separately because it was already a pending amendment, and it had to be withdrawn.

I now ask for its consideration and adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1299) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, just briefly let me say this: I know my tie isn't much, but I have been advised by staff and others it is sure better than seersucker.

AMENDMENT NO. 1300

Mr. STEVENS. Mr. President, I send a further amendment to the desk and state that this is separate and apart from the managers' package. It is an amendment I submit on behalf of Senator HATCH. It has not been cleared by my friend from Arizona. When the title is read, it will be apparent to the Members why.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HATCH, proposes an amendment numbered 1300:

AMENDMENT NO. 1300

(Purpose: To appropriate funds to settle certain claims of United States prisoners of war who performed forced or slave labor for Japanese companies during World War II)

After section 8123, insert the following:

TITLE IX—SETTLEMENT OF CLAIMS FOR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II

SEC. 901. PAYMENT OF COMPENSATION TO FORMER PRISONERS OF WAR FOR FORCED OR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II.

(a) PAYMENT OF COMPENSATION REQUIRED.—Subject to the availability of appropriated funds the Secretary of Defense shall pay to each surviving former prisoner of war compensation as provided in subsection (b).

(b) COMPENSATION.—The compensation to be paid under subsection (a) is as follows:

(1) In the case of a living former prisoner of war, to the living former prisoner of war in the amount of $10,000.

(c) IDENTIFICATION OF INDIVIDUALS AS FORMER PRISONERS OF WAR.—(1) An individual seeking compensation under this section shall submit to the Secretary of Defense an application therefor containing such information as the Secretary shall require. Only one application shall be submitted with respect to each individual seeking treatment as a former prisoner of war for purposes of this section.

(2) The Secretary shall take such actions as the Secretary considers appropriate to identify and locate individuals eligible for treatment as former prisoners of war for purposes of this section.

(d) TREATMENT AS FORMER PRISONER OF WAR.—(1) Subject to paragraph (3), the Secretary of Defense shall treat an individual as a former prisoner of war if—

(A) the name of the individual appears on any official list of the Imperial Government of Japan, or of the United States Government, as having been imprisoned at any time during World War II in a camp in Japan or territories occupied by Japan where individuals were forced to provide labor; or

(B) evidence otherwise demonstrates that the individual is entitled to treatment as a former prisoner of war.

(2) Any reasonable doubt under this subsection shall be resolved in favor of the claimant.

(3) The treatment of an individual as a former prisoner of war under paragraph (1) shall be rebutted only by clear and convincing evidence.

(e) TIMING OF PAYMENT.—The Secretary of Defense shall pay compensation to a former prisoner of war, under subsection (a) not later than 30 days after determining that compensation is payable to or on behalf of the former prisoner of war under this section.

(f) PRIORITY IN PAYMENTS.—The Secretary of Defense shall complete the processing of applications under this section in a manner that provides, to the maximum extent practicable, for the payment of compensation to former prisoners of war during their natural lives, with payments prioritized based on age and health of the claimant.

(j) FUNDING.—(1) From funds available otherwise in this Act up to $49,000,000 may be made available to carry out this title.

(2) The amount made available by paragraph (1) shall remain available for obligation and expenditure during the two-year period beginning on October 1, 2003.

(3) Any amounts made available by paragraph (1) that have not been obligated as of September 30, 2005, shall revert to the Treasury as of that date.

SEC. 903. DEFINITIONS.

In this title:

(1) FORMER PRISONER OF WAR.—The term "former prisoner of war" means any individual who—

(A) was a member of the Armed Forces of the United States, a civilian employee of the United States, or an employee of a contractor of the United States during World War II;

(B) served in or with the United States combat forces during World War II;

(C) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(D) was required by one or more Japanese companies to perform forced or slave labor during World War II.

(2) JAPANESE COMPANY.—The term "Japanese company" means—

(A) any business enterprise, corporation, company, association, partnership, or sole proprietorship having its principal place of business within Japan or organized or incorporated under the laws of Japan or any political subdivision thereof; and

(B) any subsidiary or affiliate of an entity in Japan, as described in subparagraph (A), if controlled in fact by the entity, whether currently incorporated or located in Japan or elsewhere.

(5) WORLD WAR II.—The term "World War II" means the period beginning on December 7, 1941, and ending on August 8, 1945.

Mr. HATCH. Mr. President, the amendment I offer today, entitled the Resolution of Claims of American POWs of the Japanese Act of 2003, is important because it recognizes the struggle to compensate American POWs once held and forced into slave labor for private Japanese companies during World War II.

For those of my colleagues who aren't aware of what our valiant soldiers endured, please let me enlighten you.

On April 9, 1942, Allied forces in the Philippines were forced to surrender Bataan to the Japanese. Ten thousand to 12,000 American soldiers were forced to march some 60 miles in broiling heat. We have all heard of this deadly trek, known as the Bataan Death March.

What most people do not realize is, after a lengthy internment under horrific conditions, thousands of these POWs were shipped to Japan in the holds of freighters known as "Hell Ships." Once in Japan, many of these POWs were forced into slave labor for private Japanese steel mills and other private companies until the end of the war. During the war, over 27,465 Americans were captured and interned by the Japanese; tragically, only 16,000 made it home.

Let me tell you about some of these brave men.

At our Judiciary Committee hearing a few years ago, we heard from some of these remarkable veterans who put a human face on this tragic part of history. They are all heroes.

I remember so well Mr. Bigelow, who, during his internment lost his leg from a mining accident and the lack of proper medical treatment. At a height of 6 feet, 4 inches, Mr. Bigelow weighed less than 100 pounds at the time of his release. Tragically, he died last week—without ever receiving the recognition that he deserved, recognition that we as a body can give him.

Mr. President, how many more have to die before we finally pay them the tribute they deserve?

At our hearing, we heard how the POWs stuck together and helped each other make it through each day and endured frequent beatings for doing so.

We heard how Mr. Tenney and others kept their spirits up by entertaining their buddies and trading with Japanese guards for a few meager supplies.

We heard how brave men like Terrence Kirk built a makeshift camera out of a stolen x-ray plate to document the condition of dying POWs so they would not be forgotten.

Let me say to the veterans who have shared their stories with me—and I know some of these men personally thank you. All of them are heroes for their bravery on the battlefields and in the prison camps.

They are heroes for the innumerable displays of compassion and love for their fellow man.

They are heroes for their perseverance through circumstances most of us can barely imagine.

They are living testaments to the indomitable human spirit that is the fabric of this great nation, the United States of America. Everyone here living in freedom owes them a tremendous debt of gratitude.

Unfortunately, global political and security needs of the time often overshadowed their legitimate claims for justice and they were once again asked to sacrifice for their country.

Following the end of the war, for example, our government allegedly instructed many of the POWs not to discuss their experiences and treatment. Some were even asked to sign non-disclosure agreements. Consequently, many Americans remain unaware of the atrocities that took place and the suffering our POWs endured.

Just ask the school children of today. Most know little about the Bataan Death March and nothing about the fact that our soldiers were shipped to Japan and sold as slave labor.

That is inexcusable. We must recognize their sacrifice, and the amendment I offer today supports that effort.

Through the years, various efforts have been made to offer some compensation for the POWs held in Japan.

Under the War Claims Act, our government has made meager payments of a dollar a day for missed meals and $1.50 per day for lost wages. Clearly this is inadequate.

Following the passage of a California statute extending the statute of limitations for World War II claims until 2010 and the recent litigation involving victims of Holocaust, the former POWs in Japan have attempted through the courts to seek compensation from the private companies which profited from their labor.

What role has our government played in this quest?

In the Holocaust litigation, the U.S. played a facilitating role in discussions between the German companies and the victims. The Justice Department also declined to file a statement of interest in the litigation—even when requested by the court. The efforts of the administration were entirely appropriate and the settlement was an invaluable step toward moving forward from the past.

Here, in contrast, there has been little effort by our government, through the State Department or otherwise, to help these POWs with their claims. In fact, quite the opposite has been true.

In response to a request from the court, the Justice Department actually filed a statement of interest which was very damaging to the claims of the POWs—stating in essence that their claims were barred by the 1951 Treaty of Peace with Japan and the War Claims Act. Personally, I don't think the government had the authority to waive these claims. Unbelievably, the Justice Department continues to argue in these court cases on behalf of the Japanese companies and against our POWs.

This contrasting treatment raises the legitimate questions of whether this administration has a consistent policy governing whether and how to weigh in during these World War II-era cases? From a moral perspective, the claims of those forced into labor by private German companies and private Japanese companies appear to be of similar merit, yet they have spurred different responses from the administration.

Why?

I have asked this question to the State Department, and have not received a satisfactory response.

What can the United States of America—the country these men sacrificed for—do to resolve this matter in a fair and appropriate manner?

With the help of Senator FEINSTEIN, in 2000, we moved through the Judiciary Committee S. 1902, the Japanese Records Disclosure Act. This bill set up a commission to declassify thousands of Japanese Imperial Army records held by the U.S. government after appropriate screening for sensitive information such as that pertaining to national security.

That bill, however, was not enough. We need to do more.

The Senate attempted to fulfill our government's responsibility to these men by including a provision in S. 2549, the fiscal year 2001 Department of Defense authorization bill. This legislation would have allowed payments of a $20,000 gratuity to POWs from Bataan and Corregidor who were forced into labor. But unfortunately, the provision was stripped in conference, due in large part, I believe, to pressure from the previous Administration.

We also passed S. Con. Res. 158, a resolution at the end of the 106th Congress which stated the moral force of the claims of the POWs and expressed the sense of the Congress that the United States government should use its best efforts to "facilitate a dialogue" to discuss a resolution to the claims. But this has received a less than satisfactory response from the administration.

We must ask ourselves—can Congress do more?

Can the executive branch do more?

I think so.

We must.

And it is for that reason that I am offering the Resolution of Claims of American POWs of the Japanese Act of 2003.

This legislation would show these POWs that we have not forgotten them and that we will not let them be victimized by the Japanese companies a second time.

My amendment would authorize the payment of compensation to former prisoners of war for forced labor for Japanese companies during World War II. Those surviving POWs who are still living—and there are not many—would receive $10,000. This is a mere fraction of what they truly deserve, and I intend to seek additional amounts next year to fulfill our obligation to our heroes.

Mr. President, this legislation is essential.

Congress is the last recourse for these POWs.

Instead of helping, our government has let them down. And so, if we do not stand up for them, who will?

I urge my colleagues to join with me in this effort to do what we can to show these brave POWs that their country has not forgotten them; it is the least we can do.

Mr. McCAIN. Mr. President, in relation to the amendment offered by the Senator from Utah, Mr. HATCH, related to compensation for American prisoners of war in Japan, I do not object but must of necessity vote "present" because, as a former prisoner of war in Vietnam, I cannot in good conscience vote in favor of a measure that sets a precedent for compensation of American prisoners of war that could in some fashion be viewed as benefiting me personally.

Mr. STEVENS. Mr. President, this is a prisoner of war provision offered by Senator HATCH. We have agreed to start the process of dealing with claims of these individuals. Since our good friend from Arizona was in fact a prisoner of war, he did not want to participate in the adoption or consideration of this amendment. We are honoring his request. I ask for the adoption of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1300) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I yield to my friend from Hawaii who has the Democratic portion of the managers' package.

AMENDMENTS NOS. 1301 THROUGH 1316, EN BLOC

Mr. INOUYE. Mr. President, I send to the desk 16 amendments as part of the managers' package and ask unanimous consent for their immediate consideration en bloc.

They are: Senator FEINSTEIN amendment on secure cell phones; Senator BOXER amendment on Shortstop, an Army program; Senator DURBIN amendment on the 932nd Airlift Command; Senator MIKULSKI amendment on Project Ancile; Senator MIKULSKI amendment on knowledge management fusion; Senator SCHUMER amendment on Large Energy National Shock Tunnel; Senator DORGAN amendment on ultra-low-power battlefield sensor system; Senator BIDEN amendment on nuclear debris collection; Senator BAYH amendment on M1A1 tank transmissions; Senator INOUYE amendment on civil rights history in the Army; Senator HARKIN amendment on airplane parts; Senator WYDEN amendment on Iraq reconstruction contracts; Senator BOXER amendment on travel expenses; Senator BIDEN amendment on C–5s; Senator SCHUMER amendment on Iraq report; Senator BYRD amendment on travel credit card checks.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes amendments numbered 1301 through 1316 en bloc.

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, the question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1301

(Purpose: To make available from amounts available for Procurement, Defense-Wide, $20,000,000 for procurement of secure cellular telephones for the Department of Defense and the elements of the intelligence community)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "PROCUREMENT, DEFENSE-WIDE", to $20,000,000 may be available for procurement of secure cellular telephones for the Department of Defense and the elements of the intelligence community.

AMENDMENT NO. 1302

(Purpose: To make available from amounts available for Research, Development, Test and Evaluation, Army, $5,000,000 for procurement of Shortstop Electronic Protection Systems for critical force protection)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $5,000,000 may be available to support Shortstop Electronic Protection Systems (SEPS) research and development efforts.

AMENDMENT NO. 1303

(Purpose: To require a study of the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. The Secretary of the Air Force, in consultation with the Chief of Air Force Reserve, shall study the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois, and evaluate whether it would be appropriated to substitute for that mission a mixed mission of transporting patients, passengers, and cargo that would increase the airlift capability of the Air Force while continuing the use and training of aeromedical evacuation personnel. The Secretary shall submit a report on the results of the study and evaluation to the congressional defense committees not later than January 16, 2004.

AMENDMENT NO. 1304

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE WIDE", up to $3,000,000 may be used for Project Ancile.

AMENDMENT NO. 1305

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $2,000,000 may be used for Knowledge Management Fusion.

AMENDMENT NO. 1306

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Army, $3,000,000 for the Large Energy National Shock Tunnel (LENS))

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $3,000,000 may be available for the Large Energy National Shock Tunnel (LENS).

AMENDMENT NO. 1307

(Purpose: To provide funds for the Ultra-low Power Battlefield Sensor System)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. In addition to amounts provided in this Act for Ultra-low Power Battlefield Sensor System, up to an additional $7,000,000 may be used from the total amount appropriated by title IV "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", for Ultra-low Power Battlefield Sensor System.

AMENDMENT NO. 1308

(Purpose: To require a report on the feasibility of developing and deploying a nuclear debris collection and analysis capability to permit the characterization of detonated nuclear devices)

Insert after section 8123 the following:

SEC. 8124. (a) FINDINGS.—The Senate makes the following findings:

(1) If a terrorist group were to acquire the necessary fissile material for a nuclear explosive device, it would not be difficult for

the group to construct such a device, the explosion of which could kill and injure thousands, or even hundreds of thousands, of people and destroy a large area of a city.

(2) If a terrorist group were to acquire a complete nuclear weapon from a nation which has constructed nuclear weapons, it is likely that the group would be able to detonate the device with similar results.

(3) A nation supplying either complete nuclear weapons or special nuclear material to terrorists might believe that it could escape retaliation by the United States, as the United States would not be able to determine the origin of either a weapon or its fissile material.

(4) It is possible, however, to determine the country of origin of fissile material after a nuclear explosion, provided that samples of the radioactive debris from the explosion are collected promptly and analyzed in appropriate laboratories.

(5) If radioactive debris is collected soon enough after a nuclear explosion, it is also possible to determine the characteristics of the nuclear explosive device involved, which information can assist in locating and dismantling other nuclear devices that may threaten the United States.

(6) If countries that might contemplate supplying nuclear weapons or fissile material to terrorists know that their assistance can be traced, they are much less likely to allow terrorists access to either weapons or material.

(7) It is in the interest of the United States to acquire a capability to collect promptly the debris from a nuclear explosion that might occur in any part of the Nation.

(b) SENSE OF THE SENATE ON NUCLEAR DEBRIS COLLECTION AND ANALYSIS CAPABILITY.—It is the sense of the Senate that—

(1) the Secretary of Defense should develop and deploy a nuclear debris collection and analysis capability sufficient to enable characterization of any nuclear device that might be exploded in the United States;

(2) the capability should incorporate airborne debris collectors, either permanently installed on dedicated aircraft or available for immediate use on a class of aircraft, stationed so that a properly equipped and manned aircraft is available to collect debris from a nuclear explosion anywhere in the United States and transport such debris to an appropriate laboratory in a timely fashion; and

(3) to the maximum extent practicable, the capability should be compatible with collection and analysis systems used by the United States to characterize overseas nuclear explosions.

(c) REPORT.—Not later than March 31, 2004, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of developing and deploying the capability described in subsection (b)(1).

AMENDMENT NO. 1309

(Purpose: To make available amounts available for Operation and Maintenance, Army, up to $15,000,000 for upgrades of M1A1 Abrams tank transmissions)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY" up to $15,000,000 may be made available for upgrades of M1A1 Abrams tank transmissions.

AMENDMENT NO. 1310

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II of this Act under the heading "Operations and Maintenance, Army", up to $2,000,000 may be used to promote civil rights education and history in the Army.

AMENDMENT NO. 1311

(Purpose: To require reports on safety issues due to defective parts)

Insert after section 8123 the following:

SEC. 8124. REPORTS ON SAFETY ISSUES DUE TO DEFECTIVE PARTS.

(a) REPORT FROM THE SECRETARY.—The Secretary shall by March 31, 2004 examine and report back to the congressional defense committees on:

(1) how to implement a system for tracking safety-critical parts so that parts discovered to be defective, including due to faulty or fraudulent work by a contractor or subcontractor, can be identified and found;

(2) appropriate standards and procedures to ensure timely notification of contracting agencies and contractors about safety issues including parts that may be defective, and whether the Government Industry Data Exchange Program should be made mandatory;

(3) efforts to find and test airplane parts that have been heat treated by companies alleged to have done so improperly; and

(4) whether contracting agencies and contractors have been notified about alleged improper heat treatment of airplane parts.

(b) REPORT FROM THE COMPTROLLER GENERAL.—The Comptroller General shall examine and report back to the congressional defense committees on:

(1) the oversight of subcontractors by prime contractors, and testing and quality assurance of the work of the subcontractors; and

(2) the oversight of prime contractors by the Department, the accountability of prime contractors for overseeing subcontractors, and the use of enforcement mechanisms by the Department.

AMENDMENT NO. 1312

(Purpose: To require a report on the reconstruction of Iraq)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, in writing, a report on contracts for reconstruction and other services in Iraq that are funded in whole or in part with funds available to the Department of Defense. The report shall detail—

(1) the process and standards for designing and awarding such contracts, including assistance or consulting services provided by contractors in that process;

(2) the process and standards for awarding limited or sole-source contracts, including the criteria for justifying the awarding of such contracts;

(3) any policies that the Secretary has implemented or plans to implement to provide for independent oversight of the performance by a contractor of services in designing and awarding such contracts;

(4) any policies that the Secretary has implemented or plans to implement to identify, assess, and prevent any conflict of interest relating to such contracts for reconstruction;

(5) any policies that the Secretary has implemented or plans to implement to ensure public accountability of contractors and to identify any fraud, waste, or abuse relating to such contracts for reconstruction;

(6) the process and criteria used to determine the percentage of profit allowed on cost-plus-a-fixed-fee contracts for reconstruction or other services in Iraq; and

(7) a good faith estimate of the expected costs and duration of all contracts for reconstruction or other services in Iraq.

AMENDMENT NO. 1313

(Purpose: To provide travel reimbursement to the spouses and dependents of deployed military personnel when they visit family members)

At the end of section 8083, add the following:

"Not more than $1 million of the amount so credited may be available to provide assistance to spouses and other dependents of deployed members of the Armed Forces to defray the travel expenses of such spouses and other dependents when visiting family members."

AMENDMENT NO. 1314

(Purpose: To make available from amounts available for Aircraft Procurement, Air Force, $19,700,000 for C–5 aircraft in-service modifications for the procurement of additional C–5 aircraft Avionics Modernization Program kits)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to $19,700,000 may be available for C–5 aircraft in-service modifications for the procurement of additional C–5 aircraft Avionics Modernization Program (AMP) kits.,

AMENDMENT NO. 1315

(Purpose: To require a report on the establishment of police and military forces in Iraq)

Insert after section 8123 the following:

SEC. 8124. (a) REPORT ON ESTABLISHMENT OF POLICE AND MILITARY FORCES IN IRAQ.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the establishment of police and military forces in all of the 18 provinces of Iraq, including—

(1) the costs incurred by the United States in establishing Iraqi police and military units;

(2) a schedule for the completion of the establishment of Iraqi police and military units;

(3) an assessment of the effect of the ongoing creation and final establishment of Iraqi police and military units on the number of United States military personnel required to be stationed in Iraq;

(4) an assessment of the effect of the establishment of an Iraqi police force on the safety of United States military personnel stationed in Iraq; and

(5) an assessment of the effectiveness of the Iraqi police force, as so established, in preventing crime and insuring the safety of the Iraq people.

(b) UPDATES.—Not later than 120 days after the date of the submittal of the report required by subsection (b), and every 120 days thereafter, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress an update of such report.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

AMENDMENT NO. 1316

(Purpose: To continue in effect a provision of the Department of Defense Appropriations Act, 2003, relating to evaluations of creditworthiness for issuance of Government charge cards)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Section 8149(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107-248; 116 Stat. 1572) is amended by adding at the end the following new paragraph:

"(3) This submission shall remain in effect for fiscal year 2004.".

AMENDMENT NO. 1311

Mr. HARKIN. Mr. President, two weeks ago, the company Hydroform USA, its subsidiary Temperform, and three company managers were indicted for conspiracy and making false statements. This is just the latest event in a long horror story that may still threaten the safety of both military and civilian aviation. And it raises serious questions, yet again, about our ability and commitment to root out defense fraud that attacks our taxpayers and our troops.

The story is told at length in a special issue of Defense Week dated July 3 and written by John Donnelly. It starts with a company called West Coast Aluminum Heat-Treating Company, which had a plant in La Mirada, CA. Many aluminum parts on airplanes and rockets are heat-threaten to stengthen the parts, reduce corrosion, and prevent cracking and fatigue. West Coast was paid to do this by a large number of airplane manufacturers and suppliers. But beginning in 1981, they did the heat treatment for far less time and at lower temperatures than required. They didn't falsified testing of the parts. This fraud went on undetected, on hundreds of thousands of parts, for fifteen years. The parts ended up on a long list of military airplanes, helicopters, and rockets from Boeing, Lockheed Martin, Northrop Grumman, and other contractors, as well as on many commercial planes and helicopters from Boeing, Airbus, and other manufacturers. In 1996, a West Coast foreman finally blew the whistle to Boeing.

Boeing, observed by the Federal Aviation Administration, eventually tested 1,634 parts for hardness and electrical conductivity. They found that 18 percent of the parts were critical, and that 11 percent of the parts did not meet specifications because of the fraudulent heat treatment. Tests on hundreds of other parts had similar results. But these tests may not reveal the full extent of the problems. Other, more informative tests that destroy the parts are needed to assess heat treatment well. And even parts supposedly tested may not be good, although Boeing claimed that subcontractors had tested many parts, the FAA found that six of the subcontractors could not document such testing; the other three subcontractors they contacted did have test records showing the parts were good, but when the FAA tested the parts, they found the parts did not in fact meet specifications.

Even though the fraud was revealed in 1996 and Boeing disqualified West Coast as a vendor in 1997, it took another year before Boeing and the Government bothered to let other customers know that the parts could be defective. They finally issued alerts on the Government-Industry Data Exchange Program called GIDEP, in 1998. For those two years other defense contractors continued to use West Coast. In addition, the alert that Boeing finally issued focused on "discrepancies" in paperwork, and claimed that the parts were fine.

Government oversight was equally weak. Although the FAA concluded that Boeing had violated federal regulations because it did not adequately supervise its subcontractors, it said the statute of limitations had expired and hence it could not pursue enforcement action. Worse, the Defense Logistics Agency wrote reports suggesting that West Coast-treated parts were fine, based on a database of 253,736 parts. But they did not actually know which parts were from West Coast, and they knew that many of the parts in the database were not even made of aluminum.

In 1998, West Coast was sold, and in 2000 its two executives were convicted, sentenced, and fined. The plant was bought by Temperform, which proceeded to commit the same fraud on tens of thousands of additional parts. It has been said that history repeats itself, first as tragedy and then as farce. The Temperform replay of West Coast would be amusing if it weren't still tragic. Temperform fired the West Coast employees so that Boeing would approve the company as a vendor, then promptly rehired them. The same heat-treating fraud continued undetected, and another employee finally blew the whistle again in 2000. Despite the plant's history, Boeing did not audit Temperform until this time, and then allegedly found 37 deficiencies in their quality assurance processes.

To this date, neither Boeing nor anyone else has ever issued a GIDEP alert to let other companies know of the Temperform fraud. A Government safety alert, issued only in 2002, went only to Government agencies. Thus, Lockheed Martin continued to buy parts from Temperform for more than two years. Again, the Government accused Boeing of mismanagement but declined to do anything about it. The plant again was sold in 2002, and, as I mentioned, three company executives were recently indicted. One of those three, the manager in charge of heat-treating procedures, was one of the West Coast employees who were rehired.

That is all history. But I have not yet explained a key reason why this remains a continuing threat. Almost all of the testing of parts I mentioned was of commercial parts. The military services claim that they cannot identify which parts were treated by a particular company, even for safety critical parts. Typically major weapon system programs are now managed by private contractors, which then have a large number of subcontractors supplying parts. West Coast and Temperform contracted with many of those subcontractors. Apparently we cannot negotiate this maze to find which parts, even safety critical parts, were fraudulently treated. Thus, few military parts have been tested, and if they were found unsatisfactory, it is not clear how they would be replaced.

This is not the first time this problem has come up. Not long ago the Pentagon bought 780,000 chemical protective suits from a company called Isratex. We cannot find 250,000 of those suits either. And last year the Navy could not find 42,000 defective oxygen masks.

My amendment attempts at least to examine several of these systemic issues. It requests that the Secretary of Defense report back to Congress by March 31, 2004, on efforts to find and test the parts that have been improperly heat-treated, and on notification of other customers that their parts may be defective. The report also is to look at how to implement a system for tracking safety-critical parts, and at standards and procedures for notification on future safety issues.

The amendment also asks the General Accounting Office to submit a report on issues regarding the prime contractor system that may be partly at fault here. The GAO is to look at both the oversight of subcontractors by the prime contractor—which is what they are paid to do—and the oversight and enforcement of prime contractors by the Department of Defense.

Hundreds of thousands of aluminum parts that are in our airplanes and helicopters today have not been properly strengthened. Many of these parts are safety-critical. Millions of people, civilian and military, may be at risk if a plane crashes due to a failure of one of these parts. We are at risk not only because of the fraud, but also because of the failure all the way down the line—by small subcontractors, huge plane manufacturers, and the Government—to catch the fraud, stop it in a timely manner, notify others at risk, track or test the parts, or hold anyone accountable for the oversight failures.

We must do better. This amendment is a small step toward fixing the problems, and I intend to pursue this until I am confident such abuse cannot happen again.

AMENDMENT NO. 1316

Mr. BYRD. Mr. President, last year, Senator GRASSLEY and I had an amendment included in the Fiscal Year 2003 Defense Appropriations Act to crack down on the abuse of credit cards that are issued to Pentagon employees. Today, we offer an amendment to extend those provisions through fiscal year 2004.

The General Accounting Office has completed numerous studies on Government-issued charge cards. These reports have highlighted the Department of Defense as one of the worst abusers of those cards. Defense Department employees have been caught red-handed using their Government-issued credit card to pay for personal expenses such as luxury cruises, concert tickets, Internet gambling, and even adult entertainment. Incredibly, these abusive charges are being underwritten by the U.S. taxpayer, to the tune of untold millions each year.

Based on this evidence, the GAO has recommended that DOD employees should undergo credit checks before they are issued a Government charge card. That is exactly what the amendment offered last year by Senator GRASSLEY and me required.

The GAO recently reported to our staffs that despite progress in cracking down on some types of abuse, the Pentagon has not complied with last year's Byrd-Grassley amendment. That is why we offer an amendment to this Defense bill to extend last year's provision of the Defense Appropriations Act to apply in fiscal year 2004.

The Pentagon should be on notice that it has to straighten out its act with regard to charge card abuse, as well as a whole host of other accounting problems. Ignoring laws that require the Department of Defense to crack down on these problems is a serious mistake. Congress should send the message loud and clear that we expect them to comply with the Byrd-Grassley amendment on credit card abuse.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MUSCULAR DYSTROPHY RESEARCH/MUSCLE RESEARCH CONSORTIUM

Mr. COLEMAN. Mr. President, I rise today to speak in support of funding for the Muscular Dystrophy Research/Muscle Research Consortium to study muscular disease. Funding will allow the consortium to conduct critical research on muscular dystrophy through the Department of Defense Peer Reviewed Medical Research Program. I note that the committee has stated its support for this very worthwhile program, in the report to accompany the fiscal year 2004 DoD appropriations bill. I urge the committee when conferencing with the House to include full funding for this program.

Mr. STEVENS. The Senator is correct. The committee has noted its support of the program, and I assure my friend from Minnesota that the committee will give its full consideration to this program while conferencing with the House.

Mr. COLEMAN. I thank the chairman for his support, and I also not that the House has included funding for this program. I look forward to working with the chairman to protect this project during conference.

ROBOSCOUT PROGRAM

Mr. FEINGOLD. I would like to ask a question of the managers of the bill: It is my understanding that the bill zeros out funding for the Roboscout program, also called Combat Zones That See.

Mr. STEVENS. Yes, that is correct.

Mr. FEINGOLD. It is further my understanding that zeroing out funding for this program will prohibit any research and development on Roboscout?

Mr. STEVENS. That is correct. The Department of Defense should not be engaging in any work on the Roboscout program.

Mr. INOUYE. I concur with the Chairman. His statements express our intent for this program quite well.

WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT

Mr. FEINGOLD. Mr. President, I have long advocated the creation of 23 additional full-time National Guard Weapons of Mass Destruction Civil Support Teams and have supported the location of at least one team in each state and territory of the United States. I am pleased that last year the Congress passed—and the President signed into law—a defense authorization bill that required that these important teams be created.

I am also pleased that earlier this year the Senate passed a defense authorization bill that includes $88.4 million for 12 new teams in fiscal year 2004. I thank the Chairman and Ranking Member of the Armed Services Committee for their support on this issue, and for including language in the report accompanying the fiscal year 2004 DoD authorization bill urging the Pentagon to include funding for the remaining eleven teams in its fiscal year 2005 budget request.

I also want to thank the Chairman and the Ranking Member of the Defense Appropriations Subcommittee for their work on this issue. I wonder if the managers would engage with me in a brief colloquy on this subject.

Mr. STEVENS. I would.

Mr. INOUYE. Yes.

Mr. FEINGOLD. It is my understanding that the bill as amended by the Chairman includes the full $88.4 million authorized by the Armed Services Committee for 12 new Weapons of Mass Destruction Civil Support Teams. I ask the Chairman of the Committee and the Senator from Hawaii [Mr. INOUYE] if that is the case?

Mr. STEVENS. Yes.

Mr. INOUYE. Yes.

Mr. FEINGOLD. So it is your understanding that the funding included in the bill currently before the Senate includes sufficient funding to man, equip, and train 12 new civil support teams?

Mr. STEVENS. That is my understanding.

Mr. INOUYE. Yes.

Mr. FEINGOLD. I thank the managers.

ABRAMS SYSTEM ENHANCEMENT PROGRAM

Mr. VOINOVICH. Mr. President, as we consider appropriations for our men and women in uniform for the upcoming fiscal year, I would like to take this opportunity to express my strong support for the M1A2 System Enhancement Program.

As our experience in Iraq has demonstrated, the Abrams tank remains crucial to the efforts to the United States Armed Forces. The tanks of the 3rd Infantry Division were among the first on the ground in Iraq. However, the armed reconnaissance regiment of the CounterAttack Corps (CATK)—the 3rd Armored Cavalry Regiment (ACR)—is fighting with older, less capable M1A1 tanks.

The M1A2 System Enhancement Program retrofits existing tanks to incorporate the most sophisticated technologies, allowing them to best communicate with and protect the rest of the CounterAttack Corps. I believe it is critical to provide our soldiers in the 3rd Armed Cavalry Regiment—the eyes and ears of the CounterAttack Corps—with the most modern equipment available to them.

The State of Ohio, home to the Lima Army Tank Plant, plays a critical role in this modernization effort. The thousands of men and women who have worked at the Lima Army Tank Plant have played a long and distinguished role in the history of the mighty Abrams. This continued during Operation Iraqi Freedom, when the plant's employees responded to a call by the Defense Department and within the period of just one week designed, tested, produced and shipped to Iraq armored protection to bolster the armor around the exhaust.

I look forward to working with my colleagues in the Senate and the House of Representatives in conference to ensure that sufficient funds are maintained to upgrade the tanks of the 3rd Armored Cavalry Regiment, better serving our men and women in uniform and the U.S. military in their efforts to promote peace, security and democracy in Iraq and other parts of the world.

Mr. SHELBY. Mr. President, I want to associate myself with the statement of Senator VOINOVICH regarding the importance of the M1A2 System Enhancement Program. I strongly support providing the necessary funding to modernize the 3rd Armored Cavalry Regiment (ACR) tank fleet. I would ask

Chairman STEVENS and Senator INOUYE to work with us to find a way to address this important issue in conference.

Mr. SPECTER. Mr. President, I rise today to join the junior Senator from Ohio and my colleague from Alabama, Senator SHELBY, to urge the Chairman of the Senate. Appropriations Committee to ensure that the Fiscal Year 2004 Department of Defense Appropriations bill we send to the President provides funding for at least one squadron of Abrams M1A2 SEP tanks for the U.S. Army's 3rd Armored Cavalry Regiment.

Like all Americans, I proudly watched on the nightly news as the U.S. Army's Abrams tanks again proved themselves an indispensable asset in the recent war in Iraq.

A critical element in the success in those battles—and any likely future conflict—is the U.S. Army's Counter-Attack Corps. The armed reconnaissance regiment of the CATK is the 3rd Armored Cavalry Regiment, which needs the most up to date equipment to best protect our fighting men and women. The 3rd ACR must be upgraded to the Abrams M1A2 SEP to reflect new technologies.

The ground combat vehicle defense industrial base is critical to our national security as we transform our military services into more lethal, survivable and sustainable entities, particularly as we prepare for new programs such as Future Combat Systems.

I am proud that Scranton, Pennsylvania is a critical part of that industrial base. In Scranton, some two hundred highly dedicated, highly skilled workers—many of whom are members of UAW Local 1193—manufacture critical components of the M1A2 SEP, such as turret race rings, LRUs and suspensions.

I look forward to working with my colleagues in Conference to ensure that the fighting men and women of the 3rd ACR and the workers that together make up the backbone of our national security are protected well into the future by providing funding for at least one squadron of M1A2 SEP tanks in the Fiscal Year 2004 Department of Defense Appropriations Act.

Mr. DEWINE. Mr. President, I rise today to join my colleagues to highlight the absolutely critical need to fund the Abrams tank program and the M1A2 System Enhancement Program, specifically.

We have a moral obligation to our military forces to see that they are armed with the best equipment available when they put their lives on the line. The M1A2 System Enhancement Program is an important step in achieving this goal because it will help ensure the tank crews and the troops they protect get the highest, cutting edge technology possible. Like Senator VOINOVICH, I am extremely proud of the employees at the Lima Army Tank Plant, who themselves take such pride in the important work they do every day to make sure our tanks continue to be the best in the world.

Mr. STEVENS. I would like to thank my colleagues for their remarks regarding the M1A2 System Enhancement Program. I understand their concern with the need to provide resources to allow for the modernization of the 3rd Armored Cavalry Regiment tank fleet, and I look forward to working with them as we begin conference with the House to address this important matter.

NETRP PROGRAM

Mr. SESSIONS. As the Chairman and Ranking Member are aware, for the last 7 years, since 1997, the Department of Defense has sponsored a unique biomedical research effort called the Neurotoxin Exposure Treatment Research Program or NETRP. This program conducts medical research that has wide applications in protecting and treating our soldiers, as well as advancing medical research that can lead to a cure for Parkinson's disease, which afflicts more than one million Americans.

The program addresses the protection of American soldiers from a wide range of exposures including chemical warfare agents, potential toxins in military uniforms and jet fuel, and radiation from radar and communications systems. Findings from this military research then have broad application to those diagnosed with Parkinson's and other neurodegenerative disorders.

This year's House of Representatives DOD Appropriations bill includes an increase in NETRP funding from the 2003 level of $21.25 million to $31 million—a solid investment in protecting our soldiers that can have the added benefit of saving or vastly improving the lives of millions of Americans.

Will the Chairman consider accepting the House proposal in conference?

Mr. STEVENS. I can assure the Senator from Alabama that I will give consideration during conference to the House proposal to increase NETRP funding levels.

Mr. SESSIONS. I thank the Chairman.

Mr. DURBIN. I join my colleague from Alabama in thanking the Chairman for his assurance to give this provision all due consideration during conference, and urge our Ranking Member, the distinguished Senator from Hawaii, to likewise give consideration to this vital research to protect our soldiers, as well as benefit our citizens with neurodegenerative diseases.

Mr. INOUYE. I would be happy to join in that assurance.

EC–130J MODIFICATIONS

Mr. SANTORUM. Mr. President, I rise today to engage in a brief colloquy with the distinguished Chairman and Ranking Member of the Defense Appropriations Subcommittee regarding Special Operations Command's information warfare platform, the ED–130J, which is funded in the Defense Appropriations bill.

The 193rd Special Operations Wing (SOW), Pennsylvania Air National Guard, conducts information warfare missions such as psychological operations (PSYOP) civil affairs radio and television broadcasts, Command Control Communications Counter Measures (C3CM) and limited intelligence gathering. Because many of the missions carried out are often classified, the public at large usually does not know the extent to which this unit has shaped events prior to conflict. In many cases, their mission has made conflict unnecessary or has reduced the loss of life.

Last year, the Senate provided $87 million for a C–130J aircraft to be purchased and converted into an EC–130J platform that is used by the 193rd SOW. This sum was enough to purchase a C–130J, but not the unique components that are to be fitted into the platform. I thank the Committee for its support of this important platform by its inclusion of $10 million in the Senate Appropriations bill for fiscal year 2004. I urge SOCOM to fully fund the unique components that will allow for the conversion of one C–130J into an EC–130J aircraft.

I ask the distinguished Chairman and Ranking Member of the Defense Appropriations Subcommittee to support the EC–130J modifications for Special Operations Command.

Mr. STEVENS. Mr. President, this is an important platform for SOCOM, as we have clearly demonstrated by our support in this bill.

These modifications are important to the mission of SOCOM and the reason for inclusion of $10 million of additional funding in the fiscal year 2004 Defense Appropriations bill. The Committee also approved funds that could be used for these modifications in the Supplemental Appropriations bill for fiscal year 2003.

Mr. INOUYE. Mr. President, I would also expect the Department to give full consideration to supporting this worthwhile project.

SAIL SAN FRANCISCO

Mrs. BOXER. Mr. President, I want to express my support for Sail San Francisco, a nonprofit organization that provides a range of services to visiting international tall ships and training ships.

These services, which include docking, technical assistance and hospitality, were formerly provided by the U.S. Navy in the Bay Area. In the wake of the base closure process, this assistance is no longer available. Over the past several months, Sail San Francisco has coordinated with foreign consulates to facilitate the visit of several foreign navies, playing a valuable role that is filled by the U.S. Navy at other ports throughout the country.

It is my hope that when the fiscal year 2004 Defense Appropriations bill is considered in conference, it is possible to provide $800,000 for Sail Francisco's naval/tall ships education programs.

Mrs. FEINSTEIN. Mr. President, as a member of the Defense Appropriations subcommittee, I would like to join my colleague and friend, Senator BOXER, in support of this request. It is important that we assist in these naval and diplomatic educational and training programs that have been continued through the work of Sail San Francisco.

Mr. SPECTER. Mr. President, as the Senate debates the fiscal year 2004 Department of Defense Appropriations bill, I urge my colleagues to consider the importance of protecting our Naval ships and sailors, particularly in strategic ports, such as the port of Phildelphia, where heavy commercial and military traffic coexist. I strongly believe that it is critical we do everything we can to ensure the installation of safeguards against future acts of terrorism. We must avoid another tragedy like the October 12, 2000 terrorist attack on the *U.S.S. Cole* in Yemen which claimed the life of 17 U.S. Sailors.

Recently, quad hull steel caisson technology has been identified as an effective protection mechanism for such ships and their crews. I encourage the Defense Appropriations Committee to pursue a demonstration project focusing on this technology that can lead to full production of these quad hull modules on a timely basis.

Mr. FEINGOLD. Mr. President, I rise to explain my vote on the amendment offered by the distinguished Senator from West Virginia to H.R 2658.

I share the Senator's concerns about our National Guard troops being deployed overseas for long deployments. I understand that the families of these troops are anxiously awaiting the return of their loved ones. And I, too, am deeply concerned about our troops being sent on dangerous and ill-conceived missions abroad.

I regret, however, that I could not support this amendment because, once the brave men and women of our Armed Forces are deployed, we should not micromanage their deployment. The ability of our Reserve and Guard Forces to work together seamlessly with the regular Active Duty Forces is critical. I am concerned that if we limit the length of deployment of our Guard and Reserve troops, we will fundamentally change this "Total Force" capability—and that is not a step that is in our interest today.

Before making this vote, I closely consulted with the National Guard in my State. They expressed to me the concerns I have noted. They expressed their concern that limiting the length of troop deployment will make them unusable for the Defense Department and therefore irrelevant to the American people. They do not want to become second-tier forces. Any change to their status should be carefully crafted in consultation with them, and should be carefully debated here to ensure that the national security interests of the United States are fully protected.

But the Senator from West Virginia was right to bring this debate to the floor. The Guard and Reserve have been, and continue to be, heavily relied on by our country. This puts a tremendous strain on these brave men and women and on their families and we should look into ways in which we can reduce this burden. We should also ensure that our leaders are up front with the American people about the nature of the commitments that we undertake and the costs that they will be asked to bear in any military deployment. This clarity was not forthcoming in the debate over going to war in Iraq, and it is still not forthcoming today. The elected representatives of the American people are pressing the administration for answers, but too often, timeframes and budgets and straightforward assessments are elusive. I will continue to join my colleagues in fighting to ensure that Congress and the American people are given the answers they deserve to these vital questions.

Mr. VOINOVICH. Mr. President, I would like to take a moment to address my strong concern with the safety of U.S. military helicopters. As my colleagues may be aware, yesterday, a MH–53E Sea Dragon helicopter crashed roughly 10 miles southwest of the island of Sicily, which is home to U.S. Naval Air Station Sigonella. Four members of the U.S. Armed Forces lost their lives in this tragic accident.

During my time in the Senate, I have continued to raise the issue of aviation safety with our Defense Department. I believe it is crucial that we provide the funding necessary to provide for the safety of our men and women in uniform who ride in military helicopters—including funds for required maintenance, training, and modernization.

On May 6, 1999, I spoke on the Senate floor in honor of two brave American soldiers—Chief Warrant Officer Kevin L. Reichert and Chief Warrant Officer David A. Gibbs—who lost their lives when their Apache helicopter crashed into the Albanian mountains during a routine training exercise on May 5, 1999, as U.S. troops joined with our NATO allies in a military campaign against Slobodan Milosevic. As I remarked at that time, the United States owes David, Kevin, and so many other service members a debt of gratitude that we will never be able to repay, for they have paid the ultimate sacrifice. As the Bible says in John chapter 15:13, "Greater love has no man than this, that a man lay down his life for his friends."

As such, I strongly support a section of the report accompanying the version of the Defense Appropriations Act for fiscal year 2004 passed by the House of Representatives, H.R. 2658, which calls on the Army to provide a report describing mishaps sustained by Apache aircraft in Operation Iraqi Freedom. Specifically, the language reads:

> The Committee is additionally concerned about the unusually high number of mishaps sustained by Apache aircraft in Operation Iraqi Freedom. The high incident rate may have resulted from the extensive number of security support and non-traditional missions flown by aircraft, as well as adverse weather conditions. As such, the Army is directed to provide the congressional defense committees a report, no later than January 30, 2004, that enumerates and describes the Apache aircraft mishaps, the cause and to the extent known, the follow-up actions the Army is considering to address any systemic problems.

As we begin conference on the Defense Appropriations Act of fiscal year 2004, I urge my Senate colleagues to retain this important provision.

Mr. CHAMBLISS. Mr President, I rise today in support of Air Force Procurement funds to purchase additional kits for the C–5 Avionics Modernization Program, AMP.

The Air Force requested these kits in their Unfunded Priorities List for Fiscal Year 2004, and both the House and Senate Defense authorization bills provided additional funding. These funds would be used to help put the AMP installation back on schedule to be completed by fiscal year 2007.

The Senate defense authorization bill includes a requirement to update the Mobility Requirements Study. I believe this study will almost certainly conclude that we do not have enough airlift capability to support our requirements. With this in mind, now is not the time to decommission any airlift assets. We are currently retiring C–141 aircraft. And the C–17 is a magnificent plane which has performed exceptionally well in Operation Iraqi Freedom and Enduring Freedom. This year's budget provides for 11 new C–17s, nevertheless we cannot purchase C–17s fast enough to fulfill our airlift requirements—that is why we need this C–5 avionics modernization program. This installation will extend the life and improve the capability of C–5s as well as contribute to our national defense for years to come.

The Air Force has purchased 10 AMP kits to date. The President's budget request only proposed funding for 18 kits. With the addition of monies to purchase more kits, the Air Force can achieve its most desirable schedule for purchasing kits and enhancing the C–5 fleet. The program is currently ahead of schedule and has performed exceptionally well in testing.

The need for the C–5s capabilities is very clear. The C–5 carried about half of all the cargo, 48 percent, in both

Iraqi Freedom and Enduring Freedom—flying 28 percent of the sorties in Iraqi Freedom and 35 percent of the sorties in Enduring Freedom. The AMP is necessary for every plane in the fleet. In fact, General Handy, the Commander of U.S. Transportation Command and Air Mobility Command, has said that he strongly supports additional funding and wants to see the C–5 fleet get the avionics and safety upgrades of AMP as soon as possible.

The AMP modification will make the fleet compliant with the new Global Air Traffic Management standards established by the International Civil Aviation Organization. By making the planes compliant with the new Global, GATM, standards, the C–5 can use shorter flight paths and consume less fuel, thus operating more efficiently and will be cheaper to maintain.

Even if the Air Force decides to retire some of the older C–5s in the next 10 years, or move them completely to the Guard and Reserve, the planes must have these upgrades to be viable and safe in high-density flight areas, in particular Europe and the Pacific. These planes will be less expensive to maintain for their lifespan of flight.

Mr. FEINGOLD. Mr. President, I rise to add my thoughts to the debate on the Defense appropriations bill for fiscal year 2004.

I wish to take this opportunity to thank all our soldiers, sailors, airmen, marines, and members of the Coast Guard for their hard work in the ongoing fight against terrorism, their efforts in Iraq, and the many other missions to which they have been assigned. These dedicated men and women have volunteered to undertake, often at great personal sacrifice, the task of protecting the American people and our way of life. We owe a huge debt of gratitude to the members of the United States Armed Forces for their selfless service.

I am pleased that this bill appropriates an average pay raise of 4.15 percent for military personnel and lowers servicemembers' out-of-pocket housing costs from 7.5 to 3.5 percent.

I am pleased that the Appropriations Committee has fully funded at the authorized level the 12 additional full-time Weapons of Mass Destruction Civil Support Teams, WMD–CST, included in the Senate-passed Department of Defense authorization bill. These teams, which are staffed by full-time members of the National Guard, will play an integral part in aiding first responders in their crucial work in the immediate aftermath of a terrorist attack. I have been a longtime supporter of the creation of these teams and am encouraged that we are well on our way to assuring that every State will have at least one full-time WMD–CST.

I am also pleased that funding for controversial data-mining programs, like the Terrorism Information Awareness Program and the Combat Zones That See Program, have been zeroed out in this bill. The untested and controversial intelligence procedure known as data-mining is capable of maintaining extensive files containing both public and private records on each and every American. Most Americans believe their private lives should remain private. Data-mining programs run the risk of intruding into the lives of individuals who have nothing to do with terrorism but who trust that their credit reports, shopping habits, and doctor visits would not become a part of a gigantic computerized search engine, operating without any controls or oversight.

Unfortunately this enormous spending bill also contains many unnecessary items. I continue to be deeply concerned about the priorities of the Pentagon and about the process by which we consider the Department of Defense authorization and appropriations bills, a concern I have voiced every year that I have been a Member of this body. This bill includes $9.1 billion for missile defense, despite the fact that it is an unproven program. We also continue to pour billions of dollars into duplicative fighter aircraft programs. These are just two of many examples of excess.

Despite the almost $370 billion appropriated, this bill still does not accurately reflect the true cost of the defense budget. This bill stays within the Department of Defense allocation only by rescinding $3 billion from prior supplemental appropriations and counting those funds against this year's spending. Even worse, this bill contains absolutely no funding for the operations in Iraq and Afghanistan, relying instead on future supplemental appropriations. These accounting tricks will not stop the ballooning of the national debt.

I was also disappointed that the Senate tabled the amendment to fully fund the President's AIDS initiative. I was thrilled by the commitment to fighting AIDS articulated by President Bush in his State of the Union Address, and I believe that the Congress should follow through on his historic and admirable pledge. Because I recognize that the AIDS pandemic is so devastating, because the pandemic causes the kind of instability and social collapse that present real security problems, I supported this amendment. But before I did, I studied it carefully because I needed to be certain that the offset would not diminish the resources available to the men and women of our armed forces currently deployed in dangerous missions in Iraq and elsewhere. Close scrutiny gave me confidence that the senior Senator from West Virginia had carefully crafted the offset to ensure that it would not do harm to our troops.

I will vote for this bill. This legislation includes good elements, such as the pay increases for military personnel and the funding for the establishment of much-needed WMD–CSTs. However, poor fiscal practices and accounting gimmicks cannot hide the fact that expensive, unproven, and redundant weapons programs continue to drain away scarce resources.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. FRIST. Mr. President, the next vote will be the last vote of the evening. The Senate will not be in session on Friday. We will reconvene on Monday and begin consideration of the Homeland Security appropriations bill.

As I previously announced, there will be no rollcall votes on Monday, although we hope Members will be prepared to give opening statements and offer amendments during Monday's debate.

The next votes will occur on Tuesday. We will alert all Senators as to the timing of those votes when they are scheduled. I will have more to say on the schedule when we close the evening.

Mr. STEVENS. Mr. President, I ask unanimous consent that immediately following final passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk has read the bill for the third time.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Texas (Mrs. HUTCHISON) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—95

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—5

Graham (FL)
Hutchison
Kerry
Lieberman
Miller

The bill (H.R. 2658), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House on the disagreeing votes of the two Houses.

The PRESIDING OFFICER appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BURNS, Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID of Nevada, and Mrs. FEINSTEIN conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1300

Mr. HARKIN. Mr. President, I was inadvertently off the floor when the manager of the bill offered a managers' amendment that dealt with providing certain reparations to former U.S. servicemen who were held captive in Japan during World War II and were used as slave laborers in Japanese companies during the duration of the war.

Had I been on the floor at the time that amendment came up, I would have spoken about it and might have taken exception to its inclusion. I would have done so not because I do not think the former slave laborers of Japan deserve compensation, but it is coming from the wrong source.

Two years ago, Senator Bob Smith of New Hampshire and I offered an amendment that basically would have stopped the State Department and the Department of Justice from using taxpayer dollars to defend the interests of Japanese companies. That passed 58 to 34 in the Senate. The House passed the identical amendment in July in an overwhelming 393 to 33 vote, same provision, both Chambers. Incredibly, it was stripped out of conference.

Since then, the State Department has been wielding its influence on behalf of these Japanese companies, not the World War II POWs. I think this is unconscionable. The provision added tonight, basically, as I understand it, would give up to $10,000 to each former POW slave laborer, but that money comes from the taxpayers of America. Senator SMITH and I said that money ought to come from the Japanese companies that are still in existence. Some of them are multinational, some of them huge, such as Mitsubishi, that actually used American slave laborers during World War II. Many of these POWs were packed into cargo holds from the Philippines.

Four thousand American servicemen lost their lives during the Bataan death march. Those who survived were shipped off to Japan for more than 3 years to serve as slave labor for private Japanese companies. Throughout the war, Americans worked in mines, factories, shipyards, and steel mills, labored each day for as long as 10 hours a day in dangerous working conditions. They were beaten on a regular basis.

Frank Exline of Pleasant Hill, IA, was one of those POWs, a Navy seaman, who was captured April 9, 1942.

Frank Smith worked 39 months for Japanese companies in Osaka, Japan. He began on the docks unloading rock salt and keg iron and later found himself toiling in the rice fields. He was fed two rice balls a day and given very little water. During his time with the Japanese companies, he was tortured and beaten once for taking a potato. Upon being caught, the potato was shoved in his mouth and he stood at rigid attention, in the Sun, for 45 minutes. If he moved or blinked, he was beaten.

There was Frank Cardamon, of Des Moines, a marine stationed in China. His ship was attacked, and he was captured at Corregidor and sent to Japan to work in an auto parts factory and in the mines and was never paid for his work. He was fed two cups of rice a day. He went from 160 pounds to 68 pounds in 3 years of capture.

Margaret Baker, of Oelwein, IA, wrote a letter about her late husband, Charles Baker. Charles Baker, an Army private, survived the Bataan death march. He was sent to work in the mines for 3 years in Japan. He died at age 54 in 1973.

In her letter she wrote: He suffered many injuries and hunger on the death march and during his imprisonment. We feel his early death was caused by the suffering he endured while working long hours in the mines without food, rest, and clothing.

These men and 700 of their fellow prisoners of war and their families have been trying to seek long-delayed justice over the past several years. They have been to court to demand compensation from the Japanese companies that used POW slave labor. Yet our own State Department has come down on the side of the Japanese companies, not our POWs. The State Department took the view that a peace treaty signed in 1951 prohibits reparations from private Japanese companies for survivors such as Frank. In fact, State Department officials have submitted statements to the court in support of the view of these Japanese companies.

Imagine our own State Department coming down on the side of the Japanese companies, not the side of our POWs. I don't think that is right and I don't think it is fair, especially when the State Department's assertion about the treaty is inaccurate.

The State Department says the treaty signed in 1951 in San Francisco, article 14(b), exempts Japanese companies from these kinds of lawsuits. I will read the entire article 14(b):

> Except as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Power, other claims of the Allied Powers and their nationals arising out of any action taken by Japan and its nationals in the course of the prosecution of the War. . . .

It says "except as otherwise provided in the present Treaty." Well, the present treaty provides in article 26:

> Should Japan make a peace settlement or war claims settlement with any State granting that State greater advantages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty.

What does that mean? It means article 14 says that U.S. citizens, such as Frank Exline, could not sue Mitsubishi for reparations. But article 26 says if Japan were to conclude a different agreement or arrangement with another country that is more advantageous to the nationals of that country, those same advantages apply to all the signatories of the treaty.

Guess what. We didn't know this until the year 2000 when certain documents were declassified; we did not find out that Japan had concluded a separate treaty with the Netherlands, giving the Netherlands' national citizens the right to go to court to seek reparations. Under article 26, since the Netherlands got greater advantages than those under article 14, article 26 should be extended to those in the present treaty, including the United States.

The State Department ignores this. I guess they do not want to upset Mitsubishi or some of the other large corporations in Japan. They have continued to intervene in court. The courts have come down on the side of the Japanese companies.

The amendment Senator SMITH and I offered 2 years ago and adopted by the Senate and the House basically said the State Department and the Department of Justice cannot intervene in these cases anymore. They cannot use the taxpayers' money to intervene in these cases. That amendment was stripped from the conference report, I guess by the urging of the State Department.

This is why I am upset and stayed at this late hour to talk and why I will talk about it more. I did not know until yesterday that this provision was going to be slipped into the Defense appropriations bill. Otherwise, I would have been prepared with amendments of my own, amendments that this Senate adopted 2 years ago.

It is not right. First, it was not right for Japan and these private companies to use United States POWs as slave laborers. There is a book that describes the torture and what they went through working for private companies as slave laborers. It is not right they were treated that way.

Second, it was not right that the United States concluded a treaty that said you can never seek compensation from these companies. That is the treaty we concluded in 1951. But there was an escape clause that said if Japan concluded a treaty with another country more advantageous to that country, then those same rights would accrue to our citizens. But that was kept under seal from 1951 until the year 2000. Then we found out that article 26 applied and that our former POWs, used as slave laborers, should have the right to go to court to seek compensation.

I am not saying they would have gotten it. At least they could have gone to court to press their rights, to exercise their rights to seek compensation.

What the amendment tonight did is it said now American taxpayers are going to pay them, American tax payers are now going to pay $10,000 to each of these former POWs who are dying every day because of old age and infirmities. Why should the American taxpayer pay them?

These Japanese companies have a lot of money. A lot of the money they have was made on the backs of slave laborers during World War II, and these companies still exist today. That is why I found the inclusion of this amendment so offensive. It is a slap in the face to these former POWs, these slave laborers, saying: We are going to give you $10,000; now shut up.

I understand there was a previous amendment that would have given $30,000 or $20,000 to the widows. That was taken away. I understand it is only $10,000 now. Not only is that a slap in the face, but it is a slap in the face to the U.S. taxpayer, that somehow our taxpayers have to pay for what these Japanese companies did during World War II.

So this is not the last I will have to say about this. I will seek other avenues and other venues, bills coming across the floor of the Senate, to make sure our POWs have the right to seek compensation from these private companies. If the Dutch could get it done, if they had the right to do it, then our American citizens ought to have that same right under article 26 of the treaty of 1951. So while this amendment may have been adopted, I will seek other avenues, as I said, later on. And I will ask for record votes on it because Senators voted on it 2 years ago and House Members voted on it 2 years ago overwhelmingly. Maybe it is time to express, again, our displeasure at the State Department for what they have been doing, for interfering with the rights of our citizens to seek redress in our courts.

With that, again, I put the Senate on notice that this amendment will be coming down the pike whenever I find the first opportunity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, tonight the United States Senate accepted an amendment that I wrote with the distinguished senior Senator from West Virginia, Mr. BYRD, to require accountability and independent oversight on the "contracts for reconstruction and other services in Iraq that are funded in whole or in part with funds that are made available by the Department of Defense."

This requirement is long overdue.

Too much money is moving right now out of public coffers into private hands without adequate assurance that those hands have won the contracts fairly. Suffice it to say, the sums of money involved are staggering. The latest issue of Newsweek magazine says:

> $1 billion a week, and that's the lowside. So much for "self-sustaining" reconstruction.

The head of Iraq's State oil marketing organization thinks "the United States is dreaming if it believes it will be able to finance the reconstruction with oil money alone."

I was particularly troubled several weeks ago because, in the New York Times magazine, there was a feature length article describing the letting of a multibillion-dollar oil field contract to Kellogg, Brown and Root. That contract was sole source, meaning that Kellogg, Brown won it without having to compete at all. But now it appears that Kellogg, Brown and Root actually developed the Army's plan for the oil field restoration effort, and then was awarded the contract to carry out the plan, almost automatically.

I think it is important to be clear. This process essentially allowed an incumbent contractor to identify the criteria for a multibillion-dollar contract and virtually ensured that it would be awarded the contract without competition. The inside track doesn't peter out there. Under the auspices of an even larger, incredibly lucrative contract with the Army, Kellogg, Brown seems to have written the Army's so-called contingency plan for rebuilding Iraq. If the news reports are correct, then the potential for sole-source custom-crafted contracts is practically guaranteed by Kellogg, Brown's agreement.

The Department of Defense recently announced that it is going to go back and solicit bidding for the oil field contracts. So, in a sense, that ends the original controversy, the original contract that I was so concerned about with Kellogg, Brown and Root. But the American people deserve to know whether, in reletting this contract, the Department of Defense has finally acknowledged a problem with the original agreement and the contract processes that are being used today. The American people deserve to know whether the Department of Defense, on a regular basis, is letting other contracts to other companies in this fashion. The American people deserve to know whether the Department of Defense intends to continue this practice where it has not yet been discovered.

If individual contractors are customarily setting the criteria for the work they plan to pursue, it seems to me there are serious conflict-of-interest issues that the Department of Defense should be working immediately to root out.

When you consider the Kellogg, Brown and Root contracts are so-called cost-plus contracts, this arrangement becomes even more unacceptable. Cost-plus lets companies spend what they think is necessary, and after that they get to tack on a percentage fee to make a profit. The more taxpayer dollars the company spends, the more profit they bring home. In effect, these contracts send out a message that the Treasury is open. If you are wasteful and inefficient, don't sweat it because the taxpayer is just going to pick up the bills.

A number of Iraqi reconstruction contracts, not just the Kellogg, Brown contract, have been designed in this way. If the Defense Department is going to spend my constituents' money in this manner without asking for a competitive bid, my constituents deserve to know why.

I have just been having community, townhall meetings in a number of our small, rural communities. I was recently in Gold Beach, OR, at a townhall meeting. Folks there were talking about the difficulty they face getting money for dredging, which is critically important. It is the lifeblood of these small, rural communities on the Oregon coast. They have to battle for every dime in order to get the funds for dredging. I can tell you my constituents in Gold Beach, Coos Bay, Pendleton, and Portland—across the State of Oregon—are saying there is no place for waste. With respect to these Iraqi reconstruction contracts and various other contracts with Iraq, they want to make sure that not only is there no waste, but there should not be any possibility for impropriety.

I understand that in some cases, there may be valid reasons for the awarding of contracts that seem suspect to the untrained eye. One explanation I have heard repeatedly is the need to award some contracts quickly. Another is the need for security clearances. But I cannot imagine that the need to move quickly is a valid justification for ignoring experience as a criterion, nor does a security clearance seem necessary for rebuilding a sewer system.

As a Member of the Intelligence Committee, I had thought these arguments were pretty shaky before. I said then, and I will repeat it tonight. I believe the Department of Defense and other agencies involved in reconstruction would have a more open process and greater credibility if they knew they had to face the public on these important issues.

The fact is: The Pentagon has kept the American taxpayer in the dark. The American people at present do not know how the select group of contractors was chosen, how much the reconstruction of Iraq will cost or how long it will take.

Tonight, with the adoption of the legislation authored with Senator BYRD, we are going to be in a position to finally get on top of those issues.

I want to express my appreciation to a number of the Senators on the Appropriations Committee, particularly Senator STEVENS, the distinguished chairman of the full committee, and Senator BYRD, the ranking member of the Defense Appropriations Committee, and the distinguished subcommittee chair of that committee, for working closely with me and my colleagues on this legislation.

Recently, the New York Times reported the current supply of about $7 billion for rebuilding Iraq includes $1.7 billion for Iraqi assets frozen in U.S. banks, $900 million found hiding in Iraq, and about $1.6 billion from Iraqi oil sold before the war. The United Nations is holding about $1 billion for development, and Congress has already appropriated $2.4 billion for reconstruction contracts. The occupation administrator is reportedly seeking about $6 billion for the remainder of this year, and "the amount for 2004 will be considerably higher." Independent sources familiar with Iraq have put the price tag at upwards of $100 billion.

The Pentagon just last week informed Congress that the monthly cost of military operations is really twice what they predicted in April, or nearly $4 billion. Secretary of Defense Rumsfeld called this a "burn rate" of $1 billion a week. My question then becomes, Will the administration have to effect a similar doubling of the projected reconstruction costs? What sort of a "burn rate" can the American people expect on the reconstruction side of the ledger?

We have seen the costs go up and up with respect to military operations. Suffice it to say, I think there is every reason to believe that will be the case with respect to reconstruction contracts as well.

What Senator BYRD and I have said—and we are very pleased the Senate on a bipartisan basis has accepted our amendment—is it is time for some accountability, and it is time for real and independent oversight with respect to these contracts.

What is needed are clear processes and standards for designing and awarding contracts. What is needed are clear criteria for justifying sole-source contracts. What is needed are mechanisms to provide independent oversight over contractors. What is needed are policies to prevent conflicts of interest. What is needed are policies to prevent waste, fraud, and abuse. What is needed are ways to assure the percentage of profits is determined for cost-fixed-fee contracts in a way that protects our taxpayers. Finally, what is needed is a list of all contracts for reconstruction and other services in Iraq and their overall expected costs and duration.

This week the civil administrator Paul Bremer said that just over the next 6 months Iraqi oil revenues will be $2 billion short of what will be needed to finance occupation and reconstruction. He admitted that reconstruction of Iraq is "not going to be self-financing." Newsweek magazine called these numbers "misleading."

What this means, in plain English, is that U.S. taxpayers are going to get stuck funding the difference for a number of months and for the foreseeable future.

We believe the pattern of secretive and closed bidding for these construction contracts is unacceptable. It seems to me the American people have a right to hear if there are reasons for sole-source and invitation-only contracts for these projects. If something is amiss in the Iraqi reconstruction contracting process, then the oversight and the accountability—as Senator BYRD and I have called for in the legislation accepted tonight—is going to bring that to light. It is high time Congress and the American people arrive at fair judgments about these difficult issues with respect to funding the reconstruction of Iraq. The American people deserve real accountability at a time when we need the money here at home for our schools, for our health care facilities, for our roads, and for the critical needs of strengthening our economy.

I think it is a significant step the Senate has taken. It assures this will now be an effort to establish true oversight and accountability over the billions of dollars that are being spent now and that will be spent with respect to reconstructing Iraq and other services in that country.

I thank Senator BYRD for his patience and assistance in this legislation.

Again, I express my appreciation to Chairman STEVENS for helping us to draft this in a way that will win bipartisan support.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2555

Mr. FRIST. Mr. President, I ask unanimous consent that on Monday, July 21, at 1:30 p.m., the Senate proceed to the consideration of Calendar No. 192, H.R. 2555, the Homeland Security appropriations bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

SENATE BUSINESS

Mr. FRIST. Mr. President, we have had a full week, a complete week, though it is Thursday evening, and almost 9 o'clock. We will not be in session tomorrow, and we will not have votes on Monday but will proceed to the Homeland Security bill Monday during the day and, hopefully, make progress.

As we look over the course of the week, it has been a full and complete week, with a number of amendments and a lot of debate, a lot of issues. I congratulate members from the Appropriations Committee, the leaders on both sides of the aisle for their leadership, in bringing us to the point that we have now passed three of the appropriations bills.

We will have a busy week next week. We will proceed as far as we can in addressing, hopefully, a number of appropriations bills next week. And then, that following week, which will be the last week we are in session, we will address Energy and, hopefully, complete the Energy bill, which is my intention, before the August recess.

Mr. REID. Mr. President, if the distinguished majority leader will yield?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know he has a lot more work to do tonight. I want to say, briefly, before he completes his statement on Prime Minister Blair, and other things, in the National Journal's Congress Daily today, it was brought to my attention that, among other things, it says—and if it is here I am sure it is true; we know all things written are true that the press puts out—GOP staffers continue to meet in an effort to flesh out a reworking of the bill's electricity provisions. A new proposal expected to be released sometime next week.

The only reason I bring this to the leader's attention this evening is that the bill, as it is, is very difficult. We know there are problems with the electricity section. On both sides of the aisle, people are concerned about it.

If there is going to be a new electricity section in this bill, we have to have it next week because there is tremendous concern, especially by the Senators from Washington. And as we discussed yesterday, there are more than 300 amendments on this matter.

The two leaders are sponsors of one of the main amendments in the bill, and I know the two leaders want to get this bill finished. But having said the two leaders want to finish the bill, we still have 98 other Senators to worry about.

I would hope there is some realization of the great difficulty of finishing this bill, especially if there is a new section to be written about electricity. If it is a section that everybody signs off on, that would alleviate a tremendously large problem with this bill.

So I just want to say, we have 2 more weeks to go. I think this week, even though I am sure there is some disappointment in the leader in not being able to complete more appropriations bills, we did a monumental task of finishing this bill in the time we did. I think the debate was good. There were no nonrelevant amendments. No points of order had to be raised. So I think we have done good work. But I do not want, by the mere fact that we keep talking about the Energy bill, for anyone to think it is going to be a simple issue to get that completed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I appreciate the comments from the assistant Democratic leader and understand that the task before us is a large one. One of the advantages we have is that we began to address the Energy bill on May 6 of this year. We have spent 12 days on the floor debating the bill. We made good progress on the Energy bill, and by saying we would spend a week, or the last week of this month, focused entirely on that bill, we have given all of our colleagues the opportunity to work—both members on the committee and our colleagues not on the committee—the opportunity to develop amendments, to discuss those amendments, to work in a bipartisan way across the aisle to come to agreement—and not necessarily consensus but agreement—in lots of different areas.

One of the good things about, at least 6 weeks ago, saying and making very clear to our colleagues we are going to spend the last week on it is that it has given us the opportunity to work together and to look at the various potential amendments as well as the underlying bill.

It is a huge challenge, I recognize, but one I personally look forward to working with the leadership on the other side of the aisle to accomplish as we go forward.

Mr. President, tonight we passed the Defense appropriations bill. I am very pleased with the progress today. Now we have passed three of the 13 appropriations bills for the new fiscal year that begins in just under 3 months.

In many ways, it is ironic because at the beginning of this year we had 11 appropriations bills we had to pass, and now we have passed three; so indeed we have passed 14 appropriations bills this year, which is remarkable. But, in truth, we have three appropriations bills of the 13 for the new fiscal year that we have passed. And now, well over an hour ago, that third one being passed is a benchmark in many ways. I am hopeful that over the course of the next week we will pass as many as three more appropriations bills. I am confident we will be able to pass two. I would like to be able to pass three, which would mean six appropriations bills passed before the August recess.

On Monday, as I mentioned a few minutes ago, we will begin debate—for the first time, I might add, in this Chamber—on a brand new appropriations bill; and that is the Homeland Security appropriations bill. A lot of my colleagues have not thought about it in those terms, but because of our response and reorganization—our response to, in some part, 9/11, but our reorganization of the Homeland Security Department—we now have a Homeland Security appropriations bill, and we will be addressing that beginning Monday.

And, yes, each time I either open or close the Senate it seems people say it is a challenging schedule. It is a challenging schedule. Indeed, to complete all the appropriations bills, and to send them to the President before the beginning of the new fiscal year, will be a real challenge. But it is our responsibility to do so.

As the distinguished ranking member of the Senate Appropriations Committee reminds us on a regular basis, one of our most basic responsibilities of the Congress under article I of the Constitution is that "No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law."

Thus, we take this fundamental responsibility seriously. And thus the discipline and the focus, the patience, the collegiality, the cooperation must all be reflected in order to accomplish that task.

There is reason to be optimistic that for the first time in almost a decade we can complete action on all of the 13 appropriations bills and have them signed into law before the new fiscal year begins October 1. Again, when we accomplish that—if we accomplish it—but when we accomplish that, it will be for the first time in almost a decade.

That optimism stems from a number of facts: first, from the fact that having adopted a budget resolution earlier this year, we now at least begin this appropriations process with a defined top-line spending level for all the appropriations bills next year, that top line being $784.6 billion.

That optimism is also a result of the hard work of the chairman of the committee and the ranking member of that committee, as well as others, to establish very early a general understanding with the administration how the President's priorities and the congressional priorities will be considered.

That optimism that we can accomplish completion by the end of the fiscal year also stems from the fact that of the 13 appropriations bills, the Senate and House's initial allocations are identical for 7 of the bills, and these 7 bills, with identical allocations, represent three-quarters of all the appropriations for next year.

A lot of this is made possible by a very close working relationship with the House of Representatives. Speaking of the House, I am optimistic that before they recess in about a week or 7 days from today or possibly tomorrow, they will have completed 11 of the 13 bills. That will have been a major accomplishment and one that will expedite going to conference quickly to resolve any differences with the Senate bills in September.

Finally, that optimism is further strengthened by the fact that because we have a budget in place this year, because we passed a budget and we have a budget in place right now, we also have the tools to enforce the spending levels that are assumed in that budget.

Over this week we have made much progress on the appropriations process.

We have begun the process in earnest. We have achieved a good first step. Even with this optimism, I know it will not be easy. After the August recess, we will need to complete action on the remaining bills in the Senate and then conference those with the House.

We also recognize that in discussion of these appropriations bills, there are many demands—we saw a number of them play out today—in the bills that come before us. We will see many very good programs, many very worthy programs that require funding. But we will also see programs—and will be talking about that on the floor—that were simply created at a different time in our history. Or we will be talking about programs that simply were created but have not met their goals, programs where continued funding is simply not the most effective use of taxpayer dollars.

As we saw the deficit figures come out over the course of the last week, again and again we said, there are certain things that can be done. It is to grow the economy. It is to reap the benefits of the jobs and growth package that we passed on the Senate floor with those midterm and long-term effects of growing the economy, creating jobs. Thirdly, there is the fiscal discipline that does demand tough choices, that does demand tough decisions.

We are committed in this body to slowing rates of Government spending, and indeed, if you exclude the spending in the war supplemental last spring, the appropriations for next year will represent less than a 3-percent increase over the current year.

Spending will be tight. Many worthy programs and initiatives may not see the increases they have enjoyed in many recent years. Recent years' appropriations have grown at an annual rate of over 7 percent. That simply cannot be tolerated. It is unacceptable today, growing at 7 percent. That is faster than the economy. That is faster than families' paychecks. We simply will not do that. We cannot do that. We need to engage that fiscal discipline.

Again, if you take out that war supplemental from last spring, the appropriations for next year will be less than a 3-percent increase over the current year. It is that type of fiscal discipline that we will demonstrate.

I do know we can live within our budget that we adopted earlier this year. I look forward to working with the Democratic leader and the leadership of the Appropriations Committee to fulfill our responsibility under the Constitution to enact appropriations bills and to do so in an orderly and timely manner.

Our work this week demonstrates that disciplined, orderly manner again in a timely way. I thank my colleagues for their cooperation, for their patience as we, under the leadership of Chairman STEVENS, proceed in this disciplined manner.

PRIME MINISTER TONY BLAIR

Mr. FRIST. Mr. President, we in the Senate today had the experience of participating in the joint meeting in the House Chamber listening to Prime Minister Tony Blair. I opened the Senate this morning pointing out that we would be welcoming and honoring our distinguished visitor in this joint meeting. I mentioned that he is the fourth sitting Prime Minister to address a joint session of the Congress, preceded only by Winston Churchill, Clement Atlee, and Margaret Thatcher, three of histories great leaders.

Today's historic tribute gave us the opportunity to reaffirm our abiding friendship and our deep respect both for the man, Prime Minister Tony Blair, as well as the people of the United Kingdom. Our two nations have stood shoulder to shoulder to defend the free people around the world.

We had the opportunity to meet with the Prime Minister before the address. We were able to directly express our appreciation to the Prime Minister and for him to reflect to the people of Britain for their courage and their resolve.

As you sat in the majestic House Chamber and listened to those words, I think we were all affected very directly because it helped elevate the debate which seemed to have mired down in part of the way it has been handled by the media but also the way it has been handled by a number of our colleagues both in this Chamber and in the other Chamber.

The words from Tony Blair really did elevate it. There is just one passage I want to quote from what the Prime Minister said today in the Chamber:

> And I know it's hard on America, and in some small corner of this vast country, out in Nevada or Idaho or these places I've never been to, but always wanted to go. I know out there there's a guy getting on with his life, perfectly happily, minding his own business, saying to you, the political leaders of this country, "Why me? And why us? And why America?"
>
> And the only answer is, "Because destiny put you in this place in history, in this moment in time, and the task is yours to do."

The Prime Minister continued:

> And our job, my nation that watched you grow, that you fought alongside and now fights alongside you, that takes enormous pride in our alliance and great affection in our common bond, our job is to be there with you.
>
> You are not going to be alone. We will be there with you in this fight for liberty. We will be with you in this fight for liberty. And if our spirit is right and our courage firm, the world will be with us.

I mention this passage because, as we sat there for that 30 minutes or so, this passage where he mentions that "destiny put you in this place in history" is one that just struck a chord.

I contrast that with the debate that has seemed to play out in the media over the last week in regard to the quality and integrity of the case made by President Bush for the removal of Saddam Hussein's regime.

I have to say, as I have heard people comment on the case that has been made for this war, I have been increasingly disturbed. In part it is because of the sound of shaking confidence by people who intend to shake the confidence, or who want to instill or inject into the American people self-doubt about America's mission in Iraq.

But when you stepped back and listened to the Prime Minister today, all of a sudden you realized that a bloody tyrant no longer rules in Iraq. It made you realize that a man who, without regret, murdered members of his own family, as well as tens of thousands of his own citizens, has now been removed from power. The perpetrator of one of the past century's most gruesome crimes against humanity—the use of chemical weapons on thousands of innocent Kurds—no longer is free to pursue such weapons. The aggressor in the gulf war who, a decade ago, invaded his neighbor, only to be driven out by a mighty coalition, no longer threatens the volatile region of the Middle East.

Now all of this second-guessing is perplexing to me. If you look over the last week, we have had things mentioned like Watergate, which was referenced by candidates eager for the next election. You hear candidates using words like "impeachment" being laid upon the table. We have seen, over the last week, special e-mails going out from party headquarters, saying: More money needed to fan the flames of controversy.

Indeed, we know all these campaigns have begun, and there are many people who seem to be eager to topple the leader. I mention all that because of the contrast in what we heard today from Tony Blair, who elevated the facts and the greater cause of liberty, in contrast so much to what our media and the candidates have focused on. This whiff of politics is in the air.

What bothers me about it is that there is a cost if we get in and play a game of politics at this juncture in history. As I listened to the Prime Minister today, I thought, what does this do to the reputation of our country, to the position of our President? Prime Minister Tony Blair helped put that into perspective today.

Indeed, the record is replete with the case against Saddam Hussein, such as the mass graves. Our colleagues who have just come back from Iraq so vividly described standing at these mass graves the size of football fields—thousands of graves exposed. And really only now are the thousands of widows and mothers and orphans—all victims, also—able to openly grieve. Who will ever forget the pictures we have seen of those desperate citizens of Baghdad, actually clawing at the ground in a vain search for these hidden prisons that might hold their loved ones. You see these images of mass graves.

Our colleagues have come back—and we have had two delegations over there, and another one will be going shortly—with descriptions of the unmistakable mark which these mass graves represent of history's tyrants, the legacy of this regime, and the shame of anyone among us who would have tolerated it for one day longer than we knew it to be a fact.

As I listen to some of the candidates and colleagues and critics, it leads me to ask: Are we deaf in some way to the plight of the Iraqi people based on the facts that we know? Is the suffering of the Iraqi people—when we think about those graves or about the thousands of Kurdish individuals upon whom Saddam Hussein inflicted chemical weapons of mass destruction—it makes you ask is our moral purpose as a Nation so diminished that we do not see the justice of our own cause, that larger purpose, that sense of liberty and fighting for liberty that Prime Minister Tony Blair talked about today?

We heard in this body all of the evidence on Iraq before the war. We had the opportunity, through open hearings, closed hearings, classified information. I clearly was convinced. I had the opportunity to sit in my office, which is just probably 200 steps from where I am speaking now, and listen to about 12 Kurdish physicians who came to visit the United States. They came to see me because I am a physician. They simply laid it out to me that they took care of thousands of people—these are the physicians who took care of thousands of people who were poisoned with chemical weapons from Saddam Hussein—thousands of people, not 10 or 15, but thousands. They talked about the peeling of skin. They talked about the suffocation. They talked about people dying before their eyes.

They also told me they are still taking care of those people who survived, although we know scores of thousands of people died from these chemical weapons imposed or inflicted upon them by Saddam Hussein; but, indeed, these doctors I talked to in my office months ago are still treating some of the victims from that atrocity. Yet, at the same time, we have heard discussions this past week with some questioning whether this tyrant was capable of possessing and using such weapons again.

There seems to be a disconnect over much of the discussion of the last week. This week people said: After all, he declared himself free of these weapons.

But as we all know, he denied again and again—and it was part of the resolution—those inspectors the opportunity to prove him wrong. So I am perplexed and bewildered by those who would accept the word of an inhumane, callous, mass murderer at this point in time, and whose word they seem to even be holding higher than that of the President of the United States.

It is a travesty to me. It is nonsense, and it really comes back to that basic question: Is there anybody in this Chamber who would honestly dispute that Saddam Hussein possessed weapons of mass destruction; that he used weapons of mass destruction; and that he never abandoned that course? I really don't think so.

We can take it a step further. Is there anybody in this Chamber who believes that we would have been all, in some way, better off with Saddam Hussein still in power? The answer is clear. Indeed, 9 months ago, 77 Members of this Chamber voted to authorize the President to use force in Iraq. In that resolution, we enumerated very clearly the many reasons.

First, the Senate found—this was 9 months ago—that Saddam Hussein was developing, did possess, and had used weapons of mass destruction. That is No. 1.

No. 2, 9 months ago, based on the information that was available to us and the briefings that we had, the Senate found that Iraq invaded Kuwait in 1990. And after being driven back by an international coalition, Saddam Hussein unequivocally agreed to eliminate all weapons of mass destruction and to prove so to the world community.

No. 3, the Senate found that Saddam, in fact, used denial, used deception, and used harassment to thwart efforts by international inspectors to prove compliance with those terms.

Fourth, the Senate reiterated its finding from 1998 legislation that Saddam Hussein had a continuing program to develop weapons of mass destruction in material breach of his terms of surrender in the gulf war.

Finally, and fifth, the Senate listed the myriad of United Nations Security Council resolutions reaching the same conclusions that the Senate had reached.

I wish to stress once again, because it is important to understand, this was 9 months ago, and 77 Members of this Chamber voted with this understanding. All of these findings were made on thorough intelligence briefings. They were considered judgments by Members of this body, all separate from any report about a uranium purchase from Africa, which has tended to be the focus of people over the last week.

On October 9, 1998, 2 years before the current President was elected, Senators then wrote to President Bill Clinton demanding military action against Saddam Hussein. This is 1998. They wrote:

> We urge you to take necessary actions (including if, appropriate, air and missile strikes) to respond effectively to the threat posed by Iraq's refusal to end its weapons of mass destruction programs.

This was followed by a December 17, 1998, letter calling for the use of military force again by then-President Clinton "to compel compliance or to destroy to the best of our ability Iraq's capability to build and deliver weapons of mass destruction and threaten its neighbors."

What is incredible to me now is that some of those very same people who signed those letters now are questioning whether an honest case was made by President Bush that Iraq had weapons of mass destruction. The very same people signed those letters. So I am moved to ask, What reversed the conclusion that they had so confidently reached 5 years ago? Was it in some way a change of facts or was it a change just in the Presidency?

Yes, my implication is what we have seen over the last week is a matter of politics, and I think, again, of the Prime Minister's visit today and his message of what this war has meant to free people, yes, in Iraq, but around the world. All of this is a serious matter. It demands our attention. I say that because as I speak, we all know that American soldiers, British soldiers, coalition soldiers stand in harm's way. We all sort of stand in fear of turning on the television at night, in the morning, or reading in the paper once again of tragic casualties.

All of that speaks to me that we must redouble our efforts against the small but determined enemy to stabilize Iraq. A democratic and prosperous Iraq, just as the Prime Minister said today, will not only change the Middle East, it will change the world for the better. It is a worthy cause of our Nation and one that we simply will not—will not—permit to fail.

Mr. President, I will, in the interest of time, probably have more to say about this next week. This is the nature of the debate. Again, I express my appreciation on behalf of the Senate to the Prime Minister for joining us today.

THE BUDGET

Mr. CONRAD. Mr. President, the day before yesterday we saw an announcement of the biggest deficits in the history of the country this after the President told us just 2 years ago that we did not need to worry about future deficits; in fact, there were going to be massive surpluses. He said in a speech on March 27, 2001, when he was campaigning for a massive tax cut:

> Tax relief is central to my plan to encourage economic growth, and we can proceed with tax relief without fear of budget deficits, even if the economy softens.

This is what the President told the country. It has proved to be totally wrong. These are now the biggest deficits we have ever had in the history of the country, $455 billion, and that understates how big these deficits really are. Just using that number, which the administration has put out, is by far the biggest deficit we have ever had.

The previous record was $290 billion. So this is a very large deficit by any measurement.

The President then told us the next year, after it became clear that his earlier statements were not correct, that:

> . . . our budget will run a deficit that will be small and short-term . . .

Well, that has proved to be wrong again. These deficits are not small, and they are not short term. In fact, these deficits are of record size and we see no end to them. By the administration's own analysis now, we see no end to these deficits.

This chart shows the portrayal of deficits over the last 30 years, and one can see that the deficit this year is the biggest of all time. Look at the trajectory, which is truly stunning. We have gone from surpluses that we ran for a 3- or 4-year period to this extraordinary rise of the deficit. Still the administration is trying to downplay its significance.

Earlier this year, the then-OMB Director said:

> I think . . . that at today's levels of 2 to 3 percent of GDP—

Or gross domestic product—

> these are modest and manageable deficits.

The current OMB Director has continued with that same theme. He said in June:

> Our current deficit, as measured as a percentage of gross domestic product, is not large by historical standards and is manageable within the overall context of our economy.

Let's examine the claim that these are modest deficits as a percentage of our gross domestic product.

This chart looks at the record of deficits as a percentage of our gross domestic product. This is what it shows. If one takes out Social Security—which one should because it should not be included in the calculations of the operating expenses of the Federal Government—what one sees is, as a percentage of the gross domestic product, this is the second largest deficit in 57 years.

I was reading the Washington Post this morning. The writer of that story said the White House makes a good point that the deficit is 4.2 percent of the gross domestic product and we have had deficits that large before.

What that neglects to take into account is the fact in 1983 there were no Social Security funds to raid. This year, the administration is not only running a $455 billion deficit but on top of that they are taking $154 billion of Social Security money. So on an operating deficit basis the deficit is over $600 billion; that is 5.7 percent of gross domestic product. There were no Social Security funds back in 1983. There were no surplus funds to take. In a fair comparison, this is the second biggest deficit on a gross domestic product basis in 57 years.

Previously, the President has acknowledged the importance of paying down the debt, of not running deficits. In fact, in 2001 he said:

> . . . my budget pays down a record amount of national debt. We will pay off $2 trillion of debt over the next decade. That will be the largest debt reduction of any country, ever. Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

Madam President, now we can check the record, words versus reality. The President said he was going to pay down the debt so there would be almost nothing left by 2008. Now we see, with this latest report from the President's own administration, instead of almost no publicly held debt by 2008, we will have $5.5 trillion of debt. When is this administration going to admit its plan is not working? How much more evidence will they have to have before they acknowledge this whole plan is an absolute, abject failure? This President has told us repeatedly there weren't going to be any deficits. Then when it became clear there are, he said they were going to be small. Now that it is obviously apparent these deficits are massive and large, they say, don't worry, we are going to reduce them in the future.

None of it is true. These deficits are massive. They are long lasting. And we have not seen anything yet.

This is a chart that shows what has happened to revenue as a percentage of gross domestic product. What this shows is that revenue this year, according to the administration's own projections, is going to be the lowest since 1959. We have a revenue problem and the President's answer is, cut the revenue some more. Let me repeat that: We are going to have the lowest revenue as a share of gross domestic product since 1959 and the President's answer is, cut the revenue some more, not cut the spending to match the reduced revenues. He is advocating increasing spending. But cut the revenue some more, make these deficits even bigger, does that make any sense to people listening? It makes no sense to me.

We look at the 2003 transformation from the administration telling us there would be surpluses to now record deficits; 77 percent of the reversal is on the revenue side of the equation; 23 percent is spending.

Friends, we have a revenue problem. We also have a spending problem. But the revenue problem dwarfs the spending side of the equation.

When we look at the spending side of the equation, this is what we see in terms of the increases in discretionary spending that have occurred over the last 3 years. Where has the money gone? In 2001, ninety-five percent of the increase went to defense, homeland security, and response to September 11. In fact, the lion's share, the green bar on the chart, is defense: 73 percent of the increase in spending that has occurred is because of defense; 15 percent is homeland security; 7 percent is New York City reconstruction and airline relief as a result of the attack of September 11.

If we look at 2002, we see the same thing: 55 percent of the increase is defense; 17 percent is homeland security; 21 percent is for rebuilding New York and airline relief and international funding for Afghanistan and Iraq. So 93 percent of the increase in discretionary spending for 2002 is defense, homeland security, rebuilding New York, airline relief, and, of course, international aid because of the efforts in Iraq and Afghanistan.

In 2003, it is exactly the same thing. The increase in spending, where is it? Defense, 76 percent; 11 percent, homeland security; 7 percent, aid to New York and airline relief and the international initiatives.

The administration says the whole problem is the attack on the country with these burgeoning deficits and the economic slowdown. They have left out the biggest factor of all. The biggest factor of all is their tax cuts. The biggest chunk, 36 percent of the reversals from surpluses to deficits over this budget period, is from the tax cuts implemented and proposed by the President; 27 percent is lower revenue not associated with the tax cuts; 28 percent is spending. As I have indicated, only 9 percent is the economic downturn.

All of this is happening at the worst possible time because right now the trust funds of Social Security and Medicare are producing large surpluses. But we all know those days will not last. We all know there is something coming called the baby boom generation; they will retire and the trust funds that are throwing off hundreds of billions of dollars of surpluses will turn to cash deficits. They will turn cash negative. When that occurs, we can see what will happen to the finances of the Federal Government.

Perhaps most startling about this chart is the President's tax cuts, explode in cost at the very time the cost to the Government explodes because of the retirement of the baby boom generation. So the deficits being run now, which are record deficits, are going to be thought of as the good times because this is the sweet spot in the budget cycle. This is when things are, in fact, manageable for the moment. Why? Because the trust funds are throwing off hundreds of billions of dollars of surpluses.

This chart is not mine. This chart is from the President's own budget proposal, from page 43 of his Analytical Perspectives. This is the President telling the Nation what he thinks will happen if his tax plan and his spending plans are adopted.

This is what it shows. This is the period we are in now. Remember, these are record deficits now, the biggest we have ever had; even on a GDP basis, the second biggest in 57 years. But they are nothing compared to what we are headed for.

Is anybody paying attention? I commend the news media for recognizing that the deficit this year is a record and next year is going to be even bigger. But they are missing the big story. The big story is where this is all headed. Not according to me, this is according to the President himself. There is no end to the deficits, and they absolutely explode when we get to the time the baby boom generation is retiring and the costs of the President's tax proposals are fully phased in.

These are deficits, not in dollar terms but as a percentage of GDP. The President's people say they want to have their budgets evaluated on that basis. This is an evaluation on that basis. What it shows is that we never escape from deficits and that the deficits absolutely explode if the President's policies are adopted—not any additional spending by Congress, this is his spending plan, his tax plan. It is an unmitigated disaster for this country.

If we had deficits of this magnitude today, instead of announcing a $455 billion deficit, the deficit for this year would be $1.2 trillion. That is where this is all headed. That is the dirty little secret of what is going on here in Washington. This President is digging a hole that is deep, deep, deep, and it is filled with red ink. It is not going to work. It is going to lead us to a future Congress and a future President who are going to have to make really stark decisions, draconian decisions. Because if this plan is adhered to, a future Congress and a future President will have to shred Medicare, shred Social Security, and most of the rest of the Federal Government as we know it. Maybe that is the intention of some. Maybe that is what they want to do. I am beginning to suspect it must be, because they are smart people, they know where all this is headed. This is their own analysis of where it is headed.

The Chairman of the Federal Reserve said on July 16, in testimony before the Senate Banking Committee:

> There is no question that if you run substantial and excessive deficits over time, you are draining savings from the private sector, and other things equal, you do clearly undercut the growth rate of the economy. That is one of the reasons I have argued for years about getting the deficit down. So I have no question that if we do not come to grips with these deficits issues, it will make it more difficult for us to maintain the type of growth rates which . . . will bring total employment up and bring the unemployment rate down.

Is anybody listening? Is anybody paying attention? Does anybody care about the economic future of this country, the economic strength of the Nation? Because all of it is being threatened by these policies.

The President told us you have to do this because it is going to improve economic growth. He told us 2 years ago, if we adopted his plan, economic growth would return and the country would be on a stronger course. Let's just check the record.

What we see is that this President's record on economic growth is the worst of any President in the last 50 years—and not by a little bit, but by a lot. The fact is, this President's economic plan is not working. If we look at the critical question of job creation, what we see is that the Bush economic record shows the worst results since the Presidency of Herbert Hoover. This President has been in charge. His economic game plan has been in place for over 2 years—2½ years. It is not working. It is failing. It is just as clear as it can be.

This is the historical record on job creation in the private sector. There has not been a weaker record since Herbert Hoover. In fact, no President in the last 70 years of the history of this country—no President has lost private sector jobs over their term in office. Not one President. This President has. As I have indicated, you have to go back to the Presidency of Herbert Hoover to see this kind of economic record.

Let me just end with the New York Times editorial of yesterday entitled "The Deficit Floats Up and Away." It says:

> Having done its utmost to choke back the revenue flow into the Treasury, the Bush administration offered a running tab on this year's exploding budget deficit yesterday. To hear the casual patter of White House aides about the deficit, one would think it was pocket change. In fact, the shortfall has ballooned 50 percent in just five months.

Is anybody paying attention? The shortfall increased, according to the administration's own assessments, by 50 percent in just 5 months.

They have been wrong every step of the way. Every single assertion by this administration about the effect of their economic plan and their fiscal plan has been wrong, and not wrong by small amounts but by massive amounts.

They told us 2 years ago, when they put this plan in place, that we would be having surpluses now, not deficits. Instead, we not only have deficits, we have the biggest deficits in the history of the country and next year is going to be worse. That is their own projection, and they have not even counted in the cost of the war in Iraq. Oh, they put it in for this year, but nothing for next year.

Does anybody seriously believe we are going to be done with the operations in Iraq by October 1 of this year? Apparently the administration does because they have not put one dime in their budget for operations in Iraq next year. That is just irresponsible, wildly irresponsible.

The result is we are going to have deficits that are going to be so large, they will be unlike anything we have ever seen before. Remember, this is the sweet spot. Because not only are they taking money from the Medicare trust fund, they are going to take more than $160 billion from the Social Security trust fund next year. They aren't counting that. They don't want to talk about that.

The President said, when he brought his plan forward 2 years ago, he could fully protect Social Security. You know what we see now—he is not protecting it at all. He is not only going to take every penny of Social Security surplus this year, he is going to take every penny of Social Security surplus next year, every penny the next year, every penny the next year, every penny the next year—virtually every penny for the next 10 years. This is a course that is a disaster. It is time for people to stand up and speak out and face up to this fiscal disaster.

I thank my colleagues and yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Westbury, NY. On September 19, 2001, a 42-year-old man was charged with a bias crime after assaulting a gas-station attendant. Police reported that the victim was punched in the head by the assailant after he had questioned the attendant about his ethnicity.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE TEN WORST "BAD APPLE" GUN DEALERS IN AMERICA

Mr. LEVIN. Mr. President, earlier this week, the Brady Campaign to Prevent Gun Violence released a report entitled "The Ten Worst Bad Apple Gun Dealers in America." This report analyzed national crime gun trace data from 1989 through 1996 gathered by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives and identified the 10 gun dealers who sold the most crime guns and exhibited sales patterns that ATF considers to be indicative of gun trafficking. According to the Brady Campaign, most gun dealers are never associated with illegal activities, but guns sold by these 10 dealers turn up in the wrong hands over and over again.

According to the report, one dealer in Indianapolis, IN, sold 398 guns later used in crimes from 1989 through 1996. These guns were involved in at least 7 homicides, 12 assaults, and 2 robberies. In addition, the Brady campaign found that between October 2001 and January 2002, one man used two straw purchasers to buy 25 handguns from this dealer and then resold them on the streets of Chicago. Another trafficker used straw buyers to obtain 12 and 9 guns on two different occasions in 2002.

Another gun dealer identified in the Brady report, this one in West Milwaukee, WI, sold 554 guns later used in crimes. These guns were involved in at least 27 homicides, 101 assaults, and 9 robberies. From 1994 to 1996, 1 straw purchaser bought 10 guns from this dealer. Several of the weapons have been recovered from violent criminals, including a murderer, a rapist, an armed robber who later raped a woman at gunpoint, a man who shot at a police officer, and three juvenile shooting suspects.

The Brady report highlights the potential damage and abuse that just 10 bad apple dealers can cause. The Brady report reveals the disregard of a few in the gun industry for even basic self-regulation. The Lawful Commerce in Arms Act that recently passed the House and that has been referred to the Senate Judiciary Committee would shield negligent and reckless gun dealers from many legitimate civil lawsuits. Certainly, those in the industry who conduct their business negligently or recklessly should not be shielded from the civil consequences of their actions.

INVESTIGATING PREWAR INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, for almost a week now the Senate has been debating the appropriations bill for the Department of Defense. Several amendments have been offered regarding the need to determine the accuracy of our pre-war intelligence and the use of that intelligence by the Executive—specifically, a reference in the President's State of the Union message that has now been acknowledged to be erroneous. I want to take a few minutes to comment on some of these continuing questions regarding the accuracy of pre-war intelligence which became a part of the public debate soon following the invasion of Iraq. I have worked with Chairman ROBERTS to find a bipartisan approach to reviewing these issues. On June 20 we reached agreement on the terms of reference for what was by then an ongoing inquiry. I had proposed a broader, more formal approach but after some discussion agreed to proceed with a structured review and see where the information led us.

The committee has been poring through the volumes of material provided by the intelligence community and interviewing relevant officials, and has held two closed hearings and one briefing.

But as this process has moved forward it has become increasing clear that a business as usual, oversight review is not going to be able to address our expanding appreciation of the scope of the problem. Every day brings new information, often from the press, which requires us to make sure that we have the right charter and organization for this inquiry.

Tuesday it was the story, reported in the Washington Post, that a four-star general was sent to Niger last year to inquire about the security of Niger's uranium. According to the article, the general said that he came away convinced that Niger's uranium stock was secure. Obviously, there is much to be learned about this. Why was he sent? What was his mission? Who was aware of the trip? And what happened to the general's report when he returned?

This revelation follows on the heels of a week of accusations, denials, admissions and recriminations among the senior members of the administration's national security team about who was responsible for language related to Iraqi uranium purchases appearing in the President's 2003 State of the Union speech. By week's end, Director Tenet had stepped forward to accept responsibility. His statement, however, raised many other questions about how this information was handled by those outside the intelligence community.

The credibility of the intelligence related to Iraq and Niger first came to public attention in March when the IAEA determined the documents supporting the charges to be fraudulent. I immediately asked Director Mueller to have the FBI investigate the counterintelligence implications of this revelation. Subsequently, Senator ROBERTS joined me in asking the Inspectors General at the CIA and State Department to investigate how this information was handled by the intelligence community.

These investigations, however, will answer only questions of how we came into possession of these documents and what the intelligence agencies did with them. They cannot, because of the reach of these investigative organizations, deal with the questions that have dominated the public debate in recent days. How did information, known to be dubious at best, find its way into the President's State of the Union speech? Who is responsible for inserting the information? Were reservations properly conveyed to senior officials? If not, why not? If so, why were those reservations not heeded?

It seems clear that the White House staff played a key role in this episode. Unless we follow the evidence wherever it leads, we will end up reporting to the American people only part of the story. And the Niger episode is just the first example of what we can expect as we get further into this process.

I am committed to a complete, bipartisan investigation that covers the full spectrum from collection to the analysis and use of prewar intelligence about Iraq. I believe that the Senate Intelligence Committee has the authority to conduct that investigation. But it has to be willing to use the full authority that the Senate has given it, or to ask the Senate if it needs any additional authority.

We should bite the bullet and authorize a formal investigation, explicitly state that it will examine the full range of activities concerning prewar intelligence—which includes the use of that intelligence—and provide for the direction, organization and resources that will assure a complete and probing examination of all facts.

In short, it is now clear that this is not an ordinary oversight review but should be a full-fledged investigative effort, with a clear charter and with sufficient staffing and resources. We must do whatever is necessary to get to the bottom of this, and answer the fundamental questions of how intelligence was used to support this war.

ALGERIA EARTHQUAKE RESOLUTION

Mr. INHOFE. Mr. President, on May 21st of this year a devastating earthquake shook lives in Algeria and across the world. Two thousand two hundred people were killed, 10,000 were injured, and 200,000 more were left homeless. In response, support from the international community has been overwhelming. The United Nations Disaster Assessment and Coordination Team estimates that 85 international flights from 27 different countries landed in Algiers to assist in the emergency relief effort. Officials in Algeria state that more than 30,000 government workers and 10,000 military personnel were involved in relief activities. The United States alone has given over $1.3 million in assistance, providing blankets, tents, and medical supplies.

Furthermore I am pleased that many businesses from my home state of Oklahoma are now helping in the reconstruction. They will bring to Algeria the best resources and equipment available to help rebuild the fallen cities. LWPB Architects, Atkins-Benham Constructors and Terex Road Building Group are among the participating companies.

I am pleased to cosponsor this resolution by my colleague from Kansas that expresses our deepest sympathies for the victims of this tragedy. It is our hope that through this international partnership, Algeria will arise a stronger nation.

SIXTH CIRCUIT JUDICIAL NOMINEES

Mr. DURBIN. Mr. President, last week I came to the floor to object to the majority leader's attempt to file a discharge petition on four of President Bush's judicial nominees to the Sixth Circuit. I want to clarify the basis of my objection because my comment was taken out of context by the majority leader and Senator McCONNELL yesterday on the Senate floor.

I said last week that the four nominees should not be moved out of the committee because they haven't yet had a hearing. That is indeed one basis for our objection. I am not aware of any judicial nominee who has been voted on without having a hearing—that is just not the way the judicial confirmation process works.

But I also said that I was objecting on behalf of Senators LEVIN and STABENOW, who have not returned the blue slips on these four nominees because they believe that President Clinton's nominees to the Sixth Circuit were unfairly denied hearings and votes. The Michigan Senators do not wish to proceed with President Bush's nominees until a fair and just resolution has been reached.

I think this is a valid argument. In the 1990s, the Republicans blocked 65 of President Clinton's judicial nominees many by home-State Senators who refused to return blue slips. I believe that this blockage was a coordinated attempt by Republicans to stall out the clock so that a Republican President might have the chance to fill those vacancies with right-wing ideologues after the 2000 election.

President Clinton nominated three people to the Sixth Circuit who were never given a hearing or a vote, including two people from Michigan. One of President Clinton's Michigan nominees, Helene White, waited 4 years and never received a hearing or vote. The other Michigan nominee, Kathleen McCree Lewis, waited 2 years and never received a hearing or a vote.

Why didn't these two highly qualified women ever receive a hearing or a vote? Because then-Michigan Senator Spencer Abraham didn't return their blue slips. Now the Bush White House is trying to reap the benefits of Senator Abraham's delay tactics.

The Republicans are ignoring the blue slip process today, but they honored the Blue Slip policy in the 1990s as if it were the gospel. Not once did a Clinton judicial nominee get confirmed if their blue slips were not returned. Here is what the Judiciary Committee Chair, Senator HATCH, said on the Senate Floor in October 1999:

> After a fair and thorough review in committee and after paying the deference to the President to obtain a vote on the floor, I consider the position of a nominee's home State Senators. These Senators are in a unique position to evaluate whether a nominee instills the confidence in the people of a State necessary to be a successful Federal judge in that State. . . . Thus, there has developed a general custom and practice of my giving weight to the Senators from a nominee's home State. . . . When the President has not adequately consulted with the Senate, it takes longer to gain the consensus necessary to move the nominee. And when both home State Senators of a nominee oppose a nominee on the floor of the Senate, it is almost impossible to vote for the confirmation of that nominee.

Senator HATCH summed it all up in an interview he gave with NPR in 1997. He said: "The policy is that if a Senator returns a negative blue slip, that person's gonna be dead."

Now that the shoe is on the other foot, the Republicans have backed away from the blue slip policy because they have a higher mission: packing the courts with right-wing ideologues.

Not since President Roosevelt's Court-packing plan in 1937 has this country seen a President who has played politics with the courts the way President Bush has. Over the past 2 years, he has nominated some of the most ideologically driven people in the Nation to important judgeships.

They advocate extreme positions that would turn back the clock on women's rights, gay rights, workers' rights, consumer protection, and environmental protection.

Maybe President Bush has selected these people because he wants to pacify the far right wing of his party. Or maybe he truly shares their extreme beliefs.

The bottom line is this: the Republicans are changing the rules for their own partisan gain. They are violating two longstanding principles with the Michigan nominees: 1. not honoring the blue slip process that they so zealously honored when the shoe was on the other foot, and 2. not honoring the Judiciary Committee confirmation process by attempting to confirm these nominees without giving them hearings or a committee vote.

There is an easy resolution to the problem that the Republicans have created. As Senator STABENOW said earlier today on the Senate floor, she and Senator LEVIN have made numerous proposals—including the creation of a bipartisan selection commission like Wisconsin's—to select Michigan's judicial nominees. Unfortunately, the White House has rejected these very reasonable proposals.

I hope that the Bush White House will reconsider its position and work with the Michigan Senators to ensure justice and fairness for the people of Michigan.

In the meantime, it is not appropriate to have hearings on the Michigan nominees.

One final note: The debate over the Michigan nominees should not overshadow the fact that the Senate has confirmed the vast majority of President Bush's nominees. To date, we have confirmed 139 of his judicial appointments 134 to Article III courts, and 5 to the Article I Court of Federal Claims. We have held up just two nominees.

So the score is 139 to 2.

Democrats are accused of being obstructionist, yet we have confirmed so many of President Bush's judges that we now have the lowest judicial vacancy rate in 13 years.

PRESCRIPTION DRUG AND MEDICARE IMPROVEMENT ACT

PHYSICIAN REFERRALS

Mr. KOHL. Section 453 of S. 1, the Prescription Drug and Medicare Improvement Act, makes changes to current law regarding physician referrals to hospitals in which they have an ownership or investment interest. I would like to engage in a colloquy with my distinguished colleagues, Mr. FEINGOLD and Mr. BAUCUS, the Ranking Member of the Senate Finance Committee, related to the "exception" language included in the bill.

Specifically, I would like to know whether the "exception" language is applicable to The Wisconsin Heart Hospital, a hospital which is currently under construction in the state of Wisconsin. This facility is scheduled to open in January of 2004.

My understanding is that this provision will not apply to facilities which are "under development" as of June 12, 2003. The following is a summary of the status of the development of The Wisconsin Heart Hospital:

One, architectural plans for the hospital have been completed.

Two, construction of the facility is approximately 55 percent to 60 percent complete as of June 12, 2003. This estimate can be supported by invoices for materials, labor and planning, as well as the timeline for completion dictated by the projected opening date of the hospital. Furthermore, more than $13.3 million in construction costs have been expended.

Three, all applicable zoning requirements have been satisfied by local governing authorities and can be supported by documentation. In addition, The Wisconsin Heart Hospital has committed $260,000 to improve the fresh water supply to surrounding community, unrelated to the hospital construction.

Four, State and local building approval processes are ongoing. The facility is subject to monthly inspections by state and local officials.

Five, nearly $20 million in equipment purchases and/or vendor contract commitments can be documented by officials from the facility.

Six, medical staff bylaws, policies and procedures have been adopted by The Wisconsin Heart Hospital Board.

Seven, all equity funding has been received. In excess of $35 million in temporary debt financing has been secured for the facility. Of that $35 million, approximately $10 million has been borrowed; the remaining $25 million will be borrowed prior to the end of 2003. Permanent bond financing for the facility has already been initiated and is expected to be secured by November 2003. This permanent bond financing will be used to replace the temporary financing referred to above, as well as to provide additional financing for the facility.

Based on the information stated above, is it your understanding that the "exception" language would apply to The Wisconsin Heart Hospital?

Mr. BAUCUS. Yes, it was clearly not the intent of the Senate Finance Committee in adopting this amendment to apply the prohibition to specialty hospitals that already exist or are under construction currently. It is my understanding that this provision would only apply to hospitals for which plans are not yet significantly underway.

Mr. KOHL. Additionally, the language of the bill specifically states that in determining whether a hospital is "under development as of June 12, 2003, the Secretary shall consider whether . . . necessary approvals from appropriate state agencies have been received." You are probably aware that laws in many states, including Wisconsin, prohibit hospitals from receiving a license to operate from relevant state agencies until the facility is structurally complete and fully capable of operating as a hospital. Would you please clarify the Committee's intent with respect to this potential licensure issue for hospitals which are already under development

Mr. BAUCUS. The committee certainly understands that many states will not license a hospital as operational until the facility is constructed. I believe the committee's intent was to ensure that approvals with respect to the construction of the hospital (i.e., building permits, etc.) have been secured by June 12, 2003. The lack of a license to operate would certainly not prohibit a hospital, which is deemed to be "under development," from the purpose of the statute.

Mr. FEINGOLD. Furthermore, is it the Senator's understanding that for facilities falling under the "Exception" provision, language speaking to the number of "beds" would relate to the number of beds a facility currently under development expects to license upon completion? When fully operational, The Wisconsin Heart Hospital will operate a maximum of 52 inpatient beds. State regulation requires the facility to be open and operational before any beds can be licensed.

Mr. BAUCUS. Yes, again, in adopting the amendment, it was the understanding of the Senate Finance Committee members that this provision would not apply to facilities which are already under development.

Mr. KOHL. I thank my distinguished colleagues for the clarification.

ADDITIONAL STATEMENTS

SAIL SAN FRANCISCO

• Mrs. BOXER. Mr. President, I want to express my support for Sail San Francisco—a nonprofit organization that provides a range of services to visiting international tall ships and training ships.

These services, which include docking, technical assistance, and hospitality, were formerly provided by the U.S. Navy in the Bay Area. In the wake of the base closure process, this assistance is no longer available. Over the past several months, Sail San Francisco has coordinated with foreign consulates to facilitate the visit of several foreign navies, playing a valuable role that is filled by the U.S. Navy at other ports throughout the country.

It is my hope that when the fiscal year 2004 Defense appropriations bill is considered in conference, it is possible to provide $800,000 for Sail San Francisco's naval/tall ships education programs.●

OREGON HEALTH CARE HERO

• Mr. SMITH. Mr. President, I rise today to salute Ms. Janice Kane, an outstanding health care worker from my home State of Oregon. Ms. Kane is a model for all registered nurses, not just in the state of Oregon, but across the country. Her commitment to serving Oregonians is a shining example to us all.

Like many in her field, Ms. Kane has gone above and beyond the call of duty to help patients in need. In addition to healing broken bodies, she has also worked to support the spirits of those in pain. Over the past two years, Ms. Kane has sewn over 6,000 multi-colored pillows to help comfort patients at the Good Samaritan Regional Medical Center in Corvallis.

However, Ms. Kane's benevolence is not limited to Oregonians; she recently offered boxes of pillows to soldiers wounded in Operation Iraqi Freedom. Her gift to our country's soldiers is one of immeasurable value. By offering her time and talent to this cause, Ms. Kane has helped remind American soldiers abroad that their sacrifices are not being forgotten at home.

Despite the hardships currently facing the nursing profession, Ms. Kane has not failed in her drive to serve those in need. All states are experiencing an increasing shortage of health care workers, and particularly, of nurses. Last year, the Senate passed the Nurse Reinvestment Act to better recruit and retain nurses. Nevertheless, we can and should do more. Our country's health care system needs more people like Ms. Kane, and we should do everything in our power to ensure that we support America's nurses.

I salute Janice Kane for her exceptional work as a registered nurse and wish to dignify her contribution to our great state and to our nation by naming her an Oregon Health Care Hero.●

IN RECOGNITION OF THE 100TH ANNIVERSARY OF SAINT HEDWIG CATHOLIC CHURCH

• Mr. LEVIN. Mr. President, it is my great pleasure to congratulate an outstanding and historic church from my home State of Michigan. This year, Saint Hedwig Catholic Church, located in southwest Detroit, is celebrating its centennial anniversary.

Saint Hedwig Catholic Church grew out of a flourishing Polish neighborhood in 1903 and has continued to serve those in the community ever since. Over the course of the next 100 years, the church supported a school, a convent, and many civic organizations. The church community provided a safe haven of support for many Polish immigrants as they fled Europe during the first half of the twentieth century—a time when war ravaged the continent. During the mid-1950s, Saint Hedwig was one of the largest Polish-speaking parishes in the United States. Weekly services were delivered to 1,500 families and the church's school population grew to nearly 3,000 students.

Today, the church and rectory still stand at the corner of Junction and St. Hedwig Streets. The beautiful stained glass, statues, murals, and facade are a tribute to the history of the church as well as southwest Detroit. Saint Hedwig continues to serve people outside the congregation by maintaining a food pantry for low-income families and homeless members of the community. The church also holds special events throughout the year such as a giving tree at Christmas and baby showers for expectant mothers with low incomes.

The church has survived the effects of the Great Depression, disease, and urban sprawl because of the faith and dedication of its members. The service provided by the members of Saint Hedwig has been invaluable to the Detroit community and is worthy of recognition. I know my Senate colleagues will join me in congratulating Saint Hedwig Catholic Church and wish its members continued luck as they celebrate their 100th anniversary.●

UNIVERSITY OF SOUTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES CENTER FOR DISABILITIES CELEBRATES 30 YEARS

• Mr. JOHNSON. Mr. President, it is with great honor that I rise today to congratulate the University of South

Dakota School of Medicine and Health Sciences Center for Disabilities in Vermillion, SD, which will hold its 30th anniversary celebration on Wednesday, July 30, 2003.

Started in September 1973, as the Developmental Disabilities Evaluation Center, the Center for Disabilities has a long and distinguished history of providing training, service, information, and research not only to South Dakota, but to the entire region. My wife Barbara served on the DDEC staff during those initial years. Thirty years later, the school continues to serve those needs of South Dakota through current projects, such as the Autism and Related Disorders Program, Birth to 3 Connections, Cheyenne River Reservation Rural Health Outreach Project, Deaf-Blind Program, Dietetic Internship, and the Upper Midwest Public Health Training Center. The Center for Disabilities is also working with other States to provide service in projects such as the Four-State Consortium on Studies in the Prevention of Fetal Alcohol Syndrome/Fetal Alcohol Effect and the Upper Midwest Public Health Training Center.

Over the last 30 years, the University of South Dakota School of Medicine and Health Sciences Center for Disabilities has provided quality services to the people of South Dakota. Their goal, which is to "work with others to create opportunities that improve the lives of persons with disabilities and those they consider their families," has been demonstrated through the citizens with whom they have worked. Those ideals have also been carried out by the students who have graduated and gone on to excel in their careers.

Not only has this center encouraged learning and research, but the University of South Dakota School of Medicine and Health Sciences Center for Disabilities also strives to bring together communities. Indeed, one of the core functions of the center is community education. The Center works to provide training and assistance, not only to individuals with disabilities and their families, but also to professionals, paraprofessionals, policymakers, students, and any member of the community who chooses to get involved.

I want to acknowledge Executive Director Judy Struck, Director of Research Amy Elliott, Director of Services and Supports Matthew Hocks, Director of Community Education and Population Studies Roland Loudenburg, Director of Information and Resources Heather Stettnichs, and Director of Academic Training Joanne Wounded Head for the guidance and support they provide to the Center and all who work with it. I would also like to take this opportunity to recognize the project and program staff at the Center: Missy Bailey, Mark Boyd, Stephanie Brown, Mary Fitzpatrick, Sherry Lafferty, Teresa Nold, Ellisa Nyberg, Susan Parr, Mary Mikkelson Peterson, Cheryl Raysby-Park, Dennis Stevens, Brittany Schmidt, Tracy Stephens, Kimberly Butler, Pam Anderson, Gregg Drube, Rolad Ellis, and Dan Korves. Finally, I would like to recognize the hard work of support staff members: Jaime Larson, Kristen Blaschke, Jennifer Gaspars, Paula Koller, LaVita Logue, Misty Miller, Jeanette Smolik, Elizabeth Fox, and Alana Richards.

I am proud to have this opportunity to honor the University of South Dakota School of Medicine and Health Sciences Center for Disabilities for its 30 years of outstanding service. It is an honor for me to share with my colleagues the exemplary leadership and strong commitment to education and research the University of South Dakota School of Medicine and Health Sciences Center for Disabilities has provided. I strongly commend their years of hard work and dedication, and I am very pleased that their substantial efforts are being publicly honored and celebrated.●

THE PASSING OF EDUCATOR EUGENE GILMER

● Mr. LEVIN. Mr. President, I rise to extend condolences to the family and friends of the late Eugene Gilmer. Although many of you did not know Mr. Gilmer personally, he was a longstanding member of the Detroit education and political community, and his life touched many.

Eugene Gilmer's distinguished career started overseas, where he served as a member of the United States Army during World War II, part of which was in Okinawa. Following the war, he earned a Bachelor's degree in political science from Xavier University of Louisiana. He then moved to Detroit where he earned a Master's degree in education from Wayne State University.

After earning his Master's degree, he gained his first job as a teacher at Sampson Elementary School where, 6 years later, he was promoted to the position of assistant principal. He later became principal of Fitzgerald Elementary School, where he is credited for making significant strides in improving the educational quality of that formerly troubled school. He went on to become superintendent of personnel for the Detroit Public Schools. When he retired from that position in 1985, he concluded his tenure of 35 years in the Detroit education system.

In his spare time, Eugene Gilmer served as the first African-American chairman of the Fisher Branch YMCA, and he was active in the National Association for the Advancement of Colored People, the National Alliance of Black School Educators, the Palmer Park Police Community Relations Committee and Kappa Alpha Psi, his social fraternity. He became known in the Detroit community for his involvement with the development of the International Afro-American Museum, a precursor to the current Charles H. Wright Museum of African-American History. He served as chairman of the board of directors of the museum when it was dedicated in 1993.

Eugene Gilmer provided lasting contributions to the City of Detroit, and his death will be mourned. I invite my Senate colleagues to join me in remembering the life of this commendable citizen.●

HONORING THE LIFE OF CHESTERFIELD SMITH OF MIAMI, FLORIDA

● Mr. NELSON of Florida. Mr. President, I rise today to express sadness at the passing of a legendary Floridian. Yesterday evening, Chesterfield Smith, one of the Nation's great attorneys, passed away in Coral Gables.

Recognized by many as the conscience of the legal profession, Chesterfield's accomplishments are almost too numerous to count. A World War II veteran, founder of one of the country's most prestigious law firms and an accomplished litigator, he dedicated himself to his family and his country.

He is probably best known on the national scene for his tenure as president of the American Bar Association during the Watergate scandal. Following the dismissal of special prosecutor Archibald Cox, Chesterfield courageously stood up to the President of the United States, publicly calling on Congress to reestablish the Office of Special Prosecutor.

Smith's brave and bold reminder that the "No man is above the law" altered the course of public debate during that difficult time.

That bravery carried over to his private practice as well. Chesterfield believed in individual accomplishment and personal responsibility. A fierce civil rights advocate who opposed segregation in the Old South, he aggressively challenged the color barrier by making his law firm a model of diversity.

Chesterfield always led by example, but also challenged others in his profession to get involved. He encouraged his colleagues to "be somebody" in their communities. His passion and commitment to bettering our society influenced an entire generation of attorneys.

Supreme Court Justice Ginsberg described him perfectly when she said of Chesterfield, "He has devoted his extraordinary talent and energy to the improvement of the legal profession, to making the profession more honorable, more responsive to the people law and lawyers serve. She went on, "He is, in sum, among the brightest, boldest, bravest, all-around most effective lawyers ever bred in Florida and the USA."

I send my condolences to his family and friends on this sad day. His death is a grievous loss to the entire country. He will be greatly missed.

I ask that an obituary chronicling Mr. Smith's life be printed in the RECORD.

The obituary follows:

CHESTERFIELD SMITH, INTERNATIONAL LAW FIRM FOUNDER AND OUTSPOKEN ABA PRESIDENT DURING NIXON-ERA, DIES AT 85

SMITH'S "NO MAN IS ABOVE THE LAW" WAS TURNING POINT IN PUBLIC CALL TO INVESTIGATE PRESIDENT NIXON

Chesterfield Smith, 85, of Miami, one of the country's most prominent figures in modern law and often called "the conscience of the legal profession," died today at Doctors Hospital in Coral Gables, Florida.

Smith was the founder and chairman emeritus of Holland & Knight LLP, the country's eighth largest law firm. During his 55 year career, Smith was a major force in American law and politics, humbling the mightiest and giving a voice to the common.

Smith served as president of the American Bar Association (ABA) from 1973–1974 and was best known as the daring leader who made the first public call to investigate President Richard M. Nixon during the Watergate scandal. His simple and direct rationale: "No man is above the law" appeared on the front page of major American newspapers following the infamous Watergate "Saturday Night Massacre," October 20, 1973.

AMERICA'S LAWYER

In a country that is cynical and, at times, even disdainful of lawyers, Chesterfield Smith maintained a positive vision of what lawyers could be, using his own success as an example. He believed that lawyers must have an "unselfish involvement in essential public service" and encouraged his colleagues to "be somebody" in their communities.

The word restraint had no place in Smith's life. Known for his candid and sometimes brutally honest speeches, he loved nothing more than giving a rousing speech to stir up audiences.

"We are not a trade association. We are not a union," he once told a group of law students about the ABA. "We are out to improve justice and its administration of society. If you don't intend to work to improve the quality of justice, then I hope you flunk your exams."

Smith grew up in Arcadia, a small town in central Florida. He fought in World War II from 1940–1945, earning a Bronze star. He graduated from the University of Florida Law School in 1946.

After graduation, Smith returned to Arcadia and soon joined the firm of Treadwell and Treadwell. A year and a half later, he joined the firm of Holland, Bevis and McRae in nearby Bartow. He made partner in record time by capably representing Florida's booming phosphate industry. His law firm subsequently engineered a merger with the prominent Tampa firm, Knight, Jones, Whitaker and Germany in 1968. The new firm became Holland & Knight, named for founders of both firms, and became a dominant firm in Florida.

By 1965, Smith was fully immersed in the legal profession and state politics. He was elected president of the Florida Bar and chairman of the Florida Constitutional Revision Commission. In the late 1960's, his work on the Commission brought an end to the "Pork Chop Gang," a group of powerful rural Florida legislators who, for years, controlled the state government by malapportionment.

THE VOICE OF THE PEOPLE

Chesterfield Smith served as president of the ABA during one of the most turbulent and unsettling years in American politics, 1973–1974. In the midst of the Watergate scandal, Nixon and his advisors were convinced that they could avoid handing over the Oval Office tapes and fire special prosecutor Archibald Cox without public backlash. It would take Smith's words, "No man is above the law", a large voice from a significant source, to alter public discourse towards impeachment.

Amid the Controversy, Smith publicly urged Congress to re-estblish the office of special prosecutor. Undaunted by wide criticism, he led the ABA in an effort to authorize an independent counsel to investigate President Nixon. Another former leader of the ABA, Leon Jaworski, was appointed. He vigorously prosecuted the case against Nixon, culminating in appeals to the Supreme Court. In the end, Nixon felt compelled to resign.

PROMOTING EQUAL JUSTICE FOR ALL

Chesterfield Smith exhibited amazing clarity in a complex era in the 1960's. With this clarity came the courage and ability to recognize and embrace societal change. Unconcerned about the contrary opinions of others, he often spoke out against racial discrimination. And, despite growing up in the segregationist South Smith was one of the first to recruit minorities. Under his leadership, Holland & Knight became a model of diversity.

Chesterfield Smith strongly believed in the responsibility of individuals to take action in the civic and charitable life of their communities. Today his firm is recognized for community service efforts and extensive pro-bono legal work.

In 2002, Supreme Court Justice Ruth Bader Ginsberg presented Smith with the Laurie D. Zelon Pro Bono Award in a formal ceremony conducted in the Great Hall of the United States Supreme Court.

During the ceremony Ginsburg, praised his life-long contributions to the legal profession and his leadership in creating a firm dedicated to public service.

"He has devoted his extraordinary talent and enormous energy to the improvement of the legal profession—to making the profession more honorable, more responsive to the people law and lawyers serve" Ginsberg said. "He is, in sum, among the brightest, boldest, bravest, all-around most effective lawyers ever bred in Florida and the USA."

He is survived by his wife of 16 years, Jacqueline Allee, and two children, Chesterfield Jr. and daughter Rhoda Smith Kibler, both of Tallahassee, Florida.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of this secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 74. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

H.R. 272. An act to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

H.R. 1950. An act to establish the Millennium Challenge Account to provide increased support for certain developing countries; to authorize the expansion of the Peace Corps; to authorize appropriations for the Department of State for the fiscal years 2004 and 2005; to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005; and for other purposes.

H.R. 2122. An act to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 6. Concurrent resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

H. Con. Res. 80. Concurrent resolution expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa.

H. Con. Res. 208. Concurrent resolution supporting National Men's Health Week.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 272. An act to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 6. Concurrent resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 80. Concurrent resolution expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the

Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa; to the Committee on Foreign Relations.

H. Con. Res. 208. Concurrent resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1950. An act to establish the Millennium Challenge Account to provide increased support for certain developing countries; to authorize the expansion of the Peace Corps; to authorize appropriations for the Department of State for fiscal years 2004 and 2005; and to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

H.R. 2122. An act to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3310. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs Drug and Alcohol Management Information System Reporting" (RIN2105-AD14) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3311. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL-600 (Regional jet Series 700 7 701) Series Airplanes Docket No. 2003-NM-98" (RIN2120-AA64) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3312. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; Modification of Class E Airspace; Kansas City Downtown Airport, MO." (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3313. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Valentine, NE (Doc. No. 03-ACE-43)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3314. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation Routes (Doc. No. ASD-03-AWA-4)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3315. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Sioux City, IA (Doc. No. 03-ACE-40)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3316. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Monticello, IA (Doc. No. 03-ACE-38)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3317. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace Hays, KS (Doc. No. 03-ACE-35)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3318. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Pratt, KS (Doc. No. 03-ACE-36)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3319. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Kansas City Downtown Airport (Doc. No. 03-ACE-34)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3320. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Milford, IA (Doc. No. 03-ACE-37)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3321. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Davenport, IA (Doc. No. 03-ACE-14)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3322. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fort Leonard Wood, MO (Doc. No. 03-ACE-27)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3323. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; New Madrid, MO (Doc. No. 03-ACE-29)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3324. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E2 Airspace; Elizabeth City, NC (Doc. No. 03-ASO-02)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3325. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Marshall, AK (Doc. No. 02-AAL-08)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3326. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Kansas City Downtown Airport, MO (Doc. No. 03-ACE-34)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3327. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Sioux City, IA (Doc. No. 03-ACE-40)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3328. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Monticello, IA (Doc. No. 03-ACE-38)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3329. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Aurora, NE (Doc. No. 03-ACE-31)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3330. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Shenandoah, IA (Doc. No. 03-ACE-30)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3331. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; St. Louis, MO (Doc. No. 03-ACE-26)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3332. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Knoxville, IA (Doc. No. 03-ACE-23)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3333. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Marshalltown, IA (Doc. No. 03-ACE-24)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3334. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Jet Route 10 (Doc. No. 01–AWP–21)" (RIN2120–AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3335. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; Tunica, MS (Doc. No. 03–ASO–01)" (RIN2120–AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3336. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Crete, NE (Doc. No. 03–ACE–33)" (RIN2120–AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3337. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Knoxville, IA (Doc. No. 03–ACE–23)" (RIN2120–AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3338. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Moundridge, KS (Corr. Doc. No. 02–ACE–12)" (RIN2120–AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3339. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Shenandoah, IA (Doc. No. 03–ACE–30)" (RIN2120–AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3340. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; New Madrid, MO (Dec. No. 03–ACE–29)" (RIN2120–AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3341. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Aurora, NE (Doc. No. 03–ACE–3)" (RIN2120–AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3342. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Eureka, KS (Doc. No. 03–ACE–32)" (RIN2120–AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3343. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Cavalier, ND (Doc. No. 02–AGL–22)" (RIN2120–AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3344. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lake Placid, NY (Doc. No. 03–AEA–01)" (RIN2120–AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3345. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Clinton, IA (Doc. No. 03–ACE–13)" (RIN2120–AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3346. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Greenfield, IA (Doc. No. 03–ACE–19)" (RIN2120–AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3347. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Keokuk, IA (Doc. No. 03–ACE–22)" (RIN2120–AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3348. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Dubuque, IA (Doc. No. 03–ACE–16)" (RIN2120–AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3349. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace; St. Louis, Spirit of St. Louis Airport, MO (Doc. No. 03–ACE–17)" (RIN2120–AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3350. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Hampton, IA (Doc. No. 03–ACE–20)" (RIN2120–AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3351. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fairmont, NE (Doc. No. 03–ACE–1)" (RIN2120–AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3352. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Emmetsburg, IA (Doc. No. 03–ACE–18)" (RIN2120–AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3353. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Independence, IA (Doc. No. 03–ACE–21)" (RIN2120–AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3354. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Denison, IA (Doc. No. 03–ACE–15)" (RIN2120–AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3355. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California; Establishment of Safeguards and Procedures for Suspension of Packing Holidays" (Doc. No. FV03–925–2) received on July 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3356. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2002–03 Crop Natural (Sun-Seedless and Zanate Currant) Raisins" (Doc. No. FV03–989–4) received on July 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3357. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Temporary Suspension of the Prune Reserve and the Voluntary Producer Plum Diversion Provisions" (Doc. No. FV03–993–2) received on July 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3358. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Expansion of the Port Limits of Portland, Maine" (CBP Dec. 03–08) received on July 16, 2003; to the Committee on Finance.

EC–3359. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Customs and Border Protection Field Organization: Fargo, North Dakota" (CBP Dec. 03–09) received on July 16, 2003; to the Committee on Finance.

EC–3360. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms in the amount of $1,000,000 or more to the United Arab Emirates; to the Committee on Foreign Relations.

EC–3361. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms in the amount of $1,000,000 or more to Norway; to the Committee on Foreign Relations.

EC-3362. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Saudi Arabia, Norway, and France; to the Committee on Foreign Relations.

EC-3363. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to the United Kingdom; to the Committee on Foreign Relations.

EC-3364. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Overseas Surplus Property"; to the Committee on Foreign Relations.

EC-3365. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the termination of the 15% Danger Pay Allowance for Syria; to the Committee on Foreign Relations.

EC-3366. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the export of certain body armor and military equipment to Iraq; to the Committee on Foreign Relations.

EC-3367. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Partial Lifting of Embargo Against Rwanda" (RIN1400-AB82) received on July 11, 2003; to the Committee on Foreign Relations.

EC-3368. A communication from the General Counsel, National Tropical Botanical Garden, a copy of the audit report for the period from January 1, 2002 through December 21, 2002; to the Committee on the Judiciary.

EC-3369. A communication from the Public Printer, Government Printing Office, transmitting, pursuant to law, a copy of the third Biennial Report on the Status of GPO Access; to the Committee on Rules and Administration.

EC-3370. A communication from the Chair, Federal Election Commission, transmitting the Commission's 2002 Annual Report; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM 214. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to improper labeling and classification of dairy products; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 11

Whereas, Technological advances have led to a dramatic increase in the use of imported dry milk protein concentrates (MPCs) in dairy products. The widespread use of this technology has largely developed after the negotiations for the landmark General Agreement on Tariffs and Trade (GAAT). Since MPCs are not subject to quotas and tariffs, they are imported into this country at much lower prices. This economic advantage is wreaking havoc in the domestic dairy industry; and

Whereas, within the American dairy industry, there is great concern that not all manufacturers may be fully complying with requirements for listing accurately all ingredients in standardized food. Since using MPCs in producing dairy products, including cheese, offers significant cost advantages, it is essential that labeling of products reflect the contents accurately. It must be easy for consumers to identify companies that fully comply with standards of identity and that do not use imported MPCs; and

Whereas, Since substituting MPCs offers price advantages in the marketplace, the volume of their use is increasing substantially. The result is the displacement of domestic milk solids and the erosion of the major component of American agriculture. Action needs to be taken to protect existing food standards and correct unlawful practices as soon as possible: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That we memorialize the Congress of the United States to enact legislation that will address the issue of the improper labeling and classification of dairy products; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-215. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the Congressional Medal of Honor; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 67

Whereas, Congress has before it a bill, H.R. 369, that would waive time limitations specified in federal law to allow the Medal of Honor to be awarded posthumously to Sergeant Gary Lee McKiddy for acts of valor in the Vietnam War. This legislation was originated in response to circumstances surrounding the events of May 6, 1970, when a helicopter and crew came under intense fire and were shot down; and

Whereas, The helicopter's crew chief, Sergeant Gary Lee McKiddy, who compiled a remarkable record in Vietnam, gallantly rescued one crew member before Sergeant McKiddy was killed by an explosion that occurred as he returned again to the flames and wreckage to try to rescue the pilot. For a variety of reasons, including the fact that application procedures were not initiated prior to the statutory date of October 1975, Sergeant McKiddy's bravery was not recognized with the nation's highest honor. Congress considered similar legislation to address this in the 107th Congress but adjourned before taking action; and

Whereas, Congress has the opportunity to rectify the oversight of the past three decades to accord appropriate honor to a true national hero and defender of our ideals. This legislation is long overdue: Now, therefore, be it

Resolved by the house of representatives, That we memorialize the Congress of the United States to enact H.R. 369 to waive time limitations for the consideration of the Congressional Medal of Honor for Sergeant Gary Lee McKiddy; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-216. A joint memorial adopted by the Senate and House of Representatives of the Legislature of the State of Washington relative to the United States Military Academy at West Point; to the Committee on Armed Services.

HOUSE JOINT MEMORIAL 4021

Whereas, The United States Military Academy today celebrates 200 years of providing leaders of character for our Army and a lifetime of selfless service to the Nation; and

Whereas, On March 16, 1802, President Thomas Jefferson signed into law a bill of the United States Congress authorizing the establishment of "a military academy to be located at West Point in the State of New York;" and

Whereas, West Point was originally created as an academic institution devoted to the arts and sciences of warfare, and later emphasizing engineering to serve the needs of the Nation and to eliminate the country's reliance on foreign engineers and artillerists; and

Whereas, Isaac I. Stevens, the first graduate of West Point's Class of 1839, served as the first Governor of the Territory of Washington, and organized and led the Northern Railway Survey that paved the way for the transcontinental railroads to Washington; and

Whereas, United States Military Academy graduates were responsible for the construction of many of the Nation's initial railway lines, bridges, harbors and roads, and surveys and mapmaking that were vital to the infrastructure development of our great Country and its State of Washington; and

Whereas, United States Military Academy led Army forces into the wilderness area that became the Territory and State of Washington, providing protection and development services until the civil authority was able to assume these functions; and

Whereas, West Point graduates have distinguished themselves in countless ways, from Olympic glory to receiving the Heisman Trophy, from receiving scores of Rhodes Scholarships to serving as some of the Nation's pioneering astronauts; and

Whereas, The United States Military Academy is preparing for its third century of service to our Nation—a future in which fighting and winning our Nation's wars remains the Army's primary focus; and

Whereas, The United States Military Academy must also prepare officers for peacekeeping duties as part of an ever complex world; and

Whereas, United States Military Academy remains today an energetic, vibrant institution that attracts some of the Nation's best and brightest young men and women from throughout the Country and its State of Washington who, in the next two hundred years of service to this Nation, will face challenges different from those that have gone before them to make up the storied Long Gray Line; and

Whereas, The United States Military Academy continues its lasting commitment to its motto of Duty, Honor, Country;

Now, therefore, Your Memorialists respectfully pray that the President of the United States and the Congress join with the state of Washington and other states in honoring the 200th Anniversary of the United States Military Academy at West Point in recognizing that the United States Military Academy is a living testament to the accomplishments of the United States throughout its history, and in recognizing West Point and its graduates as they move forward into the Academy's third century of service to the Nation; be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, Lieutenant General William J. Lennox, Jr., Superintendent, United States Military Academy, West Point, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–217. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to unsolicited, commercial email or spam; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 62

Whereas, Unsolicited commercial email, which is generally referred to as "spam" is becoming an increasingly burdensome problem for many Americans and both private and public sector enterprises. Unlike other forms of unsolicited marketing, spam imposes little cost to the sender. Because of this, there are few forces to limit the volume of these emails being sent; and

Whereas, The cumulative effects of spam are staggering. According to reports cited by the Federal Trade Commission (FTC), spam accounts for between one-third and one-half of all emails sent each day. The skyrocketing growth in the volume of unsolicited commercial emails is a burden upon those receiving these unwanted messages. As volume increases, so does the worry over the potential for fraudulent activities; and

Whereas, The nuisance of unsolicited email has turned into a problem spiraling out of control, not only for individuals but also costing businesses millions of dollars every year in lost productivity. Reports indicate that dealing with spam costs United States corporations nearly $9 billion and accounts for at least $4 billion in lost productivity each year. Even our troops in the Persian Gulf region have reported frustrations with unsolicited email messages impeding efforts to communicate with family back home; and

Whereas, The FTC has just completed a three-day forum to address the proliferation of unsolicited commercial email and to explore the technical, legal, and financial issues associated with it. In 2001, the FTC received 10,000 messages a day through its spam database; the agency now receives about 130,000 spam messages a day. In reviewing these messages, the FTC has found 66% of the spam analyzed contained false "From" lines, "Subject" lines, or message text; and

Whereas, The FTC forum clearly demonstrated a need for actions at the federal level. Numerous options are being discussed, in Congress and in the states and among business and community leaders, on how best to address the issue of spam. It is increasingly clear to many that a federal approach, coupled with individual state actions, offers the greatest potential for meaningful results in dealing with this complex issue: Now, therefore, be it

Resolved by the house of representatives, That we memorialize the Congress of the United States and the Federal Trade Commission to address the issue of unsolicited commercial email, otherwise known as spam, on a national basis; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Federal Trade Commission.

POM–218. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the Gulf Intercostal Waterway; to the Committee on Commerce, Science and Transportation.

SENATE RESOLUTION NO. 90

Whereas, the Gulf Intracoastal Waterway is vital to the nation's economy spanning across five gulf coast states; and

Whereas, the Gulf Intracoastal Waterway carries one-third of the freight of all of America's waterways and has significant economic impact on the entire state of Louisiana, as well as the nation; and

Whereas, the protection of the banks of the Gulf Intracoastal Waterway guarantees the future of many businesses and individuals that depend on its efficiency and economy; and

Whereas, tidal exchange, combined with the effects of wave action and boat wake from traffic has contributed to significant shoreline erosion; and

Whereas, the Gulf Intracoastal Waterway shoreline erosion has and continues to contribute to the loss of coastal wetlands, aquatic resources, commercial and recreational fisheries, agricultural farmland, wildlife resources, essential fish habitat, recreation resources, and cultural resources of coastal Louisiana; and

Whereas, the lack of action to protect the Gulf Intracoastal Waterway's shorelines has negatively impacted navigation, resulting in increased dredging costs, threats to shipping, implications for loss of trade, reduced flood control, and threats to water supplies due to saltwater intrusion: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to provide adequate and immediate protection, stabilization, and maintenance of the Gulf Intracoastal Waterway canal banks in southwest Louisiana; be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–219. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to Lake St. Clair; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 63

Whereas, Lake St. Clair is an essential component of the network that comprises the world's largest source of accessible freshwater. Often referred to as the "Heart of the Great Lakes" for the unique importance, location, and shape, Lake St. Claire is an immeasurable resource to the region's economy, ecology, health, and recreation; and

Whereas, Lake St. Clair provides the drinking water for 2.3 million people, produces one-third of all fish caught on the Great Lakes, and includes some of the most important ecosystem along the Great Lakes basin; and

Whereas, Several key federal acts, including the Great Lakes Act of 1956, the Clean Water Act of 1978, the Great Lakes Shoreline Mapping Act of 1987, the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, and the Water Resources Development Act of 2000, include Lake St. Clair in the definition of the Great Lakes for the purpose of programs and grants; and

Whereas, Lake St. Clair also received special attention in the Water Resources Development Act of 1999, which directed the Secretary of the Army to prepare a comprehensive management plan for Lake St. Clair, a first draft of which is scheduled for release in 2003; and

Whereas, In spite of its critical role, Lake St. Clair has been subject to several serious environmental problems in recent years. These have ranged from beach closings due to faulty sewage and speptic systems, combined sewer overflows, toxic contamination, and the impact of invasive species; and

Whereas, Lake St. Clair will benefit from the Great Lakes Legacy Act of 2002, which provides funds to monitor and clean up contamined sediments in the Great Lakes Areas of Concern, including the St. Clair River and Clinton River watersheds, which are adjacent to Lake St. Clair; now, therefore be it

Resolved by the house of representatives, That we memorialize the Congress of the United States to increase efforts to preserve and protect Lake St. Clair; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation. Adopted by the House of Representatives, June 24, 2003.

POM–220. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to petroleum reserves; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 9

Whereas, since that time, the SPR has been the nation's first line of defense against any interruption in petroleum supplies; and

Whereas, Louisiana is a natural choice for the placement of reserves due to the concentration of salt domes, petroleum refineries, and distribution points for tankers, and barges, and pipeline; and

Whereas, Louisiana produces approximately eighty-six million barrels of oil per year and has a refining capacity of two million seven hundred sixty thousand barrels per day; and

Whereas, the Energy Policy and Conservation Act of 1975 declared it to be a policy to establish a reserve of up to one billion barrels of petroleum; and

Whereas, the SPR has the capacity to hold seven hundred million barrels and currently holds an inventory of five hundred forty-four million seven hundred thousand barrels at the current facilities located at Freeport and Winnie, Texas, and West Hackberry and Bayou Choctaw, Louisiana; and

Whereas, the events surrounding the atrocious attacks on our nation on September 11, 2001, including our unwavering pursuit of the perpetrators, may result in foreign petroleum supply interruptions of significant scope or duration; and

Whereas, the economic well-being of Louisiana's and the nation's economy is irrevocably tied to the supply of petroleum: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the President of the United States to fill current petroleum reserve to capacity and expand petroleum reserves in Louisiana utilizing Louisiana-produced petroleum to assist in stabilizing the economy of Louisiana and the nation; be it further

Resolved, That a copy of this Resolution be transmitted to the President of the United States of America; be it further

Resolved, That copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Appropriations, without amendment:

S. 1424. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108–105).

By Mr. McCONNELL, from the Committee on Appropriations, without amendment:

S. 1426. An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108–106).

By Mr. BENNETT, from the Committee on Appropriations, without amendment:

S. 1427. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108–107).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Con. Res. 53. A concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

*Nicole R. Nason, of Virginia, to be an Assistant Secretary of Transportation.

*Pamela Harbour, of New York, to be a Federal Trade Commissioner for the term of seven years from September 26, 2002.

By Mr. HATCH for the Committee on the Judiciary.

Kathleen Cardone, of Texas, to be United States District Judge for the Western District of Texas.

James I. Cohn, of Florida, to be United States District Judge for the Southern District of Florida.

Frank Montalvo, of Texas, to be United States District Judge for the Western District of Texas.

Xavier Rodriguez, of Texas, to be United States District Judge for the Western District of Texas.

Jack Landman Goldsmith III, of Virginia, to be an Assistant Attorney General.

Christopher A. Wray, of Georgia, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1422. A bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN:

S. 1423. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

By Mr. DOMENICI:

S. 1424. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mrs. CLINTON:

S. 1425. A bill to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program; to the Committee on Environment and Public Works.

By Mr. McCONNELL:

S. 1426. An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BENNETT:

S. 1427. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. McCONNELL:

S. 1428. A bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself and Mrs. FEINSTEIN):

S. 1429. A bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 1430. A bill to direct the Secretary of the Interior to conduct a study of the Baranov Museum in Kodiak, Alaska, for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 1431. A bill to reauthorize the assault weapons ban, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 310

At the request of Mr. THOMAS, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Hawaii (Mr. INOUYE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 310, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 556

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 556, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 595

At the request of Mr. HATCH, the names of the Senator from Utah (Mr. BENNETT), the Senator from Oregon (Mr. SMITH), the Senator from Iowa (Mr. HARKIN), the Senator from North Carolina (Mr. EDWARDS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 726

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 726, a bill to treat the Tuesday next after the first Monday in November as a legal public holiday for purposes of Federal employment, and for other purposes.

S. 852

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 894

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 976

At the request of Mr. WARNER, the names of the Senator from Vermont

(Mr. JEFFORDS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1091

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1091, a bill to provide funding for student loan repayment for public attorneys.

S. 1168

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1168, a bill to amend title 23, United States Code, to establish a program to increase the use of recyclable material in the construction of Federal-aid highways.

S. 1172

At the request of Mr. FRIST, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1222

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1222, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1285

At the request of Mr. CARPER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1285, a bill to reform the postal laws of the United States.

S. 1297

At the request of Mr. TALENT, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1297, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag.

S. 1331

At the request of Mr. SANTORUM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1331, a bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns.

S. 1335

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1397

At the request of Mr. GREGG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1397, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1415

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1415, a bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building".

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Delaware (Mr. CARPER), the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mr. SCHUMER), the Senator from South Dakota (Mr. DASCHLE), the Senator from Michigan (Ms. STABENOW), the Senator from Hawaii (Mr. AKAKA), the Senator from Indiana (Mr. LUGAR), the Senator from Alabama (Mr. SHELBY), and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

S. CON. RES. 53

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. Con. Res. 53, a concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

S. RES. 167

At the request of Mr. CAMPBELL, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 167, a resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

S. RES. 169

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 169, a resolution expressing the sense of the Senate that the United States Postal Service should issue a postage stamp commemorating Anne Frank.

S. RES. 170

At the request of Mr. DODD, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 170, a resolution designating the years 2004 and 2005 as "Years of Foreign Language Study".

AMENDMENT NO. 1273

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1273 proposed to H.R. 2658, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

Resolved, That a copy of this Resolution be transmitted to the President of the United States of America; be it further

Resolved, That copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Appropriations, without amendment:

S. 1424. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108–105).

By Mr. McCONNELL, from the Committee on Appropriations, without amendment:

S. 1426. An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108–106).

By Mr. BENNETT, from the Committee on Appropriations, without amendment:

S. 1427. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108–107).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Con. Res. 53. A concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

*Nicole R. Nason, of Virginia, to be an Assistant Secretary of Transportation.

*Pamela Harbour, of New York, to be a Federal Trade Commissioner for the term of seven years from September 26, 2002.

By Mr. HATCH for the Committee on the Judiciary.

Kathleen Cardone, of Texas, to be United States District Judge for the Western District of Texas.

James I. Cohn, of Florida, to be United States District Judge for the Southern District of Florida.

Frank Montalvo, of Texas, to be United States District Judge for the Western District of Texas.

Xavier Rodriguez, of Texas, to be United States District Judge for the Western District of Texas.

Jack Landman Goldsmith III, of Virginia, to be an Assistant Attorney General.

Christopher A. Wray, of Georgia, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1422. A bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN:

S. 1423. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

By Mr. DOMENICI:

S. 1424. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mrs. CLINTON:

S. 1425. A bill to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program; to the Committee on Environment and Public Works.

By Mr. McCONNELL:

S. 1426. An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BENNETT:

S. 1427. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. McCONNELL:

S. 1428. A bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself and Mrs. FEINSTEIN):

S. 1429. A bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 1430. A bill to direct the Secretary of the Interior to conduct a study of the Baranov Museum in Kodiak, Alaska, for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 1431. A bill to reauthorize the assault weapons ban, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 310

At the request of Mr. THOMAS, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Hawaii (Mr. INOUYE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 310, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 556

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 556, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 595

At the request of Mr. HATCH, the names of the Senator from Utah (Mr. BENNETT), the Senator from Oregon (Mr. SMITH), the Senator from Iowa (Mr. HARKIN), the Senator from North Carolina (Mr. EDWARDS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 726

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 726, a bill to treat the Tuesday next after the first Monday in November as a legal public holiday for purposes of Federal employment, and for other purposes.

S. 852

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 894

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 976

At the request of Mr. WARNER, the names of the Senator from Vermont

(Mr. JEFFORDS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1091

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1091, a bill to provide funding for student loan repayment for public attorneys.

S. 1168

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1168, a bill to amend title 23, United States Code, to establish a program to increase the use of recyclable material in the construction of Federal-aid highways.

S. 1172

At the request of Mr. FRIST, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1222

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1222, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1285

At the request of Mr. CARPER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1285, a bill to reform the postal laws of the United States.

S. 1297

At the request of Mr. TALENT, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1297, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag.

S. 1331

At the request of Mr. SANTORUM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1331, a bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns.

S. 1335

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1397

At the request of Mr. GREGG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1397, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1415

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1415, a bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building".

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Delaware (Mr. CARPER), the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mr. SCHUMER), the Senator from South Dakota (Mr. DASCHLE), the Senator from Michigan (Ms. STABENOW), the Senator from Hawaii (Mr. AKAKA), the Senator from Indiana (Mr. LUGAR), the Senator from Alabama (Mr. SHELBY), and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

S. CON. RES. 53

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. Con. Res. 53, a concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

S. RES. 167

At the request of Mr. CAMPBELL, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 167, a resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

S. RES. 169

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 169, a resolution expressing the sense of the Senate that the United States Postal Service should issue a postage stamp commemorating Anne Frank.

S. RES. 170

At the request of Mr. DODD, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 170, a resolution designating the years 2004 and 2005 as "Years of Foreign Language Study".

AMENDMENT NO. 1273

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1273 proposed to H.R. 2658, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1422. A bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise to introduce along with Senator LAUTENBERG the Teacher Education for Autistic Children, TEACH, Act of 2003, legislation that will highlight the needs of autistic children by bringing more qualified teachers into the classroom, helping families receive the support and services they need for their children, and helping ensure vocational programs to assist people with autism transition from school to work are functioning as intended.

Autism is a developmental disability characterized by atypical, often repetitive behaviors and deficits in social and communication skills. Though it is difficult to determine an exact number, some researchers believe that an astounding 1 out of 250 of our Nation's children are in some way affected by this disorder.

Perhaps even more alarming is the fact that the number of children diagnosed with some form of autism has increased significantly throughout the country over the past decade. Take my State for example—according to the New Jersey Department of Education in 1991, there were 241 children in our schools who had been diagnosed with autism. By 2001, that figure had risen to 3,984, a staggering increase of 1,548 percent.

While the cause of autism and its cure are unknown, we are aware that the best treatment for these children is early intervention from qualified teachers. The TEACH Act of 2003 would go a long way in improving services for these children by providing teachers with the necessary training and helping school districts in hiring qualified autism teachers.

Specifically, the TEACH Act authorizes $15 million a year for five years to provide education or professional development training for current teachers or students who want to be special education teachers, teachers' aides, or other professionals who work with autistic children.

The TEACH Act also establishes a loan forgiveness program for qualified teachers of autistic children to help them pay off college loans or loans associated with taking continuing education courses related to autism. This incentive of up to $20,000 to help pay off college loans will go a long way in attracting more qualified individuals into special education.

The bill also includes provisions that establish State Autism Ombudsman Offices that would act as clearinghouses for families who are seeking information on services, education, and other resources to help their children achieve the full and happy lives they deserve. It also creates a national Task Force to evaluate and make recommendations regarding best practices for the education of autistic children.

Finally, this legislation requires a joint Department of Labor/Department of Education study to evaluate existing vocational programs available for people with autism in order to ensure that such individuals have access to quality jobs and their own independence.

The TEACH Act will go a long way to help autistic families by giving their children the opportunity to achieve the highest quality of life. I urge my colleagues to support this important legislation, which has the power to improve thousands of lives.

I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teacher Education for Autistic Children Act of 2003" or the "TEACH Act of 2003".

SEC. 2. TRAINING OF SPECIAL EDUCATION TEACHERS WITH EXPERTISE IN AUTISM SPECTRUM DISORDERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated for "Special Education–Personnel Preparation to Improve Services and Results for Children with Disabilities", there are authorized to be appropriated for "Special Education–Personnel Preparation to Improve Services and Results for Children with Disabilities", for each of the fiscal year 2004 through 2008, $15,000,000—

(1) to provide technical assistance grants to develop standards for training teachers with respect to the provision of education for children with autism spectrum disorders (ASD) and to integrate such standards into the existing training infrastructure;

(2) to train special education teachers with an expertise in autism spectrum disorders; and

(3) to provide preservice or professional development training of personnel to be special education teachers, aides of such teachers or other paraprofessionals providing teaching assistance, special education administrators, or staff specialists (such as speech-language pathologists and school psychologists) with an expertise in autism spectrum disorders.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 3. IMPROVING RESULTS FOR CHILDREN WITH AUTISM SPECTRUM DISORDERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated to carry out subpart 1 of part D of the Individuals with Disabilities Education Act, there are authorized to be appropriated for each of the fiscal years 2004 through 2008 $5,000,000 for competitive grants under subpart 1 of part D of such Act to assist State educational agencies, in cooperation with other appropriate entities, to improve results for children with autism spectrum disorders (ASD).

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 4. EXPANDED LOAN FORGIVENESS PROGRAM FOR TEACHERS OF AUTISTIC CHILDREN.

(a) PROGRAM.—

(1) IN GENERAL.—The Secretary of Education (in this section referred to as the "Secretary") shall carry out a program of assuming the obligation to repay, pursuant to subsection (c), a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 or part D of such title (excluding loans made under sections 428B and 428C of such Act or comparable loans made under part D of such title) for any borrower who—

(A) is employed, for 3 consecutive complete school years, as a full-time special education teacher of autistic children;

(C) satisfies the requirements of subsection (d); and

(D) is not in default on a loan for which the borrower seeks forgiveness.

(2) AWARD BASIS; PRIORITY.—

(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-serve basis and subject to the availability of appropriations.

(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

(3) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

(b) LOAN REPAYMENT.—

(1) ELIGIBLE AMOUNT.—The amount the Secretary may repay on behalf of any individual under this section shall not exceed—

(A) the sum of the principal amounts outstanding (not to exceed $5,000) of the individual's qualifying loans at the end of 3 consecutive complete school years of service described in subsection (a)(1)(B);

(B) an additional portion of such sum (not to exceed $5,000) at the end of each of the next 2 consecutive complete school years of such service; and

(C) a total of not more than $20,000.

(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under part B or D of title IV of the Higher Education Act of 1965.

(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

(c) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

(d) APPLICATION FOR REPAYMENT.—

(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) YEARS OF SERVICE.—An eligible individual may apply for loan repayment under this section after completing the required number of years of qualifying employment.

(3) FULLY QUALIFIED TEACHERS IN PUBLIC ELEMENTARY OR SECONDARY SCHOOLS.—An application for loan repayment under this section shall include such information as is necessary to demonstrate that the applicant—

(A) if teaching in a public pre-kindergarten, kindergarten, elementary, middle, or secondary school (other than as a teacher in a public charter school), has obtained State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing exam and holds a license to teach in such State; and

(B) if teaching in—

(i) a public pre-kindergarten, kindergarten, or elementary school, holds a bachelor's degree and demonstrates knowledge and skills for teaching children with autism spectrum disorders; or

(ii) a public middle or secondary school, holds a bachelor's degree and demonstrates a high level of competency for teaching children with autism spectrum disorders, through—

(I) a high level of performance on a rigorous State or local academic subject areas test; or

(II) completion of an academic major specializing in autism or severe disabilities with a concentration in autism spectrum disorders.

(4) TEACHERS IN NONPROFIT PRIVATE ELEMENTARY OR SECONDARY SCHOOLS OR CHARTER SCHOOLS.—In the case of an applicant who is teaching in a nonprofit private pre-kindergarten, kindergarten, elementary, or secondary school, or in a public charter school, an application for loan repayment under this section shall include such information as is necessary to demonstrate that the applicant has knowledge and skills for teaching children with autism spectrum disorders, as certified by the chief administrative officer of the school.

(e) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a consolidation loan made under section 428C of the Higher Education Act of 1965, or a Federal Direct Consolidation Loan made under part D of title IV of such Act, may be a qualified loan amount for the purpose of this section only to the extent that such loan amount was used by a borrower who otherwise meets the requirements of this section to repay—

(1) a loan made under section 428 or 428H of such Act; or

(2) a Federal Direct Stafford Loan, or a Federal Direct Unsubsidized Stafford Loan, made under part D of title IV of such Act.

(f) ADDITIONAL PROVISIONS.—

(1) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

(2) DEFINITION OF TEACHER OF AUTISTIC CHILDREN.—The term "teacher of autistic children" means an individual who provides instruction to children who have been diagnosed by a physician or a psychologist as having an autism spectrum disorder.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2004 through 2008.

SEC. 5. REPORT ON AUTISM EARLY INTERVENTION ACTIVITIES.

(a) REPORT.—Section 613 of the Individuals with Disabilities Education Act (20 U.S.C. 1413) is amended by adding at the end the following:

"(k) REPORT ON AUTISM EARLY INTERVENTION ACTIVITIES.—

"(1) IN GENERAL.—A local educational agency that receives assistance under this part for a fiscal year shall prepare and submit to the Secretary a report that contains a description of the activities referred to in paragraph (2) carried out in the preceding fiscal year.

"(2) INFORMATION.—The activities referred to in this paragraph are the following:

"(A) Activities carried out by the agency to ensure that students who exhibit symptoms of autism spectrum disorders (ASD) are referred to appropriate experts for diagnosis.

"(B) Appropriate training provided by the agency, or on behalf of the agency, of personnel of the agency and schools of the agency to carry out the activities described in subparagraph (A).

"(3) DEFINITION.—In this subsection, the term 'autism spectrum disorders' has the meaning given the term in section 9 of the Teacher Education for Autistic Children Act of 2003.".

(b) TECHNICAL ASSISTANCE.—The Secretary of Education shall provide technical assistance to local educational agencies that receive assistance under part B of the Individuals with Disabilities Education Act to assist such agencies comply with the reporting requirement under section 613(k) of such Act (as added by subsection (a)).

SEC. 6. TASK FORCE ON AUTISM SPECTRUM DISORDERS.

(a) ESTABLISHMENT.—The Secretary of Education, acting through the Assistant Secretary for Special Education and Rehabilitative Services, shall establish and provide administrative support for a Task Force on Autism Spectrum Disorders (ASD) (in this section referred to as the "Task Force").

(b) DUTIES.—The Task Force shall—

(1) conduct a review of minimum standards relating to the provision of special education for children with autism spectrum disorders and provide recommendations to improve or otherwise strengthen such standards;

(2) conduct a review of the effectiveness of existing educational models used with respect to the provision of special education for children with autism spectrum disorders; and

(3) conduct an evaluation of programs carried out by State and local educational agencies to train teachers with respect to the provision of special education for children with autism spectrum disorders and provide recommendations to improve and expand such programs.

(c) COMPOSITION.—

(1) IN GENERAL.—The Secretary of Education, acting through the Assistant Secretary for Special Education and Rehabilitative Services and in consultation with the Director of the National Research Council (or the Director's designee), shall appoint members of the Task Force as follows:

(A) Not less than two members shall be representatives from national autism organizations.

(B) Not less than one member shall be an individual with an autism spectrum disorder or a parent (or legal guardian) of such an individual.

(C) Not less than two members shall be teachers with experience in working with children with autism.

(D) Not less than two members shall be appropriate officers or employees of the Department of Education.

(E) Not less than two members shall be appropriate officers or employees of the Department of Health and Human Services (to be appointed in consultation with the Secretary of Health and Human Services).

(2) COMPENSATION.—

(A) RATES OF PAY.—Except as provided in subparagraph (B), members of the Task Force shall be paid at the maximum rate of basic pay for GS–14 of the General Schedule for each day during which they are engaged in the actual performance of duties of the Task Force.

(B) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Task Force who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Task Force.

(C) TRAVEL EXPENSES.—Each member of the Task Force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for each of the subsequent four calendar years, the Task Force shall prepare and submit to the Secretary of Education a report that contains the results of the reviews and evaluations conducted pursuant to subsection (b) and a description of the recommendations proposed pursuant to such subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $500,000 for fiscal years 2004 through 2008.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 7. STUDY AND REPORT ON FEDERAL VOCATIONAL TRAINING PROGRAMS.

(a) STUDY.—The Secretary of Education, in conjunction with the Secretary of Labor (hereinafter in this section referred to as the "Secretaries"), shall conduct a study on the effectiveness of Federal vocational training programs in providing appropriate assistance to individuals with autism spectrum disorders (ASD)

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretaries shall submit to Congress a report that contains the following:

(1) The results of the study conducted under subsection (a).

(2) Administrative and legislative recommendations to improve the effectiveness of Federal vocational training programs in providing appropriate assistance to individuals with autism spectrum disorders.

(3) Recommendations on appropriate data that should be collected, maintained, and disseminated in order to better monitor the effectiveness of each vocational training program that serves individuals with autism spectrum disorders.

SEC. 8. STATE AUTISM OMBUDSMAN OFFICES.

(a) GRANTS TO STATES.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (d) for a fiscal year, the Secretary of Education shall provide grants to each State that meets the requirements of subsection (b) for the purpose of carrying out this section.

(b) STATE REQUIREMENTS.—A State meets the requirements of this subsection if it establishes and operates (including through the use of funds provided under a grant under subsection (a)) at least one State autism ombudsman office in accordance with this section. The office shall be headed by an individual who shall be selected from among individuals who are members of, or approved by, national, non-profit organizations, including their State and local affiliate organizations, dedicated to addressing, by whatever means, the needs of individuals with autism spectrum disorders or their families or legal guardians.

(c) DUTIES OF OFFICE.—

(1) IN GENERAL.—A State autism ombudsman office established in accordance with subsection (b) shall serve individuals with autism spectrum disorders and their families or guardians as a resource to assist with legal, educational, and family support systems issues, including by advising families or guardians on the process of the individualized education program, interpreting school communications regarding a child who exhibits autistic behavior, proposing alternatives to those proposed by the IEP team, and otherwise mediating between families or guardians of a child with an autism spectrum disorder and officials of local or State public school systems, agencies, or boards.

(2) DEFINITION.—In this subsection, the term "individualized education program" or "IEP" means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with section 614(d) of the Individuals with Disabilities Education Act.

(d) REQUIREMENTS.—A State autism ombudsman office established in accordance with subsection (b) shall—

(1) coordinate with the State developmental disabilities council, university-affiliated programs, regional resource centers, and other appropriate State entities; and

(2) operate independently of the State educational agency and local educational agencies within the State.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of the fiscal years 2004 through 2008.

SEC. 9. DEFINITION.

In this Act, the term "autism spectrum disorder" has the meaning given the term by the Diagnostic and Statistical Manual of Mental Disorders-Fourth Edition (DSM-IV).

By Mr. McCONNELL:

S. 1428. A bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity; to the Committee on the Judiciary.

Mr. McCONNELL. Mr. President, I rise today to speak about abusive litigation in America. Unfortunately, a personal injury lawyer's desire for a big payday by any theory imaginable is never satisfied, and so I come yet again to speak about tort reform—an issue I have worked on nearly every year that I have been in the Senate.

America is blessed with an abundant food supply and an overwhelming number of food choices. With so many choices, some of us overdo it. That over indulgence, combined with an under indulgence of exercise can sometimes have negative health consequences. But most of us take responsibility for the amount—and the type—of food we put in our mouth, and we accept the consequences of those decisions.

Personal injury lawyers, however, are now trying to convince Americans with expanding waistlines that someone else is to blame for their weight problem. And so the latest targets of predatory lawyers are the people producing and selling food. That is right. This money-hungry gang is going after "Big Food." If it were not so frightening, it would be funny.

This is a disturbing turn of events and a further indication of the erosion of personal responsibility in America. People claiming their weight gain is the fault of the food manufacturers or seller have already begun filing lawsuits. Think of the absurdity of that logic. How long will it be until those who get speeding tickets begin to sue car manufacturers for building a car that people may decide to drive too fast?

Many Americans need to take greater care in what—and how much—they eat. But it is also time to curb the voracious appetite of the personal injury lawyers and put an end to this ridiculous and costly litigation before it gets out of hand

That is why today I am introducing the Commonsense Consumption Act.

My bill would prohibit suits against food manufacturers and sellers for claims of injury resulting from a person's weight gain, obesity or health condition related to weight gain or obesity.

Any such suit pending on the date of enactment of this bill would be dismissed.

Let me be clear. This bill does not provide widespread legal immunity for the food industry. It only provides protection from abusive suits by people seeking to blame someone else for their poor eating habits.

This bill would not affect lawsuits against food manufacturers or sellers that knowingly and willfully violate a Federal or State statute applicable to the manufacture and sale of food.

This bill would not apply to lawsuits for breach of contract or express warranty. And this bill would not apply to claims related to "adulterated" food.

I should mention that Representative Ric Keller has introduced similar legislation in the House. His bill, entitled the Personal Responsibility in Food Consumption Act has received a hearing and has attracted a significant number of cosponsors. My bill is worded a bit differently than Representative Keller's but I believe it is safe to say that both bills aim for the same result: an end to these absurd lawsuits.

Just a few years ago, the whole idea of blaming, and suing, someone else for your own eating habits was comical.

In fact, in August of 2000 the satirical publication "The Onion" carried a spoof news story entitled "Hershey's Ordered To Pay Obese Americans $135 Billion."

The story began: In one of the largest product-liability rulings in U.S. history, the Hershey Foods Corp. was ordered by a Pennsylvania jury to pay $135 billion in restitution to 900,000 obese Americans who for years consumed the company's fattening snack foods.

The article continued by saying: [The five-state class-action suit accused Hershey's of "knowingly and willfully marketing rich, fatty candy bars containing chocolate and other ingredients of negligible nutritional value." The company was also charged with . . . artificially "spiking" Their products with such substances as peanuts, crisped rice, and caramel to increase consumer appeal.

That story was humorous in August of 2000. It is not funny any longer. Personal injury lawyers are now attempting to turn that satirical story into reality.

We have seen press reports that just a few weeks ago a group of more than a hundred money-hungry lawyers and activists met in Boston to plan strategy for suing food manufacturers and sellers.

As I mentioned, some of these personal injury lawyers have already started suing. We have seen suits against restaurants, suits against cookie makers, and there are more to come.

One lawyer has reportedly sent letters to restaurants telling them to meet his demands or he will sue. This same trial lawyer ring-leader has also threatened to sue local school districts and even individual members of the school board. Have these lawyers no shame?

But perhaps these lawyers have finally bitten off more than they can chew. When they sue come big corporation, most people probably do not pay much attention. But when you start dragging the local school board members into court and forcing them to spend thousands and thousands of tax dollars defending against frivolous claims, well as we say in Kentucky that is a horse of a different color.

When Americans hear what these lawyers are up to I do not think they are going to like it. I know the voters in Kentucky are not interested in seeing more abusive lawsuits about obesity, and they certainly are not interested in paying more at the cash register in order to finance some personal injury lawyers' extravagant lifestyle.

These lawsuits are expensive to defend and the lawyers know that. The lawyers are not really interested in consumers, they are looking for a settlement, a big settlement, that will make them rich and enable them to clog the courts with more frivolous cases.

Make no mistake about it. These lawsuits seek only to fatten personal injury lawyers' wallets. And that will result in higher food prices for consumers.

It is time to stop this abuse now and it is time to remind people that personal responsibility is the issue here.

People must take responsibility for their actions.

As one weight loss guru said on CNN earlier this year when he was asked about obesity suits against restaurants:

There is always going to be greasy, fried, salty, sugary food. It is up to the individual to walk in and say, I don't want those fries today. I have 40 pounds to lose. It is not the fault of the fast food people, and anyone who's trying to sue the fast food places needs a therapist, not an attorney. You have to make your own decisions. That's what the freedom in America is all about.

Never in my wildest dreams did I think I would be quoting Richard Simmons on the Senate floor, but he has perfectly summed it up pretty well, as I just described.

Making your own decisions is what freedom is all about. And with freedom comes responsibility. We have the freest society on the planet, but folks need to start exercising some responsibility with their freedom. Do not blame others for your bad habits. You are responsible for what you put in your mouth, and parents are responsible for what their children put in their mouth. It is that simple. The plaintiff's bar may not like that fact, but it is truly that simple.

By Mr. CHAFEE (for himself and Mrs. FEINSTEIN):

S. 1429. A bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program; to the Committee on Finance.

Mr. CHAFEE. Mr. President, I am pleased to be joined today by Senator FEINSTEIN in introducing the Family Planning State Empowerment Act of 2003. This legislation would provide States with a mechanism to improve the health of low-income women and families by allowing States to expand family planning services to additional women under the Medicaid program.

The Federal Government currently reimburses States for 90 percent of their expenditures for family planning services under Medicaid, due to the importance of these for low-income women. This reimbursement rate is higher than for most other health care services.

Generally, women may qualify for Medicaid services, including family planning, in one of two ways: they have children and an income level below a threshold set by the State, ranging from 15 to 86 percent of the Federal poverty level; or they are pregnant and have incomes up to 133 percent of the poverty level, federal law allows states to raise this income eligibility level to 185 percent, if they desire. If a woman qualifies because of pregnancy, she is automatically eligible for family planning services for sixty days following delivery. After those sixty days, the woman's Medicaid eligibility expires.

If States want to provide Medicaid family planning services to additional populations of low-income women, they must apply to the Federal Government for a so-called "1115" waiver. These waivers allow States to establish demonstration projects in order to test new approaches to health care delivery in a manner that is budget-neutral to the Federal Government.

To date, these waivers have enabled eighteen States to expand access to family planning services. Most of these waivers allow states to extend family planning to women beyond the sixty-day post-partum period. This allows many women to increase the length of time between births, which has significant health benefits for women and their children. For this reason, an Institute of Medicine report recommended that Medicaid should cover family planning services for two years following a delivery.

Some of the waivers allow States to provide family planning to women based solely on income, regardless of whether they qualify for Medicaid due to pregnancy or children. In general, States have used the same income eligibility levels that apply to pregnant women, 133 percent or 185 percent of the poverty level, creating continuity for both family planning and prenatal care services. These expanded services also help states reduce rates of unintended pregnancy and the need for abortion.

My State of Rhode Island was one of the first States to obtain one of these waivers, and has had great success with it in terms of preventing unintended pregnancies and improving public health in general. Rhode Island's waiver has averted 1,443 pregnancies from August 1994 through 1997, resulting in a savings to the state of $14.3 million. In addition, Rhode Island's waiver has assisted low-income women with spacing-out their births. The number of low-income women in Rhode Island with short inter-birth intervals, becoming pregnant within 18 months of having given birth, dropped from 41 percent in 1993 to 29 percent in 1999. The gap between Medicaid recipients and privately insured women was 11 percent in 1993, compared with only 1 percent—almost negligible—in 1999. As these statistics show, these waivers are extremely valuable and serve as a huge asset to the women's health, not only to my constituents but to constituents in the thirteen other states who currently benefit from these waivers.

Unfortunately, the waiver process is extremely cumbersome and time consuming, taking up to three years for States to receive approval from the Federal Government. This may discourage States from applying for family planning waivers, or at the very least, delay them from providing important services to women.

Our bill would rectify this problem by allowing States to extend family planning services through Medicaid without going through the waiver process. Eliminating the waiver requirement will facilitate State innovation and provide assistance to more low-income women.

This bill will allow States to provide family planning services to women with incomes up to 185 percent of the Federal poverty level. For low-income, post-partum women, States will no longer be limited to providing them with only sixty days of family planning assistance. States may also provide family planning for up to one year to women who lose Medicaid-eligibility because of income.

I urge my colleagues to join me in supporting this important legislation, and ask unanimous consent that the text of legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Planning State Empowerment Act of 2003".

SEC. 2. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO INDIVIDUALS WITH INCOMES THAT DO NOT EXCEED A STATE'S INCOME ELIGIBILITY LEVEL FOR MEDICAL ASSISTANCE.

(a) IN GENERAL.—Title XIX of the Social Security .Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1935 as section 1936; and

(2) by inserting after section 1934 the following:

"STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES

"SEC. 1935. (a) IN GENERAL.—Subject to subsections (b) and (c), a State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any individual whose family income does not exceed the greater of—

"(1) 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved; or

"(2) the eligibility income level (expressed as a percent of such poverty line) that has been specified under a waiver authorized by the Secretary or under section 1902(r)(2), as of October 1, 2003, for an individual to be eligible for medical assistance under the State plan.

"(b) COMPARABILITY.—Medical assistance described in section 1905(a)(4)(C) that is made available under a State plan amendment under subsection (a) shall—

"(1) not be less in amount, duration, or scope than the medical assistance described in that section that is made available to any other individual under the State plan; and

"(2) be provided in accordance with the restrictions on deductions, cost sharing, or similar charges imposed under section 1916(a)(2)(D).

"(c) OPTION TO EXTEND COVERAGE DURING A POST-ELIGIBILITY PERIOD.—

"(1) INITIAL PERIOD.—A State plan amendment made under subsection (a) may provide that any individual who was receiving medical assistance described in section 1905(a)(4)(C) as a result of such amendment, and who becomes ineligible for such assistance because of hours of, or income from, employment, may remain eligible for such medical assistance through the end of the 6-month period that begins on the first day the individual becomes so ineligible.

"(2) ADDITIONAL EXTENSION.—A State plan amendment made under subsection (a) may provide that any individual who has received medical assistance described in section 1905(a)(4)(C) during the entire 6-month period described in paragraph (1) may be extended coverage for such assistance for a succeeding 6-month period.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2003.

SEC. 3. STATE OPTION TO EXTEND THE POSTPARTUM PERIOD FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.

(a) IN GENERAL.—Section 1902(e)(5) of the Social Security Act (42 U.S.C. 1396a(e)(5)) is amended—

(1) by striking "eligible under the plan, as though" and inserting "eligible under the plan—

"(A) as though";

(2) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(B) for medical assistance described in section 1905(a)(4)(C) for so long as the family income of such woman does not exceed the maximum income level established by the State for the woman to be eligible for medical assistance under the State plan (as a result of pregnancy or otherwise).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2003.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator CHAFEE to introduce a bill to give States the flexibility to provide family planning services to low-income women who do not qualify for Medicaid.

Under current law, in order to qualify for family planning services provided by the Medicaid program, a women would either have to have children and an income level below a threshold set by the State, ranging from 15–86 percent of the Federal poverty level, or be pregnant and have an income up to 133 percent of the poverty level; Federal law allows States to raise this income eligibility level to 185 percent, if they desire.

If a woman qualifies because of pregnancy, she is automatically eligible for family planning services for 60 days following delivery. After those 60 days, the woman's Medicaid eligibility expires.

If a State wants to provide Medicaid family planning services to additional populations of low-income women, they must apply to the Federal Government for a waiver. Currently, 18 States have waivers approved by the Federal Government. The waiver process is extremely cumbersome and time consuming, often taking up to three years to receive approval from the Federal Government.

This bill would once and for all allow States to provide crucial family planning to low-income women under the Medicaid program. It would eliminate the waiver process for these services and would give authority back to the States to determine what populations of low income women they want to provide family planning services to.

California currently receives $100 million annually, until 2004, as part of its five-year waiver to provide family planning services to low income women. With these funds, California provides services to more than 900,000 women each year.

The State estimates that because of these services, at least 50,000 unintended pregnancies are prevented each year.

In addition to contraceptives, the family planning funds are used for sexually transmitted disease screening and treatment, HIV screening and counseling, basic infertility services and pregnancy testing and counseling.

Officials involved in the program estimate that for every $1 invested in family planning, $3 are saved in pregnancy and health-care related costs.

In California, it is estimated that providing low-income women with access to family planning will save the State more then $900 million over the course of the five-year waiver.

I believe this legislation is more important now than ever.

Each year, approximately 3 million pregnancies, or about half of all pregnancies, are unintended. Increasing access to family planning services could help avert these 3 million unintended pregnancies and all the decisions and costs associated with either continuing or terminating a pregnancy.

Family planning services give women the necessary tools to space the births of their children, which improves women's health and reduces rates of infant mortality.

Medicaid family planning is also cost effective. For every $1 invested in family planning, $3 are saved in pregnancy and health care-related costs.

Family planning and reproductive health services are much more than just accessing contraceptives. Services provided include screening and treatment for sexually transmitted diseases and HIV, basic inferility services and pregnancy testing and counseling. Women can receive pap smears and breast exams, which are crucial to detecting cervical and breast cancer.

Low income women deserve access to family planning and reproductive health services. And States should not have to ask the Federal Government for permission to use Medicaid funds to provide these essential services.

We can afford to shut the door on those who cannot otherwise afford family planning and reproductive health services.

I urge my colleagues to join me in supporting this important legislation.

By Ms. MURKOWSKI:

S. 1430. A bill to direct the Secretary of the Interior to conduct a study of the Baranov Museum in Kodiak, Alaska, for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Erskine House in Kodiak, AK, which houses the Baranov Museum, is one of a very few Russian period structures remaining in the Western Hemisphere. It is of great historical significance not only for this reason, but also because it is the only surviving structure known to have been associated with both the Russian America Company and the Alaska Commercial Company, the pillars of Russian and early American administration of Alaska.

The Erskine House/Baranov Museum is owned by the City of Kodiak and operated by the Kodiak Historical Society. It is a popular visitor attraction in Kodiak. Its collections include artifacts from the Russian American Company and the Alaska Commercial Company and also include Alaska Native, Russian and other cultural exhibits. I am told that the structure, although it has had many owners, maintains much of its original historic integrity.

The Erskine House was designated a National Historic Landmark on June 2, 1962. Shortly thereafter the National Park Service initiated consideration of including this important property in the National Park System. On February 11, 2000, the Department of the Interior formally sought funds from Congress to study the possible inclusion of the Erskine House in the system. The Congress responded by earmarking $250,000 in fiscal year 2002 appropriations for the Erskine House, some of which could be used to conduct the study and the remainder for preservation and maintenance of the facility.

I am sad to report that the National Park Service has not initiated this study. The National Park Service has indicated that it cannot initiate the study without the express direction of Congress and that congressional intent to do so cannot be inferred from the language of the appropriation. However, the good news is that a sufficient portion of the $250,000 appropriation remains unexpended and I understand that it is available to be expended on the study. The expenditure of funds on the study will not interfere with plans to spend other portions of the $250,000 appropriation to rehabilitate the structure. The City of Kodiak and the Kodiak Historical Society have expressed support for the study. What we need is for Congress to authorize the study.

The legislation that I am introducing today would do just that. It directs the Secretary of the Interior to conduct a study of the Erskine House/Baranov Museum for the purpose of determining the suitability and feasibility of designating the museum as a unit of the National Park Service. I would like to see this study proceed with all deliberate speed. Accordingly, the legislation also requires that the Secretary report to appropriate committees of the Congress on the findings of the study and the Secretary's conclusions and recommendations within one year of the date upon which this legislation is enacted.

I want to commend the City of Kodiak and the Kodiak Historical Society for their loving care of this important structure. Perhaps this excerpt, from a July 7, 2003 letter that I received from Stacey Becklund, Director of the Kodiak Historical Society states it best, and I ask unanimous consent that it be printed in the Record.

There being no objection, the excerpt from the letter was ordered to be printed in the Record, as follows:

> The [Erskine House and the Baranov Museum] are some of Kodiak's most cherished treasures. Both assets have matured through labors and love of staff, volunteers and members of the community. We, at all levels of government and community, will benefit from a thorough and accurate study to assess the future ownership of this structure.

I am privileged to lend my voice to the voices of the people of Kodiak, many of whom believe that this very important historic site is a national treasure, as well as a local one. I hope that this legislation will receive expeditious consideration.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Baranov Museum Study Act".

SEC. 2. STUDY AND REPORT.

(a) Study.—The Secretary of the Interior (referred to in this Act as the "Secretary") shall conduct a study of the Baranov Museum in Kodiak, Alaska, to determine the suitability and feasibility of designating the museum as a unit of the National Park System.

(b) Criteria.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1276. Mr. DODD proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

SA 1277. Mr. DURBIN proposed an amendment to the bill H.R. 2658, supra.

SA 1278. Mr. COLEMAN (for himself, Mrs. Lincoln, and Mr. Nelson, of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1279. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra.

SA 1280. Mr. KENNEDY (for himself, Mr. Akaka, Mr. Byrd, Mr. Corzine, Mr. Durbin, Mr. Lautenberg, Ms. Mikulski, Mr. Sarbanes, Mr. Harkin, Mr. Lieberman, Mr. Feingold, and Mrs. Murray) proposed an amendment to the bill H.R. 2658, supra.

SA 1281. Mr. BYRD proposed an amendment to the bill H.R. 2658, supra.

SA 1282. Mr. KENNEDY (for himself, Mr. Akaka, Mr. Byrd, Mr. Corzine, Mr. Durbin, Mr. Lautenberg, Ms. Mikulski, Mr. Sarbanes, Mr. Lieberman, and Mr. Harkin) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1283. Mr. BYRD (for himself, Mrs. Clinton, Mr. Pryor, Mr. Lautenberg, Mrs. Murray, Mr. Corzine, Mr. Bingaman, Mr. Harkin, and Ms. Cantwell) proposed an amendment to the bill H.R. 2658, supra.

SA 1284. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1285. Mr. STEVENS (for Mr. Santorum) proposed an amendment to the bill H.R. 2658, supra.

SA 1286. Mr. STEVENS proposed an amendment to the bill H.R. 2658, supra.

SA 1287. Mr. STEVENS (for Mr. Allard (for himself, Mr. Nelson, of Florida, Mr. Campbell, and Mr. Sessions)) proposed an amendment to the bill H.R. 2658, supra.

SA 1288. Mr. STEVENS proposed an amendment to the bill H.R. 2658, supra.

SA 1289. Mr. STEVENS proposed an amendment to the bill H.R. 2658, supra.

SA 1290. Mr. STEVENS (for Mr. Kyl) proposed an amendment to the bill H.R. 2658, supra.

SA 1291. Mr. STEVENS (for Mr. Chafee) proposed an amendment to the bill H.R. 2658, supra.

SA 1292. Mr. STEVENS (for Mr. Warner (for himself, Ms. Collins, and Mr. Sessions)) proposed an amendment to the bill H.R. 2658, supra.

SA 1293. Mr. STEVENS (for Ms. Collins (for herself and Ms. Snowe)) proposed an amendment to the bill H.R. 2658, supra.

SA 1294. Mr. STEVENS (for Mr. Nickles) proposed an amendment to the bill H.R. 2658, supra.

SA 1295. Mr. STEVENS (for Mr. Roberts) proposed an amendment to the bill H.R. 2658, supra.

SA 1296. Mr. STEVENS (for Mr. Voinovich (for himself, Mr. DeWine, and Mr. Brownback)) proposed an amendment to the bill H.R. 2658, supra.

SA 1297. Mr. STEVENS (for Mr. Burns (for himself, Mr. Conrad, and Mr. Craig)) proposed an amendment to the bill H.R. 2658, supra.

SA 1298. Mr. STEVENS (for Mr. Chambliss (for himself, Mr. Miller, and Mrs. Hutchison)) proposed an amendment to the bill H.R. 2658, supra.

SA 1299. Mr. STEVENS (for Mr. Kennedy (for himself, Mr. Akaka, Mr. Byrd, Mr. Corzine, Mr. Lautenberg, Mr. Durbin, Mr. Sarbanes, Mr. Lieberman, Ms. Mikulski, and Mrs. Clinton)) proposed an amendment to the bill H.R. 2658, supra.

SA 1300. Mr. STEVENS (for Mr. Hatch) proposed an amendment to the bill H.R. 2658, supra.

SA 1301. Mr. INOUYE (for Mrs. Feinstein (for herself, Mr. Stevens, and Mr. Inouye)) proposed an amendment to the bill H.R. 2658, supra.

SA 1302. Mr. INOUYE (for Mrs. Boxer) proposed an amendment to the bill H.R. 2658, supra.

SA 1303. Mr. INOUYE (for Mr. Durbin) proposed an amendment to the bill H.R. 2658, supra.

SA 1304. Mr. INOUYE (for Ms. Mikulski) proposed an amendment to the bill H.R. 2658, supra.

SA 1305. Mr. INOUYE (for Ms. Mikulski) proposed an amendment to the bill H.R. 2658, supra.

SA 1306. Mr. INOUYE (for Mr. Schumer (for himself and Mrs. Clinton)) proposed an amendment to the bill H.R. 2658, supra.

SA 1307. Mr. INOUYE (for Mr. Dorgan) proposed an amendment to the bill H.R. 2658, supra.

SA 1308. Mr. INOUYE (for Mr. Biden) proposed an amendment to the bill H.R. 2658, supra.

SA 1309. Mr. INOUYE (for Mr. Bayh (for himself and Mr. Lugar)) proposed an amendment to the bill H.R. 2658, supra.

SA 1310. Mr. INOUYE proposed an amendment to the bill H.R. 2658, supra.

SA 1311. Mr. INOUYE (for Mr. Harkin) proposed an amendment to the bill H.R. 2658, supra.

SA 1312. Mr. INOUYE (for Mr. Wyden (for himself and Mr. Byrd)) proposed an amendment to the bill H.R. 2658, supra.

SA 1313. Mr. INOUYE (for Mrs. Boxer) proposed an amendment to the bill H.R. 2658, supra.

SA 1314. Mr. INOUYE (for Mr. Biden (for himself, Mr. Carper, Mr. Miller, and Mr. Chambliss)) proposed an amendment to the bill H.R. 2658, supra.

SA 1315. Mr. INOUYE (for Mr. Schumer (for himself, Mr. Bingaman, and Mrs. Murray)) proposed an amendment to the bill H.R. 2658, supra.

SA 1316. Mr. INOUYE (for Mr. Byrd (for himself and Mr. Grassley)) proposed an amendment to the bill H.R. 2658, supra.

TEXT OF AMENDMENTS

SA 1276. Mr. DODD proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

Sec. 8124. (a) The Secretary of Defense—

(1) shall review—

(A) all contractual offset arrangements to which the policy established under section 2532 of title 10, United States Code, applies that are in effect on the date of the enactment of this Act;

(B) any memoranda of understanding and related agreements to which the limitation in section 2531(c) of such title applies that have been entered into with a country with respect to which such contractual offset arrangements have been entered into and are in effect on such date; and

(C) any waivers granted with respect to a foreign country under section 2534(d)(3) of title 10, United States Code, that are in effect on such date; and

(2) shall determine the effects of the use of such arrangements, memoranda of understanding, and agreements on the effectiveness of buy American requirements provided in law.

(b) The Secretary shall submit a report on the results of the review under subsection (a) to Congress not later than March 1, 2005. The report shall include a discussion of each of the following:

(1) The effects of the contractual offset arrangements on specific subsectors of the industrial base of the United States and what actions have been taken to prevent or ameliorate any serious adverse effects on such subsectors.

(2) The extent, if any, to which the contractual offset arrangements and memoranda of understanding and related agreements have provided for technology transfer that would significantly and adversely affect the defense industrial base of the United States and would result in substantial financial loss to a United States firm.

(3) The extent to which the use of such contractual offset arrangements is consistent with—

(A) the limitation in section 2531(c) of title 10, United States Code, that prohibits implementation of a memorandum of understanding and related agreements if the President, taking into consideration the results of the interagency review, determines that such memorandum of understanding or related agreement has or is likely to have a significant adverse effect on United States industry that outweighs the benefits of entering into or implementing such memorandum or agreement; and

(B) the requirements under section 2534(d) of such title that—

(i) a waiver granted under such section not impede cooperative programs entered into between the Department of Defense and a foreign country and not impede the reciprocal procurement of defense items that is entered into in accordance with section 2531 of such title; and

(ii) the country with respect to which the waiver is granted not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(c) The Secretary—

(1) shall submit to the President any recommendations regarding the use or administration of contractual offset arrangements and memoranda of understanding and related agreements referred to in subsection (a) that the Secretary considers appropriate to strengthen the administration buy American requirements in law; and

(2) may modify memoranda of understanding or related agreements entered into under section 2531 of title 10, United States Code, or take other action with regard to such memoranda or related agreements, as the Secretary considers appropriate to strengthen the administration buy American requirements in law in the case of procurements covered by such memoranda or related agreements.

SA 1277. Mr. DURBIN proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding any other provision of law, of the amount appropriated by title VII of the Act under the heading ''INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT'', $50,000,000 may only be obligated after the President submits to the appropriate committees of Congress a report on the role of Executive branch policymakers in the development and use of intelligence relating to Iraq and Operation Iraqi Freedom, including intelligence on—

(1) the possession by Iraq of chemical, biological, and nuclear weapons, and the locations of such weapons;

(2) the links of the former Iraq regime to Al Qaeda;

(3) the attempts of Iraq to acquire uranium from Africa;

(4) the attempts of Iraq to procure aluminum tubes for the development of nuclear weapons;

(5) the possession by Iraq of mobile laboratories for the production of weapons of mass destruction;

(6) the possession by Iraq of delivery systems for weapons of mass destruction; and

(7) any other matters that bear on the imminence of the threat from Iraq to the national security of the United States.

(b) ADDITIONAL MATTERS ON URANIUM CLAIM.—The report on the matters specified in subsection (a)(3) shall also include information on which personnel of the Executive Office of the President, including the staff of the National Security Council, were involved in preparing, vetting, and approving, in consultation with the intelligence community, the statement contained in the 2003 State of the Union address of the President on the efforts of Iraq to obtain uranium from Africa, including the roles such personnel played in the drafting and ultimate approval of the statement, the full range of responses such personnel received from the intelligence community, and which personnel ultimately approved the statement.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1278. Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title VI under the heading ''DEFENSE HEALTH PROGRAM'' for research, development, test and evaluation, $10,000,000 shall be available for the Muscular Dystrophy Research/Muscle Research Consortium.

SA 1279. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. It is the sense of the Senate that—

(1) the President should, in consultation with the Secretary of State, the Attorney General, and the Director of Central Intelligence and taking into account limitations connected with ongoing legal proceedings, submit to Congress a report on the circumstances surrounding the detention and April 11, 2003, escape in Yemen of the suspects in the attack on the U.S.S. Cole; and

(2) the report should—

(A) describe the efforts undertaken by the United States Government to investigate security at the Yemen detention facility holding individuals suspected of being involved in the attack on the U.S.S. Cole, including information on when such efforts were undertaken;

(B) describe the efforts undertaken by the United States Government to monitor the status of such individuals throughout their detention and to question such individuals about their relationship to al Qaeda and their involvement in the attack on the U.S.S. Cole; and

(C) describe the efforts undertaken by the United States to determine how the escape occurred and to determine who was involved in aiding and abetting the escape.

SA 1280. Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. HARKIN, Mr. LIEBERMAN, Mr. FEINGOLD, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 46, strike line 24 and all that follows through '': *Provided further*, That the'' on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) requires a determination regarding whether the offers submitted meet the needs of the Department of Defense with respect to items other than costs, including quality and reliability;

(3) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored

health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(4) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) $10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A–76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

SA 1281. Mr. BYRD proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

SA 1282. Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. LIEBERMAN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 46, strike line 24 and all that follows through ": *Provided further*, That the" on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(3) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) $10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A–76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(d) Nothing in this Act shall affect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

SA 1283. Mr. BYRD (for himself, Mrs. CLINTON, Mr. PRYOR, Mr. LAUTENBERG, Mrs. MURRAY, Mr. CORZINE, Mr. BINGAMAN, Mr. HARKIN and Ms. CANTWELL) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

(RESCISSION OF FUNDS)

SEC. 8124. (a) Of the amounts appropriated under titles III and IV of this Act, $1,100,000,000 is hereby rescinded. The Secretary of Defense shall allocate the rescinded amount proportionately by program, project, and activity.

(b) In addition to other amounts appropriated or otherwise made available under this Act, funds are hereby appropriated to the Department of Defense for fiscal year 2004 in the total amount of $1,100,000,000.

(c) Of the amount appropriated under subsection (b), the Secretary shall transfer $750,000,000, to remain available until expended, to the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, for an additional contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, which shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(d) Of the amount appropriated under subsection (b), the Secretary shall transfer $350,000,000 to the Secretary of Health and Human Services for global HIV/AIDS programs of the Centers for Disease Control and Prevention and the National Institutes of Health.

SA 1284. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored

health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(3) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) $10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A–76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(d) Nothing in this action shall affect the authority or procedure for entering into contracts under section 2469 or 2474 of title 10, United States Code.

SA 1285. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", up to $2,000,000 may be available for a Software Engineering Institute Information Assurance Initiative.

SA 1286. Mr. STEVENS proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to $10,000,000 may be used for civil-military programs and the Innovative Readiness Training (IRT) prgram.

SA 1287. Mr. STEVENS (for Mr. ALLARD (for himself, Mr. NELSON of Florida, Mr. CAMPBELL, and Mr. SESSIONS)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading "MISSILE PROCUREMENT, AIR FORCE", up to $10,000,000 may be used for assured access to space in addition to the amount available under such heading for the Evolved Expendable Launch Vehicle.

SA 1288. Mr. STEVENS proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, insert the following on line 18:

"SEC. . STUDY REGARDING MAIL DELIVERY IN THE MIDDLE EAST.

(a) STUDY.—The Comptroller General of the United States shall conduct a review of the delivery of mail to troops in the Middle East and the study should:

(1) Determine delivery times, reliability, and losses for mail and parcels to and from troops stations in the Middle East.

(2) Identify and analyze mail and parcel delivery service efficiency issue during Operations Desert Shield/Desert Storm, comparted to such services which occurred during Operations Iraqi Freedom.

(3) Identify cost efficiencies and benefits of alternative delivery systems or modifications to existing delivery systems to improve the delivery times of mail and parcels.

(b) REPORT.—later that 60 days after date of enactment of this Act, the Comptroller General of the United States shall submit a report to the congressional defense committees on the General Accounting Office's findings and recommendations.

SA 1289. Mr. STEVENS proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike section 8114, and insert the following:

SEC. 8114. Funds available to the Department of Defense under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" for the Missile Defense Agency may be used for the development and fielding of an initial set of missile defense capabilities.

SA 1290. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $4,000,000 may be available for adaptive optics research.

SA 1291. Mr. STEVENS (for Mr. CHAFEE) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $1,000,000 may be available for the completion of the Rhode Island Disaster Initiative.

SA 1292. Mr. STEVENS (for Mr. WARNER (for himself, Ms. COLLINS, and Mr. SESSIONS)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title I of this Act for military personnel, up to $8,000,000 may be available for the costs during fiscal year 2004 of an increase in the amount of the death gratuity payable with respect to members of the Armed Forces under section 1478 of title 10, United States Code, from $6,000 to $12,000.

SA 1293. Mr. STEVENS (for Ms. COLLINS (for herself and Ms. SNOWE)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "SHIPBUILDING AND CONVERSION, NAVY", up to $20,000,000 may be available for DDG–51 modernization planning.

SA 1294. Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by Title II under the heading "operation and Maintenance, Army", up to $4,000,000 may be used for the Army Museum of the Southwest at Ft. Still, Oklahoma.

SA 1295. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. No funds appropriated or otherwise made available by this Act may be obligated or expended for the purpose of privatizing, or transferring to another department or agency of the Federal Government, any prison guard function or position at the United States Disciplinary Barracks at Fort Leavenworth, Kansas, until 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a plan for the implementation of the privatization or transfer of such function or position.

SA 1296. Mr. STEVENS (for Mr. VOINOVICH (for himself, Mr. DEWINE, and Mr. BROWNBACK)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II under the heading "Operation and Maintenance, Marine Corps", up to $6,000,000 may be used for the purchase of HMMWV tires.

SA 1297. Mr. STEVENS (for Mr. BURNS (for himself, Mr. CONRAD, and Mr. CRAIG)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) AVAILABILITY OF CERTAIN PERSONNEL AMOUNTS.—Of the amount appropriated by title I of this Act under the heading "NATIONAL GUARD PERSONNEL, ARMY", up to $2,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

(b) AVAILABILITY OF CERTAIN OPERATION AND MAINTENANCE AMOUNTS.—Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to $1,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

SA 1298. Mr. STEVENS (for Mr. CHAMBLISS (for himself, Mr. MILLER, and Mrs. HUTCHISON)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) LIMITATION ON USE OF FUNDS.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act, may be obligated or expended to decommission a Naval or Marine Corps Reserve aviation squadron until the report required by subsection (b) is submitted to the committee of Congress referred to in that subsection.

(b) REPORT ON NAVY AND MARINE CORPS TACTICAL AVIATION REQUIREMENTS.—(1) Not later than twelve months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Appropriations of the Senate a report on the requirements of the Navy and the Marine Corps for tactical aviation, including mission requirements, recapitalization requirements, and the role of Naval and Marine Corps Reserve assets in meeting such requirements.

(2) The report shall include the recommendations of the Comptroller General on an appropriate force structure for the active and reserve aviation units of the Navy and the Marine Corps, and related personnel requirements, for the 10-year period beginning on the date of the report.

SA 1299. Mr. STEVENS (for Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. LAUTENBERG, Mr. DURBIN, Mr. SARBANES, Mr. LIEBERMAN, Ms. MIKULSKI, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 46, strike line 24 and all that follows through ": *Provided further*, That the" on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(3) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) $10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A-76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(d) Nothing in this Act shall affect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

SA 1300. Mr. STEVENS (for Mr. HATCH) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

After section 8123, insert the following:

TITLE IX—SETTLEMENT OF CLAIMS FOR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II

SEC. 901. PAYMENT OF COMPENSATION TO FORMER PRISONERS OF WAR FOR FORCED OR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II.

(a) PAYMENT OF COMPENSATION REQUIRED.—Subject to the availability of appropriated funds, the Secretary of Defense shall pay to each surviving former prisoner of war compensation as provided in subsection (b).

(b) COMPENSATION.—The compensation to be paid under subsection (a) is as follows:

(1) In the case of a living former prisoner of war, to the living former prisoner of war in the amount of $10,000.

(c) IDENTIFICATION OF INDIVIDUALS AS FORMER PRISONERS OF WAR.—(1) An individual seeking compensation under this section shall submit to the Secretary of Defense an application therefor containing such information as the Secretary shall require. Only one application shall be submitted with respect to each individual seeking treatment as a former prisoner of war for purposes of this section.

(2) The Secretary shall take such actions as the Secretary considers appropriate to identify and locate individuals eligible for treatment as former prisoners of war for purposes of this section.

(d) TREATMENT AS FORMER PRISONER OF WAR.—(1) Subject to paragraph (3), the Secretary of Defense shall treat an individual as a former prisoner of war if—

(A) the name of the individual appears on any official list of the Imperial Government of Japan, or of the United States Government, as having been imprisoned at any time during World War II in a camp in Japan or territories occupied by Japan where individuals were forced to provide labor; or

(B) evidence otherwise demonstrates that the individual is entitled to treatment as a former prisoner of war.

(2) Any reasonable doubt under this subsection shall be resolved in favor of the claimant.

(3) The treatment of an individual as a former prisoner of war under paragraph (1) shall be rebutted only by clear and convincing evidence.

(e) TIMING OF PAYMENT.—The Secretary of Defense shall pay compensation to a former prisoner of war, under subsection (a) not later than 30 days after determining that compensation is payable to or on behalf of the former prisoner of war under this section.

(f) PRIORITY IN PAYMENTS.—The Secretary of Defense shall complete the processing of applications under this section in a manner that provides, to the maximum extent practicable, for the payment of compensation to former prisoners of war during their natural lives, with payments prioritized based on age and health of the claimant.

(j) FUNDING.—(1) From funds available otherwise in this Act up to $49,000,000 may be made available to carry out this title.

(2) The amount made available by paragraph (1) shall remain available for obligation and expenditure during the two-year period beginning on October 1, 2003.

(3) Any amounts made available by paragraph (1) that have not been obligated as of September 30, 2005, shall revert to the Treasury as of that date.

SEC. 903. DEFINITIONS.

In this title:

(1) FORMER PRISONER OF WAR.—The term "former prisoner of war" means any individual who—

(A) was a member of the Armed Forces of the United States, a civilian employee of the United States, or an employee of a contractor of the United States during World War II;

(B) served in or with the United States combat forces during World War II;

(C) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(D) was required by one or more Japanese companies to perform forced or slave labor during World War II.

(2) JAPANESE COMPANY.—The term "Japanese company" means—

(A) any business enterprise, corporation, company, association, partnership, or sole proprietorship having its principal place of business within Japan or organized or incorporated under the laws of Japan or any political subdivision thereof; and

(B) any subsidiary or affiliate of an entity in Japan, as described in subparagraph (A), if controlled in fact by the entity, whether currently incorporated or located in Japan or elsewhere.

(5) WORLD WAR II.—The term "World War II" means the period beginning on December 7, 1941, and ending on August 8, 1945.

SA 1301. Mr. INOUYE (for Mrs. FEINSTEIN (for herself, Mr. STEVENS, and Mr. INOUYE)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "PROCUREMENT, DEFENSE-WIDE", up to $20,000,000 may be available for procurement of secure cellular telephones for the Department of Defense and the elements of the intelligence community.

SA 1302. Mr. INOUYE (for Mrs. BOXER) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $5,000,000 may be available to support Shortstop Electronic Protection Systems (SEPS) research and development.

SA 1303. Mr. INOUYE (for Mr. DURBIN) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. The Secretary of the Air Force, in consultation with the Chief of Air Force Reserve, shall study the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois, and evaluate whether it would be appropriate to substitute for that mission a mixed mission of transporting patients, passengers, and cargo that would increase the airlift capability of the Air Force while continuing the use and training of aeromedical evacuation personnel. The Secretary shall submit a report on the results of the study and evaluation to the congressional defense committees not later than January 16, 2004.

SA 1304. Mr. INOUYE (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE WIDE", up to $3,000,000 may be used for Project Ancile.

SA 1305. Mr. INOUYE (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $2,000,000 may be used for Knowledge Management Fusion.

SA 1306. Mr. INOUYE (for Mr. SCHUMER (for himself and Mrs. CLINTON) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $3,000,000 may be available for the Large Energy National Shock Tunnel (LENS).

SA 1307. Mr. INOUYE (for Mr. DORGAN) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. In addition to amounts provided in this Act for Ultra-low Power Battlefield Sensor System, up to an additional $7,000,000 may be used from the total amount appropriated by title IV "Research, Development, Test and Evaluation, Defense-Wide", for Ultra-low Power Battlefield Sensor System.

SA 1308. Mr. INOUYE (for Mr. BIDEN) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) FINDINGS.—The Senate makes the following findings:

(1) If a terrorist group were to acquire the necessary fissile material for a nuclear explosive device, it would not be difficult for the group to construct such a device, the explosion of which could kill and injure thousands, or even hundreds of thousands, of people and destroy a large area of a city.

(2) If a terrorist group were to acquire a complete nuclear weapon from a nation which has constructed nuclear weapons, it is likely that the group would be able to detonate the device with similar results.

(3) A nation supplying either complete nuclear weapons or special nuclear material to terrorists might believe that it could escape retaliation by the United States, as the United States would not be able to determine the origin of either a weapon or its fissile material.

(4) It is possible, however, to determine the country of origin of fissile material after a nuclear explosion, provided that samples of the radioactive debris from the explosion are collected promptly and analyzed in appropriate laboratories.

(5) If radioactive debris is collected soon enough after a nuclear explosion, it is also possible to determine the characteristics of the nuclear explosive device involved, which information can assist in locating and dismantling other nuclear devices that may threaten the United States.

(6) If countries that might contemplate supplying nuclear weapons or fissile material to terrorists know that their assistance can be traced, they are much less likely to allow terrorists access to either weapons or material.

(7) It is in the interest of the United States to acquire a capability to collect promptly the debris from a nuclear explosion that might occur in any part of the Nation.

(b) SENSE OF THE SENATE ON NUCLEAR DEBRIS COLLECTION AND ANALYSIS CAPABILITY.—It is the sense of the Senate that—

(1) the Secretary of Defense should develop and deploy a nuclear debris collection and analysis capability sufficient to enable characterization of any nuclear device that might be exploded in the United States;

(2) the capability should incorporate airborne debris collectors, either permanently installed on dedicated aircraft or available for immediate use on a class of aircraft, stationed so that a properly equipped and manned aircraft is available to collect debris from a nuclear explosion anywhere in the United States and transport such debris to an appropriate laboratory in a timely fashion; and

(3) to the maximum extent practicable, the capability should be compatible with collection and analysis systems used by the United States to characterize overseas nuclear explosions.

(c) REPORT.—Not later than March 31, 2004, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of developing and deploying the capability described in subsection (b)(1).

SA 1309. Mr. INOUYE (for Mr. BAYH (for himself and Mr. LUGAR)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "Operation and Maintenance, Army" up to $15,000,000 may be made available for upgrades of M1A1 Abrams tank transmissions.

SA 1310. Mr. INOUYE proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II of this Act under the heading "Operations and Maintenance, Army", up to $2,000,000 may be used to promote civil rights education and history in the Army.

SA 1311. Mr. INOUYE (for Mr. HARKIN) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. REPORTS ON SAFETY ISSUES DUE TO DEFECTIVE PARTS.

(a) REPORT FROM THE SECRETARY.—The Secretary shall by March 31, 2004 examine and report back to the congressional defense committees on:

(1) how to implement a system for tracking safety-critical parts so that parts discovered to be defective, including due to faulty or fraudulent work by a contractor or subcontractor, can be identified and found;

(2) appropriate standards and procedures to ensure timely notification of contracting agencies and contractors about safety issues including parts that may be defective, and whether the Government Industry Data Exchange Program should be mandatory;

(3) efforts to find and test airplane parts that have been heat treated by companies alleged to have done so improperly; and

(4) whether contracting agencies and contractors have been notified about alleged improper heat treatment of airplane parts.

(b) REPORT FROM THE COMPTROLLER GENERAL.—THE COMPTROLLER GENERAL SHALL EXAMINE AND REPORT BACK TO THE CONGRESSIONAL DEFENSE COMMITTEES ON:

(1) the oversight of subcontractors by prime contractors, and testing and quality assurance of the work of the subcontractors; and

(2) the oversight of prime contractors by the Department, the accountability of prime contractors for overseeing subcontractors, and the use of enforcement mechanisms by the Department.

SA 1312. Mr. INOUYE (for Mr. WYDEN (for himself and Mr. BYRD)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, in writing, a report on contracts for reconstruction and other services in Iraq that are funded in whole or in part with funds available to the Department of Defense. The report shall detail—

(1) the process and standards for designing and awarding such contracts, including assistance or consulting services provided by contractors in that process;

(2) the process and standards for awarding limited or sole-source contracts, including the criteria for justifying the awarding of such contracts;

(3) any policies that the Secretary has implemented or plans to implement to provide for independent oversight of the performance by a contractor of services in designing and awarding such contracts;

(4) any policies that the Secretary has implemented or plans to implement to identify, assess, and prevent any conflict of interest relating to such contracts for reconstruction;

(5) any policies that the Secretary has implemented or plans to implement to ensure public accountability of contractors and to identify any fraud, waste, or abuse relating to such contracts for reconstruction;

(6) the process and criteria used to determine the percentage of profit allowed on cost-plus-a-fixed-fee contracts for reconstruction or other services in Iraq; and

(7) a good faith estimate of the expected costs and duration of all contracts for reconstruction or other services in Iraq.

SA 1313. Mr. INOUYE (for Mrs. BOXER) proposes an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of section 8083, add the following:

"Not more than $1 million of the amount so credited may be available to provide assistance to spouses and other dependents of deployed members of the Armed Forces to defray the travel expenses of such spouses and other dependents when visiting family members."

SA 1314. Mr. INOUYE (for Mr. BIDEN (for himself, Mr. CARPER, Mr. MILLER, and Mr. CHAMBLISS)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to $19,700,000 may be available for C-5 aircraft in-service modifications for the procurement of additional C-5 aircraft Avionics Modernization Program (AMP) kits.

SA 1315. Mr. INOUYE (for Mr. SCHUMER (for himself, Mr. BINGAMAN, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) REPORT ON ESTABLISHMENT OF POLICE AND MILITARY FORCES IN IRAQ.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the establishment of police and military forces in all of the 18 provinces of Iraq, including—

(1) the costs incurred by the United States in establishing Iraqi police and military units;

(2) a schedule for the completion of the establishment of Iraqi police and military units;

(3) an assessment of the effect of the ongoing creation and final establishment of Iraqi police and military units on the number of United States military personnel required to be stationed in Iraq;

(4) an assessment of the effect of the establishment of an Iraqi police force on the safety of United States military personnel stationed in Iraq; and

(5) an assessment of the effectiveness of the Iraqi police force, as so established, in preventing crime and insuring the safety of the Iraq people.

(b) UPDATES.—Not later than 120 days after the date of the submittal of the report required by subsection (b), and every 120 days thereafter, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress an update of such report.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

SA 1316. Mr. INOUYE (for Mr. BYRD (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Section 8149(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107-248; 116 Stat. 1572) is amended by adding at the end the following new paragraph:

"(3) This subsection shall remain in effect for fiscal year 2004.".

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 29, 2002 at 2:30 p.m. in room SD-366 of the Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 808, to provide for expansion of Sleeping Bear Dunes National Lakeshores; S. 1107, to enhance the recreational fee demonstration program for National Park Service, and for other services; and H.R. 620, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161 or Pete Lucero at (202) 224–6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 17, 2003, at 10:00 a.m. to conduct a hearing on "regulatory oversight of government sponsored enterprise accounting practices."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 17, 2003, at 9:30 a.m. on pending Committee business.

AGENDA

S. 1389, Surface Transportation Board (STB) Reauthorization (Mary Phillips/Rob Freeman/Debbie Hersman)

S.   , Federal Railroad Safety Improvement Act (Mary Phillips/Rob Freeman/Debbie Hersman)

S. 1250, The Enhanced 911 Emergency Communications Act of 2003 (Paul Martino/James Assey/Rachel Welch)

S.   , National Oceanic and Atmospheric Administration (NOAA) Reauthorization (Drew Minkiewicz/Floyd DesChamps/Margaret Spring)

S.   , Ocean and Coastal Observation Systems Act (Drew Minkiewicz/Margaret Spring)

S.   , United States Olympic Committee (USOC) Reform Act of 2003 (Ken Nahigian/David Strickland/Matthew Morrissey)

S. 1395, Technology Administration Reauthorization (Floyd DesChamps/Ken LaSala/Jean Toal Eisen)

Nomination of Nicole Nason (PN 613), of Virginia, to be Assistant Secretary for Governmental Affairs, for the Department of Transportation (Rob Chamberlin/Virginia Pounds/Sam Whitehorn/Carl Bentzel)

Nomination of Pamela Harbour (PN 710), of New York, to be a Federal Trade Commissioner (Pablo Chavez/Virginia Pounds/David Strickland)

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 17, at 9:30 a.m.

This is the second in a series of hearings devoted to the improved understanding of the governance of the Department of Energy laboratories and approaches to optimize the capability of those laboratories to respond to national needs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, July 17 at 9:30 a.m. to examine the importation of exotic species and the impact on public health and safety.

The meeting will take place in SD 406 (Hearing room).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, July 17, 2003, at 10 a.m. to hear testimony on Nursing Home Quality Revisited: The Good, the Bad and the Ugly.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 17, 2003 at 9:30 a.m. to hold a hearing on Benefits for U.S. Victims of International Terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, July 17, 2003, at 9:30 a.m. for a hearing entitled "Nowhere to Turn: Must Parents Relinquish Custody in Order to Secure Mental Health Services for Their Children?, Part Two: Government Response."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Kalsoom Lakhani and Alexander Nelson of my staff be granted floor privileges during the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that David Townsend of my staff be granted floor privileges for the duration of today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of the following Energy bills: Calendar No. 198, S. 470; Calendar No. 199, S. 490; Calendar No. 200, S. 499; Calendar No. 201, S. 546; Calendar No. 202, S. 643; Calendar No. 203, S. 651; Calendar No. 204, S. 677; Calendar No. 205, S. 924; Calendar No. 206, S. 1076; Calendar No. 207, H.R. 255; Calendar No. 208, H.R. 1577; and H.R. 74, which is at the desk.

I further ask unanimous consent that, where applicable, the committee amendments be agreed to; that the bills, as amended, if amended, be read a third time and passed; that the motions to reconsider be laid upon the table; and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARTIN LUTHER KING, JR. MEMORIAL CONSTRUCTION

The Senate proceeded to consider the bill (S. 470) to extend the authority for the construction of a memorial to Martin Luther King, Jr., which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. MEMORIAL TO MARTIN LUTHER KING, JR.

[Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4157) is amended—

[(1) by striking "The establishment" and all that follows through the period at the end and inserting the following:

["(1) IN GENERAL.—Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code."; and

[(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

["(2) EXCEPTION.—Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.".]

SECTION. 1. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333, as amended is amended to read as follows:

"(b) Compliance With Standards for Commemorative Works.—

"(1) Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.

"(2) Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.".

Mr. SARBANES. Mr. President, this year marks the 40th anniversary of the March on Washington—a turning point in the struggle for civil rights for all Americans—and I am pleased that the Senate today has passed S. 470, a bill I introduced on February 27, 2003. This important legislation extends the authority for the memorial to Dr. Martin Luther King, Jr., to be constructed in the District of Columbia close to the spot from which Dr. King delivered his moving "I Have a Dream" speech at the March on Washington. I would like to thank the Senate for moving so expeditiously on S. 470—legislation that is crucial to ensure a fitting tribute to our Nation's greatest civil rights leader.

In the 104th Congress, Congress passed a bill that I sponsored authorizing the creation of a memorial to Dr. King as part of the omnibus parks legislation. The Alpha Phi Alpha Fraternity, of which Dr. King was a member, was designed to coordinate the design and funding of the memorial. The legislation provides that the monument be established entirely with private contributions. The Department of Interior, in consultation with the National Capital Park and Planning Commission and the Commission on Fine Arts, has approved the site of the memorial pursuant to this legislation. A design has been selected and the Alpha Phi Alpha National Memorial Project Foundation is in the process of getting that design approved by the Department of the Interior.

Pursuant to the Commemorative Works Act, there is a 7-year period of legislative authority in which the National Memorial Project Foundation must acquire a construction permit for the memorial. This 7-year period will expire in November of this year. Despite the enormous dedication of the National Memorial Project Foundation, additional time is necessary for the Foundation to erect a fitting tribute to Dr. King. Meeting the administrative procedures and fundraising requirements of the act has been a slow process. Therefore, the foundation requires more time in which to complete the process and acquire a construction permit.

That is why I and Congresswoman Diane Watson in the House of Representatives introduced this legislation to extend the period of legislative authority for an additional 3 years. This legislation gives the foundation additional time to raise the necessary funds to obtain the construction permit and will ensure that work on the memorial is completed. This extension of legislative authority has been done before for numerous other memorials, such as the World War II Memorial and the U.S. Air Force Memorial, given the length of time it usually takes to embark on a project of this magnitude, and I am pleased that it will be done for the Martin Luther King, Jr. Memorial.

Since 1955, when in Montgomery, AL, Dr. King became a national hero and an acknowledged leader in the civil rights struggle, until his tragic death in Memphis, TN in 1968, Martin Luther King, Jr. made an extraordinary contribution to the evolving history of our Nation. His courageous stands and unyielding belief in the tenet of nonviolence reawakened our Nation to the injustice and discrimination that continued to exist 100 years after the Emancipation Proclamation and the enactment of the guarantees of the thirteenth, fourteenth, and fifteenth amendments to the Constitution.

A memorial to Dr. King erected in the Nation's Capital will provide continuing inspiration to all who view it, and particularly to the thousands of students and young people who visit Washington, DC every year. While these young people may have no personal memory of the condition of civil rights in America before Dr. King, nor of the struggle in which he was the major figure, they do understand that there is more that needs to be done in this critical area.

Martin Luther King, Jr. dedicated his life to achieving equal treatment and enfranchisement for all Americans through nonviolent means. It is my hope that the young people who visit this monument will come to understand that it represents not only the enormous contribution of this great leader, but also two very basic principles necessary for the effective functioning of our society. The first is that change, even very fundamental change, is to be achieved through nonviolent means; that this is the path down which we should go as a Nation in resolving some of our most difficult problems. The other basic principle is that the reconciliation of the races, the inclusion into the mainstream of American life of all its people, is essential to the fundamental health of our Nation.

Forty years ago Dr. King declared "I have a dream that my four children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. I have a dream today." We must not let future generations forget the power of these words, and the importance of Dr. King's dream. The passage of S. 470 will ensure that work on the Martin Luther King, Jr. Memorial is completed, and that Dr. King's legacy will live on.

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 470), as amended, was read the third time and passed.

LAND CONVEYANCE IN THE LAKE TAHOE BASIN MANAGEMENT UNIT, NEVADA

The Senate proceeded to consider the bill (S. 490) to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretry of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WASHOE TRIBE LAND CONVEYANCE.

[(a) Findings.—Congress finds that—

[(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this Act as the "Tribe") included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

[(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

[(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

[(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of National Forest System land by the Tribe; and

[(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

[(b)] *(a)* Purposes.—The purposes of this Act are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

[(c)] *(b)* Conveyance on Condition Subsequent.—Subject to valid existing rights, the easement reserved under subsection (d), and the condition stated in subsection (e), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

[(d)] *(c)* Easement.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land, to be administered by the Secretary of Agriculture.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary of Agriculture shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

[(e)] *(d)* CONDITION ON USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) TERMINATION AND REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior—

(A) title to the parcel in the Secretary of the Interior, in trust for the Tribe, shall terminate; and

(B) title to the parcel shall revert to the Secretary of Agriculture.

The committee amendments were agreed to.

The bill (S. 490), as amended, was read the third time and passed, as follows:

S. 490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WASHOE TRIBE LAND CONVEYANCE.

(a) PURPOSES.—The purposes of this Act are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights, the easement reserved under subsection (d), and the condition stated in subsection (e), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(c) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land, to be administered by the Secretary of Agriculture.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary of Agriculture shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(d) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) TERMINATION AND REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior—

(A) title to the parcel in the Secretary of the Interior, in trust for the Tribe, shall terminate; and

(B) title to the parcel shall revert to the Secretary of Agriculture.

BUFFALO SOLDIERS COMMEMORATION ACT OF 2003

The Senate proceeded to consider the bill (S. 499) to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Buffalo Soldier Commemoration Act of 2003".

[SEC. 2. FINDINGS.

[Congress finds that—

[(1) the 9th and 10th Cavalry regiments and the 24th and 25th Infantry regiments, comprised of African-American soldiers referred to as "Buffalo Soldiers", performed outstanding service to the United States during—

[(A) the Indian Wars;

[(B) the Spanish-American War;

[(C) the Philippine Insurrection; and

[(D) the raids against Poncho Villa;

[(2) in recognition of the contributions of the Buffalo Soldiers to the defense of the United States, soldiers in the 9th and 10th Cavalry regiments were awarded 20 individual Congressional Medals of Honor;

[(3) the Buffalo Soldiers established a rich tradition of professional African-American soldiers in the United States Army by granting a commission—

[(A) in the 10th Cavalry regiment, to the first African-American professional officer; and

[(B) in the 9th Cavalry regiment, to the first African-American graduates of West Point;

[(4) while the Buffalo Soldiers served the United States with bravery and fortitude in the harshest environments and under the most difficult conditions, the service of the Buffalo Soldiers has not been sufficiently memorialized;

[(5) the Buffalo Soldiers remain emblems of the work of free men in defense of the United States and should be recognized for their contributions; and

[(6) because 2 of the 4 African-American regiments were organized in the State of Louisiana and were initially comprised of recruits from the city of New Orleans, the State of Louisiana is an appropriate place to establish a memorial to recognize the contributions of the Buffalo Soldiers.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) BUFFALO SOLDIER.—The term "Buffalo Soldier" means an African-American soldier that served in—

[(A) the 9th Cavalry regiment;

[(B) the 10th Cavalry regiment;

[(C) the 24th infantry regiment; or

[(D) the 25th infantry regiment.

[(2) CITY.—The term "city" means the city of New Orleans, Louisiana.

[(3) COMMISSION.—The term "Commission" means the American Battle Monuments Commission.

[(4) FUND.—The term "Fund" means the Buffalo Soldier Memorial Fund established by section 5(a).

[(5) MEMORIAL.—The term "memorial" means the memorial established under section 4(a).

[(6) MUSEUM.—The term "museum" means the Louisiana State Museum in the State.

[(7) STATE.—The term "State" means the State of Louisiana.

[SEC. 4. ESTABLISHMENT OF MEMORIAL.

[(a) IN GENERAL.—The Commission may establish a memorial to honor the Buffalo Soldiers—

[(1) on Federal land in the city or its environs; or

[(2) on land donated by the city or the State.

[(b) CONTRIBUTIONS.—The Commission shall solicit and accept contributions sufficient for the construction and maintenance of the memorial.

[(c) MAIL.—The Commission shall be considered to qualify for the rates of postage currently in effect under former section 4452 of title 39, United States Code, for third-class mail matter mailed by a qualified nonprofit organization with respect to official mail sent in carrying out this section.

[(d) VOLUNTARY SERVICES.—

[(1) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept from any person voluntary services provided in furtherance of fundraising activities of the Commission relating to the memorial.

[(2) TREATMENT OF VOLUNTEERS.—

[(A) IN GENERAL.—Subject to subparagraph (B), a person that provides voluntary services under this subsection—

[(i) shall be considered to be a Federal employee for the purposes of chapter 81 of title 5 and chapter 171 of title 28, United States Code; but

[(ii) shall not be considered to be a Federal employee for any other purpose by reason of the provision of the voluntary service.

[(B) CERTAIN RESPONSIBILITIES.—A person described in subparagraph (A) that is assigned responsibility for the handling of funds or the carrying out of a Federal function shall be subject to—

[(i) section 208 of title 18, United States Code; and

[(ii) part 2635 of title 5, Code of Federal Regulations (or any successor regulation).

[(3) REIMBURSEMENT.—The Commission may—

[(A) identify types of incidental expenses incurred by a person providing voluntary services under this subsection for which the person may be reimbursed; and

[(B) provide for reimbursement of those expenses.

[(4) NO EFFECT ON FEDERAL EMPLOYEES.—Nothing in this subsection—

[(A) requires any Federal employee to work without compensation; or

[(B) permits the use of volunteer services to displace or replace any services provided by a Federal employee.

[(e) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the memorial shall not be considered to be a funding agreement for the purpose of chapter 18 of title 35, United States Code.

[(f) LEGAL REPRESENTATION.—

[(1) IN GENERAL.—The Attorney General shall provide the Commission such legal representation as the Commission requires to carry out subsection (e).

[(2) PATENT AND TRADEMARK REPRESENTATION.—The Secretary of Defense shall provide representation for the Commission in any administrative proceeding before the Patent and Trademark Office and Copyright Office.

[(g) IRREVOCABILITY OF TRANSFERS OF COPYRIGHTS TO COMMISSION.—Section 203 of title 17, United States Code, shall not apply to any copyright transferred to the Commission.

[(h) PARTICIPATION IN COMBINED FEDERAL CAMPAIGN.—The Director of the Office of Personnel Management shall include the Commission on the list of agencies eligible for participation in each Combined Federal Campaign carried out by the Executive Branch under Executive Order No. 10927 (March 18, 1961), until such time as the Commission certifies to the Director of the Office of Personnel Management that fundraising for the memorial is concluded.

[SEC. 5. MEMORIAL FUND.

[(a) ESTABLISHMENT.—There is established in the Treasury a fund to be used by the Commission to pay the expenses incurred in establishing the memorial, to be known as the "Buffalo Soldier Memorial Fund".

[(b) DEPOSITS IN THE FUND.—The Commission shall deposit in the Fund—

[(1) amounts accepted by the Commission under section 4(b); and

[(2) interest and proceeds credited to the Fund under subsection (d).

[(c) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest such portion of the Fund that is not, in the judgment of the Chairman of the Commission, required to meet current withdrawals. Investments may be made only in—

[(1) an interest-bearing obligation of the United States; or

[(2) an obligation guaranteed as to principal and interest by the United States that the Chairman of the Commission determines has a maturity suitable for the Fund.

[(d) CREDITS TO FUND.—The interest on, and proceeds from sale or redemption of, obligations held in the Fund shall be credited to the Fund.

[(e) USE OF FUND.—Amounts in the Fund shall be available—

[(1) to the Commission—

[(A) to pay expenses incurred in establishing the memorial; and

[(B) to secure, obtain, register, enforce, protect, and license any mark, copyright, or patent that is owned by, assigned to, licensed to the Commission to aid or facilitate the construction of the memorial; and

[(2) to the Commission, or to another agency or entity to which the amounts are transferred under subsection (f)—

[(A) for the maintenance and upkeep of the memorial; and

[(B) after establishment of the memorial, for such other expenses relating to the memorial as the Commission, agency, or entity considers to be necessary.

[(f) TRANSFER OF AMOUNTS IN FUND.—Amounts in the Fund may be transferred by the Commission to an agency or entity to which title to the memorial is transferred under section 6.

[SEC. 6. TRANSFER OF POSSESSION AND AUTHORITY FOR MEMORIAL.

[On or after the date that is 1 year after the date of establishment of the memorial, the Commission may transfer any amounts remaining in the Fund, and title to and responsibility for future operation and maintenance of the memorial, to, at the option of the Commission—

[(1) the National Park Service; or

[(2) another appropriate governmental agency or other entity (such as a State or local government agency, or a nonprofit corporation that applies to the Commission to take title to the memorial) that is an organization described in section 170(c) of the Internal Revenue Code of 1986.

[SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as are necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Buffalo Soldiers commemoration Act of 2003".

SEC. 2. ESTABLISHMENT OF BUFFALO SOLDIERS MEMORIAL.

(a) AUTHORIZATION.—The American Battle Monuments Commission is authorized to establish a memorial to honor the Buffalo Soldiers in or around the City of New Orleans on land donated for such purpose or on Federal land with the consent of the appropriate land manager.

(b) CONTRIBUTIONS.—The Commission shall solicit and accept contributions for the construction and maintenance of the memorial.

(c) COOPERATIVE AGREEMENTS.—The Commission may enter into a cooperative agreement with a private or public entity for the purpose of fundraising for the construction and maintenance of the memorial.

(d) MAINTENANCE AGREEMENT.—Prior to beginning construction of the memorial, the Commission shall enter into an agreement with an appropriate public or private entity to provide for the permanent maintenance of the memorial and shall have sufficient funds, or assurance that it will receive sufficient funds, to complete the memorial.

SEC. 3. BUFFALO SOLDIERS MEMORIAL ACCOUNT.

(a) ESTABLISHMENT.—The Commission shall maintain an escrow account ("account") to pay expenses incurred in constructing the memorial.

(b) DEPOSITS INTO THE ACCOUNT.—The Commission shall deposit into the account any principal and interest by the United States that the Chairman determines has a suitable maturity.

(c) USE OF ACCOUNT.—Amounts in the account, including proceeds of any investments, may be used to pay expenses incurred in establishing the memorial. After construction of the memorial amounts in the account shall be transferred by the Commission to the entity providing for permanent maintenance of the memorial under such terms and conditions as the Commission determines will ensure the proper use and accounting of the amounts.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 499), as amended, was read the third time and passed.

PALEONTOLOGICAL RESOURCES PRESERVATION ACT

The Senate proceeded to consider the bill (S. 546) to provide for the protection of paleontological resources on Federal lands, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 546), as amended, was read the third time and passed.

S. 546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Paleontological Resources Preservation Act".

[SEC. 2. FINDINGS.

[The Congress finds the following:

[(1) Paleontological resources are nonrenewable. Such resources on Federal lands are an accessible and irreplaceable part of the heritage of the United States and offer significant educational opportunities to all citizens.

[(2) Existing Federal laws, statutes, and other provisions that manage paleontological resources are not articulated in a unified national policy for Federal land management agencies and the public. Such a policy is needed to improve scientific understanding, to promote responsible stewardship, and to facilitate the enhancement of responsible paleontological collecting activities on Federal lands.

[(3) Consistent with the statutory provisions applicable to each Federal land management system, reasonable access to paleontological resources on Federal lands should be provided for scientific, educational, and recreational purposes.

[SEC. 3. PURPOSE.

[The purpose of this Act is to establish a comprehensive national policy for preserving and managing paleontological resources on Federal lands.

[SEC. 4. DEFINITIONS.

[As used in this Act:

[(1) CASUAL COLLECTING.—The term "casual collecting" means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for personal (scientific, educational, or recreational) use, either by surface collection or using non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources.

[(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior with respect to lands administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System Lands administered by the Secretary of Agriculture.

[(3) FEDERAL LANDS.—The term "Federal lands" means lands administered by the Secretary of the Interior, except Indian lands, or National Forest System Lands administered by the Secretary of Agriculture.

[(4) INDIAN LANDS.—The term "Indian Lands" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

[(5) STATE.—The term "State" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

[(6) PALEONTOLOGICAL RESOURCE.—The term "paleontological resource" means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

[(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

[(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Rehabilitation Act (25 U.S.C. 3001)).

[SEC. 5. MANAGEMENT.

[(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal lands using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

[(b) COORDINATION OF IMPLEMENTATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this Act.

[SEC. 6. PUBLIC AWARENESS AND EDUCATION PROGRAM.

[The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

[SEC. 7. COLLECTION OF PALEONTOLOGICAL RESOURCES.

[(a) PERMIT REQUIREMENT.—

[(1) IN GENERAL.—Except as provided in this Act, a paleontological resource may not be collected from Federal lands without a permit issued under this Act by the Secretary.

[(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal lands administered by the Bureau of Land Management, the Bureau of Reclamation, and the U.S. Forest Service, where such collection is not inconsistent with the laws governing the management of those Federal lands and this Act.

[(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

[(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

[(1) the applicant is qualified to carry out the permitted activity;

[(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

[(3) the permitted activity is consistent with any management plan applicable to the Federal lands concerned; and

[(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

[(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this Act. Every permit shall include requirements that—

[(1) the paleontological resource that is collected from Federal lands under the permit will remain the property of the United States;

[(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

[(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

[(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

[(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

[(A) for resource, safety, or other management considerations; or

[(B) when there is a violation of term or condition of a permit issued pursuant to this section.

[(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 9 or is assessed a civil penalty under section 10.

[(e) AREA CLOSURES.—In order to protect paleontological or other resources and to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

[SEC. 8. CURATION OF RESOURCES.

[Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

[SEC. 9. PROHIBITED ACTS; PENALTIES.

[(a) IN GENERAL.—A person may not—

[(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal lands unless such activity is conducted in accordance with this Act;

[(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, exchanged, transported, or received from Federal lands in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this Act; or

[(3) sell or purchase or offer to sell or purchase any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal lands.

[(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal lands.

[(c) PENALTIES.—

[(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be guilty of a class A misdemeanor.

[(2) DAMAGE OVER $1,000.—If the sum of the scientific or fair market value of the paleontological resources involved and the cost of restoration and repair of such resources exceeds the sum of $1,000, such person shall, upon conviction, be guilty of a class E felony.

[(3) MULTIPLE OFFENSES.—In the case of a second or subsequent such violation, such person shall, upon conviction, be guilty of a class D felony.

[(d) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any palentological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

[SEC. 10. CIVIL PENALTIES FOR VIOLATIONS OF REGULATIONS OR PERMIT CONDITIONS.

[(a) IN GENERAL.—

[(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

[(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this Act, taking into account the following factors:

[(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved.

[(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

[(C) Any other factors considered relevant by the Secretary assessing the penalty.

[(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

[(4) LIMITATION.—The amount of any penalty assessed under this subsection for any one violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

[(b) Petition for Judicial Review; Collection of Unpaid Assessments.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order with an appropriate Federal district court within the 30-day period beginning on the date the order making the assessment was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

[(c) Hearings.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

[(d) Use of Recovered Amounts.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

[(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal lands.

[(2) To provide educational materials to the public about palenotological resources and sites.

[(3) To provide for the payment of Rewards as provided in section 11.

[SEC. 11. REWARDS FORFEITURE.

[(a) Rewards.—The Secretary may pay from penalties collected under section 9 or 10 of this Act an amount equal to the lesser of one-half of the penalty or $500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

[(b) Forfeiture.—All paleontological resources with respect to which a violation under section 9 or 10 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, may be subject to forfeiture to the United States upon—

[(1) the person's conviction of the violation under section 9;

[(2) assessment of a civil penalty against any person under section 10 with respect to the violation; or

[(3) a determination by any court that the paleontological resources, vehicles, or equipment were involved in the violation.

[SEC. 12. CONFIDENTIALITY.

[Information concerning the nature and specific location of a paleontological resource the collection of which requires a permit under this Act or under any other provision of Federal law shall be withheld from the public under subchapter II of chapter 5 of title 5, United States Code, or under any other provision of law unless the responsible Secretary determines that disclosure would—

[(1) further the purposes of this Act;

[(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

[(3) be in accordance with other applicable laws.

[SEC. 13. REGULATIONS.

[As soon as practical after the date of the enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this Act, providing opportunities for public notice and comment.

[SEC. 14. SAVINGS PROVISIONS.

[Nothing in this Act shall be construed to—

[(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), the Mining in the Parks Act, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

[(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time existing laws and authorities relating to reclamation and multiple uses of the public lands;

[(3) apply to, or require a permit for, amateur collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this Act;

[(4) affect any lands other than Federal lands or affect the lawful recovery, collection, or sale of paleontological resources from lands other than Federal lands;

[(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal lands in addition to the protection provided under this Act; or

[(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act.

[SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated such sums as may be necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paleontological Resources Preservation Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) Casual collecting.—The term "casual collecting" means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms "reasonable amount", "common invertebrate and plant paleontological resources" and "negligible disturbance" shall be determined by the Secretary.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior with respect to lands controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System Lands controlled or administered by the Secretary of Agriculture.

(3) Federal lands.—The term "Federal lands" means—

(A) lands controlled or administered by the Secretary of the Interior, except Indian lands; or

(B) National Forest System lands controlled or administered by the Secretary of Agriculture.

(4) Indian lands.—The term "Indian Land" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(5) State.—The term "State" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(6) Paleontological resource.—The term "paleontological resource" means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

SEC. 3. MANAGEMENT.

(a) In General.—The Secretary shall manage and protect paleontological resources on Federal lands using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) Coordination.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this Act.

SEC. 4. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 5. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) Permit Requirement.—

(1) In general.—Except as provided in this Act, a paleontological resource may not be collected from Federal lands without a permit issued under this Act by the Secretary.

(2) Casual collecting exception.—The Secretary may allow casual collecting without a permit on Federal lands controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal lands and this Act.

(3) Previous permit exception.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) Criteria for Issuance of a Permit.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal lands concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) Permit Specifications.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this Act. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal lands under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) Modification, Suspension, and Revocation of Permits.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 9 or is assessed a civil penalty under section 10.

(e) Area Closures.—In order to protect paleontological or other resources and to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

SEC. 6. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 7. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) In General.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal lands unless such activity is conducted in accordance with this Act;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated or removed from Federal lands in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this Act; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal lands.

(b) False Labeling Offenses.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal lands.

(c) Penalties.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than one year, or both.

(d) General Exception.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

SEC. 8. CIVIL PENALTIES.

(a) In General.—

(1) Hearing.—A person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) Amount of penalty.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this Act, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) Multiple offenses.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) Limitation.—The amount of any penalty assessed under this subsection for any one violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) Petition for Judicial Review; Collection of Unpaid Assessments.—

(1) Judicial review.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) Failure to pay.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty,

the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) Hearings.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) Use of Recovered Amounts.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal lands.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 11.

SEC. 9. REWARDS AND FORFEITURE.

(a) Rewards.—The Secretary may pay from penalties collected under section 9 or 10—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount equal to the lesser of one-half of the penalty or $500,

to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) Forfeiture.—All paleontological resources with respect to which a violation under section 9 or 10 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this Act, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this Act.

(c) Transfer of Seized Resources.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 10. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource the collection of which requires a permit under this Act or under any other provision of Federal law shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this Act;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 11. REGULATIONS.

As soon as practical after the date of the enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this Act, providing opportunities for public notice and comment.

SEC. 12. SAVINGS PROVISIONS.

Nothing in this Act shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), the Mining in the Parks Act, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal lands;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this Act;

(4) affect any lands other than Federal lands or affect the lawful recovery, collection, or sale of paleontological resources from lands other than Federal lands;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal lands in addition to the protection provided under this Act; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

HIBBEN CENTER ACT

The Senate proceeded to consider the bill (S. 643) to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu of thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Hibben Center for Archaeological Research Act of 2003".

[SEC. 2. FINDINGS.

[Congress finds that—

[(1) when the Chaco Culture National Historical Park was established in 1907 as the Chaco Canyon National Monument, the University of New Mexico owned a significant portion of the land located within the boundaries of the Park;

[(2) during the period from the 1920's to 1947, the University of New Mexico conducted archaeological research in the Chaco Culture National Historical Park;

[(3) in 1949, the University of New Mexico—

[(A) conveyed to the United States all right, title, and interest of the University in and to the land in the Park; and

[(B) entered into a memorandum of agreement with the National Park Service establishing a research partnership with the Park;

[(4) since 1971, the Chaco Culture National Historical Park, through memoranda of understanding and cooperative agreements with the University of New Mexico, has maintained a research museum collection and archive at the University;

[(5) both the Park and the University have large, significant archaeological research collections stored at the University in multiple, inadequate, inaccessible, and cramped repositories; and

[(6) insufficient storage at the University makes research on and management, preservation, and conservation of the archaeological research collections difficult.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) HIBBEN CENTER.—The term "Hibben Center" means the Hibben Center for Archaeological Research to be constructed at the University under section 4(a).

[(2) PARK.—The term "Park" means the Chaco Culture National Historical Park in the State of New Mexico.

[(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

[(4) TENANT IMPROVEMENT.—The term "tenant improvement" includes—

[(A) finishing the interior portion of the Hibben Center leased by the National Park Service under section 4(c)(1); and

[(B) installing in that portion of the Hibben Center—

[(i) permanent fixtures; and

[(ii) portable storage units and other removable objects.

[(5) UNIVERSITY.—The term "University" means the University of New Mexico.

[SEC. 4. HIBBEN CENTER FOR ARCHAEOLOGICAL RESEARCH.

[(a) ESTABLISHMENT.—The Secretary may, in cooperation with the University, construct and occupy a portion of the Hibben Center for Archaeological Research at the University.

[(b) GRANTS.—

[(1) IN GENERAL.—The Secretary may provide to the University a grant to pay the Federal share of the construction and related costs for the Hibben Center under paragraph (2).

[(2) FEDERAL SHARE.—The Federal share of the construction and related costs for the Hibben Center shall be 37 percent.

[(3) LIMITATION.—Amounts provided under paragraph (1) shall not be used to pay any costs to design, construct, and furnish the tenant improvements under subsection (c)(2).

[(c) LEASE.—

[(1) IN GENERAL.—Before funds made available under section 5 may be expended for construction costs under subsection (b)(1) or for the costs for tenant improvements under paragraph (2), the University shall offer to enter into a long-term lease with the United States that—

[(A) provides to the National Park Service space in the Hibben Center for storage, research, and offices; and

[(B) is acceptable to the Secretary.

[(2) TENANT IMPROVEMENTS.—The Secretary may design, construct, and furnish tenant improvements for, and pay any moving costs relating to, the portion of the Hibben Center leased to the National Park Service under paragraph (1).

[(d) COOPERATIVE AGREEMENTS.—To encourage collaborative management of the Chacoan archaeological objects associated with northwestern New Mexico, the Secretary may enter into cooperative agreements with the University, other units of the National Park System, other Federal agencies, and Indian tribes for—

[(1) the curation of and conduct of research on artifacts in the museum collection described in section 2(4); and

[(2) the development, use, management, and operation of the portion of the Hibben Center leased to the National Park Service under subsection (c)(1).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated—

[(1) to pay the Federal share of the construction costs under section 4(b), $1,574,000; and

[(2) to pay the costs of carrying out section 4(c)(2), $2,198,000.

[(b) AVAILABILITY.—Amounts made available under subsection (a) shall remain available until expended.

[(c) REVERSION.—If the lease described in section 4(c)(1) is not executed by the date that is 2 years after the date of enactment of this Act, any amounts made available under subsection (a) shall revert to the Treasury of the United States.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hibben Center Act".

SEC. 2. LEASE AGREEMENT.

(a) AUTHORIZATION.—The Secretary of the Interior may enter into an agreement with the University of New Mexico to lease space in the Hibben Center for Archaeological Research at the University of New Mexico for research on, and curation of, the archaeological research collections of the National Park Service relating to the Chaco Culture National Historical Park and Aztec Ruins National Monument.

(b) TERM; RENT.—The lease shall provide for a term not exceeding 40 years and a nominal annual lease payment.

(c) OPERATING EXPENSES.—The lease may require the Secretary to contribute a pro rata share of the Hibben Center's annual operating expenses, in addition to any nominal annual rent.

(d) IMPROVEMENTS.—The lease shall permit the Secretary to make improvements and install furnishings and fixtures related to the use and curation of the collections.

SEC. 3. GRANT.

Upon execution of the lease, the Secretary may contribute to the University of New Mexico up to 37 percent of the cost of construction of the Hibben Center, not to exceed $1,750,000.

SEC. 4. COOPERATIVE AGREEMENT.

The Secretary may enter into cooperative agreements with the University of New Mexico, Federal agencies, and Indian tribes for the curation of and conduct of research on artifacts, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary for the purposes of this Act.

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 643), as amended, was read the third time and passed.

NATIONAL TRAILS SYSTEM WILLING SELLER ACT

The Senate proceeded to consider the bill (S. 651) to amend the National

Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 651), as amended, was read the third time and passed.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "National Trails System Willing Seller Act".

[SEC. 2. FINDINGS.

[The Congress finds the following:

[(1) In spite of commendable efforts by State and local governments and private volunteer trail groups to develop, operate, and maintain the national scenic and national historic trails designated by Act of Congress in section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)), the rate of progress towards developing and completing the trails is slower than anticipated.

[(2) Nine of the twelve national scenic and historic trails designated between 1978 and 1986 are subject to restrictions totally excluding Federal authority for land acquisition outside the exterior boundaries of any federally administered area.

[(3) To complete these nine trails as intended by Congress, acquisition authority to secure necessary rights-of-way and historic sites and segments, limited to acquisition from willing sellers only, and specifically excluding the use of condemnation, should be extended to the Secretary of the Federal department administering these trails.

[SEC. 3. SENSE OF THE CONGRESS REGARDING MULTIJURISDICTIONAL AUTHORITY OVER THE NATIONAL TRAILS SYSTEM.

[It is the sense of the Congress that in order to address the problems involving multijurisdictional authority over the National Trails System, the Secretary of the Federal department with jurisdiction over a national scenic or historic trail should—

[(1) cooperate with appropriate officials of each State and political subdivisions of each State in which the trail is located and private persons with an interest in the trail to pursue the development of the trail; and

[(2) be granted sufficient authority to purchase lands and interests in lands from willing sellers that are critical to the completion of the trail.

[SEC. 4. AUTHORITY TO ACQUIRE LANDS FROM WILLING SELLERS FOR CERTAIN TRAILS OF THE NATIONAL TRAILS SYSTEM ACT.

[(a) INTENT.—It is the intent of Congress that lands and interests in lands for the nine components of the National Trails System affected by the amendments made by subsection (b) shall only be acquired by the Federal Government from willing sellers.

[(b) LIMITED ACQUISITION AUTHORITY.—

[(1) OREGON NATIONAL HISTORIC TRAIL.—Paragraph (3) of section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following new sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.".

[(2) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Paragraph (4) of such section is amended by adding at the end the following new sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.".

[(3) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Paragraph (5) of such section is amended by adding at the end the following new sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.".

[(4) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Paragraph (6) of such section is amended by adding at the end the following new sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.".

[(5) IDITAROD NATIONAL HISTORIC TRAIL.—Paragraph (7) of such section is amended by adding at the end the following new sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.".

[(6) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Paragraph (8) of such section is amended by adding at the end the following new sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.".

[(7) ICE AGE NATIONAL SCENIC TRAIL.—Paragraph (10) of such section is amended by adding at the end the following new sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.".

[(8) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Paragraph (11) of such section is amended in the fourth sentence by inserting before the period the following: "except with the consent of the owner thereof.".

[(9) NEZ PERCE NATIONAL HISTORIC TRAIL.—Paragraph (14) of such section is amended in the fourth sentence by inserting before the period the following: "except with the consent of the owner thereof.".

[(c) PROTECTION FOR WILLING SELLERS.—Section 7 of the National Trails System Act (16 U.S.C. 1246) is amended by adding at the end the following new subsection:

["(l) PROTECTION FOR WILLING SELLERS.—If the Federal Government fails to make payment in accordance with a contract for the sale of land or an interest in land for one of the national scenic or historic trails designated by section 5(a), the seller may utilize any of the remedies available to the seller under all applicable law, including electing to void the sale.".

[(d) CONFORMING AMENDMENT.—Section 10(c) of the National Trails System Act (16 U.S.C. 1249(c)) is amended—

[(1) by striking paragraph (1); and

[(2) by striking "(2) Except" and inserting "Except".]

SECTION 1. SHORT TITLE.

This Act may be cited as "National Trails System Willing Seller Act".

SEC. 2. AUTHORITY TO ACQUIRE LANDS FROM WILLING SELLERS FOR CERTAIN TRAILS.

(a) OREGON NATIONAL HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: "No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.".

(b) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: "No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.".

(c) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: "No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.".

(d) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: "No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.".

(e) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: "No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.".

(f) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: "No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.".

(g) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: "No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.".

(h) Potomac Heritage National Scenic Trail.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended by adding at the end the following: "No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.".

(i) Nez Perce National Historic Trail.—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended by adding at the end the following: "No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.".

SEC. 3. CONFORMING AMENDMENT.

Section 10(c) of the National Trails System Act (16 U.S.C. 1249(c)) is amended to read as follows:

"(c)(1) Except as otherwise provided in this Act, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

"(2) Not more than $500,000 may be appropriated for the purposes of land acquisition and interests therein for the Natchez Trace National Scenic Trail designated by section 5(a)(12) of this Act, and not more than $2,000,000 may be appropriated for the purposes of the development of such trail. The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.".

BLACK CANYON OF THE GUNNISON BOUNDARY REVISION ACT OF 2003

The Senate proceeded to consider the bill (S. 677) to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2003".

[SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.

[(a) Establishment.—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(a)) is amended—

[(1) by striking "There is hereby established" and inserting the following:

["(1) In general.—There is established"; and

[(2) by adding at the end the following:

["(2) Boundary revision.—The boundary of the Park is revised to include the addition of not more than 2,725 acres, as depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications' and dated January 21, 2003.".

[(b) Administration.—Section 4(b) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(b)) is amended—

[(1) by striking "Upon" and inserting the following:

["(1) Land transfer.—

["(A) In general.—On"; and

[(2) by striking "The Secretary shall" and inserting the following:

["(B) Additional land.—On the date of enactment of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2003, the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as 'Tract C' on the map described in subsection (a)(2) to the administrative jurisdiction of the National Park Service for inclusion in the Park.

["(2) Authority.—The Secretary shall".

[SEC. 3. GRAZING PRIVILEGES AT BLACK CANYON OF THE GUNNISON NATIONAL PARK.

[Section 4(e) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(e)) is amended—

[(1) in paragraph (1)—

[(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

[(B) by inserting after subparagraph (A) the following:

["(B) Transfer.—If land authorized for grazing under subparagraph (A) is exchanged for private land under this Act, the Secretary shall transfer any grazing privileges to the private land acquired in the exchange in accordance with this section."; and

[(2) in paragraph (3)—

[(A) in subparagraph (A), by striking "and" at the end;

[(B) by redesignating subparagraph (B) as subparagraph (D);

[(C) by inserting after subparagraph (A) the following:

["(B) with respect to the permit or lease issued to LeValley Ranch Ltd., a partnership, for the lifetime of the 2 limited partners as of October 21, 1999;

["(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., a partnership, for the lifetime of the 2 general partners as of October 21, 1999; and"; and

[(D) in subparagraph (D) (as redesignated by subparagraph (B))—

[(i) by striking "partnership, corporation, or" in each place it appears and inserting "corporation or"; and

[(ii) by striking "subparagraph (A)" and inserting "subparagraphs (A), (B), or (C)".

[SEC. 4. ACQUISITION OF LAND.

[(a) Authority To Acquire Land.—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-3(a)(1)) is amended by inserting "or the map described in section 4(a)(2)" after "the Map".

[(b) Method of Acquisition.—

[(1) In general.—Land or interest in land acquired under the amendments made by this Act shall be made in accordance with section 5(a)(2)(A) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-3(a)(2)(A)).

[(2) Consent.—No land or interest in land may be acquired without the consent of the landowner.

[SEC. 5. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.

[Section 7(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-5(a)) is amended—

[(1) by striking "(a) In General.—There is established" and inserting the following:

["(a) Establishment.—

["(1) In general.—There is established"; and

[(2) by adding at the end the following:

["(2) Boundary revision.—The boundary of the Conservation Area is revised to include the addition of not more than 7,100 acres, as depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications' and dated January 21, 2003.".

[SEC. 6. ACCESS TO WATER DELIVERY FACILITIES.

[The Commissioner of Reclamation shall retain administrative jurisdiction over, and access to, land, facilities, and roads of the Bureau of Reclamation in the East Portal area and the Crystal Dam area, as depicted on the map identified in section 4(a)(2) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (as added by section 2(a)(2)) for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water under the jurisdiction of the Bureau to users of the water (as of the date of enactment of this Act).]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Canyon of the Gunnison Boundary Revision Act of 2003".

SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.

(a) Boundary Revision.—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(a)) is amended—

(1) by striking "There" and inserting "(1) There"; and

(2) by adding at the end the following:

"(2) The boundary of the Park is revised to include the addition of approximately 2,530 acres, as generally depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications' and dated April 2, 2003.".

(b) Transfer of Administrative Jurisdiction.—On the date of enactment of this Act, the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as "Tract C" on the map described in subsection (a)(2) to the administrative jurisdiction of the National Park Service for inclusion in the Black Canyon of the Gunnison National Park.

(c) Conforming Amendment.—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-3(a)(1)) is amended by striking "Map" and inserting "Map or the map described in section 4(a)(2)".

SEC. 3. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.

Section 7(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-5(a)) is amended—

(1) by striking "There" and inserting "(1) There"; and

(2) by adding at the end the following:

"(2) The boundary of the Conservation Area is revised to include the addition of approximately 7,100 acres, as generally depicted on the

map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications', and dated April 2, 2003.".

SEC. 4. GRAZING PRIVILEGES.

(a) TRANSFER OF PRIVILEGES.—Section 4(e)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff–2(e)(1)) is amended by adding at the end the following:

"(D) If land within the Park on which the grazing of livestock is authorized under permits or leases under subparagraph (A) is exchanged for private land under section 5(a), the Secretary shall transfer any grazing privileges to the land acquired in the exchange.".

(b) PRIVILEGES OF CERTAIN PARTNERSHIPS.—Section 4(e)(3) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff–2(e)(3)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D);

(3) by inserting after subparagraph (A) the following:

"(B) with respect to the permit or lease issued to LeValley Ranch Ltd., for the lifetime of the last surviving limited partner as of October 21, 1999;

"(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., for the lifetime of the last surviving general partner as of October 21, 1999; and"; and

(4) in subparagraph (D) (as redesignated by paragraph (2))—

(A) by striking "partnership, corporation, or" each place it appears and inserting "corporation or"; and

(B) by striking "subparagraph (A)" and inserting "subparagraphs (A), (B), or (C)".

SEC. 5. ACCESS TO WATER DELIVERY FACILITIES.

The Commissioner of Reclamation shall retain administrative jurisdiction over the Crystal Dam Access Road and land, facilities, and roads of the Bureau of Reclamation in the East Portal area,including the Gunnison Tunnel, and the Crystal Dam area, as depicted on the map entitled "Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications", and dated April 2, 2003, for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water and power under the jurisdiction of the Bureau of Reclamation.

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 677), as amended, was read the third time and passed.

LAND EXCHANGE BETWEEN AN ALASKAN NATIVE VILLAGE AND THE DEPARTMENT OF THE INTERIOR

The Senate proceeded to consider the bill (S. 924) to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. FINDINGS.

[Congress finds that:

[(1) The continued existence of the village of Newtok, Alaska is threatened by the eroding banks of the Ninglick River.

[(2) A relocation of the village will become necessary for the health and safety of the residents of Newtok within the next 8 years.

[(3) Lands previously conveyed to the Newtok Native Corporation contain habitat of high value for waterfowl.

[(4) An opportunity exists for an exchange of lands between the Newtok Native Corporation and the Yukon Delta National Wildlife Refuge that would address the relocation needs of the village while enhancing the quality of waterfowl habitat within the boundaries of the Refuge.

[(5) An exchange of lands between Newtok and the United States on an other than equal value basis pursuant to the terms of this Act is in the public interest.

[SEC. 2. DEFINITIONS.

[For the purposes of this Act, the term—

[(1) "ANCSA" means the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1601 et seq.);

[(2) "ANILCA" means the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 410hh-3233, 43 U.S.C. 1602 et seq.);

[(3) "Calista" means the Calista Corporation, an Alaska Native Regional Corporation established pursuant to ANCSA;

[(4) "Identified Lands" means approximately 10,943 acres of lands (including surface and subsurface) designated as "Proposed Village Site" upon a map entitled "Proposed Newtok Exchange," dated September, 2002, and available for inspection in the Anchorage office of the United States Fish and Wildlife Service;

[(5) "limited warranty deed" means a warranty deed which is, with respect to its warranties, limited to that portion of the chain of title from the moment of conveyance from the United States to Newtok to and including the moment at which such title is validly reconveyed to the United States of America and its assigns;

[(6) "Newtok" means the Newtok Native Corporation, an Alaska Native Village Corporation established pursuant to ANCSA;

[(7) "Newtok lands" means approximately 12,101 acres of surface estate comprising conveyed lands and selected lands identified as Aknerkochik on the map referred to in paragraph (4) and that surface estate selected by Newtok on Baird Inlet Island as shown on said map; and

[(8) "Secretary" means the Secretary of the Interior.

[SEC. 3. LANDS TO BE EXCHANGED.

[(a) LANDS EXCHANGED TO THE UNITED STATES.—If, within 180 days after the date of enactment of this Act, Newtok expresses to the Secretary in writing its intent to enter into a land exchange with the United States, the Secretary shall accept from Newtok a valid, unencumbered conveyance, by limited warranty deed, of the Newtok lands previously conveyed to Newtok. The Secretary shall also accept from Newtok a relinquishment of irrevocable prioritized selections for approximately 4,956 acres for those validly selected lands not yet conveyed to Newtok. The reconveyance of lands by Newtok to the United States and the prioritized, relinquished selections shall be 1.1 times the number of acres conveyed to Newtok under this Act. The number of acres reconveyed to the United States and the prioritized, relinquished selections shall be charged to the entitlement of Newtok.

[(b) LANDS EXCHANGED TO NEWTOK.—In exchange for the Newtok lands conveyed and selections relinquished under subsection (a), the Secretary shall, subject to valid existing rights and notwithstanding section 14(f) of ANCSA, convey to Newtok the surface and subsurface estate of the Identified Lands. The conveyance shall be by interim conveyance. Subsequent to the interim conveyance, the Secretary shall survey the Identified Lands at no cost to Newtok and issue a patent to the Identified Lands subject to the provisions of ANCSA and this Act. At the time of survey the charge against Newtok's entitlement for acres conveyed or irrevocable priorities relinquished by Newtok may be adjusted to conform to the standard of 1.1 acres relinquished by Newtok for each one acre received.

[SEC. 4. CONVEYANCE.

[(a) TIMING.—The Secretary shall issue interim conveyances pursuant to subsection 3(b) at the earliest possible time after acceptance of the Newtok conveyance and relinquishment of selections under subsection 3(a).

[(b) RELATIONSHIP TO ANCSA.—Lands conveyed to Newtok under this Act shall be deemed to have been conveyed under the provisions of ANCSA, except that the provisions of 14(c) of ANCSA shall not apply to these lands, and to the extent that section 22(g) of ANCSA would otherwise be applicable to these lands, the provisions of 22(g) of ANCSA shall also not apply to these lands. Consistent with section 103(c) of ANILCA, these lands shall not be deemed to be included as a portion of the Yukon National Wildlife Refuge and shall not be subject to regulations applicable solely to public lands within this Conservation System Unit.

[(c) EFFECT ON ENTITLEMENT.—Nothing in this Act shall be construed to change the total acreage of land to which Newtok is entitled under ANCSA.

[(d) EFFECT ON NEWTOK LANDS.—The Newtok Lands shall be included in the Yukon Delta National Wildlife Refuge as of the date of acceptance of the conveyance of those lands from Newtok, except that residents of the Village of Newtok, Alaska, shall retain access rights to subsistence resources on those public lands as guaranteed under ANILCA section 811 (16 U.S.C. 3121), and to subsistence uses, such as traditional subsistence fishing, hunting and gathering, consistent with ANILCA section 803 (16 U.S.C. 3113).

[(e) ADJUSTMENT TO CALISTA CORPORATION ANCSA ENTITLEMENT FOR RELINQUISHED NEWTOK SELECTIONS.—To the extent that Calista subsurface rights are affected by this Act, Calista shall be entitled to an equivalent acreage of in-lieu subsurface entitlement for the Newtok selections relinquished in the exchange as set forth in subsection 3(a) of this Act. This additional entitlement shall come from subsurface lands already selected by Calista, but which have not been conveyed. If Calista does not have sufficient subsurface selections to accommodate this additional entitlement, Calista Corporation is hereby authorized to make an additional in lieu selection for the deficient acreage.

[(f) ADJUSTMENT TO EXCHANGE.—If requested by Newtok, the Secretary is authorized to consider and make adjustments to the original exchange to meet the purposes of this Act, subject to all the same terms and conditions of this Act.]

SECTION 1. DEFINITIONS.

For the purposes of this Act, the term:

(1) "ANCSA" means the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(2) "ANILCA" means the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(3) "Calista" means the Calista Corporation, an Alaska Native Regional Corporation established pursuant to ANCSA;

(4) "Identified Lands" means approximately 10,943 acres of lands (including surface and subsurface estates) designated as "Proposed Village Site" on a map entitled "Proposed Newtok Exchange," dated September, 2002, and available for inspection in the Anchorage office of the United States Fish and Wildlife Service;

(5) "limited warranty deed" means a warranty deed which is, with respect to its warranties, limited to that portion of the chain of title from the moment of conveyance from the United States to Newtok to and including the moment at which such title is validly reconveyed to the United States;

(6) "Newtok" means the Newtok Native Corporation, an Alaska Native Village Corporation established pursuant to ANCSA;

(7) "Newtok lands" means approximately 12,101 acres of surface estate comprising conveyed lands and selected lands identified as Aknerkochik on the map referred to in paragraph (4) and that surface estate selected by Newtok on Baird Inlet Island as shown on the map; and

(8) "Secretary" means the Secretary of the Interior.

SEC. 2. LANDS TO BE EXCHANGED.

(a) Lands Exchanged to the United States.—If, within 180 days after the date of enactment of this Act, Newtok expresses to the Secretary in writing its intent to enter into a land exchange with the United States, the Secretary shall accept from Newtok a valid, unencumbered conveyance, by limited warranty deed, of the Newtok lands previously conveyed to Newtok. The Secretary shall also accept from Newtok a relinquishment of irrevocable prioritized selections for approximately 4,956 acres for those validly selected lands not yet conveyed to Newtok.

(b) Lands Exchanged to Newtok.—In exchange for the Newtok lands conveyed and selections relinquished under subsection (a), the Secretary shall, subject to valid existing rights and notwithstanding section 14(f) of ANCSA, convey to Newtok the surface and subsurface estates of the Identified Lands. The conveyance shall be by interim conveyance. Subsequent to the interim conveyance, the Secretary shall survey identified Lands at no cost to Newtok and issue a patent to the Identified Lands subject to the provisions of ANCSA and this Act.

SEC. 3. CONVEYANCE.

(a) Timing.—The Secretary shall issue interim conveyances pursuant to subsection 2(b) at the earliest possible time after acceptance of the Newtok conveyance and relinquishment of selections under subsection 2(a).

(b) Relationship to ANCSA.—Lands conveyed to Newtok under this Act shall be treated as having been conveyed under the provisions of ANCSA, except that the provisions of 14(c) and 22g of ANCSA shall not apply to these lands. Consistent with section 103(c) of ANILCA, these lands shall not be included as a portion of the Yukon Delta National Wildlife Refuge and shall not be subject to regulations applicable solely to public lands within this Conservation System Unit.

(c) Effect on Entitlement.—Except as otherwise provided, nothing in this Act shall be construed to change the total acreage of land to which Newtok is entitled under ANCSA.

(d) Effect on Newtok Lands.—The Newtok Lands shall be included in the Yukon Delta National Wildlife Refuge as of the date of acceptance of the conveyance of those lands from Newtok, except that residents of the Village of Newtok, Alaska, shall retain access rights to subsistence resources on those Newtok lands as guaranteed under section 811 of ANILCA (16 U.S.C. 3121), and to subsistence uses, such as traditional subsistence fishing, hunting and gathering, consistent with section 803 of ANILCA (16 U.S.C. 3113).

(e) Adjustment to Calista Corporation ANCSA Entitlement for Relinquished Newtok Selections.—To the extent that Calista subsurface rights are affected by this Act, Calista shall be entitled to an equivalent acreage of in lieu subsurface entitlement for the Newtok selections relinquished in the exchange as set forth in subsection 2(a) of this Act. This equivalent entitlement shall come from subsurface lands already selected by Calista, but which have not been conveyed. If Calista does not have sufficient subsurface selections to accommodate this additional entitlement, Calista Corporation is hereby authorized to make an additional in lieu selection for the deficient acreage from lands within the region but outside any conservation system unit.

(f) Adjustment to Exchange.—If requested by Newtok, the Secretary may consider and make adjustments to the exchange to meet the purposes of this Act, subject to all the same terms and conditions of this Act.

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 924), as amended, was read the third time and passed.

VIETNAM VETERANS MEMORIAL EDUCATION CENTER

The Senate proceeded to consider the bill (S. 1076) to authorize construction of an education center at or near the Vietnam Veterans Memorial, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Vietnam Veterans Memorial Education Center Act".

[**SEC. 2. VIETNAM VETERANS MEMORIAL EDUCATION CENTER.**

[Public Law 96–297 (16 U.S.C. 431 note) is amended by adding at the end the following:

[**"SEC. 6. EDUCATION CENTER.**

["(a) Authorization.—(1) The Vietnam Veterans Memorial Fund, Inc., is authorized to construct an education center at or near the Vietnam Veterans Memorial site, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial.

["(2) The education center may be located above ground or underground, as determined through the approval process set forth under chapter 89 of title 40, United States Code, and this section.

["(3) As used in this section, the term 'education center' or 'center' means a building or other structure approved in accordance with chapter 89 of title 40, United States Code, and this section.

["(b) Applicable Law.—(1) Chapter 89 of title 40, United States Code, shall apply to the education center, and the center shall be considered a commemorative work for the purposes of that Act, except that—

["(A) final approval of the education center shall not be withheld; and

["(B) the provisions of section 8908(b)(1) of title 40, United States Code, requiring approval by law for the location of a commemorative work within Area I, shall not apply.

["(2) The size of the education center shall be limited to the minimum necessary—

["(A) to provide for appropriate educational and interpretive functions; and

["(B) to prevent interference or encroachment on the Vietnam Veterans Memorial and to protect open space and visual sightlines on the Mall.

["(3) The education center shall be constructed and landscaped in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the Mall.

["(c) Operation and Maintenance.—(1) The education center shall be operated and maintained by the Secretary of the Interior.

["(2) This subsection does not waive section 8906(b) of title 40, United States Code (requiring the donation of funds to offset the costs of perpetual maintenance and preservation of the commemorative work).

["(d) Funding.—All funds required for the planning, design, and construction of the education center shall be provided by the Vietnam Veterans Memorial Fund, Inc. No Federal funds shall be used for the planning, design, or construction of the center.".]

TITLE I—VIETNAM VETERANS MEMORIAL EDUCATION CENTER

SEC. 101. EDUCATION CENTER.

Public Law 96–297, as amended (16 U.S.C. 431 note), is further amended by adding at the end thereof the following:

"SEC. 6. EDUCATION CENTER.

"(a) Authorization.—

"(1) The Vietnam Veterans Memorial Fund, Inc., is authorized to construct an education center at or near the Vietnam Veterans Memorial site, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial.

"(2) The education center may be located above ground or underground, as determined through the approval process set forth under the Commemorative Works Act and this Act.

"(3) As used in this section, the term 'education center' or 'center' means a building or other structure approved in accordance with chapter 89 of title 40, United States Code (commonly referred to as the 'Commemorative Works Act') and this section.

"(b) Application of Commemorative Works Act.—

"(1) The Commemorative Works Act (chapter 89 of title 40, United States Code) shall apply to the education center, and the center shall be considered a commemorative work for the purposes of that Act, except that—

"(A) final approval of the education center shall not be withheld; and

"(B) the provisions of section 8908(b) of title 40, United States Code, requiring approval by law for the location of a commemorative work within Area I, shall not apply.

"(2) Notwithstanding section 8908(c) of title 40, United States Code (as added by the Commemorative Works Clarification and Revision Act of 2003), the designation of the Reserve shall not preclude the approval of a site for the education center within such area.

"(3) Section 8905(b)(5) of title 40, United States Code (as added by the Commemorative Works Clarification and Revision Act of 2003), prohibiting the authorization of a commemorative work primarily designed as a museum on lands under the jurisdiction of the Secretary of the Interior within Area I or East Potomac

Park, shall not be construed to deny approval of the education center.

"(4) The size of the education center shall be limited to the minimum necessary—

"(A) to provide for appropriate educational and interpretive functions; and

"(B) to prevent interference or encroachment on the Vietnam Veterans Memorial and to protect open space and visual sightlines on the Mall.

"(5) The education center shall be constructed and landscaped in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the Mall.

"(c) OPERATION AND MAINTENANCE.—

"(1) The education center shall be operated and maintained by the Secretary of the Interior.

"(2) This subsection does not waive section 8906(b) of title 40, United States Code (as amended by the Commemorative Works Clarification and Revision Act of 2003), requiring the donation of funds to offset the costs of perpetual maintenance and preservation of the commemorative work.

"(d) FUNDING.—All funds required for the planning, design and construction of the education center shall be provided by the Vietnam Veterans Memorial Fund, Inc. No Federal funds shall be used for the planning, design, or construction of the center.".

TITLE II—COMMEMORATIVE WORKS ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Commemorative Works Clarification and Revision Act of 2003".

SEC. 202. ESTABLISHMENT OF RESERVE.

Section 8908 of title 40, United States Code, is amended by adding at the end the following:

"(c) RESERVE.—After the date of enactment of the Commemorative Works Clarification and Revision Act of 2003, no commemorative work shall be located within the Reserve.".

SEC. 203. CLARIFYING AND CONFORMING AMENDMENTS.

(a) PURPOSES.—Section 8901(2) of title 40, United States Code, is amended by striking "Columbia;" and inserting "Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;".

(b) DEFINITIONS.—Section 8902(a) of title 40, United States Code, is amended to read as follows:

"(a) DEFINITIONS.—In this chapter, the following definitions apply—

"(1) the term 'commemorative work' means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history, except that the term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes;

"(2) the term 'sponsor' means a public agency, and an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs;

"(3) the term 'Reserve' means the great cross-axis of the Mall, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, as depicted on the map referenced in paragraph (4); and

"(4) the term 'the District of Columbia and its environs' means those lands and properties administered by the National Park Service and the General Services Administration located in the Reserve, Area I, and Area II as depicted on the map entitled 'Commemorative Areas Washington, DC and Environs', numbered 869/86501 B, and dated June 24, 2003.".

(c) AUTHORIZATION.—Section 8903 of title 40, United States Code, is amended as follows:

(1) In subsection (b)—

(A) by striking "work commemorating a lesser conflict" and inserting "work solely commemorating a limited military engagement";

(B) by striking "the event." and inserting "such war or conflict.".

(2) In subsection (d)—

(A) by striking "CONSULTATION WITH NATIONAL CAPITAL MEMORIAL COMMISSION.—" and inserting "CONSULTATION WITH NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—";

(B) by striking "House Administration" and inserting "Resources"; and

(C) by inserting "Advisory" before "Commission"; and

(3) Subsection (e) is amended to read as follows:

"(e) EXPIRATION OF LEGISLATIVE AUTHORITY.—Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, or at the end of the seven-year period beginning on the date of the enactment of legislative authority to locate the commemorative work within Area I, if such additional authority has been granted, unless—

"(1) the Secretary of the Interior or the Administrator of General Services (as appropriate) has issued a construction permit for the commemorative work during that period; or

"(2) the Secretary or the Administrator (as appropriate), in consultation with the National Capital Memorial Advisory Commission, has made a determination that—

"(A) final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts; and

"(B) 75 percent of the amount estimated to be required to complete the memorial has been raised.

If these two conditions have been met, the Secretary or the Administrator (as appropriate) may extend the seven-year legislative authority for a period not to exceed three years from the date of expiration. Upon expiration of the legislative authority, any previous site and design approvals shall also expire.".

(d) NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—Section 8904 of title 40, United States Code, is amended as follows:

(1) By striking "§8904. National Capital Memorial Commission" and inserting "§8904. National Capital Memorial Advisory Commission".

(2) In subsection (a) by striking "There is a National Capital Memorial Commission. The membership of the Commission consists of—" and inserting "The National Capital Memorial Advisory Commission is hereby established and shall include the following members (or their designees):".

(3) In subsection (c)—

(A) by inserting "Advisory" before "Commission"; and

(B) by striking "Services" and inserting "Services (as appropriate)".

(4) In subsection (d) by inserting "Advisory" before "Commission".

(e) SITE AND DESIGN APPROVAL.—Section 8905 of title 40, United States Code, is amended as follows:

(1) In subsection (a)—

(A) by striking "person" and inserting "sponsor" each place it appears;

(B) by inserting "Advisory" before "Commission" in paragraph (1); and

(C) by striking "designs" and inserting "design concepts".

(2) In subsection (b)—

(A) by striking "and Administrator" and inserting "or Administrator (as appropriate)"; and

(B) in paragraph (2)(B), by striking, "open space and existing public use." and inserting "open space, existing public use, and cultural and natural resources.".

(f) CRITERIA FOR ISSUANCE OF CONSTRUCTION PERMIT.—Section 8906 of title 40, United States Code, is amended as follows:

(1) In subsection (a)(3) and (a)(4) by striking "person" and inserting "sponsor".

(2) By amending subsection (b) to read as follows:

"(b) DONATION FOR PERPETUAL MAINTENANCE AND PRESERVATION.—

"(1) In addition to the criteria described above in subsection (a), no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such amounts shall be available for those purposes pursuant to the provisions of this subsection. The provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 percent of the funding for such work is provided by private sources.

"(2) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of this subsection provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

"(3) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 shall be credited to a separate account with the National Park Foundation.

"(4) Upon request, the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (2) or (3). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds provided under this paragraph shall be available without further appropriation and shall remain available until expended.".

(g) AREAS I AND II.—Section 8908(a) of title 40, United States Code, is amended—

(1) by striking "Secretary of the Interior and Administrator of General Services" and inserting "Secretary of the Interior or the Administrator of General Services (as appropriate)"; and

(2) by striking "numbered 869/86581, and dated May 1, 1986." and inserting "entitled 'Commemorative Areas Washington, DC and Environs', numbered 869/86501 B, and dated June 24, 2003.".

SEC. 204. SITE AND DESIGN CRITERIA.

Section 8905 of title 40, United States Code, is further amended by adding the following new paragraphs to subsection (b):

"(5) MUSEUMS.—No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary in Area I or in East Potomac Park as depicted on the map referenced in section 8902(4).

"(6) SITE-SPECIFIC GUIDELINES.—The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific to each site that are mutually

agreed upon to ensure that the design of the commemorative work carries out the purposes of this Act.

"(7) DONOR CONTRIBUTIONS.—Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.".

SEC. 205. NO EFFECT ON PREVIOUSLY APPROVED SITES.

Nothing in this title shall apply to a commemorative work for which a site was approved in accordance with the Commemorative Works Act prior to the date of enactment of this title.

SEC. 206. NATIONAL PARK SERVICE REPORTS.

Within six months after the date of enactment of this title, the Secretary of the Interior, in consultation with the National Capital Planning Commission and the Commission of Fine Arts, shall submit to the Committee on Energy and Natural Resources of the United States Senate, and to the Committee on Resources of the United States House of Representatives reports setting forth plans for the following:

(1) To relocate the National Park Service's stable and maintenance facilities that are within the Reserve as expeditiously as possible.

(2) To relocate, redesign or otherwise alter the concession facilities that are within the Reserve to the extent necessary to make them compatible with the Reserve's character.

(3) To limit the sale or distribution of permitted merchandise to those areas where such activities are less intrusive upon the Reserve, and to relocate any existing sale or distribution structures that would otherwise be inconsistent with the plan.

(4) To make other appropriate changes, if any, to protect the character of the Reserve.

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 1076), as amended, was read the third time and passed.

GRANTING AN EASEMENT TO FACILITATE ACCESS TO THE LEWIS AND CLARK INTERPRETIVE CENTER IN NEBRASKA CITY, NEBRASKA

The bill (H.R. 255) to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska City, Nebraska, was considered, ordered to a third reading, read the third time, and passed.

KRIS EGGLE VISITOR CENTER

The bill (H.R. 1577) to designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the "Kris Eggle Visitor Center," and for other purposes was considered, ordered to a third reading, read the third time, and passed.

H.R. 1577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

(a) FINDING.—Congress finds that in August 2002, Kris Eggle, a 28-year-old park ranger in Organ Pipe Cactus National Monument, was murdered in the line of duty along the border between the United States and Mexico.

(b) DEDICATION.—Congress dedicates the visitor center in Organ Pipe Cactus National Monument to Kris Eggle and to promoting awareness of the risks taken each day by all public land management law enforcement officers.

(c) REDESIGNATION.—The visitor center in Organ Pipe Cactus National Monument in Arizona is hereby designated as the "Kris Eggle Visitor Center".

(d) REFERENCE.—Any reference to the visitor center in Organ Pipe Cactus National Monument in Arizona, in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the "Kris Eggle Visitor Center".

(e) SIGNAGE.—The Secretary of the Interior shall post interpretive signs at the visitor center and at the trailhead of the Baker Mine-Milton Mine Loop that—

(1) describe the important role of public law enforcement officers in protecting park visitors;

(2) refer to the tragic loss of Kris Eggle in underscoring the importance of these officers;

(3) refer to the dedication of the trail and the visitor center by Congress; and

(4) include a copy of this Act and an image of Kris Eggle.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

DIRECTING THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN LAND IN THE LAKE TAHOE BASIN MANAGEMENT UNIT, NEVADA

The bill (H.R. 74) to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, was considered, ordered to a third reading, read the third time, and passed.

MAKING IMPROVEMENTS IN FOUNDATION FOR NATIONAL INSTITUTES OF HEALTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 92, S. 314.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 314) to make improvements for the Foundation of the National Institutes of Health.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 314) was read the third and passed, as follows:

S. 314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foundation for the National Institutes of Health Improvement Act".

SEC. 2. NATIONAL INSTITUTES OF HEALTH ESTABLISHMENT AND DUTIES.

Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (D)(ii) to read as follows:

"(ii) Upon the appointment of the appointed members of the Board under clause (i)(II), the terms of service as members of the Board of the ex officio members of the Board described in clauses (i) and (ii) of subparagraph (B) shall terminate. The ex officio members of the Board described in clauses (iii) and (iv) of subparagraph (B) shall continue to serve as ex officio members of the Board."; and

(ii) in subparagraph (G), by inserting "appointed" after "that the number of";

(B) by amending paragraph (3)(B) to read as follows:

"(B) Any vacancy in the membership of the appointed members of the Board shall be filled in accordance with the bylaws of the Foundation established in accordance with paragraph (6), and shall not affect the power of the remaining appointed members to execute the duties of the Board."; and

(C) in paragraph (5), by inserting "appointed" after "majority of the";

(2) in subsection (j)—

(A) in paragraph (2), by striking "(d)(2)(B)(i)(II)" and inserting "(d)(6)"; and

(B) in paragraph (10), by striking "of Health." and inserting "of Health and the National Institutes of Health may accept transfers of funds from the Foundation."; and

(3) by striking subsection (l) and inserting the following:

"(l) FUNDING.—From amounts appropriated to the National Institutes of Health, for each fiscal year, the Director of NIH shall transfer $500,000 to the Foundation.".

WILLIAM J. SCHERLE POST OFFICE BUILDING

Mr. FRIST. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 1399 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1399) to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building".

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I rise in support of S. 1399, a bill I am happy to cosponsor with Senator HARKIN, to name the post office in Glenwood, IA, the William J. Scherle Post Office Building. Former Congressman Bill Scherle served in the U.S. House of Representatives for four terms, from 1967–1975. Before that, we served together in the Iowa House of Representatives. Bill Scherle is originally from

New York State, so he was not born an Iowan, but you would never know it. He acclimated well to Iowa, living on a farm near the small southwestern Iowa town of Henderson. Bill is a farmer through and through. He was a plainspoken conservative voice in Congress and he represented his largely rural western Iowa district well. He then went on to serve his country in the Department of Agriculture. Bill Scherle has given a good portion of his life to public service and it is fitting that a post office near his home be named in his honor. In fact, Bill Scherle's legacy as a public servant is demonstrated by the fact that this bill to honor him is a bipartisan initiative. Both Senator HARKIN and I recognize the contribution made by Bill Scherle to Iowa and to the United States. I was very sorry when I recently learned that Bill is in poor health. I wish him the best and my prayers are with him and his family. I am glad that we have this opportunity now to recognize Bill and his service to his State and his Nation. I would like to thank Chairman COLLINS for her help in allowing this bill to be moved quickly through the Government Affairs Committee and the Senate. I know that Congressman KING, who follows in Congressman Scherle's footsteps, has sponsored a similar measure in the House, with the support of others from the Iowa delegation. Those who know Bill Scherle or know of his legacy understand why this honor is so appropriate and I hope this bill can be enacted very soon.

Mr. HARKIN. Mr. President, I am very pleased that the Senate is moving towards passage today of legislation that would name the Glenwood, IA, post office for former Iowa Congressman, William J. Scherle. Bill Scherle and his wife Jane live on their family farm just outside of Henderson, IA, in Mills County. Glenwood is the county seat of Mills County. Bill served four terms in the U.S. House of Representatives, beginning with three terms in 1967 in what was then Iowa's 7th Congressional District, and a term in the re-districted 5th Congressional District. I think it is appropriate that Glenwood's Post Office will soon permanently bear Congressman Scherle's name.

Bill long served his Nation. He started with military service in the Navy and Coast Guard during World War II, then afterwards served in the Naval Reserve. He chaired the Mills County Republican Party for almost a decade starting in 1956. He served in the Iowa legislature from 1960 through 1966. He then was elected to the U.S. Congress and served through 1974, including service on the Education and Labor Committee and the Appropriations Committee. His public service continued in 1975 and 1976, when he was appointed to a senior position at the Department of Agriculture.

In January 1968, North Korea seized the USS *Pueblo*, imprisoned and tortured the crew. Congressman Scherle led the effort in Congress to free the crew of the *Pueblo*. I have always admired Bill's tenacity in never letting the *Pueblo* crew be forgotten. Bill was the only Member of Congress invited to attend *Pueblo* reunions and as their health has allowed, Bill and Jane always have attended.

Bill and I are at different places on the political spectrum, and I ran against him for Congress twice. He won the first time, and I won the re-match. We disagreed on many issues, but I always understood that he acted on the basis of strong-held views about what he considered were the best interests of those he represented and of the Nation.

Long after we ran as opponents, I got to know Bill and visited him on his farm. He is a good person who cares deeply about his community and rural America. Politics has always had a certain amount of rough and tumble. But while Bill was certainly a good Republican who wanted to see consistent victories for the GOP, he also could see the good in all people.

One area of our mutual interest was the Iowa School for the Deaf in Council Bluffs. Bill always did what he could for the school my brother attended years ago, and for deaf people in general.

Congressman Scherle always cared about children and their welfare. He wrote a children's book, "The Happy Barn." He gave away thousands of copies to schools, hospitals and individual families in Southwest Iowa and the Omaha area, reading to young children time after time. He had lots of fun reading to children, and I believe that there are few more valuable things we can do as adults than to read to children and get them started on that most important activity.

Bill was a businessman and farmer, proud of both professions. He received the Alegent Health Mercy Hospital Heritage Award for his contributions to business in Southwest Iowa.

He remains a good father to his two sons, and a good husband to his wife of 55 years, Jane. He is blessed with 6 grandchildren—five girls and a boy. Bill has lived a dedicated, patriotic, family and public service life.

I am pleased that my colleague, Senator GRASSLEY, joins me in sponsoring this legislation. Congressman KING has introduced similar legislation in the House of Representatives.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, that the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1399) was read the third time and passed, as follows:

S. 1399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WILLIAM J. SCHERLE POST OFFICE BUILDING.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, and known as the Glenwood Main Office, shall be known and designated as the "William J. Scherle Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the William J. Scherle Post Office Building.

HONORING CHAMBERS OF COMMERCE FOR CONTRIBUTIONS TO IMPROVEMENT OF COMMUNITIES AND STRENGTHENING OF LOCAL AND REGIONAL ECONOMIES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 212, S. Con. Res. 53.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 53) honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The concurrent resolution (S. Con. Res. 53) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 53

Whereas chambers of commerce throughout the United States contribute to the improvement of their communities and the strengthening of their local and regional economies;

Whereas in the Detroit, Michigan area, the Detroit Regional Chamber, originally known as the Detroit Board of Commerce, typifies the public-spirited contributions made by the chambers of commerce;

Whereas, on June 30, 1903, the Detroit Board of Commerce was formally organized with 253 charter members;

Whereas the Detroit Board of Commerce played a prominent role in the formation of the United States Chamber of Commerce;

Whereas the Detroit Board of Commerce participated in the Good Roads for Michigan campaign in 1910 and 1911, helping to gain voter approved of a $2,000,000 bond proposal to improve the roads of Wayne County, Michigan;

Whereas, in 1925, the Safety Council of the Detroit Board of Commerce helped develop the first traffic lights in Detroit;

Whereas, in 1927, the Detroit Board of Commerce brought together all of the cities, villages, and townships in southeast Michigan to tentatively establish boundaries for a metropolitan district for Detroit, embracing all or parts of Wayne, Oakland, Macomb, Monroe, and Washtenaw Counties at the request of the United States Census Bureau in advance of the 1930 census;

Whereas, in 1932, the Federal Home Loan Bank Board designated the Detroit Board of Commerce as the authorized agent for stock subscriptions in the Federal Home Loan Bank, as an early response to the Great Depression;

Whereas, in 1945, the Detroit Board of Commerce promoted the making of Victory Loans to veterans returning from service in the United States Armed Forces during World War II as a way of expressing thanks for the veterans' wartime service, and raised more than half of the total amount contributed in Wayne County, Michigan, to fund Victory Loans;

Whereas, in 1969, the Detroit Board of Commerce, then known as the Greater Detroit Chamber of Commerce, was instrumental in the establishment of a bus network connecting inner-city workers and jobs, which resulted in the creation of the Southeast Metropolitan Transportation Authority, now known as SMART;

Whereas the Detroit Board of Commerce has been known by several names during its century of existence, eventually becoming known as the Detroit Regional Chamber in November 1997;

Whereas the Detroit Regional Chamber is the largest chamber of commerce in the United States and has been in existence for over 100 years;

Whereas more than 19,000 businesses across southeast Michigan have decided to make an initial investment in the Detroit Regional Chamber to help develop the region;

Whereas the Detroit Regional Chamber has supported the concept of regionalism in southeast Michigan, representing the concerns of business and the region as a whole;

Whereas the mission of the Detroit Regional Chamber is to help power the economy of southeastern Michigan;

Whereas the Detroit Regional Chamber successfully advocates public policy concerns on behalf of its members at the local, regional, State, and national levels;

Whereas the Detroit Regional Chamber has implemented programs promoting diversity in its work force and has won recognition for such efforts;

Whereas the Detroit Regional Chamber is committed to promoting the interests of its members in the global marketplace through economic development efforts; and

Whereas, on June 30, 2003, the Detroit Regional Chamber celebrates its 100th anniversary: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress honors and congratulates chambers of commerce for their efforts that contribute to the improvement of their communities and the strengthening of their local and regional economies.

ORDERS FOR MONDAY, JULY 21, 2003

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. Monday, July 21. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day and the Senate then begin a period of morning business until 1:30 p.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, the Senate will reconvene on Monday. Under the order entered earlier, the Senate will begin consideration of the Homeland Security appropriations bill during Monday's session. Again, no rollcall votes will occur but it is hoped that Senators will be present to debate and offer amendments.

Next week we will complete the Homeland Security appropriations and continue to work through other appropriations bills as available.

I, once again, commend Senator STEVENS for his tremendous efforts over the last 2 weeks. As mentioned earlier, with tonight's vote, we have now passed 3 of the 13 appropriations bills. We have a lot of work to do during the remaining 2 scheduled weeks prior to our August recess. I have announced on many previous occasions that the Senate will spend the last week prior to the recess on the Energy bill. I encourage Members who intend to offer amendments to the bill to notify the chairman and the ranking member prior to that last week.

I mentioned this morning and want to mention again that I will continue to try to reach an agreement for the filing of those amendments. Members have had an adequate time to draft and file those amendments.

Again, we started this bill in the Senate on May 6. Therefore, I will continue to try to reach that consent agreement with the other side of the aisle, the agreement to have a filing deadline for the amendments.

I do wish all a restful weekend. I look forward to our continuation of the appropriations process next week.

ADJOURNMENT UNTIL 1 P.M., MONDAY, JULY 21, 2003

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:30 p.m., adjourned until Monday, July 21, 2003, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate July 17, 2003:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

GWENDOLYN BROWN, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE ARNOLD GREGORY HOLZ, RESIGNED.

DEPARTMENT OF THE TREASURY

SUSAN C. SCHWAB, OF MARYLAND, TO BE DEPUTY SECRETARY OF THE TREASURY, VICE KENNETH W. DAM, RESIGNED.

DEPARTMENT OF STATE

GEORGE H. WALKER, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate July 17, 2003:

THE JUDICIARY

ALLYSON K. DUNCAN, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

LOUISE W. FLANAGAN, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA.

HOUSE OF REPRESENTATIVES—*Thursday, July 17, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 17, 2003.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, victory for Your people and guardian of all Your people, be present to leaders in government as we pray to You this day. Sacred history reveals Your servant Joshua as a great conqueror who secures and apportions the land of promise, so Your people live in peace. All the deeds of Joshua had been foretold to Moses.

When we look over the history of this Nation from our revolutionary days, through world wars and even to more recent conflicts, we are amazed by the promise of peace and the surprise of new relationships. Time and time again those who were defeated have become our friends. With Joshua, America realizes that true victory and lasting peace are Your gift, as is friendship, born out of obedience to Your law and trust in Divine Providence.

Reflecting on our history today gives us hope for tomorrow. We praise You and thank You that out of conflict You can create great allies. You are always at work changing human hearts and reconciling people. This we know now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 2330. An act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

H. Con. Res. 236. Concurrent resolution permitting the use of the Rotunda of the Capital for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 555. An act to establish the Native American Health and Wellness Foundation, and for other purposes.

S. 558. An act to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 570. An act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

The message also announced that pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Democratic Leader, appoints the following Senators to the United States Holocaust Memorial Council for the One Hundred Eighth Congress:

The Senator from Nevada (Mr. REID).

The Senator from California (Mrs. BOXER).

The message also announced that pursuant to section 2761 of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the Honorable JUDD GREGG of New Hampshire and the Honorable JOHN CORNYN of Texas as delegates of the Senate Delegation to the British-American Interparliamentary Group conference during the One Hundred Eighth Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 5 one-minute speeches per side.

HOLD CASTRO ACCOUNTABLE AT THE HAGUE

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Madam Speaker, Cuban political prisoners never have a nice day, so I rise today to remind my colleagues as we meet here in session, more than 400 of Cuba's best, brightest and bravest are suffering unspeakable cruelty at the hands of Fidel Castro and his thugs. The dictator's latest sweep, begun in March, has jailed more than 75 independent journalists and human rights activists.

Afraid and fearful, Castro has now moved to silence all dissent. Castro is a weak and insecure man, utterly afraid to be criticized or held to account. Yet some in Congress still do not get it. They imagine Castro is a man we can do business with. Instead, Castro and his psychotic torturers ought to be at The Hague facing prosecution for crimes against humanity.

Madam Speaker, Castro is a mass murderer, a cruel torturer, and anything but a benign revolutionary.

NATIONAL DEBT INCREASES UNDER PRESIDENT BUSH

(Mr. TANNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANNER. Madam Speaker, it has been 797 days since President Bush and the Republican Party embarked on their economic plan for our country. During that time, the national debt has increased by $1,080,045,794,469. According to the Web site for the Bureau of the Public Debt at the U.S. Department of Treasury, yesterday at 4:30 p.m. Eastern Daylight Time, the Nation's outstanding debt was $6,720,371,180,827. Furthermore, in fiscal year 2003, interest on our national debt or the "debt tax" is $277,768,492,816 through June 30.

TSA AWARDED PORKER OF THE WEEK AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend his remarks.)

Mr. HEFLEY. Madam Speaker, the Transportation Security Administration is only a year old but is already wasting funds like an old-time Federal bureaucracy. The agency that is responsible for staffing the Nation's airports with security personnel is also responsible for nearly $250 million of waste.

Given the new and enormous task of securing 429 airports around the country, there is bound to be some financial waste. But the extent of the TSA's largess is indefensible. It has overstaffed rural airports, paid security companies inflated rates, purchased more than a thousand baggage scanners with dated technology for a million dollars apiece, leased sport utility vehicles for $200,000 a year rather than lease less-expensive sedans, and entered into a contract to recruit Federal screeners that escalated from the original estimate of $100 million to nearly $700 million, all of this on top of last year's $410,000 expense just to furnish the offices of the director and his chief aides.

Madam Speaker, the TSA gets my Porker of the Week Award.

UNEMPLOYMENT AND THE ECONOMY

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, today I rise to address an issue very important to millions and millions of people in our country. President Bush has ignored our economy, and I point out to Members to look at what is happening in the 32nd Congressional District of California. Rates of unemployment have gone up dramatically. The national rate is about 6.4, and in one of my cities it is up to almost 11 percent.

What I think we ought to be doing in the House is starting to focus in on trying to replenish jobs and bringing back American values that our families so sorely need. We have many people serving as reservists in the military. Their families are suffering. We need to give them a child tax credit break, and we need to increase the minimum wage.

Madam Speaker, these are hard-working people. They have been suffering for over 2 years, and I know they are telling me in a strong way across the country that we need to focus on our economy. The rich have gotten their tax breaks, but what about the working poor? And what about the working-class families that we all represent in our districts? I would ask my colleagues to think seriously before we go on recess to provide an economic incentive package to help working families.

IRAQ'S NUCLEAR WEAPONS PROGRAM

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, after the terrorist attacks of September 11, it became apparent that the United States needed to be more vigilant about terrorism and weapons proliferation and pay attention to prospects of weapons of mass destruction falling into the hands of groups that could use them against American interests.

The Bush Administration, the Clinton Administration, and the United Nations all agreed that Saddam Hussein possessed a significant biological and chemical capability in 1998 when the inspectors were withdrawn. There is broad agreement that Hussein, different from any other leader, had proven himself capable of using these weapons for offensive purposes and not merely a defensive posture.

There are efforts in the Congress to employ a full investigation into difficult issues to understand whether mistakes were made and to take action to fix them in fulfillment of Congress' important oversight responsibilities. To date, the chairman of the Committee on Armed Services, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence reject a broader probe of the WMD issue.

I believe Congress is exercising its oversight authority and has set in place procedures to review comprehensively and on a bipartisan basis the intelligence surrounding Iraq prior to the outbreak of war and to take into account any dissident views on the Iraqi threat.

GUERILLA WARFARE IN IRAQ

(Ms. LORETTA SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SÁNCHEZ of California. Madam Speaker, since President Bush declared the end to major combat operations on May 1, 2003, our brave servicemen and women have continued to die in Iraq at a rate of one per day. Let us look at the figures: 412 wounded, 86 killed. And still the administration continues to downplay the gravity of this situation.

Our troops are facing insurgents who are clearly using guerrilla techniques and tactics; and even the new CENTCOM commander yesterday admitted that, in his opinion, this is a classic guerrilla-type war.

So why is it that the Secretary of Defense and the President are refusing to characterize it as such? We are starting down a slippery slope into another long, drawn-out guerrilla conflict, once again.

We need to find a viable solution fast. It is imperative that we give our troops all of the resources that they need to get the job done and confront the enemy, and we must continue to urge NATO to provide emergency assistance. We must bring our troops home as quickly as possible.

NORTH KOREAN REFUGEE CRISIS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, the actions of China and the UNHCR, in response to the North Korean refugee crisis, are reprehensible. China has deliberately failed to uphold the obligations under international law and the conventions that they have signed and has prohibited the UNHCR from carrying out its accepted mandates to assist refugees.

The Chinese government has prevented North Korean refugees from their right to apply for asylum. Any North Koreans who have tried to do this have disappeared, and the UNHCR has failed in its mandate to invoke binding arbitration against countries that prohibit it from carrying out its mandate.

Chinese officials fear a refugee flood, but refugees do not flee their country simply to find refugee assistance, they flee because of wide-spread starvation, human rights violations and other terrible atrocities and sufferings.

Madam Speaker, the U.N. should condemn China as well as the UNHCR for their failure to uphold their obligations; and Kim Jong Il should step down from power; and the North Korean government should stop their brutal policies against the North Korean people.

IF NOT NIGER, WHERE?

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Madam Speaker, welcome to the People's House Tony Blair. We need you. The Niger evidence that supposedly showed Saddam Hussein had reconstituted his nuclear weapons program turns out to be forged, but you say, wait, there is more.

We are aware of Niger, but Africa is a big continent. You say you have other sources, possibly a third country that thinks Saddam Hussein may have been buying uranium in some other Africa country. Our own CIA does not know what you know. Our National Security Council says it does not know what you know. Indeed, the President of the United States says he does not know what you know.

The American public needs to know the truth. You hold the key. Please, Mr. Prime Minister, redeem our trust. If not Niger, where were the nuclear materials, Mr. Prime Minister?

□ 1015

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Members are reminded to address their remarks to the Chair.

ANTI-SEMITIC SENTIMENTS ON RISE AMONG BRITISH ACADEMICS

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Madam Speaker, I rise today to draw attention to the unsettling increase of anti-Semitic sentiments of many academics in the United Kingdom. Over the past year, a growing number of university professors in the U.K. have engaged in a boycott of scholars and research from Israel. Most recently, a professor at Oxford denied the admittance of an Israeli graduate student based solely on his Israeli citizenship.

So what has fueled this rise in academic anti-Semitism? One only needs to look at the policies of the Association of University Teachers, one of Britain's largest associations for higher education professionals. The AUT Web site states, "We also support the call by academics in the U.K. and elsewhere for a moratorium on European Union and European Science Foundation funding of Israeli cultural and research institutions until Israel abides by U.N. resolutions and opens meaningful peace negotiations with the Palestinians."

The "academics" in the U.K. have taken a giant step backward from the tradition of teaching individual rights and liberties and free thought. This boycott of Israeli academics and philosophy, ideas that originate in the Middle East's only true democracy, is a clear indication that the values that gave birth to our own American freethinking principles are no longer practiced by many of the U.K.'s educators.

IDENTITY THEFT

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, I recently introduced bipartisan legislation with 19 colleagues called the Identity Theft Protection and Health Information Blackout Act of 2003. The legislation would protect Americans from identity theft and safeguard their private health information in the Fair Credit Reporting Act.

My bill would black out and protect sensitive, private health-related information by returning control to consumers and giving them the final say over what is off-limits to financial institutions. There is simply no reason why health information should be used in granting credit or in deciding whether to offer someone a product or a financial service. It is long past time to make this information confidential. Rather than opt in or opt out, we should black out your private health information.

Similarly, we are all aware of the identity theft epidemic in this country. The average identity theft victim spends nearly $1,400 and 175 hours cleaning up his or her credit card record. In fact, ID theft has doubled in just the last year. It puts both businesses and the consumer at risk. This is not a business or consumer issue. It is one that we can come together on.

Mr. Speaker, my bill would put identity thieves out of business and ensure that Americans' private health information is given the strongest protections under the law. I encourage my colleagues to cosponsor the Identity Theft Protection and Health Information Blackout Act to that end.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2691.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 319 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2691.

□ 1018

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 16, 2003, the bill was open from page 101, line 4, through page 101, line 13.

Mr. HEFLEY. Mr. Chairman, I move to strike the last word. I rise to engage the chairman of the subcommittee in a colloquy.

Mr. Chairman, this week, the U.S. Fish and Wildlife Service announced it was proceeding with the development of new voluntary guidelines to protect migratory birds from electrocution and collisions with power lines. This is an important development.

For the past 70 years, the Nation's rural electric cooperatives have provided power to millions of people in rural America. Distribution and transmission lines cross many miles of wide open spaces and sometimes those wide open spaces are filled with migratory birds. Under two laws, the Migratory Bird Treaty Act and the Golden and Bald Eagle Protection Act, electric utilities can be found guilty of so-called takings if birds fly into those lines or land on them and are killed. Many utilities have responded by redesigning the towers for new power lines and locating these lines outside of known flyways. Yet birds continue to fly into power lines and as things currently stand, these utilities are liable for penalties under these two laws. Mr. Chairman, no one in their right mind, when these laws were enacted, would have thought that these laws would be interpreted in this kind of a way.

The Fish and Wildlife Service has been very forthcoming in a series of meetings with myself and my colleagues, the gentlewoman from Colorado (Mrs. MUSGRAVE) and the gentleman from Utah (Mr. BISHOP). However, we ask you, Mr. Chairman, to join us in emphasizing to the Service the importance of resolving this issue. All of America, not just rural America, needs electric power and this problem has the potential of interfering with delivery of that power.

If I may, Mr. Chairman, I would like to yield a moment to the gentlewoman from Colorado who represents the eastern plains of Colorado and has spent an enormous amount of energy on this particular subject. She actually represents an area bigger than some States.

Mrs. MUSGRAVE. I do represent an area that has wide open spaces. A few years ago, I attended the 50th year anniversary of YW Electric in Akron, Colorado. This rural utility serves a vast area. There were individuals at that anniversary celebration that remembered the day that they got electricity to their rural home. Of course, rural Americans want all of the amenities that we have because of electricity. It just so happens that rural electric lines are built in areas that are remote. It just so happens that that is where raptors are. Again as the gentleman from Colorado said, no one could anticipate the time when laws would be interpreted in such a way that when a bird landed on lines and was electrocuted, a rural electric could be found guilty of an intentional taking.

Mr. Chairman, I just ask that you work with us in order to resolve this problem. There, of course, is no intention in the taking of a bird. When lines are changed to pose less danger to birds, of course, those costs will be passed on to our ratepayers, the individuals who purchase electricity from the rural electrics. We would just ask for the chairman's help in this issue solving this in a reasonable way so that it will be beneficial to all of us who care about the birds, but those of us who realize that we have to have some common sense in this approach to whether or not a rural electric is guilty of an intentional taking when a raptor dies because they have landed on the lines.

Mr. HEFLEY. Mr. Chairman, we do need your help on this and wanted to bring this matter to your attention. You also represent a great deal of rural area, I am sure many rural electrics, so you probably are quite aware of the problem.

I yield to the chairman of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, we appreciate the gentleman and gentlewoman for their leadership on this issue of fowl mortality associated with electric power lines. We always want to save any bird possible, but this is somewhat of a bird-brained interpretation of what the rule is meant to do. I recognize the importance of electric cooperatives in rural America and will work with the gentleman and gentlewoman to ensure that the Fish and Wildlife Service continues to work closely with the electric power industry to resolve this issue in a mutually beneficial manner.

Mr. HEFLEY. I want to thank the chairman for his assistance in this important matter.

Mr. RENZI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to engage in a colloquy between myself and Chairman TAYLOR.

Mr. Chairman, on June 23, 2003, President Bush signed into law the Zuni Indian Tribe Water Rights Settlement Act of 2003. This new law settles a longstanding dispute over the water rights of Zuni Heaven among the local, county, State, tribal, Federal and private interests and restores and protects the wetland environments that previously existed on Zuni lands. Specifically, this recently enacted law provides the Zuni people with the resources and protections necessary to acquire water rights from willing sellers.

The Zuni Indian Tribe Water Rights Settlement Act authorized appropriations for $3.5 million for the Zuni people to help them acquire and develop these water rights. This funding is to be used for the acquisition of water as well as associated lands by the Zuni tribe to facilitate the enforceability of the settlement agreement, including the acquisition of at least 2,350 acre-feet per year of water rights before December 31, 2006.

Mr. Chairman, on behalf of the Zuni people, I would appreciate it if you could do all you can to support the inclusion of this funding when we conference this bill with the Senate.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. RENZI. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentleman has been very attentive in bringing this to my attention. You continually fight for the rights of Native Americans and you have persistently expressed to me the need to properly fund our trust responsibilities to the tribes. It has been a longstanding policy of this committee to fund water rights settlements that have been enacted into law. This one is no exception. However, this settlement will be a challenge for funding in the fiscal year of 2004.

Mr. RENZI. I appreciate the gentleman's help on this important matter so that the Zuni people have enough water to bring back the original lush environment to the Zuni Heaven. I am grateful for his support.

Mr. TAYLOR of North Carolina. I will be happy to work with you to fund this Indian water rights settlement.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the House report accompanying this Act.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in the House report accompanying this Act.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum to aid conservation partnership projects in support of the Forest Service mission, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress, and make available to interested persons, a report containing the results of a management review of outfitter and guiding operations in the John Muir, Ansel Adams, and Dinkey Lakes Wilderness Areas of the Inyo and Sierra National Forests, California. The report shall include information regarding: (1) how the Secretary intends to minimize adverse impacts on the historic access rights of special use permittees in these three wilderness areas; and (2) how the Secretary intends to ensure timely compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed $1,000,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

Beginning on June 30, 2001 and concluding on December 31, 2004, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $86,000,000 shall not be available until October 1, 2004: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $609,290,000 to remain available until expended, of which $2,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which $130,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $20,500,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2004 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $879,487,000, to remain available until expended: *Provided*, That $270,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $225,000,000 for weatherization assistance grants and $45,000,000 for State energy program grants.

□ 1030

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 109, line 22, after the dollar amount insert "(increased by $15,000,000, decreased by $15,000,000)".

Page 109, line 23, after the dollar amount insert "(increased by $15,000,000)".

Page 110, line 2, after the dollar amount insert "(increased by $15,000,000)".

Mr. SANDERS. Mr. Chairman, the Sanders-Kind amendment would increase funding for the very successful Weatherization Assistance Program by $15 million, from $225 million to $240 million. Even with this $15 million increase that we are proposing, funding for the weatherization program would still be $48 million less than the President's request.

We are not sure yet what the offset is, and that is an issue we will be working with the majority on. According to the statement of administration policy that was endorsed by the Office of Management and Budget: "The administration opposes the $63 million reduction from the President's $288 million request for the Weatherization Assistance Program that assists low-income families with their energy bills while conserving energy for the Nation. The President is committed to increasing funding for this program by $1.4 billion over 10 years."

I do not often agree with the priorities established by the Bush administration, but on this issue they are absolutely right.

One of the absurdities in terms of public policy both for the needs of low-income people and in terms of environmental protection is that we have huge numbers of low-income people throughout this country who are living in homes that are very poorly insulated, where energy is going right through the doors, through the roofs, through the windows, and it is a very sound investment indeed when we improve the weatherization of their homes. Low-income people save substantial sums of money on their limited budgets, and as a Nation concerned about the environment we do not see energy going right up.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, we have no objection to the extra $15 million. We may not be able to keep it through conference, but we will certainly support it now.

Mr. SANDERS. Will the gentleman do his best?

Mr. TAYLOR of North Carolina. We will. We will try to keep the $15 million in.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I certainly want to commend the gentleman for his leadership on this issue, and I know that the gentleman from Wisconsin (Mr. OBEY) has also been concerned about this. We appreciate his efforts and will do our best to help.

Mr. SANDERS. Mr. Chairman, I want to thank the gentleman from Washington (Mr. DICKS), the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Wisconsin (Mr. KIND); and I thank the majority for their support for this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of the Sanders-Kind Amendment to increase funding for the Weatherization Assistance Program. Although, I am aware of the worthy funding for the Committee has offered to this program, I am bothered by the neglect to follow suit in the President's request to increase funding to $288 million from its current funding level of $223 million.

The decision to not increase funding to an adequate level for the Weatherization Assistance Program will directly affect my District and my constituents. Chicago endures some of the country's most severe temperature extremes. In 2002, with on the onset of a harsh winter, Chicago residents saw their heating cost soar to record levels—nearly tripling the cost of 1999. Chicago experienced another cold winter in 2001 causing cost once again to be extremely high for residents. There were countless stories about seniors in my district, on a fixed income, making approximately $700 a month but whose December's gas bill was $400. The heating cost just did not affect residents, but small business, high-rises, and schools. The Chicago Public Schools reported in 2001 of having heating costs that were up $7 million, 50 percent more than what was called for in their budget. Historically, Chicago has experienced the highest electricity rates in the Midwest and are among some of the highest nationwide.

The President's request to increase funding would have permitted an additional 25,000 poor and elderly families to be served by this program. It is estimated that each home that is weatherized will generate $275 in annual savings and $4,650 of life-cycle savings per household. These savings are critical for the countless families in my district living near or below the federal poverty level and depend on this program and programs like it to have a warm home. I am proud that in January of 2002, the city of Chicago implemented its New Energy Conservation Code which redefines energy efficiency requirements for all new and rehabilitated homes and commercial buildings. The goal of this new code will improve energy efficiency standards by 10 to 20 percent. But this is just one small step in the process to lower energy cost for our constituents that need the Federal Government's assistance.

Mr. Chairman, if we do not help our constituents weatherize their homes to become more energy efficient and heating cost continue to rise, our constituents will only be spending more of their money on energy bills and less toward the growth of our economy. This amendment is good for our constituents, is good for energy conservation and is good for our economy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,047,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $175,081,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $82,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,556,082,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $460,046,000 for contract medical care shall remain available for obligation until September 30, 2005: *Provided further*, That of the funds provided, up to $27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2004, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $392,560,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to complete a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: *Provided further*, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further*, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further*, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $13,532,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $5,250,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $489,748,000, of which not to exceed $46,903,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended; and of which $828,000 for fellowships and scholarly awards shall remain available until September 30, 2005; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $93,970,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That balances from amounts previously appropriated under the headings "Repair, Restoration and Alteration of Facilities" and "Construction" shall be transferred to and merged with this appropriation and shall remain until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in the House report accompanying this Act.

The Secretary of the Smithsonian Institution may establish a voluntary separation incentive program substantially similar to the program established under section 1313(a) of the "Homeland Security Act of 2002" (Public Law 107-296, 116 Stat. 2135) for individuals serving in civil service positions in the Smithsonian Institution.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $88,849,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $11,600,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,560,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $16,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,604,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $117,480,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $120,878,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,422,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADMINISTRATIVE PROVISION

None of the funds appropriated in this or any other Act, except funds appropriated to the Office of Management and Budget, shall be available to study the alteration or transfer of the National Capital Arts and Cultural Affairs program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,100,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,730,000: *Provided*, That for fiscal year 2004 and thereafter, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $39,997,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,700,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments, charges, or billings may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments, charges, or billings and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2002.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2004, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, and 108–7 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2003 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) (applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2004 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2003 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2004, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency;

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2004, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 322. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107-63) is amended—

(1) in subsection (b), by striking "20" and inserting "30";

(2) in subsection (c) by striking "3" and inserting "8"; and

(3) in subsection (d), by striking "2006" and inserting "2007".

SEC. 323. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2004 and thereafter, qualify for General Service Administration contract airfares.

SEC. 324. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide fire management services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire management activities: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 325. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2004 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 580l), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

SEC. 326. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2004, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 327. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 328. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.—None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2004.

SEC. 329. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 330. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business if the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 331. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

Mr. TAYLOR of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through Page 150, line 23 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 332. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 110 Stat. 1321-200; 16 U.S.C. 4601-6a note), is amended—

(1) by striking "2004" and inserting "2006"; and

(2) by striking "2007" and inserting "2009".

AMENDMENT NO. 18 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. DEFAZIO:

At the end of section 332, relating to the recreation fee demonstration program, page 151, after line 6, insert the following sentence:

The amendments made by this section apply only with respect to areas under the jurisdiction of the National Park Service.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The point of order is reserved.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask for unanimous consent that all debate on this amendment be limited to 20 minutes to be equally divided and controlled by the proponent and an opponent.

The CHAIRMAN. And any amendments thereto?

Mr. TAYLOR of North Carolina. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. DICKS. Mr. Chairman, reserving the right to object, would it not be better to have a discussion on the point of order first before we get a time agreement, whether we should debate this for 20 minutes?

Mr. TAYLOR of North Carolina. If the gentleman will yield, we are trying to determine which amendment the gentleman is offering.

The CHAIRMAN. It is amendment 18.

□ 1045

Mr. TAYLOR of North Carolina. Mr. Chairman, we withdraw the point of order.

The CHAIRMAN. The reservation of the point of order is withdrawn. Is the gentleman still making his unanimous consent request relative to the time limit on this amendment?

Mr. TAYLOR of North Carolina. I am, Mr. Chairman.

The CHAIRMAN. The Chair understands that to be 20 minutes on this amendment, equally divided, 10 minutes on each side, and on all amendments thereto.

Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) is recognized for 10 minutes on his amendment.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

This amendment would extend the authorization for the Park Service which, I think, most Members of this body support, particularly given the backlog we have heard about and the underfunding to levy these fees under what has been commonly called the Rec Fee Demo Program. However, it would not prematurely extend the authority to the United States Forest Service and the Bureau of Land Management to extend these fees.

These fees, under current law for the United States Forest Service and the Bureau of Land Management, are authorized by prior appropriation, not through the authorizing committee, through October 1 of next year. The authorizing committee has actually been processing, beginning work on an authorization bill, which will be the first time since 1996 that these were properly authorized for the Forest Service and the BLM. If this amendment would pass, that committee would have ample time to properly authorize the program before the expiration a year from next October.

So I think that this would address the concerns of many Members of the House who are split between those who feel very strongly we need these funds for the Park Service, and those of us who feel very strongly that levying these fees indiscriminately across the Forest Service and the BLM, to nondeveloped areas in particular, is of great concern. Basically, if you want to drive your car around a park and go hunting or go fishing or just walk with the kids or the dog, you have to buy a pass for nondeveloped sites, and a lot of us have strong concerns about that.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks time in opposition to the amendment?

Mr. TAYLOR of North Carolina. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 10 minutes in opposition to the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume, and I oppose this amendment.

The amendment would strike the extension of the recreation program which provides resources for the national forests, refuges, and public lands. Over and over again, at many hearings and in visitors' surveys, and in my own travels, I hear that the public wants a recreation program that is consistent and simple. The President fully supports this program. This amendment would confuse the public.

I agree with the gentleman that this program should be run through the authorizing committee. Our committee and others have had many hearings on this, and I have assurances that the chairman of the Committee on Resources will work on this issue soon. But for now, it is essential that the recreation industry has certainty and ability to plan ahead for tours and recreation packages. The recreation industry needs to have a full year advanced knowledge of fees in order to plan tours and other services.

This program, begun in 1996, allows the National Park Service and the Bureau of Land Management, Fish and Wildlife Service, and Forest Service to charge certain fees for recreation activities and retain the fees at the site to reduce the backlog in deferring maintenance and enhance the visitors' experience. This is not a charge to enter the forest or the reserve, this is a fee for recreational activity.

To date, the fee program has raised nearly $1 billion to enhance recreation experiences on America's public lands. If we accept the DeFazio amendment and allow only the Park Service to have this authority, the other agencies will lose some $110 million over the next 2 years that go to maintenance and enhancing visitors' services.

We should not give this authority only to the National Park Service. This would cause confusion and inconsistency for our visitors to public lands. We need to work to create a seamless recreation program to make it easier, not more complicated, for visitors to our public lands.

The program has been discussed in numerous hearings in both the Committee on Appropriations and the authorizing committees, and has been the subject of several House Floor debates and votes, all of which have supported the program. We need to keep this program going while the authorizing committees address the permanent solution. This funding is very important to provide focused improvements to the huge backlog and maintenance needs and to increase specific services.

Please oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield myself 30 seconds, just to respond to the esteemed chairman.

I just want this to be conducted factually. The total amount of funds, including the Park Service, may be the number the gentleman quoted, but the actual amount of money in the last year that we have figures for for the Forest Service was $36 million, not $191 million, and only $13 million of that was applied somewhere, somehow on the ground. This program is, in fact, eating up more than half of its costs in overhead.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I thank the gentleman from Oregon for yielding me this time.

With great respect for my colleague and the committee, I rise in support of this amendment for this reason: When you get out my district in Oregon and over half of our lands are public lands. And the concerns raised by my colleague from the Lammot Valley are valid. People want to be able to go out and take the family, drive out one of these Forest Service roads, park their car, and walk out in the woods. They cannot do that now if they do not go buy a permit.

If my colleagues want to talk about confusion, there are parts of my district where now you have to buy 3, 4, or 5 permits, depending on which part of public land you want to go on, whether it is a public park or the National Forest Service or the county or whoever. I have to tell my colleagues, there are a lot of people who want us in this Congress to vet this issue better. I think it is only appropriate.

I have no problem paying a fee for a permit to plow the snow where I go skiing, and I do not know of anybody who does. I have no problem paying for developed campground areas, and I laud the effect of this program in that respect. But I resent the part of the program that says simply to take a walk out in the woods and look at trees in an undeveloped area, I have to go to some park ranger district somewhere or some Forest Service office somewhere that I do not even know where it is, maybe, and buy a permit to put in my window and spend 50 bucks or so so I can take my family out. I represent the 12th poorest district in the United States, and over half of our land is Federal land, and this is a burden these people should not have to shoulder.

So I support the gentleman's amendment. I think it needs to be vetted better in our authorizing committee, and I look forward to that opportunity.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding me this time. I listened to my friends from Oregon talk about this, and I substantially agree with everything that they are saying, but I do oppose the amendment.

I believe it is extremely important that we continue on this process. Obviously, it is a very popular program that has some problems, and as the authorizing committee which both of the gentlemen from Oregon sit on, we are going to sit down in the next couple of months and reauthorize this program and fix the very problems that you are describing here today.

I happen to believe that all of this money should go to increasing the enjoyment of the recreational experience on these lands. That was the intention of this program when it was adopted. The money should not be going to other things. That is the intention that I have going into authorizing this for all public lands, and I believe it is extremely important that we continue doing that.

I think it is a mistake to limit this at this point in time to just Park Service. I do understand what the gentleman's argument is, but I think it is a mistake at this point to do that.

I can tell my colleagues that I have had serious concerns over this program in the past and we have talked about that, but I do believe that we need to continue on with the program the way it is right now.

The authorizing committee is going to sit down and work on this. Obviously the gentleman from Oregon (Mr. DEFAZIO) is going to be a big part of that effort to move forward with reauthorizing or authorizing this program into the future, and the gentleman from Oregon (Mr. WALDEN) will as well. But we are going to do that.

I think it would be a mistake at this time to limit it just to the Park Service. It is an important source of revenue for local recreation in these areas, and I think that we need to continue doing that.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I share a lot of the sentiments expressed by the chairman. But I would point out that both of these programs, both the Forest Service and the Park Service are authorized by the appropriators through October 1 of next year, which would give our committee more than ample time to authorize before the expiration. Just to have a degree of certainty because people are so concerned about the parks, I said, well, the parks would still fall under the 2-year extension here. But the Forest Service, I just want to make sure that we get it done and the other body does not somehow mess us up on this.

Mr. POMBO. Mr. Chairman, reclaiming my time, I yield to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman. The gentleman from California (Mr. POMBO) is going to be studying this and making sure that these fees are for actual services, not visiting the recreation lands that the public already has paid for and owns, but getting special recreation services; is that correct?

Mr. POMBO. Yes, sir. The intention of myself and my committee is that this money will be going to enhancing the visitors to these recreational areas and national parks.

Mr. TAYLOR of North Carolina. Mr. Chairman, if the gentleman will further yield, if we find, I would say to the gentleman from Oregon (Mr. DEFAZIO) and to the gentleman from California (Mr. POMBO), that we are not providing actual services, I will join the gentleman in supporting the DeFazio amendment.

Mr. POMBO. Mr. Chairman, reclaiming my time, I appreciate that. And we have had the opportunity to discuss this in the past. There is a lot of concern, as the gentleman from Oregon (Mr. DEFAZIO) has brought up, about how this money is being used and whether or not it is going to enhance the experience of the people that are paying for it as it should. That is something that we are going to change. There is going to be very strict guidelines that come out of an authorization that goes to these agencies so that this does not happen in the future.

I will say I oppose doing the amendment at this point in time, but I will tell the gentleman from Oregon (Mr. DEFAZIO) that in the future, if we cannot authorize this program and change the way that it is being run, that I would join him in eliminating the program all together, because I think people that are paying to go into these Federal lands, these public lands should be getting something for their money, and I think there is a big question as to whether or not they are, the way the program is currently being run.

So at this point in time, I oppose the gentleman's amendment. I will work with him and others that have concerns over this program so that in the future, we have a program that works and enhances the experience that people have.

Mr. DEFAZIO. Mr. Chairman, could I get the division of the time that is left?

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) has 6 minutes remaining; the gentleman from North Carolina (Mr. TAYLOR) has 3 minutes remaining.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the bipartisan DeFazio-Bradley amendment to remove the bill's provision extending the recreation fee demonstration program. I rise also in support of the conversation which has just occurred and am happy to follow my California colleague, the Chair of the authorizing committee, first to note that this is not just an Oregon issue. There are thousands of miles of public lands, a lot of that in the western States, which are not national parks, but which are national forests and have multiple access points.

In my district on the central coast of California where Los Padres National Forest is in our backyard, few issues have galvanized such opposition as what we have come to call the recreational fee demonstration program known locally as the Adventure Pass.

□ 1100

There are many takes on that word by many of my constituents.

As the gentleman from Oregon (Mr. DEFAZIO) has said, this Recreation Fee Demonstration Program was passed into law without hearings in authorizing committees and without public debate. It sounds like it now will get a full hearing within an authorizing committee, which is a good thing. The program should not be blindly extended, however, another 2 years without oversight or debate.

I support full funding, as all of us do, for our national parks and recreation areas. I recognize there is a serious backlog of maintenance and recreation needs on our Nation's public lands, and a lot of that exists within these beautiful forests on the central coast of California.

The mismanagement of the program by the Forest Service as it exists today is staggering. The program was created to address the maintenance backlog on public land facilities, but only 50 cents of every dollar collected goes toward maintaining or improving our public lands. The rest is eaten up by administrative and collection costs and also litigation costs. Fifty percent overhead costs does not make an effective government program.

Let us find more equitable sources for this money. Americans should not be charged twice, our constituents say that over and over again, first through their taxes and then again through these fees to go and have a picnic in their backyard, to take a hike, getting out of their car and see a sunset in our national forests. Big logging companies are receiving subsidies for their activities on these very same lands.

Our national forests are natural treasures to be enjoyed today and to be preserved for future generations. I think we can accomplish this goal, but we should end the Adventure Pass misadventure. Let us go back to the drawing board, it sounds like we may be doing that, have hearings on this demonstrations program and conduct a full and open debate. I urge my colleagues to support this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

I agree with what the chairman of the Natural Resource Committee had to say, the gentleman from California (Mr. POMBO); and I think the problems of concern here can be addressed in a hearing for permanent legislation. So I think the chairman is right on.

I just want to point out this past week the National Public Radio had two segments on maintenance in the parks, and they probably overstated the case substantially about how terrible maintenance is, but without the billion dollars that had been brought in over the past 3 or 4 years from the fees, it would be a lot worse. And these fees are to stay in the park or the forest or the Bureau of Land Management, or whatever it might be, to enhance the visitors' experience. We want them to have good restroom facilities, trails, and the things that are important to the visitors.

To pass this amendment would confuse the public. Because the fee program is a package. It includes the Park Service, Bureau of Land Management, Fish and Wildlife, and USDA. The Forest Service has received over the period of this experimental program $206 million; and that has done a lot to enhance the visitors' opportunities.

But I think the questions that have been raised by the gentleman from Oregon (Mr. DEFAZIO) and addressed by the chairman of the Committee on Resources ought to be the subject of a hearing to make sure that the program works well for everyone.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to associate myself with the gentleman's remarks. The gentleman from Ohio (Mr. REGULA) was the person who was really the driving force behind the creation of the rec demo program. I think it has done enormous good, particularly in our parks areas. I think the chairman of the authorizing committee has given us appropriate promises that they will deal with this issue. I think we should defeat the amendment.

Mr. DEFAZIO. Mr. Speaker, Mr. Chairman I yield 2 minutes to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, I appreciate the commitments made by the gentleman from California to look at this very onerous program as it is implemented in the White Mountain National Forest in New Hampshire.

I am an avid hiker. I am taking part in what for many people in the Northeast is a lifetime accomplishment, to try and climb all of the 48 peaks in the White Mountain National Forest; and I am at 37. I constantly am hearing from my constituents how little they like this program and the reason they like this program so little is the hassle that is involved, and then to find out that the administrative costs are so staggering.

I really appreciate the comment from the gentleman from California to look at this, but I believe we can pass this amendment and finish and make a very clear statement that the program as it exists today does not need to be extended past September, 2004, and make sure that if a subsequent program comes into effect in the future that it is well run, that the administrative costs are within reason, and it is not an onerous burden, in particular, on the people that use the national forests where there does not need, in my opinion, to be an expensive-to-collect forest fee. I look forward to working with both sides on this issue.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to oppose the amendment. Before I do that, I would like to correct one thing on the record a few minutes ago. A statement was made that the timber companies get huge bonuses for cutting timber on public lands. That is not true. Timber companies bid for timber, a very little bit of it that is put up for sale, and there is no subsidy. They bid for it. They win the bid, and they pay for it. I do not know how you call that a subsidy.

Back to this issue. I have many forest service recreational sites in my district. We do not get a lot of complaints on this program. I see the benefits as where the money is put back into enhancement.

Let me tell you why it was needed. This Congress every year will take money that ought to go for maintenance of our parks and our forest service recreational sites to buy land. Buying lands wins every time. We have underfunded every one of our recreational opportunities, and because of that we have gone to a demonstration fee.

My State parks have fees. We want enhancement. People like these sites. People are using these sites more and more. They are wonderful. But if we want them well-maintained, we will have to help pay for them.

I think there are some problems in this system, but everything I have heard today would be very fixable.

Mr. DEFAZIO. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) has 2½ minutes remaining. The gentleman from North Carolina's (Mr. TAYLOR) time has expired.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the key points here are, and a number have been made by the gentleman from Ohio (Mr. REGULA) for whom I have great respect, that the Park Service needs this money. They do, and that is why I have offered this amendment. It is to make certain that we cannot fail in our duty to the Park Service. This would extend 2 years further, which means a grand total of 38 months for the Park Service before we would have to pass an authorization; and surely the United States Congress in 38 months can come up with a permanent authorization for the Park Service.

But what I fear is, and we have heard this before on the floor, I heard 5 years ago from a former chairman of the authorizing committee that he would never, ever support further extension without proper authorization. The gentleman is now retired, but we did reauthorize this program with a rider in an appropriations bill without going through the authorizing process.

I am pleased the current chairmen of the full committee and the subcommittee are working on legislation, but I fear this takes the pressure off, that if we pass now an extension for another 2 years from October 1 of 2004 for the United States Forest Service, we will not get to cleaning up that program and making the changes that need to be made.

I am surprised anyone would want to support a tax where 50 percent of the tax is spent on overhead, and that is what is happening with the Forest Service. And the other 50 percent we do not really know where that money is going. There is no tracking. There is nothing to show that is going to meet inventoried unmet needs or enhancement needs for the recreational experience of the people who are paying this tax. And it is, in fact, a tax.

Take the town of Oak Ridge in my district, totally surrounded by the national forests. If they go out to recreate with their families, just to drive up the nearest roads to park and walk over and fish, it is a paved maintained road, they are going to have to pay $35 to do that. Now that is not right. It is a low-income community, and it is just not right. They are surrounded by national forests. They don't have any options. They have to pay this tax.

Then, to add insult to injury, half of the tax they are paying is going to bureaucratic overhead; and they do not know where the other half is going because the Forest Service is not tracking it. We have no system.

I am certain the authorizing committee can rectify those matters, hopefully even eliminating a requirement of a tax on people who want to go to undeveloped recreation. I have no problem with charging this. It would obviously allow the continued charges at parks, but I do not have a problem for continuing to charge for developed campsites, boat ramps, special use areas, and other things on Forest Service and BLM lands.

I would urge my colleagues to support this because I fear if we once again, through this process, extend this for 38 months into the future for the Forest Service, we will never get to correcting this program.

Mr. McINNIS. Mr. Chairman, I rise today to provide broader explanation of my vote in favor of an amendment offered by my colleague, PETER DEFAZIO, which would remove a provision from the Interior appropriation spending bill extending the Recreation Fee Demonstration Program for the Forest Service, BLM, and Fish and Wildlife Service.

Historically, Mr. Chairman, I have been a proponent of the Rec Fee Demo Program under certain narrowly tailored circumstances. Regrettably, recreation-related appropriations have never reached the level of need. The agencies covered by the Fee Demo Program have experienced massive and growing deferred maintenance backlog expenses, large portions of which are recreation related. At the same time, more and more Americans are flocking to our national forests and parks to experience the wonders of nature. Under the weight of these self-escalating pressures, both the resource and the user-public suffer. This is unacceptable. I have supported the Recreation Fee Demo Program as a mechanism to augment recreation-related appropriations.

But when the Fee Demonstration Program was established as part of an appropriation bill in the middle 1990s, it was done so on a pilot basis. It was a public policy experiment—a test of the user pays concept, and the ability of the affected agencies to implement this authority fairly, wisely and with accountability, both to Congress and the user public.

Today, some 9 years after Congress initiated this laudible test, and several Fee Demo extensions later, I believe it is time for Congress to make a longer term judgment as to whether or not the program should be extended into the future. Piecemeal extensions for all agencies that yield no oversight and exact no accountability are no longer in order. I believe it is time for Congress to sit down and in a thoughtful and deliberative way review this experiment and determine what has worked and what hasn't.

We need to enter into a dialog with the user public, the affected agencies, the General Accounting Office and others with a stake in this program and make an informed decision—an accounting of lessons learned. Where weaknesses in the program exist, Congress should address them. Where strengths are found, those should be augmented. Where accountability has been lacking, greater accountability should be required. In any case, there is a legitimate policy debate that must be entered into before we again decide to extend this user pays experiment.

So while I commend Chairman TAYLOR and all of the Appropriations Committee members and staff who have worked so hard on this program over the years, I am voting for the DeFazio amendment today with the knowledge that I intend to work with the chairman of the Resources Committee, Mr. POMBO, as well as other interested members of the Resources and Appropriations Committee, in a deliberative and systematic discussion about the future of "user pays" on our national parks, national forests, and public lands.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 333. Subsection (c) of section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–61) is amended to read as follows:

"(c) USE OF FUNDS.—The Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this title in a manner consistent with the authorities exercised by the Tennessee Valley Authority before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, including campground management and visitor services, paid advertisement, and procurement of food and supplies for resale purposes.".

SEC. 334. Section 339 of the Department of the Interior and Related Agencies Appropriations Act, 2000, as enacted into law by section 1000(a)(3) of Public Law 106–113 (113 Stat. 1501A–204; 16 U.S.C. 528 note,), is amended—

(1) in subsection (b)—

(A) in the first sentence, by striking "not less than the fair market value" and inserting "fees under subsection (c)"; and

(B) by striking the second sentence and inserting the following: "The Secretary shall establish appraisal methods and bidding procedures to determine the fair market value of forest botanical products harvested under the pilot program.";

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph (1):

"(1) IMPOSITION AND COLLECTION.—Under the pilot program, the Secretary of Agriculture shall charge and collect from a person who harvests forest botanical products on National Forest System lands a fee in an amount established by the Secretary to recover at least a portion of the fair market value of the harvested forest botanical products and a portion of the costs incurred by the Department of Agriculture associated with granting, modifying, or monitoring the authorization for harvest of the forest botanical products, including the costs of any environmental or other analysis.";

(3) in subsection (d)(1), by striking "charges and fees under subsections (b) and" and inserting "a fee under subsection";

(4) in subsection (f)—

(A) in paragraph (1), by striking "subsections (b) and" and inserting "subsection";

(B) in paragraph (2), by striking "in excess of the amounts collected for forest botanical products during fiscal year 1999";

(C) in paragraph (3), by striking "charges and fees collected at that unit under the pilot program to pay for" and all that follows through the period at the end and inserting "fees collected at that unit under subsection (c) to pay for the costs of conducting inventories of forest botanical products, determining sustainable levels of harvest, monitoring and assessing the impacts of harvest levels and methods, conducting restoration activities, including any necessary vegetation, and covering costs of the Department of Agriculture described in subsection (c)(1)."; and

(D) in paragraph (4), by striking "subsections (b) and" and inserting "subsection";

(5) in subsection (g)—

(A) by striking "charges and fees under subsections (b) and" and inserting "fees under subsection"; and

(B) by striking "subsections (b) and" the second place it appears and inserting "subsection"; and

(6) in subsection (h), by striking paragraph (1) and inserting the following new paragraph (1):

"(1) COLLECTION OF FEES.—The Secretary of Agriculture may collect fees under the authority of subsection (c) until September 30, 2009.".

SEC. 335. None of the funds in this Act can be used to initiate any new competitive sourcing studies.

AMENDMENT NO. 7 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. SESSIONS: Strike section 335 of the bill (page 154, lines 12 and 13).

Mr. SESSIONS. Mr. Chairman, the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform and I approach the floor today to discuss section 335 which would block the Department of Interior from conducting public/private job competitions. As a result of this opportunity to be on the floor, the gentleman from Virginia (Mr. TOM DAVIS) and I have chosen to have side-bar conversations with the chairman of the committee.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Let me make a couple of comments.

First of all, the underlying language in the bill gives me concern because it stops all competitive sourcing in the Department of Interior. I think the current administration plans are probably an overreach. I think there are a lot of concerns that are expressed over the current A–76 circular, and I get concerned sometimes that they may be biting off more than they can chew, moving a little faster and competitively sourcing too many things at one time and not exercising the appropriate oversight.

But I think banning it in its entirety from this or any other agency is probably ill-conceived because, after all, this is one of the pillars of the administration's management policies, of their agenda. This provision constitutes really an unprecedented intrusion in the executive management discretion.

Having said that, I do want to express a couple of concerns about the President's agenda on this issue. One is that we need to be concerned about Federal employees who enter for career service and will have their jobs uped every 5 years. And I think for competitive sourcing in terms of their being able to look at the appropriate career path, particularly in some of these areas, we have talked to a number of Members on this, and if we could get some kind of reading where the President would have some kind of flexibility in this area, I think we could move ahead.

I appreciate my friend, the gentleman from Texas (Mr. SESSIONS), offering this amendment. I think it is the right way to go when you get overreaching amendments like this on there, and I certainly support his efforts.

Mr. SESSIONS. Reclaiming my time, I would like to engage, if I could, in a colloquy with the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee, concerning this matter.

Mr. Chairman, it is my hope and belief that you and I will be able to work together on this issue such that it might be able to be resolved in conference; and it is my understanding that what we will do is, as we work towards that resolution, it will allow completion of the work today to move on this bill and then that negotiation to begin.

Mr. Chairman, I yield to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I appreciate the gentleman's understanding, and I certainly will be willing to work with him.

I want to say at the outset we do not oppose competitive sourcing. I also want to say that this is not a limiting amendment. Section 335 provides that all studies that are currently ongoing for fiscal years 2002 and 2003 shall be completed and the results of those studies should be reviewed before new studies are initiated. The language makes no judgment on what the outcome of those studies should be, and it merely is an attempt to ensure appropriate congressional oversight of this important initiative.

The Interior Committee on Appropriations is no stranger to competitive sourcing. In 1996, the committee required the United States geographical survey to contract out 60 percent of its map and digital data activities. In 1999, the committee required the outsourcing of 90 percent of the National Park Service's consultant operations. So we are certainly no stranger in outsourcing, and we do not oppose that at all.

What we expect is clear budgeting in annual budget requests the amounts and purpose of the study, complying with the committee's reprogramming guidelines for use of funds that have not been clearly indicated in budget request, and OMB should provide clear direction to the agencies on how to manage these studies in a fiscally responsible manner.

□ 1115

We will be happy to work with the gentleman from Texas between now and conference, and hope that we can do that.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, I also thank the gentleman from Virginia (Mr. TOM DAVIS) the chairman of the Committee on Government Reform. It is obvious to me, based upon this dialogue, that we will work diligently between now and the time that the conference on this important bill comes forth.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in opposition to the Sessions-Davis motion to strike the bipartisan language in the FY 04 Interior Appropriations bill that protects our National Parks by requiring a reasonable delay in the administration's efforts to outsource National Park Service jobs.

As the Ranking Member of the National Parks and Public Lands Subcommittee, I have met and worked with many of the hard-working men and women of the National Park Service—a significant number of whom are minorities and women. Instead of promoting and increasing diversity within the Park Service, it is likely to do the opposite, especially at higher levels, but we appreciate the Director's concern for this and want to work with her and staff to ensure such diversity is enhanced.

It disturbs me, that the National Park Service has spent millions of dollars on outsourcing positions which are central to the protection of our national treasures at the expense of enormous pressing fiscal needs of the parks, without Congressional approval.

Furthermore, the significant costs of fulfilling the Administration's quotas are unfunded and these costs could seriously hurt visitor services and seasonal operations. The privatization of 808 of the 1,708 jobs in question could carry consultant costs of up to $3 million.

The bipartisan language in the Appropriations bill, which this amendment seeks to strike, protects the national parks by requiring a reasonable delay in the administration's effort to outsource National Park Service jobs. It would provide a reasonable pause in order that these issues are evaluated responsibly and that their ultimate resolution is in the best interest of protecting our national Parks for future generations.

I urge my colleagues to reject this motion to strike and support our National Parks and the hard working men and women who are dedicated to their protection.

Mr. MORAN of Virginia. Mr. Chairman, I rise today to speak against the Sessions-Davis amendment. The provision contained in the Interior Appropriations bill that this amendment seeks to strike, is a well-crafted, bipartisan effort that has the support of both the chairman and the ranking member of the subcommittee.

After careful review of the Office of Management and Budget's competitive outsourcing initiative, the subcommittee believed that the massive scale on which the initiative is being carried out and the arbitrary targets involved is of great concern, especially considering the enormous costs associated with the initiative which are expected to be absorbed by the agency.

During last year's consideration of the FY03 Treasury-Postal Appropriations bill, I offered an amendment prohibiting OMB or any other federal agency from using numerical quotas, targets, or goals for outsourcing initiatives. The point was to give federal agencies the flexibility to contract out as much or as little government work as they feel is necessary to meet their mission requirements.

The House passed this amendment overwhelmingly with bipartisan support. Unfortunately, the provision was watered-down in conference and the administration is still moving full steam ahead with their quotas-driven agenda for the current fiscal year.

As has been reported in the news over the last several weeks, in an effort to meet OMB's quota for the end of this fiscal year, the Interior Department has targeted thousands of jobs to be outsourced including archaeologists, scientists, engineers, and firefighters. Specifically, Interior's quota is 5,000 jobs, with the biggest piece—1,708 jobs—coming from the Park Service.

To conduct these massive outsourcing studies, the department is diverting critical funds and staff from high-priority assignments and consumed funding that is directed towards fulfilling important mission-essential requirements.

Personnel from the Interior Department agencies, including the National Park Service and Forest Service, have expressed concern over the declining morale due to OMB's rigid and arbitrary requirements.

With this country in the midst of a "human capital crisis" what kind of message does this send in recruiting and retaining our best and brightest to safeguarding America's natural treasures.

Time and again, OMB has refused to supply any research or analysis to justify the privatization quota, despite a report requirement in the FY 2003 Omnibus Appropriations Bill.

What Section 335 in the Interior Appropriations bill does is limit competitive outsourceing studies that are underway for fiscal years 2002 and 2003 until the department and agencies submit a report detailing schedules, plans, and cost analysis.

Striking this section would only give OMB the green light to continue with their competitive outsourcing initiative without the oversight and accountability reasonably requested.

I understand the sponsors of this amendment have agreed to withdraw their amendment. I thank them for doing so and support the retention of Section 335 of the Interior Appropriations bill.

Mr. UDALL of New Mexico. Mr. Chairman, I rise in opposition to this amendment.

Section 335, which this amendment would strike, is a calm and measured response to a problem that is jeopardizing the ability of the Department of Interior and related agencies to safeguard America's natural treasures.

This is about taking measures to make sure our national treasures are not put at unneeded risk by brash privatization with unclear results. The section would not halt the many outsourcing studies currently ongoing, nor would it stop new outsourcing studies from being commissioned before this bill is enacted. It would simply suspend privatization efforts in 2004 to allow the House Appropriations Committee to review an "in-depth" report on the results of pending privatization efforts.

Section 335 is crucial because Interior and related agencies are currently under extraordinary pressure to privatize critical programs because of an onerous quota imposed upon all agencies by OMB to review for privatization 15 percent of their "commercial" activities by the end of fiscal year 2003.

This quota is being applied regardless of the impact on the mission of Interior and related agencies or the needs of all Americans who depend on those agencies for efficient and reliable service. In fact, OMB has refused to supply any research or analysis to justify the privatization quota, despite a report requirement in the FY 2003 Omnibus Appropriations Bill.

The Forest Service expects to spend $10 million during FY 2003 to meet the competitive sourcing mandate from the OMB. Instead of concentrating on bolstering emergency fire fighting, the Forest Service's contracting officers will be carrying out OMB's privatization quota. Instead of using funding to hire seasonal employees to handle the crush of summer visitors and making much-needed repairs to bridges, cabins, and historic buildings, the National Park Service will be paying high-priced privatization consultants. As the Committee report states, "this massive initiative appears to be on such a fast track that Congress and the public are neither able to participate nor understand the costs and implications of the decisions being made."

That is reason enough to temporarily pause the funding of new outsourcing studies.

In addition to the devastating impacts this arbitrary outsourcing quota could have on the visitor services and seasonal operations of our National Parks and Forest Service, this plan will significantly undermine the diversity in the National Parks Service and Forest Service workforce. According to one Administration official, the current plan to outsource more than 1,700 jobs by the end of Fiscal Year 2004 will disproportionately affect minorities.

This comes at a time when the Park Service has explicitly stated its mission to improve diversity in its rank and file.

The fact is, we don't know what the full impacts of the OMB's privatization plan will be. That's why this language was put in the bill, and why it should stay in the bill.

Section 335 is bipartisan.

Section 335 would not prevent Interior from continuing privatization reviews already underway.

Section 335 simply says, "proceed with caution" when it comes to our national treasures.

I urge my colleagues to vote against this amendment. A "no" vote is a vote to protect our National Parks and Forest Service.

Mr. DAVIS of Illinois. Mr. Chairman, on this day, I will join many of my colleagues in voicing my disapproval of the amendment presented by Rep. PETE SESSIONS and Rep.

THOMAS M. DAVIS III on H.R. 2691. H.R. 2691 makes appropriations for the Interior Department and related agencies for the fiscal year 2004. This amendment strikes out Section 335 from the bill which prohibits new competitive sourcing studies.

In the Interior subcommittee's report language, a bipartisan majority of lawmakers expressed concern about the massive scale, the arbitrary targets, and the cost. This initiative remains on a fast track, without consideration for the implications or impacts of such a massive privatization scheme. The haphazard manner in which agencies are implementing privatization has had a horrendous impact on the agencies' abilities to provide basic services and due to a incredibily short timeframe, agencies have been unable to designate and protect those programs that are "inherently governmental" as well as critical programs, which should not be subject to privatization.

While we support our federal agencies in their efforts to streamline their processes, we contend that all efforts to ensure the success of innovative process management requires due diligence, and should be afforded all resources necessary to conceptualize, plan, test, implement and evaluate said processes. As our agencies are forced into a trust relationship with contractors, they are faced with conflicts which impact their Vision, Mission and Goals of providing efficient and effective quality services to our Nation, while ensuring the solvency and viability of its organization and workforce. We must remain diligent and steadfast in our efforts to protect the Workforce of America, and we must ensure that we do not replace our existing workforce with a new Corp of Contractors, whose Statements of Work preclude them from the commitment and accountability which has remained the focus of our Federal workforce.

Mr. Chairman, I urge my fellow members of Congress, to vote "no" on this amendment, which, sir, is a vote "yes" for the future of America and her workforce.

Mr. SESSIONS. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would simply like to say that I am pleased to see that the proposed amendment was withdrawn, but I just needed to respond to one thing that one of the previous speakers said. I believe it was the gentleman from Virginia who indicated his disquiet about the committee provision because he said this goes to "one of the pillars of the administration's management policy."

That may be, but I think it is worthy to note that the administration's initiative runs the risk of screwing up one of the pillars of American excellence, which is the National Park Service. To me the value of keeping the National Park Service whole without outsourcing many vital activities of the Park Service is that you, first of all, maintain the institutional memory that comes from that dedicated service. You maintain the passion for the mission of the National Park system, which is I think part of the appeal to virtually every American citizen who visits one of the crown jewels of this country's heritage.

I think it is also worth noting that the park system lives off the volunteer activities of thousands of Americans who give their time and service to help fill in the gaps in making certain that those parks are fully open to everyone. I think it is obvious, and I know I have heard many volunteers say, look, I give hours and hours of time to the parks, but I would not give one hour of time simply to improve the profitability of a corporation.

I appreciate the gentleman's desire for some flexibility on this, and I know that the gentleman from North Carolina (Mr. TAYLOR) means what he says on that score, but I would hope that the administration will take a second look at what they are doing with respect to the Park Service. Because if there is one institution in which the public has confidence, I think it is the National Park Service.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I join with the gentleman's comments on the Park Service. The difficulty with this amendment is it was Department-wide throughout the Department of the Interior. Hopefully, we can come up with some satisfactory language that will satisfy the gentleman's concerns and ours as well.

Mr. OBEY. Mr. Chairman, in addition to the Park Service, I think there are many other agencies that are just as professional and just as crucial, such as the Forest Service, the Bureau of Land Management, and many others. I marvel at the quality of individuals who are in many of those jobs throughout the country.

The parks are a spectacular national asset, and I think we have to take great care before we mess something up. If ever we ought to follow the rule "If it ain't broke, don't fix it," we ought to follow it with respect to the Park Service, the Forest Service, the Bureau of Land Management and many other services who have incredibly dedicated employees, at least as dedicated as any of us are.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to add my own personal concern here, particularly with the Forest Service and the Park Service, because the way the funding for these studies were done violates the reprogramming agreements that the Committee on Appropriations has with the agencies. This has been called to their attention by the committee with the chairman's leadership.

I think it is very crucial that we protect the integrity of the reprogramming process so that agencies are just not taking money and going out and doing these studies without getting the prior approval of the Committee on Appropriations subcommittee.

Mr. Chairman, I rise to oppose the gentleman's amendment to strike the language carried in our bill with broad committee support.

The bipartisan language related to competitive sourcing was well thought out and should remain in our bill. Congress must ensure that our agencies are not spending untold millions of dollars related to outsourcing activities without any defined plan from the administration about what the goals are and how much money they intend to spend.

I am deeply concerned about the loosely defined policy and believe that the committee was well within its bounds to simply ask for a "pause" until we can better understand the parameters of the policy. The Chairman and I were extremely surprised to learn that agencies within the jurisdiction of our Subcommittee were spending, or were planning to spend, millions of dollars on competitive sourcing without coming to the Committee through the normal budget process to tell us how they intended to pay for it.

Recently we learned that the Forest Service had already committed $10 million on these studies despite the fact that they are still owed $372 million in un-repaid forest-fire borrowing from 2002. The agency also admits that their budget for the National Fire Plan is insufficient, making borrowing more likely each season. For the life of me I simply cannot understand how the Forest Service could find the money to study outsourcing when they clearly don't have the money to fight forest fires without raiding other accounts.

Adding to this, neither the Forest Service nor the National Park Service has come to the Committee for a formal reprogramming. Instead, the agencies apparently moved forward on this on their own. I am deeply troubled that the Park Service would undertake this effort without prior approval from Congress, especially since their own budget estimates suggest that these studies would cost $3,000 per FTE.

Last month, Mt. Rainier National Park in Washington State was featured in an article in the Washington Post regarding outsourcing. The article detailed a memo that was sent to parks in the West from the Director's office that warned of budget cuts to pay for anti-terrorism policing and consultants to study outsourcing. Cuts that meant several projects that were ready to go in these parks would not happen this year. Administrators at Mt. Rainier had been instructed to absorb a 40% cut in their repair budget, which obviously meant several projects would not happen.

I have been a member of this Subcommittee for 27 years. I am intimately aware of the backlog of maintenance on our public lands—and particularly our parks. Yet here we see money being literally pulled back from the field—money that Congress appropriated and directed how it would be spent—going towards consultants. As soon as I finished the article, I called Park Service Director Fran Mainella personally. I was able to get an agreement with her that this money would in fact not be pulled from Rainier—but I'm not convinced that other parks are not in some jeopardy.

I understand the agencies seem to be caught in the middle of a larger issue between the Office of Management and Budget which is pushing hard on outsourcing, and the Congress which is understandably concerned about the policy. This is precisely why we need this language. We have got to have a better understanding of the goals and costs of outsourcing. Only then can we make a rational decision about how—or if—to proceed.

Mr. SOUDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman from Texas (Mr. SESSIONS) and the gentleman from Virginia (Mr. TOM DAVIS) for withdrawing their amendment. I was planning to oppose the amendment and speak on the floor. I think as they work with the gentleman from North Carolina (Mr. TAYLOR) to work out compromise language, it is a step in the right direction. It is very important that we do this in a systematic way.

I have supported the gentleman from Virginia (Mr. DAVIS) and continue to believe that contracting out is one method to make government more effective. I believe contracting out has worked well, including in the Park Service. Some parks are 50 percent contracted out already.

The question is, do we move full steam ahead, kind of willy-nilly bidding, or do we do this in a logical, orderly way? Some of these areas are in very remote areas. Contracting will work or not work in some of the urban areas. There are many variations in the Park Service and other institutions.

Generally speaking, I believe it is important to put on the record that parks already contract out. The Forest Service already contracts out. We need to have an analysis on where they are on that. It is not whether Members are for or against the original amendment. It is not for or against contracting out. It is more what the chairman was trying to address. Let us do this in a logical way.

I hope the conference compromise works to address that, but I am concerned that just to do it the way the administration was going ahead with the National Park Service would have done grave damage to the most effective institution and an institution which already had been following mandates on contracting out at a time when they are under tremendous budget pressures, when we in Congress keep adding units to the Park Service, keep adding heritage areas to the Park Service, and while we have increased funding, have not increased funding at a rapid enough rate.

We have homeland security pressures on the parks, narcotics pressure, and at the same time the money is not keeping up. This would have had a tremendous demoralizing effect on the entire National Park Service had we not taken this effort to work it out.

At the same time, I think it is important to acknowledge that there will be contracting out, there has been contracting out, and we just need to do it in an effective way.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is my great privilege to represent portions of Mount Rainier National Park and Mount St. Helen's National Monument. I would like to associate myself with the remarks of the gentleman from Indiana (Mr. SOUDER).

I personally know some of the people who work in these fine resources for the benefit of the American people. Our national parks are truly great treasures of the people of not only our country but the entire world. The people who work in these parks are not there, for the most part, for the money. They are there because they value and cherish this resource.

I can tell Members, having spoken to some of these folks, that this move towards privatization has had a chilling effect on morale. Let me share two brief anecdotes not just germane to this issue but about the broad effect of privatization.

A dear friend of mine works for the U.S. Geological Survey, and he told me that when he first began working for USGS he and his colleagues put in typically 60- 70- 80-hour work weeks, not getting paid overtime, just putting in personal time because they so cared about their mission. Indeed, when Mount St. Helen's erupted, many of the geologists who were there had taken vacation time on their own time to be there to study that danger, and some lost their lives in the disaster.

Last week, I was flying back here with a member of the civilian workforce who is in charge of safety at naval facilities. She told me that what surprised her most was how dedicated many of her employees were even as they faced privatization. But I also hear that it is only humanly natural, if one believes their job is soon to be put on the block, it is difficult to establish the institutional loyalty to put in that overtime, to develop the career path that will lead to the skilled and the trained and accomplished experienced workforce we need to staff our parks and other Federal agencies.

In the name of our dear love for these resources, I plead with the committee to make sure that we do not move forward with this privatization. I thank the sponsors of the amendment for withdrawing it, and I will vigorously oppose the amendment should it reemerge.

Mr. SHADEGG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on the issue of hazardous fuels reduction activities, as the gentleman from North Carolina knows, many of our national forestlands are covered with unnaturally dense vegetation. This unnaturally dense condition has contributed immensely to the devastating wildfires which the western United States is experiencing right now and which it has experienced for the last several years. My own State of Arizona is experiencing the most severe wildfires of the entire West right now and is being devastated by those fires.

Scientific research has shown that unnaturally dense vegetation not only leads to an extreme risk of catastrophic wildfire, such as the Rodeo-Chediski fire we had in Arizona last year and the Aspen fire we are having this year, but also that overgrowth in and of itself is extremely damaging to the health of the forest ecosystem.

One example is the bark beetle infestation, which is currently affecting over 800,000 acres of forest in Arizona, and whose outbreak was directly tied to the overdense tree growth in our forests. Insect infestation not only kill and weaken the vegetation but also increase the threat of fire.

Hazardous fuels reduction treatments which are narrowly confined to the wildland-urban interface are simply ineffective to reducing the risk posed by catastrophic wildfire both to communities, watersheds and to the overall forest ecosystem. During the Rodeo-Chediski fire, which destroyed almost 1.5 million acres in Arizona, that fire jumped on some occasions more than 3 miles ahead of the main fire line. As a result of that, it is obviously futile to confine hazardous fuel treatment activities to just the narrow wildland-urban interface, a ban often defined as half a mile wide. If the fire can jump 3 miles, thinning and protecting a half mile will not protect the forest or the communities.

Mr. Chairman, I appreciate your efforts on this issue and I would like to clarify that the Forest Service hazardous fuels and authorities in this legislation are not limited to that narrowly defined wildland-urban interface but may be used in those areas of the forest where hazardous fuels reduction activity is needed the most, not just to protect homes and structures in communities but also to protect the forest itself and the overall forest ecosystem.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman. I agree that many of our National Forests do have unnaturally dense growth which contributes greatly to the extreme threat of catastrophic wildfire that our forests and communities face. Such fires pose a serious threat to the lives and homes of individuals who live in these communities and also to the health of the forest ecosystem, as the gentleman points out. Using funds and authorities in this act, the professionals of the Forest Service should use the best local information to prescribe treatments where needed to effectively reduce the threat of wildfire by improving the health of the forest ecosystem.

Mr. SHADEGG. Mr. Chairman, I appreciate the efforts of the gentleman from North Carolina (Mr. TAYLOR), and I appreciate the gentleman clarifying that those funds can be used where most needed.

□ 1130

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

At the end of the bill (before the short title), Insert the following new section:

SEC.   . Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by one percent.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 10 minutes to be equally divided between the proponent and an opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will admit that I offer this amendment with a great deal of ambivalence because the gentleman from North Carolina (Mr. TAYLOR) takes a back seat to no one when it comes to trying to get control of the spending of our Federal budget. I have appreciated that over the years and have worked with him over the years on this effort.

This amendment does offer an across-the-board cut of 1 percent or about $194 million. Actually I think this is generally a good bill. It addresses concerns that I have concern about, many things that are very important to me, many areas that I have been concerned about for years, including wildfire prevention and suppression. It has managed to do this at a level of about $186 million less than last year. I appreciate that. That took a lot of effort. It is still $110 million over the President's request, however.

I offered a similar amendment on the Labor-HHS bill a week ago and intend to do this on most of the appropriations bills, so it is no reflection on your bill. It is just that I want some way to express the concern. Last week when we were talking about this, we were talking about a $400 billion deficit. Today they have changed those projections and now we are talking about a $450 billion deficit and say next year it will be $475 billion. When I arrived in Congress in 1987, we were running a $200 billion deficit and everyone thought that was the worst problem facing us. I have devoted over the years a lot of attention to that. We finally did balance the budget, and now we have a deficit that is twice as much as we were talking last year.

I know that in circumstances like those we face with a sluggish economy and mounting war costs, that we need to show fiscal restraint and we need to show that balancing the budget is an important value and an important priority that we are still concerned about. It seems like when we have the excuse of the war and the economy, that all of a sudden we say, oh, well, we've got that excuse so we can continue to spend. I thank the gentleman for the good job he has done on this bill. I do offer this amendment and urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. I appreciate the gentleman's tireless effort in trying to work in the areas of budget control. I know yesterday the announcement was made that we are in a deficit of $450 billion. We must work to solve that this year and in future years as we move forward. That is why, Mr. Chairman, we have opposed a number of much larger amendments, of over $100 million or $500 million that have been proposed here yesterday and this morning. We have worked the best we can to balance this bill. We think it is a good bill.

There are 13 subcommittees. We work with one, with the Interior and Energy. We hope that we can convince the Senate to go with us and we will come out with a balanced appropriations bill that will be conservative as well as meet the needs of our Interior Department.

Mr. Chairman, I reserve the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS), the ranking member.

Mr. DICKS. Mr. Chairman, I have the greatest respect for the gentleman from Colorado, but I think in this case this amendment is ill-advised. First of all, on the issue of how much it would affect, it would take $196 million out of this bill, a bill that is already inadequate in many respects. We get right to the first two items, conservation spending, which has already been devastated, would be cut $10 million, and then right here on the issue that is so important out in the West, wildfire funding would be cut $23 million. The administration is up here with an emergency supplemental asking for well over $200 million to add to this. How could we cut $23 million out of wildfire spending in this across-the-board meat axe approach?

If you are going to have an amendment to reduce spending, I think you are better served in picking out the items you want to make reductions in. Maybe some of them would be over 1 percent. But to cut wildfire funding is just not responsible in the situation we find ourselves in. In fact, the agencies under this bill have had money borrowed from them to pay for the 2002 fire season that the administration has not even requested the funding to put back into place. So to compound that problem with another cut of $23 million to me is just not responsible.

And then you get over to the Bureau of Land Management and there is another $7 million for BLM fire that would be cut. So you have got $23 million in wildfire funding and another $7 million in BLM fire funding, and then you get to the Forest Service and it is $16 million, another $16 million. Or maybe it is the two of those together is $23 million. I think that is correct. The point is taking that kind of money out of this bill is just not right and it is going to go to conference. The House and the Senate are going to get back together. There is going to be a 302 allocation and we are going to fund the bill at the end of the day at the level that we have gotten an allocation for.

I think this is just a waste of time and I urge a "no" vote on this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, while I oppose the amendment, I yield 1 minute to the gentleman from Colorado (Mr. HEFLEY) in opposition.

Mr. HEFLEY. Mr. Chairman, I have yielded back my time, and I do not want much time, but I want to say the gentleman from Washington is using the oldest trick that government uses and, that is, when any time you try to cut something, you pick out things and say, oh, it's coming out of here, it's coming out there. No, it does not have to come out here, and there. It can come out somewhere in there where they find waste, where they find things that are not the top priorities. You set the priorities and decide where that is. It does not have to come out of wildfire or some of the things are more high priorities. But this we do all the time. Anytime you talk about cutting, this is what we say we do.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I hate to do this to the gentleman because I have the greatest respect for him, but it says here, "Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent." So it takes every line item and reduces it by 1 percent. That means $23 million comes out of firefighting. I do not think that is what the gentleman intended because I have the greatest regard for him, but this is why we should vote against this amendment because of its unintended consequence because the language says one thing and the discussion and description of the amendment says another.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MANZULLO:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. MANZULLO. Mr. Chairman, I am here today to ask this House again to engage in the struggle that we have to try to return this country to some semblance of a manufacturing base. We are now down to 14.5 million workers engaged in manufacturing. That is about 6 percent that we have lost in the past 2 years. For the past 35 months, we have lost an average of 55,000 manufacturing jobs. We are being bored out. The jobs that we have left in manufacturing, many of them you might as well say we are in the process of assemblers as opposed to manufacturers.

What this bill does is simply say as to acquisitions by the Department of Interior, which procured about $2.5 billion last year with regard to new construction, repair buildings, roads, dams, bridges, culverts and other projects, it simply says as opposed to using the 50 percent figure in the existing Buy American Act, that we raise it to 65 percent. This is no hardship to the Department from adapting to a higher percent of American domestic content for its procurements. We owe nothing to any foreign countries to guarantee them the opportunity to make things to put into our precious national parks. The area that I represent, Rockford, Illinois, in 1981 led the Nation in unemployment at 25 percent. Rockford today is at 10.5, 11 percent.

Again today I got a letter from another manufacturer closing down a facility saying, sorry, we're moving everything to China. I just wonder how much bleeding, how much hemorrhaging the people of this country can take where there no longer will be any manufacturing jobs left enough to pay the taxes to buy the things that the government wants to buy. This is a simple statement, that the things that we put into our national parks, the things that the Department of Interior buys, the desks, the telephones, the stationery, at least let us use our government procurement to level the playing field and to keep Americans employed.

I would implore this House if this amendment were in order, which it is not, but under any circumstances to force our government agencies, at least them, the ones that are using U.S. taxpayers' dollars, to increase the content of the things they buy from 50 to 65 percent.

Mr. Chairman, with that statement being made and because of the rules of the House, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 17 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available for "NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES—NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION" and by increasing the amount made available for "DEPARTMENT OF AGRICULTURE—FOREST SERVICE—WILDLAND FIRE MANAGEMENT" for hazardous fuels reduction activities by $57,480,000 respectively.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 10 minutes to be equally divided between the proponent and an opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

The last two fire seasons have been devastating for the American West. Millions of acres in States like Arizona, Nevada, Oregon and Colorado have been reduced to charcoal by catastrophic wildfire. By most estimates, an additional 73 million acres at the very least remain at extreme high risk to catastrophic wildfire. To put that in perspective, 73 million acres is an area larger than the State of Arizona.

Central to reducing the threat that these unnatural fires pose to communities, water quality and wildlife is restoring our densely packed forests to a more natural state.

□ 1145

To do that, we must thin our forests.

Mr. Chairman, I believe that the Healthy Forests bill we passed earlier this year will go a long way towards streamlining the "analysis paralysis" that has prevented our land managers from reducing the threat of wildfire in our overstocked forest. But in order to carry out more thinning projects, as many of my friends on the other side are fond of. pointing out, the Forest Service needs additional funds.

I want to give them an opportunity to put their money where their mouths are. If adopted, my amendment would transfer $57 million to the Forest Service for thinning operations from the National Endowment for the Arts. While this amendment only reduces its budget, few programs seem more worthy of outright elimination than the National Endowment for the Arts. First created in 1965, the NEA has been one of the most controversial government programs on the books almost since its inception. The most notorious aspects of the NEA have been talked about for many years, and I will not go into them today.

In a tight budget year like this, it is irresponsible to squander scarce public funds on subsidizing the arts to the tune of $117 million. Clearly, enhancing the ability of the Forest Service to protect communities from wildfire is a better use of our public funds.

In 1905, President Theodore Roosevelt's Agriculture Secretary James Wilson wrote a letter to the first chief of the Forest Service, Gifford Pinchot. In that letter Wilson wrote, "and where conflicting interests must be reconciled, the question should always be decided from the standpoint of the greatest good for the greatest number over the long run."

The choice between buying art with our tax dollars or protecting our communities from the catastrophic wildfires should be a no-brainer. It does not take a rocket scientist to determine which of these programs benefit the "greatest number over the long run." I hope the Members will keep Mr. Wilson's words in mind when they consider the merits of my amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from North Carolina (Mr. TAYLOR) seek the time in opposition?

Mr. TAYLOR of North Carolina. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this amendment. The committee bill already includes a large $20 million increase for fuel reduction work, fully $15 million above the President's request. This work is essential, but the agencies can only ramp up so fast in, and extra funding is not needed this year.

Our bill makes a very strong contribution to the national fire plan. It is something that the Members can be proud of.

The bill also increases wildfire suppression funding by $179 million and an $89 million increase for wildfire land restoration, forest health projects, and State and community fire assistance. Despite the good intentions of this amendment, I must oppose it. We have a balanced bill, and we think that we can help in many areas, especially in the areas of forest restoration.

Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. This would take $57 million out of the National Endowment for the Arts. I think that is a big mistake. We are going to work on these fire issues. The chairman and the committee have added funds for that purpose. We have money coming up in the emergency supplemental. So I think this amendment is not warranted and should be strongly opposed.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the distinguished gentleman from Wisconsin, ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I would simply say I would join both gentlemen in saying that some of these amendments I guess I would refer to as the "anything you can do, I can do better" amendments. It sometimes seems that no matter what the committee will do someone will want to move a dollar and a half around in order to make a political point. That is legitimate. Sometimes I do it. But I think we need to recognize it for what it is. There is no reason we ought to be robbing Peter to pay Paul. We ought to be funding both of these accounts adequately, and I would expect that by the time the bill works its way through the process, we will.

I thank the gentleman for yielding.

Mr. DICKS. Mr. Chairman, reclaiming my time, I will make one final comment. No Member has worked harder to increase funding for firefighting in these bills than I have. The gentleman from North Carolina (Chairman TAYLOR) and I have made this one of our very highest priorities and included a $335 million increase over the current year for firefighting programs. In addition, we have worked with the gentleman from Florida (Chairman YOUNG) to ensure that additional funds for the current fire season are included in the emergency supplemental bill which we hope to conference this week.

So what I would suggest to the gentleman is that he should join us in opposing the Hefley amendment that would take another cut out of firefighting. But let us all oppose the Tancredo amendment for this meat-ax approach to the endowment.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I consume.

We are interested in how this is playing out. The gentleman just a few minutes ago, in discussing the gentleman from Colorado's (Mr. HEFLEY) amendment, said that these accounts were underfunded, that the President had not replenished them to the extent necessary, and I am giving the gentleman an opportunity to in fact replenish these funds.

Any appropriations is a priority-setting document. That has been stated over and over again, and it is certainly the truth. So I am simply asking people on the floor of the House and this body to establish a priority here. What is more important? Is it, in fact, the preservation of our forests? Is it to try to mitigate against the catastrophic fires that we have been experiencing and that we will continue to experience because of the overloaded conditions in the forests? Is that more important than purchasing $50 million worth of art?

The gentleman and I both know I think it is patently clear that, regardless of whether or not the Federal Government ever bought a piece of art or funded a particular artist, art would thrive in America. People would paint. People would do everything that they have been doing, regardless of whether or not the Federal Government chose to participate in that particular endeavor. So, again, I am just asking that the House establish a priority here. What is more important? Our forests or somebody's opinion of what is art and how everyone's constituents should be taxed to support it? I mean, that is really the question we are facing here.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. BLUMENAUER:

Add at the end, before the short title, the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to enter into any new commercial agricultural lease on the Lower Klamath and Tule Lake National Wildlife Refuges in the States of Oregon and California that permits the growing of row crops or alfalfa.

Mr. BLUMENAUER. Mr. Chairman, it has been over a year since we last considered this amendment. In that period of time we have come right back to an era of water shortage. Actually, we had a little rain, but the controversy continues.

Last year, after the amendment was voted on, we saw an unprecedented 33,000 fish killed by what many claim was a direct result of a lack of water. Whether my colleagues think that was entirely the case or not, virtually any common-sense appraisal would understand that the water shortage did, in fact, contribute to the problem.

We are in a situation, Mr. Chairman, where we have an elaborate system of plumbing in the Klamath Basin that basically we have a problem where there is not enough water. I have had people from the Basin calling our office expressing appreciation for raising these issues.

Because the fundamental problem is not fish. It is not problems with the native Americans, the sportsmen or waterfowl, and it is certainly not the problem with the farmer. It is that the Federal Government has promised more than this elaborately plumed basin in the middle of a desert can deliver. We have overcommitted tens of billions of gallons, and we will continue to have all these problems. We will continue to see fish dying, wildlife habitat destroyed, the demise of recreational commercial fishing activities, and we are going to continue to see farmers in the Basin pinched.

The Federal Government right now, today, can make a small but significant improvement by reducing millions of gallons of peak summer demand.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto to be limited to 30 minutes to be divided as follows: 10 minutes to the proponent, 15 minutes to the chairman of the Committee on Appropriations, and 5 minutes to the ranking member.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. So the gentleman from Oregon (Mr. BLUMENAUER) is clear, his 10 minutes starts from now.

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

I am happy to accommodate the recommendation of the chairman of the subcommittee. My point, Mr. Chairman, was that the Federal Government right now, today, can make a small but significant improvement by reducing millions of gallons of peak summer demand.

Teddy Roosevelt helped designate one of these wildlife refuges as the first waterfowl refuge in 1908. We continue to lease water within these refuges for intensive agricultural uses. The amendment today would be an important step to stop making the problem worse. If the amendment were approved, we would be limiting the leases that expired this year, which are approximately 2,000 out of 20,000 acres.

Number one, the basin limitation is what we do virtually everywhere else on wildlife refuges where there are few refuges where farming is allowed but there are controls. If there is truly an agricultural or economic imperative for some of the water-intensive crops, there is private land that is available in the region where people can pay market rate leases rather than having the ground cut out from underneath these private property owners by the Federal Government. It will be market rate, profits go to the local economy, and the Federal Government will not be wasting water on its land.

Mr. Chairman, it is important that we send a signal today to lead by example. By pretending that water does not matter, that the interests of the Federal Government are supreme, that we can undercut the private market even if it is not good for wildlife, not good for endangered species, not good for other agricultural commitments or those to our native Americans—this is an easy, simple, direct environmental vote, and it is also a reaffirmation of our responsibilities as stewards of the land to start making the Federal Government part of the solution rather than continuing to be part of the problem.

One of my major goals as a Member of Congress is that the Federal Government be a better partner in promoting livable communities, and the simplest way to do that does not require new rules, regulations, laws, or taxes but simply for the Federal Government to behave the same way we want the rest of the country to behave.

I think, Mr. Chairman, that here in the Klamath Basin, where we are encouraging farmers to cut back because of their continuing water crisis, the Federal Government is prepared to extend leases on land that we owned for water-intensive agriculture. That is not just foolish and hypocritical. It is why we continue to have a problem in the Klamath Basin. It is always someone else's fault.

By adopting the amendment that I am introducing with the gentleman from California (Mr. THOMPSON) and the gentleman from Connecticut (Mr. SHAYS), we will stop being hypocritical. We will lead by example, stop competing with private farmers who have land to lease, and we will stop pretending that steps that would save hundreds of millions of gallons and ultimately billions of gallons during the worst time of the year are inconsequential or worth nothing.

It would be a tragedy if Congress did not accept this common-sense approach that would be better for farmers, better for wildlife, better for the environmental community and, most important, will start us down the road of recovery rather than wallowing in denial, acrimony, and recrimination.

Mr. Chairman, I reserve the balance of my time.

☐ 1200

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 15 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to this amendment. The Lower Klamath and Tule Lake National Wildlife refuges were established with the expressed intent that agriculture uses of certain lands within the refuge should be continued. Under the law, not more than 25 percent of the total leased lands may be planted in row crops. The agricultural activities must be consistent with proper waterfowl management.

Now, we should step back and allow the process to work. The amendment can only serve to further complicate a very complex and touchy situation. I urge my colleagues to join me in voting "no" on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS) for yielding me this time and the gentleman from Oregon (Mr. BLUMENAUER) for bringing forward this amendment.

I rise in support of this amendment, and I want to emphasize that this amendment is not anti-agriculture. This amendment is pro-water conservation.

The water situation in the Klamath Basin is in bad straits. We are oversubscribed in the Klamath Basin and, as a result, last year some 38,000 salmon, adult-spawning salmon in the lower Klamath Basin, were killed because of the oversubscription, the drought, and the extreme water problems that impact the entire Klamath Basin. This amendment will provide more water for fish without harming agriculture.

The Klamath Basin water problems are not insurmountable. We can fix them. But it is going to require that all parties take a seat at the table and show a willingness to work towards a solution. I would encourage all, those who are opposed to this and those who are in support of it, to come together, finally come together, join forces and attempt to fix this problem. I think this amendment is a step in that direction. It frees up a lot of water that can be used to mitigate the environmental problem that led to the death of some 38,000 fish, the largest fish kill in the history of this country.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5½ minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, let me address this issue of the fish kill last year, because the science is really in dispute. Dave Vogel says, In 1988, and he is a scientist who has studied this carefully, a run totaling 215,322 salmon occurred on the Klamath River with identical flow conditions: 2,130 cfs in 1988; 2,129 cfs in 2002, but no fish die-off occurred. In 2002, there were 132,000 salmon and 33,000 died.

But why? Two dramatic and uncharacteristic cooling and warming trends occurred during late August and September where the Upper Klamath River was still naturally unsuitably warm that probably both attracted fish into the lower river and then exposed the fish to chronically and cumulatively stressful conditions.

The point being, in 1988 we had nearly double the number of salmon coming back, there was no fish kill, and we had the same amount of water as in 2002 where we had about half the run coming back and we did lose fish. None of us wants to see a fish kill. We are all trying to work together; and I would welcome the opportunity to work with my colleague, the gentleman from California (Mr. THOMPSON), to find a global solution. But this is not it. This is not the solution.

I have to raise an issue that was raised on this floor last night by my colleague and friend, the gentleman from Oregon, when he told the House that he would offer an amendment today, and I quote from his words last night: "That would reduce water-intensive agriculture in one of the wildlife refuges in the United States where there is unregulated agriculture practicing on leased land dealing with the Klamath Basin."

I would suggest that that was a misstatement. It is a misstatement because, first of all, these lands are governed by the Kuchel Act passed in 1964 that says: "Such lands shall be administered by the Secretary of the Interior for the purpose of major waterfowl management, but with full consideration to optimum agricultural use that is consistent therein."

The leases, and I have a copy here of the draft leases, these are what the farmers have to agree to. And it includes information relating to the previous year's operations which include a report of planting date, cultivar variety, seed and seed piece treatment, crop yield, and units of tons by acre, and harvest date; on and on, including what pesticides are used, irrigation, tillage, burning, fertilizers on each crop. This is regulated, I would suggest, more than the Chinese regulate their agriculture.

Finally, these farmers work very hard to reduce pesticide use, and every year they are evaluated and they enter into probably the most progressive activity when it comes to limiting and reducing pesticide use that we have, and that is the integrated pest management concept. Time and again, they have entered into these agreements; and time and again, the U.S. Fish and Wildlife Service and even the courts have found that these lands are being used in a compatible way.

Now, it is important to understand as well that even if we could find the water that was freed up by limiting crop restrictions on these 2,250 acres, it would not go to the refuges. It would go to other uses having higher priority, which could include private farmland. The U.S. Fish and Wildlife Service realized this in their determination made in 2002. Environmental groups sued on that determination and were unsuccessful.

The U.S. Fish and Wildlife Service also found that based on a USGS study that if you did not irrigate, I mean if you took irrigation completely off of these leased lands, at all, only a minor amount of water would be freed up because there would be a substantial consumptive use of water by the weeds.

Now, their amendment basically tells farmers in my district, and 62 percent of my folks have these leases, that they cannot grow onions, potatoes or alfalfa. They can only grow grain crops. And somehow, that is going to solve the problem or a part of the problem.

What my colleagues may not understand is that onions use 1.88 acre feet of water per acre. Potatoes, the villain from last year, consume 1.73 acre feet of water per acre. The very grain crops that you want them to only be able to grow consume 1.87 acre feet of water per acre, more than the potatoes use, equal to what the onions grow. Now, sure, maybe alfalfa consumes more water. But do my colleagues know what? If we just turned this over to wetlands, wetlands themselves consume 2½ to 3½ times the amount of water that potatoes and onions consume. So if you turned this over to the noxious weeds, they will drink up more than these farmers will.

Finally, these people have been devastated economically down there as farmers, and they have done enormous work to try and solve this problem. We spent $16 million putting in a new sophisticated fish screen in the canal that now routes nearly a million sucker larva down to three-eighths of an inch back into the river or into the lake. That would have languished forever. We got it done.

In conclusion, we are making efforts through the EQIP money that my colleague from Oregon voted against when he voted against the farm bill to do water reduction efforts to have more efficient irrigation systems. That farm bill, too, which the gentleman voted against, included the study, the 1-year study for removal of Chiloquin Dam, which has now been completed which we restored access to 95 percent of the habitat for suckers on the Sprague River. It was a principal blockage and reason why the suckers were limited in the first place.

My point is, we are taking action to try and solve the problem. This does not help.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. THOMPSON) to respond to the gentleman from Oregon (Mr. WALDEN).

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman from Washington for yielding me this time.

I just want to make a couple of observations, and this has come from someone who voted for the farm bill and someone who actually farms. Again, this is not an antifarming amendment; it is a pro-water conservation amendment. That is what is needed in the Klamath Basin.

I just want to raise the issue that the low flows that we were talking about, this last year when 38,000 adult-spawning salmon were killed, this was the lowest water flows ever recorded since they have been recording the flows out of Irongate, the lowest flows ever during the migration period of the salmon.

The other thing I want to mention is that we can argue science all day, but there is one thing that is not arguable, and that is, fish need water. This is a good amendment. It is not antiagriculture. It does not have anything at all to do with the farm bill. There is nothing in it about chemicals or chemicals used in agriculture. This is water conservation. It will save fish. It will help farmers on both ends of the Klamath Basin. I ask for my colleagues' "aye" vote.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Chairman, so this amendment seeks to save the wildlife refuges of the Klamath Basin. From what, Mr. Chairman? Farming in the refuge of the Klamath Basin has occurred since they were created nearly 100 years ago. Today it continues to represent a shining example of how agriculture and wildlife cannot only coexist, but thrive together.

And as if the farmers I represent in this area of Northern California have not suffered enough, it would cause them even more economic harm. And not unlike the disastrous decision that shut off 100 percent of their water just 2 short years ago, there is absolutely no valid justification or factual basis for it.

Row crops are an essential part of the balance that embodies the lease land farm program. They are specifically required under the law, because they benefit wildlife and maximize revenues for farmers in local counties. On average, row crops have generated $10 million annually. If those same acres were planted only in grain, as this amendment would require, they would generate only $1 million. Make no mistake: that $9 million loss would cripple this economy.

The irony, Mr. Chairman, is that despite the gentleman's desire to help wildlife, this measure would do precisely the opposite. For generations, farmers have worked and nurtured these lands for the benefit of the wildlife. Waterfowl populations in particular are thriving. Consider this statement from the California Waterfowl Association: "For nearly 100 years, farmers and ranchers in the Klamath Basin have coexisted with immense populations of wildlife. Many wildlife species, especially waterfowl, are familiar visitors to their highly productive farms and ranches. Klamath Basin agriculture provides a veritable nursery for wildlife."

Row crops are not just an economic necessity to farmers; they provide food for migrating birds. Crop rotation improves the health of soil and, therefore, the productivity of the cereal grains that provide other essential wildlife benefits.

Allow me to address the notion that this measure would somehow provide more water to the refuges. That is simply inaccurate. For 100 years, all interests in the Klamath Basin, farmers, fish, and refuges, have gotten by together, sharing the pain and the profit alike. It was not until 2001 that the Endangered Species Act caused some interests to do without. Shortages are not the result of an overallocation; they are the result of environmental laws that do not allow for balance.

Mr. Chairman, the lease land program is a win-win. It benefits the environment. The Fish and Wildlife Service have found that it is entirely compatible with refuge management, and a Federal district court has agreed. So what is the problem, Mr. Chairman? Why the persistent attacks on farmers when these facts are so clear?

The purpose of the radical environmental groups supporting it is the removal of agriculture entirely. Consider that virtually the same groups behind today's amendment pursued a version several years ago to eliminate any new leases, and the same kinds of radical environmental groups have unsuccessfully attacked the program again and again in the courts.

Mr. Chairman, I urge my colleagues to look at the facts and consider the lives and the families of those who will be directly impacted should this amendment succeed. Reject this veiled attempt to undermine agriculture.

□ 1215

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. DOOLITTLE.

Mr. DOOLITTLE. Mr. Chairman, this Klamath Basin is represented by three Members, the gentleman from Oregon (Mr. WALDEN), the gentleman from California (Mr. HERGER), and myself from California. It has today about 50,000 people in it. It is one of the earliest reclamation projects in the United Nations. The Reclamation Act was passed in 1902, and this was authorized by the Secretary of the Interior in that same year.

You will see here the cover of Life Magazine, January 20, 1947. By the way, it was 15 cents in those days. They have a homesteading veteran portrayed on the cover with his wife and family. People were attracted to this area by government policy to settle the area. It was a good area for farming, and it would be a benefit to the wildlife because of the refuges that existed there.

I want to show you now a picture in 2001 of a real family that lives there, tries to farm there today under the very difficult circumstances imposed by the government. This is lease land farmer Rob Crawford and his family. You can see it does not look very inviting because that is what happens when you cut the water off. It is basically a desert.

These people in our districts have suffered terribly at the hands of the government and misguided people who think they are trying to bring about a good policy. But they are not bringing about a good policy. This amendment is an anti-farming amendment. I do not care what the sponsors say. That is its effect. The wording of this amendment basically bars the alfalfa and the potatoes and the onions. Those are higher value crops. These are the crops that feed this family. But did you know that they are the crops that the wildlife feed on? The geese actually eats the potatoes after the first frost, the antelope come through for the alfalfa and the geese back again in the spring. So this is of great benefit. The law recognizes this benefit, and the whole system was set up so that this could occur.

The proponents claim that their amendment will save water. It will save no water. The crops that they will restrict us to growing, which are lower-value crops and will throw people onto welfare, there will be no less water required to grow those crops than required to grow the higher-value crops that this amendment would prohibit. This is an anti-farming amendment.

If you set the precedent today that we as the Congress will going to dictate what crops a farmer can grow, watch out the rest of you, because today it is in a small part of remote northern California and southern Oregon but tomorrow it will be all over the country as these people with their agendas come after you and your families and your way of life. Vote no on this amendment.

Mr. BLUMENAUER. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) has 6 minutes remaining. The gentleman from North Carolina (Mr. TAYLOR) has 1 minute remaining. The gentleman from Washington (Mr. DICKS) has 2½ minutes remaining).

Mr. BLUMENAUER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I did not come to the floor to speak on this amendment, but after hearing the debate I must rise. Because this is not a debate about farming versus the environment. This is a debate about economics versus economics. It is about coastal economics, where the majority of the population of the people in California live, versus interior economics. It is an issue that cries outs for a solution to both parties.

There is not a win-win here. Without this amendment, you have a win-lose.

You have the entire tourism industry which is dependent on where this stream comes into the ocean which is dependent on that fish coming into the stream. There is an economic survival, both in the tourism and the fisherman there versus the farmers.

Alfalfa is one of the most water-intensive crops that we grow in the United States. Certainly the farmers through best management practices can do with less water. We do that in our area all the time. We are always struggling to have it.

What this problem cries out for is a solution for a win-win. In order to do that, somebody has to give up something.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair was incorrect earlier. The gentleman from North Carolina (Mr. TAYLOR) has 2 minutes remaining.

Mr. DICKS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I agree with the gentleman from California (Mr. FARR) on this amendment, that this really does cry out for compromise.

We have had some of the most bitter environmental battles in the Pacific Northwest over the spotted owl, the marbled murrelet, salmon, and in most of these instances we have been able to sit down and work out a compromise on these important issues.

What happened last year, and there may be a multitude of reasons, the death of these fish, I think, caused a tremendous impact not only in the Northwest but across the country; and we have a scientific study that will look into and give us the reasons for the loss of this fish. But the gentleman from Oregon's (Mr. BLUMENAUER) amendment I think is an attempt to try and deal with the basic underlying issue, that is, the allocation of water.

We have the same problems in the State of Washington. We have to work out agreements between farmers and fishermen. And we work on these things, and it is not easy to accomplish. But the last thing we need to do is to end the dialogue.

I heard my friends, the gentleman from Oregon (Mr. WALDEN) and the gentleman from California (Mr. FARR), say they were prepared to enter into a dialogue. I think there ought to be a dialogue with the Members and the agencies. But the one thing you have to do with situations like this is to rely on science. This cannot be done on emotion. We just heard a very emotional appeal. This has to be done on good science.

Mr. WALDEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Chairman, I fully concur with the gentleman about basing this on science. In fact, when we had the National Academy of Sciences review the biological opinions that set up the water cut-off in 2001, the initial findings came back and said the decisions by the government were not backed up by science, and we are waiting for the final review now.

This bill is a rifle shot at a very tiny piece of a huge problem. And as I mentioned in my comments, fixing the fish screen on the A canal, dealing with fish passage at Chiloquin, which will probably result in removal of that dam which I will support if that is what the consensus is, those are the things we can deal with.

Mr. DICKS. Was water temperature here an issue?

Mr. WALDEN of Oregon. Ambient temperature as much as water temperature are both issues. I will be happy to discuss this further with the gentleman.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

The gentleman raised a point that we stated in the beginning. I oppose this amendment because it will disrupt the very technical amendment that has been worked out.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me time and his opposition to this amendment. As the chairman of the Committee on Agriculture, I want to rise in strong opposition to this amendment as well.

I would say to the gentleman from Washington (Mr. DICKS) that compromise is certainly needed and sound science is certainly needed, but the sound science has not been put forward today, and this is not the place to be doing it. This is barely inside not being struck for being authorized on an appropriations bill, because all you are doing is limiting expenditures for specific crops.

I would say that this is exactly the wrong place, and the gentleman from Oregon (Mr. BLUMENAUER) ought to withdraw his amendment and work with the appropriate authorizing committees that are involved and interested in this as well as with the gentleman from North Carolina (Chairman TAYLOR) to come up with a solution that works and not try to not compromise, which is exactly what you are doing here.

You are trying to stuff this issue down the throats of the citizens of Eastern Oregon, and I would strongly oppose the amendment. The amendment would sacrifice farming families in the Klamath Basin by restricting the acres planted and restricting the options of families farming under the false premise of providing water for wildlife. You cannot replace some of the crops that you want to replace them with the crops that are being planted now because they are not as profitable. The farmers cannot make a living by having the government dictate to them what they should be doing. This is the wrong place with the wrong solution.

In reality, the Blumenauer amendment would provide less food and water for the millions of waterfowl that use the Klamath National Wildlife Complex in California and Oregon each year.

Congress itself has recognized the dual benefits of the leased lands, and I urge my colleagues to oppose this amendment.

Mr. BLUMENAUER. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) is the only Member with time remaining, and he has 5 minutes.

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first two factual observations:

One, the distinguished chairman of the Committee on Agriculture suggested that we were going to be flinging these farmers off the 2,000 acres that are leased and denying them a way to earn a living. There are people in the Basin who are trying to lease their own private land right now. I have heard from them. In fact, they were in the gentleman from California's (Mr. HERGER) office yesterday. They have land to lease, but they are undercut in their efforts to lease their land because the Federal Government is leasing land at below-market rates.

Now if there is a dramatic demand to grow water-intensive crops, there are private lands that are available to be leased. Nobody has made the argument that there is not. I have heard from farmers down there who have land ready to lease and wonder why we are competing with them.

Second, several of my colleagues have said you are not saving any water because some of the things that you would permit to grow, if this amendment were enacted, actually consume more water. But what my friends did not tell you and, in fact, again, I had a farmer from the Basin yesterday in my office explaining why it is a savings of water, because they can take the water in the winter, charge the ground, do winter irrigation and the water is available for these serial crops in the summer. They do not have to irrigate during the summer when we do not have the water available.

So it is a net gain because it takes the water when it is plentiful, put into the ground, store it up for the summer. It helps recharge the groundwater, and it uses less water when the fish need it, when the Native Americans need it, when it is needed for recreation activities that are far more valuable than just the agricultural interests alone.

I agree with the gentleman from California (Mr. DOOLITTLE) that the Federal Government is the culprit. Absolutely. We have promised more water to the Native Americans, to the farmers, to the needs of endangered species and wildlife, and it is time to stop pretending that we can blame it on somebody else.

I have watched people play politics in the basin. I have watched the sad spectacle when law enforcement officials said they could not enforce the law. And people play to inflame the attitudes and emotions. I think that is wrong. I think that is sad.

The problem in the basin is that the Federal Government has committed more than nature can produce, and for us to stop the nonsense of assuming that we can just be business as usual is the first step.

I commend my friend, the gentleman from Oregon (Mr. WALDEN) who has been working on this for years. I commend many of the issues that he wants to move forward in terms of dam removal and fish screens. I will support him. I will support major Federal investment to buy out willing sellers to reduce the water demand. Because unless and until we come face to face with the fact that we have promised more than we can deliver, we will be in this mess year after year after year.

This amendment will not throw any farmers off the land. In fact, the farmers in the district of the gentleman from Oregon (Mr. WALDEN) in the wildlife refuge do not irrigate. It will not affect the farmers in his district in the wildlife refuge. I wanted to make the point that it is not going to affect the farmers in the wildlife refuge in his district. The farmers that are in the Tule Lake area can go ahead. They can lease land if they want. But for the land that the Federal Government provides, it is time for us to face reality, limit the use away from water-intensive agriculture.

□ 1230

This is not trying to play the blame game. It is for the Federal Government to lead by example and stop leasing lands for water-intensive agriculture, allow the water to be used at a time when it is most plentiful. They can continue like they have in the other part of the refuge.

I strongly urge my colleagues to vote on a path towards a more sustainable future in the basin, cooperate where we can, but do not make it any worse by continuing to lease land in the refuge for water-intensive agriculture.

Mr. HASTINGS of Washington. Mr. Chairman, this amendment proposes that the House of Representatives arbitrarily declare what crops a farmer can and cannot grow.

I am concerned that this amendment is being sponsored by those who do not represent the areas affected—members who are from urban areas.

This amendment is opposed by those who represent the communities that will be affected, those people who are closest to the land, and those who care the most for the land because it is where they live and where they raise their children.

This amendment is targeted at the Klamath Basin—an area that has seen its farmers and entire economy devastated by actions taken by the federal government. I have traveled to the Klamath Basin and seen the effects first-hand.

I also represent two very large reclamation projects—including one of the largest in the country—and the success of these farmers comes from their hard work, the care they give the land and diversity of their crops.

Passage of this amendment would set a very bad precedent of the government stating what crops can be grown and which can't. The impacts of the amendment would directly harm farmers and communities. The precedent it sets would be far-reaching and very detrimental.

I urge my colleagues to oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) will be postponed.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HERGER) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2691 in the Committee of the Whole pursuant to House Resolution 319, no further amendment to the bill may be offered except: pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate and, the amendments printed in the CONGRESSIONAL RECORD and numbered 6, 15 and 16, each of which shall be debatable for 10 minutes;

The amendments printed in the CONGRESSIONAL RECORD and numbered 4 and 12, each of which shall be debatable for 20 minutes;

The amendment printed in the CONGRESSIONAL RECORD and numbered 1, which shall be debatable for 30 minutes to be allocated as follows: 10 minutes to the proponent, 15 minutes to the chairman of the Committee on Appropriations, and 5 minutes to the ranking minority member;

A substitute amendment by the gentleman from Utah (Mr. MATHESON) to the amendment numbered 1, which shall be debatable for 20 minutes;

An amendment by the gentleman from North Carolina (Mr. TAYLOR) to the amendment numbered 1, which shall be debatable for 10 minutes;

The amendments printed in the CONGRESSIONAL RECORD and numbered 2 and 9, each of which shall be debatable for 50 minutes to be allocated as follows: 15 minutes to the proponent, 25 minutes to the chairman of the Committee on Appropriations, and 10 minutes to the ranking minority member;

An amendment by the gentleman from California (Mr. GALLEGLY) regarding bear feeding, which shall be debatable for 10 minutes;

An amendment by the gentleman from Washington (Mr. INSLEE) regarding Forest Service regulations on roadless areas, which shall be debatable for 50 minutes; and

An amendment by the gentleman from Arizona (Mr. SHADEGG) regarding Forest Service land acquisition, which shall be debatable for 10 minutes.

Each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, except as specified, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Each amendment shall be debatable for the time specified, and time on each amendment shall be equally divided and controlled by the proponent and an opponent, except as specified.

All points of order against each amendment shall be considered as reserved pending completion of debate thereon, and each amendment may be withdrawn by its proponent after debate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. OBEY. Mr. Speaker, reserving the right to object, I would simply like to note a few facts.

This is a bill that I happen to oppose, and yet we are trying to work with the majority to speed up consideration of the bill because we think it would suit everyone's interests if the bill is completed around eight o'clock tonight rather than eight o'clock tomorrow morning.

I would also like to point out that at the request of the majority, we in the minority withheld amendments during the consideration of every appropriations bill so far at the subcommittee level except for one. We have also agreed to consideration of two bills, even though the GPO did not provide copies of the legislation as late as last Friday.

The military construction bill was completed in 1 hour, with procedural cooperation from both sides. The Department of Defense bill was completed in a similar length of time; and in the process, the minority also cooperated in bypassing the need to have a rule.

Three of the six bills that have been brought up so far have been brought up by unanimous consent, thereby saving everyone time in terms of the need to go to the Committee on Rules. Those unanimous consent agreements limited amendments and limited time for consideration of those amendments. So I think it is fair to say that we have helped the majority greatly run the trains on time, even if we have on occasion disagreed with the contents in the boxcars.

I simply wanted to take the time to point those facts out because of some of the comments that I have heard the last 3 days from some Members of the majority about the "lack of cooperation" from the minority. I think there has been extraordinary cooperation, even though we have differed with the number of bills; and even though, for instance, on the labor-health bill last week we voted unanimously in opposition to it, we still cooperated in accommodating the majority in terms of schedule.

So I simply want to take note of that. I am glad we have finally gotten to this UC. I do not have any objection to it; but Mr. Speaker, I wanted to make clear and put in the record what the facts have been with respect to cooperation between the two parties on these procedural matters.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Speaker, I would like to thank the ranking member for his cooperation and also the ranking member of the subcommittee for the cooperation he has shown in drafting this bill and on the floor of debate.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 319 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2691.

□ 1239

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 14 by the gentleman from Oregon (Mr. BLUMENAUER) had been postponed.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate and the amendments printed in the CONGRESSIONAL RECORD and numbered 6, 15 and 16, each of which will be debatable for 10 minutes

The amendments printed in the CONGRESSIONAL RECORD numbered 4 and 12, each of which shall be debatable for 20 minutes;

The amendment printed in the CONGRESSIONAL RECORD and numbered 1, which shall be debatable for 30 minutes to be allocated as follows: 10 minutes to the proponent, 15 minutes to the chairman of the Committee on Appropriations, and 5 minutes to the ranking minority member;

A substitute amendment by the gentleman from Utah (Mr. MATHESON) to the amendment numbered 1, which shall be debatable for 20 minutes;

An amendment by the gentleman from North Carolina (Mr. TAYLOR) to the amendment numbered 1, which shall be debatable for 10 minutes;

The amendments printed in the CONGRESSIONAL RECORD numbered 2 and 9, each of which will be debatable for 50 minutes to be allocated as follows: 15 minutes to the proponent, 25 minutes to the chairman of the Committee on Appropriations, and 10 minutes to the ranking minority member;

An amendment by the gentleman from California (Mr. GALLEGLY) regarding bear feeding, which shall be debatable for 10 minutes;

An amendment by the gentleman from Washington (Mr. INSLEE) regarding Forest Service regulations on roadless areas, which shall be debatable for 50 minutes; and

An amendment by the gentleman from Arizona (Mr. SHADEGG) regarding Forest Service land acquisition, which shall be debatable for 10 minutes.

Each amendment may be offered only by the Member designated in the request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, except as specified, and shall not be subject to a demand for a division of the question.

Each amendment shall be debatable for the time specified, and time on each amendment shall be equally divided and controlled by the proponent and an opponent, except as specified.

All points of order against each amendment shall be consider as reserved pending completion of debate, and each amendment may be withdrawn by its proponent after debate.

AMENDMENT OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHADEGG:

Add at the end (before the short title) the following new section:

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available in title II for "DEPARTMENT OF AGRICULTURE-LAND ACQUISITION", and increasing the amount made available for "DEPARTMENT OF AGRICULTURE-WILDLAND FIRE MANAGEMENT", which increase shall be available for hazardous fuels reduction activities, by $19,000,000.

The CHAIRMAN. Pursuant to the order of the House of earlier today, the gentleman from Arizona (Mr. SHADEGG) is recognized for 5 minutes in support of his amendment, and an opponent will be recognized for 5 minutes as well.

The Chair recognizes the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I want to begin by commending the gentleman from North Carolina (Mr. TAYLOR), the chairman of the Interior Committee on Appropriations, for his superb work in increasing funding for Forest Service wildland fire management by $82 million more than the budget request and for his advocacy for the use of those funds for hazardous fuels reduction. I also want to commend him for reducing at this point in time funding for Forest Service land acquisition. He has done an excellent job, and I commend him for the product he has produced.

I want to carry that one step further, and I want to carry it one step further because we face a crisis in this Nation. America's forests are burning to the ground, and they are burning to the ground because they are occupied by excessive vegetation. They are, according to every knowledgeable expert in the country, grossly overgrown, too dense; and that is leading to a condition not only of wildfires but of disease that is destroying those forests.

In my State of Arizona, we are losing 800,000 acres of land to disease because of this overgrown condition.

My amendment is simple and straightforward. It takes $19 million from the Department of Agriculture Lands Acquisition Fund, and it transfers that $19 million to the Department of Agriculture Wildland Fire Management Fund, and it makes that money available for hazardous fuels reduction activities, that $19 million dollar.

Mr. Chairman, we are in dire straits. A report by the GAO in 1999 predicted that we have 39 million acres at high risk. Last year alone, 6.9 million acres of those forests burned to the ground at a firefighting cost of $1.6 billion. The experts tell us that the 10-year average of forests burned to the ground is 4.2 million acres per year.

Dr. Wally Covington of Northern Arizona University has predicted that if we do not do something to treat these forests, an additional 5 to 10 million acres will burn every single year. This condition cannot continue.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I reluctantly rise to oppose the gentleman's amendment. I know he has been a leader in trying to provide funds in this project, and I would say that he has been successful in many ways.

The decision was made to make sure sufficient funds were made available for forest health and backlog maintenance. At the same time, limited land acquisition funds are available for the most critical inholdings and to manage the projects that are currently underway.

□ 1245

We provided $20 million above the President's request, and we hope to continue to work in this basic area of forest health and backlog maintenance.

So I must oppose the gentleman's amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, let me say, first of all, that I have great respect for the gentleman who offered this amendment. I know he is dedicated on the issue of firefighting.

As the chairman mentioned, however, we have added a significant amount of money and there will be a supplemental on the floor next week of $289 million for fire as well. And I just think that we have taken this land acquisition part of the Forest Service budget down from $132 million to about $29 million, and this would be another $19 million. You could not even run a program out of this. And if they need the money, they probably could borrow it anyway.

So I would argue that this is not an appropriate offset. I would urge the gentleman to consider adding this to the supplemental. If he wants to add additional money to the supplemental to reimburse the government for the money it borrowed from a lot of these accounts, the supplemental is coming up next week. This should be emergency. If the gentleman was offering it as an emergency measure, not taking an offset out of land acquisition, I could support it; but I cannot support the amendment as it is currently drafted.

Mr. Chairman, I hope these suggestions are beneficial.

Mr. SHADEGG. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the supportive remarks of my colleagues on the opposite side of this issue. I simply believe this is critical. The issue I raised a year ago was additional funds for firefighting. The issue I am raising, however, this year has to do with hazardous fuels reduction. I believe that this committee has done a superb job in fighting to get the funds to fight fires, but we must reduce the fuel load in our forests.

In Arizona alone, the Rodeo Chedeski fire last year consumed 469,000 acres. This year's Aspen fire has already consumed 80,000 acres. In my State alone, this year, we have lost 140,000 acres. And in the Nation we have lost 1 million acres. I am not fighting for funds to fight fires. I agree with the gentleman and will support efforts for funding to fight fires. I am talking about fuels reduction.

We have millions of acres, tens of millions of acres of overgrown forests in this country due to mistaken policies of the past. We need to thin those forests, to treat those forests. The Governor of Arizona has asked for emergency funding to treat the forests in Arizona. She says the urgent need is $116 million. The need to treat all of the forests in just my State of Arizona is $700 million. There are 32 large fires burning in the West as we speak. Seven of those fires are burning in the State of Arizona, and over 20,000 acres in my State are burning as we debate this issue right now.

The issue is not fighting fires. I already referred to the $1.6 billion we spent last year to fight fires. We do not have enough money to fight all these fires. We must treat these forests so that we do not have the fires to fight. And the only way we can treat these forests is to move dollars into the fund that allows the treatment of forests, and that is the fund I have sought to move them into. We must have hazardous fuels reduction. This is a mere $19 million, but it will help in the effort.

And with those who are concerned about land acquisition, I want to make it very clear that we have left a substantial amount of money, millions of dollars, in the land acquisition fund, because I understand there are important land acquisitions and inholdings, as the chairman talked about. I intentionally did not gut that fund or leave it empty. We did, however, say that we must recognize the catastrophe that our Nation faces. If we do not reduce the fuel load in these forests, if we do not make it so these fires do not burn so intensely, and if we do not treat them, and there is a debate over whether we should treat just the wildland urban interface or the inner part of the forest itself, that debate is beyond the issue of my amendment, my amendment says we have a crying need across America.

I would suggests that the statistics tell us that with 39 million acres at high-risk, and burning 6.9 million acres per year, as we did last year, in 5 years there will be no forests left to debate. Those 39 million acres will be gone. It seems to me that this is a modest effort to look at the critical need of treating hazardous fuels reduction in our forests. I urge my colleagues to support this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired. The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHADEGG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) will be postponed.

AMENDMENT OFFERED BY MR. GALLEGLY

Mr. GALLEGLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GALLEGLY:

At the end of the bill (before the short title), insert the following new section:

SEC. 3 . None of the funds made available by this Act may be used by the Forest Service or the Bureau of Land Management to administer any action related to the baiting of bears except to prevent or prohibit such activity.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. GALLEGLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today to offer an amendment to the interior appropriations bill. My amendment prohibits the Bureau of Land Management and the Forest Service from using funding for the purposes of allowing bear baiting on Federal lands.

I think it is important to mention that my amendment does not increase funding in this appropriations bill. Baiting is an unpopular and increasingly discredited method of bear hunting. States that have banned bear baiting have not experienced any wildlife management problems stemming from the prohibitions. Actually, bear hunting participation has increased after States adopted baiting bans.

Baiting is a practice unpopular with Americans, including hunters, largely because it runs against the norm of fairness and sportsmanship and against the widely recognized wildlife management principle that it is dangerous to make human foods available to bears. Most people believe it is unfair, unsportsmanlike to lure a bear with food and then shoot the animal while he or she is gorging on food.

The four major land management agencies have endorsed the "Leave No Trace" public awareness campaign which warns that people should never feed wild animals. The campaign materials say feeding wildlife damages their health, alters natural behaviors, and exposes them to predators and other dangers. In this same publication, Federal agencies address waste disposal in the woods, saying: "Pack out all trash and garbage, including leftover food." Specifically, the National Park Service and Fish and Wildlife Service ban baiting, and my amendment would ensure the same no-feeding standards apply to other Federal lands by precluding the use of funds to encourage the practice of baiting.

Allowing bear baiting is inconsistent with these declarations. It just makes no sense to think that providing food to bears is wrong except if feeding is associated with hunting. If it is wrong to set out food to lure bears for picture-taking or just to watch the bears, surely it is also wrong to lure bears with jelly donuts and rotting animal carcasses for the purpose of shooting them.

I ask my colleagues to support this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. MORAN), and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MORAN of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. POMEROY. Mr. Chairman, I claim the time in opposition, and I yield 1 minute to the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, I oppose the amendment.

The question is a question of States' rights and management of wildlife populations. The States have broad responsibility and authority over resident fish and wildlife, including fish and wildlife found on Federal lands within a State. Congress has reaffirmed this authority through numerous acts.

States must be allowed to effectively manage resident wildlife populations. This is an authorizing issue and a States' rights issue and this provision does not belong in an interior appropriations bill. So I must urge defeat of this amendment.

Mr. POMEROY. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL), the ranking member on the Committee on Resources.

Mr. RAHALL. Mr. Chairman, I thank the distinguished chairman of the Committee on Resources for yielding me this time.

The gentleman from New Jersey (Mr. HOLT) and I plan to offer an amendment soon dealing with an issue involving Yellowstone National Park. This morning, two Members who are in the majority are quoted as complaining in a newspaper report that we are being unfair because this matter should be debated in the Committee on Resources rather than as a rider to an appropriations bill.

I would note that we in the minority are forced to use this tactic. We are in the minority. The majority will not give our issue the time of day in the Committee on Resources. The Members making this allegation should know better. They are in the majority. They know that the Committee on Resources will not hear or consider our issues.

The situation is different with this particular amendment from the gentleman from California. He had every opportunity for the Committee on Resources to consider this matter. In fact, the bill was scheduled for committee consideration this past Tuesday. The chairman of the committee, the gentleman from California (Mr. POMBO), scheduled his bill; yet he came to the committee and had it withdrawn.

So I am going to vote against this amendment, and I am voting against it on the process that is being used. Perhaps then those two Members who took issue with my amendment and the amendment of the gentleman from New Jersey and the tactics that were used will recognize there is a difference. So we are being forced to offer amendments to an appropriations bill because we are not in the majority.

Mr. MORAN of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. GALLEGLY) to respond to the last speaker's comments for the record here.

Mr. GALLEGLY. Mr. Chairman, in response to the comments of the gentleman from West Virginia (Mr. RAHALL) about the bill being withdrawn on Tuesday, basically we had 1-day notice, and there were several Members that wanted to be there and could not.

In fact, the chairman had, at the beginning of the markup, acknowledged that he was withdrawing several bills that day because Members were not present to vote for the bills. That one was not on his list of bills to be withdrawn that day.

And so I ask that that be added to for the record.

Mr. MORAN of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. POMEROY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, let me just say that I rise in strong opposition to this amendment. It has traditionally been the right of the States to determine what hunting methods can and should be used for wildlife management purposes.

New Jersey is in a unique position, being the most densely populated State in the country and having a very fast-growing bear population at the same time. Our State is in dire need of this management tool. As a matter of fact, the Wall Street Journal reported this week, and I quote: "The New Jersey Fish and Game Council voted to allow the State's first black bear hunt in 33 years. Officials will hand out 10,000 bear permits in hopes of making a dent in the bear population that has been ransacking garbage cans, breaking into houses, killing livestock and mauling residents."

This is a very, very serious issue, Mr. Chairman. And for the rights of the residents of New Jersey and the nine States that currently allow bear baiting, this amendment goes too far in the wrong direction.

Mr. POMEROY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I rise in strong opposition to this amendment. First of all, I do not believe the amendment has any practical effect. There are no funds currently expended by the Forest Service or Bureau of Land Management in regards to the bear baiting that is going on, but there is a larger issue at stake.

This amendment would overturn over 200 years of Federal precedents of deferring to State agencies, State wildlife experts, and the people of the States in the management of their own wildlife herds. Nine States choose to allow bear baiting because it is the most effective and humane manner of managing bear populations where it is very difficult to go in and hunt them anyway.

We have had cases in northern Wisconsin where bears are walking into towns, walking into public school yards because their population is exploding. If you take this management tool away from States like Wisconsin, like Michigan, like Minnesota, we fear there is going to be an explosion of the bear population and an unnecessary risk to children's lives and other people's lives.

□ 1300

Mr. Chairman, I think we should stay true to historical precedent. The Federal agencies have deferred to the States on this issue. That is how it has been for 200-plus years. That is how it should remain. I encourage my colleagues to oppose this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, the gentleman who preceded me talked about the threats to the population if we do not have this practice. It has not happened in my State. We banned this practice.

Real sportsmen do not bait bears. In Oregon, what has happened is actually three times as many people have bought hunting licenses to hunt bears. So, actually, the bear harvest, if Members want to call it that, is up in Oregon because real hunters are out there, not the guys sitting around waiting for the bears to come and feast on what they are being baited with.

Mr. MORAN of Virginia. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has 2 minutes; the gentleman from California (Mr. POMBO) has 1 minute.

Mr. POMBO. Mr. Chairman, I have one additional speaker, and I reserve the right to close.

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has the right to close.

Mr. MORAN of Virginia. Mr. Chairman, if that is the case, I reserve my right to close.

PARLIAMENTARY INQUIRIES

Mr. POMBO. Parliamentary inquiry, Mr. Chairman. Does not the Member defending the committee position have the right to close?

The CHAIRMAN. The proponent of the amendment, the gentleman from California (Mr. GALLEGLY), yielded his time to the gentleman from Virginia (Mr. MORAN); and as the proponent of the amendment he has the right to close.

Mr. MORAN of Virginia. Mr. Chairman, I reserve the right to close.

Mr. POMBO. Mr. Chairman, does the committee position have the right to close?

The CHAIRMAN. Under clause 3(c) of rule XVII, the gentleman from California (Mr. POMBO), not being a Member of the Committee on Appropriations, does not qualify as a member of the committee defending the committee position, so it is the proponent's right to close.

The proponent of the amendment has transferred the balance of his time to the gentleman from Virginia (Mr. MORAN).

Mr. POMBO. Parliamentary inquiry, Mr. Chairman. If I yield the balance of my time to the chairman of the Subcommittee on Interior and Related Agencies, do we have the right to close?

The CHAIRMAN. That would not represent the requisite unbroken line of committee affiliation in opposition.

Mr. POMBO. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I rise to oppose this amendment, and I think it is maybe the right timing because the gentleman before me said real hunters do not bait bears.

I would like to say, in Minnesota, I was a sponsor of the bill that created a season and made the bear a big game animal. We are having trouble controlling the population in spite of the fact that we issued two permits last year to every hunter, and this year we did not sell all of the licenses. We have three times as many bears now as we did back when they were not protected.

In Minnesota, last year, we shot 2,915 bears; 2,900 were shot over bait. The only way a bear can be shot in the northern climates like Minnesota is over bait. There is no other way hunters are going to do that. If we pass this legislation, the bears are all in the Chippewa and Superior National Forests, we will eliminate the ability for us to control our population. Our DNR is very much opposed to this. It will take away the chance for us to manage this population, and it will cause all kinds of trouble with folks that live up in that area. The bears are starting to move out in the private areas. I very much oppose this amendment and hope it is defeated.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank the gentleman from California (Mr. GALLEGLY) for his leadership on this issue.

This is a poster paid for by the U.S. Department of Agriculture Forest Service. This one happens to be distributed jointly with Arizona and New Mexico's Departments of Game and Fish. It says, "Just Be Bear Aware," and the reason it says "Don't feed bears" is because most conflicts between humans and bears arise as a result of human-supplied food. It says, "Remember, a fed bear is a dead bear."

This is all about safety to the public. The reason why we do not want bears to be fed is that they become nuisances, they become a threat to property and particularly to people. That is Federal policy. All we are trying to do in this bill is to make sure that Federal policy is consistent, it is consistently in the public interest. There is no difference between bear baiting and bear feeding. That is what this amendment says.

The fact is that bait sites typically consist of pastries, junk food, the kinds of foods you typically find at camp sites and dumpsters. Once acclimated to those human foods, bears become aggressive in approaching campers, park visitors, and they migrate to those areas where those kinds of treats can be found. That is what leads to property damage, attacks on people, and the bears being shot as nuisance animals.

The gentleman from Minnesota (Mr. PETERSON) said they cannot continue hunting without bear baiting, but I cannot believe that the bears in Minnesota are that different from the bears in Oregon and Washington and the 41 other States which banned this practice.

Mr. HAYES. Mr. Chairman, I rise in strong opposition to this amendment. As a cochair of the Congressional Sportsmen's Caucus, I am here to strongly urge members to vote against this measure that seeks to ban bear baiting.

As it has been discussed during the Resources Committee hearing and during the committee markup on Tuesday, a ban on bear baiting would set an extremely dangerous precedent of the Federal Government preempting the authority of the States to manage wildlife.

The State fish and wildlife agencies have the authority and responsibility of managing wildlife and have an excellent record in years past, especially in regards to bear management. This authority includes most Federal public lands with the exception of National Parks, and has been repeatedly affirmed by Congress in acts such as the National Forest Management Act, Federal Land Policy and Management Act, National Wildlife Refugee System Improvement Act and Sikes Act, to name a few.

Baiting has always and continues to be a method of controlling wildlife population levels beyond just bears. Currently, nine States—Alaska, Idaho, Maine, Michigan, Minnesota, New Hampshire, Utah, Wisconsin, and Wyoming—allow regulated baiting as a method of hunting bears and would be severely impacted by this legislation. If these State wildlife agencies feel that here baiting is not necessary to help regulate the population, they are much better equipped to make that decision than the Federal Government.

As a fellow sportsman and a strong believer in State's rights, I strongly encourage members to support the State wildlife agencies and their successful and positive roles they play in wildlife management. At no time in history has Congress selected an individual species for Federal management and there is absolutely no reason that it should start now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GALLEGLY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GALLEGLY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. GALLEGLY) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. RAHALL:

At the end of the bill (before the short title), insert the following new section:

SEC. ___. None of the funds made available by this Act may be used to kill, or assist others in killing, any Bison in the Yellowstone National Park herd.

The CHAIRMAN. Pursuant to the order of the House earlier today, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will be recognized for 10 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have an amendment today to halt the slaughter of bison in Yellowstone National Park. The bison is a symbol of America. Like the monuments on our National Mall or the dome on this Capitol building, the bison is an American icon. These magnificent beasts are woven into the fabric of our culture, not to mention being sewn onto the fabric of every uniform worn by an employee of the Department of Interior.

After a century of wanton slaughter, we have a small herd in Yellowstone National Park, the last remaining example of the purebred, free-roaming bison left in this country. Is it any wonder then that the American public looks on in horror at footage of employees of the United States Department of Interior participating in the slaughter of Yellowstone bison? The general public is under the impression that these animals are being sheltered and protected by the Federal Government, not rounded up and shot. But the numbers tell the awful story: This year alone, the Department of Interior participated in the slaughter of 244 Yellowstone bison. On average over the last decade, 250 of these wild animals have been shipped off to slaughter or shot on site every year. The obvious question is why? Why is the Department of Interior murdering its beloved mascot?

Should this picture be the new seal of the leading conservation agency in this country? Instead of a bison standing tall and proud on the seal of the Department of Interior, it is indeed dead, on its back, legs standing stiffly in the air.

The reason these bison are being slaughtered lies in the Department's decision to pander to a single State's deadly approach to wildlife management. During the harsh winter months, bison migrate out of Yellowstone National Park to lower elevations in a desperate attempt to avoid starving to death.

Once they leave the park, they can come into cattle grazing on public and private land; and some of the bison may carry a disease which can be dangerous to cows. But here is the critical point: The transfer of this disease from bison to cattle has never happened in the wild. Never happened. Yet one State and only one which borders Yellowstone insists that the only means to deal with a theoretical possibility that it might happen is to pursue an automatic death sentence for any bison that steps one hoof onto the invisible park boundary. Talk about using a sledgehammer to kill a flea. Under current policy, simply being a bison in Montana is a capital crime, punishable by death.

Perhaps most shocking of all is that most of the bison are not even tested, not even tested to see if they actually carry the disease before they are being sent to their deaths. The truth is, this State is caught in a time warp. Despite the fact that we have entered a new millennium, this particular State is still pursuing wildlife management policies that were popular in the 1800s. Moreover, this State has demanded and the Department of Interior has agreed to help this State implement its approach to wildlife management by helping them shoot bison. That must stop.

The National Park Service is one of the foremost conservation agencies in the world. It should not be required to kill the very wildlife they are sworn to protect. If adopted, this amendment will prohibit the use of any funds in this bill to kill or assist others in killing these magnificent animals. This is a very narrow amendment. If Montana wants to continue to slaughter bison as if they were still living in the old West, this amendment will not stop them. However, the Federal agencies funded in this bill, agencies with a conservation mandate, will not help them do their dirty work.

The Federal conservation agencies funded in this bill will continue working within the existing bison management plan to address the theoretical threat of disease through hazing and capture of bison, through development of a vaccine for both cattle and bison, and through the use of other tools. But the tools they use will no longer be lethal.

This is a very simple amendment. Members either support slaughtering Yellowstone bison or they do not. We know the American people do not support the slaughter of this icon of America, just as they would not support the slaughter of the bald eagle. There is no good reason for this killing, and I urge my colleagues to adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 10 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, none of us are comfortable with this issue, but let me provide Members with some facts.

A record of decision was signed on December, 2000, by then Secretary of Interior Bruce Babbitt, the Secretary of Agriculture Dan Glickman, and the Governor of Montana. This document was a long-term plan for bison management in this region.

The main objectives were to maintain a free-ranging bison population and manage the risk of transmission of diseases from bison to cattle. Both the State and the Park Service have specific responsibilities under this agreement.

When we have bison outside the park, bison are captured, tested and some are shipped to slaughter. On occasion, bison resist the capture or hazing and are shot. During the winter of 2002, there was a dangerous situation of this kind involving one bison bull. At the request of Montana, an interagency team, including the Park Service, shot the bull.

□ 1315

Mr. Chairman, I yield 3 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I do not understand why some Congressmen continue to offer amendments about issues that they truly do not understand, that they have never observed, nor have they ever participated in the solution to a problem that exists. The States of Wyoming, Idaho, Montana and the United States Departments of Agriculture and Interior have worked very hard over the past decade to protect and sustain the existing free-ranging elk and bison populations while still protecting the economic interests of the livestock industries in these States.

My colleague from West Virginia made the statement that it has never been proven that brucellosis has spread from bison to cattle. That is simply not true. My colleague from Montana will go further into that explanation. Controlling brucellosis is a delicate balancing act for all parties involved. We need to address the needs of each of the environment, Federal and private stakeholders. Bison numbers are nearly at capacity for the range in the parks and surrounding areas, and those herds must be managed. We must actively manage the herd consistently with the greater ecosystem management plan which has been established by stakeholders and the Departments and we have to employ sometimes the unfortunate use of reduction methods. To not do so would upset the balance of the Greater Yellowstone ecosystem. That is something that certainly my colleague from West Virginia would not want to happen.

The gentleman from West Virginia's amendment would make the decade-long efforts of public and private stakeholders in vain by limiting the use of Federal funds to aid the Park Service in managing the reduction of bison. I would much prefer the sponsor of this amendment begin attending the Greater Yellowstone Interagency Brucellosis Committee meetings as my staff does and learn the complexity of these issues and the limitations of reasonable solutions rather than enacting knee-jerk legislation that those of us in the surrounding communities have to then live with. By taking one of the Park Service's tools out of their tool box in bison and brucellosis management, this amendment reduces our ability to effectively control the bison herd at a time when its numbers are reaching maximum capacity.

This amendment will not reduce the reduction of bison leaving Yellowstone and Grand Teton parks. Merely the surrounding States will then have to take a more active role in reduction of their activities. This is nothing more than feel-good legislation that ignores all of the facts, all of the stakeholders' concerns and the real world.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, we must stop the Park Service from killing Yellowstone National Park's buffalo. More than any other animal, the American buffalo is a wildlife icon of the United States. The buffalo is the symbol that represents the Department of the Interior. The buffalo is profoundly significant to Native American cultures and perhaps more than any other wildlife species has influenced our history.

In the late 19th century, buffalo were nearly exterminated. After tens of millions of buffalo were killed, only 200 wild buffalo remained in the Nation and all were located in Yellowstone National Park. Due to poaching, their numbers were reduced to 25 by the turn of the last century. The offspring of the 25 survivors, today's Yellowstone National Park buffalo, comprise the only wild, free-roaming buffalo to continually occupy their native habitat in the United States. Yet the Yellowstone buffalo herd is still under assault. Since 1984, nearly 3,700 buffalo have been killed in Montana. This past winter, 244 buffalo were killed by the Federal and State agencies, including 231 captured and slaughtered by the National Park Service. The Department of the Interior does this under the guise of preventing the spread of brucellosis to cattle.

Here are the facts. There has never been a confirmed incidence of brucellosis transmission in the wild from buffalo to cattle. This risk is so low as to be determined to be immeasurable by the 1998 report from the National Research Council of the National Academy of Sciences. 13,000 Yellowstone elk, some of which harbor brucellosis, are allowed unfettered access to Federal land outside the park. Buffalo with brucellosis and cattle have grazed together for over 50 years in the Jackson Hole area south of Yellowstone with no incidence of disease transmission. Despite these facts, the National Park Service spends taxpayer dollars to kill buffalo in an attempt to keep them unnaturally confined within Yellowstone.

Later this year I will introduce a bill that provides a comprehensive solution to this issue. But until the bison herd can freely roam on key low-elevation habitat on national forest land adjacent to the park like any other wildlife, without triggering hazing, capture or killing, the Park Service should be protecting this wildlife icon in Yellowstone Park and managing them in a nonlethal manner. The Rahall amendment will do this. I urge its adoption.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, the last speaker and the sponsor of this amendment act like nothing has been done over the last few years to try and manage the herds within Yellowstone Park. I can say that that is the farthest thing from the truth. This is 10 years of hard work. We have had agencies that disagreed, we have had States that disagreed, we have gone to court and sued each other and finally through the good sense of the Clinton administration and Bruce Babbitt, they signed a memorandum of understanding on the management of the park bison and they took it out of the court. In fact, they took it to court, and the court agreed with this memorandum of understanding.

To make the statement that it has never been passed in the wild, that is ludicrous. You cannot manage something like that because you would have to see the cow lick the aborted fetus of the bison and then immediately kill the cow and test it. We do have proof that brucellosis has been passed from bison to elk. We do have proof that in captivity brucellosis has been passed from bison to cattle.

This is also a human health issue. There are people all over this country and in the State of Montana that carry undulant fever, brucellosis; and they get it from these animals. The Public Health Security and Bioterrorism Preparedness and Response Act of 2002, which we passed and was signed by our President, the act specifies that the Secretary of the Department of Health and Human Services establish and maintain a list of biological agents and toxins that have the potential to pose a severe threat to public health and safety.

I turn to page 1. There are only seven bacteria in this bioterrorism alert. Brucellosis is number two on the list. Anthrax is number one. This is a health issue. This is a management of the health of the bison issue. The National Academy of Sciences had a study that was released a number of years ago that said the carrying capacity of the park is being exceeded. It has a capacity somewhere between 1,700 and 3,500 bison. As of last week, there are 4,045 bison on the park premises and leaving during the winter. The riparian damage that they do, the damage that they do to the very environment we are trying to protect in the national park is one of the reasons that we signed this memorandum of understanding with the Federal Government. We finally came to a compromise. We finally took it out of the court.

This amendment turns back 10 years' worth of compromise, 10 years' worth of consensus. Take it to a committee, bring it back to a discussion; but do not undercut the process creating a human health danger, a herd health danger, and danger to the environment of the national park. This amendment must be defeated.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Let me say once again that the bison is an American icon. In my own home State of West Virginia, at Marshall University, the football team's mascot is the bison. They are the Thundering Herd. Nobody slaughters that Thundering Herd just as nobody should slaughter the Yellowstone herd.

Are there alternatives? Yes. There are alternatives for dealing with diseased bison. It is not that difficult. Contrary to what the State claims, it does not require shooting them. We support continuing efforts to keep bison from having any contact with cows through the use of hazing and capturing bison when necessary. We support continued and improved testing to determine precisely how many bison actually have the disease. We support allowing bison which test positive to be quarantined either within the park or on any of the many Indian reservations where a tribe has contacted the Secretary volunteering to take possession of bison. All of these activities and more are allowed under the Rahall amendment. The only thing that is prohibited is killing these animals.

As far as the counter to our claim that there has never been a documented instance of a cow catching the disease from a bison, in the wild, it has never happened. I stress what we are saying here is in the wild. It is only a theory. If this concern were indeed serious, then bison would not be allowed to cross the southern park boundary and mingle with cattle in Wyoming, nor would elk, which also carry this disease, be allowed to leave the park and mingle with the cattle in Montana and Wyoming. None of this has led to an outbreak. The numbers regarding how many bison have the disease are inflated and unproven because under current practice most of them are not even tested before they are slaughtered. No one really knows how many bison have this disease.

In conclusion, Mr. Chairman, let me say that the Department of the Interior should not be out slaughtering an animal that they are in charge of protecting. This is not a difficult problem with which to deal. There are alternatives available. This amendment allows those alternatives to be pursued. The American bison is to our culture just like the bald eagle is the very icon of our American way of life. Let us protect that icon, and let us stop the slaughter of bison in Yellowstone.

I urge the adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment, which I do not think makes any sense. It provides, "None of the funds made available by this act may be used to kill or otherwise assist in killing any bison in the Yellowstone National Park herd." The national park herd is not controlled by the Congress. Nature takes care of the size of that herd. If it grows too large, if we have a situation where bison are starving in the national park because there is not enough land to take care of this ever-increasing-size herd, leave aside the debate about brucellosis and human health which I will address in a second, you have a very serious limitation on doing anything.

Secondly, the State of Montana has indicated that they are going to gather up these bison that get off of the park and slaughter them. So now you have created a situation where the people responsible for taking care of them cannot have any cooperation with those who want to slaughter them and you are going to break down the scientific ability to make a sensible decision about when they should be slaughtered and when they should not.

Brucellosis is a highly contagious reproductive disease that affects cattle, bison, and swine by causing abortions, infertility, and lowered milk production. The disease is also transmissible to humans. Brucellosis is not a natural disease for bison. The disease was introduced into the bison herd when infected cattle arrived into North America and then infected the bison. To conclude that it is not going to work going back the other way, I think, is not sound science. We are rapidly approaching eradication of brucellosis from the U.S. cattle herd. The Yellowstone bison herd represents the last significant reservoir of brucellosis in the U.S.

The Rahall amendment would interfere with the eradication of brucellosis in the Greater Yellowstone area. For the health of our cattle herds and our bison herds, oppose this amendment. An interagency bison management plan has been developed, approved and is being implemented to deal with this situation. It is imperative that the National Park Service employees be allowed to continue to play their integral role in eradicating brucellosis. The response to the problem that the gentleman has identified of wanting to protect bison wherever possible is not enhanced by this amendment. This amendment is not based upon sound science. It is not based upon a commonsense approach to both protecting the interests of the State and the interests of those who are very concerned about the bison in our national park.

I urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 10 offered by the gentlewoman from New York (Ms. SLAUGHTER); amendment No. 18 offered by the gentleman from Oregon (Mr. DEFAZIO); the amendment offered by the gentleman from Colorado (Mr. HEFLEY); amendment No. 17 offered by the gentleman from Colorado (Mr. TANCREDO); amendment No. 14 offered by the gentleman from Oregon (Mr. BLUMENAUER); and the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The amendment offered by the gentleman from California (Mr. GALLEGLY) and amendment No. 4 offered by the gentleman from West Virginia (Mr. RAHALL) will be taken at a later time.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

☐ 1330

AMENDMENT NO. 10 OFFERED BY MS. SLAUGHTER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. SLAUGHTER:

Page 21, line 3, after the first dollar amount, insert "(reduced by $6,000,000)".

Page 47, line 6, after the dollar amount, insert "(reduced by $3,000,000)".

Page 91, line 22, after the dollar amount, insert "(reduced by $6,000,000)".

Page 128, line 7, after the dollar amount, insert "(increased by $10,000,000)".

Page 128, line 11, after the dollar amount, insert "(increased by $10,000,000)".

Page 128, line 23, after the dollar amount, insert "(increased by $5,000,000)".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 200, answered "present" 1, not voting 8, as follows:

[Roll No. 376]

AYES—225

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—200

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McIntyre
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner

Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Sherman

NOT VOTING—8

Berkley
Brady (TX)
Ferguson
Gephardt
Janklow
Jefferson
Millender-McDonald
Turner (OH)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining on this vote.

□ 1350

Mr. TAUZIN and Mr. HILL changed their vote from "aye" to "no."

Ms. WATERS and Mr. SIMMONS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. McHUGH. Mr. Chairman, on rollcall vote No. 376 I inadvertently cast a "nay" vote. I had intended to vote "aye."

Stated against:

Mr. BRADY of Texas. Mr. Chairman, on rollcall No. 376 I was inadvertently detained. Had I been present, I would have vote "no."

Mr. PORTMAN. Mr. Chairman, on rollcall No. 376 I inadvertently voted "yes." I meant to vote "no."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 18 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 18 offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 241, not voting 9, as follows:

[Roll No. 377]

AYES—184

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clyburn
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Franks (AZ)
Frost
Gallegly
Gonzalez
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McInnis
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Skelton
Slaughter
Smith (NJ)
Solis
Stark
Strickland
Stupak
Tancredo
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—241

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emanuel
English
Everett
Feeney
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Houghton
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McGovern
McHugh
McKeon
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Upton
Visclosky
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Berkley
Clay
Ferguson
Gephardt
Hunter
Janklow
Jefferson
Millender-McDonald
Turner (OH)

□ 1359

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 341, not voting 12, as follows:

[Roll No. 378]

AYES—81

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Blackburn
Brady (TX)
Burgess
Buyer
Cannon
Carter
Chocola
Coble
Collins
Costello
Cox
Crane
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Duncan
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Green (WI)

Gutknecht
Hefley
Hoekstra
Hunter
Hyde
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kennedy (MN)
King (IA)
Kirk
Lewis (KY)
Linder
Manzullo
McCotter
McInnis
Miller (FL)
Miller, Gary
Musgrave
Norwood
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Ramstad
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Smith (WA)
Stearns
Tancredo
Taylor (MS)
Terry
Toomey
Wilson (SC)

NOES—341

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Clay
Clyburn
Cole
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Israel
Issa
Istook
Jackson (IL)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Berkley
Ferguson
Gephardt
Herger
Jackson-Lee (TX)
Janklow
Jefferson
Millender-McDonald
Nunes
Pelosi
Sandlin
Turner (OH)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote, 2 minutes.

□ 1407

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HERGER. Mr. Chairman, on rollcall No. 378 I was inadvertently detained. Had I been present, I would have voted "aye."

Stated against:

Mr. NUNES. Mr. Chairman, on rollcall No. 378, do to a technical malfunction, by vote did not register. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Chairman, I was unavoidably detained off the floor of the House during the recorded vote of the Hefley amendment, which was to cut the Interior appropriations by 1 percent. On that amendment, I would have voted "no."

PERSONAL EXPLANATION

Mr. TURNER of Ohio. Mr. Chairman, on rollcall Nos. 376, 377, and 378 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 17 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 17 offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 9, as follows:

[Roll No. 379]

AYES—112

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Blackburn
Bonner
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Coble
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeFazio
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Emerson
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hostettler
Hulshof
Hunter
Hyde
Isakson
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McInnis
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Otter
Paul
Pence
Petri
Pitts
Pombo
Putnam
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Skelton
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Tiahrt
Toomey
Vitter
Wamp
Weldon (FL)
Weller
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—313

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clay
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gilchrest
Gillmor

Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—9

Berkley
Ferguson
Gephardt
Istook
Janklow
Jefferson
Millender-McDonald
Pelosi
Strickland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote, 2 minutes.

□ 1414

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. BLUMENAUER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 14 offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 197, noes 228, not voting 9, as follows:

[Roll No. 380]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Berry
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Houghton
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wynn

NOES—228

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Berkley
Buyer
Ferguson
Gephardt
Hoyer
Janklow
Jefferson
Millender-McDonald
Pelosi

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1421

Mr. MEEK of Florida changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SHADEGG

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 298, not voting 8, as follows:

[Roll No. 381]

AYES—128

Akin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Chocola
Cole
Collins
Cox
Crane
Cubin
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Emerson
Everett
Feeney
Flake
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Graves
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Jenkins
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Latham
Lewis (KY)
Linder
Lucas (OK)
McCotter
McInnis
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pitts
Pombo
Porter
Putnam
Radanovich
Renzi
Reynolds
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Toomey
Turner (OH)
Vitter
Walden (OR)
Weldon (FL)
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)

NOES—298

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Houghton
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—8

Berkley
Ferguson
Gephardt
Hoyer
Janklow
Jefferson
Millender-McDonald
Pelosi

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1428

Mr. BURGESS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWEENEY) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

□ 1430

REPORT ON H.R. 2765, DISTRICT OF COLUMBIA APPROPRIATIONS, 2004

Mr. FRELINGHUYSEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–214) on the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. PENCE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PRIVILEGED REPORT IN THE MATTER OF THE RESOLUTION OF INQUIRY TO THE ATTORNEY GENERAL

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 108–215) on the resolution (H. Res. 287) together with dissenting views, directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

(Mr. VAN HOLLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN HOLLEN. Mr. Speaker, subject to rule XXII, clause 7(C), I hereby announce my intention to offer a Motion to Instruct on H.R. 1308, the Child Tax Credit bill. The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

One. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides immediate payments to taxpayers receiving additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Two. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

Three. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

Four. To the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of astronauts who died in the *Columbia* disaster.

Five. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees, and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders and with their consent and approval, the Chair announces that during the joint meeting to hear an address by the Right Honorable Tony Blair, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 10, 2003, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 3:50 p.m., the following proceedings were had:

☐ 1550

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE RIGHT HONORABLE TONY BLAIR, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Bill Sims, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair has appointed as members of the committee on the part of the House to escort the Right Honorable Tony Blair into the Chamber:

The gentleman from Texas (Mr. DELAY);

The gentleman from Missouri (Mr. BLUNT);

The gentleman from Nebraska (Mr. BEREUTER);

The gentleman from California (Mr. LEWIS);

The gentleman from Wisconsin (Mr. PETRI);

The gentleman from New York (Mr. KING);

The gentlewoman from Florida (Ms. GINNY BROWN-WAITE);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from New Jersey (Mr. MENENDEZ);

The gentleman from South Carolina (Mr. CLYBURN);

The gentlewoman from Connecticut (Ms. DELAURO);

The gentleman from Missouri (Mr. SKELTON); and

The gentleman from California (Mr. LANTOS).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, has appointed the following Senators as members of the committee on the part of the Senate to escort the Right Honorable Tony Blair into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Alaska (Mr. STEVENS);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Arizona (Mr. KYL);

The Senator from Virginia (Mr. ALLEN);

The Senator from Indiana (Mr. LUGAR);

The Senator from Colorado (Mr. CAMPBELL);

The Senator from North Carolina (Mrs. DOLE);

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Nevada (Mr. REID);

The Senator from Maryland (Ms. MIKULSKI);

The Senator from Delaware (Mr. BIDEN);

The Senator from Vermont (Mr. LEAHY); and

The Senator from Connecticut (Mr. DODD).

The Committee has been advised to convene in the office of the Speaker with the Members of the Senate to escort the Prime Minister into the Chamber.

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Jesse Bibiano Marehalau, Ambassador of Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 4 o'clock and 1 minute p.m., the Assistant to the Sergeant at Arms announced the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, the Right Honorable Tony Blair.

The Prime Minister of the United Kingdom of Great Britain and Northern Ireland, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you the Right Honorable Tony Blair, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

[Applause, the Members rising.]

ADDRESS BY THE RIGHT HONORABLE TONY BLAIR, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Prime Minister BLAIR. Mr. Speaker, Mr. Vice President, Honorable Members of Congress, I am deeply touched by that warm and generous welcome. That is more than I deserve and more than I am used to, quite frankly. And let me begin by thanking you most sincerely for voting to award me the Congressional Gold Medal. But you, like me, know who the real heros are: those brave servicemen and -women, yours and ours, who fought the war, and risk their lives still. Our tribute to them should be measured in this way: by showing them and their families that they did not strive or die in vain, but that through their sacrifice, future generations can live in greater peace, prosperity, and hope.

Let me also express my gratitude to President Bush. Through the troubled times since September 11 changed our world, we have been allies and friends. Thank you, Mr. President, for your leadership.

Mr. Speaker, my thrill on receiving this award was only a little diminished on being told that the first Congressional Gold Medal was awarded to George Washington for what Congress called "his wise and spirited conduct in getting rid of the British out of Boston."

On our way down here, Senator FRIST was kind enough to show me the fireplace where in 1814 the British had burned the Congress library. I know this is kind of late, but sorry.

Actually, you know, my middle son was studying 18th century history and the American War of Independence and he said to me the other day, you know Lord North, Dad. He was the British Prime Minister who lost us America. So just think, however many mistakes you make, you will never make one that bad.

Members of Congress, I feel a most urgent sense of mission about today's world. September 11 was not an isolated event, but a tragic prologue; Iraq, another act, and many further struggles will be set upon this stage before it is over. There never has been a time when the power of America was so necessary, or so misunderstood; or when, except in the most general sense, a study of history provides so little instruction for our present day. We were all reared on battles between great warriors, between great nations, between powerful forces and ideologies that dominated entire continents. These were struggles for conquest, for land or money. And the wars were fought by massed armies. The leaders were openly acknowledged; the outcomes decisive. Today, none of us expect our soldiers to fight a war on our own territory.

The immediate threat is not conflicts between the world's most powerful nations. And why? Because we all have too much to lose; because technology, communication, trade and travel are bringing us ever closer together; because in the last 50 years, countries like yours and mine have trebled their growth and standard of living; because even those powers like Russia or China or India can see the horizon of future wealth clearly and know they are on a steady road toward it; and because all nations that are free, value that freedom, will defend it absolutely, and have no wish to trample on the freedom of others.

We are bound together as never before. This coming together provides us with unprecedented opportunity that also makes us uniquely vulnerable. And the threat comes because in another part of our globe there is shadow and darkness where not all the world is free; where many millions suffer under brutal dictatorship; where a third of our planet lives in poverty beyond anything even the poorest in our societies can imagine; where a fanatical strain of religious extremism has risen that is a mutation of the true and peaceful faith of Islam; and because in the combination of these afflictions a new and deadly virus has emerged.

The virus is terrorism, whose intent to inflict destruction is unconstrained by human feeling and whose capacity to inflict is enlarged by technology. This is a battle that cannot be fought or won only by armies. We are so much more powerful in all conventional ways than the terrorists. Yet even in all our might, we are taught humility. In the end, it is not our power alone that will defeat this evil. Our ultimate weapon is not our guns, but our beliefs.

There is a myth that, though we love freedom, others do not; that our attachment to freedom is a product of our culture; that freedom, democracy, human rights, the rule of law are American values or Western values; that Afghan women were content under the lash of the Taliban; that Saddam was somehow beloved by his people; that Milosevic was Serbia's savior.

Members of Congress, ours are not Western values. They are the universal values of the human spirit. And anywhere, anytime ordinary people are given the chance to choose, the choice is the same: freedom, not tyranny; democracy, not dictatorship; the rule of law, not the rule of the secret police.

The spread of freedom is the best security for the free. It is our last line of defense and our first line of attack. And just as the terrorist seeks to divide humanity in hate, so we have to unify it around an idea, and that idea is liberty. We must find the strength to fight for this idea and the compassion to make it universal.

Abraham Lincoln said: "Those that deny freedom to others, deserve it not for themselves." And it is this sense of justice that makes moral the love of liberty.

In some cases, where our security is under direct threat, we will have recourse to arms. In others, it will be by force of reason. But in all cases to the same end: that the liberty we seek is not for some, but for all. For that is the only true path to victory in this struggle.

But first we must explain the danger. Our new world rests on order. The danger is disorder, and in today's world it can now spread like contagion. The terrorists and the states that support them do not have large armies or precision weapons. They do not need them. Their weapon is chaos. The purpose of terrorism is not the single act of wanton destruction. It is the reaction it seeks to provoke: economic collapse, the backlash, the hatred, the division, the elimination of tolerance, until societies cease to reconcile their differences and become defined by them. Kashmir, the Middle East, Chechnya, Indonesia, Africa, barely a continent or nation is unscathed.

The risk is that terrorism and states developing weapons of mass destruction come together. And when people say that risk is fanciful, I say we know the Taliban supported al Qaeda; we know Iraq under Saddam gave haven to and supported terrorists; we know there are states in the Middle East now actively funding and helping people who regard it as God's will, in the act of suicide, to take as many innocent lives with them on their way to God's judgment. Some of these states are desperately trying to acquire nuclear weapons. We know that companies and people with expertise sell it to the highest bidder; and we know that at least one state, North Korea, lets its people starve while spending billions of dollars on developing nuclear weapons and exporting the technology abroad. This is not fantasy. It is 21st century reality, and it confronts us now.

Can we be sure that terrorism and weapons of mass destruction will join together? Let us say one thing. If we are wrong, we will have destroyed a threat that, at its least, is responsible for inhuman carnage and suffering. That is something I am confident history will forgive. But if our critics are wrong, if we are right, as I believe with every fiber of instinct and conviction I have that we are, and we do not act, then we will have hesitated in the face of this menace when we should have given leadership. That is something history will not forgive.

But precisely because the threat is new, it is not obvious. It turns upside down our concepts of how we should act and when, and it crosses the frontiers of many nations. So just as it redefines our notions of security, so it must refine our notions of diplomacy.

There is no more dangerous theory in international politics today than that we need to balance the power of America with other competitor powers, different poles around which nations gather. Such a theory may have made sense in 19th century Europe. It was perforce the position in the Cold War. Today, it is an anachronism to be discarded like traditional theories of security. And it is dangerous because it is not rivalry but partnership we need, a common will and a shared purpose in the face of a common threat.

I believe any alliance must start with America and Europe. If Europe and America are together, the others will work with us. If we split, the rest will play around, play us off, and nothing but mischief will be the result of it.

You may think after recent disagreements it cannot be done. But the debate in Europe is open. Iraq showed that, when, never forget, many European nations supported our action, and it shows it still when those that did not agreed to Resolution 1483 in the United Nations for Iraq's reconstruction. Today, German soldiers lead in Afghanistan. French soldiers lead in the Congo where they stand between peace and a return to genocide. So we should not minimize the differences, but we should not let them confound us either.

People ask me, after the past months when, let us say, things were a trifle strained in Europe, why do you persist in wanting Britain at the center of Europe? And I say, well, maybe if the U.K. were a group of islands 20 miles off Manhattan, I might feel differently; but, actually, we are 20 miles off Calais and are joined by a tunnel. We are part of Europe, and we want to be; but we also want to be part of changing Europe.

Europe has one potential for weakness. For reasons that are obvious, we spent roughly a thousand years killing each other in large numbers. The political culture of Europe is inevitably and rightly based on compromise. Compromise is a fine thing, except when based on an illusion; and I do not believe you can compromise with this new form of terrorism.

But Europe has a strength. It is a formidable political achievement. Think of the past and think of the unity today. Think of it preparing to reach out even to Turkey, a nation of vastly different culture, tradition and religion, and welcome it in.

But my real point is this: now Europe is at a point of transformation. Next year, 10 new countries will join. Romania and Bulgaria will follow. Why will these new European members transform Europe? Because their scars are recent. Their memories strong. Their relationship with freedom still one of passion, not comfortable familiarity. They believe in the transatlantic alliance. They support economic reform. They want a Europe of nations, not a superstate. They are our allies, and they are yours. So do not give up on Europe. Work with it.

To be a serious partner, Europe must take on and defeat the anti-Americanism that sometimes passes for its political discourse. And what America must do is show that this is a partnership built on persuasion, not command. Then the other great nations of our world and the small will gather around in one place, not many; and our understanding of this threat will become theirs. And the United Nations can then become what it should be, an instrument of action as well as debate.

The Security Council should be reformed. We need a new international regime on the nonproliferation of weapons of mass destruction. And we need to say clearly to United Nations' members: If you engage in the systematic and gross abuse of human rights in defiance of the U.N. charter, you cannot expect to enjoy the same privileges as those that conform to it.

I agree, it is not the coalition that determines the mission, but the mission, the coalition. But let us start preferring a coalition and acting alone if we have to, not the other way round. True, winning wars is not easier that way. But winning the peace is. And we have to win both.

You have an extraordinary record of doing so. Who helped Japan renew or Germany reconstruct or Europe get back on its feet after World War II? America.

So when we invade Afghanistan or Iraq, our responsibility does not end with military victory. Finishing the fighting is not finishing the job. So if Afghanistan needs more troops from the international community to police outside Kabul, our duty is to get them. Let us help them eradicate their dependency on the poppy, the crop whose wicked residue turns up on the streets of Britain as heroin to destroy young British lives as much as their harvest warps the lives of Afghans.

We promised Iraq democratic government. We will deliver it. We promised them the chance to use their oil wealth to build prosperity for all their citizens, not a corrupt elite. And we will do so. We will stay with these people, so in need of our help, until the job is done.

And then reflect on this: How hollow would the charges of American imperialism be when these failed countries are and are seen to be transformed from states of terror to nations of prosperity; from governments of dictatorship to examples of democracy; from sources of instability to beacons of calm? And how risible would be the claims that these were wars on Muslims, if the world could see these Muslim nations still Muslim but with some hope for the future, not shackled by brutal regimes whose principal victims were the very Muslims they pretended to protect? It would be the most richly observed advertisement for the values of freedom we can imagine.

When we removed the Taliban and Saddam Hussein, this was not imperialism. For these oppressed people, it was their liberation. And why can the terrorists even mount an argument in the Muslim world that it is not? Because there is one cause terrorism rides upon, a cause they have no belief in, but can manipulate.

I want to be very plain. This terrorism will not be defeated without peace in the Middle East between Israel and Palestine. Here it is that the poison is incubated. Here it is that the extremist is able to confuse in the mind of a frighteningly large number of people the case for a Palestinian state and the destruction of Israel, and to translate this, moreover, into a battle between East and West, Muslim, Jew, and Christian. We must never compromise the security of the State of Israel.

The State of Israel should be recognized by the entire Arab world, and the vile propaganda used to indoctrinate children not just against Israel but against Jews must cease. You cannot teach people hate and then ask them to practice peace. But neither can you teach people peace except by according them dignity and granting them hope. Innocent Israelis suffer. So do innocent Palestinians. The ending of Saddam's regime in Iraq must be the starting point of a new dispensation for the Middle East.

Iraq: free and stable. Iran and Syria, who give succor to the rejectionist men of violence, made to realize that the world will no longer countenance it; that the hand of friendship can only be offered them if they resile completely from this malice, but that if they do, that hand will be there for them and their people. The whole of the region helped towards democracy. And to symbolize it all, the creation of an independent, viable, and democratic Palestinian state side by side with the State of Israel.

What the President is doing in the Middle East is tough, but right. And let me at this point thank the President for his support and that of President Clinton before him and the support of Members of this Congress for our attempts to bring peace to Northern Ireland. One thing I have learned about peace processes, they are always frustrating, often agonizing, and occasionally seem hopeless; but for all that, having a peace process is better than not having one.

And why has a resolution of Palestine such a powerful appeal across the world? Because it embodies an evenhanded approach to justice. Just as when this President recommended and this Congress supported a $15 billion increase in spending on the world's poorest nations to combat HIV/AIDS, it was a statement of concern that echoed rightly round the world.

There can be no freedom for Africa without justice, and no justice without declaring war on Africa's poverty, disease, and famine with as much vehemence as we remove the tyrant and the terrorist.

In Mexico in September, the world should unite and give us a trade round that opens up our markets. I am for free trade, and I will tell you why. Because we cannot say to the poorest people in the world we want you to be free but just do not try to sell your goods in our market. And because ever since the world started to open up, it has prospered.

That prosperity has to be environmentally sustainable, too. I remember at one of our earliest international meetings a European Prime Minister telling President Bush that the solution was quite simple: just double the tax on American gasoline. Your President gave him a most eloquent look.

It reminded me of the first leader of my party, Keir Hardy, in the early part of the 20th century. He was a man who used to correspond with the Pankhursts, the great campaigners for women's votes. Shortly before the election in June, 1913, one of the Pankhurst sisters wrote Hardy saying she had been studying Britain carefully, and there was a worrying rise in sexual immorality linked to heavy drinking. So she suggested he fight the election on the platform of votes for women, chastity for men, and prohibition for all. He replied saying, "Thank you for your advice, the electoral benefits of which are not immediately discernible." We all get that kind of advice.

But, frankly, we need to go beyond even Kyoto; and science and technology is the way. Climate change, deforestation, and the voracious drain on natural resources cannot be ignored. Unchecked, these forces will hinder the economic development of the most vulnerable nations first and, ultimately, all nations. We must show the world that we are willing to step up to these challenges around the world and in our own backyards.

Members of Congress, if this seems a long way from the threat of terror and weapons of mass destruction, it is only to say again that the world's security cannot be protected without the world's heart being won. So America must listen as well as lead, but Members of Congress, do not ever apologize for your values. Tell the world why you are proud of America. Tell them when the "Star Spangled Banner" starts, Americans get to their feet: Hispanics, Irish, Italians, Central Europeans, East Europeans, Jews, Muslims, white, Asian, black, those who go back to the early settlers and those whose English is the same as some New York cab drivers I have dealt with but whose sons and daughters could run for Congress. Tell them why Americans, one and all, stand upright and respectful, not because some State official told them to but because whatever race, color, class, or creed they are, being American means being free. That is what makes them proud.

As Britain knows, all predominant power seems for a time invincible, but in fact it is transient. The question is: What do you leave behind? What you can bequeath to this anxious world is the light of liberty. That is what this struggle against terrorist groups or states is about. We are not fighting for domination. We are not fighting for an American world, though we want a world in which America is at ease. We are not fighting for Christianity, but against religious fanaticism of all kinds.

This is not a war of civilizations, because each civilization has a unique capacity to enrich the stock of human heritage. We are fighting for the inalienable right of humankind, black or white, Christian or not, left, right or merely indifferent, to be free; free to raise a family in love and hope; free to earn a living and be rewarded by your own efforts; free not to bend your knee to any man in fear; free to be you so long as being you does not impair the freedom of others. That is what we are fighting for, and that is a battle worth fighting.

I know it is hard on America. And in some small corner of this vast country out in Nevada or Idaho, these places I have never been to but have always wanted to go, I know out there is a guy getting on with his life, perfectly happily, minding his own business, saying to you, the political leaders of this country, why me and why us and why America?

The only answer is because destiny put you in this place in history in this moment in time, and the task is yours to do.

And our job, my nation that watched you grow, that you have fought alongside and now fights alongside you, that takes enormous pride in our alliance and great affection in our common bond, our job is to be there with you.

You are not going to be alone. We will be with you in this fight for liberty. We will be with you in this fight for liberty; and if our spirit is right, and our courage firm, the world will be with us. Thank you.

[Applause, Members rising.]

At 4 o'clock and 42 minutes p.m., the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 4 o'clock and 45 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess subject to the call of the Chair.

☐ 1731

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BONILLA) at 5 o'clock and 31 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore (Mr. BONILLA). Pursuant to House Resolution 319 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2691.

☐ 1732

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Arizona (Mr. SHADEGG) had been disposed of and the reading of the bill had progressed through page 154 line 13.

AMENDMENT NO. 9 OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. UDALL of New Mexico:

Add at the end (before the short title) the following new section:

SEC. . None of the funds appropriated or made available by this Act may be used to finalize or implement the proposed revisions to subpart A of part 219 of title 36, Code of Federal Regulations, relating to National Forest System Planning for Land and Resource Management Plans, as described in the proposed rule published in the Federal Register on December 6, 2002 (67 Fed. Reg. 72770).

The CHAIRMAN. Points of order are reserved.

Pursuant to the previous order of the House of today, the gentleman from New Mexico (Mr. UDALL) will control 15 minutes. The gentleman from North Carolina (Mr. TAYLOR) will control 25 minutes. The gentleman from Washington (Mr. DICKS) will control 15 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to protect our national forests and ensure that they continue to be managed using long-standing scientific principles and practices. My amendment will stop a radical rewrite of 27 years of bipartisan forest management policy. It will prohibit the use of funds provided in this bill for the finalization or implementation of the Bush administration's proposed changes to the National Forest Management Act of 1976.

The proposed regulations constitute a radical departure from current forest management policy, first adopted and implemented by Congress and the Reagan administration over 20 years ago. The proposed changes will greatly reduce the amount of environmental analysis, wildlife protection and public involvement currently required in the development and revision of forest management plans. Many of these changes reflect the so-called timber industry wish list.

In at least eight specific instances, the proposed regulations closely mirror policies favored by the timber industry. To name a few of these, the proposed recommendations eliminate ecological sustainability as the priority of the Forest Service; eliminate protections for wildlife; eliminate scientific oversight of agency actions; and eliminate most mandatory standards for forest management.

These measures were designed to strengthen Forest Service accountability. The National Forest Management Act established new duties to conserve biological diversity, to ground management decisions in sound science, and to ensure extensive public participation opportunities in the forest planning process. The proposed regulations depart in a number of ways from sound forest management policy that has existed for the past 6 administration.

First, the Bush administration's regulations would effectively exempt forest management plans from the National Environmental Policy Act, NEPA, the Magna Carta of environmental law.

Second, the administration's proposed rules would eliminate the requirements to maintain viable populations of native wildlife.

Third, the changes would increase the likelihood of harmful logging projects based on multiple use values.

Fourth, the administration's proposal would also reduce overall environmental standards and accountability by allowing management plans to be revised to accommodate individual projects.

Finally, I believe that these changes would drastically limit public involvement. The opportunity to request an administrative review or file an appeal would be severely curtailed. These changes would eliminate sound science as a basis for forest management.

The proposed regulations were developed without a Committee of Scientists, a statutorily-authorized body that has informed the development of every other change in NFMA regulations since their inception.

The administration's dismissal of the principles of sound science and NEPA highlights its contempt for public involvement and scientific input. The recommendations of the independent Committee of Scientists have guided every rewrite of the NFMA regulations since 1979.

Ronald Reagan used a team of scientists to write the original regulations. Three years ago, Bill Clinton revised the regulations with significant input from scientists. If it was good enough for President Reagan and good enough for President Clinton, why does President Bush insist on throwing science out the window? Because the scientists will not give him the answers his timber industry friends want.

These proposed regulations were developed with maximum input from the timber industry and minimum input from the American public and the scientific community. The proposed regulations have received widespread editorial opposition from newspapers around the Nation. These regulations were also strongly opposed by the environmental community, sportsmen's groups, Republicans for Environmental Protections, and members of the Committee of Scientists.

In the public comment process, 325 scientist from across the Nation are urging the Forest Service to withdraw the proposed regulations, and over 100,000 citizens have submitted comments urging withdrawal of these regulations. Given the administration's refusal to adequately consult the scientific community, let alone listen to its comments, Congress must intervene and stop this flawed and environmentally damaging rulemaking.

I strongly urge all of my colleagues from both sides of the aisle to join me in supporting and maintaining sound principles of forest management.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, rise in opposition to this amendment.

This funding limitation would stop changes to the National Forest Management Act planning regulations. This is a bad amendment, and that is the best thing I can say about it.

National forest planning has become an endless gridlock which needs to be fixed. This administration is trying to make appropriate changes. If this amendment were adopted, the Forest Service would either continue to operate under the outdated 1982 planning regulations or begin to implement highly prescriptive and expensive 2000 planning regulations.

The 1982 planning regulations require the Forest Service to use unnecessary analytical processes and implement outdated science requirements. Under the old forest planning regulations, it takes an average of 5 to 6 years to complete a forest plan at a cost of $5 to $6 million each. Now, this is much too long. And, in fact, it is not a plan effort. It is not a scientific move. It is an effort to stop all harvesting in the forest, and we know that this amendment would delay forest projects which are now needed to clean up our forests and reduce the danger of fire, the real problems with fire that has been exaggerated in many ways by the lack of scientific forest management throughout the country, especially in the West.

This amendment would require national forests to be managed under plans that are clearly out of date, waste money on out-of-date planning methods, and are designed just to stop harvests altogether. So I certainly hope you will join me in defeating this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Mexico (Mr. UDALL) and commend the gentleman for his attention to the important issue of forest health and the protection of our public lands. The amendment applies to U.S. Forest Service managed lands which support 17 percent of Federally endangered and threatened species.

In November, 2002, the Bush administration proposed a radical and sweeping rewrite of the forest policy that has governed the Nation since shortly after passage of the National Forest Management Act, NFMA, in 1976. The changes would eliminate or seriously weaken vital safeguards for 155 national forests in the United States and that were put in place by the Reagan administration.

I served under President Reagan, and I can tell you in this one case I was very pleased that he used science in order to make a determination on these forests plans.

Now the Bush administration, however, attempts to allow forest plans to be exempted from the analysis of their environmental impacts as required by NEPA, the National Environmental Policy Act. It seeks to do away with the rule that requires the Forest Service to maintain native species of wildlife in each national forest. The proposed regulations try to make surveying wildlife merely optional.

In addition, the draft would reduce the role of scientists and monitoring in forest planning. Extensive requirements for independent scientific review and consultation in the development of forest plans would be eliminated and replaced with optional provisions of including scientists in the process. The effect of these regulations would be to virtually eliminate scientific review of forest plans.

Public participation is greatly restricted in the forest planning process. The rule would discount petitions, cards and other methods citizens use to contact their government. Also, this plan would halt the appeals process allowed under current rules.

The Udall amendment would limit the Bush administration reductions to the National Forest Management Act. The new regulations are the wrong policy to maintain and preserve our national forests.

Mr. Chairman, I encourage my colleagues to support the Udall amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I rise in opposition to the amendment. I think what we are going through is more of the same, and that is to protect an effort that is being made to protect a broken system. What is in place right now is a bureaucratic system of red tape that makes it nearly impossible to move forward.

□ 1745

Forest plans, which must by law be rewritten every 15 years, often take between 7 to 10 years to draft and implement. For example, the forest plan on the Black Hills National Forest in South Dakota took over 7 years to complete. The Tongass forest plan in Alaska took 9 years to complete. That is right, 9 years to complete a 15-year forest plan. Both cost millions of dollars to go through the process.

It is a broken system. It is what we are trying to fix. The 11th-hour regulations that were adopted by the previous administration do not work, and what the administration is trying to do is update those regulations so they represent what the reality is today, and that is the effort that is being made. I think that this amendment completely undermines the ability to do that.

Charges that recent Forest Service-proposed regulations weaken essential wildlife protections are absurd. The proposed regulations offered two options for wildlife analysis on which the Forest Service conducted a national workshop to solicit the views of leading wildlife experts from around the country. The focus of this effort has been to make wildlife analysis more useful to the public and decision-makers.

Charges that the 2002 draft weakens public involvement are also unfounded. The draft regulations provide for public involvement at every single step. They preserve appeal opportunities like those in the 2000 regulations and go well beyond the baseline requirements of NEPA. More timely planning will further facilitate effective public participation.

The bottom line is that we do need this a lot faster. It is absolutely outrageous that we would spend 9 years going through the bureaucratic process, 9 years going through the bureaucratic process to adopt a 15-year plan. How outrageous is that? Only in Washington would somebody move to try to preserve that.

If there are problems with the current system, participate in rewriting those regulations. Have your input put in that, but do not try to go back to a broken system. That is outrageous, and I have no idea why anyone would possibly want to do that.

We need to streamline the system. We need to move a lot quicker. We need to make it more efficient and more responsive to the public and our constituents. Trying to go back to a broken system makes absolutely no sense.

I oppose the amendment. I support the underlying bill, and I would ask my colleagues to oppose the Udall amendment.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself 1 minute.

The gentleman from California uses an example of a forest plan where he says it took 9 years to plan to put together a 15-year plan. We are not in any way trying to protect an inefficient, ineffective process. The bureaucrats have to get their act together. For the most part, for the most part, forest planning saves the taxpayer money. It saves time and it allows the public input, and what we are objecting to here is the public is being cut out of the process with these regulations.

Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. GRIJALVA), a valuable member of the Committee on Resources, a leader on these important forest management issues.

Mr. GRIJALVA. Mr. Chairman, first of all, I rise today to urge my colleagues to vote for the Udall amendment and also to thank the gentleman from New Mexico (Mr. UDALL) for this very thoughtful amendment that continues the protection of our national forests.

The national forests are owned by all the citizens of the United States. Our forests provide places for families to camp, hike, fish, and mountain bike. They are increasingly under demand for recreation as our cities grow and open space is at a premium. Forests provide not only recreational opportunities but also clean water for cities and habitat for wildlife.

Because Americans enjoy forests so much for all their values, they also want to participate in the planning for their management. They want to have a voice in determining that forests are available for recreation, that habitat is provided for wildlife, and that everyone is accommodated. For decades citizens have participated in forest planning, and forests are better for it.

But the Bush administration would prefer the citizens stay out of the process, making it easier for big timber companies to log and mining companies to drill. This is wrong. The Bush administration's regulations are giving away environmental protection and public participation in the name of helping the timber industry and others to get what they want first, but they do not own the forests. The American people own the forests.

The administration's regulations are a bad deal for the environment, a bad deal for citizens; and I would urge people to vote "yes" on the gentleman from New Mexico's (Mr. UDALL) amendment to suspend full funding for the new Bush administration's regulations on forest management.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

I would like to engage the gentleman from New Mexico, the sponsor of the amendment, in a couple of questions.

First of all, one of the assertions here that bothers me the most, having lived through the spotted owl issue in the Pacific Northwest, is that there seems to be an indication here that science is not favored in the development of this rule. We have a group of scientists who write to the USDA Forest Service planning rule saying as scientists with expertise and conservation, biology and fish and wildlife management, we are writing to express our concern over the proposed National Forest Management Act, and they go on. We request that you reinstate the 2000 rule that received very thoughtful input by scientists and the public.

We would like to respond as specifically to three assertions underlying the proposed 2002 rule change that, on examination, turned out to be false.

One, that monitoring an assessment of the species level cost too much. It seems that if we are going to have multiple use and if we are going to protect the forests, that one of the things that has to be done under any circumstance is monitoring an assessment of the condition of the species. What would the gentleman have to say about that?

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, I thank the gentleman from Washington, and first let me say that the ranking member from Washington, and my good friend, has shown very strong support for this amendment. He has given me guidance on getting this amendment through the appropriations process, and his leadership on this important environmental issue is very much appreciated.

The point he makes with regard to science and what he is talking about is making sure that there is scientific input, that there is public input in this process; and what we are talking about today with these proposed regulations is they have swept the public out of the system. They have swept the scientists out of the system.

As the gentleman from Washington knows, the planning process includes everybody; and if we sweep these people aside, we are then going to have inefficient forest plans. We are going to have forest plans where people are going to sue under them, and we are going to waste a lot of time and money.

So I think the gentleman makes a very good, solid point.

Mr. DICKS. Mr. Chairman, reclaiming my time, that is what concerns me here. We have been through the Endangered Species Act, the listing of these species. If we are now going to wipe the scientists out as we develop these forest plans and not take into account their input, we are just going to open ourselves up again to additional listings under the Endangered Species Act.

The one thing I found in the Northwest was we had to base our decisions on science, science, science. They had to be scientifically credible, legally defensible.

I worry that without public input, without scientific input, letting the agencies do what they want in the name of expediency, that we are going to wind up with a lot of additional listings and then a lot of additional requirements to set aside acres for protection. We are going to get into the same mess we were in before. Because if we do not rely on science, if we do not do what is scientifically credible and legally defensible, I see us getting into worse shape than we are already in. That is what bothers me about what the administration has done.

None of us like the fact that it takes 9 years or whatever amount of time, but that is because the administration, whoever is in charge, has not promptly dealt with these issues; and the concerns that are expressed by these scientists is that in 2000, during the Clinton administration, there was scientific input; and then we get the new administration, they walk away from science.

All I think it is going to do is lead us back into trouble, back into more listings; and I do not see how that does anybody any good. It is the listings that cause the economic disruption and the problems in the communities. It is better to do these plans credibly, take the time, use the science and make sure we get something that can be sustained in the courts because, at some point, the biologist is going to be taken into court. He is going to be put on the stand, and he is going to say and the lawyers are going to ask, is this scientifically credible? The minute he says no, the judge is going to enjoin the plan. It is not going to do any good.

By not using the credible science in the first place, trying to slip around this, I think we are making a terrible mistake, and I think we will be back here shortly saying we have got to redo this because it simply did not work.

Mr. UDALL of New Mexico. Mr. Chairman, if the gentleman would yield just a moment on that point, as the gentleman from Washington knows, one of the things that has happened here, this is not an amendment we have moved quickly on. We have given notice to this administration. The gentleman and I have signed a letter, over 100 Members of Congress have signed a letter to the President, Members from the other side of the aisle have signed a letter to the Secretary of Agriculture, calling for exactly what the gentleman is calling for, scientific input on these regulations. When they ignored these letters, when they ignored the request, our only avenue was to work with the gentleman and his appropriations bill to stop this process so that we could get scientific review.

Mr. DICKS. Again, I just think it is important for us to understand why we are coming here with this limitation is because of the failure, frankly, of the administration to take into account the concerns that have been expressed by the Congress, by the scientists, by the outside groups, and I just think it is a terrible mistake, and I urge strong support for the Udall amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

A few weeks ago, we passed legislation that would stop the disastrous fires. It will take a long period of time. It will take management plans to be implemented to get rid of the crowded undergrowth and stop the fires that are costing us billions of dollars and burning up tens of millions of acres of our forests.

Let me tell my colleagues, these forest plans, and there are 40 forest plan revisions under way, 36 of these plans are more than 15 years old. Unless regulations are changed, 52 more are expected to go beyond the 15-year limit in the next decade. We cannot make any progress in fighting fires, stopping fires, not having to spend the money and the millions of dollars unless we get plans that are going to take less than 15 years, and yet most of these plans are going to do.

Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I am somewhat hesitant to wade into this debate because I am somewhat new to it, and I want to agree with the gentleman from North Carolina (Mr. TAYLOR), and I rise in opposition to this amendment.

He talked about the millions of acres and the millions of dollars. Essentially, if we boil this debate down that we are having right now, the proponents of this amendment are saying the status quo is just fine. Let me tell my colleagues, the status quo is not fine. Let me give my colleagues some of the reasons. Let me give my colleagues some of the reasons why the status quo is not acceptable. It is not about millions of dollars. It is not even about millions of acres of wasted forest. Let me give my colleagues some of the reasons:

Kathi Beck, 24, Eugene, Oregon; Tami Bickett, 25, Powell Butte, Oregon; Scott Blecha, 27, Clatskanie, Oregon; Levi Brinkley, 22, Burns, Oregon; Robert Browning, no age given, of Savannah, Georgia; Doug Dunbar, 23, of Redmond, Oregon; Terri Hagen, 28, Prineville, Oregon; Bonnie Holtby, 21 years old, Prineville, Oregon; Rob Johnson, 26, Redmond, Oregon.

□ 1800

John Kelso, 27, Prineville, Oregon; Don Mackey, 34, Hamilton, Montana; Roger Roth, 30, McCall, Idaho; James Thrash, 44, McCall, Idaho; Richard Tyler, 33, Grand Junction, Colorado.

Those are the young people. Those are the young people who lost their lives in one forest fire. And for people to come to the floor of this House and say the status quo is acceptable, that we can lose 23 forest firefighters in 1 year, 18 the year before, 17 the year before, 86 young people in the last 4 years, I say the status quo is not acceptable. I say we have to move forward with healthy forest management.

For people out in the West, they must be wondering, why does Washington continue to fiddle while our forests burn and our young forest firefighters die? No, Members, the status quo is not acceptable. How many more young people will have to die fighting these fires until we realize that we need real healthy forest management?

It starts today. It starts with our vote on this amendment. Let us reject this amendment. Let us let the Forest Service do what it knows how to do best. Let us get honest plans going for these forests. Let us do it now.

Mr. DICKS. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Washington has 2 minutes remaining.

Mr. DICKS. Mr. Chairman, I yield myself 30 seconds.

First of all, with all due respect, the forest plans do not have a lot to do with the funding that is necessary to deal with the important issues the gentleman is talking about. We are for trying to fund the programs that will improve forest health and allow us to deal with these fires. Our committee has appropriated a considerable amount of money, but having a good scientifically credible plan is crucial. It is not status quo. This is the kind of creative change that we have to have, and that is why I support the Udall amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have appropriated a great deal of money, and I appreciate the efforts of my friend, the gentleman from Washington (Mr. DICKS), in that area. He has been a leader in that area. But time is not the only consideration here. If we have money in the vault for the next 15 years and it is not spent, then the fires will continue and the young lives will be lost.

Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong opposition to this amendment.

This amendment would prevent the Forest Service from completing a much-needed amendment to the current outdated National Forest Management Act planning regulations. The current planning regulations were written over 21 years ago, and they need to be updated. The Forest Service is currently operating under the 1982 regulations. There have been significant developments in the science of active forest management, and revisions are needed to reflect these developments.

One would think that environmental organizations that are supporting the amendment of the gentleman from New Mexico would understand that. We are operating a generation ago in terms of the technology that is available and in terms of the planning protocols that are available. The Society of American Foresters, an organization founded by Gifford Pinchot, agrees with us. They oppose this amendment. They support the efforts to revise the existing NFMA.

The Forest Service is currently drowning in paperwork and red tape. They estimate that they spend more than 40 percent of their budget and personnel hours on planning and fighting court battles rather than in the forests. Let me repeat that. Of all the money that they have to spend, 40 percent of it does not go to helping our forests. It goes to paying for lawyers to fight lawsuits. It goes to paying for the bureaucracy to deal with the planning process.

The proposed 2002 regulations would allow land managers to get more accomplished on the ground; and that is especially critical right now, as our public lands are currently in a grave forest health crisis and are in need of active management to restore them. We are facing problems in our forests not just with forest fires, which clearly is the most serious problem, but with disease and insect infestation all across the country, and we need to give them the tools to act promptly to save our forests, to prevent them from being burned down, to prevent them from being devoured by gypsy moths and pine bark beetles and a whole host of other insects.

The proposed 2000 regulations protect wildlife and public involvement. The 2002 proposal offers two options to provide for biological diversity, which were presented and discussed at a national workshop involving wildlife experts and ecologists from across the country. The 2002 proposal provides opportunities for public input at every step in the planning process. Completing the 2002 regulations should be a top priority for everyone and anyone concerned about our national forests.

The Forest Service is in the midst of evaluating public comments on the 2002 proposed rule. Halting this process would significantly delay the efforts to implement improvements on the old regulations. It currently takes 5 to 10 years to complete a forest plan under the old planning regulations. That is outrageous, it is irresponsible, and it indicates the kind of morass that the Forest Service finds itself in. These proposed rules would help to make sure that we can more promptly get that input from the public, input from environmental organizations, input from industry, input from local communities, input from everybody affected in this process and then act on it in a more timely fashion than 10 years down the road.

If we were to identify a problem and say, well, 10 years from now we will get around to solving it, that would be an irresponsible way to handle things. The Forest Service's hands are tied. This amendment will keep them tied for a long time. I urge my colleagues to oppose this amendment.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER), one of our key members on the Committee on Resources, who has been here for the period of time while these regulations have evolved and I am sure has some real insight on this.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time; and I rise in support of this amendment.

My colleagues want to argue that somehow to cut the public out of the process, to provide a public process that is discretionary is somehow going to help in the planning of our forests. Well, we passed a bill here to deal with fire. My colleagues want to keep talking about fire, but somehow they do not want to pass the bill. We sent it to the Senate. I do not agree with every provision in it, but where is the Senate bill?

The fires are burning, we have a bill to address that, but now my colleagues want to use fire as an example to gut these regulations. We know what happens when the Forest Service does not involve the public or does not involve the scientists. We had a policy that almost destroyed the forests, either because they mindlessly cut down the forests and destroyed watersheds and destroyed streams, or they mindlessly did not deal with the forests and we built up such fuel loads that we lost them to catastrophic fires.

Now, as a result of a public process, because communities are involved, individuals are involved that live in the area, organizations that know about this and scientists who care about this, we have a comprehensive planning proposal that deals with these forests. These forests are not simplistic. These are complicated, huge watersheds and ecosystems, and that is what we have learned from the scientists.

Now my colleagues want to throw the scientists out of the room and treat these forests and treat these watersheds and treat these ecosystems somehow in a simplistic fashion. There is more to a forest than just the treatment of the fuel load. There is more to the habitat protection. There is more to the species protection than that. That is why these regulations are in play.

What the Bush administration is suggesting is that we just take a simplistic approach; and that if we take a simplistic approach, the first thing we will want to do is to cut the public out of the process. Well, the people in the communities that are impacted by these forests have a stake in it, they have an economic stake, they have a life-style stake, they have a standard of living stake, so they are concerned about those forests. But it would be much easier to cut them out of it. It should be in the direction of the forest manager as to whether he wants to let them in at this point or that point or the next point in the process.

Public participation is not a luxury. It is a right in this country. It is important to developing good policy. And that is why we should support the Udall amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume to remind all of us that we spend millions of dollars in research. Science is going on in modern silviculture every year. We have forest research stations, we have private research stations, we have all our universities with schools of forestry participating in the science, and so it is working every day.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I respectfully rise in opposition to this amendment offered by my good friend, the gentleman from New Mexico (Mr. UDALL).

There have been significant developments in science, adaptive management and the concept of sustainability within the Forest Service. However, the current regulations were written 30 years ago and are not adapting the new regulations as fast as we need to for the preservation of healthy forests. This amendment will prevent the Forest Service from modernizing its planning regulations under the National Forest Management Act by removing funding for the implementation of the proposed 2002 regulation.

Now, I understand people that can oppose new and better techniques. I understand how we can have differences of opinion. But those who make accusations that the proposed 2002 regulations weaken wildlife protection and public involvement simply are not true. Read the bill. It is not true. It does allow for more attitudes to be considered, and that is healthy. It is healthy.

Completing the 2002 regulations should be a priority, thus allowing land managers to get more accomplished on the ground. Our public lands face a grave forest health crisis and are in need of active management to restore them. If you support scientific forest management over red tape, you oppose this amendment, you let the regulations be written, you let them be implemented and then, if they are not doing what needs to be done, you correct them. But holding fast with regulations 30 years old is not a way to manage our forests for a more healthy, sustainable environment, as well as industry, as well as those who love the outdoors.

Oppose this amendment. Let us get on with changing the regulations to adapt sound science to our forests.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself 1½ minutes to respond to my good friend, the gentleman from Texas.

I think it is fair to say that the forest management plans that we have today, supplemented by sound science, if we moved in that direction, and we had been moving in that direction over the next 100 years, we would not have the problems with the forest fires if we had gone through this process, this management process. That is why I think it is so offensive to us that support this amendment and are working on this that the scientists are cut out.

That is why I would disagree with the gentleman when he says, let the regulations go into effect. If you let the regulations go into effect, we are going to find ourselves in court, we are going to find ourselves in a bollixed-up situation. We are going to hurt the forest management process.

So that is why over 300 scientists have written to the administration and said, stop here. That is why over 100 Members of Congress on a bipartisan basis have said, involve the scientists before you finalize these regulations. And, really, what we are trying to do is say, stop, put in place good regulations based on sound science, and then you will not run into problems.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. UDALL of New Mexico. I yield to the gentleman from Texas if he would like to respond.

Mr. STENHOLM. I would, Mr. Chairman, because the gentleman is simply describing what we have been going through for the last 10, 15 years: litigation, difference of opinion. In the meantime, look at what is happening to our forests: infestation, forest fires out of control.

What I hear the gentleman describing is what we have been doing. Let us try to make it work a little better, and that is what we are trying to do with the new regulations.

Mr. UDALL of New Mexico. Mr. Chairman, reclaiming my time, my point was that if we had been doing the planning for 100 years and if we had had science, we would not be where we are today.

Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL), the ranking member on the Committee on Resources. He knows these forest issues very well, and I appreciate his help on this.

□ 1815

Mr. RAHALL. Mr. Chairman, I rise in strong support of the gentleman's amendment. He has eloquently described the effort here, as well as has the ranking member, the gentleman from Washington (Mr. DICKS), a gentleman who does not get up on every amendment which has been offered today, but he has spoken strongly in favor of the amendment of the gentleman from New Mexico.

I remind my colleagues regarding a letter cosigned by the gentleman from Michigan (Mr. DINGELL) and myself and some 100 other Members of the House to the President in March of this year. We wrote expressing our deep concern with the scope and the breadth of the initiatives undertaken by this administration. The cumulative effect of all of these proposals are to undermine or eliminate open decisionmaking, as we have already heard today, to eliminate accountability, eliminate resource protection, and limit opportunities for public and scientific input as well.

On November 27, 2002, this administration proposed a NFMA planning role that renders the public process virtually meaningless, and that is what this amendment attempts to restore, public input and protection of our resources so every area is not just opened up for willy-nilly use or multiple use of our forest lands.

I urge adoption of this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I want to bring to Members' attention, and we have heard quite a few things from the other side of the aisle about all the scientists and sportsmen and everybody else who has engaged in this battle, and it is a very important battle, but I would like to read a letter addressed to the Secretary of Agriculture, Ms. Veneman, dated April 11, 2001.

It says, "The National Forest System supports a diverse array of forest and rangeland ecosystems and provides useful products, unparalleled recreational opportunities and other important amenities. Today, the ability of the Forest Service to conserve and enhance these attributes is increasingly compromised by obstructionist administration appeals and legal challenges of proposed agency actions."

And the letter goes on to say scrap the 2000 and let us deal with a system that actually works.

What we have heard from the gentleman from Washington, which I am in shock and awe that he would suggest that we stay with the status quo, as well as the gentleman from New Mexico, the proponent of this amendment, is they want a continuation of the same scientists that, in the gentleman from Washington's own State, 12 agency scientists got together in the Wenatchee National Forest and they said we have a great plan, let us put out a bunch of phony science here so we can lock up thousands of acres, put thousands of people out of work, maybe close down a few communities.

I am sure the gentleman remembers the incident in Wenatchee National Forest where the scientists were looking for Canadian lynx. They could not find any, so they took little sticky pads, as is the normal scientific method, and placed them in the forest at rub areas and scratch areas so they could recognize or perhaps ascertain whether or not the lynx were there.

The scientists could not find any. So what did they do? This is the science that they want to protect, the very scientists that these victims want to protect. So they go into the lab and they have a stuffed lynx in there from God knows where, and so they take hair off of it and they run around in the forest and put this hair on these little sticky pads and write a report that says obviously the lynx are there, and so now we have scientific data and scientific evidence to shut down this area from any kind of human activity, including the people who want to live and work in that area.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. OTTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman knows I would never support that kind of science under any circumstances.

Mr. OTTER. Is that not the status quo?

Mr. DICKS. No, it is not. That was condemned by everybody on both sides of the aisle.

Mr. OTTER. Mr. Chairman, reclaiming my time, I would conclude by saying we got no support from the gentleman from New Mexico or the gentleman from Washington when we wanted to take those scientists to task. What happened to them, they were sent to sensitivity schools and told not to do that again. I suggest that we send this legislation to the same place.

Mr. DICKS. Mr. Chairman, I yield myself 30 seconds.

We support scientifically credible science. We do not support people who go out with some kind of a vendetta. I just think we should not try to make this so vitriolic.

I have been through what has happened in the Northwest. There is one thing I learned, if it is not scientifically credible or legally defensible, you are not going to go very far. So if one thinks these plans are going to hold up once you get the Endangered Species Act in place, Members are making a big mistake. It is better to do these things scientifically credible in the first instance.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO), a long-standing member of the Committee on the Resources.

Mr. DICKS. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon (Mr. DEFAZIO).

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) is recognized for 2½ minutes.

Mr. DEFAZIO. Mr. Chairman, I was sitting in my office watching this debate. I participated earlier, and I was going to participate later, and I was not going to participate on this amendment until I was insulted and the memories of young people from my district were insulted by the gentleman from Minnesota. To try and purport that the National Forest Management Act had anything to do with the death of those kids is outrageous.

Mr. Chairman, where is the money for the firefighting? The other side has not adequately funded it. Where is the money for the fuels reduction? It is not in the budget. The other side has passed a so-called healthy forest bill that does not have one penny, not one red cent in it for fuels reduction.

The other side wants to pretend this stuff can be done on the cheap so they can give money in tax cuts to the wealthy people. Those kids died protecting their property.

Mr. Chairman, it does not have to do with the National Forest Management Act, and Members know. Put up the money to fight the fires. Put up the money to do the fuels reduction and stop screwing around with the public process. That is what is being done here. The target here is not to get rid of the brush. We have a 6 billion board foot backlog of commercial thinning in the Pacific Northwest that the Forest Service does not have the money to fund; 6 billion board feet. That could put one heck of a lot of people to work for one heck of a long time.

But the other side will not fund it because what is the real target here, the target here is the little bit of the remaining old growth. That is why they want to change the rules. Not to get the brush or fuels reduction or deal with the 6 billion board foot backlog of thinning but to go into these forests and cut the last remaining valuable old growth trees, the only trees that happen to be fire resistant, the only trees that should be left behind when foresters go through and remove the rest of the junk from 100 years of forest mismanagement.

And, yes, Democrat and Republican administrations alike are responsible for forest mismanagement. But to perpetuate it now and to perpetuate it under a myth that somehow it will not cost a penny to undo 100 years of mismanagement, that somehow you are going to go in and do the thinning, that somehow you are going to go in and do the brush removal and the fuels reduction and it will not cost a cent, the only way to do that is to take out the most valuable trees at the same time, which means you do not leave what every credible fire ecologist and scientist says needs to be left in fire-prone forests and which would take us back to presettlement conditions and premismanagement conditions, the old growth. Do not do this by disrespecting the young people from my district and other people in the West who died fighting these fires.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, let me say that the gentleman from Washington has incredible experience with forest issues; and I believe he was right on when he said do not cut the scientists out of the process or we are not going to have very good forest planning. That is what we are about here today, these regulations cutting scientists out of the process.

Members talk about sound science, but when it comes to this administration, the science was thrown out of the window.

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentleman from Minnesota (Mr. GUTKNECHT) who spoke earlier, and I agree with him, we have lost lives and we have lost forests because we have had years and years and years of delay rather than trying to address this subject, and that is what these resolutions are trying to do.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. POMBO) to close.

Mr. POMBO. Mr. Chairman, I know that our colleagues that are watching this debate who may not have invested as much time on these issues as those of us that are on the floor are probably really confused right now. Because I heard the gentleman from Washington give a very impassioned description of what we need in the process of doing forest planning and I believe an accurate description.

If that is what the Udall amendment did, I would vote for it in a second; and I would get our guys to vote for it. Unfortunately, that has nothing to do with the amendment that is on the floor. The amendment on the floor is to take us back to an old, broken system and not move forward. What we are doing right now is what is wrong. It is the process that we currently have in place that has led us to an unmanaged forest that has resulted in catastrophic fire. It is the process that is in place right now that has led us into these endangered species fights. It is the process that is in place right now which has caused the problem. Why Members want to stay with that process instead of moving forward is beyond me.

I would like to read from a letter that I received from the Secretary of Agriculture, Ann Veneman. In part it states, "The Forest Service is required by law to revise land management plans for national forests and grasslands every 15 years. To satisfy this requirement, the agency needs to complete 92 plan revisions in the next 10 years. The Forest Service estimates that it spends over $100 million a year on plan revisions using regulations adopted in 1979 and slightly revised in 1982." $100 million a year.

I do not think that I have to scream to get this across, but when we talk about using money for better purposes, spending $100 million a year is outrageous.

It further says, "In addition, an internal study by professional planners in the Forest Service concluded that the 2000 regulations were unimplementable, primarily because of the expansive and detailed process requirements in the regulations, the large amount of data needed to meet these requirements, and the lack of personnel with scarce and specialized skills."

So not only do Members want to continue doing what we are doing now but also force the Forest Service to spend more money putting these plans together in order to meet the 11th hour regulations put in place by the previous administration.

It continues, "In short, the 2000 planning regulations would make the already unreasonable procedures and costs associated with the 1982 regulations worse instead of better."

I would further like to read from a letter of the Society of American Foresters, "The forest planning process is crucial to establishing the goals and objectives for each national forest unit. It involves extensive public involvement, analysis, and local decisionmaking. Without clear direction through regulations, the agency's time and resources will continue to be tied up in the planning process, instead of management activities such as hazardous fuels reduction and forest health restoration work."

□ 1830

We have also heard a lot about wildlife. The wildlife organizations that oppose this amendment include the Boone & Crockett Club, Buckmasters American Deer Foundation, Campfire Club, the Congressional Sportsmen's Foundation, Conservation Force, Foundation for North American Wild Sheep, International Association of Fish and Wildlife Agencies, International Hunter Education, National Trappers, National Wild Turkey Federation, Pheasants Forever, Quail Unlimited, and on and on.

This is not about wildlife. This is not about science. This is not about public participation. This is about protecting the system that is in place right now. Many of the folks that have come to the floor today to support this amendment are the exact same people who opposed the healthy forests initiative. They are the exact same people who did not want to move forward in terms of protecting our forests from catastrophic fire. They are the same people who proposed putting these regulations in place at the end of the previous administration. What we currently have is a problem. It has led us to the point where we are now. The system is broken. We need to fix it. Vote against the Udall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. UDALL of New Mexico. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico (Mr. UDALL) will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOLT:

At the end of the bill (before the short title) insert the following section:

SEC. 3 . None of the funds made available in this Act may be used to manage recreational snowmobile use in Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway, except in accordance with National Park Service One-Year Delay Rule published November 18, 2002 (36 CFR part 7, RIN 1024–AD06).

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. HOLT) will control 15 minutes, the gentleman from North Carolina (Mr. TAYLOR) will control 25 minutes, and the gentleman from Washington (Mr. DICKS) will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, Yellowstone Park, our first national park, our premier national park, a symbol of America, is being loved to death. My colleagues and I today are offering this amendment to protect Yellowstone and Grand Teton parks, some of our Nation's most valuable treasures. The Park Service which is charged with protecting the natural resources of the parks unimpaired for the enjoyment of current and future generations has studied the state of these parks. In Yellowstone Park, they have determined that the use of snowmobiles is the principal insult to the park, an insult that can be corrected. What they say is that phasing out of snowmobile use in Yellowstone and Grand Teton is the best way to protect the parks, better than other alternatives, better than requiring new snowmobiles, better than requiring guided snowmobile tours, better than a cap on the number of machines entering the park daily. Snowmobiles produce significantly more noise and pollution than cars, presenting a health hazard to park rangers, to visitors and obscuring the visibility even around Old Faithful. Having been there myself in winter, I can tell you that snowmobile noise is clearly audible through much of the park most of the time, disturbing wildlife and disrupting visitors' experiences.

The Park Service in November 2000 issued an environmental impact statement that was the culmination of nearly 10 years of study. The statement said: "Based on reduced impacts to human health and safety, to air quality, visitor access, the natural soundscape and to wildlife, the National Park Service has identified the snowmobile phaseout as the environmentally preferred alternative."

The Bush administration did not like this conclusion. So they told the Park Service to study it again and issue another report, which they did, publishing a new environmental impact statement in February of this year. This time they considered the impacts of the administration's proposal to look at new machines, the four-cycle machines, and to cap the number of snowmobiles entering Yellowstone and Grand Teton. They came to the previous conclusion. The statement now reads: "The snowmobile phaseout best attains the widest range of beneficial uses of the environment without degradation and risk of health or safety."

Last month, the Environmental Protection Agency weighed in as well. Not only did they uphold the Park Service's conclusion that a phaseout would be best for the parks and for the visitors, they actually found that the Park Service had underestimated the impact of snowmobile emissions under the administration's proposal. For no good reason, Mr. Chairman, the Interior Department wants to roll back a regulation based on 10 years of careful study. They are the ones trying to undo the existing snowmobile phaseout. We are here to uphold what the Park Service has determined to be best for the parks.

Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL), who has studied this and experienced it firsthand.

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am here today to support the Holt-Rahall amendment that would phase out the use of snowmobiles in Yellowstone and Grand Teton National parks. These parks have a special place in my heart as they have in the hearts of most Americans. I have frequently visited Grand Teton and Yellowstone Park during the summer months, probably visiting Yellowstone 10 times during my life. It is a beautiful park, as all Americans know. It is a grand and wonderful place, our first national park. But because of the concerns I heard about snowmobile use in the winter, I visited the park this past winter with the gentleman from New Jersey and the gentleman from West Virginia, because I could not believe that things were quite as bad as I heard. In fact, I found that they are worse.

The use of snowmobiles in Yellowstone has all of the negative impacts that the gentleman from New Jersey has described, of noise pollution, air pollution, the harassment of animals, the impact on the habitat. I was completely overwhelmed by the amount of noise that these machines generate. But what I did not understand was that government policy is to virtually require the use of snowmobiles. I thought this problem was because of some recreational use in Yellowstone during the wintertime. That shows you what an Easterner maybe does not understand about Western winters. There is a lot of snow out there, and they do not pave the roads so that cars can ride into Old Faithful or around Yellowstone. They groom the roads with the snow on it and pack it down for the use of snowmobiles. Snowmobiles are the preferred and only way to travel around Yellowstone unless you use a snow coach, a larger-tracked vehicle that can carry 10 or 15 people.

So the government policy is to use snowmobiles. Therefore, we are responsible for what is happening there. The reality is that the Holt-Rahall amendment is not about banning snowmobiles. It is about protecting Yellowstone. It is about protecting it from the invasion of these machines in the wintertime that pollute, that disrupt because of noise, disrupt because of harassment.

We see this picture of one of the groomed roads with some of the bison in the Yellowstone herd with even more of a machine herd coming behind them, the people that are using the snowmobiles to travel. I am sure snowmobiles are a lot of fun to ride. I have, in fact, ridden them in the East. I understand the appeal. But this is not about snowmobiles. We have an obligation to protect Yellowstone. We have an obligation to make sure we stop practices that are hurting Yellowstone. We have stopped allowing tourists to chip off parts of the formations there. We keep them out of the geyser basins so that there will not be damage to the natural beauty or harm to the visitors. We have stopped certain things from happening in Yellowstone and in Grand Teton because we want to protect the natural beauty and protect those parks for the future. Under the same thinking, we have to phase out snowmobiles in order to protect the park.

The three of us visited the entrance to the park on a Saturday morning. The pollution, the smoke, the haze was extraordinary. The noise was disruptive. No matter where we went in the park, we could hear the noise of the snowmobiles. The advocates of the current use say that modern technology is improving the situation, that the four-stroke technology of the new machines gets rid of the problems that the old two-stroke machines were causing. That simply is not the case. The four-stroke machines are noisy. They pollute.

The answer here is to phase out snowmobiles, promote the use of snow coaches. The government could purchase a fleet or help develop a fleet of snow coaches that could be leased by the government to the private sector that now represents snowmobiles. The private sector could take the responsibility for putting the visitors into those snow coaches, could charge for that, could make money, the economies of the surrounding areas would stay strong, and yet we would have done a major benefit for Yellowstone by outlawing the snowmobiles, protecting the environment and living up to our obligations to be good stewards of Yellowstone and Grand Teton for our children and our grandchildren to enjoy.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment. In the beginning, there was no limit to snowmobiles in these parks. In the last days of the Clinton administration, the administration barred all snowmobiles from the parks. Clearly, people live in the parks and this was not acceptable, emergency purposes. We had to come up with a program that would be reasonable, and I think this plan that is in place or will be in place is a balanced approach that addresses air quality, noise, wildlife, and safety concerns while continuing to allow the American public access to enjoy the parks during the winter months.

For the first time, a strict daily limit will be placed on the number of vehicles, and the snowmobiles must achieve at least a 90 percent reduction in hydrocarbons and a 70 percent reduction in carbon monoxide compared to conventional two-stroke engines. We now have four-stroke engines.

The sound question is that no more than 73 decibels of sound, a five-decibel reduction, has been put in place and 80 percent of the snowmobiles will be commercially guided. We have tried to reach a balanced plan that I think is reasonable. I urge a "no" vote on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume. I rise in support of this amendment. There was a very important letter written on May 20, 2003, by George B. Hartzog, National Park Service director, 1964 to 1972; Nathaniel Reed, Assistant Secretary of the Interior, 1971 to 1976; Russ Dickenson, National Park Service director, 1980 to 1985; Denis Galvin, National Park Service deputy director, 1985 to 1989, 1998 to 2002; Roger Kennedy, National Park Service director, 1993 to 1997; Robert Stanton, National Park Service director, 1997 to 2001; Michael Finley, Yellowstone National Park superintendent, 1994 to 2001; and Robert D. Barbee, Yellowstone National Park superintendent, 1983 to 1994.

This letter is to Secretary Norton. It says:

"It has been our privilege collectively to serve nine Presidents as stewards of America's national parks. For each of us, this experience underscored the pride and joy that Americans feel for their common heritage and their desire to have national parks vigorously preserved for their grandchildren. In this spirit, we write to you about a final decision that is before you regarding snowmobile use in Yellowstone National Park. There can be no doubt that this decision is a defining moment for America's national parks. The choice over snowmobile use in Yellowstone is a choice between upholding the founding principle of our national parks, stewardship on behalf of all visitors and future generations, or catering to a special interest in a manner that would damage Yellowstone's resources and threaten public health.

"The latter choice would set an entirely new course for America's national parks. It is our deep hope as this issue now moves to your final review that you will ensure the highest protection for Yellowstone. To do otherwise would be a radical departure from the Interior Department's stewardship mission. Yellowstone is an irreplaceable national treasure, a symbol of our country and a gathering place where Americans feel justifiably proud that our country led the world by establishing its first national park.

□ 1845

"A decision made on behalf of the snowmobile industry and not for Yellowstone's environment and general public would be wrong.

"On many occasions President Bush has made laudable pledges that members of his administration will always be fully accountable to the public. In keeping with this, we are mindful of your assertions regarding snowmobile use in Yellowstone. They are as important today as they were when you made them.

"Two years ago the Interior Department directed that a supplemental" EIS "be undertaken so that additional information and wider public involvement could be brought to bear in making the best possible decision about Yellowstone's future. The Department asserted that this information would be essential to a sound decision.

"On the basis of the new data, the National Park Service verified that phasing out snowmobile use would provide the best protection of Yellowstone's environment and the health of employees and visitors. The study concluded that ending snowmobile use while providing visitors access on snowcoaches 'best preserves the unique historic, cultural, and natural resources associated with Yellowstone and Grand Teton National Parks' and would 'attain the widest range of beneficial uses of the environment without degradation and risk of health and safety.' Final Supplemental" EIS "February, 2003.

"We hope that you will now embrace the central conclusion of a study that your Department asserted to the American people would shape a better decision. To ignore its conclusion would clearly be to accept avoidable risks to health and safety, a narrower range of beneficial uses, and weaker preservation of Yellowstone and Grand Teton National Parks.

"Your department also called for wider public involvement, and the call was unquestionably answered. More Americans submitted comments to the National Park Service than the agency has received on any single issue in its 87-year history. While the volume of comment was unprecedented, its reflection of public opinion was consistent with previous comment periods over the past several years. By a four-to-one margin, Americans urged you to give Yellowstone the best possible protection and said they believe, as the National Park Service has confirmed, that this means replacing snowmobiles with snowcoaches. We hope after calling for public comment, you will heed, not ignore, what the public has told you.

"Clearly we are in economic and budgetary times that require us to be scrupulous with every tax dollar. This is another reason why we urge you to adopt a phaseout of snowmobile use. Your study demonstrated that continuing snowmobile use in Yellowstone would result not only in higher levels of air and noise pollution, harm to wildlife, and risks for employee and visitor health; it would also cost taxpayers $1.3 million more each year than replacing snowmobiles with snowcoaches. Surely you will not ask the American taxpayer to pay more for less protection, an annual transfer payment to the snowmobile industry subsidizing ongoing damage to Yellowstone.

"We would be remiss if we did not emphasize one final point. Yellowstone's wintertime struggles with pollution, noise, and traffic congestion fit into a larger context. Throughout the National Park System we have been striving for years to develop more efficient transportation systems so that the visitor's national park experience can be defined by each park's special attributes and not by negative aspects of traffic that most visitors hope to leave at home.

"Zion National Park is an excellent example of the success and popularity of this strategy. Where automobile traffic had clogged Zion's once quiet canyons and the visitors' experience were being defined by noise, exhaust, and frustrations finding parking, the Park Service substituted shuttle bus access. This change boosted gateway business, earned accolades from visitors who today are enjoying a better park experience, and reduced impacts to Zion's resources.

"In Yellowstone the supplemental study that you requested has demonstrated that replacing snowmobiles with an efficient system of snowcoaches would bring similar benefits. In fact, with wildlife under stress from Yellowstone's deep snows, frigid temperatures, and employees and visitors breathing snowmobile fumes often trapped by the park's inversions, the benefits of reducing traffic and emissions would be even greater than they have been in Zion.

"In summary, we join as former public stewards of America's national parks in urging you to place Yellowstone National Park back on a path that gives the highest priority to protecting its natural qualities for today's visitors and future generations. To do otherwise would ignore sound science, the public will, and responsibility to taxpayers; and, worst of all, it would erode a precious gift that this country gave itself and the world, a gift that will only become more valuable to our Nation as our population grows."

So if these eight people representing a cross-section of our American political life who have served in the parks on a bipartisan basis over the last 40 years can come together, certainly I hope that our House can come together tonight in support of the Holt amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I thank the chairman for yielding me this time.

Smoke is being blown in the United States Congress. In fact, more smoke than is being blown by the snowmobiles in Yellowstone Park. I share with the Members what a dear colleague, the gentleman from New Jersey sent out, showing a picture of a park ranger with a gas mask. I will now share with the members the words from the environmental impact statement from the Governor of the State of Montana, who was charged with the responsibility of clean air violations.

"It is important to note that, despite public perception to the contrary," and the perception trying to be created on this House floor today, "the West Yellowstone interest has not recorded any violation of State or national air quality standards during the past four winter seasons."

There is a reason we established dude ranches in Montana, because a lot of dudes like to come out and they do not know which end of a horse to jump up on.

I spent every weekend in Yellowstone Park growing up. I can honestly tell the Members the impact on the park is minimal. It is 2.2 million acres. The snowmobiles are required to stay on the minimum amount of land available to them, which is the roads. It is ironic that the sponsor of the amendment would say the best alternative is no human interaction. Frankly, if they did not want human involvement in Yellowstone Park, they are about 100 years too late.

Snowcoaches as the preferred alternative by the Clinton administration? Have you been down there? Have you listened to the snowcoaches? They are the noisiest, loudest, smelliest way of transporting oneself around the park. In fact, they do not even make enough snowcoaches to deal with the volume of people that would like to go in. The economic impact alone is incredible, $33 million a year lost to West Yellowstone.

We have spent a lot of time studying this issue. We have spent a lot of time having hearings, letting people look us in the eye and say, "I am going to lose my job if you phase out snowmobiles." This amendment does not give them that opportunity. No guts in this House.

Give these people an opportunity to look these people in the eye and say, I am the one whose family is going to lose their way of making a living, making a living that was encouraged by this Federal Government. Please establish yourself in the gateway communities around the park so that we do not have to build those facilities in the park. Allow an opportunity to create the business and an economy outside the park, and now we are going to pull the rug out from under them. It does not make any sense to me.

Visitor access, multiple use. There is a way of dealing with this. And in fact, the snowmobile industry has stepped forward. They are saying, yes, we understand. Two-stroke engines are smelly and create too much emissions. They now have four-stroke. Have you been there? Have you listened to them? One can stand next to a snowmobile and not even hear it run, and one cannot smell it. They are quiet. They have worked real hard at creating an opportunity to move the snowmobiles around.

Let me tell the Members what we are talking about here. Under our plan, there will only be 50 individual snowmobiles allowed through the north entrance, 250 through the south entrance, 100 in the east entrance, and 550 in the west entrance. That is not many individual snowmobiles. We have done everything we can to try to create the opportunity of a quality involvement in our national park system. This does nothing more than pull that consensus-building process out from under our ability to have a good economy, to have a good park experience, and understand that the park was created for enjoyment. These machines do not create the kind of damage that they are trying to blow smoke up our skirts with by putting this kind of garbage out. It is not true. Vote against this amendment.

Mr. HOLT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. DICKS. Mr. Chairman, I yield 15 seconds to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentlemen for yielding me this time.

I want to quickly make a comment in reference to the gentleman from Montana (Mr. REHBERG) and praise him for all his efforts to deal with this issue I think in a very comprehensive, competent way.

I come to the floor on this issue from a slightly different perspective. I am from Maryland, not from out West. I have lived and worked in the Rocky Mountains. I have ridden snowmobiles in National Forest in the Rocky Mountains. I have had some experience in the wintertime in pretty cold places, spent the winter of 1966 in a tent 250 miles north of the Arctic Circle in Norwood, a number of experiences.

But what I want to do is make a comparison between the Chesapeake Bay and Yellowstone Park. The Chesapeake Bay is a beautiful estuary. We are working hard to restore it. But the Chesapeake Bay in some sense like Yellowstone is being loved to death by too many people. In the Chesapeake Bay, it is not snowmobiles. It is motorboats.

In the Chesapeake, if we want to bring back the oysters, which are 99 percent less than what they were 100 years ago; if we want to bring the crabs, which are 50 percent of what they were 50 years ago; if we want to bring back the rockfish, they need certain areas to spawn, they need certain areas to survive. And, yes, we can have motorboats in the Chesapeake Bay, but what we are trying to do is to limit those motorboat activities to certain areas where they do not have interaction with spawning areas or critical wildlife habitat.

In the Chesapeake Bay we are looking at this issue, this motorboat human activity issue, with three things: respect, responsibility, and dignity for the bounty of God's creation. And in this issue of snowmobiles in Yellowstone, there are still about I am told, and correct me if I am wrong, in the three-State area, 13,000 miles of access that will not be impacted at all from snowmobiles. What we are talking about here is about 180 miles of snowmobile access right in Yellowstone.

So it is a difference of opinion. I think people on both sides of the issue, the gentleman from Montana, the gentleman from New Jersey, both gentlemen are trying to do what they feel is right for the pristine beauty of certain wonderful places in the United States; and I will tell the Members to vote their conscience on this issue.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, the decision to ban snowmobiles from the roads of Yellowstone and Grand Teton National Parks is based on politics, not on facts and not on laws. This rule was published just 2 days after President Bush was sworn into office. Much like the roadless rule, this decision was predetermined and more about getting President Clinton in the extreme environmental hall of fame than establishing good public policy. It was one of many sad last-ditch efforts to polish the tarnished Clinton legacy.

Predetermining the outcome was an obvious violation of the National Environmental Policy Act, or NEPA, and was well-documented in the lawsuit filed by the State of Wyoming. The Babbitt administration and the Clinton administration rushed to force the snowmobile ban, leaving public tours only to be taken by snowcoaches rather than snowmobiles.

What is a snowcoach? It sounds warm and fuzzy and friendly. A snowcoach is a modified sports utility vehicle, a bus or a van, in which the wheels and the drive line are modified to use a track system similar to those used on old Army tanks. We have one here.

Notice the bison and how apparently the bison are not bothered by interaction with man. And, by the way, the road we are looking at is the same road that snowmobiles would go on. So it is not going to answer the problem that the gentleman from Pennsylvania (Mr. HOEFFEL) mentioned about buffalo going down the road. The roads will still be there.

□ 1900

These vehicles, here is another one, get 2 to 4 miles per gallon; and believe me, I have been on them and they are noisy. They travel the exact same roads snowmobiles and cars do, and their air emissions are worse than the new generations of snowmobiles by far.

I have been in Congress a long time, but this is the first time I have had environmentalists advocate for more SUVs in Yellowstone National Park or any national parks. It is also the first time I have ever heard of environmentalists saying that the use of tank-like vehicles is good for wildlife or the environment.

Let us be honest in this debate. Let us not pretend that preventing the use of snowmobiles will remove all human-wildlife interaction. Bison jams will still happen, just as they do in the summer months, when 1.7 million cars drive through Yellowstone National Park. These bison do not seem overly concerned whether a snowcoach or a snowmobile is in the road.

In Babbitt's rush to illegally force a snowmobile ban through the regulatory process, the air emissions statistics of snowcoaches were actually trumped up to show that they were more environmentally friendly than new generation snowmobiles. In fact, the National Park Service study understated carbon monoxide emissions for snowmobiles by a factor of 50 percent, because they used emission factors for light trucks with wheels on paved roads to calculate potential air-quality impacts, rather than testing the vehicles after converted to track systems and run on a snow-covered road.

Yellowstone National Park was created in 1872, as has been stated before, with the dual purpose of conserving its unique resources and providing a recreation area "for the benefit and enjoyment of the American people."

No damage has ever been done to the parks by the 65,000 snowmobiles which enter the parks each winter nor the 1.7 million cars that enter in the summer months on the same roads. Snowmobiles have never caused a violation of our current environmental laws, and air quality will only improve under the guideline advanced by the National Park Service.

The new generation 4-stroke engines are much quieter and cleaner than the older models. They are wildlife friendly, and they allow for an enjoyable trip through the park for all the visitors.

The new plan put forth by the National Park Service provides a good balance for continued snowmobile and snowcoach use, while still preserving the health of our national parks and the wildlife.

Oppose the Holt anti-snowmobiling amendment. And remember, we do not want more SUVs retrofitted to look like tanks driving through our national parks.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of this amendment by the gentleman from New Jersey. What the bill seeks to do, as many have already stated, is to overturn two comprehensive studies about the harm that snowmobiles do to the park. The fact of the matter is that those decisions were made in an arbitrary fashion. While they identified the least environmentally damaging alternative, they chose not to take it. They chose not to take it because their intent from the very beginning was to overturn the rule and to provide access for the snowmobiles. Not only did they provide access, but they increased the level of access.

The fact of the matter is the National Park Service has made its finding that these impair and harm the parks. They cause harm to the individuals who are working in the park at that time. We ought not to overturn that.

To bring up these coaches from the 1950s is not to deal with the issue in an honest fashion. The fact is that there are new coaches that were on order, they have been put on hold because of the change in the rules, and we ought to protect the parks by bringing people in to enjoy the parks, to see the parks, to experience the parks, but do it in a manner which is environmentally compatible with the best interests of the parks.

That is the fiduciary relationship that the Secretary of the Interior has on behalf of the parks and on behalf of the American people. It is not to introduce this source of pollution in an unlimited fashion.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, as the chairman of the Committee on Small Business, it was my opportunity to hold a field hearing for the purpose of gaining the actual facts as to what would happen economically to the people of West Yellowstone, Montana. Mr. Chairman, 1,100 people in the town would suffer a $33 million hit from the snowmobile ban.

Why would there be such an effect? Yellowstone National Park is the attraction, not a nearby national forest. Some encourage snowmobilers to redirect their enthusiasm for the sport to nearby national forest land. However, most wintertime visitors at Yellowstone who come from other parts of the country could recreate much closer to home, and they choose to come to Yellowstone because of its unique features. The amendment that is offered is similar to if the Park Service still allowed people to visit the Statue of Liberty in New York Harbor, but suspended ferry service because of concern over water quality, forcing people to row, canoe, or swim to Liberty Island and still expect the same number of people to visit the Statue of Liberty.

The production and use of snowmobiles, if you are interested in an economic recovery, is a $7 billion industry in this country. It creates roughly 75,000 jobs. We are struggling with the highest national unemployment rate in nearly a decade, and if this amendment goes through, it will result in thousands of people losing their jobs in the manufacturing sector, including the people that I represent in Rockford, Illinois, who are at 11 percent unemployment because of the huge hit on manufacturing. And I wonder if the people who want to eliminate snowmobiling in West Yellowstone Park think anything about the manufacturing workers who are struggling to keep their jobs, but they keep their jobs making snowmobile parts.

I was there at West Yellowstone Park. I got on one of these machines. In fact, I asked the owner of the machine to turn it on. He said, Congressman, the machine is already on. It was a new 4-stroke machine. Extremely quiet, Mr. Chairman; and there was no smoke. I said, would you turn on a 2-stroke machine, the old snowmobile machine. He turned it on, and the smoke is belching out of there and there is blue smoke, all kinds of noise. That is old technology. That is gone forever. Because the rules say, use the 4-cycle machine because it is whisper quiet.

I rode that snowmobile along with my wife, who is a biologist and who understands the environment. We came within 20 feet of an eagle and he just looked at us. We came within 10 feet of a bison; he just looked at us. And a fox came down the road just looking around. Do my colleagues know what happened? As we were in this trail of snowmobiles as we got to those beautiful animals, the leader raised his arm, almost in reverence, as to the beautiful environment and the animals that were there so we could see them closely and firsthand.

This is new technology. There is no smoke. There is no noise. These are people who want to go to the park and examine and see nature as opposed to being in those terrible coaches that make all kinds of noise and make all kinds of tracks, and you cannot even see. In fact, it was very quiet on that snowmobile trail until such time as one of those snowcoaches came along.

But there is more to it than that. It is that the 15 to 20 percent drop in recreation would literally destroy the school system of Vermillion, South Dakota, which is where some of these snowmobiles are made. We have to think about the economic impact of such a harsh decision just to ban something. It would put Vermillion, South Dakota, in tremendous distress. And all across the Nation, communities that depend upon taxes from the snowmobile industry would be tremendously impacted. That is what this is about.

Mr. Chairman, what this is about is a reasonable rule that the National Park Service developed for the purpose of allowing people of this country and people from around the world to come and visit the natural and pristine beauty of West Yellowstone Park. This is a "no" vote. It is a "no" vote because it will keep the people employed in West Yellowstone. It is a "no" vote because it will keep many people employed in the congressional district that I represent.

Mr. DICKS. Mr. Chairman, I yield my remaining time to the gentleman from New Jersey (Mr. HOLT), so that he may control and yield that time.

Mr. HOLT. Mr. Chairman, I reserve my remaining time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I want to address the issue about what the Holt-Rahall amendment is all about, because I do not believe it is about diminishing wildlife.

As the chart shows here, since the National Park Service began grooming trails in the 1960s, the number of elk and bison have exploded, reaching the park's natural carrying capacity in the mid-1990s and remaining there ever since then. The park animals are breeding like rabbits. They are now leaving the park in search for food. There is no documented peer review science which indicates that snowmobiles are placing any species in Yellowstone at risk.

The Holt amendment is not about wildlife, and it is not about noise. The new 4-stroke machines that will be required under the National Park Service's record of decision are extremely quiet. The snowcoaches which would replace them under the Holt amendment are orders of magnitude louder and would have a noise impact on 17,000 more acres than would be the case under the National Park Service's ROD.

For those who have not had the opportunity to ride in a snowcoach, as the gentlewoman from Wyoming (Mrs. CUBAN) testified, let me assure my colleagues that it is not a pleasant experience. It is a tank, it is loud, it is noisy, and it is uncomfortable. If you ask them, most of those who ride in a snowcoach will tell you that they will not do it again.

The Holt amendment is not about lowering noise, and neither is it about lessening emissions. Compared to machines made just 4 years ago, today's snowmobiles are much cleaner, with particulate matter emissions falling over 95 percent in the past 4 years. In fact, there is no lower particulate matter benefit from banning snowmobiles from Yellowstone, as the chart suggests here.

According to the Southwest Research Institute, the SRI, a nationally recognized testing laboratory that conducts emissions tests for the California Air Resources Board, emissions from snowcoaches are six times as high as that of snowmobiles. With an average occupant load of three to four passengers on a per-occupant basis, emissions from snowcoaches exceed that of new technology snowmobiles. Even assuming a fully loaded snowcoach, emissions are likely to occur under the Holt amendment that are no better than that of six snowmobiles.

The Holt amendment is not about emissions, and neither is it about public health. Even during the days of dirty 2-stroke machines, there has never been a Clean Air Act violation in Yellowstone. With the introduction of new technology machines this winter, the issue of public health becomes a red herring. Based on the EPA's analysis, in the worst-case analysis of the air and the most impacted area of the park, the air in Yellowstone under the ROD will be 10 times cleaner than OSHA standards, 10 times cleaner than the requirements for our workers.

The Holt amendment is not about public health. If the science clearly indicates that the Holt amendment does not result in improvements in noise, emissions, wildlife propagation, or public health, then what is the Holt amendment about?

Mr. Chairman, the Holt amendment is about restricting choice, and it is about limiting public access to our national parks only to those who are able-bodied enough to hike or cross-country ski into Yellowstone National Park during the winter months.

Mr. Chairman, I urge a "no" vote on this amendment.

Mr. HOLT. Mr. Chairman, may I ask the Chair the time remaining.

The CHAIRMAN. The gentleman from New Jersey (Mr. HOLT) has 5¾ minutes remaining, after assuming the time of the gentleman from Washington (Mr. DICKS); and the gentleman from North Carolina (Mr. TAYLOR) has 6½ minutes remaining.

Mr. HOLT. Mr. Chairman, I yield 2½ minutes to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Appropriations Subcommittee on Interior, cosponsor of this amendment.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time.

Mr. Chairman, the fight over the use of snowmobiles in Yellowstone National Park has raged on for more than a decade. In the most recent round, the National Park Service found that these machines impair park resources, a finding which required a ban on this activity.

□ 1915

Only days after taking office, President Bush shelved the ban and requested a new environmental assessment of the issue. So 2 years and 2.4 million tax dollars later, the new study came out; and, lo and behold, that study reached the same conclusions. Snowmobiles are bad for Yellowstone.

Not to be deterred by the facts, however, the Bush administration has pursued not a ban but rather increased snowmobile use in the park and is set to issue new rules to implement this policy any day now.

The fact that the administration is allowing public natural resources to be abused of course is not news. Virtually every environmental policy developed by this administration is crafted to benefit one industry or another. However, the Bush snowmobile policy is particularly devastating because it threatens not only Yellowstone's bison and bald eagles but also the entire process of environmental regulation.

To wake up one morning in the Bush White House and decide to toss this policy out the window is not just wrong, it is dangerous. Determining how best to protect the crown jewel of our National Park System is not sandlot football. You just cannot call for a "do over" if you do not like the way the game turned out.

Either 78 decibels worth of noise harms wildlife in the park or it does not. Either discharging gasoline and motor oil directly into ground water harms the park or it does not.

These are fundamental scientific questions that were answered through a careful and standardized policy-making process twice, twice. Deciding to change the answers or ignore them will have devastating consequences. If the Bush snowmobile policy stands, it threatens not only the park and its resources but also the public's confidence in our park system, our park service and our entire system of environmental protections.

Like the gentleman from New Jersey (Mr. HOLT) and several of our colleagues, I have visited Yellowstone. During the winter, I have experienced firsthand the devastating effect snowmobiles have on the park. I did not like what I smelled. I did not like what I heard. I did not like what I saw. Indeed, that evening I was having dreams, rather, I should say nightmares, of the Daytona Speedway as I went to bed.

If the administration is not willing to uphold and defend the law, those of us in Congress who love Yellowstone must act. We must act to preserve Yellowstone but also to preserve the faith that the American people have in our stewardship of the national parks. This is not anti-snowmobile. This is pro-Yellowstone. It is pro-protection for one of the crown jewels of our American park system. I urge support of the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time for closing.

Mr. HOLT. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS), the co-sponsor of this amendment.

Mr. SHAYS. Mr. Chairman, I rise in support of this amendment. I believe protecting and preserving our environment is one of the most important duties we have as Members of Congress.

Our predecessors understood the preservation of our natural resources was a moral and patriotic obligation. It was their vision and foresight that led to the establishment of the Yellowstone National Park in 1872 owned by all Americans. The creation of our first national park was a farsighted guarantee each generation would inherent a healthy and vibrant Yellowstone.

But, today, the park's health is in jeopardy. On peak days this winter $1,600 snowmobiles entered Yellowstone, generating tremendous noise and pollution.

POINT OF ORDER

Mrs. CUBIN. Mr. Chairman, point of order.

Mr. Chairman, I believe there is a rule against allowing the pictures down there of the person at the stock car races in West Virginia staying on the floor.

The CHAIRMAN. The gentlewoman is correct. Exhibits may not remain on static display in the well.

It is now removed.

The gentleman from Connecticut (Mr. SHAYS) may resume.

Mr. SHAYS. Mr. Chairman, the harm caused by snowmobiles used in Yellowstone have been scientifically proven, studied further and proven yet again. Over the past decade the Park Service, the Environmental Protection Agency and independent experts have conducted extensive studies and always reach the same conclusion: A phaseout of snowmobiles is necessary to restore Yellowstone's health. I hope we take action today to do that.

Mr. Chairman, I rise in support of the Holt-Shays-Rahall-Johnson amendment to protect Yellowstone and Grand Tetons National Parks.

I believe protecting and preserving our environment is one of the most important duties we have as members of Congress. We simply won't have a world to live in if we continue our neglectful ways.

Our predecessors understood the preservation of our natural resources was a moral and patriotic obligation. It was their vision and foresight that led to the establishment of Yellowstone National Park in 1872.

The creation of our first national park was a far-sighted guarantee each new generation would inherit a healthy and vibrant Yellowstone, a park complete with wildlife, majestic vistas and awe-inspiring geysers.

But, today, the park's health is in jeopardy. On peak days this winter, 1,600 snowmobiles entered Yellowstone generating tremendous noise and pollution.

As a result, our park rangers are forced to wear respirators to combat the noxious cloud of blue smoke in which they work and park visitors are rarely free from the roar of snowmobiles.

And even after studying the latest generation of snowmobiles, the Environmental Protection Agency still found that a phase-out of these machines "would provide the best available protection for human health, wildlife, air quality, soundscapes, visibility and visitor experiences."

The harm caused by snowmobile use in Yellowstone has been scientifically proven, studies further, and proven yet again.

Over the past decade, the Park Service, the Environmental Protection Agency, and independent experts have conducted extensive studies and always reached the same conclusion: a phase-out of snowmobiles is necessary to restore Yellowstone's health.

By a 4-to-1 margin, Americans overwhelmingly support protecting Yellowstone by replacing snowmobile use with park-friendly, people-friendly snowcoaches.

This amendment does not restrict winter access to the Park. Rather, it requires visitors to travel in a manner that ensures the integrity of Yellowstone's precious natural resources.

This amendment seeks no more and no less than doing for Yellowstone what the National Park Service, the Environmental Protection Agency and the American people believe is necessary to protect the park.

Let's not waste another minute or another dollar of taxpayer money further studying this issue. Let's put into law a scientifically sound, environmentally safe and fiscally responsible decision that protects our nation's first treasure.

I urge my colleagues to support the Holt-Shays-Rahall-Johnson amendment to protect Yellowstone National Park.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) has indicated he has reserved his time to close.

The gentleman from New Jersey (Mr. HOLT) has 2¼ minutes.

Mr. HOLT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I restore this picture of the park ranger with the respirator to make the point that this is not a stunt. The Park Service actually issues respirators to its rangers. It is that bad, and they use them.

Now to refer to a couple of points that were made with regard to the economic impact. That was part of these studies, and the Park Service included in the study the economic impact of this phaseout. Now it is worth noting that a few years ago, in 1995–1996, when west entrance visitations decreased by 13 percent over the previous year, resort tax collection increased by almost 10 percent. The point is that preservation of the environment is in the interest of the economy. The National Park Service has determined through extensive studies that phasing out snowmobiles and converting to snowcoaches would have a less than 1 percent effect on the five county economy, and many business owners are saying the protection of the Yellowstone is vital to their economic future.

Mr. Chairman, this has been studied over and over again. Every point that the opponents have raised here has been addressed multiple times. It is worth pointing out what the locals, the local people are saying. Let me refer to a couple of newspapers from Montana.

The Great Falls Tribune says, "Sometimes politics replaces common sense, and it is happening now at Yellowstone Park. It is literally a dirty, stinking shame."

The Helena Independent Record says, "There remains something inherently out of kilter about letting snowmobiles roar through the pristine winter silence. It is not as if the West lacks places outside of Yellowstone."

The Casper, Wyoming, Star Tribune says, "Given the scientific evidence and the data of the degrading effects of snowmobiles, allowing their use in the parks violates the mission given to the National Park Service by Congress to manage the parks in such a manner and by such means as will leave them unimpaired for the enjoyment of current and future generations."

That is what our amendment seeks to do, Mr. Chairman.

MAY 20, 2003.

HON. GALE NORTON,
U.S. Department of the Interior, Washington, DC.

DEAR SECRETARY NORTON: It has been our privilege collectively to serve nine presidents as stewards of America's national parks. For each of us, this experience underscored the pride and joy that Americans feel for their common heritage and their desire to have national parks vigorously preserved for their grandchildren. In this spirit, we write to you about a final decision that is before you regarding snowmobile use in Yellowstone National Park. There can be no doubt that this decision is a defining moment for America's national parks.

The choice over snowmobile use in Yellowstone is a choice between upholding the founding principle of our national parks—stewardship on behalf of all visitors and future generations—or catering to a special interest in a manner that would damage Yellowstone's resources and threaten public health. The latter choice would set an entirely new course for America's national parks.

It is our deep hope as this issue now moves to your final review that you will ensure the highest protection for Yellowstone. To do otherwise would be a radical departure from the Interior Department's stewardship mission. Yellowstone is an irreplaceable national treasure, a symbol of our country, and a gathering place where Americans feel justifiably proud that our country led the world by establishing its first national park. A decision made on behalf of the snowmobile industry and not for Yellowstone's environment and the general public would be wrong.

On many occasions, President Bush has made laudable pledges that members of his administration will always be fully accountable to the public. In keeping with this, we are mindful of your assertions regarding snowmobile use in Yellowstone; they are as important today as they were when you made them.

Two years ago, the Interior Department directed that a supplemental environmental study be undertaken so that additional information and wider public involvement could be brought to bear in making the best possible decision about Yellowstone's future. The Department asserted that this information would be essential to a sound decision.

On the basis of the new data, the National Park Service verified that phasing out snowmobile use would provide the best protection of Yellowstone's environment and the health of employees and visitors. The study concluded that ending snowmobile use while providing visitors access on snowcoaches:

". . . best preserves the unique historic, cultural, and natural resources associated with Yellowstone and Grand Teton National Parks . . ." and would ". . . attain the widest range of beneficial uses of the environment without degradation and risk of health and safety."—Final supplemental Environmental Impact Statement, February 2003.

We hope that you will now embrace the central conclusion of a study that your Department asserted to the American people would shape a better decision. To ignore its conclusion would clearly be to accept avoidable risks to health and safety, a narrower range of beneficial uses, and weaker preservation of Yellowstone and Grand Teton National Parks.

Your Department also called for wider public involvement and the call was unquestionably answered. More Americans submitted comments to the National Park Service than the agency has received on any single issue in its 87-year history. While the volume of comment was unprecedented, its reflection of public opinion was consistent with previous comment periods over the past several years. By a 4-to-1 margin, Americans urged you to give Yellowstone the best possible protection and said they believe—as the National Park Service has confirmed—that this means replacing snowmobiles with snowcoaches. We hope that after calling for public comment, you will heed, not ignore, what the public has told you.

Clearly we are in economic and budgetary times that require us to be scrupulous with every tax dollar. This is another reason why we urge you to adopt a phaseout of snowmobile use. Your study demonstrated that continuing snowmobile use in Yellowstone would result not only in higher levels of air and noise pollution, harm to wildlife, and risks for employee and visitor health; it would also cost taxpayers $1.3 million more each year than replacing snowmobiles with snowcoaches. Surely you will not ask the American taxpayer to pay more for less protection, an annual transfer payment to the snowmobile industry subsidizing ongoing damage to Yellowstone.

We would be remiss if we did not emphasize one final point. Yellowstone's wintertime struggles with pollution, noise, and traffic congestion fit into a larger context. Throughout the National Park System, we have been striving for years to develop more efficient transportation systems so that the visitor's national park experience can be defined by each park's special attributes and not by negative aspects of traffic that most visitors hope to leave at home.

Zion National Park is an excellent example of the success and popularity of this strategy. Where automobile traffic had clogged Zion's once quiet canyons and the visitor's experience was being defined by noise, exhaust, and frustrations finding parking, the Park Service substituted shuttle bus access. This change boosted gateway business, earned accolades from visitors who today are enjoying a better park experience, and reduced impacts to Zion's resources.

In Yellowstone, the supplemental study that you requested has demonstrated that replacing snowmobiles with an efficient system of snowcoaches would bring similar benefits. In fact, with wildlife under stress from Yellowstone's deep snows and frigid temperatures, and employees and visitors breathing snowmobile fumes often trapped by the park's inversions, the benefits of reducing traffic and emissions would be even greater than they have been in Zion.

In summary, we join as former public stewards of America's national parks in urging you to place Yellowstone National Park back on a path that gives the highest priority to protecting its natural qualities for today's visitors and future generations. To do otherwise would ignore sound science, the public will, and responsibility to taxpayers. And worst of all, it would erode a precious gift that this country gave itself and the world, a gift that will only become more valuable to our nation as our population grows.

Sincerely,

George B. Hartzog, Jr., National Park Service Director (1964–1972); National P. Reed, Assistant Secretary of the Interior (1971–1976); Russell E. Dickenson, National Park Service Director (1980–1985); Denis P. Galvin, National Park Service Deputy Director (1985–1989 and 1998–2002); Roger G. Kennedy, National Park Service Director (1993–1997); Robert Stanton, National Park Service Director (1997–2001); Michael V. Finley, Yellowstone National Park Superintendent (1994–2001); Robert D. Barbee, Yellowstone National Park Superintendent (1983–1994).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the chairman for yielding me time.

One of the previous speakers came to the floor and gave a lengthy explanation of this amendment. One of the things that he said was this is not about snowmobiles, and I think it is probably the only thing that he said that I agreed with because I do not believe that this amendment is about snowmobiles.

Over the last several years a number of concerns have been raised over snowmobiles in Yellowstone Park. They included visitor enjoyment, visitor and employee health, safety, air quality, the natural landscape, wildlife. I believe those were very legitimate concerns that were raised. I believe that in the management of this park, that that had gotten out of hand and there were legitimate concerns that had been raised.

The administration responded to that. The industry responded to that. The industry developed quieter, safer, less noisy machines in order to meet the standards. The administration adopted policies which restrict where the snowmobiles can go. It was a balanced approach to managing one of our most important public assets. Striving to reach that balance is where we really should be in terms of policy here.

Unfortunately, there are people who want to take the extreme and say we are just going to ban them altogether. Well, if you are going to ban 65,000 snowmobiles who stay on the public roads in Yellowstone, what about the one and a half million cars? Is that next? Because that is where we are going. When you come to our public assets, our public parks, especially the crown jewels like Yellowstone, it is important that we ensure that the public has access to those crown jewels and that we have the abilities as citizens of this country to enjoy our public lands. And in order to do that we have to reach a balance.

No, we cannot pretend that allowing people into Yellowstone Park has no impact on the environment. It does. No matter how they get there they have an impact on the environment. If you were successful and you ban snowmobiles and ultimately ban cars from Yellowstone Park but you let people walk in, that would have an impact on the environment.

So how do we ensure the greatest number of people have an opportunity to see this park and enjoy it both in the summer and the wintertime with having the least possible impact on the environment? The way that we do that is by adopting a balanced rule, a balanced approach. You can take snowmobiles in, but they have to be quieter, they have to be less polluting, and we are going to restrict you to the roads. And not only that, we will require that you have a guide with you when go into the park, trying to address all of the concerns that have been brought up.

A lot of the debates that you have heard here was about the way it used to be, not about the new rules that were being adopted. This is a balanced approach between having the least possible impact we can on our environment and at the same time allowing public access. That is a reasonable, balanced approach. You cannot continue to defend the extreme. You cannot continue to defend those who want people off public lands. You cannot continue to do that. But that is what we have had over and over today.

I oppose this amendment. I think that the administration has done a fantastic job of listening to people and trying to respond to their concerns. I think it is extremely important that we allow this rule to go forward and we allow the administration to go forward with what has proven to be a very balanced approach and oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. HOLT) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by the gentleman from California (Mr. GALLEGLY); amendment No. 4 by the gentleman from West Virginia (Mr. RAHALL); amendment No. 9 by the gentleman from New Mexico (Mr. UDALL); and amendment No. 2 by the gentleman from New Jersey (Mr. HOLT).

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. GALLEGLY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GALLEGLY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote followed by three 5-minute votes.

The vote was taken by electronic device, and there were—ayes 163, noes 255, not voting 16, as follows:

[Roll No. 382]

AYES—163

Ackerman
Andrews
Bachus
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Bereuter
Bilirakis
Bishop (NY)
Blumenauer
Bono
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Gallegly
Gonzalez
Goss
Greenwood
Grijalva
Harman
Hastings (FL)
Hefley
Hinchey

Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Kaptur
Kennedy (RI)
Kilpatrick
Kirk
Kleczka
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Linder
Lofgren
Lowey
Lynch
Majette

Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McNulty
Meehan
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Pryce (OH)
Regula
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo

Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Sweeney
Tauscher
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wolf
Woolsey
Wu
Young (FL)

NOES—255

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Baker
Ballenger
Barrett (SC)
Bass
Beauprez
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Case
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann

Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)

Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul

Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce

Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo

Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)

NOT VOTING—16

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter

Ferguson
Frost
Gephardt
Granger
Janklow
Jefferson

Johnson, Sam
Millender-McDonald
Peterson (PA)
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1951

Messrs. SOUDER, SANDLIN, MORAN of Kansas, REYES, and LINCOLN DIAZ-BALART of Florida changed their vote from "aye" to "no."

Mrs. NAPOLITANO, Ms. VELÁZQUEZ, and Messrs. PASCRELL, GONZALEZ, FARR, DOOLEY of California, LARSEN of Washington, BROWN of Ohio, and CONYERS changed their vote from "no" to "aye."

Ms. McCOLLUM changed her vote from "present" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LINCOLN DIAZ-BALART. Mr. Chairman, on rollcall No. 382, due to a technical difficulty, my vote was recorded as a "no." It should have been an "aye."

AMENDMENT NO. 4 OFFERED BY MR. RAHALL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 220, not voting 15, as follows:

[Roll No. 383]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Bass
Becerra
Bell
Bishop (NY)
Blumenauer
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva

Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano

Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Platts
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—220

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boyd

Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane

Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Everett
Feeney
Flake
Fletcher
Foley

Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Davis, Jo Ann
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2000

Mr. McINTYRE changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2000

AMENDMENT NO. 9 OFFERED BY MR. UDALL OF NEW MEXICO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 198, noes 222, not voting 14, as follows:

[Roll No. 384]

AYES—198

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—222

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barton (TX)
Bereuter
Berkley
Berman
Bonilla
Burgess
Carter
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2009

Mrs. NORTHUP changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 210, not voting 14, as follows:

[Roll No. 385]

AYES—210

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Becerra
Bell
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—210

Aderholt
Akin
Alexander
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Jones (NC)
Keller
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanders
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Velázquez
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Souder

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2017

Mr. GIBBONS and Mr. PORTMAN changed their vote from "aye" to "no."

Mr. ROSS and Mr. TURNER of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. JOHN

Mr. JOHN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. JOHN:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to prosecute any individual for taking migratory birds as described in 20.21(i)(1)(i) of title 50, Code of Federal Regulations, on or over land or water where seeds or grains have been scattered solely as the result of manipulated regrowth of a harvested rice crop.

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. JOHN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I yield myself such time as I may consume.

First, let me thank Ranking Member DICKS and also Chairman TAYLOR for allowing me to offer this amendment. I also want to thank the United States Fish and Wildlife Service for their ongoing cooperation regarding a very important issue to many of my constituents in Louisiana and elsewhere around the country.

Growing up in the coastal marshes of Louisiana, also known as the Sportsman's Paradise, I am a very avid hunter and fisherman. It is a way of life for me and many other people in the marshes of Louisiana. I am also a very active member of the Congressional Sportsmen's Caucus. Let me begin by clarifying that I adamantly oppose the practice of illegal waterfowl baiting. It is in the best interest of sportsmen, farmers and conservationists to maintain and support a healthy population of our Nation's waterfowl all across the Nation.

At the same time, however, we must also be careful to acknowledge and properly address shortcomings in the current interpretation and sometimes subjective nature of existing Federal regulations. Any misinterpretation of these regulations unintentionally prohibits legal hunting methods. This misunderstanding also prohibits agricultural producers from implementing normal agricultural practices that are essential in the preparation of next year's crops. These practices are in no way intended to bait waterfowl or undermine the Federal regulations.

For the past several years, hunters, farmers and landowners in Louisiana have experienced serious problems determining whether or not what they are doing is abiding by the intent of Federal law. As a result of the unique nature of the growing season in Louisiana and also the unique agricultural process of growing rice, there is a disagreement over what constitutes a harvested rice crop and over what constitutes normal agricultural practices under this Federal regulation.

The gray area that exists in Federal waterfowl baiting regulations may allow for the prosecution of law-abiding rice producers, landowners and hunters under certain conditions. In fact, this past hunting season was an excellent example of the confusion that this regulation causes. Rice producers went about their business of draining and preparing their fields for the winter crop, something we call in Louisiana water buffaloing. It is a practice that is used every year to smooth out the ruts and also to flatten the rice stubble that has been harvested. However, unbeknownst to some of the farmers, some of their normal agricultural practices, this water buffaloing, were actually considered by the U.S. Fish and Wildlife Service game agents to be illegal according to the current Federal regulations. As a result, 2 days before the duck season opened in Louisiana, rumors had spread rampantly all over my district, and I represent the town of Gueydan which is known as the Duck Capital of the World, but 2 days before, the rumors were rampant whether any of the rice fields that were buffaloed by these farmers, whether these hunters were going to be prosecuted and ticketed for hunting over baited fields. Many of the hunters responded by canceling their hunts, their leases; and many of the farmers were needlessly delayed in preparing their rice fields for next year's crop.

Hunting waterfowl in Louisiana, Mr. Chairman, is a very important industry. It is a way of life, it is very important for the local economy, and it is a very popular pastime for the people that visit the Sportsman's Paradise. As things stand right now, Mr. Chairman, many hunters are being intimidated out of leasing lands over this regulation about water buffaloing, even though there is an extremely valid argument that this practice is legal under Federal regulations. When these hunters cancel their leases, Mr. Chairman, not only do they needlessly miss out on a great opportunity of hunting ducks in south Louisiana, but they also take money out of the rural economies of south Louisiana that desperately need the support of a stable hunting industry. This can result in especially tough times for our rice farmers. As we all know, the past few years with the drought, the low prices have really cost the rice farmers a lot.

That being said, I want to withdraw my amendment because of the assurances that I have with the U.S. Fish and Wildlife and also with the staffs on both sides to work out this regulation. But this is an important amendment. I will continue to work towards that end. I want to thank the ranking member and the chairman.

The CHAIRMAN pro tempore. The gentleman's amendment is withdrawn.

AMENDMENT NO. 16 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. KING of Iowa:

At the end of the bill (before the short title), add the following:

SEC. . MISSOURI RIVER MANAGEMENT.

In order for the Corps of Engineers to select revisions to the Missouri River Master Water Control Manual that serve and balance the diverse interests of all river uses, including electric generation hydropower, flood control, navigation, recreation, and environmental protection, and in order to manage those uses under the Annual Operating Plan for the Missouri River, during the formal consultations under the Endangered Species Act of 1973 between the Corps of Engineers and the United States Fish and Wildlife Service regarding a new biological assessment for the Missouri River Master Control Manual, none of the funds made available by this Act shall be used to subject management of the Missouri River to the imposition of any regulatory action under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself 1 minute.

We have an issue before us here in this Congress. Back in 1952, there was a large flood in the Missouri River that wiped out much of the bottomland and the farms and damaged our cities, Sioux City, Council Bluffs, Omaha, all the way down through. The Pick-Sloan program was established subsequent to that by the United States Congress for these purposes: first, flood control; second, power generation; third, agriculture production; and, fourth, barge traffic. Nothing in the record says it is set aside so that we can accommodate two birds and a fish which enter into this fray.

About 10 years ago, actually it was in October of 1993, I came out here to Washington to a Midwest flood reconstruction and cleanup conference subsequent to our 1993 devastating flood. And there, Molly Beatty, the director of Fish and Wildlife, said, "Agriculture looks upon this flood as an economic disaster. Frankly, we here at Fish and Wildlife look upon it as habitat rehabilitation." That is the day I learned the names of the least tern, the piping plover, and the pallid sturgeon; and that policy is manifested today.

Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in support of the King-Terry amendment. The long-term effects of reduced water flows on the Missouri River are very serious. In particular, power plants along the river rely on an adequate supply of water to operate, mostly for cooling purposes.

Nebraska's two largest providers of electric power, Omaha Public Power and Nebraska Public Power districts, are strongly opposed to any flow changes to the Corps' 2003 operating plan, and for good reason. Last year, a total of 99 percent of the public power supplied in my district was dependent upon two plants that are dependent upon the Missouri River waters. Reduced flows could cost Nebraska and Iowa power plants tens of millions of dollars and cost the constituents in my district who would have to absorb these costs. Furthermore, drastically reduced river flows could make it nearly impossible for power producers along the river to comply with Federal water laws. Adequate river flows are also necessary for other essential services along the river.

Mr. Chairman, I rise today as a cosponsor of the King-Terry amendment. We offer this legislation to bring some clarity to a confusing legal situation regarding regulation of the Missouri River. This is an important issue for Nebraska and other Missouri River Basin states. Unfortunately, it is also an issue that has pitted region against region, state against state, interest against interest.

Last weekend, a U.S. District Court judge here in Washington, D.C., ordered the U.S. Army Corps of Engineers to reduce the flow of the Missouri River in order to protect three endangered species—the least tern, piping plover and pallid sturgeon. When the Justice department asked the judge for a two-week delay on the order, so that barges could be moved off the river, the request was denied.

Since then, the Corps has determined that the D.C. district court decision is in direct conflict with a June ruling by the Eight Circuit Court of Appeals, which ordered the Corps to maintain sufficient Missouri River flows for navigation and power generation. The Corps has also stated that its 2003 management plan is based on sound scientific and legal grounds, and has not resulted in any loss of least tern or piping plover this year. As a result, the Corps will not reduce the river's flow.

Corps officials say that reduced flows would have stranded at least 10 barges, including one near Omaha filled with 1,300 tons of fertilizer. Stranded barges pose a serious safety concern, since they could drift downstream, destroying piers, bridge supports and other infrastructure. Worse, they could spill their contents into the river.

The long-term effects of reduced flows are just as serious. In particular, power plants along the river rely on an adequate supply of water to operate—mostly for cooling purposes. Nebraska's two largest providers of electric power—Omaha Public Power and Nebraska Public Power districts—are strongly opposed to any flow changes to the Corps' 2003 Operating Plan. And for good reason. Last year, a total of 99 percent of Omaha Public Power District's generation came from Missouri River-based facilities. Nebraskans depend on these plants for reliable, low-cost electricity.

Reduced flows could cost Nebraska and Iowa power plants tens of millions of dollars.

These costs would be directly passed to consumers, as downstream states would be forced to buy out-of-state electricity. Furthermore, drastically reduced river flows could make it nearly impossible for power producers along the river to comply with federal water laws.

Adequate river flows are also necessary for other essential services for river communities—including clean drinking water, proper sewage treatment, and industrial uses. I want to note that my hometown of Omaha has committed millions of dollars to new development on its riverfront. Reduced flows would dry up marinas and leave recreational boaters grounded. A vibrant, flowing river is vital for cities like Omaha and Council Bluffs, as well as every other community along the river.

The Bush Administration has announced that the Corps and the U.S. Fish and Wildlife Service will begin formal consultation next week, as they work on a new Biological Assessment under the Endangered Species Act. In the meantime, constituents in my district, and those of many of my colleagues up and down the Missouri River, need some assurances. The amendment that Mr. King and I together have offered is a temporary provision to ensure the consideration of all interests—including electrical generation, agriculture, water quality, transportation, recreation, and the environment. The legislation would also remove the legal uncertainty created by conflicting court orders, while the Corps and the Fish & Wildlife Service address the important issues.

The Administration has decided to commit an additional $42 million to help restore the Missouri River's ecosystem. I urge the House and our appropriators to work with the Administration, to ensure adequate resources are provided for this priority.

I support the basic objectives of the Endangered Species Act. But it was never intended to overshadow each and every human interest. A balanced approach to managing the Missouri River can be achieved. Rushing to satisfy special interests—without considering all the economic and public safety consequences—is neither responsible nor fair to the taxpayers or those whose livelihoods depend on the river.

Mr. Chairman, the river can be managed in a way that protects wildlife while also promoting the economy of the Midwest and the Plains states. That is the point of our amendment.

I thank the Gentleman from Iowa for yielding.

Mr. REHBERG. Mr. Chairman, I wish to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Montana is recognized for 5 minutes.

Mr. REHBERG. Mr. Chairman, I yield myself such time as I may consume.

I do not have a lot of love for the Endangered Species Act. I think that is well known within this Congress. I served on the Endangered Species Act reform committee. I think there are flaws. There are problems. But the difficulty is this is not the way to make changes within the system.

□ 2030

We had a hearing in Billings, Montana, not long ago with the general from the Army Corps of Engineers at which time we said, when are you going to get off the dime and do your job? We have been waiting for 13 years for you to put the master plan back in place. You were supposed to have done it 13 years ago. You have not to this time.

There are problems, and he told us at any given time there are lawsuits being filed by one State or another. At any given time 11 States care and there is a lawsuit ongoing.

I wish the gentleman from South Dakota (Mr. JANKLOW) was here. He was excused for health reasons, but I know I can speak for him. Because between his time when he was governor and governor, he was the attorney filing suit against the Federal Government because they had not gotten the master plan done.

We cannot just ignore recreation upstate, we cannot just ignore the Endangered Species Act, and that is what this amendment does. So while I am willing to work with anybody in this Chamber to change the Endangered Species Act to make it make more sense, they cannot just ignore the judge's ruling of last week saying that there are three species that are endangered. We can, in fact, save those species. We would like to help in Montana. We have got the reservoir to do it, but let us have a master plan. We tell the Corps of Engineers, get their job done. We would not need amendments like this if we had it in place.

We do not need this amendment, and I ask Members to oppose it.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I rise in support of the King amendment.

Actually, there are two conflicting rulings right now that govern flows, and so it is not just one. The idea here is that we want high flows in the river in the spring, which will flood thousands of acres of farmland, and very low flows in the summer, which prevent any kind of navigation. The reason to do this is so the piping plover will build their nests high up on the banks of the river and will not get flooded out.

The best way to handle this is to manually move the nests up the bank. They do not have to flood thousands of acres. They do not have to shut off the barge traffic. That is the simple way. It is the logical way to do it. And yet we are trying to mandate this thing by managing the river all because the piping plover and the least tern are endangered species or threatened species.

So we think that this whole thing can be fixed, and we support the amendment.

Mr. REHBERG. Mr. Chairman, how much time did I have to begin with in opposition? Was it 5 minutes?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman has 5 minutes in opposition and has 3 minutes remaining.

Mr. REHBERG. Mr. Chairman, I yield myself 1 minute.

I believe there is going to be other opposition. They asked for time. They do not seem to be in the Chamber, so I will just take 1 more minute of time.

I do not deny that there are problems that need to be fixed. This is not the mechanism to do it.

I have been to Nebraska helping my colleague deal with the endangered species issue. I agree with him on the endangered species issue. The problem is we cannot ignore the endangered species at this time until such time as we make the changes.

Again, I call upon the Corps of Engineers to please get the master plan in place. Please let us end the litigation that continues. Let us get together, establish a consensus, work out a solution that can deal with barge traffic and recreation and the Endangered Species Act and all things that are entailed with the management of the Missouri River. But we cannot do it this way.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong support of the King amendment. This is a very timely amendment as I held a small business hearing today in my subcommittee dealing with the Endangered Species Act and the problems arising from it.

When found in a recent court ruling, once again that ruling pushes common sense aside in favor of alleged endangered species headed toward extinction, and I refuse to sit by and watch judges like those who wish to ban God from our Pledge of Allegiance push farmers and small businesses around. If we do nothing, we are soon going to be adding the American farmer to the list of endangered species.

This amendment inserts common sense where it is needed. Our courts act recklessly when they continue to place the concerns of animals and plants ahead of farmers and small businesses. I am taking the battle for common sense directly to the Endangered Species Act, and I welcome the gentleman from Iowa's (Mr. KING) efforts to put common sense into the management of the Missouri River.

Mr. REHBERG. Mr. Chairman, I continue to reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Montana (Mr. REHBERG) has 2 minutes remaining. The gentleman from Iowa (Mr. KING) has 1 minute remaining.

Mr. KING of Iowa. Mr. Chairman, I yield myself 1 minute to speak to that issue.

Following the gentleman from Missouri (Mr. GRAVES), the point that he raises about the real endangered species here is the Midwestern farmer. It is not the Northwest rancher. It is the Midwestern farmer that is at risk here.

I have been on every stretch of that river from Gavins Point down to Nebraska City. It is a long way. I have been on most of it twice. There is a lot of habitat up there for the least tern, the piping plover, and the pallid sturgeon, and we are creating more and more habitat as the years go by, and we are doing it based on pretty shaky science.

As I look up and down that river, and I will tell the Members that the further south one goes, the shallower the banks are and the more likely it is to flood. When they unleash their spring rise, that means that the water backs up through our drainage system at the rate of about one mile a day, 12 to 15 miles from the River, more than 1 million acres at risk here. And just that piece alone is enough to have more economic impact than this species that was created as a matter of convenience, a marriage of convenience between the fisheries and recreational interests and the environmental interests. So the habitat along the sand bar also is conducive, and they are nesting in other tributaries.

Mr. Chairman, I concede the point of order to the Chair.

The CHAIRMAN pro tempore. The point of order has yet to be made.

Mr. REHBERG. Mr. Chairman, I would like to leave enough time for the chairman to raise the point order, but I see one of my speakers is now here.

The CHAIRMAN pro tempore. The chairman can raise a point of order in its own time. He does not need the gentleman's time for that. Is the gentleman prepared to yield back his time?

Mr. REHBERG. Not to this point. I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me this time.

When it comes to water issues, it knows no party lines, knows nothing ideological lines. It has basically one rule, upstream versus downstream; and the problem with the amendment that would be offered is that it takes no account whatsoever of the upstream interests.

In North Dakota, when they built the Pick-Sloan projects and flooded the Missouri River, it took an area of our State the size of Rhode Island and put it under a lake bed. And now, as if that was not tough enough, they want to say, by the way, the size of this lake is going to gyrate dramatically, preventing them from making recreational development or any other use of that State of Rhode Island-size lake because we have got to keep all of the tension on downstream waterflow. We do not care about upstream. We have got to float our barges.

Time moves on, and the economic interests of upstream eclipses downstream. The only thing that does not eclipse downstream is votes in the House.

The courts have ruled on this matter, and they have ruled in inconsistent ways. It is going to the Supreme Court. It is not to be decided by an amendment before the House.

POINT OF ORDER

Mr. TAYLOR of North Carolina. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment proposes to state a legislative position. I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. KING of Iowa. Mr. Chairman, I will concede the point of order.

The CHAIRMAN pro tempore. The point of order is conceded and sustained.

Mr. DICKS. Mr. Chairman, I move strike the last word so that the gentleman from Texas (Mr. REYES) could enter into a colloquy with our distinguished chairman.

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding to me and giving me this opportunity.

I would like to enter into a colloquy with the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee.

As the gentleman from North Carolina (Chairman TAYLOR) knows, in my congressional district of El Paso, Texas, we are fortunate to have a unit of the National Park Service, the Chamizal National Memorial. The Chamizal commemorates the peaceful 1967 settlement of a 100-year boundary dispute between the United States and Mexico.

Today, the Chamizal is dedicated to furthering the spirit of goodwill and understanding between two nations by using the visual, literary, and performing arts as a medium of cultural interchange. The Memorial maintains a 500-seat theater and presents more than, on the average, 300 performances a year. An outdoor stage is situated in the middle of the 66-acre park where the Park Service hosts the nationally recognized Border Folk Festival and many other significant cultural events. Also, the Memorial, which is located in one of the poorest ZIP codes in the country, sponsors a series of free outdoor concerts in the summer which often draw crowds of more than 10,000 people. In short, the Chamizal is the centerpiece of El Paso cultural and recreation life and is used frequently by visitors and residents alike.

Unfortunately, Mr. Chairman, the Chamizal lacks adequate parking facilities, especially for people with disabilities and the elderly, which significantly impedes their ability to enjoy our Memorial. Visitors are forced to park outside of the Memorial boundary and walk across very busy roadways to reach the facility, making access very difficult and oftentimes dangerous. It has gotten to the point that I am personally concerned that a visitor to the Memorial will be hurt, perhaps even killed, unless the situation is addressed.

A new 400-space parking lot is desperately needed at the Chamizal National Memorial in order to meet the needs of visitors, particularly the elderly and disabled, as have been identified in the Memorial's General Management Plan and, Mr. Chairman, more importantly, to rectify a very serious safety hazard to the visiting public.

In addition, the Chamizal is located at the main port of entry of El Paso between Mexico and the United States. This project would also allow our Park Service and their law enforcement rangers to better control and monitor access to the Memorial and to protect the security of visitors. The estimated cost would be approximately $1.2 million.

Do I have the chairman's assurance that he and our ranking member will work with me as the bill before us today goes to conference?

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I will work with the ranking member and the gentleman to resolve the problem.

Mr. REYES. Mr. Chairman, I thank the gentleman.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman's leadership on this issue, and we will certainly work with him.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

Add at the end (before the short title) the following new section:

SEC. ___. None of the funds appropriated or made available by this Act may be used to propose, finalize, or implement any change to subpart B of part 294 of title 36, Code of Federal Regulations, entitled Protection of Inventoried Roadless Areas, as added by the final rule and record of decision published in the Federal Register on January 12, 2001 (66 Fed. Reg. 3244).

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 25 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise to offer this amendment to the House to preserve the most significant, probably the most significant, conservation measure for our precious national assets in the last decade, the 2001 roadless rule; and I do so by bringing to this House the spirit of Teddy Roosevelt who said, "We want the active and zealous help of every man and woman farsighted enough to realize the importance from the standpoint of the Nation's welfare in the future of preserving the forests." That spirit of Teddy Roosevelt is one we have a chance to confirm and affirm today by upholding the roadless rule, the largest advance in our conservation history for several years.

I think it is appropriate in talking about this just for a moment to think about the national assets which are now at risk. This picture of the Tongass National Forest, it has beautiful cathedral Sitka spruce and western hemlock, and it is a national treasure. It is a jewel in the crown of our national forests. It does not deserve nor should it be clearcut, and the roadless rule we seek to preserve in this amendment would prevent that depredation.

□ 2045

It is for us to consider the ramifications of not passing this amendment, and those ramifications are clear. The failure to pass this amendment tonight will allow this administration to clear-cut hundreds of thousands of acres of our most precious national forests. This is the picture that we will see on the television screens that Americans repudiate. Because Americans, when we adopted this roadless rule, in the largest, most democratic rule of all time, 2.2 million Americans volunteered to render their opinions. And what did they say? Over 93 percent of them said do not render this clear-cutting to our most pristine national forests.

Now, there are four reasons, substantive reasons, to adopt this amendment. Reason number one: this administration wants to essentially exempt the very largest, the very most pristine, the very most ecologically productive rain forest in the entire Western Hemisphere, the Tongass National Forest, and turn it into 300,000 acres of clear-cut, arboreal rubble. And they intend to do this same thing in the Chugach National Forest. Alaska is a beautiful State. Many of our constituents have been there, and all of our constituents have an interest in not seeing this clear-cutting take place.

Second, this administration has made clear that it intends to infect the lower 49 with the same policy disease. Because this administration has said quite clearly that it intends to do an amendment to the roadless rule that will essentially allow decisionmaking authority to move towards governors, rather than the United States House of Representatives, the Senate, and the executive authority of the United States. I quote Mr. Mark Rey, the Under Secretary of State, who will propose a change "that would allow States to play a greater role in land use decisions that affect them." The roadless rule, which blocks development of 58 million acres of Federal land remains law; and he said, but, we will leave it up to the governors to see where on a limited basis relief may be appropriate.

We know this for a fact. The stewardship responsibility belongs in this Chamber and this Chamber alone. There is already the ability for the governments to participate.

The third reason, if I may. This Nation is already interlaced with roads. There are 377,810 miles of roads in our national forest system, enough to circle the globe 15 times, 15 times. And the unmet needs of maintenance on those roads is $10 billion. If somehow, in the midst of our $450 billion deficits we can scrape up $5, the first $5 we ought to spend ought to be in protecting the roads that our people already enjoy going up to the lakes fishing, taking their kids hiking, which are now falling into disrepair and washing out. This is a fiscally sound measure.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to this amendment, and I yield myself such time as I may consume.

This amendment is bad policy. We should not stop all activities on the national level. Each national forest deserves to get decisions based on local commissions and based on specific situations.

We have four lawsuits going on this already. One Federal judge has already ruled that there are problems with the Clinton administration's roadless rule.

We need to have careful consideration before we lock up these areas and prevent multiple use. Wilderness area designations should be done site by site, not at this broad-brush national level.

It is possible that some forests and roadless areas may need some treatments to reduce hazardous fuels. We need to be careful that we do not make a national policy that could lead to dangerous conditions.

Half the areas covered by the Clinton roadless rule are at risk for catastrophic fire. The rule makes treatment of these areas a low priority when they should be a high priority. Already this year, fires that have started in roadless areas have destroyed hundreds of thousands of acres and burned several hundred homes.

I urge my colleagues to defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. INSLEE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, the argument which we just heard in opposition to the amendment is that as a matter of public safety we should not continue to follow the Clinton roadless rule.

I would like to share some facts which I think undermine that argument. Ninety-eight percent of the fires that have occurred in roadless areas have been controlled while they are small. On the other hand, the Forest Service has found that fires are twice as likely to occur in roaded and log areas. Only 14 percent of roadless areas are considered at high risk for potentially devastating wildfires. There is no public safety argument to justify not having restrictions on building roads.

What really is at stake here, as was outlined by Taxpayers for Common Sense, is that our tax dollars throughout the United States are being used to subsidize the creation of these roads and national forests not for safety purposes, but to subsidize transportation for the timber industry that is harvesting timber in these parks.

Now, those of my colleagues who represent parts of the country whose economies benefit from harvesting timber do not need to apologize to fight for those jobs, but what my colleagues are not entitled to is to ask the rest of the country to subsidize those businesses.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Florida. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, did the gentleman from Florida (Mr. DAVIS) say harvesting timber in parks? Is that what the gentleman said? Does the gentleman believe that is occurring? If so, then the gentleman is misinformed. Again, the gentleman is misinformed.

Mr. DAVIS of Florida. Mr. Chairman, reclaiming my time, I am referring to commercial logging; and I know the gentleman, who is an expert in this area, can perhaps use more appropriate terminology, but here is the final point I want to make.

The statistics suggest that there is between a $13 million and a billion-dollar backlog in terms of what we need to do to construct and maintain roads in these parks. And instead of concentrating on that, we are going to be subsidizing commercial logging by building roads not for public safety.

For those reasons, I would urge adoption of the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Chairman, first of all, I would like to point out to the gentleman from Florida (Mr. DAVIS), the gentleman is from Tampa, Florida. I am not even sure the gentleman has been out to the public lands. We live on the public lands out there. I am getting a little tired of some of my colleagues who have no idea of what public lands mean, who do not live out there on those public lands, who do not suffer the wrath of forest fires that we are suffering right now in the West. Instead, my colleagues stand up here gallantly and say, hey, the President, as the gentleman from Washington (Mr. INSLEE) says, the President is going to clear-cut tens of millions of acres. What a bunch of baloney. That has more fiction in it than Harry Potter.

Mr. Chairman, do my colleagues want to know where there is friction in this country? It is not between Democrats and Republicans; it is between you folks in the cities that have never experienced mountain life or life on the public lands, that do not know what fire does to us out there. Do my colleagues know what kills more endangered species than any other thing in this country? It is wildfire.

Now, I invite any of my colleagues to come out there sometime with the gentleman from Washington (Mr. INSLEE), either to the wilderness areas that he has proposed or, in effect, what we have here, de facto wilderness areas under this bill; and my colleagues can tell me what happens when they will not let us drive a fire truck up there. My colleagues can tell us what happens when they will not let us fly a helicopter and land it up there. My bet is during the fire season, I say to the gentleman from Florida (Mr. DAVIS), with all due respect, the gentleman is sitting comfortably in Tampa.

Mr. INSLEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in support of the Inslee amendment.

Passage of this amendment is critical because our pristine wilderness, which I have been to, I have been to the public lands, particularly our national forests, face an imminent threat.

In June, the Bush administration announced a revision to the National Roadless Area Conservation Rule to exclude those crown jewels of the national forest system, the Tongass and the Chugach, where I have been, which constitutes a quarter of the lands covered in this roadless rule. In addition, the administration gives State Governors the authority to opt out of the rule. This decision was made despite over 2.2 million comments and 600 public meetings and hearings on the roadless policy, 95 percent in support of protecting the Tongass and the Chugach.

Weakening landmark environmental protection was the most blatant example to date of this administration choosing special interests over the health and the safety of citizens and our environment. It is not enough that the administration refuses to recognize the dangers of global warming; not enough that they want to weaken the Clean Air Act. Now they want to decimate the world's last remaining old-growth temperate rain forest under the guise of preventing forest fires.

When it comes to the stewardship of our precious forestlands, it is abundantly clear that the administration's priorities have nothing to do with taxpayers or the environment. It is apparent that they have more concern for the timber industry than for the wilderness lands, the wildlands, and our national forests. And in this language, there is opportunity for fire apparatus to get through. My colleague who preceded me was wrong.

I am the author of the Alaska Rain Forest Conservation Act, with 115 bipartisan cosponsors. It would protect the Tongass and the Chugach by codifying previous policy from the administration. I believe it is time to permanently safeguard these areas of unparalleled ecological value. We cannot let these lands be exploited. They are something that we should hold dear for years to come. They are our national legacy. Support the Inslee amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I thank the chairman for yielding me this time. For those who have been speaking, there will be roadless areas in their districts.

The roadless rule was struck down this week for the second time. The first time it was reinstated by the appeal of the liberal ninth circuit. Like many of the actions that have been taken by the so-called Clinton administration, if it was an administration, on their way out of office this rule was found too unacceptable. Luckily, for the State of Alaska and the Forest Service, and the Bush administration has already realized, ANILCA, which most of my colleagues were not around, settled the matter of multiple use in Alaska forests. We cannot rewrite existing law. They are rightfully progressing with the removing of the Tongass and Chugach from consideration under this rule. Now, they will be able to use property management for all of America's forests, not just Alaskan ones.

Again, it always reminds me, why in the world would somebody from Connecticut and Florida come down to talk about the State of Alaska? I know that the gentleman from Washington (Mr. INSLEE) is from Washington State, but does not know anything about the Tongass, does not understand what we are talking about here. This is existing law. What my colleagues are trying to do is something that is incorrect to my people and to the forests, to the harvesting of the forest, which is a management tool.

And, by the way, the most we can cut out of 19 million acres in the Tongass, the most we can cut is less than 500,000 acres, if that is possible. And every time I hear this argument, I wonder where are you from. What are you thinking about? Are you just mimicking the words fed into your ears from the so-called environmental community? What an air-headed idea that is. I say shame on you.

Look at the facts. I listened to the gentleman from California (Mr. GEORGE MILLER) a while ago talking about science, including science. The studies on the Tongass have been made by the scientists. They said what we are trying to do is correct, and you want to ignore that because you are pandering to a group of people. Shame on you.

Mr. INSLEE. Mr. Chairman, I yield 1 minute and 40 seconds to myself.

Mr. Chairman, the gentleman from Alaska (Mr. YOUNG) has graciously suggested I know nothing about the Tongass National Forest. I do know this about the Tongass National Forest. Every single one of our constituents of every single Member of the House of Representatives is a coowner of the Tongass National Forest. And I know that that phoney settlement they had up there was a scam between people who used to work for the timber industry's lobbyists, not a judicial decision.

And I know another thing, in answer to this fire red herring. We are going to hear a lot about fire during this debate. We have the ability to deal with fire in the existing roadless area rule. We have the regulation right here which allows specifically, if I can read it: "When a road is needed to protect public health and safety in cases of imminent threat of flood, fire, or other catastrophic event, road-building is permitted."

□ 2100

In the second regulation, specifically roads built to maintain and restore characteristics of composition and structure such as to reduce the risk of end characteristic wildfire effects.

The truth is, the roadless area rule allows building roads to deal with threat of fire of too much brush.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Virginia.

Mr. GOODLATTE. The courts have already held that that language does not allow the intervention unless there is effectively a fire already taking place. If you want to actually prevent a fire from occurring, that language is not effective.

Mr. INSLEE. Mr. Chairman, the 9th Circuit Court of Appeals, the highest court in the land to have dealt with the roadless area rule, affirmed the roadless area rule. It is true that a lower court in Wyoming, a State perhaps not known for great environmental policy, ruled contrary. But the highest court in the land affirmed the roadless area rule. It is the law of the United States.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 seconds to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Because the gentleman referred to the 9th Circuit, it was overturned, because that is a bunch of liberal left-wingers anyway. It was overturned because they were wrong. Everybody knows that.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3½ minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to this amendment.

To the gentleman from Florida, kindly let me just note that there are no commercial logging programs in our parks as you refer to them. We are talking about national forestland, Bureau of Land management land. And I will tell you 3 years ago President Clinton helicoptered to my district, got in a car, drove up a road into our national forests and at the top of Reddish Knob signed with one stroke of the pen a very irresponsible, environmentally irresponsible policy that wiped out billions of dollars and millions of hours of local input into the proper management of our forests lands. That is what this does.

Forests grow. Their character changes. There are places today that have roads that in the future may not need roads, but there are also places in the roadless areas that from time to time will need roads in order to prevent forest fires, to protect wildlife, to do all of the various things that are necessary. This one stroke of the pen is irresponsible public policy not only for the local communities that are devastated by it but also for the environmental soundness of our national forests because they change. The fuel density builds up, and you need to go in and thin out various parts of our forests.

Areas that are roadless now, many of them could stay roadless for a long time, but some are in need of having roads. There are places where there are roads where those roads will not be needed in the future. But to take with one stroke of the pen all of that local planning in all of our national forests and wipe it out makes no sense at all. It is shocking that anyone would consider consigning more than one-third of the national forest system to a passive, hope-for-the-best style of management only 1 year after one of the most devastating wildfire seasons of the last half century.

Two federal district courts have examined the roadless rule and found that it was adopted in flagrant violation of basic environmental law, the laws of this country.

The gentleman from Washington (Mr. INSLEE) would like to have Congress intervene and force the administration to ignore these court findings. That will leave us with the old situation. Because this rule that President Clinton put forward is flawed, and the courts are going to find it so.

The Federal District Court in Idaho called the roadless rule an obvious violation of the National Environmental Policy Act.

The Federal District Court in Wyoming ruled just this work that the Forest Service's entire NEPA process was flawed and marred with arbitrary and capricious decisions and that the administrative record is replete with the Forest Service's own admission that its data was incomplete, outdated and simply inaccurate.

Even the Clinton administration admitted that the final roadless rule contained egregious errors. Over 3 million acres of roaded lands were counted as part of the roadless land base. Almost a third of the units of the National Forest System did not even bother mapping the non-Federal lands in their roadless areas.

Preventing the Forest Service from amending this rule is an attempt to circumvent the courts and freeze outdated policy in that is severely flawed in both conception and execution. I urge my colleagues to oppose strongly this amendment.

Mr. INSLEE. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from Washington State (Mr. INSLEE) has 14¼ minutes remaining. The gentleman from North Carolina (Mr. TAYLOR) has 16½ minutes remaining.

Mr. INSLEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the amendment and the gentleman from Washington (Mr. INSLEE) for his leadership in safeguarding the Chugach and Tongass Forests.

I have visited the Tongass National Forest and was astounded at the magnificence of this virtually untouched part of the country. Human activity has not altered the face of this forest, which remains pristine wildness. Vast tracks of old-growth forest provide critical habitat for wolves, grizzly bears, wild salmon, and bald eagles.

The Chugach and Tongass comprise the largest intact temperate rainforest in the country. These two forests act as the literal lungs of the world, replenishing global oxygen stores and sequestering tons of carbon dioxide, which would otherwise contribute to global warming.

So I was really disturbed to learn of the administration's intention to roll back the roadless rule on 15 million acres of forest in the Tongass and Chugach. The proposal detailed in the Federal Register on July 15 would temporarily suspend the roadless rule in the Tongass National Forest. In anticipation of the passage of this rule, timber companies have already laid out 50 clear-cutting projects in roadless areas in the Tongass. They must not be permitted to proceed.

Mr. YOUNG of Alaska. Mr. Chairman, would the gentlewoman yield?

Mrs. LOWEY. My good friend from Alaska.

Mr. YOUNG of Alaska. The timber companies do not lay out plans. It is the Forest Service itself that lay out the plans.

And number two, there are no——

Mrs. LOWEY. Did I yield?

Mr. YOUNG of Alaska. I heard you.

The CHAIRMAN pro tempore. The gentleman will suspend.

The Chair will ask the gentlewoman from New York (Mrs. LOWEY) if she has yielded time to the gentleman from Alaska (Mr. YOUNG).

Mrs. LOWEY. I would prefer just finishing my time, and then I would be delighted to yield, if I have any time, to this distinguished chairman from whom I have learned a lot. But if I may complete the statement, and I thank the distinguished chairman.

The CHAIRMAN pro tempore. The gentlewoman will proceed.

Mrs. LOWEY. I co-sponsored the Inslee legislation to codify the roadless rule to provide permanent protection to the $58.5 million acres of roadless area in our national forests system. The amendment today would shield the roadless rule from the dangerous changes now being proposed. It offers, in my judgment, a unique opportunity to protect the 300,000 acres of threatened old-growth habit.

Mr. Chairman, I guess I do not have any time to yield.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 10 seconds to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I would just like to remind the good lady there are no grizzly bears in southeast Alaska. There are brown bears but not grizzly bears. And we should know a little bit about that after we talked about baiting bears today. They are not grizzly bears. They are brown bears. That means that you do not know, frankly, what you are talking about.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Chairman, I have respect for the gentleman from Washington (Mr. INSLEE), particularly when it comes to the area of salmon fisheries. But I am also privileged to represent a district that is 58,000 square miles of rural Arizona that contains the largest ponderosa pine forest in America, one of the greatest creations in the world.

We have no timber industry, none. The only thing that thins any trees in Arizona is bark beetles. Millions of acres we are anticipating will be infested by bark beetles. The exception that has been carved out and shown to be today does not address the ability for us to go in and prevent bark beetle infestation. We have to wait for an emergency to incur. And yet bark beetle infestation does not qualify under your emergency.

No jobs. We do not want to clear-cut in the timber industry. We want a reasonable timber industry. Can you imagine have having that great resource and not having a job left?

We have a football team in northern Arizona called the Lumberjacks. Under your proposal we might as well call ourselves the Bark Beetles. No ability to thin the forests, no ability to treat infestation.

Now, we hear the disparaging remarks about the Federal court in Wyoming, a court that has come out many times in favor of environmental rulings. Let me quote, "In promulgating the roadless rule, the Forest Service violated the National Environmental Policy Act and the Wilderness Act. Moreover, the roadless rule as now enacted creates 58.5 million of de facto wildness."

You talk about a public process, you talk about having time for everybody to engage in the wildness debate, and yet what this amendment really does is just establish 58.5 million acres of wildness area.

I disagree with the amendment. I ask for a reasonable timber industry that does not clear-cut but allows us to go in and thin the forests. Give us back our jobs, allow us to treat the infestation and allow us to help prevent forest fires before they happen.

Mr. INSLEE. Mr. Chairman, I yield 5 minutes to the gentleman New York (Mr. BOEHLERT), who shares the views of almost 2 million Americans who support the roadless rule.

Mr. BOEHLERT. Mr. Chairman, it is unfortunate that this amendment is necessary, but it is. The administration has announced its intention to propose a series of changes to the roadless rule that would significantly reduce its scope and weaken its effectiveness. And it is moving forward with these changes even though the Forests Roads Working Group, a group of sportsmen's groups, has recommended leaving the rule as it is for now.

So this amendment may be our last and only chance to save the roadless rule, one of the most significant land protections measures in recent decades. The roadless rule will protect watersheds, foster bio-diversity and enable future generations to appreciate untrammeled wildness.

Now that is not to say that there are not legitimate arguments against the roadless rule. Members may oppose the roadless rule because they believe these areas should be logged or because of economic concerns or because of a philosophical objection to any limitation on the use of our national forests. But we are not hearing those arguments because they are not very popular and they do not have much emotional appeal.

Instead, we are hearing arguments against the roadless rule that are, in a word, bogus. We are hearing arguments that run directly counter to the facts. We are hearing rhetoric that is literally incendiary, with pictures to match. We are hearing Members shout "fire" in a crowded legislative chamber.

This is a dangerous tact for the opponents of the Inslee amendment. It is dangerous not only because it is misleading, it is also dangerous because fire is a deadly, serious issue, and it should not be thrown around for political convenience. That will make it harder to take the real steps necessary to prevents wildfires, and those steps are already difficult enough.

What are the actual facts about fire and the roadless rule? Here is what the science tells us.

Wildfires are nearly twice as likely to occur in forests with roads than in roadless areas, regardless of the cause of fire. Reducing the number of roadless areas would increase the likelihood of wildfires.

Eighty-eight percent of forest fires are caused by people. Those fires are four times as likely to occur in a forest with roads, more evidence that reducing the number of roadless areas would increase the likelihood of wildfires.

Roadless areas generally have not been logged and, therefore, are less susceptible to catastrophic fire. The dense underbrush that promote fire is most prevalent in areas that have been logged. That is still more evidence.

When fires do occur in roadless areas, they are unlikely to endanger human life or property because roadless areas are remote. Reducing the number of roadless areas would increase the risk that fires would result in the loss of life and property.

The roadless rule allows activities to reduce the threat of fire in roadless areas such as clearing out smaller diameter or more fire-prone trees. That is called thinning. It is allowed.

□ 2115

It is allowed. The roadless rule provides an exemption allowing roads to be built in roadless areas to fight forest fires. These are the facts that ought to underline this debate. If my colleagues want road-building in the most remote and pristine areas and stretches of our national forests, then do not support the roadless rule, but do not claim the opposition to the rule out of concern for risk of fire or the environment. That just does not withstand scrutiny.

I urge my colleagues to support the Inslee amendment. It is sound policy, and it will not increase the risk of fire.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I have been waiting for this amendment to come up for 2 days now that we have been working on this bill.

We have talked a lot about environmental care, environmental laws, our joint desire to do what is right for our environment; but I think on this amendment my colleagues have the opportunity to see what one extreme example is of an effort to manage our public lands, and that extreme example is the philosophy or ideology that people should not be on our public lands. The way to solve that is to gradually begin to remove them, piece by piece, from our public lands.

What this amendment does is go back to a failed policy of the previous administration. A lot has been said about the judge's ruling. I would like to read one quote from the judge. In its rush to give President Clinton lasting notoriety in the annals of environmentalism, the Forest Service's shortcuts, and bypassing the procedural requirements of NEPA, has done lasting damage to the very laws designed to protect the environment. The Forest Service's entire NEPA process was flawed and marred with arbitrary and capricious decisions that resulted from its unreasonably self-imposed, unreasonably short deadline for implementing the roadless rule.

The facts are this country has nearly 750 million acres of Federal land. Almost half of that is currently under some kind of conservation status, national park, wilderness, wildlife refuges. It is protected forever for future generations. About half of it is for multiple use, and that is what they are going after here is whatever is left they want to take people out of it. They want to stop the ability for multiple use on those lands. They want to stop the ability of people to use them.

A compromise has been worked out over the years. What the current administration is trying to do is to go back and fix what one Federal judge has already said was a marred policy, a severely flawed policy and trying to make it work in the roadless areas that we do still have.

I think it is important that my colleagues take the time to actually understand what this amendment is truly all about and why the administration has so strongly opposed it and why so many of my colleagues are so excited about this passing. This is not a West versus East amendment. This is something that we all need to pay attention to, because the impact that this has on our public lands is immense and has, quite frankly, already been thrown out by a Federal judge.

I urge my colleagues to vote "no" on the amendment.

Mr. INSLEE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES), former judge, who will explain about the court of appeals upholding the roadless rule.

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman for yielding the time to me.

I think it should be clear so that people do not get confused that the rulings with regard to this particular legislation are rulings of lower courts, district courts in the Federal court. The highest court, which is the ninth circuit, is the court that has upheld the roadless rule, and so we need to pay attention to that in terms of discussing what courts have done.

The other thing, I find it interesting that my colleagues on the Republican side of the aisle want to point to judges when the judges' decisions are on their side, and then they want to beat up on judges when the judges' decisions are on the other side.

I have had the fortunate opportunity to visit the Tongass Forest. I have had the fortunate opportunity to discuss this issue with a number of people in the area. One of the things that we do not seem to want to talk about is the impact that clear-cutting has on the caves beneath these beautiful mountains out there and the impact that it has on the environment.

We are not talking about keeping people out of the forests. In fact, we want to allow people to be in the forests. The thing that we are, in fact, saying as we debate this issue this evening is that if we allowed them in the forest, what is the purpose and how can we best environmentally keep the forest sound.

I know there are a lot of other people who want to be heard.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding me the time.

When this debate started, I was disappointed. We saw a picture up here of a clear-cut, trying to inflame the American public. That clear-cut picture had no reason to be in a roadless debate, has nothing to do with it. It is another whole issue, but let us look at the Forest Service.

The Forest Service has approximately 175 million acres. Over 75 percent of it is never considered for forestry or able for forestry. That is 135 million acres. Of that that is practiced forestry, it is less than one-tenth of 1 percent of the Forest Service land. If we treated all the Forest Service land in that manner, it would take 1,000 years to treat the forests owned by the National Forest Service.

We used to cut 10 to 11 billion board feet of timber that is dying and going to waste today. We now cut less than 2 billion board feet on all the Forest Service land all over America, and I have one of those forests in my district. I know what they are about.

What is roadless about? Roadless is peopleless. How many of my colleagues have walked a mile from a road in a land they do not know? How many of my colleagues have walked 5 miles from a road? A few, not the majority of Americans.

I was up in an aircraft recently on the first day of buck season in Pennsylvania, one of the heaviest hunted States. We seldom saw one of those orange coats a mile from the road, and the aircraft pilot and I talked about people in the Allegheny National Forest. They cannot kill the deer because they cannot get the hunters back in those huge areas. Roadless is peopleless.

Who uses roadless areas? Very few Americans. A few young hikers will do it, routine. It is certainly no to seniors. It is no to most of the young youth of America to go back in very far. In a mountainous area like I live in, it is easy to get lost. Even hunters seldom go way back in.

Roadless is "no" to treating disease. Roadless makes it almost impossible to fight forest fires. It is "no" to the vast majority of Americans to utilize and appreciate.

A speaker a moment ago said about appreciating. How can we appreciate a 100,000-acre plot when there is no road in it? Think about it. A road is not some destructive process. The vast majority of our public land by this country, we own a third of the country, is not timbered. It is not used for forestry. It is roadless. It is wilderness, it is recreation, and a lot of it is just abandoned land because it is roadless and people cannot use it.

Mr. INSLEE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

Mr. HILL. Mr. Chairman, I rise in support of this amendment to the interior appropriations bill.

Much of the Hoosier National Forest back in Indiana is in my congressional district. Many of my constituents enjoy hiking, horseback riding, and all the other pleasures and natural beauty of the Hoosier National Forest.

I have enjoyed the forest as well. I have visited there many times, most recently just in May; and while there, I spoke to many of the rangers and forest employees tasked with protecting and overseeing the forest.

The rangers I spoke with indicated that opening roads could lead to increased environmental degradation, including forest fires. Why? Because of people. The employees at the forest were terribly concerned with the possibility of forest fires, as many of them volunteer to go out West to fight the country's largest forest fires.

By weakening the roadless rule, we will be increasing the likelihood of forest fires in our national forests. There is natural disagreement over the issue, and it will be undercutting forest protections thoughtfully established over many years.

I urge my colleagues to vote in favor of this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I appreciate the opportunity to speak here tonight. I feel a little bit, like in my previous profession, in the middle of a major conflict here.

I appreciate the intent of the gentleman on his amendment, and I also understand some of the legal arguments. I would like to just point out a couple of things here that have not been mentioned heretofore.

One is that there are over 400,000 acres of private lands that are currently blocked by the roadless rule. These are private landowners who have no access to their land. The reason is, what happened primarily was much of that forest that is affected by the roadless rule was not mapped. Nobody knew when they designated it that there were private lands in there. That is not right. That is a problem.

If my colleagues talk to the people who are in the field, the Forest Service field managers, they say the roadless rule affects their ability to maintain ecosystems, watersheds, protect species, and protect human lives and property.

There has been quite a bit mentioned tonight about the fact that there are fewer fires in roadless areas. Yet the largest fire in the history of Colorado was the Hayman fire. That burned primarily through roadless areas; and so when we do have a fire in a roadless area, there is very little that we can do to slow it down.

So I think it makes sense. It is only logical that if the Forest Service feels that they need more access and if firefighters say they need more access and if landowners say that they need more access, that we should listen to them. It is only logical, and so I certainly support defeat of the amendment.

Mr. INSLEE. Mr. Chairman, may I inquire of the remaining time.

The CHAIRMAN. Each side has 5½ minutes remaining.

Mr. INSLEE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me thank the gentleman for yielding me the time and also for his leadership and support in offering this amendment.

As an urban resident, let me just say that national forests are really national property and belong as much to my constituents and to me as to anyone else. The roadless rule was the most popular Federal rule in history. Wiping it out is just downright wrong. Once this wilderness is gone, we will never get it back.

Extending the roadless rule also means protecting clean drinking water, preserving habitat and safeguarding recreational opportunities. Preserving roadless areas also helps prevent incredibly damaging forest fires that we have witnessed in recent years in California and elsewhere in the West.

Forest studies show that fires are twice as likely to occur in areas with roads and areas that have been logged in these roadless areas, and under existing rules we can still practice fire management. That is exactly what we should be doing, practicing responsible fire management.

□ 2130

And, yes, most of us do live surrounded by concrete and asphalt. There have to be a few places left for our children and our grandchildren that are unpaved. And as I said earlier, national forests really are national property. We only have a handful of roadless areas left. Let us leave them for our kids, and let us leave them for their kids, our grandchildren. Our public lands really are under siege.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I thank the gentleman for yielding me this time. I urge my colleagues to oppose this roadless amendment because it is also a mindless amendment.

The gentleman from New York suggests roadless areas are only in remote areas. Let me show my colleagues. This is an inventoried roadless area in Idaho. Below the line these red dots are structures which will, if this catches on fire, burn, and we will spend millions and millions of dollars trying to save them. These are not simply remote areas.

Without this roadless rule, these communities in these areas are helpless to protect themselves. As a judge in Idaho said, "Such restrictions will prevent local officials from accessing the vital tools necessary to prevent the spread of disease, insect infestation, and catastrophic wildfires."

While the proponents of this amendment claim they care about species habitat, the reality is this will damage species habitat. I was at the Clear Creek fires in Idaho in the year 2000 that burned 1.8 million acres, and we destroyed more salmon habitat with that fire than all the logging in the history of this country.

Vote against this mindless amendment.

Mr. INSLEE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentleman for yielding me this time.

I had an opportunity most recently to join a couple of Members from New York and other places around the country to visit the Tongass National Forest. What a treasure that place is. I saw clear-cutting. I saw the damage that has already been done to this most pristine area of the world.

Can we not leave something to our children, our grandchildren, and their children that has not been touched or squandered? Can we not leave something to them that they can look back on and know that we looked out for their future? We have that opportunity. Let us not destroy our national forests.

I do have concerns about this, because we have a national forest in New York State. I do not want to start down a slippery slope and have this administration opening this up in New York as well. I have reasons. I am not from Alaska or the West, but I love this country. I love the West. And I have been to Alaska. And I thank God I had the opportunity to go and see what I believe is the most beautiful part of this great Earth we live on.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I come from the great Northwest, and I am proud of the forests we have. My wife and I love to go out and kayak on the lakes, and we love to hike in the woods. Generally, you have to drive to get there. And when you get there, you want green trees, not black trees.

Now, we are not a State that dumps our garbage or our sludge in the ocean. We are a State that is actually pretty proud about how we have managed and restored rivers that were polluted, how we have created greenways and such. I thought I heard the gentleman from Florida talk about how we have commercial logging in Federal parks. That is prohibited by law, and that is not even the subject of this debate.

I know a lot of people who think wilderness is the same thing as a park, is the same thing as a national forest. You cannot do anything in a wilderness area but hike in there and out. And in some you have to have a permit to do that.

My colleagues, this is not about commercial logging. It is not. Not at all. This is about how we manage the public's land. And, yes, you have every right to have a voice in this, as I do. I just wish you would come out and see what we live in; how these lands are managed.

Do my colleagues know that we had enormous fires in Oregon last year and this year; fires that burned so hot they create a tornado effect that does a blow-down of trees? The embers blow 2 to 3 miles in advance. Those embers do not look down and say, "Oops, wilderness; oops, roadless; oh, private land."

We need balance here, and this is not it.

Mr. INSLEE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY), a person who has been a great champion of this issue for many years.

Mr. HINCHEY. Mr. Chairman, the national forest system was created nearly a century ago by President Theodore Roosevelt. He said he was creating it for the greatest good, for the greatest number in the long run, and that is something we should not forget.

The roadless policy is necessary, unfortunately, because the Forest Service has failed to protect our forests in the public interest. Under their stewardship, 400,000 miles of logging roads have been built, while industrial activities have encroached on more than half of all the national forest lands.

If my colleagues want to know where the fires are, look for where the roads have been built. That is where to find the fires. Where the so-called thinning has occurred, that is where to find the fires. So this whole business about building roads in order to prevent fires is totally bogus.

Building new roads is a fiscal and environmental disaster. The Forest Service road construction and timber programs have been completely mismanaged. The Forest Service has an $8.4 billion road maintenance backlog. It cannot take care of the roads it has now. National forests in 16 States have a road maintenance backlog of more than $100 million in each and every one of those States. They cannot take care of the roads they have already built. Road building and commercial exploitation will leave behind impaired lands whose repair the taxpayers will have to finance.

Unroaded portions of our national forests are not only the most important habitats for fish and wildlife, but are critical sources for clean drinking water for more than 60 million Americans, and they are in my colleagues' districts. Our constituents are demanding that these areas be protected for themselves and for future generations.

The Clinton administration developed this policy. They did it in a very comprehensive and detailed way, and many of us here in this room took part in that process. The roadless policy was one of the most significant national forest conservation measures of the last 100 years and should have been preserved as an enduring legacy for true forest protection.

But unfortunately it has not, because of the way it has been mismanaged and because of the way it is threatened by the present administration. This amendment needs to be passed.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself the balance of my time.

There is much misinformation on this subject. The gentlewoman earlier said that the forest belongs to the public, and it does. It is the people's forest, no matter where they live; and that gives us a great responsibility because we cannot, through ignorance, destroy it. We want to save it because of the beauty it has, as well as the commercial value.

President Roosevelt created the Forest Service to be harvested as a source of fiber for the country in the best scientific way possible as an example to private landowners on how to manage in the future their forests. The Park Service was created to not be harvested. It is inside the Department of the Interior. The Forest Service is inside the agricultural department.

If someone going down the street has a heart attack, we do not want someone to come up off the pavement and say, well, I read a book about this, or I saw something on TV. I am ready to carve the fellow open and do something. We would want a professional to take care of the problem. We have our best schools of forestry at our universities. We have the best science at our experimental stations.

We have the responsibility to protect the forests and to use the best science possible. I would urge all of my colleagues go to the universities that have the best schools of forestry and talk about that, because they train people there in the area of silviculture with modern technology. We can do wonderful things with that, in assessing what we can do in the forest rather than read a pamphlet and say we should have no roads; we should have no harvest at all.

We must maintain the forests in a scientific manner. We have had environmental rules in the last 20 years that have probably destroyed 10 times more trees than have been harvested. The forests belongs to the people, but along with that is the responsibility to use the best educated people in our areas to maintain them. I urge a "no" vote on this amendment.

Mr. INSLEE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are all here a very brief period of time, not just in Congress but on Earth; and I would posit to all of my colleagues that we have a better legacy than this in the most pristine national forest we have. But more importantly, that is the sentiment of over 2 million of our citizens who turned out at over 600 meetings to urge the Federal Government to listen to their sentiments.

It is the decision of the Taxpayers for Common Sense, because this rule is fiscally flexible. It is a decision of Trout Unlimited, because it protects water. It is the decision of the League of Conservation Voters. These groups agree with the 2 million people who know that this is a flexible rule, that, yes, allows us to deal with insect infestation. There is an exception in the rule, allows us to deal with fire. There is an exception in the rule, allows us to deal with access to leases. There is an exception in the rule, allows us to get access to our homes for private inholdings. There is an exception in the rule.

This rule was very carefully calibrated and developed. Let us have a legacy for our grandchildren we can be proud of. Pass this amendment.

Mr. McINNIS. Mr. Chairman, I rise in opposition to the Inslee amendment and commend to my colleagues the following letter and dear colleague.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, July 17, 2003.

HON. RICHARD W. POMBO,
Chairman, Committee on Resources, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Your letter dated July 11, 2003, jointly signed by Representative Robert Goodlatte, requested the Department of Agriculture's views of the effects of a proposed legislative rider to the Interior and Related Agencies Appropriations bill that would prohibit the Forest Service from expending funds to either: (1) modify the Roadless Area Conservation Rule (Roadless Rule); and/or (2) undertake certain management activities within lands affected by the Roadless Rule.

Either approach could have serious, unintended adverse effects. The Department strongly opposes the proposed riders. If they were included within the Interior and Related Agencies Appropriations bill, I would recommend that the President exercise his veto authority for the following reasons.

On Monday, July 14, a Federal District Court in Wyoming issued an order setting aside the Roadless Rule for the entire country. Under this decision, no Roadless Rule will be in effect unless and until the Department lawfully promulgates a new Roadless Rule—but that is exactly what the proposed rider forbids. As a result, the rider would have the perverse effect of preventing the Department from protecting roadless areas. Indeed, the Chief of the Forest Service could not even-issue interim direction to the field governing the protection of roadless values, as he did the last time the Roadless Rule was enjoined by a court.

In the event the nationwide injunction were overturned at some point in the future, the proposed rider would still impede the Department's ability to protect roadless areas in other respects. For example, USDA recently reached an agreement with the State of Alaska in a lawsuit challenging the Roadless Rule on special grounds applicable only to Alaska. In order to settle the suit, the U.S. agreed to propose a rule that would prohibit timber harvest on 95% of the roadless acres in the Tongass and Chugach National Forests while making a small portion of roadless areas in these forests (less than 3%) available for management. If the proposed rider were to be enacted, the State of Alaska would certainly re-file its lawsuit against USDA, threatening to remove protection for all Alaska roadless areas.

Additionally, the proposed rider would not allow the flexibility to address unforeseen circumstances in the future to respond to threats to the environment and adjacent private property. It would not even allow the flexibility to take pre-emptive action to treat known problems and potentially dangerous situations to prevent threats to public health and safety such as reducing wildfire risks to communities in the wildland-urban interface when communities abut roadless areas.

While a rider preventing modifications to the current Roadless Rule would harm roadless values in these ways, a rider prohibiting funding for management activities within inventoried roadless areas could have even more significant negative effects. Such legislation would negate the existing exceptions contained in the original rule allowing some on-the-ground management flexibility.

These original exceptions, while overly narrow and difficult and costly to implement, nevertheless, allow a limited amount of active management to: (1) improve roadless characteristics; (2) improve threatened, endangered, proposed, or sensitive species habitat; (3) maintain or restore the characteristics of ecosystem composition and structure; and (4) protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property. Prohibiting management activities in inventoried roadless areas would be even more prohibitive then provisions allowing some level of management in areas designated by Congress as wilderness.

More importantly, such a rider would severely compromise and most certainly delay implementation of the National Fire Plan and the Ten-Year Comprehensive Strategy Implementation Plan developed in cooperation with the Western Governors Association. Such delays could result in an increased risk of catastrophic wildfire, with an increased risk of environmental destruction and loss of human life and property.

Finally, such a rider would substantially modify many of the goals and objectives in existing land and resource management plans, overturning over 25 years of public involvement in the forest planning process. It could, moreover, prevent management activities that could actually maintain or improve roadless characteristics.

The proposal announced by the Department last month would, by contrast, retain the existing Roadless Rule, while providing limited additional flexibility to modify the rule in exceptional circumstances at the request of the Governor of an affected state to address forest health and other issues. This could, for example, allow for activities that reduce wildfire risks to communities or otherwise protect human health and safety. This approach is consistent with the land and resource management planning process, and invites the state to participate as partners in federal resource management. I urge the House to at least review the Department's upcoming proposal before precluding it.

Thank you for the opportunity to address your concerns about the potential riders. I am sending an identical letter to Representative Goodlatte.

Sincerely,

ANN M. VENEMAN.

JULY 14, 2003.

DEAR COLLEAGUE: The untold story of the last fire season, and the so many like it before, is the catastrophic impact of unnatural wildfire on the nation's wildlife. Wildfire is a wildlife killer!

Unfortunately, some Members of Congress are expected to push a rider that would make it virtually impossible to manage nearly 60 million acres of our national forests. The rider would implement the so-called Roadless Rule, a policy that one federal judge said violated the National Environmental Policy Act. In the name of saving our forests, the rider would actually place our forests, wildlife and water squarely in the cross-hairs of catastrophic wildfire. Professional land managers skilled in the science of forest management would be effectively handcuffed—even when these areas are adjacent to homes, even when these areas are adjacent to sources of clean drinking water, even when these areas provide habitat to endangered species.

Here's how the Forest Service described a similar rider last year. "Forest Service experts estimate that such a policy could expose more than 57 million acres of unroaded and roaded areas to the effects of severe wildfire, including degradation of municipal watersheds, loss of critical habitat, and loss of income derived from those lands by outfitters, guides, hiking, and camping. In addition, adjacent public and private lands would be placed in indefensible positions from the advance of an uncontrolled wildfire burning off federal lands. . . The public and firefighters would be placed at great risk to injury and loss of life if the ability to fight fire and manage fuels at the scientifically correct place were lost."

The Roadless rider is bad for our forests, our wildlife and our communities.

Sincerely,

RICHARD POMBO,
Chairman, Committee on Resources.
SCOTT MCINNIS,
Chairman, Subcommittee on Forests and Forest Health, Committee on Resources.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. INSLEE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. INSLEE) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 12 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer amendment No. 12.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. BEREUTER:

At the end of the bill (before the short title), insert the following new section:

SEC. 3   . None of the funds made available by this Act may be used for the implementation of a competitive sourcing study at the Midwest Archaeological Center in Lincoln, Nebraska, or the Southeast Archaeological Center in Florida.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. BEREUTER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent that 5 minutes of my time be yielded to the gentleman from Florida (Mr. BOYD) and that he may be allowed to manage that 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have in my hands an article from The Washington Post of July 15 that says, "Archeologists on the Block? Park Service May Ax Its Experts on 'OutSourcing' Initiative." And that is what this is all about.

I have no complaints with the committee. I have come with this amendment as a last resort in stopping something that is mindless and not well considered. I am going to speak about two centers, one located in Tallahassee, Florida, in the district of the gentleman from Florida (Mr. BOYD), and one in my district, the Midwest Archeological Center.

This center in the Nebraska location is a center which has been in existence for 60-plus years. I have had intimate knowledge of it for more than 30 years. It has 12 FTE, but it has 30 temporary positions, undergraduates and graduate students from universities in five States.

The center has developed an excellent reputation of providing professional and technical archeological services for the management of cultural heritage sites in the 13-State NPS Midwest region and to other Federal agencies. I am rather certain that the persons in OMB and the Department of the Interior that determined the process with this out-sourcing activity were not fully aware of the center's mission and history.

Mr. Chairman, if you read a study from the National Park Service, it clearly shows that no feasibility study or mission of the center was considered in the decisions made by the Department of the Interior. Secondly, it states that in 2003, the National Park Service group had hoped OMB would consider excluding what are called "curatorial series" as "inherently governmental." That would have meant that they would have been exempt from A-76. But OMB did not agree.

Now, I do not resist A-76. I have consented and gone along with A-76 for other Federal employment in my district. But this process is flawed from the beginning.

□ 2145

Mr. Chairman, the consultants hired by the National Park Service, and thus far they have spent $412,766, they are about to spend another $872,000 to examine these two centers, nearly $1.3 million. They had no latitude to suggest that the activities should not be considered for outsourcing. In fact, I have been told by my staff that the consultants have been instructed not to answer any questions that might be asked by congressional staff. These instructions came following the consultants' statements that the centers should not have been chosen for outsourcing study.

I ask Members, would it be appropriate to ask whether the whistleblowers protection afforded government employees should also be afforded to these Federal government contractors? Accordingly, I have good reason to assume the consultants operated under an imperative to find a rationale for outsourcing the activities of these centers.

The Park Service was given a quota by the Department of Interior. They looked at the seven regions and the three centers, looked at another center in Washington, and said you have to find so many jobs for outsourcing study. They said, "we do not want to take them all out of blue collar workers; we also have to take some jobs for outsourcing study out of the upper end," and so that is what they did. They chose the curatorial category—archaeological person—to study, and they chose them despite the fact that they should have been exempt as "inherently governmental. I will have more to say on this issue in a few minutes.

Mr. Chairman, I reserve the balance of my time.

Mr. BOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the gentleman from Nebraska (Mr. BEREUTER) has done an excellent job of outlining the process by which the administration has arrived at this proposal to outsource these archaeologists. I would like to remind Members that there are fewer than 100 archaeologists between Nebraska and Tallahassee that would be affected by this outsourcing. These archaeologists work with the help of volunteers, cooperative agreements, with universities and their own outsourcing to care for some 122 National Parks and 780 national landmarks in 22 States, Puerto Rico and the U.S. Virgin Islands.

This amendment would prohibit any funds in the Interior bill from being used for a competitive sourcing study in the Midwest Archaeological Center in Nebraska or the Southeast Archaeological Center in Tallahassee.

I think it is important to understand what the work of these centers are, and I will speak to the Tallahassee Center, since I know it best. This center is currently excavating an Indian burial mound at Shiloh National Military Park in Tennessee while working around the graves of Civil War soldiers who were killed on the mound during the Battle of Shiloh in 1862 and buried on that spot.

The Southeast Center has also conducted archaeological excavations at the site of the Confederate Prison in Andersonville, Georgia, where they found new information on the architectural details and conditions at the prison.

This center has well over 30 years of archaeological experience and has been based on the campus of Florida State University since 1972. It shares a unique partnership with the Department of Anthropology at Florida State University where they share space, personnel, expertise and equipment. The center employs 26 permanent full-time personnel and a large host of part-time student appointments and other volunteers that boast some 300 years of combined archaeological experience. The center has completed over 200 projects since 1990, and the National Park Service recognizes these projects as cost-effective, timely, and of the highest quality.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS), the ranking member of the Subcommittee on the Interior and Related Agencies.

Mr. DICKS. Mr. Chairman, I rise in sympathy with this amendment. I know the chairman may want to comment on this as well.

I saw the article in the paper which affects the Nebraska and Tallahassee sites. We tried to deal with 2004 and new starts, as I understand it. A lot of money has been spent without getting proper congressional approval. I am very troubled by these incidents.

I appreciate the gentleman raising this issue on the floor, and I look forward to hearing from the chairman.

Mr. BOYD. Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 10 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I consume.

Mr. Chairman, I have to reluctantly oppose the gentleman's amendment. I do not believe we should prejudge on an individual basis the outcome of these competitive sourcing studies.

As the gentleman knows, I have included language in this bill which directs the agencies to complete all ongoing studies and report to the committee before taking any specific actions. We did this for several reasons. We are concerned that 50 percent of the National Park Service jobs are rated commercial in nature. We are also concerned that the agencies have been spending money without reprogramming to the committee for approval.

While the Department of Interior seems to be doing a good job, we must insist that they follow the congressional rules because we are not a potted plant. We are here to maintain the Department and do our duty.

I would ask the gentleman, however, to consider withdrawing his amendment and assure him that we will try to work with him on this, if possible.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the chairman for his generous offer, but this is so important that I cannot withdraw this amendment. This is my last resort. The gentleman's amendment handles those studies that are underway. Unfortunately, we are told that this study has moved too far along for it to be stopped by the gentleman's more general language in the bill. So our only hope is to resist it at this point.

I am not able to withdraw this amendment. I need to push this to a vote, and I need to win this vote. This is an important issue. I have never used this word on the floor before in 25 years, but this process has been not only flawed, but it has been stupidly proceeded with.

Mr. TAYLOR of North Carolina. I would assure the gentleman that nothing has gone too far that could not be corrected. I ask again if the gentleman would withdraw his amendment. Otherwise, I will have to reluctantly oppose it.

Mr. BEREUTER. Mr. Chairman, if the gentleman will continue to yield, I am reluctant to oppose the gentleman, but I am counseled that I must take this course, and I cannot withdraw the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. BOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would conclude by saying that both of these centers are nonprofit-oriented, and they seek to do what is in the best interest of the public, not what is asked of them by some outside interest. These centers are understaffed and underfunded, but they make up for that through cooperative agreements with the universities that they are positioned at and also with a tremendous amount of volunteer work.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Nebraska (Mr. BEREUTER) and that he may control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding me this time.

I have the greatest respect for the chairman, and I had hopes that the gentleman from Nebraska (Mr. BEREUTER) would accept the suggestion of the chairman. I will say this respectfully, that sometimes in this game Members learn when to hold them and fold them.

But I also would support the gentleman's amendment. This business of archaeology is crucial. It has been proven that these two centers, one in the district of the gentleman from Florida (Mr. BOYD) and one in the district of the gentleman from Nebraska (Mr. BEREUTER), are doing jobs beyond what is required by the Park Service. This is driven by OMB; I do not believe it is driven by the committee.

I hope Members understand it is important that we have this service available to us as professionals. These two agencies, these two centers, have done an outstanding job not only for the Park Service but for the military branches, for other branches within the government, and they are called upon because of their expertise.

This is a small amount of money. Like I said, the committee has done their job, and I understand the restrictions which they are under. I urge the committee to consider what the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Florida (Mr. BOYD) have suggested. This is important enough to ensure that these monies are funded for and not cut back. I believe in a lot of privatization, but archaeology is a system that has to be addressed by professionals, and these people are truly professionals.

Mr. BEREUTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I appreciate the gentleman's advice. I have great respect for the chairman. In this instance, I have fought this process for over a year. The first letters I received from the Department of Interior were, shall I say, nonresponsive and also condescending.

There are only three such centers in the United States. We are dealing with two of them here, the majority of the archaeological capability. It is mentioned that they frequently do things for other parts of the Federal Government. They have been involved in looking for the remains of the POWs and MIAs in Vietnam. They were involved in examining the sites of the war crimes in the Balkans. This is a particular expertise that will never, ever, be put back in place again if it is destroyed.

These employees and centers should never have been categorized this way. It is a mistake. They do not want to admit it. Their consultants say it was a mistake, and they have been hushed up as a result with pressure from the National Park Service, pressure which ultimately does come, as the distinguished gentleman from Alaska suggested, from OMB. It is a bean-counter that is doing something that is senseless.

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. UDALL of Colorado:

At the end of the bill (before the short title), insert the following new section:

SEC. 3. . None of the funds made available by this Act may be used to implement amendments to Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) as adopted on January 6, 2003.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Colorado (Mr. UDALL) will be recognized for 10 minutes, the gentleman from North Carolina (Mr. TAYLOR) will be recognized for 15 minutes, and the gentleman from Washington (Mr. DICKS) will be recognized for 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of this amendment is to protect not just Federal lands but private property in the public interest. It would do that by preventing the Department of Interior from going ahead with secret negotiations leading to back-room land deals.

Under those deals, the Department of Interior would issue disclaimers of interest. A disclaimer of interest is like a deed. It gives away the government's claim to an interest in land. For decades, the Department of Interior issued them to people who were on record as owning the lands involved. It was a legal technicality, important for the people involved, but not a tool for changing the management of sensitive Federal lands or creating problems for private landowners.

But a few months ago that changed when the Department of Interior changed its regulations. The new rules give the Department of Interior broad authority to issue disclaimers to parties that would not have been eligible under the old rules, and the Department of Interior has announced it is ready to give those disclaimers to parties seeking them in order to clear the way for building roads.

Congress needs to stop that. We need to rein in the Department of Interior, and we need to do it now. Members can get an idea why by looking at this map here. It shows some of the potential RS–2477 claims just in a part of the California desert that is San Bernardino County. We can see how these claims could slice through national park system lands, wilderness areas, and even Federal lands used for military bases.

Private property is also at risk. This problem is not new, but it is serious. It needs to be resolved, but not the way the Department of Interior wants to resolve it.

□ 2200

When the Interior Department wants to negotiate in secret and then issue the disclaimers I described, it is not taking us down the right path. Instead of making deals, the Bush administration needs to come to Congress for new legislation. That is what this Congress told the Clinton administration when Secretary Bruce Babbitt moved to change the Interior Department's RS 2477 regulations. To make sure that Secretary Babbitt got the message, Congress passed a law that says any new RS 2477 rules must be authorized by Congress. That law is still on the books, and repeating that message is the purpose of my amendment. The best way to resolve this is by enacting new legislation after public hearings and open debate. That is why I have introduced a bill, H.R. 1639, to do just that. My bill would set a deadline, 4 more years, for filing RS 2477 claims. It would establish a fair, open administrative process for handling these claims. And it would set another deadline for any lawsuit challenging the result of that administrative process.

Mr. Chairman, I hoped my amendment would not be necessary tonight. That is why I sent, along with 80 Members, the Secretary a letter on this subject. In our letter we urged Secretary Norton not to try to use the new disclaimer regulations to deal with RS 2477 claims. In short, we warned the Interior Department that it was asking for trouble if it went ahead with its plans. Unfortunately, Mr. Chairman, our warning has not been heeded. The Interior Department evidently intends to go full steam ahead. So to protect the public, we need to call a halt by adopting my amendment. Then this issue can be resolved by new legislation. Instead of trying to sidestep the Congress, the administration should work with us. I am certainly ready to work with them; and I believe Chairman POMBO, Ranking Member RAHALL, and other members of the Committee on Resources on both sides of the aisle would be willing to do the work that is necessary. But before that can happen, the administration has to change course. That is why we need to adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. TAYLOR OF NORTH CAROLINA TO AMENDMENT NO. 1 OFFERED BY MR. UDALL OF COLORADO

Mr. TAYLOR of North Carolina. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. TAYLOR of North Carolina to amendment No. 1 offered by Mr. UDALL of Colorado:

Before the final period, insert the following: ", with regard to any lands within a designated National Monument, Wilderness Study Area, National Park System unit, National Wildlife Refuge System unit, or lands within the National Wilderness Preservation System".

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Colorado (Mr. UDALL) each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

My amendment prohibits the use of funds by the Bureau of Land Management to use the recordable disclaimer regulations with regard to any lands within a designated national monument, wilderness study area, National Park Service unit, National Wildlife Refuge System unit, or lands within the national wilderness preservation system. This should resolve once and for all the concerns of the environmental community.

In developing these regulations, the Bureau of Land Management considered over 17,000 public comments before finalizing the rule. This rule is very important because it allows landowners to petition the BLM to issue a determination that the Federal Government does not have any property interest in privately owned land where ownership is not clear.

The disclaimer process is welcomed by most western States as a means of bringing certainty to the ownership of real property and allowing economic development to take place without having to resort to litigation.

I also want to make it absolutely clear that the Department of the Interior's new recordable disclaimers of interest in land regulations were never put in place to build roads in national parks, wildlife refuges, national monuments, wilderness areas, or wilderness study areas.

I urge my colleagues to support this perfecting amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment may be described as perfecting my amendment, but it really does not do that. My amendment would block the Interior Department from making backroom deals to give away public lands and threaten private landowners. This amendment would say that backroom deals are okay as long as the Interior Department minds its manners while it is making them. The amendment says that there should not be any deals involving the national parks and some other parts of the Federal lands; but it does nothing to protect the national forests, the national trails system, the wild and scenic rivers system or any of the national conservation areas managed by the Bureau of Land Management. Worse, it does nothing at all to protect millions of acres of public lands that deserve protection as wilderness. That includes lands in Colorado, Utah, and other States that would be designated as wilderness under bills that are pending in Congress right now.

Worst of all, the amendment does nothing to protect private lands or the lands owned by States and local governments. RS 2477 is not just about Federal lands. It involves lands that were owned by the Federal Government at one time or another between 1866 and 1976. That is more than 100 years, and it is most of the West. It includes the millions of acres that were homesteaded, given to the States, granted to railroad companies, or claimed under mining laws. My amendment protects those lands from backroom deals. The Taylor amendment does nothing to protect them.

In short, Mr. Chairman, I must oppose this amendment because it does not do what we should do. We need to rein in the Interior Department, not just tell them to play nicely. We need to tell the administration to come to Congress for legislation to resolve the RS 2477 issue. This amendment, although I know it is well-intended, would not do that. It does not cover all of these lands. The amendment is mostly cosmetic, and it falls short of what is needed.

Mr. Chairman, for those reasons, I would urge rejection of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, the gentleman from Colorado has insisted that this is a back-door deal. I think that it is important to understand that this is not a back-door deal; it is a deal that was done at the suggestion of the National Association of Counties under their direction and under their purview as a memorandum of understanding that could be used in other States and as a model for solving these problems. This is about solving problems.

In addition, the gentleman continues to suggest that there are areas that are worthy of wilderness designation when, in fact, wilderness is not a protection of land. A wilderness designation is a recreational protection. It is a place where people can go and be away from modernity, and that is a worthy value; but it does not go to the legal right that States and counties have to their roads, the roads that they have had for 100 or 150 years. That is the issue that we need to deal with today.

Mr. UDALL of Colorado. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I thank the gentleman from Colorado for yielding me this time. I rise in opposition to the Taylor amendment and in strong support of the Udall amendment. Interior Secretary Gale Norton has resurrected an arcane and archaic rule that defies common sense and threatens beautiful and remote areas across the West. Surely there was a time when we needed laws like RS 2477 to settle the land and win the West, but the West is won; and now we face a new battle, a battle for the splendor of the few remaining wild places. And it is not going to be an easy battle with an administration that consistently comes up with increasingly creative ways to remove public land protections and shut the public out of the process.

But if this administration hoped to bamboozle Westerners with their stealth attempts to undermine existing protections, they have got another think coming. I have heard from hundreds of constituents back home who understand that these disclaimer decisions have momentous scope. They have not been blinded by the arcane and arbitrary nature of these decisions. That is why Congress should not be, either.

I will state it baldly: build a road across an area, and it is forever eliminated from wilderness consideration. Behind all the trickery, backroom deals and sleight of hand, that is what is happening here. With these decisions, bureaucratic agencies have limited Congress' opportunity to exercise its exclusive authority to designate qualifying lands as wilderness as well as taking away an important management tool of the BLM.

Over the last decade, citizens from my home State and Mr. UDALL's home State of Colorado took to the trails to develop the Citizens' Wilderness Proposal that is the basis of the act I have sponsored called the Colorado Wilderness Act. These are the voices that will be silenced by the backroom wheeling and dealing of the Department of the Interior.

I believe that truly wild places define who we are as citizens of this country. As such, they deserve protection. But even those who disagree that we should have more wilderness and fall squarely in the private property camp should be leery of opening up RS 2477 claims. My staff met with a property owner from Boulder County. She and her husband purchased her then vacant lot in 1993 and built a home. This parcel had an existing driveway for access. But since the neighbors had gotten used to using that driveway, even though it is a private drive, they cannot use adverse possession, the neighbors, so now they are resorting to RS 2477 claims. No matter that the maps do not show this claim, no matter that the aerial photos confirm that the road did not exist during the 1930s and 1940s. She and her family have been consistently harassed by individuals who think they have a right to go across these private lands. So if you do not think we should protect the wilderness, if you do not think we have a right to introduce legislation without these arcane claims being asserted, do it for private property rights.

Vote "no" on this amendment and vote "yes" on the Udall amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time. It is my understanding, and I usually do not get involved in something that happens in Utah or Colorado, being from the State of Maryland, but having taken some time to look at this, the new rule that opens up some other possibilities for right of ways was promulgated January 6, 2003, this year. The first memorandum of understanding that grew out of that rule, it is my understanding, happened in Utah when Utah developed its memorandum of understanding to implement this new rule which has been different from what we have been used to for the past 100 years. It actually did a pretty good job in its promulgation of the rule, because it protected wilderness areas, wilderness study areas, refuges, national parks, not monuments, but in the Taylor amendment, it does protect monuments.

What the second-degree amendment attempts to do is limit the ability to file these disclaimers on Federal land that is designated wilderness, national parks, refuges, and national monuments to use the example that Utah has used in this new rulemaking.

I am one that favors strongly, for a number of reasons, the protection of private property rights and the protection of our wilderness areas and our Federal lands. What I would like to do with the gentleman from Utah, if we can agree on the second-degree amendment with the gentleman from North Carolina, is pass the second-degree amendment to the Udall amendment. Once all of these lands are protected for at least a year, we can work through the process of trying to make the rule that was promulgated in January a little bit more open-ended.

I do not think there are any backroom deals that went through as far as this rulemaking was concerned. I have talked to the Forest Service, I have talked to a number of people. I talked today to the Governor of Utah about this process, calling from Moscow. I feel strongly that the second-degree amendment protects the kinds of lands that we want to protect for the kinds of things that we are considering here, which is right of way, which are roads, which are private property problems.

□ 2215

Even within the Utah MOU, told to me by the governor of Utah today, not one cow path, not one horse path, not one area that is not and has not been a road will ever become a road on any Federal land. So I urge a vote on the gentleman from North Carolina's amendment.

AMENDMENT OFFERED BY MR. MATHESON AS A SUBSTITUTE FOR AMENDMENT NO. 1 OFFERED BY MR. UDALL OF COLORADO

Mr. MATHESON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. MATHESON as a substitute for amendment No. 1 offered by Mr. UDALL of Colorado:

At the end of the bill (before the short title) insert the following new section:

SEC. 3 . None of the funds made available by this Act may be used to implement amendments to Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) as adopted on January 6, 2003, with regard to any lands in National Parks, Wilderness Areas, Wilderness Study Areas, National Wildlife Refuges, National Monuments, military bases, or any roads except public highways, roads, or streets that are traveled ways maintained by a county or incorporated municipality, over which a conventional two-wheel drive vehicle may travel, and with regard to private property.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House today, the gentleman from Utah (Mr. MATHESON) will control 10 minutes, and the gentleman from North Carolina (Mr. TAYLOR) will control 10 minutes in opposition.

The Chair recognizes the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Chairman, I rise as the sixth generation of Utah, and I come from the West. I come from a State with public lands. Quite frankly, public lands in the West are what this issue is all about that we talk about tonight; and I have grown up with a legacy of the use of those public lands in my State. My roots are in southern Utah. Some of my family is involved in grazing on public lands in Utah.

It is a remarkable State. It is like a lot of the Western States, and it has got a lot of remarkable public lands, some places that are very special. As time has evolved, a lot of people around the world have discovered those lands as well; and I think it is safe to say, and I think there would be consensus at some point, that there is a lot of land out there that is worthy of protection because of its remarkable value.

When I talk about the public lands debate, I know tonight we are talking about the issue of RS 2477 and designation of roads, but it is really part of the overall public lands debate we have in our State and in the West. I look back over my lifetime about how that debate has been carried out. When I think about it, I think about so much emotion and so much effort that has gone into this debate, but there has been no progress. I am alarmed by the lack of progress.

As the West continues to grow and the population grows and the pressures develop, it is time for us to try to come together and try to make progress on these issues and resolve these issues as best we can.

There are not just two sides to this issue. It is not that simple. There are multiple stakeholders involved in public land matters in Utah and in the West. I have talked to so many of them. Quite frankly, I have talked to a lot of them just during this week in preparation and anticipation of the gentleman from Colorado's (Mr. UDALL) amendment that would be introduced today.

I have talked to county commissioners throughout rural Utah, and there is not unanimity among that group, quite frankly. There is a divergence of opinion. I have talked to all kinds of stakeholders, the sportsmen community. I have talked to the recreation community.

There are lots of different points of view, and these points of view all have legitimate claims, and it is unfortunate that we have been unable to bring those stakeholders together in a way to resolve these issues.

In some respects, life repeats itself, as was mentioned by the gentleman from Colorado (Mr. UDALL) earlier. The Department of Interior in 1997 under Secretary Babbitt issued rules to deal with RS 2477. Congress did not like it, passed legislation just like we are looking at now to stop the funding of processing under that rule, and Congress said they are not going to make any other rules until Congress deals with it.

Let us flash forward to 2003. The Department of Interior under a different Secretary has issued a new set of rules, and once again we are revisiting that issue of whether or not Congress should be involved in trying to have an inclusive process where we get all the stakeholders together and try to make progress on this issue.

There is no question that there are legitimate claims out there for roads under RS 2477. We all know that. We all know there are roads that are roads. We know there would be some claims out there where we would agree there really are not roads. I would submit to the Members, in fact, that most of the claims in Utah are not controversial. But the problem is that everybody has been scared, everyone has been scared to deal with the noncontroversial roads, thinking they would make some precedent that would get them at a disadvantaged position when we deal with the controversial claims.

So we have been involved in one litigation after another, and one administration promulgates one set of rules, and another administration promulgates a different set of rules, and we are not making any progress.

I bring before the Members tonight an amendment. It is not a perfect amendment. It is not a perfect amendment. It is not perfect to any stakeholder in this debate. But what it attempts to do is make some progress, some progress in trying to designate the least controversial roads and allow them to move forward. In Utah, we call them class B roads. That is a State classification. But we have adopted that language in my substitute amendment.

These are roads that can be traveled by two-wheel-drive vehicles. These are roads where I would suspect that no one would disagree that it is a legitimate claim. And I am not saying this solves the entire RS 2477 debate, but it is an opportunity to have some people come together on the least controversial part of this whole issue and try to make some progress.

I also want to mention one other component of my substitute amendment, and that is that I specifically talk about the issue of roads that cross private property, and I say that private property rights need to be maintained and that one cannot file claims on that type of land.

Finally, I mentioned earlier the amount of litigation that has been associated with this, and this is not the end. This is not the end. It is unfortunate how much litigation we have seen here, and we are going to see it again. We are going to see it on this ruling that came out on January 6, I predict, and I think all of us are a little tired of that. I think we are tired of having that as a way to try to resolve things. It is time for Congress to step up to the plate and do its job.

In 1997, I was not here, but Congress said we have got to do this. We do not agree with what Secretary Babbitt did at that time, and it is up to Congress to come together.

This substitute amendment is a stopgap. It is a stopgap to move forward on one set of the least controversial roads. It is not the solution. The solution is that we ought to hold hearings, we ought to try to move forward and make progress, bring the interests of all the stakeholders together, and let us make progress and move forward on RS 2477 claims.

Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. DICKS) to talk on this issue.

Mr. DICKS. Mr. Chairman, I want to tell the gentleman that I commend him on his effort and diligence in this effort. Regardless how the amendment works, we are going to continue to work to try to find a solution to this problem, and I appreciate his leadership and effort.

Mr. MATHESON. Mr. Chairman, I thank the ranking member for his comments.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. TAYLOR of North Carolina. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment imposes additional duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Utah wish to be heard on the point of order? Does any Member wish to be heard on the point of order?

The Chair is prepared to rule.

The gentleman from North Carolina (Mr. TAYLOR) makes a point of order that the substitute amendment offered by the gentleman from Utah (Mr. MATHESON) for the amendment offered by the gentleman from Colorado (Mr. UDALL) proposes to change existing law in violation of clause 2(c) of rule XXI.

As recorded in Deschler's Precedents, volume 8, chapter 26, section 52, even though a limitation or exception therefrom might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires them to make investigations, compile evidence, or make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of rule XXI.

The proponent of an amendment assumes the burden of establishing that any duties imposed by the amendment are already required by law.

The Chair finds that the amendment offered by the gentleman from Utah (Mr. MATHESON) does more than simply impose a negative restriction on the funds in the bill.

Instead, it requires the officials concerned to determine the precise nature of roads involved, including determining whether certain types of vehicles may travel on them.

In addition, as the Chair understands the state of current law, the relevant Federal agency is under a requirement only to ascertain whether a right-of-way crosses nonFederal land. The amendment offered by the gentleman from Utah (Mr. MATHESON) would further require the agency to determine who owns the nonFederal land.

The proponent of the amendment has been unable to carry the burden of establishing that the agency is already charged by law with making these determinations.

On these premises, the Chair concludes that the substitute amendment offered by the gentleman from Utah (Mr. MATHESON) for the amendment offered by the gentleman from Colorado (Mr. UDALL) proposes to change existing law.

Accordingly, the point of order is sustained. The amendment is not in order.

Mr. UDALL of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Chairman, I rise today in opposition to the Taylor amendment and in strong support of the gentleman from Colorado's (Mr. UDALL) amendment on the issue of revised statute 2477.

Arizona's spectacular public lands are renowned throughout the country, if not the world. They contain many of our Nation's most beautiful landscapes, and every year Arizona's deserts, canyons, and mountains are enjoyed by millions of residents and visitors from around the globe.

But Arizona's natural areas are fragile. They are extremely vulnerable to the impacts of off-road vehicles, sprawl, timber cutting, mining, overgrazing, and other activities. My home State ranks third in the Nation for imperiled wildlife, with 63 species listed as endangered or threatened.

The amendment I urge the Members to support today would prevent the public and private lands in Arizona from being terribly harmed. This amendment would stop the Secretary of the Interior from implementing her "Disclaimer of Interest."

The Members may have heard of one of the places which will be severely damaged by the Secretary's disclaimer, Grand Canyon National Park. It is a treasure not only to Arizona but to the citizens of the entire United States. The map I have brought today with me represents only one area that would be permanently harmed by the Secretary's disclaimer.

In 1997, the Park Service warned Congress that the park and its surrounding wilderness were under serious threat. The map shows hundreds of potential rights of way that might be claimed across the north rim of the Grand Canyon, an area that the Park Service is currently protecting.

We in the West have been living with the consequences of RS 2477 for over 100 years. I strongly support the Udall amendment, which would prevent any funds from being spent by the Interior to process 2477 claims until Congress determines what approaches we should take with regard to these claims.

I urge my colleagues to vote for the Udall amendment and in opposition of the Taylor amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the chairman for yielding me this time.

This has been quite an interesting day and now into the evening. First, we had an amendment to stop the Forest Service from issuing new forest plans. Then we had an amendment to keep 57 million acres roadless, and now we are going after an amendment that goes after areas that have roads in them.

Some serious issues have been raised over many years about RS 2477 roads and what the impact is on these areas and what they should be used for and all of the different issues. But one thing that keeps coming up tonight is all of these wilderness areas and parks that should be off limits. I think that is a legitimate point, and the gentleman from North Carolina (Mr. TAYLOR) responded to that by offering a perfected amendment to the underlying amendment which takes the national monuments, the wilderness study areas, the national parks, National Wildlife Refuge System, National Wilderness Preservation System, takes all of those lands out so that they are not part of this process just to assure everyone that the areas that they are so concerned about that they keep bringing up over and over here during this debate are not the areas that will be affected by the underlying rule.

There is very little timber harvesting that still occurs on public lands. There is very little mining. Grazing has been pushed aside. There is some tourism left, and now it looks like we are going to go after the ability to have access to our public lands. It is a concerted effort, one amendment right after the other. Limit public access, limit their ability to get out there, shut down those roads, shut down those areas, do not let anybody into our public lands. It is a concerted effort, amendment after amendment.

I, quite frankly, feel that the administration is trying to solve this particular problem in a balanced approach in working with the States and the counties, trying to figure out what is really a road and what is not and what should have access and what should not. It is a balanced approach. I believe that we should support the gentleman from North Carolina's (Mr. TAYLOR) amendment. If that amendment does not pass, I believe we should vote against the gentleman from Colorado's (Mr. UDALL) amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, let me ask the gentleman a question. We talked about several things today, as the gentleman mentioned, and several times the chairman promised that we were going to have prompt legislative action by the Committee on Resources to deal with some of these problems. Since this was blocked a few years ago because of the regulations, is there any interest in the Committee on Resources to take up this issue so it does not wind in the Committee on Appropriations? Is there any desire to try to help resolve this?

□ 2230

Mr. POMBO. Mr. Chairman, reclaiming my time, the ranking member brings up, I believe, a very important point. This is something that should go through the Committee on Resources. I will be more than happy and willing to sit down with the different Members who have these roads in their districts, in their States, and other Members from other parts of the country to try to work out a compromise that everyone could live with. This is not something that the gentleman should be dealing with on the appropriations bill every year. I would be more than happy to sit down with the Members and try to work out a rational, balanced compromise so that we are not back here next year with a similar amendment.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman's comments.

Mr. UDALL of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time.

I think the chairman has, with his perfecting amendment, admitted that the administration had perhaps gone a road too far with their proposal, and what the chairman proposes would protect some of the most precious of our public lands against obscure, specious claims of right-of-way access.

Unfortunately, the chairman's amendment does not, in my opinion, go quite far enough. Among the things that the chairman excludes from protection are private lands. And I would refer to the Salt Lake Tribune, on Saturday, June 21, 2003, which is an article about a couple, Jana and Ron Smith who, despite having researched and properly purchased their property, found that when they returned at one point from a vacation, that the local district attorney and the road crews had cut a chain, removed a gate, pulled down the private property signs, and provided full access to their very obscure and remote property which they had bought for those values. Unfortunately, they ultimately had to resort to the courts and the courts upheld their rights to the private property.

But if this underlying legislation, even with the chairman's amendment, remains in the bill authorizing the actions by the administration, it would color the claims of Jana and Ron Smith and others and prejudice them and, minimally, require people with private property to have to hire expensive attorneys to defend their rights to their own property but, in all probability, perhaps jeopardize their claims to defend their property.

It not only excludes private property, and I am surprised that the majority party would not have included private property in this amendment, and perhaps the gentleman will want to amend his amendment by unanimous consent to include private lands. Military lands are not included, so we may, again, find obscure or potentially specious claims to military lands and reservations which are quite extensive in the western United States. Again, I am surprised that the majority party would not be sensitive to the concerns of the military about allowing unbridled access across their reservations.

It also would exclude areas of critical environmental concern, wild and scenic rivers, national trails, national conservation areas, and other public lands.

So I think what the gentleman from Utah (Mr. MATHESON) tried to do, which was not allowed, which would have opened this process to begin those most legitimate and obvious claims, let us grant those. Yes, let us grant them. Let us not have them have to go to court and fight for them, and then let us begin to parse through this very difficult problem. But let us not open the door to jeopardizing people's private property rights, or the rights of the military to protect Federal property, and wild and scenic rivers, national trails, and others.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I appreciate the gentleman yielding.

The gentleman is aware that there is an underlying memorandum of understanding between the Department of the Interior and the State of Utah in that it is not possible, given the context of that MOU for the issue of private property, to be relevant.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I thank the gentleman for that point. Unfortunately, Utah is only one State in the western United States that would be subject to these proposals. There are a number of other States. There is not, to the best of my knowledge, a memorandum of understanding with Oregon, Washington, Montana, Wyoming, Nevada, California, or other areas. And I think that we should not depend upon MOUs, but we should legislate in these areas.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, in fact, this memorandum of understanding was done at the suggestion and under the oversight and direction of the National Association of Counties, with the explicit point of seeing how it works in Utah so we could go to these other States. In other words, no one is getting out ahead of anyone else or going to solve or create problems in Oregon based upon an MOU in Utah.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, but would we not at this point, and I am not a lawyer, so I may be disadvantaged in this group because of that, but would we not want to then legislate that? Would we not want to be assured? I do not want to depend upon a future extension of an MOU, memorandum of understanding for those who are listening and do not understand, with this administration for the protection of mines in other States.

Ms. DEGETTE. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, just to underscore the point, Utah got a sweetheart deal in the settlement, but as my esteemed colleague from Oregon said, California, Colorado, all the rest of the country does not have this deal, so we are all betting on the something. Why not put this memorandum in the underlying bill if it is such a great idea.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I would be happy if the chairman wishes to amend by unanimous consent his protections to extend them to private lands, hopefully even military lands and some of these other things, but at least to private lands because it is a particular concern, to do that. That would be acceptable to me.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, the gentleman from Colorado attempts to attack an Interior Department rule which allows memorandums of understanding on issues of roads which have been a source of contention and litigation since 1976. Utah is so far the only State to have taken advantage of this memorandum of understanding.

Some people have said we are trying to change cow trails and foot paths in pristine wilderness into roads. These are pictures of the actual roads in which we are dealing in the State of Utah. These are not cow trails. These are the kinds of roads which we have.

In the memo of understanding, it can only deal with a maintained, documented, continuously used road that is not in a national park, wilderness, wilderness study area, national refuge, et cetera, et cetera.

The issue that was brought up by the gentleman from Oregon is one that was a misunderstanding. They objected to a 2477 that was supposedly on private property, but it was actually a county easement to which they were objecting. It had nothing to do with 2477 because 2477 roads cannot by definition be on private property.

When I was Speaker of the House 10 years ago in the State of Utah, we started this process. I was fortunate enough to appropriate money so that every county could research their 2477 claims. Today, the State of Utah is ready to give documented history photo, hard evidence of continuous use on every single one of these roads. The State of Utah has put in work, effort, and money to end the contention of 30 years and provide a process study, my colleagues know what it is, a process study that just took 30 seconds off my time for me not to get the words out.

The bottom line is the Taylor amendment allows this work to continue. So these roads which cross rural Utah and provide access to national parks and recreation, and jobs, and for emergency vehicles in rural Utah, will continue on. The Udall amendment, unintentionally or not, brings this to a screeching halt with the mere promise that the gentleman from Colorado can help us find a better methodology than the one we are presently going through right now.

The Taylor amendment would allow us to study the rule to which the gentleman from Colorado objects while the work is still continuing on to see if this actually works for the benefit of a standard for every other State in this Nation, whereas the Udall amendment would frustrate the time and effort. Perhaps that is why the counties in Colorado and in the State of Utah are asking you, please, to support the Taylor perfecting amendment, because it allows us to continue on.

If the Taylor amendment is defeated and the Udall amendment is passed, the only thing left for the counties in the State of Utah is to go to court and continue to waste taxpayer money on expensive litigation when we have a process, not perfect, but we are still working on it, a process in mind to go at these types of roads which are clearly roads, which can solve the problem in the future.

We beg of you to let the process that we have started go to fruition. We can look at it. We can evaluate it. But to capriciously simply say the man-hours and the public input and the dollars have been in vain to this day is unfair to the State of Utah. The gentleman from North Carolina (Chairman TAYLOR) clearly understands that and has given us a process so that we can evaluate this rule and, at the same time, doing no harm to the State of Utah.

I beg of my colleagues to help support this particular provision. It moves us forward towards solving a very contentious problem without having to go to the courts.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself the remaining 1 minute.

In closing, I want to make three points. I want to urge the House to preserve its institutional prerogatives to make sure that we are making the law and we are supporting the law we passed in the past by supporting the Udall amendment.

Second, I understand what Utah has done; and there are some good steps forward as my colleague and good friend, the gentleman from Utah (Mr. BISHOP), has pointed out. But this is not just about Utah; it is about the entire West and wherever these claims can be made.

Finally, my good friend, the gentleman from North Carolina (Mr. TAYLOR), is on the right track; but under his perfecting amendment, we leave out private lands, military lands, national forest lands, tribal lands, national conservation areas, public lands generally, areas of critical environmental concern, wild and scenic rivers, and national trails, an enormously important list.

Please vote against the Taylor secondary amendment and support the Udall amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I have listened to this debate, and we are talking about Utah; but this proposal by the gentleman from Colorado (Mr. UDALL) probably affects Alaska more than any other State in the Union.

We had some agreements. We are talking about the law, and to the gentleman from New Mexico (Mr. UDALL), your father agreed to it that we would have and shall have access across the lands. The Udall amendment probably would prohibit that, overriding another law; and that disturbs me a great deal.

Now, we do not have the roads that we are showing in Utah; we have mostly dog trails, the snow machine trails now. Trails are used from village to village across, yes, wilderness lands. If the gentleman from Colorado will look at that map, he will see that his father did a great job.

Most of our State lands intercede with Federal lands, and we cannot get across those. We are trying to preserve this right to cross those lands and utilize those trails for which they were established. I am quite concerned that even with the second-degree amendment, I am not sure that we will have that right. We would have to probably go to court again. But I am suggesting the second-degree is better than the Udall amendment, and we ought to look at this.

The gentleman from Washington (Mr. DICKS) had a good point. Eventually, we will decide this and let people understand that there are rights of States, and the 1976 law grandfathered all the rights-of-way in. That was the extinguishment of FLPMA. I was here and I believe the gentleman from Washington (Mr. DICKS) was here at that time too; he may not have been. But that was the agreement that was made.

We have to keep those agreements. We cannot continue to break those agreements we made just because it helps a certain interest group. I keep stressing that. Most of the people promoting this provision now do not know the institutional history of what the Congress did and why we did it.

Now, the RS 2477 was for a reason. Most communities established these rights-of-way and the roads that developed their communities. In our case, it was dog trails and a lot of other things that happened during the wintertime, and that is how we got from one community to another community. We ought to be able to continue that as a State's right.

So keep in mind as we go forward with this that we understand what we are doing and the laws that this Congress passed in the past. I urge the adoption of the second-degree amendment and defeat of the first-degree amendment, and then let us try to adjust it as we go through.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the committee, for an observation.

Mr. OBEY. Mr. Chairman, I would just like to observe, we have just been told by the distinguished chairman that we ought to keep our word when we make deals. If that were the case, this bill would contain $570 million more for the conservation programs that this committee and the Congress agreed that they would fund at that level 3 years ago.

So if we want to keep deals, let us start with the big one, baby. Let us start with the one that guarantees that we are going to provide the $570 million that this House said it was going to provide 3 years ago when it was avoiding an entitlement.

The gentleman from Alaska was the sponsor of CARA; and we all signed on to, as a substitute to CARA instead, to provide a guaranteed funding level for those conservation programs.

□ 2245

So I do not want to hear any lectures, not this late at night, about keeping our word, for God's sake. Start with that one.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Utah.

Mr. CANNON. You realize we have 5 million acres in the BLM excess land fund. We would love to sell those acres and fund the land and water conservation deal.

Mr. OBEY. What does that have to do with keeping your word?

Mr. DICKS. Mr. Chairman, I yield the balance of my time to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I want to thank my friend, the gentleman from Washington (Mr. DICKS), for yielding me time.

I just wanted to respond to my good friend, the gentleman from Alaska (Mr. YOUNG), who I know had great affection for my father and my father had great affection for him.

There is nothing in my amendment that would affect the access rights provided under the Alaska Lands Act, the law that was sponsored by my father, as my good friend, the gentleman from Alaska (Mr. YOUNG), mentioned. There is nothing in this amendment that would affect the access rights; and I take that legislation very seriously and would do everything in my power and will do everything in my power to continue to support, to keep the faith of that language.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I am just concerned that the way it is written it precludes what we made an agreement to. If I can be assured later on we will discuss it as time goes by.

Mr. UDALL of Colorado. Reclaiming my time, I look forward to discussing that further with the gentleman. I thank him for his comment.

I would urge a yes vote on the Udall amendment, and I rise in opposition to the Taylor second degree amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I would like to start out by thanking the chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR), for his work on this issue. It is a very important issue, obviously, an issue that has some intensity.

I thought about asking unanimous consent to lower the temperature on the floor here by 8 degrees. I think that would be very helpful, since it seems to be about 78, as opposed to 70.

This has been a very important issue to us in Utah in particular, and as a matter of policy we appreciate the gentleman from North Carolina's (Mr. TAYLOR) involvement in the issue of policy.

I would also like to thank the gentleman from Maryland (Mr. GILCHREST), who probably has done more reading on this issue than anybody else in this room and has drawn conclusions that he has presented, I think, very eloquently earlier.

I would like to thank the gentleman from Alaska (Mr. YOUNG) for his thoughtful words on this issue.

I would also like to thank the proponent of this issue, the gentleman from Colorado (Mr. UDALL), who is someone with whom you can disagree without being disagreeable. We disagree stridently on this issue, dramatically on this issue, but it is in an environment in which we can talk, and I appreciate that.

The gentleman from Colorado (Mr. UDALL) talked about this as a back-room agreement. It is not a back-room agreement. The gentlewoman from Colorado (Ms. DEGETTE) talked about this as an archaic, arcane and arbitrary rule or law. That is what you call a law you do not like. But the fact is we have laws in America.

I have been interested to follow the debate of several people on the Democratic side here. The gentleman from Colorado (Mr. UDALL) talked about our institutional prerogatives in Congress. The gentleman from Utah (Mr. MATHESON) said it is time for Congress to do its job. The gentleman from Washington (Mr. DICKS) talked about continuing to work to find the solution to this problem.

But, in fact, this is not a congressional problem. It is true we have oversight, we have responsibility for these kind of issues, but we have law in place already. And that law delegates certain authorities to the Department of the Interior. And in the context of that delegated law, the Department of Interior has entered into an agreement.

It is an open agreement. It is not a back-room agreement. It is an agreement that was precipitated by the National Association of Counties, of which every single Member of this body has counties that are part of that group. That is not a group that is hiding the ball or doing something in the back room. That is a group that wanted to create a process that we could start and evaluate as we used it to come to the point of understanding whether or not we could solve these problems in the context of law.

If that process got out of hand or something radically wrong happened, we could step in and resolve that process. Because, ultimately, that is our prerogative as Congress.

It is an emotional issue that is very intense to me.

Let me point out this is not a problem with Utah. We have a letter from what is called The Club of 20 which are 22 counties on the western slope in Colorado who have sent a letter to the gentleman from North Carolina (Mr. TAYLOR) supporting his amendments.

May I just suggest if you look at what the Taylor amendment does, it takes what I think is an egregious step in taking away the proper authority from the Department of the Interior and brings back into context what we should be doing, as a matter of oversight, what we should be doing to express ourselves to protect the interests that are of such great concern to Americans. And that is it allows the process that has been set up by the Department of the Interior and the State of Utah to go forward.

It does that in the context of protection. It protects national refuges, national wildlife refuges. It protects wilderness study areas. It protects wilderness areas. It protects national parks. It protects monuments.

We cannot protect private property. May I just suggest that all the discussion about private property misses the point? We should not be creating national policy in the context of nasty neighbors.

RS–2477 rights exist in the context of law and have to be resolved at the proper level and not here. So we can do nothing about the private property issue. And, in fact, the memorandum of understanding, the MOU, between the Department of the Interior and Utah does not allow for the disclaimer to be used in the context of any road over private property. It is only to be used in the context of the roads that you saw that my colleague from Utah (Mr. BISHOP) showed with his picture.

Let me point out that Utah is different from some other parts of the country. I was the Associate Solicitor in the Interior Department for some period of time in charge of coal mining reclamation. I probably have been in more coal mines than everybody else in this group put together, and I have seen the devastation in the Northeast of the United States. We built our economy on the devastation of the coal mining lands in Kentucky and West Virginia and Virginia and Tennessee and other areas.

But you cannot find a coal mine in Utah without a map, and the reason you cannot find a coal mine in Utah is because we have been careful about how we have used our public lands.

I grew up in an area called Wayne County, to some degree. One of my favorite areas in Utah, they call it Wayne Wonderland. I once walked five miles down a ditch that our ancestors had dug to get some water to a lousy 200 acres of land, a beautiful 200 acres of land, and they did it with great sweat and pain and suffering because they loved the land and wanted to produce on it.

We have used the land in Utah, I think, well; and I think that our record of the environment stands up to anyone's scrutiny.

I suggest to this body that this memorandum of understanding is appropriate, and it should not be interfered with by this amendment. I urge a vote of yes on the Taylor amendment perfecting the Udall amendment and a vote of no on the underlying amendment.

Mr. RAHALL. Mr. Chairman, I rise in strong support of the Udall Amendment to stop the giveaway of important public resources.

It seems that the giveaway of public lands is not just limited to the 1872 Mining Law. How ironic is it that we have a provision from another mining law—this one from 1866—that is being used to swindle the American public out of their public lands.

We have people and organizations out there that are trying to take advantage of a law enacted 137 years ago that was so antiquated that Congress repealed it in 1976.

Let us be clear on this outdated and repealed law that is known as RS 2477. It is a land grab. This is not about clearing up legitimate claims to roads that you or I or the American public would recognize. It is about bulldozing new roads across unspoiled public lands.

Cowpaths and trails that begin and end nowhere are being claimed as roads and Interior Secretary Norton and her Department are attempting to use new regulations for previously noncontroversial Disclaimers of Interest to breathe life into RS 2477 and facilitate a public land grab.

When then Interior Secretary Babbitt tried to develop a clear, common sense settlement to the RS 2477 issue in the 1990's, Republicans would have none of it and pushed through a legislative moratorium that remains in effect today on any regulations pertaining to RS 2477.

However, Secretary Norton and her Department have chosen to ignore the law and press ahead with these new regulations on Disclaimers of Interest.

Disobedience of the law and secret backroom deals; that has been the legacy of this administration on RS 2477.

It's time we put a stop to the unwarranted and unjustified giveaway of public assets. I urge a "yes" vote on the Udall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. TAYLOR) to the amendment offered by the gentleman from Colorado (Mr. UDALL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. UDALL of Colorado. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina (Mr. TAYLOR) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: an amendment by the gentleman from Washington (Mr. INSLEE); an amendment by the gentleman from Nebraska (Mr. BEREUTER); an amendment to the Udall amendment by the gentleman from North Carolina (Mr. TAYLOR); and an amendment by the gentleman from Colorado (Mr. UDALL).

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes in this series will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. INSLEE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 234, not voting 15, as follows:

[Roll No. 386]

AYES—185

Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Price (NC)
Rahall
Ramstad
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—234

Abercrombie
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin

Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan

Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Vitter

Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter

Evans
Ferguson
Gephardt
Gordon
Granger
Janklow

Jefferson
Johnson, Sam
Millender-McDonald

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BASS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2314

Messrs. TOM DAVIS of Virginia, JONES of North Carolina, HEFLEY, and RYAN of Wisconsin changed their vote from "aye" to "no."

Messrs. GERLACH, CAPUANO and FORD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. BEREUTER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 12 offered by the gentleman from Nebraska (Mr. BEREUTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 362, noes 57, not voting 15, as follows:

[Roll No. 387]

AYES—362

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Beauprez
Becerra
Bell

Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)

Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case

Castle
Clay
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde

Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz

Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton

Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt

Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker

Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOES—57

Barrett (SC)
Bass
Bishop (UT)
Blunt
Bonner
Brady (TX)
Brown (SC)
Cannon
Chabot
Chocola
Coble
Crane
Culberson
Cunningham
DeLay
DeMint
Flake
Franks (AZ)
Garrett (NJ)

Goode
Graves
Hart
Hayes
Hensarling
Herger
Hunter
Istook
Kingston
Kolbe
Lewis (CA)
McCrery
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Ose

Pence
Reynolds
Rohrabacher
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Souder
Stearns
Sweeney
Taylor (NC)
Thornberry
Tiberi
Toomey
Vitter
Wamp
Young (FL)

NOT VOTING—15

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter

Evans
Ferguson
Gephardt
Granger
Gutierrez
Janklow

Jefferson
Johnson, Sam
Millender-McDonald

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2322

Mr. ROGERS of Michigan changed his vote from "no" to "aye."

Mr. FLAKE changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TAYLOR OF NORTH CAROLINA TO AMENDMENT NO. 1 OFFERED BY MR. UDALL OF COLORADO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. TAYLOR) to amendment No. 1 offered by Mr. UDALL of Colorado on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 194, not voting 14, as follows:

[Roll No. 388]

AYES—226

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)

Bartlett (MD)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis

Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman

Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gerlach
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Ramstad
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Evans
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2331

Mr. FORD changed his vote from "aye" to "no."

Mr. CRENSHAW and Mr. PETERSON of Pennsylvania changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL), as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2004".

Mr. CROWLEY. Mr. Chairman, I rise in opposition to the Interior Appropriations bill as it stands now. It is impossible for me to vote in support of this bill because it provides tremendous decreases in funding for critical programs, which benefit all Americans. Just a few weeks ago the Republican majority enacted a massive tax cut for the wealthy but today they cut funding and broke promises for important programs that people care about and depend on.

This Republican bill recklessly abandons the historic, bipartisan conservation funding agreement that was made in 2000. With this 2000 agreement, the U.S. Congress made a bipartisan commitment to the America people for a $12 billion investment in conservation, urban parks, clean air and water over the next six years. This funding was intended to preserve and protect the great lands and natural treasures of our country—from savings endangered species to helping local communities with their conservation and recreation programs through creative partnerships that ensuring American families can visit and appreciate our national park for generations.

Specifically, this bill seriously underfunds programs that create parks and open spaces, protect wilderness and wetlands, preserve wildlife habitat, and enhance recreational opportunities. In my district, we have the College Point Sport Complex, which provides 22 acres in sports fields and recreational green spaces for the diverse community that lives in the Queens. College Point Sports Complex is only one example of the thousands of urban parks throughout America that provide a break in the urban landscape. However, this bill provides no funding for the urban parks program—breaking the 2000 commitment to the people.

The impact of breaking this commitment with America goes even farther by underfunding the Forest Legacy Program and the Land and Water Conservation Fund, which help states preserve forest lands threatened by development and allow for the greater protection of open space. Unfortunately, this bill is a mere fig leaf which leaves the natural treasures of our great nation vulnerable to profit-hungry logging and timber contracts, developers, miners and others who do not care about the green space of your community.

Additionally, this does not adequately fund the Department of Energy's low-income weatherization program. This program provides weatherization for families who live near or below the Federal poverty line. Each home that is weatherized will generate $275 in annual savings for a family that desperately needs the money for other essentials. However, this bill provides flat-funding for this program and leaves American families in the cold. In Queens and the Bronx, New York, we need this weatherization program, which keeps the low-income families and seniors warm in the winter. But again, if you are not a millionaire, you are forgotten by this Republican Congress and this Bush Administration.

Finally, this legislation rejects the idea of providing modest pragmatic increases for the National Endowment for the Arts. One year ago roll call votes demonstrated favorable support for such increases and yet when push comes to shove, the NEA is funded thirty percent below the Fiscal Year 1994 levels. The NEA has implemented all of the reforms requested by Congress and its programs provided arts education and opportunities for communities throughout America, including a number of programs in my district such as the Bronx Council for the Arts.

From Urban Parks and environmental protections to weatherization projects and arts and culture programs—this bill breaks the commitment Congress made to America. And for this reason I cannot vote for this bill. I cannot break my promise with a clear conscience.

Mr. NUSSLE. Mr. Chairman, I rise in support of H.R. 2691, the Interior and Related Agencies Appropriation Bill for fiscal year 2004. I am pleased to inform my colleagues that the bill meets its allocation established under the Section 302(b) suballocation for the Interior subcommittee.

H.R. 2691 provides $19.627 billion in budget authority and $19.400 billion in outlays—increases over the President's requested funding level of $72 million and $132 million respectively. Over the last four years, funding for this appropriations bill has increased at an amount rate of 6.3 percent.

BUDGET COMPLIANCE

I am pleased to report that the bill is consistent with section 302(f) of the Congressional Budget Act, which prohibits consideration of bills in excess of a subcommittee's 302(b) allocation. However, I would note that the bill contains a change to one mandatory program that generates $30 million in savings to offset discretionary spending. If this provision were stricken, the bill would exceed its allocation.

In addition, two transfers within the bill violate section 306 of the Congressional Budget Act. The bill designates as an emergency two transfers—one for the emergency replacement of property owned by the Department, the other for combating wildfires on Department land—with the intent of exempting the costs from the budget resolution. Such designations are unnecessary because the transfers will not change the total amount of appropriated budget authority. Even had there been a cost associated with these provisions, the language as written exempted them from the now expired statutory spending caps, not from the budget resolution; hence the budget resolution limits would still have applied. While the subcommittee could have attempted to declare these sections as emergencies under Section 502 of the Fiscal Year 2004 Budget Resolution, it also should have included an explanation in its committee report explaining the manner in which these provisions meet the criteria of an emergency.

Because these provisions have no budgetary effect, I am not going to object. However, I would note to this subcommittee and other committees and subcommittees contemplating emergency designations to refer to section 502 of this year's budget resolution. More importantly under the terms of the budget resolution, emergencies should be essential, quickly coming into being, requiring immediate action, unforeseen, and temporary in nature.

H.R. 2691 also rescinds $20 million of rescissions of previously enacted BA. The bill contains an advance appropriation of $36 million for payments under the Elk Hills School lands fund settlement agreement. The advance appropriation is included in the list of anticipated advance appropriations under section 301 of the Budget Resolution.

CONSERVATION SPENDING

Finally, there will be much discussion during the debate about the subcommittee's decision not to provide spending on conservation programs at the level established under the Conservation Spending Cap. While there is an overall limit on conservation spending through fiscal year 2006, the underlying law enforcing this limit expired last fall. This means there is no way to limit conservation-related appropriations to the capped levels.

In conclusion, I express my support for H.R. 2691 which is so important to the economic and environmental health of many of our rural communities.

Mr. BEREUTER. Mr. Chairman, this Member would like to commend the distinguished gentleman from North Carolina (Mr. TAYLOR), the Chairman of the Interior Appropriations Subcommittee, and the distinguished gentleman from Washington (Mr. DICKS), the Ranking Member of the Subcommittee, for their exceptional work in bringing this bill to the Floor.

This Member recognizes that extremely tight budgetary constraints made the job of the Subcommittee much more difficult this year. Therefore, the Subcommittee is to be commended for its diligence in creating such a fiscally responsible measure. In light of these budgetary pressures, this Member would like to express his appreciation to all the members of the Subcommittee and formally recognize that the Interior appropriations bill for fiscal year 2004 includes funding for two projects that are of great importance to Nebraska.

This Member is very pleased that the bill includes $400,000 from the U.S. Geological Survey-Biological Division for the new fish and wildlife cooperative research unit established in FY2003 at the University of Nebraska-Lincoln. This Member had been requesting funding for this cooperative research unit each year since 1990! The University of Nebraska and the Nebraska Game and Parks Commission have already committed funds and facilities for the unit, but the Federal funding is needed to make it a reality.

Nebraska's strategic location presents several very special research opportunities, particularly relating to the large number of migratory birds that visit our state each year via the Central Flyway. However, Nebraska is one of the few states without a fish and wildlife cooperative research unit within the state. Locating a cooperative research unit in Nebraska to develop useful information relating to these issues upon which to base critical management decisions is an urgent need.

This Member is also pleased that Homestead National Monument of America receives $350,000 to continue planning for a visitor facility. This project received $300,000 in planning funds in FY2003.

Homestead National Monument of America commemorates the lives and accomplishments of all pioneers and the changes to the land and the people as a result of the Homestead Act of 1862, which is recognized as one of the most important laws in U.S. history. This Monument was authorized by legislation enacted in 1936. The fiscal year 1996 Interior Appropriations legislation directed the National Park Service to complete a General Management Plan to begin planning for improvements at Homestead. The General Management Plan, which was completed last year, made recommendations for improvements that are needed to help ensure that Homestead is able to reach its full potential as a place where Americans can more effectively appreciate the Homestead Act and its effects upon this nation.

Homestead National Monument of America is truly a unique treasure among the National Park Service jewels. The authorizing legislation makes it clear that Homestead was intended to have a special place among Park Service units. According to the original legislation:

> It shall be the duty of the Secretary of the Interior to lay out said land in a suitable and enduring manner so that the same may be maintained as an appropriate monument to retain for posterity a proper memorial emblematic of the hardships and the pioneer life through which the early settlers passed in the settlement, cultivation, and civilization of the great West. It shall be his duty to erect suitable buildings to be used as a museum in which shall be preserved literature applying to such settlement and agricultural implements used in bringing the western plains to its present state of high civilization, and to use the said tract of land for such other objects and purposes as in his judgment may perpetuate the history of this country mainly developed by the homestead law.

Clearly, this authorizing legislation sets some lofty goals. The funding included in this bill will begin the process of realizing these goals.

In addition, Mr. Chairman, this Member is pleased that funding was allocated for the National Endowment for the Humanities program entitled, "We the People." This initiative is designed to promote a broad understanding of the ideas and events that have shaped our nation. The "We the People" program will support the study of our nation's history, institutions and culture. The state humanities councils will play a large role in this effort and receive substantial resources from it. A number of the programs undertaken by the Nebraska Humanities Council are examples of the programs which are expected to be included in "We the People." These include the Great Plains Chatauqua on Lewis and Clark, the Capitol Forum, and their Speaker's Bureau.

Again Mr. Chairman, this Member commends the distinguished gentleman from North Carolina (Mr. TAYLOR), the Chairman of the Interior Appropriations Subcommittee, and the distinguished gentleman from Washington (Mr. DICKS), the Ranking Member of the Subcommittee, for their support of projects which are important to Nebraska and the 1st Congressional District.

This Member urges his colleagues to support H.R. 2691.

Mr. KIND. Mr. Chairman, I am pleased to be an original cosponsor of this amendment to the Interior Appropriations Bill to expand funding for the low-income weatherization program and other important energy efficiency programs. I urge all my colleagues to support this amendment.

Weatherization programs help all Americans in all areas of the country, from those congressional districts with hot, sweltering summers to my Third Congressional District of Wisconsin, which as you know experiences long, bitter cold winters. During this year of unprecedented rising energy prices, it is important that this Congress have an honest discussion of our nation's energy policy. Importantly, this amendment shows the American people our dedication to energy conservation measures.

Mr. Chairman, much of the focus on our current energy crisis has been the rising price of crude oil and natural gas. But in my district and throughout the country, the price of heating oil has risen as much as 30 percent in the past year. Conservation efforts such as the weatherization assistance program go a long way to helping us become less dependent on foreign oil.

Mr. Chairman, the weatherization assistance program helps correct the disproportionate energy burden faced by low-income Americans. The program has helped make over five million homes more energy efficient and the average home has seen heating savings of 23 percent. With many low-income households spending over $1,200 on energy costs annually, this energy efficiency savings can further help these families afford the basic necessities of life. Mr. Speaker we do not want any of our citizens having to make the difficult choice between food and fuel. I urge my colleagues to support this measure.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee now rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 319, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on the motion to instruct on H.R. 1308 offered by the gentleman from Maine (Mr. MICHAUD).

The vote was taken by electronic device, and there were—yeas 268, nays 152, not voting 14, as follows:

[Roll No. 389]

YEAS—268

Abercrombie
Aderholt
Alexander
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Everett
Farr
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Kanjorski
Kaptur
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Rush
Ryun (KS)
Sabo
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—152

Ackerman
Akin
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Berry
Bishop (NY)
Blumenauer
Boswell
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Duncan
Emanuel
Engel
Eshoo
Etheridge
Evans
Filner
Ford
Frank (MA)
Franks (AZ)
Graves
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (FL)
Miller (NC)
Miller, George
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Price (NC)
Rahall
Ramstad
Rangel
Rohrabacher
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Sensenbrenner
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stearns
Strickland
Tanner
Tauscher
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Ballenger
Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 2350

Mr. OBERSTAR changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maine (Mr. MICHAUD) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 202, nays 214, not voting 18, as follows:

[Roll No. 390]

YEAS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—214

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Dooley (CA)
Ferguson
Gephardt
Granger
Hefley
Janklow
Jefferson
Johnson, Sam
Kleczka
Linder
Millender-McDonald
Oxley

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 2357

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, which shall proceed according to the following order:

The first reading of the bill shall be dispensed with.

All points of order against consideration of the bill are waived.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

After general debate the bill shall be considered for amendment under the 5-minute rule.

The amendment I have placed at the desk shall be considered as adopted in the House and in the Committee of the Whole.

Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except for section 310.

During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read.

At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

And I ask unanimous consent that the amendment that I have placed at the desk be considered as read.

□ 0000

The SPEAKER pro tempore (Mr. GINGREY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 6, strike "*Provided further*," and all that follows through line 17 and insert the following:

Provided further, That funds appropriated in this Act for the preservation and restoration of the Florida Everglades shall be made available for expenditure unless (1) the Secretary of the Army, not later than 30 days after the date of enactment of this Act, transmits to the State of Florida and the Committees on Appropriations of the House of Representatives and the Senate a report containing a finding and supporting materials indicating that the waters entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park do not meet the water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, (2) the State fails to submit a satisfactory plan to bring the waters into compliance with the water quality requirements within 45 days of the date of the report, (3) the Secretary transmits to the State and the Committees a follow-up report containing a finding that the State has not submitted such a plan, and (4) either the Committee on Appropriations of the House of Representatives or the Senate issues a written notice disapproving of further expenditure of the funds: *Provided further*, That the Secretary of the Army shall provide the State of Florida with notice and an opportunity to respond to any determination of the Secretary under the preceding proviso before the determination becomes final.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Ms. HART. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. WELLER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. BELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BELL moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

One. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Two. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

Three. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

Four. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the *Columbia* disaster.

Five. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees; and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BELL) and the gentleman from Florida (Mr. FOLEY) for the majority party each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BELL).

Mr. BELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if we listen closely around Capitol Hill, we can hear many of my Republican colleagues often touting the slogan "No Child Left Behind." Recently President Bush thought it was important enough to sign a new law that would provide tax cuts of $93,500 to the 200,000 taxpayers making over $1 million per year. And what I would ask, Mr. Speaker, and what the American people want to know is while the fat cats are getting fatter, what happened to the children?

Mr. Speaker, I will tell the Members, they got left behind with the Bush tax cut along with the rest of America. In fact, 53 percent of all taxpayers are going to get less than $100 under the GOP law that was just passed, and this is just another example of Republican leadership choosing the wealthiest Americans over America's working families.

But what about those children? Why did they get left behind, Mr. Speaker? After it was all said and done, Republican leadership chose not to expand the child tax credit to working class families. These are the families that have to work the hardest, take home the least, and need help the most.

When the American people voiced their anger over this and the pressure was on, the Republican leadership finally buckled, but did they put forward the child tax credit bill already passed by the Senate and approved by the President as America wanted? No, Mr. Speaker, they did not. The House leadership chose politics over good policy. They chose politics over the needs of hard-working families. They put forward a bill they knew would not pass in the other body. The House leadership thumbed their noses at the American people and put forward a bill they knew would never be passed into law, and they did it intentionally.

Mr. Speaker, we have an opportunity to fix that. Today my Republican colleagues have the opportunity once again to put the compassion back into being conservative and to ensure that no more children get left behind by the Republican House leadership.

The other body has passed a bipartisan bill that is actually good policy for America. It is a bill that President Bush has already said he will sign into law. It is a bill that will provide immediate relief to the working families of America, much in the same way the House Republican leadership saw fit to provide immediate relief to those long-suffering millionaires out there with their tax cut.

The Senate version of the tax credit bill will help military families pay the bills. The House version does not. These families are made up of the very same men and women that we in this House sent into combat just a couple of months ago to defend our freedom, and these are the men and women that the House leadership have chosen to just leave behind. In fact, the Republican bill actually penalizes military mothers and fathers who serve in combat. If they fight for America, they get a lower child tax credit.

Mr. Speaker, is this patriotic? Is this America? We owe it to the working people of America to pass a child tax credit that is good policy, not just good politics, and certainly we owe it to the fighting men and women of America, many of whom live in poverty, to give their children the tools they need to have a chance at the American dream.

In the future, I hope my Republican colleagues will remember that the best kind of politics is the kind that helps the people we have all been elected to serve. That is why I am asking my colleagues to support my motion to instruct the conferees to pass the Senate version of the child tax credit bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

I rise in objection to the Democratic motion to instruct. Let me first state that if it is such a politically expedient way in which to do things, why do they drop the date of allowing this credit to continue? The Democrats actually have a window. It is right after the election of 2004 where the $1,000 credit drops to $700. I do not know why we would frame a bill that has such an expiration date. If it is such a great idea, let us continue to give this credit past the election of 2004 to many families who desperately need this help in raising their children.

As a result of their bill, millions of low- and middle-income families will receive a smaller child tax credit right after the election. The House-passed bill ensures that the child credit remain at the $1,000 level throughout the decade. The Democratic motion to instruct does not eliminate the marriage penalty and the child credit until 2010. And even then it only does so for 1 year. Under the Democratic motion, millions of children will be denied the child credit simply because their parents are married.

The House bill benefits middle-income families by eliminating the child credit immediately. The House bill does not deny that credit to military families. Military families, including those who are deployed abroad, are already receiving a refundable child credit and will continue to receive a refundable child credit under the House-passed bill. The Democratic motion to instruct would only increase the refundable child credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit. The House-passed bill provides more tax relief to military families because it includes $806 million of military tax benefits that were not passed by the other Chamber. These provisions passed the House on numerous occasions, and they are waiting action in the Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. BELL. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. PELOSI), minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time, and I also thank him for his leadership in bringing this motion to instruct to the floor this evening.

Mr. Speaker, it is just after midnight in Washington, D.C., and once again the Democrats have come to the floor to fight for the children of working families in America. It has been about 43 days since the Senate passed the expanded child tax credit and 33 days since the House passed a bill. The President says he wants to sign a bill quickly. It is too late for quickly. Let us move on to soon. Let us hope the President can sign the bill soon.

All it would require would be for the Republican leadership in the House to go to conference with the Senate conferees and agree on the Senate language. What is holding it up? The Republican leadership in the House. The House Republicans are the only ones standing between 12 million children and the extended tax credit. Those children include 250,000 children of our men and women in uniform.

On a regular basis around here, we come to the floor to honor our men and women in uniform, to pay tribute to their patriotism, their courage, and the sacrifices they are willing to make for our country; and it is right that we do that. But we dishonor them by saying that their children are unworthy of a tax credit because they do not make enough money.

We are saying to the children of over 6 million families, that would be around 12 million children, that they are not worthy of a tax credit because their parents do not make enough money, because they do not make above $26,000 a year. Many of these families have two wage earners, both making the minimum wage. They still do not earn enough money to receive this tax credit. We could raise the minimum wage, but of course the Republican majority would resist that as well.

So all this is, is about fairness to our children. The Republicans say that people making $26,000 a year do not pay taxes, so, therefore, they should not get the tax credit. I would like to know anyone who pays a payroll tax who does not think that he or she is paying taxes, and I would like to know anyone who is paying sales tax every day does not think he or she is paying taxes.

The sadness of it is, is that some of these families make in 1 year what Members of Congress make in 1 month, and we can be sure that the children of the Members of Congress who are of that age will receive the expanded tax credit. So when Members of Congress leave here they will be soon be receiving a check in the mail for their children. But if they make under $26,000, the Republican majority says their children are unworthy of that tax credit.

This is also good for the economy, Mr. Speaker, because we are giving checks to people who need the money for necessities, and when they spend that money on necessities, they will be injecting demand into our economy, creating jobs, growing the economy. It is fair. It is fiscally sound, as opposed to what the Republicans want to do in the House, and it is fast acting in terms of stimulating the economy.

Time is running out for the children of America's working families and military families. The Republican leadership must step aside and allow the vote.

Just in case anybody missed the particulars on this, remember the great night when the Republican leadership put forth a tax credit giving an $88,000 tax cut to families making over $1 million a year. In that bill, there was an expansion of the tax credit for children, and that was good, except for children of working families who did not make over $26,000 a year. No less a figure than the Vice President of the United States presided over that decision to cut out children of working families and the military in favor of giving a tax cut to the wealthiest in our country.

We want to give tax cuts. We know it is possible to give tax cuts that are fiscally sound, fair, and fast acting to grow the economy, because that is exactly what the Democratic stimulus package did.

□ 0015

But is it fair to say to these children, you do not deserve a tax cut because we do not pay enough in the minimum wage to have your parents reach a certain plateau?

So this is just part of what I call the trifecta that the Republicans have as their assault on America's children this week, within one week. Last week they cut $9 billion out of the Leave No Child Behind bill, $9 billion drastically affecting children from disadvantaged areas, teacher training, every kind of after-school program, across the board, a cut that affected the quality of education of America's children, especially children of working families in America who make below this figure. So the children took it in the chops on the Leave No Child Behind bill; the Republican version left millions of children behind.

We have this refusal, resistance, this obstacle to giving a tax credit to the children of working families in our country on the part of the Republicans in the expanded tax credit refusal; and the third, of course, is the unraveling of Head Start, which is a part of the Republican agenda against the children of America. So this is part of a pattern. It is part of their trifecta against the children. It is so important that children get a different message about their value and their worth to us, all children, not just children of families over a certain income level in our country.

So I salute the gentleman from Texas (Mr. BELL) for his leadership in bringing this bill to the floor at this hour. Usually the majority allows us to bring them at a time when most people are not watching television, to find out what the Republicans are up to. This is absolutely outrageous. It has a moral undertone to it as well. So for every reason, because it is right, because it is fair, because it is good for the economy, it is important for the gentleman's motion to instruct be accepted by this body.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

Let me first state, and I want to be emphatic here about the payroll tax provisions. Payroll taxes are there for the purposes of ensuring the solvency of Social Security and Medicare. The payroll taxes that are contributed by those workers earning $26,000 and below are there for their future, to protect them in their old age, to provide health care benefits, and to provide a retirement payment month by month. Those payroll taxes that are paid by those workers earning less than $26,000 and the payments they receive once they retire are proportionally higher than those paying a higher amount of money. We have blended the system to allow those taxpayers who have been struggling with incomes to retire at least with a check that gives them some security and safety.

I have heard a lot of talk around here about getting rid of payroll taxes; let us suspend payroll taxes. And yet, at the same time, I hear from the same people advocating that we have to preserve and protect Social Security and Medicare. I agree we need to preserve those. But sometimes I hear the arguments made by the other side of the aisle, and it really does not wash with common sense. If somebody goes to McDonald's and there are two burgers for a dollar, they cannot go to the window and say, you know what, I earn so little money, give me the burger and I am not going to give you the dollar. We are clearly taking care of people in the lower rungs who are working hard by earned income tax credits and other devices. There are things offered in the school programs such as free and reduced lunches. We have community centers set up for families for health care benefits. In so many of our bills we are providing community health services for those who are either disenfranchised or do not have insurance. We have worked hard in a bipartisan fashion to provide for the vulnerable in our society. And this constant harangue, if you will, that we are so mean-spirited on this side of the aisle, strikes me as just a political attack, rather than a sensible debate on public policy. If their tax credit is so good, why do they not extend it past 2004? Maybe there are some Senators who need to vote for reelection. Let us give it and let us take it away after we have been successfully reelected.

So as we debate this, let us continue to discuss this, and I agree with the gentlewoman from California. Those people that are making $26,000 or below are paying sales tax. Regrettably, we cannot afford to deduct sales taxes from our income tax. If one lives in a city or a county or a State that has an income tax, you can deduct that income tax against your liabilities for Federal income tax purposes. So if we are going to have this conversation, maybe we should get into the discussion of sales tax deductibility.

So I continue to assert that we have provided for particularly military personnel, and I continue to rise in objection to the Democratic motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. BELL. Mr. Speaker, I yield myself 30 seconds, because I want to point out to the American people the opportunity that they have this evening to hear, once again, the Republican double-speak on this particular issue, on the one hand suggesting to the American people how terribly concerned they are about working families in America and the desire to provide tax relief, and then proceeding to criticize everything about the child tax credit and what it would do for those very same working families that they express such great concern about.

Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to thank the distinguished gentleman from Texas (Mr. BELL) and cite his unique and special experience as a former member of the Houston city council grappling with city budget issues and seeing firsthand the number of citizens who would come to city hall who were extremely vulnerable, either having lost their job or needing some particular assistance from the city. It is because of that that I join my colleague this evening and thank him for his leadership on this issue, and frankly respond to my good friend, the gentleman from Florida, which I know is pointed, but hopefully questioning perspective.

This lopsided tax cut of $550 billion is simply a flop. Our friends on the other side of the aisle do not want to admit it and are obviously, in many instances, believing that it is going to come, and that is this investment in the economy, this infusion of an economic engine that will see this economy move forthrightly and provide opportunities for all. Right now, juxtaposed to why we are here on the floor of the House tonight because of the need of a child tax credit, is the rising unemployment rate and millions of Americans out of work.

So that is why this instruction is so very important tonight. This is simply acknowledging that there are people out of work, but there are people struggling while they are working, making some $26,000 a year and yet, fighting every day to survive. The simplicity of this instruction, the brilliance of this instruction, and I might note the leadership of my good friend and colleague, the gentlewoman from Connecticut (Ms. DELAURO), on this issue, is simply to provide a child tax credit for hard-working Americans making under $26,000 a year.

And might I say that in that group, is it not a tragedy, is it not shocking that in that group are those individuals who happen to be parents who are overseas on the front lines of Iraq because it does not ensure to those who leave their domestic home and to work overseas.

So this instruction is simple. It is to actually invest in the economy, because those making $26,000 a year are consumers. They buy the items that are necessary to stimulate the economy. They have to buy the McDonald's, they have to buy the clothing for the children, the books for the children. They have to buy goods and services because they are in need.

We need a real jobs and growth tax bill. And to give this tax credit to these hard-working Americans is actually an opportunity to increase an investment in this country and, as well, to increase the opportunity for more jobs. The tax cut that has been passed, there is no evidence of more jobs. Mr. Speaker, $93,000 goes to 200,000 of the richest Americans. Economic pundits will tell us that the richest of Americans, if you will, harbor their funds. They put them in IRAs or they put them in mutual funds or maybe just a plain savings account, but they do not churn the economy with those dollars.

So, Mr. Speaker, I hope that the conferees may be listening to this debate tonight. Do they want to leave out military personnel? What about the tragedy of the Columbia, those astronauts who lost their lives in the service of this country? Those great Americans deserve that commitment. And it is interesting to note that again, as I have said, the investment that was given or allegedly given on the $550 billion tax cut has been suggested by economic theorists and experts that that, again, does not do what would be done if they had given it to middle- and low-income working Americans, the very Americans that we are talking about.

Let me just simply say that this Congress and this Republican leadership have spent their time this spring, time after time, providing lopsided legislation that interferes with the needs of Americans who work hard every day. So here we go again. The conferees are meeting, and the simple act of providing a child tax credit seems to be beyond their reach. But yet, in this last labor-HHS bill, they could cut monies for community health centers so that our children could not access community health centers in their neighborhoods. They could cut dollars so that States who are suffering from their own budget crises can take 170,000 off of the CHIPs program in my own State of Texas. They could cut job training programs that would help low-income individuals or those who are unemployed seek employment. And yes, the absolute insult: they could cut Head Start and rebuild a program that works.

Mr. Speaker, I will close by simply saying that this is a lopsided tax proposal, but the tax credit instruction that my colleague from Texas is offering today is one that should be listened to and should be voted on successfully for the children of America.

Mr. BELL. Mr. Speaker, I yield myself 45 seconds to also take this opportunity to point out the fraud that is being perpetrated upon the American people. I commented a moment ago about the Republicans' deep desire, or expressed desire to move the child tax credit for the bill that was passed on June 12. But people are not being fooled, Mr. Speaker. The Wall Street

Journal recently wrote about this in an editorial and said the gentleman from Texas (Mr. DELAY) and others in the House deliberately made their bill richer than the Senate version because they knew that the Senate conferees would walk away and pass nothing instead. Well, actually, the Senate conferees did not have to walk away, because they have never even had to meet. Despite the expressed desire to move this bill forward, this tax credit forward, there has been no meeting of the conferees whatsoever.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), my good friend.

Ms. DELAURO. Mr. Speaker, I thank the gentleman from Texas for yielding me this time, and I thank him for his leadership and my other colleagues who are here this evening. I think it speaks loud and clear of the kind of commitment that our side of the aisle has to the issue of the child tax credit, and I think it is important to put into perspective the facts.

These families were and are eligible for this child tax credit. Those families who make between $10,500 and $26,625 a year, tax-paying people, hard-working people, they were in this package. In the middle of the night, our colleagues on the other side of the aisle decided that in their $350 billion tax package that they put together, they could not find room for these folks. They could not find room for the 200,000 military families, or the 900,000 families of Head Start kids who are in this category, and they yanked them out. All we are saying is put them back.

I think it is also important to note that on June 12 this body voted, we voted for something exactly like this motion to instruct, 205 to 201. It was a bipartisan vote and we succeeded. Yet I think one more time it is important to note for the record and for their constituents to know that there are a number of our Republican colleagues who, in fact, now have decided that they are going to change their vote. They do not think that these families are worthy any longer of a child tax credit, and, in fact, what we ought to do is to make sure that those 184,000 millionaires get their $88,000 a year in a tax break.

□ 0030

But we cannot find anything to do it. So those folks who voted one way on June 12 and now have switched their votes in the last few days, I think it is important to let them know who they are: The gentleman from Ohio (Mr. GILLMOR), the gentleman from New Hampshire (Mr. BASS), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from New York (Mr. BOEHLERT), the gentleman from North Carolina (Mr. BURR), the gentleman from Illinois (Mr. JOHNSON), the gentleman from New York (Mr. MCHUGH), the gentleman from Michigan (Mr. SMITH), and just tonight the gentlewoman from West Virginia (Mrs. CAPITO) turned her back on these 6.5 million families and these 12 million children.

We will continue to let the folks of this country know who was with them and who is not with them.

Mr. BELL. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I rise today to urge conferees on H.R. 1308, the Child Tax Credit legislation, to do the right thing and act now to give lower-income families the tax refunds they deserve. Earlier this year we enacted a $350 million tax cut that lavished tax breaks on millionaires but failed to provide low-income families with a child tax credit.

Last month we attempted to right this wrong by passing a bill that will provide low-income families with the same $1,000 child tax credit other families will receive. However, the House failed to include an important provision that would put these refund checks into the pockets of low-income families in the same timely way that checks land in the mailboxes of other families.

Conferees should do the right thing by these 12 million children and insist upon the Senate-passed measure that would eliminate the delay and provide rebate checks to these families in the same timely manner provided to other families. This is what the President would like for us to do, and failing to quickly correct this problem is simply wrong.

The Senate-passed measure has the added advantage of not adding to a deficit rapidly escalating out of control, whereas the House-passed version adds $82 billion to a deficit that is already staggering. If the goal of this tax cut bill is to provide an economic stimulus and we are serious about stimulating the economy, then we should act as quickly as possible to get this money into the hands of families who will immediately spend it.

Tax cuts resulting in an immediate return will result in a welcome shot of adrenalin to our damaged economy. Families nationwide will be receiving their tax credit this summer, just in time to purchase back-to-school supplies for their children. We owe it to low-income families to get their refund check to them in the same timely manner. This is unquestionably the right thing to do.

Conferees should put an end to their delaying tactics and deliver immediate tax relief to our Nation's neediest children by adopting the Senate-passed measure.

Mr. BELL. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. GINGREY). The gentleman from Texas (Mr. BELL) has 15¼ minutes remaining. The gentleman from Florida (Mr. FOLEY) has 25 minutes.

Mr. BELL. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in support of the motion to instruct conferees on the Child Tax Credit proposed by my colleague, the gentleman from Texas (Mr. BELL).

Mr. Speaker, I am calling on the conferees to immediately adopt the major aspect of the bipartisan Senate-passed child tax bill. Working families need real relief, especially in these difficult economic times when we are experiencing an unemployment rate that has jumped to 6.4 percent. Amazingly, despite the sluggish economy and our moral responsibility to help working families, House Republicans continue to stall the Senate-passed Child Tax Credit bill in conference.

House Republicans got us into this mess in the first place since they deliberately chose to drop the Child Tax Credit from their millionaire tax cut bill, and they should get us out of it. Starting on July 25, millionaires will be getting their rebate checks. However, 4 million families across the country will not get a single dime, even though they are in the greatest need of a tax break.

One of those 4 million families lives in my district. The Wolfalks are like many families across the country that play by the rules. Mrs. Wolfalk works full time as an administrative assistant, and her husband is disabled. They are raising five children on an annual income of $25,000. Mrs. Wolfalk told me that any additional money means that her son will not have to wear shoes with holes in the soles. It means that she will be able to buy additional uniforms for her children who currently wear hand-me-downs. With this extra money her children will be able to have new uniforms for school, school supplies and books. Things are tight for her family right now, so she assures me that any additional help would make a huge difference in her family.

It breaks my heart to know that Congress can do something to help these families and Republicans are refusing to provide for families just like the Wolfalks. I urge my colleagues to vote yes on the motion to instruct conferees on the Child Tax Credit. Let us show families like the Wolfalks that they matter as much as millionaires.

Mr. BELL. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I want to thank the leadership of the gentleman from Texas (Mr. BELL) for working to bring equity to the 6.5 million working families.

Mr. Speaker, I rise today in support of the motion to instruct conferees on H.R. 1308, the Child Tax Credit bill. I am disappointed that we are still here one month after that bill passed both the House and the Senate asking yet again for this motion to instruct. Frankly, time is running out.

The Treasury Department will send out millions of checks to American families qualifying for the child tax credit provision on July 25. Unless my calendar is off, those checks go out next Friday, the same day the House leaves for recess; and when those checks are placed in the mail, 6.5 million working and military, military families will be left out, families from every district across the country, including my own, Maryland's Second Congressional District.

The bill as it stands now ignores families already coping with financial problems in this troubled economy through no fault of their own. It denies tax relief that would help military families with loved ones serving in Iraq, Afghanistan, and around the world fighting to protect our freedoms. Congress has the ability to correct this situation this week, today, right now.

Let the conferees debate the details but let the voice of those 6.5 million families be heard in the discussion. These American families deserve a seat at the table, and I support this motion to instruct because it will give them just that.

Mr. BELL. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, when the House passed an $82 billion child tax credit bill a few weeks ago, I was a problem child among the Democrats. I wanted to vote for the bill. I wanted to give the tax credit to the working families who were left out by the House before. And to the gentleman from Florida (Mr. FOLEY), I wanted to extend it. I wanted to make it permanent for all the families who got that child tax credit. I knew we could not afford it, but we cannot afford any of tax cuts we have passed this year. And of all the tax cuts passed by this House, only the child tax credit really helped the middle class.

I want to give the middle class some tax relief; and if we are going to dig a deeper and deeper deficit hole, why not let a couple of the shovelfuls help the middle class?

I ultimately voted against the bill because I knew that what the middle class, what working families would have to do without would hurt middle class and working families far more than the tax credit would help them, like funding for education, the health care reform we so desperately need, a solvent Medicare and Social Security system and on and on.

But I was very puzzled at the time by the explanation I heard from others who had been in Washington longer than I had for why the leaders of this House were passing, actually passing so generous a tax relief package for the middle class when nothing else done by this House this year has helped the middle class at all.

I heard that they really were sabotaging the child tax credit by making the price so great that they knew the Senate would not go along; and when the Senate did not go along, they would just run out the clock rather than compromise and the working families would not really get tax relief.

By voting against the tax credit bill, the argument went, we supported a compromise with the Senate that would make it possible to pass a tax credit right away and give immediate help to middle-class families. I am new here, but I thought I had fallen through the looking glass. The Republicans voting for the tax credit were actually against it. The Democrats voting against it were actually for it. Only in Washington, I thought does yes mean no and no mean yes.

We have seen the Republican leadership move Heaven and Earth to pass tax cuts that they really want. The inheritance tax, oh, I am sorry, the death tax; the tax on dividend income. They did not get everything they wanted. They did not get an outright repeal of the dividend income tax, but they compromised and they got something because they were very intent upon getting tax relief for the investor class. But tax relief for the middle class, not so much.

In a sense that bill passed a few weeks ago. We have seen absolutely no objection. We have not seen any effort to find a compromise and provide real relief. The leadership of this House has not budged, and they have been openly nonchalant about the need to pass this bill.

The gentleman from Texas (Mr. DELAY), the majority leader, said that of the Senate bill or agree to the provision of the Senate bill, "Ain't gonna happen." And he said, "There's a lot of other things that are more important than that."

The chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), said, "There are worse things than it not happening," the child tax credit bill.

And the gentleman from Texas (Mr. BELL) mentioned a few minutes ago, the Wall Street Journal, the editorial page of the Wall Street Journal, certainly a publication that knows very intimately the real motivations of the Republican leadership of this House, the private thoughts of the leaders of this House, they said, "Mr. DELAY and others in the House deliberately made their bill richer than the Senate version because they knew the Senate conferees would walk away and pass nothing instead."

I very much want to hear the gentleman from Florida's (Mr. FOLEY) explanation of these public statements by your party's leaders because they stand in stark contrast to what you have said tonight on the floor of this House for why the House should not adopt this motion to instruct.

Now, the earlier vote on the child tax credit was a little hard to understand. Yes meant no; no meant yes. But this motion is pretty easy to understand, and you can understand it without the assistance of magic mushrooms. If you really want to give tax relief to working families, vote yes. And if you just want to play cynical political games at the expense of working families, vote no.

Mr. Speaker, I will vote yes.

Mr. BELL. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Texas (Mr. BELL) has 5¼ minutes remaining.

Mr. BELL. Mr. Speaker, I yield myself such time as I may consume.

It is now almost 12:45 here, 12:45 a.m. here in the Nation's capital. And I salute my colleagues who have been willing to stand with me and talk about this incredibly important issue that is not going away, and I think the silence from the other side, the silence from the other side speaks absolute volumes. If we are so wrong, why have we not heard nary a word from the other side of the aisle for almost 20 minutes now?

Because I think they know that we are right. And if they know we are right, then they should join with us and instruct the conferees to do the right thing and pass the child tax credit as put forth by the other body.

□ 0045

Mr. Speaker, I reserve the balance of my time.

Mr. FOLEY. Mr. Speaker, does the gentleman have any further speakers?

Mr. BELL. No, I do not, just myself, and I reserve the right to close.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume. I will proceed immediately to allow the gentleman to have the remainder of his time, Mr. Speaker.

I want to thank my colleagues for their courteous debate. Obviously, we know the hour is late. I know the people in Hawaii probably enjoy us speaking, but those who are working for the House chamber certainly need to get home to their families, and I certainly want to congratulate the Members for caring about all American families.

There is no question people are struggling at all ends of the spectrum: teachers, police officers, married couples, single individuals. We hope to find balance in the tax bills, and we certainly think we have found balance in most of them. We can disagree on certain provisions, but I do again appreciate them taking time to come to the floor and addressing their concerns, and as we continue to negotiate these bills, I am certain we will reach some reasonable compromises that will benefit all of society.

Mr. Speaker, I yield back the balance of our time.

Mr. BELL. Mr. Speaker, I yield myself as much time as I may consume.

Let there be no mistake about what is going on here, what we are talking about, where the Democratic party stands on this particular issue regarding a child tax credit and where the Republican party stands, and I am going to repeat the quote that pretty much spells it out for everyone. My colleague the gentleman from North Carolina (Mr. MILLER) referred to it, but it summarizes this debate so succinctly that it bears repeating.

When originally asked about the child tax credit, the majority leader, the gentleman from Texas (Mr. DELAY), said, "There is a lot of other things more important to me than that. To me, it is a little difficult to give tax relief to people who do not pay income taxes," and we have heard a little bit more about that here this evening from the gentleman from Florida.

This is clear evidence of where the Republican priorities lie, and they do not include the poorest children in America. They do not include the children of working families across the United States.

I have to ask, what happened? What happened to No Child Left Behind? It is a very catchy slogan. It is harder to live by it. Even the least compassionate conservative it would seem, even the least compassionate conservative ought to understand that working parents at the bottom of the ladder spend money, pay bills, pay property taxes, pay sales taxes and have to raise their children just like I do, just like the rest of us do.

The gentleman from Florida used the clever example of McDonald's, and I believe he said that if a person has not bought any hamburgers from McDonald's then they are certainly not entitled to another hamburger or a free hamburger from McDonald's, but I wonder, does he believe that the person who owns the McDonald's should get a lot more hamburgers? Are they the only ones who are entitled to the hamburgers or are the people out there banging on the door, starving, entitled to a little relief themselves?

I guess we can all use clever examples in this debate, but it really does not come down to clever examples. It comes down to doing the right thing, and the Republican leadership has consistently dragged their feet in passing this legislation, and all evidence suggests that they really do not care and they do not have any intention of passing this legislation. They can come here and debate for maybe 5 minutes and sing the same old verses from the same old song book, but they do not have any intention of doing anything.

Let us look at the facts. This child tax credit they knew would go nowhere because they knew the other body would never accept it. It was passed on June 12. Here we are a month later. We have already adjourned for the July 4 recess without getting tax relief for the American families, without the conference committee meeting once, and the gentleman from Florida (Mr. FOLEY) suggests that a reasonable compromise can be reached, but to reach a compromise, the conferees would have to meet. And if there was any desire to reach a compromise, then they would have already met.

No, that is not what is going on here at all. Legislation was passed on June 12 to hoodwink the American people, to make them believe that the individuals on the other side of the aisle actually cared about tax relief for working men and women and the children of this great country, but they knew that it would not be accepted, and they knew that it would go nowhere, and that is precisely what has happened.

You act on everything else President Bush wants you to act upon, why do you not act upon what he wants you to act upon now? President Bush has said he wants the House to pass this bill as soon as possible, and he has requested immediate action. His spokesperson also said the President believes what the Senate has done is the right thing to do, it is a good thing to do and he wants to sign it. So why do you not follow your leader? Why do you not follow what the President of the United States has requested and instruct the conferees to pass the Senate version of the bill?

Please do the right thing.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GINGREY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. BELL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this are postponed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BONILLA (at the request of Mr. DELAY) for today from 6:00 p.m. and the balance of the week on account of accompanying the President of the United States.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, July 24.

Mr. BURTON of Indiana, for 5 minutes, July 24.

Mr. NORWOOD, for 5 minutes, July 18.

Mr. FLETCHER, for 5 minutes, today.

Mrs. MUSGRAVE, for 5 minutes, July 18.

Mr. GUTKNECHT, for 5 minutes, July 23.

Mr. TANCREDO, for 5 minutes, July 24.

Mr. SMITH of Michigan, for 5 minutes, July 22 and 23.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 555. An act to establish the Native American Health and Wellness Foundation, and for other purposes; to the Committee on Energy and Commerce.

S. 558. An act to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes; to the Committee on Resources and the Committee on Energy and Commerce.

S. 570. An act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools, to the Committee on Education and the Workforce.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 733. An act to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver National Historic Site, and for other purposes.

H.R. 2330. An act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 246—An act to provide that certain Bureau of Land Management land shall be held trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 53 minutes a.m.), the House adjourned until today, Friday, July 18, 2003, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3257. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Aspergillus flavus AF36; Exemption from the Requirement of a Tolerance [OPP-2003-0138; FRL-7311-6] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3258. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cymoxanil; Pesticide Tolerances [OPP-2003-0219; FRL-7313-6] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3259. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerances Technical Correction [OPP-2003-0103; FRL-7317-1]received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3260. A communication from the President of the United States, transmitting requests to change FY 2003 appropriations law and an FY 2004 budget amendment for the Department of Veterans Affairs; (H. Doc. No. 108—102); to the Committee on Appropriations and ordered to be printed.

3261. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emmission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills [OAR-2002-0045, FRL-7528-3] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3262. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export [FRL-7528-4] (RIN: 2060-AH67) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRELINGHUYSEN: Committee on Appropriations. H.R. 2765. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–214). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 287. Resolution directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, with amendments; adversely (Rept. 108–215). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1572. A bill to designate the historic Federal District Court Building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building"; with amendments (Rept. 108–216). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1668. A bill to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse" (Rept. 108–217). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. H.R. 1038. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes; referred to the Committee on the Judiciary for a period ending not later than September 15, 2003, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(K), rule X (Rept. 108–218, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1038. Referral to the Committees on Agriculture extended for a period ending not later than September 15, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BEAUPREZ (for himself, Mr. UDALL of Colorado, and Mr. TANCREDO):

H.R. 2766. A bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado; to the Committee on Resources.

By Mrs. MALONEY (for herself, Mr. KING of New York, Mr. KANJORSKI, Mr. GARY G. MILLER of California, Mr. TOWNS, Mr. OWENS, and Mr. KUCINICH):

H.R. 2767. A bill to improve Federal agency oversight of contracts and assistance and to strengthen accountability of the governmentwide debarment and suspension system; to the Committee on Government Reform.

By Mr. BACHUS (for himself, Mr. LEACH, Mr. MARSHALL, Mr. MICHAUD, Mr. ISAKSON, Mr. GINGREY, Mr. FROST, Mr. BURNS, Mr. MORAN of Virginia, Ms. MAJETTE, Mr. DAVIS of Florida, Mrs. CAPITO, Mr. GERLACH, Mrs. WILSON of New Mexico, Mr. ALLEN, Mr. COOPER, Mr. DUNCAN, Mr. CULBERSON, Mr. CANTOR, Mr. MATHESON, Mr. GEPHARDT, Mr. TERRY, Mr. WILSON of South Carolina, Mr. GOODE, and Mr. JENKINS):

H.R. 2768. A bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall; to the Committee on Financial Services.

By Mrs. EMERSON:

H.R. 2769. A bill to permit commercial importation of prescription drugs from Canada, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 2770. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Resources, Transportation and Infrastructure, Education and the Workforce, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA:

H.R. 2771. A bill to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program; to the Committee on Energy and Commerce.

By Mr. GIBBONS:

H.R. 2772. A bill to amend the Geothermal Steam Act of 1970 to promote the development and use of geothermal resources in the United States; to the Committee on Resources.

By Mr. HONDA (for himself, Mr. FERGUSON, Mr. PALLONE, Mr. WYNN, Mr. POMBO, Mr. PAYNE, Mr. BELL, Mr. STARK, Ms. LEE, and Mrs. CHRISTENSEN):

H.R. 2773. A bill to protect children from foods that pose a significant choking hazard; to the Committee on Energy and Commerce.

By Ms. HOOLEY of Oregon:

H.R. 2774. A bill to amend the Internal Revenue Code of 1986 to provide for the disclosure to State and local law enforcement agencies of the identity of individuals claiming tax benefits improperly using Social Security numbers of other individuals; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 2775. A bill to amend the Hydrographic Services Improvement Act of 1998 to authorize funds to be appropriated for the Great Lakes Water Level Observation Network; to the Committee on Resources.

By Mr. OTTER (for himself, Mr. SIMPSON, Mr. BOSWELL, Mr. HEFLEY, Mr. JONES of North Carolina, Mr. HASTINGS of Washington, Mr. FLAKE, and Mr. NETHERCUTT):

H.R. 2776. A bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land; to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 2777. A bill to prohibit the Secretary of the Treasury and the Board of Governors of the Federal Reserve System from including any information storage capability on the currency of the United States or imposing any fee or penalty on any person for the holding by such person of currency of the United States, including Federal reserve notes, for any period of time; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2778. A bill to abolish the Board of Governors of the Federal Reserve System and the Federal reserve banks, to repeal the Federal Reserve Act, and for other purposes; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2779. A bill to repeal section 5103 of title 31, United States Code; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2780. A bill to sunset the Bretton Woods Agreements Act; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2781. A bill to provide greater health care freedom for seniors; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 2782. A bill to amend title 31, United States Code, to limit the use by the President and the Secretary of the Treasury of the Exchange Stabilization Fund to buy or sell gold without congressional approval, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 2783. A bill to restore Congress' constitutional role in international transactions involving the Exchange Stabilization Fund, and to limit the amount of individual loans or credits that may be provided to a foreign entity through that fund; to the Committee on Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS (for himself and Mr. Paul):

H.R. 2784. A bill to amend the Internal Revenue Code of 1986 to allow certain individuals who have attained age 50 and who are unemployed to receive distributions from qualified retirement plans without incurring a 10 percent additional tax; to the Committee on Ways and Means.

By Mr. PLATTS (for himself, Mr. Souder, and Mr. Wolf):

H.R. 2785. A bill to amend the Internal Revenue Code of 1986 to provide for an enhanced deduction for qualified residence interest on acquisition indebtedness for heritage homes; to the Committee on Ways and Means.

By Mr. SERRANO (for himself, Mr. Engel, Mr. Ackerman, Mr. Bishop of New York, Mr. Boehlert, Mr. Crowley, Mr. Fossella, Mr. Hinchey, Mr. Houghton, Mr. Israel, Mr. King of New York, Mrs. Kelly, Mrs. Lowey, Mrs. Maloney, Mrs. McCarthy of New York, Mr. McHugh, Mr. McNulty, Mr. Meeks of New York, Mr. Nadler, Mr. Owens, Mr. Quinn, Mr. Rangel, Mr. Reynolds, Ms. Slaughter, Mr. Sweeney, Mr. Towns, Ms. Velázquez, Mr. Walsh, and Mr. Weiner):

H.R. 2786. A bill to name the Department of Veterans Affairs medical center in the Bronx, New York, as the "James J. Peters Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. STRICKLAND (for himself and Mr. Murphy):

H.R. 2787. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself, Mr. Frost, Mr. Abercrombie, Mr. Issa, Mr. Rush, Mr. Ross, Mrs. Jo Ann Davis of Virginia, Mr. Blumenauer, Ms. Millender-McDonald, Mr. Filner, Mr. Udall of New Mexico, and Mr. Wynn):

H.R. 2788. A bill to direct the Administrator of the Small Business Administration to conduct a pilot program to raise awareness about telework among small business employers, and to encourage such employers to offer telework options to employees; to the Committee on Small Business.

By Mr. WILSON of South Carolina (for himself, Mr. Davis of Tennessee, Mr. Jenkins, Mr. Brown of South Carolina, Mr. Norwood, Mr. Collins, Mr. McCotter, Mr. Cardoza, and Mrs. Myrick):

H.R. 2789. A bill to protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. Langevin, and Mr. Hostettler):

H. Con. Res. 247. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome; to the Committee on Government Reform.

By Mr. PORTER (for himself, Mr. Isakson, Mr. Quinn, Ms. Harris, Mr. Frost, Mr. Sessions, Mr. McHugh, Mrs. Miller of Michigan, Mr. Rogers of Kentucky, Mr. Saxton, and Ms. Lee):

H. Res. 323. A resolution supporting the goals and ideals of National Marina Day; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. Green of Wisconsin, Ms. Ros-Lehtinen, and Mr. Grijalva.

H.R. 84: Ms. Lee.

H.R. 85: Ms. Lee.

H.R. 119: Mr. Van Hollen.

H.R. 187: Ms. Lee.

H.R. 189: Mr. Kucinich.

H.R. 236: Mr. Lucas of Kentucky.

H.R. 369: Mr. Rahall and Mr. Evans.

H.R. 486: Mr. Smith of New Jersey and Mr. Pitts.

H.R. 715: Ms. Linda T. Sánchez of California and Mrs. Jones of Ohio.

H.R. 800: Mr. Calvert.

H.R. 814: Mr. Ortiz and Mr. Ryan of Ohio.

H.R. 832: Mr. Rush.

H.R. 839: Mr. Rogers of Kentucky, Mr. Gilchrest, Mr. Etheridge, Mr. Quinn, Mr. Beauprez, Mr. Burr, Mr. Shuster, Mr. Hinchey, Mr. Lincoln Diaz-Balart of Florida, and Mr. Franks of Arizona.

H.R. 850: Mr. Burns.

H.R. 871: Mr. Terry and Mr. Peterson of Minnesota.

H.R. 873: Mr. Walden of Oregon.

H.R. 898: Mr. Cramer.

H.R. 1008: Mr. Ryun of Kansas, Mr. Sessions, and Mr. Shimkus.

H.R. 1046: Mr. Forbes and Ms. Watson.

H.R. 1068: Mr. Snyder and Mr. Ferguson.

H.R. 1078: Mr. Bachus, Mr. Frelinghuysen, Mr. Akin, Mr. Gingrey, Mr. Ehlers, Ms. Hart, Mr. Foley, Mr. Bishop of Utah, Mr. Boehlert, Mr. Dicks, Mr. Blunt, Mr. Whitfield, Mr. Costello, Mr. Kind, Mr. Cardin, Mr. Hill, Mr. Bereuter, Mr. McHugh, Mr. Osborne, Mr. Lucas of Kentucky, Mr. Portman, Mr. Kucinich, Mr. LaTourette, Mr. Hulshof, Mrs. Johnson of Connecticut, Mr. Udall of New Mexico, and Mr. Upton.

H.R. 1097: Mr. Jackson of Illinois and Mr. Van Hollen.

H.R. 1102: Mr. Davis of Florida.

H.R. 1123: Mr. Schrock.

H.R. 1125: Mr. Porter, Ms. Solis, Mr. Smith of Washington, and Mr. Deal of Georgia.

H.R. 1225: Mr. Porter and Mr. Osborne.

H.R. 1244: Mr. Simmons.

H.R. 1288: Mr. Etheridge, Mrs. Jones of Ohio, and Mr. Holden.

H.R. 1295: Mr. Costello, Mr. Paul, Mr. Wexler, Mr. Hefley, Mr. Green of Texas, and Mr. Pallone.

H.R. 1305: Mrs. Myrick, Mr. Burr, and Mr. Toomey.

H.R. 1310: Mr. Radanovich, Mr. Peterson of Minnesota, and Mr. Mica.

H.R. 1316: Mrs. Napolitano and Mr. Kucinich.

H.R. 1322: Mr. Sherman and Mr. Stupak.

H.R. 1372: Mr. Linder, Mr. Nethercutt, Mr. Isakson, and Mr. Lantos.

H.R. 1472: Mr. Stark.

H.R. 1605: Mr. Grijalva.

H.R. 1608: Mr. Foley.

H.R. 1633: Mr. Wexler, Mr. Ford, and Mr. Abercrombie.

H.R. 1639: Mr. Van Hollen, Ms. Eshoo, and Ms. Schakowsky.

H.R. 1657: Mr. Grijalva.

H.R. 1684: Mr. Hinojosa, Mr. Ford, and Mr. Bishop of New York.

H.R. 1707: Mr. Cooper.

H.R. 1711: Mr. Boswell, Ms. Norton, Mrs. Tauscher, Mr. Nadler, Mr. Acevedo-Vilá, Mr. Levin, and Mr. Kildee.

H.R. 1713: Mr. Cummings

H.R. 1749: Mr. Bradley of New Hampshire, Mr. Taylor of Mississippi, Mr. Waxman, Mr. Acevedo-Vilá, and Mr. Wynn.

H.R. 1753: Mr. Kildee.

H.R. 1762: Mr. Calvert and Mr. Miller of North Carolina.

H.R. 1776: Mr. Saxton, Mr. Knollenberg, Mr. King of Iowa, and Ms. Ginny Brown-Waite of Florida.

H.R. 1815: Mr. Pomeroy, Mr. Owens, and Mr. Watt.

H.R. 1819: Mr. Davis of Florida.

H.R. 1828: Mr. Davis of Florida.

H.R. 1914: Mr. McNulty, Mr. Camp, Mr. DeMint, Mr. Towns, Mr. Doolittle, Mr. Herger, Mr. Walsh, Mr. Ose, and Mrs. Blackburn.

H.R. 1939: Mr. Walsh and Mrs. Maloney.

H.R. 1943: Mr. Wilson of South Carolina and Mr. Regula.

H.R. 1994: Mr. Rahall.

H.R. 2022: Mr. Towns.

H.R. 2038: Mr. Crowley, Mr. Schiff, and Mr. Hastings of Florida.

H.R. 2052: Mr. Nethercutt, Mr. Burns, Mr. Reyes, and Mr. Gutierrez.

H.R. 2190: Mr. PICKERING.

H.R. 2208: Mr. REYES.

H.R. 2214: Mr. ROYCE and Mr. BURNS.

H.R. 2249: Mr. RYUN OF Kansas and Mr. SAXTON.

H.R. 2299: Mr. EVANS.

H.R. 2300: Mr. GRIJALVA, Mrs. CHRISTENSEN, and Mrs. JONES of Ohio.

H.R. 2313: Ms. ROYBAL-ALLARD and Ms. WATSON.

H.R. 2318: Mr. MILLER of North Carolina, Mr. NADLER, and Ms. SCHAKOWSKY.

H.R. 2327: Mr. GOODLATTE and Mr. WOLF.

H.R. 2379: Mr. OTTER, Mr. PLATTS, Mrs. MUSGRAVE, Mr. GUTKNECHT, and Mr. NORWOOD.

H.R. 2440: Ms. WOOLSEY.

H.R. 2448: Mr. UPTON and Mr. BALLENGER.

H.R. 2455: Ms. DELAURO.

H.R. 2458: Mr. COLE.

H.R. 2462: Ms. WATERS and Mr. WATT.

H.R. 2497: Mr. GRIJALVA, Ms. KAPTUR, and Mr. OBERSTAR.

H.R. 2505: Mr. CASE.

H.R. 2511: Mr. FRANK of Massachusetts.

H.R. 2512: Mrs. LOWEY and Mr. BISHOP of New York.

H.R. 2515: Mr. BAIRD, Mr. VAN HOLLEN, and Mr. WOLF.

H.R. 2527: Mr. CROWLEY, Mrs. TAUSCHER, Mr. HINCHEY, Mr. PAYNE, and Mr. GUTIERREZ.

H.R. 2546: Ms. SCHAKOWSKY.

H.R. 2553: Mr. GRIJALVA.

H.R. 2569: Mr. MOORE, Mr. JEFFERSON, Mr. BROWN of Ohio, Mr. KENNEDY of Rhode Island, and Mr. LARSEN of Connecticut.

H.R. 2572: Mr. DAVIS of Illinois.

H.R. 2575: Mr. SCOTT of Georgia.

H.R. 2581: Mr. SCHROCK.

H.R. 2582: Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. KENNEDY of Rhode Island, and Mr. KILDEE.

H.R. 2601: Mr. STARK.

H.R. 2603: Mr. HAYWORTH.

H.R. 2632: Mr. PRICE of North Carolina, Mr. ISAKSON, and Mr. UPTON.

H.R. 2655: Mrs. KELLY and Mr. MCHUGH.

H.R. 2656: Mr. GIBBONS.

H.R. 2665: Mr. MICHAUD.

H.R. 2705: Mr. GIBBONS.

H.R. 2706: Mr. ACEVEDO-VILÁ, Mr. FRANK of Massachusetts, Mr. SWEENEY, Mr. MEEKS of New York, Mr. ENGLISH, and Mr. VITTER.

H.R. 2722: Mr. COBLE.

H.R. 2725: Mr. BACHUS.

H.R. 2727: Mr. CROWLEY, Mrs. TAUSCHER, and Mr. PAYNE.

H.R. 2733: Mr. PLATTS and Mr. SHIMKUS.

H.J. Res. 56: Mr. TAYLOR of Mississippi and Mr. HERGER.

H. Con. Res. 98: Mr. SULLIVAN and Mr. MEEKS of New York.

H. Con. Res. 126: Mr. FOSSELLA.

H. Con. Res. 212: Mr. CHABOT, Mr. SESSIONS, Mr. FOSSELLA, and Mr. EVANS.

H. Con. Res. 240: Mr. BROWN of Ohio, Mr. FALEOMAVAEGA, and Mr. BRADY of Pennsylvania.

H. Con. Res. 244: Ms. ROS-LEHTINEN.

H. Res. 103: Mr. RYAN of Ohio.

H. Res. 261: Mr. MORAN of Virginia, Ms. ROYBAL-ALLARD, and Mr. GRIJALVA.

H. Res. 262: Mr. OWENS and Mr. MEEHAN.

H. Res. 273: Mr. LANTOS and Mr. FRANK of Massachusetts.

H. Res. 291: Ms. SOLIS and Mrs. MALONEY.

H. Res. 322: Mr. BRADY of Texas and Mr. RAMSTAD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. WELLER, Mr. PENCE, Ms. HART, and Mr. PORTMAN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2754

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

H.R. 2754

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

SEC.   . Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by **$272,110,000**.

H.R. 2754

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 3: Page 2, line 18, after the dollar amount insert "(reduced by **$17,788,000**)".

Page 5, line 15, after the dollar amount insert "(increased by **$17,788,000**)".

H.R. 2754

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 4: Page 5, line 15, after the dollar amount insert "(increased by **$33,981,000**)".

Page 7, line 5, after the dollar amount insert "(reduced by **$33,981,000**)".

H.R. 2765

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

EXTENSIONS OF REMARKS

CONGRATULATIONS TO JONATHAN GOODMAN

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Jonathan Goodman of the San Diego Hebrew Day School.

Jonathan is the Grand Champion of the grades 4/5 Greater San Diego 24 Challenge® Math Program. I want to applaud him for his success.

The 24 Challenge® Math Program is an activity which helps young students learn how to add, subtract, multiply and divide. It has been used in more than one-hundred-thousand classrooms around the world to teach basic mathematics. Becoming the grand champion of such a competition is quite an accomplishment.

During the 2000–2001 school year, more than 640 elementary and middle school classrooms throughout San Diego County received 24® game materials to be used with second- through eighth-grade students. A U.S. Department of Education grant provided for 24 Game Mathematics Club kits to be sent to participating classrooms in San Diego County. The fruits of this small but worthy contribution can be seen in Jonathan's triumph.

I enjoyed meeting this young man and other competitors at this local program within my district. It is truly a pleasure to meet these bright students and their families.

CONGRATULATIONS JOYCEL SAN AGUSTIN OF LAS PALMAS ELEMENTARY SCHOOL

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Joycel San Agustin of Las Palmas Elementary School.

Joycel is the Grand Champion of the grade 6 Greater San Diego 24 Challenge® Math Program. I want to applaud his success.

The 24 Challenge® Math Program is an activity which helps young students learn how to add, subtract, multiply and divide. It has been used in more than one-hundred-thousand classrooms around the world to teach basic mathematics. Becoming the grand champion of such a competition is quite an accomplishment.

During the 2000–2001 school year, more than 640 elementary and middle school classrooms throughout San Diego County received 24® game materials to be used with second- through eighth-grade students. A U.S. Department of Education grant provided for 24 Game Mathematics Club kits to be sent to participating classrooms in San Diego County. The fruits of this small but worthy contribution can be seen in Joycel's triumph.

I enjoyed meeting this young man and other competitors at this local program within my district. It is truly a pleasure to meet these bright students and their families.

AMERICAN'S CONCERN OVER THE STATE OF THE UNION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CONYERS. Mr. Speaker, I would like to add the following remarks and article to the extension of remarks in today's CONGRESSIONAL RECORD:

Mr. Speaker, for some time I have felt this administration has been leading our country down an unwise and potentially dangerous path. David S. Broder's Washington Post editorial, from Tuesday, July 15, 2003, underscores that a growing segment of our nation is likewise concerned with the direction which the Administration has taken this country.

[From the Washington Post, July 15, 2003]

BLACK THURSDAY FOR BUSH

(By David S. Broder)

If President Bush is not reelected, we may look back on last Thursday, July 10, 2003, as the day the shadow of defeat first crossed his political horizon. To be sure, Bush looks strong. The CBS News poll released that evening had his approval rating at 60 percent, with solid support from his own party, a 26-point lead among independents and a near-even split among Democrats. Two-thirds of those surveyed could not name a single one of the nine Democrats vying for the right to oppose him.

But "The CBS Evening News" that night was like Karl Rove's worst nightmare, and the other network newscasts—still the main source of information for a large number of Americans—were not much better.

The headlines announced by John Roberts, substituting for Dan Rather on CBS, were: "President Bush's false claim about Iraqi weapons; he made it despite a CIA warning the intelligence was bad. More Americans say U.S. is losing control of Iraq. Also tonight, food lines in America; they're back and getting longer."

Brian Williams, filling in for Tom Brokaw on NBC, began: "War zone. Two more Americans dead in Iraq, and now the general who led the war says the troops could be there four more years."

Peter Jennings on ABC gave the administration a break, opening the broadcast with this: "The secretary of state says there was no attempt to deceive the American people about the case for war in Iraq." But then Jennings described Colin Powell's news conference as "damage control," an effort to explain "why the president used some false information in his State of the Union address to justify attacking Iraq."

All of them—and cable news—cited the dissonant voices from within the administration blaming one another for Bush's use of a report, which the CIA had long since discredited, claiming that Iraq tried to buy uranium for a nuclear weapons program from the African country of Niger.

Even after CIA Director George Tenet tried to take responsibility for the foul-up, the White House faces a credibility gap that reaches down into the non-discovery of the weapons of mass destruction Bush and his top associates said Saddam Hussein was amassing to threaten the United States.

And the doubts don't stop there. Two and a half months after Bush proclaimed victory in Iraq—"mission accomplished"—CBS reported that only 45 percent of the public now believes the United States is in control of events there. On the question of credibility regarding weapons of mass destruction, 56 percent say Bush administration officials were hiding important elements of what they knew or were outright lying.

The next day a Washington Post-ABC News poll reported that while Bush's approval score was still at a healthy 59 percent, there had been a 9-point drop in less than three weeks both in his overall rating and on the question of confidence in his handling of Iraq. Ominously, the poll found a dramatic reversal in public tolerance of continuing casualties, with a majority saying for the first time that the losses are unacceptable when weighed against the goals of the war.

Eight out of 10 in the Post-ABC poll said they were very or somewhat concerned that the United States "will get bogged down in a long and costly peacekeeping mission." And this was before the networks showed Gen. Tommy Franks telling Congress the troops would be in Iraq for years.

If Iraq looks increasingly worrisome on TV and in the polls, the economy is even worse. CBS found jobs and the economy dwarfing every other issue, cited by almost four times as many people as cited Iraq or the war on terrorism. On that black Thursday for the administration, first-time unemployment claims pushed the number of Americans on jobless relief to the highest level in 20 years.

And the most troubling pictures on any of the three broadcasts were those of a line of cars, stretching out of sight down a flat two-lane road in Logan, Ohio—jobless and struggling families waiting for the twice-a-month distribution of free food by the local office of America's Second Harvest. The head of the agency said, "We are seeing a new phenomenon: Last year's food bank donors are now this year's food bank clients." Said CBS reporter Cynthia Bowers, "You could call it a line of the times, because in a growing number of American communities these days, making ends meet means waiting for a handout."

Some may say, "Well, it's one day's news," or dismiss it all as media bias. But that does not dissolve the shadow that now hangs over Bush's bright hopes for a second term.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

INTRODUCING THE EARNED INCOME TAX CREDIT PUBLIC AWARENESS CAMPAIGN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Earned Income Tax Credit Public Awareness Campaign Act.

The Federal Earned Income Tax Credit, or EITC, provides Federal tax deductions for the working poor. In 2001, the Earned Income Tax Credit provided over $30 billion in tax relief to 18.5 million low-income taxpayers. In fact, the EITC is the second largest program after Medicaid that provides assistance to low-income individuals combating poverty. Data from the U.S. Census Bureau Current Population Survey indicates that in 1999 the EITC assisted 4.7 million people, including 2.6 million children of low-income workers, rise above the poverty line.

However, each year, between 15 and 25 percent of those who are eligible to receive the EITC fail to claim their credit, either because they are unaware of it or cannot obtain the assistance they may need to properly complete the appropriate tax return. Lack of education, language barriers, fear or intimidation, limited financial resources, and unawareness of the credit all contribute to low-income families and individuals not taking advantage of this tax relief. This is a disgrace and a clear disservice to America's working poor.

In south Florida, the number of individuals and families not claiming the EITC is staggering. In Miami-Dade County, FL, alone, it is estimated that more than $200 million worth of the EITC goes unclaimed annually by about 120,000 low-income families living in the County. At the same time, approximately 85,000 eligible families living in Broward County annually do not claim more than 99 million dollars worth of the EITC.

While Broward and Miami-Dade Counties have each committed themselves to educating taxpayers of the EITC and increasing the number of those claiming it, their resources are limited. Many large cities throughout the country are taking similar efforts to increase the number of taxpayers who are eligible to claim the EITC actually claiming the credit, but as is the case with Broward and Miami-Dade Counties, limited man-power and insufficient financial resources are road blocks to expanded outreach and ultimate increases in the number of those claiming the credit.

The Earned Income Tax Credit Public Awareness Campaign Act establishes a national campaign to raise awareness and increase education about the EITC. Housed in the Internal Revenue Service, the campaign will target low-income individuals, students, single parents, limited English speaking individuals, transient workers, and military personnel, all of whom are statistically the most likely to qualify for the EITC. The bill requires that the campaign contain an education component, as well as an awareness program.

Additionally, my bill establishes a national grant program that states can participate in to conduct their own statewide EITC public awareness campaigns. To receive a grant, a state is required to provide matching funds.

The bill authorizes $15 million annually for the next 10 years to implement the program, and between 25 percent and 50 percent of the funds appropriated are required to be spent on the state grant program.

The IRS has long criticized Americans who claim the EITC but are not actually eligible to receive the credit. The agency's recent announcement to audit nearly 4 million of the 19 million individuals and families who claimed the credit in 2003 is as shocking as it is disturbing.

At a time that Congress continues to cut taxes for the wealthy, it is appropriate for the body to also consider ways to expand outreach and education about this underutilized, but extremely beneficial, tax credit.–The EITC, if used properly and to its fullest potential, can be a critical tool in the war against poverty, and my bill does just that.

I ask my colleagues to support this measure, and I urge the leadership to bring it to the floor for consideration swiftly.

HONORING GEORGE EDWIN CHAVEZ

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mrs. NAPOLITANO. Mr. Speaker, I rise with great sadness today to honor the life and enormous civic contributions of my dear friend, George Edwin Chavez, who passed away from a heart attack on June 14 at the age of 66. George was a longtime resident of Whittier, California, passionate civic activist and generous friend to many.

Although he never graduated from high school, George Chavez was an inspiration to many by starting several business ventures before forming C.A.S.T. Security, Inc., in 1987, serving as its President and CEO until his death. The company provided location security services to the motion picture industry, and through the company Chavez was instrumental in introducing youth and minorities to opportunities within the motion picture industry. Chavez was the first Hispanic to do security work for the movie industry and hired countless youngsters.

While Mr. Chavez's business successes are certainly impressive, his civic contributions to the community show his true character. He was a founding member of the National Association of Latino Elected Officials (NALEO). He also served as a Field Representative for former Congressman Mathew G. Martinez and worked with the University of Southern California's School of Social Work to increase political involvement and interest among Hispanics.

Health issues and youth development were two of George Chavez's key priorities. He served on the California Board of Medical Quality Assurance and the East Los Angeles Health Task Force. He received special recognition from "Familia Unida Living with Multiple Sclerosis" for his work and contributions to assisting families and individuals living with Multiple Sclerosis. He also served on the boards of the Family School Community Partnership, Salesian Boys and Girls Club and Los Padrinos. Through C.A.S.T. Security, Inc., he also sponsored several youth softball teams.

Mr. Chavez is survived by his four daughters, Mary, Adela, Georgina, and Trisha, eight grandchildren, Richard, George, Natalie, Desiree, Christopher, Adrian, Victor, and Jasmine, and countless friends whose lives were touched by his work and service. My sincerest condolences and prayers to his beloved family and extended family. We will all miss him greatly.

FOR FREEDOM IN SOUTH ASIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. TOWNS. Mr. Speaker, I rise today to offer somewhat belated congratulations to the Sikh Nation on Vaisakhi Day, the anniversary of the creation of the Khalsa Panth, which occurred in April. This is a very important day in the Sikh calendar, the birthday of the Khalsa Panth.

The Khalsa Panth was created in a spirit of freedom, and this is reflected in their daily prayers in which they pray for the freedom of the Sikh Nation and the well being of all people. This freedom is an essential yearning of the human spirit and all people are entitled to freedom. Yet merely for trying to be free, the Sikhs have been oppressed by the Indian government, which has murdered more than 250,000 of them since 1984.

Against this backdrop, the Sikh Nation declared its independence on October 7, 1987, creating the new country of Khalistan. This was in a Sikh tradition of self-rule. From 1765 to 1849 Sikh ruled Punjab. They ran an inclusive government, with Hindus, Muslims, and others in high positions.

Now their dreams of freedom are being crushed by the force of 500,000 Indian troops while the Indian government tries to set up Hindutva—total Hindu domination of every aspect of the political, social, and cultural life of India, South Asia, and the people living there. One Indian Cabinet member was quoted as saying that everyone who lives in India must either be Hindu or be subservient to Hindus.

The Council of Khalistan, which leads the Sikh Nation's struggle to free its homeland, Khalistan, from Indian oppression, issued an excellent statement calling on Sikhs worldwide to use the occasion of the Sikh Nation's birthday to rededicate themselves to achieving freedom for the Sikhs in a sovereign, independent Khalistan. I would like to join in that call, Mr. Speaker. It is time to bring true freedom and democracy to South Asia. In addition, a free and sovereign Khalistan will be an American ally in the subcontinent.

We should declare our support for freedom for Khalistan and for all the other nations of South Asia that seek their freedom. And we should back this up by stopping aid to India until it learns the ways of democracy and self-determination for all peoples and nations. This is the most effective way that America, the bastion of freedom, can stand up for freedom for the oppressed peoples of South Asia.

Mr. Speaker, I would like to place the Council of Khalistan's open letter on Vaisakhi Day into the RECORD.

COUNCIL OF KHALISTAN,
Washington, DC, April 14, 2003.

VAISAKHI MESSAGE TO THE SIKH NATION

Congratulations to the Khalsa Panth on Vaisakhi Day—In Grieb Sikhin Ko Deon Patshahi; Guru Gave Sovereignty to Sikh Nation, Sikh Nation Must Free Khalistan; Without Political Power, Nations Perish

DEAR KHALSA JI: WAHEGURU JIKAKHALSA, WAHEGURUJI KIATEH!

Happy Vaisakhi Day to you and your family, friends, and the Sangat. 304 years ago, Guru Gobind Singh Sahib established the Khalsa Panth, as desired by Almighty God. The Guru also gave sovereignty to the Sikh Nation. That is the reason that Sikhs always recite "Raj Kare Ga Khalsa."

Sikhs established a sovereign, independent Sikh state under the leadership of Banda Singh Bahadur from 1710 to 1716, then under the Sikh missals from 1765 until 1799 when Maharajah Ranjit Singh established Khalsa Raj in Punjab, which lasted until 1849 when the British conquered the subcontinent.

India is not a single nation. It is on the verge of disintegration. Multinational states like India historically have been doomed to disintegrate, as Austria-Hungary, the Soviet Union, Czechoslovakia, and Yugoslavia have shown us. The Sikh Nation must do its best to establish Khalsa Raj as soon as possible. The political situation in the world is very fluid today. The Kashmir problem must be resolved through self-determination, which is the essence of democracy. As soon as Kashmir goes, India will disintegrate, as L.K. Advani forecast.

Outside Sikhs have played and must continue to play an important role in the present struggle for an independent Khalistan. They have exposed Indian government violations of basic human rights of Sikhs and other minorities. They have internationalized the Sikh struggle for an independent Khalistan. They have also preserved Sikh history by documenting major events since 1984 in the Congressional Record.

Three million Sikhs live outside of India. They constitute a major political force in many democratic countries, including the United Kingdom, the United States, Canada, and others. I appeal to all Sikhs to get involved in the political process to preserve their interests in their home countries. Secure the help of political parties and officials to help free Khalistan and to preserve Sikh interests in your respective countries and also to help protect the Sikhs back in Punjab, Khalistan. Every Sikh must become a citizen of the country where he or she lives and become part of the political process. Only by beconung politically active will Sikhs be able to achieve our objectives of a free Khalistan and preserve our interests in our adopted countries.

The next generations of Sikhs are citizens of these adopted countries. They were born there and they are going to stay. They must play a very constructive role in the political, social, and economic life of the country. Make sure that our children are very well educated. There should not be any Sikh child, boy or girl, who does not have at least an undergraduate university degree. Make sure that your sons and your daughters are well educated. Make sure they get the best education that they can. Only by educating our women will we secure a better future for the Sikh Nation and for our coming generations.

Remember that the Sikh Nation must free our Sikh homeland, Punjab, Khalistan. Without political power nations perish. It is essential for the survival of the Sikh Nation.

Colonial rule was better for everyone in India except the Brahmins than Indian rule is. We have been victimized by repression, tyranny, discrimination, and other abuses of our basic, god-given rights. India has used genocide, murder, torture, rape, and everything in its arsenal to destroy the Sikh Nation. It has even blown up its own airliner to blame it on the Sikhs, as the book Soft Target, written by two Canadian journalists, proves beyond a doubt. They paid former Punjab governor Surendra Nath $1.5 billion to foment and support terrorism in Punjab and Kashmir.

The present Sikh leadership is dishonest, corrupt, and completely under Indian control. They are complicit in the crimes of the Indian regime. The book Chakravyuh: Web of Indian Secularism by Professor Gurtej Singh shows their complicity. They connived with the Indian government before the Golden Temple invasion to murder Sant Jarnail Singh Bhindranwale, General Shabeg Singh, and thousands of other good Sikhs who were working for Sikh freedom. The Indian government has murdered over 250,000 Sikhs since 1984. The death sentence given to Professor Devinder Pal Singh Bhullar based on a false confession is the latest example of India's effort to eliminate the Sikh religion and intimidate the Sikh Nation.

According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! Yet Chief Minister Amarinder Singh denies that there are any political prisoners at all. Have they murdered them all? The Indian regime paid over 41,000 cash bounties to police officers for killing Sikhs, according to a 1994 report from the U.S. State Department. Will the Indian government publish the names of those Sikhs who were murdered by those police officials to get rewards? On October 7, 1987, the Sikh Nation declared the independence of its homeland, Punjab, Khalistan. No Sikh representative has ever signed the Indian constitution.

The Sikh nation has awakened. I call on all Sikhs to support the Khalsa Panchayat. These good Sikhs forced Jathedar Manjit Singh of Kesgarh to resign. Now Jathedar Vedanti must resign along with him. Please help the Khalsa Panchayat in these efforts. And work to build a party that will lead a Shantmai Morcha to liberate our homeland, Khalistan, from Indian occupation. Just as the Akalis took control from the Mahants of the last century, we must take control of our future from the new Mahants, the present Akali leadership and Indian-controlled Jathedars. We must liberate our homeland.

Only in a free Khalistan will the Sikh Nation prosper.-Only then will the Sikh Nation get justice. India must start acting like a democracy and allow self-determination in the form of a free and fair plebiscite on independence for Punjab, Khalistan and the other nations seeking their freedom from India. Let us join hands to secure our freedom, for future generations and ourselves.

Panth Da Sewadar,
DR. GURMIT SINGH AULAKH,
President,
Council of Khalistan.

TRIBUTE TO THE SEVENTH MICHIGAN VOLUNTEER INFANTRY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to the Seventh Michigan Volunteer Infantry for their courageous efforts in the Civil War that aided in the preservation of the Union, especially at Fredericksburg, Virginia.

In December of 1862, during the battle of Fredericksburg, the Union faced fierce opposition on the Rappahannock River and was forced to send men across the river to secure the Union's position. Members of the Seventh Michigan Volunteer Infantry from Ingham County were among the daring men who risked their lives that cold December day. Under heavy fire, the Seventh Infantry paddled across the river and successfully flushed Confederate riflemen from their shelter. Their bravery is forever remembered in Michigan's state anthem, "My Michigan, My Michigan."

More than 140 years later, on December 11, 2003, the Seventh Michigan Volunteer Infantry is being honored with a monument that is to be placed in Fredericksburg, Virginia. This monument is to remember the bold and daring efforts put forth by the Seventh Infantry throughout the Civil War. Their efforts held this nation together amidst a time of national divide and struggle.

The Seventh Michigan Volunteer Infantry has earned this place in our nation's history. In such a pivotal moment, the Seventh Infantry demonstrated bravery, determination and patriotism. They made their home state and their nation proud.

Mr. Speaker, I wish to extend the gratitude of myself and the entire nation to the Seventh Michigan Volunteer Infantry for their courage in the battle of Fredericksburg. I ask my colleagues to join me in recognizing their place in history and their part in restoring the Union.

TRIBUTE TO MR. MARVIN BARRISH

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments and contributions of Mr. Marvin Barrish. It is a privilege to recognize a person whose personal triumph over injury pales in comparison to his triumphs for the disabled community.

Mr. Barrish is a former owner of five Center City newsstands and a former distinguished dancer whose talent led to an appearance in the movie "Rocky II". Tragically, in 1980, Mr. Barrish was shot in the back, paralyzing him from the waist down. He endured months of therapy only to concede to his inability to ever walk again.

Regardless of this physical setback, Marvin Barrish was determined to continue living abundantly and vivaciously. He underwent a grueling training regiment in order to compete in the 16-mile "Walk-a-thon" for the March of Dimes. He also appeared at the Philadelphia First Union Spectrum for the half time show of the Villanova-Georgetown game where he performed his "wheel chair rockin." Now his appearances cover a broad range of benefit performances for Philadelphia Children's Hospital, Shriners' Hospital, The Special Olympics, The United Cerebral Palsy Foundation, and the United Negro College Fund, just to name a few.

He has, accordingly, been acknowledged for his contributions to the community by both the Senate and the House of Representatives of the Commonwealth of Pennsylvania. His struggle and determination to overcome his personal inhibition is an inspiration to all.

It is my honor to recognize a person whose dedication to the handicapped and other wise disabled has enriched the lives of countless individuals in both my district and the state of Pennsylvania. I hope that all of my distinguished colleagues will join me in honoring Mr. Marvin Barrish.

INTRODUCTION OF THE AUTHOR, CONSUMER, AND COPYRIGHT OWNER PROTECTION AND SECURITY ACT OF 2003

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CONYERS. Mr. Speaker, I am pleased to announce the introduction of the "Author, Consumer, and Copyright Owner Protection and Security Act of 2003." I am introducing this bill with my colleagues Reps. HOWARD BERMAN (D-CA), MARTIN T. MEEHAN (D-MA), ROBERT WEXLER (D-FL), ANTHONY WEINER (D-NY), and ADAM SCHIFF (D-CA) to address the growing problem that has been created by the theft of digital content.

As we all know, the copyright industries (music, movies, books, and software, just to name a few) are this country's crown jewel. They are the only sector of the American economy that has provided a positive trade balance; according to "Copyright Industries in the U.S. Economy: The 2002 Report" by the International Intellectual Property Alliance, these industries achieved foreign sales and exports of $88.97 billion. It goes without saying that our content is a valuable resource.

Unfortunately, the same technologies that have enhanced our lives and globalized trade also have made it possible to obtain digital content for free. Those who invest so much into developing software, books, music, and movies and rely upon sales of that content are being deprived of their livelihoods because people are taking advantage of the Internet to obtain and share digital content for free. The same technology that enhanced the lives of so many is harming the lives of people whose work we value so much.

While there are laws on the books that protect copyrighted content from theft, they do not go quite far enough. Despite court decisions ordering various file swapping sites to shut down, new file-swapping programs and new file-swapping sites appear every day on the Internet, each one better than its predecessor. These sites do not develop their own content; instead, they rely upon the success and popularity of content created by others and allow that content to be distributed to millions with the single click of a mouse. These sites also create security and privacy risks, in that they open up entire the hard drives average consumers for the world to see, financial and personal information included.

That is why we have introduced this legislation. Modest in approach, the bill proposes several initiatives that would give consumers, law enforcement, and content creators control over how their computers and their content are being used. Below is a section-by-section analysis of the bill that explains its various provisions:

SECTION-BY-SECTION ANALYSIS OF THE "AUTHOR, CONSUMER, AND COMPUTER OWNER PROTECTION AND SECURITY ACT OF 2003"

TITLE I: INCREASED DOMESTIC ENFORCEMENT EFFORTS

SEC. 101. AUTHORIZED APPROPRIATIONS. Authorizes the appropriation of not less than $15 million for criminal copyright enforcement for fiscal year 2004.

SEC. 102. NATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATION COUNCIL. Requires NIPLECC to develop guidelines to ensure that its component members share amongst themselves law enforcement information related to infringement of U.S. copyrighted works.

SEC. 103. INCREASED CRIMINAL COPYRIGHT REPORTS. Requires the Attorney General to submit biannual, instead of annual, reports on criminal copyright cases.

TITLE II: INCREASED INTERNATIONAL ENFORCEMENT EFFORTS

SECTION 201. INFORMATION SHARING. Requires the Attorney General to provide to a foreign authority evidence to assist such authority—(1) in determining whether a person has violated any of the copyright laws administered or enforced by the foreign authority, or (2) in enforcing such foreign copyright laws. Information to be provided includes: evidence obtained pursuant to criminal complaints or to investigations of violations of sections 2318, 2319, 2319A, and 2320 of title 17, United States Code that explains, analyzes, or describes (1) the nature of the violation; (2) the technological means through which violation of the copyright law has occurred; (3) the identity and location of the person who has committed such violation; and (4) the estimated financial loss caused by the violation. Excludes from disclosure any grand jury or national security information.

TITLE III: ANTI-PIRACY TOOLS

SEC. 301. Clarifies that the uploading of a single copyrighted work to a publicly accessible computer network meets the 10 copy, $2,500 threshold for felonious copyright infringement.

SEC. 302. Requires online distributors of file-swapping software to give conspicuous notice to, and receive specific consent from, the downloader of that software if such software enables third parties to use the downloader's computer as a supernode or to store data, or if such software creates security or privacy risks.

SEC. 303. FRAUDULENT DOMAIN NAME REGISTRATION (H.R. 4640 from 107th): Makes it a Federal criminal offense to knowingly and with intent to defraud provide material and misleading false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering a domain name. The penalty is a fine, imprisonment for not more than 5 years, or both.

SEC. 304. Makes it a Federal criminal offense to, without authorization, camcord a movie in a theater.

SEC. 305. Directs courts to consider the knowing and intentional provision of material and misleading false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering a domain name as evidence of willfulness with regard to copyright infringements committed by the domain name registrant through the use of that domain name.

I hope to work with my colleagues and interested parties on this legislation as we move forward on this important issue.

MS. WHEELCHAIR FLORIDA 2003—COURTNEY SANTIAGO

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize a young woman from Ft. Lauderdale, Florida, Courtney Santiago. Ms. Santiago is 23 years old and is Ms. Wheelchair Florida 2003.

Courtney suffers with Reflex Sympathetic Dystrophy Syndrome, which rendered her a semi-quadriplegic at the age of 15. Reflex Sympathetic Dystrophy Syndrome is a chronic condition characterized by severe burning pain and pathological changes in bone and skin. It is unique, in that it simultaneously affects the nerves, skin, muscles, blood vessels and bones. Its cause is unknown and affects nearly 1.5 million persons in the U.S.

Despite what would be viewed by most as a limitation, she is a stellar student with a 4.0 grade point average and enjoys swimming, racing and flying. Courtney endeavors to become a doctor and later this month Ms. Wheelchair America.

Courtney has transcended the definition of disabled and speaks on behalf of the "able—disabled" everywhere.

I urge the Members of this great body to join by saluting this truly spirited young woman.

HONORING PRIVATE FIRST CLASS JOSE F. GONZALEZ-RODRIGUEZ

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mrs. NAPOLITANO. Mr. Speaker, it is with immense pride and profound sadness in my heart that I rise today to honor Private First Class Jose F. Gonzalez-Rodriguez, a 19-year-old U.S. marine from Norwalk, California, who was killed on May 12, 2003, while serving our nation in Iraq. Private Gonzalez-Rodriguez made the ultimate sacrifice for our great country, and for this I am deeply grateful. I offer my sincerest condolences to the family members, friends and loved ones that Private Gonzalez-Rodriguez left behind and trust that they take comfort in knowing the extraordinary service that Private Gonzalez-Rodriguez provided for us all.

Private Gonzalez-Rodriguez was born in Mexico and graduated from John Glenn High School in Norwalk, California in 2001. During his high school academic career, he was an honor student and maintained a 3.4 grade point average. While he placed great value upon his studies, he was also a well-rounded student who played third base for the John Glenn Eagles baseball team, never missing a practice or game and always wearing his cap. Teachers and fellow classmates will always remember his dedication to his family, his academics and his team, as well as his tremendous school spirit.

In addition to being a talented athlete and student, Gonzalez-Rodriguez was very well liked by his peers and led an active social life. He rarely missed a school event and was often the first person out on the dance floor at school dances. Although he initially seemed to be a very shy, quiet young man, those who knew him spoke highly of his sense of humor. He was famous for the humorous pranks he would play on his baseball teammates.

Private Gonzalez-Rodriguez joined the Marines on August 8, 2001, just months after his high school graduation. He was assigned to the First Supply Battalion, First Force Service Support Group, based in Camp Pendleton. He was sent to Iraq and died in a tragic incident when an ordnance he was handling unexpectedly exploded.

Private First Class Jose F. Gonzalez-Rodriguez was a true patriot and exceptional American who will be greatly missed. His loved ones are in my prayers.

NAGAS OPEN OFFICE IN D.C. TO FIGHT FOR FREEDOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. TOWNS. Mr. Speaker, as you know, there are many national groups fighting for their freedom from India. We have been following the struggles of the Sikhs to free their homeland of Khalistan for many years thanks to the tireless efforts of Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. Now another of the minority nations that seeks freedom from India has opened an office to represent its interests in Washington, D.C. The people of Nagaland are now represented in a Washington office.

I am happy to see the Nagas open a Washington office. I would like to take this opportunity to congratulate them. Nagaland is predominantly Christian and the Nagas have suffered under Indian oppression for many years. India has murdered over 200,000 Nagas since 1947. They are a separate nation and people from predominantly Hindu India, but they are victims of India's ongoing efforts to establish fundamentalist Hindu hegemony over the entire subcontinent.

Nagaland is entitled to freedom. Freedom is the birthright of all peoples and nations. The essence of democracy is the right to self-determination and this right has been denied to the people of Nagaland just as it has been denied to the people of the Sikh homeland, Punjab, Khalistan, to the Kashmiri people, and to so many other nations living under the boot of Indian repression. It is time for India to start acting like the democracy it claims to be and settling these matters in a peaceful, democratic manner rather than trying to suppress the people and their natural ambitions by force.

The leaders of Nagaland have tried to establish their freedom peacefully through negotiations, but the Indian government has been unwilling to discuss independence with Nagaland. However, they finally recognized the Nagas as a separate people. This is the first step toward the independence of the Naga nation. Democratic India wishes to retain the right to continue repressing the minorities living under its rule.

That is why the opening of an office representing the freedom struggle of Nagaland is so important, Mr. Speaker. The Sikhs have had such an office for a long time, and the Kashmiris have also. The more information that can be put out about the brutal, repressive nature of the Indian government, the more success all of the movements for freedom will have. This will also be a significant boost for basic human rights throughout India, where Assamese, Bodos, Dalits (the dark-skinned aboriginal people of South Asia), Manipuris, Tamils, and so many others are being oppressed and killed for struggling for their freedom.

We can help in this effort. It is time to stop American aid to India until it respects basic human rights and to declare our support for the freedom of Nagaland, Khalistan, Kashmir, and all the oppressed nations of South Asia.

Mr. Speaker, I would like to insert a list of persecution of minorities in India into the RECORD at this time for the information of my colleagues.

PERSECUTION OF MINORITIES IN INDIA

CHRISTIANS

Over 200,000 Christians in Nagaland have been murdered by the Indian government.

Since Christmas 1998, Christians have been the favored target of Indian religious persecution.

American missionary Joseph Cooper was expelled from India for preaching after he was beaten so severely he had to be hospitalized for a week.

Gujarat, Tamil Nadu, and other states have recently passed laws banning conversion to any religion except Hinduism.

Recently in Gujarat the government has been conducting a survey of Christians, asking how long they have been Christians, how long they have been in India, citizenship, and other intrusive questions.

Hindu Nationalists associated with the parent organization of the ruling party have murdered several priests.

Several nuns have been murdered.

A nun named Sister Ruby was forced to drink her captors' urine.

Hindu nationalists have burned churches.

Christian schools and prayer halls have been attacked.

Missionary Graham Staines and his two sons were burned to death while sleeping in their jeep by Hindu nationalists who chanted "Victory to Hannuman," a Hindu god.

A Christian religious festival was broken up by police gunfire.

SIKHS

Indian police have murdered over 250,000 Sikhs since 1984.

52,268 Sikhs are rotting in Indian jails as political prisoners without charge or trial. Some have been there since 1984.

The U.S. State Department reported that the Indian government paid over 41,000 cash bounties to police officers for killing Sikhs. One of these was awarded to a police officer who killed a three-year-old boy.

In 1984, the Indian government attacked Sikhism's most sacred shrine, the Golden Temple, and 38 other Gurdwaras throughout Punjab, killing 20,000 Sikhs.

Human-rights activist Jaswant Singh Khalra was killed in police custody after he exposed India's policy of secret cremations of Sikhs.

Over 50,000 Sikhs have "disappeared" after they were picked up by the police. They were tortured, secretly cremated, then declared "unidentified bodies" and secretly cremated.

The Indian government paid the late governor of Punjab, Surendra Nath, over $1.5 billion to generate and support terrorism in Punjab and Kashmir.

Indian forces were caught red-handed trying to set fire to a Gurdwara and some Sikh homes in a village in Kashmir. Sikh and Muslim villagers overwhelmed them and stopped them.

Indian forces carried out the March 2000 massacre of 35 Sikhs in Chithisinghpora, according to two independent studies.

Over 20,000 Sikhs were murdered by the government in the Delhi massacres of Sikhs while police, on orders, stood by and did nothing.

The Jathedar of the Akal Takht, Gurdev Singh Kaunke, was murdered by the police.

The driver for Baba Charan Singh, a religious leader, was killed when his legs were tied to two jeeps that drove off in opposite directions.

MUSLIMS

2,000 to 5,000 Muslims were murdered in Gujarat last March.

The police stood aside and let the murders happen. They had no orders to stop it.

According to the Hindustan Times, the government pre-planned that massacre.

Over 85,000 Muslims in Kashmir have been murdered by Indian forces.

Hindu nationalists destroyed the most revered mosque in India, the Babri Mosque in Ayodhya, to build a Hindu temple.

India has not kept the promise it made in 1948 to hold a plebiscite on the future of Kashmir.

OTHERS

A Dalit girl was blinded by her teacher after she drank water from the community pitcher.

A Dalit constable went into a temple to take shelter on a rainy day and was stoned to death by the Brahmins in attendance.

TRIBUTE TO MAJOR JAMES "CHOCKS" EWALD

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Major James

“Chocks” Ewald of the Michigan National Guard for his courageous acts of bravery during Operation Iraqi Freedom.

Major James Ewald has been serving his country since 1989 when he entered the Air Force. In July of 1998, Major Ewald joined the Michigan Air National Guard and has continued to fly contingency operations all over the world, including Bosnia, Korea, and Iraq. As a recent graduate of the United States Air Force Fighter Weapons School, Major Ewald has significant knowledge and experience in flying.

On April 8, 2003, Major Ewald flew over Baghdad on an intelligence mission for Operation Iraqi Freedom. During the mission, Major Ewald's aircraft was struck by a surface-to-air missile. Miracously, Major Ewald was able to gather important intelligence, continue flying his damaged aircraft while notifying U.S. forces about his position, and prepare for a safe ejection and rescue. The bravery and determination of Major James “Chocks” Ewald are to be applauded and commended.

Major Ewald has demonstrated true patriotism and loyalty to America. His service to his country will never be forgotten, and we can all be grateful for the sacrifices Major Ewald has made to protect our precious freedoms.

Mr. Speaker, I wish to extend the gratitude of myself and the entire nation to Major James “Chocks” Ewald for his service to this nation. I ask my colleagues to join me in recognizing the heroic acts Major Ewald has performed while serving his country in Operation Iraqi Freedom.

CONGRATULATIONS BEN WENDEL

HON. RANDY “DUKE” CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Ben Wendel of Stanley Middle School. Ben is the Grand Champion of the grades 7/8 Greater San Diego 24 Challenge® Math Program. I want to applaud him for his success.

The 24 Challenge® Math Program is an activity which helps young students learn how to add, subtract, multiply and divide. It has been used in more than one-hundred-thousand classrooms around the world to teach basic mathematics. Becoming the grand champion of such a competition is quite an accomplishment.

During the 2000–2001 school year, more than 640 elementary and middle school classrooms throughout San Diego County received 24® game materials to be used with second- through eighth-grade students. A U.S. Department of Education grant provided for 24 Game Mathematics Club kits to be sent to participating classrooms in San Diego County. The fruits of this small but worthy contribution can be seen in Ben's triumph.

I enjoyed meeting this young man and other competitors at this local program within my district. It is truly a pleasure to meet these bright students and their families.

HONORING U.S. MARINE SPC. PAUL T. NAKAMURA

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mrs. NAPOLITANO. Mr. Speaker, I rise to honor the extraordinary life and patriotism of 21-year-old U.S. Marine Spc. Paul T. Nakamura of Santa Fe Springs, California. A brave soldier, he was killed in the line of duty in Iraq on Thursday, June 19 when a rocket-propelled grenade hit the military ambulance in which he was tending to a wounded American soldier. Nakamura joined the Army Reserves because he loved our country and was so proud to be an American. He has provided tremendous service and has made the ultimate sacrifice for his beloved country.

A graduate of Santa Fe High School, Nakamura was a passionate swimmer. He worked as a lifeguard and swimming instructor at the Santa Fe Springs Aquatic Center since he was 17 and belonged to the high school water polo team. Nakamura was also a boy scout and Junior Olympian who earned the respect and friendship of many in his community.

Nakamura's closest friends included the members of his Boy Scout troop and his younger sister, Pearl, with whom he spent countless hours swimming, bowling and shooting pool. Among his close friends and family members, Nakamura was known as a daredevil, particularly when he was a child. If something was dangerous or frowned upon by adults, Paul Nakamura would want to try it. Once when camping with his Boy Scout troop, he and several of his friends rode their bikes down a steep hill. The other boys pressed on their brakes to slow down, but Paul sped down the hill full speed ahead.

Assigned to the 437th Medical Company based in Colorado Springs, Marine Spc. Nakamura was deployed to the Middle East in February. The last time he spoke to his family was on Father's Day. He continually reassured his family of his safety, and they knew he did not want them to worry. But knowing that their son always put others before himself, Nakamura's parents, Paul and Yoko, did worry about his safety. They remain extremely proud of him, knowing that he died helping others.

His family misses him greatly. Nakamura's father, a veteran of the Korean war, gave his departing son his old Army dog tags and told him to bring them home safely. Sadly, Paul Nakamura will never be able to do this. My prayers and deepest condolences are with the Nakamura family and his loved ones left behind.

HOUSE CONCURRENT RESOLUTION EXPRESSING THE SENSE OF CONGRESS ON HOW TO WIN THE PEACE IN IRAQ

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a Resolution that is similar to an amendment that passed unanimously in the Senate last week. My Resolution encourages the President to reach out to our allies in NATO, the United Nations, and the Organization for the Prohibition of Chemical Weapons (OPCW) for help in post-war Iraq. I believe that we can achieve our goals in Iraq, but not without the full cooperation of the international community.

My Resolution urges the President to do two things.

First, consider requesting assistance from NATO to raise a force for post-war Iraq similar to Afghanistan, Bosnia, and Kosovo. Even though some NATO members, Great Britain, Spain, Italy and Poland, are already contributing troops to our effort in Iraq, American troops make up 90 percent of coalition forces.

And second, consider calling on the United Nations member states to provide both military forces and civilian police to aid in promoting stability and security in post-war Iraq. Conditions in Iraq continue to pose a serious threat to U.S. and coalition forces, who are being attacked between 10 and 25 times a day. Increasing the number of troops and police from other countries will reduce the risks to U.S. and coalition forces currently in Iraq. International armed forces and police must assume some of the responsibilities for maintaining law and order in Iraq while a domestic police force and reformed military is trained and established. Pentagon officials estimate that it will take a year to train one division of 12,000 Iraqi troops.

My Resolution also calls on the Organization for the Prohibition of Chemical Weapons, along with other international and nongovernmental organizations to provide assistance to the coalition partnership in Iraq.

Mr. Speaker, it's time to move past any negative feelings concerning countries that opposed our attempts to secure a U.N. endorsement for the war. We must repair our strained relations with our allies. We will only be successful in post-war Iraq, and in the global war on terrorism, if we restore our relationships with these nations.

Our ultimate goal for the Iraqi people is a multi-ethnic, multi-religious Arab state that is capable of self-rule. This goal can only be achieved with the help and support of the vast global community.

Mr. Speaker, United States and coalition forces managed to liberate Iraq in a mere 3 weeks, and I would certainly be remiss if I did not take the opportunity to commend those brave men and women for their efforts to date. However, the goals we have set, from restoring critical infrastructure, to establishing an interim government, to maintaining law and order in Iraq, simply cannot be achieved alone. We've won the war, now we have to win the peace.

TRIBUTE TO THE 28th ANNUAL NAACP ARMED SERVICES AND VETERANS' AFFAIRS AWARDS DINNER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to commend the NAACP for its perseverance in ensuring equity and justice for all men and women of color who have served and are currently serving in defense of this nation. The rich history of African-American participation in the United States military is as long as the existence of the principles of this great country.

It is a history that extends back to the Revolutionary War when Crispus Attucks, an enslaved person of African descent, was the first to die while confronting British soldiers in the Boston Massacre. It is a history where the road was not always clear but was most certainly filled with the obstacles of bigotry and stereotypes. Collective organization yielded the NAACP—a beacon of hope for equal protection under the law, and a tireless advocate for the advancement of African-Americans and all people of color.

Since its inception in 1909, the NAACP has maintained an impeccable track record with regards to its ability to confront issues involving civil rights. As early as 1917, the NAACP exerted pressure on the War Department to establish a training camp that resulted in the commissioning of more than 1,300 black officers during World War I. The NAACP has led a consistent and unwavering effort to provide equal opportunity to African Americans in the military.

The 28th Anniversary of the Armed Services and Veterans' Affairs Awards Dinner is a culminating event in that it recognizes those consistent and unwavering efforts by awarding individuals within the Department of Defense who have made significant contributions to promoting equal opportunity and civil rights. This combination, challenging discriminatory treatment and rewarding contributions of equal opportunity, provides a balance that creates trust and integrity between the leaders of the NAACP and the Department of Defense. The working partnership of the NAACP and the Department of Defense ensures that the flame of freedom for all people regardless of color continues to burn.

It is a privilege to recognize the efforts of an organization whose mission is to ensure that people of color are afforded equal access to opportunity. I would ask that you and all of my distinguished colleagues join me in the celebration of this 28th Anniversary of the NAACP Annual Armed Services and Veterans Affairs Military Awards Dinner.

CONGRATULATIONS TO TODD KIMZEY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Todd Kimzey of Loma Elementary School.

Todd is the Grand Champion of the grades 4/5 Greater San Diego 24 Challenge® Math Program. I want to applaud him for his success.

The 24 Challenge® Math Program is an activity which helps young students learn how to add, subtract, multiply and divide. It has been used in more than one-hundred-thousand classrooms around the world to teach basic mathematics. Becoming the grand champion of such a competition is quite an accomplishment.

During the 2000–2001 school year, more than 640 elementary and middle school classrooms throughout San Diego County received 24® game materials to be used with second- through eighth-grade students. A U.S. Department of Education grant provided for 24 Game Mathematics Club kits to be sent to participating classrooms in San Diego County. The fruits of this small but worthy contribution can be seen in Todd's triumph.

I enjoyed meeting this young man and other competitors at this local program within my district. It is truly a pleasure to meet these bright students and their families.

HONORING JULIE M. AUSTIN, EXECUTIVE DIRECTOR, FOOTHILL TRANSIT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to pay special recognition to Ms. Julie M. Austin. On July 30, 2003, the Foothill Transit Executive Board will wish a fond farewell to Ms. Austin, who is leaving her position as Executive Director of Foothill Transit and Vice President of Transit Management for ATC/Forsythe & Associates, Inc., a post she has held since 1997.

As Executive Director, Ms. Austin has overall responsibility for implementing Executive Board policies, developing policy recommendations and providing leadership and vision for the nationally recognized Foothill Transit. Foothill Transit was created in 1988, in one of the largest public-private transit partnerships in the United States, and has delivered cost-effective, safe and efficient bus service to commuters and residents in the San Gabriel and Pomona Valleys, located in the eastern portion of Los Angeles County in southern California. Foothill Transit now operates on 32 routes with nearly 300 buses and almost 17 million annual boardings, a marked increase from the 9.5 million boardings at the time of the creation of the transit agency.

The American Public Transportation Association recognized Foothill Transit in 2001 with a "Bus Safety Gold Award," dubbing Foothill the safest transit agency of its size. Foothill was also named "Outstanding Transit System" of its size by APTA in 1993 and 1995. The National Safety Council, Greater Los Angeles Chapter, recognized Foothill Transit in 1995, 1996, 1997, 1998 and 2001 with first-place awards for its safety programs.

Ms. Austin played a leadership role in the accomplishments of Foothill Transit, both as Executive Director and as Deputy Executive Director from 1995 to 1997. She also contributed to the success of public transit in Los Angeles County as Director of Management Support from 1993 to 1995 at the Los Angeles County Metropolitan Transportation Authority and as Senior Transit Analyst/Manager of Transportation Policy from 1989 to 1993 at the Los Angeles County Transportation Commission, where she oversaw a three-year evaluation of the Foothill Transit Zone. She also worked for the Southern California Association of Governments for three years and spent several years as a transportation consultant.

A resident of the City of Monrovia, California, Ms. Austin has a bachelor's degree in journalism from California Polytechnic State University, San Luis Obispo. She is active in the American Public Transit Association (Legislative Committee), California Transit Association (Executive Committee), San Gabriel Valley Commerce and Cities Consortium Board, Women's Transportation Seminar, San Gabriel Valley Council of Governments Transit Committee, and West Covina Chamber of Commerce.

I ask all Members of Congress to join me today in honoring this truly remarkable leader in the field of public transit in our region, in thanking for her efforts and in wishing her the best in her future endeavors.

EXTEND THE HMONG VETERANS' NATURALIZATION ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. KLECZKA. Mr. Speaker, today I am introducing legislation that would allow more Hmong refugees who served in conjunction with American soldiers during the Vietnam War to apply for citizenship with special consideration of their service to our country.

Between 1961 and 1975 Hmong soldiers gathered intelligence, conducted reconnaissance, and undertook other dangerous missions in support of American troops. Tens of thousands of Hmong died during the war and over 100,000 were forced to flee to refugee camps.

In 2000, under the leadership of the late Rep. Bruce Vento, Congress approved the Hmong Veterans' Naturalization Act, which provided an exemption from the English language requirement and special consideration on the civics test for those Hmong veterans and their spouses. Later that year, similar legislation was enacted granting the same benefits to widows of Hmong veterans.

Approximately 5,000 Hmong currently living in America took advantage of the Hmong Veteran's Naturalization Act and proudly became citizens. However, many veterans and their spouses missed the May 26, 2003 deadline and are now unable to apply for citizenship with the eased requirements. My legislation would extend that deadline by an additional 18 months in order to give every deserving veteran or surviving widow a chance to apply for citizenship.

Remembering the sacrifices that these brave men and women made while rescuing downed American pilots, serving in guerilla units, and in other operations in support of U.S. troops, we owe it to them to provide every opportunity to become American citizens.

I urge my colleagues to cosponsor this legislation.

HGTV

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. DUNCAN. Mr. Speaker, I am very proud that Home and Garden Television (HGTV), one of the Nation's fastest growing networks, is headquartered in my hometown, Knoxville, Tennessee.

HGTV is a really outstanding cable channel with a wide variety of programs.

Unlike some of the trash that is shown on other networks, the programs on HGTV are positive and helpful and encourage people to improve their lives and their communities.

Joshua Green, Editor of the Washington Monthly, has written a humorous but very complimentary article about HGTV in the July/August issue of his magazine.

I would like to call this article to the attention of my colleagues and other readers of the RECORD.

[From the Washington Monthly]

HOME SICK; THE ADDICTIVE ALLURE OF HOME AND GARDEN TELEVISION

(By Joshua Green)

Over the past two years, as the rest of the economy has gradually tanked, one sector has stubbornly resisted: the housing market. Despite layoffs, the weak dollar, the moribund stock market, and all other manner of economic calamity, house prices are climbing faster than George W. Bush's negative rating in Iraq. In fact, economists credit the housing market's continuing strength with keeping the country out of recession. Much like the "wealth effect" created by the late '90s stock boom, rising real-estate prices have made Americans feel rich enough to keep on spending amply, regardless of the overall economic climate. So the booming housing market is surely welcome news to most Americans—except those, like me, who would like to actually buy a house and are extraordinarily piqued about this. If there were a Murphy's Law of Economic Collapse, it would hold that as jobs disappear and wages plummet, the price of your dream house will skyrocket.

Most economists attribute this phenomenon to historically low interest rates, which translate into extremely affordable mortgages. I have a different theory. I blame HGTV—the Home and Garden Television channel—one of the fastest-growing stations on cable and a certifiable cult phenomenon among many of my peers.

For the uninitiated, HGTV is one of those niche cable stations we all heard so much about back in the early '90s that sounded preposterous at the time—who'd watch round-the-clock gardening, remodeling, and house-hunting tips?—but seems perfectly reasonable today alongside the dozens of specialty channels devoted to cooking, pets, sci-fi, soaps, books, and—on my cable system—one click below the NASA channel, which on weekends broadcasts continuous footage of the earth rotating. (Really.) Since its 1994 launch, HGTV has grown from a tiny startup to a cable colossus that reaches nearly 80 million households in the United States alone, broadcasts its programs to viewers as far away as Latvia and Brunei, and is even available to U.S. service personnel in 175 countries and on board Navy ships. The idea of rugged naval aviators, fresh from sorties over Iraq or Afghanistan, choosing to unwind before Home and Garden Television's design and decorating tips is testament to the strange power this channel holds over its viewers.

THE HOME-SHOPPING NETWORK

At first blush, HGTV is a benign—even an edifying—form of entertainment that's centered on a can-do ethos for the current or expectant homeowner. Instead of patrician decorating tips, HGTV shows like "Weekend Warriors" champion a Calvinist work ethic in which determined homeowners charge headlong into demanding-but-reasonably-priced projects that typically leave them spent, but never broke, and with a spectacular new veranda or stunning hardwood floors to show for their efforts. There are shows about improving your home's appearance ("Curb Appeal"), tending to your home's yard ("Landscapers' Challenge"), decorating your home cheaply ("Design on a Dime") or even more cheaply ("Designing Cents"), home-centric extreme-sports knockoffs ("Winter Gardener," "Extreme Homes") and others, like "Help Around the House," that extol the life-enhancing practicalities of previously mundane tasks like caulking or grout work.

Many HGTV shows feature a subtle, battle-of-the-sexes leitmotif that adds to the intrigue, while reinforcing and pandering to its audience's prejudices in a way that surely boosts viewership. On the popular "Designing for the Sexes," most men are of the hapless variety, puzzled as to why their wife is upset over the moose head they'd like to mount over the dining room table; most women display an alarming fondness for pink chenilles or French country style of doilies. Viewers therefore identify quickly, privately relieved to discover that their own situation isn't nearly as outlandish as they'd first imagined. They receive further encouragement from the show's denouement, which invariably features a designer or decorator of Christ-like patience who steps in to mollify the warring factions by curbing even the tackiest excesses and delivering a touch of class and taste that both can live with. This men-are-from-Mars-women-are-from-Venus format presents itself merely as decorating help. But the effect upon the addled participants—and viewers, too—is not unlike that of a good marriage counselor, convincing couples that any problem can be overcome. I believe it is no coincidence that HGTV is the one channel my fiancée and I can agree on. It accomplishes a feat previously thought to be impossible, bridging the chasm between "Oprah" and "SportsCenter."

Like any 24-hour-a-day cable station, not all of HGTV's programming is what one would consider to be of Emmy Award-winning caliber. I could do without a show called "Simply Quilts." Certain others likewise seem best suited to the wee hours of the morning, such as "Flea Market Finds with the Kovels" (which could have been titled "Shopping for Junk with Old People") and "Subterraneans," a recent promo for which encouraged viewers to tune in and "meet unique people who make their home below the earth."

But one show—the station's flagship—renders these others mere trivialities. "House Hunters" is the source of my own HGTV addiction and, the latest Nielsen ratings suggest, many others' as well. It is HGTV's highest-rated show—and, I'm convinced, the clue to the network's appeal.

The show's premise is a simple one. In each episode, a friendly realtor helpfully accompanies a pair of prospective homebuyers as they shop for a house or condominium. Cameras follow them from room to room, allowing the viewer to examine the various properties in what amounts to a vicarious trial run for the potential homebuyer. The first time I tuned in, a young newlywed couple wanted to move out of their cramped apartment and buy their first home but clearly had no idea what they were doing. These circumstances were reassuringly similar to my own. I watched with growing appreciation as the realtor listened patiently to their needs and then drove them to one beautiful house after another. If a house was too small, the realtor would smile and show them a larger one. If a house lacked a pool, the realtor would find them one that also had a jacuzzi. If a house was on a noisy street, the realtor would show them one in an area so remote it probably had not yet been mapped. And every visit was a leisurely, pressure-free stroll that seemed not only easy, but fun.

The young couple soon found a perfect home, conferred briefly with the realtor, and decided to place a bid on it. "House Hunters" cut to commercial. Despite having known them for just 22 minutes or so, I was transfixed, and found myself rooting vigorously for their bid to be accepted. When the show returned, our prayers—theirs and mine—were answered. As the couple sat emotionlessly in their worn rental, the phone rang. It was their realtor, with good news! I was privately impressed that HGTV had a camera crew on hand to document this happy occasion. The show ended by flashing forward several months to show the couple in joyously possession of their new home. I stole a glance at my fiancée—who looked exactly as she had at the end of Titanic—and immediately began looking forward to my own home-buying experience.

NO CHASE LIKE HOME

It did not dawn on me until after I'd embarked on my own search for a house how wildly fictional this portrayal had been. But I quickly discovered that it was fundamentally dishonest on several levels and bore no resemblance at all to my own night-marish experience.

To begin with, "House Hunters" promotes the fantasy that charming, spacious, reasonably priced homes are plentiful and always available in even the most desirable neighborhoods. Perhaps this is true in some distant corner of North Dakota where sprawl and gentrification have not yet driven up prices. but it is most certainly not the case in Washington, D.C., where I live, or in any surrounding suburb that I've been able to locate.

This shortage gives rise to another phenomenon that "House Hunters" does not acknowledge—the "open house." These are the overly brief weekend showings in which sellers open their homes to potential buyers—but which in today's hot real estate market quickly come to resemble cattle calls of anxious couples who strenuously avoid making eye contact with you as they rush around sizing up the house and potential competitors for it. Nor does "House Hunters" accurately depict the mood and temperament of these people, who tend to look wild-eyed and tormented and would probably arouse concern among security personnel if transported to any other setting. In the open houses I've experienced, the naïfs who appear on "House Hunters" would be tramped and devoured like the herd weaklings in a pack of wildebeest on the Discovery Channel.

After awhile, once we had acclimated to these laws of the jungle, my fiancée and I found a cozy brick rowhouse that seemed perfect. As we elbowed past the other prospective buyers and walked from room to room, I felt that small shiver of excitement I had seemed to detect when couples on "House Hunters" had finally come upon the home they would buy. That evening we filled out a mountain of paper-work at our realtor's and submitted our bid. The next day I blew off work and sat expectantly by the phone about to be educated in yet another way in which "House Hunters" differs from reality. By this point I had become an avid fan of the show, but it had still never occurred to me that each episode's happy ending might not mirror reality. When my phone rang, I leapt for it. It was my realtor, who informed me that we had not gotten the house—that in fact 22 others had bid on it and driven the sale price more than $100,000 above what originally had been asked.

Soon after, I became well acquainted with the concept of the escalation clause, the inspections waiver, the failed bid, and generally competing like gladiators for any property deemed livable and available. I also realized that "House Hunters" is totally staged—the couple always gets the house they want, and the show's producers are probably wise to steer clear of markets like Washington, D.C., which would terrify viewers anyway and kill their ratings. I angrily swore off HGTV and the cheap fantasy it peddled, and sheepishly sought out my copy of Home Buying for Dummies.

ROOTING FOR THE HOME-BUYING TEAM

Yet, strangely, life without HGTV did not improve—at least not for the six days that I held out against watching it. Houses remained overpriced, realtors unscrupulous, buyers frenzied, and I was no closer to escaping my one-bedroom. I found myself longing for familiar comforts. In the end, the siren call of reasonably priced homes and pressure-free bidding that always has a fairy-tale ending proved too powerful to resist. I cracked a beer and submitted to the evening's "House Hunters."

Only then did I truly understand the lure of HGTV—of what it is that grips me, and my addict-friends, and all those naval aviators overseas who are stressing about the availability of three-bedroom colonials in neighborhoods with decent schools. It's not the reality television that HGTV pretends to be, but an escape from our own real-estate reality into a soothing world where things are different and better; a place to retreat to after those greedy sellers pass on your bid, where one will always find sustenance and encouragement; it's what excites people to keep marching out and buying new homes.

My story has a happy ending, though not the type you're likely to see on HGTV. Several weeks after our initial bid fell through (it seemed like years) our excellent realtor Vince—who, incidentally, could eat the realtors on "House Hunters" for breakfast—found us the perfect home and shrewdly snuck us in before the open house, preempting a bidding war by submitting a take-it-or-leave-it offer that cut out the competition. (I expect Vince will be surprised to learn he's been nominated for a Congressional Medal of Honor.)

Impending homeownership has brought with it complicated new challenges, so I've turned to my wellspring of wisdom for guidance. I now possess a master gardener's understanding of landscaping, and I'm confident that I can parry most of the feminine-looking accoutrements with which my fiancée seems intent upon decorating our new home. In fact, there's only one area where I've come up empty. I've searched in vain for a show called "Mortgage Hunters," but none seems to exist—perhaps there are aspects of home buying that even HGTV can't spin into fantasy.

PERSONAL EXPLANATION

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. ISAKSON. Mr. Speaker, due to thunderstorms in Atlanta yesterday my plane was delayed and I missed the following votes: Rollcall no. 354, rollcall no. 355, rollcall no. 356, and rollcall no. 357. Had I been present I would have voted "no" on all of these votes.

FOREIGN COURT PRECEDENTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. BEREUTER. Mr. Speaker, this Member agrees with the sentiments expressed in a July 11, 2003, Omaha World-Herald editorial entitled "Courting foreign ideas." In the recent Supreme Court decision overturning a Texas sodomy law (Lawrence v. Texas), the majority opinion written by Justice Anthony Kennedy cites a 1981 European Court of Human Rights decision as evidence that state sodomy laws are not founded in Western tradition.

Regardless of what one's position is on state sodomy laws, Supreme Court decisions should be (and, of course, generally are) based on the U.S. Constitution and U.S. legal precedent. This citation contributes to a damaging and dangerous precedent; this practice should end. While this Member is a long-time supporter of a strong transAtlantic relationship, European or other foreign court actions, laws or traditions should not be cited in U.S. court cases.

This Member requests that the Omaha World-Herald editorial be included in the CONGRESSIONAL RECORD.

[From the Omaha World-Herald, July 11, 2003]

COURTING FOREIGN IDEAS

The U.S. Supreme Court's decision in Lawrence vs. Texas has stirred political controversy, and not just for what it may or may not mean for gay marriage. Its reference to a European Court of Human Rights decision has spawned a furor over whether the justices will adopt foreign courts' views of individual liberties.

We welcomed the outcome of the case, which overturned a Texas sodomy law. But we're taken aback that a U.S. court, particularly the highest one, could so boldly open itself to foreign precedents.

Justice Anthony Kennedy, who wrote the majority opinion in the Texas case, cited the European courts 1981 decision as evidence that state sodomy laws are not founded in Western tradition.

Past U.S. laws and traditions are referenced heavily in many court decisions. American laws are certainly founded on the nation's Western heritage, especially that of the British legal system. But the U.S. Supreme Court is charged with upholding the U.S. Constitution and U.S. legal precedent.

In the 227 years of this nation's history, American laws and norms have developed apart from those of other nations, even those with similar concepts of liberty and rights. The death penalty and gun control are important issues on which U.S. and European laws, for instance, differ.

Are U.S. citizens now to be bound by other countries' laws and constitutions? Who will choose which countries' laws are fit and applicable and which are not? In his dissent to the Texas ruling, Justice Antonio Scalia, decried the foreign citation.

"Constitutional elements do not spring into existence . . . as the Court seems to believe, because foreign nations decriminalize conduct," Scalia wrote.

We agree. It's a course several justices seem inclined to pursue, unfortunately.

"Our Constitution and how it fits into the governing documents of other nations, I think, will be a challenge for the next generations," Justice Stephen Breyer said on a Sunday morning talk show.

Foreign laws and ideals that become broadly accepted by the U.S. populace certainly can be adopted into U.S. law—by their elected representatives, in Congress. That's a legislative function, not a judicial one. The guardians of our Constitution should know that and abide by it.

HONORING COLONEL LLOYD VERNON CAMP

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to posthumously recognize Colonel Lloyd Vernon Camp for his years of distinguished service to his country. Lloyd recently passed away on Saturday, July 12th.

Colonel Camp is best remembered for his service with the U.S. Army. Lloyd entered the army during World War II. He received the Distinguished Service Cross and was nominated for the Congressional Medal of Honor. He later served in the Korean conflict and then joined the California Army National Guard. In 1991, Lloyd acted as a Liaison Officer for the families of the soldiers in California's Central Valley while the soldiers were serving in Operation Desert Storm.

Colonel Camp received numerous awards and honors for his more than 45 years of service. He received the medal of the Order of St.

Maurice from the National Infantry Association. In 2002, Camp was inducted into the Officer Candidate Schools Hall of Fame where he was honored at a ceremony in Fort Benning, Georgia. Lloyd was a member of the Legion of Valor Museum in Fresno. A permanent plaque has been placed on a flag stand in front of the museum in his honor, and memorabilia from his career is currently on display.

Lloyd viewed life in this order: his love for God, his love for his family, and his love for his country. He is survived by his wife, Freida Camp, and his son, Rick Leetch.

Mr. Speaker, I rise today to recognize Colonel Lloyd Vernon Camp for his valor and commitment. I invite my colleagues to join me in posthumously honoring Lloyd Camp for his extraordinary service and years of dedication to his country.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CARTER. Mr. Speaker, during rollcall vote 322, the resolution to provide consideration of H.R. 1, the Medicare Prescription Drug and Modernization Act, I was unavoidably detained due to an urgent family matter. If I had been present, I would have voted "yea."

HONORING THE TOWN OF CUMBERLAND GAP, TN

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. WAMP. Mr. Speaker, I rise today to honor the historic town of Cumberland Gap, TN as they celebrate their 200th anniversary of postal service.

Cumberland Gap has long been a place of historic passage. In pre-Colonial America, the Gap served Native Americans as a pivotal crossing for their trading and hunting routes through the Appalachian Mountains. Later, Daniel Boone and his 29 "axe men" blazed a 208 mile trail into central Kentucky providing a route for pioneer families to travel west. During the Civil War, Cumberland Gap gained military significance, becoming known as the "Gibraltar of America" and the "Keystone of the Confederacy."

Today however, in the age of flight, travelers through Cumberland Gap come not to get through the mountains, but to escape into them. The natural beauty of the surrounding area and the gap's rich cultural history make it a popular destination for travelers of all ages and interests. From hikers to historians, people continue to be drawn to the "gap between the mountains."

Time has almost stood still in the small Appalachian town of Cumberland Gap. As you walk through the quiet streets, you are greeted with architecture from the late 1800s and the 1920s. The streets are snap shots from the past, illustrating the progression of history even through today. The town's rich history, quiet charm, and natural beauty are especially appealing for cultural tourism.

Just as the historic parade marched through the gap for more than 200 years, the procession is not yet finished. Today the town of Cumberland Gap, the natural starting point for a journey into the Cumberland Gap National Park, is a haven for day hikers, adventure hikers, and cycle enthusiasts. Whether you are seeking history, culture or adventure, Cumberland Gap is always a great place to be.

On July 19th, this historic town celebrates 200 years of postal service with a day of interpretive presentations of what life was like in the early 1800s including "living history" exhibits throughout the town. Mr. Speaker, I am honored to join them on this important day and I wish the town of Cumberland Gap many years of continued success.

TRIBUTE TO I.W. SPUD AND MARY WOOD

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CARDOZA. Mr. Speaker I rise today to recognize two very special constituents, I.W. "Spud" and Mary Wood. On August 2 in Merced, CA, Spud and Mary will be celebrating with family and friends their 90th birthdays and their 70th wedding anniversary. These monumental events are being memorialized by their family who are traveling from both near and far.

Spud and Mary came to Merced, CA, in 1936 from Wheeler County, TX. In Merced, they made their home and have lived on their ranch for the past 64 years. They are the parents of three—Annetta Meyer, Myrna Aikins, and Kenneth, who is now deceased. Both Annetta and Myrna have a total of 5 children between them. Spud and Mary are the proud great grandparents of 8 which also includes one set of triplets.

Mr. Speaker, I am delighted to honor this wonderful family on this auspicious occasion. Our community benefits greatly from the splendid example they have set for us all. Marriages such as the Wood's form a sound foundation for our country and contribute greatly toward making this a better world in which to live. I wish both Spud and Mary my sincerest congratulations as they share these milestones in their lives.

TRIBUTE TO MAJOR JAMES EWALD

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. HOEKSTRA. Mr. Speaker, I rise today to recognize Major James "Chocks" Ewald of the Michigan Air National Guard for his exemplary service to our Nation during Operation Iraqi Freedom.

On April 8, 2003, during one of the 30 sorties he flew over Iraq, Major Ewald's aircraft was struck by a surface-to-air missile. Major Ewald managed to continue flying the damaged aircraft for 12 minutes, eject before it crashed and evade capture until he was rescued.

In the face of extreme danger, Major Ewald's composure and commitment to fulfill his mission never faltered. Major Ewald is a tribute to the success of the Michigan Air National Guard.

Throughout his career in the United States military, Major Ewald has been unselfishly devoted to securing the safety and liberty of the American people.

On behalf of Michigan's Second Congressional District, I welcome Major Ewald home and offer appreciation for his heroic service to our Nation.

FCC DELAY IS UNCONSCIONABLE

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. FORBES. Mr. Speaker, the Federal Communications Commission voted on February 20 to loosen some of the rules that inhibit the deployment of broadband services. This is good news for consumers everywhere, as more broadband means better Internet access, more choice, and better service. The February 20 vote starts the FCC down the road to true parity of broadband regulation.

The problem is that it is almost four months later and the order that was voted on has not been released. We had heard that the FCC was waiting to vote on the media ownership issue before completing the February 20 rulemaking. The ownership vote took place last week June 2. What is the FCC waiting for?

This delay is simply unconscionable. As a comparison point, according to the National Council of State Legislature's website *http://www.ncsl.org/programs/legman/about/sess2003.htm*, half of the State legislatures in this country have completed their entire legislative year in less time than the FCC has taken to write an order that it has already voted on. In addition to my own State of Virginia, where I served in the State legislature, the State legislatures of Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Montana, New Mexico, Nevada, North Dakota, Oklahoma, South Dakota, Utah, Washington, West Virginia, and Wyoming all complete their substantive legislative business in about 4 months or less. And yet, in that same amount of time, the FCC can't seem to agree on the words that give life to the order they voted on in February. I missed the part in civics class where it is harder to write the words of a regulatory order that has been agreed to than it is to conduct the entire annual business of a State.

The FCC needs to end this embarrassing delay, and make sure its rules do not inhibit the deployment of broadband services to consumers throughout the country.

PERSONAL EXPLANATION

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, on rollcall 354, agreeing to the amendment offered by Mr. REHBERG, the gentleman from Montana, striking the prohibition on mandatory country of origin labeling, to H.R. 2673, I inadvertently voted "yea" when it was my intent to vote "nay."

TRIBUTE TO REAR ADMIRAL STEPHEN R. PIETROPAOLI, U.S. NAVY, NAVY CHIEF OF INFORMATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. SKELTON. Mr. Speaker, I rise today to recognize the outstanding service to our Nation of Rear Admiral Stephen R. Pietropaoli, the Navy's Chief of Information, who will retire later this year. Rear Admiral Pietropaoli's career has worn the cloth of the Nation for over 26 years, during which time he has distinguished himself as a sailor, a leader, and a trusted advisor to many senior Navy and DOD senior military and civilian officials.

Throughout his career, Rear Admiral Pietropaoli has excelled in numerous positions of great responsibility. Whether he was "driving ships" as a surface warfare officer; guiding and leading midshipmen as a teacher at the Naval ROTC program at the University of Pennsylvania; responding to media queries as the lead spokesman at the Navy's National News Desk; or providing thoughtful and wise public affairs advice and counsel as the public affairs officer to the Chairmen of the Joint Chiefs of Staff and the Secretary of the Navy, Rear Admiral Pietropaoli has always been widely recognized as the most trusted and respected military officer, national security expert and public affairs professional.

It was during his tour of duty at the Joint Chiefs of Staff where his stellar reputation was further solidified. Rear Admiral Pietropaoli served as the sole communications strategist and public affairs advisor for two Chairmen of the Joint Chiefs of Staff during operations in Bosnia and Kosovo. While working for Generals Shalikashvili and Shelton, Rear Admiral Pietropaoli developed messages for countless media briefings, congressional appearances and international trips. During this time, the Department of Defense, the Joint Chiefs of Staff and the military services used these messages to work successfully with the Congress to provide the largest pay raise in 20 years and to restore retirement benefits for service members that serve 20 years in the military.

In his final assignment as the Navy's Chief of Information, Rear Admiral Pietropaoli led a global team of 500 active duty, reserve and civilian public professionals. His personal leadership and actions gave the American public an extraordinary understanding of the sacrifices and contributions of our Sailors and Marines, and the capabilities of U.S. Naval forces in times of peace and war. His vision, leadership and dedication have raised the Department of the Navy's numerous worldwide public affairs operations to unprecedented levels of success. Without question, no other leader in the U.S. Navy had a greater impact on garnering departmental, congressional, and public support for key Navy issues and programs than Rear Admiral Pietropaoli.

Whether coordinating Navy Public Affairs efforts following the attacks of September 11th, communicating the Navy's role in Operation ENDURING FREEDOM in Afghanistan and the Philippines and Operation IRAQI FREEDOM, or discussing Navy's support for homeland defense and Operation NOBLE EAGLE, Rear Admiral Pietropaoli orchestrated unprecedented media access to naval information and operations giving American and international audiences a clear picture of the readiness, dedication and contributions our Sailors made to national security.

During his tenure as CHINFO, Rear Admiral Pietropaoli also demonstrated unparalleled expertise in all facets of Navy Public Affairs community management; active duty and reserve, officer, enlisted, and civilian alike. His knowledge of public affairs requirements across the spectrum of military operations, combined with his keen sense of an individual's strengths, ensured the right person was sent to the right job at the right time. Joint commanders augmenting their public affairs staffs during military operations routinely sought Rear Admiral Pietropaoli's well trained public affairs specialists. He has led the consolidation effort over various enlisted ratings into the public affairs family of ratings, ensuring better career management for all those who work in the public affairs arena. He has also championed efforts by the Secretary of the Navy to study and implement a civilian community management plan, becoming the sponsor for those in the public affairs and related series.

There is no question that Rear Admiral Pietropaoli is the top communications professional in the U.S. military today. His unparalleled leadership and zeal for excellence will have a positive impact on the Navy Public Affairs Community for decades. He will be missed.

In a Navy where many people come and go, Rear Admiral Pietropaoli is a symbol of commitment and dedication from which many of us could learn. I congratulate him on his retirement and thank him for his nearly three decades of honorable service to the Navy and country.

On behalf of the U.S. Congress, I offer my congratulations to Rear Admiral Pietropaoli and wish him the best of luck as he and his wife, Dawn, and their two sons, Daniel and Matthew, begin this new and exciting chapter of their lives. Fair winds and following seas!

INTRODUCTION OF TWO VOCATIONAL EDUCATION BILLS, THE PUBLIC PRIVATE VOCATIONAL PARTNERSHIP ACT AND THE EXCELLENCE IN VOCATIONAL EDUCATION ACT

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. POMBO. Mr. Speaker, today I introduce two bills promoting public-private partnerships in the interest of improving vocational education.

Vocational education is an extremely important component of secondary education for millions of students. It is too often neglected at the state level and does not receive adequate funding or attention.

Many students do not go onto an undergraduate university for their post-secondary education. Only about 40% of high school students who pursue post secondary education enroll in a baccalaureate (college) program. One third (over 5 million people) enroll in a vocational education (sub-baccalaureate) program.

We should acknowledge that not everyone chooses to go to an academic four year university. For many of these students, our current educational system is failing them.

There are many good paying jobs available to students interested in vocational training, but not enough students are being prepared for these types of jobs.

However, we do have the ability to encourage more schools and their students to participate in vocational education. We can leverage the involvement of the private sector. We can get businesses involved with the education of the skilled workers of tomorrow by helping them train the students of today. To accomplish this I am introducing two vocational education bills today.

The first bill, the Public Private Vocational Partnership Act, establishes a tax credit for companies that donate equipment and other resources that can be used for vocational training. It also establishes a tax credit for the hiring of full time students who want to work as interns in fields relating to vocational education.

The second bill, the Excellence in Vocational Education Act, creates a new competitive grant program where schools can seek out federal funding to match private sector contributions for vocational education projects. The goal is to increase students' participation and achievement in vocational education. The money will also be used to strengthen teachers' understanding of, and competency in, vocational education and practical application of it.

Both bills will encourage schools and the private sector to work together to give students practical training for quality jobs.

I hope my colleagues will join me in supporting these important proposals.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

Mr. SHAYS. Mr. Chairman, I rise in opposition to this very harmful amendment.

In the early 1990s, because of concerns about United Nations' operations and the lack of reforms by that body, the United States began withholding its payments to the UN and fell into arrears. We subsequently debated this issue for years, and, in November 1999, Congress and the Administration finally agreed on a plan to repay our longstanding debt to the UN in exchange for significant reforms by the world body.

This agreement conditioned U.S. payments of $819 million on substantial reforms at the UN. In return for the United States making good on its commitment, the UN reduced our contributions to its regular budget from 25 to 20 percent, and to the peacekeeping budget from 31 to 25 percent. The UN also agreed to open up its financial books to the United States and to establish an office of an Inspector General at each of its program offices.

We've debated these issues, and this body has decided the United States should continue to be a member in good standing at the UN. This amendment would send us back to a debate settled more than three years ago.

Mr. Chairman, as the UN's single largest contributor, the United States is granted unparalleled power to craft the UN's agenda and budget. Our financial leadership truly gives us the ability to shape world events.

Countries all over the world are looking to the United States for leadership, yet if this amendment were to pass, what they would see is a very powerful and wealthy country refusing to live up to its international commitments. Why, as a nation, would we want to unnecessarily complicate our diplomatic efforts at a time when we need every ounce of leverage?

While we must continue examining its operations and recommending operational improvements, the United Nations deserves U.S. support as it continues to combat terrorism, promote economic growth and assist countries in moving towards democracy.

I urge my colleagues to vote against the King/Hayworth Amendment.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows: July 14, 2003, Rollcall vote 354, on agreeing to the Rehberg Amendment, I would have voted no. Rollcall vote 355, on agreeing to the Blumenauer Amendment, I would have voted no. Rollcall vote 356, on agreeing to the Hefley Amendment, I would have voted yea. Rollcall vote 357, on agreeing to the Ackerman Amendment, I would have voted no. Rollcall vote 358, on passage of H.R. 2673, I would have voted yea. Rollcall vote 359, on Motion to Instruct Conferees, I would have voted no. July 15, 2003, Rollcall vote 360, on agreeing to H. Res. 316, I would have voted yea. Rollcall vote 361, on Motion to Suspend the Rules and Pass, as amended, H.R. 2330, I would have voted yea.

COMMENDING THE REVEREND CHARLES WILLIAMS FOR HIS EXCEPTIONAL LEADERSHIP

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Ms. CARSON of Indiana. Mr. Speaker, today, I would like to take the opportunity to recognize Reverend Charles Williams for his exceptional leadership. Indiana Black Expo celebrates 33 years of extraordinary service in Indiana, the last 20 under the dynamic leadership of Reverend Williams. Reverend Williams' work dates back to the late 1970's when he was special assistant to the Mayor of Indianapolis. During that time he was responsible for creating and organizing the first city-wide Black History Month Celebration. In addition, he was very vocal in making Dr. Martin Luther King, Jr.'s birthday a legal holiday in Indianapolis, and organized and promoted the first Annual Indianapolis Jazz Festival.

In the early 1980's Reverend Charles Williams became president of Indiana Black Expo, Inc and Founder of Circle City Classics, Inc. Throughout various entities, Reverend Williams promotes harmony among people of all races. He was instrumental in raising public awareness about prostate cancer when he discovered he had become a victim and that it was in advanced stages. Although he has extensive knowledge about health issues he had neglected to follow his own advice.

In his book entitled, "That Black Men Might Live," Reverend Williams uses his own personal battle against cancer to address the important, but often neglected, issues of Black men and prostate cancer. It is particularly important to African American men, a segment at special risk for the disease. They have the highest rate of prostate cancer in the world. In fact, the incidence rate in African Americans is 60 percent higher than in white males and double the mortality rate, according to a report done by the National Prostate Cancer Coalition.

He encourages men to get early and regular physical exams to prevent or detect the disease while in its early stages. We must join Reverend Williams in this mission to save humanity. Reverend Williams exudes the type of leadership that is both rich and rare. He is worthy of high praise.

TRIBUTE TO DOTTY ALDRICH ON THE OCCASION OF HER 80TH BIRTHDAY CELEBRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding woman, and friend, Mrs. Dotty Aldrich, on the momentous occasion of her 80th birthday.

An Old Fort citizen, Dotty possesses a vast amount of civic pride and dedication to societal causes. After raising her seven children, Dotty decided to return to school and earn her B.A. in Education from Defiance College. After graduating, Dotty went on to receive her Masters Degree in Education from Bowling Green State University.

Dotty is a retired school teacher who taught masterfully for numerous years. In addition to raising her children, Dotty has been a mother to many foster children. Today Dotty enjoys volunteering in various sectors of her community, including nursing homes and the Church. Furthermore, Dotty is an active member in such organizations as the Daughters of the American Revolution and the Association for Professional College Women.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Dotty Aldrich. Our communities are served well by having such honorable and selfless citizens, like Dotty, who care about the well being of their communities. We wish Dotty all the best as we pay tribute to one of Ohio's finest citizens.

IN RECOGNITION OF THE 35TH ANNIVERSARY OF THE DEPLOYMENT OF THE 3RD BRIGADE (GOLDEN BRIGADE), OF THE 82ND AIRBORNE DIVISION TO THE REPUBLIC OF VIETNAM.

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. HAYES. Mr. Speaker, I rise today in recognition of the 35th Anniversary of the deployment of the 3rd Brigade of the 82nd Airborne Divisions to the Republic of Vietnam. In late January 1968, the United States had 500,000 soldiers deployed in the Republic of Vietnam. The Soviets had become increasing belligerent on the Inter-German boundary, and the North Koreans had fired on the *USS Pueblo*, seized the ship and held the crew hostage. The world situation was tense and the United States military was stretched thin in many locations. On January 31st, 1968, the Vietnamese New Year, North Vietnamese forces initiated a coordinated attack throughout South Vietnam. The largest enemy offensive of the war was later named the Tet Offensive. General William C. Westmoreland, Commander of American Troops in Vietnam, was facing a direct attack on his headquarters in Saigon, the Marines were surrounded and in danger of being overrun at Khe Sanh and the communists had captured the Imperial City of Hue. In conversations with President Johnson, Westmoreland requested additional troops be sent from the States immediately. Westmoreland clearly stated his preference for "airborne troopers".

During the Vietnam War, the 82nd Airborne Division was the nation's strategic reserve, though during the early winter of 1968 it was manned at only about 60% strength. Recognizing the criticality of the situation, President Lyndon Johnson approved orders committing a brigade of the 82nd. A decision was made to send the 3rd Brigade, though it took substantial numbers of soldiers from 1st and 2nd Brigades to bring the 3rd Brigade to full strength.

The alert came at 5:30 p.m. on Monday, February 12th, 1968 and the advanced party, led by Colonel Alexander R. Bolling, Jr., departed 24 hours later with the main elements beginning their departure on the following day. The lead combat element, the 2nd Battalion, 505th Parachute Infantry Regiment, was engaged in hostile operations by that Sunday, the 18th of February—only six days after the initial alert. It took 155 C–141's and a number of C–130's to lift the 3,600 men and equipment of the Brigade 12,000 miles to Chu Lai, a trip that took 30 hours.

Over eighty percent of the soldiers in the Golden Brigade had already served at least one tour in Vietnam. Additionally, many had also served in WWII, the Korean War and in the Dominican Republic conflict.

The Golden Brigade fought bravely and successfully to open Hai Van Pass, driving the communists from Hue, opening the roads to the A Shau Valley to control Nui Khe Mountain. Following the Brigade's redeployment to the southern part of the country in September of 1968, they took the war to the enemy in the Michelin Rubber Plantation, the Iron Triangle and along the Song Be River.

In twenty-two months of combat, the Golden Brigade won eight campaign streamers for the battle flag. 228 men paid the ultimate price and gave their lives, and another 1,200 men were wounded in action. The youngest troopers are now in their mid fifties, and some of the officers and noncommissioned officers have departed this world. It is fitting and proper that during this 35th anniversary year, a grateful nation acknowledges their sacrifice, valor and selfless service. Airborne—All The Way!

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. MOORE. Mr. Chairman, on July 14, 2003, my plane was delayed during rollcall votes 354, 355, 356, and 357; had I been present to vote, I would have voted "nay", "aye", "nay", and "aye", respectively. Please let the RECORD reflect how I would have voted.

I voted "nay" on rollcall vote 354, but I would like to share my support for country of origin labeling, though I have concerns regarding the cost of the program and its current ability to be implemented. In 2000, the General Accounting Office studied the question and found that "it is difficult to quantify the cost of labeling meat by country-of-origin or to put a value on the potential benefits." Allowing voluntary labeling of the meat industry for one more year will allow the United States Department of Agriculture time to streamline the implementation process. Producers meanwhile will be able to voluntarily label their meat and consumers will be able to pick which meat they prefer.

HOUSE OF REPRESENTATIVES—*Friday, July 18, 2003*

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God almighty, bless the Members of the House of Representatives today. May their work begin with Your holy inspiration and be brought to completion by Your holy will.

Grant them safe travel to their homes, and may peace await them there that they may be a blessing to all they meet.

And may the Lord's words to Joshua be fulfilled in our day:

"The Lord gave them peace on every side, just as He promised our forebearers. Not one of their enemies could withstand them; the Lord brought all their enemies under their power. Not a single promise that the Lord made to the House of Israel was broken. Every one was fulfilled."

With this assurance we are dedicated to You, Lord, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved. Pursuant to clause 1 the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from West Virginia (Mrs. CAPITO) come forward and lead the House in the Pledge of Allegiance.

Mrs. Capito led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

S. 314. An act to make improvements in the Foundation for the National Institutes of Health.

S. 470. An act to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 490. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

S. 499. An act to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 546. An act to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 643. An act to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes.

S. 651. An act to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

S. 677. An act to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.

S. 924. An act to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.

S. 1076. An act to authorize construction of an education center at or near the Vietnam Veterans Memorial.

S. 1399. An act to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building".

S. Con. Res. 53. Concurrent Resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

The message also announced that the Senate has passed without amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 74. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

H.R. 255. An act to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska City, Nebraska.

H.R. 1577. An act to designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the "Kris Eggle Visitor Center", and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 5 one-minutes on each side.

SEA ISLAND G–8 SUMMIT TO SHOWCASE COASTAL GEORGIA

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to congratulate my home State of Georgia, which was selected this week as the site for the 2004 meeting of the eight major industrial democracies. This will be the largest single event that Georgia has hosted since its 1996 summer Olympics in Atlanta. The Sea Island summit will be held on June 8 through 10 of next year and provides an excellent opportunity to showcase coastal Georgia to the world. The economic impact alone to the State is estimated to be nearly $200 million, and the preparations will bring jobs and opportunity to the entire area.

I would like to thank President Bush, Governor Perdue, and all the elected officials who worked hard to bring this event to Georgia. The beautiful cities of Savannah and Brunswick will welcome members of the media and all of the government officials with our special hospitality.

Mr. Speaker, I look forward to welcoming the democratic powers of the world to my home State next year for a memorable Southern summit.

NATIONAL DEBT INCREASING

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, it has been 798 days since President Bush and the Republican Party embarked on their economic plan for our country. During that time, the national debt has increased by $1,078,466,570,109. According to the Web site for the Bureau of Public Debt at the U.S. Treasury Department, yesterday at 4:30 p.m. Eastern Standard Time the Nation's outstanding debt was $6,718,791,956,467. Furthermore, in fiscal year 2003, interest on our national debt, or the "debt tax," is $277,768,492,816 through June 30.

HONORING THE VALOR OF WALT AND DONYELLE WILKINS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to honor the courage and bravery of a newlywed couple from Greenville, South Carolina. This past Sunday, Walt and Donyelle Wilkins were flying to their honeymoon destination in the Bahamas when their commuter flight crashed into the Atlantic Ocean off Abaco Island.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m..

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Of the nine passengers and pilot aboard, Diane Parker Diaz of Jacksonville, Florida, and her 3-year-old niece, Dante Parker, did not survive. However, Diaz's two children, Andre Parker Diaz and Elisa Parker Diaz, were saved through the selfless efforts of Walt and Donyelle.

Disregarding immediate personal safety, the Wilkins couple stayed behind and held the children above them in the water as they treaded water for over an hour waiting for rescue.

I ask all of my colleagues to join me in thanking Walt and Donyelle Wilkins for their heroic act, continuing the tradition of the dedicated Wilkins family. Our thoughts and prayers go out to all those who were involved in the tragic event.

In conclusion, God bless our troops.

OPENING OF THE CLAY CENTER FOR THE ARTS AND SCIENCES

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today in recognition of the recently opened Clay Center for the Arts and Sciences. My hometown of Charleston, West Virginia, has been eagerly awaiting the opening of this magnificent cultural and entertainment center over the course of the past 2 decades.

The center, which began as a farfetched idea, progressed through arduous fund-raising and construction, finally opened its doors on July 12.

This impressive project would not have been possible without John McClaugherty's vision, as well as generous contributions by Lyell and Buckner Clay, the Clay Foundation and Clay extended family, the Benedum Foundation, the Maier Foundation, the Greater Kanawha Valley Foundation, the City of Charleston, Kanawha County, and the West Virginia State Legislature.

The Clay Center offers the combination of a first-class art museum, a 1,800-seat performing arts center, and state-of-the-art science center, complete with a 180-seat planetarium.

This outstanding center will undoubtedly enhance cultural, educational, and economic opportunities for West Virginians. I am proud to have this new center in my State and in my district, and I look forward to the wonderful opportunities that it will provide for West Virginia's future. I also would like to welcome all of America to visit the Clay Center.

THANKING TONY BLAIR

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, yesterday we had the opportunity to hear Prime Minister Blair here in this Chamber; and I want to thank him for his straight talk, his compassion, his love of freedom, and the words he imparted to this Chamber.

He spoke from the heart about the dangers to the world and the importance to meet these dangers head on. He also spoke about the importance of the transatlantic relationship, which is really, I think, the world's next best hope to rid the world of dangerous tyrants and weapons of mass destruction.

The world is blessed by having firm, strong, committed leaders like President Bush and Prime Minister Blair. This country thanks them for their service, and we thank him for visiting this Chamber.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Is there objection to the request of the gentleman from Georgia?

There was no objection.

GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2754 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 17, 2003, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2754).

□ 0912

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, with Mr. ISAKSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of the legislative day Thursday, July 17, 2003, the bill is considered read for the first time.

The gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to submit to the House for consideration the fiscal year 2004 energy and water development appropriations act.

I want to first thank my ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for working with me on this bill. I want to thank his staff. I also want to thank my staff, who has worked very hard on this bill. This is the first time I have actually done the full bill on the floor, and I appreciate the tutorial from everybody on this bill.

I also want to thank the gentleman from Wisconsin (Mr. OBEY), the ranking member on the full committee. I also particularly want to thank the gentleman from Florida (Mr. YOUNG), my overall chairman, who has worked with me on this bill.

Mr. Chairman, I have a rather long speech here this morning to give; but I am not going to give it, because I know a lot of Members want to go home, so I am going to submit it for the RECORD.

Mr. Chairman, it is my pleasure to submit to the House for its consideration the fiscal year 2004 Energy and Water Development Appropriations Bill. On Tuesday, July 15th, the Appropriations Committee unanimously approved the bill, and I believe it merits the support of the entire membership of the House. I want to thank all the members of the subcommittee for their help in bringing the bill to the floor today. I particularly want to thank Mr. VISCLOSKY for his help and cooperation. I also want to thank the Chairman of the Appropriations Committee, Mr. YOUNG, and the ranking minority member, Mr. OBEY for allowing us to move forward in such an expeditious manner.

Mr. Chairman, this bill provides annual funding for a wide variety of programs, which include such diverse matters as maintenance of the Nation's nuclear weapons stockpile, navigation improvements, environmental cleanup, flood control, advanced scientific research, and nuclear waste disposal.

Total spending in the fiscal year 2004 Energy and Water Development Bill is $27,080,000, the same as the subcommittee's 302b allocation. This is an increase of $942 million over fiscal year 2003 and $134 million over the President's budget request. The bill I present to the House today is fiscally responsible, and meets the major needs of the members of the House.

Title I of the bill provides funding for the civil works programs of the United States Army Corps of Engineers and the Formerly Used Sites Remedial Action Program. The Committee has recommended a total of $4.48 billion for Title I, $288 million above the budget request, but $156 million below the amount appropriated last year. The Committee concentrated the limited resources it had for the Corps on ongoing projects and did not include funds for new studies or construction projects.

Mr. Chairman, even though we were able to provide an increase over the budget request for the Corps of Engineers, I am very concerned that we, and that includes the Congress and the Administration, are not spending enough on our water resources infrastructure. This infrastructure supports much of the Nation's commerce and provides a physical safety net against natural disasters for many of our citizens. The Administration's budget request underfunds most of the ongoing Corps of Engineers construction projects. While we have added funds for a number of those projects, those funds are not adequate to keep the projects on their most efficient schedules. The result is higher costs and a delay in receiving the benefits that the projects will provide. I hope to begin an active dialog with the Administration in an attempt to convince them of the need to increase funding to support the Civil Works program of the Corps of Engineers.

One program of the Corps of Engineers which is of great interest to me is the restoration of the Everglades, which is a partnership between the Federal government and the State of Florida. In very simple terms, the State is charged with cleaning up the water that enters the Everglades, and the Federal government is responsible for fixing the plumbing. We fully funded the Administration's request of $145 million for activities related to restoration of the Everglades; however, I am concerned that recent actions taken by the State may signify a lessening of its resolve to live up to its part of the bargain. I have written to the Governor and have spoken to him to let him know of my concerns. Because of those concerns, we have included language in the Bill that would deny the use of funds for Everglades restoration if the State does not meet court ordered water quality standards. I intend to monitor this situation very closely.

Funding for Title II of the bill, which includes the Central Utah Project Completion Account and the programs of the Bureau of Reclamation, is $947.9 million, $24.3 million below the amount appropriated last year and $25.7 million above the budget request. The Committee did not provide the $15 million requested by the Administration for the CALFED Bay-Delta program. The authorization for this program expired in fiscal year 2000 and it has not been reauthorized.

Today funding for Title III, the Department of Energy is $22 billion, $1.18 billion above fiscal year 2003 and $147 million below the budget request.

Mr. Chairman, my top priority within the Department of Energy is Yucca Mountain. It is essential that we have this repository ready to accept spent nuclear fuel as soon as possible for two very important reasons—energy security and homeland security. Nuclear energy currently generates about 20 percent of the Nation's electricity without emitting any greenhouse gases. That percentage could grow, but it will not until there is a place for safe, long-term storage of the waste that is generated. That place is Yucca Mountain. With regard to homeland security, the events of September 11th have taught us that spent nuclear fuel currently stored at reactor sites around the country might not be as secure as we once thought. Therefore, we have included an additional $174 million above the budget request for the Department of Energy to begin work on a rail line in Nevada that, and this is important, will avoid Las Vegas, on the national transportation system, and on improved containers and early acceptance of spent fuel presently stored at reactor sites. These items have not been addressed in the past because the other body has routinely cut the President's budget, and the Department has had to concentrate all its resources on the license application it is scheduled to submit to the Nuclear Regulatory Commission in December of 2004. For fiscal year 2004, the other body has recommended $425 million, $166 million below the budget request. We also provide $30 million for impact assistance to the affected counties in Nevada so the people there can see the economic advantage that the repository will bring.

Another priority in this Bill is advanced scientific computing. By a number of key measures of computing power, the United States is now in second place behind Japan. For the sake of our scientific leadership, for our national security, and for economic competitiveness, we cannot afford to stay in second place. We have provided an additional $40 million for DOE's Advanced Scientific Computing Research program to procure additional state-of-the-art computers in the near term and to begin an interagency effort to develop a next-generation computer architecture that will leapfrog ahead of current designs.

Mr. Chairman, another area of concern is the portion of the Department of Energy's budget request that deals with the nuclear weapons complex. The Department continues to ask Congress to fund a Cold War nuclear arsenal, and the infrastructure necessary to maintain that arsenal, even though we no longer face a Cold War adversary. As President Bush said when he announced reductions to the nuclear stockpile on November 13, 2001, "The United States and Russia have overcome the legacy of the Cold War." AT that time, he pledged that the United States would reduce our stockpile to 1,700 to 2,200 operationally deployed warheads over ten years because, as he said, "the current levels of our nuclear forces do not reflect today's strategic realities." I couldn't agree more. We do not need thousands of warheads to deter a nuclear attack anymore, but the Department of Energy and the Department of Defense want Congress to continue to pay for a Cold War stockpile. It is time the DOE and the DOD begin to shrink the footprint of the nuclear weapons infrastructure to reflect the President's decision to reduce our nuclear arsenal. DOD is rethinking the kinds of forces it needs to respond to the threats of the new century, and will go through another round of BRAC to bring down its footprint. The National Nuclear Security Administration should go through a similar process and take a hard look at its workforce and facility needs for a smaller stockpile. Accordingly, we have not approved all of the increase requested for weapons activities in fiscal year 2004.

Mr. Chairman, in this Bill we have also attempted to send a signal to the Department of Energy and the Russian government with regard to the Nuclear Nonproliferation program. At the end of May of this year, the Department had unobligated balances in this program of almost $600 million. That is money just sitting at DOE headquarters. In addition, by this fiscal year, the Department estimates that it will have uncosted balances of over $1.1 billion. I view this as poor management. We are fully supportive of the nuclear nonproliferation mission, but we have to question whether we are achieving the program goals when over a billion dollars goes unspent. We need to figure out what is wrong and fix it before this issue endangers support for the program.

Lastly, one of the key changes I want to make in the Department of Energy is to change the culture about contract competition. There are a number of DOE lab contracts that were initially awarded without competition back during World War II and have never been competed since. That has to change. I am firmly convinced of the benefits of competition, and we have included language in the bill effectively requiring the Secretary of Energy to compete all M&O contracts that have not been competitively awarded within the past 50 years.

Funding for Title IV, Independent Agencies, is $138.4 million, a decrease of $68.2 million from last year and $9.5 million below the budget request. We have funded the Appalachian Regional Commission at the budget request level of $33,145,000. I realize that a number of members are concerned about this level of funding, which is $37 million below last year's level. However, our allocation did not permit us to provide an increase above the budget request. The other body has provided $ for the ARC and we can address this when the bill is in conference.

Mr. Chairman, before I conclude I would also like to thank the staff for their help in getting me up to speed on the complex issues we have in this bill. The Subcommittee staff includes Bob Schmidt, Kevin Cook, Dennis Kern, Scott Burnison, Tracy LaTurner, and our detailee from the Corps of Engineers, Robert Pace. I also want to thank Kenny Kraft of my staff.

Mr. Chairman, I know that not everyone is happy with everything we have done in this bill, but I think we have produced a fair and balanced product and I hope the members will unanimously support what we have done.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2754)

(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations	134,141	100,000	117,788	-16,353	+17,788
Construction, general	1,744,598	1,350,000	1,642,911	-101,687	+292,911
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	342,334	280,000	301,054	-41,280	+21,054
Operation and maintenance, general	1,927,556	1,939,000	1,932,575	+5,019	-6,425
Supplemental appropriations (P.L. 108-11)	39,000	---	---	-39,000	---
Regulatory program	138,096	144,000	144,000	+5,904	---
FUSRAP	144,057	140,000	140,000	-4,057	---
Flood control and coastal emergencies	14,902	70,000	40,000	+25,098	-30,000
General expenses	154,143	171,000	164,000	+9,857	-7,000
Total, title I, Department of Defense - Civil	4,638,827	4,194,000	4,482,328	-156,499	+288,328
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	23,489	27,040	27,040	+3,551	---
Fish, wildlife, and recreation mitigation and conservation	11,186	15,423	9,423	-1,763	-6,000
Subtotal	34,675	42,463	36,463	+1,788	-6,000
Program oversight and administration	1,317	1,728	1,728	+411	---
Total, Central Utah project completion account	35,992	44,191	38,191	+2,199	-6,000
Bureau of Reclamation					
Water and related resources	808,203	771,217	817,913	+9,710	+46,696
Supplemental appropriations (P.L. 108-11)	25,000	---	---	-25,000	---
Loan program	---	200	200	+200	---
Central Valley project restoration fund	48,586	39,600	39,600	-8,986	---
California Bay-Delta restoration	---	15,000	---	---	-15,000
Working capital fund (rescission)	---	-4,525	-4,525	-4,525	---
Policy and administration	54,513	56,525	56,525	+2,012	---
Total, Bureau of Reclamation	936,302	878,017	909,713	-26,589	+31,696
Total, title II, Department of the Interior	972,294	922,208	947,904	-24,390	+25,696
TITLE III - DEPARTMENT OF ENERGY					
Energy supply	696,858	748,329	691,534	-5,324	-56,795
Non-defense site acceleration completion	---	170,875	170,875	+170,875	---
Non-defense environmental management	213,624	---	---	-213,624	---
Uranium enrichment decontamination and decommissioning fund	---	418,124	392,002	+392,002	-26,122
Non-defense environmental services	---	292,121	320,468	+320,468	+28,347
Uranium facilities maintenance and remediation	453,409	---	---	-453,409	---
Science	3,261,328	3,310,935	3,480,180	+218,852	+169,245
Supplemental appropriations (P.L. 108-11)	11,000	---	---	-11,000	---
Nuclear Waste Disposal	144,058	161,000	335,000	+190,942	+174,000
Departmental administration	205,280	326,306	224,329	+19,049	-101,977
Miscellaneous revenues	-120,000	-146,668	-123,000	-3,000	+23,668
Net appropriation	85,280	179,638	101,329	+16,049	-78,309
Office of the Inspector General	37,426	39,462	39,462	+2,036	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2754)

(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Atomic Energy Defense Activities					
National Nuclear Security Administration:					
Weapons activities	5,914,409	6,378,000	6,117,609	+203,200	-260,391
Supplemental appropriations (P.L. 108-11)	67,000	---	---	-67,000	---
Defense nuclear nonproliferation	1,020,860	1,340,195	1,280,195	+259,335	-60,000
Supplemental appropriations (P.L. 108-11)	148,000	---	---	-148,000	---
Naval reactors	702,196	768,400	768,400	+66,204	---
Office of the Administrator	325,102	347,980	341,980	+16,878	-6,000
Subtotal, National Nuclear Security Administration	8,177,567	8,834,575	8,508,184	+330,617	-326,391
Defense environmental restoration and waste management	5,428,806	---	---	-5,428,806	---
Supplemental appropriations (P.L. 108-11)	6,000	---	---	-6,000	---
Defense facilities closure projects	1,130,915	---	---	-1,130,915	---
Defense site acceleration completion	---	5,814,635	5,758,278	+5,758,278	-56,357
Defense environmental management privatization	157,369	---	---	-157,369	---
Defense environmental services	---	995,179	990,179	+990,179	-5,000
Subtotal, Defense environmental management	6,723,090	6,809,814	6,748,457	+25,367	-61,357
Other defense activities	511,659	636,154	666,516	+154,857	+30,362
Supplemental appropriations (P.L. 108-11)	4,000	---	---	-4,000	---
Defense nuclear waste disposal	312,952	430,000	430,000	+117,048	---
Cerro Grande fire activities (rescission)	---	-75,000	-75,000	-75,000	---
Total, Atomic Energy Defense Activities	15,729,268	16,635,543	16,278,157	+548,889	-357,386
Power Marketing Administrations					
Operation and maintenance, Southeastern Power Administration	4,505	5,100	5,100	+595	---
Operation and maintenance, Southwestern Power Administration	27,200	28,600	28,600	+1,400	---
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	167,760	171,000	171,000	+3,240	---
Falcon and Amistad operating and maintenance fund	2,716	2,640	2,640	-76	---
Total, Power Marketing Administrations	202,181	207,340	207,340	+5,159	---
Federal Energy Regulatory Commission					
Salaries and expenses	192,000	199,400	192,000	---	-7,400
Revenues applied	-192,000	-199,400	-192,000	---	+7,400
Total, title III, Department of Energy	20,834,432	22,163,367	22,016,347	+1,181,915	-147,020
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission	70,827	33,145	33,145	-37,682	---
Defense Nuclear Facilities Safety Board	18,876	19,559	19,559	+683	---
Delta Regional Authority	7,948	2,000	2,000	-5,948	---
Denali Commission	47,688	9,500	---	-47,688	-9,500
Nuclear Regulatory Commission:					
Salaries and expenses	577,806	618,800	618,800	+40,994	---
Revenues	-520,087	-538,844	-538,844	-18,757	---
Subtotal	57,719	79,956	79,956	+22,237	---
Office of Inspector General	6,797	7,300	7,300	+503	---
Revenues	-6,392	-6,716	-6,716	-324	---
Subtotal	405	584	584	+179	---
Total, Nuclear Regulatory Commission	58,124	80,540	80,540	+22,416	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2754)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Nuclear Waste Technical Review Board	3,179	3,177	3,177	-2	---
Total, title IV, Independent agencies	206,642	147,921	138,421	-68,221	-9,500
Grand total:					
New budget (obligational) authority	26,652,195	27,427,496	27,585,000	+932,805	+157,504
Appropriations	(26,652,195)	(27,507,021)	(27,664,525)	(+1,012,330)	(+157,504)
Rescissions	---	(-79,525)	(-79,525)	(-79,525)	---

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my chairman very much. I, too, would begin by thanking individuals; and I do want to thank members of the staff, because we would not be here without this excellent product and their help.

I do want to mention specifically Rob Pace, Leslie Phillips, Tracey La Turner, Kenny Craft, Peder Maarbjerg, Scott Burnison, Dennis Kerns, Kevin Cook, Rob Nabors, and Bob Schmidt. They have all worked very diligently, very hard; and, again, we would not be here without their very diligent and intelligent work.

Secondly, I must thank my chairman, the gentleman from Ohio (Mr. HOBSON). While this is the first time he has brought an energy and water bill to the floor, you would not know it from the work product. I have had the pleasure of serving with a number of very distinguished, wonderful gentlemen who have produced good work products. I must tell you this now is the fifth energy and water bill I have managed for the minority on the floor. It is by far the best bill we have ever brought to the floor, and I would ask my colleagues to support it.

The gentleman from Ohio (Mr. HOBSON) has been eminently fair. He has been trusting of the minority, he has been professional in all of his dealings, he has been decisive in his decisions, and the Department of Energy and other agencies within this bill will be better for his actions. He is a friend, and he has made the last 6 months of working on this bill fun. This is a good bill.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to take about 5 minutes to make note of a couple of things. As the House certainly knows, I have vigorously opposed a number of appropriations bills that have come to the floor this year. One is the labor-health-education bill, for instance; another will be the transportation bill, which has not yet come to the floor, but which has substantial problems. And there have been several others.

I have opposed them for two reasons. One reason is because the depth of the tax cuts passed by this House has meant that we have starved needed investment in areas like education, health, transportation, et cetera.

The second reason that I have opposed some of those bills has been because I think that they have been drafted as though an ideological agenda was the most important consideration in putting them together.

I support this bill enthusiastically, because I think it departs from the conditions that I have just described on those other bills in two ways.

First of all, I think that the allocation to this subcommittee, while it is certainly, in my view, skinny in several areas, the allocation does not do as much damage to the programs under the jurisdiction of this subcommittee as is done, for instance, when we starve education and health care and worker protection programs, as we did in the labor-health-education bill.

But, secondly, I support this bill because I appreciate the craftsmanship behind it. This bill, in my view, has been put together as a substantive, rather than a political, document. It is not driven, in my view, by ideology. I think the Chair and the ranking member have made decisions based on their individual independent judgments about policy, and that is what we are supposed to do here. We are supposed to be a legislative body, at least as much as we are a political body.

In many of the bills that have come before this House so far, we have had political products. This is a legislative product; and I simply want to congratulate the gentleman from Ohio for bringing it to the floor, because this is the way this House ought to function.

So I believe in strong criticism when criticism is warranted, and I believe in the opposite when the opposite is warranted; and I think this is one such occasion.

As I have said, I do not agree with every judgment in this bill. In fact, I strongly disagree with two. But that is all right, because I think those differences were arrived at honestly on the basis of a different view of policy. So we can have reasonable arguments about that. I do not think the allocation has been crippling to the programs under the jurisdiction of this committee, and I appreciate that too.

So I, like the gentleman from Indiana, urge my colleagues to vote for the bill. There is one amendment that I may vote for, but that aside, regardless of the outcome of that amendment, I would urge Members to give this bill the support that it deserves.

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I rise briefly to compliment the gentleman from Ohio (Chairman HOBSON), along with his ranking member, for doing a really fine job.

This bill could have used more money, but all of our 13 subcommittees have marked up, and each one of them has said they could have used more money. So I think we are probably on the right track. Nobody got too much, and nobody got too little.

The good news is that this is a very good bill, it is very well written and it is very fair. This is the eighth appropriations bill that the House will have concluded its work on prior to the August recess. All 13 subcommittees have marked up their bills. All but two of the bills have been marked up in the full committee, and that will happen next week, as well as the second supplemental request that we received from the President.

So, all in all, once we were able to begin our work, the committee has done an excellent job, and I commend all of the Members on both sides of the aisle, the staff on both sides of the aisle, for working in a very professional way.

I want to thank the gentleman from Wisconsin (Mr. OBEY), because he has been a partner. Although we have had disagreements on occasion, he has been exceptional to work with. Our cooperation could not be better.

Mr. Chairman, we have a good product here, and I hope that we can move this bill along. Again, I congratulate the gentleman from Ohio (Chairman HOBSON) and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for doing such a good job.

Mr. VISCLOSKY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, would the chairman of the subcommittee engage in a short colloquy with this Member?

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, first I might say this colloquy is a little more structured than the one we had that everybody thought was a dog and pony show in committee. We did not plan it there, but we have decided to do it again.

Mr. ROGERS of Kentucky. Mr. Chairman, reclaiming my time, I thank the gentleman.

First of all, I want to thank the gentleman from Ohio (Chairman HOBSON) for a very good, solid, comprehensive, evenhanded bill to address our energy and infrastructure needs for fiscal year 2004.

Mr. Chairman, as you know, since September 11 the Federal Government has undergone its most comprehensive reshuffling since World War II with the creation of the Department of Homeland Security. As such, we have realized that a terrorist attack, nuclear or otherwise, could come not from a foreign state, but from our own backyard, using unconventional means to disrupt the lives of peaceful citizens.

Mr. Chairman, how many places in this country do we store spent nuclear fuel, and where and how is this nuclear spent fuel being stored?

Mr. HOBSON. Mr. Chairman, if the gentleman will yield further, I believe there are 103 nuclear power stations in the United States. At those installations, less than half the spent fuel is held within the reactor wall in giant water-cooled pools.

Mr. ROGERS of Kentucky. Over half the material is outside the protection of the main building?

Mr. HOBSON. That is correct. The Federal Government signed an agreement with the utility companies to dispose of this nuclear material by 1998 at the Yucca Mountain repository in Nevada. Unfortunately, Yucca Mountain is not scheduled to open until 2010.

Mr. ROGERS of Kentucky. So, as it stands, probably until 2010 this highly radioactive material is sitting there exposed at most of the power plants in the country, outside the nuclear reactor building, waiting to be transported to Yucca Mountain. Is that correct?

Mr. HOBSON. Yes, that is true. What has happened is some of the material has been transferred to concrete stationary casks after it has been in the pool for the appropriate time, but this radioactive fuel will have to be carefully removed and repackaged for shipment to Yucca Mountain in a manner that is much safer and in a moveable container.

Mr. ROGERS of Kentucky. Given the volume of the material we are dealing with and the volatility of that material and its being subject to being attacked, is there a better way to address the issue of storage between now and 2010 and then proper shipment to Yucca Mountain?

Mr. HOBSON. In my opinion there is. This bill directs the Department of Energy to determine the potential cost savings and threat level reduction by placing spent fuel into a dual-use cask rather than separate storage and transportation casks. By reducing both the handling and exposure periods, we can substantially increase the safety and security levels and prevent a possible or potential future accident at the sites.

Mr. ROGERS of Kentucky. When the gentleman talks about dual-use casks, could the gentleman tell me what he means by that?

Mr. HOBSON. These are casks that, on the site, instead of putting them into the concrete thin-barrier-walled facilities that they are in now, they would go into a much higher, non-penetrable type of facility container that would be manufactured and delivered to the site, and put into that cask. That cask could then be put on a rail car in future years and transferred out to Yucca Mountain and put directly into the mountain, rather than the procedure they are talking about now of taking those casks that they have got there now, which are concrete and a very thin wall, taking those, putting them into another container, then putting them on a rail car, taking them to Yucca Mountain, taking them out again, putting them into another container there, and then putting it in the ground.

This would, in my opinion, be a much more cost-effective way of handling this waste and a much safer way of handling the waste in the current situation.

Mr. ROGERS of Kentucky. So the cask you are talking about would serve two purposes, be dual use: one, it would safely protect the material while we are waiting around for Yucca to be finished; and, two, you would not need to change it into another container to ship it out there.

Mr. HOBSON. That is correct. You would not have to do it again after you got out there. You would not have to take it out, put it in another container, and then put it underground.

Mr. ROGERS of Kentucky. What I am most concerned about from my perspective is the storage of material at the nuclear power plant pending Yucca Mountain shipment, the years we are having that material laying there exposed to perhaps an attack. By the way, each one of these nuclear plants is within 20 miles of an airport.

Would these dual-use casks that the gentleman refers to, would they be impervious to such an attack?

Mr. HOBSON. Mr. Chairman, if the gentleman will yield further, the word "impervious" is pretty difficult or a pretty high standard. I think we would have to study it a little bit more, but I think they are far more resilient to that type of attack or another type of attack than where we are today, and we would be much safer.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman. From my perspective on the Subcommittee on Homeland Security of the Committee on Appropriations, I strongly support quickly moving toward these dual-use, thick-walled containers which can be used for storage and transportation to Yucca Mountain, and, in the meantime, give us maximum protection from the attack on that material causing great possible harm. This would reduce the potentially catastrophic effects of a terrorist attack on a nuclear power plant.

I look forward to working with the chairman on this issue and congratulate the gentleman on a great bill.

Mr. HOBSON. Mr. Chairman, I thank the gentleman, and I agree with the gentleman's comments.

Mr. RAHALL. Mr. Chairman, I rise to protest the drastic and devastating cuts to the Appalachian Regional Commission ("ARC") in the House of Representatives' Energy and Water Appropriations bill, on which we will vote today.

The ARC provides vital infrastructure investments in a historically distressed area of the country that spans 13 states including all of West Virginia, my home State.

The cuts in the Energy and Water Appropriations will slash the ARC budget by over 50 percent from its fiscal year 2002 levels. The Transportation and Infrastructure Committee, of which I am a senior member, had authorized $88 million for this vital program, but the bill only provides for $33 million in ARC funding. Simply put, this bill seeks to gut a worthwhile program upon which so many people across so many states depend.

I understand that Senator ROBERT BYRD, that great West Virginian and one of the most distinguished public servants in American history, has managed to fund the ARC at its current level in the Senate's Energy and Water Appropriations. His efforts are greatly appreciated, and I applaud him both personally and professionally for what he has done for the ARC and therefore for West Virginia. Were it not for Senator BYRD's efforts, I would have to oppose the House Energy and Water Appropriations bill outright.

In the 1960s, President Johnson carried out a promise to help raise the Appalachian region out of its crushing poverty when he formed the Appalachian Regional Commission. For over 30 years, the ARC has provided for development and jobs throughout 410 counties across a 200,000 square mile region. Although the Appalachian region is dramatically improved because of this effort, there remains more work to be done to fulfill the promise made.

Mr. Chairman, some have questioned the value of the ARC. In response, I would like to note a few examples of the good work the ARC has done most recently in southern West Virginia:

The ARC provided the Prichard, WV Public Service District with a $100,000 grant to construct a wastewater collection and treatment system that will provide water to 225 customers and create 148 jobs in Wayne County, WV.

A $1 million grant to the Glen White/Trap Hill Public Service District in Raleigh County, WV, will fund construction of three water storage tanks and replace some existing water lines while extending service to surrounding communities that had to rely on underground wells.

In Boone County, WV, a $680,000 grant from the ARC is being used to extend waterlines to Julian, WV.

The ARC also has provided the West Virginia Access Center for Higher Education in Bluefield, WV, a $75,000 grant to help increase the number of high school students who go on to attend college.

Now, I don't think the people who live in Prichard, Glen White, Julian, and Bluefield will claim that the ARC has a questionable track record.

Mr. Chairman, Senator BYRD is the sponsor of a Senate bill to complete construction of the Appalachian Development Highway System. I proudly note that I am the sponsor of the House version of the same bill, H.R. 2381, which is cosponsored by my fellow West Virginian and close friend, Alan Mollohan, and that stalwart ARC supporter from Ohio, my friend Ted Strickland.

I urge my colleagues to remember the ARC as a worthwhile program that has benefited many lives and continues to do so.

Mr. GREEN of Texas. Mr. Chairman, I rise in strong support of the Fiscal Year 2004 Energy and Water Appropriations bill, which brings the Houston Ship Channel project extremely close to completion and provides critical flood relief for residents of the 29th District of Texas.

This bill provides $33.7 million for the Houston Ship Channel deepening and widening project, which will allow our Nation's second largest port to continue to grow and handle the heavy energy and petrochemical traffic that is necessary for the smooth economic functioning of our nation. The Port of Houston is home to the single largest petrochemical complex in the country, with a combined capacity to produce nearly 49 percent of the Nation's petrochemical capacity.

By increasing the capability of the Ship Channel to handle newer, larger tankers more safely, Congress will directly increase the energy security of our nation at a time of tumultuous energy markets. If we can obtain an additional $15 million as this legislation moves forwards, the construction on the Ship Channel can be completed within the fiscal year. The Ship Channel is one of the primary economic engines in my District and throughout Texas, directly providing tens of thousands of jobs in the greater Houston area and many more thousands across the State.

For flood control, this legislation provides $1 million for flood protection construction work along Hunting Bayou, an urban watershed in East-Central Harris County. During Tropical Storm Allison, the most expensive tropical storm in U.S. history, over 8,000 homes flooded in the Hunting Bayou watershed, which is heavily residential and low to moderate income.

When complete, the $180 million Hunting Bayou Federal Flood Control Project will reduce the number of structures in the 100-year flood plain in the watershed from 5,500 to 800, and the local sponsor is projected to cover half of the total project cost.

The House Energy and Water Appropriations Act for FY 2004 also provides $774,000 to complete the General Re-evaluation Review for Greens Bayou, a highly populated, but economically disadvantaged watershed in North Harris County. The lack of flood control protections in this watershed leaves these residents and businesses unprotected and resulted in the flooding of over 15,000 structures during Tropical Storm Allison. The most major channel flooding during the event occurred in the Greens watershed, and we need to get moving and start moving dirt down there as soon as possible.

I offer my deep appreciation to Chairman HOBSON and Ranking Member VISCLOSKY for their attention and dedication to these critical economic development and flood protection projects for my constituents down in Houston, TX. I hope to work with them as this legislation goes forward, and I urge my colleagues to support the bill.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 2754, the Energy and Water Development Appropriations bill for fiscal year 2004. This bill, which provides important flood protection, water transportation, energy, and irrigation services across the country is consistent with the House-passed budget resolution and complies with the Congressional Budget Act.

H.R. 2754 provides $27.080 billion in budget authority and $27.173 billion in outlays—increases over the previous year's funding levels of $1.224 billion and $1.697 in BA and outlays respectively. This bill exceeds the President's request by approximately $279 million. Over the last 4 years, funding for this appropriations bill has increased at an annual rate of 5.9 percent.

As chairman of the House Budget Committee, I am pleased to report that the bill is consistent with the House Concurrent Resolution on the Budget for fiscal year 2004—H. Con. Res. 95. H.R. 2754 also complies with section 302(f) of the Congressional Budget Act. Section 302(f), prohibits consideration of bills in excess of a subcommittee's 302(b) allocation.

H.R. 2754 does not contain emergency-designated new BA. The bill does include $80 million in rescissions of previously enacted BA with $4 million in related outlays.

In conclusion, I express my support for H.R. 2754 and yield back the balance of my time.

Mr. HOLT. Mr. Chairman, today I rise in support of this appropriations bill and also to highlight the need for increased funding for basic science programs at the Department of Energy.

First, I would like to commend the chair and ranking member of the subcommittee for substantial efforts to add funds in nearly every category of basic energy research to the administration's budget requests.

In particular, I commend the committee for committing $268.1 million to fusion energy research; $10.8 million above the administration's budget request and an 8 percent increase over fiscal year 2003 appropriated levels—$246.9 million.

The $10.8 million increase this committee worked hard to secure is essential for allowing the United States to fulfill the President's directive of reengaging in the international burning plasma experiment (ITER) and to maintain a strong domestic fusion energy program.

The fusion energy program has made impressive—although generally unrecognized—progress in the past years despite being severely under funded. For example, the energy produced in fusion plasmas in large experiments around the world has outpaced the rate of advance in computer speed during the last 30 years. The people of New Jersey are proud of our leadership role in this important field of science through one of our Nation's premier research institutions, the Princeton Plasma Physics Laboratory (PPPL).

However, substantial hurdles still must be addressed before fusion energy will become a viable commercial energy source, and solving these problems will take significant Federal support. It will be worth the effort and expense. Knowing a great deal about the subject, I am optimistic that the hurdles will be overcome and practical fusion energy will become a reality.

Before coming to Congress, I was the associate director of the PPPL. It is worth noting that during my tenure at the lab, the fusion energy budget reached a high of $352 million. The committee should be commended for taking a small step in reestablishing such funding levels.

Despite these important incremental increases, I must emphasize that our country's current investment in fusion energy science, and in basic energy research in general, is not nearly sufficient to realize the goal of a zero emissions energy economy, as outlined by Energy Secretary Abraham in introducing DOE's budget request.

Achieving energy independence and a significant reduction in greenhouse gas emissions from the energy sector will take a sustained investment in basic sciences that could lead to clean alternative energy sources.

Mr. Chairman, I commend the committee for making the best of an inadequate budget request, and I urge this committee to continue this trend toward increased support for our basic energy research programs in years to come.

I also want to commend Mr. HOBSON and the committee for reducing funding for study of a new generation of nuclear weapons. Nuclear weapons on the battlefield would be a nightmare, and reasonable battlefield commanders say they would never want them. Nuclear "bunker buster" bombs are flawed in concept and we should not be spending money to pursue them.

Mrs. TAUSCHER. Mr. Chairman, I would like to commend Mr. HOBSON and Ranking Member VISCLOSKY for offering a strong bill that ensures that the United States continues to have a robust nuclear deterrent and the infrastructure to support it.

As the former ranking member of the Armed Services panel to oversee the National Nuclear Security Administration, I am especially pleased that the committee report highlights the need for the NNSA to focus on its primary mission of maintaining the viability of the existing stockpile.

The committee's cuts in funding for new nuclear weapons and for the robust nuclear earth penetrator are vital steps toward restoring U.S. leadership in fighting the proliferation of weapons of mass destruction.

Indeed, not only does the military not have any requirements for these weapons, but developing them would send a strong signal to other countries that the pursuit of nuclear weapons is legitimate and necessary.

At a time when we are facing a changing security environment it would seem prudent to strengthen the core missions of the nuclear establishment such as our science based stockpile stewardship rather than embark on potentially dangerous new missions that would have a destabilizing effect.

In this regard, I am pleased to see full support for the National Ignition Facility, a key Stockpile Stewardship Program facility which is being build in my district.

Recently NIF brought the first four of its 192 beams online and has demonstrated full power and full performance on those beams. Those four beams now constitute the most powerful laser in the world.

NIF will begin to do experiments to provide data to the Stockpile Stewardship Program this year—while it continues to commission additional laser beams on the path to full facility operation in FY2008.

A critical element of the committee's action is the support for growth in the Experimental Support Technologies, which provide the technologies to use NIF.

I also strongly urge the chairman to work with me and other members of the Armed Services Committee to move forward on the work necessary to refurbish the W–80. The W–80 fills a unique niche in our nuclear deterrent.

The work called for in the budget request will lay the groundwork for improving the safety, security and reliability of the W–80.

It is important that the budget request for the NNSA work on the W–80 be supported so that the production plant work can be effectively managed.

Finally, I am concerned about the language in section 301 mandating that the Department of Energy automatically compete labs that have been managed by a particular contract for more than 50 years.

The decision to chose a given contractor to manage a particular laboratory with its specific needs, is an exceedingly complex one, involving all manner of judgments concerning the relative value of factors such as the ability of a given contractor to attract and retain the strong technical workforce required to focus on issues of supreme national security importance to our country.

These issues deserves in-depth scrutiny and study, not an automatic competition of the contract. Neither the Department of Defense, NSF or NASA treats its contractors this way, and I am concerned that DOE would be asked to do so.

On the water side, I understand the committee's rationale for not including funding for the CALFED program.

The program must be authorized by Congress this year and I am working with my colleagues from California to advance a comprehensive reauthorization bill this year.

The federal government must be an active partner with California to heal the Delta's ecosystem and prepare for the state's growing population.

I appreciate the committee's hard work and urge a "yes" vote on the bill.

Mr. BEREUTER. Mr. Chairman, this Member would like to commend the distinguished gentleman from Ohio (Mr. HOBSON), the chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the subcommittee, for their exceptional work in bringing this bill to the floor.

This Member recognizes that extremely tight budgetary constraints made the job of the subcommittee much more difficult this year. Therefore, the subcommittee is to be commended for its diligence in creating such a fiscally responsible measure. In light of these budgetary pressures, this Member would like to express his appreciation to the subcommittee and formally recognize that the Energy and Water Development appropriations bill for fiscal year 2004 includes funding for several water projects that are of great importance to Nebraska.

This Member greatly appreciates the $18 million funding level provided for the four-State Missouri River Mitigation Project and hopes that the final funding for FY2004 will be closer to the $22 million included in the Administration's budget. The funding is needed to restore fish and wildlife habitat lost due to the federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri, and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in predevelopment days.

In addition, this measure provides additional funding for flood-related projects of tremendous importance to residents of Nebraska's First Congressional District. Mr. Chairman, flooding in 1993 temporarily closed Interstate 80 and seriously threatened the Lincoln municipal water system which is located along the Platte River near Ashland, Nebraska. Therefore, this Member is extremely pleased that H.R. 2754 continues funding in the amount of $191,000, the full amount thought necessary, for the Lower Platte River and Tributaries Flood Control Study. This study should help formulate and develop feasible solutions which will alleviate future flood problems along the Lower Platte River and tributaries.

This Member recognizes that this bill includes $546,000 for the Sand Creek Watershed project in Saunders County, NE, and $318,000 for the Western Sarpy-Clear Creek. However, this funding is to be used for preconstruction engineering and design work. This Member believes that it is very important that the final version of the FY2004 Energy and Water Development appropriations legislation include funding for construction of these projects.

Funding for the Sand Creek project is particularly urgent. There is a cooperative effort in Nebraska between the State highway agency and water development agencies which makes this project more cost-effective and feasible. Specifically, the dam for this small reservoir is to be a structure that the Nebraska Department of Roads would construct instead of a bridge as part of the new State expressway in the immediate vicinity of Wahoo, NE. Immediate funding would help ensure that this cost-effective, coordinated effort could continue so that the construction of the expressway will not be further delayed.

Mr. Chairman, this Member very much appreciates the report language which "directs the Secretary of the Army to work closely with the local sponsor on the Sand Creek Environmental Restoration project, accepting advance funds offered by the sponsor, and agreeing to credits and reimbursements, as appropriate, for work done by the sponsor, including work performed in connection with the design and construction of seven upstream detention storage structures."

Another project, the Western-Sarpy-Clear Creek Flood Reduction Project is designed to provide protection to the city of Lincoln's water supply, Interstate 80 and U.S. Highway 6, the Burlington Northern Santa Fe railroad/Amtrak line, telecommunication lines and other public facilities. The project completes and strengthens a levee system, most of which is already in place, to channel water and ice downstream away from the confluence of the Elkhorn and Platte Rivers, which is where major flood problems begin.

On still another important project, this Member is pleased that $1.5 million in additional construction funding is included for the Antelope Creek project in Lincoln, NE, and also hopes that this funding level will be increased in the final version. The purpose of the project is to implement solutions to multifaceted problems involving the flood control and drainage problems in Antelope Creek as well as existing transportation and safety problems all within the context of broad land use issues. This Member continues to have a strong interest in the project since he was responsible for stimulating the city of Lincoln, the Lower Platte South Natural Resources District, and the University of Nebraska-Lincoln to work jointly and cooperatively with the Army Corps of Engineers to identify an effective flood control system for downtown Lincoln. The Antelope Creek Flood Control Project is a large project and will have a number of phases of right-of-way acquisition and construction.

Finally, this Member notes regrettably that the bill does not include the usual $260,000 in funding requested for operations and management related to the Missouri National Recreational River Project. This project addresses a serious problem by protecting the river banks from the extraordinary and excessive erosion rates caused by the sporadic and varying releases from the Gavins Point Dam. These erosion rates are a result of previous work on the river by the Federal Government. This Member believes that the final venison of the legislation should include this funding and would appreciate the committee's assistance with the other body on this issue.

Again Mr. Chairman, this Member gratefully commends the distinguished gentleman from Ohio (Mr. HOBSON), the chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the subcommittee, for their support of projects which are important to Nebraska and the First Congressional District, as well as the people living in the Missouri River Basin in the four-state region.

Mr. BARTON of Texas. Mr. Chairman, I strongly object to report language regarding regional transmission organization, RTO, matters in the Federal Energy Regulatory Commission, FERC, section of H.R. 2754, the Energy and Water Development Appropriations Act for Fiscal Year 2004. The Committee's report expresses "concerns" regarding the integration of various companies into a regional transmission organization, RTO, pursuant to a specified FERC order. The language also states that the Committee "expects" that the FERC will "require" certain parties to meet specified conditions "before proceeding" with such integration. The language also warns that the Committee "may address" this issue "in more detail" in the conference, "pending receipt" of a status "report" from FERC on this issue. Matters pertaining to the regulation of electric transmission are exclusively within the jurisdiction of the Committee on Energy and Commerce. The Appropriations Committee has no jurisdiction over such FERC activity and should, therefore, not address this matter in conference. FERC should disregard the report language, which has no legal force or effect.

Ms. BERKLEY. Mr. Chairman, today I urge my colleagues to vote for the Udall-Porter amendment. This amendment would strengthen the Department of Energy's renewable energy research programs, and would work toward decreasing our Nation's dependence of foreign sources for energy.

Renewable energy is vital to America's future. By boosting renewable energy, we are working toward bringing down energy costs, creating a consistent and reliable source of energy, improving other environment and public health, increasing our role in the global renewable energy market, and reducing our vulnerability to terrorism. Nuclear power, by contrast, has left us buried under thousands of tons of radioactive waste. The proposed Yucca Mountain repository, hundreds and thousands of miles from reactor sites, has been marked to house this waste, but transporting and storing nuclear waste creates potential targets for terrorism, leaving our Nation at risk.

We need to invest more funds to help our Nation's renewable power industry grow. This proposal would overcome many of the financial hurdles encountered with renewable energy research. Geothermal energy, a highly accessible form of renewable energy, has shown little growth in the U.S. during the past decade compared to other nations. With more funding, this could change—we could create a boom in the geothermal energy industry. With the help of financing, just last year the solar power business grew by 60 percent to $500 million. Wind plants in 27 States produced enough energy to serve more than 1.3 million households.

The State of Nevada has been cited as a "highly favorable" State to develop renewable energy. It is blessed with natural energy resources. The numerous mountain ranges, bordered by underground faults, are sources for geothermal energy. The Department of the Interior has listed 10 sites in Nevada that could produce geothermal energy in the next 2 years. Each of these sites is located near transportation lines, which could transmit energy to other markets. Geothermal power provides the Nation with about 17 percent of the renewable energy, but is less than 0.75 percent of the Nation's total energy supply.

Solar energy generated from the sunlight of Southern Nevada, on a 100-square-mile grid alone, could supply enough electricity to power the rest of the United States. Wind power has the potential to produce twice as much electricity as nuclear energy. Currently, not even counting solar power, Nevada could produce 27 percent more from renewable resources. This energy could be exported to other States, creating more jobs and economic benefit to Nevada.

Instead of investing funds into the Nuclear Waste Disposal Program, we should be endowing the Renewable Energy Program with funding to expand research and development. Money should be invested in cleaner forms of energy, not problem-ridden projects like Yucca Mountain that create potential risks to our communities. We must look ahead into the future of energy. Renewable energy is beneficial for people and the environment. With this I ask you to vote for the Udall-Porter amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding and I ask unanimous consent to review and extend my remarks.

Mr. Chairman, I rise today in support of this year's Energy and Water Appropriation's bill.

Before I run through the many reasons for my strong support of this legislation, I would like to thank and recognize the distinguished Chairman of the Energy and Water Appropriations Subcommittee, Representative DAVID HOBSON, who has provided strong leadership and direction, while putting together a responsible and bipartisan bill.

I would like to also thank ranking member VISCLOSKY for his bipartisan spirit in helping to put this bill together, and the Energy and Water Subcommittee staff who all put in so much time and effort meeting with each member.

For more than 170 years, the Federal Government has worked in partnership with our States and local communities to provide solutions to critical flooding, dredging, and environmental problems, as well as beach and shore protection. This year is no exception. In fact, the gentleman from Ohio has produced a bill that ensures our Nation's continued commitment to work in partnership with our States and local municipalities to address these vital needs. In my home State of New Jersey, these projects have kept our Port of New York and New Jersey open for business, and prepared us for a future with bigger ships, and most importantly, keeping President Bush's commitment that our port continue to serve our nation and our national security and economic needs.

I would again like to thank the Chairman for his strong support for dredging the New York/New Jersey Port.

In addition, this bill helps keep the 127 miles of New Jersey Beach open to visitors from all over the country. As a direct result, over 30 billion dollars are infused into New Jersey's economy each summer, and over 800,000 people are employed.

In an effort to protect New Jerseyans, their homes, and their businesses from the destruction and devastation of flooding, this bill also provides the framework and the funding to purchase wetlands for natural storage areas, and to work with the local governments in Morris, Somerset, and Essex Counties to develop long-term solutions to these re-occurring floods.

This bill also funds the Department of Energy, where funding has been focused on core programs, which can truly make a difference. I am quite pleased that Chairman HOBSON has made the Nuclear Waste Program one of his highest energy priorities. The Chairman's mark provides a total of $765 million for nuclear waste disposal, an increase of $174 million over the budget request and $308 million more than fiscal year 2003. These additional funds are provided to enable the Department to open the Yucca Mountain repository on schedule in 2010, which will help communities all around the country where nuclear waste is stored on a "temporary" basis.

I would again like to thank Chairman HOBSON for supporting DOE's Fusion Energy Sciences program with over 268 million dollars, nearly $11 million over the President's budget. These are critical dollars which will allow America to participate in the International Thermonuclear Experimental Reactor, ITER, while simultaneously allowing the domestic fusion community to prosper at places like New Jersey's Princeton Plasma Physics Laboratory, a Department of Energy laboratory.

Fusion energy is a future source of clean and limitless energy. More importantly, this energy source will make us less dependent on foreign oil and fossil fuels.

Mr. Chairman, for all these reasons, I urge my colleagues to support this bill.

Mr. MATHESON. Mr. Chairman, I strongly oppose the Advance Weapons Concepts funding in this appropriations bill. While I was pleased to see that the Energy and Water Appropriators chose to reduce funding for the "Robust Nuclear Earth Penetrator," I am still concerned that this bill provides $5 million for the weapon.

We live in an era when terrorism and national security concerns dominate the political landscape, as well they should. No one is arguing about the need to find new technologies with which our Nation can combat deeply buried targets, particularly those held by terrorists. Supporters of the Robust Nuclear Earth Penetrator, argue that the current funding is strictly limited to weapons research and development in Department of Energy labs.

This claim ignores the obvious end result of such funding—weapons design does not occur in a vacuum. In order for our soldiers to use nuclear weapons in combat, these weapons must first be physically tested, most likely at the Nevada Test Site. The Federal Government's poor record on weapons testing and containment of fallout is lengthy and disappointing, at best.

I have already seen too many Americans succumb to then-unforeseen consequences of nuclear weapons. The price of new usable nuclear weaponry is too high for this great Nation, once again, and I reiterate my opposition to the advance weapons concepts funding.

Ms. BERKLEY. Mr. Chairman, due to a family emergency, I am unable to be here today for the debate on the Energy and Water Appropriations bill. I want to express my strong opposition to the language in the bill regarding the Nuclear Waste Disposal Account.

The House Appropriations Committee on Energy and Water has allocated a total of $765 million for FY 2004 for the Yucca Mountain Project and nuclear waste disposal. This represents an increase of 67 percent above current spending levels and $174 million more than the Energy Department's request for FY 2004. Appropriating such a massive increase in funds for a project that has yet to be licensed by the Nuclear Regulatory Commission is unconscionable.

I would like to bring to your attention several outstanding issues that cloud the future of the problem-ridden Yucca Mountain Project.

Key scientific issues surrounding the Yucca Mountain project remain unresolved. Sound science on the long-term viability of a deep geologic burial site for 77,000 tons of high-level nuclear waste has yet to be produced. The Department of Energy continues to struggle to address the nearly 200 outstanding "key technical issues" concerning the repository. Numerous scientific reports highlight the potential shortcomings of the current plan, including a lack of comprehensive performance tests on the man-made storage casks, the presence of significant seismic activity at the proposed site, and incomplete data on the effects of the waste on the surrounding communities. Additionally, questions regarding the reliability of computer models in evaluating risks posed by long-term waste storage at the Yucca site remain unanswered.

Some have stated that only the people in Nevada have a problem with Yucca Mountain. Proponents of the Yucca Mountain nuclear dump site claim that it's needed to address security concerns at 131 nuclear reactor sites. But this simply is not the case. Even if the Department of Energy receives a license to construct the repository at Yucca Mountain, operating nuclear reactors will always have nuclear waste on-site. As long as a nuclear power plant is in operation, it will produce hot, radioactive, spent nuclear fuel. The fuel must be cooled on-site for 5 to 10 years before it can be moved. Therefore, even as older fuel is shipped to a repository, huge amounts of nuclear waste will remain at those 131 sites.

Shipping nuclear waste to Yucca Mountain will not make these reactors any safer. On the contrary, it will create another potential terrorist target in Nevada. In addition, it will also create thousands of mobile targets traveling through 43 States and as many as 360 congressional districts for more than 30 years. However, if approved, 77,000 tons of high-level nuclear waste would be transported from 131 sites across the United States through 43 states, and perhaps as many as 360 Congressional districts, for the next 30 to 40 years, equaling a total of over 100,000 shipments of nuclear waste. Nuclear waste shipments will pass within miles of our homes, schools, and hospitals. In fact, one-in-seven Americans, 38 million people, live within one mile of a proposed transportation route. At every stage of transportation, from rail and truck transfers to storage depots, to the actual repository, a devastating terrorist attack could result in massive civilian casualties, severe economic disruption, and long-lasting environmental contamination.

Finally, I would like to address the language in the report that addresses "early acceptance" of nuclear waste at Yucca Mountain. Sound science has not proven that Yucca Mountain is a safe repository for nuclear waste storage. There have been promises made to Nevadans that no waste would be shipped before it was proven to be safe. I would urge the Department of Energy to ensure this is the case before there is any discussion of early acceptance.

Mr. LATHAM. Mr. Chairman, I rise in support of this bill, and urge my colleagues to support it. Given our allocation, the Majority and Minority have worked well together to fashion a workable measure. I also want to compliment the Chairman on a job well-done.

I am particularly interested in this bill because of the funding it provides to the Corps of Engineers for activities on our navigable waterways. In our agriculture communities, the transportation provided by these waterways is extremely important to cost-efficient and timely grain shipments. That said, it is important for my constituents—farmers and consumers alike—to have well-operated and well-maintained waterway systems on the Mississippi and Missouri Rivers.

As part of our efforts to keep our waterways in good working order, we have funded the Upper Mississippi River Navigation Study. This study is a comprehensive review of the needs of the Mississippi transportation system and will provide us reliable data about the efficiencies of this critical waterway.

We have also funded the Mississippi River Comprehensive Plan, an initiative aimed at improving flood protection, mitigating flood damage, and enhancing habitat management and erosion control.

Other Corps funding with respect to navigation that is important to Iowa's farmers and grain shippers pertains to the operation and maintenance of the dams and locks along the Mississippi and Missouri Rivers. These activities are important because without proper operation of these locks and dams, much of our food production system suffers economically because of costly delays in the movement of grains and other agricultural products.

Overall, though the Corps funding is less than I would like to see it, I do believe that we have done a good job in dividing up the monies so the Corps can do the things that it does best. For this reason and others important to my State, I am going to support passage and I urge my colleagues to do likewise.

Mr. PORTER. Mr. Chairman, I rise today to voice my extreme opposition to H.R. 2754, the FY 2004 Energy and Water Appropriations bill that unfairly targets my home State of Nevada, a State with no nuclear reactors, as the final destination for 77,000 tons of high-level nuclear waste produced by the U.S. commercial nuclear utilities, most of which are located in the East.

This bill tramples on decades of environmental policy, ignores public health and safety, and exposes the American taxpayer to billions of dollars in costs to solve the private industry's waste problem.

H.R. 2754 contains some features that serve the general food of the United States, such as flood control and renewable energy research.

Unfortunately, they are dwarfed by the bill's massive funding for the Yucca Mountain Nuclear storage facility.

This bill increases funding for the site by more than 29 percent, even though it has yet to be licensed by the Nuclear Regulatory Commission.

At a time when our budget must meet the challenges of providing economic growth and security against terror, I urge my colleagues to reject this bill that over funds an unnecessary, unsafe, and unapproved nuclear repository at Yucca Mountain.

Mr. HOBSON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of the legislative day of Thursday, July 17, 2003, the bill shall be considered for amendment under the 5-minute rule and the amendment designated in the order of the House of that day is adopted.

□ 0930

During consideration of the bill for further amendment, the Chair may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, aquatic ecosystem restoration, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $117,788,000, to remain available until expended: *Provided*, That for the Ohio Riverfront, Cincinnati, Ohio, project, the cost of planning and design undertaken by non-Federal interests shall be credited toward the non-Federal share of project design costs.

AMENDMENT NO. 3 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DEFAZIO:

Page 2, line 18, after the dollar amount insert "(reduced by $17,788,000)".

Page 5, line 15, after the dollar amount insert "(increased by $17,788,000)".

Mr. HOBSON. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. DEFAZIO. Mr. Chairman, I do not rise to offer this amendment because I believe that the General Investigations Account is overfunded. In fact, I believe the entire Corps budget is way underfunded when we look at the real infrastructure needs of the

United States. I appreciate the fact that the committee and the House have found $288 million more than the President proposed, but it is still $156 million less than last year, and all across the country we have locks and dams and jetties failing.

In particular, in my own district we have a dam at Fern Ridge which is more than 50 years old which is on the verge of catastrophic failure. The Corps has lowered the level of water behind the dam. They say that at any moment they may have to dewater the reservoir. And when the reservoir is dewatered, we lose both the extraordinary recreation benefits of one of the most heavily recreated lakes in Oregon, the revenues that flow from that recreation, but we also lose the flood control. And just a few years ago this dam was vital when we had a wet winter, and they are now predicting that we again are going to have a wet winter. So if the dam just fails a little bit more, we are going to lose all the flood control capability and all of the recreational attributes, and the Corps of my region says they just will not have the money until the year 2006 to fix this dam.

That is not acceptable. We cannot have dams that are failing and say, come back in 3 years and, by the way, if they have a 100-year flood in the interim, they are out of luck. We will have hundreds of millions of downstream damage, and I guess then Federal flood insurance will pay for it out of a different pocket than the pocket out of which we are appropriating this bill.

So my intention in offering this amendment is not to criticize the committee or the Corps or any of these budgets, but to raise the point that the O&M Account, which goes to issues like the failing Fern Ridge Dam, goes to the dredging of the small ports along the southern Oregon coast, is woefully underfunded.

I also understand that a point of order may lie against this amendment.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I very much appreciate the gentleman yielding to me, and I want him to know that I am aware of the needs of his district and many others around the country, frankly. In my prepared remarks, which I did not give today, I list some problems. The Operation and Maintenance backlog is nearly $1 billion and growing every year, and I talk about that. I also talk about the fact that OMB has got to work with us on a long-term basis because every year we go on, this aging infrastructure, we need to make an investment, and I want to make that investment.

And what I am going to try to do in this bill, and this is my first time doing this, and I have a very able ranking member, when we sit down with the other body in conference, I am going to try to increase the money available for Operation and Maintenance, and I will try very hard to get the OMB to work with us to be more realistic in the future about this, because I do not think it is realistic. We need to help the Corps of Engineers so that we do not make so many hard choices in support of our economic, environmental and recreational infrastructure.

I want to assure the gentleman and everybody else in here we have got a real problem here. This affects our economy. We have to maintain these facilities and make sure they are up to date because it has a detrimental effect on our economy and on our environment. And I would appreciate if the gentleman would withdraw his amendment, but I want him to know I am very sincere about trying to get this account up not only now, but in the future.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for his words, and I thank him for his work on this and also his desire to increase the funding. I share that. I intend to support the bill here today on the floor because it does at least partially fund these needs, and I will certainly support a bill that comes back from conference which does better in these areas.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I would like to add my remarks to the chairman's, and I pointed out in full committee when we marked this bill up, and, again, it is not a failure of the subcommittee that the high-priority Operation and Maintenance budget for the Corps during the current fiscal year is $884 million behind. For this coming fiscal year that is going to climb to $1 billion. Additionally, non-high-priority Operation and Maintenance backlog is $1.9 billion and more clearly has to be done, and we will do our best in conference.

Mr. DEFAZIO. Mr. Chairman, I thank both the gentleman for their efforts, and I will do all I can to support those enhancements.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects authorized by law; and detailed studies, and plans and specifications, of projects authorized or made eligible for selection by law, $1,642,911,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund; and of which such sums as are necessary to cover one-half of the costs of construction and rehabilitation of inland waterways projects (including rehabilitation costs for the Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota, projects) shall be derived from the Inland Waterways Trust Fund: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the New York and New Jersey Harbor project, 50-foot deepening element, upon execution of the Project Cooperation Agreement: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the construction of the Port Jersey element of the New York and New Jersey Harbor or reimbursement to the Local Sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element: *Provided further*, That funds appropriated in this Act for the preservation and restoration of the Florida Everglades shall be made available for expenditure unless (1) the Secretary of the Army, not later than 30 days after the date of enactment of this Act, transmits to the State of Florida and the Committees on Appropriations of the House of Representatives and the Senate a report containing a finding and supporting materials indicating that the waters entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park do not meet the water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, (2) the State fails to submit a satisfactory plan to bring the waters into compliance with the water quality requirements within 45 days of the date of the report, (3) the Secretary transmits to the State and the Committees a follow-up report containing a finding that the State has not submitted such a plan, and (4) either the Committee on Appropriations of the House of Representatives or the Senate issues a written notice disapproving of further expenditure of the funds: *Provided further*, That the Secretary of the Army shall provide the State of Florida with notice and an opportunity to respond to any determination of the Secretary under the preceding proviso before the determination becomes final.

AMENDMENT OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS:

Page 3, line 6, after the dollar amount, insert the following: "(reduced by $7,700,000)".

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 20 minutes with the time to be equally divided between the proponent of the amendment and a Member opposed.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent to control the 10 minutes on the amendment with the permission to yield.

The CHAIRMAN. Is there objection to the gentleman from New Jersey?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the chairman and ranking member for agreeing to the time limitation in the interest in getting all the Members home today.

I express my appreciation to the gentleman from Delaware (Mr. CASTLE), the gentleman from Oregon (Mr. BLUMENAUER), the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. SCHIFF) for their support of this amendment.

I want to talk about why we are here and why I would urge Members to support the amendment. This is a project about deepening the Delaware River from its present 40-foot depth to a 45-foot depth. There has been intense controversy about this issue for a very long time. In June 2002, the General Accounting Office at the request of Members of this House and the other body released a study of this project which concluded that contrary to the legal requirement that there be at least a dollar of benefit for every dollar invested, that, in fact, in this project there are only 49 cents of value for every dollar that is invested. The GAO described the project as unsustainable under the rules that govern the Army Corps of Engineers.

Late in 2002, the Army Corps of Engineers recalculated its assessment of the project and not surprisingly concluded that the benefits did outweigh the costs. We have looked very carefully at that reassessment and commissioned an independent study by Dr. Sterns, who is the former Deputy Assistant Secretary for Civil Works of the Army, and his conclusion I will read as follows: "Considering that the Army Corps has already spent more than $20 million studying this project and yet many serious concerns remain, it is unlikely that any new deepening project for the Delaware River of similar scope can ever be justified. We recommend that Congress deauthorize the Main Channel Deepening Project for the Delaware River rather than wasting any more taxpayer funds to study an inherently flawed proposal."

Responding to that conclusion, the administration in its budget request asked for $300,000 for this project, $300,000. The committee has increased that amount to $8 million. The purpose of this amendment is to reduce that appropriation from the $8 million submitted by the committee to the $300,000 requested by the administration.

There are four reasons why Members should support this amendment. The first is it is a waste of money. As the GAO concluded, for every dollar that our constituents put into this project, we can expect only 50 cents' worth of return.

The second reason that Members should support this amendment is that it is wholly consistent with the very desirable goal of protecting jobs in the ports and, in fact, growing jobs at the ports. In our region there is strong disagreement about the merits of this project, but there is unanimity over the goal of expanding port development. With the 40-foot channel, the port that is affected by this amendment has experienced considerable growth in the last 10 years. For example, since 1990 container traffic at the port of Philadelphia and Camden has tripled with the 40-foot channel. It is estimated that the main source of growth in global container trade will be the Panamax class ships. That trade is expected to triple by the year 2010. Panamax class ships as a rule require less than a 40-foot draft. So dredging this channel to 45 feet is not necessary for growth of the port, and there is strong feeling throughout the region that we can grow without that.

Third reason are environmental concerns. The Delaware Environmental Department and the New Jersey Environmental Department have not issued the permits that are necessary for this project to go forward. There are substantial reasons for this. There are questions about the stirring up of generations of chemicals and potential toxins that lie in the river. There are questions about lack of compliance with the Clean Air Act. There are questions about the effect of this project on the salt line's progress north in the River and its effect on various plant, aquatic, and obviously human life. Environmentally this project is flawed. This is the reason why American rivers, Environmental Defense, Friends of the Earth, the League of Conservation Voters, the National Wildlife Federation, the Sierra Club, and the U.S. Public Interest Research Group support this amendment.

Fourth, and another important reason, is the lack of local support for this amendment. We are being asked over the course of this project to commit well in excess of $200 million from the Federal Treasury. There is a requirement that well in excess of $100 million of local match be generated from local sources. In this project the local source is a port authority called the Delaware River Port Authority. The Delaware River Port Authority is governed in such a way that there must be agreement from the New Jersey commissioners on the one side of the River and the Pennsylvania commissioners on the other side of the river. There must be a majority of both sides before a decision can be made.

I will be entering into the RECORD at an appropriate time a letter from the vice chairman of the Port Authority, the leader of the New Jersey delegation to the Port Authority, which includes the following language: "I will not support the Delaware River Deepening Project as currently proposed. I intend to urge the New Jersey delegation to reject any disbursement of Delaware River Port Authority funds for this project as currently proposed. I believe that the project will pose a serious environmental risk to the communities in South Jersey. Further, critical questions relating to the economic benefit of this project remain unanswered." It is signed by Jeffrey Nash, who is the vice chairman of the Delaware Port Authority.

So, Mr. Chairman, there are four good reasons to vote yes on this amendment. First of all, the project is a waste of money. Read the GAO report. Second, it is not necessary to serve the very viable and broadly held goal of developing jobs at the port. Third, there are serious environmental questions, which is why groups like the League of Conservation Voters support the amendment. And, finally, the local match that is required to make this project go is in serious jeopardy because the New Jersey commissioners who would be required to support the local match have just gone on record as saying they will not.

DELAWARE RIVER PORT AUTHORITY,
Camden, NJ, July 17, 2003.

Hon. ROBERT ANDREWS,
U.S. Congress, Rayburn House Office Building, Washington, DC.

[Re: Delaware River Deepening Project]

DEAR CONGRESSMAN ANDREWS: As the Vice Chairman of the Delaware River Port Authority, heading the New Jersey State Delegation to that Authority, I write to inform you that I will not support the Delaware River Deepening Project as currently proposed. I intend to urge the New Jersey Delegation to reject any disbursement of Delaware River Port Authority funds for this project as currently proposed. I believe that the project will pose a serious environmental risk to the communities in South Jersey. Further, critical questions relating to the economic benefit of this project remain unanswered.

As you have reported, we have a particular concern over the disparate burden placed upon South Jersey by the Army Corp of Engineers given their plan to dispose the majority of potentially toxic spoils on unidentified sites. In addition to our environmental and economic concerns, we vigorously object to this dredge disposal plan and, therefore, cannot offer our support for this project.

I understand that the Appropriations Committee in the House of Representatives intends to appropriate 8 million dollars toward this project despite President Bush's request to essentially eliminate its funding. I also recognize that any federal funding for this project is contingent upon a propositional match by local governmental entities. I am writing to notify you and fellow members of Congress that Delaware River Port Authority funding is seriously in doubt given New Jersey's concern as set forth herein.

Our goal is to pursue a Port Development Plan that accentuates our assets: location, a superior work force, and excellent intermodal facilities. We are confident that we will protect the many jobs based at the port and add considerably to the economic engine without the environmental risk of the proposed dredging project.

The Delaware River Port Authority is committed to improve the South Jersey and Philadelphia region by engaging in economic development projects that hope to benefit the region by creating new jobs, improving the quality of life of the region, and revitalizing the local economy. Based upon several studies including a report by the General Accounting Office, I have concluded that this project does not meet with our mission. I have based my determination on the fact that this project poses significant environmental risk as well as numerous quality of life issues to the community in our region.

We look forward to working with our colleagues at the Delaware River Port Authority, and in the port communities of New Jersey and Pennsylvania, to develop a viable Port Development Plan.

Sincerely,

JEFFREY L. NASH,
Vice Chairman.

Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time.

I realize there is a very limited time here. I would like to reiterate what the gentleman has stated and then make it plain. The Delaware River basically serves three States in terms of what we would do here in deepening that river, Delaware, New Jersey and Pennsylvania.

□ 0945

New Jersey is adamantly opposed to this. Delaware has serious questions about it. We have just gotten all of our reviews in. We have not even approved this yet. In fact, it is very doubtful if it is going to be approved in the State of Delaware. It is almost certain that this money cannot be spent in the course of this year. Pennsylvania has been adamantly for this.

There are tremendous environmental questions that are being asked, but there are also significant economic questions which are being asked, such as who benefits from this and, in fact, whether there is a cost benefit that is remotely close to what the Army Corps came up with originally.

I think to appropriate this full amount is wrong. We are not asking to close it out all together, but to reduce the amount of money that is involved here so that we can continue the necessary process to see if in another year we should be going forward with it.

But this, frankly, is just a waste of money. This is something Congress should not be doing at this time in terms of putting additional money in it. My judgment is that the amendment makes all the sense in the world, and I strongly endorse it.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

The deepening of the Delaware River is considered by many to be vital to the future of commerce in the northeast. The Corps of Engineers believes that it is an economically viable project. It was authorized in 1992. They have already spent more than $17 million to date on its study and design.

The ranking member, the gentleman from Indiana (Mr. VISCLOSKY), and I have been contacted by the Governor of Pennsylvania, the Honorable Ed Rendell, who urged us to oppose any amendment to reduce the level of funding for this project. His letter contains a long list of labor and business interests who are in strong support of this project which he calls "essential to maintaining a competitive port."

Therefore, I am opposed to the amendment.

Mr. Chairman, I ask unanimous consent to yield the balance of my time for his control to my ranking member, the gentleman from Indiana (Mr. VISCLOSKY).

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman yielding me his time, and I yield myself such time as I may consume.

I too am opposed to the Andrews amendment. I have a great deal of respect for the gentleman, but I disagree with him on the policy of this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman for yielding.

There is nobody in this House I respect more than the gentleman from New Jersey (Mr. ANDREWS). But I disagree with him completely on his amendment, and I rise in strong opposition.

The gentleman talks about four points. I would like to rebut them. He says that the deepening of the channel for the Port of Philadelphia from 40 feet to 45 feet would be a waste of money. That is not true. The Army Corps of Engineers has studied this matter twice. The first study said there would be $1.40 of benefit for every dollar of investment to deepen the channel. That was challenged by the GAO, as the gentleman has suggested. The Army Corps reanalyzed and came back with an economic analysis of a benefit of $1.18 for every dollar of investment. That is the current status. It is not a waste of money; it will help the Port of Philadelphia and the Philadelphia region to deepen the channel to 45 feet.

The second point is the gentleman suggested a 40-foot channel is adequate and that we do not need to lower the channel, and he is simply wrong. Big, modern ships cannot come to the Delaware River to the Port of Philadelphia if it stays only at a 40-foot depth. It must be deepened to 45 to stay competitive with all of the other ports up and down the Mid-Atlantic. It is necessary to deepen the channel.

Thirdly, the gentleman suggested there is environmental damage by the deepening. Well, that has been debunked and refuted by seven State and Federal agencies that have found no adverse impact on the environment. The Federal Environmental Protection Agency, U.S. Geological Survey, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service have all found no adverse environmental impact; and the environmental agencies of Delaware, New Jersey, and Pennsylvania have found no adverse environmental impact.

The final point that the gentleman made is that there is a lack of local support. Nothing could be further from the truth. As we will hear from the gentleman from Philadelphia, Pennsylvania (Mr. BRADY), there is unanimous support from the governments, from the labor unions, from the businesses. The only, only business opposed to deepening the channel is the litering companies in the area that benefit from a shallow channel so ships come off port, have to unload their material, and smaller ships from the litering companies take it up the river. Those are the people leading the opposition to this.

Philadelphia needs a deeper channel. It is good for the economy. We have to do it to protect jobs. We have to do it to stay competitive. I oppose the amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BRADY).

Mr. BRADY of Pennsylvania. Mr. Chairman, I thank my ranking member for yielding me this time.

Mr. Chairman, I rise in support of an economically strong Port of Philadelphia. Through the efforts of our former colleague, Bob Borski, Congress authorized the funding for this project in 1992.

Mr. Chairman, the Port of Philadelphia needs to go 45 feet because of a trend towards bigger ships. We talk about waste. Deepening this channel brings 45,000 direct jobs created by port traffic, and it will be severely affected if this amendment goes through. I do not think that that is waste.

Mr. Chairman, the Port of Philadelphia is also a strategic military port. We have two large military transport ships ported in Philadelphia. We have to guarantee clear access to the sea in case of a national emergency. That is why 12,000 labor, business, and community groups support it; and that is why our Governor, who also chairs the Delaware Port Authority, which my colleague mentioned, he is the chairman of that agency, also agrees and also sent a letter supporting it.

Finally, the project is environmentally safe. EPA, U.S. Fish and Wildlife Service, and the U.S. Geological Survey approved it. Each State environmental protection agency in the region has approved it.

Each State environmental protection agency in the region has approved it. The dredge material is considered safe and will be used for beach, wetlands restoration, and filling abandoned mines in Pennsylvania.

Now, the gentleman from New Jersey (Mr. ANDREWS) is my dear friend and there are two things that separate us, the Delaware River and whether or not to dredge it or not. I do not stand here against the gentleman from New Jersey (Mr. ANDREWS) or the gentleman from Delaware (Mr. CASTLE), but I do stand against their amendment.

Mr. Chairman, Congress rejected this amendment 3 years ago. We should do the same today. I would like my colleagues to reject this amendment.

Mr. VISCLOSKY. Mr. Chairman, I do not have any other requests for time, and I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield 90 seconds to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me just reiterate. We are all friends, we are neighbors; and, in most cases, we are together on these various issues. But I must say that it concerns me a great deal that there are two States out of three which are affected here that are very much concerned about going ahead with this project at this time. New Jersey is in adamant opposition to it, has been from the beginning.

The gentleman from New Jersey (Mr. ANDREWS) has done a wonderful job of requesting additional economic studies. GAO looked at this and found that the cost ratios are not $1.18, but 49 to 50 cents on the dollar. That is highly inefficient for going ahead with a project such as this.

We in Delaware have still not given approval to this, either for economic or environmental reasons. There is a great deal of opposition in Delaware as well. We do not have anyone other than the port of Wilmington who believes that they may benefit from this. The oil companies who are involved in this, and there are six of them, I believe, along the Delaware River north of Delaware who would benefit from it, have not been willing to show any evidence of expanding their channels. If they do not do that, then it is of no advantage to them. So perhaps the Port of Philadelphia would benefit, and maybe this will go ahead.

All we are asking for, frankly, is time to see if it should go ahead, and they have to work out a lot of problems between now and, say, a year from now before that can happen.

But I would plead to the Members of Congress that the two States are being rather adversely impacted that are raising serious questions about this, and I think that we should revert to the smaller amount of money which is used to keep the studies going, but not to have the project go ahead.

There is a lot more that could be said. We do not have the time to say it all today, except to say there is a lot of economic speculation about this, and we think it is wrong.

Mr. ANDREWS. Mr. Chairman, I yield myself the remaining time.

We have great respect for our friends, but we have great respect for the facts. The fact is that GAO had the last word. They say the project is a waste of money. The fact is the environmental agencies of New Jersey and Delaware have not permitted this. The fact is with respect to the local match, the New Jersey people will not put up the match. The project should not be funded. We respectfully ask everyone to vote "yes" on the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to Mr. ANDREWS' Amendment.

The Delaware River Main Channel Deepening project is designed to keep the Delaware River Ports competitive with other east coast ports, all of which have dredged or are planning to dredge their channels deeper than 40 feet. Major shipping lines have informed the ports that their next generation ships will require deeper channels. Unless these ports can go to 45 feet they will be at a competitive disadvantage with their sister ports for the expected growth of international trade.

In addition to the competitive advantage this project will provide the region, it provides much needed jobs. Over 75,000 jobs are attributable to the port industry in the Delaware Valley.

Moreover, the Delaware River Port has been designated as a military strategic port. The Port of Philadelphia has been selected as a Strategic Seaport for the Northeast Corridor of the United States. Philadelphia's selection means the Department of Defense will incorporate the use of the city's port facilities in its planning for the movement of military cargoes in the event of major contingency operations. Selection of the Pennsylvania port was made jointly by the U.S. Maritime Administration, U.S. Army Forces Command, and the Military Traffic Management Command after an assessment of many Northeast Corridor ports. Philadelphia becomes the country's 14th commercial Strategic Seaport. Designation as a Strategic Seaport creates the potential for Department of Defense cargo shipments in support of contingencies.

Mr. Chairman, for all of these reasons, I urge my colleagues to oppose this amendment and support the underlying bill.

Mr. ANDREWS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered of the gentleman from New Jersey (Mr. ANDREWS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) will be postponed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $301,054,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects; for providing security for infrastructure owned and operated by, or on behalf of, the U.S. Army Corps of Engineers, including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $1,932,575,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662 may be derived from that fund, and of which such sums as become available from the special account for the U.S. Army Corps of Engineers established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $144,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, response to hurricanes and other natural disasters, and related activities, including the activities that the U.S. Army Corps of Engineers undertakes to ensure its readiness to respond to such emergencies, $40,000,000 to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the U.S. Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the U.S. Army Engineer Research and Development Center, and the U.S. Army Corps of Engineers Finance Center, $164,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further*, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99–662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303; and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 102. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.

SEC. 103. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Indian Run Sanitary Landfill in Sandy Township, Stark County, Ohio.

NAMING OF LOCK AND DAM 3, ALLEGHENY RIVER, PENNSYLVANIA

SEC. 104. (a) DESIGNATION.—Lock and dam numbered 3 on the Allegheny River, Pennsylvania, shall be known and designated as the "C.W. 'Bill' Young Lock and Dam".

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the lock and dam referred to in subsection (a) shall be deemed to be a reference to the "C.W. 'Bill' Young Lock and Dam".

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not use the 5 minutes. I just want to rise in support of this bill and to thank the gentleman from Ohio (Chairman HOBSON) for his efforts, particularly to strengthen the Office of Science in the Department of Energy. This is a good bill. There were some differences of opinion early on. We worked out those differences of opinion in a responsible way.

Mr. Chairman, I rise in support of this bill. I just want to make two points about it.

First, I want to thank Chairman HOBSON for his efforts to strengthen the Office of Science. This critical, but often overlooked Office, is a critical supporter of research in the physical sciences. It also supports crucial work related to genomics and homeland security. And it runs laboratories that provide research tools for a wide range of scientists throughout the country.

In this year's Energy bill, H.R. 6, the House, led by Representative BIGGERT, who chairs our Science Committee's Energy Subcommittee, authorized major increases for the Office of Science. This bill makes a downpayment on those authorizations.

The bill also specifically recognizes the importance of the administration's new, interagency supercomputing initiative. Our committee held a hearing on the issue this week, and I look forward to working with Chairman HOBSON in this area that can have a major impact on American competitiveness.

I also want to draw attention to section 301 of the bill, which requires competition of laboratory contracts. While I disagree with some of the details of the provision, I agree that we need to come up with a competition policy that will provide predictability for the labs and accountability from the labs. We must develop the tools to improve laboratory management without causing undue disruption or imposing excessive costs. In this too, I look forward to working with Chairman HOBSON.

Because section 301 constitutes legislation on an appropriation bill, Chairman HOBSON and I have exchanged letters describing our agreement on how we will move forward on this section. I ask that they be placed in the RECORD at this point.

I urge my colleagues to support this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, July 17, 2003.

Hon. DAVID HOBSON,
Chairman, Appropriations Subcommittee on Energy and Water Development, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thanks for meeting with me today to discuss Section 301 of the Energy and Water Appropriations bill for fiscal 2004 (H.R. 2754). As you acknowledged, Section 301 constitutes legislating on an appropriations bill and would normally be subject to a point of order.

In today's discussion, however, you agreed that you would consult with the Science Committee throughout your conference negotiations on Section 301 and that you would not make any conference agreement on Section 301 that did not meet with our approval. As a result of those commitments, I will not object to the waiving of points of order against Section 301.

Like you, I believe the management of the Department of Energy (DOE) laboratories is an important issue that requires more attention from the Congress. As you know, the Science Committee has held hearings on this complex issue. We look forward to working with you to fashion a competition policy that will provide greater accountability and more attentive management without causing needless disruption of the laboratories' scientific research or imposing unnecessary aditional costs.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 17, 2003.

Hon. SHERWOOD BOEHLERT,
Chairman, House Committee on Science, Rayburn Office Building, Washington, DC.

DEAR CHAIRMAN BOEHLERT: Thank you for your letter of July 17, 2003, regarding the provisions of Section 301 of the Energy and Water Development Appropriations Bill, 2004 (H.R. 2754). I understand this provision is legislating on an appropriations bill, and am pleased that you will not object to waiving of points of order against this bill.

I agree that we will consult with the Science Committee throughout our conference negotiations on this particular provision, and will work toward a conference agreement that will satisfy our joint interests on contract competition.

I also agree to find a way to stagger the contract award dates for the Argonne-East and Argonne-West contracts, so that the University of Chicago does not have to compete for both contracts simultaneously.

I look forward to working with you and your staff on this important issue.

Sincerely,

DAVID L. HOBSON,
Chairman, Subcommittee on Energy and Water Development.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $36,463,000, to remain available until expended, of which $9,423,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,728,000, to remain available until expended.

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $817,913,000, to remain available until expended, of which $57,330,000 shall be available for transfer to the Upper Colorado River Basin Fund and $33,570,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That $10,000,000 of the funds appropriated herein shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of division B, title I of Public Law 106–554, as amended: *Provided further*, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2003, and 2004" in lieu of "and 2003".

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For administrative expenses necessary to carry out the program for direct loans and/or grants, $200,000, to remain available until expended, of which the amount that can be financed by the Reclamation Fund shall be derived from that fund.

Central Valley Project Restoration Fund

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $39,600,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $56,525,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

Working Capital Fund

(RESCISSION)

From unobligated balances under this heading, $4,525,000 are rescinded.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 12 are for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP–Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 203. Subsection 206(b) of Public Law 101–514 is amended as follows: In paragraph (1), strike ", with annual quantities delivered under these contracts to be determined by the Secretary based upon the quantity of water actually needed within the Sacramento County Water Agency service area and San Juan Suburban Water District after considering reasonable efforts to: (i) promote full utilization of existing water entitlements within Sacramento County, (ii) implement water conservation and metering programs within the areas served by the contract, and (iii) implement programs to maximize to the extent feasible conjunctive use of surface water and groundwater".

SEC. 204. The Secretary of the Interior is authorized and directed to amend the Central Valley Project water supply contracts of the Sacramento County Water Agency and the San Juan Suburban Water District by deleting a provision requiring a determination of annual water needs included pursuant to section 206 of Public Law 101–514.

LOWER COLORADO RIVER BASIN DEVELOPMENT

SEC. 205. (a) IN GENERAL.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the Lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the revised Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States district court, in Central Arizona Water Conservation District v. United States (No. CIV 95–625–TUC–WDB (EHC), No. CIV 95–1720–OHX–EHC (Consolidated Action)), and any amendment or revision thereof, is met.

(b) PAYMENT TO GENERAL FUND.—If any of the provisions of the stipulation referred to in subsection (a) are not met by the date that is ten years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

(c) AUTHORIZATION.—Amounts in the Lower Colorado River Basin Development Fund that but for this section would be returned to the general fund of the Treasury shall not be expended until further Act of Congress.

SEC. 206. The second paragraph under the heading "Administrative Provisions" in Public Law 102–377 (43 U.S.C. 377b) is amended by inserting ", not to exceed $5,000,000 for each causal event giving rise to a claim or claims" after "activities of the Bureau of Reclamation".

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

Energy Supply

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 12 passenger motor vehicles for replacement only, including two buses; $691,534,000, to remain available until expended.

Mr. GIBBONS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to engage the chairman of the subcommittee in a colloquy regarding the early acceptance of spent nuclear fuel at Yucca Mountain.

Mr. Chairman, this issue is of the utmost importance to me and, as my colleagues know, each and every year that I have been a Representative of the State of Nevada, for the last 7 years, I have adamantly fought against the storage of nuclear waste at Yucca Mountain. This is a critical issue and vitally important to the rest of the Nevada congressional delegation, as it is to our constituents.

While I could go on and speak for hours on the reasons why the committee's unprecedented level of funding for Yucca Mountain nuclear waste repository is an outrage to Nevadans, I choose rather to focus my attention and my opinion on the most irresponsible and alarming of the committee's report: the $4 million in taxpayer dollars to study early acceptance or interim storage of high-level nuclear waste at Yucca Mountain.

I clearly remember debating this interim issue of storage during the 105th Congress. I remain strongly opposed to the notion that storing nuclear waste in a temporary facility on-site at Yucca Mountain is a solution to a problem of nuclear waste.

I adamantly oppose the committee's opinion that transporting high-level nuclear waste from over 100 power plants across this Nation through our neighborhoods and in yet unproven dual-use casks will further secure our Nation against the threat of terrorism.

The Energy Department's resources and taxpayer dollars could be far better utilized in securing our Nation's high-level nuclear waste if they were to spend this $4 million on bolstering security at the existing storage facilities.

Mr. Chairman, before I go on, I would like to yield to my colleague from the Third Congressional District of Nevada (Mr. PORTER) for his comments as well.

Mr. PORTER. Mr. Chairman, I would like to thank the chairman for engaging in this colloquy today.

For the last 20 years, I have fought against the Yucca Mountain project and believe to this day that the facility is a danger to the people of Nevada and unnecessary for the people of the United States.

While Congress has authorized the Yucca Mountain site, we in Nevada continue to use every avenue available to resist the establishment of this facility. Interim storage of spent nuclear fuel at Yucca Mountain, which has not been approved by Congress, is intolerable to the people of Nevada.

I appreciate the help of the gentleman from Ohio (Mr. HOBSON), and I appreciate the fact that he has agreed that the interim storage of spent nuclear fuel at Yucca Mountain is not the intent of his committee or of this Congress, and that he will oppose any and all efforts to include language recommending interim storage in any conference report presented to this House.

□ 1000

I would like to thank my colleagues from Nevada. I appreciate the gentleman yielding me time.

Mr. GIBBONS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. HOBSON), the chairman of the subcommittee, for his response to our colloquy.

Mr. HOBSON. Mr. Chairman, I thank the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Nevada (Mr. PORTER).

I understand the concerns of the Members from Nevada. We have tried to do the right thing for Nevada in this bill by directing the Secretary to select rail as the preferred mode of transportation within Nevada and by directing the Secretary to select a rail route that avoids Las Vegas. Further, we have restored the external oversight funding for the State of Nevada and the affected counties, and we have provided $30 million in impact assistance funding for the affected Nevada counties.

Nevertheless, I understand the sensitivity on the issue of this early acceptance. I commit that we will drop the report dealing with early acceptance when we get to conference, and I will direct the Secretary to apply the $4 million to improving the security of the containers used to store spent fuel at reactor sites.

Mr. GIBBONS. Mr. Chairman, I thank the subcommittee chairman for his agreement to strike and remove the interim storage provisions regarding this troubling language that is in the bill. I look forward to working with him as does my colleague, the gentleman from Nevada (Mr. PORTER), on ensuring our constituents of this point as well.

AMENDMENT OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of Colorado:

Page 17, line 2, after the dollar amount, insert the following: "(increased by $30,000,000)".

Page 19, line 2, after the dollar amount, insert the following: "(reduced by $30,000,000)".

Mr. UDALL of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HOBSON. Mr. Chairman, I reserve a point of order against the amendment.

Mr. UDALL of Colorado. Mr. Chairman, I am offering this amendment with my colleague, the gentleman from Nevada (Mr. PORTER). I want to thank the gentleman for working with me. I also want to thank my colleague, the gentlewoman from Nevada (Ms. BERKLEY), who cannot be here today, for her support of this amendment.

The Udall-Porter amendment would add $30 million to a number of renewable energy programs at the Department of Energy. The programs to be increased, solar energy, wind energy, geothermal technology, biomass and biofuels, Zero Energy Buildings, hydropower, and the Renewable Energy Production Incentive were identified by my friends in the clean energy community as programs particularly in need of additional funding.

When taken together, these programs fall $33 million below fiscal year 2003 levels. So the $30 million funding increase we are proposing still falls short of fiscal year 2003 levels, so we consider this amendment to be a modest one.

The $30 million increase for renewable energy programs would come from funds for Yucca Mountain's nuclear waste disposal account. I want to make clear that my aim in proposing this amendment is to restore funds to critical clean energy programs, not to deprive Yucca Mountain of funds it may need.

Indeed, I know that at least two of Yucca's programs, local impact assistance and external oversight funds, are very important to Nevada's communities. Our amendment does not seek to take funds from these accounts. But the bill we are considering today includes $335 million for the nuclear waste disposal account. This is fully $174 million over the President's request. So the Udall-Porter amendment would still leave the Yucca account at $144 million over the request.

Given the importance of the clean energy programs, particularly at a time when we are all concerned about our energy security, I believe that our amendment helps strike a greater balance in the bill.

Mr. Chairman, I do not want this to be a negative debate. My goal is to focus on the importance of developing a diverse and balanced long-term energy policy, one that requires us to think beyond today's gasoline prices and beyond next year's election. I want to talk about the real crises that will develop 10 or 20 years from now when oil prices will probably go up permanently as a result of increasing global demand and passing the peak in global petroleum production.

We have not done enough to prepare for this eventuality, but investing in clean energy programs is one way to start. DOE's renewable energy programs are vital to our Nation's interest, helping to provide strategies and tools to address the environmental challenges we will face in the coming decades.

Investments in sustainable energy technologies meet multiple other public policy objectives. Far from decreasing, U.S. dependence on imported oil has increased to record levels over the last 25 years. These programs are helping to reduce our reliance on oil imports, thereby strengthening our national security and also creating hundreds of new domestic businesses, supporting thousands of American jobs, and opening new international markets. While these technologies have become increasingly cost-competitive, the pace of their penetration into the market will be determined largely by government support for future research as well as by assistance in catalyzing public-private partnerships.

Not only economic independence, but also environmental health and lower energy costs are advanced by our investment in renewable energy. But in order for these investments to pay off, we have got to have a sustained commitment over the long term. It is time to recognize the value of clean energy research to our communities and to our world and to commit to sustaining our investment in clean energy for years to come.

Our amendment does not do all that should be done, but it does greatly improve the bill, and I urge its adoption.

Mr. Chairman, I should note finally our intention that funding for these programs be allocated at levels described in tables that I will provide here as a part of the Record. The table is as follows:

RENEWABLE ENERGY—2004 BUDGET AND APPROPRIATIONS

[In millions of dollars]

Program	FY03 approp	FY04 request	FY04 Committee mark	Udall-Porter Amdt
Solar Energy:				
Concentrating Solar Power	5.4	0	5.5	+4.1
Photovoltaics	76.5	76.7	71.2	+5.5
Zero Energy Buildings	0	4.0	0	+4.0
Wind Energy	44.0	41.6	41.6	+2.4
Hydropower	5.3	7.5	5.4	+2.0
Geothermal Technology	30.0	25.5	25.5	+5.0
Biomass/Biofuels	90.0	69.7	69.7	+6.0
REPI	5.0	4.0	4.0	+1.0
Total	256.2	229.0	222.9	30.0

The CHAIRMAN. Does the gentleman from Ohio (Mr. HOBSON) continue to reserve his point of order?

Mr. HOBSON. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. HOBSON. Mr. Chairman, I rise in opposition to this amendment. I think we provided very generous funding for renewable energy sources, and I strongly object to any reductions in the funding for Yucca Mountain repository.

Let me explain what our bill really does for renewable energy resources. The enacted funding levels for renewable energy resources for fiscal year 2003 was $419.5 million. The request for fiscal year 2004 was $444.2 million. However, subsequent to submission of the budget request, the Secretary of Energy proposed transferring $73.6 million from renewable energy to a new Office for Electricity Transmission and Distribution. The House recommendation for renewables is $330.1 million, an apparent reduction of $89.3 million from the current year. I say apparent because $73.6 million of this apparent reduction represents the transfer to the new electricity office. Therefore, the real reduction for renewable energy is only $16 million compared to the current fiscal year.

Our fund funds the mainstream renewable programs for solar power, wind power, biomass, and geothermal energy exactly at the requested levels. We fund the International Renewable Energy Program, tribal energy activities, and the Renewable Energy Production Incentives all at the requested levels.

That sounds like renewable energy does pretty well in our bill, and it does. We made a few specific funding reductions and with good reason. The administration wanted to double the funding for hydrogen from $39.7 million to $88 million. We cut that increase by $20 million, partly because the Department has not convinced us that it can spend that large of an increase constructively, and also because we learned that the Department intended to keep much of that funding within the national laboratories, rather than make it available competitively for industry and university research.

We have eliminated the request for $15 million of the National Climate Change Technology Initiative not because we opposed the research on this important topic, but because we opposed the Department's proposal to pull funding from our bill and the Interior appropriations bill into a single program. Such pooling is unwise and unnecessary.

The Department presently spends over $1.6 billion annually on climate change research. Over $1.1 billion of that is in the energy and water development bill. We do want the Department to seek out good technology ideas from the private sector and universities, but it can certainly accomplish that goal by simply making competitive awards of a greater portion of the $1.6 billion available for climate change research.

We make several other minor reductions, but we also added $4.9 million to start construction of a new research facility at the National Renewable Energy Laboratories. I think we treated the renewable energy programs very fairly in the bill.

What I do not think is fair and sound policy is a proposal to cut back funding for the Yucca Mountain repository. The majority of Members of this Chamber voted last year to designate Yucca Mountain as the site for the repository. I am sure the majority of Members of this Chamber believe that the Department of Energy is now moving forward aggressively to get the repository built and operational. I am here to tell you that is not so. This program has been starved for funding practically every year by the actions of the other body. The result of these persistent funding cuts is that the Department has had to defer much of the essential work that will be required to get this repository open by 2010.

Let me tell you, 2010 is a pipe dream at the requested funding level. It simply will not happen unless we provide more funding for these essential tasks. Our bill provides $174 million for these tasks. In particular, we provide $70 million so the Department can begin planning for a rail line to Nevada. And we prohibit the Secretary from routing this line close to Las Vegas, which has been used by everybody as a political football.

We restore $9 million for funding for external oversight by the State and affected counties, and we provide $30 million of impact assistance to the affected Nevada counties. In total $129 million of these additional funds are to be spent in Nevada for the citizens of Nevada.

It is hard to argue that this additional funding harms the State of Nevada. It is an economic development tool whether Yucca Mountain opens or never opens. It is a great economic tool for Nevada, and I cannot understand why Nevada Members would stand up here and want to hurt the economy of Nevada.

I also want to remind Members that many of you have operating reactors, closed reactors and DOE clean-up sites in your district. I do not believe you want this spent fuel and high-level waste to stay in your districts indefinitely. Rate-payers in every State that uses nuclear power have paid over $16 million into the nuclear waste fund. It is time for the government to fulfill its statutory responsibilities and deliver an operational repository by the end of the decade.

For the sake of our children and grandchildren, we cannot continue to allow the opponents of the repository to continue to delay this vital project. Therefore, I strongly oppose the amendment.

Mr. PORTER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this amendment would restore funding to critical renewable energy research and development programs that have been cut from other programs.

America's energy consumption is at an all-time high, and rising. In order to address the imbalance between consumption and domestic production, one part of the solution is to continue the advances in research and development of renewable energy resources. In my home State of Nevada, the sun shines more than 300 days out of a given year. We are also blessed with an abundance in the amount of other renewable resources, such as geothermal, wind, and biomass.

As a Congressman from Nevada, and representing the mightiest renewable resource in the West, the Hoover Dam, Nevada can also boast that we have one of the top research centers in the country for renewable energy, the Desert Research Institute.

The people of Nevada have chosen not to have nuclear power and rely instead on the natural treasures of our

State. Unfortunately, Nevada has been selected to become the country's nuclear waste dumping ground at Yucca Mountain.

This amendment will benefit all Americans and my constituents by moving funds from an unapproved, unnecessary, unsafe facility by redirecting them to renewable energy research. I urge my colleagues to vote in favor of this amendment and restore the funding for renewable energy programs.

I would like to thank my colleagues from Nevada, especially the gentlewoman from Nevada (Ms. BERKLEY), who could not be here today. On many occasions in politics we are on opposite sides of the fence; however, when it comes to Yucca Mountain, we supercede politics, and I commend her for her efforts on her fight against Yucca Mountain.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. I would like to commend the gentleman from Ohio (Chairman HOBSON) for putting an emphasis on this issue. I would also like to thank the gentleman from Indiana (Mr. VISCLOSKY) for his work on this bill, and also both of their staffs.

Let me say, Congress has been debating this issue for a number of years, this whole issue of a waste repository, that, frankly, has taken decades to get to this point. As the chairman pointed out, rather than keeping spent nuclear fuel at on-site locations at 103 spots around the country, sound science tells us that a geologic repository at a central, safe and remote location is the way to go.

Now, this Congress has spoken not once, but three times, twice with votes that were over 300. I think that is very telling. It is very compelling that we should move forward, and there are no show-stoppers on this location as being a problem for the safe repository, the safe deposition of this spent fuel.

I commend the committee for the critical funds it put into their bill for Yucca Mountain. This is a national priority. The money will ensure the spent fuel currently kept on site in our Nation's communities, our lake shores and the environment will be removed in a timely fashion.

□ 1015

Some would suggest that a geologic repository at Yucca Mountain is not a good idea and that we would be better off if we just left that spent fuel on site. Such thinking cannot be, could not be more wrong; and Congress has spoken not once but three times overwhelmingly to move forward.

The fact is that the amount of space available for spent fuel storage at these 103 commercial nuclear power plants in America is rapidly shrinking, and when the on-site storage space run outs, it is gone. There is nothing. We cannot build an annex. We cannot build a room, a shack to put it in and it would be safe if we were to.

With all of the uncertainty in today's world, it is critical for us to remove the spent fuel from those facilities and store it in a central, safe, and remote location. As the chairman has said, even leaving this spent fuel on site only escalates the security concerns and, worse, the potential for mischief and terrorism.

Nuclear energy, which represents approximately 20 percent of the Nation's energy supply, provides a viable, cost-efficient, and clean alternative to fossil fuels. Nuclear power is a vital component in the engine that drives the American economy. Funds contained in the program will enable the Department of Energy to initiate repository operations hopefully in the year 2010.

I again want to commend the chairman for making the nuclear waste program a priority in the bill. He recognizes, as does the ranking member, that it is a national priority; and I urge my colleagues to oppose this amendment.

Mr. WAMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise as a member of the Subcommittee on Energy and Water Development of the Committee on Appropriations to applaud the chairman for just an excellent work product in this bill and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY). They really have been aggressive, traveling, looking at the problems, restructuring, reforming programs and really have done their homework. So they deserve a lot of credit.

I also rise as the co-chairman of the Renewable Energy and Energy Efficiency Caucus with the gentleman from Colorado (Mr. UDALL) in support of renewables and increased funding for renewables, energy efficiency, and energy conservation. The dilemma we face, though, is that in our attempt to increase the funding, the offset that the gentleman from Colorado (Mr. UDALL) proposed, working with his friends in Nevada, is the wrong way to go; and I say that because I believe that nuclear power is green power, is clean power, and we absolutely must solve the waste stream problem in order to clean up the air in this country with new nuclear production. That is the truth. They know it in Europe. They know it around the world; but in this country, some of our friends in the environmental world believe that nuclear energy is not clean energy and it is, but the waste stream is an issue.

We have got to get on with it. They are exactly right to be saying the top priority in this bill is the Yucca Mountain repository. We cannot cut that budget. I am sorry to our friends in Nevada. It is not in our national interests to do that.

On the renewable front, I want more money. The chairman has pledged to work with us through conference. I know that there are friends in the Senate that will work with us on raising renewables at the conference. I have every intention of advocating through the process as a conferee for increased funding on renewables. I would like to get that $16 million figure that the chairman referred to up to a level of funding amount, even though, as he points out, we are at the President's request on the key renewables of wind and solar and biomass.

I do believe, though, that we can go further; and I want to do that. We can do that. We could have done that today. We talked through the night last night about ways to find the offset, but this is the wrong way to go because of the offset from Yucca. All that does is hold up our ability to clean up the air and to work out the waste stream with nuclear energy in this country.

I come from the TVA region, and we have five nuclear reactors. They are the most efficient, they are the cleanest, and they are the most productive sources of energy we have in the TVA system. That is 8 million customers, nuclear; and we have worked the bugs out of those reactors where they stay on line. They have a very high efficiency rate, but we have to have a place to store that waste; and Yucca Mountain is that option that has been chosen, and we must move forward.

I will be happy to yield to my friend from Colorado, who is my co-chairman of the Renewable and Energy Efficiency Caucus, to talk about how we can work together after this amendment is defeated today, because it needs to be; and in the best interests of the bill and moving the process forward, we are going to defeat this amendment, but I would love to yield to my friend and engage in a little conversation about how we can continue to work together this year because he and I both know and believe that we must do more in this renewable front to make our country independent and secure because energy independence in this country is homeland security.

We have got to wean ourselves off of the reliance on Middle Eastern oil, and that means advancing solar and wind and biomass and geothermal and all of our renewable sources, and he is passionate about it and so am I; but we have got to find a way to do it within the context of this bill. We will work together through conference.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WAMP. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman from Tennessee for yielding, and I think the passion of my good friend from Tennessee is self-evident here today; and I look forward to working with him on this very important, crucial aspect of energy independence and how we can create jobs, protect the environment, make ourselves more secure in the long term.

Mr. WAMP. Mr. Chairman, reclaiming my time, over half of this House are members of the bipartisan caucus, and we want to continue to build support for this most important national security issue of energy independence through the advancement of renewables and energy efficiency, energy conservation programs. I urge a "no" vote on this amendment respectfully.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words.

First of all, I would just like to commend the chairman and the ranking member for just an unbelievable job and to thank the terrific staff that we have in this subcommittee. I am very proud to be a member of this subcommittee and to have the opportunity to work with such great people. It is really an honor.

There is no one in the House who is more concerned about renewable energy than I am, and there are just a couple of points I think that we should make here.

I am going to oppose the amendment for various reasons. I would remind the House, last Monday afternoon when we were doing the Agriculture appropriations bill on the floor here, we accepted an amendment which put an additional $20 million into renewable energy research. So combined with what the chairman of the Subcommittee on Energy and Water Development has done, we are not starving renewable energy at all; and, in fact, we will work in a bipartisan way to increase funding when we get to conference for that.

Also, as a Member who serves on the Subcommittee on Homeland Security on the Committee on Appropriations, I cannot emphasize enough to the House how important the funding is that is in this bill that the chairman has put in as far as nuclear energy, as far as the storage issue for our national security. It is extraordinarily important that we do not take money away from what the chairman has placed in this account. It is a matter of national security. It is a matter of our home security; and I would just implore all Members to encourage renewable energy research, but do not take it out of this account. It is absolutely critical that we maintain the level of funding we have, and hopefully increase, because it is a critical issue.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the recognition, and I rise in strong opposition to the Udall-Porter amendment. The chairman, I think, has stated the case very aptly. At the beginning of my remarks, I would like to make three points, however.

I would note, as other speakers have done, the absence of the gentlewoman from Nevada (Ms. BERKLEY) from the First Congressional District of Nevada. Unfortunately, because of an illness in her family, she was not able to be here. Despite my opposition to the Udall-Porter amendment, I would note for the record her strong support of it, her continual lobbying on behalf of the people of Nevada on this particular issue.

I would like to make three points. The first is this is a matter of consensus. The House has spoken on this issue. The House passed a Yucca Mountain approval resolution in May of 2002 by a vote of 306 to 117. The Senate passed the resolution by voice vote, and the President signed it into law in July of last year.

Secondly, this is a matter of time, and time is of the essence. The 2010 target for opening a permanent repository is now 12 years later than the deadline set on January 31, 1998, for DOE to begin taking waste from nuclear plant sites.

Finally, this is a national security issue. There are over 100 operating reactors, 103, with closed sites that need to have their waste removed. This is a national security issue. We need to have this waste in one place, under guard and contained. I am strongly opposed to the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me add my appreciation to both the chairman and the ranking member for a bill that really encompasses many of the interests of Americans from all of our regions, and I respect the disagreement of both the chairman and the ranking member on this particular amendment; but I rise to support the amendment. I do want to also acknowledge the gentlewoman from Nevada (Ms. BERKLEY), who traveled a long journey through the process of dealing with the Yucca Mountain issue, but I think we should balance this amendment for its impact on Yucca Mountain as much as its value to renewable energy.

I refer my colleagues back to the energy legislation, both the legislation that was debated in 2001 and then the subsequent legislation, where there was a great emphasis on renewable energy. It is well known that I come from an oil-producing and gas-producing area. That is Texas. I am a supporter of environmentally safe development of our oil and gas reserves. In fact, I offered an amendment that was accepted to provide for the enhanced development of energy resources in the gulf as it has been done in an environmentally safe manner. There are enormous resources there. The coastal areas are supportive of that exploration, and we need more work by both the large corporations in oil- and gas-producing and the domestic producers.

In this instance, I believe it is important for America to invest in its renewable energy, and this amendment has that component to it; and I think we should be focused on the value of solar energy and other aspects of renewable energy. In fact, Texas Southern University, a Historically Black College in my congressional district, is one of the forerunners, if you will, of research into solar energy. This is a viable, comparable, important aspect of our energy policy and our energy resources for the future.

So this should not be only a pointed, if you will, emphasis on the Yucca Mountain issue, though I would argue that those of us who made arguments in opposition to it still maintain that we should find some alternatives to the approach being utilized in the Yucca Mountain effort; but this amendment, I believe, is an important amendment.

Let me simply say this with respect to the energy and water bill. I am gratified that included in the bill there is a great emphasis, if you will, on the Department of Energy resources and science programs. As a member of the House Committee on Science, I support the $3.48 billion in those programs. Let me also say that I support the $4.48 billion for the Army Corps of Engineers and raise the issue that is of serious note in my region and that is flooding.

I have worked to provide dollars for the SIMS Bioproject in the 18th Congressional District and the White Oak Bioproject in the 18th Congressional District and obviously need more assistance from the Army Corps of Engineers, and I would recommend to this body that the Army Corps of Engineers works more closely with the local officials to the extent that when they are involved in projects, that when the local officials or local entities are not involved in matching funds or not involved in being as cooperative as they should be, that the Congress should be made aware, the agency should make that known because then our projects are delayed when they are funded through this bill because of the lack of local cooperation.

So I am hoping to work more extensively with the Army Corps of Engineers on local projects, particularly with flooding in the region I come from in Houston, and particularly in the 18th Congressional District.

Those narrow issues do not in any way undermine the importance of this amendment that I rise to support, and hopefully my colleagues will see the value in our investment in renewable energy resources; and as well I will applaud my own constituents, Texas Southern University, that has done great work under the leadership of our deceased professor who had done such great work for this.

□ 1030

I would argue this is a good amendment, a strong amendment, and I ask my colleagues to support it.

Mr. INSLEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we all recognize the difficulties in dealing with appropriations bills. The committee, under noble leadership, has done an admirable job in dealing with priorities, but I think we ought to support this amendment because it is a statement of intent by the U.S. House of Representatives to, in fact, embrace the type of visionary leadership that came from this podium right behind me on May 9, 1961.

As we all know, on May 9, 1961, President John F. Kennedy stood at this well and challenged America to go to the moon and bring a man safely back within the decade. And that is the type of visionary leadership and over-the-horizon thinking that we now need in our energy policy in the United States.

Many of us have been talking about the need for us to embrace a new Apollo energy project to, in fact, establish very high bar goals for us that, to date, we have not done: that we need to embrace a goal of eliminating our addiction to Middle Eastern oil; that we need to embrace a goal of significantly reducing our global climate change gas emissions; and, most importantly, we need to embrace a goal of building these new technologies here of hybrid cars and solar power and wind power rather than giving those jobs to Denmark, Germany and Japan.

So I think we ought to pass this amendment as a statement of congressional intent to move in that direction. And just to make a suggestion to my colleagues as to why this is not pie in the sky, I just want to share a picture of a home in Virginia. This is a picture of the home of Alden and Carol Hathaway. They live in Hillsboro, Virginia. It is a nice home. I have seen it. They built it for $360,000, just a little more than a conventional home.

This is a comfortable home. It is nice looking, and it has net zero energy usage off the grid. These folks, using existing technologies, have a net zero use of energy that is not produced in their home. This is technology that is on the very cusp of being market-based if we do a little more work on solar, wind, and things like they have, which is an in-ground heat pump. I just point this out because we are at a very exciting moment in time where we can push these technologies over the top because the prices are coming down so radically.

I want to mention the Yucca Mountain situation. I have been a supporter of the effort to move forward in Yucca Mountain, and I understand it is important to continue that funding stream, but I want to confirm my understanding is the amount proposed by the Udall amendment actually moves us a little closer to the number proposed by the administration, which I would give some credence to in this assessment.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Colorado to elaborate on that.

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding, and I would just say to him that that is the case. The President's proposal is about $174 million below what is proposed in this legislation.

And I, too, do not want to interfere with the work that is going on in Nevada when it comes to Yucca Mountain, but this would direct $30 million from the $174 million, more than the President recommended, into this account, which would help us hurry the future, bend the curve, and get us to the point where these technologies are available to all Americans, thereby creating jobs, protecting the environment, and, frankly, making us more secure on the international front.

Mr. INSLEE. Reclaiming my time, Mr. Chairman, I want to thank the gentleman for his explanation, and I appreciate his leadership on that.

Mr. Chairman, I would note that we do have a problem with nuclear waste, but we have a problem in not having a visionary energy policy. I hope we can support the Udall amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to Mr. UDALL's Amendment.

Last year I voted to endorse the Department of Energy and the President's finding that Yucca Mountain is the best choice for a national nuclear waste depository. Science and safety illustrate that Yucca Mountain is in our Nation's interest. National security further illustrates that Yucca Mountain is in our Nation's interest.

As such, Chairman HOBSON has rightly made funding the Nuclear Waste Program one of his highest energy priorities. The Chairman's mark provides a total of $765 million for nuclear waste disposal, an increase of $174 million over the budget request and $308 million more than fiscal year 2003. These additional funds are provided to enable the Department to open the Yucca Mountain repository on schedule in 2010, with particular emphasis in developing a rail line in Nevada that avoids the Las Vegas metropolitan area.

From a New Jersey perspective this site is long overdue. We live in the most densely populated state in the nation, with 49 percent of our power generated by nuclear energy and for many years now, those wastes have been stored on the grounds of our two nuclear reactor sites.

The time has come for the waste to be sent to a single national repository as was promised in the Nuclear Waste Policy Act of 1982 and for which New Jersey taxpayers have contributed millions of dollars in their energy bills into the nuclear waste fund, specifically set up to pay for the costs of characterizing and developing the Yucca Mountain Site.

Mr. Chairman, for all of these reasons, I urge my colleagues to oppose this amendment and support the underlying bill.

Mr. MATHESON. Mr. Chairman, last year I spoke in opposition to the approval of Yucca Mountain as a site for the Nation's nuclear waste and I rise again to urge support for the Porter-Udall amendment to reduce funding for Yucca.

My home state, Utah, produces no nuclear waste. However, we are engaged in our own battle against storing out of state nuclear waste at a site called Skull Valley.

Our neighbor, the State of Nevada also produces no nuclear waste. Yet, this Congress insists that Nevada should bear the responsibility for housing thousands of tons of spent fuel. Not only is Nevada expected to house this waste, but states like Utah are expected to allow the transportation of these hazardous, life-threatening fuel rods through our neighborhoods.

This great Nation depends on the concept of shared responsibility. The transportation of this waste throughout the Nation is a huge risk that has not been properly considered. In the event of an accident, either at Yucca or on the way to Yucca, all of our fellow Americans will be forced to live with the consequences. I urge my colleagues to join me in opposing funding for Yucca Mountain and in supporting the Porter-Udall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. UDALL of Colorado. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. UDALL) will be postponed.

The Clerk will read.

The Clerk read as follows:

NON-DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management site acceleration activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $170,875,000, to remain available until expended.

Mr. POMEROY. Mr. Chairman, I move to strike the last word, and I would like to engage the distinguished gentleman from Ohio (Mr. HOBSON) in a colloquy.

Mr. Chairman, water is a treasured resource everywhere in this Nation. For my constituents, degraded water quality in the Sacramento-San Joaquin Delta stemming from increased salinity is a growing problem. The fiscal year 2003 omnibus appropriation bill recognized this growing problem by dedicating $2 million for planning studies to enlarge the Los Vaqueros Reservoir. The omnibus bill also dedicated

Central Valley Project storage feasibility funding towards Sites Reservoir, the Upper San Joaquin River and Shasta Dam in California.

All of this funding was the result of many years of debate and compromise and serves as one strong step towards fixing California's water supply problems, and I appreciate the help in this effort of the gentleman from Ohio.

Today's appropriation bill thankfully continues this step, but a very large piece of the puzzle is missing: Los Vaqueros funding. With the fact that the Senate version of this bill contains $1 million in funding for this important water quality mechanism, I would like to ask the gentleman for his commitment in funding this important project in the conference report.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I am pleased to enter into a discussion with the chairman of the Committee on Resources, and would tell him that I understand the need for this important project, and I will commit to my friend from California to do the best I can to secure funding for this project in the conference.

Mr. POMEROY. Reclaiming my time, Mr. Chairman, I appreciate the Chairman's hard work in helping to resolve California's water problems, and I thank him for his tireless effort and his help on this issue.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that the remainder of the bill, to page 39, line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the bill from page 17, line 15, through page 39, line 23, is as follows:

NON-DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for non-defense environmental services activities conducted as a result of nuclear energy research and development activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, as well as new work scope transferred to the Environmental Management program, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, $320,468,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A, of the Energy Policy Act of 1992, $392,002,000, to be derived from the Fund, to remain available until expended, of which $51,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 15 passenger motor vehicles for replacement only, including not to exceed one ambulance, $3,480,180,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $335,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act, $70,000,000 shall be used to initiate development of a rail line in the State of Nevada, connecting the existing national rail network with the repository site on the Nevada Test Site: *Provided further*, That none of the funds provided in this or any other appropriations Act may be used for the planning, design, or development of the rail corridors that pass near the Las Vegas Metropolitan Area, specifically the Valley Modified Corridor and the Jean Corridor, and variations thereof, as these corridors are delineated in the Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada, dated February 2002: *Provided further*, That $65,000,000 of the $70,000,000 made available in this Act for Nevada rail transportation shall be available only if the Secretary designates rail as the preferred mode of transportation within Nevada and selects a Nevada rail corridor within 60 days of enactment of this Act and commences the necessary environmental and engineering analysis to develop and issue a Record of Decision for a specific rail alignment within the selected rail corridor by June 30, 2005: *Provided further*, That not to exceed $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Nuclear Waste Policy Act of 1982 (Public Law 97-425), as amended: *Provided further*, That not to exceed $6,500,000 shall be provided to affected units of local governments, as defined in Public Law 97-425, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of funds to the State of Nevada and affected units of local government shall be solely for activities approved in advance by the Department of Energy: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and to affected units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management, the Governor of the State of Nevada, and each affected unit of local government receiving payments under this section shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97-425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from receiving any further Federal funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, as amended, including but not limited to, any proceeds from the sale of assets shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $224,329,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $123,000,000 in fiscal year 2004 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2004, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2004 appropriation from the General Fund estimated at not more than $101,329,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,462,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; one fixed wing aircraft for replacement only; and the purchase of not to exceed six passenger motor vehicles, of which four shall be for replacement only, including not to exceed two buses; $6,117,609,000, to remain available until September 30, 2006.

Defense Nuclear Nonproliferation

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,280,195,000, to remain available until September 30, 2006.

Naval Reactors

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, and the purchase of not to exceed one bus; $768,400,000, to remain available until expended.

Office of the Administrator

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $12,000), $341,980,000, to remain available until September 30, 2006.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

Defense Site Acceleration Completion

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; $5,758,278,000, to remain available until expended.

Defense Environmental Services

For Department of Energy expenses necessary for defense-related environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, and the purchase of not to exceed one ambulance for replacement only, $990,179,000, to remain available until expended.

Other Defense Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $666,516,000, to remain available until expended.

Defense Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $430,000,000, to remain available until expended.

CERRO GRANDE FIRE ACTIVITIES

(RESCISSION)

From unobligated balances under this heading, $75,000,000 are cancelled.

POWER MARKETING ADMINISTRATIONS

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2004, no new direct loan obligations may be made.

Operation and Maintenance, Southeastern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,100,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to $19,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

Operation and Maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,600,000, to remain available until expended: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to $1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures; in addition, notwithstanding 31 U.S.C. 3302, beginning in fiscal year 2004 and thereafter, such funds as are received by the Southwestern Power Administration from any State, municipality, corporation, association, firm, district, or individual as advance payment for work that is associated with Southwestern's transmission facilities, consistent with that authorized in section 5 of the Flood Control Act, shall be credited to this account and be available until expended.

Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $171,000,000, to remain available until expended, of which $167,236,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That up to $166,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

Falcon and Amistad Operating and Maintenance Fund

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,640,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

Federal Energy Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $192,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $192,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2004 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) Notwithstanding any other provision of law, including section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)), none of the funds in this or any other appropriations Act for fiscal year 2004 or any previous fiscal year may be used to make payments for any management and operating contract of the Department of Energy unless that contract was awarded using competitive procedures within the past fifty fiscal years or unless the Secretary of Energy, not later than sixty days after the date of enactment of this Act, publishes in the Federal Register and submits to the Committees on Appropriations of the House of Representatives and the Senate a notification of intent to use competitive procedures for the procurement of each management and operating contract when the current term of each such contract expires.

(b) The Secretary may not impose any conditions on the competition of a management and operating contract that is funded under this or any other appropriations Act that may have the effect of biasing the competition in favor of the incumbent contractor or otherwise providing for anything less than full and open competition of such contracts.

(c) For purposes of this section, the term "management and operating contract" means a contract for the management and operation of a Department of Energy laboratory, facility, site, or plant as used in subpart 17.601 of the Federal Acquisition Regulation.

(d) For purposes of this section, the terms "competitive procedures" and "full and open competition" have the meanings provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(e) The provisions of subsection (a) in this section apply to contracts awarded for a term of one year or more, not to interim extensions of less than one year used to extend contract performance until a long-term contract is placed or to provide continuity of service between contracts.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the $15,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term "covered nuclear weapons facility" means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y–12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas;

(4) the Savannah River Plant, South Carolina; and

(5) the Nevada Test Site.

SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

SEC. 310. Notwithstanding the provisions of any other law, using funds appropriated in this title, the Secretary of Energy shall proceed with planning and analyses for external regulation of the Department's laboratories under the Office of Science as directed in the report accompanying this bill.

TITLE IV

INDEPENDENT AGENCIES

Appalachian Regional Commission

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $33,145,000, to remain available until expended.

Defense Nuclear Facilities Safety Board

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $19,559,000, to remain available until expended.

Delta Regional Authority

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $2,000,000, to remain available until expended.

Nuclear Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $618,800,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $33,100,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $538,844,000 in fiscal year 2004 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation estimated at not more than $79,956,000.

Office of Inspector General

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $7,300,000, to remain available until September 30, 2005: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $6,716,000 in fiscal year 2004 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation estimated at not more than $584,000.

Nuclear Waste Technical Review Board

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,177,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

The CHAIRMAN. Are there any points of order?

POINT OF ORDER

Mr. SHIMKUS. Mr. Chairman, I make a point of order that section 310 of the bill violates clause 2 of rule XXI of the rules of the House of Representatives prohibiting legislation on appropriation bills.

Section 310 extends requirements on the DOE that are inconsistent with its authority to self-regulate its facilities and contractors for nuclear safety and worker health and safety provided for in its organic statutes. Section 310 requires the Secretary of Energy to fund infrastructure improvements at non-defense science facilities to comply with the Nuclear Regulatory Commission and Occupational Safety and Health Administration regulations. This requires the Secretary to implement infrastructure improvements not currently required by law.

The language in section 310 clearly constitutes legislation on an appropriation bill in violation of clause 2 of rule XXI of the Rules of the House. I therefore insist on my point of order.

The CHAIRMAN. Does any Member wish to be heard on the gentleman's point of order?

If not, the Chair is prepared to rule.

The Chair finds that the section proposes explicitly to supersede existing law. As such, it constitutes legislation in violation of clause 2(b) of rule XXI.

The point of order is sustained and the provision is stricken.

Are there any amendments?

Mr. TAUZIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me take this time to first thank and express my appreciation on behalf of the Committee on Energy and Commerce to the chairman of the subcommittee who brings this bill before us today and to the ranking member from Indiana for the extraordinary cooperative spirit in which this subcommittee of the Committee on Appropriations has worked with our authorizing committee, the Committee on Energy and Commerce, on so many issues of importance when it comes to funding the energy programs of our country that are under our committee's jurisdiction.

This is a great example of how the appropriators can and should work with authorizing committees. We just saw a point of order that was ruled by the chairman on behalf of our committee to strike language that would have legislated on this appropriation bill. We have had many discussions with the chairman and ranking member and our staffs over the past few days, and have worked through the bill to both approve those changes our committee agrees with the appropriators that should be included in this appropriation bill, and to find the language, such as the one we just objected to and might have been proposed authorizing language on an appropriation bill. The spirit by which that has been accomplished has been, I hope, an example for all the authorizing committees and the appropriators.

I want to thank the chairman again personally for the way in which he has approached us and asked us for these discussions and, in fact, worked with the ranking member for us to reach these agreements and these conclusions. I wish it was true of all the subcommittees of the Committee on Appropriations. What occurred this week in another appropriations matter, where legislation was added that was strictly objected by the Committee on Energy and Commerce, and which has now produced a bill which will have very great difficulty moving through this House, is a bad example of that kind of relationship.

All of the authorizing chairmen that I work with on the committees of jurisdiction, who work very hard with the staffs, who are extraordinarily competent in these areas, and the Members who spend all their waking hours working in these committees in these specific authorizing areas are offended when legislation comes on an appropriation bill changing the policies or in some way affecting the policies that we so carefully try to work out for the benefit of this body, both on the Democratic and Republican side of the aisle. And when we find we do not have the cooperation of an appropriating committee, it really is disturbing.

This is a good example of how the process should work. I wanted to come to the floor to thank the chairman and the ranking member for showing, I hope, the other subcommittees of the Committee on Appropriations how it should be done, how it ought to be done, and how the relationship between authorizing and appropriating committees should, in fact, be a strong and cooperative and workable one.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I would like to also say thank you to the gentleman from Louisiana for his courtesies that he extended to us in working out a couple of things we had. And I did not get a chance to, but I also want to thank the gentleman from New York (Mr. BOEHLERT), the gentleman from Alaska (Mr. YOUNG) of Committee on Transportation and Infrastructure, the gentleman from Virginia (Mr. TOM DAVIS), and all the other chairmen we worked with to get this bill to the floor today.

I think everybody has been very reasonable in working together, because there were some jurisdictional things, but we all understood what we were trying to do, and I very much appreciate the gentleman's comments and the cooperation not only of the gentleman himself, but the staffs of each of the Members I mentioned in working with our staff to work this out.

Mr. TAUZIN. Reclaiming my time, Mr. Chairman, I thank the gentleman, and he makes a good point. I should also say that I speak for the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Alaska (Mr. YOUNG), and the gentleman from New York (Mr. BOEHLERT), all of whom were invited into this process as authorizing chairmen to work with this Committee on Appropriations.

And, again, all of us want to thank the gentleman for the way in which he has approached the serious duties we have in authorizing the programs that the gentleman so diligently worked to correctly appropriate for. I thank the gentleman for that.

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TOM DAVIS of Virginia:

On page 38, line 20, strike all after "502." through "(c)" on page 39, line 7.

Mr. TOM DAVIS of Virginia (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Chairman, first of all, I want to associate myself with the remarks of the gentleman from Louisiana.

Mr. Chairman, I ask the amendment be adopted.

The Buy American Act applies to supplies costing more than $2,500 and establishes a preference for domestic supplies that are manufactured in the U.S. Generally, it applies to acquisitions below the $177,000 Trade Agreements Act of 1979, TAA threshold.

Commercial firms are required to certify compliance with the Buy American Act, potentially exposing them to civil false claims and other sanctions, even if they have made a good faith effort to comply with the Government-unique requirements. This creates significant financial and legal burdens for industry, given that more and more information technology and goods so critical for the Government's needs being sourced in our global economy from around the world.

Some companies have responded to Buy American Act restrictions by establishing costly, labor-intensive product tracking systems that are not needed in their commercial business, to ensure that products being sold to the Government meet the government-unique requirements. In a few cases, companies have simply stopped selling certain products in the federal marketplace, denying access to some of the latest, more cost-effective products.

The Buy American Act imposes financial and legal burdens on the taxpayers and the commercial companies that sell to the Government. This restriction on the Government's ability to obtain needed technology goods from the World market is a cold war anachronism. Given our growing reliance on information technology and other advanced products—and the current global nature of industry, the Government's ability to get the goods it needs at reasonable prices will be crippled by this restrictive provision.

Therefore, I ask support of my amendment.

Mr. HOBSON. Mr. Chairman, I rise in support of the amendment, and advise the gentleman that we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. WILSON OF NEW MEXICO

Mrs. WILSON of New Mexico. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. WILSON of New Mexico:

At the end of the bill (preceding the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used to release water from the San Juan Chama Project or Middle Rio Grande Project for the purpose of complying with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

Mrs. WILSON of New Mexico (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

Mr. HOBSON. Mr. Chairman, will the gentlewoman yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, we have no objection to the gentlewoman's amendment. If she wishes to explain it briefly, that is fine.

Mrs. WILSON of New Mexico. Reclaiming my time, Mr. Chairman, I thank the chairman for his acceptance of my amendment, but I would like to briefly explain it.

Back in 1962, this Congress approved a water project in northern New Mexico and southern Colorado that builds 26 miles of tunnels to take water from the Colorado River system down for the city of Albuquerque, which is south of this map, and it goes through these tunnels to Herron Reservoir. Those water works started within the last month, and Albuquerque has started taking that water out of the Rio Grande River under multiple contracts with Federal agencies to get that water there.

Unfortunately, two judges in Denver, Colorado, recently came out with an opinion that threatens to undo water all throughout the West, and will mean that citizens in cities and counties throughout the country can no longer plan for their water future. This $42 million project now is threatened. It provides a third of the water for the city of Santa Fe, almost all of the future water for the city of Albuquerque, and it is not native water. This is not Rio Grande water. It is from Colorado, and it was purchased by the people of New Mexico and brought here.

What this judge has decided is that they can order Federal agents who run these dams to pour the water into the river and require it stay there because there is a fish down at the bottom end of the river that might need it.

□ 1045

These are man-made structures. It is not water native to the Rio Grande, and all this amendment says is that no funds can be used for these Federal agents running these dams to take water that is not theirs for the purpose of enforcing the Endangered Species Act.

We should not be ordering agencies to breach contracts on water delivery that have existed for 40 years. These agencies have no water rights. They did not buy this water. If the courts can order this, they can order anybody who has bought a bottle of water at the Circle K or at Sam's Club to walk down to any river in this country and pour it in because that is exactly what this ruling in Denver has done.

We are supporting the restoration of the fish downstream, with restoration of the channel, with breeding projects at the zoo, with leasing of rights, but we cannot allow Federal judges to seize water and overturn water law in the entire West.

This is an interim fix with bipartisan support. It is supported by Bill Richardson, the Governor of New Mexico, by Senator BINGAMAN and Senator DOMENICI, by New Mexico's Attorney General Patsy Madrid, by Mayor Marty Chavez, Mayor. Larry Delgado, both Democrats, mayors of the city of Santa Fe and of Albuquerque, and broadly supported throughout our community.

We have to protect water rights and protect the law that allows these projects to be built in the first place.

Mr. UDALL of New Mexico. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment sponsor has good intentions. She wants to protect the cities and protect the water supply for the cities of Albuquerque and Santa Fe. I also share her concerns and wish it was just as easy as offering an amendment to protect the water supply for our cities. I am sad to say that this amendment does not solve the problems we face in New Mexico and across the West on water. It is a Band-Aid.

Representatives for the six tribes in the Middle Rio Grande have told me this amendment will force them into a lawsuit. If the San Juan Chama and Middle Rio Grande water is off the table, then tribal water is some of the only water left in the river. The Department of Interior has said they will take tribal waters to satisfy the ESA. Is the gentlewoman prepared to settle the tribe's lawsuit in her amendment?

Settling one's lawsuit and creating another lawsuit does not seem to me to be much of a solution. Legislatively distinguishing one lawsuit, but creating another one does not seem like it is getting us to the point we want to be at.

This amendment does not deal with the realities we face in the West in terms of water. Our water resources are overallocated. The amendment does not deal with that. We have an exploding population growth in New Mexico, 20 percent over the last 10 years. Population is stretching our water resources to the limits. We are in the midst of a serious drought. Our water infrastructure is outmoded for current needs. This amendment fails to deal with these realities and many other crucial issues.

I am working on legislation which addresses these realities, and I hope that the gentlewoman and other members of the New Mexico House delegation will join me in this effort. We need legislation that sets up incentives to conserve our water resources and develop collaborative solutions at the local level. We need legislation which restores and protects the Rio Grande River and the surrounding Bosque. We need to encourage technological solutions for new sources of water, and we need to harness technology to increase water efficiency.

This amendment accomplishes none of these important objectives, nor does this amendment move us toward sustainable water practices.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC.   . Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $272,110,000.

Mr. HEFLEY. Mr. Chairman, once again I rise to offer an amendment to cut the level of funding in this appropriations bill, to cut by it approximately $272.1 million, or approximately 1 percent of the total outlays of the bill. The reason it is structured a little differently this time instead of 1 percent across-the-board cut, I do not want there to be any mistake about it, that we mean that 1 percent has to come out of every single program in this bill.

There are some wonderful programs in this bill the gentleman from Ohio (Mr. HOBSON) has put together and funded. There are probably some programs that the gentleman would agree need more money, and there may be some programs that the gentleman would agree probably should go out of existence because they are not working very well, so they should be eliminated.

The way this is structured is if we cut these funds, it would be up to the administration to decide where these cuts should go. I suppose we will once again hear about the impact these cuts would have on certain programs, but this amendment is particularly designed not to bring that into play. It is possible that a 1 percent cut could impact some of the small programs. That is why it is left up to the administration to decide where it is to come from.

But let us look at what a 1 percent cut would mean to some of the programs. In the $33.1 million line item for the Appalachian Regional Commission, this would mean a cut, $331,000. I said thousand. That is something we do not understand up here because we do not use that term. We talk in millions and billions. It would be $331,000.

One businessman has said that a businessman who could not find a way to save a penny out of a dollar should not be in business, and that is what we are talking about with this amendment. We are talking about a penny out of a dollar.

My reasons are simple. They are telling us this very week that next year our deficit will be $475 billion. That is 4.2 percent of the entire budget, and viewed in that light, the 1 percent cut that I am talking about is probably not adequate.

As I said yesterday on a similar amendment, when I came to Congress, we had a $200 billion deficit, and all of us, most of us, many of us, were convinced that is something we absolutely had to come to erase, we had to come to grips with. I am offering this amendment to say this needs to be a priority again. We need to balance our budget. Good things may fall by the wayside because a better value, that of balancing the budget, comes into play.

We are looking at doubling the amount from when I came here, and we do not seem to be worried about it at all. Given that context, I do not think asking the administration to find a savings of 1 cent on a dollar is too much to ask. Mr. Chairman, I urge adoption of the amendment.

Mr. HOBSON. Mr. Chairman, I rise in strong opposition to the gentleman's amendment.

I was the Speaker's delegate to the budget when we balanced the budget. I am very aware of budget priorities. I am also an appropriator.

I have great difficulty with everybody saying the administration's decisions are right. We had a discussion earlier which I agreed with that we have great infrastructure problems in this country that are not being taken care of and will cost more money if we do not fix them in the future.

It is very interesting to me that the gentleman picked the Appalachian Regional Commission to mention, because if I had my way, I would have zeroed it all out, but I cannot tell the Chairman how many Members of Congress have come to me and complained to me about the fact that I went with, not my wish, but I went with what the President and the OMB, what their provision was in the bill. I cannot tell how many Members have come and said, this is death. This is the end of the world.

So $331,000 may not sound like much, but I can tell the Chairman that to the Members that have all come to me, they want it increased dramatically. They want me to double the money; and the Senate is at about $71 million, which shows what I am up against when I go to conference on this bill. Frankly, they are $220 million above this bill when we go to deal with them, so I think we have been pretty good with our 302(b) allocation.

I strongly oppose the gentleman's amendment.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to indicate my strong opposition to the amendment offered. I think of all of the discrete decisions that have been made on individual projects that were carefully considered, an across-the-board cut is certainly not the way to approach the legislative process, and I am strongly opposed to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 39, after line 24, insert the following:

SEC. 504. The Nuclear Regulatory Commission shall revoke the license to the Davis Besse nuclear power plant, in accordance with the petition filed with the Nuclear Regulatory Commission under section 2.206 of title 10, Code of Federal Regulations on February 3, 2003, March 27, 2003, and July 7, 2003, (Accession No. ML030370067).

Mr. HOBSON. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. HOBSON) reserves a point of order.

Mr. KUCINICH. Mr. Chairman, I rise to offer an amendment to revoke the operating license of the Davis Besse nuclear power plant. I do so because of the substantial safety issues at this reactor and the poor response by the plant owner and the Nuclear Regulatory Commission.

I offer this amendment to ensure the safety of the residents of the 10th Congressional District of Ohio who live less than 100 miles from the Davis Besse Nuclear Power Station. Due to its proximity to the plant and the prevailing wind conditions, people and property within the 10th Congressional District would be detrimentally affected if a nuclear accident were to occur at the Davis Besse facility.

This amendment is not a permanent shutdown. It would merely require the Davis Besse owners to reapply for a new license. This would force a vastly improved assessment of the nuclear plant before it restarts. The basic fact is that Davis Besse came far too close to a serious loss of coolant accident. The reactor core, the heart at the reactor, at the Davis Besse nuclear plant, sits within a metal pot designed to withstand pressures of up to 2,500 pounds per square inch.

The pot, called the reactor vessel, has carbon steel walls nearly 6 inches thick to provide the necessary strength. Because the water cooling the reactor contains boric acid, which is highly corrosive to carbon steel, the entire inner surface of the reactor vessel is covered with 3/16-inch stainless steel protection. This is the first line of defense to protect us from radiation.

I want to point to this picture here. Water routinely leaked onto the reactor vessel's outer surface, and because the outer surface lacked a protective steel coating, boric acid ate its way through the carbon steel wall until it reached the back side of the inner liner. The cavity was 7 inches long, 6 inches wide and 6 inches deep. High pressure from the reactor vessel pushed the stainless steel outward into the cavity formed by the boric acid.

□ 1100

An engineering analysis by First Energy revealed that the bulging stainless steel was beginning to crack. These cracks certainly suggest that given enough time, the reactor wall would have ruptured. Any tear or rupture in this wall would drain the reactor and require the emergency backup safety systems to work properly to avoid a major accident.

Experts have concluded that if the hole was not discovered, the reactor would have ruptured in the next year of operation. In short, a small leak in a critical area that began around 1996 came far too close to creating a serious nuclear accident.

I want to point to another card here that illustrates what happened when the NRC asked for information about what was going on at Davis-Besse. First Energy, the company running this plant, removed the photograph of the reactor head that was taken during April of 2000. This is the photograph. This company removed this photograph from a packet of information that was given to the NRC. Damage from the corrosion is clearly indicated in the photograph. There is an evident red river of boric acid flowing from the top of the reactor head. This company removed this photograph from a file in order to cover up the kind and extent of damage that was occurring.

A recent report by the Union of Concerned Scientists entitled, "Davis-Besse: The Reactor With a Hole in Its Head," documented the potential failures of the safety systems that would have been necessary if the steel liner had ruptured. The report concludes that the nuclear industry backup safety systems fail all too often for the nuclear industry to depend on them.

Last week, First Energy made public that an essential safety system was inoperable since the plant began its operation in 1977. A valve that needed to be open to supply cooling water to measure explosive hydrogen in a loss-of-cooling accident has been closed for 25 years and is now rusted shut. According to First Energy, a crack developed in a control nozzle in 1990. By 1995, the crack grew all the way through the nozzle. Boric acid from the water leaking through the crack began attacking the reactor vessel head. By 1999, the reactor vessel head corrosion was bad enough that iron oxide, rust particles, were being detected in the containment atmosphere. Once it opened, the hole widened by nearly 2 inches per year.

It is clear that First Energy and the NRC have failed my constituents. Of course, complacency on the part of the plant's owner and the NRC really caused the hole in the reactor head.

The following are examples of this complacency:

Workers did not discover the damage during visual inspections of the reactor vessel head in 1998 and again in 2000. Boric acid crystals coated the reactor vessel head masking the metal surface.

When problems with leaking CRDM flanges surfaced years ago, workers at Davis-Besse proposed a modification that would enable better inspections of the reactor vessel head. Management approved this modification, but then deferred its implementation.

When boric acid crystals were repeatedly found coating the outer surface of the reactor vessel head, workers at Davis-Besse merely tried cleaning them away. The plant's design required all components coming into contact with reactor water to be made of corrosion-resistant materials or to be clad with a protective layer of stainless steel. The outer surface of the reactor vessel head was neither corrosion-resistant nor coated with stainless steel. Management tolerated a degraded condition prohibited by the plant's design.

Armed with knowledge about leaking CRDM flanges at Davis-Besse causing the outer surface of the reactor vessel to be coated with boric acid crystals, about the high likelihood that one or more CRDM nozzles would be cracked, and about elevated iron oxide levels within the containment building, management lobbied the NRC in fall 2001 to allow it to skip the reactor vessel head inspection mandated by the end of the year.

There is also evidence of complacency by the NRC.

The NCR's Inspector General recently concluded:

During the review of the potentially hazardous condition at Davis-Besse, the NRC staff considered the financial impact to the licensee of an unscheduled plant shut down. The fact that FENOC sought and staff allowed Davis-Besse to operate past December 31, 2001, without performing inspections was driven in large part by a desire to lessen the financial impact on FENOC that would result from an early shutdoen.

NRC appears to have informally established an unreasonably high burden of requiring absolute proof of a safety problem, versus lack of reasonable assurance of maintaining public health and safety, before it will act to shut down a power plant. The staff articulated this standard to OIG as a rationale for allowing Davis-Besse to operate until February 16, 2002.

There is significant evidence that FirstEnergy falsely represented the condition of the pressure vessel and associated piping in order to avoid an NRC-ordered shutdown, and knowingly and recklessly exposed the people of Ohio to a grave and preventable safety risk.

Unfortunately, the NRC has recently issued a draft decision to deny my petition. They just don't get it. The NRC must place the safety of people before the profits of the nuclear industry.

Mr. HOBSON. Mr. Chairman, does the gentleman withdraw this amendment? I insist upon my point of order.

Mr. KUCINICH. The gentleman insisting upon the point of order, I will withdraw the amendment using this opportunity to call this to the attention of the public.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MANZULLO:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The point of order is reserved.

Mr. MANZULLO. Mr. Chairman, the purpose of this amendment is to make the Army Corps of Engineers and parts of the Department of Energy and Department of the Interior increase the American content of the parts that they buy from 50 percent to 65 percent. These types of materials are to be used in construction projects that are supplied right here in America and there is no hardship in applying that higher standard. The bulldozers, tractors, dredging equipment, pumps, drills, these items are all made right here in America and, it helps out the struggling manufacturing base.

The congressional district that I represent, the biggest city, Rockford, is between 10.5 and 11 percent unemployment. We lost two factories just this past week. It continues over and over again, the erosion of our manufacturing base. Nationwide we are down to about 14.5 million manufacturing jobs. We are losing 57,000 manufacturing jobs each month for the past 34 months.

What we are saying here is very simple. When using taxpayers' dollars, use that money to buy products that are made in America, at least up to the 65 percent, to help stabilize our manufacturing base plus also to provide the jobs so people can pay the taxes in order to keep those government agencies going.

Mr. Chairman, because of the rules, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. TANCREDO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to engage in a colloquy with the chairman. In 1999, the Army Corps of Engineers declared that the Cherry Creek Reservoir was in need of a $100 million expansion. The need for the expansion was based on whether projections forecasting not just one but two 1,000-year storms hitting the arid front range of Colorado in a 2-week period.

Not only would the expansion be expensive, it would also inundate several neighborhoods and a high school. Given the questionable assumptions that the proposal was based on, the gentleman from Colorado (Mr. HEFLEY) and I have asked for and received limitation language in the annual energy and water appropriations bill over the last two cycles blocking the Corps of Engineers from moving forward until an independent review of the dam's safety is completed.

Over the past year or so, a State and local task force has been working with the National Weather Service and the Corps of Engineers toward completion of an independent review of the underlying weather models used by the corps and the long-term safety needs in the Cherry Creek Basin. My understanding is that the group believes it will be able to complete its work later this year. It is my sincere hope that they will do so.

I understand that the bill does not specifically include any money for the corps to move forward with a dam safety study at this time, and I would ask the chairman and ranking member of the subcommittee to work with the gentleman from Colorado (Mr. HEFLEY) and me to ensure that the study will not move forward until such time as this independent peer review panel has completed its work.

Mr. HOBSON. Mr. Chairman, if the gentleman will yield, I agree with the gentleman's comments and will try to work with him.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, before the short title, insert the following:

SEC. ___. None of the funds made available in this Act may, after December 31, 2003, be used by the Department of Energy to dispose of any low-level radioactive waste in a landfill that does not meet all requirements and standards applicable to landfills containing hazardous waste under Federal law, or under a State regulatory program authorized by section 3006 of the Solid Waste Disposal Act (42 U.S.C. 6926), with respect to landfill lining, leachate collection systems, and groundwater and soil column monitoring systems.

Mr. HOBSON. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The point of order is reserved.

Mr. INSLEE. Mr. Chairman, I bring this amendment to the House's attention really to deal with a weakness in our existing laws regarding the disposal of low-level nuclear waste. In the State of Washington, the Department of Energy has plans to ship into the Hanford site tons and tons of what is characterized as low-level nuclear waste for disposal in unlined trenches. Unfortunately, because of existing law, they may at the moment under RCRA statutes be allowed to do that. But this is clearly something we need to resolve because current RCRA law would not allow us to dispose of levels of Drano and paint cans, but does allow us to dispose of low-level nuclear waste in unlined trenches.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I understand the concerns of the gentleman from Washington, and I agree that we should not be placing low-level radioactive waste into unlined trenches; and it should not take the Department of Energy several years to figure that out. I will work with the gentleman and with the Assistant Secretary, Jesse Roberson, at DOE to resolve this expeditiously. If we cannot get satisfaction from DOE, then we will address this in conference, and our conference is a little while off; but I do not disagree with the gentleman.

Mr. INSLEE. I thank the gentleman. I am very appreciative of his interest in this. I do think we need to light a fire under this process. I look forward to working with the gentleman in the conference committee.

Mr. HOBSON. Make sure you keep poking at us as we get towards conference.

Mr. INSLEE. I thank the gentleman.

Mr. Chairman, based on the statement of the gentleman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

Page 39, after line 24, insert the following:

SEC. 504. None of the funds made available by this Act may be used to issue any license, approval, or authorization for the export or reexport, or the transfer or retransfer, either directly or indirectly, the Democratic Peoples' Republic of North Korea of—

(1) any special nuclear material or byproduct material;

(2) any nuclear production or utilization facilities; or

(3) any components, technologies, substances, technical information, or related goods or services used (or which could be used) in a nuclear production or utilization facility; except that, this restriction shall not apply to exports, reexports, transfers, or retransfers of radiation monitoring technologies.

Mr. MARKEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, this is a very simple amendment, and it is based upon a very complex, controversial, but ultimately ineffective, set of agreements which we reached with the North Korean Government making a promise to that government that we in conjunction with our allies would transfer two nuclear power plants to the Government of North Korea if they agreed in turn to put their full nuclear program under full scope safeguards. It has become clear through the Clinton administration and through the Bush administration that Kim Jong-Il is pathologically incapable of handling nuclear materials in a responsible way, and retrospectively it is now quite clear that the nature of the bargain that we made with Kim Jong-Il was fundamentally flawed.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I know the gentleman wants to explain his amendment, but I am advised that the Committee on Energy and Commerce has passed similar language to this about three times. If that is correct, then I am willing to accept the amendment on its face. If there is a problem, we will have to work it out in conference at some point; but in an effort to expedite the process here on the floor, I am willing to accept the amendment at this point if the ranking member has no objection.

Mr. VISCLOSKY. I would have no objection.

Mr. MARKEY. I thank the gentleman very much for his acceptance of the amendment. And just so it is clear what it was that was just accepted, it is basically saying that the United States writ large should not and will not transfer any nuclear power plants or material or personnel that could help them with nuclear power plants as part of any deal in the future; that if they want electricity, that we will build coal-fired plants for them, we will build natural-gas-fired plants for them, but we are not going to transfer materials that could be used for a nuclear weapons program to Kim Jong-Il in North Korea.

That is the essence of the amendment. It has passed the House floor 435–0 during the Clinton administration and during the Bush administration, but there are personnel inside of both administrations that continue to believe that there is a way in which we can transfer nuclear materials to the North Korean Government, and the Congress has said over and over again it is not a good idea. I appreciate the gentleman from Ohio accepting the amendment. I do want to work with him, as does the gentleman from California (Mr. COX), towards the goal of removing any obstacles that might be created in the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from New Jersey (Mr. ANDREWS), the amendment offered by the gentleman from Colorado (Mr. UDALL), and the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

□ 1115

AMENDMENT OFFERED BY MR. ANDREWS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 213, not voting 27, as follows:

[Roll No. 391]

AYES—194

Akin
Andrews
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Bereuter
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Burns
Burton (IN)
Cannon
Capito
Capps
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chocola
Cole
Collins
Conyers
Cooper
Crane
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Delahunt
DeMint
Deutsch
Diaz-Balart, L.
Dingell
Doggett
Ehlers
Engel
Eshoo
Evans
Everett
Feeney
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gilchrest
Goss
Graves
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
Kirk
Kleczka
Kline
Kucinich
Langevin
Larsen (WA)
Leach
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Maloney
Markey
Matheson
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McNulty
Meehan
Miller (FL)
Miller (NC)
Moore
Moran (KS)
Moran (VA)
Musgrave
Myrick
Neal (MA)
Neugebauer
Northup
Norwood
Olver
Otter
Owens
Pallone
Payne
Pearce
Pence
Petri
Pomeroy
Portman
Ramstad
Rangel
Rohrabacher
Ross
Rothman
Royce
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Shadegg
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Solis
Stearns
Stenholm
Sweeney
Tancredo
Tauscher
Terry
Thomas
Thornberry
Tiberi
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Watt
Wexler
Woolsey

NOES—213

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Ballance
Becerra
Berry
Bishop (GA)
Blackburn
Blunt
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Burr
Buyer
Calvert
Camp
Cantor
Capuano
Carson (OK)
Clay
Clyburn
Coble
Costello
Cramer
Crenshaw
Crowley
Cubin
Cummings
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Emanuel
Emerson
English
Etheridge
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Greenwood
Gutknecht
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hill
Hobson
Hoeffel
Hoyer
Hulshof
Hyde
Isakson
Istook
Jenkins
John
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lipinski
Lowey
Lucas (OK)
Lynch
Majette
Manzullo
Marshall
Matsui
McCarthy (NY)
McCotter
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Murphy
Murtha
Nadler
Napolitano
Nethercutt
Ney
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Oxley
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roybal-Allard
Ruppersberger
Ryun (KS)
Sabo
Schrock
Scott (GA)
Serrano
Sessions
Shaw
Sherwood
Shuster
Simpson
Smith (TX)
Snyder
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Tanner
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watson
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—27

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Cox
Davis (TN)
DeLay
Dreier
Ferguson
Gallegly
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Paul
Quinn
Reynolds
Ros-Lehtinen
Taylor (NC)
Walsh
Waxman
Weldon (FL)
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1137

Messrs. CROWLEY, McKEON, BALLANCE, Ms. LEE, and Messrs. PITTS, ACKERMAN, JONES of North Carolina, Mrs. NAPOLITANO, Mr. TOWNS, and Mr. MEEKS of New York changed their vote from "aye" to "no."

Messrs. BARRETT of South Carolina, MILLER of Florida, HERGER, BRADY of Texas, ISRAEL, HUNTER, MARKEY, PAYNE, NEAL of Massachusetts, FORBES, and CANNON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. UDALL OF COLORADO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 251, not voting 30, as follows:

[Roll No. 392]

AYES—153

Ackerman
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Bishop (NY)
Blumenauer
Boehlert
Boswell
Bradley (NH)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Conyers
Crowley
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Ehlers
Emanuel
Eshoo
Evans
Farr
Filner
Foley
Ford
Frank (MA)
Gerlach
Gibbons
Gonzalez
Green (WI)
Grijalva
Gutierrez
Hastings (FL)
Hensarling
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez

Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Platts
Pomeroy
Porter
Rahall
Rangel
Renzi
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Stark
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Weiner
Weldon (PA)
Wexler
Woolsey
Wu

NOES—251

Abercrombie
Aderholt
Akin
Alexander
Allen
Bachus
Baker
Barrett (SC)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Emerson
Engel
English
Etheridge
Everett
Fattah
Feeney
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Rush
Ryun (KS)
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—30

Ballenger
Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Davis (TN)
DeLay
Dreier
Ferguson
Gallegly
Gephardt
Granger
Harman
Janklow
Jefferson
Johnson, Sam
Lipinski
Millender-McDonald
Paul
Quinn
Reynolds
Ros-Lehtinen
Taylor (NC)
Thomas
Walsh
Waxman
Weldon (FL)
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1146

Mr. CLYBURN changed his vote from "aye" to "no."

Messrs. SANDLIN, DOGGETT, and McDERMOTT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Chairman, I was unavoidably detained during rollcall vote Nos. 392 and 391. I would ask that the RECORD reflect that had I been present I would have voted "no" on rollcall vote No. 392 (Udall amendment) and "no" on rollcall vote No. 391 (Andrews amendment).

□ 1145

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 82, noes 327, not voting 25, as follows:

[Roll No. 393]

AYES—82

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bilirakis
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Buyer
Cannon
Capuano
Chabot
Chocola
Coble
Collins
Cox
Crane
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Duncan
Everett
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Green (WI)
Gutknecht
Hefley
Hensarling
Herger
Hostettler
Hunter
Isakson
Jenkins
Jones (NC)
Kennedy (MN)
Lewis (KY)
Linder
Matheson
McCotter
Miller (FL)
Miller, Gary
Musgrave
Myrick
Norwood
Otter
Pence
Petri
Pitts
Porter
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Smith (WA)
Stearns
Tancredo
Tanner
Taylor (MS)
Terry
Toomey
Wilson (SC)

NOES—327

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Becerra
Bell
Bereuter
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey

Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—25

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Davis (TN)
DeLay
Dreier
Ferguson
Gallegly
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Paul
Quinn
Reynolds
Ros-Lehtinen
Taylor (NC)
Walsh
Waxman
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1206

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Energy and Water Development Appropriations Act, 2004".

The CHAIRMAN. There being no further amendments, under the order, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. ISAKSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, pursuant to the previous order of the House of the legislative day of July 17, 2003, he reported the bill, as amended pursuant to that order, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOYER. I am at this time, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER moves to recommit the bill, H.R. 2754, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The vote on final passage will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 99, noes 310, not voting 25, as follows:

[Roll No. 394]

AYES—99

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Ballance
Bishop (NY)
Blumenauer
Boswell
Brown (OH)
Brown, Corrine
Capuano
Carson (IN)
Carson (OK)
Clyburn
Conyers
Cooper
Cummings
Davis (AL)
Davis (IL)
DeGette
Delahunt
Deutsch
Dingell
Doggett
Emanuel
Engel
Eshoo
Evans
Farr
Filner
Frank (MA)
Gibbons
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hoeffel
Inslee
Israel
Jackson (IL)
Jones (OH)
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pastor
Pelosi
Porter
Rangel
Rodriguez
Rothman
Rush
Ryan (OH)
Sánchez, Linda T.
Schakowsky
Sherman
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Tauscher
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Watson
Watt
Weiner
Wexler

NOES—310

Aderholt
Akin
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matsui
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin

Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—25

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Davis (TN)
DeLay
Dreier
Ferguson
Gallegly
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Paul
Quinn
Reynolds
Ros-Lehtinen
Taylor (NC)
Walsh
Waxman
Young (AK)

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). There are 2 minutes remaining in this vote.

□ 1248

Ms. ROYBAL-ALLARD, Messrs. BELL, HINCHEY, GREEN of Texas, REYES, ORTIZ, Ms. JACKSON-LEE of Texas and Mr. HONDA changed their vote from "aye" to "no."

Mr. DEUTSCH and Mr. ABERCROMBIE changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

This vote may be followed by a 5-minute vote on the motion to instruct on H.R. 1308.

The vote was taken by electronic device, and there were—yeas 377, nays 26, not voting 32, as follows:

[Roll No. 395]

YEAS—377

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—26

Akin
Andrews
Capuano
Doggett
Feeney
Flake
Franks (AZ)
Gibbons
Hefley
Hensarling
Hostettler
Kind
Kucinich
Matheson
Meehan
Miller (FL)
Petri
Porter
Ramstad
Royce
Sensenbrenner
Shadegg
Stearns
Strickland
Tancredo
Toomey

NOT VOTING—32

Barton (TX)
Berkley
Berman
Boehner
Bonilla
Burgess
Carter
Davis (TN)
Deal (GA)
DeLay
Dreier
Everett
Ferguson
Fletcher
Gallegly
Gephardt
Granger
Jackson-Lee (TX)
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Northup
Paul
Quinn
Reynolds
Ros-Lehtinen
Taylor (NC)
Velázquez
Walsh
Waxman
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1258

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. BELL) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 188, nays 201, not voting 46, as follows:

[Roll No. 396]

YEAS—188

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)

John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—201

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—46

Baird
Barton (TX)
Berkley
Berman
Boehner
Bonilla
Bono
Boucher
Burgess
Capuano
Carter
Cox
Davis (TN)
Deal (GA)
DeGette
DeLay
Dooley (CA)
Dreier
Everett
Ferguson
Fletcher
Gallegly
Gephardt
Granger
Gutierrez
Harman
Janklow
Jefferson
Johnson, Sam
Linder
McNulty
Meehan
Millender-McDonald
Ortiz
Pascrell
Paul
Quinn
Reynolds
Ros-Lehtinen
Shays
Smith (WA)
Taylor (NC)
Velázquez
Walsh
Waxman
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). The Chair reminds Members there are 2 minutes remaining in this vote.

□ 1322

Ms. HARRIS changed her vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—MANNER OF CONDUCTING MARKUP OF LEGISLATION IN COMMITTEE ON WAYS AND MEANS

Ms. PELOSI. Mr. Speaker, under rule IX, I rise to a question of the privileges of the House, and I offer a resolution (H. Res. 324) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 324

Whereas during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment the chairman of the Ways and Means Committee directed majority staff of the committee to ask the United States Capitol Police to remove minority-party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority-party members of the committee;

Whereas pending a unanimous-consent request to dispense with the reading of that amendment the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee: Now, therefore, be it

Resolved, That the House of Representatives disapproves of the manner in which Representative Thomas conducted the markup of legislation in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House.

The SPEAKER pro tempore. In the opinion of the Chair, the resolution constitutes a question of the privileges of the House.

The minority leader, the gentlewoman from California (Ms. PELOSI), will be recognized for 30 minutes; and the gentleman from Louisiana (Mr. McCRERY) will be recognized for 30 minutes as the designee of the Speaker.

The Chair recognizes the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my duty as the House Democratic leader to offer this resolution. Earlier today the Committee on Ways and Means Democrats were subjected to an indignity, an indignity that no Member should have to endure.

Mr. McCRERY. Mr. Speaker, parliamentary inquiry.

Ms. PELOSI. I do not yield, Mr. Speaker. I do not yield, Mr. Speaker.

The SPEAKER pro tempore. The House will be in order.

Mr. HOYER. The minority leader is speaking, Mr. Speaker.

POINT OF ORDER

Mr. McCRERY. Point of order, Mr. Speaker.

The SPEAKER pro tempore. Does the gentlewoman yield for the parliamentary inquiry?

Ms. PELOSI. I do not yield, Mr. Speaker.

The SPEAKER pro tempore. For the parliamentary inquiry?

Ms. PELOSI. I do not yield. There is half an hour on the other side. They have plenty of time to make their point.

The SPEAKER pro tempore. The gentlewoman will suspend.

The gentleman will state his point of order.

Mr. McCRERY. The majority has not been supplied with a copy of the resolution, Mr. Speaker; and it is hard for us to proceed without a copy of the resolution.

The SPEAKER pro tempore. The Clerk will supply copies, but the gentleman has not stated a point of order. The resolution has been read.

Mr. McCRERY. I thank the Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. PELOSI), the minority leader, will proceed.

Ms. PELOSI. I will proceed, Mr. Speaker, but not before saying that I do not appreciate the gentleman trivializing a rare occasion of this House when a leader of a party stands up for a point of privilege on the House floor. If the gentleman wanted a copy of the resolution, he knew he could go right to the well and get it at the desk.

Now I would like to proceed. Earlier today, the Committee on Ways and Means Democrats were subjected to an indignity, an indignity that no Member should have to endure; but it appears that indignity is the order of the day on the majority side.

As the Democratic Members of the Ways and Means Committee were caucusing in a committee room while a bill was being read for amendment, the chairman of the Committee on Ways and Means summoned the Capitol Police to remove them from that room. Make no mistake about this: the police were summoned to remove these Democratic Members because the chairman did not want them in the room, not for any other reason. The facts could not be clearer.

As the Democratic Members of the Committee on Ways and Means were leaving the rostrum to caucus prior to other events, the chairman told his staff to call the police. How outrageous.

I will not even go into how the mark-up was conducted; I will leave that to the members of the Committee on Ways and Means. I will not talk about the fashion in which the Chair rammed through the reporting of the legislation; the members of the Committee on Ways and Means will do that. I want to focus on how the chairman can call upon the Capitol Police to evict Members at his whim from the committee space. We cannot let this stand. We cannot let this go unchallenged. Mr. Speaker, this resolution recites the facts, and my colleagues have heard them.

Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from New York (Mr. RANGEL), the very distinguished ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I would hope that this discussion at the end of the day would tend to bring more civility to the relationship between the minority and the majority Members. We can continue the animosity. We can continue the ill feelings. But this would not serve our Nation well, and it certainly should not make Democrats or Republicans more proud to be a Member of this august body. We should be proud when we differ when we debate; but once we start eroding and abusing the powers of the majority, we do not do it for this Congress, but we do it for the Congress that follows. We do not have that right. No one person has the right to take away the rights that have been given to us by the Constitution in this great Nation.

□ 1330

Last night, just before midnight, a substitute pension bill was filed. After midnight, its description was filed. The underlying bill was a $230 billion bill of 207 pages. The substitute was a $50 billion bill and 90 pages. Members of our committee, Democratic members and I would suspect Republicans as well, had no clue as to the fact that this was coming up on a Friday; and when it did come up, we did not have time to read to see what were the major differences between the substitute and the underlying bill.

When the chairman of the committee asked for unanimous consent to waive the reading of the substitute, I objected and there was some discussion, but I maintained the objection because the Chair really had made up his mind that he was going to move forward with that legislation.

After talking with some of the senior members of the minority, we decided that we had go to the library. This library has been used historically since I have been on that committee for discussions with majority, minority, collectively. It has been used by the Trade Caucus, Republicans and Democrats. It is a beautiful place right behind our beautiful hearing room.

We went back there just to discuss what was in the substitute and how we would handle it. We were not there, I want to emphasize that all of these things are recorded because the time factor is so essential. I was not in that room 2 minutes when I was approached by the chairman's chief of staff who asked me and the Democrats to leave the library. I asked why. She told me because the chairman wanted to use the library for the Republican members. I asked her to advise the Chair that we were not leaving.

It was less than 3 minutes that a House Capitol policeman came and said that a disturbance has been reported. All of the Democrats were in the library at this time with the exception of the gentleman from California (Mr. STARK) who was outside to make certain that if there was an attempt to waive the rules, the reading of the substitute, that he could object.

The police officer asked us to leave because he was reported that there was a disturbance. I asked what did he intend to do because we were not leaving. He said he would report to his superior.

In less than 3 minutes a lieutenant came of the Capitol policemen. I asked him why was he there, and he stated because the patrolman had received this message, and he had received notice that he was to remove us. I told him what I told the police officer, that we had decided collectively that we would not be moved, and I asked what they intended to do. He said that he had to get a better reading of this from the Sergeant of Arms.

The Sergeant of Arms came and said he was advised by the Capitol Police that the chairman of the Committee on Ways and Means asked that we be removed from the room. I said we would not be removed, and the Sergeant of Arms said that he thought that was an issue to be resolved by Members of Congress and members of the committee.

I suggest to you that once we start taking away the privacy of Members, the privacy of members of the committee the privilege to use space that is there for the sole purpose of us to deliberate, then it is a situation that effects not me, not the Democrats on the Committee on Ways and Means, not the Democrats and Republicans in this House of Representatives, but it effects this institution.

We should not allow the abuse of power or personalities to interfere with the responsibilities we have. We have a responsibility to pass this Congress, certainly, if not in better shape, than in no worse shape than the great institution that we inherit it.

Mr. MCCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I should begin by apologizing to the gentlewoman from California (Ms. PELOSI), the minority leader. I probably should not have interrupted her. She, due her to her long service in this House and certainly as a minority leader, deserves the respect of all Members on both sides and I certainly did not mean to show disrespect. I was merely trying to get a copy of the resolution. Perhaps I should have known to go down to the well and request one rather than interrupting the gentlewoman, and I apologize.

With respect to the matter at hand, it is unfortunate that we are here this afternoon debating this motion. The events which led to the introduction of this proposal are indeed unfortunate. Our view, and certainly my view, of the events as they were seen and understood by me differ substantially from those presented by the minority.

First of all, with respect to the rules being followed by the committee, by the majority, by the chairman, it is clear that no rules were violated in terms of our presenting to the minority the underlying bill which was introduced in April of this year, nor was it a violation of the rules in terms of the timing with which we gave the minority a copy of the chairman's substitute to the underlying bill. In fact, that chairman's substitute was delivered to the minority the night before the mark-up. There is no requirement in the rules that the chairman's substitute be given to the minority at any certain time prior to the mark-up. So the majority and the chairman lived up to the rules of the House in getting to the mark-up today.

Now, what transpired at the mark-up is, again, unfortunate. The minority chose for whatever reason to object to a unanimous consent request that the bill be considered as read so that the committee might undertake an explanation of the bill and proceed to questions on the bill. That is an extraordinary objection. It has never been made in my time that I can recall on the committee. And, in fact, when we were in the minority on that committee, we did not even have legislative language at the Committee on Ways and Means. We marked up by concept. So I did not really understand the reason, the rationale for the objection of the minority member to waive the reading of the bill.

And as all of you know, had the minority insisted and had the bill been read in its entirety, we would have wasted a lot of time in committee today. In fact, when the bill began to be read line by line by the head of the Joint Committee on Taxation, the entire membership on the minority party stood up and walked out of the mark-up except for the gentleman from California (Mr. STARK).

So if the intent of the minority had been to gain an understanding of the bill through a reading of the bill, it would make sense that they would at least remain and hear the reading of the bill. So I think one can conclude that their intent was not really to gain an understanding of the bill but to cause disruption in the mark-up of the committee.

After the Democratic members left the room, the hearing room, left one of their members at the dias, there transpired more than one exchange between the minority member and majority members of the committee, culminating in a manner exhibited by the minority member which in my view warranted the chairman of the committee calling the Sergeant at Arms to preserve order in the committee; and I believe that is the reason the Sergeant at Arms was called and rightly so.

After the Sergeant at Arms and the police arrived at the committee to preserve order, it is true they did go back to an ante-room of the hearing room we call the library and discussed with the minority a request that they move to another office. I do not know exactly what got the Capitol Police and the Sergeant at Arms to go back there, because I was not privy to that. However, I was privy to the chairman only minutes after the police and the Sergeant at Arms had gone to the library, instructing the staff to go back to the library and tell the police, the Sergeant at Arms that it was all right if the minority remained in the library, and I believe that instruction was given.

Bottom line, Mr. Speaker, I do not believe there is any basis for the resolution that is before us, certainly no basis on which a Member of this House would vote to approve this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, we are not going to have much of a dispute here. First of all, we were not saying that the majority violated any rules by giving us the substitute 2 minutes before midnight and the description right after midnight. That is your prerogative to do. We think it is wrong. We are not charging you with violating rules. And the time fact as to when we got up to leave, yes, we did. We had to decide what we were going to do, and we did get up and leave the gentleman from California (Mr. STARK) behind.

The question is, did the chief of staff come as soon as we got up and say that the Chair told us to leave the room? And even though you may not know who directed the sergeant, the police to take us out of the room, the record will show they received a call and they know who they received it from. It was from the chief of staff from the Committee on Ways and Means or someone saying they were speaking for the chief, and it was after that that the police came.

I do not know whether the chairman rescinded the direction to kick us out of the room, but what we are saying today is that that never should have happened. That room belongs to us just as much as it belongs to the Republicans. So we are not arguing with you about violating the rules, but when we objected, that is the only thing that we have. We used the tools that we have. We did not give you unanimous consent to have the substitute to be considered. You may call it a waste of time. We call it our constitutional prerogative.

Mr. McCRERY. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. SHAW), a member of the committee.

Mr. SHAW. Mr. Speaker, so what? I mean, so far, we have had a discussion of he said, who said, cops came, Sergeant of Arms was called, these types of things, but let us look at the resolution.

The resolution says that the House of Representatives disapproves the manner in which the gentleman from California (Mr. THOMAS) conducted the mark-up of legislation in the Committee on Ways and Means on July 18, 2003, and find that the bill considered at that mark-up was not validly ordered reported to the House. Well, I think it is important that we talk about what happened.

□ 1345

The only thing that was in dispute is, and that I can see here is, to whether a timely objection was made to dispense with the reading of the bill itself, and the Democrats or the minority party were all back in the library with the exception of one; and he was engaged in a conversation with the staff when the motion was made, and at that time, the chairman said, Hearing no objection, it is considered as read and open for amendment at any time.

With that, the lone minority Member in the room got up and left. At that time, the chairman yielded the floor to the main sponsor of the bill, the gentleman from Ohio (Mr. PORTMAN), on the majority side. The gentleman from Ohio (Mr. PORTMAN) then proceeded to describe the bill and talk about the bill for a number of minutes, for a long period of time, at which time the minority party had plenty of time to come back into the room, but they had all left.

Now, if you were to say that this was an improperly crafted, improperly passed bill, then all the minority has to do at any time is to get up and leave the room. There was clearly a quorum in the room. The bill was called up and it was voted upon. That is what we are here to decide.

Now, if we are to decide personalities, then this is not the place for it. As a matter of fact, our rules of the House decorum says that we are not supposed to get involved in that, but we could get involved in it for a long time, for a lot of Members; and we cannot do that because of the decorum of this House of Representatives.

My friend, the gentleman from New York (Mr. RANGEL), and he is my friend, he objected that the minority has the right to use any of the rooms, just as the majority does. I am sorry, that is not the way the rules of the House are written. The gentleman from California (Mr. THOMAS) controls those rooms, but that is not what is complained about here.

What is complained about here and what we are here to debate today is whether or not there was a proper handling of the rules with regard to the legislation itself, the legislation itself. There is a lot of blame to go around.

I quite frankly, prior to the start of this hearing, I tried to get the Speaker or somebody to try to work this out so this thing could be defused over the weekend. It desperately needs defusing.

The Committee on Ways and Means is one of the premier, if not the premier, committees within this House of Representatives. We do need to work on some decorum within the committee; we know that. It is the premier committee in the House of Representatives.

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Speaker, would the gentleman from Florida (Mr. SHAW) care to share with the House your view on a Member of the Committee on Ways and Means calling the Capitol Police on other duly elected Members of Congress? That is one of the——

Mr. SHAW. Mr. Speaker, reclaiming my time, I would say to the gentleman, I was sitting there right next to the chairman. The minority Member that was sitting there alone, the only one in there, physically threatened a majority Member.

Ms. PELOSI. Mr. Speaker, now to speak to this resolution, the objection of which is that the office of the chairman of the Committee on Ways and Means called the police on the Democratic Members who were assembling in a room, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me, if I might, first correct, I think, a couple of the factual issues.

I can assure you that the Democratic Members wanted to participate in the debate on the pension legislation. In fact, when the gentleman from Ohio (Mr. PORTMAN) was debating the issue, we were confronting the Capitol Police, and that was the reason why we were not back in the room. By the time we finished with the Capitol Police, the markup was over.

Let me also point out that the police were called before the gentleman from California's (Mr. STARK) episode began. We were confronted with the Capitol Police before the unanimous consent request was brought forward.

Mr. Speaker, I started this day looking forward to the committee markup on H.R. 1776. That is a bill that I have worked on with the gentleman from Ohio (Mr. PORTMAN) for many months. We have worked with the chairman of the Committee on Ways and Means. We have worked with Members on both sides of the aisle on that legislation. It is important legislation to working people of this country, and there are different views among Democrats on provisions in that legislation.

Mr. Speaker, I could defend that bill on its merit, and I look forward to doing just that, but I cannot defend the manner in which our committee acted this morning.

I have devoted much of my public career to process issues. I have served on the ethics committee for over 6 years, and I have served as a cochair of our ethics task force. I am a former speaker of the Maryland legislature. Process is important in what happened in the Committee on Ways and Means this morning. Mistakes were made, and it reflects badly on each one of us. We need to move forward, but to move forward we must acknowledge our mistakes.

H.R. 1776 desperately needs to be considered in a fair manner before the Committee on Ways and Means for its integrity and integrity of the process.

It is the committee's responsibility to guarantee to the public that a fair process is used, order is maintained, and each Member's right is protected. That is our collective responsibility.

Mr. Speaker, since this morning I have talked to Members on both sides of the aisle, and I am pleased that the Speaker's on the floor listening to this debate. I think it is absolutely essential, and I know I am supported by both Democrats and Republicans, that H.R. 1776 be returned to the Committee on Ways and Means for a full markup, with opportunity of all Members to participate. As one of the principal sponsors, I hope that will be accomplished and we will be able to have a full markup on that legislation.

Mr. MCCRERY. Mr. Speaker, I yield myself such time as I may consume.

Before I yield to the gentleman from Colorado, I would point out that the chairman of the Committee on Ways and Means, as the chairman of any standing committee, has the prerogative to call the Sergeant at Arms to maintain order in his committee, and that was the basis of the chairman's call for the Sergeant at Arms.

Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. MCINNIS), a member of the committee.

Mr. MCINNIS. Mr. Speaker, I would like to begin by saying, with all due respect to my colleague, whose comments we have just heard, a lot of those comments I happen to agree with; but with due respect, you were not in the room at the time that an incident occurred not dealing with process but dealing with order in the committee; and with all due respect to your fellow colleagues, with the exception of one, the rest of you were all out of the room in another room. That particular individual was not arguing process. In fact, that particular individual threatened me with physical harm.

Now, fellow colleagues of mine realize that I like engagement, but it was clear there was going to be fairly prompt disorder beyond the magnitude that was probably originally anticipated when a member of the minority committee made his first comments. I think it was entirely appropriate, entirely appropriate, with considering my own actions, I think it was entirely appropriate for the chairman of that committee to call the Sergeant at Arms and the Capitol Police so that order in the committee could be maintained.

I think this discussion about process at midnight or process of when the police were in the library is all, and I am not saying this in a derogatory fashion, but is all diversionary from the fact that we were within moments, frankly myself and another Member on your side of the aisle, were within moments of, I would guess, a physical engagement; and I considered that threat serious. I considered the bodily threat not just to the order of the committee but to me, and I fully intended to defend myself.

So to calm this down, I know that is the purpose of why the chairman had done that, and I think any one of you in the same exact position that that chairman was in would have done exactly the same thing.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means, one of the people who was evicted from the room.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, it is my sincere belief that at the end of the day we will all be reading from the same page.

In order for us to really resolve this issue, truth has to prevail. I suggest to the majority that we will be referring to the timing of the telephone calls, which is recorded. No one is going to dispute in this House that the police were called and they arrived in the library prior to the time that the gentleman from California (Mr. STARK) and members of the majority had any problem. I repeat, the police were called and arrived, and I am referring to the time clock and the record. So that is all I have to say about this. Whether they should have been called and they were not called to stop any disturbance, they were called to get us out of that room.

Mr. LEVIN. Mr. Speaker, indeed, the gentleman from California's (Mr. THOMAS) chief of staff stood nearby where we were meeting with a member of the Capitol Police and said this to the police and at least one member of the staff, that the chairman has asked me to get the police to remove Democrats from this room.

This is the United States of America. This is not a police state. This is supposed to be the people's House, and you call members of the police to evict us from having a discussion. We were discussing that bill that we had only seen a few minutes before, because it was delivered at midnight, delivered at midnight and maybe the gentleman from California (Mr. THOMAS) and the rest of you did not like our insisting that the bill be read; but the rules say that we have the right to have a bill read word for word, and you have no right to trample, once again, on the rights of the minority of the United States House of Representatives.

That is what is at stake here, and you can try to change the subject. You can try to gloss over it. You can try to make excuses. You can try to say the gentleman from California (Mr. STARK) said such and such to so and so. No, the issue, this is not a partisan squabble. This is not a matter of personality. This is a matter of our basic rights as representatives of the people of the United States; and darn it all, we are going to stand here and stand here to defend not only our rights but the rights of the people of the United States of America.

Mr. MCCRERY. Mr. Speaker, I yield myself so much time as I may consume.

Unfortunately, Mr. Speaker, none of us, at least who have spoken here on the floor, knows who told who what when; but I do know, I do know that I was told by a member of the staff, the majority staff of the Committee on Ways and Means, that that staff person went back to the library, which is the room in question, it is not the hearing room, that the Democrats were asked to move from. It was the library and prior to the Sergeant at Arms and the police getting there, the staff person went back and notified the minority that that room was to be used during the markup, it was reserved, and they would have to move to 1129, which is another Ways and Means room just down the hall.

□ 1400

So I want everyone to know that that transpired before the Sergeant at Arms and the police got to the library to ask the minority to move out of that room.

So I think what we have here, in total, to support this proposal, this resolution, is a very short period of time, minutes, during which the Sergeant at Arms, the Capitol police were told by someone to remove the Democrats from the library to another room, to another Ways and Means room; and very shortly after the Capitol police, Sergeant at Arms arrived in the library, the chairman of the committee, in my presence, directed the staff to go back and tell the police and the Sergeant at Arms that it was all right for the minority to use the library.

So even if it was the chairman who directed, ordered the police and the Sergeant at Arms to the library specifically to tell the Democrats to move out of that room, it would have been a mistake that was corrected almost immediately by the chairman. And for that you bring a resolution to the floor of the House? I think that those who would do this might have a bad memory with respect to their own actions at times during their lives and wish that their actions would not be judged so harshly for so short a period of time.

So, insofar as any other basis for this resolution, as I have pointed out, there is no basis for determining that the committee was out of order or acted contrary to the rules of the House.

Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I will make an inquiry about the remaining time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentlewoman from California (Ms. PELOSI) has 14 minutes remaining, and the gentleman from Louisiana (Mr. MCCRERY) has 13 minutes remaining.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume to just make note of the fact that the gentleman from Louisiana has just stipulated to the facts that the police were called to go to the library to evict the Democratic Members from that room.

Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, we are getting closer to the truth. And if what the majority is saying is that somehow the chairman recognized that what he did was wrong and rescinded that, we in that room had no idea that it was rescinded. The police had us in that room. They sent for their superior, and they sent for the Sergeant of Arms. The same person who came to tell us that the chairman wanted us to leave could have very easily come into that room and said that the chairman had changed his mind. That did not happen.

Mr. MCCRERY. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH), a member of the committee.

Mr. HAYWORTH. Mr. Speaker, I rise in opposition to the resolution and I do so understanding that people of goodwill can and often do disagree. I realize also that frustrations abound, indeed, as a private citizen reading of certain machinations that went on in this House when roles were reversed.

But that is not the subject here today. The subject here today is, was the chairman within his rights when order was threatened in the committee to call the Sergeant at Arms? In other words, a test of what is reasonable.

Mr. Speaker, were I in the Chair at the time when order was disrupted, when a physical threat was issued by a member of the minority party, and parliamentary rules preclude me from naming that Member, although I can say it was a very stark picture of a confrontation, you better believe, Mr. Speaker, I would have called the Sergeant at Arms to restore order.

Reject the resolution. It is dead wrong and a disservice to the House.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume to note that, unfortunately, the gentleman did not hear the stipulation to the fact that the police were called before any conversations took place between those individuals, and they were called to evict the Democratic members from the hearing room.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, I thank the Democratic leader for yielding me this time.

It is really unfortunate what is going on here. My colleague on the Democratic side of the aisle, his reputation is being besmirched in order to avoid the real issue, and I think it is really outrageous that the gentleman from Louisiana is doing this.

This is not about the gentleman from California (Mr. STARK), because the Capitol police came to visit us, and I was in that room in the library behind the Committee on Ways and Means hearing room, before the completion of the reading of the bill was going on. That was before the gentleman from California (Mr. STARK) and the gentleman from Colorado (Mr. MCINNIS) had even their discussion; and, as a result of that, the Capitol police were called before the gentleman from California (Mr. STARK) had even said anything.

As a result of that, what the gentleman is doing to the gentleman from California (Mr. STARK) is doing major damage to his credibility at the same time when the real fault is the chairman of the Committee on Ways and Means. He called the Capitol police. And, frankly, when later on the Sergeant of Arms came in himself, he said, he said to all of us, he said I was called, we were called because there was a disturbance. There was a disturbance back here in this room, and we were asked to remove all of you.

This was not about the gentleman from California (Mr. STARK). This was about removing Members on the Democratic side of the aisle on the Committee on Ways and Means from a room that was not being used because the chairman of the Committee on Ways and Means just decided to lose his temper on the situation. I think it is really outrageous. We ought to debate the issues. We ought not to try to point the finger at somebody who was innocent in this discussion.

I really think it is really outrageous. I think the gentleman from Louisiana owes the gentleman from California (Mr. STARK) an apology by trying to make the issue about him rather than about the chairman of the committee.

Mr. MCCRERY. Mr. Speaker, I yield myself such time as I may consume, and I would tell my friend from California (Mr. MATSUI) that he was not in the hearing room and, therefore, he cannot speak with any authority about the time line within which events transpired. I was in the hearing room. I know that the behavior of the minority prior to the completion of the reading of the bill warranted the Sergeant at Arms being called. So I would caution the gentleman not to make absolute statements which he cannot back up with any certainty.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I want to reiterate what the gentleman from Louisiana just stated. I think it is very important, since we are at the point of considering such a resolution on the floor of the House, for us to look at this situation as one in which there are two ships passing in the night.

My Democratic colleagues seem to be referring to activities that happened in the library, with which we are all familiar. We are talking about the reason that the Sergeant at Arms was called to the committee in the first place. It is a situation that is not unknown to my colleagues on the Committee on Ways and Means. The gentleman in question has created this sort of situation before, so it is not anything new. We all understand that. There have been letters written in the past, signed by members of the minority caucus, castigating the behavior of the gentleman in question. That is why the Sergeant at Arms was called to our committee. I just have to say that if I had been sitting in the Chair at that moment I would have felt constrained to call the Sergeant at Arms.

And I am sorry that the members of our wonderful committee that does most of its work with great dignity, who were missing all but one of its minority members because they were having a caucus in the library, but we who were sitting in the hearing room and all the people who were in the audience saw exactly what was going on; not the first time, not the second time, but it happened many, many times. This was a time when I believe it was entirely appropriate for the chairman to use his authority to regain order in the hearing room by calling the Sergeant at Arms.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I rise to speak in support of the resolution. As many of you know, I am a man of peace. During the 1960s, many of us involved in the Civil Rights movement were threatened with arrest for sitting in at lunch counters, standing in at segregated theaters, or marching for the right to vote; and sometimes we were arrested and jailed. We were charged with disturbing the peace or disorderly conduct, and we were very peaceful and we were orderly.

I never thought that as a Member of Congress I would be threatened with arrest by sitting in the library of the Committee on Ways and Means. As a Member of Congress and as a member of the Committee on Ways and Means, I thought, I really believed that it was a safe place to meet and to discuss the business of the committee.

It is unreal, it is unthinkable that another Member of Congress would threaten to have another arrested for carrying out his or her congressional duties. In another period of time, a few short years ago, some of us stood up to Bull Conner in Birmingham, Alabama, and we stood up to Sheriff Clark in Selma, Alabama. And I must say to the chairman of this committee, we will not be intimidated. We will not be immobilized. We live in a democracy and not a police state.

What happened today in the Committee on Ways and Means should cause a sense of righteous indignation among all of us. As Democrats, as Members of this House, the People's House, we will not get lost in a sea of despair. We will continue to stand up and fight for what is right and for what is fair.

Mr. McCRERY. Mr. Speaker, may I request the time remaining on each side?

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. McCRERY) has 9½ minutes remaining, and the gentlewoman from California (Ms. PELOSI) has 9¼ minutes remaining.

Mr. McCRERY. Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, the gentleman from Colorado (Mr. McINNIS) took the floor to relate what happened. And although I was not in the room, I did speak to the Democrat that was in the room. The comments of the gentleman from California (Mr. STARK) were preceded by the words, "shut up." And that was by the gentleman from Colorado (Mr. McINNIS), inciting the gentleman from California (Mr. STARK) to respond. Now, that sort of slipped his memory when he talked to us before.

So, now, here is the scenario. Here is a man in excess of 70 years old threatening a man 30 years his junior, and the chairman was afraid that the 30-year-old junior was going to get beat up. Hello.

Mr. Speaker, since your election, you have conducted this House with total honor. You have made all of us proud to be Members of Congress. But it is one thing to defend one of your own, but it is surely another to do so less than honorably, in fact, dishonorably and dishonestly.

The fact of the matter is the police, who have a lot of things to do around here protecting the Americans, were called because of a disturbance against Democrats. I was in the room when the police came. Two officers came to clear us out because we were causing a disturbance.

So do not go lying about what happened. It is an embarrassment enough, and this could be resolved by the chairman in question apologizing to all of us, and the issue would be done with.

□ 1415

Mr. McCRERY. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF), a member of the Committee on Ways and Means.

Mr. HULSHOF. Mr. Speaker, hopefully to further clarify some of the questions that have been asked, and I see the gentleman from New York (Mr. RANGEL) has been provided a transcript from this morning's Committee on Ways and Means markup, what I would like to do is read the relevant portions, I think, which then necessitated the calling of the Sergeant at Arms.

This would be at page 15, line 331, the chairman stated, "If the gentleman will suspend. If the gentleman from California would understand he is reading the table of contents, which is at the beginning of the bill."

The remaining minority Member said, "Oh, that."

Line 335, "Chairman Thomas. He will then move to the body of the bill. That is how these things work." To which the sole Member of the minority party that was left in the room said this at line 337, "Its eloquence overwhelms me, Mr. Chairman, just like your intellect does. It is—oh, you think you are big enough to make me, you little wimp? Come on. Come over here and make me. I dare you."

The transcript indicates in brackets "laughter," to which the minority member then said, "You little fruitcake. You little fruitcake. I said you are a fruitcake."

Now, what the transcript does not indicate, and I would have to stay with the transcript, and just as many of us who have had previous experience in criminal courtrooms or civil courtrooms, the transcript is, of course, the cold recitation of words that are spoken.

If Members will permit me to characterize just a bit, I was sitting next to the gentleman from Colorado, and I would tell the Speaker that the words specifically regarding, "Are you big enough to make me, you little wimp? Come on. Come over here and make me. I dare you," I happened to turn around in my chair because I am on the lower dais and looked up, and it was the sole Democratic member who was remaining who was directing those words directly at the gentleman from Colorado.

If Members would permit me to characterize a little bit more, even though laughter erupted, as someone who was witnessing this event, Mr. Speaker, the words were uttered in a very serious tone, dare I say in a threatening tone. I do not think I am mischaracterizing the import of these words.

This, of course, was done during the reading of the bill. Ultimately, the chairman was able to get a unanimous consent request. That is later reflected. Then we were able to move and consider the bill, but this was done before the Capitol Police were called; and were I the chairman in the same situation, I, too, would have contacted the Sergeant at Arms to return decorum to our committee room.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES), the newest member of the Committee on Ways and Means.

Mrs. JONES of Ohio. Mr. Speaker, I was not in the room when the interaction occurred between the gentleman from California (Mr. STARK) and other Members of Congress, but I was in the library when the police came in and said that Democrats were causing a disturbance, and the police were required to come.

This is the second time I have been on the floor of the House and been required to do something that is distasteful for me as a Member of Congress. The first was with the Committee on Standards of Conduct, and the second is with the chairman of my committee.

Members know I have been a judge. When a judge hosts a courtroom, he or she sets the standard. The chairman must set the standard in a committee room. We are talking about an interaction that went on this day, but I came from the Committee on Financial Services where I had a chairman who allowed members of the committee to speak and did not cause members to react to his response.

If Members check the transcript of our hearings, every time someone says something, the chairman has a response for whatever witness it is.

Mr. Speaker, I have respect for the chairman. I find it hard to stand here today, but the reality is that he called the police on his colleagues, and no one can take a thing away from that.

Mr. McCRERY. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I would say to the gentlewoman, a respected member of the Committee on Ways and Means who was a judge, I would say that I also was a judge, and if anyone had conducted themselves like that in my courtroom, they would have been held in contempt of court.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT), a former judge of the Supreme Court of Texas and a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, there is no small amount of irony that the bill in question before the committee today was H.R. 1776. The democracy that our forebears brought to being in this land requires our continual vigilance. We are reminded of the words of James Madison that there are more instances of abridgement by gradual encroachments of those in power than by violent and sudden usurpation.

Mr. Speaker, a committee chairman today ordered the police to evict Members of this Congress from a committee room on the edge of the markup. When Officer Spriggs arrived in that room, the committee library, he was not looking for the gentleman from California (Mr. STARK). He was there, as he said, to clear the room on the instructions of the chief of staff of the committee chairman of the Committee on Ways and Means.

My friends, this is how tyranny begins. It is our responsibility to stand against a police state, to stand in favor of open dialogue rather than to permit a bill to pass with only the votes of one party and move toward a one-party state.

Mr. McCRERY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, this is simple, serious, and sad. Significant errors of utterance and judgment were made by members of the Committee on Ways and Means of both parties this morning. The chairman responded to what were fast-paced comments and actions. There were good reasons for the chairman's judgments and actions and good reasons why he altered those judgments and actions as circumstances changed. For that he is to be commended. To elevate an incident of which no Member on either side of the aisle is proud is destructive to this body.

I regret the minority party's decision to enshrine in a resolution some facts while omitting others crucial to the flow of events. That does this House no good, and I urge opposition to this resolution.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER), a member of the Committee on Ways and Means.

Mr. TANNER. Mr. Speaker, I thank the gentlewoman.

Mr. ACKERMAN. Mr. Speaker, will the gentleman yield?

Mr. TANNER. I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Speaker, I have a question on behalf of all of those Members who were not in any of those rooms: If it was the gentleman from California (Mr. STARK) in the hearing room with the fruitcake, why did you sic the cops on the Democrats in the library?

Mr. TANNER. Mr. Speaker, I was not going to speak, but I must say to the gentleman from Louisiana (Mr. McCRERY), you know if you are using whatever confrontation took place between the gentleman from California (Mr. STARK) and the gentleman from Louisiana (Mr. McCRERY), that is absolutely not true. The policeman came to the library, one, before that happened; and, second, if the problem was in the hearing room between the gentleman from California (Mr. STARK) and the gentleman from Colorado (Mr. McINNIS), why would the policemen come to the library to begin with? They came in there, and the gentleman may not know it, but we asked, Why are you here?

They said, we have been given orders to remove you from the library. It had nothing, nothing whatsoever to do with what went on in the hearing room. That is the truth.

Mr. McCRERY. Mr. Speaker, the previous speaker says that is the truth, but the fact is he was not there. He has no independent knowledge of who called the Sergeant at Arms or the reason for it. I resent the gentleman's tone. It is erroneous. His statement is erroneous.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BRADY), a member of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, I was present during this confrontation, not just present but the physically closest member to the incident. I saw it firsthand. I was not in the library or out of the room; I was there.

First, I think the official transcript puts a lie to this resolution. Furthermore, being the person sitting in front of the lone minority member, who in my opinion, in fact, my knowledge, instigated this confrontation, what I witnessed was a profanity-laced, angry, degrading, physical confrontation that was growing in volume, not lessening. It was a tirade completely inappropriate to this Congress and to that committee.

What I did, my action was to turn to the audience, looking for young people, hoping that there was no young person in that committee room who would witness the behavior of the gentleman who instigated this incident. Had it been me, I, too, would have made a phone call * * *

Mr. ACKERMAN. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

□ 1430

Mr. BRADY of Texas. Mr. Speaker, it has come to my attention, rightly so, that at the conclusion of my remarks, I need to clarify the words that I spoke in this House in order to also set an example for decorum and civility. At the end of my remarks, I made reference to an emotional state and bodily functions when, in fact, what I really was referencing was potential bodily conduct.

To clarify and also because I really do hold our colleagues in deference, I would ask unanimous consent to withdraw that portion of my remarks.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Texas?

Mr. ACKERMAN. Mr. Speaker, reserving the right to object, and I do not intend to object, I thank the gentleman very much for trying to bring civility back to the House which is very important. In consultation with the gentleman from California (Mr. STARK), who was the only Democrat on the committee who the police were not called to throw out of the library because he was not in the library, he was in the committee room, the gentleman from California (Mr. STARK) has accepted your apology.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the words are withdrawn.

There was no objection.

Ms. PELOSI. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the very distinguished Chair of the Democratic Caucus.

Mr. MENENDEZ. Mr. Speaker, we can hear all the spin and diversion that the majority wants to lay there, but this is the point: this morning in the People's House, the heart of our great American democracy, the Republican chairman of the Committee on Ways and Means called the police, the police, in an attempt to break up a meeting of House Democrats.

Why did he call the police? Because he did not like what Democrats were meeting about and that Democrats as the minority availed themselves of what little protection they have under the rules. This is what Republicans have come to in the running of this House. If they do not like what we say, even in a private meeting, they will try to have us arrested. If we object, and they do not like it, they will try to have us arrested. Does that sound like America to you? Or does that sound like some sort of police state? Our distinguished Speaker should be in the chair and alarmed that this happened under your watch. Power corrupts and absolute power corrupts absolutely. An example of that is the gentleman from Texas (Mr. DELAY) calling the Department of Homeland Security to track down Texas legislators. Where does this end? This institution cannot and must not tolerate this sort of abusive and intimidating behavior. And this one will not be swept under the rug until justice is done.

Some of us come from families that fled this kind of persecution. I never thought that I would see that persecution take place right here in the people's House, the very place where people are sent to the greatest democracy in the world.

Some claim that the gentleman from California (Mr. THOMAS) had the police called in response to a disturbance, but why was the majority chief of staff escorting the police back to the library where the Democrats were meeting? The answer is obvious. The chairman was annoyed and wanted to break up that meeting of Democrats, and he was willing to use the police to do it. As the chairman of the Democratic Caucus, I want you to know that our Members will not be silenced on behalf of the 136 million Americans we represent in this House.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Hyperbole is something that is used often for effect, even in fictional writing. On the floor of the House debating something this serious, I think it has no place. And to claim that the police were there to arrest Democrats is indeed hyperbole. No one ever suggested that anyone was to be arrested. There is no evidence to that. Not even any hearsay to that. The fact is they were being asked to move from that room to another Ways and Means hearing room.

Mr. Speaker, I yield 1¼ minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I look around this room today and I see friends on both sides of the aisle. On my committee I have friends that are Democrats and friends that are Republicans, and I think no one wishes we were going through this exercise today. But as one of those who was in the room, and I think those who were in the room are the best witnesses to be speaking today, not those who were not at the room and heard what might have occurred, but those who actually witnessed it.

I often think, what would I have done if I was the chairman? I think all of us, Republicans and Democrats, a lot of us would like to be a chairman someday, what would we do if we were in the same situation? And going back to that room this morning, going to the official transcript of this morning's markup of H.R. 1776, again let me refer to the record, the official record, line 337, beginning with the sole remaining minority party Member in the committee room at that time:

"Its eloquence overwhelms me, Mr. Chairman, just like your intellect does."

Clearly the question would be, what would you do if you were the chairman and you had a member there that was using invective, innuendo, name-calling, physically threatening another colleague? Would you have worked to restore order? I am one of those who stands and believes that if I was the chairman today, I would have summoned the Sergeant at Arms to ask for order as well.

Ms. PELOSI. Mr. Speaker, I reserve the balance of my time.

Mr. McCRERY. Mr. Speaker, I yield 20 seconds to the gentleman from Wisconsin (Mr. RYAN), a member of the committee.

Mr. RYAN of Wisconsin. Mr. Speaker, I, too, was sitting closest to the lone minority member in the Chamber. I was there in the Chamber next to the gentleman from Texas (Mr. BRADY). I heard the comments. It was very, very clear that a physical threat was made, that a situation was getting out of control, that we had a physical situation on our hands; and if I were in the position that the chairman was, I believe that the Capitol Police or the Sergeant at Arms should have been called to restore order.

Mr. McCRERY. Mr. Speaker, I yield 20 seconds to the gentleman from Kentucky (Mr. LEWIS), a member of the committee.

Mr. LEWIS of Kentucky. Mr. Speaker, I also was seated in front of the minority member. I can validate everything that has been said here on the majority side. It was a situation that seemed to be getting out of control. It was getting out of control. Again, if I would have been the chairman, I would have done exactly what Chairman Thomas did.

Mr. McCRERY. Mr. Speaker, I yield 20 seconds to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the committee.

Mr. ENGLISH. Mr. Speaker, unlike any of the speakers on the other side, I was also in the room. I saw what was said. I saw what was implied. And I saw the behavior of the chairman close up. May I say what is embarrassing the House today is not the behavior of the chairman. I think he did what in his judgment was right to proceed with what became a very contentious hearing. What I am very unhappy about is the fact that this resolution has even been brought to the floor. It is an embarrassment to this institution.

□ 1445

Ms. PELOSI. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished whip for the Democrats.

Mr. HOYER. Mr. Speaker, we are a Nation of laws. This House was established to make those laws. We have a manual. It is called Jefferson's Manual. It has in it the Constitution of the United States of America. It has as well the rules that Jefferson put forward.

At page 123 it says, "the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities."

Mr. Speaker, I have great respect for you, and you run this House fairly. But this is another instance, not an isolated incidence, not a unique incidence of the arbitrary use of power. The Committee on Rules shuts us down. It does not give us amendments. It does not give us time to debate. It does not adequately give us substitutes. It shuts down the majority. It shuts down the minority. This is not what Jefferson had in mind nor, I suggest to you, our Founding Fathers.

This is indeed not an isolated incident. The police were called. There is a dispute of facts as to why the police were called. But there seems to be no dispute that they did not go to the committee room. They went to the library, presumably because that is where they were told to go. They know the difference, believe me, to the gentleman from Louisiana (Mr. McCRERY), they know the difference.

This is not an isolated or unique incidence. The police were called by the Speaker of the Texas House to go arrest 55 members of the Texas House because they would not go along with the majority.

Let me read from page 18 of the transcript of the proceedings.

"Mr. Yin, as you go through, would you periodically indicate which page you are on." They are reading the bill. "We are going to be going through the titles, and if it lengthens out, it gets more complicated." Mr. THOMAS is speaking. "I know you have just begun on page 3 in doing that." Under the rules, the reading of the bill, what is the next thing that is said? "And, without objection, it is considered as read.

"Mr. STARK: I object.

"Mr. THOMAS: The gentleman was too late."

Absent was a request for objection. That, my friends, is the gravamen of this case. You are trampling on the rights of the minority. You are trampling on the rules of this institution. This is America. This is not American.

Mr. MCCRERY. Mr. Speaker, assuming that the gentlewoman from California has only one remaining speaker and that is to close, I yield 20 seconds to the gentleman from Missouri (Mr. HULSHOF), a member of the committee.

Mr. HULSHOF. Mr. Speaker, what I would say to the previous speaker is the transcript is in fact true. What was not included was that in the transcript at the conclusion, again on page 18, line 24, "And, without objection, it is considered as read." At that point, the chairman struck the gavel.

Mr. HOYER. * * *

Mr. MCCRERY. Mr. Speaker, I yield 20 seconds to the gentleman from California (Mr. HERGER), a member of the committee.

Mr. HERGER. Mr. Speaker, it is an incredible privilege and honor to serve in this body.

This is not a happy or a proud day for any one of us. We were all here late last night until midnight. Those of us who serve on the Committee on Ways and Means, as I do, were here early this morning. I was sitting throughout the entire meeting. I was sitting up on the dias. I personally looked down and was able to see what took place, and I support our chairman in his calling for support at that time.

□ 1530

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Louisiana (Mr. MCCRERY) has 1 minute and 10 seconds remaining.

Mr. MCCRERY. Mr. Speaker, I yield myself the remaining time.

It is time for the House to bring to a close this resolution. I would say that in no way has the minority, which brought this resolution to the floor, proved any facts which would substantiate a rationale for passage of this resolution, and I would urge all Members on both sides of the aisle to reject this resolution and vote "no."

Mr. Speaker, I yield back the balance of my time.

Ms. PELOSI. Mr. Speaker, I yield myself the remaining time.

First, I want to congratulate the Chair on the dignified manner in which he has conducted the proceedings today.

It is clear from the debate today that the Republicans have a major problem with the democratic process. It is clear that the Republicans are in denial about their behavior, and it is clear that the Democrats must draw a line in the sand on the repression of our rights in this Congress.

My resolution does just that. It says to the Republican majority that our constituents have a right to be heard. Every day that right is abused; but today, the Republicans went over the edge.

The facts are these: the police came to the library behind the committee, while the bill was still being read. There is no confusion as to why the police went to the library, and the police did not go to the library once or twice. They went to the library three times to evict the Democratic Members. First came the policeman and then came their superior and then came a representative of the Sergeant at Arms office to clear the room, to evict the Members from that room.

That is why, and if there is any challenge to these facts, we can take up this discussion under oath under the auspices of the Committee of Standards of Official Conduct.

We must insist on this House supporting the resolve that it is wrong for the Chair to conduct his committee meetings and have part of that be by calling the police, and we must insist that the markup that took place is not validly ordered reported to the House.

There is no confusion. The question before the House is this: Is it right for the chairman of the Committee on Ways and Means to call the police to evict Democratic Members from their meeting place? Again, the police came not once, not twice, but three times.

A vote for my resolution is a vote to reject that kind of behavior. It is wrong for the committee Chair to call the police, and my Republican colleagues just do not know that; and the country should know that about them. Why is it not clear to you that it is not right to call the police to evict your colleagues from a room?

What should be a stunning fact to the American people is that the Republicans in the House of Representatives need to be convinced that it is wrong to call the police to evict their Democratic colleagues from their meeting. I say that over and over again.

We talk about the power of ideas. We heard the brilliant speech yesterday of the Prime Minister of Great Britain, talking about liberty and the pride we should take in our contribution to it throughout the world and about the power of ideas; but the power of our example speaks louder than all of that. And what is the example that we show to the rest of the world when we have a chairman of the committee calling the police to evict his colleagues from a room?

The Greeks had a word for it, "hubris." It was about power, abuse of power, arrogance; and it is a tragic flaw. We cannot allow your tragic flaw to shut down the voices of the American people. We will fight you every step of the way, every day in this House of Representatives.

I want to thank my Democratic colleagues for staying, for their thoughtful presentations during this difficult debate, and for their love of this institution; and I urge my colleagues to support this very important resolution, important to the integrity of this House of Representatives.

Ms. KILPATRICK. Mr. Speaker, I rise today to protest the outrageous display of discourtesy and disrespect shown to Democratic members of the House and Minority Leader PELOSI. In a brazen display of disregard for Democratic members of the House, the Capitol Police were dispatched on three occasions to disrupt the reading of legislative text by Democratic members who serve on the Ways and Means Committee. The Members were attempting to ascertain the text of the legislation that was drafted without their consultation and for which their dissent would not be heard or heeded.

The actions of the Republican Chairman and the Members of the committee was indeed egregious and beyond the pale of House decorum. Indeed, the actions and attitudes witnessed, and the rhetoric and rationale put forward by the majority dishonors the foundation of civility and respect of the House of Representatives. It is clear that a political fissure exists between the majority and the minority. I call upon my majority colleagues to embrace the age-old methodology and attitude of, ". . . do unto others as you would have them do unto you."

Today was a sad day in the annals of House deliberations. I hope that the American public does not have to ever witness this type of behavior again. I also hope that my esteemed colleagues will re-embrace the spirit and method of appropriate House decorum.

MOTION TO TABLE OFFERED BY MR. MCCRERY

Mr. MCCRERY. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. McCrery moves to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Louisiana (Mr. MCCRERY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 143, not voting 122, as follows:

[Roll No. 397]

AYES—170

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Calvert
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dunn
Ehlers
Emerson
English
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Johnson (CT)
Johnson (IL)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Pearce
Petri
Pickering
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (NJ)
Souder
Stearns
Sullivan
Sweeney
Tauzin
Terry
Thomas
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—143

Ackerman
Alexander
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
DeLauro
Deutsch
Dicks
Doggett
Engel
Eshoo
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Grijalva
Hall
Hastings (FL)
Hill
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McIntyre
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu

NOT VOTING—122

Abercrombie
Aderholt
Allen
Baca
Barton (TX)
Berkley
Berman
Bilirakis
Bishop (NY)
Boehlert
Boehner
Bonilla
Boucher
Burgess
Burr
Burton (IN)
Buyer
Camp
Capps
Capuano
Carter
Case
Costello
Cox
Cubin
Davis (FL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLay
Dingell
Dooley (CA)
Doyle
Dreier
Duncan
Edwards
Emanuel
Etheridge
Everett
Fattah
Ferguson
Fletcher
Gallegly
Gephardt
Gonzalez
Gordon
Granger
Green (TX)
Gutierrez
Harman
Hensarling
Hinchey
Hinojosa
Hoekstra
Holden
Issa
Istook
Janklow
Jefferson
Jenkins
Johnson, Sam
Jones (NC)
Kaptur
Kilpatrick
Kind
Lampson
Linder
Lipinski
McDermott
McGovern
McHugh
McNulty
Meehan
Mica
Millender-McDonald
Miller (MI)
Moran (KS)
Nethercutt
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Paul
Pence
Peterson (PA)
Pitts
Price (NC)
Quinn
Radanovich
Ramstad
Reynolds
Rodriguez
Ros-Lehtinen
Rothman
Sabo
Sandlin
Saxton
Shuster
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Stenholm
Stupak
Tancredo
Taylor (NC)
Thornberry
Toomey
Udall (CO)
Velázquez
Walsh
Wamp
Waxman
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). There are 2 minutes remaining in this vote.

☐ 1600

Ms. McCARTHY of Missouri and Mr. PAYNE changed their vote from "aye" to "no."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to vote on rollcall No. 397. Had I been present, I would have voted "aye".

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 397 on the motion to table H. Res. 324, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. HINOJOSA. Mr. Speaker, I regret that I had an event in my congressional district. Had I been present, I would have voted "no" on rollcall No. 397.

Mr. EMANUEL. Mr. Speaker, I was unavoidably detained on Friday, July 18, 2003, and missed rollcall No. 397. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. KILPATRICK. I was unable to cast a vote on the following rollcall votes, Nos. 396 and 397. I was forced to return to my congressional district on official business after rollcall vote No. 395. Had I been in attendance, I would have voted "yes" on rollcall vote No. 396 and "no" on No. 397.

REPORT ON HOUSE RESOLUTION 288, REQUEST FOR DEPARTMENT OF TRANSPORTATION RECORDS ON USE OF AGENCY RESOURCES RELATING TO MEMBERS OF TEXAS LEGISLATURE

Mr. KIRK, from the Committee on Transportation and Infrastructure, submitted a privileged report (Rept. No. 108–220) on the resolution (H. Res. 288) directing the Secretary of Transportation to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interest of the United States, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I would be glad to yield for the purpose of inquiring of the majority regarding the schedule for the week to come.

Mr. PORTMAN. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding.

The House will convene on Monday at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business, and will consider several measures under suspension of the rules. A final list of those measures will be sent to Members' offices by the end of the day. Any votes called on those measures will be rolled until 6:30 p.m.

On Tuesday, we plan to consider the fiscal year 2004 Foreign Operations Appropriations Act. Next week we also expect to consider H.R. 2210, which is the School Readiness Act; H.R. 2738 and H.R. 2739, which is the U.S.-Chile and the U.S.-Singapore Free Trade Agreement Implementation Acts; the fiscal year 2004 Commerce, Justice, State, Judiciary and Related Agencies Appropriations Act; H.R. 2427, which is the Pharmaceutical Market Access Act; and H.R. 2765, the District of Columbia Appropriations Act.

In addition to these bills, we also may consider the fiscal year 2004 VA-HUD Appropriations Act.

Finally, I would like to note that we are expecting a busy week leading into this August recess. We are likely to work late some nights, including Friday evening, as we work to resolve these important pieces of legislation.

I thank the gentleman for yielding and would be happy to answer any questions.

Mr. HOYER. Mr. Speaker, I understand the School Readiness Act or the Head Start Reauthorization bill will be on the floor. Let me ask if you expect to have an open rule on that bill? Specifically, while you are getting information, we want to be assured hopefully that we will be allowed to offer such amendments as we deem to be appropriate and that we will be allowed to have a substitute for the majority's bill.

Mr. PORTMAN. Mr. Speaker, if the gentleman would continue to yield, I do not know if a decision has been made on that yet. Apparently, there are over a dozen amendments, and the Committee on Rules has not made a decision yet with regard to the substitute or the rule.

Mr. HOYER. Mr. Speaker, I thank the gentleman, and I would urge the gentleman, and I know he may not have control over this, but urge him to urge his leadership, of which he is a member, as well as the Committee on Rules, to give us an open rule so that this bill, which is an extraordinarily important bill to our country, be fully debated and the alternatives that Members would like to offer can be considered. I would hope that he can work in that vein.

The Medicare prescription drug legislation, when does the gentleman expect the conferees will have a substantive meeting to seriously start resolving their differences, and might we see a conference report prior to the August recess?

Mr. PORTMAN. Mr. Speaker, if the gentleman will continue to yield, our intent was to a conference report before this House before the August recess. It is a very complicated bill, a very important issue, and perhaps the most important one that Congress will tackle this year.

The conferees have met, and the staff is working. It looks as though it would be difficult to have legislation before us before the August recess. We do not want to rush this important bill or set arbitrary deadlines, but the conferees will continue to work and the staff will continue to work hard to reach agreement on as many issues as possible before the August recess.

Mr. HOYER. Mr. Speaker, we think taking the time to do this right is better than doing it immediately or quickly. It is, obviously, of great importance to our seniors but as well to our families in America. We appreciate the fact that it is going to be given some time. We hope that there will be full participation in that conference.

On the child tax credit, and there was discussion about this on the floor just a few days ago. We are very concerned about the fact that checks will be going to people on July 25. The individuals who were included in the Senate bill but were dropped in conference will not be receiving a check. That is largely because we have yet to pass a bill. It is now almost 37 days since we appointed conferees, and the checks for those who will get the credit go out next Friday. What is the status of that piece of legislation?

Mr. PORTMAN. Mr. Speaker, we did have a good debate on the floor the last night, the night before that, and I understand we may have another this afternoon. Some of the points made in those debates would reflect some of the difficulties of coming together with regard to this conference.

The House bill, we believe, is more appropriate because it covers more families and more children, and we think it is fairer than the Senate bill. The Senate has a different point of view. We are still working out those difference. I cannot tell the gentleman when the conference will resolve those differences, but, as with Medicare, we are certainly hoping for a resolution as soon as possible, perhaps before the recess, but it is certainly not guaranteed.

Mr. HOYER. Mr. Speaker, I would say to my friend, I know the differences that the chairman pointed to and you have pointed to in terms of making this either permanent or at least 10 years in authorization. I do not, frankly, think there would be opposition to making this permanent on our side. However, we are concerned that in the effort to make it permanent we will fail to make it at least temporary, which we could then follow up by making it permanent. I appreciate the gentleman's comments.

Drug reimportation is an issue. Which day does the gentleman expect to have the drug reimportation bill on the floor? Do you know when it will be on the floor?

Mr. PORTMAN. Mr. Speaker, it would appear because of the appropriations schedule we are going to have to play that by ear. We expect to bring the drug reimportation legislation to the floor next week, probably late next week, given the appropriations schedule. We are hoping to have as many as four appropriations bills on the floor next week, and so the timing of the drug reimportation bill will depend on the progress we make in the first few days in regard to the appropriations bills.

Mr. HOYER. Mr. Speaker, lastly, the gentleman indicated that we may be meeting Friday night. Is the gentleman pretty confident that our Members need to make definite plans to be here on Friday, or is there an expectation that we could get our work done on Thursday? Is Friday a contingency or is the majority sure that we are going to be meeting on Friday?

Mr. PORTMAN. Mr. Speaker, it looks now as though it would be very difficult to avoid a Friday session. Looking at the legislation laid out, even if we are in late, it looks like Friday is more likely. It is likely that we will be here, and they should make travel plans accordingly.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his information.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. VAN HOLLEN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. VAN HOLLEN moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefit for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

□ 1615

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Maryland (Mr. VAN HOLLEN) and the gentleman from New York (Mr. HOUGHTON) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion instructs the House conferees to adopt the child tax credit bill that was passed by the Senate more than a month ago, a bill that the President said he is eager to have on his desk and to sign. This motion before the House is identical to the motion passed by this House June 12, a motion offered by the gentlewoman from Connecticut (Ms. DELAURO) at the time. It is 36 days later, more than a month. Yet we have seen no action. The time has come for the House Republicans to stop playing politics with the child tax credit. The people who are going to suffer are the 12 million children from 6.5 million low-income working families, families who earn an annual income of between $10,500 and $26,600 a year, families out there working very hard day in and day out to make ends meet.

What happened? How did they get cut out? Let us just go back a little over a month just to review a little history here. During the recent conference on the tax bill, that was the tax bill passed out of this House, $350 billion-plus, a package that disproportionately benefits the very wealthiest in our country, during the House-Senate conference on that tax bill, a provision was removed. It was a provision that was originally offered by a Democratic Senator in the United States Senate. It was a provision for basic fairness and basic decency. Indeed, it was one of the only provisions in that tax cut bill that benefits low-income, working families.

While that bill accelerated tax cuts that had been previously passed by this Congress, while that bill accelerated the cut in the tax rates for the very wealthiest Americans, and while we accelerated the child tax credit for millions of other Americans, the Republican conferees on the House and the Senate side decided to remove that one provision in the bill that helped those low-income working families, that provided a child tax credit to those families with under $26,000 in income.

It was a shameful moment. But at least the Senate recognized the problem and Democrats and Republicans on the Senate side passed a bill very quickly to fix that particular problem, to make sure that we restored the child tax credit for those low-income Americans who had been taken out of the bill. The President, who originally through the Vice President, DICK CHENEY, had agreed with the plan to remove that provision that helped low-income families with a child tax credit, reversed position as well and the President said, I want to sign that tax bill, the child tax credit fix that was passed by the Senate. And then the bill came over to this body. We actually had, as I said, a motion to instruct conferees 36 days ago where we told the House conferees, let us go with the Senate bill. Yet the House leadership has prevented that from happening.

Next Friday, as the Democratic whip indicated, next Friday, July 25, many Americans are going to go to their mailboxes, and they are going to find a tax rebate check there. Because of the nature of this bill, the wealthiest in our country are going to find some very big checks. In fact, the wealthiest 1 percent will receive on average $100,000 in tax cuts. Many other Americans will receive much smaller checks. But there is one group of Americans that is going to go to their mailboxes and find nothing at all and that is the low-income working families who were cut out of the bill and for whom the Republican leadership in the House refuses to provide relief right now, families whom we know are struggling each day as hard as every American.

There is also another group that was left out. It was a group of Americans who have been fighting for our country overseas, 200,000 men and women who served in Iraq and Afghanistan in combat operations and in other combat around the world. The House bill left them out, the Senate bill provided a fix, and yet this House Republican leadership will not allow us to provide that fix now. The House bill contains bad news for the children of those 200,000 men and women. It leaves in place current law and under current law many families will have tax increases because combat pay for their services is not counted for the purposes of the child tax credit. So under current law, an E–5 or an E–6 sergeant with 6 years of service and two children is paid $29,000 a year. If he did not serve in combat, both of his children would be entitled to the full $1,000 child tax credit. But if he goes to combat for 6 months, his credit would be dropped to approximately $450 under the House bill. The Senate bill, which the President says he wants to sign, is designed to fix it. Let us get on with it.

Let me just quote from the former White House press secretary, Ari Fleischer, back in the week of June 12. Mr. Fleischer said he, the President, "wants to sign that legislation, hopes that the Congress will get it to him quickly. He believes what the Senate has done is the right thing to do, a good thing to do, and he wants to sign it."

Let us get on with the business. Let us make sure that we treat those families, those hardworking families fairly. There is no reason at a time when the very wealthiest in our country are getting huge tax breaks that we should not provide the child tax credit for those low-income working Americans. It is the right thing to do. It is the decent thing to do. Let us adopt this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I respect the gentleman from Maryland as an individual, I hear what he has to say; but I must say I disagree with some of these points that he has made. We have passed our own bill. Why should we go and pass the Senate bill? Our own bill is our own bill. That is what we want.

This is not a new issue or a new motion from our colleagues in the House. I once again urge my associates and my Members here to reject the motion to instruct conferees. We have debated this issue for several days now. I will not prolong the debate, particularly with the lateness of this hour and the discussion, the turmoil we had earlier for those who are seeking to return to their districts.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of this motion, and I wanted just to say thank you to my colleague from Maryland for his outstanding leadership on the issue and for offering this motion today.

Our colleague on the other side of the aisle asked a question: We passed our bill over here, why would we want to deal with the Senate bill? I think that therein lies the issue. It is probably very cynical what the thoughts on the other side of the aisle have expressed about the child tax credit; and keeping that in mind, the child tax credit to working families who work hard, pay their taxes and they are not going to get the benefit of this tax break where the millionaires, about 184,000 of them, are going to get $93,000 in a tax break come next week. The cynicism lies here, that, in fact, the majority leader on the Republican side of the aisle said about this child tax credit, that ain't nothing going to happen. As a matter of fact, the editorial page in the Wall Street Journal just a couple of weeks ago commended the majority leader for his action which in fact would be that the bill that passed here in the House would never be accepted by the United States Senate, the other body, and, therefore, nothing would happen, it would die. So what they did here was a political ploy to do nothing. That is what is so sad about this.

Further, the majority leader here, the majority leader in the Senate said, We don't have time to do this. We don't have time to do this and it's not that important. And then the other night when we debated this motion on the floor and it was because this motion, as my colleague from Maryland pointed out passed, this very motion passed on June 12 with a bipartisan majority, 205–201, that meant that Democrats and Republicans together voted to do what the other body had done. And the chairman of the House Committee on Ways and Means said, Well, that's not a binding resolution. We don't have to do anything about that, so that the will of the majority is thwarted once again. That is what is so sad about this.

Let me just say, it has been 7 weeks. We have discussed how the extension of the child tax credit was stolen from 6.5 million families, 12 million children, a million of whom are in military and veterans families. We have discussed how these low-wage-earning families pay more in taxes than Enron, a multi-billion dollar company who paid no taxes in the last 4 or 5 years. It is incredible.

But this injustice has affected women disproportionately. Two-thirds of the parents who will not be receiving this tax cut are women. Fifty-six percent of single parents will receive no tax assistance from the tax cut passed in May, including almost 4 million single mothers representing 54 percent of all families that have been left out. Stay-at-home moms fare little better. More than a million married couples with a stay-at-home mom, 55 percent of all married-couple families, were left out. They have been left out by this Republican majority. On average, the families of these women would have received $276 in this year alone had the tax credit been extended to them.

As I said the other night when we were discussing how families in the military and Head Start and teaching in Head Start were left out of this tax cut, that might not sound like a lot of money to some, particularly those millionaires who are going to get $93,000, what do they care about $276, but it can be a difference between a child going to school with or without school supplies, it helps the families of the 9 million children in this country without health insurance pay for the health care services that they need.

Assisting these families, these 12 million children, is a moral issue. It is a matter of values. The President said a month ago that he wants this House to act on this, to accept the other body's bill, bring justice to 6.5 million families. Let us give them that. I would just say, I call on the President, because his leadership here in the House has seen it and left the field. They do not want to do anything about this. So I call on the President, use your moral authority, do something about those 6.5 million working families. Yes, they pay taxes, sales taxes, property taxes, payroll taxes. They deserve to get that child tax credit as well as those millions of others who next Friday are going to get their check. And why is it because they make $10,500 a year up to $26,000 a year that they are not deserving? It is wrong. We should pass this motion to instruct.

Mr. HOUGHTON. Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I rise today in support of the gentleman from Maryland's thoughtful motion to instruct conferees. I thank him for his vigilance in standing up for hard-working, lower-income families.

□ 1630

This instruction tells the conferees to ignore the bogus Republican child tax credit fix passed in this House and urges them to follow the Senate provisions that would extend the child tax credit to lower-income families to make sure they receive a rebate check when they start going out on July 25, 2003.

Mr. Speaker, the Senate has already passed a bill that would make sure that our working families, those earning between $10,500 and $26,000, would receive their share of one of the largest tax cuts in this Nation's history. That bill costs $9.7 billion; and, unlike the huge $80 billion Republican tax credit rammed through the House, the Senate bill is paid for.

Mr. Speaker, what I find truly astounding by this entire process is what it says about our values in this House. We should be trying to help all Americans, those with means and those without.

The Office of Management and Budget recently announced that this year's Federal deficit will hit $455 billion. I do not think it is any secret that this record deficit is a direct result of tax cuts that primarily benefit the wealthiest 1 percent of Americans. And yet I ask my colleagues can we not spend $3.5 billion of money, money that is offset in the Senate bill to let the men and women of our Armed Forces who fight bravely for our country and the men and women who serve our food, who provide day care for our kids, who drive our buses, collect our garbage, to tell them that they matter?

Because, Mr. Speaker, $3.5 billion is all it would take of the trillion dollar-plus tax cut to help 6.5 million working families, including families of the brave men and women who served our country so heroically in Iraq, Afghanistan, and around the world. Is it too much to give these families their minuscule piece of a tax cut to let them know they matter as much as a millionaire and that their children matter as much as the children of big political donors? Are these questions we should really have to answer?

Instead of helping, the Republican leadership designed a child tax credit that was overpriced and not paid for. They loaded it up with extra goodies so that it cost a whopping $82 billion. Without Senate support they knew it would be nearly impossible to pass out of conference and may fail altogether.

Mr. Speaker, the Republicans did not vote to expand the tax credit. They voted to kill it. But I urge my compassionate conservative friends to put the money where their rhetoric is.

Mr. Speaker, I rise today in support of Mr. VAN HOLLEN of Maryland's thoughtful Motion to Instruct Conferees. This instruction tells the conferees to ignore the bogus Republican Child Tax Credit "fix" passed in this House and urges them to follow the Senate provisions that will extend the child tax credit to lower-income families to make sure they receive a rebate check when they start going out on July 25, 2003.

Mr. Speaker, the Senate has already passed a bill that would make sure that our working families, those earning between $10,500 and $26,000 will receive their share of one of the largest tax cuts in history. That bill costs $9.7 billion and unlike the gargantuan $80 billion Republican tax credit rammed through the House—the Senate bill is paid for.

Mr. Speaker, what I find truly astounding about this entire process is what it says about our values in this House. We should be trying to help all Americans—those with means and those without.

The Office of Management and Budget recently announced that this year's federal deficit will hit $455 billion. I don't think it's any secret that this record deficit is a direct result of tax cuts that primarily benefit the wealthiest one percent of Americans.

And yet, I ask my colleagues, can we not spend $3.5 billion—money that is offset in the Senate bill—to let the men and women of our Armed Forces, who fight bravely for our country—and the men and women who serve our food, who provide day care help for our kids, who drive our buses, collect our garbage—to tell them that they matter.

Because, Mr. Speaker, $3.5 billion is all it would take of the trillion-plus dollar tax cut to help 6.5 million working families—including families of the brave men and women who served our country so heroically in Iraq, in Afghanistan and around the globe.

Is it too much to give these families their miniscule piece of the tax cut—to let them know they matter as much as a millionaire and that their children matter as much as the children of big political donors. Are these questions we should really have to answer?

Instead of helping the Republican leadership designed a child tax credit that was overpriced and not paid for—they loaded it up with extra goodies so that it costs a whopping $82 billion. Without Senate support they knew it would be nearly impossible to pass out of conference and may fail altogether.

Mr. Speaker, the Republicans did not vote to expand the child tax credit, they voted to kill it.

But, I urge my compassionate conservative friends to put the money where your rhetoric is. Correct your intentional mistake. Pass the Senate provisions. These families need the help now.

Mr. Speaker, that is money well spent.

Mr. HOUGHTON. Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this important motion to instruct conferees must be considered in context of what has happened here today and what has happened here this year. Today we have seen arrogance boil over with the order from the Committee on Ways and Means chairman to have the Capitol Police remove some of our colleagues and me from a committee room where we were attempting to develop our alternatives to pension protection for every worker in the United States. It is that same committee from which this child tax credit arose.

The gentleman from Maryland (Mr. VAN HOLLEN) has made clear that one of the groups that will be most significantly impacted by the decision on this motion to instruct are the children of our military families. In fact, it is a very significant amount. According to the Children's Defense Fund, a quarter of a million children are in active-duty military families who will not qualify for this child tax credit unless the gentleman from Maryland's (Mr. VAN HOLLEN) motion is not only approved today but followed by the conference committee.

But this is not the first time that the Committee on Ways and Means, the same committee whose chairman sent the police out after Democratic colleagues on the committee today, has shown disinterest in the plight of our military families. Indeed, there is a bill that has been sitting on this desk since March 27 of this year called the "Armed Forces Tax Fairness Act." That bill passed the United States Senate unanimously, 97 to nothing. That bill would ensure that there would be no taxes applied to the small $6,000 death benefit payable to the families of those who are killed in conflict such as in Iraq, and it would provide certain other benefits to military families.

When that measure came before the House Committee on Ways and Means, proceeded to do things like stick on an amendment to help foreign gamblers who bet off track at American racetracks, to help companies that make tackle boxes, to help a variety of other special interests, and they loaded it up. And to add the final indignity, they added to that bill called the "Armed Forces Tax Fairness Act" a provision to grant amnesty to those corporations that renounced their American citizenship and posted their mailbox in Bermuda to dodge their fairshare taxes to pay for what is happening in Iraq and what is happening in America.

That bill, that disinterest Republicans show here against the instant bill we now consider, the child tax credit, and the fact that children in 200,000 military families have been left out by this Republican majority, by their refusal to accept the thinking in the gentleman from Maryland's (Mr. VAN HOLLEN) motion, it is somewhat ironic that this very week when the gentleman from Maryland (Mr. VAN HOLLEN) makes his motion, I understand that the United States Government has decided that it will expend money to pay about 200,000 to 250,000 Iraqi military officers. The Members heard that right. Iraqi military officers, to pay them 200,000 of 250,000 a stipend, with either our tax dollars or money they find over in Iraq, I guess.

Why not do something for the children of 200,000 of our military families who have been left out by the same Republican majority that showed the callous indifference to let the Armed Forces Tax Fairness Act sit up here since March 27? Because they want to use legislation like this to advance another agenda. And what is that agenda? It is an agenda that says if we sap the strength of the Federal Treasury enough, we can totally dismantle our Government.

We know this week that America has, even according to the White House, the largest deficit in the history of the United States, that we are headed toward a debt ceiling that keeps going up, $10 trillion of debt, and instead of targeting the relief to these military families and to these civilian families that are out there working in our hospitals, in our nursing homes, picking up the garbage, doing the dirty work of our society but working, trying to advance themselves and provide for their children, many single-mother households trying to provide for their children and work at the same time, why do those people get left out?

What the Republicans propose at this time is to add to the largest deficit in the history of the United States about another $80 billion to address the child tax credit because they say if we cannot provide most of this relief to the people that make well over $100,000, we are not going to do anything for those thousands of military children. We are not going to do anything for the person who is out working in the nursing home. They do not deserve this benefit.

The truth of the matter is it has become very clear listening to the gentleman from California (Mr. THOMAS), the same person who called out the police today, that he is not really concerned whether this bill passes or not. He made it clear when he talked to the Wall Street Journal stating that "there are worse things than the [child tax credit bill] not happening." There may be worse things than in a single week deciding to pay Iraqi military officers, 250,000 of them, at the same time we deny relief to children in 200,000 military families, but it is hard to conceive what he has in mind.

Mr. HOUGHTON. Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the gentleman from Maryland (Mr. VAN HOLLEN) for a very sensitive motion to instruct, recognition that my good friends on the other side of the aisle, many of whom really want to support this motion to instruct, many of whom find great credibility in our arguments; and I appreciate that, having great respect for the gentleman from New York (Mr. HOUGHTON), the manager of the motion on the other side of the aisle.

But what I would say is wanting to do so and not doing is a travesty. Frankly, we heard this week that our deficit is almost $500 billion, created by the Republicans. The tax plan that they have put forward, instead of the child tax credit, costs $80 billion. The tax credit to take care of 6.5 million families, some 200,000 to 300,000 children, costs only $3.5 billion. I know we can add. I realize that Members in this body can add, and they can also subtract. A $450 billion plus, $500 billion deficit, the Republicans put a plan on the floor of the House costing $80 billion, leaving out 4 million children from a child tax credit when all they have to do is turn and go to this well and take up the Senate bill that costs only $3.5 billion. It will take care of 6.5 million families, including our men and women who are in Afghanistan and Iraq. And yet we find a travesty that is occurring when our Republican friends refuse to address these concerns.

I could give all the arguments of who pays taxes and who does not. Just take out a calculator. Families that make between $10,000 and $26,000 a year pay sales tax and payroll tax. How dare you say they pay no tax. More importantly, they are the lowest-paid workers. Our men and women in the military get $1,000 a month. The war in Iraq is costing $4 billion a month. What a difference. And this Republican leadership, when their own Members would like to vote for a straight-up vote on the child tax credit, refuses to allow them to vote, casting then a pall over this particular House.

On July 25, next Friday, checks will go out to only 2 million families. Four million families will go longing for a refund that could help energize this economy. It is well-known that the $90,000 that has been given to the richest of Americans will not infuse energy into the economy. They are not consumers. In essence, they are hoaders of money. And they will put it in all kinds of investments, that they will buy nothing. But those who have to get school children supplies and clothing will make a difference.

For all of you who think you are rich and can turn a head and smile and look one way or the other as if this does not impact you, I am glad that I am standing for the least of those, and I would hope that most Americans would be concerned because you are sitting in great comfort. You are allowed to come, freedom of movement, freedom of rights because men and women are on the front lines fighting for your rights. And it is an insult, an absolute insult that we do not have Americans that can embrace the concept we do care about the least of those.

I would argue that my colleagues join together and vote for a stand-alone child tax credit. I ask them to support the motion to instruct.

Mr. HOUGHTON. Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I think we are going to have to come here almost every night to make the point of how outraged we are on the Democratic side that the House has not resolved this issue and that once again 12 million children are being excluded from the child tax credit. I do not know how many times the Democrats are going to have to get up here and tell the Republicans that they are not doing anything about this issue.

It is amazing to me, because times are tough. And I said last night, and I will say again, in my own family I have young children and I am not worried about being able to provide for them.

☐ 1645

But I know that in my district there are a lot of families, parents who have difficult times. When we tell them that they are going to be excluded from this child tax credit and the checks are going to go out next Friday to people who are a little higher income but not to them because they happen to be a lower income, it just does not seem fair. It is tough for them to get along. Times are tough. There is a high unemployment rate.

The Republicans keep saying that their tax cuts and their tax policies are going to turn the economy around, but they are not. Certainly not in my State, in my district. And for the Republican leadership to keep talking about how they are going to give all of these tax breaks to wealthy individuals, even millionaires, but, at the same time, do not want to give tax breaks to the parents of these 12 million children who are earning between $10,000 and $26,000 a year is really heartless. I feel for the families, that they are not able to take advantage of this and somehow help out. We should be making an effort to help them out.

The worst part of it, too, is when we hear about the fact that some of these parents are people that may be in combat or in Iraq and facing the potential every day of being killed or seriously injured and yet, for some reason, this other piece of legislation that might help them out, even if this does not, even if the Republicans do not want to give the child tax credit to them, this other piece of legislation that would help them out, I guess, is now in conference; but the conference has never met.

The Republicans do not want to address this issue. They just want to go home. We are not going to let them go home until they give this tax credit to these 12 million children.

Mr. HOUGHTON. How much time remains, Mr. Speaker?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York (Mr. HOUGHTON) has 29 minutes remaining, and the gentleman from Maryland (Mr. VAN HOLLEN) has 3 minutes remaining.

Mr. HOUGHTON. Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, if I may inquire of my friend, the gentleman from New York, and I have great respect for the gentleman, whether he intends to use any of his time. We are obviously getting near the end.

Mr. HOUGHTON. No, I do not, Mr. Speaker.

Mr. VAN HOLLEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, do my colleagues know that my district is one of the most affluent districts in this Nation? In fact, they are the people who benefit the most from the Republican tax cuts. But do my colleagues know what they are asking me, Mr. Speaker? They are saying, why in the world are the 12 million children that belong to the hardest-working families and the most struggling families in this Nation not benefiting from the child tax credit? They do not understand how these low-income families, those who work hard to make ends meet, why they cannot get a little bit so they can buy something extra for their children, so they can possibly take a vacation; so that they can have enough money to buy shoes when the school year begins.

Mr. Speaker, I was a single mom on welfare 35 years ago, and I had three very small children, 1, 3, and 5 years old. I was working. When my kids would outgrow their shoes, two boys and a girl, and those boys grew like weeds, I am telling you, my heart would stop, because I was scared to death I might not have the money to buy them decent shoes. The people I work for who elected me, women who had been on welfare and who have walked my walk, they know, they know the difference between having it all and having enough and making sure that other people have what they need to survive also.

My constituents support the child tax credit. They want to hear just why the Republicans refuse to bring it to the floor, and they want it debated; and so do I, Mr. Speaker.

Mr. HOUGHTON. Mr. Speaker, I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, may I ask how much time is left.

The SPEAKER pro tempore. The gentleman from Maryland has 1 minute remaining.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself the remaining time. This is a question of basic fairness. It is a question of priorities.

This House recently passed a $350 billion tax bill, weighted disproportionately to the very wealthiest in this country. And in the conference on that bill, we cut out the child tax credit for 12 million low-income working families.

The Senate solution is to take $3.5 billion and address that issue to make sure that we treat those children with decency. The House Republican leadership has said no. They said, we will only accept that $3.5 billion addition if you pass an additional $83 billion tax cut package. So they are holding those kids hostage to this other package at the same time that we have a record $450 billion deficit in this country. As a result of those deficits which have been fueled by the tax cuts to the wealthiest, this past week we were $8 billion short on the No Child Left Behind bill.

Mr. Speaker, we are being unfair to the basic priorities of the people of the country. We should adopt this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. VAN HOLLEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ADJOURNMENT TO MONDAY, JULY 21, 2003

Mr. NORWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. NORWOOD. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE CLEAR ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I am afraid to say that it has happened and happened again. A week ago, I rose to tell my colleagues the case of a brutal crime committed by criminal illegal aliens in New York. This time it happened near a small town in southern Illinois.

Mr. Speaker, near Cobden, Illinois, in the congressional district of my colleague, the gentleman from Illinois (Mr. COSTELLO), three men, two of them illegal aliens, sexually assaulted a 13-year-old girl and a 15-year-old girl.

Now, Mr. Speaker, there are 400,000 individuals who have received their final deportation orders; 400,000. That means they have been apprehended, they have been told to depart, and they have been released and are somewhere in America. They cannot be found within our borders. Of those 400,000, 20 percent, 80,000, of them have criminal convictions; and I am not talking about running a stop sign. They have been in the hands of our law enforcement and have slipped away. Mr. Speaker, I only pray that I am not reporting one of their crimes standing here next week.

Mr. Speaker, not only are the residents of this country continually falling victim to these brutal crimes of criminal illegal aliens, we are also paying for them out of our own pockets. Criminal aliens put an incredible strain on America's law enforcement and criminal justice resources every day. Taxpayers are footing the bill for the imprisonment of Mazimiliano Silerio Esparza, a 33-year-old criminal alien who brutally raped two nuns, killing one in Oregon. He copped a plea agreement to avoid execution and taxpayers in Oregon now will be paying for his life imprisonment.

Mr. Speaker, that is why we introduced the CLEAR Act, the Clear Law Enforcement for Criminal Alien Removal Act, last Wednesday, to give our local police the authority that they need to detain criminal illegal aliens. I would like to review quickly just a few of the highlights tonight, and we will do it night after night until this becomes clear.

First and foremost, we are going to make it very clear in our law in what it says in regards to the 700,000 local law enforcement officials around the country. They have the inherent authority to enforce immigration laws, period. But it is confusing. We are going to straighten that out so no one will be confused. This is the only major set of Federal laws that local law enforcement are not actively helping to enforce. That is only the first page of a 22-page bill. The rest of the bill provides resources and tools for our local law enforcement people to actually get the job done.

Mr. Speaker, the CLEAR Act will add a new category to the National Crime and Information Center database so that police across the Nation can access the information simply from their patrol cars. Also, Mr. Speaker, once and for all, we are going to make sure that these violent criminal aliens are in the hands of law enforcement and will be deported from this country the day they complete their jail time. We are going to do this by mandating the expansion of the Institutional Removal Program, and one night next week we will talk about that.

But, Mr. Speaker, in the meantime, I encourage my colleagues to take a really close look at this landmark legislation and let us help each other put an end to these tragic events that have plagued our country. We cannot do it with 2,000 INS agents. That simply is not in the ability or within the realm of possibility to get these criminals. Some of them who have crossed this border may well be terrorists; 2,000 Federal agents cannot do it. We have to call on the 700,000 local law enforcement agencies to come together and help the Federal Government lock up and then deport these 80,000 violent criminal illegal aliens. I am not sure, and neither is this government, exactly how many of those 400,000 that have slipped across our border, how many of those may be terrorists. Do we not want to know? Is that not what part of homeland security is all about? And my colleagues are telling me we are going to protect this homeland from people who slip across our border with 2,000 Federal agents? It cannot be done, Mr. Speaker.

We have to get serious if we want to protect this Nation's infrastructure.

SUPPORT FOR INDEPENDENT COMMISSION ON WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I have come to the floor, once again tonight, to discuss the groundswell of support for an independent commission to discuss the administration's plans regarding Iraq's weapons of mass destruction. After hearing the administration's case for war, many Americans felt they were led to believe that Iraq had weapons of mass destruction ready to use against America and were on the verge of developing nuclear weapons. Mr. Speaker, we may yet find weapons of mass destruction in Iraq, but it is now clear to many Americans that the administration overstated and misrepresented the threat that Iraq posed to the United States. Those Americans can say it better than I can.

Fred, from Ventura, California writes, "I recently read an article that summarized the comments made by the President and members of his administration. I am deeply troubled by how incongruent these statements are with the realities after President Bush declared an end to hostilities."

□ 1700

Susan from Solana Beach, California, compares the administration's untruths with recent corporate scandals, "Enough is enough. Whatever deceptions corporate America perpetrated in the last few years, no one died and we continue to investigate. Washington must be held to a far higher standard because American lives were risked and lost on the word of the Bush administration. Without an investigation to answer these important questions about potential distortion of intelligence reports, all the tax cuts in the world will not buy my vote in future elections."

Steve from Bakersfield was more understanding: "If we launch a preemptive war by mistake, God help America."

This is not God's responsibility, Mr. Speaker. It is the Congress's responsibility.

Beatrice from Redondo Beach is upset with those of us here in Congress: "I am angry at the lack of action by our representatives against this Bush administration on their manipulation of facts in order to take our country to war."

J. Lawrence of California seconds that and I will quote him: "Of all things that a government does, the decision to go to war must be made openly and without manipulations. I urge you to support an independent commission to investigate the circumstances surrounding what we, the public, were told about the justification for our recent incursion into Iraq. We spent millions on a sexual dalliance but appear to have been ignoring what may have been a mass deception and manipulation of truth that in the end put U.S. citizens and soldiers in harm's way."

Stan and Sue from Sierra Madre support an investigation also. They say: "Never should we harm another country nor put our own sons and daughters in harm's way under false pretenses. An inquiry is one of the tools to make sure this does not happen in the future."

Mr. Speaker, other Americans want to remind us, in the Congress, that they do not care about partisanship. They only care about getting to the truth.

Steve from Moorpark writes: "In the interest of preserving the freedoms and liberties inherent to our Constitution, I ask you to support an independent investigation of the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program. No matter which political party affiliation any American favors, it is detrimental to our country, our Constitution, and our democracy to have our leaders mislead all Americans for reasons yet unknown."

It is time to get the facts. I urge all of my colleagues to support H.R. 2625, the gentleman from California's (Mr. WAXMAN) bill to create an independent commission to uncover all of the facts about the administration's claims and Iraq's weapons. It is time for Congress to stop beating around the bush and take action. Support fact finding. Support an independent commission.

HONORING REED LARSON

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from Colorado (Mrs. MUSGRAVE) is recognized for 5 minutes.

Mrs. MUSGRAVE. Mr. Speaker, it was nearly 5 decades ago in the spring of 1954 that Reed Larson went on what he believed to be a temporary leave from his job as an engineer for the Coleman Company in Wichita, Kansas, in order to lead a new grass-roots advocacy group called Kansans For Right to Work. Larson and his group members were determined to pass a State right-to-work law protecting employees from being forced to join or pay dues to a labor union in order to get or keep a job.

Because they first had to deal with a hostile Governor, the job took longer than originally expected. By the time Kansas's right-to-work law was finally passed in November of 1958, Larson had been on temporary leave from the Coleman Company for 4½ years. After the Kansas victory, Larson was quickly recruited to lead the then 4-year-old national Right to Work Committee from its headquarters right here in our Nation's Capital and his temporary leave from the Coleman Company became permanent.

For the next 44 years Larson stood at the helm of this organization, which has aptly been hailed as the Nation's preeminent defender of workers' freedom. I rise today to pay tribute to Reed Larson because of his long, selfless commitment to the right-to-work cause and because late last month at Mr. Larson's own recommendation, the board of directors of National Right to Work Committee appointed then executive vice president Mark Mix as the new Right to Work president and Larson as executive committee chairman.

Reed Larson is still fighting for the right-to-work cause, but his role in the coming years will be in a different capacity than during the last 5 decades, marking the end of an era for the National Right to Work Committee and for opponents of forced unionism nationwide.

Mr. Speaker, I have the utmost respect for Mr. Larson's continued involvement with the right-to-work cause. Almost anyone else who had accomplished what Reed Larson has over the past 49 years would be content to rest on his laurels. During the 1950s, roughly 30 percent of private sector employees nationwide were forced to join and remain in a union. If they refused, they would be fired. Today it is 7 percent of private sector employees who are compelled to pay union dues or fees in order to keep their jobs. One major reason it is now possible to envision the day when every American private sector employees enjoys the personal freedom to decide whether or not to affiliate with the union is the invaluable assistance Reed Larson and the National Right to Work Committee has given to State right-to-work efforts.

Thanks largely to the sound advice of Reed Larson and the committee, the number of State right-to-work laws has grown to 22, with the most recent law being approved less than 2 years ago in the State of Oklahoma. Furthermore, not a single right-to-work law that was in effect when Mr. Larson took over the committee in January of 1959 has been repealed or rendered inoperative through court action, although Big Labor has spent countless millions of dollars on bids to destroy such laws.

The most notorious of these schemes was union officials' Capitol Hill campaign to eviscerate all State right-to-work laws through repeal of Taft-Hartley section 14(b) in 1965 and 1966. Under Reed Larson's leadership the committee saved State right-to-work protections by convincing Senate minority leader Everett Dirksen of Illinois to lead a filibuster against 14(b) repeal.

Mr. Speaker, I proudly salute my good friend Reed Larson and the National Right to Work Committee's 2.2 million members. I applaud their unwaivering dedication and tireless action on what should be every American's birthright, not to be forced to pay tribute to a labor union in order to get or keep a job.

May God bless you, Mr. Larson and his wife. He is a true American hero and many Americans owe him a debt of gratitude.

BHOPAL TRAGEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to discuss the tragedy of the Bhopal disaster in India. This is an event that the Congress and the world remember vividly. Unfortunately, we have forgotten that many of the victims and their families that remain in Bhopal still remain without much reparation.

On that horrible December day in 1984 when a Union Carbide plant leaked 40 tons of lethal gas in Bhopal, India, about 4,000 people died within hours, more than 20,000 were injured. And since then the death count has risen to over 14,000 as a result of exposure to the gas. According to victims rights groups, over 150,000 people are suffering from the after-effects such as reproduction complications, loss of ability to perform physical labor, rare cancers, severe respiratory problems, and the list goes on.

Not only are there countless trials and tribulations regarding health status, but in addition there are tremendous environmental injustices such as polluted groundwater, toxic waste, and contaminated soil that have largely remained unaddressed.

Mr. Speaker, Union Carbide is the company responsible for the Bhopal disaster. But when Union Carbide and Dow Chemical merged in 2001, there was no doubt that Dow Chemical as a successor company was also responsible for the disaster. Dow Chemical has the resources to deal with the health problems and to provide reparations for the people of Bhopal that were devastated by the tragedy.

To date, Mr. Speaker, there are four basic outstanding demands that the victims and their advocates are tirelessly working toward. Dow Chemical has the responsibility to meet each of these demands, and I would like to express my commitment to seeing that these basic demands of justice come to fruition.

First, Mr. Speaker, there must be acknowledgment that Dow inherited criminal liabilities and accordingly should face a criminal trial for poisoning people, animals, and the environment. At the time, Union Carbide blamed the disaster on a disgruntled worker. But whatever happened to him?

At the time, Warren Anderson was the CEO of Union Carbide. Whatever happened to him? And more importantly, where is he now?

Second, Mr. Speaker, the health of survivors must be monitored and medical care must be provided to them as well as the second and third generations that have already and undoubtedly will continue to inherit health complications due to their family members' exposure to gas in 1984.

Third, there must be adequate funding and some type of safe, workable design and infrastructure for removing

5,000 tons of waste and chemicals in the soil and water. There are over 20,000 people drinking contaminated water thoroughly diffused with mercury. And this example of endless environmental atrocities is simply unacceptable.

Fourth, Mr. Speaker, compensation for injuries must be addressed. Any victim reparations thus far have been woefully insufficient; and in fact, over half the death claims have been rejected. People have no choice but to rely on financial retribution and that is because there have been minimal numbers of jobs since the disaster, and those sickened from exposure have lost the ability to perform simple tasks. In addition, care for the overwhelming number of orphans is necessary.

Mr. Speaker, the struggle of the people of Bhopal has been long and has reduced most to living without dignity. Americans deal with environmental injustices as well. However, we have public health laws that protect our citizens' Federal right-to-know legislation that, in fact, came about in the aftermath of Bhopal.

In an effort to restore basic human rights to the people of Bhopal, my colleague, the gentleman from Ohio (Mr. KUCINICH), and I are circulating a letter to the CEO of Dow Chemical asking that Dow take responsibility for the disaster inherited in 1984 and that it cooperate in meeting the demands of its victims. I encourage all of my colleagues to sign on to this important letter.

In addition, I plan on circulating an amicus brief on behalf of the Bhopal victims who have year after year tried their cases in the U.S. court system and who have been subjected to unfair treatment due to corporate favoritism.

At that time, I will also ask my colleagues to join me in sending a message that the injustice cannot continue and that there is support in Congress for holding accountable those that are liable for this horrific tragedy.

AMERICANS NEED THE TRUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 160-or-so years ago, Congress passed a rule prohibiting Members of Congress from debating the issue of slavery. The issue of slavery, the greatest blemish on our Nation's history, was actually not debated in Congress for many years because conservative leaders of this body simply said it could not be, and passed a rule prohibiting it.

John Quincy Adams, former President and later Member of Congress in the 1830s and 1840s came to this Chamber of the House of Representatives and collected letters from his constituents. He called them petitions from mostly women's group in Massachusetts. Women in those days were not allowed to vote, as most of us know. He brought these petitions from women who were opposed to slavery and read them on the House floor.

While the rules said he could not debate slavery, he was simply a mouthpiece, a conduit, was a megaphone for the concerns of the people in his district about a great national problem.

Fast forward the clock to 2003. We now have a legislative leadership which is again saying no to debating issues of what really happened with the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program. While the President may have made, perhaps we are not really sure quite what happened, but we want to investigate. We want to know more. There has been no avenue to do that in this body.

So as a result a group called Moveon.org has gathered online hundreds of thousands of petitions and tens of thousands of American citizens including dozens, dozens, dozens in my district, thousands in the State of Ohio, tens of thousands around the country, speaking out about what they think.

So I am going to share in the next 3½ minutes or so, Mr. Speaker, what people in my district are saying when they sign this petition saying that Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program.

□ 1715

John Ciraldo of Akron, Ohio, in my District, "It seems to me that the evidence of deceit led by the Bush administration is becoming more and more prevalent."

"I feel that it is becoming more of an issue to the American people. As part of a democracy, we believe that we have a right to know."

"Please take a stand," Mr. Ciraldo writes, "for what I believe you know to be right. Be fair to our Nation and show a true patriotism, investigate. All of America has the right to know." Mr. Ciraldo from Akron.

Thomas Spalding, also from Akron, Ohio, shorter letter, "Please pursue an open investigation of the rationale for war that was used by the Bush administration to assuage public doubts about preemptive, unilateral action against Iraq." Mr. Spalding from Akron, Ohio.

From Elyria, Ohio, Linda Mitchell writes, "As an American and one of your constituents, I want to know the truth behind what led up to the grossly unjust 'war' in Iraq. It is time for Congress to shed light upon what I believe we all know was the administration's misuse of the tragedy of September 11 to meet their own greedy need for oil." Ms. Mitchell from Elyria, Ohio.

From Strongsville, Ohio, John Regetz, Junior, "I strongly urge you to vote for the establishment of the commission to investigate the validity of the evidence that the present administration used to start the Iraq war. It appears to me that, for the first time in our history," for the first time in our history Mr. Regetz writes, "we unjustly started a war without first being truly provoked. I think the American people need to know the true facts about this whole mess we now find ourselves in."

Elizabeth from Akron, Ohio, "There is little argument that the past three years have been the saddest in our Nation's history. A nonelected President and his staff callously made critical decisions that deeply affect us all today and for generations to come. One such decision," she writes, "was to end the weapons inspection program and preemptively strike Iraq, supposedly before we were struck by weapons of mass destruction.

"Now, countless civilian and soldier deaths later, yet still no evidence of weapons of mass destruction, the administration is willing to admit that the intelligence leading to this mess was flawed. At the same time, they are talking about sending even more of our military personnel into the chaos that they have created."

Susan Clements, also from Akron, Ohio. Ms. Clements writes, It really is of crucial importance that we find out the truth in the matter. Lying to the American people about anything is troubling, but to lie about something like this is outrageous. Support for this war was lukewarm at best. Even that was a result of that argument. To date, thousands of people have died, a country has been devastated, a region thrown into turmoil simply to allow Bush's cronies to make a fortune by cleaning up the mess that he made. This is unconscionable. Please support the American people and hold them accountable. Thank you.

The last letter I will share with my colleagues as my time runs out is from Ron Collins of Barberton, Ohio. Mr. Collins writes, I am certain that you, like many of us here were frightened by the statements made in public back in the State of the Union and earlier by the Bush administration. If those statements were false, we must know of this Mr. Collins writes. Please show America that you are not afraid to stand up for the rights of the people who put you in office. Despite any pressures you may have been placed under to ignore these issues, those of us in your district implore you to live up to the oath of office you took when you were sworn in.

I thank those people in Ohio that have shared their concerns with me and, most importantly, with the members of this body and with the American people because their concerns do indeed, Mr. Speaker, need to be heard.

IN MEMORY OF SPECIALIST JEFFREY MATTISON WERSHOW

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE of Florida) is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in memory of Specialist Jeffrey Mattison Wershow. A member of the Florida National Guard, Specialist Wershow served admirably before his life was tragically ended by an assailant in Baghdad a little over a week ago.

Jeffrey was the son of Jonathon Wershow and Ann Marie Mattison. At 22 years old, this young man managed to create a long list of accomplishments. After graduating from High School, Jeffrey enlisted in the Army and served for three years in the 82nd Airborne at Ft. Bragg. Upon fulfilling his obligation as an active duty soldier, Jeffrey received an honorable discharge from the Army and returned to Gainesville, Florida where he began pursuing his degree at Santa Fe Community College.

Everyone who knew Jeffrey recalls his vast knowledge of history and his lifelong desire to be a soldier. One of the most impressive things about this young man is that he had enough wisdom at such a young age to pursue both of his dreams. While continuing his education at Santa Fe and becoming actively and successfully involved in local politics, he also passionately served in the Florida National Guard.

Specialist Jeffrey Wershow was a soldier, a son, a brother, and a friend. He was also a proud American who we can all remember as an example of why this country is so great. I would like to offer my most sincere condolences to his family and friends.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to take that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MISUSE OF FEDERAL LAW ENFORCEMENT RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, it is an old truism that the best defense is a good offense. We have seen that here this afternoon in a quite effective way because Republicans, unable to defend their misuse of the United States Capitol Police against Democrats meeting in the Ways and Means library, have taken the offense in what I consider a very offensive way against our colleague, the gentleman from California (Mr. STARK).

After the gentleman from California (Mr. STARK) was told to "shut up" by another member of the committee, he responded with an insult, perhaps not appropriate, but certainly after significant provocation. To suggest that the gentleman from California (Mr. STARK), a man of 72, surrounded by 20-plus Republican colleagues of lesser age, posed any threat to anyone is ludicrous on its face, and though it is not ordinarily done, since it has been done and incompletely by my colleague, the transcript uncorrected though it is, of the Committee on Ways and Means reflects that after the gentleman from California (Mr. STARK) was told to shut up and he insulted his colleague who made that comment, that he then proceeded to say, come on, come on over here and make me, I dare you.

The transcript then reflects that laughter occurred and that thereafter, after additional comments by the gentleman from California (Mr. STARK) that the gentleman from California (Mr. THOMAS) declared recess is over, the classroom has been resumed.

Now some Americans and undoubtedly some commentators will be inclined to trivialize this entire incident as being mere childish behavior, with wrongs on both sides. There were no wrongs on both sides today.

The Capitol Police were not called out, as the transcript indicates, as the gentleman from California's (Mr. THOMAS) silence indicates, because of anything that the gentleman from California (Mr. STARK) did, said, or implied. To suggest otherwise, indeed the suggestion of my colleague from Texas (Mr. BRADY) that the gentleman from California (Mr. STARK) instigated this incident is an outrageous slur on the gentleman from California (Mr. STARK) who is a person of integrity, even though sometimes of sharply worded comments.

The Capitol Police were targeted not on the gentleman from California (Mr. STARK), but Officer Spriggs, who came into the library, indicated they were asked to clear the library where the gentleman from California (Mr. STARK) was not even present.

We cannot allow our Federal law enforcement resources to be diverted for partisan political purposes such as occurred today. Even at this very moment, the Inspector General to the Department of Justice is investigating the misuse of the U.S. Attorney's Office, the Federal Bureau of Investigation and the United States Marshal's involvement in tracking down courageous Texas State legislators who made a stand against a similar partisan power grab. Just as the gentleman from Texas (Mr. DELAY) called the Federal Aviation Administration to track down those Democrats, just as the Department of Homeland Security went after a cotton farmer from Texas to find out about his airplane, the gentleman from California (Mr. THOMAS) today diverted the Capitol Police from their important work in preserving public safety here in the Nation's Capital for partisan political purposes.

This attempt to break up a meeting of Ways and Means Democrats is unprecedented for either party I believe in the history of this Congress. We did not walk out as our Texas State legislative colleagues so justly did. We attempted to walk into the process, having been handed moments before a bill that affects the pensions and the retirement security of millions of Americans, Republicans and Democrats, across this country, but yet as we attempted to walk into that process and develop and present our alternatives, the police were called here in the Capitol to stop us from doing that job.

Americans who share the concern of the abuse, indeed of the extremism, of the majority need to be concerned about what happened here. It was not some fight among Members of Congress acting childish, it was a serious infringement on our democracy. Americans who are worried about us becoming a Nation of citizens who are supposed to choose between saying "me too" and shutting up, these Americans cannot afford to be silent. No party, no person has a monopoly on the truth.

Dissent is not some inconvenience in this Congress or in this country, and it certainly does not warrant calling out the Feds, whether it is the gentleman from Texas (Mr. DELAY) calling out for the G-men in Texas or the gentleman from California (Mr. THOMAS) calling out for the Capitol Police in Washington.

It is the cornerstone of our democracy that we have dissent and differences of opinion in this country, and yet it is the strength of our democracy. We will not be intimidated. We will not back down. Too many Americans, working families who need our help, also need our voice.

ANTI-AMERICANISM ACCORDING TO NEWT GINGRICH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. VAN HOLLEN. Mr. Speaker, on Wednesday this House of Representatives passed legislation to authorize funding for the Department of State, for the conduct of U.S. foreign policy, and to provide direction and guidance in the area of foreign policy. We are fortunate indeed to have hundreds of men and women working for the State Department here and around the world who have dedicated their lives to public service and are committed to serving our country at home and abroad.

These public servants had been recently subjected to outrageous and unwarranted attacks by the former Speaker of this House, Newt Gingrich.

In a scurrilous article in the current issue of Foreign Policy, entitled Rogue State Department, and in an earlier speech he gave before the American Enterprise Institute, Mr. Gingrich accuses the men and women of the State Department of nothing less than undermining the status and respect of the United States around the world.

In his article, Mr. Gingrich asserts that the cause of rising anti-American sentiment around the world is that the men and women of the State Department have "abdicated values and principles in favor of accommodation and passivity." He accuses them of propping up dictators, coddling the corrupt and ignoring secret police abuse around the world. This from the man who was Speaker of this House, led this body in a three-to-one vote against President Clinton's Bosnia policy, a policy that started the process leading to the overthrow of the war criminal Mr. Milosevic.

Mr. Gingrich's article piggybacks on an earlier speech he gave before the American Enterprise Institute here in Washington in which he claimed the State Department was engaging in a "deliberate and systematic effort to undermine President Bush's foreign policy." These are extremely serious charges. Before making such serious charges, one would think that a person who wanted to be taken seriously would provide some credible evidence. He does not.

Let us start with the fact that it is the President of the United States, not the Foreign Service or any other career civil servants, who selects the top policy-makers at the Department of State, beginning with the Secretary of State. Indeed, the top jobs in State Department are awarded to political appointees of the President, starting with Secretary of State Colin Powell. They are the captains of the ship. They set the vision, they establish the policies and they give the orders.

If Mr. Gingrich believes what he writes, that the State Department is a culture that props up dictators, coddles the corrupt and ignores secret police, then his complaint is with President Bush who appointed the political team at the Department and who are charged with ensuring that the policies of the President are carried out.

The fact of the matter is Mr. Gingrich provides not one single example in his article of where the career Foreign Service or other civil servants of the Department of State have refused to carry out the policies established by the Secretary of State and the President.

What does he refer to as exhibit A in his capital case against the men and women of our State Department? He points to an internal analysis done by the Bureau of Intelligence and Research. That is the bureau within the Department of State responsible for analyzing intelligence information we collect and analyzing that information, and he suggests that the Bureau of Intelligence and Research and that that information, that some of the information collected, that our post-war challenges in Iraq are more daunting than President Bush's sunny rhetoric suggests.

Specifically, in a portion of his article entitled Out of Sync, he contrasts statements made in a speech given by President Bush to statements made in an internal, confidential assessment by the Bureau of Intelligence and Research. In a speech in Dearborn, Michigan, the President stated, "I have confidence in the future of a free Iraq. The Iraqi people are fully capable of self-government." The internal State Department analysis reportedly stated that "Liberal democracy would be difficult to achieve in Iraq," and that "electoral democracy were to emerge, could well be subject to exploitation by anti-American elements."

One does not have to be a rocket scientist to understand that the statements made in the INR memo are reasonable conclusions. The facts on the ground in Iraq have demonstrated clearly that liberal democracy would be difficult to achieve in Iraq, not impossible, but certainly difficult. It is a challenge ahead.

It is also obvious that elections in Iraq could be exploited by anti-American Islamic fundamentalist forces.

□ 1730

That does not mean we should not support elections. Of course we should. But we should be clear-eyed about the possible consequences.

The important point here is not so much that Mr. Gingrich is blind to the obvious accuracy of these assessments that were made in the Bureau of Intelligence and Research. The issue is whether we want our policymakers to receive objective and independent analysis about the situation in Iraq, or anywhere else in the world, or do we want our nonpartisan experts to tailor, to fit their analyses to the political and ideological platform of the President, whether that President be a Republican or whether that President be a Democrat.

Mr. Gingrich would like the professional analysts to manipulate the facts to fit the policy, rather than have a policy informed by the facts. He would have the taxpayers support a cadre of professional yes men and women to make sure that their internal and confidential analyses of the facts were in sync with the President's policy. Anyone else, any other conclusions, he apparently considers a traitor to the cause.

What is amazing, what is amazing is that Mr. Gingrich would choose this moment to make this criticism. We are now learning more each day about how intelligence officials felt pressured to manipulate their assessments about the alleged links between al Qaeda and Saddam Hussein and how their refutation of the claim that Iraq was seeking nuclear material from Niger was ignored by the White House. Indeed, the State Department's analysts in the Bureau of Intelligence and Research, the very officials that Mr. Gingrich condemns in his article, determined last year that the report about Iraq importing nuclear material from Niger was not credible.

The President admitted recently that claims about Iraq seeking nuclear material from Africa should never have been included in his State of the Union speech this year. However, by Newt Gingrich's logic, the fact that the Bureau of Intelligence and Research reached a contrary finding that conflicted with the President's statement in the State of the Union address would be evidence that the State Department seeks to undermine Bush foreign policy.

It is a sad, sad day for our country when Mr. Gingrich would attack accurate and truthful statements made by career State Department officials as part of a systematic effort to undermine foreign policy. We should be working hard to create a bigger, a better firewall between intelligence analysts and the policymakers rather than weaken that wall, as proposed by Mr. Gingrich.

Let us consider another example: In a speech in Cincinnati last October, the President stated, and I quote, "Iraq has attempted to purchase high-strength aluminum tubes and other equipment needed for gas centrifuges, which are used to enrich uranium for nuclear weapons."

We now know that intelligence analysts in the State Department, as well as experts at the Department of Energy, concluded that the tubes' characteristics made it much more likely they were suited for artillery rockets. British intelligence and subsequently a team of American, British, and German experts convened by the International Atomic Energy Agency, with 120 years of cumulative experience, agreed that the thickness of the aluminum tube walls made them unsuitable for uranium enrichment purposes. And yet again, by Mr. Gingrich's logic, the experts at the State Department would be viewed as undermining U.S. foreign policy for reaching any conclusions at odds with what the President says.

The fact that certain intelligence assessments from INR, or any other government agency for that matter, may be out of sync with the President's policy does not mean, does not mean that those intelligence analysts are engaged in some kind of deliberate and systematic effort to undermine our foreign policy. The President may always choose to ignore or disagree with the independent assessments of experts, but it is folly and shortsighted to suggest that he should not have the benefit of those independent assessments.

The intelligence analysts at INR and elsewhere in the government have a duty to provide the Secretary of State and ultimately the President with their best assessment and their best judgment. It would be irresponsible for them to do otherwise when the lives of American men and women are at stake; and it is outrageous that Mr. Gingrich would have nonpartisan public servants betray their mission, violate their integrity and pander to the politicians.

Mr. Gingrich titles his article the "Rogue State Department." I suggest he focus his gaze across the Potomac. There at the Pentagon certain political appointees of President Bush have systematically undermined the independence and professionalism of our intelligence services. There, in the lead-up to the war in Iraq, they created a so-called Office of Special Plans, a rump group set up to manipulate the intelligence to fit the policy. This truly was a rogue operation, and apparently Mr. Gingrich, who sits on the Defense Advisory Board, believes that operation should become the model for the State Department and other intelligence agencies.

Another remarkable part about the Gingrich foreign policy article is the extent to which he believes that anti-American sentiment abroad is the result of inadequate PR, inadequate public relations, and inadequate spin control, rather than the substance of the policies themselves. He states, and I quote, "One can hardly overstate how poorly the United States communicates its message and values to the world. Large majorities in France, Germany, and South Korea oppose the United States' perspective on Iraq, not to mention the 95 percent disapproval rate in Turkey."

In other words, he sees these disapproval ratings as the result of our failure to explain our actions, rather than stemming from the actions themselves. Yes, says Mr. Gingrich, if only we had a better PR machine to explain to France, to Germany, South Korea, Turkey and others around the world our theory of preemptive wars, our theory of the nuclear first-use doctrine, and our claims that Iraq's WMD posed an imminent threat, then they would be enthusiastic supporters of our Iraq policy.

And how would he do this? How would he put together this transformation? What is his solution?

Bring in "professional help." I kid you not. It is on page 46 of this article. To address the anti-American sentiments around the world, we need not, according to Mr. Gingrich, reconsider any of our policies. We need not consider working in partnership with other nations to resolve international challenges. Rather, we should "bring in business advisory groups drawn from internationally sophisticated corporations to advise the State Department on how to improve U.S. communication strategies."

Apparently, the world, according to Newt, is just one big game of spin control. Yes, bring in the big boys from Madison Avenue and the executives from multi-national corporations to explain our foreign policy and the world will love us.

Just as amazing is whom Mr. Gingrich chooses to blame for what he perceives as a failed public relations game. It is not Secretary of Defense Donald Rumsfeld, whose incendiary remarks unnecessarily inflamed European sentiment against us. It is not the President and his White House spokesmen who command the bully pulpit and wield the megaphone. No, according to Mr. Gingrich, the culprits are the men and women in the bowels of the State Department. Yes, they, according to Mr. Gingrich, are the ones who are responsible for the raging anti-American sentiment around the world.

You know, these outrageous accusations leveled by Mr. Gingrich might be dismissed as the wild rantings of a former Member of Congress who, as a private citizen, is free to express his views without being held accountable to anybody but himself. But he has not surrendered all his public responsibilities. He currently serves on the Defense Policy Advisory Board, which is chartered to provide the Secretary of Defense, the Deputy Secretary of Defense with advice on a range of national security matters.

The caption accompanying Mr. Gingrich's article on foreign policy references his position on the board, and it is in light of the responsibilities of that position that we should judge his statements. The President, the Secretary of Defense, and the Secretary of State cannot allow Mr. Gingrich's McCarthy-like attacks against the professionalism and integrity of the men and women of the State Department to stand. To do so would send a terrible message at this very critical time.

First, as our Nation faces serious challenges abroad, our foreign policy must be guided by the best informed intelligence and analysis our diplomats and intelligence officers can provide. To suppress that information could jeopardize the success of our policies and endanger the lives of our citizens.

Second, it would be folly for our national security leaders to see American problems abroad simply as PR issues to be addressed through an aggressive ad and spin control campaign. We cannot afford to block out the insights and the analyses and the assessments of our regional and country experts in the State Department and elsewhere in the United States Government.

Mr. Gingrich has openly and loudly attacked the integrity of the men and women in the State Department. Moreover, he has advocated positions that would weaken our ability to confront the challenges we face abroad. Allowing him to remain on the Defense Policy Advisory Board would send a terrible signal. It would send a message to the men and women who work every day to protect our national security and advance our interests abroad that his statements are acceptable to this White House and this administration.

Mr. Gingrich should do the right thing now and resign from the board. If he does not resign, the President, the Secretary of Defense, and the Secretary of State should hold him accountable for his statements, and they should demand his resignation from the board. The Bush administration can either stand by the statements of Mr. Gingrich or they can make it clear that those statements are unacceptable.

Mr. President, Secretary Rumsfeld, Secretary Powell, where do you stand?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Tennessee (at the request of Ms. PELOSI) for today on account of attending the funeral of Sgt. Roger Rowe who was killed in Iraq.

Mr. DEFAZIO (at the request of Ms. PELOSI) for today after 2:30 p.m. on account of official business in the district.

Mr. MCNULTY (at the request of Ms. PELOSI) for today after 12:55 p.m. on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MENENDEZ, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. SANDLIN, for 5 minutes, today.

(The following Members (at the request of Mr. NORWOOD) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, July 23.

Mr. HENSARLING, for 5 minutes, July 23.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, July 21, 22, 23, and 24.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 314. An act to make improvements in the Foundation for the National Institutes of Health, to the Committee on Energy and Commerce.

S. 499. An act to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers; to the Committee on Resources.

S. 546. An act to provide for the protection of paleontological resources on Federal lands, and for other purposes, to the Committee on Resources; in addition to the Committee on Agriculture for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 643. An act to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes, to the Committee on Resources.

S. 651. An act to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes, to the Committee on Resources.

S. 677. An act to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes, to the Committee on Resources.

S. 924. An act to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes, to the Committee on Resources.

S. 1076. An act to authorize construction of an education center at or near the Vietnam Veterans Memorial, to the Committee on Resources.

S. 1399. An act to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building", to the Committee on Government Reform.

ADJOURNMENT

Mr. VAN HOLLEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Monday July 21, 2003, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3263. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Changes in Reporting Requirements [Docket No. FV03-993-1 IFR] received July 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3264. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et al.; Increased Assessment Rate [Docket No. FV03-930-2 FR] received July 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3265. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Increase in Membership on the Area No. 2 Colorado Potato Administrative Committee [Docket No. FV03-948-1 FR] received July 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3266. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Changes in Fees for Federal Meat Grading and Certification Services [Docket No. LS-02-06] (RIN: 0581-AC13) received 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3267. A letter from the Administrator, Department of Agriculture, transmitting the Department's "Major" final rule — Control of Listeria monocytogenes in Ready-to-Eat Meat and Poultry Products [Docket No. 97-013F] (RIN: 0583-AC46) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3268. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on orders issued to protect Safeguards Information; to the Committee on Energy and Commerce.

3269. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective June 1, 2003, the 15% Danger Pay Allowance for Jordan was terminated due to the ending of authorized departure status, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

3270. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on "Overseas Surplus Property," pursuant to Public Law 105—277, section 2215; to the Committee on International Relations.

3271. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the export to Iraq of the certain body armor, nuclear, biological and chemical protective equipment, and military equipment (such as small arms and ammunition) for use in reconstituting the Iraqi military or police forces, is in the national interest of the United States (Transmittal No. DDTC 01IZ-03), pursuant to Public Law 108—11, section 1504; to the Committee on International Relations.

3272. A letter from the Under Secretary, Natural Resources and Environment, Department of Agriculture, transmitting notification that it is in the public interest to use procedures other than competitive procedures for a contract involving the National Recreation Reservation System, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform.

3273. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to Remove the Douglas County Distinct Population Segment of Columbian White-Tailed Deer From the Federal List of Endangered and Threatened Wildlife (RIN: 1018-AF43) received July 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3274. A letter from the Counsel, Pacific Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, Calendar Year 2002, pursuant to 36 U.S.C. 4610; to the Committee on the Judiciary.

3275. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Depreciation of Vans and Light Trucks [TD 9069] (RIN: 1545-BB06) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3276. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-48] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3277. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2003-87) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1701. A bill to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape; with an amendment (Rept. 108–219). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Resolution 288. Resolution directing the Secretary of Transportation to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States; adversely (Rept. 108–220). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. SHAYS, Ms. LEE, Mr. SERRANO, Mr. ABERCROMBIE, Mr. KILDEE, Ms. WOOLSEY, Ms. LORETTA SÁNCHEZ of California, Ms. ROYBAL-ALLARD, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, and Mr. SANDERS):

H.R. 2790. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to provide for a performance standard for breast pumps; and to provide tax incentives to encourage breastfeeding; to the

Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. SANDERS, Ms. LEE, Mr. MORAN of Virginia, and Mr. HOLT):

H.R. 2791. A bill to eliminate the unfair and disadvantageous treatment of cash military compensation other than basic pay under the supplemental security income benefits program; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia:

H.R. 2792. A bill to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 2793. A bill to provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians; to the Committee on Resources.

By Mr. LUCAS of Kentucky:

H.R. 2794. A bill to authorize the transfer of the U.S.S. Narwhal to the National Submarine Science Discovery Center in Newport, Kentucky; to the Committee on Armed Services.

By Mrs. MALONEY (for herself and Ms. NORTON):

H.R. 2795. A bill to amend the Child Nutrition Act of 1966 to provide vouchers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children under that Act; to the Committee on Education and the Workforce.

By Mr. THOMPSON of Mississippi:

H.R. 2796. A bill to amend the Fair Credit Reporting Act to prohibit the use of consumer credit history for any insurance purpose and to require the disclosure of consumer reports and the credit scoring procedure in order to prevent inaccuracies and mistakes in consumer credit reports, and for other purposes; to the Committee on Financial Services.

By Mr. WILSON of South Carolina (for himself, Mr. DAVIS of Tennessee, Mr. JENKINS, Mr. BROWN of South Carolina, Mr. NORWOOD, Mr. COLLINS, Mr. MCCOTTER, Mr. CARDOZA, and Mrs. MYRICK):

H.R. 2797. A bill to amend title 32, United States Code, to improve the readiness of State defense forces and to increase military coordination for homeland security between the States and the Department of Defense; to the Committee on Armed Services.

By Mr. BROWN of South Carolina (for himself, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BEAUPREZ, Mr. BOOZMAN, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. FOLEY, Mr. GARRETT of New Jersey, Mr. HAYES, Mr. OSBORNE, Mr. PENCE, Mr. PITTS, Mr. ROGERS of Michigan, Mr. SOUDER, and Mr. WILSON of South Carolina):

H.J. Res. 65. A joint resolution proposing an amendment to the Constitution of the United States respecting real and virtual child pornography; to the Committee on the Judiciary.

By Ms. PELOSI:

H. Res. 324. A resolution relating to a question of the privileges of the House.

By Mr. HASTINGS of Florida (for himself, Mr. BALLENGER, Mr. MENENDEZ, Ms. ROS-LEHTINEN, Mr. ACKERMAN, and Mr. CROWLEY):

H. Res. 325. A resolution commemorating the 9th anniversary of the attack on the Argentine Jewish Mutual Aid Association (AMIA) in Buenos Aires, Argentina, and highlighting the attack as characteristic of the threat to the United States from radical Islamic organizations operating from Latin America; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TOOMEY introduced A bill (H.R. 2798) for the relief of Gracekutty Thomas and her son Gladwin Thomas; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Mr. BOUCHER.

H.R. 66: Mr. BOUCHER.

H.R. 97: Mr. GREEN of Texas and Mr. BOUCHER.

H.R. 106: Mr. GOODE.

H.R. 125: Mr. LIPINSKI.

H.R. 135: Mr. HASTINGS of Florida.

H.R. 218: Ms. MILLENDER-MCDONALD, Ms. GRANGER, Mr. COLLINS, and Ms. LORETTA SANCHEZ of California.

H.R. 236: Mr. MCINTYRE.

H.R. 284: Mr. FEENEY, Mr. HASTINGS of Florida, Mrs. DAVIS of California, Mr. COLE, and Mr. BROWN of Ohio.

H.R. 290: Ms. HARMAN, Mr. RUPPERSBERGER, and Mr. COLE.

H.R. 296: Ms. ESHOO and Mr. HINCHEY.

H.R. 339: Mr. YOUNG of Alaska and Mr. KLINE.

H.R. 384: Mr. SOUDER, Ms. GINNY BROWN-WAITE of Florida, and Mr. FLAKE.

H.R. 391: Mr. MILLER of Florida.

H.R. 422: Mr. UPTON.

H.R. 687: Mr. SAXTON and Mr. OTTER.

H.R. 742: Mr. ENGLISH, Mr. ROSS, Mr. EMANUEL, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 790: Mr. SAXTON.

H.R. 792: Mr. SMITH of Washington.

H.R. 806: Mr. MCGOVERN, Mr. GRIJALVA, Mr. BISHOP of New York, and Mr. BEREUTER.

H.R. 857: Mr. CASE.

H.R. 931: Mr. CALVERT.

H.R. 962: Mr. BERMAN.

H.R. 997: Mr. KNOLLENBERG and Mr. GARRETT of New Jersey.

H.R. 1078: Mr. BONILLA, Mr. COBLE, Mr. SIMMONS, Mr. SHAYS, Mr. POMEROY, Mr. SCHROCK, Mr. PITTS, and Mr. HASTINGS of Florida.

H.R. 1083: Mr. NORWOOD.

H.R. 1100: Mr. RYAN of Wisconsin.

H.R. 1105: Mr. WATT.

H.R. 1117: Mr. SMITH of New Jersey.

H.R. 1174: Mr. JONES of Ohio.

H.R. 1196: Mr. OWENS and Mr. HOLT.

H.R. 1215: Mr. ACEVEDO-VILA and Mr. DAVIS of Illinois.

H.R. 1216: Mr. KUCINICH, Mr. ACEVEDO-VILA, Mr. DAVIS of Illinois, and Mr. MICHAUD.

H.R. 1217: Mr. CLYBURN and Mr. DAVIS of Illinois.

H.R. 1218: Mr. DAVIS of Illinois and Mr. THOMPSON of Mississippi.

H.R. 1231: Mr. OWENS, Mr. BISHOP of New York, Mr. REYNOLDS, Mr. PICKERING, and Mr. RUSH.

H.R. 1250: Mr. ENGLISH.

H.R. 1348: Mr. CASE.

H.R. 1411: Ms. KILPATRICK, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Mr. MCGOVERN, and Mr. KUCINICH.

H.R. 1421: Mr. FILNER and Ms. CARSON of Indiana.

H.R. 1430: Mr. LARSON of Connecticut and Mr. ISRAEL.

H.R. 1479: Mr. LOBIONDO.

H.R. 1480: Mr. PRICE of North Carolina.

H.R. 1482: Mr. MCGOVERN.

H.R. 1499: Mr. PRICE of North Carolina.

H.R. 1513: Mr. TERRY, Mr. HOLDEN, Mr. GREEN of Wisconsin, and Mr. POMEROY.

H.R. 1523: Mrs. MYRICK.

H.R. 1532: Mr. OWENS and Mr. MICA.

H.R. 1676: Mr. MANZULLO and Mr. AKIN.

H.R. 1708: Mr. TAYLOR of Mississippi.

H.R. 1723: Mr. HINCHEY.

H.R. 1734: Mr. BURTON of Indiana, Mr. DUNCAN, Mr. WAMP, and Mr. BACA.

H.R. 1767: Mr. BARRETT of South Carolina and Mr. HEFLEY.

H.R. 1813: Mr. TIERNEY and Mr. GREEN of Wisconsin.

H.R. 1818: Mr. LYNCH and Mr. UDALL of Colorado.

H.R. 1822: Ms. MILLENDER-MCDONALD, Mr. LANTOS, Mr. FROST, Mr. CARDOZA, Mr. DOOLITTLE, Mr. FARR, Ms. HARMAN, and Ms. LEE.

H.R. 1861: Mr. GEORGE MILLER of California.

H.R. 1874: Mr. VAN HOLLEN and Mr. KILDEE.

H.R. 1992: Mr. GUTIERREZ, Mr. MENENDEZ, Mr. PASTOR, Mr. ORTIZ, Mr. BACA, Ms. LINDA T. SANCHEZ of California, Mrs. NAPOLITANO, Mr. REYES, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. BECERRA, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. CASE, Mr. HONDA, and Mr. OWENS.

H.R. 1998: Mr. UPTON, Mr. COX, Mr. HINCHEY, Mr. ANDREWS, Mr. CASE, Ms. GINNY BROWN-WAITE of Florida, and Mr. SHAW.

H.R. 2020: Mr. LUCAS of Kentucky.

H.R. 2037: Mr. HOLT.

H.R. 2042: Mr. NADLER, Mr. BECERRA, Mr. HOLT, Mr. OLVER, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Mr. WEINER, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. CARDIN, Mr. VAN HOLLEN, and Ms. WOOLSEY.

H.R. 2096: Mr. NETHERCUTT, Mr. GINGREY, Mr. ROGERS of Kentucky, Mr. GOODLATTE, Mr. GRIJALVA, Mr. COLE, Mr. JEFFERSON, and Mr. ROGERS of Michigan.

H.R. 2205: Mr. BERRY, Mr. GREEN of Texas, Mr. FARR, Ms. WATSON, Mr. WATT, Mr. JACKSON of Illinois, Mr. QUINN, Mr. CRANE, and Mr. PORTMAN.

H.R. 2232: Mrs. NORTHUP.

H.R. 2316: Mr. COLLINS.

H.R. 2372: Ms. SCHAKOWSKY.

H.R. 2379: Mrs. EMERSON.

H.R. 2394: Mr. LIPINSKI, Mr. MATHESON, and Mr. SANDLIN.

H.R. 2418: Ms. SCHAKOWSKY.

H.R. 2427: Mr. LARSON of Connecticut, Mr. OLIVER, Mr. CLAY, and Mr. CROWLEY.

H.R. 2462: Mr. BLUMENAUER and Mr. FARR.

H.R. 2482: Mr. BLUMENAUER.

H.R. 2490: Mr. ETHERIDGE.

H.R. 2568: Mrs. LOWEY and Mr. MCGOVERN.

H.R. 2569: Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mrs. CHRISTENSEN, Mr. RUPPERSBERGER, Mrs. DAVIS of California, and Mr. MENENDEZ.

H.R. 2579: Mr. EHLERS, Mr. HOSTETTLER, and Mr. FORBES.

H.R. 2591: Mr. GARRETT of New Jersey.

H.R. 2613: Ms. MCCOLLUM.

H.R. 2620: Mr. PENCE, Ms. WOOLSEY, Mr. MCGOVERN, Ms. ROS-LEHTINEN.

H.R. 2622: Mr. ADERHOLT, Mr. TERRY, and Mr. DAVIS of Florida.

H.R. 2625: Mr. ROTHMAN, Ms. MILLENDER-MCDONALD, Mr. HONDA, Mrs. NAPOLITANO, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Ms. SOLIS, Ms. WATERS, and Mr. OLVER.

H.R. 2626: Mr DINGELL, Mr. REHBERG, Mr. QUINN, and Mr. OSBORNE.

H.R. 2629: Mr. OWENS.

H.R. 2661: Mr. COBLE.

H.R. 2665: Ms. KAPTUR.

H.R. 2671: Mr. BACHUS, Mr. CRANE, Mr. ROHRABACHER, Mr. OTTER, Mr. GARRETT of New Jersey, Mr. FRANKS of Arizona, and Mr. BILIRAKIS.

H.R. 2680: Mr. DAVIS of Florida, Mr. KUCINICH, Mr. GREEN of Texas, Mr. ROSS, Mr. BELL, Mr. KILDEE, Ms. PELOSI, Mr. CARDOZA, Mr. SHERMAN, Mr. MORAN of Virginia, Mr. MILLER of North Carolina, Mr. BRADLEY of New Hampshire, Mr. STARK, Mr. LANTOS, Ms. LORETTA SANCHEZ of California, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mr. EMANUEL, Mr. GUTIERREZ, Mr. BOSWELL, Mr. BURNS, Mr. LATOURETTE, Ms. KAPTUR, Mr. CRANE, Mr. ROGERS of Alabama, Mr. SPRATT, Mr. HOLDEN, Mr. GEORGE MILLER of California, Mr. GREEN of Wisconsin, Mr. WAXMAN, Mr. VISCLOSKY, Mr. MENENDEZ, Mr. PICKERING, Mr. CAMP, Mr. ROGERS of Michigan, and Mr. BAIRD.

H.R. 2705: Mr. MCINTYRE and Mr. WICKER.

H.R. 2711: Mr. VAN HOLLEN and Mr. GREEN of Wisconsin.

H.R. 2719: Mr. COLLINS, Mr. CONYERS, Mr. BROWN of South Carolina, Mr. MCNULTY, and Ms. KILPATRICK.

H.R. 2720: Mr. RUSH, Ms. SCHAKOWSKY, and Ms. BALDWIN.

H.R. 2727: Mr. WEXLER.

H.R. 2752: Mr. CASE.

H.R. 2758: Mr. NUSSLE.

H.R. 2769: Mrs. NORTHUP, Mr. BURTON of Indiana, and Mr. WAMP.

H.J. Res. 28: Mr. THOMPSON of Mississippi.

H.J. Res. 30: Mr. THOMPSON of Mississippi.

H.J. Res. 31: Mr. THOMPSON of Mississippi.

H.J. Res. 32: Mr. THOMPSON of Mississippi.

H.J. Res. 33: Mr. THOMPSON of Mississippi.

H.J. Res. 34: Mr. THOMPSON of Mississippi.

H.J. Res. 35: Mr. THOMPSON of Mississippi.

H.J. Res. 36: Mrs. KELLY.

H. Con. Res. 47: Mrs. NAPOLITANO, Mr. FROST, and Mr. KUCINICH.

H. Con. Res. 176: Mr. KANJORSKI.

H. Con. Res. 229: Mr. BERMAN, Mr. WALSH, Mr. MCNULTY, and Mr. KUCINICH.

H. Res. 315: Mr. REYES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL, and Mr. RODRIGUEZ.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. ISAKSON.

EXTENSIONS OF REMARKS

HONORING MAJOR JAMES "CHOCKS" EWALD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. DINGELL. Mr. Speaker, I rise today to honor Major James "Chocks" Ewald of the Michigan Air National Guard. This heroic pilot has proven to possess incredible courage under exceptionally harrowing circumstances.

Major Ewald served with the Air Force for nine years, flying in support of contingency operations in Bosnia, Korea and Iraq. In 1998, he joined the 110th Fighter Wing of the Michigan Air National Guard. Since his transfer to the 110th, he has served as Flight Instructor and Squadron Weapons Officer. He recently returned from a four-month tour of duty in Kuwait in support of Operation Iraqi Freedom where he flew over 30 combat sorties.

During a mission over Baghdad, Iraq on April 8, 2003, Major Ewald's A–10 warplane was struck by a surface-to-air missile. Major Ewald courageously continued to fly the damaged aircraft for about 12 minutes, during which time he made valiant decisions that enabled him to recover vital Iraqi intelligence information. He completed several battle damage checklists, identified critical aircraft system operations, made tentative plans for aircraft recovery and gathered important information about threats affecting future Close Air Support operations. Afterward he not only managed to perform an injury-free ejection, he also evaded potential capture by gathering his survival equipment and hiding in thick foliage a short distance from his parachute landing. He was rescued by friendly U.S. Army units within 15 minutes of the crash. Less than a week after the incident, Major Ewald admirably resumed his service to our country.

Mr. Speaker, the valor and sacrifice of our men and women in the Armed Forces cannot be praised enough. The heroism, hard work and patriotism of this courageous man should be applauded. I would like you and all of my colleagues join me in commending Major James "Chocks" Ewald for his limitless courage and leadership during his service to our country and in wishing both him and his family many more happy years of life. Major Ewald has truly shown the Nation what it means to be a hero.

PERSONAL EXPLANATION

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. OBEY. Mr. Speaker, on July 15, 2003, during Rollcall 108–364 on the Paul Amendment, one of a series of rolled votes on amendments to H.R. 1950, I cast my vote in error. Had I voted as I intended, I would have voted "no."

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other puroses:

Mr. CRANE. Mr. Chairman, I rise in support of H.R. 1950, the Foreign Relations Authorization Act. This legislation includes much needed reforms to how the United States distributes foreign aid. President Bush's new foreign aid initiative, the Millennium Challenge Account, offers aid only to those countries that meet certain standards of respecting human rights, investing in the future of their peoples, and promoting economic opportunity and freedom. With this proposal, President Bush has issued a challenge to help those that are less fortunate, to promote universal human rights and values around the world, and to be part of the worldwide spread of democracy and freedom.

This past March, I introduced H. Con. Res. 119, a resolution that offers Congress's condolences to the loved ones of those innocent Americans that have been killed in Israel, and calls on the Palestinian Authority to work with Israel to protect all innocent people (regardless of citizenship) from terrorist violence.

Sadly, since H. Con. Res. 119 was introduced, four more Americans have been murdered by Palestinian terrorists. That is why I offered an amendment to H.R. 1950 that incorporates the text of H. Con. Res. 119 with some additions to reflect the deaths and injuries inflicted on American citizens by terrorists since its introduction.

Since Yasser Arafat, on behalf of the Palestinian people, renounced violence in the Oslo Peace Accords on September 13, 1993, at least 41 Americans have been killed by Palestinian terrorists. At least another 79 Americans have been injured in terrorist attacks. That grim total includes a knife attack on an expectant mother that resulted in the death of her unborn child.

My amendment also requires that the State Department begin to include the killing of every American by terrorists in its annual "Chronology of Significant Terrorist Incidents," as reported in future Patterns of Global Terrorism reports.

This amendment will make the American public more aware of the harm coming to our citizens overseas and show the surviving families that Congress knows and cares about the deaths of their loved ones. And it will reaffirm our commitment to ensuring that terrorism—both in America and in Israel—will be defeated.

I would like to thank International Relations Committee Chairman HENRY HYDE and Ranking Member TOM LANTOS for their assistance and support for H. Con. Res. 119 and this amendment. In addition to my own staff, I also want to thank Andrew Shore and Shalla Ross of the House Republican Conference and Paul Teller of the Republican Study Committee for their hard work on this issue.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes:

Mr. STARK. Mr. Chairman, I rise to offer my support for this bill funding America's international diplomatic and humanitarian efforts. However, I do not do so without reservations. I strongly opposed the Republicans callously stripping funding from this legislation that would aid women throughout the world. Out of compassion for the plight of many women and the millions of children born into poverty each year, this House should honor our Nation's longstanding commitment to the United Nations Population Fund (UNFPA).

UNFPA is the largest internationally funded source of population assistance to developing countries. For over 3 decades, UNFPA has provided over $6 billion in assistance to more than 150 countries for voluntary family planning and maternal and child health care. Contrary to accusations made by its antichoice proponents, UNFPA does not provide abortions or abortion service. They prevent the need for abortions by educating women in other countries on the many advantages to services such as contraception and disease prevention.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

For the last 3 years, the Bush administration has unilaterally cancelled funding for the UNFPA initiative, claiming that UNFPA plays a role in the coercive abortion practices of the Chinese government.

Just last year, upon the President's request, three monitoring teams visited China to investigate UNFPA's program, including a group from the U.S. Not one of the three groups, who also consisted of a former Dutch Ambassador to NATO and a group from the British parliament, found evidence of coercive practices and recommended the release of funding for the UNFPA.

Nonetheless, family-planning opponents in this chamber vowed to strike the UNFPA provision within the overall bill before us today, claiming UNFPA support programs knowingly and intentionally participate in the management of forced abortion and sterilization in China.

While that portion of the bill greatly troubles me, I would like to convey my support for many of the other initiatives contained in this bill. The positive components of this bill include: increases in contributions to the poorest countries worldwide, new programs designed to improve the lives of Afghan women, a fund to allocate increased aid to international peacekeeping activities, and an increase of financial support for the Peace Corps and refugee assistance.

While we had a real chance today to make some significant changes to the way we provide assistance to women in other countries, I cannot deny the importance of so many other initiatives we've made available today. I rise in support of the bill and will work with like-minded colleagues and advocates to improve this bill before it comes back before us as a conference report.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes:

Mr. WALDEN of Oregon. Mr. Chairman, I rise today to express my strong support for the amendment offered by my colleague from Colorado, which is designed to force the government of Indonesia to do what until now it has utterly failed to do—bring to justice the murderers who killed two American citizens and wounded eight others in Papua, Indonesia, in August of 2002.

Among the victims of that tragic attack were Ted Burgon of Sunriver, Oregon, and Rick Spier of Colorado, both of whom lost their lives. Ted's wife, Nancy Burgon, was wounded in the ambush, as were Ken Balk and Saundra Hopkins, also of Sunriver, and their young daughter, Taia. A number of other members of their party suffered injuries at the hands of the terrorists who perpetrated this cowardly attack.

Mr. Chairman, despite the time that has elapsed since the tragedy in Indonesia, the murderers of Burgon and Spier have not been brought to justice. Perhaps most disturbingly, there seems to have been little effort on the part of the Indonesian government, which receives substantial aid from the people of the United States, to ensure that these killers are made to pay for their crimes. Indeed, strong evidence suggests that government officials have actively thwarted the American investigation into the attack. This amendment is intended to correct this inequity.

Mr. Chairman, since the attack occurred, evidence has been brought to light suggesting that members of the Indonesian military, and not a rogue band of criminals, bears responsibility for the ambush. Following the attack, the Indonesian police conducted an inquiry and ultimately issued a report asserting that, "there is a strong possibility that the [attack] was perpetrated by members of the Indonesian National Army Force." Indeed, the attack occurred less than a half-mile away from an Indonesian military checkpoint. Moreover, various news services have reported that U.S. intelligence agencies have intercepted messages between Indonesian military officials implicating army personnel in the attack.

Mr. Chairman, from the beginning Indonesian authorities have been less than cooperative in assisting with the FBI investigation into the murders. Investigative agents were denied the opportunity to interview witnesses without Indonesian authorities present and were not permitted to bring forensic evidence back to the United States for analysis. It is my firm belief that if prosecuting the murderers of American citizens on Indonesian soil is not a priority for the government of Indonesia, they should not expect to receive assistance from the people of the United States.

My colleague's amendment would prevent Indonesia from receiving International Military Education and Training (IMET) funds until the President certifies to Congress that the Indonesian government and the Indonesian military are cooperating with American authorities in their investigation into the attack. Given the strong possibility that members of the Indonesian military were involved in the ambush, it would be an affront to the memory of Ted Burgon and Rick Spier, as well as the grieving families they left behind, to continue providing funding to the Indonesian armed forces. I urge my colleagues to support this amendment.

HONORING THE LIFE OF TYLER BENTON BALES

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Ms. HOOLEY of Oregon. Mr. Speaker, two and a half years ago, a dear boy in Salem named Tyler Benton Bales lost his battle with a rare genetic disease called Hurler Syndrome.

Although I never had the pleasure of knowing him, Tyler was somewhat of a celebrity in Salem. In fact, he was the subject of a front page article in the Salem Statesmen Journal in December of 2001, when a silent auction was held to raise money to offset the cost of an expensive bone marrow transplant that was his only chance to beat Hurlers Syndrome.

Unfortunately, Tyler's heart was not strong enough to survive the rigors of his transplant and chemotherapy. This sweet boy was only sixteen months old when he passed away.

The heartache of Tyler's loss did not ease for his parents.

As if it were not hard enough to lose your sixteen month old child, the Bales later learned—courtesy of the Internal Revenue Service—that someone was claiming Tyler as a dependent on their 2000 income tax return.

As disturbing as that was, the story got worse.

Because of disclosure issues, the IRS would not give out the name of the identity thief to the Salem Police Department, even though identity theft is a felony offense in Oregon. To date, two and one half years later, the Bales still do not know the identity of this thief. Because of current laws, the Bales and Salem Police Department will never know who stole their son's personal information.

Mr. Speaker, we can't even begin to imagine the anguish this family went through.

Tyler Benton Bales was so much more than a name, a date of birth, and a Social Security number—he was a little boy who was surrounded by love during his brief time with us. His parents—and the countless number of other people who loved him—should not see his memory dishonored by a common thief whose identity could not legally be disclosed by the IRS.

Mr. Speaker, that is why I am reintroducing the "ID Theft Loophole Closure Bill." This legislation simply changes the law to allow the IRS to furnish the name, Social Security number and address of a suspected identity thief to state and local law enforcement agencies for the exclusive purpose of locating the individual.

Just last Thursday the House Ways and Means Subcommittee on Social Security conducted hearings on the use and misuse of social security numbers. It is my hope that this legislation will be forwarded to the subcommittee as they seek to address ways to curb fraud and the theft of social security numbers.

Identity theft is not a victimless crime, although thieves don't put a gun to your head. We must cut through red tape that is preventing thieves from being prosecuted for their crimes, and I believe this legislation is the right tool for the job. I urge my colleagues to support the "ID Theft Loophole Closure Act," and yield the balance of my time.

THE AUTHOR, CONSUMER, AND COMPUTER OWNER PROTECTION AND SECURITY ACT OF 2003

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. BERMAN. Mr. Speaker, today, I join Representative JOHN CONYERS, JR. in introducing "The Author, Consumer, and Computer Owner Protection and Security Act of 2003" (ACCOPS Act).

The ACCOPS Act addresses the growing scourge of illegal activity on the Internet. Illegal activities online run the gamut from identity theft, distribution of child pornography, and unlicensed drug sales to stalking, fraud, trademark counterfeiting, and financial crimes.

Online copyright piracy, in particular, has gotten out of control. At any given moment, more than 4 million people are logged onto the single biggest peer to peer (P2P) file-swapping network, where they illegally traffic in over 850 million mostly-infringing files. P2P infringement of copyrighted music has garnered the most attention, but many other works, such as the latest Harry Potter book, are also widely infringed on P2P networks. On a daily basis, new web sites, with names such as Puretunes or Listen4ever, pop up offering unauthorized downloads of copyrighted works. Internet Relay Chat (IRC) channels and File Transfer Protocol (FTP) sites remain havens for theft of the newest software or pre-release movies. Chat rooms and other e-groups designed for needlework hobbyists have morphed into unrepentant sources of copyrighted needlework infringement, with one Yahoo!-run group alone hosting almost 50,000 pages of copyright-infringing needlework designs.

It might be argued that the breadth of illegal activity online merely reflects that found in the physical world. While that may be true, the online world presents unique challenges. The relative anonymity of the Internet, the technological savvy of some malefactors, and the sheer number of scams collectively make it difficult to investigate and prosecute many online illegalities. Further, current law does not, in some instances, adequately address the nature of these online illegalities, or take into account the novel techniques used in their commission.

Law enforcement authorities need additional resources and statutory authority to effectively deal with this rash of online scams, crimes, and illegalities. Together with H.R. 2517, which Representative CONYERS and I joined Representative LAMAR SMITH in introducing, the ACCOPS Act will go a long way to providing law enforcement with the tools they need.

Title I of the ACCOPS Act is directed at providing law enforcement agencies with adequate resources and coordination authority to enforce the criminal copyright laws. Section 101 authorizes the appropriation of not less than $15 million for criminal copyright enforcement for fiscal year 2004. Section 102 requires the National Intellectual Property Law Enforcement Coordination Council (NIPLECC) to develop guidelines to ensure that its component members share amongst themselves law enforcement information related to infringement of U.S. copyrighted works. Section 103 enables Congress to better monitor the success of law enforcement efforts by requiring the Attorney General to submit biannual, instead of annual, reports on criminal copyright cases.

Title II addresses the unique law enforcement challenges posed by the transnational character of online copyright infringement. With increasing frequency, investigators of online infringements find that the infringers are located outside the United States. Section 201 is designed to ensure that federal law enforcement agencies do everything in their power to pursue even foreign infringers. Section 201 requires the Attorney General to provide to a foreign authority evidence to assist such authority in determining whether a person has violated any of the copyright laws administered or enforced by the foreign authority, or in enforcing such foreign copyright laws. By ensuring the appropriate foreign authority will receive all relevant information and possible assistance on the case, Section 201 increases the likelihood that the foreign infringer will be prosecuted.

Title III of the ACCOPS Act clarifies the application of criminal copyright laws in the online world, and creates a number of new federal offenses to deter a broad range of illegal activity online.

Section 301 clarifies that the uploading of a single copyrighted work to a publicly accessible computer network meets the 10 copy, $2,500 threshold for felonious copyright infringement. Section 301 simply brings the law into accord with the reality that uploading a copyrighted work to a place from which millions can download it is equivalent to the distribution of 10 or more copies having a value of $2,500 or more. This clarification is necessary because some prosecutors appear skeptical that they can successfully pursue cases against many uploaders of copyrighted works. Even though uploaders are the real culprits in the illegal distribution of copyrighted works, it is downloaders who make the vast majority of copies of the uploaded work.

While Section 301 ensures that a public upload meets the felony threshold, the uploader will still only have criminal liability if he actually infringed the copyright in the uploaded work. More importantly, uploaders will only have criminal liability if they have infringed willfully. The standard for proving willfulness is quite high—requiring proving both knowledge and intent on behalf of the infringer—thus there is no threat that Section 301 will subject relatively innocent infringers to criminal liability.

Section 302 addresses the problem of hackers, spammers, unscrupulous P2P software developers, and other online scam artists who have been known to "hijack" the personal computers (PCs) of the unsuspecting, and use those computers to engage in a variety of illegal or unauthorized activities. A July 12, 2003 New York Times article described how some PCs have been hijacked to distribute pornography. Several recent hearings in both the House and Senate detailed how popular peer-to-peer (P2P) software programs sometimes allow 3rd parties to "hijack" PCs to distribute child pornography and copyright-infringing material, come bundled with "spyware," and otherwise jeopardize the privacy and security of PC owners.

To address these problems, Section 302 requires that PC owners receive clear and conspicuous notice, and provide consent, prior to downloading software that would allow third parties to store material on the PC, or use that PC to search for material on other computers. Section 302 strikes a careful balance between ensuring that computer owners are fully informed, and empowered to deal with, the privacy and security risks inherent in some software, and preserving the freedom of software developers to innovate.

Section 303 addresses another technique frequently used to facilitate Internet scams and illegal activities. Web sites are often used to undertake a variety of illegal activities. Web sites may pose as legitimate payment processors in order to steal financial information, offer copyright-infringing material for download, or sell non-FDA approved drugs. In an effort to escape detection, the operators of these sites often provide false or misleading contact information when registering the domain name of the web site. Over the past several Congresses, hearings before the Judiciary Subcommittee on Courts, the Internet, and Intellectual Property have highlighted this problem. Law enforcement agencies, the Federal Trade Commission, privacy protection organizations, and intellectual property rights holders have all documented the extent to which false domain name registration information substantially inhibited law enforcement investigations, consumer protection initiatives, privacy protection missions, and the exercise of intellectual property rights.

Section 303 will address this problem by making it a federal offense to provide false contact information when registering a domain name. Section 303 makes it a Federal criminal offense to knowingly and with intent to defraud provide material and misleading false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering a domain name. The penalty is a fine, imprisonment for not more than 5 years, or both.

Section 304 deals with the growing phenomenon of copyright thieves who use portable, digital video recorders to record movies off the screen in theaters. While not of pristine quality, once one "camcorded" movie appears on the Internet, it quickly proliferates onto the P2P networks and back onto the street in the form of unprotected DVDs. Thus, even one camcorded movie can effectively defeat the best efforts of movie owners to protect their multimillion dollar investments against illegal distribution.

Section 304 makes it a Federal criminal offense to, without authorization, camcord a movie in a theater. Section 304 mirrors legislation in several states, but will be far more effective by having a national impact.

Section 305 is related to Section 303. When setting up web sites through which to infringe copyrighted works, the operators of those web sites often provide false domain name registration information. If their web site attract the attention of law enforcement or rights holders, the operators can then disconnect it without much fear of being caught, and pop up elsewhere under another domain name with different contact information.

Section 305 directs courts to consider the knowing and intentional provision of material and misleading false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering a domain name as evidence of willfulness with regard to copyright infringements committed by the domain name registrant through the use of that domain name. While a prosecutor is already likely to proffer false domain registration information as indicative of willfulness, enactment of Section 305 will ensure that courts accord this evidence appropriate weight.

In conclusion, I believe the ACCOPS Act, in combination with the previously-introduced H.R. 2517, will go a long way to stimulating and facilitating more effective investigation and prosecution of many online illegalities, most particularly criminal copyright infringements. I do not, however, claim that the ACCOPS Act is a perfect creation, nor that it contains every salutary proposal in this area. It may be that some further provisions need to be added, or some stricken. I do believe that it represents a positive step in the right direction, and will strongly advocate for its adoption.

ETHAN LANE GIBBS MAKES HIS MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate a former member of my staff, Mr. Robert Gibbs, and his wife Mary Catherine on the birth of their first son, Ethan Lane Gibbs. Ethan was born on Tuesday, July 8, 2003, and he weighed 10 pounds and 5 ounces. As Robert has noted, Ethan is a big boy, a trait gained from his father, and a beautiful baby, a trait passed down by his mother. My wife Faye joins me in wishing Robert and Mary Catherine great happiness during this very special time in their lives.

As a father of three, I know the immeasurable pride and rewarding challenge that children bring into your life. The birth of a child changes your perspective on life and opens the world to you in a fresh, new way. Their innocence keeps you young-at-heart. A little miracle, a new baby holds all the potential of what human beings can achieve.

With great pleasure, I welcome young Ethan into the world and wish Robert and Mary Catherine all the best as they raise him.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes:

Ms. SCHAKOWSKY. Mr. Chairman, I am pleased today to speak in support of my amendment to H.R. 1950, the State Department Authorization bill, which expresses the sense of the Congress that the Secretary of State should provide adequate resources to United States Embassies and Consular Offices in order to meet the workload requirements for visa application processing.

The State Department recently issued a rule requiring nearly all visa applicants who wish to come to the United States for travel, business, or study to have personal interviews at Embassies or Consular Offices. This rule will significantly increase the amount of work and time Embassies and Consulates must give to each visa applicant. In Fiscal Year 2002, nearly 5.8 million business and tourist visas were issued and it is estimated that, in some countries, as few as 20 percent of applicants were required to be interviewed. While I support necessary security precautions, this new rule will clearly result in months of backlogs that could seriously jeopardize American business, education, and tourism unless these offices are provided with adequate resources and personnel to handle the increased workload.

Unfortunately, the Secretary of State has expressed to U.S. Embassies and Consulates that he "expects and accepts that many posts will face processing backlogs for the indefinite future." Furthermore, the message from the State Department in Washington, DC, is that, while posts can request more personnel, for the most part, they "must implement the new interview guidelines using existing resources. Posts should not, repeat not, use overtime to deal with additional workload requirements."

Requiring our Foreign Service officers to take on a vastly increased workload without also providing the resources necessary to support that work may actually undermine our national security. It is unclear that overworked staff who are forced to conduct personal interviews with thousands of visa applicants will be able to adequately identify terrorists and other potentially harmful visitors in what are reportedly two to three minute interviews. Instead, these workers will be more likely to miss important details in visa applications as they rush to keep up with additional work requirements. Only by providing sufficient resources to meet the new interview requirements can we ensure that the steps we take to implement more stringent security protections will effectively safeguard our Nation from those who may wish to do us harm.

Furthermore, if we are to remain a respected nation and an ally to countries around the world, it is critical that people be able to travel to the United States for business and pleasure without unnecessary hurdles of burdens. It is also critical for our economy, which depends on tourism and on conducting business with foreign nationals in order to stay strong, that people be able to travel to the United States without unnecessary inconveniences. Long wait times and growing backlogs of visa applications will serve to do the opposite and discourage people from coming to the United States to spend money and conduct business.

I have heard from my constituents of people missing business meetings, important family events, and opportunities to study at American universities because it took too long for their visa application to be processed. For example, we have heard about three month waiting periods in Israel, one of our closest allies, which prevented a young Israeli from coming to the U.S. to work as a camp counselor. In another example, a group of Indian performers who were set to tour the United States will miss their performance in Chicago this weekend because they were not approved in time. And three people from Jakarta will miss their business meeting next week because their visa was not accepted in time. Finally, a young man had to postpone a wedding reception he had been planning for months because visa backlogs prevented his fiancée from getting to the United States from South Korea in time.

It is because of situations like these and countless others that we must provide our Embassies and Consulates with adequate resources to meet the needs of visa applicants. It is because of our national security interests that we must provide our Foreign Service officers the resources they need to do their jobs well. I am pleased that this amendment was accepted into the en bloc amendment, and I thank Chairman HYDE and Ranking Member LANTOS for their support.

WORKING GROUP ON WASTE, FRAUD, AND ABUSE SPECIAL ORDER

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. FRANKS of Arizona. Mr. Speaker, President Calvin Coolidge wisely said, "The men and women of this country who toil are the ones who bear the cost of the government. Every dollar we carelessly waste means that their life will be so much the more meager. Every dollar that we prudently save means that their life will be so much the more abundant."

Mr. Speaker, the men and women of this country deserve fiscal responsibility and careful spending. They deserve the peace of mind that comes from knowing that we are doing all we can to prudently save, and we are working to find ways to ensure life more abundant.

I believe every department of government can and must examine ways to more efficiently use taxpayer dollars to improve the lives of all Americans. Today I would like to discuss specifically just one: the Department of Education.

Citizens Against Government Waste say, "the Department [of Education] now employs nearly 5,000 people, close to 1000 percent increase from 1979, yet ED spending for public schools accounts for less than 6 percent of total education spending. There are currently 780 education programs spread throughout 39 Federal agencies, costing taxpayers $100 billion annually . . . In addition, the average amount spent on each public school student has skyrocketed. In 1965, the average SAT score was 980 and slightly less than $3,000 was spent per student. More than 30 years later, the average SAT score is 910 and about $6,500 is spent per pupil."

The reckless swelling of this Department is not an indication of success. Our children deserve money better spent, that is, taxpayer dollars going for what they were intended: a quality education. Pouring more money into a deficit system will not improve education. Instead, it will further weaken the kind of education that our young people deserve.

In the state of Arizona, the average cost of an hour of tutoring at the Sylvan Learning Center is $40. Ending the practice of fraudulent disability loan deferment represents what could be one billion hours of private tutoring, quality one-on-one hours that could potentially make a profound difference in the education of a child.

According to the Inspector General of the Education Department Lorraine Lewis, also in 1999, the Department of Education made a number of improper payments, including about $125 million in duplicate payments to 45 different grantees, $664,000 in duplicate payment to 51 different schools and a $6 million double payment to a single school.

These duplicate payments are unacceptable and irresponsible.

A double payment of $125 million dollars represents the opportunity for 869 Arizonans to attend four tuition-free years at Arizona State University.

Some may say figures like $6 million, or $664,000, are not even worth mentioning or tracking in a system spending hundreds of billions of dollars. I think that line of reasoning is exactly why Department of Education is so fraught with financial mismanagement. It is time we examine how to better spend millions, hundreds of thousands, and even thousands of hard-earned taxpayer dollars, and set a new standard of accountability to those who "toil to bear the cost of government."

THE NATION MUST HONOR OUR WORKING FAMILY HEROES

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. OWENS. Mr. Speaker, the July 10th vote to allow the expenditure of funds to implement radical changes in the overtime provisions of the Wage and Hour Act was an outrageous and devastating attack on working families. Compounding the horror of this action is the recent announcement that our present complement of soldiers in Iraq, ninety percent of whom come from working families, will be forced into combat overtime for the indefinite future. Not even the one year rotation rule of Viet Nam will be applied to relieve their long ordeal under extreme heat and guerrilla warfare duress. Overtime in the dangerous defense of the nation is being mandated without controls while at the same time overtime wages to feed working families is being subjected to new schemes which reduce take-home pay. This is an unacceptable continuation of the gross exploitation and oppression of working families by the Republican's Scrooges who presently dominate the Congress and the White House. This nation faces a tragic predicament: An elite group of juvenile old men have plunged us into a war where great suffering and pain is being inflicted on working families who bear the brunt of the casualties on the front lines as well as the fallout from economic dislocations and recession here at home. It appears that the Republican well-to-do decision makers have great contempt for those who do the dangerous and dirty work for our nation. All Americans must remember the debt we owe to those who risk their last full measure of devotion. Or perhaps the powerful and the rich should go to the front lines first. The RAP poem below is a summary of my indignation on this critical action:

LET THE RICH GO FIRST

Working Families
Keep your soldiers at home,
For overtime in Iraq
No cash
No comp time
Not even gratitude,
Republicans intrude
To exempt all heroes,
No combat rotation
Life on indefinite probation
Scrooges running the nation.
To the front lines
Let the rich go first—
For blood they got a thirst,
Let the superstars drink it
In the glorious trenches;
Leave the disadvantaged on the benches.
Working Families
Let the rich go first:
The battlegrounds they always choose
Their estates have the most to lose;
Send highest IQs to
Take positions at the front,
Let them perform their best
High tech warfare stunt;
Working Families
Keep your malnourished sons home—
Harvard Yale kids should roam
The world with guns and tanks,
Reserve gold medals
For the loyal Ivy League ranks.
O say you can see
Millionaire graduates
Dying for you and me?
Welfare Moms
Have a message for the masters:
Tell Uncle Sam
His TANF pennies he can keep
For food stamps we refuse to leap
Through your hoops like beasts;
Promise to leave our soldier alone
And we'll find our own feasts.
To Uncle Sam we offer a bargain—
Don't throw us dirty crumbs
Don't treat us like bums
And then demand
The full measure of devotion;
Our minds are now in motion
Class warfare
Is not such a bad notion;
Your swindle will not last
Recruiters we won't let pass,
Finally, we opened our eyes—
Each family is a private enterprise,
Each child a precious prize;
We got American property rights,
Before our children die in war
This time we'll choose the fights.
Let the rich go first:
They worry about
The overtime we abuse;
The battlefields they always choose
Their estates have the most to lose.
Let the rich go first!

LEGISLATION TO PROHIBIT THE FEDERAL GOVERNMENT FROM IMPOSING A "CARRY TAX"

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. PAUL. Mr. Speaker, I rise to protect American liberty, privacy and economic well-being by introducing legislation to prohibit the Federal Government from imposing a "carry tax." A carry tax is a tax imposed on Americans that requires them to pay a tax whenever they make a bank deposit. The amount of the tax is based on how long their money has been in circulation. Hard as it may be to believe, some in the Federal Government have actually considered imposing this tax on American citizens. Since this bill punishes those who rely on cash for the majority of their economic transactions, and since lower income Americans tend to rely on cash for their economic transactions, this is a highly regressive tax plan. Furthermore, since the plan is designed to lower interest rates, it will negatively impact those who rely on investment income for a significant part of their income. Thus, the carry tax will lower the income of millions of senior citizens.

Proposals to punish people if their economic behavior meets with the disapproval of government officials form the foundation of the type of central planning which caused so much misery in the last century. The carry tax proposal is obviously incompatible with a free market. This proposal is also a major threat to personal and financial privacy and thus individual liberty. In order to enforce the carry tax, the government would need a means of monitoring how long each piece of currency has been in circulation and how many hands it passed through before coming into the possession of the person on whom the tax is assessed. Thus, enforcing this tax would also give the government the power to monitor the transactions of individual Americans. The Federal Government should not abuse the authority granted it by our current monetary system and legal tender laws as a backdoor means of prying into the private economic transactions of American citizens. That is why my legislation also forbids the Federal Government from placing any information storage capacity on any Federal Reserve notes.

The carry tax was proposed as a measure to counteract the perceived risk of deflation. Yet, the problems this carry tax is intended to solve are caused by our government's boom-and-bust monetary policy. Any perceived deflation in the American economy is the result of the end of the inflationary period of the nineties that created the stock market bubble. When the bubble burst, there was the inevitable process of liquidating bad investments caused by the misallocation of credit as a result of the Federal Reserve monetary policy. In fact, this liquidation is necessary for the economy to recover from the economic misallocations caused by the Federal Reserve's monetary policy.

Unfortunately, rather than finally putting an end to the boom-and-bust cycle, most in Washington are preparing to resume the cycle by calling on the Federal Reserve and the Treasury to flood the economy with new money. If Congress is not going to stabilize the American economy by reforming our unstable monetary policy, it should at least refrain from using this government failure as an excuse to further restrict the American people's liberty through an odious carry tax. I therefore hope my colleagues will join me in supporting this legislation.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes:

Mr. SCHIFF. Mr. Chairman, I rise today in support of full and continued funding for the United Nations Population Fund, or UNFPA. Since beginning operations in 1969, the UNFPA has provided over $6 billion in vital maternal and child health programs to women in 150 countries around the world.

This makes the UNFPA the single largest global source of multilateral funding for maternal health and family planning programs. The United States' contribution alone to the UNFPA last year provided approximately 870,000 women in developing countries with modern contraception, thereby preventing 500,000 unwanted pregnancies, 200,000 abortions, and thousands of maternal and child deaths.

The programs supported by UNFPA are both timely and relevant. In the past eight months, UNFPA has delivered modern obstetric care to such locations as Kinshasa, in the Democratic Republic of the Congo; Kabul, Afghanistan; and Baghdad, Iraq, helping to rebuild reproductive health services in the places where they are needed the most. Its campaigns to prevent the spread of HIV and AIDS have reached five continents and more than 140 nations. It would be no exaggeration to say that the UNFPA has been on the cutting edge of health care delivery the world over.

These programs, so vital to families around the world, depend on the support of 136 donor countries, including the United States. By our continued support for UNFPA, we recognize the importance of global reproductive health services and ensure that the Population Fund will be able to continue delivering them.

Indeed, the costs of ending our support for UNFPA are staggering. The $34 million denied to UNFPA in 2002 would have prevented some two million unwanted pregnancies, 800,000 abortions, 4,700 maternal deaths, nearly 60,000 cases of maternal illness or disability, and 77,000 infant and child deaths.

The amendment offered in the House International Relations Committee by my colleague, Mr. CROWLEY, has made our support for these programs possible, while still maintaining the highest standards for human rights, ensuring that each dollar provided to the UNFPA will be used for the promotion of the noble ends that it was created to serve. Any cuts or restrictions to UNFPA funding levels will only jeopardize the health and well-being of millions of women the world over.

Mr. Chairman, members of the House, I thank you for your time, and I urge my colleagues to oppose cutting amendments and resume our support for the UNFPA, which will continue—with our assistance—to deliver vital family planning and reproductive health services to families around the globe.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal year 2004 and 2005, and for other purposes:

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this bill, though there are provisions in it that concern me.

First, I voted against the rule as it prevented the House from considering important amendments. Among them were amendments urging U.S. leadership, by participating in negotiations on climate change, to reduce greenhouse gases and providing funding for removal of land mines and agricultural redevelopment of former mine fields.

The rule did allow the consideration of an amendment that passed by just five votes, reversing the position taken by the House International Relations Committee on funding for the United Nations Population Fund (UNFPA). I voted against that amendment, and I am discouraged by the continuing refusal of the House to consider the facts when it comes to UNFPA. Allegations against UNFPA in China have never been substantiated despite the fact the program has endured more scrutiny than any other UNFPA program. But despite the findings of the Administration's own investigation team in July 2002 that UNFPA is not engaged in any coercive activity in China, President Bush canceled the $34 million allocated for UNFPA in FY2003 and requested no money for the program in FY2004. I will continue to fight for funding for UNFPA's important mission and for the right of foreign organizations that provide information about reproductive health care to receive U.S. aid.

The House also voted on an amendment sponsored by Representatives HOSTETTLER, GALLEGLY, and TANCREDO. I want to clarify the reasons for my opposition to this amendment, which sets standards for consular identification cards issued by foreign governments and used in the United States. The amendment provides that if foreign governments do not abide by the strict U.S. standards, the U.S. government will refuse to issue any visas to foreign nationals from those countries.

I believe protecting our national security requires that we know who is in our country, and I agree that establishing a set of standards for consular identification cards would increase their legitimacy and decrease fraudulent use of the cards. But I did not believe that the Hostettler amendment approached the problem in the right way. Forcing foreign governments to abide by U.S. standards for consular identification cards is an unprecedented attempt to change how a country relates to its own nationals in a host country, and is likely in breach of the Foreign Missions Act and the Vienna Convention on Consular Affairs. Implementation of this amendment would also set a very dangerous precedent for our embassies abroad. In addition, I understand that the Administration will soon unveil its own proposal for standardization of these consular identification cards. So in my view, the Hostettler amendment not only had technical problems, but it was also premature.

Despite these concerns, I am a strong supporter of our foreign aid programs and our international institutions, and so I support this bill.

I am pleased that the bill authorizes assistance to the Palestinian Authority to improve the Palestinian economy and living conditions of the Palestinian people. I am pleased that the bill includes increased funding for the Migration and Refugee Assistance program. I am also pleased that the bill includes funding for UNESCO and that it permits the U.S. to pay its full assessment for U.N. peacekeeping efforts in each of the next two years.

Most importantly, I am pleased that the bill includes the Hyde-Lantos amendment authorizing the Millennium Challenge Account program and reauthorizing the Peace Corps. The Peace Corps provisions come from H.R. 250, the Peace Corps Charter for the 21th Century Act, a bill that I introduced with my colleague Representative FARR earlier this year.

We worked across party lines, with the Administration, and with returned Peace Corps volunteers to come up with this important bill.

My own background as an educator and director at Outward Bound for twenty years taught me about the importance of national and community service. But I also have strong connections to the Peace Corps—through my great state of Colorado and through my family. Colorado has one of the highest levels of recruitment of Peace Corps volunteers nationwide, and returned Peace Corps Volunteers in the 2nd Congressional District alone number over 500. Of course, the most important Peace Corps connection for me is my mother, who served as a volunteer in Nepal decades ago.

Because of these connections I have a special interest in advancing the ability of the Peace Corps to play an important role in these new times.

As Americans, we are proud of our country, our freedoms, our democracy, our diversity. We know how fortunate we are to live in the United States. And yet we were sent a clear message on September 11th that we are not necessarily viewed abroad the way we view ourselves at home. Why is this so? More importantly, how can we change this?

One way is to continue to promote world peace and friendship through the people-to-people approach of the Peace Corps. After more than forty years of existence, the Peace Corps remains one of the most admired and successful initiatives ever put in place. But it needs to be updated to reflect the realities of our 21st century world, and that's what the Farr-Udall bill will do.

The bill we're introducing today meets the Administration's challenge to double the size of the Peace Corps to 14,000 by 2007. The bill also goes beyond this to propose a new post-9-11 "Charter" for the Peace Corps. Other highlights:

It spells out a commitment to recruit and place Peace Corps volunteers in countries where they could help promote mutual understanding, particularly in areas with substantial Muslim populations.

It establishes training programs for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases, such as HIV/AIDS.

The bill creates a grant program to enable Returned Peace Corps Volunteers to use their experience and expertise to continue to carry out the goals of the Peace Corps through specific projects.

This bill will pave the way for an expanded and refocused Peace Corps that can take on the new challenges that September 11th has presented to us, a Peace Corps that can be—as Sargent Shriver stated—"a pragmatic and dramatic symbol of America's commitment to peace." I believe that passage of the Peace Corps Charter for the 21St Century will help us head in this direction.

Again, I thank my colleague Representative FARR for working with me so closely on this legislation. I look forward to working with our colleagues in the Senate to agree on final text and to move this bill closer to enactment.

IN HONOR AND REMEMBRANCE OF CHARLES WHITMAN JONES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Charles Whitman Jones, United States Veteran, beloved husband and father, educator and administrator, and friend and mentor to countless people.

Armed with intelligence, educational achievement, integrity, motivation and a strong work ethic, Mr. Jones overcame the challenges of racial discrimination with grace and dignity. Mr. Jones had a vision for himself and for his family—a vision of happiness, success and accomplishment—that would not be thwarted during the dark days of racial inequity in America.

The accomplishments of Charles Whitman Jones are many, varied and significant. He was named class valedictorian in high school, but was not allowed to give the address because of his race. After high school, he received academic honors in both college and graduate school. Beyond his outstanding educational achievement, Mr. Jones was a superior athlete. He was awarded fourteen varsity letters during high school, and during college, he was a track, baseball and boxing champion. His outstanding baseball talent was such that he could have played in the Major Leagues, yet at that time, there was no possibility of his acceptance into a League exclusive to white players. Charles Whitman Jones was later inducted into the Myers University Athletic Hall of Fame, and was named "Father of the Year"—just two of the many awards and honors bestowed upon Mr. Jones throughout his lifetime.

Following graduation from Ohio University, Mr. Jones was inducted into the United States Army. He was selected to become one of the elite Tuskegee Airmen, and rose to the rank of Lieutenant. Following his service in the Army, Mr. Jones worked as a teacher, then chemist at Standard Oil Company in Cleveland. He married his childhood sweetheart, Diane, and together they raised their son, Peter. His commitment to others led him to leave Standard Oil to join Neighbors Organized for Action in Ohio (NOAH) as its executive director. This non-profit agency focused on constructing and providing decent and affordable housing for residents in the Hough area of Cleveland. Later, Mr. Jones was asked to join the administration at Myers University, where he served as Director of Admissions, Athletic Director, Director of Student Services, and Assistant to the President for Community Affairs.

Throughout his lifetime, Charles Whitman Jones consistently reached beyond the racial barriers of the day and held strong to his dream, purpose and focus—his wife and son, his commitment to others, and his professional and individual achievements. He paved the way for others to succeed, with great dignity, strength and grace—gently leading and always inspiring.

Mr. Speaker and colleagues, please join me in honor and remembrance of Charles Whitman Jones, an outstanding American citizen whose integrity, warmth, wit and concern for others have left an unwavering mark upon our Cleveland community. I extend my deepest condolences to Mr. Jones' cherished wife of fifty-four years, Diane; his beloved son, Peter Lawson Jones; his beloved daughter-in-law, Lisa Payne Jones; his beloved grandchildren, Ryan, Leah and Evan; and his many extended family members and friends. Although he will be deeply missed, the wonderful life and legacy of Charles Whitman Jones will live on in the hearts of all whom he loved and inspired—especially his family and closest friends—today, and for generations to come.

THE MONETARY FREEDOM AND ACCOUNTABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Monetary Freedom and Accountability Act. This simple bill takes a step toward restoring Congress' constitutional authority over U.S. monetary policy by requiring congressional approval before the President or the Treasury secretary buys or sells gold. I also ask for unanimous consent to insert into the RECORD articles by Kelly Patricia O Meara of Insight magazine detailing the evidence supporting allegations that the United States Government has manipulated the price of gold over the past decade and the harm such manipulation caused American investors, taxpayers, consumers, and workers.

Federal dealings in the gold market have the potential to seriously disrupt the free market by either artificially inflating or deflating the price of gold. Given gold's importance to America's (and the world's) monetary system, any federal interference in the gold market will have ripple effects through the entire economy. For example, if the government were to intervene to artificially lower the price of gold, the result would be to hide the true effects of an inflationary policy until the damage was too severe to remain out of the public eye.

By artificially deflating the price of gold, federal intervention in the gold market can reduce the values of private gold holdings, adversely affecting millions of investors. These investors rely on their gold holdings to protect them from the effects of our misguided fiat currency system. Federal dealings in gold can also adversely affect those countries with large gold mines, many of which are currently ravished by extreme poverty. Mr. Speaker, restoring a vibrant gold market could do more than any foreign aid program to restore economic growth to those areas.

While the Treasury denies it is dealing in gold, the Gold Anti-Trust Action Committee (GATA) has uncovered evidence suggesting that the Federal Reserve and the Treasury, as detailed in the attached article. GATA alleges that the Treasury, operating through the Exchange-Stabilization Fund and in cooperation with major banks and the International Monetary Fund, has been interfering in the gold market with the goal of lowering the price of gold. The purpose of this policy has been to disguise the true effects of the monetary bubble responsible for the artificial prosperity of the 1990s, and to protect the politically-powerful banks that are heavy invested in gold derivatives. GATA believes federal actions to drive down the price of gold help protect the profits of these banks at the expense of investors, consumers, and taxpayers around the world.

GATA has also produced evidence that American officials are involved in gold transactions. Alan Greenspan himself referred to the federal government's power to manipulate the price of gold at hearings before the House

Banking Committee and the Senate Agricultural Committee in July, 1998: “Nor can private counterparts restrict supplies of gold, another commodity whose derivatives are often traded over-the-counter, where central banks stand ready to lease gold in increasing quantities should the price rise.”.

Mr. Speaker, while I certainly share GATA's concerns over the effects of federal dealings in the gold market, my bill in no way interferes with the ability of the federal government to buy or sell gold. It simply requires that before the executive branch engages in such transactions, Congress has the chance to review it, debate it, and approve it.

Given the tremendous effects on the American economy from federal dealings in the gold market, it certainly is reasonable that the people's representatives have a role in approving these transactions, especially since Congress has a neglected but vital constitutional role V in overseeing monetary policy. Therefore, I urge all my colleagues to stand up for sound economics, open government, and Congress' constitutional role in monetary policy by cosponsoring the Monetary Freedom and Accountability Act.

[From Insight Magazine, July 8, 2003]

PANIC IS NEAR IF “THE GOLD IS GONE”

(By Kelly Patricia O Meara)

Gold. It's been called a barbarous relic, and those who focus on its historic role as a standard of value frequently are labeled “lunatic fringe.” Given the recent highs in the gold market, it looks like the crazies have been having a hell of a year. With the stock market taking its third yearly loss, gold returned nearly 30 percent to investors, moving from $255 an ounce to six-year highs of $380.

Just about every analyst and “expert” on Wall Street willing to mention any of this has been quick to explain that the increase in the price of gold is due to impending war with Iraq. But hard-money analysts are arguing that should the United States go to war it will be of very little consequence to the price of gold—a momentary blip—because gold is a commodity and its price a matter of supply and demand.

The “lunatic fringe” long has argued that the price of gold was being manipulated by a “gold cartel” involving J.P. Morgan Chase, Citigroup, Deutsche Bank, Goldman Sachs, the Bank for International Settlements (BIS), the U.S. Treasury and the Federal Reserve, but that the manipulation had been sufficiently exposed to require that it be abandoned, producing the steady upward increase in the price of the shiny, yellow metal.

In fact the “gold bugs,” as they're known, are so sure of their research that not only do they believe the price of gold will continue to climb, but many are expecting to see prices of $800 to $1,000 an ounce. Until recently, most in the gold and financial worlds scoffed at such a prediction, but last month the Bank of Portugal made an announcement that shocked those who credit official gold-reserve data and added fuel to the contention of the gold bugs that the “gold-cartel” manipulation is in meltdown.

What the Bank of Portugal revealed in its 2001 annual report is that 433 tonnes [metric tons] of gold—some 70 percent of its gold reserve—either have been lent or swapped into the market. According to Bill Murphy, chairman of the Gold Anti-Trust Action Committee (GATA), a nonprofit organization that researches and studies the gold market and reports its findings at www.LeMetropoleCafe.com: “This gold is gone—and it lends support to our years of research that the central banks do not have the 32,000 tonnes of gold in reserve that they claim. The big question is: How many other central banks are in the same predicament as the Portuguese?”

Murphy explains: “The essence of the rigging of the gold market is that the bullion banks borrowed central-bank gold from various vaults and flooded the market with supply, keeping the price down. The GATA camp has uncovered information that shows that around 15,000 to 16,000 tonnes of gold have left the central banks, leaving the central-bank reserves with about half of what is officially reported.”

This is why those who follow such arcana are predicting an explosion in the price of gold. According to Murphy, “The gold establishment says that the gold loans from the central banks are only 4,600 to 5,000 tonnes,” but his information is that these loans are more than three times that number, which means “they're running out of physical gold to continue the scheme.”

According to Murphy, “The cartel has been able to get away with lying about the amount of gold in reserve because the International Monetary Fund [IMF] is the Arthur Andersen of the gold world.” He has provided to Insight documents from central banks confirming that the IMF instructed them to count both lent and swapped gold as a reserve. “In other words, the IMF told the central banks to deceive the investment and gold world[s]. Once this gold is lent [or] swapped, it's gone until such time as it can be repurchased. And with the skyrocketing price of gold we're now seeing, it would be incredibly expensive, let alone nearly physically impossible, to get it back.”

What is important to understand, says Murphy, “is that there is a mine and scrap supply deficit of 1,500 tonnes, which is an enormous deficit when yearly mine supply is only 2,500 tonnes and going down. On top of that, there are these under-reported gold loans and other derivatives that are on the short side. There is no way to pay this gold back to the central banks without the price of gold going up hundreds of dollars per ounce. So the peasants and women of the world will have to sell their jewelry at say $800 an ounce to bail out these short positions or someone is going to have to tell the world that they don't have the gold that they have reported,” shaking the world's financial system to its core.

The gold bugs appear to be basing their identification of a world gold shortage on industry data, much of which has been summarized in two papers prepared by four different gold analysts at different times using separate methods. The first paper was written by governmental investment adviser Frank Veneroso and his associate, mining analyst Declan Costelloe. Titled Gold Derivatives, Gold Lending: Official Management of the Gold Price and the Current State of the Gold Market, it was presented at the 2002 International Gold Symposium in Lima, Peru, and estimates the gold deficit of the central banks at between 10,000 and 15,000 tonnes. The second paper, Gold Derivatives: Moving Towards Checkmate, by Mike Bolser, a retired businessman, and Reginald H. Howe, a private investor and proprietor of the Website www.goldensextant.com, estimates the alleged shortage of central-bank gold at between 15,000 and 16,000 tonnes—nearly a decade's worth of mine production.

George Milling-Stanley, manager of gold-market analysis for the World Gold Council (WGC), a private organization made up of leading gold-mining companies that promotes the acquisition and retention of gold, is aware of these papers and shortage numbers but tells Insight that “there are no official [gold-reserve] reports.” That is, “The central banks are under no obligation to report what they lend into the market, what they place on deposit and what they do with their swaps, so there's a conventional-wisdom view, and a couple of different bodies have done some fairly serious research in[to] this and have come up with a figure [of] around 4,500 to 5,000 tonnes.”

Stanley's estimate is based on data provided by so-called “serious” researchers, including Londonbased Gold Fields Mineral Services (GFMS), one of the world's foremost precious-metals consultants, and a report titled Gold Derivatives: The Market View, commissioned by the WGC to London-based Virtual Metals Consultancy. While these two groups appear to be the research choice of the official gold world, there are in fact no “official” figures, and both studies, like the Veneroso/Costelloe and Bolser/Howe reports, are based on interviews, data analysis and other research generally available to the industry.

Those who believe the central banks to have misrepresented their actual gold holdings place much of the blame for the lack of transparency on the shoulders of the IMF, which presents itself as being responsible for ensuring the stability of the international financial system. Although the IMF would not respond to questions about its gold-loan/swap requirements, what information has been made public appears to support GATA's understanding of how central-bank reserves are reported.

For example, in October 2001 the IMF responded to questions posed by GATA by saying it is not correct that the IMF insists members record swapped gold as an asset when a legal change in ownership has occurred. According to this response, “The IMF in fact recommends that swapped gold be excluded from reserve assets.” Nonetheless, says GATA, there is abundant evidence that this is not the case, citing as an example the Central Bank of the Philippines (BSP).

A footnote on the Website of the Central Bank of the Philippines (www.bsp.gov.ph) in fact directly contradicts the IMF's claim: “Beginning January 2000, in compliance with the requirements of the IMF's reserves and foreign-currency-liquidity template under the Special Data Dissemination Standard (SDDS), gold swaps undertaken by the BSP with noncentral banks shall be treated as collateralized loans. Thus gold under the swap arrangement remains to be part of reserves, and a liability is deemed incurred corresponding to the proceeds of the swap.”

The European Central Bank (ECB) also made it clear that the IMF policy is to include swaps and loans as reserves. The ECB responded to GATA: “Following the recommendations set out in the IMF operational guidelines of the 'Data Template on International Reserve and Foreign Currency Liquidity,' which were developed in 1999, all reversible gold transactions, including gold swaps, are recorded as collateralized loans in balance of payments and international investment-position statistics. This treatment implies that the gold account would remain unchanged on the balance sheet.” The Bank of Finland and the Bank of Portugal also confirmed in writing that the swapped gold remains a reserve asset under IMF regulations.

Although the WGC's Stanley stands by the data provided by the industry's "serious" researchers, he insists he cannot say for certain that the numbers are accurate. "There is no requirement on any country to tell the IMF how much gold it owns," says Stanley. "The requirement is to tell the IMF how much gold it has decided to place in its official reserves. Nobody knows whether that is the total of what they own or not. Obviously they can't report more than what they own, but they can certainly report less if they chose to. That gold may have been lent out, but is nevertheless still owed to them. It's a bit like any company reporting a cash position. It will report cash on hand and cash due—money owed by other people. I'm not saying this is ideal, but this is how it works."

John Embry, the manager of last year's best-performing North American gold fund and manager of the Royal Precious Metals Fund for the Royal Bank of Canada, says he is putting his and his clients' money on the "lunatic fringe" in this dispute: "I've examined all the evidence gathered by GATA and everyone else, and I think these guys are anything but lunatics. They've done their homework and have unearthed a lot of interesting stuff. The problem, though, is that the market is sufficiently opaque that there is really no way to know who is right and who is wrong."

"The fact is," continues Embry, "a lot of this stuff is based on estimations. I do however believe that, based on the evidence dug up by Veneroso and Howe, they are presenting equally if not more credible numbers than the other side. I find the campaign to undermine their credence simply bizarre. I think these guys [GATA] are right and that the number put out by Gold Fields Mineral Services as the amount of gold loaned out by the central banks is definitely wrong. Now, whether it's as much as 15,000 is up for interpretation. The recent release by the Bank of Portugal is important. When a central bank has 70 percent of its gold loaned or swapped, I don't think it is operating independently, and I suspect there are an awful lot of them that have loaned out much more than has been reported."

Embry says, "I've made a fortune for my clients investing in gold and gold stocks because I have operated on the premise that the Veneroso/Howe reports are right—that gold was significantly undervalued in the daily quote and that it was going a lot higher. The circumstantial evidence, and I bet my clients' money on it, was very much in favor of the guys who said a great deal more central-bank gold had entered the market and driven the price down far too low. GATA has had this story from day one. I think that they're right and that officialdom doesn't want this exposed. GATA is willing to have a public debate but the gold world won't debate. I think there is a tacit admission of anyone who has an IQ above that of a grapefruit that Veneroso and Howe have a pretty good point. I'm an analyst who has looked at both sides of the issue and I bet my money on GATA. So far they've been right."

Whether the gold bugs are right about the reasons for the meteoric rise in the price of gold is uncertain, but, according to GATA's Murphy: "It's all the more reason to have the central banks come clean about the actual amount of gold that physically exists in their reserves. Either way, the price of gold will continue to rise because, as we already know and others are discovering, the gold is gone."

FEDERAL TRANSPORTATION FUNDS

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Ms. KILPATRICK. Mr. Speaker, taxpayers have given the U.S. Congress the authority to allocate their hard-earned money to build and repair highways, bridges, mass transit systems and transportation projects of all kinds. In keeping with our Nation's traditions, this program is largely funded by the Federal Government but conducted by the States.

However, there lacks sufficient oversight tools to monitor how Federal transportation money is being spent at the State and local levels. More than 80 percent of comparative studies have found that contracting-out engineering, design and inspection costs of transportation projects cost more than doing this work in-house. The taxpayers could have saved some money and gotten a similar quality if state and local engineers handled the projects.

Furthermore, skilled and dedicated professionals have been leaving State and local governments for private sector, not only because salaries are higher and career opportunities are greater, but it is also because transportation departments have been reducing their staffs, holding down their pay and contracting-out the most interesting work.

Now that the "baby boom" generation of engineers is preparing to retire, State and local transportation departments need to take action to retain existing engineering and technical employees and to recruit skilled and dedicated professionals to take the place of those who are leaving.

Because of the oversight deficiency and an intention to keep professional engineers with the State and local transportation departments, I would like to introduce H.R. 1980, The Safety, Accountability, and Funding Efficiency for Transportation Act of 2003, to encourage State and local agencies that carry out surface transportation projects to conduct a cost-benefit analysis before procuring architectural, engineering and related services from a private contractor.

By conducting the cost-benefit analysis, a State's and the Federal Government agency will be able to determine if using private contractors is cost effective and if it is in the public interest to use a private contractor or in-house resources when procuring such services.

My constituents through National Association of State Highway and Transportation Unions, the AFL–CIO's Department of Professional Employees, AFSCME, Service Employees International Union and the Communications Workers of America, have shown their support for H.R. 1980, Safety, Accountability, and Funding Efficiency for Transportation Act of 2003.

The heart of this bill is to require government agencies to prepare cost benefit analysis for private contracts with a Federal funding value of $100,000 or more. The analyses must contain the cost comparison of a proposed project if it is done by a private contractor and a government agency.

In my opinion, it is now time to put accountability in utilizing the taxpayers' hard-earned money at State and local levels, especially in spending Federal transportation funds.

THE HONORABLE JOHN J. RHODES

HON. J. D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. HAYWORTH. Mr. Speaker, as is the case with so many colleagues past and present, I am honored to have the friendship and good counsel of the distinguished former House Republican Leader, the Honorable John J. Rhodes of Arizona. It is my personal privilege also to count John Rhodes as a constituent of the Fifth Congressional District of Arizona.

John Rhodes' many contributions to our state, to our nation, and to this institution of representative government are widely documented and recognized, most recently by his deserved selection to be among the first recipient of the congressional Distinguished Service Award last week.

The bestowment of that award inspired many congratulatory expressions about the life and career of John Rhodes.

CONGRATULATING FARRAGUT HIGH SCHOOL, THE CHRISTIAN ACADEMY OF KNOXVILLE AND WEBB SCHOOL OF KNOXVILLE FOR THEIR 2003 STATE CHAMPIONSHIP VICTORIES

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. DUNCAN. Mr. Speaker, I rise today to congratulate the student athletes of three Knox County high schools for their recent accomplishments during State Championships. The Farragut Admirals captured the State Title in Class AAA Baseball and Class AAA Boys Soccer while the Christian Academy of Knoxville Warriors won the Boys TSAA Class A–AA Soccer Title and the Webb School of Knoxville Girls Tennis Team took the State Title in Division II Singles and Double categories. I congratulate all the athletes who never gave up and worked tirelessly for these titles. I also congratulate the coaches and parents whose encouragement and instruction made their success possible.

Although no championship season can be easily summarized, I believe these impressive teams have earned specific mention here on the Floor of the House of Representatives.

For the previous three years, the Farragut High School Baseball team had ended their season as the State runners-up, but the 2003 season ended with more than just a well-deserved State AAA Championship. They also set a remarkable new State record with an unprecedented 48–1 season leaving them ranked 4th in the entire Nation. This is truly a remarkable program and I look forward to hearing of many future victories.

The Tennessee AAA Boys High School Soccer Championship game pitted two outstanding Knox County schools against each other when the Farragut Admirals faced off against the Bearden Bulldogs. The skill, intensity and determination of both teams were clearly evident throughout the game. It was Farragut, however, that in double overtime took the championship with a 3–1 victory. Both schools set a new standard for AAA Soccer in Knox County and I commend each of these fine athletes.

For the Christian Academy of Knoxville Boys Soccer team, earning the Tennessee Secondary School Association's (TSAA) State Championship title was a milestone in the school's athletic program and a testimony to each player's commitment to excellence. Their 1–0 victory over Chattanooga Christian School was the culmination of a hard fought season where the Warriors finished 17–2–3. This may have been the school's first State championship in soccer, but I am confident it will not be their last.

I also want to congratulate Webb School of Knoxville's State Division II tennis champions Whitney Chappell, Elizabeth Googe and Berkeley Brock for their victories. Whitney's Singles Championship match took over three hours and was a remarkable demonstration of both skill and stamina. Elizabeth and Berkeley defeated a doubles team from St. Mary's in just two sets, and showed the same level of excellence and determination as their Single's teammate Whitney. Each of these young ladies has raised an already high standard of excellence in athletics at Webb School.

Regardless of the sport, high school athletics provide a tremendous opportunity for our young people to learn and enhance their leadership abilities while also learning the value of teamwork. These young people, along with their peer athletes from other schools, will gain far more than trophies for their efforts. Their dedication to excellence will prepare them for every challenge they will face in the future and their commitment to both physical and mental excellence will serve them well their entire lives.

With or without championship victories, we congratulate every student athlete for their efforts to improve themselves. Every parent, teacher and coach is proud of these young people's hard work and commitment.

Finally, I also want to congratulate those students who commit themselves to excellence in areas off the athletic field. Regardless of the student's interest or skill, if he or she strives to reach beyond what is required, I am sure every Member of this body joins me in saying that we are proud of them and we wish them the absolute best in all they set out to achieve.

THE FOREIGN AID LIMITATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. PAUL. Mr. Speaker, today I introduce the Foreign Aid Limitation Act. This bill limits the ability of the Executive Branch to use the Exchange Stabilization Fund (ESF) to distribute largesse to foreign countries without the approval of Congress.

The Foreign Aid Limitation Act prohibits the Secretary of the Treasury from using the ESF to make a loan or extend credit to any foreign government or entity for an amount exceeding $250,000,000. The bill also forbids the ESF from being used to finance a loan or to extend credit, to any foreign government or entity for a period exceeding 60 days. The 60-day limitation can be waived if the President certifies in writing to the Chair and ranking members of the relevant House and Senate Committees that the United States obtained an assured source of repayment before making the loan or extending the credit. Finally, the bill prohibits the use of the ESF to make loans or extend credit in an amount exceeding $1,000,000,000 to a foreign government or entity without express statutory authorization. This provision can also be waived if the President certifies in writing to the heads of the relevant committees that the loan is necessary to address a financial crisis threatening the United States and Congress does not pass a joint resolution disapproving the loan or credit.

Mr. Speaker, these provisions all passed Congress as "riders" on appropriations bills in the 1990s. However, they have not been included in the appropriations bills for the past several years. It is long past time for Congress to make these provisions permanent. Over the past several years there has been great controversy over the use of the Exchange Stabilization Fund. This fund was created in the 1930s to help stabilize the exchange value of the dollar, yet it has mutated into a "slush fund" used by the executive branch to funnel money to foreign governments and even foreign companies free of congressional oversight.

In particular, there was great controversy over the Clinton administration's use of the ESF to finance the Mexican bailout without Congressional approval in 1995. Today, there is a similar controversy over the use of the ESF in the Iraq rebuilding process. Ensuring the fund is only used for narrow purposes will help end the controversy by bringing greater transparency to the disbursement of foreign aid. Even supporters of a vigorous foreign aid program should support restoring Congress' rightful role as appropriator and overseer of foreign aid funds.

Mr. Speaker, it is long past time for Congress to begin reasserting its constitutional role in the appropriation of funds for foreign aid programs. For too long, the Exchange Stabilization Fund has allowed the executive branch to commit the American taxpayer to supporting foreign governments without even consulting with Congress. I hope all my colleagues will join my efforts to end this practice by cosponsoring my Foreign Aid Limitation Act.

SMALL BUSINESS TELEWORK ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am joined by my colleagues, Representatives FROST, ABERCROMBIE, ISSA, RUSH, ROSS, WYNN, BLUMENAUER, MILLENDER-MCDONALD, FILNER, UDALL (NM), and JO ANN DAVIS (VA), in introducing the Small Business Telework Act to assist our nation's small businesses in establishing successful telework programs for their employees

Across America, numerous employers are responding to the needs of their employees and establishing telework programs. In 2000, there were an estimated 16.5 million teleworkers. By the end of 2004, there will be an estimated 30 million teleworkers, representing an increase of almost 100 percent. Unfortunately, the majority of growth in new teleworkers comes from organizations employing over 1,500 people, while just a few years ago, most teleworkers worked for small to medium-sized organizations.

By not taking advantage of modern technology and establishing successful telework programs, small businesses are losing out on a host of benefits that will save them money, and make them more competitive. The reported productivity improvement of home-based teleworkers averages 15 percent, translating to an average bottom-line impact of $9,712 per teleworker. Additionally, most experienced teleworkers are determined to continue teleworking, meaning a successful telework program can be an important tool in the recruitment and retention of qualified and skilled employees. By establishing successful telework programs, small business owners would be able to retain these valuable employees by allowing them to work from a remote location, such as their home or a telework center.

In addition to the cost savings realized by businesses that employ teleworkers, there are a number of related benefits to society and the employee. For example, telecommuters help reduce traffic and cut down on air pollution by staying off the roads during rush hour. Fully 80 percent of home-only teleworkers commute to work on days they are not teleworking. Their one-way commute distance averages 19.7 miles, versus 13.3 miles for non-teleworkers, meaning employees that take advantage of telework programs are, more often than not, those with the longest commutes. Teleworking also gives employees more time to spend with their families and reduces stress levels by eliminating the pressure of a long commute.

Mr. Speaker, our legislation seeks to extend the benefits of successful telework programs to more of our nation's small businesses. Specifically, it establishes a pilot program in the Small Business Administration (SBA) to raise awareness about telework among small business employers and to encourage those small businesses to establish telework programs for their employees.

Additionally, an important provision in our bill directs the SBA Administrator to undertake special efforts for businesses owned by, or employing, persons with disabilities and disabled America veterans. At the end of the day, telework can provide more than just environmental benefits and improved quality of life. It can open the door to people who have been precluded from working in a traditional office setting due to physical disabilities.

Our legislation is also limited in cost and scope. It establishes the pilot program in a maximum of five SBA regions and caps the total cost to five million dollars over two years. It also restricts the SBA to activities specifically proscribed in the legislation: developing educational materials; conducting outreach to small business; and acquiring equipment for demonstration purposes. Finally, it requires the SBA to prepare and submit a report to Congress evaluating the pilot program.

Several hurdles to establishing successful telework programs could be cleared by enacting our legislation. In fact, the number one reported obstacle to implementing a telework program is a lack of know-how. Our bill will go a long way towards educating small business owners on how they can draft guidelines to make a telework program an affordable, manageable reality.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. SCHIFF. Mr. Chairman, I rise in support today for this modest bipartisan amendment offered by Reps. SLAUGHTER, SHAYS, DICKS, and LEACH to increase funds for the National Endowment for the Arts and the National Endowment for the Humanities.

As a Member of the Congressional Arts Caucus, and a longtime supporter of the arts at the state level in California, I value the tremendous role arts funding and arts education programs play in the lives of our children and friends.

Several academic studies demonstrate the connection between music, dance, visual arts, and the development of the human brain. It is well known among researchers that arts education cultivates critical thinking skills that are so important in our information-age economy.

My congressional district was fortunate to receive NEA and NEH grants this year. Some of the recipients include:

Performing arts educational outreach programs at schools in my district combined with the assistance with one of the region's most respected theaters; A program to support the Chinese Community Initiative in arts education; Artist-in-residence programs in elementary schools to encourage student and teacher involvement; A program in my district that incorporates traditional music and dance from diverse cultures to improve student relations, coordination and memory; and an amateur chamber orchestra, and a symphony association program to bolster musical knowledge and skills for ethnically diverse student population.

As a parent of two young children, I am particularly interested in the most recent research. Children who learn to read music or play an instrument show improved proficiency in math and science. To further proficiency in history, I was proud to join a letter of support to House Appropriators last month that would increase funding to the NEH budget for its We the People Initiative, which is designed to boost American knowledge and appreciation for our history, culture and civic traditions.

This increase of $15 million under the Interior Appropriations for the NEA and NEH will go to fund so many rich programs offered and so many opportunities for us all.

Last year, an economic study conducted by Americans for the Arts found that America's nonprofit arts industry generates $134 billion in annual economic activity. This number includes full time jobs, household income and local, state and federal tax revenue. This study includes more than $80 billion in event-related spending by audiences. This is additional clear evidence that opportunities funded through NEA and NEH continue to bring us to new levels in our economy, culture, language, music, art and life.

I urge my colleagues to support this important amendment and commend our bipartisan colleagues who are leading the fight on this critical issue.

By supporting the arts and the humanities, the Federal Government has the ability to partner with state and local efforts to bolster the arts and educational opportunities in our communities.

IN RECOGNITION OF THE FAIRVIEW AUXILIARY BOARD TO FAIRVIEW GENERAL HOSPITAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Fairview Auxiliary Board to Fairview General Hospital, whose selfless efforts exemplify a model of benevolence and altruism.

Over fifty years ago this organization was founded under the auspices of providing essential resources to the hospital for equipment, building funds, and scholarships. Today, this organization has blossomed to staff over 140 volunteers dedicated to this proposition. Their hours of volunteered time have resulted in astounding success. Volunteers have contributed over 30,000 hours and raised more than $600,000 in the past ten years alone.

Mr. Speaker, please join me today in commending the members of the Fairview Auxiliary Board. We must encourage organizations such as theirs to continue to volunteer their time and effort in the interest of the betterment of the world.

THE SENIOR CITIZENS FREEDOM OF CHOICE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Senior Citizens Freedom of Choice of Act. This act ensures that participation in the Medicare program is completely voluntary. I also ask unanimous consent to insert into the record a letter sent to my office from a citizen who is trying to receive Social Security benefits without being forced to enroll in Medicare Part A, along with a letter from the Social Security Administration admitting that seniors who do not enroll in Medicare Part A are denied Social Security benefits.

When Medicare was first established, seniors were promised that the program would be voluntary. In fact, the original Medicare legislation explicitly protected a senior's right to seek out other forms of medical insurance. However, today, the Social Security Administration refuses to give seniors Social Security benefits unless they enroll in Medicare Part A.

This not only distorts the intent of the creators of the Medicare system, it also violates the promise represented by Social Security. Americans pay taxes into the Social Security Trust Fund their whole working lives and are promised that Social Security will be there for them when they retire. Yet, today, seniors are told that they cannot receive these benefits unless they agree to join another government program!

At a time when the fiscal solvency of Medicare is questionable, to say the least, it seems foolish to waste scarce Medicare funds on those who would prefer to do without Medicare. Allowing seniors who neither want nor need to participate in the program to refrain from doing so will also strengthen the Medicare program for those seniors who do wish to participate in it. Of course, my bill does not take away Medicare benefits from any senior. It simply allows each senior to choose voluntarily whether or not to accept Medicare benefits.

Seniors may wish to refuse Medicare for a variety of reasons. Some seniors may wish to continue making their own health care decisions, rather than have those decisions made for them by the Centers for Medicare and Medicaid Services (CMS). Other seniors may have a favorite physician who is one of the growing number of doctors who have been driven out of the Medicare program by CMS's micromanagement of their practices and below-cost reimbursements.

Forcing seniors into any government program as a precondition of receiving their promised Social Security benefits both violates the promise of Social Security and infringes on the freedom of seniors who do not wish to participate in Medicare. As the author of the submitted letter says, ". . . I should be able to choose the medical arrangements I prefer without suffering the penalty that is being imposed." I urge my colleagues to protect the rights of seniors to make the medical arrangements that best suit their own needs by cosponsoring the Senior Citizens Freedom of Choice Act.

Congressman RON PAUL
U.S. Congress, Washington, DC.

DEAR CONGRESSMAN PAUL: I am writing to inform you about a structural problem in Medicare of which you may be unaware and that I believe must be remedied, all the more so now that there are rumors that Medicare, Part A, might be combined with Medicare, Part B.

In brief; the problem to which I refer involves the requirement that a Medicare eligible individual enroll in Medicare, Part A as a condition of receiving Social Security benefits to which he or she is entitled. In fact, the Social Security Administration has combined the enrollment forms for the two programs, so that an application for Social Security benefits to which one is entitled automatically entails enrollment in Medicare, Part A.

I discovered this in June 2001 when I went with my husband to apply for my Social Security benefits. I made it quite clear that I would *not* enroll in Medicare, Part A due to my objections to certain aspects of this program. (The objectionable aspects include invasion of privacy and limitation of medical choice.) In response I was told that I then could not receive the Social Security benefits to which I am otherwie entitled.

Further communication with CMS by myself and by the office of Senator Kennedy on my behalf confirmed that CMS and the Social Security Administration take the position that "the Medicare program, Part A . . . [is] a benefit completely linked to the monthly social security benefit for those age 65 or older." Indeed I was sent a copy of federal regulation 404.640 (entitled "Withdrawal of an application"), which states that anyone who enrolls in Medicare, Part A and then decides later to withdraw will have to return all benefits received. (Another document I received states that this includes both medical benefits and social security benefits.)

Upon receipt of a copy of the letter, dated October 12, 2001, sent to Senator Kennedy regarding my complaint. I followed that letter's suggestion that I make an attempt to file "a restricted application for Social Security benefits." This I did in a letter, dated May 15, 2002, to the regional commissioner for Social Security, Manual Vaz.

The response to my letter to Mr. Vaz came from the local (Waltham) Social Security office. In that letter, dated May 29, 2002. I was told that it was impossible to make a restricted application, i.e., an "application for cash social security retirement benefits only."

Thus I was left with no recourse. I could not appeal a denial of my "restricted" application, because I was not even permitted to make the application. Short of an expensive lawsuit or an Act of Congress, there appears to be no remedy.

This is no trivial matter for me. I have now lost two years of Social Security benefits. It is not clear when or if I will ever receive these benefits. All those with whom I have discussed this problem, irrespective of their political persuasion, have been shocked to hear about these regulations.

I believe that I should be able to choose the medical arrangements I prefer without suffering the penalty that is being imposed. I ask that you take steps to remedy this situation. I shall be happy to supply documentation regarding the facts outlined above, it you request it. I look forward to hearing from you.

Sincerely,

SOCIAL SECURITY ADMINISTRATION

DEAR MS. :

Enclosed please find the regulations which state that there is no application for cash social security retirement benefits only. If you file for cash benefits you MUST file for the Medicare Part A (HI). -Therefore this can only be translated, in one way at this time. If you do not wish to file for Medicare Part A (HI) you must forfeit your right to cash benefits.

If I can be of any further assistance please feel free to contact me at the above telephone number extension, 3016.

Sincerely yours,

Technical Expert.

HONORING MAYNARD HOLBROOK JACKSON, JUNIOR, AND EXTENDING CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON HIS DEATH

SPEECH OF

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. MEEK of Florida. Mr. Speaker, I thank my colleague, JOHN LEWIS, for introducing this resolution. I was honored to cosponsor it, because I think it is very important that people in this legislative body and in this nation know the huge impact Maynard Jackson had on the country and on the African American community in particular.

You could just sense the importance of Maynard Jackson by watching the thousands of mourners who waited in lines stretching several blocks to honor him. Former Presidents joined everyday citizens in honoring the life and service of this great man, who was the first black mayor of Atlanta, a major Southern city and a symbol of both the Old South, and the New South.

Mayor Jackson paved the way for African Americans who are interested in government and civic affairs and were willing to devote their time and effort to public service. He showed what could be achieved with intelligence and fairness and hard work. And in doing so he provided both hope and opportunity to all Atlantans, white and black, while inspiring a whole generation of African American elected officials, including me.

Maynard Jackson served as Mayor of Atlanta from 1974 to 1982 and again from 1990 to 1994. His three terms were distinguished by diversification and growth in Atlanta's economy. He saw opportunity in international trade before the "world economy" became a household name. He encouraged foreign governments to open new consulates and foreign companies to open trade offices, and Atlanta's imports and exports increased accordingly.

The result of Maynard Jackson's policies was record-setting new jobs creation, strong bond ratings, and the most successful nonpreference, non-quota affirmative action and equal opportunity programs in the nation.

Maynard Jackson was also an innovator. He developed a successful neighborhood planning system and a city-wide comprehensive development plan. He also brokered major construction projects in housing and mass transit and instituted reform in city management and organization and improved employee incentives—all of which led to increased worker productivity.

Especially noteworthy was Mayor Jackson's leadership in the construction of Hartsfield Atlanta International Airport, which was completed ahead of schedule and under budget.

As a result, Maynard Jackson's years of Mayoral service are widely respected and documented as times of unparalleled economic development, internationalism, public-private partnerships, racial harmony, and fiscal stability for Atlanta. Because of his leadership, Atlanta created more jobs in the 1990s than any other U.S. city—half a million since 1993.

A report in Higher Education in America's Metropolitan Areas identified the Atlanta region as a national leader in higher education, consistently ranking in the top 10 metro areas in key measures of higher education activity. The majority of students in the Atlanta region not only are pursuing higher education, they are completing it: Atlanta has the sixth highest number of degrees conferred at the Bachelor's level and higher, due in large part to the encouragement and urging of Mayor Jackson.

It is certainly fitting that he died on the same day that the U.S. Supreme Court upheld affirmative action. He demanded that African-American firms get their fair share of government contracts, including those awarded in the $1 billion expansion of Hartsfield International Airport. By the end of his first term, the percentage of city contracts going to minority-owned firms had increased from 0.13 percent to 38.6 percent.

Today, Atlanta is recognized as one of the nation's most dynamic cities, a place where hope is alive and well and not dependent on skin pigmentation.

Maynard Jackson has left his imprint so solidly on American society—economically, educationally, creatively, and socially—that his service and tutelage will long be remembered and celebrated. He was an exemplary leader, a dedicated community servant, and a tireless advocate for economic and social justice. He literally helped change the world. He will be missed, but his spirit will live on in his extraordinary legacy.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. BECERRA. Mr. Speaker, on Monday, July 14, 2003, I was unable to cast my floor vote on rollcall Nos. 354, 355, 356, 357, 358, and 359. The votes I missed include rollcall vote 354 on the Rehberg amendment; rollcall vote 355 on the Blumenauer amendment; rollcall vote 356 on the Hefley amendment; rollcall vote 357 on the Ackerman amendment; rollcall vote 358 on passage of the Agriculture Appropriations Act of 2004; and rollcall vote 359 on the Motion to Instruct Conferees on the Medicare Prescription Drug and Modernization Act.

Had I been present for the votes, I would have voted "aye" on rollcall votes 354, 355, 357, and 359, and "nay" on rollcall votes 356 and 358.

PERSONAL EXPLANATION

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. WELDON of Florida. Mr. Speaker, I ask that the following be placed in the RECORD: During rollcall vote 367, the Hostettler amendment to H.R. 1950, the Foreign Relations Authorization Act, my "aye" vote, in favor of the amendment, was not recorded. I would ask that the permanent record reflect my support for this amendment.

THE HONEST MONEY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Honest Money Act. The Honest Money Act repeals legal tender laws, a.k.a. forced tender laws, that compel American citizens to accept fiat—arbitrary—irredeemable paper-ticket or electronic money as their unit of account.

Absent legal tender laws, individuals acting through the markets, rather than government dictates, determine what is to be used as money. Historically, the free-market choice for money has been some combination of gold and silver. As Dr. Edwin Vieira, the nation's top expert on constitutional monetary policy says: ". . . a free market functions most efficiently and most fairly when the market determines the quality and the quantity of money that's being used."

While fiat money is widely accepted thanks to legal tender laws, it does not maintain its purchasing power. This works to the disadvantage of ordinary people who lose the purchasing power of their savings, pensions, annuities, and other promises of future payment. Most importantly, because of the subsidies our present monetary system provides to banks, which, as Federal Reserve Chairman Alan Greenspan has stated, "induces" the financial system to increase leverage, the Federal Government can create additional money, in Mr. Greenspan's words, "without limit." For this reason, absent legal tender laws, many citizens would refuse to accept fiat irredeemable paper-ticket or electronic money.

Legal tender laws disadvantage ordinary citizens by forcing them to use money that is vulnerable to vast depreciation. As Stephen T. Byington wrote in the September 1895 issue of the American Federationist: "No legal tender law is ever needed to make men take good money; its only use is to make them take bad money. Kick it out!" Similarly, the American Federation of Labor asked: If money is good and would be preferred by the people, then why are legal tender laws necessary? And, if money is not good and would not be preferred by the people, then why in a democracy should they be forced to use it?

The American Federation of Labor understood how the erosion of the value of money cheated working people. Further, honest money, i.e., specie, was one of the three issues that encouraged ordinary people to organize into unions when the union movement began in the U.S. circa 1830.

While harming ordinary citizens, legal tender laws help expand the scope of government beyond that to which it is authorized under the Constitution. However, the primary beneficiaries of legal tender laws are financial institutions, especially banks, which have been improperly granted the special privilege of creating fiat irredeemable electronic money out of thin air through a process commonly called "fractional reserve lending." According to the Federal Reserve, since 1950, these private companies—banks—have created almost $8 trillion out of nothing. This has been enormously advantageous to them.

The advantages given banks and other financial institutions by our fiat monetary system, which is built on a foundation of legal tender laws, allow them to realize profits that would not be available to these institutions in a free market. This represents legalized plunder of ordinary people. Legal tender laws thus enable the redistribution of wealth from those who produce it, mostly ordinary working people, to those who create and move around our irredeemable paper-ticket electronic money which is, in essence, just scrip.

The drafters of the Constitution were well aware of how a government armed with legal tender powers could ravage the people's liberty and prosperity. That is why the Constitution does not grant legal tender power to the Federal Government, and the States are empowered to make legal tender only out of gold and silver (see Article 1, Section 10). Instead, Congress was given the power to regulate money against a standard, i.e., the dollar. When Alexander Hamilton wrote the Coinage Act of 1792, he simply made into law the market-definition of a dollar as equaling the silver content of the Spanish milled dollar (371.25 grains of silver), which is the dollar referred to in the Constitution. This historical definition of the dollar has never been changed, and cannot be changed any more than the term "inch," as a measure of length, can be changed. It is a gross misrepresentation to equate our irredeemable paper-ticket or electronic money to "dollars."

However, during the 20th century, the legal tender power enabled politicians to fool the public into believing the dollar no longer meant a unit redeemable in silver or gold. Instead, the government told the people that dollar now meant a piece of government-issued paper backed up by nothing except the promises of the government to maintain a stable value of currency. Of course, history shows that the word of the government to protect the value of the dollar is literally not worth the paper it is printed on.

Tragically, the Supreme Court has failed to protect the American people from unconstitutional legal tender laws. Salmon Chase, who served as Secretary of the Treasury in President Lincoln's administration, when he was Chief Justice of the Supreme Court, dissenting in Knox vs. Lee, summed up the argument against legal tender laws in twelve words: "The legal tender quality [of money] is only valuable for the purposes of *dishonesty*." [Emphasis added.]

Another prescient Justice was Stephen Field, the only Justice to dissent in every legal tender case to come before the Court. Justice Field accurately described the dangers to our constitutional republic posed by legal tender laws: "The arguments in favor of the constitutionality of legal tender paper currency tend directly to break down the barriers which separate a government of limited powers from a government resting in the unrestrained will of Congress. Those limitations must be preserved, or our government will inevitably drift from the system established by our Fathers into a vast, centralized, and consolidated government." A government with unrestrained powers is properly characterized as a tyranny.

Repeal of legal tender laws will help restore constitutional government and protect the people's right to a medium of exchange chosen by the market, thereby protecting their current purchasing power as well as their pensions, savings, and other promises of future payment. Because honest money serves the needs of ordinary people, instead of fiat irredeemable paper-ticket electronic money that improperly transfers the wealth of society to a small specially privileged financial elite along with other special interests, I urge my colleagues to cosponsor the Honest Money Act.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes:

Mr. HERGER. Mr. Chairman, concerning Rollcall Vote 108–364, On Agreeing to the Amendment of Representative RON PAUL of Texas to H.R. 1950, the Foreign Relations Authorization Act of 2003: Although I was correctly recorded as voting against the passage of this amendment, which eventually failed by an overwhelming vote of 74 to 350, I would like the CONGRESSIONAL RECORD to reflect that my "No" vote was in error, and I would have liked to have voted "Aye" on this provision.

Specifically, Representative PAUL's amendment would have prohibited funds authorized under H.R. 1950 to be used to pay any U.S. contribution to the United Nations or any affiliated agency of the United Nations. Like many, I firmly believe evidence of the need for a dramatic reevaluation of current U.N. policy is glaring. Over the years, the United States has been a host nation to the U.N., headquartered in New York City, and has contributed greatly to the funding for the organization, including the enormous cost to the American taxpayer of deploying our military on the numerous U.N. peacekeeping missions worldwide, amounting to roughly one-quarter of the peacekeeping expenses of the 191-member body. However, recent events surrounding the ousting of Saddam Hussein's tyrannical regime in Iraq, and the inability of the U.N. to enforce its own Security Council resolutions, has renewed questions of the legitimacy of this body, as well as the necessity and level of U.S. participation in its funding and daily activities.

I would also like to note that I have cosponsored a number of pieces of legislation in the House of Representatives, which, I believe, address these questions more thoroughly. While I do not object to the U.N.'s founding objectives of peace through positive discussions and diplomacy, the organization has clearly failed in this charter mission. As it currently exists, the United Nations merely provides a weighted platform to non-democratic and anti-American nations. Perhaps a more constructive and strategically important avenue would be to pursue an entirely new federation of nations, limiting voting membership to democratic countries that share our values and goals.

For these reasons, I have cosponsored H.R. 1146, introduced by Representative RON PAUL (R–TX), which calls on the U.S. to withdraw from the United Nations entirely. I have also cosponsored two related bills, which would impact our involvement in the U.N. in lesser ways. H.R. 800 would provide for the withholding of United States contributions to any U.N. commission, organization, or affiliated agency that is chaired or presided over by a country that has repeatedly provided support for acts of international terrorism. H. Con. Res. 116 takes this bill a step further, issuing a sense of Congress that the United States should withhold all payments to the U.N. until its bylaws are amended to prevent countries whose leaders are not democratically elected from holding a position of authority within the U.N.

MEDICARE ADVISORY COMMISSION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. DEUTSCH. Mr. Speaker, I rise today to submit into the RECORD a letter from the Medicare Payment Advisory Commission, MEDPAC, to the Administrator of the Centers for Medicare and Medicaid Services Administrator regarding CMS's proposed rule entitled Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for FY 2004; Proposed Rule, 68 Fed. Reg. 26786 (May 16, 2003). This letter calls upon CMS to construct a fair rule that allows Medicare beneficiaries to receive appropriate rehabilitation services. To achieve this goal, in effect, MEDPAC recommends a revision to the ten diagnoses—conceived twenty years ago in 1983—in an effort to better characterize today's patient population.

Based on my concern for the critical need of my constituents in Florida to continue to have access to inpatient rehabilitation facilities, I rise to express my support for MEDPAC's recommendation and feel that a modernization of the "75 percent rule" to include 20 of the 21 rehabilitation inpatient categories, all except miscellaneous, is necessary.

Under CMS's proposed rule, 86 percent of Intensive Rehabilitation Facilities would be exclude from reimbursement. If promulgated, this rule would place an increased burden on acute care hospitals. Patients with serious conditions such as stroke, brain injury, hip fracture, as well as those individuals recovering from cardiac surgery, oncology surgery and severe pulmonary conditions could potentially be denied access to critically needed rehabilitative care. It is my sincere hope that CMS will take into account MEDPAC's recent recommendations on this matter.

MEDICARE PAYMENT ADVISORY COMMISSION,
Washington, DC, July 7, 2003.

Re: File code CMS–1474–P

THOMAS SCULLY, *Administrator, Centers for Medicare & Medicaid Services Department of Health and Human Services, Hubert H. Humphrey Building, Washington, DC.*

DEAR MR. SCULLY: The Medicare Payment Advisory Commission (MedPAC) welcomes the opportunity to comment on the Centers for Medicare & Medicaid Services (CMS) proposed rule entitled Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for FY 2004; Proposed Rule, 68 Fed. Reg. 26786 (May 16, 2003). We appreciate your staff's careful work on this prospective payment system, particularly considering the competing demands on the agency.

Inpatient rehabilitation facilities (IRFs) are one of several settings that provide Medicare patients with rehabilitation services. Medicare also covers rehabilitation services in skilled nursing facilities, long-term care hospitals, at home from home health agencies, and on an outpatient basis (e.g., from a hospital outpatient department). Medicare generally varies its payments based on the setting and type of services.

CMS's criteria to distinguish IRFs from acute care hospitals and other settings for payment purposes require IRFs to:

Have provider agreements to participate in Medicare as a hospital.

Determine whether patients are likely to benefit significantly from intensive inpatient hospital programs or assessments by preadmission screening.

Ensure that patients receive close medical supervision and furnish rehabilitation nursing, physical therapy, occupational therapy, speech therapy, social or psychological services, and orthotic and prosthetic services.

Have full-time medical directors experienced in medical management of inpatients requiring rehabilitation.

Use physicians to establish, review and revise the plan of care for each IRF patient.

Use coordinated multidisciplinary team approaches in the rehabilitation of each inpatient.

Have 75 percent of their cases in 10 diagnoses—stroke, spinal cord injury, congenital deformity, amputation, major multiple trauma, fracture of femur (hip fracture), brain injury, and polyarthritis, including rheumatoid arthritis, neurological disorders, and burns.

Further, in order to be eligible for IRF care, patients must be able to sustain three hours of therapy a day.

Only one of the IRF standards is under debate: the rule requiring IRFs to have 75 percent of their cases in 10 diagnoses (the "75 percent rule"). Many have argued that the 10 diagnoses no longer represent a clinically appropriate standard for defining IRF services. The issue of variation in patient need within diagnoses has always existed. Finally, an estimated 87 percent of IRFs are currently out of compliance with the rule.

We recognize the need to distinguish IRFs from other Medicare providers in order to pay appropriately for their services. As you know, IRFs are paid more than acute hospitals. Given the current state of clinical evidence and patient classification systems, the dilemma is how to construct a fair rule that allows Medicare beneficiaries to receive appropriate rehabilitation services and avoids undesirable financial incentives to expand the types of patients in IRFs beyond what is clinically necessary. On the one hand, an unchanging list of 10 diagnoses to characterize an appropriate patient population for the IRF setting is a blunt instrument. Medical practice may have changed since 1983, when the 10 diagnoses were first included in the 75 percent rule. On the other hand, using instead the 20 diagnoses in the IRF-prospective payment system (PPS) reflects IRFs' past admitting practice but does not necessarily identify a clinically appropriate population.

In the short term, the Secretary has few other options but to enforce the 75 percent rule consistently; the issue is which diagnoses should go into the calculation. One short-term strategy that the Secretary could pursue is to lower the percentage of cases (required to be from 10 diagnoses) in the current 75 percent rule to 50 percent for some period of time, not to exceed one year. According to CMS's analysis, most IRFs could meet this standard. During that period of time, the Secretary could consult with an expert panel of clinicians to reach a consensus on the diagnoses to be included in the 75 percent rule as well as the appropriate clinical criteria for patients within the respective diagnoses. It is most imperative that the panel resolve the joint replacement issue because a large and growing proportion of IRF patients likely fall into this category. If the Secretary can complete this consultation prior to the October 1, 2003 proposed implementation date, it may be unnecessary to lower the 75 percent to 50 percent.

Over the long run, the Secretary also may want to periodically revisit the list of diagnoses and clinical criteria for rehabilitation patients. The expectation would be to move away from simple diagnosis-based criteria to patient-based criteria. Consistent with that objective, MedPAC is interested in linking payment to high-quality outcomes, as evidenced by our recommendation in the June 2003 Report to the Congress. In that report, we find that IRFs are particularly suited to linking payment for quality because the patient assessment instrument is standardized, credible, and data are routinely collected; also a risk-adjustment mechanism is built into the PPS. In the future, the IRF payments could be based on the patient-specific criteria and linked to outcomes. This also could be part of the criteria CMS could use to decide whether a facility would be designated as an IRF, potentially eliminating the need for criteria such as the 75 percent rule, although practically we see the need for such rules in the short term.

We look forward to offering any assistance we can to CMS in these endeavors.

Sincerely,

GLENN M. HACKBARTH, J.D.,
Chair.

ABOLISHING THE FEDERAL RESERVE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce legislation to restore financial stability to America's economy by abolishing the Federal Reserve. I also ask unanimous consent to insert the attached article "The Greatest Theft in History" by Professor Murray Sabrin, into the RECORD. Professor Sabrin provides an excellent summary of how the Federal Reserve is responsible for the nation's current economic difficulties.

Since the creation of the Federal Reserve, middle and working-class Americans have been victimized by a boom-and-bust monetary policy. In addition, most Americans have suffered a steadily eroding purchasing power because of the Federal Reserve's inflationary policies. This represents a real, if hidden, tax imposed on the American people.

From the Great Depression, to the stagflation of the seventies, to the burst of the dotcom bubble, every economic downturn suffered by the country over the last 80 years can be traced to Federal Reserve policy. The Fed has followed a consistent policy of flooding the economy with easy money, leading to a misallocation of resources and an artificial "boom" followed by a recession or depression when the Fed-created bubble bursts.

With a stable currency, American exporters will no longer be held hostage to an erratic monetary policy. Stabilizing the currency will also give Americans new incentives to save as they will no longer have to fear inflation eroding their savings. Those members concerned about increasing America's exports or the low rate of savings should be enthusiastic supporters of this legislation.

Though the Federal Reserve policy harms the average American, it benefits those in a position to take advantage of the cycles in monetary policy. The main beneficiaries are those who receive access to artificially inflated money and/or credit before the inflationary effects of the policy impact the entire economy. Federal Reserve policies also benefit big spending politicians who use the inflated currency created by the Fed to hide the true costs of the welfare-warfare state. It is time for Congress to put the interests of the American people ahead of the special interests and their own appetite for big government.

Abolishing the Federal Reserve will allow Congress to reassert its constitutional authority over monetary policy. The United States Constitution grants to Congress the authority to coin money and regulate the value of the currency. The Constitution does not give Congress the authority to delegate control over monetary policy to a central bank. Furthermore, the Constitution certainly does not empower the federal government to erode the American standard of living via an inflationary monetary policy.

In fact, Congress' constitutional mandate regarding monetary policy should only permit currency backed by stable commodities such as silver and gold to be used as legal tender. Therefore, abolishing the Federal Reserve and returning to a constitutional system will enable America to return to the type of monetary system envisioned by our nation's founders: one where the value of money is consistent because it is tied to a commodity such as gold. Such a monetary system is the basis of a true free-market economy.

In conclusion, Mr. Speaker, I urge my colleagues to stand up for working Americans by putting an end to the manipulation of the money supply which erodes Americans' standard of living, enlarges big government, and enriches well-connected elites, by cosponsoring my legislation to abolish the Federal Reserve.

[From USA Daily, May 6, 2003]

THE GREATEST THEFT IN HISTORY

(By Murray Sabrin)

If you have a savings account, your bank probably credits it with interest every month. At the end of the month, you expect the bank to pay you the amount of interest it was obligated to pay you—no more no less. In other words, you would not expect the bank to change the interest it was going to pay you unless your account explicitly allows the bank to readjust the interest rate at its discretion.

We know the interest rate paid on short-term "risk free" deposits are based on the "real rate" plus an inflation premium. Historically, the real rate—the rental price of money—is the annual rate that borrowers and lenders agree on is typically 2–3 percent. So if you borrow $100 for a year, you would expect to pay the lender about $103 at the end of one year.

However, if price inflation is expected to be 3% for the year the loan is outstanding, the lender wants to protect his principal from the decline in the dollar's purchasing power. So, the interest rate on the loan would thus not be just 2% (assuming this is the real rate), but 2% plus an inflation premium of 3%, for a total of 5%.

Currently the annual inflation rate is about 2.5%. Thus, the risk free rate (the real rate-2%—plus the inflation premium) on savings deposits and money market funds should be about 4.5%. For Americans who seek the safety of savings accounts and money market funds for their hard-earned money, the current average yield of 0.7% on money market funds is well below the current risk free rate. In addition, savers who own short-term U.S. Treasury debt are receiving slightly more than 1.1 % annually.

What's going on? How can savers be receiving about 3.5% less than the risk free rate on their money market accounts and savings accounts?

The answer is simple: The Federal Reserve, the government created institution that was founded to "stabilize" the value of the dollar and "smooth" "out the business cycle", which has the legal authority to create money out of thin air, is nothing more than the greatest manipulator of interest rates in the history of the world.

The FED pumps money into the banking system if it wants to lower interest rates in order "to stimulate" the economy, and conversely will take money out of the banking system if it want to dampen borrowing and "cool off" an overheated economy.

For the past two-and-a-half years the FED has been pumping money into the banking system, driving down short-term interest rates to its current levels, well below the risk free rate. In fact, the American people are being penalized heavily for saving. Real interest rates are negative.

In short, the American people are being ripped off to the tune of tens of billions of dollars per year.

To put this in dollars and cents, there are $2.2 trillion in money market funds, with an average annual yield of 0.7%. The income from these funds is about $15 billion a year. If interest rates were 4.5%, savers would have nearly one hundred billion dollars in income or $85 billion more than they are currently receiving.

Moreover, there is $4.61 trillion in the nation's time and savings deposits, earning an average of about 1.0% or more depending on the financial institution your money is deposited in. (ING Direct pays 2.10% online on short-term deposits. The money can be transferred from your checking account to an online account and back. The minimum deposit to open an account is only $1. This is not a misprint.)

Using the same 4.5% risk free rate, savers should be receiving about $210 billion on their short-term deposits at the nation's financial institutions. Instead, they are earning about $50 billion, for a loss of $160 billion in annual income. In addition, the U.S. Treasury has approximately $1 trillion in short-term debt that is yielding a little more than 1%. Savers holding the federal government's short-term debt are losing approximately $35 billion in annual income.

The bottom line: While the economic debate in Washington DC centers around President Bush's tax cut proposal, which should pass intact because less money in the federal government means more freedom and prosperity for the American people, the Federal Reserve continues to perpetuate the greatest theft in world history. By having the power to manipulate interest rates, the FED in effect has not only a license to print money but also can redistribute income form savers to borrowers.

The winners of the FED's interest rate manipulations include the nations' financial institutions, business borrowers and government. The losers are anyone who wants to save for the proverbial rainy day and accumulate money for a down payment on a house or other family need.

Thus, Federal Reserve policy aids and abets the legalized theft of hundreds of billions of dollars per year from low-and middle-income families to the economic elites of this country and profligate governments at all levels—all with the approval of the U.S. Congress and the Bush administration.

After 90 years of manipulating interest rates, it is time to abolish the FED and return the country to the only sound monetary system that is consistent with liberty and prosperity—the gold standard.

MILWAUKEE TURNERS CELEBRATE 150TH YEAR ANNIVERSARY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. KLECZKA. Mr. Speaker, on Saturday, September 6, 2003 the Milwaukee Turners will celebrate their 150th anniversary of providing the community with leadership in the fields of physical fitness, social justice and cultural preservation.

German revolutionary and patriot Frederick Ludwig Jahn founded the Turners in Germany in 1811. The original purpose of the Turners was to overthrow Napoleon who had conquered Prussia and to work toward a unified Germany. The Turners became powerful enough to start a revolution to make Germany a republic. The effort was defeated and 600,000 Germans were exiled.

German immigrants who came to America in 1848, as a result of the events in Europe, were called 48'ers. The first Turner Society in the United States was founded in Cincinnati, Ohio in 1848. The 48'ers established athletic, social and cultural societies throughout the United States. At the turn of the century there were hundreds of active societies. Today there are only sixty-five Turner societies that remain. Milwaukee was once known as the "German Athens of America" because of the notable artistic, political and civic culture of the city. The Milwaukee Turners was a central part of this community.

The Milwaukee Turners received its charter from the Wisconsin State Legislature in 1855. The Turner motto is "Sound Mind in a Sound Body". The philosophy of the organization is a holistic approach to the development of human potential through the harmonious integration of both intellectual and physical aspects of the individual.

Over the years the Milwaukee Turners have actively opposed all forms of oppression and supported women's suffrage. The Turners also promoted the concept of including physical education as part of the public schools curriculum. The Turners Society in Milwaukee continues to support the original ideals and offers physical activities for people of all ages.

Today, in an age of growing concern for the physical health of Americans and the lack of physical exercise, the Milwaukee Turners is ahead of the curve and is continuing to provide a vital service to the community through their outstanding physical fitness programs.

I salute Milwaukee Turners efforts in improving the health of our citizens and congratulate the Milwaukee Turners on celebrating a proud history of supporting social justice, freedom and physical and mental well being for 150 years. I wish to extend my best wishes for continued success in the years to come.

REMEMBERING CHESTERFIELD SMITH

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Ms. HARMAN. Mr. Speaker, Chesterfield Smith, who died in Florida yesterday at 85, invented the modern law firm and the modern legal profession. Either of these accomplishments is more than enough for a lifetime.

He was my dear friend, a mentor to me and thousands of idealistic lawyers. Improving the world was axiomatic to him: it came with legal training and a law license. Doing anything less was unacceptable.

Probably his most important chapter was 1973–74, when he was president of the American Bar Association during the Nixon impeachment. He steered the organization and helped steer the country through a crisis in which our legal system was tested. It survived, and so did we.

We will miss Chesterfield's skills, his heart, his compass, his courage, and his loyalty. His wife, Jacqueline, and his family, are in our hearts.

INTRODUCTION OF THE MEDICARE MENTAL HEALTH COPAYMENT EQUITY ACT OF 2003

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. STRICKLAND. Mr. Speaker, today Representative MURPHY and I are introducing the Medicare Mental Health Copayment Equity Act of 2003, which will dramatically improve Medicare for millions of the program's beneficiaries by phasing out over six years the discriminatory 50-percent copayment required for outpatient mental health services. If this bill is enacted, Medicare beneficiaries will pay a 20 percent copayment for outpatient mental health care, just as they do for all other outpatient health services under Medicare by the year 2009. This bill is identical to S. 853, which was introduced by Senator OLYMPIA SNOWE earlier this year.

According to the National Institute of Mental Health, nearly 2 million Americans over the age of 65 suffer from depression. The 1999 Surgeon General's report on mental illness found that 20 percent of Americans 55 and older experience mental disorders that are not considered a normal part of aging, such as anxiety, alcoholism, and Alzheimer's disease. As many as one in two new residents of nursing facilities are at risk of depression. Perhaps most strikingly, seniors have the highest rate of suicide of any age group in this country. A Medpac report titled "Assessing Medicare Benefits" issued in June 2002 confirms that the Medicare senior population faces serious problems accessing mental health care:

> Medicare beneficiaries are apparently having difficulty in obtaining needed mental health services. Despite the availability of proven treatments, one recent analysis found that of those beneficiaries over 65 who needed treatment, 63% did not receive it. The likelihood of people with mental health conditions receiving services was significantly lower if they were Medicare beneficiaries, compared with those who had employment-based insurance or Medicaid coverage.

The Medpac report also states that the access problems will be reduced if the discrepancy between the mental health copayment and the copayment required for all other outpatient care under Medicare is eliminated:

> Beneficiaries face a 50 percent coinsurance for most outpatient mental health services, compared with 20 percent for most other outpatient services. Equalizing cost sharing for outpatient mental health and other outpatient care would reduce a financial barrier to mental health care and provide parity to beneficiaries with mental disorders and those with other illnesses, with a small increase in Medicare spending . . . This change also would simplify Medicare's cost-sharing structure.

Medicare beneficiaries need and deserve access to affordable mental health care. I urge my colleagues to end Medicare's random discrimination and improve the health of seniors in this country by acting quickly to pass this legislation into law.

COMMENDING THE SERVICE OF DR. DAVID L. WEINBERG, OUTGOING PRESIDENT OF THE SAN MATEO COUNTY MEDICAL ASSOCIATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. LANTOS. Mr. Speaker, I rise to pay tribute to Dr. David L. Weinberg, who has ably represented the people of San Mateo as the President of the San Mateo County Medical Association. His one-year term has just expired.

Dr. Weinberg has a distinguished record of service to the people of San Mateo and to the nation as a whole. He served in a combat unit in Vietnam for over a year during some of the most intense fighting there, arriving just before the Tet Offensive. Dr. Weinberg was frequently behind enemy lines, supporting American and Vietnamese troops and Special Forces. For his service and over 500 hours of air combat duty, he was awarded 10 medals.

A graduate of the University of Wisconsin Medical School, Dr. Weinberg began a fellowship program at the Letterman Army Medical Center in San Francisco before going to Vietnam in 1967. When he finished his military service in 1969, Dr. Weinberg returned to San Francisco to begin his residency at the University of California-San Francisco (UCSF). He completed his residency in 1972 and was certified by the American Academy of Dermatology the following year.

Mr. Speaker, during his term as President of the San Mateo County Medical Association (SMCMA) this past year, Dr. Weinberg sought to increase cooperation among doctors and to make them independent of hospitals and insurance companies, and his initiatives have been extraordinarily well received.

An active member of the American College of Physician Executives and the California Medical Association, Dr. Weinberg also has appointments at UCSF as a Clinical Instructor in Dermatology and at two prominent hospitals, Seton Medical Center and Mills-Peninsula Medical Center. In addition to these positions and his responsibilities as President of the SMCMA, Dr. Weinberg sees patients at his solo practice in Daly City.

Mr. Speaker, Dr. David L. Weinberg has made outstanding contributions to the people of San Mateo County, not to speak of his military service on behalf of the American people. I invite my colleagues in commending him on his leadership of the SMCMA.

SALUTING CAPTAIN HUGH WHITAKER

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. HENSARLING. Mr. Speaker, today I would like to salute Captain Hugh Whitaker on the occasion of his retirement, a lawman who has dedicated more than 50 years of his life serving the people of Freestone County, Texas.

A decorated Marine Corps veteran, Hugh Whitaker returned home to Fairfield after fighting in the Pacific during World War II.

Starting in 1948, Hugh Whitaker was elected Constable, beginning a 55-year-career of public service.

Hugh became the county's Emergency Management Coordinator in 1955, a position he's held for the past 48 years.

During the 1960's, Hugh organized the Freestone County Emergency Corps and the Freestone County Reserve Deputies. More recently, he served as Chief Deputy Sheriff up until his retirement last month.

Freestone County Judge Linda Grant said, "Captain Whitaker is a blessing for the people of Freestone County. He is always there to help in any way."

Mr. Speaker, today we honor Captain Whitaker for his service to his community in the name of public safety. In the words of his fellow lawman, Freestone County Sheriff Ralph Billings, "No one can build boots big enough to fill those of Captain Whitaker."

LEGISLATION TO WITHDRAW THE UNITED STATES FROM THE BRETTON WOODS AGREEMENT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce legislation to withdraw the United States from the Bretton Woods Agreement and thus end taxpayer support for the International Monetary Fund (IMF). Rooted in a discredited economic philosophy and a complete disregard for fundamental constitutional principles, the IMF forces American taxpayers to subsidize large, multinational corporations and underwrite economic destruction around the globe. This is because the IMF often uses the $46.7 billion line of credit provided to it by the American taxpayers to bribe countries to follow destructive, statist policies.

Just last year, Argentina was rocked by an economic crisis caused by IMF policies. Despite clear signs over the past several years that the Argentine economy was in serious trouble, the IMF continued pouring taxpayer-subsidized loans with an incredibly low interest rate of 2.6 percent into the country. In 2001, as Argentina's fiscal position steadily deteriorated, the IMF funneled over 8 billion dollars to the Argentine government!

According to Congressman JIM SAXTON, Chairman of the Joint Economic Committee, this "Continued lending over many years sustained and subsidized a bankrupt Argentine economic policy, whose collapse is now all the more serious. The IMF's generous subsidized bailouts lead to moral hazard problems, and enable shaky governments to pressure the IMF for even more funding or risk disaster."

Argentina is just the latest example of the folly of IMF policies. Five years ago the world economy was rocked by an IMF-created disaster in Asia. The IMF regularly puts the taxpayer on the hook for the mistakes of the big banks. Oftentimes, Mr. Speaker, IMF funds end up in the hands of corrupt dictators who use our taxpayer-provided largesse to prop up their regimes by rewarding their supporters and depriving their opponents of access to capital.

If not corrupt, most IMF borrowers are governments of countries with little economic productivity. Either way, most recipient nations end up with huge debts that they cannot service, which only adds to their poverty and instability. IMF money ultimately corrupts those countries it purports to help, by keeping afloat reckless political institutions that destroy their own economies.

IMF policies ultimately are based on a flawed philosophy that says the best means of creating economic prosperity is through government-to-government transfers. Such programs cannot produce growth, because they take capital out of private hands, where it can be allocated to its most productive use as determined by the choices of consumers in the market; and place it in the hands of politicians. Placing economic resources in the hands of politicians and bureaucrats inevitably results in inefficiencies, shortages, and economic crises, as even the best-intentioned politicians cannot know the most efficient use of resources.

In addition, the IMF violates basic constitutional and moral principles. The Federal Government has no constitutional authority to fund international institutions such as the IMF. Furthermore, Mr. Speaker, it is simply immoral to take money from hard-working Americans to support the economic schemes of politically-powerful special interests and third-world dictators.

In all my years in Congress, I have never been approached by a taxpayer asking that he or she be forced to provide more subsidies to Wall Street executives and foreign dictators. The only constituency for the IMF is the huge multinational banks and corporations. Big banks used IMF funds—taxpayer funds—to bail themselves out from billions in losses after the Asian financial crisis. Big corporations obtain lucrative contracts for a wide variety of construction projects funded with IMF loans. It's a familiar game in Washington, with corporate welfare disguised as compassion for the poor.

Last year's Argentine debacle is yet further proof that the IMF was a bad idea from the very beginning—economically, constitutionally, and morally. The IMF is a relic of an era when power-hungry bureaucrats and deluded economists believed they could micromanage the world's economy. Withdrawal from the IMF would benefit American taxpayers, as well as workers and consumers around the globe. I hope my colleagues will join me in working to protect the American taxpayer from underwriting the destruction of countries like Argentina, by cosponsoring my legislation to end America's support for the IMF.

HONORING JUDGE A. JAY CRISTOL ON USS "LIBERTY" RESEARCH

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate Judge A. Jay Cristol of the Southern District of Florida on the completion of his invaluable research on the USS *Liberty* incident. In 1987, Judge Cristol began researching the tragedy that befell the United States Navy ship *Liberty* and her crew on June 8, 1967. Judge Cristol completed a doctoral dissertation on the subject in 1997 and published his book, The Liberty Incident, in 2002.

In his continued quest for the truth, Judge Cristol pressed and finally convinced the National Security Agency to release classified transcripts proving that Israel's attack on the USS *Liberty* during the Six Day War was, in fact, accidental.

On June 8, 1967, Israeli troops detected large explosions along the Sinai shore. The United States had announced two days earlier that it had no warships in the combat zone, and Israeli troops believed that they were experiencing an Egyptian naval bombardment. In response, the Israelis attacked the USS *Liberty*, which they mistook for being an Egyptian warship, killing 34 American crewmen and wounding 171.

For 35 years, conspiracy theories have raged and critics have insisted that Israel attacked the American ship deliberately. Finally, just last month, the NSA, under pressure by Judge Cristol, released transcripts of transmissions from two Israeli helicopter pilots that participated in the 1967 attack. These tapes, which have until now remained classified, serve to conclude the evidence that the tragic event was, in fact, a case of mistaken identity.

Judge Cristol's diligent efforts and persistence for the truth over the past sixteen years are to be commended. Through his work, he has helped restore faith in the special relationship that the United States and Israel share. Mr. Speaker, I hope the entire House joins me congratulating Florida Judge Jay Cristol on his achievement.

TRIBUTE TO DAN FOULK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. MCINNIS. Mr. Speaker, it is with a solemn heart that I stand before this body of Congress and this nation today to pay tribute to the life and legacy of Dan Foulk, an outstanding citizen from my district who recently passed away. Dan was a member of the Pueblo Rural Fire Department and he will be remembered as a dedicated firefighter, loyal friend, and committed father.

As a member of the Pueblo Rural Fire Department, Dan spent his life protecting the community he loved. Dan was an Assistant Chief for the Department and was hired as their first Fire Marshal in 2001. Dan was able to accomplish both jobs simultaneously, working hard to insure the safety of his community. Dan was honored to be able to perform both of these duties. He loved being a fireman, and he loved protecting Pueblo. This dedication made Dan a role model in the Pueblo Fire Department. When not working to protect the community, Dan was at home with his family. He was blessed with a lovely wife, five children, and ten grandchildren.

Mr. Speaker, I am honored to pay tribute to Dan Foulk before this body of Congress and this nation. His hard work, enthusiastic attitude, and leadership will be missed. Dan will forever be remembered for the contributions he provided his community and I am sorry for his loss. My thoughts and prayers go out to Dan's family, friends, and his coworkers on the Pueblo Rural Fire Department.

HONORING EDSEL BRYANT FORD II

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. DINGELL. Mr. Speaker, I rise today to honor and commemorate my dear friend Edsel Bryant Ford II, former president and chief operating officer of the Ford Motor Credit Company. Mr. Ford is also a noted philanthropist in the Detroit Metropolitan area.

Named after his grandfather, Edsel Bryant Ford, the son of Ford Motor company founder Henry Ford, Mr. Ford retired from daily executive life in 1999 in order to be more involved with his family and community. Due to Edsel's stalwart leadership, Ford Motor Credit Company remains the world's largest automotive finance company. Edsel maintains ties to his family's business, sitting on the Ford board of directors and working as a consultant. Edsel participates in many dealer conferences and meetings, and remains, for many dealers, the face of the Ford Motor Company.

The Fords have been giving back to Detroit for more than 100 years, and Edsel Ford II is another example of continuing Ford philanthropy. The reach of the company and the family is felt throughout the Detroit metro area. Mr. Ford's dedication and commitment to the city of Detroit have led to many developments both for the city and the surrounding community. As president of the Detroit-based Henry Ford II Fund, Mr. Ford oversees a foundation that dispenses millions of dollars annually to charitable and educational organizations including Focus: HOPE, the Detroit Zoological Society, the United Negro College Fund, the Juvenile Diabetes Research Foundation and Caring Athletes Team for Children's and Henry Ford Hospitals (CATCH). Mr. Ford is also chairman of the Detroit 300 Committee, which raised $30 million, for the city's tricentennial celebration in 2001 and for the development of Campus Martius Park, which will become a gathering place for metro Detroit citizens. Additional community activities include the Skillman Foundation, Henry Ford Health System, and the Detroit Metropolitan Wayne County Airport Commission. In 2001, Mr. Ford was honored by the Detroit News as one of its Michiganians of the year.

The hard work and goodwill of Mr. Ford should be applauded. Mr. Speaker, I ask that all of my colleagues join me in congratulating Mr. Edsel Ford II for his inexhaustible support, generosity, and leadership to his community and to give him our best wishes for a well deserved, relaxing and enjoyable future.

COMMENDING BRENT BERRYMAN

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. FROST. Mr. Speaker, I rise today to commend Brent Berryman for his many years of dedicated service to Lockheed Martin Missiles and Fire Control in Dallas, Texas, and to congratulate him on his retirement from the company.

During his tenure with Lockheed Martin, Brent has managed the company's employee and company contribution programs, coordinated employee volunteer efforts, and served as the company's lobbyist for state and local issues. He served as Lockheed Martin's Constituent Relations Manager for local relations with federal officials in the Dallas area and has served as executive director of the LTV Foundation and manager of the company's political action committee.

As a devoted employee and civil servant, Brent Berryman complemented his many business activities at Lockheed Martin with service to the Dallas Assembly, the Dallas Urban League's Board of Directors, the March of Dimes, and the President's Task Force of the State Fair of Texas, among others. In addition, Brent volunteers as a Mentor and Tutor in three different elementary school programs and serves as a member of the Citizens Advisory Committee of the Amelia Earhart Learning Center.

In 2002, Brent received the Lockheed Martin Missiles and Fire Control Excellence Award for his consistent success in community outreach. He has also received awards from the Women's Center of Dallas and the Dallas Urban League for his outstanding community service and support.

Mr. Speaker, I have had the good fortune to work with Brent on many issues important to the defense of our nation and the economic well-being of North Texas. He deserves special recognition for his tremendous achievement and dedication to his company and its mission. I look forward to continue working with Brent, post-retirement, and I know my colleagues will join me today in wishing him success in all of his future endeavors.

CONGRATULATIONS TO ARTHUR COLES III

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. PAYNE. Mr. Speaker, I am pleased to ask my colleagues here in the U.S. House of Representatives to join me in honoring a very special person whom I am privileged to call a friend, Mr. Arthur Coles III, on the occasion of his retirement.

Arthur Coles III was born in Newark, New Jersey and attended Monmouth Street Elementary School, West Kinney Junior High, and Arts High School. While at Arts High School he played varsity basketball under Coach George Voller. The playgrounds of Newark were the place to be during Arthur's teenage years and he was taught the X's and O's of basketball by legendary Charlie Johnson, Arthur Johnson Sr., Eugene Robinson and William Pony Wilson.

Upon graduation from Central State University Wilberforce, Ohio in 1967, Arthur returned to Newark, New Jersey and accepted a teaching position at Weequahic High School. Arthur has served in many positions at Weequahic High School: art teacher, teacher to assist the principal, interim head basketball coach, assistant basketball coach, class advisor, and Father's Club mentor. He also coached at his Alma Mater, Arts High School for 2 years.

Arthur was the recipient of numerous city council proclamations; his coaching record includes league championships and other recognitions for his achievements. He is an original founding member of the Newark Athletic Hall of Fame and served as President for five years. Among his many talents, he is a gifted artist. He produced the National Urban League National Tee Shirt for two years, the Black United Fund Poster, 100 Black Men National Poster, and the Black Policeman's Association National Poster.

At Bethany Baptist Church, Arthur is a very active member, coordinator of security and supervisor of the community farmer's market. His hobbies include fishing and cooking.

Arthur's induction creates the first African American Father/Son Inductees. Married to Geri Woods Coles. God makes everything possible.

I feel especially pleased with this great achievement especially because I knew and worked with Arthur's father, the late Sam Coles. Sam is probably smiling down on us now, enjoying the success of one of his mentees, as he watched so many of Newark's finest for so many years.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. NADLER. Mr. Speaker, I was not able to be present for rollcall votes 249 through 251, Numbers 287 and 288, and Numbers 297 through 300. Had I been present, I would have voted "aye" on Numbers 249 through 251, Number 287, and Numbers 297 through 300. I would have voted "nay" Number 288.

TRIBUTE TO JOAN AND BOB WEISS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. McINNIS. Mr. Speaker, I rise in this body to pay tribute to Bob and Joan Weiss of Grand Junction, Colorado. Bob and Joan have met the needs of the health-conscious in their community for the last 25 years, and I am honored to recognize their achievements here today.

Bob and Joan opened Sundrop Grocery Natural Foods Store in 1978 in a tiny 400-square-foot location with limited inventory. Over the years, however, the couple's reputation for providing the freshest organic and naturally prepared foods available grew, and so did their business. Today the Weiss's many customers don't have to compromise on any ingredients. Bob and Joan have ensured that their patrons have access to a wide variety of wholesome foods, from bulk foods and herbs to the freshest fruits and vegetables.

Mr. Speaker, I am truly honored to recognize Bob and Joan Weiss today. Twenty-five years in the health food business, serving the Grand Junction community, is indeed an impressive accomplishment. I join in celebrating this milestone, and I congratulate them on their success.

19TH ANNIVERSARY OF THE INDIAN GOVERNMENT'S ATTACK ON THE GOLDEN TEMPLE IN AMRISTAR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. BURTON of Indiana. Mr. Speaker, last month marked the nineteenth anniversary of the Indian government's attack on the Golden Temple in Amristar, the most sacred of Sikh shrines. The Indian government simultaneously attacked 38 other Sikh temples, known as Gurdwaras, around India. It is reported that more than 20,000 Sikhs were killed in these attacks, which went by the name of Operation Bluestar.

The Sikh Nation has never forgotten this atrocity against them. These attacks laid the foundation of a sovereign, independent Sikh homeland, Khalistan, which was declared independent on October 7, 1987. Last month, they once again observed Khalistan Martyrs Day on June 7, marking the anniversary of the brutal attacks on the Golden Temple and the other Sikh temples. Sikhs gathered in Washington, D.C. and protested outside the Indian Embassy. They chanted slogans and made speeches in support of freedom for the Sikh Nation.

Sikhs were equal partners in the transfer of power from the British and were supposed to have an independent state. Sikh leaders were promised that they would have "the glow of freedom" in India and no law would be passed affecting Sikhs without their consent. However, that is not the case. I would like to have the Council of Khalistan's press release on the Khalistan Martyrs Day events placed into the CONGRESSIONAL RECORD following my statement.

INTERNATIONAL SIKH ORGANIZATION,
Washington, DC, June 7, 2003.

SIKHS OBSERVE KHALISTAN MARTYRS DAY

WASHINGTON, D.C., June 7, 2003.—It is a Sikh tradition and Sikh history that Sikhs never forgive or forget the attack on the Golden Temple, the Sikh Nation's holiest shrine. In that spirit, Sikhs from all over the East Coast gathered in Washington, D.C. today to observe Khalistan Martyrs Day. This is the anniversary of the Indian government's brutal military attack on the Golden Temple and 38 other Sikh temples throughout Punjab, from June 3–6, 1984. More than 20,000 Sikhs were killed in those attacks, known as Operation Bluestar. These martyrs laid down their lives to lay the foundation for Khalistan. On October 7, 1987, the Sikh Nation declared its homeland, Khalistan, independent.

"We thank all the demonstrators who came to this important protest," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "These martyrs gave their lives so that the Sikh Nation could live in freedom," Dr. Aulakh said. "We salute them on Khalistan Martyrs' Day," he said. "As Sant Bhindranwale said, the Golden Temple attack laid the foundation of Khalistan."

Sikhs ruled Punjab until 1849 when the British conquered the subcontinent. Sikhs were equal partners during the transfer of power from the British. The Muslim leader Jinnah got Pakistan for his people, the Hindu leaders got India, but the Sikh leadership was fooled by the Hindu leadership promising that Sikhs would have "the glow of freedom" in Northwest India and the Sikhs took their share with India on that promise. No Sikh representative has ever signed the Indian constitution.

Former Senate Majority Leader George Mitchell (D-Me.) said, "The essence of democracy is the right to self-determination." The minority nations of South Asia need freedom. "Without political power nations perish. We must always remember these martyrs for their sacrifice," Dr. Aulakh said. "The best tribute to these martyrs would be the liberation of the Sikh homeland, Punjab, Khalistan, from the occupying Indian forces," he said. "That must be the only objective," he said. "We should use the opportunity presented by the situation in South Asia to liberate our homeland."

The Golden Temple attack launched a campaign of genocide against the Sikhs that belies India's claims that it is a democracy. The Golden Temple attack made it clear that there is no place for Sikhs in India. Since 1984, India has engaged in a campaign of ethnic cleansing in which tens of thousands of Sikhs were murdered by the Indian police and security forces and secretly cremated after declaring them "unidentified." The Indian Supreme Court described this campaign as "worse than a genocide." General Narinder Singh has said, "Punjab is a police state." U.S. Congressman Dana Rohrabacher (R-Cal.) has said that for Sikhs, Kashmiri Muslims, and other minorities "India might as well be Nazi Germany."

According to a report by the Movement Against State Repression, India admitted that 52,268 Sikh political prisoners are rotting in Indian jails without charge or trial. Many have been in illegal custody since 1984. In February 2002, 42 Members of the U.S. Congress wrote to President Bush to get these Sikh political prisoners released. MASR report quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]"

Indian security forces have murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human-rights organizations. These figures were published in The Politics of Genocide by Inderjit Singh Jaijee. India has also killed over 200,000 Christians in Nagaland since 1947, over 80,000 Kashmiris since 1988, and tens of thousands of Tamils, Bodos, Dalits (the aboriginal people of the subcontinent labeled "Untouchables") as well as indigenous tribal peoples in Manipur, Assam and elsewhere. In March 2000, while former President Clinton was visiting India, the Indian government murdered 35 Sikhs in the village of Chithisinghpora, Kashmir and tried to blame the massacre on alleged militants. The Indian media reported that the police in Gujarat were ordered by the government to stand by and not to interfere with the massacre of Muslims there.

"Guru gave sovereignty to the Sikh Nation," Dr. Aulakh said. "The Golden Temple massacre reminded us that if Sikhs are going to live with honor and dignity, we must have a free, sovereign, and independent Khalistan," he said.

HONORING CORPORAL TONY BARR, USMC, ON HIS SAFE RETURN HOME FROM IRAQ

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. DINGELL. Mr. Speaker, today, it is with great pride and patriotism that I rise to welcome home one of our nation's great heroes, Corporal Tony Barr.

Corporal Barr served in the First Marine Division, 3rd Battalion, Fifth Marines, Weapons Company, CART Platoon. Cpl. Barr was originally scheduled to be discharged from the Marine Corps on February 28, 2003, but was given orders for Iraq the week before his discharge. Cpl. Barr could have chosen to avoid going to Iraq because he is the only male Barr currently living, but he instead, chose to stay with his fellow Marines and was deployed to Iraq.

Cpl. Barr's division suffered the first casualty of the war as they traveled from Kuwait to Baghdad. After Baghdad, Cpl. Barr's Division traveled to Tikrit which I am told is the furthest any Marine Division has ever traveled into the interior of an enemy country. Once his Division left Tikrit, they traveled south to Diwaniyeh, a Baath Party stronghold, to set up a compound to train local Iraqis to become police. Most of Cpl. Barr's unit still remains in Diwaniyeh today.

While we celebrate the safe return of Corporal Tony Barr to his home in Allen Park, Michigan, we continue to pray for the safety of all of our sons and daughters who are still proudly serving the United States in the newly liberated Iraq.

Mr. Speaker, I ask that my colleagues join me in extending the appreciation of the U.S. House of Representatives to Corporal Tony Barr, USMC, for his brave and outstanding service to the United States of America and join me in praying for the safe return of all of our troops who are in harm's way in Iraq, Afghanistan, and all other parts of the world.

TRIBUTE TO ANTHONY PREITE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress today to recognize Anthony Preite for the integral role that he has played in the economic development of the Western United States. Anthony's long and distinguished career has made an indelible mark upon the State of Colorado and the Western United States. In recognition of his widely renowned public service, he was recently recognized with the U.S. Department of Agriculture Award, in addition to being selected as the Outstanding Fifty State U.S.D.A. Director.

Anthony began his career in Montana as a teacher and coach after graduating from Northern Montana College in 1963. In 1968, Anthony accepted a position as Community Development Specialist, where his responsibilities included implementing an economic development plan for a portion of north central Montana. He proceeded to serve as Special Project Director of the Economic Development Administration for the U.S. Department of Commerce for much of the Western United States. Many of Anthony's initiatives resulted in infrastructure improvements and the creation of hundreds of job opportunities.

Fortunately, Anthony has not gone unrecognized throughout his life. The Denver Regional Office of the Economic Development Administration selected Anthony as the 1993 winner of the Forrest Koch Award for Excellence in Economic Development. Subsequently, President Clinton appointed Anthony as the State Director of Montana, Farmers Home Administration in 1993. In his role as Head of Rural Development, Anthony oversaw Rural Housing Service, Rural Business-Cooperative Service, and Rural Utilities Services. He was selected to serve as the Denver Regional Office Director for the Economic Development Administration in December of 1999 and currently oversees activities in ten different states as the Regional Director.

Mr. Speaker, it is my distinct privilege to recognize Anthony Preite before this body of Congress and this nation. His dynamic career and selfless public service have advanced the well-being of thousands of Americans through economic development programs and initiatives. I congratulate Anthony on the awards that have been bestowed upon him and wish him all the best in his future endeavors.

PERSONAL EXPLANATION

HON. WILLIAM O. LIPINSKI

OF ILLINIOS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. LIPINSKI. Mr. Speaker, on July 14, 2003, I was unavoidably detained and missed rollcall vote No. 357, the Ackerman-LaTourette amendment to the Agriculture Appropriations bill which would require that the USDA expend no funds to approve meat from downed animals—animals that are too sick to walk or stand—for food. Had I been present, I would have voted "yea".

TRIBUTE TO COLONEL JAMES E. ROGERS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Colonel James E. (Jim) Rogers for his brave and unselfish service as Commander of the Division Support Command of the 101st Airborne Screaming Eagles. Jim's great work in the 101st Airborne during Operation Iraqi Freedom and Operation Enduring Freedom helped to lift the dark threat that terrorist supporting regimes posed to the citizens of the United States and the world.

Through Jim's work and leadership, and that of thousands of other U.S. soldiers, the United States and the Coalition of the Willing brought liberty to the oppressed and brutalized people of Iraq and Afghanistan. Without a doubt, the world can rest easier knowing that these brutal regimes have been removed from power. The swift and decisive removal of the Iraqi regime and the Taliban could not have been accomplished without Jim and the fine men and women of the 101st Airborne Screaming Eagles.

Jim was commissioned in the ordnance corps in June of 1979 upon his graduation from the U.S. Military Academy. His military education also includes the Ordnance Officer Basic and Advance courses, Command and General Staff College, and the Army War College. Jim also holds a Masters Degree in industrial and operations engineering from the University of Michigan.

Over the past 24 years, Colonel Rogers has served the army in a number of posts and locations around the world. Jim's service has taken him to assignments with the 1st Infantry Division at Ft. Riley, Kansas; the 782nd Maintenance Battalion at Fort Bragg, North Carolina; Executive Officer for Armored Systems Modernization in Warren, Michigan; the 801st Main Support Battalion at Fort Campbell, KY; the 2nd Infantry Division at Camp Casey, Korea; the 82nd Forward Support Battalion at Fort Bragg; and the U.S. Army Total Personnel Command in Alexandria, Virginia. Jim currently serves as the Division Support Commander for the 101st Airborne at Fort Campbell.

Jim's fine service to his country has seen him recognized with many awards and decorations, including the Meritorious Service Medal with five Oak Leaf Clusters, the Army Commendation Medal with two Oak Leaf Clusters, the Army Achievement Medal, the Senior Parachutist Badge, the Air Assault Badge, the Ordnance Order of Samuel Sharpe, and the Order of St. Michael.

Jim has repeatedly stood for the defense of this nation, her citizens and their freedom. His devotion and commitment to the defense of freedom and liberty around the world epitomizes the words Soldier, Patriot, and American. Jim is a role model for his four children, and a devoted husband to his wife Reba.

Mr. Speaker, I wish to extend the gratitude of myself and the entire nation to Colonel Rogers for his service to the United States and his hard work in defense of freedom and liberty around the world. I ask my colleagues to join me in recognizing Jim's efforts and wishing him well in his new assignment at CENTCOM in Tampa, Florida.

HONORING BARBARA ACOSTA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a selfless community servant and dedicated businesswoman from my district, Barbara Acosta of Durango, Colorado. An active member of the Durango community, Barbara is this year's recipient of the 2002 Athena Award, presented by the Durango Area Chamber Resort Association. I would like to join with the Durango community in honoring Barbara's commitment and recognizing this distinct honor.

The Athena Award is a unique tribute, honoring women who demonstrate excellence and creativity in business, while providing selfless service to the community. Barbara is a deserving recipient, as her business skills and community service are known throughout Durango. She opened her first business, the General Hair Store, in 1982, and has since added a hair salon, day spa services, and beauty school. Her hard work and dedication to her business has indeed made Barbara a respected member of the Durango business community.

Barbara is also known for her dedication to community service. Barbara has been active in a number of committees and organizations, such as Habitat for Humanity, the Durango Art Center, and the Volunteers of America. Barbara has also been an active fundraiser for a variety of non-profit organizations. Barbara has consistently been at the forefront of community service projects, always sacrificing her time to improve the Durango area.

Mr. Speaker, I join with my colleagues here today in applauding Barbara's civic-mindedness and in recognizing this prestigious honor. This recognition to Barbara for the work she does in her community is long overdue, and I am proud to bring her achievements to the attention of this body of Congress today. Congratulations and thanks again, Barbara, for your many years of hard work on behalf of Durango. May you have many more to come!

REGARDING EFFORTS TO ABOLISH SLAVERY AND OTHER HUMAN RIGHTS ABUSES IN SUDAN

SPEECH OF

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. RUSH. Mr. Speaker, our hopes and prayers are with those working diligently to secure peace for the people of Sudan. The ongoing negotiations can be observed with cautious optimism that a peace agreement will soon be at hand.

I observed with great interest yesterday's debate on H. Res. 194, regarding the importance of international efforts to abolish slavery and other human rights abuses in Sudan. I share the concerns of my colleagues and their desire to see an end to slavery and human rights abuses in the Sudan and elsewhere in the world.

I want to associate myself with the remarks of my distinguished colleague from New York, Representative ED TOWNS, who so eloquently framed the issue on the future of Sudan. While we cannot forget the past, there is nothing we can do to change it. The time has come for us to commit to a lasting peace and an end to hostilities and abuses in sub-Saharan Africa.

I join my colleague, Mr. TOWNS, in support of an NGO-sponsored fact-finding mission to Sudan and a report on their findings on the current situation in the Sudan with regard to allegations of slavery, human rights abuses and religious persecution. I call on others to join me and Mr. TOWNS in this effort to uncover the truth about Sudan.

REGARDING EFFORTS TO ABOLISH SLAVERY AND OTHER HUMAN RIGHTS ABUSES IN SUDAN

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. WOLF. Mr. Speaker, I rise today in support of H. Res. 194, a resolution condemning slavery and other gross violations of human rights that are occurring in Sudan.

I have been to Sudan four times since 1989. I have seen the conditions on the ground firsthand. Women and children continue to die daily from starvation and illness. According to the State Department Country Report on Human Rights, thousands of Dinka women and children have been abducted and sold into slavery, sent to labor camps, and have been forced to serve in the military. Nearly two million people have died and four million have been displaced as a result of the ongoing civil war in Sudan.

On November 4, 2002, the United Nations concluded that the dire human rights situation in Sudan had not significantly changed. Numerous human rights organizations, including Christian Solidarity International, Freedom House, and the American Anti-Slavery Group have all called for an end to slavery in Sudan. The House of Representatives has repeatedly denounced human rights abuses in Sudan.

The Government of Sudan and the SPLA are beginning to take positive steps toward reaching lasting peace and we are at a critical moment in the peace negotiations between the parties. The war in Sudan must end, but it must end in a just peace, a peace in which all of Sudan can share in its resources, where all Sudanese can worship freely, and in which all Sudanese are treated with respect and dignity. The people of Sudan have suffered for too long.

I urge this body to overwhelmingly pass this resolution and I call on the government of Sudan to abolish slavery and respect human rights.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill, H.R. 2673:

Mr. CUMMINGS. Mr. Chairman, I rise today to support the amendment offered by Congressman ARTUR DAVIS that will restore $3.5 million in funding to the 1890 land-grant accounts.

The 1890 Land-Grant Institutions were created as a result of the Second Morrill Act of 1890, expanding the 1862 system of land-grant universities to include historically black institutions in those states where segregation denied minorities access to the land-grant institution established by the First Morrill Act, in 1862.

Under the bill before us, these universities will get a 17 percent cut for research and education activities. They will also be faced with a 10 percent cut in Extension Grants, which provide funding for extension offices that work directly with minority farmers in economically distressed areas.

Today, there are 18 black land-grant colleges and universities in the District of Columbia and the Virgin Islands. Mr. Chairman, cuts of this magnitude would cripple the ability of 1890 institutions to continue with their original mission to train sons and daughters of farmers. Today, many of the schools still focus on agriculture by offering curricula that focus on research, agribusiness, agricultural engineering, and consumer education. Additionally, millions of students are able to study every academic discipline far beyond the scope imagined in the original mission of 1890 land-grant institutions.

Mr. Chairman, I remind my colleagues that many states are faced with massive budget cuts. To combat these deficits, students at our colleges and universities must bear the brunt of the costs. College tuition has seen a double-digit percentage increase in my home state of Maryland.

HBCUs, which often face budget shortfalls, cannot withstand these cuts and many may close if funding of this sort is not approved. I urge all of my colleagues to support this worthwhile amendment. 1890 land-grant institutions and the other HBCUs remain a vital part of our nation's history and educational system. Congress should not turn their backs on these 1890 land grant institutions. Cutting funding will hurt millions of students.

TRIBUTE TO ROSS WORLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to Ross Worley of Durango, Colorado. Ross recently retired from Fort Lewis College, where he has directed the Audio/Visual Department in their John Reed Library since 1969. As Ross retires, I would like to recognize his many years of hard work and dedication to Fort Lewis College.

Ross began his work with Fort Lewis College in 1969, starting first as an audio/visual student assistant before his eventual promotion as director of the department. In his 32 years as director at Fort Lewis, Ross supervised over 150 students, providing each of them with an exemplary model of commitment. An effective Audio/Visual department can provide students with interesting and exciting ways to present and engage information. With technology changing daily, Ross worked diligently to provide our youth with the educational tools to succeed in this demanding field.

Mr. Speaker, I am honored to stand before this Congress and this nation to recognize the accomplishments of Ross Worley. His hard work and dedication provided Fort Lewis College with the ability to reach its students in unique, effective ways. Serving an educational institution is truly a noble calling and Ross's 32 years of service are truly a remarkable accomplishment. Thank you, Ross, for the service you have provided our community. I wish you all the best in your retirement.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. HOYER. Mr. Chairman, I rise in strong support of this Amendment, which would provide much needed funding increases for the

National Endowments for the Arts and the Humanities. These organizations provide national recognition and support to projects of cultural significance and education that preserve and enhance our Nation's heritage.

The importance of supporting and sustaining the arts is especially critical for our young people, who perform much better in school when their academic programs are combined with music, dance, drama or the visual arts. In fact, the No Child Left Behind Act specifically lists the arts as one of the core subjects that all schools should teach.

But ensuring adequate support for the arts is not simply about providing cultural enrichment or enhancing educational opportunities. It is also about ensuring the economic well-being of our communities. The nonprofit arts industry alone generates $134 billion annually in economic activity and $10.5 billion in federal tax revenue.

The National Endowments for the Arts and Humanities are worthwhile investments of our federal tax dollars, and I strongly support the Slaughter-Dicks amendment to increase their funding by $15 million.

HONORING THE 50TH ANNIVERSARY OF THE HOLLYWOOD HEIGHTS VOLUNTEER FIRE DEPARTMENT

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 50th Anniversary of the Hollywood Heights Fire Department.

In December 1952, a group of local men decided that the area needed a Fire Department. The first charter members, Jack Frost, John Hurt, Roy Reynolds, Neal Butler, W. Gebbard, John Sharp, Jack Caldwell, Bob Williams, Oma Rust, Walter Leicht and Guy Anderson went door-to-door and business-to-business asking for donations to start a new Fire Department to serve the Hollywood Heights community.

On August 26, 1953, the Hollywood Heights Volunteer Fire Department was officially formed. Several of the Department's charter members put their own homes up for collateral to purchase the first fire truck for the department, which was a 1953 International. While this new truck was being built, Towers Fire Apparatus let the department borrow a 1937 Studebaker Fire Truck, which contained a 300-gallon water holding tank.

Hollywood Heights' first Fire House was located at the Community Center next to Hollywood Heights School from 1953 until 1955. The Department held picnics and bake sales to purchase the present property and a two bay building. A larger two bay building was built in 1963 to allow for additional space, which provided a meeting room, offices and expanded bay areas for the rescue and brush fire truck.

In 1976, the department started holding a bingo on Monday nights at the Madison County Fireman's Hall. The department had to borrow the money to start the bingo from a local businessman. This fund raising program has grown into the department's biggest source of income and has paid for another addition to the Fire House in 1976 and the purchase of trucks and additional equipment that are in use today.

The department has continued to remain an active part of the Hollywood Heights community. The department sponsors a free Easter egg hunt, holiday pictures with Santa Claus, various fire fighting demonstrations and donations to the Hollywood Heights Elementary School, the Shriners Hospital and the Caseyville Food Pantry.

Today, the department has over 25 members with a ladder truck, two front line pumpers, one rescue truck, one Brush/Mini pumper and an in-house cascade system to meet the department's needs. They continue to add modern state-of-the-art fire fighting equipment to the department and play a major part in their community and the area.

Mr. Speaker, I ask my colleagues to join me in honoring the 50th Anniversary of the Hollywood Heights Volunteer Fire Department and recognize the great work that it does in the community to benefit the health, safety and welfare of its citizens.

TRIBUTE TO JEREMY KOSELAK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. McINNIS. Mr. Speaker, it is my privilege today to recognize an outstanding educator from my district. Jeremy Koselak of Pueblo, Colorado is my state's recipient of the Educator of the Year Award given out by the Colorado Association of Family and Children Agencies. Jeremy was an obvious choice for the award, as he has dedicated his time and efforts to teaching troubled children the skills they need to be successful in life.

Jeremy recently completed his first year at El Pueblo Boys and Girls Ranch, a school designed to help children escape problems that have plagued them in the past. Jeremy teaches mathematics, and the difficulty of the subject means many students need special attention. Some need help with general arithmetic and some need help with high school level math, like algebra and geometry. These differences have allowed Jeremy to take a unique approach to general math skills. He tries to incorporate real world applications, such as balancing a checkbook. Jeremy instills a positive work ethic in his students; he makes them believe they can succeed and then helps them to do it.

Jeremy loves his job at El Pueblo, where he develops close relationships with his students. Because the kids come from troubled backgrounds, Jeremy makes himself available as a teacher, friend, and role model. He commonly spends extra time with his students, providing them opportunities they would not otherwise enjoy. He recently took some of his students to the University of Colorado—Colorado Springs to compete in a math competition.

Mr. Speaker, the students at El Pueblo Boys and Girls Ranch include many less fortunate youth, but Jeremy Koselak's innovation and hard work have greatly improved their chance of success in the classroom and in life. Jeremy has made Pueblo and the State of Colorado proud, and I am truly honored to recognize him here today. Congratulations, Jeremy, keep up the good work and I wish you all the best in your future endeavors.

COMMENDING THE HOLY SPIRIT HIGH SCHOOL GIRLS' CREW TEAM ON THEIR PEABODY CUP CHAMPIONSHIP AT THE HENLEY REGATTA

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. LoBIONDO. Mr. Speaker, I rise today to commend the members and coaches of the Holy Spirit High School Girls' Crew Team of Absecon, New Jersey on their winning the coveted Peabody Cup world championship at the 16th Annual Henley Women's Regatta held at Henley-on-Thames, Oxfordshire, England on June 22, 2003. The girls' varsity eight defeated the Kingston Grammar School in the final 1,500 meter race by two boat lengths in a time of five minutes, eighteen seconds. This victory in the final came just hours after Holy Spirit defeated the British national junior champion team in the morning semifinal.

Holy Spirit's proud championship tradition is well-known in the world's rowing community and this team has upheld and enhanced that tradition with their victory this year. They have a direct link with another world championship Holy Spirit crew. Their coach, Joe Welsh, was a member of the Holy Spirit boys' crew team that won a world championship at Henley in 1976. No doubt, the achievements of the girls' varsity eight in the 2003 Henley are a welcome addition to the Holy Spirit championship tradition and will serve to inspire young rowers.

I congratulate Coach Welsh and the members of the Holy Spirit girls' varsity eight—bow Robin Cascoli, Kristen Haneman, Robyn Brennan, Jen Maslanka, Andrea Haneman, Eileen Welsh, Christa Laquinta, stroke Teri Francesco and coxswain Jamie Marcone—on their victory at the Henley Women's Regatta to become world champions and offer on behalf of all the residents of the Second Congressional District of New Jersey our appreciation for their achievements.

HONORING THE LIFE OF CELIA CRUZ

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. ROTHMAN. Mr. Speaker, I rise tonight to pay tribute to the "Queen of Salsa," Celia Cruz. Ms. Cruz passed away yesterday at her home in Fort Lee, New Jersey, which is located in my Congressional District. She is survived by her husband Pedro Knight.

Born in Havana, Cuba, Celia Cruz fled to the United States to free herself of the brutal dictatorship of Fidel Castro. She became a United States citizen in 1961, and refused to return to her homeland as long as Castro remained in power. She did, however, attempt to return to Cuba for her father's funeral, but Castro refused to give her permission to attend.

Celia Cruz is widely considered to be a pioneer of salsa—reinventing and bringing Latin music to its now more familiar sound of upbeat vigorous dance rhythms and rich musical flavors. She was a true performer. Her powerful alto voice carried her concerts, which were accompanied by sensational dancing that always seemed to lift audience members from their seats as they joined along.

With a genuine love of life and passion for family and friends, Celia Cruz represented the true spirit of the Latin people through her music. Her music spread across the world. From Latin America to Asia, the music of Celia Cruz touched the lives of countless people of all races, religions, and ethnicities.

Throughout her six decade-long career, in which she recorded more than 70 albums and performed in 10 movies, Celia Cruz received many great honors, including a star on Hollywood's Walk of Fame, five Grammy Awards, two Latin Grammy Awards, a Lifetime Achievement Award from the Smithsonian Institution and the National Medal of Arts, which President Clinton awarded her in 1994. Celia Cruz also received honorary doctorates from Yale University, the University of Miami, and Florida International University. Additionally, streets in Costa Rica, Mexico, Miami, and New York bear her name.

The world has suffered a great loss with the passing of Celia Cruz. But the world is a much richer place thanks to the timeless music that she gave all of us, which will surely be passed on from generation to generation. To all of her fans from around and the world, and to Celia Cruz herself who is still with us in spirit and looking down upon us from heaven, I say, Azucar!

KETER BETTS IS SEVENTY-FIVE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. CONYERS. Mr. Speaker, hard work, persistence, and passion are all trademarks of a great musician. Noted as one of the most accomplished bassists of our time, Keter Betts stands among the rare musicians who exude a very special aura. A native of Port Chester, New York, Betts possessed the drive and passion for music at an early age. Betts credits a local parade event as a major spark in his love for jazz music. After that event, Keter was certain that the drum would be his lifelong musical companion. Although Keter worked hard and mastered drumming, after a while, Betts grew tired of carrying his drums up many flights of stairs and found that the bass would serve as a more comparable instrument. He did not know that this decision would many years later bring him to the forefront of jazz music.

Keter Betts established himself in jazz music as an exemplar of excellence in musicianship. His extraordinary career spanning six decades, numerous recordings, and musical genius all stand as a monument to his contribution to jazz. Mr. Betts' professional career began in Washington DC, working with New York native and tenor saxophonist Carmen Leggio. Just fresh out of high school, Keter played his first gig with Leggio at the age of 19. This thirteen week gig in the heart of Washington, DC would set the stage for Betts to travel the world impressing listeners and musical scholars alike with his command of the acoustic bass.

Keter has performed with Jazz icons including Duke Ellington, Dinah Washington, Earl Bostic, Woody Herman, Cannonball Adderly, Charlie Byrd, and an impressive twenty four year career with the legendary Ella Fitzgerald. Keter's melodic thumping bass lines can be heard on many of her recordings. In addition, Mr. Betts has time and time again enhanced the musical recordings of numerous Jazz artists and has been a performer on over one hundred recordings including those of Count Basie, Tommy Flanagan, Sam Jones, and Kenny Burrell, among several others. Moreover, Mr. Betts also recorded a solo CD on his own label entitled Bass, Buddies, and Blues (1998).

He and his wife Mildred made Washington DC their home as newlyweds in 1953. Here they raised a family of five children. Throughout the years, Keter has committed himself to contributing to the greater Washington, DC metropolitan area. Within the academic community, Keter has worked with the Washington Performing Arts Society's Concerts in Schools Program, the Wolf Trap Foundation for the Performing Arts and the HeadStart program. In addition, Keter spends time imparting to future Jazz legends by serving as a music lecturer at Howard University.

Keter Betts' numerous commendations for his excellence in jazz further demonstrate his positive relationship with the Washington, DC community. Keter has been inducted into the Washington Area Music Association Hall of Fame. Mr. Betts has also been honored with the Linowes Leadership Award from the Community Foundation for the National Capital Region, the Mid Atlantic Arts Foundation Living Legacy Jazz Award and most recently he was selected to receive the Mid-Atlantic Arts Foundation's 2003 Living Legacy Jazz Award.

Keter has shared his musical gift with international audiences and has performed on stages in South America, Europe, the Middle East and numerous stages across the United States. Through his musical genius, has and continues to captivate, motivate, and inspire current and future generations. We are glad that his family and friends are sharing this special day with him and we pause to remember his loving wife who passed away in 2000. On this day of celebration, we commemorate the contributions of Keter Betts and wish him all of the best on his 75th birthday.

TRIBUTE TO SAM STAPLETON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress and this nation today to pay tribute to a dedicated community servant from my district, Sam Stapleton of Aspen, Colorado. Sam has overseen the Aspen Fire District Board for 50 years, many of them as its President. His hard work and determination have created a top-notch volunteer department that protects 87 square miles of land in and around Aspen. Fifty years of service is truly a remarkable feat, and I join with my colleagues in offering our congratulations and appreciation to Sam today.

Before joining the fire board, Sam and his wife Elizabeth raised sheep and cattle on the family ranch. As a landowner, Sam knew firsthand the vulnerability that he and his neighbors had to wildfire. When he was approached to become a member of the board in 1953, Sam jumped at the opportunity. There, he helped turn the Aspen Volunteer Fire Department into an effective, efficient force. Sam was instrumental in the purchase of a new, fully functional fire engine, and three new stations. Today the department owns and operates over $4 million in equipment, assets that provide Aspen with needed protection.

Mr. Speaker, I am proud to recognize Sam Stapleton's accomplishments before this Congress and this nation. His hard work has helped make the community safer, and helped to protect some of the most beautiful land in the United States. Thank you, Sam, for the service you have provided our community. I wish you all the best in the years to come.

HONORING THE QUEEN OF SALSA, CELIA CRUZ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. RANGEL. Mr. Speaker, I rise today to honor the legendary Celia Cruz, who passed away of cancer on July 16, 2003, at the age of 78.

I join with the people of my district and other citizens of the global community in mourning the loss of the woman who was rightly called "La Reina de la Salsa." I recall fondly her solo and group performances with many musical greats, but in particular the ones with my late dear friend, Tito Puente. I recall most notably her performances at the John F. Kennedy Center in Washington, D.C. during the Americanos Festival and the Hispanic Heritage Awards.

Ms. Cruz changed the world through her voice, helping not only to establish modern salsa music but also set a bar of excellence for all performers, male and female. She rose from humble roots in Cuba to become a global citizen who's gift of song and dance extended beyond language through more than 70 albums that incorporated everything from mambo, to son, to modern reggae and hip-hop. Ms. Cruz's unique vocal abilities earned her hundreds of awards and honors, including a star on the Hollywood Walk of Fame and three honorary doctorates. Her talent earned her fans all over the world, serving to proudly uplift Latinos worldwide and helping to break down racial and gender barriers in unprecedented ways in music, politics and culture. Her grace and hard work kept her producing Grammy-winning albums until the very end of her life, challenging the perception that life, success and beauty stop at the certain age.

Our condolences naturally go out to her husband Pedro, who more than anyone knew the rare and precious jewel that we had among us. However, while she has departed this earthly plane, her legacy will live forever in the hearts and minds of those who cherished her work in present and the generations of those fans yet to be born.

I leave with my colleagues two articles written respectively by the New York Times' Jon Pareles and the Washington Post's Eugene Robinson. The article details Ms. Cruz's accomplishments and why life was always better with a little bit of "Azucar!"

[From the New York Times, July 17, 2003]

CELIA CRUZ, PETITE POWERHOUSE OF LATIN MUSIC, DIES AT 77

(By Jon Pareles)

Celia Cruz, the Cuban singer who became the queen of Latin music, died yesterday at her home in Fort Lee, N.J. She was 77.

The cause was complications after surgery for a brain tumor, said a spokeswoman, Blanca Lasalle.

Onstage, Ms. Cruz was a petite woman who wore tight, glittering dresses and towering wigs, dancing in high heels and belting songs that she punctuated with shouts of "Azucar!" ("Sugar!"). She was a vocal powerhouse, with a tough, raspy voice that could ride the percussive attack of a rumba or bring hard-won emotion to a lovelorn Cuban son.

"When people hear me sing," she said in an interview with The New York Times, "I want them to be happy, happy, happy. I don't want them thinking about when there's not any money, or when there's fighting at home. My message is always felicidad—happiness."

In a career that began in the 1940's, Ms. Cruz sang with every major Latin bandleader and recorded more than 70 albums. She sang a full spectrum of Afro-Cuban music, from the religious chants of santeria to mambos and cha-chas to modern salsa. Yet unlike many of the Latin musicians in her wake, she didn't court a crossover audience. She recorded in Spanish, modestly saying that her English was not good enough.

Ms. Cruz was born in Havana to a poor family, and she regularly sang her brothers and sisters to sleep. She won a radio talent contest after a cousin took her to the radio station Garcia Serra; first prize was a cake. She went on to study at the Havana Conservatory and to sing on radio programs. In 1950, she joined La Sonora Matancera, Cuba's most popular band. "I wanted to be a mother, a teacher and a housewife," she told The New York Times. "But when I began to sing with La Sonora Matancera, I thought, 'This is my chance, and I'm going to do it.'"

She toured with the group constantly, sometimes singing five sets a day; they were also headliners at Havana's most celebrated nightclub, the Tropicana, and performed on radio and television. But in 1960, a year after Fidel Castro took power in Cuba, she was touring Mexico with La Sonora Matancera and decided not to return to Cuba. Years later, Cuba refused permission for her to attend her father's funeral.

Ms. Cruz moved to New York in 1961, and later to Fort Lee. In 1962, she married Pedro Knight, a trumpeter from La Sonora Matancera who became her musical director and manager. He survives her, along with two sisters, Gladys Becquer and Dolores Cruz.

In New York, she held on to her Cuban roots while adding some of the city's Puerto Rican and later Dominican elements to her music. She sang with Tito Puente's orchestra in the 1960's, a collaboration she periodically renewed through the next decades, and in the 1970's she also sang with bandleaders like Johnny Pacheco, Willie Colón and Ray Barretto. She performed with the Fania All-Stars at Yankee Stadium in 1975.

"Women are afraid to sing salsa," she once said. "I don't know why. Maybe they think it's for men." She added, "But I think everybody can sing everything."

She continued to modernize her music, working with Miami-based producers like Willy Chirino and Emilio Estefan and with Sergio George in New York, who produced her most recent albums. She also collaborated with many of the musicians who admired her, among them Luciano Pavarotti, Gloria Estefan, David Byrne of Talking Heads and the Brazilian songwriter Caetano Veloso.

In 1989, Ms. Cruz won a Grammy award for best tropical Latin performance for an album in collaboration with Mr. Barretto, "Ritmo en el Corazón." In 1989, Yale University awarded Ms. Cruz an honorary doctorate (alongside Stephen Hawking), and in 1990 the main street of Little Havana in Miami, Calle Ocho, added the name Celia Cruz Way. In 1994, President Clinton gave her the National Medal of Arts. She won the first Latin Grammy Award for best tropical album in 2000. Until last year, Ms. Cruz continued to perform and record constantly on an international circuit that included jazz festivals and arena concerts along with Latin clubs.

She had surgery for a brain tumor in December 2002, but in February she returned to the studio to record an album, "Regalo de Alma," that is due for release Aug. 5 on Sony Discos. That same month, her 2002 album, "La Negra Tiene Tumbao," won the Grammy Award for best salsa album. In March, the Telemundo network broadcast a live concert tribute to Ms. Cruz, in which she performed alongside other Latin stars, including Marc Anthony, to raise money for the Celia Cruz Foundation for Hispanic students to study music. It will give its first five grants on her birthday this year, Oct. 21.

[From the Washington Post, July 17, 2003]

SUGAR AND SALSA

(By Eugene Robinson)

Celia Cruz, the Cuban singer who became the queen of Latin music, died yesterday at her home in Fort Lee, N.J. She was 77.

The cause was complications after surgery for a brain tumor, said a spokeswoman, Blanca Lasalle.

Onstage, Ms. Cruz was a petite woman who wore tight, glittering dresses and towering wigs, dancing in high heels and belting songs that she punctuated with shouts of "Azucar!" ("Sugar!"). She was a vocal powerhouse, with a tough, raspy voice that could ride the percussive attack of a rumba or bring hard-won emotion to a lovelorn Cuban son.

"When people hear me sing," she said in an interview with The New York Times, "I want them to be happy, happy, happy. I don't want them thinking about when there's not any money, or when there's fighting at home. My message is always felicidad—happiness."

In a career that began in the 1940's, Ms. Cruz sang with every major Latin bandleader and recorded more than 70 albums. She sang a full spectrum of Afro-Cuban music, from the religious chants of santeria to mambos and cha-chas to modern salsa. Yet unlike many of the Latin musicians in her wake, she didn't court a crossover audience. She recorded in Spanish, modestly saying that her English was not good enough.

Ms. Cruz was born in Havana to a poor family, and she regularly sang her brothers and sisters to sleep. She won a radio talent contest after a cousin took her to the radio station Garcia Serra; first prize was a cake. She went on to study at the Havana Conservatory and to sing on radio programs. In 1950, she joined La Sonora Matancera, Cuba's most popular band. "I wanted to be a mother, a teacher and a housewife," she told The New York Times. "But when I began to sing with La Sonora Matancera, I thought, 'This is my chance, and I'm going to do it.'"

She toured with the group constantly, sometimes singing five sets a day; they were also headliners at Havana's most celebrated nightclub, the Tropicana, and performed on radio and television. But in 1960, a year after Fidel Castro took power in Cuba, she was touring Mexico with La Sonora Matancera and decided not to return to Cuba. Years later, Cuba refused permission for her to attend her father's funeral.

Ms. Cruz moved to New York in 1961, and later to Fort Lee. In 1962, she married Pedro Knight, a trumpeter from La Sonora Matancera who became her musical director and manager. He survives her, along with two sisters, Gladys Becquer and Dolores Cruz.

In New York, she held on to her Cuban roots while adding some of the city's Puerto Rican and later Dominican elements to her music. She sang with Tito Puente's orchestra in the 1960's, a collaboration she periodically renewed through the next decades, and in the 1970's she also sang with bandleaders like Johnny Pacheco, Willie Colón and Ray Barretto. She performed with the Fania All-Stars at Yankee Stadium in 1975.

"Women are afraid to sing salsa," she once said. "I don't know why. Maybe they think it's for men." She added, "But I think everybody can sing everything."

She continued to modernize her music, working with Miami-based producers like Willy Chirino and Emilio Estefan and with Sergio George in New York, who produced her most recent albums. She also collaborated with many of the musicians who admired her, among them Luciano Pavarotti, Gloria Estefan, David Byrne of Talking Heads and the Brazilian songwriter Caetano Veloso.

In 1989, Ms. Cruz won a Grammy award for best tropical Latin performance for an album in collaboration with Mr. Barretto, "Ritmo en el Corazón." In 1989, Yale University awarded Ms. Cruz an honorary doctorate (alongside Stephen Hawking), and in 1990 the main street of Little Havana in Miami, Calle Ocho, added the name Celia Cruz Way. In 1994, President Clinton gave her the National Medal of Arts. She won the first Latin Grammy Award for best tropical album in 2000. Until last year, Ms. Cruz continued to perform and record constantly on an international circuit that included jazz festivals and arena concerts along with Latin clubs.

She had surgery for a brain tumor in December 2002, but in February she returned to the studio to record an album, "Regalo de Alma," that is due for release Aug. 5 on Sony Discos. That same month, her 2002 album, "La Negra Tiene Tumbao," won the Grammy Award for best salsa album. In March, the Telemundo network broadcast a live concert tribute to Ms. Cruz, in which she performed alongside other Latin stars, including Marc Anthony, to raise money for the Celia Cruz Foundation for Hispanic students to study music. It will give its first five grants on her birthday this year, October 21.

TRIBUTE TO TOM HARTNEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I take this opportunity to pay tribute to the life and memory of a dedicated community member in my state, Tom Hartney of Durango, Colorado. Tom passed away recently at the age of 72 and, as his family mourns their loss, I would like to take this moment to pay tribute to his life and accomplishments here today.

Tom grew up in the Midwest, graduating from Northwestern University in Illinois. He married his wife Shelly in 1956 and they began their life together in Michigan. The couple eventually moved to Durango in 1979 and fell in love with their new surroundings. Tom became involved in the Durango Community, beginning with his membership in the local Rotary Club. He spent his time raising and contributing money to the college scholarship fund, and serving as the club historian. When not helping the Rotary Club, Tom helped the community youth by coaching in the Babe Ruth Baseball League. Tom provided his players with a role model, as a coach they could look up to and admire.

One of Tom's greatest contributions was the time he spent serving on the Durango School Board. Tom served there for five years, spending one year as its President. Even after his retirement, Tom stayed involved with the school system, spending time consulting and advising the new members and committees.

Mr. Speaker, I am honored to stand before this body of Congress and this Nation to pay tribute to the life and legacy of Tom Hartney. Tom was a solid contributor to his community and his Nation, and I am grateful for his service. My thoughts and prayers go out to Tom's family and friends during their time of loss.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill, H.R. 2673:

Mr. BOEHLERT. Mr. Chairman, I rise today to express my concern about proposed cuts to conservation, energy, rural development and research program funding in this year's Agriculture Appropriations Bill. I realize this year has been especially difficult in light of the need for funding cuts. However, there are a number of programs that I feel are critical, including the Environmental Quality Incentives Program, the Conservation Security Program, the Wetland Reserve Program, and the Renewable Energy Systems, Energy Efficiency Grants and Value-Added Agricultural Product Market Development Grant Programs.

Passage of the 2002 Farm Bill was a bipartisan victory for conservation, renewable energy and rural America. It contained landmark conservation, renewable energy, research, and rural development programs. The bill authorized nearly $3 billion for USDA conservation programs in FY 2004, including for funding for working lands incentives programs like the Environmental Quality Incentives Program, the Conservation Security Program. However, the FY 2004 Agriculture Appropriations Bill would reduce these critical programs.

By providing funding for working lands programs like EQIP and CSP in the 2002 Farm Bill, Congress dramatically increased funds to help farmers manage working lands to produce food, while also enhancing water quality and wildlife habitat. EQIP shares the cost of a broad range of land management practices that help the environment, includes more efficient use of fertilizers and pesticides, and promotes innovative technologies for manure management. CSP is a new program that will link conservation payments to gradually increasing levels of performance. Overall, these programs will provide farmers the tools and incentives they need to meet major environmental challenges.

In addition, farmers have offered to restore more than 600,000 acres of lost wetlands by enrolling farmland into the Wetlands Reserve Program and restoring them. The Agriculture Appropriations Bill proposes to cut, rather than increase, funding for the Wetlands Reserve Program, which provides perpetual easements on farmland and wetland restoration funds, thus significantly reducing the benefits of the program.

The Renewable Energy and Energy Efficiency Improvements Program [(Sec. 9006) of the Energy Title] and the Value-Added Agricultural Market Product Development Grants Program [(Sec. 6401) of the Rural Development Title] were designed to spur the growth of renewable energy within the agricultural sector. Unfortunately, the House Appropriations Agriculture bill eliminates mandatory spending for both programs.

Congress provided $23 million a year in mandatory funds under section 9006 of the Farm Bill to provide grants, loans, and loan guarantees to farmers, ranchers, and rural small businesses for the development of renewable energy projects and energy efficiency improvements. Sec. 9006 will help farmers save money by lowering their energy costs through efficiency improvements, and by enabling them to produce some of their own on-farm power. It also provides farmers the seed money needed to develop and market their renewable energy resources. This funding was embraced by the administration and both houses of Congress. However, today's bill provides only $3 million in discretionary funding for section 9006.

The Value-Added Agricultural Product Market Development Grant program, under Sec. 6401 of the Farm Bill, provided $40 million a year in mandatory funding. The program was created to spur development of new uses for agricultural products, and the 2002 Farm Bill amended the program to include renewable energy. [The House Agriculture Appropriations Bill only provides $13 million in discretionary funding for Rural Cooperative Development Grants. Of this amount, $4,000,000 is for value-added market development grants.]

Empowering America's farmers to produce clean, renewable energy is critical if we ever hope to achieve energy independence. By integrating renewable energy development initiatives throughout the Farm Bill, America's farmers can receive the support they need to develop their renewable energy resources, including bioenergy, wind, solar, and geothermal.

The environmental and geopolitical risks associated with continued dependence on foreign oil are simply unsustainable. Dependence on fossil fuels has affected public health and our environment and unnecessarily diverted American dollars abroad when they could be kept at home. Long term, the United States must develop realistic alternatives to dependency on fossil fuels, and these funds will enable us to begin sooner rather than later. American farmers are fully capable of and want to become part of a long-term solution to ending this harmful dependence. And, they can do so knowing that renewable energy production represents new income streams for their farms.

Protecting funding for projects like those listed above is crucial because they represent a first step toward enlisting the help of the agricultural sector in a quest toward energy independence. I hope that as we complete the FY 2004 appropriations process we can enhance the funding for these innovative programs.

A TRIBUTE TO CELIA CRUZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Ms. ROS-LEHTINEN. Mr. Speaker, today, the Latin music world mourns the passing of "The Queen of Salsa," "La Reina de la Salsa," Celia Cruz, who passed away 43 years and one day after she left her homeland, Cuba, for the United States. I am honored to recall how Celia Cruz, the world-renowned performer, and I crossed paths at different moments. She sang at my first victory party, celebrating my win as the first Cuban-American woman to win a seat in Congress in a special election in 1989. She accompanied me to Guantanamo Bay, Cuba, when I went to visit the Cuban rafters detained on our base, to see for myself their living conditions and physical well-being. I will never forget how she kissed the ground when our plane landed and how she sang that day to the Cubans held there with the passion and love of a true native who has been presented the chance of standing on her native soil, even though poignantly, it was on our base, after so many years. She was also a friend to the Republican Party, performing at the 2000 Republican convention in Philadelphia, where President George W. Bush accepted the nomination to the presidency.

In her long career, Celia Cruz never forgot the country of her birth, evoking Cuba in every performance, but never returning to her homeland. She was a political exile who never returned to Cuba, not even when her father died, denied entry by Fidel Castro, who was still angry at her defection many years before. When Fidel Castro came to power in 1959, Celia was the lead singer of La Sonora Matancera, Cuba's most popular orchestra. The group headlined Havana's world-famous Tropicana nightclub and casino and toured the United States and Central and South America. La Sonora Matancera's fame and frequent tours provided them an escape route, by pretending they were going on another tour, never returning to Cuba.

I am honored to be here today to talk about a music legend. She recorded more than 70 albums, many of them gold and platinum records, and received twelve Grammy nominations, winning for the first time in 1989. Celia was honored with stars and street sections in some of the most well-known avenues of the world. Hollywood gave her a star on the Walk of Fame in 1987. Miami's Calle Ocho was named "Celia Cruz Way" and presented her with a star, an honor she has received in other cities such as San José, Costa Rica and the Plaza Galería in Mexico City, Mexico. She received many awards and distinctions, which include a Lifetime Achievement Award from the Smithsonian Institution, the prestigious Lifetime Achievement Award from the Hispanic Heritage Awards, and in 1994, she received in the White House the highest honor the United States can bestow on an artist: the National Endowment for the Arts.

Celia Cruz was a musical icon that made Cuban music known beyond our national borders while touching different generations. Lovers of Latin music worldwide embraced her style and boundless energy on the stage as they enjoyed her contagious music and rhythms. For the Cuban American exile community, she was the link between young Cuban Americans and their parents' generation, making Cuba a reality to the younger generation by providing them with the music that entertained their parents and their grandparents.

Celia's fondest dream never became a reality: the opportunity of returning to a free and democratic Cuba. This woman who sang for presidents and heads of state worldwide simply wanted to return one day to the country she had known. She hoped to one day perform again in the land of her birth, and to utter her signature catch phrase "Azucar" to her fellow Cubans. She left us before her dream became a reality, but I say "Azucar" in her honor and in her memory.

Celia, I know that you can hear us this evening. We love you, and your music will continue to live in our hearts. We will never forget you. I promise you, Celia, that I will continue to work tirelessly in the U.S. Congress for your dream of a free and democratic Cuba. At that time, the Cuban people will once again be able to enjoy your music filled with rich, Cuban rhythms and Afro beats "en libertad"—in freedom. May you rest in peace, Celia!

TRIBUTE TO EDWARD ATENCIO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress today to recognize the devoted service that Edward Atencio has provided to the students of his hometown in San Luis, Colorado. Edward is retiring from Centennial High School after having served as Athletic Director for the last 31 years. I commend him for the positive impact that he has had upon so many young individuals in my district.

Edward moved to the San Luis Valley as a small child with his parents and two brothers. He graduated from Adams State College in 1968 with a Bachelor's degree in Health, Physical Education, and Recreation in 1968. He proceeded to obtain a Master's degree from Adams State College four years later and ultimately obtained his Type D administrator certificate at Western State College. Edward's qualifications as Athletic Director also include advanced coursework at the University of Colorado, Colorado State University, and the University of Northern Colorado.

Edward's first endeavor after joining the Centennial faculty was to build a track facility in order to create a track and field team. Edward's dedication to his students has persisted over the past 35 years, teaching close to 4,600 students and coaching approximately 1,400 student athletes over the course of his career. Dating back to 1978, Edward has received 40 distinguished awards in addition to his nominations for Colorado Prep Coach of the Year and Colorado Teacher of the Year. While Edward is grateful for the personal recognition he has received, he most appreciates the gratitude that he receives from his former students and athletes. Given his invitation to return as a substitute teacher, Edward's involvement with Centennial High School will likely continue even after his formal retirement as Athletic Director.

Mr. Speaker, it is my distinct privilege to recognize Edward's achievements and laudable record of public service before you today. Individuals like Edward embody the dedication and commitment necessary to impart strong values to future generations and allow them the opportunity to succeed. I commend Edward for his long and prolific career and wish him all the best in his future endeavors.

SO FAR ACROSS THE SHORES

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. SMITH of Michigan. Mr. Speaker, I present a writing by Albert Carey Caswell, one of our Capitol historians, dedicated to the United Kingdom—in honor of Tony Blair's address to the joint session of Congress.

To send our fine sons and daughters off to die, off to death and war to there throughout the ages, to share such pain, such grief, such death and gore . . . as together we've endured mothers & fathers, sisters & brothers, husbands & wives the more . . . who've lost such loves, oh what a burden bore.

For we are such fine friends . . . so very far across the shores as here so lies in time, now etched in history adorned, such a great tribute to our love . . . as has so endured lies such a bond from so very far across the shores, with such unity as woven . . . all throughout time all the more.

For from these two great nations . . . as there would so rise a love and kinship, such that wars would not let despise, that even time and distance . . . still could not deny as a true and fine meeting of the minds . . . as a uniting of brothers and sisters . . . as there bringing such tears to eyes.

For once upon a time . . . from this the great land of kings and queens of so divine came colonies, from far across the seas . . . with such splendid people, with such great dreams, so very fine and with this journey came, a great revolution of the same . . . as a bond dissolved and wars so intervened in time.

And as then, throughout the many years as again . . . such a cherished bond, as so formed here . . . as such a splendid reconciliation, as so appeared and throughout war worlds & evils endured, together as friends, to this world we've stood as one so very clear.

For from this great land has come, such cherished gifts to us among as our father, our true beloved son . . . one George Washington, who to this nation his heart has sung and another such splendid gift . . . that of "hope" by a man named "Bob" . . . whose America's heart has forever rung.

And to this very day, as spreads so far across the way ingrained within our very hearts, lies the United Kingdom . . . for whom we all so pray who have so over the many decades, made our Nation shine in so many ways, into this promised land we see today.

And as the years so pass within our hearts we ask, that this fine bond which we've so made . . . shall to ever last for this our great love & friendship which has so evolved . . . recorded now in history, has forever stood steadfast.

Now as such fine friends, so very far across the shores as so lies such a bond, as one for all and all for one . . . into our love as poured . . . as lies there forever more across the highs seas & distant shores, a blessing to two countries . . . within one another this love shall endure.

HONORING THE DETROIT HISTORICAL MUSEUM'S 75TH ANNIVERSARY

HON. JOHN CONYERS, Jr.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. CONYERS. Mr. Speaker, I rise today to honor the Detroit Historical Museum on the occasion of the museum's 75th anniversary. The museum, along with Historic Fort Wayne, the Dossin Great Lakes Museum and the Detroit Historical Society, comprise the Detroit

Historical Museums and Society, and I commend them on the wonderful job they have done chronicling Detroit's three-hundred year history.

The idea of recording the city's history through museums developed in 1914, when historian Clarence M. Burton donated his extensive collection of historical papers to the Detroit Public Library. The donation of these papers inspired a meeting of Burton and 19 other local historians in 1921, resulting in the formation of the Detroit Historical Society. In 1927, the Society appointed J. Bell Moran to create the Detroit Historical Museum. In 1928, the museum opened in what is now the Cadillac Tower. In 1942, under the direction of former Detroit News columnist George Stark, the Detroit Historical Society began raising funds to acquire a building to house the museum. In 1945, the Society donated the money that it had raised and its collection of items to the city, leading to a city charter and the subsequent dedication of the museum in 1951, Detroit's 250th anniversary. The 1940's brought the acquisition and opening of Historic Fort Wayne, which the city procured from the Federal Government in 1949. The final component of the Detroit Historical Museums and Society, the Dossin Great Lakes Museum, opened in 1961.

The Detroit Historical Museum's collection of artifacts and exhibits is quite extensive. Visitors to the museum can walk Detroit's eighteenth century cobblestone streets and visit an authentic fur trading post part of "The Streets of Old Detroit". They can explore the industry that gave the "Motor City" its name, by walking an actual auto assembly line, part of the "Motor City Exhibition" which opened in 1995. The museum features an authentic pilot house from a Great Lakes freighter. The museum's exhibit, "Frontiers to Factories: Detroiters at Work 1701–1901" highlights the development of industry in Detroit's three hundred year history. Throughout its history, the museum has hosted thousands of students drawn from the entire Detroit region. The Historical Museum's most exciting new exhibit, "Detroit Storyliving," gives students an interactive learning experience and helps excite them about local history through role-playing, music, and team based activities. The Detroit Historical Museum, depicts Detroit as it has changed from a frontier outpost to dominant industrial city.

I thank current Museum Director Dennis Zembala for his dedication and leadership and thank all the staff and volunteers that have made the museum the educational masterpiece it is today. I look forward to its continued educational and historical success and congratulate the Detroit Historical Museum and the Detroit Historical Society on reaching this tremendous milestone and look forward to their continued success.

PERSONAL EXPLANATION

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Ms. CORRINE BROWN of Florida. Mr. Speaker, due to a pressing matter in the state, I was unable to make the following votes. Had I been present, I would have voted: "No" on rollcall vote No. 371, "No" on rollcall vote No. 372, "Yes" on rollcall vote No. 373, "Yes" on rollcall vote No. 374, and "Yes" on rollcall vote No. 375.

TRIBUTE TO JUNE OWENS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I stand before this Congress and this nation today to pay tribute to the life and passing of June Owens, an outstanding citizen of the State of Colorado. The beloved mother of five children passed away at the age of 86, leaving a legacy of hard work, commitment, and a kind, loving spirit we would all be wise to emulate. I am honored to recognize her accomplishments and her life here today.

June was a North Dakota native, growing up in Fargo and attending North Dakota State University. Upon graduation, she moved to Minneapolis and began work at a local newspaper. While in Minnesota she met Arthur Owens, and the two married in 1943. June eventually found her way to Colorado, where she would spend the rest of her adult life.

June was more than a mother to her five children; she was a teacher and a role model as well. Her son Bill, the Governor of my state, acknowledges that his mother provided all of her children with strength and taught them lessons that will be with them for the rest of their lives.

June was an active member of the Colorado community, spending time volunteering for organizations throughout the state. She was known to help the Cancer League, Porter Adventist Hospital, and the Cherry Creek Republican Women's Association. June was always helping those in need, one of the many reasons she was widely acknowledged as a respected member of the Colorado community.

Mr. Speaker, I am saddened by the loss of such a kind and caring individual. It is June's strength, loyalty, and generosity that garnered her respect, and it is for those very qualities that I wish to bring her life to the attention of my colleagues here today. My thoughts and prayers go out to the family and friends of June Owens.

TRIBUTE TO EDWIN J. SMITH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I honor the life of a well-respected veterinarian and volunteer from my district. Edwin Smith of Pueblo, Colorado passed away recently, and as his loved ones mourn his passing, I would like to pay tribute to this outstanding individual before this body of Congress and this nation today.

Edwin was born in Minturn, Colorado, grew up in the San Luis Valley, and spent much of his life in New Mexico before returning to Colorado nine years ago. Much of his childhood was spent on the family farm or in church, where he played the clarinet in a family band. After completing his education at Colorado State University, Edwin served his country in the military and then embarked on a career as a veterinarian. He treated his most famous patient in 1950, a two-month old cub who had been rescued from a forest fire in New Mexico. "Smokey Bear" soon became the center of the U.S. Forest Service's campaign to prevent forest fires.

In addition to his work treating large and small animals, Edwin's professional achievements included serving as secretary for the New Mexico Veterinary Exam Board and as veterinarian for the Santa Fe Downs racetrack. Yet he still found time to give back to the community. Edwin was active in the Elks, Masons and Lions Clubs in addition to working with the Boy Scouts and serving as a church deacon. Even in his eighth decade, Edwin volunteered at a Cooperative Care Center, drove for Meals on Wheels, and took part in activities at his church.

Mr. Speaker, I am honored to pay tribute to the life and memory of Edwin Smith. He was a true community servant who loved to help animals and people alike. To his family, friends, and the many people in the community whose lives he touched, Edwin Smith will be deeply missed. My condolences go out to his family and friends during their time of bereavement.

HONORING NATHAN ROSS FOR SELECTION TO NATIONAL YOUTH LEADERSHIP FORUM ON TECHNOLOGY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor 17-year-old Nathan Ross, who resides in my fifth congressional district of Florida and was selected to attend the National Youth Leadership Forum on Technology this summer in San Jose, California.

Currently a senior at Hernando High School, Nathan has been building and Networking computers in the basement of his home since the fifth grade. He's known as a bright, talented, hardworking individual and his selection to attend this conference is a testament to his skill and ingenuity.

While attending the conference in San Jose, Nathan will be given the opportunity to expand his knowledge base and work with other technologically-inclined students to create projects and take part in workshops directed by industry leaders, including top executives from firms such as Cisco Systems, Hewlett Packard and Oracle. Participating in the Forum on Technology will provide Nathan with an immeasurable opportunity to broaden his interest in the field and to meet others who share that same interest.

Since its inception in 1992, the National Youth Leadership Forum has given over

50,000 high school and university students the chance to explore the fields of anthropology, archaeology, business, defense, diplomacy, education, engineering, environmental studies, intelligence, law, medicine and technology.

I'm proud to have a talented student like Nathan in my district and am glad to see that an outlet exists for him to put his talent and creativity to use.

Mr. Speaker I ask you to join me in congratulating Nathan Ross for his achievement and wishing him well, not only at the conference, but throughout all his future endeavors. His mind can take him anywhere he desires and this conference is only the first of many destinations.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. McGOVERN. Mr. Chairman, on Thursday, July 17, 2003, during rollcall 382 I mistakenly voted against House Amendment 263 to H.R. 2691, the FY 2004 Interior Department Appropriations Bill. The amendment, sponsored by Mr. GALLEGLY of California and Mr. MORAN of Virginia, sought to restrict the use of funds by the U.S. Forest Service or the Bureau of Land Management to administer any action related to the baiting of bears except to prevent or prohibit such activity. As a cosponsor of H.R. 1472, the "Don't Feed the Bears Act of 2003", I certainly support ending the practice of bear baiting and will work vigorously for the passage of this legislation during this session of Congress.

I sincerely regret this error as I intended to have voted in favor of the Gallegly-Moran Amendment. Accordingly, I respectfully request that this statement of correction be printed in the RECORD.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes:

Mr. HASTINGS of Florida. Madam Chairman, I am very disappointed in the Committee on Rules' refusal to allow the House of Representatives to take up the Crowley/Hastings amendment in conjunction with the Foreign Relations Authorization Act. The amendment would have called on Poland to develop a final and complete, non-discriminatory settlement for those people and groups who had their private property confiscated by the Nazis during World War II and by the Communist Polish government after the war.

In 1989, Poland sought to establish an independent political life free from the grip of communism. The principles of democracy and civil society were quickly recognized as the goal of this transformation.

The respect for private property is at the core of Poland's ongoing transformation. But, by not recognizing the injustice of forced expropriations without due compensation, they have, de facto, made a sham of private property—any discussion of human rights becomes purely scholarly if the most elemental notion of private property is ignored. For these reasons, Poland must give the highest priority to the issue of property restitution.

Therefore, I applaud the efforts of my good friend Mr. CROWLEY, and ask my colleagues to urge the Polish government to develop a final and complete settlement for those Jews, homosexuals, European Roma, and other individuals and groups who had their private property seized and confiscated by the Nazis during World War II or by the Communist Polish government after the war.

Property restitution in Poland is an important matter for thousands of people who fled to the United States because of religious, ethnic or political persecution in Poland during or after the Second World War. At issue are an estimated 180,000 properties confiscated from private owners by the Nazis in occupied Poland or by the Communist Polish government after World War II. Approximately 20,000–25,000 surviving property owners and descendants live in the United States, with a large concentration residing in Florida.

For individuals with ties to Central and Eastern Europe, the restitution of property is not ultimately about land or money, but fundamentally is about justice. On behalf of these individuals, I call on the Polish Government to enact a just, non-discriminatory property restitution law.

Fair and full restitution is a precondition to the establishment of the rule of law.

REINTRODUCTION OF ACCESS TO BOOKS FOR CHILDREN LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mrs. MALONEY. Mr. Speaker, today I introduce the Access to Books for Children Act (ABC Act), which would amend the Child Nutrition Act of 1966. Under the ABC Act, a five dollar voucher would be provided for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children. Research has shown that the effects of childhood literacy on the futures of children are extraordinary. Children who are exposed to reading before they start school are more likely to graduate high school than those who are not.

A TRIBUTE TO ANTHONY CELEBREZZE, JR.

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. HOBSON. Mr. Speaker, I rise today to honor and commemorate the life of Anthony "Tony" Celebrezze, Jr., a widely respected long-time civil servant and Ohio political leader who unexpectedly passed away on the Fourth of July.

Anthony Celebrezze, Jr. was the oldest of three children and only son of five-term Cleveland Mayor Anthony J. Celebrezze, Sr.

Tony graduated in 1963 from the U.S. Naval Academy. He served 5 years on active duty and earned the Navy Commendation Medal. For many years thereafter, he served as a captain in the U.S. Naval Reserve.

He went on to earn a master's degree in 1966 from George Washington University and a law degree in 1973 from Cleveland State University.

Tony Celebrezze was first elected as a state senator in 1974 to represent Cleveland. He became Secretary of State in 1978, Ohio Attorney General in 1983 and ran for governor against George Voinovich in 1990.

After leaving elected office, he worked as a lawyer and remained active in Ohio politics.

As Ohio's Attorney General, Celebrezze negotiated a landmark court judgment against the U.S. Energy Department, giving the state the right to regulate nuclear and chemical waste at the Feeds Materials Production Center in Fernald, near Cincinnati.

Tony also brought the first criminal prosecutions under Ohio's hazardous-waste laws, expanded consumer protection and helped bring the DARE program to Ohio.

My first close personal experiences with Tony date from this period. As the chairman of the Ohio State Senate Committee on Health, Human Services and the Aging, I worked with Tony to investigate an out-of-state firm that was involved in questionable business activities with some of our state agencies. Tony did not see this as a partisan issue, and was a solid partner is seeing that those who were violating the law were held accountable.

Tony was always driven by a desire to do the right thing. As Ohio's chief law enforcement officer, he took his position seriously and carried out his duties in a professional, fair and non-partisan fashion. He was a true gentleman and Ohio is a better place because of his years of service.

Tony and I also shared a common bond in our long association with Rotary International. He was an active member of the board of directors of the Rotary Club of Columbus, and I always appreciated the opportunity to visit that club since I was almost guaranteed to run into Tony.

In addition to Rotary, Tony had a lifelong love of cars and auto racing. He participated in the Legends racing league where cars are five-eighths scale, fiberglass replicas of 1930s and 1940s NASCAR cars. Celebrezze's car was No. 63, marking the year he graduated from the U.S. Naval Academy.

Unfortunately, Tony went before his time, but in the years that he had he made a difference in the lives of thousands of people. I was always proud to be able to call him a friend, and I honor his many contributions to the people of the State of Ohio.

HONORING THE ACHIEVEMENTS OF THE LLOYD FAMILY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. MILLER of Florida. Mr. Speaker, I rise today to congratulate the Lloyd Family for being selected the 2003 Outstanding Farm Family. The Lloyd family has continued a strong tradition of family farming in northwest Florida.

Both of Adone's grandfathers, Thaddus Lloyd and Oliver Smith, were farmers in Santa Rosa County and the Lloyds still farm some of their land. Adone started helping out on the farm at age 12, then began helping his Uncle Lewie Frank Smith during high school.

Adone was given a scholarship to play ball at Troy State, but he says "the love of farming kept me at home." Adone has been farming for 40 years and currently farms 700 acres where they grow cotton and peanuts and raise Angus cattle.

In 1967 he married the former Nancy McDavid of Flomaton, AL, where, he says, "has been my partner in the good and bad that farmers must face."

Adone and his wife Nancy have two daughters, Shannon Smith and Wendy Nash, and five grandchildren, Jared Smith, Olivia Wright, Cameron Wright, A.J. Nash, and Slater Nash. Adone and Nancy would like to see their grandchildren take over the farm one day and continue farming the ground their great-grandfathers started farming in the county.

The Lloyds are leaders in our country's production of food and fiber and are involved in various agricultural organizations. Adone has been on the board of the Jay Peanut Farmers Co-op for the past 20 years. He has also served on the boards of the county Farm Bureau and Farm Service Agency. Nancy currently serves as minority advisor on the county Farm Service Agency Board.

On behalf of the U.S. Congress, I would like to recognize this special family for the example they have set in their community. I offer my sincere thanks for all that the Lloyd family has done for northwest Florida.

HONORING EASTSIDE ELEMENTARY SCHOOL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Ms. GINNY BROWN-WAITE. Mr. Speaker, I rise today to honor a special elementary school in my Fifth Congressional District of Florida that has gone to great lengths in pursuit of academic improvement. Eastside Elementary School in Hernando County, which just 2 years ago, received a "D" rating on Florida's statewide school accountability scale this year has earned an "A" grade for its impressive scholastic turnaround.

The hard work of the students, teachers, and administrators at Eastside is certainly to be commended as are the parents of children at Eastside, whose involvement in their students' educations is critically important.

Two years ago Eastside's students' test scores lagged behind others in the State, a large percentage of parents were unable to recall their children's teachers' names, and many students began elementary school not being able to recite the alphabet.

Eastside's teachers and administrators went "back to basics" and restructured their curricula to include an increased focus on the fundamentals of early education. They enlisted the help of the community and encouraged parents to become more involved. The staff at Eastside turned a negative into a positive, using their "D" grade as motivation to change for the better.

Mr. Speaker, I ask that you join me in congratulating Eastside Elementary School's faculty for their hard work and dedication to improving the quality of education for tomorrow's leaders. I also ask that you join me in honoring the students, whose arduous work resulted in positive change for Eastside, and for their own academic careers.

PERSONAL EXPLANATION

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. McGOVERN. Mr. Chairman, on Thursday, July 17, 2003, during rollcall 382 I mistakenly voted against House Amendment 263 to H.R. 2691, the FY 2004 Interior Department Appropriations Bill. The amendment, sponsored by Mr. GALLEGLY of California and Mr. MORAN of Virginia, sought to restrict the use of funds by the U.S. Forest Service or the Bureau of Land Management to administer any action related to the baiting of bears except to prevent or prohibit such activity. As a cosponsor of H.R. 1472, the "Don't Feed the Bears Act of 2003", I certainly support ending the practice of bear baiting and will work vigorously for the passage of this legislation during this session of Congress.

I sincerely regret this error as I intended to have voted in favor of the Gallegly-Moran amendment.

COMMEMORATING THE 9TH ANNIVERSARY OF THE ATTACK ON AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. HASTINGS of Florida. Mr. Speaker, today we commemorate the 9th anniversary of the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina. In this effort, I have signed a letter directed to Argentine President Nestor Kirchner from Members of Congress supporting efforts to continue to monitor the AMIA trial and to reveal Hizballah activities in Argentina. To complement this letter, Mr. Speaker, I am introducing this resolution commemorating the 9th anniversary of the attack on the AMIA, and highlighting the attack as characteristic of the threat to the United States from international terrorist organizations operating from Latin America.

In 1994, a terrorist bomb destroyed the AMIA building, killing 85 people and wounding 200. This was the second terrorist attack against the Argentine Jewish community in two years. While the two cases have been officially under investigation for over nine years, the responsible parties have not yet been apprehended.

Substantial evidence attributes the attack on July 18, 1994 to the terrorist group Hizballah, based in Lebanon and sponsored by Iran. Evidence indicates that the tri-border region where Argentina, Paraguay, and Brazil meet was used to channel resources for the purpose of carrying out the AMIA attack by terrorists linked with Iran.

Regrettably, the scheming of international terrorist organizations such as Hizballah, and al-Qaeda are not confined to the tri-border region. Much of the Western Hemisphere is ideal for international terrorist groups to establish bases due to the ill equipped and poorly trained security agencies across the region.

For example, Cuba maintains close relations with countries that sponsor terrorism and has provided a safe haven to members of European terrorist organizations. Also, the demilitarized zone in Colombia provides international terrorists a safe refuge for training. Furthermore, the Caribbean is a strategic paradise for terrorist organizations given its established web for drugs, arms contraband, and money laundering. Terrorist organizations may be involved in money laundering as a means of hiding their financial assets.

In remembering the anniversary of this heinous attack, we should also focus on the threat to the United States from radical Islamic organizations operating from the Western Hemisphere.

The fight against terrorism must remain a top priority. Nowhere is this more true than in America's back yard. The AMIA attack, which showed the same cowardice as the September 11, 2001 attack, tragically illustrates the capability of Islamic terrorists to bring their jihad against Western civilization from our own hemisphere.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes:

Mrs. MALONEY. Mr. Chairman, while I voted in favor of H.R. 2691, the FY04 Department of the Interior Appropriations bill, I am hopeful that more funding for conservation programs will be included in the conference report. I am pleased that a critical amendment to increase the funding for the arts and humanities was passed by the House of Representatives. We must continue our commitment to providing the necessary funding for programs that would preserve our nation's environment and natural treasures.

HONORING SHELLY AGARWAL

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Shelly Agarwal, a fine young woman and outstanding student from my congressional district in Tarpon Springs, Florida.

Shelly recently earned a perfect score of 36 on her ACT college entrance exam. She was one of only two students in Florida, and 51 nationwide, who answered each of the 215 test questions correctly when she took the test. The national average ACT score is 20.8.

Shelly became the first student from Berkeley Preparatory School in Tampa to receive a perfect score on the ACT. She said she was "surprised" by her score and "didn't expect anything that high." However, I think she was being modest because she also scored 1580 out of a possible 1600 on her SAT college placement test.

It is clear that Shelly is a bright and motivated young woman. Unlike many of her peers who are taking the summer months off, she is spending them at the University of Chicago studying molecular biology. She is one of only a half dozen high school students who are conducting research alongside undergraduate and graduate students.

Mr. Speaker, Shelly also owes much of her success to her parents, Sudhir and Usha, who are doctors in one of the counties in my district, and to her brother Siddhartha, who will be a sophomore at Harvard this fall. They encouraged Shelly to excel in school and taught her the importance of getting a good education. I want to commend them for providing the support that all students should be as fortunate to have and congratulate Shelly on her tremendous accomplishments. I am certain that she will succeed in her future educational and professional endeavors.

HONORING THE 20TH ANNIVERSARY CELEBRATION OF LAKE RIDGE FELLOWSHIP HOUSE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor the 20th anniversary of the Lake Ridge Fellowship House of Woodbridge, Virginia this Saturday, July 19, 2003.

Located on the southernmost edge of Virginia's 11th congressional district, this affordable housing development opened its doors in June 1983. Serving over 100 seniors on fixed incomes, Lake Ridge Fellowship House has grown into a vibrant example of community activism. Four out of five of these seniors are women, many of whom are widows who have lost a breadwinner's pension and a lifelong companion. Lake Ridge fills a unique niche in the Woodbridge area by supplying elderly residents with a safe environment in which they can enjoy recreational, educational and community-oriented activities.

Lake Ridge is one of only four privately owned fellowship houses in Virginia that are operated by the Fellowship Square Foundation, a subsidiary of the Lutheran Church. Sponsored by the Lutheran Lay Fellowship organization, it is a shining example of how the power of faith is used to fulfill a wide range of needs in our communities.

Lake Ridge provides affordable housing to both independent and mobility-impaired individuals. It provides secure and stable residences for seniors, thereby safeguarding citizens who might otherwise be unable to fully fend for themselves. In addition, Lake Ridge hosts arts and crafts, social activities, and boasts quiet reading alcoves. To better assist its mobility-impaired residents, the fellowship house makes available transportation to and from local shopping areas. Among the most critical services Lake Ridge provides is an around-the-clock emergency call system. Mr. Speaker, Lake Ridge Fellowship House is more than mere housing; it is the foundation of a rich and meaningful way of life for hundreds of senior citizens.

In closing, Mr. Speaker, I would like to congratulate Lake Ridge Fellowship House for providing twenty years of selfless commitment to Northern Virginia, and I ask my colleagues to join me in celebrating their 20th anniversary.

HONORING MARION COUNTY YOUNG REPUBLICANS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Marion County Young Republicans, in my fifth congressional district of FLorida. The Group was just named the Young Republican Club of the Year at the National Federation of Young Republicans' Conference this past weekend in Boston, Massachusetts, and I could not be prouder.

The Marion County Young Republicans was founded just two years ago and has already ascended to great heights, receiving duly earned recognition on a national scale for its endeavors.

The group was instrumental in my election to Congress. Several other lawmakers here in Washington and in Tallahassee owe their positions to this group and to groups like them.

I am pleased to have such an outstanding group of hard-working, young Republicans in my district and am proud of all they have accomplished. In a letter to his members, Chapter President Tim Harding praised the group and reminded them that while this most recent accolade was most certainly an affirmation of success, the group must still rise to meet upcoming challenges and achieve the goals the group has set for itself. It is because of leadership like this that I am confident the Marion County Young Republicans will continue to succeed and do great things for the Republican Party in the state of Florida.

Mr. Speaker, I ask you to join me in congratulating the Marion County Young Republicans for all they have achieved. I honor their service and their commitment to the party.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. BALLENGER. Mr. Speaker, on rollcall No. 389, I was inadvertently not recorded. Had I been present, I would have voted "yes."

TRIBUTE TO BARBARA C. SERENA ON HER RETIREMENT FROM THE DICKINSON-IRON COUNTY HEALTH DEPARTMENT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. STUPAK. Mr. Speaker, I rise today to say thank you and pay tribute to one of the hardest working public employees ever seen in my 1st Congressional District.

Barbara Serena retired from the Dickinson-Iron County Health Department in June of this year, after almost 26 years serving the people of this part of the Upper Peninsula of Michigan as a public health officer and administrator.

In this capacity, Barbara developed a reputation for hard work that would put even our Congressional colleagues to shame—spending seven day weeks and fourteen to sixteen hour days when needed, in her devotion to the principle that public health services are critically important to the local communities she served.

Barbara was born where she and her husband Terry Shea now live, in Stambaugh, Michigan. She grew up in Watersmeet, about thirty miles west of Stambaugh. Her work ethic developed naturally, under the tutelage and guidance of her father, Ferdinand and mother Margaret Serena. Ferdinand Serena was a longtime U.S. Forest Service employee and the family had deep roots in the Upper Peninsula. Margaret Serena still lives in Iron River, Michigan.

After graduating from the University of Michigan with a B.A. in 1960, Barbara received her Masters in Social Work in 1962 and Masters in Public Health in 1969, both from the University of Michigan. She was a doctoral candidate from 1975 to 1977 at the Columbia University School of Public Health in New York.

From 1962 to 1965, Barbara was a social worker with the State of Michigan Department of Social Welfare in Oakland County, and from 1965 to 1968, she was a clinical social work supervisor at the Hawthorne Center in Northville, Michigan, run by the State of Michigan Department of Mental Health.

She moved to New Jersey and became a social work coordinator at the University of Medicine and Dentistry and New Jersey Medical School in Newark, New Jersey in 1970. She remained there while studying at Columbia University until her return to her home in the U.P. in 1977.

From 1977 until her retirement this year, Barbara Serena served as a public health administrator with the Dickinson-Iron District Health Department in Stambaugh, Michigan. From August 1995 to August 1996, she was the Department's Acting Health Officer. In September 1996 she was named the Department's Health Officer, serving in that capacity until 2002.

Barbara's return to the Upper Peninsula was fortunate for her community and also for Terry Shea, whom she met in 1980 in a crowded restaurant when a friend asked Terry if Barbara could join him at his table. Terry was at that time working TED KENNEDY's presidential campaign in what was then the 11th Congressional District of Michigan.

Throughout Terry and Barbara's long and happy marriage, they have both continued to work in their faith community for families and for the betterment of their community as a whole. It is fair to say that for Barbara, retirement will be as busy as her life has been so far, although both Terry and Barbara hope to have more time for travel. They will intend to remain actively involved in the community and faith based volunteerism that has been a hallmark of their lives.

When I asked Terry what was the most significant thing people in the area think of when they think of Barbara, he said "Her work." That is a lasting legacy, and one that is far from completed.

I congratulate Barbara on her many years of service in public health and wish her well in her retirement. The strength of my northern district is built on the daily efforts of people like Barbara, even though she stands in a special category. I ask you, Mr. Speaker, and my colleagues in the House of Representatives to join me in this special tribute to a very special woman.

HONORING A. LANCE EMORY

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise today to honor a public servant who has given a great deal not only to his home state of North Carolina, but to his country as a whole.

Since 1969, Mr. A. Lance Emory has been a Special Agent with the Federal Bureau of Investigation (FBI). In August, Mr. Lance will retire from the FBI.

He leaves behind a legacy of great achievements and his departure will create quite a void in our nation's highly revered investigative bureau.

A. Lance Emory was born on June 6, 1946 in Greensboro, North Carolina. He graduated from the University of Miami in 1968 with a bachelor's degree in education. He completed his graduate studies in business at Iona College in New Rochelle, New York.

Beginning his career as a Special Agent with the Federal Bureau of Investigation (FBI) in December 1969, his first assignment was the Springfield office in Illinois where he investigated general criminal matters. Just two years later he was transferred to New York City. Mr. Emory spent six busy years investigating organized crime and drug matters in the FBI office in New York.

In 1977, Mr. Emory was transferred back home to the Tarheel state where he joined the Charlotte office. While in Charlotte, he continued investigating organized crime/drug matters and gained extensive experience in the use of undercover techniques.

In 1983, Mr. Emory received the United States Attorney General's Award for Distinguished Service for his investigative accomplishments.

In 1985, as a Supervisory Special Agent, Mr. Emory oversaw the Organized Crime, Drug, Interstate Theft and Government Crime programs. He is recognized as a subject matter expert in the organized crime/drug arena and has represented the FBI in numerous forums.

A short tour in the Legal Attache's office in Canberra, Australia followed . . . and that time abroad would lead to an international assignment for Mr. Emory.

In June 1995, Mr. Emory began his assignment as the Assistant Legal Attache in London. His primary responsibilities were for FBI operations in the Nordic countries.

In August 1999, Mr. Emory assumed his present position as Legal Attache London.

When not travelling the world as a world class FBI associate, Mr. Emory tries to find time to work on his golf game as so many North Carolinians do. When not on the links, he spends as much time as he can with his lovely wife, the former Susan Lierk of Alliance, Nebraska.

It is with a sincere heart that I rise today to thank Mr. Emory for his great service for our nation.

Lance Emory, I salute you for your dedication to your country and to the FBI. May God bless you and your wife as you begin your next adventure together. May you wake each morning and enjoy the immense amount of time you now have together . . . and may this new journey be just as exhilarating.

Thank you, Lance Emory. From all of us.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. KOLBE. Mr. Speaker, yesterday, I was at a meeting with President Bush at the White House and missed the vote on H. Res. 319, on Ordering the Previous Question providing for consideration of the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes. Had I been present, I would have voted "aye."

TIME FOR THE OLIVE BRANCH TO TAKE ROOT

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. JACKSON of Illinois. Mr. Speaker, I rise today as a passionate proponent of achieving a just, lasting and comprehensive peace in the Middle East.

For too long, the Holy Land has been soaked in blood and scorched by hate. In the last 31 months alone, the devastating conflict between the Israelis and the Palestinians has claimed more than 2,700 lives and has shattered countless others.

With so much lost life, it is time to find peace. It is time to turn from old ways and to "beat their swords into ploughshares." It is time for the olive branch to take root.

Thus, I strongly support the so-called "road map," the Mideast peace plan carefully devised by the United States, European Union, United Nations and Russia and firmly backed by President Bush. Representing precious hope for an end to the violence and a final settlement, the road map envisions two states—one for the Israelis and the other for the Palestinians—living side-by-side, both sovereign, secure, free and democratic.

Under the terms and conditions of the road map, the United States rightly assumes its central role of helping to lead the parties along the path to peace. As an honest and balanced broker and mediator between the two sides, the United States must help both to reconcile differences, to accept obligations, and to take the simultaneous steps for progress and peace.

Undoubtedly, the success of the performance-based road map will require the active leadership and involvement of the United States. It will demand the commitment and courage of the Israelis and the Palestinians. It finally will come when each side gives to the other what it wants for itself.

But, since the publication and formal delivery of the road map, the enemies of peace have attempted to derail it. By launching brutal terrorist attacks against Israelis, they attempt to kill not only innocent civilians but also a diplomatic settlement. These saboteurs intend to undermine the Palestinian Authority, to terrorize the Israeli population, and to perpetuate violence and hate. We must not allow them to succeed in putting roadblocks in the road map.

To remove the obstacles and promote the peace, Congress should give its unqualified and unambiguous approval of the road map. Time is too short and the stakes too high for us not to. Failing now to explicitly endorse the international peace plan risks compromising our interests, rallying the recalcitrant and forestalling a new future in the Middle East.

Hence, the resolution before us rightly commends the President for his vision and commitment to a two-state solution to the Israeli-Palestinian dispute. However, it should be even more specific. The resolution ought to expressly support the road map itself and the ongoing efforts within the international community to implement it.

House Resolution 294 correctly insists that the Palestinians must fulfill their primary obligation to crack down on terrorism and violence against the Israelis. Yet, the resolution should be more comprehensive and balanced. It also ought to call on the Israelis to meet their responsibilities under the road map to dismantle illegal outposts and freeze settlements.

The measure properly recognizes and respects Israel's right to defend and protect its citizens against terror. But, H. Res. 294 should be even more insightful. It ought to acknowledge that the security for which Israel longs and surely deserves will be achieved, not by military reprisals alone, but rather with the active and full cooperation of the Palestinians. As stated in a recent New York Times editorial, "Nobody expects Israel to tolerate terror against its people. But terror can be more effectively rooted out if responsible Palestinian leaders like Mr. Abbas are strengthened, not undermined."

Hence, although not perfect, this resolution is an improvement from others on the Middle East. Unlike previous measures, it does not interfere, impede nor conflict with the ongoing peace effort. In fact, it is, for the most part, consistent with it. Therefore, Mr. Speaker, I support this resolution as a means of endorsing the road map and promoting the peace.

HONORING KEY TRAINING CENTER

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Key Training Center, a vital, active part of the Citrus County community in my Fifth Congressional District of Florida.

This weekend, the Key Center will hold its 21st annual "Run for the Money" Dinner Auction to raise money for the Center, which operates as a not-for-profit organization and relies heavily on donations of support from the community.

The Key Center provides an immeasurable service to the community and makes an enormous difference in the lives of so many people.

The Center has helped thousands of mentally-disabled central Floridians and their families for more than 30 years, and has established a proud tradition of kindness, love, dignity, and respect while doing so.

The Key Center provides daily living and social training for its clients, job training, life sustaining care and residential services to mentally-disabled persons in need. A dedicated, trained, and skilled staff serves those at the Key Center offering a balanced blend of the right training, experiences and opportunities to its clients.

Mr. Speaker I ask you and my Colleagues in this body to join me in honoring the Key Center for all its contributions and in wishing the Center well this weekend.

CLARIFICATION OF VOTE

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. PICKERING. Mr. Speaker, during the debate on the Labor and Health and Human Services Appropriations Bill (H.R. 2660) I erroneously voted against the Toomey Amendment. I was under the impression the bill restricted general funding for the National Institutes of Health which provides needed funds for medical research in my district. I would have voted for the amendment and fully support the efforts to stop the NIH from funding the highly inappropriate programs itemized in the amendment.

WHERE IS THE OUTRAGE OVER DIRTY TRICKS?

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. CONYERS. Mr. Speaker, this morning's media lavishly covered Prime Minister Blair's speech to us last night. It was an important event and I will have more to say about that next week. But I want to call my colleagues attention to another news item that I found shocking. Unfortunately it was buried in the "Reliable Source" gossip column of the "Style Section" in today's Washington Post. It reported a White House effort to smear a journalist, an effort that I found desperate and pathetic but, most of all, outrageous.

It seems the Bush Administration was so unnerved by a TV network news segment on rapidly rising GI frustration in Iraq—and one soldier's calling on camera for Secretary of Defense Rumsfeld's resignation—that they decided to "shoot the messenger." Reportedly, an anonymous White House operative tipped internet columnist Matt Drudge that the TV reporter on the news story was not only gay but also, far worse, "a Canadian."

Does the Watergate phrase "dirty tricks" ring a bell? Or has that been banished from the political lexicon like the "L word?"

There's an old saying: "If you're not outraged, you don't understand the situation." I want to know where the outrage is about this despicable tactic. Where are the outraged editorials and columns? Why wasn't this a front page story? Even if it was a scoop for the "Reliable Source," why wasn't there a separate news story about it? Where were the interviews of outraged media pundits on this morning's TV news shows? Where is the outrage from ACLU? And I hope there will be further comments on this by other outraged Members of Congress from both sides of the aisle.

The leak to Drudge may indicate how nervous the White House is about their unraveling post-war plan and its tragic consequences for our soldiers. Indeed, if this is the only way they can respond to reporting on the Administration's mess in Iraq, things must be pretty desperate.

It also indicates the kind of supporters whom the White House thinks will judge its policy on the basis of the nationality and orientation of those reporting on Iraq for U.S. media. The fact that most Americans will regard both factors as silly and irrelevant is beside the point. The malicious intent is clear.

This kind of dirty trick must be labelled for what it is, and stopped in its tracks, or we will see similar sleaze seeping out of this White House whenever it feels politically threatened. If the media brushes this off as just one more skirmish with critical press, then both they and the American people will surely be the losers.

HONORING JAMES WILSON JACKSON AND HARRY BELLE FULLMORE ON THEIR GOLDEN WEDDING ANNIVERSARY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Ms. LEE. Mr. Speaker, I rise today to honor the 50th wedding anniversary of James Wilson Jackson and Harry Belle Fullmore, better known as Honey.

James, a lieutenant in the United States Army was stationed at Fort Bliss in El Paso, Texas where he met Honey. And, like her name, Honey was the belle of Texas and James was swept off his feet. After numerous Sunday dinners prepared by Jesse Cook, Honey's mother and James' future mother-in-law, James proposed to Honey and the two married on August 14, 1953.

They had four children: James Wilson Jackson, Jr., Suzan Elizabeth Jackson, Barbara Ann Jackson and Michelle Jackson.

Having chosen a military career, James and Honey traveled throughout the world including the Orient, Europe and from coast to coast in the United States. Everywhere they settled, they developed a host of friends.

Upon retiring from the military, James and Honey chose Cleveland, Ohio as their new home. Since moving to Cleveland in 1970, they have dedicated themselves to contributing to their community and society at large. James chose the civic route, volunteering to serve on various Boards and Commissions.

Honey chose to make her contributions more economic in nature, supporting upscale and specialty boutiques from coast to coast.

During the 50 years of their marriage, James and Honey have been faced with many obstacles and hurdles, but working together, they have persevered. I am honored to commend James and Honey Jackson on their Golden Anniversary.

TRIBUTE TO CAPTAIN MARK E. KENNEY OF SPRINGFIELD, MASSACHUSETTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. NEAL of Massachusetts. Mr. Speaker, I pay tribute today to a dedicated public servant who has served the city of Springfield and the greater community for over 20 years. His leadership and courage have touched many lives and it is my great honor to recognize and commemorate this extraordinary man.

Captain Mark Kenney began his career in the Springfield Police Department in July of 1971. He was promoted to Sergeant in 1979, to Lieutenant in 1987 and to Captain in 1991. During his career his assignments and duties stretched far into the heart of the district. Mark was the first captain of the community police program and started the citizens police academy. This academy was created to teach the public the mechanics of the police department and then use this information to better the community.

Mark was deeply involved with many youth organizations and was the first captain of the Joseph Budd Youth Assessment Center where he commanded the Youth Bureau. In addition, Mark was the first trained Drug Abuse Resistance Education instructor, more commonly known as D.A.R.E., in Western Massachusetts and headed the D.A.R.E. program for many years.

Trained by the F.B.I. as the first hostage negotiator for the police department, Mark used his skills several times during hostage situations that were both dangerous and volatile. Mark's skill and courage did not go unnoticed. In 1979, after a fire broke out in the Kimball Towers, he assisted many people to safety and was awarded a commendation for bravery.

After the tragedy at the World Trade Center on September 11th, Mark involved himself immediately and was assigned Captain of the newly implemented Central Intelligence Bureau working closely with the F.B.I. on all homeland security issues. As the events of September 11th attest, police officers serve and protect the nation often at great sacrifice to themselves and for this we are immensely grateful.

Mark is not the only member of his family to dedicate his life to protect others. Mark's grandfather and father were police officers before him and his son is currently a police officer making four generations to serve the Springfield Police Department. I am proud and honored to represent such a praiseworthy individual and devoted family man.

Mark's achievements and accomplishments speak to his tremendous love and respect for his fellow citizens. I wish him all the best in his upcoming retirement and I humbly offer my sincerest thanks and gratitude for the lifetime of service he has given.

HAPPY BIRTHDAY TO PROF. ROBERT V. REMINI

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. NEY. Mr. Speaker, today I wish to honor the esteemed historian Dr. Robert V. Remini on the occasion of his 82nd birthday. As many of our colleagues know, Professor Remini was appointed as a Distinguished Visiting Scholar of American History in the John Kluge Center at the Library of Congress to undertake the ambitious project of writing the history of the U.S. House of Representatives.

Dr. Remini, Professor Emeritus of History and the Humanities at the University of Illinois at Chicago, was educated at Fordham University (B.S. 1943) and Columbia University (M.A., 1947, Ph.D., 1951). He has been teaching history for more than 50 years and writing books about American history for nearly as long. In addition to his three-volume biography of Andrew Jackson, he is the author of biographies of Henry Clay and Daniel Webster, as well as a dozen other books on Jacksonian America. Remini is also the author of two recent books: John Quincy Adams, and Joseph Smith: A Penguin Lives Biography.

"The House of Representatives is regarded as the People's House in which many distinguished, diligent, colorful, and larger-than-life personalities met together and during the past 200 plus years discussed, debated, quarreled and helped hammer out the Nation's laws," Remini said on the appointment of his position to update the House History. "I intend to write a narrative history of this extraordinary institution with its vivid and sometimes outrageous personalities that will capture and frame all the excitement and drama that took place during the past 200 years so that the record of its triumphs, achievement, mistakes, and failures can be better known and appreciated by the American people," noted Remini.

Working with my colleague, the gentleman from Connecticut, JOHN LARSON, we believe that Professor Remini's efforts will result in a significant tool for the public and Members themselves to understand how and why Congress works the way it does and its unique and compelling history.

Please join me in congratulating Professor Remini on the occasion of reaching this milestone in his career. We all look forward to working with him as he completes the history of the House and to learning the lessons it teaches us upon its publication.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill, H.R. 2673:

Mr. WU. Mr. Chairman, I thank my colleague from Montana for yielding me time. I rise in strong support of this food labeling amendment.

Opponents of this amendment argue complexity and delay. I offer simplicity and brevity.

Last Congress, this body voted in support of country-of-origin food labeling. We voted in favor of labeling because it supports family farms, increases food safety, and gives customers the right to choose where their food comes from.

Several decades ago, we created the strongest securities and financial industry in the world by asking for labeling and disclosure. This action was opposed tremendously by the financial industry at that time. Today, however, many segments of the securities industry support disclosure because it created a new and stronger industry.

I firmly believe that consumer right-to-know is a good thing. I can look at the back of my tie and determine that it is made in America. I can look at the labeling in my suit and determine that it is made in America. If I go to the supermarket and buy a pound of hamburger, I cannot tell where that product came from.

The opponents of this amendment want to keep me, and all American consumers in ignorance. That is wrong—wrong for America's family farmers and wrong for American consumers.

Country of origin labeling helps family farms because, given a choice, most Americans will choose fresh foods grown domestically. In fact, numerous surveys and polls indicate that consumers overwhelmingly support country of origin labeling and will pay a market premium for U.S. products. Labeling provides additional product information, increased consumer choice and fulfills a desire to support American agriculture. In addition, country of origin labeling addresses the heightened concerns of consumers regarding the recent discovery of mad cow disease in Canada.

The United States produces the most abundant, most affordable, and safest food in the world. Country of Origin Labeling gives American consumers the ability to choose food from places that they know and trust. It also gives family farmers recognition for the tremendous job they do producing safe, quality agricultural products.

HONORING ROBERT P. "BOBBY" KOCH ON HIS PROMOTION TO PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE WINE INSTITUTE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Robert P. "Bobby" Koch, who was elevated to president and chief executive officer of the Wine Institute this month. Bobby has been an employee of the institute since 1992, and a senior vice president since 1996. Prior to his employment with the Wine Institute, Bobby was an employee of this body, serving Representatives Coelho and GEPHARDT in various capacities, ending his service in this House as Mr. GEPHARDT'S chief of staff.

Since Bobby has been at the Wine Institute, the organization has become a strong advocate on Capitol Hill for the wine industry, and Bobby has become the leading voice for the California wine industry. Certainly when I or any of my colleagues need the viewpoint of the industry, Bobby is one of the first people we turn to for advice. There is no stronger recognition of the truth of this statement than the action of the Board of Directors of the Wine Institute in appointing Bobby to replace John DeLuca as president and chief executive.

In addition to Bobby's contributions to California's wine industry, he has other redeeming qualities. Bobby is active representing the Institute on the USDA Agricultural Policy Committee for Trade, and is a board member of the National Commission Against Drunk Driving, the Council on American Politics at George Washington University, the Congressional Wine Foundation, and the California State Society. He has raised millions of dollars for worthy causes, including efforts to cure Crohn's disease and colitis, and the National Children's Hospital.

In addition to his many public accomplishments, Bobby is most proud of his family, including his wife Doro Bush Koch and their four children.

Mr. Speaker, it is truly an honor for me to rise to honor the accomplishments of Bobby Koch, to wish him many more years of success, and to honor him as a friend in his most recent appointment as president and chief executive officer of the Wine Institute.

THE MILITARY FAMILIES FINANCIAL SECURITY ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce the Military Families Financial Security Act. This bill will ensure that the brave men and women who serve our country will not have to worry about losing the critical services their children need.

The men and women who serve in our Armed Forces are everyday heroes. I know about the valor of military families from my own experience as a military wife when my husband was stationed in Japan during the Vietnam War. As a wife and mother in a foreign country with two young children, I was truly grateful for the support of other military families. The most striking quality of these families was the sense of pride in serving our country even in a time of strife and stress. I can honestly say that I met extraordinary individuals in extraordinary circumstances.

The resilience and patriotism of military families is inspirational. Their unwavering courage in answering the call to serve our country is even more inspiring when one realizes that many of these men and women are leaving families back home. We must remember that many of our service personnel also answer to the title of "mom" or "dad." Just as these brave men and women are working to protect our Nation, we must likewise protect them and their loved ones through the laws and policies we enact.

In San Diego and around the country, many military families who have children with disabilities rely on assistance from the Federal Government to help cover the costs of health care, day care, and care for special needs. Eligible families receive Supplemental Security Income, or SSI, to ease the financial burden. However, these military families are in danger of losing this much-needed assistance because of a bureaucratic quirk. They face a unique risk of losing their benefits because service members can receive numerous types of additional pay that can increase their income. The Social Security Administration regards this extra pay differently than extra pay for non-military employment. Since eligibility for SSI is based on income, the difference of a few dollars can mean having health care or no care at all.

The Military Families Financial Security Act would change how the Social Security Administration calculates income to determine eligibility for Supplemental Security Income. This simple change in the treatment of income will keep families eligible for SSI benefits and resolve an existing disparity between military and non-military families.

In addition, the Military Families Financial Security Act would also expand SSI eligibility to disabled children who are born to or who apply for benefits while living with parents who are military personnel stationed outside the United States. Currently, children of military personnel stationed overseas are eligible for SSI if they received SSI while they were in the United States. Such an extension would eliminate the disparate treatment of children of military personnel who were born or became blind or disabled outside of the United States.

With our sailors and soldiers in harm's way, there is not a worse time for them to be concerned about whether loved ones are getting the care they need. This legislation offers them the peace of mind that comes with knowing their families will always have the critical support they need.

I urge my colleagues in Congress to act quickly in passing the Military Families Financial Security Act into law.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Washington, Mr. INSLEE, on the roadless rule. We have debated this general issue repeatedly in this chamber over a number of years. Amendments have been offered by well-intentioned members who are not informed about the specifics of the highly diverse units of the national forest system and the unique circumstances which characterize access in each of those forests, as well as the composition of the forestry resources in each unit.

The Superior and Chippewa National Forests, which are located in my congressional district, have undergone extensive study, review, adjustment in status and addition of acreage to roadless or not-cut status. Over the last forty years, these two national forest units, which represent well over 3.6 million acres of federal lands, have been subjected to the Wilderness Act of 1964, the RARE I and RARE II inventories, the old growth inventory, the passage of the Boundary Waters Canoe Area Wilderness Act of 1978, the result of which, in each case, has been removal from timber harvesting of tens of thousands of acres of forested land to be reserved for wilderness status, protected from timber harvesting and in which motorized travel is precluded in all but a very few instances.

In the aftermath of these actions to remove vast acreages from timber harvesting, and in light of management plans that the U.S. Forest Service is required to produce every five years, each of which has resulted in reduction of the allowable timber harvest, or some further complete withdrawal of land from timber harvesting, I see no need arbitrarily in the context of this straight jacket-like approach to which we are limited in the appropriation process, to impose further restrictions in a one-size-fits-all process.

Furthermore, the mapping required of these public lands has not been fully accurate, as evidenced in a ruling just this week by the U.S. Court of Appeals for the 10th Circuit, situated in Wyoming, that the maps produced by the Forest Service were flawed, the process was rushed and the end result wrong. The court found that in developing the rule: "The Forest Service violated the National Environmental Policy Act and the Wilderness Act." The court further found that the promulgated rule was an "aggrandizement of power by the Forest Service in violation of an unequivocal Act of Congress and the United States Constitution."

I can assure my colleagues that, in the Superior and Chippewa National Forests, there are well over a million acres devoted to wilderness, vast areas for those who seek solitude and the restorative quality of the water and lands set aside from mechanized intrusion. Furthermore, the non-wilderness areas of these two national forests are well and carefully managed in a most professional and responsible manner in an open, public process by the U.S. Forest Service and I see no compelling case for converting additional thousands of multiple-use acres to wilderness in these two forests.

ON THE DEATH OF CELIA CRUZ

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. MENENDEZ. Mr. Speaker, today, I mourn the death of my great friend, the music icon, Celia Cruz, who lost her courageous battle with cancer yesterday afternoon.

In fact, today, the entire world mourns.

After 50 years of her presence, influence and music, her loss is shocking to all of us, her dedicated fans.

Celia Cruz, whose music crossed ethnic, racial and cultural lines and earned her five Grammy's and two Latin Grammy's, was a true trailblazer. Her music was a unifying force, and her passion for a free Cuba was evidenced in both her music and her words.

Her commitment to a free Cuba went so far that, during a performance at the Summit of the Americas, she worked the following unforgettable lines into one of her songs: 'Mr. President, please make sure that my homeland Cuba is free once more.' Poignant and heartbreaking words that describe her love for Cuba, her commitment to a free and democratic Cuba, and her affection for her adopted homeland, the United States.

Celia Cruz mesmerized audiences for five decades with her exceptional singing talent and her wonderful charisma. She has been one of the single greatest influences on salsa music, recording more than 70 albums, and receiving more than 100 awards.

She was honored with a star on Hollywood's Walk of Fame, and with streets named after her in New York, Mexico, Costa Rica and Miami, on the famous Calle Ocho. Celia has received honorary degrees from Yale, Florida International University, the University of Miami, and received the National Medal of Arts, the highest honor bestowed on an artist by the United States.

Celia Cruz was born and raised in the Santa Suárez neighborhood of Havana, Cuba. As a young girl, she spent much of her spare time entertaining her peers, friends, and neighbors by singing lullabies and melodies. In the 1940's, she officially began her musical career by singing on numerous Cuban radio programs. After studying at Havana's Conservatory of Music from 1947 to 1950, she joined the legendary group La Sonora Matancera, and after several successful recordings, the group's music was in demand beyond the borders of Cuba.

When Celia left Cuba for the United States in 1960, her career blossomed and she became a household name. During her first decade in the United States, she recorded several albums with the great Tito Fuente, and together, they captured the hearts of nontraditional fans of salsa, a phenomenon known as "the Salsa of the 70s." Celia has also collaborated with other great Latin artists, including Johnny Pacheco, Willy Colón, and la Fania All Stars, as well as great American artists, such as Dionne (DEE-ON) Warwick, Patti Labelle, David Byrne, Gloria Estefan, and Wyclef Jean.

Celia Cruz's boundless energy transfixed generations of salsa fans and musicians. The powerful presence of music in her life could not have been expressed any better than in her own words: in an interview, she once said that she was "born with the music inside of her." And, by God, she expressed the music "inside of her" until the very last day of her battle with cancer.

I was introduced to Celia Cruz's music at an early age, and enjoy her work and dance to her music now, more than ever. As the former Mayor of Union City, New Jersey, I was honored to recognize her achievements and contributions during an awards ceremony almost two decades ago.

On that day, and until her death, Celia Cruz, the Queen of Salsa, the music icon, the star, remained down-to-earth, people-oriented, and was loved by everyone for her music, her passion and her style. She was one of the few bridges that crossed cultural and racial divides.

Celia Cruz's death has left a void in the lives of so many, but her music and words live on, as she leaves behind a legacy on so many levels. I will never forget the famous lines from a recent song, "La Vida es un Carnaval—No hay que llorar," which means, life is a carnival, you don't have to cry. So simple and so true.

And just like Celia would end her songs with the impulsive and unique AZUCAR! or sugar, I end tonight by saying our memories of you, Ceilia, are as sweet as sugar. You will never be forgotten, and you will always be missed.

HONORING ROBERT P. "BOBBY" KOCH ON HIS PROMOTION TO PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE WINE INSTITUTE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Robert P. "Bobby" Koch and congratulate him on his recent promotion to the position of President and Chief Executive Officer of the Wine Institute. Bobby is no stranger to many of us. He has long been the voice of the Wine Institute here on Capitol Hill, and prior to that he was an employee of this body, serving Representatives Coelho and GEPHARDT, ending his service in this House as Mr. GEPHARDT's Chief of Staff.

It is a clear sign of Bobby's ability that the Board of Directors of the Wine Institute did not hesitate to appoint him to replace John DeLuca as President and Chief Executive. I know that they will not be disappointed that they have put their trust in Bobby's capable hands. The wine business is a $33 billion a year industry in California and it is a crucial part of the state's economy. An industry this large needs a clear, united voice both here in Washington and across the country, and I know that the Wine Institute will continue to provide this voice under Bobby's leadership. Bobby will always be the first person I turn to when I need to know the viewpoint of the industry.

Bobby has not limited his contributions to California's wine industry. He has been an active member of his community for many years. Bobby is a member of the USDA Agricultural Policy Committee for Trade, and also serves on the Boards of the National Commission Against Drunk Driving, the Council on American Politics at George Washington University, the Congressional Wine Foundation, and the California State Society. He has also worked tirelessly to raise millions of dollars for worthy causes, including efforts to cure Crohn's disease and colitis and the National Children's Hospital.

He has managed to accomplish all of this at the same time that he and his wonderful wife, Doro Bush Koch, have raised a family of four great children. I am sure that he considers his family to be his greatest accomplishment of all.

Mr. Speaker, it is truly a pleasure for me to be able to honor the accomplishments of Bobby Koch, a great leader for the Wine Institute and a dear friend as well. I wish him many more years of success as he takes on this exciting and challenging new role.

HONORING LATE LEADER OF SOUTH LAKE CHAMBER OF COMMERCE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the late Howard Stockton of Clermont, Florida. The long time leader of the South Lake Chamber of Commerce in my Fifth Congressional District of Florida, Mr. Stockton passed away this weekend after a long battle with cancer.

Howard Stockton will be greatly missed by all who knew him and will be remembered as a kind, caring man with vigor and enthusiasm, and as a consensus builder with amazing ability and talent.

As many current Floridians, myself included, Mr. Stockton was not a native of Florida but made it his home. An Ohio native, a graduate of Kent State University, a former teacher and administrator, Mr. Stockton retired to Florida with his wife in 1989 to be closer to his two sons.

However, his penchant for activity and his well-known energy and zest would not allow him to simply live the tranquil life associated with retirement. He joined the local Loins Club and the South Lake Council for the Arts and then took his community activity to the next level by accepting the position of executive director of the Clermont Area Chamber of Commerce.

Under his leadership, the strength and membership of the chamber grew. He guided it from a small city group into a regional organization nearly three times its original size. The success of the South Lake Chamber of Commerce is a reflection of Mr. Stockton's charismatic personality and his remarkable ability to bring people together.

We in the State of Florida and in the South Lake Chamber are both very fortunate that Mr. Stockton was able to share his extraordinary abilities with us and at the same time very saddened by the loss of such a wonderful man.

It has been said that, "When you met Howard, you felt like you had met a friend." We will all miss our friend.

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. FLETCHER of Kentucky. Mr. Speaker, on Wednesday, July 16, 2003, had I been present for rollcall vote No.'s 368, 369, 370, 371, 372, 373, 374 and 375, I would have voted the following way: rollcall vote No. 368—"aye," rollcall vote No. 369—"aye," rollcall vote No. 370—"no," rollcall vote No. 371—"aye," rollcall vote No. 372—"aye," rollcall vote No. 373—"aye," rollcall vote No. 374—"aye," and rollcall vote No. 375—"aye."

ON REMEMBERING CELIA CRUZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Ms. ROS-LEHTINEN. Mr. Speaker, today, the Latin music world mourns the passing of "The Queen of Salsa," "La Reina de la Salsa", Celia Cruz, who passed away 43 years and one day after she left her homeland, Cuba, for the United States. I am honored to recall how Celia Cruz, the world-renowned performer, and I crossed paths at different moments. She sang at my first victory party, celebrating my win as the first Cuban-American woman to win a seat in Congress in a special election in 1989. She accompanied me to Guantanamo Bay, Cuba, when I went to visit the Cuban rafters detained on our base, to see for myself their living conditions and physical well-being. I will never forget how she kissed the ground when our plane landed and how she sang that day to the Cubans held there with the passion and love of a true native who has been presented the chance of standing on her native soil, even though poignantly, it was on our base, after so many years. She was also a friend to the Republican Party, performing at the 2000 Republican convention in Philadelphia, where President George W. Bush accepted the nomination to the presidency.

In her long career, Celia Cruz never forgot the country of her birth, evoking Cuba in every performance, but never returning to her homeland. She was a political exile who never returned to Cuba, not even when her father died, denied entry by Fidel Castro, who was still angry at her defection many years before. When Fidel Castro came to power in 1959, Celia was the lead singer of La Sonora Matancera, Cuba's most popular orchestra. The group headlined Havana's world-famous Tropicana nightclub and casino and toured the United States and Central and South America. La Sonora Matancera's fame and frequent tours provided them an escape route, by pretending they were going on another tour, never returning to Cuba.

I am honored to be here today to talk about a music legend. She recorded more than 70 albums, many of them gold and platinum records, and received twelve Grammy nominations, winning for the first time in 1989. Celia was honored with stars and street sections in some of the most well-known avenues of the world. Hollywood gave her a star on the Walk of Fame in 1987. Miami's Calle Ocho was named "Celia Cruz Way" and presented her with a star, an honor she has received in other cities such as San Jose, Costa Rica and the Plaza Galeria in Mexico City, Mexico. She received many awards and distinctions, which include a Lifetime Achievement Award from the Smithsonian Institution, the prestigious Lifetime Achievement Award from the Hispanic Heritage Awards, and in 1994, she received in the White House the highest honor the United States can bestow on an artist: the National Endowment for the Arts.

Celia Cruz was a musical icon that made Cuban music known beyond our national borders while touching different generations. Lovers of Latin music worldwide embraced her style and boundless energy on the stage as they enjoyed her contagious music and rhythms. For the Cuban American exile community, she was the link between young Cuban Americans and their parents' generation, making Cuba a reality to the younger generation by providing them with the music that entertained their parents and their grandparents.

Celia's fondest dream never became a reality: the opportunity of returning to a free and democratic Cuba. This woman who sang for presidents and heads of state worldwide simply wanted to return one day to the country she had known. She hoped to one day perform again in the land of her birth, and to utter her signature catch phrase "Azucar" to her fellow Cubans. She left us before her dream became a reality, but I say "Azucar" in her honor and in her memory.

Celia, I know that you can hear us this evening. We love you and your music will continue to live in our hearts. We will never forget you. I promise you, Celia, that I will continue to work tirelessly in the United States Congress for your dream of a free and democratic Cuba. At that time, the Cuban people will once again be able to enjoy your music filled with rich, Cuban rhythms and Afro beats "en libertad"—in freedom. May you rest in peace, Celia!

BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. LEVIN. Mr. Speaker, I support the Burmese Freedom and Democracy Act of 2003, H.R. 2330, because I believe that it is essential to demonstrate that the United States refuses to help perpetuate the brutality of Burma's military junta against the Burmese people. The junta, which ironically calls itself the State Peace and Development Council (SPDC), has recently stepped up its anti-democracy activities by violently cracking down on pro-democracy activists, and re-imprisoning the opposition leader Aung San Suu Kyi.

Ms. Suu Kyi, a Nobel peace laureate, has already spent much of the last 15 years with her movements and speaking restricted under house arrest. I understand that a month ago, after spending only one year free from 20 months of recent house arrest, Ms. Suu Kyi was again detained and is now being held in a Burmese prison notorious for its poor conditions and the mistreatment, and even torture, of political prisoners. The United States must take every opportunity to be a leader in pressuring the SPDC to free Aung San Suu Kyi and her fellow opposition leaders.

The import sanctions created by the Act will hit the military junta where it can be hurt worst—by taking strong action against the SPDC-controlled economy and depriving the military of a source of revenue.

The slave-like labor conditions in Burma are one indication of the extent of the junta's cruelty against the Burmese people. In 2000, after reviewing the working conditions in Burma, an International Labor Organization (ILO) team of experts found that the junta continued to restrict worker rights and to use forced labor on a widespread basis. After receiving the report, the ILO took the unprecedented step of invoking Article 33 of the ILO Charter and formally urged its 174 member states to review their relations with Burma. This is as close as the ILO can come to urging sanctions upon a country.

It is likely that more than a million people in Burma are subjected to forced labor on construction sites for roads, railways, military installations and tourism. The military is particularly notorious for imposing forced labor on villagers living near military operations. Even more outrageous is that this forced labor is often accompanied by brutality, such as torture, arbitrary and extrajudicial execution, rape, and population displacements. Non-compliance by one individual has been known to bring the junta's wrath upon a whole village. For example, the transport of food and other market goods to and from a village could be blocked, or a whole village could be faced with the threat of relocation. Forced labor has the additional effect of forcing villagers to neglect their own fields, making hunger an ever-present concern. Sometimes, even during harvesting times, they are forced to travel far from their village to work. If and when they return, they often do not have the ability to sustain the needs of their own homes and communities.

The current regime's policies of ethnic cleansing, rape as an official tool of repression, the growing and producing of heroin, the forced labor conditions—they all must end. We have tried other methods to encourage the military regime to change its course, to no avail. Only if the United States and others in the international community come together to impose sanctions and deprive the junta of its economic power can the Burmese people hope to have any relief from the long list of atrocities being committed upon them.

IN RECOGNITION OF MS. EILEEN H. TOUGHILL, R.N., PH.D.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. PALLONE. Mr. Speaker, I rise today to laud the accomplishments of Ms. Eileen H. Toughill, R.N., Ph.D. Dr. Toughill holds the position of both Executive Director of the Community Health Center of Asbury Park and Director of Community Health at the Visiting Nurse Association of Central Jersey. Dr. Toughill recently received the VNA of Central Jersey Award for Professional Distinction, proving to be indicative of her compassion and dedication to her work.

The Visiting Nurse Association of Central Jersey is a nonprofit home health agency that promotes the "restoration and healthcare" of all members of the community. In her capacity as Director of Community Health for VNACJ, Dr. Toughill holds responsibility over the provision of health services to more than 65,000 vulnerable and underprivileged community-based residents. In addition to these duties, Dr. Eileen Toughill has taken on even greater responsibilities for the welfare of community residents following the terrorist attacks of September 11, 2001 by establishing a comprehensive response to the chaos and stress that followed the attacks, including bereavement and trauma counseling.

Other achievements that this exceptional woman has accomplished include an outreach program to assist residents in hotels, motels, boarding homes and shelters in Monmouth and Middlesex counties. Dr. Eileen Toughill pioneered the start up of two nurse practitioner-managed primary care centers as well as helping to implement an AIDS education and prevention program in four correctional institutions.

Dr. Toughill's crowning achievement came this Spring when through her hard work she saw the Community Health Center of Asbury Park successfully designated as a full-fledged Federally Qualified Health Center. This includes a renewable federal grant of $475,000, allowing the center to expand its current primary care services to include prenatal care and mental health, as well as increasing the number of patients the center can serve. Dr. Toughill's implementation of multiple programs as well as her perseverance in securing federal funding for her community's health center is admirable. Dr. Eileen Toughill's accomplishments are outstanding—they exemplify determined commitment to the ideals of healthcare for all, and demonstrate how one individual can actively make a difference.

Mr. Speaker, on this day I rise up to acknowledge a truly remarkable individual and I ask that my colleagues join me in honoring Dr. Eileen H. Toughill for the fine and important work that she provides to her community.

76TH ANNUAL CONFERENCE OF REGISTERS OF WILLS AND CLERKS OF ORPHANS' COURT ASSOCIATION OF PENNSYLVANIA

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 18, 2003

Mr. PLATTS. Mr. Speaker, I would like to take this opportunity to recognize the 76th Annual Registers of Wills and Clerks of Orphans' Court Association of Pennsylvania Conference. The conference will be held July 21–25, 2003 in the 19th Congressional District of Pennsylvania. In past years, the Conference has been held throughout the great Commonwealth of Pennsylvania. I am certainly very pleased that this year's conference is being hosted in my district by York County Register of Wills, the Honorable Bradley C. Jacobs.

Among the many services available through the elected Registers of Wills and Clerks of Orphans' Court, constituents are able to probate wills, receive Letters Testamentary and Letters of Administration, apply for marriage licenses and research their family genealogy. At the conference, Registers and Clerks will discuss more efficient policies and procedures related to their duties. As stated in the Constitution and by-Laws of the Registers of Wills and Clerks of Orphans' Court Association of Pennsylvania, an annual meeting must be held once a year in Pennsylvania as arranged by the President of the Association. President Larry Medaglia appointed Bradley C. Jacobs as host and Bill Walters, retired Register of Wills and Clerk of Orphans' Court of York County, as honorary chairmen for the event. There will be approximately 120 attendees including elected Registers and Clerks, Deputies and other guests. In addition, attendees will be able to enjoy the wonderful food and musical entertainment in the City of York.

I am pleased to welcome the 76th Annual Registers of Wills and Clerks of Orphans' Court Association of Pennsylvania Conference to the City of York and commend the commitment to public service of each of the Association's members.

SENATE—*Monday, July 21, 2003*

The Senate met at 1 p.m. and was called to order by the Hon. ROBERT F. BENNETT, a Senator from the State of Utah.

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

Let us pray.

O God, who gives us songs in the night, we thank You for Your promises that cannot fail. You are a God of wonders and Your mercies are new every morning. Lord, You have worked in our Nation's history, doing for us what we could not accomplish with our own strength. Help us never to fear the future because we can remember how You have led us in the past. Lead our Senators today like a shepherd cares for a flock. Lord, let peace radiate in our world on wings of faith, hope, and love. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT F. BENNETT led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 21, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT F. BENNETT, a Senator from the State of Utah, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. BENNETT thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business until the hour of 1:30, with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period of morning business until 1:30 p.m. At 1:30, the Senate will begin consideration of the Homeland Security appropriations bill. As I mentioned—I think it was Thursday night of last week—this appropriations bill will for the first time be considered on this floor. So this is a new initiative for us. I look forward to handling that expeditiously this week in a thoughtful and deliberate way. These are very important issues before this body.

I announced previously we will not have rollcall votes today. Having said that, I encourage Members to come to the floor and proceed with their opening statements on the Homeland Security bill. Any amendment that is offered today can be debated throughout the day with a vote to occur during Tuesday's session at a time determined later.

Once again, I encourage Members who desire to offer amendments to the Homeland Security bill to contact Senator COCHRAN or the ranking member. I hope we can pass this legislation early this week and then continue with the other appropriations bills. With only 2 weeks remaining prior to the scheduled recess, we need to address as many of the appropriations bills as possible this week. As previously stated, during the last week, which is next week, we will be addressing and completing action on the Energy bill.

Last week, I discussed with the other side of the aisle the possibility of having a filing deadline for amendments to the Energy bill. I continue to hope that the objection on the Democratic side will be lifted and that we can allow Chairman DOMENICI and the ranking member to look at the legislative language of these amendments.

We first brought Energy to the floor now several months ago. It was May 6. We have had 12 days on the floor. We have a list of amendments by title. Now is the time to narrow that list, to look at the legislative language.

One of the purposes of setting aside this week at the end of this month so far in advance was that those actions and deliberations could be taken by our colleagues so we could best use the time on the floor of the Senate in a focused way and in a way that respects people's time broadly but allows adequate discussion, debate, amendment, and completion of this bill.

I do want to take a moment to congratulate the chairman of the Appropriations Committee. Last week, he made significant progress on the appropriations process, but obviously there is a lot of work to be done. I am confident that Senator STEVENS will continue along this road. He is clearly up to the task and will complete these bills in a timely fashion.

In addition to the three appropriations bills that the Senate passed last week, we were also able to continue to work on a number of other important issues. Senator MCCONNELL helped in ensuring that the Senate passed H.R. 2330, the Burma sanctions bill. That bill has now been cleared for the President's signature.

The Senate also passed S. 764, Senator CAMPBELL's bill to extend the authority for the Bulletproof Vest Partnership Grant Program.

The Senate was also able to act on a number of Energy Committee bills, including S. 470, which extended the authority for the construction of a memorial for Martin Luther King, Jr.

I look forward to a productive couple of weeks before our recess as we address the appropriations bills, energy bills, and other legislative and executive items that can be cleared.

SPAM

Mr. FRIST. Mr. President, I would like to move to another subject, one that is brought to my attention on a daily basis. In fact, every time I turn on my computer, it is there, staring me in the face. It is this whole issue of spam.

One of my sons had not answered his e-mails; he had been away, in Bartlett, back in Tennessee. He came and turned his computer on and there were 300 e-mails waiting for him. He said only 40 of the 300 e-mails—this was just last night—40 of the 300 e-mails were e-mails actually sent to him by somebody he knew in the sort of discussion that we know e-mail is all about; that is, to stay in touch with family and friends and communicate effectively. The other approximately 250 or 260 e-mails were unsolicited e-mails that had been sent to him.

It reminded me of a letter I received from a constituent, a 73-year-old

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

grandmother from Vonore, TN. That letter reads as follows:

> DEAR SENATOR FRIST: My niece gave me a computer in 2001. It has been a delight to e-mail. At age 73, there is a tendency to feel the world has moved ahead of you, and no one wants to be left behind. Now I wonder if left behind would not be better.
>
> I started getting e-mail titles that horrified me. I have been unable to find out where it comes from or how to stop it. I communicated with my niece, who is Executive Assistant to the only female Judge in Alabama, and she tells me they also have had the experience. She sent me an article from the Mobile paper that would indicate many people are becoming outraged at the practice. I urge you to be one of them.

Mary's letter continues. There are two more paragraphs. Third paragraph:

> I do understand the need for free speech, but this goes way beyond the bounds of decency. I am appalled to think our young people are subjected to such an onslaught of trash. There is no way they can be protected at this point if a grandmother, whose e-mail address clearly identifies her as such, is not.
>
> If a child buys alcohol, tobacco, Playboy or Hustler at the local market, it is a crime. Yet in their own home they are not being protected. Could you craft a law that would prosecute anyone who sent unsolicited indecent or vulgar mail into our homes?—Sincerely, Mary K. Barnwell.

This letter is just one of many that I could have read which constituents have sent me. I mentioned my own son's experience, experience we all have had, the inconvenience, and the offensive nature with which these e-mails are sent and received.

The answer to Mary's question clearly is, yes; we can craft a law that will punish individuals who flood our homes with indecent, unsolicited, and endless streams of spam. International Magazine reports in its most current issue that the millions of spam e-mails that are clogging up our computers are sent out by only a handful of individuals. These spammers call e-mail addresses from chat rooms, from Web pages, from news groups, from message boards, and from e-mail service directories to set up their spamming operations. They even sent out e-mails to random number and letter combinations to look for hits. When they get a hit, it is a matter of minutes before the spam starts pouring in.

Spammers, as we all know, often deliberately target children. They capture e-mail addresses from sites that are typically used by kids, and then they inundate these young victims with offers of free toys, of video games, and contests. But when the child clicks to enter, they are again rerouted to a 900-number modem connection. A dialer is automatically loaded onto the child's system, and unbeknownst to the child they are racking up $3.99 per minute until they sign off. You can imagine the parents' shock and anger when that phone bill arrives.

In other instances, the child might click on the free toy offer. They might get rerouted through a pornography site. When they try to exit, pornography screens pop up to block their retreat.

Some spammers send e-mail in the old-fashioned way. The perpetrator sends an enticing e-mail—an offer, for example, for action figures. The hook? The child has to enter a credit card to get the toy. Mom and dad's credit card information goes in and thousands of credit card dollars go out.

As we all know, as parents it is hard to keep close tabs on a child's Internet activity. Many kids have multiple e-mail addresses among various free Web sites. Multiple e-mail addresses means multiple routes for spam, not to mention the unsavory and dangerous Internet communication.

That is why in this body we need to address the problem and start helping parents filter out this irritating and indeed potentially financially ruinous junk. Indeed, in the Senate, we will take action to protect the millions of Americans who have used the Internet the positive way for which it was intended—to talk, to communicate, to stay in touch with loved ones, to shop and to talk to families and friends with good intent. We simply should not be hassled by fraudulent sales pitches. We simply should not have to put up with being pelted with pornographic material when we simply sign on to read e-mail. Aggressive spamming is a menace. It is threatening an otherwise miraculous and indeed revolutionary form of communication. We simply cannot and should not let a few nefarious individuals spoil it for us all.

I bring this issue up in part because my son mentioned last night what happened to him when he turned on his computer and there was the spam laid out in over 250 e-mails sent to him over a period of several weeks, and in part because we all see it each and every time we turn on our computer.

I look forward to working with my colleagues to address this problem, and indeed to help America's families and Internet users put a stop to this spam.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Are we currently in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I want to first say to the distinguished majority leader that I was privileged to be here for part of the comments on the floor. As usual, today he brings to the floor of the Senate a tremendously difficult issue confronting the American people. What he spoke of in terms of spam and our kids is a tough one. We have to solve it. I believe his response to his own question about whether it can be solved is that it can be solved. It is going to be tough. I hope we can get some good Senators to put their shoulders to it and see what we can do about getting it stopped.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 1432 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

WAR WITH IRAQ

Mr. DOMENICI. Mr. President, Democrats—not all, but some, predominantly those running for President of the United States—have questioned United States intelligence and war with Iraq based on 16 words. Republicans have made a comprehensive case based on facts, recent history, and protecting the American people. Democrats', in my opinion, politically motivated case, questions intelligence and a war with Iraq in the following words found in the address by the President:

> The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

The case for going to war was not made by those words.

No. 1, it was made on the proposition of protecting the American people.

> On a September morning, threats that had gathered for years, in secret and far away, led to murder in our country on a massive scale. As a result, we must look at our security in a new way, because our country is a battlefield in the first war of the 21st century. We learned a lesson: The dangers of our time must be confronted actively and forcefully, before we see them again in our skies and in our cities. And we set a goal: we will not allow the triumph of hatred and violence in the affairs of men.
>
> That is from a speech President Bush made to the American Enterprise Institute on February 26, 2003.
>
> Possession of the world's most deadly weapons is the ultimate trump card. . . . Should we take the risk that [Saddam] will not someday use these weapons at a time and a place and in a manner of his choosing . . . ? The U.S. will not and cannot run that risk to the American people. That is not an option, not in a post-September 11 world.

That is from the presentation Secretary Powell made to the United Nations Security Council on February 5, 2003.

The second reason to go to war was the refusal to disarm:

> Saddam Hussein has been under a duty to disarm for more than a decade. Yet he has consistently and systematically violated that obligation and undermined U.N. inspections. And he only admitted to a massive biological weapons program after being confronted with the evidence.

That is from a radio address to the Nation President Bush made on December 7, 2002.

The third reason to go to war was the refusal to allow weapons inspections:

> Iraq has undermined the effectiveness of weapons inspectors with ploys, delays, and threats—making their work impossible and leading to four years of no inspections at all.

That is from a press conference President Bush gave on November 8, 2002.

The fourth reason to go to war was the use of biological and chemical weapons:

Now, what makes him even more unique is the fact that he's actually gassed his own people. He has used weapons of mass destruction on neighboring countries and he's used weapons of mass destruction on his own citizenry.

That is from a press conference President George Bush gave on October 21, 2002.

The fifth reason for going to war—chemical weapons:

> We know that the regime has produced thousands of tons of chemical agents, including mustard gas, sarin nerve gas, VX nerve gas. Saddam Hussein also has experience in using chemical weapons. He has ordered chemical attacks on Iran, and on more than forty villages in his own country. These actions killed or injured at least 20,000 people, more than six times the number of people who died in the attacks of September the 11th.

That is from President Bush's Cincinnati speech on October 7, 2002.

> Earlier today, I ordered America's armed forces to strike military and security targets in Iraq. Their mission is to attack Iraq's nuclear, chemical and biological weapons programs and its military capacity to threaten its neighbors. Their purpose is to protect the national interest of the United States.

That is from a speech to the Nation by President Bill Clinton on December 16, 1998.

The sixth reason for going to war—biological weapons:

> It was then that the regime was forced to admit that it had produced more than 30,000 liters of anthrax and other deadly biological agents. The inspectors, however, concluded that Iraq had likely produced two to four times that amount. This is a massive stockpile of biological weapons that has never been accounted for, and capable of killing millions.

That is from President George W. Bush's Cincinnati speech on October 7, 2002.

> Although criticizing the Bush Administration for its "sudden burst of urgency" to go after Saddam, he did not dispute the Iraqi dictator's possession of prohibited weapons and stated on September 23, 2001: "We know that he has stored secret supplies of biological and chemical weapons throughout his country."

That is from the Washington Times of June 4, 2003.

No. 7, concealed WMD production:

> In 2001, an Iraqi defector, Adnan Ihsan Saeed al-Haideri, said he had visited twenty secret facilities for chemical, biological and nuclear weapons. Mr. Saeed, a civil engineer, supported his claims with stacks or Iraqi government contracts, complete with technical specifications. Mr. Saeed said Iraq used companies to purchase equipment with the blessing of the United Nations—and then secretly used the equipment for their weapons programs."
>
> This came from "A Decade of Deception and Defiance," a briefing document to accompany President George W. Bush's speech to the U.N., September 12, 2002.

No. 8, Saddam Hussein's atrocities:

> The government continues to execute summarily alleged political opponents and leaders in the Shi'a religious community. Reports suggest that persons were executed merely because of their association with an opposition group or as part of a continuing effort to reduce prison populations."
>
> This came from "A Decade of Deception and Defiance," a briefing document to accompanying President George W. Bush's speech to the U.N., September 12, 2002.

No. 9, links to terrorists:

> Iraq shelters terrorist groups including the Mujahedin-e-Khalq Organization (MKO), which has used terrorist violence against Iran and in the 1970s was responsible for killing several U.S. military personnel and U.S. civilians; the Palestine Liberation Front (PLF), which is known for aerial attacks against Israel and is headed by Abu Abbas, who carries out the 1985 hijacking of the cruise ship *Achille Lauro*; and the Abu Nidal Organization, an international terrorist organization that has carried out terrorist attacks in twenty countries, killing or injuring almost 900 people.
>
> This came from "A Decade of Deception and Defiance," a briefing document to accompany President George W. Bush's speech to the U.N., September 12, 2002.

No. 10, peace and stability in the Middle East:

> And there is no doubt that his aggressive regional ambitions will lead him into future confrontations with his neighbors—confrontations that will involve both the weapons he has today, and the ones he will continue to develop with his oil wealth.
>
> This was Vice President Cheney in a speech to VFW convention, August 26, 2002.

No. 11, nuclear weapons:

> The evidence indicates that Iraq is reconstituting its nuclear weapons program. Saddam Hussein has held numerous meetings with Iraqi nuclear scientists, a group he calls his "nuclear mujahideen"—his nuclear holy warriors. Satellite photographs reveal that Iraq is rebuilding facilities at sites that have been part of its nuclear program in the past. Iraq has attempted to purchase high-strength aluminum tubes and other equipment needed for gas centrifuges, which are used to enrich uranium for nuclear weapons.
>
> This was President George W. Bush, the Cincinnati speech, October 7, 2002.
>
> On the nuclear question, many of you will recall that Saddam's nuclear ambitions suffered a severe setback in 1981 when the Israelis bombed the Osirak reactor. They suffered another major blow in Desert Storm and its aftermath.
>
> This was Vice President Cheney in a speech to VFW convention, August 26, 2002.

There is no doubt in my mind that these and many more are the reasons we went to war. These and many more are the reasons Americans supported the war. These and many more are the reasons they still support the war. These and many more are the reasons they hope this war ends in a successful peace. These reasons and many more, not the 26 words that are being argued about, are the reasons Americans supported our President in the war, supported our troops in the war, support both of them today, and support both in a genuine American hope that peace will ensue.

Already there are some fruits of this effort in the Middle East. We hadn't seen for a long time the meetings between the Israelis and the Palestinians that we have been seeing. This war had something to do with that. Let's hope it is the beginning of peace.

I yield the floor.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate now will proceed to consideration of H.R. 2555, the Homeland Security appropriations bill, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.**]**

H.R. 2555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, namely:

[TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

[DEPARTMENTAL ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses for management and operations of the Department of Homeland Security $221,493,000; of which not to exceed $78,975,000 shall be for the Office of the Secretary and Executive Management; of which not to exceed $116,139,000 shall be for the Office of the Under Secretary for Management; of which not to exceed $8,106,000 shall be for the Immediate Office of the Under Secretary for Border and Transportation Security; of which not to exceed $10,044,000 shall be for the Immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and the Command Center; of which not to exceed $3,293,000 shall be for the Immediate Office of the Under Secretary for Emergency Preparedness and Response; and of which not to exceed $4,936,000 shall be for the Immediate Office of the Under Secretary for Science and Technology: *Provided*, That not to exceed $2,000,000 may be used for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of Homeland Security: *Provided further*, That not to exceed $40,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine.

[COUNTERTERRORISM FUND

[For necessary expenses, as determined by the Secretary of Homeland Security, $20,000,000, to remain available until expended, to reimburse any Federal agency for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: *Provided*, That the Secretary shall notify the Committees on Appropriations 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

[Department-Wide Technology Investments

[For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the Land Mobile Radio legacy systems, $206,000,000, to remain available until expended: *Provided*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology system and the Automated Commercial Environment.

[Office of the Inspector General

[salaries and expenses

[(including transfer of funds)

[For necessary expenses for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $58,118,000; of which not to exceed $1,000,000 may be used for unforeseen emergencies of a confidential nature, to be allocated under the direction of the Inspector General of the Department of Homeland Security: *Provided*, That in addition, $22,000,000 shall be derived by transfer from the Emergency Preparedness and Response Disaster Relief Fund.

[TITLE II—BORDER AND TRANSPORTATION SECURITY

[CUSTOMS AND BORDER PROTECTION

[Bureau of Customs and Border Protection

[salaries and expenses

[(including transfer of funds)

[For necessary expenses of the Bureau of Customs and Border Protection for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports, including planning, construction, and necessary related activities of buildings and facilities, $4,584,600,000; of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $129,000,000 to remain available until September 30, 2005, shall be for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13021(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; and of which not to exceed $5,000,000 shall be for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: *Provided*, That none of the funds available to the Directorate of Border and Transportation Security may be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2004, except that the Commissioner of Customs and Border Protection may exceed such limitation as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: *Provided further*, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every 7 days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

[In addition, for administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, and notwithstanding section 1511(e)(1) of Public Law 107–296, $3,000,000 to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with this account.

[Automation Modernization

[For expenses not otherwise provided for Bureau of Customs and Border Protection automated systems, $493,727,000, to remain available until expended, of which not less than $318,690,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Bureau of Customs and Border Protection prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the Bureau of Customs and Border Protection's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Customs and Border Protection Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

[IMMIGRATION AND CUSTOMS ENFORCEMENT

[Bureau of Immigration and Customs Enforcement

[salaries and expenses

[For necessary expenses of the Bureau of Immigration and Customs Enforcement for enforcement of immigration and customs laws, detention and removals, investigations, including planning, construction, and necessary related activities of buildings and facilities, $2,030,000,000; of which not to exceed $5,000,000, to remain available until expended, shall be for conducting special operations pursuant to Public Law 99–570 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not less than $100,000 shall be for promotion of public awareness of the child pornography tipline; and of which not less than $200,000 shall be for Project Alert: *Provided*, That none of the funds available to the Bureau of Immigration and Customs Enforcement may be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2004, except that the Assistant Secretary of the Bureau of Immigration and Customs Enforcement may exceed such limitation as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount of funds made available for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed $5,000,000 shall remain available until expended for support of such activities: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year.

[Federal Protective Service

[(including transfer of funds)

[For expenses, not otherwise provided for, necessary for the operations of the Federal Protective Service, $424,211,000 shall be transferred from the revenues and collections in the General Services Administration, Federal Buildings Fund.

[Automation and Infrastructure Modernization

[For expenses not otherwise provided for Bureau of Immigration and Customs Enforcement automated systems, $367,605,000, to remain available until expended, of which not less than $350,000,000 shall be for the development of the United States Visitor and Immigrant Status Indicator Technology system (US VISIT): *Provided*, That none of the funds appropriated under this heading may be obligated for US VISIT until the Bureau of Immigration and Customs Enforcement prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the Bureau of Immigration and Customs Enforcement Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Immigration and Customs Enforcement Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for US VISIT until such expenditure plan has been approved by the Committees on Appropriations.

[Air and Marine Interdiction

[For expenses, not otherwise provided for, necessary for the operation, maintenance and procurement of marine vessels, aircraft, and other related equipment of the Office of Air and Marine Interdiction of the Bureau of Immigration and Customs Enforcement, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: conducting homeland security operations; interdiction of narcotics and other illegal substances or items; the provision of support to Department of Homeland Security and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and, at the discretion of the Under Secretary for Border and Transportation Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $175,000,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to Bureau of Immigration and Customs Enforcement requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security, during fiscal year 2004 without the prior approval of the Committees on Appropriations.

[TRANSPORTATION SECURITY ADMINISTRATION

[Aviation Security

[For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to Public Law 107–71, $3,679,200,000 (reduced by $20,000,000), to remain available until expended, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of such total amount, not to exceed $1,672,700,000 shall be for passenger screening activities; not to exceed $1,284,800,000 shall be for baggage screening activities; and not to exceed $721,700,000 shall be for airport support and enforcement presence: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $1,609,200,000: *Provided further*, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005: *Provided further*, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners: *Provided further*, That of the total amount provided herein, $235,000,000 shall be available only for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems and $100,000,000 shall be available only for procurement of checked baggage explosive detection systems.

[Federal Air Marshals

[For necessary expenses of the Federal air marshals, $634,600,000, to remain available until expended.

[Maritime and Land Security

[For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to Public Law 107–71, $231,700,000, to remain available until expended: *Provided*, That of such amount, $100,000,000 shall be available only to make port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117.

Intelligence

[For necessary expenses of the Transportation Security Administration related to transportation security intelligence activities, $13,700,000, to remain available until expended.

[Research and Development

[For necessary expenses of the Transportation Security Administration for research and development related to transportation security, $125,700,000, to remain available until expended.

[Administration

[For necessary expenses of the Transportation Security Administration for administrative activities, including headquarters and field support, training, and information technology, $487,100,000, to remain available until September 30, 2005.

[FEDERAL LAW ENFORCEMENT TRAINING CENTER

[Salaries and Expenses

[For the necessary expenses of the Federal Law Enforcement Training Center, $136,629,000, of which $26,635,000 shall be for material and support costs of Federal law enforcement basic training and shall remain available until September 30, 2006, and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided*, That notwithstanding any other provision of law, the Center is authorized to expend appropriations for the purchase of police-type pursuit vehicles without regard to the general purchase price limitation; student athletic and related recreational activities; conducting and participating in firearms matches and the presentation of awards for such matches; public awareness and enhancing community support of law enforcement training, including the advertisement and marketing of available law enforcement training programs; room and board for student interns; short-term medical services for students undergoing training at Center training facilities; travel expenses of non-Federal personnel attending course development meetings; services authorized by section 3109 of title 5, United States Code; support of Federal law enforcement accreditation; and a flat monthly reimbursement to employees authorized to use personal cell phones for official duties: *Provided further*, That: (1) funds appropriated to this account may be used at the discretion of the Center's Director to train United States Postal Service law enforcement personnel, State and local law enforcement personnel, foreign law enforcement personnel, and private security personnel; (2) with the exception of private security personnel, the Center's Director is authorized to fully fund the cost of this training, including the cost of non-Federal travel, or to seek full or partial reimbursement for this training; and (3) such reimbursements shall be deposited in this appropriation: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Center is authorized to accept and use gifts of property, real and personnel, and to accept services, for authorized purposes: *Provided further*, That the Center is authorized to harvest timber and use the proceeds from timber sales to supplement the Center's forest management and environmental programs: *Provided further*, That notwithstanding any other provision of law, students attending training at any Center site shall reside in on-center or center-provided housing, to the extent available and in accordance with Center policy.

[Acquisition, Construction, Improvements, and Related Expenses

[For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $32,323,000, to remain available until expended: *Provided*, That the Federal Law Enforcement Training Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities on training centers operated by the Federal Law Enforcement Training Center: *Provided further*, That notwithstanding any other provision of law, all facilities shall remain under the control of the Federal Law Enforcement Training Center, which shall be responsible for scheduling, use, maintenance, and support.

[OFFICE FOR DOMESTIC PREPAREDNESS

[Domestic Preparedness

[For grants, contracts, cooperative agreements, and other activities of the Office for Domestic Preparedness, as authorized by the Homeland Security Act of 2002 (Public Law 107–296) and the USA PATRIOT Act of 2001 (Public Law 107–56), $3,503,000,000 (increased by $10,000,000), to remain available until expended: *Provided*, That of the amount provided under this heading—

[(1) $1,900,000,000 shall be for basic formula grants;

[(2) $500,000,000 (increased by $10,000,000) shall be for grants to State and local law enforcement for terrorism prevention activities;

[(3) $200,000,000 shall be for critical infrastructure grants;

[(4) $500,000,000 shall be for discretionary grants for use in high-density urban areas and high-threat areas; and

[(5) $35,000,000 shall be for grants for Centers for Emergency Preparedness:

[*Provided further*, That the application for grants appropriated in subsections (1), (2), and (3) under this heading shall be made available to States within 30 days of enactment of this Act; States shall submit applications within 30 days of the grant announcement; and the Office for Domestic Preparedness shall act on each application within 15 days of receipt: *Provided further*, That 80 percent of the funds appropriated in subsections (1), (2), (3), and (4) under this heading to any State shall be allocated by the State to units of local governments and shall be distributed by the State within 60 days of the receipt of funds: *Provided further*, That section 1014(c)(3) of Public Law 107–56 shall not apply to funds appropriated in subsections (4) and (5) under this heading: *Provided further*, That none of the funds appropriated under this heading shall be used for construction or renovation of facilities: *Provided further*, That funds appropriated in subsections (3) and (4) under this heading shall be available for operational costs, including personnel overtime as needed.

[TITLE III—EMERGENCY PREPAREDNESS AND RESPONSE

[Administrative and Regional Operations

[For necessary expenses for administrative and regional operations of the Emergency Preparedness and Response Directorate, $168,589,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404–405), Reorganization Plan No. 3 of 1978, and the Homeland Security Act of 2002; of which not to exceed $3,000 shall be for official reception and representation expenses.

[Preparedness, Mitigation, Response, and Recovery

[For necessary expenses for preparedness, mitigation, response, and recovery activities of the Emergency Preparedness and Response Directorate, $363,339,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404–405), Reorganization Plan No. 3 of 1978, and the Homeland Security Act of 2002; of which $25,000,000 shall be for emergency operations centers grants: *Provided*, That the aggregate charges assessed during fiscal year 2004, as authorized by Public Law 106–377, shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided further*, That the methodology for assessment and collection of fees shall be fair and equitable, and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received pursuant to this section shall be deposited in this account as offsetting collections, shall become available for authorized purposes on October 1, 2004, and shall remain available until expended.

[Public Health Programs

[For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $484,000,000, including $400,000,000, to remain available until expended, for the Strategic National Stockpile.

[Biodefense Countermeasures

[For necessary expenses for securing medical countermeasures against biological terror attacks, $5,593,000,000, to remain available until September 30, 2013: *Provided*, That not to exceed $3,418,000,000 may be obligated during fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

[Grant Programs

[For activities designed to reduce the risk of flood damage to structures pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of such Act, and for a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $200,000,000, to remain available until expended, of which $20,000,000 shall be derived from the National Flood Insurance Fund, and shall remain available until September 30, 2005: *Provided*, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such title II (42 U.S.C. 5133(g)): *Provided further*, That notwithstanding section 203(f) of such title II (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds.

[Emergency Food and Shelter

[To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77 (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3½ percent of the total appropriation.

[Firefighter Assistance Grants

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses, not otherwise provided for, for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $750,000,000 (increased by $10,000,000) to remain available through September 30, 2005: *Provided*, That up to 5 percent of this amount shall be transferred to "Preparedness, Mitigation, Response, and Recovery" for program administration.

[Disaster Relief

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,800,000,000 and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $22,000,000 may be transferred to the Office of Inspector General for audits and investigations.

[Flood Map Modernization Fund

[For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act; to remain available until expended.

[National Flood Insurance Fund

[(INCLUDING TRANSFER OF FUNDS)

[For activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, not to exceed $32,761,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,809,000 for flood mitigation, to remain available until September 30, 2005, including up to $20,000,000 for expenses under section 1366 of such Act of 1968, which amount shall be available for transfer to Grant Programs until September 30, 2005, and which amounts shall be derived from offsetting collections assessed and collected pursuant to 42 U.S.C. 4014, and shall be retained and used for necessary expenses under this heading: *Provided*, That no funds, in excess of $55,000,000 for operating expenses; $565,897,000 for agents' commissions and taxes; and $40,000,000 for interest on Treasury borrowings, shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

[Disaster Assistance Direct Loan Program Account

[For direct loans, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses to carry out the direct loan program, $558,000.

[TITLE IV—OTHER DEPARTMENTAL ACTIVITIES

[CITIZENSHIP AND IMMIGRATION SERVICES

[Operating Expenses

[For necessary expenses for citizenship and immigration services, including international services, $248,500,000.

[UNITED STATES COAST GUARD

[Operating Expenses

[For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note); and recreation and welfare; $4,703,530,000, of which $1,300,000,000 shall be for defense-related activities; of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That none of the funds appropriated in this or any other Act shall be available for pay of administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

[Environmental Compliance and Restoration

[For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

[Reserve Training

[For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $94,051,000.

[Acquisitions, Construction, and Improvements

[For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $805,000,000, of which $23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $66,500,000 shall be available until September 30, 2008 to acquire, repair, renovate, or improve vessels, small boats, and related equipment; $138,500,000 shall be available until September 30, 2006 for other equipment; $70,000,000 shall be available until September 30, 2005 for personnel compensation and benefits and related costs; and $530,000,000 shall be available until September 30, 2008 for the Integrated Deepwater Systems program: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2006 only for Rescue 21 (the National Distress and Response System Modernization program): *Provided further*, That upon initial submission to the Congress of the fiscal year 2005 President's budget, the Secretary of Homeland Security shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard that includes funding for each budget line item for fiscal years 2005 through 2009, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

[Alteration of Bridges

[For necessary expenses for alteration or removal of obstructive bridges, $19,500,000, to remain available until expended.

[Research, Development, Test, and Evaluation

[For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

[Retired Pay

[For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $1,020,000,000.

[INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

[Operating Expenses

[For necessary expenses of the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security as authorized by law, $776,000,000, to remain available until September 30, 2005.

[SCIENCE AND TECHNOLOGY

[Research, Development, Acquisition, and Operations

[For necessary expenses of activities of the Department of Homeland Security in carrying out the purposes of title III of the Homeland Security Act of 2002 (Public Law 107–296), for basic and applied research, development, test and evaluation, construction, procurement, production, modification and modernization of systems, subsystems, spare parts, accessories, training devices, operation of the Science and Technology Directorate and its organizations and activities, including the Homeland Security Advanced Research Projects Agency, for cooperative programs with States and local governments to enable the detection, destruction, disposal, or mitigation of the effects of weapons of mass destruction and other terrorist weapons, and for the construction, maintenance, rehabilitation, lease, and operation of buildings and other facilities, and equipment, necessary for the activities of the Directorate, $900,360,000, to remain available until September 30, 2006.

[UNITED STATES SECRET SERVICE

[Salaries and Expenses

[For necessary expenses of the United States Secret Service, $1,148,700,000, including purchase of American-made side-car compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitation on such expenditures in this or any other Act; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase limitation for the current fiscal year: *Provided*, That $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children: *Provided further*, That $4,783,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided further*, That up to $18,000,000 for protective travel shall remain available until September 30, 2005: *Provided further*, That subject to the reimbursement of actual costs to this account, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers, training Federal law enforcement officers, training State and local government law enforcement officers on a space-available basis, and training private sector security officials on a space-available basis: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

[Acquisition, Construction, Improvements, and Related Expenses

[For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,579,000, to remain available until expended.

[TITLE V—GENERAL PROVISIONS

[Sec. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[(TRANSFERS OF UNEXPENDED BALANCES)

[Sec. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

[(INCLUDING TRANSFER OF FUNDS)

[Sec. 503. (a) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless both Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

[(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities, as approved by the Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

[(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security in this Act or provided in previous appropriation Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds and shall not be available for obligation unless the Committees on Appropriations are notified 15 days in advance of such transfer.

[Sec. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2004 from appropriations made available for salaries and expenses for fiscal year 2004 in this Act, shall remain available through September 30, 2005, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

[Sec. 505. Except as otherwise provided in this Act, funds may be used for hire and purchase of motor vehicles as authorized by section 1343 of title 31, United States Code: *Provided*, That purchase for police-type use of passenger vehicles may be made without regard to the general purchase price limitation for the current fiscal year.

[Sec. 506. The Federal Emergency Management Agency "Working Capital Fund" shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002, for expenses and equipment necessary for maintenance and operations of such administrative services as the Secretary of Homeland Security determines may be performed more advantageously as central services. Such fund shall hereafter be known as the "Department of Homeland Security Working Capital Fund".

[SEC. 507. The Federal Emergency Management Agency "Bequests and Gifts" account shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002, for the Secretary of Homeland Security to accept, hold, administer, and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security: *Provided*, That such fund shall hereafter be known as "Department of Homeland Security, Gifts and Donations": *Provided further*, That any gift or bequest shall be used in accordance with the terms of that gift or bequest to the greatest extent practicable.

[SEC. 508. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

[SEC. 509. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

[SEC. 510. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than 5 miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

[SEC. 511. None of the funds in this Act may be used to make a grant unless the Secretary of Homeland Security notifies the Committees on Appropriations not less than 3 full business days before any grant allocation, discretionary grant award, or letter of intent totaling $1,000,000 or more is announced by the department or its directorates from: (1) any discretionary or formula-based grant program of the Office of Domestic Preparedness; (2) any letter of intent from the Transportation Security Administration; or (3) any port security grant: *Provided*, That no notification shall involve funds that are not available for obligation.

[SEC. 512. Notwithstanding any other provision of law, no agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

[SEC. 513. The Federal Law Enforcement Training Center is directed to ensure that all of the training centers under its control are operated at their highest potential capacity efficiency throughout the fiscal year. In order to facilitate this direction, the Director is authorized to schedule basic and advanced law enforcement training at any site the Federal Law Enforcement Training Center determines is warranted in the interests of the Government to ensure the best utilization of the Center's total capacity for training, notwithstanding legislative prohibitions.

[SEC. 514. None of the funds made available by this Act may be used for the production of customs declarations that do not inquire whether the passenger has been in the proximity of livestock.

[SEC. 515. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a determination, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

[SEC. 516. None of the funds made available in this Act may be used to allow—

[(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

[(2) the release into the United States of any good, ware, article, or merchandise on which there is in effect a detention order, pursuant to such section 307, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

[SEC. 517. Appropriations to the Department of Homeland Security in this Act shall be available for purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by section 3109 of title 5, United States Code.

[SEC. 518. None of the funds appropriated in this Act may be used for expenses of any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

[SEC. 519. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: *Provided*, That the prohibition of funds in this section does not apply to—

[(1) negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items, or

[(2) space for necessary security checkpoints.

[SEC. 520. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a–10c).

[SEC. 521. None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan that permits the transporting of unscreened or uninspected cargo on passenger planes.

[This Act may be cited as the "Department of Homeland Security Appropriations Act, 2004".]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, namely:

DEPARTMENT OF HOMELAND SECURITY

TITLE I—DEPARTMENTAL OPERATIONS, MANAGEMENT, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112) and executive management of the Department of Homeland Security, as authorized by law, $83,653,000.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management and Administration, as authorized by sections 701–704 of the Homeland Security Act of 2002 (6 U.S.C. 341-344), $167,521,000: Provided, That of the total amount provided, $30,000,000 shall remain available until expended solely for the alteration and improvement of facilities and for relocation costs necessary for the interim housing of the Department's headquarters' operations and organizations collocated therewith.

DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, $185,000,000, to remain available until expended.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $58,118,000; of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, including international services, as transferred by and authorized by the Homeland Security Act of 2002 (6 U.S.C. 271, 272), $229,377,000.

TITLE III—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by Subtitle A, Title IV, of the Homeland Security Act of 2002 (6 U.S.C. 201–203), $8,842,000.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), $380,000,000, to remain available until expended: Provided, That none of the funds appropriated in this Act for the United States Visitor and Immigrant Status Indicator Technology project may be obligated until the Department of Homeland Security submits a plan for expenditure that has been approved by the Committees on Appropriations of the Senate and the House of Representatives.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for border security, immigration, customs, and agricultural inspections and regulatory activities related to plant *and animal imports, acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; contracting with individuals for personal services abroad; including not to exceed $1,000,000 to meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Customs and Border Protection; $4,366,000,000, of which not to exceed $96,000,000 shall remain available until September 30, 2005, for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may exceed that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed $4,000,000 shall remain available until expended.*

In addition, for administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, and notwithstanding section 1511 (e)(1) of Public Law 107–296, $3,000,000 to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the appropriation for "Salaries and Expenses" under this heading.

AUTOMATION MODERNIZATION

For expenses for Customs and Border Protection automated systems, $441,122,000, to remain available until expended, of which not less than $318,690,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated in this Act for the Automated Commercial Environment may be obligated until the Department of Homeland Security submits a plan for expenditure that has been approved by the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $90,363,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for enforcement of immigration and customs laws, detention and removals, investigations; purchase and lease of up to 1,600 (1,450 for replacement only) police-type vehicles; including not to exceed $1,000,000 to meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Immigration and Customs Enforcement, $2,180,000,000, of which not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081), of which not less than $40,000,000 shall be available until expended for information technology infrastructure, and of which not to exceed $5,000,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That in addition, $424,211,000 shall be transferred from the revenues and collections in the General Services Administration, Federal Buildings Fund for the Federal Protective Service: Provided further, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed $1,000,000 shall remain available until expended.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE AND PROCUREMENT

For necessary expenses for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and at the discretion of the Director of the Bureau of Immigration and Customs Enforcement, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $257,291,000, to remain available until expended.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,775,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $4,523,900,000, to remain available until September 30, 2005, of which $3,185,000,000 shall be available for screening activities and of which $1,338,900,000 shall be available for airport support and enforcement presence: Provided, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: Provided further, That the sum under this heading appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004 in order to result in a final fiscal year appropriation from the general fund estimated at not more than $2,453,900,000: Provided further, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005: Provided further, That of the total amount provided under this heading, $309,000,000 shall be available for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems, as authorized by section 367 of title III of Division I of the Consolidated Appropriations Resolution, 2003 (49 U.S.C. 47110 note); and $150,500,000 shall be available for procurement of checked baggage explosive detection systems, including explosive trace detection systems, as authorized by section 4490 of title 49, United States Code.

MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $295,000,000, to remain available until September 30, 2005: Provided, That of the total amount provided under this heading, $150,000,000 shall be available for port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117; and $30,000,000 shall be available to execute grants, contracts, and interagency agreements for the purpose of deploying Operation Safe Commerce.

INTELLIGENCE

For necessary expenses for intelligence activities pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $13,600,000, to remain available until September 30, 2004.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development related to transportation security, $130,200,000, to remain available until expended: Provided, That of the total amount provided under this heading, $45,000,000 shall be available for the research and development of explosive detection devices.

ADMINISTRATION

For necessary administrative expenses of the Transportation Security Administration to carry out the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $433,200,000, to remain available until September 30, 2004.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note); and section 229(b) of the Social Security Act (42 U.S.C. 429(b)) and recreation and welfare, $4,719,000,000, of which $340,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That notwithstanding section 1116(c) of title 10, United States Code, amounts made available under this heading may be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2004 under section 1116(a) of such title.

In addition, of the funds appropriated under this heading in chapter 6 of title I of Public Law 108–11 (117 Stat. 583), $71,000,000 are hereby rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, *United States Code, $17,000,000, to remain available until expended.*

RESERVE TRAINING

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $95,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $1,035,000,000, of which $23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $66,500,000 shall be available to acquire, repair, renovate, or improve vessels, small boats, and related equipment, to remain available until expended; of which $178,500,000 shall be available for other equipment, to remain available until expended; of which $70,000,000 shall be available for personnel compensation and benefits and related costs; of which $702,000,000 shall be available for the Integrated Deepwater Systems program, to remain available until expended; and of which $18,000,000 shall be available for alteration or removal of obstructive bridges, to remain available until expended: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available only for Rescue 21 and shall remain available until expended: Provided further, That funds for bridge alteration projects conducted pursuant to the Act of June 21, 1940 (33 U.S.C. 511 et seq.) shall be available for such projects only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,020,000,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 730 vehicles for police-type use, of which 610 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made sidecar compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,114,737,000, of which $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children; and of which $5,000,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2005: Provided further, That in fiscal year 2004 and thereafter, the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,579,000, to remain available until expended.

TITLE IV—ASSESSMENTS, PREPAREDNESS, AND RECOVERY

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, $20,000,000, to remain available until expended, to reimburse any Department of Homeland Security organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: Provided, That any funds provided under this heading shall be available only after the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 605 of this Act.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; for expenses for student athletic and related activities; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; room and board for student interns; and services as authorized by section 3109 of title 5, United States Code, $172,736,000, of which up to $44,413,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005: Provided, That in fiscal year 2004 and thereafter, the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: Provided further, That notwithstanding any other provision of law, in fiscal year 2004 and thereafter, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That in fiscal year 2004 and thereafter, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken under section 801 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–32); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $28,708,000, to remain available until expended.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,888,000,000, which shall be allocated as follows:

(1) $1,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711), of which $500,000,000 shall be available for State and local law enforcement terrorism prevention grants: Provided, That no funds shall be made available to any State prior to the submission of an updated state plan to the Office for Domestic Preparedness: Provided further, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: Provided further, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days after the grant award;

(2) $30,000,000 for technical assistance;

(3) $750,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: Provided, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 45 days after the receipt of the funds: Provided further, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants; and

(4) $358,000,000 for national programs:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: Provided further, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (3) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training as needed: Provided further, That the Secretary of Homeland Security shall notify the

Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of the funds provided under paragraphs (1) and (3) of this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $750,000,000, to remain available until September 30, 2005: Provided, That up to 5 percent of this amount shall be available for program administration.

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $3,615,000.

EMERGENCY PREPAREDNESS AND RESPONSE

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Emergency Preparedness and Response Directorate, $826,801,000, to remain available until expended, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. 903 note), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the amount provided under this heading: $163,000,000 shall be for activities relating to Preparedness, Mitigation, Response and Recovery; $434,000,000 shall be for Public Health Programs, including the Disaster Medical Assistance Teams and the Strategic National Stockpile; $165,214,000 shall be for Administrative and Regional Operations; and $64,587,000 shall be for Urban Search and Rescue Teams.

In addition, of the funds appropriated under this heading by Public Law 108–11 (117 Stat. 583), $3,000,000 are hereby rescinded.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2004, as authorized by the Energy and Water Development Appropriations Act, 2001 (Public Law 106–377; 114 Stat. 114A–46), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2004, and remain available until expended.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,956,000,000, notwithstanding the matter under the heading "Disaster Relief" under the heading "Federal Emergency Management Agency" of chapter II of title I of Public Law 102–229 (42 U.S.C. 5203), to remain available until expended; of which not to exceed $22,000,000 shall be transferred to and merged with the appropriation for "Office of the Inspector General" for audits and investigations.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For direct loans, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): Provided, That gross obligations for the principal amount of direct loans not to exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a). In addition, for administrative expenses to carry out the direct loan program, $557,000.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $150,000,000, to remain available until expended: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(g)): Provided further, That, notwithstanding section 203(f) of that Act (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), not to exceed $32,663,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed $77,809,000 for flood hazard mitigation, to remain available until September 30, 2005, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2005, and which amounts shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: Provided, That in fiscal year 2004, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $565,897,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $20,000,000, to remain available until September 30, 2005, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and the Reorganization Plan No. 3 of 1978 (5 U.S.C. 903 note), $165,000,000.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77 (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

CERRO GRANDE FIRE CLAIMS

For payment of claims under the Cerro Grande Fire Assistance Act (Public Law 106–246; 114 Stat. 583), $38,062,000, to remain available until expended: Provided, That up to 5 percent of this amount may be made available for administrative costs.

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

For necessary expenses of the Office of the Under Secretary for Information Analysis and Infrastructure Protection as authorized by section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121), $10,460,000; of which $5,442,000 shall be for operations of the Department of Homeland Security Command Center.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION, OPERATING EXPENSES

For necessary expenses for information analysis and infrastructure protection as authorized by section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121), $823,700,000, to remain available until September 30, 2005.

TITLE V—RESEARCH AND DEVELOPMENT

OFFICE OF THE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY

For necessary expenses of the Office of the Under Secretary for Science and Technology as authorized by section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182), $5,400,000.

SCIENCE AND TECHNOLOGY, RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

For necessary expenses for science and technology research, development, acquisition, and operations, as authorized by sections 302, 307, and 308 of the Homeland Security Act of 2002 (6 U.S.C. 182, 187, 188), $866,000,000, to remain available until expended; of which $55,000,000 is for university-based centers for homeland security as authorized by section 308(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 188(b)(2)); and of which $70,000,000 is provided for the centralized Federal technology clearinghouse as authorized by section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193): Provided, That of the total amount appropriated, $20,000,000 shall be available for the construction of the National Biodefense Analysis and Countermeasures Center.

TITLE VI—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 602. The Federal Emergency Management Agency "Working Capital Fund" shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313 and 557), for expenses and equipment necessary for maintenance and operations of such administrative services as the Secretary determines may be performed more advantageously as central services: Provided, That such fund shall hereafter *be known as the "Department of Homeland Security Working Capital Fund".*

SEC. 603. The Federal Emergency Management Agency "Bequests and Gifts" account shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313 and 557), for the Secretary of Homeland Security to accept, hold, administer and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security: Provided, That such fund shall hereafter be known as "Department of Homeland Security, Gifts and Donations": Provided further, That any gift or bequest is to be used in accordance with the terms of that gift or bequest to the greatest extent practicable.

SEC. 604. No employee of the Department of Homeland Security may be detailed or assigned from an agency, bureau, or office funded by this Act to any other agency, bureau, or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment unless expressly so provided herein.

SEC. 605. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, projects or activities, as approved by Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year to the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

SEC. 606. Of the funds appropriated by this Act or otherwise made available, not to exceed $100,000 may be used for official reception and representation expenses when specifically approved by the Secretary.

SEC. 607. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the date of enactment of an Act authorizing intelligence activities for fiscal year 2004.

SEC. 608. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 609. For fiscal year 2004 and thereafter, none of the funds made available by this Act may be used for the production of customs declarations that do not inquire whether the passenger had been in the proximity of livestock.

SEC. 610. For fiscal year 2004 and thereafter, none of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a determination, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 611. For fiscal year 2004 and thereafter, none of the funds made available by this Act may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which there is in effect a detention order under such section 307 on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 612. Unless otherwise provided, funds may be used for purchase of insurance for official motor vehicles operated in foreign countries, and for the hire and purchase of motor vehicles as authorized by section 1343 of title 31, United States Code: Provided, That purchase for police-type use of passenger vehicles may be made without regard to the general purchase price limitation for the current fiscal year.

SEC. 613. Unless otherwise provided, funds may be used for uniforms without regard to the general purchase price limitation for the current fiscal year.

SEC. 614. None of the funds made available by this Act shall be used to pay the salaries and expenses of personnel to adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Transportation Security Administration for necessary security checkpoints.

SEC. 615. (a) None of the funds provided by this or previous appropriations Acts may be obligated for testing (other than simulations), deployment, or implementation of the Computer Assisted Passenger Prescreening System (CAPPS II) that the Transportation Security Administration (TSA) plans to utilize to screen aviation passengers, until the General Accounting Office has reported to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS II and has demonstrated that CAPPS II can make an accurate predictive assessment of those passengers who may constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which CAPPS II is being developed and prepared;

(5) the TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS II from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the use and operation of the system; and

(8) there are no specific privacy concerns with the technological architecture of the system.

(b) The General Accounting Office shall submit the report required under paragraph (a) of this section no later than 60 days after the enactment of this Act.

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2004".

The PRESIDING OFFICER. The chairman of the subcommittee, the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to present for the Senate's consideration today the fiscal year 2004 Department of Homeland Security Appropriations Act.

This bill provides appropriations for the first time directly to the new Department of Homeland Security which was created by law last November. The September 11, 2001 attacks on the World Trade Center in New York City and the Pentagon here in Washington dramatically illustrated the need for more effective protection of our homeland.

On March 1 of this year, this new Department of Homeland Security was formally established. Its mission is to reorganize the Federal Government's efforts to prevent terrorist attacks, to reduce the vulnerability of the United States to terrorism, and to deal more effectively with the damages that are caused by natural disasters as well.

The Department has administrative control over and responsibility for 22 previously existing Federal agencies and an estimated 180,000 employees.

The bill we present today provides total new budget authority for fiscal year 2004 of $29.326 billion to fund the Department. In addition, an estimated $4.8 billion in collections from immigration services and from air passenger and carrier fees paid by the users will be available to the Department for fiscal year 2004.

This bill is $1 billion over the President's budget request. The bill recommends that this additional amount of money be used to increase funding to assist State and local first responders, to enhance aviation security, to better protect critical infrastructures, to more effectively secure our ports and waterways, to hire and train additional border investigators and inspectors, and to establish the surveillance capability to protect our northern border.

As the Presiding Officer well knows, this is a big country. You cannot possibly build a wall around it. We have over 95,000 miles of coastline. The northern border of our country stretches a distance of 5,500 miles. Our southern border with Mexico is approximately 2,000 miles in length, all present very real and very important challenges to the security protection effort of our homeland.

For fiscal year 2003, and with the additional appropriations recommended by this bill for fiscal year 2004, Congress will have provided over $3 billion for the security of our Nation's ports and waterways and over $10 billion for security of all sectors of transportation through the Transportation Security Administration.

Through the firefighter assistance and Office of Domestic Preparedness grant programs alone, the Congress will have provided almost $9 billion since September 11, 2001, to enhance the capacity of the Nation's first responders.

To further explain part of the uses that are expected by the committee for these funds, I invite the attention of the Senate to page 9 of the committee's report that we have submitted to accompany this bill. It says, "Pursuant to the President's National Strategy for Homeland Security, the Secretary is to provide to the Committee, no later than April 30, 2004, a report that updates the progress that is made to: clearly define standards and guidelines for Federal, State, and local government emergency preparedness and response in such areas as training, interoperable communications systems, and response equipment; an estimate of the costs of the unmet needs of State and local governments for fiscal years 2004—2008 in meeting those standards and guidelines."

This illustrates the fact that, first of all, we know you cannot transform our country's homeland security infrastructure overnight; it is going to take time. This bill marks the beginning of the effort and a response to the President's call for the strengthening of our homeland security capability through the establishment of a new Department, which was undertaken by Congress through its legislative committees that actually wrote the law that provided the legal authority for this new Department to begin its work. This bill provides the money the Department needs. It is not all the money that can be spent. It is not all the money that everybody suggests is needed. But it is a very important and generous investment in the effort to begin the work that has to be done to reach the goals we all share.

As the Committee report suggests it is going to take a while, too, for local governments and local responders to upgrade their capabilities, through training, through exercises, through new state-of-the-art equipment and communications equipment, and other assets that are necessary to fully reach our goals. Working together with a better sense of cooperation between State, local, and Federal Government agencies, I am confident that we are going to see a dramatic improvement made. This is another positive step forward.

I am hopeful that Senators will appreciate the fact that we want to hear their advice. We had hearings where we not only heard other Senators' suggestions about steps that ought to be taken and the dollar amount of funds that ought to be appropriated, but we also heard from administration officials whose job it is to manage this new Department. We had a series of six hearings on these subjects. The Homeland Security Act established four new directorates under the auspices of the Department of Homeland Security and its Secretary. Agencies were reorganized, such as the Customs Service. Some disappeared, such as the Immigration and Naturalization Service. However, the components and activities of that previous agency are included under the control and authority of the new Department in a way that we hope will make it a more effective organization and those agencies better able to do their job.

But the challenges are quite enormous, as we all recognize. There have been, in the course of our hearings, discoveries made of the challenges, in terms of how many people there are to keep up with who are undocumented aliens within the United States, for example. That number has increased from 3 million in 1990 to an estimated 9 million now. Forty percent of those people originally gained entry into the United States legally, but they never left when either the time expired for their visa or the end of the legal authority of their presence came about. Attempting to identify and track those people, some of whom may be threats to our security and many of whom may not be threats to our national security, illustrates the challenges we face.

We are embracing in this bill the development of new technologies to help us identify, through automation and new technologies, friendly vessels that come close to our shores, that enter our ports, in a way that you can automatically know whether this ship is certified and licensed to enter that port or not.

The Coast Guard is included as a complete entity within the new Department of Homeland Security and is taking on new roles. So we have our challenge from the President to support these efforts. I think Congress is responding, as it should, with a generous bill for appropriations of funds needed to start this Department off on its way.

We will continue to monitor the use of these funds, as we suggested in the report. We are going to require to be kept advised of the progress made to achieve the goals. We will have oversight hearings. If we see there are needs that arise that have not been funded, we will bring those to the attention of the Senate. Working with our friends in the House, we will go to conference with the House upon the passage of this bill and work out the differences between our two bills and present the final result to the President for his signature.

I am hopeful that the Senate will support this bill. I am confident it will help achieve our goal of a strengthened and much-improved homeland defense against terrorism and natural disasters, as well.

Before I yield the floor, I would like to point out that I certainly appreciate and acknowledge the good assistance of the distinguished Senator from West Virginia, Mr. BYRD, who is the senior Democrat on the Appropriations Committee and who serves as the ranking Democrat of this subcommittee, for his cooperation and support during the committee's consideration and development of this bill.

The following is a detailed summary of the bill's major funding recommendations.

For security, enforcement, and investigations activities of the Department funded under Title III of the bill, $19.5 billion is recommended. Included in this amount is a total of $8.1 billion for the Department's two new bureaus—the Bureau of Customs and Border Protection, and the Bureau of Immigration and Customs Enforcement. Also recommended is $5.4 billion for the Transportation Security Administration; $6.8 billion for the Coast Guard; and $1.1 billion for the United States Secret Service.

For assessments, preparedness, and recovery activities of the Department funded under Title IV of the bill, $8.3 billion is recommended. This includes $3.6 billion for emergency preparedness and response activities; $823 million for the Department's new Information

Analysis and Infrastructure Protection Directorate; $201 million for the Federal Law Enforcement Training Center; and $3.6 billion for the Office for Domestic Preparedness.

In addition, the bill recommends $494 million for Departmental operations and oversight; $229 million for the Bureau of Citizenship and Immigration Services; and $866 million for research and development activities of the Department's Science and Technology Directorate.

The bill recommends $8.1 billion for the defense of the Nation's borders and investigations and enforcement of our immigration and customs laws.

Included in this amount is an increase to establish the first permanent northern border surveillance air wing.

The bill also provides $380 million for the United States Visitor and Immigrant Status Indicator Technology project, known as US VISIT. This automated entry/exit system is one of the Department's top priorities. It will track the entry and exit of all non-immigrant travelers, making it easier for legitimate travelers while making it more difficult for those who may intend to do us harm.

The bill recommends $4.9 billion for the Bureau of Customs and Border Protection, which supports inspection activities and patrolling of our borders.

As I previously stated, the United States has 5,525 miles of border with Canada and 1,989 miles with Mexico. Our maritime border includes 95,000 miles of shoreline. Each year, more than 500 million people cross the border into the United States, some 330 million who are non-citizens. There are 118,129,875 vehicles that enter the United States annually and 16 million cargo containers.

To assist the Bureau in its task to protect our border, the bill provides an increase of $74.3 million for additional personnel, $41 million of which is for 570 additional border agents.

In addition, the bill provides full funding of $12.1 million for the Customs Trade Partnership Against Terrorism. A safe and secure supply chain is a critical part of the Bureau of Customs and Border Protection's work to keep our country safe. Through this initiative, the Bureau is committed to working closely with companies whose good business practices ensure supply chain security as well as compliance with trade laws.

It also provides the requested increase of $61.7 million for the Container Security Initiative. This initiative seeks to enhance the security of an indispensable, but vulnerable, link in the chain of global trade: the oceangoing shipping container. Proactively screening containers before they reach the United States will significantly contribute to efforts to secure the borders against dangers that might be introduced through commercial traffic. A more secure maritime trade infrastructure will help ensure the continued smooth flow of merchandise through seaports.

The bill recommends $2.8 billion for the Bureau of Immigration and Customs Enforcement, which supports investigations, intelligence, detention and removal activities, and provides a safe and secure work environment for Federal facilities. To assist the Bureau in carrying out these tasks, the bill provides an increase of $28.3 million for additional investigative and intelligence personnel.

The bill provides an increase of $66.2 million for the establishment of the first permanent air surveillance wing on the northern border. The Nation is vulnerable to illegal incursions by terrorists, drug smugglers and other criminals. The establishment of this air wing will allow the Department to extend its reach to an at-risk area of the Nation's airspace.

The bill also provides a transfer of $424 million from the General Services Administration, Federal Buildings Fund, for the Federal Protective Service, which is the same as the President's budget, to ensure a safe and secure workplace for Federal employees.

For the Transportation Security Administration, responsible for ensuring security across the U.S. transportation system, including our Nation's airports, railways, highways, and waterways, the bill recommends total funding of $5.4 billion.

For security enhancements to our Nation's aviation sector, an increase of $307 million over the President's budget request has been provided. A major component of this increase is $150.5 million for the purchase of baggage explosive detection systems and $309 million to make security improvements at our Nation's airports, including the permanent installation of these detection systems in the airport to move them out of airport lobbies. In addition, the bill provides funding at the President's requested level for passenger and baggage screeners at airports.

Also provided for the security of aviation is $600 million for the Federal Air Marshals program, and $25 million for Federal flight deck officer training for commercial pilots who voluntarily apply to carry firearms in the cockpit.

To further enhance TSA efforts to secure cargo placed on aircraft, $30 million is provided for the screening of air cargo.

For maritime and surface transportation security activities, the bill provides $150 million for port security grants, $30 million for the continuation of operation safe commerce to better secure cargo entering the Nation's three largest ports, and $25 million for trucking industry grants to provide for safe travel on our Nation's highways.

To further improve transportation security, $130.2 million is provided for research and development of the latest technologies to detect and deter terrorist attacks, including $45 million for research and development of next generation explosive detection systems and $30 million for research and development of new technologies to screen air cargo.

The bill recommends $6.88 billion in total funding for the United States Coast Guard, which supports the President's request for search and rescue activities, fisheries enforcement, drug interdiction, and defense-related activities. Included in this amount are increases for the Integrated Deepwater Systems, "Deepwater", Maritime Safety and Security Teams, and the Automatic Identification System.

The bill provides $702 million for the Deepwater program, which is $202 million above the President's budget. Deepwater missions cover the spectrum of the Coast Guard's responsibilities, including: homeland security, search and rescue, alien migrant interdiction, drug interdiction, fisheries protection, and marine environmental protection.

Deepwater was conceptualized as a 20-year program at a cost of $500 million a year, to recapitalize the Coast Guard's aging assets and fully integrate the communications capability of all ships and aircraft. In order for Deepwater to be completed in 20 years, the annual funding would have to include inflation, which has not been the case. If the recent pattern of underfunding continues, the projected timeframe for completion could increase to 30 years, thereby increasing the total cost to the government. Fiscal year 2004 funding of $702 million will go a long way toward getting Deepwater back on schedule for completion in 20 years.

The bill provides $134 million for the Rescue 21 program, which is the same as the President's budget. Rescue 21 is effectively the maritime 9-1-1 system for mariners in distress, designed to monitor distress calls, alert response assets, and coordinate search and rescue responses. This funding will improve the Coast Guard's effectiveness and enhance mission delivery of marine safety, law enforcement, environmental protection, and homeland security.

The bill provides an increase of $40 million for the Automatic Identification System, which is similar to an air traffic control system that transmits important safety and security information concerning vessels back to a shore-based receiver. This provides the Coast Guard with the capability to track vessels throughout the coastal zone and provide greater security to the Nation's ports.

To further strengthen the capacity of the Nation's first responders to prepare for and respond to possible terrorist threats, the bill provides $3.638 billion for the Office for Domestic Preparedness.

Included in this amount is $1.2 billion for State and local basic formula grants; $500 million for State and local law enforcement terrorism prevention grants; and $750 million for high-threat urban area discretionary grants.

The bill also provides $750 million for firefighter assistance grants, to remain as a stand-alone program.

The bill does not recommend the consolidation of funding for emergency management performance grants into the Office for Domestic Preparedness grant programs, as proposed in the budget. An appropriation of $165 million for this grant program is provided through the Emergency Preparedness and Response Directorate.

The bill recommends $3.6 billion in total funding for the operations of the Emergency Preparedness and Response Directorate, fully supporting the fiscal year 2004 budget for preparedness, mitigation, response, and recovery activities; public health programs, to include the Strategic National Stockpile; and information technology services and regional operations.

The bill provides $1.9 billion for disaster relief as proposed in the President's budget. The disaster relief fund through the Department of Homeland Security will continue to operate the programs formerly run by the Federal Emergency Management Agency to assist victims in presidentially-declared major disasters and emergencies.

The bill provides $200 million for flood map modernization activities to modernize and digitize the Nation's flood maps. These maps are outdated and in some cases not permanently documented, as the digitization process would provide. Fiscal year 2004 funding will ensure that the Department stays on track to provide up-to-date flood maps for the Nation within 5 years.

The bill continues the Emergency Management Performance Grants, "EMPG", at $165 million, and does not recommend shifting this program to the Office for Domestic Preparedness. EMPG is a State matching grant program designed to assist States and local communities in all-hazards planning and response, and is therefore more appropriately administered through the Emergency Preparedness and Response Directorate. In Mississippi, the number of counties with emergency management programs has increased from 43 to 65 in the last three years because of funds made available through EMPG. The same is true for numerous other States, indicating the importance of this program to provide communities with the capability to develop localized emergency management programs.

The bill recommends $823.7 million for activities of the Information Analysis and Infrastructure Protection directorate to identify and assess threats to the homeland, map threat information against current vulnerabilities, issue warnings, and take preventive and protective action.

A critical component of this directorate is the ability to provide the resources to secure our Nation's critical infrastructures from catastrophic events. In order to achieve this, $293.9 million is provided for critical infrastructure and key asset identification, field assessments of critical infrastructures, and key asset protection implementation to help guide development of protective measures to harden facilities and assets.

For the intelligence and warning functions of the Department of Homeland Security, $101.7 million is provided to guide collection, assessment, evaluation, and prioritization of all intelligence information.

As part of the effort by IAIP to better secure not only physical assets but also cyber assets, the bill includes $98.5 million for the integration of physical and cyber infrastructure monitoring and coordination for cyber security.

A total of $866 million is recommended for the research and development activities of the Department's Science and Technology Directorate.

This directorate is tasked with the centralization of research and development department-wide and is provided $64 million in support of conventional missions of the Department's agencies and bureaus.

The bill also provides $55 million for the establishment of a university-based system to enhance and strengthen the efforts of homeland security on our Nation's campuses.

As the Department works to monitor and detect cyber attacks by terrorist organizations within the auspices of the Information Analysis and Infrastructure Protection directorate, Science and Technology is responsible for the research and development of the most appropriate technologies for next generation cyber threat characterization, detection, and origination. For these activities, the bill provides $18 million.

A total of $70 million is made available for the technical support working group responsible for the rapid development and prototyping of new technologies in support of homeland security.

For research and development of critical infrastructure security assurance, $72 million is provided, of which up to $60 million is made available for research, development, testing, and evaluation of an anti-missile system for commercial aircraft. There also is a great need for the development of standards and protocols for equipment that is used in the field for detecting, mitigating, and recovering from terrorist attacks and funds are available for this purpose.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A CONSTANT DRUMBEAT

Mr. BENNETT. Mr. President, the constant drumbeat in the press goes on. We find it highlighted in this week's national news magazines: a constant attack on the credibility of George W. Bush; a constant drumbeat calling him a liar, at the very least an exaggerator who did it deliberately to mislead the American people and to take us to war.

Those in the media who get involved need to be reminded just a little bit of their responsibility. It is their responsibility to react not just to the flavor of the moment, in terms of political issues, but to give us a little bit of institutional memory. Since they seem to lack that memory, I will do my best to supply it here this afternoon.

I remember as a Member of this body some intelligence lapses that occurred and decisions that were made on the basis of those lapses. Let me give you some.

I remember when the United States bombed a pharmaceutical plant in Sudan because the intelligence said it was a place where biological weapons were being created. This was not a trivial matter. I went to the room here in the Capitol that is reserved for secret briefings. I refer to it as the secret room where secret people tell us secret things, and I had no less than the Secretary of Defense absolutely insist that the intelligence was rock solid that biological weapons were being produced at this plant in Sudan.

We now know the intelligence was wrong. The plant was not involved in the production of biological or chemical weapons. The intelligence information that led us to believe it had been was flawed, it was old, and the casualties that occurred on that occasion were civilians who needlessly lost their lives because the American intelligence was bad.

The question is: Would we have been better off if we had not destroyed that plant in the Sudan? And the answer is clearly yes. Intelligence let us down. We made the wrong decision. We killed some civilians. We would have been better off if we had not proceeded.

The second lapse of intelligence occurred during the bombing in Bosnia. I was involved in this one to a greater degree than the other. This is where the Americans bombed what they thought was a legitimate target and it turned out to be the Chinese Embassy. Furthermore, it was more than just the Chinese Embassy. It was the center of Chinese intelligence activity that covered most of that part of Europe.

I was in China on a congressional delegation not long after that occurred. One after another Chinese official kept berating me and the other members of the delegation as to why we had deliberately targeted and destroyed a key intelligence center for the Chinese.

Our answer was that this was an intelligence failure on our part; that the CIA was using an old address book, and we had not realized we were, in fact, destroying a very sensitive Chinese installation.

I remember the response from a Chinese official as we made that explanation. He said: You Americans have the best intelligence in the world. You have been following what we have been doing in that part of the world for years. You destroyed a major intelligence asset of ours, and you claim it was a mistake? You claim your intelligence assets were so bad you did not realize we had been at that location for years?

It was very clear from the questions and the tone of voice with which those questions were asked that the Chinese officials did not believe us. They did not believe we were capable of such a stupid mistake.

The only defense that could be offered, and it was offered by another member of the delegation, was it had to be a mistake because, in fact, it was so stupid. No one would have done that deliberately and damaged the relationship between the United States and the Chinese so seriously.

It was in response to that the U.S. Embassy in Beijing was stoned. I saw the windows that were broken. I saw the bullet holes that pocked the walls as people fired on the Embassy. It was a major incident.

Again, the fundamental question: Would we have been better off if we had not done it? And the answer is an unequivocal and overwhelming, yes; we would have been better off if we had not done it.

I could go on, but let me take those two examples of failed intelligence and those two questions—would we have been better off if we had not done it in the Sudan, and would we have been better off if we had not done it in Belgrade—and put them in the context of today's debate.

Let's assume for a moment—and I underscore that I do not—that the intelligence that led up to the decision to go ahead in Iraq was as faulty as the administration's critics are now claiming it was, and then ask the same fundamental question: Would the world be better off if we had not gone into Iraq? And the answer is clearly, no. The answer is clearly as Tony Blair laid it out before the joint session of Congress. He made it clear if we made a mistake, history will forgive the mistake because the consequences of it were that we freed the Iraqi people. We brought a degree of credibility and stability into that region that has not been there. We have new leverage to deal with the Israeli/Palestinian question beyond that which any American President has had.

If, in fact, we blundered into Iraq—and, once again, I underscore the fact I do not believe we did—we did a good thing. Unlike the failed intelligence that caused us to blow up a civilian production facility in the Sudan, which was a bad thing, unlike the failed intelligence that caused us to destroy the Chinese Embassy in Belgrade, which was a bad thing, if there was flawed intelligence here that caused us to go into Iraq, it was still a good thing.

Let me give an example of flawed intelligence with respect to Iraq. We did not know, going into Iraq, the degree to which Saddam Hussein had committed genocide against his own people. With all of the intelligence assets we had on the ground in Iraq, we were unaware of the number and extent of the mass graves that we are still uncovering while we are there. If we are going to complain, as those in the media are doing, that the intelligence going into Iraq was flawed, they should complain just as much about the failure of intelligence to tell us the degree of his brutality. But they are not talking about that. We do not get any media reports with each new discovery of a major new mass grave. Those are dismissed in what is called the mainstream media because that might lend support to the idea that going into Iraq was the right thing to have done.

No, instead we are quibbling over words that appeared in the State of the Union that somehow triggered massive misunderstanding on the part of the American people. I would challenge anyone to go to anyone in America and ask them how many of them remember the 16 words that are being challenged. Well, maybe the American people do not remember those words but certainly the Congress does.

There is a slight problem with that because the State of the Union Message was given after the Congress had approved the President's intervention in Iraq. The vote was taken on this floor prior to the time the President made those statements. So how can anyone in this body claim that he or she was misled by the President's statement in the State of the Union when the vote was taken prior to the time that statement was made?

Once again, that is a fact that is conveniently left out of all of the media analysis. They do not tell us that Congress went to the briefings and came to its conclusion as to the rightness of the decision in Iraq before the President made that comment in the State of the Union.

I went to the briefings. There was a briefing at the Pentagon that I remember very carefully. We went over for breakfast with the Secretary of Defense and he gave us a complete briefing on the entire issue of weapons of mass destruction and where things were in Iraq. I must say I did not see any of the current critics of the President's plan present at that briefing. I remember fairly clearly who was there. I could not name all of the Senators who were there, but I could name all of the Democratic Senators who were there, and none of them is currently engaged in criticizing the President.

I remember a briefing at the White House in the Roosevelt Room with representatives of the CIA and Condoleezza Rice, where we went through the whole issue of weapons of mass destruction. Once again, I can remember the Senators who were at that briefing. It was open to all. It was not a private thing where a few Senators were requested. Any Senator who wanted could have gone to that briefing. I remember those who were there. Not one of the current critics of the President's position was there at that briefing.

So I find it a little disingenuous to have them say they were misled when they did not attend the briefings that were given.

Now let me take my colleagues to that briefing in the Roosevelt Room in the White House and summarize for them what was said there. We were told the following: Four areas of deep concern were raised, and we were told in descending order of how scary these were. The first was biological weapons. The second was Saddam Hussein's capacity to deliver those weapons. The third was chemical weapons. The fourth was nuclear weapons.

I remember that very clearly because I summarized it back to the briefers and said: Let me be sure I understand what you are saying. You are saying you are most frightened of his capacity in the biological area, slightly less frightened about his ability to deliver those weapons, slightly less frightened about his capacity in the chemical area, and least frightened about his capacity in the nuclear area? And they said, yes, Senator that is the descending order of concern.

I cite that because we are now being told in the popular press that the entire operation was sold to us because of the threat of nuclear weapons, ignoring the facts that we were given at the briefing to which they did not come.

The question was raised, Why should we be going against Saddam Hussein at this particular time? That was one of the questions at the briefing. I remember the answer very clearly. If we are just talking about weapons of mass destruction, there are a number of countries that have weapons of mass destruction. Indeed, if we went to the country that has the most outside of the United States itself, that would be Russia. Simple possession of weapons of mass destruction, the point was clearly made at the briefing, simple possession of weapons of mass destruction does not justify taking action.

A brutal dictator who oppresses his own people. Look around the world and there are plenty of brutal dictators who oppress their own people. Being a brutal dictator who oppresses his own people is not justification for the United States to go to war against you. That point was clearly made at the briefing.

Willingness to invade your neighbors. There have been regimes around the world that have attacked recently their neighbors. Clearly, the United States cannot intervene every time there is a border war or a willingness to attack your neighbors. That, alone, does not justify going against someone in a military fashion.

Using weapons of mass destruction is different from possessing them. Now we are getting kind of narrow because we do not have a great number of examples of regimes that have used weapons of mass destruction. But maybe that alone, again, does not justify going against another regime.

Put them all together—possession of weapons of mass destruction, using the weapons of mass destruction, crossing borders and invading your neighbors, and being in the hands of a brutal dictator—now we are getting a list and we are coming very close to Saddam Hussein, as the only brutal dictator with weapons of mass destruction, who qualifies for all four of those.

But there is a fifth that comes into play as a follow-on to September 11: That is financing and harboring terrorists. Let me make it clear at that briefing, no one said there was a heavy al-Qaida presence in Iraq. Once again, people in the media are attacking President Bush for saying something that, in fact, he did not say. What was said at the briefing was Iraq sponsors terrorism, Iraq funds terrorism, and there are intelligence reports of Iraq harboring members of al-Qaida who are fleeing for their lives.

The statement was never made that there was a major al-Qaida headquarters in Iraq. The statement was simply made that terrorists run through Iraq. A number of terrorist organizations, in addition to al-Qaida, have been represented in Iraq. Iraq funds terrorism throughout the region.

Here are five different criteria, any one of which might not be enough to justify moving against a foreign government. Indeed, two or even three gathered together might still not justify moving against a foreign government. But the statement was made clearly, when you put all five together and ask yourself where in the world do you find all five at the same time, the answer is in one place and one place only: That place is Iraq.

That was the intelligence briefing I attended. That was the intelligence information I heard when I made up my mind to be in support of the President and this operation. As I said before, I do not remember—indeed, I am sure that most of the President's congressional critics—indeed, all of—the President's congressional critics in this Chamber—were not there. They did not hear the briefings.

For them to come forward now and say the President misled them, when they did not go, is disingenuous. I do not feel misled. I do not feel uninformed. I do not feel the intelligence was bad. Insufficient? Of course. Intelligence is always insufficient. But that does not mean it was deliberately manipulated; that does not mean it was planted; that does not mean anyone did anything but the very best he or she could do in good faith.

The fundamental question I posed earlier still stands. Even if you accuse the President of doing all of what his critics are saying he did, was it bad to have gone into Iraq and toppled Saddam Hussein? Until critics either in the Congress or the media will come forward and say, we used bad intelligence to make the bad decision and the world would be better off if Saddam Hussein were still in power, they cannot, in my view, sustain their criticism. They cannot fault this President unless they are willing to say in this instance what we can say in the two other instances I have described.

Intelligence was flawed in the Sudan. Would the world be better off if we had not destroyed that plant? Yes. The intelligence was flawed in Belgrade. Would we be better off if we had not destroyed the Chinese Embassy? The answer is yes. If the intelligence was flawed in Iraq, the same question still applies: Would we be better off if we had not toppled Saddam Hussein? Until someone is willing to answer that question yes, I am not willing to give credence to their complaints about this President and this White House.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004—Continued

Mr. BYRD. Mr. President, today the Senate takes up H.R. 2555, the Department of Homeland Security Appropriations bill. This is the first homeland security appropriations bill in the history of the Nation. The Senate Appropriations Homeland Security Subcommittee was created just 4 months ago. Under the able leadership of Chairman COCHRAN, the subcommittee held six hearings to review the operations of the Department of Homeland Security. I commend Chairman COCHRAN and his staff for their work on this important legislation.

The bill provides discretionary budget authority totaling $28.521 billion, a level that is $1.039 billion above the President's request. The bill is at the level available under the 302(b) allocation. Regrettably, the allocation for homeland security programs is inadequate. This is not a criticism of Chairman COCHRAN, nor is it a criticism of full Committee Chairman TED STEVENS. Unfortunately, the budget resolution that passed this Congress limited discretionary spending to levels below the President's already inadequate request. The budget resolution severely constrains our ability to address known threats to the safety of the American people.

With the Department of Homeland Security regularly changing the terrorist level from elevated to high and back, and with the Secretary saying publicly that another terrorist attack is inevitable, the demands for homeland security spending seem endless. Our job on the Appropriations Committee is to make careful choices. Unfortunately, the budget resolution has forced us to exclude from the bill some funding that both the Congress and the President have recognized as being real needs.

All Americans, whether they live in rural communities or major cities, want to know that if there is a terrorist attack close to their homes, their local doctors and nurses have the training to treat the injured. Americans want to know that their local firemen have the ability and the equipment to handle a chemical or biological attack. Americans want to know that their local police officers are trained in identifying and responding to the variety of terrorist attacks that we could now face.

Regrettably, this bill, while providing first responder funding at a level that is $303 million over the President's request, is $434 million below the level that the Congress approved for the current fiscal year. The Federal Government needs to remain a full partner in local homeland defense efforts and adequate funding is essential to that task.

According to the Secretary of Defense, the United States is spending $3.9 billion per month for the war in Iraq. Yet this bill includes only $3.9 billion for the entire year for equipping and training our first responders. Frankly, I believe that the President and the administration have lost their focus on what really matters to American citizens; namely, the combating of terrorism and securing the homeland.

One of the mysteries about the President's budget is the budget for the Transportation Security Administration or TSA. TSA was created by the Aviation and Transportation Security Act of 2001 and was supposed to focus on securing all modes of transportation. Yet the President's budget includes only $86 million or 2 percent of the TSA budget for maritime and land security.

Yet the President's budget includes only $86 million.

The rest of the President's budget request is for aviation security and for administration. What about securing our ports? What about securing our trains? What about securing our subways and our railway tunnels? What about securing our buses, or securing the trucks that carry hazardous materials? In fact, the President's budget requests 2.5 times more for administering the Transportation Security Administration bureaucracy than the President does for securing the Nation's ports, trains, trucks, and buses.

I commend Chairman THAD COCHRAN for recognizing this problem and for addressing some of these weaknesses. But he simply did not have the resources available to him to deal with several well-known vulnerabilities.

For example, in November of 2002, President Bush signed the Maritime Transportation Security Act which established new standards for securing our Nation's ports. Despite the fact that the Coast Guard had estimated it will cost the ports $5.4 billion over 10 years to implement those standards, including $1.1 billion the first year, the President did not request a dime for port security.

The bill that is before the Senate includes $150 million for port security grants, and I commend Chairman COCHRAN for finding the resources within the limited allocation for this important program. I hope we can do more to secure our ports.

In October of 2001, the President signed the Patriot Act, which called for tripling the number of Border Patrol agents and Customs and immigration inspectors on the northern border. In May of 2002, the President signed the Enhanced Border Security and Visa Entry Reform Act, which authorized significant new investments in Border Patrol agents and facilities. The goals with regard to Customs inspectors and border facilities cannot be met with the limited funding that was made available for discretionary programs under the budget resolution.

Under the President's proposal for the Transportation Security Administration, there is a significant gap in securing commercial airlines. Under the proposal, each airline passenger is screened before he or she gets on a plane, and each passenger's baggage would be screened before being loaded on a plane. But commercial cargo on that same plane would be left unchecked. That is a dangerous security risk that needs to be addressed. This bill adds $30 million to the budget request to research, develop, and deploy air cargo security programs to enhance the secure transport of cargo on commercial airlines. I believe we need to do more to secure cargo on our commercial airlines.

However, with the funds that were made available to the subcommittee under our allocation, I believe Chairman COCHRAN has produced a good bill. It is balanced. It is fair. It addresses a number of weaknesses in the President's budget request that we identified during our committee hearing.

We increased funding over the President's request to equip and train our first responders. We continue to fund effective programs such as the Fire Grants Program and the All Hazards Emergency Management Performance Grants Program, which the President had proposed to consolidate into a single grant program. We increased funding for our airports to purchase explosives detection equipment and to install that equipment.

We increased funding over the President's request for the Coast Guard in order to keep the Deep Water Air and Sea Modernization Program on schedule. We recognize that not all transportation security vulnerabilities are at our airports. We also fund grants for port security, bus security, and for securing hazardous materials.

Additionally, this legislation takes an important step to protect personal privacy. The bill delays for 60 days the expenditure of funds on implementing the Department's proposed new Airline Passenger Profiling System—CAPPS II—until the General Accounting Office conducts a study and reports to the Congress on the privacy implications of the system. We must make sure that the privacy rights of individuals are protected and that individuals who are determined to pose a threat to security have an appeal mechanism.

This is a good bill, but we must address several critical shortfalls that result from the budget resolution that put tax cuts at the front of the line and left homeland security to compete with every other Federal program for limited dollars. The result, regrettably, is a homeland security budget that leaves gaps in our security by leaving priority programs underfunded.

After 9/11, Congress passed the Patriot Act, the Maritime Transportation Security Act, the Aviation and Transportation Security Act, and the Enhanced Border Security and Visa Entry Reform Act. And the President signed them with great fanfare. But the President has done little to fulfill the promise of those laws. Now the Senate has before it the funding legislation that would either fulfill the promise of those acts or continue to leave the Nation and its citizens vulnerable.

I urge all Members to be mindful of the solemn duty to "provide for the common defense, promote the general welfare and secure the blessings of liberty for ourselves and our posterity" as we debate this important appropriations bill.

AMENDMENT NO. 1317

(Purpose: Fulfilling Homeland Security Promises)

Mr. BYRD. Mr. President, I send to the desk an amendment for discussion and action, not this afternoon but tomorrow or subsequently.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1317.

On page 75, Line 6, insert the following:

TITLE VII—FULFILLING HOMELAND SECURITY PROMISES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for "Customs and Border Protection", $238,500,000, to remain available until December 31, 2004, for which not less than $100,000,000 shall be for border ports-of-entry infrastructure improvements, and not less than $138,500,000 shall be for staffing at the northern border.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For additional amounts for necessary expenses of the Transportation Security Administration related to aviation security services pursuant to Public Law 107–71 and Public Law 107–296 and for other purposes, $100,000,000, to remain available until expended, for air cargo security.

TRANSPORATION SECURITY ADMINISTRATION

MARITIME AND LAND SECURITY

For additional amounts for necessary expenses of the Transportation Security Administration related to maritime and land transportation security services pursuant to Public Law 107–71 and Public Law 107–296 and for other purposes, $532,000,000, to remain available until December 31, 2004, of which not less than $57,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, not less than $460,000,000 shall be for shortfalls pursuant to Public Law 108–10, for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, and not less than $15,000,000 for inter-city bus security grants for enhancing inter-city bus and facility protection against terrorists threats.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $70,000,000, to remain available until December 31, 2004, of which not less than $70,000,000 shall be costs pursuant to Public Law 107–295 for implementing the

Maritime Transportation Security Act including those costs associated with the review of vessel and facility security plans and the development of area security plans.

OFFICE FOR DOMESTIC PREPAREDNESS

For additional amounts for the "Office for Domestic Preparedness," $729,500,000: *Provided*, That of the amount made available under this heading: $250,000,000 shall be available for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711); $250,000,000 shall be for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security; $79,500,000 shall be for interoperable communications equipment; $150,000,000, to remain available through December 31, 2004, shall be for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS INFRASTRUCTURE PROTECTION

For an additional amount for the "Office of the Under Secretary for Information Analysis and Infrastructure Protection", $80,000,000, to remain available until December 31, 2004, for chemical facility security assessments.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period of morning business during which Senators may speak for up to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

PROGRESS IN IRAQ

Mr. FRIST. Mr. President, I want to comment on an opportunity I had on Saturday to meet with Ambassador Bremer shortly after his arrival from Iraq. And we met, for a short period of time, with Senator WARNER and Representatives LEWIS and MURTHA to talk a little bit about what is going on on the ground in Iraq, specifically with coalition provisional authority, what their role is, how much progress is being made in rebuilding Iraq.

It is so difficult for all of us, in our briefings, where we are getting information secondhand, thirdhand—we are watching the news on television and reading it in the papers, and you get slivers of information—it is very tough to put in perspective what is actually going on in this vast country, where we know we are rebuilding not just from the war several weeks ago but from 10 years of neglect—indeed, 30 years of neglect. It is hard to assess, in terms of health care and water and schools and roads, where we are. You really see very little in terms of progress being made based on the information that filters through to us.

That is really why, as a prelude to some of the things we will hear tomorrow, Ambassador Bremer is going to come and visit with us in the Senate, where we will have a discussion. He is briefing the administration today, and he had several very public addresses on Sunday. But what he has to say is astonishing in lots of different ways, but mostly I think because of the relative silence in the press about the conditions on the ground in terms of progress, in terms of improvement.

After talking to Ambassador Bremer, it is clear to me that we are making real progress, demonstrable progress, day to day, week to week, in Iraq. Just as one example, I very specifically asked about food and asked about health care. Today, based on all objective measures, and as reinforced by Ambassador Bremer, there is no food crisis in Iraq. Indeed, there is no health care crisis in Iraq right now, today. The provision of basic utilities is improving daily, as is the overall public health situation. Indeed, I believe the Ambassador said that next week there will be a second immunization day nationwide scheduled.

When I asked about basic health care services, the Ambassador replied that they have been restored to about 90 percent in the north and 80 percent in the south and about 75 percent in the mid region around Baghdad.

When I asked about specific hospitals, I was told that over 200 hospitals—I don't know the exact number; there are over 200 hospitals in Iraq—all of those hospitals are now operational, in service.

Much of Iraq is near the prewar service conditions for water. When I speak of water conditions, I include sewage and the like. But what is interesting, and what we have to constantly remind ourselves, is that the country has been in a state of deterioration over the last 15 years, with no money invested in clean water, servicing that water, getting water to the people, and sewage plants. So even prewar conditions were very poor. But then we had the impact of the war. We have some sabotage going on right now. But now we are just about up to the prewar service conditions. We still have a long way to go to get back to the sort of conditions we would say are acceptable.

In terms of security, while lawlessness and entrenched Saddam loyalists continue to obstruct and hinder recovery efforts, progress has been made on the security front as well. Large-scale looting has stopped, has come to an end. Where there were once, not that long ago, empty roads, empty streets, and deserted markets, there are now bustling sidewalks with all sorts of items being sold, from shoes to satellite dishes to basic utensils. Now you see traffic back on the streets and even traffic jams.

Except for the small, central area—an important area but a small area—encompassing Tikrit and Baghdad, security throughout the rest of Iraq has improved. Indeed, more than 80 percent of the country is living in a more secure environment than they were before the war. Mr. President, 34,000 Iraqi police have been rehired, and 30,000 are on duty right now. Additionally, over 1,000 guards have been hired to protect 87 sites just in Baghdad alone.

Also, we hear, again: Is it just the United States? Ambassador Bremer will share with us the participation and cooperation we are receiving from around the world. We are not going it alone. He has mentioned, and continues to mention, the international constabulary teams that are from Italy and Spain that will serve as a bridge between the combat forces and the police.

The one distressing area we hear about every morning when we wake up or late at night is the distressing news of guerrilla activity and attacks on our troops. Indeed, our hearts go out to the families who have been affected and continue to be affected by this loss of loved ones. But it is important for us to understand we are not fighting a large-scale insurgency at this point in time. We are fighting the dead-enders from the old regime, the former Baathists. They have no popular support in Iraq. They will not return to power.

In addition to improving the security of the country, the coalition is also working hard to generate a thriving Iraqi economy. Again, we have to mention, however, that the Iraqi economy has been grossly mismanaged for more than 30 years. By his own estimates, Iraq suffered from employment levels at 50 percent before the war. Before the war, at least 30 percent of the GDP was spent just on the military—not on building infrastructure or refurbishing infrastructure, not on water supply or sewage plants or health or education.

Saddam Hussein had run the country into the ground: 50 percent unemployment; 30 percent of the GDP, the gross domestic product, spent on the military. Saddam's government spent zero on capital goods. And, yes, there were lavish palaces. There were manmade lakes, luxury yachts, and cars. Saddam spent untold billions on himself and his regime, but for the Iraqi people, for the people themselves, he left them a country with an infrastructure, as we witness today, that is brittle, that is antiquated, and, indeed, is susceptible to breakdown.

I mention this because, at least in my conversations with the Ambassador, it is clear we need for us and the American people to understand that part of this reconstruction is going to be reconstruction from the war but mainly reconstruction from the last 10, 15, 20 years of this tyrannical, oppressive regime.

As we look at the economy, I am fascinated by the dispensing fund which has been set up that is financing and will continue to finance construction projects and reconstruction projects that are carried out by the Iraqis themselves.

It is currently employing Iraqi construction firms to carry out the restoration of that national infrastructure. The coalition is paying salaries, paying pensions. It is paying the army and buying crops from farmers. And these are the first steps toward building and rebuilding that economy, a functioning economy, and indeed they are vital steps. And they are under way. Freedom is coming to the Iraqi people. Freedom is coming to support their economy.

In terms of democracy itself, the coalition is leading Iraq toward a functioning democracy. It was just a little over a week ago, just 8 days ago, that the governing council of Iraq was established. The council comprises 25 political leaders from across Iraq. Its immediate responsibilities include the appointment of ministers, the creation of a 2004 budget, and a constitutional process. It is remarkable that these 25 will be charged with sitting down and writing a constitution really from scratch.

The governing council will be responsible for creating a constitutional process, not just the writing but the actual debate as to what should be in the constitution. Once the constitution is drafted, then free elections will take place. That will create a sovereign Iraqi government. When that government is created, the coalition provisional authority's work is essentially done, but it does take time. It does take patience. It does take time to rebuild the economy, to establish the security that the people of Iraq deserve.

I welcome the ambassador to the Senate tomorrow to hear of his firsthand experiences and to help paint that perspective which makes it much easier for us both to view the news and the information that is given to us so we can make appropriate policy decisions. It is vitally important that we have that complete perspective and that full view of the Iraqi situation. We will stay the course. The Iraqi people, of course, depend on us to stay the course. It will take time. It will take patience. It will take determination.

It is astounding to me that even in defeat Saddam has the power seemingly to turn the free world against itself and divert the media's attention from his monstrous crimes. For the last week and a half we have had a glossing over of the atrocities this man had committed. I appeal to my colleagues to look at the Iraqi people, at this crucial turning point in their history, and allow the Iraqis for the first time in 30 years to really taste what freedom is all about.

We talk all the time in this Chamber about helping, reaching out to help the oppressed and helping the downtrodden. Now is the time to ask: Are Iraqis in some way unworthy, are 300,000 missing people in Iraq merely a statistic? Every day our soldiers are turning up mass graves full of the bones of men, women, and children who have been hacked down literally by Saddam's men. We are beginning to see these images. We in this body have had the opportunity to talk to our Senate colleagues who have visited Iraq recently. There are literally tiny skeletons strewn in the dust alongside these once-adored little plastic baby dolls. The images are coming back to us to demonstrate the atrocities committed by Saddam Hussein.

We cannot, we should not look away. We will not look away. We know this will take time.

On the question of weapons of mass destruction, we know, and indeed we have those horrifying pictures, that Saddam used chemical and biological weapons of mass destruction against his neighbors and his own people. Last week on the floor I talked about my opportunity to visit directly in my office with Kurdish physicians, who are still practicing today, who talked about the thousands of Kurds, Saddam's own people, who were killed by the chemical weapons of Saddam Hussein. Indeed, these Kurdish physicians tell me they are still taking care of people today who suffered the morbidity of having been exposed to chemical weapons, those who were fortunate enough to survive.

Furthermore, Saddam's quest for nuclear weaponry is well known. It is indisputable. One only need ask the most elemental question: For what purpose were nuclear scientists on Saddam's payroll? Indeed, the Senator from Florida, Mr. GRAHAM, told Fox News Sunday:

> What we're concerned about with Iraq is its intention and capabilities to develop weapons of mass destruction, and the merger of that capability with terrorist groups. That is the ultimate nightmare scenario.

The nightmare is over. A bloody tyrant no longer rules in Iraq. A man who without qualm or regret murdered members of his own family and tens of thousands of his own citizens has been removed from power. The perpetrator of one of the past century's most gruesome crimes against humanity, the use of chemical weapons on thousands of innocent Kurdish civilians, is no longer free to pursue such weapons. The aggressor in the gulf war who a decade ago invaded his neighbor only to be driven out by a mighty coalition no longer threatens the volatile region of the Middle East. Iraq is no longer a playground for Saddam and his demented offspring. Iraq is finally and thankfully on the road to liberation.

Yes, it will be a bumpy road. It will take time. Even America was not built in a day. We are rebuilding, not just from the war but from 30 years of neglect. Today we should be celebrating the historic opportunity before the Iraqi people to build a democracy that respects the rule of law, that values life, that protects the God-given rights of every Iraqi citizen. We should lend them our strength and our competence as they face the difficult journey ahead. There can be no other course of action.

I believe that when all is said and done, Iraq will proudly stand among the nations of free people.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2003

Mr. GRASSLEY. Mr. President, I rise today to inform my colleagues that I have raised an objection to proceeding to S. 1125. Although I support finding a solution to the asbestos litigation crisis, there are a number of problems with this bill as currently drafted regarding the tax treatment of the asbestos fund. These problems affect the tax treatment of the amounts paid into and received from the asbestos fund. If not remedied, there could be serious adverse tax consequences to the companies, the asbestos fund, and, most importantly, the beneficiaries. These tax issues are within the jurisdiction of the Finance Committee, I believe that S. 1125 should be referred to the Finance Committee, but in the event it is not, the bill should be held from the floor until the Finance Committee can report a separate tax title for floor consideration.

DEPARTMENT OF DEFENSE

Ms. SNOWE. Mr. President, I rise today to speak in support of the Department of Defense Breast Cancer Research Program. Last week, we passed a Defense appropriations bill that includes $150 million in funding for this program. In the more than 10 years since its inception, I have worked with many of my colleagues to ensure that this groundbreaking program continues to have the strong level of support necessary to give researchers the essential resources they need to discover the keys to curing and preventing breast cancer.

Breast cancer is the most commonly diagnosed cancer in women. It accounts for 30 percent of all cancers in women. In the United States in 2002 alone, it is estimated that 203,500 women were diagnosed with invasive breast cancer while 40,000 women lost their lives to this disease. These women are our mothers, our sisters, our daughters, our friends. Research toward a cure cannot bring those loved ones back to us, but we hope it will spare thousands of future tragedies and provide hope for women currently struggling with this devastating disease.

Earlier this year, as I have for the past several years, I coordinated a letter, along with Senators LEAHY and others, requesting that the Defense appropriations for fiscal year 2004 contain $175 million in funding for the Department of Defense Breast Cancer Research Program. This letter received the strong bipartisan support of 66 senators. Although budgetary constraints did not permit funding at the requested level, the fiscal year 2004 Defense appropriations bill does contain $150 million for this program. Given the challenges of this year's budget, I am pleased that the appropriation bill contains such a strong level of support.

The research made possible by the Breast Cancer Research Program may benefit not only the victims of breast cancer but of countless other diseases as well. This program fills a unique role in offering awards that fill gaps in ongoing research and complement initiatives sponsored by other agencies. The program supports research and training awards that promote the investigation of innovative ideas and a strong workforce of scientists in this critical field. In an analysis of this program the Institute of Medicine said:

> The Program fills a unique niche among public and private funding sources for cancer research. It is not duplicative of other programs and is a promising vehicle for forging new ideas and scientific breakthroughs in the nation's fight against breast cancer.

In just over a decade since its inception, the DOD Breast Cancer Research Program already has shown great success. The flexibility of this program helps to maximize the limited resources available. I applaud the strong support of this program and want to stress that the intent of reviewing alternative funding sources is to strengthen breast cancer research efforts and not to affect funding for the current program. I am concerned about any efforts to review or restructure the program that might reduce the effectiveness and vitality of the dynamic research efforts it supports. Much work remains to be done in our quest for the cure, and I will continue my strong support of the Breast Cancer Research Program in years to come.

Mr. President, as this bill heads to conference, I urge the conferees to recognize the strong congressional support of this program by, at a minimum, maintaining the Senate funding level.

HONORING JOHN HARDT

Mr. BENNETT. Mr. President, I want to take this opportunity today to pay tribute to a very distinguished servant of the legislative branch of Congress. In May 2003, Dr. John Hardt ends his official service with the Congressional Research Service after 32 years as a valuable resource to Congress in the field of international economics and foreign affairs. In many ways, Dr. Hardt's retirement symbolizes the ending of an era for the Congress; he is the only remaining CRS senior specialist now providing Congress with research and analysis in the field of foreign affairs. He has been a great asset to the Congress and to CRS throughout his long career in public service.

Dr. Hardt received both his PhD in economics and a certificate from the Russian Institute from Columbia University. Prior to joining the Congressional Research Service, he had already had the kind of illustrious career that serves as a lifetime achievement for many others. He served his country with distinction during World War II, receiving ribbons and battle stars for both the European and Asiatic Theaters of operations as well as the Philippines Liberation Ribbon. He has been an educator—specializing in economics. Soviet studies, and Sino-Soviet studies—at the University of Washington, the University of Maryland, Johns Hopkins University, the George Washington University, the Foreign Service Institute, and American military service schools. He has served in the American private sector specializing in Soviet electric power and nuclear energy economics for the CEIR Corporation in Washington, DC, and as Director of the Strategic Studies Department at the Research Analysis Corporation in McLean, VA, where he specialized in Soviet comparative Communist and Japanese studies. He is a widely published author, with hundreds of research papers, journal articles, technical memoranda, and book chapters to his credit.

Dr. Hardt joined the Congressional Research Service as the senior specialist in Soviet economics in November of 1971. It is work for CRS—and for us,the Members of this body—that I want to honor today. For the past three decades, Dr. Hardt has served Members of Congress, their staff and committees with his considerable expertise in soviet and post-soviet and Eastern Europe economics, the economy of the People's Republic of China, East-West commercial relations, and comparative international economic analysis. He has advised, among others, both the Senate and House Commerce Committees on East-West trade; the Senate and House Banking Committees on the Export-Import Bank and other U.S. Government financing programs; and the Senate Finance and House Ways and Means Committees on U.S. trade policy. He frequently has traveled with congressional committee delegations, serving as a technical adviser on visits to the former Soviet Union, Poland, Hungary, the former Yugoslavia, the United Kingdom, the Federal Republic of Germany, Italy, and Sweden, and then preparing committee reports for these trips. On many occasions, Dr. Hardt has been called on to advise directly Members of Congress and congressional staff on Russian Federation debt reduction and its relationship to nonproliferation concerns, and has provided support to the Russian Leadership Program, especially those events and activities that involved Members of Congress. The extent of his national and international contacts is breathtaking, and includes senior members of foreign governments and leading multinational businesses.

His most lasting legacy for Congress may well be his service as both editor and coordinator of a long series of Joint Economic Committee compendia on the economies of the PRC, Soviet Union, and Eastern Europe. The Congress can take pride in these important, well known, and highly respected JEC studies, to which Dr. Hardt devoted so much of his talent and energies. The more than 70 volumes of this work include; China Under the Four Modernizations, 1982; China's Economy Looks Toward the Year 2000, 1986; The Former Soviet Union in Transition, 1993; East-Central European Economies in transition, 1994; and Russia's Uncertain Economic Future, 2001. The series includes hundreds of analytical papers on various aspects of issues pertinent to Congress and to U.S. policy, all written by internationally recognized government, academic, and private sector experts, and all coordinated and edited by Dr. Hardt. This work was not only a valuable source of analysis to the Congress but also to the policy making and academic communities at large. For many years, these volumes were the most comprehensive sources of economic data and analyses on the economies of the Soviet Union, China and Eastern Europe.

Let me make one final point to illustrate the loss that we, as Members of Congress, sustain with Dr.. Hardt's retirement. That point concerns one of the great strengths that CRS offers to Congress, and which Dr. Hardt's tenure and contributions at CRS epitomize perfectly: institutional member. Of the 535 Members of the 108th Congress, only 11 were Members of the 92nd Congress when Dr. Hardt first assumed his official congressional duties. Most of the countries that he has specialized in have undergone astounding transformation during his working life—

some, indeed, no longer exist. The membership of this deliberative body in which we serve has turned over many times. Committees have come and gone. But through it all, John Hardt has been a constant fixture, a strand of continuity in an environment of continual change—part of the collective institutional memory of CRS which is of such value to our work in Congress. We wish Dr. Hardt well in the new ventures on which he will be embarking. He will be greatly missed by us all.

ADDITIONAL STATEMENTS

TRIBUTE TO YASMINA VINCI

• Mrs. MURRAY. Mr. President, today I honor one of our most dedicated leaders, effective advocates and passionate activists for America's children: Ms. Yasmina Vinci. Ms. Vinci is retiring after 11 years as the executive director of the Nation's Network of Child Care Resource and Referral Agencies, NACCRRA. Ms. Vinci started the Washington, DC office of NACCRRA from her kitchen table with just a telephone and fax machine and built it into a highly respected organization representing more than 860 local and State child care resource and referral agencies.

Ms. Vinci is one of our Nation's most tireless advocates for a high-quality early care and education system designed to serve all children. As executive director of NACCRRA, Ms. Vinci has provided vision, leadership and support to community child care resource and referral agencies and has promoted national policies and partnerships committed to the development and learning of all children. Ms. Vinci has worked diligently to promote quality in child care resource and referral services.

Prior to joining NACCRRA in 1992, Ms. Vinci was the manager of special projects in the New Jersey Department of Human Services where she managed the Dependent Care Grant, coordinated the development of the New Jersey plan for the implementation of the Child Care and Development Block Grant and supervised a number of research, immunization and Head Start-related projects. For nearly 10 years, Ms. Vinci was the executive director of an inner-city child care center, serving 200 low-income families through a continuum of high quality, comprehensive, and family supportive programs.

Ms. Vinci has served on the Boards of the National School Age Care Alliance, the Interfaith Council for the Homeless, United Way and YWCA. She is a current member of the Board of the Alliance for Work Life Progress, the Center for Evidence Based Practices, the Center for Social and Emotional Foundations for Early Learning and the NOW Legal Defense and Education Fund National Advisory Commission on Child Care and Early Education. In addition, Ms. Vinci has served as a commissioner on the National Head Start Fellowship Commission since its inception.

Ms. Vinci's commitment to children and those who care for them is an inspiration to all who have known and worked with her. Her contributions have made a difference in the lives of many and have built a pathway for generations to come. On behalf of America's children and advocates for children, I thank her for her great work and wish her a rewarding retirement.•

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on September 21, 2001. In Holden, MA, a 20-year-old man stopped at a traffic light assaulted another driver because he thought he was of Middle Eastern descent. The assailant got out of his car, pulled the driver out of his van, and proceeded to attack the victim. The assailant punched and yelled at the victim, striking him several times before the van driver attempted to fight back.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

BRAD BEAN

• Mr. BURNS. Mr. President, today I recognize and honor a special friend, Mr. Brad Bean. Brad has been involved in the development and planning of the Burns' Telecommunications Center since its inception and has been dedicated to the continued expansion and advancement of the Burns' Center. Brad played an integral role in capturing my vision of using technology to connect all sectors of our rural State to the "new world" of electronic transmission and communication which has developed since the late 1980s. My goal to develop a technology training center dedicated to distance learning, telemedicine, classrooms, students and teachers and the business community has been advanced by Brad's belief in that vision.

His proven leadership has drawn individuals and companies from around the world to invest in the Burns' Telecommunications Center. Brad and his wife, Jacqueline, have helped to promote the opportunities available at the Burns' Center to people from many places in Montana and beyond its borders. Brad has served on the Burns' Telecommunications National Advisory Board and is retiring this year to my regret. I personally thank Brad and acknowledge and praise his passion for excellence, program development and his loyalty to my mission for the Burns' Center. Brad has gone above and beyond the call of duty and I salute him for his generous support and help.

We are fortunate in Montana to have people like Brad and Jacqueline, who are willing to give of themselves to help their community and their State.•

TRIBUTE TO A PATRIOT, HARLAN MEREDITH

• Mr. SHELBY. Mr. President, I rise today in recognition of Mr. Harlan Meredith, a resident of Tuscaloosa, a Navy hero, and a leader in our community. Over the Independence Day holiday, a friend of mine, Charlie Land, read the following tribute about Mr. Meredith. I ask that Charlie's comments be printed in the RECORD in celebration of Harlan Meredith.

The material follows:

> Once upon a time a young man of this church, freshly graduated from the University of Alabama, faced the world and pondered the future. I know that doesn't sound like a big deal. New college graduates are always doing that. No doubt some are right now.
>
> But this was a special time. It was May of 1941. He was 20 years old and war loomed uncertainly on the horizon.
>
> He already had tried to get into military service through the University's advanced Army or Army Air Corps ROTC programs. Both had turned him down. Something always seemed to be wrong when he took the required physical examinations, although nothing ever showed up in his regular physicals. "I guess the Lord was just looking after me," he would muse many years later. "I figure He just didn't want me to be in those."
>
> Within a few months, the Japanese attacked Pearl Harbor. War wasn't just on the horizon anymore.
>
> He really had always wanted to serve in the U.S. Navy, anyhow. He applied for a direct commission as a naval officer and was accepted. He was ready to go fight for his country, for freedom.
>
> But the Navy sent its new ensign to Chicago to oversee the hydrographic office that served the Great Lakes. It was not an unimportant job and he did it well. His commanding officer in Detroit was pleased. He pronounced his ensign a lucky young man; he could hydrograph his way through the whole war right there in Chicago. He liked Chicago okay, but that wasn't at all where he wanted to be or what he wanted to do. He wanted to go to sea and fight. It took a while, and he had to find his own replacement, but finally he was off to San Francisco to train for sea duty.

Now he was 21, but he was still single, his wife-to-be yet unmet. And he was all steamed up to go to the South Pacific.

"You know how you are at that age," he says.

He got there, although in a sort of roundabout way. His first sea duty was on the seaplane tender Hulbert, a converted destroyer, in the Aleutian Islands off Alaska. It was no pleasure cruise. The Aleutians were hostile waters; Japanese forces occupied some of the islands. There was combat, although not the heavy action to be found in the South Pacific. One night the Hulbert dragged anchor off a point in the Aleutians, ran aground and sank.

He transferred to a small new escort aircraft carrier based in Portland, OR. Typical of her class, the ship was named for a bay. Her namesake, Kalinin Bay, was in Southeast Alaska. But she would take her new gunnery officer from Tuscaloosa to the South Pacific at last.

And there would be some action.

The *Kalinin Bay*, with her 27 aircraft and 860 crew members, sailed about the South Pacific, doing her chores. A lot of them involved combat. There were enemy air attacks to fend off. There was the occasional torpedo to dodge. There were air strikes to be made. There were invasions to support–Sapan, Guam, the Southern Palaus, islands in the Leyte Gulf and finally the invasion of Leyte itself as Gen. Douglas MacArthur made good on his promise to return to the Philippines.

So the *Kalinin Bay* was no stranger to combat as she steamed some 60 miles east of the Philippine Island of Samar early on the morning of October 25, 1944. She already had operated off Leyte for more than a week. Her planes already had flown 244 sorties, destroying enemy installations and airfields on five different islands.

She was part of a small naval battle group nicknamed "Taffy 3." It included 5 other escort carriers, plus a screen of 3 destroyers and 4 destroyer escorts. The carriers of "Taffy 3" were preparing to launch their first air strikes of the day when its commanding admiral learned that a sizable Japanese naval force was approaching. It was 0647 hours.

By 0658 hours, "Taffy 3" was under fire from part of the largest Japanese surface fleet to fight since the Battle of Midway, coming to keep the Americans out of the Philippines.

The "Battle Off Samar", as it would be called, was under way. It would be described by historians as one of the most memorable engagements in U.S. naval history.

The ships of "Taffy 3", slower, outnumbered and outgunned, soon were fighting for their lives against a force of four Japanese battleships, eight cruisers and 12 destroyers. The *Kalinin Bay* took the first of 15 direct hits at 0750 hours, a 14- or 16-inch shell from one of the battleships. It struck one side of the hangar deck near the forward elevator. A later hit penetrated the deck and destroyed all of the ship's radio and radar equipment.

Fortunately, some of the shells went right through the ship without causing significant damage. And even more fortunately, there were a great many near misses. The *Kalinin Bay* fought back hard. She launched her aircraft while under fire from three cruisers. She dodged behind a timely rain squall, then maneuvered behind chemical smoke. She traded fire with the cruisers for a while, then shot it out with Japan's Destroyer Squadron 10.

Her 5-inch gun stayed busy. It scored two hits on one heavy cruiser and hit a Japanese destroyer amidships. And her planes inflicted heavy damage, striking the enemy ships with bombs, rockets and gunfire.

The Japanese naval vessels turned away for "Taffy 3" after 2½ hours, but not before their destroyers launched a torpedo attack. The torpedoes were launched from far enough away to begin to slow before reaching their targets. So a U.S. Avenger torpedo-bomber from a sister ship was able to explode two torpedoes in the *Kalinin Bay*'s wake about 100 yards astern, and the ship's 5-inch gun deflected another from a collision course with her stern.

Battered and bloody, the U.S. force sailed south, but there still would be little respite for the *Kalinin Bay* and her surviving sister ships. Little more than an hour later, at 1050, they came under concentrated attack from kamikaze aircraft, the suicide bombers of World War II. Four kamikazes dived at the *Kalinin Bay*. Two of the airplanes were shot down at close range. The third crashed into one side of the flight deck, damaging it badly. The fourth destroyed the aft port stack.

It was finally over by 1130 hours. The ships and planes of "Taffy 3," with some help from the planes of another unit, "Taffy 2", had cleared the air of enemy planes and had denied the powerful Japanese force entry into the Gulf of Leyte.

MacArthur's beachhead was safe.

The price had been high. Five of "Taffy 3's" 13 ships had been sunk—two carriers, a destroyer and two destroyer escorts. Hundreds of American sailors had died. The *Kalinin Bay* counted five dead among her 60 casualties, plus considerable structural damage.

During the hours of intense, furious fighting, the gunnery officer of the *Kalinin Bay* never wished he was back in that office in Chicago.

The *Kalinin Bay* managed to make it to New Guinea for temporary repairs. The ship was back in the States by late November and he transferred off as it awaited further work. Shipmates had died in several battles. He had been frightened at times and his faith in God had been tested. But he had come through without a scratch and with his faith stronger than ever.

"You realized your Christian faith was the most important thing you could have," he would say. "In combat I felt like I was sent there for a purpose. I felt like God's hand was holding me the whole time; I really did."

He was ready for his next assignment.

It was to the Midway, a much larger aircraft carrier that soon was to be commissioned at Newport News, VA. The idea was for the Midway to sail around the Horn and into the Pacific, where it would be a powerful additional force. By the time the Midway was commissioned September 10, 1945, that assignment was unnecessary. Gen. MacArthur had accepted Japan's unconditional surrender on September 2 aboard the Battleship Missouri in Tokyo Bay. The war was over.

The Midway would have a lasting impact on his life, though. A fellow naval officer needed tickets to the commissioning ceremony for house guests, and he was glad to oblige. Among the guests he met the lovely young woman from Tuscaloosa who would become his wife.

They married shortly after he got out of the Navy. Duty done and a bit older, the young man who had loved his country so much that he was determined to fight for it turned his attention to a successful business career, helped raise two beautiful daughters, and became a highly respected community leader.

He became a stalwart of this church, a wise, practical leader who has given of himself, grown and thrived on his ability to seek and receive more insights. His faith has been unwavering, even during the painful ordeal of one daughter's untimely death.

People who know him will tell you he is a man of high intelligence, great character, impeccable integrity, calm consistency and complete credibility. They will also tell you he is hard-working, caring, considerate, loyal and a Southern gentleman in the best sense of that definition.

He's a man who still greatly loves his family and his hometown and the United States of America and what it stands for, what he fought for.

A patriot.

A man who reminds us in his modest, unassuming way that patriotism isn't some mysterious, exotic condition. It is simple and fundamental and powerful. It springs from fervent love for your country, love for freedom. It is in your heart and spirit and actions, just like it always has been in his.

This sanctuary hasn't lacked for patriots and heroes to sit in its pews to worship God over the decades. Many who fit that description are here today, as you are most Sundays.

I salute you. And I salute Harlan Meredith, whose story I'm sure some of you recognized. I also thank him for his graciousness in sharing it with me, at my request, so I could share it with you today.

Incidentally, Harlan and Mary Anne have been married for 57 years now. That's worth a salute, too. Our church, community and country has been blessed to have people like Harlan, and you.

This, too, is a special time in our country's history. Again we are at war. Almost every day more of our soldiers pay the ultimate price for our country, leaving saddened survivors to live with the aftermath. It makes this Independence Day weekend all the more meaningful. I pray it also makes us all the more thankful for our blessings.

And the United States of America truly has been blessed these 227 years, perhaps most of all with the courageous, hard-working, God-loving people who have built and maintained this great country of liberty and justice. People who have been willing to sacrifice and fight for it, as so many continue to do today. Patriots.

We aren't perfect as a country. But to the extent mere humankind can be, the good part of the United States of America is both the light and the hope of the world. May God bless you; may God continue to bless America; and may we never forget from Whom our blessings flow.

I don't think Harlan Meredith ever has.●

MESSAGE FROM THE HOUSE

At 3:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2754. An act making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 2691. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 246. An act to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

H.R. 733. An act to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver Historic Site, and for other purposes.

H.R. 2330. An act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2754. An act making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes:

H.R. 2691. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1434. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-221. A joint resolution adopted by the Assembly of the State of Nevada relative to payments for the detrimental effects of federally held lands in Nevada; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION NO. 6

Whereas, An average of 52 percent of the land in 13 western states is held by the Federal Government, while the Federal Government holds an average of only 4.1 percent of the land in the remaining 37 states; and

Whereas, In Nevada, approximately 87 percent of the land, which amounts to approximately 61 million acres, is held by the Federal Government; and

Whereas, In 15 of the 17 counties in Nevada, more than 50 percent of the land is held by the Federal Government, and in 4 of the 17 counties, more than 90 percent of the land is held by the Federal Government; and

Whereas, The management and control of such an extensive amount of the land in Nevada by the Federal Government has had substantial adverse effects on Nevadans; and

Whereas, When the Territory of Nevada was admitted to statehood on October 31, 1864, the Federal Government provided the newly admitted state with 2 sections of land in each township for the benefit of common schools, which amounted to 3.9 million acres, while other states that were subsequently admitted to statehood received 4 sections of land in each township for the benefit of common schools; and

Whereas, In 1880, it was necessary for Nevada to agree to exchange its 3.9 million acres for only 2 million acres of its own selection as Nevada had an immediate need for public school revenues and the land originally granted by the Federal Government to Nevada for common schools was not providing sufficient revenue because it included many undesirable sections that were on steep mountainsides or salt flats, the sections of the land could not be received from the Federal Government until they were surveyed and only a small fraction of the land had been surveyed and sold; and

Whereas, The disproportionately small amount of land received from the Federal Government for the benefit of common schools contributes only a small amount of revenue for the schools in Nevada in comparison to other states, and places an excessive burden on the financial resources of each county in Nevada; and

Whereas, Because the land held by the Federal Government is exempt from property taxes, the management and control of such an extensive amount of land in Nevada by the Federal Government has the effect of worsening the tremendous fiscal burdens experienced by counties in Nevada for those counties with a considerable amount of federally held land located within their boundaries; and

Whereas, The annual impact of this property tax exemption in the western states has been estimated at billions of dollars, which greatly hinders the ability of those western states, including Nevada, to develop and prosper economically; and

Whereas, In 1976, Congress enacted Public Law 94-595, which is codified as 31 U.S.C. §§6901 to 6907, inclusive, and as amended, is commonly known as the Payments In Lieu of Taxes Act; and

Whereas, The Act requires the Federal Government to make annual payments to local governments to compensate the local governments for the loss of revenue they experience because of the presence of land within their boundaries that is held by the Federal Government; and

Whereas, Congress appropriates money each year that the Bureau of Land Management distributes to each of the 17 counties in the State of Nevada pursuant to several statutory formulas set forth in the Act; and

Whereas, The annual payments received by the counties in Nevada pursuant to the Act are significantly less than the annual revenue that those counties could collect from property taxes if the land held by the Federal Government were privately held; and

Whereas, From the inception of the payments in 1977 to the end of the 2001-2002 Fiscal Year, the money appropriated by Congress has been insufficient to provide full payment to the counties in Nevada pursuant to the statutory formulas; and

Whereas, Even though Nevada is the state with the second highest percentage of land held by the Federal Government, Nevada only ranks as the eighth highest state in terms of the amount of the payments it receives from the Bureau of Land Management pursuant to the Act because the statutory formula set forth in 31 U.S.C. §6903 is based in part on the population of the local government that will be receiving the payments, and 14 of the 17 counties in Nevada have populations that are less than 50,000; and

Whereas, Another example of the adverse effects of the management and control of the extensive amount of land in Nevada held by the Federal Government is the management and control of the Nevada Test Site, which was established in December 1950, by President Truman, upon the recommendation of the Atomic Energy Commission, as the location at which nuclear weapons testing would be conducted within the continental United States; and

Whereas, Approximately 5,470 square miles of federally held land in Nevada was used to provide:

1. The Nevada Test Site, which is owned and controlled by the United States Department of Energy and encompasses approximately 1,350 square miles of desert and mountainous terrain, an area which is larger than the State of Rhode Island; and

2. An additional 4,120 square miles of unpopulated land area surrounding the site which was withdrawn from the public domain for use as a protected wildlife range and for a military gunnery range; and

Whereas, More than 1,100 nuclear weapons tests were conducted at the Nevada Test Site, located 65 miles northwest of Las Vegas, Nevada, before the Limited Test Ban Treaty, which effectively banned atmospheric testing of nuclear weapons, was signed on August 5, 1963; and

Whereas, While the primary mission of the Nevada Test Site has been the testing of nuclear weapons, after the signing of the Limited Test Ban Treaty in 1963 and the initiation of a voluntary worldwide moratorium on nuclear weapons testing in 1992, the Nevada Test Site has been used for other purposes, including, without limitation, hazardous chemical spill testing, emergency response training, conventional weapons testing, conducting studies relating to waste management and environmental technology, and storing low-level waste; and

Whereas, In 1978, the United States Department of Energy established two Radioactive Waste Management Sites at the Nevada Test Site which have received approximately 21 million cubic feet of low-level waste for disposal from 1978 until the present, making the Nevada Test Site one of the largest regional low-level waste storage facilities in the country; and

Whereas, Because the Nevada Test Site is centrally located within the Death Valley regional ground-water flow system, which includes much of southern Nevada and the Death Valley region of eastern California, the residents of Nevada and California are subject to risks from subsurface contaminants that may be transported from the Nevada Test Site by ground water as a result of past and future activities conducted at the Nevada Test Site; and

Whereas, The residents and resources of Nevada may be exposed to additional risks because most of the ground water leaving the ground-water flow system is limited to local areas where geologic and hydrologic conditions force ground water upward toward the surface to discharge at springs and seeps; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the members of the 72nd Session of the Nevada Legislature hereby urge Congress to:

1. Authorize the transfer of land in Nevada from the Federal Government to the State of Nevada in the amount necessary to provide Nevada with the same amount of land received by the states that received 4 sections of land for the benefit of common schools upon admission to statehood;

2. Either:

(a) Amend 31 U.S.C. §6906 to provide permanent funding in the amount necessary to carry out the Payments In Lieu of Taxes Act as set forth in 31 U.S.C. §§6901 to 6097, inclusive; or

(b) Appropriate for distribution to the counties in the State of Nevada a sufficient amount of money each fiscal year to provide the entire amount of the payments required by the statutory formulas set forth in the Payments In Lieu of Taxes Act;

3. Amend 31 U.S.C. §6903 by deleting the current population-based statutory formula and replacing it with a provision that authorizes the Secretary of the Interior to compensate the counties in Nevada and the local governments of other states in an amount that is equal to the amount that those counties and other local governments would be able to collect in property taxes if the land held by the Federal Government were privately held; and

4. Either:

(a) Authorize the transfer of an additional 5,470 square miles of land in Nevada and any water rights appurtenant thereto from the Federal Government to the State of Nevada to fairly compensate Nevada for the approximately 5,470 square miles of land that were withdrawn from the public domain for the purpose of establishing the Nevada Test Site; or

(b) Appropriate for distribution to the State of Nevada the amount of money necessary to fairly compensate Nevada for the approximately 5,470 square miles of land that were withdrawn from the public domain for the purpose of establishing the Nevada Test Site and any detrimental effects to that land and to the Death Valley regional groundwater flow system that resulted from the activities conducted at the Nevada Test Site; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Energy, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–222. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to a special highway appropriation amendment; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, DeSoto, Concordia, and Morehouse parishes have been declared economically deprived areas; and

Whereas, DeSoto, Concordia, and Morehouse parishes are attempting to help themselves economically with ambitious, parishwide projects for industrial development; and

Whereas, successful industrial development requires good, four-lane highways and other infrastructure; and

Whereas, the DeSoto Industrial Board has proposed to the voters, to be decided on October 20, 2001, what is tantamount to a 6.5 mills ad valorem tax to finance up to three major industrial parks; and

Whereas, plans have already been approved to build a four-lane bridge over the Sabine River on U.S. Highway 84 at Logansport, Louisiana; and

Whereas, a four-lane highway connecting I–49 to the four-lane U.S. Highway 59 leading to Houston, Texas, and beyond, would provide a tremendous economic boom to Louisiana, Texas, and the nation; and

Whereas, to four-lane a highway on U.S. Highway 65 in Clayton, Louisiana, in Concordia Parish north to the Arkansas state line and to four-lane a highway on U.S. Highway 425 from Bastrop in Morehouse Parish to the Arkansas state line would provide a tremendous economic boom to one of the most economically depressed areas in the state and the nation: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to support a special highway appropriation amendment to four-lane approximately forty miles of U.S. Highway 84 from I–49 near Mansfield, Louisiana, to Tenaha, Texas, where it intersects U.S. Highway 59, which is four-laned to Houston, Texas, and to four-lane U.S. Highway 65 in Clayton, Louisiana, in Concordia Parish north to the Arkansas state line and four-lane U.S. Highway 425 from Bastrop in Morehouse Parish to the Arkansas state line, be it further

Resolved, That a copy of this resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–223. A resolution adopted by the Senate of the Legislature of the State of Wisconsin relative to the twenty-seventh year of military occupation of Cyprus; to the Committee on Foreign Relations.

SENATE RESOLUTION 11

Whereas, the Republic of Cyprus has been divided and occupied by foreign forces since 1974, in violation of United Nations' resolutions; and

Whereas, the international community and the U.S. government have repeatedly called for the withdrawal of all foreign military forces from the territory of Cyprus; and

Whereas, there are internationally acceptable means to resolve the situation in Cyprus, including demilitarization and the establishment of a multinational force to ensure the security of both communities in Cyprus; and

Whereas, a peaceful, just, and lasting solution to the Cyprus problem would greatly benefit security, as well as the political, economic, and social well-being of all Cypriots, while contributing to improve relations between Greece and Turkey; and

Whereas, the United Nations has repeatedly stated the parameters for such a solution, most recently in the United Nations Security Council Resolution 1217, which was adopted on December 22, 1998, with United States support; and

Whereas, the United Nations Security Council Resolution 1218 adopted on December 22, 1998, calls for reduction of tensions in the island, through a staged process aimed at a limited and then substantially reduced level of all troops and armaments in Cyprus, ultimately leading to the demilitarization of the Republic of Cyprus; and

Whereas, President Bush wholeheartedly supported resolution 1218 and committed himself to taking all necessary steps to support a sustained effort to implement it; now, therefore, be it

Resolved by the senate, That the member of the Wisconsin senate endorse President Bush's commitment to undertake significant efforts in order to promote substantial progress towards a solution of the Cyprus problem in 2001, so that all in Cyprus may enjoy rights and freedoms regardless of their ethnic origins; and, be it further.

Resolved, That the senate chief clerk shall provide a copy of this resolution to the president and secretary of the U.S. Senate, to the speaker and clerk of the U.S. House of Representatives, and to each member of the congressional delegation from this state attesting the adoption of this resolution by the 2001 senate of the state of Wisconsin.

POM–224. A joint resolution adopted by the Assembly of the State of Nevada relative to prescription drugs in the Medicare program; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 15

Whereas, Prescription medications are vital to health care today; and

Whereas, Medicare represents a critically important source of health insurance for older residents of Nevada and for residents of Nevada with certain disabilities, and the coverage provided through Medicare does not provide coverage for prescription drugs; and

Whereas, Most beneficiaries of Medicare who seek coverage for prescription drugs are required to obtain private or public supplemental coverage to cover prescription drugs; and

Whereas, According to the results of a study conducted by the American Association of Retired Persons (AARP) and contained in the AARP Public Policy Issue Brief #IB41, consisting primarily of data collected in 1999 and based on an average of the different levels of income as a percentage of the federally designated level signifying poverty, beneficiaries of Medicare who are 65 years of age or older spent an average of approximately $2,500 per year, or 19 percent of their income, on out-of-pocket health care expenses; and

Whereas, According to the AARP study, prescription drugs constitute the largest component of out-of-pocket spending on health care by beneficiaries of Medicare, averaging approximately 17 percent of the total out-of-pocket spending on health care and accounting for more than the costs of physician care, vision services and medical supplies combined; and

Whereas, According to the study, the total spending on prescription drugs in the United States grew by approximately 13 percent per year between 1993 and 2000 and is expected to grow by approximately 12 percent per year through 2011; and

Whereas, According to the study, beneficiaries of Medicare made up approximately 15 percent of the population in 1999, but accounted for approximately 40 percent of the total spending on prescription drugs in the United states; and

Whereas, According to the study, beneficiaries of Medicare with supplemental coverage for prescription drugs are at risk of losing such coverage, as evidenced by a decrease of coverage of prescription drugs offered by certain employers from 31 percent in 1997 to 24 percent in 2001 and a decrease of coverage offered under certain Medicare plans for prescription drugs from 65 percent in 1999 to 50 percent in 2002; and

Whereas, Many older or disabled residents of Nevada who receive Medicare benefits cannot afford supplemental coverage for prescription drugs: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the members of the 72nd Session of the Nevada Legislature urge Congress to provide a comprehensive universal plan for the uniform coverage of prescription drugs within the Medicare program that will provide beneficiaries of Medicare with stable access to prescription drugs on a voluntary basis, without extraordinary out-of-pocket costs and without unreasonable premiums, deductibles or copayments; and be it further

Resolved, That the program of prescription drug coverage for Medicare beneficiaries should have no requirement relating to the use of state funds now used for existing State programs; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, that this resolution becomes effective upon passage.

POM–225. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to tariff rate quotas for the importation of dry milk protein concentrates; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 9

Whereas, The dairy industry has been significantly impacted in recent years by the rising use of dry milk protein concentrates (MPCs). The technology that makes possible the ultrafiltration process that separates proteins and the other components of milk was not fully developed when the General Agreement on Tariffs and Trade (GATT) was finalized in 1994. As a result, there are almost no restrictions on the importation of MPCs. This is causing serious damage to the domestic dairy industry; and

Whereas, According to the General Accounting Office report on dairy products, the volume of MPC imports grew from 805 metric tons in 1990 to 44,878 in 1999. The quotas set under GATT in 1994 are clearly not comprehensive enough for the forms in which some dairy products are imported today. Foreign exporters are known to blend dairy proteins for the purpose of circumventing existing tariff rate quotas; and

Whereas, In the 108th Congress, legislation has been introduced to establish tariff rate quotas for MPCs. With the enactment of legislation to close this loophole, American agriculture will be able to complete on a more equal basis. The overall benefits, to our national economy and the domestic dairy industry, will strengthen a vitally important industry and restore the stability of the marketplace; now, therefore, be it

Resoloved by the house of representatives (the senate concurring), That we memorialize the Congress of the United States to enact legislation to provide for tariff rate quotas for dry milk protein concentrates that are equivalent to the import quotas currently in place on other dairy products; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–226. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to relief of the cost for prescription drugs in the Medicare program; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 106

Whereas, Medicare is the largest program providing medical and health-related services to America's poorest people; and

Whereas, seniors make up thirteen percent of the population but account for forty-two percent of the country's spending on medicines; and

Whereas, in Louisiana in 2001, thirteen percent of those enrolled in Medicare were elderly; and

Whereas, last year the drug industry raised prices an average of four percent, twice the rate of inflation: Therefore be it

Resolved, That the Legislature of Louisiana hereby memorializes the United States Congress to pass legislation giving relief from high prescription drug prices to seniors on Medicare; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States and to each member of the Louisiana congressional delegation.

POM–227. A concurrent resolution adopted by the House of Representatives of the of the Legislature of the State of Louisiana relative to social security benefits for those receiving benefits from federal, state, or local government retirement systems; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 178

Whereas, the Congress of the United States has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor social security benefit, and the Windfall Elimination Provision (WEP), reducing the earned social security benefit for persons who also receive federal, state, or local retirement; and

Whereas, the intent of Congress in enacting the GPO and WEP provisions was to address concerns that public employees who had worked primarily in federal, state, and local government employment receive the same benefit as workers who had worked in covered employment throughout their careers, thereby providing a disincentive to "double dipping"; and

Whereas, the GPO affects a spouse or survivor receiving federal, state, or local government retirement benefits who would also be entitled to a social security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor social security benefit by two-thirds of the amount of the federal, state, or local government retirement benefit received by the spouse or survivor, in many cases completely eliminating the social security benefit; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement benefits, in addition to working in covered employment and paying into the social security system; and

Whereas, the WEP reduces the earned social security benefit using an averaged indexed monthly earnings formula and may reduce social security benefits for such persons by as much as one-half of the uncovered public retirement benefits earned; and

Whereas, because of these calculation characteristics, the GPO and WEP have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, and teachers; and

Whereas, these provisions also have a greater adverse effect on women than on men because of the gender differences in salary that continue to plague our nation; and

Whereas, Louisiana is making every effort to improve the quality of life of her citizens and to encourage them to live here life-long: Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to review the GPO and WEP social security benefit reductions and to consider eliminating them; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America, to each member of the Louisiana congressional delegation, and to the school boards of Beauregard, Rapides and Vernon parishes.

POM–228. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to Section 418(d)(6)(C) of Title 42 of the United States Code; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 182

Whereas, Section 418(d)(6)(C) of Title 42 of the United States Code applies to the states of Alaska, California, Connecticut, Florida, Georgia, Hawaii, Illinois, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, North Dakota, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Washington, and Wisconsin and allows each of these states to divide the retirement system or systems established by the state or any political subdivision thereof into two parts; and

Whereas, one of the two parts of any such divided retirement system is composed of members who desire to participate jointly in both the state, statewide, or local retirement system and the federal social security system and the second part of any such divided retirement system is composed of members who desire to participate solely in the state, statewide, or local retirement system but not in the federal social security sytem; and

Whereas, the due process clause of the Fifth Amendment to the Constitution of the United States has been held to contain an equal protection component, vesting all citizens of the United States with the right to equal protection of the laws of this country; and

Whereas, the provisions of Section 418(d)(C)(6) of Title 42 of the United States Code confer certain rights on the citizens of twenty-one states, while simultaneously depriving the citizens of the state of Louisiana of the same rights without expressly stating a compelling reason for the unequal treatment of those citizens who are deprived of their constitutional right to equal protection under that law.

Whereas, the United States Congress is currently considering United States House Resolution No. 743 which would add the state of Kentucky to the state allowed to have a divided retirement system: Therefore be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to amend the provisions of Section 418(d)(6)(C) of Title 42 of the United States Code to allow the state of Louisiana the right to divide the retirement system or systems established by the state or any political subdivision thereof into two parts, the first part being composed of members who desire to participate jointly in both the state, statewide, or local retirement system and the federal social security system and the second part of any such divided retirement system to be composed of members who desire to participate solely in the state, statewide, or local retirement system but not in the federal social security system; be it further

Resolved, The members of the Louisiana Congressional delegation are hereby urged and requested to take action to include the state of Louisiana in the states permitted to have a divided retirement system, either by amending House Resolution No. 743 or other federal legislation; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–229. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to tax credits for diesel and gasoline refined from wood bio-mass; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 145

Whereas, gasoline and diesel fuel for vehicular use are in short supply and constitute a sizable portion of domestic petroleum consumption; and

Whereas, in light of greenhouse effects produced during refining operations, all refining methods and materials should be considered by producers of gasoline and diesel fuel; and

Whereas, under current federal laws and regulations, producers of gasoline and diesel fuel refined from corn and grain are eligible to receive federal motor fuels tax credits; and

Whereas, wood bio-mass is now being used in increasing instances by producers of gasoline and diesel fuel in their refining process; and

Whereas, under current federal laws and regulations, producers of gasoline and diesel fuel refined from wood bio-mass are not eligible to receive federal motor fuels tax credits; and

Whereas, the granting of federal motor fuels tax credits for diesel and gasoline refined from wood would have a positive effect on the environment and increase the availability of fuel for vehicular use: Therefore be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to support any proposed federal laws, rules or regulations that would grant federal motor fuels tax credits for diesel and gasoline refined from wood bio-mass materials; be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana Congressional Delegation.

POM–230. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to restoring proposed cuts to the 21st Century Community Learning Centers Program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 55

Whereas, The proposed federal budget includes a $400 million cut in the 21st Century Community Learning Centers program for after-school programs; and

Whereas, The proposed cut undermines the goals of the "No Child Left Behind" Act to help children succeed academically and enhance their reading and writing skills; and

Whereas, The proposed cut would directly affect programming for over 20,000 high-risk youth in Michigan, through an estimated $15,688,256 loss of funding; and

Whereas, Many research studies indicate that children who consistently attend after-school programs have better peer relations, emotional adjustment, conflict resolution skills, grades, and conduct compared to those children not involved in programs; and

Whereas, Juvenile crime soars in the hours immediately after the bell rings, and after-school programs prevent juvenile delinquency and victimization of youth; and

Whereas, 21st Century Community Learning Centers actively engage parents as partners in their children's education and seek to strengthen the bonds between home and school; and

Whereas, 21st Century Community Learning Centers in Michigan are successful in reducing school absenteeism, improving reading scores, and providing a safe place for children during peak juvenile crime hours; and

Whereas, 21st Century Community Learning Centers align their curriculum with the school day curriculum through fun and experimental learning activities; and

Whereas, The state of Michigan has begun the implementation of the 21st Century Community Learning Centers and sees these centers as one of the best sustainable means to offer quality after-school programs to the greatest number of high-risk youth in the state; and

Whereas, On April 10, 2003, the Michigan House of Representatives, knowing the value of after-school programs, passed House Resolution 26, on the "Michigan After-School Initiative," to call for the creation of a task force to assess the status of after-school programming in Michigan and to develop a plan to ensure access to after-school programs for every school-age child in Michigan; and

Whereas, 21st Century Community Learning Centers promote an active level of community partnership and collaboration among providers to best serve children; and

Whereas, Polls show that 92% of Americans believe there should be organized activities for children and teens during after-school hours: Now, therefore, be it

Resolved by the house of representatives; That we memorialize the Congress of the United States to restore the proposed $400 million cut to the 21st Century Community Learning Centers program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, July 1, 2003.

POM–231. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to partial birth abortions; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 68

Whereas, partial birth abortion shall mean an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery; and

Whereas, in a partial birth abortion, the physician pulls the baby out of the womb and into the birth canal, leaving the head lodged just inside the cervix; and

Whereas, the physician then punctures the base of the skull and inserts a catheter into the wound, removing the baby's brain and causing the skull to collapse; the physician then completes the delivery of the now-dead baby; and

Whereas, although partial birth abortions are usually performed in the fifth and sixth months of gestation, the procedure has been used in the third trimester of pregnancy; and

Whereas, experts agree that with current medical technology, a normal fetus in the twenty-first week of gestation is capable of sustaining life outside the womb; and

Whereas, under both federal and most state laws, a live birth occurs when a baby is entirely expelled from the womb, shows any signs of life, and is developed enough to be sustained outside the womb with neonatal medical assistance; and

Whereas, it is estimated that three thousand to five thousand partial birth abortions are performed annually, sometimes in the seventh month or later; and

Whereas, although the procedure is sometimes performed in cases of fetal disorders or maternal distress, many partial birth abortions are performed on healthy babies of healthy mothers: Therefore be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to vote to ban partial birth abortions; be it further

Resolved, That a copy of this Resolution be transmitted to the residing officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–232. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the Federal Prison Industries; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 37

Whereas, In 1934, Federal Prison Industries (FPI) was created as a government corporation. This system operates more than 100 factories, utilizes more than 20,000 inmate workers, and compiles total sales of approximately $500 million annually from over 150 products; and

Whereas, While the role that FPI plays in promoting the development of marketable skills among inmates has clear merits, this operation enjoys unfair advantages over private sector manufacturers. Even beyond the obvious wages and benefits advantages inmate workers offer, other factors favor FPI. This is especially true through certain governmental procurement policies, including a "mandatory source" requirement that severely limits competition; and

Whereas, Michigan is harmed significantly by the advantages FPI has over private manufacturers, especially within the furniture industry. Thousands of Michigan workers have lost their jobs in recent years, and the favorable policies for FPI are major contributing factors in these job losses; and

Whereas, In the past, legislation has been considered in Congress to address directly the issue of the preferential treatment afforded FPI in bidding for government contracts. This unfair situation needs to be corrected to preserve jobs and the restore fairness in the marketplace; now, therefore, be it

Resolved by the house of representatives, That we memorialize the Congress of the United States to enact legislation that would remove the unfair advantages that Federal Prison Industries has in competition for business; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–233. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the ratification of an amendment to the Constitution to prohibit desecration of the American flag; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 80

Whereas, Throughout our history, the American flag has held a unique place of respect and affection among our people. This symbol of our shared ideals and aspirations has taken on even greater meaning in the wake of the September 11, 2001, attacks and through our growing appreciation of the suffering of the men and women who have made immeasurable sacrifices to preserve our liberties; and

Whereas, In recent years, there has been considerable debate over the idea of extending constitutional protection to the flag. The people of our country strongly support establishing special protections for our national symbol. Extending this status to our most cherished symbol would only accord due recognition to a unique component of our national identity; and

Whereas, Debate on the issue of creating a constitutional amendment to prohibit desecration of our flag often centers on what constitutes freedom of expression and free speech. In this discussion, it is important to realize that a prohibition on flag desecration would not eliminate or restrict other avenues of expression or protest. Thoughtful citizens do not equate providing protection for the flag with the removal of freedom of speech any more than laws generally provide acceptable limits of behavior for the common good; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to adopt and submit to the states for ratification an amendment to the United States Constitution to prohibit the desecration of the American flag; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

S. 481. A bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes (Rept. No. 108–108).

S. 926. A bill to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies (Rept. No. 108–109).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. HAGEL, and Mr. BINGAMAN):

S. 1432. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mr. GREGG):

S. 1433. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for Mrs. LINCOLN):

S. 1434. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes; read the first time.

By Mr. SESSIONS (for himself, Mr. KENNEDY, Mr. DEWINE, Mrs. FEINSTEIN, and Mr. DURBIN):

S. 1435. A bill to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape; considered and passed.

By Mr. NELSON of Florida (for himself, Mr. GRAHAM of Florida, Mr. DASCHLE, and Mr. JOHNSON):

S. 1436. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 788

At the request of Mr. HOLLINGS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 788, a bill to enable the United States to maintain its leadership in aeronautics and aviation.

S. 788

At the request of Mr. BROWNBACK, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 788 , supra.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 982 , a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1273

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1273, a bill to provide for a study to ensure that students are not adversely affected by changes to the needs analysis tables, and to require the Secretary of Education to consult with the Advisory Committee on Student Financial Assistance regarding such changes.

S. 1331

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1331, a bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns.

S. 1333

At the request of Mr. GRASSLEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1333, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1396

At the request of Ms. SNOWE, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1396, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1400

At the request of Ms. SNOWE, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1400, a bill to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, and for other purposes.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1419

At the request of Ms. LANDRIEU, the names of the Senator from Michigan

(Mr. LEVIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1419, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S.J. RES. 17

At the request of Mr. DORGAN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Washington (Ms. CANTWELL), the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. DURBIN), the Senator from Rhode Island (Mr. REED), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Mr . LEVIN) were added as cosponsors of S.J. Res. 17, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Missouri (Mr. BOND), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Utah (Mr. BENNETT), the Senator from Louisiana (Mr. BREAUX), the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. KOHL), the Senator from Kentucky (Mr. BUNNING) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

S. RES. 153

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 153, a resolution expressing the sense of the Senate that changes to athletics policies issued under title IX of the Education Amendments of 1972 would contradict the spirit of athletic equality and the intent to prohibit sex discrimination in education programs or activities receiving Federal financial assistance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. HAGEL, and Mr. BINGAMAN):

S. 1432. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I want to talk about two things: One is strictly domestic and another is international.

First, I am introducing a bill today in behalf of myself, Senator HAGEL, and Senator BINGAMAN.

I will start this discussion with a chart. The dark brown on this map are counties in these United States—you will note that they are predominantly in the West—with arsenic concentrations exceeding 10 parts per billion or more in the water sampling. The little bit lighter ones are counties with 5 parts per billion. The little bit lighter ones are counties with 3 parts per billion. And, the very light ones are counties with fewer than 10 parts per billion.

Arsenic is a very prevalent compound or chemical in the United States. Communities in the State of New Mexico and throughout the country are going to face, very soon, a very costly situation not of their own making. Beginning in the year 2000, Federal drinking water regulations established by the Environmental Protection Agency will require substantial reductions in the amount of arsenic present in water.

Today, the limit is 50 parts per billion. In 2006, it will become 10 parts per billion.

When I was referring a while ago to these colorations, this dark brown is parts per billion. Today the limit is 50. In 2006, it will become 10 parts per billion. Arsenic is indeed poisonous if used in large amounts. It is naturally occurring, however, in much of the ground water throughout the Nation.

That means there have been people living for as long as they have lived in areas that have naturally occurring arsenic in the ground water. Believe it or not, fellow citizens, they have been drinking that water.

What is so strange about it is that we don't have any evidence it has been killing them. We don't have any evidence it has been hurting them. But actually there are scientific tests on which the Environmental Protection Agency relied, I regret to tell you, that, in this Senator's opinion, are very meager in terms of their strength, and they predominate in foreign countries. However, the law has been interpreted to say that, in 2006, drinking water systems will be down to 10 parts per billion or they will be in violation of this Federal law.

In my home city of Albuquerque, which is shown on this second map I have put up—there is Albuquerque; you see there is the very dark brown—there are around 13 parts per billion. This illustrates the problem the new standard will create. This bill recognizes that in some parts of the United States, and of my State, the burden will become so great that some communities just will not be able to bear it. They have to go through—at least today—a whole new cleanup system for their domestic water. Whatever they have been doing, they must do it all another way.

Although our scientists are busy at work, No. 1, trying to figure an easier way to clean it up, we are also having some of them busy at work trying to offer us more evidence that it is not dangerous to have Albuquerquians drink the water that must be cleaned up and water in water systems in many other parts of my State and in other parts of America.

But this bill goes on to say that small communities may not have the resources to meet these standards and may need help, and it creates a grant program for the small communities to help them upgrade these systems and ensures them that not less than 20 percent of the grant moneys go to communities with fewer than 50,000 residents. And the bill authorizes appropriations of $1.9 billion for fiscal year 2004 and for each year through 2009.

In New Mexico, the geology, the make up of the rocks and dirt, results in relatively high levels of arsenic in the groundwater. However, over time, New Mexico residents have not experienced higher levels of diseases associated with arsenic. Be that as it may, many small communities throughout New Mexico and the west will not be able to meet the financial burden. Because of this, I believe it is important to aid communities in meeting the coming standards. The financial burden facing many communities and individuals is great.

The new standards could cost New Mexico communities between $370 to $440 million to improve treatment systems, plus $18 million a year in operating costs.

Albuquerque, alone, is looking at having to spend $150 million to come into compliance. Its sister city, right across the river, Rio Rancho—our second largest city—is facing $60 million in improvements. And many individuals in small communities throughout the West are facing increases in their water bills of $50 to $90 a month just to pay for the cleanup. Most people cannot afford such an increase.

This legislation will help these communities in upgrading their systems and training their people. We are forcing communities to comply with drinking water standards that many believe will not increase public health. The least we can do is help them meet the burden.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to the printed in the RECORD, as follows:

S. 1432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Drinking Water Assistance Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) drinking water standards proposed and in effect as of the date of enactment of this Act will place a large financial burden on many public water systems, especially those public water systems in rural communities serving small populations;

(2) the limited scientific, technical, and professional resources available in small communities complicate the implementation of regulatory requirements;

(3) small communities often cannot afford to meet water quality standards because of the expenses associated with upgrading public water systems and training personnel to operate and maintain the public water systems;

(4) small communities do not have a tax base for dealing with the costs of upgrading their public water systems;

(5) small communities face high per capita costs in improving drinking water quality;

(6) small communities would greatly benefit from a grant program designed to provide funding for water quality projects;

(7) as of the date of enactment of this Act, there is no Federal program in effect that adequately meets the needs of small, primarily rural communities with respect to public water systems; and

(8) since new, more protective arsenic drinking water standards proposed by the Clinton and Bush administrations, respectively, are expected to be implemented in 2006, the grant program established by the amendment made by this Act should be implemented in a manner that ensures that the implementation of those new standards is not delayed.

SEC. 3. ASSISTANCE FOR SMALL PUBLIC WATER SYSTEMS.

(a) Definition of Indian Tribe.—Section 1401(14) of the Safe Drinking Water Act (42 U.S.C. 300f(14)) is amended in the second sentence by striking "1452," and inserting "1452 and part G,".

(b) Establishment of Program.—The Safe Drinking Water Act (42 U.S.C. 300f et seq.) is amended by adding at the end the following:

"PART G—ASSISTANCE FOR SMALL PUBLIC WATER SYSTEMS

"SEC. 1471. DEFINITIONS.

"In this part:

"(1) Eligible activity.—

"(A) In general.—The term 'eligible activity' means a project or activity concerning a small public water system that is carried out by an eligible entity to comply with drinking water standards.

"(B) Inclusions.—The term 'eligible activity' includes—

"(i) obtaining technical assistance; and

"(ii) training and certifying operators of small public water systems.

"(C) Exclusion.—The term 'eligible activity' does not include any project or activity to increase the population served by a small public water system, except to the extent that the Administrator determines such a project or activity to be necessary to—

"(i) achieve compliance with a national primary drinking water regulation; and

"(ii) provide a water supply to a population that, as of the date of enactment of this part, is not served by a safe public water system.

"(2) Eligible entity.—The term 'eligible entity' means a small public water system that—

"(A) is located in a State or an area governed by an Indian Tribe; and

"(B)(i) if located in a State, serves a community that, under affordability criteria established by the State under section 1452(d)(3), is determined by the State to be—

"(I) a disadvantaged community; or

"(II) a community that may become a disadvantaged community as a result of carrying out an eligible activity; or

"(ii) if located in an area governed by an Indian Tribe, serves a community that is determined by the Administrator, under affordability criteria published by the Administrator under section 1452(d)(3) and in consultation with the Secretary, to be—

"(I) a disadvantaged community; or

"(II) a community that the Administrator expects to become a disadvantaged community as a result of carrying out an eligible activity.

"(3) Program.—The term 'Program' means the small public water assistance program established under section 1472(a).

"(4) Secretary.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Director of the Indian Health Service.

"(5) Small public water system.—The term 'small public water system' means a public water system (including a community water system and a noncommunity water system) that serves—

"(A) a community with a population of not more than 200,000 individuals; or

"(B) a public water system located in—

"(i) Bernalillo or Sandoval County, New Mexico;

"(ii) Scottsdale, Arizona;

"(iii) Mesquite or Washoe County, Nevada; or

"(iv) El Paso County, Texas.

"SEC. 1472. SMALL PUBLIC WATER SYSTEM ASSISTANCE PROGRAM.

"(a) Establishment.—

"(1) In general.—Not later than 1 year after the date of enactment of this part, the Administrator shall establish a program to provide grants to eligible entities for use in carrying out projects and activities to comply with drinking water standards.

"(2) Priority.—Subject to paragraph (3), the Administrator shall award grants under the Program to eligible entities based on—

"(A) first, the financial need of the community for the grant assistance, as determined by the Administrator; and

"(B) second, with respect to the community in which the eligible entity is located, the per capita cost of complying with drinking water standards, as determined by the Administrator.

"(3) Small communities.—In making grants under this section, the Administrator shall ensure that not less 20 percent of grant funds provided for each fiscal year are used to carry out eligible activities in communities with a population of less than 50,000 individuals.

"(b) Application Process.—

"(1) In general.—An eligible entity that seeks to receive a grant under the Program shall submit to the Administrator, on such form as the Administrator shall prescribe (not to exceed 3 pages in length), an application to receive the grant.

"(2) Components.—The application shall include—

"(A) a description of the eligible activities for which the grant is needed;

"(B) a description of the efforts made by the eligible entity, as of the date of submission of the application, to comply with drinking water standards; and

"(C) any other information required to be included by the Administrator.

"(3) Review and approval of applications.—

"(A) In general.—On receipt of an application under paragraph (1), the Administrator shall forward the application to the Council.

"(B) Approval or disapproval.—Not later than 90 days after receiving the recommendations of the Council under subsection (e) concerning an application, after taking into consideration the recommendations, the Administrator shall—

"(i) approve the application and award a grant to the applicant; or

"(ii) disapprove the application.

"(C) Resubmission.—If the Administrator disapproves an application under subparagraph (B)(ii), the Administrator shall—

"(i) inform the applicant in writing of the disapproval (including the reasons for the disapproval); and

"(ii) provide to the applicant a deadline by which the applicant may revise and resubmit the application.

"(c) Cost Sharing.—

"(1) In general.—Except as provided in paragraph (2), the Federal share of the cost of carrying out an eligible activity using funds from a grant provided under the Program shall not exceed 90 percent.

"(2) Waiver.—The Administrator may waive the requirement to pay the non-Federal share of the cost of carrying out an eligible activity using funds from a grant provided under the Program if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

"(d) Enforcement and Implementation of Standards.—

"(1) In general.—Subject to paragraph (2), the Administrator shall not enforce any standard for drinking water under this Act (including a regulation promulgated under this Act) against an eligible entity during the period beginning on the date on which the eligible entity submits an application for a grant under the Program and ending, as applicable, on—

"(A) the deadline specified in subsection (b)(3)(C)(ii), if the application is disapproved and not resubmitted; or

"(B) the date that is 3 years after the date on which the eligible entity receives a grant under this part, if the application is approved.

"(2) Arsenic standards.—No standard for arsenic in drinking water promulgated under this Act (including a standard in any regulation promulgated before the date of enactment of this part) shall be implemented or enforced by the Administrator in any State until the earlier of January 1, 2006 or such date as the Administrator certifies to Congress that—

"(A) the Program has been implemented in the State; and

"(B) the State has made substantial progress, as determined by the Administrator in consultation with the Governor of the State, in complying with drinking water standards under this Act.

"(e) Role of Council.—The Council shall—

"(1) review applications for grants from eligible entities received by the Administrator under subsection (b);

"(2) for each application, recommend to the Administrator whether the application should be approved or disapproved; and

"(3) take into consideration priority lists developed by States for the use of drinking water treatment revolving loan funds under section 1452.

"SEC. 1473. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this part $1,900,000,000 for each of fiscal years 2004 through 2009.".

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mr. GREGG):

S. 1433. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

Mr. LEAHY. Mr. President, I rise today to introduce the Upper Connecticut River Partnership Act that will help bring recognition to New England's largest river ecosystem and help the communities along the river protect and enhance their natural, cultural and recreational resources. I am pleased to add Senators JEFFORDS and GREGG as original cosponsors of this bill.

For years, our offices and our States have worked together to help communities on both sides of the river develop local partnerships to protect the Connecticut River valley of Vermont and New Hampshire. This valley is a scenic region of historic villages located in a working landscape of farms and forests.

Citizens on both sides of the river know just how special this region is and have worked side by side for years to protect it. The two States came together to create the Connecticut River Joint Commissions, which help coordinate the efforts of towns, watersheds and other local groups to implement the Connecticut River Corridor Management Plan. This Plan has become the blueprint for how communities along the river can work together, with the States of Vermont and New Hampshire and with the Federal Government to protect the river's resources.

The Upper Connecticut River Partnership Act would help carry out the recommendations of the Connecticut River Corridor Management Plan and help communities along the river protect their cultural, natural and recreational resources. This Act would provide the Secretary of Interior with the ability to assist the States of New Hampshire and Vermont with technical and financial aid for the Upper Connecticut River through the Connecticut River Joint Commissions. The people living in the Upper Connecticut Watershed region would be able to learn about the river and be given knowledge on how to protect it. Also, the Act would assist local community efforts to continue cultural heritage outreach and education programs while enriching the recreational activities already active in the Connecticut River Watersheds of Vermont and New Hampshire.

The bill also will require that the Secretary of Interior establish a Connecticut River Grants and Technical Assistance Program to help local community groups develop new projects and build on existing ones to enhance the river basin. Over the next few years, I hope this bill will help bring new recognition to the Connecticut River as one of our Nation's great water resources.

By Mr. NELSON of Florida (for himself, Mr. GRAHAM of Florida, Mr. DASCHLE, and Mr. JOHNSON):

S. 1436. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes, and for other purposes; to the Committee on Finance.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. GRAHAM of Florida. Mr. President, when Congress enacted the Tax Reform Act of 1986, it was heralded for its simplicity, efficiency and fairness. Yet the legislation was not fair to states such as Florida that choose not to finance the government through the imposition of an income tax. Residents from these States are forced to pay a higher Federal income tax liability than comparable citizens of other States. This results from the 1986 Act's elimination of the Federal income tax deduction for State sales taxes.

Today, Senators NELSON of Florida, DASCHLE, JOHNSON and I are introducing the Sales Tax Equity Act to remedy this inequity and lift our constituents from second-class status. The bill allows taxpayers to elect a deduct State and local sales taxes in lieu of a deduction for State and local income taxes. Although the election is available to residents of all States, the practical effect of the bill is to make the deduction for State taxes available to residents of States with no State income tax. Residents from these States should not be forced to pay higher Federal tax bills simply because their State government's funding does not derive from an income tax.

To avoid burdensome record-keeping requirements, the deduction for State and local sales taxes would be determined by tables produced by Treasury. Those tables will take into consideration the sales tax rates in the various States and average consumption.

The Joint Committee on Taxation estimates the cost of restoring this fairness to the citizens of non-income tax States at $26 billion over ten years. Under most circumstances it should not be incumbent upon those of us who are trying to restore equity in our Federal tax laws to find offsets for this cost. The problem we face, however, is that last week the Office of Management and Budget announced that the deficit for this year would be 455 billion dollars—165 billion dollars greater than the previous record deficit. The fiscal hole in which we now find ourselves—primarily as a result of the fiscal mismanagement of the Bush Administration—places an extra burden on us. The responsible approach to fixing this problem, therefore, requires us to put together a proposal that will not exacerbate the deficit. Fortunately, offsets exist that will fully offset the cost of the restored sales tax deduction and improve the Nation's tax laws by making it tougher for taxpayers to avoid paying their fair share.

In his last report to the IRS Oversight Board, former Commissioner Rossotti identified corporate tax shelters as one of the top problems facing the IRS. To combat this growing problem, the bill includes measures to crack down on the proliferation of tax shelters. The purpose of these provisions is to reinforce the Treasury department's administrative enforcement regime. A key element of the Service's enforcement regime is their ability to detect potentially abusive transactions. Thus, the bill promotes disclosure of such transactions through a framework of increased penalties and limited defenses in the event of nondisclosure.

The legislation also clarifies the judicially created doctrine of economic substance and imposes a new 40 percent strict-liability penalty for those transactions that fail this new requirement. Clarification of the economic substance doctrine requires that the taxpayer establish that (1) The transaction changes in a meaningful way, apart from the Federal income tax consequences, the taxpayer's economic position, (2) the taxpayer has a substantial non-tax purpose of entering into the transaction, and (3) the transaction is a reasonable means of accomplishing such non-tax purpose.

In addition to cracking down on potentially abusive transactions, our bill will shut down known abusive transactions. Last year, at the request of the Chairman and Ranking Members of the Senate Committee on Finance, the Joint Committee on Taxation investigated Enron's tax returns. One of the areas on which the Joint Committee focused was the tax shelter arrangements, offshore entities, and special purposes entities that Enron used to reduce its tax liability. The Joint Committee issued its report on this investigation on February 13, 2003 and included recommendations for shutting down some of the tax shelters used by the company. This legislation includes those recommendations.

The legislation also eliminates incentives in our tax code that encourage individuals and corporations to renounce their U.S. citizenship to avoid paying U.S. tax. For individuals, the legislation generally subjects U.S. citizens who relinquish their U.S. citizenship and certain long-term U.S. residents who terminate their U.S. residence to tax on the net unrealized gain in their property as if such property were sold at fair market value on the day before the expatriation or residency termination. Only a gain in excess of

$600,000, $1.2 million for a married couple, is subject to tax.

The legislation also establishes new rules to thwart efforts by some U.S. corporations to reincorporate in a foreign country in order to avoid paying U.S. tax. These proposals are identical to legislation passed previously by the Senate.

There is one additional, and crucial, benefit of our legislation. It will not slow down the current conference negotiations on legislations extending the child credit expansion to low-income families. As my colleagues know, legislation resolving this matter has passed both the House and Senate and the differences between the two bills must be reconciled. It is important for that legislation to get resolved as soon as possible so that the IRS has ample time to send checks out to these families this summer. Some have suggested that resolution of the sales tax issue—a matter not included in either the House or Senate bill—be attached to the child credit bill. I fear that such an attempt would further complicate resolution of that important legislation.

I hope our colleagues will look upon this legislation in the spirit with which it is offered. It is fundamentally unfair that for the past seventeen years the residents of our States have faced higher Federal income tax liabilities than their fellow citizens living in other States. We feel that we have structured our legislation in a manner that corrects this inequity without jeopardizing the tax benefits available to residents of other States. Furthermore, the bill is fiscally responsible and improves the tax system by making it more difficult for those who would use tax shelters and other devices to lower their taxes.●

AMENDMENTS SUBMITTED & PROPOSED

SA 1317. Mr. BYRD (for himself and Ms. STABENOW) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

TEXT OF AMENDMENTS

SA 1317. Mr. BYRD (for himself and Ms. STABENOW) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, Line 6, insert the following:

TITLE VII—FULFILLING HOMELAND SECURITY PROMISES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for "Customs and Border Protection", $238,500,000, to remain available until December 31, 2004, of which not less than $100,000,000 shall be for border ports-of-entry infrastructure improvements, and not less than $138,500,000 shall be for staffing at the northern border.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For additional amounts for necessary expenses of the Transportation Security Administration related to aviation security services pursuant to Public Law 107–71 and Public Law 107–296 and for other purposes, $100,000,000, to remain available until expended, for air cargo security.

TRANSPORTATION SECURITY ADMINISTRATION

MARITIME AND LAND SECURITY

For additional amounts for necessary expenses of the Transportation Security Administration related to maritime and land transportation security services pursuant to Public Law 107–71 and Public Law 107–296 and for other purposes, $532,000,000 to remain available until December 31, 2004, of which not less than $57,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, not less than $460,000,000 shall be for shortfalls pursuant to Public Law 108–10, for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, and not less than $15,000,000 for inter-city bus security grants for enhancing inter-city bus and facility protection against terrorists threats.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $70,000,000, to remain available until December 31, 2004, of which not less than $70,000,000 shall be for costs pursuant to Public Law 107–295 for implementing the Maritime Transportation Security Act including those costs associated with the review of vessel and facility security plans and the development of area security plans.

OFFICE FOR DOMESTIC PREPAREDNESS

For additional amounts for the "Office for Domestic Preparedness," $729,500,000: Provided, That of the amount made available under this heading: $250,000,000 shall be available for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711); $250,000,000 shall be for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security; $79,500,000 shall be for interoperable communications equipment; $150,000,000, to remain available through December 31, 2004, shall be for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).

OFFICE OF THE UNDER SECRETARY FOR INFORMATION

ANALYSIS AND INFRASTRUCTURE PROTECTION

For an additional amount for the "Office of the Under Secretary for Information Analysis and Infrastructure Protection", $80,000,000, to remain available until December 31, 2004, for chemical facility security assessments.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Financial Management, the Budget, and International Security be authorized to meet on Monday, July 21 at 2 p.m. for a hearing titled, "Oversight Hearing on Government Sponsored Enterprises: The Risks and Benefits to Consumers."

PRIVILEGE OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that the following Appropriations Committee staff members and intern be granted the privilege of the floor for the consideration of the fiscal year 2004 Homeland Security appropriations bill and any votes that may occur in relation thereto: Les Spivey, Rachelle Schroeder, Carol Cribbs, James Hayes, Josh Manley, and Elizabeth Ferriday Mansel.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that committee staff Alexa Sewell and Scott Nance and fellows on the staff of the Committee on Appropriations Peter Edge and Cynthia Stowe be granted the privileges of the floor during debate and rollcall votes on the fiscal year 2004 Homeland Security appropriations bill and the conference report thereon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

On July 17, 2003, the Senate passed H.R. 2658, as amended, as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,282,764,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,309,791,000.

Military Personnel, Marine Corps

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $8,994,426,000.

Military Personnel, Air Force

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $22,993,072,000.

Reserve Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,584,735,000.

Reserve Personnel, Navy

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,027,945,000.

Reserve Personnel, Marine Corps

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $587,619,000.

Reserve Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,332,301,000.

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,598,504,000.

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,228,830,000.

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,034,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $24,922,949,000: Provided, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance.

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,463,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $28,183,284,000.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,418,023,000.

Operation and Maintenance, Air Force

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,801,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $26,698,375,000.

Operation and Maintenance, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $16,279,006,000, of which not to exceed $35,000,000, may be available for the CINC initiative fund; and of which not to exceed $45,000,000, can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $2,700,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,964,009,000.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,172,921,000.

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $173,952,000.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,179,188,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,273,131,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,418,616,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $10,000,000, to remain available until expended: Provided, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURTS OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $10,333,000 of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $396,018,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $256,153,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $384,307,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $24,081,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $312,619,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2561 of title 10, United States Code), $59,000,000, to remain available until September 30, 2005.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $450,800,000, to remain available until September 30, 2006: Provided, That of the amounts provided under this heading, $10,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and warheads in the Russian Far East.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,027,285,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,444,462,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,732,004,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,419,759,000, to remain available for obligation until September 30, 2006.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,573,902,000, to remain available for obligation until September 30, 2006.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $9,017,548,000, to remain available for obligation until September 30, 2006.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,967,934,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $924,355,000, to remain available for obligation until September 30, 2006.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $1,186,564,000;

NSSN, $1,511,935,000;

NSSN (AP), $827,172,000;

SSGN, $930,700,000;

SSGN (AP), $236,600,000;

CVN Refuelings (AP), $232,832,000;

SSN Submarine Refuelings, $450,000,000;

SSN Submarine Refuelings (AP), $20,351,000;

SSBN Submarine Refuelings (AP), $136,800,000;

DDG–51 Destroyer, $3,218,311,000;

LPD–17, $1,192,034,000;

LPD–17 (AP), $75,000,000;

LHD–8, $591,306,000;

LCAC Landing Craft Air Cushion, $73,087,000;

Prior year shipbuilding costs, $635,502,000;

Service Craft, $15,980,000; and

For outfitting, post delivery, conversions, and first destination transportation, $348,449,000;

In all: $11,682,623,000, to remain available for obligation until September 30, 2008: Provided, That additional obligations may be incurred after September 30, 2008, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 7 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,734,808,000, to remain available for obligation until September 30, 2006.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,090,399,000, to remain available for obligation until September 30, 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,997,460,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,215,333,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title;

and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,265,582,000, to remain available for obligation until September 30, 2006.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $11,536,097,000, to remain available for obligation until September 30, 2006.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; and the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,568,851,000, to remain available for obligation until September 30, 2006.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $700,000,000, to remain available for obligation until September 30, 2006: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $77,516,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $9,513,048,000, to remain available for obligation until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $14,886,381,000, to remain available for obligation until September 30, 2005: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,086,290,000, to remain available for obligation until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,774,428,000, to remain available for obligation until September 30, 2005.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $304,761,000, to remain available for obligation until September 30, 2005.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,449,007,000: Provided, That during fiscal year 2004, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 4 passenger motor vehicles for replacement only for the Defense Logistics Agency.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $344,148,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That, notwithstanding any other provision of law, $8,500,000 of the funds available under this heading shall be available in addition to other amounts otherwise available, only to finance the cost of constructing additional sealift capacity.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $15,656,913,000, of which $14,918,791,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2005, and of which not more than $7,420,972,000 shall be available for contracts entered into under the TRICARE program; of which $327,826,000, to remain available for obligation until September 30, 2006, shall be for Procurement; of which $410,296,000, to remain available for obligation until September 30, 2005, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,620,076,000, of which $1,169,168,000 shall be for Operation and maintenance to remain available until September 30, 2005; $79,212,000 shall be for Procurement to remain available until September 30, 2006; $251,881,000 shall be for Research, development, test and evaluation to remain available until September 30, 2005; $119,815,000 shall be for military construction to remain available until September 30, 2008: Provided, That, notwithstanding any other provision of law, $10,000,000 of the funds available under this heading shall be expended only to fund Chemical Stockpile Emergency Preparedness Program evacuation route improvements in Calhoun County, Alabama.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $832,371,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $162,449,000, of which $160,049,000 shall be for Operation and maintenance, of which not to exceed $700,000, is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes and of which $300,000, to remain available until September 30, 2005, shall be for Research, development, test and evaluation; and of which $2,100,000, to remain available until September 30, 2006, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $226,400,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $165,390,000, of which $26,081,000 for the Advanced Research and Development Committee shall remain available until September 30, 2005: Provided, That of the funds appropriated under this heading, $34,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2006 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2005: Provided further, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $18,430,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,100,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2004.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

C–130 aircraft;
F/A–18E and F engine;
F/A–18 aircraft;
E–2C aircraft; and
Virginia Class Submarine:

Provided, That the Secretary of the Navy may not enter into a multiyear contract for the procurement of more than one Virginia Class Submarine per year.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2004, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2005 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2005 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2005.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(3) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) $10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A–76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(d) Nothing in this Act shall affect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(e) The conversion of any activity or function of the Department of Defense under the authority provided herein shall be credited toward any competitive or outsourcing goal, target or measurement that may be established by statute, regulation or policy and shall be deemed to be awarded under the authority of and in compliance with Public Law 98–369, Div. B, Title VII, sections 2723(a) and 2727(b) (codified at 10 U.S.C. 2304) for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense's budget submission for fiscal year 2004 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25

U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9) shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding 41 U.S.C. §430, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in 25 U.S.C. §1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9): Provided further, That businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. (a) Of the funds for the procurement of supplies or services appropriated by this Act and hereafter, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year and hereafter, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8026. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8027. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8028. Of the funds made available in this Act, not less than $24,758,000 shall be available for the Civil Air Patrol Corporation: Provided, That funds identified for "Civil Air Patrol" under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8029. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2004 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2004, not more than 6,450 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2005 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $50,000,000.

SEC. 8030. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8031. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8032. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8033. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2004. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8034. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent; and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8035. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 572(b)(5)(A) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey, at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2005 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2005 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2005 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2005: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2005.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8044. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8045. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8046. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8047. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8048. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: Provided, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8049. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Shipbuilding and Conversion, Navy, 2002/2006", $55,000,000;

"Procurement of Ammunition, Army, 2003/2005", $36,000,000;

"Other Procurement, Air Force, 2003/2005", $5,000,000;

"Procurement, Defense-Wide, 2003/2005", $48,000,000;

"Research and Development, Defense-Wide, 2003/2004", $25,000,000;

"National Defense Sealift Fund", $105,300,000.

SEC. 8050. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless *such reductions are a direct result of a reduction in military force structure.*

Sec. 8051. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

Sec. 8052. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

Sec. 8053. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

Sec. 8054. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003 level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

Sec. 8055. (a) Limitation on Pentagon Renovation Costs.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

(b) Annual Adjustment.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

(c) Exclusion of Certain Costs.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) Certification Cost Reports.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

(e) Duration of Certification Requirement.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.

Sec. 8056. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $139,000,000 or higher.

Sec. 8057. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

Sec. 8058. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

Sec. 8059. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

Sec. 8060. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

Sec. 8061. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

Sec. 8062. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act or hereafter in any other Act.

Sec. 8063. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

Sec. 8064. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

Sec. 8065. (a) Limitation on Transfer of Defense Articles and Services.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) Covered Activities.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) Required Notice.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and,

if so, how the President proposes to provide funds for such replacement.

SEC. 8066. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: Provided, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: Provided further, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8067. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8068. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8070. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8071. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects, or any planning studies, environmental assessments, or similar activities related to installation support functions, may be obligated at the time the reimbursable order is accepted by the performing activity: Provided, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8072. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8073. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8074. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8075. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8076. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8077. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8078. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8079. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on *a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.*

Sec. 8080. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

Sec. 8081. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

Sec. 8082. (a) Limitation on Availability of Funds for Office of Under Secretary of Defense for Intelligence.—No funds appropriated or otherwise made available by this Act for the Office of the Under Secretary of Defense for Intelligence may be obligated or expended until 30 days after the date on which the report referred to in subsection (c) is submitted to Congress.

(b) Limitation on Availability of Funds for Clandestine Military Activities.—No funds appropriated or otherwise made available by this Act may be obligated or expended for clandestine military activities until the date on which the report referred to in subsection (c) is submitted to Congress.

(c) Report.—The report referred to in this subsection is the report required to be submitted to Congress in the classified annex to the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11).

Sec. 8083. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received. Not more than $1,000,000 of the amount so credited may be available to provide assistance to spouses and other dependents of deployed members of the Armed Forces to defray the travel expenses of such spouses and other dependents when visiting family members.

Sec. 8084. (a) Registering Financial Management Information Technology Systems With DOD Chief Information Officer.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) Certifications as to Compliance With Financial Management Modernization Plan.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) Certifications as to Compliance With Clinger-Cohen Act.—(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) Definitions.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

Sec. 8085. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

Sec. 8086. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

Sec. 8087. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

Sec. 8088. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Sec. 8089. (a) The Department of Defense is authorized to enter into agreements with the Department of Veterans Affairs and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a

descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8090. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8091. (a) Of the amounts appropriated in this Act under the heading, "Research, Development, Test and Evaluation, Defense-Wide", $48,000,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

(b) Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Army", $177,000,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2004, consistent with the terms and conditions set forth herein: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8092. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2004.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8093. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $154,800,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $10,000,000 shall be available for the purpose of continuing the Arrow System Improvement Program (ASIP), and $80,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8094. In addition to amounts provided in this Act, $90,000,000 is hereby appropriated for "Aircraft Procurement, Navy": Provided, That these funds shall be available only for transfer to the Coast Guard for mission essential equipment for Coast Guard HC–130J aircraft.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $635,502,000 shall be available until September 30, 2004, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of Navy shall transfer such funds to the following appropriations in the amount specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/04":

LPD–17 Amphibious Transport Dock Ship Program, $95,300,000.

Under the heading, "Shipbuilding and Conversion, Navy, 1998/04":

New SSN, $81,060,000.

Under the heading, "Shipbuilding and Conversion, Navy, 1999/04":

DDG–51 Destroyer Program, $44,420,000;

New SSN, $156,978,000;

LPD–17 Amphibious Transport Dock Ship Program, $51,100,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2000/04":

DDG–51 Destroyer Program, $24,510,000;

LPD–17 Amphibious Transport Dock Ship Program, $112,778,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2001/04":

DDG–51 Destroyer Program, $6,984,000;

New SSN, $62,372,000.

SEC. 8096. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8097. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8098. Funds appropriated by this Act, or made available by transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

SEC. 8099. In addition to funds made available elsewhere in this Act $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments, and of which 2 percent shall be available to support the administration and execution of the funds: Provided further, That to the extent a federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-federal funds in combination with these federal funds to provide assistance for the authorized purpose, if the non-federal entity requests such assistance and the non-federal funds are provided on a reimbursable basis.

SEC. 8100. None of the funds in this Act may be used to initiate a new start program without prior notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8101. Of the funds made available in this Act, not less than $56,400,000 shall be available to maintain an attrition reserve force of 18 B–52 aircraft, of which $3,800,000 shall be available from "Military Personnel, Air Force", $35,900,000 shall be available from "Operation and Maintenance, Air Force", and $16,700,000 shall be available from "Aircraft Procurement, Air Force": Provided, That the Secretary of the Air Force shall maintain a total force of 94 B-52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2004: Provided further, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2005 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8102. As an interim capability to enhance Army lethality, survivability, and mobility for light and medium forces before complete fielding of the Objective Force, the Army shall ensure that budgetary and programmatic plans will provide for no fewer than six Stryker Brigade Combat Teams to be fielded between 2003 and 2008.

SEC. 8103. Of the funds made available under the heading "Operation and Maintenance, Air Force", $8,000,000 shall be available to realign railroad track on Elmendorf Air Force Base and Fort Richardson.

(TRANSFER OF FUNDS)

SEC. 8104. Of the amounts appropriated in Public Law 107–206 under the heading "Defense Emergency Response Fund", an amount up to the fair market value of the leasehold interest in adjacent properties necessary for the force protection requirements of Tooele Army Depot, Utah, may be made available to resolve any property disputes associated with Tooele Army Depot, Utah, and to acquire such leasehold interest as required: Provided, That none of these funds may be used to acquire fee title to the properties.

SEC. 8105. Up to $3,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

(TRANSFER OF FUNDS)

SEC. 8106. In addition to the amounts appropriated or otherwise made available in this Act, $24,000,000, to remain available until September 30, 2004, is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make grants in the amount of $5,000,000 to the American Red Cross for Armed Forces Emergency Services; $10,000,000 for the Fort Benning Infantry Museum; $2,500,000 to the National Guard Youth Foundation; $3,000,000 to the Chicago Park District for renovation of the Broadway Armory; and $3,500,000 to the National D-Day Museum.

SEC. 8107. None of the funds appropriated in this Act under the heading "Overseas Contingency Operations Transfer Account" may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: Provided, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the "Overseas Contingency Operations Transfer Fund": Provided further, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8108. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8109. The budget of the President for fiscal year 2005 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Account, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32, as defined in the Department of Defense Financial Management Regulation, for the Overseas Contingency Operations Transfer Account for fiscal years 2003 and 2004.

SEC. 8110. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8111. Of the amounts appropriated in this Act under the headings "Research, Development, Test and Evaluation, Navy" and "Operation and Maintenance, Defense-Wide" $65,200,000 shall be transferred to such appropriations available to the Department of Defense as may be required to carry out the intent of Congress as expressed in the Classified Annex accompanying the Department of Defense Appropriations Act, 2004, and amounts so transferred shall be available for the same purposes and for the same time period as the appropriations to which transferred.

SEC. 8112. During the current fiscal year, section 2533a(f) of Title 10, United States Code, shall not apply to any fish, shellfish, or seafood product. This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

SEC. 8113. Notwithstanding section 2465 of title 10 U.S.C., the Secretary of the Navy may use funds appropriated in title II of this Act under the heading, "Operation and Maintenance, Navy", to liquidate the expenses incurred for private security guard services performed at the Naval Support Unit, Saratoga Springs, New York by Burns International Security Services, Albany, New York in the amount of $29,323.35, plus accrued interest, if any.

SEC. 8114. Funds available to the Department of Defense under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" for the Missile Defense Agency may be used for the development and fielding of an initial set of missile defense capabilities.

SEC. 8115. Of the amounts provided in title II of this Act under the heading, "Operation and Maintenance, Defense-Wide", $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8116. Up to $2 000,000 of the funds appropriated by this Act under the heading, "Operation and Maintenance, Army", may be made available to contract for services required to solicit non-Federal donations to support construction and operation of the United States Army Museum at Fort Belvoir, Virginia: Provided, That notwithstanding any other provision of law, the Army is authorized to receive future payments in this or the subsequent fiscal year from any non-profit organization chartered to support the United States Army Museum to reimburse amounts expended by the Army pursuant to this section: Provided further, That any reimbursements received pursuant to this section shall be merged with "Operation and Maintenance, Army" and shall be made available for the same purposes and for the same time period as that appropriation account.

SEC. 8117. DESIGNATION OF AMERICA'S NATIONAL WORLD WAR II MUSEUM. (a) FINDINGS.—Congress makes the following findings:

(1) The National D-Day Museum, operated in New Orleans, Louisiana by an educational foundation, has been established with the vision "to celebrate the American Spirit".

(2) The National D-Day Museum is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during the World War II years (1939–1945) on both the battlefront and the home front and, in doing so, covers all of the branches of the Armed Forces and the Merchant Marine.

(3) The National D-Day Museum was founded by the preeminent American historian, Stephen E. Ambrose, as a result of a conversation with President Dwight D. Eisenhower in 1963, when the President and former Supreme Commander, Allied Expeditionary Forces in Europe, credited Andrew Jackson Higgins, the chief executive officer of Higgins Industries in New Orleans, as the "man who won the war for us" because the 12,000 landing craft designed by Higgins Industries made possible all of the amphibious invasions of World War II and carried American soldiers into every theatre of the war.

(4) The National D-Day Museum, since its grand opening on June 6, 2000, the 56th anniversary of the D-Day invasion of Normandy, has attracted nearly 1,000,000 visitors from around the world, 85 percent of whom have been Americans from across the country.

(5) American World War II veterans, called the "greatest generation" of the Nation, are dying at the rapid rate of more than 1,200 veterans each day, creating an urgent need to preserve the stories, artifacts, and heroic achievements of that generation.

(6) The United States has a need to preserve forever the knowledge and history of the Nation's most decisive achievement in the 20th century and to portray that history to citizens, visitors, and school children for centuries to come.

(7) Congress, recognizing the need to preserve this knowledge and history, appropriated funds in 1992 to authorize the design and construction of The National D-Day Museum in New Orleans to commemorate the epic 1944 Normandy invasion, and subsequently appropriated additional funds in 1998, 2000, 2001, 2002, and 2003 to help expand the exhibits in the museum to include the D-Day invasions in the Pacific Theatre of Operations and the other campaigns of World War II.

(8) The State of Louisiana and thousands of donors and foundations across the country have contributed millions of dollars to help build this national institution.

(9) The Board of Trustees of The National D-Day Museum is national in scope and diverse in its makeup.

(10) The World War II Memorial now under construction on the National Mall in Washington, the District of Columbia, will always be the memorial in our Nation where people come to remember America's sacrifices in World War II, while The National D-Day Museum will always be the museum of the American experience in the World War II years (1939–1945), where people come to learn about Americans' experiences during that critical period, as well as a place where the history of our Nation's monumental struggle against worldwide aggression by would-be oppressors is preserved so that future generations can understand the role the United States played in the preservation and advancement of democracy and freedom in the middle of the 20th century.

(11) The National D-Day Museum seeks to educate a diverse group of audiences through its collection of artifacts, photographs, letters, documents, and first-hand personal accounts of the participants in the war and on the home front during one of history's darkest hours.

(12) The National D-Day Museum is devoted to the combat experience of United States citizen soldiers in all of the theatres of World War II and to the heroic efforts of the men and women on the home front who worked tirelessly to support the troops and the war effort.

(13) The National D-Day Museum continues to add to and maintain one of the largest personal history collections in the United States of the men and women who fought in World War II and who served on the home front.

(14) No other museum describes as well the volunteer spirit that arose throughout the United States and united the country during the World War II years.

(15) The National D-Day Museum is engaged in a 250,000 square foot expansion to include the Center for the Study of the American Spirit, an advanced format theatre, and a new United States pavilion.

(16) The planned "We're All in this Together" exhibit will describe the role every State, commonwealth, and territory played in World War II, and the computer database and software of The National D-Day Museum's educational program will be made available to the teachers and school children of every State, commonwealth, and territory.

(17) The National D-Day Museum is an official Smithsonian affiliate institution with a formal agreement to borrow Smithsonian artifacts for future exhibitions.

(18) Le Memorial de Caen in Normandy, France has formally recognized The National D-Day Museum as its official partner in a Patriotic Alliance signed on October 16, 2002, by both museums.

(19) The official Battle of the Bulge museums in Luxembourg and the American Battlefield

Monuments Commission are already collaborating with The National D-Day Museum on World War II exhibitions.

(20) For all of these reasons, it is appropriate to designate The National D-Day Museum as "America's National World War II Museum".

(b) PURPOSES.—The purposes of this section are, through the designation of The National D-Day Museum as "America's National World War II Museum", to express the United States Government's support for—

(1) the continuing preservation, maintenance, and interpretation of the artifacts, documents, images, and history collected by the museum;

(2) the education of the American people as to the American experience in combat and on the home front during the World War II years, including the conduct of educational outreach programs for teachers and students throughout the United States;

(3) the operation of a premier facility for the public display of artifacts, photographs, letters, documents, and personal histories from the World War II years (1939–1945);

(4) the further expansion of the current European and Pacific campaign exhibits in the museum, including the Center for the Study of the American Spirit for education; and

(5) ensuring the understanding by all future generations of the magnitude of the American contribution to the Allied victory in World War II, the sacrifices made to preserve freedom and democracy, and the benefits of peace for all future generations in the 21st century and beyond.

(c) DESIGNATION OF "AMERICA'S NATIONAL WORLD WAR II MUSEUM".—The National D-Day Museum, New Orleans, Louisiana, is designated as "America's National World War II Museum".

SEC. 8118. NATIVE AMERICAN VETERAN HOUSING LOANS. (a) Title I of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7) is amended by striking out "expenses: Provided, That no new loans in excess of $5,000,000 may be made in fiscal year 2003." from the paragraph under the heading "Native American Veteran Housing Loan Program Account" and inserting in lieu thereof "expenses.".

(b) The amendment made by subsection (a) of this section is effective on the date of the enactment of Public Law 108–7, February 20, 2003.

SEC. 8119. Of the funds made available in chapter 3 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11), under the heading "Iraq Freedom Fund", $3,157,000,000 are hereby rescinded.

SEC. 8120. (a) LIMITATION ON USE OF FUNDS FOR RESEARCH AND DEVELOPMENT ON TERRORISM INFORMATION AWARENESS PROGRAM.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Department of Defense, whether to an element of the Defense Advanced Research Projects Agency or any other element, or to any other department, agency, or element of the Federal Government, may be obligated or expended on research and development on the Terrorism Information Awareness program.

(b) LIMITATION ON DEPLOYMENT OF TERRORISM INFORMATION AWARENESS PROGRAM.—(1) Notwithstanding any other provision of law, if and when research and development on the Terrorism Information Awareness program, or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element of such program or component intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Terrorism Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly against non-United States persons.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Terrorism Information Awareness program should not be used to develop technologies for use in conducting intelligence activities or law enforcement activities against United States persons without appropriate consultation with Congress or without clear adherence to principles to protect civil liberties and privacy; and

(2) the primary purpose of the Defense Advanced Research Projects Agency is to support the lawful activities of the Department of Defense and the national security programs conducted pursuant to the laws assembled for codification purposes in title 50, United States Code.

(d) DEFINITIONS.—In this section:

(1) TERRORISM INFORMATION AWARENESS PROGRAM.—The term "Terrorism Information Awareness program"—

(A) means the components of the program known either as Terrorism Information Awareness or Total Information Awareness, any related information awareness program, or any successor program under the Defense Advanced Research Projects Agency or another element of the Department of Defense; and

(B) includes a program referred to in subparagraph (1), or a component of such program, that has been transferred from the Defense Advanced Research Projects Agency or another element of the Department of Defense to any other department, agency, or element of the Federal Government.

(2) NON-UNITED STATES PERSON.—The term "non-United States person" means any person other than a United States person.

(3) UNITED STATES PERSON.—The term "United States person" has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

SEC. 8121. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $125,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

"Operation and Maintenance, Defense-Wide", $45,000,000;

"Research, Development, Test and Evaluation, Navy", $40,000,000; and

"Research, Development, Test and Evaluation, Defense-Wide", $40,000,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

SEC. 8122. None of the funds appropriated in this Act shall be used to study, demonstrate, or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 8123. None of the funds provided in this Act may be used to pay any fee charged by the Department of State for the purpose of constructing new United States diplomatic facilities.

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $4,000,000 may be available for cost effective composite materials for manned and unmanned flight structures (PE#0602103F).

SEC. 8125. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $3,000,000 may be used for the Broad Area Unmanned Responsive Resupply Operations aircraft program.

SEC. 8126. Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY" for civilian manpower and personnel management, up to $1,500,000 may be used for Navy Pilot Human Resources Call Center, Cutler, Maine.

SEC. 8127. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $4,000,000 may be available for Navy Integrated Manufacturing Development.

SEC. 8128. Amounts appropriated by this Act may be used for the establishment and support of 12 additional Weapons of Mass Destruction Civil Support Teams, as follows:

(1) Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY", up to $23,300,000.

(2) Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to $16,000,000.

(3) Of the amount appropriated by title III under the heading "OTHER PROCUREMENT, ARMY", up to $25,900,000.

(4) Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $1,000,000.

SEC. 8129. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $2,000,000 may be available for the development of integrated systems analysis capabilities for bioterrorism response exercises.

SEC. 8130. Of the amount appropriated by title III under the heading "PROCUREMENT, MARINE CORPS", up to $1,500,000 may be used for the procurement of highly versatile nitrile rubber collapsible storage units.

SEC. 8131. Of the appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $3,000,000 may be available for Marine Corps Communications Systems (PE#0206313M) for Critical Infrastructure Protection.

SEC. 8132. Of the total amount appropriated by title III under the heading "OTHER PROCUREMENT, ARMY", up to $1,500,000 may be used for the procurement of TSC–750 computer systems.

SEC. 8133. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $1,000,000 may be available for Combat Systems Integration (PE#0603582N) for the Trouble Reports Information Data Warehouse.

SEC. 8134. Of the amount appropriated by title II of this Act under the heading "OPERATION

AND MAINTENANCE, NAVY", up to $2,000,000 may be available for night vision goggles in advanced helicopter training.

SEC. 8135. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $3,000,000 may be available for the Long Range Biometric Target Identification System.

SEC. 8136. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $2,500,000 may be used for the study of geospatial visualization technologies.

SEC. 8137. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $4,000,000 may be available for High Speed Anti-Radiation Demonstration Airframe/Propulsion Section (PE#0603114N).

SEC. 8138. Of the total amount appropriated by title IV under the heading "RESEARCH AND DEVELOPMENT, DEFENSE-WIDE", up to $3,500,000 may be used for National Consortia on MASINT Research for program element number 0305884L.

SEC. 8139. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $3,500,000 may be available for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes management system under that project.

SEC. 8140. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $800,000 may be available for the Tulane Center for Missile Defense, Louisiana.

SEC. 8141. Of the amount appropriated by title III of this Act under the heading "DEFENSE PRODUCTION ACT PURCHASES", up to $3,000,000 may be available for a Flexible Aerogel Material Supplier Initiative to develop affordable methods and a domestic supplier of military and commercial aerogels.

SEC. 8142. IN RECOGNITION OF THE NATIONAL GUARD AND RESERVE'S CONTRIBUTIONS TO OUR NATIONAL SECURITY AND EXPRESSING STRONG SUPPORT FOR THE SENATE'S PREVIOUS BIPARTISAN VOTE TO PROVIDE THESE FORCES ACCESS TO TRICARE. (a) FINDINGS.—The Senate makes the following findings:

(1) Forces in the United States National Guard and Reserve have made and continue to make essential and effective contributions to Operation Iraqi Freedom and other ongoing military operations.

(2) More than 200,000 Reserve personnel from the Army, Navy, Air Force, Marine Corps, and Coast Guard are currently serving their Nation on active status.

(3) Our dependence on the National Guard and Reserve has increased dramatically over the course of the past decade. Annual duty days have grown from about 1 million in the late 1980s to more than 12 million in every year since 1996.

(4) While our dependence on the Reserves has increased in the post-Cold War era, their basic pay and benefits structure has remained largely unchanged.

(5) Offering TRICARE to reservists for an affordable monthly premium enhances our national security by improving their medical readiness when called to duty, streamlining and accelerating the mobilization process, and enhancing our military's ability to recruit and retain qualified personnel to reserve duty.

(6) The Congressional Budget Office, the official, nonpartisan scorekeeper of all congressional legislation, has estimated the cost of this proposal at just over one-tenth of one percent of the Administration's fiscal year 2004 defense budget request.

(7) On May 20, 2003, a strong majority of Senate Democrats and Republicans joined together and voted 85–10 for an amendment to the fiscal year 2004 Defense authorization bill to provide reserve personnel and their families access to TRICARE regardless of their current deployment status.

(8) The Appropriations Committee indicated in its report accompanying the fiscal year 2004 Defense appropriations bill that it supports this proposal.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the National Guard and Reserve play a critical and increasingly demanding role in protecting our national security; and

(2) the Senate supports the Appropriations Committee position as articulated in the report accompanying the fiscal year 2004 Defense appropriations bill and affirms its support for providing Guard and Reserve personnel access to TRICARE.

SEC. 8143. (a) The Secretary of Defense—

(1) shall review—

(A) all contractual offset arrangements to which the policy established under section 2532 of title 10, United States Code, applies that are in effect on the date of the enactment of this Act;

(B) any memoranda of understanding and related agreements to which the limitation in section 2531(c) of such title applies that have been entered into with a country with respect to which such contractual offset arrangements have been entered into and are in effect on such date; and

(C) any waivers granted with respect to a foreign country under section 2534(d)(3) of title 10, United States Code, that are in effect on such date; and

(2) shall determine the effects of the use of such arrangements, memoranda of understanding, and agreements on the effectiveness of buy American requirements provided in law.

(b) The Secretary shall submit a report on the results of the review under subsection (a) to Congress not later than March 1, 2005. The report shall include a discussion of each of the following:

(1) The effects of the contractual offset arrangements on specific subsectors of the industrial base of the United States and what actions have been taken to prevent or ameliorate any serious adverse effects on such subsectors.

(2) The extent, if any, to which the contractual offset arrangements and memoranda of understanding and related agreements have provided for technology transfer that would significantly and adversely affect the defense industrial base of the United States and would result in substantial financial loss to a United States firm.

(3) The extent to which the use of such contractual offset arrangements is consistent with—

(A) the limitation in section 2531(c) of title 10, United States Code, that prohibits implementation of a memorandum of understanding and related agreements if the President, taking into consideration the results of the interagency review, determines that such memorandum of understanding or related agreement has or is likely to have a significant adverse effect on United States industry that outweighs the benefits of entering into or implementing such memorandum or agreement; and

(B) the requirements under section 2534(d) of such title that—

(i) a waiver granted under such section not impede cooperative programs entered into between the Department of Defense and a foreign country and not impede the reciprocal procurement of defense items that is entered into in accordance with section 2531 of such title; and

(ii) the country with respect to which the waiver is granted not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(c) The Secretary—

(1) shall submit to the President any recommendations regarding the use or administration of contractual offset arrangements and memoranda of understanding and related agreements referred to in subsection (a) that the Secretary considers appropriate to strengthen the administration buy American requirements in law; and

(2) may modify memoranda of understanding or related agreements entered into under section 2531 of title 10, United States Code, or take other action with regard to such memoranda or related agreements, as the Secretary considers appropriate to strengthen the administration buy American requirements in law in the case of procurements covered by such memoranda or related agreements.

SEC. 8144. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

SEC. 8145. Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", up to $2,000,000 may be available for a Software Engineering Institute Information Assurance Initiative.

SEC. 8146. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to $10,000,000 may be used for civil-military programs and the Innovative Readiness Training (IRT) Program.

SEC. 8147. Of the total amount appropriated by title III under the heading "MISSILE PROCUREMENT, AIR FORCE", up to $10,000,000 may be used for assured access to space in addition to the amount available under such heading for the Evolved Expendable Launch Vehicle.

SEC. 8148. STUDY REGARDING MAIL DELIVERY IN THE MIDDLE EAST. (a) STUDY.—The Comptroller General of the United States shall conduct a review of the delivery of mail to troops in the Middle East and the study should:

(1) Determine delivery times, reliability, and losses for mail and parcels to and from troops stationed in the Middle East.

(2) Identify and analyze mail and parcel delivery service efficiency issues during Operations Desert Shield/Desert Storm, compared to such services which occurred during Operation Iraqi Freedom.

(3) Identify cost efficiencies and benefits of alternative delivery systems or modifications to existing delivery systems to improve the delivery times of mail and parcels.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the congressional defense committees on their findings and recommendations.

SEC. 8149. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $4,000,000 may be available for adaptive optics research.

SEC. 8150. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $1,000,000 may be available for the completion of the Rhode Island Disaster Initiative.

SEC. 8151. Of the amount appropriated by title I of this Act for military personnel, up to $8,000,000 may be available for the costs during fiscal year 2004 of an increase in the amount of the death gratuity payable with respect to members of the Armed Forces under section 1478 of title 10, United States Code, from $6,000 to $12,000.

SEC. 8152. Of the amount appropriated by title II of this Act under the heading "SHIPBUILDING AND CONVERSION, NAVY", up to $20,000,000 may be available for DIG–51 modernization planning.

SEC. 8153. Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY", up to $4,000,000 may be used for the Army Museum of the Southwest at Ft. Sill, Oklahoma.

SEC. 8154. No funds appropriated or otherwise made available by this Act may be obligated or expended for the purpose of privatizing, or transferring to another department or agency of the Federal Government, any prison guard function or position at the United States Disciplinary Barracks at Fort Leavenworth, Kansas, until 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a plan for the implementation of the privatization or transfer of such function or position.

SEC. 8155. Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, MARINE CORPS", up to $6,000,000 may be used for the purchase of HMMWV tires.

SEC. 8156. (a) AVAILABILITY OF CERTAIN PERSONNEL AMOUNTS.—Of the amount appropriated by title I of this Act under the heading "NATIONAL GUARD PERSONNEL, ARMY", up to $2,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

(b) AVAILABILITY OF CERTAIN OPERATION AND MAINTENANCE AMOUNTS.—Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to $1,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

SEC. 8157. (a) LIMITATION ON USE OF FUNDS.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended to decommission a Naval or Marine Corps Reserve aviation squadron until the report required by subsection (b) is submitted to the committee of Congress referred to in that subsection.

(b) REPORT ON NAVY AND MARINE CORPS TACTICAL AVIATION REQUIREMENTS.—(1) Not later than twelve months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Appropriations of the Senate a report on the requirements of the Navy and the Marine Corps for tactical aviation, including mission requirements, recapitalization requirements, and the role of Naval and Marine Corps Reserve assets in meeting such requirements.

(2) The report shall include the recommendations of the Comptroller General on an appropriate force structure for the active and reserve aviation units of the Navy and the Marine Corps, and related personnel requirements, for the 10-year period beginning on the date of the report.

SEC. 8158. Of the amount appropriated by title III of this Act under the heading "PROCUREMENT, DEFENSE-WIDE", up to $20,000,000 may be available for procurement of secure cellular telephones for the Department of Defense and the elements of the intelligence community.

SEC. 8159. Of the amount appropriated by title III of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $5,000,000 may be available to support Shortstop Electronic Protection Systems (SEPS) research and development efforts.

SEC. 8160. The Secretary of the Air Force, in consultation with the Chief of Air Force Reserve, shall study the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois, and evaluate whether it would be appropriate to substitute for that mission a mixed mission of transporting patients, passengers, and cargo that would increase the airlift capability of the Air Force while continuing the use and training of aeromedical evacuation personnel. The Secretary shall submit a report on the results of the study and evaluation to the congressional defense committees not later than January 16, 2004.

SEC. 8161. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $3,000,000 may be used for Project Ancile.

SEC. 8162. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $2,000,000 may be used for Knowledge Management Fusion.

SEC. 8163. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $3,000,000 may be available for the Large Energy National Shock Tunnel (LENS).

SEC. 8164. In addition to amounts provided in this Act for Ultra-low Power Battlefield Sensor System, up to an additional $7,000,000 may be used from the total amount appropriated by title IV "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", for Ultra-low Power Battlefield Sensor System.

SEC. 8165. (a) FINDINGS.—The Senate makes the following findings:

(1) If a terrorist group were to acquire the necessary fissile material for a nuclear explosive device, it would not be difficult for the group to construct such a device, the explosion of which could kill and injure thousands, or even hundreds of thousands, of people and destroy a large area of a city.

(2) If a terrorist group were to acquire a complete nuclear weapon from a nation which has constructed nuclear weapons, it is likely that the group would be able to detonate the device with similar results.

(3) A nation supplying either complete nuclear weapons or special nuclear material to terrorists might believe that it could escape retaliation by the United States, as the United States would not be able to determine the origin of either a weapon or its fissile material.

(4) It is possible, however, to determine the country of origin of fissile material after a nuclear explosion, provided that samples of the radioactive debris from the explosion are collected promptly and analyzed in appropriate laboratories.

(5) If radioactive debris is collected soon enough after a nuclear explosion, it is also possible to determine the characteristics of the nuclear explosive device involved, which information can assist in locating and dismantling other nuclear devices that may threaten the United States.

(6) If countries that might contemplate supplying nuclear weapons or fissile material to terrorists know that their assistance can be traced, they are much less likely to allow terrorists access to either weapons or material.

(7) It is in the interest of the United States to acquire a capability to collect promptly the debris from a nuclear explosion that might occur in any part of the Nation.

(b) SENSE OF THE SENATE ON NUCLEAR DEBRIS COLLECTION AND ANALYSIS CAPABILITY.—It is the sense of the Senate that—

(1) the Secretary of Defense should develop and deploy a nuclear debris collection and analysis capability sufficient to enable characterization of any nuclear device that might be exploded in the United States;

(2) the capability should incorporate airborne debris collectors, either permanently installed on dedicated aircraft or available for immediate use on a class of aircraft, stationed so that a properly equipped and manned aircraft is available to collect debris from a nuclear explosion anywhere in the United States and transport such debris to an appropriate laboratory in a timely fashion; and

(3) to the maximum extent practicable, the capability should be compatible with collection and analysis systems used by the United States to characterize overseas nuclear explosions.

(c) REPORT.—Not later than March 31, 2004, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of developing and deploying the capability described in subsection (b)(1).

SEC. 8166. Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY" up to $15,000,000 may be made available for upgrades of M1A1 Abrams tank transmissions.

SEC. 8167. Of the total amount appropriated by title II of this Act under the heading "OPERATIONS AND MAINTENANCE, ARMY", up to $2,000,000 may be used to promote civil rights education and history in the Army.

SEC. 8168. REPORTS ON SAFETY ISSUES DUE TO DEFECTIVE PARTS. (a) REPORT FROM THE SECRETARY.—The Secretary shall by March 31, 2004, examine and report back to the congressional defense committees on—

(1) how to implement a system for tracking safety-critical parts so that parts discovered to be defective, including due to faulty or fraudulent work by a contractor or subcontractor, can be identified and found;

(2) appropriate standards and procedures to ensure timely notification of contracting agencies and contractors about safety issues including parts that may be defective, and whether the Government Industry Data Exchange Program should be made mandatory;

(3) efforts to find and test airplane parts that have been heat treated by companies alleged to have done so improperly; and

(4) whether contracting agencies and contractors have been notified about alleged improper heat treatment of airplane parts.

(b) REPORT FROM THE COMPTROLLER GENERAL.—The Comptroller General shall examine and report back to the congressional defense committees on—

(1) the oversight of subcontractors by prime contractors, and testing and quality assurance of the work of the subcontractors; and

(2) the oversight of prime contractors by the Department, the accountability of prime contractors for overseeing subcontractors, and the use of enforcement mechanisms by the Department.

SEC. 8169. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, in writing, a report on contracts for reconstruction and other services in Iraq that are funded in whole or in part with funds available to the Department of Defense. The report shall detail—

(1) the process and standards for designing and awarding such contracts, including assistance or consulting services provided by contractors in that process;

(2) the process and standards for awarding limited or sole-source contracts, including the criteria for justifying the awarding of such contracts;

(3) any policies that the Secretary has implemented or plans to implement to provide for independent oversight of the performance by a contractor of services in designing and awarding such contracts;

(4) any policies that the Secretary has implemented or plans to implement to identify, assess, and prevent any conflict of interest relating to such contracts for reconstruction;

(5) any policies that the Secretary has implemented or plans to implement to ensure public accountability of contractors and to identify any fraud, waste, or abuse relating to such contracts for reconstruction;

(6) the process and criteria used to determine the percentage of profit allowed on cost-plus-a-fixed-fee contracts for reconstruction or other services in Iraq; and

(7) a good faith estimate of the expected costs and duration of all contracts for reconstruction or other services in Iraq.

SEC. 8170. Of the amount appropriated by title III of this Act under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to $19,700,000 may be available for C–5 aircraft in-service modifications for the procurement of additional C–5 aircraft Avionics Modernization Program (AMP) kits.

SEC. 8171. (a) REPORT ON ESTABLISHMENT OF POLICE AND MILITARY FORCES IN IRAQ.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the establishment of police and military forces in all of the 18 provinces of Iraq, including—

(1) the costs incurred by the United States in establishing Iraqi police and military units;

(2) a schedule for the completion of the establishment of Iraqi police and military units;

(3) an assessment of the effect of the ongoing creation and final establishment of Iraqi police and military units on the number of United States military personnel required to be stationed in Iraq;

(4) an assessment of the effect of the establishment of an Iraqi police force on the safety of United States military personnel stationed in Iraq; and

(5) an assessment of the effectiveness of the Iraqi police force, as so established, in preventing crime and insuring the safety of the Iraq people.

(b) UPDATES.—Not later than 120 days after the date of the submittal of the report required by subsection (b), and every 120 days thereafter, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress an update of such report.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

SEC. 8172. Section 8149(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1572) is amended by adding at the end the following new paragraph:

"(3) This subsection shall remain in effect for fiscal year 2004.".

TITLE IX—SETTLEMENT OF CLAIMS FOR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II

SEC. 901. PAYMENT OF COMPENSATION TO FORMER PRISONERS OF WAR FOR FORCED OR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II.

(a) PAYMENT OF COMPENSATION REQUIRED.—Subject to the availability of appropriations the Secretary of Defense shall pay to each surviving former prisoner of war compensation as provided in subsection (b).

(b) COMPENSATION.—The compensation to be paid under subsection (a) is as follows: In the case of a living former prisoner of war, to the living former prisoner of war in the amount of $10,000.

(c) IDENTIFICATION OF INDIVIDUALS AS FORMER PRISONERS OF WAR.—(1) An individual seeking compensation under this section shall submit to the Secretary of Defense an application therefor containing such information as the Secretary shall require. Only one application shall be submitted with respect to each individual seeking treatment as a former prisoner of war for purposes of this section.

(2) The Secretary shall take such actions as the Secretary considers appropriate to identify and locate individuals eligible for treatment as former prisoners of war for purposes of this section.

(d) TREATMENT AS FORMER PRISONER OF WAR.—(1) Subject to paragraph (3), the Secretary of Defense shall treat an individual as a former prisoner of war if—

(A) the name of the individual appears on any official list of the Imperial Government of Japan, or of the United States Government, as having been imprisoned at any time during World War II in a camp in Japan or territories occupied by Japan where individuals were forced to provide labor; or

(B) evidence otherwise demonstrates that the individual is entitled to treatment as a former prisoner of war.

(2) Any reasonable doubt under this subsection shall be resolved in favor of the claimant.

(3) The treatment of an individual as a former prisoner of war under paragraph (1) shall be rebutted only by clear and convincing evidence.

(e) TIMING OF PAYMENT.—The Secretary of Defense shall pay compensation to a former prisoner of war, under subsection (a) not later than 30 days after determining that compensation is payable to or on behalf of the former prisoner of war under this section.

(f) PRIORITY IN PAYMENTS.—The Secretary of Defense shall complete the processing of applications under this section in a manner that provides, to the maximum extent practicable, for the payment of compensation to former prisoners of war during their natural lives, with payments prioritized based on age and health of the claimant.

(g) FUNDING.—(1) From funds available otherwise in this Act up to $49,000,000 may be made available to carry out this title.

(2) The amount made available by paragraph (1) shall remain available for obligation and expenditure during the two-year period beginning on October 1, 2003.

(3) Any amounts made available by paragraph (1) that have not been obligated as of September 30, 2005, shall revert to the Treasury as of that date.

SEC. 903. DEFINITIONS.

In this title:

(1) FORMER PRISONER OF WAR.—The term "former prisoner of war" means any individual who—

(A) was a member of the Armed Forces of the United States, a civilian employee of the United States, or an employee of a contractor of the United States during World War II;

(B) served in or with the United States combat forces during World War II;

(C) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(D) was required by one or more Japanese companies to perform forced or slave labor during World War II.

(2) JAPANESE COMPANY.—The term "Japanese company" means—

(A) any business enterprise, corporation, company, association, partnership, or sole proprietorship having its principal place of business within Japan or organized or incorporated under the laws of Japan or any political subdivision thereof; and

(B) any subsidiary or affiliate of an entity in Japan, as described in subparagraph (A), if controlled in fact by the entity, whether currently incorporated or located in Japan or elsewhere.

(3) WORLD WAR II.—The term "World War II" means the period beginning on December 7, 1941, and ending on August 8, 1945.

This Act may be cited as the "Department of Defense Appropriations Act of 2004".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 300 and 301.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Thomas W. O'Connell, of Virginia, to be an Assistant Secretary of Defense.

DEPARTMENT OF ENERGY

Paul Morgan Longsworth, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

PRISON RAPE ELIMINATION ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1435.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1435) to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1435) was read the third time and passed, as follows:

S. 1435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Prison Rape Elimination Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. National prison rape statistics, data, and research.
Sec. 5. Prison rape prevention and prosecution.
Sec. 6. Grants to protect inmates and safeguard communities.
Sec. 7. National Prison Rape Reduction Commission.
Sec. 8. Adoption and effect of national standards.
Sec. 9. Requirement that accreditation organizations adopt accreditation standards.
Sec. 10. Definitions.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) 2,100,146 persons were incarcerated in the United States at the end of 2001: 1,324,465 in Federal and State prisons and 631,240 in county and local jails. In 1999, there were more than 10,000,000 separate admissions to and discharges from prisons and jails.

(2) Insufficient research has been conducted and insufficient data reported on the extent of prison rape. However, experts have conservatively estimated that at least 13 percent of the inmates in the United States have been sexually assaulted in prison. Many inmates have suffered repeated assaults. Under this estimate, nearly 200,000 inmates now incarcerated have been or will be the victims of prison rape. The total number of inmates who have been sexually assaulted in the past 20 years likely exceeds 1,000,000.

(3) Inmates with mental illness are at increased risk of sexual victimization. America's jails and prisons house more mentally ill individuals than all of the Nation's psychiatric hospitals combined. As many as 16 percent of inmates in state prisons and jails, and 7 percent of Federal inmates, suffer from mental illness.

(4) Young first-time offenders are at increased risk of sexual victimization. Juveniles are 5 times more likely to be sexually assaulted in adult rather than juvenile facilities—often within the first 48 hours of incarceration.

(5) Most prison staff are not adequately trained or prepared to prevent, report, or treat inmate sexual assaults.

(6) Prison rape often goes unreported, and inmate victims often receive inadequate treatment for the severe physical and psychological effects of sexual assault—if they receive treatment at all.

(7) HIV and AIDS are major public health problems within America's correctional facilities. In 2000, 25,088 inmates in Federal and State prisons were known to be infected with HIV/AIDS. In 2000, HIV/AIDS accounted for more than 6 percent of all deaths in Federal and State prisons. Infection rates for other sexually transmitted diseases, tuberculosis, and hepatitis B and C are also far greater for prisoners than for the American population as a whole. Prison rape undermines the public health by contributing to the spread of these diseases, and often giving a potential death sentence to its victims.

(8) Prison rape endangers the public safety by making brutalized inmates more likely to commit crimes when they are released—as 600,000 inmates are each year.

(9) The frequently interracial character of prison sexual assaults significantly exacerbates interracial tensions, both within prison and, upon release of perpetrators and victims from prison, in the community at large.

(10) Prison rape increases the level of homicides and other violence against inmates and staff, and the risk of insurrections and riots.

(11) Victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison. They are thus more likely to become homeless and/or require government assistance.

(12) Members of the public and government officials are largely unaware of the epidemic character of prison rape and the day-to-day horror experienced by victimized inmates.

(13) The high incidence of sexual assault within prisons involves actual and potential violations of the United States Constitution. In Farmer v. Brennan, 511 U.S. 825 (1994), the Supreme Court ruled that deliberate indifference to the substantial risk of sexual assault violates prisoners' rights under the Cruel and Unusual Punishments Clause of the Eighth Amendment. The Eighth Amendment rights of State and local prisoners are protected through the Due Process Clause of the Fourteenth Amendment. Pursuant to the power of Congress under Section Five of the Fourteenth Amendment, Congress may take action to enforce those rights in States where officials have demonstrated such indifference. States that do not take basic steps to abate prison rape by adopting standards that do not generate significant additional expenditures demonstrate such indifference. Therefore, such States are not entitled to the same level of Federal benefits as other States.

(14) The high incidence of prison rape undermines the effectiveness and efficiency of United States Government expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment and homelessness. The effectiveness and efficiency of these Federally funded grant programs are compromised by the failure of State officials to adopt policies and procedure that reduce the incidence of prison rape in that the high incidence of prison rape—

(A) increases the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) increases the levels of violence, directed at inmates and at staff, within prisons;

(C) increases health care expenditures, both inside and outside of prison systems, and reduces the effectiveness of disease prevention programs by substantially increasing the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases;

(D) increases mental health care expenditures, both inside and outside of prison systems, by substantially increasing the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates;

(E) increases the risks of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape; and

(F) increases the level of interracial tensions and strife within prisons and, upon release of perpetrators and victims, in the community at large.

(15) The high incidence of prison rape has a significant effect on interstate commerce because it increases substantially—

(A) the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases, contributing to increased health and medical expenditures throughout the Nation;

(C) the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates, contributing to increased health and medical expenditures throughout the Nation; and

(D) the risk of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States;

(2) make the prevention of prison rape a top priority in each prison system;

(3) develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape;

(4) increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;

(5) standardize the definitions used for collecting data on the incidence of prison rape;

(6) increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;

(7) protect the Eighth Amendment rights of Federal, State, and local prisoners;

(8) increase the efficiency and effectiveness of Federal expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homelessness; and

(9) reduce the costs that prison rape imposes on interstate commerce.

SEC. 4. NATIONAL PRISON RAPE STATISTICS, DATA, AND RESEARCH.

(a) ANNUAL COMPREHENSIVE STATISTICAL REVIEW.—

(1) IN GENERAL.—The Bureau of Justice Statistics of the Department of Justice (in this section referred to as the "Bureau") shall carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape. The statistical review and analysis shall include, but not be limited to the identification of the common characteristics of—

(A) both victims and perpetrators of prison rape; and

(B) prisons and prison systems with a high incidence of prison rape.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Bureau shall consider—

(A) how rape should be defined for the purposes of the statistical review and analysis;

(B) how the Bureau should collect information about staff-on-inmate sexual assault;

(C) how the Bureau should collect information beyond inmate self-reports of prison rape;

(D) how the Bureau should adjust the data in order to account for differences among prisons as required by subsection (c)(3);

(E) the categorization of prisons as required by subsection (c)(4); and

(F) whether a preliminary study of prison rape should be conducted to inform the methodology of the comprehensive statistical review.

(3) Solicitation of views.—The Bureau of Justice Statistics shall solicit views from representatives of the following: State departments of correction; county and municipal jails; juvenile correctional facilities; former inmates; victim advocates; researchers; and other experts in the area of sexual assault.

(4) Sampling techniques.—The review and analysis under paragraph (1) shall be based on a random sample, or other scientifically appropriate sample, of not less than 10 percent of all Federal, State, and county prisons, and a representative sample of municipal prisons. The selection shall include at least one prison from each State. The selection of facilities for sampling shall be made at the latest practicable date prior to conducting the surveys and shall not be disclosed to any facility or prison system official prior to the time period studied in the survey. Selection of a facility for sampling during any year shall not preclude its selection for sampling in any subsequent year.

(5) Surveys.—In carrying out the review and analysis under paragraph (1), the Bureau shall, in addition to such other methods as the Bureau considers appropriate, use surveys and other statistical studies of current and former inmates from a sample of Federal, State, county, and municipal prisons. The Bureau shall ensure the confidentiality of each survey participant.

(6) Participation in survey.—Federal, State, or local officials or facility administrators that receive a request from the Bureau under subsection (a)(4) or (5) will be required to participate in the national survey and provide access to any inmates under their legal custody.

(b) Review Panel on Prison Rape.—

(1) Establishment.—To assist the Bureau in carrying out the review and analysis under subsection (a), there is established, within the Department of Justice, the Review Panel on Prison Rape (in this section referred to as the "Panel").

(2) Membership.—

(A) Composition.—The Panel shall be composed of 3 members, each of whom shall be appointed by the Attorney General, in consultation with the Secretary of Health and Human Services.

(B) Qualifications.—Members of the Panel shall be selected from among individuals with knowledge or expertise in matters to be studied by the Panel.

(3) Public hearings.—

(A) In general.—The duty of the Panel shall be to carry out, for each calendar year, public hearings concerning the operation of the three prisons with the highest incidence of prison rape and the two prisons with the lowest incidence of prison rape in each category of facilities identified under subsection (c)(4). The Panel shall hold a separate hearing regarding the three Federal or State prisons with the highest incidence of prison rape. The purpose of these hearings shall be to collect evidence to aid in the identification of common characteristics of both victims and perpetrators of prison rape, and the identification of common characteristics of prisons and prison systems with a high incidence of prison rape, and the identification of common characteristics of prisons and prison systems that appear to have been successful in deterring prison rape.

(B) Testimony at hearings.—

(i) Public officials.—In carrying out the hearings required under subparagraph (A), the Panel shall request the public testimony of Federal, State, and local officials (and organizations that represent such officials), including the warden or director of each prison, who bears responsibility for the prevention, detection, and punishment of prison rape at each entity, and the head of the prison system encompassing such prison.

(ii) Victims.—The Panel may request the testimony of prison rape victims, organizations representing such victims, and other appropriate individuals and organizations.

(C) Subpoenas.—

(i) Issuance.—The Panel may issue subpoenas for the attendance of witnesses and the production of written or other matter.

(ii) Enforcement.—In the case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(c) Reports.—

(1) In general.—Not later than June 30 of each year, the Attorney General shall submit a report on the activities of the Bureau and the Review Panel, with respect to prison rape, for the preceding calendar year to—

(A) Congress; and

(B) the Secretary of Health and Human Services.

(2) Contents.—The report required under paragraph (1) shall include—

(A) with respect to the effects of prison rape, statistical, sociological, and psychological data;

(B) with respect to the incidence of prison rape—

(i) statistical data aggregated at the Federal, State, prison system, and prison levels;

(ii) a listing of those institutions in the representative sample, separated into each category identified under subsection (c)(4) and ranked according to the incidence of prison rape in each institution; and

(iii) an identification of those institutions in the representative sample that appear to have been successful in deterring prison rape; and

(C) a listing of any prisons in the representative sample that did not cooperate with the survey conducted pursuant to section 4.

(3) Data adjustments.—In preparing the information specified in paragraph (2), the Attorney General shall use established statistical methods to adjust the data as necessary to account for differences among institutions in the representative sample, which are not related to the detection, prevention, reduction and punishment of prison rape, or which are outside the control of the of the State, prison, or prison system, in order to provide an accurate comparison among prisons. Such differences may include the mission, security level, size, and jurisdiction under which the prison operates. For each such adjustment made, the Attorney General shall identify and explain such adjustment in the report.

(4) Categorization of prisons.—The report shall divide the prisons surveyed into three categories. One category shall be composed of all Federal and State prisons. The other two categories shall be defined by the Attorney General in order to compare similar institutions.

(d) Contracts and Grants.—In carrying out its duties under this section, the Attorney General may—

(1) provide grants for research through the National Institute of Justice; and

(2) contract with or provide grants to any other entity the Attorney General deems appropriate.

(e) Authorization of Appropriations.—There are authorized to be appropriated $15,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

SEC. 5. PRISON RAPE PREVENTION AND PROSECUTION.

(a) Information and Assistance.—

(1) National clearinghouse.—There is established within the National Institute of Corrections a national clearinghouse for the provision of information and assistance to Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

(2) Training and education.—The National Institute of Corrections shall conduct periodic training and education programs for Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

(b) Reports.—

(1) In general.—Not later than September 30 of each year, the National Institute of Corrections shall submit a report to Congress and the Secretary of Health and Human Services. This report shall be available to the Director of the Bureau of Justice Statistics.

(2) Contents.—The report required under paragraph (1) shall summarize the activities of the Department of Justice regarding prison rape abatement for the preceding calendar year.

(c) Authorization of Appropriations.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

SEC. 6. GRANTS TO PROTECT INMATES AND SAFEGUARD COMMUNITIES.

(a) Grants Authorized.—From amounts made available for grants under this section, the Attorney General shall make grants to States to assist those States in ensuring that budgetary circumstances (such as reduced State and local spending on prisons) do not compromise efforts to protect inmates (particularly from prison rape) and to safeguard the communities to which inmates return. The purpose of grants under this section shall be to provide funds for personnel, training, technical assistance, data collection, and equipment to prevent and prosecute prisoner rape.

(b) Use of Grant Amounts.—Amounts received by a grantee under this section may be used by the grantee, directly or through subgrants, only for one or more of the following activities:

(1) Protecting inmates.—Protecting inmates by—

(A) undertaking efforts to more effectively prevent prison rape;

(B) investigating incidents of prison rape; or

(C) prosecuting incidents of prison rape.

(2) Safeguarding communities.—Safeguarding communities by—

(A) making available, to officials of State and local governments who are considering reductions to prison budgets, training and technical assistance in successful methods for moderating the growth of prison populations without compromising public safety, including successful methods used by other jurisdictions;

(B) developing and utilizing analyses of prison populations and risk assessment instruments that will improve State and local governments' understanding of risks to the community regarding release of inmates in the prison population;

(C) preparing maps demonstrating the concentration, on a community-by-community basis, of inmates who have been released, to facilitate the efficient and effective—

(i) deployment of law enforcement resources (including probation and parole resources); and

(ii) delivery of services (such as job training and substance abuse treatment) to those released inmates;

(D) promoting collaborative efforts, among officials of State and local governments and leaders of appropriate communities, to understand and address the effects on a community of the presence of a disproportionate number of released inmates in that community; or

(E) developing policies and programs that reduce spending on prisons by effectively reducing rates of parole and probation revocation without compromising public safety.

(c) Grant Requirements.—

(1) Period.—A grant under this section shall be made for a period of not more than 2 years.

(2) Maximum.—The amount of a grant under this section may not exceed $1,000,000.

(3) Matching.—The Federal share of a grant under this section may not exceed 50 percent of the total costs of the project described in the application submitted under subsection (d) for the fiscal year for which the grant was made under this section.

(d) Applications.—

(1) In general.—To request a grant under this section, the chief executive of a State shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) Contents.—Each application required by paragraph (1) shall—

(A) include the certification of the chief executive that the State receiving such grant—

(i) has adopted all national prison rape standards that, as of the date on which the application was submitted, have been promulgated under this Act; and

(ii) will consider adopting all national prison rape standards that are promulgated under this Act after such date;

(B) specify with particularity the preventative, prosecutorial, or administrative activities to be undertaken by the State with the amounts received under the grant; and

(C) in the case of an application for a grant for one or more activities specified in paragraph (2) of subsection (b)—

(i) review the extent of the budgetary circumstances affecting the State generally and describe how those circumstances relate to the State's prisons;

(ii) describe the rate of growth of the State's prison population over the preceding 10 years and explain why the State may have difficulty sustaining that rate of growth; and

(iii) explain the extent to which officials (including law enforcement officials) of State and local governments and victims of crime will be consulted regarding decisions whether, or how, to moderate the growth of the State's prison population.

(e) Reports by Grantee.—

(1) In general.—The Attorney General shall require each grantee to submit, not later than 90 days after the end of the period for which the grant was made under this section, a report on the activities carried out under the grant. The report shall identify and describe those activities and shall contain an evaluation of the effect of those activities on—

(A) the number of incidents of prison rape, and the grantee's response to such incidents; and

(B) the safety of the prisons, and the safety of the communities in which released inmates are present.

(2) Dissemination.—The Attorney General shall ensure that each report submitted under paragraph (1) is made available under the national clearinghouse established under section 5.

(f) State Defined.—In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(g) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated for grants under this section $40,000,000 for each of fiscal years 2004 through 2010.

(2) Limitation.—Of amounts made available for grants under this section, not less than 50 percent shall be available only for activities specified in paragraph (1) of subsection (b).

SEC. 7. NATIONAL PRISON RAPE REDUCTION COMMISSION.

(a) Establishment.—There is established a commission to be known as the National Prison Rape Reduction Commission (in this section referred to as the "Commission").

(b) Members.—

(1) In general.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) Persons eligible.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(3) Consultation required.—The President, the Speaker and minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult with one another prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) Term.—Each member shall be appointed for the life of the Commission.

(5) Time for initial appointments.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) Vacancies.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(c) Operation.—

(1) Chairperson.—Not later than 15 days after appointments of all the members are made, the President shall appoint a chairperson for the Commission from among its members.

(2) Meetings.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the initial appointment of the members is completed.

(3) Quorum.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) Rules.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this Act or other applicable law.

(d) Comprehensive Study of the Impacts of Prison Rape.—

(1) In general.—The Commission shall carry out a comprehensive legal and factual study of the penalogical, physical, mental, medical, social, and economic impacts of prison rape in the United States on—

(A) Federal, State, and local governments; and

(B) communities and social institutions generally, including individuals, families, and businesses within such communities and social institutions.

(2) Matters included.—The study under paragraph (1) shall include—

(A) a review of existing Federal, State, and local government policies and practices with respect to the prevention, detection, and punishment of prison rape;

(B) an assessment of the relationship between prison rape and prison conditions, and of existing monitoring, regulatory, and enforcement practices that are intended to address any such relationship;

(C) an assessment of pathological or social causes of prison rape;

(D) an assessment of the extent to which the incidence of prison rape contributes to the spread of sexually transmitted diseases and to the transmission of HIV;

(E) an assessment of the characteristics of inmates most likely to commit prison rape and the effectiveness of various types of treatment or programs to reduce such likelihood;

(F) an assessment of the characteristics of inmates most likely to be victims of prison rape and the effectiveness of various types of treatment or programs to reduce such likelihood;

(G) an assessment of the impacts of prison rape on individuals, families, social institutions and the economy generally, including an assessment of the extent to which the incidence of prison rape contributes to recidivism and to increased incidence of sexual assault;

(H) an examination of the feasibility and cost of conducting surveillance, undercover activities, or both, to reduce the incidence of prison rape;

(I) an assessment of the safety and security of prison facilities and the relationship of prison facility construction and design to the incidence of prison rape;

(J) an assessment of the feasibility and cost of any particular proposals for prison reform;

(K) an identification of the need for additional scientific and social science research on the prevalence of prison rape in Federal, State, and local prisons;

(L) an assessment of the general relationship between prison rape and prison violence;

(M) an assessment of the relationship between prison rape and levels of training, supervision, and discipline of prison staff; and

(N) an assessment of existing Federal and State systems for reporting incidents of prison rape, including an assessment of whether existing systems provide an adequate assurance of confidentiality, impartiality and the absence of reprisal.

(3) REPORT.—

(A) DISTRIBUTION.—Not later than 2 years after the date of the initial meeting of the Commission, the Commission shall submit a report on the study carried out under this subsection to—

(i) the President;

(ii) the Congress;

(iii) the Attorney General;

(iv) the Secretary of Health and Human Services;

(v) the Director of the Federal Bureau of Prisons;

(vi) the chief executive of each State; and

(vii) the head of the department of corrections of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) recommended national standards for reducing prison rape;

(iii) recommended protocols for preserving evidence and treating victims of prison rape; and

(iv) a summary of the materials relied on by the Commission in the preparation of the report.

(e) RECOMMENDATIONS.—

(1) IN GENERAL.—In conjunction with the report submitted under subsection (d)(3), the Commission shall provide the Attorney General and the Secretary of Health and Human Services with recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape.

(2) MATTERS INCLUDED.—The information provided under paragraph (1) shall include recommended national standards relating to—

(A) the classification and assignment of prisoners, using proven standardized instruments and protocols, in a manner that limits the occurrence of prison rape;

(B) the investigation and resolution of rape complaints by responsible prison authorities, local and State police, and Federal and State prosecution authorities;

(C) the preservation of physical and testimonial evidence for use in an investigation of the circumstances relating to the rape;

(D) acute-term trauma care for rape victims, including standards relating to—

(i) the manner and extent of physical examination and treatment to be provided to any rape victim; and

(ii) the manner and extent of any psychological examination, psychiatric care, medication, and mental health counseling to be provided to any rape victim;

(E) referrals for long-term continuity of care for rape victims;

(F) educational and medical testing measures for reducing the incidence of HIV transmission due to prison rape;

(G) post-rape prophylactic medical measures for reducing the incidence of transmission of sexual diseases;

(H) the training of correctional staff sufficient to ensure that they understand and appreciate the significance of prison rape and the necessity of its eradication;

(I) the timely and comprehensive investigation of staff sexual misconduct involving rape or other sexual assault on inmates;

(J) ensuring the confidentiality of prison rape complaints and protecting inmates who make complaints of prison rape;

(K) creating a system for reporting incidents of prison rape that will ensure the confidentiality of prison rape complaints, protect inmates who make prison rape complaints from retaliation, and assure the impartial resolution of prison rape complaints;

(L) data collection and reporting of—

(i) prison rape;

(ii) prison staff sexual misconduct; and

(iii) the resolution of prison rape complaints by prison officials and Federal, State, and local investigation and prosecution authorities; and

(M) such other matters as may reasonably be related to the detection, prevention, reduction, and punishment of prison rape.

(3) LIMITATION.—The Commission shall not propose a recommended standard that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities.

(f) CONSULTATION WITH ACCREDITATION ORGANIZATIONS.—In developing recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape, the Commission shall consider any standards that have already been developed, or are being developed simultaneously to the deliberations of the Commission. The Commission shall consult with accreditation organizations responsible for the accreditation of Federal, State, local or private prisons, that have developed or are currently developing standards related to prison rape. The Commission will also consult with national associations representing the corrections profession that have developed or are currently developing standards related to prison rape.

(g) HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United State Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(h) INFORMATION FROM FEDERAL OR STATE AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under this section. The Commission may request the head of any State or local department or agency to furnish such information to the Commission.

(i) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of ⅔ of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—Upon the request of the Commission, the Attorney General shall provide reasonable and appropriate office space, supplies, and administrative assistance.

(j) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a ⅔ affirmative vote, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this Act. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(k) SUBPOENAS.—

(1) ISSUANCE.—The Commission may issue subpoenas for the attendance of witnesses and the production of written or other matter.

(2) ENFORCEMENT.—In the case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(3) CONFIDENTIALITY OF DOCUMENTARY EVIDENCE.—Documents provided to the Commission pursuant to a subpoena issued under this subsection shall not be released publicly without the affirmative vote of ⅔ of the Commission.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(m) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the reports required by this section.

(n) EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act.

SEC. 8. ADOPTION AND EFFECT OF NATIONAL STANDARDS.

(a) PUBLICATION OF PROPOSED STANDARDS.—

(1) FINAL RULE.—Not later than 1 year after receiving the report specified in section 7(d)(3), the Attorney General shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of prison rape.

(2) INDEPENDENT JUDGMENT.—The standards referred to in paragraph (1) shall be based upon the independent judgment of the Attorney General, after giving due consideration to the recommended national standards provided by the Commission under section 7(e), and being informed by such data, opinions, and proposals that the Attorney General determines to be appropriate to consider.

(3) LIMITATION.—The Attorney General shall not establish a national standard under this section that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities. The Attorney General may, however, provide a list of improvements for consideration by correctional facilities.

(4) TRANSMISSION TO STATES.—Within 90 days of publishing the final rule under paragraph (1), the Attorney General shall transmit the national standards adopted under such paragraph to the chief executive of each State, the head of the department of corrections of each State, and to the appropriate authorities in those units of local government who oversee operation in one or more prisons.

(b) APPLICABILITY TO FEDERAL BUREAU OF PRISONS.—The national standards referred to in subsection (a) shall apply to the Federal

Bureau of Prisons immediately upon adoption of the final rule under subsection (a)(4).

(c) Eligibility for Federal Funds.—

(1) Covered programs.—

(A) In general.—For purposes of this subsection, a grant program is covered by this subsection if, and only if—

(i) the program is carried out by or under the authority of the Attorney General; and

(ii) the program may provide amounts to States for prison purposes.

(B) List.—For each fiscal year, the Attorney General shall prepare a list identifying each program that meets the criteria of subparagraph (A) and provide that list to each State.

(2) Adoption of national standards.—For each fiscal year, any amount that a State would otherwise receive for prison purposes for that fiscal year under a grant program covered by this subsection shall be reduced by 5 percent, unless the chief executive of the State submits to the Attorney General—

(A) a certification that the State has adopted, and is in full compliance with, the national standards described in section 8(a); or

(B) an assurance that not less than 5 percent of such amount shall be used only for the purpose of enabling the State to adopt, and achieve full compliance with, those national standards, so as to ensure that a certification under subparagraph (A) may be submitted in future years.

(3) Report on noncompliance.—Not later than September 30 of each year, the Attorney General shall publish a report listing each grantee that is not in compliance with the national standards adopted pursuant to section 8(a).

(4) Cooperation with survey.—For each fiscal year, any amount that a State receives for that fiscal year under a grant program covered by this subsection shall not be used for prison purposes (and shall be returned to the grant program if no other authorized use is available), unless the chief executive of the State submits to the Attorney General a certification that neither the State, nor any political subdivision or unit of local government within the State, is listed in a report issued by the Attorney General pursuant to section 4(c)(2)(C).

(5) Redistribution of amounts.—Amounts under a grant program not granted by reason of a reduction under paragraph (2), or returned by reason of the prohibition in paragraph (4), shall be granted to one or more entities not subject to such reduction or such prohibition, subject to the other laws governing that program.

(6) Implementation.—The Attorney General shall establish procedures to implement this subsection, including procedures for effectively applying this subsection to discretionary grant programs.

(7) Effective date.—

(A) Requirement of adoption of standards.—The first grants to which paragraph (2) applies are grants for the second fiscal year beginning after the date on which the national standards under section 8(a) are finalized.

(B) Requirement for cooperation.—The first grants to which paragraph (4) applies are grants for the fiscal year beginning after the date of the enactment of this Act.

SEC. 9. REQUIREMENT THAT ACCREDITATION ORGANIZATIONS ADOPT ACCREDITATION STANDARDS.

(a) Eligibility for Federal Grants.—Notwithstanding any other provision of law, an organization responsible for the accreditation of Federal, State, local, or private prisons, jails, or other penal facilities may not receive any new Federal grants during any period in which such organization fails to meet any of the requirements of subsection (b).

(b) Requirements.—To be eligible to receive Federal grants, an accreditation organization referred to in subsection (a) must meet the following requirements:

(1) At all times after 90 days after the date of enactment of this Act, the organization shall have in effect, for each facility that it is responsible for accrediting, accreditation standards for the detection, prevention, reduction, and punishment of prison rape.

(2) At all times after 1 year after the date of the adoption of the final rule under section 8(a)(4), the organization shall, in addition to any other such standards that it may promulgate relevant to the detection, prevention, reduction, and punishment of prison rape, adopt accreditation standards consistent with the national standards adopted pursuant to such final rule.

SEC. 10. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) Carnal knowledge.—The term "carnal knowledge" means contact between the penis and the vulva or the penis and the anus, including penetration of any sort, however slight.

(2) Inmate.—The term "inmate" means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.

(3) Jail.—The term "jail" means a confinement facility of a Federal, State, or local law enforcement agency to hold—

(A) persons pending adjudication of criminal charges; or

(B) persons committed to confinement after adjudication of criminal charges for sentences of 1 year or less.

(4) HIV.—The term "HIV" means the human immunodeficiency virus.

(5) Oral sodomy.—The term "oral sodomy" means contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus.

(6) Police lockup.—The term "police lockup" means a temporary holding facility of a Federal, State, or local law enforcement agency to hold—

(A) inmates pending bail or transport to jail;

(B) inebriates until ready for release; or

(C) juveniles pending parental custody or shelter placement.

(7) Prison.—The term "prison" means any confinement facility of a Federal, State, or local government, whether administered by such government or by a private organization on behalf of such government, and includes—

(A) any local jail or police lockup; and

(B) any juvenile facility used for the custody or care of juvenile inmates.

(8) Prison rape.—The term "prison rape" includes the rape of an inmate in the actual or constructive control of prison officials.

(9) Rape.—The term "rape" means—

(A) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will;

(B) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or

(C) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

(10) Sexual assault with an object.—The term "sexual assault with an object" means the use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person.

(11) Sexual fondling.—The term "sexual fondling" means the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

(12) Exclusions.—The terms and conditions described in paragraphs (9) and (10) shall not apply to—

(A) custodial or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating prison rape;

(B) the use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison rape; or

(C) the use of a health care provider's hands or fingers and the use of instruments to perform body cavity searches in order to maintain security and safety within the prison or detention facility, provided that the search is conducted in a manner consistent with constitutional requirements.

MEASURE READ THE FIRST TIME—S. 1434

Mr. FRIST. Mr. President, I understand that S. 1434, introduced by Senator Lincoln earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1434) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

Mr. FRIST. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

ORDERS FOR TUESDAY, JULY 22, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:45 a.m. Tuesday, July 22. I further ask that following the prayer and the pledge, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11 a.m., with the time equally divided between the two leaders or their designees; provided that at 11 a.m. the Senate resume consideration of Calendar No. 192, H.R. 2555, the Department of Homeland Security appropriations bill.

I further ask consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period of morning business until 11 a.m.

Following morning business, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. The chairman and ranking member made their opening statements on the bill and one amendment was offered during today's session.

Tomorrow, we will continue the amendment process. Any Senators who wish to offer an amendment are encouraged to contact the two managers. Rollcall votes will occur tomorrow and Members will be notified as to when the first vote is scheduled.

It is my intention to complete action on this vital appropriations bill early this week. Upon completion of the Homeland Security bill, the Senate will take up other appropriations bills as they become available. I also inform my colleagues that rollcall votes are possible each day this week.

In addition, as I mentioned in opening this morning, the plan for next week is to take up, once again, the Energy bill. I expect to complete that bill before our recess. We will be spending all of next week on the Energy bill.

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate recess under the previous order.

There being no objection, the Senate, at 4:22 p.m. recessed until Tuesday, July 22, 2003, at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 21, 2003:

DEPARTMENT OF DEFENSE

THOMAS W. O'CONNELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF ENERGY

PAUL MORGAN LONGSWORTH, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Monday, July 21, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETERSON of Pennsylvania).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 21, 2003.

I hereby appoint the Honorable JOHN E. PETERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2658. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 2658) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BURNS, Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, and Mrs. FEINSTEIN to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

CHILEAN HONEST TRADE

Mr. BLUMENAUER. Mr. Speaker, it is time for us to move past the free versus fair trade debate that has dominated the considerations in this Chamber for most of the last five Congresses, where each side uses code words to ignore the inconvenient arguments of each other, or perhaps to not address them at all. It is time to deal with honest trade policy.

We can start later this week with action on the Chile free trade agreement, a spirited open debate which should lead to a strong bipartisan vote for approval. I would urge my colleagues not to reflexively reject agreement because of either concerns about the previous trade promotion authority debate which, frankly, I had reservations about myself; or somehow get bogged down in debating what is not before us.

The best way to help future debates is if we all deal meaningfully with what is before us in the context of this agreement. And the Chile free trade agreement offers much for the United States, make no mistake about it. We gain far more than we give up in terms of tariff protections.

Right now the average United States export to Chile is taxed at approximately 5.6 percent versus an average tariff for the imports to the United States from Chile at approximately 0.5 percent. Indeed, two-thirds of the Chilean imports to the United States are duty free. We gain far more than we give up.

We are also currently at a severe disadvantage relative to other major trading partners with Chile. The large economies of the Western Hemisphere, Canada, Mexico, Argentina, Brazil, already have preferential access to the Chilean market, as does the European Union. As a result, we are losing access as it relates to the percentage from our other competitors in those areas.

I urge my colleagues to look at their own region as I have done, for instance, in my home State of Oregon. I have seen if we were able to enact this agreement, there would be more opportunities for export.

For instance, Freight Liner is headquartered in my community. It is one of the most efficient truck manufacturing operations in the entire world, but we have lost access because of the aforementioned disadvantage that we face from trucks exported from Mexico, Brazil or the European Union. Enactment of this agreement will make it possible for us to be more competitive in my community.

There is also opportunity to remedy trade policy as they occur. Recently there was a controversy with Chile regarding a potential dumping of frozen raspberries on our market, to the detriment of people in my State. We were able to use the protections under the trade agreements that we have to put a stop to it. This is an opportunity for us to deal meaningfully with labor and environmental protections. The ones in Chile are the strongest in Latin America, and it is important that we act accordingly to support them. Indeed, we must act to deal with the broader values that are shared with Chile.

Mr. Speaker, what kind of government behavior do we want to encourage with our trade agreements? Chile represents an island of stability in troubled Latin American waters. It deserves our support as a model for other countries.

As the world grows more prosperous and stable, America will be better off in terms of the enormous security burden that we have voluntarily undertaken in Iraq, Afghanistan, in about 100 other countries around the world in numerous treaties and alliances. Whether we are more economically secure depends on whether we exercise our leadership in honest trade policy at home and abroad.

Honest debate and ratification of the Chilean free trade agreement can be an important step in this new era.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m. today.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WHITFIELD) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"You, our God, are good and true, slow to anger and governing all with mercy." Every moment of time stands before Your living presence.

Last week contained some accomplishments and a momentary glimpse of our place in history. In this Chamber there was a moment of rhetorical brilliance and a sense of great purpose. We rejoiced with our coalition forces as we mourned the sacred loss of life in Iraq. Lord, protect all the troops who struggle to establish stability and hope to bring peace to the Middle East.

Last week also showed the fragile nature of this noble institution and revealed such human frailty that it caused great frustration and sadness. Help us to always learn from our mistakes lest we be condemned to repeat them. Inspire us to set higher standards of communication and behavior for ourselves. May we treat others with respect and civility, even when under pressure or faced with differing opinions. Empower all in this House to live and act as the free and noble children of You, our Eternal Father, and may great deeds be accomplished in Your holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REPORT ON H.R. 2799, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2004

Mr. KOLBE, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–221) on the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON H.R. 2800, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT FOR FISCAL YEAR 2004

Mr. KOLBE, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–222) on the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

THE TRUTH MUST BE REVEALED

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, yesterday The Washington Post revealed yet another piece of shaky intelligence used by this administration to go to war against Iraq. The claim that Saddam Hussein could launch a biological or chemical attack within 45 minutes was made twice by President Bush in a September Rose Garden appearance and in a Saturday radio address. This terrifying scenario, which was outlined in the famous "British Dossier," has since been called into serious question.

The White House now admits it did not seek CIA approval for this claim. How is it that the President can make unequivocal statements about evidence of Iraq's weapons to Congress and the American people and not seek to see if it is true? The White House's admission reveals the administration's determination to take this country to war without regard to evidence.

The truth must be revealed about the administration's other claims to justify the war, such as Iraq's possession of chemical and biological weapons and alleged connections to al Qaeda.

Why did the U.S. really go to war against Iraq? The American people have a right to know.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:00 p.m. today.

TORNADO SHELTERS ACT

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 23) to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks, as amended.

The Clerk read as follows:

H.R. 23

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tornado Shelters Act".

SEC. 2. CDBG ELIGIBLE ACTIVITIES.

Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (23) the following new paragraph:

"(24) the construction or improvement of tornado-safe shelters for residents of manufactured housing, and the provision of assistance (including loans and grants) to nonprofit and for-profit entities (including owners of manufactured housing parks) for such construction or improvement, except that—

"(A) a shelter assisted with amounts provided pursuant to this paragraph may be located only in a neighborhood (including a manufactured housing park) that—

"(i) contains not less than 20 manufactured housing units that are within such proximity to the shelter that the shelter is available to the residents of such units in the event of a tornado;

"(ii) consists predominantly of persons of low and moderate income; and

"(iii) is located within a State in which a tornado has occurred during the fiscal year for which the amounts to be used under this paragraph were made available or any of the 3 preceding fiscal years, as determined by the Secretary after consultation with the Director of the Federal Emergency Management Agency;

"(B) such a shelter shall comply with standards for construction and safety as the Secretary, after consultation with the Director of the Federal Emergency Management Agency, shall provide to ensure protection from tornadoes;

"(C) such a shelter shall be of a size sufficient to accommodate, at a single time, all occupants of manufactured housing units located within the neighborhood in which the shelter is located; and

"(D) amounts may not be used for a shelter as provided under this paragraph unless there is located, within the neighborhood in which the shelter is located (or, in the case of a shelter located in a manufactured housing park, within 1,500 feet of such park), a warning siren that is operated in accordance with such local, regional, or national disaster warning programs or systems as the Secretary, after consultation with the Director of the Federal Emergency Management Agency, considers appropriate to ensure adequate notice of occupants of manufactured housing located in such neighborhood or park of a tornado; and".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

In addition to any amounts otherwise made available for grants under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), there is authorized to be appropriated for assistance only for activities pursuant to section 105(a)(24) of such Act $5,000,000 for fiscal year 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield myself 5 minutes to speak in support of this bill.

Mr. Speaker, first of all, I want to thank many of those responsible for the bill coming up today. I want to thank the gentleman from Ohio (Chairman OXLEY), the gentleman from Ohio (Mr. NEY), the chairman of the subcommittee. I also want to thank the gentleman from Massachusetts (Mr. FRANK), who has always been very supportive of this legislation. This legislation has had overwhelming, bipartisan support.

Mr. Speaker, this legislation is a response to something that every day, during at least 6 months out of the year, almost every day, we open the newspaper and we read where someone has been killed by a tornado. Now, we cannot prevent tornadoes from happening, but we can save lives when those tornadoes do happen, because the technology is there. The technology today, particularly on an F4, F5 tornado, the technology is there to give residents a 30- or 40-minute warning of a tornado bearing down on their community.

Now, what many residents have when they get these warnings is they have a place of shelter, they have a place to go. Many residents have a site-built home, they go down in the basement of that home, and that offers protection; or they go into an interior room. Manufactured housing residents do not have a basement. That is pretty obvious. They often do not have an interior room. The Society of Civil Engineers, who have endorsed this bill this week, actually pointed out the fact that this is something that manufactured housing communities need, and they have endorsed this legislation.

Because what this legislation will do is it will allow, wherever we have concentrations of manufactured housing, sometimes referred to as mobile homes, it will allow community development money to be used, and this is the option of the city or the county, to be used for a storm shelter for those residents. I have actually in the past few months visited two storm shelters, and they offer almost 100 percent protection from these storms. Coupled with the warning and the shelter, we should be able to reduce fatalities substantially.

Last year, the House of Representatives passed this bill, and Senator TIM JOHNSON tried to bring it up or attempted to bring it up; he made efforts to bring it up in the Senate. But for whatever reason, that bill did not come up. Senator JOHNSON and many other Senators have joined with House Members in asking that this bill be a priority this year.

Last year, when this House overwhelmingly passed this bill, I introduced the picture of a little girl named Whitney. Whitney was a resident of a manufactured house, a mobile home in Tuscaloosa, Alabama. She shared that home with her mother and her 16-month-old baby brother, and also a sister. When a tornado struck their home, it threw Whitney out of the home several hundred yards. Because it actually took hours and hours to find her, and she was actually mistaken for a pile of rubble, but an Associated Press photographer was there on the scene when Whitney was found and her little picture with her torn dress and her bloodied face went all over the United States. What a lot of people that saw that picture did not know is that Whitney's little brother did not make it through that storm. Whitney's little sister and Whitney spent days and weeks in a hospital recovering, but now they are home with their mother.

What Whitney did not have and what a sixth of the people in the United States who live in manufactured housing do not have is they do not have a shelter from the storm.

This storm was predicted to go through her community some 30 minutes before it went through her community. Her parents had a warning, but what they did not have is a place to hide. In fact, they were advised wisely: do not get in an automobile.

So I close by simply saying, this legislation was too late for Whitney's little brother and Whitney's father, but it is not too late for millions of American families today.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad to join in supporting this. The gentlewoman from California (Ms. WATERS), a member of the subcommittee, worked collaboratively with the gentleman from Alabama. This has been an important cause that he has brought to our attention, and we appreciate that.

I should note that one of the ways in which we were able to cooperate on this bill was it is coming forward under the rubric of the community development block grant program, so we made sure that is, in fact, consistent with the community development block grant program. It is also additional money, so it does not take away from any existing programs, and it is entirely worthwhile.

I would just make two points about the broader implications of this bill. First of all, it is particularly for manufactured housing. Manufactured housing is a very important housing resource for low- and moderate-income homeowners and residents. And I hope that it will be a hallmark of this committee in a bipartisan way that we will find other ways to protect this important housing resource. It does not often get the respect it deserves, either in the culture or in the law.

□ 1415

I am determined that we will do our best.

Second, I am glad to be here joining my Republican colleagues in creating a new Federal program in which new Federal money is made available for an important societal need.

Now, it is not a huge amount of money for the whole country, $5 million. It might, as the need evidences itself, go beyond that. What it shows us is that there are important needs in this society; and the gentleman from Alabama (Mr. BACHUS) has just eloquently sketched out the need for this kind of shelter to protect vulnerable people from these tornados.

What we are saying is, this is a need that will not be met adequately for the people of this country unless the Federal Government creates a new category of funding and provides Federal funds for that. I am glad to do that because it is an important program that we are establishing. It is an important need that we are meeting, and as I said, it underlines the importance of manufactured housing and an appropriate Federal response to social programs.

Mr. BACHUS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Speaker, I want to commend the gentleman and also the gentleman from Alabama (Mr. DAVIS), my home State, who joined me along with my fellow Alabamans, the gentleman from Alabama (Mr. EVERETT) and the gentleman from Alabama (Mr. ROGERS) in being original cosponsors of this bill.

What we saw was little Whitney and any citizen that lives in manufactured housing is basically discriminated against in Federal law today because there are not funds available for mobile home shelters for them. Had she lived on a site-built house, the Federal Government would have provided money for a tornado shelter.

One thing that we are doing with this legislation is we are going to allow all of our residents to be prepared for our next tornado, all our community, not just those that live in site-built homes.

We need to be careful as we move forward that we do have legislation that does not discriminate against any of our residents. And in this case, manufactured housing, many of our low- and middle-income residents choose this as a most affordable option, but when they choose this option they should not be discriminated against. They ought to, particularly in those areas that are tornado prone, also have an opportunity for those programs that had been created to protect them from this type of disaster or to mitigate the circumstances.

Had a shelter like this been in place in my community when this tornado hit, Whitney's father would be there to take care of her today. Whitney's little brother would be with her. Because they are not, she has continued to incur medical bills and her mother has continued to have to have assistance. And I do not want that to be the case.

I want us to be able to offer these people protection and security, and this is a very affordable way to do that and it is very sound. It works, as the recent endorsement from the American Society of Civil Engineers shows.

Mr. NEY. Mr. Speaker, every year, an average of 800 tornadoes sweep across the United States, resulting in 80 deaths, more than 1,500 injuries, and millions of dollars in property damage. One of nature's most powerful and violent storms, large tornadoes often record wind speeds in excess of 250 miles per hour.

Despite rapid advances in tornado warning technologies, residents of manufactured housing communities often do not have adequate access to proper shelter. Prior to this legislation, federal monies were not available for tornado shelter construction within or around manufactured housing communities.

H.R. 23, the "Tornado Shelters Act," introduced by Congressman SPENCER BACHUS, amends section 105 of the Housing and Community Development Act of 1974 by authorizing communities to use CDBG monies to construct or improve tornado-safe shelters located in manufactured housing parks.

The Community Development Block Grant (CDBG) program is generally recognized as the primary vehicle for targeted community development of cities, counties and rural areas to principally benefit low- and moderate-income persons. Grantees may use the funds for housing activities, economic development, public facilities (such as day care centers or health centers), public improvements (such as street repairs), public services (such as social programs for elderly, youth or abused), urban renewal, or planning and administration.

Shelters built under the auspices of this bill must be located in a neighborhood (including a manufactured housing park) that has twenty or more manufactured housing units, populated by persons of predominantly low- to moderate-income, and located in an area where a tornado occurred within the current or three (3) previous fiscal years. Each constructed shelter must comply with HUD's standards for construction and safety, and it must be of sufficient size to accommodate all residents of the manufactured housing park at one time.

The bill further stipulates that an operational warning siren, which ensures adequate notice of a tornado, must be located within a neighborhood where the shelter is located or within 1,500 feet of a manufactured housing park. The final provision authorizes $5 million in appropriations for FY 2004.

In light of the recent devastating tornadoes in the South and Midwest, this legislation is not only timely, but also pertinent. As many of you may know, the tornado season began in early March and continues through early summer. Mr. Bachus has often said that in the face of a tornado threat we can do two things—pray and prepare. Pray it won't happen again and prepare for the next line of twisters.

While the citizens can pray, our government and this Congress can help them prepare. I would encourage members to support this legislation and I urge its final passage.

Mr. OXLEY. Mr. Speaker, I appreciate the opportunity to support H.R. 23—"The Tornado Shelters Act," introduced by my Colleague, the Gentleman from Alabama, Mr. BACHUS.

The legislation would permit the use of CDBG (Community Development Block Grant) funds to construct or enhance tornado shelters in manufactured housing communities or for residents of manufactured housing.

Mr. Speaker, while my area of the country suffers outbreaks of tornadoes, it is far from "Tornado Alley" located in other parts of the Midwest and the Deep South. Therefore, I understand and appreciate the urgency to pass this legislation.

As many of you may know, the tornado season started in early March and usually continues through July.

In this calendar year 2003, 54 people have died from 18 tornadoes, with the two worst in Tennessee and Missouri on May 4th with 11 and 8 fatalities, respectfully.

In 2002, 55 people died from tornadoes.

The biggest outbreak of tornadoes occurred on April 3 and 4, 1974, and 147 tornadoes touching down in 13 U.S. states. The outbreak killed 310 in the U.S., 8 in Canada, with 5,454 U.S. injuries and 23 hurt in Canada. Forty-eight of the tornadoes were killers. Seven produced damage rated F5—the maximum possible—and 23 more were rated F4. This was one of only two outbreaks with over 100 confirmed tornadoes, the other being with Hurricane Beulah in 1967 (115 tornadoes).

The most destructive tornado in history was the Bridge Creek-Moore-Oklahoma City-Midwest City, OK, tornado of May 3, 1999, with over $1 billion in damage, both in absolute amount and normalized to 1999 dollars.

Community tornado shelters are excellent ideas for apartment complexes, schools, mobile home parks, factories, office complexes and other facilities where large groups of people live, work or study.

I am struck by the words of my colleague from Alabama, the site of far too many of these killer storms. Mr. BACHUS says that in the face of the tornado threat we can do two things—pray and prepare. Pray it won't happen again, and prepare for the next line of twisters.

While the citizens can pray, our government can help us prepare. This common-sense legislation would allow communities to build or improve tornado shelters in manufactured housing communities.

Mr. Speaker, I support this legislation and thank Mr. BACHUS for his leadership.

I urge passage of this legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 23, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

IMPROVING THE UNITED STATES CODE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1437) to improve the United States Code.

The Clerk read as follows:

H. R. 1437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) PURPOSE.—The purpose of this Act is to improve the United States Code by making necessary technical changes.

(b) NO SUBSTANTIVE CHANGE.—This Act makes no substantive change in existing law and may not be construed as making a substantive change in existing law.

(c) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

SEC. 2. TECHNICAL CHANGES IN PUBLIC LAW 107-217.

(a) TECHNICAL CHANGES IN SCHEDULE OF LAWS REPEALED.—The Schedule of Laws Repealed, which is contained in section 6(b) of Public Law 107–217 (116 Stat. 1304), is amended as follows:

(1) In the item related to the Act of May 29, 1920 (ch. 214, 41 Stat. 642, 654), insert "on p. 654" after "words in par. under heading 'Independent Treasury' ".

(2) In the item related to the Act of September 9, 1940 (ch. 717, 54 Stat. 873), strike "3d proviso" and substitute "last proviso".

(3) In the item related to the Act of July 5, 1952 (ch. 576, 66 Stat. 385, 400), strike ", proviso on p. 400" (in the Section column), ", 400" (in the Page column), and ", 313–2" (in the U.S. Code column) and insert, immediately below, "578" (in the Chapter or Public Law column), "101 (proviso on p. 400)" (in the Section column), "66" (in the Volume column), "400" (in the Page column), and "313–2" (in the U.S. Code column).

(4) In the item related to the Act of July 31, 1953 (ch. 299, 67 Stat. 290), strike "4th proviso" and substitute "3d proviso".

(5) In the item related to the Act of June 29, 1956 (ch. 479, 70 Stat. 447), strike "par." and substitute "proviso".

(6) In the item related to the Act of August 6, 1973 (Public Law 93–83, 87 Stat. 216), strike "2" (in the Section column) and substitute "2 'Sec. 525' ".

(7) In the item related to the Act of March 12, 2002 (Public Law 107–149, 116 Stat. 66), shift to the right one column the matter in the Section, Volume, and Page columns and insert, in the Section column, "1–13".

(8) Insert the following items:

SCHEDULE OF LAWS REPEALED

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
1935					
July 8	374	1 (matter classified to 40:26)	49	469	26
1936					
Apr. 17	233	1 (matter classified to 40:26)	49	1224	26
1942					
Sept. 9	558	1	56	750	174f
		2	56	751	174f note
		3	56	751	174g
		4	56	751	174h
		5	56	751	174i
		6	56	751	174j
		7	56	751	174f note
1943					
July 12	215	1 (matter classified to 40:435)	57	425	435
1944					
June 28	296	1 (matter classified to 40:435)	58	456	435
1945					
May 5	109	1 (matter classified to 40:435)	59	160	435
1946					
June 22	445	1 (matter classified to 40:435)	60	292	435
July 30	698	1	60	711	436
		2	60	711	437
		3	60	711	438
		4	60	712	439
1947					
July 30	358	306 (matter classified to 40:19 note)	61	584	19 note
1949					
June 30	286	201 (matter classified to 40:284)	63	373	284
1950					
May 3	152	2	64	98	440
		3	64	99	441
		4	64	100	442
		5	64	100	443
		6	64	100	444
1953					
July 30	282	108	67	231	459
1954					
July 22	560	101 (related to redesignation of former "Sec. 411" as former "Sec. 412")	68	518	298a note
		101 (related to new "Sec. 411")	68	518	356
		102	68	521	357
		103	68	521	356 note
Aug. 2	649	804	68	643	459
1955					
July 12	331	(related to redesignation of former "Sec. 412" as "Sec. 413")	69	297	298a note
		(related to new "Sec. 412")	69	297	356a
Aug. 5	568	101 (matter classified to 40:166b note)	69	515	166b note
		101 (matter classified to 40:166b–1)	69	515	166b–1
1956					
June 27	452	201 (matter classified to 40:459 note)	70	353	459 note
July 9	525	1	70	510	356
1957					
July 1	85–75	101 (matter classified to 40:166b–1)	71	251	166b–1
1961					
Aug. 10	87–130	101 (matter classified to 40:166b–1)	75	329	166b–1
1965					
Mar. 9	89–4	203			40 App.:203
		204			40 App.:204
		205			40 App.:205
1976					
Oct. 18	94–541	101	90	2505	601 note
		102	90	2505	601a
		103(1), (2)	90	2505	606
		103(3) (related to "Sec. 12(d)")	90	2506	611
		103(3) (related to "Sec. 12(e)")	90	2506	490
		103(3) (related to "Sec. 12(c)")	90	2506	611
		104	90	2506	490
1979					
Oct. 12	96–86	101(c) [H.R. 4390, title I (matter classified to 40:166a)]	93	657	166a
1990					
Nov. 5	101–509	625	104	1476	490b note
1991					
Oct. 28	102–141	604	105	868	490b note
1992					
Oct. 6	102–393	604	106	1766	490b note
1993					
Oct. 28	103–123	603	107	1259	490b note
1994					
Sept. 30	103–329	603	108	2416	490b note
1995					
Nov. 19	104–52	603	109	497	490b note
1996					
Sept. 30	104–208	101(f) [title VI, § 603]	110	3009–353	490b note
1997					
Oct. 10	105–61	603	111	1308	490b note

REVISED STATUTES

Revised Statutes Section	United States Code	
	Title	Section
355	40	255
1797	40	19
1800	40	45
1801	40	48
1802	40	54
1803	40	56
1804	40	57
1805	40	55
1807	40	46
1808	40	47
1809	40	49
1810	40	51
1811	40	52
1812	40	50
1818	40	66
1819	40	192
1830	40	102
1835	40	221
3750	40	301
3751	40	306
3752	40	305
3753	40	308
3754	40	309
3755	40	310

(b) REVIVAL OF CERTAIN PROVISIONS.—Section 6(b) of Public Law 107–217 (116 Stat. 1304) is repealed insofar as it relates to the provisions listed below, and the provisions listed below are revived to read as if section 6(b) had not been enacted:

(1) Section 1(a) of the Act of June 30, 1949 (ch. 288, 63 Stat. 377).

(2) Section 509(b) of the Department of Education Organization Act (Public Law 96–88, 93 Stat. 695).

(3) Public Law 101–427 (104 Stat. 927).

(4) Section 7306 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355, 108 Stat. 3384).

SEC. 3. TECHNICAL CHANGES IN TITLE 40, UNITED STATES CODE.

Title 40, United States Code, is amended as follows:

(1) In section 3304(b), insert ", by purchase, condemnation, donation, exchange, or otherwise," after "may acquire".

(2) In section 5107, strike "5105, 5105" and substitute "5105, 5106".

SEC. 4. CONFORMING CROSS-REFERENCES.

(a) TITLE 5.—In section 5334(a) (matter after cl. (7)) of title 5, United States Code, strike "section 106(2) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)" and substitute "section 14306(a)(2) of title 40".

(b) TITLE 10.—Title 10, United States Code, is amended as follows:

(1) In section 2194(b)(2)—

(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and

(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".

(2) In section 2225(b)(9), strike "sections 5122 and 5123 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1422, 1423)" and substitute "sections 11312 and 11313 of title 40".

(3) In section 2305a(c)(1), strike "the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.)" and substitute "chapter 11 of title 40".

(4) In section 2667(b)(5), as amended by section 3(b)(12)(B) of Public Law 107–217 (116 Stat. 1296), strike the comma appearing after "of title 40".

(5) In section 4553(d), strike "Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)," and substitute "Section 1302 of title 40".

(6) In section 7422(c)(1) (matter after cl. (D)), strike "lands' within the meaning of that Act" and substitute "land' within the meaning of those sections".

(7) In section 9781(g), as amended by section 3(b)(40)(C) of Public Law 107-217 (116 Stat. 1298)—

(A) strike "subtitle III of the Federal Property and Administrative Services Act of 1949" and substitute "title III of the Federal Property and Administrative Services Act of 1949"; and

(B) strike ". (41 U.S.C. 251 et seq.)" and substitute "(41 U.S.C. 251 et seq.).".

(c) TITLE 13.—In section 15 of title 13, United States Code, strike "; 40 U.S.C. 278a".

(d) TITLE 23.—In section 104(a)(1) of title 23, United States Code, strike "section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)" and substitute "section 14501 of title 40".

(e) THE INTERNAL REVENUE CODE OF 1986.—In section 7608(c)(1)(A)(i)(IV) of the Internal Revenue Code of 1986 (26 U.S.C. 7608(c)(1)(A)(i)(IV)), as amended by section 3(f) of Public Law 107–217 (116 Stat. 1299), strike "title 40" and substitute "title 40, United States Code".

(f) TITLE 31.—Title 31, United States Code, is amended as follows:

(1) In section 1105(g)(2)(B)(ii), as amended by section 3(h)(3) of Public Law 107–217 (116 Stat. 1299), insert "section" before "1102 of title 40".

(2) In section 9303(d)(1), as amended by section 3(h)(9)(B)(i) of Public Law 107–217 (116 Stat. 1300), strike the comma appearing after "sections 3131 and 3133 of title 40".

(g) TITLE 35.—In section 2(b)(4)(A) of title 35, United States Code, strike "the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Public Buildings Act (40 U.S.C. 601 et seq.)," and substitute "subtitle I and chapter 33 of title 40, title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.),".

(h) TITLE 36.—Section 2113 of title 36, United States Code, is amended as follows:

(1) In subsection (a)(2), strike "(40 U.S.C. 1003 note)" and substitute "(40 U.S.C. 8903 note)".

(2) In subsection (c)(1), strike "section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))" and substitute "section 8906(b) of title 40".

(3) In subsection (e), strike "section 8 of the Commemorative Works Act (40 U.S.C. 1008)" and substitute "section 8906 of title 40".

(4) In subsection (h)—

(A) strike "section 10 of the Commemorative Works Act (40 U.S.C. 1010)" and substitute "section 8903(e) of title 40"; and

(B) strike "(40 U.S.C. 1003 note)" and substitute "(40 U.S.C. 8903 note)".

(i) TITLE 38.—Title 38, United States Code, is amended as follows:

(1) In section 8162(a)(3), as amended by section 3(j)(5)(B) of Public Law 107–217 (116 Stat. 1301), strike the comma appearing after "of title 40".

(2) In section 8165(c), as amended by section 3(j)(6) of Public Law 107–217 (116 Stat. 1301), strike the comma appearing after "of title 40".

(j) TITLE 39.—Section 410(d) of title 39, United States Code, is amended as follows:

(1) In paragraph (1), strike "section 276a of title 40" and substitute "section 3142 of title 40";

(2) In paragraph (2), strike "section 276c of title 40" and substitute "section 3145 of title 40".

(k) TITLE 49.—In section 40110(d)(2) of title 49, United States Code—

(1) strike clause (G);

(2) redesignate clause (H) as clause (G); and

(3) in clause (G) as redesignated, strike "subparagraphs (A) through (G)" and substitute "subparagraphs (A) through (F)".

SEC. 5. EFFECTIVE DATE.

This Act and amendments and repeals made by this Act are effective August 21, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1437.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced H.R. 1437 on March 25, 2003, along with the ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS).

The Office of Law Revision Counsel of the House of Representatives has prepared this bill and submitted it to the Committee on the Judiciary under Section 285(b) of Title 2, United States Code. Pursuant to Rule X of the House of Representatives, the Committee on the Judiciary maintains jurisdiction over the revision codification of statutes of the United States.

Last year, the House passed by voice vote H.R. 2068 which codified, without substantive change, certain general and permanent laws relating to Public Buildings, Property, and Works of Title 40 of the United States Code.

After Senate passage, H.R. 2068 was signed into law as Public Law 107–217 on August 21, 2002. H.R. 1437 makes necessary technical and conforming changes to Public Law 107–217 and Title 40 of the United States Code, and it does not change the substance of the existing law.

I am not aware of any controversy with respect to this bill, and I would encourage all Members to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note that H.R. 1437 does indeed, as the chairman has indicated, make technical corrections to the United States Code that were suggested by the Office of Law Revision Counsel. None of the changes are substantive. No one on the Committee on the Judiciary on either side of the aisle had any objections to this bill. I support the legislation and would urge its swift passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1437.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDING THE PROTECT ACT TO CLARIFY CERTAIN VOLUNTEER LIABILITY

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1280) to amend the PROTECT Act to clarify certain volunteer liability.

The Clerk read as follows:

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE PROTECT ACT.

Section 108 of the PROTECT ACT (Public Law 108–21) is amended by adding at the end the following:

"(e) LIMITATION ON LIABILITY.—In connection with the Pilot Programs established under this section, in reliance upon the fitness criteria established under section 108(a)(3)(G)(i), and except upon proof of actual malice or intentional misconduct, the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of the Center shall not be liable in any civil action for damages—

"(1) arising from any act or communication by the Center, the director, officer, employee, or agent that results in or contributes to a decision that an individual is unfit to serve as a volunteer for any volunteer organization;

"(2) alleging harm arising from a decision based on the information in an individual's criminal history record that an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent is furnished with an individual's criminal history records which they know to be inaccurate or incomplete, or which they know reflect a lesser crime than that for which the individual was arrested; and

"(3) alleging harm arising from a decision that, based on the absence of criminal history information, an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent knows that criminal history records exist and have not been furnished as required under this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1280.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the House passed S. 151, the PROTECT Act, which was signed into law by President Bush on April 30, 2003, we directed the Attorney General to establish a pilot program to perform background checks on individuals that volunteered to work with children.

The pilot project, among other things, requires the National Center for Missing and Exploited Children to act as a liaison between several volunteer organizations that work with children in the FBI. Under the pilot project, the Center will receive from the FBI background check information on individuals seeking to volunteer with children and make a determination as to the suitability of those individuals for volunteer organizations.

This legislation seeks to correct an oversight in that pilot project, which is scheduled to begin next week, a week from tomorrow on July 29, 2003. This legislation clarifies the Center's liability in connection with the pilot program in three specific situations and protects the Center from lawsuits in any one of three different situations except in cases where there is intentional misconduct or actions taken with actual malice.

First, the bill stipulates that the Center shall not be held liable for any act or communication that results in a decision that an individual is unfit to serve as a volunteer for any volunteer organization. The purpose of this program is to keep individuals who are potentially dangerous away from our children, and it needs to be clear that the Center will not be sued as a result of making this determination.

Second, this legislation also addresses the unfortunate situation where an individual with a criminal history may be cleared by the Center due to inaccurate or incomplete records and subsequently commits a crime in their capacity as a volunteer.

The hope is that this program will be 100 percent successful in keeping criminals away from our children. However, we must also acknowledge that the effectiveness of these background checks are predicated on the accuracy and completeness of the records the FBI relies upon. Unless the Center willfully ignores information indicating that an individual might be a potential danger, they should not be responsible for subsequent crimes committed by that individual.

The third and final section of this bill addresses the situation where a decision is made to clear an individual based on the absence of criminal history information. In this case, were the individual to subsequently commit a crime, the Center would be protected unless they knew that criminal history records existed and have not been furnished.

I urge my colleagues to expeditiously vote in favor of this legislation to ensure the smooth operation of this pilot project and the protection of the National Center for Missing and Exploited Children, and would point out that unless this bill is enacted into law by a week from Tuesday, the pilot project will be delayed.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a technical amendment, it seems to me, to the PROTECT Act signed into law, as the chairman said, on April 30, and it merely clarifies the legal liability of the National Center for Missing and Exploited Children when it conducts background checks on volunteers that work with children.

The PROTECT Act, which I and 400 other Members of the House supported, creates this pilot project which the chairman has described; and the National Center for Missing and Exploited Children has been selected to conduct these checks on volunteers who work with children.

I think it is important that the pilot program will provide safeguards that ensure the volunteer consents to the background check and allows the volunteer to correct erroneous information in the criminal history database because we want accurate information and that is part of accuracy. But we also need to establish clear criteria for the circumstances in which an individual could be deemed unfit to volunteer to work with children.

This amendment simply clarifies that absent proof of knowing malicious or intentional conduct, the National Center for Missing and Exploited Children and its employees will not be liable for the actions they take in conducting these background checks in deciding whether an individual is fit to volunteer to work with children.

The other body passed this bill by unanimous consent, and I believe this is a noncontroversial bill. I support the bill.

Since this is a pilot project, we will know in 18 months' time how things have worked, and we will have an opportunity to make further adjustments should they be warranted. I think it is important that we all support this act today so that we do not disrupt the beginning of the pilot project.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1280.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1430

POSTMASTERS EQUITY ACT OF 2003

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2249) to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies, schedules, and programs of the United States Postal Service, and for other purposes.

The Clerk read as follows:

H.R. 2249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Postmasters Equity Act of 2003".

SEC. 2. POSTMASTERS AND POSTMASTERS' ORGANIZATIONS.

(a) PERCENTAGE REPRESENTATION REQUIREMENT.—The second sentence of section 1004(b) of title 39, United States Code, is amended—

(1) by inserting "that an organization (other than an organization representing supervisors) represents at least 20 percent of postmasters," after "majority of supervisors,"; and

(2) by striking "supervisors)" and inserting "supervisors or postmasters)".

(b) CONSULTATION AND OTHER RIGHTS.—Section 1004 of title 39, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

"(h)(1) In order to ensure that postmasters and postmasters' organizations are afforded the same rights under this section as are afforded to supervisors and the supervisors' organization, subsections (c) through (g) shall be applied with respect to postmasters and postmasters' organizations—

"(A) by substituting 'postmasters' organization' for 'supervisors' organization' each place it appears; and

"(B) if 2 or more postmasters' organizations exist, by treating such organizations as if they constituted a single organization, in accordance with such arrangements as such organizations shall mutually agree to.

"(2) If 2 or more postmasters' organizations exist, such organizations shall, in the case of any factfinding panel convened at the request of such organizations (in accordance with paragraph (1)(B)), be jointly and severally liable for the cost of such panel, apart from the portion to be borne by the Postal Service (as determined under subsection (f)(4)).".

(c) DEFINITIONS.—Subsection (i) of section 1004 of title 39, United States Code (as so redesignated by subsection (b)(1)) is amended—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (2) the following:

"(3) 'postmaster' means an individual who is the manager in charge of the operations of a post office, with or without the assistance of subordinate managers or supervisors;

"(4) 'postmasters' organization' means an organization recognized by the Postal Service under subsection (b) as representing at least 20 percent of postmasters; and

"(5) 'members of the postmasters' organization' shall be considered to mean employees of the Postal Service who are recognized under an agreement—

"(A) between the Postal Service and the postmasters' organization as represented by the organization; or

"(B) in the circumstance described in subsection (h)(1)(B), between the Postal Service and the postmasters' organizations (acting in concert) as represented by either or any of the postmasters' organizations involved.".

(d) THRIFT ADVISORY COUNCIL NOT TO BE AFFECTED.—For purposes of section 8473(b)(4) of title 5, United States Code—

(1) each of the 2 or more organizations referred to in section 1004(h)(1)(B) of title 39, United States Code (as amended by subsection (b)) shall be treated as a separate organization; and

(2) any determination of the number of individuals represented by each of those respective organizations shall be made in a manner consistent with the purposes of this subsection.

SEC. 3. EFFECTIVE DATE.

The amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2249, the Postmasters Equity Act, was introduced by my colleague, the gentleman from New York (Mr. MCHUGH). The gentleman chairs the Committee on Government Reform's Special Panel on Postal Reform and Oversight and has been a leader in Congress on postal issues. I am proud to support this legislation along with the members of this special panel, as well as the chairman and ranking member of the full committee, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. WAXMAN).

Mr. Speaker, H.R. 2249 affords postmasters the same options given to postal supervisors when negotiating pay and benefits with the U.S. Postal Service. This bill would extend to postmasters and nonunion postal employees the fact-finding procedures already established under current law for postal supervisors. The fact-finding process allows for an unbiased review of issues in dispute during negotiations, as well as the ability to issue nonbinding recommendations to resolve those issues. Currently, without this right, postmasters lack any form of recourse when pay talks under the consultation process fail.

Mr. Speaker, this bill is a matter of fairness. Postmasters deserve the same option available to postal supervisors, and the bill would produce an improved and fair consultation process. Frankly, I think it is a change most of us feel is long overdue.

The Committee on Government Reform believes adding a fact-finding option to the consultation process for postmasters will help strengthen their role in improving the quality of mail service for postal patrons and also in managing local post offices. Their role has been eroded over the years, especially for postmasters at small- and medium-sized post offices who serve as front line managers.

The Nation's two postmasters' organizations, the National League of Postmasters and the National Association of Postmasters of the United States, support this legislation.

The Postal Service Reorganization Act of 1970 created a consultative process for postmasters and other nonunion postal employees to negotiate pay and benefits but did not include postmasters in a fact-finding process subsequently provided to other management. Postmasters are often the heart and soul of the community. In many cases, they are the community's only link to the Federal Government.

Mr. Speaker, it is important that we do what we can to support their work in the 38,000 post offices across the country. I am pleased that the House is considering this bill today.

Therefore, Mr. Speaker, I commend the gentleman from New York for introducing H.R. 2249 and urge its passage, and I would also obviously commend the gentlewoman from the District of Columbia (Ms. NORTON), who is a very active person on issues dealing with labor and management issues.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my good friend, the gentleman from Connecticut (Mr. SHAYS), for the work he has done on this bipartisan bill. It is an important and good bill that encourages the kinds of problem-solving and labor management relations that I am sure the whole House would want to embrace.

H.R. 2249 was introduced on May 22, 2003, by the gentleman from New York (Mr. MCHUGH) and the gentleman from Illinois (Mr. DAVIS). This measure would amend chapter 10 of title 39, U.S.C., to include postmasters and postmasters; organizations in the process for the development and planning of pay policies and benefits.

H.R. 2249 is cosponsored by the entire Committee on Government Reform Special Panel on Postal Reform and Oversight. On June 17, the Senate Government Affairs Committee unanimously approved S. 678, the Postmasters Equity Act of 2003, and on June 19, the House Committee on Government Reform reported H.R. 2249 out of committee on a voice vote.

During the 96th Congress, President Carter signed into law legislation creating a fact-finding process for resolving disputes over pay and benefits and to make recommendations to the postal service. It did not provide for arbitration of the disputes and the recommendations were not binding on the Postmaster General. However, the law only applied to postal supervisors, not postmasters.

H.R. 2249 would extend to the postmasters the option of a fact-finding panel to make nonbinding recommendations to the postal service. Currently, when pay and benefit discussions between the postal service and postmasters fail, postmasters have no recourse and have to accept what is offered by the postal service. Passage of H.R. 2249 would bring consistency in the manner by which two categories of postal managers negotiate with the postal service over pay and benefits.

Mr. Speaker, I urge swift adoption of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the bill, H.R. 2249.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THERE SHOULD BE ESTABLISHED A NATIONAL COMMUNITY HEALTH CENTER WEEK

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 240) expressing the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

The Clerk read as follows:

H. RES. 240

Whereas community, migrant, public housing, and homeless health centers are nonprofit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 such health centers serving 13,000,000 people at more than 4,000 health delivery sites, spanning urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such health centers have provided cost-effective, high-quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system, meeting escalating health needs, and reducing health disparities;

Whereas these health centers provide care to 1 of every 5 low-income babies born in America, 1 of every 8 uninsured individuals, 1 of every 9 Medicaid beneficiaries, 1 of every 9 people of color, and 1 of every 10 rural Americans, and these Americans would otherwise lack access to health care;

Whereas these health centers and other innovative programs in primary and preventive care reach out to almost 750,000 homeless persons and nearly 850,000 farmworkers;

Whereas these health centers make health care responsive and cost effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers increase the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers, infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money empowering communities to find partners and resources and to recruit doctors and needed health professionals;

Whereas Federal grants on average contribute 25 percent of such a health center's budget, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job;

Whereas these health centers engage citizen participation and provide jobs for 60,000 community residents; and

Whereas the establishment of a National Community Health Center Week for the week beginning on August 10, 2003, would raise awareness of the health services provided by these health centers: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers; and

(2) the President should issue a proclamation calling on the people of the United States and interested organizations to observe such a week with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 240, introduced by my distinguished colleague, the gentleman from Illinois (Mr. DAVIS), commends the invaluable work of community health centers across the country.

As the text of this resolution states, there are over 1,000 health centers in the U.S. that provide outstanding health-related services to primarily low-income individuals. The vast majority of these care centers welcome all patients, regardless of their health coverage or ability to pay. Patients pay what they can afford at these facilities, and virtually no one in need is ever turned away. Those who seek help receive first-rate care at a fraction of the standard cost.

In addition to patient fees, community health centers are supported by Federal grants and contributions from State and local governments, Medicare, and private interests.

On behalf of the House, I want to join with the gentleman from Illinois and the gentlewoman from the District of Columbia (Ms. NORTON) in praising the compassionate work of the thousands of employees and volunteers at community health centers across our great Nation. These care givers help so many, and this resolution intends to recognize their selfless efforts.

In addition, I hope the House's consideration of House Resolution 240 today will raise awareness of the services provided by the community health centers to all Americans who seek high-quality health care.

Therefore, Mr. Speaker, I commend the gentleman from Illinois for introducing House Resolution 240. I urge all Members to support its adoption.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join my good friend, the gentleman from Connecticut (Mr. SHAYS), in speaking strongly for this measure introduced by the gentleman from Illinois (Mr. DAVIS).

As we have discussed prescription drugs for our seniors on the House floor, some of the main points of discussion have been issues like affordability, accessibility, and who is being served. Just as the bill that was passed last Congress and this Congress, there will be individuals who cannot afford their prescriptions or some who will not have access to them. Fortunately, I know that there are community health centers available throughout the Nation to help those in need or who become displaced by health care legislation.

Community health centers have been the safety net within the health care system, caring for one out of every five low-income babies born in America; one out of every eight uninsured individuals; one out of every nine Medicaid beneficiaries; one out of every nine persons of color; one out of every 10 rural Americans; almost 750,000 homeless; and nearly 850,000 farm workers. Community health centers are established in almost every corner of our Nation representing every aspect of every congressional district, whether it be assisting the working poor and the inner city or in the rural farm land, migrant workers, or even those who have insurance but do not have access to any other health care facilities.

By establishing a week to raise awareness of community health centers, we will also be highlighting each year the great accomplishments of these nonprofit, community-owned and -operated health providers. With recent numbers indicating that the Nation's uninsured population is even higher than we once thought, a startling 60 million, if our Nation will not realize the need for universal health care, we need to at least realize the importance and the need to better fund our community health centers.

In addition, health centers provide approximately 60,000 jobs to the residents in the communities of the centers.

Mr. Speaker, community health centers are the safety net that is committed to serving all individuals with the mission that everyone deserves quality health care service regardless of where one resides. Even if the person can pay or has insurance, these centers are available. They are vital in ensuring that America's forgotten are being kept healthy.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

I have no further speakers, but I would like to make a few additional comments.

I strongly support community health centers, and I have always been impressed with the work performed by these centers and have found it very effective for us to support increasing the resources available to them. These centers have made wonderful contributions to the urban areas in, for instance, Connecticut's Fourth Congressional District, which I represent.

The care they provide is as good or better than care many patients with more comprehensive coverage receive. These community health centers served over 12 million people in the United States in 2001, 66 percent of whom lived below the poverty level and approximately 5 million of whom lack any health insurance.

There are over 3,000 centers in rural and urban communities throughout the country which provide quality, cost-effective primary and preventative care for low-income, uninsured and underinsured patients. By preventing costly hospitalizations and less frequent use of emergency care for routine services, it is estimated health centers save the health care delivery system over $6 billion annually in reduced use of costly hospital emergency room, specialty, and inpatient care.

Last year, Congress, and I think this is very important, reauthorized the community health center program. The legislation we passed aimed to add another 1,200 new and expanded centers over the next 5 years and doubled the number of patients who receive care in these clinics. This directly addresses the challenge of providing health insurance to the 41 million Americans who lack it, allowing the program to serve approximately one-fourth of that number, 10 million uninsured people.

So by passing H.R. 2660, the fiscal year 2004 Labor-Health and Human Services-Education Appropriations Act 2 weeks ago, Congress continued working towards the program's doubling.

Mr. BEREUTER. Mr. Speaker, this Member wishes to add his strong support for H. Res. 240, expressing the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

This Member would like to commend the distinguished gentleman from Virginia (Mr. TOM DAVIS), the Chairman of the House Government Reform Committee, and the distinguished gentleman from California (Mr. WAXMAN), the ranking member of the House Government Reform Committee, for bringing this important resolution to the House Floor today. This Member would also like to commend the distinguished gentleman from Illinois (Mr. DAVIS) for sponsoring H. Res. 240 and for his personal interest in protecting and strengthening access to health care services for all under-served Americans.

On June 18, 2003, the U.S. Department of Health and Human Services notified this Member that the Peoples' Health Center of Lincoln, Nebraska, has been awarded a $650,000 grant to establish a Federally Qualified Community Health Center. This will be the first Community Health Center in the First Congressional District of Nebraska.

This Member's congressional district has not had a Community Health Center for far too long and I believe one is essential as residents of this locality are in great need of access to comprehensive preventive and primary health care services.

This Member and his staff have been working for more than one year with the Peoples' Health Center Steering Committee to obtain funding for the Community Health Center, which will serve a significant number of residents of Lincoln and Lancaster County. This Member requested support for the Health Center from the Health Resources and Services Administration and subsequently testified before the Labor, Health and Human Services, and Education Appropriations Subcommittee to express his strong support for an appropriation of $830,000 to support the construction of the Peoples' Health Center.

Construction of the Peoples' Health Center will take place in two phases: Phase I (a west building) and Phase II (an east building). Phase I is being funded entirely with local funds. The funding this Member requested from the Subcommittee would be used for Phase II which will allow for the construction of an 8,300 square foot building which will be attached to the current Phase I building. Three dental operatories and expanded dental staff areas will be included in Phase II of the building. Space for a small radiology room, expanded offices for mental health and substance abuse counselors, as well as expanded conference and training space for health education and promotion is also planned for the Phase II building. Expanded medical services will be provided by moving existing administrative staff from the Phase I building into the Phase II building. This will result in approximately 2,500 new dental patients, 1,800 new behavioral health patients, and 2,500 primary medical patients.

The People's Health Center would not have happened without the leadership of the Lincoln-Lancaster County Health Department under the direction of Mr. Bruce Dart. Mrs. Judy Halstead, of the Lincoln-Lancaster County Health Department, has been instrumental in leading the 'Peoples' Health Center Steering Committee. Additionally, Ms. Charlotte Liggett from St. Elizabeth Regional Medical Center and Mr. Brad Sher of BryanLGH HealthSystem have served on the Peoples' Health Center Executive Committee and helped secure the significant hospital contributions for the Health Center. Numerous other individuals and organizations spent a significant amount of time and energy on the project. This Member commends all involved in the project for their extraordinary efforts and dedication to providing uninsured and underinsured with access to health care services.

This Member has met with the Steering Committee several times in the past year to discuss their plans. Certain members of the Steering Committee also visited his Washington office to show him the plans, and accompanied this Member's staff to an urban Community Health Center in Washington, DC. Mr. Craig Kennedy and Ms. Lisa Cox of the National Association of Community Health Centers were most helpful in planning this visit. A staff member of this Member's Washington, DC. office, Ms. Michelle Spence, has played a very important role in assisting the Lincoln effort and in promoting their case successfully within the Federal agency, and this Member commends her for her outstanding effort.

The Peoples' Health Center will be built on 27th and Y streets in Lincoln. The buildings that existed on that land have been demolished and a shell for the health center currently exists. Construction and dry walling has just begun. It is expected that the Health Center will open on September 30, 2003.

The proposed target population will include approximately 47,000 Lincoln and Lancaster County residents, including more than 50 percent with incomes below 200 percent of the Federal poverty level, 36 percent uninsured, and 24 percent minority residents. It is anticipated that the patients using the health center will include 40 percent Medicaid eligible, 40 percent uninsured/sliding fee, 10 percent Medicare, and 10 percent other third party pay.

The resolution before us today expresses the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers; and the President should issue a proclamation calling on the people of the United States and interested organizations to observe such a week with appropriate programs and activities.

It is this Member's hope that the establishment of the Peoples' Health Center of Lincoln will raise awareness of the Health Centers program to Nebraska residents and that this Center would participate in National Community Health Center Week if one were established.

Mr. Speaker, in closing, this Member urges his colleagues to support H. Res. 240.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 240 to establish a National Community Health Center Week. I am pleased that we take this time to acknowledge the important services offered by community, migrant, public housing, and homeless community health centers.

At a time when over 40 million Americans lack access to comprehensive health care, community health centers across the country are left to fill the growing void in health service provision. The existing gap in health coverage has placed considerable demands on local health centers to extend health coverage far beyond their financial and logistical means. Unfortunately, the other party's tax cuts have continued to hurt the funding of these health centers and their ability to extend services.

These health centers have made patient care their highest priority and are therefore dedicated to providing affordable care without sacrificing the quality of health services. Community health centers generally provide comprehensive primary health care for adults, children, and families, living in both rural and urban areas. The centers serve those who experience financial, geographic, and/or cultural barriers to care. Migrant health facilities attempt to offer a broad range of health services to migrant and seasonal farm workers and their dependents. Public housing centers offer preventative and primary health care services to improve the status of residents in the public housing system. Homeless health centers provide outreach and case management services, along with medical, dental, mental health, and substance abuse counseling and treatment to homeless individuals. These local and community health centers work tirelessly to ensure patient satisfaction through vigilant awareness of community and patient needs and full utilization of community partnerships and resources.

Community health centers across the country are not only to be commended for the quality of the services they provide but for their willingness to operate in under-served communities. In such communities, resources are often limited and staff responsibilities often exceed realistic expectations. For instance, those who work in health centers for the homeless, in addition to providing a haven for persons without residence, are likely to fill the role of substance abuse counselors and mental health support workers for this marginalized population. Community health providers wear these multiple hats not because they have been told to do so, but because they in fact recognize the multiple burdens that plague many of our low-income populations.

Millions of Americans rely on the services provided in our local health centers. Therefore, it is critical that we not forget the immense work being done on the ground to secure the health and well being of the poor and underserved in our districts. It is for this reason that I am an ardent supporter for the establishment of a National Community Health Center Week. I urge my colleagues to also extend their support for H. Res. 240 on behalf of the courageous, civic-minded work being done in our local communities. Thank you, Mr. Speaker.

Mr. SHAYS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and agree to the resolution, H. Res. 240.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING 10 COMMUNITIES SELECTED TO RECEIVE 2003 ALL-AMERICA CITY AWARD

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 230) honoring the 10 communities selected to receive the 2003 All-America City Award.

The Clerk read as follows:

H. CON. RES. 230

Whereas the All-America City award is the oldest and most respected community recognition program in the Nation;

Whereas for 54 years the National Civic League has encouraged and recognized civic excellence by honoring communities of all sizes where business, citizens, voluntary organizations, and governments work together to address critical issues;

Whereas the All-America City Award recognizes exemplary grassroots community-oriented problem-solving, and is given to communities that confront challenges and achieve results cooperatively; and

Whereas more than 4000 communities have competed and nearly 500 communities have been named All-America Cities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress honors the cities of Laurinburg, North Carolina; Tempe, Arizona; New Haven, Connecticut; Miami Beach, Florida; Des Moines, Iowa; Marquette County, Michigan; Wilson, North Carolina; South Sioux City, Nebraska; Corpus Christi, Texas; and the Greater Racine Area, Wisconsin, on receiving the National Civic League 2003 All-America City Award.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

☐ 1445

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. WHITFIELD). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 230, introduced by my distinguished colleague, the gentleman from the State of North Carolina (Mr. HAYES), honors the great All-American communities of Laurinburg, North Carolina; Tempe, Arizona; New Haven, Connecticut; Miami Beach, Florida; Des Moines, Iowa; Marquette County, Michigan; Wilson, North Carolina; South Sioux City, Nebraska; Corpus Christi, Texas; and the Greater Racine Area of Wisconsin. These 10 cities earned the 2003 All-American City Award. This award is given every year by the National Civic League.

Established in 1894, the National Civic League is the Nation's oldest community advocacy organization. And, in fact, the All-American City Award is the oldest community recognition award in the U.S. For 53 years, this honor has recognized cities whose citizens are the most cooperative and involved in identifying and addressing community-wide challenges in their area.

Ten cities are chosen each year, and this year's honorees are very deserving. Each of these 10 cities has demonstrated, among other qualities, effective local government, an outstanding philanthropic and volunteer base, intercommunity cooperation, and strong citizen relations.

Therefore, Mr. Speaker, I commend Laurinburg, Tempe, New Haven, Miami Beach, Des Moines, Marquette County, Wilson, South Sioux City, Corpus Christi, and the Greater Racine Area for their awards, and the gentleman from North Carolina for introducing House Concurrent Resolution 230.

I urge all Members to support its adoption.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the All-American City Award, a 53-year-old program of the National Civic League recognizing civic excellence, annually honors 10 communities that best exemplify the spirit of grass-root citizen involvement and cross-sector collaboration on problem solving. Since the program began in 1949, more than 4,000 communities have competed and nearly 5,000 communities have been named All-American cities.

The recipients of this area's awards, which range from Anchorage, Alaska, to Elgin, Illinois, to Hampton, Virginia, symbolize the backbone of our Nation, the ability of citizens, government, business, and the nonprofit sector to come together and effectively address their local issues and produce tangible results.

The first recipients of the awards were often those that demonstrated local government reform and efficiency, as well as improvements in the city's infrastructure, including housing, public works, and education.

More recently, the focus has shifted to broader community initiatives, such as economic development, health and social service projects and efforts to improve race relations.

I commend all 10 recipients of this year's All-American City Award for working tirelessly to make this country a better place to work and live.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, this Member is pleased to rise today as an original cosponsor in strong support of H. Con. Res. 230, a resolution honoring the 10 U.S. communities selected to receive the All-America City Award. This Member is proud to note that South Sioux City, which is located in the First Congressional District of Nebraska, received this impressive designation.

South Sioux City is located on the banks of the Missouri River in northeast Nebraska. It is the home of many recent immigrants and refugees in addition to a population that has been there 4, 5, or 6 generations. It is a growing community with a population of almost 12,000, which is a 23 percent increase over the last census. It is part of the Sioux City metropolitan area, otherwise known as Siouxland, which is well known here on Capitol Hill for the annual steak dinner they host for all Members. They have been doing that for some 20 or 30 years.

South Sioux City has many accomplishments. Some interesting things the city has done recently include guaranteeing that all fifth through eighth grade students have a home computer; creating a youth council aimed at building youth leaders; creating a county-wide economic development committee; constructing a 15-field soccer complex that is very popular with their Hispanic American population, of course; and building the world's first ecopath using recyclables versus aggregate surfaces.

All of the citizens of South Sioux City are to be congratulated on this designation. The mayor, William McClarty; the city administrator, Lance Headquist, who always has a new effort for us to support; other city and school district employees, the chamber of commerce and many others played a role in this achievement. South Sioux City is a progressive community. It has had problems but, it has always tackled them straight on and been successful. I am very pleased that they have cooperated so well cross-culturally in their achievements. The leadership of South Sioux City is very proactive and skilled in pursuing opportunities for the city. As a result, they have been very successful.

Mr. Speaker, in closing I want to thank the gentleman from North Carolina (Mr. HAYES) for his initiative in bringing this resolution to the floor. With respect to the community that is in my district, I know that they are not going to rest on their laurels; they will continue to grow and excel in the future.

This Member urges his colleagues to vote "aye" on H. Con. Res. 230.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise today to honor the people of Laurinburg, North Carolina, and the other nine recipients of the 2003 All-America City award. It has been my honor to represent the people of Laurinburg since I was first elected to represent the Eighth Congressional District of North Carolina. Through this role, I have been fortunate to forge many personal and close relationships with these folks and witness firsthand why they are a worthy recipient of this award. This really is an honor for me to be able to sponsor this legislation today. Through their hard work, the rest of America is getting to see the positive spirit of accomplishment that I have been able to witness over the years. The All-America City Award is a 54-year-old program sponsored by the National Civic League that recognizes civic excellence. The award is given annually to 10 communities that exemplify and display a positive spirit of grassroots involvement and collaborative problem-solving in an effort to better their community.

These communities that we recognize today exhibit the American spirit of hard work and cooperation as they seek to identify and meet community-wide challenges. Laurinburg is a community where citizens, businesses, schools, volunteers, and government officials work together to address these issues that are vitally important to their citizens. Laurinburg can and should take pride in the fact that they have been recognized by this national organization for their hard work. Truly, Laurinburg is a great example for other communities to emulate; and they seek to step up to the many challenges that face all communities, large or small.

In June of this year, the good people of Laurinburg sent over 100 delegates here to Washington, D.C., to participate in their All-America City finals presentation. The presentation included a bagpiper. Perhaps I should note here that Laurinburg can be found in Scotland County in North Carolina and is home to the Fighting Scots. They also brought a marching band and a group of their citizens who had crafted a fine production designed to showcase our shared feeling of community pride.

To get that far, Laurinburg representatives had first submitted a detailed application highlighting the city's three most pressing challenges: access to quality health care, affordable housing, and youth programs. The community is addressing these needs through Scotland County Memorial Hospital's mobile health unit, Habitat for Humanity's Providence Place Community, and the Youth Center Task Force, and many other efforts.

I am pleased to represent such a fine community where the citizens come together and work together to solve problems at a local level rather than waiting on someone else to fix things.

A wise man once said there are three types of people in this world, those who watch what happens, those who wonder what happened, and those who make things happen. Rest assured, the people of Laurinburg, North Carolina, are the type of people who make good things happen. It is my honor to represent these good people. It is my privilege to sponsor this legislation honoring the 2003 recipients of the All-America City Award.

Mr. STUPAK. Mr. Speaker, I would like to commend all 10 recipients of the 2003 All-America City Award, and Representative HAYES for bringing forth this resolution in their honor. I am especially supportive of this resolution because one of the honored recipients, Marquette County, Michigan, hails from my district of northern Michigan, lying on the southern shore of Lake Superior in Michigan's Upper Peninsula.

On June 14, 2003, Marquette County was selected as one of 10 communities in the United States to receive an All-America City designation from the National Civic League at a ceremony in Washington, DC.

I was privileged recently to personally congratulate the citizens of Marquette County for this achievement when I visited there on the 4th of July at the International Food Fest. This festival is yet another example of the diverse and worthy activities in which Marquette County excels.

The National Civic League has been recognizing civic excellence for 53 years and evaluates how well a community exemplifies grass roots citizens involvement and cross-sector problem solving requiring collaboration among citizens, government, business and nonprofit organizations.

Marquette County was one of 30 candidates who sent hundreds of delegates to Washington to compete in hearings before 10 All-American City judges. The 40 delegates from Marquette presented vignettes of cultural life in current day Marquette and Marquette history, serenaded the judges, and wholly impressed the judges with their civic spirit.

The judges of this competition noted the Marquette County's presentation contained more substance then hype, according to Marquette Mining Journal managing editor David Edwards. They cited programs such as the Marquette Medical Care Access Coalition and Juvenile restorative justice efforts in announcing their decision.

Marquette's efforts were spearheaded by the Lake Superior Community Partnership, whose chairman, Monsignor Louis Cappo, accepted the award in front of a cheering crowd.

This award shows how strong Marquette County's civic spirit is, and this resolution recognizes that excellence of achievement. The true measure of community is not necessarily coffee bars, good restaurants and well lit streets, although Marquette has all of these. Nor is it natural beauty and a close connection between people and their environment, although Marquette has that in huge measure.

Rather, the best example of true community is shown by Marquette County's programs that help people live happy, productive and engaged lives, supported by and supporting their neighbors. Marquette County's richness in these efforts made it possible for this small, thinly populated piece of God's Country to be named an All-America City in its very first attempt

I am pleased to be a co-sponsor of this resolution, and join my colleagues in congratulating Marquette County and all ten of the All-America Cities for their efforts and successes. It is a small token of recognition for a very large effort. All of Marquette County should be proud.

I certainly am. I ask that my House colleagues join me in extending congratulations to Marquette County, and the nine other All-America Cities. Each city, each county, each community, helping each citizen, each individual effort taken as a whole, is what makes American great!

Mr. ORTIZ. Mr. Speaker, I rise in support of H. Con. Res. 230, commending the cities chosen as All America Cities; and I thank my friend, ROBIN HAYES of North Carolina, for introducing the resolution to officially commend the winners of this competition in the House of Representatives.

I join my colleagues in commending the City of Corpus Christi and other winners for the recent accomplishment of being recognized by the National Civic League as an All-America City. As a resident of Corpus Christi, I can wholeheartedly endorse the concept that Corpus Christ represents all the best in an American city.

Corpus Christi is a place where the pace is easy and the people are the best there is. It is peaceful and beautiful with beaches, military bases, and a vibrant business community.

Corpus Christi's presentation included our Juvenile Assessment Center (an organization that helps decrease juvenile crime), Forward Corpus Christi (an economic development organization), the Air Quality Group (Corpus Christi is the only major city in Texas to meet state and federal air quality standards), and a local Junior ROTC team.

One of the central components of our community is our military complex. We often say South Texas is "Navy Country." Four separate bases are incorporated in the Corpus Christi area: an army base and three naval bases. The military presence in the area contributes 20 percent to our local economy.

Corpus Christi conveyed this pride in our military, and demonstrated the importance of our military community, by incorporating the nationally recognized efforts of the Flour Bluff Navy Jr. ROTC into the presentation.

It was the solemn and excellent presentation of the Jr. ROTC, which has won seven national titles for excellence, and which led the way for the city to win the recognition by the National Civil League as an All-America City. Corpus Christi is the only city in Texas to receive this distinct honor this year.

Mr. Speaker, I ask my colleagues to join me and the other co-sponsors of this resolution, all of whom are proud to live in an All-America City, in commending Corpus Christi and the other nine cities honored by the National Civic League.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 230.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was passed.

A motion to reconsider was laid on the table.

WILLIAM J. SCHERLE POST OFFICE BUILDING

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1399) to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building."

The Clerk read as follows:

S. 1399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WILLIAM J. SCHERLE POST OFFICE BUILDING.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, and known as the Glenwood Main Office, shall be known and designated as the "William J. Scherle Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the William J. Scherle Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1399, introduced by the esteemed gentleman from Iowa, Senator HARKIN, redesignates the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the William J. Scherle Post Office Building.

Mr. Speaker, Congressman Bill Scherle of Iowa has lived a life that is worthy of commemoration by this House. He served four terms as a representative of the people of Iowa in this body, from 1967 to 1975, and prior to that he was a member of the Iowa State legislature for 6 years.

One of Congressman Scherle's most remarkable contributions in office was his determined work in freeing the crew of the USS *Pueblo*, which was captured by North Korea in January 1968. The North Koreans imprisoned and brutally tortured the members of the crew, and Congressman Scherle was the most outspoken leader in Congress on the crisis. Eventually, due largely to his leadership, all but one member of the crew, Richard Benden, was released and returned safely home.

In addition, Congressman Scherle took particular interest in rural issues, which were most important to his district's constituents. He was a farmer himself, as well as a businessman, which seems somewhat redundant because farmers have to be businessmen as well. But in addition to being a farmer/businessman, he was a businessman and a Republican Party official in his State prior to becoming an elected official.

Now retired, Congressman Scherle continues to live with his beloved wife, Jane, on their farm outside of Henderson, Iowa. I understand he enjoys spending as much time as he can with his six grandchildren.

I think it is pretty special, as well, that the Senator from Iowa has introduced this bill because he ran two House races against Bill Scherle. The first match-up in 1972 was won by Congressman Scherle, and the second time around, in 1974, the Senator from Iowa was victorious. The two have since become good friends, and after running two campaigns against each other, I think that is a refreshing commentary on both these dedicated public officials and the process.

I also want to recognize the gentleman from Iowa (Mr. KING) for his work on H.R. 2558, a virtually identical piece of legislation introduced here in the House. I know he worked alongside the Senator from Iowa to recognize Bill Scherle in the Congress, and I commend him for his efforts as well.

Therefore, Mr. Speaker, I commend the Senator from Iowa for introducing S. 1399 that honors W.J. Scherle, as well as commending the gentleman from Iowa (Mr. KING). I urge all Members to support its passage.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 1399, a bill that would name a U.S. postal facility after W.J. Scherle. S. 1399 was introduced by Senator TOM HARKIN of Iowa on July 14, 2003, and passed unanimously by the Senate on July 17, 2003.

S. 1399 would name the Glenwood, Iowa, Post Office after W.J. Scherle, a former Member of Congress. Congressman Scherle was first elected to represent Iowa's Seventh Congressional District in 1967. After redistricting, Representative Scherle represented the Fifth Congressional District until 1974.

During his tenure in Congress, Representative Scherle served on the Committees on Education and Labor and Appropriations. Prior to serving in the Congress, Bill Scherle served in the Navy and Coast Guard during World War II, and then later in the Navy Reserve. He served as chairman of the Mills County Republican Party, and then went on to serve in the Iowa legislature for 6 years.

According to Senator HARKIN, the sponsor of this measure, Representative Scherle will particularly be remembered for leading the effort in Congress to release the crew of the U.S.S. Pueblo, which had been seized by North Korea in 1968.

Mr. Speaker, I urge the swift adoption of this bill.

Mr. KING of Iowa. Mr. Speaker, I am pleased to bring forth S. 1399, the William J. Scherle Post Office Building Redesignation Act, to honor the selfless service of a great Iowan, Bill Scherle. I want to thank the Iowa delegation in the House of Representatives for joining me and Senators HARKIN and GRASSLEY in supporting this well-deserved gesture to honor the service of a great American by their cosponsorship of my House version, H.R. 2758.

Mr. Scherle was born in Little Falls, New York in 1923. After serving this great country in the Second World War, Mr. Scherle attended Southern Methodist University and subsequently served in the United States Naval Reserve. After serving his country in the military, Mr. Scherle decided to engage in grain and livestock farming and settled in rural Mills County, Iowa. Mr. Scherle was elected to 3 consecutive terms in the Iowa House of Representatives.

In 1966, he was elected to his first of four terms in the United States House of Representatives. Bill was known as a watchdog of government waste who brought a keen eye for economic accountability to the Congress.

Bill was an outspoken and persistent voice for the members of the captured spy boat, the *Pueblo*, during 1968 when the boat and crew were captured by the North Koreans. Thanks to his daily reminders on the floor of Congress, the members of the Pueblo and their plight were kept at the forefront of the Congress' consciousness until they were released by the North Korean government.

Mr. Scherle promoted personal responsibility, agricultural growth and innovation, and was the embodiment of common sense conservatism during his tenure in this honorable House. After serving in the United States Department of Agriculture and as a consultant in Washington D.C., Mr. Scherle retired to Henderson, where he currently resides with his wife Jane.

Mr. Speaker, members of the House, please join me and the entire Iowa delegation in voting to designate the Glenwood, Iowa Post Office the William J. Scherle Post Office Building.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the Senate bill, S. 1399.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ROBERT A. BORSKI POST OFFICE BUILDING

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2328) to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building."

The Clerk read as follows:

H.R. 2328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT A. BORSKI POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, shall be known and designated as the "Robert A. Borski Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Robert A. Borski Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2328, introduced by the gentleman from Pennsylvania (Mr. HOEFFEL), designates the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the Robert A. Borski Post Office Building.

Mr. Speaker, this legislation honors a devoted former Member of this body. Former Congressman Robert Borski preceded the gentleman from Pennsylvania as the U.S. Representative of Pennsylvania's Third District. The citizens of the Third District in Philadelphia elected Mr. Borski to the House 10 times before he retired after the 107th Congress.

He continues to be a good friend to all who worked in this House with him. It is a deserved tribute to Mr. Borski's public service that this post office be named after him, and I am pleased the House is considering this bill today.

Congressman Borski was most active on the House Committee on Transportation and Infrastructure, where he was the ranking Democratic member on the Subcommittee on Highways, Transit and Pipelines. He was also a member of the Democratic Whip operations, serving as the regional whip for Pennsylvania and Ohio.

Congressman Borski was known especially for his accessibility to his constituents. He frequently utilized the town hall meeting in his district to meet with his constituents firsthand. In addition, he always had at least two offices in Philadelphia to save constituents from traveling all the way to Washington.

Mr. Speaker, for all these reasons, I want to congratulate the gentleman from Pennsylvania for his work on this measure that honors Congressman Robert A. Borski. And just to say on a personal level, that I have had the honor to have worked with him for most of his 10 terms, and found him to be extraordinarily hard-working, very dedicated, very personable, not partisan, but clearly proud to be a Democratic Representative to this body.

It was a pleasure to serve with him. He is clearly deserving of this recognition.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will defer to the gentleman from Philadelphia to offer the remarks on this former member, but I do want to note that I served with Mr. Borski, and he was a Member who was particularly admired in the Committee on Transportation and Infrastructure where he was a leader and enjoyed the admiration of Members on both sides of the aisle in this body.

Mr. Speaker, I yield such time as he may consume to my the gentleman from Philadelphia, Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I thank the gentlewoman from the District of Columbia for yielding me this time. And let me thank my good friend, someone who has ably led this Congress in a number of different fashions, but with whom I have worked closely on the Committee on Government Reform for many years, the gentleman from Connecticut (Mr. SHAYS).

Mr. Speaker, I appreciate this opportunity.

□ 1500

Mr. Speaker, I have had the honor of knowing Bob Borski for many years. When I was just some 23, 24 years of age, being elected to the State House in 1982, he was exiting the same chair that I was going to sit in, because he was on his way to Washington, leaving the State House and coming to represent the great city of Philadelphia and our Commonwealth, the Commonwealth of Pennsylvania here in Washington. And so I rise in support of H.R. 2328.

Congressman Borski served here for many, many terms representing, in particular, northeast Philadelphia; but his reach went far beyond that, for he rose to be one of the leading Members of this Congress on transportation issues. He worked to secure for Pennsylvania and for many other areas of our Nation the rightful resources that were necessary to improve and enhance our airports, particularly the Philadelphia International Airport, our ports, our waterways. Bob Borski worked tirelessly. He was, in my mind, the most effective Member of Congress on transportation issues that we have ever had from Philadelphia. He worked to expand I–95.

We could go through a lot, but one of the things I appreciated about Bob Borski was the human qualities. He stepped aside, for instance, so that I could go after a seat on the Committee on Appropriations when he was the more senior Member from our city, but he felt that he was going to have a fairly short career at that point and he thought it better that I go forward.

Mr. SHAYS. Mr. Speaker, will the gentleman yield?

Mr. FATTAH. I yield to the gentleman from Connecticut.

Mr. SHAYS. I think you should get down on bended knees in gratitude to the gentleman for doing that.

Mr. FATTAH. And I have been on bended knees many, many times, for Congressman Borski was just extraordinarily helpful in my own career and in the careers of other younger Members. Every day he would ask me about how my family was doing, particularly my young daughter, Cameron. He was concerned about where she was going to school, what she was doing, what activities she was involved in, because he had daughters and he was totally involved in their upbringing. He would make sure that he made it to their soccer meets. I remember even one time there was a debate here on the floor and Bob said, look, my daughter's in a soccer meet, she's on a soccer scholarship over in Virginia, this is one of her first games and I'm going to go to it.

That is the kind of person he was. He represented our city in the finest of ways and traditions. I just wish him well as he goes forward. It is the least that we can do to name a post office in his honor. There are some Members who get elected to Congress, and it is an honor for them to be able to serve. I am convinced that Bob Borski is one of the few Members which this institution was honored by his service. I just rise today to support this bill. I thank my friend, the gentleman from the great State of Connecticut, and I thank the gentlewoman from the District of Columbia for yielding me this time.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. I thank the gentleman for yielding me this time.

Mr. Speaker, we have just heard a number of glowing remarks about Congressman Robert Borski. They are not exaggerations. He was an excellent Member of this House. My experience with him came in two areas: the first, serving on the Committee on Transportation and Infrastructure where he was a very senior member. He did perform on that Committee in an outstanding way. He was very much bipartisan in his approach even though, of course, he was a confirmed member of the Democratic Party. I would say also in this respect that he went out of his way to find a consensus whenever possible. It is often said that there are show horses and workhorses in this Congress. Definitely Mr. Borski was a workhorse and a very, very effective one.

The second place I knew him was in my role as the chairman of the House delegation to the NATO Parliamentary Assembly where Mr. Borski was one among many Members that do not come from the Committee on International Relations or from the Committee on Armed Services or the Permanent Select Committee on Intelligence; he came from one of the authorizing committees that does not have that much involvement in international affairs under most circumstances. But he played a very valuable role in this respect. We missed him this past Congress in his role in that respect. I want to commend him and thank his wife for all of her patience and his family for all of their patience in giving Robert's time for working on these international issues as well. I strongly support the resolution.

Ms. NORTON. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I just wanted to say that on not just the congressional delegation, JACK MURTHA, his colleagues from Philadelphia, BOB BRADY and the sponsor of this bill, Congressman JOE HOEFFEL, that there are many others in our State. With the loss, that is, with the leaving from Congress of Congressmen Shuster and Borski now, our State has lost a great deal of seniority and knowledge and expertise in the transportation areas, but we nonetheless appreciate their service. And particularly in terms of Bob Borski, the Governor; the mayor of our city, John F. Street; for many local officials, Bob Borski was an experienced and practical and commonsense political leader. We really appreciated his service. We wish him well as he moves on into other aspects of his life.

I am reminded when he had his going-away get-together here on the Hill, he had his family around him at the podium. It was symbolic, but it was really substantive. That is to say that Bob Borski did so much here in the Congress, did so much to help this country and help his home State, but at the end of the day and most importantly for him as he tried to make sure that I understood when he talked about my daughter, Cameron, that family has to be the most important issue for all of us. He was a good example of that.

Ms. NORTON. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. I thank the gentlewoman for yielding me this time and for her leadership in the committee and on this issue.

Mr. Speaker, I rise in support of H.R. 2328, the legislation designating the United States postal facility located at 2001 East Willard Street in Philadelphia as the Robert A. Borski Post Office Building.

Congressman Robert Borski was one of the longest-serving members of the Pennsylvania delegation, having served here for 20 years in Congress representing the Third Congressional District of Pennsylvania. Congressman Borski was a leader on the House Committee on Transportation and Infrastructure where he served as Ranking Member on the Subcommittee on Highways, Transit and Pipelines. He fought for a strong Federal commitment to our Nation's highways and transit systems. His efforts on the Transportation Equity Act for the 21st Century resulted in major infrastructure investment for the Philadelphia region.

Congressman Borski also worked hard to revitalize urban areas, supporting both transportation and water infrastructure projects. From his seat on the Subcommittee on Water Resources, Congressman Borski pushed for legislation to promote the cleanup of brownfields and to redevelop urban industrial sites. Congressman Borski also initiated the effort to reclaim and revitalize the neglected areas along the North Delaware River in Philadelphia.

With the support of the entire Pennsylvania congressional delegation, I introduced H.R. 2328. I selected this specific location because Bob Borski's late father was a postman who delivered mail from this facility on Willard Street and his mother still lives in the delivery area of this post office. The naming of the Borski post office, accordingly, has a very rich symbolic value and makes this action very meaningful and very emotional for the Borski family.

I first met Bob Borski in 1977 when we were both freshman legislators in the Pennsylvania State House. We came from very different backgrounds and very different political worlds, one from the Richmond neighborhood of Philadelphia, one from suburban Abington, but we became good friends. We served together for 6 years in the State House. Bob got here to Congress well before I did; and when I finally made it, he took me under his wing and served as my mentor. He would only occasionally give me advice. Sometimes I followed it; sometimes I did not. I learned after time I should have always followed it. He is a good man and a good friend.

Mr. Speaker, it is not often that you find an individual with such dedication and commitment to his community. I am pleased to honor Congressman Bob Borski in this manner. He is truly deserving of this honor. I urge swift passage of this legislation.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

I would just note for the gentleman, we were trying to filibuster a little bit to give him a chance to get to the Chamber to speak on this important resolution.

Mr. HOEFFEL. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Pennsylvania.

Mr. HOEFFEL. I thank the gentleman for yielding. I cannot think of a more eloquent filibusterer than the gentleman from Connecticut. I thank him for doing this honor to Bob Borski.

Mr. SHAYS. He deserves it. He is an outstanding man.

Mr. GERLACH. Mr. Speaker, I rise today to urge my colleagues to support H.R. 2328, designating the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building".

Congressman Robert Borski represented Pennsylvania's Third Congressional District, which encompasses Northeast Philadelphia, the River Wards, Society Hill and portions of Queen Village for 20 years.

When he retired from Congress last year, he was the third ranking Democrat on the Transportation and Infrastructure Committee and was the ranking member on the Highways and Transit Subcommittee. Congressman Borski was also a member of the Subcommittee on Railroads, the Subcommittee on Water Resources and Environment, the Congressional Delegation to the North Atlantic Assembly and the Ad-Hoc Committee on Irish Affairs.

As a senior member on the Transportation and Infrastructure Committee and subcommittee ranking member, Congressman Borski was a vocal advocate of an improved national transportation system and a strong federal commitment to public infrastructure and mass transit programs. In Philadelphia, his legislative efforts have resulted in millions of dollars for SEPTA, I–95, neighborhood roads, and transportation improvements, which have benefited the Port of Philadelphia and the surrounding area.

In addition to his committee assignments, Congressman Borski represented the concerns of his constituency serving on the Older Americans Caucus, the Diabetes Caucus and the Prescription Drug Task Force.

Mr. Borski build a reputation as an accessible representative, holding public meetings, open office hours and manning two district offices to serve his constituents. Before being elected to Congress in 1982, Mr. Borski served three terms in the Pennsylvania State House where he was equally successful.

Mr. Speaker, I think there is no better way to honor Congressman Borski's 20 plus years of public service than to designate the United States Postal Service facility located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building". I urge all of my colleagues to join me today in supporting H.R. 2328.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 2328, a bill to name the U.S. Postal Service facility located at 2001 East Willard Street in Philadelphia, Pennsylvania the "Robert A. Borski Post Office Building."

I had the privilege of serving with Bob Borski on the Transportation and Infrastructure Committee for twenty years. I know him to be a true public servant, dedicated to the welfare of his constituents in Pennsylvania's 3rd District, and a steadfast friend. This designation could not be more well-deserved, and I am proud to be an original cosponsor of this legislation.

First elected to the 98th Congress, Bob Borski served on the Transportation Committee for two decades until his retirement at the end of the 107th Congress. Throughout his distinguished career, Congressman Borski exemplified the great bipartisan tradition of the Transportation Committee. From 1995 to 2001, he served as Ranking Member of the Subcommittee on Water Resources and Environment where he and Subcommittee Chairman BOEHLERT spearheaded the Committee's efforts for bipartisan solutions to some of the Committee's most difficult issues, such as clean water, brownfields, and superfund issues. The Committee's good work on these issues and its ability to pass bipartisan legislation was due in large part to Congressman Borski's perseverance, patience, and willingness to find common ground.

In the 107th Congress, Congressman Borski served as Ranking Member of the Highways and Transit Subcommittee. In that position, he and Subcommittee Chairman Petri did much of the groundwork for the upcoming reauthorization of the Transportation Equity Act for the 21st Century (TEA 21), holding more than a dozen hearings on issues related to the TEA 21 reauthorization. Last year, Congressman Borski received the "Distinguished Person of the Year Award" from the American Public Transportation Association (APTA) at its annual conference. It is not often that an association, with a major reauthorization bill just around the corner, honors a retiring Member of Congress. The fact that APTA honored Bob Borski is a tribute to him and the work that he has done to ensure that our communities have safe, affordable transportation choices.

H.R. 2328 is a fitting tribute to the distinguished career of Congressman Borski. I urge my colleagues to support it and to honor the contributions of Bob Borski with this well-deserved designation.

□ 1515

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the bill, H.R. 2328.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON HOUSE RESOLUTION 286, REQUEST FOR DEPARTMENT OF HOMELAND SECURITY RECORDS ON USE OF AGENCY RESOURCES RELATING TO MEMBERS OF TEXAS LEGISLATURE

Mr. SHAYS, from the Select Committee on Homeland Security, submitted a privileged report (Rept. No. 108–223) on the resolution (H. Res. 286) directing the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 288, REQUEST FOR DEPARTMENT OF TRANSPORTATION RECORDS ON USE OF AGENCY RESOURCES RELATING TO MEMBERS OF TEXAS LEGISLATURE

Mr. HAYES, from the Committee on Transportation and Infrastructure, submitted a privileged report (Rept. No. 108–220) on the resolution (H. Res. 288) directing the Secretary of Transportation to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, which was referred to the House Calendar and ordered to be printed.

VETERANS HEALTH CARE IMPROVEMENT ACT OF 2003

Mr. SIMMONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2357) to amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Health Care Improvement Act of 2003".

SEC. 2. APPOINTMENT OF CHIROPRACTORS IN THE VETERANS HEALTH ADMINISTRATION.

(a) APPOINTMENTS.—Section 7401 of title 38, United States Code, is amended—

(1) by inserting "and chiropractic care" in the matter preceding paragraph (1) after "medical care"; and

(2) by inserting "chiropractors," in paragraph (1) after "podiatrists,".

(b) QUALIFICATIONS OF APPOINTEES.—Section 7402(b) of such title is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

"(10) CHIROPRACTOR.—To be eligible to be appointed to a chiropractor position, a person must—

"(A) hold the degree of doctor of chiropractic, or its equivalent, from a college of chiropractic approved by the Secretary; and

"(B) be licensed to practice chiropractic in a State.".

(c) PERIOD OF APPOINTMENTS AND PROMOTIONS.—Section 7403(a)(2) of such title is amended by adding at the end the following new subparagraph:

"(H) Chiropractors.".

(d) GRADES AND PAY SCALES.—Section 7404(b)(1) of such title is amended by striking the third center heading in the table and inserting the following:

"CLINICAL PODIATRIST, CHIROPRACTOR, AND OPTOMETRIST SCHEDULE".

(e) TEMPORARY AND PART-TIME APPOINTMENTS.—Section 7405(a) of such title is amended—

(1) by adding at the end of paragraph (1) the following new subparagraph:

"(E) Chiropractors."; and

(2) by adding at the end of paragraph (2) the following new subparagraph:

"(D) Chiropractors.".

(f) RESIDENCIES AND INTERNSHIPS.—Section 7406(c) of such title is amended—

(1) in paragraph (1)—

(A) by inserting "and chiropractic" after "medical" the first place it appears; and

(B) by inserting "or chiropractic" after "medical" the second place it appears;

(2) in paragraph (2)(B), by inserting "or chiropractic" after "medical" the first place it appears; and

(3) in paragraph (3)(A), by inserting "or chiropractic" after "medical".

(g) MALPRACTICE AND NEGLIGENCE PROTECTION.—Section 7316(a) of such title is amended—

(1) in paragraph (1), by inserting "or chiropractic" after "medical" each place it appears; and

(2) in paragraph (2)—

(A) by inserting "or chiropractic" after "medical" the first place it appears; and

(B) by inserting "chiropractor," after "podiatrist,".

(h) TREATMENT AS SCARCE MEDICAL SPECIALISTS FOR CONTRACTING PURPOSES.—Section 7409(a) of such title is amended by inserting "chiropractors," in the second sentence after "optometrists,".

(i) REIMBURSEMENT OF CONTINUING PROFESSIONAL EDUCATION EXPENSES.—Section 7411 of such title is amended by striking "or dentist" and inserting ", dentist, or chiropractic".

(j) COLLECTIVE BARGAINING EXEMPTION.—Section 7421(b) of such title is amended by adding at the end the following new paragraph:

"(8) Chiropractors.".

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 180–day period beginning on the date of the enactment of this Act.

SEC. 3. ELIGIBILITY FOR DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE OF CERTAIN FILIPINO WORLD WAR II VETERANS RESIDING IN THE UNITED STATES.

(a) ELIGIBILITY.—The text of section 1734 of title 38, United States Code, is amended to read as follows:

"(a) The Secretary shall furnish hospital and nursing home care and medical services to any individual described in subsection (b) in the same manner, and subject to the same terms and conditions, as apply to the furnishing of such care and services to individuals who are veterans as defined in section 101(2) of this title. Any disability of an individual described in subsection (b) that is a service-connected disability for purposes of this subchapter (as provided for under section 1735(2) of this title) shall be considered to be a service-connected disability for purposes of furnishing care and services under the preceding sentence.

"(b) Subsection (a) applies to any individual who is a Commonwealth Army veteran or new Philippine Scout and who—

"(1) is residing in the United States; and

"(2) is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence.".

(b) LIMITATION.—(1) The amendment made by subsection (a) shall take effect on the date on which the Secretary of Veterans Affairs submits to the Committees on Veterans' Affairs of the Senate and House of Representatives and publishes in the Federal Register a certification described in paragraph (2).

(2) A certification referred to in paragraph (1) is a certification that sufficient resources are available for the fiscal year during which the certification is submitted to carry out section 1734 of title 38, United States Code, as amended by such amendment, during that fiscal year at each significantly affected health care facility of the Department of Veterans Affairs.

(3) For purposes of paragraph (2), the term "significantly affected health care facility" means a health care facility at which, as determined by the Secretary, it is reasonably foreseeable that the implementation of the provisions of section 1734 of title 38, United States Code, as amended by subsection (a), will result in a significant increase in the use of health care resources due to the number of veterans described

in subsection (b) of that section who are considered to be likely to seek hospital or nursing home care or medical services, as authorized by subsection (a) of that section, at that facility.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SIMMONS) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2357, as amended, the Veterans Health Care Improvement Act of 2003. H.R. 2357 would provide two important new health services to veterans. First, the bill would clearly establish the authority of the Department of Veterans Affairs to appoint chiropractors within its health care system, allowing veterans to receive this care in VA facilities. Currently, veterans are not receiving this specialty care from VA because the VA has decided that chiropractic care is not necessary and duplicates services already provided by physicians, nurses, and physical therapists.

For nearly 3 years, the Committee on Veterans' Affairs has been working to include chiropractic care as part of the VA's health care system. Through provisions in the Veterans Millennium Health Care and Benefits Act, the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001, the VA has been required to establish a policy for the role of chiropractic care for veterans and to provide chiropractic care and services for veterans in its health care system. By law, VA has also been required to establish a Chiropractic Advisory Committee within the Department.

Although some progress has been made by the Advisory Committee on chiropractic care, veterans are dissatisfied with the VA's reluctance to fulfill its obligations under law. The gentleman from Kansas (Mr. MORAN), our former Health Subcommittee chairman, has spearheaded this important effort for our veterans, and I thank him for his leadership on this issue.

Mr. Speaker, our bill would also authorize VA to provide health care services to Filipino World War II veterans who legally reside in the United States. During World War II, the Commonwealth of the Philippines army was called to serve with the U.S. Armed Forces. Tens of thousands of Filipino soldiers served alongside U.S. soldiers during World War II, exhibiting great courage and determination at the epic battles of Bataan and Corregidor and contributing to the successful outcome of the war.

After the Philippines became an independent Nation, Congress passed the Rescission Act of 1946, reducing or eliminating many of the benefits that Filipino veterans had been eligible for based on service in the Commonwealth army. Today, almost 60 years later, 60,000 World War II Filipino veterans are alive and continue to seek restoration of these benefits. Approximately 14,000 Filipino veterans in the U.S. would be eligible for the VA health care services this bill would authorize.

Today, Commonwealth army veterans and new Philippine Scouts residing in United States are only eligible for VA health care services if they are in receipt of a disability compensation. This legislation before us today would broaden eligibility for VA health care for all Filipino veterans residing in the United States. Commonwealth army veterans and new Philippine Scouts living in the United States would be subject to the same eligibility and means test requirements as American veterans.

This bill would honor our commitment to those veterans by covering hospital, nursing home, and medical care services.

I want to commend the gentleman from New Jersey, my chairman, the chairman of the full Committee on Veterans' Affairs, for his leadership in bringing this legislation forward; and I also commend the gentleman from California (Mr. FILNER) who has championed the cause of Filipino veterans for years and is due a great deal of credit for the legislation we put before the House today.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentleman from Connecticut (Mr. SIMMONS) today and rise in strong support of H.R. 2357. First, I would also like to recognize the commitment of the gentleman from California (Mr. FILNER), a long-time member of the Committee on Veterans' Affairs and my San Diego colleague, to the cause of Filipino veterans.

Mr. Speaker, the Filipino soldiers recruited to fight in the Pacific during the Second World War served proudly under General MacArthur and fought courageously against the enemies of the United States. Because their contributions were crucial to our victory, these brave soldiers thought that when the war was won, they would receive the same recognition as American soldiers fighting by their side.

Unfortunately, Mr. Speaker, in 1946, Congress passed an act that rescinded the benefits it had granted to thousands of Filipino veterans, and this was wrong. This was wrong. And passing H.R. 2357 today will help correct this injustice.

H.R. 2357 also contains a provision to allow the VA to hire chiropractors. Mr. Speaker, it is time that the VA recognized the value chiropractors can add as part of a health care service continuum. Chiropractors can help promote and maintain wellness rather than simply treating illness. Millions of Americans rely on their services to manage pain and treat a broad range of conditions.

I am pleased to stand up on these bills today.

Mr. Speaker, I reserve the balance of my time.

Mr. SIMMONS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Kansas (Mr. MORAN), formerly the chairman of the Health Subcommittee of the Committee on Veterans' Affairs, currently serving as vice chairman of that subcommittee and a tireless advocate for chiropractic care for our veterans.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from Connecticut (Mr. SIMMONS) for yielding me this time.

Mr. Speaker, I am pleased to be here today as provisions of H.R. 2414, the Department of Veterans Affairs Chiropractic Employment Act, a bill that I introduced earlier this year, are included in this bill now before the House.

I thank the gentleman from New Jersey (Mr. SMITH), chairman of the full committee, as well as the gentleman from Connecticut (Mr. SIMMONS), my predecessor as the chairman of the Health Subcommittee for their leadership and assistance in advancing this measure to the House floor today.

Mr. Speaker, these provisions will prompt the Department of Veterans Affairs to make chiropractic care available to America's veterans in VA facilities by granting specific employment authority in VA for chiropractic care as clinicians under title 38 of the United States Code.

Millions of Americans use the services of doctors of chiropractic. However, veterans who are enrolled in the VA health care system are unable to receive this specialty care. Numerous studies have demonstrated that chiropractic care can and is an effective therapy.

Mr. Speaker, Congress has acted twice before on chiropractic care in the VA health care system, but our intent has not yet been implemented by the Department of Veterans Affairs. Signed into law in 1999, section 303 of Public Law 106–117 required the VA Under Secretary for Health to establish a defined policy regarding the role of chiropractic care for veterans enrolled in the Veterans Health Administration. Almost a year later, the VA established what it deemed to be a "policy" on chiropractic care. However, the Committee on Veterans' Affairs found the VA's response to be inadequate.

As a result, in 2001, 2 years later, Congress enacted section 204 of Public Law 107–135. This legislation required the Secretary of VA to create a program of chiropractic care and services for veterans who are enrolled in the VA health care system and specified that each of the VA's health care networks put at least one program in place. This law also required the establishment of a Chiropractic Advisory Committee within the Department and charged the committee to provide assistance to the Secretary in developing and implementing the chiropractic health care program.

While some progress has been made by the VA's Advisory Committee, the Department is now contending that formal organizational, qualification, and classification studies are needed due to the VA's lack of a specified employment authority in title 38 of the United States Code. Such an undertaking by the VA would probably require extensive use of specialized resources and more bureaucracy on the part of the Central Office, the Advisory Committee, the Office of Personnel Management, as well as outside consultants. We can remedy this situation with the bill before the House today to speed the VA's decision-making on establishing chiropractic clinical care positions within the Department.

Mr. Speaker, I urge my colleagues to support this legislation. Our bill will provide a specialty care program for our Nation's veterans, who are most deserving of this benefit.

I again thank the chairman for his leadership.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H.R. 2357. This legislation was originally drafted to establish standards of care for veterans seeking health care from the Department of Veterans Affairs. I commend the gentlewoman from Florida (Ms. BROWN-WAITE) for introducing this legislation that, when introduced, would have ensured that veterans receive health care within thirty days of their initial request for appointments at VA facilities or if the VA could not meet this requirement, allow veterans to receive care at non-VA facilities. In its original form, this legislation closely resembled a bill that I first introduced in the 107th Congress and reintroduced in February. Like the bill the gentlewoman from Florida introduced, the 21st Century Veterans Equitable Treatment Act, H.R. 890, would establish standards for appointments at VA facilities and allow veterans to receive care at non-VA facilities if the VA was not able to meet its obligation. Additionally, my legislation recommends the used of "smart card" technology to expedite reimbursements for services and reduce complicated paperwork.

As you may know, the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans recently released its final report and found that due to the number of veterans seeking access to the VA and Department of Defense health care system, those with service-connected disabilities and indigent veterans have been faced with diminished access to care. I agree with the Task Force that this situation is unacceptable and concur with one of their recommendations that "VA facilities should be held accountable to meet the VA's access standards for enrolled Priority Groups 1 through 7 (new). In instances where an appointment cannot be offered within the access standard, VA should be required to arrange for care with a non-VA provider, unless the veteran elects to wait for an available appointment with VA." The bill introduced by the gentlewoman from Florida, as well as my legislation, was created to accomplish this.

Unfortunately, during markup of this legislation in the Veterans' Affairs Committee, this provision was removed from H.R. 2357. The bill that we are debating now would no longer "establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs" as is indicated by its title but instead authorizes the Secretary to hire chiropractors and makes certain Filipino World War II veterans living in the United States eligible for VA health care. I am very disappointed that this critical issue in veterans' health care access and element of the President's Task Force recommendations is not being voted on by the House today. However, I am encouraged to hear of the possibility that the Committee will hold a hearing on this very important issue when we return from the August recess. I wholeheartedly support further debate and would look forward to testifying before the Committee.

While disappointed that the appointment standards for the VA have been stripped from this bill, I am pleased that this legislation will give the Secretary of Veterans Affairs the authority to hire chiropractors. Congress has passed legislation numerous times to ensure that veterans have access to chiropractic care and I hope that this bill will clear any final hurdles that have prevented veterans from receiving this type of care.

Mr. Speaker, I ask my colleagues to join me today in supporting this legislation that is a small, yet important, step to meeting our commitment to those Americans who made the sacrifice to serve their nation in the armed forces. As future veterans face combat in Iraq, we in Congress must live up to our pledge by providing health care to all veterans, by ensuring that it is accessible, and by fully funding the VA health care system. I urge my colleagues to join me in calling for additional legislation to meet these goals so that we may return to this floor in the near future and step closer to meeting our promise.

Mr. FILNER. Mr. Speaker, and colleagues, I rise today to urge support for H.R. 2357, legislation which includes a provision from my bill, H.R. 664, that would authorize the Department of Veterans Affairs to provide health care to Filipino World War II veterans who legally reside in the United States.

As my colleagues know, I have been working to restore these benefits for many years. By passing this legislation for Filipino World War II veterans, we are providing a giant step forward in our quest to correct the injustice that was inflicted upon them by the 1946 Congress, shortly after World War II ended.

Over 50 years ago, Filipino soldiers were drafted into service by President Franklin D. Roosevelt. They fought side-by-side with soldiers from the United States mainland, exhibiting great courage at the epic battles of Bataan and Corrigidor. Their participation was critical to the successful outcome of the war in the Far East. It was quite a shock when Congress deprived many of the benefits that they were expecting.

Because these veterans are in their 70s and 80s, their most urgent need is for health care. So I sincerely appreciate the actions of Veterans' Affairs Committee Chairman CHRIS SMITH and Ranking Member LANE EVANS, and Chairman BOB SIMMONS and Ranking Member CIRO RODRIGUEZ of the VA Health Subcommittee, as well as of VA Secretary Anthony Principi, to restore VA health care benefits to them.

This bill is also about restoring dignity and honor to these proud veterans. Over fifty years of injustice burns in the hearts of the Filipino World War II veterans and in the hearts of their sons and daughters. This bill says that we will begin to remedy this historical injustice. We will make good on the promise of America.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2357, the Veterans Health Care Improvement Act of 2003. This piece of legislation amends Title 38 of the United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs. Mr. Speaker, this piece of legislation is long overdue. This legislation provides new health care benefits to Filipino veterans.

Mr. Speaker, at this time there are thousands of Filipino veterans who have proudly served this country in World War II and still, to this day, aren't eligible to receive health care benefits from Veterans Affairs. That is simply unacceptable. Under this legislation, any individual who is a veteran of the Philippine Commonwealth Army or a former New Philippine Scout living legally in the United States would be eligible for these benefits. The Congressional Budget Office estimates that by 2004, if this legislation is enacted, 9,500 Filipino veterans would qualify for these new benefits.

In addition to providing much over due health care benefits to Filipino veterans, this bill will serve to enhance the quality of chiropractic care offered by VA facilities. Currently, the VA is required to make chiropractic care available to veterans at least one site in each of VA's 21 geographic service areas, however, the bureaucracy often involved in hiring these chiropractors makes it difficult to comply. This legislation makes it easier to hire chiropractors by allowing the VA to appoint and hire the practitioners by specifying that they be treated as other medical professionals like optometrists and podiatrists. This would also allow these medical professionals to become eligible for part-time or temporary employment, educational expense reimbursements, and enhanced protection from malpractice suites.

Again, Mr. Speaker, I urge my colleagues to support this worthwhile legislation. It is our duty to provide our veterans with world-class health care for the countless sacrifices that they have made on behalf of our country.

Mrs. DAVIS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SIMMONS. Mr. Speaker, I urge my colleagues to support the Veterans Health Care Improvement Act of 2003.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SIMMONS) that the House suspend the rules and pass the bill, H.R. 2357, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to provide for the appointment of chiropractors in the Veterans Health Administration of the Department of Veterans Affairs and to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2357, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

□ 1530

NATIONAL CEMETERY EXPANSION ACT OF 2003

Mr. SIMMONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1516) to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania, as amended.

The Clerk read as follows:

H.R. 1516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Cemetery Expansion Act of 2003".

SEC. 2. ESTABLISHMENT OF NEW NATIONAL CEMETERIES.

(a) ESTABLISHMENT.—Not later than four years after the date of the enactment of this Act, the Secretary of Veterans Affairs, in accordance with chapter 24 of title 38, United States Code, shall establish five new national cemeteries. The new cemeteries shall be located in the following locations (those locations having been determined by the Secretary of Veterans Affairs to be the most appropriate locations for new national cemeteries):

(1) Southeastern Pennsylvania.

(2) The Birmingham, Alabama, area.

(3) The Jacksonville, Florida, area.

(4) The Bakersfield, California, area.

(5) The Greenville/Columbia, South Carolina, area.

(b) FUNDS.—Amounts appropriated for the Department of Veterans Affairs for any fiscal year after fiscal year 2003 for Advance Planning shall be available for the purposes of subsection (a).

(c) SITE SELECTION PROCESS.—In determining the specific sites for the new cemeteries required by subsection (a) within the locations specified in that subsection, the Secretary shall solicit the advice and views of representatives of State and local veterans organizations and other individuals as the Secretary considers appropriate.

(d) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemeteries required by subsection (a). The report shall—

(1) set forth a schedule for the establishment of each such cemetery and an estimate of the costs associated with the establishment of each such cemetery; and

(2) identify the amount of Advance Planning Funds obligated for purposes of this section as of the submission of the report.

(e) ANNUAL REPORTS.—The Secretary shall submit to Congress an annual report on the implementation of this section until the establishment of all five cemeteries is completed and each such cemetery has opened. The Secretary shall include in each such annual report an update of the information provided under paragraphs (1) and (2) of subsection (d).

(f) DEFINITION OF SOUTHEASTERN PENNSYLVANIA.—In this section, the term "southeastern Pennsylvania" means the city of Philadelphia and Berks County, Bucks County, Chester County, Delaware County, Philadelphia County, and Montgomery County in the State of Pennsylvania.

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to the rule, the gentleman from Connecticut (Mr. SIMMONS) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in a sense, the National Cemetery Expansion Act of 2003 is part of the legacy of the late chairman of the House Committee on Veterans' Affairs, Bob Stump. It was Bob who composed many of the cemetery provisions ultimately signed into law as part of the Veterans Millennium Health Care and Benefits Act. Bob also took a particular interest in the need for improvements to our national cemeteries and to obtain an updated list of areas in the country where there was a significant unmet demand for a national cemetery. His vision of VA cemeteries as national shrines should inspire all of us and those responsible for maintaining VA cemeteries for years to come.

According to existing VA planning guidelines, VA should establish cemeteries in locations that would provide service to 90 percent of veterans within 75 miles of their homes. H.R. 1516, as amended, reflects the findings of a recently completed VA study which found the areas of the country most in need of a new national cemetery.

The study, performed by Logistic Management Institute, reviewed current and future burial needs of veterans and identified areas of the country where new national cemeteries might be constructed. They identified 31 areas with the greatest need and ranked them by the size of the population to be served. VA is expanding six cemeteries on the list currently serving veterans through land acquisitions, and State cemeteries are being planned in other areas to meet veterans' burial needs.

H.R. 1516, as amended, would direct the Secretary of Veterans Affairs to establish a new national cemetery, not later than 4 years after the date of enactment, in those five areas, which would be southeastern Pennsylvania; Birmingham, Alabama; Jacksonville, Florida; Bakersfield, California; and Greenville-Columbia, South Carolina. More than 900,000 veterans and their survivors will benefit from these additional national cemeteries.

H.R. 1516, as amended, would also direct the Secretary to submit a report to Congress not later than 120 days after enactment on the establishment of the national cemeteries required by this bill.

Mr. Speaker, I would like to thank the gentleman from Pennsylvania (Mr. GERLACH) and his staff for their work on this bill and for working with the gentleman from South Carolina (Chairman BROWN) and the ranking member, the gentleman from Maine (Mr. MICHAUD), to provide for the burial needs of veterans.

I would also like to recognize committee staff, Paige McManus, Darryl Kehrer, Kingston Smith, Patrick Ryan, Mary Ellen McCarthy, Geoffrey Collver, and Jim Holley for their work on the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1516, the National Cemetery Expansion Act of 2003. I want to thank the chairman and the ranking Democrat of the full committee, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. Evans), along with the chairman and ranking member of the Subcommittee on Benefits, the gentleman from South Carolina (Mr. BROWN) and the gentleman from Maine (Mr. MICHAUD), for their good work in crafting this legislation.

I am pleased that in H.R. 1516 we are providing for the authorization and establishment of five new national cemeteries in accordance with the VA's most current burial needs assessment report. The communities of southeastern Pennsylvania; Birmingham, Alabama; Jacksonville, Florida; Bakersfield, California; and Greenville-Columbia, South Carolina, will certainly appreciate this measure.

Mr. Speaker, this is a good bill, an important bill. The veterans of this Nation deserve nothing less than an honorable and dignified final resting place.

Mr. Speaker, many brave men and women who put on the uniform to protect us during World War II and the

Korean War pass from us every day at alarming rates, and it is our responsibility to provide our veterans, our brave soldiers, with dignified and honorable final resting places. I look forward to working with my colleagues and the administration to meet this serious responsibility.

Mr. Speaker, I urge all Members to support passage of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SIMMONS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. STEARNS), a distinguished member of our committee.

Mr. STEARNS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, obviously I rise in support of this bill. I am especially pleased that we are going to have a national cemetery in Jacksonville, Florida. This is in northeast-central Florida, where we have a lot of military presence, particularly with representation by three Members of Congress, myself, the gentleman from Florida (Mr. CRENSHAW), and the gentlewoman from Florida (Ms. CORRINE BROWN). All three of us service Jacksonville and north-central Florida, so we are all very pleased this is being done.

We have the Mayport Naval Station with an aircraft carrier stationed there, we also have Naval Air Station and Depot up there; and we've had a huge increase in the number of retirees that are locating into our area. So we are all very pleased about this. The VA Jacksonville cemetery has been the intent of a bill I dropped, H.R. 197, and also others I have offered in prior Congresses.

As the 2,000 U.S. census shows, the revised projections forecasting a population of about 189,000 by FY 2005 in the "VA Future Burial Needs Report Sites" I think demonstrates what all of us know: our veterans are flocking to relaxed, sunny north-central Florida to retire. They deserve a resting place with dignity and beauty, and I think that this cemetery will add a lot to that promise.

Mr. Speaker, Florida has our Nation's second largest veterans population and the number one in terms of age. Nearly 325,000 veterans call home somewhere in this northeast-central Florida area, Jacksonville vicinity. Moreover, an increasing number of current active duty armed services veterans are calling Florida their home and are moving into this area. This is because nearby Alachua County, Gainesville, where we have a VA hospital, and Derval County have sent a lot of reservists and National Guardsmen to Iraq; and this whole area sent so many people to Iraq in this northeast corridor that there is going to be a lot of people that are going to retire from active duty. So this cemetery will also be important for them.

The closest VA cemetery is at least a 3-hour drive from Jacksonville, and as the subcommittee chairman mentioned the requirement is to have VA cemetery within 75 miles of the vicinity of these veterans. We need to have a VA cemetery now. So this will is going to meet this requirement.

The next closest in proximity lies in Marietta, Georgia, which is just north of Atlanta. A new national VA cemetery in Jacksonville will answer this unmet need for north Floridians and southern Georgians.

Mr. Speaker, I am very pleased. I offered this type of legislation in the 107th Congress and 106th Congress to locate a cemetery in Jacksonville, so I am grateful that we finally will pass this bill. I might add that there has been great support within the community, and they look forward to this construction.

Lastly, Mr. Speaker, you might be thinking why are a lot of people are supporting a cemetery in Florida. They may think this is a very parochial bill. But for my colleagues from Michigan and New York, there is a high likelihood that your constituents are contemplating retiring to north-central Florida, so we welcome your veterans' and their commitment to our north Florida area. I hope all the people here in the House will support H.R. 1516.

Let us provide the dignified, hallowed grounds for our veterans. They deserve it.

Mrs. DAVIS of California. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentlewoman for yielding me time and congratulate her on her leadership on this issue.

I rise in strong support of House bill 1516, and I want to start by acknowledging the great work of our colleague, the gentleman from Pennsylvania (Mr. GERLACH). The gentleman has taken an issue that is an old issue in the Philadelphia area, trying to create new cemetery space for our veterans, and he has found a way to get this out of committee on to the floor for certain passage here today. I compliment the gentleman on it. It is important.

For the last, I guess, five terms of Congress, Members have tried to create a new cemetery in southeastern Pennsylvania. My predecessor, Congressman Jon Fox, introduced a bill in both of his two terms in Congress, with a similar bill introduced in the other body by Senator ARLEN SPECTER, that would have named the Valley Forge National Historical Park as the setting for a new veterans cemetery, a setting I still think is the perfect location. There is some controversy and resistance to that. The important thing is that we get a new cemetery in southeastern Pennsylvania.

In my first two terms, I introduced the same bill with the same support in the Senate. I lost that area in redistricting, and now the gentleman from Pennsylvania (Mr. GERLACH) has figured out a way to add other sites to southeastern Pennsylvania and move this bill forward with full support; and I thank the Members of the committee, the ranking members and, of course, the chairs of the full committee and the subcommittee, for putting together a bill with great support.

This will create a clear and strict timetable to establish a new veterans cemetery in southeastern Pennsylvania and four other locations around the country, with sensible and responsible reporting requirements placed upon the Secretary of Veterans Affairs so that Congress can make sure that these new cemeteries actually get opened.

It is overdue, it is important legislation, and it is the right thing to do for our veterans. They have given so much to this country. It is entirely appropriate for us to make sure that all veterans who are interested in a final resting space in a national veterans cemetery have the opportunity to do it, and I know that the veterans in southeastern Pennsylvania will be very pleased by this progress.

I congratulate the gentleman from Pennsylvania (Mr. GERLACH), as well as all involved.

Mr. SIMMONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GERLACH), and thank him, speaking as a veteran, for all of his hard work to bring this legislation to the floor.

Mr. GERLACH. Mr. Speaker, I thank the gentleman from Connecticut for yielding me time.

Mr. Speaker, I would like to thank the gentleman from New Jersey (Chairman SMITH) and the ranking member, the gentleman from Illinois (Mr. EVANS), and their staffs for their great work in bringing H.R. 1516 to the floor today, and I would also like to thank and acknowledge the kind comments of the gentleman from Pennsylvania (Mr. HOEFFEL) and his great work and support in bringing this bill to this point today. I thank the gentleman for his work, not only this year, but in previous years in this effort. Also a special thank you to our colleagues on the Pennsylvania congressional delegation for their support as well.

Most importantly, we would like to thank the veterans of southeastern Pennsylvania for their great service and sacrifice to our country over the years. This legislation was introduced last March to establish a new national veterans cemetery in southeastern Pennsylvania; and as that bill moved through the Committee on Veterans' Affairs, I am very pleased to see that some additional sites were added. As was mentioned by the gentleman from Connecticut, Birmingham, Alabama; Jacksonville, Florida; Bakersfield, California; and the Columbia-Greenville, South Carolina, area were added.

It would also require that the U.S. Department of Veterans Affairs establish new and much-needed cemeteries within 4 years of the date of enactment of this legislation. Aside from establishing these important national cemeteries, another important provision of this measure will provide for local involvement in the selecting of sites for these cemeteries.

Under the legislation, the Secretary for Veterans Affairs is directed to solicit the advice and the views of representatives of local veterans organizations and other individuals as the Secretary considers appropriate.

The need for a new veterans cemetery in our community is well documented and long overdue. The Philadelphia National Cemetery is virtually closed, with the exception of cremated remains, to nearly 400,000 veterans that reside in the five counties and make up the metropolitan Philadelphia area. And while cremation may be an alternative to traditional burial for some, it is not the preference of most. But, unfortunately, it is the only option that Philadelphia-area veterans currently have if they want their remains reposed at a veterans cemetery close to home.

The only other national cemetery in our region is the Indiantown Gap National Cemetery, which is a long drive from the Philadelphia area, and can be a very difficult trip for widows, widowers, and other family members who want to visit the graves of their loved ones. I would note that more than 290,000 area veterans live over 65 miles from Indiantown Gap National Cemetery.

The Secretary for Veterans Affairs, Anthony Principi, has expressed his support for the establishment of a new cemetery in southeastern Pennsylvania after analyzing two factors not taken into account in a previous Veterans Affairs Department study.

First, the Beverly National Cemetery in nearby Burlington County, New Jersey, is filling up faster than expected and is only available to New Jersey veterans. Additionally, the Department recently added Monroe County, Pennsylvania, to the greater Philadelphia service area, thereby increasing the number of veterans in need to over 170,000, the statistical benchmark for the establishment of a new cemetery.

Secretary Principi also acknowledged that the Indiantown Gap National Cemetery in Lebanon County, Pennsylvania, is at least 80 miles from Philadelphia, which contrasts with the Department's guideline of having a veterans cemetery within 75 miles of a veteran's home.

□ 1545

Consequently, the Secretary expressed his support for a new cemetery in the greater Philadelphia area to honor those who would be laid to rest there. This legislation will provide both for its establishment within a specified time period and allow for the input of local officials and veterans in determining a specific site.

The importance of a veterans cemetery in the southeastern Pennsylvania region has been already recognized. In 1862, the 37th Congress created the National Cemetery of Philadelphia when they initially established what has become a large network of national cemeteries across the United States. Southeastern Pennsylvania veterans of today, as those of the past, should likewise have the opportunity to be buried close to home after providing the same level of heroic service and sacrifice to our Nation.

Again, Mr. Speaker, I would like to thank my colleagues, and the gentleman from Pennsylvania (Mr. HOEFFEL) in particular, and also the members of the Committee on Veterans' Affairs, for their work in bringing H.R. 1516 to the floor today, and I would urge all Members of the House to support this much-needed measure.

Mrs. DAVIS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SIMMONS. Mr. Speaker, I yield myself such time as I may consume to urge my colleagues to support the National Cemetery Expansion Act of 2003. For a veteran, a funeral service is the last official ceremony that that veteran will participate in; and for the family, that cemetery becomes a place of remembrance and love. It is so important to these families that they be able to visit their departed veteran in this environment.

Ms. BERKLEY. Mr. Speaker, today, 9.3 million veterans are over 65. Sadly, 1,500 veterans pass away every day in the United States. The National Cemetery Expansion Act, provides more national cemeteries so that veterans' families can ensure their loved ones have a proper burial. I strongly support this legislation offered by Congressman GERLACH. In addition to providing more cemeteries, this Congress also needs to address the almost non-existent burial benefits provided by the VA.

Burial benefits have seriously eroded due to inflation; leaving states and families to make up the cost. Paying for rising burial expenses is a growing concern to families and veterans cemeteries. I have introduced a bill to increase burial benefits for veterans buried in state and national cemeteries. This bill would provide veterans families with the same percentage of burial costs as promised in 1973. I encourage this Congress to support my colleague's bill to increase the number of National Veterans Cemeteries, and to reestablish burial benefits for the families of our national heroes.

Mr. EVANS. Mr. Speaker, I rise in strong support of H.R. 1516, the National Cemetery Expansion Act of 2003.

I again want to express my appreciation to the Chairman of the full Committee, CHRIS SMITH, along with the Chairman and Ranking Member of the Benefits Subcommittee, HENRY BROWN and MICHAEL MICHAUD for their good work in crafting this legislation.

I am pleased that in H.R. 1516 we are authorizing the establishment of five new national cemeteries according to the VA's most current burial needs assessment report. We must provide a peaceful and dignified setting to honor the many men and women who bravely served this country in uniform.

Unfortunately, Mr. Speaker, we have many other communities in great need of additional veterans' cemetery burial space. As we all know, the men and women of the "greatest generation" who served this country so grandly in World War II and Korea have reached their senior years. Well over 1,000 World War II veterans pass away each day, and this rate is projected to increase for years to come. Mr. Speaker, it is our responsibility to provide proper final resting places for our veterans. I look forward to working with my colleagues and the Administration to meet this serious responsibility.

Mr. Speaker, this measure deserves the support of all Members and I urge my colleagues to vote for its passage.

Mr. MICHAUD. Mr. Speaker, I too rise in strong support of H.R. 1516, the National Cemetery Expansion Act of 2003.

I would like to thank Chairman SMITH and Ranking Member EVANS for their leadership on the full Committee. I also want to recognize and thank HENRY BROWN, Chairman of the Benefits Subcommittee, for his good work and bipartisan efforts in working with me to craft this legislation and bring this measure to the House floor.

I am pleased that in H.R. 1516 we are authorizing the establishment of five new national cemeteries according to the VA's most current burial needs assessment report. Our veterans who served and protected us deserve nothing less than a proper final resting place.

Fortunately, the veterans in my district in Maine are not wanting for additional cemetery space thanks to a new state veterans' cemetery recently established in Caribou, ME. However, far too many communities are in need of a new veteran's cemetery. We must provide the resources to meet this need—It is our responsibility.

Mr. Speaker, this is a sound measure. I urge all Members to support its passage.

Mr. SIMMONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Connecticut (Mr. SIMMONS) that the House suspend the rules and pass the bill, H.R. 1516, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SIMMONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1516, as amended.

The SPEAKER pro tempore (Mr. WHITFIELD). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF THE YEAR OF THE KOREAN WAR VETERAN

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 212) recognizing and supporting the goals and ideals of the Year of the Korean War Veteran, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 212

Whereas 50 years ago, 1,800,000 Americans answered the call to defend freedom in South Korea and fought the common foe of communism with 21 allied countries under the banner of the United Nations;

Whereas the United States suffered 36,576 dead and 103,284 wounded during the Korean War in some of the most horrific conditions in the history of warfare;

Whereas the Nation's Korean War veterans did not receive the proper welcome home, thanks, or recognition for selfless service and sacrifice that had been given to veterans of previous wars;

Whereas the bravery and sacrifices of the Nation's Korean War veterans and their families and next of kin should be properly honored and recognized, and the American people wish to join in thanking and honoring Korean War veterans and their families;

Whereas it is important to include the history of the Korean War in the curricula of the Nation's schools so that future generations will learn about and appreciate the sacrifices of Korean War heroes;

Whereas the final year of the 50th Anniversary of the Korean War Commemoration should be recognized by a national effort of programs and activities to officially thank, honor, and welcome home the Nation's Korean War veterans and to officially thank and honor their families and next of kin; and

Whereas 2003 marks the final year of the United States 50th Anniversary of the Korean War Commemoration and the 50th year of the Armistice, and efforts are under way to designate 2003 as the Year of the Korean War Veteran: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) declares to the Nation and the world that the American people will never forget the Nation's Korean War veterans or those who served the Nation on the home front during the Korean War;

(2) recognizes and supports the goals and ideals of the Year of the Korean War Veteran;

(3) requests the President to issue a proclamation calling on the people of the United States to observe the Year of the Korean War Veteran with appropriate ceremonies and activities to thank, honor, and welcome home the Nation's Korean War veterans; and

(4) urges the chief executive officers of the States, and the chief executive officers of the political subdivisions of the States, to each issue a proclamation calling upon their citizens to "Pause to Remember" the Nation's Korean War veterans and their families and next of kin with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 212, a concurrent resolution introduced by our colleague, the gentleman from Texas (Mr. SAM JOHNSON).

This resolution recognizes and supports the goals and ideals of the Year of the Korean War Veteran. This year marks the final year of the United States' 50th anniversary of the Korean War Commemoration and the 50th year of the armistice. While actual hostilities occurred from June 27, 1950, through July 7, 1953, Congress extended the war period from January 31, 1955, for veterans benefits eligibility because of the uneasy period following the end of hostilities.

Mr. Speaker, I would like to share some facts about the Korean War. Between the period of June 27, 1950, and January 31, 1955, the Korean War period, 6.8 million American men and women served in the Armed Forces of the United States. Between June 28 of 1950 and July 27, 1953, 54,200 Americans died in service. Of these, 36,576 were deaths due directly to the war. Mr. Speaker, 131 Korean War veterans received the Congressional Medal of Honor, the highest military declaration our Nation bestows. Today, there are approximately 3.7 million Korean War veterans still living.

This period in our Nation's history, Mr. Speaker, has often been referred to as the Forgotten War. But that is being remedied, and Congress is doing its part. On July 25 of 1995, the Korean War Memorial was dedicated on the Mall.

The sponsor of this resolution, the gentleman from Texas (Mr. SAM JOHNSON), served 29 years in the U.S. Air Force and flew combat missions in both the Korean and the Vietnam wars. He was a prisoner of war in Hanoi, North Vietnam, for almost 7 years. The gentleman from Texas (Mr. SAM JOHNSON) is a very modest man. I do not want to embarrass him when he reads about this, but he is truly an American hero. I can think of no more appropriate person to introduce the resolution on the observance of the Year of the Korean War Veteran. I salute the gentleman from Texas (Mr. SAM JOHNSON). I believe that every Member of this body on both sides of the aisle salutes him. We also thank the other cosponsors, the gentleman from New York (Mr. RANGEL), the gentleman from North Carolina (Mr. COBLE), and the gentleman from Michigan (Mr. CONYERS), all veterans of Korea, for their military service to our country.

Mr. Speaker, H. Con. Res. 212 would serve to remind all Americans of the first war America fought to stop the spread of Communist tyranny and would encourage activities honoring Korean War veterans for their courageous sacrifice on behalf of all of us. America will not forget the veterans of the Korean War. I am pleased we are considering this resolution at this appropriate time. I want to again thank the gentleman from Illinois (Mr. HASTERT), the Speaker of the House of Representatives, and the gentleman from Texas (Mr. DELAY), the majority leader, for scheduling this resolution the week of the 50th year of the armistice.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House concurrent resolution 212 and commend the gentleman from New Jersey (Mr. SMITH), our chairman, and the gentleman from Illinois (Mr. EVANS), our ranking Democratic member, for bringing this important measure directly to this body for consideration on the eve of the 50th anniversary of the signing of the Korean War armistice. The bill calls on American citizens to thank those who served in uniform during that difficult time a half century ago.

Often called the Forgotten Veterans, it was a generation that served in a war wedged in time between the jubilation from resounding victories over tyranny in Europe and the Pacific, and a war in Southeast Asia whose unpopularity and length seized the subsequent 2 decades. Having served, they silently, without fanfare or formality, slipped back into civilian clothes and resumed their lives.

The courageous individuals who stepped forward into the Korean War left their jobs, schools, homes, and families to respond to an especially daunting threat to freedom on the other side of the world. While all wars are horrific, their battlefield brought forth a particularly ruthless enemy and a unique brutality, including an unyieldingly harsh climate.

I am proud and privileged to serve with several colleagues who emerged from that unimaginable experience, including the distinguished author and original cosponsors of this bill, as well as those who served in uniform elsewhere in that era.

I wholeheartedly endorse the measure, and I urge its swift passage, not only in recognition of the Korean War heroes who stand among us, but also for those who are with us in memory only.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to join my colleagues to recognize and to support the goals and ideals of the Year of the Korean War Veteran. Over 50 years ago, 1.8 million Americans answered the call to defend freedom and democracy in South Korea. They fought shoulder to shoulder with 21 allied countries under the banner of the United Nations.

The United States suffered 36,577 dead and 103,284 wounded during the Korean War in some of the most horrific conditions in the history of warfare. In my state of Texas alone, 289,000 served in the Korean War. More than 1,700 Texans were killed or are missing in action. Sadly, many of our Korean War veterans did not receive the proper welcome home or thanks for their selfless service and sacrifice. They did not receive the recognition that had been given to veterans of previous wars. It is fitting then, that on the floor of the House we recognize and properly honor the bravery and sacrifices of our Korean War veterans and their families.

This year marks the final year of the United States' 50th Anniversary of the Korean War Commemoration and the 50th year of the Armistice. We should not only recognize the valor and sacrifice of those veterans but we should go one step farther, to ensure that our veterans' hospitals are fully funded and properly staffed. We should see to it that Medicare has a true prescription drug benefit package that will allow our veterans to afford the medication they need. We should provide a child tax credit for their grandchildren. If we truly want to honor our veterans, we must make sure we have social security funds that will take care of them. We are indebted to our veterans for their service, and this is the least we can do.

Mr. MICHAUD. Mr. Speaker, I rise to honor those who served in the Korean War and their families. Today, we are on the floor of the House of Representatives to consider House Concurrent Resolution 212 to pay tribute to the veterans of the Korean War and to support the goals of the Year of the Korean War Veteran. I fully support this legislation and ask my colleagues to do the same.

Fifty-three years ago, this country asked its citizens to defend the freedom of the South Korean people from an invading army and 1,800,000 Americans answered that call. Joined by twenty-one allied nations, under the banner of the United Nations, these brave Americans fought through some of the most terrible and horrific conditions in the history of warfare to protect the freedom of people in need.

Fifty years ago a cease fire brought the fighting in the Korean War to an end and allowed our brave soldiers to be reunited with their waiting and anxious families. Sadly, not everyone made it back home. Over 36,000 Americans died during three years of fighting and we honor their memory today.

Those that did return home were not greeted with the proper 'welcome home' that had been given to veterans of previous wars. Korean War veterans were not shown the recognition, gratitude and honor they deserved. For their willingness to make the ultimate sacrifice defending freedom and liberty, the brave men and women who served in the Korean War became veterans of the 'forgotten' war.

There are over 22,000 veterans from the era of the 'forgotten' war living in Maine, and I rise today to let them know that their bravery and sacrifice, and the bravery and sacrifice of their families will never be forgotten. I am pleased that the House is considering this important legislation. I fully support House Concurrent Resolution 212 to honor the veterans of the Korean War and their families and to recognize and support the goals and ideals of the Year of the Korean War Veteran.

Mr. SAM JOHNSON of Texas. Mr. Speaker, this year marks the final year of the United States' 50th anniversary of the Korean War commemoration. Beginning on June 25, 2000, which marked the 50th anniversary of the invasion of South Korea, the commemoration period will continue through Veterans's Day of this year.

This Sunday, July 27th holds special significance because it will mark the 50th anniversary of the Korean War armistice.

Begun only five years after the end of World War II, the Korean War was, in many ways, the first reminder that America must remain the world's leading force for peace, prosperity and freedom—a responsibility we still hold today.

Called to fight back the brutal forces of communism, 1,800,000 Americans courageously participated in the Korean War. The United States suffered over 36,000 dead and over 100,000 wounded in some of the most horrific conditions in the history of warfare.

The service and sacrifices of our Korean War veterans 50 years ago saved a nation from communities enslavement and gave South Korea the opportunity to develop and flourish under freedom and democracy.

Sadly, the Korean War is sometimes referred to as the "forgotten war."

Perhaps it was the mood of a nation wanting to return to peace after the Second World War. But for the U.S. men and women who served, and for the families and friends of those who paid the ultimate price, the Korean War can never be forgotten.

May this resolution, along with all the Korean War commemoration events taking place this year across the country, send a message, loud and clear, that "we will never forget."

All Americans must know, as the words etched on the Korean War Memorial reminds us, "Freedom is Not Free." It cannot be taken for granted. Should this great country wish to preserve its freedom, we must pay tribute to those who paid the price for freedom.

Korean War veterans, I salute you.

Mr. KIND. Mr. Speaker, I rise today in strong support of H. Con. Res. 212, offered by my friend and colleague, Representative SAM JOHNSON.

This resolution properly recognizes the service sacrifice of the 22 nations, thousands of American service members, and millions of South Korean citizens who stood together half a century ago in defense of the principle of freedom.

The Korean Conflict is often referred to as the Forgotten War. Yet, this war is only "forgotten" by those who have not been blessed with the teachings of history—not by the millions of Americans, whose lives have been touched in so many ways by those committed to opposing tyranny and injustice, regardless of the sacrifices required.

America entered the Korean War with a military made up of a mix of war-scarred servicemen and women toughened by the hard lessons of Guadalcanal, Okinawa and Normandy, as well as a new generation of soldiers and sailors who had only seen war on the silver screen, and a newly created Air Force.

After three long, bloody years, the fighting ended. We had rebuilt a military that became, even by today's standards, one of the most coherent fighting forces in the world. The alliance, consisting of units from 22 nations, supported an armistice that prevented the potential death of millions more in a savage, spreading war, and permitted South Korea to flourish into a miracle of freedom that we witness today.

Tragically, nearly 37,000 American soldiers fell on the fields of battle and lost their lives in the Korean War.

There were also far too many who were taken prisoner or met an unknown fate, whose ranks of over 8,000 remain today unaccounted for, but never forgotten. Indeed today, this nation continues to search for every missing warrior who fought to preserve the freedom we cherish; we seek and demand the fullest possible accounting of America's fallen heroes.

It is our solemn promise that we will never forget or forsake them.

Nor will we forget the veterans who returned home to help reshape this nation and the world. And while some returned to parades and fanfare, many returned quietly without public recognition and the "thanks" they deserved.

On July 27, 2003, our nation will commemorate the 50th anniversary of the armistice with North Korea—giving us the opportunity to reaffirm our appreciation and extend the gratitude some soldiers never received. Many Americans, including the thousands of veterans and their families from that war, will take a moment to remember the meaning of their service: whether they rest in Korea, remain unaccounted for, or have returned home to their families and the freedom they fought to defend.

More than 1.5 million Americans served during the Korean War. Today, Americans are still there on-point, still defending freedom in Korea. Soldiers, sailors, airmen, and Marines serve alongside their South Korean counterparts, astride what has been called the world's most dangerous border.

We pause today to recall with gratitude the sacrifices of all veterans who have served the causes of democracy and freedom. To the veterans of the Korean War and their families, we especially offer our thanks. The world could be a significantly less friendly place if you had not stepped forward selflessly when you were needed. Thank you.

Mr. Speaker, from Korea to Iraq, let's not forget the sacrifices our men and women in uniform, and indeed their families have made on behalf of this great country.

Remember too, that on any given day, there are Americans on guard, demonstrating and defending democracy and freedom in over 100 countries around the world.

God bless our service members, our veterans and their families.

God bless America.

Mr. MILLER of Florida. Mr. Speaker, I rise today in wholehearted support of H. Con. Res. 212. I commend Congressman SAM JOHNSON, a true patriot, for introducing this legislation. I cannot think of a more appropriate individual to lead this commemorative charge to honor those who fought courageously and fearlessly for our country than this veteran who himself flew 62 combat missions in the Korean Conflict.

The Korean War marked the first time in history that the United Nations sent armed forces into combat to stop aggression. Armed forces and medical support units from 20 allied United Nations member states, along with the Republic of Korea and Italy, teamed together to halt the attempted communist takeover of the Republic of Korea. The services and sacrifices of our Korean War veterans a half-century ago saved a nation from enslavement and a world from communist domination. Our troops gave the emerging country of South Korea the opportunity to develop and flourish under freedom and democracy into the successful, modern nation it is today.

1.8 million heroic Americans answered the call to defend freedom and fight back the forces of communism. America suffered 36,577 dead and 103,284 wounded in some of the most horrific conditions ever known in history of warfare. Louie Kerr wrote of spending Christmas Day, 1950, on the Inchon River:

> December 25, 1950: I was a young sailor just out of boot camp when our ship, the U.S.S. *Graffias* AF28 was sent to Korea in support of our counterparts. After spending eighteen months there we had many adventures and stories to tell. But my most memorable one was the time we went up the Inchon River while taking small arms fire from the beach on Christmas Day to take food and supplies up to the First Marine Division who was tied down and unable to get supplies into them. I have talked to a few of them since the war, and believe me, they remember that day when they ate their turkey and ham and fresh fruit and nuts. We ate our Christmas Dinner the next day, but I don't think there was a single man on board who resented it.

On the heels of World War II, Korea was in many ways, the first reminder that America must remain the world's leading force for peace, prosperity, and freedom. The Korean War is often referred to as the "Forgotten War," but this resolution will help to see that Louie Kerr's service and that of so many, many others must never be forgotten.

Fifty years ago this Sunday, the armistice was signed, ending the fighting in Korea and halting the spread of communism. American forces and those of her allies had thwarted the rise of communist power and North Korea's invasion into South Korea.

In May, I had the opportunity to visit North Korea. In Pyongyang, I saw firsthand the fate from which America rescued the people of South Korea in its commitment to freedom around the world. I saw a large city, trapped in time, oppressed by a bully regime intent on holding its people hostage for spoils their people will never know.

Mr. Speaker, H. Con. Res. 212 recognizes and supports the goals and ideals of designating 2003 the Year of the Korean Veteran and to commend the sacrifices made by all Korean War veterans. This resolution will engage committed communities, school, civic organizations, businesses, media and social agencies and organizations nationwide in the quest to honor and remember those who have paid the ultimate price, and who remind this great nation that Freedom Is Not Free.

Mr. REYES. Mr. Speaker, I rise in support of H. Con. Res. 212. During the last year that we observe the 50th anniversary of the Korean War, this resolution would honor the 1,800,000 Americans who courageously served in Korea by recognizing and supporting the goals and ideals of 2003 as the Year of the Korean War Veteran. With the passage of this resolution, Congress would call upon the President and state leaders to urge Americans to mark the Year of the Korean War Veteran with events that remember all those who so bravely fought in the defense of freedom. H. Con. Res. 212 shows our veterans that their courage and sacrifice will never be forgotten.

A veteran myself, I represent thousands of Korean War veterans living in my home district of El Paso, Texas. During my time in Congress I have gotten to know many of these exceptional men and women, and I have gained an understanding of the dreadful conditions they were forced to face in Korea. As a member of the House Committee on Veteran's Affairs, I am grateful to have this opportunity to simply thank them, and to honor them for their service to our country.

Too many Americans know the Korean War as the "Forgotten War," as a blurb lost in their high school history books among better known wars. Yet the sacrifices made by our soldiers and the advancements they made for democracy are no less significant and no less deserving of our respect. The price paid by the 36,577 Americans who were killed in Korea and the 103,284 who were wounded is testimony to that fact. The time has come to properly recognize and respectfully honor veterans of the Korean War. I hope all my colleagues will join me in support of this resolution.

Mrs. DAVIS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 212, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 212, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 55 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FORBES) at 6 o'clock and 33 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the motion to instruct and on motions to suspend the rules previously postponed. Votes will be taken in the following order:

Motion to instruct conferees on H.R. 1308, by the yeas and nays;

H.R. 1516, by the yeas and nays;

House Concurrent Resolution 212, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second electronic vote will be conducted as a 5-minute vote.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maryland (Mr. VAN HOLLEN) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 193, nays 212, not voting 29, as follows:

[Roll No. 398]

YEAS—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—212

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Becerra
Berkley
Berry
Cannon
Conyers
Cox
Davis (IL)
Deal (GA)
DeGette
Ferguson
Fletcher
Gephardt
Gutierrez
Hensarling
Hulshof
Kennedy (RI)
Kind
Lipinski
McKeon
Meek (FL)
Miller (MI)
Owens
Payne
Peterson (PA)
Ryun (KS)
Sanchez, Loretta
Terry
Towns
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FORBES) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1855

Messrs. FEENEY, GOSS, WELDON of Florida, WOLF, SMITH of New Jersey, ROHRABACHER, SIMPSON, and CUNNINGHAM, and Ms. GINNY BROWN-WAITE of Florida changed their vote from "yea" to "nay."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the next vote will be conducted as a 5-minute vote.

NATIONAL CEMETERY EXPANSION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1516, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SIMMONS) that the House suspend the rules and pass the bill, H.R. 1516, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 26, as follows:

[Roll No. 399]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg

Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Becerra
Berkley
Berry
Cannon
Conyers
Cox
Davis (IL)
DeGette
Ferguson
Fletcher
Gephardt
Gutierrez
Hensarling
Hulshof
Lipinski
McKeon
Meek (FL)
Miller (MI)
Payne
Peterson (PA)
Ryun (KS)
Sanchez, Loretta
Sanders
Terry
Towns
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FORBES) (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1904

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System.".

A motion to reconsider was laid on the table.

RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF THE YEAR OF THE KOREAN WAR VETERAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 212, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 212, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 26, as follows:

[Roll No. 400]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Becerra
Berkley
Berry
Cannon
Conyers
Cox
Davis (IL)
DeGette
Duncan
Ferguson
Fletcher
Gephardt
Gutierrez
Hensarling
Hulshof
Lipinski
McKeon
Meek (FL)
Miller (MI)
Payne

Peterson (PA)
Portman
Ryun (KS)
Sanchez, Loretta
Terry
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FORBES) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1922

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBERS AS COSPONSORS OF H.R. 2789

Mr. WILSON of South Carolina. Mr. Speaker, I ask unanimous consent to remove the following cosponsors from H.R. 2789:

The gentleman from Tennessee (Mr. DAVIS); the gentleman from Tennessee (Mr. JENKINS); the gentleman from South Carolina (Mr. BROWN); the gentleman from Georgia (Mr. NORWOOD); the gentleman from Georgia (Mr. COLLINS); the gentleman from Michigan (Mr. MCCOTTER); the gentleman from California (Mr. CARDOZA); and the gentlewoman from North Carolina (Mrs. MYRICK).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

NOTICE OF INTENTION TO RAISE QUESTION OF PRIVILEGE OF THE HOUSE

Mr. RANGEL. Mr. Speaker, I rise to give notice of my intention to raise a question of privilege under rule IX, and the form of the resolution is as follows:

> Whereas, during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;
>
> Whereas during the reading of that amendment, the chairman of the Committee on Ways and Means directed majority staff of the committee to ask the United States Capitol Police to remove minority party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority party members of the committee;
>
> Whereas pending a unanimous consent request to dispense with the reading of that amendment, the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee;
>
> Now, therefore, be it resolved, that the House of Representatives disapproves the manner in which Representative Thomas summoned the United States Capitol Police to evict minority party members of the Committee on Ways and Means from using the library of the Committee on Ways and Means, as well as the manner in which he conducted the markup in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from New York will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2575

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2575.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. ROSS. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Child Tax Credit bill. The form of the motion is as follows:

> Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:
>
> Number one, the House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.
>
> Number two, the House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individual serving in the combat zone.
>
> Number three, the House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.
>
> Number four, to the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.
>
> Finally, number five, the House conferees shall, as soon as practicable, after the adoption of this motion, meet in open session with the Senate conferees, and the House conferees shall file a conference report consistent with the preceding provisions of this instruction not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. Pursuant to the rule, the notice will appear in the RECORD.

PEACEKEEPING AND HUMANITARIAN ASSISTANCE FOR LIBERIA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, in the last 48 hours, the city of Monrovia, Liberia, has been overrun with rebels. Women and children are fleeing for their lives, and people are dying. Yet our Nation is standing by, refusing to act as expeditiously as we should.

It is important to say to the American people that this is distinctive from the issue of war in Iraq where brave young men and women every day are on the frontline protecting the interests of the United States of America. This is a situation where the Liberian people who are well connected with this Nation have asked for peacekeeping and humanitarian assistance.

□ 1930

It is imperative that we join in with the United Nations and the organization of West African states as peacekeepers and for humanitarian aid to this country. It is imperative that we act now to stop the loss of life.

I too want to ensure that the young men and women who serve in the United States military are not put in harm's way. My position on the war in Iraq is well known, but this is a different set of circumstances. The people of Liberia are begging for our assistance, and our assistance is being asked for truly and only as peacekeepers and humanitarians.

I believe it is imperative for the President of the United States, the Secretary of State and the Secretary of the Defense Department to act expeditiously, not only to protect the United States embassy and Americans in the United States embassy and in Liberia, but to be a friend to Africa, as represented in the last visit by the President of the United States, in order to protect the innocent women and children and families that are desiring the aid of this Nation in a humanitarian and peacekeeping manner.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. ELTON GALLEGLY, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Nicole Dolski, Congressional Aide of the Honorable ELTON GALLEGLY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rule of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,
NICOLE DOLSKI,
Congressional Aide.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. ELTON GALLEGLY, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Terry Hiser, Congressional Aide of the Honorable ELTON GALLEGLY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,
TERRY HISER,
Congressional Aide.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. ELTON GALLEGLY, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Tina Cobb, Congressional Aide of the Honorable ELTON GALLEGLY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,
TINA COBB,
Congressional Aide.

COMMUNICATION FROM DISTRICT CHIEF OF STAFF OF HON. ELTON GALLEGLY, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Brian Miller, District Chief of Staff of the Honorable ELTON GALLEGLY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,
BRIAN MILLER,
District Chief of Staff.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. ELTON GALLEGLY, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Paula Sheil, District Director of the Honorable ELTON GALLEGLY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,
PAULA SHEIL,
District Director.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. HARRIS). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes.

REIMPORTATION OF PRESCRIPTION DRUGS WILL BENEFIT AMERICAN SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Madam Speaker, as the conference for a Medicare prescription drug benefit gets under way, we are reminded how difficult this compromise will be and that the bills in both the House and the other Chamber will leave many seniors with many high prescription drug costs.

We have a bipartisan bill with the gentleman from Minnesota (Mr. GUTKNECHT), the gentlewoman from Missouri (Mrs. EMERSON) and myself, other Republicans and Democrats from both sides of the aisle, people who do not usually see issues alike and come together, but find a common set of values in this legislation that opens up the market on prescription drugs to Canada and other, European countries.

Through competition, we would lower prices, and the truth is for all too long the elderly and the American families in our country, in our districts, have been subsidizing the poor, starving French and German and Swiss and English and Canadians who have artificially low prices. And we have been charged overwhelmingly; we pay in this country top, premium prices for prescription drugs.

What I want to do and what this legislation would call for in a bipartisan fashion would open up the market. We have a closed market now. We do not have that type of closed market when it comes to cars, when it comes to steel, when it comes to food products, when it comes to software, when it comes to all types of products; but in the area of pharmaceuticals, we have a closed market, and Americans are paying top, premium prices.

Two weeks ago Families USA released a study. Prices for the top 50 drugs most commonly prescribed to seniors increased at 3½ times the rate of inflation. Total spending for senior citizens on prescription drugs rose an estimated 44 percent between 2000 and 2003. The only means available to reduce prices of prescription drugs which our families and our seniors pay at the local pharmacy is to have real competition.

In Canada, in England, France, Germany, many of the folks there pay 30, 40, 50 percent less for the same name-brand drugs. Why? Because the pharmaceutical industry can, here in America, charge a premium. We pay the highest prices, and the only way we pay the highest prices is so they can afford to pay the lowest prices.

In my view, it is time that we have legislation that ensures open access, open markets in the area of pharmaceutical medication, and through that free market, we will reduce prices.

Second, if you are about to embark on the largest expansion of entitlement in over 40 years, $400 billion, would you not want to ensure that the taxpayers got the best bang for their buck? $400 billion we are about to ask the taxpayers to spend, and yet we do nothing to protect the taxpayers or the elderly to get the best price for that.

Now, this question is whether we will go over 10 years. My view is, if we are about to ask them to pay $400 billion to subsidize prescription drugs for our elderly, we should ensure that if we can save 25 percent, 30 percent, 40 percent, which is what you can do through market access, we should afford the taxpayers and the elderly reduced, affordable prices.

One, guarantee the taxpayers of this country the best prices their money can buy. Two, ensure that our elderly, who are on fixed incomes, get the types of prices that are now being paid for the same medications in France, Germany, England or Canada. We will then need not ask our seniors to pay the premium price.

Now, one myth that the pharmaceutical industry keeps spreading is that somehow this is about safety, that the FDA cannot do this. The truth is, if somebody tells you it is not about money, it is about money, and that is what is at stake here. The pharmaceutical industry understands that for a very long time they have had a protective market here in the United States. If we were to open up the market, they would have real competition and the prices would drop.

Second, I think it is very, very important. I understand the political process, as everybody does. We should all know that the pharmaceutical industry has about 600-some-odd lobbyists here in town. It is about a lobbyist and a half for each Member of the United States Congress. They give out and support through donations and other entertainment close to $200 million and support the candidates and Members of Congress through entertainment and donations. But the $200 million we get, and there is nothing wrong with that, that is what they do, that is what they advocate for their position.

But the $200 million they give out in donations, contributions and entertainment pales in comparison to the $200 billion our seniors have been overcharged.

When this vote occurs this week, each Member will ask to speak and vote on behalf of the people of their district, and the question will be, will we continue a practice in which our elderly are overcharged by $200 billion, our taxpayers will be overcharged and pay the top, premium price rather than the most affordable price; or will we continue to accept these types of donations and entertainment and put our interests above the people that we represent?

I have full faith in my colleagues here that we will stand up for the people we represent, because we came here not just to be another vote but to be a voice for their values. Their values say, it is time to ensure that our taxpayers and our elderly stop subsidizing those in Europe and in Canada with more affordable prices while we in America pay premium prices.

HONORING SENATOR ROBERT J. DOLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, I rise this evening to pay tribute to a great man and a great Kansan, Senator Robert J. Dole. Tomorrow, July 22, is Senator Dole's 80th birthday. In those 80 years, Senator Dole has become one of the most influential figures in American politics. Part of the Greatest Generation, Senator Dole is an example of an ordinary American who was called upon to meet extraordinary challenges and has risen to those challenges time and time again.

A native of Russell, Kansas, Senator Dole was born to humble beginnings. I grew up within 20 miles of Bob Dole's hometown, and I know the dedication, commitment, love and respect that the people of Russell share for their hometown hero.

In high school, Senator Dole was a good student and a good athlete and went on to enroll at the University of Kansas to pursue his lifelong dream of becoming a physician. Like so many of his time, he heard the call to defend his country and left KU after his sophomore year to join the U.S. Army.

Dole excelled in the military and he served as a platoon leader of the 10th Mountain Division in the allied liberation of northern Italy. For his service and bravery in World War II, Senator Dole was decorated with two Purple Hearts and a Bronze Star medal.

Senator Dole is also well known for his service to our country as a Congressman, a U.S. Senator and the longest-serving Senate majority leader.

Senator Dole began his public service as the county attorney in Russell County where the entire county's population is less than 10,000 people. From there, he served 4 years in the State legislature before being elected to Congress where he would serve for the next 36 years.

During his time on Capitol Hill, Senator Dole was known as a tireless leader who worked relentlessly to forge alliances in order to pass significant legislation. As a disabled veteran, he championed legislation to improve the condition of his fellow veterans and for the disabled, including the landmark bill, the Americans with Disabilities Act. Senator Dole also served as Gerald Ford's running mate in 1976 and received the Republican nomination for President in 1996.

Starting this week, Senator Dole's legacy of public service will live on through the Robert J. Dole Institute of Politics at the University of Kansas. The Institute's director and four-time Presidential librarian, Richard Norton Smith, explained that "this place is about service, that every generation could be the greatest generation."

The Institute is a resource for the citizens of our great State and for our Nation. The Center for Politics and Media focuses on public programming, including the Dole Lecture Series, the Dole Prize for Leadership, and the Presidential Lecture Series. The KU campus will also be enriched by this new collection of resources.

I am proud that my alma mater, the University of Kansas, has created this living tribute to a life of service. A university has no greater mission than to prepare our Nation's future leaders. This center will serve as a tremendous resource in that cause.

Since Saturday, Lawrence, Kansas, has been the center of a 4-day celebration culminating in the formal dedication ceremony of the Institute tomorrow morning. The dedication festivities include activities reminiscent of World War II, including an air show, an airplane display, a veterans' reunion, a living history encampment, and a reenacted USO show.

☐ 1945

These activities are only a small token of Kansas' appreciation and affection for Senator Dole. It is my hope he will realize how much his lifetime of public service means to our State and Nation.

Bob Dole is a tremendous role model for those of us involved in public service. I thank Senator Dole for his service to our country. He exemplifies so well our country's Greatest Generation, and happy birthday.

ORDER OF BUSINESS

Mr. BACA. Madam Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore (Ms. HARRIS). Is there objection to the request of the gentleman from California?

There was no objection.

EXPRESSING OPPOSITION TO SINGAPORE-CHILE FREE TRADE AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Madam Speaker, I rise today in opposition to the Singapore-Chile Free Trade Agreement. The Singapore-Chile Free Trade Agreement will do nothing to promote free trade and will do nothing to help workers in this Nation. We need jobs right here in the United States, right here, not in another country.

We have seen the damage that has happened when Congress passed free trade agreements. NAFTA cost the Americans 766,000 jobs, 80,000 from California alone. We need to create jobs for working families here in the United States. We must not let this happen again. Our people need jobs. They need to put food on the table, not fear that their jobs are going to be lost to some foreign country.

By negotiating this agreement, it is clear that the administration has overstepped its authority by creating an agreement that does not protect the rights of the American worker, I state, does not protect the rights of the American workers.

These agreements will further hurt the American manufacturing jobs at a time when we watched 56,000 manufacturing jobs disappear last month.

They are an assault on workers' rights. In the Singapore agreement, there is only one enforceable provision that attempts to protect workers, one, I state one; but that provision ultimately will do nothing to protect workers because it merely says that Singapore should uphold its labor regulations. Furthermore, it does not even say what those regulations are; and under this agreement, Singapore is allowed to define what rights workers have.

This is unacceptable. What will happen to workers if Singapore decides to ban unions? What will happen to workers if Singapore decides to allow sweat shops and child labor? What will the United States be able to do under this agreement? Nothing, absolutely nothing. This agreement ties our hands. This agreement will allow countries to weaken labor standards and exploit workers all in the name of profit. It is not safe, and it is not fair; but the lack of labor standards is not what is wrong with this agreement.

The Singapore agreement contains a provision that has no reason to be included. Under this agreement, Singapore will be able to import raw materials from countries like China and assemble them and import it into America duty free. Why is this provision there? China has a horrible labor standard and runs prison labor camps. Why are we allowing China to benefit from this? We are giving China, who has very few protections for its workers, the right to piggyback on this agreement and bring goods to America duty free.

Is this a free trade agreement with China, or is it with Singapore? Why must we support China's poor labor standards? There is no reason and no excuse for this unfair, dangerous provision. This agreement should be about trade and improving economic interests of both nations.

So why is it that there are immigration rules included in this agreement? The administration tried to slip one over on Congress by negotiating a new rule for temporary foreign workers. They overstepped the bounds set by the Trade Promotion Authority and reduced Congress' role to a rubber stamp. Well, I will not stamp it.

Immigration legislation demands debate. It demands the attention of our committees. The safety of our country is at risk when immigration rules are decided in back rooms and dark corners. We want safety, and we demand fairness. It is not fair to transfer workers all the way from Singapore and Chile to take away jobs while an entire workforce, ready, willing and able, stands behind a fence at Mexico's border.

These agreements are not safe, and they are not fair. America should be worried. Its workers should be worried. We must not let this become the future example for a free trade agreement with America. We must stand together and fight against unfair and unsafe agreements that hurt the American workers. We must support our workers, the American workers. We need to improve the quality of life here in America.

ORDER OF BUSINESS

Mr. DEFAZIO. Madam Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

HOUSE REPUBLICAN PRESCRIPTION DRUG PLAN: A BITTER PILL FOR AMERICA'S SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, this week the House will take a historic vote, probably very late toward the end of the week, late in the evening, giving the pharmaceutical industry the maximum amount of time to beat back a provision of law that would lower the price of prescription drugs for every American, not just those on Medicare, but every American.

Let us use a couple of examples here. This is a simple vote. It would allow Americans to reimport, without limit, American-manufactured, FDA-certified, safe drugs from Canada back into the United States. The interesting thing about these drugs is they are manufactured in the United States of America; but when they take a vacation to Canada, their price drops dramatically because the Government of Canada, unlike the Government of the United States, with the exception of the Veterans Department and some other agencies at the Pentagon, negotiates with the pharmaceutical industry and negotiates lower prices. They use market forces to benefit the people of Canada.

The Republicans here in the House, bizarrely enough, are offering a $400 billion prescription drug benefit for seniors that is based on subsidies to the private insurance industry and supporting the outrageous list price for drugs, which no one pays except the uninsured; but they would mandate that that be done. They would outlaw the United States Government from negotiating lower prices, unlike the Government of Canada, the Government of Great Britain, the governments of all the EU, virtually every other government in the world. In almost every country in the world a person can buy U.S.-manufactured, FDA-certified drugs for a substantial discount below the price those drugs are made available here.

In the case of one drug for glaucoma, Xalatan, the cost in the U.S. is $631 a year. If we buy it in Canada, it is $429 a year. If the government negotiated, as the VA does, we can get it for $336 a year; but under the brilliant Republican plan here in the House, a drug that costs $631 a year will cost a senior $746. They will pay actually more than the drug costs today list price. This is the grand new benefit that they are going to deliver at a cost of $400 billion.

We could lower the price of drugs more substantially for every American, particularly those on Medicare, by simply voting for and allowing the safe reimportation of U.S.-manufactured, FDA-certified drugs from Canada, plain and simple.

We are going to hear a whole host of reasons why that is a bad idea. It will hurt their profits. Yes, it will hurt their profits. They say, well, if our profits go down, we will not do the research. That is a lie. The pharmaceutical industry makes its money on new drugs. They get an exclusive 17-year patent for those drugs. That is their profit center. The last thing that is going to go is the research because that is where they are going to make their money. Maybe they will cut the obscene salaries of their CEOs. Maybe they can be get by on two, three million a year instead of sixty.

Maybe they will cut the billions they are spending to direct promote their drugs on television, something that was outlawed by the FCC and the FDA until quite recently and something that is very problematic, to get people induced to go out and by a particular drug, to go into their doctor who is pushed for time and say I want that purple pill, I saw it on television. Well, that is not what you need. I want the purple pill. Okay, I have only got 10 minutes, you are out of here, you have got the prescription. Doctors tell me they do that. So if they saved those billions, they cut the salaries and some of their other overhead and administrative costs, they would still have plenty of money to do the research, and they could still earn a good profit; but Americans would pay 40 or 50 percent less for their drugs.

They say this legislation will kill people. They claim somehow the drugs that took a vacation to Canada have become unsafe while they were there. They say this will kill people. I will tell my colleagues what is killing people in the United States of America today: the fact that they cannot afford life-saving drugs. There are seniors in my district who divide their drugs in half. There are seniors in my district, couples, who decide which one is going to get the critical drugs this month because they cannot afford to buy all of them because they do not have a benefit. That is killing people.

Bringing back U.S.-manufactured, FDA-certified drugs from Canada is not going to kill people. It will kill obscene profits on the part of this industry because they are gouging America's seniors. America's seniors are paying twice as much as people in Canada for many drugs and even more if we go across the border to Mexico.

So this is going to be a simple vote, but it is going to be a vote on which millions of dollars are unleashed to send false messages to try and pressure Members of Congress to vote against the interests of all Americans who would be healthier and benefit from less expensive drugs. We could do this through the miracle of market forces and, yes, even free trade.

I voted against the NAFTA agreement. I think it stinks and it is killing jobs in this country; but guess what, probably prohibiting the reimportation of drugs is NAFTA illegal, but no one ever files a complaint when these NAFTA illegal things benefit the big corporations, only when they benefit people, and this Congress is going to try and stop changes in that situation.

THE CLEAR ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Madam Speaker, I rise today to share another tragic story with my colleagues of another senseless criminal act that could have and should have never happened but was allowed to take place because of our broken immigration system.

By the accounts of those who knew him best, 27-year-old Tony Zeppetella was a model son, a good brother, a loving husband and father, and a valued law enforcement officer with the Oceanside, California, Police Department. Sadly, the world lost Officer Zeppetella just last month when he was gunned down on a routine traffic stop. According to witnesses, it was a brutal gangland-style murder. Officer Zeppetella was shot once as he was walking away from the suspect's car. The suspect then pistol-whipped Officer Zeppetella, grabbing his firearm in the process and shooting him again at point blank range.

Madam Speaker, the individual accused and arrested for the murder is Adrian Camacho, an illegal and criminal alien who has a rap sheet that includes numerous gang- and drug-related charges and convictions and hard prison time. While it appears Adrian Camacho has been deported a number of times to his home country of Mexico, he was allowed to continue to return to his personal criminal playground, the United States, time after time after time.

America's committed law enforcement officers who protect us every day, officers like Tony Zeppetella, deserve better than an immigration system that creates a revolving door for 80,000 criminal aliens living in the United States, a system that asks them to spend their time arresting, then rearresting the same individuals. This makes their job far more difficult and dangerous than it already is.

Earlier this month, along with the gentleman from Florida (Mr. BOYD), the gentlewoman from Pennsylvania (Ms. HART), and the gentleman from Georgia (Mr. DEAL), I introduced The CLEAR Act. It is a bill that would address our Nation's criminal alien crisis and make a real difference for our men and women wearing the badge.

More specifically, The CLEAR Act would require the Federal Government to take custody of criminal and illegal aliens apprehended by local and State law enforcement agencies or else pay the locality to detain them. It would also create a new system for the Bureau of Immigration and Customs Enforcement, or now known as BICE, to take custody of criminal and illegal aliens from localities and take them to a BICE facility for processing and deportation.

If a Federal agency is truly uncooperative in this process, The CLEAR Act allows the local or State law enforcement department to hold that agency accountable by establishing an unprecedented administrative review process and fine schedule.

☐ 2000

Lastly, the CLEAR Act would create a very real financial disincentive for criminal and illegal aliens, like Adrian Camacho, from illegally returning to the United States over and over again.

It is also a bill that carries the endorsement and support of our Nation's well-respected law enforcement groups, groups such as the National Sheriffs' Association, the Law Enforcement Alliance of America, the Southern States Police Benevolent Association, and the Friends of Immigration Law Enforcement. These are groups that represent America's rank-and-file officers and are groups that understand that an immigration system that allows 400,000 illegal immigrants with deportation orders to walk our streets and a system that allows 80,000 criminal aliens to continually commit violent and horrific crimes within our borders is an immigration system that puts our men and women wearing the badge in additional undue and unnecessary danger.

Madam Speaker, Officer Tony Zeppetella is a hero to the people whose lives he touched, his family, his wife and infant child, and friends and fellow officers that he left behind, but he is also a hero to all of us who are Americans because of his service to make our Nation a safer place.

Madam Speaker, it is time our Federal Government and this Congress got serious about our criminal alien crisis. The dangerously inefficient immigration system we have today has created far too many stories like that of Officer Zeppetella.

I urge my colleagues to do the right thing. Take a thoughtful, long look at our problem. Support our local and State law enforcement officers. Support the CLEAR Act, and let us straighten up this immigration system in America.

SECRETARY POWELL MEETS WITH TURKISH FOREIGN MINISTER ABDULLAH GUL

The SPEAKER pro tempore (Ms. HARRIS). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, this Thursday Turkish Foreign Minister Abdullah Gul is scheduled to visit the United States for meetings with U.S. Secretary of State Powell. On the eve of his visit, I come to the House floor to highlight two serious issues: first, the ongoing blockade against Armenia; and, second, the nearly three-decade-long occupation of the northern third of the sovereign Island of Cyprus.

Madam Speaker, for the last 11 years, Turkey has imposed a crippling blockade against Armenia. The blockade clearly runs afoul of U.S. and international law. In fact, both the U.S. Government and the European Community have repeatedly called on Turkey to lift their campaign of attempting to starve an entire nation. Turkey's denial of U.S. and international assistance to Armenia is in violation of their commitments to the Organization for Security and Cooperation in Europe, which they have signed.

Madam Speaker, Turkey's blockades not only affect Armenia, they affect the entire South Caucasus region. By choking off a major transportation region across the Caucasus, Turkey is stunting the growth of the economies of Armenia, Georgia, Azerbaijan, and even Turkey itself. I urge the administration to take an active role in pressing Foreign Minister Gul to open the border with Armenia.

The administration has consistently supported the development of normal relations between Armenia and Turkey and should continue to do so. A resolution of this dispute will mean stability and further economic development of the South Caucasus, and this should be done immediately and without preconditions.

Madam Speaker, Turkey's continuing occupation of the northern third of the Island of Cyprus is also one of Turkey's most egregious violations of international law. Yesterday marked the 29th anniversary of Turkey's illegal military occupation beginning on June 20, 1974.

This has been a monumental year for the Island of Cyprus. The European Union's decision to invite the divided island into the EU has placed intense international scrutiny on the reunification talks. The EU invitation is for the Republic of Cyprus, which is internationally recognized as the legitimate government of the entire island. But EU membership would be suspended in the occupied area until the end of the Turkish occupation, and the Cypriot parliament has unanimously approved the accession to the European Union.

Recent moves by Rauf Denktash, the Turkish Cypriot leader, have failed to lessen international pressure. Denktash's move to partially lift restrictions on movement across the UN's cease-fire line and give the ability of Turkish and Greek Cypriots to briefly visit the other side of the island has brought a glimmer of hope, but also renewed frustration to the Cypriot people.

Tens of thousands of Turkish Cypriots in the north have recently peacefully protested Denktash's decision to reject the U.N. plan to reunify the island, and Turkish Cypriot citizens made this rare public rebuff of Denktash's demanding reunification so that the coming prosperity of the European Union-Cyprus partnership does not pass them by.

Madam Speaker, when Foreign Minister Gul comes to meet with the Bush administration, I would hope these issues would be discussed. Turkey has long stated that it is a Western-leaning European democracy, but in this country it will no longer be judged solely by its words. Now they must fulfill their obligations under international agreements and laws by dropping their illegal blockade against Armenia and finally removing their troops from the Island of Cyprus.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I rise again tonight to talk about an issue that I suspect many of my colleagues are becoming weary of, and frankly, I am as well. It is the issue of the cost of prescription drugs and what we pay in the United States compared to what the rest of the industrialized world pays for those exact same drugs.

What I have tonight is a chart. I apologize, it is a little difficult to read. I am going to hold up the back of today's Congressional Daily. It has a picture of two tablets in a little cardboard container and under it the captions says, "Quick. Pick The Capsule That Hasn't Been Tampered With." And somehow we are supposed to believe that if we allow Americans to have access to FDA-approved drugs from FDA-approved facilities from around the world, that obviously people are going to tamper with them and people will die.

So we have made up our own little chart, a little comparison that says, "Quick. Pick The Bottle That Hasn't Been Tampered With." Can you pick which one?

The fact of the matter is, this year we will import from other countries, and I have the exact number, $824,888,000 worth of imported wine. Now, it is altogether possible that somebody could tamper with that wine. Yet every day Americans buy bottles of wine from all over the world and they open that wine, and how do they know that it has not had arsenic put in it? They do not. We take a risk every day.

Every day Americans eat imported plantains, imported cucumbers, imported fruits, imported vegetables, and imported meat. Americans take a risk every day and we do not even inspect them. Well, I take that back, we do inspect them a little bit. About 2 percent of the products coming into the country get inspected. But, nonetheless, if you eat an imported food that has some form of food-borne pathogen and you die, you are still dead.

Now, what do we know. The CDC and the FDA keep very good records, and we have had testimony and we have asked them this question several times, how many Americans have actually become seriously ill or died from taking FDA-approved drugs from other countries? And it is an easy number to remember. It is a nice round number. The number is zero. Yet we continue to hear these scare tactics.

Scare tactics serve only one purpose, and that is to obscure the facts. The facts, I think, speak for themselves, though, and that is that Americans, because we are a captive market, pay the world's highest prices for drugs, which largely are developed here in the United States and many times paid for by the taxpayers' research dollars. Let us take one drug, perhaps the most effective anti-breast-cancer drug ever developed, Tamoxifen, developed essentially here in the United States with taxpayer dollars.

We invested almost half a billion dollars, taxpayer dollars, developing Tamoxifen, but here is what really chaps my hide. Americans are expected to pay $360 a month for Tamoxifen. That drug can be purchased every day of the week in Germany for $60, as we did, or it can be bought in Canada for $50.

Now, scare tactics are really not about helping Americans understand the facts, because the facts speak for themselves. It is about trying to obscure the facts.

We require in our bill that we begin to develop a process of counterfeit-proof, tamper-proof packaging which will benefit whether the drugs are imported, exported, or made and consumed here in the United States.

This is really about profit over people. It is not about safety, it is not about research, it is about money. It is about big money. We estimate that over the next 10 years, seniors alone, if we open up markets and markets level those prices here in the United States, seniors alone could save over $600 billion. That is with a "B". We are talking real money. As my colleague from Oregon earlier said, that could be worth more than this entire prescription drug benefit plan that we are talking about.

Let me tell my colleagues the story of Dr. Wenner from Vermont. Her clinic began to encourage, or at least assist their patients to buy their drugs from Canada rather than in the United States. They have kept very scrupulous records. So far the records she gave us in testimony, which was sworn testimony before a subcommittee here in the House, was that her patients had been saving 62 percent, and she had seen no adverse reactions to the drugs.

Later this week Members will get a chance to vote on this important matter, and they are going to have to ask themselves, is it really about safety? Is it really about research? Or is it really about putting profit over people?

Ultimately, we are going to have to ask ourselves those questions and we are going to have to defend the answer. Because if a year from now we are still paying $360 for that Tamoxifen and the Germans are paying $60, it is not shame on them, it is shame on us.

ORDER OF BUSINESS

Ms. SCHAKOWSKY. Madam Speaker, I ask unanimous consent to take my time out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

LETTERS IN SUPPORT OF INDEPENDENT COMMISSION TO INVESTIGATE EVIDENCE OF IRAQ'S WEAPONS OF MASS DESTRUCTION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. I appreciate it very much, Madam Speaker.

I once again this evening continue reading constituent mail that has come to the State of Illinois, 3,621 comments, that were actually made available to people by MoveOn.org, which had on the Web site a petition that said, "We believe that Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction programs."

☐ 2015

A number of times, the Speaker has cautioned Members who get up to be careful that we say proper things and do not impugn anybody's integrity on this floor. I agree that we ought to have a level of decorum. But I want to also read a quote from Theodore Roosevelt, because these are coming from constituents who only want to know the truth and want a process, an independent commission to make sure that we get the truth about why it is that the United States thought it was an imminent threat that we had to go to war. This quote, I think, is important for us to look at. This is from the former President, Theodore Roosevelt:

"To announce that there must be no criticism of the President or that we are to stand by the President right or wrong is not only unpatriotic and servile but is morally treasonable to the American public."

So it is really in that spirit that many, many people, in fact, about 320,000 people who are also calling for an independent commission to investigate the truth about the rationale for going to war in Iraq who have sent letters. Here is one, from Darryl of Watseka, Illinois:

"As a father of one of our Nation's finest, I respectfully request that you demand an independent review of our government's actions leading up to the war in Iraq. The U.S., once a greatly respected Nation around the world, has now made a large part of the world not trust us. If we as a Nation do not question questionable acts of our own government, how can we go around the world telling other nations to create democracies when the one we have seems more like a dictatorship than a democracy?

"The current leadership of this great Nation and the media manipulated the general public into believing Iraq was a threat to us. If we don't question these actions, how can we question the actions of other nations? For years, the world has stated that the U.S. has a double set of standards, one for us and one for the rest of the world. Will we set a precedent of attacking other nations with false justification for the rest of the world? What are we teaching our children? It's okay if you don't like someone to attack them first because our government says it's okay.

"Before the war, President Bush and Colin Powell claimed that Iraq was a threat to our security with weapons of mass destruction and nuclear weapons. Since the war, they have changed their tune and say that Iraq had a weapons program. That alone should make one want to question their actions. Don't let politics dictate your actions, let the facts. When I hear that other nations think President Bush is more of a threat to the world peace than Iraq was, it disturbs me. I love my country and believe that we can make a difference in the world, but if we don't question these actions, I highly doubt that the rest of the world will trust us again."

Rodney from Sauk Village says:

"My youngest brother is in Baghdad in a rank heavy unit which is costing taxpayers millions of dollars per month in salary alone. Our men and women are still over there being killed but the President claims the war is over. I can't tell. I've always been of the belief that if you get tired of being treated a certain way, eventually you'll stand up and do something to change it. We need to be focusing on the wars at home like gang violence, AIDS and the homeless."

Ronald from Malden says:

"I am a 'never miss an election' independent who has never voted a straight party ticket. I seriously would like to know who misled us or the President or if our intelligence community is this poor. It appears there are no weapons of mass destruction or our great intelligence that told us all about them before the war certainly could have located at least a few of them by now. Billions of our tax dollars have been spent on this war and billions more will continue to go out every month for years now because of this while we cut domestic programs, spend billions on interest alone for the deficit to cut taxes, most to people who do not need it, and mortgage our children's future. Because of lies? Because of incompetency? I want to know what happened."

Beth from Plano, Illinois:

"The public, especially the families of the women and men who have bravely entered into military service, worry, and justifiably so, that the war in Iraq is turning out to be a second Vietnam. We want to know whether this war was truly justified, or if President Bush and his administration merely embarked upon a reckless revenge match with disregard for the very citizens they have sworn to protect."

Mary from Westmont, Illinois:

"I have a nephew in the military and a niece soon to follow. Why were our young men and women's lives threatened, lost?"

This must be stopped.

HEAD START

The SPEAKER pro tempore (Ms. HARRIS). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Madam Speaker, I would like to point out that appropriate committees in the House and the other body are investigating those issues of concern to the previous speaker. If those committees do not appropriately handle the issue, then I am certain that an independent investigative commission would be in order.

Madam Speaker, I rise tonight to speak about Head Start. This week it is scheduled to be reauthorized on the House floor. Currently, there is much confusion about Head Start and its reauthorization. The facts are these: number one, Head Start serves approximately 1 million children. Secondly, state-run early learning programs service another 1 million eligible preschool children. That is 2 million out of 3 million, so that means 1 million essentially are falling through the cracks. Of course, this is of great concern because where you start out in the learning curve usually signifies where you are going to end up. So we are serving only two-thirds of those children who are eligible.

Head Start is effective in social development, language proficiency, and some early learning skills and is very worthwhile. I think most people that know anything about Head Start certainly advocate the program and feel it is something that we really need to continue to reauthorize. But I think it is important also to realize that Head Start children enter the program at the 21st percentile of school readiness. They leave the program at the 24th percentile of school readiness. So after 2 years, $6,500-per-year education, they are improving roughly 3 percent. Certainly that can be improved. That is essentially one thing that will be addressed in this reauthorization.

Reauthorization does this: it certainly strengthens the present Head Start programs and increases funding by $202 million to $6.9 billion. So there is a funding increase. It improves teacher qualification requirements. It does not weaken the teacher qualification in any way. It keeps Head Start under Health and Human Services. There has been a misperception that it is being moved to another Department. That is not true. It preserves the current health and nutrition programs. It does not change them at all. And provides extra funding for underachieving programs. These are all things that have been similar in the past.

There are three significant changes that I think are worthy of note: number one, the reauthorization strengthens the academic components of curriculum and improves school readiness, so such things as vocabulary, early reading, learning letters, learning numbers will be ramped up; and we hope that instead of ending up at the 24th percentile of school readiness, they might end up at the 35th or the 40th or the 45th percentile. This definitely needs to be improved and it will be.

Secondly, this reauthorization provides an optional eight-State pilot program, so 42 States will remain the same and only eight States who choose to do so will enter into this pilot program. What this does, it provides a seamless program that coordinates State standards for early childhood education with Head Start so we do not have two programs on the same track existing side by side which is very expensive and furthermore causes a lot of children to fall through the cracks. We will serve more kids.

Then lastly, it encourages parental involvement to transition from Head Start to elementary school. One of the great things about Head Start right now is that parents are involved with children in Head Start. Traditionally and typically when kids go on to elementary school, the parents drop out of the picture. And so in the reauthorization, we are trying to make sure that parents stay involved with their children from Head Start on into elementary school, and this certainly is one of the things that can tremendously benefit children in this program.

We encourage our colleagues to vote "yes" on this reauthorization. This is an important program. I believe that the reauthorization strengthens the Head Start program. We urge a "yes" vote.

REGARDING THE U.S.-CHILE AND U.S.-SINGAPORE FREE TRADE AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Madam Speaker, I rise tonight to urge my colleagues to oppose the U.S.-negotiated free trade agreements between our country, Chile. And Singapore. Both of these agreements in my opinion represent a substantial backwards step from existing trade policies in terms of labor and environmental protections and set, to me, a dangerous precedent for future free trade agreements, especially as we look to the future and what we are going to be doing with Central American countries.

Do not get me wrong. I am not opposed to trade. But I would like to see fair and equitable trade. Trade between countries can yield enormous benefits for businesses and economies and working families of all countries if it is done fairly. Two years ago, I voted on this floor to support the Jordan Free Trade Agreement, an agreement passed unanimously by this Congress. That agreement included fundamental labor and environmental standards that made it an exceptional model for future trade policy.

Unfortunately, the U.S.-Chile and U.S.-Singapore free trade agreements negotiated by this administration fail to include many of the provisions that were included in the Jordan agreement that could have been used as a model. In fact, the agreements' enforcement standards are, in many respects, weaker than those in NAFTA, an agreement that has resulted, as Members know, in the loss of thousands of jobs and a larger trade deficit. Rather than backtrack on trade policy, we should be building upon trade policy established in the Jordan Free Trade Agreement.

The Jordan Free Trade Agreement required that Jordan not only meet internationally recognized labor standards on child labor and the right to unionize but to enforce them as well. The agreements with Chile and Singapore fail to do this, allowing even the most rampant violations of core labor standards to go undisputed. The one commitment that can be enforced under the agreements, the commitment to abide by the country's own domestic labor laws, is merely subject to limited fines, a lot of good that is going to do, a much weaker penalty than the trade sanctions available for commercial disputes.

The agreements are also troubling because they create an entirely new visa category which would allow employers to bring thousands of temporary workers into the U.S. at the expense of American jobs. The result would be a vast influx of foreign professionals from many low-wage nations competing with American citizens for higher paying jobs. They would fill virtually any service sector job in industries such as finance, engineering, medicine, and law. Though the administration made improvements upon its original draft implementing legislation of these new visa programs, the implementing legislation for the new visa programs still falls short of existing H1-B programs. It omits important safeguards for ensuring that employers do not abuse temporary workers to undermine the domestic labor market.

Whether you support free trade or not, we can all agree that we should not be allowing for the entry of thousands of temporary workers at the expense of jobs that can be filled by American workers, especially in a time of unemployment when we are at a 9-year high. In my own district, I repeatedly let people know that our unemployment rate is above 7 to 10 percent in some of the cities that I represent.

I also urge my colleagues to oppose these agreements because they will not promote a cleaner and healthier global environment. While the Chile and Singapore free trade agreements include environmental provisions, so they say, the language used in many cases is ambiguous and provides little assurance that the environmental promises of the agreements will be fulfilled. The agreements fail, in my opinion, to include a process that would allow citizens of the countries involved to even file complaints about possible environmental violations. Such a process, as you know, is even included in the NAFTA agreements.

Further, I am concerned that the ambiguous definition of environmental laws in the Chile free trade agreement leaves open the strong possibility that natural resources representing over 40 percent of Chile's exports will not be covered by the agreement's environmental rules. At a time when the Bush administration is negotiating trade agreements with countries in regions with abysmal labor and environmental records, we should not be approving trade agreements that fail to ensure protections for workers.

□ 2030

The administration has clearly stated that the Chile and Singapore free trade agreements will serve as a model for the Central American Free Trade Agreement known as CAFTA.

The weak workers' rights provisions in the Chile and Singapore agreements will be disastrous if applied to future trade agreements with countries and regions where abuse of workers' rights has been egregious. A vote for them would send a signal that the weak labor and environmental standards in them are not acceptable. Strong labor provisions must be included if workers are to become real partners in economic progress and help develop the expanded middle class.

This year brings the 10th anniversary of the NAFTA agreement. The result: Our combined trade deficit with Mexico and Canada has grown from $9 billion to $87 billion, and more than half of the million U.S. workers have lost their jobs.

I urge my colleagues to vote down these two agreements.

AVOIDING ENTANGLING ALLIANCES AND INTERNAL AFFAIRS OF OTHER NATIONS

The SPEAKER pro tempore (Ms. HARRIS). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, the truth about whether or not Saddam

Hussein was trying to buy uranium from Niger has dominated the news for the past several weeks. Many of those challenging the administration on this issue are motivated more by politics than by policy. Some doing the challenging were strongly in favor of going to war against Iraq when it appeared politically popular to do so, but are now chagrined that the war is not going as smoothly as was hoped.

I am sure once the alleged attempt to buy uranium is thoroughly debunked, the other excuses for going to war will be examined with a great deal of scrutiny as well. It is obvious that the evidence used to justify going to war is now less than convincing.

The charge that Saddam Hussein had aluminum tubes used in manufacturing nuclear weapons was in error.

A fleet of unmanned aerial vehicles capable of dispensing chemical and biological weapons did not exist.

The 63,000 liters of anthrax and botulism have not been found, nor have any of the mobile germ labs. There are no signs of the 1 million pounds of sarin, mustard and VX gasses.

No evidence has been revealed to indicate Iraq was a threat to anyone's security, let alone ours.

The charge that Saddam Hussein was connected to the al Qaeda was wrong. Saddam Hussein's flaunting of the UN resolutions regarding weapons of mass destruction remains unproven.

How could so many errors have occurred? Some say it was ineptness while others claim outright deception and lies. There are some who say it was selective use of intelligence to promote a particular policy already decided upon. This debate, I am sure, will rage on for a long time, and since motivations are subjective and hard to prove, resolving the controversy will be difficult. However, this should not diminish the importance of sorting out the truth from the fiction, the errors from the malice.

One question, though, I hope gets asked is why should we use intelligence cited by a foreign government as a justification for going to war? One would think that with the billions we spend, we could fully rely on our own intelligence-gathering agencies.

Another point of interest, lacking a coherent foreign policy, we have support for war coming from different groups depending on circumstances unrelated to national defense. For instance, those who strenuously objected to Kosovo promoted war in Iraq. And those who objected to Iraq are now anxious to send troops to Liberia. For some, U.N. permission is important and necessary. For others, the U.N. is helpful as long as it endorses the war they want.

Only a few correctly look to the Constitution and to the Congress to sort out the pros and cons of each conflict and decide whether or not a declaration of war is warranted.

The sad fact is that we have lost our way. A threat to national security is no longer a litmus test for sending troops hither and yon, and the American people no longer require Congress to declare the wars we fight. Hopefully, some day that will be changed.

The raging debate over whether or not Saddam Hussein tried to buy uranium, as important as it is, distracts from the much more important strategic issue of what is the proper foreign policy in a republic.

Hopefully, we will soon seriously consider the policy of noninterventionism in the affairs of others. Avoiding entangling alliances and staying out of the internal affairs of other nations is a policy most conducive to peace and prosperity and one the Founders endorsed. Policing the world and nation building are not part of a constitutional republic.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Madam Speaker, I ask unanimous consent to take the special order time of the gentleman from Arizona.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

IN SUPPORT OF INDEPENDENT COMMISSION TO INVESTIGATE DISTORTION OF EVIDENCE OF IRAQ'S WMD PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, I first thank the gentleman from Texas (Mr. PAUL) for his intellectual honesty and consistency and his clear vision on so many foreign policy issues.

A hundred sixty-five years ago, Madam Speaker, the United States Congress, amazingly enough, the House of Representatives, passed a rule prohibiting its Members from debating the great issue of slavery, the greatest blemish on American history. In those days, John Quincy Adams, former President, then elected to the House of Representatives, came down to the well of the House week after week reading letters from his constituents, reading what he called petitions from groups in his State of Massachusetts, many of them written by women in women's clubs, women who actually could not in those days, as we all know, vote in American elections. He read these letters protesting this rule prohibiting the discussion of slavery and protesting the institution of slavery itself.

Today, we find ourselves in a Congress where this Congress has refused to discuss and investigate what exactly the President did and said about weapons of mass destruction. As the gentlewoman from Illinois (Ms. SCHAKOWSKY) said earlier in the evening, an organization called MoveOn.org, an organization of 1½ million Americans, tens of thousands in my State of Ohio, asked its members to sign an on-line petition saying that we believe Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program.

Tens of thousands of those members, in addition to signing the petitions, wrote letters to Members of Congress. And similar to John Quincy Adams's coming to the House floor to expose the Congress' inability and unwillingness to discuss issues of national import, many of us have come to the House floor every night to share the concerns, not just our concerns, Members of Congress, but to share the concerns of people in my district in my State. And I would like to share a handful of those letters.

Dennis Gadel of Akron, Ohio wrote: "What makes this tragedy especially difficult for freedom-loving people to come to terms with is that, unlike September 11, this tragedy was self-inflicted. In order to have a strong democracy, we must hold leaders accountable for their deception."

Ms. Barbara Hanselman from Wadsworth wrote: "I consider it my patriotic duty to give my informed support to those who represent our people. When I cannot trust my government to speak the truth," Ms. Hanselman wrote, "our very basic freedoms are eroded. To lead a country to war, when many U.S. citizens and millions of people around the world were against this act of aggression without clear evidence, by calculated misrepresentation of the facts, is so beneath what my country stands for."

Jim Miraldi of Lorain, Ohio, my hometown, writes: "Our leaders must respect democracy. If our leaders lie or mislead their own people to support military action to make an immense change in foreign policy, then this greatly undermines our country" " . . . Saddam Hussein was" . . . "evil," certainly. "Maybe we should have gone ahead with this invasion. But that decision should have been based on accurate reporting by our leaders and not by deceiving the American people."

Patrick and Sandra Garrett, Mr. and Mrs. Garrett of Avon, Ohio, in northern Ohio, write: "Democracy cannot endure without truth and integrity from its leadership. Look at what the Vietnam war, the Iran Contra scandal, and Watergate did to the public's confidence in government," the Garretts wrote from Avon.

Cheryl Elman from Akron, Ohio, wrote: "You and a handful of others may truly be all that stand between public ignorance about possible manipulations of policy in the Iraqi war. An enlightened public is a prerequisite for functioning democracy." Please continue your commitment "to free flow of information. Do what you can to shed light on this issue."

Teri Egan from Shaker Heights, Ohio, writes: "As the toll rises daily in Iraq with our troops in harm's way, we need to know if there is any credible reason for continuing in this manner."

Wanda Crawford from Cincinnati, Ohio, in the other end of the State, writes: "With American soldiers' lives at risk and American soldiers' lives lost already, the American public needs to know the true reason for our entry into war with Iraq. Covering up the truth dishonors the sacrifice of those in uniform. As a daughter and a sister of veterans," Ms. Crawford writes, "I am appalled that soldiers may have been lied to about the reasons they were sent to Iraq. Please support an independent, bipartisan investigation to get to the truth of the administration's call to arms."

Norma Roberts from Lexington, Ohio, writes: "I was alarmed at recent reports that our government led us into war without honest justification. President Bush responds by saying that such reports are attempts to 'rewrite history,' but the point is that the American people do not know the real history. If this country is to be a model of democracy, the people must be informed."

Madam Speaker, it goes on and on. We ask for this investigation. Literally hundreds of thousands of Americans have written to their Members of Congress asking for an investigation into the Bush administration's distortion of evidence of weapons of mass destruction.

MEETING FUTURE LABOR SHORTAGES WITH TEMPORARY FOREIGN WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Madam Speaker, for the past few weeks, I have come to the floor of the House of Representatives to address an issue that I believe has to be addressed with a comprehensive legislative solution. The issue is illegal migration and our current immigration policies.

Madam Speaker, this is certainly a very complex issue. Unfortunately, it involves a historical policy of turning a blind eye to the reality of the demand for workers for certain jobs in this country. Our migration policy has also not done a very good job of recognizing the way that people organize and lead their lives.

We must recognize that the U.S. economy and standard of living are better than that of Mexico. Mexicans migrate to the United States not simply because wages are higher, but because Americans are willing to hire them. The demand for these workers will not diminish for the foreseeable future. In a recent report published by Dan Griswold of the Cato Institute, we know that the Labor Department has reported that the largest growth in absolute numbers of jobs will be in those categories that require "short-term on-the-job training" of 1 month or less.

In fact, of the top 30 categories with the largest expected job growth between 2000 and 2010, more than half fall into that least-skilled category. These are all occupations where low-skilled immigrants can be expected to help meet the rising demand for workers. Across the U.S. economy the Labor Department estimates that the total number of jobs requiring only short-term training will increase from 51 million in 2000 to 61 million in 2010. That is a net increase of 7.7 million jobs. Meanwhile, the supply of American workers suitable for such work continues to fall because of an aging workforce and rising education levels.

The median age of U.S. workers continues to increase as baby boomers approach retirement age. From 1990 to 2010, the median age for the American worker is expected to rise from 37 years to 41 years. Further, younger and older American workers alike are now more educated. The share of adult native-born men without a high school diploma has plunged from 54 percent in 1960 to just 9 percent in 1998. During the same period, the share of workers with college degrees has gone up from 11 percent to 30 percent.

Certainly we recognize the fastest growing occupations in the next decade in percentage terms will require high degrees of skill and education. But as the economy continues to pick up steam, we have to recognize the realities of labor market demands. The demand for lower-skilled workers is growing while the American workforce is aging and increasingly well-educated.

Madam Speaker, I would argue that it is no coincidence that the number of low-skilled jobs in this country is expected to grow by more than 700,000 a year. That is precisely the number of new illegal immigrants that the Federal Government now estimates are entering the U.S. job market every year. If this is not an affirmation of this power of the market, and simple supply and demand, I do not know what is. We have to consider that for an illegal worker, the prospect of unemployment in the United States is far more expensive than a similar situation in his or her home country. If jobs are not available, the treacherous journey across the border is simply not worth the risk.

□ 2045

To conclude, permitting immigrants to enter the country as part of a temporary worker program will eliminate a huge segment of the illegal traffic coming across and within our borders. At the same time, such a strategy will recognize that our economy continues to expand, and, as such, the expansion will require new workers.

GETTING AMERICA BACK ON TRACK

The SPEAKER pro tempore (Ms. HARRIS). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Madam Speaker, I would hope that government could learn from its mistakes, and, if there ever was a mistake, it was America's entry into the North America Free Trade Agreement.

The victims of that colossal disaster reside in all of our Congressional districts. They are the unemployed auto workers, the steelworkers, the truckers and the textile workers. They are families who are struggling just to get by. They remember better times. They remember life before America entered the "race to the bottom," before their jobs moved overseas.

Let us consider where NAFTA has brought us. The U.S. trade deficit in 2002 was $500 billion, the highest deficit ever recorded, and the combined trade deficit with Canada and Mexico is now more than ten times what it was before NAFTA went into effect. Think of that; our combined trade deficit with Canada and Mexico is now ten times more than it was before NAFTA went into effect.

But, sadly, Madam Speaker, it seems that some either did not learn, or just simply do not care, because this Congress is now being presented with more free trade agreements, this time with Chile and Singapore, and they are just more of the same; more jobs lost, more hard times for Americans. It is deja vu all over again. I will be voting against both the Chile and the Singapore Free Trade Agreement Implementation Acts, because they mean nothing but hardship for American workers.

Oh, but now we are being told that these agreements may require Chile and Singapore to meet international standards on workers' rights. Oh, but, of course, they provide absolutely no enforcement mechanisms. Foreign labor costs and practices will continue to undercut those of America's workers in this global race to the bottom, which simply means more jobs lost right here at home.

What is worse, these two agreements appear to be just the beginning of the NAFTA legacy. Next we are told there is going to be a so-called Central America Free Trade Agreement, or CAFTA, that is currently being negotiated by the United States trade representatives. CAFTA has the potential to create a free trade zone in the Western

Hemisphere that would flood our borders with cheap imports, and our only export, Madam Speaker, would be our good-paying jobs.

Madam Speaker, it is time we took a stand. It is time we put America's workers first.

Madam Speaker, I urge all of my colleagues to just simply look at the record. Our country has taken the wrong path. We cannot afford to go down this dangerous road any further. I urge my colleagues to oppose the Chile Free Trade Agreement Implementation Act and the Singapore Free Trade Agreement Implementation Act. It is time we got our country back on track.

Madam Speaker, I represent 12 counties that stretch along the eastern and southern portion of Ohio. In one of my counties, Mahoning county, the unemployment rate this very day is 11.4 percent. In the City of Youngstown, the unemployment rate is 18.2 percent. I have people who have worked in steel mills and are now jobless. We have steel mills that are under threat. The china and pottery industry along the Ohio River is under threat. The titanium industry is under threat.

Our country is under threat, and I would urge the President and this Congress, both Democrats and Republicans, to recognize reality, to turn from our foolish ways and to return to the attitude that I believe our forefathers had before us, who believed that our first obligation as representatives in this body is to put this country and our communities and our constituents first.

CELEBRATING THE 150TH ANNIVERSARY OF BOWDON, GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Madam Speaker, I did not rise to speak on this issue, but I just feel compelled to respond to some of my colleagues on the other side of the aisle who are not directly questioning the honesty and truthfulness of President George W. Bush, but yet are doing it secondarily through these so-called "constituent letters."

I want to remind them that it is inappropriate, indeed, out of order, for a Member of Congress to speak in this House from this well and to suggest that the President is lying, that the President is untruthful, that the President deceived the American public. Whether they are saying that directly or they are suggesting it through these so-called constituent letters, they are getting very, very close to crossing that line.

I want to remind my colleagues that this president was elected, for more than any other reason, because of his honesty and his integrity. The American people trust President Bush and applaud him for what he is doing, what he has done and what he will continue to do to bring peace to the Middle East.

Madam Speaker, actually I am rising today to celebrate the 105th anniversary of Bowdon, Georgia, a jewel of a city in the 11th Congressional District which I represent.

Bowdon has a proud history that dates back before the official founding of the city. In 1847, Carroll County troops from the Bowdon area, fighting under General Winfield Scott, defeated a large army under Santa Anna at Cerro Gordo, Mexico. The town of Bowdon was originally called Cerro Gordo to commemorate that victory. After Alabama Congressman Franklin Welch Bowdon assisted the town in securing a post office, the citizens honored him by renaming their town Bowdon in 1848.

Several years later, in 1853, about 30 local residents selected the present town site. Lots were sold to the highest bidder, with the most expensive lot going for $10.50. The city grew quickly, and by 1855 Bowdon had five stores, several shops, a primary school and a high school. At least one of those original houses in Bowdon still stands today.

It was not long before the people of this community chartered Bowdon College in 1856. The college was the fifth chartered in Georgia. The school was a trailblazer in the State, as it was first to educate both men and women. With few resources, but with the commitment of a devoted community, Bowdon College educated thousands of poor but ambitious students until 1936. After the Civil War, Bowdon College was one of five endowed by the State of Georgia to educate wounded and disabled veterans, in 1866 and 1867. The program educated more than 200 veterans.

In the early part of the 20th Century, Bowdon flourished with cotton and lumber sales. Soon there was a demand for rail service, and a rail line was completed in 1910. Governor Hoke Smith and Congressman William Charles Adamson, a native of Bowdon, attended the ceremony to celebrate the completion of the line.

Bowdon expanded its job-base during the Great Depression, when Bowdon College graduate Warren Palmer Sewell opened a clothing plant in 1932. Warren Sewell Clothing was one of the top ten manufacturers of clothing in the country when he died in 1973.

Today, Bowdon remains a proud city in Carroll County. Each August, Bowdon holds its annual Founders Day celebration. This year, the city's 105th anniversary, the celebration will be particularly special.

INVESTIGATING REASONS FOR WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I know that this journey that we have taken since the beginning of the year involving the war against Iraq in many instances confuses the American public.

I certainly applaud the American public's willingness to wholeheartedly support the men and women in the United States military. America has always joined together around its brave, strong and diligent men and women of the United States military when they have been put in harm's way and when they are in harm's way because of the principles or the direction of Members of this government.

So this discussion this evening is to separate out the respect and appreciation for their bravery. It is an attempt to calmly state that this Congress needs to do its responsible duty in terms of determining the basis upon which this war was declared and the intelligence that was gathered and the reasons given for going to war against Iraq.

If you read the beginning pages of our Constitution, the Founding Fathers, all of whom had some history in fleeing a despotic government, determined that this would be a perfect Nation, a Nation grounded in democratic principles, a transparent Nation. In the opening lines of the Constitution, it said we are organized to create a more perfect union. They believed that. They believed in transparency and they believed in the honesty of government and the integrity of government.

I believe that this Congress has a responsibility to openly discuss the intelligence gathering that led to the representation that the United States of America was about to be under imminent attack by Saddam Hussein and his troops and that we were in immediate danger.

Many of my colleagues came to the floor of the House during that vigorous debate in the fall of 2002 with great pain, believing that they had to cast a vote for the resolution that was on the floor that allowed the President to go to the United Nations, but if, if, the United Nations did not move, then the President interpreted the resolution to be able to move unilaterally, unilaterally, against Iraq.

In spite of the fact that many of us argued vigorously that an outright declaration of war was required under the Constitution, Article I, Section 8, a vote of this body, members of the majority disagreed with that, and they fought against what I think is the right thinking and forward thinking view of 133 Members of both Houses, who said we must have a constitutional vote on a declaration of war.

Madam Speaker, we had not gone to war, if you will, by the time of the 2003 State of the Union presentation made by this President. What had occurred was a lot of debate, a lot of involvement in the United Nations, but we had not gone at that time into Iraq.

It was a statement in the State of the Union, I believe, that framed for the American public the urgency of going. The words "recently purchased uranium from a Nation in Africa" caused the focal point to be on the fact that Saddam Hussein might have nuclear weapons that could be poised, if you will, directly at the United States of America.

That is why it is so extremely important that we have an independent commission, which I call for, and subsequently a special prosecutor, if necessary. That is why I have offered an amendment to the foreign operations appropriations bill to ensure that there be no funds blocking the creation of an independent commission, meaning no funds be used to block the creation of an independent commission.

□ 2100

I hope that this amendment will be debated fully on the floor of the House on the basis of truth, not on the basis of partisanship. I have included as well in that amendment, or in amendments that I will offer, the idea of promoting women to be engaged more so in the peace processes. Whether it is in the Mideast or whether it is in discussions dealing with Liberia, women have been effective proponents and/or crafters of peace in international agreements, and I hope that can be the case.

Madam Speaker, I think it is important to note that Americans are equally concerned about a bipartisan, nonpartisan independent commission that openly presents the facts in a public setting. I appreciate the fact that the Permanent Select Committee on Intelligence is now reviewing this issue, but the Permanent Select Committee on Intelligence, behind closed doors, does not represent the people's House. It does not represent the people of America being able to understand the trail of information that would cause statements to be made about the status of a purchase of uranium or the intelligence that would suggest to this Nation that we had to go in right at that moment unilaterally and not multilaterally.

Just a brief statement: "I am looking to you and other Members of Congress to look beyond partisan politics and make the courageous choice to discover the truth about what the administration did and did not know about Iraqi weapons of mass destruction before sending our armed forces to Iraq." Lora Munsell, Jackson, Ohio.

Clearly this Congress must speak and must act. I would simply ask we allow an independent commission to go forward.

WEAPONS OF MASS DESTRUCTION IN IRAQ

The SPEAKER pro tempore (Ms. HARRIS). Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Madam Speaker, I have been here for a while and listened to the remarks such as those just given by my colleagues from the great State of Texas, but quite honestly I cannot understand how it is possible to criticize the President for the action that he took in Operation Iraqi Freedom and at the same time ask the President to go forward in an action in Liberia.

That being said, I think it is incumbent upon us on the Republican side of this House to point out that after the terrorist attacks of September 11, 2001, it had become apparent that the United States needed, the United States was required to be more vigilant about terrorism and weapons proliferation and pay particular attention to the prospect of weapons of mass destruction falling into the hands of groups or states that would use them against American interests, American interests either here at home or abroad. And unfortunately, over the prior 10 years we have seen that with attacks in Saudi Arabia, the Khobar Towers, the bombing of the Cole and, of course, the attacks here on September 11.

The Bush administration, the Clinton administration, indeed, the United Nations all agreed that Saddam Hussein possessed a significant biological and chemical capability in 1998 when the inspectors were withdrawn. There is broad agreement that Saddam Hussein, different from any other leader, had proven himself capable of using these weapons for offensive purposes and not merely in a defensive posture.

Where those weapons are today falls into one of several categories. They may still be hidden. Saddam Hussein had become a master of concealment. Please remember that in 1995 the United Nations was preparing to lift sanctions believing that Iraq had disarmed. It was only the defection of Saddam's son-in-law, Hussein Jamal and the revelation that significant weapons were presented that halted the United Nations from lifting the sanctions in 1995.

Perhaps Hussein did destroy the weapons after the inspectors left in 1998. It seems preposterous on its face, but while this was unlikely given his other behavior, the burden of proof was clearly still on Saddam Hussein, not the United States, not President Bush and not the United Nations to demonstrate the destruction of the weapons had indeed occurred.

There is also the possibility that the weapons had degraded over time or were destroyed in the bombing or looted during the first combat phase in Iraqi Freedom. It does not really matter. The disorder and political uncertainty we are witnessing in post-war Iraq, while at one level unsettling, are to some extent a reflection of how completely Saddam Hussein's Baathist regime dominated and dictated Iraqi life.

There are efforts in the Congress to employ a full investigation into these difficult issues to understand whether any mistakes were made and to take action to fix them in fulfillment of Congress's important oversight responsibilities.

To date, the chairman of the Committee on Armed Services, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence reject a broader probe of the weapons of mass destruction issue.

I believe that Congress is exercising its oversight authority and has set in place procedures to review comprehensively and on a bipartisan basis the intelligence surrounding Iraq prior to the outbreak of war and to take into account any dissenting views on the Iraqi threat within the intelligence community.

People who have lived in a police state with no freedom of speech are unlikely to volunteer information until stability and security are achieved in Iraq. We must remember 30 years of living under a dictatorship cannot be reversed overnight.

But the most important point is this: A free Iraq makes America and its allies safer by removing a destabilizing force in the region, removing a regime that pursued weapons of mass destruction, eliminating a state sponsor of terrorism and, ultimately, by serving as a living example to the people of the Middle East of the benefits of freedom and democracy.

ASSURED FUNDING FOR VETERANS HEALTH CARE ACT OF 2003

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Illinois (Mr. EVANS) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. EVANS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. EVANS. Madam Speaker, it is no secret to anyone in this body, nor to the Nation's 25 million American veterans and their families, that the health care system is critically underfunded.

The result is that tens of thousands of veterans are being forced to work and one group of veterans is being denied access to VA care altogether. The current funding process for veterans' health care is broken. It simply does not work and, frankly, it never has.

The problem starts out at OMB where they consistently pare down the Department of Veterans Affair's budget requests to accommodate the other priorities of the White House. It moves on to this Capitol where Congress must squeeze the veterans' programs into funding for a myriad of other priorities of ill-advised tax cuts to the Space Station. It ends with veterans waiting in lines, sick and disabled and living with the year-to-year anxiety that comes from wondering if the VA will be there when they ask for help.

In short, Madam Speaker, veterans, the individuals who defended this country in time of war and kept us a free Nation, are forced by a cruel funding process to continue fighting for what is rightfully theirs.

I and 117 of my colleagues so far, some of whom join me today, believe enough is enough. There is no feasible alternative to permanently fix this problem. Only one. And that is mandatory funding of the VA spending, just like Medicare, just like the Department of Defense, TRICARE and just like the Federal Employees Health Benefits Program, the veterans deserve some consideration as the beneficiaries of their plans.

The Nation's veterans organizations strongly agree. The American Legion, AMVETS, Blinded Veterans Association, Disabled American Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, Veterans of Foreign Wars, Vietnam Veterans of America and others, including organizations that represent nearly 6 million members, are speaking up across the Nation. They too are saying enough is enough.

That is why I have introduced H.R. 2318, the Assured Funding for the Veterans Health Care Act of 2003. The bill would require the Secretary of Treasury annually to come before Congress to provide funding for the VA's care, based on the number of enrollees in the system and medical inflation.

What could be more appropriate than providing funding for veterans' health care, based on the number who will need it, the demand and the projected cost. Let us be absolutely clear. These projections and the subsequent funding of them should be based on care for all eligible veterans.

Madam Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Madam Speaker, I want to thank my friend and the ranking Democrat on the House Committee on Veterans' Affairs, the gentleman from Illinois (Mr. EVANS). I want to thank the gentleman for being such an advocate for veterans, but I also want to thank him for introducing this legislation, the Assured Funding for the Veterans Health Care Act of 2003.

What we are talking about here is simply having mandatory funding for veterans programs so that the vets do not have to come to the Congress year after year after year with hat in hands and ask for what they need. But if this bill that the gentleman has introduced passes, and by the way, I think it has 117 cosponsors at the present time, if it were to pass, there would be a mandatory stream of funding. Veterans would be able to have assurance that what they needed in terms of benefits and health care would be there for them.

I would like to take a minute, if I can, just to put this debate about mandatory funding in context and talk about what is at stake here. We need to put mandatory funding in this budget because right now funding for veterans' benefits is inadequate.

This is what we have seen happen in recent months: There are hundreds of thousands of veterans who are waiting 6 months or more just to get an appointment to see a doctor. Think about that. Would any Member of this House of Representatives tolerate having to be put on a waiting list and to wait 6 months or longer to see a doctor? I think we would not. And I think it is a fair question to ask. Why should those of us who serve in this body have access to health care in a more timely manner than that which is made available to our veterans?

Another problem, veterans about a year and a half ago, had to pay $2 for each prescription they received. The VA increased that copayment from $2 to $7 a prescription. And now the President has requested that that copayment be increased from $7 a prescription up to $15 a prescription.

And one of the most outrageous things that has happened, the VA actually placed a gag order on their health care providers. The VA sent out a memo to all of their network health providers saying, you can no longer market VA services to veterans. In other words, you cannot proactively tell veterans what they are entitled to receive. Think about that. I mean, it is almost unbelievable that the Department that is supposed to be looking out for veterans, protecting veterans, servicing veterans, would actually put out a memo telling their doctors and nurses and social workers that they could not participate in health fairs, that they have could not send out newsletters telling veterans what they are entitled to receive under the laws that have been passed right here in this Chamber, that they could not make public service announcements urging veterans to come in for services. And that gag order is in effect tonight, and it is shameful. And it is in effect because we do not have sufficient funding to pay all the costs of veterans' benefits and veterans' health care.

Then something else that more and more veterans across this country are just becoming aware of, the VA created a new classification for veterans. They have call it Priority 8. And they say those who are in Priority 8 are of higher income. Now, quite frankly, one can make as little in my district as about $24,000 a year and be considered higher income. And so these are called Priority 8 veterans, and they are being told that they can not enroll in the VA health care system at all. Think about that.

These are men and women who have served our country admirably. They have been honorably discharged. Many of them are in great economic and financial need. And because they make about $24-, $25,000 a year, the VA is saying you are high income and so you do not qualify to participate in the VA system.

□ 2115

Does my colleague not think it is fair that the people in this country know that he and I earn about $150,000 a year? I think that is high income. I do not think $24,000 is high income. I think this is really shameful what the VA has done here.

Right now, the House Committee on Appropriations has been considering the fiscal year 2004 appropriations for the Department of Veterans Affairs, and it does not look good. Despite assurances from the leadership here in the House, in fact, they have held press conferences saying, oh, we are going to treat the veterans in the right way, despite those assurances, Republicans have abandoned their promises; and they are going to increase the cost of prescription drugs for a veteran.

The President asked for this in his budget. At a time when we were getting ready to send our young men and women into harm's way, the President sent a budget to this House, and he asked that veterans be required to pay more money for a prescription drug. In fact, he wanted that copayment to be doubled, more than doubled, from $7 to $15 a prescription; and he also asked that this Congress impose an annual enrollment fee on priority 7 and 8 veterans, an enrollment fee of $250 a year. Then the President asked that the cost of going to see a doctor at a clinic be increased from $15 a visit to $20 a visit, and this House is going along with that request.

Oh, but we were told, do not worry, because we have actually increased funding for veterans health care next year; and we were told it was going to be $3.4 billion, but it looks as if the Congress is reneging on that promise as well, and the increase has been cut about in half, down to $1.4 billion.

These are shameful acts in my judgment, and I want to tell my colleagues that all of the veterans organizations in this country, and I am talking about the American Legion, the VFW, the AMVETS, the Disabled American Veterans, Vietnam Vets, they are pretty upset about this. I have a letter which they sent out last Friday, and it is from the National AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America and the Veterans of Foreign Wars; and they say here: "The VA-HUD Independent Agencies appropriations bill, which calls for a $1.4 billion increase over last year and approximately the President's request," basically this House is doing what the President has requested. These groups say that is wholly inadequate. It is inadequate to provide health care to sick and disabled veterans, and it represents a flagrant disregard of promises made to veterans by this Congress.

"So much for promises," they say in their letter. So much for promises. Providing a wholly inadequate $1.4 billion increase calls into question all the press conferences and the news releases touting this Congress' commitment to the men and women who have served this Nation.

So what we are asking for in the gentleman from Illinois' (Mr. EVANS) bill is that we make this funding mandatory. Just as other parts of our Federal Government call for mandatory spending, we want veterans to have the assurance that comes with mandatory funding.

These veterans service organizations that I mentioned tell me that this is their number one legislative priority. There are lots of things that veterans need; but nothing is more important to them than having mandatory funding, so that year after year we can know how much money our hospitals are going to get, our outpatient clinics, how much money is going to be there to take care of our aging population of veterans.

I would just close my remarks by reminding my colleagues and others once again that what this Congress is doing represents a following of the directions that came to us from President Bush. He sent his budget over here in January. As my colleague will recall, January was a time when we were preparing for war. Talk is cheap. The gentleman from Illinois (Mr. EVANS) knows that.

But health care costs a lot of money, and it does cost a lot of money to provide needed health care to our veterans; but these are men and women who have paid the price. They have served our country. They have taken the oath. They have served honorably and admirably; and as they chose to do that, to provide the service to their country, promises were made to them, and our country has an obligation to keep those promises; and the best way to keep those promises, I think, is to pass my colleague's legislation, the legislation that he has entitled appropriately Assured Funding for Veterans Health Care Act of 2003.

Every Member of this House should sign on as cosponsors. We have, I think, 117 cosponsors now, thanks to the gentleman's leadership. We ought to have every Member, Democrat and Republican alike, in this House sign on to this act. It is H.R. 2318, and I repeat that just in case there may be some veterans who are listening and who would like to communicate with their Senator and their House Member, H.R. 2318. It is called the Assured Funding for Veterans Health Care Act of 2003.

Madam Speaker, I would hope that veterans across this country would recognize the importance of this legislation and would let their representatives know how important it is to them, and perhaps they will just decide to urge them to sign on as cosponsors.

I thank the gentleman from Illinois (Mr. EVANS) for his leadership. I admire him greatly. I was elected to this body for the first time, took office in January of 1993. He and I were both younger men then; but I admired him then for the dedication he had to serve our veterans, and across the years my admiration for him has only grown, and I thank him for introducing this vital legislation. I pledge to him that I will do everything in my power to see that we get as many cosponsors as possible, that we urge the leadership of this House to allow this legislation to move forward; and I thank him for allowing me to participate with him tonight.

Mr. EVANS. Madam Speaker, I appreciate the remarks, and at this time I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman for his yielding, and I thank him for his leadership. It is an honor to work with the gentleman from Illinois (Mr. EVANS) as he has worked for the issues of veterans not only because he is a passionate legislator and a member of this body, an honored and esteemed member of this body, but because he also is a Vietnam-era veteran and clearly knows the sensitivity of these issues and the great need in these issues.

Madam Speaker, I represent a veterans hospital and many veterans in the State of Texas in the 18th Congressional District. We are honored to have as one of our very fine medical institutions the veterans hospital, and it is particularly of great importance to my constituents and my community because during Tropical Storm Allison in 2001, when the medical center found itself flooded in and many of its patients were in need of transfer and need of additional assistance or many of its equipment was not working, who rose to the occasion? It was the veterans hospital, and of course, those who were committed to serving veterans, who had the mindset, the charitable mindset, they had the great knowledge and as well the caring attitude to open their doors and as well to take many of the staff, they were also veterans themselves, to be able to assist by providing beds for the patients who needed it. They rose to the occasion.

Tonight I think it is important that we are on this floor to rise to the occasion on their behalf. I support totally H.R. 2318 concerning mandatory funding for veterans health care and am proud to be a proud sponsor of this legislation, would encourage the Members of the House and the other body, who have not yet found their way to this legislation. I expect that it will be dropped by one of or our very fine Senators in the other body, of course, and hope that we will be able to move this legislation quickly through the Committee on Veterans' Affairs and as well bring it to the floor.

We know that the gentleman from Illinois (Mr. EVANS) and the gentleman from New Jersey (Mr. SMITH) work well together. I would hope that this would be the kind of legislation that has no problems, should have no obstacles. It should move. I think I would be optimistic, I would want it to be in the committee tomorrow or at the end of the week so that as soon as we get back here in September we could quickly move this legislation forward.

Let me tell my colleagues why, because there are many things that are happening to our veterans, and we are getting more veterans as we speak because, as my colleague well knows, we had a quarter of a million troops stationed in Iraq. Now we have 140,000. Clearly there is discussion as to whether or not we need more; but many of those troops are going to be veterans soon, and right now as we speak, even though they may not be retirees, we have several problems that are occurring.

We have problems with respect to veterans not being able to enroll in hospitals right now. We have problems about the concurrent receipt issue where veterans have to choose between disability pay and retirement pay, dollar for dollar. What an insult to our veterans, and there is H.R. 303 in which we are trying to correct that problem.

The work that the gentleman from Illinois (Mr. EVANS) is doing is crucial as relates to health care. So I rise today in support of H.R. 2318, the Assured Funding for Veterans Health Care Act of 2003. This legislation is key to addressing shortfalls in the fiscal year 2003 budget appropriations for veterans health that could prove injurious to our veterans. We have a duty to protect our veterans from misunderstanding as to the new veterans administration medical care budget proposed by the Bush administration.

About 25 million veterans, living veterans, nearly 19 million have served during times of war. There are 19 million stories to tell and 19 million histories to preserve. However, time is of the essence. There are only a few thousand World War I veterans left and

World War II veterans left. These World War I veterans are all more than 100 years old. The average age of our World War II veterans is more than 77, and we are losing 1,500 of them a day. We need to preserve not only their tribute to us by fighting in World War II and World War I, but certainly if they are in need of health care, obviously we know that they would be, that we certainly would not want to say no to those few remaining veterans of that era and then the veterans that are now coming from the Korean War and all of the conflicts that we have had through not only the Vietnam War but the Persian Gulf and now Iraq.

Republican tax cuts and the shortfalls to the veterans health plan will have a negative impact on the veteran community and the veterans health care service facility of Texas and of the Nation. In the State of Texas, there are approximately 1.721 million veterans. I believe my State has one of the highest numbers or the highest numbers. Certainly in my congressional district there are a large number of veterans with whom I work on a regular basis.

Currently, 3,400 veterans are on the waiting list; and due to the war in Iraq, we will have new veterans in need of services as relates to health care. The Veterans Administration Medical Center in the 18th Congressional District has seen an 18 percent increase in its need for its services this year already. There must be additional funding to meet that need.

I am adamantly opposed to any effort that would reduce accessibility or the extent of health care to our veterans. The Republican budget cuts also include cutting health care and education needs for our veterans.

It is really, I believe, a questionable practice to suggest that a veteran making $30,000 a year should have to be questioned regarding accessing the veterans hospital services. It just does not make sense, and the budget that we put forward would slash services to veterans who make $30,000 a year or more. Can my colleagues imagine, $30,000 a veteran, may have a family, needy in health care, people making $30,000 a year, may not have health insurance because of the cost and the amount it takes to raise their families.

□ 2130

If this present structure is in place now without this legislation, without the full funding that our ranking member, the gentleman from Illinois (Mr. EVANS), has put forward in this very, very important bill, then what we have are hundreds upon hundreds of thousands of veterans, maybe even millions, who are not able to access health care at the veterans hospitals, and this is what we promised them when they went into the United States military, in a volunteer military.

As it speaks right now, it says we will provide the kind of resources that are necessary for them. And yet here we are in 2003 denying them the right to have the resources that would allow the veterans hospitals to provide care if they make over 30,000 a year.

I am astonished and I am also appalled at the taking away of promises that we made to individuals who are willing to offer the ultimate sacrifice, and that is their life.

Someone said to me that we do not have conscription, we do not have a draft anymore. That occurred in the Vietnam War. Now we have a volunteer military. That means that most of those who are in today got up out of their hometown and went to the office where the military was, whether Army, Navy, Coast Guard, or any of the others, and signed up to be able to defend their country and to follow the orders of the Commander in Chief or if this Congress would declare war.

They are in a war now that there was no declaration of, but they are there fighting. They are there loyal to the United States. They have taken an oath and they are sacrificing both their life and limbs on behalf of the people of the United States of America. Those very young men and women will ultimately become veterans. God hope they will come home to their loved ones.

How dare we cut a budget and suggest that if they make $30,000 a year, they cannot get health care?

But, really, in my district, I see individuals that are not in that category, who cannot access health care because they are making moneys of $31,000, $32,000 and $33,000 a year. Some of these individuals are in desperate need. And I might add, even though we are talking about full funding, some of the very people that are penalized overall with the budget structure and the veteran structure in the hospital are my homeless veterans, homeless veterans who because of the trials and tribulations of war, yes, they came back to us, but even though they came back to us they came back broken in mind and spirit. So, today, we find thousands upon thousands of homeless veterans who also cannot get resources because of the cuts in the veterans budget that impacts on the veterans hospitals and thereby impacts on veterans' health care.

So this bill by the gentleman from Illinois (Mr. EVANS) for full funding makes a lot of common sense. In fact, it upholds the tradition of this Nation that we care and love and nurture those veterans who care about us; we care and love those individuals who are willing to sign up on the bottom line, take the oath, and say I, swear loyalty to the United States of America and so I am going into the United States military; and if I am called to a place that would jeopardize my life, I am willing to give the ultimate sacrifice.

Yet we here in the United States are failing to provide the kind of regulations that would ensure that they could enroll, here we are de-enrolling and not allowing veterans to get the kind of health care that they need to take care of themselves.

This legislation being put forward, with 117 sponsors, assures funding for veterans' health care. It ensures that there are no signs at veterans hospitals that say "No room at the inn." Can we do less than to provide the opportunity for veterans to have full funding?

Let me close by simply acknowledging that my good friends will say that they have given an increase in funding for health care, and yet I think it should be acknowledged that that funding is $400 million short of meeting veterans' needs. It is $400 million short of meeting veterans' needs. That is why we have in place a policy that requires veterans to be denied coverage or denied coverage of health care at these hospitals if they make over $30,000 a year. I understand there is also a proposal to impose a new $1,500 annual copayment on higher income nonservice connected veterans who receive medical care from the VA.

But let me just reinforce the fact these veterans have served their Nation and their country. These veterans may have health problems now, like diabetes and stroke and heart condition, they may have Alzheimer's, and there is always this fine line of whether or not this was service connected. We do not know if it is service connected. We took 20 years to find out about Agent Orange from Vietnam. We are still trying to find out about the Persian Gulf illness, and there have been denials upon denials about whether it was related or connected. All of that occurred.

If we are still trying to find out about Agent Orange, if we are still trying to find out about the Persian Gulf, how do we know whether diabetes, stroke and heart disease may not have been service connected. So, therefore, we are denying these veterans the kinds of services they need.

Let me also cite, Madam Speaker, that in a January, 2003, letter the Disabled American Veterans, the Veterans of Foreign Wars of the U.S., Paralyzed Veterans of America, and AMVETS called on President Bush to propose a veterans medical care appropriation of $25.4 billion. However, the administration has not heeded this budget advice from these veterans organizations.

We have paralyzed veterans who are paralyzed from the neck down. These are individuals who need a high degree of health care. Many of them are my constituents. And let me give a special tribute to the Disabled Veterans of America and, as well, the U.S. Paralyzed Veterans of America who come into my office every single year. And every single year I make a commitment to them that we have got to do better by them.

This legislation, I believe, is the kind of legislation that clearly speaks to the needs of veterans. It is sensitive and sympathetic. And I do want to thank the gentleman from Illinois (Mr. EVANS) for his wisdom in helping to provide for those veterans who cannot provide or speak for themselves.

And may I remind my colleagues that as we discuss these veterans, the toll of those dying in Iraq is going up, one by one by one. And those who will come back will have been subjected to the trauma of war for a long period of time. Some will reenlist but some will become veterans. I would be appalled if they went to one of our veterans hospitals and they said, "There is no room at the inn."

How can we be a Nation who believes in the equality of all, how can we be a Nation that adheres to the Constitution that says we have organized this Nation to create a more perfect union, and not support in totality H.R. 2318? I rise to support this effort, and would hope that someone is listening and that the leadership of this House will come to the gentleman from Illinois immediately and ask that this bill be brought to the floor of the House, and that we will provide for the veterans who have provided for us.

I thank the gentleman for his service and thank him for giving me the opportunity to share with my colleagues the importance of passage of H.R. 2318.

Madam Speaker, I rise today in support of H.R. 2318, the Assured Funding for Veterans Health Care Act of 2003. This legislation is before us to address shortfalls in the FY 2003 budget appropriations for veterans health care that could prove quite injurious. We have a duty to protect our veterans from misunderstanding as to the new Veterans Administration (VA) medical care budget proposed by the Bush administration. Of our 25 million living veterans, nearly 19 million have served during times of war. There are 19 million stories to tell and 19 million histories to preserve. However, time is of the essence. There are only a few thousand World War I veterans left and they are all more than 100 years old. The average age of our World War II veterans is more than 77 and we are losing 1,500 of them a day. We need to preserve their great legacy now.

Republican tax cuts and the shortfalls to the veterans' health plan will have a negative impact on the veteran community and the veteran-service healthcare facilities of Texas. In the State of Texas, there are approximately 1.721 million veterans. Currently, 3,400 veterans are on the waiting list and due to the war in Iraq we will have new veterans in need of services. The Veterans' Administration Medical Center in the 18th Congressional District of Texas has seen an 18 percent increase in its need for its services this year already. There must be additional funding to meet that need. I am adamantly opposed to any efforts that would reduce the accessibility or the extent of health care to our veterans. The House Republican budget cuts veterans' benefits, including health care and education, by $14.6 billion. The Republican budget cuts veterans programs in order to finance additional tax cuts that we cannot afford. To pay for those tax cuts, we will be leaving thousands of veterans who were disabled during their brave service to this country without the medical services they require—which is an atrocity and a national embarrassment. At a time when our economy is suffering, the Republican Party wants to take from the poor and disabled to give to the rich. The Republican budget would slash services to veterans who make $30,000 a year or more. If there budget stands without prophylactic measures like H.R. 2318, a large economic burden would befall thousands of veterans who will then be forced to bear their medical expenses on their limited incomes. We must renew our commitment to our Nation's veterans who have already given to us.

The Bush administration claimed that the proposed veterans budget requests a record-setting "$25.5 billion for medical programs." Unfortunately, in reality, the administration really asks Congress to appropriate $22.75 billion for veterans' medical care, which is $2.75 billion less than the reported record-setting reported total. Of the $25.5 billion the Bush administration claims the budget will provide for veterans' medical care, $794 million will only shift administrative costs to the VA from the Office of Personnel Management (OPM). In Congressional District 18, Harris County alone in 1998, total Veterans Administration patient care costs rose to $240,868,665 and $1,071,793,244 for of all of Texas. An extrapolation of this figure with inflationary factors gives but a glimpse of the national shortfall for our veterans. Another $1.28 billion of the administration's request is intended to offset unavoidable cost increases like inflation, higher pharmaceutical prices, and federal pay raises. In sum, the supposed $2 billion "increase" won't give our veterans any health care relief as promised.

The proposed increase in the medical care appropriation for fiscal year 2003 is approximately $100 million more than the $1.3 billion Congress appropriated for fiscal year 2002 which the administration acknowledges is $400 million short of meeting veterans' needs. This paints a dismal picture in light of the fact that five of the VA's 22 networks have already projected shortfalls in funding for veterans' medical care by the year's end. The administration already plans to request a $142 million supplement for funding to continue to treat non-service connected, higher income veterans. It plans to find another $300 million in "management efficiencies." As also proposed by the administration, the FY 2003 VA medical care budget will require the VA to find an additional $316 million in management savings in order to meet veterans' demand for health care. This prospect promises to cause funds to be taken away from another weakly budgeted project to cover the gaping holes created by this scheme.

The administration budget also assumes Congress will pass a Bush proposal to impose a new $1,500 annual co-payment on higher income, non-service connected veterans who receive medical care from the VA. If Congress were to reject this proposal, the VA would require an additional $1.15 billion in appropriations to cover the cost of providing this care. More than $400 million of the reported budget increase for veterans' medical care is projected to come from increased collections by the VA, particularly veterans' co-payments. With the recent increase from $2 to $7 in the amount veterans are charged by the VA for a prescription, much of this "increase" in funding for medical care is being paid by veterans themselves. This is outrageous. The Bush administration veterans' medical care appropriation falls short of the request made to President Bush by veterans' organizations by nearly $2 billion. In a January 2003 letter, the Disabled American Veterans, the Veterans of Foreign Wars of the U.S., Paralyzed Veterans of America and AMVETS, called on President Bush to propose a veterans' medical care appropriation of $24.5 billion. However, the administration has not heeded this budget advice from our veterans' organizations.

The administration's budget emphasizes the need to reduce the huge backlog in claims for benefits submitted by veterans. During the first 4 months of fiscal year 2002, the number of rating cases awaiting a decision for over 180 days increased from 172,294 to 204,006. Our veterans are waiting for the VA to reduce claims processing time without sacrificing decision-making quality or the shirking of the VA's statutory duty to assist veterans in developing their claims.

The current administration's budget needs re-examination of its misguided priorities that will cause us to provide inadequate funding for health care for the men and women who have served our Nation in uniform in order to allow tax cuts that will primarily benefit wealthier Americans.

Unfortunately, too often the President is simply unwilling to work with Congress to develop a fair budget. This means veterans' programs consistently fall prey to political considerations that have little to do with veterans. This year, funding lost to the tax cut will have a direct effect upon the amount of funds that remain available for discretionary priorities, like veterans' health care. H.R. 2318 will provide a veritable bandage for the scar that the administration's budget will create on the brow of our Nation's heroes.

Absent protective legislation to provide mandatory funding and the concurrent passage of the Republican's budget would mean there would be no additional funds available to implement the Homeless Veterans Comprehensive Assistance Act to work toward the goal of eliminating chronic homelessness in a decade. Furthermore, the Capital Assets Realignment for Enhanced Services (CARES) program, a comprehensive planning and evaluation process undertaken by the VA to assess the best use of its physical infrastructure would become a "de facto" closure commission with no ability to respond to veterans' needs for primary care, long-term care, and mental health projected by its own models. There would be little money leftover for any of the system's desperately needed construction and improvement projects.

Even more horrifying than the simple health care system problems, the scheduled cuts for veterans' benefits would carry far-reaching negative implications. The administration's budget for 2004 makes no provision for additional service-connected disability benefits resulting from the present war with Iraq. As we know from the last war in the Persian Gulf, war results in adverse health effects and justifiable claims for service-connected disability compensation. It does acknowledge the expected increase in veteran's claims and an expected worsening of the disabilities of some service-connected veterans. Under these circumstances, cuts in mandatory spending can only be made by cutting benefits to veterans with service-connected disabilities. With a death toll of 152 U.S. troops since the start of the Iraqi War that is rising on a daily basis, it is incumbent upon our government to plan ahead for expenses that will stem from these deaths—as a courtesy to our fallen heroes at the very least.

Madam Speaker, I urge my colleagues to support H.R. 2318 and the mandatory funding called for to bandage the wound to be caused by the administration's misguided budget proposal.

Mr. FILNER. Madam Speaker and colleagues, I rise today in support of guaranteed funding for veterans' health care as found in H.R. 2318.

This bill replaces the current "discretionary" funding process with a reliable, predictable, and rational way to assure that the funding that is needed for our veterans will be there! Guaranteed funding takes into account inflation and increased enrollment for VA health care and provides the money to meet these needs.

Currently, the Members of the Veterans' Affairs Committee and many of our other colleagues must join together with organizations like the Disabled American Veterans, the Paralyzed Veterans of America, the Veterans of Foreign Wars, AMVETS, the American Legion and others to fight for a budget to provide health care for veterans—a budget that is worthy of our veterans. And we must do this every year!

And unfortunately, every year we fall far short of our goal. Veterans' health care needs are pitted against many other priorities of Congress and the administration, and we end up with less money than we need. The result, as many of you know, is disastrous. Right now, an entire group of veterans is being denied access to the VA health care system. And over 200,000 other veterans are waiting for a first appointment or an initial follow-up for health care, many waiting for more than 6 months.

This year, the House passed a budget resolution that cut $25 billion from veterans' benefits. Twenty-five billion dollars! Although the final budget resolution is better, it is unclear how veteran's health care will fare when pitted against all the other programs in the VA–HUD-Independent Agencies Appropriations bill—programs like low-income housing, the space program, environmental protections, urban development, and inner-city projects. These are worthy, but we should not have to limit services to veterans in order to fund them. That is why this legislation is so vital.

Other federal health care programs like Medicare, the Defense Department's Tricare for Life, and the Federal Employees Health Benefits Program are being provided with guaranteed funding. Why not our Nation's veterans?

Not only is the current "discretionary" funding unfair to veterans of past wars, but the lack of guaranteed funding sends an alarming message to current and future members of the Armed Forces. Recruitment and retention of service members is vital to the security of our country.

This bill responds to the recommendations of the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans. This task force recently testified before the House Veterans' Affairs Committee to the "growing mismatch between funding and demand in VA health care".

H.R. 2318 will address this mismatch, and will help the VA to keep pace with increasing medical costs and an increasing patient population.

SOCIAL SECURITY

The SPEAKER pro tempore (Ms. HARRIS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Madam Speaker, I am going to present sort of a tutorial on Social Security, and if my audience listens up, if they can stick with me for the next 25 or 30 minutes, they might know as much about Social Security as a lot of individuals in Washington, which is probably one of our most successful programs, but probably one of the programs that is most at risk as we continue to overspend, as we continue to have government take the surplus coming in from the Social Security taxes and spend them on other programs.

Social Security is the largest Federal expenditure. As we view this chart, we can see Social Security is now spending 22 percent of the total Federal budget, 22 percent. This is more than defense, more than all of the discretionary programs of the 13 appropriation bills that we are agonizing over, more than all of the other entitlements put together, more than Medicare and Medicaid combined. Social Security is spending $475 billion this year in 2003.

The risk to Social Security is that we are faced in the demographics of having the baby boomers retire. So 76 million baby boomers are going to start retiring in 2010, and that means they stop paying into the Social Security tax and they start taking out at the highest rate.

Now, the next chart represents the predicament. As we see, the overall gross Federal debt between now and 2013 continues to increase to approximately $10 trillion in the next 10 years. Where the debt held by the public eventually, starting 10 years from now, diminishes a little bit, the overall debt is continuing to increase. And that is because government is borrowing every penny coming in in surplus from all the trust funds, from the Medicare Trust Funds, from the Medicaid A and B Trust Funds, from the Social Security Trust Fund, from the Federal Retiree Pension Trust Funds; government is taking this extra money, not saving it, but spending it on other government programs.

So the challenge is, how is government going to pay this money back? In this case that we are talking about tonight, how is government going to come up with the money to pay back what is now $1.7 trillion that it owes Social Security, plus the unfunded liability of Social Security in the future?

If we take how much money we would have to put in in investment accounts today, over and above the tax revenues coming in from Social Security, it would take $9 trillion invested today, and remember our Federal budget is about $2 trillion a year, it would take about $9 trillion invested today to accommodate the demands and needs of Social Security if we are going to keep our current promises.

This chart sort of represents in the short term surpluses that end about 2017; and the future deficits are in red at the bottom right hand of the page. This represents the trillions of dollars that are going to be needed in the future over and above tax revenues. So what do we do about it?

One of the problems is that every time Democrats might suggest a solution, Republicans suggest, well, they are trying to ruin Social Security. More often, every time a Republican offers a solution, which have been several since I have been in Congress, starting in 1993, the Democrats have demagogued it the next election and scared seniors; and so everybody has sort of kept their hands off. They have been afraid to deal with this problem of saving Social Security.

Let me go through some of these charts. Our pay-as-you-go retirement system will not meet the challenge of the demographic change. The demographic change is twofold: one, a slowing down of the birthrate and an increase in the length of time people live. So since more people are retiring, that means there are more people going to be taking out from Social Security than are putting into it. And make no mistake, there is no savings account with our name on it. There are no savings in Social Security. The money comes in from the Social Security FICA tax one week and within the next 10 days it is sent out to recipients.

In terms of the demographics, in 1940 there were 42 people working, paying in their Social Security tax, for every one retiree. By the year 2000, there were three people working, paying in their Social Security tax for every one retiree. And the estimate is, by 2025 there will only be two people working for every individual that is taking out Social Security benefits. So what we have done, of course, is increase the taxes on those working to make it tougher and tougher. So right now we have most working people in the United States paying more in the Social Security tax than they do in the income tax.

Insolvency is certain. The actuaries know how many people there are in this country and they know when they are going to retire. We know people will live longer in retirement. In 1934, the average age of death was 62, but the retirement benefits started for full benefits at 65. So most people did not live long enough to collect Social Security. So the system went along very handily. And then people started living longer and longer, and today the average age of death is about 80 years old for a female and about 76 years old for a male. We know how much these individuals will pay into Social Security. We know how much they are going to take out.

Payroll taxes will not cover benefits starting in the year 2017, and the shortfalls will add up to $120 trillion between 2017 and 2775. That means $120 trillion we are going to need over and above the tax revenues coming in for Social Security.

I mentioned the $9 trillion. The $9 trillion is in today's dollars. If we came up with the $9 trillion today and put it in a savings account, that $9 trillion plus the interest on that savings account equals the $120 trillion between 2017 and 2075.

Just to alert, Madam Speaker, Social Security right now is not a good investment. When we started in 1934, instead of all these people, after the Great Depression, going over the hill to the poorhouse, we decided to have enforced savings. So we came up with a program, FDR did, that said, Look, we are going to take some of your earnings today so that you have some social security of having some money coming in, not having to go to the poorhouse when you retire.

□ 2145

If you happened to retire in 1960, it took 2 years to get everything back that you and your employer put into Social Security. By 1980, it took 4 years after your retirement. By 1995, you had to live 16 years after you retired to break even on the money you paid into Social Security. And by 2005 it is going to be 23 years you have to live if you retire year after next. 2015 and all the way through 2025, you are going to have to live 26 years after you retire. Remember, in 1983 when we changed the Social Security law, the so-called Greenspan Commission, we said that we were going to index the retirement age upwards so that we have started going up to a full entitlement age of 67; and we started that last year, increasing gradually over the next 20 years, moving from 65 to 67 for the maximum income from Social Security retirement.

Some people have suggested, well, the government has borrowed $1.3 trillion of the surpluses that come in from Social Security. If government would just keep their hands off that extra money coming in, we would be okay. But I did this chart represented by these two red graphs to represent we would not just be okay. What government owes the Social Security trust fund, what we have borrowed since there have been surpluses coming into Social Security, we have borrowed $1.3 trillion. The shortfall, even after the repayment of the trust funds, is going to be $10 trillion. That is just to take us up to 2075. So huge problems of coming up with the dollars.

And how do you do that? Do you raise taxes or do you cut benefits or do you increase borrowing? The system is stretched to its limits and 78 million baby boomers begin retiring in 2008. Social Security spending exceeds tax revenues; the estimate is now 2017. It depends partially what happens to the economy in the next couple of years, whether that comes down to 2016 or not. And Social Security trust funds go broke, even if all the money borrowed is paid back, in 2037, although the crisis is going to arrive much sooner.

Let me just explain a little bit why the crisis arrives in 2017. That is because there is not going to be any money to come up with to pay back the trust funds. There is no savings. The trust funds have been already spent on other programs. You either have to borrow more money or you have to increase taxes or you have to cut benefits.

A lot of argument, should we be getting a better, a real return on the Social Security money paid in by American workers? When Franklin Delano Roosevelt created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income. Social Security in all of the literature sent out in those years was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand in hand with personal savings and private pension plans.

Going to the archives, it is interesting, researching what happened to the debate on Social Security when it was debated in 1934 and 1935. The Senate actually said that it can be for savings and it would go into privately owned accounts where government could not own and control the money but individuals would own their own savings account but they could not take the money out of the account; but if they died, for example, before they reached retirement age, it would be their money that went into their estate. The House enacted a separate legislation that said, no, it has got to be a government account, everything comes into government, government then guarantees the payments that would go out to retirees. Then it went to conference committee. In conference committee, the negotiations went with the House version, so it became a government program with no personally owned savings account.

I just think it is important, Madam Speaker, to mention that there is no entitlement to Social Security. It has gone before the Supreme Court twice now. On two different occasions, the Supreme Court has said that the Social Security taxes are simply a tax, the benefit program is a benefit program enacted by Congress, signed by the President, and there is no entitlement just because you pay in the Social Security tax.

The diminishing returns of your Social Security investment, the real return of Social Security is 1.7 percent today. That is what the return is if you live the average age and you pay in the average payments in your FICA tax, you and your employer. The average return on that investment is 1.7 percent. For some workers, it is actually going to be negative. Minorities, for example, young black men die at an age of, I think it is 61 years old now. That means that they pay in most of their working life, but unless some money goes to their spouse, they do not take any money out. So minorities on an average have a negative return on the money they pay into Social Security. The average is 1.7 percent.

But the marketplace, if you were to invest it in the marketplace, and in this chart I have a 7 percent real return, that means 7 percent over and above inflation, that is what the Wilshire 5000, the 5,000 stocks in the Wilshire index funds have returned between 1993 even with these last 3 bad years, still between 1993 and 2003 have returned a real rate of return of 7 percent, 7 percent over and above inflation.

So how do we capitalize on some of that, that better return to start giving retirees something better than the bad investment now they have in Social Security, something closer to that 7 percent? The U.S. trails other countries in savings as far as its retirement system that allows individuals to own some of that money. In the 18 years since Chile offered the personal retirement savings accounts, 95 percent of Chilean workers have created accounts and their average return up till today has been 11.3 percent return. Again, compare that to what Social Security is giving workers in America, Madam Speaker, that is, a 1.7 percent return. Among others, Australia has done it to allow personally owned accounts. Britain has allowed their workers to have part of their retirement in personally owned accounts. Switzerland and many other countries offer personally owned accounts that government cannot get their hands on.

This chart just tries to emphasize that there is no Social Security account with your name on it. I wanted to quote a government source, the Office of Management and Budget, that said when I was on the Committee on the Budget, testified that these trust fund balances are available to finance future benefit payments and other trust fund expenditures but only in a bookkeeping sense. They are claims on the Treasury that when redeemed will have to be financed by raising taxes, borrowing from the public or reducing benefits or reducing other government expenditures. This was the OMB statement before the Committee on the Budget.

Economic growth will not fix Social Security. Some people have said, well, if we can get the economy going, we will have enough revenue coming in to solve the Social Security problem. But because benefits are directly related to how much you are making, how much you are earning, so the more you make and the more you pay in, the more you get when you retire, so eventually it is going to catch up with you. I do this by these four blips. Social Security benefits are indexed to wage growth. When the economy grows, workers pay more in taxes but also will earn more in benefits when they retire. Growth. Makes the numbers look better now but leaves a larger hole to fill later. The administration has used these short-term advantages, I think, as an excuse to do nothing. I am not talking about the Bush administration; I am talking about the last four administrations that have found it easier to put off decisions on correcting and saving Social Security simply because it is a tough political issue. It is easy to go to seniors. We have almost two-thirds of our seniors now that depend on Social Security for most of their retirement income. So you can understand how it is easy to scare these individuals in an election. The demagoguery I think is unfair to the future of our kids and our grandkids who are going to have to come up with the tax money to pay future benefits.

This Congress is a political body. We are not going to cut Social Security benefits probably. What we are going to do is cut Social Security benefits in a way you do not really realize they are going to be cut. Like when President Clinton came in, we cut Social Security benefits by increasing the taxes that you have to pay on the Social Security benefits that government pays you. Over the years, we have come up with gradually increasing the retirement age. We have come up with provisions where we increase the tax rate that you have to pay into Social Security to accommodate today's needs to pay current benefits. If you are going to depend on politicians to correct the problems for Social Security, without some pressure and some questions from constituents around the country in this next year's election, I hope everybody would ask the Presidential candidates, would ask every candidate for the U.S. House of Representatives, would ask the one-third of the Senators that are going to run for reelection, what is your solution to save Social Security? It is easy for them to slide over and say, well, boy, we have really got to work on this, this is my top priority. Then follow up with a question, What is your priority? What is your solution?

The biggest risk is doing nothing at all. Social Security has a total unfunded liability, as I mentioned, of over $9 trillion. The Social Security trust funds contain nothing but IOUs. To keep paying promised Social Security benefits, as I mentioned, the payroll tax will have to be increased by nearly 50 percent. The payroll tax will have to be increased by nearly 50 percent, or benefits will have to be cut by 30 percent.

This is a record of what we have done in the past. And what we have done in the past might be an indication of the dangers we face in the future. In 1940, we had a rate for Social Security on your FICA tax of 2 percent on the first $3,000 you made. That is 1940. And so the maximum tax was $60. By 1960, we decided, well, we do not have enough money to pay benefits, we are going to increase the taxes again; so we increased it to 6 percent on the first $4,800 for a maximum of $288. By 1980, it got up to 10.16 percent. The base was up to $25,000. Now the rate in 2000 is 12.4 percent. In 2000, it was $76,200. Today it is $82,000 in terms of the base that you pay that 12.4 percent on.

As we are going to see by this next chart, most workers in America pay more now in the Social Security tax, as we have just continued to up and up the tax and up and up the base that that rate is applied to, so 78 percent of Americans pay more in the Social Security tax than they do pay in the income tax.

If nothing else, it should be of pocketbook interest for Americans to say, look, do not dig yourself the kind of hole where you are going to have to increase taxes on us again, or do not dig yourself the kind of a hole where you are going to dramatically play creative financing games to lower our benefits.

□ 2200

Personal retirement accounts, they do not come out of Social Security. So they become part of their Social Security retirement benefits. A worker will own his or her own retirement account and limit it to safe investments that will earn more than the 1.9 percent paid by Social Security.

I said 1.7 percent. It is between 1.7 and 1.9 percent.

So can we come up with a way that does not give the snake oil salesman on Wall Street the opportunity to sell bad investments to individuals that still might own that retirement account? And the answer is yes. Here in Congress we have what we call a Thrift Savings Plan. We limit the investments that a Member of Congress can make, and they are sort of a savings investment plan that they take some of the salary out, the employer puts some of the money in, and it is limited to certain investments. It is limited to index stocks, index bonds, government bonds, index small cap funds, and they just added a foreign investment, but they have their choice of balance between those investments.

And that kind of limitation is what we need in any Social Security bill that allows individuals to own their own account. We have got to say, look, they can only take this out for retirement, but it is going to be their money. If they die, it goes into their estate, unlike the current situation where they might get funeral expenses, but if they die without a wife or without a family, then they are going to have problems.

I think it is important also as we face this next election year, and Social Security is going to be part of the debate this next election, from Presidential debates on down, Social Security is coming to the head with 76 million Americans retiring, starting to retire in just 4 years.

But do the Members know what else is going to happen in 4 years? The part of the Social Security program, the trust fund that pays benefits for disability and for beneficiaries for the spouses of workers, that trust fund is going to go broke. There is not going to be enough money in that trust fund in another 5 years to pay benefits, and that is a huge problem. Personal retirement accounts offer more income.

Cato is a think tank organization, sort of libertarian. They are for personal retirement investment accounts, and Cato, in estimating the potential returns of taking 12.4 percent of a person's income that is making $36,000 a year from Social Security, that person would now make $1,280 a month if they had the average return of 7 percent a year over and above inflation, which has happened in the Wilshire 5000 index fund in the last 10 years. They would have $6,500 a month rather than the $1,280.

On the Committee on the Budget, I chaired a bipartisan task force on Social Security. So for over a year we met with the experts throughout this country on what the problem was on Social Security and what the potential solutions were that might best accommodate the shortcomings of Social Security.

One thing we found out is the longer we put off a solution, the more drastic a solution, and that goes back to the fact that Social Security surpluses are going to run out someplace between 2015 and 2017. So if we started using that surplus money today to get a better return, then it is easier than waiting several years or even waiting until a disaster hits and there is no more surplus coming in.

A couple points we came up with in the bipartisan task force, and both sides agreed that private-owned accounts have to be part of the consideration, but we thought that guaranteed-return securities and annuities can be used with personal accounts as part of an investment safety net. So we can go to investment firms right now that will guarantee more than the 1.7 percent Social Security is paying that could result in an absolute guaranteed retirement income of more than what Social Security is paying.

And the problem is, how do we make this shift from a pay-as-you-go program, using every dollar that is coming in from the FICA Social Security taxes and shift it over to a personal investment account so we take that money away from government? That is the challenge, but the longer we put it off, the more drastic the solutions are going to have to be.

Another unanimous agreement was a universal Social Security survivor and disability program needs to be maintained. So nobody, nobody in any proposal that has ever come before Congress is suggesting that we privatize the disability part and the survivor benefit part of this program. In fact, most of the proposed legislation starts out at only taking 2 to 2.5 percent of their income out of the 12.4 percent taxes that are being paid in that could become owned by the worker and limited to safe investments.

And, thirdly, Congress should consider paying for a portion of disability benefits for workers who have been in the system a short time, using moneys from the general fund, and I think that is reasonable. We have got to have that kind of an insurance program. So part of their Social Security taxes are insurance. That part of the insurance that is spread across America to all workers should not be touched and should not be changed and, in fact, should be guaranteed, if necessary, for money coming out of the general fund.

Six principles of saving Social Security: protect current and future beneficiaries; allow freedom of choice, and that means that if they do not want to go into any private investment account, they do not have to. We can have a program that if they do go into those investment accounts, they can be guaranteed as least as much as Social Security would otherwise pay them.

Preserve the safety net. Preserve the safety net for beneficiaries, preserve the safety net to make sure that nobody in America is going to be impoverished and have less than they would have had under the old Social Security program. Make Americans better off, not worse off. We can do that if we start getting a real return on investment of that money coming in from Social Security and create a fully funded system and no more tax increases. If anything, let us start working at taking less money out of the worker's pocket to accommodate the Social Security system in this country, and we can do that. We can do that by getting a real return and a better return instead of taking all the surplus dollars that are coming in and spending them for other government programs.

I will be introducing my Social Security bill in 1 month when we come back, and that legislation is going to deal with some problems that we now have in Social Security. It is going to deal with more fairness to women. It is going to provide that women that decide to stay home with kids under 6 years can accrue benefits at the average of their total working career for those years that they stay home with children under six. It is going to provide an increase in benefits for surviving spouses that now are asked to live on one income instead of two incomes if their husband dies.

Several other provisions that we are looking at suggest that if they do have a personal savings account and they select the option to have a personal savings account, they would add what the wife makes in terms of 12.4 percent of her income that is allowed to be put in a personal savings account, add what goes into the personal savings account from the man and the wife and add them together and divide by two so each spouse has an equal amount in that personal retirement savings account.

Madam Speaker, I think the legislation is going to be interesting and challenging. I hope we can move ahead with real debate and not demagoguery.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2799, DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. LINDER (during the special order of Mr. SMITH of Michigan) from the Committee on Rules, submitted a privileged report (Rept. No. 108-226) on the resolution (H. Res. 326) providing for consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2800, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

Mr. LINDER (during the special order of Mr. SMITH of Michigan) from the Committee on Rules, submitted a privileged report (Rept. No. 108-227) on the resolution (H. Res. 327) providing for consideration of the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IRAQ WATCH

The SPEAKER pro tempore (Ms. HARRIS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for half the time remaining before midnight as the designee of the minority leader.

Mr. HOEFFEL. Madam Speaker, for 6 or 7 weeks a number of us have been coming to the floor to talk about our role in Iraq. We are calling ourselves the Iraq Watch, and we are back tonight. We are back with some of the challenges regarding Iraq fresh in the news. And I am joined by the gentleman from Massachusetts (Mr. DELAHUNT) coming as well as part of our four Iraq Watchers, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Illinois (Mr. EMANUEL). I believe there will be others joining us as well this evening.

We are dedicated to the propositions of asking questions, seeking answers about what is happening in Iraq, trying to suggest policy changes that would improve the situation and certainly reporting back information to the American people.

Two of us voted in favor of the military authority sought by the President last fall, myself included. Two of us did not. All of us, of course, were told, as were the American people and Members of Congress, we were told with great certainty that Saddam Hussein had weapons of mass destruction and was trying mightily to develop more. And there is no question that in the past Hussein had such weapons. He used them in murderous ways against his own civilians and against innocent Iranian civilians in the past. None of that is in any doubt.

But it is becoming more and more clear as time goes by that last fall there were those in the White House and in senior levels of the administration and the President himself who, in my opinion, exaggerated the threat of the weapons of mass destruction in order to win support in Congress and in the country for the invasion of Iraq.

It is now known that our intelligence agencies were reporting to the White House and to the Pentagon with significant uncertainty and with serious doubts about certain aspects of the weapons of mass destruction program in Iraq; notably, the September, 2002, Defense Intelligence Agency report and the October, 2002, National Intelligence Estimate, both of which have been discussed in the news. I have reviewed parts of both of those which are classified documents in the custody of the intelligence agency.

It is interesting to note that the administration itself declassified some of the National Intelligence Estimate last week to try to prove their point that there was a legitimate threat from Iraq, and most analysts have concluded that that release of that information actually pointed out once again how many doubts and how much lack of certainty was being expressed by our intelligence professionals, but that information being used by the White House and the Pentagon civilian leadership with no uncertainty, with nothing but certainty in terms of trying to sell their case.

□ 2215

So let me just make a couple of quick points before yielding time to the gentleman from Massachusetts (Mr. DELAHUNT).

Because of the recent disclosures regarding the intelligence gathering by our professionals and the use that that intelligence was used for by the administration, I am joining others in calling for the creation of an independent commission, something the gentleman from Massachusetts (Mr. DELAHUNT) has talked about for weeks here on the floor, an independent commission, a nonpartisan or bipartisan commission, that would be above politics, to investigate both the accuracy of the gathering of intelligence regarding weapons of mass destruction in Iraq and the uses of that intelligence by the administration.

We clearly won an important military victory in Iraq due to the brave and courageous fighting of our young men and young women in uniform, but I do not think that our military mission is complete until we have a full accounting of the weapons of mass destruction, both regarding their location and the custody of those weapons so that if they still exist we know they are in safe hands, and also a full accounting regarding the intelligence associated with those weapons of mass destruction.

Having won the military victory, we surely will not win the peace unless we seek and receive more international help in Iraq for the post-conflict phase of the challenges there, so I am giving my support to those that are calling for a United Nations Security Council resolution. We are seeking approval from this administration and urging President Bush to go to the United Nations Security Council to seek an overarching resolution that would sanction NATO peacekeeping and United Nations reconstruction and humanitarian aid so that we can provide proper security in Iraq, which is obviously a huge problem, as now 38 American soldiers have been assassinated in attacks and ambushes since the President declared victory on May 1, 38 Americans in uniform assassinated by guerilla tactics in Iraq. Clearly we have not secured that country, and we will not be able to deal with the reconstruction and humanitarian challenges, first, without security, and, secondly, without more international help.

Let me stop at this point before I get too carried away, because there is so much to talk about and so much has happened since the time we were on the floor a week ago; so much has come out in the press and in public discussion.

Let me at this point yield to my good friend, the gentleman from Massachusetts (Mr. DELAHUNT), a senior member of the House Committee on International Relations.

Mr. DELAHUNT. Madam Speaker, I thank the gentleman for yielding. I would just reinforce his words regarding the need for an independent commission, because, unfortunately, there are or have been accusations about political sniping occurring, when it is the purpose of many of us simply to pose questions that not just our constituents, but many Americans have, regarding the use of intelligence, whether in fact it was selective, the quality of the intelligence. But I think it is very important tonight to stress to the viewers that this is simply too important to be a partisan issue.

The reality is that many prominent, well-respected Republicans share our concern. This past weekend, Senator LUGAR of Indiana, who chairs the Foreign Relations Committee in the Senate, Senator CHUCK HAGEL from Nebraska, as well as the senior Democrat on the Foreign Relations Committee, Senator JOE BIDEN, all expressed their concern about the need for the White House, for the President, to start telling the American people the reality of how long the American presence will be required in Iraq.

The three Senators indicated that they had reached a consensus that some 5 years was a reasonable period of time. I hope they are right. But I fear that it will even be longer, given the experience that we have had in the Balkans, given the experience we have had in the Korean Peninsula, and given the estimates that we have heard from others. But this is not a Democratic issue, a large D Democratic issue; it is not a Republican issue. It is an issue that affects each and every American, because it is about American credibility.

In some respects, it is more than simply our policy vis-a-vis Iraq, because the credibility and the competence of the President of the United States, no matter what party is in the White House, is essential to peace in this world. I do not think, as some pundits say on TV, that in a serious issue such as this there should not exist a "no spin zone." It is simply too important.

When I first suggested an independent commission, I pointed out the fine work that was conducted under the cochairmanship of the former Senator from New Hampshire, a Republican, Senator Warren Rudman, and the former Senator from Colorado, Gary Hart, and there were many well-respected, highly experienced Americans who were part of that commission, and they had an excellent staff.

Tragically, the quality of their work could not be disputed, because they filed a report back in February of 2001 that described in frighteningly prescient terms what would occur if America did not take seriously the threat of terrorism. They, for all intents and purposes, predicted the tragedy that occurred some 9 months later on September 11, 2001.

I feel confident that the kind of people that served on that commission would be willing, if asked by the President, to come to answer all of the questions that are currently being posed; and they could do it in a way that was transparent, that was open to the American people to hear, to see, and to reach their own decisions.

I notice we are joined by our colleague, the gentleman from Illinois (Mr. EMANUEL). He looks like he wants to have something to say.

Mr. EMANUEL. Mr. Speaker, as all of our colleagues here have noticed, this is our sixth week down here discussing what is going on in Iraq, what is happening to our troops, what has happened to the occupation, what has happened to the reconstruction.

A lot has been focused on the President's credibility. I have repeated before from this podium, as we have done this Iraq Watch, that although it is the President's credibility, it is very much America's credibility that is on the line, and that this inquiry would be so important as we face what is now becoming a consensus in the intelligence and security arena, an ever-present threat in North Korea.

Former Secretary of Defense Perry, a well-respected Secretary of Defense, on North Korea, our policy there, I think his words were clear. He fears war by end of the year. Unless we clear up the notion of America's credibility locked into and tied to the President's credibility, we will not be able to muster the international support for the choices we will make as we deal with that nuclear threat.

Just recently Iran, another member of the "axis of evil," has prepared a missile with capability to hit American troops. There, too, we will need international cooperation and consensus.

Mr. DELAHUNT. Could I interrupt on that point, because it does follow an item that I read today in the New York Times. The President, while meeting with the Italian Prime Minister, accused both Syria and Iran of continuing to harbor and assist terrorists; and he warned those two nations that they would "face consequences." I do not know what that means, but I am definitely concerned when I hear that language.

By the way, I think it should be noted, because I know our friend from Chicago has made the point again and again about the cost of the war and the need for international assistance, he did not discuss, according to the Times piece, Italian troops coming to Iraq to assist and replace American troops. I would have hoped that he would have done that.

But while we are talking about Syria, in the words of the President, I do not know if you are aware, but recently an Under Secretary of State by the name of John Bolton was to testify before the House Committee on International Relations, which the gentleman from Pennsylvania (Mr. HOEFFEL) and I serve on.

There was a report in the Miami Herald, and let me read certain excerpts from that report, because we are talking about credibility, the credibility of the President of the United States and the credibility of the administration.

Mr. EMANUEL. That is the testimony that was withdrawn, if I am not mistaken?

Mr. DELAHUNT. It was withdrawn because of the CIA insistence that it was exaggerated testimony. This gentleman, who is a leading neo-conservative, or a leading hawk, within the administration, also said back in May of 2002 that Cuba had a bio-weapons program that was being developed. At that point in time, neither Secretary Rumsfeld, Secretary Powell, nor General Gary Speer, in charge of the Southern Command, would support that statement. They talked about capabilities.

But just for one moment, if my friends will indulge me, because I think this is important, because we are talking about Syria, because the President of the United States said today they will face consequences, I hope he is getting sound intelligence.

But this is what the Miami Herald said last Tuesday. I am just going to read some excerpts: "In a new dispute over interpreting intelligence data, the CIA and other agencies objected vigorously to a Bush administration assessment of the threat of Syria's weapons of mass destruction that was to be presented Tuesday on Capitol Hill. After the objections, the planned testimony by Under Secretary of State John Bolton, a leading administration hawk, was delayed until September. The CIA and other intelligence agencies said the assessment was exaggerated. Bolton's planned remarks caused a revolt among intelligence experts, who said they thought they inflated the progress Syria had made in its weapons programs, said a U.S. official who is not from the CIA but was involved in the dispute. The CIA's objections and comments alone ran to 40 pages."

Mr. EMANUEL. One of the things that the bipartisan commission would look at, in my view, the reason the President said it was important that we had to go to war now, we could not wait another 2 weeks for maybe a possible U.N. resolution to get other countries and persuade them, was the imminent capability, I think he said in one speech, that Saddam Hussein and Iraq had the capability in 45 minutes of deploying a weapon of mass destruction.

□ 2230

The two criteria, this was done in a New Republic article that I thought was excellent, two essential pieces of the State of the Union backing up the nuclear threat of Iraq that the President delivered here: One was the infamous 16 words about the Niger memo which clearly proved there was no attempt, well, it proved that that documentation to that "approach to Niger" was inaccurate.

Second was the famous tube acquisition. In both cases the CIA said both, A, the tubes were not for nuclear capability because they were both coated with chemicals; and second, the acquisition of Niger for uranium or the yellow cake material, this memo was inaccurate, that this event did not occur.

In fact, today on the NBC Nightly News they showed three separate stories about the forgery and how anybody at any point could have easily, just by checking on Google, realized it was not correct because the name at the bottom by the government official of Niger was not accurate. The dates were not accurate. Just looking at it, anybody, not even with intelligence background, could have seen that.

So the two pieces of essential evidence supporting the fact that Iraq was on the threshold of nuclear capability did not meet the standard of both our intelligence community and, in fact, one can say it does not meet even a laughing standard out there in the international community. Hopefully, this will require an investigation of whatever body was formulated of eminent Americans would get to what happened, how did the President put it in his speech, who put it in his speech, who convinced and weighed in on the intelligence community?

I have worked on a few State of the Unions in my time, and I can see this back and forth, and I can see exactly if the White House wants something, and time and again you pressure an agency, time and again you have somebody pushing back, the ultimate compromise that squeezes out of the pressure is, we will say the British said it. So the CIA and the intelligence community who is resisting does not need to own this.

It was desire and a need for a political purpose to have that in the speech, to give the speech some immediacy, some urgency to the moment. That may have happened, may not have happened, but until we have an independent investigation or inquiry or whatever body looks at this, we will always have questions about America's credibility that will then, I think, hamper, not limit, whether Syria is or is not. Syria, we know they are harboring terrorists; whether they are developing weapons of mass destruction we do not know.

We need in the international community, it is clear, given we have 21 units stationed around the world of which I think 16 or 18 are in Iraq, America's military capability, not that they could not muster and respond to another situation, they could, but we are clearly spread very thin; and to convince the world community of the importance of what we see in Iraq, of what we see in North Korea, that North Korea being very relevant today, we cannot afford to have a credibility gap about the President's word, we cannot, as Americans, regardless of your political background.

So I say I would hope that this body of eminent Americans would look at the two points that substantiate the claim that Iraq was on the threshold, not on the threshold, had the ability, that is what the speech and the words say, in 45 minutes could launch a weapon of mass destruction. The nuclear pieces of that clearly did not pass the basic smell test.

Mr. HOEFFEL. You know what the real crime of this is, the really bad impact of this credibility gap that we are talking about that has been developed because of the exaggeration of the threat of weapons of mass destruction is in an age of terror, which we are certainly in, you can argue very persuasively that there will be times when a nation must act preemptively if faced with an imminent threat to protect itself.

We are not dealing, as we all know, with a traditional enemy where you see the ships amassing in the harbor or the armies amassing on the border; that if you are faced with an imminent threat from a terror source you may have to act preemptively, but you must have intelligence that you can rely upon.

Mr. DELAHUNT. Let me ask a question. According to this new doctrine articulated by President Bush, what are the new criteria for a preemptive strike? I have asked that question of experts. I have asked that question of administration representatives. I have asked those questions of people on the street. I do not know what those criteria are.

Are they clear and present danger? What is the amount of evidence that is enough to launch a military strike against a nation? Do we have evidence that Saddam Hussein was prepared to attack the United States either through Iraqi military forces or through the use of terrorist organizations?

Mr. EMANUEL. One of things that has surprised me, I come from the view there is no doubt if you look at the past of Saddam Hussein's actions. He has used chemical weapons on his own citizens. He has used them in the war on Iraq. He has engaged in a series of attempts to repress a regime.

Why would the administration conjure up a threat? Why would you in the State of the Union, in which you are on the threshold of war, decide to go with evidence that was not good enough for the Secretary of State to use a week later, that in October it was taken out of your speech by the various intelligence agencies?

To me, this is still one of the great mysteries. What was it that decided we were going to go on the flimsy evidence of this Niger memo that anybody within 1 minute of sitting down, as clearly on tonight's story on NBC News, they realized if you just looked at it and they looked at people that looked at it independent of our intelligence community.

MR. DELAHUNT. I would like to ask the question, if I could, to the gentleman from Hawaii (Mr. ABERCROMBIE), can you or can the gentleman from Washington (Mr. INSLEE) articulate clearly and definitively for us and for the Americans, for us, those of us who were watching it, what are the standards, what are the criteria under the Bush doctrine of preemption?

Mr. ABERCROMBIE. Naturally, you turn to me when you ask for that.

Mr. HOEFFEL. That will show you to come late for Iraq Watch.

Mr. ABERCROMBIE. I was letting you get warmed up.

Mr. EMANUEL. This was his senior high school thesis.

Mr. ABERCROMBIE. The question that you pose and was answered rhetorically with another series of questions, really observations by the gentleman from Illinois (Mr. EMANUEL), I think bear answering. I think there is an answer and it is an unfortunate answer. It has nothing to do with plots and conspiracies, but it has everything to do with a philosophy and an attitude and an ideology which has been expressed again and again by some of the people that have been mentioned here earlier this evening.

If you take a look at the spectrum of essays and books and articles written by those who were now in charge of policy in the administration, you will see Mr. Krystol's book on the mission in Iraq, our mission in Iraq, those by Mr. Perle, Mr. Boot, and some of the think tanks here in Washington, these nonprofit, untaxable think tanks that operate thanks to the tax loopholes that we have which allow them to operate and comment and infest themselves in halls of government. There are more than one set of interest groups in this town, let me state, and some of them are in charge of this policy.

So the answer, I am sorry to say, in my judgment is that this has been a clearly articulated policy of people now associated with the administrations who were determined to start a war in Iraq, to include Syria and Iran, because of the policies that they feel this country should be not only espousing but pursuing in terms of world domination, beginning in the Middle East.

So it is clear, even with the publishing of the documentation now over the weekend, that the bombing that took place for perhaps a year or more before the actual launching of the attack on Baghdad was following a pattern of trying to knock out selected targets in Iraq before the formal hostilities in terms of an attack actually started.

So I think I am forced to conclude, and this is why I think the idea of having an independent investigation committee is so important, I am forced to conclude that there was a pattern already being articulated publicly and in writing to set this Nation on a course of imperial attack beginning with Iraq.

Mr. HOEFFEL. We wanted to hear from the gentleman from Washington (Mr. INSLEE), but it looks like the gentleman from Illinois (Mr. EMANUEL) has 60 seconds here.

Mr. EMANUEL. I wanted to make two closing comments on my side on this point.

One, I think we have a serious problem with North Korea. There is no doubt North Korea is on the verge of developing nuclear weapons, and unless America's word and its credibility can be trusted, our ability to muster the international community's outrage and capability to handle this will be questioned. Unfortunately, the President's State of the Union has called the question of our credibility and our ability to muster in the international community when it says this was an immediate threat.

I think the American people, unfortunately, because of this now, are exhausted in dealing with the international crisis which we will have to do.

Secondly, what I want to report and talk about in this group is dealing with the cost. We are paying $1 billion a week for the occupation of Iraq. There was a story two nights ago, four nights ago on the nightly news of how our troops are now organizing soccer teams in Iraq and sports in Iraq for the young.

We have cut programs here dealing with Title IX which is under attack in this country.

Mr. DELAHUNT. I can tell my friend that there are sports programs that are being cut in my district back home in south shore Cape Cod.

Mr. EMANUEL. I would like to say to all of my colleagues that there is not a Member in this body who does not have playgrounds in their district that are badly in need of repair. We are literally for sports teams.

Now, I am for the reconstruction of Iraq. I have no problem. I just find it interesting that our military, who are never going to be involved in a mamsy-pamsy activity of nation building are out organizing soccer leagues and soccer clubs in Iraq, and yet playgrounds in America go dilapidated. Swings do not get fixed. Youth clubs are not organized in the United States. Title IX is under attack here in America. And we are paying a billion dollars a week in Iraq.

I have said this before on the floor. We have a plan for 20,000 units of housing in Iraq. The President's budget has only 5,000 units of affordable housing here in the United States planned. We have 13 million Iraqis; we are thinking about providing universal health care to half the population. We have 45 million Americans without health insurance who work full time in this country.

I have no problem, Americans have been since World War II and prior to that, one of the most generous people in the world, yet, if you offer them a smaller vision here at home for themselves and their children, their generosity will come into question.

Mr. DELAHUNT. I think we all agree with the gentleman, but at the same time you are not factoring in the $250 million a week that we are paying to occupy Afghanistan and provide security and stability here. So would you please aggregate the sum from now on?

Mr. EMANUEL. The aggregate sum would be $4.2 million a month.

Mr. DELAHUNT. This is not for reconstruction efforts.

Mr. EMANUEL. This is just for occupation efforts and our troops overseas. And that totals well over $50 billion a year for our foreign efforts. I want to say this, members of our body, Democrats, have a Rebuild America account for investment in highways, bridges, investments in sewers and water treatment. All that would lead to greater economic development. It costs $50 billion.

Now, I have adequately indicated to the sponsors of that legislation that when we come up to authorizing the supplemental for Iraq and Afghanistan, that we should attach the Rebuild America to the Iraqi reconstruction project. If we are going to pay $50 billion for Iraq over a year, I have got $50 billion I think we can find investments here in the United States. And there is not a Member in this body whose district does not need economic investment in the areas of a new road, new mass transit, new water treatment facilities.

Again, the occupation of Iraq is essential now that we are there. But we cannot deinvest and deconstruct America in the word of reconstructing Iraq.

Mr. HOEFFEL. We are also aware of the gentleman's American parity act which we are all cosponsors of.

Mr. EMANUEL. Which would require that we invest the United States equal to the goals we are setting in Iraq, whether it is in the area of health care, education, in the area of road reconstruction.

In America, our highway fund will be cut by over $6 billion, yet in Iraq we are building over 3,000 miles of road which would connect New York to California.

□ 2245

Mr. DELAHUNT. I dare say that if we expended the amounts of resources that we will be expending in Iraq for security and for reconstruction that we could have a prescription drug benefit plan, not just for seniors in this country, but for just about every American. My friend from Washington is here.

Mr. INSLEE. Madam Speaker, will the gentleman yield?

Mr. HOEFFEL. I yield to the gentleman from Washington.

Mr. INSLEE. Madam Speaker, I am glad to join my colleagues because I feel this message needs to be repeated, that Congress is going to get to the bottom of this intelligence fiasco, and the best way to do that is through a bipartisan public commission to really find out what happened with the American people not getting the straight scoop about Iraq before this war started.

I have heard certain people in the administration think that this is just going to kind of go away; it is going to kind of drift off and Americans will watch reality TV and forget this. I think the administration is very wrong on this; and we need them to embrace this idea of a bipartisan, led by a Republican, perhaps Warren Rudman, some esteemed Republican figure, to lead this bipartisan commission.

I have got four points why this is so important, and the first two come back to the gentleman from Massachusetts' (Mr. DELAHUNT) question, which is what should be the standard for starting the preemptive war. I would suggest two, at least two.

Number one, that the administration will not start a war unless the truth will convince the American people it is the proper thing to do, not the fudged intelligence, not the exaggerated intelligence, not the selective intelligence, but the whole intelligence. What clearly happened here is that this administration did not have confidence enough in their argument about freeing Iraqis, which might be a legitimate reason for a war, there are people who believe that, but they did not have confidence in that so they had to exaggerate intelligence and use selective intelligence and not tell us the whole thing. That is the first fundamental standard we have to meet before a preemptive war.

The second fundamental standard we ought to insist on on a bipartisan basis is that we do the intelligence first and then we make the decision whether or not to go to war. We do not make the decision to go to war and then ask everybody to give the intelligence that fits that preconceived notion. The neutral evaluation of the scenario that occurred here is that some folks in this administration made an early decision to get rid of Saddam Hussein, and yes, there may be some legitimate reasons to do that; and some Americans believe even with no security threat to the United States, but we cannot start a preemp war on that basis, and that is what this bipartisan commission ought to say.

I will just say two other points.

I think some folks are so hung up on this uranium yellow cake they do not realize this is just the tip of the iceberg. This is the smallest tip of the iceberg of this selective intelligence failure.

I heard today a gentleman point out four things that I do not recall the President telling us. The two highest al Qaeda operatives, officers if you will, in our custody in Guantanamo before the war started, told us that they had no relationship with Saddam Hussein. I do not recall the President standing in the State of the Union and telling us that the two highest al Qaeda operatives said they had nothing to do with Saddam Hussein. Maybe I missed that, but I do not recall that.

I do not recall him telling us that a retired national security fellow named Beers has said that looking at the intelligence he could not find any evidence of an ongoing relationship between al Qaeda and Saddam Hussein.

I do not recall him telling us that the Central Intelligence Agency told The Washington Post that, although there might have been some communication, there was no outstanding relationship between these entities. I do not recall any of these facts.

What I recall is the administration trying to paint a picture, an implicit assumption of Americans that Saddam Hussein was behind September 11, and all this intelligence was excluded from public information and that was just wrong. This President said, and it is almost a quote, there is no doubt that Saddam Hussein has some of the most lethal weapons systems devised by man. It is almost a direct quote.

When we peel back these intelligence reports, we know there are lots of doubts about these issues.

Mr. DELAHUNT. My colleague is aware under the administration of his father, back in the late 1980s and almost to the inception of the 1990 war, invasion by Iraq against Kuwait, that that administration was actually transferring dual technologies to Iraq and that it was under the Reagan-Bush administration that Saddam Hussein was taken off the terrorist list; that in 1986 it was the Reagan-Bush administration that installed an embassy in Baghdad; and that during the course of that war, during the course of that war, it was the Defense Intelligence Agency that was providing the Iraqi Army with intelligence; and that it was that administration that provided billions of dollars of agricultural credits to Iraq; and it was that administration that when this Congress, the Congress, a Democratic Congress back in 1989 and 1990 passed legislation which would have imposed sanctions on the Saddam Hussein regime for using chemical weapons against their own people, blocked the passage of those sanctions. Is my colleague aware of that?

Mr. INSLEE. Madam Speaker, I am certainly aware of it.

I tell my colleague what perhaps I was not aware of, and I was stunned when I heard our Secretary of Defense say this the other day. I was stunned. He said that we went to war not based on new intelligence, but by a new impression we had after September 11. We all had the new mindset after September 11. It is clear about that, but the impression this administration gave to the American people, consciously I believe, is that there is a new round of intelligence that necessitated this preemptive attack. Our Secretary of Defense came and told us there was no new intelligence that did not exist through the whole decade of the 1990s to justify the preemptive war. I was stunned when I heard that, when we heard the administration for 4 months tell us that there was all this imminent threat that was going to occur.

I will mention another thing, perhaps unsolicited advice to this administration. They are on the cusp of making some bad decisions. I do not like to use the word "cover-up" because it is too weighted with emotion; but they are not helping figure out what happened here, and there is great danger. I will give my colleagues an example.

Ambassador Wilson, the ambassador who blew the whistle on the uranium yellow cake, the forgery that ended up in the State of the Union speech, I just heard on NBC News tonight, his wife, her sort-of security clearance was jeopardized at the CIA because somebody sort of outed her, if you will, about her CIA contact which essentially could devastate her career. That kind of shenanigans is not going to be helpful to this administration. That is why we need a clear, publicly oriented, bipartisan review, above the table, nobody playing games with this. This is what America needs.

Mr. EMANUEL. Madam Speaker, I would like to add one thing. In all this, we forgot that it only, I think, was like 8 weeks ago Deputy Secretary of Defense Wolfowitz announced that the reason they made an argument about weapons of mass destruction was that way they could get consensus within the bureaucracy. They told us that it was somewhat imminent or the new intelligence is or the look of new intelligence.

This was a string to thread the beads together, but it was not exactly something new. It was not something exactly imminent. In fact, it was quite clear, based now if you can kind of peel back some of the pieces and disparate information you get from the newspapers, other magazines, journalists, that there were a lot of questions about the relevance of some of the information they were using to justify the war or the need for the immediacy and the urgency which gets to the question.

In an era of terrorism, there is a logic to preemption, which really is a dressed up code for self-defense; but if that urgency is not there, if the facts he used to establish that urgency are not there, then the justification for preemption, known in normal parlance as self-defense, is then stripped away. Then we have a threat, and the question is do we have war or do we have containment? Isolated military strikes? That is then a legitimate question to postulate, but the information necessary to have that was withheld from the public debate and from this hall.

Mr. ABERCROMBIE. Madam Speaker, I have mentioned it down here before. I said that we are going to bring the hammer of truth down on the anvil of inquiry, and this is resonating across the country; and we have mentioned here before that in this Iraq Watch that we are doing, we have to do it after hours, during Special Orders, because we are not having the opportunity to do this during regular legislative business. The press galleries, I will say again, are empty here this evening. We cannot have anybody from these big networks that are trying to make sure that they do not cross the Federal Communications Commission. They all want to be able to consolidate even more, own even more of what message gets out there. The press is not covering the outrage that is taking place across this country with respect to the points that the gentleman from Illinois is raising.

If my colleagues will go to moveon.org, we will find that there are over 300,000 people right now across this country who have indicated that they want an independent commission to look into all the questions, all the inquiry that is being raised in these sessions that we are having in this Iraq Watch, 300,000 people and growing. That does not get the coverage. It is the kind of grassroots movement, the net-roots if you will, that is taking place all across this country, that says we are not going to take it, our democracy is not going to be taken away from us by some self-appointed elitists who have an imperial attitude about what the United States is going to be or not be and that we are going to be informed about it later and that the sons and daughters of those elitists will never have to pay the price in blood and treasure that it takes to impose that imperial vision on the world.

I will tell my colleagues that all across this country men and women are realizing they do not have to take it. They can do something about it. They are letting us know about it. Our colleagues have been reading on the floor of this House in some of the shorter special sessions message letters. They are reading communications that are coming in from the moveon.org petition drive from all over the country, in every State, in every nook and corner of this country, people who do not want to be lied to.

You can fool people. There is no doubt you can fool people, but you cannot keep it up and you cannot get away with it forever. People do not mind facing up to hard truths. Like Ronald Reagan said, facts are stubborn things. People do not mind facing up to it. They do not want to be lied to, they do not want to be finessed, they do not want to be fooled, and they do not want to be played with; and we need to bring this truth forward, and that is why we better have this commission or let me tell my colleagues, this administration and the elitists that support it are going to pay a fearful price.

Mr. DELAHUNT. Madam Speaker, I want to tell my colleague something that might surprise him. You have heard of Pat Buchanan?

Mr. ABERCROMBIE. I certainly have.

Mr. DELAHUNT. Very conservative Republican.

Mr. ABERCROMBIE. No question of it.

Mr. DELAHUNT. A commentator I am sure that many of those that are viewing are aware of. This is what he had to say in an op-ed piece that was printed today.

In ruthless candor, these are his words. President Bush does not have the surplus of resources, military, strategic, financial, political, to hold the empire. As some of us predicted a decade ago, the compulsive interventionism of the Bushites might lead to imperial overstretch. Something has to give. It is going to be the empire. From here on it begins to recede. Either President Bush starts discarding imperial responsibilities we cannot carry and bringing the troops home or his successor will.

That is not me. That is Patrick Buchanan.

Mr. HOEFFEL. What I think we need, before I get back to the gentleman from Washington (Mr. INSLEE), who has only had one bite at the apple night and is going to get another one, we have got to have straight talk about what is happening now and a clear reality and acknowledgment of what is happening now. Let me give one example.

We have a new U.S. commander in Iraq, General John Abizaid, I hope I said his name right, who has acknowledged that we are facing a guerrilla opposition, which I think is an obvious reality that we all know. What he has described as "a classical guerrilla-type campaign" is being waged against our armed services in stark contrast to what the Secretary of Defense has refused to acknowledge. Donald Rumsfeld has refused to acknowledge that we have got an organized resistance or a guerrilla resistance; and as Trudy Rubin of the Philadelphia Inquirer in her commentary said, "You can't fight a war unless you recognize the enemy."

Even on the military side of this conflict, until this new commander has told us the truth, General Abizaid, the civilian leadership of the Department of Defense has not faced the reality. What has happened, as we all know, is since the military victory was announced on May 1 by the President on the ship off San Diego, the American forces have been subjected to repeated ambushes and attacks.

□ 2300

Some 35 Americans have been assassinated since that day. And 10 have occurred since the President said the other day "Bring it on." Since the President said, "We have enough force to protect our forces in Iraq, so "bring it on," ten more Americans have been assassinated.

Last week, Minnesota Public Radio quoted Mary Kewatt, the aunt of a soldier killed in Iraq, who said "President Bush made a comment a week ago, and he said 'bring it on.' Well, they brought it on, and now my nephew is dead." The lack of straight talk and too much arrogance and too much bragging is bringing on this credibility gap.

And so I do not have a credibility gap, Madam Speaker, I am going to honor my commitment to hear from the gentleman from Washington (Mr. INSLEE) one more time.

Mr. INSLEE. Madam Speaker, one thing that I think is important to say about this commission that we are urging is that it is not a commission to debate the Iraq war or the reasons for the war or the propriety of the war. I represent constituents who have divided opinion about that today. Some of my constituents believe that a removal of Saddam Hussein was justified even if he had toothpicks and that is all he had. Some of my constituents believe that was a legitimate exercise of military force by the United States.

Now, I do not agree with that, but some of my constituents feel like that sincerely. But those same constituents tell me that they did not appreciate being kept in the dark about the reams of intelligence which suggested that the President concluded that there was no doubt about Iraq's having these weapons, when, in fact, there was massive doubt; that he had no doubt there was a connection with al-Qaeda, when, in fact, there was massive doubt; that he made the decision after he had the intelligence; when, in fact, he made the decision before he had the intelligence. Those same people who believed the war may have been justified do not appreciate that because they recognize this is a threat to democracy.

Mr. DELAHUNT. Madam Speaker, I want to ask a question, because I think that was an excellent point. But there is such a thing, as the gentleman knows, but maybe the viewers do not, as a National Intelligence Estimate, and that is all of the information on a particular crisis that is drawn from all of the agencies that possess intelligence in the United States Government. That was done, and it was concluded in October of 2002.

Now, the President's State of the Union address was on January 28 of 2003, some 3 or 4 months later. Within that National Intelligence Estimate it has been reported, and we have no reason to disbelieve it, that there was significant expressions of doubt; that particularly the Department of State insisted on a footnote which said we have serious reservations about the credibility of this, and they were referring specifically to the securing of uranium from that west African country of Niger.

So let me ask this question of the gentleman from Illinois (Mr. EMANUEL), who served in the previous White House. Did President Clinton read the National Intelligence Estimates when he was faced with crises?

Mr. EMANUEL. Well, Madam Speaker, first of all, the National Intelligence Estimate is based on the National Security Intelligence Entities, the Defense Intelligence Entities, the CIA, and I think, if I am not mistaken, FBI contributes to that. So there are four separate entities that get funneled through to the National Security Council that then present that document.

Mr. DELAHUNT. Did President Clinton read it?

Mr. EMANUEL. There is no doubt he read those that were presented, and especially on the doorstep of war.

Mr. DELAHUNT. Then tell me how this President can have any doubt.

Mr. EMANUEL. In fact, I think it was mentioned, and I want to say one thing to our colleague from Washington, that not only did the President not read it, or it has been reported he did not read it, but I think it has also been reported, though I want to have enough doubt, a question mark about what I am going to say, that, in fact, the National Security Adviser said she did not read the whole report. I think that is also in that same story.

Mr. DELAHUNT. I find that unbelievable.

Mr. EMANUEL. Well, one would think on the doorstep of war one would read that. But I want to stress one thing about what our colleague from Washington mentioned. He said the President was certain about his opinion about the imminent danger of Iraq and Saddam Hussein, but the people around him in the agencies and departments had their questions. Yet the President was certain.

Again, I want to underscore this is not to relitigate why we went to war, this is to litigate how we got to war. Not the Iraqi war. We are not going to relitigate that. We are in, and so we have to support our men and women. It is how that happened so this mistake does not happen again.

IRAQ WATCH

The SPEAKER pro tempore (Ms. HARRIS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for the remainder of the 60 minutes, approximately 5 minutes.

Mr. HOEFFEL. Madam Speaker, let me, in our final 5 minutes here, see who among us might like to make additional comments or perhaps quickly raise a new issue, and I think the gentleman from Hawaii (Mr. ABERCROMBIE) has something to say.

Mr. ABERCROMBIE. I do not want to raise a new issue, Madam Speaker, but I do want to reiterate the idea of inquiry and how important that is. Because what we are doing can easily be dismissed by those who want to color it with a brush that has politics all over it, and that is not what this is about. It is not about politics in the sense that we are trying to make some particularly partisan point.

I notice in the photographs coming from the rehabilitation wards right here in Washington, DC that the young men and women who have been grievously wounded are not identified as Republicans and Democrats or supporters of a particular policy or not. These are the people that have had to pay the price for other people's arrogance. These are the people that have had to pay the real price. We are not paying any price here.

We all know that someone else will occupy these slots one day. I learned that the first time I was elected when I went to the office to which I was assigned and I realized they slid the names off the door.

□ 2310

They were not screwed on, painted on; they came right off the door. We occupy those offices only so long as we have the faith and trust of the people of this country. That is what is at stake here. That is what this inquiry is all about. Is our faith and trust being played fast and loose with? That is the issue that is involved. That is why I want to say that as far as I am concerned, we are going to continue these inquiries. This Iraq Watch I hope perhaps can come out into the country, maybe off the floor of the Congress and perhaps go elsewhere. I would be very pleased to take this inquiry perhaps into a town meeting kind of context anywhere in the Nation so that we can break out of the stranglehold on opinion that is taking place right now. We cannot trust the national media to do it. They are in the grip of the people who own the networks. We cannot trust them. We have to trust the people out there. And so I hope that perhaps with Iraq Watch, we can go elsewhere and go directly to the people, and we can get streaming on the Internet and follow through and let people judge for themselves on the people's network that is out there.

Mr. HOEFFEL. I think that is a wonderful suggestion.

Mr. INSLEE. A brief comment. I went and visited with two Marines who had some pretty significant wounds at Bethesda a while back serving in Iraq. One was crushed by a tank and one was shot. I just think that those gentlemen understood the value of democracy and what we are here today to say is the Congress needs to understand the value of democracy, and democracy does not work where the executive branch of the United States Government does not level with its own people. I have one question for our next week that I hope we would have answered. Why did the White House in the run-up to the war in Iraq not seek CIA approval before the President of the United States went to the Rose Garden and charged that Saddam Hussein could launch a biological or chemical attack within 45 minutes as administration officials now say? That is a question every American deserves an answer to, and the best way to do it is through Republicans and Democrats working together; and I hope this commission does that. I thank the gentleman from Pennsylvania for his leadership.

Mr. DELAHUNT. I thank the gentleman from Pennsylvania for his leadership. Let me echo the sentiments expressed by the gentleman from Washington. Unfortunately, this past week India stated that they would not provide a division of troops to help us win the peace. It is becoming clear that we are going alone, and maybe this is the problem of a particular brand of foreign policy. I know that we all are working together; we are in the process of drafting a letter to the President requesting that he go to the United Nations and seek a resolution internationalizing the security and reconstruction efforts in Iraq. I would hope all Americans would call our offices, would call the offices of our colleagues.

I would close with the words and the admonition of Tony Blair that was so eloquent in his speech this past week. He was speaking about the tensions between Europe and the United States. He said: "Don't give up on Europe. Work with it. Europe must take on the anti-Americanism that sometimes passes for political discourse. And what America must do is show that partnerships must be based on mutual respect and persuasion, not on command. America must listen as well as lead. And then the U.N. can become what it should be, an instrument of action as well as debate."

Mr. HOEFFEL. The Iraq Watch is alive and well. I thank the colleagues for being here this evening. We will be back next week.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. BERKLEY (at the request of Ms. PELOSI) for today and July 24 on account of a death in the family.

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. GRIJALVA, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. WALDEN of Oregon, for 5 minutes, July 23.

Mr. FLETCHER, for 5 minutes, July 22, 23, and 24.

Mr. OSBORNE, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today and July 22.

Mr. GINGREY, for 5 minutes, today.

Mr. PENCE, for 5 minutes, July 22, 23, 24, and 25.

Mr. BURGESS, for 5 minutes, today.

Mr. CHOCOLA, for 5 minutes, July 23.

Mr. BEAUPREZ, for 5 minutes, July 22.

ADJOURNMENT

Mr. HOEFFEL. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 22, 2003, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3278. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Temporary Suspension of the Prune Reserve and the Voluntary Producer Prune Plum Diversion Provisions [Docket No. FV03-993-2IFR] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3279. A letter from the Branch Chief, EBT-Benefit Redemption Divisor, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability [Amendment No. 384] (RIN: 0584-AC91) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3280. A letter from the Chief, Retailer Management Branch, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program: Administrative Review Requirements — Food Retailers and Wholesalers (RIN: 0584-AD23) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3281. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106–569; to the Committee on Financial Services.

3282. A letter from the Assistant General Counsel (Banking & Finance), Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program (RIN: 1505-AA96) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3283. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting the annual report on the Resolution Funding Corporation for calendar year 2002, pursuant to Public Law 101–73, section 501(a) (103 Stat. 387); to the Committee on Financial Services.

3284. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3285. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3286. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3287. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7541] received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3288. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7624] received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3289. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3290. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Accuracy of Advertising and Notice of Insured Status — received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3291. A letter from the Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Occupational Injury and Illness Recording and Reporting Requirements [Docket Nos. R-02, R-02A, R-02B] (RIN: 1218-AC06) received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3292. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting a report entitled "Electronic Signatures: A Review of the Exceptions to the Electronic Signatures in Global and National Commerce Act"; to the Committee on Energy and Commerce.

3293. A letter from the Secretary of Commerce, Department of Commerce, transmitting the fifth annual report mandated by the International Anti-Bribery and Fair Competition Act of 1998 (IAFCA); to the Committee on Energy and Commerce.

3294. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Reimbursement for Costs of Remedial Action at Active Uranium and Thorium Processing Sites (RIN: 1901-AA88) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3295. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Assignment of Agency Component for Review of Premarket Applications [Docket No. 2003N-0235] received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3296. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Amendment to the Interim Final Regulation for Mental Health Parity [CMS-2152-F] (RIN: 0938-AL42) received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3297. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Allowing Central Fill Pharmacies and Retail Pharmacies to Fill Prescriptions for Controlled Substances on Behalf of Retail Pharmacies [Docket No. DEA-208F] (RIN: 1117-AA58) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3298. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Control of Red Phosphorus, White Phosphorus and Hypophosphorous Acid (and Its Salts) as List I Chemicals; Exclusions and Waivers [Docket No. DEA-198F2] (RIN: 1117-AA57) received July 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3299. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Fort Collins Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions [CO-001-0072a; FRL-7522-1] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3300. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN157-1a; FRL-7517-5] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3301. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Georgia: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7530-9] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3302. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination that State of California has Corrected Deficiencies and Stay and Deferral of Sanctions; San Francisco Bay Area [CA 258-0397(B); FRL-7528-9] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3303. A letter from the Deputy Associate Adminstrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Phaseout of Chlorobromomethane Production and Consumption [FRL-7529-4] (RIN: 2060-AJ27) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3304. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 of the Clean Air Act [FRL-7530-4] (RIN: 2060-AF36) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3305. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Incorporation by Refernce of ASME BPV and OM Code Cases (RIN: 3150-AG86) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3306. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom, pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3307. A letter from the Administrator, Department of Energy, transmitting a report required by Section 3157 of the National Defense Authorization Act for Fiscal Year 1998 entitled, "Accelerated Strategic Computer Initiative Participant Computer Sales to Tier III Countries in Calendar Year 2002," no export transaction reported; to the Committee on International Relations.

3308. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Bureau of Political-Military Affairs; Amendment to the International Traffic in Arms Regulations: Partial Lifting of Embargo Against Rwanda (RIN: 1400-AB82) received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3309. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3310. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the 1st Quarter of Fiscal Year 2003"; to the Committee on Government Reform.

3311. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the Corporation's annual report for calendar year 2002, pursuant to 12 U.S.C. 2277a–13; to the Committee on Government Reform.

3312. A letter from the Chairman, Federal Maritime Commission, transmitting a Strategic Plan covering the program activities through fiscal year 2008; to the Committee on Government Reform.

3313. A letter from the Director, Office of Employment Policy, Office of Personnel Management, transmitting the Office's final "major" rule — VoluntaryEarly Retirement Under the Homeland Security Act of 2002 (RIN: 3206-AJ82) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3314. A letter from the Chairman, Federal Election Commission, transmitting the 2001 Annual Report describing the activities performed by the Commission, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

3315. A letter from the Librarian of Congress, Library of Congress, transmitting the Annual Report of the Librarian of Congress, for the fiscal year ending September 30, 2003, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

3316. A letter from the Assitant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Subsistence Harvest in Alaska; Spring/Summer Subsistence Harvest Regulations for Migratory Birds in Alaska during the 2003 Subsistence Season (RIN: 1018-AI84) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3317. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule – Kentucky Regulatory Program [KY-242-FOR] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3318. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule – Kentucky Regulatory Program [KY-228-FOR] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3319. A letter from the Associate General Counsel, USPTO, Department of Commerce, transmitting the Department's final rule – Revision of Patent Fees for Fiscal Year 2004 (RIN: 0651-AB60) received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3320. A letter from the Accounting Administrative Supervisor, National Society of the Daughters of the American Revolution, transmitting the report of the Audited Financial Statements of the Society for the fiscal year ended February 28, 2003, pursuant to 36 U.S.C. 1101(20) and 1103; to the Committee on the Judiciary.

3321. A letter from the Acting Director, ODAPC, Department of Transportation, transmitting the Department's final rule – Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Drug and Alcohol Management Information System Reporting [Docket OST-03-] (RIN: 2105-AD14) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3322. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Commercial Space Transportation; Licensing Regulations [Amendment No. 401-3, 404-2, 413-5] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3323. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Relief for U.S. Military and Civilian Personnel Who are Assigned Outside the United States in Support of U.S. Armed Forces Operations [Docket No. FAA-2003-15431; Special Federal Aviation Regulation No. 100] (RIN: 2120-AH98) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3324. A letter from the Chief Counsel, Department of Transportation, transmitting the Department's final rule — Seaway Regulations and Rules: Stern Anchors and Navigation Underway [Docket No. SLSDC 2003-15136] (RIN: 2135-AA18) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3325. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Guidelines Establishing Test Procedures for the Analysis of Pollutants; Analytical Methods for Biological Pollutants in Ambient Water [FRL-7529-7] (RIN: 2040-AD71) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3326. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to Rule XXVII, clause 1, of the House Rules; (H. Doc. No. 108–103); to the Committee on Standards of Official Conduct and ordered to be printed.

3327. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Government Securities: Call for Large Position Reports — received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3328. A letter from the Secretary, Department of Health and Human Services, transmitting a biennial report on evaluation, research and technical assistance activities supported by "The Promoting Safe and Stable Families Program," pursuant to Public Law 107–133; to the Committee on Ways and Means.

3329. A letter from the Chief, Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Expansion of the Port Limits of Portland, Maine [CBP Dec. 03-08] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3330. A letter from the Chief, Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Customs and Border Protection Field Organization; Fargo, North Dakota [CBP Dec. 03-09] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3331. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Deadline for an Issuing Authority to Assign Private Activity Bond Volume Cap to Another Issuing Authority Under Section 146 [Notice 2003-42] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3332. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Transfers of Compensatory Options [TD 9067] (RIN: 1545-BC21) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following report replaces a report filed on July 18, 2003]

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Resolution 288. Resolution directing the Secretary of Transportation to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States; adversely (Rept. 108–220). Referred to the House Calendar.

[Submitted on July 21, 2003]

Mr. WOLF: Committee on Appropriations. H.R. 2799. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–221). Referred to the Committee of the Whole House on the State of the Union.

Mr. KOLBE: Committee on Appropriations. H.R. 2800. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–222). Referred to the Committee of the Whole House on the State of the Union.

Mr. COX: Select Committee on Homeland Security. House Resolution 286. Resolution directing the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States; with amendments; adversely (Rept. 108–223). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 2738. A bill to implement the United States-Chile Free Trade Agreement (Rept. 108–224 Pt. 1). Ordered to be printed.

Mr. THOMAS: Committee on Ways and Means. H.R. 2739. A bill to implement the United States-Singapore Free Trade Agreement (Rept. 108–225 Pt. 1). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 326. Resolution providing for consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–226). Referred to the House Calendar.

Mr. DIAZ-BALART, L.: Committee on Rules. House Resolution 327. Resolution providing for consideration of the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–227). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2738. Referral to the Committee on the Judiciary extended for a period ending not later than July 22, 2003.

H.R. 2739. Referral to the Committee on the Judiciary extended for a period ending not later than July 22, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FORBES (for himself, Mr. Towns, Mr. Rogers of Alabama, Ms. Eddie Bernice Johnson of Texas, Mr. Wilson of South Carolina, Mr. John, Mr. Vitter, Ms. Jackson-Lee of Texas, Mr. Weller, Mr. Scott of Virginia, Mr. Cantor, Mr. Hinojosa, Mr. Baker, Ms. Lee, Mr. Ferguson, and Mr. Owens):

H.R. 2801. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself and Ms. Velázquez):

H.R. 2802. A bill to reauthorize the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. ROYCE:

H.R. 2803. A bill to establish the Office of Housing Finance Oversight in the Department of the Treasury to ensure the financial safety and soundness of Fannie Mae, Freddie Mac, and the Federal home loan banks; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 2804. A bill to make supplemental appropriations for fiscal year 2003 to ensure the inclusion of commonly used pesticides in State source water assessment programs, and for other purposes; to the Committee on Appropriations.

By Mr. CASE:

H.R. 2805. A bill to allow the counties of Hawaii, Maui, and Kauai to distribute grant funds received under section 106(d) of the Housing and Community Development Act of 1974, and for other purposes; to the Committee on Financial Services.

By Mr. KOLBE (for himself, Mr. Renzi, Mr. Pastor, Mr. Hayworth, Mr. Shadegg, Mr. Flake, Mr. Franks of Arizona, and Mr. Grijalva):

H.R. 2806. A bill to name the Department of Veterans Affairs Medical Center in Prescott, Arizona, as the "Bob Stump Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. KOLBE (for himself, Mr. Filner, Mr. Grijalva, Mr. Pastor, and Mr. Reyes):

H.R. 2807. A bill to establish grant programs to improve the health of border area residents and for bioterrorism preparedness in the border area, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE (for himself, Mrs. Emerson, Mrs. Lowey, Mr. Hefley, Mr. Frost, Mr. Cunningham, Mr. Rangel, Mr. Bereuter, Mr. Skelton, Mr. Bachus, Mr. Hoyer, Mrs. Bono, Mr. Wu, Mr. English, Mr. Larson of Connecticut, Mr. Issa, Mr. Lynch, Mr. Jones of North Carolina, Mr. Boswell, Mr. King of New York, Mr. Clay, Mr. Linder, Mr. Ross, Mr. Ney, Mr. Baird, Mr. Osborne, Mr. Sandlin, Mr. Otter, Mr. Filner, Mr. Pickering, Ms. Carson of Indiana, Mr. Alexander, Mr. Bell, Mr. Hastings of Florida, Mr. Crowley, Mr. Smith of Washington, Mr. McDermott, Mr. Kennedy of Rhode Island, Mr. Udall of New Mexico, Mr. Cardoza, Mr. Neal of Massachusetts, Mrs. Capps, Mr. Wexler, Mr. Spratt, Mr. Honda, Ms. McCarthy of Missouri, Mr. Edwards, Mr. Stenholm, Mr. Taylor of Mississippi, Mr. Tanner, Mr. Cramer, Mr. Kleczka, Ms. Slaughter, Mr. Nadler, Mr. Michaud, Mr. Abercrombie, Mr. Wynn, Mr. Clyburn, Ms. Majette, Mr. Holt, Mr. Scott of Virginia, Mr.

Matheson, Mr. Andrews, Mr. Becerra, Mr. Weiner, Ms. Eddie Bernice Johnson of Texas, Ms. Linda T. Sánchez of California, Mr. Emanuel, Mrs. Maloney, Mr. Ortiz, Ms. Woolsey, Mr. Hall, Mr. Brown of Ohio, Mr. Cooper, Ms. Eshoo, Mr. Evans, Mr. Farr, Mr. Stupak, Ms. Hooley of Oregon, Ms. Jackson-Lee of Texas, Mr. Serrano, Mr. Matsui, Mr. Kanjorski, Mr. Rahall, Mr. Ford, Mrs. Tauscher, Mr. Lampson, Mr. McNulty, Mr. Gonzalez, Mr. Green of Texas, Mr. Schiff, Mr. Kind, Mr. Hoeffel, Mr. Berry, Mr. Grijalva, Mr. Meeks of New York, Mr. Gutierrez, Mr. Israel, Mr. Jackson of Illinois, Ms. Lofgren, Mrs. McCarthy of New York, Mr. Miller of North Carolina, Mr. Baca, Mr. Davis of Alabama, Ms. Loretta Sanchez of California, Mr. Doyle, Mr. George Miller of California, Mr. Pastor, Mr. Reyes, Mr. Scott of Georgia, Mr. Delahunt, Mrs. Napolitano, Mr. Inslee, Ms. Solis, Mr. Strickland, Mr. Udall of Colorado, Mr. Carson of Oklahoma, Ms. Velázquez, and Mr. Ackerman):

H.R. 2808. A bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PITTS:

H.R. 2809. A bill to establish a pilot program of Central Asian scholarships for undergraduate and graduate level public policy internships in the United States; to the Committee on International Relations.

By Mr. PITTS:

H.R. 2810. A bill to establish a pilot program of Afghanistan scholarships for undergraduate and graduate level public policy internships in the United States; to the Committee on International Relations.

By Mr. THOMPSON of Mississippi (for himself, Mrs. Christensen, Mr. Peterson of Minnesota, Mr. Conyers, Mr. Etheridge, Mr. Towns, Mr. Frost, Ms. Millender-McDonald, and Mr. Thompson of California):

H.R. 2811. A bill to assist local educational agencies in providing financial incentives to attract teachers to teach in rural and high-poverty areas; to the Committee on Education and the Workforce.

By Mr. WHITFIELD:

H.R. 2812. A bill to direct the Administrator of the Environmental Protection Agency to conduct a study of the potentially injurious effects to the environment and human health from imported electrolytic manganese metal that contains selenium; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself and Mr. Visclosky):

H. Res. 328. A resolution requesting the World Trade Organization (WTO) to investigate the cause of the WTO's confidential interim report with respect to the March 2002 United States steel safeguard measure being widely leaked to the media; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Ms. Granger.

H.R. 110: Mr. Weldon of Florida and Mr. Gibbons.

H.R. 328: Mr. Wolf, Mr. Calvert, and Mr. Stenholm.

H.R. 490: Mr. Sabo.

H.R. 528: Mr. Bilirakis, Mr. Kildee, Mr. Cunningham, Ms. Linda T. Sánchez of California, and Mrs. Kelly.

H.R. 539: Ms. Lofgren.

H.R. 709: Mr. Schiff.

H.R. 813: Ms. Baldwin.

H.R. 822: Mrs. Maloney, Mr. Udall of Colorado, Mr. LoBiondo, Mrs. Napolitano, Mr. McGovern, and Mr. Payne.

H.R. 882: Mr. Turner of Texas.

H.R. 898: Mr. Doyle and Mr. King of New York.

H.R. 980: Ms. Lofgren and Ms. Linda T. Sánchez of California.

H.R. 997: Mr. Akin, Mr. Shimkus, Mr. Whitfield, and Mr. Pickering.

H.R. 1005: Mr. Deal of Georgia.

H.R. 1130: Mr. Spratt.

H.R. 1132: Mr. Bishop of Georgia, Mr. Frost, Mr. Paul, Ms. Carson of Indiana, Mr. Faleomavaega, Ms. Millender-McDonald, Mr. Owens, and Mr. McGovern.

H.R. 1155: Mrs. Lowey, Ms. Velázquez, Mr. Waxman, Mrs. Jones of Ohio, Mr. Upton, Mr. Terry, Mr. McDermott, and Ms. Dunn.

H.R. 1225: Mr. Doggett.

H.R. 1233: Mr. Akin.

H.R. 1305: Mr. Nussle and Mrs. Bono.

H.R. 1310: Mr. Davis of Tennessee and Mr. Cramer.

H.R. 1355: Ms. Woolsey, Ms. Baldwin, and Mr. Berman.

H.R. 1388: Mr. Thompson of California.

H.R. 1472: Mr. Andrews.

H.R. 1605: Mr. McDermott, Mr. Schiff, Ms. Lee, and Mr. Honda.

H.R. 1628: Mr. Jones of North Carolina.

H.R. 1655: Mr. Abercrombie.

H.R. 1660: Mr. Kolbe.

H.R. 1663: Ms. DeLauro.

H.R. 1673: Mr. Thompson of Mississippi.

H.R. 1684: Mr. Walsh and Ms. Baldwin.

H.R. 1708: Mr. Pickering and Mr. Coble.

H.R. 1758: Mr. Acevedo-Vilá and Mr. LaTourette.

H.R. 1787: Mr. Platts.

H.R. 1856: Mr. Schiff, Mr. Levin, Mr. Putnam, Ms. Harris, Mr. Lipinski, Mr. Burr, Mr. Delahunt, Mr. Kline, Mrs. Davis of California, Mr. Honda, and Mr. Kind.

H.R. 1943: Mrs. Musgrave.

H.R. 1985: Ms. Waters.

H.R. 2032: Mr. Cole.

H.R. 2130: Mr. Ferguson.

H.R. 2181: Mr. Dingell and Ms. Kaptur.

H.R. 2239: Mr. Case, Mr. Davis of Illinois, Mr. Farr, Mrs. Jones of Ohio, Mr. Wynn, and Mr. Fattah.

H.R. 2256: Ms. Linda T. Sánchez of California.

H.R. 2268: Mrs. Davis of California.

H.R. 2303: Mrs. Jo Ann Davis of Virginia.

H.R. 2309: Ms. Pelosi.

H.R. 2318: Ms. Eddie Bernice Johnson of Texas.

H.R. 2323: Mr. Levin.

H.R. 2340: Mr. Garrett of New Jersey and Mr. Putnam.

H.R. 2379: Mr. Moore and Mr. Shimkus.

H.R. 2504: Mr. Goode.

H.R. 2505: Ms. Linda T. Sánchez of California.

H.R. 2511: Mr. Ross.

H.R. 2527: Ms. Velázquez and Ms. Baldwin.

H.R. 2563: Mr. Payne and Mr. Menendez.

H.R. 2581: Mr. Wolf.

H.R. 2582: Ms. Lofgren, Mr. Frost, Mr. Serrano, Mr. Grijalva, Mr. Cummings, and Mr. Payne.

H.R. 2622: Mr. Mica and Mr. Shays.

H.R. 2630: Ms. Bordallo.

H.R. 2635: Mr. Terry, Mr. Hostettler, Mr. Jones of North Carolina, Mr. Garrett of New Jersey, and Mr. Weldon of Florida.

H.R. 2670: Ms. Schakowsky.

H.R. 2705: Mr. Ross.

H.R. 2717: Ms. Schakowsky, Mr. Kildee, and Mr. Frost.

H.R. 2718: Mr. Green of Texas, Ms. Schakowsky, and Ms. Millender-McDonald.

H.R. 2722: Mr. Cramer.

H.R. 2727: Mr. Langevin, Mr. Larsen of Washington, and Mr. Inslee.

H.R. 2735: Mr. Blunt and Mrs. Wilson of New Mexico.

H.R. 2760: Mr. Royce.

H.R. 2791: Mr. Hoeffel and Mr. Frost.

H.R. 2797: Mr. Scott of Georgia and Mr. Schrock.

H. Con. Res. 87: Mr. Filner.

H. Con. Res. 98: Mr. Baker.

H. Con. Res. 245: Mr. Engel.

H. Res. 304: Mr. Wexler.

H. Res. 323: Mr. Simmons.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. Lewis of California.

H.R. 2575: Mr. Scott of Georgia.

H.R. 2789: Mr. Davis of Tennessee, Mr. Jenkins, Mr. Brown of South Carolina, Mr. Norwood, Mr. Collins, Mr. McCotter, Mr. Cardoza, and Mrs. Myrick.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2799

Offered By: Mr. Hinchey

Amendment No. 1: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, Arizona, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

H.R. 2799

Offered By: Mr. Hinchey

Amendment No. 2: At the end of the bill (before the title), insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

Sec.   . None of the funds made available in this Act to the Federal Communications Commission may be expended to grant, transfer, or assign any license for any broadcast station if—

(1) the party (including all parties under common control) to which such license would be granted, transferred, or assigned directly or indirectly owns, operates or controls a daily newspaper and the grant, transfer, or assignment of such license will result in:

(A) the predicted or measured 2 mV/m contour of an AM station, computed in accordance with 47 CFR 73.183 or 73.186, encompassing the entire community in which such newspaper is published;

(B) the predicted 1 mV/m contour for an FM station, computed in accordance with 47 CFR 73.313, encompassing the entire community in which such newspaper is published; or

(C) the Grade A contour of a TV station, computed in accordance with 47 CFR 73.684, encompassing the entire community in which such newspaper is published; or

(2) as a result of such grant, transfer, or assignment an entity would directly or indirectly own, operate, or control two television stations licensed in the same Designated Market Area (DMA) (as determined by Nielsen Media Research or any successor entity), unless—

(A) the Grade B contours of the stations (as determined by 47 CFR 73.684) do not overlap; or

(B)(i) at the time the application to acquire or construct the station is filed, at least one of the stations is not ranked among the top four stations in the DMA, based on the most recent all-day (9:00 a.m.-midnight) audience share, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service; and

(ii) at least 8 independently owned and operating, full-power commercial and noncommercial TV stations would remain postmerger in the television market in which the communities of license of the TV stations in question are located and—

(I) count only those stations the Grade B signal contours of which overlap with the Grade B signal contour of at least one of the stations in the proposed combination; but

(II) in areas where there is no Nielsen DMA, count the TV stations present in an area that would be the functional equivalent of a TV market and count only those TV stations the Grade B signal contours of which overlap with the Grade B signal contour of at least one of the stations in the proposed combination.

H.R. 2799

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to regulate the issuance of consular identification cards by foreign missions in the United States.

H.R. 2799

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 4: At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to extend a visa issued pursuant to section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act more than 8 times.

H.R. 2799

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 5: At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Notwithstanding section 214(c)(1)(C) and section 286s of the Immigration and Nationality Act or any other provision of law, amounts from fees pursuant to the issuance of visas under section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act shall be used as follows:

(1) 4 percent shall be used for the processing of visas for nonimmigrant status under section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act.

(2) The remainder shall be used as additional resources for accelerating the processing by consular officers of other nonimmigrant visa applications.

H.R. 2799

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO.6: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act may be used to prohibit the study of the issue of implementing "good time" for persons incarcerated for non-violent crimes in the Federal prison system.

H.R. 2799

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 7: At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to prohibit any organization, project, or activity from promoting the participation of women in international peace efforts, particularly in Africa and the Middle East.

H.R. 2799

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to prohibit the Administrator of the Small Business Administration from providing technical assistance to small business concerns participating in the rebuilding of Iraq and Afghanistan.

H.R. 2799

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 9: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act may be used to destroy or conceal physical and electronic records and documents related to any use of Federal agency resources in any task or action involving or relating to members of the Texas Legislature for the period beginning May 11, 2003, and ending May 16, 2003.

H.R. 2799

OFFERED BY: MR. PAUL

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO UNESCO

SEC. . None of the funds made available in this Act may be made available for the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

H.R. 2799

OFFERED BY: MR. SANDERS

AMENDMENT NO. 11: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of tangible things from a bookseller or library (as defined under section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)).

H.R. 2799

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to engage in negotiations the purpose of which is to enter into a trade agreement with another country and in which provisions on the temporary entry of professionals are offered or accepted by a representative of the United States.

H.R. 2799

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 13: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to engage in negotiations respecting a trade agreement with another country which creates or expands a nonimmigrant visa category authorizing the temporary entry of professionals into the United States.

H.R. 2800

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC. . Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $171,000,000.

H.R. 2800

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 2: In the item relating to "INTERNATIONAL MILITARY EDUCATION AND TRAINING", after the first dollar amount insert the following: "(reduced by $400,000)".

H.R. 2800

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 3: At the end of the bill (before the short title) insert the following:

LIMITATION ON ASSISTANCE FOR ANY COUNTRY THAT REPRESENTS ITSELF AS MACEDONIA

SEC. . None of the funds made available in this Act under the heading "FOREIGN MILITARY FINANCING PROGRAM" may be made available for assistance for the government of a country that has concluded an agreement with the United States Government under which it represents itself to the United States Government as Macedonia.

H.R. 2800

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 4: In the item relating to "ANDEAN COUNTERDRUG INITIATIVE", after the first dollar amount insert "(reduced by $40,000,000)".

In the item relating to "FOREIGN MILITARY FINANCING PROGRAM", after the first dollar amount insert "(reduced by $35,000,000)".

H.R. 2800

Offered By: Mr. McGovern

Amendment No. 5: In the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the first dollar amount insert "(increased by $75,000,000)".

In the item relating to "ANDEAN COUNTERDRUG INITIATIVE", after the first dollar amount insert "(reduced by $40,000,000)".

In the item relating to "FOREIGN MILITARY FINANCING PROGRAM", after the first dollar amount insert "(reduced by $35,000,000)".

H.R. 2800

Offered By: Mr. McGovern

Amendment No. 6: In the item relating to "DEVELOPMENT ASSISTANCE", after the first dollar amount insert "(increased by $75,000,000)".

In the item relating to "ANDEAN COUNTERDRUG INITIATIVE", after the first dollar amount insert "(reduced by $40,000,000)".

In the item relating to "FOREIGN MILITARY FINANCING PROGRAM", after the first dollar amount insert "(reduced by $35,000,000)".

H.R. 2800

Offered by: Mr. Paul

Amendment No. 7: At the end of the bill (before the short title) insert the following:

RESTRICTION ON OPIC FINANCING AND INSURANCE

Sec. 578. None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to issue any contract of insurance or reinsurance or any guaranty, or to enter into any agreement to provide financing, in connection with a project undertaken or to be undertaken in a country which exported more than 20,000,000 pounds of shrimp to the United States in the first 6 months of calendar year 2002, until 3 months after the foreign country has reduced its shrimp exports to the United States to less than 3,000,000 pounds per month for a period of 3 consecutive months.

RESTRICITON ON EXPORT-IMPORT BANK ASSISTANCE

Sec. 579. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of any good or service to any foreign country which exported to the United States more than 20,000,000 pounds of shrimp in the first 6 months of calendar year 2002, until 3 months after the foreign country has reduced its shrimp exports to the United States to less than 3,000,000 pounds per month for a period of 3 consecutive months.

H.R. 2800

Offered by: Ms. Jackson-Lee of Texas

Amendment No. 8: At the end of the bill (before the short title), insert the following:

INDEPENDENT COMMISSION ON WEAPONS OF MASS DESTRUCTION IN IRAQ

Sec.   . None of the funds made available in this Act may be used to prohibit the establishment of an independent commission to study the basis of the determination of the existence of weapons of mass destruction in Iraq, including any written or oral statements as to the recent purchase by Iraq of uranium in Africa.

H.R. 2800

Offered by: Ms. Jackson-Lee of Texas

Amendment No. 9: At the end of the bill (before the short title), insert the following:

TECHNICAL ASSISTANCE FOR IMPROVED MEANS OF CROP PRODUCTION AND WATER PURIFICATION IN FAMINE STRICKEN AREAS OF AFRICA

Sec.   . None of the funds made available in this Act may be used to limit any added technical assistance to Ethiopia and other famine stricken regions in Africa as to improved means of crop production and water purification.

H.R. 2800

Offered by: Ms. Jackson-Lee of Texas

Amendment No. 10: At the end of the bill (before the short title), insert the following:

PARTICIPATION OF WOMEN IN INTERNATIONAL PEACE EFFORTS

Sec.   . None of the funds made available in this Act may be used to prohibit projects in which agencies promote the participation of women in international peace efforts, specifically peace efforts in Africa and the Middle East.

EXTENSIONS OF REMARKS

TAIWAN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. ANDREWS. Mr. Speaker, I rise today in recognition of the recent passage of my amendment regarding the security of Taiwan, which was part of the en bloc amendment to the Foreign Relations Authorization Act. The passage of this amendment shows strong Congressional support for the safety and welfare of the citizens of Taiwan, and sends a message to the People's Republic of China that the use of force, and even the threat of the use of force, against Taiwan will not be tolerated.

In the past two decades, Taiwan has undergone a remarkable transformation from a one party, martial law dictatorship to a full-fledged democracy that respects human rights and human freedoms. However, Taiwan's democracy faces a serious military threat from the People's Republic of China. The PRC regards Taiwan as a renegade province, despite the fact that it has never exercised control over the island. They continue to openly entertain the use of force against Taiwan, thereby jeopardizing the stability of the entire Asian Pacific region. Mr. Speaker, as one of the leading democracies in the world, it is the duty of the American government to protect Taiwan from the PRC's threats to its democratic system of governance.

Through this amendment, the United States Congress is expressing its grave concern regarding the People's Republic of China's deployment of hundreds of ballistic missiles directed towards Taiwan. The provision calls upon the President of the United States to direct all appropriate U.S. officials to raise these concerns with PRC officials, and to seek renunciation from the leaders of the PRC of any threat or use of force against Taiwan. In addition, it calls upon the President of the United States to authorize the sale of the Aegis missile defense system to Taiwan if China refuses to dismantle the missiles in question. Finally, the provision reaffirms that the future of Taiwan should be determined peacefully, and with the expressed consent of the Taiwanese people,

I wish to thank my colleagues in the House for their expressed support of this most important provision. Only by defending the democracies that currently exist throughout the world can we actively promote the spread of democratic ideals. I would ask that my colleagues continue to keep a watchful eye on the PRC's treatment of Taiwan, and remain vigilant in their support for the Taiwanese people and their quest for safety, security, and freedom.

A SAFE RETURN TO TAIWAN

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. DAVIS of Illinois. Mr. Speaker, as we know, the SARS epidemic took a great toll on Southeast Asia. China, Taiwan, Hong Kong, Vietnam, Singapore, Taiwan and Toronto were all affected. As of July 11, a total of over 8,400 persons fell victim to SARS, and over 800 died. Taiwan was the third hardest hit country, where 671 became ill and 84 died. Many of the SARS cases in Taiwan could be traced to a lapse of infection control procedures in a single hospital. Health authorities rapidly responded, upgrading the SARS surveillance system, tightening infection control procedures, and educating the population to quickly respond—to symptoms of a potential SARS infection. A key element to Taiwan's success was its ability to coordinate the responses of all relevant sectors. I commend the government of Taiwan for its highly effective handling of this health emergency.

Today, Mr. Speaker, I am pleased to note that the SARS epidemic which had plagued Taiwan has now abated. On July 15, 2003, the Centers for Disease Control officially lifted the travel alert for Taiwan, with no new cases having been reported there in over a month. All known chains of person-to-person transmission of SARS have been broken. I am pleased to say that we may now feel confident in continuing, without fear, our travel to and business with this wonderful country.

HONORING KFTV–TV

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor KFTV–TV in Fresno, CA for their impressive support for our community. In 2002, KFTV–TV donated a total of 1104 spots of valuable airtime towards Ad Council public service announcements.

Throughout the Ad Council's 60-year history, stations like KFTV–TV have helped to address the most pressing social issues of the day. Each year, the Ad Council receives approximately $1.3 billion in donated media funds for over 40 campaigns to promote awareness about topics ranging from high-school drop-out prevention to AIDS awareness.

Mr. Speaker, I am pleased to honor KFTV–TV for their ongoing dedication to informing the 19th district of current and socially important issues that improve the lives of our constituents and our Nation.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. HINCHEY. Mr. Chairman, I urge my colleagues to support Representative MARK UDALL's amendment to stop the giveaway of millions of acres of public lands across the West. The Udall amendment will restrict funding for a January 2003 rule published by the Bureau of Land Management that facilitates the construction roads across some of our most sensitive and pristine federal lands.

The Bush Administration and Secretary Norton are currently engaged in an unprecedented assault on our nation's natural heritage. In their concerted effort to undermine the protection of America's public lands, they have gone farther than James Watt ever dared.

This rule endangers our public lands across the West, including some of this nation's most outstanding national parks, wildlife refuges, wilderness areas, national monuments, and national forests. The uncontrolled road building that this rule invites would cause irreparable harm in sensitive watersheds, undeveloped fish and wildlife habitat, historical and archaeological resources, and sensitive coastlines and wetlands.

As the sponsor of America's Redrock Wilderness Act, to protect Utah's wilderness quality public lands, I am particularly concerned about the potentially devastating impact of this rule in Utah. Approximately 10 million acres of Utah's federal lands that are eligible for wilderness designation would be open to road right-of-way claims under BLM's rule. There are an estimated 15,000 road claims in Utah, and off-road-vehicle groups have targeted areas within my wilderness proposal for motorized vehicle access, including the Grandstaircase Escalante National Monument.

These claims have nothing to do with legitimate access—this is about bulldozing and paving thousands of miles of new roads across some of this country's most pristine lands and protected areas. With this rule the Administration has provided opponents of wilderness with a tool to punch roads through pristine lands in an attempt to disqualify the impacted areas from future wilderness consideration by Congress.

Encouraged by the Administration's rule, counties, organizations and individuals are asserting spurious road-building rights-of-way

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

claims for cow paths, horse trails, river beds, dirt bike and off-road vehicle routes, as well as for dogsled trails and for overgrown and nearly indistinguishable trails long ago abandoned by prospecting miners. These aren't legitimate roads.

Back in May, along with Representative UDALL, I sent a letter to Secretary Norton—signed by 100 members of the House, including the ranking member of this subcommittee, Mr. DICKS and the ranking member of the Resources committee, Mr. RAHALL—urging the Administration to reconsider this rule. It has been nearly 2 months since we sent this letter and there has been no response.

It's time for Congress to send Secretary Norton and the White House a clear message that they can't ignore—the assaults on our public lands and wilderness must stop. Let's ensure that our publicly owned lands throughout the West—including Utah's unique public lands—are protected for future generations of Americans. Support the Udall amendment and oppose the Taylor substitute.

BLOOMSBURG UNIVERSITY UPWARD BOUND PROGRAM CELEBRATES 25TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the success of the Bloomsburg University Upward Bound Program, which will celebrate its 25th anniversary on Saturday, July 26th.

To celebrate this important milestone, the Bloomsburg University Upward Bound Program will hold a reunion with many of its graduates this Saturday, July 26th. Five years ago I spoke to this group on its twentieth anniversary, and I wish all of my colleagues could have witnessed the stories from graduates who told what the program meant to them and how it changed their lives. Most of all, I was impressed with the human connections that promising but struggling high school students found in the leaders of the Upward Bound Program. They found mentors who could start them on the path to success for life, and this is a wonderful and remarkable achievement.

Led by two outstanding women, Ruth Anne Bond and Maureen Mulligan, the Bloomsburg University Upward Bound Program has, over the last 25 years, fulfilled a vital role in the Bloomsburg community. The program gives young people opportunities and assistance in exploring their potential for academic, social and personal growth. Its purpose is to provide equal access to-post-secondary education for high school students by giving them adequate preparation to compete at the college level and beyond.

Students are provided with developmental work in areas where they need help, enrichment where they are strong, and exposure to new areas where they have yet to be challenged. Through tutoring for academic improvement, counseling to address career and personal matters, guidance on the college admissions and financial aid processes and training in test-taking skills, students gain the confidence and skills needed to succeed.

The program consists of three parts, the Academic Year Program, the Summer Program and the Bridge Program. During the school year, the program operates ten service centers, with an emphasis on tutoring, assistance with college and financial aid planning, local and national test preparation, cultural activities, and personal and academic counseling. The six-week summer residential program at Bloomsburg University provides intensive academic preparation, enrichment, career and college counseling, cultural experiences and personal and social growth opportunities. The Bridge program is another summer residential program for students between high-school graduation and the first year at college. The program allows them to obtain up to six college credits from Bloomsburg University and also offers participants advice and preparation for excelling in their upcoming freshmen year.

The Bloomsburg University Upward Bound program has an indisputable record of success, with 88% of its high school graduates going on to post-secondary educational institutions and a 72% retention rate at those institutions.

Mr. Speaker, just a small federal investment has allowed Upward Bound to change the lives of countless young people. I am especially proud of the success of the Bloomsburg University program, and I wish everyone associated with it all the best.

IN HONOR OF THE MEMORY OF THE HONORABLE WILKIE D. FERGUSON JR.

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the memory of a dear friend, the late Honorable Wilkie D. Ferguson Jr., who passed away on Monday, June 9, 2003. The passing of Wilkie Ferguson is a great loss to our country's pursuit of justice and the rights of the oppressed. As a state and then federal judge, he applied the law justly and ensured that the less powerful members of society received fair treatment under the law.

Wilkie Ferguson pursued social justice in the U.S. legal system from the outset of his legal career, back in 1968. He was appointed to his first judgeship, on the Florida Court of Industrial Claims, in 1973. Four years later he was named to the circuit bench. One of his most important rulings came in the 1980 Circuit Court decision in which he threw out a verdict because African Americans were excluded from the jury. He was the first judge to find such systematic exclusion unacceptable and the Florida Supreme Court later supported his decision. It is appalling that such racial inequity exists in our judicial system and in our country, and Wilkie Ferguson was the first judge to recognize and correct this particular injustice in our legal system.

In 1980, Wilkie was appointed by then Governor BOB GRAHAM to Florida's Third District Court of Appeal, where he served until 1993. He was the first African American appointed to the Miami-Dade Circuit Court and to the Third District Court of Appeal. This enormous achievement shows how, in addition to paving the way for others through his work from the bench, he was also a living example of the pioneering path of equality and progress that he laid for all Americans.

In 1993, Wilkie Ferguson was nominated by President Clinton to be a U.S. District Judge, becoming the third African American appointed to the federal bench in Southern Florida. He is credited with helping thousands of disabled Floridians; in 1996 he prevented the state from cutting funding for the disabled, and in another 1996 ruling he influenced the state to eventually increase funding for the disabled by nearly $300 million.

Judge Ferguson was also active in community service. In addition to chairing the board of trustees of Florida Memorial College, he participated in the Judicial Council of the National Bar and the "Just The Beginning Foundation". He and his wife, County Commissioner Betty Tucker Ferguson, were also leaders in their local community.

Wilkie Ferguson's successes are numerous and vital, but he will be remembered for how he reached these goals as much as for the accomplishments themselves. The values of the supreme dignity and worth of every human being were not just abstract ends that he pursued through judicial decisions; they were also manifest in the respect and sensitivity with which he treated others. When a plaintiff needed to care for his disabled son, Judge Ferguson offered the use of his judicial chambers. In an article last week in the South Florida Sun Sentinel, attorney Joel Hirschhorn noted, "Even in the worst criminal defendant, I think he saw the human side."

Daniel Pearson, a former appeals judge, expressed that Ferguson "added a dimension of fairness and humanity to the court." Judge Ferguson, who is survived by his wife, two children and three siblings, was also an extremely hard and dedicated worker, an exceedingly modest man and a good friend. His compassion and great judicial accomplishments will be missed by all.

TRIBUTE TO WELLINGTON E. WEBB, MAYOR OF THE CITY AND COUNTY OF DENVER

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Ms. DEGETTE. Mr. Speaker, I would like to recognize the exceptional accomplishments of a prominent citizen in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this distinguished public servant for his impressive record of civic leadership and invaluable service. It is to commend this eminent citizen that I rise to honor Wellington E. Webb, Mayor of the City & County of Denver.

Mayor Webb has been on the front lines of progress for decades and has proven to be a powerful force in transforming the landscape of our city. His career in public service began in 1972 when he was elected to the Colorado House of Representatives representing northeast Denver. In 1977, he was selected by then President Jimmy Carter to serve as Regional Director of the U.S. Department of Health, Education and Welfare. In 1981, then Colorado Governor Richard D. Lamm appointed him to his cabinet as Executive Director of the Colorado Department of Regulatory Agencies and in 1987, he was elected Denver City Auditor.

In 1991, Wellington Webb was elected mayor of Denver and is the first African American to hold this office. He led our city through an era that has been characterized as a time of vision, energy, progress and economic transformation. Under his leadership, Denver's open space has increased by approximately fifty percent. Denver's economic turnaround during the 1990's is considered a national model. Mayor Webb's commitment to children and education spurred city investment into initiatives including the Safe City Program and the Summer Youth Employment Program. He stood up to violence in our community on numerous occasions and continually affirmed tolerance as a essential civic value. Mayor Webb has brought a passion for the Arts dedicating both time and resources to making our city a leading cultural center. He implemented some of the nations' most progressive historic preservation policies and our city has witnessed the economic benefits resulting from the preservation of Denver's historic core.

During his tenure, Mayor Webb led successful ballot initiatives to enhance our economic vitality and quality of life including expansion of the Colorado Convention Center and the Denver Zoo, renovation of the Quigg Newton Auditorium and construction of the Pepsi Center and INVESCO Field at Mile High. The expansion of the Denver Central Public Library and construction of the Blair-Caldwell African American Research Library and the Webb Municipal Building are also to his credit. Additionally, Mayor Webb promoted the redevelopment of the former Stapleton Airport and Lowry Air Force Base sites—two of the largest in-fill projects in the country—as well as guided the transformation of Central Platte Valley.

During his tenure, Denver International Airport established a reputation as one of the best run airports in the world which has enhanced the ability of existing firms to do business internationally and contributes to the region's ability to attract new businesses on a global scale. Mayor Webb led trade missions to China, Africa, Mexico and Europe to encourage investment and business development between nations. Under his leadership, Denver hosted World Youth Day with Pope John Paul II and hosted President Clinton and other world leaders for the Denver Summit of the Eight, an event that helped to put Denver on the global map.

Mayor Webb has held several prominent national positions including most recently, President of the United States Conference of Mayors. Magazines including Newsweek, Fortune and Ebony have recognized him as one of our nation's most influential civic leaders. He continues to collaborate closely with his wife, former six-term Colorado State Representative, Wilma J. Webb. As Denver's First Lady, she has worked on various issues impacting our youth and families. She previously served as the Secretary's Representatives for Region VIII of the U.S. Department of Labor and has chaired various governmental groups, represented the city at public and private meetings and hosted national and international dignitaries.

Wellington Webb's tenure as Mayor of the City and County of Denver is quickly drawing to a close. He has worked to preserve and improve the quality of life in our neighborhoods' and has been the catalyst for major civic enterprises and economic development undertakings in our city. The success Denver has enjoyed in recent years has been due, in large measure, to Mayor Webb's efforts in cultivating a shared vision and promoting inclusion. His leadership has been exemplary and his contributions are rich in consequence. On behalf of the citizens of the 1st Congressional District, I wish to express our gratitude and look forward to his continued involvement in our civic life.

Please join me in commending Mayor Wellington E. Webb, a distinguished public servant. It is the strong leadership he exhibits on a daily basis which continually enhances our lives and builds a better future for all Americans.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. ORTIZ. Mr. Speaker, due to business in my district, I was unable to vote during rollcall vote No. 396. Had I been present, I would have voted "yes."

HONORING THE LIFE OF CARL McILROY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. GERLACH. Mr. Speaker, I rise today to honor and celebrate the life of Carl McIlroy and all he has done for this Nation and East Vincent Township.

Carl McIlroy, a veteran of the Korean War, dedicated much of his life ensuring that the history of our Nation and our community was displayed in a manner we could all be proud of. As chairman of the East Vincent Historical Commission, Carl initiated efforts to restore a burial plot of 22 Revolutionary War soldiers, which is now known in our community as the Revolutionary Soldiers Cemetery. He spent countless hours manicuring, grooming, placing flags and planting flowers. Under his careful watch, a sign was placed above its entrance, a flagpole was erected and a wall was refurbished, all with Carl doing much of the work himself. He labored long and hard to turn this neglected treasure into a shrine that truly embraces the importance of the cause for which these soldiers died. Each year during Independence Day, our community gathers at the historic cemetery to honor the 22 soldiers that are buried there and celebrate the freedoms for which they fought.

On July 4, 2003, Carl McIlroy was honored with the 22 soldiers at the Revolutionary Soldiers Cemetery and a plaque was unveiled that pays special tribute to him and all of his efforts. I ask that my colleagues join me today in celebrating the life and achievements of Mr. McIlroy. He was an exemplary citizen and a faithful patriot and he will truly be missed.

HONORING THE D.C. REDWINGS YOUTH PROGRAM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Ms. NORTON. Mr. Speaker, I rise to honor the D.C. Redwings Youth Program for its extraordinary contributions to this Community as well as to inner city children. In only five short years, the D.C. Redwings have produced many of the Nation's top young athletes in the realm of track and field while preparing these youths for a more successful, rewarding life.

Although this program is primarily a sports-based organization, it also encourages youths to focus on education, community service and cultural awareness. Off the track, members are required to attend study hall and participate in various community outreach projects. The Redwings Program uses track and field as well as cross-country running as a vehicle to teach discipline, goal-setting and teamwork for youths, many of whom would be considered "at risk." Furthermore, the team incorporates book clubs, SAT preparation courses and academic enrichment classes in order to develop well-rounded students and encourage further education.

Since its founding, D.C. Redwings Youth Program has produced many junior Olympians, nationally ranked athletes, and All-American runners while fostering an invaluable sense of success and accomplishment in all aspects of their lives. An impressive thirty-eight athletes qualified and competed in the AAU Track and Field Junior Olympics this year alone. The team's success has generated numerous national titles and has turned this relatively small team into one with great promise. The talented athletes repeatedly surpass the expectations of both supporters and competitors.

This season has yielded less than ideal circumstances due to both weather and security, but these conditions clearly illustrate the team's commitment and determination for the sport. After study hall, these youngsters would train in freezing temperatures, pouring rain and a foot of snow. Even during weeks of police-supervised practice and the hunt for D.C.'s serial sniper, when all other athletic and extracurricular activities were discontinued, the Redwings carried on with practice as usual. All throughout this ordeal, the team persistently demonstrated their passion, and their commitment set them apart from the rest.

Mr. Speaker, the D.C. Redwing Youth Program has quickly established itself as one of the most respectable organizations for inner city children. Their track and field team as well as their cross country team command national respect for their talent and enthusiasm. Moreover, the Redwings remain the only independent youth track team in D.C., and we should be proud to have them represent our city. The organization's head coach and founder, Mr. Desmond L. Dunham, deserves our deepest thanks for his dedication to these athletes' future. It is my honor to recognize the Redwings for their unrelenting commitment in improving so many lives.

HONORING THE GREATER RACINE AREA

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today in support of H. Con. Res. 230, which honors the ten communities that received the National Civic League's All-America City Award for 2003. As the latest recipients of the prestigious 54-year-old award, these communities embody the spirit of American democracy by demonstrating how cooperation between citizens, businesses, volunteer organizations, and local government leads to the resolution of the critical problems facing America's cities.

I am extremely proud to represent the Greater Racine Area, an All-America city and a tremendous asset to Wisconsin's First Congressional District. Over the past few years, the citizens of Racine and the surrounding area have worked diligently to implement multiple initiatives that have positively impacted the lives of those who live in Racine County. For example, the Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement is an initiative that uses revenue from Racine's outlying communities to make improvements to the city's wastewater treatment infrastructure and enhance the city's cultural attractions such as its zoo, fine arts museum and library. A second initiative, the West Sixth Street Revitalization effort involves the participation of citizens, local businesses and government to help rebuild run-down homes in the inner city. Finally, the Racine County Youth As Resources (YAR) program is an exemplary project that encourages young people to take an active role in improving their own neighborhoods. This program provides grants for youth-led community service projects such as neighborhood cleanup programs, educational programs and services for the elderly.

I commend the citizens of the Greater Racine Area for their dedication to improving their community and applaud their willingness to employ innovative methods and basic American ideals toward the achievement of that goal. Racine, Wisconsin is truly a role model for other communities to follow and a deserving recipient of the 2003 All-America City Award. I ask my colleagues to join me in supporting H. Con. Res. 230, honoring the Greater Racine Area and the other nine communities that symbolize America's strong tradition of embracing civic responsibility and upholding the tenets of democracy.

CONGRATULATING DOROTHY KONICHEK FOR DISTINGUISHED CIVIC SERVICE

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. KIND. Mr. Speaker, it is with great pleasure that I rise before you today to honor Dorothy Konichek for her commendable service to the community of Prairie du Chien. Mrs. Konichek is celebrating her 80th birthday and has been a citizen of Prairie du Chien for 64 of those years. As we celebrate this special day, we must also honor Mrs. Konichek for her distinguished citizenship and service.

She has an unbelievable dedication to serving her community and has extended her goodwill to many organizations. Mrs. Konichek has given countless hours to the seniors in her community by volunteering at the Care Center. She eagerly offers her generosity and kindness of heart to ensure that the well-being of the senior members of Prairie du Chien is met. She has tirelessly given her time at the Meadow Lane Group Home for the developmentally disabled and has eagerly taken on leadership positions in her church and community that have contributed to the welfare of Prairie du Chien's youth.

I am proud to congratulate Dorothy Konichek on the celebration of her 80th birthday. It is important that we all recognize and commend her for her remarkable character and distinguished citizenship. Her commitment to service has supported the community of Prairie du Chien for 64 years. Mrs. Konichek embodies a standard of service that can be appreciated by all who live in the State of Wisconsin.

Alma Center, WI, June 22, 2003.

Representative RON KIND,
House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE KIND: My mother, Dorothy Konichek, long time resident of Prairie du Chien, will be celebrating her 80th birthday on July 28, 2003. She has been a valuable citizen of Wisconsin for about 78 years and a resident Prairie du Chien for 64 of those years.

I am requesting from your office a Letter of Commendation for her years of giving to the people of Prairie du Chien, making it a better city in which to live. No, these are not the types of things that will get you in the local paper but people doing these types of things are what make for healthy communities.

Here are the reasons why I feel such. a commendation is in order.

Den mother with the Boy Scouts; Girl Scout leader; Sunday School teacher in her local church; her many hours of service to the developmentally disabled at the Meadow Lane group home; volunteering at the Care Center; looking after many elderly persons throughout the years, cleaning their homes and providing meals; being there with a listening ear for more people than I could count; and taking people for groceries who do not drive.

The list could go on and on. My mother is truly a person who loves and cares for the people around her never asking for anything in return. I'm sure you will agree that people like this are what make for a strong community. I feel she has helped to make Prairie du Chien a better place to live.

Thank you for considering my request. Her five children are hosting an open house for her on July 19th, at the Faith Evangelical Free Church, in Prairie du Chien, from 1:30-4:30, with a special program being held at 2 p.m. If you feel you can honor my request, the letter would be presented at that time. You may write me at the above address or e-mail me.

Thank you for your response.

Sincerely yours,
MARY (KONICHEK) MANDIGO.

SALUTING BEN CURTIS, BRITISH OPEN CHAMPION

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. TIBERI. Mr. Speaker, up until yesterday, when golf fans spoke of "Ben," they probably meant Ben Hogan, one of the game's legends. But today another "Ben" stands atop the world of golf—Ben Curtis, the 2003 champion of the British Open.

Ben is a 26-year-old rookie on the PGA Tour who learned the game at the Mill Creek Golf Club, built by his late grandfather northwest of Columbus in Ostrander, Ohio, which his family still operates. Obviously, he learned well.

Ben, who has yet to win on the PGA tour, entered the British Open, in his words, "just trying to play the best I could." His best turned out to be good enough to beat some of golf's best, including Davis Love III, Vijay Singh and Tiger Woods. His one-under-par, 283-stroke total for the four-day tournament made him the first player since Francis Ouimet at the 1913 U.S. Open to win a major championship on his first try.

I had the opportunity to become acquainted with Ben's grandparents, Bill and Myrtie Black. Bill, who died this past February, taught Ben the game. Ben's father is the golf course superintendent at Mill Creek. Family and friends were on hand at the clubhouse yesterday to watch Ben play on television. His victory was one that anyone from small town America, or who grew up with parents that instilled values and work ethic, can appreciate.

An impossible dream? For Ben Curtis, obviously not. Instead, his improbable British Open victory was a dream come true. I join with Ben's family and friends and the entire golfing world in saluting his outstanding accomplishment. It definitely will not be his last.

PERSONAL EXPLANATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. BURGESS. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

July 17, 2003, rollcall vote 382, on agreeing to the Gallegly Amendment, I would have voted "no." Rollcall vote 383, on agreeing to the Rahall Amendment, I would have voted "no." Rollcall vote 384, on agreeing to the Udall Amendment, I would have voted "no." Rollcall vote 385, on agreeing to the Holt Amendment, I would have voted "no." Rollcall vote 386, on agreeing to the Inslee Amendment, I would have voted "no." Rollcall vote 387, on agreeing to the Bereuter Amendment, I would have voted "yea." Rollcall vote 388, on agreeing to Taylor Amendment to the Udall Amendment, I would have voted "yea." Rollcall vote 389, on passage of the FY 2004 Interior Appropriations bill, I would have voted "yea." Rollcall vote 390, on the motion to instruct conferees for the Tax Relief, Simplification, and Equity Act, I would have voted "no." July 18, 2003, rollcall vote 391, on agreeing to the Andrews Amendment, I would have voted "yea." Rollcall vote 392, on agreeing to the Udall Amendment, I would have voted "no." Rollcall vote 393, on agreeing to the Hefley Amendment, I would have voted "no." Rollcall vote 394, on the motion to recommit the FY 2004 Energy and Water Appropriations bill, I would have voted "no." Rollcall vote 395, on passage of the FY 2004 Energy and Water Appropriations bill, I would have voted "yea." Rollcall vote 396, on the motion to instruct conferees for the Tax Relief, Simplication, and Equity Act, I would have vote "no." Rollcall vote 397, on the motion to table to the resolution raising a question of the privileges of the House, I would have voted "yea."

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Ms. BERKLEY. Mr. Speaker, due to a family emergency, I was unable to vote July 15, 2003 through July 18, 2003. If I was in attendance on July 15, 2003, I would have voted "nay" on rollcall No. 360; "yea" on rollcall No. 361; "nay" on rollcall No. 362; "nay" on rollcall No. 363; "nay"on rollcall No. 364; "nay" on rollcall No. 365; "yea" on rollcall No. 366; and "nay" on rollcall No. 367.

If I was in attendance on July 16, 2003, I would have voted "yea" on rollcall No. 368; "yea" on rollcall No. 369; "yea" on rollcall No. 370; "nay" on rollcall No. 371; "nay" on rollcall No. 372; "yea" on rollcall No. 373; "yea" on rollcall No. 374; and "yea" on rollcall No. 375.

If I was in attendance on July 17, 2003, I would have voted "yea" on rollcall No. 376; "yea" on rollcall No. 377; "nay" on rollcall No. 378; "nay" on rollcall No. 379; "yea" on rollcall No. 380; "nay" on rollcall No. 381; "yea" on rollcall No. 382; "yea" on rollcall No. 383; "yea" on rollcall No. 384; "yea" on rollcall No. 385; "yea" on rollcall No. 386; "yea" on rollcall No. 387; "nay" on rollcall No. 388; "nay" on rollcall No. 389; and "yea" on rollcall No. 390.

If I was in attendance on July 18, I would have voted "nay" on rollcall No. 391; "yea" on rollcall No. 392; "nay" on rollcall No. 393; "yea" on rollcall No. 394; "nay" on rollcall No. 395; "yea" on rollcall No. 396; and "nay" on rollcall No. 397.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes:

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in opposition to the Hostettler/Gallegly amendment. The purpose of this amendment is to require the Secretary of the Department of State to regulate the issuance of consular identification cards by foreign missions in the United States. It directs the Secretary to issue regulations requiring foreign missions to issue consular identification cards only to bona fide nationals of the issuing country, to maintain accurate records of all such cards issued, to require recipients of such cards to notify the missions of address changes, to notify the Secretary of each such card issued in the United States, and to make records of such cards available for audit and review by the State Department at the Secretary's request.

In other words, this amendment would require the State Department to decide what the consulates of other countries can and cannot do with respect to consular identification documents, above and beyond existing law. On the face of it, this is not a good idea. Do we want other countries to do the same to us? Do we want other countries to tell our consulates how they can relate to our own citizens abroad?

In fact, although this amendment would apply to all consulate offices in the United States, it is apparent that the objective of the amendment is to regulate the issuance of a particular consular document, the Matricula Consular issued by the Mexican consulates. The Mexican consulates issue these cards to create an official record of its citizens in other countries. The Matricula is legal proof of such registration. This registration facilitates access to protection and consular services because the certificate is evidence of Mexican nationality. It does not provide immigrant status of any kind, and it cannot be used for travel, employment, or driving in the United States or in Mexico. The Matricula only attests that a Mexican consulate has verified the individual's identity.

This amendment would interfere with the rights of Mexico and other sovereign nations to issue whatever identification cards they want to issue to their citizens abroad, provided that they meet the requirements of the Vienna Convention. Under that convention, consular function is established as "performing any other functions entrusted to a consular post which are not prohibited by the laws and regulations of the receiving State." There is no United States Federal law that forbids the issuance of consular identification cards. In fact, the Treasury Department has issued regulations under Section 326 of the PATRIOT ACT that would allow financial institutions to accept consular identification cards as valid forms of identification for the purpose of opening accounts.

The responsibility for carrying out the mandates of this amendment would fall on the State Department, but the State Department has an Interagency Working Group that is already working to address the issue of consular identification cards. The Mexican consulates have been issuing Matriculas for more than 130 years. We can wait a while longer to give the State Department an opportunity to formulate new policies on the basis of the report from that Interagency Working Group.

I strongly urge my colleagues to oppose this amendment.

TRIBUTE TO CHELSEA HIGH SCHOOL SOFTBALL TEAM, CHELSEA, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor the Chelsea High School softball team who last month won their second consecutive Division II state championship. The Bulldogs compiled an impressive record of 36–4 and swept through the 2003 state playoffs outscoring their opponents 44 to 1 in the seven playoff games.

The Chelsea girls softball program has, over the past two seasons, compiled an outstanding overall record of 72–7–1 in winning back-to-back state championships. I salute the hard work and dedication of the players: Julia Arnold, Brynna Darwin, Cynthia Johnson, Katie Herman, Becky Sprague, Carly Daniels, Nicole Collins, Ali Mann, Missy Morcom, Alise Augustine, Katrina Moffett, Jenna Connelly, Danielle McClelland, Anna Arend, Mary Kate Setta and Christyna Toon.

We in Congress also pay tribute to the coaches whose personal interest, strong support and active participation played no small part in the team's success: Bob Moffett, Mark Musolf, Chris DeFant, Jenni Driskill, Kathy Sprawka, and head coach Kim Reichard. Under their guidance, the players have refined not only their athletic talents but learned the value of sportsmanship, the joy of camaraderie, the importance of teamwork, how to become a leader and motivate others, the rewards of hard work, how to deal with success and failure. These valuable lessons combined with a good education will serve them long after their days on the diamond have passed.

KEY JUDGMENTS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. KING of New York. Mr. Speaker, in light of the incessant barrage of attacks of inaccurate and baseless charges being made

against President Bush by his political opponents and their allies in the media, I thought it important to include in the RECORD the declassified portions of the National Intelligence Estimate released by the White House this past Friday. This NIE clearly states the consensus view of our intelligence agencies that Saddam Hussein was attempting to reconstitute his nuclear capacity. The first half of these documents are being submitted today and the second half tomorrow. I commend these documents to all willing to approach this vital issue with an open mind.

[From October 2002 NIE]

IRAQ'S CONTINUING PROGRAMS FOR WEAPONS OF MASS DESTRUCTION

We judge that Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Baghdad has chemical and biological weapons as well as missiles with ranges in excess of UN restrictions; if left unchecked, it probably will have a nuclear weapon during this decade. (See INR alternative view at the end of these Key Judgments.)

We judge that we are seeing only a portion of Iraq's WMD efforts, owing to Baghdad's vigorous denial and deception efforts. Revelations after the Gulf war starkly demonstrate the extensive efforts undertaken by Iraq to deny information. We lack specific information on many key aspects of Iraq's WJMD programs.

Since inspections ended in 1998, Iraq has maintained its chemical weapons effort, energized its missile program, and invested more heavily in biological weapons; in the view of most agencies, Baghdad is reconstituting its nuclear weapons program.

Iraq's growing ability to sell oil illicitly increases Baghdad's capabilities to finance WMD programs; annual earnings in cash and goods have more than quadrupled, from $580 million in 1998 to about $3 billion this year.

Iraq has largely rebuilt missile and biological weapons facilities damaged during Operation Desert Fox and has expanded its chemical and biological infrastructure under the cover of civilian production.

Baghdad has exceeded UN range limits of 150 km with its ballistic missiles and is working with unmanned aerial vehicles (UAVs), which allow for a more lethal means to deliver biological and, less likely, chemical warfare agents.

Although we assess that Saddam does not yet have nuclear weapons or sufficient material to make any, he remains intent on acquiring them. Most agencies assess that Baghdad started reconstituting its nuclear program about the time that UNSCOM inspectors departed—December 1998.

How quickly Iraq will obtain its first nuclear weapon depends on when it acquires sufficient weapons-grade fissile material.

If Baghdad acquires sufficient fissile material from abroad it could make a nuclear weapon within several months to a year.

Without such material from abroad, Iraq probably would not be able to make a weapon until 2007 to 2009, owing to inexperience in building and operating centrifuge facilities to produce highly enriched uranium and challenges in procuring the necessary equipment and expertise.

Most agencies believe that Saddam's personal interest in and Iraq's aggressive attempts to obtain high-strength aluminum tubes for centrifuge rotors—as well as Iraq's attempts to acquire magnets, high-speed balancing machines, and machine tools—provide compelling evidence that Saddam is reconstituting a uranium enrichment effort for Baghdad's nuclear weapons program. (DOE agrees that reconstitution of the nuclear program is underway but assesses that the tubes probably are not part of the program.)

Iraq's efforts to re-establish and enhance its cadre of weapons personnel as well as activities at several suspect nuclear sites further indicate that reconstitution is underway.

All agencies agree that about 25,000 centrifuges based on tubes of the size Iraq is trying to acquire would be capable of producing approximately two weapons' worth of highly enriched uranium per year.

In a much less likely scenario, Bagbdad could make enough fissile material for a nuclear weapon by 2005 to 2007 if it obtains suitable centrifuge tubes this year and has all the other materials and technological expertise necessary to build production-scale uranium enrichment facilities.

We assess that Baghdad has begun renewed production of mustard, sarin, GF (cyclosari), and VX; its capability probably is more limited now than it was at the time of the Gulf war, although VX production and agent storage life probably have been improved.

An array of clandestine reporting reveals that Baghdad has procured covertly the types and quantities of chemicals and equipment sufficient to allow limited CW agent production hidden within Iraq's legitimate chemical industry.

Although we have little specific information on Iraq's CW stockpile, Saddam probably has stocked at least 100 metric tons (MT) and possibly as much as 500 MT of CW agents—much of it added in the last year.

The Iraqis have experience in manufacturing CW bombs, artillery rockets, and projectiles. We assess that they possess CW bulk fills for SRBM warheads, including for a limited number of covertly stored Scuds, possibly a few with extended ranges.

We judge that all key aspects—R&D, production, and weaponization—of Iraq's offensive BW program are active and that most elements are larger and more advanced than they were before the Gulf war.

We judge Iraq has some lethal and incapacitating BW agents and is capable of quickly producing and weaponizing a variety of such agents, including anthrax, for delivery by bombs, missiles, aerial sprayers, and covert operatives.

Chances are even that smallpox is part of Iraq's offensive BW program.

Baghdad probably has developed genetically engineered BW agents.

Baghdad has established a large-scale, redundant, and concealed BW agent production capability.

Baghdad has mobile facilities for producing bacterial and toxin BW agents; these facilities can evade detection and are highly survivable. Within three to six months* these units probably could produce an amount of agent equal to the total that Iraq produced in the years prior to the Gulf war.

Iraq maintains a small missile force and several development programs, including for a UAV probably intended to deliver biological warfare agent.

Gaps in Iraqi accounting to UNSCOM suggest that Saddam retains a covert force of up to a few dozen Scud-variant SRBMs with ranges of 650 to 900 km.

Iraq is deploying its new al-Samoud and Ababi-100 SRBMs, which are capable of flying beyond the UN-authorized 150-km range limit; Iraq has tested an al-Samoud variant beyond 150 km—perhaps as far as 300 km.

Baghdad's UAVs could threaten Iraq's neighbors, U.S. forces in the Persian Gulf, and if brought close to, or into, the United States, the U.S. Homeland.

An Iraqi UAV procurement network attempted to procure commercially available route planning software and an associated topographic database that would be able to support targeting of the United States, according to analysis of special intelligence.

The Director, Intelligence, Surveillance, and Reconnaissance, U.S. Air Force, does not agree that Iraq is developing UAVs primarily intended to be delivery platforms for chemical and biological warfare (CBW) agents. The small size of Iraq's new UAV strongly suggests a primary role of reconnaissance, although CBW delivery is an inherent capability.

Iraq is developing medium-range ballistic missile capabilities, largely through foreign assistance in building specialized facilities, including a test stand for engines more powerful than those in its current missile force.

We have low confidence in our ability to assess when Saddam would use WMD.

Saddam could decide to use chemical and biological warfare (CBW) preemptively against U.S. forces, friends, and allies in the region in an attempt to disrupt U.S. war preparations and undermine the political will of the Coalition.

[Corrected per Errata sheet issued in October 2002]

Saddam might use CBW after an initial advance into Iraqi territory, but early use of WMD could foreclose diplomatic options for stalling the U.S. advance.

He probably would use CBW when be perceived he irretrievably had lost control of the military and security situation, but we are unlikely to know when Saddam reaches that point.

We judge that Saddam would be more likely to use chemical weapons than biological weapons on the battlefield.

Saddam historically has maintained tight control over the use of WMD; however, he probably has provided contingency instructions to his commanders to use CBW in specific circumstances.

Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW against the United States, fearing that exposure of Iraqi involvement would provide Washington a stronger cause for making war.

Iraq probably would attempt clandestine attacks against the U.S. Homeland if Baghdad feared an attack that threatened the survival of the regime were imminent or unavoidable, or possibly for revenge. Such attacks—more likely with biological than chemical agents—probably would be carried out by special forces or intelligence operatives.

The Iraqi Intelligence Service (IIS) probably has been directed to conduct clandestine attacks against US and Allied interests in the Middle East in the event the United States takes action against Iraq. The US probably would be the primary means by which Iraq would attempt to conduct any CBW attacks on the US Homeland, although we have no specific intelligence information that Saddam's regime has directed attacks against US territory.

Saddam, if sufficiently desperate, might decide that only an organization such as al-Qaida—with worldwide reach and extensive terrorist infrastructure, and already engaged in a life-or-death struggle against the United States—could perpetrate the type of terrorist attack that be would hope to conduct.

In such circumstances, he might decide that the extreme step of assisting the

Islamist terrorists in conducting a CBW attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

CONGRATULATING OF THE CITY OF TEMPE, ARIZONA

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. HAYWORTH. Mr. Speaker, I rise today to congratulate the City of Tempe, Arizona, one of ten communities in the United States selected to receive an All-America City Award from the National Civic League. The All-America City program recognizes civic excellence in communities in which citizens, government, businesses and non-profit organizations work together to address critical local issues.

This award is yet another recognition of what Tempe has achieved through innovative public-private partnerships that have made it one of the nation's finest cities. Dynamic collaboration on the three projects presented—Tempe Town Lake, Riverside Sunset Neighborhood and the Tumbleweed Youth Services—has enabled the city to successfully address important issues like crime, education and poverty. In this respect, Tempe is certainly a model for other cities.

Tempe Town Lake was a dry riverbed and crime magnet that has been cleaned up and is now the location of community festivals, athletic and cultural events, and development. Additionally, partnership with the U.S. Army Corps of Engineers will restore 170 acres into a natural habitat preserve.

To address the decline of the Sunset/Riverside Neighborhood, the city developed a series of partnerships with organizations and groups such as the Boys and Girls Club, the Riverside/Sunset Neighborhood Association, Scales Elementary School, and the Arizona State University College of Nursing. This collaboration successfully revitalized the neighborhood by building the Westside Multigenerational Center and offering numerous services including crime prevention services and new housing.

The final project recognized for its outstanding contribution to the community of Tempe is one that is close to my heart because we had to defend it when its mission came under attack. The Thomas J. Pappas School for the Homeless is not only an outstanding success as an educational institution, it is currently expanding its facilities to teach, feed and clothe even more homeless children. Moreover, the Pappas School, Tumbleweed Youth Services, the Tempe Community Council, and the First Congregational Church partnered to create Tempe's first homeless resource center for teens.

Mr. Speaker, through commitment to collaboration between the private and public sector, the City of Tempe has once again proven itself to be a model community. Mayor Neil Giuliano also deserves commendation for his leadership of the Tempe delegation as well as his work to encourage private sector investment in, and cooperation with, the City of Tempe.

I am proud to represent this great community and I am honored to co-sponsor House Concurrent Resolution 230 congratulating each of the All-America cities for their exemplary grassroots community-oriented problem solving efforts. Please join me in congratulating the City of Tempe and all of the 2003 All-America cities.

TRIBUTE TO JIM GRAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress and this nation today to recognize the many years of public service that Jim Gray of Alamosa, Colorado has devoted to our state. Jim's selfless contributions to his community as a member of the San Luis Valley Hospital's Board of Directors and as a local fireman have helped secure the health and lives of countless Coloradans. On his retirement, I am honored to speak of his accomplishments here today.

Jim joined the San Luis Valley Hospital Board in 1969, serving for thirty-four years. Some of the most notable improvements to the hospital and the quality of care provided there occurred during Jim's tenure as Chairman of the Board. Jim was instrumental in adding physicians to the board, providing doctors with a voice in the overall operation of the hospital.

While running his own business and serving the hospital, Jim also volunteered for more than twenty years as a fireman, retiring as Captain in 1979. He volunteered for the sole purpose of helping others, working to keep the community he loved safe.

Mr. Speaker, it is my sincere pleasure to pay tribute to Jim Gray before this body of Congress and this nation. I join with my colleagues here today in applauding Jim's civic-mindedness, and I am proud to bring Jim's years of service to the attention of my colleagues in this House today. Thank you, Jim, for the service you have provided our community, and I wish you the best in your future endeavors.

HONORING KAITLIN KELLY SHARKEY OF JACKSON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, athletics and leadership, that I am proud to salute Kaitlin Kelly Sharkey, a 2003 graduate summa cum laude of Northwest High School in Jackson, Michigan. Kaitlin is an exceptional individual and possesses an outstanding record of achievement in her academic career. Valedictorian of her class with a 4.0 grade point average, Kaitlin was also vice president of the senior class, secretary of the National Honor Society, and captain of the school's winning Social Studies team in the Jackson County Academic Games.

Throughout her high school career, Kaitlin has also excelled in athletics—earning 10 Varsity letters and the prestigious 12 Season Award for participating in 3 sports all 4 years in high school. As captain of her tennis and volleyball teams she received all-area and MVP honors. She also played three seasons at second base for the Mounties varsity softball team, earning honorable mention all conference her senior year. She received the Marine Corps Scholar Athlete Award and was selected 2003 Female Athlete of the year.

She devoted her energies to community service as well—as a member of a student advisory council for drug education and a first grade religious instruction teacher. She was awarded the Meijier Dignity and Respect Award.

Therefore, on behalf of the Congress of the United States, I am proud to join with her many admirers in extending our highest praise to Kaitlin Kelly Sharkey. To this remarkable young woman, we extend heartfelt good wishes as she pursues her educational goals and for all her future endeavors.

HONORING MEGHAN MAYDAY OF JACKSON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, athletics and leadership, that I am proud to salute Meghan Mayday, a 2003 graduate of Hanover-Horton High School in Jackson, Michigan.

Meghan is an exceptional individual and possesses an outstanding record of achievement in her academic career. A member of the Hanover-Horton National Honor Society, Meghan enjoyed an active and fruitful high school experience—participating in school plays; concert, marching and pep bands; basketball and golf. But it was in track, specifically running cross country, that Meghan has demonstrated her exceptional will to succeed. Quite simply, she decided she was going to be a successful cross country runner and she did it. To quote her coach, Dean Blackedge, "Mighan willed herself to be great." Having started to season without having run a single varsity race, Megan finished it as an All-American. She is the first runner at Havover-Horton High School to win a regional meet, and the first athletic at the school to earn All-American status. A leader who inspires others to go give their best, she captained both the cross country and track teams. She's been honored by the U.S. Marines as a Distinguished Athlete, and named Female Athlete of the Year.

Therefore, on behalf of the Congress of the United States, I am proud to join with her many admirers in extending praise to Meghan Mayday. To the remarkable young woman, we extend heartfelt good wishes as she pursues her educational goals and for all her future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Monday, July 21, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 22

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 1314, to expedite procedures for hazardous fuels reduction activities on National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, to improve the health of National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, and H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape; to examine the impacts of insects, disease, weather-related damage, and fires on public and private forest lands. Processes for implementing forest health and hazardous fuels reduction projects on public and private lands, and processes for implementing forest health and hazardous fuels reduction projects will also be discussed.

SD–366

Health, Education, Labor, and Pensions

To hold hearings to examine proposed legislation authorizing funds for Head Start, focusing on programs to prepare children to succeed in school and in life.

SD–430

Judiciary

To hold hearings to examine the nominations of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit, H. Brent McKnight, to be United States District Judge for the Western District of North Carolina, and R. David Proctor, to be United States District Judge for the Northern District of Alabama, both of the Department of Justice.

SD–226

11 a.m.

Aging

To hold hearings to examine the consequences of direct-to-consumer advertising of prescription drugs.

SD–628

2 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Mark C. Brickell, of New York, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, Alicia R. Castaneda, of the District of Columbia, to be a Director of the Federal Housing Finance Board, and Thomas J. Curry, of Massachusetts, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation.

SD–538

Judiciary

To hold hearings to examine bankcruptcy and competition issues in relation to the WorldCom Case.

SD–226

JULY 23

9 a.m.

Judiciary

Business meeting to consider pending calendar business.

SD–226

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine public interest and localism.

SR–253

Foreign Relations

Business meeting to consider the Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal May 28, 1999 (Treaty Doc.106–45), protocol to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on October 12, 1929, done at The Hague September 28, 1955 (The Hague Protocol) (Treaty Doc.107–14), STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS, WITH ANNEXES, DONE AT STOCKHOLM, MAY 22–23, 2001 (Treaty Doc.107–05), Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, with Annexes, done at Rotterdam, September 10, 1998 (Treaty Doc.106–21), agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population done at Washington on October 16, 2001 (Treaty Doc.107–10), agreement Amending the Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges done at Washington May 26, 1981 (the "Treaty"), effected by an exchange of diplomatic notes at Washington on July 17, 2002, and August 13, 2002 (the "Agreement"). Enclosed is the report of the Secretary of State on the Agreement and a related agreement, effected by an exchange of notes at Washington on August 21, 2002, and September 10, 2002, amending the Annexes to the Treaty (Treaty Doc.108–01), amendments to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, with Annexes and agreed statements, done at Port Moresby, April 2, 1987, done at Koror, Palau, March 30, 1999, and at Kiritimati, Kiribati, March 24, 2002. Also transmitted, related Amendments to the Treaty Annexes, and the Memorandum of Understanding (Treaty Doc.108–02), and H. Con. Res. 209, commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia.

SD–419

10 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Health, Education, Labor, and Pensions

Business meeting to consider proposed Patient Safety and Quality Improvement Act of 2003, and the nominations of Daniel Pipes, of Pennsylvania, Charles Edward Horner, of the District of Columbia, and Stephen D. Krasner, of California,each to be a Member of the Board of Directors of the United States Institute of Peace, and Eric S. Dreiband, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission.

SD–430

Indian Affairs

To hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.

SR–485

Judiciary

To resume oversight hearings on the federal sentencing guidelines of the U.S. Sentencing Commission.

SH–216

2 p.m.

Judiciary

To hold hearings to examine the nominations of Rene Acosta, of Virginia, to be an Assistant Attorney General, and Daniel J. Bryant, of Virginia, to be an Assistant Attorney General, both of the Department of Justice.

SD–226

2:30 p.m.

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold hearings to examine enhancing the role of the private sector in public transportation.

SD–538

2:45 p.m.

Foreign Relations

To hold hearings to examine status and prospects for reconstruction relating to Iraq.

SH–216

4 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine agricultural consolidation and the Smithfield/Farmland Deal.

SD–226

JULY 24

9:30 a.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine the Congo Basin Forest Partnership; to be followed by hearings on the nomination of Donald K. Steinberg, to be Ambassador to the Federal Republic of Nigeria, Department of State.

SD–419

Judiciary

Business meeting to consider pending calendar business.

SD–226

Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the past and present of the administration's competitive sourcing initiative.

SD–342

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine federal biodefense readiness.

SD–430

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold joint hearings with the House Committee on Science Subcommittee on Space and Aeronautics to examine space commercialization.

SH–216

11 a.m.

Agriculture, Nutrition, and Forestry

Business meeting to markup H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape.

SR–328A

2 p.m.

Judiciary

To hold hearings to examine the Greater Access to Affordable Pharmaceuticals Act.

SD–226

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

3 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold oversight hearings to examine the competitive sourcing effort within the National Park Service.

SD–366

JULY 25

10 a.m.

Judiciary

Crime, Corrections and Victims' Rights Subcommittee

To hold hearings to examine deterrence of alien smuggling and human trafficking.

SD–226

JULY 28

2 p.m.

Aging

To hold hearings to examine mental health treatments for older americans with depression.

SD–628

JULY 29

9:30 a.m.

Foreign Relations

To resume hearings to examine the status and prospects for reconstruction resources relating to Iraq.

SH–216

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the nomination of Howard Radzely, of Maryland, to be Solicitor for the Department of Labor.

SD–430

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 808, to provide for expansion of Sleeping Bear Dunes National Lakeshore, S. 1107, to enhance the Recreational Fee Demonstration Program for the National Park Service, and H.R. 620, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

SD–366

Veterans' Affairs

Business meeting to consider pending legislation and nominations, to be followed by a hearing on U.S. Army policies on the award of the Combat Medical Badge.

SR–418

JULY 30

10 a.m.

Indian Affairs

Business meeting to consider pending calendar business, to be followed by oversight hearing on potential settlement mechanisms of the Cobell v. Norton lawsuit.

SH–216

2 p.m.

Indian Affairs

To hold hearings to examine S. 578, to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security.

SH–216

SEPTEMBER 16

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to receive the legislative presentation of The American Legion.

SH–216

CANCELLATIONS

JULY 23

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine privacy and digital rights management.

SR–253

POSTPONEMENTS

JULY 22

2:30 p.m.

Veterans' Affairs

To hold hearings on pending legislation relating to VA-provided health care services including the following: S. 613, to authorize the Secretary of Veterans Affairs to construct, lease, or modify major medical facilities at the site of the former Fitzsimons Army Medical Center, Aurora, Colorado, S. 615, to name the Department of Veterans Affairs outpatient clinic in Horsham, Pennsylvania, as the "Victor J. Saracini Department of Veterans Affairs Outpatient Clinic", S. 1144, to name the health care facility of the Department of Veterans Affairs located at 820 South Damen Avenue in Chicago, Illinois, as the "Jesse Brown Department of Veterans Affairs Medical Center", S. 1156, to amend title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, S. 1213, to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, S. 1283, to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and S. 1289, to name the Department of Veterans Affairs Medical Center in Minneapolis, Minnesota, after Paul Wellstone.

SR–418

SENATE—*Tuesday, July 22, 2003*

(Legislative day of Monday, July 21, 2003)

The Senate met at 9:46 a.m., on the expiration of the recess, and was called to order by the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, You are our refuge, and we put our trust in You. Thank You for providing us with comfort in times of sorrow and for the gift of friends who encourage us. Thank You also for opportunities to be used by Your spirit. Lord, help us to walk in the light that You cast on our path. Today empower our Senators to be Your faithful agents in planting seeds of goodness in our world. Fill them with faith, knowledge, temperance, patience, and godliness that they may glorify You in words and actions. Again, Lord, we ask that You stand with our troops in harm's way. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN D. CHAFEE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 22, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period for morning business until 11 a.m. Following morning business, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. One amendment is pending. It was offered by Senator BYRD during yesterday's proceedings. I anticipate further debate on that amendment today, and then it is hoped that a consent will be reached for a time certain to vote in relation to that amendment. There will be no votes prior to the policy luncheons.

In addition, this afternoon, there will be an all-Senators briefing, and therefore I will be discussing with the Democratic leadership the best timeframe for the scheduling of votes today.

It is hoped that once debate is complete on the Byrd amendment, we can set that aside and consider other amendments. We will make further progress on the bill throughout the day and stack rollcall votes for later this afternoon. We will stay in session this afternoon and early evening to dispose of as many amendments as possible.

As I indicated last week, we hope to complete this important Homeland Security bill during Wednesday's session of the Senate. That would enable us to proceed to other appropriations bills that are available this week.

The end of the fiscal year is fast approaching, and the Senate should continue to work through the constitutionally required appropriations process as expeditiously as possible.

Next week is the final week of legislative work prior to the August recess, and that will be devoted to finishing the Energy bill.. I would therefore ask for all Senators' consideration as we continue through this last week and a half. I should add that it would be helpful to both Senator COCHRAN and Senator BYRD if Members would come forward today with their amendments so that we could schedule the debate and votes in an orderly way.

I thank all Members for their attention.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic whip is recognized.

Mr. REID. The leader should be aware that we are going to run a hotline to find out what amendments we have on Homeland Security. Senator BYRD's amendment is a large amendment, and he has a speech that will take close to an hour to talk about. As soon as that is completed, I am sure we will be able to arrive at an end of the debate on that issue and a vote can be scheduled at the pleasure of the leader.

I would ask, through the Chair: We are this morning going to be in morning business until 11. Senator BYRD is preoccupied on other matters until 11:30. The leader has indicated there will be no votes this morning. The party caucuses usually run until 2:15, and we are always jammed for time in ours. I wonder if it would be in the best interest of the Senate that the party caucuses be extended an additional 15 minutes from 2:15 to 2:30. I think we should be in recess when Mr. Bremer is here.

The point is, if the leader intends to put us in recess until 3:30, could we extend the caucuses another 15 minutes?

Mr. FRIST. Mr. President, I would rather talk to Senator COCHRAN before making decisions about this afternoon. As the Democratic leadership wants to do, I want to progress in an expeditious way but at the same time give people the opportunity to do policy lunches and debate. We also have an all-the-Senate briefing this afternoon. But before locking down any understanding, I will first check with the floor managers on the particular bill. That would be appreciated.

AMERICA'S ENERGY POLICY

Mr. FRIST. Mr. President, I rise to speak to an issue we will be addressing next week, as I mentioned earlier, and that is the Energy bill. As I mention daily, or almost daily, on the floor, I am very pleased with the productive debate we have had to date on this very important bill and want to take this opportunity to commend the chairman of the Energy Committee, our distinguished colleague from New Mexico, Chairman DOMENICI, for his work on moving this Energy bill forward because it is important to every American.

We have made solid progress. We have locked in an agreement which limits the number of amendments to the Energy legislation. We have reminded people, again almost on a daily basis, to continue working, even though we have other activity on the floor, to narrow those amendments, to continue the discussion, to work out agreements so that we can use the time most efficiently on the floor next week. I am confident that because of that, we will be able to pass this crucial legislation next week.

It is imperative that we do so. America's economic future is at stake. It is our responsibility to pass this bill. The House of Representatives has already passed an energy bill. The President has clearly stated he wants the Congress—specifically the Senate—to address this issue, and now is the time for us to act.

I mentioned the economic interests because when a lot of people think energy, they think directly about whether it means gasoline or whether it means paying their utility bills, but it also—and this is why I mentioned it—has a real impact on our economy.

Federal Reserve Chairman Alan Greenspan came to the Hill last month specifically to talk about the energy policy. The price of natural gas for July delivery is 150 percent what it was just a little over 2, almost 3, years ago. Meanwhile, natural gas storage levels are at their lowest in almost three decades. In these meetings, Chairman Greenspan warned that the volatility in the price of natural gas could eventually affect and contribute to erosion in the economy. We simply cannot afford that. We have a responsibility to respond, and indeed we have that opportunity next week.

American industry is caught between regulations limiting the supply of natural gas and regulations encouraging its use. The result: Rising gas prices, with some industries cutting jobs or being priced out altogether, and consumers getting hit with rising electric bills. We simply must diversify our sources of energy, and we must do so in a way that lessens our dependence on foreign sources for this energy.

The fact that almost 60 percent of our energy sources come from overseas is simply too much. It is unacceptable today. America's energy policy should be consistent with our foreign policy in that it has the principles of independence and security at its foundation. By increasing America's domestic production of clean coal, oil, gas, nuclear, solar, and other renewable energy sources, we increase not just our energy supply but also our national security.

By passing a comprehensive energy package, we will be creating the needed jobs. The Energy bill will create at least 500,000 jobs and will save even more. The Alaskan pipeline, for example, will create at least 400,000 jobs. The hundreds of millions of dollars in research and development of all sorts in new technologies will not only benefit the environment but will create new jobs in fields such as engineering, math, science, and physics.

I am committed to getting a comprehensive national energy bill passed. While some people are talking of a weak economy, warning of a weak economy and increasing unemployment, we are taking action on the Senate floor to make our economy strong. We will do so in this Energy bill, as we did with the Jobs in Growth Act, which indeed provides immediate tax relief to millions of American families, to businesses, and to our States.

As we all know, checks of up to $400 will soon be sent to 25 million taxpayers starting even later this week. A family of four making $40,000 will see their taxes reduced by over $1,100 this year, and of the overall $350 billion stimulus and growth package, nearly $200 billion, fully 60 percent of it, will be injected into the economy in the next 18 months. This injection of money and resources is the input we need to grow our economy, to create jobs, to create investment, to provide States with the resources they need to maintain essential government services and to reduce unemployment.

We will be able to amplify that legislative success by securing our energy supply. A strong, productive energy policy is crucial to our efforts to strengthen our economic and national security.

As I mentioned, we will return to that Energy bill on Monday. I look forward to addressing the remaining amendments over the course of that week. We will be able to deliver to the American people energy that is cleaner, more abundant, and more secure. Energy is fuel for our economy, as well.

Together with other issues we will be addressing—tax reform, medical liability reform, and many other issues we are addressing in the Senate—we will secure and strengthen our economy and protect its future growth.

I make these comments only as a prelude to what will be a very important week next week as we address energy policy for fulfilling our responsibility.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until the hour of 11 a.m. with the time equally divided between the two leaders or their designees.

SENATE SCHEDULE

Mr. DASCHLE. Mr. President, I come to the floor to acknowledge the schedule the distinguished majority leader has enunciated and to respond to a couple of remarks he has made.

I share his view that we ought to do all we can to address the question of energy policy in this country. I certainly recognize its priority as we consider all of the competing issues we have to address. I have indicated to him on several occasions that I was very concerned about the decision he has made to limit the amount of debate on the Energy bill to a matter of a couple of days. We will start on Monday and obviously the scheduled recess is to begin on Friday. We have a lot of amendments. If I recall, it is over 320 amendments pending. Frankly, I don't know how one can accommodate the amendments contemplated in that brief period of time.

In the last Congress, we voted 88 to 11 to pass a comprehensive Energy bill, but it took 144 amendments and 8 weeks of floor debate to reach that accomplishment. We spent significantly less time debating the Energy bill this year. In total, we have spent about 9 days, with 24 amendments, and only 12 rollcall votes.

We have not addressed the many issues remaining. I am told not 320 amendments but 382 amendments are currently pending, including a renewable portfolio standard to require utilities to generate 10 percent of their electricity from renewable sources by the year 2020. It was in the Senate bill last year but dropped in the conference. That is very critical to a number of Senators.

I am told the electricity title is now the subject of a redraft. We have not had the opportunity even to see this title yet. I understand it is being drafted; it is going to be one of the most critical parts of the debate. The longer we go without having had the opportunity to see it, the more difficult it will be to address it ultimately when it is brought to the floor. It is an understatement to say electricity policy is complicated. All one has to do is look at the experience over the last few years in California to know how challenging and how complicated those issues involving electricity are.

Last year's bill included a comprehensive framework to address global warming. The current bill eliminates those provisions. We think that also is a very important issue.

There are many other issues, including hydroelectric dam relicensing, nuclear power subsidies, the Indian energy programs and policies that remain unresolved, and of course the energy tax package that passed out of the Finance Committee has yet to be included in the Energy bill.

That is a lot of work to do in a matter of a couple of days. I hope we could take it up this week so we could be sure we can address all of these issues in a timely way, in a way that would accommodate a good and full debate. Even if we took up the Energy bill this week and spent the next 2 weeks debating it, we would still be approximately a month shorter in the overall consideration of the bill than we were last year. Last year, we spent 2 full months. We have spent a little more than a week debating the bill so far this year. We are far short from the time dedicated, devoted to the issue of energy policy last year. If we cut what remains of this month in half and limit the debate to a matter of a few days, I am very concerned about our ability to complete the work. I am very concerned about the ability to address in a meaningful way many of the outstanding issues that still remain.

The distinguished majority leader also noted that he would hope that this Energy bill would add to the economic portfolio we have attempted to address this year. He mentioned the checks that will be going out later this week. I am still troubled—in fact, I would hope the whole Senate is troubled—by the fact that 6 million families with 12 million children were left out when this bill was signed into law. These families will not receive child care tax credit checks. We have attempted to come to the Senate on several occasions to address this inequity. On an overwhelming basis the Senate has committed to addressing the inequity. Yet our House colleagues and this administration have not engaged and have not weighed in on their behalf to allow this work to be completed.

We will look for ways to address that particular issue this week, next week, whatever length of time it takes because it is inexcusable that we would literally carve out those who would benefit most. It could generate the most economic activity were they included as we had originally intended. That, too, is an issue of great concern.

We have to be concerned about the economy. We have lost, now, 3 million jobs since this administration has taken office. We have to go all the way back to Herbert Hoover to find a time when any administration has lost jobs. In every administration since Herbert Hoover we have actually allowed the economy to grow to a net gain of jobs being realized. This is now the first time in some 70 years where that is not the case. Many believe that, in part, is a result of the horrendous fiscal policy we faced. We are facing indebtedness now in this fiscal year of some $400 billion. Take away Social Security and it is over $550 billion, and that fiscal policy alone has resulted in this devastating economic circumstance we are facing.

We will have a lot of discussion, and there is a great deal of work to be done. First, on the economy; secondly, on fairness within the economy especially for those working families whose incomes were dramatically affected by the carveout, intentionally, of many of our Republican friends as they wrote the tax bill but on energy, as well.

I hope we could begin sooner than next Monday so we could address these issues in a meaningful and constructive and bipartisan and comprehensive way.

I will certainly talk to the majority leader about this more directly and personally as the occasions arise.

Mr. REID. Will the Senator yield?

Mr. DASCHLE. Yes.

Mr. REID. To put this in proper perspective, the distinguished Democratic leader is aware, to complete this bill in 5 days, would require us to handle 77½ amendments a day. That has never happened in the Senate and never will happen in the Senate. If we go to a 4-day week, which we usually do here, coming late Monday nights, that would mean 95 amendments a day.

I say to the distinguished Democratic leader, if we were fortunate enough to be able to get Senators not to offer half of those amendments, and worked a 5-day week, we would still have to do 38 amendments a day, which never has happened and never will happen.

I know this bill, to me, is very important in the sense it has in it an alternative section that I think is quite good. I would like to finish the bill. But it is not going to be finished when we have 382 amendments pending, and we only have 4 or 5 days to complete this bill. It just is humanly impossible under any sense of one's ability to understand the Senate or even one's imagination.

So I very much appreciate the Senator being here for those of us who want an Energy bill. We want one with some debate or we will not have an Energy bill. We have too many important issues that simply have to be debated. So I extend my appreciation to the Senator for recognizing we cannot do approximately 77 amendments a day.

Mr. DASCHLE. Mr. President, the assistant Democratic leader makes a very compelling argument. No one knows the management of the Senate floor better than he does. He is here every day, and he is right. You can't deal with 15 or 20 amendments a day, much less 70 or 80.

I think it minimizes, in some ways it demeans the debate about energy policy in this country. To say about important issues such as the ones we have outlined again this morning on renewable fuels, on conservation, on nuclear energy, on electricity, on taxes, that we are going to have debates about those extraordinary policy questions and condense them somehow in a matter of a few hours as we debate energy policy that could affect us for the next generation—that is not the way to legislate, certainly not the way to manage an important bill such as this.

These issues deserve attention. They deserve our careful consideration, and they will simply not have that if we wait until next week to address these issues. So, again, I thank the Senator for his calculations about the management of these amendments. I hope we could entertain this bill a lot sooner than next Monday to accommodate that very problem.

I yield the floor.

Mr. REID. Mr. President, it is my understanding the distinguished majority leader's time is not part of morning business. Is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I am sure, if the Republican leader were here, he would acknowledge that morning business should be divided fairly. The Democratic leader's time has been calculated as in the Democrats' half of the morning business; is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask unanimous consent that for fairness, the Republican leader's time be calculated as in morning business, along with that of the Democratic leader. That way the time will be divided fairly.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois.

MISLEADING THE AMERICAN PEOPLE

Mr. DURBIN. Mr. President, last week there was a historic meeting of the Senate Intelligence Committee, of which I am a member. Director Tenet of the Central Intelligence Agency came before us. There has been a lot written and said about that meeting of the Intelligence Committee.

I think what is important is we reflect on what has occurred since that meeting because I think it speaks volumes about where we are in America when it comes to the issue of being critical of this administration, its policies, and its use of intelligence.

At issue, of course, were 16 words in the President's State of the Union Address last January. This address on January 28 included the following statement by the President of the United States:

> The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

This sentence was part of a speech delivered by the President, the most important speech any President delivers in the course of a given year, at a time in our Nation's history when we were asked to rally behind our troops and our President to invade the nation of Iraq. This was a moment, of course, of great consequence because not only was America's foreign policy about to be decided in relation to the Middle East, but families across America were going to be asked to send their sons and daughters, husbands and wives, and loved ones into harm's way. The words have to be measured carefully because the consequences of those words are so serious.

Many people have said, What was wrong with the President's statement?

The British intelligence was insisting that they had evidence that, in fact, Iraq had tried to obtain uranium, fissile material to build nuclear weapons from Niger, an African nation. It turns out there was much more to the story. In addition to the efforts of British intelligence, our own intelligence agencies had been looking closely at the same issue and had come to the opposite conclusion. They decided that the evidence presented did not make the case. In fact, in October of 2002, when President Bush was going to give a very important speech in Cincinnati, OH, outlining the reasons he believed we should be mindful of the threat of Iraq, White House staffers—Mr. Hadley, who was with the security portion of the White House—wanted to include in that speech the same reference to this sale of uranium from Niger to Iraq. He was cautioned by the Central Intelligence Agency in October not to include it because the sources of the information, according to the American intelligence agency, were not credible; the claim was dubious. So the charge was taken out of the President's Cincinnati speech in October.

Then comes the President's State of the Union Address in January. Once again, the same White House staff—I am not alluding to Mr. Hadley again, but someone on the White House staff came forward and said these words should be included, even after being warned 3 months earlier that they were not accurate.

So Director Tenet came before us last week to explain what happened, why words that were disqualified from the President's earlier speech were then included in this State of the Union Address. As the Director came before us, we knew several things. A week before, the President of the United States said the words should not have been included in the speech, and Director of the CIA, Mr. Tenet, said he took personal responsibility for not removing them; that the Central Intelligence Agency, responsible for reviewing that kind of wording in the speech, should have stopped the President from using those remarks a second time in the State of the Union Address.

I said publicly and on the floor of the Senate that what Director Tenet told us was important, but equally important was the question as to what individual or group of individuals within the White House was so adamant in their pursuit of including this important language in the speech, in the President's State of the Union Address—particularly after the White House had been told not to say that in an earlier Presidential speech.

I made that point after the hearing. I certainly did not disclose the name of the White House employee given to us during the course of the Intelligence Committee hearing. I said, as I believe now, that as a result of that hearing it was clear that when we make this inquiry, all roads lead to 1600 Pennsylvania Avenue. We have to really look to the White House staff and the role they played in pushing for and putting this language in the speech which led the President to mislead the American people.

I have said and repeated, there is no evidence or indication that President Bush knew this statement was wrong—none. If that comes out at some later time, so be it. I am not making any allegation about the President's motive of including it. But I will say this, unequivocally. The President was let down by his staff in the White House. They had a responsibility to make certain what he said to the American people was true, and they knew better. In October, they had been warned by the CIA that this information was not accurate, was dubious, could not be backed up. Yet they persisted in January in including these same remarks.

After I made the statement, it was interesting the reaction from the White House. The next day, the White House Press Secretary, Mr. Scott McClellan, called my claims nonsense and went on to say that because I voted against the use of force resolution when it came to the invasion of Iraq when it was before the Senate last October, that I was, in fact, trying to justify my vote by the statements I was making.

That was the White House interpretation of my remarks. They did not go to the heart of the issue, obviously, as to whether there was anyone in the White House staff insistent or persistent when it came to including these remarks and what action might be taken by the White House to take that staffer off the case, perhaps to remove them completely from the White House because they had misled the President. No, that was not the issue. The issue was this Senator and my credibility. Well, I understand that. Politics isn't a bean bag. I was not born yesterday. You have to have a tough mental hide if you are going to aspire to this office and be in a national debate. But it was interesting, on the first day, when the time came to address the issue, instead of attacking the problem, they attacked me. So be it.

But then there was more to follow. On the following day, on Friday, the White House press operation started floating the story that there were Senators in this Chamber who were asking for my removal from the Senate Intelligence Committee because of the statements I had made. And when pressed as to what those statements were, the White House said DURBIN has disclosed classified information and, therefore, should be removed from the Senate Intelligence Committee.

Now, that is a very serious charge. I can think of perhaps only once or twice in my entire congressional career that I have ever heard a similar charge. So, of course, the reporters who called said to the White House: What did he disclose? And they said two things: First, he disclosed the name of the White House staffer who was responsible for writing this speech. And, secondly, on the floor of the Senate, at this very desk, he said there were 550 suspected sites of weapons of mass destruction in Iraq identified by the U.S. Government before our invasion.

The White House said: Both of those items are classified, DURBIN disclosed them, and he should leave the Intelligence Committee.

Well, the facts are these: No. 1, I never disclosed the name of the White House staffer—to this day—who was involved in the preparation of the speech. And, secondly, the information I gave on the floor of 500 suspected sites of weapons of mass destruction had been declassified a month earlier, declassified and made public. So the White House allegations to back up my removal from the Intelligence Committee, attacking my credibility, saying that I disclosed classified information, were, in fact, false and inaccurate.

Sadly, what we have here is a continuing pattern by this White House. If any Member of this Senate—Democrat or Republican—takes to the floor, questions this White House policy, raises any questions about the gathering of intelligence information, or the use of it, be prepared for the worst. This White House is going to turn on you and attack you. They are going to question your patriotism. They are going to question the fact of whether or not you are living up to your oath of office here in the Senate. And they are going to question as to whether or not you belong in this debate on intelligence; whether, for instance, you should be a member of the Senate Intelligence Committee. I think that is a very serious outcome. It is one that all of us should reflect on for a moment.

This morning, Paul Krugman has an article in the New York Times. I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 22, 2003]

WHO'S UNPATRIOTIC NOW?

(By Paul Krugman)

Some nonrevisionist history: On Oct. 8, 2002, Knight Ridder newspapers reported on intelligence officials who "charge that the administration squelches dissenting views, and that intelligence analysts are under intense pressure to produce reports supporting the White House's argument that Saddam poses such an immediate threat to the United States that pre-emptive military action is necessary." One official accused the administration of pressuring analysts to "cook the intelligence books"; none of the dozen other officials the reporters spoke to disagreed.

The skepticism of these officials has been vindicated. So have the concerns expressed before the war by military professionals like Gen. Eric Shinseki, the Army chief of staff, about the resources required for post-war occupation. But as the bad news comes in, those who promoted this war have responded with a concerted effort to smear the messengers.

Issues of principle aside, the invasion of a country that hadn't attacked us and didn't pose an imminent threat has seriously weakened our military position. Of the Army's 33 combat brigades, 16 are in Iraq; this leaves us ill prepared to cope with genuine threats. Moreover, military experts say that with almost two-thirds of its brigades deployed overseas, mainly in Iraq, the Army's readiness is eroding: normal doctrine calls for only one brigade in three to be deployed abroad, while the other two retrain and refit.

And the war will have devastating effects on future recruiting by the reserves. A widely circulated photo from Iraq shows a sign in the windshield of a military truck that reads, "One weekend a month, my ass."

To top it all off, our insistence on launching a war without U.N. approval has deprived us of useful allies. George Bush claims to have a "huge coalition," but only 7 percent of the coalition soldiers in Iraq are non-American—and administration pleas for more help are sounding increasingly plaintive.

How serious is the strain on our military? The Brookings Institution military analyst Michael O'Hanlon, who describes our volunteer military as "one of the best military institutions in human history," warns that "the Bush administration will risk destroying that accomplishment if they keep on the current path."

But instead of explaining what happened to the Al Qaeda link and the nuclear program, in the last few days a series of hawkish pundits have accused those who ask such questions of aiding the enemy. Here's Frank Gaffney Jr. in The National Post: "Somewhere, probably in Iraq, Saddam Hussein is gloating. He can only be gratified by the feeding frenzy of recriminations, second-guessing and political power plays. . . . Signs of declining popular appreciation of the legitimacy and necessity of the efforts of America's armed forces will erode their morale. Similarly, the enemy will be encouraged."

Well, if we're going to talk about aiding the enemy: By cooking intelligence to promote a war that wasn't urgent, the administration has squandered our military strength. This provides a lot of aid and comfort to Osama bin Laden—who really did attack America—and Kim Jong Il—who really is building nukes.

And while we're on the subject of patriotism, let's talk about the affair of Joseph Wilson's wife. Mr. Wilson is the former ambassador who was sent to Niger by the C.I.A. to investigate reports of attempted Iraqi uranium purchases and who recently went public with his findings. Since then administration allies have sought to discredit him—it's unpleasant stuff. But here's the kicker: both the columnist Robert Novak and Time magazine say that administration officials told them that they believed that Mr. Wilson had been chosen through the influence of his wife, whom they identified as a C.I.A. operative.

Think about that: if their characterization of Mr. Wilson's wife is true (he refuses to confirm or deny it), Bush administration officials have exposed the identity of a covert operative. That happens to be a criminal act; it's also definitely unpatriotic.

So why would they do such a thing? Partly, perhaps, to punish Mr. Wilson, but also to send a message.

And that should alarm us. We've just seen how politicized, cooked intelligence can damage our national interest. Yet the Wilson affair suggests that the administration intends to continue pressuring analysts to tell it what it wants to hear.

Mr. DURBIN. This morning, in the New York Times, Paul Krugman wrote about another episode. I would like to read from it because I think it indicates what I have been through over the past several days is not unique.

We are aware of the fact that Ambassador Joe Wilson, who has served the United States, was called on by this administration to go to Africa and to establish whether or not the sale of uranium took place. He came back, and it is my understanding he made an oral report to the administration questioning whether or not there was any background evidence to support the claim that Iraq had tried to obtain or had obtained uranium fissile material from Niger. He made the report to the administration, which is part of the cumulative evidence of the weakness of this assertion by British intelligence.

And, of course, a week or two ago, in the New York Times, Ambassador Wilson published a column indicating the timeline and substance of his involvement with this issue, and making it clear that based on the request of the administration, he had gone to Africa, came back with the information, and told the administration he could not make this claim.

Let me read from Paul Krugman's article today about Ambassador Joe Wilson and what has happened to him since he went public with the fact that he had warned this administration that saying anything about the uranium coming from Africa was really not credible, of dubious background. Here is what Krugman writes:

> And while we're on the subject of patriotism, let's talk about the affair of Joseph Wilson's wife. Mr. Wilson is the former ambassador who was sent to Niger by the C.I.A. to investigate reports of attempted Iraqi uranium purchases and who recently went public with his findings. Since then administration allies have sought to discredit him—it's unpleasant stuff. But here's the kicker: both the columnist Robert Novak and Time magazine say that administration officials told them that they believed that Mr. Wilson had been chosen through the influence of his wife, whom they identified as a C.I.A. operative.
>
> Think about that: if their characterization of Mr. Wilson's wife is true . . .

And Krugman writes that Wilson refuses to confirm or deny it—

> Bush administration officials have exposed the identity of a covert operative. That happens to be a criminal act; it's also definitely unpatriotic.
>
> So why would they do such a thing? Partly, perhaps, to punish Mr. Wilson, but also to send a message.
>
> And that should alarm us. We've just seen how politicized, cooked intelligence can damage our national interest. Yet the Wilson affair suggests that the administration intends to continue pressuring analysts to tell it what it wants to hear.

End of quote from this Krugman article.

Mr. President, I am going to ask the chairman of the Senate Intelligence Committee and the ranking member to investigate this matter. This is an extremely serious situation. If, in fact, administrative officials have publicly disclosed the identity of Mr. Wilson's wife, who is allegedly, according to these news articles, working for the CIA, this is an extremely serious matter. In their effort to seek political revenge against Ambassador Wilson for his column, they are now attacking him and his wife, and doing it in a fashion that is not only unacceptable, it may be criminal. And that, frankly, is as serious as it gets in this town.

I would say to my colleagues in the Senate, understand what this is all about. If you come to the floor of this Senate, or stand before a microphone, and are critical of this administration for their policy or use of intelligence, be prepared for the worst. You are in for a rough ride.

Certainly what happened to me was minor league compared to what happened to Ambassador Wilson. In my situation, they merely questioned my integrity and asked I be removed from the Senate Intelligence Committee. In Mr. Wilson's situation, they have set out to destroy the career of his wife. That speaks volumes of where this administration has gone when it comes to this essential issue.

People have asked me: Why are 16 words so important? Why does it make any difference if the President happened to make a mistake? And maybe technically he didn't. He attributed this information to British intelligence. Tony Blair was here last week and says he still stands by it.

I think it is important in this respect: We spend billions of dollars each year accumulating important intelligence information to protect America. We can count on the dedicated men and women in intelligence agencies around the United States and around the world to keep us safe. They risk their lives to do it. They are as fine and patriotic as any man or woman who has ever served this country in uniform. And they try to bring this gathered information together, to sift through it, establish what is credible and what is not, and to alert the policy leaders—the President and others—as to the steps we need to take as a nation to defend ourselves.

That is always an important job, but in a war on terrorism it is essential. That intelligence becomes increasingly important. Without that intelligence data, how can we possibly protect this Nation from another 9/11?

Second, there is a question as well; that is, not only whether we are gathering accurate intelligence but whether that intelligence that we have gathered and that information is being accurately and honestly reported to the American people. What is at issue is not just the intelligence data but the honesty and credibility of the policymakers who use it and portray it.

The question we have before us is whether the intelligence information in this important statement about nuclear weapons in Iraq was somehow spun, hyped, or exaggerated. If that is true, what was the motive? How far up the chain does it go? Is it only one zealous White House staffer who was trying his best to put this information in a speech or is it more? It is an important question. It is one which I am certain the administration doesn't want to face. But in this age where intelligence is more important than ever, it has to be faced.

Let me go into the chronology of how the White House has responded as we have questioned whether those 16 words should have been included in the State of the Union Address. This is over a span of about 5 or 6 weeks.

On June 8, 2003, on Meet the Press, National Security Adviser Condoleezza Rice said that the uranium claim in the State of the Union address was "mistaken," but that the White House had not known about intelligence doubts until afterward. Rice claimed, "We did not know at the time—no one knew at the time, in our circles—maybe someone knew down in the bowels of the agency, but no one in our circles knew that there were doubts and suspicions that this might be a forgery." Since then, it has been shown that the National Security Adviser Condoleezza Rice was indeed aware of deep doubts regarding this claim. In fact, the CIA prevented one of Dr. Rice's chief deputies from including the uranium reference in an October 2002 speech the President gave in Cincinnati.

When Dr. Rice said on June 8, 2003, on "Meet the Press" that, "We did not know at the time—no one knew at the time in our circles" that there were opportunities and suspicions that this might be a forgery, that ran in direct contradiction of the simple facts that have been disclosed. The CIA had advised the White House and the national security portion of the White House not to include the same words in the speech 3 months earlier.

Let us go to July 7, 2003.

Prompted by a New York Times oped article in which Joseph Wilson, former U.S. ambassador to Gabon, contended that the Bush administration ignored—and possibly manipulated—his findings regarding an Iraq-Niger uranium connection, the White House acknowledged that Bush should not have made the claim because of concerns about the intelligence behind it. Then White House Press Secretary Ari Fleischer tried to shut down the story in its tracks, insisting it was old news.

On July 10, 2003—Four days into the controversy, as Bush was dogged with questions while visiting Africa, Secretary of State Colin Powell said there was no intention to deceive and called the outcry "overwrought and overblown and overdrawn." In defending the process by which the President allowed such a statement in the State of the Union speech, he said "There was sufficient evidence floating around at the time that such a statement was not totally outrageous."

Is that the standard? It was not totally outrageous?

Frankly, it is interesting that a few days after the President's State of the Union Address when Secretary of State Colin Powell was in careful preparation of his presentation before the United Nations Security Council, he consciously decided not to include that same reference in the speech to the United Nations Security Council. He knew better, and he knew that the standard of credibility of America is not whether something is or is not totally outrageous.

On July 11, 2003: first Condoleezza Rice, then President Bush himself, pointed fingers at the CIA for not removing the claim while vetting the speech.

Rice:

> There was even some discussion on that specific sentence, so that it reflected better what the CIA thought. And the speech was cleared. Now, I can tell you, if the CIA, the director of Central Intelligence, had said, "Take this out of the speech," it would have been gone, without question.

President Bush said:

> I gave a speech to the nation that was cleared by the intelligence services. And it was a speech that detailed to the American people the dangers posed by the Saddam Hussein regime.

At that point, July 11, CIA Director George Tenet made his statement concerning this particular episode. He said in a statement that CIA officials reviewing the draft remarks of the State of the Union "raised several concerns about the fragmentary nature of the intelligence with National Security Council colleagues. Some of the language was changed." The change included using British intelligence as the source of the information. The CIA, however, continued to doubt the reliability of the British claim, and in fact doubted the credibility of the statement made by the President of the United States, which is certainly asserting the same claim.

Between July 11 and July 14, a new line of defense was established by the White House. Dr. Rice and Secretary of Defense Don Rumsfeld appeared on three Sunday talk shows to offer a new explanation: Bush's remark was technically accurate because he correctly described what British intelligence had reported:

> It turns out that it's technically correct what the president said, that the UK did say that and still says that. Even though the words should not have been included in the speech, they're not necessarily inaccurate. The British say they believe that it is accurate, and that may very well be the case. We will just have to wait and see.

Dancing on the head of a pin, the Secretary of Defense, moving back and forth between whether this statement is accurate or not, says that the British intelligence discredited by our intelligence agency said maybe we have to take a wait-and-see attitude and see maybe if they are right and maybe if they are wrong.

Again, is that the standard for statements by the President of the United States in preparation for a war where we are about to risk American lives? I certainly hope the standard is much higher.

On Monday, July 14, White House Press Secretary Ari Fleischer emphasized that the British could be right. He said:

> We don't know if [British intelligence claims were] true but nobody—but nobody—can say it was wrong. The fact of the matter is whether they sought it from Africa or didn't seek it from Africa doesn't change the fact that they were seeking to reconstitute a nuclear program.

That was a statement made in his Monday press briefing. Now they are basically saying it really doesn't make any difference whether what we said was truthful or not. According to Ari Fleischer, we all knew they were setting out to reconstitute a nuclear program. But it turned out that this was one of the two major pillars the Bush administration was using to argue that nuclear weapons were a threat from Iraq.

First, the aluminum tube controversy, which went in circles many times as to whether or not these tubes would be used for nuclear weapons or conventional munitions and the fissile material and uranium coming from Africa. What we have here is a situation where they are trying to build the case, and build it with the shakiest evidence already discredited by the CIA and other intelligence agencies.

Between July 10 and July 18, there came a new strategy from the White House on the issue. Scott McClellan, who succeeded Fleischer as White House spokesman, also tried to dismiss questions. Over four days, he told reporters 20 times that the particular question they were asking had already been "addressed."

On July 16, 2003, Scott McClellan said claims by Senator DURBIN that White House officials applied pressure on the CIA to keep the uranium reference in the speech were "nonsense" and accused skeptics of trying to "politicize this issue by rewriting history." At the same time, the White House tried to redirect the debate onto the overall danger posed by Saddam's chemical and biological weapons—uranium or not—and onto Bush's resolve in acting to confront that threat.

On July 17, 2003, McClellan cautioned that Senator DURBIN—and possibly other Democrats—were "lying about the little things" related to CIA Director George Tenet's testimony before the Senate Intelligence Committee. The "little thing" was whether Tenet has named names of these responsible at the White House.

Although I refused to disclose any names mentioned by the CIA Director, I will say this: I stand by my statement.

Let me explain for a moment the issue at hand. We have made it clear that Director Tenet would appear before the Intelligence Committee. That was public knowledge. The fact is that Director Tenet sat at the committee table in the Senate Intelligence Committee with several people from his agency. What he said, of course, was given to the members of committee. Questions from members of the committee were directed to appropriate members of the staff, and he would indicate which member might give an answer to a question.

I took great care in commenting about his testimony to limit any reference to anyone in the room, specifically to Director Tenet, so that I would not even disclose the names of the CIA employees who were in the room. Perhaps I was over cautious. But that caution on my part was then used against me by the White House. Because when we asked Director Tenet pointblank who was the White House staffer responsible for the State of the Union Address—in fact, it has now been publicly disclosed by the CIA and others—he turned to Alan Foley, an assistant who worked on the speech, and Allen Foley gave the name to the committee with a nod by Director Tenet. So my caution and care not to even disclose the name of Alan Foley who sat at the table with the CIA Director was turned and used against me by the White House, saying that I was lying to the American public as to whether Director Tenet disclosed the name.

The fact is, Director Tenet was testifying. He turned to Mr. Foley, his assistant, who said the name. Whether Director Tenet repeated the name, only the record of the hearing can reflect. But what I was establishing was the fact that the identity of the person involved was disclosed during Director Tenet's testimony. I stand by that.

On July 18, on Friday, the White House press staff began leaking word that one of the leading White House opponents, Senator DURBIN of Illinois, had released classified material regarding names of those involved in the controversy and the number of suspected WMD sites in Iraq. As a result, the White House said some Senators were contemplating having me, Senator DURBIN, removed from the Intelligence Committee.

Our office pointed out to reporters that no classified material had been released by this Senator. I had refused to name the White House staffer or characterize specific witness testimony. And the number of suspected Iraqi WMD sites, 550, which I disclosed on the Senate floor, had been declassified this year in June. It is public information.

The White House, when they were confronted with the fact that their accusations against me were not true said, they would "Look into that."

After attacking my honesty and integrity and suggesting I be removed from the Senate Intelligence Committee, they were unable to produce any evidence of the disclosure of classified information. I have gone to great lengths to avoid that, and I will continue.

Then on July 18, that same day, the White House took the rare step of declassifying and releasing eight pages of a 90-page top secret national intelligence estimate that was used to write the questioned portions of the State of the Union Address. Instead of putting a lid on the controversy, the document showed prewar divisions within the U.S. intelligence community that were glossed over by administration spokesmen. The State Department, for instance, termed the reports that Saddam Hussein was shopping for uranium in Africa as "highly dubious."

That is the chronology. It is an important chapter in our political history. It is an important chapter in the history of the collection and use of intelligence here in the United States.

I am glad the Senate Intelligence Committee will continue its investigation. It is my understanding the chairman and ranking Democrat have said they will call White House staffers before the committee to ask what led up to this situation and why we are in the position we are today.

I can recall times in the past when the Intelligence Committee and its members had been challenged as to whether they disclosed classified information and called on to take polygraphs for fear they may have said something that was top secret and should not be public knowledge. I understand the concern of the administration. That should be the concern of every American. We have to take care not to disclose classified information.

But I have to ask the obvious question: How can this administration declassify things, drop certain items into the press that are complimentary and positive from their point of view and get away with it and not be held to the same standard as members of the committee? When we are in a situation where we are given a body of information and draw a conclusion from that but cannot speak to that publicly, while the administration discretely drops into the public domain information they think is helpful to their side of the case, that is a one-sided argument. It does not serve this Nation well, and the administration is pushing the envelope when they do it.

I am glad the Senate Intelligence Committee is going forward. There is a lot more we need to do. I will say to my colleagues in the Senate, please do not back off from our responsibility. We have a responsibility to the people who elect us and to the American people at large to hold this administration—indeed, every administration—accountable for honesty and accuracy when they speak to the American people, particularly in areas of the discussion of intelligence information which could lead to military action which could, in fact, endanger the lives of Americans and their families. That is our most serious and sacred duty. We should not back off of it because of threats from the White House or efforts by the White House to silence us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, before Senator DURBIN leaves the floor, I want to say that the concerns he has raised are serious and grave. They deserve serious attention, not just of this body but of the people in this country. I thank him for bringing them to us today and join him in voicing the gravity of the situation. The kind of actions he has described, if they are true, should not be permitted. They should not be countenanced.

(The remarks of Mr. CARPER pertaining to the introduction of S. 1443 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. ENZI). The Senator from Iowa.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that morning business be extended for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELFARE REFORM

Mr. GRASSLEY. Mr. President, I rise to speak on another subject, but I think it is appropriate for me to respond to the Senator from Delaware only in a general way, not to the specific points he made.

I do take very seriously his efforts at what we call welfare reform, moving people from welfare to work, because not only as Governor did he demonstrate leadership in that area, but in the short time I have served with him in the Senate, he has talked with me frequently about various aspects of welfare, and I know he has been working with others on his side of the aisle, as well as Republicans.

I hope to be able to give fair consideration to the propositions about which he has spoken this morning.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1440 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will resume consideration of H.R. 2555, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Byrd amendment No. 1317, to fulfill homeland security promises.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, yesterday when we presented this bill for consideration, we had opening statements describing the content of the legislation. It is the first appropriations bill that will provide funding for the new Department of Homeland Security. It provides funding in the amount of $29.326 billion for this new Department. It is a billion dollars over the President's budget request but consistent with the allocation under the budget resolution to this subcommittee.

The additional funds are used primarily for training enforcement personnel and developing new equipment and technologies that can be utilized to better protect our homeland. State and local governments will get grants from the Department to help upgrade their capabilities in this area, not just against the war against terror and defeating terrorism but in dealing with natural disasters as well.

The 22 agencies that previously existed that have responsibilities in this area have been folded into one organization under this new Department headed up by Secretary Tom Ridge. We are hopeful we can complete action on this bill by Wednesday evening, and we will be able, then, to start working to iron out differences between the House and Senate bills so when we come back from the break in August we can pass this bill and do our part to contribute to the timely consideration of all appropriations bills in time for the beginning of the fiscal year on October 1. We have asked Senators to let us know what amendments they intend to offer. We hope we can handle these amendments expeditiously.

There was one amendment laid down yesterday by Senator BYRD that would add over a billion dollars to different accounts in the bill. We can take that amendment up. I am advised that Senator BYRD will be coming to discuss that amendment and other issues that are involved in this legislation later in the day. Until that amendment can be disposed of, we have an opportunity for other amendments to be called up. We can set aside the Byrd amendment and consider other amendments if it is agreed to.

I looked at the list. There are 29 amendments that we know about. Most of them are being offered by Senators on the Democratic side of the aisle. We hope we can have the cooperation of all Senators to expeditiously consider the legislation and not drag out the consideration of amendments.

I thank my friend, the Senator from Nevada, for working with us to look at ways to expedite the consideration of this bill. I appreciate his assistance, advice, and counsel in this process.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator BYRD has said, as the distinguished manager of the bill has noted, that he has no objection to moving to another amendment. The only caveat would be that at 3:30, or whenever we reconvene after the caucuses, that he be recognized and his amendment recur. That would give someone at least an hour and a half or thereabouts to work on their amendment.

As I indicated to the distinguished majority leader, we are in the process of hotlining. We do have a list of amendments. I am going to step off the Senate floor now and make some calls and see if we can get someone to come over.

There was some understanding that Senator BYRD would have the floor this morning, but that is not the case now. So maybe someone could come over when there is a relative quiet time, before the rush at the end of this bill takes place sometime later this week.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the advice and information that the distinguished Democratic whip has offered us. We do hope Senators will come now and call up amendments. In the expectation that will be the case, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Byrd amendment be set aside, and that Senator BYRD's amendment recur when we come back after our caucus recess today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1318

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1318.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate $20,000,000 to the Office for Domestic Preparedness to be used for grants to urban areas with large tourist populations)

On page 58, strike line 6 and all that follows through page 59, line 17, and insert the following:

any other provision of law, $2,908,000,000, which shall be allocated as follows:

(1) $1,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711), of which $500,000,000 shall be available for State and local law enforcement terrorism prevention grants: *Provided*, That no funds shall be made available to any State prior to the submission of an updated state plan to the Office for Domestic Preparedness: *Provided further*, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days after the grant award;

(2) $30,000,000 for technical assistance;

(3) $750,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: *Provided*, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 45 days after the receipt of the funds: *Provided further*, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants;

(4) $20,000,000 for discretionary grants for use in urban areas with large tourist populations, to be used as determined by the Secretary of Homeland Security; and

(5) $358,000,000 for national programs:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: *Provided further*, That funds appropriated for

State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraphs (3) and (4) of this heading shall be available for operational costs, to include personnel overtime and overtime.

Mr. REID. Mr. President, this amendment deals with our efforts to secure hometowns. First, I thank the chairman and ranking member of the Homeland Security Subcommittee for their efforts to bring a responsible bill to the Senate floor. As I have said to both the chairman and ranking member of this subcommittee, I think the bill's biggest problem is simply a lack of money. They did not have an easy task. The subcommittee did not have an easy task. The full Appropriations Committee did not have an easy task with this new subcommittee, created as a result of the 9/11 terror act.

The subcommittee allocations this year have made it a challenge for each subcommittee. Unfortunately, the budget that Congress passed this year has made it nearly impossible to address all the needs of our Nation's emergency responders.

A recent report, sponsored by the Council on Foreign Relations, and directed by Warren Rudman, who, of course, we know is a longtime Senator from the State of New Hampshire, found that our Nation will need an additional—let's round it off to $100 billion—basically what he said is more than $98 billion over the next 5 years to meet all of our hometown safety needs, an additional $20 billion each year.

Because of this fact, I am on the floor today to offer an amendment that will attempt to address one of the areas that I believe we have not sufficiently addressed; namely, the tourists that come to many of our Nation's cities.

The United States is home to some of the most visited and cherished cities in the world. I applaud my friend, the distinguished President pro tempore of the Senate, the chairman of the Appropriations Committee, for coming up, in the supplemental bill we just passed, with $50 million to promote tourism for the United States. The State and local governments in our country will make far more than what we spend by advertising, by promoting places in America for people to visit.

I am always stunned when Senator ENSIGN and I have our "Welcome to Washington" meetings every Thursday morning. People come to Washington from all over Nevada, and a large number of them say: I have never been to our Nation's Capital before. They have been other places. I am always amazed when someone says: Yes, I have been to London. I have been to Paris or Mexico City but never Washington, DC. Washington, DC, is a beautiful city. It is our Nation's Capital. Certainly we should be proud.

Not only do we have landmarks, such as the Washington Monument, the Lincoln Memorial, the Capitol, the White House, the beautiful Mall, but things are being built all the time to entice people to come here. It is too bad we do not do a better job of promoting tourism for our country because people who come to Washington, DC, see amazing things. If they have been here before, they see new things when they come back.

Now under construction is the American Indian Museum. It is going to be a beautiful place on our Mall. In recent years, of course, we have added places to visit, i.e., the Franklin Roosevelt Memorial, which is a tremendous piece of work. They did a wonderful job in laying out the four terms this man served as President of the United States—the four times he was elected as President of the United States.

One of the most moving items on that Mall is a memorial that was relatively recently constructed, the Korean Memorial, especially at nighttime. Those soldiers are lined up in their ponchos, with their rifles on their shoulders. You can just see them in the "coldest war," as the Korean war is referred to.

There are lots of places to visit in America. We should do everything we can to get more people to come here.

Again, I commend the Senator from Alaska for working it out so we could have this money to promote the United States.

Whether you visit the Nation's Capital, go to Disney World or Disneyland, or go to Chicago, the so-called windy city that is really not as windy as some might think—it is an extremely pleasant place, if you are not there in the wintertime. Chicago is a wonderful place. I was so impressed when we went to the National Democratic Convention there. I really didn't look forward to going to Chicago. I had been there basically in the wintertime at the airport, and those are not pleasant experiences. One of the nicest times my wife and I ever had was at that convention. Chicago is a beautiful city, with many places to see. And it is a place for visitors, for tourists.

America's tourist destinations are a source of pride for our country, as well they should be. Our national parks are places that are the envy of the rest of the world.

But in our cities, emergency responders take just as much pride in protecting those temporary residents, those tourists who make their homes in hotel rooms rather than apartments and houses. So we should make sure these emergency responders have the resources to protect us when we travel, just as they would protect us in a permanent residence.

This may not seem like a major issue, but let's look at some of the facts. Tourists account for a sizable number of people in many of our larger cities. There are 15 cities with more than 45,000—45,000—hotel rooms, based on a study by Smith Travel Research. Each hotel room accounts for several visitors every day. That means just the hotel rooms in each of these cities is responsible for at least 100,000 new people, additional people each day. That is the size of a small city.

In Nevada, we have cities that have a lot of people in them: Reno, Las Vegas, Henderson, and North Las Vegas; and then there are places that are pretty small by most standards.

Las Vegas has about 130,000 hotel rooms. We have been very fortunate. The occupancy has been good even after September 11. In fact, in Las Vegas an average of about a quarter of a million people stay in our hotels each day. During most weekends, it approaches 350,000 or 400,000. That tourist population of only 250,000 on a weekday in Las Vegas represents a city the size of Savannah, GA, or Tallahassee, FL.

This amendment would correct that deficiency. It would correct it in Orlando, Las Vegas, New York, Dallas, and other places where we have a lot of tourists on a daily basis. This amendment would set aside a relatively small amount. This bill is more than $25 billion but not $30 billion, so this is $20 million for these areas where there are a lot of tourists. This amendment would not take away from any other worthwhile program. My amendment would simply add $20 million to the money we are already spending for homeland security. The Rudman report told us we need to give our emergency responders almost $100 billion in the next 5 years. So this means unless we do something we are giving our emergency responders $100 billion less than what they need. This amendment is a start to addressing the shortfall.

We have a long way to go, but we have to start somewhere. It is quite clear this amendment is direct. It provides an additional $20 million to be distributed to cities with large tourist populations. The amendment has no offset. I have indicated that. There are very few opportunities for offsets in this bill since almost all programs are underfunded. So trying to take money from one place and putting it someplace else in this bill certainly would not be fair.

I repeat, according to a task force chaired by Senator Rudman, current homeland security funding levels will fall $98 billion short of the needs of our Nation over the next 5 years. From the standpoint of simply directing a message to the American people, it makes sense that we take care of people no matter where they are or why they are there. We have to make sure people who are emergency responders—police, fire, emergency medical personnel—have the money to take care of people, whether they are tourists or permanent residents.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the Senator from Nevada bringing this issue to the attention of the Senate by offering this amendment. His amendment goes directly to the provision of the bill that provides funds for discretionary grants to high threat urban areas. In the bill, we provide an appropriation for this program of $750 million. These are discretionary grants to be made by the Office for Domestic Preparedness to those who are considered by the Department to be in need of these funds to better protect the security of these specific urban areas.

This is a discretionary program, and we are hoping that by defining the criteria to be considered by the Department, we help encourage the selection of sites. But we don't pretend to make those decisions here in the Senate or in the Congress. These are administrative decisions. If we got into the business of deciding which areas of the country, specifically which urban areas of the country should be entitled to these funds, it would be a very unwieldy process.

What we have done is to try to define the kinds of characteristics that should be taken into account by the administration as they make decisions in the awarding of these grants.

Vulnerability is one of those criteria. I will read now from the committee report, page 48, where this grant program is described. It says:

> The Committee expects the [Office for Domestic Preparedness] to allocate these funds no later than 30 days after enactment of the act. No less than 80 percent of discretionary grants provided to any State shall be obligated to local governments within 45 days of the State's receipt of funds. In making grants to State and local governments, the Secretary of Homeland Security shall take into consideration credible threat, vulnerability, population, cooperation of multiple jurisdictions in preparing domestic preparedness plans, and identified needs of public agencies. The grants may be made to single or multiple jurisdictions in the same urban area.

It is our judgment that the inclusion of the word "vulnerability" and also the statement with regard to population gives the Secretary the discretion to consider popularity as a tourist destination to be a vulnerability or characteristic that is consistent with vulnerability. Large hotels, as the Senator from Nevada describes, are, of course, vulnerable. A transient population that is not acquainted with the area as a resident might be could make them more vulnerable to a terrorist act. And while obviously the Senator has a legitimate concern for these communities and wants to be sure they are considered when the Department divides this money among other municipalities and local government agencies around the country, we think it is provided for already in the bill.

More importantly, to go back to the statement I made at the outset of my response to the Senator, we don't need to get into the business of trying to convert this discretionary program into one where the Congress, by massaging the language and putting in additional criteria, ends up taking the discretion away or limiting the discretion that ought to be exercised by the Department. Many characteristics are going to be considered, but we hope we won't try to tie the hands of the administrator so tightly that this program loses its significance.

High threat urban areas, we recognize, are entitled to Federal support in managing the threats to those communities, and it may cost more than States or local jurisdictions can manage to more fully and successfully protect the security interests of people in those areas.

I am hopeful the Senate will reject the amendment. Specifically, the amendment is an add-on of $20 million without any offset. So it is subject to a point of order and would have to overcome that point of order. The Senate could waive the point of order, could approve a motion to waive, but that would be one way to join issue with this.

I think our discussion here—the Senator's comments and the response I have made—can be interpreted as a colloquy that clarifies the authority the Secretary has to give consideration to the special vulnerability of cities and other localities that have a high degree of tourist population. He specifically mentioned Las Vegas. I am thinking specifically, too, about the gulf coast of Mississippi where we have a large number of tourists who come visit the resort areas and the tourists hotels, other attractions along the Mississippi gulf coast.

That area might very well also qualify for consideration as a vulnerable area for funding under this provision. I think the Senator points out something the Secretary and the Office for Domestic Preparedness specifically ought to consider as they make these grants to so-called high-threat urban areas. These are discretionary, but we think the criteria we have listed and described in the committee report and in the colloquy we have had on this amendment the Senator offered will help guide the Department in making these grants and enable them to fully consider the vulnerability of areas with high density or high levels of tourist population. We think that would be appropriate.

Mr. REID. Will the Senator yield for a question?

Mr. COCHRAN. Yes.

Mr. REID. How much is set aside in this bill for these discretionary grants?

Mr. COCHRAN. Seven hundred and fifty million dollars.

Mr. REID. I appreciate very much the statement of the Senator from Mississippi. I am one of Secretary Ridge's fans. I came to Washington with him in 1982. Under very trying circumstances, I think he has done a very good job.

I also want to elaborate on some of the problems we have in Nevada. We have about 2.4 million people who come from overseas to Las Vegas. So on any given day there are 60,000, 70,000, 80,000 people from other countries in Las Vegas. I misspoke before when I said there were 130,000 hotel rooms; it is really closer to 150,000 hotel rooms in Las Vegas. It goes without saying that in those hotel rooms, which average about 90 percent occupancy, there are a lot of extra people.

I do appreciate not only what the Senator from Mississippi said but how he said it. Probably $750 million for discretionary grants isn't enough, but it is certainly a lot of money. I hope those who work with Secretary Ridge will do what they can to protect people in destinations no matter how they got there or why they are there. Whether you are a resident of Georgia and you are in Nevada or a resident of Nevada and you are in Georgia doing a little tourist work, you still have to be protected; and whether you are from England or Memphis and you are in Las Vegas, there is still a requirement to take good care of the people who are there, make sure they have police and fire protection and emergency medical personnel.

So I appreciate the work of the subcommittee, as I stated when I started my remarks. We have a problem in America today with security needs, and we in Congress have an obligation to do what we can to help State and local governments with problems that are national in scope. This is one area where we need help.

At an appropriate time, after further discussion with the chairman and ranking member of the committee, I will make a determination as to whether this amendment should require a vote or whether I want to work on the basis of the colloquy with the Senator from Mississippi and withdraw the amendment. That decision will be made at a subsequent time.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I appreciate the comments of the distinguished Senator from Nevada. We will continue to work with him to be sure that we take into account the observations he has made, and the urban areas in his State will be dealt with fairly by the Office for Domestic Preparedness in the consideration of the allocation of grants from this fund.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I am going to propound two unanimous consent requests which we understand have been cleared on both sides of the aisle, and I make this request at the suggestion of the majority leader.

I ask unanimous consent that the committee substitute amendment be agreed to and considered as original text for the purpose of further amendment, provided that no points of order be waived by virtue of this agreement; provided further that the amendments that are now pending be modified so they are considered as pending to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

ORDER OF PROCEDURE

Mr. COCHRAN. Mr. President, I ask unanimous consent that at 12:30, the Senate stand in recess until 3:30 this afternoon. This would allow all Senators to attend an important briefing this afternoon, in addition to the party lunches at 12:30.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I wonder if it would not be to the benefit of especially the Senator and myself, but the Senate generally, if as soon as the Senator completes these unanimous consent requests we go into recess at that time rather than wait until 12:30?

Mr. COCHRAN. I have no objection to that and so modify my request in that way.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 3:30 p.m.

Thereupon, the Senate, at 12:22 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004—Continued

Mr. COCHRAN. Mr. President, we are on the Homeland Security appropriations bill. We have two amendments pending for consideration. It is my understanding a briefing is being held right now and Senators are expected to be in the Chamber soon to either debate these amendments or make other comments about the bill.

We encourage those who do have amendments to let us know about them. We have some indication that there are amendments that will be offered before we complete action on this bill, but we intend to push ahead and work as late tonight as the leader permits and complete action on this bill tomorrow, if possible. That is our intention. We hope to have the cooperation of all Senators.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1317

Mr. BYRD. Mr. President, the Nation's eyes have been turned to war overseas. The country's focus has been on the daily battles in Iraq. On the news almost daily there have been reports of American soldiers still dying. While the President arguably says that the mission in Iraq has been accomplished, the mission to protect our citizens here at home is far from complete.

Immediately after September 11, 2001, there was a great outcry for strengthening homeland security. Congress responded, infusing $40 billion into the war on terrorism—including efforts to better protect our citizens here at home. But since those early weeks after that clear September morning, the momentum has slowed. The pace has slackened. Homeland security initiatives are falling behind.

Just last month, former Senator Warren Rudman chaired a task force at the Council on Foreign Relations that examined investments in police, fire, and emergency medical teams. This blue ribbon panel included Nobel laureates, U.S. military leaders, former high-level government officials, and other senior experts, and was advised by former White House terrorism and cyber-security chief Richard Clarke. The results of their examination should shake this Congress from its homeland security slumber and especially it should shake the White House from its slumber and from its focus elsewhere.

The task force found that, nearly two years after 9/11, the United States is drastically underfunding local emergency responders and remains dangerously unprepared to handle a catastrophic attack on American soil, particularly one involving chemical, biological, radiological, nuclear, or high-impact conventional weapons. The panel concluded that, if the Nation does not take immediate steps to better identify and address the urgent needs of emergency responders, the next terrorist incident could be even more devastating than 9/11.

Imagine that, more devastating than September 11, 2001.

The underlying legislation before the Senate is the Fiscal Year 2004 Homeland Security Appropriations bill. It provides more than $28 billion for a variety of programs, from better border security to natural disaster response efforts. But while this is a step forward, the legislation does not accomplish enough. It does not provide the investments in protections that the Nation so desperately needs.

This fact is not the fault of Subcommittee Chairman THAD COCHRAN or Appropriations Committee Chairman TED STEVENS. The hand that they were dealt was poor from the start. But that does not mean that this Senate needs to settle for less than is needed.

The amendment that I have offered would add critical dollars to some of our Nation's most vulnerable entities. It is a responsible $1.75 billion approach to begin to close the enormous gaps in America's homeland security. The amendment to which I address my remarks at this time is about fulfilling our promises to the American people. After 9/11, Congress passed the Patriot Act. It passed the Maritime Transportation Security Act. It passed the Aviation and Transportation Security Act. It passed the Enhanced Border Security Act. And the President signed these with great fanfare. But when it comes to securing our homeland, the administration follows the same pattern. The President seems to be satisfied with rhetoric, which doesn't cost anything, rather than working with Congress to provide real dollars.

The amendment I offer today is intended to fulfill the promises made for securing our homeland. It would add a total of $1.75 billion for critical homeland security programs. The amendment adds: $602 million for Maritime and Land Security, including port security and transit security; $729.5 million for first responder funding for our police, fire and emergency medical personnel, including funding for high threat urban areas; $238.5 million for security improvements at U.S. borders with Canada and Mexico; it includes 100 million for air cargo security; and it includes $80 million for protections at chemical facilities.

With public warnings ringing in our ears from Secretary Ridge that another terrorist attack is inevitable, some may argue that our homeland security needs seem endless, and therefore the Congress must set limits. I agree that they are endless and that Congress must set limits. That is why this amendment focuses on the specific expanded homeland security missions that Congress has authorized since 9/11, but that the administration has yet to adequately fund. Unfortunately, the budget resolution endorsed by this White House has forced us to exclude from the bill some funding that both the Congress and the President have recognized as being real needs. This amendment focuses on those critical shortfalls. It puts the beam on those critical shortfalls. It puts the microscope right down to their level.

One of the mysteries about the President's budget is the budget for the Transportation Security Administration, or TSA. TSA was created by the Aviation and Transportation Security Act of 2001 and was supposed to focus on securing all modes of transportation. Yet the President's budget includes only $86 million or 2 percent of the TSA budget for maritime and land security. Yes, I said 2 percent—just 2 percent of the TSA budget for maritime and land security. The rest of the President's budget request is for aviation security and for—you guessed it—administration. What about securing our ports? What about securing our trains? What about securing our railroad tunnels, and our subways? What about buses or securing the trucks that carry hazardous materials?

In fact, the President's budget requests 2.5 times more for administering the TSA bureaucracy than he does for securing the Nation's ports, trains, trucks, and buses.

This amendment would add $602 million for maritime and land transportation funding. To his credit, Chairman COCHRAN provided $295 million for these programs. My amendment further enhances the good work Senator COCHRAN has begun.

On November 25, 2002, the same day that the President signed the Homeland Security Act, he also signed the Maritime Transportation Security Act—MTSA, putting in place significant new standards for improving the security of our 361 ports around the Nation. On July 1, the Coast Guard published regulations putting the MTSA into action.

During the Senate Appropriations Committee's homeland security hearings last year, one witness, Stephen Flynn, noted that the Nation's seaports:

> . . . are the only part of an international boundary that the federal government invests no money in terms of security. . . . Most ports, the best you get is a chain link fence with maybe some barbed wire.

Let me repeat that. The Appropriations Committee of the Senate conducted hearings last week, anent homeland security. And we heard testimony from mayors, Governors, and from seven Department heads—I am talking about Departments in the President's Cabinet—and from FEMA as well. And one of these witnesses was Stephen Flynn. Here is what he said about the Nation's seaports. He said:

> [They] are the only part of an international boundary that the federal government invests no money in terms of security. . . . Most ports, [he said] the best you get is a chain link fence with maybe some barbed wire.

Comforting? Is that comforting?

Consider that U.S. ports receive 16,000 cargo containers per day and more than 6 million containers per year. Consider the fact that U.S. ports are home to oil refineries and chemical plants that process noxious, volatile chemicals. Consider the additional fact that there are 68 nuclear powerplants located along U.S. waterways and that the average shipping container measures 8 feet by 40 feet and can hold 60,000 pounds. Consider, further, that a ship or tanker transporting cargo can hold more explosives and dangerous materials than could ever be smuggled in an airplane or a truck crossing a land border.

Yet despite the clear danger, the best port protection the American people have is a chain link fence? It is unfathomable—unfathomable—why we have not insisted this amendment be signed into law months ago.

This amendment would make sure that more than a chain link fence is protecting the Nation's ports. Not too much to ask, is it?

The Coast Guard has estimated that it will cost the ports $5.4 billion during the next decade to implement the Maritime Transportation Security Act standards, including $1.1 billion this year; and yet the President did not request one thin dime—can you believe it, not one dime—for port security. The amendment that I will offer, which is at the desk, would increase port security grant funding from the $150 million contained in the bill by $460 million, thus providing a total of $610 million for this program.

The Commandant of the Coast Guard testified before the House authorizing committee on June 3, 2003, about the implementation of the MTSA legislation. Here is what he said:

> The regulatory impact on the maritime industry will be significant, and the time line for implementing the new robust maritime security requirements is exceptionally short.

However, the administration, while aggressively supporting Federal security funding for the aviation industry, has failed in four straight spending requests to include a single penny—not one red cent—for port security grants even though 95 percent of all non-North American U.S. trade enters our 361 ports around the Nation. This is serious.

During our Homeland Security Subcommittee hearings this spring, I asked Under Secretary Asa Hutchinson why there was no money requested in the President's budget for port security grants and Mr. Hutchinson testified that he believed it was the responsibility of the port industry—the responsibility of the port industry. Yet the port industry's first priority is moving goods through ports as quickly as possible because that increases profits. There must be incentives if we are to realistically expect the ports to improve security.

This year, the Transportation Security Administration received over $1 billion of applications from the ports for the limited funding that was approved by Congress last year. There clearly is a demand from the ports, for help to harden physical security to reduce the Nation's well documented seaport vulnerabilities. These are vulnerabilities that are well documented.

The amendment also addresses other important homeland security needs authorized by the Maritime Transportation Security Act—and yet again not funded.

The Maritime Transportation Security Act requires that vessel and port facility owners prepare and submit security plans to the Department of Homeland Security for the purpose of deterring a transportation security incident. The Coast Guard serves as the lead agency to develop a National Maritime Transportation Security Plan and review all security plans prepared by vessel or facility owners or operators.

To meet requirements set in the MTSA, vessel and facility owners must submit security plans to the Coast Guard for review and approval by the end of calendar year 2003. But, once again, the administration provided no funding to the Coast Guard for this effort or for tracking compliance with the plans in its fiscal year 2004 budget request.

In recent testimony, Coast Guard Commandant ADM Thomas H. Collins acknowledged that the Coast Guard still needs an additional $70 million and 150 full-time employees by this fall to review and approve more than 10,000 security plans by vessel and facility owners. My amendment provides the money.

My amendment also provides $57 million for public transit grants. According to a Mineta Transportation Institute study, one-third of terrorist attacks worldwide have been on transportation systems, and transit systems are the mode most commonly attacked. According to the study, nine surface transportation systems were the target of more than 195 terrorist attacks from 1997 through the year 2000.

The approximately 6,000 transit agencies in the United States provide more than 9 billion trips each year representing 43 billion passenger miles, and yet the administration has provided minimal funding for transit security.

The General Accounting Office, the GAO, recently reported that:

> Insufficient funding is the most significant challenge in making transit systems as safe and secure as possible.

Mr. President, at just 8 of the 10 transit agencies surveyed, the General Accounting Office identified the need for security improvements estimated at $700 million. The General Accounting Office also found that:

> TSA has yet to exert full responsibility for the security of any transportation mode other than aviation.

The chemical attack on the Tokyo subway system in 1995 is a sobering reminder of how a terrorist attack on one transit system can affect human lives, the economy, and confidence in our transit systems. How many times do we have to witness attacks on transit systems in other countries before we secure our transit systems?

This amendment would provide $57 million in direct grants to the Transportation Security Administration to help with that shortfall.

The amendment also would add $15 million to the $10 million already provided in the bill for intercity bus grants. A study conducted by the Mineta Transportation Institute, "Protecting Public Surface Transportation against Terrorism and Serious Crime," found that during the period 1997 through 2000, 54 percent of the worldwide attacks on surface transportation systems were against buses or bus terminals.

Almost 800 million people ride over-the-road buses annually, more than the airlines and Amtrak combined. Intercity buses serve approximately 5,000 communities daily, compared to roughly 500 each for the airlines and Amtrak. Intercity buses serve those who truly need public transportation—rural residents who have no other public transportation alternatives and urban residents who must rely on affordable public transportation.

Given the important role that intercity buses play in the Nation's transportation system and their susceptibility to terrorist attacks, they must be protected.

One of the most glaring funding deficiencies identified in the recent Rudman report is the poor support for first responders. The Rudman report estimated that America will fall approximately $98.4 billion short of meeting critical emergency responder needs in the next 5 years, if current funding levels are maintained. But the legislation before the Senate does not even maintain that current funding level.

While the underlying bill provides first responder funding at a level that is $303 million above the President's request, it is $434 million below the level that the Congress approved for the current fiscal year.

In the nearly 2 years since the terrorist attacks of September 11, 2001, States and cities have worked to better protect the Nation. They have undertaken critical assessments of vulnerabilities. They have provided specialized training to police officers, firemen, and emergency medical teams. They have attempted to close as many gaps as possible to prevent another terrorist attack. But unfortunately, for many communities, they have had to act without the support of the Federal Government.

A March 2003 analysis by the U.S. Conference of Mayors reports that cities are spending an additional $70 million per week on personnel costs alone, to keep up with security requirements. Mayors and governors have contacted almost every Member of this Congress, if not all, practically begging for additional funds to help defray the huge expenses for homeland security. Their requests come at a time when cities, counties, and states are in the worst financial shape in decades. Los Angeles Mayor James Hahn stated earlier this year that "We've dug deep into our own pockets. Now we really need the help of the Federal Government." This is taken from the Los Angeles Times of February 23. They have come hat in hand for help, and we ought not turn our backs on them.

My amendment adds $500 million to the budget of the Office of Domestic Preparedness for first responders. Specifically, it provides $250 million for State grants, and $250 million for high threat urban areas, bringing the total for high-threat urban areas to $1 billion. This amendment provides funds to meet the immediate and growing needs that State and local first responders have for funds for equipment, training, homeland security exercises, and planning.

The needs are great.

According to the Federal Emergency Management Agency and the National Fire Protection Association, only 13 percent of fire departments have the equipment and training to handle an incident involving chemical or biological agents.

Forty percent of fire department personnel involved in hazardous material response lack formal training in those duties.

Only 10 percent of fire departments in the United States have the personnel and equipment to respond to a building collapse.

Funds would be used to purchase: Personal protective equipment for first responders—chemical resistant gloves, boots, and undergarments; interoperable communications equipment, portable radios, satellite phones, batteries; detection equipment—equipment, to monitor, detect, sample, identify and quantify chemical, biological, radiological/nuclear and explosive agents; medical supplies and pharmaceuticals; and, training costs and paying overtime costs associated with attendance at training for emergency responders, emergency managers, and public officials.

My amendment also provides $79.5 million for grants for interoperable communications equipment. This bill currently includes no funds specifically for interoperable communications equipment. This amendment proposes to add $79.5 million, the same amount that was provided in fiscal year 2003.

The initial $79.5 million was a small step in starting the process of integrating and coordinating communications equipment between and among first responders firefighters, police officers, and emergency medical personnel—a deficiency uncovered during the 9/11 attacks on the United States.

Only one-fourth of all fire departments can communicate with all of their rescue partners. The Council on Foreign Relations' June, 2003 study on homeland security needs estimated that the need for interoperable communications equipment funding was $6.8 billion over the next 5 years.

The amendment also provides an additional $150 million for fire grants. The Senate bill includes $750 million for assistance to firefighter grants, roughly the same amount as last year. This amendment would add $150 million for fire grants, which would bring the total to $900 million, the level authorized. Our fire departments need this money.

On average, fire departments across the country have only enough radios to equip half the firefighters on a shift, and breathing apparatuses for only one third.

In the 3 years this program has been in existence, it has become one of the best run programs in the Federal Government. This Senate should fund this program at the authorized level. Our frontline defenders deserve no less.

In October of 2001, the President signed the Patriot Act which called for tripling the number of border patrol agents and Customs and immigration inspectors on the northern border. In May of 2002, the President signed the Enhanced Border Security Act, which authorized significant new investments in border patrol agents and facilities. The goals with regard to Customs inspectors and border facilities cannot be met with the limited funding that was made available for this bill.

The amendment I have offered adds $100 million for improvements to our border ports-of-entry. There are 197 ports-of-entry on our Nation's land borders. Of those, 128 out of 197 are stretched across our 5,525 mile long border with Canada.

The remaining sites are along our highly-trafficked border with Mexico.

Most facilities along the U.S.-Canada border were constructed either as part of the Civilian Conservation Corps program during the Great Depression or in the period between 1950 and 1965. These older facilities are having an increasingly difficult time meeting the energy and power requirements of today's technology.

Along the U.S.-Mexico border, traffic both in people and goods has more than doubled since the last major border infrastructure effort was launched during the Reagan administration.

Trade with Canada has doubled in the last decade, while trade with Mexico has tripled during the same time frame. However, the facilities through which trade must flow have not been expanded or enhanced to keep pace with this traffic.

A Congressionally mandated study called the "Ports of Entry Infrastructure Assessment Study," completed over a year prior to the tragic events of September 11, 2001, identified a growing backlog of infrastructure needs at our Nation's border crossings. It specifically identified 822 infrastructure requirements with an estimated gross cost of $784 million. That report was completed 3 years ago last month—but Congress has yet to seriously begin to address this growing problem.

Consistent with the Enhanced Border Security Act and legislation introduced in this body by a bipartisan group of Senators, this amendment provides $100 million for the new Bureau of Customs and Border Protection to begin addressing this backlog. The funds provided in this amendment could be used to replace the trailer—yes, the trailer—that serves as a border port-of-entry in Easton, ME, or to complete construction of the San Diego fence along the border with Mexico which was authorized by Congress in 1997.

My amendment would also add $138.5 million to hire additional border protection staff to meet the levels authorized in the USA PATRIOT Act.

While funding in the Committee bill will allow the Bureau for Customs and Border Protection, CBP, to succeed in meeting the Congressionally mandated staffing goal for the Border Patrol by the end of this fiscal year, the remaining components of this newly created bureau fall far short of meeting the authorized target.

The PATRIOT Act authorizes a total of 4,845 legacy Customs, Immigration and Agriculture inspection personnel along the northern border by the end of fiscal year 2004. According to the CBP, it will fall far short of that goal. It estimates that it will only have 3,387 inspection personnel at the many port-of-entry and other facilities that stretch across the 5,525 mile northern border with Canada. This is 1,458 personnel short of the authorized and required level.

My amendment would provide the $138.5 million estimated to complete the hiring initiative called for in the PATRIOT Act. The funds would be used to hire an additional 1,458 inspectors to: enhance our ability to conduct inspections of people and goods entering our country to ensure that the people entering the country are authorized to do so; to ensure that the products in the containers are indeed what they are claimed to be and that no dangerous foods, meats, or other products are brought into the country.

Another key area of focus is air cargo security. Most Americans would be stunned to learn that, under the President's budget proposal, each airline passenger will be screened before boarding a plane. Each passenger's baggage will be screened before being loaded on a plane. But commercial cargo on that same plane is left unchecked.

The amendment would add $100 million to the Transportation Security Administration's budget. The additional funds proposed in this amendment would accomplish some key immediate objectives while at the same time laying the ground work for a more comprehensive, multi-year plan. Of this amount, $70 million would be provided to immediately strengthen and expand a number of ongoing TSA activities while the remaining $30 million would be used to increase research, development and testing of screening technologies and other systems.

The $70 million would be used for the following purposes:

To immediately deploy personnel to the Customs and Border Protection's National Targeting Center to develop rules for targeting suspicious packages on passenger aircraft and, as resources are provided, all-cargo aircraft; to provide $20 million for approximately 125 inspectors to be devoted to cargo screening. These personnel would be trained to inspect cargo operations, but in keeping with TSA's Aviation Operations strategy to cross-train its personnel, they would be trained for additional duties in future fiscal years; to provide $15 million to advance by one-year the TSA plan to expand canine screening teams for limited cargo screening. These activities would be co-located at airports currently using TSA canine for screening of U.S. mail, and would work as a complement to EDS screening at smaller locations; to provide $25 million to fully deploy the "known shipper" and profiling programs for cargo being carried on passenger aircraft; to provide $5 million to update the risk and vulnerability assessments for cargo operations; to provide $5 million to launch immediately a pilot program to use explosive detection system, EDS, machines at select locations to screen cargo.

The additional $30 million would be added to the currently budgeted $30 million in TSA's research and development account for air cargo activities, doubling the total amount available for research and development within the air cargo pilot program.

Finally, my amendment provides $80 million to begin addressing the issue of physical security at chemical facilities.

Michael O'Hanlon of the Brookings Institution has called the lack of security at U.S. chemical plants a "ticking time-bomb." The General Accounting Office has reported that chemical plants remain vulnerable to a terrorist attack. Using data from the Environmental Protection Agency, the GAO noted that 123 chemical facilities across the country, if attacked, could inflict serious damage and expose millions of people to toxic chemicals and gases.

There are 3,000 chemical facilities in 49 States that, if attacked, could affect more than 10,000 people each.

The General Accounting Office found that the Federal Government has not comprehensively assessed the chemical industry's vulnerabilities to terrorist attacks, nor has the Federal Government adequately addressed our nuclear vulnerabilities.

The Homeland Security Department is responsible for carrying out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States. The President's National Strategy for Physical Protection of Critical Infrastructure and Key Assets identifies chemical plants as part of the Nation's critical infrastructure. We are talking about chemical plants.

Unfortunately, this administration has paid lipservice to the issue by saying that the Homeland Security Department will take the lead in managing vulnerability assessments of U.S. chemical facilities, but—b-u-t—no funding is identified in this budget to do just that.

When I asked Secretary Ridge who was responsible to secure these facilities, he testified that he thought that securing chemical facilities was the responsibility of the chemical industry. Frankly, I do not believe our communities would be satisfied to wait for the administration to wake up to this danger.

The Congressional Budget Office has estimated that it will cost $80 million to conduct vulnerability assessments for chemical plants. This amendment I have offered would provide those resources.

Protecting this Nation's communities is not easy. Protecting this Nations communities is not cheap. And protecting this Nation's communities cannot wait. After 9/11, Congress passed the Patriot Act, the Maritime Transportation Security Act, the Aviation and Transportation Security Act and the Enhanced Border Security and Visa Entry Reform Act and the President signed all of these with great fanfare. But the President has done little to fulfill the promise of those laws. Now the Senate has before it the funding legislation that will either fulfill the promise of those acts or continue to leave the Nation vulnerable.

We will hear the same old mantra in opposition to this amendment that money cannot possibly solve the problems facing homeland security. I agree that money cannot solve all of our problems but if we fail to invest sufficient funds, if we fail in the effort to protect our people as best we can, we will never even begin to address them. The gaps in our protections and preparations will continue to grow. We all know these caps exist. And, to be sure, if we know where those gaps are, so do the terrorists know where those gaps are. The American people believe that we here in Washington are taking care of the problem. We must make every effort to close those gaps.

In just a few weeks, America will pause to remember the second anniversary of the moments when the airplanes struck the World Trade Centers, the Pentagon, and the Pennsylvania field. We again will remember the mothers and fathers, the brothers and sisters, the firefighters, the police officers, the ambulance drivers. We will remember all of those who lost their lives in those tragic moments. And we should remember those who saved our lives when they sent that plane into the Pennsylvania fields. But as we remember the lives of all these, we owe them more than high-sounding rhetoric. We owe them our best judgment. We owe them rational, responsible action. We owe them a legacy that may truly save lives and prevent another terrorist attack from happening.

I urge all Members to be mindful of their solemn duty to "provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity" as we debate this important legislation.

I have gone to considerable lengths to speak concerning my amendment. I urge Senators to support the amendment.

I ask unanimous consent that certain Senators have their names added as cosponsors: Senators LIEBERMAN, CANTWELL, and STABENOW.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. BYRD. And I welcome the cosponsorship of other Senators—all Senators for that matter. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, first, I wish to thank the distinguished Senator from West Virginia for his cooperation in the development of this bill that is now before the Senate. His assistance and participation in the hearings, the review of the President's budget request, our meetings with administration officials to fully understand the priorities as they saw them, and, in many ways, his experience and judgment in helping guide the development of this bill were very essential to the success we had in getting it to this point. His support in getting it through the committee and subcommittee was essential and very important.

This amendment, as the distinguished Senator has pointed out, will add money for many different areas of spending in the legislation that we have presented. Of course, it is because there are many needs there. There are many ways we can allocate and spend resources to try to upgrade our capability of protecting our Nation's homeland. So there is no end to the list of ways we could spend additional funds.

What we have tried to do, though, is be guided by the limitations that have been imposed on the committee by the budget resolution. We have a limited amount of money to spend in this bill. In fact, the amount we have been allocated to spend is $1 billion more than the President's budget request that was submitted to Congress earlier. So this bill provides $29.326 billion. We have tried to allocate it among all the competing needs that we have come to understand through our review of the budget request and the information we have been able to obtain as to what our needs are and what the highest priorities are, and that is what this bill reflects: the judgment of the Appropriations Committee of the priorities that exist and how we can best use the amount of money that is allocated to this committee for this next fiscal year, keeping in mind that we have already appropriated funds in the year we are in now, fiscal year 2003.

We have also added a substantial amount of money for homeland security in the supplemental appropriations bill that was just recently passed by the Senate and signed by the President. Therefore, since this amendment proposes to add another $1.75 billion to the bill that is before us with no offsetting suggestion of where the money would come from, I will be constrained to make a point of order against the amendment because it provides spending in excess of the subcommittee's allocation in violation of the Budget Act. Before doing that, let me make a few observations about the Senator's comments on some specific provisions in the bill.

Facilities along the land borders, which the Senator discussed, are maintained under the General Services Administration, and funds for upgrading, maintaining, and replacing facilities are funded through the General Services Administration and the appropriations bill that has that as part of its jurisdiction.

This committee does not have GSA jurisdiction. What we do have is the responsibility of trying to accommodate the deployment of facilities to implement the U.S. visitor and immigrant status indicator technology. This is a new program. It is to be deployed upon land ports of entry, and funds are included in the committee bill for that purpose.

In addition, the Bureau of Customs and Border Protection has undertaken to hire additional inspectors to be deployed on these borders, to enforce the new rules and to better protect us from people who come across the border who may be a threat to the security of our homeland.

Our indications from the Bureau of Customs and Border Protection are that over 4,000 inspectors have been added to the workforce since September 11, 2001. That has increased coverage at these ports of entry by 25 percent. Over 2,600 inspectors are on the northern border, compared to about 1,600 prior to September 11. There are 613 Border Patrol agents who are assigned to the northern border compared to 368 before September 11. Commissioner Bonner says he plans to have 1,000 agents on the northern border by October of this year. So when the new agents who are funded in this bill are counted, are included, there will be over 11,600 Border Patrol agents in fiscal year 2004. That is funding already in this bill.

We added additional staffing in the wartime supplement. We put in the supplemental $75 million for additional northern border and maritime ports of entry personnel. This was in addition to the money that was previously appropriated for this fiscal year for new personnel. We also included $25 million to transfer Border Patrol agents to the northern border. It is an important new undertaking, and we are cooperating with the administration in trying to meet those needs.

The Bureau of Customs and Border Protection can only hire so many people in any one year. This bill includes the maximum number of new border agents who can be absorbed in one year.

We also think it is important to preserve the Department's flexibility to assess its staffing needs nationwide. We should not come in and say they have to hire 1,000 more than they planned to hire this year. We have to leave to the good judgment of the administrators how they can absorb and find the qualified people to hire, how they can train them in their new duties and deploy them to the places where they can be used. I think it would be a mistake at this point for the Senate to try to superimpose our judgment about a detail of that kind.

We have the same goal. We are on the same team with this administration. We have to listen to the statements and suggestions they make to us about the funds they can use and what they need to do their job within the limits that we have. We have to allocate the funds according to the priorities as we see them.

Up to this point in time, it is the judgment of the committee at least that the funding we have made available for border security agencies, for personnel to carry out the missions of the USA PATRIOT Act, which the Senator mentioned, and other authorizing legislation is funded in the bill to the extent that it is possible to be funded in the bill.

In the case of the Transportation Security Administration, the additional funding suggested in the amendment is $100 million for screening of air cargo.

First, the authorizing committee assessed the needs for new authorities and how the responsibilities for screening air cargo would be changed to meet the new threats. Congress responded by passing the Air Cargo Security Improvement Act, S. 165. It authorizes the development and deployment of something called a known shipper database, strengthening security enforcement and compliance measures for indirect air carriers and implementing mandatory security programs for all cargo carriers.

The Transportation Security Administration has undertaken a comprehensive, strategic plan for air cargo security. It is based on threat assessment and risk management.

As I understand it, there are three elements to the approach of the Transportation Security Administration. They strengthen the current known shipper program to verify shipper legitimacy. They have developed a cargo prescreening and profiling system that targets shipments based on a set of guidelines to indicate which shipments may be suspicious. They have a targeted inspection system to identify suspicious cargo utilizing explosive detection systems, explosive trace detection, canine detection, and other approved methods for inspecting air cargo.

This comprehensive approach is consistent with the Department's approach in securing containers that cross our borders by all modes of transportation, and the funding that was requested in the President's bill has been respected. The bill we have before the Senate provides $60 million. Ironically, it is $30 million more than the President requested for this function.

The Transportation Security Administration, according to my understanding, can use this money. But this amendment that has been offered by the Senator from West Virginia would add an additional $100 million in addition to what is already in the bill. I am not sure the administration can use that and use it effectively.

The amendment has additional money for grants for public transit agencies, for enhancing security against chemical and biological threats. We already have $71 million for the Science and Technology Directorate to develop and deploy chemical, biological, and nuclear sensor networks throughout the country, including public transit facilities. That would duplicate and be over and above what is already being spent to try to make sure that we deploy the right kind of defenses to this kind of threat.

Again, I think it is important for us to work with the administration and say: Okay, we have so much money that has been allocated to us to spend for homeland security. How can we best spend that money right now? How much do they need this year? What can they use? What are the highest priorities? Where do we need to spend the money first?

The amendment the Senator has offered also increases port security grants by $460 million, as he pointed out. We already have $150 million in the bill for port security grants, and this is in addition to $365 million provided in 2002 and 2003.

Of the $365 million already provided by the Congress, only $260 million has been obligated by the administration. So think about this: We have a proposal to add $460 million to an account where the money is still there and has not been obligated that has previously been appropriated. How much can be spent is something that has to be taken into account as well, not how much we can appropriate. That is not going to be a measure of the success of this bill or whether or not it has been thoughtfully expended to protect our security. We have to make sure it can be used and that it can be used thoughtfully, consistent with a plan that has been developed by the administration.

The Transportation Security Administration can only obligate about $150 million a year because assessments of ports have to be conducted, they have to be given some kind of priority, and then an application process by the ports for the funds has to be analyzed, assessed, and careful decisions need to be made. It cannot be just a rush to apply for a grant: Hey, they have a new fund in Washington. If you are a port director, if you get your application in now and put pressure on the administration, you may get some funds.

Will it be consistent with the overall national plan? Will it be targeted where the threats are the most imminent and most troublesome, where the money really needs to be spent? Are other agencies going to be able to take up the slack in helping to deal with threats that are known to exist in our ports?

There is a capacity only to spend so much money at one time. That is the point. The rush to spend money can put the agency in disarray, can give a false sense of security to the people in the country, saying, look, we spent $460 million in addition to what had already been appropriated. But that may not actually help improve our security.

There is no doubt there will be a need for these funds later. There will be a need to increase security at our ports over and above what we are doing in this fiscal year or next fiscal year—and not just in ports but in all modes of transportation. But we need to take a measured, thoughtful approach, and weigh the funding provided for the security of our Nation's homeland security needs. That is what we tried to do, take a balanced approach and make an assessment based on limitations we have and the realities we face.

There is a proposal in this amendment to add $70 million to the Coast Guard operating expenses account to increase the total funding of the Coast Guard. The bill already provides $4.719 billion for Coast Guard operating expenses. This is $12 million more than the President has asked for operating expenses, excluding environmental compliance and restoration, and reserve training, which are funded separately.

Included in the bill for acquisition, construction, and improvements is the amount of $1.035 billion which is $238 million above the President's budget request.

Funding to implement the Maritime Transportation Security Act (MTSA) was not requested in the President's budget because that Act had not been passed until after the President's budget was prepared. No request was made for funding to implement MTSA in the fiscal year 2003 supplemental either. We know funding for the implementation of the MTSA is a priority for the Coast Guard. If we had additional funds available, we would agree to increased funding in fiscal year 2004. But the bill has been very generous to the Coast Guard. We believe funding for the implementation of MTSA should be included in next year's budget request by the President.

The Office for Domestic Preparedness is targeted in this amendment with a funding increase. Mr. President, $729.5 million is provided in this amendment to increase funding for grants to State and local governments.

One of the first calls I made when I realized it was going to be my obligation to chair this subcommittee was to Warren Rudman, our former colleague from New Hampshire, who has been, with Gary Hart, part of a study to assess our homeland security needs. They had published reports and made some presentations in New York, Council on Foreign Relations, and other places.

One of the things I remember former Senator Rudman suggesting to me is, it is impossible to know precisely what is needed and how much it will cost. That is something I have kept in mind.

The fact is, this is not an exact science. We have to use our judgment, make choices, understand that we cannot do everything at once. What we are trying to do is maintain a base level of preparedness through this program.

The Department is going to be better able to assess true needs once the States have had a chance to submit their updated homeland security strategies. We cannot just assume right now the States can identify all of the areas where they need to spend the money, which local governments continue to have needs, and which ones ought to be funded first.

In my judgment, we run the risk of being irresponsible if we increase funding over and above an amount that can logically and systematically be provided through the grant program to State and local governments.

We will have provided through the funds recommended in this bill almost $9 billion through the Office for Domestic Preparedness and the firefighters assistance grants since September 11. A lot of money has been spent already. In addition to those expenditures and the funding in this bill, the Senator suggests we ought to spend another $729.5 million.

We are suggesting the funds appropriated in this bill, in this account, for this fiscal year, are a responsible level of funding for first responders, given the other needs and other demands that come under the responsibility of the Department of Homeland Security.

The amendment also suggests we earmark $80 million for information analysis and infrastructure assessment, a directorate, to conduct assessments for chemical facilities. I am impressed with the concerns reflected in this suggestion. We do not have funding made available to individual industries involved in the chemical business to make these assessments. I am not enough of an expert in that business to know the assessments that have already been made and the security arrangements that many of these businesses and industries already have. One thing we need to keep in mind is that self-interest has motivated business and industries, and anyone who owns a business or a home should do what they can to protect themselves, to be sure their workers are protected, to be sure their families are protected. We all feel that obligation. It is not like everyone has been assuming they had no responsibilities for self-protection.

Businesses and industries have done a great deal, invested huge sums of money, to protect their own assets.

The suggestion is we need to give them more money to do some more analysis, to do some more assessments.

There may be a need for additional critical infrastructure assessment; however, this bill already provides $293.9 million for key asset identification, field assessments of critical infrastructures, and key asset protection implementation to help guide and support the development of protective measures to improve the security of industrial facilities and assets.

Of the amount provided for critical infrastructures, $199.1 million is made available for critical infrastructure and vulnerability assessments of the highest priority infrastructures and assets. But we need the benefit of the advice of the administration, those who are in charge of the programs, to tell us what those are. This amendment that is offered by my friend from West Virginia says it is the chemical industry. That is the only earmark in this part of the bill—$80 million for chemical facilities. There may be other facilities that are more vulnerable or that would cause more damage and displacement of American businesses than the chemical facilities would if they were under a threat of terrorist attack.

The priorities that have to be made and assigned have to be based on a combination of factors: threat, vulnerability, and risk analysis. And we have to leave that up to the administration. I don't feel competent to make that kind of decision. I don't know of any Senator, if this amendment were to be voted on this afternoon, who could just walk in here and decide should that be an earmark or should it not. But it is folded into this big amendment and we are asked to decide whether to target $80 million for just these kinds of facilities. Who is to know whether that is a good decision or not, if they have not been through the hearings, they have not had the opportunity to assess the other options?

So I think it is an unfair choice that we present to other Senators, to have them make that decision right now. Why can't the administration make that decision? I think they are better suited to make that decision than we are right now. We have to work with them and not make prejudgments.

The prioritization is going to be based on a lot of factors. There are 14 critical infrastructure areas—including the chemical sector—5 key asset categories that further break down into about 99 distinct segments, all of which must be considered based on changing threat assessments. So this is not necessarily an effective way to improve our Nation's security, just to earmark money for one particular kind of industry requiring a specific amount of funds to be spent. Why not $180 million? Why not just $40 million? Where does $80 million come from? I don't know. Who knows?

So without the corresponding analysis that helps advise the Senate, it is a mistake for us to be asked to make this kind of choice.

We are telling the terrorist organizations, aren't we, that we are going to spend the money in this sector? We are going to target this sector and emphasize it and make it a high priority, but not the others? Is that a good way to make decisions in this area or should we let the administration and the infrastructure protection experts decide where the threats really are? What does the intelligence show as to where the threats are? These need to be taken into account.

This amendment, adding $1.75 billion to the bill, violates the Budget Act because it does not offset the spending, it exceeds the subcommittee's allocation that is given to us, and at the appropriate time I will be constrained to make a point of order against the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I know we have been notified that one Senator is on the way over here to speak on this amendment before the Senator makes his point of order. We have at least one, maybe two Senators who wish to speak on this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, Senator COCHRAN has said there is no end to the list of homeland security needs. He is absolutely correct on that. We could list these security needs from now until Kingdom come. Additional needs can be found. So he is correct. But that does not mean the amendment I have offered is excessive. It does not mean the amendment is excessive. It is targeted to specific activities that Congress has approved.

As I said in the beginning, I named several pieces of legislation that have been approved and signed into law by the President, some of them with great fanfare. So Congress has approved these acts, and the President has signed them into law.

The chairman is correct in stating the progress we have made in hiring Border Patrol agents and inspectors. But that leaves us nearly 1,500 inspectors short of the goal established in the PATRIOT Act. The President signed that law.

Are we serious or are we not serious about meeting the goals set forth in these acts? My amendment would provide the resources to meet the goals that have been set forth in the acts by Congress, the acts that have been signed by the President.

It has also been noted that the bill already includes $150 million for port security grants. But the Coast Guard has estimated that it will cost $1.1 billion in just the first year for the ports to implement the security plan that the Coast Guard issued on July 1, pursuant to the Maritime Transportation Security Act.

Who signed that act? The President signed it. Who issued the regulations? The Coast Guard. Are they serious or not about port security? Is the President serious? The amendment would result in less than $1 billion of total funding. This is less than the Coast Guard's $1.1 billion estimate.

Our distinguished chairman has said he tried to include a base level of funding for grants to equip and train our police, fire, and medical personnel. And I compliment the chairman. He has done a masterful job in writing the provisions in the bill we have before us, a masterful job in distributing the limited amounts that have been provided to the chairman and to the committee for distribution. He has sought to exercise good judgment. He has done so—with the limitations.

The problem is, we do not have enough funds to appropriately allocate to meet the needs of the country. But I do not believe that establishing a base level of funding is enough. When a nonpartisan organization such as the Council on Foreign Relations estimates a $98 billion shortfall over the next 5 years, I simply cannot understand why the committee funding level is enough. It is $434 million below the level available in fiscal year 2003.

With regard to funding chemical facilities security, the chairman notes there is significant funding in the bill for securing critical infrastructure. Yet, nearly 2 years after 9/11, we have no details—none—from the administration describing how these funds would be used. Secretary Ridge testified to the subcommittee that he believes that securing chemical facilities is the responsibility of the chemical industry.

I do not believe we should continue to wait for the administration to get its act together. We should not allow the budget resolution to artificially limit our ability to address known vulnerabilities in this country. Our citizens do not know about budget resolutions. Our citizens do not know about 302(b) allocations. But they do know they feel vulnerable to terrorist attacks that Secretary Ridge has said are inevitable.

Mr. President, the full committee conducted careful and extensive hearings last year. We had seven Department heads here before the committee. The committee membership was there. The committee hearings were well attended. Senator STEVENS and I carefully selected witnesses to appear before those hearings. There were Governors who appeared. There were mayors who appeared. There were members of county commissions who appeared. First responders appeared. Firemen, policemen, health personnel appeared at those hearings. And we have gone over those hearings carefully. The staff has gone over those hearings and painstakingly gleaned from the rich testimony that was submitted by these public officials and public servants. Based on those and subsequent hearings, we decided that these are needs that ought to be addressed. And so I have tried to address these needs in the amendment.

As I say, the amendment adds $1.75 billion. That would fund 42 hours of the Defense Department expenditures. The Defense Department will be spending $1 billion a day on the military—$1 billion a day. They are spending a billion dollars a week in Iraq. Why can't we spend $1.75 billion on the protection of our own people, and our industries here, the protection of our own infrastructure; $1.75 billion to defend the American people, to defend our infrastructure, to defend our ports, to meet the needs of our ports, $1.75 billion? We spend a $1 billion every 24 hours on our defense budget. Yet when it comes to defending this country, defending its infrastructure, then we say it is too much.

I hope Senators will support the motion to waive the point of order. As I close my remarks at this point, I thank the distinguished chairman for his characteristic courtesy and also for his proficiency, his professional handling of this bill and the hearings. He attended the hearings, started them on time, and asked incisive questions. He is always fair to those on the minority side. I have nothing but praise for him. And I thank the cosponsors of the amendment. I must state again, however, that I feel the need for adding appropriations as I am attempting to do here.

A stitch in time saves nine. There is no question in my mind but that we are underfunding the homeland security needs. The Senator has done the best he could with the limited amount of moneys, but there is no good reason why we can't add moneys to this bill. We have to overcome the point of order, of course. There is a 60-vote point of order. That is difficult. But Senators may come to rejoice in having voted for this amendment. Who knows?

I see the distinguished Senator from New York, Mrs. CLINTON.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from New York.

Mrs. CLINTON. Mr. President, I thank my good friend, the ranking member of the Senate Homeland Security Appropriations Subcommittee and of the full committee, the Senator from West Virginia, for his constancy in sounding the alarm. He is the Paul Revere of the homeland security debate. Because every time we come to the floor to debate and consider provisions that we believe will make our country safer, the Senator from West Virginia is there sounding the alarm.

This time I hope our colleagues on both sides of the aisle will respond to that alarm which he has once again sounded, because his amendment reflects a full and complete understanding of what we know, what the experts tell us is absolutely essential to meeting the homeland security needs of our Nation.

As has already been referred to in many different settings, the amendment the Senator presents to us contains the best thinking of people who have considered our vulnerabilities and have honestly assessed what it will cost so we can look into the eyes of our constituents and say: We have done the best we knew to do.

Recently the independent Homeland Security Task Force of the Council on Foreign Relations, a task force chaired by former Senator Warren Rudman, issued its third report regarding the state of our homeland defense. While the report noted that we had made progress and that positive action in a number of areas had occurred since September 11, there was still much to be done and we remained woefully unprepared.

The report, "First Responders: Drastically Underfunded, Dangerously Unprepared," says it all in its title. It reminds us as to how much work we truly have in front of us if we intend to address these needs honestly and to equip our frontline homeland defenders with the resources they desperately need.

DRASTICALLY UNDERFUNDED, DANGEROUSLY UNPREPARED

> The United States has not reached a sufficient national level of emergency preparedness and remains dangerously unprepared to handle a catastrophic attack on American soil, particularly one involving chemical, biological, radiological, or nuclear agents, or coordinated high-impact conventional means.

How much more specific and dramatic a conclusion from independent experts do we need to have before we act to pass overwhelmingly the amendment that has been presented to us?

The report also emphasizes the pivotal and primary role our first responders play in our national homeland defense:

> America's local emergency responders—

We are talking about our police officers, our firefighters, our EMTs, and others who are on the front line, who need to be given the resources that will equip them to prevent horrific attacks, as well as to respond—

> will always be the first to confront a terrorist incident and will play the central role in imagining its immediate consequences. . . . the United States—

Namely, the U.S. Government, not the New York State government, or the New York City government, or the Buffalo government, or the West Virginia government, but the United States Government—

> has both a responsibility and a critical need too provide them [our first responders] with equipment, training, and other necessary resources to do their jobs safely and effectively.

Again, I don't know how much more specific we need to be. The efforts of these first responders in the minutes and hours following an attack will be critical to saving lives, reestablishing order, and preventing mass panic.

The report speaks about the heroic police and fire professionals who entered the World Trade Center on September 11. They acknowledge what all of us saw: that our emergency responders will be there; they will answer the call; they will perform their duties. What will we do for them?

In providing just a few examples of the needs of these brave police officers and firefighters and EMTs that are unmet, I have picked a few very representative, dramatic examples from the report:

> Two-thirds of our fire departments do not meet the consensus fire service standard for minimum safe staffing levels.
>
> On average, fire departments across the country have only enough radios to equip half the firefighters on a shift, and breathing apparatuses for only one-third. Only 10 percent of fire departments in the United States have the personnel and equipment to respond to a building collapse.
>
> Most States' public health labs still lack basic equipment and expertise to respond adequately to a chemical or biological attack. Seventy-five percent of State laboratories report being overwhelmed by too many testing requests.
>
> Most cities do not have the necessary equipment to determine what kind of hazardous materials emergency responders may be facing.
>
> Police departments in cities across the country do not have the protective gear to safely secure a site following an attack using weapons of mass destruction.

I read these statistics, but I also know firsthand from speaking to police officers and firefighters, police chiefs and fire commissioners, and others throughout New York who tell me exactly what we were reading here from this report.

Now, I have to say it is troubling to me that, while we know we have not done enough to equip and fund and provide the resources needed by our first responders, we are seeing, because of budget constraints, cities and counties cutting back on their personnel. According to the International City-County Management Association, the average number of full-time, paid police employees for jurisdictions between 250,000 and 500,000 residents, today, is 16 percent below the figure for 2001. Why is anyone surprised by that? We have seen countless stories about the budget cutbacks that States and counties and cities are experiencing.

Police departments and fire departments are not immune. In the city of New York, after the heroic, incredible performance of these brave firefighters, they watched helplessly as fire stations were closed. So this is something that we know is happening. So not only are we failing to fully fund our first responders, we are seeing the numbers cut back.

When you think about what this report tells us and what the estimate is as to what is necessary for us to protect ourselves, clearly, we are asking that we honestly assess where we are and the funding that is needed. The report says we need approximately $100 billion over the next 5 years—approximately $20 billion a year for 5 years. We spend $5 billion a month in Iraq and Afghanistan. We are asking for 4 months of the expenditures of those two military actions and postconflict activities to make sure we are safe here at home.

These preliminary figures are based on the assessments that are coming directly from first responders and from communities. They were developed in partnership with the Concord Coalition and the Center for Strategic and Budgetary Assessment. It may be conservative, but it is the best assessment we could find.

First, it assumes, however, that State and local governments will continue to spend somewhere between $26 billion and $76 billion of their own funds for homeland security over the next 5 years.

Second, in looking at specific needs, particularly the need for a communications system that actually works and includes everybody, the task force erred on the side of conservative figures they obtained from communications policy experts.

Third, many law enforcement associations could not even assess their own needs. They don't have time to stop and do a survey or try to hire a consultant. So they did the best they could in assessing what they thought their needs were. Clearly, as the task force has pointed out, we should have a thorough national needs assessment. Under Senator BYRD's leadership, he did hold very thorough hearings out of which we got some specific information, and we need to continue a comprehensive needs assessment so that we do know what our needs are so that we can better plan how to meet them.

We certainly would not do for our men and women in uniform what we do for our men and women in uniform at home. I have the honor of serving on the Armed Services Committee. It is a painstaking process to determine what our troops need and how to best plan that they can be protected. I am very proud of that process.

I think it is time we did the same for our front-line defenders, our soldiers in the war against terrorism here at home—primarily our police officers, our firefighters, and our EMTs.

Among the many things we need to be doing, the task force concludes—and I agree—is to create those interoperable communications systems so that first responders can communicate seamlessly across borders, between police and firefighters, and certainly across borders of jurisdictions. We need to extend nationally the Emergency 911 system. I am very proud to be working with my colleague from Montana, Senator BURNS, on groundbreaking legislation to extend the E-911 system. I think it will certainly move us forward as long as we fund it.

We need to enhance our urban search and rescue capabilities. We need to enhance our public health preparedness, particularly by strengthening and expanding the quality and number of laboratories that can track diseases, that can quickly diagnose some kind of biological, chemical, or radiological event.

This report reflects what I hear from all over New York and, of course, from all over the country, whether you are in Los Angeles, where every time the terror alert goes to orange, it costs that city $1.5 million a week and another $1 million a week to protect the Los Angeles International Airport; or whether you are in Denver, a city that has incurred many millions of dollars for emergency preparedness and has purchased mobile emergency equipment but still doesn't have an adequate communications system; or whether you are in Douglas County, NE, which needs resources to buy protective suits for first responders, this is a national problem. Certainly in New York, I know firsthand how inadequately funded many of our brave men and women are.

I know that under the leadership of the chairman of the Homeland Security Appropriations Subcommittee, whom I commend, the committee has worked very hard to come up with a good bill and, given the budgetary constraints under which the committee has operated, they have done an incredible job.

The problem is that the budget resolution we adopted last spring did not adequately reflect the real costs of homeland security. That is why the Senator from West Virginia has an amendment which more honestly assesses those needs. It provides an additional $1.7 billion: $729.5 million for first responders; $602 million for maritime and land security; $238 million for border security; $100 million for air cargo security; and $80 million for chemical facility security.

It is hard to argue with the EPA's own figures that we have 123 chemical facilities located throughout the Nation that have toxic worst-case scenarios where more than 1 million people would be in the so-called vulnerable zone and could be at risk of exposure to a cloud of toxic gas.

Remember the terrible accident in Bhopal, India? Remember that? We have 123 chemical facilities that could produce this kind of extraordinary horror.

We have 600 facilities that could threaten between 100,000 and 1 million people, and 2,300 more that would threaten between 10,000 and 100,000 people in these so-called vulnerable zones.

When I read statistics such as that, it has to make one feel vulnerable, and it certainly makes me, as a Senator with responsibility for my constituents, sick at heart. I do not think any of us want to see these scenarios ever come true and, thank goodness, we have been spared that since September 11.

But that is not the way a great country plans to defend itself. If that were the case, we could have shut down our entire military. After the War of 1812, we could have just said forget it. After the Civil War, we could have said forget it. We could say we do not think we will ever have anything bad in the world happen again, so let's just send everybody home. Let's just let the tanks rust. Let's just give up preparing for the worst-case scenario which will more than likely make it possible for us to avoid such an occurrence.

That is what we are doing when it comes to homeland security. The Congressional Budget Office estimated it will take $80 million to conduct vulnerability assessments associated with our chemical plants. This amendment provides the money for that purpose.

Regarding the first responder funding in the Byrd amendment, there is additional money for State and local grants, $250 million, and I especially appreciate an additional $250 million for high-threat urban area grants; $150 million for FIRE Act grants so we can fund the program fully at the authorized level; and, finally, $79.5 million for the interoperable communications equipment I have talked about in this Chamber so many times since September 11.

We learned tragically that our police and fire departments could not talk with each other. We learned that people coming to our rescue to assist us could not communicate with the New York City police and fire departments.

Later in the debate, I will talk about State and local grants and how important they are and how strongly I believe the Department of Homeland Security and Secretary Ridge should disburse those funds using a threat base rather than a per capita formula. Right now I want to underscore how important it is to get more money into this high-threat urban area category.

In January, I gave a speech at the John Jay College of Criminal Justice in New York City. In that speech, I made some recommendations and released a survey about what I had found as I surveyed cities and counties throughout my State: Seventy percent of New York cities and counties had not received any Federal homeland security funding since September 11. Since January, some money has come forward; more has been appropriated.

But I was in Buffalo, NY, on Sunday speaking with the mayor. They have not received a penny of the money we have appropriated. It is either tied up in Washington or it is tied up in the State capital.

Either explanation is, to me, unacceptable. We need to do more, and in that speech I called for a domestic defense fund.

In March, I proposed that we provide direct funding and we include $1 billion for high-threat urban areas. Later that month, I offered an amendment to the budget resolution that would have provided funding for the domestic defense fund, including the $1 billion for high-threat urban areas for fiscal year 2003. Unfortunately, the amendment was narrowly defeated but at least we began a dialog and a debate about high-threat areas with critical infrastructure, with dense populations.

We are making some progress and, in fact, the supplemental we considered for funding the action in Iraq in April did include $700 million for high-threat urban areas. I thank my colleagues for that funding. I think we all recognize how critical that funding is.

The Department of Homeland Security has begun to allocate high-threat funding based on factors such as credible threat, vulnerability, population, mutual aid agreements, and identified needs of public agencies. And many communities, not just New York and Washington but Houston, Chicago, Los Angeles, Cincinnati, Kansas City, New Orleans, Memphis, Cleveland, Charleston, among others, across our country have received this high-threat funding. This will help us shore up our defenses against our most vulnerable targets.

Regarding New York, I would give anything if terrorists did not have such an interest in New York but we have to accept that reality. New York is such a symbol of our Nation. It is such an incredibly diverse, dynamic place, the most fascinating and exciting city in the world, and it is going to draw that kind of attention. Therefore, we need the support we have been getting and that the Byrd amendment will provide in additional funding that, believe me, we can put to good use.

In recent articles that have appeared in national newspapers, such as USA Today, I read about communities that got homeland security funding and did not know what to do with it. I said: If you really do not know what to do with the money, send it to New York; we have more needs than we can possibly meet.

If we are serious about defending our Nation, then we have to be serious about putting money behind that commitment. What the Byrd amendment does is to say very straightforwardly: We have not done enough. We may have done all we could within the constraints of the budget resolution, and for that I commend the chairman and the ranking member, but the budget resolution was inadequate.

We do not have a budget resolution for our military and occupational expenses in Iraq and Afghanistan. They are not even in the budget. There is not one penny. We passed a $398 billion defense budget last week and there is not one penny for Iraq and Afghanistan.

We did not worry about the budget resolution when it came to supporting our troops. We did what we thought we had to do. Well, we should do the same when it comes to protecting us at home. How on Earth can we do less?

So, yes, we have made some progress since we were attacked. How could we not? How negligent would we have been if we had not done what at least we have started to try to achieve in providing more support? But we have not done nearly enough.

History will judge us harshly if we are found wanting when it comes to defending ourselves on our own soil.

So I hope for the sake of our country, for the sake of our citizens, we will listen to former Senator Warren Rudman and the task force, we will listen to the distinguished Senator from West Virginia, and we will do our duty, we will vote for the Byrd amendment, and we will send a clear signal to friend and foe alike that we intend to prevent, in every way possible, any further terrorism on our shores. But if anyone dares to take us on, we intend to be ready.

Mr. REID. Will the Senator yield for a question?

Mrs. CLINTON. Yes.

Mr. REID. I appreciate very much the statement of the Senator from New York. Senator BYRD and I were talking earlier. No State has suffered as did New York as a result of the September 11 incident. We all know that. But I bring to the Senator's attention that I offered an amendment earlier today saying that one of the facts that should be taken into consideration is how many tourists are in the community within any given time. Of course, New York is a tourist-oriented community. People are there all the time for various reasons—conventions, just wanting to see the Big Apple. Even today that is in fact the case.

One of the facts I brought to the attention of the Senate the other day is that in Las Vegas, on any given day, there are about 300,000 tourists, and the Senator would agree, I am sure, that the people of Las Vegas—law enforcement, fire, emergency medical responders, first-line responders generally—have as much of an obligation to take care of someone visiting Las Vegas from New York as they do someone who lives there on a full-time basis. The Senator would agree with that, would she not?

Mrs. CLINTON. I certainly would agree with the Senator from Nevada. I believe that is a factor that Secretary Ridge should consider in a threat-based formula where we have large crowds of people who come for attractions such as those that the Senator has in Las Vegas or we have in New York City and certainly other places around our country. That should be taken into account because our police officers, our firefighters are constantly on duty because there is a constant stream of people coming from all over the world to enjoy the attractions.

Mr. REID. I also ask the Senator this: One of the other considerations I brought to the attention of the Senate is that on any given day in Las Vegas there are about 75,000 people from foreign countries. But in looking at some of the statistics I have, even though we have almost 2½ million people who visit Las Vegas yearly who come from other countries. New York City—not the State of New York but New York City—has 5½ million people who come from foreign countries to visit. So on any given day in New York City, instead of the 75,000 we have in Las Vegas, the Senator has 150,000, approximately.

Now, would the Senator agree that someone who is visiting New York City from Turkey, Germany, or Japan, the first-line responders have an obligation to make sure they are taken care of in the event of an emergency just as someone who is a New York resident?

Mrs. CLINTON. I certainly do agree with that.

Mr. REID. I hope there is some consideration given to people who are in New York City, Las Vegas, all of the States—Orlando, FL, where we have Disney World—that have these large numbers of tourists come from various parts of our country and around the world, and I hope the American people understand that. I compliment the Senator from New York for her outstanding statement in bringing to the attention of the people of this country and the Senate the information that only can come from someone who represents the State of New York.

Mrs. CLINTON. I thank the Senator from Nevada.

Mr. BYRD. Mr. President, will the Senator yield?

Mrs. CLINTON. Certainly.

Mr. BYRD. Mr. President, I want to thank the very distinguished Senator from New York, Mrs. CLINTON, on the ringing defense of the provisions that are set forth in the amendment that I and several other Senators are cosponsoring. I do not think any Senator could come to this floor with better credentials than those of the Senator from New York, Mrs. CLINTON. She represents the State and the city that was the hardest hit by the terrorist attacks on 9/11. There is only one other State and one other jurisdiction that suffered, but she has made an extraordinary plea coming from the experiences that she has suffered as a result of 9/11.

I was chairman of the Appropriations Committee in the Senate, and she came to my office not once, not twice, not three times but many times in support of the appropriations that the Senate was considering and that the Senate finally enacted. She had a great impact on me as we sat and talked and as I listened to her recount the problems of her city, the problems of New York City and of New York State that resulted from those attacks.

So I thank her for her support of the amendment and say that no one in the Senate could have made a finer statement in support, and no one in the Senate would better understand the needs the American people have as we try to prepare against any future terrorist attacks. I thank her and her staff for the excellent effort they have put into this matter.

I yield the floor.

Mrs. CLINTON. I thank the Senator from West Virginia and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong support of the Byrd amendment. The Senator from West Virginia has clearly identified that there are inadequate resources being devoted to homeland security, and the paramount concern and responsibility of this body is to protect the homeland. We have to do that. It cannot simply be protected by rhetoric. There have to be real resources applied to the task.

In the wake of 9/11, this Congress laid out very clearly and very deliberately, after much consideration and consultation, major legislation such as the Transportation Security Act of 2002, the Enhanced Border Security and Visa Entry Reform Act of 2002, the Aviation and Transportation Security Act, and the USA PATRIOT Act. All of these legislative pronouncements laid out a framework to secure our homeland and, as Senator BYRD points out, we are not living up to the requirements that were clearly identified by that legislation in terms of appropriations.

Specifically addressed by Senator BYRD's amendment is a shortfall in seaports, Coast Guard, and land transit security of $602 million; police, fire, and emergency medical teams of $729.5 million; security at United States borders with Canada and Mexico of $238.5 million; air cargo security, $100 million; and chemical facility security, $80 million.

Now, all of these protections are imperative because what we have discovered from those who wish us ill—terrorist cells—is first they are sophisticated; second, they are ruthless; and third, they tend to strike at areas which are the least protected, not the most protected.

We have made significant improvements in our air transportation system in terms of passenger travel, screening passengers, and I do not think most security consultants would say that would be the primary route of a new attack against us. We still have miles to go with respect to seaport security, maritime security, security at the borders, air cargo security. Again, given the nature of our opponents, our adversaries, it is likely they would look to these places, rather than areas we have reinforced or fortified, to launch another attack.

The Transportation Security Agency, as we all know, is responsible for all modes of transportation security. Yet the TSA, as I have suggested, has focused almost exclusively on our air transportation system with passenger travel throughout the United States and throughout the world. With a $4.8 billion budget, TSA has committed only $86 million for maritime and land security activities in this budget proposed by the administration. In contrast, $4.3 billion was requested for aviation security. In fact, the budget requests for administrative costs at TSA, their headquarters and the mission support centers, consist of amounts to $218 million, 2.5 times greater than the total request for maritime and land security activities.

As a result, the budget proposed by the President, the budget Senator BYRD seeks to amend, does not fully recognize the potential threats to our ports, to our interstate buses, trucks that carry hazardous material, trains, our transit system, chemical factories—and the list, unfortunately, is longer.

Let me for a moment concentrate on one area of particular concern; that is, public transit. In the last Congress, I had the opportunity, responsibility, and privilege of being the chairman of the subcommittee in the Banking Committee that dealt with transit issues. We had several hearings with respect to numerous transit issues but particularly with respect to transit security. We found, and the GAO verified, there is a huge demand for resources to protect our transit systems, our subway systems, our bus systems. This bill hardly measures up to that.

The Byrd amendment—and I commend the Senator—would increase our efforts in transit security by $57 million. Frankly, based upon the testimony I heard last year before my committee, this is literally the proverbial drop in the bucket. There are some estimates—one by the American Public Transportation Association—that the needs for transit security through all the transit systems in this country would amount to $6 billion, primarily in the areas of communication, surveillance, detection systems, personnel, and training.

For the benefit of my colleagues, I will state that in the wake of the tragedy of 9/11, there was something remarkable taking place that minimized our casualities both in New York City and in Washington, DC. Particularly in Washington, DC, the subway system was the major source or route of evacuation for literally thousands and thousands of people. This system in Washington has been the beneficiary of a great deal of attention. It might be because of the proximity to the appropriators but, indeed, it had effective communications, it had a well-managed and well-trained group of operators, and they were able to move people literally underneath the Pentagon even though that building had been attacked. In New York City, the transit operators, these individual transit police officers and station masters, were able successfully to evacuate the subways and move people out because of communication systems, because of training, because of the infrastructure already there.

Those two systems—New York City and Washington, DC—are some of the most sophisticated in the country. Other parts of the country, other areas do not have the communication systems; they do not have the training; they do not have the expertise. That would go for probably every system, to varying degrees, throughout my country.

In my home State of Rhode Island, we have a statewide bus system, which is a good system, but they would be the first to say they need more training; they need more communications equipment; they need redundant communication systems in the event of an emergency so they can get through to the operators and the operators can get through to their dispatchers and controllers. That is just one example of the tremendous need for help for transit security.

There are approximately 6,000 transit agencies in the United States. These transit agencies provide over 9 billion trips per year, representing 43 billion passenger miles.

Yet there is very minimal funding in this bill for transit security.

Once again, if you believe, as I, that our adversaries are cunning, ruthless, and will strike at the most vulnerable portions of our country, transit is a target that I am sure is being considered. We have to do something to protect our riders, the literally millions of riders a year.

I hope we can support enthusiastically the Byrd amendment. It would represent a significant increase in our homeland security. It would address the areas that have been neglected in this bill sent to us by the administration.

Once again I emphasize, particularly in the area of transit security, even if we were to pass the Byrd amendment, if we wanted to ensure that all of our transit systems have the most up-to-date equipment and communications, that all of their personnel were well trained, we would be talking not about an additional several million dollars but we would be talking about literally billions of dollars.

I commend the Senator from West Virginia for his leadership. This is not the first time he has come to this floor to argue eloquently and passionately that we should defend our homeland. I am sure it will not be the last. I hope we can support this amendment.

Mr. BYRD. Will the Senator yield?

Mr. REED. I yield.

Mr. BYRD. Let me express my appreciation to the Senator for his support of the amendment; more than that, for his steadfast support of the appropriations as we have dealt with this problem time and again on the floor.

The Senator, as is Senator CLINTON, is a member of the Armed Services Committee, and his support for this amendment tells a lot. Here is the support of two Senators on the Armed Services Committee. They have been on there quite a while. They have seniority.

The Senator from Rhode Island is an outstanding member of the committee. I deeply appreciate his support of this amendment. I appreciate his patriotism and his eloquence and support of preparing this country against such attacks as it was subjected to on September 11, 2001.

Mr. REED. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate the indulgence of the Members. I thank the distinguished Senator from Mississippi for giving me an opportunity to spend a few minutes before making a motion on the amendment offered by the distinguished Senator from West Virginia, Mr. BYRD, to give me a chance to express my views on this amendment and to begin by thanking my seatmate and colleague of these many years for offering this amendment. Once again, his eloquence and his leadership and his vision are giving this body an opportunity to do something right for the American people.

We have all felt the sense of anxiety in this country since the startling events of September 11, 2001. There have certainly been no limits to the number of speeches given to the importance of making our Nation more secure, taking steps to see to it that our airports, our harbors, our borders, receive the kind of support and backing needed to keep this Nation as secure as we possibly can be, with the full understanding that as a nation, an open society, a nation where freedom and liberties are extended to all, this is not an easy path to walk—to be an open, free nation and simultaneously to be more secure. How we balance those interests requires a great deal of thought, a great deal of work.

The Senator is offering a reflection of what has been suggested by the Council on Foreign Relations in the report analyzing where we are today, 2 years after the events of September 11.

To quote the authors of that report, we are "still dangerously unprepared, underfunded for a catastrophic terrorist attack."

I think we ought to take their words to heart and we ought to do what we can to see to it that first responders—our fire departments, our police departments—are going to receive the kind of backing and support they ought to be getting from the Federal Government.

What the distinguished Senator from West Virginia is offering is a modest proposal. The money is not significant, I know that. But when you consider the gap that exists—the Council on Foreign Relations suggests that we are underfunding first responders by more than $98 billion. That is a huge amount of money. But if you go even further, reading the report, the number actually is twice that amount when you consider what needs to be done at other levels of government as well, to maximize our protection.

Unfortunately, we are coming way short of that number. So while we talk about this issue and identify the various problems that exist, this 62-page report, released on Monday, points out that we have a lot more work to do.

Senator BYRD has offered us an opportunity to close some of that gap. That is all, it is just some of this gap that will be closed by his amendment. I am disturbed that we are not going to be doing more. I fully support what the Senator from West Virginia is offering, but I think the American public would expect more. I suspect most did not have an opportunity to read this report or even hear news reports about it. But as certainly as I am standing here today, there are going to be events that will come. I wish I didn't have to say that, but I think all of us know that to be the case. From what we are witnessing in Iraq today, what we have seen in Liberia, what we have seen in various targets around the globe, none of us should operate under the illusion that we are going to be immune from any future attacks because of what we have done since 9/11.

There are those gathered in places around the globe, as I share these words this afternoon, who are planning to attack this country, whether abroad or at home. They are planning it. Be certain of it. They are going to look for the opportunities to do us great harm and great damage. Any conclusion other than that would be foolhardy. They are doing it, and the question is, What are we doing to see to it that we are maximizing the protection of the people we have been charged to represent?

The painful conclusion is that we are not doing enough yet. Obviously, we cannot do this all at once, but we have a report telling us that after 2 years we are still woefully short of meeting those obligations. We have an opportunity. We have to make choices here. They are not comfortable choices, but we need to make these choices.

The time will come when a judgment will be made, and the question will be asked of us: What did you do, when you knew better? You were being told over and over again that you hadn't done enough yet. What did you do on that day in July, prior to your August break, when you were given an opportunity by the Byrd amendment to invest more resources to make these first responders better prepared? Where were you? How did you cast your vote?

Because the memories of 9/11, even after just 2 years, seem to be fading, it would be a catastrophic and tragic mistake, in my view, not to heed the counsel and advice of my colleague from

West Virginia and step up and do what is right here and provide backing. I hope for unanimous support for this amendment. I cannot think of a more important or meaningful message we can send that we are prepared to take whatever steps are necessary to maximize the protections of our people within constitutional limitations.

My fear is the less we do along the lines suggested by the Senator from West Virginia, the more likely we are to take steps to limit the freedoms of average Americans. That seems to be the direction we are heading, to restrain or prevent individuals from doing certain things or examining or investigating individual people, rather than to strengthen the first responders and provide more harbor protection, to see to it our harbors and ports are going to be better protected.

Senator BYRD is offering us an opportunity, in a modest way, to answer that question that history will ask of us at some point, When you knew you were likely to be attacked again, when you knew you were likely to be victimized by terrorists, on that day in July when you were asked to make a choice to do more, to step to the plate, how did you cast your ballot? How did you represent your constituents when confronted with that choice? Senator BYRD is providing that opportunity to us this afternoon, and I hope our colleagues will join me in supporting this amendment to take a modest step, and that is all this is, to answer the deep concerns that have been expressed by our former colleague, Warren Rudman, and other individuals who prepared this report for the Council on Foreign Relations.

This report is a serious document. These are serious conclusions reached by serious individuals who have done their homework. This is not a political document. It is a document that lays out, chapter and verse, where the shortcomings are and what needs to be done by this National Government to try to close these gaps. Senator BYRD is offering us that chance to do it.

I thank him profoundly for this suggestion that he has made to us. I am going to have several amendments myself later on in this debate to deal with fire departments across the country to increase, if we can, the resources to see to it they can have the tools necessary to respond to the challenges they will see. This amendment is more comprehensive, the amendment being offered by Senator BYRD. We will have other suggestions to make as well. But this is the first opportunity for us to say that our memories have not faded.

While others may focus on other events as they captivate the attention of the media, we remember what happened on 9/11. While there is no certainty we can stop it from happening again, we want to take the steps necessary to see to it that we make it that much harder for those who would do us harm to achieve their goals.

For those reasons, I strongly endorse this amendment and urge my colleagues to do likewise by casting a vote in favor of the Byrd amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I make a point of order under section 302(f) of the Congressional Budget Act that the Byrd amendment provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I realize this is not debatable. I shall shortly move to waive the point of order, which will be debatable, not that I intend to take long in debating it. But if the Chair will indulge me momentarily, I want to thank Senator DODD for his very forceful and cogent and persuasive statement in support of the amendment. He is extremely eloquent. He intends to follow up this statement after a little while with an amendment of his own. But I thank him profusely, without being profuse, for an excellent, excellent statement. I believe his perspicacity will be rewarded in time. I believe it will be. I know the American people are better off for having him in the Senate and for the support he has given to this amendment. I hope the Senate will prevail in support of the statement of the Senator from Connecticut.

Now, Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ALEXANDER). Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there debate on the motion to waive?

Mr. REID. Mr. President, I know the Senator from Mississippi has been very patient today. We have one additional Senator who says he is on his way. I am confident he is. So if the Senator from Mississippi would be patient, he should be here shortly.

I note the absence of a quorum.

Mr. BYRD. Mr. President, will the Senator withhold?

Mr. REID. I am happy to withhold. Of course I will.

Mr. BYRD. Mr. President, while Senator NELSON is coming to the floor, let me just remind my colleagues that I offered an amendment last January to add $5 billion to the omnibus appropriations bill for 2003 for homeland security programs such as port security, nuclear security, airport security, and first responders. The White House labeled the amendment as extraneous spending and the amendment was defeated.

So what happened? Ten weeks later, the White House requested a $4.4 billion supplemental. And a month later, Congress approved $5.1 billion of supplemental homeland security funding. So the White House was a day late and several hundred million dollars short. All the White House accomplished was the delay of critical homeland security investments for 3 months.

That was a repeat of the same old tune we heard from the White House at the time Senator STEVENS and I wrote a letter to the White House and to Secretary Ridge urging that there be more money for homeland security. Secretary Ridge responded with a letter to Senator STEVENS and to me saying that the White House believed that our amendment was extraneous for the moment and that the White House would be submitting its own request in due time.

So it seems that whenever we have attempted to offer legislation to protect our own country, to protect the people of the country, to protect the infrastructure of the country, to protect the industries of the country from attack, the administration always says it does not need these moneys and that in due time it will submit its own request. And so that seems to be the record today.

Today we are debating an amendment to add just $1.75 billion for homeland security. And the majority, speaking for the administration, says the amendment is too large. Mr. President, history has a way of repeating itself. The Senate should approve this amendment today. The Senate should not wait for the White House to recognize real homeland security vulnerabilities. Delay does not make the Nation more secure.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I rise to speak on behalf of the amendment offered by the Senator from West Virginia.

There are a lot of important reasons to enact this amendment. There is no greater calling for the National Government now than to protect the homeland. We see all the instability in the world and the fact that Iraq has now become a magnet for a lot of bad guys in all the world who want to do damage to the United States. In Iraq, almost one American soldier a day is being assassinated.

By the way, the assassinations are taking place in three different ways. On the eve of my arrival, 2 weeks ago, in Baghdad, very sadly and unfortunately, one of our Florida National Guard soldiers from Gainesville was assassinated. In this particular case, the soldier was on guard duty for a delegation that had gone to a meeting at the university. And in the hubbub of all the crowds at the university, this soldier was standing guard for the party that was meeting. The soldier was vulnerable because of the crowds. And our soldiers are vulnerable between that position and that position—being the upper part of the body armor, the Kevlar, and the helmet. And, in this particular case, in the hubbub of that crowd, someone tapped that soldier on the shoulder. He turned around, and he was shot in the face. That is one method of assassination.

Another method is to use a landmine with a remote control device, and usually a landmine placed on a part of a road where the road narrows, so when the convoy comes along that area, the landmine can be detonated. And it is usually targeted at a lightly armored vehicle such as a humvee. We have had that happen a number of times.

And then a third method, which has been used more frequently recently, is the use of the rocket-propelled grenades. In the case of the soldiers last night who were assassinated, it was being fired from a position behind bushes, near a roadside.

But another method is where a convoy is moving out, and they are moving rapidly, and someone on a downtown street tries to insert into that convoy and then shoots an RPG either at the vehicle in front of them or to the rear of them.

So, clearly, there is a lot of trauma and mischief that is going on in that part of the world. But it is a foretelling of what people want to do to the United States. It is not just the Fedayeen and it is not just the Baathists and it is not just the Saddam loyalists. Iraq is now attracting outsiders who want to do damage to the United States.

So if they target there, clearly they are going to be targeting here as well. This, by the way, is another reason, when we try to protect ourselves against terrorists, our protection is only so good as the timeliness of our intelligence and the accuracy of our intelligence. Does that ring a bell? And I hope we get through all of that and get it straightened out as well.

But the issue before us is the protection of the homeland. You cannot protect the homeland on the cheap. If the question is how we allocate the moneys—if it should go to tax cuts or protecting the homeland—then that gets to be a pretty simple answer. The people want the homeland protected.

Although there is some measure of protection that is offered, now Senator BYRD has offered additional protection. The debate has already been held, and I will not repeat, except to emphasize one thought: Florida, my State, has 15 deepwater ports. It is a place of great vulnerability because of all the containers that come into this country, only 2 to 3 percent of them are checked.

If we are looking for weapons as easily concealed, for example, as a shoulder-mounted heat-seeking missile that can bring down a commercial airliner, how easy that is to slip into the country in a container in port. Senator BYRD is offering a total of $610 million, $460 million over the existing $150 million in the bill, for expenses for port security. I can tell you every one of those port managers in my State—and I think I can speak also for the other ports of the other States—are strapped with so many expenses. They desperately need additional help for security at their ports.

I rest my case. It is a matter of common sense in the protection of the homeland. I have only spoken about one part of the appropriations in this amendment. I encourage our colleagues to support Senator BYRD's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the hour has gotten late and the vote is nearly upon us, but I did not want this opportunity to pass by without commending my colleague from West Virginia on his amendment. When we talk about the need for homeland security and the efforts to safeguard the American people, Senator BYRD has been leading the charge here in the Senate, and here in Washington, every step of the way for the past 22 months. Tonight he again reminds us about putting the Nation's priorities in order. As he rightly argues, an additional $1.8 billion for increased port security, enhanced chemical and electrical security, and additional aid to our first responders struggling out there to protect Americans is no burden, it is an imperative.

In the past several days, as I have prepared for this debate, I have had the opportunity to follow up with mayors across Massachusetts to see how they are coming along in their efforts to protect their citizens. They are working hard, and they are doing their best, but they are not getting the help they need. Mayor Ed Lambert in Fall River, MA, has, to date, only gotten $150,000 to protect his city of 95,000. One-hundred and fifty thousand dollars for a city that has had to reduce its police force by more than 30 police officers. He has the responsibility to protect an extremely important reservoir that serves 200,000 citizens of Southeastern Massachusetts and $150,000 doesn't get him very far.

The Mayor of Holyoke, MA, Mike Sullivan, didn't even fare that well. His city is home to one of the nerve centers of the Northeast's electricity grid. And yet he has gotten no homeland security assistance to date to help defray the costs of protecting this piece of critical infrastructure which his police force constantly monitors. He has also gotten no instruction from the federal government regarding what he should be doing to keep it safe and secure.

So if any of our colleagues wonder what is happening in the homeland or questioning whether first responders in their cities and towns need help, I recommend that they simply pick up the phone and call their mayors. The mayors and local officials will tell them what an extraordinary need there is. They will also tell them of the great pressure and anxiety they feel to try to do more to protect the public's safety at a time when most of them are wrestling with crushing and unprecedented budget shortfalls.

This amendment makes an important downpayment, and sends a strong signal to mayors and first responders across the country. It says that the U.S. Senate knows that more needs to be done, that not enough is being done, and that we are prepared to begin helping you meet the awesome challenges you face. I thank the Senator from West Virginia for standing firm on this amendment, and for all he has done to force our government to recognize and address the extraordinary homeland security needs confronting this nation. I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Florida, Mr. NELSON, and I thank the distinguished Senator from Massachusetts, Mr. KENNEDY, for their excellent statements. I thank them for supporting the amendment. I hope the Senate will vote to waive the point of order.

The PRESIDING OFFICER. Is there further debate on the motion to waive? If not, the question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. LEAHY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. LEAHY) would each vote "yea."

The PRESIDING OFFICER (Mr. TALENT). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 50, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
DeWine
Dole
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—7

Crapo
Domenici
Edwards
Graham (FL)
Kerry
Leahy
Lieberman

The PRESIDING OFFICER. On this question, the yeas are 43 and the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

NATIONAL HAZARDOUS MATERIALS TRANSPORTATION MONITORING AND RESPONSE CENTER

Mr. REID. Mr. President, I thank the Senator from West Virginia, Mr. BYRD, for his work on this important Homeland Security appropriations bill. As the Senator knows, I am pleased that the bill we are discussing today includes within the Transportation Security Administration "$13 million for the hazardous materials permit program and truck tracking system to provide for nationwide coverage." As you are aware, the Federal Government has issued warnings that terrorists may exploit the 800,000 daily hazardous waste and dangerous goods shipments in new attacks on the U.S.—either as weapons of mass destruction or in the manufacture of such weapons. So the funding you and Chairman COCHRAN have included in this bill is very timely and important.

Mr. BYRD. I agree this is important and timely funding for one of the many needs facing our Nation as we deal with terrorist threats.

Mr. REID. I want to ask the Senator if he is aware that the University of Nevada Las Vegas is working to initiate development of a National Hazardous Materials Transportation Monitoring and Response Center that would build upon existing commercially available satellite based nationwide truck monitoring and communications technology. The center would ensure a secure location for nationwide hazardous material truck monitoring. It would also link, for the first time, the ability to remotely identify an incident anywhere in the country with the ability to immediately alert the appropriate emergency responders and law enforcement officials.

Mr. BYRD. Yes, I understand this project is in development in Nevada. I encourage the Department to consider using a portion of the $13 million appropriated for hazardous materials tracking to help initiate the development of this project.

Mr. REID. I thank my colleague from West Virginia and the Chairman COCHRAN for their support of those efforts and look forward to working with the committee on this important issue.

Mr. NICKLES. Mr. President, I rise in support of H.R. 2555, the Homeland Security Appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations.

I want to commend the distinguished chairman and the ranking member for bringing the Senate a spending bill within the Subcommittees' 302(b) allocation. Moreover, they and their staffs need to be congratulated on reporting the very first Homeland Security Appropriations bill.

The pending bill provides $29.4 billion in total budget authority and $30.6 billion in total outlays for fiscal year 2004. For discretionary spending the Senate bill is at the subcommittee's 302(b) allocation for budget authority and outlays. The Senate bill is $1.4 billion in BA and outlays above the President's budget request.

The pending bill funds the programs of the Department of Homeland Security, including the Bureau of Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, the U.S. Coast Guard, the Transportation Security Administration, the U.S. Secret Service, the Office for Domestic Preparedness, and several other offices and activities.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2555, DEPT. OF HOMELAND SECURITY APPROPRIATIONS, 2004; SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal year 2004, in millions of dollars)

	General purpose	Mandatory	Total
Senate-Reported Bill:			
Budget authority	28,521	831	29,352
Outlays	29,737	847	30,584
Senate Committee allocation:			
Budget authority	28,521	831	29,352
Outlays	29,737	847	30,584
2003 level:			
Budget authority	28,269	889	29,158
Outlays	27,558	818	28,376
President's request:			
Budget authority	27,114	831	27,945
Outlays	28,323	847	29,170
House-passed bill:			
Budget authority	29,411	831	30,242
Outlays	30,500	847	31,347
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	....	....	....
Outlays	....	....	....
2003 level:			
Budget authority	252	(58)	194
Outlays	2,179	29	2,208
President's request:			
Budget authority	1,407	....	1,407
Outlays	1,414	....	1,414
House-passed bill:			
Budget authority	(890)	....	(890)
Outlays	(763)	....	(763)

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

MORNING BUSINESS

Mr. CORNYN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JUSTIFICATION FOR WAR

Mr. CORNYN. Mr. President, I rise to say a few words about the war in Iraq.

My recent visit to the Middle East confirmed that the largest obstacle to a free and prosperous Iraq is the significant number of people who still live in fear of Saddam Hussein and his sons. That is an understandable fear, considering the years of torture so many endured under the iron fist of the Hussein regime.

With today's news from Central Command of the deaths of Uday and Qusay Hussein, we are two steps closer to removing that fear, two steps closer to rebuilding a once-great nation, and two steps closer to ensuring lasting security and freedom for the Iraqi people. I thank all the dedicated men and women in our Armed Forces who helped make these two steps possible.

Throughout the past few weeks, we have heard some on this floor raise questions about the justification for the war in Iraq.

Last week on this floor, the senior Senator from North Dakota had this to say, and I quote:

> This administration told the world Iraq had weapons of mass destruction, that they are trying to develop nuclear capability, there is a connection to al-Qaida, and each and every one of those claims is now in question, every one of them. It is not just 16 words in the State of the Union. It is far more serious than that.

I find this charge to be simply indefensible. It is an accusation that flies in the face of everything that we have seen about Saddam Hussein's regime. It offends the reasoning mind. It maligns all good Members of this body who weighed the intelligence about Iraq in the balance and decided that this war was just and right—and voted for it. I might add, months before the President's State of the Union speech.

We have heard similar statements echoed from others on this floor and in the press in recent weeks. I have the utmost respect for my fellow Senators. Yet I must confess I am dumbfounded at how soon they forget the truth about the vile regime of Saddam Hussein.

I believe their line of reasoning goes something like this: They charge that the President was looking for excuses to go to war with Iraq, and that his claims concerning weapons-of-mass-destruction were just a pretense for this war.

I find this line of reasoning nonsensical at best—and downright offensive at worst.

First, if one buys the idea that Saddam Hussein did not possess the weapons or the capabilities the administration assigned to him, the dictator did not fool us alone as to his guilt. Every significant intelligence service in the world, including the vast majority of those in nations who opposed this war, were convinced that Iraq possessed these weapons. That is why the U.N. Security Council unanimously passed Resolution 1441, which declared Iraq in material breach of its obligations under numerous previous resolutions, including failing to account for weapons of mass destruction that Iraq had previously admitted to building and stockpiling.

As Richard Butler, the former head of the U.N. arms inspection team in Iraq, wrote in 2001:

> It would be foolish in the extreme not to assume that [Saddam] is developing long-range missile capabilities; at work again on building nuclear weapons; and adding to the chemical and biological warfare weapons he concealed during the UNSCOM inspection period.

Yet it is that same logical position that some in this body are arguing against today. Those who make accusations based on their political desires, not the facts, lump the international political community, the media, the intelligence community, and the President of the United States into some fantastic form of shadowy conspiracy. This is hardly responsible, and I believe it does a great disservice to the American people.

Second, if one honestly argues that because of one offending sentence every other claim made by the administration concerning Iraq is now under question, you run into a very hard brick wall of solid fact. Perhaps my colleagues will explain what form of gas Saddam used to kill more than 100,000 Kurds, including 5,000 in just one day. Perhaps they will explain why, prior to kicking out the U.N. inspection team in 1998, Iraqi officials admitted that they had produced biological weapons agents—including 4 tons of VX, 8,500 liters of anthrax and 19,000 liters of botulinum toxin—and biological weapons delivery munitions, including aerial bombs, aerial dispensers, and Scud missile warheads. Perhaps they will explain why, for more than a decade, Saddam Hussein stymied inspectors, buried research facilities, built mobile biological weapons labs, intimidated scientists, and even removed the tongues of those who questioned his regime.

I would ask my colleagues who have made these arguments to answer a question for me, then. Under their line of reasoning, why did our President seek the authority to pursue this war? If, as they claim, there was no overarching consensus that Saddam Hussein represented a danger to American security and peace in the Middle East and around the world, why did the President undertake this war? Why did so many vote to support the President, here in the Senate and in the United Nations?

War is a serious enterprise, one that is not undertaken without risk. The fact that Baghdad fell in 3 weeks, with so few casualties among coalition forces, fulfilled our greatest hopes for this conflict. I know I am thankful for that fact, and I know the President is as well. I also know that the case for this war remains solid.

This was a case built not on one piece of evidence provided by British intelligence, but on a much deeper long-term purpose. It was built on the noble goal of ending the decades of brutal and violent works by Saddam Hussein, and on our clear duty to ensure America's security in the post-9/11 world by removing state-sponsors of terrorism and opposing regimes that threaten other nations with weapons of mass destruction.

Three-hundred thousand people, maybe more, are buried in mass graves spread throughout Iraq, in nearly a hundred reported sites. They stretch from Basrah to Baghdad, from Najaf to Kirkuk. They are silent monuments to Saddam's legacy of ruthlessness and evil.

The suggestion in the face of these silent witnesses that Iraq, the Middle East, and America are not better off today than we were before this war is simply ludicrous.

We have finished the fighting. Now we must finish the job. We seek to make Iraq secure, to make it a place where the rule of law can be established, so that civilian leaders and the Iraqi Governing Council can establish a new government for a new nation.

This is not an easy task—and it is not without cost. But it must be done, so that Iraq can flourish as a free nation, and so that the victories won, the lives risked and lost, will not be in vain.

Those we spend their time playing political games with our mission in Iraq, even while our brave men and women labor to secure and stabilize this fledging nation, dishonor our soldiers in the field and the memories of all of those who sacrificed their lives opposing the bloodthirsty regime of Saddam Hussein.

President Clinton argued in 1998 that if America did not act, Saddam Hussein would:

> . . . go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you, he's use the arsenal.

President Bush agreed with that argument, and he decided to do something about it. Many of us agreed with that argument, and we voted to support the President. And I am confident history will record it as the right decision—a decision based strongly on the principles of human freedom that inspired America's foundation.

Last week, Prime Minister Blair reminded us that we have a duty as a powerful nation to take great care regarding what kind of world we leave for our children. I believe that the task that falls to us at this moment in history is spreading the blessings of liberty, bringing the light of freedom to a nation imprisoned in the darkness.

Let those who are more comfortable playing political games—play on. Those of us who wish to accomplish something greater will labor on, undeterred, always confident in our ultimate goal: We seek a just, free, and peaceful world—for ourselves, for the Iraqi people, and for future generations.

IN REMEMBRANCE OF STROM THURMOND

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD my remarks of December 9, 2002, before the U.S. Capitol Historical Society.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> "Who well lives, long lives; for this age of ours should not be numbered by years, days and hours."
>
> We are gathered here today to salute a friend and colleague who has lived long and spent his days well.
>
> Strom Thurmond has been a teacher, an athletic coach, an educational administrator, a lawyer, a State legislator, a circuit court judge, a county superintendent, a soldier, a Presidential nominee, and a Governor—and all of that was packed into just his first 52 years.
>
> In 1954, Strom won his first election to the Senate as a write-in candidate—beginning his Senate sojourn with the singular achievement of being the only person in history to be elected to the Senate in that fashion.
>
> As he began his Senate service with a "first" he also leaves it by setting two more records—that of being the longest serving Senator in U.S. history and also being the

oldest person to serve in the U.S. Senate. May I note here that he is also the only person in the Senate who is old enough to be my big brother. But, Strom, like Casey Stengel, I'll never make the mistake of being 70 again.

Strom Thurmond's life is not just about length and achievement, it is about personal service and commitment.

Now, I am not speaking here about Strom's well-known appreciation for the gentler sex. I am speaking about his love of his country and his commitment to serve it.

Consider the fact that Strom Thurmond volunteered for service in World War II. He did that when he could have stayed safely at home. Strom was beyond draft age in 1942. Additionally, as a judge, he held draft-exempted status. Yet he went. And in 1944, Strom Thurmond was part of D-Day—the invasion of the beaches of Normandy that signaled the defeat of worldwide fascism. He risked his life to serve the nation he loved.

After the war, Strom Thurmond served the State that he loved by becoming its Governor.

In 1948, Governor Strom Thurmond tried again to serve the country that he loved by running for President as a States rights Democrat. He carried four States and won 39 electoral votes. Undaunted, in 1954 Strom found another way to serve his beloved State and country by being elected to the U.S. Senate. It is in this role, that of U.S. Senator, that we have come to understand the extraordinary service of this man from South Carolina.

Strom Thurmond is a man who, because of the quantity of his years, has seen enormous change—the rise and fall of Nazi Germany; the Russian Revolution; the rise and fall of the Soviet empire; two world wars; space exploration; civil rights upheaval; and incredible advances in technology and medicine. Indeed, the world is very different from the one that Strom Thurmond knew as a young man. He has been witness to the "vicissitudes of fortune, which spares neither man nor the proudest of his works, which buries empires and cities in a common grave."

And yet Strom has never lost his desire to serve, to make his contribution, to add his voice and his views to the rich conglomeration of beliefs and viewpoints which, when mixed together, yield an idea called America.

Strom is never one to become discouraged, disheartened or disenchanted. He loves his country, and he has been a faithful and devoted defender of the Nation's need for a strong defense. No summer soldier, no sunshine patriot, he.

Youth is not a time of life—it is a state of mind. It is not a matter of red cheeks, red lips and supple knees. It is a temper of the will; a quality of the imagination. Youth means a temperamental predominance of courage over timidity, of the appetite for a adventure over a life of ease. This often exists in a man of 50, more than in a boy of 20. Nobody grows old by merely living a number of years; people grow old by deserting their dreams.

Years may wrinkle the skin, but to give up enthusiasm wrinkles the soul.

Whether 70 or 16, there is in every being's heart a love of wonder; the sweet amazement at the stars and starlike things and thoughts.

You are as young as your faith, as old as your doubt; as young as your self-confidence, as old as your fear; as young as your hope, as old as your despair.

In the central place of your heart, there is a wireless station. So long as it receives messages of beauty, hope, cheer, grandeur, courage, and power from the Earth, from men and from the Infinite—so long are you young. When the wires are all down and the central places of your heart are covered with the snows of pessimism and the ice of cynicism, then are you grown old, indeed!

In the words of Pericles: "It is only the love of honor that never grows old."

Today, it is not the length but the quality of Strom Thurmond's life which we celebrate. For that marvelous life of character and courage I salute him. It is a privilege to know him, an honor to serve with him, and an education to ponder his remarkable life.

MULTIPLICATION TABLE OF HAPPINESS

Count your garden by the flowers
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all;
Count your nights by stars, not shadows,
Count your life by smiles, not tears,
And on this beautiful December afternoon,
Count your age by friends, not years.

Mr. McCONNELL. Mr. President, I rise today to pay tribute to an American political icon, patriot, war hero, and lifelong South Carolinian, Senator Strom Thurmond. While many will recall Senator Thurmond's half-century career on the political stage, I shall fondly remember the many kindnesses he extended to my family and me. He was a warm-hearted, gentle man, and I will count it as one of my life's honors to have served with him in the U.S. Senate.

I join my colleagues in extending my heartfelt condolences to his family who have lost a beloved husband, father, and grandfather. Strom was a legend in the Senate and touched many of us during his long career. In fact, I will always remember Senator Thurmond's 90th birthday party when he turned to the audience and said, "If you all eat right, exercise, and don't drink whiskey, you'll be here for the 100th birthday party." Strom Thurmond was a remarkable American; I don't think we'll see another one like him for a long time, if ever.

Mr. KYL. Mr. President, we mourn the loss of Strom Thurmond, the legendary Senator who held his first public office in the late 1920s and who died on June 27 in his hometown of Edgefield, SC. The State of South Carolina lost a beloved native son and the Senate lost a cheerful, robust, honorable, and dedicated colleague. He was someone who was always eager to help me and to accommodate my concerns. It was an honor to work with him on issues of national defense, foreign policy, and many other matters important to the people of the United States.

South Carolinians' outpouring of respect when he died was massive. Senator Thurmond had been a judge, a soldier who landed in Normandy as a member of the 82nd Airborne Division in 1942, a Governor of South Carolina, and chairman of the Judiciary and Armed Services committees in this body. He was also someone who changed his mind on an issue of great import—race in America—and he was a fine example to his fellow citizens on that score.

Strom Thurmond was an indomitable spirit. He represented continuity in the U.S. Senate, becoming, in 1996, its oldest serving Member and, in 1997, its longest serving Member. Those are for the record books. But on a personal level, I can say I admired tremendously his buoyant spirit. I appreciated him for assisting me in so many ways, and for his stalwart service to our country.

THAILAND'S BUSINESS AS USUAL

Mr. McCONNELL. Mr. President, in the struggle for freedom in Burma, I am becoming increasingly convinced that Thailand is on the side of the representative junta in Rangoon.

To with, the Foreign Minister of Thailand was recently quoted: "We are trying to find an exit for the Myanmar Government, the also reduce pressure from the international community."

Instead of trying to find an "exit" for the repressive State Peace and Development Council, SPDC, Thailand should be trying to secure the release of democracy leader Daw Aung San Suu Kyi and other democrats jailed in the wake of the brutal May 30 attack on the National League for Democracy, NLD.

Thailand's "business-as-usual" approach places that country at odds with other Associated of Southeast Asian Nation, ASEAN, members—including Malaysia. Given the SPDC's refusal to release Suu Kyi and other Burmese democrats, Malaysian Prime Minister Mahathir rightly commented that Burma could be expelled from ASEAN "as a last result."

Thai Prime Minister Thaksin Shinawatra must defend democracy in Burma and should join with Malaysia and other ASEAN members in holding the SPDC accountable for their actions.

Thailand should take note that I included a provision in S. 1426, the fiscal year 2004 Foreign Operations appropriations bill, that conditions United States assistance to that country on a determination by the Secretary of State that Thailand: one, supports the advancement of democracy in Burma and is taking action to sanction the military junta in Rangoon; two, is not hampering the delivery of humanitarian assistance to people in Thailand who have fled Burma; and three is not forcibly repatriating Burmese to Burma.

It is past time for Thailand to prove its commitment to the cause of freedom and the rule of law in Burma. The Thai Foreign Minister has an opportunity to set the record straight in Bali this week. He should not miss it.

TRIBUTE TO LINDA FLATT

Mr. REID. Mr. President, I rise to pay tribute to my fellow Nevadan, Linda Flatt, from Henderson, NV. Linda is a living example of how a person can turn her grief into action and help others.

On June 29, 1993, Linda's son Paul took his own life. He was 25 years old. In addition to having to accept the loss of her son, Linda had to accept the way she lost him.

First, Linda attended suicide survivors meetings. She transformed herself from being a victim to a survivor. She could have stopped there but she did not.

Even when she was able to accept her son's suicide, Linda realized it affected other people. All she had to do was look at her own family. Paul had left behind many relatives and friends. Unfortunately, for every family like Linda's, there are many more in Nevada and nationwide.

Linda educated herself about the problem of suicide. Eventually she linked up with the Suicide Prevention Action Network and came to Washington for a National Awareness Event. This marked the beginning of Linda Flatt's transformation from suicide survivor to community activist.

Since 1998, Linda Flatt has made it her business, as a private citizen, to educate people in Nevada about suicide. She has not just told them it is a problem; she has told them there is a solution. Prevention is the solution.

On the national front, we have developed a strategy for suicide prevention. But Nevada, which had the highest rate of suicide in the country until this year, did not. Linda Flatt did not think that was right.

Linda took the national model, and started presenting it to the Nevada Legislature. She learned about State government and the legislative process. She contacted the press and the media. She lined up witnesses for hearings. She proposed resolutions and budgets. And finally, this year, the Nevada Legislature passed SB 49, which creates a State Office of Suicide Prevention in Nevada.

On behalf of the citizens of the State of Nevada, I wish to thank Linda Flatt for her tireless efforts and unwavering faith. To say that Linda Flatt is a model citizen does not really do her justice. She has already made a difference in the lives of countless people and will, no doubt, continue to do so. I feel great pride in knowing and recognizing the accomplishments of Linda Flatt.

PROTECT ACT OF 2003 TECHNICAL AMENDMENT

Mr. HATCH. Mr. President, I rise to commend my colleagues in the House of Representatives for passing S. 1280, the PROTECT Act of 2003 Technical Amendment. This bill is directed to that portion of the PROTECT Act authorizing a pilot program to study the feasibility of instituting a national background check for volunteers who work with children. The National Center for Missing and Exploited Children will provide their expertise by evaluating criminal records of volunteers provided by the Federal Bureau of Investigation to determine if the volunteers are fit to interact and work with children.

When authorizing the pilot program, Congress immunized the National Center for its operation of the child abuse cyber-tip line but neglected to extend it to their activities connected to their operation of the background check pilot program. In order for the Center to fully implement the pilot program, this bill immunizes the Center for decisions it makes based on the criminal records provided to them in any one of the following instances: 1. a decision that the records indicate that a volunteer is not fit to work with children; 2. a decision that an individual is fit to serve as a volunteer based on the government providing incomplete or inaccurate criminal history records; or, 3. a decision that an individual is fit to serve as a volunteer where the Center is provided no criminal history records.

Chairman SENSENBRENNER, Senator BIDEN, and I have been the principal authors of this bill. We all agree that this is the proper interpretation of this technical amendment. I commend Chairman SENSENBRENNER in the House of Representatives for moving this time-sensitive bill through the House of Representatives so quickly.

Mr. BIDEN. Mr. President, I rise to commend the other body for its prompt action on S. 1280, legislation introduced by Chairman HATCH and myself and passed unanimously by the Senate on July 14. Enactment of S. 1280 will clear the way for the commencement of the Child Safety Pilot Program created by the Protect Act, a program designed to keep our kids safe from pedophiles and other criminals.

S. 1280 builds upon language included in the Protect Act at section 108 which authorized a pilot program to study the feasibility of national criminal history background checks for volunteers with organizations that work with children. In section 108, the National Center for Missing and Exploited Children is authorized to assist child-serving organizations in evaluating criminal history records to determine whether potential volunteers are fit to work with children.

We need to do all that we can to keep pedophiles and other convicted felons away from our kids. That was the intent of the background check provisions Senator HATCH, Chairman SENSENBRENNER, and I worked to include in the Protect Act. Instead of giving volunteer organizations raw criminal history data, the National Center for Missing and Exploited Children, "NCMEC", agreed to review the FBI's data to determine whether it reveals a criminal history rendering someone unfit to work with children.

Under section 108 of the Protect Act, NCMEC will evaluate FBI-provided criminal history records, make a determination whether these records render a potential volunteer unfit to work with children, and pass this resulting fitness determination on to the requesting volunteer organization. Unfortunately, the Protect Act did not limit NCMEC's civil liability in this area. NCMEC volunteered to take on this task, but they indicated they would be unable to make fitness determinations if they are subject to civil suits by aggrieved volunteers. And while the Protect Act provided NCMEC with a shield from civil liability for operating its cyber tip line, so long as NCMEC does so consistent with the purpose of the tip line, no similar protection was provided with respect to NCMEC's activities under the pilot background check program.

S. 1280 extends NCMEC's immunity from civil liability to actions they take pursuant to the pilot program. NCMEC will still be subject to suit for any criminal actions they take, and liable civilly if a plaintiff can show actual malice or intentional misconduct on NCMEC's part. Specifically, S. 1280 immunizes NCMEC for decisions it makes based on the criminal records provided to them by the FBI in any of the following instances: 1. When NCMEC provides a volunteer organization with a fitness determination indicating that a volunteer is not fit to work with children; 2. When NCMEC provides a volunteer organization with a fitness determination that an individual is fit to serve as a volunteer based on incomplete or inaccurate criminal history records provided by the FBI; or 3. When NCMEC provides a volunteer organization with a fitness determination that an individual is fit to serve as a volunteer based on a lack of criminal history records from the FBI. As an author of S. 1280, I understand my interpretation of the legislation is consistent with that of Chairmen HATCH and SENSENBRENNER.

Enactment of S. 1280 will permit the pilot programs authorized in the Protect Act to begin on the date called for in the legislation, July 29, 2003. I thank my colleagues in the other body for taking prompt action on S. 1280. I thank Chairman HATCH for his continued devotion to child safety issues, and I look forward to the commencement of the Child Safety Pilot Program next week.

CANADIAN HARP SEAL HUNT

Mr. LEVIN. Mr. President, the Humane Society of the United States, HSUS, has recently brought to my attention a matter that I want to share with my colleagues. According to this prestigious organization, the Canadian government provides millions of dollars of subsidies to the sealing industry every year. These subsidies facilitate the slaughter of innocent animals and artificially extend the life of an industry which has ceased to exist in most developed countries.

In 2001, a group of independent veterinarians traveled to observe the seal hunt. What they witnessed was shocking to all who are concerned about the humane treatment of animals. The images are difficult to envision but harder to believe: skinning of live animals and the dragging of live seals across the ice using steel hooks.

Few would argue that this industry still serves a legitimate purpose. A number of years ago, an economic analysis of the Canadian sealing industry concluded that it provided the equivalent of only 100 to 150 full-time jobs each year. In addition, the analysis found that these jobs cost Canadian taxpayers nearly $30,000 each. The report concluded that when the cost of government subsidies provided to the industry was weighed against the landed value of the seals each year, the net value of the sealing industry was close to zero.

There is little about the Canadian sealing industry that is self-sustaining. The operating budget of the Canadian Sealers Association continues to be paid by the Canadian government; their rent each month is paid by the provincial government of Newfoundland and Labrador; seal processing companies continue to receive subsidies through the Atlantic Canada Opportunities Agency; Human Resources Development Canada, and other federal funding programs for staffing and capital costs. The sealing industry, through the Sealing Industry Development Council and other bodies, receives assistance for product research and development, and for product marketing initiatives, both overseas and domestically. All the costs of the seal hunt for ice breaking services and for search and rescue, provided by the Canadian Coast Guard, are underwritten by Canadian taxpayers.

Many believe that subsidizing an industry that only operates for a few weeks a year and employs only a few hundred people on a seasonal, part-time basis is simply a bad investment on the part of the Canadian government. The HSUS has already called upon the Canadian government to end these archaic subsidies and instead work to diversify the economy in the Atlantic region by facilitating long-term jobs and livelihoods.

The clubbing of baby seals can't be defended or justified, and Canada should end it just as we ended the Alaska baby seal massacre 20 years ago.

FBI CHALLENGES

Mr. GRASSLEY. Mr. President, the Federal Bureau of Investigation faces tremendous challenges in the war on terrorism, particularly with its internal operations, where a culture of fear, retaliation, and coverup demoralize agents and weaken the organizations.

Director Mueller has taken at least two important steps to address this culture. First, he has recognized it, making him one of the first Directors in recent memory to acknowledge the problem. His appointment of Judge Griffin Bell and Dr. Lee Colwell to study the Office of Professional Responsibility, OPR, is an excellent example of his recognizing the seriousness of the problem.

Second, Director Mueller has translated this attitude into action. For example, earlier this year, he justly and fairly punished a senior manager, which was especially noteworthy because he had been handpicked by the Director for the job. Just a few years ago, I could not have imagined an FBI Director taking action against a top official the way he did with Robert Jordan, the Assistant Director of OPR. By implementing the recommended punishment of the Justice Department Inspector General (DOJ OIG), Director Mueller fairly applied high standards to a senior-level FBI official.

I commend the Director for these positive developments, and that is why I feel the following issues are important.

Specifically, I am concerned about the FBI recently awarding contracts to several former senior officials involved in wrongdoing during their careers. The former top officials are Charles Mathews III, who recently retired from the position of Special Agent in Charge of the Portland, OR, Division; Thomas Coyle, who held the position of Assistant Director, Personnel Division; and Special Agent in Charge of the Buffalo, NY, Division; and Joseph Wolfinger, who retired in the late 1990s from the position of Assistant Director of the Training Division in Quantico, VA.

First, it is my understanding that Mr. Mathews recently was selected to accompany several current FBI officials on a trip to Jakarta, Indonesia, to conduct training for law enforcement and security officials.

Second, it is my understanding that MPRI, an Alexandria VA, defense and security contracting company, was awarded a contract worth between $500,000 and $1.5 million to conduct counter-intelligence training for FBI agents. Mr. Wolfinger, who holds the title of Senior Vice President and General Manager, heads MPRI's "Alexandria Group," which "will provide the highest quality education, training, and organizational expertise, to law enforcement and corporations around the world," according to the company's Web site. Mr. Coyle is listed as "Senior Law Enforcement Affiliate" for the company.

One reason I have questions about these former officials and/or their companies obtaining contracts is that they were involved in the Ruby Ridge scandal (Mathews) and the "Pottsgate" scandal (Wolfinger). Mr. Coyle was involved with both Ruby Ridge and Pottsgate.

Ruby Ridge refers not only the deadly 1992 standoff at the Idaho home of Randall Weaver, but also the ensuring coverups of misconduct and lying by senior FBI officials. The Pottsgate scandal refers to the sham conference held in 1997 so friends and co-workers of then-Deputy Director Larry Potts could fly to Washington for his retirement party on the taxpayers' dime, rather than their own personal money.

It is not worth repeating the long and sorry history of the misconduct of all the senior-level officials involved in the Ruby Ridge standoff; Pottsgate; the ensuing investigations, re-investigations, and reviews of investigations; and the failure to take appropriate disciplinary action in both matters. A full recounting covering more than a dozen officials who were involved in wrongdoing would take hundreds of pages.

The most comprehensive, public details of these two scandals are outlined in the DOJ OIG's report, entitled "A Review of Allegations of a Double Standard of Discipline at the FBI," issued in November 2002.

The FBI's reputation and integrity suffered enough when these men escaped any appropriate discipline for wrongdoing during their careers. Not only did they avoid accountability, but recent developments indicate that their former colleagues and friends are rewarding them with lucrative contracts. I am sure this is not the lesson Director Mueller wants agents and the public to learn about the FBI and the way it handles misconduct in its top ranks.

Before I explain my other concerns about Mr. Mathews, Mr. Wolfinger/MPRI, and Mr. Coyle/MPRI profiting—either directly of indirectly—from these contracts, a brief explanation of their involvement in misconduct is necessary. The following is based on the DOJ OIG's report on the double standard in discipline.

Mr. Mathews, in June 1994, led an internal inquiry into the findings of a previous criminal investigation regarding allegations of FBI misconduct during the Ruby Ridge standoff. Danny Coulson, for whom Mr. Mathews worked from 1988 to 1990 in Portand, OR, was one subject of the criminal probes and Mr. Mathews' inquiry.

Mr. Mathews' probe led to discipline for several agents and officials at the scene of the standoff, but not for any headquarters officials—including Mr. Coulson and his boss, Mr. Potts. Later, the Justice Department, DOJ, conducted criminal and administrative investigations into new allegations, including that Mr. Mathews and his investigation covered up misconduct. While under investigation for those issues, Mr. Mathews was promoted twice, and shortly after that DOJ investigation ended in 2001, he was promoted a third time to head the Portland, OR, Division. After contradictory conclusions at the senior levels of the DOJ under former Attorney General Janet Reno, Mr. Mathews, like other senior officials, escaped any discipline.

However, the November 2002 DOJ OIG report later determined that:

> Mathews should have been disciplined for failure to carry out [his] assigned duties—completing thorough and impartial inquiries—regardless of whether there was evidence of improper motivation. Moreover, like DOJ OPR, we believe that there was sufficient evidence in the record to sustain a finding that [Mathews] acted with an improper purpose. (Page 64)

The DOJ OIG report also stated:

> We also believe that Mathews' failure to rescue himself despite his relationship with Coulson, taken together with his statements and the unsubstantiated findings in his report regarding approval of the rules of engagement, established by a preponderance of the evidence that Mathews conducted an inadequate investigation. (Page 64)

The Pottsgate scandal refers to the allegation, among others, that Mr. Wolfinger, in October of 1997, arranged a conference to justify official business travel to Washington, DC, of senior officials so they could attend the retirement party of Mr. Potts, who was Deputy Director of the FBI at the time. The investigation focused on whether: the "conference" was a sham; it was used to justify the personal travel of officials to Washington for the party; those officials misrepresented their actions on travel forms and other government documents; and the officials were less than honest to investigators about their actions.

Mr. Wolfinger, the Assistant Director of the Training Division in Quantico, VA, was the organizer of the Thursday, October 9, 1997, retirement party for Mr. Potts. Just 7 days before the party, Mr. Wolfinger ordered a subordinate to send out a communication to the field announcing a conference for Special agents in charge, SACs, on Friday, October 10, 1997, the day after the party.

This "conference" was unusual in several ways, as the DOJ OIG November 2002 report points out. The conference—

> announcement did not contain a conference schedule, a starting or concluding time, a training identification number, or travel instructions. The conference was scheduled for a Friday, normally a travel day for FBI employees following the conclusion of conferences. (Page 17)

The DOJ OIG report identifies other unusual characteristics of the "conference." Only five people attended: Mr. Wolfinger, the subordinate he ordered to organize it, two SACs, and another individual. The agent who was ordered to give a presentation was told of the conference only 3 days before, on October 7, 1997. The conference had no formal agenda, and it lasted between 45 minutes and 90 minutes, rather than all day.

Despite the damning evidence, a disciplinary board of Senior Executive Service, SES, officials decided the "conference" was not a sham, though the board did conclude "the planners exercised poor judgment in not properly preparing for it." (Page 26)

The DOJ OIG report notes that it is unclear exactly what action, if any, the board during two meetings decided to take against Mr. Wolfinger, who retired shortly after the board's meetings. Ultimately, however, it appears that Mr. Wolfinger was not punished. Michael Defeo, the Assistant Director of FBI OPR at the time, told the DOJ OIG that "no recommendation as to Wolfinger was ultimately made . . ." (Page 28)

Mr. Coyle, a coworker of Mr. Wolfinger at MPRI, was one member of the disciplinary board in the Pottsgate matter. The DOJ OIG concluded:

> Coyle should not have participated because, at a minimum, an appearance of a conflict of interest existed, if not an actual conflict of interest. (Page 30)

As the DOJ OIG report notes, at the time of the board's decisions, Mr. Coyle and Mr. Potts were subjects of the Ruby Ridge investigation. The DOJ OIG wrote:

> It was well known that many people wanted to attend the Potts retirement party to show support for him because of the Ruby Ridge investigation. That attitude was likely to be especially strong for someone like Coyle who also was a Ruby Ridge subject. We believe that Coyle should have recused himself or been removed from these Board proceedings. (Page 30)

The actions of these officials during their careers at the FBI are troubling. That is why I sent Director Mueller a letter today asking questions about the contracts these men were awarded. I asked for a response by Wednesday, August 27, 2003.

Mr. Chairman, I also ask that the letter, dated today, July 22, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 22, 2003.

Hon. ROBERT MUELLER,
Federal Bureau of Investigation,
Washington, DC.

DEAR DIRECTOR MUELLER: The purpose of this letter is to inquire about the FBI recently awarding contracts to several former senior officials. The former top officials are Charles Mathews III, who recently retired from the position of Special Agent in Charge of the Portland, Oregon Division; Thomas Coyle, who held the position of Assistant Director, Personnel Division, and Special Agent in Charge of the Buffalo, New York Division; and Joseph Wolfinger, who retired in the later 1990s from the position of Assistant Director of the Training Division in Quanticao, Virginia.

First, it is my understanding that Mr. Methews recently was selected to accompany several current FBI officials on a trip to Jakarta, Indonesia, to conduct training for law enforcement and security officials.

Second, it is my understanding that MPRI, an Alexandria, Virginia defense and security contracting company, was awarded a contract worth between $500,000 and $1.5 million to conduct counter-intelligence training for FBI agents. Mr. Wolfinger, who holds the title of Senior Vice President and General Manager, heads MPRI's "Alexandria Group," which "will provide the highest quality education, training and organizational expertise, to law enforcement and corporations around the world," according to the company's Web site. Mr. Coyle is listed as "Senior Law Enforcement Affiliate" for the company.

(1) Mr. Wolfinger and Mr. Coyle.

(A) Please provide a list of Mr. Wolfinger's involvement in counterintelligence cases during his career in the FBI, including the John Walker spy case. This list should include the name of the counterintelligence investigation, a brief description of the case, his role in the case, his title and place of work at the time. Also, please provide detailed information on any counterintelligence training Mr. Wolfinger participated in or led during his career at the FBI.

(B) What role did Mr. Wolfinger, David Szady, Assistant Director of the Counterintelligence Division, and Beverly Andrews, a Deputy Assistant Director in the Counterintelligence Division, play in the John Walker spy case? This reply should include their titles and place of work at the time, their duties and responsibilities, and the time period each person worked on the case.

(C) Did their relationship play any role in the awarding of the contract to Mr. Wolfinger and MPRI?

(D) Did any FBI official, in the course of awarding the contract, consider the potential appearance of favoritism if the contract was awarded to Mr. Wolfinger and MPRI?

(E) Please describe in detail the role that Mr. Wolfinger and Mr. Coyle play in supervising MPRI contract personnel conducting the counterintelligence training, and their role in fulfilling the contract in general.

(F) What objective performance measurements does the DBI employ to check whether MPRI personnel on this contract are tardy or absent from some training sessions, or lack the appropriate security clearances?

(G) Please provide all documents and materials relating to performance evaluations of MPRI contract personnel, including for Mr. Wolfinger and Mr. Coyle.

(H) Who was/were the deciding official(s) at the FBI who selected Mr. Wolfinger/MPRI for this contract? In addition, please identify all the persons involved in the contract process, including those persons dealing with the Request For Proposal, evaluating bids and making the decision to award the contract.

(I) Please provide all records generated in the course of selecting a company for this contract, including information submitted by MPRI, Mr. Wolfinger, and other bidders on the contract, as well as FBI records. This reply should include the FBI's Request For Proposal, detailed criteria used to evaluate the bidders and select MPRI.

(J) Please provide any records of contacts between the deciding official(s) for this contract and Mr. Szady or Ms. Andrews. This list of contacts should include copies of, among other things, all (1) e-mail; (2) facsimiles; (3) facsimile logs; (4) correspondence; (5) memoranda; (6) telephone bills and logs; (7) notes; (8) working papers; (9) reports; (10) minutes of meetings, transcripts or electronic recording that the FBI or its employees, contractors or counsel have in their control or possession regarding the contract.

(K) Please provide a copy of the contract. In addition, provide in summary form the compensation and general conditions and terms, as well as any modifications, deletions and changes.

(2) Mr. Mathews

(A) By what criteria and on what basis was Mr. Mathews selected for the trip of FBI officials to Jakarta, Indonesia for a training seminar? This reply should include details of Mr. Mathews qualifications for the specific purpose of the trip. This reply should also include, if relevant, the FBI's Request for Proposal, Mr. Mathews bid, and other bids. If this was not a competitively bid contract, please explain the selection process in detail.

(B) Who was/were the deciding official(s) at the FBI who selected Mr. Mathews for this trip? Please identify all persons—including title and place of work—involved in selecting Mr. Mathews for the trip.

(C) Was Mr. Mathews compensation approximately $7,000 for this 10-day trip, plus expenses? If not, please explain what his compensation was, including expenses billed to the FBI.

(D) Please provide the names, affiliation and titles of all other persons who went on the trip, whether they are or were employed by the U.S. government or not.

(E) Please provide detailed information on the nature and purpose of the trip, including the names and a brief synopsis of lectures or seminars provided by Mr. Mathews and others on the trip.

(F) What official government-issued identification or identity documents did Mr. Mathews use for his travel?

(G) Please provide a copy of Mr. Mathews' contract for this trip. In addition, please provide copies of, among other things, all (1) e-mail; (2) facsimiles; (3) facsimile logs; (4) correspondence; (5) memoranda; (6) telephone bills and logs; (7) notes; (8) working papers; (9) reports; (10) minutes of meetings, transcripts or electronic recordings that the FBI or its employees, contractors or counsel have in their control or possession regarding the contract.

(I) Will Mr. Mathews be considered for future contracts with the FBI?

I ask that these questions be answered, and requested documents provided, by Wednesday, August 27, 2003. Once the answers and documents are provided, I ask that the appropriate FBI officials brief interested committee staff on this matter.

Sincerely,

CHARLES E. GRASSLEY.

PRISON RAPE ELIMINATION ACT OF 2003

Mr. KENNEDY. Mr. President, I commend the Senate for the bipartisan cooperation in approving the Prison Rape Elimination Act.

I especially commend my lead Republican co-sponsor, Senator SESSIONS and his dedicated staff, Andrea Sander, William Smith, and Ed Haden. It has been a privilege to work with Senator SESSIONS and the two lead sponsors of this legislation in the House, Congressmen FRANK WOLF and BOBBY SCOTT.

I commend as well the extraordinary coalition of churches, civil rights groups, and concerned citizens who made this achievement possible. The coalition includes Amnesty International, Human Rights Watch, the Justice Policy Institute, the NAACP, the National Association of Evangelicals, the National Council for La Raza, Prison Fellowship, Salvation Army, the Sentencing Project, the Southern Baptist Convention, and the Youth Law Center.

The coalition has been ably led by Michael Horowitz, a senior fellow at the Hudson Institute. I also commend Mariam Bell from Prison Fellowship and the Wilberforce Forum, Vincent Schiraldi from the Justice Policy Institute, Lara Stemple from Stop Prison Rape, and John Kaneb, the courageous citizen of Massachusetts whose unyielding effort and commitment to human rights has been invaluable to this legislation.

It has taken us nearly a century to get here. It was Winston Churchill who said in 1910 that the "mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country."

Today, in 2003, we know that hundreds of thousands of inmates in our Nation—hundreds of thousands, not only convicted prisoners but pretrial detainees and immigration detainees as well—are victims of sexual assault each year. Of the 2 million prisoners in the United States, it is conservatively estimated that 1 in every 10 has been raped. According to a 1996 study, 22 percent of prisoners in Nebraska had been pressured or forced to have sex against their will. Human Rights Watch has reported "shockingly high rates of sexual abuse" in U.S. prisons.

Prison rape has devastating physical and psychological effects on its victims. It also has serious consequences for communities. Six hundred thousand inmates are released from prison or detention each year, and their brutalization clearly increases the likelihood that they will commit new crimes after they are released.

Infection rates for HIV, other sexually transmitted diseases, tuberculosis, and hepatitis are far greater for prisoners than for the population as a whole. Prison rape undermines the public health by contributing to the spread of these diseases, and often giving potential death sentences to its victims because of AIDS.

In 1994, the Supreme Court ruled that "being violently assaulted in prison is simply not part of the penalty that criminal offenders pay for their offenses against society." Federal, State, and local government officials have a duty under the Constitution to prevent prison violence. Too often, however, officials fail to take obvious steps to protect vulnerable inmates.

The Prison Rape Elimination Act has been carefully drafted to address the crisis of prison rape, while still respecting the primary role of States and local governments in administering their prisons and jails. The act directs the Department of Justice to conduct an annual statistical analysis of the frequency and effects of prison rape. It establishes a special panel to conduct hearings on prison systems, specific prisons, and specific jails where the incidence of rape is extraordinarily high. It also directs the Attorney General to provide information, assistance, and training for Federal, State, and local authorities on the prevention, investigation, and punishment of prison rape. It authorizes $40 million in grants to strengthen the ability of State and local officials to prevent these abuses.

Finally, the act establishes a commission that will conduct hearings in the next 2 years and recommend national correctional standards on issues such as staff training, inmate classification, investigation of rape complaints, trauma care for rape victims, and disease prevention.

These standards should apply as soon as possible to the Federal Bureau of Prisons. Prison accreditation organizations that receive Federal funding will be required to adopt the standards. Each State must certify either that it has adopted and is in full compliance with the national standards, or that the State will use 5 percent of prison-related Federal grants to come into compliance with the standards. States that fail to make a certification will have their grants reduced by 5 percent.

The Prison Rape Elimination Act is an important first step. We know that prison education programs reduce recidivism and facilitate the reentry of prisoners into society. Pell grant eligibility should be restored to prisoners who are scheduled for release. Because the high incidence of HIV and hepatitis B and C in prisoners threatens the health of many others, medical testing and treatment for infected prisoners should be expanded and improved. Congress should also repeal the provisions of the Prison Litigation Reform Act that prevent inmates who have been abused from raising their claims in court.

I commend our Senate and House colleagues for their strong support of the Prison Rape Elimination Act, and I look forward to its enactment.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on September 17, 2001. In Wilmington, DE, a 25-year-old man was charged with a hate crime after he and a 22-year-old friend fled a liquor store with several bottles of alcohol. When the Middle Eastern manager of the store attempted to stop the pair, the thief yelled, "Bin Laden, you're going to pay for it," before striking him.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

Mrs. FEINSTEIN. Mr. President, during the height of the war in Iraq, I came to the floor to honor those from California who had made the ultimate sacrifice. And I paid tribute to these service members who embody the very best of the American spirit, those willing to give their own lives so we and others around the world can enjoy the blessings of freedom.

At least eight men with California connections have died in Iraq since May 1 due either to accident or hostile enemy fire. I strongly believe that they and the others from across our country must be awarded the same respect and admiration as any American, in any war, at any time in our history.

SGT Atanasio Haro Marin Jr., 27, known as "Nacho" to his family, was born in Momax, Mexico, and lived there with his mother while his father worked in California to support seven children. The family was reunited in Los Angeles when he was 2 years old, moving to suburban Baldwin Park. He competed on the Sierra Vista High School track team and also ran in a Los Angeles marathon. Upon graduation, he joined the National Guard. When his tour of duty ended, he transferred to the Army.

Sergeant Marin was assigned to Battery C, 3rd Battalion, 16th Field Artillery Regiment, and died on June 3, when his checkpoint south of Balad, Iraq, was attacked with gunfire and rocket-propelled grenades. He was 27 years old.

He last saw his family during a January leave, 2 months before he left for the Middle East. He called home twice in April and sent a Mother's Day card that read: "Don't worry, be happy."

A native of Eureka, CA, CPT Andrew David La Mont was the youngest of nine children and came from a family with strong ties to the military. His father and grandfather were career military men.

"He was a tremendous son and a fantastic marine," said his mother, Vivian La Mont. He was single and had served with the Marines since graduating from San Diego State University in 1994. La Mont had previously served in Kosovo and Afghanistan.

Twenty-one-year-old LCPL Jason Moore was described as a rather wild young man with a boundless spirit, whose enthusiasm led him to the Marine Corps.

Moore died on May 19 in Iraq when the CH-46 Sea Knight helicopter he helped crew crashed into a canal. Four other Camp Pendleton marines were killed in the same incident.

His parents, Bill and Gale Moore, buried their only son at Fort Rosecrans National Cemetery.

He graduated from San Marcos High School in 2000. His neighbor Deane Terry said Moore was clearly bound for Marine aviation from a young age, after his interest in the Civil Air Patrol and radio-controlled planes.

"He was going to continue to aim high one way or another," said Terry, whose son was Moore's playmate. Terry described the day Moore returned from Marine boot camp and stood straight and proud in his uniform in the Terry living room.

"He was so excited to be a Marine," said Terry, who added that Moore joined the high school swim team just to prepare himself physically for the service. "He went at the Corps at full speed, not hesitating, not looking back."

PVT Jose Gonzalez spoke very little English when he arrived as a freshman at John Glenn High School in Norwalk, CA. By the time he graduated in 2001, he had earned high honors in college preparatory classes.

The Mexican native also played varsity baseball, becoming a player who coach Bill Seals could count on at nearly any position: pitching or playing in the outfield or infield. He always wore his team hat to school, every day, year-round. The coach said it was about pride.

With his diploma in hand, Gonzalez embraced another part of American life: the military. He entered the Marine Corps 2 months after graduation and became a supply clerk.

Gonzalez deployed to Iraq with Camp Pendleton's 1st Force Service Support Group and survived the war. On May 12, he was killed when ordnance he was handling detonated. He was just 19 years old.

In Norwalk, Gonzalez is survived by parents and two teenage sisters. Gonzalez was not forgotten at his old high school. John Glenn students have created a memorial on the auditorium stage—they leave flowers, candles, and signs offering tribute to the soft-spoken man who died for his adopted country.

The last time Paul Tokuzo Nakamura, of Santa Fe Springs, called home from Iraq was on Father's Day, when he told his family that all was well.

"The first thing he told me was that he had showered and had steak for dinner," his father, Paul Nakamura, said Wednesday. "We know he was lying. He didn't want us to worry."

The 21-year-old Nakamura joined the Army Reserves out of patriotism despite his father's protests.

"One day he said, 'Mom, Dad, I'm so proud I was born in the United States,'" his mother, Yoko, 55, told those gathered at a memorial service.

Nakamura was stationed with the 437th Medical Company, based in Colorado Springs, CO. He was sent to the Middle East in February and was killed on June 19, when the ambulance he was in was struck by a rocket-propelled grenade in Al Iskandariyah, south of Baghdad.

"He was a rascal—you would tell him not to do something, and he would do it anyway," said his sister, Pearl. He was a lifeguard who taught swimming at the Santa Fe Springs Aquatic Center since he was 17 and was on his high school's water polo team.

Twenty-five-year-old Army Ranger Andrew Chris followed in the footsteps of his relatives when he joined the military in 2001. Both of his grandfathers served in World War II, his father served in the Army, his uncle in Special Forces and his brother Derek in the Navy. It was a way to connect with the generations of his family.

Chris was killed in combat operations on June 25, just a few days after arriving in Iraq. Ordnance exploded near the vehicle Chris was riding in, and the Army Ranger died immediately.

Before Chris joined the Army, he lived for 5 years in California, most of them in San Diego. After he graduated from high school in Florence, AL, he moved to Lemoore, south of Fresno, to live with his brother.

He spent many weekends exploring and camping in the mountains of California and Arizona. He was also well read, with a special interest in World War II and planned to teach high school history when he completed his military career.

Andrew Chris was quiet and reserved, and extremely loyal to family and friends. He had visited his brother Derek's family just before he was sent to Iraq.

Josh Chris said knowing that his brother died doing what he loved has made it easier to accept. "He was spiritually and emotionally ready."

From the outset of the conflict in Iraq, I have learned a great deal about those who have died from the local newspapers. Yet there have been a few individuals whose stories remain largely untold to the public.

One of those is Marine CPL Douglas Jose Marencoreyes, a 28-year-old from

Chino, who was assigned to the Light Armored Vehicle-Air Defense Battery, 4th Light Armored Reconnaissance Battalion. He was killed when the transport truck he was riding in rolled over.

I also learned relatively little about 19-year-old Ryan Cox, from Derby, KS, who was stationed at 29 Palms, CA, and died due to a noncombat weapons discharge on June 15.

Still, we know that he loved to surf and skydive and that, according to his mother, Robin Hamilton, he was doing what he wanted to do. "He was serving his country. I couldn't have asked for a better son."

Nor, for that matter, could the United States. We must never forget to remind those left behind—mothers and fathers, wives and children—of how proud we are of America's brave sons and daughters.

We must never lose sight of their achievement or their sacrifice, not to mention the enormous sacrifices made by their families, the ones left behind.

AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

Mr. KENNEDY. Mr. President, I welcome the opportunity to commend the American Political Science Association on the 50th anniversary of its Congressional Fellowship Program.

Since 1953, the association's fellowships have brought talented journalists, scientists, scholars, sociologists, and domestic and foreign policy specialists to spend a few months as staff members in our offices in Congress.

I have consistently been impressed with the skill of these fellows in my Senate office over the years, and their expertise has been an important asset. Their detailed knowledge of their professions is outstanding, and contributes significantly to our work on the issues before us.

The association's Congressional Fellowship Program has been a valuable addition to the Senate over the past five decades, and their work is more important now than ever. The American Political Science Association deserves great credit for sponsoring these fellowships.

BUILDING ON WELFARE REFORM ACT

Mr. NELSON of Nebraska. Mr. President, it has become clear that welfare programs created in the 1960s to be safety nets became spider webs by the 1990s. The old welfare system provided monetary assistance but did not do enough to provide job training, education, and other paths towards self-sufficiency. The welfare reforms of 1996 changed the old system and gave States more freedom to attempt new and innovative approaches to move people from welfare to work.

This legislation expired last year, and Congress must look to enhance the successes of the 1996 law. I am pleased today to join Senator CARPER in cosponsoring the Building on Welfare Reform Act—a bill that will continue to help people move from welfare to work.

During my time as Governor, Nebraska began programs like Employment First and Families First that provided much-needed assistance to low-income families and helped them find a way to leave the cycle of welfare dependency. The average time a family spent on assistance fell nearly two-thirds and Nebraska taxpayers saved $14 million.

The best path to self-sufficiency is work. This bill increases the percentage of welfare recipients who must work from 50 to 70 over the next 5 years. The bill also requires a 32-hour workweek from able welfare recipients. States will receive credit for moving people from welfare to work, not just off welfare. This will encourage States to solve problems that present an obstacle to meaningful work and lasting independence from public assistance programs.

Since 1996, welfare reform has been successful, not just because it requires work but also because it provides the resources to families to meet the work requirements. Our welfare reform proposal provides funding for childcare, transitional jobs, and public-private educational partnerships that will allow welfare recipients to gain the skills they need to advance in the workplace and become independent.

Because a strong family is essential to breaking the cycle of poverty, our welfare reform proposal encourages families to stay together and provides assistance to families who do. Another provision provides additional funds to prevent teen pregnancy with a bonus to States that meet this goal.

Given flexibility and resources, States have worked their own magic since the welfare program was revamped, and I will continue to support this approach as we embark on the next generation of welfare reform.

TRIBUTE TO INTERNS

Mr. HARKIN. Mr. President, today I extend my appreciation to my summer 2003 class of interns: Anne Wilzbacher, Joanna Busch, Angela Wilson, Cliff Sullivan, Nick Herbold, Alex Nelson, Omar Ul Haq, Theresa Reilly, Derek Wulf, Kalsoom Lakhani, Dave Townsend, Haley Wallace, Josh Craft, Ermira Babamusta, Becca North, Abby Smith, Michael Kuehner, Charles Monterio and Carolyn Timberlake. Each of them has been a tremendous assistance to me and to the people of Iowa over the past several months, and their efforts have not gone unnoticed.

Since I was first elected into the Senate in 1984, my office has offered internships to young Iowans and other interested students. Through their work in the Senate, our interns have not only seen the legislative process, but also personally contributed to our Nation's democracy.

It is with much appreciation that I recognize Anne, Joanna, Angela, Cliff, Nick, Alex, Omar, Theresa Derek, Kalsoom, Dave, Haley, Josh, Ermira, Becca, Abby, Michael, Charles and Carolyn for their hard work this summer. It has been a delight to watch them take on their assignments with enthusiasm and hard work. I am very proud to have worked with each of them. I hope they take from their summer a sense of pride in what they've been able to accomplish and an increased interest in public service and our democratic system and process.

ADDITIONAL STATEMENTS

HONORING ANGELA CONNOLLY

• Mr. HARKIN. Mr. President, I rise today to recognize the government leadership exemplified by Angela Connolly, the Chairwoman of the Polk County Board of Supervisors, in Des Moines, IA, who has been selected the National County Leader of the Year. American City and County, a national magazine about local government, honored Angela at the 2003 Annual Conference of the National Association of Counties that took place earlier this month. I have known Angela many years, and can testify to her commitment to the use of government in making people's lives better.

Angela has exercised her leadership on a number of issues that have greatly impacted Iowa's capital city in a positive way. Her advocacy and tireless work on the Iowa Events Center will bring a premiere entertainment and athletics venue to central Iowa, and she was key in securing Vision Iowa funding for the Capital City Vision Projects, which include a new science center, a higher education learning center, a riverwalk, and a home for the World Food Prize. Angela also led the board of supervisors through a reorganization that significantly reduced a budget deficit and brought about efficiencies in the delivery of county services.

Angela Connolly was elected to the Polk County Board of Supervisors in 1998, and is currently serving her second term and is the 2003 chairperson. Prior to her election, Angela served more than 20 years as a Polk County employee. Angela is active in many civic and community activities, serving on a dozen boards and commissions and nearly 20 additional committees and community organizations. A champion of health and human services, she serves on boards advocating for services for children, persons with disabilities, and mental health treatment. Among the boards she serves are: the

Metro Mayors Group, Greater Des Moines Partnership, Greater Des Moines Convention and Visitors Bureau, Polk County Housing Trust Fund, Metropolitan Advisory Council, Polk County Health Services, Polk County Correctional Services, and the Des Moines Arts Festival.

Angela Connolly is an exemplary leader in county government, who serves her constituents with honor and integrity. I look forward to continuing to work with her to make Iowa a great place to call home.●

TRIBUTE TO THE CLARK COUNTY FIRE DEPARTMENT

● Mr. BUNNING. Mr. President, I pay tribute to the Clark County Fire Department and its personnel for their progress in improving fire protection for the citizens of Clark County. Their recent accomplishments have not gone unnoticed.

Through hard work and increased investment in manpower, equipment, training, and facilities, the firefighters of Clark County have made great strides to serve their fellow Kentuckians. They finished construction of the Rogers-Parrish Fire Station No. 3 in Trapp which compliments the fire protection provided by the main station on Barnes Drive and Station No. 2 on Fulton Road. Cooperation by the City of Winchester was instrumental to increasing fire protection by investing in better fire hydrants, better water distribution systems, and more advanced fire training facilities.

While funding is a significant component to improving fire protection, no dollar sign can be placed on the bravery, courage, and commitment inherent in those who put themselves into harm's way to protect those in danger. The firefighters of the Clark County Fire Department are heroes to so many and deserve our gratitude. At a moment's notice, they can be relied upon to respond to any emergency regardless of the circumstances to assure the safety of those in need.

As our Nation takes measures to strengthen our homeland security, it will be imperative that fire departments throughout Kentucky and across America follow the example of the Clark County Fire Department and work with local municipalities to improve fire protection services. I am proud of their efforts and am grateful for how well they have represented the Commonwealth. I thank the Senate for allowing me to recognize the Clark County Fire Department and its personnel for their service to their community and to our Nation. They are Kentucky at its finest.●

TRIBUTE TO THOMAS D. CLARK

● Mr. BUNNING. Mr. President, I pay tribute to Thomas D. Clark, Kentucky's most prominent historian. On Monday, July 14, 2003, Mr. Clark celebrated his 100th birthday. Remarkably, Mr. Clark's life has spanned nearly half of Kentucky's history.

Thomas Clark is an esteemed southern historian and writer, agrarian and preservationist. Having grown up on a cotton farm in Mississippi, Mr. Clark came to the State as a graduate student enrolled in the University of Kentucky in 1928. Less than 3 years later he decided to settle in Kentucky and delve into its history.

In 1937, Mr. Clark's "A History in Kentucky" was published, and it is still considered the definitive work on Kentucky history by the State Department for Libraries and Archives. Mr. Clark was declared Kentucky's historian laureate for life in 1990, and to this day, maintains his enthusiasm and passion for Kentucky history. That he lived and experienced much of the history he wrote is testament to this man's inimitable and authoritative qualities.

In addition to being Kentucky's premier historian, Mr. Clark paid the State a great service by saving part of its history. In 1936 he stopped the State librarian, who had run out of storage space, from selling truckloads of records as scrap. He then encouraged the Governor to create a State archive and established a special documents collection at the University of Kentucky's library.

Mr. Clark's ardor for Kentucky and its history and his tenacity for historical preservation makes this man one of Kentucky's greatest heroes. For generations to come, Kentucky will be indebted to this man. I thank the Senate for allowing me to recognize Mr. Clark and voice his praises. He is Kentucky at its finest.●

HINSDALE CELEBRATES ITS 250TH BIRTHDAY

● Mr. GREGG. Mr. President, today in honor of Hinsdale, NH. This great American community is celebrating the 250th anniversary of its founding, and I am proud to recognize this historic event.

Over 4,000 people call themselves citizens of Hinsdale. From the town's incorporation in 1753 through today, they have made enormous contributions to not only New Hampshire's economic and cultural heritage but to our country's as well. Colonel Ebenezer Hinsdale, who many consider to be the founder of the town, was described as a "man for all seasons." He was a missionary, a farmer, a soldier and a conservationist long before that term became commonplace. He built Fort Hinsdale and served in the French and Indian Wars. He truly was a man of action. It is therefore appropriate that this community bears his surname because successive generations of residents have continued to build upon the example he set. For example, Charles A. Dana, a Hinsdale native, served as the Assistant Secretary of War during the Civil War and later was the editor of the old New York Sun, one of the most prominent daily newspapers in its day. Another native, Jacob Estey, founded and manufactured the Estey Organ which was a must-have musical instrument in the late 1800's. William Haile became the first Republican Governor of New Hampshire in 1857 when the Republicans were still a fledgling party. Clearly, he must have possessed strong leadership qualities.

In addition, Hinsdale can rightly claim to be the birthplace of the automobile. In 1875, George A. Long, then an apprentice in the Holman & Merriman machine shop, built and successfully demonstrated a steam car right in Hinsdale. The first test of his invention, which was described as a boiler set upon a carriage with regular wooden wheels, was scheduled to take place late one night that year to avoid embarrassment. Of course, news of the test leaked out and a curious crowd gathered to watch George Long's car run a few yards then stop. He made improvements in it and he, and his invention, soon became known for running horses and buggies right off the road. He later built a second steam auto with an advanced two-cylinder engine. This auto included adjustable seats for two, rubber tires, two speeds and front wheel brakes. Truly, George Long was a man ahead of his time.

All of these people and their stories illustrate the rich heritage for which Hinsdale can rightly be proud. It is my honor to salute the citizens of this great community as they celebrate Hinsdale's 250th birthday.●

COMMEMORATING THE 50TH ANNIVERSARY OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

● Mr. WYDEN. Mr. President, I would like to congratulate the American Political Science Association on five decades of tremendous success in its Congressional Fellowship Program. Since 1953, the A.P.S.A. has trained and supported over 1800 Fellows, bringing top academic scholars, political journalists, experienced public servants, and others to the Hill. For 9 months, they learn from and contribute to the political process. These Fellows include political scientists, sociologists, journalists, domestic and foreign policy specialists, physicians, Native American Hatfield Fellows, staff from other legislative bodies, and international scholars. All of them have benefited greatly from the opportunity to take part in the legislative process, and Congress as an institution has been improved by their participation.

Throughout my careers in both the House and in the Senate, I have had the pleasure of hosting A.P.S.A. Congressional Fellows in my office. Beginning in 1985, I have hosted eight Fellows, two of whom are with my office now. Joe Bowersox, an associate professor of political science at Willamette University in Salem, OR, works on forestry issues, wildfire prevention, and a host of other environmental issues. Thad Kousser, an assistant professor of political science at the University of California, San Diego has assisted with the budget, health care, and preventing government waste. Like all of the Fellows I host, they are treated as professional staff. They have prepared me for hearings, met with constituents and policy experts, drafted statements, worked out of my State offices in Oregon, and helped me to craft legislation.

I am able to give so much responsibility to A.P.S.A. Fellows because they have gone through such extensive training in their program. In the fall before they begin work, the Fellows attend 3 weeks of intensive instruction in a broad range of domestic and foreign policy issues as well as practical politics. The training is hosted by the Johns Hopkins School of Advanced International Studies and taught by a collection of Washington's top experts. After this orientation, the Fellows attend a 4-day Advanced Legislative Institute Seminar run by the Congressional Research Service. Even after they have joined an office, the Fellows continue their education by attending the Wilson Seminar Series on Friday afternoons. This comprehensive preparation is a large part of what has made the program so successful.

The program has also benefited from the enduring commitment of the American Political Science Association to keep the connections between academia and Congress strong. It is administered out of the Association's national headquarters and has in recent years been expertly led by Jeff Biggs, a former A.P.S.A. Fellow himself. Other distinguished alumni of the program include Thomas Mann, Norman Ornstein, Rep. Bob Filner, former Rep. Steve Horn, and Vice President Dick Cheney. I hope that the next 50 years of the Fellowship will be as successful as its first five decades.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT DETAILING THE PROGRESS OF SPENDING BY THE EXECUTIVE BRANCH DURING THE FIRST TWO QUARTERS OF FISCAL YEAR 2003 IN SUPPORT OF PLAN COLOMBIA—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Appropriations:

To The Congress of The United States:

Consistent with section 3204(e), Public Law 106–246, I am providing a report prepared by my Administration detailing the progress of spending by the executive branch during the first two quarters of Fiscal Year 2003 in support of Plan Colombia.

George W. Bush.

The White House, *July 22, 2003.*

MESSAGE FROM THE HOUSE

At 5:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1280. An act to amend the PROTECT Act to clarify certain volunteer liability.

S. 1399. An act to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 23. An act to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks.

H.R. 1437. An act to improve the United States Code.

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery system.

H.R. 2249. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies, schedules, and programs of the United States Postal Service, and for other purposes.

H.R. 2328. An act to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building".

H.R. 2357. An act to amend title 38, United States Code, to provide for the appointment of chiropractors in the Veterans Health Administration of the Department of Veterans Affairs and to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 212. Concurrent resolution recognizing and supporting the goals and ideals of the Year of the Korean War Veteran, and for other purposes.

H. Con. Res. 230. Concurrent resolution honoring the 10 communities selected to receive the 2003 All-America City Award.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, July 22, 2003, by the President pro tempore (Mr. Stevens):

S. 246. An act to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

H.R. 733. An act to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver Historic Site, and for other purposes.

H.R. 2330. An act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 23. An act to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1437. An act to improve the United States Code; to the Committee on the Judiciary.

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery system; to the Committee on Veterans' Affairs.

H.R. 2249. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies, schedules, and programs of the United States Postal Service, and for other purposes; to the Committee on Governmental Affairs.

H.R. 2328. An act to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2357. An act to amend title 38, United States Code, to provide for the appointment of chiropractors in the Veterans Health Administration of the Department of Veterans Affairs and to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States; to the Committee on Veterans' Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 212. Concurrent resolution recognizing and supporting the goals and ideals of the Year of the Korean War Veteran, and for other purposes; to the Committee on Veterans' Affairs.

H. Con. Res. 230. Concurrent resolution honoring the 10 communities selected to receive the 2003 All-America City Award; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported than on today, July 22, 2003, she had presented to the President of the United States the following enrolled bill:

S. 246. An act to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-234. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to tax issues related to the phase out of the Oldsmobile; to the Committee on Finance.

HOUSE RESOLUTION NO. 192

Whereas, The phase out of the Oldsmobile line of General Motors is bringing to a close an historic chapter in American automotive history. The end of this component of one of the world's largest corporations also has significant administrative and tax considerations that need to be addressed quickly to provide for a fair and smooth transition for those whose livelihoods are jeopardized; and

Whereas, As compensation for the loss of years of goodwill and the erosion of the value of large financial investments, Oldsmobile dealerships will be paid a one-time settlement. As federal tax laws now stand, this payment would be subject to personal and business federal taxes as income. In reality, however, the settlement money clearly should be categorized as involuntary converted property. Under this determination, the manufacturer's settlement would be treated like other property that can be converted to similar purposes over a specific period of time; and

Whereas, Every effort should be made to encourage the reinvestment of settlement resources to mitigate job loss, lessen the economic stress to local communities, and protect families from more serious financial difficulties. In addition, it would be poor public policy for the federal government to reap a tax revenue windfall as a result of this rare and unique situation; and

Whereas, As the home of the Olds automotive legacy and 20 of the top 50 Oldsmobile dealerships, Michigan has a major stake in the fair treatment of these businesses and individuals. It would be wrong for the tax code to act as a disincentive to the reinvestment of the settlement dollars in job-creating enterprises; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact H.R. 2374 to amend the Internal Revenue Code to consider certain transitional dealer assistance related to the phase out of Oldsmobile as an involuntary conversion; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, with amendments:

S. 908. A bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes (Rept. No. 108–110).

By Mr. GRASSLEY, from the Committee on the Judiciary and the Committee on Finance, jointly, without amendment:

S. 1416. A bill to implement the United States-Chile Free Trade Agreement.

S. 1417. A bill to implement the United States-Singapore Free Trade Agreement.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CHAFEE:

S. 1437. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mr. INOUYE, and Mrs. MURRAY):

S. 1438. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

By Mr. BUNNING:

S. 1439. A bill to amend part E of title IV of the Social Security Act to reauthorize adoption incentives payments under section 473A of that Act and to provide incentives for the adoption of older children; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. LEAHY):

S. 1440. A bill to reform the Federal Bureau of Investigation; to the Committee on the Judiciary.

By Mr. BIDEN:

S. 1441. A bill to amend title 18, United States Code, with respect to false information regarding certain criminal violations concerning hoax reports of biological, chemical, and nuclear weapons; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 1442. A bill to preserve the political independence of the National Women's Business Council; to the Committee on Small Business and Entrepreneurship.

By Mr. CARPER (for himself, Mr. NELSON of Nebraska, and Ms. COLLINS):

S. 1443. A bill to amend part A of title IV of the Social Security Act to reauthorize the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. HARKIN:

S. 1444. A bill to amend the Head Start Act to increase the reservation of funds for programs for low-income families with very young children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. BIDEN, and Mr. INHOFE):

S. Res. 198. A resolution expressing sympathy for the victims of the devastating earthquake that struck Algeria on May 21, 2003; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 229

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 229, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 249

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 249, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse.

S. 269

At the request of Mr. JEFFORDS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 337

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 337, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Solid Waste Disposal Act to prohibit the use of arsenic-treated lumber as mulch, compost, or a soil amendment, and to prohibit the manufacture of arsenic-treated wood for use as playground equipment for children, fences, walkways, or decks or for other residential or occupational purposes, and for other purposes.

S. 346

At the request of Mr. LEVIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 346, a bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements.

S. 373

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 373, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

S. 478

At the request of Mr. SARBANES, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 518

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mr. TALENT), the Senator from Michigan (Ms. STABENOW) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 640

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 640, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 720

At the request of Mr. JEFFORDS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 720, a bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 775

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 775, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make private, nonprofit medical facilities that serve industry-specific clients eligible for hazard mitigation and disaster assistance.

S. 894

At the request of Mr. WARNER, the names of the Senator from Maine (Ms. COLLINS), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 973

At the request of Mr. NICKLES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 973, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 976

At the request of Mr. WARNER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 977

At the request of Mr. FITZGERALD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 977, a bill to amend the Public Health Service Act , the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 985

At the request of Mr. DODD, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1153

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1153, a bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 1190

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1190, a bill to expand and enhance postbaccalaureate opportunities at Hispanic-serving institutions, and for other purposes.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1265

At the request of Mr. CORZINE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1265, a bill to limit the applicability of the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2004-2005, published in the Federal Register on May 30, 2003.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1301

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1301, a bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

S. 1335

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1363

At the request of Mr. REID, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1363, a bill to prohibit the study or implementation of any plan to privatize, divest, or transfer any part of the mission, function, or responsibility of the National Park Service.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1397

At the request of Mr. GREGG, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1397, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 1423

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1423, a bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

S. 1429

At the request of Mr. CHAFEE, the names of the Senator from Maine (Ms. SNOWE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1429, a bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program.

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Minnesota (Mr. COLEMAN), the Senator from Ohio (Mr. DEWINE), the Senator from Ohio (Mr. VOINOVICH), the Senator from Maine (Ms. SNOWE), the Senator from Montana (Mr. BURNS) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

S. RES. 167

At the request of Mr. CAMPBELL, the names of the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Ms. STABENOW), the Senator from Montana (Mr. BAUCUS), the Senator from Texas (Mr. CORNYN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. Res. 167, a resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

AMENDMENT NO. 1317

At the request of Mr. BYRD, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Washington (Ms. CANTWELL) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 1317 proposed to H.R. 2555, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1317

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 1317 proposed to H.R. 2555, supra.

AMENDMENT NO. 1317

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 1317 proposed to H.R. 2555, supra.

AMENDMENT NO. 1317

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 1317 proposed to H.R. 2555, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE:

S. 1437. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Finance.

Mr. CHAFEE. Mr. President, I am pleased to be introducing the Child Support Fairness and Tax Refund Interception Act of 2003 today.

The Child Support Fairness and Tax Refund Interception Act of 2003 closes a loophole in current Federal statute by expanding the eligibility of one of the most effective means of enforcing child support orders—that of intercepting the Federal tax refunds of parents who are delinquent in paying their court-ordered financial support for their children.

Under current law, eligibility for the Federal tax refund offset program is limited to cases involving minors, parents on public assistance, or adult children who are disabled. Custodial parents of adult, non-disabled children are not assisted under the IRS tax refund intercept program, and in many cases, they must work multiple jobs in order to make ends meet. Some of these parents have gone into debt to put their college-age children through school.

The legislation I am introducing today will address this inequity by expanding the eligibility of the Federal tax refund offset program to cover parents of all children, regardless of whether the child is disabled or a minor. This legislation will not create a cause of action for a custodial parent to seek additional child support. It will merely assist the custodial parent in recovering debt that is owed for a level of child support that was determined by a court.

Improving our child support enforcement programs is an issue that should be of concern to us all as it remains a serious problem in the United States. According to the most recent government statistics, there are approximately seventeen million active cases in which a child support order requires a noncustodial parent to contribute to the support of his or her child. Of the almost $25 billion owed in 2001, only $14 billion has been collected. In 1998, only 23 percent of children entitled to child support through our public system received some form of payment, despite Federal and State efforts. Similar shortfalls in previous years bring the combined delinquency total to approximately $88 billion. We can fix this injustice in our federal tax refund offset program by helping some of our most needy constituents receive the financial assistance they are owed.

While previous Administrations have been somewhat successful in using tax refunds as a tool to collect child support payments, more needs to be done. The IRS tax refund interception program has only collected one-third of tardy child support payments. The Child Support Fairness and Tax Refund Interception Act of 2003 will remove the current barrier to fulfilling an individual's obligation to pay child support, while helping to provide for the future of our nation's children.

I urge my colleagues to join me in supporting this important legislation, and ask unanimous consent that the text of legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Fairness and Tax Refund Interception Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Enforcing child support orders remains a serious problem in the United States. There are approximately 17,100,000 active cases in which a child support order requires a noncustodial parent to contribute to the support of his or her child. Of the $24,700,000,000 owed in 2001 pursuant to such orders, $14,200,000,000, or 57 percent, has been collected.

(2) It is an injustice for the Federal Government to issue tax refunds to a deadbeat spouse while a custodial parent has to work 2 or 3 jobs to compensate for the shortfall in providing for his or her children.

(3) The Internal Revenue Service (IRS) program to intercept the tax refunds of parents who owe child support arrears has been successful in collecting a tenth of such arrears.

(4) Congress has periodically expanded eligibility for the IRS tax refund intercept program. Initially, the program was limited to intercepting Federal tax refunds owed to parents on public assistance. In 1984, Congress expanded the program to cover parents

not on public assistance. Finally, the Omnibus Budget Reconciliation Act of 1990 made the program permanent and expanded the program to cover parents of adult children who are disabled.

(5) The injustice to the custodial parent is the same regardless of whether the child is disabled, non-disabled, a minor, or an adult, so long as the child support obligation is provided for by a court or administrative order. It is common for parents to help their adult children finance a college education, a wedding, or a first home. Some parents cannot afford to provide such help because they are recovering from debt incurred to cover expenses that would have been covered if the parent had been paid the child support owed in a timely manner.

(6) This Act addresses such injustices by expanding the IRS tax refund intercept program to cover parents of all adult children, regardless of whether the child is disabled.

(7) This Act does not create a cause of action for a custodial parent to seek additional child support. This Act merely helps the custodial parent recover debt owed for a level of child support that was set by a court after both sides had the opportunity to present arguments about the proper amount of child support.

SEC. 3. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

Section 464 of the Social Security Act (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking "(as that term is defined for purposes of this paragraph under subsection (c))"; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "(1) Except as provided in paragraph (2), as used in" and inserting "In"; and

(ii) by inserting "(whether or not a minor)" after "a child" each place it appears; and

(B) by striking paragraphs (2) and (3).

By Ms. CANTWELL (for herself, Mr. INOUYE, and Mrs. MURRAY):

S. 1438. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

Ms. CANTWELL. Mr. President, I rise today to introduce legislation with my friend and colleague Senator MURRAY, as well as the vice chairman of the Indian Affairs Committee Senator INOUYE, that provides an equitable settlement to the Spokane Tribe of Indians. This bill addresses the decision of the Federal Government to take lands belonging to the tribe in order to construct the Grand Coulee Dam on the Columbia River.

For more than half a century, the Grand Coulee Project has made an extraordinary contribution to this Nation. It helped pull the economy out of the Great Depression. It provided the electricity that produced aluminum required for airplanes and weapons that ensured our national security. The project continues to produce enormous revenues for the United States, it is a key component of the agricultural economy in eastern Washington, and plays a pivotal role in the electric systems serving the entire western United States.

However, these benefits have come at a direct cost to tribal property that became inundated when the U.S. Government built the Grand Coulee Dam. Before dam construction, the free flowing Columbia River supported robust and plentiful salmon runs and provided for virtually all of the subsistence needs of the Spokane Tribe. After construction, the Columbia and its Spokane river tributary flooded tribal communities, schools, and roads, and the remaining stagnant water continues to erode reservation lands today.

The legislation Senators INOUYE, MURRAY, and I are introducing today is similar to P.L. 103-436, which was enacted in 1994 to provide the neighboring Confederated Colville Tribes. This bill would provide the Spokane Tribe of Indians' with compensation that is directly proportional to the settlement afforded the Colville Tribes. Specifically, the Spokane Tribe would receive 39.4 percent of the past and future compensation awarded the Colville Tribes pursuant to the 1994 legislation. This percentage is based on the proportion of tribal lands impacted after the Federal Government built the Grand Coulee Project.

The United States has a trust responsibility to maintain and protect the integrity of all tribal lands within its borders. When Federal actions physically or economically impact harm, our Nation has a legal responsibility to address and compensate the damaged parties. Unfortunately, despite countless efforts, half a century has passed without justice to the Spokane people.

The time has come for the Federal Government to finally meet is fiduciary responsibility for converting the Spokane tribe's resources to its own benefit. Senators INOUYE, MURRAY, and I believe that the legislation we are proposing today will finally bring a fair and honorable closure to these matters. We are pleased to see similar bipartisan legislation was introduced earlier this year in the U.S. House of Representatives.

I look forward to working with the Indian Affairs Committee and my Senate colleagues as this legislation proceeds through the Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no obligation, the bill was ordered to be printed in the RECORD, as follows:

S. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act.'

SEC. 2. FINDINGS.

Congress finds the following:

(1) From 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost.

(2) The Corps of Engineers—

(A) identified a number of sites, including the site at which the Grand Coulee Dam is located; and

(B) recommended that power development at those sites be performed by local governmental authorities or private utilities under the Federal Power Act (16 U.S.C. 791 et seq.).

(3) Under section 10(e) of that Act (16 U.S.C. 803(e)), a licensee is required to compensate an Indian tribe for the use of land under the jurisdiction of the Indian tribe.

(4) In August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site.

(5) In the mid-1930's, the Federal Government, which is not subject to the Federal Power Act (16 U.S.C. 791a et seq.)—

(A) federalized the Grand Coulee Dam project; and

(B) began construction of the Grand Coulee Dam.

(6) At the time at which the Grand Coulee Dam project was federalized, the Federal Government recognized that the Spokane Tribe and the Confederated Tribes of the Colville Reservation had compensable interests in the Grand Coulee Dam project, including compensation for—

(A) the development of hydropower;

(B) the extinguishment of a salmon fishery on which the Spokane Tribe was almost completely financially dependent; and

(C) the inundation of land with loss of potential power sites previously identified by the Spokane Tribe.

(7) In the Act of June 29, 1940, Congress—

(A) in the first section (16 U.S.C. 835d) granted to the United States—

(i) all rights of Indian tribes in land of the Spokane Tribe and Colville Indian Reservations that were required for the Grand Coulee Dam project; and

(ii) various rights-of-way over other land under the jurisdiction of Indian tribes that were required in connection with the project; and

(B) in section 2 (16 U.S.C. 835e) provided that compensation for the land and rights-of-way was to be determined by the Secretary of the Interior in such amounts as the Secretary determined to be just and equitable.

(8) In furtherance of that Act, the Secretary of the Interior paid—

(A) to the Spokane Tribe, $4,700; and

(B) to the Confederated Tribes of the Colville Reservation, $63,000.

(9) In 1994, following 43 years of litigation before the Indian Claims Commission, the United States Court of Federal Claims, and the United States Court of Appeals for the Federal Circuit, Congress ratified an agreement between the Confederated Tribes of the Colville Reservation and the United States that provided for damages and annual payments of $15,250,000 in perpetuity, adjusted annually, based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration.

(10) In legal opinions issued by the Office of the Solicitor of the Department of the Interior, a Task Force Study conducted from 1976

to 1980 ordered by the Committee on Appropriations of the Senate, and hearings before Congress at the time at which the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103-436; 108 Stat. 4577) was enacted, it has repeatedly been recognized that—

(A) the Spokane Tribe suffered damages similar to those suffered by, and had a case legally comparable to that of, the Confederated Tribes of the Colville Reservation; but

(B) the 5-year statute of limitations under the Act of August 13, 1946 (25 U.S.C. 70 et seq.) precluded the Spokane Tribe from bringing a civil action for damages under that Act.

(11) The inability of the Spokane Tribe to bring a civil action before the Indian Claims Commission can be attributed to a combination of factors, including—

(A) the failure of the Bureau of Indian Affairs to carry out its advisory responsibilities in accordance with that Act; and

(B) an attempt by the Commissioner of Indian Affairs to impose improper requirements on claims attorneys retained by Indian tribes, which caused delays in retention of counsel and full investigation of the potential claims of the Spokane Tribe.

(12) As a consequence of construction of the Grand Coulee Dam project, the Spokane Tribe—

(A) has suffered the loss of—

(i) the salmon fishery on which the Spokane Tribe was dependent;

(ii) identified hydropower sites that the Spokane Tribe could have developed; and

(ii) hydropower revenues that the Spokane Tribe would have received under the Federal Power Act (16 U.S.C. 791a et seq.) had the project not been federalized; and

(B) continues to lose hydropower revenues that the Federal Government recognized were owed to the Spokane Tribe at the time at which the project was constructed.

(13) More than 39 percent of the land owned by Indian tribes or members of Indian tribes that was used for the Grand Coulee Dam project was land of the Spokane Tribe.

SEC. 3. STATEMENT OF PURPOSE.

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe, using the same proportional basis as was used in providing compensation to the Confederated Tribes of the Colville Reservation, for the losses suffered as a result of the construction and operation of the Grand Coulee Dam project.

SEC. 4. DEFINITIONS.

In this Act:

(1) Secretary.—The term "Secretary" means the Secretary of the Treasury.

(2) Confederated Tribes Act.—The term "Confederated Tribes Act" means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103-436; 108 Stat. 4577).

(3) Fund Account.—The term "Fund Account means the Spokane Tribe of Indians Settlement Fund Account established under section 5(a).

(4) SPOKANE TRIBE.—The term "Spokane Tribe" means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

SEC. 5. SETTLEMENT FUND ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—There is established in the Treasury an interest bearing account to be known as the "Spokane Tribe of Indians Settlement Fund Account".

(b) DEPOSIT OF AMOUNTS.—

(1) INITIAL DEPOSIT.—On the date on which funds are made available to carry out this Act, the Secretary shall deposit in the Fund Account, as payment and satisfaction of the claim of the Spokane Tribe for use of land of the Spokane Tribe for generation of hydropower for the period beginning on June 29, 1940, and ending on November 2, 1994, an amount that is equal to 39.4 percent of the amount paid to the Confederated Tribes of the Colville Reservation under section 5(a) of the Confederated Tribes Act, adjusted to reflect the change, during the period beginning on the date on which the payment described in subparagraph (A) was made to the Confederated Tribes of the Colville Reservation and ending on the date of enactment of this Act, in Consumer Price Index for all urban consumers published by the Department of Labor.

(2) SUBSEQUENT DEPOSITS.—On September 30 of the first fiscal year that begins after the date of enactment of this Act, and on September 30 of each of the 5 fiscal years thereafter, the Secretary shall deposit in the Fund Account an amount that is equal to 7.88 percent of the amount authorized to be paid to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes Act through the end of the fiscal year during which this Act is enacted, adjusted to reflect the change, during the period beginning on the date on which the payment to the Confederated Tribes of the Colville Reservation was first made and ending on the date of enactment of this Act, in the Consumer Price Index for all urban consumers published by the Department of Labor.

(c) ANNUAL PAYMENTS.—On September 1 of the first fiscal year after the date of enactment of this Act, and annually thereafter, the Secretary shall pay to the Spokane Tribe an amount that is equal to 39.4 percent of the annual payment authorized to be paid to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes Act for the fiscal year.

SEC. 6. USE AND TREATMENT OF SETTLEMENT FUNDS.

(a) TRANSFER OF FUNDS TO SPOKANE TRIBE.—

(1) INITIAL TRANSFER.—Not later than 60 days after the date on which the Secretary receives from the Spokane Business Council written notice of the adoption of the Spokane Business Council of a resolution requesting that the Secretary execute the transfer of settlement funds described in section 5(a), the Secretary shall transfer all or a portion of the settlement funds, as appropriate, to the Spokane Business Council.

(2) SUBSEQUENT TRANSFERS.—If not all funds described in section 5(a) are transferred to the Spokane Business Council under an initial transfer request described in paragraph (1), the Spokane Business Council may make subsequent requests for, and the Secretary of the Treasury may execute subsequent transfers of, those funds.

(b) USE OF INITIAL PAYMENT FUNDS.—Of the settlement funds described in subsections (a) and (b) of section 5—

(1) 25 percent shall be—

(A) reserved by the Spokane Business Council; and

(B) used for discretionary purposes of general benefit to all members of the Spokane Tribe; and

(2) 75 percent shall be used by the Spokane Business Council to carry out—

(A) a resource development program;

(B) a credit program;

(C) a scholarship program; or

(D) a reserve, investment, and economic development program.

(c) USE OF ANNUAL PAYMENT FUNDS.—Annual payments made to the Spokane Tribe under section 5(c) may be used or invested by the Spokane Tribe in the same manner and for the same purposes as other tribal government funds.

(d) APPROVAL BY SECRETARY.—Notwithstanding any other provision of law—

(1) the approval of the Secretary of the Treasury or the Secretary of the Interior for any payment, distribution, or use of the principal, interest, or income generated by any settlement funds transferred or paid to the Spokane Tribe under this Act shall not be required; and

(2) the Secretary of the Treasury and the Secretary of the Interior shall have no trust responsibility for the investment, supervision, administration, or expenditure of those funds after the date on which the funds are transferred to or paid to the Spokane Tribe.

(e) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—The payments and distributions of any portion of the principal, interest, and income generated by the settlement funds described in section 5 shall be treated in the same manner as payments or distributions under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (Public Law 99-346; 100 Stat. 677).

(f) TRIBAL AUDIT.—After the date on which the settlement funds described in section 5 are transferred or paid to the Spokane Tribe, the funds—

(1) shall be considered to be Spokane Tribe governmental funds; and

(2) shall be subject to an annual tribal governmental audit.

SEC. 7. SATISFACTION OF CLAIMS.

Payment by the Secretary under section 5 constitutes full satisfaction of the claim of Spokane Tribe to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project from June 29, 1940, through the fiscal year preceding the fiscal year in which this Act is enacted.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. BUNNING:

S. 1439. A bill to amend part E of title IV of the Social Security Act to reauthorize adoption incentives payments under section 473A of that Act and to provide incentives for the adoption of older children; to the Committee on Finance.

Mr. BUNNING. Mr. President, the Adoption Incentive Program has been a successful program, which provides States with real incentives to find permanent homes for foster children. However, AIP's authorization expires on September 30, 2003, and the program needs to be reauthorized this year.

Under current law, States receive incentive payments for increasing the number of adoptions from the public foster care system. The amount of payments is based on the number of adoptions above a State's baseline, which is the highest number of adoptions in a State since 1997.

Currently, States receive $4,000 for each foster child adopted above the baseline number. The State can also receive $6,000 for each adoption above a baseline for children with special needs. While each State relies on individual criteria, "special needs" can include a child's age, ethnicity, disability or having siblings.

AIP's success cannot be questioned. In fact, according to the Congressional Research Service, there was a 61 percent increase in adoptions of children from the public foster care system from 1997 to 2001.

At the same time, states have earned about $144 million in adoption incentives for adoptions from 1998, to 2001. In my State, Kentucky has received about $1.6 million in adoption incentives during this time period.

However, it is now time to reauthorize and strengthen the program.

One of the biggest challenges in the foster care system today is finding adoptive homes for older children. In fact, according to the Adoption and Foster Care Analysis and Reporting System, AFCARS, which is part of the Department of Health and Human Services, once children reach the age of 9, their chances of adoption diminish.

As of 2001, there were over 100,000 American children waiting to be adopted. Quit frankly, this is too many children waiting for loving homes, regardless of their age. The bill I am introducing continues to give States incentives to find homes for these kids, particularly older children.

My bill, the Adoption Incentive Program Reauthorization Act of 2003, reauthorizes the program from 2004 to 2008, at $43 million a year.

The bill continues to give States a payment of $4,000 for every child adopted above the State's baseline. Also, the bill requires States to establish a separate baseline for adoptions of children over the age of 9, and will provide a payment of $6,000 for all older children adopted above the baseline.

Children deserve the stability and support of a permanent home and a permanent family. The Adoption Incentive Program has already proven successful in encouraging states to act aggressively on a foster child's behalf. It is now time to strengthen the program for the years to come.

I look forward to working on this issue with the other Members of Congress who are interested in adoption and hope we can get the program reauthorized soon.

By Mr. GRASSLEY (for himself and Mr. LEAHY):

S. 1440. A bill to reform the Federal Bureau of Investigation; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I am proud to be reintroducing the FBI Reform Act of 2003 with Senator PATRICK LEAHY. This reform bill is designed to address the accountability problems that have plagued the FBI for years. For almost a decade, I have been engaged in FBI oversight, and during that time, I have seen numerous scandals and coverups. I am pleased to see that Director Mueller is committed to changing the culture of the FBI. He is making good strides toward overcoming past bad policies and procedures at the Bureau. However, Congress also has a role to play in this overhaul of the FBI.

A little over a year ago, a bill similar to this one was approved unanimously by the Judiciary Committee. Since then, a number of the provisions of that bill were enacted in separate legislation. However, some of the most important provisions of that bill—provisions protecting whistleblowers, creating a Security Career Program and Counterintelligence Polygraph Program, and ending the double standard for discipline of senior FBI executives—have yet to be taken up by the full Senate. These provisions are needed to maintain America's confidence in the FBI.

When I was growing up, I was surrounded by a generation that believed the FBI could do no wrong. Yet today at a time when we rely on the FBI to protect us from acts of catastrophic terrorism that endanger the lives of the American people, a time when the need for confidence in the FBI is at its greatest, Americans' trust and confidence in the FBI has been shaken. Do not get me wrong, the majority of FBI agents and especially those who are posted all over the heartland of this country, are honorable, hard working Federal servants who are doing a great job of protecting us from harm. However, there are a few bad apples that must be dealt with because their actions give the Bureau a black eye. The spy cases of Robert Hanssen and Chinese espionage in Los Angeles have highlighted internal security problems. Retaliation against agents like John Roberts, Frank Perry, and Patrick Kiernan, who did their duty investigating internal wrongdoing and spoke the truth to Congress, highlight continuing cultural hostility to criticism. This bill goes a long way to address these systemic problems and shore up trust and confidence in the FBI in the wake of these concerns.

While Congress sometimes follows a hands-off approach to the FBI, the Judiciary Committees hearings and other oversight activities over the last 2 or 3 years have highlighted the actions that Congress needs to take to do its part in reforming the Bureau. The hearings that spurred this legislation demonstrated the need to extend adequate whistleblower protections to the FBI, enhance the Bureau's internal security program, end the double-standard for discipline, and modernize the FBI's information technology systems. These and additional management issues the committee has explored are reflected in this bill. As the Patriot Act has increased the FBI's powers, as the American people have increased their reliance on the FBI to stop terrorism, and as we continue to increase the FBI's funding, it is time for Congress to take action with a more hands-on approach. Let me provide some more detail about the most important provisions of the FBI reform bill.

First, title I of the bill contains much needed protections for FBI whistleblowers. As my colleagues know, I have long held that good government requires that the brave men and women who blow the whistle on wrongdoing be protected. It is my strong belief that disclosures of wrongdoing by whistleblowers are an integral part of our system of checks and balances. However, although whistleblowers play a critical role in ensuring that waste, fraud, and abuse are brought to light and that public health and safety problems are exposed, the same whistleblower protection laws that apply to almost all other Federal employees do not currently apply to the FBI. In fact, it is a violation for FBI agents to report problems to Congress. That restriction leaves patriotic, loyal FBI employees with little recourse. This bill will fix that problem.

I truly believe that reform at the FBI will only occur when FBI employees feel free to blow the whistle on wrongdoing. Without adequate whistleblower protections, I am concerned that agents, such as Coleen Rowley and others, who speak out about abuses and problems at the FBI will be subject to retaliation. Thus, this bill finally gives FBI whistleblowers the same rights and protections that other Federal employees currently possess. When this bill is passed, FBI employees who are retaliated against for blowing the whistle will be able to avail themselves of all the protections afforded by the Whistleblower Protection Act.

In order to enhance internal security at the FBI, title II of the bill requires the FBI to establish a career security program and ensure that appropriate management tools and resources are devoted to that task. Modeled after the Department of Defense Acquisition Career Program, security professional career development requirements would bring the FBI into line with the other Federal agencies that handle top secret intelligence. This bill establishes and defines the Career Security Program and sets out the framework for career development and training in internal security. With the development of a Career Security Program, the FBI can meet the challenges of espionage, information technology vulnerability, and the threat of direct terrorist attack.

This bill requires the Attorney General to establish policies and procedures for career management of FBI security personnel. It directs the Director of the FBI to appoint a Director of Security who would chair a security career program board that would advise in the management of hiring, training, education, and career development. The bill also requires the FBI Director to designate certain positions as security positions. The bill requires that career paths to senior positions be published, and it ensures that all FBI personnel would have the opportunity to acquire the education, training and experience needed for senior security positions. Moreover, in order to ensure that security professionals gain the stature that special agents enjoy, the bill provides that special agents would not have preference for security positions and security positions could not be restricted to special agents unless the Attorney General makes a special determination.

Furthermore, the bill would direct that education, training, and experience requirements be established for each position and that before assignment as a manager or a deputy manager of a significant security program, a person would have to complete an accredited security program management course and have at least 6 years security experience, including 2 years in a similar program.

In addition to the Security Career Program, the bill will also enhance security through the creation of an FBI counterintelligence polygraph program. The program would consist of the periodic screening of employees and contractors who have access to sensitive information or restricted data. While the program recognizes the value of polygraph screening, it also provides safeguards for those subject to polygraph examination. The bill directs that the program have procedures to address false positives, ensure quality control, requires that no adverse personnel action could be taken solely by reason of physiological reaction on an exam without further investigation, and provides that employees would have prompt access to unclassified reports of their exams that relate to adverse personnel action. Thus, title III provides increased security while at the same time protecting employee rights.

Title IV requires the Attorney General to report on the legal authority for the FBI's programs and activities. This report will help the FBI focus on its most important duty—preventing terrorism—by cutting back on the FBI's jurisdiction, which has become cumbersome and unwieldy. Currently, the FBI investigates over 300 different Federal offenses, which are divided between violent crime, white collar crime, organized crime, drugs, national security, and civil rights. In many of these areas, there are instances of concurrent or overlapping jurisdiction with other Federal law enforcement agencies who specialize in investigating these crimes.

The FBI needs to scale back on the broad range of investigations which are duplicated by other Federal and State agencies. The Bureau needs to completely jettison some of these areas and in other areas, the Bureau could simply take a secondary role, allowing another agency to take the lead. In order to assist the FBI in scaling back its jurisdiction, this bill directs the Attorney General to report to Congress on the legal authority for FBI programs and activities, identifying those that have express statutory authority and those that do not. The bill also requires the Attorney General to recommend what criminal statutes for which he believes the FBI should have investigative responsibility.

Additionally, there exists a gross inequality in the way Senior Executive Service, SES, employees of the FBI and rank and file agents are disciplined. SES employees are often given a slap on the wrist for an infraction, whereas the rank and file agents are often punished to the letter of the law. Title V of the bill attempts to address this double standard. The bill attempts to address the double standard by providing some flexibility in how SES employees can be punished. The Senate Judiciary Committee has heard repeatedly that this inflexibility is one of the main causes for the inequality in punishment at the FBI. Under the current system, the minimum suspension that an SES employee can receive is 14 days. This means that the FBI's management is often left with the choice of either an overly harsh penalty or no penalty at all. Often they decide not to impose any meaningful disciplinary action.

In order to attempt to remedy this problem our bill lifts the 14-day minimum suspension for SES disciplinary cases to provide for additional options in disciplining senior executive employees. Hopefully, this change will help to remedy this double standard. In addition, our bill would require the Office of Inspector General to submit to the Judiciary Committees of both houses, for 5 years, annual reports by the FBI Office of Professional Responsibility on its investigations, recommendations, and their disposition including an analysis of whether any double standard is being employed.

Finally, title VI of the bill attempts to provide further enhancement to security at the Department of Justice as a whole. This title would implement recommendations of the Webster Commission for enhancing security at the DOJ. It requires the Attorney General to submit a report to Congress on the manner by which the Department plans to improve protection of security information at the DOJ. Moreover, this title authorizes funds to meet the demands for increased security at the DOJ. Also, the bill would authorize funds for the DOJ Office of Intelligence Policy and Review to help meet the increased demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance computer and telecommunications security.

Mr. President, I say to my fellow colleagues, it is time we acted on the reforms in this bill. It has been almost a year since this bill passed unanimously out of committee. Let's act to reform the FBI and help maintain America's trust and confidence in the Bureau.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Bureau of Investigation Reform Act of 2003".

TITLE I—WHISTLEBLOWER PROTECTION

SEC. 101. INCREASING PROTECTIONS FOR FBI WHISTLEBLOWERS.

Section 2303 of title 5, United States Code, is amended to read as follows:

"§ 2303. Prohibited personnel practices in the Federal Bureau of Investigation

"(a) DEFINITION.—In this section, the term 'personnel action' means any action described in clauses (i) through (x) of section 2302(a)(2)(A).

"(b) PROHIBITED PRACTICES.—Any employee of the Federal Bureau of Investigation who has the authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of the Bureau or because of—

"(1) any disclosure of information by the employee to the Attorney General (or an employee designated by the Attorney General for such purpose), a supervisor of the employee, the Inspector General for the Department of Justice, or a Member of Congress that the employee reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(2) any disclosure of information by the employee to the Special Counsel of information that the employee reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety,

if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

"(c) INDIVIDUAL RIGHT OF ACTION.—Chapter 12 of this title shall apply to an employee of the Federal Bureau of Investigation who claims that a personnel action has been taken under this section against the employee as a reprisal for any disclosure of information described in subsection (b)(2).

"(d) REGULATIONS.—The Attorney General shall prescribe regulations to ensure that a personnel action under this section shall not be taken against an employee of the Federal Bureau of Investigation as a reprisal for any disclosure of information described in subsection (b)(1), and shall provide for the enforcement of such regulations in a manner consistent with applicable provisions of sections 1214 and 1221, and in accordance with the procedures set forth in sections 554 through 557 and 701 through 706.".

TITLE II—FBI SECURITY CAREER PROGRAM

SEC. 201. SECURITY MANAGEMENT POLICIES.

The Attorney General shall establish policies and procedures for the effective management (including accession, education, training, and career development) of persons serving in security positions in the Federal Bureau of Investigation.

SEC. 202. DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Attorney General, the Director of the Federal Bureau of Investigation (referred to in this title as the "Director") shall carry out all powers, functions, and duties of the Attorney General with respect to the security workforce in the Federal Bureau of Investigation.

(b) POLICY IMPLEMENTATION.—The Director shall ensure that the policies of the Attorney General established in accordance with this Act are implemented throughout the Federal Bureau of Investigation at both the headquarters and field office levels.

SEC. 203. DIRECTOR OF SECURITY.

The Director shall appoint a Director of Security, or such other title as the Director may determine, to assist the Director in the performance of the duties of the Director under this Act.

SEC. 204. SECURITY CAREER PROGRAM BOARDS.

(a) ESTABLISHMENT.—The Director acting through the Director of Security shall establish a security career program board to advise the Director in managing the hiring, training, education, and career development of personnel in the security workforce of the Federal Bureau of Investigation.

(b) COMPOSITION OF BOARD.—The security career program board shall include—

(1) the Director of Security (or a representative of the Director of Security);

(2) the senior officials, as designated by the Director, with responsibility for personnel management;

(3) the senior officials, as designated by the Director, with responsibility for information management;

(4) the senior officials, as designated by the Director, with responsibility for training and career development in the various security disciplines; and

(5) such other senior officials for the intelligence community as the Director may designate.

(c) CHAIRPERSON.—The Director of Security (or a representative of the Director of Security) shall be the chairperson of the board.

(d) SUBORDINATE BOARDS.—The Director of Security may establish a subordinate board structure to which functions of the security career program board may be delegated.

SEC. 205. DESIGNATION OF SECURITY POSITIONS.

(a) DESIGNATION.—The Director shall designate, by regulation, those positions in the Federal Bureau of Investigation that are security positions for purposes of this Act.

(b) REQUIRED POSITIONS.—In designating security positions under subsection (a), the Director shall include, at a minimum, all security-related positions in the areas of—

(1) personnel security and access control;

(2) information systems security and information assurance;

(3) physical security and technical surveillance countermeasures;

(4) operational, program, and industrial security; and

(5) information security and classification management.

SEC. 206. CAREER DEVELOPMENT.

(a) CAREER PATHS.—The Director shall ensure that appropriate career paths for personnel who wish to pursue careers in security are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior security positions and shall make available published information on those career paths.

(b) LIMITATION ON PREFERENCE FOR SPECIAL AGENTS.—

(1) IN GENERAL.—Except as provided in the policy established under paragraph (2), the Attorney General shall ensure that no requirement or preference for a Special Agent of the Federal Bureau of Investigation (referred to in this title as a "Special Agent") is used in the consideration of persons for security positions.

(2) POLICY.—The Attorney General shall establish a policy that permits a particular security position to be specified as available only to Special Agents, if a determination is made, under criteria specified in the policy, that a Special Agent—

(A) is required for that position by law;

(B) is essential for performance of the duties of the position; or

(C) is necessary for another compelling reason.

(3) REPORT.—Not later than December 15 of each year, the Director shall submit to the Attorney General a report that lists—

(A) each security position that is restricted to Special Agents under the policy established under paragraph (2); and

(B) the recommendation of the Director as to whether each restricted security position should remain restricted.

(c) OPPORTUNITIES TO QUALIFY.—The Attorney General shall ensure that all personnel, including Special Agents, are provided the opportunity to acquire the education, training, and experience necessary to qualify for senior security positions.

(d) BEST QUALIFIED.—The Attorney General shall ensure that the policies established under this Act are designed to provide for the selection of the best qualified individual for a position, consistent with other applicable law.

(e) ASSIGNMENTS POLICY.—The Attorney General shall establish a policy for assigning Special Agents to security positions that provides for a balance between—

(1) the need for personnel to serve in career enhancing positions; and

(2) the need for requiring service in each such position for sufficient time to provide the stability necessary to carry out effectively the duties of the position and to allow for the establishment of responsibility and accountability for actions taken in the position.

(f) LENGTH OF ASSIGNMENT.—In implementing the policy established under subsection (b)(2), the Director shall provide, as appropriate, for longer lengths of assignments to security positions than assignments to other positions.

(g) PERFORMANCE APPRAISALS.—The Director shall provide an opportunity for review and inclusion of any comments on any appraisal of the performance of a person serving in a security position by a person serving in a security position in the same security career field.

(h) BALANCED WORKFORCE POLICY.—In the development of security workforce policies under this Act with respect to any employees or applicants for employment, the Attorney General shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

SEC. 207. GENERAL EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS.

(a) IN GENERAL.—The Director shall establish education, training, and experience requirements for each security position, based on the level of complexity of duties carried out in the position.

(b) QUALIFICATION REQUIREMENTS.—Before being assigned to a position as a program manager or deputy program manager of a significant security program, a person—

(1) must have completed a security program management course that is accredited by the Intelligence Community-Department of Defense Joint Security Training Consortium or is determined to be comparable by the Director; and

(2) must have not less than 6 years experience in security, of which not less than 2 years were performed in a similar program office or organization.

SEC. 208. EDUCATION AND TRAINING PROGRAMS.

(a) IN GENERAL.—The Director, in consultation with the Director of Central Intelligence and the Secretary of Defense, shall establish and implement education and training programs for persons serving in security positions in the Federal Bureau of Investigation.

(b) OTHER PROGRAMS.—The Director shall ensure that programs established under subsection (a) are established and implemented, to the maximum extent practicable, uniformly with the programs of the Intelligence Community and the Department of Defense.

SEC. 209. OFFICE OF PERSONNEL MANAGEMENT APPROVAL.

(a) IN GENERAL.—The Attorney General shall submit any requirement that is established under section 207 to the Director of the Office of Personnel Management for approval.

(b) FINAL APPROVAL.—If the Director does not disapprove the requirements established under section 207 within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director of the Office of Personnel Management.

TITLE III—FBI COUNTERINTELLIGENCE POLYGRAPH PROGRAM

SEC. 301. DEFINITIONS.

In this title:

(1) POLYGRAPH PROGRAM.—The term "polygraph program" means the counterintelligence screening polygraph program established under section 302.

(2) POLYGRAPH REVIEW.—The term "Polygraph Review" means the review of the scientific validity of the polygraph for counterintelligence screening purposes conducted by the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

SEC. 302. ESTABLISHMENT OF PROGRAM.

Not later than 6 months after the date of enactment of this Act, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation and the Director of Security of the Federal Bureau of Investigation, shall establish a counterintelligence screening polygraph program for the Federal Bureau of Investigation that consists of periodic polygraph examinations of employees, or contractor employees of the Federal Bureau of Investigation who are in positions specified by the Director of the Federal Bureau of Investigation as exceptionally sensitive in order to minimize the potential for unauthorized release or disclosure of exceptionally sensitive information.

SEC. 303. REGULATIONS.

(a) IN GENERAL.—The Attorney General shall prescribe regulations for the polygraph program in accordance with subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act).

(b) CONSIDERATIONS.—In prescribing regulations under subsection (a), the Attorney General shall—

(1) take into account the results of the Polygraph Review; and

(2) include procedures for—

(A) identifying and addressing false positive results of polygraph examinations;

(B) ensuring that adverse personnel actions are not taken against an individual solely by reason of the physiological reaction of the individual to a question in a polygraph examination, unless—

(i) reasonable efforts are first made independently to determine through alternative means, the veracity of the response of the individual to the question; and

(ii) the Director of the Federal Bureau of Investigation determines personally that the personnel action is justified;

(C) ensuring quality assurance and quality control in accordance with any guidance provided by the Department of Defense Polygraph Institute and the Director of Central Intelligence; and

(D) allowing any employee or contractor who is the subject of a counterintelligence screening polygraph examination under the polygraph program, upon written request, to have prompt access to any unclassified reports regarding an examination that relates to any adverse personnel action taken with respect to the individual.

SEC. 304. REPORT ON FURTHER ENHANCEMENT OF FBI PERSONNEL SECURITY PROGRAM.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report setting forth recommendations for any legislative action that the Director considers appropriate in order to enhance the personnel security program of the Federal Bureau of Investigation.

(b) POLYGRAPH REVIEW RESULTS.—Any recommendation under subsection (a) regarding the use of polygraphs shall take into account the results of the Polygraph Review.

TITLE IV—REPORTS

SEC. 401. REPORT ON LEGAL AUTHORITY FOR FBI PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Attorney General shall submit to Congress a report describing the statutory and other legal authority for all programs and activities of the Federal Bureau of Investigation.

(b) CONTENTS.—The report submitted under subsection (a) shall describe—

(1) the titles within the United States Code and the statutes for which the Federal Bureau of Investigation exercises investigative responsibility;

(2) each program or activity of the Federal Bureau of Investigation that has express statutory authority and the statute which provides that authority; and

(3) each program or activity of the Federal Bureau of Investigation that does not have express statutory authority, and the source of the legal authority for that program or activity.

(c) RECOMMENDATIONS.—The report submitted under subsection (a) shall recommend whether—

(1) the Federal Bureau of Investigation should continue to have investigative responsibility for each statute for which the Federal Bureau of Investigation currently has investigative responsibility;

(2) the legal authority for any program or activity of the Federal Bureau of Investigation should be modified or repealed;

(3) the Federal Bureau of Investigation should have express statutory authority for any program or activity of the Federal Bureau of Investigation for which the Federal Bureau of Investigation does not currently have express statutory authority; and

(4) the Federal Bureau of Investigation should—

(A) have authority for any new program or activity; and

(B) express statutory authority with respect to any new programs or activities.

TITLE V—ENDING THE DOUBLE STANDARD

SEC. 501. ALLOWING DISCIPLINARY SUSPENSIONS OF MEMBERS OF THE SENIOR EXECUTIVE SERVICE FOR 14 DAYS OR LESS.

Section 7542 of title 5, United States Code, is amended by striking "for more than 14 days".

SEC. 502. SUBMITTING OFFICE OF PROFESSIONAL RESPONSIBILITY REPORTS TO CONGRESSIONAL COMMITTEES.

(a) IN GENERAL.—For each of the 5 years following the date of enactment of this Act, the Office of the Inspector General shall submit to the chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives an annual report to be completed by the Federal Bureau of Investigation, Office of Professional Responsibility and provided to the Inspector General, which sets forth—

(1) basic information on each investigation completed by that Office;

(2) the findings and recommendations of that Office for disciplinary action; and

(3) what, if any, action was taken by the Director of the Federal Bureau of Investigation or the designee of the Director based on any such recommendation.

(b) CONTENTS.—In addition to all matters already included in the annual report described in subsection (a), the report shall also include an analysis of—

(1) whether senior Federal Bureau of Investigation employees and lower level Federal Bureau of Investigation personnel are being disciplined and investigated similarly; and

(2) whether any double standard is being employed to more senior employees with respect to allegations of misconduct.

TITLE VI—ENHANCING SECURITY AT THE DEPARTMENT OF JUSTICE

SEC. 601. REPORT ON THE PROTECTION OF SECURITY AND INFORMATION AT THE DEPARTMENT OF JUSTICE.

Not later than 9 months after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the manner in which the Security and Emergency Planning Staff, the Office of Intelligence Policy and Review, and the Chief Information Officer of the Department of Justice plan to improve the protection of security and information at the Department of Justice, including a plan to establish secure electronic communications between the Federal Bureau of Investigation and the Office of Intelligence Policy and Review for processing information related to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SEC. 602. AUTHORIZATION FOR INCREASED RESOURCES TO PROTECT SECURITY AND INFORMATION.

There are authorized to be appropriated to the Department of Justice for the activities of the Security and Emergency Planning Staff to meet the increased demands to provide personnel, physical, information, technical, and litigation security for the Department of Justice, to prepare for terrorist threats and other emergencies, and to review security compliance by components of the Department of Justice—

(1) $13,000,000 for fiscal years 2004 and 2005;

(2) $17,000,000 for fiscal year 2006; and

(3) $22,000,000 for fiscal year 2007.

SEC. 603. AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.

There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal years 2004 and 2005;

(2) $7,500,000 for fiscal year 2006; and

(3) $8,000,000 for fiscal year 2007.

Mr. LEAHY. Mr. President, I am pleased to introduce today, with my friend the senior Senator from Iowa, the FBI Reform Act of 2003.

This legislation stems from the lessons learned during a series of Judiciary Committee hearings on oversight of the FBI that I chaired beginning in June 2001. The important changes which are being made under the FBI's leadership after the September 11 attacks and the new powers granted the FBI by the USA PATRIOT Act have resulted in FBI reform becoming a pressing matter of national importance.

Since 9/11 and the anthrax attacks later that fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. The men and women of the FBI are performing this task with great professionalism at home and abroad. We have all felt safer as a result of the full mobilization of the FBI's dedicated Special Agents, its expert support personnel, and its exceptional technical capabilities. We owe the men and women of the FBI our thanks.

For decades the FBI has been an outstanding law enforcement agency and a vital member of the United States intelligence community. As our hearings and recent events have shown, however, there is room for improvement at the FBI. To fully rise to its current challenges, the FBI must face and understand the mistakes of the past and make the changes needed to ensure that they are not repeated. In meeting the international terrorist challenge, the Congress has an opportunity and obligation to strengthen the institutional fiber of the FBI based on lessons learned from recent problems the Bureau has experienced.

This view is not mine alone. When FBI Director Mueller testified at his confirmation hearings in July 2001, he forthrightly acknowledged "that the Bureau's remarkable legacy of service and accomplishment has been tarnished by some serious and highly publicized problems in recent years. Waco, Ruby Ridge, the FBI lab, Wen Ho Lee, Robert Hanssen and the McVeigh documents—these familiar names and events remind us all that the FBI is far from perfect and that the next director faces significant management and administrative challenges." Since then, the Judiciary Committee has forged a constructive partnership with Director Mueller to get the FBI back on track.

Congress sometimes has followed a hands-off approach about the FBI. But with the FBI's new increased powers, with our increased reliance on the Bureau to prevent terrorism, and with the increased funding provided by the Congress should come increased scrutiny and accountability. Until the Bureau's problems are resolved and new challenges overcome, we should be taking a hands-on approach.

Indeed our hearings and other oversight activities have highlighted tangible steps the Congress should take in an FBI Reform bill as part of this hands-on approach. Among other things, these hearings demonstrated the need to extend whistleblower protection, end the double standard for discipline of senior FBI executives, and enhance the FBI's internal security program to protect against espionage as occurred in the Hanssen case.

Director Mueller once said it is "critically important" that he "hears criticisms of the organization . . . in order to improve the organization." I could not agree more. More than ever, the FBI must be open to new ideas, to criticism from within and without, and to facing up to and learning from past mistakes.

During the last Congress, the Judiciary Committee unanimously approved the Leahy-Grassley FBI Reform Act of 2001. Unfortunately, our bipartisan efforts were stymied by an anonymous Republican hold, which prevented the bill from being considered on the floor. While we did eventually succeed in passing three of the bill's important reform provisions as part of the Department of Justice authorization act, other needed reforms were senselessly blocked. These reforms, which remain as important and urgent as ever, are included in the bill we introduce today.

There are five key elements of our bill.

First, it strengthens whistleblower protection for FBI employees and protects them from retaliation for reporting wrongdoing.

Second, it addresses the issue of a double standard for discipline of senior executives by eliminating the disparity in authorized punishments between Senior Executive Service members and other Federal employees.

Third, it establishes an FBI Counterintelligence Polygraph Program for screening personnel in exceptionally sensitive positions with specific safeguards.

Fourth, it establishes an FBI Career Security Program, which would bring the FBI into line with other U.S. intelligence agencies that have strong career security professional cadres whose skills and leadership are dedicated to the protection of agency information, personnel, and facilities.

And fifth, it requires a set of reports that would enable Congress to engage the Executive branch in a constructive dialogue building a more effective FBI for the future.

The FBI Reform Act is designed to strengthen the FBI as an institution that has a unique role as both a law enforcement agency and a member of the intelligence community. As the Judiciary Committee continues its oversight work and more is learned about recent FBI performance, additional reforms may prove necessary. Especially important will be the lessons learned from the attacks of September 11, the anthrax attacks, and implementation of the USA PATRIOT Act and other counterterrorism measures.

We need to help the FBI become as effective, as accountable and as agile as the American people need it to be to counter the threat of terrorism on our shores.

Strengthening the FBI cannot be accomplished overnight, but with this legislation, we take an important step into the FBI's future.

By Mr. BIDEN:

S. 1441. A bill to amend title 18, United States Code, with respect to false information regarding certain criminal violations concerning hoax reports of biological, chemical, and nuclear weapons; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce "The Protection Against Terrorist Hoaxes Act of 2003." This bill would amend Title 18 of the United States Code to, make it a Federal crime to knowingly make a hoax report, involving a biological, chemical, nuclear weapon, or other weapon of mass destruction. Likewise, this bill would make it a criminal offense to knowingly send such a hoax weapon to another.

Since the terrorist attacks of September 11, our Nation has witnessed a number of terror hoax reports. This in turn has triggered an equally large number of reports of suspected biological agents. No part of the Nation has been spared, and my home State of Delaware has had several hundred reports of possible biological agents. The FBI has reported to Congress the staggering statistics involving these bioterrorism hoaxes and other reports of suspected biological agents. Prior to September 11, the FBI had responded to about 100 cases involving potential use of "weapons of mass destruction," 67 of which involved alleged biological weapons. Since mid-September 2001, however, that number has increased by 3,000 percent.

The good news is that most of these reports were either hoaxes or reports made by well-meaning people whose suspicions were raised. The bad news is that any hoax reports were made in the first place, triggering panic on the part of the public, and often forcing the Federal, State, and local governments to waste valuable time and resources responding to them. In one particularly egregious case, it has been reported that an employee of the Connecticut Department of Environmental Protection falsely reported to security that he had found a yellowish-white powder on his desk with the misspelled label "ANTHAX." The employee, a 48-year-old solid waste management analyst, knew the material was not toxic, it was determined to be coffee creamer, but persisted in the false account. Eight hundred State employees were evacuated from the building for 2 days while law enforcement officials tested the building, at a cost of $1.5 million in lost worker's time, another $40,000 in decontamination costs, and an undisclosed amount of money spent on rescue and law enforcement. The employee is being charged in Federal court—not for the hoax report, but for lying to Federal officials after the fact.

Indeed, the Justice Department reported to Congress that there is a gap in the existing Federal law regarding the prosecution of bioterrorism hoaxes. That is, while it is a crime to threaten to use, for example, anthrax as a weapon against another person, it is not a crime to make a hoax anthrax report. Accordingly, the Justice Department has repeatedly asked Congress to enact legislation which specifically addresses hoaxes which involve purported biological substances, as well as chemical, nuclear and other weapons of mass destruction. Just this month, the Justice Department stated in testimony, "changes in title 18 to expand the reach of the law to prohibit conduct resulting in such hoaxes would provide prosecutors with an appropriate tool to respond to these situations."

We should answer the call and act now to give law enforcement the tools they need to combat these despicable crimes. The Federal interest is indisputable, as States and localities are simply not equipped with the expertise or resources to evaluate and respond to these hoaxes. A comprehensive prohibition on such false reports is necessary to preserve scarce and vital Federal resources.

Accordingly, as Ranking Member of the Judiciary Subcommittee on Crime, Corrections and Victims' Rights, I introduce a bill today which contains both criminal provisions and civil penalties for the hoax reporting of bioterrorism incidents. My bill simply says that if you knowingly engage in conduct—such as deliberately sending baking powder through the mail to your congressman or calling 911 to falsely report the presence of anthrax in a public building—that is likely to create the false impression concerning the presence of anthrax, or other similar things, that you have committed A Federal offense, punishable by up to 5 years in jail. Moreover, such a person may be fined the greater of either $10,000 or the amount of money expended by the government to respond to the false information. Finally, such a person may also be ordered to reimburse the government if costs were incurred in responding to the false hoax. Let me be clear—this bill will not target innocent mistakes or people who make a report concerning a suspected substance; it is aimed, rather, at deliberate hoax reports by those who know they are spreading false information.

I have said many times on the floor of this body that the terrorist win if they succeed in sowing seeds of panic into our daily lives. We cannot and will not let that happen. Similarly, we will not let these hoaxers get away with words and deeds which have the same effect. I urge my colleagues to support the Protection Against Terrorist Hoaxes Act of 2003.

By Ms. LANDRIEU:

S. 1442. A bill to preserve the political independence of the National Women's Business Council; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, the National Women's Business Council provides Congress, the Small Business Administration, and the Interagency Committee on Women's Business Enterprise with independent advice and policy recommendations to foster women's business ownership. Now many of my colleagues may not know a great deal about the Council, its members, and what they do. But I can tell you that as a member of the Senate Committee on Small Business and Entrepreneurship, the Council's advice is very helpful as we develop legislation that affects small businesses throughout the country.

The Council has broad latitude to address nearly any issue that it considers to be important for women in business. Whether it relates to health insurance, the economy, or fiscal policies, the Council brings a unique and valuable perspective. Women make up 46 percent of the Nation's executive, administrative and managerial occupations and head up 7.1 million sole proprietorships. The National Women's Business Council is their voice.

The Council's independent voice is the key to its success and influence. The structure of the Council helps to maintain that independence. The Council has 15 members. The Chair is appointed by the President and must be a prominent businesswoman. Six members come from women's business organizations, including representatives of women's business center sites. The remaining eight members are political appointees, split evenly between Democrats and Republicans. These political slots are appointed by the SBA Administrator based upon the recommendations of the Chair and Ranking Members of the Senate Business and Entrepreneurship Committee and the House Small Business Committee. All of these "party-affiliated" members must be small business owners.

This bipartisan balance in the Council's membership helps to ensure that any policy recommendations or positions the Council takes will reflect the needs of women in business and not the political agenda of one political party over another. Certainly, the political balance is not completely even because the Chair is appointed by the President, but the Democrats have a strong voice with four members on the Council. That will only be true, however, as long as the Democratic seats are filled.

Unfortunately, this has not always been the case. Vacancies on the Council are supposed to be filled no later than 30 days after a seat becomes open. However, over the past two years, the SBA has routinely failed to meet this 30-day statutory deadline. The Council Chair was vacant from May 29, 2001 to May 21, 2002, a period of 11 months and 22 days. As a result, the Council could not even meet.

Vacancies in the party-affiliated seats hurt the Council's independence. Of the party-affiliated seats reserved for the President's party, one seat was vacant for three months; two were vacant for a period of seven months; and another went vacant for 21 months. Two of the seats reserved for Democrats remained vacant for nearly two years, another seat was vacant for seven months, and the fourth seat remains vacant today. In the past, these vacancies have not been filled in a manner consistent with maintaining a bipartisan balance and the independence of the Council. Let me give you an example.

In February of this year the Council announced its support for Association Health Plans. This is an important issue for many small businesses and for the economy on the whole. At the time, the Council had three Republican members and no Democrats. Regardless of what opinion you may have of the Association Health Plans issue, the Council's position can be dismissed by some as being political because of the partisan imbalance on the Council at the time it made its endorsement. Instead of being an unquestioned resource for Congress and policy makers to rely on, the Council faces potential criticism that it is nothing more than a mouthpiece for one party over another.

Today, I am introducing legislation to protect the independence of the Council. The National Women's Business Council Independence Preservation Act of 2003 will ensure that the Council maintains its value as an advisor to Congress and the Administration. This measure simply requires that vacancies in the party-affiliated seats be filled evenly so that the Council maintains a bipartisan balance. This will help to ensure that the Council's policy advice is free from any partisan taint.

My legislation also ensures accountability by requiring the SBA Administrator to report to Congress on vacancies that remain unfilled for more than 30 days. The report must cite the reasons for the vacancies, what is causing any delays in filling the positions, whether nominees were available for consideration, at what stage in the vetting process nominees are, whether there are any objections to the nominees and what those objections are, an estimate for when the vacancies will be filled, and any other relevant information relating to the vacancies.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Women's Business Council Independence Preservation Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The National Women's Business Council provides an independent source of advice and policy recommendations regarding women's business development and the needs of women entrepreneurs in the United States to—

(A) the President;

(B) Congress;

(C) the Interagency Committee on Women's Business Enterprise; and

(D) the Administrator of the Small Business Administration.

(2) The members of the National Women's Business Council are small business owners, representatives of business organizations, and representatives of women's business centers.

(3) The chair and ranking member of the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives make recommendations to the Administrator to fill 8 of the positions on the National Women's Business Council. Four of the positions are reserved for small business owners who are affiliated with the political party of the President and four of the positions are reserved for small business owners who are not affiliated with the political party of the President. This method of appointment ensures that the National Women's Business Council will provide Congress with non-partisan, balanced, and independent advice.

(4) In order to maintain the independence of the National Women's Business Council and to ensure that the Council continues to provide Congress with advice on a non-partisan basis, it is essential that the Council maintain the bipartisan balance established under section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107).

SEC. 3. MAINTAINING THE POLITICAL INDEPENDENCE OF THE NATIONAL WOMEN'S BUSINESS COUNCIL.

Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is amended—

(1) by striking "A vacancy" and inserting the following:

"(1) IN GENERAL.—A vacancy"; and

(2) by adding at the end the following:

"(2) PARTISAN BALANCE.—When filling vacancies under paragraph (1), the Administrator shall, to the extent practicable, ensure that there are an equal number of members on the Council from each of the 2 major political parties."

"(3) ACCOUNTABILITY.—If a vacancy is not filled within the 30-day period required under paragraph (1) or if there exists an imbalance of party-affiliated members on the Council for a period exceeding 30 days, the Administrator shall submit a report, not later than 10 days after the respective 30-day deadline, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, that explains why the respective deadline was not met and provides an estimated date on which any vacancies will be filled.".

By Mr. CARPER (for himself, Mr. NELSON of Nebraska, and Ms. COLLINS):

S. 1443. A bill to amend part A of title IV of the Social Security Act to reauthorize the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

Mr. CARPER. Mr. President, I come to the floor to take this time to talk about the reauthorization of welfare reform, the reform launched a half dozen years ago. The authorization for those reforms has expired once, has been renewed for a year, and will expire again at the end of this year.

When Bill Clinton ran for President in 1992, he said a number of things for which he is remembered. He said: It is the economy, stupid. And it is always the economy, stupid, as far as I am concerned. But he also said we ought to change welfare as we know it. And we have.

Welfare reform was very much needed in the mid-1990s. A lot of people who ended up on welfare stayed there for long periods of time. And one of the reasons why they stayed there for so long was because they and their families were better off being on welfare than not. If people on welfare went to work, they lost some things. They lost maybe health care for their kids, eligibility for food stamps, nutritional support for their families, affordable housing. They certainly had to pay more for affordable housing.

And what would they gain by going to work and getting off welfare? The right to pay taxes: State income taxes, Federal income taxes, Social Security taxes, Medicare taxes, and others. After losing those certain things and gaining the right to pay those taxes, they would have to deal with the costs included in childcare. Who is going to take care of my kids? How will I pay for it? How will I get to work? Is there transportation? Is there transit? Do I have a car? Is it a working car? If I don't, how do I get one or pay for it or maintain it?

The reforms adopted in 1996 were actually endorsed by the National Governors Association which served as a catalyst for the adoption of Federal law. There were a number of principles that underscored or underwrote that welfare reform initiative of the mid-1990s. The first was work first. We should not place emphasis on finding people for jobs that may not exist. We ought to help people to go to work first.

The second principle was, work ought to pay more than welfare. People actually ought to be better off because somebody in that family is going to work every day.

The third principle was really a tough love principle. There ought to be limits on the amount of time that people could be on welfare. States could make it more stringent but a 5-year cap on the amount of time people spent on welfare should be the law of the land. We should have a tough love approach. There ought to be a certain toughness in what we are doing.

People should show up for job interviews. They should take the jobs offered. They should not be able to walk away from the jobs. If they do those kinds of things, they would face, in a number of States, the likelihood of being sanctioned for their refusal or inability to go to work and continue to work.

We also said that we realize there are some people on welfare who will never come off. For reasons physiological, they are going to be dependent forever. We allowed the States to recognize some percentage—I think 20 percent—of the caseload of people who will not go to work.

We said that it might be a smart idea to have a rainy day fund, in case the economy falls off a cliff or we have a lot more people who show up and need a welfare payment. So we provided for a rainy day fund.

Finally, we said there are really four critical elements that need to be addressed in order for people to get off welfare and stay off welfare for an extended period of time. No. 1, there had to be a job to go to. No. 2, they have to have a way to get to the job. No. 3, there has to be health care for the kids. If the kids get sick, parents are not going to go to work. There has to be minimal health care for the family. People will not go to work if there is nobody to take care of their kids. So there needs to be some assistance given for childcare.

By most standards, the welfare reforms we began a half dozen years ago are regarded as a success. The rolls are down by roughly half across the country, including Delaware. Many families who used to be on welfare are now working and those families are, for the most part, better off. In those families where somebody is going to work every day, that parent sets an example for their children that there is an expectation to go to work, that there is dignity with work, and we are expected to be self-aligned and self-sufficient, if we are psychologically able to do that.

I have heard the old adage, "If it ain't broke, don't fix it." Some people said that about the welfare reforms to be adopted in 1996—that they were not broke and we ought not to fix them. Other people said we ought to change it substantially, which is what we did in 1996. Some would like to go back to a situation that existed prior to that time. Others would like to go to an even tougher love arrangement, with the emphasis on toughness and not a whole lot of love involved.

Rather than saying if it ain't broke, don't fix it, I think the better approach is to say this: If it is not perfect, make it better. The reforms we adopted 6 years ago can be improved upon and we can make it better.

I want to talk about a proposal Senator NELSON and I will be offering. As former Governors of our States, we believe it will build on the changes adopted in 1996. It would make the system better and make it one that is more likely to help people get off welfare and stay off for an extended period of time, and hopefully forever.

When we adopted the welfare reforms of 1996, we decided to take welfare, which had been an entitlement program, and make it a block grant program. I believe it provided that $16.5 million would be distributed to States in block grants and States could apportion that money out, to be used for a variety of things, including cash welfare payments, childcare assistance, health care, and other things. They could also use the money for transportation assistance. We put a 5-year limit on the amount of time people, under Federal law, could be eligible for welfare benefits. We also said in that law that we want States to eventually increase their work participation rates.

If you look at the welfare caseload, the percentage of people doing work or work-like activities, we wanted that to increase so by 2002 the work participation would have gone up 50 percent from wherever it started. That is where it is today; the work participation rate is 50 percent.

We give a credit to States that moved people off of welfare since the mid to late 1990s. So if they have moved people off welfare, States can get a credit toward the work participation rate, with the 50-percent mandate.

As it turned out, when they moved half of the people off of the welfare rolls and the work participation rate is 50 percent effectively by moving people off welfare to work, in most of the States we have eliminated de facto the work participation rate. Most States have a zero work participation rate as a result.

Our bill changes that in a couple of ways. It gradually raises from 50 percent to 70 percent, in 5-percent increments each year, the work participation rate, so that by 2008, today's rate would go up to 70 percent.

We provide for something called an employment credit. The employment credit provides a credit to States against its work participation rate for doing a couple of things. One, for moving people to work. Two, they get bonus credit for moving people to work at better paying jobs. Also, States can earn partial credit against the work participation rate if people are doing at least 16 hours of core work activities.

Under the current Federal law, a workweek for people who have kids over the age of 6 is 30 hours in order to count toward the work participation rate. Under current law, if a person has a child under 6, they need to be working 20 hours in order to count toward the States' work participation requirement.

Senator NELSON and I would change that a little bit. We say that—there is one thing we don't change. If you have a child under the age of 6, it is still 20 hours. If they are over the age of 6, we expect them to be working 32 hours, 8 of which can be activities other than core work activities. An example would be assistance for substance abuse, or anything that is deemed to be eliminating the barrier toward employment. If a person doesn't have a high school degree, they can be working toward their GED, and that counts as part of that 8 hours. But 24 hours of the 32 would have to be a core work activity. I will give you some examples: private sector work, public sector work, community service, and vocational education.

Senator NELSON and I also made a modification with respect to education and training. Under current law, vocational education counts up to—I believe you count it toward your work participation rate for 12 months. We make that 24 months. We put in a cap. If you had 100 people on your caseload, no more than 30 percent of that 100 people who are involved in vocational education training or postsecondary can be counted toward a State's work participation rate. We extend from 12 months to 24 months those who are participating in vocational credit.

If you want people to go to work, you have to make sure there is help on the childcare side. If we are going to raise the hours, we expect the people to do work or work-like activities. If we are going to raise the work participation rate, we have to provide additional assistance. There is an extra $6 billion that we provide for childcare over the 5-year period.

In addition, we raise the social service block grant to a fully authorized level over a 5-year period of time. On the transportation side, as I mentioned earlier, unless people can get to work—we can have all the caps and participation rates we want but unless people can get to work, they are not going to be able to get off welfare and stay off of welfare.

In our legislation, we provide under current law where States can use the TANF block grant for transportation assistance. We provide authorizing language for another $15 million in authorization for transportation. If you live in a rural area and there is no transportation, States can help people buy cheaper but working cars to get where they need to go.

We make a change with respect to transitional health care. Under current law, if I am on welfare and then I go to work, I lose my health care. I can get 12 months of transitional assistance from Medicaid. We raise that. We give States the discretion to raise that to 24 months.

I see Senator GRASSLEY has risen to speak. I will finish my remarks. I say this to him. I appreciate very much his effort in leading the Finance Committee. Senator NELSON and I have actually been privileged to be Governors of our States—8 years apiece—at the time we launched welfare reform. We learned a lot from those experiences. We think it is germane to the debate that is coming soon in the next steps in welfare reform. We hope to be part of the debate—maybe not in your committee but certainly when we get the bill to the floor. As much as I understand what is taking shape here, I think there are common elements in what Senator GRASSLEY is seeking to do and what Senator NELSON and I propose to do. We look very much forward to engaging with the chairman in the work he is doing now and with that which is going to be brought to the floor later this year.

Mr. President, I ask unanimous consent that the text of this bill that Senator NELSON and I are introducing be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Building on Welfare Success Act of 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Findings.

TITLE I—WORK

Sec. 101. Increase in minimum participation rates.
Sec. 102. Increase in number of hours required for work and work-related activities.
Sec. 103. Treatment of rehabilitative services as an additional work activity.
Sec. 104. Education and training.
Sec. 105. Authority to establish parents as scholars programs.
Sec. 106. Replacement of caseload reduction credit with employment credit.
Sec. 107. Elimination of separate work participation rate for 2-parent families.
Sec. 108. State option to count a caregiver of a family member with a disability or chronic illness as engaged in work.

TITLE II—FAMILY PROMOTION AND SUPPORT

Subtitle A—Family Formation Fund and Teen Pregnancy Prevention Grants

Sec. 201. Promotion of family formation.
Sec. 202. Ban on imposition of stricter eligibility criteria for 2-parent families.
Sec. 203. Teen pregnancy prevention grants.
Sec. 204. Teen pregnancy prevention resource center.
Sec. 205. Establishing national goals to prevent teen pregnancy.

Subtitle B—Child Support Distribution to Families First

CHAPTER 1—DISTRIBUTION OF CHILD SUPPORT

Sec. 211. Distribution of child support collected by States on behalf of children receiving certain welfare benefits.

CHAPTER 2—EXPANDED ENFORCEMENT

Sec. 221. Decrease in amount of child support arrearage triggering passport denial.
Sec. 222. Use of tax refund intercept program to collect past-due child support on behalf of children who are not minors.
Sec. 223. Garnishment of compensation paid to veterans for service-connected disabilities in order to enforce child support obligations.
Sec. 224. Mandatory review and adjustment of child support orders for families receiving TANF.
Sec. 225. Improved interstate enforcement.

CHAPTER 3—MISCELLANEOUS

Sec. 231. Report on undistributed child support payments.
Sec. 232. Use of new hire information to assist in administration of unemployment compensation programs.
Sec. 233. Immigration provisions.
Sec. 234. Increase in payment rate to States for expenditures for short-term training of staff of certain child welfare agencies.

Subtitle C—Responsible Fatherhood

Sec. 241. Responsible fatherhood grants.
Sec. 242. National clearinghouse for responsible fatherhood programs.
Sec. 243. Block grants to States to encourage media campaigns.

TITLE III—STATE FLEXIBILITY

Sec. 301. State option to assist legal immigrant families.
Sec. 302. Optional coverage of legal immigrants under the medicaid program and title XXI.
Sec. 303. 5-year extension and simplification of the transitional medical assistance program (TMA).
Sec. 304. Definition of assistance.
Sec. 305. Clarification of authority of States to use TANF funds carried over from prior years to provide TANF benefits and services.
Sec. 306. Authority to use TANF funds for housing benefits.

TITLE IV—RESOURCES AND ACCOUNTABILITY

Sec. 401. Reauthorization of State family assistance grants.
Sec. 402. Reauthorization of supplemental grants for population increases.
Sec. 403. Contingency fund.
Sec. 404. Child care.
Sec. 405. Restoration of funding for the social services block grant.
Sec. 406. Competitive grants for public-private partnerships for educational opportunities for career advancement.
Sec. 407. Grants to improve access to transportation.
Sec. 408. Pathway to self-sufficiency grants to improve coordination of assistance for low-income families.
Sec. 409. Transitional jobs programs.
Sec. 410. GAO study on impact of ban on SSI benefits for legal immigrants.
Sec. 411. Ensuring TANF funds are not used to displace public employees; application of workplace laws to welfare recipients.
Sec. 412. Data collection and reporting.

TITLE V—MISCELLANEOUS

Sec. 501. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 4. FINDINGS.

Congress makes the following findings:

(1) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) was a fundamental change to reform the Federal welfare system to shift it from an entitlement program into a transition program to help families move from welfare to work and personal responsibility.

(2) Since enactment of the 1996 welfare reform law, welfare cash assistance caseloads have dropped dramatically, by approximately 50 percent, and approximately ⅔ of welfare recipients who have left the cash assistance rolls have left for work.

(3) Another sign of reform and progress is that funding has shifted from providing monthly cash assistance for parents to stay at home to over ½ of the funding targeted to pay for work supports, such as child care, transportation, job placement, limited job training, or other priorities.

(4) Investments in child care and transportation, and health care access will help continue this success and move more people from welfare to work.

(5) While many families have moved from welfare to work, many families struggle in low-wage jobs and have trouble getting promised supports such as medicaid, child care, food stamps, and other supports available under programs intended to help families.

(6) Child poverty rates in the United States have improved but they could be lower and they remain high when compared to the rates of other developed countries. More must be done to reduce child poverty in our Nation.

(7) State flexibility has been critical to the success of the 1996 welfare reform law and will be important for States to provide a broad range of services to address parents on welfare with barriers to employment. State flexibility also is important for States to continue successful welfare programs that have cut the caseload in half since 1996.

(8) Children deserve to be raised in supportive homes, preferably with 2 loving parents. It is crucial to end policies that discriminate against serving 2-parent families within the welfare system. It is also important to support innovative programs to encourage full participation in child support and child rearing by noncustodial parents.

(9) Despite declining national and State rates, 35 percent of 10 girls in the United States get pregnant at least once by age 20, nearly 900,000 girls get pregnant each year, and there are nearly 500,000 teen births each year. The national teen birth rate for Hispanic teen girls - the fastest growing group - is declining the slowest.

(10) If teen birth rates had stayed at the 1991 peak level, there would have been at least 800,000 additional babies born to teenagers.

TITLE I—WORK

SEC. 101. INCREASE IN MINIMUM PARTICIPATION RATES.

The table set forth in section 407(a)(1) (42 U.S.C. 607(a)(1)) is amended—

(1) in the item relating to fiscal year 2002—

(A) by striking "or thereafter" and inserting "2003, or 2004"; and

(B) by striking the period; and

(2) by adding at the end the following:

"2005	55
2006	60
2007	65
2008 or thereafter	70.".

SEC. 102. INCREASE IN NUMBER OF HOURS REQUIRED FOR WORK AND WORK-RELATED ACTIVITIES.

Section 407(c)(1) (42 U.S.C. 607(c)(1)), as amended by section 107(3), is amended—

(1) in the matter preceding the table set forth in that paragraph, by striking "20 hours" and inserting "24 hours"; and

(2) in the table—

(A) in the item relating to fiscal year 2000, by striking "or thereafter" and inserting ", 2001, 2002, or 2003";

(B) by striking the period at the end; and

(C) by adding at the end the following:

2004 or thereafter	32.".

SEC. 103. TREATMENT OF REHABILITATIVE SERVICES AS AN ADDITIONAL WORK ACTIVITY.

(a) IN GENERAL.—Section 407(d) (42 U.S.C. 607(d)) is amended—

(1) in paragraph (11), by striking "and" at the end;

(2) in paragraph (12), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(13)(A) rehabilitative services, such as adult basic education, participation in a program designed to increase proficiency in the English language, or, in the case of an individual determined by a qualified medical, mental health, or social services professional as having a physical or mental disability, substance abuse problem, or other problem that requires rehabilitative services, substance abuse treatment, mental health treatment, or other rehabilitative services, provided that the provision of such services is a requirement of the individual's individual responsibility plan under section 408(b) (not to exceed 3 months out of any 24-month period, or, if such services for a longer period of time is a requirement of the individual's plan under section 408(b), up to 6 months, but only if, during the last 3 months of such 6 months, such services are combined with work or job-readiness activities); and

"(B) for purposes of counting toward the minimum average number of hours per week specified in subsection (c)(1), services described in subparagraph (A), the provision of which is a requirement of the individual's individual responsibility plan under section 408(b), until an individual successfully completes such services (and without regard to the time limits for the receipt of such services for purposes of subparagraph (A).".

(b) CONFORMING AMENDMENTS.—Section 407(c)(1) (42 U.S.C. 607(c)(1)), as amended by sections 102 and 107(3), is amended by striking "or (12)" and inserting "(12), or (13)(A)".

SEC. 104. EDUCATION AND TRAINING.

(a) INCREASE IN MONTHS FOR VOCATIONAL EDUCATIONAL TRAINING TO COUNT AS A WORK ACTIVITY.—Section 407(d)(8) is amended to read as follows:

"(8) vocational educational training (not to exceed 24 months with respect to any individual);".

(b) STATE OPTION TO TREAT PARTICIPANTS IN POSTSECONDARY EDUCATION PROGRAM ESTABLISHED BY THE STATE AS ENGAGED IN WORK.—Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

"(E) STATE OPTION TO TREAT PARTICIPANTS IN POSTSECONDARY EDUCATION PROGRAM ESTABLISHED BY THE STATE AS ENGAGED IN WORK.—In the case of a State that elects to establish a postsecondary education program under section 404(l), the State may include, for purposes of determining monthly participation rates under subsection (b)(1)(B)(i), all families that include an individual participating in such program during the month as being engaged in work for the month, so long as each such individual is in compliance with the requirements of that program.".

(c) ELIMINATION OF RECIPIENTS COMPLETING SECONDARY SCHOOL FROM LIMIT ON NUMBER OF TANF RECIPIENTS PARTICIPATING IN VOCATIONAL EDUCATIONAL TRAINING.—

(1) IN GENERAL.—Section 407(c)(2)(D) (42 U.S.C. 607(c)(2)(D)) is amended to read as follows:

"(D) LIMITATION ON NUMBER OF PERSONS WHO MAY BE TREATED AS ENGAGED IN WORK BY

REASON OF PARTICIPATION IN VOCATIONAL EDUCATIONAL TRAINING.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), not more than 30 percent of the number of individuals in all families in a State who are treated as engaged in work for a month may consist of individuals who are determined to be engaged in work for the month by reason of participation in vocational educational training (determined without regard to individuals described in subparagraph (C) or participating in a program referred to in subparagraph (E)).”.

(2) CONFORMING AMENDMENT.—Section 407(c)(2)(C)(ii) (42 U.S.C. 607(c)(2)(C)(ii)) is amended by inserting “including vocational educational training” after “employment”.

SEC. 105. AUTHORITY TO ESTABLISH PARENTS AS SCHOLARS PROGRAMS.

Section 404 (42 U.S.C. 604) is amended by adding at the end the following:

“(l) AUTHORITY TO ESTABLISH PARENTS AS SCHOLARS PROGRAMS.—

“(1) IN GENERAL.—A State to which a grant is made under section 403 may use the grant to establish a parents as scholars program under which an eligible participant may be provided support services described in paragraph (4) based on the participant's need in order to complete the program.

“(2) DEFINITION OF ELIGIBLE PARTICIPANT.—

“(A) IN GENERAL.—In this subsection, the term ‘eligible participant’ means an individual who receives assistance under the State program funded under this part and satisfies the following requirements:

“(i) The individual is enrolled as a full-time student in a postsecondary 2- or 4-year degree program.

“(ii) The individual does not have a marketable bachelor's degree.

“(iii) The individual does not have the skills necessary to earn at least 85 percent of the median wage for the State or locality in which the individual resides.

“(iv) The individual is—

“(I) pursuing a degree that will improve the individual's ability to support the individual's family, considering the local labor market and employment opportunities; and

“(II) demonstrating an ability to succeed in the educational program that has been chosen.

“(v) The individual participates in a combination of education, training, study or worksite experience for an average of not less than 20 hours per week (including time spent studying at 150 percent of time spent in class).

“(vi) After the first 24 months of participation in the program, the individual—

“(I) works not less than 15 hours per week (in addition to school and study time); or

“(II) engages in a combination of class hours, study hours (including time spent studying at 150 percent of time spent in class) and work for a total of not less than 32 hours per week.

“(vii) During the period the individual participates in the program, the individual—

“(I) maintains not less than a 2.0 grade point average;

“(II) attends classes as scheduled;

“(III) reports to the individual's caseworker for the program any changes that might affect the individual's participation;

“(IV) provides the individual's caseworker with a copy of any financial aid award letters; and

“(V) provides the individual's caseworker with the individual's semester grades as requested.

“(B) DEFINITION OF FULL-TIME STUDENT.—

“(i) IN GENERAL.—For purposes of subparagraph (A)(i), an individual shall be considered a full-time student if such individual is taking courses having the number of hours needed under the requirements of the educational institution in which the individual is enrolled, to complete the requirements of a degree within the usual timeframe of 2 or 4 years, as applicable.

“(ii) EXCEPTION.—The State may, for good cause, modify the number of hours required under clause (i) to allow additional time, not to exceed 150 percent of the usual timeframe required for completion of a 2- or 4-year degree, for an individual to complete a degree and be considered a full-time student under a program established under this subsection.

“(3) MODIFICATION OF ELIGIBLE PARTICIPANT REQUIREMENTS.—A State may, for good cause, modify the requirements for an eligible participant set forth in paragraph (2)(A).

“(4) SUPPORT SERVICES DESCRIBED.—For purposes of paragraph (1), the support services described in this paragraph include 1 or more of the following during the period the eligible participant is in the program established under this subsection:

“(A) Child care for children under age 13 or for children who are physically or mentally incapable of caring for themselves.

“(B) Transportation services, including—

“(i) mileage at a set rate per mile or reimbursement for public or private transportation;

“(ii) payment for automotive repairs, not to exceed $500 per academic year on a vehicle registered to the eligible participant; and

“(iii) reimbursement for vehicle liability insurance, not to exceed $300, for the eligible participant's vehicle.

“(C) Payment for books and supplies to the extent that such items are not covered by grants and loans, not to exceed $750 per academic year.

“(D) Such other expenses, not to exceed $500, that the State determines are necessary for the eligible participant to complete the program established under this subsection and that are not covered by any other available support services program.”.

SEC. 106. REPLACEMENT OF CASELOAD REDUCTION CREDIT WITH EMPLOYMENT CREDIT.

(a) EMPLOYMENT CREDIT TO REWARD STATES IN WHICH FAMILIES LEAVE WELFARE FOR WORK; ADDITIONAL CREDIT FOR FAMILIES WITH HIGHER EARNINGS.—

(1) IN GENERAL.—Section 407(b) (42 U.S.C. 607(b)), as amended by section 107(2)(A), is amended by inserting after paragraph (1) the following:

“(2) EMPLOYMENT CREDIT.—

“(A) IN GENERAL.—The participation rate determined under paragraph (1) of a State for a fiscal year shall be increased by the lesser of—

“(i) the number of percentage points (if any) of the employment credit for the State for the fiscal year; or

“(ii) the number of percentage points (if any) by which the participation rate, so determined, is less than 100 percent.

“(B) CALCULATION OF CREDIT.—

“(i) IN GENERAL.—The employment credit for a State for a fiscal year is an amount equal to—

“(I) twice the average quarterly number of families with an adult that ceased to receive assistance under the State program funded under this part during the preceding fiscal year (but only if the adult did not receive such assistance for at least 2 months after the cessation) and that was employed during the calendar quarter immediately succeeding the quarter in which the payments ceased; divided by

“(II) the average monthly number of families that include an adult who received cash payments under the State program funded under this part during the preceding fiscal year.

“(ii) SPECIAL RULE FOR FORMER RECIPIENTS WITH HIGHER EARNINGS.—In calculating the employment credit for a State for a fiscal year, a family that,in the quarter in which the wage was examined, earned at least 50 percent of the average quarterly wage in the State (determined on the basis of State unemployment data) shall be considered to be 1.5 families.

“(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out this paragraph.

“(D) REPORTS ON AMOUNT OF CREDIT.—Not later than 6 months after the end of each calendar quarter, the Secretary shall report to Congress and each State the amount of the employment credit for the State for the quarter. The Secretary may carry out this subparagraph using funds made available under this part for research.”.

(2) AUTHORITY OF SECRETARY TO USE INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES.—Section 453(i) (42 U.S.C. 653(i)) is amended by adding at the end the following:

“(5) CALCULATION OF EMPLOYMENT CREDIT FOR PURPOSES OF DETERMINING STATE WORK PARTICIPATION RATES UNDER TANF.—The Secretary may use the information in the National Directory of New Hires for purposes of calculating State employment credits pursuant to section 407(b)(2).”.

(3) ELIMINATION OF CASELOAD REDUCTION CREDIT.—Section 407(b), as amended by paragraph (1) and section 107(2)(A), is amended by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(b) STATES TO RECEIVE PARTIAL CREDIT TOWARD WORK PARTICIPATION RATE FOR RECIPIENTS ENGAGED IN PART-TIME WORK.—Section 407(c)(1) (42 U.S.C. 607(c)(1)), as amended by section 107(3), is amended by adding at the end the following flush sentence: “For purposes of subsection (b)(1)(B)(i), a family that does not include a recipient who is participating in work activities for an average of 32 hours per week during a month but includes a recipient who is participating in such activities during the month for an average of at least 50 percent of the minimum average number of hours per week specified for the month in the table set forth in this subparagraph shall be counted as a percentage of a family that includes an adult or minor child head of household who is engaged in work for the month, which percentage shall be the number of hours for which the recipient participated in such activities during the month divided by the number of hours of such participation required of the recipient under this section for the month.”.

(c) TANF RECIPIENTS WHO QUALIFY FOR SUPPLEMENTAL SECURITY INCOME BENEFITS REMOVED FROM WORK PARTICIPATION RATE CALCULATION FOR ENTIRE YEAR.—Section 407(b)(1)(B)(ii) (42 U.S.C. 607(b)(1)(B)(ii)) is amended—

(1) in subclause (I), by inserting “who has not become eligible for supplemental security income benefits under title XVI during the fiscal year” before the semicolon; and

(2) in subclause (II), by inserting “, and that do not include an adult or minor child head of household who has become eligible for supplemental security income benefits under title XVI during the fiscal year” before the period.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2005.

SEC. 107. ELIMINATION OF SEPARATE WORK PARTICIPATION RATE FOR 2-PARENT FAMILIES.

Section 407 (42 U.S.C. 607) is amended—

(1) in subsection (a)—

(A) in the heading of paragraph (1), by striking "All families" and inserting "In general"; and

(B) by striking paragraph (2);

(2) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (4), by striking "paragraphs (1)(B) and (2)(B)" and inserting "paragraph (1)(B)"; and

(C) in paragraph (5), by striking "rates" and inserting "rate"; and

(3) in subsection (c)(1)—

(A) by striking "General rules.—" and all that follows through "For purposes" in subparagraph (A) and inserting "General rule.—For purposes"; and

(B) by striking subparagraph (B).

SEC. 108. STATE OPTION TO COUNT A CAREGIVER OF A FAMILY MEMBER WITH A DISABILITY OR CHRONIC ILLNESS AS ENGAGED IN WORK.

Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

"(E) State option to count a caregiver of a family member with a disability or chronic illness as engaged in work.—

"(i) In general.—If a State determines that a recipient is needed to provide care for a child with a physical or mental disability or chronic illness (as defined by the State), or an adult relative with a physical or mental disability or chronic illness (as so defined), the State may deem the recipient to be engaged in work for purposes of determining the monthly participation rate under subsection (b)(1)(B)(i).

"(ii) Inclusion in individual responsibility plan; annual review.—The need to provide care described in clause (i) shall be specified in the recipient's individual responsibility plan established under section 408(b) and reviewed not less than annually.

"(iii) Engagement in other activity.—Nothing in clause (i) or (ii) shall be construed as prohibiting a State from determining that, taking into consideration the needs of the child or adult relative with a physical or mental disability or chronic illness, an adult recipient who provides care for such child or adult relative can engage in some other additional work activity, or another activity that may lead to work, for all or a portion of the time required to meet the work requirement under the State program funded under this part.".

TITLE II—FAMILY PROMOTION AND SUPPORT

Subtitle A—Family Formation Fund and Teen Pregnancy Prevention Grants

SEC. 201. PROMOTION OF FAMILY FORMATION.

Section 403(a) (42 U.S.C. 603(a)) is amended by adding at the end the following:

"(6) Family formation grants.—

"(A) Authority.—

"(i) In general.—The Secretary shall award competitive grants to States, Indian tribes, nonprofit entities, and charitable or religious organizations for the cost of developing and implementing healthy marriage promotion programs.

"(ii) Application.—A State, Indian tribe, nonprofit entity, or a charitable or religious organization desiring a grant under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) Permissible activities.—Funds provided under a grant awarded under this paragraph may be used for programs or activities that are designed to promote healthy and stable marriage, including the following:

"(i) Voluntary marriage and relationship skills education programs for nonmarried pregnant women and nonmarried expectant fathers.

"(ii) Voluntary premarital education and marriage and relationship skills education for engaged couples and for couples interested in marriage.

"(iii) Voluntary marriage enhancement and marriage and relationship skills education programs for married couples including mediation services and couples counseling.

"(iv) Teen pregnancy prevention programs, including the prevention of repeat pregnancies.

"(v) Domestic violence prevention programs for training and technical assistance activities to be provided to other entities funded under this subparagraph.

"(C) Grants selection criteria.—

"(i) In general.—The Secretary shall promulgate for public comment criteria for selecting grant proposals to be funded under subparagraph (B). Such criteria shall—

"(I) set forth a grant review process that includes independent experts, including individuals with expertise in programs for low-income families, programs addressing teen pregnancy prevention, programs addressing teen parenting or youth development, programs addressing domestic violence, program research, and program administration, and shall be designed to ensure that an individual shall not be involved in the grant selection process if such involvement would pose a conflict of interest for the individual;

"(II) specify grantee qualifications and requirements, including a requirement that grant applications provide financial information, including a copy of the applicant's most recent audit report, and shall require grantees to agree to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures;

"(III) require grant proposals to identify community support and include a plan to collaborate with appropriate public and community-based organizations and service providers; and

"(IV) require grant proposals to describe the methods the applicant plans to use to recruit project participants and the applicant's plan to evaluate project implementation, operation, and outcomes, and to demonstrate that there is a sufficient number of potential participants to conduct the evaluation.

"(ii) Oversight of evaluations.—The Secretary shall ensure that there is an appropriate evaluation for all grant proposals funded under subparagraph (B), including use of random assignment in appropriate instances.

"(D) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated for making grants under this paragraph—

"(i) for fiscal year 2004, $75,000,000;

"(ii) for fiscal year 2005, $100,000,000;

"(iii) for fiscal year 2006, $150,000,000;

"(iv) for fiscal year 2007, $175,000,000; and

"(v) for fiscal year 2008, $200,000,000.".

SEC. 202. BAN ON IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.

(a) Prohibition.—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

"(12) Ban on imposition of stricter eligibility criteria for 2-parent families.—In determining the eligibility of a 2-parent family for assistance under a State program funded under this part, the State shall not impose a requirement that does not apply in determining the eligibility of a 1-parent family for such assistance.".

(b) Penalty.—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

"(15) Penalty for imposition of stricter eligibility criteria for 2-parent families.—

"(A) In general.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

"(B) Penalty based on severity of failure.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.".

SEC. 203. TEEN PREGNANCY PREVENTION GRANTS.

Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

"(2) Grants to prevent teen pregnancy.—

"(A) Submission of plan.—

"(i) In general.—Each State that submits a plan that meets the requirements of clause (ii) shall be entitled to receive from the Secretary a teen pregnancy prevention grant in the amount determined under subparagraph (B) for each of fiscal years 2004 through 2008.

"(ii) Plan requirements.—A plan meets the requirements of this clause if the plan—

"(I) describes the State's numerical goal for reducing teen pregnancy and teen births;

"(II) identifies the strategies to be used to achieve such goal; and

"(III) describes the efforts the State will make to involve young men, as well as young women, in delaying pregnancy and parenting.

"(iii) Set-aside for grants to Indian tribes.—Not less than an amount equal to 1.5 percent of the amount appropriated under subparagraph (G) for a fiscal year shall be used for the purpose of awarding grants to Indian tribes under this paragraph in such manner, and subject to such requirements, as the Secretary, in consultation with such tribes, determines appropriate.

"(B) Grant amount.—

"(i) In general.—The Secretary shall allot to each State with a plan approved under subparagraph (A) an amount equal to—

"(I) with respect to fiscal year 2004, the amount that bears the same ratio to the amount of funds appropriated under subparagraph (G) for such fiscal year as the proportion of births in the State to teens under age 20 bears to the number of such births in all States; and

"(II) with respect to each of fiscal years 2005 through 2008, the amount that bears the same ratio to 50 percent of the amount of funds appropriated under subparagraph (G) for each such fiscal year as the proportion of births in the State to teens under age 20 bears to the number of such births in all States.

"(ii) Incentive funds.—In addition to the amount determined for a State under clause (i)(II), in the case of a State that is a high achieving State (as defined in clause (iii)), the Secretary shall allot to such high achieving State with respect to each of fiscal years 2005 through 2008, the amount that bears the same ratio to 50 percent of the amount of funds appropriated under subparagraph (G) for each such fiscal year as the proportion of teens under age 20 in the high achieving State bears to the number of such teens in all such high achieving States.

"(iii) DEFINITION OF HIGH ACHIEVING STATE.—In this paragraph, the term 'high achieving State' means a State that has achieved an annual decline in the teen birth rate for the State as compared to the preceding year (or the most recent year for which data is available) of at least 2.5 percent.

"(iv) DETERMINATION OF TEEN BIRTH RATES.—For purposes of this subparagraph, the teen birth rate for a State shall be determined on the basis of the birth rate per 1,000 women, ages 15 through 19, who reside in the State.

"(C) USE OF FUNDS.—

"(i) IN GENERAL.—A State shall use funds provided under a grant made under this paragraph to implement teen pregnancy prevention strategies that—

"(I) are abstinence-first, as defined in clause (ii)(I);

"(II) replicate or substantially incorporate the elements of 1 or more teen pregnancy prevention programs, including certain youth development programs and service learning programs, that have been proven effective (on the basis of rigorous scientific research as defined in clause (ii)(III));

"(III) delay or decrease sexual activity, increase contraceptive use among sexually active teens, or reduce teenage pregnancies without increasing risky behaviors; and

"(IV) incorporate outreach or media programs.

"(ii) DESIGN AND IMPLEMENTATION FLEXIBILITY.—States and Indian tribes receiving a grant under this paragraph shall have flexibility to determine how to use funds made available under the grant to design and implement the teen pregnancy prevention strategies described in clause (i).

"(iii) DEFINITIONS.—In this paragraph:

"(I) ABSTINENCE-FIRST.—The term 'abstinence-first' means a strategy that strongly emphasizes abstinence as the best and only certain way to avoid pregnancy and sexually transmitted infections and that discusses the scientifically proven effectiveness, benefits, and limitations of contraception and other approaches in a manner that is medically accurate, as defined in subclause (II).

"(II) MEDICALLY ACCURATE.—The term 'medically accurate' means information that is supported by research recognized as accurate and objective by leading medical, psychological, psychiatric, or public health organizations and agencies and, where relevant, is published in a peer-reviewed journal (as defined by the American Medical Association).

"(III) RIGOROUS SCIENTIFIC RESEARCH.—The term 'rigorous scientific research' means research that typically uses randomized control trials and other similar strong experimental designs.

"(D) SUBGRANT OR CONTRACT RECIPIENTS.—A State to which a grant is made under this paragraph for a fiscal year may award subgrants or contracts to—

"(i) State or local nonprofit coalitions working to prevent teenage pregnancy;

"(ii) State, local, or tribal agencies;

"(iii) schools;

"(iv) entities that provide after school programs;

"(v) nonprofit community or faith-based organizations; or

"(vi) other organizations designated by the State.

"(E) SUPPLEMENTATION OF FUNDS.—A State to which a grant is made under this paragraph for a fiscal year shall use funds provided under the grant to supplement and not supplant funds that would otherwise be available to the State for preventing teen pregnancy.

"(F) DATA REPORTING.—A State to which a grant is made under this paragraph for a fiscal year shall cooperate with the Secretary to collect information and report on outcomes of programs funded under the grant, as specified by the Secretary.

"(G) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making grants under this paragraph—

"(i) for fiscal year 2004, $50,000,000; and

"(ii) for each of fiscal years 2005 through 2008, $100,000,000.".

SEC. 204. TEEN PREGNANCY PREVENTION RESOURCE CENTER.

(a) AUTHORITY TO ESTABLISH.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall make a grant to a nationally recognized, nonpartisan, nonprofit organization that meets the requirements described in paragraph (2) to establish and operate a national teen pregnancy prevention resource center (in this section referred to as the "Resource Center") to carry out the purposes and activities described in subsection (b).

(2) CONTRACTOR REQUIREMENTS.—The requirements described in this paragraph are the following:

(A) The organization has at least 7 years of experience in working with diverse sectors of society to reduce teen pregnancy.

(B) The organization has a demonstrated ability to work with and provide assistance to a broad range of individuals and entities, including teens, parents, the entertainment and news media, State, tribal, and local organizations, networks of teen pregnancy prevention practitioners, businesses, faith and community leaders, and researchers.

(C) The organization is research-based and has capabilities in scientific analysis and evaluation.

(D) The organization has comprehensive knowledge and data about teen pregnancy prevention strategies.

(E) The organization has experience carrying out activities similar to the activities described in subsection (b)(2).

(b) PURPOSES AND ACTIVITIES.—

(1) PURPOSES.—The purposes of the Resource Center are to—

(A) provide information and technical assistance to States, Indian tribes, local communities, and other public or private organizations seeking to reduce rates of teen pregnancy;

(B) support parents in their essential role in preventing teen pregnancy by equipping parents with information and resources to promote and strengthen communication with their children; and

(C) assist the entertainment media industry by providing information and helping that industry develop content and messages for teens and adults that can help prevent teen pregnancy.

(2) ACTIVITIES.—The Resource Center shall carry out the purposes described in paragraph (1) through the following activities:

(A) Synthesizing and disseminating research and information regarding effective and promising practices to prevent teen pregnancy.

(B) Developing and providing information on how to design and implement effective programs to prevent teen pregnancy.

(C) Helping States, local communities, and other organizations increase their knowledge of existing resources that can be used to advance teen pregnancy prevention efforts, build their capacity to access such resources, and develop partnerships with other programs and funding streams.

(D) Linking organizations working to reduce teen pregnancy with experts and peer groups, including the creation of technical assistance networks.

(E) Providing consultation and resources on how to reduce teen pregnancy through a broad array of strategies, including enlisting the help of various sectors of society such as parents, other adults (such as coaches, teachers, and mentors), community or faith-based groups, the entertainment and news media, business, and teens themselves.

(F) Assisting organizations seeking to reduce teen pregnancy in their efforts to work with all forms of media and to reach a variety of audiences (such as teens, parents, and ethnically diverse groups) to communicate effective messages about preventing teen pregnancy, including messages that focus on abstinence, responsible behavior, family communication, relationships, and values.

(G) Providing resources for parents and other adults that help to foster strong connections with children, which has been proven effective in reducing sexual activity and teen pregnancy, including online access to research, parent guides, tips, and alerts about upcoming opportunities to use the entertainment media as a discussion starter.

(H) Working directly with individuals and organizations in the entertainment industry to provide consultation and serve as a source of factual information on issues related to teen pregnancy prevention.

(c) MEDIA CAMPAIGNS.—

(1) IN GENERAL.—The organization operating the Resource Center may use a portion of the funds appropriated to carry out this section to develop and implement media campaigns directly or through grants, contracts, or cooperative agreements with other entities. Such campaigns may include the production and distribution of printed materials and messages for print media, television and radio broadcast media, the Internet, or such other media as may be appropriate for reaching large numbers of young people, parents, and community leaders.

(2) MATCHING.—To the extent possible, funds used to develop and implement media campaigns under this subsection should be matched with non-Federal resources, including in-kind contributions, from public and private entities.

(d) COLLABORATION WITH OTHER ORGANIZATIONS.—The organization operating the Resource Center shall collaborate with other organizations that have expertise and interest in teen pregnancy prevention and that can help to reach out to diverse audiences.

(e) EVALUATION.—

(1) RESERVATION AND AVAILABILITY OF FUNDS.—Of the amount appropriated under subsection (f) for fiscal year 2004, $5,000,000 shall be reserved for use by the Secretary of Health and Human Services to prepare an interim and final report summarizing and synthesizing outcomes and lessons learned from the activities funded under this section. Funds reserved under the preceding sentence shall remain available for expenditure through fiscal year 2008.

(2) REQUIRED INFORMATION.—Each report required under paragraph (1) shall include—

(A) a rigorous scientific evaluation of at least 3 such activities that are selected to represent a diversity of strategies; and

(B) an assessment of the ability to replicate and expand activities that have proven effective on a smaller scale.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section, $10,000,000 for each of fiscal years 2004 through 2008.

SEC. 205. ESTABLISHING NATIONAL GOALS TO PREVENT TEEN PREGNANCY.

Section 905 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 710 note) is amended to read as follows:

"SEC. 905. ESTABLISHING NATIONAL GOALS TO PREVENT TEEN PREGNANCY.

"(a) In General.—Not later than January 1, 2004, the Secretary of Health and Human Services shall establish a national goal of reducing teen pregnancy by at least 25 percent by January 1, 2014.

"(b) Report.—Not later than June 30, 2004, and annually thereafter, the Secretary of Health and Human Services shall report to Congress with respect to the progress that has been made in meeting the national goal established under subsection (a).".

Subtitle B—Child Support Distribution to Families First

CHAPTER 1—DISTRIBUTION OF CHILD SUPPORT

SEC. 211. DISTRIBUTION OF CHILD SUPPORT COLLECTED BY STATES ON BEHALF OF CHILDREN RECEIVING CERTAIN WELFARE BENEFITS.

(a) Modification of Rule Requiring Assignment of Support Rights as a Condition of Receiving TANF.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

"(3) No assistance for families not assigning certain support rights to the State.—A State to which a grant is made under section 403 shall require, as a condition of paying assistance to a family under the State program funded under this part, that a member of the family assign to the State any right the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person, not exceeding the total amount of assistance so paid to the family, which accrues during the period that the family receives assistance under the program.".

(b) Increasing Child Support Payments to Families and Simplifying Child Support Distribution Rules.—

(1) Distribution rules.—

(A) In general.—Section 457(a) (42 U.S.C. 657(a)) is amended to read as follows:

"(a) In General.—Subject to subsections (e) and (f), the amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed as follows:

"(1) Families receiving assistance.—In the case of a family receiving assistance from the State, the State shall—

"(A) pay to the Federal Government the Federal share of the amount collected, subject to paragraph (3)(A);

"(B) retain, or pay to the family, the State share of the amount collected, subject to paragraph (3)(B); and

"(C) pay to the family any remaining amount.

"(2) Families that formerly received assistance.—In the case of a family that formerly received assistance from the State:

"(A) Current support.—To the extent that the amount collected does not exceed the current support amount, the State shall pay the amount to the family.

"(B) Arrearages.—Except as otherwise provided in an election made under 434(34), to the extent that the amount collected exceeds the current support amount, the State—

"(i) shall first pay to the family the excess amount, to the extent necessary to satisfy support arrearages not assigned pursuant to section 408(a)(3);

"(ii) if the amount collected exceeds the amount required to be paid to the family under clause (i), shall—

"(I) pay to the Federal Government, the Federal share of the excess amount described in this clause, subject to paragraph (3)(A); and

"(II) retain, or pay to the family, the State share of the excess amount described in this clause, subject to paragraph (3)(B); and

"(iii) shall pay to the family any remaining amount.

"(3) Limitations.—

"(A) Federal reimbursements.—The total of the amounts paid by the State to the Federal Government under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the Federal share of the amount assigned with respect to the family pursuant to section 408(a)(3).

"(B) State reimbursements.—The total of the amounts retained by the State under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the State share of the amount assigned with respect to the family pursuant to section 408(a)(3).

"(4) Families that never received assistance.—In the case of any other family, the State shall pay the amount collected to the family.

"(5) Families under certain agreements.—Notwithstanding paragraphs (1) through (3), in the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount collected pursuant to the terms of the agreement.

"(6) State financing options.—To the extent that the State's share of the amount payable to a family pursuant to paragraph (2)(B) of this subsection exceeds the amount that the State estimates (under procedures approved by the Secretary) would have been payable to the family pursuant to former section 457(a)(2)(B) (as in effect for the State immediately before the date this subsection first applies to the State) if such former section had remained in effect, the State may elect to use the grant made to the State under section 403(a) to pay the amount, or to have the payment considered a qualified State expenditure for purposes of section 409(a)(7), but not both.

"(7) State option to pass through additional support with Federal financial participation.—

"(A) In general.—Notwithstanding paragraphs (1), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is not a recipient of assistance under the State program funded under part A, to the extent that the State pays the amount to the family.

"(B) Recipients of TANF for less than 5 years.—

"(i) In general.—Notwithstanding paragraphs (1), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is a recipient of assistance under the State program funded under part A and, if the family includes an adult, that has received the assistance for not more than 5 years after the date of enactment of this paragraph, to the extent that—

"(I) the State pays the amount to the family; and

"(II) subject to clause (ii), the amount is disregarded in determining the amount and type of the assistance provided to the family.

"(ii) Limitation.—Of the amount disregarded as described in clause (i)(II), the maximum amount that may be taken into account for purposes of clause (i) shall not exceed $400 per month, except that, in the case of a family that includes 2 or more children, the State may elect to increase the maximum amount to not more than $600 per month.

"(8) States with demonstration waivers.—Notwithstanding the preceding paragraphs, a State with a waiver under section 1115, effective on or before October 1, 1997, the terms of which allow pass-through of child support payments, may pass through payments in accordance with such terms with respect to families subject to the waiver.".

(B) State plan to include election as to which rules to apply in distributing child support arrearages collected on behalf of families formerly receiving assistance.—Section 454 (42 U.S.C. 654) is amended—

(i) by striking "and" at the end of paragraph (32);

(ii) by striking the period at the end of paragraph (33) and inserting "; and"; and

(iii) by inserting after paragraph (33) the following:

"(34) include an election by the State to apply section 457(a)(2)(B) of this Act or former section 457(a)(2)(B) of this Act (as in effect for the State immediately before the date this paragraph first applies to the State) to the distribution of the amounts which are the subject of such sections, and for so long as the State elects to so apply such former section, the amendments made by subsection (b)(1)(A) of section 211 of the Building on Welfare Success Act of 2003 shall not apply with respect to the State, notwithstanding subsection (f)(1) of such section 211.".

(C) Approval of estimation procedures.—Not later than the date that is 6 months after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the States (as defined for purposes of part D of title IV of the Social Security Act), shall establish the procedures to be used to make the estimate described in section 457(a)(6) of such Act.

(2) Current support amount defined.—Section 457(c) (42 U.S.C. 657(c)) is amended by adding at the end the following:

"(5) Current support amount.—The term 'current support amount' means, with respect to amounts collected as support on behalf of a family, the amount designated as the monthly support obligation of the noncustodial parent in the order requiring the support.".

(c) Ban on Recovery of Medicaid Costs for Certain Births.—Section 454 (42 U.S.C. 654), as amended by subsection (b)(1)(B), is amended—

(1) by striking "and" at the end of paragraph (33);

(2) by striking the period at the end of paragraph (34) and inserting "; and"; and

(3) by inserting after paragraph (34) the following:

"(35) provide that the State shall not use the State program operated under this part to collect any amount owed to the State by reason of costs incurred under the State plan approved under title XIX for the birth of a child for whom support rights have been assigned pursuant to section 408(a)(3), 471(a)(17), or 1912.''.

(d) State Option To Discontinue Pre-1997 Support Assignments.—Section 457(b) (42 U.S.C. 657(b)) is amended to read as follows:

''(b) Continuation of Assignments.—

''(1) State option to discontinue pre-1997 support assignments.—

''(A) In general.—Any rights to support obligations assigned to a State as a condition of receiving assistance from the State under part A and in effect on September 30, 1997 (or such earlier date on or after August 22, 1996, as the State may choose), may remain assigned after such date.

''(B) Distribution of amounts after assignment discontinuation.—If a State chooses to discontinue the assignment of a support obligation described in subparagraph (A), the State may treat amounts collected pursuant to such assignment as if such amounts had never been assigned and may distribute such amounts to the family in accordance with subsection (a)(4).

''(2) State option to discontinue post-1997 assignments.—

''(A) In general.—Any rights to support obligations accruing before the date on which a family first receives assistance that are assigned to a State under part A and in effect before the implementation date of this section may remain assigned after such date.

''(B) Distribution of amounts after assignment discontinuation.—If a State chooses to discontinue the assignment of a support obligation described in subparagraph (A), the State may treat amounts collected pursuant to such assignment as if such amounts had never been assigned and may distribute such amounts to the family in accordance with subsection (a)(4).''.

(e) Conforming Amendments.—

(1) Section 404(a) (42 U.S.C. 604(a)) is amended—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(C) by adding at the end the following:

''(3) to fund payment of an amount pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to use the grant to fund the payment.''.

(2) Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended—

(A) in subclause (I)(aa), by striking ''457(a)(1)(B)'' and inserting ''457(a)(1)''; and

(B) by adding at the end the following:

''(V) Portions of certain child support payments collected on behalf of and distributed to families no longer receiving assistance.—Any amount paid by a State pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to have the payment considered a qualified State expenditure.''.

(3) Tax offset authority.—Section 6402(c) of the Internal Revenue Code of 1986 (relating to authority to make credits or refunds) is amended—

(A) in the first sentence, by striking ''the Social Security Act'' the second place it appears and inserting ''such Act''; and

(B) by striking the third sentence and inserting the following: ''The Secretary shall apply a reduction under this subsection first to an amount certified by the State as past due support under section 464 before any other reductions allowed by law.''.

(f) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on October 1, 2004, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments (in the case of State programs operated under such part D) are promulgated by such date.

(2) State option to accelerate effective date.—In addition, a State may elect to have the amendments made by this section apply to the State and to amounts collected by the State, on and after such date as the State may select that is after the date of enactment of this Act and before October 1, 2004.

CHAPTER 2—EXPANDED ENFORCEMENT

SEC. 221. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

Section 452(k) (42 U.S.C. 652(k)) is amended by striking ''$5,000'' and inserting ''$2,500''.

SEC. 222. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

Section 464 (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking ''(as that term is defined for purposes of this paragraph under subsection (c))''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''(1) Except as provided in paragraph (2), as used in'' and inserting ''In''; and

(ii) by inserting ''(whether or not a minor)'' after ''a child'' each place it appears; and

(B) by striking paragraphs (2) and (3).

SEC. 223. GARNISHMENT OF COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES IN ORDER TO ENFORCE CHILD SUPPORT OBLIGATIONS.

Section 459(h) (42 U.S.C. 659(h)) is amended—

(1) in paragraph (1)(A)(ii)—

(A) in subclause (IV), by striking ''or'' after the semicolon;

(B) in subclause (V), by inserting ''or'' after the semicolon; and

(C) by adding at the end the following:

''(VI) subject to paragraph (3), other than periodic benefits or payments described in subclause (V), by the Secretary of Veterans Affairs as compensation for a service-connected disability paid by the Secretary to a former member of the Armed Forces;'';

(2) in paragraph (1)(B)(iii), by striking ''subparagraph (A)(ii)(V)'' and inserting ''subclauses (V) and (VI) of subparagraph (A)(ii)''; and

(3) by adding at the end the following:

''(3) Limitations with respect to compensation paid to veterans for service-connected disabilities.—

''(A) Alimony and child support.—Compensation described in paragraph (1)(A)(ii)(VI) shall not be subject to withholding pursuant to this section—

''(i) for payment of alimony; or

''(ii) for payment of child support if the individual is fewer than 60 days in arrears in payment of the support.

''(B) Limitation.—Not more than 50 percent of any payment of compensation described in subparagraph (A) may be withheld pursuant to this section.''.

SEC. 224. MANDATORY REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS FOR FAMILIES RECEIVING TANF.

(a) In General.—Section 466(a)(10)(A)(i) (42 U.S.C. 666(a)(10)(A)(i)) is amended in the matter preceding subclause (I)—

(1) by striking ''parent, or,'' and inserting ''parent or''; and

(2) by striking ''upon the request of the State agency under the State plan or of either parent,''.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2005.

SEC. 225. IMPROVED INTERSTATE ENFORCEMENT.

(a) Adoption of Uniform State Laws.—Section 466(f) (42 U.S.C. 666(f)) is amended—

(1) by striking ''January 1, 1998'' and inserting ''October 1, 2004''; and

(2) by striking ''August 22, 1996'' and inserting ''January 1, 2002''.

(b) Full Faith and Credit for Child Support Orders.—Section 1738B of title 28, United States Code, is amended—

(1) by striking subsection (d) and inserting the following:

''(d) Continuing Exclusive Jurisdiction.—

''(1) In general.—Subject to paragraph (2), a court of a State that has made a child support order consistently with this section has continuing, exclusive jurisdiction to modify its order if the order is the controlling order and—

''(A) the State is the child's State or the residence of any individual contestant; or

''(B) if the State is not the residence of the child or an individual contestant, the contestants consent in a record or in open court that the court may continue to exercise jurisdiction to modify its order.

''(2) Requirement.—A court may not exercise its continuing, exclusive jurisdiction to modify the order if the court of another State, acting in accordance with subsections (e) and (f), has made a modification of the order.'';

(2) in subsection (e)(2)—

(A) in subparagraph (A), by striking ''because'' and all that follows through the semicolon and inserting ''pursuant to paragraph (1) or (2) of subsection (d);'' and

(B) in subparagraph (B), by inserting ''with jurisdiction over at least 1 of the individual contestants or that is located in the child's State'' after ''another State'';

(3) in subsection (f)—

(A) in the subsection heading, by striking ''Recognition of Child Support Orders'' and inserting ''Determination of Controlling Child Support Order'';

(B) in the matter preceding paragraph (1), by striking ''shall apply'' and all that follows through the colon and inserting ''having personal jurisdiction over both individual contestants shall apply the following rules and by order shall determine which order controls:''

(C) in paragraph (1), by striking ''must be'' and inserting ''controls and must be so'';

(D) in paragraph (2), by striking ''must be recognized'' and inserting ''controls'';

(E) in paragraph (3), by striking ''must be recognized'' each place it appears and inserting ''controls'';

(F) in paragraph (4)—

(i) by striking ''may'' and inserting ''shall''; and

(ii) by striking ''must be recognized'' and inserting ''controls''; and

(G) by striking paragraph (5);

(4) by striking subsection (g) and inserting the following:

''(g) Enforcement of Modified Orders.—If a child support order issued by a court of a State is modified by a court of another State which properly assumed jurisdiction, the issuing court—

"(1) may enforce its order that was modified only as to arrears and interest accruing before the modification;

"(2) may provide appropriate relief for violations of its order which occurred before the effective date of the modification; and

"(3) shall recognize the modifying order of the other State for the purpose of enforcement.";

(5) in subsection (h)—

(A) in paragraph (1), by striking "and (3)" and inserting ", (3), and (4)";

(B) in paragraph (2), by inserting "the computation and payment of arrearages, and the accrual of interest on the arrearages," after "obligations of support,"; and

(C) by adding at the end the following:

"(4) PROSPECTIVE APPLICATION.—After a court determines which is the controlling order and issues an order consolidating arrears, if any, a court shall prospectively apply the law of the State issuing the controlling order, including that State's law with respect to interest on arrears, current and future support, and consolidated arrears."; and

(6) in subsection (i), by inserting "and subsection (d)(2) does not apply" after "issuing State".

CHAPTER 3—MISCELLANEOUS

SEC. 231. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed due to a change in address. The report shall include an estimate of the total amount of such undistributed child support and the average length of time it takes for such child support to be distributed. The Secretary shall include in the report recommendations as to whether additional procedures should be established at the Federal or State level to expedite the payment of undistributed child support.

SEC. 232. USE OF NEW HIRE INFORMATION TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.

Section 453(j) (42 U.S.C. 653(j)) is amended by adding at the end the following:

"(7) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.—

"(A) IN GENERAL.—If a State agency responsible for the administration of an unemployment compensation program under Federal or State law transmits to the Secretary the name and social security account number of an individual, the Secretary shall, if the information in the National Directory of New Hires indicates that the individual may be employed, disclose to the State agency the name, address, and employer identification number of any putative employer of the individual, subject to this paragraph.

"(B) CONDITION ON DISCLOSURE.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

"(C) USE OF INFORMATION.—A State agency may use information provided under this paragraph only for purposes of administering a program referred to in subparagraph (A).".

SEC. 233. IMMIGRATION PROVISIONS.

(a) NONIMMIGRANT ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.—

(1) IN GENERAL.—Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

"(F) NONPAYMENT OF CHILD SUPPORT.—

"(i) IN GENERAL.—Any nonimmigrant alien is inadmissible who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i)(2) of the Social Security Act), and whose failure to pay such child support has resulted in an arrearage exceeding $2,500, until child support payments under the judgment, decree, or order are satisfied or the nonimmigrant alien is in compliance with an approved payment agreement.

"(ii) WAIVER AUTHORIZED.—The Secretary of Homeland Security may waive the application of clause (i) in the case of an alien, if the Secretary—

"(I) has received a request for the waiver from the court or administrative agency having jurisdiction over the judgment, decree, or order obligating the alien to pay child support that is referred to in such clause; or

"(II) determines that there are prevailing humanitarian or public interest concerns.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

(b) AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.—

(1) IN GENERAL.—Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

"(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States legal process with respect to any action to enforce or establish a legal obligation of an individual to pay child support (as defined in section 459(i)(2) of the Social Security Act).

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons, or other similar process, which is issued by—

"(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

"(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to aliens applying for admission to the United States on or after 180 days after the date of enactment of this Act.

(c) AUTHORIZATION TO SHARE CHILD SUPPORT ENFORCEMENT INFORMATION TO ENFORCE IMMIGRATION AND NATURALIZATION LAW.—

(1) SECRETARIAL RESPONSIBILITY.—Section 452 (42 U.S.C. 652) is amended by adding at the end the following:

"(m) If the Secretary receives a certification by a State agency, in accordance with section 454(36), that an individual who is a nonimmigrant alien (as defined in section 101(a)(15) of the Immigration and Nationality Act) owes arrearages of child support in an amount exceeding $2,500, the Secretary may, at the request of the State agency, the Secretary of State, or the Secretary of Homeland Security, or on the Secretary's own initiative, provide the certification to the Secretary of State and the Secretary of Homeland Security in order to enable them to carry out their responsibilities under sections 212(a)(10) and 235(d) of such Act.".

(2) STATE AGENCY RESPONSIBILITY.—Section 454 (42 U.S.C. 654), as amended by section 211(c), is amended—

(A) by striking "and" at the end of paragraph (34);

(B) by striking the period at the end of paragraph (35) and inserting "; and"; and

(C) by inserting after paragraph (35) the following:

"(36) provide that the State agency will have in effect a procedure for certifying to the Secretary, in such format and accompanied by such supporting documentation as the Secretary may require, determinations that nonimmigrant aliens owe arrearages of child support in an amount exceeding $2,500.".

SEC. 234. INCREASE IN PAYMENT RATE TO STATES FOR EXPENDITURES FOR SHORT-TERM TRAINING OF STAFF OF CERTAIN CHILD WELFARE AGENCIES.

Section 474(a)(3)(B) of the Social Security Act (42 U.S.C. 674(a)(3)(B)) is amended by inserting ", or State-licensed or State-approved child welfare agencies providing services," after "child care institutions".

Subtitle C—Responsible Fatherhood

SEC. 241. RESPONSIBLE FATHERHOOD GRANTS.

Part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 469C. RESPONSIBLE FATHERHOOD GRANTS.

"(a) GRANTS TO STATES TO CONDUCT DEMONSTRATION PROGRAMS.—

"(1) AUTHORITY TO AWARD GRANTS.—

"(A) IN GENERAL.—The Secretary shall award grants to up to 10 eligible States to conduct demonstration programs to carry out the purposes described in paragraph (2).

"(B) ELIGIBLE STATE.—For purposes of this subsection, an eligible State is a State that submits to the Secretary the following:

"(i) APPLICATION.—An application for a grant under this subsection, at such time, in such manner, and containing such information as the Secretary may require.

"(ii) STATE PLAN.—A State plan that includes the following:

"(I) PROJECT DESCRIPTION.—A description of the types of projects the State will fund under the grant, including a good faith estimate of the number and characteristics of clients to be served under such projects and how the State intends to achieve at least 2 of the purposes described in paragraph (2).

"(II) COORDINATION EFFORTS.—A description of how the State will coordinate and cooperate with State and local entities responsible for carrying out other programs that relate to the purposes intended to be achieved under the demonstration program, including as appropriate, entities responsible for carrying out jobs programs and programs serving children and families.

"(III) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, submit such reports, and cooperate with such reviews and audits as the Secretary finds necessary for purposes of oversight of the demonstration program.

"(iii) CERTIFICATIONS.—The following certifications from the chief executive officer of the State:

"(I) A certification that the State will use funds provided under the grant to promote at least 2 of the purposes described in paragraph (2).

"(II) A certification that the State will return any unused funds to the Secretary in accordance with the reconciliation process under paragraph (4).

"(III) A certification that the funds provided under the grant will be used for programs and activities that target low-income participants and that not less than 50 percent of the participants in each program or activity funded under the grant shall be—

"(aa) parents of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part and is described in section 454(4)(A)(i); or

"(bb) parents, including an expectant parent or a married parent, whose income (after adjustment for court-ordered child support paid or received) does not exceed 150 percent of the poverty line.

"(IV) A certification that programs or activities funded under the grant will be provided with information regarding the prevention of domestic violence and that the State will consult with representatives of State and local domestic violence centers.

"(V) A certification that funds provided to a State under this subsection shall not be used to supplement or supplant other Federal, State, or local funds that are used to support programs or activities that are related to the purposes described in paragraph (2).

"(C) Preferences and factors of consideration.—In awarding grants under this subsection, the Secretary shall take into consideration the following:

"(i) Diversity of entities used to conduct programs and activities.—The Secretary shall, to the extent practicable, achieve a balance among the eligible States awarded grants under this subsection with respect to the size, urban or rural location, and employment of differing or unique methods of the entities that the States intend to use to conduct the programs and activities funded under the grants.

"(ii) Priority for certain states.—The Secretary shall give priority to awarding grants to eligible States that have—

"(I) demonstrated progress in achieving at least 1 of the purposes described in paragraph (2) through previous State initiatives; or

"(II) demonstrated need with respect to reducing the incidence of out-of-wedlock births or absent fathers in the State.

"(2) Purposes.—The purposes described in this paragraph are the following:

"(A) Promoting responsible fatherhood through marriage promotion.—To promote marriage or sustain marriage through such activities as counseling, mentoring, disseminating information about the benefits of marriage and 2-parent involvement for children, enhancing relationship skills, education regarding how to control aggressive behavior, disseminating information on the causes of domestic violence and child abuse, marriage preparation programs, premarital counseling, marital inventories, skills-based marriage education, financial planning seminars, including improving a family's ability to effectively manage family business affairs by means such as education, counseling, or mentoring on matters related to family finances, including household management, budgeting, banking, and handling of financial transactions and home maintenance, and divorce education and reduction programs, including mediation and counseling.

"(B) Promoting responsible fatherhood through parenting promotion.—To promote responsible parenting through such activities as counseling, mentoring, and mediation, disseminating information about good parenting practices, skills-based parenting education, encouraging child support payments, and other methods.

"(C) Promoting responsible fatherhood through fostering economic stability of fathers.—To foster economic stability by helping fathers improve their economic status by providing such activities as work first services, job search, job training, subsidized employment, job retention, job enhancement, and encouraging education, including career-advancing education, dissemination of employment materials, coordination with existing employment services such as welfare-to-work programs, referrals to local employment training initiatives, and other methods.

"(3) Restriction on use of funds.—No funds provided under this subsection may be used for costs attributable to court proceedings regarding matters of child visitation or custody, or for legislative advocacy.

"(4) Reconciliation process.—

"(A) 3-year availability of amounts allotted.—Each eligible State that receives a grant under this subsection for a fiscal year shall return to the Secretary any unused portion of the grant for such fiscal year not later than the last day of the second succeeding fiscal year, together with any earnings on such unused portion.

"(B) Procedure for redistribution.—The Secretary shall establish an appropriate procedure for redistributing to eligible entities that have expended the entire amount of a grant made under this subsection for a fiscal year any amount that is returned to the Secretary by eligible States under subparagraph (A).

"(5) Amount of grants.—

"(A) In general.—Subject to subparagraph (B), the amount of each grant awarded under this subsection shall be an amount sufficient to implement the State plan submitted under paragraph (1)(B)(ii).

"(B) Minimum amounts.—No eligible State shall—

"(i) in the case of the District of Columbia or a State other than the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, receive a grant for a fiscal year in an amount that is less than $1,000,000; and

"(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, receive a grant for a fiscal year in an amount that is less than $500,000.

"(6) Definition of state.—In this subsection the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(7) Authorization of appropriations.—There is authorized to be appropriated $20,000,000 for each of fiscal years 2004 through 2008 for purposes of making grants to States under this subsection.

"(b) Grants to Eligible Entities To Conduct Demonstration Programs.—

"(1) Authority to award grants.—

"(A) In general.—The Secretary shall award grants to eligible entities to conduct demonstration programs to carry out the purposes described in (a)(2).

"(B) Eligible entity.—For purposes of this subsection, an eligible entity is a local government, local public agency, community-based or nonprofit organization, or private entity, including any charitable or faith-based organization that submits to the Secretary the following:

"(i) Application.—An application for a grant under this subsection, at such time, in such manner, and containing such information as the Secretary may require.

"(ii) Project description.—A description of the programs or activities the entity intends to carry out with funds provided under the grant, including a good faith estimate of the number and characteristics of clients to be served under such programs or activities and how the entity intends to achieve at least 2 of the purposes described in subsection (a)(2).

"(iii) Coordination efforts.—A description of how the entity will coordinate and cooperate with State and local entities responsible for carrying out other programs that relate to the purposes intended to be achieved under the demonstration program, including as appropriate, entities responsible for carrying out jobs programs and programs serving children and families.

"(iv) Records, reports, and audits.—An agreement to maintain such records, submit such reports, and cooperate with such reviews and audits as the Secretary finds necessary for purposes of oversight of the demonstration program.

"(v) Certifications.—The following certifications:

"(I) A certification that the entity will use funds provided under the grant to promote at least 2 of the purposes described in subsection (a)(2).

"(II) A certification that the entity will return any unused funds to the Secretary in accordance with the reconciliation process under paragraph (3).

"(III) A certification that the funds provided under the grant will be used for programs and activities that target low-income participants and that not less than 50 percent of the participants in each program or activity funded under the grant shall be—

"(aa) parents of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part and is described in section 454(4)(A)(i); or

"(bb) parents, including an expectant parent or a married parent, whose income (after adjustment for court-ordered child support paid or received) does not exceed 150 percent of the poverty line.

"(IV) A certification that the entity will consult with representatives of State and local domestic violence centers.

"(V) A certification that funds provided to an entity under this subsection shall not be used to supplement or supplant other Federal, State, or local funds provided to the entity that are used to support programs or activities that are related to the purposes described in subsection (a)(2).

"(C) Preferences and factors of consideration.—In awarding grants under this subsection, the Secretary shall, to the extent practicable, achieve a balance among the eligible entities awarded grants under this subsection with respect to the size, urban or rural location, and employment of differing or unique methods of the entities.

"(2) Restriction on use of funds.—No funds provided under this subsection may be used for costs attributable to court proceedings regarding matters of child visitation or custody, or for legislative advocacy.

"(3) Reconciliation process.—

"(A) 3-year availability of amounts allotted.—Each eligible entity that receives a grant under this subsection for a fiscal year shall return to the Secretary any unused portion of the grant for such fiscal year not later than the last day of the second succeeding fiscal year, together with any earnings on such unused portion.

"(B) Procedure for redistribution.—The Secretary shall establish an appropriate procedure for redistributing to eligible entities that have expended the entire amount of a grant made under this subsection for a fiscal year any amount that is returned to the Secretary by eligible entities under subparagraph (A).

"(4) Authorization of Appropriations.—There is authorized to be appropriated $30,000,000 for each of fiscal years 2004 through 2008 for purposes of making grants to eligible entities under this subsection.".

SEC. 242. NATIONAL CLEARINGHOUSE FOR RESPONSIBLE FATHERHOOD PROGRAMS.

Section 469C of the Social Security Act, as added by section 241, is amended by adding at the end the following:

"(c) Media Campaign National Clearinghouse for Responsible Fatherhood.—

"(1) Media campaign and national clearinghouse.—

"(A) In general.—From any funds appropriated under paragraph (3), the Secretary shall contract with a nationally recognized, nonprofit fatherhood promotion organization described in paragraph (2) to—

"(i) develop, promote, and distribute to interested States, local governments, public agencies, and private entities a media campaign that encourages the appropriate involvement of both parents in the life of any child of the parents, with a priority for programs that specifically address the issue of responsible fatherhood; and

"(ii) develop a national clearinghouse to assist States and communities in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, and making available (through the Internet and by other means) to other States information regarding the media campaigns established under subsection (d).

"(B) Coordination with domestic violence programs.—The Secretary shall ensure that the nationally recognized nonprofit fatherhood promotion organization with a contract under subparagraph (A) coordinates the media campaign developed under clause (i) of such paragraph and the national clearinghouse developed under clause (ii) of such paragraph with a national, State, or local domestic violence program.

"(2) Nationally recognized, nonprofit fatherhood promotion organization described.—The nationally recognized, nonprofit fatherhood promotion organization described in this paragraph is an organization that has at least 4 years of experience in—

"(A) designing and disseminating a national public education campaign, as evidenced by the production and successful placement of television, radio, and print public service announcements that promote the importance of responsible fatherhood, a track record of service to Spanish-speaking populations and historically underserved or minority populations, the capacity to fulfill requests for information and a proven history of fulfilling such requests, and a mechanism through which the public can request additional information about the campaign; and

"(B) providing consultation and training to community-based organizations interested in implementing fatherhood outreach, support, or skill development programs with an emphasis on promoting married fatherhood as the ideal.

"(3) Authorization of appropriations.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2008 to carry out this subsection.".

SEC. 243. BLOCK GRANTS TO STATES TO ENCOURAGE MEDIA CAMPAIGNS.

(a) In General.—Section 469C of the Social Security Act, as added by section 241 and amended by section 242, is amended by adding at the end the following:

"(d) Block Grants to States for Media Campaigns Promoting Responsible Fatherhood.—

"(1) Definitions.—In this subsection:

"(A) Broadcast advertisement.—The term 'broadcast advertisement' means a communication intended to be aired by a television or radio broadcast station, including a communication intended to be transmitted through a cable channel.

"(B) Child at risk.—The term 'child at risk' means each young child whose family income does not exceed the poverty line.

"(C) Poverty line.—The term 'poverty line' has the meaning given such term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (including any revision required by such section) that is applicable to a family of the size involved.

"(D) Printed or other advertisement.—The term 'printed or other advertisement' includes any communication intended to be distributed through a newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public advertising, but does not include any broadcast advertisement.

"(E) State.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(F) Young child.—The term 'young child' means an individual under age 5.

"(2) State certifications.—Not later than October 1 of each of fiscal year for which a State desires to receive an allotment under this subsection, the chief executive officer of the State shall submit to the Secretary a certification that the State shall—

"(A) use such funds to promote the formation and maintenance of married 2-parent families, strengthen fragile families, and promote responsible fatherhood through media campaigns conducted in accordance with the requirements of paragraph (4);

"(B) return any unused funds to the Secretary in accordance with the reconciliation process under paragraph (5); and

"(C) comply with the reporting requirements under paragraph (6).

"(3) Payments to states.—For each of fiscal years 2004 through 2008, the Secretary shall pay to each State that submits a certification under paragraph (2), from any funds appropriated under paragraph (8), for the fiscal year an amount equal to the amount of the allotment determined for the fiscal year under paragraph (7).

"(4) Establishment of media campaigns.—Each State receiving an allotment under this subsection for a fiscal year shall use the allotment to conduct media campaigns as follows:

"(A) Conduct of media campaigns.—

"(i) Radio and television media campaigns.—

"(I) Production of broadcast advertisements.—At the option of the State, to produce broadcast advertisements that promote the formation and maintenance of married 2-parent families, strengthen fragile families, and promote responsible fatherhood.

"(II) Air-time challenge program.—At the option of the State, to establish an air-time challenge program under which the State may spend amounts allotted under this section to purchase time from a broadcast station to air a broadcast advertisement produced under clause (i), but only if the State obtains an amount of time of the same class and during a comparable period to air the advertisement using non-Federal contributions.

"(ii) Other media campaigns.—At the option of the state, to conduct a media campaign that consists of the production and distribution of printed or other advertisements that promote the formation and maintenance of married 2-parent families, strengthen fragile families, and promote responsible fatherhood.

"(B) Administration of media campaigns.—A State may administer media campaigns funded under this subsection directly or through grants, contracts, or cooperative agreements with public agencies, local governments, or private entities, including charitable and faith-based organizations.

"(C) Consultation with domestic violence assistance centers.—In developing broadcast and printed advertisements to be used in the media campaigns conducted under subparagraph (A), the State or other entity administering the campaign shall consult with representatives of State and local domestic violence centers.

"(D) Non-federal contributions.—In this subsection, the term 'non-Federal contributions' includes contributions by the State and by public and private entities. Such contributions may be in cash or in kind. Such term does not include any amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, or any amount expended by a State before October 1, 2003.

"(5) Reconciliation process.—

"(A) 3-year availability of amounts allotted.—Each State that receives an allotment under this subsection shall return to the Secretary any unused portion of the amount allotted to a State for a fiscal year not later than the last day of the second succeeding fiscal year together with any earnings on such unused portion.

"(B) Procedure for redistribution of unused allotments.—The Secretary shall establish an appropriate procedure for redistributing to States that have expended the entire amount allotted under this subsection any amount that is—

"(i) returned to the Secretary by States under subparagraph (A); or

"(ii) not allotted to a State under this section because the State did not submit a certification under paragraph (2) by October 1 of a fiscal year.

"(6) Reporting requirements.—

"(A) Monitoring and evaluation.—Each State receiving an allotment under this subsection for a fiscal year shall monitor and evaluate the media campaigns conducted using funds made available under this subsection in such manner as the Secretary, in consultation with the States, determines appropriate.

"(B) Annual reports.—Not less frequently than annually, each State receiving an allotment under this subsection for a fiscal year shall submit to the Secretary reports on the media campaigns conducted under this subsection at such time, in such manner, and containing such information as the Secretary may require.

"(7) Amount of allotments.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), of the amount appropriated for the purpose of making allotments under this subsection for a fiscal year, the Secretary shall allot to each State that submits a certification under paragraph (2) for the fiscal year an amount equal to the sum of—

"(i) the amount that bears the same ratio to 50 percent of such funds as the number of young children in the State (as determined by the Secretary based on the most recent March supplement to the Current Population Survey of the Bureau of the Census before the beginning of the calendar year in which such fiscal year begins) as bears to the number of such children in all States; and

"(ii) the amount that bears the same ratio to 50 percent of such funds as the number of children at risk in the State (as determined by the Secretary based on the most recent March supplement to the Current Population Survey of the Bureau of the Census before the beginning of the calendar year in which such fiscal year begins) bears to the number of such children in all States.

"(B) MINIMUM ALLOTMENTS.—No allotment for a fiscal year under this subsection shall be less than—

"(i) in the case of the District of Columbia or a State other than the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, 1 percent of the amount appropriated for the fiscal year under paragraph (8); and

"(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, 0.5 percent of such amount.

"(C) PRO RATA REDUCTIONS.—The Secretary shall make such pro rata reductions to the allotments determined under subparagraph (A) as are necessary to comply with the requirements of subparagraph (B).

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 for each of fiscal years 2004 through 2008 for purposes of making allotments to States under this subsection.".

(b) EVALUATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct an evaluation of the impact of the media campaigns funded under section 469C(d) of the Social Security Act, as added by subsection (a).

(2) REPORT.—Not later than December 31, 2006, the Secretary of Health and Human Services shall report to Congress the results of the evaluation under paragraph (1).

(3) FUNDING.—Of the amount appropriated in accordance with section 469C(d)(8) of the Social Security Act (as added by subsection (a)) for fiscal year 2004, $1,000,000 of such amount shall be transferred and made available for purposes of conducting the evaluation required under this subsection, and shall remain available until expended.

TITLE III—STATE FLEXIBILITY

SEC. 301. STATE OPTION TO ASSIST LEGAL IMMIGRANT FAMILIES.

(a) STATE OPTION.—

(1) IN GENERAL.—Section 403(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)) is amended by adding at the end the following:

"(M) At State option, assistance, benefits, or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).".

(2) CONFORMING AMENDMENT.—Section 408(e) (42 U.S.C. 608(e)) is amended to read as follows:

"(e) ELIGIBILITY OF CERTAIN ALIENS.—Except as provided in subsection (f), at State option, a State may provide assistance, benefits, or services to a qualified alien (as defined in subsections (b) and (c) of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641)) under the State program funded under this part in the same manner and to the same extent as a citizen of the United States would be provided such assistance, benefits, or services.".

(b) ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO ALIENS.—

(1) IN GENERAL.—Section 408(f) (42 U.S.C. 608(f)) is amended—

(A) in the heading, by striking "NON-213A" and inserting "SPONSORED";

(B) by striking "The following" and all that follows through the colon and inserting "The following rules shall apply in determining whether an alien sponsored under section 213A of the Immigration and Nationality Act (and, at the option of the State, a non-213A alien) is eligible for cash assistance under the State program funded under this part, or in determining the amount of such assistance to be provided to a sponsored alien:";

(C) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "non-213A" and inserting "sponsored";

(ii) in subparagraph (B), by inserting "(or, a greater amount as determined by the State)" before the period; and

(iii) in the heading of subparagraph (C), by striking "NON-213A" and inserting "SPONSORED";

(D) by striking paragraph (5) and inserting the following:

"(5) EXCEPTIONS.—This subsection shall not apply to an alien who is—

"(A) a minor child if the sponsor of the alien or any spouse of the sponsor is a parent of the alien child; or

"(B) described in subsection (e) or (f) of section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631)."; and

(E) by adding at the end the following:

"(7) INAPPLICABILITY TO FAMILY MEMBERS WHO ARE NOT SPONSORED ALIENS.—Income and resources of a sponsor which are deemed under this subsection to be the income and resources of any alien individual in a family shall not be considered in determining the need of other family members except to the extent such income or resources are actually available to such other family members.

"(8) RULE OF CONSTRUCTION.—For purposes of section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631), the State program funded under this part is not a Federal means-tested public benefits program.".

(2) CONFORMING AMENDMENTS.—Section 423(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1183a note) is amended by adding at the end the following:

"(12) Assistance, benefits, or services under part A of title IV of the Social Security Act except for cash assistance provided to a sponsored alien who is subject to deeming pursuant to section 408(f) of that Act.".

(c) STATE AUTHORITY TO PROVIDE STATE AND LOCAL PUBLIC BENEFITS FOR CERTAIN ALIENS.—Section 411(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(d)) is amended—

(1) in the heading, by inserting "AND OTHER" before "ALIENS"; and

(2) by inserting "or who otherwise is not a qualified alien (as defined in subsections (b) and (c) of section 431)" after "United States".

SEC. 302. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND TITLE XXI.

(a) MEDICAID PROGRAM.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and who are otherwise eligible for such assistance, within any of the following eligibility categories:

"(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

"(B)(i) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.

"(ii) The provisions of sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not apply to a State that makes an election under subparagraph (A).".

(b) TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following:

"(E) Section 1903(v)(4) (relating to optional coverage of permanent resident alien children), but only if the State has elected to apply such section to that category of children under title XIX.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 303. 5-YEAR EXTENSION AND SIMPLIFICATION OF THE TRANSITIONAL MEDICAL ASSISTANCE PROGRAM (TMA).

(a) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS; OPTION OF CONTINUING COVERAGE FOR UP TO AN ADDITIONAL YEAR.—

(1) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS BY MAKING REPORTING REQUIREMENTS OPTIONAL.—Section 1925(b) (42 U.S.C. 1396r–6(b)) is amended—

(A) in paragraph (1), by inserting ", at the option of a State," after "and which";

(B) in paragraph (2)(A), by inserting "Subject to subparagraph (C):" after "(A) NOTICES.—";

(C) in paragraph (2)(B), by inserting "Subject to subparagraph (C):" after "(B) REPORTING REQUIREMENTS.—";

(D) by adding at the end the following new subparagraph:

"(C) STATE OPTION TO WAIVE NOTICE AND REPORTING REQUIREMENTS.—A State may waive some or all of the reporting requirements under clauses (i) and (ii) of subparagraph (B). Insofar as it waives such a reporting requirement, the State need not provide for a notice under subparagraph (A) relating to such requirement."; and

(E) in paragraph (3)(A)(iii), by inserting "the State has not waived under paragraph (2)(C) the reporting requirement with respect to such month under paragraph (2)(B) and if" after "6-month period if".

(2) State option to extend eligibility for low-income individuals for up to 12 additional months.—Section 1925 (42 U.S.C. 1396r–6) is further amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(B) by inserting after subsection (b) the following new subsection:

"(c) State Option of Up To 12 Months of Additional Eligibility.—

"(1) In general.—Notwithstanding any other provision of this title, each State plan approved under this title may provide, at the option of the State, that the State shall offer to each family which received assistance during the entire 6-month period under subsection (b) and which meets the applicable requirement of paragraph (2), in the last month of the period the option of extending coverage under this subsection for the succeeding period not to exceed 12 months.

"(2) Income restriction.—The option under paragraph (1) shall not be made available to a family for a succeeding period unless the State determines that the family's average gross monthly earnings (less such costs for such child care as is necessary for the employment of the caretaker relative) as of the end of the 6-month period under subsection (b) does not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(3) Application of extension rules.—The provisions of paragraphs (2), (3), (4), and (5) of subsection (b) shall apply to the extension provided under this subsection in the same manner as they apply to the extension provided under subsection (b)(1), except that for purposes of this subsection—

"(A) any reference to a 6-month period under subsection (b)(1) is deemed a reference to the extension period provided under paragraph (1) and any deadlines for any notices or reporting and the premium payment periods shall be modified to correspond to the appropriate calendar quarters of coverage provided under this subsection; and

"(B) any reference to a provision of subsection (a) or (b) is deemed a reference to the corresponding provision of subsection (b) or of this subsection, respectively.".

(b) State Option To Waive Receipt of Medicaid for 3 of Previous 6 Months To Qualify for TMA.—Section 1925(a)(1) (42 U.S.C. 1396r–6(a)(1)) is amended by adding at the end the following: "A State may, at its option, also apply the previous sentence in the case of a family that was receiving such aid for fewer than 3 months, or that had applied for and was eligible for such aid for fewer than 3 months, during the 6 immediately preceding months described in such sentence.".

(c) 5-Year Extension of Sunset for TMA.—

(1) In general.—Subsection (g) of section 1925 (42 U.S.C. 1396r–6), as redesignated under subsection (a)(2)(A), and as amended by section 7 of the Welfare Reform Extension Act of 2003 (Public Law 108–040), is amended by striking "2003" and inserting "2008".

(2) Conforming amendment.—Section 1902(e)(1)(B) (42 U.S.C. 1396a(e)(1)(B)), as so amended, is amended by striking "2003" and inserting "2008".

(d) CMS Report on Enrollment and Participation Rates Under TMA.—Section 1925 (42 U.S.C. 1396r–6), as amended by subsections (a)(2)(A) and (c), is amended by inserting after subsection (f) the following:

"(g) Additional Provisions.—

"(1) Collection and reporting of participation information.—Each State shall—

"(A) collect and submit to the Secretary, in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section; and

"(B) make such information publicly available.

Such information shall be submitted under subparagraph (A) at the same time and frequency in which other enrollment information under this title is submitted to the Secretary. Using such information, the Secretary shall submit to Congress annual reports concerning such rates.".

(e) Coordination of Work.—Section 1925(g) (42 U.S.C. 1396r–6(g)), as added by subsection (d), is amended by adding at the end the following new paragraph:

"(2) Coordination with administration for children and families.—The Administrator of the Centers for Medicare & Medicaid Services, in carrying out this section, shall work with the Assistant Secretary for the Administration for Children and Families to develop guidance or other technical assistance for States regarding best practices in guaranteeing access to transitional medical assistance under this section.".

(f) Elimination of TMA Requirement for States That Extend Coverage to Children and Parents Through 185 Percent of Poverty.—

(1) In general.—Section 1925 (42 U.S.C. 1396r–6) is further amended by inserting after subsection (g), as added by subsection (d), the following:

"(h) Provisions Optional for States That Extend Coverage to Children and Parents Through 185 Percent of Poverty.—A State may meet (but is not required to meet) the requirements of subsections (a) and (b) if it provides for medical assistance under section 1931 to families (including both children and caretaker relatives) the average gross monthly earning of which (less such costs for such child care as is necessary for the employment of a caretaker relative) is at or below a level that is at least 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.".

(2) Conforming amendments.—Section 1925 (42 U.S.C. 1396r–6) is further amended, in subsections (a)(1) and (b)(1), by inserting ", but subject to subsection (h)," after "Notwithstanding any other provision of this title," each place it appears.

(g) Requirement of Notice for All Families Losing TANF.—Subsection (a)(2) of section 1925 (42 U.S.C. 1396r–6) is amended by adding at the end the following flush sentences:

"Each State shall provide, to families whose aid under part A or E of title IV has terminated but whose eligibility for medical assistance under this title continues, written notice of their ongoing eligibility for such medical assistance. If a State makes a determination that any member of a family whose aid under part A or E of title IV is being terminated is also no longer eligible for medical assistance under this title, the notice of such determination shall be supplemented by a 1-page notification form describing the different ways in which individuals and families may qualify for such medical assistance and explaining that individuals and families do not have to be receiving aid under part A or E of title IV in order to qualify for such medical assistance. Such notice shall further be supplemented by information on how to apply for child health assistance under the State children's health insurance program under title XXI and how to apply for medical assistance under this title.".

(h) Extending Use of Outstationed Workers To Accept Applications for Transitional Medical Assistance.—Section 1902(a)(55) (42 U.S.C. 1396a(a)(55)) is amended by inserting "and under section 1931" after "(a)(10)(A)(ii)(IX)".

(i) Effective Dates.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to calendar quarters beginning on or after October 1, 2003.

(2) Notice.—The amendment made by subsection (g) shall take effect 6 months after the date of enactment of this Act.

(3) Delay permitted for state plan amendment.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 304. DEFINITION OF ASSISTANCE.

Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

"(6) Assistance.—

"(A) In general.—The term 'assistance' means cash benefits and does not include child care or other support services.

"(B) Exception.—The term 'assistance' does not include a payment to or for an individual or family on a short-term, nonrecurring basis (as defined by the State in accordance with regulations prescribed by the Secretary) or any other benefit or service excluded from the definition of assistance under section 260.31 of title 45 of the Code of Federal Regulations (as in effect on June 1, 2002).".

SEC. 305. CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.

Section 404(e) (42 U.S.C. 604(e)) is amended to read as follows:

"(e) Authority To Carry Over Certain Amounts for Benefits or Services or for Future Contingencies.—A State or tribe may use a grant made to the State or tribe under this part for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part.".

SEC. 306. AUTHORITY TO USE TANF FUNDS FOR HOUSING BENEFITS.

(a) IN GENERAL.—Section 404 (42 U.S.C. 604) is amended by inserting at the end the following:

"(l) USE OF FUNDS FOR SUPPLEMENTAL HOUSING BENEFITS.—

"(1) IN GENERAL.—The provision by a State of supplemental housing benefits to or on behalf of an individual eligible for assistance under the State program funded under this part, using funds from a grant made under section 403(a) of this title, shall not be considered to be the provision of assistance to the individual under the State program funded under this part for any purpose except in determining the allowability of the expenditure under section 401(a)(1).

"(2) PERMITTED USE OF FUNDS.—A State may not use any part of the funds from a grant made under section 403 to supplant rather than supplement State expenditures on housing-related programs.

"(3) DEFINITION OF SUPPLEMENTAL HOUSING BENEFITS.—In this subsection, the term 'supplemental housing benefits' means payments made to or on behalf of an individual to reduce or reimburse the costs incurred by the individual for housing accommodations, and the receipt of which does not reduce the amount of assistance, benefits, or services an individual would otherwise receive under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).".

(b) STATE PLAN.—Section 402(a)(1)(B) (42 U.S.C. 602(a)(1)(B)) is amended by adding at the end the following:

"(v) The document shall describe—

"(I) the primary problems that families receiving assistance and families who have recently stopped receiving assistance under the State program funded under this part experience in securing and retaining adequate, affordable housing and the estimated extent of each such problem, including the price of such housing in various areas of the State that include a large proportion of recipients of assistance under the State program;

"(II) the steps that have been and will be taken by the State and other public or private entities that administer housing programs in the State to address the problems described in subclause (I);

"(III) the methods the State has adopted to identify barriers to work posed by the living arrangement, housing cost, and housing location of families eligible for the State program funded under this part; and

"(IV) the services and benefits that have been or will be provided by the State or other public or private entities to help families overcome the barriers so identified.".

TITLE IV—RESOURCES AND ACCOUNTABILITY

SEC. 401. REAUTHORIZATION OF STATE FAMILY ASSISTANCE GRANTS.

(a) IN GENERAL.—Section 403(a)(1) (42 U.S.C. 603(a)(1)), as amended by section 3(a) of the Welfare Reform Extension Act of 2003 (Public Law 108–040), is amended—

(1) in subparagraph (A), by striking "1996" and all that follows through "2003" and inserting "2004 through 2008"; and

(2) in subparagraph (C), by striking "for fiscal year 2003" and inserting "for each of fiscal years 2004 through 2008".

(b) DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.—

(1) TRIBAL FAMILY ASSISTANCE GRANT.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)), as amended by section 3(h) of the Welfare Reform Extension Act of 2003 (Public Law 108–040), is amended by striking "1997, 1998, 1999, 2000, 2001, 2002, and 2003" and inserting "2004 through 2008".

(2) GRANTS FOR INDIAN TRIBES THAT RECEIVED JOBS FUNDS.—Section 412(a)(2)(A) (42 U.S.C. 612(a)(2)(A)), as so amended, is amended by striking "1997, 1998, 1999, 2000, 2001, 2002, and 2003" and inserting "2004 through 2008".

(c) MATCHING GRANTS FOR THE TERRITORIES.—Section 1108(b)(2) (42 U.S.C. 1308(b)(2)), as so amended, is amended by striking "1997 through 2003" and inserting "2004 through 2008".

(d) MAINTENANCE OF EFFORT PENALTY.—Section 409(a)(7) (42 U.S.C. 609(a)(7)), as amended by section 3(g) of the Welfare Reform Extension Act of 2003 (Public Law 108–040) is amended—

(1) in subparagraph (A) by striking "fiscal year 1998, 1999, 2000, 2001, 2002, 2003, or 2004" and inserting "fiscal year 2004, 2005, 2006, 2007, 2008, or 2009"; and

(2) in subparagraph (B)(ii), by striking "1997 through 2003" and inserting "2004 through 2008".

(e) FEDERAL LOANS FOR STATE WELFARE PROGRAMS.—Section 406(d) (42 U.S.C. 606(d), as amended by section 3(f) of the Welfare Reform Extension Act of 2003 (Public Law 108–040) is amended by striking "1997 through 2003" and inserting "2004 through 2008".

SEC. 402. REAUTHORIZATION OF SUPPLEMENTAL GRANTS FOR POPULATION INCREASES.

Section 403(a)(3)(H) (42 U.S.C. 603(a)(3)(H)), as amended by section 3(d) of the Welfare Reform Extension Act of 2003 (Public Law 108–040), is amended—

(1) in clause (i), by striking "2002 and 2003" is amended—

(1) in the subparagraph heading, by striking "OF GRANTS FOR FISCAL YEAR 2002";

(2) in clause (i), by striking "2002 and 2003" and inserting "2004 through 2008";

(3) in clause (ii), by striking "2003" and inserting "2008"; and

(4) in clause (iii), by striking "2002 and 2003" and inserting "2004 through 2008".

SEC. 403. CONTINGENCY FUND.

(a) CONTINGENCY FUNDING AVAILABLE TO NEEDY STATES.—Section 403(b) (42 U.S.C. 603(b)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

"(1) CONTINGENCY FUND GRANTS.—

"(A) PAYMENTS.—Subject to subparagraph (C), each State shall receive a contingency fund grant for each eligible month in which the State is a needy State under paragraph (3).

"(B) MONTHLY CONTINGENCY FUND GRANT AMOUNT.—For each eligible month in which a State is a needy State, the State shall receive a contingency fund grant equal to the higher of $0 and the applicable percentage (as defined in subparagraph (D)(i)) of the product of—

"(i) the estimated cost of an additional recipient family (as defined in subparagraph (D)(ii)); and

"(ii) the increase in the number of families receiving assistance under the State program funded under this part or a program funded with qualified State expenditures (as defined in subparagraph (D)(iv)).

"(C) LIMITATION.—The total amount paid to a single State under subparagraph (A) during a fiscal year shall not exceed the amount equal to 15 percent of the State family assistance grant (as defined under subparagraph (B) of subsection (a)(1) and increased under subparagraph (E) of that subsection).

"(D) DEFINITIONS.—In this paragraph:

"(i) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means the higher of—

"(I) 75 percent; and

"(II) the sum of the Federal medical assistance percentage for the State (as defined in section 1905(b)) plus 8 percentage points.

"(ii) ESTIMATED COST OF AN ADDITIONAL RECIPIENT FAMILY.—The term 'estimated cost of an additional recipient family' means the amount equal to 120 percent of the basic assistance cost (as defined under clause (iii)) for families receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

"(iii) BASIC ASSISTANCE COST.—

"(I) IN GENERAL.—The term 'basic assistance cost' means the amount equal to the maximum cash assistance grant for a family consisting of 3 individuals under the State program funded under this part.

"(II) RULE FOR STATES WITH MORE THAN 1 MAXIMUM LEVEL.—In the case of a State that has more than 1 maximum cash assistance grant level for families consisting of 3 individuals, the basic assistance cost shall be the amount equal to the maximum cash assistance grant level applicable to the largest number of families consisting of 3 individuals receiving assistance under the State program funded under this part or a State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

"(iv) INCREASE IN THE NUMBER OF FAMILIES RECEIVING ASSISTANCE UNDER THE STATE PROGRAM FUNDED UNDER THIS PART OR A PROGRAM FUNDED WITH QUALIFIED STATE EXPENDITURES.—The term 'increase in the number of families receiving assistance under the State program funded under this part or a program funded with qualified State expenditures' means the increase in—

"(I) the number of families receiving assistance under the State program funded under this part and under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) in the most recent month for which data from the State are available; as compared to

"(II) the lower of the average monthly number of families receiving such assistance in either of the 2 completed fiscal years immediately preceding the fiscal year in which the State qualifies as a needy State.

"(E) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for the period of fiscal years 2004 through 2008, such sums as are necessary for making contingency fund grants under this subsection in a total amount not to exceed $2,000,000,000.";

(2) by redesignating paragraph (4) as paragraph (2); and

(3) in paragraph (2), as so redesignated—

(A) by striking "(3)(A)" and inserting "(1)"; and

(B) by striking "2-month" and inserting "3-month".

(b) MODIFICATION OF DEFINITION OF NEEDY STATE.—Section 403(b) (42 U.S.C. 603(b)) is further amended—

(1) by striking paragraphs (5) through (7);

(2) by redesignating paragraph (8) as paragraph (5); and

(3) by inserting after paragraph (2) (as redesignated by subsection (a)(2)) the following:

"(3) INITIAL DETERMINATION OF WHETHER A STATE QUALIFIES AS A NEEDY STATE.—

"(A) In general.—For purposes of paragraph (1), a State will be initially determined to be a needy State for a month if the State satisfies at least 2 of the following:

"(i) The—

"(I) average rate of total unemployment in the State for the period consisting of the most recent 3 months for which data are available has increased by the lesser of 1.5 percentage points or by 50 percent over the corresponding 3-month period in either of the 2 most recent preceding fiscal years; or

"(II) average insured unemployment rate for the most recent 3 months for which data are available has increased by 1 percentage point over the corresponding 3-month period in either of the 2 most recent preceding fiscal years.

"(ii) As determined by the Secretary of Agriculture, the monthly average number of households (as of the last day of each month) that participated in the food stamp program in the State in the then most recently concluded 3-month period for which data are available exceeds by at least 10 percent the monthly average number of households (as of the last day of each month) in the State that participated in the food stamp program in the corresponding 3-month period in either of the 2 most recent preceding fiscal years, provided that the Secretary makes a determination that the State's increase in the number of such households was due, in large measure, to economic conditions rather than an expansion of program eligibility requirements.

"(iii) As determined by the Secretary, the monthly average number of families that received assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) in the most recently concluded 3-month period for which data are available from the State increased by at least 10 percent over the number of such families that received such benefits in the corresponding 3-month period in either of the 2 most recent preceding fiscal years, provided that the Secretary makes a determination that the State's increased caseload was due, in large measure, to economic conditions rather than an expansion of program eligibility requirements.

"(B) Duration.—

"(i) In general.—A State that qualifies as a needy State—

"(I) under subparagraph (A)(i), shall be considered a needy State until the factor which was used to meet the definition of needy State under that subparagraph for the most recently concluded 3-month period for which data are available, falls below the level attained for such factor in the 3-month period in which the State first qualified as a needy State under that subparagraph;

"(II) under subparagraph (A)(ii), shall be considered a needy State until the average monthly number of households participating in the food stamp program for the most recently concluded 3-month period for which data are available nationally falls below the food stamp base period level; and

"(III) under subparagraph (A)(iii), shall be considered a needy State until the number of families receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for the most recently concluded 3-month period for which data are available falls below the TANF base period level.

"(ii) Seasonal variations.—Notwithstanding subclauses (II) and (III) of clause (i), a State shall be considered a needy State—

"(I) under subparagraph (A)(ii), if with respect to the State, the monthly average number of households participating in the food stamp program for the most recent 3-month period for which data are available nationally falls below the food stamp base period level and the Secretary determines that this is due to expected seasonal variations in food stamp receipt in the State; and

"(II) under subparagraph (A)(iii), if, with respect to a State, the monthly average number of families receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for the most recently concluded 3-month period for which data are available nationally falls below the TANF base period level and the Secretary determines that this is due to expected seasonal variations in assistance receipt in the State.

"(iii) Food stamp base period level.—In this subparagraph, the term 'food stamp base period level' means the monthly average number of households participating in the food stamp program that corresponds to the most recent 3-month period for which data are available at the time when the State first was determined to be a needy State under this paragraph.

"(iv) TANF base period level.—In this subparagraph, the term 'TANF base period level' means the monthly average number of families receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) that corresponds to the most recent 3 months for which data are available at the time when the State first was determined to be a needy State under this paragraph.

"(4) Exception.—

"(A) In general.—Notwithstanding paragraph (3), a State that has unobligated TANF reserves from prior fiscal years that equal more than 25 percent of the total amount of grants received by the State under subsection (a) (other than welfare-to-work grants made under paragraph (5) of that subsection prior to fiscal year 1999) but not yet obligated as of the end of the preceding fiscal year shall not be a needy State under this subsection.

"(B) Definition of unobligated TANF reserves.—In subparagraph (A), the term 'unobligated TANF reserves' means the lessor of—

"(i) the total amount of grants made to the State (regardless of the fiscal year in which such funds were awarded) under subsection (a) (other than welfare-to-work grants made under paragraph (5) of that subsection prior to fiscal year 1999) but not yet obligated as of the end of the preceding fiscal year; and

"(ii) the total amount of grants made to the State under subsection (a) (other than welfare-to-work grants made under paragraph (5) of that subsection prior to fiscal year 1999) but not yet obligated as of the end of the preceding fiscal year, plus the difference between—

"(I) the pro rata share of the fiscal year grants to be made under subsection (a) to the State (other than such welfare-to-work grants); and

"(II) current year obligations of the total amount of grants made to all States under subsection (a) (regardless of the fiscal year in which such funds were awarded) (other than such welfare-to-work grants) through the end of the most recent calendar quarter.".

(c) Clarification of Reporting Requirements.—Paragraph (5) of section 403(b) (42 U.S.C. 603(b)), as redesignated by subsection (b)(2), is amended by striking "on the status of the Fund" and inserting "on the States that qualified for contingency funds and the amount of funding awarded under this subsection".

SEC. 404. CHILD CARE.

Section 418(a) (42 U.S.C. 618(a)), as amended by section 4 of the Welfare Reform Extension Act of 2003, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting "and remaining after the reservation described in paragraph (4)," after "paragraph (3)";

(2) in paragraph (3)—

(A) by striking "and" at the end of subparagraph (E);

(B) in subparagraph (F), by striking "2002 and 2003" and inserting "2002 through 2006;"; and

(C) by adding at the end the following:

"(G) $3,217,000,000 for fiscal year 2007;

"(H) $3,717,000,000 and 2008.";

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by inserting after paragraph (4) the following:

"(5) Additional general entitlement grants.—

"(A) Appropriation.—

"(i) In general.—For additional grants under paragraph (1), there is appropriated—

"(I) $750,000,000 for each of fiscal years 2004 and 2005; and

"(II) $1,000,000,000 for each of fiscal years 2006 through 2008.

"(ii) Amounts in addition to other amounts appropriated; availability.—Amounts appropriated under this subparagraph for a fiscal year shall be in addition to amounts appropriated under paragraph (3) for such fiscal year and shall remain available without fiscal year limitation.

"(B) Additional grant.—In addition to the grant paid to a State under paragraph (1) for each of fiscal years 2004 through 2008, the Secretary, after reserving the amount described in paragraph (4) and subject to the requirement described in paragraph (6), shall pay each State an amount equal to the same proportion of such amount as the proportion of the State's grant under paragraph (1) to the total amount appropriated for State grants under paragraph (1) for such fiscal year.

"(6) Requirement for grant increase.—Notwithstanding paragraphs (1), (2), or (5), the aggregate amount paid to a State under this section for each of fiscal years 2004 through 2008 may not exceed the aggregate amount paid to the State under this section for fiscal year 2003 unless the State ensures that the level of State expenditures for child care for such fiscal year is not less than the sum of the level of State expenditures for child care that were matched under a grant made to the State under paragraph (2) and that the State expended to meet its maintenance of effort obligation under paragraph (2) for fiscal year 2003.".

SEC. 405. RESTORATION OF FUNDING FOR THE SOCIAL SERVICES BLOCK GRANT.

(a) Restoration of Funds for the Social Services Block Grant.—Section 2003(c) (42 U.S.C. 1379b(c)) is amended—

(1) in paragraph (10), by striking "and";

(2) in paragraph (11), by striking "and each fiscal year thereafter." and inserting "; and"; and

(3) by adding at the end the following:

"(12) $1,750,000,000 for fiscal year 2004;

"(13) $1,800,000,000 for fiscal year 2005;

"(14) $1,900,000,000 for fiscal year 2006;

"(15) $2,100,000,000 for fiscal year 2007; and

"(16) $2,800,000,000 for fiscal year 2008 and each fiscal year thereafter.".

(b) Restoration of Authority To Transfer up to 10 Percent of TANF Funds.—Section 404(d)(2) (42 U.S.C. 604(d)(2)) is amended to read as follows:

"(2) Limitation on amount transferable to title XX programs.—A State may use not more than 10 percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX.".

SEC. 406. COMPETITIVE GRANTS FOR PUBLIC-PRIVATE PARTNERSHIPS FOR EDUCATIONAL OPPORTUNITIES FOR CAREER ADVANCEMENT.

(a) Authority To Award Grants.—

(1) In general.—The Secretary of Health and Human Services and the Secretary of Labor (in this section referred to as the "Secretaries") jointly shall award grants in accordance with the requirements of this section for each fiscal year for which an amount is appropriated to carry out this section for projects proposed by eligible applicants to encourage the formation of public-private partnerships to provide educational opportunities for individuals who receive assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and for individuals who have ceased to receive assistance under that program.

(2) Criteria.—The Secretaries shall award grants under this section based on the following:

(A) The potential effectiveness of the proposed project in carrying out the activities described in subsection (e).

(B) Evidence of the ability of the eligible applicant to leverage private, State, and local resources to carry out such activities.

(C) Evidence of the ability of the eligible applicant to coordinate with other organizations at the State and local level in carrying out such activities.

(b) Definition of Eligible Applicant.—In this section, the term "eligible applicant" means—

(1) a public educational institution;

(2) an employer; or

(3) a local or regional consortium that includes employers or employer associations, education and training providers, local chambers of commerce, or providers of social services.

(c) Application.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretaries at such time, in such manner, and that includes—

(1) evidence, including letters of support, demonstrating that the applicant will work with the State in carrying out the activities described in subsection (e); and

(2) such other information as the Secretaries may reasonably require.

(d) Determination of Amount of Grants; Availability of Funds.—

(1) In general.—In determining the appropriate amount of a grant to be awarded under this section, the Secretaries shall provide an eligible applicant with an approved application an amount sufficient to ensure that the project has a reasonable opportunity to be successful, taking into account—

(A) the number and characteristics of the individuals to be served by the project;

(B) the job opportunities and job growth in the area to be served by the project;

(C) the poverty rate for such area; and

(D) such other factors as the Secretaries deem appropriate.

(2) Maximum amount.—No eligible applicant shall receive a grant of more than $5,000,000 per year.

(3) Availability of funds.—Funds provided under a grant awarded under this section for a fiscal year shall remain available for use by the eligible applicant through the end of the succeeding fiscal year.

(e) Use of Funds.—An eligible applicant awarded a grant under this section shall enter into an agreement with the State or local agency responsible for administering the temporary assistance to needy families program in the area where the eligible applicant is located to provide individuals described in subsection (a) with—

(1) educational credits or opportunities based upon the length of the individual's employment;

(2) educational credits or opportunities based upon the individual's commitment to becoming employed; or

(3) education and training opportunities for career advancement.

(f) Reports.—

(1) Project reports.—Each eligible applicant awarded a grant under this section shall submit to the Secretaries such information and data regarding the recipients participating in the project funded under such grant and outcomes for such recipients as the Secretaries may require.

(2) Report to congress.—The Secretaries shall submit annual reports to Congress on the information and data submitted under paragraph (1).

(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $25,000,000 for each of fiscal years 2004 through 2008.

SEC. 407. GRANTS TO IMPROVE ACCESS TO TRANSPORTATION.

(a) In General.—Section 403(a) (42 U.S.C. 603(a)), as amended by section 201, is amended by adding at the end the following:

"(7) Grant to improve access to transportation.—

"(A) Purposes.—The purposes of this paragraph are to—

"(i) assist low-income families with children obtain dependable, affordable automobiles to improve their employment opportunities and access to training; and

"(ii) provide incentives to States, Indian tribes, local governments, and nonprofit entities to develop and administer programs that provide assistance with automobile ownership for low-income families.

"(B) Definitions.—In this paragraph:

"(i) Locality.—The term 'locality' means a municipality that does not administer a State program funded under this part.

"(ii) Low-income family with children.—The term 'low-income family with children' means a household that is eligible for benefits or services funded under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

"(iii) Nonprofit entity.—The term 'nonprofit entity' means a school, local agency, organization, or institution owned and operated by 1 or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(C) Authority to award grants.—The Secretary may award grants to States, Indian tribes, counties, localities, and nonprofit entities to promote improving access to dependable, affordable automobiles by low-income families with children.

"(D) Grant approval criteria.—The Secretary shall establish criteria for approval of an application for a grant under this paragraph that include consideration of—

"(i) the extent to which the proposal, if funded, is likely to improve access to training and employment opportunities and child care services by low-income families with children by means of car ownership;

"(ii) the level of innovation in the applicant's grant proposal; and

"(iii) any partnerships between the public and private sector in the applicant's grant proposal.

"(E) Use of funds.—

"(i) In general.—A grant awarded under this paragraph shall be used to administer programs that assist low-income families with children with dependable automobile ownership, and maintenance of, or insurance for, the purchased automobile.

"(ii) Supplement not supplant.—Funds provided to a State, Indian tribe, county, or locality under a grant awarded under this paragraph shall be used to supplement and not supplant other State, county, or local public funds expended for car ownership programs.

"(iii) General rules governing use of funds.—The rules of section 404, other than subsection (b) of that section, shall not apply to a grant made under this paragraph.

"(F) Application.—Each applicant desiring a grant under this paragraph shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(G) Reversion of funds.—Any funds not expended by a grantee within 3 years after the date the grant is awarded under this paragraph shall be available for redistribution among other grantees in such manner and amount as the Secretary may determine, unless the Secretary extends by regulation the time period to expend such funds.

"(H) Limitation on administrative costs of the secretary.—Not more than an amount equal to 5 percent of the funds appropriated to make grants under this paragraph for a fiscal year shall be expended for administrative costs of the Secretary in carrying out this paragraph.

"(I) Evaluation.—The Secretary shall, by grant, contract, or interagency agreement, conduct an evaluation of the programs administered with grants awarded under this paragraph.

"(J) Authorization of appropriations.—There is authorized to be appropriated to the Secretary to make grants under this paragraph, $20,000,000 for each of fiscal years 2004 through 2008.".

(b) Improving Use of TANF Funds for Car Ownership Matching Funds.—Section 404(h)(2)(B) of the Social Security Act (42 U.S.C. 608(h)(2)(B)) is amended by adding at the end the following:

"(iv) Automobile purchase or maintenance.—At the option of the State, costs with respect to the purchase or maintenance of an automobile.".

SEC. 408. PATHWAY TO SELF-SUFFICIENCY GRANTS TO IMPROVE COORDINATION OF ASSISTANCE FOR LOW-INCOME FAMILIES.

(a) Definitions.—In this section:

(1) Eligible applicant.—The term "eligible applicant" means a State or local government agency or a nonprofit entity.

(2) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(3) State.—The term "State" means each of the 50 States of the United States, the District of Columbia, the Commonwealth of

Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(4) SUPPORT PROGRAM FOR LOW-INCOME FAMILIES.—The term "support program for low-income families" means a program designed to provide low-income families and noncustodial parents who need help with obtaining employment and fulfilling child support obligations to children receiving assistance under the temporary assistance to needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) with assistance or benefits to enable the family or noncustodial parent to become self-sufficient and includes—

(A) the temporary assistance to needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(B) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(C) the medicaid program funded under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the State children's health insurance program (SCHIP) funded under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(E) the child care program funded under the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(F) the child support program funded under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(G) the earned income tax credit under section 32 of the Internal Revenue Code of 1986;

(H) the low-income home energy assistance program (LIHEAP) established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

(I) the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(J) programs under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

(K) programs supporting low-income housing assistance programs; and

(L) any other Federal, State, or locally funded program designed to provide family and work support to low-income families.

(b) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—The Secretary may award grants to eligible applicants to—

(A) improve the coordination of support programs for low-income families and noncustodial parents described in subsection (a)(4); and

(B) conduct outreach to such families and noncustodial parents to promote enrollment in such programs.

(2) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to eligible applicants that include in the application submitted under subsection (c) documentation demonstrating that the eligible applicant will collaborate with other Federal, State, or local agencies or nonprofit entities in carrying out activities under the grant.

(c) APPLICATION.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(d) ANNUAL REPORTS.—

(1) IN GENERAL.—The Secretary shall submit an interim and final report to Congress describing the uses of grant funds awarded under this section.

(2) DATES FOR SUBMISSION.—With respect to the reports required under paragraph (1), the Secretary shall submit—

(A) the interim report, not later than December 31, 2006; and

(B) the final report, not later than December 31, 2009.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for the period of fiscal years 2004 through 2008.

(f) ANNUAL ASSESSMENT OF REGIONAL LABOR MARKETS TO TARGET HIGHER ENTRY LEVEL WAGE OPPORTUNITIES IN INDUSTRIES EXPERIENCING LABOR SHORTAGES.—

(1) IN GENERAL.—An State to which a grant is made under this section annually shall conduct an assessment of its regional labor markets that includes the following:

(A) LABOR MARKET.—The assessment shall—

(i) identify industries or occupations that have or expect growth, the loss of skilled workers, or that have a demand for a subset of workers;

(ii) identify the entry-level education and skills requirements for the industries or occupations that have or anticipate a need for workers; and

(iii) analyze the entry-level wages and benefits in identified industries or occupations.

(B) JOB SEEKERS.—The assessment shall create a profile of the characteristics of the unemployed and underemployed residents of the State, including educational attainment, barriers to employment, geographic concentrations, and access to needed support services.

(C) EDUCATION AND TRAINING INFRASTRUCTURE.—The assessment shall create a profile of the State's available education, training, and support services to prepare workers for the identified industries or occupations.

(D) ALIGNING INDUSTRIES AND JOB SEEKER NEEDS.—The assessment shall compare the characteristics of the identified industries or occupations to the profiles created under subparagraphs (B) and (C).

(2) PROVISION OF INFORMATION TO LOCALITIES.—The State shall share with local political subdivisions of the State—

(A) information regarding the existence of higher entry-wage job opportunities in industries experiencing labor shortages; and

(B) opportunities for collaboration with institutions of higher education, community-based organizations, and economic development and welfare agencies.

(3) DATA.—A State may use data available as of the date the State begins an assessment under paragraph (1) to conduct such assessment if such data provides the information necessary to conduct the assessment described in that paragraph.

(4) REPORTS.—

(A) STATE REPORTS.—Each State to which a grant is made under this section annually shall submit a report to the Secretary that contains the assessment required under paragraph (1).

(B) REPORT TO CONGRESS.—The Secretary annually shall submit a report to Congress compiling the State reports submitted under subparagraph (A).

SEC. 409. TRANSITIONAL JOBS PROGRAMS.

Section 403(a) (42 U.S.C. 603(a)), as amended by section 407(a), is amended by adding at the end the following:

"(8) TRANSITIONAL JOBS GRANTS.—

"(A) PURPOSE.—The purpose of this paragraph is to provide funding so that States and localities can create and expand transitional jobs programs that—

"(i) combine time-limited employment that is subsidized with public funds, with skill development and barrier removal activities, pursuant to an individualized plan;

"(ii) provide job development and placement assistance to individual program participants to help them move from subsidized employment in transitional jobs into unsubsidized employment, as well as retention services after the transition to unsubsidized employment; and

"(iii) serve recipients of assistance under the State program funded under this part and other low-income individuals who have been unable to secure employment through job search or other employment-related services because of limited skills, experience, or other barriers to employment.

"(B) LIMITATIONS ON USE OF FUNDS.—

"(i) ALLOWABLE ACTIVITIES.—An entity to which funds are provided under this paragraph shall use the funds to operate transitional jobs programs consistent with the following:

"(I) An entity which secures a grant to operate a transitional jobs program (in this subparagraph referred to as a 'program operator'), under this paragraph shall place eligible individuals in temporary, publicly subsidized jobs. Individuals placed in such jobs shall perform work directly for the program operator, or at other public and nonprofit organizations (in this subparagraph referred to as 'worksite employers') within the community. Funds provided under this paragraph shall be used to subsidize 100 percent of the wages paid to program participants as well as employer-paid payroll costs for such participants.

"(II) Transitional jobs programs shall provide paid employment for not less than 30, nor more than 40 hours per week, except that a parent with a child under the age of 6, a child who is disabled, or a child with other special needs, or an individual who for other reasons cannot successfully participate for 30 to 40 hours per week, may, at State discretion, be allowed to participate for more limited hours, but not less than 20 hours per week.

"(III) Program operators shall provide case management services and ensure that appropriate education, training, and other services are available to program participants consistent with an individual plan developed for each such participant.

"(IV) Program operators shall provide job placement assistance to help program participants obtain unsubsidized employment, and shall provide retention services for 12 months after entry into unsubsidized employment.

"(V) In any work week in which a program participant is employed at least 30 hours, not less than 20 percent, nor more than 50 percent of scheduled hours shall involve participation in education or training activities designed to improve the participant's employability and potential earnings, or other services designed to reduce or eliminate any barriers that may impede the participant's ability to secure unsubsidized employment.

"(VI) The maximum duration of any placement in a transitional jobs program shall not be less than 6 months, nor more than 24 months. Nothing in this subclause shall be construed to bar a program participant from moving into unsubsidized employment at a point prior to the maximum duration of the program. States may approve programs of varying durations consistent with this subclause.

"(VII) Program participants shall be paid at the rate paid to unsubsidized employees of the worksite employer (or program operator where work is performed directly for the program operator) who perform comparable work at the worksite where the individual is placed. If no other employees perform the same or comparable work then wages shall be set, at a minimum, at 50 percent of the Lower Living Standard Income Level (in this subparagraph referred to as the 'LLSIL'), as specified in section 101(24) of the Workforce Investment Act of 1998, for a family of 3 based on 35 hours per week.

"(VIII) Program participants shall receive supervision from the worksite employer or program operator consistent with the goal of addressing the limited work experience and skills of program participants.

"(ii) Consultation.—An application submitted by an entity seeking to become a program operator shall include an assurance by the applicant that the transitional jobs program carried out by the applicant shall—

"(I) provide in the design, recruitment, and operation of the program for broad-based input from the community served and potential participants in the program and community-based agencies with a demonstrated record of experience in providing services, prospective worksite employers, local labor organizations representing employees of prospective worksite employers, if these entities exist in the area to be served by the program, and employers, and membership-based groups that represent low-income individuals; and

"(II) prior to the placement of program participants, consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program.

"(iii) Eligibility for other work supports.—Program participants shall be eligible for subsidized child care, transportation assistance, and other needed support services on the same basis as other recipients of cash assistance under the State program funded under this part.

"(iv) Wages not considered assistance.—Wages paid to program participants shall not be considered to be assistance for purposes of section 408(a)(7).

"(v) Private sector placements.—Not more than 50 percent of the total number of such participants in transitional jobs in a State at any time may be placed at worksite employers which are private, for-profit entities.

"(C) General eligibility.—

"(i) In general.—Not less than ⅔ of the participants in a transitional jobs program funded under a grant made under this paragraph during a fiscal year shall be individuals who are, at the time they enter the program—

"(I) receiving assistance under the State program funded under this part;

"(II) not receiving assistance under the State program funded under this part, but who are unemployed, and who were recipients of such assistance within the immediately preceding 12-month period;

"(III) custodial parents of a minor child who meet the financial eligibility criteria for assistance under the State program funded under this part; or

"(IV) noncustodial parents with income below 150 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved).

"(ii) Limitation.—Not more than ⅓ of all participants in a transitional jobs program funded under this paragraph during a fiscal year shall be individuals who have attained at least age 18 with an income below 150 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved) who are not eligible under clause (i). An individual who is an ex-offender shall be eligible to participate in a transitional jobs program funded under this paragraph.

"(iii) Methodology.—The Secretary may use any reasonable methodology in calculating whether program participants satisfying the requirements of clause (i), constitute ⅔ or more of all participants, and whether program participants satisfying the requirements of clause (ii) constitute not more than ⅓ of all such participants in a fiscal year.

"(iv) Authority to provide work-related services to individuals who have reached the 5-year limit.—A program operator under this paragraph may use the funds to provide transitional job program participation to individuals who, but for section 408(a)(7), would be eligible for assistance under the program funded under this part of the State in which the program operator is located.

"(D) Relationship to other provisions of this part.—

"(i) Rules governing use of funds.—The provisions of section 404 (other than subsection (f) thereof) shall not apply to a grant made under this paragraph.

"(ii) Administration.—Section 416 shall not apply to the programs under this paragraph.

"(iii) Prohibition against use of grant funds for any other fund matching requirement.—An entity to which funds are provided under this paragraph shall not use any part of the funds to fulfill any obligation of any State or political subdivision under subsection (b) or section 418 or any other provision of this Act or other Federal law.

"(iv) Deadline for expenditure.—An entity to which funds are provided under this paragraph shall remit to the Secretary of Labor any part of the funds that are not expended within 3 years after the date on which the funds are so provided.

"(v) Regulations.—Within 90 days after the date of enactment of this paragraph, the Secretary of Labor, after consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to implement this paragraph.

"(vi) Reporting requirements.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall establish requirements for the collection and maintenance of financial and program participant information and the reporting of such information by entities carrying out activities under this paragraph. Such reporting requirements shall include, at a minimum, that States report disaggregated data on individual program participants that include the following:

"(I) Demographic information about the program participant including education level, literacy level, and prior work experience.

"(II) Identity of the program operator that provides or provided services to the program participant, and the duration of participation.

"(III) The nature of education, training or other services received by the program participant.

"(IV) Reasons for the program participant's leaving the program.

"(V) Whether the program participant secured unsubsidized employment during or within 60 days after the employment of the participant in a transitional job, and if so, details about the participant's unsubsidized employment including industry, occupation, starting wages and hours, and availability of employer sponsored health insurance and sick and vacation leave.

"(vii) Additional reporting requirements.—States shall collect and report followup data for a sampling of program participants reflecting their employment and earning status 12 months after entering unsubsidized employment.

"(E) National competitive grants.—

"(i) In general.—The Secretary of Labor shall award grants in accordance with this paragraph, in fiscal years 2003 through 2007, for transitional jobs programs proposed by eligible applicants, based on the following:

"(I) The extent to which the proposal seeks to provide services in multiple sites that include sites in more than 1 State.

"(II) The extent to which the proposal seeks to provide services in a labor market area or region that includes portions of more than 1 State.

"(III) The extent to which the proposal seeks to provide transitional jobs in a State.

"(IV) The extent to which the applicant proposes to provide transitional jobs in either rural areas or areas where there are a high concentration of residents with income that is less than the poverty line.

"(V) The effectiveness of the proposal in helping individuals who are least job ready move into unsubsidized jobs that provide pathways to stable employment and livable wages.

"(ii) Eligible applicants.—In this paragraph, the term 'eligible applicant' means—

"(I) a Workforce Investment Board for a local workforce area in a State;

"(II) a political subdivision of a State;

"(III) a State;

"(IV) an Indian tribe; or

"(V) a private entity.

"(iii) Funding.—Subject to subparagraphs (F) and (G), of the amount appropriated in subparagraph (H) for a fiscal year, $25,000,000 of such amount shall be used to make grants under this paragraph for that fiscal year.

"(F) Funding for Indian tribes.—1.5 percent of the amount appropriated in subparagraph (H) for each fiscal year shall be reserved for grants to Indian tribes.

"(G) Funding for evaluations of transitional jobs programs.—1.5 percent of the amount appropriated in subparagraph (H) for each fiscal year shall be reserved for use by the Secretary to carry out subparagraph (I).

"(H) Appropriations.—

"(i) In general.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for grants under this paragraph, $25,000,000 for each of fiscal years 2004 through 2008.

"(ii) Availability.—The amounts made available pursuant to clause (i) shall remain available for such period as is necessary to make the grants provided for in this paragraph.

"(I) Evaluation of transitional jobs programs.—The Secretary, in consultation with the Secretary of Labor—

"(i) shall develop a plan to evaluate the extent to which transitional jobs programs funded under this paragraph have been effective in promoting sustained, unsubsidized employment for each group of eligible participants;

"(ii) may evaluate the use of such grants by such grantees as the Secretary deems appropriate, in accordance with an agreement entered into with the grantees after good-faith negotiations; and "(iii) should include the following outcome measures in the plan developed under clause (i):

"(I) Placements in unsubsidized employment.

"(II) Placements in unsubsidized employment that last for at least 12 months, and the extent to which individuals are employed continuously for at least 12 months.

"(III) Earnings of individuals who obtain employment at the time of placement.

"(IV) Earnings of individuals 1 year after placement.

"(V) The occupations and industries in which wage growth and retention performance is greatest.

"(VI) Average expenditures per participant.".

SEC. 410. GAO STUDY ON IMPACT OF BAN ON SSI BENEFITS FOR LEGAL IMMIGRANTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to determine the impact of the prohibition under section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612) with respect to the eligibility of qualified aliens (as defined in section 431 of such Act (8 U.S.C. 1641)) for benefits under the supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), including supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of such Act (42 U.S.C. 1382e) and payments pursuant to an agreement entered into under section 212(b) of Public Law 93–66.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the study conducted under subsection (a) that includes such recommendations for legislative action as the Comptroller General determines appropriate.

SEC. 411. ENSURING TANF FUNDS ARE NOT USED TO DISPLACE PUBLIC EMPLOYEES; APPLICATION OF WORKPLACE LAWS TO WELFARE RECIPIENTS.

(a) WELFARE-TO-WORK WORKER PROTECTIONS.—

(1) IN GENERAL.—Section 403(a)(5)(I) (42 U.S.C. 603(a)(5)(I)) is amended—

(A) by striking clauses (i) and (iv);

(B) by redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively; and

(C) by inserting before clause (ii), the following:

"(i) NONDISPLACEMENT.—

"(I) IN GENERAL.—An adult in a family receiving assistance under a State program funded under this part, in order to engage in a work activity, shall not displace any employee or position (including partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) or fill any unfilled vacancy.

"(II) PROHIBITIONS.—A work activity engaged in under a program operated with funds provided under this paragraph shall not impair any existing contract for services, be inconsistent with any existing law, regulation, or collective bargaining agreement, or infringe upon the recall rights or promotional opportunities of any worker.

"(III) NO SUPPLANTING OF OTHER HIRES.—A work activity engaged in under a program operated with funds provided under this paragraph shall be in addition to any activity that otherwise would be available and shall not supplant the hiring of an employed worker not funded under such program.

"(IV) ENFORCING ANTIDISPLACEMENT PROTECTIONS.—

"(aa) IN GENERAL.—The State shall establish and maintain an impartial grievance procedure to resolve any complaints alleging violations of the requirements of subclause (I), (II), or (III) within 60 days of receipt of the complaint and, if a decision is adverse to the party who filed such grievance or no decision has been reached, provide for the completion of an arbitration procedure within 75 days of receipt of the complaint or the adverse decision or conclusion of the 60-day period, whichever is earlier.

"(bb) APPEALS.—Appeals may be made to the Secretary who shall make a decision within 75 days.

"(cc) REMEDIES.—Remedies for a violation of the requirements of subclause (I), (II), or (III) shall include termination or suspension of payments, prohibition of the placement of the participant, reinstatement of an employee, and other relief to make an aggrieved employee whole.

"(dd) LIMITATION ON PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant, such placement shall not be made unless such placement is consistent with the resolution of the grievance pursuant to this subclause.".

(2) STATE PLAN REQUIREMENT.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

"(vii) In the case of a State that receives a welfare-to-work grant under section 403(a)(5), ensure compliance with the nondisplacement requirements of subparagraph (I)(i) of that section.".

(b) APPLICATION OF WORKPLACE LAWS TO WELFARE RECIPIENTS.—Notwithstanding any other provision of law, workplace laws, including the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), shall apply to an individual who is a recipient of assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in the same manner as such laws apply to other workers. The fact that an individual who is a recipient of assistance under the temporary assistance to needy families program is participating in, or seeking to participate in work activities under that program in satisfaction of the work activity requirements of the program, shall not deprive the individual of the protection of any Federal, State, or local workplace law.

SEC. 412. DATA COLLECTION AND REPORTING.

Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended in the matter preceding clause (i), by striking "(except for information relating to activities carried out under section 403(a)(5))" and inserting " (and in complying with this requirement, the Secretary shall require not more than 10 States to ensure that the following case record information is reported in a manner that permits analysis of such information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors, and shall submit an annual report to Congress containing such data)".

TITLE V—MISCELLANEOUS

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, the amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402(a) or 454 of the Social Security Act (42 U.S.C. 602(a), 654) which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) or 454 solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

By Mr. HARKIN:

S. 1444. A bill to amend the Head Start Act to increase the reservation of funds for programs for low-income families with very young children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, most Americans are very familiar with Head Start. This popular preschool program was created in 1965 to provide education, health, nutrition and family support services to low-income, 4- and 5-year old children. Head Start enjoys strong bipartisan support and is widely recognized as a success.

In response to the growing body of research about the critical development which occurs during the first 3 years of a child's life, Head Start was expanded in 1995 to serve infants and toddlers. The Early Head Start Program provides comprehensive child development and family support services to infants and toddlers from birth through age 3 and pregnant women. Currently, 10 percent of Head Start funds are set aside for Early Head Start. An estimated 60,000 children currently receive services nationwide. In Iowa, 1,259 children are served by Early Head Start.

Numerous research findings, including a 7-year national evaluation, show that Early Head Start is a success. Early Head Start made positive impacts in children's cognitive, language, and social-emotional development. It was also found that compared to a control group, parents in Early Head Start not only read to their children more often but also provided additional resources to support greater language and literacy development.

These types of outcomes for our Nation's most vulnerable infants and toddlers are tremendous considering how critical the early years are for children's development. Data from the National Academy of Sciences shows that the first 3 years of a child's life are the most important—80 percent of brain development occurs by age 3. Children have unlimited potential to learn many things during this critical time. Research conducted over the last several years shows how important it is for parents to read to their young children, talk with them, and stimulate learning through play. Children who do not have enriched learning experiences during these important years can be stunted for life. Babies and toddlers living in high-risk environments need additional supports to foster necessary intellectual, social, and emotional development that lays the foundation for later success in school and life.

Early Head Start provides this proven effective, targeted care, yet only 3 percent of those eligible are being served. As a result, today I am introducing legislation that would increase the current set-aside to 20 percent in 2008—to double the number of participants.

Investments in early intervention programs must become a national priority. This is the right thing to do for the young children of our Nation, but it is also the most cost-effective thing for us to do. Every dollar invested in quality pre-school programs saves $7 in future costs for special education, welfare or corrections.

In 1991, the Committee for Economic Development, CED, called on the Nation to rethink how we view education. This group of business leaders urged Federal policy makers to view education as a process that begins at birth, with preparations beginning before birth. I strongly support this objective and have always been a strong advocate in early intervention activities such as Head Start, the WIC nutrition program and early intervention programs for infants and toddlers with disabilities.

We must dedicate ourselves to making the CED vision a reality and build a strong foundation for education in this country. That begins with ensuring that all children get off to a good, strong start and enter school ready to learn.

The legislation I am introducing today takes another step toward building this foundation by doubling the set-aside for the Early Head Start Program for children ages zero to three by the year 2008. This action will continue to improve access to education and development services for our youngest children to provide a good start in life. I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 198—EXPRESSING SYMPATHY FOR THE VICTIMS OF THE DEVASTATING EARTHQUAKE THAT STRUCK ALGERIA ON MAY 21, 2003

Mr. BROWNBACK (for himself, Mr. BIDEN, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 198

Whereas on the evening of May 21, 2003, a devastating and deadly earthquake of a magnitude of 6.8 on the Richter scale and with a depth of 6 miles struck northern Algeria, killing more than 2,260 people, injuring more than 10,000 others, and leaving more than 200,000 people homeless;

Whereas the earthquake of May 21, 2003, has left thousands of buildings in ruins and has severely disrupted health services, water supply lines, electricity, and telecommunications in Algeria;

Whereas severe aftershocks with magnitudes greater than 4.0 have continued to terrify the people of Algeria and hamper rescue efforts;

Whereas the strength, courage, and determination of the people and Government of Algeria has been displayed since the earthquake;

Whereas the people of the United States and Algeria share strong friendship and mutual respect;

Whereas the United States airlifted to the earthquake-affected population 174,000 blankets, 1,800 tents, electrical equipment, water purification kits, and 3 medical supply kits sufficient to benefit 10,000 people for at least 3 months;

Whereas the United States has provided $50,000 to the Algerian Red Crescent Society for emergency relief supplies; and

Whereas the United Nations Children's Fund (UNICEF) has launched an emergency appeal for humanitarian and relief assistance to address the devastation in Algeria that was caused by the powerful earthquake: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathies to the people of Algeria and particularly to the families of the victims and the survivors for the tragic losses suffered as a result of the earthquake that struck Algeria on May 21, 2003;

(2) expresses its support for the people and to the Government of Algeria as they continue their efforts to rebuild their cities and their lives;

(3) expresses support for humanitarian assistance provided by the United States Agency for International Development and other American and international relief organizations;

(4) recognizes the important role that is being performed by the United States and the international community in providing assistance to alleviate the suffering of the people of Algeria; and

(5) encourages the continued commitment by the United States and other countries and international organizations to the rebuilding of the earthquake-affected areas in Algeria.

Mr. BROWNBACK. Mr. President, I rise to submit a resolution expressing sympathy for the victims of the devastating earthquake that struck Algeria on May 21, 2003.

Algeria, a North African nation and former colony of France, was rocked by an enormous earthquake registering 6.8 on the Richter scale on May 21 killing more than 2,000 people, injuring 10,000 and leaving hundreds of thousands homeless.

I rise to extend my heartfelt sympathy to the Algerian people and to encourage the United States to commit itself to help Algerians pick up their lives and move past this tragedy.

President Bush committed funds to the Algerian Red Crescent Society, and the U.S. airlifted disaster supplies, including blankets, tents, medical supply kits.

It is important that in Algeria's hour of need that we act as a humane Nation. The kindness of a compassionate America can help heal the wounds of Algeria.

We must define ourselves as a nation by the goodness and compassion we extend to our fellow human beings who inhabit this world with us.

Though it is not simply in our self-interest, we should be careful to view our compassionate acts as instruments of goodwill presenting the case for American leadership to the world. These acts of compassion can serve to further our interests while reinforcing the American ideal as something other nations would want to attain.

Thomas Jefferson stated that America "should have an Empire for Liberty," meeting a moral obligation to defend and promote freedom throughout the world. That remains for any American foreign policy, but is only buttressed by our willingness to serve our fellow man.

It would be a tragedy in this case if we were to wait for our ship to come in; we should swim out to meet it. Algeria can be the mark where America as a leading moral nation can greet his fellow suffering man with open arms and mercy.

Mr. INHOFE. Mr. President, on May 21 of this year a devastating earthquake shook lives in Algeria and across the world. Two thousand two hundred people were killed, 10,000 were injured, and 200,000 more were left homeless. In response, support from the international community has been overwhelming. The United Nations Disaster Assessment and Coordination Team estimates that 85 international flights from 27 different countries landed in Algiers to assist in the emergency relief efforts. Officials in Algeria state that more than 30,000 government workers and 10,000 military personnel were involved in relief activities. The United States alone has given over $1.3 million in assistance, providing blankets, tents, and medical supplies.

Furthermore I am pleased that many businesses from my home State of Oklahoma are now helping in the reconstruction. They will bring to Algeria the best resources and equipment available to help rebuild the fallen cities. LWPB Architects, Atkins-Benham Constructors and Terex Road Building Group are among the participating companies.

I am pleased to cosponsor this resolution by my colleague from Kansas that expresses our deepest sympathies for the victims of this tragedy. It is our hope that through this international partnership, Algeria will arise a stronger nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1318. Mr. REID proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

SA 1319. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1320. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1321. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1322. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1323. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1324. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1325. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1326. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1318. Mr. REID proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 58, strike line 6 and all that follows through page 59, line 17, and insert the following:

any other provision of law, $2,908,000,000, which shall be allocated as follows:

(1) $1,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711), of which $500,000,000 shall be available for State and local law enforcement terrorism prevention grants: *Provided*, That no funds shall be made available to any State prior to the submission of an updated state plan to the Office for Domestic Preparedness: *Provided further*, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days after the grant award;

(2) $30,000,000 for technical assistance;

(3) $750,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: *Provided*, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 45 days after the receipt of the funds: *Provided further*, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants;

(4) $20,000,000 for discretionary grants for use in urban areas with large tourist populations, to be used as determined by the Secretary of Homeland Security; and

(5) $358,000,000 for national programs: *Provided*, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: *Provided further*, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraphs (3) and (4) of this heading shall be available for operational costs, to include personnel overtime and overtime

SA 1319. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 7, strike the end period and insert the following: ": *Provided further*, That of the total amount provided under this heading $5,500,000 shall be available for maritime security professional training pursuant to section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note)."

SA 1320. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 15, strike "$130,200,000" and insert "$150,000,000".

SA 1321. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

After section 615, insert the following:

SEC. 616. (a) ADDITIONAL AMOUNT FOR BORDER PERSONNEL.—The amount appropriated by title III under the heading "SALARIES AND EXPENSES" under the heading "CUSTOMS AND BORDER PROTECTION" is hereby increased by $200,000,000.

(b) AVAILABILITY.—(1) Of the amount appropriated by title III under the heading "SALARIES AND EXPENSES" under the heading "CUSTOMS AND BORDER PROTECTION", as increased by subsection (a), up to $200,000,000 shall be available to assist the Department of Homeland Security in increasing the number of border personnel at the northern border of the United States by the end of fiscal year 2004, and may be transferred by the Secretary of Homeland Security to the salaries and expenses account of the Bureau of Customs and Immigration Services.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

SA 1322. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 19, strike the end period and insert the following: ": *Provided further*, That of the total amount provided under this heading $15,000,000 shall be available for the Secretary of Homeland Security to award grants under section 70107(i) of title 46, United States Code, to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States.".

SA 1323. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

After section 615, insert the following:

SEC. 616. (a) AMOUNT FOR CONSTRUCTION OF VEHICLE BARRICADES.—Of amounts appropriated by title III under the heading "CONSTRUCTION" under the heading "CUSTOMS AND BORDER PROTECTION", $2,400,000 shall be available to construct vehicle barricades along the United States-Mexico border near the Santa Teresa and Columbus ports of entry.

(b) SUPPLEMENT NOT SUPPLANT.—Amounts available under subsection (a) are in addition to any other amounts appropriated or otherwise available under this Act for construction of vehicle barricades along the United States-Mexico border.

SA 1324. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, lines 2 and 3, strike "as determined by the Secretary of Homeland Security: *Provided*, That" and insert "including Indianapolis, Indiana, and other areas, as determined by the Secretary of Homeland Security: *Provided*, that no less than the minimum amount awarded to Buffalo, New York, and its contiguous counties and mutual aid partners in fiscal year 2003 to enhance the security of high density, high threat urban areas shall be made available to areas in Indianapolis, Indiana: *Provided further*, That".

SA 1325. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 58, line one, strike all text through page 60, line 4, and insert the following in lieu thereof:

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $6,638,000,000, which shall be allocated as follows:

(1) $4,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT ACT of 2001 (42 U.S.C. 3711), of which $3,500,000,000 shall be available for State and local law enforcement terrorism prevention grants: *Provided*, That no funds shall be made available to any State prior to the submission of an updated state plan to the Officer for Domestic Preparedness: *Provided further*, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days of the grant award: *Provided further*, That in obligating funds to local governments, each State shall give priority consideration to funding requests submitted by elected executive officials of municipal governments;

(2) $80,000,000 for technical assistance;

(3) $1,450,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: *Provided*, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 45 days after receipt of the funds: *Provided further*, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants; and

(4) $358,000,000 for national programs: *Provided*, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: *Provided further*, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (3) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training as needed: *Provided further*, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of the funds provided under paragraphs (1) and (3) of this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $900,000,000, to remain available until September 30, 2005: *Provided*, That up to 5 percent of this amount shall be available for program administration.

SA 1326. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —CLARIFICATION OF PROHIBITION ON CONTRACTING WITH CORPORATE EXPATRIATES

SEC. ___. CLARIFICATION OF PROHIBITION ON CONTRACTING WITH CORPORATE EXPATRIATES.

Section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395) is amended—

(1) in subsection (a), by inserting before the period ", or any subsidiary of such an entity";

(2) in subsection (b)(1), by inserting "before, on, or" after "completes";

(3) in subsection (c)(1)(B), by striking "which is after the date of enactment of this Act and"; and

(4) in subsection (d), by striking "homeland security" and inserting "national security".

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 23, 2003, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing on S. 556, a bill to reauthorize the Indian Health Care Improvement Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on July 24, 2003, in SR–328A at 11 a.m. The purpose of this meeting will be to mark up H.R. 1904, the Healthy Forests Restoration Act of 2003.

SUBCOMMITTEE ON ENERGY

Mr. ALEXANDER. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 29, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to highlight the unique role that the DOE's Office of Science plays in supporting basic research in the physical sciences. The programs supported by the Office of Science support many of the DOE's missions. The research of the Office lays the foundation for many of the current and future developments in the applied missions of the DOE in energy, defense, and environmental issues.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled "SARS: Best Practices for Identifying And Caring for New Cases." At the hearing, officials from the General Accounting Office will release the results from a study that I requested of national best practices for identifying and locating SARS cases. This hearing is a followup to the subcommittee's May 2003 hearing on coordinating the response to individual SARS outbreaks among local, State, and Federal officials as well as between government officials and the private sector. While officials from global health agencies have indicated that, for the moment, SARS appears to have stabilized, there is concern that this is simply a lull before the storm. At the subcommittee's May 2003 hearing individuals within the health care community relayed their concerns that there will be reemergence of SARS this fall. With that in mind, the subcommittee's upcoming hearing will examine the best practices that can be identified for controlling SARS within the health care and community setting.

The hearing will take place on Wednesday, July 30, 2003, at 9 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Joseph V. Kennedy of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 22, 2003, at 2:00 p.m. to conduct a hearing on the nominations of Mr. Mark C. Brickell, of New York, to be director, Office of Federal Housing Enterprise Oversight; Ms. Alicia R. Castaneda, of the District of Columbia, to be a member of the Board of Directors, Federal Housing Finance Board; and Mr. Thomas J. Curry, of Massachusetts, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 22, at 10:00 a.m..

The purpose of the hearing is to receive testimony on issues related to forest health problems in our Nation's forests.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Reauthorizing Head Start: Preparing Children to Succeed in School and in Life during the session of the Senate on Tuesday, July 22, 2003 at 10:00 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, July 22, 2003, at 10 a.m. in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: Senators;

Panel II: Steven M. Colloton to be United States Circuit Judge for the Eighth Circuit;

Panel III: P. Kevin Castel to be United States District Judge for the Southern District of New York; Sandra J. Feuerstein to be United States District Judge for the Eastern District of New York; Richard J. Holwell to be United States District Judge for the Southern District of New York; H. Brent McKnight to be United States District Judge for the Western District of North Carolina; R. David Proctor to be United States District Judge for the Northern District of Alabama; Stephen C. Robinson to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "The WorldCom Case: looking at Bankruptcy and Competition Issues" on Tuesday, July 22, 2003, at 2 p.m. in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: Richard Thornburgh, Esquire, Bankruptcy Examiner, Kirkpatrick & Lockhart LLP, Washington, DC;

Panel II: William Barr, Executive Vice President and General Counsel, Verizon Communications, Washington, DC; Nicholas Katzenbach, Board Member, MCI Telecommunications, Ashburn, Virginia; Marcia L. Goldstein, Esquire, Weil Gotshal & Manges LLP, New York, New York; Morton Bahr, President, Communications Workers of America, Washington, DC; Douglas G. Baird, Vice-Chair, National Bankruptcy Conference, Chicago, Illinois; Mark A. Neporent, Chief Operating Officer, Cerberus Capital Management, L.P., New York, New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on today, July 22, 2003 from 11 a.m.—1 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Minority Leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Honorable PAUL SARBANES of Maryland as a delegate of the Senate Delegation to the British-American Interparliamentary Group conference during the 108th Congress.

MEASURES INDEFINITELY POSTPONED—S. 508, S. 708, AND S. 1145

Mr. CORNYN. Mr. President, I ask unanimous consent that Calendar Nos. 148, 149, and 151 be indefinitely postponed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 23, 2003

Mr. CORNYN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, July 23. I further ask that following the prayer and the pledge, the Journal of proceedings be approved, the time for the two leaders be reserved for their use later in the day, and that the Senate begin a period of morning business with the first 15 minutes under the control of the majority leader or his designee, the next 15 minutes under the control of Senator HUTCHISON or her designee, and the final 30 minutes under the control of the minority leader or his designee; provided that following morning business the Senate resume consideration of Calendar No. 192, H.R. 2555, the Department of Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CORNYN. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period of morning business until approximately 10 a.m.

Following morning business, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. Again, it is the majority leader's intention to complete action on this bill during tomorrow's session.

There are a number of Senators who have expressed an interest in offering amendments. The majority leader would encourage those Members to contact the bill managers as soon as possible.

Rollcall votes are expected throughout the day tomorrow as the Senate will continue work through the remaining amendments to the bill. Senators will be notified when the first vote is scheduled.

RECESS UNTIL 9 A.M. TOMORROW

Mr. CORNYN. Mr. President, if there is no further business to come before the Senate, under the previous order, I ask that the Senate stand in recess.

Thereupon, the Senate, at 7:23 p.m., recessed until Wednesday, July 23, 2003, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 22, 2003:

DEPARTMENT OF COMMERCE

PETER LICHTENBAUM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE JAMES J. JOCHUM.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KERRY N. WEEMS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE JANET HALE, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be lieutenant general

MAJ. GEN. ROGER A. BRADY, 6581

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be lieutenant general

LT. GENERAL RICHARD E. BROWN III, 8999

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be lieutenant general

LT. GEN. JOHN D. HOPPER JR., 6003

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be lieutenant general

LT. GEN. STEVEN R. POLK, 6022

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE ARMY TO THE GRADE INDICATED UNDER TITLE 10 U.S.C. SECTION 12203:

To be major general

BRIG. GEN. DAVID T. ZABECKI, 9488

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be vice admiral

REAR ADM. HENRY G. ULRICH III, 2552

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10 U.S.C. SECTION 601:

To be vice admiral

REAR ADM. HENRY G. ULRICH III. 2552

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10 U.S.C. SECTION 624:

To be lieutenant colonel

DENNIS HUTSON. 6901

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

WILFREDO A. COLONMARTINES. 4148
0STEPHEN A. GARANIN, 3149
JEFFERY L. LEWIS, 0815

THE FOLLOWING OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

THOMAS B. HOWE. 5003
MICHAEL J. VEASEY, 2776

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES G. LYNCH. 8732
DANIEL MANGUALGONZALEZ, 7436
WESLEY L. MCCLELLAN. 3173
RAFAEL A. ROLDAN. 8059

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

EVAN L. WILLIAMS II, 2479

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

THOMAS D. GORE. 3142

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ADAM L. MUSOFF. 6469

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE TEMPORARY GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 6222:

To be captain

JASON K. FETTIG, 7799

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 624:

To be commander

STEVENS S. HARTZELL, 7773
STANLEY D. RHOADES, 5654

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES P. DRISCOLL, 5170

HOUSE OF REPRESENTATIVES—*Tuesday, July 22, 2003*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BURGESS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 22, 2003.

I hereby appoint the Honorable MICHAEL C. BURGESS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1435. An act to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

DOING THE BUSINESS OF THE NATION

Mr. DELAY. Mr. Speaker, since the beginning of this year, the Republican majority has committed itself to doing the bulk of its work by this summer before Presidential politics overtakes the Nation's attention. We know once we return after Labor Day, Congress will focus on completing the spending bills and the broader political agenda will be dominated by the Presidential campaign.

We have had this first 8 months to get the work of the people done, and I am happy to report we have done so. On issue after issue, the House has identified, developed, and passed necessary legislation. We passed major bills to further reform Federal welfare programs, to promote work and help prepare recipients to find it. We passed the President's African relief initiative to curb the spread of HIV/AIDS on that suffering continent. We passed a partial-birth abortion ban and hope to finally deliver it to a President willing to sign it and outlaw this gruesome procedure.

From education to national security to child protection, the House has been addressing the urgent needs of the American people. But we have also not lost sight of the three principal objectives we set out this year: the war on terror, the economy, and a Medicare prescription drug benefit.

When we began our work in January, Saddam Hussein was still in Iraq dominating and terrorizing his people. Thanks to the leadership of President Bush and the amazing work of our military, a fledgling democracy is now being fostered in Iraq. The American people are safer and global terror has lost a sponsor and ally, thanks in part to Congress's bipartisan support for the war budget we passed in April.

On the economy, we passed the President's Jobs and Growth Package to create more than 1 million new jobs. The effects of this legislation are already benefiting the national economy, leaving more money in the pockets of American taxpayers.

And finally, the House and Senate have each passed versions of a Medicare prescription drug benefit. We will continue to work with the Senate and White House to negotiate a final bill and put it into law to improve the health of American seniors.

So, Mr. Speaker, this House committed itself to fulfilling America's promise from day one; and we are a safer, more prosperous, and healthier Nation because of it.

TRADE IS A FOUR-LETTER WORD: J-O-B-S

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, where I come from, trade is a four-letter word, J-O-B-S. But this Congress and this President just do not spell very well. The last 2½ years since President Bush took office this country has lost 3 million jobs, more than any President since Herbert Hoover. We have lost 2 million manufacturing jobs, mostly which have gone overseas; we have a trade deficit of $450 billion. The trade deficit last month was greater than the trade deficit for the entire year 10 years ago. The trade deficit is 10 times last year what it was a decade-plus ago. We are hemorrhaging jobs with every billion dollars of trade deficit, now up to $450 billion. We continue to hemorrhage jobs.

President Bush's answer to this 3 million jobs lost, 2 million manufacturing jobs lost, President Bush's answer is more trade agreements.

Congress this week will vote on two trade agreements, one with Singapore and one with Chile. Congress's vote this week will be on these two trade agreements, which are frankly more of the same, more NAFTA, more hemorrhaging of jobs, more weakening of environmental and food safety laws, and all of the values we in this country hold dear.

Most of all, these trade agreements with Chile and Singapore are all about jobs. When we look at what has happened with NAFTA in the last 10 years since NAFTA passed this Chamber in November 1993, in these 10 years we have seen a trade surplus with Mexico turn into a huge trade deficit. We have seen job gains with Mexico and Canada turn into huge job losses. We have seen since Congress has passed Permanent Normal Trade Relations with China and Most-favored Nation status temporary renewals every year the last dozen years. We have seen our trade deficit with China go from $100 million in 1990, to $100 billion in 2002.

Every billion dollars, according to President Bush, Sr., meant a loss of 18,000 jobs. So with a trade deficit of $450 billion, all we have to do is do the math to understand why the job picture in this country is so bleak and with passing Chile and Singapore trade agreements and the rest of the President's trade agenda, Central America free trade agreement, Free Trade Act to the Americas to extend NAFTA to the whole hemisphere, we understand why the job picture in the future is even bleaker.

Mr. Speaker, 2 days ago on Sunday I spoke to a rally of Goodyear workers in Akron, Ohio. There are 14 Goodyear plants scattered across the United States. There were rallies held by the Steel Workers, formerly the Rubber Workers, at each of these 14 plants

---

across this great country. Everyone that came up to me before, during, and after the rally talked about job loss, talked about their anxiety, economic insecurity and kept asking why does President Bush want a trade agreement with Singapore, why does President Bush want a trade agreement with Chile, why does President Bush want to extend NAFTA to Central America and why does President Bush want to extend NAFTA to all of Latin America.

Those workers understand that trade is a four-letter word, and it is spelled J-O-B-S. They spell better than President Bush and the leadership in this Congress because they understand that these trade policies with Chile, with Singapore, with a Central America free trade agreement, with the Free Trade Act with the Americas, these trade agreements, in addition to weakening our environmental standards, in addition to undercutting labor standards, in addition to weakening food safety standards, in addition to undercutting what we hold dear in this country, they understand these trade agreements more than anything else are about jobs. They are about the loss of jobs, about the hemorrhaging of jobs, about jobs going overseas year after year after year; and they are not coming back unless we change our trade policy.

* * *

H.R. 693, MILITARY DEATH GRATUITY IMPROVEMENT ACT OF 2003

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from North Carolina (Mr. JONES) is recognized during morning hour debates for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, Members can see beside me and behind me are photographs of men and women who have died in Operation Freedom; and the reason I come to the floor with these photographs, I do not want us as Members of Congress to ever forget, not that we ever would, the high cost of freedom, because someone has given a life to ensure that the American people as well as the people of Iraq can have the freedom that we in America are guaranteed by our Constitution.

The reason I wanted to come to the floor is because many of my colleagues, as well as people throughout this country, do not realize that each and every family that has a loved one killed in the military receives what is called a death gratuity. It is a small amount of money, I do not think it is enough, but it is a check for $6,000. What makes it even worse than the amount is a tax on part of the $6,000.

In the 107th Congress, I introduced legislation to eliminate the tax, and let me say that the House did its job in a bipartisan way and passed the legislation, sent it over to the other body and they failed to act on that legislation. Because of that, Mr. Speaker, families throughout this country, actually 292 military families, had to pay a tax on the death gratuity they received on the death of a loved one serving this Nation and possibly fighting for freedom.

Mr. Speaker, if the other body does not pass this legislation that we have sent over there again this year, meaning 2003, very possibly in 2004 there could be as many as 200 to 300 families in this country that will receive from Uncle Sam a notice that they owe tax on the death gratuity. I think this is unacceptable. I think it is deplorable that any family that would give a loved one to serve this Nation who has given their life to protect freedom would next year receive a tax notice from Uncle Sam.

Mr. Speaker, I think that is unacceptable. I think the other body needs to do its job and pass legislation to ensure that in the year 2004 the families who lose loved ones serving this Nation will not have to pay a tax on a $6,000 death gratuity. I think we as Congress must ensure that the families who have lost those loved ones will not be asked by Uncle Sam to pay a tax on the small amount of $6,000 for that loved one who has given their life. I close by encouraging the other body to do its job and not leave this fall and not have passed this legislation.

Mr. Speaker, I close as I always do in my district, I ask God to please bless our men and women in uniform, I ask God to please bless their families, I ask God to please bless the families who have lost loved ones, I ask God to please bless the House and Senate that we will do what is right in the eyes of God, I ask God to please bless the President of the United States that he will do what is right in the eyes of God, and I ask three times, God please, God please, God please continue to bless America.

* * *

FREE TRADE AGREEMENTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from California (Ms. SOLIS) is recognized during morning hour debates for 5 minutes.

Ms. SOLIS. Mr. Speaker, this morning I would like to rise to urge my colleagues to listen a bit about this discussion that I am going to enter into regarding the U.S.-Chile and U.S.-Singapore free trade agreements. And as one of my colleagues said, it is about jobs, J-O-B-S.

Mr. Speaker, understand I am not opposed to free trade. I want to underscore that we want to seek fair trade, and I point out the chart next to me because I want to talk about the high unemployment rates in my country, but also here in my own district. Right now the national percentage for unemployment is 6.4. I have communities in my district that have well above 10.8 percent unemployment. Many of the job losses have stemmed from jobs going abroad, particularly in the garment industry, in light manufacturing and other jobs like that.

I want to point out that if we do move forward with the U.S.-Chile and U.S.-Singapore free trade agreements, we should try to enact legislation that would provide fair treatment of people who enter into this country. One of the questions I have right now is that this trade agreement with Chile and Singapore is not fair. What it would do is allow for a vast influx of foreign temporary workers from low-wage nations that would be competing with our communities, with people who are faced with not having jobs right now, who are well trained, by the way.

I would like to draw Members' attention that last night as I was watching the news on Channel 7, they were doing a depiction of people who had recently lost their jobs, people who had considerable training and background and degrees, people in finance and technology. They are now working at the local hamburger stop, or in marketing positions that pay well below $9 an hour, or somewhere around minimum wage, $5.15.

I think it is a disgrace that we are not doing enough to focus in on those individuals who we represent in our communities. I would like to ask this administration and the Congress to consider first investing in America in the jobs that we need here at home. It is great that we are able to help out other countries, but we have to help them become self-empowered so they can determine their own destinies as well.

I had a chance last year to visit Central America, and I saw what the power of our country could do if we were to just expand programs that invested in microenterprise programs that would allow women, in particular, low-income skilled people to begin to invest in their own businesses, not taking away jobs from Californians or the rest of the country, but investing in their own human capital and keeping those people there instead of bringing them to this country.

I am not against bringing people in, but let us be fair and truthful what we want to do. First, we need to prioritize our own homeland, and that is investing here in America.

What baffles me most is the Bush administration has negotiated agreements to allow for foreign temporary workers in the U.S., when unemployment is in some places above 10 percent. The worker rights provisions in the Chilean and Singapore agreements will be disastrous if also applied to future trade agreements, and I speak in particular to the Central American free trade agreement which is coming shortly.

Many of those countries do not have labor provisions for their workers. They would like to take away the rights of health care workers right now in countries like El Salvador and Guatemala, and I hear over and over again the problems faced by many people there who would like to unionize. They are harassed and intimidated. That is not right, and I think the American public needs to know what negotiations are going on between our country and others to foster trade.

Again, I think jobs are important. I think it is very important to underscore that, yes, as Americans we know it is important to sustain other countries, but let us make sure that our principles are clear.

Last year, I and other Members of this House voted on the Jordan Free Trade Agreement, which I believe was a little bit better than what we are seeing is going to come before this House later this week, but I think we have to remember one of the reasons it got a lot of support was we had protections for workers' rights and for the environment. Those two major issues are lacking in this upcoming Chile and Singapore agreements.

I would underscore the need here is about jobs, jobs in America and making sure that we do not undercut our workforce or the workforce of those foreign countries, because many of them will not have the same protections as we as workers have in this country, and I point that out because we hear too often about the abuses with young children, no labor provisions to protect children abroad. I would ask my colleagues to oppose these agreements.

U.S.-CHILE FREE TRADE AGREEMENT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized during morning hour debates for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, on June 6, 2003, the United States and Chile signed a historic and comprehensive free trade agreement designed to reduce barriers and facilitate trade and investment between both countries. Negotiations had begun back in December 2000, and 14 negotiating rounds were held. In the final round, 230 negotiators worked 9 straight days to come up with an agreement that contains more than 800 pages of text and annexes.

The result of all this hard work is a state-of-the-art trade pact that includes groundbreaking provisions which have never been negotiated as part of a free trade agreement. For example, the agreement includes new anticorruption rules in government contracting, and commitments to make end-user piracy of copyrighted works a criminal offense. Also included are new customs procedures which will increase transparency, efficiency, and timeliness of customs clearance procedures while maintaining strong border security.

Chile has agreed to new regulatory transparency commitments that will govern the interaction of service regulators with private parties, increasing public access to rulemaking procedures. In addition, the dispute settlement process will become more transparent with more public hearings, access to legal submissions, and the rights of third parties to submit views.

But beyond the precedent-setting features of the agreement, there is a bottom-line reality. Right now most of Chile's products enter the United States duty free under the GSP, or generalized system of preferences. In contrast, our exports to Chile face a uniform tariff of 6 percent. Once the U.S.-Chile free trade agreement enters into force, Chile's 6 percent tariff will be removed immediately from more than 85 percent of U.S. exports. Tariffs on the remaining products will be phased out over 4 to 12 years.

This is a good agreement which covers a particularly wide range of products and services. Not only does it address the liberalization of merchandise trade; it also includes groundbreaking areas such as e-commerce, express delivery services, strong copyright and trade protections, and across-the-board liberalization of trade in services.

In short, there is something for everyone to like in this agreement. But as with other trade agreements, there is also something for everyone to question. The three areas that are often addressed by Members who have not had an opportunity to focus on the agreement, and we heard from a couple of them this morning, are: labor, the environment, and immigration. For instance, some Members who are not familiar with Chile and its labor laws question whether the labor provisions in this agreement are strong enough. The facts are that Chile has recently rewritten most of its Pinochet-era labor laws, reaffirming its obligation as a member of the international labor organization, and committed in this agreement to a key binding obligation not to fail to effectively enforce its labor laws through a sustained or recurring course of action or inaction. Labor protections within Chile and within this agreement are strong and sound.

And because it is a free trade agreement, other Members question whether it preserves environmental protections, but this free trade agreement includes provisions requiring parties to establish high levels of environmental protection and to not weaken or reduce environmental laws to attract trade or investment. It provides for dispute settlement and for environmental cooperation between the parties.

And last, some Members have questioned the impact this agreement may have on our immigration policy and whether it will open the door to a new wave of immigrants. The answer is no. It is true that in order to facilitate trade and services this agreement does allow for temporary entry of business professionals into Chile and into the United States. The number of professionals allowed entry into Chile is unlimited, while the number of Chilean professionals in the United States is 1,400. But I want to point out that the implementing legislation ensures that Chile professional category comes under the existing H–1B umbrella as H–1B1.

Further, the legislation clarifies that the Chile H–1B professional category is capped and these individuals will count under the overall H–1B program cap. The same fees can be charged for entry, and the agreement permits the U.S. to require attestations modeled after core elements of the Labor Condition Application of the current H–1B visa program.

Mr. Speaker, this is a good agreement with a good trading partner that will be good for our businesses and workers. I plan to vote for the U.S.-Chile trade agreement, and urge my colleagues to do the same.

COLUMNIST BLOWS CIA AGENT'S COVER

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Washington (Mr. McDERMOTT) is recognized during morning hour debates for 4 minutes.

Mr. McDERMOTT. Mr. Speaker, I was stunned this morning to pick up the newspaper and read in an article in Newsday dated July 22 that a columnist blew a CIA agent's cover. That is the headline of this article. Now, Robert Novak, who is the columnist who did this, said they came to me, they thought it was significant, they gave me the name and I used it. That is a criminal offense. To give the name of an American member of the CIA to uncover them is a criminal offense. Somebody in the administration thought it was important to let that news out. So they went to Mr. Novak, he is one of the Republican Party's pets in the press, and they knew it would go right into the press.

But when will the investigation start in this House by the Republicans of the Republican administration people who broke the law? Who in the White House had the gall to think they were above the law and they could go down and take a reporter and say let me give you the name of one of our undercover agents who has been operating abroad? Members may ask themselves why would they do that? Were they threatening her or did they want other people to understand, do not talk anything bad about this administration? This administration is trying to make the American people afraid to speak up and dissent. They did this because she happened to be the wife of somebody that the administration sent to Niger to find out the truth of the forgeries that the President spoke about here in this very place. When he came back and gave his report, his report was ignored and they insisted upon putting it into the speech.

Mr. Speaker, the question you have to ask is, who is writing the laws that cover the White House and the administration? Or are they operating on their own? They could do anything and the stonewall on the Republican side of the House of Representatives will never bring it up. I guarantee Members there will not be any attempt to have an investigation by the Permanent Select Committee on Intelligence; of course, we trust them, yes.

Today, Mr. Bremer is going to sneak into this room and they are going to lock the doors and he is going to tell us a lot of things. Imagine what would happen if I or the gentlewoman from California (Ms. PELOSI) or even the gentleman from Florida (Mr. STEARNS) were to stand in this well and say the name of an undercover CIA agent. They would be in the Committee on Standards of Official Conduct in 15 minutes. They would be hanging by their thumbs; but not Mr. Novak and not those people in the White House. They get a free pass. They do not operate under the same laws you and I do. This is becoming a pretty strange place where the White House, whose job it is to enforce the laws of the United States, that is what the executive branch is about, right in the bowels of the White House, we have somebody who feels no compunction whatsoever to go out in the street and hand this information out. I am waiting for the investigation.

CHILE AND SINGAPORE FREE TRADE AGREEMENTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. SESSIONS) is recognized during morning hour debates for 4 minutes.

Mr. SESSIONS. Mr. Speaker, today I rise in support of the Singapore free trade agreement with the United States. This week we will be debating and voting on the free trade agreements with Chile and Singapore. I stand in support of these because I believe that these agreements will not only nurture our friendship and relationship with these great nations, but also will be in the best interests of the United States.

In terms of direct economic benefits, there are three broad areas that I believe in particular the United States will gain benefit from with this free trade agreement with Singapore: goods, services, and intellectual property.

Mr. Speaker, the United States of America is friends with Singapore, and we value the relationship we have. The relationship with Singapore's ambassador to the United States and also our relationship with Singapore is one that needs to be strengthened and nurtured. By signing this free trade agreement, we are going to bring into play the opportunity for America and Singapore, who we already share so many good things in context with from business relationships, but we are going to codify this free trade agreement around the ability we have in our legal systems to not only work together and agree with the differences that we may have, but to be able to do business in an ever-increasing small world, a world where the things that we do here in the United States are the things that are done in Singapore, and to make sure these difference are resolved properly.

Intellectual property is one of the key components of the intelligence and strength of this country, and I believe that this free trade agreement will allow the free flow of not only intellectual property but the things that come as a result of that. This agreement updates also Singapore's intellectual property laws, and as was noted by Thomas Lipscomb on June 10 in the Wall Street Journal, "Entertainment content is now America's largest export, and information is the basis of more than half of our gross domestic product."

Mr. Speaker, I will tell Members that this free trade agreement with Singapore is going to be one that will benefit Singapore and the great people of this Nation. I stand in support of this free trade agreement. It is about jobs, about intellectual property, it is about goods and services. It is about a relationship with one of America's greatest trading partners and allies, Singapore.

OPPOSING FREE TRADE AGREEMENTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. RYAN) is recognized during morning hour debates for 4 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I rise in opposition to the free trade agreement which has been discussed here today for a variety of reasons. I think Members understand that we need to trade and understand that we have an obligation to trade, and for our citizens to have an ability to trade and to buy goods and services. I think many people in this Chamber understand the concept of comparative advantage where certain countries have certain strengths and that we need to tap into those strengths; but I cannot understand, I am having a difficult time as I listen to the previous speakers talk about intellectual property, talk about copyrights, talk about piracy, talk about customs, these are priorities when we negotiate these agreements.

The intellectual property has become our priority, and we need to protect them, but why when we are negotiating these agreements can we not put the same energy and the same conviction into our environmental standards, into labor standards, that we believe in in this country and that we have stood for for many, many years, the great strides through the last century that we have made in the environment, for our labor standards, protection of workers, and we are beginning to see the race to the bottom where manufacturing jobs leave this country, they go to Mexico? They leave Mexico and they go to China because the labor standards there and the environmental standards there are so low that the capital begins to chase to the lowest common denominator.

That is the problem I have with these agreements. And the other speakers kept talking about the intellectual property and kept talking about the copyrights, and that is because those people who want those aspects of the agreement protected are sitting at the table. They are the ones sitting there negotiating these agreements, and so they are making sure that their interests are protected. When are the interests of the environment going to be protected in these agreements? When are the interests of the labor folks and the workers that are being taken advantage of, when are they going to be at the table?

Mr. Speaker, until they are, I am not going to support these agreements. We have an obligation in this country to support and to promote our values. The last speaker talked about what the U.S. will gain. They will gain goods, services, and protections in intellectual property. I want to see trade agreements that not only protect our corporations and protect our intellectual property and our copyrights because we recognize that those are significant aspects of our society and significant aspects of our economy, but I want to see America illustrate its values, what we stand for. At this time, especially in this country, what do we stand for?

I believe the citizens of this country stand for a strong commitment to our environment and a strong commitment to the working people, the average people who at this point in the world are being taken advantage of. We talk about free trade, but we do not talk about it when we are talking about the African farmer or when we are talking about labor and environmental standards.

I think it is time to even the playing field out, give our workers a chance, and let us start exporting what we stand for in this country and that is a commitment to the values and the freedoms that we have established over many years, and that is the environment and the labor standards. We have the political capital to do it; now we just need the political will to do it.

IRAQ RECONSTRUCTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 4 minutes.

Mr. STEARNS. Mr. Speaker, as our forces persevere in Iraq, working to stabilize and rebuild this country which has been devastated by a violent, oppressive regime for 35 years, we continue to be flooded in the press by charges of America being an imperialist empire. Such a charge is wrong.

The United States is indeed the lone super power in the world. However, this was not our goal. We now have the job that most countries do not want, and a burden that most are not capable of shouldering. We are requested to intervene in disputes affecting other countries. Kofi Annan, the Secretary General of the United Nations, is urging the U.S. to deploy troops to Liberia immediately.

The fact remains that when security and influence is needed, it is the United States that is called upon to act. Given this fact, I continue to find it difficult to understand the charges levied against the United States, particularly with our involvement in Iraq. When we are facing a world where the majority of nations do not have the capability or the desire to ensure the safety and basic freedoms of individuals is not lost, we are then faced with a choice of whether or not to act.

As stated recently in the Atlantic Monthly, "The consequences of attack by weapons of mass destruction are so catastrophic the United States will have no choice but to act preemptively on limited evidence exposing our actions to challenge."

It is precisely that opportunity, to challenge a government's actions, that Iraq lacked for so long. Of course we read stories of protests in Najaf or other areas of Iraq. However, these protests represent the kind of free speech in a country for which less than 6 months earlier a person would have been greeted with a gunshot to the head. The fact is that the United States freed people that other nations outside of our coalition refused to do. These nations were content to continue to allow Iraq to descend into a culture of violence.

Today, the people of Iraq have the ability to choose a future of their own. We are helping them to rebuild, teaching them to police their citizens without torture, and teaching them to govern and rebuild a destitute economy. Yet we continue to encounter criticism of our efforts and strategy in a postwar Iraq, and the length of time to return the governing of Iraq to its people.

Let us look at history for a moment. At the end of World War II, it was believed that the occupation of both Germany and Japan would be brief. However, the reality was that Japan's occupation lasted over 6 years, and a directly military government in Germany lasted 4 years. Both situations faced humanitarian crises as a result of the war. Each nation's wealth was severely weakened, and a large percentage of each country's population was homeless; but reconstruction efforts resulted in functional democratic institutions. Constitutions were drafted with civil liberties that did not exist prior to the war in these countries. And today, both Germany and Japan are integral to the world economy and representative of the success of properly administered civil reforms. The situation in Iraq is not dissimilar.

Our troops do face a continued threat by terrorists, and security situations are very tense. But looking at our history, what Americans have accomplished in the past, how much more vast are our resources, our ingenuity and our compassion, we are making progress in Iraq. The new governing council may soon be recognized by the United Nations, small provincial governments are operating in smaller Iraqi towns, mass media is available where only state-run news previously existed. We are giving the Iraqi people a chance.

Prime Minister Tony Blair spoke before us recently. He said, "How hollow would the charges of American imperialism be when these failed countries are seen to be transformed from states of terror to nations of prosperity, from governments of dictatorship to examples of democracy, from sources of instability to beacons of calm." He went on to say, "Why America? The only answer is because destiny put you in this place in history in this moment of time, and the task is yours to do."

The United States did not ask for the world role in which we find ourselves. The simple truth is we are the ones that are willing and capable to bring about a positive change in the world; and with help from our friends and patience from our citizens, we will do just that.

TRADE DEFICIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 4 minutes.

Mr. DEFAZIO. Mr. Speaker, when you are in a deep hole in Washington, D.C., what do you do? You dig it a little deeper. That is what my colleagues on the other side of the aisle are proposing with the Chile and Singapore free trade agreements.

The United States ran a record $435.7 billion trade deficit last year, up from $358.3 billion in 2001, and we are headed toward a new record this year. We have a failed trade policy. We are exporting millions of jobs every year while Americans cannot find work. But this one is even better. This is truly a groundbreaking agreement.

The Bush administration has gone further than the losers in the Clinton administration who pushed free trade and the Bush administration I and the Reagan administration, 20 years of failed trade policy in this country. This one is even better. We are going to export jobs and import workers. It has a little provision they snuck in, and Congress is not allowed any amendments in these trade agreements, that will actually import skilled workers to the United States. They are only coming on a temporary basis, only take away jobs on a temporary basis. We are going to export all those obsolete industrial jobs, they say. I think we need those industrial jobs, but that is the theory on that side of the aisle. They say do not worry, we will retrain people for these new jobs, the high-tech jobs, the skilled jobs.

Now the estimates are that we are going to export 3.3 million highly skilled high-tech jobs over the next 5 years. And under this trade agreement, we are going to import workers to do the few that are left here. This is really great. This is wonderful. What a great country.

Mr. Speaker, if the American people could only have a voice on this issue. They will not get a voice here in the House, and it is very unlikely they will get a voice in the United States Senate. We are exporting $1.5 billion a day in U.S. wealth. We are continuing to drag down the economy.

The output of our economy over the last decade, according to credible economists, has been drug down by 35.2 percent over 10 years because of our trade deficit. What will this legislation do with Chile and Singapore, which is the forerunner for massive new free trade agreements all up and down South America? It will actually accelerate that decline. We are already running a trade deficit with Chile, and it will grow greatly under this.

And with Singapore, yes, we had a little tiny trade surplus; but it is down by 50 percent in 1 year, and like with Mexico under NAFTA, we will be running huge and growing trade deficits with Singapore.

We cannot continue to run these deficits year in year out, export American jobs year in and year out, export America's industrial manufacturing base and continue to be a great economy. We are headed toward disaster here. In fact, the percent of our GDP that we are losing with these trade deficits is now exceeding the percent that Argentina was experiencing before their economic implosion or the Asian nations before their economic implosion.

Mr. Speaker, how long will people around the world continue to lend us money to buy foreign goods and undermine our own economy? This is absolutely absurd what we are doing here, and we are going to do more of it. Only inside the Washington, D.C. beltway would people look at $500 billion trade deficits, loss of our manufacturing base, the importation of skilled foreign workers and say this is great for our country because one or two multi-national corporations that nominally are based in the United States, they probably do not pay taxes here, but still pretend they are American companies, will get a little bit under this agreement.

WAR IN IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 3 minutes.

Mr. PENCE. Mr. Speaker, there is a lot of debate going on here in Washington, D.C. over our reasons for going to war in Iraq. Yesterday, I had the privilege of meeting with some men I believe we should hear more from. They were Marines injured in Operation Iraqi Freedom currently being treated at Bethesda Naval Hospital, Marines like Mark Graunke, Jr., a staff sergeant who lost his left hand, three of his fingers and his left eye and took shrapnel in removing landmines in theater on July 8 earlier this month.

What Mark told me, Congressman, I am not a hero, I was just doing my job for the good old United States of America, and it was a privilege. Then I talked to another sergeant whose name I will omit, but a man who the Navy corpsman told me may not make it. He was flanked by his mom and his dad and the mother of his two children and he looked me in the eye, with tubes coming out, and he simply said, Congressman, the only thing I worry about is that we will pull out early and we will not finish the job and it will mean all of the sacrifices we made over there were for nothing.

Then there was Michael Jones who took an RPG shell in the leg, looked me in the eye and told me he was glad the man fired at him instead of the vehicle where five of his fellow Marines were doing a search. I said, Lance Corporal Jones, are you telling me you are glad you were shot with a rocket in the leg? He said, yes, sir, I am sure it saved lives.

These are all men that know one thing that the American people know, that freedom is worth fighting for, freedom is worth dying for. It was about the freedom of the Iraqi people and securing the safety and freedom of the American people that this President moved against a brutal tyrant in Saddam Hussein, who most assuredly coddled terrorists in his 30-year reign in Iraq, and admitted to the weapons of mass destruction and used weapons of mass destruction against his own countrymen and against his neighbors.

Mr. Speaker, these brave Marines currently being treated at Bethesda Naval Hospital taught me much, reminded me of much: that freedom is worth fighting for, freedom is worth dying for, and we will stay the course until we deliver freedom to the families and children and the legacy of Iraq.

MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 1 minute.

Mr. PALLONE. Mr. Speaker, I would like to enter into the RECORD an editorial that was in my local newspaper, the Asbury Park Press, on Sunday relative to the Medicare prescription drug issue; and I want to highlight a couple of statements that were made by that editorial.

It says, "Both Houses of Congress have passed what they describe as historic plans to extend prescription coverage to Medicare recipients. They are historic all right. They begin to chip away at one of government's most successful programs. Medicare has worked well for millions of seniors since its inception in 1966. Its administrative costs of 2 percent are far lower than those of private insurers. The notion that competition in the private marketplace will provide consumers with more choices, driving down the cost of drugs is a tired philosophy that has failed to deliver promised benefits in the areas of health care, transportation, energy and telecommunications. Providing extended coverage to their existing Medicare program would offer better benefits for less cost, be far more efficient and easier for recipients to use and be less prone to the vagaries of the marketplace, quick to abandon those that they cannot make a profit from."

[From the Asbury Park Press, July 13, 2003]

DRUG PLAN A PLACEBO

Both Houses of Congress have passed what they describe as historic plans to extend prescription coverage to Medicare recipients. They're historic all right; they begin to chip away at one of government's most successful programs.

Rather than turning it over to HMOs and private insurers as the Republicans in Congress want to do, Medicare should be expanded to include an affordable, guaranteed prescription drug component, as Rep. Frank Pallone, D–N.J., and others prefer.

Both the Senate and House versions of the bill are fatally flawed. Even the most vocal supporters of a prescription drug benefit have expressed severe reservations about the legislation, including the American Association of Retired Persons.

Among our many concerns:

Both bills fail to adequately address the problem of skyrocketing drug prices. A study released last week found that the price of drugs most commonly used by the elderly rose more than three times the rate of inflation last year. Because co-pays and deductibles under the proposed plans are pegged to the cost of drugs, coverage will become unaffordable unless spiraling prices can be brought under control.

The co-pays and deductibles are too high and the benefits too meager. The two versions would cover an estimated one-third of the annual cost of drugs up to $4,500 and up to two-thirds of drug bills exceeding $12,000. The version supported by Pallone would cover 80 percent of the costs.

The House version could dismantle New Jersey's Senior Gold and Pharmaceutical Assistance for the Aged and Disabled programs and force seniors to enroll in far less generous plans run by HMOs and other private insurers. The Senate version, the lesser of two evils, would allow for the continuation of Senior Gold and PAAD.

The House bill does not guarantee coverage in areas where private firms are unwilling to write policies.

Employers are likely to reduce retiree benefits, leaving millions with less coverage than they have today. According to a Congressional Budget Office estimate, 37 percent of retirees with employer prescription drug coverage would lose it.

The substantial coverage gaps are confusing and are likely to discourage enrollment in the program.

By allowing highly subsidized private insurers to offer supplemental benefits, relatively healthy people will be drawn to private coverage, losing their choice of doctors and increasing costs to taxpayers.

Medicare has worked well for millions of seniors since its inception in 1966. Its administrative costs of 2 percent are far lower than those of private insurers. The notion that competition in the private marketplace will provide consumers with more choices, driving down the cost of drugs, is a tired philosophy that has failed to deliver promised benefits in the areas of health care, transportation, energy and telecommunications.

Providing extended coverage through the existing Medicare program would offer better benefits for less cost, be far more efficient and easier for recipients to use, and be less prone to the vagaries of a marketplace quick to abandon those it can't make a profit from.

The two bills on the table are driven more by politics than a sincere desire to give seniors the affordable, life-saving and life-enhancing drugs they deserve. Seniors and senior organizations should insist that their elected representatives hold out for a comprehensive program that offers real relief, not just a placebo.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 51 minutes a.m.), the House stood in recess until 10 a.m. today.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, in the book of Joshua, the life of anyone who killed another was forfeit. Once the monarchy was established, it would be the duty of the king to see that justice was done. But until then Israel was a tribal society and it fell upon the family of the victim to set things right. No wonder, Lord, there is so much lingering hatred and bloody violence in the world of tribal communities, even to this day.

So, Lord, You spoke to Joshua and commanded him to appoint "cities of refuge" where the person who kills another inadvertently or without intent could find refuge from the dead man's next of kin. In a time when there are more refugees than in any other time in history, we pray for all of those refugees who seek justice and long for peace. Help fragile nations to be grounded in law and order. Protect peacemakers and those who enforce the law, both here and in unstable areas like Afghanistan, Bosnia, and Iraq.

Help people everywhere to bury vengeance with forgiveness, temper justice with mercy, and transform indifference with compassion.

In You, Lord, America takes refuge, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE U.S.-CHILE FREE TRADE AGREEMENT

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, over the last 6 years, the United States has lost nearly one-third of its share of Chile's import market.

Not coincidentally, the plunge occurred while other nations were implementing their own free trade agreements with Chile and getting market share there. Since the early 1990s, Chile signed free trade agreements with Canada, Mexico and the four nations of MERCOSUR. And earlier this year, implementation of the European Union-Chile's FTA led to an immediate surge in exports to Chile from European firms in direct competition with U.S. firms.

The lost Chilean sales not only cost the United States its long-time ranking as the top exporting Nation to Chile, it also cost U.S. businesses and workers thousands of higher-paying, export-related jobs.

U.S. businesses have the expertise and the resources to compete globally, if they are allowed to do so on equal terms with our competitors.

It is time to pass the U.S.-Chile free trade agreement and give our companies the opportunity they need to stay competitive in Chile.

TIME FOR U.S. TO LEAVE IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, it is time for the United States to get out of Iraq. But this administration, whose entry strategy was based on falsehood, with no exit strategy, has trapped our troops in Iraq and exposed them to greater harm. The total number of American casualties is now 232.

Here is what needs to be done diplomatically: the United Nations must be brought in. Negotiations for an exit must begin now. An exit agreement with the United Nations must involve the U.S. letting go of the contracting process: Halliburton, Brown and Root, et cetera. The U.S. must also take over the management, accounting, and distribution to the Iraqi people of the oil. Additionally, a transition from U.N. control to a self-determining governing structure by and for the Iraqi people must be planned. Finally, the administration, which unwisely ordered the bombing, must fund the reconstruction.

It was wrong to go into Iraq. It is wrong to stay in Iraq. U.S. out. U.N. in. Let us support our troops by bringing them home.

SUPPORT FREE TRADE PARTNERSHIP WITH CHILE AND SINGAPORE

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, I stand in support of a free trade partnership with both Chile and Singapore. We should all support the model that Chile provides for economic, social, and democratic development. Chile more than doubled its GDP during the 1990s. It was the fourth fastest growing economy in the world. This extraordinary growth was fostered by low inflation, a balanced budget, clear regulatory accountability, a strong financial system, and a competitive economy. It ranks high, higher than many developed countries on international indices measuring economic success.

Mr. Speaker, the U.S.-Singapore Free Trade Agreement is a comprehensive, leading-edge agreement that includes U.S. trade negotiating objectives and strengthens an important economic relationship with a strategic U.S. trading partner. The U.S.-Singapore Free Trade Agreement sets many precedents, including lower barriers to trade and high-technology products and services and establishing new standards for intellectual property protection.

I urge my colleagues to support both of these critically portrayed agreements that we have negotiated that will set a positive example in both regions of the world.

REPUBLICAN ECONOMIC PLAN CAUSES SKYROCKETING DEBT FOR OUR NATION

(Mr. THOMPSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of California. Mr. Speaker, it has been 802 days since President Bush and the Republican Party embarked on their economic plan for our country. During that time, the national debt has increased by $1,81,528,804,140.

According to the U.S. Department of Treasury, yesterday at 4:30 p.m. eastern standard time, the Nation's outstanding debt was $6,721,854,190,498.

Furthermore, in fiscal year 2003, interest on our national debt, or the debt tax, is $277,768,492,816 through June 30.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. PITTS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PARTIAL-BIRTH ABORTION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, on June 4 we passed a ban on the terrible procedure called partial-birth abortion. Now, 48 days later, we have not even gone to conference to work out the differences with the other body. Why?

Despite the fact that the bill passed with bipartisan support of the majority of this Nation's elected leaders, the bill remains stalled. A couple of members in the other body are using an unusual delay tactic to prevent them from going to conference.

Filibustering judicial nominees is one thing, but blocking a bill that both Chambers have already passed overwhelmingly is just wrong. Their tactics threaten how Congress works and how our democracy functions. Even worse, every day this bill sits in no-man's land, more babies can be partially delivered and then killed.

We need to get the bill to conference, to the President to honor the commitment of both Chambers of Congress to the American people to end this terrible practice for good.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that they should avoid characterization of Senate actions.

SUPPORT H.R. 2738, CHILE FREE TRADE AGREEMENT

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, this week Congress has an opportunity to pass legislation to implement a free trade agreement with our partner in commerce, the nation of Chile. I might mention also Singapore, but I am going to focus on Chile.

Since 1997, when Chile adopted free trade agreements with MERCOSUR, Mexico, and Canada, U.S. companies' share of the Chilean import market has fallen by 7 percent, amounting to something like over $1 billion. Meanwhile, the countries that have a free trade agreement with Chile gained over 9 percent of that market. There can be no question that our loss to the Chilean market is directly related to missed trade opportunities. The Chile FTA will turn this around.

If we vote to pass H.R. 2738, we ensure future American competitiveness in Chilean markets and the continued growth of our own economy, which will benefit all Americans. I urge my colleagues on both sides of the aisle to support and vote "yes" on the Chilean Free Trade Agreement.

SUPPORT FREE TRADE WITH CHILE AND SINGAPORE

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, the House will vote tomorrow on a free trade agreement, not just with Chile, but also with Singapore.

Free trade agreements have transformed other countries now allied to the United States. For example, our agreement with Jordan boosted Jordanian trade from $5 million to $400 million. We have that opportunity with Chile, a country whose economic policy sometimes is more advanced than our own. We proposed this agreement in 1991 when I served in the State Department. It is about time.

And Singapore. Singapore has become the de facto Southeast Pacific base for the United States Navy. With trouble from North Korea to Iran, strengthening our ties to Singapore strengthens our national security.

Mr. Speaker, I urge all Members to vote "yes" on free trade with Singapore and with Chile.

REFORMS FOR HEAD START THROUGH SCHOOL READINESS ACT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, every child should enter school with the basic skills needed for learning. Although Head Start has provided children with satisfactory nutrition and health care, it needs reform to significantly improve in their ability to learn.

As spearheaded by the gentleman from Delaware (Mr. CASTLE) and the gentleman from Ohio (Mr. BOEHNER), the School Readiness Act will address this problem in Head Start by increasing academic and teacher requirements, while preserving and strengthening health, nutrition, parental literacy, and family services. Additionally, we are asking for an additional $202 million in funding for fiscal year 2004 for a total of $6.87 billion, an amount that is double the amount in 1996.

A very important part of the School Readiness Act is a pilot program in eight States that would integrate existing State prekindergarten programs with Head Start. I am excited that South Carolina will be eligible to take part, as it will help ensure all children enter kindergarten with the academic tools necessary to succeed.

I urge my colleagues to join me in support of the School Readiness Act.

In conclusion, God bless our troops.

TRIBUTE TO THE LAO-HMONG AND HONORING NATIONAL LAO-HMONG RECOGNITION DAY

(Mr. BEAUPREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEAUPREZ. Mr. Speaker, I rise today to pay tribute to the Lao-Hmong on the occasion of National Lao-Hmong Recognition Day.

The Lao-Hmong fought alongside American soldiers in Vietnam in opposition to tyranny and Communist control. The Lao-Hmong have been recognized for their dedication and bravery displayed in defense of freedom. However, they deserve more than recognition. The Lao-Hmong are worthy of our most sincere gratitude and the deepest appreciation for all they have done.

I am proud to say the first official recognition of the Lao-Hmong's courageous achievements took place in my district in Golden, Colorado, on July 22, 1995. Last year, Congress officially recognized, through legislation, July 22 of every year as a day to remember, reflect, and pay homage to the Lao-Hmong community in America.

Mr. Speaker, it is an honor today to speak in celebration of National Lao-Hmong Recognition Day. I commend the Lao-Hmong community for their courage and join my fellow Americans in celebrating this day with a grateful heart.

□ 1015

FRESHMAN CLASS MISSION TO STOP WASTE, FRAUD AND ABUSE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the freshman class agrees that the waste has got to stop. The President agrees, the Congress agrees. Taxpayers must manage their own money, and so should the government. We are saddled with too many costly programs that are duplicated across too many agencies.

It is our goal to provide effective government efficiency by eliminating programs that do not use our resources wisely. By using outcome-based measures and full cost accounting, this scrutiny can provide a powerful motivation for agencies to improve the efficiency of the programs that they oversee.

Virtually every committee in Congress can make this effort a priority, reviewing the areas of jurisdiction for waste, fraud and abuse. At the Committee on Government Reform, we are particularly attuned to this effort and are well into reviews of agencies and programs that simply spend and spend without any results.

I would argue that any money wasted is too much, but we are talking millions and billions of dollars. I hope my colleagues will join my fellow freshmen and me as we are going after this abuse.

Mr. Speaker, now is the time for us to prioritize and reorganize government.

BUSH STATE OF THE UNION AND URANIUM INTELLIGENCE

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his.

Mr. GINGREY. Mr. Speaker, I come to the House floor today expressing a word of caution to my friends on the other side of the aisle. Recently there have been questionable advertisements on television that present a misleading picture of President Bush.

During this year's State of the Union speech President Bush cited intelligence about the possibility that Iraq was attempting to purchase uranium from Africa. To hear the advertisements sponsored by the Democratic National Committee, you would guess President Bush, on a whim, decided to add this language without any consultation or evidence.

Let me enlighten my colleagues with the facts by reading our President's entire quote. "The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." This is quite different from the half statement, 10 words, that our colleagues in the minority attribute to President Bush.

Shame on some of my colleagues for politicizing the war on terrorism for their own political gain and using half-truths while pretending to seek the whole truth. I call for the immediate removal of these blatant misleading ads.

USA-ASIA RELATIONS

(Mr. KLINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE. Mr. Speaker, this is an historic moment for U.S.-Asia relations. The United States and Singapore have agreed to formalize their mutually beneficial economic relationship with the ground-breaking U.S.-Singapore Free Trade Agreement. This monumental agreement is the first free trade agreement between the United States and an Asian country. It opens new markets for U.S. businesses and provides strong protections for U.S. companies and investors.

Singapore is an important economic ally of the United States. In 2002, Singapore was the 12th largest U.S. trading partner. Not only is Singapore itself an important market to the United States, but it also serves as a bridge between the United States and other markets in the Asia-Pacific region. This agreement builds on Singapore's many strengths and solidifies an important economic relationship between the two nations, presenting new opportunities for U.S. businesses and investors.

The U.S.-Singapore Free Trade Agreement will set an example for economic relations with other U.S. allies in the Asia-Pacific region. I urge my colleagues to join me in supporting the U.S.-Singapore Free Trade Agreement.

CONDOLENCES EXTENDED TO THE HONORABLE SHELLEY BERKLEY

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I rise today to express my deepest sympathies to my dear friend and colleague, the gentlewoman from Nevada (Ms. BERKLEY).

Yesterday, Estelle Auslander, the mother of the gentlewoman from Nevada, passed away after a long battle with cancer at the age of 74. As many of my colleagues know, the gentlewoman from Nevada left Washington last week to be with her mother during this very serious time.

My thoughts and prayers are with my colleague and all of Mrs. Auslander's friends and family. I know that my colleagues will join me in these sentiments.

PROVIDING FOR CONSIDERATION OF H.R. 2800, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 327 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 327

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: sections 568(a)(3), 572, and 575. Where points of order are waived against part of a section, points of order against a provision in another part of such section may be made only against such provision and not against the entire section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BASS). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 327 is an open rule that provides for the consideration of H.R. 2800, the fiscal year 2004 Foreign Operations, Export Financing and Related Programs Appropriations Act.

The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member on Appropriations. The rule also provides one motion to recommit with or without instructions.

The legislation we bring today to the floor, Mr. Speaker, appropriates over $17 billion for operations across the globe. This bill is fiscally sound while at the same time, I think, is responsive to many of the needs that we are seeking to address throughout the world where there are extraordinarily difficult issues related to disease and famine and many other forms of international disaster.

H.R. 2800 provides over $1.4 billion to combat HIV/AIDS, tuberculosis, and malaria. It is $86 million above the President's request. The funding will continue its important mission to provide training and technical assistance to private and voluntary organizations that work to eradicate debilitating diseases from both individuals and, in fact, societies.

The majority of this funding will be included in the Child Survival and Health Programs Fund, dedicated to lowering infant, child and maternal mortality rates in developing countries. The fund will see, through this legislation, a substantial increase of over $400 million over last year's appropriation.

The Agency for International Development, AID, will receive over $4.7 billion, $166 million above last fiscal year. Continuing its mission first defined by the Marshall Plan following World War II, AID has embarked on aggressive plans to promote health and economic strength through environmental protection, agricultural assistance and educational programs.

As with many other agencies following September 11, 2001, AID has recently seen its work extend to essential tasks related to the elimination of terrorism and social unrest through programs that attempt to contribute to stability. Although AID's work on terrorism is vital, H.R. 2800 goes much further, seeking to ensure significant funding for international security through assistance programs and activities in other realms.

The bill provides over $2.6 billion for assistance to Israel. As the roadmap to peace in this very delicate process moves forward, it is our obligation, it is the obligation of this Congress to ensure support for Israel in every way necessary.

In other foreign assistance, H.R. 2800 funds the Andean Counterdrug Initiative, at the President's request, $731 million. For years, terrorists in Colombia have plagued efforts in that democratic country for peace. We believe that proactive action must continue to be taken to help the Colombian people defeat the armed rebels and to, as much as possible, stabilize that democratic society.

With the current landscape in the world today, foreign assistance is as strategically just, really, as it is a moral imperative. Instability in the world creates, Mr. Speaker, an environment in which terrorism finds it easy to breed new converts. We must not take progress, in the Andean region for example, for granted. If the United States turns its back on that region, the possible scenarios are extremely worrisome.

For the first time, Mr. Speaker, this bill appropriates $800 million for the President's Millennium Challenge Account. This historic expansion in foreign aid serves to bring economic security and basic tenets of democracy to those that really have not seen them in the past or to societies where democracy is extremely fragile. The Millennium Challenge Account will be administered by a government corporation held responsible to results and yet benefiting from flexibility to provide innovative solutions to the problems of poverty.

H.R. 2800, Mr. Speaker, was introduced by the gentleman from Arizona (Mr. KOLBE), chairman of the subcommittee, and was reported out of the Committee on Appropriations on July 16 by a voice vote, in other words, with extraordinary bipartisan support. It is very good legislation.

Chairman KOLBE has long worked on this, as well as the members of the subcommittee, and I think they all deserve our gratitude. So I thank Chairman KOLBE and the ranking member, the gentlewoman from New York (Mrs. LOWEY), for their leadership on this important issue. And I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself 8 minutes.

Mr. Speaker, adoption of this rule will allow the House to consider H.R. 2800, the Foreign Operations Appropriations Act for fiscal year 2004. This rule exposes to points of order three sections of the bill, a section relating to debt forgiveness through the Commodity Credit Corporation for poor countries; a section relating to open bidding process for reconstruction contracts in Iraq; and a section relating to the duties of the Millennium Challenge Commissioner. And we are very concerned about that, Mr. Speaker.

Although this rule allows any Member to offer amendments under the 5-minute rule, it is not completely open. The standing rules of the House severely restrict the amendment process on all appropriations bills. Therefore, even though the Committee on Rules granted a rule that technically does not restrict the amendment process, by its nature, that amendment process for appropriations bills is still limited.

Spending amendments almost always require funding offsets elsewhere in the bill. Limitations must be very narrowly crafted and cannot impose any new duty on the agency or department to which the limitation is directed.

□ 1030

Whether or not an amendment is germane is just one criterion that must be met in order for an amendment to be made in order on an appropriations bill. House rules prohibit amendments to appropriations bills if they contain authorizing language, if they provide funding for unauthorized programs, services or projects, and if amendments violate the Budget Act. In general, nearly all substantive amendments require some type of waiver, waivers that are rarely granted by the Committee on Rules.

Mr. Speaker, several Members came before the Committee on Rules last night and requested waivers for their amendments. I supported the right of every Member who came before the committee to offer their amendments. They are serious amendments and this is an important bill.

However, I am particularly disappointed that a very thoughtful amendment offered by the ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs, the gentlewoman from New York, was not made in order by this rule. The Lowey amendment would designate as emergency funding an additional $1 billion for HIV/AIDS programs. Had it been made in order, the Lowey amendment would have given this body the opportunity to help President Bush fulfill the promises he has so recently made to African nations to provide $3 billion in fiscal year 2004 in the global campaign against HIV/AIDS.

The gentleman from Arizona and the gentlewoman from New York are to be commended for the funding for HIV/AIDS that is provided in the bill given overall funding constraints placed on foreign aid funding for fiscal year 2004. The bill contains a total of $1.43 billion in global assistance to combat HIV/AIDS, tuberculosis and malaria, most of which is within the Child Survival and Health Programs Fund. But even when this amount is combined with the funding in the Labor-HHS appropriations bill, it is still nearly $1 billion short of the $3 billion for fiscal year 2004 pledged by President Bush and authorized by this Congress with great fanfare just a few weeks ago. Mr. Speaker, I fear that once again this House may be making promises that it has absolutely no intention of keeping.

And although the House will not have the opportunity to consider the Lowey amendment, Members will have a chance to consider at least two other amendments that attempt to address the shortfalls. The gentlewoman from Michigan (Ms. KILPATRICK) will offer an amendment that would transfer $300 million from the Millennium Challenge Account to the Child Survival and Health Programs Fund to boost the amount for HIV/AIDS and other infectious diseases. And the gentleman from Missouri (Mr. SKELTON) and I will offer an amendment to make very modest reductions from two accounts that provide military aid for Colombia in order to add $75 million to the Child Survival and Health Programs Fund for programs that combat HIV/AIDS, tuberculosis, malaria and other deadly infectious diseases.

If adopted, Mr. Speaker, each of these amendments will save hundreds of thousands of lives. $75 million alone, the funding in the McGovern-Skelton amendment, would ensure that an additional 250,000 people could receive the HIV/AIDS generic drug treatment for an entire year. Think of it, Mr. Speaker. If the McGovern-Skelton amendment is approved, 250,000 more fathers and mothers and children will have access to these lifesaving drugs. The Kilpatrick amendment would increase the expansion of mother-to-child transmission programs, expand prevention programs and establish drug purchase and distribution centers in Africa and throughout the developing world.

Forty-two million people are currently living with AIDS around the world. Last year, 3 million people died of AIDS and 5 million more were infected. Mr. Speaker, the House has the opportunity to do the right thing, to save more lives this afternoon, by supporting both the McGovern-Skelton and Kilpatrick amendments. I would urge my colleagues to support both of them.

H.R. 2800 provides $17.1 billion, far below the fiscal year 2003 total spending level of $23 billion for foreign operations and $1.7 billion below the amount requested by President Bush. While it increases moneys for basic education and funds reconstruction in Afghanistan and U.S. commitments in the Middle East, it still falls short of what the United States should do, indeed must do, to ensure our long-term security at home and abroad.

Development assistance, for example, is cut by $63 million from last year's level. This is the account that funds microenterprise programs, clean water projects, agricultural and rural development and a wide variety of USAID-supported projects that move impoverished communities toward food security, self-sufficiency, and economic prosperity. What does a cut of $63 million mean? It means thousands of women who were enrolled in microenterprise projects will be cut off. Small farmers who were encouraged to cultivate new crops that might be able to compete in regional or even global markets will find that their project funding has disappeared and they have been left to fend for themselves without seed, without credit, without technical assistance.

So not only will these programs not expand; we will be cutting off precious aid, support, and hope to tens of millions of people around the world. From East Timor to Mali to Bolivia, from eastern Europe to the Balkans to South Asia, people will be cut off. These are people and communities and governments who have chosen to be our partners. What kind of partner does the United States show itself to be when we turn our backs on the very people we just shook hands with?

Mr. Speaker, we need a foreign operations bill that honors the promises our Nation has already made to the nations and peoples of the world and one that seeks to expand our very best programs even further. We need such a bill not only because it helps those in need but because it is essential for our own national security. This bill, in my opinion, does not meet those needs. It cannot, because from the very start this House simply failed to make those resources available.

Mr. Speaker, I regret that this bill is so restricted in funding. I regret that several amendments that required waivers were not made in order.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KNOLLENBERG), a distinguished, fine leader of the Committee on Appropriations.

Mr. KNOLLENBERG. I thank the gentleman for yielding me this time.

Mr. Speaker, as a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs, I rise to strongly support this bill. I hope my colleagues on both sides of the aisle will do likewise. I commend and thank the gentleman from Arizona for his hard work and leadership as the chairman of the subcommittee. He has consistently sought to accommodate the many concerns expressed by Members while remaining focused on bringing a responsible and effective bill before us here today. That, of course, is not an easy task; but he has accomplished it effectively, and he has the good help obviously of the ranking member, the gentlewoman from New York. I also thank the committee staff for their tireless work. They are an excellent group, and we are lucky to have them in this House.

Mr. Speaker, foreign assistance remains an inseparable part of our Nation's overall foreign policy, national security and economic interests. This is a responsible bill that effectively allocates the foreign assistance that we have available. For the first time ever, this foreign operations bill includes funding for the Millennium Challenge Account, some $800 million. Our President deserves some great credit for proposing this initiative. The strength of the MCA, or Millennium Challenge Account, is that it focuses responsibility for economic growth on the policies of the governments of developing countries. One important lesson the United States has learned from our experience is financial assistance can only be effective when developing countries are committed to establishing the necessary economic, legal, and political reforms.

With our financial assistance, we can help a country grow; but we cannot make a country grow. The governments have to have the right policies in place. In light of this reality, MCA funding will be targeted to projects in specific nations that govern justly, invest in their people, and encourage economic freedom. I urge my colleagues to support the funding for this very important initiative.

Mr. Speaker, one of the most important contributions this bill makes to our foreign policy is the annual assistance package to the Middle East. Israel, of course, is our closest ally in the region and shares our values of democracy and freedom. I am pleased that this bill fully supports the administration request of $2.6 billion in military and economic assistance to Israel as well as $50 million to support the resettlement of Jewish refugees. The United States must continue to stand in strong support of Israel. In addition, this bill provides some $1.9 billion to Egypt and over $450 million to Jordan, both critical allies of the United States.

Further, I am pleased that this bill provides $35 million for Lebanon to support the American educational institutions and the excellent USAID mission there. Combined with our funding for Morocco, Yemen, the West Bank and Gaza, and our regional programs like the Middle East Partnership Initiative, our programs in the Middle East, if focused properly, can help foster changes in the region.

The Middle East faces severe development challenges. Reports such as the "2002 Arab Human Development Report" by the United Nations Development Program has provided a clear diagnosis of this problem. It is my hope that American assistance to our Arab allies will help support institutional changes that lead to greater freedom, political empowerment, and economic growth.

Mr. Speaker, this bill also helps to strengthen our relationship with our friend and ally, Armenia. Armenia continues to suffer from blockades by its neighbors. Our assistance to the country helps to offset these conditions. Therefore, I am pleased that this bill increases assistance to Armenia to $70 million, some $20.5 million above the President's request. I look forward to working with the chairman in conference on this issue.

Mr. Speaker, there are other important elements of this bill, including trade capacity building, foreign military financing for new NATO members and, of course, significant funding beyond the President's request to continue the fight against the HIV/AIDS crisis in Africa and around the world. I believe this to be a good bill, within the allocation provided to the subcommittee, and represents a responsible contribution to our Nation's foreign policy, national security, and economic goals.

I once again want to commend the chairman for his efforts on this bill. I urge my colleagues on both sides of the aisle to support this what I believe to be a great bill, a balanced bill. We need to do it right here in the House today.

Mr. McGOVERN. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY), who has taken the lead in fighting for additional funds for HIV/AIDS programs.

Mrs. LOWEY. Mr. Speaker, although I am a strong supporter of this bill, I rise to express my disappointment with the rule. On a party-line vote, the Committee on Rules refused to make my amendment in order to add $1 billion in emergency funds for HIV/AIDS. I requested that it be made in order so that the full House would have the opportunity to vote to provide the $3 billion authorized in the recently passed HIV/AIDS bill. Unfortunately, we are being denied the opportunity to live up to the promises we have made. It is truly a shame that the White House opposed this amendment when I offered it during full committee consideration of the bill. These funds are needed and can be used effectively next year.

The gentlewoman from Michigan (Ms. KILPATRICK) will be offering an amendment to the bill adding $300 million for HIV/AIDS, which I urge Members to support. The amendment will be offset with $300 million from the Millennium Challenge Account, which in my judgment is overfunded in the bill at $800 million, because I do not believe they can spend it in this appropriations cycle.

I am perplexed by other aspects of this rule. Apparently, the Committee on Rules feels compelled not to protect language in appropriation bills if authorizing committee chairmen object. A provision requiring competitive contracting in Iraq has been left unprotected. Language allowing bilateral agricultural debt to be rescheduled along with all other U.S. Government debt has also been left unprotected. And language clarifying how AID should interact with the new Millennium Challenge Corporation is unprotected as well. All of these provisions were included for sound policy reasons and were supported by the Committee on Appropriations. It was necessary to include them only because the authorizing committees have failed to address the issues involved. It is my hope that the authorizing committee members involved would think twice before making their points of order, but the practical implications of dropping the language in the bill seem to be of secondary concern to jurisdictional interests.

The rule also failed to make in order a number of important provisions, including a request from the Committee on Financial Services to authorize several international banks. This authorization is badly needed and long overdue. There were other Democratic amendments that were not given protection from points of order, including amendments by the gentleman from Illinois (Mr. JACKSON), a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs, which would have helped fill the gap in our funding for various programs in Africa. Again, my colleagues, it is very disappointing that the full House will not be allowed to consider a number of sound policy initiatives today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. BALLENGER), the distinguished chairman of the Subcommittee on The Western Hemisphere of the Committee on International Relations.

Mr. BALLENGER. Mr. Speaker, first of all, I would like to thank the gentleman for yielding me this time. I want to say some good words about something that very few people say in a positive fashion and that is the AID supplement that goes on by our State Department in handling disastrous areas and helping develop countries that need all the assistance in the world.

□ 1045

As I am chairman of the Western Hemisphere Subcommittee, I have been heavily involved in Central and South America for 35 years, and I have watched AID build and construct efforts on growing democracy in all of these areas, as well as trying to take care of people who are starving.

It is hard to believe it, but in Venezuela after the floods killed close to 50,000 to 75,000, AID was there immediately to supply equipment for fresh water, to help supply foods, to help supply all of the necessary things to rebuild that country.

In Honduras, I do not know how many people remember Hurricane Mitch, but it almost wiped out the whole country of Honduras. AID helped build, at least I know I was involved with them in 3,000 homes that they helped build, and to rebuild their banana crops which were completely destroyed.

In El Salvador after the earthquake that people may or may not remember, 1,000 people were killed. AID furnished a hospital in the area that had been completely just about wiped out by landslides caused by the earthquake, and also helped to rebuild the homes that were destroyed in the countryside of El Salvador.

But mostly I want to thank AID for the effort that they have done in Colombia in developing alternative crops, every type of crop that one can think of, trying to develop some with a method of replacing coca, which is the major producer of cocaine. They supply pretty close to 100 percent of all the cocaine that is used in this country, killing our children on a daily basis; and AID and its workers have been all over Colombia developing anything they can to strengthen their economy and to give them some other way of earning a living, rather than growing coca.

Coffee itself was Colombia's major crop, and then some brilliant mind came along with the idea of let us teach the Vietnamese how to grow coffee. The Vietnamese expanded coffee growth and so forth, along with the Brazilians. It just about destroyed the market for coffee. So the area that AID is trying to help the Colombian people, where the major production of coffee exists, is to somehow strengthen the product in such a way of making it cleaner and easier to sell it in this country. And they are doing a wonderful job, and they need all the assistance they can get.

They are also working in the area of Putamayo, which is the heaviest area of growth of coca in the whole country of Colombia, in developing what people would say is something that makes a great deal of sense. They happen to be in almost the Amazon area of South America with large amounts of lumber, timber, and so forth and so on; and they have been cutting trees and shipping the whole tree to Bogota where it is cut up and sawn and so forth, and they have a fairly large furniture industry that happens to be tied into the furniture industry in Hickory, North Carolina, where I come from.

What they are doing is, they are trying to help these people down there in Putamayo, a very poor area of their country, to develop an actual timbering process where they cut the trees down, they saw them up into boards, and then they kiln dry it in such a way that it all of a sudden is usable as lumber in the industry of manufacturing furniture.

Also, the shipment of the goods from Putamayo to Bogota, if they ship the whole tree, they are shipping half water. With this effort that they are putting in right now, it is an effort to really be able to upgrade the living standard of those people there, and I would just like to say that any time anybody questions what AID is doing, I hope they will speak to me.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I just wanted to take the opportunity to thank the ranking member on the subcommittee and the chairman of the subcommittee and also the gentleman from Michigan (Mr. KNOLLENBERG), the cochair of the Armenia Caucus, for the increased funding for Armenia that is in the Foreign Ops appropriations bill. The administration had requested only $49.5 million for humanitarian assistance to Armenia this year, and the subcommittee increased the funding by $20.5 million. Basically, it is $70 million now. In addition, they allocated $2.5 million in foreign military financing and $900,000 for International Military Education and Training, as well as $5 million in assistance to Nagorno-Karabakh.

I will say, Mr. Speaker, of course, the overall funding for the former Soviet states that was recommended by the administration was significantly lower, so this amount still does not reach the $90 million that Armenia received last year. But I know that the subcommittee was working with tremendous constraints, and so what they accomplished to get us up to the $70 million was truly exceptional. I am hoping, of course, that during the conference with the Senate, we can do more, but I just wanted to take this opportunity to mention how important this aid is.

Armenia continues to be blockaded on both sides by Turkey and Azerbaijan. There is a continued need for humanitarian assistance. There continue to be improvements in the Armenian economy in their efforts to achieve a market economy, but unemployment is still very high in the majority of the population. So this type of assistance is important, and the fact that the subcommittee and the members on a bipartisan basis were willing to increase the funding is certainly appreciated.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we have no further speakers, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to point out one thing that is of great concern to me. I am extremely disappointed that the majority in the Committee on Rules exposes to a point of order a section requiring an open bidding process for reconstruction contracts in Iraq. This section, included by the gentleman from Arizona (Chairman KOLBE) in the fiscal year 2004 Foreign Operations bill requires competitive bidding for any new reconstruction contract in Iraq. Without this provision, the administration will be able to award enormously valuable contracts to large corporations without any competition and all behind closed doors, if they so chose.

Mr. Speaker, we have seen this happen before. After the war in Iraq began, the Department of Defense began to negotiate and award contracts for the reconstruction of Iraq. One contract was awarded to Halliburton, the Vice President's former employer. This contract to clean up the oil wells and to get them ready for mass production was awarded without competition and behind closed doors to Halliburton.

The gentleman from Arizona (Chairman KOLBE), to his great credit, wants to end this practice and return to the standard of competitive bidding. But there is opposition to this effort. The chairman of the Committee on Government Reform and a former chairman of the National Republican Congressional Committee requested that this section be exposed to a point of order.

Mr. Speaker, that is very unfortunate. We must make sure that the rebuilding effort in Iraq is above-board without the appearance of shady dealings and smoke-filled rooms. So I would urge my colleagues to make sure that we retain this important provision.

Finally, Mr. Speaker, I again want to commend the gentleman from Arizona (Chairman KOLBE) and the gentlewoman from New York (Mrs. LOWEY), ranking member, for all the good that they have done in this bill. I only wish they had had more resources to work with.

To me, the major shortfall of this bill is the inadequate funding for HIV/AIDS programs. It is important that the United States keep its promise. And Members will have two opportunities later this afternoon to do just that, by supporting the McGovern-Skelton amendment and the Kilpatrick amendment. Both of these amendments will in the end increase the amount of money for HIV/AIDS programs.

Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

The legislation that we bring to the floor today is extremely important to the national interests of the United States. The $17-plus billion in this legislation helps millions of people throughout the world. This is an extremely important piece of legislation.

We bring it to the floor with an open rule. In other words, any relevant amendment, any germane amendment by any Member of this House will be able to be introduced and debated. It is an open rule.

So again I thank the gentleman from Arizona (Chairman KOLBE) and the gentlewoman from New York (Mrs. LOWEY), ranking member, and members of the subcommittee for their hard work on this important issue; and at this point, once again, urge all of our colleagues to support the underlying legislation and this open rule.

Mrs. MALONEY. Mr. Speaker, I rise in strong opposition to this rule. This rule has been designated as "Open" but the truth is that a number of important amendments were defeated in Committee on a party line vote.

I am disappointed that the Maloney/Crowley amendment that would direct the $25 million appropriated in this bill for the United Nations Population Fund (UNFPA) to prevent, treat, and repair obstetric fistula was ruled out of order.

Two weeks ago, President Bush visited Senegal, South Africa, Botswana, Uganda and Nigeria. This was an important visit which demonstrated that this Administration is willing to work with and commit resources to the continent of Africa. Two of the countries he visited, Uganda and Nigeria, were included in a recent report released by the United Nations Population Fund (UNFPA) and EngenderHealth, Obstetric Fistula Needs Assessment: Findings from Nine African Countries. The report determines the capacity of 35 hospitals in Benin, Chad, Malawi, Mali, Mozambique, Niger, Uganda, and Zambia to treat patients with obstetric fistula and assess their need for additional supplies, staff, and surgical supplies.

Obstetric fistula is a horrible condition. More than two million woman world-wide are living in shame and suffering with this devastating condition, which results from obstructed labor during childbirth. In the United States and the rest of the developed world, fistula was once as common as it is now in Africa—the Waldorf Astoria in New York was built on the site of a fistula repair hospital. But Caesarean section changed history in the wealthier countries, and it is now our automatic response to obstructed labor. In poor areas of Africa and elsewhere, where health care is scarce and where undernourished and stunted young girls may be required to marry before their bodies have matured, a pregnant woman (usually a young girl) may be in agonizing labor for days. The baby usually dies, and if the woman survives, her birth canal may be damaged, creating an opening between her vagina and her bladder or her rectum, sometimes both. The result is an uncontrollable leakage of urine or feces, or both. The women is constantly wet and highly unpleasant; she suffers recurrent infections and shame, and is usually abandoned and ostracized by her community. No one knows the true extent of this problem, for the women tend to hide, not knowing that help is available—from programs supported by UNFPA.

Fortunately, UNFPA provides the very maternal health care that helps save the lives of women and their babies and avoids medical complications like fistula. I have always said that USAID does important work, but one thing they don't do is prevent and combat the incidence of fistula. In my opinion, it is a terrible lapse on the part of our government and gives added incentive and reason to fund UNFPA.

This amendment is a positive compromise. If it has been ruled in order, I am confident that this is the kind of program that no one would object to. It would have been a dramatic initiative demonstrating a commitment to Africa' poor and in particular to saving the lives of African women. Providing funding to UNFPA to fight fistula would have shown immediate results in the form of thousands of grateful women whose lives could resume. And it would have resolved the contentious issue of UNFPA funding that has repeatedly stalled the passage of urgent State Department initiatives and international aid programs worldwide.

Once again, I would like to say that I am very disappointed that the full House will not be allowed to consider this important, thoughtful compromise that will help save the lives of millions of women around the world.

I urge a "no" vote on the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2799, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 326 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 326

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: the first proviso under the heading "National Telecommunications and Information Administration, Salaries and Expenses"; in section 201, all after "prescribed by the Act"; the final proviso under the heading "Federal Communications Commission, Salaries and Expenses"; the final proviso under the heading "Federal Trade Commission, Salaries and Expenses"; section 603; and section 607(a) and (b). Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BASS). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, H. Res. 326 is an open rule providing for the consideration of H.R. 2799, the FY 2004 appropriations bill for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies. H. Res. 326 provides 1 hour of general debate in the House on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill and waives points of order against provisions in bill for failing to comply with clause 2 of rule XXI, except as specified in the rule.

The rule also accords priority in recognition to Members who have preprinted amendments in the CONGRESSIONAL RECORD. This will simply encourage Members to take advantage of the option in order to facilitate consideration of amendments on the House floor and to inform Members of the details of pending amendments.

Finally, the bill provides for one motion to recommit with or without instructions.

Mr. Speaker, H. Res. 326 is a typical open rule to be considered for general appropriations bills. This rule does not restrict the normal open amending process in any way, and any amendments that comply with the standing Rules of the House may be offered for consideration. While a vast number of amendments are not expected, the rule permits those Members who have amendments every opportunity to offer them.

I want to begin by noting the good work of the Committee on Appropriations' subcommittee in bringing this legislation to the floor. The gentleman from Virginia (Chairman WOLF) and his subcommittee are to be commended for setting the funding priorities of these departments and agencies despite a number of challenging funding limitations.

That said, while I do not agree with every provision in the bill, this rule will provide House Members with every opportunity to offer a number of amendments to improve this important appropriations bill.

□ 1100

Mr. Speaker, there will be sufficient time during general debate to discuss the specific provisions in this bill, but I did want to point out a couple of provisions within this appropriations bill that recognize the post-9/11 commitment of this House to ensure that law enforcement across the Nation has the resources necessary to combat crime in America while meeting the new challenge of international terrorism.

This includes $4.64 billion in funding for the FBI, $424 million above the FY 2003 level, to support efforts to improve counterterrorism and counterintelligence efforts and to continue fighting violent crime, drugs, corporate fraud and cyber-crime.

In addition, the bill includes $2.16 billion for the DEA, which is $237 million above the FY 2003 funding, to establish a Drug Intelligence Fusion Center to allow agencies to share real time investigative data and support the creation of new positions.

In terms of providing for law enforcement at the State level, this bill provides $3.5 billion to assist States and localities in fighting crime. This includes $500 million for the Byrne formula program, $400 million for the Local Law Enforcement Block Grant program, $462 million for juvenile delinquency prevention and accountability programs, $388 million for violence against women, prevention and prosecution, $174 million to eliminate DEA analysis backlogs, and $400 million to reimburse States for criminal alien detention costs.

Mr. Speaker, this rule ensures an open amendment process for consideration of the funding legislation for the Departments of Commerce, State, Justice, and the Judiciary. I urge my colleagues to support the rule so we may begin debate on this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe that the Committee on Appropriations has done the best it could with this spending bill, but the actions of the Republican leadership have created major holes, failures that will leave Americans vulnerable to terrorist attacks at home and to political abuses here in Washington.

First of all, this bill is yet another example of how Republicans are mortgaging America's security in order to pay for tax breaks for the wealthiest few. Simply put, Republicans have spent trillions of dollars on tax breaks, and now they do not have enough money for law enforcement. They gave expensive tax breaks to the small, elite group of Bush Pioneers and Rangers who fund Republican campaigns, and now this bill shortchanges local law enforcement and the successful COPS Program.

Mr. Speaker, local police officers are on the front lines of homeland defense, so the gentleman from Wisconsin (Mr. OBEY) has an amendment to give police the support they need. To pay for it, all you have to do is ask millionaires to take slightly smaller tax breaks than they are already getting next year. It is a reasonable trade; about 200,000 millionaires would give up just $5,000 of the over $88,000 in tax breaks they are getting next year, and all Americans would benefit from critical law enforcement investments.

Secondly, Mr. Speaker, the bill leaves America's preeminent law enforcement agencies subject to partisan political abuse. Fortunately, Republicans will not have to ask millionaires to forgo further tax breaks in order to solve this problem, but they will have to stand up to the growing threat America faces from misuse of power by this one-party government.

Last Friday, a Republican Member of this House used his power as a committee chairman to send the police after Democrats, Members of Congress who had done nothing more than ask for more time to read a brand-new piece of legislation.

For many of us, that recalled an incident just 2 months ago. Then, Texas Republicans in Austin and in Washington tried to use Federal security officials as their own personal political police force. The Homeland Security agency, charged with tracking down terrorists, was enlisted to help Texas Republicans trying to track down Democratic lawmakers who had done nothing more than employ a parliamentary tactic in a legislative dispute, a tactic used by Republicans in the U.S. Senate, as well as Abraham Lincoln, in order to defend their constituents against an outrageous political power grab.

The FAA, whose core mission is to keep airplanes and their passengers safe in the air, was misused to track down a Democratic legislator's private airplane. And once Republicans found the Democratic legislators, they urged the FBI and the U.S. Marshals to arrest them despite the clear fact that they had violated neither State nor Federal law.

Justice Department officials say they did nothing wrong, but newspapers reported that an FBI agent in Corpus Christi, Texas, tried to find the Democratic legislators and spoke of "ongoing surveillance."

Unfortunately, Mr. Speaker, this was not the first evidence of Republican misuse of the Justice Department. In May, a distinguished member of the Texas House of Representatives, Representative Richard Raymond of Laredo, withdrew his voting rights complaint from the Justice Department after receiving reliable information that a powerful Republican in Washington had interfered with it. Instead, Representative Raymond had to go to a Federal Court to defend the voting rights of his Hispanic constituents.

Mr. Speaker, we face a serious problem when the Department of Justice has been so politically abused that Americans no longer trust its ability to defend their voting rights; and there is only one way to restore the integrity of the Justice Department, through a comprehensive investigation that lays out all the facts before the American people and then acts to ensure the Department can never be abused again.

That is what the Department of Transportation did this month. They quickly conducted a thorough investigation and released to the Congress their full 800-page report. And, just as importantly, they strengthened their rules, instituting a new regulation, that at least one newspaper has named after one of the Texas Republicans, to ensure that politicians could never again misuse America's air safety resources.

In contrast, the Homeland Security officials released only a partial, heavily edited report, less than 100 pages in length, and they are still stonewalling with the help of Republicans on the Select Committee on Homeland Security.

Unfortunately, the Justice Department and some House Republicans have followed that sorry example. It has been 10 weeks since Texas Republicans tried to misuse the FBI, the U.S. Marshals and the Department of Homeland Security for partisan purposes. For several weeks, Justice Department officials tried to keep secret their internal investigation, and they still have not released any information to Congress.

Meanwhile, the Republicans on the Committee on the Judiciary, many of whom often led the charge to investigate a Democratic administration, have turned a blind eye to the Justice Department's stonewalling.

Mr. Speaker, this entire episode has brought discredit to the House of Representatives and to many of America's premier Federal security agencies, including the Department of Homeland Security, the FAA, the FBI and the entire Department of Justice.

In Ohio, the Columbus Dispatch has written of an "egregious" misuse of Federal resources. The San Antonio Express-News has called it "offensive for a Member of Congress to manipulate a Federal agency to track down political foes in a strictly political situation." And as the Houston Chronicle wrote today of Chairman THOMAS' attempt to use the police against Democratic Members last week, "The latest incident again betrays a particularly disturbing tendency of the party in power, the Republicans, to regard police agencies as enforcers, not only of the law, but of the majority's political will."

That is why I have offered an amendment to this bill that would institute a new rule at the Department of Justice to protect it against political abuse. Unfortunately, Republicans on the Committee on Rules blocked it last night.

So, once again, the Republican Members of this House face an important substantive choice on the critical parliamentary vote known as "the previous question." They can stand with their leadership and vote "yes" and protect Texas Republicans who misused Federal law enforcement earlier this year. That is basically what happened last Friday, when Republicans refused to vote for a resolution, saying it was wrong to call the police against your political opponents. But I am hoping that today Republican Members will follow a different role model and begin to restore some integrity to the House of Representatives.

More than 30 years ago, a Republican, Senator Barry Goldwater, went to Richard Nixon and told him the hard truth, that he had abused his power in the Washington scandal and that it was time for him to resign the Presidency. Today, on the previous question vote, Republican Members can follow that courageous example. They can stand up against abuse of power and they can say that the Justice Department belongs to the people of America, not to any political party.

All it takes is a "no" vote on the previous question. I urge my Republican friends to do the right thing.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). The Chair would like to remind Members not to wear communicative badges while under recognition in debate.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to be clear, what the amendment is all about that I sought to offer, but which the Republicans ruled out of order in the Committee on Rules last night.

We had this situation in Texas involving a dispute, a partisan political dispute, over the attempt by Republicans in our legislature to redraw congressional district lines a second time in the decade. They had been drawn, of course, 2 years ago by a Federal Court after the legislature refused to act.

What happened was that a powerful Member on the other side of the aisle, one who is often seen on this floor, contacted the Justice Department and inquired, would it be all right, would it be appropriate, for the Justice Department to dispatch U.S. Marshals and to dispatch the FBI to track down Members of the Texas legislature who had broken a quorum?

Now, when a powerful Member of this institution makes an inquiry like that to the Justice Department, it is a suggestion, a very strong suggestion, that the Justice Department should get after it and should use the assets and the resources of the Justice Department.

In fact, we do know that an FBI agent in Texas made a phone call up to Ardmore, Oklahoma, perhaps he was encouraged in this inquiry by a powerful Republican on the other side that the Justice Department should be involved, to find out about the status of the legislators, to find out whether they were there and what was going on. We do know also that an inquiry was made to the U.S. Attorney's office in San Antonio, Texas, about the propriety of the U.S. Attorney's Office being involved.

Now, these are matters that have been in the public domain. This is not something anyone is making up. A very powerful Republican on the other side tried to involve the Justice Department in a partisan political dispute, and that is what my amendment would go to. After all, the FAA just recently had to change its procedures because that same powerful Republican Member contacted the FAA and caused the FAA to have 13 of its employees over an 8-hour period use Federal resources to try and track down those same Democrats who had gone to Oklahoma.

Now, what did the FAA do? They did the right thing. They instituted a rule saying, Well, it was a little gray area in the past, but we will make sure we never do this again; and no powerful person on the other side of the aisle will be able to pick up the phone and cause us to be involved in a political dispute and use our resources for that purpose.

That is all we are asking be done by the Justice Department, to take the same actions the FAA has already taken, the Department of Transportation has already taken. But, no, my friends on the other side do not want to encourage the Justice Department to do the right thing.

We cannot, Mr. Speaker, become a police state. Just as a powerful committee chairman called the police to track down and to break up a meeting of Democratic Members of this body last Friday, and just as another powerful Member on that side tried to use the FBI and the Marshal's Service and the U.S. Attorney's Office and the FAA and the Department of Homeland Defense to become a police state. That should not be permitted.

We are not some Third World power. We are not some "banana republic" where we use the police to settle political disputes. Shame on the other side of the aisle.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT), a Member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me time, and I join him in this effort to see that the previous question is defeated.

Mr. Speaker, last week, America witnessed a vivid example of how tyranny can begin in this country. The same Republican leadership here in the United States Congress that has blocked the Armed Forces Tax Fairness Act, that has blocked relief for working families on the child tax credit, that same Republican leadership was so eager to thwart the opposition that the chairman of one of the committees called in the police to break up the Democratic opposition organizing some alternatives to an important piece of legislation.

This is how tyranny can begin in America, and it is certainly not unique to what happened. This is further evidence of the extremism occurring in this Congress.

It is very tied to what my colleague from Texas has been talking about that occurred in the State of Texas. Indeed, it has nothing and everything to do with what happened in the Texas legislature. Nothing, in the sense that all we were trying to do in the United States Congress was not to walk out, but to walk into participation, just as we have done with the child tax credit, to say that working families ought to have an opportunity to get their taxes cut also and get this credit for their children.

□ 1115

We wanted to participate, not to walk out. So it has nothing to do with Texas in that sense, where legislators legitimately broke a quorum; but it has everything to do with what happened in Texas with regard to the misuse of law enforcement resources, of becoming a police state.

In Texas, what happened is that immediately after this lawful action by the State legislators, the majority leader of the Republican Party, the gentleman from Texas (Mr. DELAY), here in the House, came out and said, call out the G-men. He opined that this was a proper matter for the Federal Bureau of Investigation, for the U.S. Marshals Service, for the United States Attorneys Office; and ever since he voiced that opinion that these people ought to be involved in a political dispute in Texas in order to advance his power grab, his political interests, we have been trying to find out from John Ashcroft how much of those resources were allocated. And guess what? We have not gotten one bit of information from them, unlike the Federal Aviation Administration, which has disclosed the truth and revised its procedures, recognizing that the FAA has a little bit more to do with air safety than advancing the political interests of the gentleman from Texas (Mr. DELAY) and the Republican Party.

The Homeland Security Department provided us a half truth. They only wanted to look at one incident, not how all of their resources were used. But the Justice Department has gone them several better, by providing no truth, no answers with regard to how these Justice Department resources were misused, and that is why the gentleman from Texas (Mr. FROST) is advancing this effort today, because we need to know that information.

In America, our freedoms will not be taken from us all at once, but they can ebb away; and when we see police-state tactics here in the Congress, for the first time in the memory of this institution; when we see a powerful figure like the gentleman from Texas (Mr. DELAY) summoning in the G-men to use them for political purposes; when we see the Department of Homeland Security diverted from protecting us against terrorism into using their resources for personal political ends, that is something Americans should be very concerned about.

I was pleased to see the Houston Chronicle today editorialize on this very matter ["Not Police Matter: Leave Law Enforcement Out of Legislative Tussles," Houston Chronical, July 22, 2003], saying that we should leave law enforcement out of these legislative disputes, whether it is in Austin, Ardmore, or the United States Capitol. By following the lead of my colleague, the gentleman from Texas (Mr. FROST), and defeating the previous question, we will advance this concern; not just fighting amongst each other, but fighting for something important.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I just wanted to bring the body's attention to an amendment that was added in the full committee over the objections of the chairman and the ranking member of the subcommittee. It was an amendment added by our colleague, the gentleman from Kansas (Mr. TIAHRT), that barely passed, but should not have. It was not the subject of hearings. It has no support from law enforcement. It has no support from Attorney General Ashcroft. And it has no support from the major association that represents licensed firearms dealers. It really serves to protect only the most corrupt gun dealers at the expense of all other legitimate gun dealers.

Specifically, this amendment provides protection to phantom dealers. These are people who sign up as dealers to be able to buy guns wholesale, but without the intention of reselling them, so they are really not businesses, as such, and should not be buying guns wholesale. Normally, they distribute them for illegal purposes. It permits recalcitrant dealers to ignore police requests for assistance. Nearly all licensed dealers perform this duty quickly and accurately to law enforcement, but there are about 8 percent of crime guns that cannot be traced because licensed dealers refuse to cooperate with police. This would legally allow them to refuse to cooperate with the police and allows licensed gun dealers not to cooperate in making gun traces. That clearly is counter to people's public safety.

It allows felons to retain Federal firearms licenses. It denies Congress and the public crime gun data that the Bureau of Alcohol, Tobacco, and Firearms needs. It ends the oversight of used firearms sales, and it requires destruction of records that now the Federal Bureau of Investigation needs.

All of these things, I think, undermine the public's need to protect itself from felons, from people with a history of mental illness, from people who are involved in the illegal transfer of firearms. We had somebody that provided the firearm that was used by the snipers that killed many people in the Washington area. They went back to the dealer and found that there were over 100 firearms that they had no record of. Well, they do not keep records because they do not want people to know that they either sold to felons or to people who are minors, or they do not want to pay taxes, or whatever the reason. But clearly, they should be having records. This would enable them to refuse to cooperate with law enforcement.

So I want to make the Members aware of the fact that this amendment is in this bill, and it is a bad amendment.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this morning I rise in strong support of H.R. 2799, the bill providing appropriations for the Departments of Commerce, Justice, State, and the Judiciary.

Mr. Speaker, I represent a district that lies along the U.S.-Mexican border. For many years, the region along the 2,000 mile stretch with Mexico has been ignored. The bill before us today will make tremendous strides to recognize the importance of increased resources to our southwest border.

This bill before us includes 168 additional positions for the United States Marshal Service for areas of high-priority need. It also recognizes that the areas along the southwest border are in the greatest need for these positions.

My district in El Paso lies within the western district of Texas. This judicial district has been one of the greatest impacted by a criminal caseload over the last decade. The majority of these cases are being heard in the El Paso Division of the Western District. The number of Federal cases filed in El Paso County alone has increased from 443 to over 2,100 cases since 1994. Last year, the El Paso Division received our second Federal judgeship. Currently pending before the Senate is a confirmation of an additional two Federal judges.

Mr. Speaker, needless to say, our caseload is being addressed and more of our cases are being heard. This also increases the work of our judges which, in turn, means more work for our Marshal Service. Currently, our marshals are reporting inoperable workload levels in the southwest border districts.

This bill would provide much-needed relief for our United States Marshal Service along the southwest border districts. I urge all of my colleagues to support the rule and to support passage of this bill.

In addition to that, this bill also includes funding for the State Criminal Alien Assistance Program, which the President, in the last two cycles, has zeroed out. Last year we were able to provide $250 million, and this year, $400 million.

So with that, Mr. Speaker, I strongly urge all of my colleagues to support this rule and this bill.

Mr. LINDER. Mr. Speaker, I would like to remind the gentleman from Texas that in order to support the rule he is going to have to support the previous question to get to the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I thank the gentleman from Texas for yielding me this time. I will be very, very brief.

I am going to support this rule. I am going to support it because the rule speaks to a bill that the gentleman from Virginia (Chairman WOLF) and I worked on very hard to make the best of a very difficult allotment to the committee. The gentleman from Virginia (Chairman WOLF) was very fair, as I will explain during general debate, about meeting certain needs. There were some shortcomings in the bill that hopefully will get better.

But, most importantly, I support the rule because the rule supports some very difficult decisions that the committee made in terms of amendments; and the rule could have, as in past occurrences, played around and fooled around with those decisions by the committee. It did not. It supports the committee work; and, therefore, I stand in support of the rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in strong opposition to this rule because it protects language added in the committee that severely restricts the ATF's ability to investigate sham gun dealers.

This ill-advised provision was never the subject of a hearing and has no support from law enforcement. Our gun laws are already riddled with loopholes that make it difficult for the ATF to do their job. And now we are going to make it even more difficult by preventing the bureau from requiring firearm dealers to conduct a physical inventory, from denying licenses to dealers whose sales fall below certain levels, and from demanding that certain dealers provide documentation for all used guns sold in a specific period.

Why would we vote to make it easier for bad-apple dealers to sell guns illegally? Just a few months ago, this body provided them protection against lawsuits, and now we are going to make it even more difficult to ensure that gun dealers are not transferring guns illegally.

We keep hearing from the gun lobby that we need to enforce the laws on the books instead of passing new laws. Well, at this pace, we are not going to be able to enforce any laws on the books. There will not be any laws to enforce.

It is clear to me that the gun lobby will not be happy until our gun laws are rolled back to the era of Jesse James and the Wild West. I wonder if they realize that for every gun that illegally falls into the wrong hands, lives are at risk, especially our law enforcement officers.

I urge the defeat of this rule so that we can strike the irresponsible language from the bill and, for once, look at the impact of rolling back our gun safety laws instead of bowing to the gun lobby.

Let me say that we are still fighting gun violence in this country, and we are also fighting terrorism on the home front. Why would we make it easier for those that might be terrorists in this country to be able to go and buy their firearms? I do not understand what this Congress is doing. We are supposed to be protecting our constituents. We are supposed to be protecting our neighbors. This is going on constantly. I urge the defeat of the rule.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to join my colleague, the gentlewoman from New York (Mrs. MCCARTHY), in her statement today in saying I think this rule protects an ill-advised provision that ironically makes our country less safe at a time when we are worried about terrorism and countering terrorism. The fact of the matter is, terrorism exists all over this country for those who live in the inner cities and are subjected to the random gun violence that plagues many of our neighborhoods.

When people talk about homeland security in America, they are not talking about al Qaeda; they are talking about the gun dealers who knowingly sell guns in untold numbers, knowing full well that those guns can easily be resold in the back of a trunk of a car in downtown Washington, D.C. And what does this provision in this rule allow? This provision in this rule allows us to roll back those few safeguards that we already give law enforcement, to ensure that those guns that are sold are sold in a legal and proper manner.

We often hear from the NRA, well, we are for law-abiding people being able to purchase law-abiding permits and guns. Well, apparently not, under this language, because what essentially they will do is make this language a criminal's delight, because they will not have to cover their tracks, because there will not be any tracks for them to cover under this legislation, which eliminates any inventory provision for gun dealers to be able to ensure that the guns that they sell are guns that are sold legally and lawfully.

The fact of the matter is that this legislation is protected under a rule that is supposed to be about appropriation bills, but, in this case, is about protecting an authorization for a loophole that puts our public at risk, puts our law enforcement at risk, and contradicts everything that we are standing for on this floor when it comes to protecting the American public.

□ 1130

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to remind my colleagues, what the rule does is routine in appropriations bills. We protect the product of the committee and have an open amending process.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would just like to join my good friend and colleague in echoing so many of his very eloquent comments.

I rise today in opposition to the rule for H.R. 2799, the Commerce-Justice-State appropriations bill. While this bill contains many good provisions, I, like my colleagues, are deeply disappointed that this bill prevents the Bureau of Alcohol, Tobacco and Firearms from enforcing laws already on the books. The bill's language is a major step backwards when we should be doing more to ensure that guns are kept out of the hands of criminals.

A 1998 ATF study showed that over 50 percent of firearms used in crimes were traced back to just 1.2 percent of the Nation's 104,000 gun dealers. One delinquent dealer in Tacoma, Washington, was missing 78 firearms listed on the store's inventory, including the rifle used by the D.C. area snipers last year.

To address this problem, I have introduced H.R. 1540, the Crackdown on Deadbeat Gun Dealers Act, to increase ATF inspections of gun dealers, not eliminate them.

Unfortunately, the bill before us today undercuts the current enforcement provisions and prevents the ATF from doing its job. I urge my colleagues to oppose this rule. Let us do the right thing for the people of America.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

As I explained at the beginning of this debate, Mr. Speaker, today Republican Members have the opportunity to begin to restore some integrity to the House of Representatives. All they have to do is vote no on the important parliamentary procedure known as the previous question.

If the previous question is defeated, I will amend the rule to allow the House to vote on my amendment to ensure that the Justice Department can never again be abused for partisan political purposes.

I wish this were not necessary, Mr. Speaker. But earlier this year Texas Republicans tried to treat the Justice Department as the enforcement arm of the Republican Party. And so it is vital to the integrity of the Justice Department that we force it to do what the Transportation Department has already done, institute what at least one newspaper has called the "DeLay Rule" to protect it from future political misuse.

To be clear, a "no" vote on the previous question will not block the Commerce-Justice-State appropriations bill. It will only allow the House to ensure Americans that Federal law enforcement belongs to the people and not to a political party. But a "yes" vote will stop my amendment and it will send the signal that this Republican House refuses to protect the Department of Justice against partisan misuse.

So I urge my Republican colleagues to join Democrats in opposing the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this time I would like to remind those of my colleagues on the minority side of the aisle, who said they would urge their colleagues to support the rule, that you will not get a chance to do that unless they pass the previous question.

So I urge all of my colleagues to vote "yes" on the previous question.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in opposition to H. Res. 326, the rule governing floor debate on H.R. 2799, the Commerce, Justice, State, and the Judiciary Appropriations Bill for FY 2004. Although this is an open rule, several important amendments offered by my Democratic colleagues did not receive a waiver on points of order.

I personally proposed four amendments to H.R. 2799 that improved valuable programs administered by the Departments of Commerce, Justice, and State. The first amendment mandated that no funds be used by the Department of Justice to conceal or destroy physical and electronic records and documents related to any use of Federal agency resources in the Texas redistricting controversy. The second amendment stopped funding to any project that prohibited projects that promote the participation of women in international peace efforts. The third amendment prohibited funding programs that prevented the study of "good time" for persons incarcerated for non-violent crimes. The final amendment prohibited funding any attempt to prevent the Small Business Administration from providing technical assistance to small businesses participating in the rebuilding of Iraq and Afghanistan.

These are but a few of many valuable amendments that were not provided waivers to points of order under this rule. Yet again, party politics has influenced the decision making of the rules committee to the detriment of several programs that add value to the lives of American citizens, American businesses, and people around the world.

Mr. Speaker, I oppose this amendment and I encourage all of my colleagues to do the same.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION FOR H. RES. 326—RULE ON H.R. 2799, FISCAL YEAR 2004 COMMERCE/JUSTICE/STATE APPROPRIATIONS

At the end of the resolution, add the following:

"SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Frost of Texas or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. , AS REPORTED (COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS ACT, 2004) OFFERED BY MR. FROST OF TEXAS

At the end of title I (before the short title), insert the following:

SEC. . (a) FINDINGS.—Congress makes the following findings:

(1) Both newspaper accounts and Federal agency investigations have uncovered convincing evidence that on May 12, 2003 House Majority Leader Tom DeLay and other Republican officeholders in the State of Texas repeatedly contacted several Federal agencies, including the Federal Aviation Administration (Department of Transportation), the Air and Marine Interdiction Coordination Center (Department of Homeland Security), and the Department of Justice, seeking to improperly involve Federal personnel and resources in a state political dispute.

(2) In reaction to these events, the General Counsel and the Inspector General of the Department of Transportation immediately conducted a thorough investigation of these improper activities. In a letter it transmitted to Senator Joseph Lieberman on July 11, 2003, the Inspector General concluded that the Federal Aviation Administration's guidelines required "considerable strengthening" to prevent future situations in which government officials such as Representative DeLay might attempt to misuse Federal Aviation Administration resources for political purposes. On July 15, 2003, the Federal Aviation Administration issued a new internal guideline, known as the "DeLay Rule", requiring Federal Aviation Administration employees to inquire about the purpose of an inquiry before they provide outside parties with flight information.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, following the example of the Department of Transportation, the Department of Justice should implement promptly new guidelines to ensure that its resources and personnel are never again improperly used for partisan purposes.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 199, not voting 14, as follows:

[Roll No. 401]

YEAS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Andrews
Berkley
Conyers
Cubin
Dunn
Ferguson
Gephardt
Hensarling
Hunter
Keller
Meek (FL)
Payne
Peterson (PA)
Saxton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1220

Ms. SLAUGHTER, Mr. FORD, Ms. WOOLSEY, and Messrs. FARR, MCGOVERN, BERMAN, OLVER, PASTOR, TIERNEY and RUSH changed their vote from "yea" to "nay."

Mr. GARY G. MILLER of California changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LIMITATION ON AMENDMENTS DURING CONSIDERATION OF H.R. 2799, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2799 in the Committee of the Whole pursuant to House Resolution 326, no amendment to the bill may be offered except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; the amendments printed in the CONGRESSIONAL RECORD and numbered 1 through 13; the amendments that have been placed at the desk; and two amendments offered by the gentleman from Michigan (Mr. LEVIN), each regarding the United States Trade Representative and labor standards; each amendment may be offered only by the Member designated, or a designee, or the Member who caused it to be printed or placed at the desk, or a designee, shall be considered as read, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole; and I ask unanimous consent that the amendments placed at the desk be considered as read for the purpose of this unanimous consent request.

The SPEAKER pro tempore. The Clerk will designate the amendments placed at the desk.

The text of the amendments is as follows:

Amendment offered by Mr. ISSA:

In title I of the bill, under the heading relating to "LEGAL ACTIVITIES—SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES", after the second dollar amount, insert the following: "(reduced by $1,500,000)".

Amendment offered by Mr. PENCE:

In title IV (relating to Department of State and Related Agency), under the heading GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY, after section 403 insert the following new section:

SEC. 404. It is the sense of the Congress that the Representative of the United States to the United Nations should seek an agreement to lower the assessment level of the United States for the regular budget of the United Nations when the United Nations

Committee on Contributions considers the scale of assessments for member nations for the period 2004 through 2006.

Amendment offered by Mr. SHIMKUS:

In title IV (relating to Department of State and Related Agency—Administration of Foreign Affairs) under the heading DIPLOMATIC AND CONSULAR PROGRAMS after the second dollar amount insert "(decreased by $2,000,000)".

In title IV (relating to Department of State and Related Agency—Administration of Foreign Affairs) under the heading CAPITAL INVESTMENT FUND after the first dollar amount insert "(decreased by $1,000,000)".

In title IV (relating to Department of State and Related Agency—Administration of Foreign Affairs) under the heading EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE after the first dollar amount insert "(decreased by $1,000,000)".

In title IV (relating to Department of State and Related Agency—International Organizations) under the heading CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS after the first dollar amount insert "(decreased by $1,000,000)".

In title IV (relating to Department of State and Related Agency—Broadcasting Board of Governors) under the heading BROADCASTING CAPITAL IMPROVEMENTS after the first dollar amount insert "(decreased by $500,000)".

In title IV (relating to Department of State and Related Agency—Broadcasting Board of Governors) under the heading INTERNATIONAL BROADCASTING OPERATIONS after the first dollar amount insert "(increased by $5,500,000)".

Amendment offered by Mr. MANZULLO:

In title V, in the item relating to "SMALL BUSINESS ADMINISTRATION—BUSINESS LOANS PROGRAM ACCOUNT", strike ": *Provided further*, That during fiscal year 2004 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $10,000,000,000".

Amendment offered by Mr. OTTER:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this act may be used to seek a delay under Section 3103a(b) of title 18 United States Code.

Amendment offered by Mr. MANZULLO:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

Amendment offered by Mr. ROHRABACHER:

Page 103, after line 26, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

Amendment offered by Mr. HOSTETTLER:

Insert in an appropriate place the following:

SEC. ___. None of the funds appropriated in this Act may be used to enforce the judgment in Newdow v. U.S. Congress, 292 F.3d 597 (9th Cir. 2002).

Amendment offered by Mr. HOSTETTLER:

Insert in an appropriate place the following:

SEC. ___. None of the funds appropriated in this Act may be used to enforce the judgment of the United States Court of Appeals for the Eleventh Circuit in Glassroth v. Moore, decided July 1, 2003 or Glassroth v. Moore, 229 F. Supp. 2d 1067 (M. D. Ala. 2002).

Amendment offered by Mr. OSE:

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in violation of section 212(a)(10)(C) of the Immigration and Nationality Act.

Amendment offered by Mr. RUSH:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. ___. None of the funds made available in this Act may be used for the sentencing phase of any Federal prosecution in which the penalty of death is sought by the United States.

Amendment offered by Mr. WELDON of Florida:

None of the funds appropriated or otherwise made available under by this act may be used to issue patents on claims directed to or encompassing a human organism.

Amendment offered by Mr. WELDON of Florida:

"None of the funds appropriated or otherwise made available under by this act may be used to approve a patent application for a human organism.

Amendment offered by Mr. FOSSELLA:

At the end of the bill (before the short title), insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO CERTAIN UNITED NATIONS ENTITIES

SEC. ___. None of the funds made available in this Act may be used for a United States contribution to any United Nations commission, organization, or affiliated agency that is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any United Nations commission, organization, or affiliated agency described in the preceding sentence.

Amendment offered by Mr. TANCREDO:

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to assist any foreign government in the development of consular identification cards.

Amendment offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" may be used to assist any State or local government entity or official that prohibits or restricts any government entity or official from sending to, or receiving from, the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security information regarding the citizenship or immigration status of an individual, as prohibited under section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

The SPEAKER pro tempore. Without objection, further reading of the amendments is dispensed with.

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2799 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 326 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2799.

□ 1225

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I yield myself 10 minutes.

I am pleased to begin consideration of H.R. 2799, the Departments of Commerce, Justice, State, the Judiciary and related agencies appropriations bill for fiscal year 2004. This bill provides funding for programs whose impact ranges from the safety of people in their homes and communities, to the conduct of diplomacy around the world, to predicting the weather from satellites in outer space. The bill before the House today reflects a delicate balance of needs and requirements. We have drafted what I consider a responsible bill for fiscal year 2004 spending levels for the Departments and agencies under the subcommittee's jurisdiction. We have had to carefully prioritize the funding in this bill and make hard choices about how to spend scarce resources.

The bill before the House today recommends a total of $37.9 billion in discretionary funding, which is $700 million above the enacted level for fiscal year 2003 and $237 million above the President's request. For the Department of Justice, the bill provides $20.15 billion in discretionary funding, which is $1.15 billion above the request.

The bill includes funding for Federal law enforcement agencies to perform traditional law enforcement duties and fight terrorism. The bill also provides more than $1 billion above the request to support State and local law enforcement crime-fighting efforts. It includes $4.64 billion for the Federal Bureau of Investigation, an increase of $424 million above fiscal year 2003 and the same as the President's request. This funding will support almost 2,500 new agents and analysts in the FBI to improve counterterrorism and counterintelligence efforts and to continue fighting violent crime, drugs, corporate fraud, and cybercrime.

The bill includes $80 million for high-priority FBI technology needs and funding above the request for language translation and training programs. $2.16 billion is provided for the Drug Enforcement Administration, an increase of $237 million above fiscal year 2003 and $57 million above the comparable request to fight drug crime. The amount includes a transfer of the interagency crime and drug enforcement program under the DEA to consolidate drug law enforcement efforts, $25 million to establish a drug intelligence fusion center to allow agencies to share realtime investigative data, and funding above the request to support 939 new positions, including 434 new DEA and FBI agents. $3.5 billion is provided for proven State and local law enforcement crime-fighting programs, which is $1.2 billion above the request.

When combined with funding provided in the homeland security bill, the committee is providing more than $2 billion above the request for State and local crime control and domestic preparedness funding. The bill restores funds for programs that were proposed to be eliminated, including $500 million for the Byrne formula program, $400 million for the local law enforcement block grant program, and $400 million for SCAAP.

□ 1230

The bill also includes $179 million dollars for DNA backlog elimination and crime lab upgrades, which is very important to the administration; and $388 million for violence against women prevention and prosecution programs, and $462 million for juvenile delinquency prevention and accountability programs.

For the Department of Commerce, the bill provides $5.3 billion, a decrease of $475 million below the 2003 level, which is largely a result of the reduction of lower-priority spending in NOAA, and elimination of funding for the Advanced Technology Programs. The bill includes $319 million for the Economic Development Assistance Programs to assist communities struggling with long-term economic downturns, as well as sudden and severe economic hardship, the same level as 2003; $1.24 billion for the Patent and Trademark Office to reduce the growing backlog in patent processing, $57 million above 2003; $494 million for the international trade agencies to negotiate and verify free trade agreements, $38 million above 2003; $3.05 billion for the National Oceanic Atmospheric Administration, NOAA, including $786 million for the National Weather Service to improve forecasting.

The Judiciary: The bill provides $5.2 billion for the Federal Judiciary, $304 million over fiscal year 2003 and $236 million above the request, to process an all-time-high number of criminal and bankruptcy cases in and of offenders under supervision of probation officers. The bill continues funding for the renovation of the Supreme Court building and Judiciary's critical, vital security requirements.

For the State Department and the Broadcasting Board of Governors, the recommendation includes $8.4 billion, an increase of $570 million over 2003 and $223 million below the request. The committee's 2004 recommendation for foreign affairs agencies is $2.26 billion above the fiscal year 2000 level. This is an historic increase of 37 percent in just 4 years.

Within this total we are providing $1.5 billion, the full request, and $200 million above fiscal year 2003, for worldwide security improvements and replacement of vulnerable facilities. The Department is making great strides to expand and improve the worldwide security construction program, and that is good news for the safety and security of thousands of Americans and foreign nationals who represent us all in the diplomatic frontlines overseas. The bill also includes funding to support over 600 new positions to improve diplomatic security, border security, and diplomatic readiness.

For the related agencies, the bill includes $2.2 billion, $83 million above the current level; $746 million for the Small Business Administration, an increase of $14 million over 2003, for important lending and assistance programs for the Nation's businesses; $183 million for the Federal Trade Commission fully funding the Commission's National Do-Not-Call list to protect Americans from intrusive telemarketing calls; $338.8 million for the Legal Services Corporation; $841.5 million for the Securities and Exchange Commission to protect American investors and implement the Sarbanes-Oxley Act.

In closing, Mr. Chairman, this is a quick summary of the recommendation before the committee today. The bill gives no ground in the ongoing efforts to fight crime and terrorism and restores the needed help to State and local law enforcement and to address their most pressing needs. The bill also includes funds to protect our diplomats working overseas, increases funding for international trade agencies to negotiate and verify free trade agreements to protect American jobs. It is our best effort to make a difficult choices to match needs with scarce resources.

I want to personally thank the gentleman from New York (Mr. SERRANO), the ranking member, who has been very effective and a valued partner and colleague on this bill. I appreciate his principled commitment and thorough understanding of the programs in the bill.

I also want to thank members of the subcommittee for their help, the gentleman from Kentucky (Mr. ROGERS), the gentleman from Arizona (Mr. KOLBE), the gentleman from North Carolina (Mr. TAYLOR), the gentleman from Ohio (Mr. REGULA), the gentleman from Louisiana (Mr. VITTER), the gentleman from New York (Mr. SWEENEY), the gentleman from Illinois (Mr. KIRK), the gentleman from West Virginia (Mr. MOLLOHAN), the gentleman from Alabama (Mr. CRAMER), the gentleman from Rhode Island (Mr. KENNEDY), and the gentleman from Minnesota (Mr. SABO).

I also want to particularly thank the gentleman from Florida (Mr. YOUNG), full committee chairman, and also the gentleman from Wisconsin (Mr. OBEY), ranking member, for their help. The gentleman from Florida (Mr. YOUNG) has been as fair as one could possibly be, and quite frankly I think he has been an outstanding chairman of the full committee. No one can complain about his leadership.

I also want to thank the subcommittee staff for their relentless efforts in producing this bill. The staff did a fantastic job with what was a very difficult allocation, and we should commend them. I first want to say thanks to Mike Ringler, the clerk of the committee, who leads long nights and made sure everything flowed smoothly as the process went forward. I also want to thank his wife and his family for the time away.

I want to thank John Martens, whose wife recently had a baby and he was part of it, and is always running on full steam even though he has long nights and has been away from home during this period of time.

I also want to thank Christine Ryan Kojac, who has been instrumental in putting together the Commerce section of the bill. She has done a lot of work to help the country that most people will never even know about.

I also thank Leslie Albright, who has fought to make sure funding for the Department of Justice and FBI remains adequate to protect the country. Again because of her efforts, bad things will not happen; people may not know why, but it is because of good work that Leslie has done.

I also want to thank Anne Marie Goldsmith and Alan Lang, the subcommittee's detailees who have stepped into the subcommittee and done terrific jobs. Both have been able to use their backgrounds to significantly contribute to the subcommittee and have always had a good attitude.

I also want to thank Dan Scandling and Janet Shaffron, on my staff, and J.T. Griffin and Neil Seifring, in my personal staff, for their efforts.

Finally, I want to thank Rob Nabors of the minority staff who has been there with Mike every step of the way as the team has been working on this bill. Also David Pomerantz, Lucy Hand, and Nadine Berg from the Democratic staff who were willing to pitch in.

It is a good bill, Mr. Chairman, and I would urge all Members to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to start off where the gentleman from Virginia (Mr. WOLF) left off, and that is thanking both staffs for the work they have done. This is a difficult bill. It is a bill that at times is loved by many and at times either disliked or feared by some.

So the staff, as we all know, day after day and night after night, put together the work that they do. The gentleman from Virginia (Mr. WOLF) has mentioned some names, and I want to just reinforce those names and thank both the majority staff and the minority staff for the work they do.

On my staff I would like to pay special tribute to Rob and David for the fact that they just, as the gentleman from Virginia (Mr. WOLF) said, in a relentless way never give up in making sure that things are done properly; and on my staff, Lucy, Nadine, Pete, and everyone else who is back in the office and works towards making this the product that it is to date.

I would also like to join my chairman in thanking the gentleman from Florida (Chairman YOUNG) for his leadership and his understanding and the gentleman from Wisconsin (Mr. OBEY), my ranking member, for the support he gives us in allowing us to go forward with this particular bill.

But this could not be done, none of this, if we did not have the kind of support that we have from the gentleman from Virginia (Mr. WOLF), who is such a shy guy that he actually left the floor so he would not hear me praise him, but he is back.

When we look at the way that we handle politics in this country, when we look at the way we legislate in this country, it is assumed by many people, especially in the media, that if we come from different parts of the country and if we have different political philosophies that we will never get along and never work together. The gentleman from Virginia and I may be living proof that if we believe in fairness and honesty in dealing with each other, we can in fact work together; and I am here to thank him publicly for taking a very difficult, I believe and our side believes, allocation and meeting to a large extent the needs that our side had and the concerns that we had. He was able to reallocate dollars, to move dollars around, and to do it understanding that in order to have a bill that has bipartisan support, as I am sure this one will be at the end of the day, we do that by understanding the needs that he has and the needs that I have, which are representative of both sides of the aisle.

So I want to thank the gentleman for understanding that and for working with us on this.

The process, as I say, was fair and a fair distribution of very limited resources. I have to compliment the chairman especially for some of the work that we did such as the fully funded Federal Bureau of Investigations, FBI, which has been involved in a great part of our war against terrorism and has needed our support and has received our support.

On the other hand, because the FBI is engaged in the war on terrorism, it has unfortunately, unfortunately and I hope only temporarily, turned away from some of its other duties in the past, such as the fight on drugs. It is not fighting the drug war the way it used to in the past. And for that reason, I am also happy with the fact that we were able to fully fund and go $43 million above the President's request for the Drug Enforcement Administration, the DEA, to make up for the FBI's deemphasizing on illegal drugs.

The Office of Justice Programs, OJP, this bill restores $1.2 billion for key State and local law enforcement grant programs including Byrne grants, $650 million dollars; the local law enforcement block grant, $400 million; State Criminal Alien Assistance program, $400 million. In addition, those cultural and science and education organizations such as UNESCO and others that we deal with in the international community have been fully funded; and we, in fact, in some of these can once again join these organizations to play our role in the international community.

The international organizations, also, that handle peacekeeping and that are involved in peacekeeping efforts throughout the world, that has been fully funded at the request of $1 billion and $550 million respectively. Worldwide security programs, full funding of the request at $1.5 billion.

The Legal Services Corporation, I want once again to thank the chairman for caring for some of the issues that so many Members care for, and the Legal Services Corporation, LSC, is one of them. In the past, we were forced to come to the House to try to amend the bill to bring it back to last year's funding. The chairman has chosen in his tenure as chairman of the committee to make sure that we do not do that, that the bill is dealt with in committee, the agency is dealt with in committee, and in fact, this year with $10 million above the President's request; and I thank him for that.

Obviously, as we have said before, it has been a difficult allocation, and therefore there are some issues that are still pending and that are difficult. The most important one is the Community Oriented Policing Service, the COPS hiring program, which is underfunded this year. It has been funded properly in the past. It continues to be an important program, and part, Mr. Chairman, of what we are doing here today is hoping that with our support of this bill and our continuing working together with the chairman in a bipartisan fashion that as this bill goes to conference, some of the issues that are still not properly addressed will be addressed. I am confident that the COPS program enjoys a bipartisan constituency both here and in the Senate that will allow it to get the kind of dollars that it needs.

There are, and I can go on, some other issues that still need to be addressed, but on the whole, this bill, I believe, merits our support and this approach merits our support.

I am also happy at the fact that a key amendment that was important to all of us is in the bill, is protected by the rule and, I think, makes a serious statement about the bipartisan effort in our committee.

As I said before, I fully support this bill, and I would hope that at the end of the day, both sides of the aisle see it as the gentleman from Virginia (Chairman WOLF) and I do and give it their full support.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member, the gentleman that I said gives us the kind of support that we need on our side to function.

□ 1245

Mr. OBEY. Mr. Chairman, let me simply say that I will be supporting this bill, and I appreciate the approach taken by the subcommittee chairman in putting the bill together. He has, I think, been most fair and balanced in dealing with all of the pressures that were on him, and he has certainly been fair with us.

Let me say, however, having said that, that I think the allocation provided to this subcommittee was totally inadequate. And as the House by now has come to understand, I have had a series of amendments trying to limit the size of the tax cut which will be going to people who make more than $1 million a year in order to free up some additional investments in programs such as education, health care and the like.

We tried to do the same thing on this bill, but again, the Committee on Rules refused to make that amendment in order. And so we will not be able to offer and have considered by the House the amendment that would have used a tiny portion of those revenue resources to folks who make over $1 million a year in order to fund a number of law enforcement activities that we thought were very important.

I do want to mention one provision which is in this bill, which was adopted on a bipartisan basis in the committee, which I am very pleased about. As I think most Members know, there is considerable controversy about just how much of the Nation's airwaves ought to be owned by the media giants of this country.

The existing regulations had provided that no single corporation could own television stations that reached more than 35 percent of the national audience. The FCC, the Federal Communications Commission, in my view ill-advisedly, changed that to increase the percentage of national viewership that could be reached by a single corporate entity in the broadcasting business to 45 percent.

There is a great deal of consternation about that across the country, and I think that consternation is rooted in the fact that the public is beginning to understand that five media conglomerates, Viacom, Disney, AOL Time Warner, Newscorp and General Electric now control a 70 percent share of homes that are watching during prime time.

There are 91 major cable networks, 80 percent of which are owned by the same media conglomerates. Cable news networks are all owned by AOL Time Warner (CNN), Newscorp (Fox News), and General Electric, which is MSNBC and CNBC. The top 20 Internet news sites are also largely owned by the same media giants.

So, in my view, that is a severe threat to democracy. I am pleased that the committee adopted on a 40 to 25 vote the amendment that would assure that we would return to the initial 35 percent limit, rather than expanding it to the 45 percent limit that the FCC tried to foist on the country.

I want to make clear, this amendment does not go beyond television ownership. It does not get into issues such as cross-ownership between newspapers and television. I personally wish it did, because I do not like any of it. But the fact is that we have to be disciplined in deciding how much we can choose to take on at the same time without losing the whole argument.

So we have chosen to confine ourselves to this, the most egregious portion of the FCC rules, in an effort to protect local values, in an effort to protect local diversity of media voices.

I am very pleased that the committee has taken this position, and I would hope very much that the House would stand behind it as we move to conference with the Senate.

Mr. VITTER. Mr. Chairman, I rise to highlight a section of the Commerce, Justice, State, and the Judiciary bill that affects the citizens of LaSalle Parish, Louisiana. The bill contains provisions that separately direct the Office of Federal Detention Trustee and the Federal Bureau of Prisons to meet bed space needs using excess State and private prison capacity, if these facilities meet the agency's standards. In my home State of Louisiana, there is an empty private prison in Jena, that is located near the Federal Bureau of Prisons facilities at Oakdale and Pollock and near the U.S. Marshals Justice Prisoner and Alien Transportation System, which is commonly known as "CON–AIR."

I believe that Federal use of the Jena prison is a wise use of our government's resources. The folks in the LaSalle Parish are hard-working people that are committed to their community. Reopening this empty prison is of utmost importance to me, and I will continue to do everything within my power to see that it occurs.

Mr. BEREUTER. Mr. Chairman, this Member rises to express his support for H.R. 2799, a bill making appropriations for the Departments of Commerce, Justice, State and the Judiciary for FY 2004. In particular, this Member would like to thank the distinguished gentleman from Virginia (Mr. WOLF), Chairman of the Subcommittee and the distinguished gentleman from New York (Mr. SERRANO) for their hard work under difficult budget circumstances.

As a member of the House Caucus to Fight and Control Methamphetamine, this Member strongly supports the inclusion of $60 million for Methamphetamine Enforcement and Clean-Up, otherwise known as the "hot spots" program. These funds are critical in State and local efforts to combat the scourge of methamphetamine that is sweeping across our country.

This Member also appreciates the Subcommittee's commitment to Nebraska's efforts to fight a growing plague in Nebraska—the manufacture, trafficking and abuse of methamphetamine. The Nebraska State Patrol will continue the work began with the $500,000 appropriation from FY 2003, with an emphasis on funding for the cleanup of clandestine labs. In 1999, approximately 37 labs were discovered in Nebraska. By 2002, the problem had increased exponentially to 372 which in turn has placed a huge burden on Nebraska law enforcement. The Nebraska State Patrol will also use the funds for the State crime lab to investigate methamphetamine cases and to continue a drug treatment program for methamphetamine addicts.

Furthermore, this Member is pleased that $615 million is included in the bill for the popular and vital Byrne grant program. This appropriation is a top priority for Nebraska law enforcement. The Byrne grant program is critical in crime fighting efforts—and especially helpful to Nebraska law enforcement in fighting crimes related to drug use. Clearly, methamphetamine alone is the driving force behind the increase in crime in Nebraska.

The bill also includes important funds for the Juvenile Accountability Block Grants (JAIBG). These funds have been used throughout the State, and specifically assisted Douglas, Sarpy, and Lancaster counties in developing juvenile drug courts. Almost 50 young people have graduated from the drug courts over the last two years. In addition, Douglas and Lancaster counties have also utilized funds to develop computerized information systems and local graduated sanctions programs.

An additional program of importance to Nebraska law enforcement is the Regional Information Sharing Systems (RISS) program. This Member is pleased that funds are provided for this program. Nebraska is part of the regional Mid-States Organized Crime Information Center (MOCIC). The RISS program provides Nebraska law enforcement with a secure nationwide state-of-the-art information sharing system that uses web technology, allowing officers to access criminal activity information around the country in real time. Additional services include, but are not limited to, analytical assistance, high-tech surveillance equipment loans, intelligence publications, investigative funds, computer forensics and specialized training. As members of the MOCIC, many law enforcement agencies in Nebraska are able to share critical crime-fighting information that these agencies would otherwise not be able to access. As today's criminals become more mobile and technologically advanced, law enforcement's demands for RISS services continues to grow.

Mr. Chairman, in conclusion, this Member urges his colleagues to support H.R. 2799.

Mr. UDALL of Colorado. Mr. Chairman, I rise to state my disappointment with and strong opposition to this bill.

It is one thing to make government more lean; it is another thing to cut jobs year in and year out at facilities all over the country—not because there is fat to cut at these facilities, but because the Subcommittee allocation simply doesn't provide enough money to go around.

Under the bill as it stands, important scientific facilities in my district in Colorado—the National Institute of Standards and Technology and the National Oceanic and Atmospheric Administration—will see approximately 200 jobs lost, maybe more. NOAA's labs in Boulder will see a cut of 40 percent in funding in FY2004—that's nearly cutting its budget by half in one year! I don't have as precise information on NIST, but I am told NIST stands to lose roughly 300 jobs between its labs in Maryland and Colorado—fully 10 percent of its staff.

The bill doesn't fund mandatory cost-of-living increases for both NIST and NOAA—so funds for these increases come out of programs and out of the salaries of workers who are left without jobs. Further, the bill does not include funding for safety, maintenance and major repairs required at NIST's campus in Colorado. Without quality laboratory facilities, NIST cannot provide the standards and measurement support industry requires. The bill includes just two-thirds of base funds for NOAA's Space Environment Center in Colorado, which suffered similar shortfalls last year.

Perhaps most insulting of all—the bill would provide no funds for NOAA's facility in Colorado to pay its $4.5 million in rent. Conferees cut out funding for the rent in last year's bill at the last minute—which is maybe more understandable, as we all know that sometimes odd things happen in conference in the middle of the night. But this cut is far more egregious. It is one thing when programs are trimmed back—it is another when cuts in a bill literally take the clothes off our employees' backs. NOAA is a Federal agency. How can the Federal Government not pay its rent? How is NOAA supposed to meet this shortfall? Its workload remains the same, but NOAA's resources and workforce are getting progressively smaller.

I thought our goal is to create jobs! This bill will put hundreds of Federal employees out of work!

And the bill hurts the private sector too. It cuts by two-thirds the Manufacturing Extension Program, which assists thousands of small and medium-sized manufacturers across this country. This bill entirely eliminates the Advanced Technology Program, which helps small high-tech start-up companies bring research results to the proof-of-concept stage.

With manufacturing jobs being lost every month and high-tech companies struggling, now is not the time to turn our backs on the manufacturing community and our small high-tech entrepreneurs.

So, Mr. Chairman, I must completely oppose this bill. Unless the bill is greatly improved in conference, it will continue a pattern of bleeding these agencies dry—agencies that do so much to support our Nation's economy and the public's well-being. As the bill stands, it does not deserve the approval of the House.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 2799, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for Fiscal Year 2004. I am pleased to report that it is consistent with the levels established in H. Con. Res. 95, the House concurrent resolution on the budget for fiscal year 2004, which Congress adopted on April 10.

H.R. 2799 provides $37.9 billion in new budget authority [BA] and $40.989 billion in outlays for fiscal year 2004—a reduction of $1.287 billion in BA and an increase of $500 million in outlays from fiscal year 2003. Although budget authority in the bill declines by 3.3 percent from the previous year, it is $241 billion above the President's request.

The bill therefore complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

The bill contains $1.125 billion in BA savings—$1.095 in BA and $383 million outlays from changes in mandatory spending, and $30.5 million in rescissions of previously enacted BA. It does not designate any of the appropriations provided by this bill as an emergency.

In conclusion, I commend Chairman YOUNG and Subcommittee Chairman WOLF for their hard work and can appreciate the tough decisions that accompanied the crafting of this bill, especially given the current fiscal climate. It is my hope that Chairman YOUNG and Subcommittee Chairman WOLF will continue to weigh both the state of our economy and the safety of our Nation when they represent the House in conference with the Senate.

Mr. REGULA. Mr. Chairman, I rise in support of the Fiscal Year 2004 Commerce, Justice, State Appropriations bill and commend Chairman WOLF for a fair and balanced bill that funds the Justice Department, the Commerce Department, the Judiciary and the State Department.

I want to particularly commend the Chairman for a hearing that the Subcommittee held on May 22, 2003 regarding the impact of Chinese imports on U.S. companies. As a result of that hearing the bill today includes funding increases for our trade agencies so that they can better enforce existing trade agreements. Many witnesses at the hearing testified that their businesses were being overwhelmed by low-priced Chinese imports that are causing them to down-size and lay-off workers.

The Commerce Department must be more responsive to U.S. companies, and particularly those small- and medium-sized businesses, who are being harmed by imports. In my district, I have heard from many small- and medium-sized manufacturers who say they have had to lay-off workers because of Chinese imports.

According to a recent National Association of Manufacturers report, Ohio has lost 97,100 manufacturing jobs between July 2000 and December 2002. This represents an 8.9 percent decline in just over two years. Ohio had the third largest loss of manufacturing jobs behind California and Texas. I urge officials of our trade agencies to take notice of this manufacturing crisis in Ohio and in the U.S.

I will also work with the Chairman to seek restoration of funding for the Manufacturing Extension Program to last year's level as the bill moves forward. This program has been important in allowing small- and medium-sized manufacturers to modernize and remain competitive in the global marketplace.

I commend the Chairman further for the restoration of funds for State and local law enforcement efforts to fight crime in our local communities. This funding has allowed for the initiation of an important project in Stark County, Ohio to link the communications systems of all law enforcement agencies within the county. This will prevent the tragedy that occurred last year when an officer in one part of the county was shot even though agencies in the other part of the county knew an armed and dangerous man was on the loose.

I urge support of this important appropriations bill that funds our local, national and international security needs.

Mr. OSBORNE. Mr. Chairman, I rise in strong support of the Fiscal Year 2004 Departments of Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Act. I commend the gentleman from Virginia, Chairman WOLF and Ranking Member SERRANO for their hard work on this legislation.

This important spending bill provides critical funding for state and local law enforcement's crime fighting initiatives. I am particularly pleased that H.R. 2799 provides $500 million for the Byrne formula grant program. Byrne formula grants have long proven to be an important aid to law enforcement agencies and I know that Nebraska law enforcement officials have put this funding to good use.

In Nebraska, these funds support the multi-jurisdictional drug task forces that are invaluable in the state's efforts to combat the influx of methamphetamine (meth) in our communities. In addition, Byrne grants have enabled effective inter-agency and multi-jurisdiction co-operation, information sharing, and technology improvements.

According to the Nebraska Clandestine Lab Team, the number of methamphetamine labs busted in the state increased from 18 in 1998 to almost 250 last year. I cannot overstate the negative impact this dangerous drug is having on rural communities in my district. Given the vital role Byrne grants play in helping law enforcement officials fight meth production, I appreciate the committee's commitment to this important program.

As a Member of the Congressional Caucus to Fight and Control Methamphetamine, I strongly support the $60 million in funding for the Methamphetamine Enforcement and Clean-Up program included in H.R. 2799. This legislation sends a strong message to our local law enforcement agencies that the federal government is a partner in fighting the meth scourge in our communities.

Finally, I want to thank the committee for their commitment to the Nebraska State Patrol to carry out their comprehensive strategy for combating methamphetamine in Nebraska. These additional resources will enhance the efforts already in place in Nebraska to address the presence of clandestine labs, distribution of methamphetamine and the need for treatment.

I congratulate the Committee on bringing this legislation to the floor today, and urge my colleagues to support H.R. 2799.

Mr. SERRANO. Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Pursuant to the order of the House of today, no amendment to the bill may be offered except: pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; the amendments printed in the CONGRESSIONAL RECORD numbered 1 through 13; the amendments that have been placed at the desk; and two amendments offered by the gentleman from Michigan (Mr. LEVIN), each regarding the United States Trade Representative and labor standards.

Each amendment may be offered only by the Member designated, or a designee, or the Member who caused it to be printed or placed at the desk, or a designee, shall be considered read, and shall not be subject to a demand for division of the question.

The Clerk will read.

The Clerk read as follows:

H. R. 2799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $106,664,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided,* That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $10,172,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2003: *Provided further,* That not to exceed 31 permanent positions, 33 full-time equivalent workyears and $3,464,000 shall be expended for the Office of Legislative Affairs: *Provided further,* That not to exceed 15 permanent positions, 20 full-time equivalent workyears and $1,875,000 shall be expended for the Office of Public Affairs: *Provided further,* That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos: *Provided further,* That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: *Provided further,* That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

IDENTIFICATION SYSTEMS INTEGRATION

For necessary expenses for the nationwide deployment of a Joint Automated Booking System and for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint and image data, $20,677,000.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary expenses related to the design, development, engineering, acquisition, and implementation of office automation systems for the organizations funded under the headings "Salaries and Expenses, General Legal Activities", and "General Administration, Salaries and Expenses", and the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, the Bureau of Prisons, and the Office of Justice Programs, $30,136,000: *Provided,* That, of the funds made available under this heading, $22,000,000 shall not become available for obligation until September 15, 2004, and shall remain available until September 30, 2005.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $103,171,000, to remain available until September 30, 2005: *Provided,* That the Attorney General shall transfer to the "Narrowband Communications" account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further,* That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $1,000,000, to remain available until expended, to reimburse any Department of Justice organization for: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: *Provided,* That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: *Provided further,* That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $193,530,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service, $810,125,000, to remain available until expended: *Provided,* That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention; the management of funds appropriated to the Department of Justice for the exercise of any detention functions; and the direction of the United States Marshals Service with respect to the exercise of detention policy setting and operations for the Department: *Provided further,* That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended: *Provided further,* That the Trustee, working in consultation with the Bureau of Prisons, shall submit a plan for collecting information related to evaluating the health and safety of Federal prisoners in non-Federal institutions no later than 180 days following the enactment of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $56,245,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $10,609,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $620,533,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended, and of which not less than $1,996,000 shall be available for necessary administrative expenses in accordance with the Radiation Exposure Compensation Act: *Provided,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further,* That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $128,133,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, not to exceed $112,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year 2004 appropriation from the general fund estimated at not more than $16,133,000: *Provided further*, That, notwithstanding section 1353 of title 31, United States Code, no employee of the Antitrust Division may accept, nor may the Antitrust Division accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Antitrust Division, or represents a person or corporation subject to regulation by the Antitrust Division, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,526,253,000; of which not to exceed $2,500,000 shall be available until September 30, 2005, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 10,113 positions and 10,298 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $166,157,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $166,157,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year 2004 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,205,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, $678,672,000; of which $17,403,000 shall be available for 106 supervisory deputy marshal positions for courthouse security; of which not to exceed $6,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall be available for development, implementation, maintenance and support, and training for an automated prisoner information system and shall remain available until expended; of which $2,000,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended; and of which not to exceed $1,371,000 is for constructing United States Marshals Service prisoner-holding space in United States Courthouses and Federal buildings: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,240 positions and 4,074 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $156,145,000, to remain available until expended; of which not to exceed $8,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,526,000 and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $21,759,000, to be derived from the Department of Justice Assets Forfeiture Fund.

Federal Bureau of Investigation

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 2,454 passenger motor vehicles, of which 1,843 will be for replacement only; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C, $4,576,730,000; of which not to exceed $65,000,000 for automated data processing and telecommunications and technical investigative equipment, and not to exceed $1,000,000 for undercover operations, shall remain available until September 30, 2005; of which $490,104,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not less than $153,812,000 shall only be for Joint Terrorism Task Forces; and of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: *Provided*, That not to exceed $250,000 shall be available for official reception and representation expenses: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 28,378 positions and 26,805 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation.

FOREIGN TERRORIST TRACKING TASK FORCE

For expenses necessary for the Foreign Terrorist Tracking Task Force, including salaries and expenses, operations, equipment, and facilities, $61,597,000.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $1,242,000, to remain available until expended.

Drug Enforcement Administration

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and purchase of not to exceed 982 passenger motor vehicles, of which 886 will be for replacement only, for police-type use, $1,601,327,000; of which not to exceed $33,000,000 for permanent change of station shall remain available until September 30, 2005; of which not to exceed $1,800,000 for research shall remain available until expended; of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2005; and of which not to exceed $50,000 shall be available for official reception and representation expenses: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 8,358 positions and 8,018 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

INTERAGENCY DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $556,465,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Drug Enforcement Administrator for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures set forth in section 605 of this Act.

Bureau of Alcohol, Tobacco, Firearms and Explosives

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $18,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $831,199,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to other agencies or Departments in fiscal year 2004: *Provided further*, That no funds appropriated under this or any other Act may be used to disclose to the public the contents or any portion thereof of any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of section 923(g) of title 18, United States Code, except that this provision shall apply to any request for information made by any person or entity after January 1, 1998: *Provided further*, That none of the funds provided in this Act or any other Act for the enforcement or implementation of section 923(g)(5) of title 18, United States Code, shall be expended in a manner that requires any records regarding the acquisition or disposition of a firearm by a licensee to be submitted to the Bureau of Alcohol, Tobacco, Firearms, and Explosives by the licensee unless the records are specifically required during a bona fide criminal investigation to (1) determine the disposition of one or more firearms which are the subject of, or attendant to, the investigation, or (2) identify an individual offender who is the subject or target of the investigation: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That subparagraphs (A) and (B) of 28 U.S.C. 530C(b)(2), are amended by inserting "for the Bureau of Alcohol, Tobacco, Firearms and Explosives," after "Marshals Service," in each subparagraph.

Federal Prison System

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 838, of which 535 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,461,257,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2005: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $202,840,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), and the Victims of Crime Act of 1984, $209,131,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,640,861,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account): *Provided*, That all balances under this heading for programs to address violence against women may be transferred to and merged with the appropriation for "Violence Against Women Prevention and Prosecution Programs": *Provided further*, That funding provided under this heading shall remain available until expended as follows:

(1) $400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act and retroactive to October 1, 2000, Guam shall be considered as one "State" for all purposes under H.R. 728: *Provided*, That funding shall be available for the purposes authorized by part E of title I of the 1968 Act: *Provided further*, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which—

(A) $80,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104–294 (42 U.S.C. 13751 note): *Provided*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers;

(B) $20,000,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728; and

(C) $5,000,000 for USA Freedom Corps activities;

(2) $400,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act;

(3) $2,500,000 for the Cooperative Agreement Program for the improvement of State and local correctional facilities holding prisoners in custody of the U.S. Marshals Service;

(4) $13,000,000 for assistance to Indian tribes, of which—

(A) $8,000,000 shall be available for the Tribal Courts Initiative; and

(B) $5,000,000 shall be available for demonstration projects on alcohol and crime in Indian Country;

(5) $615,000,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which $115,000,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(6) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

(7) $70,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(8) $892,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(9) $55,000,000 for Drug Courts, as authorized by Part EE of title I of the 1968 Act;

(10) $1,487,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(11) $1,982,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(12) $10,000,000 for a prescription drug monitoring program;

(13) $60,000,000 for implementation of prison rape prevention and prosecution programs; and

(14) $1,000,000 for a State and local law enforcement hate crimes training and technical assistance program:

Provided further, That funds made available in fiscal year 2004 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses to implement "Weed and Seed" program activities, $51,811,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), $682,993,000, to remain available until expended: *Provided*, That funds that become available as a result of deobligations from prior year balances may not be obligated except in accordance with section 605 of this Act: *Provided further*, That section 1703(b) and (c) of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act") shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.).

Of the amounts provided—

(1) $20,662,000 for community policing training and technical assistance;

(2) $25,000,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the 1968 Act;

(3) $30,000,000 to improve tribal law enforcement including equipment and training;

(4) $60,000,000 for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in "drug hot spots";

(5) $28,315,000 for Police Corps education and training: *Provided*, That the out-year program costs of new recruits shall be fully funded from funds currently available;

(6) $100,000,000 for a law enforcement technology program;

(7) $56,924,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(8) $174,353,000 for a DNA analysis and backlog reduction formula program, of which—

(A) not less than $35,000,000 shall be for increasing State and local DNA laboratory capacity; and

(B) $10,000,000 shall be for discretionary research, demonstration, evaluation, statistics, technical assistance and training;

(9) $5,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act (42 U.S.C. 3797j et seq.);

(10) $40,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local U.S. Attorneys offices;

(11) $13,504,000 for an offender re-entry program, as authorized by Public Law 107–273;

(12) $17,000,000 for a police integrity program;

(13) $45,000,000 for Project Safe Neighborhoods to reduce gun violence, and gang and drug-related crime;

(14) $41,105,000 shall be available to the United States Marshals Service, of which—

(A) $28,519,000 shall be for the District of Columbia Superior Court Office; and

(B) $12,586,000 shall be for fugitive apprehension task forces with State and local law enforcement; and

(15) not to exceed $26,130,000 for program management and administration.

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); $387,629,000 (including amounts for administrative costs, which shall be transferred to and merged with the "General Administration" account), to remain available until expended.

Of the amount provided—

(1) $11,897,000 for the court appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $2,281,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $994,000 for grants for televised testimony, as authorized by part N of the 1968 Act;

(4) $183,334,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) $5,200,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(B) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, as authorized by the Juvenile Justice and Delinquency Act of 1974; and

(C) $15,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by Public Law 108–21;

(5) $64,503,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(6) $39,685,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(7) $4,957,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) $2,981,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) $9,935,000 to reduce violent crimes against women on campus, as authorized by section 1108(a) of Public Law 106–386;

(10) $39,740,000 for legal assistance for victims, as authorized by section 1201 of Public Law 106–386;

(11) $4,968,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40802 of the 1994 Act;

(12) $14,903,000 for the safe havens for children pilot program as authorized by section 1301 of Public Law 106–386; and

(13) $7,451,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106–386.

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 66, line 4, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the bill from page 34, line 21, through page 66, line 4, is as follows:

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the Act"), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $462,282,000, to remain available until expended, as follows:

(1) $7,000,000 for concentration of Federal efforts, as authorized by section 204 of the Act;

(2) $90,000,000 for State and local programs authorized by section 221 of the Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $40,000,000 for juvenile delinquency prevention block grants, as authorized by section 241 of the Act;

(4) $7,000,000 for research, evaluation, training and technical assistance, as authorized by sections 251 and 252 of the Act;

(5) $50,000,000 for demonstration projects as authorized by sections 261 and 262 of the Act;

(6) $92,282,000 for delinquency prevention, as authorized by section 505 of the Act, of which—

(A) $12,500,000 shall be for the Tribal Youth program;

(B) $20,000,000 shall be for a gang resistance education and training program to be coordinated with the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(7) $25,000,000 for Project Childsafe;

(8) $20,000,000 for the Secure Our Schools Act as authorized by Public Law 106–386;

(9) $20,000,000 for Project Sentry to reduce youth gun violence, and gang and drug-related crime;

(10) $11,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(11) $100,000,000 for the Juvenile Accountability Block Grants program as authorized by Public Law 107–273 and Guam shall be considered a State.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); $4,000,000, to remain available until expended for payments as authorized by section 1201(b) of said Act and $3,500,000 for education assistance, as authorized by section 1212 of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated: *Provided further*, That rewards made pursuant to section 501 of Public Law 107–56 shall not be subject to this section.

SEC. 106. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 107. Section 114 of Public Law 107–77 shall remain in effect during fiscal year 2004.

SEC. 108. Authorities contained in the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273) shall remain in effect until the effective date of a subsequent Department of Justice appropriations authorization Act.

This title may be cited as the "Department of Justice Appropriations Act, 2004".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $41,994,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That not less than $2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c).

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $57,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $395,123,000, to remain available until expended, of which $13,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $46,669,000 shall be for Manufacturing and Services; $38,204,000 shall be for Market Access and Compliance; $68,160,000 shall be for the Import Administration of which $3,000,000 is to establish an Office of China Compliance; $217,040,000 shall be for the United States and Foreign Commercial Service of which $1,500,000 is for the Advocacy Center, $2,500,000 is for the Trade Information Center, and $2,100,000 is for a China and Middle East Business Center; and $25,050,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $68,203,000, to remain available until September 30, 2005, of which $7,203,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $288,115,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,565,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $29,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $75,000,000, to remain available until September 30, 2005.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $220,908,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2010 decennial census, $260,200,000, to remain available until September 30, 2005: *Provided*, That, of the total amount available related to the 2010 decennial census, $112,090,000 is for the Re-engineered Design Process for the Short-Form Only Census, $64,800,000 is for the American Community Survey, and $83,310,000 is for the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $180,853,000, to remain available until September 30, 2005, of which $80,082,000 is for economic statistics programs and $100,771,000 is for demographic statistics programs: *Provided*, That regarding engineering and design of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds provided in this or any other Act under the heading "Bureau of the Census, Periodic Censuses and Programs" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $14,604,000: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $2,538,000, as authorized by section 391 of the Act: *Provided*, That, notwithstanding section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, $15,402,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That not to exceed $3,097,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That, notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,138,700,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2004, so as to result in a fiscal year 2004 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2004, should the total amount of offsetting fee collections be less than $1,138,700,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: *Provided further*, That an additional amount not to exceed $100,000,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2004, to remain available until expended: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2004 for official reception and representation expenses.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology Office of Technology Policy, $7,822,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $357,862,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $39,607,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $62,590,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized, $2,180,454,000: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That, in addition, $79,251,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That, of the $2,276,705,000 provided for in direct obligations under this heading (of which $2,180,454,000 is appropriated from the General Fund, $79,251,000 is provided by transfer, and $17,000,000 is derived from deobligations from prior years), $363,239,000 shall be for the National Ocean Service, $545,072,000 shall be for the National Marine Fisheries Service, $306,443,000 shall be for Oceanic and Atmospheric Research, $713,773,000 shall be for the National Weather Service, $146,334,000 shall be for the National Environmental Satellite, Data, and Information Service, and $201,844,000 shall be for Program Support: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity so that total National Oceanic and Atmospheric Administration administrative expenses shall not exceed $243,000,000: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act: *Provided further*, That none of the funds under this heading are available to alter the existing structure, organization, function, and funding of the National Marine Fisheries Service Southwest Region and Fisheries Science Center and Northwest Region and Fisheries Science Center: *Provided further*, That funding provided under this heading for ocean and coastal observing system grants shall require an equal match from other non-Federal sources: *Provided further*, That, hereafter, the Secretary of Commerce may enter into cooperative agreements with the Joint and Cooperative Institutes as designated by the Secretary to use the personnel, services, or facilities of such organizations for research, education, training, and outreach.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $794,059,000, to remain available until September 30, 2006, except for funds appropriated for the National Marine Fisheries Service Honolulu Laboratory and for the National Environmental Satellites, Data, and Information Service, which shall remain available until expended: *Provided*, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $90,000,000.

FISHERIES FINANCE PROGRAM ACCOUNT

Funds provided under this heading for the costs of direct loans authorized by the Merchant Marine Act of 1936, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $59,000,000 only to finance fishing capacity reduction programs, individual fishing quotas, reconditioning of fishing vessels for the purpose of reducing bycatch or reducing capacity in an overfished or over-capitalized fishery, and the purchase of assets sold at foreclosure instituted by the Secretary of Commerce: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $44,662,000: *Provided*, That not to exceed 11 full-time equivalents and $1,621,000 shall be expended for the legislative affairs function of the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $22,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. Hereafter, none of the funds made available by this or any other Act for the

National Oceanic and Atmospheric Administration may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department of Commerce and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2004 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2004 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2004".

TITLE III—THE JUDICIARY

Supreme Court of the United States

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $55,360,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect as authorized by law, $10,591,000, which shall remain available until expended.

United States Court of Appeals for the Federal Circuit

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $20,665,000.

United States Court of International Trade

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $14,068,000.

Courts of Appeals, District Courts, and Other Judicial Services

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,004,176,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $3,293,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $613,948,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $53,181,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $288,941,000, of which not to exceed $10,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

Administrative Office of the United States Courts

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $66,968,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

Federal Judicial Center

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $21,440,000; of which $1,800,000 shall remain available through September 30, 2005, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $25,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $700,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,600,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $12,746,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. (a) The Supreme Court shall establish a pilot program under which the Court may repay (by direct payment on behalf of the employee) any student loan (up to $6,000 per year) previously taken out by an employee serving as a full-time judicial law clerk for the Court.

(b) The Court shall promulgate such regulations as may be necessary to carry out such a program and notify the Committees on Appropriations of the regulations prior to implementing the pilot program.

This title may be cited as the "Judiciary Appropriations Act, 2004".

The CHAIRMAN. Are there points of order against provisions in that portion of the bill?

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would reserve a point of order, on page 47.

The CHAIRMAN. Does the gentleman make a point of order?

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would reserve points of order.

The CHAIRMAN. The gentleman may not reserve points of order.

Mr. TOM DAVIS of Virginia. Can I strike the last word?

The CHAIRMAN. If the gentleman were to offer a pro forma amendment, then the point of order would come too late.

Members are advised that any points of order in this portion of the bill which we are discussing must be enacted prior to any amendments being offered. Therefore, if the point of order is to be made, it must be made now.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I am not going to make any points of order in this section.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, two sections of this, on page 47 and page 55, lines 19 through 23, there are two sections here that are basically legislating on an appropriations bill over which our committees has jurisdiction. We have discussed these sections with the gentleman from Virginia and have come to an agreement that we will not at this point exercise a point of order, but want to work with the committee in the future as they draft these bills to work with our committee so that we can craft appropriate language to meet our mutual goals.

Is the gentleman in agreement?

Mr. WOLF. Mr. Chairman, reclaiming my time, I absolutely am. These are provisions that have been carried before. The gentleman is the new chairman of that committee. Before we do that next year, we will sit down with the gentleman.

Mr. Chairman, I thank the gentleman for bringing these to our attention and for not striking.

The CHAIRMAN. Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,453,260,000: *Provided*, That not to exceed 69 permanent positions and $7,311,000 shall be expended for the Bureau of Legislative Affairs: *Provided further*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, of the amount made available under this heading, $301,563,000 shall be available only for public diplomacy international information programs: *Provided further*, That, of the amount made available under this heading, not to exceed $48,000,000 shall be available for the Bureau of International Organization Affairs: *Provided further*, That of the amount made available under this heading, $3,000,000 shall be available only for the establishment and operations of an Office on Right-Sizing the United States Government Overseas Presence: *Provided further*, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed $1,371,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $646,701,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $142,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading: *Provided further*, That, of the funds made available under this heading, $84,000,000 is for worldwide infrastructure replacement only, which amount shall not become available for obligation until September 15, 2004.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $29,777,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96-465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $345,346,000, to remain available until expended: *Provided*, That not to exceed

$2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $9,000,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $10,000,000, to remain available until September 30, 2005.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $532,935,000, to remain available until expended as authorized, of which not to exceed $15,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $861,400,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $1,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $18,782,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $134,979,000.

International Organizations

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,010,463,000: *Provided*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed the adopted budget for the biennium 2002–2003 of $2,891,000,000: *Provided further*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $550,200,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable) (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

International Commissions

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $25,668,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,500,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $8,944,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $16,989,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

Other

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $10,376,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2004, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2004, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $42,000,000 to remain available until expended.

RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, installation, rent, and improvement of facilities for radio and television transmission and reception to Cuba, $552,105,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $11,395,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2004".

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107-273, $1,499,000, to remain available until expended.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99-83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), $3,000,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, $1,615,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $1,800,000, including not more than $3,000 for the purpose of official representation, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $328,400,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $278,958,000: *Provided*, That $269,000,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation estimated at $9,958,000: *Provided further*, That any offsetting collections received in excess of $269,000,000 in fiscal year 2004 shall remain available until expended, but shall not be available for obligation until October 1, 2004: *Provided further*, That, notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Federal Communications Commission may accept, nor may the Commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling a Commissioner or employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Commission, or represents a person or corporation subject to regulation by the Commission, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

☐ 1300

POINT OF ORDER

Mr. UPTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. UPTON. Mr. Chairman, on page 81, "Federal Communications Commission, salaries and expenses," I believe that it is an authorization on an appropriations bill. It is not authorized.

The CHAIRMAN. Is the gentleman identifying the last proviso of the paragraph?

Mr. UPTON. Yes.

The CHAIRMAN. Is there discussion on the point of order?

Mr. WOLF. Mr. Chairman, there was an analysis of the FCC's travel paid for by non-Federal sources. They found that agency officials took more than 2,500 industry-sponsored trips between May of 1995 and February of 2003, costing $2.8 million. Each of the current commissioners took trips. One commissioner took 44 trips during that time frame, including trips to Las Vegas, Hawaii, and London.

When the issue came out, a member of the FCC staff said that it was because the Committee on Appropriations did not fund their travel. That is not accurate. And as a result of that, we wanted to do this.

One commissioner, who has only been a commissioner since July of 2001, took 12 trips valued at over $14,000. One career employee took 104 trips valued at $150,000, including to France, Japan, Singapore, the United Kingdom, and Sweden. That means the regulatees are paying for the trips of the regulator.

So the reason we are putting this in, I would say to my friend from Michigan, was that when this study came out, the FCC said the reason they had to do this was because they were not being adequately funded, which was not accurate and, therefore, they are adequately funded to travel. I think from a public interest point of view, to allow one person to take 104 trips valued at almost $150,000 to France, Japan, Singapore, the United Kingdom, and Sweden was why the subcommittee did that from a public policy point of view.

Mr. UPTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman from Virginia may not yield in the debate on the point of order.

The Chair will hear each Member individually on the point of order.

Do other Members wish to be heard on the point of order?

Mr. TOM DAVIS of Virginia. Mr. Speaker, I wish to be heard. Let me just say this also falls under the jurisdiction of the Committee on Government Reform. I was coming over to also offer our objection to this section because this was put in without consultation with our committee, and this is under our jurisdiction.

However, after listening to the gentleman from Virginia explain the rationale put forward by both the Federal Communications Commission in defending the policy and looking at the wide array of special interest trips that have been paid for by special interests to employees of the FCC, this is probably an appropriate vehicle to try to stop that process and try to raise the regulatory regime there to make it freer from interest group influence.

Obviously, if somebody goes on a paid-for trip, is put up in a hotel, gets their golf game paid for, and it is paid for by an interest group that is regulated by the FCC, we should stop it.

So we are not going to exercise a motion to strike on this. I agree with the gentleman from Virginia. I appreciate him bringing this forward. I hope he will work with us during the next year as we craft these together so that we can keep these jurisdictionally a little bit clearer.

The CHAIRMAN. Does the gentleman from Michigan wish to be heard on his point of order?

Mr. UPTON. No. I think enough has been said.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this provision explicitly supersedes existing law. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill.

Are there amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

Federal Trade Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $183,041,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $112,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That $20,100,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year 2004 appropriation from the general fund estimated at not more than $50,941,000: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285): *Provided further*, That, notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Federal Trade Commission may accept, nor may the Commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling a Commissioner or employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Commission, or represents a person or corporation subject to regulation by the Commission, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

POINT OF ORDER

Mr. UPTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. UPTON. Mr. Chairman, the final proviso under the heading "Federal Trade Commission salaries and expenses," page 84, line 15 through 85, line 3 of the bill violates clause 2 of rule XXI of the rules of the House prohibiting legislation on appropriations bills.

This provision bans commissioners and employees of the FTC to accept payment or reimbursement of a non-Federal entity for travel and related expenses, and would apply towards travel to a convention, conference, or meeting. The only exception provided for in the bill is if the person or corporation paying is an organization exempt from taxation pursuant to 501(c)(3) of the IRS code of 1986.

In short, this language clearly constitutes legislation on an appropriations bill in violation of clause 2, rule XXI of the rules of the House, because it changes current law, and I insist on my point of order.

The CHAIRMAN. Do other Members wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill.

Are there amendments to this portion of the bill? If not, the Clerk will read.

The Clerk read as follows:

Legal Services Corporation

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $338,848,000, of which $319,548,000 is for basic field programs and required independent audits; $2,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,300,000 is for management and administration; and $3,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2003 and 2004, respectively.

Marine Mammal Commission

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $1,856,000.

National Veterans Business Development Corporation

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, $2,000,000.

Securities and Exchange Commission

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $841,500,000; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $738,500,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $103,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2004 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2004 appropriation from the general fund estimated at not more than $0: *Provided further*, That, notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Securities and Exchange Commission may accept, nor may the Commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling a Commissioner or employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Commission, or represents a person or corporation subject to regulation by the Commission, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $326,592,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $13,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,910,000, to be available until expended; and for the cost of guaranteed loans, $84,805,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2005: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2004 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed $4,500,000,000: *Provided further*, That during fiscal year 2004 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further*, That during fiscal year 2004 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act: *Provided further*, That during fiscal year 2004 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $10,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, $72,665,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $117,585,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $108,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,085,000 is for indirect administrative expenses: *Provided*, That any amount in excess of $9,085,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $3,000,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Virginia (Mr. TOM DAVIS), my good friend.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank the gentleman for yielding. Again, section 603 puts a limitation on 5 United States Code section 3109 and restricts the use of temporary outside consultants and experts by the Departments of Commerce, Justice and State to contracts that are a matter of public record.

Because of exceptions to this section, it does not significantly restrict these outside consultants. But this again falls under the jurisdiction of the Committee on Government Reform. We have consulted with the chairman on this. He feels very strongly about this issue. We will not raise a point of order on this, but hope that in the future we can work together on these sections, exercising our joint jurisdictions for the public benefit.

Mr. WOLF. Mr. Speaker, reclaiming my time, we will do that, I can assure the gentleman.

The CHAIRMAN. Are there amendments to section 603?

☐ 1315

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. MANZULLO) about an amendment that we are prepared, when we go to conference, to make sure it is not in the bill, which is what he desired. Since his time has passed, and in fairness to others who missed that time, rather than going back, and there may be an objection, I just want to assure the gentleman from Illinois (Mr. MANZULLO) that what he is offering, working with the gentleman from New York (Mr. SERRANO), we will accept that amendment and strike it when we go to conference, in fairness to the gentleman.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I appreciate the gentleman yielding.

Just to identify the amendment, it would be the amendment that occurs on .051, so the Clerk would know that to which we refer, dealing with the Small Business Administration Business Loan Program Account. And I would thank the gentleman from Virginia (Mr. WOLF) for making sure that this provision would go into the conference report.

Mr. WOLF. Reclaiming my time, I will do that and work with the gentleman from New York (Mr. SERRANO); and in order to protect the gentleman's interests, we will do that.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, we would agree with the chairman and be committed to doing that.

Mr. WOLF. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of the fiscal year 2004 Commerce-Justice-State appropriations bill. I want to thank the gentleman from Virginia (Mr. WOLF) and his staff for their efforts. I know this was a difficult bill to reconcile.

As chairman of the House Subcommittee on Environment, Technology and Standards of the Committee on Science, my subcommittee authorizes and oversees more than 70 percent of the Department of Commerce's budget through the National Oceanic and Atmospheric Association, known as NOAA, and the National Institute for Standards and Technology, known as NIST. While the gentleman from Virginia (Chairman WOLF) did the very best that he could for these agencies, I do have serious concerns, especially about funding for NIST laboratories. Much of the technology and standards that we use day to day comes directly from research by scientists at NIST. The work at the institute is vital to our efforts on cyber-security, building safety, voting standards and nano-technology to name just a few.

These laboratories are home to some of the Nation's best and most gifted scientists, including two Nobel Laureates. While the funding level for their laboratories is $800,000 more than last year, NIST needs about $3 million just to cover the 4.1 percent mandatory cost-of-living adjustments, leaving about a $2 million shortfall. This shortfall could result in about 50 scientists being let go. We cannot afford to lose their expertise and the vital work they do every day.

I pledge to work with the gentleman from Virginia (Chairman WOLF) as the bill moves forward to help find the resources to cover this shortfall in the NIST laboratory account.

Regarding NOAA, I am pleased that the gentleman from Virginia (Mr. WOLF) funded many of the programs that are important to the Committee on Science, such as weather satellites, climate change research and especially funding to upgrade the NOAA weather system to be a fully automated, all-hazard warning system, not just for weather emergencies, but for chemical spills and even terrorist attacks. This warning system truly helps to save lives every day. Those who have these radios can receive alerts 24 hours a day even when the radio is turned off or when people are asleep.

Again, I want to thank the gentleman from Virginia (Mr. WOLF) and his staff for working with me and the Committee on Science on these issues and I urge passage of this important bill.

The CHAIRMAN. Are there amendments to section 605?

PREFERENTIAL MOTION OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 77, noes 335, not voting 22, as follows:

[Roll No. 402]

AYES—77

Ackerman
Allen
Baldwin
Ballance
Bell
Berry
Bishop (NY)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Clyburn
Cooper
Crowley
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Doggett
Dooley (CA)
Engel
Eshoo
Etheridge
Filner
Ford
Gordon
Grijalva
Hastings (FL)
Hinchey
Inslee
Israel
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Larsen (WA)
Lewis (GA)
Lipinski
Majette
Maloney
Michaud
Millender-McDonald
Nadler
Napolitano
Neal (MA)
Oberstar
Pelosi
Ross
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Sherman
Solis
Stark
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Waters
Watson
Watt
Woolsey

NOES—335

Abercrombie
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English
Evans
Everett
Farr
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella.
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Isakson
Issa
Istook
Jackson (IL)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)

Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Andrews
Baird
Ballenger
Berkley
Blunt
Conyers
DeLay
Dunn
Ferguson
Gephardt
Gonzalez
Hensarling
Hunter
Hyde
Jefferson
McIntyre
Meek (FL)
Nussle
Payne
Peterson (PA)
Platts
Slaughter

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1343

Ms. ROYBAL-ALLARD, Messrs. SOUDER, OSBORNE and EMANUEL, Mrs. DAVIS of California, Mr. OLVER and Ms. McCOLLUM changed their vote from "aye" to "no."

Ms. LINDA T. SÁNCHEZ of California changed her vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. McINTYRE. Mr. Chairman, on rollcall No. 402, I was unavoidably detained. Had I been present, I would have voted "aye."

The CHAIRMAN pro tempore. Are there any amendments to section 605?

If not, the Clerk will read.

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The motion to strike the last word is not in order from the gentleman from Vermont.

If there are no further amendments to Section 605, the Clerk will read.

☐ 1345

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Under the rule of the order of the House of today, the gentleman from Vermont (Mr. SANDERS) cannot strike the requisite number of words or any number of words. That privilege is accorded only to the subcommittee chairman and the ranking minority member.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent to have 2 minutes to address the House.

Mr. ISSA. Mr. Chairman, I object.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank my friend.

First, I want to apologize to my friends for forcing them to vote. I have never done this before. It is not my style.

I had an amendment at the desk dealing with an issue of deep concern to tens of millions of Americans and, I think, a majority of the Members of this body, and that is to make an important change to the USA PATRIOT Act so that the FBI is not given carte blanche to go into our libraries or our book stores with no probable cause.

Now, I understand that there are Members who may disagree with that notion. I would tell my colleagues that we have 129 cosponsors, conservatives, liberals, progressives, and the support of the American Library Association, the American Book Sellers Association. What is disturbing me very much is the possibility that this important issue, and both sides of the issue, will not be allowed to be debated this afternoon in this legislation.

Mr. Chairman, I brought forth an amendment which is at the desk. We needed to make, upon advice from the Parliamentarian, some minor modification. I asked the chairman of the committee to give us unanimous consent to make a minor modification so that we could debate both sides of this issue, one of the most important civil liberties problems facing the United States of America, and the chairman refused that courtesy.

So let me be very clear. The American people have a right to read without the FBI looking over their shoulder. The American people have a right to have that issue debated on the floor, and I intend, with my colleagues, to do everything I can to make certain that that occurs.

Mr. ENGEL. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New York.

Mr. ENGEL. Mr. Chairman, I absolutely agree with everything the gentleman from Vermont said. I support what he is trying to do about the PATRIOT Act.

I do not very often get up to complain about procedure here, but I want to just express my frustration in being a member of the Committee on Energy and Commerce, the authorizing committee. I had an amendment that I was going to introduce. As of 8 p.m. last night, we did not see a bill, so there was no way we could draft the amendment. And then this morning, with the UC agreed to, it effectively cut out members of the Committee on Energy and Commerce that had a bill that deals with our committee that had an amendment.

I just find it very, very frustrating that this UC was done, and had I been on the floor I would have objected.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Anybody who knows me knows that I am not interested in promoting the Republican agenda. I think that is a safe assumption on both sides of the aisle. But I want to say that I want to defend the subcommittee chairman in this instance.

What happened today is that the schedule for these bills was changed suddenly, with the support of both sides of the aisle, and I appreciate the fact that the change was made. I think it was helpful. So this bill was brought up instead of the Foreign Operations bill. That meant that for us to proceed, we needed to have a unanimous consent agreement on the scope of amendments that would be considered by the House so that Members would have some idea of what the schedule would be.

So what happened is that our staff, understanding what we were trying to do, put together their understandings of what the amendments were, and that was included in the UC agreement.

The gentleman indicated that he had an amendment which is not in order under the rules and needed to be changed somewhat. My understanding is that he asked the gentleman from Virginia to agree to a unanimous consent request. The gentleman from Virginia, in essence, said I cannot do that for you without doing it for other people because then we unravel the whole UC agreement. I think the gentleman from Virginia, under the circumstances, was correct.

Now, I happen to support the content of the Sanders amendment, but I have stood on this floor and I have stood in the whip's meeting, and I have stood in the Democratic Caucus, and I have said to people time and time again, if you want us to protect your amendments, please at least give us adequate notice so that we can try to find ways to do that.

We cannot anticipate, Mr. Chairman. We cannot anticipate all of the amendments that Members want to offer if we have not been given enough lead time ourselves so we can work with those Members.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. WOLF) has expired.

(By unanimous consent, Mr. WOLF was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, will the gentleman continue to yield?

Mr. WOLF. I continue to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman.

Even when we do get notice, sometimes we screw up, and we may have screwed up in a couple of instances today. But all I can say to each and every Member is, we try to cooperate on both sides of the aisle in protecting Members.

We protected three amendments from this side of the aisle today, with which I fundamentally disagree, and there are a number of other amendments that I do not think should be here either; but we put them all in because that is what we thought the universe was.

With respect to the Sanders amendment, all I can say to the gentleman is, if the gentleman had come to the committee and given us enough time to work with him, we probably could have worked this out. But I fully understand why the gentleman from Virginia thinks that he had to object. He is trying to be fair to both sides, and I think the gentleman owes us notice if he expects us to try to protect his amendments.

Mr. WOLF. Mr. Chairman, reclaiming my time, other Members have been in this situation. The gentleman from Illinois (Mr. MANZULLO) missed the opportunity and could not offer an amendment. The gentleman from Indiana (Mr. PENCE) missed the opportunity and could not offer an amendment, as did the gentleman from Illinois (Mr. SHIMKUS). And I think there were several over on that side. And once you have told them that they have missed their opportunity, to do this now, in essence, I would have to go back.

Also, there are a large number of other amendments that are subject to a point of order.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, in terms of the gentleman from Wisconsin (Mr. OBEY), what I would say with regard to his asking us to give notice, I did not have warning. I turned on the television and found this bill on the floor of the House. Nobody gave us warning this bill was coming to the floor of the House.

Second of all, this is a legislative body. I know the gentleman from Virginia (Mr. WOLF) is a fair man, and if other people have missed their amendments, presumably because this bill has moved so fast, maybe we should give them a chance to have their amendments discussed and debated. That is what we are supposed to do.

This is an enormously important issue. Let us have that debate. Let us have those votes.

But I have to tell my colleagues that on an issue of this importance, I am going to be fighting for it, and I am not going to give up. We are going to have a vote on this.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

For my part, I would like to comment on what the gentleman from Wisconsin (Mr. OBEY) said. We take our responsibilities seriously. We have a chairman, we have a ranking member of a subcommittee, and we have a chairman and a ranking member of the full committee. Our intent at all times is to look out for our side, for our needs for the American people, and for the committee package and product in general.

We run into situations like we had today where the schedule was changed, where time ran against us, and we try to do the best possible work that we can do. But I think it would be unfair and perhaps improper to suggest that everyone somehow was involved in trying to keep one amendment or one change or one person from speaking, because that is not true and that is not the case.

What we have here today is the fact that we have a bill that deals with a lot of issues that we need to get out of the House. We have a bill that has a time in terms of making sure that these issues are spoken about prior to the August recess, so we can send the proper message to the State Department and the Justice Department and the embassy security people and the FBI and DEA and all the other people that we deal with. We are trying to accommodate everyone.

Members have to understand that there is one request that I make, and, listen, I get as angry as everybody else about things that happen around here, but one request, and that is, as the ranking member of a subcommittee, and my colleagues know that I am working on a bill for the last 6, 7, 8, 9 months, and this is from the beginning of the session, it is not too much to ask that 2 or 3 days before today to let me know what is going on so I can play my role in being protective, not giving me a general idea, but give me some specifics as to where we are going.

We have a unanimous consent statement and we have to live by it. But, please, let us do one thing, and this is where I join the gentleman from Wisconsin (Mr. OBEY) strongly today. The gentleman from Virginia (Mr. WOLF) is a fair man, and nothing he does is done improperly, and I want to make that clear.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me say, Mr. Chairman, that the gentleman from Vermont indicated that he turned on the television set and discovered the schedule had been changed. I discovered that the schedule had been changed in the middle of the rule vote just minutes before the change was made. The clock runs as fast for managers of the bill on both sides of the aisle as it runs for any other Member.

So what we tried to do was to take the specific amendments that we knew of and tried to protect them. I know of several other instances in which general amendments had been described to me, but about which I knew nothing in terms of specific content.

We cannot protect concepts; we have to know what the specific amendments are. And that is why I repeat, if Members want us to protect their rights, and we have an obligation to protect their rights, they owe us the consideration of talking to us enough ahead of time so that when the schedule changes, nobody gets trapped. We cannot help if we do not know in time to help.

There are concurrent responsibilities. I think the Committee on Appropriations on both sides of the aisle meets those responsibilities pretty doggone well. I think we try to protect the interests of Members pretty doggone well. We need more of your help than we are getting sometimes if we are going to do that. That is all I want to ask.

If you want an amendment protected, you cannot come up to us 5 minutes before the bill is going to come up on the floor and say, "I have an amendment, how about it?" It has to be checked out, it has to be staffed out, and it has to be checked with the Parliamentarian.

Mr. SERRANO. Mr. Chairman, reclaiming my time, let me just add to the statement of the gentleman from Wisconsin (Mr. OBEY), this staff that we see around us, and this is not buttering anybody up, works 24-7, especially during the appropriations period, which for us starts in January with over 20-odd hearings. All I am asking as a ranking member, for both sides, is to give us the specifics a few days before. That is what the gentleman from Wisconsin (Mr. OBEY) asked for and that is all that we need so that we can be supportive to Members' needs.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I do not ascribe venal intent on the part of the gentleman from New York (Mr. SERRANO) or the chairman. This was switched at the last moment.

But given the idea that a UC is supposed to be something that is done by a consensus, and it is clear there were Members on that side that were shut out, Members on this side, including myself, and the gentleman from Vermont wants to make a technical correction, if the true intent was to create a consensus decision on limiting time, something that I support, perhaps the best way to do this is to do this: Now that everyone is on notice, have the committee rise, in the Committee of the Whole, and simply do a new UC.

Mr. SERRANO. Reclaiming my time, Mr. Chairman. We have an agreement on the floor, and we should live with that agreement.

The CHAIRMAN. Are there further amendments to this section of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

□ 1400

PREFERENTIAL MOTION OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 84, noes 319, not voting 31, as follows:

[Roll No. 403]

AYES—84

Abercrombie
Baird
Ballance
Bell
Berry
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Clyburn
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Gordon
Grijalva
Hastings (FL)
Hinchey
Holt
Honda
Inslee
Israel
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kleczka
Kucinich
Lampson
Larsen (WA)
Lee
Lewis (GA)
Maloney
McIntyre
Michaud
Millender-McDonald
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Paul
Pelosi
Rangel
Rodriguez
Ross
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Sherman
Slaughter
Solis
Stark
Strickland
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Waters
Watson
Watt
Waxman
Woolsey

NOES—319

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Isakson
Issa
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—31

Andrews
Ballenger
Berkley
Cardoza
Carson (OK)
Conyers
Davis, Jo Ann
Dicks
Dooley (CA)
Edwards
Fattah
Ferguson
Gephardt
Hensarling
Hunter
Hyde
Istook
Kaptur
Kirk
Lipinski
Manzullo
Meek (FL)
Miller (FL)
Moran (VA)
Norwood
Payne
Peterson (PA)
Pryce (OH)
Scott (VA)
Tancredo
Wilson (SC)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1424

Mr. JOHN changed his vote from "aye" to "no."

Mr. HONDA changed his vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 605?

The Clerk will read.

The Clerk read as follows:

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I make a point of order against section 607 (a) and (b) on the grounds that this section changes existing law in violation of clause 2(b) of House rule XXI. And it is therefore legislation included in a general appropriations bill.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The provision proposes to state a legislative position of the House and includes language imparting direction.

As such, the provision constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

PREFERENTIAL MOTION OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote and, pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum.

The Chair, in careful counting, counts 101 Members. A quorum is present.

Mr. KUCINICH. Mr. Chairman, I request a division of the House.

The CHAIRMAN. Does the gentleman withdraw his request for a recorded vote at this point?

Mr. KUCINICH. No.

The CHAIRMAN. The Chair will count for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 75, noes 307, not voting 52, as follows:

[Roll No. 404]

AYES—75

Ackerman
Baird
Ballance
Berry
Bishop (NY)
Blumenauer
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clyburn
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Doggett
Engel
Eshoo
Evans
Farr
Feeney
Filner
Grijalva
Hastings (FL)
Hinchey
Honda
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Kanjorski
Kaptur
Kleczka
Kucinich
Lampson
Larsen (WA)
Lee
Lewis (GA)
Majette
Maloney
Markey
McGovern
McIntyre
Meehan
Meeks (NY)
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Paul
Pelosi
Rangel
Rush
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Sherman
Slaughter
Solis
Stark
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Waters
Watson
Watt
Waxman
Woolsey

NOES—307

Abercrombie
Aderholt
Akin
Alexander
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Flake
Fletcher
Foley
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Isakson
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McHugh
McInnis
McKeon
McNulty
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Petri
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—52

Allen
Andrews
Baca
Bachus
Berkley
Bishop (UT)
Boucher
Carson (OK)
Clay
Conyers
Cubin
Delahunt
Fattah
Ferguson
Ford
Fossella
Gallegly
Gephardt
Gibbons
Hensarling
Hunter
Hyde
Janklow
Johnson, Sam
Jones (NC)
Jones (OH)
Kingston
Linder
Lucas (KY)
Manzullo
Marshall
McCrery
Meek (FL)
Miller (FL)
Miller (NC)
Ney
Nussle
Payne
Peterson (PA)
Pickering
Pitts
Reyes
Rogers (KY)
Royce
Sabo
Sanchez, Loretta
Scott (VA)
Souder
Tancredo
Velázquez
Wilson (SC)
Wynn

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1450

Mrs. CAPITO, Ms. HART, and Mr. GERLACH changed their vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, as my colleagues are aware, I had an amendment that would have been considered today that I am also offering today as freestanding legislation regarding the United Nations Reassessment Act of 2003, which would call for a conclusion of Congress, a sense of Congress, that the representative of the United States to the U.N. would seek an agreement to lower the assessment level of the United States for the regular budget of the United Nations when the U.N. Committee on Contributions considers the scale of assessments for member nations for the period 2004 through 2006.

Many Americans may not be aware, Mr. Chairman, that the United States' today's current percentage assessment to the United Nations' regular budget contribution spans fully 22 percent of the overall fund. Germany, another member of the Security Council, pays 9.8 percent; France, 6.5 percent; and China, just 1.5 percent of the regular budget contributions.

As we look at the extraordinary percentage that American taxpayers pay in the regular budget contributions of the U.N., I think it is important that we reflect on the history of recent events and that we think carefully about the months immediately preceding Operation Iraqi Freedom.

Some, even on the floor of this Chamber, Mr. Chairman, have said that during that period of time the President failed to lead America. They have said that diplomacy failed. But I, and I believe many millions of Americans, Mr. Chairman, believe that in fact the U.N. failed at that critical moment in history, not so much to take the will of the American people seriously, as to take itself seriously. There are 16 separate resolutions of the United Nations, over a period of a decade, challenging and cajoling and urging and attempting to enforce the unanimous decisions of the U.N. Security Council against the nation of Iraq; and again and again and again, the United Nations failed to take itself seriously.

And then, last fall, the Security Council, including Germany and France and Russia, unanimously adopted U.N. Resolution 1441, which required that Iraq immediately disclose the possession of all weapons of mass destruction and armaments in violation of previous resolutions; also, that Iraq would not only disclose those armaments, Mr. Chairman, but would submit to the destruction of those armaments, or it would face what were described as "serious consequences."

When history beckoned, Mr. Chairman, the U.N. failed. And as a result, the United States of America was required to lead a coalition of the willing to depose this tyrant, the mass graves which in Iraq speak volumes about the rightness of our cause.

President Kennedy, in referring to the United Nations as our last best hope in an age where the instruments of war have far outpaced the instruments of peace, challenged America in his first inaugural address to pledge our support to prevent the United Nations from "becoming merely a forum for invective."

As I pursue this legislation today, apart from my amendment, I want to assure my colleagues that it will be my aim not that we would abandon the United Nations, but that we would choose the opportunity on this day and future days to send a message by sending less American taxpayer dollars to the United Nations; to send a message that we expect more of the United Nations; to truly make it a place that is the last best hope for mankind and not, as President Kennedy so prophetically stated, a forum for invective against our people and our intentions as we strive to confront tyranny in the world.

I thank the chairman for yielding and allowing me to comment on the United Nations Reassessment Act, and I look very much forward to working with the committee and my colleagues as we reconsider what the American taxpayers are being asked to provide to an institution that so woefully failed history in these recent days.

Mr. WOLF. Mr. Chairman, reclaiming my time, if I may, as the gentleman knows, under Helms-Biden, which passed in the year 2000, the contribution level was reduced from 25 percent to 22 percent.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, I thank the gentleman for yielding for the purposes of a colloquy.

The House State Department authorization bill, H.R. 1950, included provisions that prohibited the elimination of the Voice of America and Radio Free Europe broadcast essential to Eastern Europe for another 2 years. While the authorizing level was 8.9 for fiscal year 2004, my amendment would have authorized $5.5 million for the funding of the international broadcast for the purposes of continuing Voice of America and Radio Free Europe to the newly emerging democracies in Eastern Europe, particularly Estonia, Latvia and Lithuania, and the other countries of Central and Eastern Europe.

This amendment we thought would have been a reasonable request because the authorization bill had $8.9 million. This would have asked for $5.5 million from various accounts in the appropriation process.

Despite new demands on the U.S. Government resources for expanded international broadcasts to other regions, we agree with both the chairman and the ranking member of the House Committee on International Relations who have agreed that these broadcasts to the Eastern European countries, the newly emerging democracies, is an important aspect of what we should be doing in foreign policy. It has only been 10 years since the Soviet military occupation ended in Lithuania, Latvia, and Estonia; and the last 50 years of Soviet-imposed communism distorted the social, economic, and political order of these countries.

□ 1500

Much has changed for the better in these three countries and the rest of Eastern Europe, but corruption is still pervasive and touches every sector of these young democracies. Even the European Union and NATO, which have invited these young countries to be members, have admonished these candidates for corruptive levels in their government that threaten the development of their democracies.

U.S. international broadcasting serves as a role model to indigenous media of Eastern Europe of what nonpartisan, fair and accurate new coverage should be and as a standard by which local audiences can measure their own media performance.

In small countries like the Baltics, U.S. international broadcasters also fill an important niche as a balanced source of international news, which local news operations, lacking in financial resources, cannot afford. To cease Voice of America and Radio Free Europe broadcasting to Eastern Europe including Estonia, Latvia, and Lithuania, most importantly would weaken the ability of these countries' media and civic societies to withstand the social, political and economic pressures of their transition to stable, democratic and free market states.

Let us not lose our investment in these valuable European allies. And I urge the chairman, as we move this bill forward, to really consider the risk of not having a fair, balanced voice in the media to these new, emerging democracies, one that can be dominated only by media that is coming out of Moscow.

Mr. WOLF. Reclaiming my time, I share the gentleman's concerns, particularly with regard to one of the countries mentioned, Romania, but as the gentleman knows, the President's request proposed the elimination or reduction to broadcasted nations that have either entered or are on the road to joining the European Union or have been invited into NATO.

And the International Broadcasting Bureau has additional money because the President's request prioritized money to the Middle East and the Muslim world, including Southeast Asia, to bolster the efforts of the war on terrorism.

So we do have report language to require the Broadcasting Board of Governors to closely monitor the situation in those countries and inform the committee of any changes that would alter the priorities.

But I understand what the gentleman is saying.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, I would like to make one technical request, and that is at certain times when the chairman speaks, someone should turn up the mike so we can hear ourselves.

Mr. Chairman, I yield to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank my friend from New York (Mr. SERRANO) for yielding to me and at least giving me the opportunity to air my amendment and some of the grievances.

As I said before, I have no desire to frustrate colleagues; but a lot of us here are very frustrated over the quick change that was made with the unanimous consent and our inability now even to ask to strike the last word. The gentleman from New York (Mr. SERRANO) is one of my best friends. We have served together. We come from the same town.

I just want to say that my frustration is that last night at 8 p.m. this bill had not been introduced. A copy was not available to start the process of review or drafting of amendments. This morning we had the text of the bill on line, but not the accompanying report. And now we have a unanimous consent to limit amendments to ones that were preprinted in the RECORD, which for Members not on Appropriations is impossible, unless it is a simple limitation or "to strike" amendment.

I have an amendment which would move money from the National Telecommunication and Information Administration to the Public Telecommunication Facilities, Planning and Construction Program, which is called TFPC. Both of these are under the jurisdiction of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce, on which I sit. As a courtesy to the authorizing committee members, I believe we should have an opportunity to review the bill and offer amendments.

Even more troubling is that the Committee on Appropriations has provided $1.3 million more for NTIA than the President requested, while cutting PFTP by $40 million.

My amendment would simply move $1,310,000 to the PFTP from the NTIA. And I think the whole House should have an opportunity to vote on what the priorities for funding in this bill are.

I feel very strongly about public television. That is what my amendment would have done. I would like to have had the opportunity to be able to voice that and to have a vote. That is not going to happen; and in a desire for expediency, we have thwarted the democratic process. I share the frustration of my colleague from Vermont and other colleagues who do not have the opportunity.

Again, as a member of the authorizing committee, the Committee on Energy and Commerce, I believe that what went on here was wrong and should not happen again.

I thank the gentleman from New York (Mr. SERRANO) for giving me the ability to voice these problems on the House floor, and I would hope that as we negotiate this bill and continue to negotiate with the other House and the bill comes back that we will increase money for public television, we will increase money for the PFTP. And I would hope that on both sides of the aisle they look at that and can find more money for the very worthwhile programs of public television. I thank my colleague.

Mr. SERRANO. Reclaiming my time, I thank the gentleman from New York (Mr. ENGEL), my brother, his comments. We understand his frustration, but his last comments were correct. As this bill goes along and continues to go into conference, it is the intention of both the chairman and I to continue to work on those areas that are deficient in the hope that they could grow as they should.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

The gentleman from California (Mr. ISSA) is supposed to be here, but in the interim, just to briefly discuss the issues.

The bill provides, as people know, the funding for the programs whose impact ranges from the safety of people in their homes and community diplomacy. The overall bill today recommends a total of $37.9 billion in discretionary funding, which is $700 million above the enacted level of fiscal year 2003 and $237 million above the President's request.

For the Department of Justice, the bill provides $20.15 billion in discretionary funding, which is $1.15 billion above the request. The bill includes funding for Federal law enforcement agencies to perform traditional law enforcement duties and fight terrorism. The bill also provides more than $1 billion above the request to support State and local law enforcement crime-fighting efforts. That has been an issue that a lot of people have been deeply concerned about.

It provides $4.64 billion for the Federal Bureau of Investigation, an increase of $424 million above fiscal year 2003 and the same as the President's request. This will result in more than 2,500 new agents and analysts at the FBI to improve counterterrorism and counterintelligence and continue the fight on crime, drugs, corporate fraud and cybercrime.

Also, there is $80 million for high-priority FBI technology needs and funding above the request for language translation.

Mr. Chairman, I yield to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from Virginia (Mr. WOLF) regarding a serious problem my constituents are facing with the Department of Justice. I had originally planned to file an amendment to limit funding for the Department of Justice by $1.5 million until they settled over 90 administrative claims that my constituents filed against the Department of Justice as a result of the destruction of their property during the Pines Fire of 2002.

In the summer of 2002, the Drug Enforcement Administration borrowed a National Guard helicopter to perform a marijuana search in Julian, California. The helicopter pilot made a mistake and clipped a power line causing a fire that destroyed 41 homes and thousands of acres of private property. The DEA took responsibility for the incident and agreed to give claimants fair compensation for their loss. About 200 claims were filed.

It has been nearly a year since the first claim was filed and the Department of Justice still has failed to settle over 90 of the largest claims. Some of my constituents have resorted to living in tents on their property because they do not have the money to rebuild their homes.

This morning I met with senior officials of Department of Justice and I believe that we are on the path to resolving this issue. I thank the gentleman from Virginia (Mr. WOLF) for working with me to ensure that the Department of Justice successfully settles every claim, and I look forward to putting this matter behind us.

Mr. WOLF. Reclaiming my time, I thank the gentleman from California (Mr. ISSA) for bringing this matter to our attention. We are confident that the Department of Justice will soon resolve the issue, and I will continue to work with the gentleman to make sure this happens.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I understand that shortly the gentleman from Vermont (Mr. SANDERS) will be offering yet another motion to have the committee rise. Before that happens, I just want to make one point.

I recall last week when the gentleman from Vermont was sitting here on the floor, and I was kidding him about how it is that the only Socialist in the House has been able to pass more amendments to appropriations bills the past 2 years than any other Member. And he told me if I wanted to have a similar success rate, I should listen more to him. And perhaps I should.

And I want to point out that last week I worked with him and the committee worked with him and we were able to restructure an amendment that he had on weatherization so that the committee wound up accepting the amendments adding, I believe, $15 million to that appropriation. That happened because there were no procedural surprises, and we had the time to work out that amendment.

The schedule that we worked on today has been sort of a surprise to everybody. The gentleman from Virginia (Mr. WOLF) did not know that his bill was going to come up before the Foreign Operations bill. I did not. Those decisions were made in a rather disorderly fashion because we are trying to accommodate each other in the last week of the session.

I regret the fact that the amendment that the gentleman wants to offer is out of order, but I would simply point out that I have a personal track record of trying to work with the gentleman in trying to facilitate his amendments.

I think the committee has tried, in general, to help Members, whether they agree with their amendments or not, to see that they have an opportunity to have them discussed before the House. But in this instance we have now had two votes and shortly, apparently, are going to have a third because the gentleman is upset because somehow either the House or the committee is seen as being to blame for the fact that the gentleman filed last night an amendment which he knew was out of order.

And I, for the life of me, do not understand why the gentleman from Virginia (Mr. WOLF) or I or the gentleman from New York (Mr. SERRANO) or anyone else on the committee should be held responsible for the fact that the gentleman filed an amendment which he knew to be out of order when he filed it.

I would like to accommodate the gentleman as often as we can, but I do not think the House ought to be held at bay because the gentleman made a mistake in drafting his amendment.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Vermont.

□ 1515

Mr. SANDERS. Mr. Chairman, let me review the situation and set the facts right.

Number one, historically, it has been my experience, and I think the experience of many Members, that when one files an amendment, when it is placed in the CONGRESSIONAL RECORD, that, in every instance that I can recall, when one asks for unanimous consent to make a minor modification, that unanimous consent is granted.

Mr. OBEY. Mr. Chairman, if I can take back my time to correct that, on two occasions in the past 3 or 4 years, I myself have tried to correct amendments; and I have been denied that opportunity.

Mr. SANDERS. If the gentleman would allow me to make the point.

Mr. OBEY. I would, but I want to make sure it is a correct point. Go ahead. I yield.

Mr. SANDERS. Mr. Chairman, the reality here is that throughout this country today, over 100 cities and towns have spoken out, including three States, with deep concern about various aspects of the U.S.A. PATRIOT Act. For many people, conservatives and progressives, the decline of civil liberties in this country and the ability of the FBI to go into libraries and bookstores is an issue of enormous concern. It is beyond my comprehension why that issue cannot be debated on the floor of the House.

Maybe my amendment would win. We have 130 cosponsors. Maybe it would lose, but when we talk about the democracy, how can we not debate an issue of enormous consequence regarding civil liberties, and that has been my simple request.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I would simply say, with all due respect to the gentleman, the content of his amendment is not in question. I support the amendment. I would like to see the House vote on it, but the gentleman from Virginia is in a position where if he makes an exception to a unanimous consent agreement entered into for one Member, then he has to do it for everyone else; and the fact is that the gentleman himself, if he wanted the amendment considered, had some obligation to the House to have the amendment printed in a form that he knew was in order. He knew that the amendment was not in order when he filed the amendment.

Mr. SANDERS. Mr. Chairman, if the gentleman will yield, no, that is not correct.

Mr. OBEY. I am sorry, but everyone else knew it. I assume he knew it, too.

So, Mr. Chairman, we are obviously going to grind to a halt; and I am afraid that as a result of that, we will wind up going up to the Committee on Rules and adopting a far more limiting amendment which I do not believe we ought to do because I do not believe in shutting down the minority like that. But I do think you have to have some sense of responsibility on the part of all parties, including those who belong to no political party in this House, if we are going to make our way through this week; and with all due respect to the gentleman, who I regard as a friend and have a great deal of affection for, I do not believe that it is fair to hold the House hostage because the gentleman drew an amendment that was not in order.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

I just want to say to my friend and gentleman from Vermont that I do not think anyone here is discussing the merits of the issue. At the risk of using an old phrase since September 11, perhaps since September 12, everybody on the Committee on Appropriations knows that I have made a career, if you will, of denouncing the abuses on civil liberties in this country. I think the gentleman knows that. I think all Members who have come in contact with me know that. I have become a broken record on the issue of what is happening to us as a Nation in terms of our civil liberties.

We are not discussing that at this very moment. We have a problem. We are charged with the responsibility of getting a bill through the House that, in addition to dealing with this particular issue that the gentleman speaks to, also deals with the security of our embassies overseas; that pays the salaries of the men and women who do the fighting against drugs in this country; and that goes across the way in putting together the kind of legislation that we call the Commerce, Justice, State, Judiciary and related agencies bill.

If nothing else is accomplished today, and it does look, as the gentleman from Wisconsin (Mr. OBEY), the ranking member, has said, like we are heading towards a very difficult rule coming out of the committee, if nothing else happens today, I think it is important for the gentleman from Vermont to know that nothing on this side, and I do not believe anything in the gentleman from Virginia's (Mr. WOLF) behavior had anything to do with the desire to shut down the discussion of civil liberties. I will never be part of that. On the contrary, I would fight for time to be involved in that fight.

This is about a process, a process that some people, somehow, did not become part of, did not alert us about, did not ask us to be involved in, to be of assistance; and now we have come to this point. I understand that.

In the past, I have engaged in behavior that says we have to get things done; but just for the record, this ranking member, this Member from New York, would never participate in an action to shut down a discussion on civil liberties because that, to me, is the strongest issue as ranking member of this committee; and I will not rest till I undo the harm that has been done to the people in this country. This was about a process, not about a shutting down of discussion.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Before I recognize the gentleman from Mississippi (Mr. WICKER), let me say I thank the gentleman from Wisconsin (Mr. OBEY) and the gentleman from New York (Mr. SERRANO) for the comment.

To the gentleman from Vermont (Mr. SANDERS), we have been very fair. In fact, we have been very fair to every Member in the House, on both sides of the aisle; and I think the gentleman from Wisconsin's (Mr. OBEY) points are well taken. There are other amendments that have not been made in order, and I am not going to get into a debate. If the gentleman wants me to yield, I will yield to him; but I think we have been fair, and I did just want to thank the gentleman from Wisconsin (Mr. OBEY), and I want to thank the gentleman from New York (Mr. SERRANO) for the comments.

Mr. WICKER. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Chairman, I appreciate the opportunity to engage in a colloquy with the gentleman from Virginia (Mr. WOLF) about the valuable services provided by the Police Corps program, which is funded in this bill.

Mr. Chairman, the Police Corps program has had remarkable success in training and preparing our Nation's law enforcement officers. In just 5 years, 22 States have organized and implemented Police Corps programs, and five more States have been approved but await funding.

Over 1,000 Police Corps officers are already at work in various State and local agencies. Each of these officers receive a $30,000 college scholarship and 24 weeks of training in exchange for a 4-year service commitment. More than 85 percent of Police Corps officers remain on the job after their required service is complete.

I believe every member of this committee recognizes the important role the police officers play in the protection of our Nation and our citizens. I applaud the chairman and the rest of the CJS committee for the commitment they have shown to the Police Corps program.

The $28 million appropriation for Police Corps in fiscal year 2004 is greatly needed. This amount is almost double the $15 million appropriated in fiscal year 2003. However, due to the past underestimates in program costs, Police Corps is still struggling to fund its existing State appropriations and is not able to fund additional programs which have already been approved.

I would like to ask the gentleman from Virginia (Mr. WOLF) his view regarding the important training conducted by the Police Corps program, and I would ask if any additional support may be available for this much-needed program.

Mr. WOLF. Mr. Chairman, reclaiming my time, I want to thank the gentleman for his comments on the importance of the Police Corps. I have heard from several other Members on this issue, and I know that many of our colleagues would agree with the gentleman about the role this program has had in helping to provide an exceptional level of training for our Nation's police force.

I support the program. It is a good program, and I will work with the gentleman and the Senate to ensure the program is well funded in the conference.

Mr. WICKER. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman from Virginia (Mr. WOLF), and I look forward to working with him and other members of the committee to provide more funding for the Police Corps program.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank the chairman for yielding, and I think the problem, Mr. Chairman, is when the gentleman indicates that other people are also impacted negatively by this process. It suggests that the process we worked on today, or that my colleague and others engaged in, was a faulty process. It is not my intention to bring this body to a halt, and I will not ask for another motion to rise; but I must say, nobody should be happy that the American people are not going to have a debate on one of the most important constitutional issues facing this country. This process was very, very faulty; and I think it is unfortunate that that occurred.

Mr. WOLF. Mr. Chairman, I thank the gentleman very much for his comments.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2004.

SEC. 611. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 612. Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 613. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 614. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2004.

SEC. 615. None of the funds appropriated pursuant to this Act or any other provision of law may be used for (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the immediate destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 616. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $625,000,000 shall not be available for obligation until the following fiscal year.

SEC. 617. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 618. None of the funds appropriated or otherwise made available to the Department of State shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the determination of the Secretary of State under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Secretary of Homeland Security has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 619. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 620. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 621. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 622. The Departments of Commerce, Justice, State, the Judiciary, and the Small Business Administration shall each establish a policy under which eligible employees may participate in telecommuting to the maximum extent possible without diminished employee performance: *Provided*, That, not later than six months after the date of the enactment of this Act, each of the aforementioned entities shall provide that the requirements of this section are applied to 100 percent of the workforce: *Provided further*, That, of the funds appropriated in this Act for the Departments of Commerce, Justice, and State, the Judiciary, and the Small Business Administration, $250,000 shall be available to each Department or agency only to implement telecommuting programs: *Provided further*, That, every six months, each Department or agency shall provide a report to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs, and uses of funds designated under this section: *Provided further*, That each Department or agency shall designate a "Telework Coordinator" to be responsible for overseeing the implementation of telecommuting programs and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 623. The paragraph under the heading "Small Business Administration—Disaster Loans Program Account" in chapter 2 of division B of Public Law 107–117 is amended by inserting "or section 7(b) of the Small Business Act" after "September 11, 2001".

SEC. 624. None of the funds in this Act may be used to grant, transfer or assign a license for a commercial TV broadcast station to any party (including all parties under common control) if the grant, transfer or assignment of such license would result in such party or any of its stockholders, partners, members, officers or directors, directly or indirectly, owning, operating or controlling, or having a cognizable interest in TV stations which have an aggregate national audience reach, as defined in 47 C.F.R. 73.3555, exceeding thirty-five (35) percent.

SEC. 625. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms, and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

"(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

"(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.".

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading, $24,122,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $6,378,000 are rescinded.

The CHAIRMAN pro tempore (Mr. TERRY). Are there amendments at this point?

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WELDON of Florida:

None of the funds appropriated or otherwise made available under by the act may be used to issue patents on claims directed to or encompassing a human organism.

□ 1530

Mr. WELDON of Florida. Mr. Chairman, technology proceeds at a rapid rate, bringing great benefits to humankind from treatments of disease to greater wealth and greater knowledge of our world. However, sometimes technology can be used to undermine what is meant to be human, including the exploitation of human nature for the purpose of financial gain.

Several weeks ago, at a meeting of the European Society of Human Reproduction and Embryology in Madrid, Spain, it was reported that scientists had created the first male-female hybrid human embryos. The researchers transplanted cells from male embryos into female embryos and allowed them to grow for 6 days. This research was universally condemned as unnecessary and unethical.

Reuters reported that one member of the European Society condemned this research, saying there are very good reasons why this type of research is generally rejected by the international research community. Furthermore, the scientists who created these she-male embryos reportedly want to patent this research.

It is important that we, as a civilized society, draw the line where some rogue scientists fail to exercise restraint. Just because something can be done does not mean that it should be done. A patent on such human organisms would last for 20 years. We should not allow such researchers to gain financially by granting them an exclusive right to practice such ghoulish research.

Long-standing American patent and trademark policy states that human beings at any stage of development are not patentable, subject to matters under 35 U.S.C. section 101. Though current policy would not issue patents on human embryos, Congress has remained silent on this subject. Though this amendment would not actually ban this practice, it is about time that Congress should simply reaffirm current U.S. patent policy and ensure there is not financial gain or ownership of human beings by those who engage in these activities.

This amendment simply mirrors the current patent policy concerning patenting humans. The Patent Office has, since 1980, issued hundreds of patents on living subject matter, from microorganisms to nonhuman animals. It does not issue patents on human beings nor should it. Congress should reaffirm this policy, and this amendment simply accomplishes this by restricting funds for issuing patents on human embryos, human organisms.

Congress should speak out, and I encourage my colleagues to support this amendment.

I would like to add, Mr. Chairman, that this has no bearing on stem cell research or patenting genes, it only affects patenting human organisms, human embryos, human fetuses or human beings.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding to me.

I think I heard the gentleman say this, but I want it repeated again so it is clear. Is the gentleman saying that this amendment would not interfere in any way with any existing patents with respect to stem cells?

Mr. WELDON of Florida. Reclaiming my time, Mr. Chairman, I would respond that, no, it would not. And I recognize that there are many institutions, particularly in Wisconsin, that have extensive patents on human genes, human stem cells. This would not affect any of those current existing patents.

The Patent Office policy is not to issue these patents, and there never has been one. The Congress has been silent on this issue. I am trying to put us on record that we support the Patent Office in this position that human life in any form should not be patentable.

Mr. OBEY. I appreciate the gentleman's clarification.

Mr. WELDON of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Florida (Mr. WELDON).

The amendment was agreed to.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I thank the distinguished ranking member of the subcommittee and the full committee for the work they have done on this bill. We stand ready to pass this appropriation bill that contains an egregious error that not only runs counter to a majority in this Congress, but it runs counter to the views of the Attorney General.

The Attorney General, when asked about the COPS program during his confirmation hearing, said, "Let me say that I think the COPS program has been successful. The purpose of the COPS program was to demonstrate to local police departments that if you put additional people, feet on the street, that crime will be affected and that people will be safer and more secure. We believe that the COPS program demonstrated that conclusively." That was June 5, 2003, not at his confirmation hearing.

Well, in addition to Mr. Ashcroft, 224 Members of this body have signed on to legislation that I and others are cosponsoring to reauthorize the COPS program. The COPS program, quite literally, gets the Federal Government off the sidelines in the war against crime, the war against terrorism, and hires police officers in all our communities. This bill that we are about to pass contains zero money, zero dollars and zero cents, for the most important component, which is the hiring component.

There are a few dollars to keep the COPS office up and running to administer the last remaining contracts that are out there, but let us keep in mind what it is that the program has already accomplished: 110,000 cops are on the beat in more than 12,000 communities.

And this is the most democratic, with a small "d", of programs in that it is spread almost equally throughout the country. More than 82 percent of the grants under the COPS program have gone to departments serving populations of 50,000 persons or less. Three hundred communities around this country now have police departments that did not even have them until the COPS program was put into place.

Well, not only do those of us in Congress believe in this program, at least those 224 of us who have cosponsored the reauthorization of the COPS program, but the Fraternal Order of Police, the International Association of Police Chiefs, the International Brotherhood of Police Officers, the National Association of Police Organizations, the National Sheriffs Association and on and on.

This is our opportunity to fund that program. This is our chance to say that in addition to supporting it and cosponsoring the legislation, we also want to provide the funding for it.

Mr. Chairman, I have the strange suspicion that despite the great success of this program, despite the fact that every day our leaders are standing up and saying that homeland security begins in our hometowns, despite the fact that every day we have a red, a yellow, a fuchsia, a teal alert telling our officers at home they better be on alert, we are eliminating perhaps the most successful anticrime program in the history of the Federal Government. And, today, in this bill, we do precious little to breathe life into it.

I had intended to offer an amendment to move a few dollars, not a lot, but a few dollars into the spending program for the hiring of additional COPS police officers. It had the support of some of my colleagues on both sides of the aisle who were going to offer the amendment with me.

Let me say there is more that we should do than just reinstitute the hiring program. We should respond to some of my colleagues, particularly on the Republican side of the aisle, who have had criticism of the program. They said that it provided hiring funding, and then it gradually faded away and some departments did not want to hire any more officers. That is why my reauthorization bill would allow them to use the funds under the COPS program to backfill existing officers.

Secondly, my amendment and the reauthorization bill, would it be passed, would allow them to invest in technology, in police scanners, surveillance devices, and the like.

This is one of those instances that, unfortunately, are not too uncommon in this body, where a majority, a strong majority of Members feel that something should be done and a small minority of Members prevent it from being done. This was our opportunity to do it, and I would have liked the opportunity to offer it.

I should point out that my colleague, the gentleman from New York (Mr. SERRANO), is a cosponsor of the bill to reauthorize it; my colleague, the gentleman from Wisconsin (Mr. OBEY), a cosponsor of the bill to reauthorize the COPS program. And were we to have the opportunity to have a hearing, a debate, and a vote on it in the Committee on the Judiciary, I am quite certain it would pass.

Our colleagues on the other side of this building, in the other body, they too have demonstrated their support for it. They have more than 50 cosponsors there as well.

Let this bill be heard. Let the COPS program live to see another day. This is neither a Republican nor a Democratic initiative. Police officers, I would point out, tend to in many, many cases be Republican voters. But that is not what this is about. This is about a program that worked, that had the misfortune of having President Clinton's name in front of it.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I just want to clarify something that the gentleman, my brother from New York, said. It was not that a majority wanted something and a small group stopped it. It was that we had a unanimous consent. And by virtue of its being unanimous consent, one could argue that it was the majority that made that decision, fair or unfair as it was.

And it was not the attempt of anyone here, not the gentleman from Wisconsin (Mr. OBEY), not I, to shut anyone down.

The CHAIRMAN pro tempore. Are there any further amendments?

AMENDMENT NO. 10 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO UNESCO

SEC. __. None of the funds made available in this Act may be made available for the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

Mr. PAUL. Mr. Chairman, my amendment is very simple and clear. It is to strike the funds for UNESCO. We have been out of UNESCO since 1984, since President Reagan took us out of UNESCO, and the proposal now is that we rejoin. And this strikes the funding, which I think is a good idea.

UNESCO was started with a bad idea. It became very corrupted, and it was almost unanimous that we get out of UNESCO in 1984, and actually I see no reason for us to rejoin.

Let me just mention a few things that UNESCO is involved in. They came across, when we were in there, as being very anti-American, certainly anti-freedom, and certainly anti-first amendment. UNESCO's main function is to mettle in the education affairs of individual neighborhoods, nations, by proposing global school curriculums; something that we hardly need.

In one of the publications put out from UNESCO it describes rather well what their intentions are. The publication is called Toward World Understanding. Let me just quote from that.

"One of the chief aims of education today should be to prepare boys and girls to take an active part in the creation of a world society. As long as the child breathes the poisoned air of nationalism, education and world mindedness can produce only rather precarious results. As we have pointed out, it is frequently the family," the family, it says, "that infects the child with extreme nationalism. The schools should, therefore, use the means described earlier to combat family attitudes."

Now, that is coming from a publication put out by UNESCO and states one of their goals. And I might just remind my colleagues of who the founding director general was, and that happened to have been Sir Julian Huxley. Huxley helped to write some of the goals set in the UNESCO, and he happens to be a believer in eugenics, but let me just quote from him what he thought this organization should do.

He says, "The general philosophy of UNESCO should be a scientific world humanism." And those words have not been changed; they still exist in these documents. They have not repealed that concept.

He goes on to say, "In its education program, it can stress the ultimate need for world political unity and familiarize all people with the implications of the transfer of full sovereignty from separate nations to a world organization." They are rather explicit in what the goal of UNESCO is through the educational process.

"It is also to help the emergence of a single world culture, even though it is quite true that any radical eugenic policy could not be passed now," they say, "in time, the world will become ready for it."

So I warn my colleagues about rejoining UNESCO, believing very sincerely that it is not in our interest. It costs us a lot of money. It does not represent the goals and the culture and the beliefs of Americans. We did get out because it represented us badly, and here we are about to get back into UNESCO. I urge support for my amendment.

□ 1545

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The bill includes $71.4 million for the United States to join UNESCO. There was a vote, I believe, in the last Congress whereby this issue was voted on. I believe it was offered by the gentleman from Illinois (Mr. HYDE). This was an initiative that President Bush announced last year. The U.S. withdrew from UNESCO in 1984 when the organization was rife with corruption and an anti-Western bias. The organization was mismanaged and was not working with regard to the national interest. Since that time, the Bush administration believes that the organization has undergone a number of reforms and the current leadership is committed to sustaining these gains and is committed to fundamental human rights and democratic principles. The Bush administration believes that participation in UNESCO will allow them to be engaged with the international partners on a host of critical issues.

Therefore, I would urge my colleagues to stand with the Bush administration on this initiative and reject the gentleman's amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

I rise in opposition to the amendment. I think it is one of those issues where, instead of removing ourselves from involvement, we should be doing just the opposite and, that is, involving ourselves even more. UNESCO aims to promote peace and security through facilitating collaboration among member states in the areas of education, science, and culture. The following is a list of UNESCO's areas of activity and an example of its work in each area:

In the area of education, for instance. UNESCO promotes literacy and in post-Taliban Afghanistan by providing schooling materials and assisting with the reconstruction of institutions. In communication and information, it promotes press freedom and independent media in Afghanistan and Bosnia-Herzegovina. In the area of culture, it has encouraged countries to sign the World Heritage Convention to protect sites of cultural significance within their borders. In natural sciences, it provides assessment of ocean conditions and resources for preservation. In social and human sciences, it promotes research and developing educational materials on HIV/AIDS. So many different organizations throughout the world, from the arts, to scholars, to religious organizations support our involvement in UNESCO again.

The President has made a crucial first step toward U.S. reentry to UNESCO by including $71 million for U.S. dues in his 2004 budget request. The State Department authorization bill currently authorizes this request and "such sums as may be necessary" to pay U.S. dues to UNESCO. Not only will this allow us this involvement but my understanding is that by doing it now, we get a seat on the board which then would allow us to move programs and behavior in UNESCO to our liking and to our needs. I rise in support of the gentleman from Virginia's comments of the President's request and desire to reenter UNESCO and in opposition to the amendment.

Mr. LANTOS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly oppose this attempt to overturn the President's decision to return the United States to membership in UNESCO. The gentleman from Texas offered a similar amendment during the markup of this year's State Department authorization bill in the Committee on International Relations. In an overwhelming bipartisan vote, his amendment was rejected. Last week the whole House voted resoundingly in favor of authorizing full funding to support U.S. entry when the State Department bill was passed. I strongly agree with President Bush that our reentry will support UNESCO's mission to advance human rights, tolerance, and learning.

Our national decision to rejoin UNESCO reflects our understanding in the Congress and in the administration that UNESCO has a critical role to advance U.S. foreign policy goals, such as facilitating the rewriting of educational materials to remove passages that incite racial hatred, violence, and intolerance. UNESCO will be a key to rebuilding Afghanistan's educational system, and it is critical for establishing educational programs on HIV/AIDS, malaria and other infectious diseases.

UNESCO has undertaken massive management reforms under the leadership of its Director General, Mr. Matsuura of Japan. The organization has achieved a huge cutback in its staffing, has held its budget to zero nominal growth for many years, and has eliminated what used to be a corrupt structure. It is critical that the United States, the one remaining superpower on this planet, resume its seat at the United Nations Educational, Scientific and Cultural Organization.

When UNESCO was founded, Mr. Chairman, at the end of the Second World War, its motto was, "It is in the minds of men that war begins and it is in the minds of men that the defenses of peace must first be constructed." This was never more true than it is today. After a 20-year absence, we have now gotten consensus in the House, in the Senate, and with this administration that the time is now the right time to rejoin UNESCO.

I strongly urge all of my colleagues to vote against the amendment and to support the President's decision to return the United States to UNESCO. I earnestly hope that this issue can finally be put to rest.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore (Mr. TERRY). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. PAUL. Mr. Chairman, let me mention once again that the amendment strikes all the funding for UNESCO. We have been out of UNESCO since 1984. President Reagan took us out of UNESCO, and that was a very popular move. The argument now is that UNESCO has made some reforms and therefore we should get back in. But their goals have not changed. I have already mentioned some of the goals of UNESCO, and they are not beneficial to us and they do not represent American ideals; it is an attack on American sovereignty. But during these 18 years since we have been out of UNESCO, it has only been the last year or two where they have talked about reforms. So over all these years, nothing has been done.

But more importantly, it is the goals of UNESCO. For instance, UNESCO's position on international taxation is that they would like to impose an international tax. If that is what the people want, if that is what the Congress wants, then you vote against my amendment. But if you think it is a bad idea for the U.N. and UNESCO to be leveling a worldwide tax, then you vote for my amendment.

I do not think the American people want that. I think the American people do not want to sacrifice their sovereignty and they would like not to have the United Nations and UNESCO interfering in our curricula. We have enough problems ourselves here to allow our States and our local communities to manage their schools with the interference of the Federal Government. And now here we are talking about an international organization designing a curriculum for our schools. Their goals are not American. Their goals are internationalist. I quoted just a little while ago from one of their pamphlets that says they do not even believe in nationalism, that it was a bad thing, that it was a result of families teaching children bad things, to believe in nationalism.

I do not believe that. I have not come around to that belief. Being a member in a world community does not mean that you have to sacrifice your sovereignty. Being a member of a world community means that we should get along with people, that we should not be fighting with people, we should be trading with people; but that does not imply the necessity of having an international government. This is what is implied here. In this day and age we go to war under U.N. resolutions; but here our children are going to war with the education system by the United Nations dictating to us educational standards.

But they do other things as well. UNESCO, for instance, has been fully supportive of the United Nations Population Fund in its assistance to China's brutal, coercive population control program. That is part of UNESCO. I do not believe the majority of the Members of Congress really believe that is a good expenditure. And you cannot control the money once it gets to UNESCO, believe me. We send the money, we send a larger amount of money than anybody else, we lose control of it and they do these things that I think are illegitimate as far as our Constitution is concerned.

UNESCO has designated already 47 U.N. biosphere reserves in the United States covering more than 70 million acres without congressional consultation. This project has led to the confiscation of private lands and restrictions. Because we do go along with the restrictions, it is somewhat like following WTO mandates. They come back with regulations and mandates, and we accommodate them by rewriting our tax laws. In the same way, they are moving in, with radical environmentism that originates from UNESCO and it filters into our grade schools as well as our kindergartens. UNESCO effectively bypasses congressional authority to manage Federal lands, including places like the Everglades, and it is done without congressional approval.

UNESCO's World Heritage Convention has taken treasured American public monuments to be designated world heritage sites. This is a movement away from the concept of national sovereignty. This means that there will not be control by the American people through their Representative. That makes every single one of us less significant, not only in the issue of war but now in the issue of schools and taxation. Yes, it moves slowly, it is not overwhelming; we still have a lot of control, but we are losing it gradually. And we do know that even those who objected to the war in Iraq would have been quite happy if only the United Nations would have passed a resolution that permitted us to go to war. I do not like that kind of a world. The only oath of office I take is the oath to the U.S. Constitution and UNESCO does not conform to that oath.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOSTETTLER:

Insert in an appropriate place the following:

SEC. . None of the funds appropriated in this Act may be used to enforce the judgment in Newdow v. U.S. Congress, 292 F.3d 597 (9th Cir. 2002).

Mr. HOSTETTLER. Mr. Chairman, on June 26, 2002, in Newdow v. U.S. Congress, a three-member panel of the Ninth U.S. Circuit Court of Appeals ruled that a California school district's policy and practice of voluntary recitation of the Pledge of Allegiance was unconstitutional claiming that the use of the phrase "one nation, under God" violates the establishment clause of the first amendment to the Constitution. In February of this year, the Ninth Circuit, the full Ninth Circuit effectively upheld the decision of the three-judge panel.

Mr. Chairman, the founders of the United States set up a brilliant system of government consisting of three separate branches with unambiguous roles. The Congress legislates, the President executes, and the courts judge. However, as in any organization of institutions with potentially competing interests, one institution would be constructed to be the weakest. Alexander Hamilton made it very clear that the framers had relegated the judiciary to this distinction when he said in Federalist No. 78: "It proves incontestably that the judiciary is, beyond comparison, the weakest of the three departments of power and it proves that as from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed or influenced by its coordinate branches."

Hamilton laid out how practically this so-called feebleness manifests itself under what he referred to as the "plan of the convention," or what we call today the Constitution of the United States of America, when he said once again in Federalist No. 78: "The judiciary has no influence over either the sword or the purse, no direction either of the strength or of the wealth of the society and can take no active resolution whatever.

□ 1600

"It may truly be said to have neither force nor will, but merely judgment, and must ultimately depend upon the aid of the executive arm for the efficacy of its judgments."

As Hamilton pointed out, the legislative branch controls the purse strings of this government, and the plan of the Convention set that out in article 1, section 9, when the Constitution states: "No money shall be drawn from the Treasury but in consequence of appropriations made by law," which is the case for our being here today, Mr. Chairman.

When the legislative branch, that is, the Congress, believes the judicial branch to be in error, the Congress may refuse to fund actions to enforce the court's judgment by the executive branch agency that would execute those judgments or, in Hamilton's words, "depend on the arm of the executive for the efficacy of its judgments."

Specifically, the U.S. Marshals Service, an agency of the Department of Justice, executes and enforces all lawful writs, processes, and orders of the U.S. district courts, the U.S. courts of appeal, and the Court of International Trade, according to 28 U.S.C. 566(C), and I highlight that it enforces all lawful writs, orders, and processes.

I, Mr. Chairman, along with many of my fellow Members of Congress, believe the judgment in Newdow v. U.S.

Congress to be in error. This was evidenced by the overwhelming support of H. Res. 132 on March 12, 2003. This resolution expressed the sense of the House of Representatives that the Newdow ruling is inconsistent with the first amendment and should be overturned. That is why, Mr. Chairman, I am offering this amendment to the FY 2004 Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

Mr. Chairman, I ask that my colleagues would say "no" to the decision of the Ninth Circuit Court of Appeals and support my amendment to stop the enforcement of that ludicrous decision.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

We have a position from the Justice Department, and I will read a portion for Members. It says that "The Justice Department asked the United States Supreme Court to reaffirm the right of Americans to recite voluntarily the Pledge of Allegiance. Two decisions of the Supreme Court have said without qualification that the Pledge is constitutional." And I, as I am sure most Members of this body are, am opposed to what the Court ruled and agree with what the Justice Department is saying here.

Two decisions of the Supreme Court have said without qualification that the Pledge is constitutional. No Justice has expressed any other views. Schools across America and hundreds of thousands of school children have relied on the Supreme Court's repeated assurance as they have started their day with the Pledge.

And they go on to say, and I agree, "Our religious heritage has been recognized and celebrated for hundreds of years in a National Motto, 'In God we trust,' the National Anthem, the Declaration of Independence, and Gettysburg Address. As the Court has ruled again and again, our government and people can acknowledge the important role religion has played in America's foundation, history and character.

"The Justice Department," they go on to say, "will vigorously defend our Nation's heritage and our children's ability to recite the Pledge." And I believe that Attorney General Ashcroft will do that.

The concern of the amendment is, and I will submit the full statement of the Justice Department in the RECORD, they end by saying this: "Consideration of this legislation at this point would probably be premature. Congress," they say, "should consider whether the Supreme Court should be given the opportunity to review the Ninth Circuit's decision without intervening legislation complicating its analysis and the procedural posture of the case. For example, part of the government's case before the Court involves demonstrating that there is real harm to the Ninth Circuit's ruling." And this is the case. "So if the Ninth Circuit's ruling is gutted legislatively, the Justice Department might find it harder to make that claim and could strengthen the hands of our opponents' efforts to diminish or eliminate the Federal Government's role in defending the Pledge of Allegiance.

"Also, if the Justice Department prevails in the Supreme Court, there is a chance that opponents might try to construe this statutory language as limiting the Federal Government's ability to spend funds in a manner consistent with the Supreme Court ruling."

I do not agree with the Court's ruling, and I understand, and I was with my colleague here, but I certainly do not want to do anything in this bill that does, as Justice Department said, if it is gutted legislatively, the Justice Department might find it harder to make that claim and could diminish the strength of the hands of the opponents' efforts to diminish or eliminate the Federal Government's role in defending the Pledge of Allegiance.

I think to do this on a legislative appropriations bill, we really have to go with the Justice Department, and I am going to rely on Attorney General Ashcroft to fight the Ninth Circuit's case and not do something that might, even though the meaning is good, work against the other way and result in something taking place that I certainly do not want to take place, the gentleman from Indiana (Mr. HOSTETTLER) and frankly, I do not think this House wants to take place; and I oppose the amendment.

The Justice Department asked the United States Supreme Court to reaffirm the right of Americans to recite voluntarily the Pledge of Allegiance. Two decisions of the Supreme Court have said without qualification that the Pledge is constitutional. No Justice has expressed any other view. Schools across America, and hundreds of thousands of school children, have relied on the Supreme Court's repeated assurances as they have started their day with the Pledge.

Our religious heritage has been recognized and celebrated for hundreds of years in the National Motto ("In God we trust"), National Anthem, Declaration of Independence, and Gettysburg Address. As the Court has ruled again and again, our government and people can acknowledge the important role religion has played in America's foundation, history and character. The Justice Department will vigorously defend our Nation's heritage and our children's ability to recite the Pledge.

The Newdow case was about whether the inclusion of the phrase "under God" in the Pledge of Allegiance violates the Establishment Clause of the First Amendment. Newdow sued both the United States and the Elk Grove School District to have the Pledge declared unconstitutional. The Ninth Circuit held that the Pledge is unconstitutional when its voluntary recitation is led by teachers in public elementary schools.

On April 30, 2003, the Justice Department joined the Elk Grove School District and asked the Supreme Court to overrule the 9th Circuit (Newdow has also sought to overrule the 9th Circuit for an even broader invalidation of the Pledge). The latest filling by the Justice Department was on July 14, 2003. Some time in October, we will know whether the Supreme Court has decided whether or not to take the case.

Consideration of this legislation at this point would probably be premature. Congress should consider whether the Supreme Court should be given the opportunity to review the 9th Circuit's decision without intervening legislation complicating its analysis and the procedural posture of the case. For example, part of the government's case before the Court involves demonstrating that there is a real harm to the 9th Circuit's ruling. So, if the 9th Circuit's ruling is gutted legislatively, the Justice Department might find it harder to make that claim and could strengthen the hands of our opponents' efforts to diminish or eliminate the Federal government's role in defending the Pledge of Allegiance.

Also, if the Justice Department prevails in the Supreme Court, there is a chance that opponents might try to construe this statutory language as limiting the Federal government's ability to spend funds in a manner consistent with the Supreme Court ruling.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HINCHEY:

At the end of the bill (before the title), insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act to the Federal Communications Commission may be expended to grant, transfer, or assign any license for any broadcast station if—

(1) the party (including all parties under common control) to which such license would be granted, transferred, or assigned directly or indirectly owns, operates or controls a daily newspaper and the grant, transfer, or assignment of such license will result in:

(A) the predicted or measured 2 mV/m contour of an AM station, computed in accordance with 47 CFR 73.183 or 73.186, encompassing the entire community in which such newspaper is published;

(B) the predicted 1 mV/m contour for an FM station, computed in accordance with 47 CFR 73.313, encompassing the entire community in which such newspaper is published; or

(C) the Grade A contour of a TV station, computed in accordance with 47 CFR 73.684, encompassing the entire community in which such newspaper is published; or

(2) as a result of such grant, transfer, or assignment an entity would directly or indirectly own, operate, or control two television stations licensed in the same Designated Market Area (DMA) (as determined by Nielsen Media Research or any successor entity), unless—

(A) the Grade B contours of the stations (as determined by 47 CFR 73.684) do not overlap; or

(B)(i) at the time the application to acquire or construct the station is filed, at least one of the stations is not ranked among the top four stations in the DMA, based on the most recent all-day (9:00 a.m.-midnight) audience share, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service; and

(ii) at least 8 independently owned and operating, full-power commercial and noncommercial TV stations would remain postmerger in the television market in which the communities of license of the TV stations in question are located and—

(I) count only those stations the Grade B signal contours of which overlap with the Grade B signal contour of at least one of the stations in the proposed combination; but

(II) in areas where there is no Nielsen DMA, count the TV stations present in an area that would be the functional equivalent of a TV market and count only those TV stations the Grade B signal contours of which overlap with the Grade B signal contour of at least one of the stations in the proposed combination.

Mr. HINCHEY. Mr. Chairman, this government, our government, derives its just power from the consent of the governed. Those words form the basic founding principle of this Nation: The government derives its just powers from the consent of the governed.

But in order for the governed to give their consent, they must be informed. It must be not an ignorant consent. It must be an informed consent. It must be a consent based on knowledge and accurate information and a multiplicity of voices and the opportunity for everyone to be heard. The marketplace of ideas in this country shall not be shut down. Otherwise, we lose the basic founding principle of our country.

But, unfortunately, the Federal Communications Commission in its decision on June 2 has gone a long way to doing precisely that, shutting down the marketplace of ideas. What they did was to weaken the rules governing cross-ownership of the media, newspapers, television, radio. What the FCC has done very quietly without any public hearings outside of Washington except for one, which they held in Richmond, Virginia, they have passed a rule which will shut down the ability for people to understand what is going on in this country.

We need to restore the previous rules, and we have an opportunity in this bill, through this amendment, to do precisely that in the next fiscal year. Restoring the previous rules is essential to preserving localism, diversity, and competition in our airwaves, standards that are needed for a vibrant democratic republic.

The FCC's decision, if we allow it to go forward, will permit one company to own the local newspaper, local television station, including the most popular, and several of the top local radio stations in any single market. It paves the way for one company to dominate a local community's flow of information.

The rule change makes it much more likely that a company based hundreds or even thousands of miles away will control a community's information and whatever information gets into that community.

Only large companies have the resources to purchase and operate a newspaper, TV stations, and radio stations. Competition, diversity of voices, and local control are at stake if this rule is allowed to stand.

The FCC's decision will allow broadcast television to be highly concentrated in the vast majority of markets as defined by the Merger Guidelines of the U.S. Department of Justice and the Federal Trade Commission.

Before the FCC changed the rules, one company could own two TV stations, or duopolies, in a single market as long as at least eight independent voices remained. This restricted duopolies to sizable markets. If the new rules are allowed, 95 percent of Americans could see duopolies in their media markets. These changes will greatly reduce the number of independent and local voices, and in many instances they will completely eliminate those independent voices. Democracy requires the widest possible dissemination of information, yet these new rules will restrict access to diverse voices.

This amendment that is offered by myself, the gentleman from North Carolina (Mr. PRICE) and the gentleman from Washington (Mr. INSLEE) would prevent the FCC from implementing its misguided decision and would leave in place the media ownership rules that have protected localism, diversity, and competition in our media, as well as preserving the basic principles of this democratic republic. We have an opportunity here to correct a mistake, a huge bureaucratic error, that works against the best interests of the vast majority of the people in this country.

I offer this amendment, and I ask for the Members' support.

Ms. WATSON. Mr. Chairman, I rise in strong support of the Hinchey-Price amendment to the Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies Appropriations Act.

This amendment will deny funding to the FCC for the purposes of implementing its new cross-ownership and local TV ownership rules. I believe this amendment is just the first in a series of extremely important steps to ensure that diversity in the media, both nationally and locally, will not diminish further.

The FCC's newspaper-broadcasting cross-ownership rule and the local TV ownership rule will exacerbate the current minority ownership crisis. According to the newspaper-broadcasting cross-ownership rule, one company will be permitted to own a local newspaper and local TV and radio stations in one single market.

If this rule is allowed to stand, it is possible that all local print and broadcast news could be controlled by a single company. The new local TV ownership rule will allow one company to own two TV stations in the same market as long as there are three other independent voices within that same market. The new rule will make creating a duopoly easier for a large corporation, while greatly limiting the number of independent voices on TV, including those of minorities.

Minority owners' share of the commercial television and radio market is already at a historical low. At the end of the 1990s, minorities owned only 1.9 percent of the country's licensed television stations. In the year 2000, minorities owned only 4 percent of the Nation's commercial AM and FM radio stations. Many of these minority owners are single-station operators.

I believe their voices, as well as the voices of other independent operators, will be silenced as large corporations are granted virtually unimpeded access to media markets under the new FCC rules.

The American public supports a diverse and competitive media. Over 2 million Americans have contacted the FCC to voice their disapproval of the June 2 decision to ease the limits on media ownership. The newspaper-broadcasting cross-ownership rule and local TV rule will further stifle minority voices in the media.

Congress must respond and protect the public's access to diverse sources of information.

□ 1615

Please support the Hinchey-Price amendment to the CJS appropriations bill to protect diversity in the media and to allow dissenting voices, minority voices, small voices to be heard. The public owns the airways.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to explain to the House what is at stake this afternoon. The Federal Communications Commission has recommended a number of changes in ownership patterns for media across the country. One of the changes was to raise from 35 percent to 45 percent the percentage of the national TV audience that could be reached by any one media conglomerate. Another part of the FCC ruling would have expanded opportunities for cross-ownership of media outlets all around the country, so that newspapers could own even more television stations than is the case today.

I oppose everything the FCC did, but the problem is that you have to make an intelligent judgment about how much you can bite off and win. The fact is that the Committee on Appropriations adopted my amendment in committee by a 40 to 25 bipartisan vote, and that amendment essentially rolled back the Federal Communication Commission's decision with respect to the national cap on ownership.

It did not go the next step, and I hope we do not try to go the next step today in the form of the Hinchey amendment. I favor the substance of it very much, I am totally opposed to cross-ownership. I do not think a newspaper ought to be able to own a single TV station in the country, and vice versa. I believe in the widest possible diversity of opinion.

But the fact is that today, even in the committee approach, we are taking on the media giants of this country; and when you do that, you had doggone well better win, and we will not win if the Hinchey amendment is passed. The Hinchey amendment is not intended to be so, but it is a killer amendment. It will load up the camel, and it will break the camel's back.

What I think we ought to do is stick to the judgment the committee made and win that one and tie that one down first. We are in a terrible situation today, where five media conglomerates control a 70 percent share of homes that watch during prime time; 80 percent of the major cable owners are owned by the same media conglomerates; and we need to see to it that we do not allow that situation to get any worse.

The problem with this amendment is that if it passes, we will not be able to get enough votes on this bill to demonstrate to the White House that they should not veto the bill because of this provision; and I do not think the House wants to do that if it is interested in protecting local news values.

The reason I want to protect local news values is because I think that local owners are the only ones who are likely on occasion to preempt national network programming. And believe you me, if you want to see some examples of the kind of programming that I do not think we want in some of our communities, all you have to do is take a look at what happened in radio. In radio, the Congress totally deregulated a few years ago, and what do we have? We have total lack of the ability of local people to have control over news or to have any real say in their programming. No nationally owned television station has ever preempted a network TV program; only locally owned stations have sometimes done so.

I do not have anything against networks but I think we need diversity I think we need diversity of decision making, and that is why I sponsored the amendment that the committee adopted, with the support of the gentleman from Virginia and others.

If we adopt the Hinchey amendment, we will in essence ruin our ability to win what we have won so far, and I do not think that is a wise thing to do. I am not interested in symbolic statements here today. I want to win. I want to see to it that we roll back the FCC provision on national ownership. If the Hinchey amendment is adopted, we will not be in a position to do it, because this bill will get many fewer votes than it otherwise would have gotten, it will send the wrong message to the White House, and the net result will be that we will be crippled in conference in terms of trying to hold the provision in the committee bill. So I urge defeat of the Hinchey amendment.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I completely agree with the gentleman from Wisconsin (Mr. OBEY), completely; and I would ask Members to vote against the Hinchey amendment. The Hinchey amendment would weaken the bill and we would end up with exactly what the gentleman from Wisconsin (Mr. OBEY) said.

This is an issue of values. This is an issue of values that Members on both sides of the aisle have to deal with. I know that there have been powerful lobbyists and interests that have been hired in this town to work against what the gentleman from Wisconsin (Mr. OBEY) is doing, and in essence they would come down here and ask you to probably support the Hinchey amendment. But it is an issue of values.

Many times there is such garbage on these TV shows that a locality cannot preempt them, "The Millionaire," "The Bachelor," "The Bachelorette." They do not cover the issues with regard to the famine in Africa or issues like that. The gentleman from Wisconsin (Mr. OBEY) is right.

I would ask Members on my side of the aisle, this is an issue of values. If you look at those concerned with the expansion in allowing one network, one network that may not very well repeat and have our values, be able to do this, what the gentleman from Wisconsin (Mr. OBEY) said is exactly right. So I just second it. He said it better than anyone could.

I urge Members to defeat the Hinchey amendment, because it would do exactly what the gentleman from Wisconsin (Mr. OBEY) said.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise as a cosponsor of the Hinchey amendment. The FCC's decision of June 2 to loosen the rules on concentrated media ownership will lead to fewer voices controlling more of the news we watch, read, and listen to. It will undermine our access to the independent, unbiased local information that matters to our communities.

Last week, as the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Virginia (Mr. WOLF) have stressed, the Committee on Appropriations took an important step in voting on a bipartisan basis to suspend changes to the national TV ownership cap, a key part of the media ownership rules the FCC voted to relax on June 2.

The Hinchey-Price-Inslee amendment would finish the job by suspending the two remaining rules that the FCC weakened: the newspaper-broadcast cross-ownership rule and the local TV multiple ownership rule, which would open the way for more duopolies and even triopolies in owning and controlling local media.

These amendments, together, are the appropriations equivalent of H.R. 2462, introduced by the gentleman from Vermont (Mr. SANDERS) and cosponsored by a bipartisan group of 88 Members.

Restoring the previous rules is essential to preserving localism, diversity, and competition on our airwaves, standards basic to a vibrant democracy.

Mr. Chairman, the richness and diversity of community life in America has been recognized by observers since Tocqueville as one of our country's abiding strengths. The broadcast media emerged in the 20th century as critical in relating individuals and groups of individuals to each other and to the world beyond.

The term "media" suggests a linkage beyond the locality to the worlds of politics and economics and entertainment and culture; but it also suggests communication within and across a locality or a region, whereby isolated consumers of media have their identities as members of the community strengthened, their knowledge increased, their participation enhanced.

If the day comes, and I am afraid it is fast approaching, when local media are merely a conduit for nationally generated information and entertainment, or when a single or few companies monopolize broadcasting in most local communities, we will have lost a critically important component of community life.

There are those who say that the presence of 200 options on cable or satellite television renders the public interest criterion of diversity a moot concern. They could not be more wrong. It is competition among local broadcasters in offering news and public affairs, weather, sports and other programming that produces the kind of diversity and the kind of audience engagement that enhance community life.

The Hinchey-Price amendment also concerns concentrated power and influence. This concentration has already gone too far in radio. I cannot imagine why we would want to take television down the same path.

Regardless of one's political views, it is unsettling to hear of Cumulus Media banning a vocal group from the play list of all of its outlets on political grounds.

Then there is the example of a prominent Raleigh media executive who owns a Fox affiliate. He has been able to reject some network "reality" shows as inappropriate. He wonders with good reason whether the managers of Fox-owned and -operated stations would have that same discretion to respect community standards.

Mr. Chairman, in the history of media policy, there has never been a moment when the public was more engaged than they are right now. A recent poll demonstrates that half of Americans are well aware of this media concentration issue; and of those who follow the issue closely, 70 percent are opposed to the new FCC rules, while only 6 percent are in favor.

Our constituents see this issue quite clearly: this is big media companies and their allies in government squaring off against the public interest. The question is, how do we see it, and to whom will Congress listen?

Mr. Chairman, it is time to stand against an FCC decision that was taken with scant public input and in defiance of the public interest.

Colleagues, let us not get diverted by convoluted, tactical second-guessing. If Members favor the substance of our amendment and if they oppose the substance of the FCC decision, they should stand up for what they believe.

I ask my colleagues to reaffirm the core values of our country's media policy—localism, competition and diversity—and to support the Hinchey-Price amendment.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the backward thinking amendment that would reinstate antiquated local media ownership limitations. Republicans have long been awaiting a time to deregulate, since 1984, in fact; and the commission action on June 2 modifies all of its media ownership rules to comply with the Telecommunications Act of 1996, an act we all agreed upon, and the Court's interpretation of that act.

The FCC proceeding represents, in fact, the culmination of a deregulatory effort that had its birth in the Reagan administration. This amendment would stop in its tracks the reasonable deregulation of the new rules. It would bring back the outdated rules of the past.

In fact, under one interpretation of the Hinchey amendment, it would roll back existing exemptions that have been granted by the FCC over many years. Under one interpretation, for example, the exception that has been granted for satellite stations, where a station can own in joint ownership an unmanned TV station that is a satellite in a rural area, that exception would be rolled back and TV stations serving rural communities in America would have to shut down.

Under some interpretations of this amendment, assignments that have been made that were grandfathered for many years would be rolled back and companies would have to divest ownership they currently have in stations. In fact, under this amendment, the provisions of the FCC for so-called short-form assignments, what happens when companies reorganize themselves, would considerably be rolled back; and as a result, there could be divestitures argued under this amendment.

So this backwards-thinking amendment has the potential of even going back and undoing exemptions that have been granted by Democratic FCCs over the years to accommodate such things as the public interest requirements when a station goes bankrupt, becomes defunct, and has to be picked up by some other station.

Let me right the misconception that has been before this body and, unfortunately, pervaded the hearings at the Subcommittee on Appropriations. There are 1,340 television stations in America. Guess how many Viacom owns? The answer is 39; 2.9 percent. Guess how many Fox owns? The answer is 37, or 2.8 percent. Guess how many NBC owns? Twenty-nine, 2.2 percent. ABC owns 10, eight-tenths of one percent. In fact, if you combine all the network ownership of television stations, it comes to about 115, which is less than 10 percent of all the stations operating in America. You would think that the networks own them all, 90 percent of them, to hear the rhetoric around this debate.

The new rules that have been adopted by the FCC replace the old newspaper-broadcast-radio-TV cross-ownership rules, with the new set of rules that allow for different and targeted regulatory treatment, depending upon the market size.

□ 1630

It is a size system of regulation, replacing the old autocratic and, in many cases, arbitrary rules.

The new rules would allow economies of scale to be achieved on the local level, while ensuring a diversity of voices would be preserved by permitting, for the first time, common ownership of multiple stations in the largest markets or expanding the markets where duopolies are, in fact, permitted. But importantly, while it allows them to do this in the larger markets, it does not allow that to occur in the smaller markets. In fact, 73 markets enjoy no duopoly deregulatory relief whatsoever because they are the smaller markets in America. The FCC's extension record shows that co-owned stations competed more effectively with cable and satellite, improved the quality of the second station, and transitioned to digital quicker. All things said, the benefits flow to the public.

Remember, television stations do not compete against one another alone. They compete against pay-per-view cable and pay-per-view satellite; and if we weaken the capacity of over-the-air broadcast television to reach Americans economically and efficiently, we kill off one of the most important video outlets in America; and, therefore, we hurt, not help, over-the-air broadcasting.

Moreover, the amendment would prevent new markets from enjoying the clear localism and diversity public interest benefits. The commission found that their new rules will promote localism, because they increase the capacity of these stations to survive against these other important competitors.

The administration supports the FCC, and has urged Members to oppose efforts to roll back these rules that ensure that our Nation's free, over-the-air broadcasters can effectively compete against all of these new pay services. If all we want is pay services, the Hinchey amendment will take us there.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to urge my colleagues to protect the voices of the American people, to make sure that their voices, their opinions, and their concerns are represented on the Nation's airwaves by supporting the Hinchey-Price amendment, and add this amendment to the good amendment that the committee passed earlier.

How ironic that the United States went to war against a foreign regime whose oppression was based largely on control of information. And now, the FCC majority establishes a Saddam-style information system here in the United States. Have we learned nothing?

On June 2, the Federal Communications Commission approved a new set of media ownership rules that allow large conglomerates to devour more independent media outlets and impose the laws of the jungle on the marketplace of ideas. I support the Hinchey-Price amendment because it would essentially suspend the FCC's decision to weaken media ownership rules dealing with the cross-ownership and local TV ownership.

The Hinchey-Price amendment would preserve localism. It would preserve diversity and competition over our airwaves.

Information is not just any commodity like steel and textiles, Mr. Chairman. A vibrant democracy depends on rich intellectual exchange on the free flow of ideas from a variety of sources. This is a principle. It is a principle embedded in the first amendment on free press and reaffirmed by the Supreme Court.

But media consolidation stifles dissent and drowns out alternative voices, giving Americans a stale, uniform product that barely accounts for individual community values. The recent FCC rules will enrich moguls, discourage entrepreneurship, and diminish quality. Niche content like children's programming will suffer. Minority populations will go underserved. Music and entertainment would become homogenized, with large media interests also acting as the idealogical censors. If you do not believe me, ask the Dixie Chicks.

The rules will further sever the critical bond between media outlets and their local consumers, as more journalists would answer to corporate bosses making news judgments from thousands of miles away.

If the day comes, and it had better not, that one corporation owns several radio and TV stations, the cable network, and the single newspaper in one town, we may not only have lost the freedom to speak, but the opportunity to be heard.

The airwaves belong not to the Rupert Murdochs of the world, but to the American people.

Mr. Chairman, I urge my colleagues to protect the voices of the American people by supporting the Hinchey-Price amendment.

Mr. UPTON. Mr. Chairman, I move to strike the requisite number of words.

I too rise in strong opposition to the Hinchey amendment. I ask my colleagues about where they might have been in 1975. I know I had graduated from the University of Michigan and was on my way to Washington to work for a Congressman, David Stockman. Think about where you were, maybe sitting in your living room back in 1975. You might have been watching the "Mod Squad" for the first time or maybe the third season of "M.A.S.H." In fact, someone told me that Strom Thurmond was only in his first or second term.

The original newspaper-broadcast ownership rules were adopted in 1975, at the same time when there was little cable penetration, if any, no local cable news channels, few broadcast stations, and no Internet. The rule was based on market structure that bears almost no resemblance to the current environment.

Without a doubt, there have been dramatic changes in the media marketplace since 1975 when the rule was adopted by the commission. When the rule was first adopted, there were 7,785 radio stations. There were 952 TV stations, three broadcast networks, cable television systems served 13 percent of television households, and direct broadcast satellite, DBS, providers were nonexistent, and the Internet was commercially not available.

Today, there are more radio stations, 12,900; 1,600 full-powered TV stations; 2300 low-powered TV stations; 230 Class A TV stations; four major broadcast networks, along with other emerging broadcast networks; and today, cable TV systems serve almost 80 percent of the television households across the country.

As required by law, the FCC factored the status of the current marketplace into the new rules. In addition to noting the dramatic transformation of the marketplace, it also noted that this type of business combination does advance the goals of localism and diversity.

A key study relied upon by the FCC for these rules found that broadcasters co-owned by newspaper companies provided more than 50 percent more local news and public affairs broadcasting of better quality than nonbroadcast network-owned stations, unaffiliated with a newspaper publisher.

I think about my own hometown. As I walk up to the post office in St. Joe, Michigan, there are almost a dozen different newspaper stands, whether it be the Wall Street Journal, the Detroit News, the Detroit Free Press, the local Herald Palladium, the South Bend Tribune, USA Today, and more. WGN owns the Chicago Tribune and Channel 9, which is broadcast over the air. The South Bend Tribune owns the local CBS affiliate in South Bend, Channel 22. The case has not been made that the local ownership has hurt the delivery of fair reporting by those news organizations.

The Hinchey amendment would take us back to 1975 when the media marketplace was a much different place. It is working today. I urge my colleagues to defeat the Hinchey amendment.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I begin by expressing my great affection and respect for the authors of this amendment. They are fine men. On substance, they are right. I agree with them on what it is they had to say.

But they ignore one basic fact; and I want to speak to my colleagues on this side of the aisle particularly, and that is that the perfect good is the enemy of the good.

If we want to get some relief and we want to see to it that we do something to protect diversity of broadcasting, support the committee bill as it now is; and I will tell my colleagues why.

Very shortly, my good friend, the gentleman from North Carolina (Mr. BURR), and I will be making a major effort to bring to the floor of the House a piece of legislation which will address much more than the 35 percent, 45 percent limit. If my colleagues want to effectively address that matter, then I urge them to vote against the Hinchey amendment, not because it is bad, but because it is counterproductive in terms of achieving the purpose that it seeks to produce, and the result will be that we will lose the effect of the Obey amendment in delaying the going into place of the provisions of the order of the FCC with regard to television.

I have a long history, I would tell my colleagues, of having opposed the attempts of the FCC to constantly expand the ownership and the control by certain broadcasters of the media, the spectrum, and the minds of the public. This is bad. It is dangerous. But I would also tell my colleagues that if we want to do it, then we must do this thing right. The Obey amendment enables us to begin to put a hold on the unwise actions of the FCC and to move us forward towards accomplishing the purpose which we really have of seeing to it that the interests of all of the people in the great national resource, the spectrum, is protected for the benefit of all.

The amendment offered by my good friend, the gentleman from New York, will have the practical effect of driving away most of the supporters of this legislation, particularly those who are active in the industry. There are better than 600 local broadcasting stations which support this, including Cox, Hearst Argyle, and Post-Newsweek, because they recognize that this amendment is in the interests of diversity in the use of the spectrum. It is supported by Consumers Union, Common Cause, the Christian Coalition, the American Family Association, Morality in Media, the National Education Association, the National PTA, the National Association of Black-Owned Broadcasters, and Children Now.

I would remind my colleagues who are in such haste to address this to work with those of us who have dealt with these questions over the years; and I would remind them of the wonderful story that is told of the two bulls, the young bull and the old bull. The young bull said, there is a bunch of cows down at the bottom of the pasture; let us run down and get one. The old bull said, son, let us walk down and get them all.

My advice is, follow the distinguished gentleman from Wisconsin. Let us proceed in an orderly fashion. We have better than 170 sponsors on legislation that will really do the job. I urge my colleagues to support us so that we can address this matter in that way. That is the way that the matter should be dealt with. Let us get them all. Let us not lose because we have blown an opportunity because we overreached, we reached beyond our grasp, and we defeated ourselves by the enthusiastic desire to do good in a way which was counterproductive.

I say with regret and with respect and affection for my friend from New York, defeat the amendment. Let us go forward to a better conclusion to the problem by the device of passing real legislation later on. The best that the House can do today is simply to hold up through a 1-year limitation on expenditure in this legislation. My prayer to my colleagues is let us leave ourselves in a situation where we have a chance of winning and getting this through not only conference with the Senate, through the House, but also to address the practical problem of seeing to it that we get the bill signed into law.

Mr. Chairman, I urge the defeat of the Hinchey amendment.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

The FCC issued its revised rules on media ownership, ending one of the most comprehensive and empirical reviews undertaken at the FCC, or by any other Federal agency, for that matter. Over a half a million public comments were received and numerous public hearings were conducted during this 20-month review. The Hinchey amendment will change all of that, all of that comprehensive work that the FCC did. As a result, we now have media ownership rules that reflect today's market: they balance competition and diversity with local community needs.

Mr. Chairman, there are two myths that I would like to dispel.

□ 1645

The first myth is newspaper-broadcast cross-ownership adversely impacts competition in the local markets. There are 40-plus grandfathered combinations, and they provide the best evidence that competition, the concern that some of my colleagues have, bears no fruit.

Mr. Chairman, in the past 20 years there have been no formal complaints filed against any of the 40-plus grandfathered combinations at the FCC, nor have there been any antitrust actions initiated by the Department of Justice, the Federal Trade Commission or any States Attorneys General during that time. So there has been no concern of these 40 grandfathered combinations.

The second myth is, the public did not have an opportunity to participate in the FCC decision-making process. At least with respect to the newspaper-broadcast cross-ownership ban, the public has had the opportunity to participate in four, not one, two, or three, but four separate FCC proceedings over a 6-year period. And furthermore, the Commission never published its rules in advance of their adoption; and, if so, it saw no reason to deviate from this practice in the media ownership proceedings.

Lastly, the FCC did not just remove the rules and move along, but they put in place cross-media limits that are designed particularly to protect viewpoints, diversity, by ensuring that no company, no group can control an inordinate share of media outlets in a local market.

So they have already put in place the cross-media limits. They provided due diligence. The FCC has done this. They put in cross-media limits, and I have given the two myths so that the people who are for the Hinchey amendment, to show that they are, indeed, myths.

So I urge my colleagues to defeat the Hinchey amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I must say that the gentleman presented the 5-minute or so speech I was planning to make. I want to associate myself with the gentleman's remarks.

I think with great foresight the gentleman has recognized that we have done a good deal of the job that had to be done a long time ago. There is no reason to move away from where we are today, indeed, in connection with this competition is having its effect and cross-ownership is highly overblown.

Mr. Chairman, there may very well have been a time when people were justified in their concern that ABC, NBC and CBS dominated the media world and controlled what we watched.

But it is clear that competition has changed that world in many and varied ways. Today we have cable and many other offerings that give us more choice than we have ever had.

Those who want to overrule the FCC rules entirely are concerned with what they consider to be inappropriate programming. But it is not just ABC, NBC and CBS that provide these programs. Today many broadcasters and cable programmers provide endless avenues of entertainment that our diverse American public can enjoy.

We cannot dictate the tastes of the American public. And we have learned that when we try to control the marketplace by federal dictate, we most likely end up having our quest for perfection become the enemy of the good. This amendment would not solve problems, it would create them, and should be opposed.

Mr. STEARNS. Mr. Chairman, I appreciate the approval of the senior distinguished member on the Committee on Appropriations.

Mr. BOUCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment that has been proposed here by the gentleman from New York. I do so because I think it would take us back to a regulation that makes little sense in today's media world. And further, could deny many communities better news and better information programming.

Under this amendment, in a market that has several newspapers and perhaps seven or eight local television stations, only the smallest of those newspapers would be prohibited from combination with the weakest of those seven or eight television stations.

Since January of 2000, in more than 40 markets around the Nation, television stations have either reduced or eliminated news and information programming. Had it been possible for them to combine with a local newspaper, perhaps, just perhaps, those unfortunate consequences could have been avoided.

There are benefits to be obtained by permitting cross-ownerships. And the example that I just noted, a common ownership of two struggling properties could strengthen both properties keeping additional voices alive in that particular market. An undeniable synergy arises when television and newspaper, news gathering and reporting resources are focused on a single event with an improvement in the quality and depth of both the newspaper news product and the television new product.

Studies by the Federal Communications Commission have found that where cross-ownership has been permitted to continue under a grandfather provision, local television news is better, and more of it is provided by the cross-owned properties than by other local television stations in the same markets; and that is ample proof of the value of the synergies that are created when cross-owned properties have been permitted.

The Federal Communications Commission, in my view, got the balance right when it published its regulation on the cross-ownership rule in June.

Under the FCC's new rule, combinations are only allowed between a newspaper and a television station in the same local market when at the end of that combination there will be a sufficient diversity of voices remaining in that community to assure that many different and divergent views will be expressed with regard to local news. That is the right balance. Taking us back to a regulation that prohibits all combinations under all circumstances I think is counter-productive.

And so today I would urge that we confirm the recent judgment of the Federal Communications Commission and, in so doing, that we defeat this amendment.

Mr. BURR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. Clearly this is an issue that probably deserves more debate than it will receive here. But I have also, like the gentleman from Virginia (Mr. BOUCHER), my good friend from the committee, want to go back to the past, 1995, when for the first time since 1935, we thought it was time to update our telecommunications laws in this country. Hard to believe that we could go for so long believing that technology or society did not force us to review it, but we learned then just how politically difficult change was.

We made some bold changes, and because of that many of us receive the benefits of it today. We now have almost unlimited channels on cable. It is new competition. We have an array of new products through telecommunications that are the direct result of 1995 and congressional action.

One additional piece of the 1996 Telecommunications Act, though, was that we mandated that the FCC every 2 years would look at it. We never wanted to play this catch-up game again.

Now, let me make this clear for my colleagues: In the current appropriations bill we have already rolled back from 45 to 35 the ownership cap. So the Hinchey amendment is not about 45 to 35. It is about everything else that was in the FCC rule. When we talk about cross-ownership, you need not look very far; as the gentleman from Florida (Mr. STEARNS) said, there are 40 news companies that were grandfathered or received waivers that they concurrently have cross-ownership.

In Tampa, Florida, you can find an outlet where Media General owns a TV station and a newspaper. It is a model of what every other person who potentially gets into dual ownership should look like. It brings value to the community, and they have lived up to the waiver that they were granted. There are benefits to the FCC rule.

I believe that it was important, it was essential that we roll back from 45 to 35 the network ownership cap, if for no other reason than there was not a compelling reason on their part why it should be raised. But I felt strongly in 1995, when the gentleman from Massachusetts (Mr. MARKEY) and I came to this floor and, in partnership, we rolled it then from 50 percent out of committee back to 35 percent after the committee decided to raise it in 1996 Telecom Act from 25 to 35.

And it has worked pretty good. And the balance is correct. And we have got the right checks and balances between independent stations.

We spend a lot of time on the definition of localism. I have heard a lot of people mention localism today. I am not sure they had the in-depth debate that we did about what does it mean, really, localism.

Well, the independent stations have the ability, and we made sure in that act to look at the networks and say, I am not going to air that because there is no value to the community that I serve. If we tip the balance a little bit, will we dilute it enough that they will not have guts enough to do it? I believe so. But to get there, you cannot do it if you pass the Hinchey amendment.

I plead with my colleagues, if we want to roll back from 45 to 35, vote against the Hinchey amendment. The FCC does great work. It does not mean that we will always agree with everything they do. But understand that they have to do it because this Congress told them to do it every 2 years. They are obligated to review so that we do not wait 50 years again before we update our laws in this country as it relates to everything that they have oversight on.

Let me once again urge my colleagues, if Members support the rollback from 45 to 35, vote against the Hinchey amendment because it is a poison pill to our ability to maintain 35 percent for network ownership.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to do something that I have not done in 29½ years. And I know that got everybody's attention. What could I possibly have not done in 29½ years?

Well, 29½ years is how long I have known the gentleman from New York (Mr. HINCHEY). We were elected to the State assembly as so-called "Watergate Babies" in 1974. And I can still recall that that December when we first went up to Albany, nearly froze to death in typical Albany weather, I think I just lost a few Albany votes, and began a friendship that has lasted all this time.

Of that 29½ years I have never either privately nor in a public forum spoken in disagreement with anything he has said or proposed. And technically, at the expense of sounding like a politician, technically I do not disagree with him.

I do not disagree with the intent of his amendment. If it was up to me, the Obey amendment would have been far-reaching. But I disagree with his amendment today for the reasons that the gentleman from Michigan (Mr. DINGELL) and others have expressed. Because it is my understanding now, as I understand this issue and the politics of this issue, that his desire to do the right thing would jeopardize that which is in the bill already and that which we have accomplished.

Now, I told you a couple of seconds ago that it is the first time I have disagreed with him. So I hope that he, as my brother, that he understands that this is not the easiest statement for me to make. But I know how much he believes in this issue. I know how much the gentleman from Wisconsin (Mr. OBEY) believes in this issue. I know how much I believe in this issue. And I know how much we have accomplished.

I have to tell you that I was in shock at the bipartisan vote in committee for the Obey amendment. I was pleased. I was joyous. But I was shocked.

I know that people who oppose this language, people out there in the industry who are opposed to what we are about to do in this bill, are trying to figure out how to undo it. And I am convinced, as so many have said today, that the Hinchey amendment will allow many to get off supporting what we have done and, in fact, find a reason or an excuse to back off.

And so it is for that reason that I risk his slight wrath momentarily as I look over those 29½ years and promise the gentleman that I probably will never disagree with him again, but I have to rise in opposition to this amendment at this time; and I would hope that Members see it that way and vote against it.

Mr. LAHOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the gentleman from New York's (Mr. HINCHEY) amendment. I also opposed the gentleman from Wisconsin's (Mr. OBEY) amendment.

I want to cite two examples of companies that I think have been very good companies, good corporate citizens, companies that have done a good job in their communities. I know that those of us in politics, and I am sure every Member, all 435, have a gripe about a television station. I do, too. Probably about a radio station. Probably a gripe with a newspaper. We all do.

But the idea that we are going to offer an amendment to somehow corral a decision or overturn a decision that was made by the FCC, I think is not right.

□ 1700

I represent Adams County in Illinois where Quincy, Illinois, is the largest community and there is a family-owned newspaper there. The Oakley family owns the newspaper, and they own at least one television station in that town and several other television stations around the country; and they are a good corporate citizen, and they do not dictate policy from one station to another. They do not dictate policy from their newspaper to their television stations. So I guess they are the exception to the rule that one can own a newspaper and own a television station, several television stations, and not dictate policy and still be a good corporate citizen.

The classic example, though, is the Tribune Company. The Tribune Company has been in operation for 150 years. It operates in 12 markets, and it owns the Los Angeles Times, the Baltimore Sun, the Chicago Tribune, Newsday. It owns Channel 9 and many other television stations, and the notion that they try and dictate policy or dictate opinion I think is not accurate.

I know that they have established themselves as one of the best corporate citizens, certainly in Chicago and in many other communities.

So the idea that we are going to have an amendment to overturn a decision that was made by the FCC because somebody does not like it or that television stations are too big or might dictate policy, I think, is not a true reflection of at least two I know, one in Quincy, Illinois, and one in Chicago, that has many outlets in many different places.

For that reason, I wish we could have defeated the Obey amendment, which we did not; but I hope we can defeat the Hinchey amendment which is even worse.

The CHAIRMAN pro tempore (Mr. TERRY). The Committee will rise informally.

The SPEAKER pro tempore (Mr. COBLE) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The Committee resumed its sitting.

Mr. MEEHAN. Mr. Chairman, I move to strike the requisite number of words.

I rise to oppose the amendment, and I agree with much of the substance of this amendment; but I am concerned about the provisions with regard to newspapers.

Mr. Chairman, there used to be a time in every major city in America where we had three, four, five vibrant newspapers. Today, what we are seeing is fewer and fewer newspapers across the country. We are seeing circulation of newspapers going down and the economic viability of newspapers reduced dramatically because of the inability of newspapers to compete economically.

I know something about this because my father worked at the local newspaper in my hometown for 43 years. He was not the publisher. He was not the editor. He was not even a reporter. He punched a clock as compositor for 43 years, and that local newspaper meant a lot to our community.

I believe that the provisions regarding cross-ownership for newspapers would do serious harm to the financial viability of local newspapers with disastrous consequences for journalism. In a world where 24-hour cable news and Internet have made news sources for information widely available, we still depend, and our democracy depends, upon newspapers to provide high-quality, in-depth coverage of local news events; but with the emergence of so many alternative sources of news and entertainment, newspapers are struggling to retain advertisers who want to reach a high-quality, fragmented audience of consumers.

Newspapers are getting hit from both directions because they are losing circulation, viewers, and advertisers to broadcasters and major news media. The FCC's decision to relax the cross-ownership rules with regard to newspapers was based on extensive evidence showing that when newspapers are allowed to participate in local broadcasting, consumers benefit.

Daily newspapers almost always have the most extensive and sophisticated news-gathering apparatus in their circulation area. So this should not be surprising. Newspapers have been used in classrooms across America to discuss local issues. So when co-owned broadcast stations are able to draw on the depth and breadth of newspaper expertise, the stations can produce better local news programming; and when newspapers make their pitch to advertisers, they can say that they reach consumers across their circulation area through radio or, in some instances, TV ads as well as print.

The FCC did not have to guess what would happen with the quality of local news under lax cross-ownership rules with regard to newspapers. Several local newspaper/broadcast combinations have been in operation since the 1970s under the grandfather rules. This experience shows that broadcast stations, co-owned with daily newspapers, are offering better local news and more of it.

Studies by both media owners and independent entities agree on these benefits. For example, a 5-year study by the Project for Excellence in Journalism at Columbia University, found that co-owned stations were more likely to do stories focused on important community issues and were more likely to provide a wide mix of opinion. Other studies show that existing newspaper/broadcast combinations do not coordinate the editorial views they express on important public issues.

The health of daily newspapers across this country is absolutely critical to the functioning of our democracy because newspapers offer by far the most extensive and consistent coverage of local political issues and public policy issues. That is why I believe the FCC's decision to allow more newspaper/broadcast cross-ownership is good public policy.

While I agree with many of the provisions in this particular amendment and also the gentleman from Wisconsin's (Mr. OBEY) amendment, the relaxation of a cross-ownership ban for newspapers will serve the public interest by fostering better newspapers and information; and I base that on my experience in dealing with local newspapers in my own district and my own family's involvement in 43 years.

I might also add, since there have been other issues such as overtime, when my father worked as an hourly employee for 43 years punching a time clock every day, whether or not we took a vacation that summer was determined by his ability to earn overtime at that newspaper. Fortunately, he was able to make the overtime payments because of the ability of that newspaper to provide a quality of life for the employees.

Mr. INSLEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support for this amendment for the simple reason that a monopoly of ideas is ultimately more destructive to American democracy than even a monopoly of money; and the American people understand this amendment should pass for two reasons, one philosophical and one practical. Let me address the philosophical one first.

In the words of Thomas Jefferson, who said, "Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter," the overwhelming majority of American people have an understanding in their gut and in their bones and in their heads that if we loosen the rules on media consolidation, we will get more media consolidation. It is not rocket science.

So let me address the practical issue that I have heard addressed on this floor today and argued on this floor that somehow if we vote for this amendment it actually means we are going to reduce the remedy we get against the FCC. Let me debunk that argument for this reason.

It is based on two faulty assumptions. It is based on the assumption the President will veto this bill if we give Americans what they want, which is less consolidation in the media. The President might have said that today, some of his political advisers may have said that today; but when this bill gets to the White House desk, that e-mail account and Web site of the White House is going to melt down. They are going to have to double the number of e-mails that they can recover, and the FCC, when they did this, they thought this would just go kind of quietly in the night. That is why they had one hearing in Virginia for the whole country about this issue. They thought they would just sneak this by them.

Let me tell my colleagues what happened when the American people found out about this. The U.S. Senate, or the other chamber, very quickly understood that it had to happen, the commerce committee had a good vote moving in this direction, and now it is up to my colleagues and me to keep this ball rolling. We do not know how far this ball is going to go unless we get the message to the American people; and let me suggest to my colleagues, that ball is going to go a lot further, which is total repeal of the FCC going backwards.

I am not alone in this, and I want to make sure the Members in this Chamber know this is just not a good governing issue. It is not just a good government issue. It is not just a consumers federation.

The labor community of the United States of America understands the consolidation of media voices is not good for democracy. That is why the Communication Workers of America are supporting this amendment. The Department of Professional Employees are supporting this amendment. The International Brotherhood of Electrical Workers are supporting this amendment. The Newspaper Guild is supporting this amendment. The people support this amendment.

So it is our job to push the envelope here. It is our job to make sure this does not get swept under the radar screen, and let me tell my colleagues why that is important.

These consolidation rules go much further than repealing the Sherman Antitrust Act. They allow consolidation that will increase the concentration over 20 times the level of local market control of what would trigger a Sherman Antitrust Act investigation. That is in a one-newspaper town. In a two-newspaper town, mergers allowed under this rule, without this amendment, would increase concentration nine times the level of concentration that would trigger antitrust concern.

I am standing here to say that our scrutiny of a monopoly of ideas should be every bit as vigorous as a scrutiny of a monopoly of money; and that is the reason we need to, in fact, pass this amendment.

I have heard it argued today that there is a lot of new channels, there is Internet Web sites, there is new cable channels and that is enough. To me, it is a little bit like saying we will just have sort of 20 hoses, we have got all these new hoses to give you water, but then you screw the hoses all into the same faucet, which is the corporate board of governors who control these markets, and that is the promise you effect, that we have got to guard against by, in fact, passing this amendment.

I will just make one closing comment if I can of those who may be thinking about this or my colleagues. I will say one thing that I think all of us as elected officials understand. This started as a very quiet, little modest regulatory issue; but it has turned into a firestorm of criticism, and there are two tsunamis. One has already washed over Congress, and that is the Do Not Call list. That finally got Congress' attention. The second one is this amendment. My colleagues vote against this amendment, they are going to have people with pitch forks and torches in front of their Chamber arguing that they should not get in bed with those who want consolidation of this industry.

Let us push the envelope and fight back for this amendment.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Hinchey-Price amendment, and I would like to speak to the substance of this amendment. It promotes diversity by preserving existing limitations on media ownership. It actually promotes democracy.

The recent FCC decision to adopt new broadcast ownership rules raising the national television ownership rules undermines the fundamental principle of diversity, fair play, competition, and exchange of ideas. It really does run counter to our notion of freedom of the press, the right to free expression, the right to be heard.

The overwhelming public reaction against this FCC move dramatically illustrates the very diversity in America that this ruling circumvents.

□ 1715

Groups as wide ranging as Common Cause and the National Rifle Association, the National Organization for Women, in fact, the National Association of Black-Owned Broadcasters actually support this amendment. All of these groups oppose this step toward greater monopolization of the Nation's airwaves.

If we fail to take action, it is possible that a single company could own a newspaper, a television station, and a local radio station. Do we want all local news controlled by one company now that is possible under the new FCC rules? These few monopolies would shut down the views and voices of millions of Americans.

Another likely result of this rule change will be the further silencing of minority voices. According to recent surveys, minorities own less than 2 percent of the country's licensed television stations and only 4 percent of the commercial AM and FM stations. These minority owners and other independent operators are in grave danger of being trampled on by the accelerated expansion of media conglomerates.

Millions of Americans have contacted the FCC to express their disapproval of raising the limits on media ownership. This amendment addresses all of these very important concerns. It prevents the implementation of this unwise and unsound rule change.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this rule, which this amendment would address, in my opinion is perhaps the most radical usurpation of the public interest in the history of regulation. But then again, the head of the FCC does not believe in regulation nor does he believe in public interest.

To quote him, he has called regulation "the oppressor." And when asked about public interest, he said he has no idea. "It is an empty vessel in which people pour whatever their preconceived views or biases are."

And he went on to say, "The night after I was sworn in as a commissioner," this is Michael Powell, the Chair of the Federal Communications Commission, "I waited for a visit from the angel of public interest, I waited all night, but she did not come." So his conclusion is, if you believe in markets, part of the right price is determined by the give-and-take of consumers and producers, and "Thou shalt not regulate," and that, in fact, is what he has done here.

Now, there is substantial agreement on this side of the aisle that what he has done is an extraordinary blow to our system in the United States of America, our system of governance of our democratic republic. But there is some disagreement over the tactics on how we fight back. Considering the fact that the Republicans control both Houses of Congress and the White House, I believe that we need to send the strongest possible message, and this amendment would, thus far, absent adoption of the Dingell legislation, which I believe the Speaker of the House, the gentleman from Texas (Mr. DELAY), and others will never allow to come to the floor of the House, but absent that, this is the strongest statement that we could send so far. We would be standing with more than 400,000 Americans who commented against this rule.

Now, the chairman of the committee got up to say, well, the benefits of this flow to the public, but he did not go on to say, they just do not realize it. Because almost every person who testified on the most-commented-upon rulemaking in the history of the United States of America said "no." "No."

There was one hearing held in the distant realm of Virginia. That is how much public scrutiny this rule received. Why did it receive so little public scrutiny? Because they knew that more than 400,000 people would oppose it had they only known about it ahead of time.

Now we are hearing about a lot of red herrings. This place kind of smells a little bit. The waivers will go away. No, the waivers are preexisting in this rule. The waivers will not go away. They want to help the little guys that are doing good things with the waivers. That is the only reason they are supporting Michael Powell and total rollback of public interest and the total collapse of any idea of diverse media in this country and the total concentration of this system.

No, they are really for the little guys and the waivers and the exceptions and the grandfathers, and that is why we are really here.

Well, no, that is not why we are really here. We are really here because the big money and the big interests want to own it all. It will be great, the day we can go anywhere in America, turn on the tube, watch a local station and we will see exactly the same thing we would have seen at home. It will purport to provide local news.

Some people are getting puzzled when they see what is considered to be local news under the current system, which is already concentrated enough, which has nothing to do with where they live. Imagine what it will be like when it is totally one or two or three big companies dictating all the content across all the country, and not only the content of television but the content of newspapers and radio. It will be great. We will not have to be confused anymore by conflicting opinions.

God forbid we should even begin to discuss the concepts of fairness, which stood as the rule of this land for nearly three-quarters of a century under which we had a vibrant democracy. Fairness. Now it is whoever can own it can say whatever they want and the hell with fairness.

We do not have to have fairness. We do not have to have diversity of opinion. We afford it, we bought it, we can say what we want, we can exclude who we want, we can discriminate against the groups that we do not like that say things we do not like about our President or about anything else we disagree with.

That is the vision of Michael Powell and the majority in this House. That is the system they want.

That is wrong. It is wrong whether in the majority or the minority. It is wrong for the future of our Nation.

So, please, support this amendment. Send the strongest message possible. And if this passes by a big margin, if the worst thing that could happen in the conference committee with the Senate is that we bargain back a little bit toward the good work done by the gentleman from Wisconsin (Mr. OBEY), then, okay, that is the best we can do. I would love to see the President put in a position to have to veto something so much in the public interest that people care so much about.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Hinchey amendment, which is, in many ways, consistent with legislation that I introduced which has 90 cosponsors.

Mr. Chairman, I think Thomas Jefferson, Tom Payne, James Madison, and some of the other Founding Fathers of our country understood the issue that we are discussing today very well.

It is a problem in our society that in industry after industry fewer and fewer large corporations control those industries. I think that is a very serious economic problem for this country. But it is a very different and even much more serious problem when a handful of large corporations control what the American people see, hear and read.

This is not just an economic problem. This is a problem that gets to the root of American democracy.

How can we vote intelligently? How can we come to reasonable positions on all of the important issues facing America unless we hear a diverse point of view?

I think most Americans understand that there is something profoundly wrong. For example, one example, in a Nation which is politically divided, where Al Gore got more votes than George Bush, where if you turn on talk radio in America the only debate that you hear on corporate radio is a debate between the right wing and the extreme right wing. That is not, in my view, an accident.

I think that many Americans understand that some of the most important issues facing our country, the devastating loss of manufacturing jobs, the fact that the minimum wage has not been raised in many, many years, the fact that we have the most unfair distribution of wealth and income of any major country, the fact that we are the only major nation on Earth that does not have a national health care program, the fact that we have so little discussion about these important issues certainly is related to the fact that the people who own our television industry are, without exception, major multinational corporations.

We have General Electric owning NBC, Disney owning ABC, Viacom owning CBS, the right-wing millionaire Rupert Murdock owning Fox, Time Warner owning CNN. I would remind Members of Congress never to forget that in the waning days of the authoritarian Soviet Union, there was not just one television station or one radio station or one newspaper, there were hundreds of radio stations and television stations and magazines and newspapers. The only problem was that all of that media was controlled by either the Communist Party of the Soviet Union or the Government of the Soviet Union.

So the idea that we have many, many newspapers or magazines or cable television stations is meaningless when we understand that virtually all of them are owned by a handful of large corporations who have enormous conflicts of interest.

What the Hinchey amendment is saying, and I think the overwhelming majority of Americans agree with him, is that it will be a very dangerous day in this country when people who live in midsize cities find that one company owns their television station and their radio station and their local newspaper.

Is that, my friends, what American democracy is supposed to be about? I think most of us think that it is not.

Now, I have heard some discussion about political tactics, about how dangerous it would be to pass this amendment. I would suggest that those people who are talking that language are playing inside-the-Beltway baseball and they are forgetting about the heat and the passion and the concern that tens of millions of people on the outside feel about this issue.

I can only tell you of my own experience in Vermont. We held a town meeting with Michael Copps of the FCC, and 600 people came out. We held another meeting where 400 people came out. And I believe that this feeling of concern about growing media consolidation exists all over the country. When the FCC allowed for people's opinion to come forward, 750,000 Americans contacted the FCC and 99 percent said, do not go forward with more media consolidation.

In my own city of Burlington, we used to have a number of radio stations reporting local news. Today there is one. Let us support the Hinchey amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The time of the gentleman from Vermont (Mr. SANDERS) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. SANDERS was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me say, Mr. Chairman, that in substance I agree with virtually every word the gentleman just said. He is coming from exactly the right place.

Here is my tactical problem. I want this bill to get 290 votes, so that when the White House looks at it, it knows that there are enough votes here to override the veto, if they are ill-advised enough to veto the bill over this provision. And it is my considered judgment that if the Hinchey amendment passes, that there will be significant additional numbers of people who will vote against this bill, and that means we will send exactly the reverse signal.

So all I want to say is, I agree with where the gentleman is coming from, we simply have a different tactical other chamber, very quickly understood that it had to happen, the commerce committee had a good vote moving in this direction, and now it is up to my colleagues and me to keep this ball rolling. We do not know how far this ball is going to go unless we get the message to the American people; and let me suggest to my colleagues, that ball is going to go a lot further, which is total repeal of the FCC going backwards.

I am not alone in this, and I want to make sure the Members in this Chamber know this is just not a good governing issue. It is not just a good government issue. It is not just a consumers federation.

The labor community of the United States of America understands the consolidation of media voices is not good for democracy. That is why the Communication Workers of America are supporting this amendment. The Department of Professional Employees are supporting this amendment. The International Brotherhood of Electrical Workers are supporting this amendment. The Newspaper Guild is supporting this amendment. The people support this amendment.

So it is our job to push the envelope here. It is our job to make sure this does not get swept under the radar screen, and let me tell my colleagues why that is important.

These consolidation rules go much further than repealing the Sherman Antitrust Act. They allow consolidation that will increase the concentration over 20 times the level of local market control of what would trigger a Sherman Antitrust Act investigation. That is in a one-newspaper town. In a two-newspaper town, mergers allowed under this rule, without this amendment, would increase concentration nine times the level of concentration that would trigger antitrust concern.

I am standing here to say that our scrutiny of a monopoly of ideas should be every bit as vigorous as a scrutiny of a monopoly of money; and that is the reason we need to, in fact, pass this amendment.

I have heard it argued today that there is a lot of new channels, there is Internet Web sites, there is new cable channels and that is enough. To me, it is a little bit like saying we will just have sort of 20 hoses, we have got all these new hoses to give you water, but then you screw the hoses all into the same faucet, which is the corporate board of governors who control these markets, and that is the promise you effect, that we have got to guard against by, in fact, passing this amendment.

I will just make one closing comment if I can of those who may be thinking about this or my colleagues. I will say one thing that I think all of us as elected officials understand. This started as a very quiet, little modest regulatory issue; but it has turned into a firestorm of criticism, and there are two tsunamis. One has already washed over Congress, and that is the Do Not Call list. That finally got Congress' attention. The second one is this amendment. My colleagues vote against this amendment, they are going to have people with pitch forks and torches in front of their Chamber arguing that they should not get in bed with those who want consolidation of this industry.

Let us push the envelope and fight back for this amendment.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Hinchey-Price amendment, and I would like to speak to the substance of this amendment. It promotes diversity by preserving existing limitations on media ownership. It actually promotes democracy.

The recent FCC decision to adopt new broadcast ownership rules raising the national television ownership rules undermines the fundamental principle of diversity, fair play, competition, and exchange of ideas. It really does run counter to our notion of freedom of the press, the right to free expression, the right to be heard.

The overwhelming public reaction against this FCC move dramatically illustrates the very diversity in America that this ruling circumvents.

□ 1715

Groups as wide ranging as Common Cause and the National Rifle Association, the National Organization for Women, in fact, the National Association of Black-Owned Broadcasters actually support this amendment. All of these groups oppose this step toward greater monopolization of the Nation's airwaves.

If we fail to take action, it is possible that a single company could own a newspaper, a television station, and a local radio station. Do we want all local news controlled by one company now that is possible under the new FCC rules? These few monopolies would shut down the views and voices of millions of Americans.

Another likely result of this rule change will be the further silencing of minority voices. According to recent surveys, minorities own less than 2 percent of the country's licensed television stations and only 4 percent of the commercial AM and FM stations. These minority owners and other independent operators are in grave danger of being trampled on by the accelerated expansion of media conglomerates.

Millions of Americans have contacted the FCC to express their disapproval of raising the limits on media ownership. This amendment addresses all of these very important concerns. It prevents the implementation of this unwise and unsound rule change.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this rule, which this amendment would address, in my opinion is perhaps the most radical usurpation of the public interest in the history of regulation. But then again, the head of the FCC does not believe in regulation nor does he believe in public interest.

To quote him, he has called regulation "the oppressor." And when asked about public interest, he said he has no idea. "It is an empty vessel in which people pour whatever their preconceived views or biases are."

And he went on to say, "The night after I was sworn in as a commissioner," this is Michael Powell, the Chair of the Federal Communications Commission, "I waited for a visit from the angel of public interest, I waited all night, but she did not come." So his conclusion is, if you believe in markets, part of the right price is determined by the give-and-take of consumers and producers, and "Thou shalt not regulate," and that, in fact, is what he has done here.

Now, there is substantial agreement on this side of the aisle that what he has done is an extraordinary blow to our system in the United States of America, our system of governance of our democratic republic. But there is some disagreement over the tactics on how we fight back. Considering the fact that the Republicans control both Houses of Congress and the White House, I believe that we need to send the strongest possible message, and this amendment would, thus far, absent adoption of the Dingell legislation, which I believe the Speaker of the House, the gentleman from Texas (Mr. DELAY), and others will never allow to come to the floor of the House, but absent that, this is the strongest statement that we could send so far. We would be standing with more than 400,000 Americans who commented against this rule.

Now, the chairman of the committee got up to say, well, the benefits of this flow to the public, but he did not go on to say, they just do not realize it. Because almost every person who testified on the most-commented-upon rulemaking in the history of the United States of America said "no." "No."

There was one hearing held in the distant realm of Virginia. That is how much public scrutiny this rule received. Why did it receive so little public scrutiny? Because they knew that more than 400,000 people would oppose it had they only known about it ahead of time.

Now we are hearing about a lot of red herrings. This place kind of smells a little bit. The waivers will go away. No, the waivers are preexisting in this rule. The waivers will not go away. They want to help the little guys that are doing good things with the waivers. That is the only reason they are supporting Michael Powell and total rollback of public interest and the total collapse of any idea of diverse media in this country and the total concentration of this system.

No, they are really for the little guys and the waivers and the exceptions and the grandfathers, and that is why we are really here.

Well, no, that is not why we are really here. We are really here because the big money and the big interests want to own it all. It will be great, the day we can go anywhere in America, turn on the tube, watch a local station and we will see exactly the same thing we would have seen at home. It will purport to provide local news.

Some people are getting puzzled when they see what is considered to be local news under the current system, which is already concentrated enough, which has nothing to do with where they live. Imagine what it will be like when it is totally one or two or three big companies dictating all the content across all the country, and not only the content of television but the content of newspapers and radio. It will be great. We will not have to be confused anymore by conflicting opinions.

God forbid we should even begin to discuss the concepts of fairness, which stood as the rule of this land for nearly three-quarters of a century under which we had a vibrant democracy. Fairness. Now it is whoever can own it can say whatever they want and the hell with fairness.

We do not have to have fairness. We do not have to have diversity of opinion. We afford it, we bought it, we can say what we want, we can exclude who we want, we can discriminate against the groups that we do not like that say things we do not like about our President or about anything else we disagree with.

That is the vision of Michael Powell and the majority in this House. That is the system they want.

That is wrong. It is wrong whether in the majority or the minority. It is wrong for the future of our Nation.

So, please, support this amendment. Send the strongest message possible. And if this passes by a big margin, if the worst thing that could happen in the conference committee with the Senate is that we bargain back a little bit toward the good work done by the gentleman from Wisconsin (Mr. OBEY), then, okay, that is the best we can do. I would love to see the President put in a position to have to veto something so much in the public interest that people care so much about.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Hinchey amendment, which is, in many ways, consistent with legislation that I introduced which has 90 cosponsors.

Mr. Chairman, I think Thomas Jefferson, Tom Payne, James Madison, and some of the other Founding Fathers of our country understood the issue that we are discussing today very well.

It is a problem in our society that in industry after industry fewer and fewer large corporations control those industries. I think that is a very serious economic problem for this country. But it is a very different and even much more serious problem when a handful of large corporations control what the American people see, hear and read.

This is not just an economic problem. This is a problem that gets to the root of American democracy.

How can we vote intelligently? How can we come to reasonable positions on all of the important issues facing America unless we hear a diverse point of view?

I think most Americans understand that there is something profoundly wrong. For example, one example, in a Nation which is politically divided, where Al Gore got more votes than George Bush, where if you turn on talk radio in America the only debate that you hear on corporate radio is a debate between the right wing and the extreme right wing. That is not, in my view, an accident.

I think that many Americans understand that some of the most important issues facing our country, the devastating loss of manufacturing jobs, the fact that the minimum wage has not been raised in many, many years, the fact that we have the most unfair distribution of wealth and income of any major country, the fact that we are the only major nation on Earth that does not have a national health care program, the fact that we have so little discussion about these important issues certainly is related to the fact that the people who own our television industry are, without exception, major multinational corporations.

We have General Electric owning NBC, Disney owning ABC, Viacom owning CBS, the right-wing millionaire Rupert Murdock owning Fox, Time Warner owning CNN. I would remind Members of Congress never to forget that in the waning days of the authoritarian Soviet Union, there was not just one television station or one radio station or one newspaper, there were hundreds of radio stations and television stations and magazines and newspapers. The only problem was that all of that media was controlled by either the Communist Party of the Soviet Union or the Government of the Soviet Union.

So the idea that we have many, many newspapers or magazines or cable television stations is meaningless when we understand that virtually all of them are owned by a handful of large corporations who have enormous conflicts of interest.

What the Hinchey amendment is saying, and I think the overwhelming majority of Americans agree with him, is that it will be a very dangerous day in this country when people who live in midsize cities find that one company owns their television station and their radio station and their local newspaper.

Is that, my friends, what American democracy is supposed to be about? I think most of us think that it is not.

Now, I have heard some discussion about political tactics, about how dangerous it would be to pass this amendment. I would suggest that those people who are talking that language are playing inside-the-Beltway baseball and they are forgetting about the heat and the passion and the concern that tens of millions of people on the outside feel about this issue.

I can only tell you of my own experience in Vermont. We held a town meeting with Michael Copps of the FCC, and 600 people came out. We held another meeting where 400 people came out. And I believe that this feeling of concern about growing media consolidation exists all over the country. When the FCC allowed for people's opinion to come forward, 750,000 Americans contacted the FCC and 99 percent said, do not go forward with more media consolidation.

In my own city of Burlington, we used to have a number of radio stations reporting local news. Today there is one. Let us support the Hinchey amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The time of the gentleman from Vermont (Mr. SANDERS) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. SANDERS was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me say, Mr. Chairman, that in substance I agree with virtually every word the gentleman just said. He is coming from exactly the right place.

Here is my tactical problem. I want this bill to get 290 votes, so that when the White House looks at it, it knows that there are enough votes here to override the veto, if they are ill-advised enough to veto the bill over this provision. And it is my considered judgment that if the Hinchey amendment passes, that there will be significant additional numbers of people who will vote against this bill, and that means we will send exactly the reverse signal.

So all I want to say is, I agree with where the gentleman is coming from, we simply have a different tactical judgment about how to get there. I think we need a two-step process and the gentleman wants one.

Mr. SANDERS. Reclaiming my time, Mr. Chairman, let me express my disagreement with my good friend, because let me tell him this. I want the President of the United States to go in front of the national media and say, I am vetoing this bill because I believe in more media consolidation. I think fewer large corporations should control what we see, hear, and read. I want the President of the United States to do that.

Mr. Chairman, I think he is smart enough not to do that.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

The Federal Communications Act of 1934 mandated that the electronic broadcasting industry operate in the public interest, convenience, and necessity. The idea behind the FCC Act of 1934 was that we the people own the airwaves and that we grant a license for people to operate in the public interest, but that the first claim on those airwaves belongs to the people.

□ 1730

How far we have come in America, to a position where we the people are begging corporate broadcast interests to allow us the right to free speech. How far we have come in America, to a condition where the Federal Communications Commission, which was created to make sure that the public interest is represented, instead has been captured by the very industry they are to regulate. It is a matter of public record. Indeed, it has been recorded by the Center for Public Integrity which examined the travel records of FCC employees that they have accepted over a period of 8 years 2,500 trips costing nearly $2.8 million and that these trips were paid for by telecommunications and broadcast industries which are regulated by the FCC. This on top of the trips that the taxpayers paid for.

There is no question that the Federal Communications Commission, which has been created to represent the public interest, represents instead the private interest. And so then the public's right to the airwaves, to control of the airwaves, and to access to the airwaves becomes diminished, damaged, and degraded by a system which has now been captured by media corporations. This then must be a cause of great debate in our democracy because we understand as wealth concentrates in fewer and fewer hands there is less democracy, and we understand as concentration in the media occurs and there are fewer and fewer independent media outlets, it is to the detriment of our democracy, it is a lessening of freedom of speech in our Nation.

If we are to remain one Nation, we cannot be one Nation and at the same time have one broadcast power, a private one. We have to ensure that there is a multiplicity of media outlets. We must ensure that the media responds to the public interest. We must regain what it truly means to have a public spirited debate in a democracy which can only occur if there are significant numbers of outlets in the media and that each community has the opportunity to have a balance of media interests.

When our Constitution was established and when our Bill of Rights was set in motion establishing freedom of speech, our founders did not countenance that freedom of the press would belong to the man who owns one. Our founders did not countenance that freedom of broadcast media or freedom of speech would belong to the broadcast media. The Hinchey amendment seeks to strike once again a balance on behalf of the public interest to set aside the FCC's action which resulted in a stunning ruling which permitted the country's largest media conglomerates to achieve a level of multiple ownership that could only be said to be totally against the interest of our democracy.

We stand here every day in debating the great questions of our time. How often those questions receive attention is a matter of the private interest. We need to regain the public interest here. That is why this amendment achieves a great amount of importance. The public needs to remember once again that they are ultimately the owners of the airwaves, that the airwaves do not belong to corporations. They do not have any primary right to those airwaves. Those airwaves are the product of a free Nation and those airwaves should always be regulated in the public interest. They are not being regulated in the public interest, and it is only this Congress which can rescue the public interest.

Vote for the Hinchey amendment.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

I have served on the telecommunications subcommittee for 27 years, and I can tell you that not only is the decision made by the Federal Communications Commission in this area of media consolidation the worst decision made during my 27 years overseeing them, it is the worst decision ever made by the Federal Communications Commission. Ever. First of all, Chairman Powell decided to have one public hearing, one, on an issue that goes to the fundamental question of what is the relationship between the American public and the media while they were considering the changes in 75 years of laws.

The public furor is totally understandable. And Congress in the Committee on Energy and Commerce, the committee with jurisdiction over this issue, we have yet to have a hearing on this issue. What did the FCC decide? Did it decide that they were going to expand the rules so that one newspaper could be owned by one television station? No. Did they decide that one cable company could own four radio stations in one community and expand the rules that way? No. Here is what they decided. Listen to this, ladies and gentlemen. Listen to the worst decision ever made by the Federal Communications Commission. In the largest metropolitan media areas where many, many of us come from, here is what is now possible. One company in your hometown, your metropolitan area, can own three television stations, three, in your hometown; eight radio stations at the same time; the biggest newspaper in town even if it is the only newspaper in town at the same time; and the entire cable system in your hometown even if it includes the all-news channel on cable plus all of the Internet news Web sites that attach to all of those sites.

So listen again, my friends. The FCC has decided in your hometown that one company can own three TV stations, eight radio stations, the only newspaper in town, and the entire cable system including the all-news cable channel. That is absurd. That is crazy. They did not decide that one company can own one TV station and one newspaper. No. That is not what this debate is about. If they had been more tailored, if they had been more restrictive, if they had expanded on some commonsense basis, we would not be out here right now. They did not do that. Every single industry that came in and asked them for something, they said "yes" to.

I am the author, in 1995, with the gentleman from North Carolina (Mr. BURR) and Sonny Montgomery, of the 35 percent rule. That is my amendment here. And so I am glad that that is included in the appropriations bill. But I think everyone should understand the consequences of what the FCC is doing and it is coming to your hometown soon. It just goes too far. No one should have that kind of power. The kind of power that one company is now going to have in your hometown will make Citizen Kane look like an underachiever. It is too much in one company at one time. It has to be tailored.

I am glad that this 35 percent rule was included. I think it is important that it was included. It is essential in having a better balance between the networks and the individual communities across the country. And I understand the debate which is going on as to what is the best tactical way of proceeding from here, and I have to respect the incredibly great work that the gentleman from Wisconsin (Mr. OBEY) did and the gentleman from Michigan (Mr. DINGELL) and the gentleman from North Carolina (Mr. BURR) and the gentleman from New York (Mr.

SERRANO) in getting the language in on the 35 percent rule. It is very important. Very important. But there are many other very important issues as well, and I outlined the worst-case scenario; and it is now the law, with one hearing, one hearing held in Richmond, Virginia, where all the lobbyists from Washington just got on the train and went down there for a day.

Personally, I am going to vote for the Hinchey amendment; but I hope you all understand that while it may not pass today that there are big stakes that America is facing as this change is made in American life.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. KING of Iowa:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to engage in negotiations respecting a trade agreement with another country which creates or expands a nonimmigrant visa category authorizing the temporary entry of professionals into the United States.

Mr. KING of Iowa. Mr. Chairman, I appreciate the opportunity to offer this amendment. I am going to do something slightly unusual and simply read it since it is short and it does describe what it does. It says, "None of the funds made available in this Act may be used to engage in negotiations respecting a trade agreement with another country which creates or expands a nonimmigrant visa category authorizing the temporary entry of professionals into the United States."

Mr. Chairman, this issue arises out of our U.S. Trade Representative's including nonimmigration status, created a whole new category; it was a "W" category that now we have changed into H–1Bs. It is being included now in at least discussions in other trade agreements across Central and South America. And so I rise today to offer an amendment to prevent the United States Trade Representative from negotiating changes to U.S. immigration law in trade agreements with other countries. Our Constitution in article 1, section 8, gives Congress, not the U.S. Trade Representative, plenary power over immigration.

Immigration policy does not belong in free trade agreements. My amendment provides that none of the funds appropriated by the bill may be used by the United States Trade Representative to negotiate trade agreements which create or expand a nonimmigrant visa category authorizing the temporary entry of professionals into the United States.

Recently, the U.S. Trade Representative has negotiated free trade agreements which contain immigration provisions that infringe upon the plenary power of Congress over immigration matters. The first draft of the implementing legislation for the Chile and Singapore free trade agreements included the creation of a new "W" category for visas for professional workers. Only after the Trade Representative received serious resistance from the Committee on the Judiciary did they agree to slightly change the immigration provisions to accommodate some, but not all, of the concerns of the Committee on the Judiciary.

The inclusion of immigration provisions in the Chile and Singapore agreements is especially troubling since the agreements will likely be used as a template for future free trade agreements, including those with Central America, Southern Africa, Australia, Morocco and others. The U.S. Trade Representative has negotiated these immigration provisions without any authority or decision to do so from Congress. With my amendment, Congress can reassert congressional primacy over immigration law.

The United States Trade Representative's practice of proposing new immigration law in the context of bilateral or multilateral trade negotiations usurps Congress' constitutional responsibility for immigration law. Trade Promotion Authority eliminates our ability to amend such proposals, taking the plenary power over immigration out of the hands of Congress. We cannot allow this to continue and must prevent the U.S. Trade Representative from agreeing to include immigration provisions in trade agreements.

The practice of including immigration provisions that usurp congressional authority is not limited to the Chile and Singapore trade agreements. The North American Free Trade Agreement and the General Agreement on Trade in Services both included such provisions. In NAFTA, the Clinton administration USTR agreed to a limitless professional worker visa category containing not even a prevailing wage requirement. In GATS, the USTR divested from future Congresses the ability to make possibly crucial modifications to the H–1B visa program.

I am not opposed to free trade agreements. In fact, I am a free trader. We need to make trade agreements with other countries, for example, to increase our agriculture exports. However, the Trade Representative does not need to change immigration law to achieve that goal. As Members of Congress, we often disagree as to what our immigration policy should be, but we are all united in the belief that the responsibility for crafting an immigration policy belongs to Congress, not the executive branch; and we take our duty seriously.

I ask Members to support my amendment.

Mr. WOLF. Mr. Chairman, I move to strike the last word. I understand the gentleman from Iowa is going to withdraw the amendment, and I appreciate that; but I think Members ought to understand that the gentleman raises a very, very valid and very, very important point. I voted for Fast Track. I voted for it without the administration asking me to vote for it. But he makes a very valid point, so I hope someone from the Trade Representative's Office is listening to what the gentleman is trying to say here.

We have a 6.4 percent unemployment rate in the country; and there are many of these workers, moms and dads, who desperately want to return to work. So I do appreciate the fact that the gentleman from Iowa is going to withdraw it. I know the gentleman from Illinois (Mr. CRANE) is going to address the amendment.

□ 1745

But the Trade Representative's Office ought to be paying attention to the King amendment and paying attention to what the gentleman from Iowa (Mr. KING) is saying, or else I think this issue will be dealt with later on.

So I thank the gentleman for offering the amendment.

Mr. CRANE. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment offered by the gentleman from Iowa. The international mobility of business professionals has become an increasingly important aspect of our competitive markets for both suppliers and consumers. Facilitating the movement of professionals allows trade partners to more efficiently provide each other with services such as architecture, engineering, consulting, and construction. TPA establishes that the principal negotiating objective regarding trade in services is to reduce or eliminate barriers to international trade in services.

Each trade negotiation the United States enters, like Chile and Singapore, is approached individually to determine if the conclusion of a temporary entry chapter will benefit U.S. trade in services, and if so, whether a section on temporary entry of professionals is needed in the agreement.

The Chile and Singapore Free Trade Agreements contain provisions allowing for the temporary entry of business professionals into the other party to facilitate trade in services.

This amendment would potentially limit our ability to discuss our current obligations under NAFTA, Chile and Singapore.

This amendment would also encourage other industries that would like their issues taken off the table in future negotiations to offer amendments.

The administration worked diligently to address concerns on temporary entry in the Singapore and Chile FTA, and it is very sensitive to Members' concerns regarding the inclusion of temporary entry provisions in free trade agreements.

USTR inherited a tradition of including such temporary entry provisions in trade agreements from prior administrations. These provisions are used to facilitate trade in services which is a predominant economic interest in the U.S.

My experience with Ambassador Zoellick is that he is very sensitive and responsive to congressional concerns, and I am confident that he will be in this regard as well.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from California for yielding.

Just a few quick points to make on the remarks made by the gentleman. First of all, it is Congress' authority to establish immigration policy, and when we open up and provide that opportunity to the U.S. Trade Representative to inject immigration issues into any and all trade agreements that they might make, that is voluntarily giving up congressional authority that is constitutionally vested in the United States Congress.

We have a responsibility to defend our oath of office, which is to uphold the Constitution of the United States; and once we move outside of that, our Founding Fathers knew better. That is why they put that in the Constitution.

We are not allowed to amend a trade agreement. So by not being allowed to amend a trade agreement, that means that they can inject immigration issues into a trade agreement and those of us who believe in free trade, but do not believe that we should set up the authority with a Trade Representative to bring in any limit of immigration, that puts us in a position of having to decide, devil's choice, are we for the trade or are we against immigration policy?

So it is Congress' authority.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROHRABACHER:

Page 103, after line 26, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

Mr. ROHRABACHER. Mr. Chairman, this amendment offered by the gentleman from California (Mr. HONDA) and me supports the rights of former American prisoners of war who were captured at the fall of Bataan, the Philippines, in 1942. They were used as slave labor by Japanese corporations during the rest of the Second World War.

These heroes survived the Bataan Death March only to be transported to Japan and elsewhere in infamous death ships. They were then forced to labor for Japanese corporations under the most horrendous circumstances one can imagine. Private employees of these corporations tortured and physically abused our American POWs while the corporations withheld essential medical care and even the most minimal amount of food. All of this, and when it was over, they were not even permitted to be compensated by the Japanese corporations that used them as slave labor.

Perhaps the worst part of this nightmare is that these American heroes have been thwarted in their efforts to secure for themselves just compensation and an apology, and they are being thwarted by our own State Department, which claims they have no right to sue.

My amendment to H.R. 2799 would prohibit any funds in the act from being used by the United States Government to prevent our POWs from seeking a fair hearing in civil court against the Japanese companies that used them as slave labor.

We are told, of course, that if the American POWs seek this compensation from these Japanese corporations, that it would be an insult to the corporate leaders in Japan who led these corporations or an insult to the Japanese people. Ironically, even while we are being told this, the Japanese have extended favorable reparation terms to other victims from other countries, and they continue to settle war claims for people of other countries. But, of course, those other countries have their governments fighting for the rights of their people rather than trying to undermine the rights of their greatest heroes.

Unfortunately, to date, our State Department continues to argue in court against our POWs, touting a ridiculously restrictive reading of the peace treaty between the United States and Japan. In that, our State Department is now betraying our own POWs in order to protect Japanese corporations that used them as slave labor during the war. If our State Department is doing that, it is wrong; and it is therefore up to this Congress to pass this bill to force our State Department to get out of the way of our POWs and let them have their day in court, because every time our POWs come forth to sue these Japanese corporations, our State Department is there arguing against them and tearing down their arguments.

This is not the first time that we have taken on this issue to try to prevent this from happening to our American heroes. On July 18 of 2001, this amendment passed in the House with a resounding vote of 395 to 33. It was also agreed to on September 10, 2001, in identical form by a majority in the United States Senate.

It is a disgrace that this amendment, after having been approved by both Houses of Congress in identical terms, was pulled out of the bill and did not make it into the conference report; thus, behind closed doors, our POWs were again betrayed.

Is this a democracy where if a majority of people in both Houses vote for something, it does not stay in the bill, that someone can just take it out? No. I think that we have got to try to correct this situation now; and if we stand up today, we send a message that this kind of behavior, making these kind of decisions behind closed doors, is unacceptable. And what better issue to draw the line against this practice than in protecting the rights of some of America's greatest heroes?

I would hope that we can once again put restrictions into this bill that will prevent the State Department from using any of these funds that we authorize or appropriate today to prevent our own POWs from suing Japanese corporations that used them as slave labor during the Second World War.

Which side are we on? It comes down to that. Which side are we on? On the side of America's greatest heroes or are we more concerned with the sensibilities of big Japanese corporations who used our heroes as slaves?

I urge my colleagues to join me in supporting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OTTER

Mr. OTTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OTTER:

At the end of the bill (before the short title), insert the following:

Section . None of the funds made available in this act may be used to seek a delay under Section 3103a(b) of title 18 United States Code.

Mr. OTTER. Mr. Chairman, over 200 years ago when the formulation of this great republic was being put together, John Stuart Mill sat down and probably put the essence of this government in writing better than anyone could. "A people," he said, "may prefer a free government, but if from indolence or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it; if they will not fight for it when it is directly attacked; if by momentary discouragement or temporary panic, they can be deluded by the artifices used to cheat them out of it; or if in a fit of enthusiasm for an individual, they can be induced to lay their liberties at the feet of even a great man, in all these cases, they are more or less unfit for liberty. And though it may have been to their good to have had it for a short time, they are unlikely long to enjoy it."

The United States PATRIOT Act was well intentioned, Mr. Chairman, especially during a time of uncertainty and panic. However, now we have had a chance to step back and examine it objectively. The legislation deserves serious reevaluation. While I agree with some of the new powers granted to the Federal law enforcement authorities that may be, and I stress "may be," necessary, many more are unjustified and are dangerously undermining our civil liberties.

We have the opportunity to revisit these sections of the USA PATRIOT Act and to correct these mistakes from those first frenzied weeks after September 11, 2001.

One provision, section 213, allows delayed notification of the execution of a search warrant. It authorizes no-knock searches of private residences, our homes, either physically or electronically. By putting off notice of the execution of a warrant, even delaying it indefinitely, section 213 of the USA PATRIOT Act prevents people, or even their attorneys, from reviewing the warrant for correctness in legalities.

These "sneak and peek" searches give the government the power to repeatedly search a private residence without informing the residents that he or she is the target of an investigation. Not only does this provision allow the seizure of personal property and business records without notification, but it also opens the door to nationwide search warrants and allows the CIA and the NSA to operate domestically.

American citizens, whom the government has pledged to protect from terrorist activities, now find themselves the victims of the very weapon designed to uproot their enemies.

It is in defense of these freedoms that I offer this amendment today to the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for the fiscal year 2004 bill. This amendment would prohibit any funds from being used to carry out section 213 of the USA PATRIOT Act as signed into law on October 26, 2001. Through the passage of this amendment, Americans would have reinstated a different kind of security, one giving them renewed confidence in their government in tirelessly protecting their individual freedom from unjustified and unnecessary intrusion.

Being secure at the expense of our freedom is no real security. Like many Idahoans who have come to me with their concerns about the USA PATRIOT Act and in passionate defense of their freedoms, we must continue to examine our actions to correct our mistakes to guard against the apathy or the indifference to safeguarding our liberties.

To these Federal agencies, it is a house, it is a building, it is a business; but to us, Mr. Chairman, it is our homes, and there is nothing more sacred than homes in America because it is the foundation on which we build our families. It is the arsenal in which the virtue and hope of every generation resides, and it is the fundamental primer of any free people.

☐ 1800

We can, with the adoption of this first alteration to the PATRIOT Act, begin the reclamation of our title of a Nation as a people fit for liberty.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment, without really knowing completely what it does. Let me just say if anyone from the Justice Department is listening, is there an office of legislative counsel down there who can give opinions? Hello, is there a policy office down there?

This would be a mistake, though. We are amending the PATRIOT Act, this is not an appropriations issue, on the floor of the House. The gentleman may very well be right, and he seems to have pretty good information, but he may not be. So for us to amend the PATRIOT Act in this bill, I think would be a mistake.

This is not an appropriate amendment for an appropriations bill. This is clearly for the authorizers; this is clearly for the Department of Justice to come up and sit down with the gentleman from Idaho (Mr. OTTER) and discuss this with him. This is clearly for the legislative counsel of the Department of Justice to address.

The gentleman from Idaho (Mr. OTTER) may very well be right. The gentleman from Idaho (Mr. OTTER) may not be right. But undoing a statute with a funding limitation at 6 o'clock at night without knowing what the ramifications are is not really the way to legislate.

So because of that, not because the gentleman from Idaho (Mr. OTTER) is wrong, I want to stress again he may very well be right; and then again, I want to stress he may not be, but I also want to stress that the Department of Justice is AWOL on this issue with regard to coming and sharing with the Congress, and with the gentleman from Idaho (Mr. OTTER), some of the concerns. But in an appropriations bill, I do not think it would be appropriate to amend the PATRIOT Act, without having extensive and deep debate.

So with that, I oppose the amendment. I would be glad, as I said, to set up meetings, should this amendment fail, with the Justice Department and the gentleman from Idaho (Mr. OTTER) so we can get to the bottom, to make sure whether what the gentleman from Idaho (Mr. OTTER) said is true or not true.

With that, I oppose the amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment, and I would refer the gentleman to my earlier comments about civil liberties and the issues which are contained within the PATRIOT Act.

I may not totally end up on the side of disagreeing with the gentleman once some more research is done. My problem with the amendment is that lately we have been seeing a lot of amendments on this bill, both in committee and on the floor, where we fully do not know the full impact.

That may sound to some people as a contradiction to the fact that I would want to be the leader in changing and I would lead the charge in changing the PATRIOT Act. So I understand that, if there is concern, the gentleman has to be respected for that. But this is an issue that we really need to consult with many people on, and we just do not think it should be done on this particular bill.

With that in mind, not only would I oppose it, but I would hope the gentleman would reconsider and withdraw his amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from Idaho (Mr. OTTER) and am proud to join with him and the gentleman from Texas (Mr. PAUL) in cosponsoring it.

It has been said that Members may not know the impact of this amendment. This amendment seeks to deny funds which would be used to carry out section 213 of the PATRIOT Act, which allows for so-called sneak-and-peak searches. It has been said that Members may not know the impact of this amendment.

Let it be stated here that when this House passed the PATRIOT Act, most Members, as diligent as they are, nevertheless did not have access to see the very bill they were voting on, that, in fact, we were not voting on at 6 o'clock in the afternoon, we were voting on in the dead of night. In an atmosphere of apprehension and confusion and chaos, the Congress passed the PATRIOT Act, which has led to a destructive undermining of numerous provisions of the Bill of Rights. The amendment of the gentleman from Idaho (Mr. OTTER) is the first opportunity that we have had in this House to correct something that has been a grievous assault on our Constitution.

We are offering this amendment to restore integrity to the fourth amendment by denying funds from being used to carry out section 213 of the PATRIOT Act, that section which allows for the sneak-and-peak searches. Common law has always required that the government cannot enter your property without you and must, therefore, give you notice before it executes a search. That knock-and-announce principle has long been recognized as having been codified in the fourth amendment to the United States Constitution.

The PATRIOT Act, however, unconstitutionally amended the Federal Rules of Criminal Procedure to allow the government to conduct searches without notifying the subjects, at least until long after the search has been executed. Let me tell you what this means. This means that under this law, this law which was passed by the Congress, the government can enter your house, your apartment, your office, with a search warrant, when the occupants are away, search through your property, take photographs, and, in some cases, even seize property and not tell you until later. This effectively guts the fourth amendment protections.

In response to questioning by the Committee on the Judiciary, the Department of Justice makes it clear that the fourth amendment is already in peril as a result of section 213. Listen to this box score of their activity: the Department of Justice reports that sneak-and-peak searches have been used on 47 separate occasions and that the period of delay for notification has been sought almost 250 times. I would suggest to you just once constitutes a threat to our Bill of Rights.

These secret warrants have been used in Federal criminal investigations not necessarily related to terrorist investigations.

Notice with a warrant is a crucial check on the government's power. It forces authorities to operate in the open. It allows citizens to protect their constitutional rights. For example, it allows subjects to point out problems with a warrant, for instance, if the police are at the wrong address or if the scope of the warrant is obviously being exceeded.

If, for example, authorities in search of a stolen car go into someone's apartment and rifle through a dresser drawer, search warrants rightly contain limits on what may be searched. But when the searching authorities have utter control and discretion over a search, American citizens are unable to defend their constitutional rights.

This assault on the fourth amendment is wrong, it is unconstitutional, it is un-American; and it must stop. I would ask my colleagues to recall the oft-invoked words of a great American, Benjamin Franklin, who once said: "Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety."

I say today that section 213 of the PATRIOT Act destroys an essential liberty. The Otter amendment restores it.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I want to compliment the gentleman from Idaho (Mr. OTTER) for bringing this to the floor.

When the PATRIOT Act was passed, it was in the passions following 9/11, and that bill should have never been passed. It was brought up carelessly, casually, in a rapid manner. The bill that had been discussed in the Committee on the Judiciary was removed during the night before we voted. The full text of this bill was very difficult to find. I am convinced that very few Members were able to review this bill before voting. That bill should have never passed. We certainly should continue to maintain the sunset provisions. But that is a long way off, and we should be starting to reform and improve this particular piece of legislation. This is our first chance to do so.

I have had many Members in the Congress come to me and on the quiet admit to me that voting for the PATRIOT Act was the worst bill and the worst vote they have ever cast; and this will give them an opportunity to change it, although this is very narrow. It is too bad we could not have made this more broad, and it is too bad we are not going to get to vote on the amendment of the gentleman from Vermont (Mr. SANDERS) to make sure that without the proper search warrant that the Federal Government would not have access to the library records.

But there is no need ever to sacrifice liberty in order to maintain security. I feel more secure when I have more liberty; and that is why I am a defender of liberty, because my main concern is security, both in the physical sense as well as the financial sense. I think the freer the country is, the more prosperous we are; and the freer the country is, the more secure we are.

Yet it was in the atmosphere of post-9/11 that so many were anxious to respond to what they perceived as demands by the people to do something. But just to do something, if you are doing the wrong thing, what good is it? You are doing more harm.

But my main argument is that there is never a need to sacrifice liberty in order to protect liberty, and that is why we would like to at least remove this clause that allows sneak-and-peak search warrants.

It took hundreds, if not thousands, of years to develop this concept that governments do not have the right to break in without the proper procedures and without probable cause. And yet we threw that out the window in this post-9/11 atmosphere, and we gave away a lot.

Yes, we talked about numbers of dozens of examples of times when our government has used this and abused it. But that is only the beginning. It is the principle. If they had only done it once, if they had not done it, this should still be taken care of, because as time goes on, and if we adapt to this process, it will be used more and more, and that is throwing away a big and important chunk of our Constitution, the fourth amendment.

Not only should we do whatever we can to reform that legislation, but we already know that there is a PATRIOT Act No. 2. It has not been given to us, the Congress; but the administration has it for the future. It is available, but we have only gotten to see it from the Internet.

In that bill there is a proposal that the government can strip us of our citizenship, and then anybody then stripped of their citizenship could be put into the situation that many foreigners find themselves in at Guantanamo before the military tribunals.

I see this as a very, very important issue, if anybody cares about liberty, if anybody cares about personal freedom and the rule of law and the need for probable cause before our government comes barging into our houses. It has been under the guise of drug laws that have in the past instituted many of these abuses, but this is much worse. This has been put into an explicit piece of legislation, and the American people and this Congress ought to become very alert to this and realize how serious the PATRIOT Act is.

I hope that the Congress and our colleagues here will support this amendment. It is very necessary, and it will be voting for the Constitution; and it will be voting for liberty if we support this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to congratulate the gentleman from Texas (Mr. PAUL) who just spoke. It is a cliche in this House that almost no speeches change people's minds, but I think this speech is one occasion when it has certainly changed mine, and I want to thank the gentleman for that.

Originally, when I first heard the amendment offered, I thought, well, this is not the right place for this, and it is not; and I thought there may be ramifications to this that we do not understand, and there probably are. But I have full confidence in the ability of the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) to see to it that that is fixed in conference if this amendment is adopted.

The reason I have changed my mind listening to the gentleman from Texas and the reason I intend to support this amendment is because of the history of the PATRIOT Act.

□ 1815

When the first act was brought to this House floor, I voted "present" because this House had no idea what was in it. We were asked to vote blind. And as a protest to doing that, even in the heat of 9–11, I voted "present" to signify that I did not feel that I knew enough about the contents of that bill to vote for it.

When it came back from conference, I very reluctantly voted "yes," because I thought there were some things in it that, because of what I had learned in classified briefings, we needed to face. Things like being able to go after multiple telephones rather than just being able to target one telephone number of a suspected terrorist, for instance. So I assumed that given the unifying approach that the administration at that point had been taking after 9–11, I assumed the Justice Department would exercise those authorities with restraint. I was wrong.

I believe this Attorney General has far overreached legitimate boundaries. I often disagree with The Washington Post, but I have to congratulate their constant drumbeat of editorials in support of preserving the values of the Constitution that protect individual freedom and privacy. And when I see the Justice Department overreach, as it has, and when I see them assert the claim that they have a right to lock up anybody they want without any kind of court review whatsoever, I am appalled and chagrined and horrified.

So in my view, anything that can be done to push the Justice Department back a little bit closer to the Constitution, anything that can be done to reinforce Congress's determination to give PATRIOT II a far tougher scrutiny than it gave PATRIOT I, I am willing to do.

So I congratulate the gentleman from Texas (Mr. PAUL), because my first reaction was that we did not know enough about the effect of this amendment to adopt the amendment. But upon reflection, after hearing the gentleman, I conclude that we know far too much about how PATRIOT I has been used not to adopt this amendment. As I say, the gentleman from Virginia is correct, that there may be problems with this; but I really think we have the capacity to fix those problems in conference if there are problems.

Mr. Chairman, I want the Justice Department to have to come to us and assure us that the way they are enforcing the law that we have given them the authority to enforce is the correct way. I do not want us to have to go hat in hand to the Justice Department asking them to defend the Constitution.

So I would at this point simply say I think the gentleman is right. We ought to adopt this amendment if for no other reason than to send a message to the Justice Department that we want respect for law demonstrated by the Justice Department as well as average citizens of this country.

I thank the gentleman for his speech, and I thank the gentleman for offering the amendment.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find myself feeling good that once today I can agree with the gentleman from Wisconsin (Mr. OBEY), and that is that the gentleman from Idaho (Mr. OTTER) has brought forth a very important amendment which is addressing an issue that I believe millions of Americans from very different political perspectives, whether they are conservatives, like the gentleman from Idaho (Mr. OTTER), or progressives like myself, or people in between, are demanding a tough examination of, and that is the U.S.A. PATRIOT Act.

Everybody in our country knows that on 9–11, 2001, a dastardly attack took place against our country and 3,000 innocent people were killed. And every Member of this Chamber pledges to do everything that we can to protect the American people from other acts of terrorism and to do everything that we can to wipe out terrorism throughout the world.

But what some of us very strongly believe is that we should not be undermining basic American constitutional rights in the fight against terrorism. We have strong law enforcement capabilities in this country to fight terrorism, and we have to support our law enforcement officials to do that. But we can fight terrorism without denying the American people their basic constitutional rights, and that is the point that I think the gentleman from Idaho (Mr. OTTER) is making today.

As my colleagues know, I am very disappointed on a similar issue, section 215, which deals with the FBI going into libraries and book stores all over this country with virtually no probable cause. That issue is not being debated. But I applaud my friend from Idaho for demanding that this body begin, just begin to take a hard look at the U.S.A. PATRIOT Act, which passed so swiftly through this body where I think many honest Members will acknowledge that they really did not have the time to look at all aspects of that legislation.

So I rise in strong support of the Otter amendment, and I hope that it carries.

Mr. TANCREDO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is a lot of discussion as to whether or not this is an appropriate time or the appropriate place to debate this issue. Certainly there will be more debate to come. But this is as good a time as any, and as good a place as any, because it is a good amendment that definitely needs to be heard.

Mr. Chairman, I yield to the gentleman from Idaho.

Mr. OTTER. Mr. Chairman, I thank those who have engaged in the debate, whether one is for or against this amendment.

But there is one thing I must notice and bring to everybody's attention, Mr. Chairman, and that is that pound for pound, we have debated this amendment longer than we debated the PATRIOT Act. We passed the PATRIOT Act in 45 days. The smoke was still coming up out of the rubble in New York City and at the Pentagon, and who could not be torn by still hearing the cries and the pain of the victims and the families of those victims.

But now we have an opportunity to reflect back on what have we done. I have to tell my colleagues that the comments that have been made relative to, is this the proper time or is this the proper place, I am just so thankful that our Founding Fathers did not sit around and say that. It was the time. It was the place. And that is the legacy that they gave us; and that legacy demands that whenever the opportunity arises, we have an obligation to stand and to stand firm to make sure that the liberties of the American people are foremost. There is only one purpose for government, one purpose for government, and that is to defend us in the peaceful exercise of our liberties.

So I am hoping, once again, as my friend, the gentleman from Vermont (Mr. SANDERS), said, that this will be the first in the piece-by-piece taking back the freedoms and the liberties that we have, while leaving some of the PATRIOT Act in place. The proper role of government, the proper role of government is to defend us in the free and peaceful exercise of our liberties and in our homes, and not to take those away from us.

So I pray, I hope that today we begin that process, and I invite the gentleman from Wisconsin and all others who will want to participate in that to join me.

Mr. FEENEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first, I want to rise to express a lot of empathy and sympathy with the concerns expressed on the Otter amendment. I think that they are very legitimate questions. I think some of the concerns about the rapidity with which the PATRIOT I Act was passed in the aftermath of a huge American historic tragedy are legitimate concerns. But the rapidity with which we are passing this amendment in some ways reflects the problems that some of the proponents of the amendment are suggesting the original PATRIOT Act is guilty of.

I will tell my colleagues that it is important to have deliberation and thoughtfulness as we go through the process of striking a new balance. I think all of us will recognize that the last time the mainland of the United States was attacked by a foreign power before September 11 was in 1812. All of us here are civil libertarians, but defining the balance between order and liberty is a constant struggle with new technologies, with new challenges. When was the last time that we as Americans before September 11 literally thought about the terror of a potential biological, chemical, nuclear attack from a foreign power? This is a whole new set of balancing that we have to do within the great framework that the founders provided us in the Constitution. And I agree with the gentleman from Idaho (Mr. OTTER) and the proponents of this amendment that we need to have careful and thoughtful reflection, and we need to be constantly dealing with balancing these new issues.

But I do believe that the best place to do that is through the subcommittee process, in committees like the Committee on the Judiciary, which I serve on. We hear expert testimony from civil libertarians and law professors, from prosecutors and defense attorneys, from people throughout the country who have expertise in advising us, as the body that represents the people of the United States in a democratic fashion, but also in a fashion that respects the constitutional framework.

I personally am a huge civil libertarian, and there is much in the suggestion that the gentleman from Idaho (Mr. OTTER) and the proponents have of this amendment with which I hugely sympathize. But I will tell my colleagues this: in a new day when all of our children and all of our grandchildren are constantly under threat of biological, chemical, or nuclear terror, which was not true, 10, 15, 20, 30 years ago, the time for us has come to move into the 21st century in terms of preparing the defense of the homeland. That is why we created an Office of Homeland Security.

Now, let me address the merits of the amendment itself, because with all due respect, there is some suggestion that the PATRIOT Act radically changed the process of delayed notification. The question is when a subpoena is issued, are there times when actual prior notification to the recipient of the subpoena can be waived; and the answer is, it has always been true, or at least far before September 11, that in most circuits in the United States, Federal courts have allowed the delayed notification. But several things are required.

Number one, one would think from listening to some of the debate that any prosecutor or any sheriff or any law enforcement agent or any FBI agent could go in and subpoena records and tell people only after the fact that their records had been confiscated and reviewed by the government. That is a scary thought, but it is simply not accurate. The truth of the matter is that in all events, 213 requires that a judge make a decision. The authority is based on a court order and a court order alone. So a judge is going to review all of the potential evidence in the case to determine whether or not the delayed notification is warranted.

I want the people to understand throughout America when courts are in power, and the only time they are in power to approve delayed notification, courts can delay notice only when immediate notification, in other words, prior notification, might result in the death or physical harm of an individual.

Imagine the events leading up to September 11 and the intelligence we now know, if we had been better prepared to put it together, assimilate it, understand what it meant. Courts can only delay notification if the death or physical harm of an individual is impacted, or when there is flight from prosecution; and we had some 19 terrorists floating around America that we now know organized the September 11 events; evidence tampering, or witness intimidation.

Mr. Chairman, I would suggest that the Otter amendment raises concerns that I share, and those concerns are that we have to balance in a new technological world, in a world of new threats, liberty and order and security and homeland security. I would suggest that the issues raised here are appropriate to debate. We will be debating them for years, dare I say decades; but I do not think the place to debate them is in the appropriation bill of the gentleman from Virginia (Mr. WOLF).

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from Idaho (Mr. OTTER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. OTTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Idaho (Mr. OTTER) will be postponed.

AMENDMENT OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" may be used to assist any State or local government entity or official that prohibits or restricts any government entity or official from sending to, or receiving from, the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security information regarding the citizenship or immigration status of an individual, as prohibited under section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

☐ 1830

Mr. TANCREDO. Mr. Chairman, in 1996, this body passed the Illegal Immigration Reform and Immigration Responsibility Act. Other provisions of that act, it is noted in the amendment, state that "Notwithstanding any of the provisions of Federal, State or local law, a Federal, State or local government entity or official may not prohibit or in any way restrict any government entity or official from sending to or receiving from the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual."

Now, this was a good provision of law. I am glad it was passed and that President Clinton signed it. The only problem with this particular law is that there is no sanction should any State, local or any other agency choose to violate the law. So this amendment is similar to the one I offered during consideration of the Homeland Security appropriations bill.

Outrage is often expressed by Members of this House when corporations flee from the United States seeking some sort of tax haven off the coast of America, yet dare to seek Federal funds in the several appropriations and tax bills that we pass in this body. They are indignant; and I, by the way, share the feeling of indignation.

In that same vein, I think it is outrageous to have cities and States applying for law enforcement funds under this act when they passed laws and ordinances, which has been done in several cities and States around the country, that actually prevent the law enforcement agencies in those cities from sharing information with or obtaining information from the Immigration and Naturalization Service, or as it is now known, the Bureau of Immigration and Customs.

Unfortunately, there are cities in the United States that have disregarded the law. Recently, as a matter of fact, the City of New York rescinded an ordinance that it had on the books for 20 years that had prohibited police officers from communicating with the INS.

Mr. Chairman, there are several cities in the United States that have chosen to pass legislation, pass laws that in fact restrict the ability of their own police forces in many cases from sharing information with the now Bureau of Immigration and Customs. This is a violation of law, the law that we have on the books.

I am not trying to expand the law. I am simply trying to do something that would help us enforce the law.

It is a very simple amendment. It says that if you make that choice as a city or State to make America a more dangerous place by refusing to share data with or accept data from Federal immigration authorities, that you will forgo State and local law enforcement assistance funds. If a city or State makes an affirmative choice to thumb their nose at the Federal law, then they get no Federal money under the provisions of this particular act; it is as simple as that.

There are, in fact, right now we have, Lord knows, how many immigration policies being operated in the country. And the question we have to ask ourselves is, how many should there be and who should be responsible for setting immigration policy? Is it not the position, is it not the sole responsibility of the Federal Government to set immigration policies? And yet we have it now happening all over the country that cities are determining their own.

Well, I guess if we cannot stop that from happening, at least what we can do is say, they cannot apply for Federal funds under this particular provision of the act. That is really all it does. It does not actually restrict any money from flowing to any city because all they have to do is, of course, abide by the law that is already on the books.

I guess I have to keep reiterating, because I know on the last discussion we had on the matter there was a lot of concern about whether or not we were creating a brand-new law. I repeat, this is not creating new law. It is simply asking for some sort of enforcement mechanism or sanction for a city that decides to actually violate the law. That is all there is to it.

It has no significance in terms of immigration policy. There was a lot of discussion about that, whether we were changing that. It is simply reinforcing the fact that the United States of America, the Federal Government, has the sole responsibility to set immigration policy. We cannot let States and cities do their own all over the country. Something has to be done to change that. This is my attempt to do just that.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Colorado (Mr. TANCREDO), is a good friend, and I appreciate all the good work he has done on Sudan and the Sudan Peace Act and other issues. It is painful to rise in opposition to this.

This amendment is exactly what we did before on the Homeland Security bill. There was a vote on the Homeland Security appropriations bill, the Rogers bill, it was 106 for the Tancredo amendment, 322 against. We are facing this issue again.

In this subcommittee we do not have jurisdiction over the Bureau of Immigration and Customs Enforcement. That is under the jurisdiction of Homeland Security appropriations and not this subcommittee.

Also, I understand the gentleman's amendment could result, or probably would result, in the States not being able to receive funding under State and local law enforcement assistance. It could have a devastating impact on resources made available to State and local law enforcement and to citizens that are involved. It could result in States losing tens of millions of dollars in programs such as the Byrne program. People are complaining that there is not enough money in here for the Byrne program; this amendment would reduce that.

The SCAAP program, the budget request has zeroed out SCAAP. We have it at $400 million. That would be impacted, drug courts, State prison drug treatment programs. So to punish the State and local law enforcement, I believe, is not the way. Also, this amendment really should have been offered as it was drafted and it is more appropriate for the Homeland Security bill. We do not have the jurisdiction over the Bureau of Immigration and Customs Enforcement.

So I oppose the amendment and would urge Members to vote no. This amendment is basically what we did several weeks ago, the amendment failed 322 against and 122 for.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would just like to reiterate what the gentleman from Virginia (Mr. WOLF) said. Rather than taking a long time speaking against this amendment, I think Members should understand that the House has already turned this proposition down by a vote of 322 to 102.

We will have copies of that previous rollcall here at the desk if Members want to know how they voted on previous occasions.

I thank the gentleman for yielding.

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I listen to this debate, I think there is a point that needs to be clarified and that is what the gentleman from Colorado (Mr. TANCREDO) seeks to do is simply say that if you are a local government and you have passed an ordinance that prohibits your employees from cooperating with Federal law by providing information to, and this is the Federal law, specifically, the Illegal Immigration Reform and Immigration Responsibility Act of 1996. We have out here about a baker's dozen of major cities in this country that have passed an ordinance saying we are going to be a safe haven and we will not cooperate with the Federal entities or Federal law, and the ordinance says so.

So if we are going to have any linkage at all between Federal dollars and this rule of law that requires cooperation between all levels of government, we need to put some strings in here; and that is what we have done.

I was rather taken aback some years ago when the fairly new city of El Cenizo, Texas, precluded their employees from complying with Federal agents. I thought that was an anomaly; instead, it is becoming a standard.

With regard to the comment that there is no jurisdiction over the Bureau of Immigration and Customs in this committee, I do agree with that particular statement as far as the jurisdiction is concerned. But we need to have a hook in here. This is dollars, and it just says that if you have an ordinance that prohibits your people from complying with this Federal law, we are not going to allow the dollars to go then to that particular political subdivision or community.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, I rise in opposition to the amendment. Very briefly, this amendment runs the risk, as others have, of breaking down local relationships that law enforcement has tried to build with some communities.

Picture, if you will, the situation that a lot of police departments throughout this Nation have in large cities especially and in other communities where they are trying on a daily basis to build a relationship with folks that are just coming to the country. In many instances, and this we can attest to, whether you have been born here, whether you have just arrived here, whether you are a citizen or you are not, the whole idea of dealing with the

Immigration Department is one that strikes fear in the hearts of many people and it is across the board.

Police departments, local law enforcement are aware of this and part of their relationship building has been the fact that they have always been seen as something other than the Immigration Department.

Now, to continue to try to force local law enforcement to, in fact, act as immigration officers just breaks down the ability of those relationships to be put together. So, therefore, if you take a situation where, and police have said this over and over again in other issues where they were asked to participate in these kinds of behavior where they said, look, if we need to know who committed a crime, if we need to know what is going on in a neighborhood, if we need to know how to go in and deal with issues of crime and other forms of abuse, we need the confidence of the community we are dealing with.

If they think in any way, shape or form that we are only dealing with immigration issues or that we are, in fact, immigration officers, we lose the ability to deal with this community, we lose the ability to have them as supporters of what we do.

Now, this amendment says, and if you choose to build those relationships and if you choose to act in that way and we find out, we will withhold from you dollars, very valuable dollars, that go to all the issues we have discussed here in the fight against crime and all the issues that we need to take care of locally.

So I really think that this is an ill-conceived notion. It was defeated before. As the gentleman from Wisconsin (Mr. OBEY) said, Members can come and look at their vote. It was defeated strongly in this House and it should be defeated again.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Colorado (Mr. TANCREDO) with this amendment declares war on Los Angeles and a number of other cities throughout this country. He takes a city that is desperately trying to increase the size of the police force, using its own resources and utilizing State and Federal resources where they are available, to expand, to remove itself from the distinction of being one of the most under-policed cities in the country and says, You are no longer eligible for the Byrne program. You are no longer eligible for local law enforcement assistance block grants. You are no longer eligible for more than a billion dollars of funds appropriated by this bill to help local law enforcement around the country.

Why? Well, the gentleman would have you believe it is because the City of Los Angeles and other jurisdictions, State and local, around this country, have chosen to try to promote and protect undocumented immigrants who have come to this country. But the truth is very far from that.

The problem is, there are millions and millions of undocumented people in this country, and if they are going to report when they are the victims of rapes and robberies and assaults and other violent crimes that their immigration status will be referred to the INS, they are not going to report those crimes. And where witnesses know that if they come forward to report what they have observed in terms of violent crime, their names are going to be referred to the INS, they are not going to come forward. And local law enforcement in many jurisdictions has concluded that their mission of trying to deter and apprehend violent criminals and incarcerate them is going to be seriously impeded by the policy the gentleman seeks to advocate. They have undertaken their own policies to try to encourage people to come forward.

Now, to tell those cities and States and counties around this country that because they have undertaken those policies, they are ineligible for one dollar of any of the Federal grant programs to help local law enforcement to build up their ranks, provide the bulletproof vests, provide the technology and the crime labs to deal with any of these very important missions, they are ineligible.

This is a reckless and unfortunate amendment.

Mr. TANCREDO. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, I would like to ask the gentleman, he has been here in the Congress for several years. Does the gentleman recall if he voted for the Illegal Immigration Reform and Immigrant Responsibility Act of 1996?

Mr. BERMAN. I know I opposed the bill that came out of the conference committee.

Mr. TANCREDO. I know that many of the gentlemen who have spoken here did, in fact, vote for it. I do not know if the gentleman did.

Mr. BERMAN. I am telling you how I voted.

Mr. TANCREDO. You opposed the bill?

Mr. BERMAN. I opposed the bill that came out of the conference committee.

Mr. TANCREDO. Then you have a right, of course, to argue with the concept. But many of the people who already argued against the bill voted for the original bill.

Mr. BERMAN. Reclaiming my time, I not only have a right, but I have a duty to try and protect the jurisdiction that I represent in this body from a Draconian, harsh, unjustified amendment which seeks to cut off all funding.

If the gentleman wants to promote this policy, let him introduce a bill. Let it go through the Committee on the Judiciary. Let it go through the regular process. But do not render L.A. and a number of other jurisdictions throughout this country ineligible for local law enforcement assistance in order to promote his very narrow and, I think, self-defeating ideological agenda.

□ 1845

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply say that all of us, regardless of how we voted on the original bill, have an obligation to determine whether or not this amendment will contribute to reduced effectiveness of law enforcement or enhanced effectiveness of law enforcement, and obviously 322 Members of the House the last time around recognized it would contribute to a lowered standard of law enforcement, which is what they ought to recognize on this amendment again tonight.

Mr. BERMAN. Mr. Chairman, reclaiming my time, just my final comment on this, the gentleman is absolutely correct. Policies are initiated not about philosophical positions on the question of how to deal with undocumented people in this country or illegal immigrants in this country. The question is how best for law enforcement to serve their local missions; and to have this body come in and seek to intrude on that process by shutting off the means that we have decided are worthy to help local law enforcement have the manpower and the technology and the resources to apprehend violent criminals, I think is just crazy; and I urge this body to defeat this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, one of Mr. TANCREDO's amendments would impose restrictions on the Department of Justice with respect to making funds available to assist State and local law enforcement programs. Such financial assistance would be denied to a State of local government that has prohibited its police forces or other government entities from providing information about the immigration status of aliens to the Department of Homeland Security.

In fact, State and local governments are already prohibited from imposing such restrictions on their police forces and other government entities by section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. § 1373(a). It is apparent, therefore, that the threat of losing financial assistance is not necessary. The conduct addressed by Mr. TANCREDO'S amendment can be stopped already on the basis of the fact that it is unlawful.

Mr. TANCREDO's other amendment would prevent the Department of State from receiving funds that would be used to assist foreign governments in the development of consular identification cards. It is not apparent why the State Department would be using funds for that purpose in the first place.

Nevertheless, if a foreign government requested such assistance, I do not believe that it would be improper to provide it. For instance, our government may be able to provide valuable assistance to some foreign governments with respect to such things as high security devices for preventing the creation of fraudulent consular identification cards.

I urge you to vote against both of these amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

AMENDMENT OFFERED BY MR. OSE

Mr. OSE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OSE:

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in violation of section 212(a)(10)(C) of the Immigration and Nationality Act.

Mr. OSE. Mr. Chairman, I rise before my colleagues today to offer an amendment to the Commerce-Justice-State and the Judiciary appropriations bill to prohibit funds to the Department of State for the issuance of visas to child abductors and their immediate family and agents who aid and abet these child abductors.

Despite an increasingly high level of congressional and public concern regarding the tragedy of international parental child abduction and wrongful retention of American children abroad, the plight of American children persists.

The State Department reports 1,000 international parental abductions of children annually. Between 1973 and 1991, about 4,000 American children were reported to the U.S. State Department as abducted by a parent and taken across an international border. In fact, estimates of the actual total exceed 10,000 American children.

The House Committee on Government Reform, of which I am a member, has held numerous hearings on this matter, and I want to thank the gentleman from Indiana (Mr. BURTON) during his tenure for his guidance on that. I have heard heart-wrenching testimony from mothers and fathers who have lost their children through child abduction, and I have heard from children who have returned to the U.S. as victims of child abduction.

Under current law, we have remedies for returning children who are abducted to nations that have signed the Hague Convention on the Civil Aspects of International Child Abduction. However, for nonsignatory nations, there are few remedies.

One specific provision of current law denies visas for admission to the United States for child abductors, their immediate family or agents, who aid or abet a child abductor. Our amendment will prohibit funding to the State Department for any violation of this act. It is important for the State Department to utilize all available remedies for applying pressure for the return of these abducted children.

I again want to thank the gentleman from Indiana (Mr. BURTON) and want to add my appreciation and compliments to the gentleman from Texas (Mr. LAMPSON) and the gentlewoman from New York (Mrs. MALONEY) for their support of this amendment. I have had significant conversations with the gentleman from Virginia (Mr. WOLF) about this, and he is very attentive to this issue.

We are all too familiar with cases of abducted children. It is time for our foreign counterparts to take notice of the 10,000 American children who have been abducted overseas. This is a nonpartisan issue that none of us can afford to ignore any longer.

Mr. Chairman, if I may, there are two classes of countries. There are countries that have signed the Hague Convention, and there are countries that have not signed the Hague Convention. My limitation addresses those that have not signed the limitation; and it is consistent with 8 U.S. Code 1182, which is an existing law in the Immigration and Naturalization Act allowing the Secretary of State to deny visas to people who he has been notified have been involved in the abduction and retention of children in violation of a court order.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. OSE. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I just would say I strongly support the amendment and want to thank the gentleman from California (Mr. OSE) and the gentleman from Indiana (Mr. BURTON) and the gentleman from Texas (Mr. LAMPSON) and the gentlewoman from New York (Mrs. MALONEY) for this. This has been a real problem, and I think what the gentleman has done is going to force this to be addressed.

I know that the gentleman from Indiana (Mr. BURTON) has done an outstanding job with regard to the Saudi government. I saw the "60 Minutes" piece; and when we talk to these moms, these children have not been released.

So I will vote for the amendment, support the amendment. I think it is a great amendment; and with that, I want to again thank the gentleman from California (Mr. OSE) and the gentleman from Indiana (Mr. BURTON) and all the others.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

I want to thank the gentleman from California (Mr. OSE) for working on this. He has been a real leader in showing concern for these mothers who have had their children kidnapped to Saudi Arabia and elsewhere, never to be seen again or heard from again; and I want to thank the chairman of the committee, the gentleman from Virginia (Mr. WOLF). He has been a fighter for human rights for a long, long time; and this is another manifestation of his dedication to making sure that human rights are realized.

Let me just tell my colleagues one story, and then I will yield back my time. We had a young lady from Terre Haute, Indiana. She had three children. She was married to a Saudi who had gone to college over here. They were divorced, and he went back to Saudi Arabia.

The mother was very concerned when he wanted to visit the children for the summer, have them visit him, that he would take them to Saudi Arabia and she would not see them anymore. So she went to the judge and she told the judge of her concern, and the judge said, well, we cannot very well keep the father from seeing his children. However, we will tell the Saudi embassy of the divorce decree and that you have custody of the children and that they are not to be taken out of the country, and we will tell the father that he is not to take the children out of the country.

They told the father when he got the children he was not to take the children out of the country. He could have them for a couple of weeks in the summer and return them to the mother. He said he would. His passport and the passports of the children were surrendered.

He got the children. He went to the Saudi embassy in Washington, D.C. They issued passports for the children, even though there was a court order against it, and the mother had custody. He took the children to Saudi Arabia, three children; and the mother has not seen the children or talked to them since. Maybe she talked to them one time on the telephone.

This is just one example of the tragedy that has been taking place regarding these children who are being kidnapped to Saudi Arabia and other countries throughout the world, and the gentleman from California's (Mr. OSE) amendment will be a giant step in the right direction to put pressure on the Saudi Government to assist in returning these children to their rightful parent, the parent who has custody of them.

There are other issues regarding this sort of thing, women who have been kidnapped to Saudi Arabia, who cannot get back because of the Saudi laws and because men, in effect, own the women over there and the children. So we are continuing to try to put pressure on them, and the gentleman from California's (Mr. OSE) amendment is a giant step in the right direction in dealing with this, and I want to thank him and the gentleman from Virginia (Mr. WOLF) and all of the cosponsors of the bill.

Mr. OSE. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. OSE. Mr. Chairman, I want to clarify the critical piece on this 8 U.S. Code 1182 is a notification process for the Secretary of State to receive notice from the families that an issue involving the foreign alien and these children has arisen. The Secretary of State's office, in our conversation with them, will receive a fax, a registered letter, a phone call, an e-mail, all these things; and my purpose in bringing that up is to try and establish a legislative history that the Congress is comfortable with any one of those singular forms of communications as long as it can be substantiated in a court of law that the Secretary of State has been put on notice. So I thank the gentleman for yielding.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for that clarification.

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Ose/Burton/Lampson/Maloney amendment.

This amendment speaks directly to the American children who have been torn apart from their parents and are being held against their will in a foreign country that does not observe the many rights American citizens enjoy in this country.

Between 1973 and 1991, roughly 4,000 American children were reported to the U.S. State Department as abducted by a parent and taken across an international border.

We have heard from the worst of these cases in the Government Reform Committee which include young children, American mothers, and Saudi fathers.

Saudi men wield an extraordinary amount of control and power over women and children in Saudi Arabia.

Children cannot travel without the approval of their father, often, the very person who kidnaped them to a foreign country.

Women are not allowed to drive a car.

They cannot walk outside without completely covering themselves with an abaya.

And, women are prohibited from studying certain subjects in school.

These are just a few examples of the breach of basic human rights that is at the root of the problem of child abduction.

Women in Saudi Arabia have very few rights and the result is the tragic child custody cases where families are broken apart and children are stripped from one of their parents.

The United States has long taken a lead in creating a mechanism for the return of children abducted internationally and was instrumental in the negotiation of the Hague Convention on the Civil Aspects of International Child Abduction.

The Convention provides a civil legal mechanism in the country where the child is located for parents to seek the return of, and access to, their child.

Since the Kingdom of Saudi Arabia is not a signatory to the Convention, these rules do not apply, and the result is that children suffer.

I remind my colleagues that we must not forget that we are talking about real people, real daughters and sons who are separated from a parent.

Each time a parent abducts, or wrongfully retains a child from his or her home, and prevents the child from having a relationship with the other parent, the trauma to the child is immediate and compounded each day the child is not returned home.

This amendment will provide a tool for the State Department to help American children reunite with their families.

It is the least we can do.

I urge a "yes" vote on this amendment.

Mr. OSE's amendment would bar funding by the State Department to issue entry visas for anyone who violates U.S. child abduction laws and those relatives who aid and abet them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. OSE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. OSE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. OSE) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 10 offered by the gentleman from Texas (Mr. PAUL); amendment offered by the gentleman from Indiana (Mr. HOSTETTLER); amendment No. 2 offered by the gentleman from New York (Mr. HINCHEY); amendment offered by the gentleman from Idaho (Mr. OTTER); amendment offered by the gentleman from Colorado (Mr. TANCREDO); amendment offered by the gentleman from California (Mr. OSE).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 10 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. The vote on the Ose amendment will be postponed to later this evening.

The vote was taken by electronic device, and there were—ayes 145, noes 279, not voting 10, as follows:

[Roll No. 405]

AYES—145

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Emerson
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Janklow
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
LaTourette
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McInnis
McIntyre
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Putnam
Rehberg
Renzi
Reynolds
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Wamp
Weldon (FL)
Whitfield
Wilson (SC)
Young (AK)
Young (FL)

NOES—279

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown, Corrine
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers

Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—10

Berkley
Brown (OH)
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Hensarling
Kelly
Meek (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1917

Ms. MCCOLLUM, Mrs. MILLER of Michigan and Messrs. WELLER, BOEHLERT and DEFAZIO changed their vote from "aye" to "no."

Ms. HART, Messrs. SHIMKUS, JANKLOW, GREEN of Wisconsin, PETERSON of Pennsylvania and CRENSHAW, Mrs. NORTHUP and Mr. HALL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PICKERING. Mr. Chairman, on rollcall No. 405 I inadvertently voted "no." I intended to vote "yea."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 307, noes 119, not voting 8, as follows:

[Roll No. 406]

AYES—307

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McNulty
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Wynn
Young (AK)
Young (FL)

NOES—119

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Blumenauer
Capps
Capuano
Carson (IN)
Case
Castle
Clay
Clyburn
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Doggett
Dooley (CA)
Emanuel
Eshoo
Evans
Farr
Filner
Frank (MA)
Frelinghuysen
Gilchrest
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kennedy (RI)
Kilpatrick
Kind
Kolbe
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKeon
Meehan
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Payne
Pelosi
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Snyder
Solis
Stark
Tauscher
Tauzin
Thompson (CA)

Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Wexler
Wolf
Woolsey

NOT VOTING—8

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Hensarling
Meek (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1926

Mr. GILCHREST changed his vote from "aye" to "no."

Mr. SWEENEY and Mr. PASTOR changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 254, not voting 7, as follows:

[Roll No. 407]

AYES—174

Abercrombie
Ackerman
Akin
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Capito
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Doolittle
Duncan
Dunn
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Gibbons
Gillmor
Gingrey
Green (WI)
Grijalva
Gutierrez
Gutknecht
Harman
Hayworth
Hill
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Kanjorski
Kaptur
Kelly
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Lewis (GA)
Lipinski
Lofgren
Lowey
Majette
Maloney
Markey
Marshall
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Northup
Oberstar
Olver
Owens
Pallone
Pascrell
Pelosi
Peterson (MN)
Petri
Platts
Price (NC)
Rangel
Renzi
Rodriguez
Rogers (MI)
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walsh
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOES—254

Aderholt
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doyle
Dreier
Edwards
Emanuel
Emerson
English
Everett
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Hall
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kennedy (MN)
Kennedy (RI)
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Matheson
Matsui
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Meeks (NY)
Mica
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Payne
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—7

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Meek (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1934

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OTTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho (Mr. OTTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 309, noes 118, not voting 7, as follows:

[Roll No. 408]

AYES—309

Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Burns
Burr
Calvert
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Forbes
Frank (MA)
Franks (AZ)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez

Gutknecht
Hall
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reyes
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—118

Abercrombie
Aderholt
Ballenger
Bass
Beauprez
Blackburn
Boehlert
Bonilla
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Collins
Cox
Cunningham
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Feeney
Fossella
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Harman
Hart
Hayes
Herger
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (NY)
Kline
Knollenberg
Kolbe
Lewis (CA)
LoBiondo
McInnis
McKeon
Miller (MI)
Miller (NC)
Miller, Gary
Murphy
Northup
Norwood
Nunes
Oxley
Pearce
Pence
Pitts
Platts
Quinn
Ramstad
Regula
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Simmons
Smith (MI)
Smith (TX)
Souder
Sweeney
Tauzin
Thomas
Thornberry
Tiahrt
Turner (OH)
Upton
Vitter
Walsh
Weller
Wilson (NM)
Wolf

NOT VOTING—7

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Meek (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1942

Mr. **FOSSELLA** changed his vote from "aye" to "no."

Mr. **BLUMENAUER** changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 122, noes 305, not voting 7, as follows:

[Roll No. 409]

AYES—122

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bereuter
Bilirakis
Blackburn
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Camp
Cantor
Carter
Chabot
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeMint
Doolittle
Duncan
Emerson
Everett
Feeney
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hayes
Hayworth
Hefley
Herger
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Istook
Janklow
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Putnam
Ramstad
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)

NOES—305

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Ballenger
Bass
Beauprez
Becerra
Bell
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Calvert
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Fletcher
Foley
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel

Regula
Renzi
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Meek (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain on this vote.

□ 1958

Mr. CUMMINGS changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FOSSELLA:

At the end of the bill (before the short title), insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO CERTAIN UNITED NATIONS ENTITIES

SEC.   . None of the funds made available in this Act may be used for a United States contribution to any United Nations commission, organization, or affiliated agency that is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any United Nations commission, organization, or affiliated agency described in the preceding sentence.

□ 2000

Mr. FOSSELLA. Mr. Chairman, I ask the body, what do Libya, Cuba, North Korea, Iraq, Iran, and other nations have in common, other than being oppressive, dictatorial regimes? Well, what they have in common is that at one time or another, they have served as Chair of commissions or organizations within the United Nations.

So what my amendment does, based on legislation introduced earlier this year, is it essentially blocks funding to organizations, commissions, or other bodies headed by nations on a terrorist watch list. Specifically, it would block U.S. taxpayer dollars from being disbursed to the United Nations if the money is used for committees headed by nations that have repeatedly provided support for acts of international terrorism.

Now, by way of example, I think a vivid example, I should say, is essentially what happened earlier this year with the Commission on Human Rights, or the Conference on Disarmament. These very commissions are dominated by nations opposed to the very concepts by which those commissions are named. Last month's outrage was Cuba. The dictatorship's brutal crackdown included the execution of three men for trying to escape Cuba and imprisoned dozens of others for daring to speak out. They have a vital role on the Commission on Human Rights. The U.N. said nothing about the crackdown, but Cuba was then elected to another term to serve on the panel. Ironically, the chairman, or the Chair country of that Commission on Human Rights, is Libya.

At the beginning of the year, Iraq was going to head the Conference on Disarmament. Iraq did not take over, but remained on the commission, the Commission on Disarmament. Iran chaired the conference instead. Also on the Disarmament Committee is North Korea. I just think that this is symptomatic of a lot of carelessness at the United Nations.

There are many who think that the United Nations can play a pivotal and vital role in securing the world's peace. But from time to time, the only language it seems they understand is the power of the purse.

So all this amendment does is if one of these nations, and I think everybody in good conscience can look at these nations and say they represent not only what the. brutal regimes are all about, but really are inconsistent with fundamental universal values, I would suggest that the money is withheld. Very simply put, I think it is common sense. After all, the U.S. provides almost 22 percent of the U.N. budget, which currently stands at about $222 million; and what we are suggesting is that if one of these nations on the State Department list of terrorist nations is heading one of these commissions, the money is withheld.

With that, I urge adoption of this amendment.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the State Department has been in touch with the committee, and I want to share with the Members their position. They said that this is an amendment that they strongly oppose. They go on to say, we the State Department, have taken a hard stand against Libya, a country that supports terrorism and has a dismal human rights record in its election to chair the Commission on Human Rights. In calling for a vote, the State Department said that they forced members to take a stand on this issue, and everyone knew what the U.S. position was.

They end by saying that withdrawing support by withholding part of our assessed contributions, thus accumulating arrears and eliminating funding for U.S. participation in these bodies, weakens our effectiveness and would be counterproductive.

That is the position of the State Department.

This amendment would prohibit U.S. contributions for activities funded within the budgets of the U.N. or its affiliated agencies whose decision-making bodies (e.g., commission) are chaired by a member state which supports acts of international terrorism (as determined by the Secretary under section 6(j)(1) of the Export Administration Act of 1979).

The Administration fully agrees that U.N. bodies should not be headed or chaired by member states which sponsor or support international terrorism.

We have made these views abundantly clear over the past year.

We took a hard stand against Libya, a country that supports terrorism and has a dismal human rights record, in its election to chair the Commission on Human Rights. In calling for a vote, we forced members to take a stand on this issue, and everyone knew the U.S. position.

We also work hard to keep states that support international terrorism off the U.N. Security Council.

But we strongly believe that withholding funding for bodies chaired by such states will not help us achieve our policy goals at the U.N.

To effect change at the U.N., we need to remain fully engaged, which is our goal and our plan.

Withdrawing support by withholding part of our assessed contributions—thus accumulating arrears—and eliminating funding for U.S. participation in these bodies weakens our effectiveness, and would be counterproductive.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that my colleague from New York makes some very strong points. The problem with his amendment and the reason I rise in opposition to it is that I believe that while we may not be happy with some of the folks that make up some of the U.N. and other international organizations, for that matter, it is in the best interests of our country, it is in the best interests of our foreign policy to be engaged in these organizations, rather than withdraw from them and not support them.

So while his points are well taken, and I am sure that if we sat down around a table we would not disagree on some of the makeup of these organizations, to withdraw from them, not to be supportive, not to pay our dues is, in fact, one, to turn our back on the ability to do some good work by those organizations and secondly, and most importantly, if we sort of take our marbles or take our basketball and go home, we do not get to participate and, therefore, we do not get to speak about the same issues that the gentleman from New York is concerned about.

So for those reasons, I would join the chairman in opposing the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOSTETTLER:

Insert in an appropriate place the following:

SEC. . None of the funds appropriated in this Act may be used to enforce the judgment of the United States Court of Appeals for the Eleventh Circuit in Glassroth v. Moore, decided July 1, 2003 or Glassroth v. Moore, 229 F. Supp. 2d 1067 (M. D. Ala. 2002).

Mr. HOSTETTLER. Mr. Chairman, in Glassroth v. Moore, the 11th Circuit Court of Appeals ruled that the Alabama Supreme Court Chief Justice Roy Moore violated the establishment clause of the first amendment to the Constitution by placing a granite monument of the Ten Commandments in the rotunda of the Alabama State judicial building in Montgomery, Alabama. In the court's words, "The rule of law does require that every person obey judicial orders when all available means of appealing them have been exhausted."

In this statement, Mr. Chairman, the court plainly shows that it believes itself to be the chief lawmaker whose orders become law. But, in fact, Mr. Chairman, this is inconsistent with both the Constitution and article I, section 8, and, in fact, Federal statute, which says that the United States Marshal Service shall execute "all lawful writs, process, and orders of the U.S. district courts, U.S. Courts of Appeal and the Court of International Trade, 28 U.S.C. 566(c).

In reality, Mr. Chairman, the founders of this great Nation foresaw this problem and wrote about it. And when they developed our form of government, they said this, according to Alexander Hamilton in Federalist No. 78: "Whoever attentively considers the different departments of power must perceive that in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in capacity to annoy or injure them.

"The executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment, and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments."

Mr. Chairman, given the fact that the judiciary has neither force nor will, it is left to the executive and the legislative branches to exert that force and will.

We have heard tonight that the executive branch wants to argue the Newdow case that was spoken of earlier and may hear that the executive branch wants to argue in favor of the display of the 10 Commandments in that case. We will allow, therefore, the executive branch to leave these decisions in the hands of the judiciary who, a few years ago, concluded that sodomy can be regulated by the States, but most recently said that sodomy was just short of a fundamental right that is enshrined in our United States Constitution.

But the framers of the Constitution never intended for the fickle sentiments of as few as five people in black robes unelected and unaccountable to the people to have the power to make such fundamental decisions for society. That power was crafted and reserved for the legislature, and one of the mechanisms that was entrusted to us was the power of the purse.

Mr. Chairman, time and again I am sure that our colleagues are asked about ridiculous decisions made by the Federal courts, and many of us say that there is nothing we can do. Mr. Chairman, today, we can do something. We do not have to put our faith in the faint possibility that some day five people in black robes will wake up and see that they have usurped the authority to legislate and will constrain themselves from straying from their constitutional boundaries.

Mr. Chairman, it might be suggested that we do not want this legislation to disrupt the judicial process in the interim between the Circuit Court of Appeals process and the Supreme Court. It is not my intention to do that tonight. In fact, I welcome the highest Court's review of this decision; and I say tonight that if they get it wrong, I will exercise the power of the purse again and defund the enforcement of that inane decision.

Mr. Chairman, today is a great opportunity for us to learn the powers of the legislature vis-a-vis the judiciary. After this vote, Mr. Chairman, and the vote to defund the Ninth Circuit's decision to effectively remove the phrase "under God" from the Pledge of Allegiance, sour constituents will ask us, Congressman, do we, your constituents, have a voice in these most fundamental decisions, and we do not need to wait on a new Supreme Court Justice who may or may not, today or tomorrow, inject common sense into the decisions of the Supreme Court?

Mr. Chairman, we will be able to tell them, Yes, you do have a fundamental say.

And it is for that reason, Mr. Chairman, that I have offered this amendment to the Commerce, Justice, State, and the Judiciary Appropriations Act. This legislation is where we find any funding in any executive agency that would enforce the 11th Circuit's judgment in this case. My amendment would prevent any funds within that act from being used to enforce that erroneous decision in Glassroth v. Moore. I ask my colleagues to support the amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is a classic. In the long history of this institution, there have been many amendments offered on the floor of this Chamber. Never has an amendment been offered that did less than this amendment does tonight. It does not matter how people vote. No matter what side one is on on the question of separation of church and State or the Ten Commandments or anything else, it does not matter how one votes, because this amendment does not do nothing to nobody.

All this amendment does is to say that the Justice Department cannot enforce the decision that the gentleman does not like. The only problem is the Justice Department does not enforce this decision anyway. The Justice Department has already made quite clear that this is a "let us pretend" amendment. It pretends that we are doing something to protect the Ten Commandments.

I would suggest that rather than offering amendments that pretend to do that, if we want to protect the Ten Commandments, we will simply start by following them in our own lives and in our own careers. That will do a whole lot more than pretending that we are preventing the Justice Department from enforcing a decision which they would not be enforcing anyway.

So I could not care less how one votes on the amendment because it does not have any effect whatsoever. If the gentleman wants to take the time of this body to offer do-nothing amendments, be my guest; but I hope Members are not under an illusion.

Mr. HOSTETTLER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. No, I will not. This is my time. The gentleman has had his time.

Mr. HOSTETTLER. I just asked the gentleman to yield.

Mr. OBEY. And I said no, and I do not intend to yield for the remainder of my time, okay?

Mr. HOSTETTLER. Is this in compliance with the Ten Commandments?

Mr. OBEY. Mr. Chairman, who has the floor?

The CHAIRMAN. The gentleman from Wisconsin has the time.

Mr. OBEY. Mr. Chairman, I suggest the gentleman from Indiana start following the Ten Commandments in terms of the way he treats people on this floor. This is my time. It is not funny.

Mr. Chairman, I would simply close by saying, vote however you want. This is a free vote. It is one of those votes that Members often offer in hopes that the public can be convinced we are actually doing something at 8:15 at night; but with all due respect on this amendment, we are not. So vote any way you want, just do not be under the illusion that when you do so, you are protecting the Ten Commandments. It does not. I could care less what the vote is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, future proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

□ 2015

AMENDMENT NO. 1 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, Arizona, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the debate on amendment No. 1 offered by the gentleman from New York (Mr. HINCHEY) and any amendment thereto be limited to 60 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is a simple limitation that would prevent the Justice Department from using any of the funds appropriated to it by this bill to interfere with the implementation of State laws that allow for the use of marijuana for medicinal purposes under the supervision of a licensed physician.

During the past several years 10 States, Alaska Arizona, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon and Washington State, have passed laws that decriminalize the use of marijuana for medical purposes. With the exception of Hawaii and Maryland, all of these laws were passed by referendum and the average vote in each of those eight States was more than 60 percent approval. These State laws are not free-for-alls that open the doors to wholesale legalization as critics claim. Rather, in every case, they specify in great detail the illnesses for which patients may use marijuana for medicinal purposes, the amounts the patients may possess, and the conditions under which it can be grown and obtained. Most establish a State registry and an identification card for patients.

Federal law classifies marijuana as a Schedule I narcotic with no permissible medical use. Despite the difficulty of conducting clinical trials on such a drug, it has been highly effective in treating symptoms of AIDS, cancer, multiple sclerosis, glaucoma and other serious medical conditions. In fact, the Institute of Medicine of the National Academy of Sciences has recommended smoking marijuana for certain medical uses.

The AIDS Action Council, the American Academy of Family Physicians, the American Nurses Association, the American Preventative Medical Association, the American Public Health Association, Kaiser Permanente, and the New England Journal of Medicine have all endorsed supervised access to medical marijuana.

Internationally, the Canadian Government has adopted regulations for the use of medical marijuana in that country to our immediate north. In addition, the British Medical Association, the French Ministry of Health, the Israel Health Ministry, and the Australian National Task Force on Cannabis have all recommended the use of medical marijuana.

Here at home, however, our Federal Government has been unequivocal in its opposition to the citizen-led initiatives in the States that I mentioned. After California voters approved Proposition 215 in 1996, the Clinton Justice Department brought suit against both doctors and distributors in an attempt to shut down the new California State law.

Federal courts upheld the right of doctors to talk to their patients about medical marijuana. The Supreme Court, however, ruled that it is a violation of Federal law to distribute marijuana for medicinal purposes. Despite State laws that protect patients from State prosecution, the Supreme Court cleared the way for the Federal Government to enforce Federal laws against those individuals, nevertheless complying with laws in their own States.

Attorney General Ashcroft has vigorously enforced this decision, choosing to prosecute patients and distributors, which makes passage of this amendment critical to the States that have enacted laws for the medicinal use of marijuana. This amendment would prevent the Justice Department from arresting, prosecuting, suing or otherwise discouraging doctors, patients and distributors in those States from acting in compliance with their State laws.

This amendment in no way endorses marijuana for recreational use, not in any way. It does not reclassify marijuana to a less restrictive schedule of narcotic. It does not require any State to adopt a medical marijuana law. It will not prevent Federal officials from enforcing drug laws against drug kingpins, narco-traffickers, street dealers, habitual criminals, addicts, recreational users or anyone other than people who are complying with the laws of their own State with regard to the medical use of marijuana.

By limiting the Justice Department in this way, we will be reaffirming the power of citizen democracy and State and local government. I urge my colleagues to vote "yes" on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in very strong opposition to this amendment. The Grand Lodge of the Fraternal Order of Police wrote a letter and said, "Dear Mr. Chairman" to the gentleman from Indiana (Mr. SOUDER), "I am writing to advise you of the strong opposition of the membership of the Fraternal Order of Police to an amendment to be offered today by Representative Maurice Hinchey to the appropriations measure on the Departments of Commerce, Justice, State which would effectively prohibit the enforcement of Federal law with respect to marijuana in States that do not provide penalties for the use of the drug for so-called 'medical' reasons."

It ends by saying, "The Hinchey amendment threatens to cause a significant disruptive effect on the combined efforts of State and local law enforcement officials to reduce drug crime in every region of the Nation."

In the year 2001, the Supreme Court issued a notwithstanding rule and held that marijuana is a Schedule I controlled substance under the Controlled Substance Act. It has no currently accepted medical use and treatment in the United States. There are other drugs that now can take its place. It cannot be used outside the FDA-approved DEA-registered research.

Marijuana is the most abused drug in America. More young people are now in treatment for marijuana dependency and for alcohol than for all the other illegal drugs. Marijuana use also presents a danger to others beyond the users themselves. In a roadside study of reckless drivers who are not impaired by alcohol, 45 percent tested positive for marijuana.

It sends the wrong message. What a message it sends. I urge the defeat of the amendment which was, I might say, defeated in the full committee.

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, July 22, 2003.

Hon. MARK SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to advise you of the strong opposition of the membership of the Fraternal Order of Police to an amendment to be offered today by Representative Maurice D. Hinchey to H.R. 2799, the appropriations measure for the Department of Commerce, Justice, State and the Judiciary, which would effectively prohibit enforcement of Federal law with respect to marijuana in States that do not provide penalties for the use of the drug for so-called "medical" reasons.

In these States, Federal enforcement is the only effective enforcement of the laws prohibiting the possession and use of marijuana. Federal efforts provide the sole deterrent to the use of harder drugs and the commission of other crimes, including violent crimes and crimes against property, which go hand-in-hand with drug use and drug trafficking organizations, particularly in the State of California where marijuana is sometimes traded for precursor chemicals for methamphetamines, and in the State of Washington, which is a significant gateway for high-potency marijuana that can sell for the same price as heroin on many of our nation's streets.

The Hinchey amendment threatens to cause a significant disruptive effect on the combined efforts of State and local law enforcement to reduce drug crime in every region of the country. On behalf of the more than 308,000 members of the Fraternal Order of Police, we urge its defeat. If I can be of any further help on this issue, please feel free to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

NATIONAL NARCOTIC OFFICERS'
ASSOCIATIONS COALITION,
West Covina, CA, July 22, 2003.

Hon. MARK SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN SOUDER: I am writing to let you know of the strong opposition of the 60,000 state and local law enforcement officers in 40 states who are members of the NNOAC to an amendment to be offered today to the Commerce/Justice/State Appropriations bill that would effectively prohibit enforcement of federal marijuana law in states that do not provide penalties for the use of so-called "medical" marijuana.

Because even a modest amount of federal marijuana enforcement is now the only effective enforcement of the marijuana laws in several such states, it provides a strong deterrent effect to the use of harder drugs and other crimes, including violent crimes and crimes against property. Federal investigations of marijuana producers also serve to disrupt larger drug trafficking organizations, particularly in the State of California where marijuana is sometimes traded for precursor chemicals for methamphetamines, and in the State of Washington, which is a significant gateway for high-potency marijuana that can sell for the same price as heroin.

The Hinchey amendment threatens to cause a significant disruptive effect on state and local law enforcement of both drug laws and of other crimes affecting public safety in states where it would apply. We strongly encourage Members of Congress who support their local police officers and law enforcement to oppose this amendment.

Sincerely,

RONALD E. BROOKS,
President.

Mr. Chairman, I reserve the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding me time.

I am one of the cosponsors of this, and I would like to first point out that the last statement you heard by your distinguished chairman is not about the amendment. This amendment does not legalize marijuana. I repeat, it does not legalize marijuana.

It is a very straightforward amendment. It removes the Federal interference from local law, from local affairs where States have adopted through their legislative process or initiative process, a limited use of marijuana for medical purposes only. And in most cases, in all the cases I know, it has to be dispensed by a doctor.

And the reason this amendment passed in California is because the elderly community, oftentimes suffering from pain, felt this was a remedy for pain. And the voters of California said, you should not deny this as long as it is being used in the medical arena. That is all this amendment does.

It says, Federal Government, get off the back of those States that have used their legal process to have a limited use of marijuana for medical purposes. And those States are Alaska, California, Colorado, Maine, Nevada, Oregon, Washington, and the District of Columbia. The States of Hawaii and Maryland have also passed the laws through their legislatures.

This is not about legalization of marijuana. This is just saying, Federal Government, where those States have adopted those laws, just stay off their backs. The attorneys general of these States, the law enforcement in these communities, they support these operations.

I know, because in Santa Cruz County they were very, very upset and petitioned when the Federal Government came in and did a raid. It upset everybody.

So this process of not allowing States to go forward, I think, is wrong. This amendment provides States with voter-given authority to promulgate regulations to control the limited, limited, limited use of marijuana for medicinal purposes. It is an amendment about States' rights. It is about the sacredness of the electoral process and the sanctity of the citizens' votes. It is about treating people as if they have instructed their government to do so.

That is all this amendment does. A very narrow, limiting amendment. Please adopt it.

Mr. WOLF. Mr. Chairman, I yield 8½ minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, this amendment is not about what it purports to be about. It is bad amendment for so many reasons that I can barely touch on.

First, let me clarify that the FOP, the Fraternal Order of Police, exactly knows what amendment we are talking about. In fact, in their letter, echoed also by a letter we received from the National Narcotics Officers' Association Coalition says specifically this:

"Federal investigations of marijuana producers also serve to disrupt larger drug trafficking organizations, particularly in the State of California where marijuana is sometimes traded for precursor chemicals, for methamphetamines, and in the State of Washington, which is a significant gateway for high-potency marijuana that can sell for the same price as heroin" on many of our Nation's streets.

These officers in California and Washington, these States, opposed the referendums. They warned the people about what was going to happen and what they see happening in many places in these States.

Let me reiterate a couple of basic points. It does not help sick people. First, this amendment is not about helping sick people. There are no generally recognized health benefits to smoking marijuana. We heard a false reference earlier to the Institutes of Medicine report where in it its verdicts said marijuana is not modern medicine. They issued a warning particularly against smoking marijuana in that report which, admittedly, was mixed, but did not endorse medicinal marijuana.

The FDA has not considered or approved marijuana for this use. Its active ingredient, THC, is available in an improved pill form for those who want to use it. In fact, as people have said, there are many dangerous products that have ingredients in them that can be helpful, but that does not mean that the carrier of it, such as marijuana, is in fact medicinal. It is something inside that.

In fact, I, as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources recently met with officials from The Netherlands and in their Office of Medical Cannabis, even that nation, which is generally recognized for its extremely liberal drug policies, specifically has rejected the use of smoked marijuana for so-called "medicinal purposes," which these State referendums do not do.

The American Lung Association has said that marijuana contains 50 to 70 percent more of some cancer-causing tobacco smoke. This is very dangerous.

Furthermore, in a recent article by the Deputy Director of ONDCP, Andrea Barthwell called The Haze of Misinformation Clouds the Issue of Medicinal Marijuana, she eloquently wrote, "Before the passage of the Pure Food and Drug Act in 1907, Americans were exposed to a host of patent medicine cure-alls, everything from vegetable folk remedies to dangerous mixtures with morphine. The major component of most 'cures' was alcohol, which probably explained why people said they felt better."

What we are hearing now is the same kind of classic peddling on the street of remedies that, in fact, are not remedies, when there are legal remedies to address the same question. The compounds in marijuana plants may have some medicinal marijuana but that is not marijuana and can be gotten elsewhere.

Secondly, it makes no legal or governmental sense. In fact, it is fairly embarrassing we have this amendment on the floor. This amendment is premised on two extremely curious principles, first, that the Justice Department should not enforce a clear Federal law on the books; and as acknowledged by the sponsor of amendment and other supporters, the Supreme Court has ruled that States cannot usurp Federal law.

If the sponsor of the amendment believes that Federal law should permit the medicinal use for marijuana, he ought to go through the legislative process and change the law. But the Justice Department, the DEA, and Members of Congress, I might add, have sworn an oath to support and defend the Constitution of the United States which requires enforcement of the laws of the United States; and it is an incredibly dangerous precedent to retreat from that.

Second, to ask Federal law enforcement to look the other way in some States, but not others is unfair and probably unconstitutional selective enforcement of a law.

This amendment would only apply in certain States. So someone in Washington State would be exempt from enforcement of Federal marijuana laws if they claim it is for medicinal purposes, but someone in Indiana would not. What kind of law is this?

In fact, we fought a Civil War over this. It is called nullification. States do not have the right. How would the minority feel, those who are advocating this, if civil rights laws could be overturned at the Federal level, and we said we were not going to enforce Federal rights because State can nullify a Federal law?

If you want to change a Federal law, have the courage to change the Federal law. Do not try to nullify a Federal law.

□ 2030

It makes no police sense. In the States listed in the bill, the Federal Government is the only entity now doing effective marijuana enforcement. This bill would end that enforcement, even though the States in question are some of the most active drug States, and there are clear ties between marijuana traffic and ties in harder drugs, as well as marijuana traffic and other violent crime.

In the State of Washington, for example, streams of high-potency marijuana are selling for more in Indiana and New York and Boston than cocaine and heroin because its HTC content is not what we saw in the 1960s, 2 to 4 percent, but in the 18 to 30 percent range. That is extremely dangerous to individuals. This amendment would in effect prohibit DEA from enforcing marijuana laws if it claimed it was for medicinal purposes.

For that reason, State and local law enforcement officers have opposed this amendment, including the National Narcotic Officers and the FOP, Fraternal Order of Police.

Lastly, State medical marijuana laws are a sham.

Finally, we have seen these laws do not operate as intended. A State audit in Oregon found that many of those who obtained so-called medicinal marijuana have not provided documentation of their claims. A survey of many HIV patients who claimed to use marijuana for medical purposes found that 57 percent smoked marijuana for mental, rather than physical, reasons and that a third admitted outright that they had smoked marijuana for recreational purposes. Even in California, the State is trying to revoke the license of a physician who has written 7,500 marijuana recommendations for patients without conducting any medical exams.

Lastly, we heard that this was citizen-led. What a joke. What we have are people who historically, including some Members of this body, who favor drug legalization in general support this as medicinal marijuana. In fact, what they back more is legalization of marijuana, and this has not been a citizen-led effort.

A man named George Soros has poured millions of dollars into these referendums and the citizen groups have predominantly opposed them against an overwhelming number of ads masquerading behind a few herding individuals who have been given false promise by the modern-day medical hustlers, just like they did in the 1900s. This is embarrassing from a legal standpoint and embarrassing from a body that should be upholding the laws of the United States and to be fighting the terrorism on our streets where people are dying and here we are trying to give them cover for this pro-drug movement by acting like it is medicine.

It is not medicine. If my colleagues believe it is medicine, get it out of the main and into the people who need it. Do not hide behind marijuana and make it more available so more kids can die in my district and in my colleagues' districts as well.

Mr. HINCHEY. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me the time.

As a cosponsor of the amendment, I rise in support of this amendment and appreciate the fact that the gentleman from New York has brought it to the floor.

I would suggest that the previous speaker has forgotten some of the law; and to me, that would be the constitutional law of the ninth and tenth amendments. So changing the law is one thing, but remembering the Constitution is another.

This has a lot to do with State law; but more importantly, as a physician, I see this bill as something dealing with compassion. As a physician, I have seen those who have died with cancer and getting chemotherapy and with AIDS and having nothing to help them.

There is the case in California of Peter McDaniels, who was diagnosed with cancer and AIDS. California changed the law and permitted him to use marijuana if it was self-grown, and he was using it; and yet although he was dying, the Federal officials came in and arrested him and he was taken to court. The terrible irony of this was here was a man that was dying and the physicians were not giving him any help; and when he was tried, it was not allowed to be said that he was obeying the State law.

That is how far the ninth and tenth amendments have been undermined, that there has been so much usurpation of States' rights and States' abilities to manage these affair, and that is why the Founders set the system up this way in order that if there is a mistake it not be monolithic; and believe me, the Federal Government has made a mistake not only here with marijuana, with all the drug laws, let me tell my colleagues.

There are more people who die from the use of legal drugs than illegal drugs. Just think of that. More people die from the use of legal drugs; and also, there are more deaths from the drug war than there are from deaths from using the illegal drugs. So it has gotten out of control. But the whole idea that a person who is dying, a physician cannot even prescribe something that might help them. The terrible irony of Peter McDaniels was that he died because of vomiting, something that could have and had only been curtailed by the use of marijuana. No other medication had helped; and we, the Federal Government, go in there and deny this and defy the State law, the State law of California.

Yes, I would grant my colleagues there is danger in all medications. There is some danger in marijuana, but I do not know of any deaths that is purely marijuana-related. If we want to talk about a deadly medication or a deadly drug that kills literally tens of thousands in this country, it is alcohol. And how many people want to go back to prohibition? I mean, nobody's proposing that, and yet that is a deadly drug.

The whole notion that we can deny this right to the States to allow a little bit of compassion for a patient that is dying, I would say this is a compassionate vote. If we care about the people being sick, then we have to vote for this amendment. This will do nothing to increase the use of bad drugs. The bad drugs are there; and as a physician and a parent and a grandparent, I preach against it all the time, but the unwise use of drugs is a medical problem, just like alcoholism is a medical problem; but we have turned this into a monster to the point where we will not even allow a person dying from cancer and AIDS to get a little bit of relief.

I strongly urge support and a positive vote for this amendment.

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise in strong opposition to the amendment and in very strong disagreement with the last speaker.

The reality is his point would be well taken if indeed there were medical evidence that medicinal marijuana helped people, but there is none. In his entire testimony there was not a single citation to a study that showed medical marijuana, in fact, helps, as my colleague, the gentleman from Indiana (Mr. SOUDER), pointed out earlier where indeed the medical evidence is to the contrary. And that leads me to an important part of the case against this amendment I think it is very important for people to understand, and that is, how did we get where we are?

We got to this position because in a handful of States across the country, valiant initiatives have been raised to legalize medical marijuana. My State happens to be one of those States, but let me make it clear to my colleagues what happened in those campaigns in those States.

First, make no mistake about it, law enforcement agents in every single one of those States opposed the medical marijuana initiative. They did so for good and solid reasons: number one, there is no medical benefit; but, number two, marijuana is a precursor drug.

Make no mistake about it, today's marijuana is not the marijuana that we had 40 or 30 or 20 or even 10 years ago. The potency of today's marijuana is dramatically higher, shockingly higher than the marijuana that existed and was around in the 1960s. But what else happened in those campaigns?

The other important thing that happened in those campaigns is that the people were led astray by massive spending. My colleague, the gentleman from Indiana (Mr. SOUDER), pointed out that some proponents of this idea, including one who happens to be a resident of my State, have spent many millions of dollars advocating the legalization of marijuana; and they have outspent the opponents of these measures by two, three, four, five, 10 times. In my State of Arizona in two different campaigns the proponents of legalizing medical marijuana outspent the opponents by a dramatic amount of money. When we stack the debate, when only one side of the argument gets out, of course they are going to win.

Let us talk about what happens with this marijuana, and I disagree so strongly with my colleague who spoke just a moment ago. The reality is that in this Nation we have a serious drug problem confronting our youth, and why do we have that drug problem? We have that drug problem because of this very debate, because as a Nation we have not decided that drugs, illegal drugs, marijuana for one and many others, are bad. Indeed, we have leaders of the Nation saying, oh, it is all right, we are not really going to go against it; we are not really going to enforce these laws; we do not care about these laws. How do my colleagues think kids react to that?

I will tell my colleagues how I raised my kids. I raised my kids to see these are the rules, you violate these rules, you will be punished. You know what? My kids understood the rules because when they violated them, we punished them.

That is not what we do with drugs in America. We say if it is a drug we will look the other way; we will let it go; we are not really committed to enforcing our Nation's drugs law. Now look at the hypocrisy, the outrageous hypocrisy of this proposal. Now we are going to say, yeah, we have Federal laws against these drugs; we have Federal laws against marijuana; we believe that those laws are valid and good and appropriate, but you know what, in some States we will not enforce them because in some States we do not want to enforce them.

So if the FBI is dealing with a person and they happen to be in Maryland, they get one set of rules; but if they happen to be in Arizona, they get another set of rules.

What about those States that border each other? What about New Jersey right next to New York? What about Arizona right next to California? What about all kinds of other border jurisdictions?

We want the laws of this Nation to say that in this State the Federal antidrug laws on marijuana will be enforced, but right across the river in Kansas City, Missouri, versus Kansas City, Kansas, we are not going to enforce that law? Do my colleagues not think that will send a confused message to our kids about our Nation's policy on illegal drugs? Do my colleagues not think that will lead to more kids getting involved in drugs?

The most outrageous statement made on this floor on this House tonight was the statement that sending the message to our kids that some drugs are okay will not lead them to use those drugs or other drugs and will not lead to an increase in the use of illegal drugs. That is the most outrageous and absurd concept we can possibly embrace, and I hope this House will reject it.

We cannot afford to confuse our Nation's children. We cannot afford to tell them that marijuana is okay. We cannot afford to let them begin to use the dramatically more potent marijuana that is on the streets today and coming through my State of Arizona, to your State and your district by some confused policy that says, well, we think it is bad in some States, but we do not think it is bad in others.

The truth is, the gentleman who spoke before me believes we should legalize all drugs, and that is a valid and fair position; but take that issue directly to the substance of this Congress, propose it as a law, propose to amend the Federal laws that prohibit the possession and the use and the sale of marijuana and talk that debate straight up. Do not do it by subterfuge. Do not do it under the table. Do not do it by saying in one State we are going to enforce the Federal law and in another State we are not, because if we want to confuse a generation of America's children, that is the way to do it.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

I just want to make it clear that we are not doing anything by subterfuge here. We are just saying that in 10 States of this Nation the people have decided that is a legitimate practice for people who have certain medical conditions. Twenty percent of the States have said so, and most of them by referendum; and 60 percent or more voted for that in those referendums.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding me the time.

There is a context here which is worth reflecting on, and that is the law enforcement policies of an administration which cannot effectively meet the challenge of international terrorism, but is ready to wage a phony drug war, including locking up people dying of cancer simply because those poor souls seek relief from horrible pain.

I ask, can we truly be so lacking in compassion? This is not about legalizing marijuana. That is just a smoke screen. It is an amendment to end Federal raids on medical marijuana patients and providers in States where medical marijuana is legal. Despite marijuana's recognized therapeutic value, including a National Academy of Science Institute of Medicine report, recommending its use in certain circumstances, Federal law refuses to recognize the importance and safety of medicinal marijuana.

Instead, Federal penalties for all marijuana use, regardless of purpose, include up to a year in prison for the possession of even small amounts.

Let us reflect again on how cynical and how dark it is to even contemplate sending someone to prison for a year when they may not even have that much time left in their life; but since 1996, eight States have enacted laws to allow very ill patients to use medical marijuana in spite of Federal law. The present administration has sought to override such State statutes, viewing the use of medicinal marijuana for purposes in the same light as heroin or cocaine.

□ 2045

Last year, Federal agents raided the Women and Men's Alliance for Medical Marijuana, an organization that under California State law legally dispensed marijuana to patients whose doctors had recommended it for pain and suffering. Eighty-five percent of this organization's 225 members were terminally ill with cancer or AIDS.

This is about compassion. The Federal Government should use its power to help terminally ill citizens, not arrest them. And States deserve to have the right to make their own decisions regarding the use of medical marijuana. I strongly urge my colleagues to support this amendment.

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time.

I had the opportunity in Congress some 2½ years ago to chair the Subcommittee on Criminal Justice, Drug Policy and Human Resources for some 2 years. During that time, I held the first hearings, really, in Congress on the question of legalization of marijuana; and I tried to approach the issue of the medical use of marijuana from an open standpoint.

We conducted hearings and brought in what we considered were the best medical experts, and we dug into all of the testimony. And, my colleagues, I can say here tonight that we did not find one scintilla of evidence that there was any medical benefit by consuming marijuana, whether an individual was healthy or whether they were ill, or terminally ill. There was no evidence to that effect.

It has become sort of a cause celebre to promote these initiatives with huge amounts of money. And at first blush, I think people support some of these as possibly being compassionate, as we hear here.

We have also heard here that the medical use of marijuana will relieve pain. Well, I can say also from chairing that subcommittee that that is not the case. In fact, anything that we do to encourage use, whether for this purpose or other purposes, will not relieve pain, it will cause pain. Certainly, I am sure if someone smoked enough marijuana or took enough crack or enough heroin or methamphetamines, they would not have any pain.

What we did learn in our testimony and what I have learned over the several years that I have served on that committee in the Congress is, we did learn this one thing. We learned that the marijuana that we have on the market today, and we have heard this from the previous chairman, the gentleman from Indiana (Mr. SOUDER) and others, who cited that today's marijuana is not the marijuana we had some 20 or 30 years ago. There is a several hundred percent increase in potency in what is on the market.

We also heard that marijuana is the greatest substance abuse of our teenagers, even exceeding, believe it or not, alcohol today. We also learned that there are more than 19,000 drug-related deaths in the United States, overdose deaths, which now exceed homicides. And everything we do towards trying to glorify or utilize marijuana for whatever use or whatever purpose does lead more of our young people to use this.

Marijuana is a gateway drug, and so we end up with a death toll that we have seen so painfully across this Nation.

So if the object here is to relieve pain, that is not what is being done. It will cause pain.

Almost every police group opposes the Hinchey amendment. Let me just read some of the folks that oppose it. The Fraternal Order of Police, the world's largest police union, made up of 300,000 members of State and local enforcement officers nationwide, and the National Narcotics Officers' Association Coalition, with more than 60,000 members, have expressed strong opposition to the Hinchey amendment that would prohibit enforcement of Federal marijuana laws in some States but not in others.

Police groups oppose the amendment because Federal enforcement of marijuana helps deter use and trafficking in harder drugs and also in related crimes against property and some of our most violent crime.

Finally, some of those police groups that oppose the Hinchey amendment have said to us, we strongly encourage Members of Congress who support their local police officers and law enforcement to oppose this amendment. And we have letters from the National Narcotics Officers' Association Coalition and the Grand Lodge Fraternal Order of Police stating their clear opposition.

Again, I think the presentation of this amendment has been that this would relieve pain and be compassionate. My colleagues, this will cause pain, and there are many who confirm that.

Mr. HINCHEY. Mr. Chairman, may I inquire the remaining time?

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) has 16 minutes remaining, and the gentleman from Virginia (Mr. WOLF) has 11 minutes remaining.

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of this resolution. I believe we should respect the State authority in regards to medical marijuana, and I remind my colleagues that we are not talking about illegal drugs, we are talking about medicinal marijuana, legally supported by 10 States.

As my colleagues know, in my home State of California, voters overwhelmingly passed Proposition 215, allowing the use of marijuana for medicinal purposes. Like my constituents, I believe that doctors should be permitted to prescribe marijuana for patients suffering from cancer, or AIDS, or glaucoma, spastic disorders, and other debilitating diseases.

The people that I represent from Marin and Sonoma Counties, Mr.

Chairman, just over the Golden Gate Bridge, and my colleagues will not be surprised, it is a very progressive area in our country, but they want their doctors to be permitted to prescribe marijuana for their patients suffering from debilitating diseases; and they believe that the Federal Government should get out of the way. They should not butt in. And that is why I support this amendment, because it would stop the Justice Department from punishing those who are abiding by their State's laws.

Please join me in supporting this important amendment so that those who suffer from debilitating diseases can get relief without the fear of Federal interference.

Mr. Chairman, I call on all Members of this Congress, particularly those who believe in States' rights, to let States represent their voters. It is not okay to pick and choose where States can butt in and where they have the ultimate responsibility based on ideologies.

Mr. HINCHEY. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I am going to begin by reading from an editorial that appeared in the New York Daily News this past Sunday, written by a Richard Brookhiser, who is a senior editor of the National Review, a very noted conservative magazine founded by William F. Buckley.

He writes as follows: "Earlier this year, the New York State Association of County Health Officials, as cautious a bunch as you will find in the medical community, urged New York lawmakers to pass legislation to legalize the medical use of marijuana. It is past time to remove patients fighting cancer, AIDS, and other scourges from the battlefield of the war on drugs.

"The legalization of medical marijuana would be a step forward for the health of all New Yorkers, the Association of County Health Officials declared. Marijuana has proven to be effective in the treatment of people with HIV/AIDS, multiple sclerosis, cancer, and those suffering from severe pain and nausea.

"I discovered," that is, he did; I am quoting the article. "I discovered marijuana's benefits while receiving chemotherapy for testicular cancer in 1992. Part way through my treatment, the conventional antinausea drugs prescribed by my doctors stopped working. Marijuana was the only thing that kept my head out of the toilet.

"I was lucky. As a member of the media elite, I probably wasn't at huge risk for a drug bust. Living here, I was able to obtain my herb under the cover of urban anonymity. But people shouldn't have to depend on professional status or the luck of geography. Putting such patients in jail for the 'crime' of trying to relieve some of the misery caused by their illnesses is cruel.

"The consensus regarding marijuana's medical value grows every day. Just this May, The Lancet Neurology noted that marijuana's active components are effective against pain in virtually every lab test scientists have devised, and even speculated that it could become 'the aspirin of the 21st century.'

"Marijuana does have risks, but so do all drugs. Recent researchers documented that relatively simple vaporizers can allow users to inhale the active ingredients with almost none of the irritants in smoke.

"Ten States now have laws allowing medical use of marijuana with a physician's recommendation, and those laws have been successful. Last year, the General Accounting Office interviewed 37 law enforcement agencies in those States, reporting that the majority of those interviewed 'indicated that medical marijuana laws has had little impact on their law enforcement activities.'

"As a conservative, I am not surprised that common sense is bubbling up from the State level while Federal marijuana laws remain stuck in the 1930s. Federal law will change eventually, because science, common sense, and human decency require it."

That is the article. Mr. Chairman, I am not a conservative, as most of my colleagues know. I am a liberal. But I certainly agree with this conservative writer and editor.

The fact of the matter is, we ought to let doctors prescribe the medicines they feel would be most effective for their patients. It is not up to us to stand up on the floor of this House and declare with the expertise of the politicians that we are that marijuana, or morphine, or tetracycline is not an effective drug. That is the job of the doctors and the medical professionals to make those judgments.

We can prosecute doctors or others who may abuse this privilege. We allow morphine's use for medical purposes. No one has legalized the general use of morphine, or heroin, from which it is derived. But for medical purposes, we use it as a painkiller all the time. Most of our drugs, if misused, are dangerous and even toxic, but we allow their use to heal the sick under a physician's supervision. Why should marijuana be any different?

Sure, it is a dangerous drug. I certainly do not deny that. But for certain diseases, for certain conditions, it can help people. It can make their lives bearable.

Let the doctors make those decisions, not the politicians. Let the doctors decide what will work for someone's illness, and let them be subject to the normal medical discipline procedures for the normal uses of the law for those who would abuse their ability to prescribe a drug.

Mr. Chairman, let marijuana be treated as a drug the way morphine is, the way other powerful drugs are. Let people be healed. Let them feel better. Let people with HIV or AIDS or cancer be able to hold their food. Let them survive longer. And let us fight the drug war on a different battlefield.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I thank the chairman for yielding me this time. I actually had not planned on speaking on this issue this evening, but after sitting in my office and hearing some of the other arguments, I felt compelled to come over and at least, if I could, perhaps provide some illumination on this subject.

The last speaker, in fact, talked about science, common sense, and human decency as dictating that we must make marijuana available to our sickest patients.

□ 2100

But why, indeed, would we want to make a substance available that is widely recognized as a gateway drug which could lead to greater drug use?

My friend from Arizona pointed out that drug use amongst our youth and our children is increasing at a rapid rate, and we need to do what we can to stop that. I do not believe that making marijuana generally available, even for medicinal purposes, is going to further that curtailment of drug use in children or young people.

But, Mr. Chairman, the fact remains that if we want to legally prescribe medication to deal with our patients' suffering, that is, anorexia, Marinol is available today; and I believe it is legal in all States, not just 10 states. What is Marinol? Marinol is a synthetic delta-9-tetrahydrocannabinol. Delta-9-tetrahydrocannabinol is also the naturally occurring compound of Cannabis sativa, or marijuana.

So you see, Mr. Chairman, our physicians already have the active ingredient in marijuana available to prescribe to their patients today; and, in fact, I will include for the RECORD the package insert from Marinol which details the double-blind placebo studies that show that Marinol has been useful as an appetite stimulant and an antiemetic, that is, it inhibits nausea and vomiting in individuals who are suffering from terminal HIV/AIDS and individuals who are undergoing chemotherapy. And perhaps the beauty of using Marinol is your patient does not have to be terminally ill, they just have to be ill, because Marinol can be used for a short term. In fact, that is what it is recommended, to be used over the short term to deal with those two adverse consequences of chemotherapy.

Mr. Chairman, compassionate care is available in this country. Our doctors are providing compassionate care. It is approved by the Food and Drug Administration. It is approved by the DEA.

MARINOL® (DRONABINOL) CAPSULES

DESCRIPTION

Dronabinol is a cannabinoid designated chemically as (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol.

Dronabinol, the active ingredient in Marinol® Capsules, is synthetic delta-9-tetrahydrocannabinol (delta-9-THC). Delta-9-tetrahydrocannabinol is also a naturally occurring component of Cannabis sativa L. (Marijuana).

Dronabinol is a light yellow resinous oil that is sticky at room temperature and hardens upon refrigeration. Dronabinol is insoluble in water and is formulated in sesame oil. It has a pKa of 10.6 and an octanol-water partition coefficient: 6,000:1 at pH 7.

Capsules for oral administration: Marinol® Capsules is supplied as round, soft gelatin capsules containing either 2.5 mg, 5 mg, or 10 mg dronabinol. Each Marinol® Capsule is formulated with the following inactive ingredients: FD&C Blue No. 1 (5 mg), FD&C Red No. 40 (5 mg), FD&C Yellow No. 6 (5 mg and 10 mg), gelatin, glycerin, methylparaben, propylparaben, sesame oil, and titanium dioxide.

CLINICAL PATHOLOGY

Dronabinol is an orally active cannabinoid which, like other cannabinoids, has complex effects on the central nervous system (CNS), including central sympathomimetic activity. Cannabinoid receptors have been discovered in neural tissues. These receptors may play a role in mediating the effects of dronabinol and other cannabinoids.

Pharmacodynamics: Dronabinol-induced sympathomimetic activity may result in tachycardia and/or conjunctival injection. Its effects on blood pressure are inconsistent, but occasional subjects have experienced orthostatic hypotension and/or syncope upon abrupt standing.

Dronabinol also demonstrates reversible effects on appetite, mood, cognition, memory, and perception. These phenomena appear to be dose-related, increasing in frequency with higher dosages, and subject to great interpatient variability.

After oral administration, dronabinol has an onset of action of approximately 0.5 to 1 hours and peak effect at 2 to 4 hours. Duration of action for psychoactive effects is 4 to 6 hours, but the appetite stimulant effect of dronabinol may continue for 24 hours or longer after administration.

Tachyphylaxis and tolerance develop to some of the pharmacologic effects of dronabinol and other cannabinoids with chronic use, suggesting an indirect effect on sympathetic neurons. In a study of the pharmacodynamics of chronic dronabinol exposure, healthy male volunteers (N = 12) received 210 mg/day dronabinol, administered orally in divided doses, for 16 days. An initial tachycardia induced by dronabinol was replaced successively by normal sinus rhythm and then bradycardia. A decrease in supine blood pressure, made worse by standing, was also observed initially. These volunteers developed tolerance to the cardiovascular and subjective adverse CNS effects of dronabinol within 12 days of treatment initiation.

Tachyphylaxis and tolerance do not, however, appear to develop to the appetite stimulant effect of Marinol® Capsules. In studies involving patients with Acquired Immune Deficiency Syndrome (AIDS), the appetite stimulant effect of Marinol® Capsules has been sustained for up to five months in clinical trials, at dosages ranging from 2.5 mg/day to 20 mg/day.

Pharmacokinetics: Absorption and Distribution: Marinol® (Dronabinol) Capsules is almost completely absorbed (90 to 95%) after single oral doses. Due to the combined effects of first pass hepatic metabolism and high lipid solubility, only 10 to 20% of the administered dose reaches the systemic circulation. Dronabinol has a large apparent volume of distribution, approximately 10 L/kg, because of its lipid solubility. The plasma protein binding of dronabinol and its metabolites is approximately 97%.

The elimination phase of dronabinol can be described using a two compartment model with an initial (alpha) half-life of about 4 hours and a terminal (beta) half-life of 25 to 36 hours. Because of its large volume of distribution, dronabinol and its metabolites may be excreted at low levels for prolonged periods of time.

Metabolites: Dronabinol undergoes extensive first-pass hepatic metabolism, primarily by microsomal hydroxylation, yielding both active and inactive metabolites. Dronabinol and its principal active metabolite, 11-OH-delta-9-THC, are present in approximately equal concentrations in plasma. Concentrations of both parent drug and metabolite peak at approximately 2 to 4 hours after oral dosing and decline over several days. Values for clearance average about 0.2 L/kg-hr, but are highly variable due to the complexity of cannabinoid distribution.

Elimination: Dronabinol and its biotransformation products are excreted in both feces and urine. Biliary excretion is the major route of elimination with about half of a radio-labeled oral dose being recovered from the feces within 72 hours as contrasted with 10 to 15% recovered from urine. Less than 5% of an oral dose is recovered unchanged in the feces.

Following single dose administration, low levels of dronabinol metabolites have been detected for more than 5 weeks in the urine and feces.

In a study of Marinol® Capsules involving AIDS patients, urinary cannabinoid/creatinine concentration ratios were studied biweekly over a six week period. The urinary cannabinoid/creatinine ratio was closely correlated with dose. No increase in the cannabinoid/creatinine ratio was observed after the first two weeks of treatment, indicating that steady-state cannabionoid levels had been reached. This conclusion is consistent with predictions based on the observed terminal half-life of dronabinol.

Special Populations: The pharmacokinetic profile of Marinol® Capsules has not been investigated in either pediatric or geriatric patients.

CLINICAL TRIALS

Appetite Stimulation: The appetite stimulant effect of Marinol® (Dronabinol) Capsules in the treatment of AIDS-related anorexia associated with weight loss was studied in a randomized, double-blind, placebo-controlled study involving 139 patients. The initial dosage of Marinol® Capsules in all patients was 5 mg/day, administered in doses of 2.5 mg one hour before lunch and one hour before supper. In pilot studies, early morning administration of Marinol® Capsules appeared to have been associated with an increased frequency of adverse experiences, as compared to dosing later in the day. The effect of Marinol® Capsules on appetite, weight, mood, and nausea was measured at scheduled intervals during the six-week treatment period. Side effects (feeling high, dizziness, confusion, somnolence) occurred in 13 of 72 patients (18%) at this dosage level and the dosage was reduced to 2.5 mg/day, administered as a single dose at supper or bedtime.

As compared to placebo, Marinol® Capsules treatment resulted in a statistically significant improvement in appetite as measured by visual analog scale (see figure). Trends toward improved body weight and mood, and decreases in nausea were also seen.

After completing the 6-week study, patients were allowed to continue treatment with Marinol® Capsules in an open-label study, in which there was a sustained improvement in appetite.

Antiemetic: Marinol® (Dronabinol) Capsules treatment of chemotherapy-induced emesis was evaluated in 454 patients with cancer, who received a total of 750 courses of treatment of various malignancies. The antiemetic efficacy of Marinol® Capsules was greatest in patients receiving cytotoxic therapy with MOPP for Hodgkin's and non-Hodgkin's lymphomas. Marinol® Capsules dosages ranged from 2.5 mg/day to 40 mg/day, administered in equally divided doses every four to six hours (four times daily). Escalating the Marinol® Capsules dose above 7 mg/mg^{2} Capsules dose above 7 mg/m^{2} increased the frequency of adverse experiences, with no additional antiemetic benefit.

Combination antiemetic therapy with Marinol® Capsules and a phenothiazine (prochlorperazine) may result in synergistic or additive antiemetic effects and attenuate the toxicities associated with each of the agents.

INDIVIDUALIZATION OF DOSAGES

The pharmacologic effects of Marinol® (Dronabinol) Capsules are dose-related and subject to considerable interpatient variability. Therefore, dosage individualization is critical in achieving the maximum benefit of Marinol® Capsules treatment.

Appetite Stimulation: In the clinical trials, the majority of patients were treated with 5 mg/day Marinol® Capsules, although the dosages ranged from 2.5 to 20 mg/day. For an adult:

1. Begin with 2.5 mg before lunch and 2.5 mg before supper. If CNS symptoms (feeling high, dizziness, confusion, somnolence) do occur, they usually resolve in 1 to 3 days with continued dosage.

2. If CNS symptoms are severe or persistent, reduce the dose to 2.5 mg before supper. If symptoms continue to be a problem, taking the single dose in the evening or at bedtime may reduce their severity.

3. When adverse effects are absent or minimal and further therapeutic effect is desired, increase the dose to 2.5 mg before lunch and 5 mg before supper or 5 and 5 mg. Although most patients respond to 2.5 mg twice daily, 10 mg twice daily has been tolerated in about half of the patients in appetite stimulation studies.

The pharmacologic effects of Marinol® Capsules are reversible upon treatment cessation.

Antiemetic: Most patients respond to 5 mg three or four times daily. Dosage may be escalated during a chemotherapy cycle or at subsequent cycles, based upon initial results. Therapy should be initiated at the lowest recommended dosage and titrated to clinical response. Administration of Marinol® Capsules with phenothiazines, such as prochlorperazine, has resulted in improved efficacy as compared to either drug alone, without additional toxicity.

Pediatrics: Marinol® Capsules is not recommended for AIDS-related anorexia in pediatric patients because it has not been studied in this population. The pediatric dosage for the treatment of chemotherapy-induced emesis is the same as in adults. Caution is recommended in prescribing Marinol® Capsules for children because of the psychoactive effects.

Geriatrics: Caution is advised in prescribing Marinol® Capsules in elderly patients because they are generally more sensitive to the psychoactive effects of drugs. In antiemetic studies, no difference in tolerance or efficacy was apparent in patients 55 years old.

INDICATIONS AND USAGE

Marinol® (Dronabinol) Capsules is indicated for the treatment of:

1. anorexia associated with weight loss in patients with AIDS; and

2. nausea and vomiting associated with cancer chemotherapy in patients who have failed to respond adequately to conventional antiemetic treatments.

CONTRAINDICATIONS

Marinol® (Dronabinol) Capsules is contraindicated in any patient who has a history of hypersensitivity to any cannabinoid or sesame oil.

WARNINGS

Patients receiving treatment with Marinol® Capsules should be specifically warned not to drive, operate machinery, or engage in any hazardous activity until it is established that they are able to tolerate the drug and to perform such tasks safely.

Mr. HINCHEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this amendment, for two reasons. Number one, I believe in freedom. I believe in democracy and the democratic process. If the people of 10 States have voted, I guess eight of them have actually voted through referendum and two through their other legislative process to legalize the medical use of marijuana within those States, it is totally contrary to our way of life in the United States of America to say that those States, the people of those States, do not have a right to set their standards, their legal standards in those States.

There are dry counties, and there are wet counties. You can have a State that is right next to one State. That is no argument. You do not have to have one rule for the whole country. That is what federalism is all about. And what greater use of federalism or more important use of federalism than for people to control substances as they are consumed in their own area? I would suggest that in my State, for example, where the people did, by a large majority, vote for legalizing the medical use of marijuana that it is a travesty for the Federal Government to send police into my State and arrest people and throw them in a cage, in jail, for doing something that the vast majority of people in my State voted to make a legal practice. This is contrary to American tradition. This is not right. It has only been in this last 100 years that America has decided to go haywire and create this type of oppression which is contrary to the wishes of the majority of people in these areas.

Number two, let us just face it, it has not worked. The process that we have tried to use to prevent drug use has not worked. The drug war is a miserable failure. That does not mean we should give up. I am not advocating that. I do not advocate legalizing drugs, but I think that it is time to take a second look at what has been going on. It has not succeeded at all in preventing people from using drugs, and it has been a catastrophe in the black and other minority communities where young people get thrown into jail at an early age and their whole life is ruined. We need to take a second look at drugs in general and how we are going to try to convince young people not to use drugs.

By the way, I was Ronald Reagan's speech writer and I wrote almost every one of his speeches about drugs at a time when we convinced America's youth to stop using drugs and there was the greatest decline in the use of drugs during Reagan's administration as any time in our history. I can assure you in Ronald Reagan's speeches, he talked about just relying on law enforcement was not the answer. And it certainly is not the answer in dealing with medical marijuana that has been approved by the majority of people in various States. Lynn Nofziger, Ronald Reagan's adviser; William F. Buckley, the editor of National Review; Bob Ehrlich, the Governor of Maryland, all of these people understand what this is all about and understand that those people opposing this liberalization of the medical use of marijuana are living in a bygone era.

Let me just note this. My mother passed away about 4 or 5 years ago. One of the factors in my determination tonight to stand up here before you is that I remember when the doctor told me that she had lost her appetite and I was going to have to feed her. I was very pleased that I had voted for making the medical use of marijuana legal because I could not look at myself in the face knowing that I had done that to other people who were confronted by their mother. What are we doing to someone, and they do not have to be critically ill. What about an older person that has lost their appetite and their will to live? If a doctor thinks it is going to help them to use marijuana, it is immoral for us to try to put people in jail who are moving to alleviate that type of horror that people have in their own lives.

Are we compassionate or are we not? I suggest that we vote for compassion and freedom and support this liberalization.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, it is awful when your parents get older and have different struggles and we need to look and we have found drugs to give them to try to address this question. That is not what this debate is about. The gentleman from California and I have been friends for many years. We grew up in the same conservative youth organization, Young Americans for Freedom. We had these same disagreements when we were in YAF a long time ago on legalization of marijuana. We had a very close vote in the national organization. It was an organization founded by William F. Buckley. Richard Brookhiser came up through that same organization. What we called, and I was a more traditionalist conservative, the libertarians believed at that time, and in many cases still do, as we heard from the most consistent libertarian in the House, the gentleman from Texas (Mr. PAUL), that drug laws are wrong and that States can nullify Federal laws. I do not agree with that. I believe there are times when the elected representatives of the American people can make national policy and that is what we are debating right now. Does the Federal Government have a right to make a law by elected citizens all across the United States that will be upheld because they believe it protects the citizens of the United States in the best way?

Many States conceivably could pass different laws on civil rights to nullify some of the things we do here and other laws. We cannot operate that way. We heard earlier today that people said on the other side that we should support the first responders and our police forces. They are unanimous across the country as a whole saying that they are against any weakening of the marijuana laws with the signals they are sending. This is a fundamental debate about what direction we are going in national drug law. This is a backdoor way to move in. It is not about compassion. We need to look for additional ways if Marinol does not solve it all, but it does and in the new, improved ways it actually appears to deal with vomiting.

People can promise all types of different things. We can feel the pain, but we should not change laws that are working. And if we want to change those laws on the national drug policy, you should come and change the national drug laws. It would be a travesty if this House in effect nullifies Federal law. This is not just nullifying Federal law. The case was brought to the Supreme Court. The Supreme Court ruled that the Attorney General and DEA have an obligation to enforce Federal law.

I believe that the courts too often have usurped State authority and taken the 10th amendment the wrong direction. This is not about that. This is about when Congress passed a law under the Constitution that said in interstate commerce, which narcotics move across interstate commerce, which was not a liberal interpretation of that clause but a strict interpretation of that clause from a conservative perspective, all except the more anarcho-libertarians, as we used to call them, believe that in drug laws the Federal Government historically has had the right to enforce a Federal law. The conservative movement is not divided. We have a few of the libertarian fringe who I respect for their opinions but strongly disagree just as we did when we were kids; now we are grownups, and we still have the same disagreement.

Mr. HINCHEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from New York for yielding me this time.

Mr. Chairman, I respect the gentleman from Indiana (Mr. SOUDER) for the work that he has done. We have traveled together. I think anyone that comes to the floor of the House and discusses this issue obviously is not concerned about the political liability that the headlines will read that you stood on the floor of the House to support the free and open use of marijuana and the promotion of drug use in the United States of America. That is why I think it is very important to clarify the distinctive arguments that are being made on either side. In fact, I disagree with the interpretation of nullification when, in fact, it is an issue of States' rights that will not be harmful to others.

I believe the Federal law is relevant when the Federal law seeks to solve a problem that is, in fact, harmful overall to all Americans. The civil rights example that the gentleman from Indiana used was an issue where the United States wanted to fall on the side of what was right and end the most heinous of behaviors in the 20th century, and that was segregation, lynching; and so we wrote civil rights laws to give equality to all Americans.

This issue of the medical use of marijuana is a question of the patients asking and demanding relief. I guess there is no one that can stand in the shoes of a patient who is suffering from the horrible pain of cancer. No one, none of us who are standing here healthy today can understand the absolute pain of not being able either to eat or suffer through the treatment that might be provided by normal medical procedures.

My understanding of the States that have voted for the use of medical marijuana is, in fact, regulated processes; is, in fact, structures in place to ensure that this is not a situation of drug running. So I do not know why we have come to the floor of the House and not respect the amendment that the gentleman from New York has put forward, which is to cease the utilization of Federal funds for intervention in a process that has been accepted by States and regulated by States. Appropriately, I believe, the 10th amendment, leave-it-to-States, States' rights, should be the acceptable call of the day. That should be the law.

These nine or 10 States have opted to be able to choose in their regulated manner to allow for physicians and others to be able to prescribe marijuana for use to be able to help their patients and to stop the pain that they are suffering from. I cannot imagine that we would not want to be problem solvers on this issue and take the responsible route, which is to allow States who have been responsible in their own areas and suggested that medical marijuana is a vital and important use.

I would hope my colleagues would see this separately from the war on drugs when there is a great debate as to whether the war on drugs is effective. I too am not interested in legalizing drug use, but I am interested in making sure that the sick are taken care of and States' rights are protected in this instance.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding me this time.

Mr. Chairman, I again reiterate my opposition to this amendment. I would agree with the gentlewoman who just spoke that each side has an argument of merit in this debate. I compliment her for standing up and speaking out her views. But I would say I strongly disagree.

Let us start with this whole issue of States' rights. I yield to no one on the issue of States' rights. I have a piece of legislation I have introduced every year in this Congress which would have required every Member of Congress to cite in each bill they introduce the constitutional authority, the provision of the U.S. Constitution that gives the Congress the right to act in this area. The gentlewoman would suggest that medical marijuana is not an area in which the Federal Government has the right to legislate.

□ 2115

The implication there is that the Federal Government does not have the right to legislate in the area of drug policy.

I would suggest that our Nation's civil rights laws, which I strongly support, are based on the issue of interstate commerce and that discrimination affects interstate commerce, and therefore it is appropriate for the Federal Government to pass laws prohibiting civil rights conduct that is offensive, including discrimination.

By the same token, clearly our Nation's laws against drugs, marijuana and all of the others, are based on the same premise, and that is that they do affect interstate commerce. Indeed, drug use, illegal drug use by American workers, imposes a tremendous burden on our workforce and on our productivity.

But let us go beyond that. The argument I believe she tried to make was there is a distinction because these laws that do not have any negative effect, they do not do harm. I would suggest that even if medicinal marijuana did not harm anyone other than its user, an argument I will refute in just a moment, that premise would be wrong.

But let us look at the case cited earlier in this debate. There is a doctor in California who has taken advantage of that State's medical marijuana law to write 7,500 prescriptions for medical marijuana and has conducted in doing that not a single medical exam. The reality is, this is a fraud. The medical marijuana prescriptions which that doctor and other doctors have written are not written for medicinal reasons. The gentleman from Texas (Mr. BURGESS) gave, I thought, eloquent testimony here on this floor just a few moments ago in which he made it very clear that there are drugs available to doctors today with the exact same medical and medicinal properties as marijuana, that will relieve the pain or that will deal with the lack of hunger or appetite, that will deal with those issues.

I want to make another point. It was interesting that in this debate one of my colleagues on the other side said, Look, we already recognize certain painkilling drugs and we allow them to be legal in our system, and he cited a couple of those painkilling drugs. Why do we not allow marijuana? The answer is, there is sound evidence behind allowing certain drugs and there is no sound evidence behind allowing marijuana to be used for the reasons for which it is argued.

I strongly urge my colleagues to oppose this amendment. It will, in fact, send an inconsistent signal to our children and do grave damage to the children of America.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Our Federal system reserves to the States all those powers that are not designated to the Federal Government in the Constitution. Ten States have decided that they want to alleviate the pain and suffering of their citizens who may be afflicted with AIDS or cancer or some other debilitating, killing disease, and make their last days on this Earth more comfortable by allowing them, under prescription from a licensed physician in those States, to use marijuana for medical purposes.

The Federal Government has said "no." The Justice Department and this administration have said "no." They are not going to allow people in those 10 States, fully 20 percent of the States of the Nation, to be relieved of the pain and suffering under the laws of those States. That makes no sense.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, do I have the right to close?

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has the right to close.

Mr. HINCHEY. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) has 2 minutes remaining. The gentleman from Virginia (Mr. WOLF) has 3 minutes remaining.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

I want to thank everyone who participated in this debate. I think it is very important that issues like this be discussed on the floor of the House of Representatives. The fact of the matter here, in this particular amendment, is simply this: Are we going to continue to allow the United States Justice Department to stick its nose into the business of 10 sovereign States of this Union who have decided that they want to help people who are suffering and dying from debilitating disease, AIDS, cancer, and others, who suffer from ailments such as glaucoma and a whole host of other ailments that have been found by a vast majority of the highly respected medical associations of this country, they have found that people suffering in that way can be relieved by the prescriptive use of marijuana under the supervision of a licensed physician?

That is what this amendment would do. It does not open up anything else.

Some of the arguments that have been made against this amendment have nothing to do with what this amendment seeks to achieve. It is very narrow in its form and in its definition. It relates only to States that have decided in their own way, either by referendum, which eight of them have, or by laws passed by their State legislative bodies, to allow people to use marijuana for medical purposes to relieve the pain and suffering in the final days of their lives.

People talk about a gateway drug. Someone dying from cancer is not going to use marijuana as a gateway drug. They are using it to try to gain back a bit of their appetite so that they can maintain their strength and continue to live among their family and offer the aid and assistance of themselves to that family during the last days of their lives. Are we going to deny people that?

That is exactly what we are doing by the present law, and that is why this amendment is here, and I ask for its passage.

Mr. WOLF. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, this is really a cultural issue. That is what this is all about. It is about the culture, nothing else. The Hinchey amendment would mean that State medical marijuana laws are the supreme law of the land. This amendment would prevent Federal officials from enforcing Federal law in a manner contrary to State law.

Under this amendment anyone who manufactures, distributes, or possesses marijuana in purported compliance with State law would have immunity under Federal law.

I think it is a big issue and I think the gentleman from Arizona (Mr. SHADEGG) and the gentleman from Indiana (Mr. SOUDER) covered it very well. Medical marijuana laws send the wrong message to our youth, too many of whom do not recognize the dangers of marijuana and continue to experiment. It is a cultural issue. It has taken the culture in the wrong direction, and I urge defeat of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KOLBE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2738, UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT, AND H.R. 2739, UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–229) on the resolution (H. Res. 329) providing for consideration of the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement, and for consideration of the bill (H.R. 2739) to implement the United States-Singapore Free Trade Agreement, which was referred to the House Calendar and ordered to be printed.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 326 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2799.

□ 2124

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a request for a recorded vote on amendment No. 1 offered by the gentleman from New York (Mr. HINCHEY) had been postponed.

AMENDMENT NO. 9 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC.   . None of the funds made available in this Act may be used to destroy or conceal physical and electronic records and documents related to any use of Federal agency resources in any task or action involving or relating to members of the Texas Legislature for the period beginning May 11, 2003, and ending May 16, 2003.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I propose this amendment to the Committee on Appropriations for the Commerce, Justice, and State for, I think, a very direct and important reason. The American people have a right to believe that their Federal agencies and Federal resources are used appropriately for the mission statement and the legislative directive upon which these agencies are organized.

This amendment is simple. It states: "None of the funds made available by this act may be used by the Department of Justice to destroy or conceal physical and electronic records and documents related to any use of Federal agency resources in any task or action involving or relating to members of the Texas legislature in the period beginning May 11, 2003, and ending May 16, 2003."

The purpose of this amendment, Mr. Chairman, is to prohibit the use of funds by the Department of Justice to destroy or conceal any documents related to that use of Federal agency resources in the Texas redistricting controversy in May of 2003.

During the Texas redistricting controversy in May of this year, there were numerous published reports that Federal law enforcement resources were used to conduct surveillance, attempt to locate, or otherwise track the location of Democratic members of the Texas legislature who left Texas to break a quorum. Included in the reports were accounts of the Federal Bureau of Investigation being contacted to locate Democrats.

United States Marshals received phone calls to arrest Texas Democrats and Federal resources were being used to track airplanes belonging to Texas Democrats.

In the wake of the redistricting controversy and the allegations of the misuse of Federal resources, there have been numerous attempts to obtain documents related to the misuse of Federal law enforcement resources. Democratic members of both the United States House of Representatives' Committee on the Judiciary and Select Committee on Homeland Security have repeatedly requested documents. Such documents have not been forthcoming. The many requests have either been ignored, or the information received has been redacted.

In addition, Mr. Chairman, the other body has requested information.

This amendment is simple on its face, to ensure as this process moves forward that no documents will be destroyed.

Mr. Chairman, this is another issue that I think is very important. Might I offer visually to my colleagues that when we requested information, this redacted document was the kind of document that we received, and I am going to have this document submitted into the RECORD. It is a statement from the United States Department of Homeland Security, Office of the Inspector General.

This issue is beyond the isolated and defined issue dealing with the Texas redistricting saga. It has to do with dignity, it has to do with civil rights and civil liberties. It is an outrage that we would have Federal officials using Federal resources to track civilians who perpetrated no crime. It is an outrage that we have as a statement regarding the use of a U.S. Attorney something noted by a reporter, reported elsewhere, that a spokesperson for the U.S. Attorney's office in San Antonio had no official comment, but a source confirmed that an unidentified person had called to inquire about federalizing the arrest warrant, that is, regarding a Texas legislator. This was reported in the Fort Worth Star-Telegram, May 14, 2003.

I believe we already had another article saying that the elected official here in Washington, the gentleman from Texas (Mr. DELAY), already had a United States attorney in Texas researching how to employ Federal resources. This was Hugh Aynesworth, Washington Times, May 14, 2003.

This is not pointed at any particular individual, per se, as much as it is a horror about not being able to determine whether resources were being used adversely against civilians. This is, as I said, a question that this House should take up.

So my amendment is simple. It allows or says that no funds should be used to allow the Department of Justice to destroy any documents that may be relevant to this particular issue. It is out of the issue, out of the basis of transparency, out of the idea that the American people, no matter what the situation may be, are owed a responsible answer and responsible actions as relates to their Federal resources.

And then I would say, Mr. Chairman, in this time when we are fighting terrorism and using all of the resources that we might, Department of Justice, Department of Transportation, Homeland Security Department, all of these departments should be focused singularly on one purpose. That is, all the Federal might and resources to fight the war against terrorism.

□ 2130

I would hope my colleagues would support this amendment so that we can find out the truth and ensure that transparency always prevails in the United States Government.

U.S. Department of Homeland Security, Office of Inspector General—Investigations—Memorandum of Activity

(Type of Activity: Personal Interview. Case Number: IN03–0IG–LA–0662. Case Title: Air and Marine Interdiction Center.)

On May 22, 2003, . . ., Texas Department of Public Safety (DPS), Austin, Texas, . . . or . . ., was interviewed by the Department of Homeland Security (DHS), Office of Inspector General (OIG) regarding allegations that the Bureau of Immigration and Customs Enforcement (BICE), Air and Marine Interdiction Coordination Center (AMICC), DHS allegedly misused DHS resources in the search of missing Texas state legislators, specifically, by looking for a missing airplane. Others present during this interview were . . ., DPS, Austin; . . ., DPS, Austin; and . . ., . . , DPS, Austin. During the questioning of . . . the DHS–OIG was consistently interrupted and challenged by DPS participants that questions were not within the scope of the DHS–OIG investigation. The DPS asked the OIG if . . . would be given Miranda warnings The OIG advised the DPS that . . . would not be given Miranda warnings since . . . was only a witness regarding a DHS–OIG investigation. The DHS–OIG advised that . . . was not under criminal investigation. . . . provided, in substance, the following information:

. . . has worked for the DPS for . . . said . . . knew that USCS tracked airplanes. . . . said . . . was unaware that this USCS California office was part of the DHS.

. . . said . . . called the USCS about a missing airplane on May 12, 2003, between the hours of 6:45 p.m. and 7:00 p.m. . . . said . . . asked for the "TX Desk" which . . . said referred to the Texas area.

. . . was questioned as to who instructed . . . to make an inquiry regarding the missing airplane. . . . said several individuals requested . . . to look for the airplane. At that point in the interview . . . asked . . ., and . . . it . . . had to answer the question regarding who requested . . . to look for the airplane. . . . advised . . . that this question was outside the scope of the DHS–OIG investigation. The DHS–OIG informed . . . that this question was pertinent to the investigation; however, the DHS–OIG could not compel . . . to answer. . . . declined to answer the question.

At the direction of unnamed individuals, . . . said . . . called the USCS to locate the airplane since it was past its travel time and missing. . . . said . . . identified . . . and told the USCS call center employee that . . . needed to locate a missing airplane. . . . said . . . did not recall speaking with . . . at the USCS. . . . advised that there were legislators on board the aircraft; however, . . . did not know their identity. . . . said . . . provided the USCS with the airplane's tail number and advised them that . . . did not have the airplane's flight schedule. . . . said . . . could not remember the exact details of who was contacted to look for the airplane's tail number . . . asked USCS if they could assist . . . with locating the missing airplane. . . . said the USCS advised that they would research the matter and call . . . back . . . said . . . was called back by the USCS and advised that the Federal Aviation Administration (FAA) followed the flight plan from Ardmore, Oklahoma, to Mineral Wells, Texas.

. . . said the airplane departed Ardmore, Oklahoma, at 5:00 p.m. and was scheduled to arrive in Georgetown, Texas, at 6:13 p.m. . . . said the airplane's flight time was approximately one hour and thirteen minutes. . . . said the airplane's tail number was N711RD, which was registered to Hale Center, Texas. . . . stated . . . did not know to whom the airplane belonged. . . . said . . . checked with Austin Flight to verify if there was a flight plan from Ardmore, Oklahoma, to Georgetown, Texas, prior to calling USCS.

. . . said at approximately 8:00 p.m. . . . spoke with the USCS to check on the status of the missing airplane. The USCS advised . . . that they had been unsuccessful in locating the airplane in Mineral Wells, Texas, and that the next step would be to contact the FAA, Forth Worth, Texas. . . . said the USCS advised the only thing left to do was a search and rescue . . . said the USCS provided . . . with the telephone number for the FAA Fort Worth tower.

. . . said . . . called the FAA, identified . . . and requested assistance related to some missing legislators. . . . did not recall who . . . spoke with or the time of the call to the FAA. The FAA advised . . . that the missing airplane traveling from Ardmore, Oklahoma, to Georgetown, Texas, went off the FAA radar in Bridgeport, Texas. . . . said . . . was told that the Bridgeport, Texas, and Mineral Wells, Texas, airports would be checking for the missing airplane.

. . . said when . . . contacted the FAA Forth Worth tower for the second time . . . could not recall what time it was or who . . . spoke with . . . said the FAA told . . . that they did not locate the missing airplane and that the next step was to check some more airports in the area for the missing airplane.

. . . said the FAA told . . . that Possum Kingdom, Texas, Graham, Texas, and Weatherford, Texas, were in the Bridgeport, Texas, area. . . . said . . . asked the FAA how to conduct a search and rescue. . . . said the FAA explained that a search and rescue involved checking airports and looking on the ground for the missing airplane.

. . . said . . . spoke with the FAA three different times with the third discussion informing the FAA that the missing airplane had been located by the DPS in Graham, Texas. . . . said . . . did not know who at DPS located the airplane . . . said . . . had no recollection of the specific times during the night that . . . spoke with the FAA. . . . opined that the calls were made after 8:00 p.m. and prior to midnight on May 12, 2003.

. . . was questioned regarding any notes taken regarding the missing airplane. . . . said . . . notes from . . . conversations regarding the missing airplane with the USCS were shredded . . . said . . . did not shred the notes. . . . said . . . does not recall who . . . gave the notes to for shredding.

. . . opined that the total time utilized by DHS to assist . . . with the missing airplane was fifteen minutes related to some telephone calls made.

Mr. Chairman, I propose this amendment to H.R. 2799, the Commerce, Justice, State, Appropriations Act of 2004.

The amendment states, "None of the funds made available by this Act may be used by the Department of Justice to destroy or conceal physical and electronic records and documents related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003."

The purpose of this amendment is to prohibit the use of funds by the Department of Justice to destroy or conceal any documents related to the use of Federal agency resources in the Texas redistricting controversy in May 2003.

During the Texas redistricting controversy in May of this year, there were numerous published reports that Federal law enforcement resources were used to conduct surveillance, attempt to locate, or otherwise track the location of Democratic members of the Texas Legislature who left Texas to break a quorum. Included in the reports were accounts of the Federal Bureau of Investigation being contacted to locate Democrats, the United States Marshals receiving phone calls to arrest Texas Democrats, and Federal resources being utilized to track airplanes belonging to Texas Democrats.

In the wake of the redistricting controversy and the allegations of misuse of Federal resources, there have been numerous attempts to obtain documents related to the misuse of Federal law enforcement resources. Democratic Members of both the U.S. House of Representatives' Judiciary Committee and Select Committee on Homeland Security have requested documents. The many requests have either been ignored, or the information received has been redacted.

This amendment is designed to prevent the Department of Justice from destroying or concealing any documents related to the Texas redistricting controversy. It is imperative that these documents be released so that Members of Congress can determine if Federal resources were misused.

Mr. Chairman, as America continues to fight a war on terrorism and attempts to protect our communities from crime, it is critical that every possible Federal resource is used for its intended purpose. The misuse of Federal resources cannot be tolerated because such misuse makes our communities unsafe, and our country more vulnerable to a terrorist attack. I urge my colleagues to support my amendment.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the subcommittee accepts the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENTS NO. 3, 4, 5, 6 AND 8 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer amendments numbered 3, 4, 5, 6 and 8, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Ms. JACKSON-LEE of Texas consisting of amendments numbered 3, 4, 5, 6 and 8:

AMENDMENT NO. 3

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to regulate the issuance of consular identification cards by foreign missions in the United States.

AMENDMENT NO. 4

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to extend a visa issued pursuant to section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act more than 8 times.

AMENDMENT NO. 5

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Notwithstanding section 214(c)(1)(C) and section 286s of the Immigration and Nationality Act or any other provision of law, amounts from fees pursuant to the issuance of visas under section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act shall be used as follows:

(1) 4 percent shall be used for the processing of visas for nonimmigrant status under section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act.

(2) The remainder shall be used as additional resources for accelerating the processing by consular officers of other nonimmigrant visa applications.

AMENDMENT NO. 6

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act may be used to prohibit the study of the issue of implementing "good time" for persons incarcerated for non-violent crimes in the Federal prison system.

AMENDMENT NO. 8

At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to prohibit the Administrator of the Small Business Administration from providing technical assistance to small business concerns participating in the rebuilding of Iraq and Afghanistan.

Mr. WOLF. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order on the amendments en bloc.

The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I hope that out of my discussion of these amendments I will engage my colleagues in what I believe are very serious issues that need to be both debated and resolved.

Let me raise the first amendment, Amendment No. 3, which indicates that no funds in this bill should be utilized to prevent a sovereign nation from using counselor identification cards.

I will simply submit for my colleagues' consideration the fact that there was an amendment passed in the foreign relations authorization bill last week that would prohibit the State Department from authorizing the use of these matricula cards by various counselors around the Nation, in particular those cards that have been utilized by the Mexican counselors all over the Nation. I happen to have such a counselor in my congressional district.

It seems ironic that we passed this legislation when, in fact, the United States Treasury Department has written a regulation that specifically says that they will allow a financial institution to accept any one or more of the following; a U.S. taxpayer identification number, a passport number and county of issuance, an alien identification card number, or the number and country of issuance of any other government-issued document evidencing nationality or residence and bearing a photograph or similar safeguard.

This is hypocrisy and, of course, a conflict in law, where we would pass legislation to prevent it and, in fact, we do have rules that would allow it. So I hope that we will find a way to remove any block to various counselors being allowed to utilize those counselor cards.

Let me also say that I have an amendment that addresses the question of visas with respect to the trade bills that will be on the floor tomorrow. It is a shame that we are using those trade bills, if you will, to do immigration law on trade bills. I will be debating those questions tomorrow, but I had amendments regarding the nonimmigrant visas and as well the H-1B fees. But I will, if you will, be allowed to debate that fully tomorrow, and I would only argue that we should not do immigration policies on trade bills.

The bill that I really want to discuss, that I am presenting in this amendment, is the issue of "good time." Mr. Chairman, let me simply cite that in the Bureau of Prisons we have 143,000 inmates, 14,000 in private prisons, and that we have any number of prisoners who are, in essence, nonviolent. By race, we have 56.5 percent are white, black are 40.4 percent, Native American 1.6 percent, Hispanic 3.2 percent.

My idea of an amendment dealing with "good time" is to be able to give some relief to those nonviolent prisoners who are incarcerated. This issue is being discussed all over the country. Families are begging for us to address the question of mandatory sentencing. Our prison system is overcrowded.

I hope that I can gather my colleagues to reasonably look at an important concept, which is putting in the concept of "good time" in our Federal prisons. My constituents happen to come from an inner-city district and are overloaded in the prisons. Many of them are there for nonviolent crimes. Many of their families are crying. Many of their families were willing to take them in, and also in many instances they have been rehabilitated and can be more contributing to society if they are released.

The very fact they are being held in prison on a mandatory sentence, not having the opportunity for "good time," I think is a waste of resources. It is costing the United States of America millions of dollars. These are not violent criminals. I am not arguing for violent criminals; I am arguing for those nonviolent criminals that are in, who could do well to be released.

My last amendment has to do with recognizing that small businesses are the backbone of America. With 6 million people unemployed, this amendment would simply provide for the Small Business Administration to provide technical assistance for small businesses who want to do business in rebuilding Iraq and Afghanistan. I hope to be able to work with the Small Business Administration to ensure that this kind of technical assistance is provided.

Likewise, I would hope to be able to work with the Federal Bureau of Prisons, my colleagues on the House Committee on the Judiciary and ultimately the Committee on Appropriations to look at the idea of "good time" being placed in law, recognizing the need to address this frightening, staggering statistic of overcrowding prisons with inmates and people incarcerated that could do well to benefit from Federal sentencing guidelines being modified by a "good time" provision, one day per one day of good time, and giving a reward to nonviolent criminals in the Federal prison.

We are overcrowded, everyone recognizes it, families are being penalized; and I would ask that my colleagues would entertain these ideas in the future as we discuss ways of solving problems that need to be solved.

The purpose of this amendment is to prohibit funding needed for the Secretary of the Department of State to regulate the issuance of consular identification cards by foreign missions in the United States. H.R. 2799 requires the Secretary to decide what the consulates of other countries can and cannot do with respect to consular identification documents in the United States.

Although the Secretary's decisions would apply to all consulate offices in the United States, it is apparent that the objective of the requirement is to regulate the issuance of a particular consular document, the Matricula Consular issued by the Mexican consulates.

The Mexican consulates issue these cards to create an official record of its citizens in other countries. The Matricula is legal proof of such registration. This registration facilitates access to protection and consular services because the certificate is evidence of Mexican nationality. It does not provide immigrant status of any kind, and it cannot be used for travel, employment, or driving in the United States or in Mexico. The Matricula only attests that a Mexican consulate has verified the individual's identity.

If the Secretary of State were to regulate the consulates of Mexico and other foreign governments, it would interfere with the rights of other sovereign nations to issue whatever identification cards they want to issue to their citizens abroad, provided that they meet the requirements of the Vienna Convention. Under that convention, consular function is established as "performing any other functions entrusted to a consular post which are not prohibited by the laws and regulations of the receiving State."

There is no United States federal law that forbids the issuance of consular identification cards. In fact, the Treasury Department has issued regulations under Section 326 of the PATRIOT Act that would allow financial institutions to accept consular identification cards as valid forms of identification for the purpose of opening accounts.

I urge you to vote for my amendment.

The implementing legislation for the Singapore and Chile trade agreements would create a new nonimmigrant visa classification for workers from those countries which would be similar to the present H–1B nonimmigrant visa classification. The H–1B program generates a $1,000 fee that employers must pay. Under the H–1B provisions, 4 percent of the $1,000 must be used for processing the H–1B visa applications, and the remainder must be used to run training programs for American workers.

The new nonimmigrant visa classification also would generate a $1,000 fee. In fact, the fee for the new classification would be the same as the fee for the H–1B classification. If the H–1B fee is lowered, the new classification's fee also would be lowered.

My amendment would use the same type of distribution system that is currently used by the H–1B system, only the remainder would be used for a different purpose. The Secretary would have to use the remainder for processing other types of nonimmigrant visa classifications. I want to emphasize that my amendment does not affect the use of the fees generated by H–1B applications.

The reason for earmarking the extra funds generated by the new fees this way is to accelerate the processing times for nonimmigrant visas. Our consulate offices in other countries have enormous caseloads of nonimmigrant visa applications, which has created unfortunate delays. For instance, people from other countries who are seeking medical treatment in the United States sometimes cannot obtain nonimmigrant visas until it is too late. Something has to be done about this situation. The fee distribution system I am proposing would provide help to improve this situation.

I urge you to vote for my amendment.

The implementing legislation for the Singapore and Chile trade agreements would create a new nonimmigrant visa classification for workers from those countries who want to work in the United States. The new visa classification would be similar to the existing H–1B visa classification. The purpose of my amendment is to prohibit the funding of renewals for the new nonimmigrant visa classification beyond 8 times.

The existing H–1B classification permits foreign employees to enter the United States for a 3-year period. At the end of that period, the employee must go home unless he is granted a renewal. One 3-year renewal is permitted. At the end of the renewal period, the foreign employee must go home.

The new visa classification would authorize the foreign employee to work in the United States for 1 year, instead of 3 years, as is the case with the present H–1B classification. When the year is completed, however, the new visa classification provisions would permit an infinite number of renewals in 1-year increments. Theoretically, the foreign employee could enter the United States as a nonimmigrant employee at the age of 22 and remain until he is ready to retire at the age of 70 by obtaining renewals at the end of each 1-year period.

The provision in the Immigration and Nationality Act for nonimmigrant classifications did not intend such a result. The term "nonimmigrant" is defined as an alien in the United

States who is not an "immigrant." An "immigrant" is an alien who has made the United States his home. An immigrant is a permanent resident. In contrast, a nonimmigrant is someone who is in the United States on a temporary basis. The new nonimmigrant visa classification would violate that definition by making it possible for alien employees to spend their entire careers working in the United States. That is not a temporary admission by any stretch of the imagination.

My amendment would prohibit funding more than 8 1-year renewals. This would permit the alien employee to remain for a total of 9 years, which is 50 percent longer than the 6-year period that a person with an H–1B classification can remain.

I urge you to vote for my amendment.

Mr. Chairman, today I rise in support of my amendment to H.R. 2799. The purpose of this amendment is to promote the study of "good time" in federal sentencing guidelines for persons incarcerated for non-violent crimes. Mr. Chairman, "good time" is a reduction in sentenced time in prison as a reward for good behavior. It is usually one-third to one-half off the maximum sentence.

Mr. Chairman, at this time we are faced with a crisis. Our federal prison systems are severely overcrowded. We are running out of resources and facilities to house our prisoners. Mr. Chairman, at this time there are currently thousands of non-violent offenders, first time offenders, serving time in these federal prisons. Some of these prisoners are prisoners who realistically pose no more of a risk to society than you or I. I firmly believe that some of these non-violent, in many cases first time offenders, should be given a second chance to prove themselves and become positive contributors to this great society of ours.

I would also say, Mr. Chairman, that at this time recidivism is also a major problem now plaguing our prison system. We are experiencing a phenomenon in where many prisoners who spend time serving lengthy prison sentences are released and soon return to incarceration. It is my impression, Mr. Chairman, that lengthy prison sentences just do not work; we need to begin to conquer the root of the problem.

I propose this amendment to H.R. 2799, the Commerce Justice State Appropriations Act for FY 2004.

The purpose of this amendment is to prohibit any funds allocated under this act from being used to prevent the small business administration from providing technical assistance to small businesses participating in rebuilding Iraq and Afghanistan. I am a proponent of the full participation of small businesses, minority-owned businesses, and women-owned businesses in efforts to rebuild post-war Iraq and Afghanistan. In the department of defense reauthorization bill I included language to help America's small business community. This amendment also helps America's small business community. The amendment ensures that no funds will be used to prevent the small business administration from helping America's small businesses rebuild the cities of our international allies. I propose this amendment as a means of helping the citizens of Iraq and Afghanistan and also helping America's small business community. I urge my colleagues to support this amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Virginia (Mr. WOLF) insist on his point of order?

Mr. WOLF. Mr. Chairman, I do.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WOLF. Mr. Chairman, I make a point of order against the amendments because it proposes to change the existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states in pertinent part "an amendment to a general appropriations bill shall not be in order if changing existing law."

The CHAIRMAN. Does the gentlewoman from Texas wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, as I indicated, these are very, very important issues to me and many of the constituents and advocacy groups that I have engaged in. I do believe that we should not do immigration policies on trade bills, and of course, those bills will be up tomorrow. They involve those kinds of issues.

Likewise, I think it is extremely important, as I said, that we do something to solve the overcrowding of the Federal Bureau of Prisons and other prisons and, as well, address the question of small businesses attempting to do work in Iraq and Afghanistan.

But I will look forward to working with my colleagues on these very important issues as we work through the Congress's business in the 108th Congress and hope to be eventually successful with these amendments.

Mr. Chairman, I look forward to working with my colleagues in bringing forward amendments that they will accept and that we will have a positive vote on.

Mr. Chairman, I ask unanimous consent to withdraw the amendments en bloc.

The CHAIRMAN. Without objection, the amendments en bloc are withdrawn.

There was no objection.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we get close to the end of this debate and the end of the evening, I just wanted to take this opportunity, first of all, to commend you, sir, for the work you have done today and for the professional and fair way in which you have treated all of us. It is always a pleasure to have you in the chair, and I know that I speak probably for both sides, but certainly for this side, in thanking you for the way in which you treat us, in your fair and honest way.

Secondly, I take this opportunity once again to say to my chairman, the gentleman from Virginia (Mr. WOLF), that it is a pleasure always to work with him. We have had some little lumps today, but I think when the final vote is taken tomorrow, everything will show that we did what was right and we did what was fair; and I just want to thank the gentleman for being a good partner in this endeavor of ours.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman. I feel exactly the same way. I thank the gentleman very much.

AMENDMENT OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RUSH:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC.   . None of the funds made available in this Act may be used for the sentencing phase of any Federal prosecution in which the penalty of death is sought by the United States.

Mr. RUSH. Mr. Chairman, this amendment is modest in scope. It temporarily stays Federal death penalty prosecutions for the fiscal year 2004.

I want to say that this is not an abolition of the Federal death penalty. Specifically, Mr. Chairman, it prohibits Federal funds under the act from being used in the sentencing phase of Federal death penalty cases.

Mr. Chairman, there are too many mistakes that happen in the Federal judicial system. Last year, I am sure you know, a district court ruled that the Federal death penalty is unconstitutional because it does not afford defendants enough opportunity to prove their innocence.

This decision was overturned by the Second Circuit, but only on legal grounds, and it shows that there is controversy over the factual accuracy of death penalty cases.

In Illinois, the State that I represent, where my district is located, the former governor, the Republican governor, I might add, George Ryan, imposed an indefinite moratorium on State death penalty cases because too many defendants were being exonerated.

This amendment tries to emulate what Governor Ryan did. However, it is more modest in scope, because it only lasts 1 year.

Mr. Chairman, in Illinois we had literally tens of individuals who were on death row, who had been placed on death row by a process that I am sure that Members of this body would not be proud of, including torture in terms of soliciting their confessions, and in terms of they had faulty defense counsel and various other kinds of issues and problems that they were not able to overcome.

As a result, there were approximately 61 people who were actually freed from death row. If I am not mistaken, there were a number of people freed from death row because it was determined that their confessions had been solicited after being tortured in the jail system or in the Cook County jail or the Chicago police stations.

So this amendment is meant to deal with that issue, to deal with similar issues in the Federal system.

I might add that since Governor Ryan imposed his indefinite moratorium on the death penalty, Illinois has passed a lot of reforms that came about as a result of the findings of a commission that Governor Ryan convened during this moratorium.

Our State has passed common-sense reforms that will more adequately safeguard defendants from wrongful death penalty prosecutions. They have imposed a minimum defense requirement, and now, Mr. Chairman, I am so proud that my State is the first State in the Nation that has imposed videotaping of all interrogations. That means that in any death penalty case, all the interrogation has to be videotaped by the police department in the first instance. That bill was signed into law last week, and I think that we at the Federal level should do no less than what we have done at the State level.

I might remind the Members of this House that in the year 2000, the Department of Justice survey of the Federal death penalty system shows that the system disparately affects people of color. Eighty percent of cases in which the death penalty was sought involved defendants of a minority ethnic group, and over half of the cases involved African American defendants. It seems that with 80 percent of these cases, that certainly is out of line with what the population of this Nation is.

Since 1988, another factor that I want Members of this body to know is 60 percent of white defendants avoided the death penalty through plea bargaining, while only 41 percent of African American defendants were able to plea bargain in such a fashion.

So, this particular amendment, Mr. Chairman, is, I think, a worthwhile amendment. It is a sound amendment and it really is meant to eradicate some injustices that might exist, that do exist, in the criminal justice system.

I might add, Mr. Chairman, that the fact that these death penalty laws are carried out in such a biased way, one-sided way, affecting minorities, that it is shameful on this Nation for this to be allowed to continue.

□ 2145

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the gentleman's amendment. It really is not an appropriate amendment for an appropriations bill. It really should be dealt with by the authorizers.

Also, the gentleman's amendment would allow the Department of Justice to prosecute cases involving the death penalty, but would then prohibit them from the sentencing phase. That is probably not a very good way to go.

I understand what he is trying to do, but the Congress has enacted numerous bills dealing with these issues, and I think undoing these bills with a funding limitation is probably not the way to go. I would urge the gentleman to go through the authorizers. I know they are opposed to this amendment.

So because of that, Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois (Mr. RUSH) will be postponed.

AMENDMENT OFFERED BY MR. LEVIN

Mr. LEVIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LEVIN:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be expended by the United States Trade Representative for negotiating a Free Trade Area of the Americas (FTAA), or a Central American Free Trade Agreement (CAFTA), that does not protect against piracy of copyrights, that does not open markets for United States agricultural products and high technology and other manufactured exports, that provides greater rights for foreign investors than Americans in the United States, and that does not require adoption and enforcement of the basic prohibitions on exploitative child labor, forced labor, and discrimination, and guarantee of the right to associate and bargain collectively.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on this amendment.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on the amendment offered by the gentleman from Michigan (Mr. LEVIN) and any amendments thereto be limited to 30 minutes to be equally divided and controlled by the proponent and by an opponent, and that would be, I think, the gentleman from Arizona (Mr. KOLBE).

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The Chair will consider the point of order reserved throughout the debate.

Mr. LEVIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is being offered for a clear set of reasons. Expanded trade is critical. It is critical that the terms of this expanded trade be effectively shaped. The pace of trade negotiations is indeed increasing. This heightened pace needs to take a global economy and all of its people, and I emphasize all of its people, in the right direction upwards.

This amendment is not a case of tying the hands of our negotiators. It is a matter of Members of Congress showing their hands, showing what should be the course of these negotiations.

So this amendment underlines, on behalf of this House, some priorities: protection against piracy of copyrights, open markets for agricultural goods, open markets for high-tech and other manufactured exports, no greater rights for foreign investors and Americans, and guarantee of the right of workers to associate and bargain collectively.

Since CAFTA, the Central America Free Trade Agreement, is the next trade negotiation that is farthest along, let me discuss it in terms of this amendment.

In this negotiation of CAFTA, there is a particular relevance of the provision in this amendment relating to the rights of workers to associate and to bargain collectively. CAFTA represents a major opportunity, and I emphasize that, to integrate further the economies of our Nation and the nations of Central America. Such integration includes sensitive areas such as apparel and textiles and agriculture. This further economic integration of Caribbean nations, including the United States, beyond that in the CBI arrangements, cannot be achieved unless there are some basic standards negotiated into the new CAFTA trade agreement. This expanded trade and further integration of our markets cannot be achieved based on the suppression of the workers in Central America in the sectors I mentioned or any other.

There is clearly such suppression of workers today in the three Central American countries I visited 3 months ago: El Salvador, Nicaragua, and Guatemala. That is verified clearly by both the State Department and ILO reports. Laws in those countries that are woefully weak, that clearly violate ILO standards, woeful enforcement of these clearly inadequate laws, putting forth in the negotiations of CAFTA as the U.S. is doing as a standard, enforcing your own laws can only lead to the opposite of strong laws and strong enforcement.

If this does not change, one, workers in these Central American nations will not be able to climb up the ladder, cannot become part of an expanded middle class so important to them, so important to their countries, and important to the U.S. in terms of ability of people in those countries to buy our goods and services; two, there will be a race to the bottom among the nations as to which Central American nation can have the worst conditions, the most suppressed workers; three, workers and an increasing number of consumers in our Nation will oppose any trade agreement.

Mr. Chairman, we have a chance, and I emphasize this, an opportunity, to build integrated economic structures that can compete with all nations, build on standards that uplift the people of the United States and Central America, and eventually all other nations.

This amendment says the Congress wants USTR to seize this opportunity. I urge support of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

I rise in opposition to the amendment that is offered by the gentleman from Michigan. At the appropriate time, I will make the point of order as to why I believe that this amendment is not in order. As I understand it, just so we are clear as to how we are going to proceed here this evening, our intention is for the two of us or others who may want to debate to use the time, and reserve, each of us, 1 minute of debate for tomorrow, and I will make the point of order at that time and we will address the issue at that time.

But aside from the issue of the parliamentary procedure that is involved here as to whether this amendment is in order and, as I said, I will address that at the appropriate time, I do have strong objections to the content of this amendment.

I have a lot of respect, a tremendous amount of respect for the gentleman from Michigan. I appreciate both the intellect and the passion that he brings to the subject of trade and its discussions. He and I worked together, sometimes on opposite sides, on trade issues in this Chamber over the years. On any given day, when there is a trade panel discussion, whether it is here in the Capitol or some place downtown, he and I are usually paired together as discussers. But as many of my colleagues may know, we do possess very different views about trade policy.

I want to commend the gentleman from Michigan for the crafting of this particular amendment. With it I think he has shown a great deal of legislative brilliance and some policy ingenuity as well.

But I have to say the net result is quite mischievous. The gentleman, through his amendment, seeks to have his cake and then to eat it as well. Or on another plane, it attempts, this amendment attempts to be all things to all people. It purports to satisfy all constituencies: expertise in agriculture, manufacturing, technology, U.S. producers of intellectual property through copyright protection, antiglobalization environmental organizations focused on investment issues, and even labor organizations focused on labor rights.

In the context of trade negotiations, it sets very high hurdles or high marks on the pole vault poles that the U.S. trade negotiators must meet in order to get over that hurdle. It cherry-picks the very best USTR has been able to negotiate so far in other free trade agreements with other countries. And, in this case, it picks on the two that are here in our hemisphere. It says that the Central American Free Trade Agreement and the Free Trade Agreement of the Americas, both under active consideration and active negotiation, should emulate the copyright provisions from the U.S.-Chile Free Trade Agreement. On the agriculture, manufacturing and market access, the amendment says that CAFTA and the FTAA should replicate the outcomes of the U.S.-Singapore Free Trade Agreement. On the issue of investor rights, it creatively interprets how Trade Promotion Authority, TPA, which has been adopted by this body and enacted into law, it creatively interprets how TPA was written to meet its own ends. Lastly, it would seek to make Jordan, the Jordan agreement a model for future agreements on the issue of labor rights.

Mr. Chairman, as I said a moment ago, this amendment really aims to be all things to all people. But when we get below the surface, we have to realize that this amendment is a poison pill, a poison pill that dooms the hope of Hondurans and Equadorans, El Salvadorans, and all others in this hemisphere for more market access, for the opportunity to trade with the United States. The aim of this amendment is nothing less than to sink the negotiations on the Central American Free Trade Agreement and the Free Trade Agreement of the Americas, and that would be a disaster. It would be a disaster for the U.S. economy. It would be a disaster for our foreign policy, which has made such a strong commitment to these countries, to give them the access that they do not now have. It would be a disaster for the future development of democracy in the Western Hemisphere.

The fact is, Mr. Chairman, every agreement is unique. We can be sure that USTR will get the best possible deal for U.S. workers, for exporters, and for importers. We can be sure that the U.S. Government will seek to get the best deal for consumers and for America's working families. But, Mr. Chairman, we cannot prejudge the outcome like this gentleman attempts to do with his amendment by directing it in advance. Every negotiation, every trade negotiation that we have ever had is different; but we all expect that in the end the agreements that are negotiated by USTR will improve the status quo for free trade in the Western Hemisphere and with the Central American countries. That is our goal for CAFTA and for the FTAA. This agreement, by seeking to put a straitjacket around the USTR as to how they would negotiate that agreement, would assure that in the end we have no such agreement. It is as simple as that.

For that reason on substance, this amendment should be opposed.

Mr. Chairman, I reserve the balance of my time.

Mr. LEVIN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time. I thank the gentleman from Arizona for withholding on his point of order so we may make our points.

I am most concerned with this amendment with respect to the sections dealing with labor, the issues of forced labor and exploited child labor, and the right to associate and to bargain collectively. Those are all determinations that would be made in the countries that we signed the agreement with. To suggest that somehow we cannot conduct free trade, that we cannot conduct trade with countries in Central America and South America, or anywhere in the world; that if those people have the right of freedom of association, or they have a right to collective bargaining, that that would destroy the trade agreements.

Yet, we have seen a country like Cambodia that now has a textile agreement, that has the ILO poor labor standards in it. We see American companies flocking to Cambodia to do business there, because, in fact, they find those poor labor standards provide a value added. They find out now that when they come under attack for the processes in which they use to manufacture their goods, they have the ability to refer them to the ILO.

□ 2200

It has been settled and many of them have escaped jeopardy because they had done nothing wrong, but there was a neutral forum to do that. The Cambodian Government finds, as I said, that this is a value added for them.

What are they doing? They are allowing people in a country that just a few short years ago was considered a killing field, they are allowing people to freely associate, to collectively bargain, to form the union, and to develop the workers' rights in accordance with that proposition.

That is all we are asking. We are not asking them to take American labor union agreements, the American labor collective bargaining standards, but we are allowing people to freely associate and to participate. And the fact of the matter is, it can work because if you do not do that, then what you simply do is develop what has been written about the first generation of globalization, and that is the incredible exploitation, the incredible exploitation in the Third World countries as we open them up for trade for purposes of manufacturing where the benefits are not shared, the benefits are not derived in those societies, and that has got to stop. Not only is that unfair competition for American workers, but it is exploitative competition for the people in those countries.

Why is it that when banana pickers try to get together in Ecuador, they are beaten by the police? Their houses are set on fire. They are beaten outside the place of their employment. Their families are intimidated. That is fair trade? That is the treatment that we want to bring to people? We do not want to suggest that these people are entitled to more? You can buy 10 pounds of bananas for 99 cents, so that somehow we can justify that?

No. This is about whether or not over a long period of time if these people have these rights and they are enforceable, they will have the ability to freely associate, to collectively bargain, to get rid of forced labor, to get rid of child labor. And that would be the American market being used for the best of purposes to leverage these people into a better life and a better standard of living.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time.

Mr. LEVIN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend from Michigan (Mr. LEVIN) for yielding me time.

Mr. Chairman, where I come from, trade is a four-letter word, J-O-B-S. Unfortunately, this administration, this Trade Representative, the leadership in this Congress just simply do not spell very well.

We all know what has happened. We lost 3.1 million jobs in the 2½ years the Bush administration has been in the White House. We have lost 2.1 million manufacturing jobs. We have lost them because of an economic program of tax cuts for the wealthy, the most privileged. We have lost them because of the cuts in veterans, in education, in health benefits. And we lost them because of trade agreements, one trade agreement after the other.

Last Sunday, I spoke at a rally for Goodyear. There are 14 Goodyear plants left in the United States. Worker after worker came up to me and said. What are you doing about our jobs that move overseas?

They understand that NAFTA has been a failure from a billion-dollar-plus trade surplus 10 years ago, pre-NAFTA, to a $25 billion deficit with Canada and Mexico post-NAFTA. They understand that our China trade policy has been a failure. Only $100 million, with an "M," trade deficit a dozen years ago; $100 billion, with a "B," trade deficit today where thousands, tens of thousands, hundreds of thousands, maybe a million U.S. jobs have gone to China.

Two years ago Congress got it right. This body passed without dissent a Jordan trade agreement. They got it right because it had labor standards. It had environmental standards. It represented American values and Jordanian values that lifted people up, not pulled standards down.

But now we have Singapore. Now we have Chile; next we have the Central America Free Trade Agreement, where the model under Jordan was strong environment, strong labor standards, strong food safety standards, our values.

The Levin amendment makes sense because it will restore what this Congress rallied around, a Jordan-type trade agreement which meant raising values, supporting American values, raising the standards that we hold dear on labor and the environment. It makes sense. It is the right message. It is the right legislation for American jobs. It will explain to those Goodyear workers in Akron and 13 other plants across this country, explain to steel workers who have lost their jobs, explain to auto workers that might lose their jobs that this Congress actually is on the side of American values, is on the side of fighting for American jobs, cares about the environment, cares about food safety, cares about supporting American values, bringing back American jobs, preserving what we have, fighting for what we have.

The Levin amendment makes sense.

Mr. LEVIN. Mr. Chairman, I just want to be sure about the time since the gentleman from Arizona (Mr. KOLBE) and I are both reserving a minute at the end and the minority leader is going to take that minute tomorrow.

Mr. Chairman, do I have 4 minutes left?

The CHAIRMAN. That is correct.

Mr. LEVIN. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I begin by an expression of my strong respect for the chairman of the Foreign Ops appropriations subcommittee. I disagree with him on the amendment before us, which states that basically the funding of our Trade Representative shall be applied towards negotiating agreements that protect against piracy of copyrights, open markets for United States ag products, open markets for our high tech and other manufactured exports, and that provide for basic labor agreements in the countries we are negotiating with.

I think the American taxpayer has a right to understand that there are some governing principles behind the way we approach these trade negotiations. And I would like to focus specifically on agriculture for a minute.

Some might think that if it is agriculture that is exported, then trade agreements are good. It depends on how those trade agreements are negotiated. We presently are locked in a regimen, for example, with Europe where they have very significantly higher export subsidies, and we are looking at a WTO run where they are basically evaluating whether or not to bring each of them down an equal percentage, still leaving in place an essential disparity between the subsidies that Europe provides their exports and we provide ours.

We have a trade agreement with Canada that protects the operation of their state trading monopoly, the Canadian Wheat Board, a monopoly trading enterprise that we believe provides subsidies illegally to the Canadian farmers. So our farmers are not competing against Canadian farmers; they are competing against the Canadian Wheat Board and its government. They could make that clear by opening their books, but they have adamantly refused to open their books.

We have sued them. We have tried all kinds of things. And now we have a case pending in front of the WTO, years of delay, disadvantage to our farmers, lost markets, all accomplished under these trade agreements that were supposed to bring us new markets.

So it is important that we have a very clear vision, going in, that we are advancing our interests, we are advancing it compatible with our values. And that means opening markets. And that means labor protections.

This comes into sharp focus as we are on the eve of potentially voting on and maybe approving agreements that have previously been negotiated for Singapore and Chile.

We had a vote last week in the Committee on Ways and Means. I voted for each of those trade agreements, and I intend to vote for them on the floor. But let me make it very clear, a vote for those agreements does not mean that that is somehow a template, some kind of stamped form agreement that we can apply to countries that are fundamentally different from the advanced countries of Singapore and Chile with the functional labor protections and other protections.

This is an important resolution before us. I urge its adoption.

Mr. KOLBE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) has 9 minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 1 minute remaining.

Mr. KOLBE. Mr. Chairman, I yield myself 8 minutes, although I do not expect to use it, but I want to make sure I protect 1 minute at the end there.

Mr. Chairman, as I listen to the gentleman from North Dakota (Mr. POMEROY), who is a good friend of mine and somebody whom I have the greatest respect for, I realize that what we are talking about here is something that on one level sounds very good.

Who in the world is not in favor of opening our markets? Who in the world is not in favor of protecting us against copyright invasion? Who is not in favor of rights for American investors at least as good as foreign investors have? Who in the world would not be for good labor standards that do not allow for exploitation of child labor or forced labor?

All of those things, of course, we are for. But we have to look at the specific words of the amendments that is being offered here, Mr. Chairman. It is not just nice rhetoric we are talking about. We are talking about an amendment that is being proposed to a piece of legislation that is being proposed to be enacted into law. So let us look at it.

It says none of the funds, none of the funds, made available to the United States Trade Representative, none of the funds in here, which is well over $24 million this year, none of the funds made available to the U.S. Trade Representative may be used in negotiating a Free Trade Agreement of the Americas or a Central American Free Trade Agreement, CAFT agreement, that does not protect against piracy of copyright. Well and good. Who determines that? How does it get determined? How do we know if we are making sufficient progress during the negotiations to know whether or not we could be expending any funds that does not open markets for the United States agricultural products and high technology and other manufactured products.

Does that mean that only if it opens markets for our products? Does it mean it cannot open our doors for products from other countries coming into the United States? Is this supposed to be just under this? Is USTR supposed to assume it has to be a one-way trade agreement that is to be negotiated, that provides for greater rights for foreign investors? What are greater rights? What does that mean? Cannot provide for greater rights for foreign investors than U.S.? Do we have to compare each tax law? How do we compare the tax laws as opposed to our own tax laws? How are they supposed to know?

The point of all of this, Mr. Chairman, the point that I am trying to make here, is that what we are talking about here is a negotiating process. We are talking about the U.S. Trade Representative entering into a negotiation. And when you enter into negotiations, you cannot prejudge and say that at the outset it has to be better than it was before in all agricultural products. It has to provide for more protection for U.S. investors than for other investors.

And how are they supposed to know day by day during this negotiation whether they are allowed to expend funds?

It is a completely unworkable kind of amendment that is being offered here today. So just on the surface of this amendment it is something that could not really possibly work. The bottom line is we all want to have protection for investors, protection for copyrights, open access to markets in other countries.

But we are also talking about some of the least developed countries, certainly, in this hemisphere, some of the lesser-developed countries in the world. And part of what we want to do with these trade agreements is give them an opportunity to have economic growth, give them an opportunity to hope for the future, give them a hand up, not a hand out, hold our hand out to them with open trade, with open markets; not to keep giving them more assistance that only robs them of the ability to send their markets, send their products to our markets.

That, Mr. Chairman, is what we are talking about with these free trade agreements.

I am reminded finally of how the head of the international labor organizations at one time with the group of members of this body was being questioned about labor rights and what kind of labor rights should exist in other countries; and he finally said, We want jobs, of course, we want good jobs in these Latin American countries, but first we have to have the job before we can talk about how we protect that job, before we can talk about having worker protections and building on that and making those jobs better and providing for more rights for our workers. First, we have to have the jobs.

□ 2215

That is what we are talking about with CAFTA and the FTAA. We are talking about providing these jobs for people there, giving them a chance, giving them hope for the future. Let us not rob them of that hope. Let us not do the Central American Free Trade Agreement; let us not do the Free Trade Agreement of the Americas with an amendment like this.

Tomorrow we will make our points of order on the issue itself as to whether this amendment should be in order.

Mr. Chairman, I yield back the balance of my time except for the 1 minute that remains.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

NOTICE OF INTENTION TO RAISE QUESTION OF PRIVILEGES OF THE HOUSE

Mr. LEVIN. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privilege of the House. The form of my resolution is as follows:

HOUSE RESOLUTION—

Whereas during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment the chairman of the Ways and Means Committee directed majority staff of the committee to ask the United States Capitol Police to remove minority-party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority-party members of the committee;

Whereas pending a unanimous-consent request to dispense with the reading of that amendment the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee;

Now therefore, be it

Resolved, That the House of Representatives disapproves of the manner in which Representative Thomas summoned the United States Capitol Police to evict minority-party members of the Committee on Ways and Means from the committee library, as well as the manner in which he conducted the markup of legislation in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Michigan will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PLAN COLOMBIA/ANDEAN COUNTERDRUG INITIATIVE SEMI-ANNUAL OBLIGATION REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–104)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Consistent with section 3204(e), Public Law 106–246, I am providing a report prepared by my Administration detailing the progress of spending by the executive branch during the first two quarters of Fiscal Year 2003 in support of Plan Colombia.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 22, 2003.*

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. BISHOP of New York. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Child Tax Credit bill. The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

One, the House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Two, the House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides families of military personnel serving in Iraq, Afghanistan and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

Three, the House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

Four, to the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

Five, the House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. The gentleman's notice will appear in the RECORD.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. ROSS. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Ross moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

Number one, the House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Number two, the House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individual serving in the combat zone.

Number three, the House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

Number four, to the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

Finally, number five, the House conferees shall, as soon as practicable, after the adoption of this motion, meet in open session with the Senate conferees, and the House conferees shall file a conference report consistent with the preceding provisions of this instruction not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. Under clause 7(b) of rule XXII, the gentleman from Arkansas (Mr. ROSS) and a Member of the opposite party, in this case the gentleman from Arizona (Mr. HAYWORTH), each will control 30 minutes.

The gentleman from Arkansas (Mr. ROSS) is recognized.

Mr. ROSS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, tonight I am offering a motion to instruct conferees on the child tax credit. As Congress considered H.R. 2, the Jobs and Growth Tax Reconciliation Act, at a cost of more than $300 billion, one important provision was omitted that affects a majority of the hardworking families in my home State of Arkansas, as well as working families across our Nation.

The increase of a child tax credit that could be refundable to include low- to moderate-income families who earn between $10,500 a year and $26,625 a year was dropped from the conference agreement. Wage earners in this group include our men and women in the military, police officers, firefighters, and even our school teachers. Expanding the child tax credit to include the families of these people made up only 1 percent, let me repeat that, made up only 1 percent of the total cost of the tax cut package; but the impact of this omission on the millions of working families who need this relief is immeasurable.

I am very proud of our senior Senator from Arkansas, BLANCHE LINCOLN, who led the effort in the United States Senate to correct this wrong, to right this wrong; and the Senate did so in a bipartisan way. The vote in the Senate was 94 to 2. Let me repeat that: in the Senate it was a bipartisan vote, 94 to 2.

Mr. Speaker, it is simply wrong. It is wrong to enact a tax cut in the name of economic relief and not give that relief to those who are trying to do the right thing and stay off welfare and work jobs with few or no benefits, struggling day in and day out to make ends meet and provide for their children and their families.

At the end of this week, some 25 million checks will be printed and put in the mail. Soon, the 25 million families who qualify under the new tax cut law will begin to receive those checks for child tax credits aimed at providing them with economic relief. This means that a mother of two who earns $65,000 a year will soon find an extra $800 in her mailbox. Meanwhile, a mother of two who earns up to $26,625 will get absolutely nothing, not one dime.

We had to explain today to a single mother from my congressional district back home, Arkansas' Fourth Congressional District, who earns $16,000 a year, she was under the impression that she would be getting the child tax credit. After all she works for a living; she pays taxes and wanted our office to settle an argument with a friend who insisted that she did not qualify. Even though she is trying to do the right thing and stay off welfare, her friend told her she does not make enough money to get money back in terms of a child tax credit.

We had to tell her that she lost that argument; and because House Republicans, this Republican national leadership has yet to act on a bipartisan, Senate-passed provision, I repeat again on a 94 to 2 vote in the United States Senate, a bipartisan vote, because the House has refused to act on the Senate version, she will be left out in the cold.

Mr. Speaker, if we act now, we can include some 6.5 million working families who need this help the most.

This motion to instruct does a few simple things. It tells the conferees to agree to the Senate language, the bipartisan language that passed the Senate 94 to 2. It tells the conferees to let this language provide for tax credit checks to be mailed immediately to low-income family, those earning up to $26,625 a year. It provides that the tax credit be extended to personnel in combat zones in Iraq, Afghanistan and elsewhere around the globe. It provides assistance for the families of those who died in the tragic Columbia shuttle disaster, and yes, it ensures that this minimal cost is fully offset. In other words, we are not adding to the national deficit through this motion to instruct.

□ 2230

The conferees could easily accomplish these changes and bring us a final bill within 2 days, which is what this motion calls for.

For those who argue that a tax cut should not be provided for those who do not pay taxes, I am here tonight to say that that dog won't hunt. We are not talking about a tax credit for welfare recipients. We are talking about a tax cut for working families. There are hard-working people in our own offices who fall in this income level. Check out their next pay stub and tell me that they do not pay taxes.

Working individuals who pay a significant part of their income in taxes, including Social Security and Medicare taxes and gas taxes and sales taxes and property taxes, taxes which are never cut, should be entitled to share in the benefits of a tax cut, particularly since it is their Social Security Trust Fund, their children's Social Security Trust Fund, and their grandchildren's Social Security Trust Fund that is being raided to pay for this tax cut for the wealthy.

It is only fair that tax cuts benefit all Americans who contribute. Let us right the wrong and make sure that those 76,000 working families in my State, and the 6.5 million working families across our country, the families of our firefighters, our policemen, our schoolteachers, and even families with loved ones fighting in Iraq and Afghanistan will be included in this effort to provide economic relief. Let us provide it to those who need it the most. Let us provide it to those who will actually spend the refund on items their families need, and in doing so will help get this economy moving forward once again. Let us provide it to America's working families because it is the right thing to do.

Mr. Speaker, I reserve the balance of my time.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume. I rise in opposition to the motion to instruct, and I thank my friend from Arkansas and others who will enjoin this debate this evening, Mr. Speaker, because it gives us a marvelous opportunity to carefully review all the facts.

It was the second President of the United States, Mr. Speaker, John Adams, who first observed that facts are stubborn things, and perhaps the stirring presentation from my friend from Arkansas is most compelling for what he omitted from his motion to instruct. Mr. Speaker, it is my sad duty to inform this House that the Democrat motion to instruct allows the child credit to drop from $1,000 to $700 after the 2004 election.

Let me repeat that because it is very important that all who join us in this debate, in this presentation tonight, Mr. Speaker, understand clearly what would transpire. The Democrat motion to instruct allows the child credit to drop from $1,000 to $700 after the 2004 election. Now, Mr. Speaker, in the world of commerce, that is known as bait and switch. And as a result, millions of the people who my friend professes to champion, millions of low- and middle-income families, will receive a smaller child tax credit right after the elections.

The House-passed bill, and let us point this out too, Mr. Speaker, because my friend also omitted something that just was passed by this House, H.R. 1308, the All American Tax Relief Act of 2003, our more comprehensive bill, which was not a part of my friend's presentation, passed by this House, ensures that the child credit remains at $1,000 throughout the decade.

Mr. Speaker, there is more, and I will be happy to delineate it, but let me pause, because my friend mentioned the needs of one of his constituents in the Fourth Congressional District of Arkansas. Mr. Speaker, I would hope that for all our low-income constituents who call about this, that we would inform them of four letters, EITC, Earned Income Tax Credits. That exists for people just like the constituent that was mentioned, which opens up economic prosperity and opportunity for those who do not pay a high level of taxes.

And again, understand, so expansive has been our move to reduce taxation on the American people, Mr. Speaker, that I am able to report that a family of four earning close to $40,000 a year now would pay no income taxes. And you see, really, this is the issue, Mr. Speaker. Those of us in the common sense majority say if you pay income taxes, those taxes should be reduced. Our friends on the other side say if you pay any taxes, then income taxes should be reduced.

There is a certain amount of illogic to that, speaking of dogs that will not hunt, Mr. Speaker, but let us take it a step further. What we have done in this House, through adoption of H.R. 1308, is to expand the credit to the very folks they claim to champion, to maintain that credit across the board throughout the decade. And we have gone a step further. In stark contrast to the shop-worn sloganeering of tax cuts for the rich, we have discovered something in America, and let me point to my own city of Phoenix, Arizona.

I represent the Awatukee portion of greater Phoenix. There lives a nurse practitioner making $64,000 a year, and her husband, a school principal, making $64,000 a year; both of them earning that salary. We have expanded the child tax credit, because we do not believe you should put a tax credit on children that rolls back and forth like the old-fashioned slide rule to penalize two-income families who happen to succeed. So let us then accept the premise that if we are not going to punish children at the lower end of the economic scale, certainly we should not punish families who have two-income earners. And sixty-four times two is about $128,000 in today's world, Mr. Speaker, and I would submit that that is not wealthy.

Something else that is important that I would bring to the attention of the House, Mr. Speaker. The Democratic motion to instruct does not eliminate the marriage penalty in the child credit until 2010, and even then it only does so for 1 year. Under the motion to instruct, millions of children will be denied the child credit simply because their parents are married. What we passed in the House benefits middle income families by eliminating this type of abridgement immediately.

The House-passed bill, which a common sense majority moved through this House, does not deny the child credit to military families. Military families, including those who are deployed abroad, are already receiving a refundable child credit and will continue to receive a refundable child credit under the House-passed bill. The Democrat motion to commit would only increase the refundable child credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit.

And the House-passed bill, which moved through, again, with a bipartisan majority, provides more tax relief to military families because it includes $806 million of military tax benefits. We should point out that those provisions have passed the House on numerous occasions. They are awaiting action in the other body. Indeed, Mr. Speaker, while we tend to our affairs here, and I will not characterize what might transpire across this Capitol, I will simply say that a more comprehensive approach, as endorsed by this House, makes more sense for the American people.

I look forward to the other arguments, but, Mr. Speaker, I would have to say that as I hear the litany from the left, it reminds me of that country song, "That's my story and I'm sticking to it."

Mr. Speaker, again, facts are stubborn things. Reject the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. ROSS. Mr. Speaker, I yield myself such time as I may consume to respond to the gentleman from Arizona.

All the things he was criticizing H.R. 2 does. In fact, he voted for it and the President signed it. So I am at a loss as to what he was talking about, although I think it is important that I point out to the gentleman from Arizona that back home, in Prescott, Arkansas, just outside of town, off the kill road at my deer camp, we have a saying: "Don't let the facts get in the way of a good story." But we are not at the deer camp tonight, we are in the United States House of Representatives, and we are talking about the future of 6.5 million working families.

I will tell my colleague that he is right about one thing. I did fail to mention one thing in my opening statement, and that was that this motion to instruct will help 123,000 families who do not get the child tax credit in the gentleman's home State; 19 percent of the working families in his home State.

Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I thank the honorable gentleman from Arkansas for yielding me this time, and I stand to support the motion to instruct.

I must admit that I am really amazed at my good friend on the Republican side. It amazes me to see how he speaks out of not only both sides of his mouth but apparently out of the back of his head as well. If we remember very carefully what he said about the military, the point that he failed to mention was that combat pay is exempt and falls below the threshold level, so that those soldiers serving in Iraq are not covered.

With the Democratic plan, what we are pushing would include those soldiers and their children. And quite honestly, it brings tears to my eyes, Mr. Speaker, when I think of us sending our troops into harm's way and to come with this tax credit and not have them included. The gentleman knew that. He said purposefully the military, but he did not say combat soldiers, because they are exempt from taxes. We know that.

Now, Mr. Speaker, let us deal with the facts as they should be. First of all, why are we here? We are not here because of the Democrats. If it were up to us and the Senate and the President of the United States, the bill would be passed and these 6.5 million families would be getting that check in the mail right now. We are here because of the Republicans in this House that insisted on killing the child tax credit by holding it hostage with an $82 billion irresponsible tax cut.

And I can say irresponsible tax cut with great credibility because I was one of only seven Democrats who voted for the original tax cut. And I voted for it because my constituents in Georgia wanted me to vote for it and because we were able to get $567 million in aid to my State. And, yes, it brought stresses to the deficit. But they want to take another $82 billion tax cut, knowing the Senate is not going to accept it; that the President of the United States already said he does not want it. He came out with a report just 2 weeks ago that we are already $500 billion into deficit now without even impacting this tax cut that we have. Irresponsible.

We are here because of my good friend from Arizona and the leadership. Now, I have been here just 6 months. I am new, and I am just a country guy from the south, from Georgia, but I have learned a couple of things since I have been here in 6 months. I have learned that the House leadership runs the ship here. And that is why we Democrats are often in the position of trying to correct the course of the ship when it gets off course from what the American people want.

Now, why are we here? We are here because the Republicans cut out, in the dark of night, this child tax credit. It was there. Many who voted for this tax cut assumed it was there. The American people assumed that this child tax credit was there for everybody.

□ 2245

One of the things about the American people is this: the American people root for the underdog. They always want us to stand up for the little fellow. Why should we not give this tax credit to low- and moderate-income people? And who are these low- and moderate-income people? Who are these 6.5 million families? They are families making between $10,500 to $26,000 per year, a sizable number of people, who have children, who deserve this tax credit.

And they want to say, well, they do not make enough to qualify. My goodness, they make enough. $10,500 to $26,000 a year in some cases is a decent salary. Twenty-three percent of the families in my State make this and 23 percent of the families in my State do not have this child tax credit. Twenty percent of those from 13 States do not have this credit.

Mr. Speaker, let us be right. Let us be fair. These folks deserve a tax credit. It is the American way. I want to thank my honorable friend from Arkansas for giving me that opportunity to speak. I just urge my good friend, and we have several good friends in the Republican Party that I have worked with, to put pressure on our leadership and let us do right by the low- and moderate-income people and include this child tax credit and get it to them immediately.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

I thank my friend from Georgia for offering the hand of friendship, as he characterizes it, across the aisle. I thought it was interesting that some of his remarks seemed to be insult-laden, but that is his prerogative coming to this floor. I think the American people deserve better. And I would point out to my friends on the left that again the dispute is not about tax relief. It seems that they are almost of two minds. On one hand, if tax relief is limited to some few tightly targeted, they seem to be fine with it. And, of course, we welcome the gentleman's support, Mr. Speaker, on the first tax bill and certainly appreciate that.

I am a little confused as to why he decided not to vote for even a more comprehensive child credit that we offered in H.R. 1308, but let me go back since he offered a specific criticism with reference to members of the Armed Forces. Let me again delineate what we passed. I made no such articulation nor claim about combat soldiers and, of course, Mr. Speaker, our men and women in uniform go into action without the designation Democrat nor Republican, they are Americans; and I made no assertion as to the relative status, the tax-exempt status of combat pay.

Let me, however, articulate for my friend, Mr. Speaker, and all those who join us in this debate tonight exactly what it is we have passed time and again in this House in terms of tax fairness for members of the Armed Forces included in these provisions: capital gains tax relief on home sales; tax-free death gratuity payments; tax-free dependent care assistance for members of the military. Again, I would remind my friends, Mr. Speaker, that these provisions provide $806 million of tax relief to members of the Armed Forces over the upcoming 11 years.

Again, there is something that has been a glaring omission when we come to discussing tax rates for those who do not pay income taxes. Again, Mr. Speaker, I am haunted by the assertion of my friend who sponsors this motion to instruct who speaks of a mother in the Fourth Congressional District of Arkansas, if memory serves, I believe, earning around $15,000 a year. According to the Tax Foundation, if she were a single mother with two children as the head of the household, she would receive a refundable earned income tax credit of $3,823. Her total check under earned income tax credits from Uncle Sam would be $4,273. Tax refunds as a percent of her income upon which she pays no income tax would be 28.5 percent, and the percent of her payroll tax that would be erased through the earned income tax credit, 186 percent. Again, the compelling omission.

We have already reached out to those who do not pay income taxes. We do so again, but my friends on the left find fault that we have enlarged this to include two-earner households because again we do not believe you put a price tag on the heads of children, not only those facing tough times economically but, yes, those who both are working. They likewise, those families, should deserve the child tax credit. We have expanded it, made it constant; and in stark contrast to the Democratic alternative, it remains constant. It does not drop down after the election of 2004. Important points to keep in mind, country music sloganeering notwithstanding.

Vote "no" on this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. ROSS. Mr. Speaker, I yield myself such time as I may consume.

If I might quickly address the gentleman from Arizona's remarks, I do not understand what the problem is. Why is he arguing against this when the House has already passed this motion to instruct? The President says he likes it. In fact, the President's press secretary, White House Press Secretary Ari Fleischer, quote, he the President wants to sign this legislation. Hopes that Congress will get it to him quickly. He believes that what the Senate has done is the right thing to do, a good thing to do, and he wants to sign it. President Bush's press secretary from June 9, 1 month ago or so. And the GOP Senators like it, 94 to 2. It was a bipartisan vote.

To the other matter that he keeps bringing up, he tries to tell us that folks who earn $26,625 a year do not pay income taxes. Yes, they pay income taxes; and yes, they pay sales taxes and property taxes and gas taxes and the list of taxes goes on. Please tell me one time when the gas tax, the sales tax, the property tax has been cut. We are talking about people that are trying to do the right thing and stay off welfare and work in the jobs with no benefits. If you earn $80,000 a year and you have got three children at home, in about 2 weeks you are getting a check for $1,200. If you earn $26,000 a year and are a policeman, a fireman, a schoolteacher or serve in the United States military and you have got three children at home, guess what you are getting week after next? Zero. Not a dime. There is nothing fair about this. The President has said so and the Republicans in the Senate have said so. It is time for the Republican leadership in the House to step up to the plate, put partisanship aside, and do what is right by these 6.5 million working families.

Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. ALEXANDER), a member of the Democratic Blue Dog Coalition, a good conservative Democrat who I am proud to call my colleague.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman from Arkansas for yielding me this time.

Mr. Speaker, I would like to read just a portion of a letter that I sent out today to my constituents. It is entitled, "The Checks Are in the Mail, At Least for Some":

"That's what I was told today when I asked when people would start getting the $400 checks created by the recent tax cut that I supported and helped pass in Congress. I asked because I know that these checks are an important part of the economic stimulus package that my colleagues and I created.

"However, while I am happy with the fact that many families will soon be receiving these checks, I am not totally satisfied. I am not satisfied because in the last-minute negotiations between the House and Senate, low-income families were left out of the tax bill.

"That is why we offer to extend the tax credit to families who are currently being left out. To make that goal simpler to achieve, I urged my colleagues to accept a nearly identical Senate bill which accomplishes the same thing. It passed the Senate with overwhelming bipartisan support. The President has urged its passage. Now it is time for the House to get on board and do the same.

"There is no excuse for inaction, no excuse to leave out one out of four families in Louisiana that are today looking at an empty mailbox wondering when their economic incentive check will arrive from Washington.

"Those in leadership who are blocking tax relief for these deserving families say they won't pass this measure unless they get an even larger tax cut for the wealthy. That is wrong.

"They say those working families do not deserve tax relief because they don't pay enough in taxes. But those hardworking taxpayers have money taken out of their paychecks, too, and they deserve the same tax relief as anyone else."

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do welcome my friend from Louisiana to this House and the 108th Congress. I look forward to working with him in a spirit of bipartisanship. I thank him for his first vote for tax relief and again would point out the four letters that my friends on the left just cannot bring themselves to mention tonight, EITC, earned income tax credit.

My friend from Arkansas either cited another example or gave a different total than I thought I initially heard about his constituent. Earning $25,000 a year, let me review what that constituent, who is paying no income tax, receives through the earned income tax credit according to the Tax Foundation. That person, that head of household with two kids earning $25,000, the tax liability before the credit is $885. After the child tax credit, the $1,000 per child, there is no tax liability. The remaining refundable child tax credit, $565. The refundable earned income tax credit, $1,717. The total check from Uncle Sam to that person, the head of household with two kids earning $25,000 under the earned income tax credit, is $2,282. The percent of the payroll tax erased for that head of household is some 60 percent.

What we are saying, Mr. Speaker, is simply an acknowledgment that our friends who are not paying income tax are indeed working Americans, and I find it ironic tonight that the earned income tax credit has been avoided by my friends on the left as if it were a plague. Why would that be, Mr. Speaker? I welcome the chance to certainly champion this program for working Americans, and I certainly hope that in the many mailings my friends on the left send out, they might inform their low-income constituents of the programs that already exist that can avail them of thousands of dollars. The glowing and glaring omission tonight in this motion to instruct is that my friends on the left do not even champion a program they once stood foursquare behind. They have instant amnesia. It is curious, but it is not unknown in politics.

Mr. Speaker, I reserve the balance of my time.

Mr. ROSS. Mr. Speaker, I yield myself such time as I may consume.

If I could make just one quick point. The gentleman from Arizona likes to keep referring to his friends on the left. From where the Speaker stands tonight, we would actually be on the right.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SANDLIN), a fellow Blue Dog, a good member of the Blue Dog Coalition and someone that I think will help us and hopefully help the gentleman from Arizona understand why he needs to support this as his President has asked, our President has asked, and as the Senate voted 94 to 2 in a bipartisan way to pass.

Mr. SANDLIN. Mr. Speaker, speaking from the center, it is an issue of priorities. We have to ask ourselves in this House, who do we stand for? Who do we stand for in this House?

Mr. Speaker, as we are well aware by now, last month the other body voted 94 to 2 to immediately give an increased child tax credit to the 12 million children of 6.5 million working families. They voted to do that immediately. The time is long overdue for the House to likewise pass the language included in the bill passed by the Senate. As the nearly unanimous vote in the other body indicates, this issue enjoys broad bipartisan support. Leave it to the House Republican leadership to turn a popular, bipartisan effort benefiting children into an unnecessary, nasty battle. It is not difficult to figure out the priorities of the Republican Party. All you have to do is follow the money. The Republicans somehow managed to find room in their tax bill for people with an income over $1 million.

Now, is that not special? Tax filers who make over $1 million per year will receive an average tax cut in 2003 in that 1 year, an average tax cut of $93,500 for the year.

□ 2300

We have plenty of money for the millionaires. At the same time, during conference committee negotiations between the House and Senate, House conferees intentionally and knowingly dropped child tax credit relief at the last minute, for working families who earn between $10,500 and $26,625 per year. They just cut them out, said they get nothing, zero, nada, zilch.

And what is funny about it is, they admitted it. Just listen to what Ari Fleischer said, the White House press secretary. He said "Everybody was aware in the conference of what was in and what was out; so that was very well known to all the conferees, including the White House." He told the truth. No wonder he is out of the White House. He is not over there anymore. They cannot take that kind of candor.

The chairman of the Committee on Ways and Means summarized the Republicans' attitude best when he said in response to a question regarding the passage of an accelerated increase, "There are worse things than its not happening."

Now this charming sentiment was echoed by the majority leader when he stated bluntly in regards to passage of the Senate child credit, "Ain't going to happen." Of course, this was entirely consistent with his previous opinions. Earlier he had said "There's a lot of things more important than that."

This week, on July 25, the Treasury Department will begin sending out millions of checks for the expanded child tax credit provided in the new law, just as the House adjourns. However, the 6.5 million hard-working families, including the children of the 200,000 military families currently serving in Iraq and other combat zones, will get no check or a significantly smaller check than would be provided under the Senate bill because of the opposition of the House Republicans.

Again, the Republican majority leader said, "There's a lot of things more important than that."

My question is, like what, Mr. Leader? Like what? What is more important than that? Like what? What is the answer? It is outrageous that the Republican leadership is determined to leave town until September without enacting tax relief for working families.

In 13 States 20 percent or more of families would be helped by expanding the child tax credit, as the other body has proposed. In my home State of Texas, the bipartisan child credit bill passed by the other body would benefit 23 percent of working families in Texas.

Conversely, the Republican bill disproportionately penalizes the people who can afford it least, black and Hispanic children; 2.4 million black children, one in five, and 4.1 million Hispanic children, one in three, are penalized. Two hundred and sixty thousand children from families of active military will lose at least some of the credit under the Republican bill. The children of the folks fighting in Iraq will lose the benefits. That is outrageous. That is misplaced priorities, Mr. Speaker. That is just flat-out wrong.

Strengthening our Nation means investing in all of our children and making opportunities available to all people and especially to our working families in America. There are not many things more important than that, regardless of what the majority leader says.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

I should note, Mr. Speaker, as you occupy the role of speaker pro tempore, you are a newcomer to the Congress from the great State of Arizona, and we welcome you as well; and I appreciate your presiding this evening.

I want to thank my friend from Texas, who in addition to being a very capable legislator, is a very accomplished attorney. And certainly we saw tonight part of his legislative domain because when one does not have the facts on his side, it is important to argue atmospherics. And we all heard about the genuine intent of the Republican Party and all of these interesting perceptions out there that I guess, from the school of politics, perceptions outweigh reality.

But then again, Mr. Speaker, it is my assertion that we owe the American people the facts. And the fact is, what this House passed is much more comprehensive, what our Democrat friends offer is much more restrictive.

We have heard no refutation of this fact, and it is as follows: The Democrat motion to instruct allows the child credit to drop from $1,000 to $700 immediately following the 2004 election. That is a curious alleged improvement in the bill. The Democrat motion to instruct does not eliminate the marriage penalty in the child credit until 2010, and even then it only does so for 1 year. We have heard no refutation of that.

The House-passed bill does not deny the child credit to military families, and indeed as I have delineated time and again, the House-passed bill provides more tax relief to military families because it includes $806 million of military tax benefits.

What else have we done in H.R. 1308, the bill that is assailed as opportunities for the wealthy, as we hear that sad and shop-worn sloganeering of the politics of envy? What we have done in this bill is, we increased the child credit to $1,000 per eligible child through 2010. That provision alone provides $57.3 billion of tax relief over 11 years.

We have eliminated the marriage penalty in the child credit. We accelerated the increase in the refundable child credit. We provide tax relief and enhanced tax fairness, as I delineated, for members of the Armed Forces. We suspend the tax exempt status of designated terrorist organizations, and we provided tax relief for the estates and the families of those brave astronauts who have perished on space missions. This is included therein.

And actually we expanded the child tax credit to include children across the board socioeconomically. We do not believe in attacking any children.

And again what we have not heard from my friends on the other side tonight, whether they stand in the center or to my left or to my far left, what we have not heard tonight are the letters EITC, earned income tax credit, something that ordinarily I thought my friends would champion, but tonight they do not talk about it. Why? Because we are sending money to those hard-working folks who do not pay income taxes, moneys that will already be supplemented under the far more generous and expansive child credit than we have offered in H.R. 1308.

So again, Mr. Speaker, failing the refutation of these salient points, whatever sloganeering about our friend Ari Fleischer, who at one point in time was our Committee on Ways and Means press secretary on the majority side, who is not here to speak for himself tonight, whatever incantations or imaginations as to the motives of the majority party, that is certainly very interesting in terms of interpretive oratory, but it brings nothing to bear on tonight's debate.

The fact remains when we review what they offer, it is inadequate. It is bait and switch. And it peddles the shop-worn sloganeering of the politics of envy, reason enough to reject this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. ROSS. Mr. Speaker, I yield myself such time as I may consume.

Might I just simply respond by saying this, that the gentleman from Arizona likes to talk about how while we want to provide a $1,000 child tax credit for those who earn less than $26,625 a year, he constantly reminds us that it falls back to $700 in 2004. Guess why? Because that is exactly what your bill does that passed, H.R. 2. It falls back to $700 in 2004, and we are here trying to help these working families who earn less than $26,625 a year.

You are here fighting that. We know if we tried to extend it to do more than your bill does for all the wealthy folks, you would certainly fight it even more. So let us make sure that we do not confuse the facts here. We are simply trying to provide those who earn between $10,500 and $26,625, the same playing field, the same parity, the same tax cut that will be received by those who earn over $26,625 a year.

Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. MATHESON), a fellow Blue Dog member, a good conservative Democrat, someone who is here to speak on behalf of the 62,000 working families in Utah who have fallen through the cracks under this concocted plan by the Republican national leadership, someone who is here to try to make sense out of this for us.

□ 2310

Mr. MATHESON. Mr. Speaker, I thank my colleague from Arkansas for yielding me time and raising this issue tonight. It has indeed been an interesting discussion.

When I was elected to Congress, I thought I was coming back here to get things done, and I think that a lot of people in this country would like to see us make progress on issues. So when I look at issues, I try to approach what I call "what is possible."

There are a lot of points of view around here, not just a Democratic and a Republican point of view. There are a lot of points of view that different people have about what is a perfect piece of legislation, and I do not know if any of us have ever seen a perfect piece of legislation come through. But tonight I suggest again that we ought to think about what is possible.

I supported the $300 billion tax cut, and, quite frankly, I supported H.R. 1308 as well. But I am also trying to be realistic about what we can do to get some tax relief through for these particular families we have been talking with in that lower income range.

The United States Senate has spoken in a profoundly bipartisan way with a 94 to 2 vote. If we really want to make progress, it may not be perfect for my friend from Arizona, it probably is not perfect for a lot of folks in this body, but if we want to make progress in terms of providing some relief for these folks, this is the opportunity that I think is before us today.

I think as we have had this discussion about what is in the tax bill and what is not in the tax bill and who said what, we have missed the bigger picture, and the bigger picture is this economy is not doing well right now, and the reason why we looked at a tax cut in the first place was because we know we have got to take steps to stimulate this economy.

A lot of people are hurting out there. It has been going on for a long time. This week, we are going to see a bunch of checks mailed out, and it is my sincere hope that those checks are going to have a stimulative effect on this economy and we are going to see economic growth result from that.

I would submit that in the context of those checks going out right now, it only highlights the omission, the omission of this group from $10,000 to $26,000 in annual income, this group that was included, quite frankly, in H.R. 1308, and is actually included, at least after 2005, in the original House bill we passed, and then in conference committee it got taken out.

So whether the Earned Income Tax Credit is part of a benefit to those folks in that income range, I do not dispute that. It is. It is an important program. It is something that has bipartisan support. The question is, do those families deserve some piece of additional relief, as has been handed out to other families in this country? I would suggest that they do.

So, in closing, I just want to suggest again, let us look for the art of the possible. This may not be a perfect tax bill, but let us look at the art of the possible. I saw a 94 to 2 result on the other side of the Hill. That is a pretty good indicator to me, that if the House of Representatives would pass similar legislation that that could go to the President's desk and be signed into law, and these low-income families, these folks who are working families, who work hard every day, would receive some tax benefit as well.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, let me thank my neighbor from Utah, first of all, for both of his votes on tax relief. That is perhaps the most compelling testimony we have received tonight.

It is a bit curious that we diverge on what is possible. I believe, and perhaps this is a point where those who embrace the Keynesian theory of economics can actually agree with those of us who characterize ourselves as supply-siders, at a time of economic downturn it is important to provide tax relief. Indeed, we have accepted that as an article of faith for those working families eligible for the Earned Income Tax Credit, and, indeed, as I can point out again from the Tax Foundation, with the child tax credit, a $30,000 head-of-household with two kids is going to get over $1,000 back under previously existing law. That money is going to go back to help those folks.

Now, listen: I do not believe you gauge the art of what is possible on votes in the other body. I will leave atmospherics to the pundits and the Sunday morning shows. To me, what is possible is what is passed by a bipartisan majority, of which my friend from Utah was a part on two occasions. So, again, it is curious to note this motion to instruct.

Now, my friend from Arkansas offered some selective criticism. If you listen carefully to his critique, he spoke of the original tax bill. Of course, what we have done in H.R. 1308 is to expand and maintain the $1,000 level; not sunsetting it, but increasing it and taking it across-the-board for the next decade, the upcoming decade, to make sure it is there.

What they offer in their motion to instruct is to go back to $700 after the 2004 election. He had no critique or criticism of H.R. 1308, he was just silent on that, as he has been about the Earned Income Tax Credit.

Mr. Speaker, as we review this, the art of what is possible, and good folks can disagree, but I would maintain in this House that the art of what is possible can be achieved and that the greatest number of people can be helped to the greatest extent by this House maintaining its original position, not to accept a motion to instruct that is in fact a retreat from what has already been done in terms of promoting economic growth and allowing all Americans to keep their hard-earned money. That is what we have to deal with.

That is why it is important, and why tomorrow I know my colleagues will join me in voting no on this Democrat motion to instruct. Why take three steps backwards, when we can take a giant leap forward for all American families.

Mr. Speaker, I reserve the balance of my time.

Mr. ROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I go any further, I would just like to make one point. The gentleman from Arizona likes to point out and thank all these conservative Democrats who have appeared here tonight for their support of various tax cuts over recent years, which demonstrates to me that the conservative Democrats that have appeared tonight on behalf of these working families that are being left out of the child tax credit, it appears to me that these are common sense, bipartisan Members, and it looks like to me it would be something that the gentleman from Arizona would stop and think, well, wait a minute, you know, these are folks that agreed with us, and now they do not. It looks like a light would come on and he would recognize that this is an act of fairness.

Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. SCOTT), another fellow member of the fiscally conservative Democratic Blue Dog coalition, a new Member, a shining star in the Democratic Party and a voice of reason.

Mr. SCOTT of Georgia. Mr. Speaker, the gentleman is very kind in his introduction. I appreciate that, and I appreciate the time to come to a summary.

Mr. Speaker, I think it is very important, because we probably do have several million of our American citizens watching tonight, it is very important, you argue the point on our motion to instruct. That is not the issue we are here for. The motion to instruct is our only means to press the case.

The issue we are here for is because the House Republican leadership is standing in the way of our getting a child tax credit down to those folks making between $26,000 a year and $10,500 a year. That is the issue here.

In the remaining moment I have, I would just make this appeal to some of my Republican friends to help us tomorrow. We cannot do it unless we get a sizeable number of Republicans to help us. I do believe we have some Republicans who will do that for us.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would be remiss if I did not thank my friends on the minority side for offering their points of view, including my friend from Georgia. I guess this is why we come to this great Chamber and debate many differences.

But, rather than impugn motives, I am simply going to say this: Quite to the contrary of what my friends assert, it is the opinion of this majority that the money we are talking about belongs to the American people, wherever they line up on the socio-economic scale. If you pay income taxes, you will receive an income tax reduction, and, if you are eligible for the Earned Income Tax Credit, as I have pointed out time and again tonight, the check has been in the mail for years. That is something my friends have not dealt with tonight, and it is something that, in the spirit of candor and complete discussion, we should not so readily dismiss.

Indeed, I would ask my friends to embrace H.R. 1308 as they embraced the initial tax bill. I thank my friend from Utah for his support of both, and I appreciate the spirit in which the debate has been conducted.

I know my friend from Arkansas has the right to close. I will simply close for the majority side by saying that we need to reject this motion to instruct. We offer a bill that is far more complete for a far greater portion of the American people.

As I have demonstrated time and again tonight, we have provisions under the Earned Income Tax Credit to alleviate the needs of those who pay no income taxes, and, indeed, under our comprehensive plan of tax relief, the numbers of families who pay no income taxes continue to grow exponentially.

□ 2320

If you opt for genuine tax relief, the real article, as some of my friends on the minority side have done on both occasions, I would say reject the motion to instruct. Embrace the House position. We will persuade our friends on the other side of the Capitol and move forward with more meaningful tax relief for Americans.

Mr. Speaker, I yield back the balance of my time.

Mr. ROSS. Mr. Speaker, I yield myself the remaining time.

Let me say that I came to this Congress back in 2001 to try to offer up some commonsense solutions to the problems confronting this Nation. Like many Americans, Mr. Speaker, I am sick and tired of all of the partisan bickering that goes on in our Nation's Capital. It should not be what makes the Democrats look good or bad or what makes the Republicans look good or bad; it ought to be about doing right and providing a voice for the people of America, including the 6.5 million working families that have been shut out of tax relief.

We are faced with the Nation's largest deficit in our country this year: $455 billion and growing, a deficit that our kids and grandkids have to pay for, money that is coming from the Social Security trust fund. Yet, the Republican national leadership managed to find a way to cut taxes to the tune of $300 billion, but they left out 6.5 million working families. They can talk about how these are folks who do not pay taxes all night long; but the reality is, we are talking about men and women in uniform, policemen, firemen, schoolteachers, folks earning up to $26,625 a year. They have children, and they too deserve the same tax cut as those who earn much more than that.

Mr. Speaker, I ask for support and a "yes" vote on the motion to instruct conferees on this issue.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arkansas (Mr. ROSS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD (at the request of Ms. PELOSI) for today after 2 p.m. and July 23 on account of an emergency in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROSS) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today and July 23.

Mr. NORWOOD, for 5 minutes, July 23.

Mr. PLATTS, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, July 23.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. KLINE, for 5 minutes, July 23.

Ms. ROS-LEHTINEN, for 5 minutes, July 24.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 22, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 733. A bill to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver Historic Site, and for other purposes.

H.R. 2330. To sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 23, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3333. A letter from the Secretary, Department of Agriculture, transmitting the Department's draft bill entitled, "To amend sections 7D, 16(i)(2), and 19 of the United States Grain Standards Act to authorize the Secretary of Agriculture to recover through user fees the costs of standardization activities"; to the Committee on Agriculture.

3334. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3335. A letter from the Inspector General, Department of Defense, transmitting a report on the status of Extended Pilot Program on sales of Manufactured Articles and Services at Army Industrial Facilities (D-2003-103) satisfying the National Defense Authorization Act of FY 2003, subtitle B, section 111(c); to the Committee on Armed Services.

3336. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3337. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Tire Safety Information [Docket No. NHTSA-03-15278] (RIN: 2127-AI32) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3338. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 03-15), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3339. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 03-10), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3340. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

3341. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fifty-first report on the extent and disposition of United States contributions to international organizations for fiscal year 2002, pursuant to 22 U.S.C. 262 and Public Law 107—228, section 405(b); to the Committee on International Relations.

3342. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2003-27 on Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court; to the Committee on International Relations.

3343. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Determination and Memorandum of Justification on the provision of financial assistance to the Palestinian Authority; to the Committee on International Relations.

3344. A letter from the Director, Office of Personnel Management, Office of Personnel Management, transmitting a report on the Physicians' Comparability Allowance Program, pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Government Reform.

3345. A letter from the Chairman, Federal Housing Finance Board, .transmitting the semiannual report on the activities of the Office of Inspector General ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3346. A letter from the Administrator, Environmental Protection Agency, transmitting the Fiscal Year 2002 Annual Report; to the Committee on Government Reform.

3347. A letter from the Chairman, Postal Rate Commission, transmitting the FY 2002 annual report on International Mail Volumes, Costs, and Revenues; to the Committee on Government Reform.

3348. A letter from the Commissioner, Social Security Administration, transmitting the Administration's semiannual report to Congress dated October 1, 2002 thru March 31, 2003; to the Committee on Government Reform.

3349. A letter from the Chairman, Federal Election Commission, transmitting a copy of the report entitled, "Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2001- 2002," pursuant to 42 U.S.C. 1973gg—7; to the Committee on House Administration.

3350. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Implementation of National Maritime Security Initiatives [USCG-2003-14792] (RIN: 1625-AA69) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3351. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 900 and Falcon 900EX Series Airplanes [Docket No. 2001-NM-399-AD; Amendment 39-13164; AD 2003-11-05] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3352. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 Series Airplanes [Docket No. 2003-NM-03-AD; Amendment 39-13170; AD 2003-11-11] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3353. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes [Docket No. 2001-NM-285-AD; Amendment 39-13165; AD 2003-11-06] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3354. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-28-AD; Amendment 39-13160; AD 2003-11-01] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3355. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727, 737-100, 737-200, and 737-200C Series Airplanes [Docket No. 2002-NM-19-AD; Amendment 39-13162; AD 2003-11-03] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3356. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-196-AD; Amendment 39-13161; AD 2003-11-02] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3357. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turboshaft Engines [Docket No. 99-NE-12-AD; Amendment 39-13168; AD 2003-11-09] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3358. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, DC-10-30F (KC-10A and KDC-10), DC-10-40, And DC-10-40F Airplanes [Docket No. 2001-NM-358-AD; Amendment 39-13163; AD 2003-11-04] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3359. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters [Docket No. 2003-SW-14-AD; Amendment 39-13172; AD 2003-11-13] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3360. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2002-NM-142-AD; Amendment 39-13175; AD 2003-11-16] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3361. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GE Aircraft Engines

CT7-9B Turboprop Engines [Docket No. 2003-NE-16-AD; Amendment 39-13145; AD 2003-08-52] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3362. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Model RB211 Turbofan Engines [Docket No. 2002-NE-12-AD; Amendment 39-13148; AD 2003-10-03] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3363. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Astra SPX and 1125 Westwind Astra Series Airplanes [Docket No. 2002-NM-281-AD; Amendment 39-13152; AD 2003-10-07] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3364. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2001-NM-142-AD; Amendment 39-13157; AD 2003-10-12] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3365. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Israel Aircraft Industries, Ltd. Model 1121, 1121A, 1121B, 1123, 1124, and 1124A Series Airplanes [Docket No. 2002-NM-290-AD; Amendment 39-13166; AD 2003-11-07] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3366. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arrius -2F Turboshaft Engines [Docket No. 2002-NE-39-AD; Amendment 39-13169; AD 2003-11-10] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3367. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arriel -1B, -1D, and -1D1 Series Turboshaft Engines [Docket No. 2002-NE-38-AD; Amendment 39-13167; AD 2003-11-08] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3368. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000-NM-377-AD; Amendment 39-13151; AD 2003-10-06] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3369. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400F Series Airplanes [Docket No. 2001-NM-231-AD; Amendment 39-13154; AD 2003-10-09] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3370. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Designation of Dromedary Equipped Truck Tractor-Semitrailers as Specialized Equipment [FHWA Docket No. FHWA-2001-11819] (RIN: 2125-AE94) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3371. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Denison, IA [Docket No. FAA-2003-14462; Airspace Docket No. 03-ACE-15] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3372. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Restricted Area R-2303A and R-2303B, Fort Huachuca; AZ [Docket No. FAA-2003-14184; Airspace Docket No. 02-AWP-12] (RIN: 2120-AA66) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3373. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class C Airspace and Revocation of Class D Airspace, Fayetteville (Springdale), Northwest Arkansas Regional Airport; AR [Docket No. FAA-2002-13514; Airspace Docket No. 02-AWA-4] (RIN: 2120-AA66) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3374. A letter from the Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Seneca Lake Viticultural Area (99R-260P) [TTB T.D.-3; Re: Notice No. 957] (RIN: 1512-AC70) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3375. A letter from the Chief, Regulations and Procedures Division, Department of the Treasury, transmitting the Department's final rule — Amelioration of Fruit and Agricultural Wines; Technical Amendments (2001R-197P) [TTB T.D.-2; Ref. Notice No. ATF-953] (RIN: 1512-AC63) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3376. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Regulations Governing Depositary Compensation Securities — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3377. A letter from the Assistant Secretary for Financial Markets, Department of the Treasury, transmitting a report concerning the operations and status of the Civil Service Retirement and Disability Fund (CSRDF) and the Government Securities Investment fund (G-Fund) of the Federal Employees Retirement System during the debt issuance suspension period between February 20, 2003 and May 28, 2003, pursuant to 5 U.S.C. 83481(1) and 5 U.S.C. 8438(h)(1); jointly to the Committees on Government Reform and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2738. A bill to implement the United States-Chile Free Trade Agreement (Rept. 108–224 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2739. A bill to implement the United States-Singapore Free Trade Agreement (Rept. 108–225 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2004 (Rept. 108–228). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 329. Resolution providing for consideration of the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement, and for consideration of the bill (H.R. 2739) to implement the United States-Singapore Free Trade Agreement (Rept. 108–229). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CHABOT (for himself, Mr. Lucas of Kentucky, Mr. Goode, Mr. Pence, Mr. Burr, and Mr. Keller):

H.R. 2813. A bill to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUSSLE:

H.R. 2814. A bill to amend the Internal Revenue Code of 1986 to clarify that qualified personal service corporations may continue to use the cash method of accounting, and for other purposes; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. Becerra, and Mrs. Johnson of Connecticut):

H.R. 2815. A bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself and Mrs. McCarthy of New York):

H.R. 2816. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

By Mr. GOODE (for himself and Mr. Tom Davis of Virginia):

H.R. 2817. A bill to provide that the actuarial value of the prescription drug benefits of Members of Congress under the Federal employees health benefits program may not exceed the actuarial value of any prescription drug benefit under the Medicare Program; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Mr. Grijalva, Mr. McGovern, Mr. Reyes, Ms. Velázquez, Mr. Serrano, Mr. Acevedo-Vilá, Mr. Frost, Mr. Berman, Mr. Payne, Ms. Waters, Mr. Towns, Mr. Gonzalez, Mrs. Napolitano, Ms. Jackson-Lee of Texas, Ms. Ros-Lehtinen, Mr. Lipinski, Mr. Becerra, Mr. Rodriguez, Mr. Ortiz, Mr. Pastor, Ms. Solis, Ms. Lee, Mr. Rangel, Mr. Blumenauer, Mr. Owens, Mr. Hinojosa, Mr. Menendez, Ms. Loretta Sanchez of California, Mr. Baca, Mr. Meeks of New York, and Ms. Linda T. Sánchez of California):

H.R. 2818. A bill to award a congressional gold medal to the family of the late Raul Julia; to the Committee on Financial Services.

By Mr. HOEFFEL (for himself, Mr. Houghton, and Mr. McDermott):

H.R. 2819. A bill to establish a program to provide assistance for developing countries of Eurasia and the Middle East; to the Committee on International Relations.

By Ms. NORTON:

H.R. 2820. A bill to extend to the Mayor of the District of Columbia the same authority with respect to the National Guard of the District of Columbia as the Governors of the several States exercise with respect to the National Guard of those States; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYUN of Kansas (for himself and Mrs. Capps):

H.R. 2821. A bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for Medicare beneficiaries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H.R. 2822. A bill to amend the Internal Revenue Code of 1986 to exclude working capital in applying the accumulated earnings tax; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. Faleomavaega, Mr. Lantos, Mr. Wilson of South Carolina, Mr. Wu, Mr. Honda, Mr. Wynn, Mr. Towns, Mrs. Maloney, Mr. Holt, Ms. Jackson-Lee of Texas, Mr. Pallone, Mr. Bell, Mrs. Napolitano, Mr. McDermott, Mr. Scott of Virginia, Mr. Abercrombie, Ms. Millender-McDonald, Mr. McNulty, Ms. Ros-Lehtinen, Ms. Lee, Mr. Berman, Mr. Rothman, Mr. Farr, Mr. Engel, Mr. Brown of Ohio, Mr. Cooper, Mr. Walsh, Ms. Lofgren, Mr. Conyers, Mr. Price of North Carolina, Ms. Schakowsky, Mr. Owens, and Mr. Filner):

H. Con. Res. 248. Concurrent resolution honoring former Congressman Dalip Singh Saund and remembering his achievements as the only Indian American to serve in Congress; to the Committee on House Administration.

By Mr. HASTINGS of Florida:

H. Con. Res. 249. Concurrent resolution expressing the sense of Congress that the United States should remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government, and for other purposes; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

149. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 11 memorializing the United States Congress to enact legislation that will address the issue of the improper labeling and classification of dairy products; to the Committee on Agriculture.

150. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 09 memorializing the United States Congress to enact legislation to provide for tariff rate qoutas for dry milk protein concentrates that are equivalent to the import quotas currently in place on other dairy products; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. Clay.

H.R. 58: Mr. Davis of Illinois.

H.R. 303: Ms. Ros-Lehtinen.

H.R. 324: Mr. Pitts and Mrs. Johnson of Connecticut.

H.R. 348: Mr. Ross.

H.R. 422: Mr. Gillmor.

H.R. 480: Mr. Sweeney.

H.R. 528: Mr. Shaw and Mr. Issa.

H.R. 571: Mr. McIntyre.

H.R. 584: Ms. Majette.

H.R. 673: Mr. Hall and Ms. Eddie Bernice Johnson of Texas.

H.R. 707: Mr. Gordon.

H.R. 745: Mr. Tierney.

H.R. 785: Mr. Gordon.

H.R. 890: Mr. Clay.

H.R. 898: Mr. Isakson, Mr. Wilson of South Carolina, Mr. Kline, Mr. Smith of New Jersey, and Mr. Rogers of Alabama.

H.R. 919: Ms. Harris.

H.R. 935: Mr. Israel, Mr. Becerra, and Mr. Smith of Washington.

H.R. 941: Mr. Barton of Texas.

H.R. 1043: Mr. Peterson of Minnesota and Mr. Greenwood.

H.R. 1078: Mr. Grijalva.

H.R. 1100: Mr. Nussle.

H.R. 1105: Mr. Hoyer and Mr. Clyburn.

H.R. 1167: Mr. Peterson of Minnesota.

H.R. 1227: Mr. Beauprez.

H.R. 1533: Mr. Davis of Alabama, Mrs. Maloney, Ms. Hooley of Oregon, Mr. Meeks of New York, Mr. Ryun of Kansas, and Mr. Scott of Virginia.

H.R. 1606: Mr. Platts.

H.R. 1622: Ms. Majette, Mr. Snyder, Mr. Udall of Colorado, and Mr. Ortiz.

H.R. 1633: Mr. Bishop of New York.

H.R. 1639: Mr. Schiff and Mrs. Tauscher.

H.R. 1659: Ms. Woolsey.

H.R. 1726: Ms. Linda T. Sánchez of California.

H.R. 1746: Mrs. Davis of California and Ms. Lofgren.

H.R. 1752: Mr. Clay and Mr. Wexler.

H.R. 1767: Mr. Wilson of South Carolina.

H.R. 1769: Mrs. Lowey and Mr. Kildee.

H.R. 1778: Mr. Platts.

H.R. 1902: Ms. Ros-Lehtinen.

H.R. 1992: Mr. Frost.

H.R. 2052: Mr. Watt and Mr. Vitter.

H.R. 2075: Mr. Mario Diaz-Balart of Florida and Mr. Mica.

H.R. 2117: Mr. Kucinich.

H.R. 2133: Mr. Herger.

H.R. 2179: Mr. Scott of Georgia.

H.R. 2221: Mr. Bishop of Utah.

H.R. 2233: Mr. Davis of Illinois.

H.R. 2246: Mr. Deutsch, Mr. Bachus, and Mr. Boehlert.

H.R. 2310: Ms. Roybal-Allard.

H.R. 2327: Mr. Fletcher and Mr. Murphy.

H.R. 2369: Mr. Davis of Florida.

H.R. 2379: Mr. Peterson of Minnesota.

H.R. 2402: Mr. Conyers and Mr. Grijalva.

H.R. 2426: Mr. Grijalva and Mr. Capuano.

H.R. 2432: Mrs. Kelly.

H.R. 2440: Mr. Thompson of California and Mr. Nethercutt.

H.R. 2449: Mr. Forbes and Mr. Wolf.

H.R. 2462: Mr. Waxman, Ms. Norton, Mr. Baird, and Mr. Sabo.

H.R. 2482: Mr. English.

H.R. 2497: Mr. Van Hollen.

H.R. 2505: Ms. Woolsey.

H.R. 2515: Mrs. Maloney and Mr. Olver.

H.R. 2521: Mr. McDermott.

H.R. 2540: Mr. Osborne, Mr. Herger, Mr. Kildee, Mr. Shays, Mr. Nunes, and Mr. Clay.

H.R. 2542: Mr. Gingrey and Mr. Franks of Arizona.

H.R. 2567: Mr. Peterson of Minnesota.

H.R. 2569: Mr. Ross, Mr. Levin, Mr. Case, Mr. Clay, Mr. Hoeffel, Mr. Towns, Ms. Woolsey, and Mr. Kildee.

H.R. 2579: Mr. Ballenger.

H.R. 2620: Mr. McDermott, Mr. King of New York, and Mr. Wexler.

H.R. 2625: Ms. Baldwin, Mr. Filner, Mr. Becerra, Mr. Farr, Mr. Hoeffel, Mr. Kucinich, Ms. Watson, Mr. Lewis of Georgia, Mr. Owens, Mr. Evans, Mr. Jackson of Illinois, Mr. DeFazio, Mr. Rangel, Mr. Towns, and Ms. Kilpatrick.

H.R. 2632: Mr. Acevedo-Vilá and Mr. Gordon.

H.R. 2665: Mr. Meehan.

H.R. 2671: Mr. Baker, Mr. Carson of Oklahoma, Mr. Vitter, Mr. Burton of Indiana, Mr. Barrett of South Carolina, and Mr. Tanner.

H.R. 2699: Mr. Shaw, Mr. Upton, Mr. Hayes, Mr. Kline, and Mr. Cramer.

H.R. 2709: Mr. Frank of Massachusetts.

H.R. 2732: Mr. Garrett of New Jersey, Ms. Ginney Brown-Waite of Florida, and Mr. Barrett of South Carolina.

H.R. 2787: Mr. Waxman and Mr. Kennedy of Rhode Island.

H.R. 2807: Mr. Renzi.

H.J. Res. 56: Mr. Sullivan, Mr. Garrett of New Jersey, Mr. Tauzin, and Mrs. Cubin.

H. Con. Res. 4: Mr. Goode.

H. Con. Res. 30: Mrs. Jo Ann Davis of Virginia.

H. Con. Res. 34: Mr. Johnson of Illinois.

H. Con. Res. 213: Ms. Hooley of Oregon and Mr. McNulty.

H. Res. 307: Mrs. Capps.

H. Res. 323: Ms. Bordallo and Mr. Cunningham.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. Pitts.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

(Omitted from the Record of July 18, 2003)

Petition 2, by Mr. JIM MARSHALL on H. Res. 251: Adam Smith.

Petition 3, by Mr. GENE TAYLOR on House Resolution 275: Collin C. Peterson, Jim Marshall, and Dennis Moore.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2799

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 14: At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to assist any foreign government in the development of consular identification cards.

H.R. 2799

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" may be used to assist any State or local government entity or official that prohibits or restricts any government entity or official from sending to, or receiving from, the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security information regarding the citizenship or immigration status of an individual, as prohibited under section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

H.R. 2799

OFFERED BY: MR. FOSSELLA

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO CERTAIN UNITED NATIONS ENTITIES

SEC.   . None of the funds made available in this Act may be used for a United States contribution to any United Nations commission, organization, or affiliated agency that is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any United Nations commission, organization, or affiliated agency described in the preceding sentence.

H.R. 2799

OFFERED BY: MR. OTTER

AMENDMENT NO. 17: At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this act may be used to seek a delay under Section 3103a(b) of title 18 United States Code.

H.R. 2799

OFFERED BY: MR. RUSH

AMENDMENT NO. 18: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC.   . None of the funds made available in this Act may be used for the sentencing phase of any Federal prosecution in which the penalty of death is sought by the United States.

H.R. 2799

OFFERED BY: MR. SHIMKUS

AMENDMENT NO. 19: In title IV (relating to Department of State and Related Agency—Administration of Foreign Affairs) under the heading DIPLOMATIC AND CONSULAR PROGRAMS after the second dollar amount insert "(decreased by $2,000,000)".

In title IV (relating to Department of State and Related Agency—Administration of Foreign Affairs) under the heading CAPITAL INVESTMENT FUND after the first dollar amount insert "(decreased by $1,000,000)".

In title IV (relating to Department of State and Related Agency—Administration of Foreign Affairs) under the heading EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE after the first dollar amount insert "(decreased by $1,000,000)".

In title IV (relating to Department of State and Related Agency—International Organizations) under the heading CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS after the first dollar amount insert "(decreased by $1,000,000)".

In title IV (relating to Department of State and Related Agency—Broadcasting Board of Governors) under the heading BROADCASTING CAPITAL IMPROVEMENTS after the first dollar amount insert "(decreased by $500,000)".

In title IV (relating to Department of State and Related Agency—Broadcasting Board of Governors) under the heading INTERNATIONAL BROADCASTING OPERATIONS after the first dollar amount insert "(increased by $5,500,000)".

H.R. 2800

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 11: In the item relating to "NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS"—

(1) after the first dollar amount insert the following: "(increased by $15,000,000)"; and

(2) after the second dollar amount insert the following: "(increased by $15,000,000)".

In the item relating to "FOREIGN MILITARY FINANCING PROGRAM", after the first dollar amount insert the following: "(reduced by $90,000,000)".

H.R. 2800

OFFERED BY: MR. RYUN OF KANSAS

AMENDMENT NO. 12: Page 122, after line 2, insert the following:

LIMITATION ON ASSISTANCE FOR COUNTRIES THAT MATERIALLY HINDERED THE UNITED STATES-LED COALITION'S EFFORTS TO LIBERATE THE IRAQI PEOPLE

SEC.   . (a) None of the funds made available in this Act under title II or III may be used to provide assistance for any country which the Secretary of State determines materially hindered the United States-led coalition's efforts to liberate the Iraqi people.

(b) The President may waive the application of subsection (a) with respect to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall notify in writing the Speaker of the House of Representatives and the President pro tempore of the Senate with respect to the exercise of each waiver under the preceding sentence.

H.R. 2800

OFFERED BY: MS. MCCOLLUM

AMENDMENT NO. 13: In the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", add at the end before the period the following: ": *Provided further*, That of the funds appropriated under this heading for HIV/AIDS assistance, not less than $200,000,000 shall be available for assistance for orphans and vulnerable children affected by HIV/AIDS".

H.R. 2800

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 14: Page 5, line 22, after the dollar amount insert "(increased by $150,000,000)".

Page 6, line 21, after the second dollar amount insert "(increased by $150,000,000)".

Page 45, line 4, after the dollar amount insert "(reduced by $200,000,000)".

H.R. 2800

OFFERED BY: MR. NADLER

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

LIMITATION ON CONTRIBUTIONS TO UNRWA

SEC.   . Of the amount made available in this Act for contributions to the United Nations Relief and Works Agency (UNRWA), one-third of such amount shall be withheld from obligation and expenditure unless and until the President determines and certifies to Congress that the UNRWA has established a program (including a timetable for implementation of the program) for the resettlement of refugees under their authority in the host countries or territories of such refugees and replaces textbooks and educational materials used in the UNRWA educational system that promote anti-Semitism, denial of the existence and the right to exist of the state of Israel, and exacerbate stereotypes and tensions between the Palestinians and Israelis.

H.R. 2800

OFFERED BY: MR. FOSSELLA

AMENDMENT NO. 16: Page 122, after line 2, insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO CERTAIN UNITED NATIONS ENTITIES

SEC.   . None of the funds made available in this Act may be used for a United States contribution to any United Nations commission, organization, or affiliated agency that is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any United Nations commission, organization, or affiliated agency described in the preceding sentence.

H.R. 2800

OFFERED BY: MR. LANTOS

AMENDMENT NO. 17: Page 122, after line 2, insert the following:

IMPLEMENTATION OF RUSSIAN DEMOCRACY ACT OF 2002

SEC.   . Of the amounts made available in this Act under the heading "ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER

SOVIET UNION'', $1,500,000 shall be made available to carry out section 7 of the Russian Democracy Act of 2002 (Public Law 107–246).

H.R. 2800

OFFERED BY: MR. LANTOS

AMENDMENT NO. 18: Page 28, after line 5, insert the following:

(f) Of the funds appropriated under this heading, $1,500,000 shall be made available to carry out section 7 of the Russian Democracy Act of 2002 (Public Law 107–246).

H.R. 2800

OFFERED BY: MR. ROYCE

AMENDMENT NO. 19: Page 122, after line 2, insert the following:

ASSISTANCE FOR AFGHANISTAN

SEC. ___. For necessary expenses to carry out the provisions of title I of the Afghanistan Freedom Support Act of 2002 (other than section 103(c) of such Act), and the amounts otherwise provided for in this Act for ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', ''DEVELOPMENT ASSISTANCE'', ''ECONOMIC SUPPORT FUND'', ''MIGRATION AND REFUGEE ASSISTANCE'', ''NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS'', ''PEACEKEEPING OPERATIONS'', and assistance for Afghanistan under section 523 are reduced by, $425,000,000, $21,000,000, $150,000,000, $150,000,000, $72,000,000, $12,000,000, $20,000,000, and $425,000,000, respectively.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. FLETCHER. Mr. Speaker, on Friday, July 18, 2003, had I been present for Rollcall Votes #395, #396, and #397, I would have voted the following way:

Rollcall vote No. 395—"aye"; Rollcall vote No. 396—"nay"; Rollcall vote No. 397—"aye".

PERSONAL EXPLANATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. SERRANO. Mr. Speaker, I rise today to ask that the RECORD show that on Thursday, July 17, 2003, during consideration of the FY04 Appropriations bill for the Department of the Interior, I inadvertently voted "no" on the Gallegly-Moran "Don't Feed the Bears" Amendment, to stop the dangerous and unsporting practice of bear-baiting on federal lands, when it was my intention to support the amendment.

This amendment, had it passed, would have banned the unsporting practice of using food to attract bears for slaughter on federal lands. I am a cosponsor of H.R. 1472 because of my strong opposition to the practice of bear-baiting. I will continue to actively support enactment of H.R. 1472.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. GALLEGLY. Mr. Speaker, on Friday, July 18, 2003, I was unable to vote on the amendments to and final passage of H.R. 2754, the FY04 Energy and Water Development Appropriations Act. Had I been present I would have voted "no" on the Andrews amendment (rollcall 391); "no" on the Udall amendment (rollcall 392); "no" on the Hefley amendment (rollcall 393); "no" on the motion to recommit (rollcall 394); "yea" on final passage of H.R. 2754, the FY04 Energy and Water Development Appropriations Act (rollcall 395). Additionally, I was unable to vote on the Bell motion to instruct conferees on H.R. 1308, the All-American Tax Relief Act of 2003 (rollcall 396); I would have voted "nay"; and would have voted "aye" on the Motion to Table H. Res. 324, a Resolution Raising a Question of the Privileges of the House.

PERSONAL EXPLANATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. BARTLETT of Maryland. Mr. Speaker, on Tuesday, July 15, I was unable to cast my vote on rollcall number 364, the Paul amendment to the Foreign Relations Authorization Act. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. FLETCHER. Mr. Speaker, on Monday, July 21, 2003, had I been present for rollcall votes Nos. 398, 399, and 400, I would have voted the following way: rollcall vote No. 398—"nay", rollcall vote No. 399—"aye", and rollcall vote No. 400—"aye".

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Monday, July 21, I was unavoidably detained due to a prior obligation in my district.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted "yes" on rollcall No. 398, "yes" on rollcall No. 399, and "yes" on rollcall No. 400.

IN HONOR OF THE RECIPIENTS OF THE 2003 NEW HAMPSHIRE CONGRESSIONAL LAW ENFORCEMENT AWARDS

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. BASS. Mr. Speaker, I rise today to pay tribute to the men and women of the New Hampshire enforcement community who have gone beyond the call of duty and exemplified themselves through distinctive service to the citizens of New Hampshire.

In 1998, my friend and colleague and now Senator, JOHN SUNUNU, and I first established the New Hampshire Congressional Law Enforcement Awards at the request of current and retired New Hampshire law enforcement personnel. These awards honor the men and women of New Hampshire whose service and professionalism is truly heroic and extraordinary. This Sunday, July 27, a ceremony will be held at the New Hampshire Police Standards and Training facility in Concord to honor the 54 recipients of this year's awards.

Nominations for the award are based on exceptional achievement in any police endeavor, including: extraordinary valor; crime prevention; drug control and prevention; investigative work; community policing; community service; traffic safety; search and rescue; and juvenile training, programs. Individual officers are nominated for the award by citizens, an officer's department, his or her co-workers, a city or town official, or a government agency. All duty-sworn officers of the law, including local, county, State, and Federal law enforcement agencies—and professionals from other States who distinguish themselves in serving the people of New Hampshire—are eligible.

The awards honor law enforcement personnel in one of five separate categories: Career Service Award, Unit Citation Award, Dedication and Professionalism Award, Above and Beyond the Call of Duty Award, and Associate Service Award.

The men and women of law enforcement work every day to protect the interests of our communities, families, and children. As the first responders to emergency situations in New Hampshire, these brave men and women often put their lives on the line to protect the greater good of the community. These awards have been a fitting tribute to our officers and a reminder to all of us of the important role they play in our lives and in our communities.

Mr. Speaker, it is with great pride that I offer our appreciation for the service and the dedication of our law enforcement personnel. I congratulate the following recipients of the 2003 New Hampshire Congressional Law Enforcement Awards, and thank the people with whom they work and the citizens they serve for nominating such outstanding individuals:

Career Service Award: Sheriff Walter A. Morse, Hillsborough County Sheriffs Department; Sheriff Robert "Butch" Loven, Coos County Sheriff's Department.

Unit Citation Award: Detective Stephen J. Arnold, Portsmouth Police Department; Detective Mark D. Newport, Portsmouth Police Department; Sergeant Michael J. Ronchi, Portsmouth Police Department; Special Agent Norman J. Houle, U.S. Drug Enforcement Administration; Special Agent Edward F. Bals, U.S. Drug Enforcement Administration; Special Agent Steven C. Story, U.S. Drug Enforcement Administration; Special Agent Glen C. Coletti, U.S. Drug Enforcement Administration; Deputy April A. Clarizia, Essex Country, MA, Sheriff's Department; Deputy Tessa M. St. Cyr, Essex Country, MA, Sheriff's Department; Special Agent John A. Mercer, U.S. Bureau of Alcohol, Tobacco, and Firearms; Special Agent

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Timothy J. Wyse, U.S. Bureau of Alcohol, Tobacco, and Firearms.

Above and Beyond the Call of Duty: Trooper Thomas Lencki, New Hampshire State Police; Officer Jeffrey Buskey, Sandbornton Police Department; Officer William H. Wright, Belmont Police Department; Officer Mike Cote, Gorham Police Department; Officer Jefferey Pangburn, Nashua Police Department; Officer John Newell, Nashua Police Department; Officer John Murphy, Nashua Police Department; Officer Kerry Baxter, Nashua Police Department; Officer Michael Sullivan, Nashua Police Department; Officer Anthony Pivero, Nashua Police Department; Sergeant Michael Smith, Hudson Police Department; Officer Michael Niven, Hudson Police Department; Sergeant John Galvin, Hampton Police Department; Sergeant Joe Galvin, Hampton Police Department; Officer Steven Henderson, Hampton Police Department; Officer John Donaldson, Hampton Police Department; Officer Charles Karpenko, Hampton Police Department; Conservation Officer Brian Abrams, New Hampshire Fish & Game; Conservation Officer Sam Sprague, New Hampshire Fish & Game; Officer Matt Larochelle, Manchester Police Department; Sergeant Timothy Goulden, Nashua Police Department; Officer Mark Fidler, Nashua Police Department; Officer Matthew McNulty, Nashua Police Department; Officer Daniel Donahue, Nashua Police Department.

Dedication and Professionalism: Officer Christopher Hutcheson, Manchester Police Department; Sergeant Bob Therrien, Lebanon Police Department; Sergeant Franklin W. Knowles, Hampton Police Department; Officer William Cronin, Hampton Police Department; Officer Scott Bates, Hampton Police Department; Officer Robert Sparkes, Hampton Police Department.

Associate Service Award: Chief Warrant Officer 3 Peter Cartmel, New Hampshire Army National Guard; Chief Warrant Officer 5 Bruce Gokey, New Hampshire Army National Guard; Staff Sergeant James Ward, New Hampshire Army National Guard; Sergeant Andrew Shannon, New Hampshire Army National Guard.

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. FLETCHER. Mr. Speaker, on Thursday, July 10, 2003, I was unavoidably detained due to weather grounding my commercial flight. Had I been present for Rollcall votes No. 348, No. 349, No. 350, No. 351, and No. 352, I would have voted the following way:

Rollcall vote No. 348—"nay"; Rollcall vote No. 349—"nay"; Rollcall vote No. 350—"nay"; Rollcall vote No. 351—"nay"; Rollcall vote No. 352—"nay."

HONORING KGPE-TV

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor KGPE-TV in Fresno, CA for their impressive support for our community. In 2002, KGPE-TV donated a total of 2148 spots of valuable airtime towards Ad Council public service announcements.

Throughout the Ad Council's 60-year history, stations like KGPE-TV have helped to address the most pressing social issues of the day. Each year, the Ad Council receives approximately $1.3 billion in donated media for over 40 campaigns to promote awareness about topics ranging from high-school drop-out prevention to AIDS awareness.

Mr. Speaker, I am pleased to honor KGPE-TV for their ongoing dedication to informing the 19th district of current and socially important issues that improve the lives of our constituents and our nation.

CONGRATULATING DETROIT REGIONAL CHAMBER OF COMMERCE

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. McCOTTER. Mr. Speaker, today I rise to congratulate the Detroit Regional Chamber of Commerce on its 100th Anniversary which it celebrated last week. It is a pleasure and a privilege to commemorate this milestone and celebrate everyone who has contributed to the Chamber's success.

Remaining true to the original slogan "For the general good of Detroit," the organization's 253 charter members and numerous successors have been a cornerstone of the Detroit area's commercial, industrial and municipal advancement for the past 100 years.

Truly, they are rightly proud of their past accomplishments in and future commitment to our community.

It has been an honor to be associated with its members and all their endeavors.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. RYUN of Kansas. Mr. Speaker, unfortunately, I missed three votes in the House of Representatives on July 21, 2003. Had I been in attendance I would have made the following votes:

The Van Hollen Motion to Instruct Conferees on H.R. 1308, All-American Tax Relief Act of 2003. Had I been in attendance, I would have voted "no."

Passage of H.R. 1516, the National Cemetery Expansion Act of 2003. Had I been in attendance, I would have voted "yea."

Passage of H. Con. Res. 212, Recognizing and supporting the goals and ideals of the Year of the Korean War Veteran. Had I been in attendance, I would have voted "yea."

THE PRESIDENT'S TRIP TO AFRICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. RANGEL. Mr. Speaker, I would like to share an editorial written by C. Payne Lucas, president emeritus of Africare, a Washington-based nonprofit organization that operates development programs in 26 African countries. "Bush Should Listen Closely in Africa" was published in Newsday earlier this month.

As President George W. Bush leaves on his first trip to Africa Monday, I am reminded of a trip I made to the continent in 1985 with his father, then-Vice President George H.W. Bush. Massive drought and famine were raging in the Sahel region of West Africa at the time. Thousands of people and farm animals were dying, and most men, women and children were spending their waking moments desperately searching for food and water.

Africans were calling for help, and then-President Ronald Reagan sent Bush on a fact-finding mission to West Africa. I was one of a number of development specialists who accompanied him. On this visit, the vice president did not just rely on briefings from U.S. diplomats and highly placed local officials. He went out of his way to engage with—and learn from—people from all walks of life. He spoke with the people at the local level in an effort to get a firsthand account of the enormous odds they faced. Bush listened, and inspired hope. Eventually the U.S. government brought substantive emergency and development assistance to the Sahel nations.

Today, Africa still faces many challenges. Some of these are as familiar as the famine we saw in the Sahel nearly 20 years ago. Others are problems that were barely on anyone's radar screen in 1985, such as the AIDS crisis. But, as it was in 1985, so it is today: In helping Africa's people cope with the problems they face, the United States and the rest of the world need to seek ideas from the people on the ground. On his trip to Nigeria, Senegal, Uganda, Botswana and South Africa, President George W. Bush will seek to build a better partnership, not just with the people of these five countries, but with the continent as a whole. He will be aiming to counter the long-standing complaint that the United States pays little attention to African countries beyond the desire for access to natural resources such as oil.

As someone who has lived and worked in Africa, and focused nearly four decades of work on the continent, my suggestion to the president is very simple: Listen closely and learn a lot. Often, we Americans tend to think of how different sub-Saharan African countries are from ours. But those differences are minor. Africa's people want the same things we want: peace and security, a decent education for their children, health care—a better future. But, unlike those of us in the United States, Africans have far fewer means to achieve these everyday goals.

This is where the United States can make a big difference. People in Africa have faith in America because they realize that we have plenty of experience in managing diversity, getting people from different racial, religious and ethnic backgrounds to work for the common good. Although we don't always realize it, Africans need these same skills in dealing with the challenges of nation-building. An active engagement by the United States can help make this happen in such countries as Sudan, Congo, Liberia and Sierra Leone. For decades, we have remained committed to helping bring peace in the Mideast.

We have engaged in ending bloodshed in Bosnia and Northern Ireland. Africans deserve no less. And, in this present reality, that means the United States should put troops on the ground in Liberia to prevent the continuation of bloodshed. But this issue should not overshadow other aspects of Bush's trip.

In recent years, there have been signs that helping Africans in their struggle against poverty is not just a moral issue but enlightened self-interest. A case in point is the African Growth and Opportunity Act, which has increased access to the U.S. market for African businesses that manufacture textiles and other basic products. The Commerce Department reports that this measure is already having a positive impact in several African countries, creating job opportunities. The $15-billion aid package proposed by the Bush administration—and enacted by Congress—to help fight AIDS in Africa and the Caribbean is a very good demonstration of American leadership. We can take similar measures to help Africans find solutions to the, civil wars that have plagued the continent for years, destroyed millions of lives, and drained resources that should be devoted to education and health care.

Of course, the United States does not have a magic solution to all the problems that African nations face. But we can—and should—be a key part of the solution. In an increasingly interdependent world, such action will yield dividends, not just for Africans but for Americans as well. President Bush, like his father before, must listen to the people, inspire hope and provide relevant help to the Africans at the grassroots.

INTRODUCTION OF H.R. 1146

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. HERGER. Mr. Speaker, concerning rollcall vote 108–364, On Agreeing to the Amendment of Representative Ron Paul of Texas to H.R. 1950, the Foreign Relations Authorization Act of 2003: Although I was correctly recorded as voting against the passage of this amendment, which eventually failed by an overwhelming vote of 74 to 350, I would like the Congressional Record to reflect that my "no" vote was in error, and I would have liked to have voted "aye" on this provision.

Specifically, Representative Paul's amendment would have prohibited funds authorized under H.R. 1950 to be used to pay any U.S. contribution to the United Nations or any affiliated agency of the United Nations. Like many, I firmly believe evidence of the need for a dramatic reevaluation of current U.N. policy is glaring. Over the years, the United States has been a host nation to the United Nations, headquartered in New York City, and has contributed greatly to the funding for the organization, including the enormous cost to the American taxpayer of deploying our military on the numerous U.N. peacekeeping missions worldwide, amounting to roughly one-quarter of the peacekeeping expenses of the 191-member body. However, recent events surrounding the ousting of Saddam Hussein's tyrannical regime in Iraq, and the inability of the United Nations to enforce its own Security Council resolutions, has renewed questions of the legitimacy of this body, as well as the necessity and level of U.S. participation in its funding and daily activities.

I would also like to note that I have cosponsored a number of pieces of legislation in the House of Representatives, which, I believe, address these questions more thoroughly. While I do not object to the U.N.'s founding objectives of peace through positive discussions and diplomacy, the organization has clearly failed in this charter mission. As it currently exists, the United Nations merely provides a weighted platform to nondemocratic and anti-American nations. Perhaps a more constructive and strategically important avenue would be to pursue an entirely new federation of nations, limiting voting membership to democratic countries that share our values and goals.

For these reasons, I have cosponsored H.R. 1146, introduced by Representative Ron Paul, which calls on the United States to withdraw from the United Nations entirely. I have also cosponsored two related bills, which would impact our involvement in the United Nations in lesser ways. H.R. 800 would provide for the withholding of United States contributions to any U.N. commission, organization, or affiliated agency that is chaired or presided over by a country that has repeatedly provided support for acts of international terrorism. H. Con. Res. 116 takes this bill a step further, issuing a sense of Congress that the United States should withhold all payments to the United Nations until its bylaws are amended to prevent countries whose leaders are not democratically elected from holding a position of authority within the United Nations.

NATIONAL NIGHT OUT CELEBRATES 20 YEARS OF CRIME PREVENTION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. GERLACH. Mr. Speaker, I rise today to commend the National Association of Town Watch for its outstanding commitment to building police/community partnerships and its effectiveness in developing and supporting neighborhood and community watch programs through its annual National Night Out program. On the occasion of its 20th anniversary, I would like to recognize the National Night Out program for the important role it plays in helping local law enforcement fight crime, drugs, and terrorism and providing safety and security to America's communities.

The National Association of Town Watch (NATW), a national nonprofit community-crime prevention association located in Wynnewood, PA, organizes the annual National Night Out, developing relationships between the local community and law enforcement officers in order to build safer and more secure neighborhoods. NATW provides information, program support and technical assistance to local citizens and communities to establish local community-crime prevention programs.

National Night Out has been at the forefront of community crime prevention for two decades. What began as a relatively local and small program in the Pennsylvania, Delaware and New Jersey tri-state area has become the largest annual grassroots crime prevention event in the nation. A small U.S. Department of Justice Grant in 1984 helped to support the first National Night Out, reaching 2 million people in 400 communities in the tri-state area. Today, this program includes 33 million people in 9,850 communities across the United States. Last year alone, 400,000 citizens in 150 communities organized new community watch programs, a true testament to the effectiveness of the program.

National Night Out has enjoyed bipartisan support in Congress for well over a decade. It has also enjoyed the support of every president since Ronald Reagan. Presidents George W. Bush and Bill Clinton each participated in the event while in office. In addition, law enforcement and municipal organizations such as the National Sheriffs Association, the National League of Cities and the U.S. Conference of Mayors have expressed strong support for National Night Out.

It is also engaged in key partnerships to help communities. This year, National Night Out is supporting the National Child Identification Program (NCIDP), a joint partnership between the American Football Coaches Association and the Federal Bureau of Investigation to provide identification kits to parents and guardians to help locate missing children.

Mr. Speaker, these are just some examples of the value of the National Night Out program and the important role of NATW. National Night Out, a public-private partnership that receives part of its funding from the Edward Byme Memorial Grant program, is one of the fastest growing, cost effective community anticrime programs in the nation. It has proven to be a powerful tool for building stronger, safer neighborhoods. I understand the value of National Night Out and, as a result, have asked appropriators on the Commerce, Justice, State, and the Judiciary Appropriations Subcommittee to support National Night Out funding.

Mr. Speaker, I respectfully request that this statement be included in the Record and I urge my colleagues to support National Night Out.

U.S.-JAPAN MARITIME YOUTH EXCHANGE 2003

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. GUTKNECHT. Mr. Speaker, I rise to introduce the U.S.-Japan Maritime Youth Exchange Program and its participants for 2003. The U.S.-Japan Maritime Youth Exchange Program brings together 12 high school students (6 from each country) for a three-week program of travel and study in Japan and the United States. It was developed and funded through a partnership between the U.S. Navy Memorial Foundation in Washington, DC and the Japan Youth Research Institute beginning in 1998. The major objective of the program is to increase mutual understanding by American and Japanese youth of our maritime traditions and the importance of our continued cooperation and alliance.

The program's purpose is to teach participants about the historical, cultural, economic, and other factors that impact the two countries' maritime policies and practices. The program joins together one American cadet and one Japanese student as "partners" throughout the exchange. By fostering understanding, respect, teamwork and friendship, on both the individual and group levels, the program will work to create a healthy partnership for the future and greatly benefit both countries.

Entering its sixth year, this unique opportunity takes participants to naval, cultural, and historical sites in cities such as Groton, CT, New York City, Washington, DC, and San Diego in the US; and Osaka, Hiroshima, Kyoto, and Tokyo in Japan. The students travel together for ten days in the United States and ten days in Japan during July and August. Six American students are high school juniors chosen from the Naval Junior Reserve Officer Training Corps (NJROTC) program. The 12 students are chosen through a rigorous selection process by their respective countries. The six Japanese participants are chosen from throughout that nation by the Japan Youth Research Institute. Adult leaders for the program will include two Americans from the Education Institute, U.S. Navy Memorial Foundation and two Japanese from the Japan Youth Research Institute. The students learn about maritime issues with focus on the roles of the U.S. Navy and the Japan Maritime Self Defense Force.

Founded in 1977 by Navy, civic, and national leaders, the U.S. Navy Memorial Foundation is a non-partisan, educational, not-for-profit [501 (c) (3)] organization, honoring men and women of the U.S. sea services, and perpetuating their values, heritage, and traditions. The Foundation serves as an "embassy" to the American people and the sea services-bringing the Americans closer to the sea services and educating the significant impact and sacrifices young Sailors and Marines have and are making throughout the world in securing our freedom.

The six American students are entering their senior year of high school, have a scholastic average of at least 3.2, and have graduated from NJROTC Leadership Academy. The students are required to complete a series of research assignments as preparation for their trip, allowing a greater education benefit during this fast-paced program.

Meeting as strangers in San Diego, California, the students will quickly develop close bonds throughout their trip while visiting various maritime and historical sites in both countries. The program pairs every American and Japanese student, fostering an atmosphere of understanding, respect, and teamwork with the aim of lifetime partnerships, which will greatly benefit both countries.

Students participating in the 2003 program include Carl Beierl of Virginia Beach, VA, Zoe Harrold of Euclid, OH, Amanda Perez of Cary, NC, Natasha Rutherford of Jonesville, VA, Scott Salamone of Virginia Beach, VA, Christopher Terrell of Pensacola, FL, Yusuke Kawabata of Kanagawa, Japan, Shohei Konishi of Tokyo, Japan, Masamichi Yazaki of Hyogo, Japan, Marie Nagai of Saitama, Japan, Fumiko Miyazaki of Aichi, Japan, and Ayumi Tomatsuri of Saitama, Japan.

REMEMBERING GLADYS HELDMAN

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. UDALL of New Mexico. Mr. Speaker, last month our country lost a pioneer in women's sports. Gladys Heldman was an instrumental figure in the formation of women's professional tennis, responsible for the creation of a professional women's tennis tour. Gladys died on June 22 at her home in Santa Fe, New Mexico. She was 81.

At the age of 25, Gladys began playing amateur tennis, and found her passion. Gladys earned a reputation as a tough and tenacious competitor. At one point she was ranked number one in Texas. She competed in the United States National Championships four times, which are now known as the US open, and once at Wimbledon.

Not just an exceptional athlete, Gladys was a towering mind. She graduated Phi Beta Kappa from Stanford University. She applied her intelligence and drive to her passion of tennis.

In 1953, Gladys founded World Tennis magazine. In the early years of the magazines publication, Gladys functioned in all the capacities of a magazine staff, from editor-in-chief to publisher. Using this magazine, Gladys became an indomitable force as an advocate for women's tennis. In 1970, she single-handedly formed the first women's professional tour, which included the likes of such star female tennis players as Billie Jean King. She asked the top female players to sign $1 contracts with her magazine, making them professional players, and arranged a tournament at the Houston Racquet club. Her close friend, Joseph Cullman, donated prize money, and sponsored 5 further tournaments. Despite obstacles and opposition, this tour evolved into the Virginia Slims Tour, known today as the W.T.A. Tour.

Gladys was a pioneer in professional women's sports. Without Gladys, women's tennis would not be what it is today. In 1979, Gladys was recognized for her personal accomplishments and achievements for the field of women's professional tennis when she was inducted into the International Tennis Hall of Fame. Gladys was a remarkable person whose compassion, respect, and talent for her work have served as a model for others. Though she is gone, she will never be forgotten.

My wife and I were honored to be personal friends of the Heldmans and celebrated their 60th wedding anniversary with them. Her passing leaves a void in our lives. Gladys is survived by her husband, Julius, her daughters Carrie and Julia, her three grandchildren, and her two great-grandchildren. I extend my deep condolences to the Heldman family and all who knew her. My thoughts and prayers are with them.

HONORING THE AMERICAN POLITICAL SCIENCE ASSOCIATION ON THE 50TH BIRTHDAY OF ITS CONGRESSIONAL FELLOWSHIP PROGRAM

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. McDERMOTT. Mr. Speaker, I would like to take the opportunity to congratulate the American Political Science Association on the 50th anniversary of its Congressional Fellowship Program.

Since its inception, the program has brought more than 1800 talented political scientists, journalists, sociologists, domestic and foreign policy government specialists, Robert Wood Johnson health policy fellows, Native American Hatfield fellows, and international scholars to Capitol Hill for a hands-on understanding of the U.S. Congress at work.

In my office, I have had the privilege to work with several Congressional Fellows. In 1991–92, Martynas A. Ycas brought with him valuable insights into the inner workings of the Social Security Administration. The following year, my office benefited from the exceptional experience Congressional Fellow Rosemary Ramsey had previously earned during her research on HIV/AIDS at the Centers for Disease Control of the Department of Health. In 1997, Kirsten Gerstner from Germany was the first international fellow I was able to host. Her work proved to be indispensable for the success of the Congressional Task Force on International HIV/AIDS, of which I am Chairman.

Since January of this year, Mariana George-Nascimento from Chile and Lars Berger from Germany have been working on my staff. During the many foreign policy challenges Congress is currently facing, such as the free trade agreements with Singapore and Chile and the war in Iraq, they provided me with a unique Latin American and European perspective. I am very thankful to the Fulbright Commission and the German Marshall Fund of the United States for providing me with such a rare opportunity by generously supporting their fellowships. These days, international exchanges of this nature are of even greater importance than ever before.

I know that in addition to their experience on the hill, all the fellows appreciated the additional education opportunities offered by the Wilson Seminar Series, the state-federal legislative comparative program organized by the University of Maryland-Baltimore County's Policy Institute at the State House in Annapolis, and the longstanding Canadian Parliamentary Exchange.

I congratulate the American Political Science Association and Jeff Biggs, the Director of the Congressional Fellowship Program, on their extraordinary achievements and strongly encourage my colleagues to take advantage of their work in the same way I have done.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THERE SHOULD BE ESTABLISHED A NATIONAL COMMUNITY HEALTH CENTER WEEK

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to recognize August 10–16 as National Health Center Week and in support of H. Res. 240, which seeks to raise awareness of health services provided by community, migrant, public housing, and homeless health centers. This year's theme "Leading the Way to Accessible & Affordable Health Care" recognizes the contributions of health centers in promoting health and preventive care in the nation's medically underserved communities.

As a co-chair of the community health center caucus and a cosponsor of the legislation, I know firsthand the important contributions health centers make. Health centers tailor their services to fit the special needs and priorities of their communities. Their approach is to help people confront critical health problems while lowering the cost of services through primary care and prevention. They are vital resources to patients who do not have adequate access to medical doctors, dentists, mental health providers and other health providers and they help make health care affordable to everyone, with or without health insurance.

In 2001, nearly 1,000 health centers served more than 13 million children and adults in 3,500 communities across the country, including 400 school-based sites. Community health centers are making an enormous impact in my Congressional district. They have significantly increased the use of preventive health services such as Pap smears, mammograms, and glaucoma screenings among the populations they serve. Health center employees have also worked to increase the number and proportion of immunized children, and have made significant strides in preventing anemia and lead poisoning. Furthermore, health centers contribute to the health and well-being of their communities by reducing the risk of adverse pregnancy outcomes, keeping children healthy and in school, and helping adults remain productive and on the job.

National studies indicate that every dollar invested in community health centers provides an average savings of three dollars to the overall health care system. At a time when the number of uninsured Americans continues to increase and federal and state governments are facing budget shortfalls, community health centers continue to provide essential services at reasonable cost to millions of Americans.

I urge my colleagues to support community health centers and vote yes on H. Res. 240.

TRIBUTE TO COLONEL JAMES H. ROSENBLATT

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. PICKERING. Mr. Speaker, I rise today to honor and pay tribute to Colonel James H. Rosenblatt who, after more than 30 years of service with the U.S. Army, will retire from active military duty in September and return to his home state to be Dean of the Mississippi College of Law.

Hailing from the small town of Fort Adams, Mississippi, Colonel Rosenblatt entered active duty with the Army's Judge Advocate General's Corps in 1973 and, as a Captain, provided legal support in contract law, administrative law, and defense counsel work at the newly created U.S. Army Training and Doctrine Command, Fort Monroe, Virginia. His last assignment in a long and distinguished Army career poetically ends with a duty assignment as The Staff Judge Advocate, U.S. Army Training and Doctrine Command, having served Army-wide between them. Colonel Rosenblatt attended The Judge Advocate General's School in Charlottesville, Virginia, in 1977 and remained at the School to teach contract law, fiscal law, communications, and legislative drafting. After a tour in the Pentagon, where he was responsible for new accessions into the Army and the Funded Legal Education Program, he served with the 25th Infantry Division in Schofield Barracks, Hawaii, and with the 32nd Army Air Defense Command in Darmstadt, Federal Republic of Germany. Other assignments and advanced training took him to Fort Leavenworth, Kansas; Fort Leonard Wood, Missouri; Fort Meade, Maryland; and Carlisle Barracks, Pennsylvania.

James and Lauren Rosenblatt and their four sons, Franklin, John, Andrew, and Paul, are truly an Army family, with two of their sons also serving in the U.S. Army: Franklin is a Lieutenant stationed at Fort Huachuca, Arizona, and John is a Sergeant stationed at Fort Meade. Son Andrew is attending Virginia Commonwealth University and Paul is a High School student at Tabb High School in Tabb, Virginia.

I, as I know my colleagues do, commend Colonel Rosenblatt on more than 30 years of dedicated, honorable service to the Nation and the U. S. Army, and on behalf of the entire Mississippi Congressional Delegation, I welcome him back home.

IN RECOGNITION OF PROFESSOR TERRY GIBSON

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. GREEN of Wisconsin. Mr. Speaker, today before this house I'd like to recognize and honor Professor Terry Gibson who will be retiring after 35 years of service to the University of Wisconsin-Extension and the University of Wisconsin-Madison School of Human Ecology on September 3, 2003.

Professor Gibson received his BA and MA degrees from Michigan State University and his PhD in Curriculum and Instruction from the University of Wisconsin-Madison in 1973.

Professor Gibson has a long and distinguished career of scholarship, teaching, outreach and service. The emphasis on the professional development of individuals and groups within the State of Wisconsin, the nation, and the world has become the hallmark of his work—particularly with both the University of Wisconsin Extension and the University of Wisconsin-Madison.

Throughout his career, Professor Gibson was a mentor to graduate students, an avid teacher, and a designer of a variety of noncredit workshops and conferences. His most enduring is the "Annual Conference on Teaching and Learning at a Distance," now in its 19th year, and which continues to attract a large international audience.

The faculty of the Department of Interdisciplinary Studies in Human Ecology unanimously voted to recommend that Emeritus Professor status be conferred on Professor Terry Gibson effective September 3, 2003. This was also unanimously approved by the School of Human Ecology's Executive Committee.

Mr. Speaker, it is an honor and pleasure to recognize today the extraordinary service of Professor Terry Gibson. On behalf of my constituents and citizens from the great State of Wisconsin, we say thank you, and wish him all the best in his future endeavors.

HONORING THE IDAHO SPRINGS VOLUNTEER FIRE DEPARTMENT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to thank and honor the brave men and women of the Idaho Springs Volunteer Fire Department. This group of individuals has performed their dangerous tasks since 1878 when citizens collectively put out a large fire that threatened the very existence of Idaho Springs.

Born from the ashes of that fire, the Volunteer Fire Department has strived to protect and serve their community for 125 years. Today, their heroic duties include everything from fighting town and wildland fires, responding to Emergency Medical Service calls, and containing hazardous material spills, to even the skillful acts of highway, backcountry, and swift water rescues.

Mr. Speaker, in order to properly recognize the hard work and sacrifices of these men and women, I ask my colleagues to join me in honoring the Idaho Springs Volunteer Fire Department. I am proud of their efforts and wish them continued success.

TRIBUTE TO WALTER B. JAEHNIG OF MICHIGAN ON HIS 90TH BIRTHDAY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Walter B. Jaehnig on the occasion of his 90th birthday celebration.

Walter B. Jaehnig is a remarkable man whose career in journalism spanned more than 36 years, most of them at The Daily News in Greenville, Michigan. During those years, he impacted his community and those with whom he worked in thousands of ways.

From 1943 until 1979, Wallie worked at The Daily News, doing everything from working as a linotype operator those first years, to writing sports beginning in 1944, and serving most of that time as managing editor and sports editor. Even after retirement, he continued as a sports writer for the newspaper.

Wallie's devotion to his community and the young people there is legendary. It was his joy in school sports that made The Daily News an integral part of the high school sports scene and boosted the popularity of those sports throughout the Greenville area.

Boys or girls sports, from baseball to basketball to football to track and more—Wallie was attending, watching, encouraging, analyzing and reporting the exploits of the area's young athletes. His career-long collection of game score books chronicled his devotion to the ups and downs of those athletes and the men and women who coached them.

During his years at the newspaper, Wallie also mentored untold numbers of young journalists, teaching them the basics of their trade and introducing them to the real world of community journalism. Greenville and Montcalm County, they soon learned from Wallie, was a place where the newspaper cared deeply for its mission and the people and community it served. Wallie exemplified that attitude of service to the people who were the lifeblood of his career. Today his proteges are scattered throughout the United States, many of them following in Wallie's footsteps as community journalists with a heart for the people they serve.

Throughout his career and still today, it has been Wallie's family who were first in his life. His beloved wife, Adele B. Jaehnig, whom he married in 1937, and their three children, Faith, Walter Jr. and Candace were the center of his life. After Adele's death in 1990, Wallie continued to center his life around his children and six grandchildren and five great-grandchildren. On Sunday, July 27, 2003, his family and friends will gather to celebrate nine decades of a life that has been a joy to all who know and have known Wallie.

Mr. Speaker, we wish to extend congratulations to Walter B. Jaehnig on the occasion of his 90th birthday. We are honored to recognize his many accomplishments and ask that our colleagues in the U.S. House of Representatives join in recognizing his very worthy achievements and wishing him a very happy 90th birthday.

100TH ANNIVERSARY OF JAFFA SHRINE IN ALTOONA, PENNSYLVANIA

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July. 22, 2003

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the 100th anniversary of the Jaffa Shrine located in Altoona, Pennsylvania. From its beginnings, the Shrine has been a popular center for community life in Altoona, gaining 200 members between its first meeting in October 1902 and its founding charter in July 1903.

Today, the Jaffa Shrine continues to grow and has expanded its mission to include members from nine counties, spanning from New York in the north, Maryland in the South, and stretching as far east as Lewistown and Blairsville in the west.

With such a rapidly growing membership, the Shrine quickly outgrew its original temple. In September 1930, the Shriners current temple was completed. Its ornate, mid-eastern architecture stands as a testament to both their heritage and their importance to our area.

The Shriners' mission of "fostering self improvement through leadership, education, the perpetuation of moral values and community involvement" serves as an example for what can be accomplished in every community across this country.

Mr. Speaker, it is an honor to rise today to recognize the Jaffa Shriners and their 100th anniversary. Central and western Pennsylvania are a better place because of them and I wish them continued success in their mission over the next 100 years.

TRIBUTE TO THE REVEREND DR. G. DAVID HORTON, PASTOR OF GREATER NEW BETHEL BAPTIST CHURCH

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of our community's indefatigable church leaders, the Reverend Dr. G. David Horton, Pastor of Greater New Bethel Baptist Church in my district. The members and supporters of his congregation will honor him on the 24th anniversary of his pastorate at a gala evening dinner on Saturday, July 26, 2003, to be held at Miami Shores Country Club.

Reverend Horton truly evokes the vocation of a Good Shepherd who attends to his flock in ways we can never fathom. As pastor and teacher, he exudes the knowledge and pragmatism of a visionary who goes about teaching the ways of God, and has tirelessly worked to enlighten our community on the agenda of spiritual wisdom and good governance impacting our duties and responsibilities to the less fortunate among us.

I want to commend his tremendous work in guiding not only the members of the Greater New Bethel Baptist Church, but also the residents of the Miami-Dade community in a manner that bespeaks of his concern and compassion to those in need. Through the longevity of his pastorate, he has truly persevered in showing us the Way and expounding for us the Truth that emanate from our knowledge of the Gospels and the teachings gathered there from.

Having completed his religious studies from the Easonian Theological Seminary in Birmingham, Alabama, he went on to pursue and obtain his Doctorate of Ministry from the South Florida Center for Theological Studies. In the midst of his studies, he played the role of CEO of Bethel's Family Life Center and Child Care by emphasizing the sanctity of the family and the importance of caring for and responding to children's learning needs. This commitment truly undergirds his unshakable belief in that ". . . the ruin of a nation starts in the homes of its people."

As he continues to be involved in the Baptist Church's state and national positions from instructor to facilitator to Bible expositor, Rev. Horton never lost sight of the needs and concerns of the our community by chairing the Board of the South Florida Jail Ministries. It is his consecration to our prisoners' well-being that truly makes him a quintessential steward of the Gospel for his advocacy on behalf of the downtrodden and the imprisoned. It is through this ministry that he has wisely articulated the fact that the genuine measure of our love for God is conditioned by our commitment ". . . to the least of these . . ."

Rev. Horton's timely and persevering leadership at Greater New Bethel Baptist Church for some 24 years is genuinely commendable. As a man of God and as a community leader, he has indeed earned our deepest respects and our superlative admiration.

This is the legacy of the Reverend Dr. G. David Horton. I am truly privileged in thanking him for his many years of service in the Vineyard of the Lord. My pride in sharing his friendship is only exceeded by my utmost gratitude for everything he has sacrificed on our community's behalf as he continues to teach us to live by the noble ethic of loving God by serving our fellow men.

SENATE—*Wednesday, July 23, 2003*

(Legislative day of Monday, July 21, 2003)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator God, source of all blessings, fountain of all wisdom, today, let our leaders play their part in doing Your will on Earth. Lord, You know the struggles that confront us, the things we wrestle with that cause us to be anxious and unsure. You know the things we run to, the things we run from, and the things that divide us. We thank You that though You know us completely, You still love us and direct our steps. Today, if our eyes have been closed to Your graces, open them. Give us the courage and the flexibility to make a better world. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 23, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business for an hour. Following morning business, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. Yesterday, we made progress, as the Senate was able to dispose of the Byrd amendment with a vote of 43 to 50 on waiving the budget. It is my understanding that this morning, at approximately 10 o'clock, Senator BOXER will be prepared to offer an amendment to the bill. Senator COCHRAN will be here, and it is my hope we can try to reach short time agreements on amendments that are offered as we go forward.

It is our desire to finish this bill today or this evening, if necessary. That would enable the Senate to consider another appropriations measure this week prior to resuming the Energy bill next week. Again, Members should notify the managers of their intention to offer amendments to the Homeland Security bill this morning. The chairman and ranking member would then be able to discuss an order of consideration of these amendments.

With the schedule announced, I will now yield myself time from my allotted time in morning business.

First, let me ask the Democratic leader, through the Chair, if he has any comments on the schedule.

I now yield myself my allotted time in morning business.

UNANIMOUS CONSENT REQUEST—S. 1019

Mr. FRIST. Mr. President, the Laci and Connor Peterson murders in California have brought before the American people a critical question that deserves a response: When a criminal attacks a woman who is pregnant, killing both her and her unborn child, has he killed one victim or two?

I believe the answer is two. Laci Peterson was not the only person killed but her unborn baby, Connor, was also murdered.

Unfortunately, there is a loophole in Federal law that does not permit prosecutors to charge suspects with killing both mother and child. Twenty-seven States have moved to close this loophole in their State laws. Indeed, California is one of those States. That is why State prosecutors have charged Scott Peterson with the deaths of his wife Laci and his son Connor.

I believe it is long past time for the Senate to close this loophole for Federal crimes. We have been working with our friends across the aisle since June 26 to reach an agreement to bring up this bill but so far we have been unsuccessful. But we are not going to give up.

Thus, I ask unanimous consent that, at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of calendar item No. 89, S. 1019, the Unborn Victims of Violence Act of 2003, under the following conditions: 2 hours of debate equally divided in the usual form; further, that no amendments be in order and that all points of order be waived; that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage of the measure, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

The assistant Democratic leader.

Mr. REID. Mr. President, we are very close to a point where we could offer the leader the ability to modify his unanimous consent request. Senator FEINSTEIN, we would ask, would offer an amendment which would be a substitute. Senator MURRAY would offer one on domestic relations, and another Senator would offer one that deals with intent. We think there may be one other amendment, maybe two, that we would be able to enter into. Maybe later today, or probably tomorrow, would be the best time to again renew the request of the majority leader.

At this time we cannot agree; therefore, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. FRIST. Mr. President, we have been working on this very important issue with the other side of the aisle, and it is absolutely critical that we address the issue, we believe, as soon as possible. Therefore, I am very pleased that we are hearing what the nature of the amendments might be. This is the first time I have heard what those amendments could possibly be. I look forward, again, to working to bring this bill to the floor as soon as possible.

I am sorry that my friend from Nevada objects to bringing up this bipartisan bill now. We believe it is a critically important bill that does deserve prompt consideration.

Sharon Rocha, the mother of Laci Peterson and the grandmother of Connor Peterson, has written an eloquent

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

letter asking that the Senate quickly pass this bill, pass this bill as soon as possible.

The House of Representatives, as my colleagues probably know, has passed this very bill twice but the bill keeps being blocked in the Senate.

I know my colleague from Ohio, who is the sponsor of the Unborn Victims of Violence Act, has been working very hard, mentioning to me almost daily the need to get this bill to the floor as soon as possible and to address this important issue.

Thus, I yield to my distinguished colleague from Ohio.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague.

I am sorry we are not able to bring this bill up today. I hope that what I hear from my colleague from Nevada is encouraging words and that we will be able to get an agreement shortly.

Let me say, as my colleague from Tennessee, the majority leader, has pointed out, that now in over half the States in the Union, if you commit a crime of violence against a pregnant woman and her unborn baby dies, you can be punished for the violence against both the mother and the unborn child.

But the other side of that story is, in roughly half of the States in the Union, they do not have this law, and in the Federal Government we do not have this law. We have been trying to rectify this since 1999, which is the first time I introduced this bill.

My colleague LINDSEY GRAHAM, who is going to speak in a moment, was the leader in the House of Representatives when they passed the bill several times in the past. So, this is not something that just came up in the last few months.

Let me make a couple comments before I yield to my colleague. First, this has nothing to do with abortion. We have a very specific exception in this bill in very definite language that states it has nothing to do with abortion. You can't write it any clearer or any plainer than we have written the language.

Second, let me give an example that will show the compelling need for this bill. Even though over half of the States now have very similar legislation, consider this situation. Assume that an airman stationed at Dover Air Force Base in Delaware attacks a pregnant woman—his girlfriend, wife, someone he doesn't know. Assume his intent is to terminate her pregnancy and he savagely beats her with a specific intent to terminate that pregnancy. Assume that, in fact, that is what happens, and the child does, in fact, die. Under current Federal law, the only thing the Federal prosecutor could charge him with is the assault against the mother. The reason for that is there is no Federal law such as the one we are talking about, and Delaware does not have a law.

That is not right. That is not justice. We need to say that is not right. We need to close that loophole because everyone in this country, I believe, recognizes there is a second victim, and it is not just, it is not right that that child should not be recognized as a victim. And there is no one in this country who believes that man should walk away with the only charge against him being a simple assault.

We had a case in Ohio a few years ago that turned out differently. It was a tragic case, but at least justice was done. It was the exact same case—a man was stationed at Wright-Patterson Air Force Base, an airman, had a pregnant girlfriend. He decided that he was going to end her pregnancy. He savagely beat her, terminated her pregnancy. She aborted and lost her child. The Federal prosecutor gets the tragic case and finds out there is no Federal law that says he can charge. He looks around and says: What am I going to do? Fortunately, Ohio had just passed a law similar to this. So under the Federal assimilative law he was able to assimilate the Ohio law into the Federal code and was able to charge him with the murder of the child. But in those States, those 23 States that do not have that, if that Air Force base had been located in any of those States, justice would not have been done.

What we are saying is, it is time for there to be justice. It is time for there to be a Federal law. This law simply recognizes what every person in this country understands that there is, in fact, a second victim.

I yield back to the majority leader.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. I thank my distinguished colleague from Ohio for his longstanding leadership on this particular issue. We all know the issue has been highlighted by the recent tragic events with the Peterson family. Again, both my distinguished colleague from Ohio, as well as another colleague I will turn to shortly, have been at this a long time. We appreciate their leadership and look forward to addressing this issue on the Senate floor when we have that opportunity.

I would now like to turn to my colleague from South Carolina, the champion of this bill when he was in the House of Representatives before coming to the Senate.

I yield to my friend from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, I thank the majority leader and publicly acknowledge all the hard work on his behalf, working with my colleagues on the Democratic side. Senator FRIST has been very responsive, trying to get this bill up for a vote, and it seems we are making progress. In terms of our leadership, I could not be more pleased with the efforts he has made to fill in this gap.

The Laci Peterson case probably explains the dynamic better than I could ever explain it. However, there has been an ongoing fight to fix this problem of the Federal law for many years. Senator DEWINE has been the champion of this bill in the Senate. When I first introduced it in the House, in the 106th Congress, it passed by 254 votes to 172 with over 50 Democratic Members. A lot of pro-choice people voted for the bill because America does divide on a woman's right to choose evenly. But when you ask Americans if a woman chooses to have the child and that child is harmed while she is pregnant through criminal assault, about 80 percent of Americans, Democrats and Republicans, say together that the criminal should be prosecuted for both events, damage to the mother and the child.

There is a lot of bipartisan support for this bill. It passed in the 106th Congress in the House, 107th Congress in the House with over 250 votes, with Democrats and Republicans, pro-choice, pro-life people coming together. Senator DEWINE has been an advocate for this bill since it originated. I thank him.

The reason we need this bill is because there are more events such as this than you would want to believe where people attack pregnant women, causing them to lose their child, and in a certain class of cases where the Federal jurisdiction is the exclusive form of prosecution, there is no right under Federal law for a prosecutor to go after the harm done to the unborn child.

In the Oklahoma City bombing case there was a lady working for the DEA. She was a secretary, Carrie Lenz. On the day of the bombing, she came to work early to show her coworkers an ultrasound picture of her unborn child, Michael Lenz III. She was showing her coworkers the ultrasound picture and the building blew up, killing her and her child. In the House when we were doing hearings on this bill, the father, Michael Lenz, came to testify. He told us in very emotional, eloquent terms that that day he lost two things. He lost his son Michael James Lenz III and he lost his wife. If this law had existed, the prosecutor would have been able to prosecute Timothy McVeigh for two acts of violence, not one.

We need this bill. Unfortunately, these events do happen. And when they do happen, most Americans, a high percentage in polling, Democrats and Republicans in the House and I do believe in the Senate, would want the full weight of the law to go against defenders who attack pregnant women. I believe this bill will be signed by the

President because he said he would sign it. I know it will pass the House. If we can get a vote in the Senate, it will pass the Senate with a strong bipartisan vote.

I thank Senator FRIST for pushing this measure, and I hope we can accommodate our friends on the Democratic side to get a vote on this bill so that we can do something that will be very positive in this Congress, and that is make sure the people who attack pregnant women get whacked as hard as we can whack them.

Mr. FRIST. Mr. President, in closing, I look forward to working with the Democratic leadership in terms of bringing this to the floor of the Senate as soon as possible. It really does boil down to the fundamental question of when a criminal attacks a pregnant woman, killing both the woman and her unborn child, has there been one or two victims? That is what this legislation addresses in a very direct fashion.

Mr. President, I ask that my following remarks be taken from leader time.

The ACTING PRESIDENT pro tempore. The leader has that right.

A REMARKABLE NEWS DAY

Mr. FRIST. Mr. President, yesterday was a remarkable day in many, many ways. Private First Class Lynch returned to her home after so many weeks and months away. She is a true American hero. We had Ambassador Jerry Bremer brief 65 Senators yesterday on the real progress being made in Iraq and on the reconstruction and reconstitution that is going on there.

Then we had the news that began late in the morning, and was confirmed in the afternoon, that Saddam's two sons, Uday and Qusay, have been eliminated as threats to Iraqi freedom.

It was truly a remarkable day. We are driven by headlines so much. They influence us in such a direct way. As we looked at these three sequences of events, you could not help but feel pride and optimism as we move forward in this fight for freedom around the world.

We do greet the news yesterday, with the elimination of Saddam's two sons, with pride and with respect—respect for our troops, for our military men and women who have devoted their lives and demonstrated an unmatched professionalism and maturity. It is clear—we have no doubt—that we have waged a just war, that the bloody tyrant Saddam Hussein has been defeated; that Iraq is better without Saddam and his diabolical offspring terrorizing and murdering the Iraqi people; and indeed America is better off without Saddam Hussein and his murderous cabal that had been in power, which clearly sat back and had plans and carried out terror and domination and mass murder.

It is a tough road. In talking to Ambassador Bremer, it is clear that our reconstruction and capturing what we know this is all about, which is in the words "Operation Iraqi Freedom"—it is freedom that we have fought for and that we continue to fight for. This will continue to take time and patience. It will continue to take resources from this body. But for the first time in 30 years, the Iraqi people are free to live without fear and without tyranny. They are participating for the first time in 30 years in the planning and the future of their own government.

Indeed our hearts go out to the families who have lost loved ones on the battlefield and who continue to lose them in this effort. Each day it seems we are greeted with another distressing story of a Baathist attack. We are entitled to feel this grief and, indeed, this frustration. But in honor and respect for the individuals who have given their lives, and who continue to give their lives to protect our freedom, we must remain resolute. We must keep pressing forward. We cannot let that headline of the day dictate our overall policy.

Our President and our troops are out protecting the security of our Nation, and we are leading at the same time another nation in a systematically planned, strategic, organized way to freedom. In so doing, we are making ourselves and future generations more secure.

We will succeed. It will take patience. It will take determination. It will take resolve. It takes all of that to bring our enemies to justice. It takes all of that to free the Iraqi people. It takes all of that to help protect the American people.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until the hour of 10 a.m., with the first 15 minutes under the control of the majority leader or his designee, the next 15 minutes under the control of the Senator from Texas, Mrs. HUTCHISON or her designee, and the final 30 minutes under the control of the minority leader or his designee.

The Senator from Minnesota is recognized.

DISSENT IN AMERICA

Mr. COLEMAN. Mr. President, as the majority leader noted, yesterday was a remarkable day. I had a chance to listen to Ambassador Bremer. As a former mayor, I understand how difficult it is to have cities function—electricity, water, and other challenges, kind of the basics. I marvel at the challenge that Ambassador Bremer is facing.

The good news is that we are making tremendous progress in Iraq. Yesterday was a good day because two of Saddam's diabolical offspring, as the majority leader said, are dead. It is kind of strange to say that the death of any individual is a great thing. But here we are talking about the most brutish, thuggish, reprehensible individuals who terrorized those with whom they came into contact. There were celebrations in the streets of Baghdad yesterday with news of the death of Saddam's sons.

So in this time of good news, yet at the same time that American lives are being lost, that the path to liberation of Iraq and ultimately freedom and democracy and greater stability in that region is a difficult one, I think it is important to come to the floor of the Senate to reaffirm the justice and purpose of American and coalition efforts in Iraq. My only regret is that it is necessary to do so.

We have a great tradition of dissent in America, and we need people to ask the tough questions. But just because we value dissent doesn't make that dissent right or just. At a time when lives are being risked and lost, when America and her friends are trying to do something which is both very difficult and supremely important, this is a moment where unity should be at a premium.

Yet out on the campaign trail we are observing a mixture of Monday morning quarterbacking, political opportunism, and media exaggeration which threaten to deprive us of perspective and resolve when we need it most.

America came into its own as a major player on the world stage at the beginning of the 20th century, in part because of the leadership of a great American President, Theodore Roosevelt. As we consider our role in our new century, I think it is important to reflect on some words from Theodore Roosevelt. He said:

> It is not the critic who counts: not the man who points out how the strong man stumbles or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again and again, because there is no effort without error or shortcoming, but who knows the great enthusiasms, the great devotions, who spends himself for a worthy cause. . . .

Let me reiterate the worthiness of the cause we have undertaken. We live in a world where we are more connected than we ever imagined we could be. The benefits of globalization to consumers and impoverished millions are clear. But so are the risks. September 11 showed us how vulnerable we are and reduced our acceptable tolerance level for brutal leaders who wish to harm our people.

Saddam Hussein's danger to his neighbors, the Middle East region, and the world has been an unquestioned assumption of American foreign policy for more than a decade. He flaunted the authority of the world community and the United Nations, ignoring 17 solemn resolutions directed against his regime. He failed to account for 30,000 liters of biological toxins, 3.9 tons of nerve agents, and tens of thousands of munitions capable of delivering them against targets. He aggressively pursued nuclear weapons. The Israelis wiped out an Iraqi nuclear function in 1981.

In 1991 and after the gulf war, we found solid evidence of him attempting to pursue nuclear weapons. He harbored and supported terrorists. He destroyed the lives of hundreds of thousands of his own people. He ruthlessly cannibalized the assets and resources of the Iraqi people to support his tyranny and lavish lifestyle.

Some people shy away from the term "evil," but I would ask them: Is there any form of evil that is not part of the confirmed record of Saddam Hussein?

To rid the world of a person such as this and a regime such as this—an evil regime, an evil person—is ultimately just and wise and the right thing to do.

Do the critics dispute this? Not directly. They criticize the means to that end. They support our troops but not the military leaders or their stated mission. They support protecting American interests but not in this particular way on this timetable or at this cost. They want results, but they want them more quickly and at lesser or no cost. But at some point, endlessly criticizing the means calls the ends into question.

The flow of the argument has been interesting. Before the war began, this was an impossible, protracted war against devoted Iraqi forces. When there was early success, the argument shifted to criticize that the war would take months rather than days, and now with the hard work of rebuilding the country—not from American war damage but from decades of Saddam's economic devastation—the focus is on what was said and understood and communicated before the war began. It reflects an attention span and a degree of patience measured out in new cycles.

Part of Saddam's evil is deception and the desire to humiliate us. To give him credibility—"maybe he didn't have weapons of mass destruction"—and then question our own leaders is ludicrous. Can we actually question the justification of this war because we have not yet found weapons of mass destruction in a matter of months that a master of deception had years to hide in an area the size of California?

My question to the critics is simple: What is your alternative? We live in the real world, not a Hollywood stage. There are evil people who want nothing more than to destroy us, and they understand only the language of force. They will not rest while we sit around saying: If only . . . if only . . . if only . . . if only.

Last night I had a wonderful conversation with Mayor Kevin Finnegan of West St. Paul, MN. He has a son and a daughter-in-law serving in Iraq. His message to me was simple: We need, Senator, to stay the course, to keep our eye on the ball. We have rid the world of Saddam's leadership. Let's work for democracy and stability in Iraq.

The more we talk about weapons of mass destruction, the harder it is to achieve our ultimate underlying objective: the liberation of Iraq.

In the real world, there are choices to be made, challenges to be dealt with, and burdens to be carried. This is not a game with a reset button. America must stay the course. To pull out now would be a victory for terrorists of unimagined proportions. We must stay the course to show our resolve. And yet every loss of life for an American service person is a tragedy, but we should not fail to recognize those lives are not being lost in vain.

From the devastation and corruption of Saddam's reign, freedom and order are being restored. When we understand the depths to which he took that society, we recognize the time it will take to bring it back. Murderers, thugs, and terrorists owned the streets of a whole nation. Slowly but surely, we are prying them loose from their bloody hands.

There is a city council now in Baghdad, and yet as a former mayor, I ask the question: Haven't they suffered enough? But there is democracy coming back to Iraq. Winning the peace will take longer than winning the war, but victory will be ours. The great victors will not only be the Iraqi people but children of the whole world who will grow up in a more peaceful century because we saw our duty and stuck to it until we finished the job.

Prime Minister Blair gave us a rare and beautiful insight on our role at this time. It was an honor for me to be in that Chamber. It is a moment as a freshman Senator that I will never forget. It is important to reflect. He said:

> And I know it's hard on America, and in some corner in this vast country, out in Nevada or Idaho—

He could have inserted Minnesota or New Hampshire—

> or these places I've never been to, but always wanted to go, I know out there there's a guy getting on with his life, perfectly happily, minding his own business, saying to you, the political leaders of this country: Why me? And why us? And why America? And the only answer is: Because destiny put you in this place in history, in this moment in time and the task is yours to do.

Let's pull together, recognize the realities we face, commit for the long and difficult haul ahead, and move forward. Nothing worthwhile is easy, but it never has been for America.

I applaud our young men and women who are on the front lines, who are doing the hard work for all of us, but we will all benefit from their efforts.

I thank the Chair, and I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHILD TAX CREDIT

Mr. BAUCUS. Mr. President, it has been 48 days since the Senate passed the Lincoln-Snowe bill to provide child tax credit to the families of 12 million children. Twelve million, Mr. President, is not a small number of children in America. The House then passed a different child tax credit bill.

Thirty-five days ago, the Senate appointed conferees to work out the differences between the two bills—35 days—and the conference has yet to hold its first meeting.

On July 25, just 2 business days from today, many families will begin receiving checks for the increased child tax credit, but millions of families will find their mailboxes empty. Why? Millions who hoped for such a credit will not receive it. Why? Because the conference has not met and the House has not agreed to the Senate provision. The Lincoln-Snowe bill, however, would ensure that these families are not left behind. In 2 working days, the House plans to adjourn for the remainder of the summer, not addressing this important question. We must, rather, send a bill to the President before that time so that millions of children can receive the benefit.

Just a few years ago, in 2001, the President brought a tax reduction proposal to Congress. The proposal was based upon the premise that taxpayers across the board were paying too much of their income in taxes. The President included the working poor, citing extremely high marginal rates. At the time, the working poor faced marginal rates above 50 percent, among the highest marginal rates faced by any taxpayer.

What does that really mean? That means that for the working poor, with their marginal rates above 50 percent, for every extra dollar that a person in that category earned, more than half of that would be taxed, and less than half would then be kept by the taxpayer. That is the effect of the high marginal rate of the working poor.

The President's economic advisers called this an "egregious problem" in our Tax Code. On the campaign trail, candidate George Bush pledged that, "lowering these barriers to the middle class" was one of his top priorities.

I worked with the President in 2001 to reduce the marginal rates for working Americans. I think he was right. The bill we enacted included marginal rate cuts for taxpayers across the board. It also included two provisions specifically targeted at reducing the marginal rate for low-income workers. First, it reduced the lowest marginal rate; that is, the tax paid on the first dollar of taxable income from 15 percent to 10 percent. Second, it made the child tax credit partially refundable for working families. Currently, the child credit is refundable up to 10 percent for a family's income above $10,500. In 2005, this amount is set to increase to 15 percent, up from 10 percent.

The marginal rates for working taxpayers are less than they were before the 2001 bill was passed, and they will be less in 2005. I believe, frankly, we should do more.

Under current law, taxpayers in the lower income brackets face marginal rates as high as 46 percent, as represented by this chart. That is, under current law taxpayers in the lower income brackets face marginal rates as high as 46 percent. This chart shows that for a married couple with two children, with an income of $27,000, the marginal rate is 46 percent. Compare that with the marginal rate of higher income Americans. For a family with two children, a family of four, with $100,000 of income, the marginal rate is only 28 percent. That is, the Government takes 28 cents of the next dollar earned by a family in the $100,000 income bracket.

Correspondingly, it rises as the income rises but not much, and still not nearly as high as a working family with $27,000 total income. Their marginal rate is 46 percent. It is much higher than the marginal rate is for higher income Americans.

So let's take an example. A family of four making $27,000, that is about 150 percent of poverty. What happens to that family? If they earn an additional dollar of income, they lose 21 cents of the earned-income tax credit they receive. They lose it because of the phaseout of the earned-income tax credit. They pay payroll taxes of 15 cents if we include both shares of the payroll taxes, as most economists do. And they pay 10 cents in Federal income tax. This adds up to a marginal rate of 46 percent for a family of four earning $27,000. This is how it is broken down: Income tax, 10 percent; payroll tax, 15 percent; and because of the way the Tax Code works, and the earned-income tax credit phases out, that amounts to a 21-percent marginal rate that taxpayer has to pay. So for every additional dollar this family makes, they keep only 54 cents. Forty-six cents on every additional dollar made goes to the Federal Government. We are not even talking about State taxes. We are just talking about Federal taxes. So State taxes could be a lot more.

How does this compare with other taxpayers? This family making $27,000 faces a higher marginal rate today than a similar family making $100,000, $150,000, or $200,000 as shown by the same chart shown earlier. It is very clear that lower income persons pay higher marginal tax rates. In fact, this family has a marginal rate that is higher than the wealthiest taxpayers in America, if my colleagues can believe that.

If we are supposed to be encouraging people to work, logically lower income Americans would have a lower marginal rate because we want to encourage people, particularly in that category, to earn an extra dollar. But our Tax Code is so perverse it causes the reverse result. It is far higher than the corporate rate of 35 percent.

Just think of that. I do not think many people know that. That is, lower income working families, families with a $27,000 income, pay a higher marginal rate than corporations do. I do not think most Americans know that, and if most Americans did, they would think that is not right. Hence, many of us are today urging the Congress, urging the other side of the aisle in particular, to work with the House and pass a child tax credit in the remaining 2 days before the House adjourns for the summer recess.

Senators LINCOLN and SNOWE deserve a lot of credit. They have led the effort to reduce the marginal rates for working families. They began in 2001 when they fought to ensure that low-income working families would be able to receive a refundable child credit, and they are now fighting to ensure that these families receive the full child tax credit today.

I will explain how the refundable child credit reduces the marginal rate for working families. Let's take a family of four making $22,000. Without the refundable child credit, their marginal rate would be 36 percent. The current credit, which is 10 percent refundable, brings their marginal rate down to 26 percent. In 2005, the refundability of the child credit will increase to 15 percent. This family's marginal rate will then go down to 21 percent, from 26 percent.

We have all heard the argument for immediate tax relief: If tax relief is good enough in a few years, it is good enough today. We have heard it constantly. It is a constant refrain in this body. This was the theory behind President Bush's jobs and growth package, which accelerated marginal rate reductions for millions of taxpayers, including those making $100,000, $200,000, or even $1 million. For a family making $100,000, the marginal income and payroll tax rate was reduced in that package from 30 percent to 28 percent. For the family making $200,000, the rate was reduced again from 38 percent to 36 percent, and for millionaires the rate was reduced from almost 42 percent to 38 percent.

The provision that would have reduced the marginal rate for low-income working families, that is the increase in child tax credit refundability, was specifically excluded from the final bill. If marginal rate reductions are good enough for the wealthy today, are they not good enough for the working poor? The answer from the Senate was a resounding yes. The Lincoln-Snowe bill to reduce marginal rates for the working poor immediately passed the Senate almost unanimously.

The marginal rates for the low-income working families are still too high. Passing the Lincoln-Snowe bill is an improvement. This improvement will provide additional incentives to work and earn the extra dollar, which is basically what tax reduction is all about, and it would shrink what the President has called barriers to the middle class.

We have 2 working days left, 2 days to convene this conference, work out our differences, send this bill to the President; 2 days to ensure that low-income working families receive the same tax relief that is promised to the rest of America's families, and 2 days remaining to ensure we fix this problem. Even President Bush agrees this is an egregious problem in the Tax Code. I strenuously urge us to put politics aside and do what is right and convene this conference committee. Let's get this passed in the next 2 days before the House adjourns for the summer.

I yield the floor, and I suggest the absence of a quorum and ask unanimous consent that the time be equally divided on both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, parliamentary inquiry: What is the status of the floor situation?

The PRESIDING OFFICER. The Senate is in a period of morning business. The minority controls 13½ minutes and the majority controls 1 minute.

Mr. BAUCUS. How much time would the Senator like?

Mr. HARKIN. Ten minutes.

Mr. MCCONNELL. Parliamentary inquiry: Is there an agreement under which the Senator from Kentucky should be recognized at 10 a.m.?

The PRESIDING OFFICER. There is no order at this time.

Mr. McCONNELL. How long will the Senator from Iowa speak?

Mr. HARKIN. Ten minutes.

Mr. McCONNELL. I ask unanimous consent I be allowed to follow the Senator from Iowa.

Mr. BAUCUS. Reserving the right to object, would the Chair inform the Senate of the present parliamentary situation?

The PRESIDING OFFICER. The Senate is in a period of morning business. The majority controls 13½ minutes—12½ minutes now, and the minority controls 1 minute.

Mr. BAUCUS. I ask if the Senator could perhaps yield until after we complete morning business. It is possible others may want to speak on the subject set aside for this morning during morning business.

Mr. McCONNELL. I simply ask unanimous consent I be allowed to speak for 10 minutes as in morning business immediately following the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEFICIT

Mr. HARKIN. Mr. President, I have come to the Senate floor on a number of occasions concerning the exploding deficits being built up by this administration, as well as the very poor performance of the national economy since this administration took office. The recent Office of Management and Budget, OMB, projections are especially noteworthy.

We now see the White House foresees a 5-year debt increase of $1.9 trillion, a record $455 billion deficit this year, a $475 billion deficit next year. Each of those numbers signifies a terrible record of performance and record-setting deficits. With each report the deficits get deeper and deeper. Next year's $475 billion deficit represents over $1,600 for every man, woman, and child in America. That is the equivalent of adding to each citizen's credit card $1,600 upon which we will be required to pay interest year after year after year ad infinitum.

In the past 3 years, we have seen the worst record of job creation since the Presidency of Herbert Hoover, with over 3 million jobs lost. This is the only administration in 70 years with a decline in private sector jobs. Long-term unemployment has tripled. We are in the slowest economic growth in over 50 years. And one other item: A huge drop in the value of pensions. A $100,000 pension invested in Standard & Poors stocks at the beginning of this administration is now worth $26,000 less.

We do not hear a lot of talk from the administration, at least openly, about privatizing Social Security any longer. Just think, if you are just getting ready to retire, and this administration's privatization policies for Social Security had been in effect, and you had $100,000 in your pension funds in something that everyone believed would be very safe, it would now be worth $74,000. You would have lost $26,000 in 3 years. That is why I have said this administration is committing economic malpractice. It is economic malpractice at its worst. We keep hearing about medical malpractice, but this is economic malpractice because for the long term we face millions of retiring baby boomers and large increases in Social Security and Medicare. We have a great need to invest in the education of our children and to protect our children with homeland security. But this administration has one answer to all our problems: More tax cuts for the wealthy.

I think it is worth looking at history. Faced with high unemployment, President Franklin Roosevelt said to Congress on May 24, 1937:

> We know that overwork and underpay do not increase the national income when a large portion of our workers remain unemployed. Reasonable and flexible use of the long-established right of Government to set and change working hours can, I hope, decrease unemployment in those groups in which unemployment today principally exists.

Those are the words of President Franklin Roosevelt in 1937.

So what did Congress do? Congress passed time-and-a-half pay for overtime to increase jobs. Yet, faced with rising unemployment, this President wants to take away time-and-a-half from millions of Americans who receive a higher income because of it. This President, through the promulgation of new rules and regulations, wants to remove the incentive that overtime pay provides to employers to hire more workers. This is an anti-job-growth policy. In fact, this President threatened to veto a House appropriations bill if that bill said no to cutting time-and-a-half for overtime—again, economic malpractice.

The President's OMB Director says the projected budgets are "manageable." But when we look at the operating budget for next year, using OMB's own numbers, we face a deficit equal to 5.7 percent of our GDP, our gross domestic product, the second largest since 1946.

These are the budget deficits expected just for the next few years. In 2000, as we can see, we had budget surpluses. During the 1990s, we paid off our debts, we had wise tax-and-spend policies, and we built up a surplus. That surplus was intended to be used to pay off our debt to provide for security for those who are going to be retiring very soon.

Now, because of the economic malpractice of this administration, the forecast is for even bigger deficits than what we have had in the past, going on into the future with no end in sight. So the President's policies eat up all the reserves we were going to use for Social Security and they have turned them into debt.

Under this President's program, these explosive deficits just keep going on and on and they keep getting worse. We tried this supply-side economic tax policy in 1981, and both the deficits and unemployment skyrocketed, resulting in our prior deficit record.

In 1993, we tried to reverse supply-side policies. I just might note for the record, every Republican in the Senate and every Republican in the House voted no. They all predicted economic disaster. Instead, we got out of the hole and we got into record surpluses. Unemployment dropped year after year, wealth increased all over America, average people saw their incomes rise.

So when this President came into office in 2001, what did he do? He pushed a huge tax cut primarily aimed at the wealthy. Deficits skyrocketed, jobs were lost, and the unemployed stayed that way for longer and longer. In 2003, it is a repeat of what they did in 2001—economic malpractice.

On February 12, Mr. Greenspan said:

> There's no question that as deficits go up, contrary to what some have said, it does affect long-term interest rates. It does have a negative impact on the economy unless attended.

We are not attending to it. In fact, what is happening with this administration is that it is getting worse, the deficits are getting bigger. On July 16, Mr. Greenspan said:

> There is no question that if you run substantial and excessive deficits over time, you are draining savings from the private sector, and other things being equal, you do clearly undercut the growth rate of the economy.

That is what is happening.

Some on the right say they have a way to reduce the deficit that will grow larger and larger. They say reform Social Security and Medicare. What they mean is, by privatizing it, cut Social Security, cut Medicare, cut them deeply. They see too much being spent on our children's education. They think that ought to be cut, too.

I have an alternative view. I think the economic malpractice of this administration and supply-side economics must end and we have to return to economic sanity in this country. Look at those who are unemployed for 3 months, 6 months, a year—hurt economically, families hurt, marriages destroyed, futures lost. Look at our African-American community and the Hispanic community, which are suffering huge unemployment levels. Look at teenagers who cannot find jobs and wonder how they are going to be able to afford rising college tuition, which in many cases has doubled in the last couple of years. Look at the disabled who are being fired to cut health care insurance, and they are not being rehired and people are not reaching out the hand to hire people with disabilities because of the rising cost of health insurance, and the pressures are growing to cut Social Security and Medicare as these deficits grow.

Only an ideologue who thinks of shrinking Government, whatever the cost, could possibly think we are on the right path. As Congressman SPRATT in the House has said of the policies of this President and what the Congress is now following:

> There seems to be no shame, no shock, and no solution.

We must reject these policies. We must reject the economic malpractice of this administration and move back to economic sanity in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the Senator from Kentucky is recognized.

THE DEATH OF QUSAY AND UDAY HUSSEIN

Mr. McCONNELL. Mr. President, normally in our country we don't applaud the death of anyone. We value life greatly. But today we do indeed applaud the death, the removal, of two of the most vicious criminals who ever lived. Yesterday we heard confirmation that the 101st Airborne—I can proudly say headquartered in Fort Campbell, KY—in a raid on a house in Mosul, killed Uday and Qusay Hussein, two of the biggest monsters who ever walked the face of the Earth.

Mr. President, I ask unanimous consent that two Associated Press obituaries be printed in the RECORD at this point, but I want to take a look at those obituaries because I think they tell you a lot about what this war was all about.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ODAI HUSSEIN, OLDEST SON OF SADDAM

BAGHDAD, IRAQ.—Odai Hussein, the murderous and erratic oldest son of Saddam Hussein, controlled propaganda in Iraq and allegedly oversaw the torture of athletes who failed to perform.

The 39-year-old is No. 3 on the list of 55 most-wanted men from the former Iraqi regime—only Saddam and younger brother Qusai ranked higher. The three also are on a U.S. list of former regime members who could be tried for war crimes.

As head of the paramilitary Fedayeen Saddam paramilitary unit, Odai helped his father eliminate opponents and exert ironfisted control over Iraq's 25 million people. The eldest of Saddam's five children, Odai was elected to parliament in 1999 with a reported 99 percent of the vote, but he rarely attended parliament sessions.

Iraqi exiles say Odai murdered at will and tortured with zeal, and routinely ordered his guards to snatch young women off the street so he could rape them. The London-based human-rights group Indict said Odai ordered prisoners to be dropped into acid baths as punishment.

The Caligula-like Odai seemed proud of his reputation and called himself Abu Sarhan, an Arabic term for "wolf."

But his tendency toward erratic brutality even exasperated Saddam, who temporarily banished Odai to Switzerland after the younger Hussein killed one of his father's favorite bodyguards in 1988.

The bodyguard, a young man named Kamel Gegeo, arranged trysts for the Iraqi president—notably with one woman who later became Saddam's second wife. Worried that his father's relationship with the woman could threaten his own position as heir, Odai beat Gegeo to death with a club in full view of guests at a high-society party, according to some reports. Other reports said Odai killed Gegeo with an electric carving knife.

Odai has once been a strong candidate to succeed his father, but he was badly injured in 1996 in an assassination attempt by gunmen who opened fire as he drove his red Porsche through Baghdad. The attack left Odai with a bullet in his spine that forced him to walk with a cane. Younger brother Qusai was instead groomed to succeed Saddam, worsening already uneasy relations between the two brothers.

Odai owned Iraq's most widely circulated daily newspaper, Babil, which he used as a platform for regime propaganda, published signed editorials full of bombastic rhetoric. He also oversaw Al-Zawra, a weekly published by the journalists union that he headed, and owned the popular Youth TV.

Much of Odai's notoriety abroad stemmed from his position as head of the National Iraqi Olympic Committee, which was accused of torturing and jailing athletes.

The London-based human rights group Indict said the committee once made a group of track athletes crawl on newly poured asphalt while they were beaten and threw some of them off a bridge. Indict also said Odai ran a special prison for athletes who offended him. The International Olympic Committee in Lausanne, Switzerland, said earlier this year that it was investigating the allegations.

One defector told Indict that jailed soccer players were forced to kick a concrete ball after failing to reach the 1994 World Cup finals. Another defector said athletes were dragged through, a gravel pit and then dunked in a sewage tank so infection would set in.

Army officers also were fair game for Odai's outbursts of violence. In 1983, Odai reportedly bashed an army officer unconscious when the man refused to allow Odai to dance with his wife. The officer later died. Odai also shot an army officer who did not salute him.

Things were hardly better on the family front, where relations between Odai and his uncles were especially bad. Oadi reportedly divorced the daughter of one uncle, Barzan Ibrahim Hasan, in 1995 after she complained of being beaten. Odai shot and wounded another uncle, Watban Ibrahim Hasan. Both uncles were captured after the war and are in the custody of U.S. coalition forces.

While millions of Iraqis suffered dire poverty, Odai lived a life of fast cars, expensive liquor and easy women. When U.S. troops captured his mansion in Baghdad, they found a personal zoo with lions and cheetahs, an underground parking garage for his collection of luxury cars, Cuban cigars with his name on the wrapper, and $1 million in fine wines, liquor—and even heroin.

Odai's obsession with sex was evident everywhere: The house was adorned with paintings of naked women and photographs of prostitutes taken off the Internet, complete with handwritten ratings of each.

There were bags and boxes of pills and medicines everywhere—ginseng sexual fortifiers, heartburn medication, the anti-depressant Prozac—and an Accu-Rite HIV Antibodies Screening Test Kit was in Odai's office.

Nearby was a domed house believed to be the residence of Odai's concubines, a bastion of bad taste with statuettes of couples in foreplay, couches with fluffy pillows and a swimming pool with a bar.

QUSAI HUSSEIN, YOUNGER SON OF SADDAM

BAGHDAD, IRAQ.—Qusai Hussein, Saddam Hussein's younger son, held wide-ranging powers over the nation's ruthless security apparatus that made him one of the most feared men in Iraq.

Qusai is No. 2 on the U.S.-led coalition forces' list of the 55 most wanted men from the former Iraqi regime, behind only Saddam himself. He is also on a Bush administration list of former Iraqi regime members who could be tried for war crimes.

Quiet, handsome and every bit as brutal as Saddam, the 37-year-old Qusai headed Iraq's intelligence and security services, his father's personal security force and the Republican Guard, an elite force of 80,000 soldiers responsible for defending Baghdad.

He stayed out of the public eye and led a substantially more subdued private life than his older brother Odai, who collected luxury cars by the hundreds and had a habit of ordering his guards to snatch young women off the street in order to rape them. Iraqis nicknamed Qusai "The Snake" for his bloodthirsty but low-profile manner.

Qusai was far more trusted by his father and appeared to be his heir before the regime crumbled. In televised meeting with top security and military men, Qusai was seated next to his father, wearing well-tailored suits and dutifully noting his father's every word.

An exiled dissident told The Associated Press that only Qusai and Saddam's private secretary, Abid Hamid Mahmud al-Tikriti, who was captured in June, were kept informed of Saddam's whereabouts. Odai was thought to be too reckless to be trusted with such information.

Experts do not believe Qusai played a significant role in the Gulf War of 1991. But he was a leading figure of terror in the conflict's aftermath, using mass executions and torture to crush the Shiite Muslim uprising after that war.

Qusai also helped engineer the destruction of the southern marshes in the 1990s, an action aimed at Shiite "Marsh Arabs" living there.

The marshes—roughly 3,200 square miles—had provided the necessities of life for tens of thousands of marsh dwellers for at least 1,000 years. The area was destroyed through a large-scale water diversion project intended to remove the ability of insurgents to hide there.

Qusai also oversaw Iraq's notorious detention centers and is believed to have initiated "prison cleansing"—a means of relieving severe overcrowding in jails with arbitrary killings.

Citing testimony from former Iraqi intelligence officers and other state employees, New York-based Human Rights Watch said several thousand inmates were executed at Iraq's prisons over the past several years.

> Prisoners were often eliminated with a bullet to the head, but one witness told the London-based human rights group Indict that inmates were sometimes murdered by being dropped into shredding machines. Some prisoners went in head first and died quickly, while others were put in feet first and died screaming. The witness said that on at least one occasion, Qusai supervised shredding-machine murders.
>
> On another occasion, a witness said, an inmate's foot was cut off in prison torture room while Qusai was present. "The amputation had been carried out with a power saw during his torture under the direct supervision of Qusai," the witness told Indict.
>
> Qusai was made chief of the army branch for the ruling Baath party in 2000, meaning virtually all the army's movements were under his supervision. Just before this year's war began, he was put in charge of defending the nation's capital and heartland.
>
> Qusai was spared any real combat during the 1980–88 Iran-Iraq war, although state television showed him conferring with commanders. He did not do any of the compulsory military service required of most Iraqi men.
>
> Qusai wed the daughter of a respected senior military commander. The couple, who later separated, had two daughters.

Mr. MCCONNELL. First, let's take a look at Qusay Hussein. Qusay was No. 2 on our list of 55 most wanted men from the former Iraqi regime, behind only his father Saddam. He is also on the Bush administration list of former Iraqi regime members who could have been tried for war crimes. Let's take a look at what he did, not only to help control the regime but apparently also for his own personal amusement. The AP says:

> Quiet, handsome, and every bit as brutal as Saddam, the 37-year-old Qusai headed Iraq's intelligence and security services, his father's personal security force and the Republican Guard, [which we all know was supposedly] an elite group of 80,000 soldiers responsible for defending Baghdad.

That was his portfolio in the regime.

> Iraqis nicknamed Qusay "The Snake" for his bloodthirsty but low-profile manner. He was a leading figure of terror in the conflict aftermath of the gulf war in 1991, using mass executions and torture to crush the Shiite Muslim uprising after the Persian Gulf war.

The AP says Qusay also helped engineer the destruction of the southern marshes in the 1990s aimed at Shiite Marsh Arabs who had lived there for over 1,000 years.

> Qusay also oversaw Iraq's notorious detention centers and was believed to have initiated "prison cleansing"—a means of relieving severe overcrowding in jails.

That is a unique way to deal with jail overcrowding—the way they did it in Iraq—by eliminating the prisoners.

> Citing testimony from former Iraqi intelligence officers and other state employees, New York-based Human Rights Watch said several thousand inmates were executed at Iraq's prisons over the past several years.

One of the things Qusay liked to do in overseeing these prison executions was to feed the prisoners into shredders. The lucky prisoners were the ones who got fed into the shredders head first because they died quickly. The unlucky prisoners were the ones who were fed into shredders feet first.

This was Qusay Hussein—eliminated by the 101st Airborne yesterday, No. 2 on our list of most wanted from the Saddam Hussein regime.

> Qusay was made chief of the army branch for the ruling Baath Party in 2000, meaning virtually all of the movements were under his supervision.

This man was a complete monster. Thanks to the 101st Airborne, he is no longer able to terrorize Iraqi citizens.

> Let's take a look at Uday, No. 3 on the list, the murderous and erratic oldest son of Saddam Hussein.

He controlled the propaganda in Iraq and allegedly oversaw the torture of athletes who failed to perform. Talk about an incentive. In Iraq, if you were an athlete and you didn't measure up, you got to meet Uday Hussein, No. 3 on the most wanted list, only eclipsed by his younger brother, whose activities I just described, and his father, who is No. 1 on the list.

> Uday was head of the paramilitary Fedayeen Saddam unit. Uday helped his father eliminate opponents and exert iron-fisted control over the 25 million people in Iraq. Iraqi exiles tell us that Uday murdered at will and tortured with zeal—

Murdered at will and tortured with zeal, and routinely ordered his guards to snatch young women off the streets—routinely ordered his guards to attack young women on the streets—to bring them in for his personal pleasure. So he was raping them.

Uday was fascinated with prisoners as well. Like his younger brother, he would order the prisoners to be dropped into acid baths as punishment. His tendency toward erratic brutality even eclipsed his father's. That is pretty hard to imagine—that you could be so outrageous and so brutal that you could outrate Saddam Hussein. But apparently that is what happened. He was temporarily banished after he killed one of his father's favorite bodyguards in 1988.

> Much of Uday's notoriety abroad stemmed from his position as head of the National Iraqi Olympic Committee, which was accused of torturing and jailing athletes. The London-based human rights group Indict said the committee once made a group of track athletes crawl on newly poured asphalt while they were beaten, and he also threw some of them off a bridge. Indict also said Uday ran a special prison for athletes who offended him.

This was Uday Hussein.

> One defector told Indict that jailed soccer players were forced to kick a concrete ball after failing to reach the 1994 World Cup finals. Another defector said athletes were dragged through a gravel pit and then dunked in a sewage tank so that infection would set in.
>
> While millions of Iraqis suffered dire poverty, Uday lived a life of fast cars and expensive liquor. When U.S. troops captured his mansion in Baghdad, they found a personal zoo.

The man had his own personal zoo with lions and cheetahs—

> and an underground parking garage for his collection of luxury cars, Cuban cigars with his name on the wrapper, and $1 million in fine wines, liquor, and even heroin.

This was Uday Hussein.

In this country, we rarely applaud the deaths of anyone. But these two monsters—No. 2 and No. 3 on the list of the regime that we are tracking in Iraq—will no longer be able to prey on the citizens of Iraq for their own amusement. No longer will Iraqis live in fear of night-time visits from the Fedayeen and the secret police. No longer will Iraqi athletes fear being tortured for failure to win a soccer game. No longer will young Iraqi brides be forcibly taken from their families on their wedding day to be exploited by Uday Hussein.

Knowing what we now know about the Saddam Hussein regime and its penchant for brutality, it is abundantly clear that as a result of ridding Iraq of this evil Iraqi, the world is a better place.

Are we finished with the job in Iraq? Not yet. But yesterday was a day of great progress. No. 2 and No. 3 are no longer available to prey on the citizens of Iraq. We believe No. 1—Saddam Hussein—is still alive. And we are on his trail. And he will been brought to justice.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the regular order?

The PRESIDING OFFICER. One minute 45 seconds remain under the control of the minority.

Mr. REID. I yield back that time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will resume consideration of H.R. 2555, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2555) making appropriations for the Department of Homeland Security for

the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Reid amendment No. 1318, to appropriate $20,000,000 to the Office for Domestic Preparedness to be used for grants to urban areas with large tourist populations.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, is it necessary to lay aside an amendment that is pending so that I can offer an amendment?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1328

(Purpose: To require reports on protecting commercial aircraft from the threat of shoulder-fired missile systems)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. SCHUMER, proposes an amendment numbered 1328.

At the appropriate place, add the following:

SEC. . (a) REPORT.—Not later than March 1, 2004, the Secretary of Homeland Security shall submit to Congress a report that—

(1) details that progress made in developing countermeasures for commercial aircraft against shoulder-fired missile systems, including cost and time schedules for developing and deploying such countermeasures, and

(2) in classified form and in conjunction with airports in category X and category one, an assessment of the vulnerability of such airports from the threat of shoulder-fired missile systems and the interim measures being taken to address the threat.

Mrs. BOXER. Mr. President, I think this amendment is very important in making sure we stay ahead of the threat that the FBI has identified as being very real to our people. I am going to show you what the FBI said about the threat of shoulder-fired missiles.

The FBI said that:

> . . . given al-Qaeda's demonstrated objective to target the U.S. airline industry, its access to U.S. and Russian-made MANPAD systems, and recent apparent targeting of U.S.-led military forces in Saudi Arabia, law enforcement agencies in the United States should remain alert to potential use of MANPADS—

Those are shoulder-fired missiles—

> against U.S. aircraft.

First, I want to say how grateful I am to the committee, both Senator COCHRAN and Senator BYRD, for really taking the first stand in favor of moving forward on missile defense systems that could be placed on our commercial aircraft to protect them from these shoulder-fired missiles. This is a major breakthrough.

When I stood on this Senate floor several months ago, I lost a couple of very close votes on this issue, and then won a vote, but this is the first substantial amount of money we are going to have. I think it is crucial.

Senator SCHUMER and I have led the fight on this issue in the Senate, and Congressman ISRAEL and Congressman MICA, in a bipartisan way, over on the House side. So the first thing I want to say is thank you very much to the committee for getting us started.

I hope we will see the technology now blossom forth because we already have this technology on our military aircraft. We have this technology on Air Force One. And I think the American traveling public deserves no less protection.

What this amendment does—while applauding the fact that we have the money—is to make sure we are given a report by March 1, 2004, on the progress of developing and deploying such countermeasures so we stay on top of this issue.

We also ask—and this is very important because it is going to take time for our aircraft to be retrofitted with these systems—for a report, which would be classified and available to colleagues, on what our major airports are doing in the interim before we have these systems placed on aircraft.

I also thank Secretary Ridge because at the point in time when I talked to him about this matter—again, it was just after we had lost a very close vote here—I have to say, he recognizes this threat and he took the position that we should move forward. So I want to make sure that thank you is in the RECORD.

I will never forget having a press conference, a bipartisan press conference, on this issue with Congressman MICA, who said after he had a classified briefing on this matter, he had a hard time sleeping at night.

Now, here is the reason: Shoulder-fired missiles—such as the SA-7 and Stinger missile—are available on the black market for as little as a few thousand dollars.

I want to go to a picture showing, first of all, the way these shoulder-fired missiles look. You can see from the picture they are very small. They weigh 30 pounds. It does not take a very strong person to be able to lift 30 pounds, and to put that 30 pounds on their shoulder. Most can be used with very little training. And they just take minutes to fire. They can go up about 12,000 feet into the air. They basically are heat-seeking missiles and are terribly destructive. We know that for sure.

We know that more than 20 terrorist groups are in possession of these weapons, including al-Qaida. And we know that al-Qaida has shown a willingness to use these weapons as weapons of terror.

Al-Qaida is suspected of targeting U.S. military aircraft in Saudi Arabia last May with an SA-7 missile. Saudi authorities found an empty launch tube near an air base used by American aircraft.

We also know there was an apparent attack on one of our military aircraft over in Iraq. The good news there is that our C-130s are equipped with defense measures. We also know this was an unsuccessful attack.

So putting it all together, and putting it together with the fact that al-Qaida attempted to bring down an Israeli airliner in Kenya—and we also believe that Israeli airliners are protected with defense systems—it was not successful—but putting all the pieces together, the attack on an Israeli commercial aircraft, the successful attacks which killed about several hundred people—I will go through that. Since 1978, 35 attempts to shoot down civilian aircraft by shoulder-fired missiles and a catastrophic loss of 24 planes and 640 deaths.

We are not talking about some remote threat. We are talking about a real threat, a real threat that has been played out. The FBI is telling us it is a real threat. Today I am happy to say this committee has recognized that, and for the first time. That is the good news. But we want to stay on top of this and make sure these funds are well spent and well used and that the proper systems are developed.

I want to mention that military transport and refueling aircraft, in addition to the C-130 I mentioned, the C-17, KC-135, and KC-10 are some of the models that employ countermeasures that could be used for commercial aircraft. The military has conducted thousands of hours of flight testing on countermeasure technology, including live fire testing. We know the systems work. We need to start putting these systems on our commercial planes as soon as possible.

We all know we have to stay ahead of this terrorist threat. We all know there are cells of terrorists in our country. We all know that homeland security is crucial. Many of us believe it does not have a high enough priority in this administration, and we will have many amendments.

This amendment, I am pleased to say, has been signed off on both sides of the aisle because I think everyone agrees that the $60 million has to be spent well and we need to move forward.

I would like to read part of a letter from Ed Adams, chairman of Navigant, one of the leading travel management companies in the United States. He says:

The travel industry is painfully aware of what a successful attack of using a shoulder-fired missile on a commercial airliner could do to the confidence of the traveling public. It is a situation we would prefer not even to imagine, but we must understand the reality of such an event if we intend to prevent it.

The blow to the economy in general, and the travel and tourism sector, in particular, combined with the loss of human lives would be staggering. These costs would certainly outweigh the expense of the precautionary measures you are recommending today to make sure that our commercial planes are safe from such a terrorist act.

We clearly see that what we are doing here is not only the right thing to do to protect the lives of our people but also to protect, frankly, the life of our economy, which is not in good shape, which is very rocky, which cannot sustain such an incident.

I, again, thank Senators COCHRAN and BYRD for including these funds, and I know that they both signed off on this amendment, which again will simply say, we want a report that lets us know how we are moving forward to be able to retrofit these planes with the appropriate kinds of measures and also a report—and this is very important—on the interim steps that major airports are taking.

I went to one airport. I won't name it. I stood on the top of a roof of a garage there. There was no security anywhere around. I looked up. The planes were landing. Honest to God, I could have almost touched those planes. And this is an example of a roof area, A, that should have been patrolled or, B, should be closed. It only makes sense. How can we protect every inch of our airports and everybody? It is very difficult. But we certainly could take steps that make sense, precautionary steps that are really commonsense steps.

My thanks again. I wonder if I could ask Senator COCHRAN if he would be willing to have a voice vote on the amendment.

Mr. COCHRAN. Has the Senator completed her remarks?

Mrs. BOXER. I have completed my remarks. I wonder if we could just accept the amendment. Then I have one more amendment I would like to speak about 6 or 7 minutes on, and then we could lay that one aside.

Mr. COCHRAN. I would like to make some remarks in connection with this amendment.

Mrs. BOXER. Wonderful.

Mr. COCHRAN. The Senator from New Hampshire would also like to make some remarks.

Mrs. BOXER. Sure, wonderful.

Mr. COCHRAN. But not if the Senator has not completed her statement.

Mrs. BOXER. I have completed my statement. I didn't know if the Senator wanted to move along. I would be happy to yield the floor at this time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, on the subject of antimissile devices for commercial aircraft, the Senate should be advised that the statement of managers on the supplemental that was passed earlier this year directed the Under Secretary for Science and Technology of the Department of Homeland Security to prepare a program plan for the development of an antimissile device for commercial aircraft. In response to that directive, the Department of Homeland Security has developed a program plan.

On May 22, 2003, this plan was submitted by the Under Secretary for Science and Technology of the Department of Homeland Security to the Congress.

I ask unanimous consent that a copy of that plan be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROGRAM PLAN FOR THE DEVELOPMENT OF AN ANTIMISSILE DEVICE FOR COMMERCIAL AIRCRAFT

INTRODUCTION

The House Report accompanying Public Law 108–11, which was signed by the President on April 16th, 2003, directed the Undersecretary for Science and Technology of the Department of Homeland Security to prepare a program plan for the development of an antimissile device for commercial aircraft. The plan should identify the process for delivery and certification of a prototype and the proposed cost and schedule for such an activity. The report should be provided to the Committees on Appropriations within 30 days of enactment of this Act.

A review of available technologies conducted by the White House Office of Science and Technology Policy (OSTP), in coordination with the Homeland Security Council, identified an on-board jammer (directed infrared countermeasure, or DIRCM), as the most promising of the technologies they had reviewed. It is the intention of the Department of Homeland Security to explore this option while being open to other potential concepts that may not have surfaced or been fully explored by the OSTP study.

The DIRCM concept has been under development for some time by the Department of Defense for protection of military and other government aircraft. In addition, there is a small market for business jets. There are currently two known contractors engaged in DIRCM development: Northrop-Grumman, and BAE.

There are several issues associated with the DIRCM concept, as well as with other potential antimissile concepts, that the Department of Homeland Security proposes to explore in the program plan described below; these include:

System cost, including component, integration, and certification;

Airframe & avionics integration and FAA certification issues;

Performance against the current and emerging threat;

Reliability and failure rate;

Maintenance, including built-in testing, handling, and special ground support equipment needs;

Operating and support costs;

Concept of operations, including air crew involvement, go/no-go doctrine, and airport operational procedures.

In addition, a Broad Agency Announcement released May 16 by the Department of Homeland Security under the auspices of the Technical Support Working Group (TSWG) explicitly requests proposals for options for protection of aircraft from the man-portable missile threat. Given the program plan described below, it is envisioned that the TSWG solicitation will likely lead to awards for concept development, thereby requiring significant research and development.

PROGRAM PLAN

Strategy

The strategy for research, development, test and evaluation of an antimissile device for commercial aircraft is to issue a solicitation for a Systems Development and Demonstration program, with potential awards to one or more contractors. Prior study has indicated that the DIRCM concept is the most likely path for providing good performance against the current and emerging threats while potentially satisfying operational constraints. One or two contracts will be awarded for system development and demonstration of a DIRCM. However, the solicitation would also allow responses for concepts other than DIRCM, with a single award contemplated should an alternative likely to meet performance, operational, and cost constraints be offered.

Each contractor would have to design, develop, demonstrate, and deliver 2 units for demonstrating system performance (with emphasis on operational suitability and cost). For the DIRCM concept, system design and fabrication for both the countermeasure system (common for all aircraft types) and the canoe (an aerodynamic conformal pod peculiar to the aircraft type) would have to be completed. Other concepts would be required to complete similar activities. Integration onto only one aircraft type would be required in the SD&D phase. To understand the potential operating and support (O&S) procedures and costs, a detailed O&S plan would be a major part of the contract deliverables. Various Test & Evaluation (T&E) activities will also be required to include as appropriate wind tunnel, reliability, tracking accuracy, hardware-in-the-loop and live fire testing and operational suitability (e.g. environmental testing and maintainability to include built-in testing, handling, and special ground support equipment). A parallel FAA certification effort, coinciding with the SD&D phase would also occur.

The program would be developed and managed in consultation with the airline industry, pilots, airport operators, aircraft developers, and relevant Federal agencies.

Program cost/schedule

Fiscal year 2003 plans are to create a special government staff office to manage the effort, with an initial task of preparing a solicitation to industry for research, development, test and evaluation of an antimissile device; this effort will be managed within the Science and Technology Directorate (S&T) of the Department.

Fiscal year 2004 activities will be to award contracts to develop system costs; analyze aircraft integration issues; and through modeling and simulation assess performance against the current and emerging MANPAD threat. Contractors will be asked to develop an operations and support plan that details the maintenance and logistical support requirements for the system they are developing, and an analysis of the recurring operating and support costs. Contractors and the government will work with the community to develop viable operational concepts for the use of the system. Finally, if analyses indicate cost effectiveness and operational

> suitability, development of a prototype for each viable concept may be initiated to prove out the analyses. S&T would not seek additional or supplemental funding for this effort.
>
> Contingent on the analytic, design and developmental efforts conducted in fiscal year 2004, fiscal year 2005 activities could include the completion of the test articles and their integration onto a single airframe type, along with hardware in the loop and live fire testing to validate performance assumptions.
>
> Costs quoted below are informed by contractor estimates for the DIRCM RDT&E phase, along with estimates provided by Department of Defense representatives to the OSTP study. Further development of program RDT&E costs will be conducted by the system program office during FY03.

Mr. COCHRAN. What the Department has agreed to undertake is to bring together the best information from the private sector, our experience in the defense area for military defense against anti-aircraft missiles, and to come up with a rational approach to making such antimissile devices available to the commercial airline industry.

We have provided in the committee report $72 million for critical infrastructure protection to utilize information and scientific advances that have been made to deal with evolving threats to protect infrastructure security. Of this amount, $60 million is allocated for systems development of antimissile devices for commercial aircraft. This is provided and printed on page 62 of our committee report.

These funds will be available to carry out the work contemplated in the amendment of the distinguished Senator from California. In her amendment, she asks for another report to be submitted to the Congress by the Secretary of Homeland Security not later than March 1, 2004, to report on the progress made in developing these countermeasures for commercial aircraft. We have no objection to including this provision in the bill. We expect that we are going to have reports made periodically. We have hearings to review the activities of the Department, and this is certainly going to be a subject that we are going to follow closely.

It is because the Congress has made a strong point of emphasizing the importance of deploying these defensive measures as soon as possible that the Department has now undertaken a specific plan and approach to doing this in a rational way. The Senate may remember that some wanted to require the Department to make available immediately missile defense systems to be put on commercial airlines. We found that was not workable. The Congress did not insist on that point. In fact, amendments on that were defeated when they were offered earlier in this body.

But this is a program now—and the Senator from California has been a leader in bringing attention, keeping the pressure on—to see that we do this in a rational and an immediate way, with some sense of urgency. We have also noticed in the amendment, which we appreciate, that the Senator calls on a classified report to be made available to the Congress as well, assessing the vulnerability of certain airports, the largest airports in our country, from the threat of shoulder-fired missile systems and the measures being taken to address that threat. We likewise have no quarrel with that part of the amendment and are prepared to recommend the Senate accept it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I believe one of the most challenging tasks put before the Department of Homeland Security, and before the appropriators were allocating funds for the Department of Homeland Security, is to understand evolving technologies and to take steps to use those technologies to keep the public safe. I think that is a difficult task because, whether we are looking at homeland security, or information technology, or any other area, we are never sure exactly where technological developments are going to take us. It is always difficult to understand the best and most cost-effective ways to use technologies—in this case, to keep the public safe.

I commend the members of the subcommittee and Chairman COCHRAN for the work they have done throughout the process on their bill but in this area in particular—to take the steps necessary to bring technologies into place in a way that will keep the public safer. The process that they used, as well, I think is commendable. They worked with the Department of Homeland Security, with the Under Secretary for Science and Technology, to develop a program plan for looking at the current state of technology to deal with the potential threat of surface-to-air missiles, and then to allocate funds to further study and evaluate, develop systems and adapt the technology for the potential use on commercial aircraft. They have appropriated a significant amount of funding, up to $60 million. Again, for that I commend the committee.

They have really taken the steps necessary that will allow us to best understand how this technology might be deployed. It is very difficult to predict what the nature of all the threats to our commercial aircraft industry might be. There is no question, perimeter security at our Nation's airports has improved dramatically since September 11, and that has helped reduce any potential threat from shoulder-fired missiles. But we want our Department of Homeland Security to be responsive, to take the steps necessary to adapt and to use this technology, if possible, to protect commercial aircraft. I think that is exactly what they have done.

I appreciate the work by the Senator from California to highlight this issue in the amendment she has offered, which will be accepted by the subcommittee to make sure Congress is well informed as to the progress of this development effort and this research effort.

I look forward to continuing to work with the committee on this issue. I thank them for their funding, and I am happy to support the amendment of the Senator from California.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, to complete the record on this issue, I am going to read into the RECORD the statement of managers from the conference report, dated April 12, 2003, making emergency supplemental appropriations for the fiscal year 2003. In that statement of managers, the conferees said:

> The conferees direct the Under Secretary for Science and Technology to prepare a program plan for the development of an antimissile device for commercial aircraft. The plan should identify the process for delivery and certification of a prototype and the proposed cost and schedule for such an activity. The report should be provided to the Committees on Appropriations within 30 days of enactment of this Act.

As I mentioned in my earlier statement, we are pleased that the report was made available. We have now submitted that for printing in the RECORD to complete the statement that should be made in the RECORD to accompany this amendment.

I know of no one who objects to this amendment. I think we can adopt it on a voice vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I think we are ready to proceed to a voice vote on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 1328) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. Mr. President, I thank the committee very much. I cannot tell you how much I look forward to the day that the Department has agreed on a particular system, and that we can begin the installation of the system I think will send a very good message to the flying public. We will stay on top of this until we see it through.

AMENDMENT NO. 1331

(Purpose: To investigate the expenses caused by Secret Service activities)

Mrs. BOXER. Mr. President, I send a second amendment to the desk.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1331:

At the appropriate place, add the following:

SEC. .

Not later than March 1, 2004, the Secretary of Homeland Security shall issue a classified report to Congress on the security costs incurred by State and local government law enforcement personnel in each state in complying with requests and requirements of the United States Secret Service to provide protective services and transportation for foreign and domestic officials.

Mrs. BOXER. Mr. President, I know that each of us wants to do everything we can to help our first responders—the men and women who are called to duty as a result of a Federal action. Well, one of the areas where our local people have just been left out to dry all through the years—this is not a partisan issue, whether in a Democratic administration or a Republican one—is that they have to pay the costs of security details when a leader comes into the State, be it a domestic leader like the President, a Presidential candidate, the Vice President, or their families, or a foreign dignitary.

It is really critical, it seems to me, particularly in light of the rough economic times that our States are seeing, that we begin to address this issue. I was a little stunned when I got into this after a constituent talked to me about this. I was stunned to learn that there is really no place in the Federal Government where we have this information.

The Secret Service does its job brilliantly. They don't worry about the cost to the local people. They call up the local people and say that a Cabinet Secretary is coming, or a foreign dignitary, or the President, or a candidate, and this is what they need. They need A to Z and they lay it out. Guess what. The cost is borne by our local agencies at home.

So simply, my amendment requests a report from the Department of Homeland Security on expenses incurred by local police as a result of Secret Service requirements.

We all know, when there is an orange alert, what happens in our hometowns, because we also know when there is an orange alert—that means a heightened state of alert—if there is a problem, people don't call the President or the Senate or the House; they call 911. We know that is what happens.

Right now, even in this bill, as far as it goes, I don't think it goes far enough to help our people. Here is a whole other matter that we have never really looked at. As we see that our police departments and fire departments are facing layoffs, it seems to me that we need to do something to help them. As a first step to do that in an area that has never been looked at, I think we ought to look at what happens to the various agencies.

I have a very detailed letter from the California Highway Patrol. They detailed all the expenses that they had from 2002 to 2003. I am not going to go into every detail of every hour, and I am not going to put that in the RECORD because Senator COCHRAN informed me, through his staff, that the Secret Service doesn't want this to be public information. I find it very odd, frankly. I don't think it should be a classified issue. But if the Secret Service says they need it classified, so it shall be. However, I will tell you that the aggregate cost in that 1 year just for the California Highway Patrol, in 69 different details they were ordered to do, was $700,000. That may not seem like a lot by the standards we face here, but I can assure my colleagues, in my State, every dollar now makes a difference. Sometimes these agencies may get reimbursed, but they usually do not, and the burdens of these requests are adding up. They add up in additional overtime and transportation costs that these agencies cannot afford.

We want to know: How big is this number? I think it would be very important for every one of our States because every one of our States hosts these dignitaries and we want to do what is right, and we will do what is right, but let's find out because we do care about these unfunded mandates, what it is costing our people.

I am not in any way being critical of the Secret Service. They are doing their job, and they do it extremely well, but they are not acting alone in these cases. They are calling local police. Simply put, we want to find out the costs and the burdens on our States. I have no idea what it would be. I just have this one letter that details one area of costs, and, I might say, it is an off election year. In this election year coming up, we are not only going to have the President, his entourage, his family, and the Vice President, but we are going to have the Democratic nominee and his or her entourage, I have to say, and family. These are major costs. It is not fair to our people not to try to reimburse them for these costs.

Again, this amendment will start the ball rolling. In some ways, I wanted to write an amendment that just said our local people should be reimbursed right now for all the expenses they face when Secret Service says to them: You must provide these many cars and these many police and this much protection. But I wanted to lay the groundwork for everyone because, as I say, I think when we get the report back, every one of us will be impacted because at least most of the States are receiving these calls from Secret Service all the time. In my case, for just one agency, it is $700,000 for 1 year, 69 details.

I am very pleased both Senators COCHRAN and BYRD have agreed to have this amendment. We made a couple of changes at the request of Senator COCHRAN to keep these numbers classified. Again, I have problems with understanding why the aggregate number has to be kept classified. I do not see what anyone learns if they find out an aggregate number. We have an aggregate number for the Secret Service, so I do not know why we cannot have an aggregate number of what the costs are to our States. But that is a fight for another day. We do not have to pursue that at all today. Today, I am very pleased we will take the first steps toward getting this information.

I ask for the yeas and nays on this amendment and ask that the amendment be laid aside. At the time Senator COCHRAN thinks is appropriate, I will be happy to have a vote on it at that time. Is it appropriate, Mr. President, that I ask for the yeas and nays?

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I, frankly, think this amendment is unnecessary and unnecessarily burdensome on the Secret Service, but I am not going to vote against it and the Senator insists on a vote on the amendment. I am going to vote for it and suggest all Senators vote for it. We have suggested, and the Senator has agreed, to modify her amendment to require the Secret Service to issue a classified report to Congress on security costs incurred by State and local government law enforcement personnel in complying with requests and requirements of the U.S. Secret Service to provide protective services and transportation for foreign and domestic officials.

The amendment, first off, is to have a report, a public report in the aggregate of all of these expenses. There were concerns—and I share those concerns—about the fact that potential terrorists or those who might be planning to do harm to the public officials who are protected by the Secret Service and the families of public officials, such as the President of the United States and his family, and visiting foreign government officials who come to our country on official business, are afforded protection, and those who are accompanying them.

The Secret Service is the primary Federal agency that has this responsibility. What this amendment first sought to do was to require a report of the aggregate costs associated with protection of officials, including State and local law enforcement officials who cooperate with the Secret Service to help ensure the success of the protection mission.

I am not sure how the Secret Service is going to compile all of this information, but they, I am sure, will undertake to do it if we adopt this amendment and say they ought to do it. All they can do is ask for State and local governments to submit to them the information that is requested in this amendment and then compile it, give it in a classified report to the Congress, and it would be made available in that form to all Senators.

I am hopeful the Senate can proceed to a vote on the amendment. I have not checked with the leadership to see whether or not there is any objection to proceeding to a vote right now. I have no objection to it. I do not know of any objection, but we will check with the leadership to be sure we can proceed. If not, we can set, by agreement, a time for a vote later in the day. Until we get that advice, I suggest the absence of a quorum.

Mrs. BOXER. Mr. President, will the Senator withhold his request?

Mr. COCHRAN. Mr. President, I withdraw my suggestion for the quorum call if the Senator wants to be heard.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair. I wanted to thank Senator COCHRAN for his support, although not enormous support, but support for this amendment. Senator COCHRAN, I want to address your comments, and I thank you for your support, although I say not the most enthusiastic, but nonetheless I am very appreciative.

Mr. COCHRAN. It is not enthusiastic at all. I said I disagree with the amendment, and I think it is unnecessary. But I am willing to go ahead and adopt it and urge the Secret Service to try to comply with it.

Mrs. BOXER. What I said was your support was not enthusiastic, but I appreciate it nonetheless. I wanted to answer your point that you were worried about how to collect this information. I want to tell you that our States have very clearly documented——

Mr. COCHRAN. Mr. President, I make a point of order. The Senator should direct her comments to the Chair, not to other Senators. I think that is the procedure in the Senate.

Mrs. BOXER. I am happy to do that, Mr. President. I wanted to mention to Senator COCHRAN, because he made some criticism of how we would get these numbers, that it was very easy for the highway patrol in my State to compile the numbers because all of our States are in a budget crunch and they all have to document the numbers in their States.

So all the Secret Service has to do, or Department of Homeland Defense, is to simply ask our States for these numbers. I can assure the Senator from Mississippi that our States are reeling, they are hurting, and it would be very simple for them to do this.

I have not placed this letter into the RECORD because of the concerns of the Senator that these numbers should be classified. I do not agree with that, but I respect it. So I am not going to place this in the RECORD.

The bottom line is it would be very simple for our States to document these numbers, and I hope I am proven right. I will discuss this with the Department of Homeland Security because clearly the purpose of my amendment is not to cause anybody any extra trouble. It is simply to be fair to our States, our police departments, and our first responders.

Again, I want to thank Senators BYRD and COCHRAN for agreeing to this amendment. The reason I want to have a record vote on it is clear. This is the first time we will ever be asking that this be documented. So I wanted to have a solid vote on it so it would not get lost in the shuffle. I have no need to speak any further. I am most appreciative that both of these amendments appear likely to be agreed to.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Boxer amendment be set aside. We are advised that there is a ceremony that will be taking place momentarily in the Rotunda. The leadership of the Senate will be involved in that and maybe other Senators as well. The Senator from Washington has an amendment she would like to offer, and I think we could entertain her amendment at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Washington.

AMENDMENT NO. 1327

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 1327.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for emergency management performance grants)

On page 65, line 9, strike "$165,000,000" and insert "$265,000,000".

Mrs. MURRAY. Mr. President, first, I commend the managers of the homeland security appropriations bill for doing an excellent job of trying to put together a bill under very difficult circumstances where we have a budget resolution that really does limit our ability, I believe, to make sure we have in place good security for all of our constituents, no matter where they live in this country.

Everywhere I travel, people have different concerns, whether it is their seaports, trains, borders, infrastructure that easily could be a target of terror. The managers of this budget have worked hard to put together a package, but today I offer an amendment because I believe everything we are trying to do in this bill to improve homeland security will be undermined if our local communities do not have solid emergency response plans.

Let me say that again because it is so important. Everything we are trying to do in this bill to improve homeland security will be undermined if our local communities do not have solid emergency response plans.

When a disaster strikes in one of our communities, we know the phone will ring at the desk of some local emergency manager, and when that phone call comes in, if there is not a plan that is ready to go to deal with that emergency, we are in trouble. Even if we are able to provide all of the equipment and training that our first responders need, if there is not an effective plan at the local level to coordinate a disaster response, then we have all failed to protect our citizens.

I introduce an amendment to ensure that the emergency planners in virtually every county and every community in America will have the tools they need to lead our response to a terrorist attack or other disaster. My amendment will provide $100 million for emergency management planning grants, and it has broad support. My amendment has been endorsed by the Council of State Governments, the National Association of Counties, the National League of Cities, the National Emergency Management Association, and the International Association of Emergency Managers. Those endorsements say a lot. Those endorsements mean our leaders at the city, county, and State levels all recognize the need for this amendment.

Those endorsements say the emergency managers who work to protect all of our communities are asking support for this amendment.

One of the least talked about but most important parts of our response to a disaster takes place outside of the public view. In every county and major city in this country, there is an emergency response coordinator who works behind the scenes preparing for the worst. They determine what the needs are in our local communities. They develop plans so if there is a tornado or a natural disaster, there is a game plan for everyone to follow. Those plans coordinate the work of many different agencies and organizations and they really are the backbone of our emergency response.

In one community, the emergency coordinator might be the fire chief. It might be the sheriff. In another community there might be a dedicated person who handles emergency planning exclusively. No matter what their title is, they perform a very critical job. They make sure we have an effective coordinated plan to prepare for and respond to in an emergency.

For decades, they worked hard to prepare for natural disasters, developing plans to respond to tornados, earthquakes, floods, and winter storms. Today, they have a massive new responsibility to deal with. Today, they have to develop plans to respond to manmade disasters and plans to respond to terrorist attacks. They have to come up with strategies for handling scenarios that we would never have imagined just a few years ago.

Our local emergency planners have a massive new responsibility, but they do not have the funding to carry it out. This is not an area where we can afford to skimp or to cut corners. If, God forbid, there is a smallpox outbreak somewhere in our country, the phone is going to ring at the desk of the local emergency coordinator. When he or she picks up the phone, either they have a plan to respond to smallpox or they do not. There are no two ways about it.

If, Heaven forbid, a dirty bomb goes off somewhere in our country, either there is a game plan to follow on the shelf, tested, ready to go, or there is not. I want to make sure when that phone call comes, we are prepared, wherever we live in this country. Right now, we have a very long way to go. Trust me, my colleagues do not want their emergency planner in their community to have to choose between preparing for a natural disaster or preparing and planning for a terrorist attack. They need to plan for both.

My amendment would give them the resources they need to meet these new homeland security threats. Simply put, our communities have to build a brand new capability from scratch and they need Federal help.

Turning to the specifics of my amendment, my amendment would provide an additional $100 million to the existing emergency management performance grants. These are the grants that allow our emergency managers to meet the needs in their local communities. I want to note that funding for these grants has been stagnant for about a decade. The underlying bill does provide some funding for these grants, but it is certainly not enough to allow our communities to create this new capability from scratch. In fact, in March of 2002, a survey conducted by the National Emergency Management Association identified a $200 million shortfall for the EMPG Program that has continued to grow.

Emergency planning grants have been around for about 10 years, and they are now the backbone of our emergency response system. They are funded on a 50/50 formula. Half the funding comes from our local level and half the funding comes from us at the Federal level. These grants fund the local emergency management offices that build our State and local emergency capability, and they provide the foundation for our first responders.

In Washington State, without these grants many of our smaller and rural communities would not have had the resources to develop their emergency response plans. So these grants have been critical in helping our communities prepare over the years. Today, these grants are the best vehicle to meet the new challenges because they are flexible.

Emergency management planning grants are flexible, allowing local coordinators, those people on the ground, to use them where they will do the most good for their community.

Emergency managers can use these grants for local planning, first responder training, emergency preparedness exercises, personnel, operational activities, equipment, early warning systems, public information education, mutual aid, and other preparedness response and recovery activities. All of these options are available to local people on the ground, local emergency managers under this grant program.

Some people may claim we can combine this grant program with others and that dedicated funding does not really matter. But that is not true. If we combine this with other grant programs, we will force emergency planning and coordination to compete with equipment and other important priorities. We should be helping communities meet all of these needs, not pitting one against another so communities come up short. Our local communities need both equipment and planning, and we need to fund both. The emergency management planning grant is the right tool to empower the emergency planners in your community to meet their local needs.

Since September 11, we have asked the local emergency managers in every county in America to develop new coordinated plans to respond to terrorist attacks. We have asked them to take on this critical responsibility, but we have not provided the funding they need. My amendment will provide an additional $100 million in flexible grants to meet the needs from coast to coast.

If our communities do not have solid emergency response plans, then they are really not prepared for a disaster. That is a price we cannot afford to pay. Our ability to respond to a terrorist attack or other disaster is only as good as the emergency response plans in our local communities. If we buy all the equipment but never develop the plans, we are not safe. If we send our firefighters to training but we never coordinate our response to an attack, we are not safe. We do not want our communities to have to choose between preparing for tornadoes or preparing for a smallpox attack. We are asking them to prepare for everything. They need the funding to do that.

This amendment has been endorsed by the Council of State Governments, the National Association of Counties, the National League of Cities, the National Emergency Management Association, and the International Association of Emergency Managers.

If there is a terrorist attack on our country again, the phone is going to ring at the desk of some local emergency manager. One of two things will happen: Either they will have a solid emergency plan for that disaster, know what to do, know what decisions to make; or they will not and Americans will pay the price.

I urge my colleagues to vote for this amendment so one day when that desperate phone call comes, the person who answers that phone, wherever they are, will be ready to lead an effective response. Each of us has the power to make sure our communities in our States are ready.

I urge all colleagues to support the Murray amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, in connection with the Senator's amendment, the President's budget as submitted to the Congress proposed eliminating the emergency management performance grants program. This was a program that had been administered by the Federal Emergency Management Agency. It is a program that provides funds to States to help prepare to deal with responses that have to be made at the local level to disasters that occur.

The reorganization of the Department of Homeland Security folded into this new Department the agency previously referred to as the Federal Emergency Management Agency. It is now part of Homeland Security.

This emergency performance grants program was recommended for cancellation by the administration's budget. They recommended combining it with a State and local grant program within the Office of Domestic Preparedness. Our committee looked at that and decided this program was an important program to the States and it should be continued in effect. So we have funded it as a program that is administered by the Emergency Preparedness and Response Directorate.

The amendment the Senator is offering does not complain about what the committee has done with respect to their recognition of this program as an important program for assistance. The only thing her amendment complains about is the level of funding. Since it was disestablished, in effect, in the budget, there was no funding for that activity. We put $165 million in it to continue the assistance program and improve the level of support that the Federal Government gives to States for this purpose.

Her amendment basically says: That is not enough money; we should have added $100 million more. Her suggestion is, instead of $165 million, this program ought to be funded at $265 million.

The problem is, there is no offset recommended in the Senator's amendment. Therefore, the amendment would violate the Budget Act. It would put us over the allocation that the committee has under the Budget Act. Therefore, at the appropriate time it will be my intention to make a point of order against the amendment for that purpose and for that reason.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Washington for offering this amendment.

First, I compliment the able Senator for the great work she does on the Appropriations Committee. She has been a stalwart in the Appropriations Committee from the beginning of her career. In so doing, she follows in the steps of two great Senators from Washington with whom I served many years ago: Scoop Jackson and Warren Magnuson. Magnuson served on the Appropriations Committee just as PATTY MURRAY serves on that committee. Those were very forceful Senators, very active Senators.

I knew Magnuson well, he being on the Appropriations Committee, as I say. But I knew Scoop Jackson even better. He was my supporter from the beginning of my career as a Senator who was involved in the leadership, first as Secretary of the Democratic Conference and then as Democratic whip and then as the leader. Scoop Jackson was always there. I should say in passing that the best whip the Senate ever had was the Senator who exceeds ROBERT BYRD, and that Senator is HARRY REID. He and I were alike in this respect: He is always on the floor. So was I, always on the floor.

But PATTY MURRAY is a supporter on the Appropriations Committee. She works hard. She is a Senator who certainly attends to her responsibilities with respect to her State, and she is also a Senator who has a national viewpoint. I think she exceeds all of us on my side of the aisle with respect to our work on the transportation matters, and I compliment her for that. She is following in that train of activity when she supports this amendment which she has brought to the attention of the Senate. I thank her for offering the amendment.

The administration proposed to consolidate the Emergency Management Grant Program into a single first responder program. She has spoken to this already. So has the distinguished chairman of the subcommittee who manages this bill today from that side of the aisle. He, likewise, mentioned this in opposing the amendment. So the proposal of the administration is a result of a fundamental misunderstanding of the Emergency Management Grant Program.

I am not saying that the distinguished Senator from Mississippi misunderstands it. He understands it well and he provided for it in the committee. I compliment him for that. But the Emergency Management Grant Program is the one Federal program that gives States resources to plan for what is called "all hazards" emergency management planning. That is exceedingly important. We must plan for responding to a terrorist attack but that does not mean we should lose the capability to plan for floods, tornadoes, and other natural disasters.

I am very keenly aware of this, being from the Mountain State of West Virginia, where those clouds hover over the high mountains and where the steep hills enable storms to flow rapidly down those sharp mountainsides into the valleys, often narrow valleys, and create extremely dangerous hazards for the people who have to live in those valleys and others who have to travel through those valleys and into those valleys to work.

I strongly support the amendment by the distinguished Senator from Washington. This is a proven program and I thank Chairman COCHRAN for agreeing to keep this as a separate program in the committee bill. This amendment would provide $100 million in addition to the funding in the committee bill.

I, again, compliment the distinguished Senator from Washington for her excellent work on the committee on behalf of her State and on behalf of the Nation, and I compliment her on offering this amendment today. I strongly support it. As I say, it means a great deal to the people of my State, to their safety and their welfare. I hope all Senators will support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we are prepared to suggest to the distinguished Senator from Nevada, if we could get consent, we would ask that votes on the Boxer amendment or in relation to the Murray amendment occur at 12 noon today. We are hoping we can get consent. I think it would be good for us to do that. We could vote on one amendment and then I think a motion to waive the point of order that I made would be the vote that we would have on the Murray amendment.

If the Senator would consider this: I ask unanimous consent that at 12 noon today the Senate proceed to a vote in relation to the Boxer amendment, No. 1331, to be followed by an immediate vote in relation to the Murray amendment, No. 1327, provided further that there be 2 minutes equally divided for debate prior to each vote and that no second degrees be in order to the amendments prior to the vote.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have checked this with Senator BYRD. He has no objection. Therefore we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I thank the Senator and I thank the Senator from West Virginia as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

AMENDMENT NO. 1331

The PRESIDING OFFICER. Under the previous order, there are 2 minutes evenly divided prior to a vote on the Boxer amendment.

Who yields time?

The Senator from California is recognized.

Mrs. BOXER. Madam President, I start by thanking the chairman and ranking member for their support of this amendment.

Basically, we have a wonderful Secret Service unit in our Federal Government. They are very professional and they do a wonderful job in protecting our dignitaries, both foreign and domestic—whether it is a President, Vice President, a Presidential candidate, the Vice President, their families, or the head of a foreign power. It is absolutely a fact that they are the best there is.

A lesser known fact is that when those dignitaries visit our States—Arkansas, California, Missouri—our law enforcement personnel are asked to help the Secret Service and, of course, they do it. But they don't get reimbursed for the cost of doing that. This is beginning to sting our people at home.

My amendment will simply let us know the extent of the problem. I have a letter from the California Highway Patrol, and they tell me that last year they spent over $700,000.

I hope we will have a unanimous vote on this. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, as I said when the amendment was proffered by the Senator from California, we were pleased that she had agreed to make some changes in the amendment and that we would accept the amendment if those changes were included. She asked for the yeas and nays on the amendment.

I have further said that I thought the amendment was unnecessary and I don't know how the Secret Service is going to comply with the terms of the directive in the amendment. That is up to them. It seems to me they can make an effort to obtain the information sought by this amendment, which is the operating costs of the State and local law enforcement officials who are asked to cooperate with the Secret Service when they provide protection for visiting foreign government officials, or the President and his family, or for others whom they are obligated under the law to protect.

They were worried that if they made this available in an unclassified form, it might put in jeopardy some of the very people they were trying to protect because they would disclose the steps they were taking to assure their protection. I am sympathetic with that observation. That is why we urged the Senator to make this a classified report. But it would be available to Senators.

I have no objection to the amendment.

The PRESIDING OFFICER. All time has expired. The yeas and nays have been ordered. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—79

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Voinovich
Warner
Wyden

NAYS—19

Allard
Brownback
Bunning
Burns
Cornyn
Craig
Crapo
Dole
Domenici
Ensign
Enzi
Frist
Hatch
Kyl
Lott
Nickles
Roberts
Sessions
Thomas

NOT VOTING—2

Kerry
Lieberman

The amendment (No. 1331) was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1327

The PRESIDING OFFICER. There are 2 minutes evenly divided prior to the vote on the Murray amendment.

Mrs. MURRAY. Madam President, the amendment before the Senate simply adds $100 million for emergency management planning grants. The President's proposal under homeland security combined these grants with other programs. The Senator from Mississippi, the chairman of the committee, rightfully separated this back out to where it was.

Unfortunately, the funding for this has remained static for the last decade. Since September 11, every county, every city across this country has had an additional responsibility in planning not just for a tornado or earthquake or national disaster but to have an emergency plan in case of a terrorist attack—very different planning, very different understanding, very different concerns. It is critical we help our local communities have a plan in place so when a call goes to a desk after a terrorist attack, people have a plan in front of them and know what to do and there is not pandemonium.

This amendment simply adds $100 million. By the way, the people across the country in emergency management say they are $200 million short in this area. We simply add $100 million for our planners across this country to be prepared for a terrorist attack.

Mr. COCHRAN. Madam President, I make a point of order under section 302(f) of the Congressional Budget Act that the Murray amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mrs. MURRAY. Madam President, pursuant to section 904 of the Congressional Budget Act, I move to waive the pertinent sections of that Act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act on the Murray amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 53, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—2

Kerry
Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. REID. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, the Senator from Maine wishes to speak for 10 minutes on the bill. Following her statement, Senator DAYTON will be ready to offer an amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I thank the Democratic assistant leader for his assistance in this matter.

Madam President, I rise today to express my strong support for the Homeland Security Appropriations Act, which will help us to better protect communities across America.

I congratulate Senator BYRD and Senator COCHRAN for putting together a bill that fairly balances the many responsibilities of the Department of Homeland Security. I also thank Senator STEVENS for his leadership in bringing this legislation to the Senate floor.

This legislation, I believe, will give Secretary Ridge, State and local officials, and first responders the tools they need to build a more effective homeland security structure.

Protecting this vast and diverse Nation is an enormous task, but our people—from Washington, DC, to the small border communities in northern Maine—have the skills, ingenuity, and the spirit to get the job done.

On March 1 of this year, the foundation for this new structure was laid as 22 separate Federal agencies and Departments were merged into the new Department of Homeland Security.

Creating a new Department is, however, just a start. Each State has its own security challenges, and every community has its own needs. My home State of Maine must protect a long and remote stretch of our northern border. Our enormous coastline is lined with small harbors, three deepwater cargo ports—one of which is the largest tonnage port in all of New England—and two ports that regularly welcome passengers from around the world. We have two international airports in Maine, one of which played a most unwelcome role in the events of September 11.

This legislation will provide more than $29 billion in fiscal year 2004 to fund the Federal Government security efforts and to help each of our States meet its particular needs. It includes $8.2 billion to protect our Nation's borders, including funding for an additional 600 border agents and the development of innovative new security technologies.

I am pleased that under the leadership of Senator COCHRAN the Appropriations Committee has provided more than $60 million for the Container Security Initiative. I know from a hearing held by the Governmental Affairs Committee, which I chair, that this partnership between the Department of Homeland Security and our shipping industry to target high-risk containers will help to better protect our ports from terrorist attacks.

The legislation also provides more than $5 billion for the Transportation Security Administration, including $1.8 billion for passenger screening and $150 million for port security grants. These grants provide important security upgrades to help protect an industry that is absolutely vital for our economic prosperity.

I am pleased that Chairman COCHRAN and Ranking Member BYRD have agreed to many of the suggestions I have forwarded to them for upgrading our Nation's Coast Guard. This legislation provides $6.8 billion for Coast Guard operations, including $702 million for the Integrated Deepwater Systems Program, which is vital to helping the Coast Guard carry out its traditional missions even as it meets its new and enhanced responsibilities for homeland security.

This legislation also maintains our commitment to America's first responders—our police officers, our firefighters, our emergency medical personnel—who are on the front lines of the war against terrorism.

As chairman of the Governmental Affairs Committee, I have made helping first responders a top priority. The needs of our first responders are as varied as the communities they protect. If there is a local emergency, citizens do not call Washington, they call 911. It is our first responders who are truly on the front lines in protecting our communities and in responding to any sort of terrorist attack.

The $3.6 billion for the Office for Domestic Preparedness, including $1.75 billion for State and local homeland security grants and $750 million for fire grants, is vital to the success of our first responders. These programs will provide them with better communications equipment, more firetrucks, and more exercises in training to do what they do best—prevent and respond to terrorist attacks and other emergencies.

But appropriating the funds, while essential, does not complete the job. We must also get these funds where they are needed quickly and efficiently. I have spoken to officials from communities around the State of Maine, to the mayor of Baltimore, and to officials throughout the Nation about the existing grant programs to assist our first responders. They are grateful for the grants, but frustrated by the bureaucracy, the time-consuming, complicated, and rigid application process, and the mountain of paperwork.

After holding several hearings on this topic in the Governmental Affairs Committee, I introduced, with a number of my colleagues on both sides of the aisle, the Homeland Security Grant Enhancement Act of 2003. This legislation would provide a steady ongoing stream of funding to each and every State. It will simplify the grant process. It will promote flexibility in the use of homeland security funds so they can be targeted to the greatest need. I urge the Senate to pass this legislation which has been reported unanimously by the committee. This will help us streamline and strengthen the way we provide assistance to those on the front lines.

Finally, I add my strong support for the $3.6 billion included in this legislation for the Emergency Preparedness and Response Directorate, including $2 billion for disaster relief and $153 million for the Emergency Food and Shelter Program.

As with any appropriations bill, one can argue about funding levels or that a certain program deserves more money than another. That is also true with this legislation. For example, I would like to have seen more funding for first responders and port security. But given the constraints on the Federal budget, I believe the managers of this bill, the chairman and ranking member, have done an extraordinary job. This legislation spends homeland security dollars in an effective, efficient manner. By providing more training and equipment to our first responders, more equipment and funding to secure our ports, and additional resources to protect our borders, this legislation gets the maximum benefit out of the Federal budget, out of the Federal resources available with the constraints under which we are operating.

Again, I congratulate the chairman, Senator COCHRAN, and the ranking member for putting together an excellent piece of legislation that fairly addresses the diverse needs of our States and communities. I urge quick passage of the legislation so that the Department of Homeland Security and those throughout our homeland can continue to work together more effectively on the crucial tasks that lie ahead as we seek to better secure our Nation.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I compliment the distinguished Senator from Maine for her leadership as chairman of the Governmental Affairs Committee in helping shape the legislation that created this new Department and in monitoring its activities and keeping up with how they are going about managing their responsibilities.

Legislation has already been reported out of that committee, for example, that deals with such issues as formulas for dividing money among agencies and sharing money with State and local governments. These are very important challenges the committee faces because they are the committee of jurisdiction of homeland security. We are just simply providing the funds and trying to allocate it within the terms of a budget resolution, trying to maintain an awareness of the importance of holding down the deficit, being responsible, making sure the funds we invest in these activities are used wisely and efficiently and effectively. We want them to really count. We want to be sure we are upgrading the quality of our capability of responding to national emergencies, manmade and natural disasters as well.

It is a big challenge. There is no end to the list of ways we could spend more money in trying to do that. We are guided by the legal authorities laid out by the Committee on Governmental Affairs. We appreciate so much the guidance and leadership of the distinguished Senator from Maine in this effort. I commend her very much.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the chairman of the Appropriations subcommittee for his generous and kind comments. He has been wonderful to work with on this issue, as every other. We are very fortunate to have him leading this essential subcommittee.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1336

Mr. DAYTON. Mr. President, I send to the desk amendment No. 1336.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 1336.

Mr. DAYTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for procurements in contravention of the Buy American Act)

On page 75, between lines 5 and 6, insert the following:

SEC. 616. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the procurement of any articles, materials, or supplies in contravention of the Buy American Act (41 U.S.C. 10a et seq.).

Mr. DAYTON. Mr. President, this amendment reaffirms that all money appropriated under this bill will be spent in conformity with the Buy American Act. It is an amendment which passed the House and will be included in that bill.

As my colleagues know, the Buy American Act was established in 1933 and has been in force since then, with only two substantive amendments during that entire 70 years. It is an economic stimulus legislation. It is meant to encourage the purchase of goods made by Americans in America, using American materials and labor.

I cannot think of a more suitable time for this to be honored than now, with over 3.1 million jobs lost in the private sector of the U.S. economy since this administration took office. I will repeat that staggering number. Over 3.1 million Americans have lost their jobs in the private sector of our economy since January 2001.

So it is entirely appropriate that we use public dollars that are being appropriated for essential public purposes such as homeland security but that we also add a perfectly legitimate public purpose, which is to generate as many jobs as possible through the expenditure of those funds in the United States of America.

There are exceptions in the existing Buy American Act to permit the purchase of goods or services if these conditions apply. The head of the procuring agency, in this case Secretary Ridge, could waive these requirements if he determines they are inconsistent with the public interest, which means he has broad latitude and discretion to determine that, for any legitimate reason, this act should not apply to a particular purchase.

Second, if it is unreasonable in cost. If the domestic product is of an unreasonable cost, then a foreign product can be purchased.

Articles that are purchased for use outside of the United States, or articles that are procured for military bases, leased from foreign governments, are not covered under the act, or if they are not produced or manufactured in the United States in sufficient and reasonably available commercial quantities or of satisfactory quality.

There is latitude to assure that none of the intent of this appropriation, which the distinguished chairman of the subcommittee, the Senator from Mississippi, and his colleagues have assured, that would require any compromise with the intent of providing the maximum possible protection to our fellow citizens. But it does say that, when possible, we will be consistent with that intent if we are also trying to provide American jobs.

Why is this necessary if it is already in law? This administration has demonstrated that it is not particularly a fan of this particular act. The Secretary of Defense in the Defense authorization bill—the Armed Services Committee, of which I am a member—was successful in getting the application of that act significantly weakened as it applies to the Department of Defense and the military branches. I do not want to see that happen with the Department of Homeland Security. This is an opportunity for Congress to make it very clear that this act will be enforced; that we expect it to be followed; that we want it to be utilized wherever possible because we want to put Americans back to work.

I know in my home State of Minnesota, the greatest imperative for the well-being of our citizens, as well as the recovery of the Minnesota economy and the budget crisis our State is going through, comes down to jobs—jobs, jobs, and jobs; American jobs; good paying, hopefully benefit-providing, pension-providing American jobs. That is what this amendment reinforces. I urge my colleagues to support it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this provision is carried in the Treasury appropriations bill in the section on general provisions. Even though this amendment is not necessary to be on the Department of Homeland Security appropriations bill, I have no objection to it being carried on this bill as well. So we are prepared to accept the amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the chairman for his acceptance of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1336.

The amendment (No. 1336) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. DAYTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1341

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 1341.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds to increase maritime security)

On page 49, line 2, strike "$150,000,000" and insert "$450,000,000".

On page 66, line 9, strike "$823,700,000," and insert "$523,700,000,".

Mr. HOLLINGS. I will be delighted to read the amendment: On page 49, line 2, strike "$150 million" and insert "$450 million"; and on page 66, line 9, strike "$823,700,000" and insert "$523,700,000."

What happens on page 49? We add $300 million to the port security provision to which everyone has attested that they support. When we asked Secretary Ridge about more money, in that they had not proposed anything in this particular Homeland Security bill, he said, well, that is in the critical infrastructure section. So that is where we take it from as an offset on page 66, line 9, strike the $823,700,000 and reduce it by $300 million.

This ought to be an easy amendment for everyone to support in that, No. 1, we all voted for way more money when we passed the authorization for port security the year before last. We had 100 votes, all Republicans and all Democrats. And then we had the urgent supplemental—incidentally, that authorized $4.2 billion. We are not talking in those terms at all.

Actually, the Coast Guard surveyed 47-some major ports—there are 362 ports and 5,000 facilities—but there are 47 port areas with which we really are concerned. In those port areas are some 500 different facilities. So at that particular time, we said to the Commandant of the Coast Guard, give us a study and find out exactly what is needed. He came up with a $7 billion figure at that particular time.

So we are not at the $7 billion that has already been requested and found needed by the Commandant of the Coast Guard, not the $4.2 billion authorized at the time we passed port security legislation and we actually provided $1.2 billion. We had an amendment for $1.2 billion. It was defeated in the urgent supplemental, but when we looked at the Homeland Security appropriations bill, the administration did not request anything under port security. When asked about it, they said that is in the critical facilities section, and that is why we take from the $823 million this necessary $300 million.

Why do I say it is necessary? Right to the point, the interim rule requires the submission of security plans by December of this year. I will limit my comments to the 47 port areas and not the 5,000. This is required by all 5,000, but like first responders I think we will all be around for quite some time before we get the first responders outfitted as they should be. But here we know of the threat, and of the 47 port areas, they are without any approved plan within 1 year from July 1. And they must have the plans submitted in 6 months' time because by next July 1, if they have not been approved, under the bill the Coast Guard has the authority to close the port.

What has happened is the ports have all gotten together. The captain of the port under the Coast Guard is the responsible official. He has had to get the Immigration Service. He has had to get the Customs Service. He has had to get the Drug Enforcement Service. He has had to get local law enforcement. He has had to get the local public facilities, port facilities. He has had to get the private port facilities. This young officer out of the Coast Guard has had to correlate it all, working together to get a master plan for the security of that port area, and submit it by the end of this year—within 6 months time.

When he submits it, of course, the Coast Guard itself has to approve or disapprove the plans coming in from all over, from 362, but particularly these 47 ports, and they have to begin to implement them.

In terms of a major port in Houston, TX, Long Beach, CA, Seattle, WA, Philadelphia, PA, we are talking sense now, we are not talking politics, if we think we need a little bit more in our area for port facilities. I am in pretty good shape where I am in Charleston, SC. Since they closed the Navy yard there, I suspect al-Qaida would be looking for a more ripe target. They would be looking at Philadelphia, for instance.

What could happen? We know Osama bin Laden, according to Lloyd's of London, has control of some 20 vessels. He actually owns some 10 vessels and he has control of an additional 10. So he has control of some 20 regular vessels, what you might call rust buckets. It was one of these that went into a port in Kenya 3 years.

What happened was that particular ship docked at the port in Kenya. The terrorist crews jumped off, went and blew up the American Embassy in Nairobi, and went over into Tanzania and Dar Es Salaam and blew up that embassy, got back on the ship and boarded, and we have not been able to find them since.

That tells me—and I used to represent the ports in South Carolina—what we have is not just the ship but we have ship crews available to al-Qaida. Osama bin Laden can easily get three to four. He does not have to send them to flight school in Arizona or send them down to Florida. He has them. They are experienced tanker crews. These three or four experienced tanker crews could work their way into a good Exxon or Texaco or Unocol or other oil company, a Chevron tanker, come with that Shell tanker into the port of Philadelphia, up the Delaware River, and just before they reach port, the three or four could throw the captain over, take control of the ship, and ram it right into the tank farm, and blow it up.

Booz Allen Hamilton did a study; and if there was a major terrorist act at the ports, we would have to close down the eastern seaboard. The stock market would have to close. We are talking serious business. And here it is that we, as a public body, have set the responsibility with the Coast Guard, the Transportation Security Administration, and the Homeland Security Department. We have said come up with plans and have them ready and approved by this time next year, but at least submit them and have them gone over with, starting in December of this year. That money is needed—not the $4.2 billion authorized. I don't know of any more critical thing.

I worked on Homeland Security with our distinguished chairman, Senator COCHRAN. Actually, I had the U.S. entry and exit program. That was under my Subcommittee on Commerce, Justice, State. I am totally familiar with the FBI, the Immigration Service, the Drug Enforcement Administration, and many of these particular customs. But this particular port thing is real because it is mammoth and it is a way to close down the economy for a year to 2 years on the east coast. There is no question. Go into Houston, TX, and you have ruined the south. We would have to start rationing. Go into Long Beach, CA, and you have closed down the west coast area.

I worked with all the committee members as best I could. I said there is no other place to find funds, other than what Secretary Ridge himself indicated when we asked why they didn't submit an amount for port security itself. He said it already is in the critical infrastructure facilities program. So we take that money out of there, and we get it an offset. Of course, working on the committee, that really takes us to some need that is denied in any other area. We can increase that amount. We will be working with an increased amount, hopefully, when we get to conference on Homeland Security.

As the distinguished chairman and ranking member know, we must have more money in Homeland Security. We must have more money in our little Commerce, Justice, State bill that has been cut $910 million, way below last year. We could not go into conference with our House friends and formulate a bill and take care of the FBI and all of the other agencies. Just yesterday, the FBI was increased in this year, $410 million on the House side. I believe if you proposed that amendment in the next 10 minutes on the floor of the Senate, it would receive an almost unanimous vote. We do not want to cut from the FBI that is enforcing laws against crime.

FBI Director Mueller is doing an excellent job fashioning domestic intelligence efforts. We never wanted to have that in America, particularly after the McCarthy days and the House un-American Activities Committee. We said, learn and study and make absolutely certain that we are not spying on each other and having a domestic intelligence service. Now, with the war on terrorism, we need it. That has to be funded.

This is for just a modest request of the billions and billions included for fighting the war on terror. The former Commandant of the Coast Guard and now the head of the Transportation Security Administration, Admiral Loy, is doing an outstanding job.

We had a debate within the committee to try to get a sufficient amount just for the transponder tower. An airplane cannot approach the coastline of the United States of America without us identifying it. We cannot do that with respect to shipping. We are trying our best to use some overhead satellites, but we need to put up the towers.

Once the towers are there, then we can require the vessels themselves to install the transponders.

As of this moment, we have to get these plans and we have to get them moving. The communities are moving. They are ready, willing, and able. They are submitting some of these plans already at the Coast Guard office in the Transportation Security Administration. But we do not have the money to follow through. This is an unfunded mandate of our own that we want to at least set aside this particular amount, not to solve all of the ports problems by any manner or means, not to solve all the docking facilities' problems. That would be impossible. You could not spend that amount of money in 1 year's time. But at least we will need these funds in fiscal year 2004 to follow through to get port security in America. The fiscal year begins in a couple of months time, on October 1. It is critical.

I yield the floor and I am glad to respond to any questions or comments anyone has.

Mr. COCHRAN. Mr. President, the distinguished Senator from South Carolina has raised an interesting question with the amendment that he has offered. He proposes to add $300 million for the Port Security Grant Program administered by the Transportation Security Administration and to take that money from another part of the bill—$300 million from the Information Analysis and Infrastructure Protection Directorate. This is the Directorate that has the responsibility to conduct assessments of critical infrastructure to protect cyber-security in that structure, and to provide the ability to deal with the Threat Alert Advisory System.

The total provided in the bill for Information Analysis and Infrastructure Protection would be reduced from $823.7 million to $523.7 million. I am advised that this would deal a severe blow to the Department of Homeland Security efforts to provide the assets needed to protect our Nation's critical infrastructure.

Let me also observe that this was an amount that was included in the amendment we dealt with yesterday offered by the distinguished Senator from West Virginia, Mr. BYRD, although in the amendment offered by the Senator from West Virginia, he would have increased port security grants by $460 million.

The amendment of the Senator from South Carolina proposes to increase it by only $300 million.

But let me put in context what a substantial increase that is and what a difficult time the Transportation Security Administration would have in wisely and thoughtfully disbursing those grants to ports throughout the United States.

Let me illustrate that by suggesting that we already have $100 million in the bill for next year's spending. But we already appropriated $365 million in fiscal years 2002 and 2003. Of the $365 million already provided by Congress to the administration for these purposes, only $260 million has been obligated by the administration.

So we have a proposal to add $300 million on top of an account where we have $105 million that is unobligated. How much we can spend is a question we can ask, but we must also ask how much we can spend wisely in a coherent and thoughtful way.

If you are a port director out there and the word goes out that the Transportation Security Administration now has over $400 million to spend for these grants, you better get a grant application in. If you get it in quickly, you will probably get it approved whether you need it or not, or whether it is a good request or a thoughtful request.

I am not suggesting anyone would send in something like that, but the whole point is if we create an atmosphere where there is a rush to Washington for the money and there is more money up there than they can spend and the word goes out across the country to that effect, we are not contributing to national security or to homeland security; we are contributing to the disarray that this agency would be in in trying to deal with the applications in a thoughtful and careful way.

I am hopeful the Senate will look very carefully at this proposal. I suggest it should be rejected. I don't think we are going to measure the success of this bill with whether or not we spend as much as we possibly can but whether we have spent what we need to spend this next fiscal year. Of course, more money is going to be needed later. You can't do it all in 1 year. They haven't been able to spend the money we appropriated last year.

Think about that. Now we are going to add $300 million more to a $150 million account.

I just think this is piling money. It is going to create a big pile of money and maybe create a false impression of security. Appropriating the money is not going to improve our security. It is the things we do with the money and how it is spent according to a national plan.

I am hopeful we can monitor as we go along how the administration is spending the money. It would be good to know from the Transportation Security Administration why they haven't been able to get the money out that we previously appropriated. What is the reason for that? It would be good for us to be able to describe that now. Maybe somebody from the Transportation Security Administration can call us and tell us why they haven't spent it. That may help us put this amendment in context.

But I am hopeful we will help ensure before we appropriate an amount like this that the Transportation Security Administration is able to make the assessments and judge the quality of the grant applications that it receives to be sure the money is being disbursed where it needs to be disbursed as a matter of national security priority.

I don't think we have the capacity in the Congress to decide the priorities among the different ports. Obviously, some port directors have suggested they need more money than they are getting—that the money that is available is not enough.

I am sure the reason behind this amendment is the impression somebody created.

But I am not sure we have the information available to us right now that is convincing enough to take $300 million away from infrastructure assessment and analysis and shift it from one Directorate to another Directorate. We may be undermining a very essential part of the effort of planning and assessing priorities and establishing priorities if we move $300 million from one account to the one suggested.

I am not sure we can say or we have the evidence that we are now retargeting the money in a way that is consistent with our overall national plan. The administration says they don't want this amendment approved. They do not want the $300 million shifted in the way that the Senator from South Carolina suggests.

I think we should give them the benefit of the doubt. I am not the Secretary of Homeland Security. I don't spend all day every day working to discharge the responsibilities that Secretary Ridge has, that those who work with him have, and the heads of the Directorates who have been given the power and the responsibility to manage the authorized activities that we put into law when we created this new Department. We have a lot of other things to do.

I am on five subcommittees of the Appropriations Committee. We have to deal with the Interior Department's funding. We have the Department of Agriculture.

My friend from South Carolina has served as chairman of the State, Justice, and Commerce Appropriations Subcommittee. There are a lot of other areas that you have to become familiar with and concentrate your attention on to discharge your own responsibilities as a member of this committee. The Homeland Security Subcommittee is just one of 14 different subcommittees that we have in the Appropriations Committee.

The point I am making is that we have to give credit to the administration and those people who have been appointed by the President and selected by Secretary Ridge to help them carry out these responsibilities in developing a national plan, assigning priorities in submitting a budget request, and defending it in hearings before our committee.

I think we have done a reasonably good job of trying to assess how we divide the money that has been allocated to our subcommittee. Everybody wants more money. There is no doubt about that. I haven't had a single request saying don't give us the amount of money we asked for in the budget resolution. The impression you get from everybody is that they could use more money. But how much more?

Mr. President, $300 million is a lot more for this one agency, this one administration entity, the Transportation Security Administration, over and above what we put in the bill, and more than they have been able to spend in the last fiscal year. The fiscal year is almost up. We are well into the year 2003 and they have over $100 million they have not obligated.

Let's give them $150 million for this next year. We will monitor carefully the use of those funds. We will monitor the needs that are submitted in the form of grant applications from around the country. We will ask them to give us a report as to why they are choosing some applications for approval and funding over others, what are the criteria.

But to come in now and say, we know better than what they are doing, we know better than what they are suggesting, we know better than what the administration is asking for, to the tune of $300 million for this one agency, I think is too much, is going to hurt one agency to try to help another. And we just do not have the facts to support it.

So with great reluctance, I urge the Senate to vote against this amendment. I have a tremendous amount of respect for the distinguished Senator from South Carolina. He is one of my best friends. I have admired him a long time. I know he has approached this in a thoughtful way, and it hurts me to say I just think he is wrong and I believe we ought to defeat the amendment.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I appreciate the complimentary remarks but you can't any better describe the Senator's resistance and objection to the amendment other than as fanciful. He goes off into all of the committees. It is very interesting to hear him in opposition to this amendment say that we have five subcommittees. Each of us have five subcommittees on the Appropriations Committee. There is nothing new about that. Yes, that is what it is, the appropriations for the entire Government.

Here is some $29 to $30 billion we are expending for homeland security. I am talking about one particular section where they have facilities-based critical infrastructure. When asked, Secretary Ridge said: Well, that's the way it is. We are going to take care of it. We are going to take care of it. But when we received the budget, it was not taken care of.

I am not guessing with figures. The $300 million is just a minuscule part of the $1.7 billion request sitting on Admiral Loy's desk. I wish he would call up and get his staff to work and find out the facts.

We started off with $1.2 billion, and the ports came in requesting $1.7 billion. Well, it takes the Coast Guard and it takes the Transportation Security Administration some time to look over, in detail, these particular submissions of $1.7 billion. This amendment is just to get it started with $300 million.

To say that we would create an atmosphere of waste, that we would contribute to disarray, that we may be undermining the process—come on. What nonsense is that? Here we worked on this thing in a bipartisan fashion. We had 100 Senators—all Republicans and all Democrats—approve $1.2 billion. The Coast Guard itself comes in and says, in order to meet the request, the needs for port security, it is going to be at least $7 billion.

They have on their desk, as I speak, $1.7 billion in requests. And he says, we don't have the information and that this might contribute to disarray. Come on. Disarray? It contributes to security. He said it would be undermining the process and contribute to insecurity. I never have heard such an argument in my life, when we have the actual facts and we minimized the request that we know is absolutely needed.

They can vote it down. We are not the Mother Superior Security around here. But I do have a conscience about this issue because I worked with all sides of the aisle. I worked intimately with Admiral Loy. I work now with Admiral Collins of the Coast Guard. I have been to the ports. We have had, under the leadership of Senator BREAUX of Louisiana, field hearings to all of these particular ports and everything else.

We don't really begin to get true security but this is just the minimal requirement to get the process out and working. He says they are wisely, thoughtfully disbursing. That is exactly what we are doing, trying to get the disbursement of the funds there. They are hanging back because they can't get the studies made, and everything else, and can't go out and examine the ports, and what have you. They don't have all of the personnel. They don't even have the towers up for the transponders.

You could talk for the rest of the afternoon about the needs of the Coast Guard. They are the best agency we have in the Government for the money we spend. I can tell you that right now. The Coast Guard is outstanding. They have said: Our appraisal now is for at least $7 billion. And that was last year at this time. They have requests on their desks for $1.7 billion and all we are asking for is $300 million.

We hear how we all have five subcommittees and every subcommittee wants more money, and this is just asking for more money because we have a subcommittee. Come on. That is not responsive at all.

I hope the Members will act in the security of the ports of the United States and approve this particular amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I rise in support of the amendment offered by Mr. HOLLINGS.

The Coast Guard estimate on the first year cost of implementing the port security standards was $1.1 billion. That was the Coast Guard estimate: $1.1 billion. Let me say again, that was the Coast Guard estimate.

Let's see how much we provided.

Previously appropriated: $365 million; the committee bill, $150 million; the Hollings amendment, $300 million—making a total of $815 million. So $815 million, even including the amount in the distinguished Senator's amendment, is still well short of the $1.1 billion that the Coast Guard estimated would be the first year cost.

I note that the Department received over $1 billion of applications. So the Department can spend this money. It can spend this money well. The only reason that the Department has not spent all of the money that was approved by Congress last year is that the administration refused to spend the money. They did not get their act together and agree to spend the money until Congress directed them to do so in the April supplemental.

We are talking about national defense here. We are talking about defense of the homeland. We are talking about homeland security. That is the most important part of national defense: defense of the homeland. Oh, we spend $1 billion a day for national defense, not including homeland security—$1 billion a day, a total of $368 billion for this next fiscal year. That is $1 for every minute—I am looking at my watch—that is $1 for every minute since Jesus Christ was born. I have already been speaking for a minute. It takes me 5 minutes to say, "Good morning, how do you do?" But $1 per minute for every minute since Jesus Christ was born.

We spend $1 billion a week in Iraq. We invaded a sovereign state without being provoked to do so. That sovereign state did not attack us. But under the preemption doctrine of the Bush administration, we attacked, we invaded a sovereign state that had not provoked us, that had not attacked us and was not and never has been, never has constituted an imminent threat to the security of the United States.

I voted against that resolution on October 11 of last year. I am proud I did so. I don't back up one centimeter in the statements I made at that time when I said that contrary to what the Bush administration was saying, contrary to what the President of the United States was saying, Iraq did not constitute an imminent threat to the security of the United States. It didn't then. It doesn't now. And it hasn't at any point in between. I said it then. I say it again. Yet we are spending $1 billion a week in Iraq. We ought not to have been there. We ought not to have sent our people over there. But we can save that for another day.

I am a minuteman when it comes to discussing that subject. If I had been living in 1775, I would have been one of the members of Captain Parker's minutemen who assembled on the green of Lexington. No, we had no business sending half of the combat-ready brigades in our Army, half of the total number of brigades. We have 33 brigades; half of them, 16, are in Iraq. And then we talk about spending money here to protect our ports, and it is too much money to spend? No.

I compliment the Senator from South Carolina on his amendment. We are getting men killed over there daily, on the average of one a day in Iraq. How long, how long are we going to continue to spend $1 billion a week in Iraq? How long are we going to see the body bags of American men and women coming back from Iraq, a war that we should not have fought? There was no reason to fight that war.

Now, with respect to the amendment, the Coast Guard has estimated that it will cost the ports $5.4 billion during the next decade to implement Maritime Transportation Security Act standards, including $1.1 billion this year. Yet the President did not request one dime for port security. This amendment would increase port security grant funding from the $150 million contained in the bill by $300 million. This would provide a total of $450 million for this program.

As I noted yesterday on my amendment, the Commandant of the Coast Guard testified before the House authorizing committee, on June 3, 2003, about the implementation of the Maritime Transportation Security Act legislation. He said:

> The regulatory impact on the Maritime industry will be significant, and the time line for implementing the new robust maritime security requirements is exceptionally short.

However, the administration, while aggressively supporting Federal security funding for the aviation industry, has failed in four straight spending requests to include a single penny for port security grants, even though 95 percent of all non-North American U.S. trade enters our 361 ports around the Nation. This year, the Transportation Security Administration received over $1 billion of applications from the ports for limited funding that was approved by Congress last year. There clearly is a demand from the ports for help to harden physical security to reduce the Nation's well-documented seaport vulnerability.

The Hollings amendment addresses what many experts view as the greatest vulnerability in the Nation's defenses here at home. During the Senate Appropriations Committee's Homeland Security hearings last year, one witness, Stephen Flynn, noted that the Nation's seaports are the only part of an international boundary in which the Federal Government invests no money in terms of security.

"Most ports," said Stephen Flynn, "the best you can get is a chain-link fence with maybe, maybe some barbed wire." That was Stephen Flynn testifying before our Appropriations Committee in April a year ago.

Who is Stephen Flynn? Well, let's see. Stephen Flynn was testifying before the U.S. Senate Committee on Appropriations. Stephen Flynn is a senior fellow, a Ph.D. senior fellow, national security studies, Council on Foreign Relations. He said he had just retired from the Coast Guard after 20 years of service the previous March 15. And he had assumed the position as the Jeane Kirkpatrick Senior Fellow for National Security with the Council on Foreign Relations.

He concluded his testimony by saying this, calling attention to the need for security at our ports:

This is a problem of the very first order. This is not a low politics issue. This is a problem that should not just be keeping me awake at night. This should be one that the Secretary of the Treasury, the Secretary of Commerce, the U.S. Trade Representative, and certainly the President of the United States should be deeply concerned about because what we are talking about is the sustainability of global commerce and those on-ramps and off-ramps at our ports, and they do not have security right now.

So there you are. It should not only be keeping these eminent personages awake at night, it should be keeping us Senators awake at night. And it may do so at some point. I hope not.

Madam President, I laud the distinguished Senator from South Carolina on his amendment and on his statement in support of the amendment. He is not a Johnny-come-lately on this matter. He is the ranking Member of the Senate Committee on Commerce, Science and Transportation, and on our Appropriations Committee he is a man of great seniority and experience. He has been chairman and is now ranking member of the Subcommittee on Commerce, Justice, State. So he lacks nothing when it comes to experience. He is from a State that has great seaports. He has been talking about this particular matter for many months. So I salute him and I again compliment and thank him. I support his amendment.

I yield the floor.

Mr. NELSON of Florida. I want to express my strong support for Senator HOLLINGS's amendment to strengthen security at the Nation's seaports.

Improved seaport security is an absolutely essential part of homeland security. Many of the Nation's ports are woefully insecure and are located in or near densely populated urban areas. A weapon of mass destruction could be delivered by a cargo ship and unleashed on tens of thousands of Americans before authorities could react.

Such an attack would also be trouble for the economy. A major incident at one of the Nation's largest seaports could have a dramatic impact on the flow of goods in and out of the country, which could in turn weaken the already soft economy.

Florida's 14 deepwater seaports handle roughly $47.6 billion of water-borne commerce each year. That figure represents almost two-thirds of the State's international trade in 2002. Florida's seaports handle roughly 115 million tons of international and domestic commodities as different as cars, apparel, steel, bananas, petroleum, and computer products.

Most of these goods pass into the country uninspected, because the Nation's ports lack the manpower and technology needed to inspect every container. In fact, only 1 to 2 percent of all cargo coming into this country is inspected. That is unacceptable.

What can we do to solve this problem?

The Coast Guard estimates the total costs of implementing security at state-owned and private seaport facilities will exceed $7 billion over the next 10 years. We should acknowledge the

Coast Guard's expertise by allocating a significant portion of the $7 billion they recommend is necessary to tackle this problem. And we need to commit to providing the remainder in a timely manner.

In short, we can't address the port security problem soon enough. The $262 million already allocated by DHS is a modest start, but the committee's fiscal year 2004 commitment is not sufficient. Shortchanging our ports this year will only slow the process of upgrading the Nation's port security enhancements over the long term.

I ask unanimous consent that my statement appear in the RECORD prior to the vote on the Hollings port security amendment to H.R. 2555.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Madam President, the statement has been made by the chairman that the administration opposes this. I wonder. I will go right to the text of the distinguished Senator from West Virginia on Iraq. A few comments are necessary when you say the administration was saying various things to get us into the war in Iraq. Now we find out not just one swallow makes a spring, but one 13-word sentence got us into the war. We heard that in 45 minutes Iraq could launch a chemical attack. We heard about the aluminum tubes.

We had the distinguished Secretary of State at the U.N. with photos pointing out that there they are, can't you see? You knew he was a judicious and careful witness up there. You had—well, of all things, not just the yellowcake from Niger in Africa, you had the Vice President of the United States, DICK CHENEY, say just days before the attack in Iraq that they had indeed reconstituted nuclear. And I worked with the Presiding Officer in Transportation, which I will get to in a minute, when she was Secretary of Transportation.

But getting right to this particular point, I didn't have any fear about any imminent attack on the United States or maybe an imminent attack in the Mideast, on our friend Israel. Israel doesn't have time to play games. If you have ever been there—the numerous times I have been there, with an air alert, within minutes the planes alerted in Israel are found over Jordan, or over the Mediterranean, or over Syria. They are gone. They have left the country. The country is in a sense, a sort of aircraft carrier. So they cannot play around with conferences.

There isn't any question on the credibility of the so-called statements that the administration said, the administration requested, the administration demanded, the administration vetoed. I think the poor President has a hard time getting along with his staff on the information he gets. First he said the Director of the CIA was responsible; he had him apologize. Now he says a White House national security staffer is responsible; he had him apologize. We will pick up the morning paper and find it was somebody else. But he put the picture on his own White House Internet site of him going over every line, word for word, in the State of the Union, with his own hands. I wish I had that in my pocket. I would submit it for the RECORD so everyone could see it.

So don't give me this about the administration. The best of the administration wants this. The head of the Transportation Security Administration cleaned that agency up, frankly, after we instituted it. We had a rather inept administrator there at first, and I speak in praise of Admiral Loy, because he came over from retirement as commandant of the Coast Guard. I have been with him on hearings and on field trips. As the distinguished Senator from West Virginia pointed out, there is over a billion-some in requests by him. This would only get us a little of what he needs.

Who speaks for the administration on homeland security? Not those amateurs in the White House who, in tomorrow's paper, will apologize for whatever they said, or whatever they forgot, or whatever they didn't know. We know. We have studied this thing. We tried and we got, in a bipartisan fashion, 100 senatorial votes, Republican and Democrat, $4.2 billion. Since that time, Admiral Loy said the need is going to exceed $7 billion. Since that time, on his desk are requests for $1.7 billion. Obviously, he is not going to respond to every one of the requests. He requested $1.2 billion. These are facts.

So when the distinguished chairman says you have to wisely, thoughtfully disburse, that is exactly what we are doing—wisely, thoughtfully, and in a minimal fashion, as we are not getting what factually has been requested. So I dissent from the expression that we don't have the information. I resist the idea that this particular amendment may undermine the process and contribute to the insecurity, when we backed up with needs and everything else around here. I have been working since 9/11 on trying to provide for the particular needs of the ports—and these are the major needs of the major ports.

When you talk about a member of a subcommittee and every member wants more money for their subcommittee, this is not that at all. This is something we worked on in the Transportation Committee.

As the distinguished Presiding Officer knows, when she was the Secretary of Transportation, we worked in a bipartisan fashion on the Reagan National Airport. We did a lot of good things.

I have worked in a bipartisan fashion. I have not worked around here on port security because we just think, since I am a member of a subcommittee, I want to put in an amendment and get a little bit more money. We are behind the curve on port security in this country, and I am worried about it, in all candor.

This is a minimal amendment. I know the staff, and everyone else, including the Department, want more. They have said so and have requested more. I have requested $300 million to be added to the amounts.

I hope folks will in a bipartisan fashion support this amendment so we can get the Transportation Security Administration and Admiral Loy and the Coast Guard some financial support to get these funds administered and disbursed and get security in the ports of America. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, there has been much made about the suggestion from the Coast Guard that we should have over $1 billion available for port security activity. Let me point out that in fiscal years 2003 and 2004, several other agencies of the Department of Homeland Security, other than the Transportation Security Administration, have been provided funds that are to be used for port security activities. The Coast Guard itself has been provided up to $888 million in 2003, and it is provided $1.201 billion in this bill.

The Bureau of Customs and Border Protection has been provided $170 million for increased personnel at maritime points of entry, and $33 million is available in this bill for all ports of entry, including seaports, for the container security initiative. All have been funded in a total amount, if we add it up over 2003 and 2004, of $3.29 billion available for the security of our Nation's ports.

We are doing our best to allocate the funds to those agencies within the Department that can help us secure our maritime ports. I hope the Senate will agree with us, but it is now time for the Senate to work its will.

I move to table the amendment of the Senator from South Carolina, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay".

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—50

Alexander
Allard
Allen
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—48

Akaka
Baucus
Bayh
Biden
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Graham (SC)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NOT VOTING—2

Kerry
Lieberman

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote and I move to lay that on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from North Carolina.

Mr. SCHUMER. I am flattered. Although I love New York, I have never been told I come from anywhere south of Washington, DC.

The PRESIDING OFFICER. I apologize to North Carolina.

Mr. SCHUMER. I was trying to be nice, Mr. President, but I guess that does not pay around here these days.

AMENDMENT NO. 1343

Mr. SCHUMER. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1343.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the funds for research and development related to transportation security, and for other purposes)

On page 49, beginning on line 14, strike all through line 19 and insert the following:

For necessary expenses for research and development related to transportation security, $200,000,000, to remain available until expended: *Provided*, That of the total amount provided under this heading, $45,000,000 shall be available for the research and development of explosive detection devices: *Provided further*, That of the total amount provided under this heading $70,000,000 shall be available for the Secretary of Homeland Security to award grants under section 70107(i) of title 46, United States Code, to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States.

Mr. SCHUMER. Mr. President, I hope my colleagues will listen to this because maybe we can get this accepted without a vote. As many in the Chamber know, as does certainly the Senator from Alaska, Mr. STEVENS, to me one of the greatest holes, one of the greatest weaknesses we face as we try to defend our homeland is we are not doing enough to prevent the smuggling of a nuclear weapon into this country. Our greatest nightmare would be that some evil group of people get ahold of a nuclear weapon and put it in a container in a ship and send it to our shores. The devastation that would ensue would be enormous. Unfortunately, there is very little to prevent that from happening now.

We are trying to tighten our general cargo system, but it is not enough in terms of preventing a nuclear weapon from coming into this country.

I sought experts shortly after 9/11 and said, How do we prevent this from happening? They said, There is good news and bad news. The good news is nuclear devices are detectable because they emit something called gamma rays, which pass through everything. The bad news is the only practical detection devices right now are Geiger counters and the Geiger counter has to be held 2 or 3 feet from the object.

You can't go on every container and put a Geiger counter near each crate. It will bring commerce to a standstill. But, they said, the cyclotrons at Brookhaven National Lab and Argonne, our national energy labs, detect radiation 60, 70, 80 feet away. The trouble is, the devices are not practical. They are delicate, they cannot be bounced around, and they are large. But, they said, it should not be too difficult to practicalize these devices and then place them on every crane that loads or unloads a container. It would emit a noise if, God forbid, a nuclear weapon were on board that container, and we could stop it.

Everyone agrees this is a good thing to do. The problem is finding the resources to get it done. So last year the Senate voted for $150 million to do this. But when we got back from the conference, I think $10 million was left in, which was not close to enough.

I have proposed in this amendment that we add another $70 million to general homeland security research, solely for the purpose of developing these nuclear detection devices. But if my good friend from Mississippi thinks we do not want to add any money into the bill, I would be satisfied with earmarking $70 million of the existing research funds for this very purpose. Although it would take money away from other research, it would not increase the overall amount.

I cannot imagine research that is more needed. As I mentioned, I would be happy to substitute the second amendment which does not raise the overall price and earmarks the money.

All I can say is, God forbid a nuclear device is smuggled into this country; it would be our worst nightmare. The fact we can do something about it and the fact we are not doing enough about it to me is a dereliction of our duty, of our responsibility to make our citizens safe. I want to be able to say to my constituents—I think every Member here does—that every container entering this country has no nuclear weapon in it. By developing technologies like passive detectors, we can make sure that happens. There is not a question as to whether this is feasible. It is not just spending the money and putting it down a black hole. The $10 million that was allocated last year, even though this House voted for $150 million, is too little. The $70 million—I would rather have it be higher, but the bottom line is this. Terrorists know our weaknesses. Right now, let's hope none of them has a nuclear weapon. But, if, God forbid, they did—if, God forbid, they did, they could bring it into this country through one of our ports and have a darn good chance, an all-too-high chance of succeeding.

So I say to my colleagues, there may be no amendment to this bill more important than this one to the future safety of our citizens, our beautiful and wonderful 280 million Americans; maybe no amendment that we vote on this year. This is a quiet issue. It has not garnered that much attention. But it is a vital issue. This should show whether Government can work. Because this is what we should be doing.

I hope my friend from Mississippi will accept this amendment. I would rather not call a vote on it. As I said, I would be willing to substitute for this the offset. But we cannot delay any further. Every year we delay makes it more likely that this horrible situation could occur.

I do not want to be in a "what if" mode. What if, God forbid—God forbid—a nuclear weapon were exploded in this country? And what if the next morning we said to ourselves: Why didn't we do something about it when we knew we could?

With that, I will relinquish the floor and hope my colleague from Mississippi and others could work something out here so we could come to a compromise and get this amendment accepted in the legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I was listening to the Senator from New York to be sure I understood what he was suggesting. He said if I didn't agree to one thing he would offer another thing and I am not sure what he sent to the desk and that is why I decided to go look. From what I understand, the Senator has offered an amendment that would—well, the reading of this seems to add $70 million, or earmark $70 million from the amount made available for research and development to the Secretary of Homeland Security, to award grants to national laboratories, private and nonprivate organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States.

What he then talked about was a technology he would require to be developed with funds in this amendment to detect nuclear explosive devices that were attempted to be brought into ports or brought into the United States.

The point is, we already have in the bill $55.2 million for a technology center which conducts the research and engages in the work that leads to the development of such protective devices.

I am confused by what the Senator said he is trying to do and what he sent to the desk. I have to be honest.

Mr. SCHUMER. Will the Senator yield?

Mr. COCHRAN. They are not all the same thing. That is my point.

I would be happy to yield.

Mr. SCHUMER. I have taken the first amendment and added $70 million in general homeland security research. But it requires the research to go into port security. The language is not specific. I can make it specific. It was intended to be for the research into these devices. We can get together and make it specific. I don't know why we didn't. We probably should have. But it just earmarks it for port security as opposed to general security.

The second amendment, which I haven't sent to the desk, doesn't increase the overall amount for research and development. But this one does. This would increase it by $70 million. It is not taken from the rest. But the other one earmarks $70 million of the existing $130 million for this very purpose.

If the problem is making the language more specific, I am willing to do that.

I am not familiar. I ask my colleague a question: Where does the $55 million that he is refers to go? As I understand it, there is $10 million we passed last year. But I would be happy to look at that. I have no pride of authorship. I just want to get these devices done.

Mr. COCHRAN. Mr. President, if the Senator has completed his statement, I would be happy to continue. The committee is recommending in the appropriations bill $130.2 million for research and development. The way that is broken down even further as explained in our committee report on page 31, $55.2 million goes to a Technological Center for Research and Development. That is where the kind of work the Senator is talking about is done. An additional $45 million goes to the next generation of explosive device systems. The third category of funding is $30 million which goes to an air cargo pilot program.

The point is the Senator is coming in and adding $70 million to this account without an offset. That is going to violate the Budget Act. Because we have been unable to accept any amendments that are drafted like that, I would be constrained to make a point of order because the amendment would violate the Budget Act. That would be my intention if the Senator insisted on this amendment. If the motion to waive the Budget Act fails, the Senator can offer his alternative.

I do not know how else to proceed to consider the other amendment unless we deal with this one first. I just wanted to make that point.

Work is being done now. I am advised that work is being done now on the kind of research that would lead to, we hope, eventual deployment of the kind of system about which the Senator is talking. But we are unable to earmark that kind of money in this bill without eliminating funding for other research activities which are also underway.

We can't do everything at once. There is just not enough money. That is the rationale for having to make some choices and to allocate the funds as the committee has chosen to do in this bill.

If the amendment the Senator is offering does violate the Budget Act, I am going to have to make a point of order. And the Senator can move to waive it. The Senator can move to waive it, if he so chooses. He has that right.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. COCHRAN. I have yielded the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I first make a point. Yes, there is $55 million for this, but none of that has to be used for nuclear security devices. There is no allocation for any research to be done for this very important part of research.

I have to say, with all due respect, that there are lots of different kinds of research which will be done that don't guarantee any. Last year, we put $10 million in for this, but the Senate voted for $150 million.

But I ask my colleague a question: First, where is this institute? I am not even familiar with it.

Mr. COCHRAN. Mr. President, if the Senator will yield, the technological center is in Atlantic City, NJ.

Mr. SCHUMER. Second, I ask my colleague if we were not to violate the Budget Act but, say, allocate $70 million or some sum within the $130 million for research that should specifically go for nuclear detection devices, would my friend from Mississippi be willing to support something like that?

Mr. COCHRAN. Mr. President, I would not. I am not going to tell an agency of this Homeland Security Department how to do research or where to put the priorities for research. Some of the information about detection of these devices I am sure is classified. I am not going to get into the business of having a public debate over exactly how much is being spent on that. We have asked the directorate if funds are being used to conduct this research, and they say that the research is being done. But, frankly, I don't have a dollar figure that I can tell you as to the exact amount which would be spent in this next calendar year on this subject. But it is less than $5.2 million. We know that.

Mr. SCHUMER. There is $10 million we allocated last year for this. The Senate voted for $150 million. There was no subcommittee at that point on homeland security. Senator STEVENS supported it. But when it came back from conference, it only had $10 million in it.

I think my colleague would understand that this kind of research should not be done in some new institute. There are experts who have done this already at our national energy research laboratories. They can detect radiation. It is just that the device has to be practical, and it is not right now. That is why we need this specific quick allocation.

But if my colleague from Mississippi doesn't want to allocate any specific money for this purpose, whether we violate the Budget Act or not, I guess there is no compromise we can reach.

I would be happy to yield to my colleague.

Mr. LAUTENBERG. First, I commend the Senator for this very thoughtful and very important amendment. I wondered whether the Senator was aware that though we have a research facility in Atlantic City in my State, it is primarily focused on aviation. While they do explosive research, I believe the Senator would agree that this is more intent on examining the result of nuclear explosives—the kind of detonation that would really wipe out a whole port or a major facility.

Is that what the Senator wants to establish—that it is port specific and maritime specific and that we ought to get on with it to protect our ports?

Mr. SCHUMER. I thank my colleague for that point.

I say to my friend from Mississippi that it is probably likely that none of the $55 million of this specific institute, which I am sure is doing a very good job on air research, will do this. Then I say to my colleague—I say to everybody here—to not put any money into this when this is the greatest danger we face is a dereliction of our responsibility. I am willing to offset. I am willing to work. But the $55 million that is in this institute is not going to go to the kind of research we are talking about. Even if they were to give the money to this institute to do it, it would have to reinvent the wheel when our existing research laboratories can do this.

Last year, we had sort of a consensus that we had to do something, but in conference we lost the dollars. We are taking a step backward here. This is what everyone worried about after 9/11—that we would become complacent. From all of the moneys in the budget, we can't find $70 million to do research to deal with perhaps the greatest danger that faces us. That is wrong. That is something we, hopefully, will never regret. But we may.

I say to my colleague from Mississippi that this Atlantic City research center, as my friend Senator LAUTENBERG from New Jersey said, is part of the FAA. That has nothing to do with the research we are talking about. It does a good job.

I ask my colleague, where is this research going to be done?

I say to all of my colleagues, if we don't do this amendment, and we say it is because of the Budget Act, my goodness, we just passed $350 billion in tax cuts without even talking about the Budget Act. And we can't spend $70 million to make our homeland secure from the greatest danger that would face us—greater than biological weapons, greater than chemical weapons? What is the matter with us?

Mr. LAUTENBERG. Will the Senator yield for another question?

Mr. SCHUMER. I am happy to yield.

Mr. LAUTENBERG. If there was a manifest that said "nuclear weapon on its way," could you imagine something like that? We have all these containers. These are hidden boxes. You don't know what kind of cargo is in them. To me, it is one of the more susceptible areas for a terrorist attack of major magnitude. Thus, I ask the Senator, do you know from what part of the budget the $70 million you are proposing be used, which is out of $29 billion and is a very small fraction when you consider the risks that might ensue?

Mr. SCHUMER. Right.

Mr. LAUTENBERG. I understand that is where the Senator is going with this amendment.

Mr. SCHUMER. I thank my colleague for the question. Obviously, this is a real problem. Obviously, we should be doing something about it. And somehow, because the committee, in its wisdom, said $55 million for this and $40 million for this and $10 million for this, and we can't break the Budget Act, we should ignore this problem. Why the heck do we have amendments on the floor? No one objects to the substance, it is just finding room for it.

I would just, once again, say to my colleagues, I plead with you; this is not a political issue for me at all; this is about the safety of America. Let us find some way to find some money.

I am not saying the committee should be omniscient and should have thought of everything. This is one area on which I have spent a lot of time. I can assure every one of my colleagues that the money could be well spent. Every expert says it can be done. And every expert who looks at our budget says it is not being done now or is being done at such a slow pace that we are almost inviting people to harm us.

So I am disappointed—I have to tell you, I am disappointed, whether we violate the Budget Act or not, because I am willing to go either way—that we cannot find one thin dime more for this vital research.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, in addition to the research account that the Senator seeks to amend with the amendment he submitted and which is at the desk, the Department of Homeland Security is engaged in a wide range of broad-based research activity under the auspices of the Science and Technology Directorate.

The Transportation Security Administration funding is affected by the amendment at the desk. There is a lot of other research that is being done relating to radiological and nuclear countermeasures. I am convinced that much of what is being done in terms of developing new ways of dealing with the problem the Senator describes is being done under the auspices of the Science and Technology Directorate.

Here are some examples of the work that has been funded over the last 3 years and is being funded again this year in this bill: sensor research and development. This is for radiological and nuclear countermeasures. In 2003, there was $10 million appropriated and enacted; $40 million reprogrammed for this account in fiscal year 2003. Mr. President, $71 million is contained in the Senate bill for sensor R&D. So over that 3-year period—$10 million, $40 million, $71 million—you have $121 million that has been appropriated for sensor R&D.

Also, there are other accounts, such as detection systems product improvement, demonstrations, remediation and consequence management—a wide range of other activities. The total for radiological and nuclear countermeasures for this year alone, in the bill we have presented, is $131 million. In 2003, the total was $75 million. So we have almost doubled the amount for the science and technology research that is being done in this particular area. So this isn't the only account that is available.

Mr. SCHUMER. Will my colleague yield?

Mr. COCHRAN. I am happy to yield.

Mr. SCHUMER. I am not aware, in all the research my friend from Mississippi read off, that any is being done for the specific thing I talked about, which is to develop not just a nuclear sensor somewhere but nuclear sensors that can go on cranes when they load and unload containers.

Every expert who looks at how they would do a nuclear device here, how they would explode one going into this country—it is very hard to do it on a plane; they are heavy; they can't do it on a truck very easily—you do it in the big containers that come through the ports.

I don't see anything, from what the Senator has read off, to show this is being done. I would be happy to delay for a bit. We could do some research and call Homeland Security and see if they are doing this. Just to read off a number of accounts and say there is research being done, and maybe some of it is being done in the area I am talking about—which I know everyone thinks is important—isn't good enough because this is so important.

So I ask the Senator, does he know of any specific funds that will definitely—not maybe but definitely—go to the research we are talking about; namely, nuclear detection devices to prevent nuclear weapons from being smuggled in, in a container?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Bureau of Customs and Border Protection is another agency that is involved in the research and development of detection and monitoring equipment and devices, particularly at ports. Port radiation detection and monitoring is funded in this bill that is before the Senate in the amount of $90 million. Mr. President, $119 million is provided in the bill for critical equipment at ports of entry, including seaports.

The point is, I am happy to join the Senator in an inquiry of the Department of Homeland Security to try to get an answer that is specific to his question. But I am not prepared to rewrite this bill on the suspicion the Senator has that not enough research is being done on this particular issue.

I think we are doing research on this point, and not at just one center or not at just one research facility. I mentioned the technological center in Atlantic City, NJ. They are doing work in this area that is funded in this particular account. That is why I described it, because it is funded in this

$55.2 million account for research and development. And that is what that is. That is under the auspices of the Transportation Security Administration.

But these other agencies, these other directorates are also involved in research over a wide range of activities to more fully and more capably protect our homeland. That is the purpose of the Department. That is why we appropriated these large sums of money, and we will continue to do so.

So I am hopeful the Senate will trust the committee to divide the funds among the competent directorates and administrators of this new Department and to maintain oversight, as we customarily have done, and will do, to be sure they are spending the money wisely.

If the Senator would take my word for it, I would be glad to follow up and monitor the use of these funds to be sure we are doing research for the development of the types of protective devices the Senator described. I think we should be able to do that. I am confident we are doing research in that area. But all I can do is tell you that. I am not in charge of it. There are people who are competent and well qualified who are doing that work. So I am going to resist the Senator's amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays on the amendment.

Mr. COCHRAN. Mr. President, to save the Senator trouble, I make a point of order that the amendment of the Senator violates the Budget Act. The amendment of the Senator from New York provides spending in excess of the subcommittee's 302(b) allocation, and under section 302(f) of the Congressional Budget Act, I make a point of order against the amendment.

The PRESIDING OFFICER. Is there a sufficient second on the amendment?

At the moment there is not a sufficient second on the amendment.

The Senator from New York.

Mr. SCHUMER. Mr. President, I move that the Budget Act be waived and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion?

There appears to be a sufficient second.

Is there further debate on the motion to waive?

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the vote on the motion to waive the Budget Act in connection with the Schumer amendment occur at a time to be decided in consultation between the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, I came to Washington in 1982 as a Member of Congress. That class of Democrats in the House of Representatives was one of the largest we had in the history of the country, second or third largest class ever. A number of my colleagues in that class are now Members of the Senate, including the senior Senator from Illinois, Mr. DURBIN. Senator DURBIN and I have been friends now for 21 years. He was an outstanding Member of the House of Representatives. He did many things so well.

One of the means set up for Members of the House of Representatives to express themselves is what they call 1-minute speeches. Every morning Senators can speak for up to 1 minute on any subject they want. Senator DURBIN gave some really classic 1-minute speeches. One that people will always remember was one dealing with baseball bats, Louisville sluggers. It was a dramatic speech and interesting, funny.

People may not always agree with what Senator DURBIN says on the Senate floor but I have always believed and always will believe that he is a man of the highest caliber as far as integrity goes. I have served in government for many years. There is no one I would put above Senator DURBIN for basic morality.

Having said that, what I want to do this afternoon for just a short period of time is defend not only Senator DURBIN, the senior Senator from Illinois, who is, in my opinion, an exemplary Senator, exemplary in the fact that he is someone who speaks out for issues he believes in, speaks out against issues he does not believe in, and he does it very well. He is a hard worker. He covers his State extremely well.

I never believed that someone could replace the great Paul Simon, a person with whom I served. He was lieutenant governor of Illinois; I was lieutenant governor of Nevada. We served in the House and Senate together, a person who we all cared about a great deal, a great deal of affection for Paul Simon because of his tremendous abilities and his being a person of great sensitivity.

I have to say that as good as Paul Simon was, DICK DURBIN is as good as Paul Simon. I rise today not only to defend the senior Senator from Illinois but I think to defend every Member of this body. Yesterday the Senator from Illinois took the floor of this Chamber to address allegations that have been made about him by others. Unknown people have been spreading rumors and innuendos that Senator DURBIN, a member of the very prestigious and important Intelligence Committee, No. 1, disclosed classified information; that is, the name of an individual in the NSC or disclosed sites in Iraq. Of course, that is simply not true. Everyone knows it is not true.

When it was shown that there was absolutely no basis to it factually, then people started saying: Well, even though the matters discussed in the very important Intelligence Committee are not secret, when a matter is discussed in the Intelligence Committee is not secret, you still can't talk about it outside the Intelligence Committee hearing room. I think having said that, it pretty well determines that that is an impossible standard to uphold.

Senator DURBIN didn't leak this information. There is no question about that. I, as every Member serving in the Senate, take an oath upon assuming this office to uphold the Constitution. Every Senator takes that responsibility very seriously. Senator DURBIN takes that responsibility very seriously. It is part of our job, as we represent the citizens of 50 different States, 270 million people. We are Senators from our respective States but we are also United States Senators. We discuss issues and debate differences of opinion. That is what makes this country so great. But also what makes this country so unique is the understanding that the common good of our country is more important than the political differences, the realization that we all respect one another enough to tell the truth even when we disagree on an issue.

No one should ever suggest that Senator DURBIN doesn't always tell the truth. I believe this very sincerely and very certainly. I again repeat, underscore, and underline the integrity of this friend that I have had for 21 years who has served this country extremely well as a Member of Congress for that entire time. So I don't want to speculate as to why someone would be spreading rumors to the contrary.

Senator DURBIN has political opinions, and he is very willing to discuss them. I hope that someone who disagrees with his political opinions would not spread rumors that are without any fact. If anyone has any evidence to the contrary, let them come forward.

But during the time this issue has been fermenting and people have been leaking information, it simply is without foundation. There has been no factual evidence coming forward. We cannot have sneak attacks on the character of a Member of the Senate. They should stop immediately.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 1344

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1344.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a report to Congress on the Homeland Security Advisory System, and for other purposes)

On page 75, between lines 5 and 6, insert the following:

SEC. . Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report in unclassified form to Congress on the Homeland Security Advisory System, which shall include—

(1) an assessment of how the system is fulfilling its missions to—

(A) provide a national framework for Federal, State, and local governments, private industry and the public to gauge threat levels;

(B) establish the integration of factors for assignment of threat conditions;

(C) unify the system of public announcements, allowing government officials and citizens to communicate the nature and degree of terrorist threats; and

(D) provide a tool for combating terrorism by deterring terrorist activity, notifying law enforcement and State and local government officials of threats, informing the public about government preparations, and providing such officials and the public with information necessary to respond to the threat;

(2) the average daily cost of elevating the Homeland Security Advisory System by 1 threat level;

(3) an evaluation by the Inspector General of the Department of Homeland Security of the responses to each of the suggested protective measures to be taken at each threat level; and

(4) a review of efforts taken by the Department of Homeland Security to refine the Homeland Security Advisory System, and the progress of tailoring the system so that threat alerts are issued on a regional basis rather than nationally.

Mr. LAUTENBERG. Mr. President, with this amendment to the Homeland Security appropriations bill, I want to see if we can improve in some measure the terrorist threat warning system that we have in place and make sure that it is working as it is intended.

I believe the current homeland security advisory system—the colorful tiered alert system—does little to reassure the public they are safer as a result of these warnings. Based on reports I get from first responders in my State and experts throughout the country, I believe this advisory system must be reevaluated and improved.

The amendment simply calls for a report from the Department of Homeland Security within 90 days of the passage of this bill evaluating how effective the terror advisory system is in meeting its goals. We are all familiar with this program. There are five levels, ranging from low risk to severe risk. You can see on the chart this color-coordinated presentation. The Department has color coded each risk level to make it easy to understand.

However, I don't believe this color war against terrorists is working. On four instances over the past year, Secretary Ridge has raised the threat level from yellow, elevated risk, to orange, high risk of terror attacks, based on increased terrorist chatter or other intelligence information. Aside from these instances in which the threat level was at orange, the system has been evaluated at the elevated yellow status since its inception in March 2002.

What I want to do now is discuss a series of concerns I have about the color-coded system and its repercussions.

First, the system evokes confusion and fear among Americans who want to respond to the elevated risk levels, but the question they raise is, Should they be changing their daily patterns without advanced knowledge about where or when they vacate their homes, offices, schools, factories, et cetera? Some Americans have stopped going to malls, some avoid public transportation, and many cancel trips. These arbitrary behavioral changes can have a serious impact on our already weak economy.

These are questions we have to ask: Does work stop? Do classrooms close? Does shopping halt, no matter how essential the goods? Should Americans take precautions?

The Department of Homeland Security doesn't tell us. I am not faulting the work they are doing, honestly, at the Department of Homeland Security. This is all still in its formative stages. We don't know quite where it is going to come to rest yet or where it is most effective.

DHS tells us to be vigilant. I don't know what that means. I am sure most of the American public doesn't know exactly what being vigilant means. The system presents high costs to local communities. When the threat level is elevated, local first responders are forced to respond by deploying already overworked police and firefighting people and by bolstering other first response systems without added Federal financial assistance.

When the DHS raises the alert, they provide almost no specific guidance to State and local governments. It requires State and local authorities to make many of their own decisions, or perhaps all of them, on how they should respond. In my State, like the rest of the country, when the alert is elevated to orange, or high, local officials tighten security on highways, railroads, bridges, bus terminals, Federal buildings, and densely populated areas. And this is an extremely expensive undertaking for State and local governments. Cost alone, while important, is not the only factor. Disruption of normal life is a victory for terrorists without any demonstrable benefit to our society.

The U.S. Conference of Mayors recently released new data compiled from a survey of nearly 150 cities nationwide. They estimate that cities throughout the country are spending, on average, nearly $70 million each and every week in additional homeland security costs due to the heightened threat alert level.

These costs come in addition to the existing homeland security spending since 9/11, which the mayors estimated to be around $2.6 billion in the first 15 months after the tragedy. However, this only asks the cities about direct costs. There are also indirect economic ramifications of code orange alerts that diminish tourism and other lucrative industries. The mayor of Atlanta, for example, has said the city's hotel occupancy is down 8 percent and 16,000 hotel jobs have been lost.

There are also innumerable indirect nonfinancial costs of the current terror alert system. For example, when a police officer who is normally assigned to antigang work, or some other assignment, is reassigned to guard a public building, that is a real serious cost to a city. And also it damages the law and order structure that must be contended with at the same time.

My third concern is that the system is not tailored to give warnings on a regional basis. Increased terrorist chatter may suggest that a major New England city is subject to a possible threat. But small towns in the Southwest are also now asked to respond.

Other nations that face terrorist threats have a more sophisticated localized system. Experts continue to recommend that the United States establish a threat alert system similar to that in Israel, where intelligence or terrorist chatter is translated into specific warnings about geographical areas that might be more susceptible to a terrorist attack. For example, in Israel, threat warnings are easier to understand. For example, the Israeli Government would issue a terror alert for an area of the country such as Galilee. If we have reference to a targeted region in the U.S., we ought to provide specific information. Is it New Jersey? Is it Los Angeles? Is it Des Moines, IA? Where is it? Is it the port that we were discussing before? We have so many port assets in our country that need to be protected against terrorist attack. So where do you apply the pressure? Where do you spend the money?

Four, when the threat level is issued, there is no description of the nature of the threat that can help those expected to respond. We are not going to be naive about this. We are not saying we have information that such-and-such shopping mall is going to be attacked and, therefore, avoid that mall. We cannot be that specific. But we ought to be able to narrow it down from just a general alert across this great country of ours to something that gives people a direction for their actions when they hear the call.

Should the Governors call out their National Guard troops to protect every chemical plant in the country—and there are hundreds of those—or transportation centers, or do they bolster rail security in every place? I do not think so. Again, this is not criticism of a system that is developing against a very serious threat to our society.

Finally—and I believe this is a key point—the system does not provide adequate instructions for the American people or local authorities. When I talk to the police in my area—and before I came to the Senate, I was a commissioner of the Port Authority of New York and New Jersey. They may get a call about something they ought to be on the lookout for, but the New York State capital is in Albany and the New Jersey State capital is in Trenton.

Do they call out their State troopers to cover all of those areas, all those police departments? In New Jersey, we have 567,000 municipalities. Some of them only have two or three policemen. What do they do? We need direction from those who have the knowledge and have the resources to research this.

The Homeland Security Department requires Federal agencies to respond to an elevated threat at the Department's own discretion, but does not issue specific guidance to Americans in State and local governments.

This lack of guidance can cause a lot of confusion and, in some cases, real panic. I have, through the process of these alerts, had calls—less now than I had in months past: Should I go to New York? My children have to travel to school on the turnpike. Should they be on the turnpike? Should we do this and should we do that? In many cases, people want to know whether they should stay home and guard their household and their families.

Lord knows we hope not, and we should take that kind of action. We cannot let the terrorists win by immobilizing our activities. We need to do better. The system has problems that at least ought to be reviewed, and I believe that improvements must be made.

I am not saying we should not spend the necessary money to deploy more police officers to malls, nuclear plants, chemical manufacturing or distribution facilities, train stations, or Federal buildings. I am a firm believer in spending whatever we have to spend to protect our security at home. But I am not convinced the homeland security advisory system is the most efficient way of assessing threat and organizing local response.

On June 6, shortly after the threat level returned to yellow from a Memorial Day elevation to orange, Secretary Ridge himself acknowledged the color-coded alert system needed readjustment. He said to the Washington Post:

> We worry about the credibility of the system. We want to continue to refine it because we understand it has caused a kind of anxiety.

Anxiety is an understatement. The system causes financial hardships, fear, panic, confusion among Americans and people who want to be conscientious about protecting their families, sometimes exaggerating what they ought to be doing and creating a lot of tension within a family, within a household.

Experts warn that with the continuing volleying between orange and yellow alerts there will be a new threat level that we might call fatigue. Secretary Ridge has not offered a time line for revising the system. My amendment will make reviewing this system an important priority for the Department of Homeland Security.

I urge my colleagues to support the amendment. It will send a message to the Department that the alert system needs to be enhanced to increase its efficiency, its specificity, its overall usefulness to first responders, police, fire, and other emergency personnel.

I wish to point out this entails no further expense. A review is common in a situation such as this where such a big change is taking place. I hope everybody will take a serious look at this and think about their constituents back home who have called them, who have written them letters, who asked for advice. Let them ask the mayors in their communities or the Governors in their States what they think.

I want to make sure it is understood. I am not leveling broadside criticism at the Department of Homeland Security or Secretary Ridge. I think he is a very capable executive. We all want to do our best with this issue, spend our money most efficiently, but disrupt life as little as possible.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senator has made some excellent points. He has pointed out, for example, the need for a review of the color-coded warning system.

I am pleased to advise the Senator, it is my understanding that the Department is undertaking just such a review at this time. He makes some excellent suggestions about categories of warning or targeted areas of warning. That should be considered as well.

I am willing to take this amendment to conference and urge, if we can convince our colleagues in the House, that there should be a provision in our conference report that encourages this kind of review and requires a report back to the Congress so we can know the status of it and what the expectations are of completing a review, giving us some of the details in a report so we can better understand the progress being made under such a review. That is why I did not ask for the yeas and nays because I am prepared to accept the amendment. I thank the Senator for offering this suggestion.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Mississippi for his support on this issue. I am happy to have it accepted. I wish to point out, in the debate we were having about port security, I have served with the Senator from Mississippi for now 18½ years, and I have never known him not to support our defense or our security needs. I have admired him for his balance in these issues. I continue to do so.

That debate was not intended to challenge the Senator from Mississippi who is managing this bill, but to make sure that the situation we are talking about with the ports which we feel are susceptible, especially in the northeast corner of our country where so much is dependent on port activities, that it is clearly understood. I appreciate that. I am happy to have this amendment accepted, and I ask the Senator from Mississippi to make sure it gets discussed at conference and presented.

I thank the Chair. I yield the floor.

Mr. COCHRAN. Mr. President, the Senator has that assurance. We will try to keep that amendment in conference. We will continue to confer with our friend from New Jersey.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, amendment No. 1344 is agreed to.

The amendment (No. 1344) was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

AMENDMENT NO. 1346

Ms. MIKULSKI. Mr. President, I have an amendment at the desk on behalf of Senators DODD, STABENOW, SARBANES, CLINTON, and DURBIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Maryland [Ms. MIKULSKI], for herself, Mr. DODD, Ms. STABENOW,

Mr. SARBANES, Mrs. CLINTON and Mr. DURBIN, proposes an amendment numbered 1346.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount of the appropriation for firefighter assistance grants by $150,000,000)

On page 60, line 1, strike "$750,000,000" and insert "$900,000,000".

Ms. MIKULSKI. Mr. President, I ask the chair of the Subcommittee on Homeland Security if he has a copy of the amendment.

Mr. COCHRAN. I do not have one yet.

Ms. MIKULSKI. I would like to give a copy to the chairman, just as a courtesy.

Mr. President, I rise to offer this amendment that is in support of our first responders. This amendment would provide an additional $150 million to the fire grant program for firefighter equipment and firefighting training.

What would the Mikulski-Dodd amendment do? Well, first, it would provide protective gear for 150,000 firefighters. It would buy 500 new fire trucks, 300 new rescue vehicles, and 25,000 new breathing masks. But this is not about protective gear and fire trucks. It is about saving lives.

When we talk about homeland security and when we talk about protecting our firefighters so they can protect us, this money is about protecting them. It is so our firefighters are prepared for any attack. It offers double value for the taxpayer, whether it is a terrorist attack or whether we are hit by a tornado.

When these events occur in our community, firefighters are always the first on the scene. We all remember that horrific and melancholy day of September 11 with planes crashing into the World Trade Center and a plane crashing into the Pentagon. It was the Chevy Chase Fire and Rescue Squad, Rescue One, that rushed to the Pentagon from Maryland as part of a doctrine of mutual aid. It was the LaPlata Fire Department that was the first to respond to a deadly tornado last year. It was the Baltimore Fire Department that rushed into a smoldering tunnel fire that cut off train traffic on the east coast. When they went down into that hell hole fuming with toxic chemicals, they did not know if a terrorist had caused it or it was an accident. All they knew was they had to respond in the name of duty.

Well, it is our duty to make sure they have the right equipment and the right gear to protect us. We know they have the right stuff, but they need the right stuff to protect themselves.

This is not something BARBARA MIKULSKI has just concluded. The Council on Foreign Relations recently issued a bipartisan, independent report. It was led by Senator Rudman. Actually, it was not bipartisan. The Council on Foreign Relations does not have parties.

What were their findings? They were absolutely chilling. The report found that the United States remains dangerously ill-prepared to handle a catastrophic attack on American soil. Specifically, it means this, and this is what they found: Fire departments across the country only have radios to equip 50 percent of the firefighters on a shift.

Imagine this: People running up to the World Trade Center responding to a towering inferno. The firefighters will only have 50 percent of the radios they need.

When they go into these situations where there are toxic chemicals like in the Baltimore Tunnel, or whether they are running into a building where they do not even know what is in it—asbestos burning, PCBs burning, the building burning—there is only breathing apparatus for one-third, and only 10 percent of the fire departments in America have the personnel and equipment to respond to a building collapse.

What do terrorists do? They blow up buildings and they blow up people. We have to make sure that when our first responders are there, they have what they need.

We did a survey in Maryland, working with our State fire agency. We need $52 million to provide protective equipment for firefighters in my State. Yet my State is facing a budget deficit of over $1 billion. Services are being cut, tuitions are being increased, and we ask our State and local governments to take on more.

Every time our Nation goes to code orange, our communities go to code red. Since September 11, my city of Baltimore has spent over $16 million on homeland security, including $1.3 million for extra personnel and equipment for our fire departments. In Baltimore, the recent heightened alerts have cost Baltimore City $750,000 in overtime. Maryland cannot bear this burden alone. Because it is a national threat, we have to make sure there are national resources to secure the homeland to provide not only homeland security but hometown security.

There are over 1 million firefighters in the United States of America; 750,000 are volunteers. They are true heroes. They save lives. They save homes. They save communities. We need to make sure we save them. That is what protective gear is all about.

Every day when they are on duty, they do not know what they will face. They might enter a house to save a child trapped on the second floor. They might put out the flames of a building consumed by toxic chemicals. Many of our volunteers work three shifts: Their regular jobs, their families, and at the fire station.

For the help they need, we cannot do this on tip jars, bingo, or charity. They need to be able to have their Government on their side.

It costs over $6,000 to staff a firefighter in something they call bunker gear. Bunker gear means what they need in terms of the protective suits they wear, the breathing apparatus, the special gloves that will snatch a person out, the boots they wear that are fire retardant and fire resistant. That is an awful lot in resources for local communities to bear, and they have to be ready, particularly in high-risk areas, to be able to do this.

Last year, there were close to 20,000 applications for fire grants, and I compliment the Senator from Mississippi, the chairman of the subcommittee, as well as Senator BYRD, for keeping the fire grant program as a freestanding program. My $150 million amendment that I am offering with Senator DODD really goes to the fire grant program. Last year, there were close to 20,000 applicants with over $2 billion worth of requests. The fire grant program, on a merit based, peer review, no pork, no partisan basis could have spent $2.5 billion. What our money does is restore to the $900 million authorizing level.

After September 11 we did a lot. We said we will express our gratitude; a grateful nation will never forget our first responders. In the first place, we should not forget it is in the Federal checkbook. I know the chairman and the ranking member did everything they could to fully fund this program. I compliment them on their efforts. But it would take another $150 million to reach the authorized level.

The fire grant program needs to be expanded. When we look at what we could do in our State, we have a fire department in Anne Arundel County. This county includes the National Security Agency, the capital of the State of Maryland, the U.S. Naval Academy, and the Baltimore-Washington Airport. Don't they need help for their first responders?

Then there is the Chevy Chase Fire Department. We think of Chevy Chase as an affluent community but they cannot raise these funds from property taxes, fish fries, and bingo. We need help. Maryland needs help because we are in a high-risk area.

I rise not only for my State. I rise for the Nation. We are not prepared. The facts speak for themselves. Our esteemed colleague, Senator Rudman, said 50 percent of the fire departments do not have radios; only one-third have breathing apparatus equipment. They need their bunker gear. That is what it is called. The cost is $6,000 each. Imagine what a public investment means. We give them the right gear. They have the right stuff. They should be able to count on us to do this. We need this amendment.

I welcome the fact that my colleague, Senator DODD, is also a cosponsor. He authorized the fire grant program as the appropriator. We have worked to keep it going. Now it is in Homeland Security.

This is not about process, about who did what. It is about what our first responders do. We count on them to save our lives. They should count on us to make sure they have the right equipment to save their own while they are saving ours.

I yield the floor for my colleague.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank our colleague from Maryland for her leadership on this issue and the tremendous support she has provided in the Appropriations Committee for trying to fund this program.

I appreciate very much her typical graciousness in referring to the fact that Senator MIKE DEWINE of Ohio and I, back in 1999, authored the Fire Act. We introduced the legislation almost 4 years ago. We thank, as well, Senator WARNER and Senator LEVIN. When we had the authorization bill, we were trying to get an opportunity to bring this matter to the floor and we were not given any time to bring up the Fire Act. We were trying to make the case 2 years before September 11, 2001, of the importance of the volunteer combination paid departments, the 33,000 departments across the United States, the needs they had out there. It was as a result of the efforts of Senator WARNER and Senator LEVIN that included the Fire Act in the Department of Defense authorization bill in the year 2000 which allowed us to get the first authorizations approved that led to the appropriations that came thereafter.

To give an idea of the pent-up demand existing across the country among fire departments, well over $3 billion worth of requests came in under the grant program. We allocated something like $100 million the very first year of this program. Some questioned whether there would be any real interest by these departments across the country in applying for grants that would allow them great flexibility in improving their ability to respond to the myriad of problems departments have.

As a result of the success of that first year and the tremendous demand, the Appropriations Committee, under the leadership of Senator BYRD and Senator STEVENS, Senator MURKOWSKI, obviously, Senator COCHRAN and others, over the years has added money to the program.

Although we are offering an amendment to add money, it would be negligent not to recognize the contribution that has already been made to increase the funding for this program over the last several years.

The point the Senator from Maryland and I are trying to make today is that this demand is still growing. We are not suggesting we ought to have a program in a dollar-for-dollar match as in the so-called COPS Program that provided assistance by the Federal Government to local police agencies, local police departments. This is a far more modest program.

But the same principle behind the COPS Program is behind this idea. No longer can we just assume local departments can sustain themselves by raising mill rates or, as the Senator from Maryland properly points out, particularly in rural America, with volunteer fire departments relying on bingo sales, cake sales, and potluck dinners to raise the dollars to provide the equipment and training to deal with the very sophisticated set of problems they face.

The old idea of the fire department racing out to deal with a residential home fire still is a job they must perform but today fire departments are being asked to deal with highly sophisticated materials on the highways. Usually the fire department is the first responder to these situations long before anyone else gets there. It is the local fire department that we herald and celebrate in speeches and rhetoric around the country during days of community celebration. These departments no longer can rely strictly on local funding to provide the sophisticated support they need to respond to the demands they are being asked to meet.

The Senator from Maryland and I—and we hope others, as well—will join in what we think is a relatively modest request to get the funding level up to last year's funding level. Last year it was $900 million.

We realize there are a lot of pressures on the budget and a lot of other demands. However, if we are going to be serious about providing the tools necessary for these young men and women who serve in our fire departments across the country to meet their challenges, we are going to have to do better than we are doing with this bill.

We would not ask our military people to go into battle less well equipped, less well provided for under the circumstances they face today. I don't think we could ask anything less of the men and women in uniform in our fire departments.

For those reasons, we have proposed this amendment. While this was not a number we conjured up, according to the needs assessment study recently released by the U.S. Fire Administration and the National Fire Protection Association, understaffing contributes to an enormous problem. For example, the U.S. Fire Administration and the National Fire Protection Association have found that only 11 percent of our Nation's fire departments have the personnel and equipment they need to respond to a building collapse involving 50 or more occupants.

The U.S. Fire Administration and the Fire Protection Association also found there were routine problems that threatened the health and safety of our first responders. In small and medium-sized cities, firefighters are too often compelled to respond to emergencies without sufficient manpower to protect those on the ground. More often than not, firefighters in too many of our communities respond to fires with fewer than four firefighters per truck. That is considered to be a minimum to ensure the firefighters' safety.

As I said before, we would not send our troops into battle without the equipment they need. We should not be sending firefighters to do battle against natural disasters, fires, acts of terrorists, without the tools they need, as well.

So the Rudman study as well, just released by the Council on Foreign Relations, makes the case. The Senator from Maryland has pointed this out very clearly. There are great gaps in terms of these departments' ability to respond to the sophisticated demands we are asking of them today.

For all the reasons we have enumerated, we are requesting that this body respond by supporting this amendment to increase the appropriations level for these grant programs across the country.

I said yesterday, in supporting the Byrd amendment, the amendment offered by the distinguished Senator from West Virginia to have a larger increase overall, which I regret we did not approve—and I say this with all the knowledge of what the implications may be, but I think we have to be honest with the American public. I wish I could stand here and say: Look, we have done everything that needs to be done and you don't ever have to worry about another 9/11 happening in America. Regretfully, that is just false. That is a false statement. Because the fact is, in the world we live in today, we are going to face these problems again. All of us know that. There is not a single Member of this body who does not recognize and accept that as a reality. That is a fact. That is the ugly kind of world we are living in today, until we ultimately come up with better answers.

We are spending $1 billion a week, $5 billion a month if you add Afghanistan and Iraq—$5 billion a month to deal with the problems of the conflicts in those particular countries. What the Senator from Maryland and I are asking for is $150 million, which gets spent in a couple of days—less than that now, I guess—in these two countries, in Afghanistan and Iraq, in order to make our fire departments better prepared.

I understand what we need to do in Iraq and Afghanistan. We will save that debate for another time and discussion. We have already been through a bit of it already. But we are going to face these problems, and we ought to be doing everything we can within reason. Obviously—and I feel strongly about this—we ought to be doing a lot more than what the Mikulski-Dodd amendment is calling for. This is truly a modest request. In fact, we may be highly criticized one day for not doing more when we knew better. It is not as if we are ignorant about the problem we potentially face. The question is, Knowing that, what did we do?

We will be judged by history and we will be judged by our constituents as to whether or not we had the wisdom and willingness to make the necessary judgment calls on these matters.

We are told over and over again there is not enough money to do this. I politely suggest to those who make that claim that there are resources by merely tailoring back on some of the largesse we provided for some of the most affluent of our fellow citizens who, by the way, would be the first to say: We don't need it. We would much rather see the resources spent on something like this rather than be provided an unneeded tax break for those of us who are well insulated against the economic hardships that millions of others are facing through unemployment.

So don't give the argument we can't afford to do it. We can't afford to do it because we provide too much of a tax break to those who need it the least. But don't tell that to a firefighter who is a one-man or two-man operation, where having a couple of more people with them could make the difference in saving their lives. Don't say that to a family out there who may be the victim of some attack one day, that we didn't have the resources to provide the necessary support they needed in order to respond to these situations.

I regret we even have to offer an amendment. My hope is that those who supported the authorization of this bill—and we have had overwhelming support for it in the years past—will come to the floor at the appropriate time and cast a ballot, not just for this Mikulski-Dodd amendment, or not for those who support it, but cast a ballot for those who one day will say thank you for providing resources for our local departments. That is who you are really casting the vote for, not for a colleague who offers the amendment but for those who are counting on us to do a better job in protecting them.

I urge the adoption of the amendment.

I ask unanimous consent that Senator BIDEN and Senator LIEBERMAN be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask that Mr. HARKIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I ask unanimous consent to have printed in the RECORD two letters of support, one from the International Association of Fire Fighters strongly supporting this amendment, and then another, a joint letter offered by the International Association of Arson Investigators, the International Association of Fire Chiefs, International Association of Fire Fighters, the International Fire Services Training Association, the International Society of Fire Service Instructors, the National Fire Protection Association, the National Volunteer Fire Council, and the North American Fire Training Directors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS,
Washington, DC, July 23, 2003.

Hon. BARBARA A. MIKULSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MIKULSKI: On behalf of the 260,000 professional fire fighters and emergency medical services personnel who are members of the International Association of Fire Fighters (IAFF), I write to express our support for your amendment to increase the FIRE Act grant funding by $150 million.

As the recently released Council on Foreign Relations report on first responders documents, the needs of fire fighters and other first responders are great. Over the last two years, the FIRE Act grants have steadily improved the response capabilities of local fire departments. But more is needed if we are to safely and effectively respond to everyday emergencies as well as acts of terrorism.

Your amendment to the Homeland Security appropriations bill will increase the FY 04 FIRE Act appropriations to $900 million, the authorized level.

The IAFF thanks you for your years of service to fire fighters and enthusiastically supports your amendment. If we can be of additional service, please contact Barry Kasinitz, IAFF Governmental Affairs Director, at 202–824–1581.

Sincerely,
HAROLD A. SCHAITBERGER,
General President.

JULY 23, 2003.

Hon. BARBARA MIKULSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MIKULSKI: We are writing in support of your amendment to the FY04 Homeland Security Appropriations Act that will add $150 million to the Assistance to Firefighters Grant Program (FIRE Act). Your amendment will bring the total funding for the FIRE Act in FY04 to $900 million, the full amount authorized by Congress.

The FIRE Act grant program benefits our nation as a whole by providing local fire departments with much-needed resources to respond both within and beyond the borders of their individual jurisdictions to protect interstate commerce, federal lands, and the critical infrastructure of the United States. Local fire departments throughout the nation respond to 17 million calls annually ranging from structural fire suppression, emergency medical response, hazardous materials incidents, technical rescues, wildland fire protection, natural disasters and events of terrorism. They are also the principle delivery mechanism for fire and life safety prevention and education programs. Often, local governments are unable to afford the extensive training and specialized equipment that these challenges require. The FIRE Act grant program would assist local fire departments in many jurisdictions by providing the needed funds to pay for these items.

As part of the authorizing legislation that created the FIRE Grant Program, language was inserted to request the Federal Emergency Management Agency (FEMA) to conduct a needs assessment of the fire service. FEMA and the National Fire Protection Association (NFPA) surveyed the nation's fire departments, and in December 2002, NFPA and FEMA released the needs assessment, which revealed that: An estimated 73,000 firefighters serve in fire departments that protect communities of at least 50,000 population and have fewer than 4 career firefighters assigned to first-due engine companies. (The National Fire Protection Association standard calls for at least four firefighters per engine.); in communities with less than 2,500 population, 21% of fire departments, nearly all of them all- or mostly-volunteer departments, deliver an average of 4 or fewer volunteer firefighters to a mid-day house fire; half of all fire engines are at least 15 years old; overall, fire departments do not have enough portable radios to equip more than about half of the emergency responders on a shift; an estimated one-third of firefighters per shift are not equipped with self-contained breathing apparatus; an estimated 57,000 firefighters lack personal protective clothing; an estimated 120.1 million people are protected by fire departments that do not have a program for free distribution of home smoke detectors; and we must continue to emphasize the importance of prevention and public safety education to the fire and life safety infrastructure of our Nation.

Nearly 4,000 civilians, including more than 600 children, die in fires each year. Despite all our breakthrough technologies in fire prevention and suppression, the United States has one of the highest rates of fire deaths among industrialized nations. By passing the FIRE Act, Congress unequivocally asserted that it is the policy of the United States to help reduce fire deaths by partnering with local governments to provide all necessary and appropriate training and equipment to our firefighters.

In the three years this program has been in existence, it has become one of the most effective programs conducted by the federal government. In January of this year, officials from the U.S. Department of Agriculture selected the Fire Grant Program for a study they were conducting as part of a management training course. Summarizing the program, they said that the grant program has been "highly effective in increasing the safety and effectiveness of grant recipients." Their study found: 97 percent of program participants reported positive impact on their ability to handle fire and fire-related incidents; of those recipients receiving firefighting equipment, 99 percent indicated improvements in the safety of firefighters and 98 percent indicated improvements in operation capacity; 90 percent of the participants indicated that their department operated more efficiently and safely as a result of the training provided by the grant program; and over 88 percent of the participants who were able to measure change at the time the survey was distributed reported improvement in the fitness and health of their firefighters as a result of the program and 86 percent indicated reduced injuries.

The Assistance to Firefighters Grant Program is critical in addressing the needs of over 30,000 fire departments and one million fire and rescue personnel. We thank you for your commitment to our nation's firefighters and this important program.

Sincerely,

Congressional Fire Services Institute; International Association of Arson Investigators; International Association of Fire Chiefs; Internationaal Association of Fire Fighters; International Fire Service Training Association; International Society of Fire Service Instructors; National Fire Protection Association; National Volunteer Fire Council; North American Fire Training Directors.

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS CONSENT REQUEST—S. 1434

Mr. REID. Mr. President, tomorrow the President will travel to Philadelphia to hold a press conference to say that the Treasury Department will start mailing the child tax credit checks tomorrow to millions of Americans families. We, of course, are glad these checks are going out.

Everyone on this side of the aisle feels that way because in this economy working families need all the help they can get. Unemployment rates are at a staggering number. They have gone up, now, in successive months. Unemployment rates around the country are the highest they have been in many years—13 years, I believe, is the number.

Not only are working families in need of help, but there are 12 million children who are still being left behind. Mr. President, 49 days ago this body passed a bill to correct this problem. The bill passed by an overwhelming 94-to-2 vote. The administration said they supported the Senate bill and urged the House to pass it quickly. The House passed its own bill but then turned around and voted to instruct the House conferees to accept the Senate bill.

It sounds simple: The House, the Senate, White House, have all signaled support for the Senate bill. This is a conference, then, that should have taken 5 minutes. Instead, it has been more than 40 days and the conferees have not even met yet.

The day before yesterday, Senator LINCOLN proposed a new bill to break the logjam. It includes the original Senate bill that passed, 94 Senators for, only 2 against—a bill that helps 12 million children without adding a dime to the national debt. In addition, in a bow to the House, Senator LINCOLN even included the military tax bill that passed the Senate previously 98 to nothing. It includes many important provisions, including a new deduction for expenses paid by members of the National Guard and the Reserves. Every provision of the Lincoln bill has passed the Senate with overwhelming bipartisan support.

We need to pass it today, again, to send a strong message to the House, again, before they leave for their recess in a couple of days for the entire month of August plus what is left of July.

This legislation will help 12 million children whose parents work hard and are struggling to provide for their families. It also delivers tax reductions to our men and women in uniform who are serving and defending our country. It sounds like a good combination to me.

As a result of that, I ask unanimous consent that the Senate proceed to the consideration of S. 1434, a bill to accelerate the increase in refundability of the child tax credit, that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Mississippi.

AMENDMENT NO. 1346

Mr. COCHRAN. Mr. President, I appreciate very much the comments that have been made by the distinguished Senators from Maryland and Connecticut about the Firefighters Assistance Grants Program. It certainly is a program that is very popular and it is a program that has been recognized as well run. It is a program that is managed by the firefighters themselves in determining which grants should be made in their regions, which items of equipment ought to be included in the arsenal of protection for communities.

The only problem is, we don't have enough money in the allocation to this committee to make as much of an appropriation for many of these programs as we would like. We have to make choices. We had to allocate the total allocation among a large number of very worthwhile, very popular programs.

I hate to put the Senate in the position of having to make choices here on the floor that we labored with for weeks and months, through hearings with administration witnesses, through discussions among our staffs and Members of the Senate, to try to identify the priorities and then come to some final decision about the exact amounts to include in the bill for all of these programs and activities.

We have just so much money to appropriate. We kept the grant program for firefighter assistance at the same level as last fiscal year. In fact, we have included $200 million more than the President had requested in his budget which was submitted to the Congress. But this amendment would add funds that would cause the allocation to this subcommittee to be exceeded in violation of the Budget Act. As I have done with other amendments that have that same characteristic, I am constrained to make a point of order that the amendment violates the Budget Act.

I make a point of order under subsection 302(f) of the Congressional Budget Act that the amendment provides in excess of the subcommittee's 302(b) allocation.

Ms. MIKULSKI. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I ask unanimous consent that Senators BYRD, LEVIN, and CLINTON be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the time for the vote on the motion to waive be decided by the two leaders after consultation with the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I rise in support of the motion to waive.

With the realities of today's world, communities—both large and small—need to be prepared for the possibility of a terrorist attack. The frontline counterterrorism effort is composed of what we call first responders. These are the people who are first on the scene—the police officers, the firefighters, the emergency medical personnel, and so on.

As they have always been, the men and women who serve in these departments are constantly on the job. They are always ready to fulfill their duty when their neighbors call for help. But the new threats of terrorism have forced these departments to refocus their training and restructure their budgets to respond to these threats.

In many cases, the departments rely on small fundraisers to pay for equipment and training. However, expanded missions and continuing threats are pushing the price of security too high for many rural communities to afford. Grants through the Fire Act provide funds to help offset those costs for local firefighters. Unfortunately, the demand for funding has far outpaced the available dollars.

According to the Federal Emergency Management Agency and the Fire Protection Association, only 13 percent of the fire departments have the equipment and training to handle an incident involving chemical or biological agents. Forty percent of fire department personnel involved in hazardous materials lack formal training in those duties. Only 10 percent of the fire departments in the United States have the personnel and the equipment to respond to a building collapse.

The amendment by the distinguished Senator from Maryland, Ms. MIKULSKI, and by the distinguished Senator from Connecticut, Mr. DODD, would infuse critical dollars into local fire departments to help meet that demand.

The administration proposed to fold this program into a single first responder grant account. I commend the chairman of the subcommittee, Senator COCHRAN, for deciding to retain this effective program as a separate account. Unfortunately, because the budget resolution resulted in inadequate funding for homeland security, the committee bill provides only $750 million—only $5 million more than the level for the current fiscal year. The program is authorized at a level of $900 million. The amendment would fund the program at the authorized level of $900 million.

Terrorist incidents are primarily local events. The immediate response to the attacks at the World Trade Center came from the police and firefighters in New York City. The immediate response to the attack on the Pentagon came from the first responders in the neighboring communities.

These events bear out the critical need for well-prepared and well-equipped local emergency response teams. The ramifications of an ill-prepared local community in today's world are too large.

First responders will likely act alone in the initial critical moments of any emergency, no matter how large or small the emergency. In those moments, lives will be saved or lives will be lost. But these first responders cannot be expected to fund the fight against terrorism with bake sales, ice cream suppers, and bingo nights. That is why the support of the Federal Government—both in terms of funding and training—is so important for local police, firefighters, and emergency medical personnel.

I commend my colleagues for offering this amendment. It is a necessary amendment. The cause is great. I urge my colleagues to support the amendment and infuse critical dollars into our Nation's fire departments.

Ms. MIKULSKI. Mr. President, I want everyone to understand what this amendment is. It is $150 million. That is what it is.

We want to acknowledge, first, our appreciation to the chairman of the Subcommittee on Homeland Security and the ranking member for keeping the fire grant program separate so that whatever funds come forth don't get meshed into one group called homeland security.

The second thing we appreciate, given the frugal allocation of the subcommittee, is they did fund it at $750 million. That was very much appreciated. At the same time, we note that the authorization is for $900 million. The Mikulski-Dodd-Byrd amendment says $150 million more over what the committee has allocated.

What is $150 million worth? What would we have said on September 12? Would we have hung our heads in shame because we didn't add $150 million?

I think about the Baltimore tunnel fire when we didn't know what caused it. We knew firefighters had to go down in the dark 6 feet through a manhole cover, then over a 4-foot platform, then down another 8 or 10 feet in the total darkness with toxicity and fire.

Was that worth $150 million, not for them alone, but that they would have the breathing apparatus, the telecommunications if they got into trouble while they were figuring out the situation? We didn't know if Baltimore was going to explode. We didn't know if a toxic cloud was going to go over my city. But I know a group of very gallant, very brave, very selfless people were willing to go down into that dark inferno. I don't want to ever say to somebody: We couldn't come up with another $150 million to help you out.

Then let's go to the Rudman report. Now, we remember our dear colleague from New Hampshire. He is a very frugal guy. I remember Gramm-Rudman, Mr. Balanced Budget. So if he says we need money, we really must need it because he is a tight-fisted, somewhat penny-pinching, very conservative on the fiscal spending kind of person. So if Warren Rudman says America needs more resources for homeland security, and he particularly places emphasis on the emergency responders, then I think we ought to listen. What he is saying is, it is an emergency to provide emergency help to the emergency responders.

He starts his report by saying: If we knew that there was going to be another terrorist attack sometime in the next 5 years but didn't know what type it would be, who would carry it out, or where it would occur, what actions would we take to prepare, and how would we allocate our human and financial resources?

This is not philosophy. This is a practical approach for the United States of America.

So I appreciate everything the chairman has done, and the ranking member, who himself is now supporting this amendment. We are now shackled by our own allocation. But we do not have to be shackled. We have the parliamentary authority to waive that Budget Act that has us so constrained. And here is Warren Rudman, Mr. Balanced Budget, saying we need more resources.

So I think the Congress and this Senate can vote to waive the Budget Act for $150 million to protect the protectors. The emergency responders are drastically underfunded. They are dangerously unprepared not because they want to be unprepared but because there needs to be the resources. I think we need to put the resources in the Federal checkbook.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, with respect to the time for the votes on the two motions that are pending, motions to waive the Budget Act, I ask unanimous consent that the votes proceed in the order in which the motions were made and that the votes commence at 5 o'clock. It is my understanding that both leaders' offices have indicated that is permissible, and that is authorized and approved by the leadership.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COUNCILMAN JAMES DAVIS

Mrs. CLINTON. Mr. President, I come to the floor on behalf of an amendment with regard to the homeland security funding. But I would like first to recognize that a tragic shooting has occurred at city hall in New York City this afternoon. Councilman James Davis from Brooklyn, a man devoted to public service and an energetic and outspoken advocate for New York and the community he represented, was murdered.

Prior to Councilman Davis's service, he served in other capacities: as a New York City detective, as an instructor at the police academy. In 1991, he started a nonprofit organization called "Love Yourself-Stop the Violence" in an effort to address growing urban violence. It is a tragic, terrible irony that a man who first devoted himself to police work and law enforcement and then to trying his best to stem urban violence by giving people something to say yes to would himself fall victim to such violence.

I know the thoughts and prayers of New Yorkers go out to Councilman Davis's family and friends and colleagues at this difficult time. Certainly today's tragic event reminds us of the fragility as well as the preciousness of life. Certainly it gives us pause as we confront the need for us to do everything within our power on behalf of ensuring the safety and security of all of our citizens.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1348

Mrs. CLINTON. Mr. President, I send an amendment to the desk expressing the sense of the Senate that homeland security block grant funds should be allocated to the States using a threat-based formula rather than simply a per capita formula.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 1348.

The amendment is as follows:

(Purpose: To express the sense of the Senate that homeland security grants to States and local governments awarded pursuant to section 1014 of the USA PATRIOT ACT of 2001 (42 U.S.C. 3711) should be allocated to States through a threat-based formula, with minimum allocations for small States)

On page 75, between lines 5 and 6, insert the following:

SEC. 616. (a) The Senate finds that—

(1) this Act is intended to provide critical homeland security resources to State and local communities and first responders to help them in their efforts to improve our homeland defense at the National, State, and local levels;

(2) given the nature of the terrorist threats against our Nation and the grave consequences of a terrorist attack, it is in the best interest of our homeland defense that such resources be disbursed and employed as effectively as possible;

(3) the Secretary of Homeland Security has repeatedly emphasized the need to use a threat-based formula, instead of a per capita formula, to best allocate homeland security block grant funds to States for use by States and local communities;

(4) in the June 2003 report of the Homeland Security Independent Task Force of the Council on Foreign Relations, chaired by Senator Warren B. Rudman, entitled "Emergency Responders: Drastically Underfunded, Dangerously Unprepared", the Task Force—

(A) declared the "existing systems for determining the distribution of appropriated funds to states to be badly in need of reform";

(B) advised that "Congress should establish a system for allocating scarce [homeland security] resources based . . . on addressing identified threats and vulnerabilities"; and

(C) stated that, in allocating Federal homeland security funds, "the Federal Government should consider such factors as population density, vulnerability assessment, and presence of critical infrastructure within each state";

(5) the vulnerability assessment may cover a range of considerations, including—

(A) the proximity of a community to nuclear and chemical facilities, ports, and international borders;

(B) the presence of national icons that may be terrorist targets;

(C) population (including tourist, military, and commuting population), population density, the location, risk, or vulnerability of critical infrastructure or key national assets; and

(D) any other factor considered appropriate by the Secretary of Homeland Security;

(6) our Nation's critical infrastructure consists of systems and assets, whether physical or virtual, that are vital to the United States, including infrastructure relating to—

(A) agriculture;
(B) food;
(C) water;
(D) public health;
(E) emergency services;
(F) government;
(G) defense;
(H) energy;
(I) transportation;
(J) banking and finance;
(K) chemicals;
(L) postal service; and
(M) shipping;

(7) the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188) requires a threat analysis, an indication that Congress recognizes the importance of threat-based formulas; and

(8) other national homeland security experts have also called for the distribution of Federal, State, and local homeland security grants using a threat-based formula in lieu of a per capita formula.

(b) It is the sense of the Senate that homeland security grants to State and local governments awarded pursuant to section 1014 of the USA PATRIOT ACT of 2001 (42 U.S.C. 3711) by the Office of Domestic Preparedness of the Department of Homeland Security should, subject to minimum allocations for small States, be allocated to States through a threat-based formula in lieu of a per capita formula.

Mr. REID. Mr. President, I apologize to my friend from New York. I walked up to her desk to talk to her about what we were doing and I just failed to do so. It is my fault, not hers. We have a vote in 2 minutes. The manager of the bill is not here.

Mrs. CLINTON. Will my friend from Nevada yield?

Mr. REID. I am happy to yield.

Mrs. CLINTON. I would certainly wait until after this vote or at any other time that the managers of the bill could schedule discussion of this amendment.

Mr. REID. I think after this vote would be perfect. We have two votes.

Mrs. CLINTON. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1343

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to waive the Budget Act in relation to the Schumer amendment No. 1343. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 51, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—4

Crapo
Edwards
Kerry
Lieberman

The PRESIDING OFFICER. On this question, the yeas are 45, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. COCHRAN. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1346

The PRESIDING OFFICER. The question now is on agreeing to the motion to waive the Budget Act with respect to amendment No. 1346 offered by the Senator from Maryland. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—3

Crapo
Kerry
Lieberman

The PRESIDING OFFICER. The yeas are 48, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Madam President, I wish to inform Senators about the schedule. Since they pertain to amendments on our side, I will announce that the Senator from New York, Mrs. CLINTON, has an amendment. She indicates she will need about 15 minutes. Senator CORZINE has an amendment which will require approximately the same amount of time. Then Senator BAUCUS has an amendment as well. We have about 45 minutes of time on our side. I assume there will be some time required on the managers' side. We expect that there will be three votes stacked at approximately 7:15 this evening. That may be the last business of the evening. But at least between now and then we will have debate on those three amendments.

I yield the floor.

Mr. COCHRAN. Madam President, I appreciate very much the advice of the Senator from South Dakota, the distinguished leader. This side is not going to require as much as 15 minutes per amendment. I can assure you of that. We probably will not need that much time to discuss our views on the amendments. We are glad the Senators are here and ready to offer them. We appreciate their cooperation in getting the bill moving along.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from New York.

AMENDMENT NO. 1348

Mrs. CLINTON. Mr. President, I rise in support of the amendment which is at the desk numbered 1348.

The PRESIDING OFFICER. Does the Senator call up the amendment?

Mrs. CLINTON. Yes.

This is an amendment that expresses the sense of the Senate that the homeland security block grant fund allocated to the States be done using primarily a threat-based formula rather than solely a per capita formula.

The Homeland Security appropriations bill before us seeks to provide critical homeland security resources to our first responders—our States and our local communities—to help them improve our homeland defense.

I offer this amendment to support the effort to ensure that those funds are disbursed effectively. After setting forth a number of findings, this amendment states that it is the sense of the Senate that homeland security grants to State and local governments that contain the small State minimums in the PATRIOT Act and that are disbursed by the Office for Domestic Preparedness should be allocated to the States through a threat-based formula rather than a per capita formula after—and I stress this—after the small State minimum provision is applied.

I am offering this amendment because the Senate committee report accompanying the bill requires Secretary Ridge to distribute the State and local grants, other than the high-threat formula grants, on a per capita basis.

This is obviously a bit confusing and arcane because it has to do with formulas and percentages, but it is a very important issue with which we have to come to grips.

The last wartime supplemental that we considered, thanks to the efforts of the senior Senator from Pennsylvania, included language in the final supplemental conference report that directed Secretary Ridge to develop a threat-based formula for the distribution of State and local homeland security funds for fiscal year 2004.

This amendment is wholly consistent with that language which the entire Congress approved. I have said for months that we need to have a better formula for the distribution of State and local homeland security grants based not solely on the population of a State but on a variety of threat and vulnerability factors. I am sure these factors are ones on which we can all agree. But we are having some difficulty putting them into a formula that can then be used to direct the expenditure of the homeland security funds.

I have written Secretary Ridge. I have met with him. We have talked about this issue. He agrees that a better formula is needed. He has said it many times, including in testimony in April before the Senate Commerce Committee. At that time, Secretary Ridge told the committee he wants to overhaul the entire grant process to include a threat assessment. He has asked for guidance from Congress in designing a formula for distributing homeland security grant money to reflect the threats and vulnerabilities of different regions within the United States.

Here is what he specifically has to say:

> The Office of Domestic Preparedness . . . had a formula that we don't believe is the appropriate distribution for counter terrorism [funding].
>
> The formula as it exists now does not take into consideration critical infrastructure, whether it's private, whether they're federal, whether they're national icons.
>
> The Formula doesn't really take in threat or vulnerabilities.

And finally:

> I suspect that reconstituting the Office for Domestic Preparedness formula or coming up with something new is something that we hope to achieve some bipartisan support [on] and get it done and then attached to the 2004 appropriations.

On this issue, I absolutely agree with Secretary Ridge. The last thing we should do is tie the Secretary's hands by saying he cannot use any formula other than a per capita formula.

That is not just my view but, more importantly, it is the view of national experts, such as the Homeland Security Independent Task Force of the Council on Foreign Relations, chaired by former Senator Warren Rudman. The task force makes it unequivocally clear that for the sake of our homeland defense we must employ a better formula.

The report of the task force states that they:

> . . . found existing systems for determining the distribution of appropriated funds [to States] to be badly in need of reform.
>
> The state and population-driven approach has led to highly uneven funding outcomes. . . .

> While this approach may have political appeal, it unnecessarily diverts funding from areas of highest priority.
>
> In addition, decisions by state officials regarding the allocation of funds in their states have not sufficiently taken into account the multitude of necessary factors.

Now, you see, we have a two-tiered problem. We have a problem here in Washington distributing the funds based on assessments of threats and vulnerabilities, and we have a problem in State capitals distributing the funds that the States get on the same basis.

Based upon their assessment, the task force, under former Senator Rudman, said:

> Congress should establish a system for allocating scarce resources based less on dividing the spoils and more on addressing identified threats and vulnerabilities.
>
> To do this, the federal government should consider such factors as population, population density, vulnerability assessment, and presence of critical infrastructure within each state.

My amendment, expressing the sense of the Senate, sets forth those same factors that I believe Secretary Ridge can choose to consider in developing a threat-based formula.

Let me make clear, this is a sense-of-the-Senate amendment; it is not authorizing language. Let me further underscore that the small State minimums in the underlying bill are not affected.

But what then do we do with the threat assessment formula? How do we figure out what factors should be considered?

Here are some I would recommend—obviously, starting with population. That has to be the No. 1 consideration. But I would go a step further because it is not just what the census says about the population as to who lives permanently in a particular city or county or region. There are parts of our country that have a very high tourism industry, that might have a military base, that have other factors that should be taken into account when we look at population.

As Senator REID said yesterday, in talking about Las Vegas, the population in Nevada peaks on the weekend when thousands of people from all over the country and the world come to Las Vegas.

So in addition to population, we should consider population density, again, taking into account not just who lives there every day but the ebbs and flows in the density of the population—whether it is Orlando, FL, or Las Vegas, NV, or Manhattan. We should look at the proximity to nuclear and chemical facilities, ports, and international borders.

Yesterday, I referred to a GAO report when I was standing here in support of the very commonsense approach that the Byrd amendment represented. I referred to a GAO report that shows there are hundreds of chemical facilities in our country that contain toxic chemicals that could harm thousands, if not millions, of people within the near proximity. That is an issue we need to take seriously.

Similarly, nuclear powerplants—particularly the one in the county where I live, which is in a heavily populated area, in an area with very narrow, winding roads—they, too, should be taken into account.

We should look at the location of national icons, whether it is the Gateway Arch in St. Louis or the Golden Gate Bridge in San Francisco or any other national icon.

We should also begin to assess the presence and vulnerability of other critical infrastructure. I consider agriculture a critical industry to our country. Food supplies, water, public health, emergency services, the kinds of things that, if they were targeted, would disrupt commerce, would dramatically impede the kind of response needed because of the potential for destruction.

Finally, we should be taking into account intelligence and threat information, and any other information or any other factor that the Secretary deems appropriate.

Now, reasonable people can, of course, disagree as to which factors should be included and what weight should be provided to each factor. But there is an absolutely clear consensus among security experts that a better formula must be devised and used. And I have heard not just from homeland security experts on this point but from our front line defenders, our first responders, or, as some of our police officers like to refer to themselves, our first preventers.

Hopefully we can prevent tragedies, not just respond to them. It is not only our police and our firefighters but our public health officials and our EMTs, our mayors, our county executives who are there on the front lines. I said the other day if we were to determine our defense posture, our projection of force around the world on some kind of per capita basis, we would be placing soldiers in Canada and Sweden because, after all, they are there. Obviously, that is nonsensical. We don't do that. We look at the threats. We try to design our weaponry and our other responses to take account of all the threats that American military forces might encounter. And we should be doing the same for homeland security.

This is a two-front war. It is not only what we are doing in Afghanistan and Iraq and other places, it is what we are doing to defend ourselves here at home that we have to be very concerned about. At the national level, if we don't take these various factors into account and establish a formula, we also fail to give guidance to our States. We also fail to recognize in a thorough, comprehensive way all of the potential vulnerabilities and targets we have.

For example, if one were discussing the homeland security needs of Louisiana, you might look at population and density, but you would also look at the fact that there is a major port. There are offshore petroleum platforms. We have part of the strategic petroleum reserve. We have river railroad crossings and facilities that are pumping natural gas to the rest of the country. That would be part of the kind of formula I am proposing that would certainly be justifiable and give the Secretary the discretion he needs.

There are many other places in the country that at first glance you don't think of as being perhaps vulnerable or strategically located, but take Lancaster County, PA. It has two nuclear powerplants on its borders. There are only five counties in the entire country in that same position. So I would argue that kind of consideration about critical infrastructure, proximity to nuclear and chemical facilities, should be considered.

I know many of my colleagues who represent less populated States worry about a threat-based formula versus a per capita formula. I have to say I understand that. I have lived in big States and I have lived in small States. I have been in every State. I believe every State has vulnerabilities and is potentially subject to threats that need to be considered. I think it is important we look at this effort as an ongoing one, but we have to untie the Secretary's hands. Right now he has no discretion. He has no ability to deal with the grants to State and local communities other than on a per capita basis.

What that leads to is articles like we have seen recently in national newspapers where money goes out in a huge amount on a per capita basis to less populated States, while States and cities such as New York and LA are trying desperately to figure out how they are going to protect major airports, all the other ports and facilities that they have, how they are going to do it with the amount of money they have, given the budgetary constraints that every State and city is confronting.

I tried in this resolution to recognize the political reality that exists. It retains the small State minimum. I can count and I know that we are not yet at a point where we can eliminate the small State minimum, so it retains that. That is about 40 percent of the money right off the top to be distributed on a per capita basis. But that leaves 60 percent to begin to implement a formula that does what the experts say we must do.

In closing, I believe whether we go through direct funding, which I still believe is the best way to disburse money—I am hearing from a lot of my mayors; they still haven't gotten any of the money that has gone to the State capital. Again, I understand that. I know a little bit about the pressures on Governors. But the fact is, the money is not getting down to a lot of the cities and counties that really bear the brunt of homeland defense. So I still believe we should do it directly.

But if it is passed to the States, then we need a formula, and we need a formula that gives guidance at the State level so we can get the money where it is most needed.

I hope we can begin to move down this road and start giving the kind of discretion to the Secretary of Homeland Security who, after all, is really on the hot seat. He is the person who gets the threat information and the intelligence. He knows exactly what is happening because he has to be briefed on it all the time. To provide him this discretion would give him the opportunity to begin to implement a formula which I am sure is going to be revised. The factors will change. The weight will change. But we must start now; otherwise, we lose another year. I don't think we can afford to do that.

I hope that my colleagues will support this resolution, give the authority to the Secretary, preserve the small State minimum, but begin to give us some factors to gauge the threats and vulnerabilities that we know the experts know, but mostly our police and firefighters know they are facing every single day.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senator makes a point that certainly ought to be considered by the Senate, but it ought to be considered first by the Governmental Affairs Committee which has jurisdiction over the law that created the Department and the grant programs under which the Department administers the programs and distributes funds to the States.

There was a per State minimum provided in the law that established the Department of Homeland Security. Just recently, the Committee on Governmental Affairs undertook a review of that basic law, and they reported out a bill, S. 1245. It deals with the issue of formulas under which funds are allocated to the States. As a matter of fact, it specifically provides for the continuation of the State minimum funding grant to each State based on population. But it also takes into account high threat areas, large State and large city problems that exist, and provides for special grants to be made to those areas of the country. We already have, for example, the high threat urban area classification, and funds are allocated to those States and those areas that are under higher threats or have higher vulnerability in addition to the funds they get on a per capita basis.

My point in mentioning this and stating these facts is to say that this is not the time or the place for the Senate to deal with this issue. The time will be when this bill, S. 1245, is taken up by the Senate. It was just reported out of the committee on June 12, 2003. The distinguished Senator from Maine, Ms. COLLINS, is chairman of that committee. She has indicated to me, with a note yesterday, that this bill had been reported out. So if any issue came up about formula grants and how funds were being distributed, it had already been considered by her committee and legislation had been reported on that subject.

What the Senator from New York is asking us to do tonight, even though this is a sense-of-the-Senate resolution, is to go on record saying the formulas under which the funds are being appropriated by this bill are inappropriately distributed. They are being distributed under the auspices of current law, and so she is asking us to disagree with the content of current law and suggests that some different distribution be made by this bill.

We can't do that. We can't accommodate that. The time for changing the formulas and changing the way the distributions are made will be when the Senate turns to the consideration of this reported legislation.

It is for those reasons and not to argue that there are needs in States that have cities such as New York City and others. New York City already gets way beyond what any other city gets because it is a high threat urban area. We have charts. Everybody can have access to see how much each State gets. The Senator has already pointed out how some States appear to get more per capita than the big States, and they do. But what happens is, this is made up for in other programs that provide funds to those high-threat urban areas, and it is dealt with in this other legislation.

So it will be my intention to respond to any questions that I can answer. I wish the distinguished Senator from Maine were here because she knows more about the details than I do. But I will try to respond to any questions the Senator from New York has. Then it is my intention to move to table the amendment and ask for the yeas and nays.

Mrs. CLINTON. Will the Senator yield?

Mr. COCHRAN. I yield the floor.

Mrs. CLINTON. Mr. President, in response to the Senator, the chairman, I only point out that the Senate committee report accompanying the bill requires the Secretary to distribute the State and local grants, other than the high-stress grants, on a per capita basis. I applaud the chairman of the Governmental Affairs Committee for the work she has done because, under her leadership, there has been a tremendous effort undertaken to begin the process to authorize the changes in formula.

This authorizing legislation will come before the Congress, I hope, this year. I hope it is passed this year. But it will not influence the appropriations we are considering today, and, therefore, the Secretary—even if he were to pick up the legislation from the Governmental Affairs Committee, read it, and say he agrees 100 percent—would not be able to do anything about it.

What this sense-of-the-Senate amendment tries to do is to give at least some encouragement, and hopefully it could become more specific in the conference report to the Secretary, that based on factors such as those in the Governmental Affairs legislation and the work of the committee under Senator Rudman, there would be an opportunity to begin to actually do this, instead of waiting for another year and a half to figure out what the appropriations would be.

So I certainly understand the chairman's perspective that this is not authorizing legislation. That is why what I have is a sense-of-the-Senate amendment. The work the Senator from Maine has done is extremely important work, but I worry about the time lag because since the Senate committee report says that Secretary Ridge cannot distribute on any basis other than per capita, the good work of the Governmental Affairs Committee and the recommendations of experts is going to be once again in suspended animation. The Secretary will find himself once again having to follow what is, by all accounts, an outdated formula in the face of the most pressing homeland security challenges that we confront.

Mr. President, I hope we will at least give a little bit of wiggle room, some discretion to Secretary Ridge, especially based on the good work done by the Governmental Affairs Committee.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise to comment on the sense-of-the-Senate amendment offered by the distinguished Senator from New York today. The Senator's amendment is on a subject of great importance to each and every Senator, and that is how best to divide up the homeland security funds to ensure we get the most from the resources we are investing. It is a subject that falls within the jurisdiction of the Senate Governmental Affairs Committee, which I am privileged to chair.

The committee held three hearings on this topic. We have heard from firefighters, police officers, mayors, Governors, State emergency management directors, county officials, and from Secretary Ridge. As a result of these hearings, I developed bipartisan legislation, which the committee has unanimously approved. That legislation is cosponsored by Senators CARPER, ROCKEFELLER, VOINOVICH, FEINGOLD, SUNUNU, COLEMAN, PRYOR, ALLARD, AKAKA, HAGEL, BURNS, CHAFEE, ROBERTS, DORGAN, CHAMBLISS, and BEN

NELSON. In other words, it has widespread support.

Dealing with formula issues is very difficult. They are not easy. They affect us all and we want to make sure we get it right.

The legislation we reported last month addresses the very issues the Senator from New York has brought up and is seeking to address on the appropriations bill. There is much I agree with in the amendment of the Senator from New York. I don't agree with her treatment of small States, because although she keeps the small-State minimum, as I read the language, she would treat the current .75 allocation as a ceiling. That is not the way it would be done under the legislation I have authored, nor is that the way that small States are handled under current law.

But there is much I agree with in the Senator's approach. We need to identify high-threat areas and we need to do vulnerability assessments. That means looking at military installations, ports, and looking at whether the State is a border State. There are many issues that need to be considered.

Our legislation carefully crafts a formula and fills out the outlines of the homeland security grants, which were treated only in a single paragraph in the original legislation creating the Department of Homeland Security. We have made sure the money is passed on quickly, for example, from States to local governments and to the first responders. We have simplified the application process from 12 steps to 2. We have done away with a mountain of the paperwork and bureaucracy that has frustrated our State and local governments. And, yes, we call for an allocation right off the top for high-threat areas and for vulnerability assessments.

Any modifications to the formulas for homeland security grants should be considered in a comprehensive, careful manner, as the committee has done. If the committee had not acted on this important issue, I would be more sympathetic to the arguments made by the Senator from New York. But, in fact, the committee has acted. We have held several hearings. We have reported legislation, which is pending for consideration by the full Senate.

If we attempt to change the formula on an ad hoc basis, we may end up with unintended consequences and a State may end up with insufficient homeland security resources. We obviously are very stressed because of budget constraints. We need to make sure the formula is carefully done. I believe the appropriations bill is not the right vehicle to pass important authorizing legislation affecting the allocation of funds. For this reason, I have not sought to attach my own bill to the appropriations vehicle, nor pieces of it, tempted though I am. Nor do I think the well-intentioned amendment of the Senator from New York, which calls for a change in the funding formula, which is directly in the jurisdiction of my committee, should be adopted on this appropriations bill.

I want to make an offer to the Senator from New York to work closely with her. New York obviously has challenges that are enormous when it comes to homeland security. I am very sympathetic to what a high-risk, high-vulnerability State the Senator so ably represents. So I want to work with her further on this as we bring our legislation to the floor. But I am reluctantly going to oppose the sense-of-the-Senate amendment of the Senator from New York because, frankly, it doesn't belong on this bill, particularly when the committee of jurisdiction has acted to bring forth carefully crafted, bipartisan legislation to deal with this very issue.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I thank the Senator from Maine for her leadership and her very obvious concern about these issues. I particularly appreciate her concern about New York and what we are contending with in New York, not just in New York City but throughout our State.

I would very much appreciate the opportunity to work with the Senator from Maine on this issue. I worry a little bit, and perhaps there is some way, working with the able chairman of the appropriations subcommittee—and I hope her legislation will pass very soon because it is a long overdue revamping of how to deal with this issue—that we would be able to give some discretion to the Secretary going forward and not have to wait until the next appropriations process.

It is, from my perspective, based particularly on the insights and recommendations of many of the security experts, an issue we are urgently facing. With the Senator's very able stewardship of this legislation and getting it through on the authorizing committee, I look forward to working with her and doing everything I can to help move that legislation forward. I hope there is some way we can figure out how to give the Secretary some discretion in the meantime, especially based on the work the committee has done, the factors the Senator has taken into account so we do not lose another year. That is my main concern as I stand here today.

Again, I commend the Senator from Maine for her extraordinary work and leadership, and I look forward to working with her.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that following the disposition of the Clinton amendment, the amendments that will next be offered will be the Corzine amendment on chemical security for 20 minutes for Senator CORZINE and 10 minutes for Senator COCHRAN, then the Schumer-Baucus northern security amendment with 25 minutes total for both Senators and Senator COCHRAN 10 minutes.

I further ask unanimous consent that following the debate in relation to the amendments, the Senate vote, if necessary, in relation to the Clinton amendment No. 1348, to be followed by a vote in relation to the Corzine amendment, to be followed by a vote in relation to the Schumer-Baucus amendment.

I further ask unanimous consent that there be 2 minutes equally divided for debate for each amendment in the stacked sequence and, further, that no second-degree amendments be in order to the amendments prior to the vote.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Reserving the right to object—and Senator CLINTON is standing next to me—based on the colloquy on the amendment that has taken place in the last 40 minutes, Senator CLINTON has indicated she will withdraw her amendment.

AMENDMENT NO. 1348 WITHDRAWN

Mr. REID. Mr. President, on behalf of Senator CLINTON, I ask unanimous consent to withdraw her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Clinton amendment is withdrawn.

Mr. REID. Mr. President, I have no objection to the unanimous consent request propounded by the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank the distinguished assistant leader from Nevada, and I thank the distinguished Senator from New York and the distinguished Senator from Maine, as well, for the discussion we have had on the issue of formulas. I look forward to joining them in a careful consideration of the issues that have been discussed.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 1350

Mr. CORZINE. I thank the Chair. Mr. President, I send an amendment to the desk on behalf of myself, Senator EDWARDS, Senator LAUTENBERG, and others, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Jersey [Mr. CORZINE], for himself, Mr. EDWARDS, and Mr. LAUTENBERG, proposes an amendment numbered 1350.

Mr. CORZINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate $80,000,000 for the Office of the Under Secretary for Information Analysis and Infrastructure Protection to conduct chemical facility security assessments)

On page 66, strike lines 9 and 10, and insert the following:

$903,700,000, to remain available until September 30, 2005; of which $80,000,000 shall be for chemical facility security assessments.

Mr. CORZINE. I thank the Chair. Mr. President, this amendment addresses one of the most serious security threats facing the American people. As I will indicate later, this is not an assertion I make alone but an assertion made by a broad range of security experts, including the Secretary of Homeland Security: the threat of a terrorist attack on our Nation's chemical facilities.

There are literally thousands of chemical producers, refineries, and similar facilities throughout the United States where the release of chemicals can kill or injure literally tens of thousands and, in many instances, millions of Americans through exposure to highly toxic gases. That is why these facilities are potentially so attractive to terrorists. That is why security officials indicate that point.

From a practical viewpoint, often these facilities are located in the most densely populated communities across our Nation. The legacies of the great era of American manufacturing were practiced in our urban communities and continue to be in many instances today. New Jersey happens to be one of those communities that is densely populated—it is the most densely populated State in the Nation, and many of these facilities with exposures to over 1 million people are located in my State.

Unfortunately, there are currently no Federal security standards for chemical facilities, none. So the private sector has been left to do as it sees appropriate on a completely voluntary basis. There are some very positive actions by some in the industry to make sure that security and safety at the plants is attended to. There are good standards being promoted by trade associations. But far too many of the facilities across this country have not stepped up to meet their responsibilities. Far too many continue to be vulnerable to attack.

Time after time we have seen press reports and other indications that our chemical facilities are not properly secure, and there has been very little effort to improve the safety of the processing in many plants. Put literally, millions of Americans are at risk.

A recent report by the conference board, by the way, that confirms this shows there has been a very limited increase in expenditures at publicly held companies in this country. Less than 4 percent at the median, and very little, according to many of the anecdotal pieces of information we have been able to find with regard to chemical plants.

According to the EPA, there are 123 facilities in 24 States where a chemical release could expose more than 1 million people to highly toxic chemicals. There are about 750 facilities in 39 States where a chemical release could expose more than 100,000 people to these chemicals. Thirty-nine States have that kind of exposure.

I have with me a map that shows how many of these facilities are located in each State. This really is a broad-based national issue. There are nearly 3,000 facilities spread across 49 States where a chemical release could expose more than 10,000 people. These are staggering numbers representing a broad vulnerability across America.

The consequences of an attack on a chemical plant are potentially horrific, and it is hard for any of us to even imagine. Think back to 1983 in Bhopal, India, where over 3,000 people died and innumerable injuries and problems in health still linger today. I would argue that our Nation appears to be in denial about this problem. If anything, September 11 taught us that we cannot avoid thinking about the unthinkable. We have to face up to the Nation's most serious vulnerabilities. We have to focus on them and confront them head on. If we look at what has been identified by security experts and the people at the Department of Homeland Security, we will draw that conclusion.

I repeat one of the statistics I mentioned: There are 123 chemical facilities around our Nation that could threaten more than 1 million American lives in their immediate vicinity. To bring this home, there are eight of these facilities in my home State of New Jersey, one that has the potential to expose over 8 million people in the Greater New Jersey-New York region with a toxic cloud. Think about that, 8 million people located smack dab in the middle of one of the most densely populated areas in our country.

These facilities pose a severe threat to public safety. They have serious weapons that could be used against the American people and cause massive injuries and death. Loaded with chemicals such as chlorine, ammonia, and hydrogen fluoride, chemicals that serve an important industrial function, they could be instantly transformed into a weapon of mass destruction at the hands of a terrorist.

I am not arguing that many are not doing what they are supposed to be doing. I see great activity about security and safety in many of the pharmaceutical plants in New Jersey.

There are many who are not stepping up to the plate to make sure the public is protected, and this is not just my opinion. Again, it has been documented by experts in the administration and the like. On March 18, the General Accounting Office issued a new report on this matter. GAO found that chemical facilities may be attractive targets for terrorists because of the extent of harm they could inflict.

If one is trying to find a way to seriously impact broad numbers of the population, this is how GAO says terrorists might actually accomplish that. GAO goes on to say: There are no Federal laws requiring chemical facilities to assess vulnerabilities, to take action, to safeguard against these attacks. GAO recommended that the Department of Homeland Security and the EPA jointly develop a strategy, including legislative proposal, to address the threats of attacks on chemical facilities.

The GAO report was released on March 18 of this year, but only one month earlier the Department of Homeland Security itself sounded the alarm about the threat facing chemical facilities. In the bulletin issued on February 12 of this year, when we moved to code orange, the Department stated:

> Al-Qaida operatives also may attempt to launch conventional attacks against U.S. nuclear/chemical-industrial infrastructure to cause contamination, disruption and terror.

In our releases to our own people across this country, we identify this as a vulnerability. We ask our local law enforcement to protect the American people.

> Based on information, nuclear power plants and industrial chemical plants remain viable targets.

Now I go back to October 6 of last year. On that day, Homeland Security Secretary Ridge and EPA Administrator Whitman had a letter of theirs published in the Washington Post. In that letter they stated:

> The Bush administration is committed to reducing the vulnerability of America's chemical facilities to terrorist attack and is working to enact bipartisan legislation that would require such facilities to address their vulnerabilities.

That was on October 6 last year. I think this is July 23.

The letter goes on to state:

> We applaud the voluntary efforts some in the industry have undertaken—

By the way, I do as well—

> but we believe that every one of the 15,000 chemical facilities nationwide that contain large quantities of hazardous chemicals must be required to take the steps the industry leaders are taking at their facilities: performing comprehensive vulnerability assessments and then acting to reduce those vulnerabilities.

Yet in spite of all of these public acknowledgments, comments and statements, we still have not been able to enact chemical security legislation. I introduced a bill back in October of 2001, and did a lot of compromising with a lot of folks on the EPW committee, addressing industry concerns. We reported out a bill 19 to 0. I reintroduced that legislation in this Congress. In April, I offered the bill with further modifications as an amendment to the Defense supplemental appropriations bill. The amendment was defeated on a point of order. In that bill, I actually included additional funds to help facilitate putting in security elements to make sure industry believed we were working as partners to accomplish it.

I will not be offering that legislation on this appropriations bill. I know it would be subject to a point of order. But I simply cannot let this legislation go through without drawing attention to an issue that just lingers and lingers. For the people of the State of New Jersey, and I know in all of these other States that I just talked about, this is a serious risk as we go forward.

In that regard, I want to commend Senator BYRD for recognizing the importance of this issue and including chemical security as a priority in his amendment yesterday. More than any other Senator, the senior Senator from West Virginia has consistently demanded that we do more on homeland security than talk about it. So I thank him for his leadership on homeland security in general, and more specifically for his attention to chemical plant security.

The amendment Senator EDWARDS and I are offering today is the chemical security portion of Senator BYRD's amendment. It appropriates $80 million for the Department to conduct vulnerability assessments at chemical facilities—simple, with none of the other stuff that is such an onerous problem for the industry. Just get an assessment of what the risks are.

We would not tolerate this with our nuclear plants in this country. We check them out all the time. We have a whole infrastructure to do it. We have these plants located—again, 123 right in the middle of our most vulnerable areas, our most densely populated areas. This $80 million is the amount the Congressional Budget Office has estimated it will cost to conduct vulnerability assessments nationwide.

Some have questioned whether we should legislate this as a priority. They argue that we have funds in the bill that could be used for this purpose and that we should let the Department identify infrastructure priorities as they see fit. That certainly does not jibe with the language I have heard Secretary Ridge, EPA Director Whitman, the GAO, and others talk about, and I would respond that chemical plants have consistently been identified by every security expert and leader as a top priority. They must be addressed.

Last week, Rand Beers, who until recently was a senior director for combating terrorism on the Bush administration National Security Council, was asked the following question:

> When we think about homeland security, what specifically concerns you?

To which Mr. Beers replied:

> We have looked at the chemical industries around the country and have a very serious concern. There are a number of these plants in locations around the country where an explosion would create a catastrophic result which could approximate the World Trade Center. These are areas where we need the Federal Government to give the chemical industry the guidelines that are necessary in order to protect those plants, because for the plants to simply do it on their own is going to create a great disadvantage to those who do and an advantage to those who don't because it will cost money. So it ought to be evened out across the industry.

I wish I had been as articulate as Mr. Beers. That is exactly what we need to be doing. By the way, it is unfair for those who are actually dealing with the problem relative to those who walk away from their responsibility in their communities.

Chemical plants were the first thing on Mr. Beers' list, and we have done nothing to address this threat. I think it is appropriate that we deal with it and give direction to the Department in this regard. This amendment, which would fund vulnerability assessments, is a positive step. It is one that we ought to take today. I also want to make it clear it is a first step, and we need to do more.

After we appropriate these funds, we will still have the task of passing authorizing legislation to assure appropriate security standards and accountability mechanisms are put in place, as Mr. Beers alluded to in his comments. We just have to get moving on this issue.

Earlier in the year, Senator INHOFE introduced his own bill on chemical plant security. There is much in that bill that I find positive. It does not go far enough, in my view, but it is a good first step. It is a great place to start. We need to get moving on this issue. We have people exposed to vulnerability that almost everyone recognizes and identifies. I think we need to get moving in the Congress, and I think the administration needs to step forward also.

Despite consistent statements in support of the concept of the legislation, it has not been pushed as a priority on the agenda. So I am calling on the President and Secretary Ridge to move on this issue. My goal is to truly develop bipartisan legislation, an effective approach that deals with the real vulnerability that we have; one that can move through this body and the House and be signed into law. For now, as a first step toward securing chemical plants, I urge my colleagues to support this simple amendment which will provide $80 million to the Department of Homeland Security to conduct vulnerability assessments at chemical plants. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senator's amendment will add $80 million to the appropriations for the Office of Under Secretary for Information Analysis and Infrastructure Protection, and it is earmarked specifically to conduct chemical facilities security assessments. Our bill provides a total of $823,700,000 for the information, analysis, and infrastructure protection operating expenses.

The Senator adds his $80 million to that account and earmarks it for chemical facilities. There is no offset for this amendment. Therefore, it violates the Budget Act inasmuch as it surpasses the allocation available to the subcommittee to use in writing this bill. At the appropriate time I will make a point of order that it violates the Budget Act in that it is spending in excess of the subcommittee's allocation. I assume the Senator will move to waive the Budget Act and get the yeas and nays and the vote will occur on the motion to waive the Budget Act. That is my expectation. I am hopeful the Senate will refuse to waive the Budget Act.

What we are doing if we start down this path is not only adding money that is not available to the subcommittee, but we are earmarking specific, critical infrastructure facilities and telling the Department how much money they should spend on each one, or selected ones. It deprives them of the flexibility they need to use the funds they are given under this legislation to assign priorities as they understand the threats. Changing threats could mean a change in the areas where they are concentrating their activities and assessing the security of specific facilities in addition to chemical facilities.

Chemical facilities, incidentally, are considered critical infrastructure and they are defined as such in the bill. So there is no restriction for this agency to use the funds appropriated in this act for the purposes of assessing the security needs of chemical facilities.

I don't know how much time remains for the Senator, but I don't intend to debate this any further. When the time of the Senator is yielded back or used, I will make the point of order.

I make the point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee 302(b) allocation.

Mr. CORZINE. Pursuant to section 904 of the Congressional Budget Act 74, I move to waive the applicable sections of that act for the purposes of the pending amendment.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Jersey has 3½ minutes remaining.

Mr. CORZINE. Mr. President, every department head, including the Director of Homeland Security, Secretary Ridge, has identified this as a priority. They have earmarked it, but we have yet to see the actual dollars flowing to meet the challenge that occurs in this area. Each day that goes by is another day of exposure to literally millions of Americans.

Given it is identified over and over again in the rhetoric and the memoranda to first responders across the country, in times of high tension and vulnerability, it seems to me we ought to single this out in a context that makes this a vulnerability that we will address. That is what my amendment is trying to do.

We have procrastinated long enough on an issue that is very important to the entire Nation with regard to these very serious vulnerabilities—100,000 Americans or more are at risk in 39 States. There are 123 facilities that expose more than 1 million people. That is why I make a point of bringing this up.

I appreciate the comments. I hope, with the dialog we are having, we will encourage the Homeland Security Department to be cognizant of the need to make these vulnerability assessments.

I yield back the floor.

AMENDMENT NO. 1351

The PRESIDING OFFICER. The next amendment is the Schumer-Baucus amendment. Under the previous order the Senator from Montana or the Senator from New York is to be recognized.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I am awaiting the arrival of my colleague from New York to offer the amendment. It is his amendment and I am a cosponsor. Pending his arrival, I will make a couple of statements. I do not have the amendment with me.

I am pleased to join with the Senator from New York, essentially offering an amendment that provides additional funds to increase the number of border personnel protecting the more than 5,000 miles of border we share with Canada.

It goes without saying that protecting this great Nation is the most important responsibility facing the Congress and the administration. Certainly enhancing border security is critically important in the wake of September 11, 2001. The need for increased security against threats from outside and within our country is evident.

Over the years our borders have seen a rise in the number of illegal aliens trying to gain entry into our country. These individuals are using whatever means possible to get into this country, some to seek a better life, others to traffic in illegal and harmful activities, and some with even more nefarious goals.

Clearly, we must do more to control and prevent illegal entry into the United States. How do we do that? What is the best way? One, clearly, is to invest in advanced surveillance technology and communication systems that allow enforcement personnel to monitor the flow of individuals entering this country. All personnel involved with border security and law enforcement need to be able to communicate with each other effectively. Currently, it is very difficult for them to do so.

Illegal entry is usually gained somewhere along the vast 5,000-mile border between border stations. Sometimes it is at the border stations, but often it is in between them, in the mountains, in the plains, and the unobserved areas. In the mountains of northern Montana, for example, electronic sensors have recently picked up 1,000 crossings between Canada and the United States. Not one arrest was made from any of those sensor signals. What were those crossings? Who were they? What were they? Could it be wild animals, backpackers, illegal aliens? No one knows. Why? Because of the lack of personnel and proper equipment, we can only guess. We do not know what type of activity the sensors are picking up and what is crossing our borders.

The security of our Nation affects everyone. My example points out that the State of Montana faces unique issues regarding homeland security. Montana has the longest border with Canada in the lower 48 States. We border three Canadian provinces with a northern border of roughly 600 miles. Controlling the traffic of people coming in and out of the country through Montana is difficult, to say the least. People working at the border stations or near the border stations are extremely frustrated because of inadequate personnel, because of the inability of personnel to communicate with each other—regardless of what agency it might be. It might be DEA; it might be Immigration; it might be Customs. There are lots of agencies and each has different communications facilities. They have a hard time talking with each other.

In addition, there are very few personnel along that entire border.

Along with the sheer length of the border, the topography of the region makes patrolling it a terrific challenge. A lot of my colleagues have spoken to me and said how much they like visiting Montana because of the beauty of the State, particularly Glacier Park. It takes a lot of work to hike over those mountains and it is very difficult to protect that border with Canada. Then in eastern Montana, as far as the eye can see, are vast plains and it is very easy to cross the border from the United States through Montana.

Glacier National Park is located in the northwestern corner of our State. It crosses over to the Province of Alberta and the Province of British Columbia. It has sharp mountains and rugged peaks; it is wilderness but also an area that requires increased resources to monitor because it is so difficult to monitor that part of the border.

The U.S. Park Service is responsible for the security of our national parks. The National Park Rangers patrol the 40 miles of the international border that lies within Glacier Park with little increases in funding for park security.

Park services are already strained, our national parks are already strained for resources, and we need a vast increase in them, in my judgment. With the additional terrorism threat that faces our country, we have additional pressure for more resources to protect our borders.

I believe homeland security is of the utmost importance and our border agencies, law enforcement, and the National Park Service need a lot of help. If we do not increase the technology, if we do not increase the personnel needed for border security, we will certainly continue to see more individuals who will enter our country through the remote areas of the border, particularly in my State of Montana. We don't like it. We are very concerned.

There are also drugs coming down because of the inadequate number of personnel and inadequate equipment the current personnel have. Our country must do more to increase the number of border personnel to prevent this unwanted traffic.

Finally, we need to continue working with our neighbor to the north, continue working with Canada to secure our Nation's northern border, their southern border. We can do this with coordinated law enforcement operations, through intelligence sharing and infrastructure improvements but, again, this cannot be done just on the basis of words. It can only be done with effective manpower, with proper technology, and with good communication systems. It is clearly inadequate today.

I am pleased today to join with Senator SCHUMER to offer an amendment that will provide an additional $200 million to increase the number of border personnel. This will enhance our ability to conduct inspections of people and goods entering our country. I urge my colleagues to support the amendment.

This is not an idle statement; this is very important. If the Presiding Officer, who comes from a State which also borders with Canada, were joined with me in explaining to our colleagues just how important it is to protect that border and how easy it is to cross that border undetected—I am certain in the home State of the Presiding Officer it is almost as easy as in my State of Montana let alone other Western States.

I urge my colleagues to support this amendment. I guess it will be opposed, but, frankly, $200 million for additional border security I think is an investment very well worth it. It is an investment we must make.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I know my good friend and colleague, Senator BAUCUS, spoke on this amendment but I believe it has not been sent to the desk yet.

The PRESIDING OFFICER. That is correct.

Mr. SCHUMER. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mr. BAUCUS, Ms. CANTWELL, Mr. LEAHY, and Ms. STABENOW, proposes an amendment numbered 1351.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available an additional $200,000,000 to increase the number of border personnel at the northern border of the United States by the end of fiscal year 2004)

In title III under the heading "SALARIES AND EXPENSES" under the heading "CUSTOMS AND BORDER PROTECTION", strike "$4,366,000,000," and insert "$4,566,000,000, of which not to exceed $200,000,000 shall be available to assist the Department of Homeland Security in increasing the number of border personnel at the northern border of the United States by the end of fiscal year 2004 as authorized by section 402 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) of 2001 (115 Stat. 342), and may be transferred by the Secretary of Homeland Security to the salaries and expenses account of the Bureau of Immigration and Customs Enforcement;".

Mr. SCHUMER. Mr. President, my good colleague from Montana is from a State that is quite different from mine. He has summed up this bill well. We are from different States but we face the same problem, and that is our northern border is not guarded as well as it should be.

Frankly, I think our country has done a very good job on the southern border. We have had lots of problems there in the past. The various governmental agencies, prodded in part by this body and the other body, did a good job tightening things up.

There was really no need to tighten up the northern border until 9/11. But what we have learned is that the terrorists know what we are doing. They can log onto the Internet, even if they are in a cave in Afghanistan, as long as they have a wireless connection, and can learn what we are doing. So they know what we all know: The southern border is pretty well guarded but the northern border is not.

As a result, we have seen that various terrorists and others who seek to do damage to our country, evil acts in our country, perhaps, have started crossing at the northern border. It is a massive border. It has 128 ports of entry. It is 5,500 miles long. Large parts of it are totally unguarded. Some of it is water. The Canadian border that New York State shares with Canada is bounded by Lake Ontario and by the Niagara River and by the St. Lawrence River. It is a beautiful border, it is a peaceful border, but unfortunately it can be used by bad people for evil purpose.

The challenge we face is we have trade with Canada. Western New York, the north country in New York State depend on that trade. Yet we need to be more secure. Can we have security and commerce? Is there a tradeoff between one and the other? Only if we do not provide the resources. If we provide the resources for personnel, for equipment, for technology, we can have the best of both worlds—a northern border that is secure and a northern border where a free flow of commerce occurs. It is extremely important. Canada is my State's biggest trading partner. Last year we exported $9 billion worth of merchandise to the north.

In order to do what we do, we need a three-pronged approach. We must first have the technological programs such as FAST, NEXUS, and US VISIT. We need the VACIS radiological detection program. And, most important, we need sufficient staffing at the border.

We recognized this in the PATRIOT Act, where we authorized a tripling of Immigration, Customs, and Border Patrol. I have to be honest; it is not that this country has done nothing. There are now more people guarding northern borders than there were in September 2001. There were 2,300 in September 2001; there are now about 5,000. That is a significant advance and I am not critical of that advance; I think it is a good one.

But my motto in the post-9/11 world is a simple one: You can't be too careful. This is a greater expense but we need it. We need it both so commerce continues—I know your State, Mr. President, depends on that commerce as well—and we need it so our people can be more secure.

There should be, according to the PATRIOT Act, not just 5,000 men and women guarding that border, which there will be in September of 2004, but 6,900. That is a shortfall of 27 percent. We will basically have only three-quarters of the men and women at the northern border we publicly promised to station there.

That is less than one person per mile of the border.

The amendment of my good friend from Montana and I—again, from completely different States but who share the same problem of a border that is guarded better than before but still not well enough—allocates $200 million to the Bureau of Customs and Border Protection for the express purpose of adding new personnel to the northern border. We give the Department of Homeland Security flexibility to transfer these funds to the Bureau of Immigration and Customs Enforcement if needed to meet the PATRIOT Act goals.

I urge that we support it.

Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The motion is not in order at this time.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the amendment offered by Senators SCHUMER and BAUCUS increases the funding available for personnel along the northern border by $200 million to meet a level of personnel authorized by the USA PATRIOT Act.

This amendment is identical to the portion of the amendment offered by the Senator from West Virginia, Mr. BYRD, yesterday on which a point of order was made and the motion to waive failed. So the amendment was not agreed to.

I will make the same statements I made yesterday but in a different way—it won't be exactly the same—to explain why the funding made available in the bill has gone a long way toward achieving the goal. In fact, before the end of this fiscal year of 2004, there will be the number of agents anticipated and contemplated by the USA PATRIOT Act, and they are funded in the legislation that is before the Senate now.

Since fiscal year 2002, more than 5,000 additional inspectors, special acts, and Border Patrol agents have been funded by the Congress. The supplemental included $75 million for additional staffing for the northern border and maritime ports of entry. It also included $25 million to transfer 285 Border Patrol agents to the northern border.

The Bureau of Customs and Border Protection reports that over 4,000 inspectors have been added since September 11, 2001. Over 1,000 inspectors have been added to the northern border since 9/11; 613 Border Patrol agents are assigned to the northern border compared to 368 before September 11, 2001.

Commissioner Bonner plans to have 1,000 agents on the northern border by October of this year. When the new agents funded in the bill are counted, there will be over 11,600 Border Patrol agents in fiscal year 2004. This bill includes the maximum number of new border agents that can be absorbed in 1 year.

But for the purpose of our discussion on this specific amendment, I am constrained to point out that the amendment provides spending in excess of our allocation under the Budget Act and, therefore, I am constrained to make a point of order, and do hereby make a point of order, under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. SCHUMER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purpose of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that Senator LEVIN be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Does the Senator yield back all time?

Mr. SCHUMER. I yield the remainder of my time.

Mr. COCHRAN. Mr. President, I yield all of the time available to me under the order.

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1350

The PRESIDING OFFICER. Under the previous order, there are 2 minutes equally divided prior to the vote in relation to the Corzine amendment.

Mr. COCHRAN. Mr. President, I am prepared to yield back the 2 minutes available to me, if the other side will yield back its time. I think the amendment has been fully debated. It was simply put in order of reservation to protect the Senators who wanted to speak in addition to those 20 minutes that were provided to Senator CORZINE and 10 minutes to me under the order. I have no need of expressing myself again on this subject. I yield back the 2 minutes available to me under the order.

Mr. CORZINE. Mr. President, I will reiterate the strong feeling that we need to address chemical plant security in this Nation. There has not been the attention that is due to the millions and millions of Americans who are exposed to the potential for toxic fumes from a potential terrorist attack.

These plants are identified as one of most vulnerable elements by the Department of Homeland Security. They are cited in each of the notices to move to code orange as requiring the attention of local law enforcement and the providers of safety for communities. I think it is time for Congress to take action to assess these vulnerabilities on a complete basis. I hope we will come back and have some stricter requirements that will also deal with it. But that is the first step.

I appreciate the help of my colleagues and urge support of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Corzine amendment No. 1350. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 52, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
DeWine
Dole
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Crapo
Domenici
Graham (FL)
Kerry
Lieberman

The PRESIDING OFFICER. On this vote the yeas are 43, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1351

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes evenly divided prior to the vote in relation to the Schumer amendment.

Who yields time? The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I will soon yield a minute to my colleague from Montana. The amendment is very simple. It brings up what we promised in the PATRIOT Act—funding for northern border personnel.

Right now, we have increased the personnel on the northern border, but we have not increased them to a level even close to the level we mentioned in the PATRIOT Act. The northern border has become the border of choice for those who want to infiltrate into this country and do real harm. It makes eminent sense to spend a relatively small amount of money—$200 million—to fulfill our promise and bring the Border Patrol and others, including Customs, to that border so we can have both commerce and security. We can have both if we provide the dollars.

I yield the remaining time to my friend from Montana.

The PRESIDING OFFICER. The Senator has 3 seconds.

Mr. BAUCUS. Mr. President, this is a great amendment.

Mr. COCHRAN. Mr. President, this amendment would exceed by a substantial amount the 302(b) allocation, if it were agreed to, that the subcommittee had to appropriate. In addition to that, the northern border will be fully staffed under the target provided in the USA PATRIOT Act with the funding that is already in this bill that has been previously appropriated.

This motion to waive the Budget Act should be rejected.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays are ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 51, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
DeWine
Dole
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—4

Crapo
Domenici
Kerry
Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 45 and the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENTS NOS. 1353 THROUGH 1359, EN BLOC

Mr. BYRD. Mr. President, I have a list of amendments which have been cleared by the distinguished Republican manager of the bill, Mr. COCHRAN, and have been cleared on both sides. They are on behalf of Senators BINGAMAN, DODD, BYRD, MURRAY, REID of Nevada, CONRAD and DORGAN, and EDWARDS. I ask unanimous consent that they be considered en bloc, agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that the amendments appear in the RECORD as though individually considered and adopted.

Mr. COCHRAN. Mr. President, I have no objection to the request of the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The clerk will report the numbers of the amendments.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendments numbered 1353 through 1359, en bloc.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 1353

(Purpose: To provide for a study by GAO of the SEVIS)

On page 46, line 17, insert before the period the following:

"*Provided further*, That not later than 180 days after the date of enactment of this Act, the General Accounting Office shall transmit to Congress a report on the implementation of the Student and Exchange Visitor Information System (SEVIS), including an assessment of the technical problems faced by institutions of higher education using the system, the need for the detailed information collected, and an analysis of corrective action being taken by the Department to resolve problems in SEVIS".

Mr. BYRD. Mr. President, the amendment I have offered on behalf of the Senator from New Mexico calls upon the General Accounting Office to submit a report on the implementation of the Student and Exchange Visitor Information System known as SEVIS.

AMENDMENT NO. 1354

(Purpose: To ensure that there is a robust program of research and development for the Coast Guard)

On page 50, line 16, after "United States:", insert the following: "*Provided further*, That of the total amount provided under this heading, funding to operate and maintain the Coast Guard Research and Development Center shall continue at the fiscal year 2003 level: *Provided further*, That the Commandant of the Coast Guard shall conduct a study, the cost of which is not to exceed $350,000, to be submitted to the Committees on Appropriations of the Senate and the House of Representatives, on the research and development priorities of the Coast Guard and a design for a new research and development organizational structure within the Coast Guard that ensures that the Coast Guard has access to the most advanced technology necessary to perform its missions effectively: *Provided further*, That the Commandant may seek an independent entity to conduct such a study:".

On page 67, line 8, before the period at the end, insert the following: ": *Provided further*, That the Under Secretary for Science and Technology shall work with the Coast Guard Research and Development Center regarding research priorities for the Coast Guard: *Provided further*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation".

Mr. BYRD. Mr. President, the amendment I have offered on behalf of Senator DODD does two things:

One, it ensures that funding to operate and maintain the Coast Guard's research and development, R&D, center in Connecticut is funded at levels provided in fiscal year 2003, which was $9 million supporting a staffing level of 107 employees. The Senate bill, as reported by the committee, denied the President's request for Coast Guard R&D and instead added $15 million to the Department's science and technology account to carry out the Coast Guard's R&D priorities. However, the committee intended for the operational costs of the Coast Guard's R&D center in fiscal year 2004 to be funded from the Coast Guard's operations and expenses budget.

Two, the amendment directs the Commandant of the Coast Guard to conduct a study on the R&D priorities for the Coast Guard and to examine the existing R&D organizational structure of the Coast Guard. The amendment allows up to $350,000 to be spent on such a study.

AMENDMENT NO. 1355

On page 75, line 5 delete all beginning with "after" down through and including "Act", and insert: "the Secretary of Homeland Security has published in the Federal Register the Department's privacy notice for CAPPS II or no later than 60 days after enactment of this Act, which is later"

Mr. BYRD. Mr. President, this technical amendment requires the General Accounting Office to report to the Committees on Appropriations on the privacy protections in the Transportation Security Administration's program known as, CAPPS II.

This report will be delivered either 60 days after the Secretary of Homeland Security has published in the Federal Register the Department's privacy notice for CAPPS II, or no later than 60 days after enactment of this act, whichever is later.

AMENDMENT NO. 1356

(Purpose: To provide funding for oil spill prevention)

On page 51, line 24, after the word "equipment", insert: "including $3,500,000 for defense message system implementation and $1,000,000 for oil spill prevention efforts under the Ports and Waterways Safety Systems (PAWSS) program".

Mr. BYRD. Mr. President, the Murray amendment included in the manager's package provides $1 million for the Ports and Waterways Safety Systems, PAWSS, which is the Coast Guard's program to improve waterway safety. The $1 million would continue efforts of the Coast Guard to upgrade technology at their Vessel Traffic Systems, VTS, which are located at nine U.S. ports.

The amendment includes an offset of $1 million from the Coast Guard's Defense Messaging System Implementation.

AMENDMENT NO. 1357

On page 75, between lines 5 and 6, insert the following:

SEC. 616 (a) Congress finds that—

(1) emergency responders are the first line of defense in protecting our Nation against terrorist attacks;

(2) the Department of Homeland Security uses population as a factor when allocating grant funding to States and local governments for emergency responders;

(3) population plays an important role in both formula and discretionary grants, which are administered by the Department of Homeland Security;

(4) the number of people in any city or State often differs from estimates by the Census Bureau;

(5) large groups of tourists regularly visit many American cities and states, but are not included in the resident population of these cities and states; and

(6) the monetary needs of emergency responders are directly related to the amount of people they are responsible to protect.

(b) It is the sense of the Senate that the Secretary of Homeland Security should take into account tourist population as a factor when determining resource needs and potential vulnerabilities for the purpose of allocating funds for discretionary and formula grants.

Mr. BYRD. Mr. President, the amendment offered on behalf of Senator REID, expresses the sense of the Senate that the Secretary of Homeland Security should take into account tourist population as a factor when determining resource needs and potential vulnerabilities for the purpose of allocating funds for discretionary and formula grants.

It is my understanding that this amendment has been cleared by the majority and has been adopted.

AMENDMENT NO. 1358

(Purpose: To require the Under Secretary for Emergency Preparedness and Response to review any outstanding claims by the University of North Dakota relating to damages and costs associated with the April 1997 flooding in North Dakota and report to Congress on the efforts to resolve such claims)

On page 75, between lines 5 and 6, insert the following:

SEC. 616. Not later than 30 days after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall—

(1) review the damage survey reports and project worksheets relating to the damages and costs incurred by the University of North Dakota as a result of the April 1997 flooding in North Dakota, which is classified by Emergency Preparedness and Response as DR-1174-ND; and

(2) submit a report on the efforts of the Directorate of Emergency Preparedness and Response to resolve any outstanding claims by the University of North Dakota relating to the reports described in paragraph (1) to—the Committees on Appropriations of the Senate and House of Representatives.

Mr. BYRD. Mr. President, I support the amendment of Senator CONRAD and Senator DORGAN. I understand the amendment also has the support of the majority.

The amendment would direct the Under Secretary of Emergency Preparedness and Response to review and report back to the Homeland Security appropriations Subcommittee on efforts to resolve the outstanding disaster claims from the University of North Dakota.

Only $718,675 is in dispute between the University and the Emergency Preparedness and Response Directorate related to damages the university sustained during the 1997 flood.

These claims have been pending for 6 years.

Senator CONRAD and Senator DORGAN have been working to resolve them, but the Department has been less than cooperative.

I support the efforts of my colleagues to bring this matter to closure.

AMENDMENT NO. 1359

(Purpose: To require a report on the vulnerability of large sports and entertainment facilities)

On page 66, line 3, after "Center", insert: *Provided*, That no later than 120 days after enactment the Under Secretary of Infrastructure Analysis and Infrastructure Protection shall submit a report to the Committees on Appropriations of the Senate and House of Representatives on the vulnerability of the 250 largest sports and entertainment facilities (based on seating capacity)."

Mr. BYRD. Mr. President, this amendment will require that no later than 120 days after enactment of this bill the Under Secretary of Information Analysis and Infrastructure Protection will report to the House and Senate Appropriations Committees on the vulnerability of our Nation's largest sports and entertainment facilities.

HIGH-THREAT URBAN AREAS

Mr. CHAMBLISS. Mr. President, I express my support for the allocation of funds from the discretionary grants program to high-threat urban areas, including the city of Atlanta. Atlanta was not recognized by the Department of Homeland Security as a high-threat urban area in the department's last round of funding grants based on the department's grant criteria.

Mr. MILLER. Mr. President, if my colleague from Georgia would yield for a moment, Atlanta is the largest city in the south, with one of the busiest airports in the country, as well as being home to the Centers for Disease Control and Prevention. Therefore, I find it shocking that Atlanta was not considered a high-threat urban area.

Mr. BAYH. I have been listening with great interest to my friends from the State of Georgia discuss their concerns with the high-threat urban grant program. I, too, was surprised to hear that a city as large as Atlanta did not receive any of these funds. I would ask my distinguished colleague from the State of Georgia if he was aware that Indianapolis, or any other city in the State of Indiana for that matter, did not receive any funds from the high density, high-threat urban areas grant program.

Mr. MILLER. I was unaware that Indianapolis did not receive funds under this vitally important program. As both Senators realize, it is essential that all our large cities obtain adequate funding for homeland security. It seems remarkable that two cities with such a large quantity of critical infrastructure did not receive any funds under the program.

Mr. BAYH. Mr. President, I was disappointed to learn that not one city in my home state received any of the $700 million allocated in the fiscal year 2003 Supplemental for high-threat urban areas. After all, Indianapolis is the 12th largest city in the United States and hosts two of the three largest sporting events in the world each year. Every year, over one million race fans visit the great State of Indiana to attend the Indianapolis 500, the Brickyard 400 and the U.S. Grand Prix. I believe it is imperative that Indianapolis receive funds through the high-threat urban areas grant program to ensure a sufficient level of security is provided to all Hoosiers in central Indiana. I thank my distinguished colleagues from Georgia for their attention to this matter.

Mr. CHAMBLISS. I thank my distinguished colleagues from Georgia and Indiana for their questions and concerns pertaining to this matter. In response to my colleague from Georgia; not only is it true that Atlanta is the largest city in the South, with the busiest airport in the nation as defined by the largest volume of air carriers in the industry and home of the CDC and the U.S. Army Forces Command headquarters, it is also true that Georgia is the tenth largest state in the nation based on population and plays host to numerous high profile events. It is extremely important to Atlanta and the state of Georgia that Atlanta receive adequate consideration for funding from the DHS via the high-threat urban area grant program in the future to better ensure a secure city of Atlanta and the state of Georgia. I thank my distinguished colleagues from Georgia and Indiana.

EMERGENCY WARNINGS

Mr. EDWARDS. Mr. President, I applaud the Appropriations Committee's efforts to improve our public warning system in the event of a terrorist attack. Right now, we depend almost exclusively on television and radio, which most of us wouldn't hear should a disaster occur in the middle of the night. I support the Committee's efforts to include the full range of communications technologies in our alert system. Public warnings save lives, and we must ensure that warnings reach every American in times of danger.

While terrorism warnings are vitally important, we must not forget that more than 95 percent of all public warnings deal with weather hazards like hurricanes and floods. I am concerned that creating a new public warning system to alert Americans in the events of a terrorist attack, rather than building upon an existing warnings network, like National Oceanic and Atmospheric Administration, NOAA, weather radio, could further confuse and frustrate the public.

During consideration of the supplemental earlier this year, the Senate passed an amendment I introduced to incorporate terrorism warnings and updated technologies within National Oceanic and Atmospheric Administration, NOAA, weather radio. The House Appropriations Committee Report also includes language about incorporating terrorism alerts within NOAA weather radio. I believe very strongly that the Senate must also be on record supporting an integrated alert system. Such a system must make use of all existing communication technologies, including traditional telephones, wireless technology, including cellular telephones and pagers, and the Internet. This can only be achieved if the Chairman of the Federal Communications Commission, the Secretary of Commerce, representatives of State and local govermments, and representatives of the private sector, media, and academia are all involved.

Mr. COCHRAN. The Committee supports the creation of a national, all hazards warning network, and will work in conference to achieve this goal.

Mr. EDWARDS. I thank my distinguished colleague for the clarification.

U.S.-MEXICO BORDER VULNERABILITY

Mr. BINGAMAN. Mr. President, I engage in a colloquy with the chairman and ranking member of the Homeland Security Appropriations Subcommittee.

Mr. President, let me begin by thanking Senators COCHRAN and BYRD for their leadership on this legislation. They have crafted a very good bill, which will go a long way toward improving security along our Nation's borders.

For many years now, I have been concerned about the vulnerability of the U.S.-Mexico border in my home state of New Mexico. I think a lot of people would be surprised to learn that there are still miles of border land where there is nothing separating my state from Mexico. To correct this problem, I requested and the Appropriations Committee approved $967,000 in fiscal years 2000 and 2001 for the Border Patrol to construct vehicle barriers along the U.S.-Mexico border in New Mexico.

The original appropriations are now nearly exhausted and this important project will have to come to a halt in the near future if more funding is not allocated to this effort. I have been informed by the New Mexico Border Authority that an additional 76 miles of vehicle barriers need to be constructed at an estimated cost of approximately $2.4 million.

I understand that the bill we are now considering includes $90.3 million for construction for the Bureau of Customs and Border Protection. Is it the expectation of the chairman and ranking member that the funds in this account could be used for continuing the construction of additional barriers?

Mr. COCHRAN. That is my expectation.

Mr. BYRD. I concur that this funding could be used as the Senator from New Mexico describes.

Mr. BINGAMAN. Let me also ask whether it is the opinion of the chairman and ranking member that this project is worthwhile and that the Department of Homeland Security should be encouraged to continue it in fiscal year 2004?

Mr. COCHRAN. Let me assure the Senator from New Mexico that I recognize the need for continuation of this project in his State, and that the funding provided to the Department of Homeland Security by this bill would be available for this purpose.

Mr. BYRD. I also agree that the Department of Homeland Security should continue the efforts that have been initiated by the Senator from New Mexico. There are serious needs that ought to be met along the border in his State, and it is my belief that the Department should continue to construct vehicle barriers using the funding we have provided in this bill.

NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER

Mr. DOMENICI. Mr. President, I engage the distinguished Senator from Mississippi and chairman of the Homeland Security Appropriations Subcommittee in a discussion about the National Infrastructure Simulation and Analysis Center—or NISAC—and its importance to the overall mission of the Department of Homeland Security.

I understand the desire of the chairman to give the Department of Homeland Security the maximum flexibility to identify potential terrorist threats and to appropriately respond to them. However, there are ongoing programs that I believe deserve the Senate's support and that need to be put in place to assist with this important responsibility.

The National Infrastructure Simulation and Analysis Center was established in fiscal year 2000 by Department of Energy national laboratories at Sandia and Los Alamos in New Mexico to model critical infrastructure in the nation to identify vulnerabilities to potential terrorist attacks, prepare for such attacks, and to mitigate and respond to such attacks if necessary.

Following the terrible events of September 11, NISAC was specifically authorized in the Patriot Act and received appropriations of $20 million in fiscal year 2002 to continue to implement the program.

The Patriot Act established NISAC "to serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to counter terrorism, threat assessment, and risk mitigation." The Act defines the need for this modeling and simulation to evaluate "appropriate mechanisms to ensure the stability of these complex and interdependent systems. . . ." NISAC is being designed to understand the full consequences of disruptions of the nation's infrastructure, including direct consequences, lives lost, property destruction, contamination, secondary consequences, economic disruptions and national defense threats, and cascading consequences, infrastructure interdependencies and regional interdependencies.

For the current year, fiscal year 2003, $27.5 million has been approved for NISAC—$20 million in program funding and $7.5 million for a NISAC facility at Kirtland Air Force Base in New Mexico. These funds were provided in the Consolidated Appropriations Act enacted this past February.

NISAC has now been transferred to the Department of Homeland Security. First, I call on the Department of Homeland Security to release the fiscal year 2003 funding immediately so the NISAC program is not delayed. The Department is sitting on $15 million in program funding and $7.5 million for the NISAC facility in New Mexico, and Sandia and Los Alamos need these funds to continue to develop NISAC.

It is my understanding that the President's fiscal year 2004 budget request includes $23 million in the Information Analysis and Infrastructure Protection Directorate for continued development of NISAC, and that the President's request for NISAC funding is approved in this bill. May I inquire of the chairman if this is indeed the case?

Mr. COCHRAN. The Senator from New Mexico is correct. Although the Department of Homeland Security is newly constituted and its budget submission is not completely detailed, I have confirmed with the Administration that the National Infrastructure Simulation and Analysis Center, or NISAC, receives $23 million in the budget request for the Information Analysis and Infrastructure Protection Directorate. Those funds are approved in the Committee-reported bill.

Mr. DOMENICI. I thank the Senator for clarification on this point.

Mr. President, NISAC fills a critical need in our work to secure the United States against terrorist attacks. By utilizing the modeling and simulation analysis capabilities at the DOE labs, NISAC is providing the Department of Homeland Security with science-based information and analysis to understand the full consequences of disruptions to the Nation's critical infrastructure.

NISAC can assess infrastructure vulnerabilities, interdependencies, and complexities to help the department, industry and other government agencies protect and secure critical infrastructure against terrorist attacks.

NISAC is already at work to help protect the critical infrastructure of our Nation against terrorist attack. NISAC has looked at port security with specific demonstrations in the Pacific Northwest in Seattle and Portland. NISAC has supported the TOPOFF II exercise to help evaluate the impact of decisions made during an exercise simulating a biological attack. NISAC is being tasked to model critical industries and critical links in the nation's transportation network.

NISAC has developed an initial suite of modeling, simulation and analysis capabilities that address urban, regional, and national interdependent infrastructures that only the Federal Government has the resources to accomplish. This package can be adapted for new issues, new regions, and new infrastructures to help secure the Nation against future terrorist events.

Mr. President, I am excited at the work already performed by NISAC, and the development that is underway on NISAC to help the Department of Homeland Security address potential terrorist threats against the Nation's critical infrastructure. I encourage the Department to embrace the NISAC program and to fully utilize the talents and expertise of Sandia and Los Alamos National Laboratories who have developed NISAC. Would the Chairman join me in that message to the Department of Homeland Security?

Mr. COCHRAN. I join the senior Senator from New Mexico in urging the Department of Homeland Security to utilize the National Infrastructure Simulation and Analysis Center and to support partnerships with the DOE national laboratories in New Mexico. I concur that the Nation's critical infrastructure is a potential target for future terrorist attack and that the Department must move swiftly to assess the nature of those threats and secure our critical infrastructure against such attack.

Mr. DOMENICI. I thank the distinguished Chairman of the Homeland Security Appropriations Subcommittee for his recognition of this important component of the Federal homeland security effort.

NATIONAL CENTER FOR DISASTER DECISION MAKING

Mr. WYDEN. Mr. President, as the Senate considers the fiscal year 2004 Homeland Security Appropriations bill, I want to bring to the Senate's attention a national program operating in my home State of Oregon that promises to provide important training for our Nation's State and local civilian officials who oversee first responders.

The National Center for Disaster Decision Making, or NCDDM, is a strong partnership of public and private entities seeking to provide leaders with the skills necessary to combat terrorism.

Although Congress and the administration have provided significant funds for first responder training, we have not emphasized the importance of preparing our State and local leaders who oversee and coordinate first responders. When a crisis occurs, the people who command first responders will be required to make critical decisions that we hope will mitigate loss of life and property. These leaders need to have comprehensive training and education that best prepares them to respond to any crisis or disaster that may occur in their local communities.

I want to confirm that it is the committee's intent that entities, such as the NCDDM, are eligible for funding from the Department of Homeland Security now, and that under the fiscal year 2004 Homeland Security Appropriations bill, the NCDDM will also be eligible to apply for competitive grant funding for "emerging" training available from the Office for Domestic Preparedness.

Mr. COCHRAN. The senior Senator from Oregon is correct; that is the committee's intent.

Mr. SMITH. I join my distinguished colleague from Oregon in applauding the NCDDM program. This program will prepare civic and business leaders to face the challenges presented by domestic emergencies. NCDDM will enhance the decision-making abilities of first responder management, health managers, and appointed and elected officials.

As our Nation continues to fight terrorism, programs like NCDDM will be an important component of our homeland security strategy. I thank my colleagues—the chairman of the Homeland Security Appropriations Subcommittee COCHRAN and Ranking Member BYRD for their support of this program and for their clarification of the committee's intent in assuring that the NCDDM program is eligible for funding today and may apply for competitive grant funding under the Office of Domestic Preparedness national programs in fiscal year 2004.

Mr. BYRD. I agree with my colleagues and I encourage the NCDDM to apply for the grants under this office. As a training center for those who oversee our State and local first responders, this program should be in good standing for Office for Domestic Preparedness grant programs.

Mr. COCHRAN. I agree with the senior Senator from West Virginia and the ranking member of the Homeland Security Appropriations Subcommittee.

THE MULTI-STATE ANTI-TERRORISM INFORMATION EXCHANGE PROGRAM

Mr. GRAHAM of Florida. I ask Senator COCHRAN and Senator BYRD are you aware of the Multi-State Anti-Terrorism Information Exchange Program, or the MATRIX program, which is a powerful new tool used by our law enforcement officers to combat terrorism and domestic crime?

Mr. COCHRAN. Yes, I am aware of the MATRIX program and the promise it has shown in providing State and local first responders with the information they need in their fight against terrorism.

Mr. BYRD. Yes, I am also aware of this program and understand that, for the first time, Florida's local and State law enforcement officials have access to an integrated law enforcement database that can provide them with the needed law enforcement information.

Mr. NELSON of Florida. We are faced with a changed world following the terrorist attacks of September 11, 2001. It is imperative that our Nation's first responders be given the necessary tools they need to fight this war. From our Nation's busiest ports and key border crossings, to local law enforcement in rural America charged with safeguarding critical infrastructure, there is a great and growing need for timely and accurate information. That capability is now possible with the MATRIX system.

Mr. GRAHAM of Florida. I can attest to the success the MATRIX program has had in our home State of Florida. Time is critical in preventing acts of terrorism. Our law enforcement officials in Florida tell me that, with the advantages of the MATRIX system, they have seen significant improvements in cases involving kidnapping, identity theft, drug trafficking and terrorism, just to name a few. MATRIX has been a resounding success, with the program set to expand to 12 additional States in the near future, including Kentucky, Pennsylvania and Texas.

Mr. NELSON of Florida. I would like to remind Senators COCHRAN and BYRD that the MATRIX program has received $10 million in grant funding from the Department of Homeland Security.

Mr. GRAHAM of Florida. Yes, for the first time, States will be able to share information through this integrated database system, providing law enforcement officers with the information they need to investigate threatened acts of terrorism or domestic crimes. The same results would have required many hours to accomplish. Those hours can now be compressed, freeing up limited law enforcement resources to focus on critical priorities, such as responding to terrorist threats.

Mr. NELSON of Florida. Senator BYRD, do you believe that the MATRIX system would qualify for continued funding from the Department of Homeland Security?

Mr. BYRD. The committee is aware of the benefits of this program to States in winning the war against terrorism. I believe it qualifies for continued funding from the Department.

Mr. GRAHAM of Florida. My colleague from the State of Florida and I encourage the Department of Homeland Security to identify additional funds for the MATRIX program, as it is clear the existing information systems and networks upon which our first responders rely need to be upgraded to fight the global war on terror. And I thank the chairman and ranking member for their comments.

FORT GORDON, GEORGIA

Mr. CHAMBLISS. Mr. President, I rise today to express my support for a Homeland Security mission at Ford Gordon. Fort Gordon has been recognized as possessing a number of homeland security resources.

Mr. MILLER. If my colleague from Georgia would yield for a question, would you expand on any ongoing training missions in disaster preparedness at Fort Gordon at this time and how these missions incorporate other agencies?

Mr. CHAMBLISS. I thank my distinguished colleague from Georgia for his question and concern about this matter. It is true, that training missions pertaining to disaster preparedness are currently taking place at Fort Gordon. I would also like to point out to my colleague from Georgia that numerous other local State and Federal agencies including partnerships between the Eisenhower Army Medical Center, the Medical College of Georgia, and the Federal Emergency Management Agency have all played an active role in this training.

Mr. MILLER. If the Senator from Georgia would yield for another question, it is my understanding that implementing a training mission at Fort Gordon would greatly contribute to the national security of this country. For the benefit of our colleagues, would you expand on that point?

Mr. CHAMBLISS. I thank the Senior Senator from Georgia for his question. Implementing a training mission at Fort Gordon would provide our country with the necessary combination of diverse military and civilian assets to better prepare us in the future from any threats to our national security. It is extremely important that we establish a homeland security mission, and for the record I would like to make it known that the committee has noted that this bill makes available $60 million for a competitive training grant program and I would encourage Fort Gordon to put in for an application for these available funds. I thank my distinguished colleague from Georgia.

CORRECTIONS TO SENATE REPORT 108-86

Mr. COCHRAN. Mr. President, I would like to note for the record the following corrections to Senate Report 108-86 accompanying H.R. 2555 as reported by the Senate, the Department of Homeland Security Appropriations Act, 2004.

On page 5, line 3, the dollar amount should read "$40,000,000."

On page 47, the second paragraph, the description of local government should reflect that the Subcommittee amended the report to include "borough."

PLAYAS PROJECT

Mr. DOMENICI. Mr. President, I wish to discuss a very important homeland security project being developed in New Mexico.

Responding to our Nation's need for more sophisticated security, the New Mexico Institute of Mining and Technology, NM Tech, and New Mexico State University, NMSU, are collaborating to create and operate the National Emergency Response Training, Research, and Development Center. This center would be located in Playas, NM.

Playas is a small town in Hidalgo County, NM, that was built in the late 1970s by the Phelps Dodge Mining Company to provide housing for 1,000 workers employed at its nearby copper smelting operation. The town includes 259 modern homes and 25 apartment units, a community center, restaurant, bank, gas station, post office, fire station, medical center and airstrip. It also has recreational facilities including a bowling alley, fitness center, rodeo arena, basketball courts, tennis courts, and swimming pool. Smelting operations were suspended in 1999 and currently the town is almost completely uninhabited.

NM Tech, a member of the Department of Homeland Security's, DHS, Office for Domestic Preparedness, ODP, National Domestic Preparedness Consortium, is currently in the process of purchasing Playas. If bought using ODP funds and properly developed by New Mexico Tech and then transferred to DHS, Playas could become a critical national facility for securing our Nation against future terrorist attacks. NM Tech and NMSU see it playing two critical roles, as an advanced training facility where our Nation's first responders can practice real world training scenarios and a place where biological, agricultural and environmental terrorism can be studied.

First, the center will provide standardized emergency operations training for our Nation's First Responders. Specifically, it will provide advanced training for emergency operations personnel, emergency medical personnel, and physicians. This training would focus on teaching advanced skills that will dramatically increase the technical capacity of emergency response organizations to manage incidents involving chemical, biological, radiological, explosive, and environmental agents. Training participants would also learn how to increase public confidence and foster organizational cooperation among local, State, Federal, and private sector emergency responders. Relationships fostered by this training will help to increase communications among local, regional and national emergency response organizations regarding mutual aid, information sharing, emergency credentialing, equipment interoperability, security clearances, and secure communication systems.

Second, the center will focus on ensuring the biological security of our Nation's agricultural assets and natural resources. Playas will provide a secure environment where university researchers can work collaboratively with private sector companies to study our homeland security challenges and develop new tools for fighting terrorist activities. The center will allow our researchers to network with other scientists throughout the world to develop and maintain constantly evolving strategies for dealing with biological security threats or breaches. Initially, these research efforts will focus on food supply security including crops and livestock, pipeline security, and transportation system security.

New Mexico Tech will be the lead organization for this project and will provide the administrative, maintenance, and operations infrastructure needed to support this project. New Mexico Tech will conduct extensive research and training programs at this location. Its research efforts will be coordinated closely with programs currently offered on its Socorro campus and will include research initiatives regarding dirty bomb detection; suicide bomb detection; and oil and gas infrastructure protection. New Mexico Tech's training efforts will focus on providing advanced skills training for emergency personnel and will build on the first responder training currently offered by the university.

New Mexico State University will focus its efforts on conducting research and developing complementary programming that will protect our Nation's natural and agricultural resources from biological security breaches. Though significant natural biological security breaches have occurred in the past decade, current security trends indicate that in the near term even greater risks may be associated with breaches maliciously perpetrated by terrorist organizations. NMSU's research efforts would focus on securing our Nation's agricultural and biological environments that would include developing a state-of-the-art rural border crossing facility with testing and engineering facilities. This would include assessing our Nation's agricultural security infrastructure, preventative activities, training programs, and response protocols.

The Playas purchase would add significantly to the DHS infrastructure arsenal by providing a working town for real world training scenarios like those carried out at Hogan's Alley, a mock town used to train agents at the FBI's training academy in Quantico, VA. I believe that this could prove to be a very useful piece of property for the Department of Homeland Security. There are undoubtedly a number of possibilities as to potential uses for this land, including an infrastructure protection and training center. We all recognize that real world training for first responders and anti-terrorist organizations within our government will be of vital importance to accomplishing our mission. Because the entire necessary infrastructure is in place, this town could be used for training personnel charged with protecting our homeland. Furthermore, our Nation must be able to handle agricultural and biological outbreaks that could significantly harm our citizens and crate chaos in our agricultural sector. Playas is the perfect location to study and train against these problems.

I suggest that the Department of Homeland Security work with NM Tech to purchase this town. I am certain it could be a great training and research asset for the new Department.

FIRST RESPONDER TRAINING

Mr. DOMENICI. Mr. President, I express my concern about the Committee recommendation for the National Domestic Preparedness Consortium, which is provided $140 million in the Senate version of the FY 2004 Department of Homeland Security Appropriations bill.

I understand the desire of the Committee to give the Department of Homeland Security the maximum flexibility to identify threats and appropriately respond to them. However, there are ongoing programs that I believe deserve the Committee's support and that need to be put in place to assist with this important responsibility.

The National Domestic Preparedness Consortium is one of those programs. I believe the consortium needs about double the amount in the current bill to meet the need to train our first responders—our firefighters, police officers, and emergency medical personnel.

The National Domestic Preparedness consortium was created with the able guidance and support of Senator GREGG following the 1998 Oklahoma City bombing tragedy. Senator GREGG has been the leader in the Senate in recognizing the potential threat of terrorism and providing direction and funding to prepare the nation to respond to this threat in his position as Chairman of the Committee, Justice, State, and the Judiciary Appropriations Subcommittee.

The consortium, which includes the New Mexico Institute of Mining and Technology as one of its training partners, has the expertise to train our first responders in conventional explosives.

New Mexico Tech alone has trained more than 6,000 first responders at its one-week advanced course, and more than 40,000 first responders in its general course.

The other consortium training partners—Texas A&M University, Louisiana State University, and the Nevada Test Site—have unique facilities and expertise to give our first responders the best training, and coordinated training that is so important during an emergency situation. The consortium is led by the National Preparedness Center at Fort McClellan, AL.

I firmly believe we need to support the National Domestic Preparedness Consortium with the funding needed to fully utilize its capacity and to train as quickly as possible the additional thousands of first responders who need training in a comprehensive and coordinated fashion.

The $20 million provided to each of the four training partners in the consortium is below the $30 million they each received in FY 2001 and FY 2002. It is an artificial level developed with the delay in enacting the FY 2003 appropriations bills that eventually passed as a consolidated bill this past February, nearly five full months into the fiscal year.

I hope as this bill moves forward that we will recognize this extremely valuable homeland security asset and will provide significantly more funding for the National Domestic Preparedness Consortium in the final bill so that we can train our first responders without delay.

Mr. COCHRAN. Mr. President, after discussing the plan for further consideration of this bill, we understand there are a few more amendments that are going to be offered. We have the expectation we can complete action tomorrow on this bill after we consider the amendments that remain to be offered.

I know of no Senators who plan to offer amendments at this time to the bill. If there are any Senators who want to offer amendments, I am prepared to stay as long as Senators want to discuss their amendments. I await the pleasure of the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES DAVIS

Mr. SCHUMER. Mr. President, I wish to say a word about the tragedy in New York. I knew James Davis quite well. I spoke at his inaugural. He doesn't live very far from me in Brooklyn. I will speak more about him tomorrow. But I just want to say that he was a wonderful man. He had a smile on his face a mile wide. He was so happy. After many tries, he was elected to the city council. His devotion to the people he represented and to his ideals was second to none. It was a terrible tragedy. We all regret it.

There is a sad face hanging over New York and America tonight. We pray for James, for his family, for his friends, and for everyone in his life who he touched.

IN REMEMBRANCE OF STROM THURMOND

Mr. LEAHY. Mr. President, shortly before Senator Thurmond retired from the Senate, I included a tribute in the CONGRESSIONAL RECORD on his long career. As the Senate notes his passing so soon after his retirement, I ask unanimous consent to have printed in the RECORD my earlier remarks from September 24, 2002.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. President, I rise today to pay tribute to a colleague who has a career of public service that may never be matched again in the history of our country.

Strom Thurmond sits on the other side of the aisle in the Senate chamber but I consider him a friend with whom I have worked closely. I will miss him.

We often worked together in the field of antitrust laws. We worked together on the National Cooperative Production Amendments of 1993, the very first high technology bill signed by President Clinton, and to improve the protections against anticompetitive conduct in the Digital Performance Rights in Sound Recordings Act.

Senator Thurmond has been a legislator. I must admit that when Senator Thurmond and I have worked together, it has raised some eyebrows. Whenever we introduced legislation together, he and I fondly remarked that the bill was either a brilliant piece of drafting or one of us had not read it.

Needless to say, there have been many occasions when Strom and I sat on opposite sides of an issue. Even though there were issues about which we felt deeply, Senator Thurmond always conducted himself with the utmost integrity. Strom has always told the Senate how he felt and did so with the people of South Carolina first and foremost in his mind.

Senator Thurmond has always been a gentleman. His warmth and kindness one afternoon in the Senate Dining Room framed what has to be one of the strangest meetings of all times in that venue. In 1994, I invited Jerry Garcia and the Grateful Dead to join me for lunch in the dining room. As we sat down for lunch, Senator Thurmond entered the room and came over to say hello. I took the opportunity to introduce him to Jerry. It was quite a meeting of cultures.

Besides our devotion to the Senate, I share with Senator Thurmond the distinction of being from a State that has provided the Senate Judiciary Committee with three

Chairmen over the history of the Committee. South Carolina and Vermont each have had three Senators who have chaired the Committee.

I have learned much from the senior Senator from South Carolina. Let me share with you one additional aspect of Senator Thurmond's legacy to the Senate as he completes this term and retires from office. In addition to all his longevity records and legislative achievements and buildings named for him, there is something else about him I will always remember.

When we hold hearings for Federal judges—and we have held a number this year—I am always careful to carry on a tradition that Senator Thurmond started. Senator Thurmond always reminded nominees for high office that it is essential to treat others with courtesy and respect. He always reminded nominees that the people and lawyers who appeared before them, whatever their position in the case, whether rich or poor, white or black, man or woman, whatever their religious or political affiliation, they are each and every one deserving of respect and fairness.

Senator Thurmond was right to remind judges—and even Senators—of that simple rule. It is another contribution he has made to all of us that will continue to serve us well.

Mr. President, as I said earlier, I will miss Strom Thurmond. He has been named President-Pro-Tempore Emeritus for good reason.

TRIBUTE TO THE AMERICAN POLITICAL SCIENCE ASSOCIATION

Mr. HATCH. Mr. President, I rise today to mark the 50th anniversary of the American Political Science Association's congressional fellowship program. It is the oldest program on Capitol Hill designed to place professionals from a variety of backgrounds in Congress for 1 year. Since its modest beginning in 1953, APSA's congressional fellowship program has grown into the established and respected program that it is today.

The intent of the program is to immerse professionals in the legislative process of the U.S. Congress. These midcareer professionals are chosen by way of a careful selection process, go through a congressional orientation program, and participate in biweekly education seminars throughout their fellowships. These individuals come from academia, journalism, foreign countries, the health care field, and Federal Government. Each year, the selected fellows serve on congressional staffs and acquire "hands on" experience while gaining insight into the legislative process, politics, and public service. This unique opportunity enhances APSA fellows' knowledge of, and scholarship on, Congress and policy-making, which can only help improve public understanding of our Government. In turn, our constituents benefit by the expertise the fellows bring to Congress. More than 1,800 individuals have participated in the program since its inception; today the average annual class consists of 40 to 45 fellows.

I would be remiss if I did not mention the fact that the Robert Wood Johnson Health Policy Fellowship program became affiliated with APSA in 1974. This prestigious fellowship program, which is funded by the Robert Wood Johnson Foundation and is administered by the Institute of Medicine, enables midcareer health care professionals to experience the intersection of policy and politics first hand. It is an invaluable interaction from which we all benefit; my office benefits from the expertise these professionals bring to Congress, while the fellows return to their professions and their communities with a better understanding of the policy process.

Over the years, I have been pleased to host a number of APSA and RWJ fellows who have provided unique insights and capabilities and have helped me in making important differences in the lives of Utahns in areas such as health care, tax, economic, and natural resource policy. I am grateful to have had the opportunity to share in this program, and I commend APSA for initiating the program 50 years ago. I hope it will continue for many years to come.

Mr. REED. Mr. President, I rise today to commemorate the 50th anniversary of the American Political Science Association, APSA, Congressional Fellowship Program.

The APSA Fellowship Program is a highly selective, nonpartisan legislative working experience that provides fellows with "hands-on" experience as legislative assistants on personal or committee staff. Founded in 1953, the APSA Congressional Fellowship Program helps to expand the knowledge and awareness of Congress to professionals from academia, journalism, health care, foreign countries, and government agencies. It enables fellows to observe and participate in the inner workings of Congress and the policymaking process. In doing so, fellows gain a greater appreciation for and knowledge of the policymaking process. Overall, the APSA Congressional Fellowship Program offers an enriching experience for its participants by providing a 3-week orientation program, allowing fellows to select their own placements, and conducting ongoing seminars throughout the fellowship period.

I have been fortunate to host four APSA fellows. In 2000, Hanna Marter, a Federal fellow from the Central Intelligence Agency joined my staff to work on health issues. In 2002, Joyce Iutcovitch, an American Sociological Association fellow, worked in my office on education issues, and Deborah Wolf, a Federal agency fellow from the Food and Drug Administration, worked on health care issues. Currently, Susan Dimock, an American Sociological Association fellow, is serving on my staff working on health care issues. APSA fellows have contributed to my office by applying their expertise and analytical skills to policy issues, and have functioned as full members of my staff.

Let us recognize the APSA Congressional Fellowship Program and its 1,800 alumni for their contributions to the legislative work of Congress and to furthering participation in the democratic process.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crime legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Grand Rapids, MI. Justin Bogdanik, 18, was seen June 25, 2003, getting into a white tractor-trailer cab. The next day, he was found unconscious in a ditch at a Livingston County rest stop, 80 miles to the east. He had been beaten unconscious, his eyes were glued shut, there was adhesive on his genitals, and there were signs of sexual torture. Justin was taken to a hospital, where he survived on life support for almost 2 weeks. He died on July 8, 2003. Police in Grand Rapids are investigating this brutal attack as a homicide and a hate crime-related death.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO DAVE THOMAS

• Mr. DEWINE. Mr. President, I rise today to pay tribute to Dave Thomas—a man who was known by many and loved by all. Dave was a great American, who launched an extremely successful career by opening his first Wendy's restaurant in my home State of Ohio in Columbus. He passed away in January 2002, at the age of 69.

Earlier this year, along with several of our colleagues, Senator LEVIN and I introduced—and the Senate accepted by unanimous consent—a resolution to honor Dave Thomas. And today, President George W. Bush is awarding Dave Thomas the Presidential Medal of Freedom for his lifetime of philanthropy and service to his fellow man. While this award is being given to Dave posthumously, his tremendous spirit continues to be felt in Ohio and across our Nation.

Although he faced incredible challenges as a child, Dave committed himself to success through a simple life philosophy: "work hard and be honest." Dave grew up in a family that was constantly on the move, his father always looking for steady work. Getting a start in the restaurant business at the young age of 12, Dave worked hard to help his struggling family while going to school at the same time. However, school wasn't easy for Dave Thomas. The constant moving landed him in 12 schools in 10 years. Dave dropped out of the 10th grade because it interfered with his work. He did, however, eventually earn his GED as an adult in 1993, a GED from Coconut Creek High School in Fort Lauderdale, FL.

In 1953, Dave had a job working for Phil Clauss at one of his Hobby House restaurants in Fort Wayne, IN, but Dave's father decided to move the family again. Dave refused to leave his job and stayed at a YMCA, without the comforts of home or his loved ones. Soon after, Thomas served in the Korean war as a cook. When he came back, Phil Clauss promoted him to be an assistant manager of his newest Hobby House restaurant. It was then that Dave met COL Harland Sanders, who had stopped by the restaurant one day to promote his Kentucky Fried Chicken franchise.

Clauss acquired four in Columbus, but they didn't fare well, so he recruited Thomas to turn them around in exchange for 45 percent ownership. Not surprisingly, Dave succeeded. By 1968, Dave sold his interest back to KFC for $1 million. The capital that Dave collected from the Kentucky Fried Chicken restaurants allowed him to open up his own hamburger restaurant in Columbus—and the rest is history.

Dave Thomas built his successful restaurant dynasty upon his sound and strong moral beliefs. However, his corporate achievements take a distant second place to his philanthropic contributions—especially to the cause of adopted children. He was given up for adoption as an infant, and his adoptive mother died when he was only 5 years old. But it was a sense of family—of belonging to a group of people who cared for him—that got Dave through his early life adversity. Dave Thomas never forgot the benefits his adopted life gave him. And so later, he committed his life to provide the same opportunities for others.

Dave contributed millions of dollars to hospitals and charitable organizations. He founded the Dave Thomas Foundation for Adoption in 1992 and the profits from his books go directly to the Foundation. Dave also established the Dave and Lorraine Thomas Clinical Laboratories at Columbus' Children's Hospital.

He believed in philanthropy with a personal touch, whether it be his own letter-writing campaign to CEOs of the Fortune 1000 companies to ask them to make adoption benefits available to employees, or meeting with lawmakers to push for important adoption legislation. Dave truly believed that giving back to his community was of paramount importance, and I commend him for that.

We shared our interest in finding safe, loving, and permanent homes for thousands of at-risk children in this country. I remember Dave to be a kind and genuine person who remarked that his greatest heroes were the children and parents who had come together as families. I had the opportunity to work with Dave Thomas in the development of the Adoption and Safe Families Act. As a national advocate for adoption rights, he played a key role in helping us get the bill passed and signed into law. At the bill's signing ceremony in 1997, then-President and First Lady Clinton praised Dave's work and his tireless commitment to children.

In January 2002, President Bush praised Dave's adoption work at the signing ceremony of the Promoting Safe and Stable Families law, which Senator ROCKEFELLER and I introduced in the fall of 2001. President Bush was quite right when he said: "Dave's vision of America was one in which all children would be a part of a loving family, so they could grow into healthy and happy and successful adults. The bill I'm [signing] will bring us closer to his vision." I couldn't agree more.

Indeed, Dave Thomas was a successful businessman who used his good fortune to help those in need. By helping so many children at risk, he testified to his true compassion and dedication to humanity. As Chesterton once said: "Great men take up great space even when they are gone." Dave Thomas will continue to take up great space on this Earth—not just in buildings or foundations but in lives touched and lives changed. He will continue to live on through his great work and his deep compassion and commitment to bringing families together. We will remember Dave Thomas always.●

COMMENDING MAYOR JAMES DOYLE AND THE CITY OF PAWTUCKET

● Mr. REED. Mr. President, I commend Mayor James Doyle and the city of Pawtucket, RI for being recognized by the United States Conference of Mayors Best Small Business Practices 2003. This public-private partnership between the Conference of Mayors and American Management Services identifies outstanding programs and initiatives that successfully promote business development.

Over the past few years, as Rhode Island has witnessed a decline in manufacturing, cities throughout the State have increasingly been left with unused plants and mills. This trend has been especially apparent in Pawtucket, a city that had been a symbol of manufacturing and industrial innovation ever since Samuel Slater successfully built cotton spinning machines at Slater Mill in 1793. For the next 200 years, Pawtucket was home to a thriving textile industry and machines and ironworking shops, but from 1991 to 2001, over 3,000 manufacturing jobs were lost.

Drawing on Pawtucket's rich history as a home to artists, Mayor Doyle reached out to the artist community and embraced an innovative solution to these emptied mills that once were the engines of growth for Pawtucket. City leaders and Mayor Doyle worked to create the largest arts and entertainment district in Rhode Island, and, although it typically takes a decade or more for cities to see tangible results from these districts, Pawtucket is already enjoying its benefits. Five mill properties have been sold to artists for commercial and live-work lofts, and 122 artists rent eight mill properties, filling 117,000 square feet of previously empty space.

The burgeoning arts district is also expected to improve quality of life and raise property values. Indeed, according to Department of Commerce models of economic multipliers, the city of Pawtucket has estimated that two new jobs will be generated for every three new artists who move into the district.

The United States Conference of Mayors' recognition of this initiative establishes in name what was already becoming known about Pawtucket. Through visionary leadership, the city is a leader in changing with the times and setting itself up for future success.

Mayor Doyle has always been a strong advocate for the arts, and his determination and belief in this initiative is perhaps best encapsulated when he stated: "Some say a picture is worth a thousand words. But here in our city we know that it's worth a lot more. Combine this picture with pieces of one-of-a-kind artwork sold citywide from local studios and galleries—small businesses—and you create a powerful economic engine that can totally transform a City." I agree wholeheartedly with Mayor Doyle, and commend him and the people of Pawtucket for their forward thinking and commitment to innovation and the arts.●

HONORING TOYOTA MOTOR CORPORATION

● Mr. BUNNING. Mr. President, I am proud to recognize the Toyota Motor Manufacturing Company in Georgetown, KY on being recognized as a producer of quality automobiles by J.D. Power & Associates.

According to a major quality survey by J.D. Power & Associates, Toyota cars received the highest rankings in over nine vehicle categories measured this year, significantly higher than other leading manufacturers. Reliability weighs heavily on a customer's purchase decision, as does initial quality and technological innovativeness. It is clear that Toyota makes every effort to ensure customer satisfaction and dependability with every vehicle they send down the line.

More importantly, I would like to recognize the people who make these exceptional reviews possible: the employees. Toyota's accomplishments are largely attributed to its dedicated workforce. The Georgetown plant employs over 7,000 workers to produce 500,000 vehicles annually. On a larger scale, the company has generated 34,544 jobs in the Commonwealth of Kentucky and 99,610 jobs across the United States.

Based on overall results and customer satisfaction, it is evident that Toyota employees work as a team. I applaud those workers at the Georgetown, Kentucky Toyota plant that helped make this accomplishment possible. I thank the Senate in allowing me to congratulate them on this special recognition.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 3:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1280. An act to amend the PROTECT Act to clarify certain volunteer liability.

S. 1399. An act to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building".

H.R. 74. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

H.R. 255. An act to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska.

H.R. 1577. An act to designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the "Kris Eggle Visitor Center," and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 23, 2003, she had presented to the President of the United States the following enrolled bills:

S. 1280. An act to amend the PROTECT Act to clarify certain volunteer liability.

S. 1399. An act to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3371. A communication from the Federal Register, Certifying Officer, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Government Participation in the Automated Clearing House" (RIN1510-AA89) received on July 17, 2003; to the Committee on Finance.

EC–3372. A communication from the Commissioner, Social Security Administration, transmitting, the Administration's draft bill to make amendments to the Old-Age, Survivors, and Disability Insurance and Supplemental Security Income programs; to the Committee on Finance.

EC–3373. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Finance.

EC–3374. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Civil Fines for Importation of Merchandise Bearing a Counterfeit Mark" (RIN1515-AC98) received on July 22, 2003; to the Committee on Finance.

EC–3375. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "User Fees" (RIN1515-AC81) received on July 22, 2003; to the Committee on Finance.

EC–3376. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Refund of Duties on Imports of Certain Wool Products" (RIN1515-AD27) received on July 22, 2003; to the Committee on Finance.

EC–3377. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections: Rules of Origin of Imported Goods (Other than Textile and Apparel Products) for the Purposes of the NAFTA" (CBP Dec. 03-11) received on July 22, 2003; to the Committee on Finance.

EC–3378. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 6039D Reporting Requirements" (Notice 2002-24) received on July 17, 2003; to the Committee on Finance.

EC–3379. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Application of Partial Payments to Assessed Tax, Penalty, and Interest" (Rev. Proc. 2002-26) received on July 17, 2003; to the Committee on Finance.

EC–3380. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2002-27; Depreciation of Tires" (RP-105904-00) received on July 17, 2003; to the Committee on Finance.

EC–3381. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 2002-19—Medical Expense Deduction for Weight-loss Expenses" (Rev. Rul. 2002-19) received on July 17, 2003; to the Committee on Finance.

EC–3382. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Petroleum-Capitalization of Delay Rentals" (UIL0263A.01-05) received on July 17, 2003; to the Committee on Finance.

EC–3383. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Debt Instruments with Original Issue Discount; Annuity Contracts" (RIN1545-AY60) received on July 17, 2003; to the Committee on Finance.

EC–3384. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2002-9—Automatic Consent to Change a Method of Accounting" (Rev. Proc. 2002-9) received on July 17, 2003; to the Committee on Finance.

EC–3385. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Ten or More Employee Plans" (TD9079) received on July 17, 2003; to the Committee on Finance.

EC–3386. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Depreciation of Cable Television Systems" (Rev. Proc. 2003-63) received on July 17, 2003; to the Committee on Finance.

EC–3387. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Tertiary Injectants & Enhanced Oil Recovery Credit" (Rev. Rul. 2003-82) received on July 17, 2003; to the Committee on Finance.

EC–3388. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Special Rules under Section 417(a)(7) for Written Explanation Provided by Qualified Retirement Plans After Annuity Starting Dates" (TD9076) received on July 17, 2003; to the Committee on Finance.

EC–3389. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "REIT Loans Secured by Certain Partnership Interests in Disregarded Entities" (Rev. Proc. 2003-65) received on July 17, 2003; to the Committee on Finance.

EC–3390. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2002-28) received on July 17, 2003; to the Committee on Finance.

EC–3391. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 1.856-4; Rents from Real Property" (Rev. Proc. 2003-66) received on July 17, 2003; to the Committee on Finance.

EC–3392. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Accrual of California Franchise" (Rev. Rule 2003-90) received on July 17, 2003; to the Committee on Finance.

EC–3393. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Qualified Subchapter S

Trust Election for Testamentary Trusts" (RIN1545-AY76) received on July 17, 2003; to the Committee on Finance.

EC–3394. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Reduction of Tax Attributes Due to Discharge of Indebtedness" (RIN1545-BC47) received on July 17, 2003; to the Committee on Finance.

EC–3395. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Net Gift Treatment under Section 2519" (TD9077) received on July 17, 2003; to the Committee on Finance.

EC–3396. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiophanate Methy: Pesticide Tolerance for Emergency Exemptions" (FRL7317-5) received on July 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3397. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE; Special Food Program for Women, Infants, and Children Overseas" (RIN0720-AA75) received on July 17, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3398. A communication from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of Defense (Public Affairs) received on July 22, 2003; to the Committee on Armed Services.

EC–3399. A communication from the Under Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3400. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 97-11; to the Committee on Armed Services.

EC–3401. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 02-16; to the Committee on Armed Services.

EC–3402. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 99-09D; to the Committee on Armed Services.

EC–3403. A communication from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, a report relative to sales of high performance computers capable of operating at a speed in excess of a specified number of millions of theoretical operations per second; to the Committee on Armed Services.

EC–3404. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Deregulation for Small Public Housing Agencies" (RIN2577-AC34) received on July 17, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3405. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Minimum Funding Under the Indian Housing Block Grant Program" (RIN2577-AC43) received on July 17, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3406. A communication from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the annual report on the Resolution Funding Corporation for the calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3407. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of regulatory action entitled "Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3408. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Halibut Fisheries; Washington Sport Fisheries; Inseason Action" (061903C) received on July 17, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3409. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species (HMS) Fishing Vessel Permits; Charter Boat Operations" (RIN0648-AM91) received on July 17, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3410. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Monitoring of Recreational Landings; Retention Limit for Recreationally Landed North Atlantic Swordfish" (RIN0648-AN06) received on July 17, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3411. A communication from the Secretary of Commerce, transmitting, a draft bill entitled "Department of Commerce 21st Century Innovation Act of 2003"; to the Committee on Commerce, Science, and Transportation.

EC–3412. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Selfridge ANGB Air Show, Harrison Twp, MI" (RIN1625-AA00) received on July 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3413. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Chesapeake Bay, Maryland and Tributaries" (RIN1625-AA00) received on July 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3414. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Including 2 Regulations [CGD08-03-007],[CGD01-03-002]" (RIN1625-AA09) received on July 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3415. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY" (RIN1625-AA09) received on July 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3416. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Territorial Seas, Navigable Waters, and Jurisdiction" (RIN1625-AA30) received on July 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3417. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, copies of the Agency's "Natural Resource Year in Review-2002" and the Arsenic Treatment Technology Evaluation Handbook for Small Systems; to the Committee on Energy and Natural Resources.

EC–3418. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Florida: Jacksonville Area Maintenance Plan Update" (FRL#7534-2) received on July 22, 2003; to the Committee on Environment and Public Works.

EC–3419. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–3420. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–3421. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–3422. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles in the amount of $25,000,000 or more to Kourou, French Guiana and Pacific Ocean/International Waters; to the Committee on Foreign Relations.

EC–3423. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Egypt; to the Committee on Foreign Relations.

EC–3424. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Jordan; to the Committee on Foreign Relations.

EC–3425. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control

Act, the certification of a proposed license for the export of defense articles or defense services sold commercially in the amount of $50,000,000 or more to Malaysia; to the Committee on Foreign Relations.

EC–3426. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates" (22 CFR Part 22) received on July 17, 2003; to the Committee on Foreign Relations.

EC–3427. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's Annual Report for Calendar Year 2002; to the Committee on Governmental Affairs.

EC–3428. A communication from the Attorney General, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC–3429. A communication from the Director, Office of Government Ethics, transmitting, a proposal relative to amending the Ethics in Government Act of 1978 (5 U.S.C. App.) to modernize the financial disclosure process for Federal personnel, and for other purposes; to the Committee on Governmental Affairs.

EC–3430. A communication from the Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, the Office's Annual Report for the fiscal year 2002; to the Committee on Governmental Affairs.

EC–3431. A communication from the Acting Chairman, Merit Systems' Protection Board, transmitting, pursuant to law, the Board's report entitled "Assessing Federal Job-Seekers in a Delegated Examining Environment"; to the Committee on Governmental Affairs.

EC–3432. A communication from the Director, Corporate Policy Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on July 17, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3433. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Prescription Drug User Fee Act Financial Report for the fiscal year 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–3434. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Antidiarrheal Drug Products for Over-the-Counter Human Use" (RIN0910-AA01) received on July 17, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3435. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Red Phosphorous, White Phosphorous, and Hypophosphorous Acid (and its salts) as List I Chemicals; Exclusions and Waivers" (RIN1177-AA57) received on July 17, 2003; to the Committee on the Judiciary.

EC–3436. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting, pursuant to law, the report of a rule entitled "Allowing Central Fill Pharmacies and Retail Pharmacies to Fill Prescriptions for Controlled Substances on Behalf of Retail Pharmacies" (RIN1117-AA58) received on July 17, 2003; to the Committee on the Judiciary.

EC–3437. A communication from the Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, the Office's Annual Report for fiscal year 2002; to the Committee on Rules and Administration.

EC–3438. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation relative to simplifying and improving pay provisions for physicians and to authorize alternate work schedules and executive pay for nurses; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GREGG for the Committee on Health, Education, Labor, and Pensions.

*Eric S. Dreiband, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years.

Stephen D. Krasner, of California, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Charles Edward Horner, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2007.

By Mr. HATCH for the Committee on the Judiciary.

William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM of South Carolina (for himself, Mr. SCHUMER, Mr. CORNYN, and Mr. HATCH):

S. 1445. A bill to provide criminal penalties for false personation of a military officer for purposes of harassing military families and to clarify the false personation statute with respect to officers and employees of the United States; to the Committee on the Judiciary.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 1446. A bill to designate the United States Courthouse located at 125 Bull Street, Savannah, Georgia, and associated structures, as the Tomochichi Federal Judicial Center; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. CORNYN):

S. 1447. A bill to establish grant programs to improve the health of border area residents and for bioterrorism preparedness in the border area, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI:

S. 1448. A bill to provide for the construction of the Yupik Alaskan/Central Kuskokwim Energy Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAPO (for himself and Mrs. LINCOLN):

S. 1449. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to prepare and conduct hazardous fuels reduction projects on National Forest System land and Bureau of Land Management land that are aimed at protecting communities, watersheds, and certain other at-risk land from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health on public and private land, including catastrophic wildfire, to increase research on forest health and forest-damaging agents, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEWINE:

S. Res. 199. A resolution commending John E. Dolibois for dedication to his country, contributions to global education, and more than a half century of service to humanity; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. KYL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 13, a bill to provide financial security to family farm and small business owners by ending the unfair practice of taxing someone at death.

S. 215

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 333

At the request of Mr. BREAUX, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 442

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey

(Mr. LAUTENBERG) was added as a cosponsor of S. 442, a bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes.

S. 451

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 478

At the request of Mr. SARBANES, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 609

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 609, a bill to amend the Homeland Security Act of 2002 (Public Law 107-296) to provide for the protection of voluntarily furnished confidential information, and for other purposes.

S. 640

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 640, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 835

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 835, a bill to amend the Higher Education Act of 1965 to provide student loan borrowers with a choice of lender for loan consolidation, to provide notice regarding loan consolidation, and for other purposes.

S. 894

At the request of Mr. WARNER, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 902

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 902, a bill to declare, under the authority of Congress under Article I, section 8, of the Constitution to "provide and maintain a Navy", a national policy for the naval force structure required in order to "provide for the common defense" of the United States throughout the 21st century.

S. 950

At the request of Mr. ENZI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 1037

At the request of Ms. SNOWE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1037, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 1092

At the request of Mr. CAMPBELL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1092, a bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans.

S. 1142

At the request of Mr. BINGAMAN, the names of the Senator from Nebraska (Mr. NELSON), the Senator from New Jersey (Mr. CORZINE), the Senator from Massachusetts (Mr. KERRY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1142, a bill to provide disadvantaged children with access to dental services.

S. 1289

At the request of Mr. GRAHAM of Florida, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1289, a bill to name the Department of Veterans Affairs Medical Center in Minneapolis, Minnesota, after Paul Wellstone.

S. 1303

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1303, a bill to amend title XVIII of the Social Security Act and otherwise revise the Medicare Program to reform the method of paying for covered drugs, drug administration services, and chemotherapy support services.

S. 1314

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1314, a bill to expedite procedures for hazardous fuels reduction activities on National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, to improve the health of National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1419

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1419, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Alaska (Mr. STEVENS), the Senator from Virginia (Mr. WARNER) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

S. RES. 167

At the request of Mr. CAMPBELL, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Res. 167, a resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

AMENDMENT NO. 1318

At the request of Mr. REID, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1318 proposed to H.R. 2555, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM of South Carolina (for himself, Mr. SCHUMER, Mr. CORNYN, and Mr. HATCH):

S. 1445. A bill to provide criminal penalties for false personation of a military officer for purposes of harassing military families and to clarify the false personation statute with respect to officers and employees of the United States; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to speak to an important measure that Senators GRAHAM, SCHUMER, CORNYN, and I have introduced entitled The Military Family Hoax Prevention Act. As our country concludes major combat activities in Operation Iraqi Freedom, we all stand tall with pride over the dedication, courage, and valor displayed by the men and women of our Armed Forces.

We all are grateful to the men and women of the U.S. military who selflessly serve our country. They have answered the call of our Commander in Chief to go abroad and defend the freedoms and values we cherish here at home. While carrying out their mission, they have acted admirably during the liberation of an enslaved nation, and continue to serve our country honorably. These men and women deserve our profound gratitude.

As we watch the soldiers returning home from deployment, some from extended tours of duty, I am reminded of the personal sacrifice these men and women make while they are gone. These men and women leave behind family and friends who undoubtedly worry constantly about their loved ones on deployment. In many instances, family members are not able to know of the day-to-day safety of their loved ones during deployment. This feeling of helplessness was aptly described by the brother of Jessica Lynch upon her return to West Virginia when he discussed her family's desire to learn any bit of information following her capture.

It has come to my attention that during Operation Iraqi Freedom some military families received cruel hoaxes concerning their deployed family members in Iraq. On three separate occasions that I am aware of, families of service men and women here in the United States received telephone calls from sick pranksters telling them that their family members serving in Iraq had either been killed in battle or taken prisoner of war.

You can imagine the devastation and agony of the families who received these malicious telephone calls. These families were forced into a desperate scramble to learn information about the fate of their loved ones. These hoaxes require the military to dedicate resources to provide information to military family members.

Let me talk briefly about one specific hoax and the potentially devastating consequences that can flow from it. A family in Arizona received a telephone call that a family member had been killed in Iraq. After contacting the military, the family was told that only the military notifies families in these instances, and that they do so in person, not over the telephone. The military told the family that they had no information that their family member, the soldier, was killed and that they would try to learn more.

The military discovered that this telephone call was a cruel hoax and arranged for the soldier to call home from a satellite telephone to reassure his family. Unfortunately, the soldier later wrote to his family and told them that another soldier who was transporting a satellite telephone to him so that he could call home had been killed while trying to deliver the telephone.

This type of action cannot go unpunished. The current false impersonation statute does not punish someone who falsely impersonates a military employee engaging in this type of conduct. This legislation, the Military Family Hoax Prevention Act, would remedy this loophole in the current law. It would prohibit those who derive some perverted pleasure terrorizing family members who intensely wait for word from abroad from their military family members.

By Mr. BINGAMAN (for himself, Mr. McCAIN, Mrs. FEINSTEIN, and Mr. CORNYN):

S. 1447. A bill to establish grant programs to improve the health of border area residents and for bioterrorism preparedness in the border area, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, today I am introducing a bill with Senators McCAIN, FEINSTEIN, and CORNYN entitled the Border Health Security Act of 2003. This bill addresses the tremendous health problems confronting our Nation's southwestern border.

The United States-Mexico border region is defined in the U.S.-Mexico Border Health Commission authorizing legislation as the area of land 100 kilometers, or 62.5 miles, north and south of the international boundary. It stretches 2,000 miles from California, through Arizona and New Mexico to the southern tip of Texas and is estimated to have a population of 12 million residents.

The border region comprises two sovereign nations, 25 Native American tribes, and four States in the United States and six States in Mexico.

Why should we provide some focus to this geographic region? The situation along the border is among the most dire in the country. In the past, we have recognized problems with other regions, through the Denali, Delta, and Appalachian commissions, and have provided targeted funding to those areas. The U.S.-Mexico Border Health Commission, legislation I sponsored with Senators McCAIN, Simon and HUTCHISON, was created for the same reasons and annually receives about $4 million in funding that is matched by $1 million from the Mexican government for administrative purposes to improve international cooperation and agreements to tackle health problems in the region. However, we need to take the next step and provide resources to address the problems.

In the border region, three of the ten poorest counties in the United States are located in the border area, 21 of the counties have been designated as economically distressed, approximately 430,000 people live in 1,200 colonias in Texas and New Mexico, which are unincorporated communities that are characterized by substandard housing, unsafe public drinking water and wastewater systems, very high unemployment, and the lowest per capita income as a region in the Nation.

The result is a health system that confronts tremendous health problems with little or no resources. Although it is difficult to assess the health needs along the border since data is more often collected on a statewide basis, we do know that diabetes, cancer, infectious disease such as tuberculosis, and health disease rates are far greater than the national average but the residents in the area have the highest uninsured rates in the country.

In fact, the States of Texas, New Mexico, and California rank as the States with the three worst uninsured rates in the country to begin with. Arizona is not much better and ranks 46th in the Nation, just ahead of Louisiana and Oklahoma. The uninsured rates of these States are: 23.5 percent in Texas, 20.7 percent in New Mexico, 19.5 percent in California, and 18.3 percent in Arizona.

However, the figures along the border are even worse, as the rates of uninsured are higher still than that in the four States overall. Uninsured rates in many border counties are estimated to be above 30 percent and as high as 50 percent in certain communities.

As the U.S.-Mexico Border Commission notes, "The border is characterized by weaknesses in the border health systems and infrastructure, lack of public financial resources, poor distribution of physicians and other health professionals and hospitals. Moreover, the low rates of health insurance coverage and low incomes puts access to health services out of reach for many border residents and thus keeps the border communities at risk."

The U.S.-Mexico Border Commission has identified and approved of an agenda through its "Health Border 2010" initiative, which seeks to, among other things: reduce by 25 percent the population lacking access to a primary provider; reduce the female breast cancer death rate by 20 percent; reduce the cervical cancer death rate by 30 percent; reduce deaths due to diabetes by 10 percent; reduce hospitalizations due to diabetes by 25 percent; reduce the incidence of HIV cases by 50 percent; reduce the incidence of tuberculosis cases by 50 percent; reduce the incidence of hepatitis A and B cases by 50 percent; reduce the infant mortality rate by 15 percent; and increase initiation of prenatal care in the first trimester by 85 percent.

However, the U.S.-Mexico Border Commission lacks the resources that are needed to address those important goals. The bipartisan legislation I am introducing today with Senators McCAIN, FEINSTEIN, and CORNYN would address that problem by reauthorizing the U.S.-Mexico Border Health Commission at $10 million and authorizing another $200 million in funding to improve the infrastructure, access, and the delivery of health care services along the entire U.S.-Mexico border.

These grants would be flexible and allow the individual communities to establish their own priorities with which to spend these funds for the following range of purposes: maternal and child health, primary care and preventative health, public health and public health infrastructure, health promotion, oral health, behavioral and mental health, substance abuse, health conditions that have a high prevalence in the border region, medical and health services research, community health worker or promotoras, health care infrastructure, including planning and construction grants, health disparities, environmental health, health education, and outreach and enrollment services with respect to Medicaid and the State Children's Health Insurance Program, CHIP.

We would certainly expect those grants would be used for the purpose of striving to achieve the measurable goals established by the "Health Border 2010" initiative.

In addition, the bill contains authorization for $25 million for funding to border communities to improve the infrastructure, preparedness, and education of health professionals along the U.S.-Mexico border with respect to bioterrorism. This includes the establishment of a health alert network to identify and communicate information quickly to health providers about emerging health care threats.

On October 15, 2001, just one month after the September 11, 2001, attack on our Nation, Secretary Thompson spoke to the U.S.-Mexico Border Health Commission and urged them to put together an application for $25 million for bioterrorism and preparedness. The Commission has done so but has not seen targeted funding despite the vulnerability that border communities have with respect to a bioterrorism attack. Our legislation addresses the vulnerability of communities along the border and targets funding to those communities specifically to improve infrastructure, training, and preparedness.

I ask unanimous consent to include articles from the El Paso Times and the Los Angeles Times from October 2001 with respect to those meetings and hope the Secretary will be an advocate with us in the passage of this legislation.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the El Paso Times, Oct. 16, 2001]

HEALTH SECRETARY TO FIGHT FOR BORDER FUNDS

(By Tammy Fonce-Olivas)

U.S. Health and Human Services Secretary Tommy Thompson wants to arm the border with $25 million to combat illnesses.

"Diseases don't stop at the border," said Thompson, who was in El Paso on Monday. "We need to work in a collaborative fashion to improve the health of the border neighborhood. It's our neighborhood."

He talked about the additional funds he is seeking for border health initiatives while chairing the fourth binational meeting of the U.S.-Mexico Border Health Commission.

Thompson was joined by Julio Frenk Mora, Mexico's Secretary of Health.

Thompson said he didn't know if he would get the $25 million from Congress but vowed to make a strong effort to get more funding for programs to improve access to public health for those living along the border and bolstering border health research.

Frenk Mora also said he will be fighting for more money to support border health programs. Frenk is a co-chairman of the commission.

The group is composed of 26 public-health leaders from both sides of the U.S.-Mexico border, who are devoted to fighting health problems, such as tuberculosis, AIDS and diabetes.

Dr. Laurence Nickey, El Paso's former city-county health director and member of the commission, said he wants to see more funding concentrated on diabetes.

He said diabetes is diagnosed in one of five Hispanics on the border by the age of 45. He expects this statistic to become worse unless more work is done in this area.

Frenk Mora said Mexico understands the importance of public health and will do its share to improve the health and wellness of people residing along the border.

Mayor Ray Caballero, who attended the meeting, said one of El Paso's biggest problems is a lack of health-care providers.

"We are not able to attract or retain enough physicians," he said.

Thompson announced after the meeting that the University of Texas Health Sciences Center in San Antonio has been awarded a $250,000 grant to establish a Regional Center for Health Workforce Studies.

WORKSHOP

Today will be the final session of the U.S.-Mexico Binational Tuberculosis Workshop at the Hilton Camino Real.

Among today's discussions will be a binational information system, as well as talks on consensus building.

[From the Los Angeles Times, Oct. 17, 2001]

U.S., MEXICO TEAM UP ON HEALTH CARE

(By James F. Smith)

The United States and Mexico took some imaginative steps this week to combat health problems that plague border communities and migrant workers, including tuberculosis, diabetes and AIDS.

Meeting in El Paso and neighboring Ciudad Juarez, Mexico, health experts from the two nations agreed on a 10-year agenda for improving care for the 11.5 million people living along the nearly 2,000-mile border.

Mexico also launched a program that promises a new approach to treating migrants' health problems. Formally unveiled in Ciudad Juarez on Sunday, the "Go Healthy, Return Healthy" initiative seeks to help Mexico migrants in their hometowns, along the routes they travel and during their stays in the United States.

Elsewhere, California and Mexico kicked off the program by staging their first joint "health week." California is conducting a flurry of activities through Friday for migrants in the state, including vaccinations, checkups and information campaigns. The California Endowment is devoting part of a $50-million agricultural health grant to the initiative.

The mere fact that U.S. Health and Human Services Secretary Tommy G. Thompson showed up for the U.S.-Mexico Border Health Commission meeting here Monday—despite an international anthrax scare—delighted the Mexicans, who have worried that U.S. relations with their nation would become a low priority for the Bush administration following the Sept. 11 terrorist attacks.

Officials from both nations emphasized that the border health problems are real and immediate threats, killing many thousands of people each year.

"We should not let the anthrax scare kidnap our entire health agenda," said Mexican Health Secretary Julio Frenk. "There are a lot of other very important issues of much higher risk to our populations."

Thompson, meanwhile, offered a challenge to the U.S. delegation to the year-old Border Health Commission: He'll try to come up with an additional $25 million for health projects along the frontier if they can come up with specific, effective ways to spend the money.

A commission study issued Monday detailed the serious health challenges on the border, compounded by population growth of 28% on the U.S. side and 39% on the Mexican side during the 1990s, about twice the national growth rate in each country.

The study found that rates of communicable diseases such as tuberculosis, HIV/AIDS and hepatitis A are higher in the border region than nationally for both countries. Cancer, asthma and diabetes rates also are higher along the border.

"The high level of border crossings between the U.S. and Mexico complicates the development of strategies to address the spread of infectious diseases," the report says, heightening the need for coordinated policies.

While the commission debated overall strategies, a workshop of about 100 experts on tuberculosis met to map out innovative cross-border approaches to tracking and caring for patients. The interruption of tuberculosis treatment is highly dangerous for patients because it can lead to resistance to medication. Yet such breaks in treatment occur frequently when ailing migrants cross illegally into the United States.

The workshop focused on development of a binational tuberculosis card that would allow patients to continue treatment on either side of the border with confidentiality. The cared would not only ensure continuity in treatment but allow both countries to improve their database of tuberculosis cases.

Dr. Lincoln Chen, a public health expert from the Rockefeller Foundation, said such initiatives make the border region "the cutting edge of health in the 21st century . . . This is the front line of global health."

Thompson and Frenk visited sites that symbolize the emerging cooperation, from the La Fe health clinic in south El Paso, which treats many Latino AIDS patients, to a U.S. Food and Drug Administration inspection operation. In September, the two governments agreed to expand efforts to ensure the safety of meat, poultry and egg products that are shipped across the border in immense volumes.

In California, meanwhile, seven counties that are home to large numbers of migrant workers took part in the health week with Mexico. Jose Ignacio Santos, head of child health in Mexico and director of the "Go Health, Return Healthy" program, said the initiative brings to the U.S. some of the techniques that have made Mexico's public health system highly regarded. Those included very public community outreach activities, which have helped achieve a 98% immunization rate.

In Mexico, the thrice-yearly National Public Health Weeks—such as one that began Sunday—bring vaccinations to the homes of millions of people. More than 11 million injections will be given in Mexico this week for childhood diseases, in programs supported by nearly 180,000 volunteers.

Similar efforts are being carried out this week in the seven California counties, with a focus on messages about cervical and breast cancer, immunizations and diabetes. The goal is to reach some of the more than 3 million Mexicans living and working in the state, especially the 1 million agricultural laborers.

Frenk, the health secretary, said that in the past, Mexico did not clearly understand the differences between treating stable and migrant populations. The new program acknowledges that migrants carry health problems with them as they leave home—and bring back ailments such as AIDS when they return from the United States.

Now officials are developing preventive programs in 502 towns in the 10 Mexican states that produce the most migrants, including Jalisco and Guanajuato.

The effort will also respond to the seasonal moves of the workers. For example, it calls for information and immunization campaigns in August and September, when migrants often leave home to work during the harvest season. It prepares for treating the workers when they return home at year's end or Easter.

Frenk said the new model demands a high level of coordination with U.S. authorities. And it will require new levels of trust from illegal migrants that the health information won't be used against them, he said.

"The ideal would be a well-coordinated system in which we could say to the U.S. authorities: 'There goes a migrant who has tuberculosis. Care for him,'" he said. "Some day not too far in the future, there will be electronic clinical histories on a card with an intelligent chip, and the person will carry it. But this will require much trust on the part of illegal migrants."

Mr. BINGAMAN. Mr. President, our relationship with Mexico, like that with Canada, is a special one. Those countries are our closest neighbors, and yet, we often and wrongly neglect our neighbor to the South and the much needed economic development needed in the region. Mexico is the United States' second largest trading partner and the border is recognized as one of the busiest ports of entry in the world. And yet, the region is often neglected.

As the U.S.-Mexico Border Health Commission points out, "Without increases and sustained federal, state and local governmental and private funding for health programs, infrastructure and education, the border populations will continue to lag behind the United States in these areas." If the border were its own state, according to data from the Heath Resources and Services Administration, it would: rank last in access to health care; second in death rates due to hepatitis; third in deaths related to diabetes; last in per capita income; first in the number of school children living in poverty; and, first in the numbers of the uninsured.

I would like to thank Senator MCCAIN, who was the original cosponsor of the U.S.-Mexico Border Health Commission legislation, Public Law 103–400, that we passed in 1994 and is the lead cosponsor of this legislation as well, for his outstanding leadership on border issues throughout his career. I would also thank Senators FEINSTEIN and CORNYN for working with us on this important legislation and Senator HUTCHISON for her constant support for the appropriations of the U.S.-Mexico Border Commission upon the signed agreement between the United States and Mexico, which was signed by President Clinton on July 14, 2000.

I urge the adoption of this bipartisan legislation by this Congress.

I ask unanimous consent that a fact sheet and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET—BORDER HEALTH SECURITY ACT OF 2003

Senators Jeff Bingaman, D–NM, John McCain, R–AZ, Dianne Feinstein, D–CA, and John Cornyn, R–TX, are preparing to introduce the "Border Health Security Act of 2003." The legislation seeks to improve the infrastructure, access, and delivery of health care services to residents along the U.S.-Mexico border.

The legislation would achieve these goals by:

Improving Border Health Services: Provides for $200 million in funding to States, local governments, tribal governments, institutions of higher education, nonprofit health organizations, or community health centers along the U.S.-Mexico border to improve infrastructure, access, and the delivery of health care services.

These grants are flexible and would allow the community to establish its own priorities with which to spend these funds for the following range of purposes: maternal and child health, primary care and preventative health, public health and public health infrastructure, health promotion, oral health, behavioral and mental health, substance abuse, health conditions that have a high prevalence in the border region, medical and health services research, community health workers or promotoras, health care infrastructure, including planning and construction grants, health disparities, environmental health, health education, and outreach and enrollment services with respect to Medicaid and the State Children's Health Insurance Program, CHIP.

Providing Border Bioterrorism Preparedness Grants: Provides for $25 million in funding to States and local governments or public health departments to improve the infrastructure, preparedness, and education of health professionals along the U.S.-Mexico border with respect to bioterrorism. This includes the establishment of a health alert network to identify and communicate information quickly to health providers about emerging health care threats.

Reauthorizing the U.S.-Mexico Border Health Commission: Provides for the reauthorization of the U.S.-Mexico Border Health Commission at $10 million annually.

S. 1447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Health Security Act of 2003".

SEC. 2. DEFINITIONS.

In this Act:

(1) BORDER AREA.—The term "border area" has the meaning given the term "United States-Mexico Border Area" in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-6).

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 3. BORDER HEALTH GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means a State, public institution of higher education, local government, tribal government, nonprofit health organization, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promotoras;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education; and

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa)); and

(2) other programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2004, and such sums as may be necessary for each succeeding fiscal year.

SEC. 4. BORDER BIOTERRORISM PREPAREDNESS GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means a State, local government, tribal government, or public health entity.

(b) AUTHORIZATION.—From funds appropriated under subsection (e), the Secretary shall award grants to eligible entities for bioterrorism preparedness in the border area.

(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to—

(1) develop and implement bioterror preparedness plans and readiness assessments and purchase items necessary for such plans;

(2) coordinate bioterrorism and emergency preparedness planning in the region;

(3) improve infrastructure, including syndrome surveillance and laboratory capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel; and

(6) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2004 and such sums as may be necessary for each succeeding fiscal year.

SEC. 5. UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT AMENDMENTS.

The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended by adding at the end the following:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 2004 and such sums as may be necessary for each succeeding fiscal year.".

SEC. 6. COORDINATION OF HEALTH SERVICES AND SURVEILLANCE.

The Secretary may coordinate with the Secretary of Homeland Security in establishing a health alert system that—

(1) alerts clinicians and public health officials of emerging disease clusters and syndromes along the border area; and

(2) is alerted to signs of health threats or bioterrorism along the border area.

Mr. MCCAIN. Mr. President, recognizing that the communities along our Nation's border are literally our front line of defense, it is in the interest of our national security to ensure that these areas are well equipped to respond to health emergencies and potential bioterror attacks. To address the critical needs of this vulnerable region, I am pleased to once again join my good friends from New Mexico, Senator BINGAMAN, along with Senator FEINSTEIN and Senator CORNYN, in introducing the Border Health Security Act of 2003.

Ten years ago, Senator BINGAMAN and I introduced a bill which we believed represented a first step toward addressing the many health challenges confronting the U.S.-Mexico border region as it faced growing population and an expanding industrial base. The United States-Mexico Border Health Commission Act authorized the President to enter into a bilateral agreement with Mexico and establish a binational commission on border health, and was signed into law in the fall of 1994.

Six years later the U.S. Secretary of Health and Human Services and the Secretary of Health of Mexico signed an agreement creating the United States-Mexico Border Health Commission. Although still in its infancy, the Commission serves to draw attention to the unique needs of the border region, while improving and protecting the health and well-being of the residents on both sides of the border.

The bill we are introducing today builds upon the effort we began 10 years ago. This legislation authorizes two new grant programs targeting health care and bioterror preparedness in the border area in addition to funding for the Commission.

The first grant program we establish, the Border Health Grants, will be competitively awarded to programs that improve health care infrastructure or address the unique health care needs of the border region. Eligible programs could address health disparities, public health, maternal and child health, and conditions with a high prevalence in the border area. Acknowledging our national vulnerability in the wake of the September 11 attacks and the need to ensure that bioterror efforts are specifically focused on the border region, our bill establishes bioterror preparedness grants for activities including coordination of bioterror and emergency preparedness, improvements in infrastructure, and education and training.

The communities along our Nation's southern border typically have high rates of uninsured and underinsured individuals, unemployment, and poverty. This region also has higher rates of infections and chronic diseases, often exacerbated by migrant populations. Compounding these problems is the lack of health care facilities and qualified health care professionals. According to the U.S.-Mexico Border Health Commission, if the border area were a state, it would rank last in access in health care, second in death rates due to hepatitis, third in deaths related to diabetes, first in number of TB cases and last in per capita income.

I have long supported legislative initiatives aimed at improving the security and quality of life in our border area. This bill is a part of that ongoing effort. As our Nation enters a new era of heightened national alert, it is incumbent upon us to ensure our border area—our front line of defense—is strenghtened and protected.

By Ms. MURKOWSKI:

S. 1448. A bill to provide for the construction of the Yupik Alaskan/Central Kuskokwim Energy Project, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President today I introduce a very important piece of legislation, the Calista Energy and Economic Revitalization Act. This legislation will create a profound and positive effect on one of the most impoverished parts of my State, the Upper Kuskokwim region by providing a major boost to the economy of this area. It will also provide affordable energy to this region, which pays some of the highest energy costs in the country.

My legislation will authorize a grant and loan guarantee program to permit the construction of a vitally important intertie from the Upper Kuskokwim region to Bethel, Alaska. This project will provide low cost energy to revitalize this region much as the Tennessee Valley and Bonneville Power projects revitalized the South and Northwest, respectively.

Alaska was just a territory when these visionary projects were conceived and constructed. It is now time for the State of Alaska to join in the national commitment and partnership for economic vitality.

The Upper Kuskokwim region has been inhabited by the Yupik Eskimo for thousands of years and they have developed a unique lifestyle which allows them to thrive in a harsh and formidable climate.

On December 18, 1971, Congress enacted the Alaska Native Claims Settlement Act, ANCSA, in recognition and settlement of the aboriginal claims of the Yupik Eskimo people in the Upper Kuskokwim regions. Pursuant to ANCSA the Calista Corporation was formed by the Yupik Eskimo people to represent their needs and interests in implementation of ANCSA.

The Calista Corporation has selected as part of its land entitlement under ANCSA the Donlin Creek area of the Upper Kuskokwim region. As owner of the Donlin Creek area, Calista has made a discovery of international significance of gold and other minerals which will aid the country and the Yupik Eskimo people if that area is developed. I can assure you, that there is wide spread support among the local Yupik population that their lands be developed.

The Donlin Creek area is currently isolated and unconnected by road or utility services to the rest of the State of Alaska and the Nation. It is fair and equitable that the Congress enacts legislation to aid and assist the Yupik Eskimo people, through the Calista Corporation, in developing this energy project referenced in my bill. The goal of this project is to provide reasonable and adequate utility service to the local people and to serve to the development of the minerals in the Donlin Creek area.

The Upper Kuskokwim region contains numerous Yupik Eskimo villages which are also isolated from the rest of the State and the Nation. According to government reports, the unemployment rate in the region is about 25 percent but the actual joblessness rate is much higher. The government reports stop counting people as unemployed after that have not had a job after several years. There is currently little or no opportunity for year round nongovernmental employment in this region.

For example, one of the few opportunities to participate in the cash economy available in the region comes from fishing, but fishing income has plunged by about 50 percent from nearly $12,000 to about $5,000 annually. Because of this drastic decline in fishing income and a general lack of available private sector jobs, Federal and State transfer payments make up 33 percent of income in the Bethel U.S. Census District area and nearly 45 percent of the Wade Hampton U.S. Census District in the Upper Kuskokwim region near the Donlin Creek site.

Passage of this legislation will provide a sound economic opportunity for the Yupik Eskimo and other residents of the region and give them an opportunity to enjoy a better quality of life. Calista is committed to turning this project into the private sector engine for this part of Alaska. If successful, Federal transfer payments will be reduced and local residents will have the ability to support themselves and their families with solid, well paying private sector jobs.

Utility costs are now more than 10 times the national average. By providing a year round employment base and more equitable and affordable access to utility services, this project will improve the lives of all residents of the region.

I am excited about this bill and will work hard to achieve its passage. It is my hope to have a hearing on this bill very soon and seek its passage in the Energy and Natural Resources Committee and the full Senate before the end of the year. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Calista Energy and Economic Revitalization Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Yupik Eskimo people have—

(A) inhabited the Upper Kuskokwim region for thousands of years; and

(B) developed a unique lifestyle that allows the people to thrive in a harsh and formidable climate;

(2) on December 18, 1971, Congress enacted the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) in recognition and settlement of the aboriginal claims of the Yupik Eskimo people in the Upper Kuskokwim regions;

(3) under that Act—

(A) the Calista Regional Corporation was formed by the Yupik Eskimo people to represent the needs and interests of the Yupik Eskimo people in implementing the Act; and

(B) the Corporation has selected as part of the land entitlement the Donlin Creek area of the Upper Kuskokwim region;

(4) as owner of the Donlin Creek area, Calista Regional Corporation has made a discovery of international significance of gold and other minerals that would aid the Yupik Eskimo people if developed;

(5) there is widespread support among the local Yupik population for development of the Donlin Creek area;

(6) the Donlin Creek area is currently isolated and unconnected by road or utility services to the rest of the State of Alaska;

(7) the Upper Kuskokwim region contains many Yupik Eskimo villages that are not connected to the rest of the State of Alaska;

(8) the unemployment rate in the region is almost 25 percent, and there is currently little or no opportunity for year-round nongovernmental employment;

(9) it is fair and equitable that Congress enact legislation to aid and assist the Yupik Eskimo people, through the Calista Regional Corporation, in providing reasonable and adequate utility services to the area; and

(10) Congress should act to provide a sound economic opportunity for the Yupik Eskimo and other residents of the region to enjoy an improved quality of life by providing a year round employment base.

SEC. 3. CALISTA ENERGY PROJECT AUTHORIZATION.

(a) FINANCIAL ASSISTANCE.—The Secretary of Energy shall, subject to any terms and conditions that the Secretary determines to be appropriate, provide the Calista Regional Corporation grants and loan guarantees to assist in the construction of the Calista Energy Project as generally identified in the document entitled "Calista Region Energy Needs Study" and dated July 1, 2002.

(b) FEDERAL SHARE.—The Federal share of the cost of construction of the Calista Energy Project shall be not more than 80 percent.

(c) LIMITATION.—The total amount of financial assistance that the Secretary may provide under subsection (a) is—

(1) $100,000,000 for grants; and

(2) $50,000,000 for loan guarantees.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. CRAPO (for himself and Mrs. LINCOLN):

S. 1449. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to prepare and conduct hazardous fuels reduction projects on National Forest System land and Bureau of Land Management land that are aimed at protecting communities, watersheds, and certain other at-risk land from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health on public and private land, including catastrophic wildfire, to increase research on forest health and forest-damaging agents, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAPO. Mr. President, Idaho faces grim news this morning as the deaths of two young wildland firefighters are reported. They were killed late Tuesday afternoon while fighting the Cramer fire in the Salmon-Challis National Forest west of the town of Salmon near the confluence of the middle fork of the Salmon River and the main Salmon. These men are heroes of battle, just as the men and women fighting overseas. They fought a faceless, terrifying enemy with bravery, heroism, and selfless dedication to the families and communities of central Idaho. Their sacrifice will be remembered for years to come as their names are added to the list of those fallen in service to their country in the capacity of wildland firefighters. I pray that those who continue to fight fires in Idaho and across the West this summer remain out of harm's way as they perform their valiant and critical work to preserve homes, property, and life.

The tragedy is that two more people have died. We hope it is not followed by more as we enter another fire season. The truth is that our forests are overgrown, dead and dying, and this kind of tragedy was inevitable. Legislation that I supported in the past would have made a difference. Had it been enacted last year or the year before, these senseless deaths could very well have been avoided. Idaho's wildfire season is just getting into its full swing, and we are asking our wildland firefighters in Idaho and throughout the rest of the Nation to do a dangerous job. We in Congress owe it to them and to the family members of those who didn't make it to provide them with the tools necessary to get the job done as safely and quickly as possible. These deaths are a tragic reminder of the sacrifices and risks wildland firefighters make to ensure the safety of our communities. Congress must act to reduce this threat to our communities and improve the safety of our firefighters. Today, Senator LINCOLN and I are introducing bipartisan legislation to address the forest health crisis facing our nation.

As Chairman and Ranking Member of the Senate Agriculture Committee's Subcommittee on Forestry, Conservation, and Rural Revitalization, Senator LINCOLN and I have learned of the similarities between the problems facing the ecosystems of eastern and western forests. We know that when Congress acts to address the health of forests in the West—forests that have been devastated by fires that garner national attention—we must also reduce the risks to our forests across the country. The threat is not just to our property and lives, but clean air, clean water, and wildlife habitat. We must take a comprehensive approach to protecting our resources, and Senator LINCOLN and I attempt to do that in this bill.

The America's Healthy Forests Restoration and Research Act builds on the bipartisan legislation that passed the House of Representatives and is now under consideration in the Senate.

Like the House proposal, our bill addresses the "analysis paralysis" that prevents us from taking actions to protect our lands. For lands that are at risk of catastrophic fire or that have been severely damaged by insect or disease infestations or the aftermath of severe weather events, such as windthrow or ice storms, the bill creates an expedited process to allow for treatment. For these specific projects on Forest Service or Bureau of Land Management lands—with the exception of lands that are wilderness areas or Wilderness Study Areas—the bill provides for time limits on appeals, reforms the appeals process, and provides guidance to the courts.

The per-acre costs of fuel reduction projects is higher and the amount of time to consider a project is longer with each alternative the agencies are required to consider. Each of these alternatives requires a complete and thorough environmental analysis. By selecting projects through the collaborative process and requiring an in-depth analysis of the environmental impacts of the specific project, we can ensure that the impacts of the project are addressed, without the analysis paralysis caused by the examination of additional alternatives—especially when projects are most often appealed based on failure to complete adequate analysis on alternatives rather than the substance of the project.

The time for action is now, we should not let fuels reduction projects be delayed or lose their effectiveness through frivolous appeals. By requiring the Forest Service to develop a new process that allows for public collaboration, by requiring substantive comments to the project, and by requiring participation in the process before allowing litigation, the bill ensures that public comment is meaningful and constructive. No longer will these important projects be stopped simply by 33 cents on a postcard.

Our bill also requires that the courts balance the long term effects with the short term effects of a project. This balance of harm should be common sense, but that has not been the case. The courts are reminded they should balance the impact of inaction in their decision making.

This streamlining of the appeals and judicial review process will counter the growing use of appeals and litigation as delaying and frustrating techniques rather than the constructive recourse they were intended for. Cutting through the bureaucratic red tape and ensuring for robust public participation—as outlined in the widely-supported Western Governors Association's collaborative strategy—is a win-win for our forests and our communities. In addition, by streamlining the process, we get more money on the ground and in action to protect our forests. Appeals, litigation, and extensive analysis of unneeded alternatives mean less money for projects. Some estimate that only sixty percent of funds allocated for fuels reduction actually makes it to the ground. Streamlining the process should result in significantly more resources to address forest health.

I have long been an advocate of better utilization of biomass and small diameter materials. This bill addresses the need for more research and more markets. Our bi-partisan bill provides grants to those who would use biomass for fuel or other beneficial purposes. Instead of leaving fuels in our forests to burn or tossing them in landfills, we can reduce the risks to our environment and create an incentive to use what has traditionally not been cost effective to use. Unlike the house bill, we expand eligible uses beyond just useful fuels. In Idaho, we have companies that can use this material for environmental restoration. We need to do more to create incentives to use this material.

To that end, our bill also includes expanded research into utilization and harvesting of small diameter materials. Light on the land techniques that find more and better uses of biomass and small diameter materials can revitalize our rural communities. Research into the costs and obstacles to using these materials will go a long way toward expanded markets and rural development. The bill also provides direction for technology transfer to get this information from the universities and scientists to the communities and small businesses in rural parts of America.

Our bipartisan bill makes research a central tenet. From research into biomass, forests conditions, upland hardwoods, the measure brings a new focus to forest threats. Our legislation expands the research to allow for landscape level research on forest-damaging agents. Fire, insects and disease, and weather events pose a significant threat to our forest ecosystems. The bill provides for cooperation with colleges and universities in applied research to combat these threats.

The bill also focuses research on preserving upland hardwoods. Not enough is known about preserving and restoring the upland hardwood forests of the South. The creation of an upland hardwood forest research center will go a long way toward finding ways to better protect, rehabilitate, restore, and utilize these important resources.

The proposal includes a watershed program that will help foresters enhance water quality in our forests. As many know, our forests serve as critical watersheds that provide drinking water to our communities. This bill provides for grants to allow for technical assistance, education, and financial assistance to enhance our efforts to ensure clean waters for our communities and wildlife.

A program to maintain forested habitat for threatened and endangered species is also an important part of this legislation. By providing for short and long-term restoration agreements the program offers incentives to maintain and utilize efforts that protect species and prevent others from being listed.

The legislation provides assistance to address the problem of nonnative invasive plants, trees, shrubs, and vines. Across the country, the expansion of nonnative invasive plants has changed ecosystems making them more susceptible to threats that could result in catastrophic fires. Our proposal provides assistance to landowners in addressing these invasives.

Finally, the bill declares that the enhanced community fire protection program is an important program in reducing risks to communities. This program, which we enacted as part of the 2002 Farm Bill, provides assistance to communities in reducing fire threats. Providing funding for this program, coupled with the savings from streamlining the process, will provide for meaningful progress in reducing the wildfire threat.

I agree with Forest Service Chief Dale Bosworth, who says we need to move the focus from what we take to what we leave. As he has identified, too many are looking at this as a zero-sum game. They seek someone to blame for forest health problems or argue that logging is inherently bad. We need to get beyond that fallacious argument and realize that what is important is restoring a healthy ecosystem: an ecosystem that allows for a natural fire regime to exist without threatening our communities and lives.

I hope my colleagues will join me moving beyond the narrow focus that currently passes for forest policy, this zero-sum game, and look at the needs of our forest ecosystems. This bill is a bipartisan effort that enhances the House-passed legislation. It sets a mark that the majority of the Senate can and should support.

The skies over Idaho's capitol city, Boise, are smoke-filled this afternoon, and another tiny town on the edge of Idaho's Frank Church River of No Return Wilderness, Atlanta, is threatened as fire encroaches on the homes there. Firefighting resources are stretched to the limit as wildland fires are burning throughout Idaho and the West. Wildfires this year have charred some 1.46 million acres nationwide. The National Interagency Fire Center said there were 49 large fires burning in the West, with more than 350 thousand areas of active wildfires. Let us in Congress take a stand now to help protect our forests and keep them from going up in smoke every year.

I look forward to working with my colleagues to garner their support for this much-needed, bipartisan legislation, and know that they join me in sending condolences to the families of the two young men who died fighting a fire that may very well have been preventable.

Mrs. LINCOLN. Mr. President, I rise today to join my good friend Senator CRAPO of Idaho in introducing legislation aimed at rehabilitating this Nation's public and private forestlands. Senator CRAPO and I serve as the Chair and Ranking Member of the Agriculture Subcommittee on Forestry, and we have worked together extensively in watching over our Nation's forestlands.

Our bipartisan legislation builds upon the Healthy Forest Restoration Act, which passed the House of Representatives earlier this year. Our bill will ensure that we can address the many problems affecting all of our Nation's forests—both on public and private forestlands, in southern and western forests, and throughout both hardwood and pine ecosystems. Our legislation is intended to be a marker for the direction we believe forest legislation should move in this country.

Both Senator CRAPO and I have been working closely with the Senate Agriculture Committee to ensure that the goals of our legislation are incorporated into the chairman's mark of the Senate's Healthy Forest legislation.

Our legislation is intended to accomplish a few, very specific goals.

First and foremost, we must provide the Forest Service with the tools necessary to immediately address the epidemic of oak decline and mortality in the Ozark highlands of Arkansas and Missouri.

Oak decline is a natural occurrence in older forests or in areas where trees are stressed by conditions such as old age, over population of the forest, poor soil conditions, and the effects of several years of severe drought. And under normal conditions, oak decline is not necessarily fatal to the tree.

However, these conditions have allowed insects such as the red oak borer to flourish throughout the forest and has led to an epidemic of oak mortality throughout our forests.

In fact, many estimates now suggest that potentially up to one million acres of red oaks have been affected in Ozark highlands. And it is important to note that this epidemic has not been long in coming—it was only first discovered in the late 1990s. I am concerned that this epidemic will lead to a complete loss of red oak from the Ozark highlands and cause long-term changes to the health of the forest ecosystem.

It is also important to remember that the epidemic has not been limited to public lands. Private forest landowners and homeowners throughout the Ozarks face the same problem. The past several years of extremely dry summer conditions have weakened trees throughout the region.

The legislation also contains provisions that are intended to streamline and improve the environmental, administrative, and judicial review process for hazardous fuel reduction projects under this legislation. I join Senator CRAPO in believing that the review process for hazardous fuel reduction projects, while necessary and beneficial, often consumes more time, effort, and resources than the initial intent of the project.

I am also aware that there are ongoing discussions regarding these environmental, administrative, and judicial review issues. I look forward to working with my colleagues on the Agriculture Committee and in the entire Senate to modify and improve the environmental, administrative, and judicial review provisions of this legislation in order to address my colleagues' concerns.

As we have seen with the epidemic of oak mortality in Arkansas, the Forest Service must have the ability to quickly respond to insect infestation in order to protect, preserve, and rehabilitate the entire forest. Streamlining of the environmental, administrative, and judicial review process for hazardous fuel reduction projects will ensure that we can quickly address what ails our forests.

Secondly, our legislation also provides increased funding and direction for forestland research in this country. Our legislation will ensure that our Nation's colleges and universities are able to devote more research into the insects and diseases affecting our forests. We also require that any forestland research be conducted at a scale appropriate to the forest damage, and that it be conducted within the requirements of each individual forest management plan. Our legislation also includes requirements to ensure this research has clearly stated forest restoration objectives and is peer reviewed by scientific experts in forestland health.

Our legislation includes authorization for a new upland hardwood research center designed to study the myriad of insects, disease, and problems affecting our ability to rehabilitate, restore, and utilize our upland hardwood forests. As we have seen, Arkansas was caught almost flatfooted as the epidemic of oak mortality swept through the Ozarks and severely endangered the health of our forests. Establishing this new research center will help ensure that this does not happen again.

The new research center will specifically research the effects of pests and pathogens on upland hardwoods, hardwood stand regeneration and reproductive biology, upland hardwood stand management and forest health, threatened, endangered and sensitive aquatic and terrestrial fauna, ecological processes and hardwood ecosystem restoration, and education and outreach to nonindustrial private forest landowners and associations.

The establishment of this new research center is necessary to ensure we can quickly identify and respond to the multitude of pests, disease, and other damaging agents that can dramatically affect our beloved forests.

Third, our legislation also includes funding for emergency grants to immediately remove the invasive plants that have become so pervasive throughout this Nation's forests. And when we talk about invasive plant species in the South, we are talking about one thing—Kudzu. Some call it the vine that ate the South. Kudzu was brought into this country several decades ago to be used as cover for bare hillsides and has since spread to cover everything including shrubs, bushes, and entire trees. The grant program included in our legislation will provide the means for landowners to immediately remove kudzu and the myriad other invasive plants that are choking out our forests.

Finally, our legislation also includes widely agreed upon language that would provide for grants to remove non-commercial biomass from our private forested watersheds, and provide for grants to establish private, healthy forest reserves throughout the nation. Many of these important provisions were included in the Senate-passed farm bill last year, but they were not included in the final legislation, unfortunately. Providing grants to remove noncommercial biomass will immediately reduce the amount of fuel on the forest floor and directly reduce the fire danger in our forests and around our communities. Similarly, providing grants to protect our forest watersheds will ensure that we can address our water quality concerns with a voluntary, incentive based approach. And finally, providing funding to establish new healthy forest reserves from willing private landowners will encourage the preservation and rehabilitation of this Nation's forestlands.

Mr. President, I believe that our bipartisan legislation will focus needed attention on a number of extremely critical goals for our national forest policy. One lesson that we have learned over the years is that if we value our forests, if want to conserve our woodland and resources, if we want to preserve their natural beauty, if we want to ensure that the natural bounty of our forestlands is available to future generations, then it is important that we manage those lands and resources with a careful eye toward their long-term health.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1327. Mrs. MURRAY proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

SA 1328. Mrs. BOXER (for herself and Mr. SCHUMER) proposed an amendment to the bill H.R. 2555, supra.

SA 1329. Mrs. FEINSTEIN (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1330. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1331. Mrs. BOXER proposed an amendment to the bill H.R. 2555, supra.

SA 1332. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1333. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1334. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1335. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1336. Mr. DAYTON proposed an amendment to the bill H.R. 2555, supra.

SA 1337. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 1338. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1339. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1340. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1341. Mr. HOLLINGS (for himself and Mr. GRAHAM, of Florida) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

SA 1342. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1343. Mr. SCHUMER (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 2555, supra.

SA 1344. Mr. LAUTENBERG proposed an amendment to the bill H .R. 2555, supra.

SA 1345. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1346. Ms. MIKULSKI (for herself, Mr. DODD, Ms. STABENOW, Mr. SARBANES, Mrs. CLINTON, Mr. DURBIN, Mr. BIDEN, Mr. LIEBERMAN, Mr. HARKIN, Mr. LEVIN, Mr. BYRD, Mr. LAUTENBERG, Mr. ROCKEFELLER, Ms. LANDRIEU, and Mr. CORZINE) proposed an amendment to the bill H.R. 2555, supra.

SA 1347. Mr. KYL (for himself, Mr. McCAIN, Mr. BROWNBACK, Mr. BAYH, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 1348. Mrs. CLINTON proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

SA 1349. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 1350. Mr. CORZINE (for himself, Mr. EDWARDS, Mr. LAUTENBERG, and Mr. BIDEN) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

SA 1351. Mr. SCHUMER (for himself, Mr. BAUCUS, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, and Mr. LEVIN) proposed an amendment to the bill H.R. 2555, supra.

SA 1352. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1353. Mr. BYRD (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2555, supra.

SA 1354. Mr. BYRD (for Mr. DODD) proposed an amendment to the bill H.R. 2555, supra.

SA 1355. Mr. BYRD proposed an amendment to the bill H.R. 2555, supra.

SA 1356. Mr. BYRD (for Mrs. MURRAY) proposed an amendment to the bill H.R. 2555, supra.

SA 1357. Mr. BYRD (for Mr. REID (for himself and Mr. ENSIGN)) proposed an amendment to the bill H.R. 2555, supra .

SA 1358. Mr. BYRD (for Mr. CONRAD (for himself and Mr. DORGAN)) proposed an amendment to the bill H.R. 2555, supra .

SA 1359. Mr. BYRD (for Mr. EDWARDS) proposed an amendment to the bill H.R. 2555, supra.

SA 1360. Mr. DeWINE (for Mr. GREGG) proposed an amendment to the bill S. 650, to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients.

SA 1361. Mrs. HUTCHISON (for herself, Mr. VOINOVICH, Mr. DEWINE, Mr. SPECTER, Mr. SANTORUM, and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1327. Mrs. MURRAY proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 56, line 9, strike "$165,000,000" and insert "$265,000,000".

SA 1328. Mrs. BOXER (for herself and Mr. SCHUMER) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . (a) REPORT.—Not later than March 1, 2004, the Secretary of Homeland Security shall submit to Congress a report that—

(1) details the progress made in developing countermeasures for commercial aircraft against shoulder-fired missile systems, including cost and time schedules for developing and deploying such countermeasures, and

(2) in classified form and in conjunction with airports in category X and category one, an assessment of the vulnerability of such airports from the threat of shoulder-fired missile systems and the interim measures being taken to address the threat.

SA 1329. Mrs. FEINSTEIN (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE —PORT ANTI-TERRORISM AND SECURITY ACT OF 2003

SEC. 1001. SHORT TITLE.

This title may be cited as the "Port Anti-Terrorism and Security Act of 2003".

Subtitle A—Deterring and Punishing Terrorism and Crime at United States Ports

SEC. 1101. DESTRUCTION OR INTERFERENCE WITH VESSELS OR MARITIME FACILITIES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 65 the following:

"CHAPTER 66—MARITIME VESSELS

"Sec.
"1371. Jurisdiction and scope.
"1372. Destruction of vessel or maritime facility.
"1373. Imparting or conveying false information.

"§ 1371 Jurisdiction and scope

"(a) IN GENERAL.—There is jurisdiction under section 3231 over an offense under this chapter if—

"(1) the prohibited activity takes place within the United States, or in waters or submerged lands thereunder subject to the jurisdiction of the United States; or

"(2) the prohibited activity takes place outside the United States, and—

"(A) an offender or a victim of the prohibited activity is a citizen of the United States;

"(B) a citizen of the United States was on board a vessel to which this chapter applies; or

"(C) the prohibited activity involves a vessel of the United States.

"(b) APPLICABILITY.—Nothing in this chapter shall apply to otherwise lawful activities carried out by, or at the direction of, the United States Government.

"§ 1372. Destruction of vessel or maritime facility

"(a) OFFENSES.—It shall be unlawful for any person—

"(1) to willfully—

"(A) set fire to, damage, destroy, disable, or wreck any vessel; or

"(B) place or cause to be placed a destructive device or destructive substance in, upon, or in proximity to, or otherwise make or cause to be made an unworkable or unusable or hazardous to work or use, any vessel (as defined in section 3 of title 1), or any part or other materials used or intended to be used in connection with the operation of a vessel; or

."(C) set fire to, damage, destroy, disable, or displace a destructive device or destructive substance in, upon, or in proximity to, any maritime facility, including any aid to navigation, lock, canal, 'or vessel traffic service facility or equipment, or interfere by force or violence with the operation of such maritime facility, if such action is likely to endanger the safety of any vessel in navigation;

"(D) set fire to, damage, destroy, disable, or place a destructive device or destructive substance in, upon, or in proximity to any appliance, structure, property, machine, apparatus, or any facility or other material used or intended to be used in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried on, or intended to be carried on, any vessel;

"(E) perform an act of violence against or incapacitate an individual on a vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

"(F) perform an act of violence against a person that causes or is likely to cause serious bodily injury in, upon, or in proximity to any appliance, structure, property, machine, apparatus, or any facility or other material used or intended to be used in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel; or

"(G) communicate information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

"(2) to attempt or conspire to do anything prohibited under paragraph (1).

"(b) PENALTY.—Any person who—

"(1) violates subparagraph (A) or (B) of subsection (a)(1) shall be fined in accordance with this title or imprisoned for a maximum life imprisonment term, or both, and if death results, shall be subject to the death penalty; and

"(2) violates subsection (a)(2) or subparagraph (C), (D), (E), (F), or (G) of subsection (a)(1) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"(c) ADDITIONAL PENALTIES.—Any person who is fined or imprisoned in accordance with subsection (b) for an offense that involved a vessel that, at the time the violation occurred, carried high-level radioactive waste or spent nuclear fuel shall be fined in accordance with this title or imprisoned for not less than 30 years, or for life.

"(d) THREATENED OFFENSE.—Any person who willfully imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry out the threat, shall be—

"(1) fined in accordance with this title or imprisoned not more than 5 years, or both; and

"(2) liable for all costs incurred as a result of such threat.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'destructive device' has the meaning as such term in section 921(a)(4);

"(2) the term 'destructive substance' has the meaning as such term in section 31;

"(3) the term 'high-level radioactive waste' has the meaning as such term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));

"(4) the term 'serious bodily injury' has the meaning as such term in section 1365(g); and

"(5) the term 'spent nuclear fuel' has the meaning as such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

"§ 1373. Imparting or conveying false information

"(a) IN GENERAL.—Any person who imparts or conveys, or causes to be imparted or conveyed, false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that is an offense under this chapter or chapter 2, 97, or 111, shall be subject to a civil penalty of not more than $5,000, which shall be recoverable in a civil action brought in the name of the United States.

"(b) INCREASED PENALTY.—Any person who willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys, or causes to be imparted or conveyed, false information, knowing the information to be false, concerning an attempt or alleged attempt being made by or to be made, to do any act that is an offense under this chapter or chapter 2, 97, or 111, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, is amended by inserting after the item relating to chapter 65 the following:

"66. Maritime Vessels .... 1371".

SEC. 1102. CRIMINAL SANCTIONS FOR PLACEMENT OF DESTRUCTIVE DEVICES OR SUBSTANCES IN UNITED STATES JURISDICTIONAL WATERS.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by inserting after section 2280 the following:

"§ 2280A. Devices or substances in waters of the United States likely to destroy or damage ships

"(a) IN GENERAL.—Any person who knowingly places or causes to be placed in waters subject to the jurisdiction of the United States, by any means, a device or substance that is likely to destroy or cause damage to a ship or its cargo, or cause interference with the safe navigation of vessels or interference with maritime commerce, such as by damaging or destroying marine terminals, facilities, and any other maritime structure or entity used in maritime commerce, with the intent of causing such destruction or damage—

"(1) shall be fined in accordance with this title and imprisoned for any term of years or for life; and

"(2) if the death of any person results from conduct prohibited under this section, may be punished by death.

"(b) APPLICABILITY.—Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by inserting after the item relating to section 2280 the following:

"2280A. Devices or substances in waters of the United States likely to destroy or damage ships.".

SEC. 1103. PIRACY AND PRIVATEERING.

Chapter 81 of title 18, United States Code, is amended to read as follows:

"CHAPTER 81—PIRACY AND PRIVATEERING

"Sec.

"1651. Piracy.

"1652. Crimes against United States persons or property on board a ship or maritime structure.

"1653. Crimes against persons on board a ship or maritime structure within the territorial jurisdiction of the United States.

"1654. Crimes by United States citizens or resident aliens.

"1655. Privateering.

"1656. Theft or conversion of vessel, maritime structure, cargo, or effects.

"1657. Intentional wrecking or plunder of a vessel, maritime structure, cargo, or effects.

"1658. Knowing receipt of an illegally acquired vessel, maritime structure, cargo, or effects.

"1659. Attempts.

"1660. Accessories.

"1661. Inapplicability to United States Government activities.

"§ 1651. Piracy

"Any person who commits the crime of piracy and is afterwards brought into, or found in, the United States shall be imprisoned for life.

"§ 1652. Crimes against United States persons or property on board a ship or maritime structure

"Any person who commits any illegal act of violence, detention, or depredation against the United States, including any vessel of the United States, citizen of the United States, any commercial structure owned in whole or in part by a United States citizen or resident alien, or any United States citizen or resident alien, or the property of that citizen or resident alien, on board a ship or maritime structure and is afterwards brought into or found in the United States, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§ 1653. Crimes against persons on board a ship or maritime structure within the territorial jurisdiction of the United States

"Any person who commits any illegal act of violence, detention, or depredation against an individual on board a ship or maritime structure, or the property of that individual, in waters or submerged lands thereunder, subject to the jurisdiction of the United States, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§1654. Crimes by United States citizens or resident aliens

"Any person, being a United States citizen or resident alien, or purporting to act under the authority of the United States, who commits any illegal act of violence, detention, or depredation against an individual on board a ship or maritime structure, or the property of that individual, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§1655. Privateering

"(a) OFFENSE.—It shall be unlawful for any person to furnish, fit out, arm, or serve in a privateer or private vessel used to commit any illegal act of violence, detention, or depredation against an individual, or the property of that individual, or any vessel or maritime structure without the express authority of the United States Government when—

"(1) the perpetrator of the act is a United States citizen or resident alien, or purports to act under authority of the United States;

"(2) the individual against whom the act is committed is a United States citizen or resident alien or the property, vessel, or maritime structure involved is owned, in whole or in part, by a United States citizen or resident alien; or

"(3) some element of the illegal act of violence, detention, or depredation is committed in waters subject to the jurisdiction of the United States.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§1656. Theft or conversion of vessel, maritime structure, cargo, or effects

"(a) OFFENSE.—It shall be unlawful for any person who is a captain, officer, crewman, or passenger of a vessel or maritime structure to assist in the theft or conversion of such vessel or maritime structure, or its cargo or effects when—

"(1) the perpetrator is a United States citizen or resident alien, or purports to act under the authority of the United States;

"(2) the vessel, maritime structure, cargo, or effects is owned in whole or in part by a United States citizen or resident alien; or

"(3) some element of the theft or conversion is committed in waters subject to the jurisdiction of the United States.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§1657. Intentional wrecking or plunder of a vessel, maritime structure, cargo, or effects

"(a) OFFENSE.—It shall be unlawful for any person to—

"(1) intentionally cause the wrecking of a vessel or maritime structure by act or omission, either directly such as by intentional grounding, or indirectly by modification or destruction of any navigational marker or safety device;

"(2) intentionally plunder, steal, or destroy a vessel, maritime structure, cargo, or effects when such vessel or maritime structure is in distress, wrecked, lost, stranded, or cast away; or

"(3) intentionally obstruct or interfere with the rescue of a person on board a vessel or maritime structure in distress, wrecked, lost, stranded, or cast away, or the legal salvage of such a vessel, maritime structure, cargo, or effects, when—

"(A) the perpetrator is a United States citizen or resident alien, or purports to act under authority of the United States;

"(B) the vessel, maritime structure, cargo, or effects is owned in whole or in part by a United States citizen or resident alien; or

"(C) some element of the theft or conversion is committed in waters subject to the jurisdiction of the United States.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§1658. Knowing receipt of an illegally acquired vessel, maritime structure, cargo, or effects

"Any person who knowingly receives or acquires a vessel, maritime structure, cargo, or effects converted or obtained by action falling under any section of this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§1659. Attempts

Any person who attempts any act which, if committed, would constitute an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§1660. Accessories

"(a) COMMISSION OF AN OFFENSE.—Any person who knowingly assists any person in the commission of an act that constitutes an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"(b) AVOIDANCE OF CONSEQUENCES.—Any person who knowingly assists any person in avoiding the consequences of an act that constitutes an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§1661. Inapplicability to United States Government activities

"Nothing in this chapter shall apply to otherwise lawful activities—

"(1) carried out by, or at the direction of, the United States Government; or

"(2) undertaken under a letter or marque and reprisal issued by the United States Government.".

SEC. 1104. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

(a) IN GENERAL.—Chapter 39 of title 18, United States Code, is amended by inserting after section 831 the following:

"§832. Use of a dangerous weapon or explosive on a passenger vessel

"(a) OFFENSE.—It shall be unlawful for any person to willfully—

"(1) commit an act, including the use of a dangerous weapon, explosive, or incendiary device, with the intent to cause death or serious bodily injury to a crew member or passenger of a passenger vessel or any other person while on board a passenger vessel; or

"(2) attempt, threaten, or conspire to do any act referred to in paragraph (1).

"(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"(c) AGGRAVATED OFFENSE.—Any person who commits an offense described in subsection (a) in a circumstance in which—

"(1) the vessel was carrying a passenger at the time of the offense; or

"(2) the offense has resulted in the death of any person;

shall be guilty of an aggravated offense and shall be fined in accordance with this title or imprisoned for any term of years or for life.

"(d) APPLICABILITY.—This section shall apply to vessels that are subject to the jurisdiction of the United States, and vessels carrying passengers who are United States citizens or resident aliens, wherever located.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'dangerous weapon' has the meaning given such term in section 930(g);

"(2) the term 'explosive or incendiary device' has the meaning given such term in section 232(5);

"(3) the term 'passenger' has the same meaning given such term in section 2101(21) of title 46;

"(4) the term 'passenger vessel' has the same meaning given such term in section 2101(22) of title 46; and

"(5) the term 'serious bodily injury' has the meaning given such term in section 1365(g).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 39 of title 18, United States Code, is amended by inserting after the item relating to section 831 the following:

"832. Use of a dangerous weapon or explosive on a passenger vessel.".

SEC. 1105. SANCTIONS FOR FAILURE TO HEAVE TO AND FOR OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"§2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information

"(a) FAILURE TO HEAVE TO.—It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order to heave to on being ordered to do so by an authorized Federal law enforcement officer.

"(b) OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.—It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States to—

"(1) forcibly assault, resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law, or to resist a lawful arrest; or

"(2) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew that the person knows is false.

"(c) LIMITATIONS.—This section shall not limit the authority of—

"(1) an officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other provision of law enforced or administered by the Secretary of the Treasury or the Under Secretary for Border and Transportation Security of the Department of Homeland Security; or

"(2) a Federal law enforcement officer under any law of the United States to order a vessel to stop or heave to.

"(d) CONSENT OR OBJECTION TO ENFORCEMENT.—A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means, which consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

"(e) PENALTY.—Any person who intentionally violates this section shall be fined in accordance with this title and imprisoned not more than 1 year.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the same meanings as such terms in section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903);

"(2) the term 'heave to' means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding; and

"(3) the term 'Federal law enforcement officer' has the same meaning as such term in section 115.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information.".

SEC. 1106. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION.

Section 2280(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (F), (G), and (H) as (G), (H), and (I), respectively;

(B) by inserting after subparagraph (E) the following:

"(F) destroys, damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954, (33 U.S.C. 984) or the Coast Guard pursuant to section 81 of title 14, or lawfully maintained by the Coast Guard pursuant to section 83 of title 14, if such act endangers or is likely to endanger the safe navigation of a ship;"; and

(C) in subparagraph (I), as so redesignated, by striking "through (G)" and inserting "through (H)"; and

(2) in paragraph (2), by striking "(C) or (E)" and inserting "(C), (E), or (F)".

SEC. 1107. CRIMINAL SANCTIONS FOR MALICIOUS DUMPING.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"§ 2282. Knowing discharge or release

"(a) ENDANGERMENT OF HUMAN LIFE.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjoining shoreline with the intent to endanger human life, health, or welfare—

"(1) shall be fined in accordance with this title and imprisoned for any term of years or for life; and

"(2) if the death of any person results from conduct prohibited under this section, may be punished by death.

"(b) ENDANGERMENT OF MARINE ENVIRONMENT.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjacent shoreline with the intent to endanger the marine environment shall be fined in accordance with this title or imprisoned not more than 30 years, or both.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(2) the term 'hazardous material' has the same meaning given such term in section 2101(14) of title 46;

"(3) the term 'marine environment' has the same meaning given such term in section 2101(15) of title 46;

"(4) the term 'navigable waters' has the same meaning given such term in section 502(7) of the Federal Water Pollution Control Act (33 U.S.C. 1362(7)), and also includes the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988; and

"(5) the term 'noxious liquid substance' has the same meaning given such term in the MARPOL Protocol as defined in section 2(a)(3) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"2282. Knowing discharge or release.".

SEC. 1108. ATTORNEY GENERAL TO COORDINATE PORT-RELATED CRIME DATA COLLECTION.

(a) REGULATIONS.—The Attorney General shall issue regulations to—

(1) require the reporting by a carrier that is the victim of a cargo theft offense to the Attorney General of information on the cargo theft offense (including offenses occurring outside ports of entry and ports of shipment origination) that identifies the port of entry, the port where the shipment originated, where the theft occurred, and any other information specified by the Attorney General;

(2) create a database to contain the reports described in paragraph (1) and integrate those reports, to the extent feasible, with other noncriminal justice and intelligence data, such as insurer bill of lading, cargo contents and value, point of origin, and lien holder filings; and

(3) prescribe procedures for access to the database created in accordance with paragraph (2) by appropriate Federal, State, and local governmental agencies and private companies or organizations, while limiting access to privacy of the information in accordance with other applicable Federal laws.

(b) MODIFICATION OF DATABASES.—

(1) IN GENERAL.—United States Government agencies with significant regulatory or law enforcement responsibilities at United States ports shall, to the extent feasible, modify their information databases to ensure the collection and retrievability of data relating to crime, terrorism, and related activities at, or affecting, United States ports.

(2) DESIGNATION OF AGENCIES.—The Attorney General, after consultation with the Secretary of Homeland Security, shall designate the agencies referred to in paragraph (1).

(c) OUTREACH PROGRAM.—The Attorney General, in consultation with the Secretary of Homeland Security, the National Maritime Security Advisory Committee established under section 70112 of title 46, United States Code, and the appropriate Federal and State agencies, shall establish an outreach program—

(1) to work with State and local law enforcement officials to harmonize the reporting of data on cargo theft among States and localities with the United States Government's reports; and

(2) to work with local port security committees to disseminate cargo theft information to appropriate law enforcement officials.

(d) ANNUAL REPORT.—The Attorney General shall report annually to the Committee on the Judiciary of the Senate and the House of Representatives on the implementation of this section.

(e) INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER; STATE PROSECUTIONS.—

(1) STATE PROSECUTIONS.—Section 659 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph—

(i) by striking "Whoever embezzles" and inserting the following:

"(a) OFFENSE; PENALTY.—Whoever—

"(1) embezzles";

(ii) by striking "from any pipeline system" and all that follows through "with intent to convert to his own use"; and

(iii) by striking "or" at the end;

(B) in the second undesignated paragraph—

(i) by striking "Whoever buys" and inserting the following:

"(2) buys"; and

(ii) by striking "or" at the end;

(C) in the third undesignated paragraph—

(i) by striking "Whoever embezzles" and inserting the following"

"(3) embezzles"; and

(ii) by striking "with intent to convert to his own use";

(D) in the fourth undesignated paragraph, by striking "Whoever embezzles" and inserting the following:

"(4) embezzles";

(E) in the fifth undesignated paragraph, by striking "Shall in each case" and inserting the following:

"shall in each case";

(F) in the sixth undesignated paragraph, by striking "The" and inserting the following:

"(b) LOCATION OF OFFENSE.—The";

(G) in the seventh undesignated paragraph, by striking "The" and inserting the following"

"(c) SEPARATE OFFENSE.—The";

(H) in the eighth undesignated paragraph, by striking "To" and inserting the following:

"(d) PRIMA FACIE EVIDENCE.—To";

(I) in the ninth undesignated paragraph, by striking "A" and inserting the following:

"(e) PROSECUTION.—A"; and

(J) by adding at the end the following:

"(f) CIVIL PENALTY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any penalties that may be available under any other provision of law, a person who is found by the Secretary of Homeland Security, after notice and an opportunity for a hearing, to have violated this section or a regulation issued under this section shall be liable to the United States for a civil penalty not to exceed $25,000 for each violation.

"(2) SEPARATE VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation.

"(3) AMOUNT OF PENALTY.—

"(A) IN GENERAL.—The amount of a civil penalty for a violation of this section or a regulation issued under this section shall be assessed by the Attorney General, or the designee of the Attorney General, by written notice.

"(B) CONSIDERATIONS.—In determining the amount of a civil penalty under this paragraph, the Attorney General shall take into account—

"(i) the nature, circumstances, extent, and gravity of the prohibited act committed; and

"(ii) with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

"(4) MODIFICATION OF PENALTY.—The Secretary of Homeland Security may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or which has been imposed under this section.

"(5) Failure to pay.—If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary of Homeland Security may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

"(g) Definition.—For purposes of this section, the term 'goods or chattels' means to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment) regardless of any temporary stop while awaiting transshipment or otherwise.".

(2) Federal sentencing guidelines.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 of title 18, United States Code, as amended by this subsection.

(3) Annual report.—The Attorney General shall annually submit to Congress a report that shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code.

Subtitle B—Protecting United States Ports Against Terrorism and Crime

SEC. 1201. DEFINITIONS.

In this subtitle:

(1) Aircraft.—The term "aircraft" has the meaning given that term in section 40102 of title 49, United States Code.

(2) Captain-of-the-port.—The term "Captain-of-the-Port", with respect to a United States seaport, means the individual designated by the Commandant of the Coast Guard as the Captain-of-the-Port at that seaport.

(3) Common carrier.—The term "common carrier" means any person that holds itself out to the general public as a provider for hire of a transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

(4) Container.—The term "container" means a container that is used or designed for use for the international transportation of merchandise by vessel, vehicle, or aircraft.

(5) Directorate.—The term "Directorate" means the Border and Transportation Security Directorate of the Department of Homeland Security.

(6) Manufacturer.—The term "manufacturer" means a person who fabricates or assembles merchandise for sale in commerce.

(7) Merchandise.—The term "merchandise" has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(8) Shipment.—The term "shipment" means cargo traveling in international commerce under a bill of lading.

(9) United states seaport.—The term "United States seaport" means a place in the United States on a waterway with shoreside facilities for the intermodal transfer of cargo containers that are used in international trade.

(11) Vehicle.—The term "vehicle" has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(12) Vessel.—The term "vessel" has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

SEC. 1202. DESIGNATED SECURITY AUTHORITY.

The Captain-of-the-Port of each United States seaport shall be the primary authority responsible for security at the United States seaport and shall—

(1) coordinate security at such seaport; and

(2) be the point of contact on seaport security issues for civilian and commercial port entities at such seaport.

SEC. 1203. PENALTIES FOR INACCURATE MANIFEST.

(a) Falsity or Lack of Manifest.—Section 584 of the Tariff Act of 1930 (19 U.S.C. 1584) is amended—

(1) in subsection (a)(1)—

(A) by striking "$1,000" each place it appears and inserting "$50,000"; and

(B) by striking "$10,000" and inserting "$50,000"; and

(2) by adding at the end the following new subsection:

"(c) Criminal Penalties.—Any person who ships or prepares for shipment any merchandise bound for the United States who intentionally provides inaccurate or false information, whether inside or outside the United States, with respect to such merchandise for the purpose of introducing such merchandise into the United States in violation of the laws of the United States, shall be liable, upon conviction of a violation of this subsection, for a fine of not more than $50,000 or imprisonment for 1 year, or both; except that if the importation of such merchandise into the United States is prohibited, such person shall be liable for an additional fine of not more than $50,000 or imprisonment for not more than 5 years, or both.".

(b) Penalties for Violations of the Arrival, Reporting, Entry, and Clearance Requirements.—Subsections (b) and (c) of section 436 of Tariff Act of 1930 (19 U.S.C. 1436) are amended to read as follows:

"(b) Civil Penalty.—Any master, person in charge of a vessel, vehicle, or aircraft pilot who commits any violation listed in subsection (a) shall be liable for a civil penalty of $25,000 for the first violation, and $50,000 for each subsequent violation, and any conveyance used in connection with any such violation is subject to seizure and forfeiture.

"(c) Criminal Penalty.—In addition to being liable for a civil penalty under subsection (b), any master, person in charge of a vessel, vehicle, or aircraft pilot who intentionally commits or causes another to commit any violation listed in subsection (a) shall be liable, upon conviction, for a fine of not more than $50,000 or imprisonment for 1 year, or both; except that if the conveyance has, or is discovered to have had, on board any merchandise (other than sea stores or the equivalent for conveyances other than vessels) the importation of which into the United States is prohibited, such individual shall be liable for an additional fine of not more than $50,000 or imprisonment for not more than 5 years, or both.".

SEC. 1204. INSPECTION OF MERCHANDISE AT FOREIGN FACILITIES.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a plan to—

(1) station inspectors from the Directorate, other Federal agencies, or the private sector at the foreign facilities of manufacturers or common carriers to profile and inspect merchandise and the containers or other means by which such merchandise is transported as they are prepared for shipment on a vessel that will arrive at any port or place in the United States;

(2) develop procedures to ensure the security of merchandise inspected as described in paragraph (1) until it reaches the United States; and

(3) permit merchandise inspected as described in paragraph (1) to receive expedited inspection upon arrival in the United States.

SA 1330. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 615 the following:

Sec. 616. (a) Increase in Amount for Office for Domestic Preparedness.—The amount appropriated by title IV of this Act under the heading "Office for Domestic Preparedness" is hereby increased by $30,000,000.

(b) Availability for Interoperable Communications Grants.—Of the amount appropriated by title IV of this Act under the heading "Office for Domestic Preparedness", as increased by subsection (a), up to $30,000,000 may be available for interoperable communications grants.

(c) Offset.—The amount appropriated by title I of this Act under the heading "Office of the Under Secretary for Management" is hereby reduced by $30,000,000, with the amount of the reduction to be allocated to amounts available under that heading for the alteration and improvement of facilities and for relocation costs necessary for the interim housing of the Department's headquarters' operations and organizations collocated therewith.

SA 1331. Mrs. BOXER proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, add the following:

Sec. ___. Not later than March 1, 2004, the Secretary of Homeland Security shall issue a classified report to Congress on the security costs incurred by state and local government law enforcement personnel in each state in complying with requests and requirements of the United States Secret Service to provide protective services and transportation for foreign and domestic officials.

SA 1332. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—CLARIFICATION OF PROHIBITION ON CONTRACTING WITH CORPORATE EXPATRIATES

SEC. ___. CLARIFICATION OF PROHIBITION ON CONTRACTING WITH CORPORATE EXPATRIATES.

Section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395) is amended—

(1) in subsection (a), by inserting before the period ", or any subsidiary of such an entity";

(2) in subsection (b)(1), by inserting "before, on, or" after "completes"; and

(3) in subsection (c)(1)(B), by striking "which is after the date of enactment of this Act and".

SA 1333. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 616. It is the sense of the Senate that—

(1) the Bureau of Immigration and Customs Enforcement faces an increasing demand for Customs investigative work in Rhode Island, particularly in the areas of drug smuggling and money laundering; and

(2) the Bureau of Immigration and Customs Enforcement should establish an Office of Customs Investigations in Providence, Rhode Island, with an adequate number of special agents and support staff.

SA 1334. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 616. (a) The Secretary of Homeland Security, in close consultation with State and local officials, shall conduct a study of methods for improving the Nation's threat-alert system.

(b) The study under subsection (a) shall include—

(1) a survey of alternative threat-alert systems, including the feasibility of regional and threat-type alerts;

(2) best estimates of the costs incurred by Federal, State, and local governments and the private sector each time threat levels are adjusted within the current alert system; and

(3) a comparison of the costs described in paragraph (2) with the projected costs of the alternatives explored under paragraph (1).

(c) Not later than April 30, 2004, the Secretary of Homeland Security shall submit to Congress a report summarizing the results of the study conducted under this section.

SA 1335. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 616. (a) The Secretary of Homeland Security, in close consultation with State and local officials and emergency preparedness professional associations, shall conduct a study of the feasibility of establishing a center within the Department of Homeland Security to systematically collect, coordinate, organize, and analyze best practices and other information that could benefit emergency responders.

(b) The study under subsection (a) shall—

(1) explore ways in which the center described in subsection (a) could efficiently share best practices with emergency responders through a website or other communication method;

(2) estimate the costs that would be occurred to establish and maintain such a center; and

(3) estimate the potential efficiency gains or losses that such a center would produce and their related financial impact.

(c) Not later than January 30, 2004, the Secretary of Homeland Security shall submit to Congress a report summarizing the results of the study conducted under this section.

SA 1336. Mr. DAYTON proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 616. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the procurement of any articles, materials, or supplies in contravention of the Buy American Act (41 U.S.C. 10a et seq.).

SA 1337. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows.

Beginning on page 4, strike line 1 and all that follows through page 20, line 2.

SA 1338. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 3, strike "2007" and insert "2004".

SA 1339. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 20, strike line 3 and all that follows through page 85, line 10.

SA 1340. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division B, insert the following:

SEC. . STUDY OF EFFECTIVENESS OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) STUDY.—The Comptroller General of the United States shall undertake a study of the effectiveness of the credit for electricity produced from certain renewable resources under section 45 of the Internal Revenue Code of 1986, as amended by title I. Such study shall evaluate—

(1) whether the credit is necessary as a means of encouraging the use of renewable resources,

(2) whether the credit is economically efficient,

(3) the amount of investment in renewable resource technologies that would exist if no tax credit were available, and

(4) when the credit should terminate.

(b) REPORT.—The Comptroller General of the United States shall report the study required under subsection (a) to Congress not later than 1 year after the date of the enactment of this Act.

SA 1341. Mr. HOLLINGS (for himself and Mr. GRAHAM of Florida) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 49, line 2, strike "$150,000,000" and insert "$450,000,000".

On page 66, line 9, strike "$823,700,000" and insert "$523,700,000,".

SA 1342. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 616. Not later than March 1, 2004, the Secretary of Homeland Security shall submit to Congress a report that details the costs incurred by State and local governments as a direct result of an increase in the threat level of the Homeland Security Advisory System.

SA 1343. Mr. SCHUMER (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 49, beginning on line 14, strike all through line 19 and insert the following:

For necessary expenses for research and development related to transportation security, $200,000,000, to remain available until expended: *Provided*, That of the total amount provided under this heading, $45,000,000 shall be available for the research and development of explosive detection devices: *Provided further*, That of the total amount provided under this heading $70,000,000 shall be available for the Secretary of Homeland Security to award grants under section 70107(i) of title 46, United States Code, to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States.

SA 1344. Mr. LAUTENBERG proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. ___. Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report in unclassified form to Congress on the Homeland Security Advisory System, which shall include—

(1) an assessment of how the system is fulfilling its missions to—

(A) provide a national framework for Federal, State, and local governments, private industry and the public to gauge threat levels;

(B) establish the integration of factors for assignment of threat conditions;

(C) unify the system of public announcements, allowing government officials and citizens to communicate the nature and degree of terrorist threats; and

(D) provide a tool for combating terrorism by deterring terrorist activity, notifying law enforcement and State and local government officials of threats, informing the public about government preparations, and providing such officials and the public with information necessary to respond to the threat;

(2) the average daily cost of elevating the Homeland Security Advisory System by 1 threat level;

(3) an evaluation by the Inspector General of the Department of Homeland Security of the responses to each of the suggested protective measures to be taken at each threat level; and

(4) a review of efforts taken by the Department of Homeland Security to refine the Homeland Security Advisory System, and the progress of tailoring the system so that threat alerts are issued on a regional basis rather than nationally.

SA 1345. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table, as follows:

At the end of the bill add the following:

Notwithstanding the preceding provisions of this Act, the matter appropriating funds under the heading "FIRE-FIGHTERS, ASSISTANCE GRANTS" in title IV under the heading "OFFICE FOR DOMESTIC PREPAREDNESS" shall be deemed to appear in title IV under the heading "OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE" before the item with the heading "RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM.

SA 1346. Ms. MIKULSKI (for herself, Mr. DODD, Ms. STABENOW, Mr. SARBANES, Mrs. CLINTON, Mr. DURBIN, Mr. BIDEN, Mr. LIEBERMAN, Mr. HARKIN, Mr. LEVIN, Mr. BYRD, Mr. LAUTENBERG, Mr. ROCKEFELLER, Ms. LANDRIEU, and Mr. CORZINE) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 60, line 1, strike "$750,000,000" and insert "$900,000,000".

SA 1347. Mr. KYL (for himself, Mr. McCAIN, Mr. BROWNBACK, Mr. BAYH, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IV, add the following:

SEC. 443. PROHIBITION ON NUCLEAR EXPORTS TO COUNTRIES THAT SPONSOR TERRORISM.

(a) IN GENERAL.—Section 129 of the Atomic Energy Act of 1954 (42 U.S.C. 2158) is amended—

(1) by inserting "a." before "No nuclear exports"; and

(2) by adding at the end the following new subsection:

"b. (1) Notwithstanding subsection a. and except as provided in paragraphs (2), (3), and (4), no nuclear materials and equipment or sensitive nuclear technology, including items and assistance authorized by section 57 b. of this Act and regulated under Part 810 of title 10, Code of Federal Regulations, and nuclear-related items on the Commerce Control List, shall be exported, whether directly or indirectly, to any country that is on the Department of State list of countries that sponsor terrorism.

"(2) This subsection shall not apply to Iraq.

"(3) This subsection shall not apply to items, services, or information that are used for nuclear safeguards or nonproliferation purposes, including but not limited to surveillance equipment, seals, cameras, tamper-indication devices, nuclear detectors, monitoring systems, or equipment necessary to safely store, transport, or remove hazardous materials, whether such items, services, or information are regulated by the Department of Energy, the Department of Commerce, or the Nuclear Regulatory Commission.

"(4) The President may waive the application of paragraph (1) to a country if the President determines and certifies to Congress that the waiver of that paragraph—

"(A) is in the vital national security interests of the United States;

"(B) is essential to prevent or respond to a serious radiological hazard in the country receiving the waiver that may or does threaten public health and safety; and

"(C) will not result in any increased risk that the country receiving the waiver will acquire nuclear weapons or any materials or components of nuclear weapons.

"(5) Notwithstanding section 121 of this Act, this subsection shall apply without regard to any international arrangement made after the date of the enactment of this subsection.".

(b) APPLICABILITY TO EXPORTS APPROVED FOR TRANSFER BUT NOT TRANSFERRED.—Subsection b. of section 129 of the Atomic Energy Act of 1954, as added by subsection (a) of this section, shall apply with respect to exports that have been approved for transfer as of the date of the enactment of this Act but have not yet been transferred as of that date.

SA 1348. Mrs. CLINTON proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 616. (a) The Senate finds that—

(1) this Act is intended to provide critical homeland security resources to State and local communities and first responders to help them in their efforts to improve our homeland defense at the National, State, and local levels;

(2) given the nature of the terrorist threats against our Nation and the grave consequences of a terrorist attack, it is in the best interest of our homeland defense that such resources be disbursed and employed as effectively as possible;

(3) the Secretary of Homeland Security has repeatedly emphasized the need to use a threat-based formula, instead of a per capita formula, to best allocate homeland security block grant funds to States for use by States and local communities;

(4) in the June 2003 report of the Homeland Security Independent Task Force of the Council on Foreign Relations, chaired by Senator Warren B. Rudman, entitled "Emergency Responders: Drastically Underfunded, Dangerously Unprepared", the Task Force—

(A) declared the "existing systems for determining the distribution of appropriated funds to states to be badly in need of reform";

(B) advised that "Congress should establish a system for allocating scarce [homeland security] resources based . . . on addressing identified threats and vulnerabilities"; and

(C) stated that, in allocating Federal homeland security funds, "the Federal Government should consider such factors as population density, vulnerability assessment, and presence of critical infrastructure within each state";

(5) the vulnerability assessment may cover a range of considerations, including—

(A) the proximity of a community to nuclear and chemical facilities, ports, and international borders;

(B) the presence of national icons that may be terrorist targets;

(C) population (including tourist, military, and commuting population), population density, the location, risk, or vulnerability of critical infrastructure or key national assets; and

(D) any other factor considered appropriate by the Secretary of Homeland Security;

(6) our Nation's critical infrastructure consists of systems and assets, whether physical or virtual, that are vital to the United States, including infrastructure relating to—

(A) agriculture;

(B) food;

(C) water;

(D) public health;

(E) emergency services;

(F) government;

(G) defense;

(H) energy;

(I) transportation;

(J) banking and finance;

(K) chemicals;

(L) postal service; and

(M) shipping;

(7) the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188) requires a threat analysis, an indication that Congress recognizes the importance of threat-based formulas; and

(8) other national homeland security experts have also called for the distribution of Federal, State, and local homeland security grants using a threat-based formula in lieu of a per capita formula.

(b) It is the sense of the Senate that homeland security grants to State and local governments awarded pursuant to section 1014 of the USA PATRIOT ACT of 2001 (42 U.S.C. 3711) by the Office of Domestic Preparedness of the Department of Homeland Security should, subject to minimum allocations for small States, be allocated to States through a threat-based formula in lieu of a per capita formula.

SA 1349. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, after line 25, add the following:

SEC. . STATE INCENTIVES FOR USE OF CLEAN COAL TECHNOLOGY.

(a) DEFINITIONS.—In this section:

(1) COMPLIANCE FACILITY.—The term "compliance facility" means any facility that—

(A)(i) is designed, constructed, or installed, and used, at a coal-fired electric generation unit for the primary purpose of complying with acid rain control requirements established by title IV of the Clean Air Amendments of 1990 (42 U.S.C. 7651 et seq.); and

(ii) controls or limits emissions of sulfur or nitrogen compounds resulting from the combustion of coal through the removal or reduction of those compounds before, during, or after the combustion of the coal, but before the combustion products are emitted into the atmosphere;

(B)(i) removes sulfur compounds from coal before the combustion of the coal; and

(ii) is located off the premises of the electric generation facility at which the coal processed by the compliance facility is burned;

(C) includes a flue gas desulfurization system connected to a coal-fired electric generation unit; or

(D) includes facilities or equipment acquired, constructed, or installed, and used, at a coal-fired electric generating unit primarily for the purpose of handling—

(i) the byproducts produced by the compliance facility; or

(ii) other coal combustion byproducts produced by the electric generation unit in or to which the compliance facility is incorporated or connected.

(2) ELECTRIC UTILITY.—The term "electric utility" means any person (including any municipality) that generates, transmits, or distributes electric energy through the use of a coal-fired generating unit that contains, is attached to, or is used in conjunction with a compliance facility.

(b) CREDITS.—A State may provide to an electric utility a credit against any tax or fee owed to the State under a State law, in an amount calculated under, and in accordance with, a formula to be determined by the State, for the use of coal mined from deposits in the State that is burned in a coal-fired electric generation unit that is owned or operated by the electric utility that receives the credit.

(c) EFFECT ON INTERSTATE COMMERCE.—Action taken by a State in accordance with this section—

(1) shall be considered to be a reasonable regulation of commerce as of the effective date of the action; and

(2) shall not be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate against interstate commerce.

SA 1350. Mr. CORZINE (for Mr. EDWARDS, Mr. LAUTENBERG, and Mr. BIDEN) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 66, strike lines 9 and 10, and insert the following: $903,700,000, to remain available until September 30, 2005; of which $80,000,000 shall be for chemical facility security assessments.

SA 1351. Mr. SCHUMER (for Mr. BAUCUS, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, and Mr. LEVIN) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

In title III under the heading "SALARIES AND EXPENSES" under the heading "CUSTOMS AND BORDER PROTECTION", strike "$4,366,000,000," and insert "$4,566,000,000, of which not to exceed $200,000,000 shall be available to assist the Department of Homeland Security in increasing the number of border personnel at the northern border of the United States by the end of fiscal year 2004 as authorized by section 402 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) of 2001 (115 Stat. 342), and may be transferred by the Secretary of Homeland Security to the salaries and expenses account of the Bureau of Immigration and Customs Enforcement;".

SA 1352. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 6 . PRIORITY FOR FIRE BOATS.

Notwithstanding any other law, if the Homeland Security Strategic Plan of a State or an Area Maritime Transportation Security Plan under section 70103(b) of title 46, United States Code, states that there is a need for fire boats in the State, the United States Fire Administration shall consider fire boats to be ranked as "priority one" for the purposes of an application for a firefighter assistance grant made by a fire department in that State.

SA 1353. Mr. BYRD (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 46, line 17, insert before the period the following:

": *Provided further*, That not later than 180 days after the date of enactment of this Act, the General Accounting Office shall transmit to Congress a report on the implementation of the Student and Exchange Visitor Information System (SEVIS), including an assessment of the technical problems faced by institutions of higher education using the system, the need for the detailed information collected, and an analysis of corrective action being taken by the Department to resolve problems in SEVIS".

SA 1354. Mr. BYRD (for Mr. DODD) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 50, line 16, after "United States:", insert the following: "*Provided further*, That of the total amount provided under this heading, funding to operate and maintain the Coast Guard Research and Development Center shall continue at the fiscal year 2003 level: *Provided further*, That the Commandant of the Coast Guard shall conduct a study, the cost of which is not to exceed $350,000, to be submitted to the Committees on Appropriations of the Senate and the House of Representatives, on the research and development priorities of the Coast Guard and a design for a new research and development organizational structure within the Coast Guard that ensures that the Coast Guard has access to the most advanced technology necessary to perform its missions effectively: *Provided further*, That the Commandant may seek an independent entity to conduct such a study:".

On page 67, line 8, before the period at the end, insert the following: ": *Provided further*, That the Under Secretary for Science and Technology shall work with the Coast Guard Research and Development Center regarding research priorities for the Coast Guard: *Provided further*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation".

SA 1355. Mr. BYRD proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, line 5 delete all beginning with "after" down through and including "Act", and insert: "the Secretary of Homeland Security has published in the Federal Register the Department's privacy notice for CAPPS II or no later than 60 days after enactment of this Act, whichever is later"

SA 1356. Mr. BYRD (for Mrs. MURRAY) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 51, line 24, after the word "equipment", insert: "including $3,500,000 for defense message system implementation and $1,000,000 for oil spill prevention efforts under the Ports and Waterways Safety Systems (PAWSS) program"

SA 1357. Mr. BYRD (for Mr. REID (for himself and Mr. ENSIGN)) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 616(a) Congress finds that—

(1) emergency responders are the first line of defense in protecting our Nation against terrorist attacks;

(2) the Department of Homeland Security uses population as a factor when allocating grant funding to States and local governments for emergency responders;

(3) population plays an important role in both formula and discretionary grants,

which are administered by the Department of Homeland Security;

(4) the number of people in any city or State often differs from estimates by the Census Bureau;

(5) large groups of tourists regularly visit many American cities and states, but are not included in the resident population of these cities and states; and

(6) the monetary needs of emergency responders are directly related to the amount of people they are responsible to protect.

(b) It is the sense of the Senate that the Secretary of Homeland Security should take into account tourist population as a factor when determining resource needs and potential vulnerabilities for the purpose of allocating funds for discretionary and formula grants.

SA 1358. Mr. BYRD (for Mr. CONRAD (for himself and Mr. DORGAN)) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 616. Not later than 30 days after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall—

(1) review the damage survey reports and project worksheets relating to the damages and costs incurred by the University of North Dakota as a result of the April 1997 flooding in North Dakota, which is classified Emergency Preparedness and Response as DR–1174–ND; and

(2) submit a report on the efforts of the Directorate of Emergency Preparedness and Response to resolve any outstanding claims by the University of North Dakota relating to the reports described in paragraph (1) to the Committees on Appropriations of the Senate and House of Representatives.

SA 1359. Mr. BYRD (for Mr. EDWARDS) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 66, line 3, after "Center", insert:

: *Provided*, That no later than 120 days after enactment the Under Secretary of Infrastructure Analysis and Infrastructure Protection shall submit a report to the Committees on Appropriations of the Senate and House of Representatives on the vulnerability of the 250 largest sports and entertainment facilities (based on seating capacity)."

SA 1360. Mr. DEWINE (for Mr. GREGG) proposed an amendment to the bill S. 650, to amend the Federal Food, Drug and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients; as follows:

On page 14, line 18, after "misbranded", insert "solely because of that failure".

On page 19, strike lines 5 and 6 and insert the following:

(a) IN GENERAL.—Subject to subsection (b), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) APPLICABILITY TO NEW DRUGS AND BIOLOGICAL PRODUCTS.—

(1) IN GENERAL.—Subsection (a) of section 505B of the Federal Food, Drug, and Cosmetic Act (as added by section 2) shall apply to an application described in paragraph (1) of that subsection submitted to the Secretary of Health and Human Services on or after April 1, 1999.

(2) WAIVERS AND DEFERRALS.—

(A) WAIVER OR DEFERRAL GRANTED.—If, with respect to an application submitted to the Secretary of Health and Human Services between April 1, 1999, and the date of enactment of this Act, a waiver or deferral of pediatric assessments was granted under regulations of the Secretary then in effect, the waiver or deferral shall be a waiver or deferral under subsection (a) of section 505B of the Federal Food, Drug, and Cosmetic Act, except that any date specified in such a deferral shall be extended by the number of days that is equal to the number of days between October 17, 2002, and the date of enactment of this Act.

(B) WAIVER AND DEFERRAL NOT GRANTED.—If, with respect to an application submitted to the Secretary of Health and Human Services between April 1, 1999, and the date of enactment of this Act, neither a waiver nor deferral of pediatric assessments was granted under regulations of the Secretary then in effect, the person that submitted the application shall be required to submit assessments under subsection (a)(2) of section 505B of the Federal Food, Drug, and Cosmetic Act on the date that is the later of—

(i) the date that is 1 year after the date of enactment of this Act; or

(ii) such date as the Secretary may specify under subsection (a)(3) of that section;

unless the Secretary grants a waiver under subsection (a)(4) of that section.

On page 19, line 7, strike "(b)" and insert "(c)".

SA 1361. Mrs. HUTCHISON (for herself, Mr. VOINOVICH, Mr. DEWINE, Mr. SPECTER, Mr. SANTORUM, and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 6 . PAYMENTS BASED ON POPULATION.

(a) DEFINITIONS.—In this section:

(1) RELATIVE STATE POPULATION PROPORTION.—The term "relative State population proportion" means, with respect to a State, the amount that is equal to the quotient obtained by dividing—

(A) the population of the State (as reported in the most recent decennial census); by

(B) the total population of all States (as reported in the most recent decennial census).

(2) RELATIVE POPULATION PROPORTION AMOUNT.—The term "relative population proportion amount" means the product of—

(A) the appropriated amount described in subsection (b); and

(B) the relative State population proportion for the State.

(3) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(b) PAYMENTS.—Subject to subsection (c), the amount appropriated under paragraph (1) under the heading "STATE AND LOCAL PROGRAMS" under the heading "OFFICE FOR DOMESTIC PREPAREDNESS" in title IV shall be used to pay each State an amount equal to the relative population proportion amount.

(c) MINIMUM PAYMENT.—

(1) IN GENERAL.—No State shall receive a payment under this section for a fiscal year that is less than—

(A) in the case of 1 of the 50 States or the District of Columbia, ½ of 1 percent of the appropriated amount described in subsection (b); and

(B) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa, ⅒ of 1 percent of the appropriated amount described in subsection (b).

(2) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust, on a pro rata basis, the amount of the payments to States determined under this section without regard to this paragraph to the extent necessary to comply with the requirements of paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 23, 2003, at 9:30 a.m. on Public Interest and Localism in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, July 23 at 10 a.m. to consider pending calendar business.

Agenda

Agenda Item 2: S. 391—A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes.

Agenda Item 3: S. 434—A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes.

Agenda Item 4: S. 435—A bill to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, and for other purposes.

Agenda Item 5: S. 452—A bill to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes.

Agenda Item 6: S. 714—A bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes.

Agenda Item 9: S. 1003—A bill to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River.

Agenda Item 10: H.R. 417—To revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

Agenda Item 11: H.R. 622—To provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.

Agenda Item 12: H.R. 762—To amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts.

Agenda Item 13: H.R. 1012—To establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes.

In addition, the Committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 23, 2003 at 9:30 a.m. to hold a Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 23, 2003 at 2:45 p.m. to hold a hearing on Iraq: Status and Prospects for Reconstruction—Next Steps.

The PRESIDING OFFICER. Without objection, it so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive Session during the session of the Senate on Wednesday, July 23, 2003.

Agenda

S.__, Patient Safety and Quality Improvement Act of 2003

Presidential Nominations: Daniel Pipes, of Pennsylvania, to be a Member of the Board of Directors of the United States Institute of Peace; Charles Edward Horner, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace; Stephen David Krasner, of California, to be a Member of the Board of Directors of the United States Institute of Peace; Eric Dreiband, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission.

Any additional nominees cleared for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 23, 2003, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 556, a Bill to Reauthorize the Indian Health Care Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, July 23, 2003, at 9:00 a.m. in Hart Room 216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Oversight Hearing: Law Enforcement and Terrorism" on Wednesday, July 23, 2003, at 10:00 a.m. in the Hart Senate Office Building Room 216.

Agenda

The Honorable Robert S. Mueller, Director, Federal Bureau of Investigation, Department of Justice, Washington, DC; The Honorable Asa Hutchinson, Under Secretary for Border & Transportation Security, Department of Homeland Security, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct an Executive Nominations hearing on Wednesday, July 23, 2003, at 2:00 p.m. in the Dirksen Senate Office Building Room 226.

Agenda

Panel I: Senators.

Panel II: Rene Alexander Acosta to be Assistant Attorney General, Civil Rights Division, United States Department of Justice and Daniel J. Bryant to be Assistant Attorney General, Office of Legal Policy, United States Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights be authorized to meet to conduct a hearing on "Agriculture, Consolidation and the Smithfield/Farmland Deal" on Wednesday, July 23, 2003, at 4:00 p.m. in Room 138 of the Dirksen Senate Office Building.

Agenda

Panel I: Senator Tim Johnson.

Panel II: Mr. Joseph Sebring, CEO, John Morrell, Inc., Cincinnati, OH; Mr. William Hughes, Administrator, Division of Agricultural Development, Wisconsin Department of Agriculture, Trade and Consumer Protection, Madison, WI; Dr. Luther Tweeten, Agriculture Consultant, Columbus, OH; Mr. Russ Kremer, President, Missouri Farmers' Union, Jefferson City, MO; Mr. Patrick Bell, Farmer, Kenansville, NC; and Mr. Michael Stumo, General Counsel, Organization for Competitive Markets, Winstead, CT.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 23, 2003, at 2:30 p.m. to conduct a hearing on "Enhancing the Role of the Private Sector in Public Transportation."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Jeff Klein and Matt Linstroth of my staff be granted the privilege of the floor for the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PEDIATRIC RESEARCH EQUITY ACT OF 2003

Mr. DEWINE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar 183, S. 650.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 650) to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment, as follows:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pediatric Research Equity Act of 2003".

SEC. 2. RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.

(a) In General.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505A the following:

"SEC. 505B. RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.

"(a) New Drugs and Biological Products.—

"(1) In general.—A person that submits an application (or supplement to an application)—

"(A) under section 505 for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration; or

"(B) under section 351 of the Public Health Service Act (42 U.S.C. 262) for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration;

shall submit with the application the assessments described in paragraph (2).

"(2) Assessments.—

"(A) In general.—The assessments referred to in paragraph (1) shall contain data, gathered using appropriate formulations for each age group for which the assessment is required, that are adequate—

"(i) to assess the safety and effectiveness of the drug or the biological product for the claimed indications in all relevant pediatric subpopulations; and

"(ii) to support dosing and administration for each pediatric subpopulation for which the drug or the biological product is safe and effective.

"(B) Similar course of disease or similar effect of drug or biological product.—

"(i) In general.—If the course of the disease and the effects of the drug are sufficiently similar in adults and pediatric patients, the Secretary may conclude that pediatric effectiveness can be extrapolated from adequate and well-controlled studies in adults, usually supplemented with other information obtained in pediatric patients, such as pharmacokinetic studies.

"(ii) Extrapolation between age groups.—A study may not be needed in each pediatric age group if data from 1 age group can be extrapolated to another age group.

"(3) Deferral.—On the initiative of the Secretary or at the request of the applicant, the Secretary may defer submission of some or all assessments required under paragraph (1) until a specified date after approval of the drug or issuance of the license for a biological product if—

"(A) the Secretary finds that—

"(i) the drug or biological product is ready for approval for use in adults before pediatric studies are complete;

"(ii) pediatric studies should be delayed until additional safety or effectiveness data have been collected; or

"(iii) there is another appropriate reason for deferral; and

"(B) the applicant submits to the Secretary—

"(i) certification of the grounds for deferring the assessments;

"(ii) a description of the planned or ongoing studies; and

"(iii) evidence that the studies are being conducted or will be conducted with due diligence and at the earliest possible time.

"(4) Waivers.—

"(A) Full waiver.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients is so small or the patients are geographically dispersed);

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups; or

"(iii) the drug or biological product—

"(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients; and

"(II) is not likely to be used in a substantial number of pediatric patients.

"(B) Partial waiver.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

"(iii) the drug or biological product—

"(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

"(II) is not likely to be used by a substantial number of pediatric patients in that age group; or

"(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric formulation necessary for that age group have failed.

"(C) Pediatric formulation not possible.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation.

"(D) Labeling requirement.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

"(b) Marketed Drugs and Biological Products.—

"(1) In general.—After providing notice in the form of a letter and an opportunity for written response and a meeting, which may include an advisory committee meeting, the Secretary may (by order in the form of a letter) require the holder of an approved application for a drug under section 505 or the holder of a license for a biological product under section 351 of the Public Health Service Act (42 U.S.C. 262) to submit by a specified date the assessments described in subsection (a)(2) if the Secretary finds that—

"(A)(i) the drug or biological product is used for a substantial number of pediatric patients for the labeled indications; and

"(ii) the absence of adequate labeling could pose significant risks to pediatric patients; or

"(B)(i) there is reason to believe that the drug or biological product would represent a meaningful therapeutic benefit over existing therapies for pediatric patients for 1 or more of the claimed indications; and

"(ii) the absence of adequate labeling could pose significant risks to pediatric patients.

"(2) Waivers.—

"(A) Full waiver.—At the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments under this subsection if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed); or

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups.

"(B) Partial waiver.—At the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

"(iii)(I) the drug or biological product—

"(aa) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

"(bb) is not likely to be used in a substantial number of pediatric patients in that age group; and

"(II) the absence of adequate labeling could not pose significant risks to pediatric patients; or

"(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric formulation necessary for that age group have failed.

"(C) Pediatric formulation not possible.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation.

"(D) Labeling requirement.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

"(3) Relationship to other pediatric provisions.—

"(A) No assessment without written request.—No assessment may be required under paragraph (1) for a drug subject to an approved application under section 505 unless—

"(i) the Secretary has issued a written request for a related pediatric study under section 505A(c) of this Act or section 409I of the Public Health Service Act (42 U.S.C. 284m);

"(ii)(I) if the request was made under section 505A(c)—

"(aa) the recipient of the written request does not agree to the request; or

"(bb) the Secretary does not receive a response as specified under section 505A(d)(4)(A); or

"(II) if the request was made under section 409I of the Public Health Service Act (42 U.S.C. 284m)—

"(aa) the recipient of the written request does not agree to the request; or

"(bb) the Secretary does not receive a response as specified under section 409I(c)(2) of that Act; and

"(iii)(I) the Secretary certifies under subparagraph (B) that there are insufficient funds under sections 409I and 499 of the Public Health Service Act (42 U.S.C. 284m, 290b) to conduct the study; or

"(II) the Secretary publishes in the Federal Register a certification that certifies that—

"(aa) no contract or grant has been awarded under section 409I or 499 of the Public Health Service Act (42 U.S.C. 284m, 290b); and

"(bb) not less than 270 days have passed since the date of a certification under subparagraph (B) that there are sufficient funds to conduct the study.

"(B) NO AGREEMENT TO REQUEST.—Not later than 60 days after determining that no holder will agree to the written request (including a determination that the Secretary has not received a response specified under section 505A(d) of this Act or section 409I of the Public Health Service' Act (42 U.S.C. 284m), the Secretary shall certify whether the Secretary has sufficient funds to conduct the study under section 409I or 499 of the Public Health Service Act (42 U.S.C. 284m, 290b), taking into account the prioritization under section 409I.

"(c) MEANINGFUL THERAPEUTIC BENEFIT.—For the purposes of paragraph (4)(A)(iii)(I) and (4)(B)(iii)(I) of subsection (a) and paragraphs (1)(B)(i) and (2)(B)(iii)(I)(aa) of subsection (b), a drug or biological product shall be considered to represent a meaningful therapeutic benefit over existing therapies if the Secretary estimates that—

"(1) if approved, the drug or biological product would represent a significant improvement in the treatment, diagnosis, or prevention of a disease, compared with marketed products adequately labeled for that use in the relevant pediatric population; or

"(2) the drug or biological product is in a class of products or for an indication for which there is a need for additional options.

"(d) SUBMISSION OF ASSESSMENTS.—If a person fails to submit an assessment described in subsection (a)(2), or a request for approval of a pediatric formulation described in subsection (a) or (b), in accordance with applicable provisions of subsections (a) and (b)—

"(1) the drug or biological product that is the subject of the assessment or request may be considered misbranded and subject to relevant enforcement action (except that the drug or biological product shall not be subject to action under section 303); but

"(2) the failure to submit the assessment or request shall not be the basis for a proceeding—

"(A) to withdraw approval for a drug under section 505(e); or

"(B) to revoke the license for a biological product under section 351 of the Public Health Service Act (42 U.S.C. 262).

"(e) MEETINGS.—Before and during the investigational process for a new drug or biological product, the Secretary shall meet at appropriate times with the sponsor of the new drug or biological product to discuss—

"(1) information that the sponsor submits on plans and timelines for pediatric studies; or

"(2) any planned request by the sponsor for waiver or deferral of pediatric studies.

"(f) SCOPE OF AUTHORITY.—Nothing in this section provides to the Secretary any authority to require a pediatric assessment of any drug or biological product, or any assessment regarding other populations or uses of a drug or biological product, other than the pediatric assessments described in this section.

"(g) ORPHAN DRUGS.—Unless the Secretary requires otherwise by regulation, this section does not apply to any drug for an indication for which orphan designation has been granted under section [526.".] *526.*

"(h) INTEGRATION WITH OTHER PEDIATRIC STUDIES.—The authority under this section shall remain in effect so long as an application subject to this section may be accepted for filing by the Secretary on or before the date specified in section 505A(n).".

(b) CONFORMING AMENDMENTS.—

(1) Section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) is amended in the second sentence—

(A) by striking "and (F)" and inserting "(F)"; and

(B) by striking the period at the end and inserting ", and (G) any assessments required under section 505B.".

(2) Section 505A(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(h)) is amended—

(A) in the subsection heading, by striking "REGULATIONS" and inserting "PEDIATRIC RESEARCH REQUIREMENTS"; and

(B) by striking "pursuant to regulations promulgated by the Secretary" and inserting "by a provision of law (including a regulation) other than this section".

(3) Section 351(a)(2) of the Public Health Service Act (42 U.S.C. 262(a)(2)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

"(B) PEDIATRIC STUDIES.—A person that submits an application for a license under this paragraph shall submit to the Secretary as part of the application any assessments required under section 505B of the Federal Food, Drug, and Cosmetic Act.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ABBREVIATED NEW DRUG APPLICATION.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subparagraphs (A) and (B) of subsection (b)(2) and subparagraphs (A) and (B) of subsection (c)(2) by striking "505(j)(4)(B)" and inserting "505(j)(5)(B)".

(b) PEDIATRIC ADVISORY COMMITTEE.—

(1) Section 505A(i)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(i)(2)) is amended by striking "Advisory Subcommittee of the Anti-Infective Drugs" each place it appears.

(2) Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note; Public Law 107–109) is amended—

(A) in the section heading, by striking "**PHARMACOLOGY**";

(B) in subsection (a), by striking "(42 U.S.C. 217a)," and inserting (42 U.S.C. 217a) or other appropriate authority,";

(C) in subsection (b)—

(i) in paragraph (1), by striking "and in consultation with the Director of the National Institutes of Health"; and

(ii) in paragraph (2), by striking "and 505A" and inserting "505A, and 505B"; and

(D) by striking "pharmacology" each place it appears and inserting "therapeutics".

(3) Section 15(a)(2)(A) of the Best Pharmaceuticals for Children Act (115 Stat. 1419) is amended by striking "Pharmacology".

(4) Section 16(1)(C) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355a note; Public Law 107–109) is amended by striking "Advisory Subcommittee of the Anti-Infective Drugs".

(5) Section 17(b)(1) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355b(b)(1)) is amended in the second sentence by striking "Advisory Subcommittee of the Anti-Infective Drugs".

(6) Paragraphs (8), (9), and (11) of section 409I(c) of the Public Health Service Act (42 U.S.C. 284m(c)) are amended by striking "Advisory Subcommittee of the Anti-Infective Drugs" each place it appears.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act take effect October 17, 2002.

(b) NO LIMITATION OF AUTHORITY.—Neither the lack of guidance or regulations to implement this Act or the amendments made by this Act nor the pendency of the process for issuing guidance or regulations shall limit the authority of the Secretary of Health and Human Services under, or defer any requirement under, this Act or those amendments.

Mr. DEWINE. Mr. President, I rise this evening in support of the passage of this bill, the pediatric rule. Passage of this bill will be a very important step in protecting the health of our children. This bill will help keep the pediatric rule in place to help ensure the drugs we give our children when they are sick are actually tested for use by our children. The tragic reality is there are medicines on the market today that are being used by and prescribed for our Nation's children that are oftentimes not being tested for their use. It has been that way for years and years.

For many years, doctors have had to take a chance when prescribing medicines for our kids. Doctors have literally had to tell parents to cut the pill in half or in quarters to be given to a child. The doctors have used the best information they have to literally guess how much medicine to give a child. That is all they could do with the medicines; they have had to guess.

Quite frankly, these medicines have been overprescribed, underprescribed, or maybe not prescribed at all when they should have been prescribed. For example, recently the drug Paxil, which is an antidepressant, has been prescribed without being tested in children at all. Many people have heard of this drug. Many people have heard of the beneficial effects for adults with anxiety and panic disorders. What people did not know, what doctors did not know, was what we have recently found out. Recently the British Government has warned doctors to stop prescribing this drug for children, warning that the medicine increased the risk of suicide or suicidal thinking among children with depression. This action, in turn, spurred the FDA to conduct its own investigation into the safety of this drug for younger patients, resulting in a similar warning to physicians here in the United States: Don't prescribe this drug for children.

That is just one example. We have page after page of examples of drugs that have been prescribed to children in the past and once we then tested them, once the protocols were done, the testing was done, lo and behold, we found they were more effective for children than we thought. Sometimes they were not effective, sometimes the prescriptions, the amount, the dosage that had been used was too much, sometimes not enough.

The facts are these. As we all know, children are not just miniature adults. You can't just take the weight and just reduce the dosage. Kids react differently. That is why it is so important to have the testing done. Yet when Senator CHRIS DODD and I first started on this cause, 5 or 6 years ago, 80 percent of the drugs that came on the market had never been tested for children at all.

It has been over a year now since this Senate passed and the President signed into law the Best Pharmaceuticals for Children Act. The Best Act was a bill that followed the Better Pharmaceuticals for Children Act, which we passed a few years before that. That law, the Best Pharmaceuticals for Children Act, was part of the solution, just part of the solution to address the problem of getting medicines tested for use by children.

That law provides, as its predecessor bill did, a 6-month patent extension to pharmaceutical companies in exchange for the testing of medicines in children. That was a voluntary law and it has worked pretty well. For as long as the bill has been law—its predecessor was law—the Food and Drug Administration reported success in ensuring that more medicines are tested for use in children. With this economic incentive by this Best Pharmaceutical and Better Pharmaceutical bill in place, companies are seeing the value of studying their drugs in children and are applying for the patent extension, and children are benefiting.

But the Best Pharmaceuticals incentive cannot work alone. It was never intended to work alone to ensure that medicines for children are properly tested for their use. In order to ensure that no medicines needed to treat children, including vaccines or other biologics, would go untested, the FDA, in 1997, proposed what is known as the Pediatric Rule, a companion rule. The Pediatric Rule allowed the FDA to require that drugs deemed important for children be tested for their safety, for their effectiveness, and that they be properly, then, labeled for children.

Unfortunately—and this is what brings us to the Senate floor tonight to consider this bill—the Pediatric Rule came under legal challenge and was, in fact, overturned in court in October 2002, last year, by a district court. That court ruled that the FDA lacked the statutory authority to require pediatric studies.

What the court said was it was incumbent upon Congress to fix it. That is why we are here tonight. This was a troubling step backward for children's health, considering that today 75 percent of the medicines on the market still, even with the Better Pharmaceutical bill and the Best Pharmaceutical bill, still 75 percent of the medicines on the market today are not tested and labeled for pediatric use.

Without the Pediatric Rule in place, without the necessary authority provided to the FDA, new medicines and biologics coming onto the market are not required to be tested for use in kids. Since that court decision on October 17, 2002, the FDA has indicated that over 300 medicines either have applications pending or incomplete studies pending, and that unless the Pediatric Rule stays in place these will all be lost. Many more, hundreds more will be lost in the future. Pediatricians will not know how to prescribe these drugs in the future or whether to prescribe them at all.

That is why Senator CLINTON, Senator DODD, and myself introduced the bill that we hope to pass tonight. It is a bill that would codify a significant piece of the Pediatric Rule to assure that it stays in place and ensures that children will remain on safe footing when it comes to the testing of the medications that they use.

Furthermore, we need to keep the Pediatric Rule in place right now because the Pediatric Rule and incentives work together to ensure that drugs are tested for use in children.

The Best Pharmaceuticals for Children Act, as I said already, was never intended to be a substitute for the rule but, rather, to reinforce and work with the rule. For example, the Pediatric Rule may be invoked in instances where pediatric information is essential but the patent exclusivity incentive is no longer available.

The Pediatric Rule also applies to biologics, whereas the Best Pharmaceutical bill does not. A significant portion of therapeutics used in children, including many cancer treatments or biological products—by that, of course, we mean products that include a live agent. Because the Best Pharmaceutical law does not apply to biologics, the Pediatric Rule is the only way to ensure proper and effective pediatric labeling.

Finally, the Best Pharmaceutical Act is voluntary. For any number of reasons, including insufficient sales, a manufacturer simply may choose to not conduct the necessary testing to receive additional exclusivity under the "Best" law, and when that happens and the drug is not tested for kids, children are the losers. But just because a drug manufacturer chooses not to study the drug in children does not mean that the drug is not critical to the proper care of your children and my children or grandchildren. Without the Pediatric Rule that is in front of us today, there is no way to guarantee that a drug that is used in the pediatric population is tested for children's use.

With the establishment of the Pediatric Rule and the financial incentives of the Best Pharmaceutical law, which will go with this, there has been a dramatic increase in the number of studies that have been undertaken. Let me quote from the Government's Response to Plaintiff's Notice of Reauthorization of FDA Modernization Act. This is the document the Government filed to defend the lawsuit against the rule.

> These two options—Best Pharmaceuticals for Children Act and the Pediatric Rule—have resulted in a number of drugs being labeled for use in pediatric applications. As of March 31, 2001, 94 applications containing complete or partial pediatric use and information have been submitted to the agency. Of these 94 applications, 45 are attributable to the statutory exclusivity provision. FDA attributes 48 of the 94 applications to the authority of the pediatric rule alone.

So you can see how the two must work together, how important the rule is. Our legislation is a step toward assuring this progress that we have made so far will not erode. Our bill, as amended, provides that the FDA may only impose the pediatric study requirement for already-marketed drugs when the pediatric exclusivity incentive provisions fail to yield necessary pediatric information. This means that for already-marketed drugs, drugs that the FDA has already approved and are already on the drugstore shelf, before FDA can require a company to study the drug for use in children, the incentive provisions of the Best Pharmaceuticals law have to be used first. So the drug manufacturer has to choose to use the incentive provisions first, before FDA can invoke the pediatric study requirement.

Our bill also preserves the waiver and deferral process so that drug companies can get waivers or deferrals for a range of legitimate reasons. Waivers are a simple concept.

Drugs, such as those used to treat Alzheimer's disease—those drugs that would not be used in children at all—obviously should not be tested for use in children. Those drug manufacturers would be allowed to waive the pediatric drug study requirement.

Deferrals are similar. For drug manufacturers who require additional time to complete the drug study or need to get additional information in the adult population before beginning to study the drug in children can, in consultation with the FDA, defer the pediatric drug studies until a later date.

Again, I am very pleased that my colleagues have agreed to pass our bill. It is a vital step toward ensuring that children are no longer a therapeutic afterthought.

Our bill puts children on a level playing field with adults for the first time.

Before I yield the floor, I would like to take this opportunity to thank the many people who have worked diligently to draft this bill and to help get it passed. I would like to thank Majority Leader FRIST and Senators CLINTON, DODD, GREGG, KENNEDY, and MURRAY for their leadership on this issue. Without their support, this bill would not be a reality.

I would also like to thank Abby Kral of my staff for her dedication and hard work on this issue—she spent an unbelievable amount of time on it—as well as Christina Ho from Senator CLINTON'S Staff, Ben Berwick with Senator DODD, Vince Ventimiglia with Senator GREGG'S Staff, and David Dorsey with Senator KENNEDY.

Finally, I would like to recognize two groups that provided my staff and the staff of the HELP Committee with invaluable comments and insights—the American Academy of Pediatrics and the Elizabeth Glaser Pediatric AIDS Foundation.

Thank you all for your efforts and commitment to protecting our children's health and safety.

Mr. KENNEDY. Mr. President, this important bill guarantees that drugs and biological products used for children are tested and labeled for children. It helps assure that the miracle cures of today can be administered to our children in safe and effective ways.

I commend Senators GREGG, CLINTON, DEWINE, and DODD for their effective and tireless leadership to see this important legislation through the Senate. And it is endorsed by the American Academy of Pediatrics, the Elizabeth Glaser Pediatric AIDS Foundation, the March of Dimes, and many other organizations dedicated to children's health.

Under this legislation, drug companies will be required to prove that their drugs and biological products are safe and effective for their intended use in children. For too long, drug companies have tested their products only in adults. For years, companies only rarely tested their drugs in children, unless the drug's use was for a juvenile disease. For other drugs, the label simply said that the product had not been shown to be safe and effective in children. To use such drugs on our children was a medical gamble.

Fortunately, that practice began to change 6 years ago. In 1997, Congress authorized 6 months of "pediatric exclusivity"—6 months of additional life of a drug patent if the company had studied the drug in children. The extra patent protection was a valuable economic incentive for drug companies to study their drugs on children, and it has been very successful in achieving that goal.

In 1998, FDA issued its Pediatric Rule, which allowed the agency to *require* a drug company to test and label certain drugs for children.

The patent exclusivity can be used once to study a drug. But the FDA rule can be used more than once, if needed, such as when the studies requested under exclusivity do not include studies in infants or newborns. In some cases, studies in older children are needed before studies can even be designed for younger children and newborn infants.

The rule can be used to require testing for biological products, which are not eligible for the extra patent exclusivity. The rule can also be used when a drug company decides not to seek extra patent exclusivity and does not study a drug in children.

Unfortunately, a Federal district court held that FDA does not have the statutory authority to issue the Pediatric Rule. Although the American Academy of Pediatrics and the Elizabeth Glaser Pediatric AIDS Foundation are appealing this decision, and we hope for their quick success, the Senate has now passed this legislation to correct the situation.

With this legislation, the essential protections of the rule will be codified in law: There will be a presumption that newly approved applications for new active ingredients, new indications, new dosage forms, new dosing regimens, or new routes of administration for drugs and biological products will include assessments of safety and effectiveness for all relevant pediatric subpopulations. These assessments will support dosing and administration using a pediatric formulation for all pediatric subpopulations in which the product is safe and effective. This will be a huge step forward for children, and will put them on an equal footing with adults.

In addition, many products already on the market have meaningful therapeutic benefit to children or may be used for a substantial number of children. However, the absence of adequate labeling in these products poses significant risks to pediatric patients. This legislation will allow FDA to require such products to be studied in children for its approved indication. The bill requires that FDA must first provide an opportunity for these studies to be conducted under the provisions of the Best Pharmaceuticals for Children Act. However, if a product's manufacturer does not agree promptly to perform such studies voluntarily, and if funds are not sufficient so that the NIH or the Foundation for the NIH does not contract or issue a grant for conduct of the studies within a set period of time, FDA may invoke the authority in this legislation to require the studies. Although FDA never used this authority under its Pediatric Rule, we expect FDA to use it as necessary to ensure that drugs and biological products that are already approved are studied in children when other mechanisms to get them studied fail.

This legislation, with the managers' amendment, provides FDA with clear enforcement authority to bring a seizure or injunction action when a company fails to submit a required pediatric assessment. That failure alone will make the drug or biological product misbranded.

This legislation, with the managers' amendment, clarifies that assessments required under FDA's Pediatric Rule that have not yet been submitted to FDA, whether deferred until after approval or not, are assessments required under this legislation. The legislation therefore ensures that hundreds of assessments that FDA required under its rule will be completed for the benefit of the Nation's children.

Although this legislation is a giant step forward for children, I can't help but express my disappointment that its requirements are tied to the pediatric exclusivity provision that sunsets in 2007. Adults are guaranteed that new drugs will be reviewed for safety and effectiveness for them before they are approved by the FDA. Our Nation's children deserve no less. They should not have to come back in 4 years to plead for the right to safe and effective medicines.

Again, I commend my colleagues for reaching bipartisan agreement on this important initiative for children. I urge the House to act promptly to pass this bill so that children may quickly be protected by this legislation.

Mr. DEWINE. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the Gregg amendment be agreed to, that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements and colloquies relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The amendment (No. 1360) was agreed to, as follows:

AMENDMENT NO. 1360

On page 14, line 18, after "misbranded", insert "solely because of that failure".

On page 19, strike lines 5 and 6 and insert the following:

(a) IN GENERAL.—Subject to subsection (b), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) APPLICABILITY TO NEW DRUGS AND BIOLOGICAL PRODUCTS.—

(1) IN GENERAL.—Subsection (a) of section 505B of the Federal Food, Drug, and Cosmetic Act (as added by section 2) shall apply to an application described in paragraph (1) of that subsection submitted to the Secretary of Health and Human Services on or after April 1, 1999.

(2) WAIVERS AND DEFERRALS.—

(A) WAIVER OR DEFERRAL GRANTED.—If, with respect to an application submitted to the Secretary of Health and Human Services between April 1, 1999, and the date of enactment of this Act, a waiver or deferral of pediatric assessments was granted under regulations of the Secretary then in effect, the waiver or deferral shall be a waiver or deferral under subsection (a) of section 505B of the Federal Food, Drug, and Cosmetic Act, except that any date specified in such a deferral shall be extended by the number of days that is equal to the number of days between October 17, 2002, and the date of enactment of this Act.

(B) WAIVER AND DEFERRAL NOT GRANTED.—If, with respect to an application submitted to the Secretary of Health and Human Services between April 1, 1999, and the date of enactment of this Act, neither a waiver nor deferral of pediatric assessments was granted under regulations of the Secretary then in effect, the person that submitted the application shall be required to submit assessments under subsection (a)(2) of section 505B of the Federal Food, Drug, and Cosmetic Act on the date that is the later of—

(i) the date that is 1 year after the date of enactment of this Act; or

(ii) such date as the Secretary may specify under subsection (a)(3) of that section;

unless the Secretary grants a waiver under subsection (a)(4) of that section.

On page 19, line 7, strike "(b)" and insert "(c)".

PEDIATRICS RESEARCH AUTHORITY

Mr. GREGG. Mr. President, I rise to speak to a managers' amendment to S. 650, the Pediatric Research Equity Act. This amendment makes improvements to the legislation as reported out of the Committee on Health, Education, Labor and Pensions in June. Because these improvements were made after the committee report was filed, this statement is intended to serve as the committee's views on the amended legislation. This statement was shared with the other committee members and has their concurrence.

Mr. KENNEDY. Mr. President, the Democratic sponsors of the bill and I concur with this statement.

Mr. GREGG. Mr. President, the purpose of this legislation is to provide FDA with statutory authority to require pediatric studies in specified circumstances. In October 2002, a Federal district court held that existing law did not provide FDA the authority to issue a regulation requiring pediatric studies for drugs marketed to adults but important to children. Although this decision is being appealed, this legislation will provide the agency with definitive statutory authority to require pediatric studies of new and already marketed drugs and biologics in the circumstances specified in the legislation and to enforce any violations of those requirements in Federal court. This has always been the intent of S. 650. After the legislation was marked up in committee, the managers of the bill agreed to amend the language in section 505B(d) to make this intent even clearer.

The enforcement mechanism in section 505B(d) provides that if a person fails to submit an assessment described in subsection (a)(2) or a request for approval of a pediatric formulation described in subsection (a) or (b) under the new law, "the drug or biological product that is the subject of the assessment or request may be considered misbranded solely because of such failure." This language confers on the Secretary authority to bring a misbranding action where a violation has occurred.

The committee has used the language "may be considered" (misbranded) rather than the traditional "shall be deemed to be" (misbranded) that is used in other provisions of the Federal Food, Drug and Cosmetic Act in order to emphasize that the Secretary may exercise traditional enforcement discretion in deciding whether to bring such an action. The Committee recognizes that the Secretary retains that discretion under other provisions of current law that use the "shall" formulation. Nevertheless, the Committee intends for this authority to be interpreted by the courts and to be implemented by FDA in a manner consistent with the agency's enforcement authorities in current law that use the "shall" formulation.

As is true with other provisions of current law, once the Secretary decides to initiate an enforcement action under section 505B(d), no formal finding or other proceeding is required. Moreover, it is not necessary for the Secretary to identify any other misbranding authority in the act. The new authority conferred by section 505B(d) is sufficient. For example, the failure of a sponsor to submit pediatric studies in accordance with the requirements of the legislation alone would be a sufficient basis to prosecute an action in federal district court.

The managers of the bill have agreed to the extraordinary retroactive application of the provisions of the new research authority in order to avoid even greater potential harm to children through the loss of research and agency resources should assessments, waivers, and deferrals under the Pediatric Rule be considered invalid following the recent district court decision invalidating the rule. This application should not be considered approval of the agency's interpretation of its authority nor disagreement of the court's ruling. In the extraordinary situation at hand, the managers' amendment modifies the effective date provision of the legislation to ensure a seamless transition of the pediatric study requirement from the Pediatric rule to this legislation. The intent is that waivers and deferrals of the study requirement previously granted under the rule be deemed to be in effect under the legislation. A sponsor that received a deferral under the rule would have the original deferral date extended by the number of days between October 17, 2002, and the date of enactment of this legislation.

A sponsor that submitted an application in the time period between April 1, 1999, and the date of enactment of this legislation that was not granted a waiver or deferral under the rule would be required to submit pediatric assessments unless granted a waiver by FDA. However, no submission by a sponsor would be due until 12 months after the date of enactment of this legislation or until a date specified by FDA under section 505B(a)(3), whichever is later.

Mr. KENNEDY. Mr. President, Although I and the Democratic sponsors of the bill disagree with the chairman's view that the agency lacked the authority to promulgate the Pediatric Rule and his view that the Federal district court ruling invalidating the rule was correct, we do agree with the chairman's statements regarding the need to apply the requirements of this legislation retroactively to ensure that no pediatric studies are lost in the transition from the rule to this legislation.

Mr. GREGG. Mr. President, S. 650 provides FDA the statutory authority to require that new and already marketed drugs and biological products be studied in children in specified circumstances. This authority is intended to work in a complementary fashion with pediatric exclusivity. With regard to already marketed products, S. 650 provides that FDA require pediatric testing only after pediatric exclusivity and the National Institutes of Health grant and contract provisions contained in sections 409I and 499 of the Public Health service Act have failed to produce the necessary studies. However, nothing in S. 650 requires FDA to wait until the voluntary mechanisms have failed or been exhausted before invoking the pediatric studies requirement for new drug applications under section 505 of the Federal Food, drug and Cosmetic Act or biological license applications under section 351 of the Public Health service Act. On the contrary, S. 650 creates the presumption that new drugs and biologics will be studied before approval unless a waiver or deferral is granted.

Mr. KENNEDY. Mr. President, I agree with the Senator. Does he agree as well, that, in accordance with the plain language of the legislation, FDA shall grant a waiver of the requirement to submit pediatric assessments only if the applicant certifies and the Secretary finds that the conditions specified in 505B(a)(4) and 505B(b)(2) exist? By using the word "including" before listing the circumstances under which FDA shall grant a full or partial waiver in the committee report for S. 650, the committee does not intend that any conditions or circumstances other than those specifically stated in 505B(a)(4) and 505B(b)(2) serve as the basis for FDA granting a full or partial waiver of the requirements of the legislation.

Mr. GREGG. Mr. President, I do, and I thank the Senator for his work on this bill and the report.

The bill (S. 650), as amended, was read the third time and passed as follows:

S. 650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pediatric Research Equity Act of 2003".

SEC. 2. RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.

(a) In General.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505A the following:

"SEC. 505B. RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.

"(a) New Drugs and Biological Products.—

"(1) In general.—A person that submits an application (or supplement to an application)—

"(A) under section 505 for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration; or

"(B) under section 351 of the Public Health Service Act (42 U.S.C. 262) for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration;

shall submit with the application the assessments described in paragraph (2).

"(2) Assessments.—

"(A) In general.—The assessments referred to in paragraph (1) shall contain data, gathered using appropriate formulations for each age group for which the assessment is required, that are adequate—

"(i) to assess the safety and effectiveness of the drug or the biological product for the claimed indications in all relevant pediatric subpopulations; and

"(ii) to support dosing and administration for each pediatric subpopulation for which the drug or the biological product is safe and effective.

"(B) Similar course of disease or similar effect of drug or biological product.—

"(i) In general.—If the course of the disease and the effects of the drug are sufficiently similar in adults and pediatric patients, the Secretary may conclude that pediatric effectiveness can be extrapolated from adequate and well-controlled studies in adults, usually supplemented with other information obtained in pediatric patients, such as pharmacokinetic studies.

"(ii) Extrapolation between age groups.—A study may not be needed in each pediatric age group if data from 1 age group can be extrapolated to another age group.

"(3) Deferral.—On the initiative of the Secretary or at the request of the applicant, the Secretary may defer submission of some or all assessments required under paragraph (1) until a specified date after approval of the drug or issuance of the license for a biological product if—

"(A) the Secretary finds that—

"(i) the drug or biological product is ready for approval for use in adults before pediatric studies are complete;

"(ii) pediatric studies should be delayed until additional safety or effectiveness data have been collected; or

"(iii) there is another appropriate reason for deferral; and

"(B) the applicant submits to the Secretary—

"(i) certification of the grounds for deferring the assessments;

"(ii) a description of the planned or ongoing studies; and

"(iii) evidence that the studies are being conducted or will be conducted with due diligence and at the earliest possible time.

"(4) Waivers.—

"(A) Full waiver.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients is so small or the patients are geographically dispersed);

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups; or

"(iii) the drug or biological product—

"(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients; and

"(II) is not likely to be used in a substantial number of pediatric patients.

"(B) Partial waiver.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

"(iii) the drug or biological product—

"(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

"(II) is not likely to be used by a substantial number of pediatric patients in that age group; or

"(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric formulation necessary for that age group have failed.

"(C) Pediatric formulation not possible.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation.

"(D) Labeling requirement.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

"(b) Marketed Drugs and Biological Products.—

"(1) In general.—After providing notice in the form of a letter and an opportunity for written response and a meeting, which may include an advisory committee meeting, the Secretary may (by order in the form of a letter) require the holder of an approved application for a drug under section 505 or the holder of a license for a biological product under section 351 of the Public Health Service Act (42 U.S.C. 262) to submit by a specified date the assessments described in subsection (a)(2) if the Secretary finds that—

"(A)(i) the drug or biological product is used for a substantial number of pediatric patients for the labeled indications; and

"(ii) the absence of adequate labeling could pose significant risks to pediatric patients; or

"(B)(i) there is reason to believe that the drug or biological product would represent a meaningful therapeutic benefit over existing therapies for pediatric patients for 1 or more of the claimed indications; and

"(ii) the absence of adequate labeling could pose significant risks to pediatric patients.

"(2) Waivers.—

"(A) Full waiver.—At the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments under this subsection if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed); or

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups.

"(B) Partial waiver.—At the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

"(iii)(I) the drug or biological product—

"(aa) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

"(bb) is not likely to be used in a substantial number of pediatric patients in that age group; and

"(II) the absence of adequate labeling could not pose significant risks to pediatric patients; or

"(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric formulation necessary for that age group have failed.

"(C) Pediatric formulation not possible.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation.

"(D) Labeling requirement.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

"(3) Relationship to other pediatric provisions.—

"(A) No assessment without written request.—No assessment may be required under paragraph (1) for a drug subject to an approved application under section 505 unless—

"(i) the Secretary has issued a written request for a related pediatric study under section 505A(c) of this Act or section 409I of the Public Health Service Act (42 U.S.C. 284m);

"(ii)(I) if the request was made under section 505A(c)—

"(aa) the recipient of the written request does not agree to the request; or "(bb) the Secretary does not receive a response as specified under section 505A(d)(4)(A); or

"(II) if the request was made under section 409I of the Public Health Service Act (42 U.S.C. 284m)—

"(aa) the recipient of the written request does not agree to the request; or

"(bb) the Secretary does not receive a response as specified under section 409I(c)(2) of that Act; and

"(iii)(I) the Secretary certifies under subparagraph (B) that there are insufficient funds under sections 409I and 499 of the Public Health Service Act (42 U.S.C. 284m, 290b) to conduct the study; or

"(II) the Secretary publishes in the Federal Register a certification that certifies that—

"(aa) no contract or grant has been awarded under section 409I or 499 of the Public Health Service Act (42 U.S.C. 284m, 290b); and

"(bb) not less than 270 days have passed since the date of a certification under subparagraph (B) that there are sufficient funds to conduct the study.

"(B) No agreement to request.—Not later than 60 days after determining that no holder will agree to the written request (including a determination that the Secretary has not received a response specified under section 505A(d) of this Act or section 409I of the Public Health Service Act (42 U.S.C. 284m), the Secretary shall certify whether the Secretary has sufficient funds to conduct the study under section 409I or 499 of the Public Health Service Act (42 U.S.C. 284m, 290b), taking into account the prioritization under section 409I.

"(c) Meaningful Therapeutic Benefit.—For the purposes of paragraph (4)(A)(iii)(I) and (4)(B)(iii)(I) of subsection (a) and paragraphs (1)(B)(i) and (2)(B)(iii)(I)(aa) of subsection (b), a drug or biological product shall be considered to represent a meaningful therapeutic benefit over existing therapies if the Secretary estimates that—

"(1) if approved, the drug or biological product would represent a significant improvement in the treatment, diagnosis, or prevention of a disease, compared with marketed products adequately labeled for that use in the relevant pediatric population; or

"(2) the drug or biological product is in a class of products or for an indication for which there is a need for additional options.

"(d) Submission of Assessments.—If a person fails to submit an assessment described in subsection (a)(2), or a request for approval of a pediatric formulation described in subsection (a) or (b), in accordance with applicable provisions of subsections (a) and (b)—

"(1) the drug or biological product that is the subject of the assessment or request may be considered misbranded solely because of that failure and subject to relevant enforcement action (except that the drug or biological product shall not be subject to action under section 303); but

"(2) the failure to submit the assessment or request shall not be the basis for a proceeding—

"(A) to withdraw approval for a drug under section 505(e); or

"(B) to revoke the license for a biological product under section 351 of the Public Health Service Act (42 U.S.C. 262).

"(e) Meetings.—Before and during the investigational process for a new drug or biological product, the Secretary shall meet at appropriate times with the sponsor of the new drug or biological product to discuss—

"(1) information that the sponsor submits on plans and timelines for pediatric studies; or

"(2) any planned request by the sponsor for waiver or deferral of pediatric studies.

"(f) Scope of Authority.—Nothing in this section provides to the Secretary any authority to require a pediatric assessment of any drug or biological product, or any assessment regarding other populations or uses of a drug or biological product, other than the pediatric assessments described in this section.

"(g) Orphan Drugs.—Unless the Secretary requires otherwise by regulation, this section does not apply to any drug for an indication for which orphan designation has been granted under section 526.

"(h) Integration With Other Pediatric Studies.—The authority under this section shall remain in effect so long as an application subject to this section may be accepted for filing by the Secretary on or before the date specified in section 505A(n).".

(b) Conforming Amendments.—

(1) Section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) is amended in the second sentence—

(A) by striking "and (F)" and inserting "(F)"; and

(B) by striking the period at the end and inserting ", and (G) any assessments required under section 505B.".

(2) Section 505A(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(h)) is amended—

(A) in the subsection heading, by striking "Regulations" and inserting "Pediatric Research Requirements"; and

(B) by striking "pursuant to regulations promulgated by the Secretary" and inserting "by a provision of law (including a regulation) other than this section".

(3) Section 351(a)(2) of the Public Health Service Act (42 U.S.C. 262(a)(2)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

"(B) Pediatric studies.—A person that submits an application for a license under this paragraph shall submit to the Secretary as part of the application any assessments required under section 505B of the Federal Food, Drug, and Cosmetic Act.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Abbreviated New Drug Application.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subparagraphs (A) and (B) of subsection (b)(2) and subparagraphs (A) and (B) of subsection (c)(2) by striking "505(j)(4)(B)" and inserting "505(j)(5)(B)".

(b) Pediatric Advisory Committee.—

(1) Section 505A(i)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(i)(2)) is amended by striking "Advisory Subcommittee of the Anti-Infective Drugs" each place it appears.

(2) Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note; Public Law 107–109) is amended—

(A) in the section heading, by striking "**PHARMACOLOGY**";

(B) in subsection (a), by striking "(42 U.S.C. 217a)," and inserting (42 U.S.C. 217a) or other appropriate authority,";

(C) in subsection (b)—

(i) in paragraph (1), by striking "and in consultation with the Director of the National Institutes of Health"; and

(ii) in paragraph (2), by striking "and 505A" and inserting "505A, and 505B"; and

(D) by striking "pharmacology" each place it appears and inserting "therapeutics".

(3) Section 15(a)(2)(A) of the Best Pharmaceuticals for Children Act (115 Stat. 1419) is amended by striking "Pharmacology".

(4) Section 16(1)(C) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355a note; Public Law 107–109) is amended by striking "Advisory Subcommittee of the Anti-Infective Drugs".

(5) Section 17(b)(1) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355b(b)(1)) is amended in the second sentence by striking "Advisory Subcommittee of the Anti-Infective Drugs".

(6) Paragraphs (8), (9), and (11) of section 409I(c) of the Public Health Service Act (42 U.S.C. 284m(c)) are amended by striking "Advisory Subcommittee of the Anti-Infective Drugs" each place it appears.

SEC. 4. EFFECTIVE DATE.

(a) In General.—Subject to subsection (b), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) Applicability to New Drugs and Biological Products.—

(1) In general.—Subsection (a) of section 505B of the Federal Food, Drug, and Cosmetic Act (as added by section 2) shall apply to an application described in paragraph (1) of that subsection submitted to the Secretary of Health and Human Services on or after April 1, 1999.

(2) Waivers and deferrals.—

(A) Waiver or deferral granted.—If, with respect to an application submitted to the Secretary of Health and Human Services between April 1, 1999, and the date of enactment of this Act, a waiver or deferral of pediatric assessments was granted under regulations of the Secretary then in effect, the waiver or deferral shall be a waiver or deferral under subsection (a) of section 505B of the Federal Food, Drug, and Cosmetic Act, except that any date specified in such a deferral shall be extended by the number of days that is equal to the number of days between October 17, 2002, and the date of enactment of this Act.

(B) Waiver and deferral not granted.—If, with respect to an application submitted to the Secretary of Health and Human Services between April 1, 1999, and the date of enactment of this Act, neither a waiver nor deferral of pediatric assessments was granted under regulations of the Secretary then in effect, the person that submitted the application shall be required to submit assessments under subsection (a)(2) of section 505B of the Federal Food, Drug, and Cosmetic Act on the date that is the later of—

(i) the date that is 1 year after the date of enactment of this Act; or

(ii) such date as the Secretary may specify under subsection (a)(3) of that section;

unless the Secretary grants a waiver under subsection (a)(4) of that section.

(c) No Limitation of Authority.—Neither the lack of guidance or regulations to implement this Act or the amendments made by this Act nor the pendency of the process for issuing guidance or regulations shall limit the authority of the Secretary of Health and Human Services under, or defer any requirement under, this Act or those amendments.

Mr. DODD. Mr. President, I rise today to applaud my colleagues for passing the Pediatric Research Equity Act of 2003, and to thank all of those who have worked so hard on this issue. This legislation represents a truly bipartisan compromise, and I deeply appreciate the commitment to this issue shown by Senators DeWine, Clinton, GREGG, and KENNEDY. I also acknowledge the invaluable role played by the American Academy of Pediatrics and the Elizabeth Glaser Pediatric AIDS Foundation.

Quite simply, this legislation will make our children safer. It will ensure that they have access to prescription drugs that have been properly evaluated for their use. It will remove the guesswork often done by pediatricians about what drugs are appropriate for a child, and in what dosages. And it will accomplish all of this by codifying into statutory language a tool that has already been shown to be effective: the Pediatric Rule.

The Pediatric Rule went into effect in April of 1999 and was intended to work in conjunction with a voluntary incentives program that Congress passed in 1997 and was reauthorized last year. Both the incentives program and the rule were put into place to address an unmet need that had potentially serious consequences to the health of children.

Children are not just small versions of adults when it comes to drugs. Some drugs that are completely safe for adults may be very harmful to children. In addition, some needed drugs are not available in a formulation that a child can take, such as a liquid or chewable tablet. Finally, the appropriate dosage for a child cannot be determined simply by extrapolating from adults. Yet, until the rule and the incentives program were enacted, this is exactly what pediatricians were forced to do. Roughly 75 percent of all prescription drugs on the market today have never been properly tested for safe use by children.

As a result, children have suffered needlessly. For example, new tests on the epilepsy drug Neurontin have shown that higher dosages than expected are needed for children under 5. For years, pediatricians simply believed that Neurontin was a drug that was ineffective for children.

In 1997, Congress enacted legislation, introduced by Senator DEWINE and myself, to provide drug companies with an economic incentive to test their products to ensure their safety in children. This was followed by enactment of the Pediatric Rule in 1999, which worked with the incentive by giving the Food and Drug Administration (FDA) the authority to require that drugs and biologics important to children be tested and formulated for their use.

Working as complements to each other, the rule and the incentive provided tremendous results. Between April 1999 and March 2002, research was completed on the safety and effectiveness in children of roughly 100 days. These medicines were for the treatment of, among other things, HIV/AIDS, diabetes, asthma pain and arthritis. In addition, studies of hundreds more drugs are in the pipeline.

But continued success of this magnitude is dependent on the existence of both the rule and the incentive program. FDA has stated that approximately half of the completed studies were due to the authority provided by the Pediatric Rule.

Unfortunately, in October of last year, the U.S. District Court for the District of Columbia ruled that FDA does not have the authority to enforce the rule. This decision represented a step backwards for children's health. We can hardly afford to do without the rule when we still do not have necessary information for kids for a majority of the medicines on the market.

The legislation that we passed today will give the FDA clear authority to require that drugs be tested and formulated for children. Companies should continue to have access to voluntary incentives, but the rule must be in place to ensure that as many products as possible are studied for use in children.

For example, the rule captures a class of products, specifically biologics, for which market exclusivity incentives do not apply. There are a number of biologic products used to treat cancer in children for which information about their specific use—safety and efficacy—in kids would be vital. Only the rule would apply here.

The rule can also be applied as needed during the life of a drug as more information is required. For example, if a new use of a drug is discovered and safety or dosing information for that new use is needed. Exclusivity can only be applied once, even if an important new use for a product is found. Also, because the incentives are voluntary, for any number of reasons a manufacturer may choose not to conduct the necessary testing. Without the rule there is no way to guarantee that a drug that may be critically important to children's health is tested.

I would be remiss if I did not mention one provision in this legislation with which I disagree. As a result of this provision, the authority that we clearly provide to FDA with this bill will sunset in 2007. While I believe that FDA has the authority to enforce the rule even without this legislation, that has clearly been called into question given the District Court ruling. Therefore, it is imperative that we unequivocally and permanently provide the FDA with statutory authority to require pediatric testing. Unfortunately, as it now stands that critical authority will expire in 2007 unless reauthorized.

It is my view that such a reauthorization should not be necessary. We take it for granted that studies will be done to assure that the drugs that adults use are safe and effective. Why should the assumption be any different for children? FDA should always have the authority to make sure that the drugs that kids use have been tested for their use. This is not something that Congress should have to reauthorize every 5 years. Kids should not have to come back to Congress every 5 years to fight for the basic right to safe drugs.

Despite my concern with the sunset provision, I strongly support this bill. The voluntary program has been a huge success, but its limitations can be addressed by passage of this legislation. Simply put, taking any tool off the table that promotes pediatric testing is at odds with our overarching goal of ensuring that medicines are safe and available for our children. That is why we must protect the rule and ensure that our efforts for kids will not be diminished. The Pediatric Research Equity Act of 2003 will do exactly that.

I sincerely hope that the House will pass this bill as soon as possible, preferably without any changes so that we can send it to the President to be signed into law without delay.

Mrs. CLINTON. Mr. President, I rise to mark the passage on the Senate floor of a bill, S. 650, that will assure the safety and efficacy of medicines for children, and address a problem that pediatricians, parents, and children's advocates have worked on for decades. A great deal of work went into this bill. So many hardworking, dedicated Senators made the effort on a bipartisan basis to come together around this important issue. In particular I want to thank Senators DEWINE, DODD, GREGG, and KENNEDY. Senators DEWINE and DODD and I now have worked on pediatric research for many years, and we will continue to be around to work on behalf of children, who, without dedicated advocates like Senators DEWINE and DODD, would not have a political voice.

Last year this bill was passed out of committee but held up on the floor toward the end of session. Unfortunately, that meant no backstop was in place to assure the continuation of a minimum baseline protection for children when last October, a District Court judge struck down the 1998 FDA Pediatric Rule, based on his view that Congress did not intend to charge FDA with making sure our children are protected. Today, we pass legislation to clarify that FDA authority to assure safe, effective medicines for children is exactly what we intend.

This bill was the product of compromise. We all worked hard and made concessions on all sides to craft the language the Senate was able to pass today. Some of us would have preferred a strong, permanent assurance for children, and not a sunset of these crucial protections in 2007. Indeed, because the purpose of this legislation was to address the uncertainty caused by the court-triggered lapse of pediatric studies, not codify such a lapse into statute, I cannot support the sunset provision.

But others may have wished to change other aspects of the bill. So we were able to give on each side for the sake of moving forward on a central accomplishment providing FDA with undisputed, unencumbered authority to require and enforce studies of whether medicines important for children are also safe and effective for children. Our managers' amendment and the colloquy we submitted today reinforce that as the goal we all share here today in passing this language.

I want to take a moment to bring special attention to the amount of work and cooperation that the chair and ranking member of Senate Health Education, Labor, and Pensions Committee have dedicated to this bill, both last Congress and this Congress. Senator GREGG and Senator KENNEDY, and both their staffs, Vince Ventimiglia, and David Dorsey have lent their expertise and their time to this issue. Senator DEWINE's staff, Abby Kral, and Senator DODD's staff, Ben Berwick this year, Debra Barrett last year, have been more dedicated than anyone on this issue.

I particularly want to acknowledge the outside experts who have devoted so much time to advocating on behalf of children and making this proposal a reality. The American Academy of Pediatricians, Elaine Vining here in DC and all the pediatricians across the country, have been championing this issue for so long. Also, Mark Isaac and Jeanne Ireland at the Elizabeth Glaser Pediatric AIDS Foundation have been tireless in their efforts. The children's hospitals, and so many others cannot be thanked enough. We would not be here today without their passionate advocacy. I also appreciate working with Phrma to get to this point and hope to continue to work with them in order to move this bill quickly into law.

NATIVE AMERICAN ALCOHOL AND SUBSTANCE ABUSE PROGRAM CONSOLIDATION ACT OF 2003

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 143, S. 285.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 285) to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Native American Alcohol and Substance Abuse Program Consolidation Act of 2003".

[SEC. 2. PURPOSES.

[The purposes of this Act are—

[(1) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis, and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Indians afflicted with mental health, alcohol, or other substance abuse problems;

[(2) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis, and treatment programs for their communities, consistent with the policy of self-determination;

[(3) to encourage and facilitate the implementation of an automated clinical information system to complement the Indian health care delivery system;

[(4) to authorize the use of Federal funds to purchase, lease, license, or provide training for technology for an automated clinical information ystem that incorporates clinical, financial, and reporting capabilities for Indian behavioral health care programs;

[(5) to encourage quality assurance policies and procedures, and empower Indian tribes through training and use of technology, to significantly enhance the delivery of, and treatment results from, Indian behavioral health care programs;

[(6) to assist Indian tribes in maximizing use of public, tribal, human, and financial resources in developing effective, understandable, and meaningful practices under Indian behavioral health care programs; and

[(7) to encourage and facilitate timely and effective analysis and evaluation of Indian behavioral health care programs.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) AUTOMATED CLINICAL INFORMATION SYSTEM.—The term "automated clinical information system" means an automated computer software system that can be used to manage clinical, financial, and reporting information for Indian behavioral health care programs.

[(2) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" in section 551 of title 5, United States Code.

[(3) INDIAN.—The term "Indian" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

[(4) INDIAN BEHAVIORAL HEALTH CARE PROGRAM.—The term "Indian behavioral health care program" means a federally funded program, for the benefit of Indians, to prevent, diagnose, or treat, or enhance the ability to prevent, diagnose, or treat—

[(A) mental health problems; or

[(B) alcohol or other substance abuse problems.

[(5) INDIAN TRIBE.—

[(A) IN GENERAL.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b).

[(B) INCLUSIONS.—The term "Indian tribe", in a case in which an intertribal consortium, tribal organization, or Indian health center is authorized to carry out 1 or more programs, services, functions, or activities of an Indian tribe under this Act, includes the intertribal consortium, tribal organization, or Indian health center.

[(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

[(7) SUBSTANCE ABUSE.—The term "substance abuse" includes—

[(A) the illegal use or abuse of a drug or an inhalant; and

[(B) the abuse of tobacco or a related product.

[SEC. 4. PLANS.

[The Secretary, in cooperation with the Secretary of Labor, the Secretary of the Interior, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation, as appropriate, shall, on receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, authorize the Indian tribe to carry out a demonstration project to coordinate, in accordance with the plan, the Indian behavioral health care programs of the Indian tribe in a manner that integrates the program services into a single, coordinated, comprehensive program that uses, to the extent necessary, an automated clinical information system to better manage administrative and clinical services, costs, and reporting requirements through the consolidation and integration of administrative and clinical functions.

[SEC. 5. PROGRAMS AFFECTED.

[Programs that may be integrated in a demonstration project described in section 4 are—

[(1) an Indian behavioral health care program under which an Indian tribe is eligible for the receipt of funds under a statutory or administrative formula;

[(2) an Indian behavioral health care program under which an Indian tribe is eligible for receipt of funds through competitive or other grants, if—

[(A)(i) the Indian tribe provides notice to the appropriate agency regarding the intentions of the Indian tribe to include the Indian behavioral health care program in the plan that the Indian tribe submits to the Secretary; and

[(ii) the agency consents to the inclusion of the grant in the plan; or

[(B)(i) the Indian tribe elects to include the Indian behavioral health care program in the plan; and

[(ii) the administrative requirements contained in the plan are essentially the same as the administrative requirements applicable to a grant under the Indian behavioral health care program; and

[(3) an Indian behavioral health care program under which an Indian tribe is eligible to receive funds under any other funding scheme.

[SEC. 6. PLAN REQUIREMENTS.

[A plan of an Indian tribe submitted under section 4 shall—

[(1) identify the programs to be integrated;

[(2) be consistent with this Act;

[(3) describe a comprehensive strategy that—

[(A) identifies the full range of existing and potential alcohol and substance abuse and mental health treatment and prevention programs available on and near the service area of the Indian tribe; and

[(B) may include site and technology assessments and any necessary computer hardware installation and support;

[(4) describe the manner in which services are to be integrated and delivered and the results expected under the plan (including, if implemented, the manner and expected results of implementation of an automated clinical information system);

[(5) identify the projected expenditures under the plan in a single budget;

[(6) identify the agency or agencies in the Indian tribe to be involved in the delivery of the services integrated under the plan;

[(7) identify any statutory provisions, regulations, policies, or procedures that the Indian tribe requests be waived in order to implement the plan; and

[(8) be approved by the governing body of the Indian tribe.

[SEC. 7. PLAN REVIEW.

[(a) CONSULTATION.—On receipt of a plan from an Indian tribe under section 4, the Secretary shall consult with—

[(1) the head of each Federal agency providing funds to be used to implement the plan; and

[(2) the Indian tribe.

[(b) IDENTIFICATION OF WAIVERS.—Each party consulting on the implementation of a plan under section 4 shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures that the party determines to be necessary to enable the Indian tribe to implement the plan.

[(c) WAIVERS.—Notwithstanding any other provision of law, the head of a Federal agency may waive any statutory requirement, regulation, policy, or procedure promulgated by the Federal agency is identified by the Indian tribe or the Federal agency under subsection (b) unless the head of the affected Federal agency determines that a waiver is inconsistent with—

[(1) this Act;

[(2) any statutory requirement applicable to the program to be integrated under the plan that is specifically applicable to Indian programs; and

[(3) any underlying statutory objective or purpose of a program to be consolidated under the plan, to such a degree as would render ineffectual activities funded under the program.

[SEC. 8. PLAN APPROVAL.

[(a) IN GENERAL.—Not later than 90 days after the date of receipt by the Secretary of a plan under section 4, the Secretary shall inform the Indian tribe that submitted the plan, in writing, of the approval or disapproval of the plan (including any request for a waiver that is made as part of the plan).

[(b) DISAPPROVAL.—

[(1) IN GENERAL.—The Secretary may disapprove a plan if—

[(A) the plan does not provide sufficient information for the Secretary to adequately review the plan for compliance with this Act;

[(B) the plan does not comply with this Act;

[(C) the plan provides for the purchase, lease, license, or training for, an automated clinical information system, but the purchase, lease, license, or training would require aggregate expenditures of program funding at such a level as would render other program substantially ineffectual; or

[(D)(i) the plan identifies waivers that cannot be waived under section 7(c); and

[(ii) the plan would be rendered substantially ineffectual without the waivers.

[(2) NOTICE.—If a plan is disapproved under subsection (a), the Secretary shall—

[(A) inform the Indian tribe, in writing, of the reasons for the disapproval; and

[(B) provide the Indian tribe an opportunity—

[(i) to amend and resubmit the plan; or

[(ii) to petition the Secretary to reconsider the disapproval (including reconsidering the disapproval of any waiver requested by the Indian tribe).

[SEC. 9. USE OF FUNDS FOR TECHNOLOGY.

[Notwithstanding any requirement applicable to an Indian behavioral health care program of an Indian tribe that is integrated under a demonstration project described in section 4, the Indian tribe may use funds made available under the program to purchase, lease, license, or provide training for technology for an automated clinical information system if the purchase, lease, licensing of, or provision of training is conducted in accordance with a plan approved by the Secretary under section 8.

[SEC. 10. FEDERAL RESPONSIBILITIES.

[(a) RESPONSIBILITIES OF THE INDIAN HEALTH SERVICE.—

[(1) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation shall enter into a memorandum of agreement providing for the implementation of the plans approved under section 8.

[(2) LEAD AGENCY.—The lead agency under this Act shall be the Indian Health Service.

[(3) RESPONSIBILITIES.—The responsibilities of the lead agency under this Act shall include—

[(A) the development of a single reporting format—

[(i) relating to each plan for a demonstration project submitted under section 4, which shall be used by an Indian tribe to report activities carried out under the plan; and

[(ii) relating to the projected expenditures for the individual plan, which shall be used by an Indian tribe to report all plan expenditures;

[(B) the development of a single system of Federal oversight for the plan, which shall be implemented by the lead agency;

[(C) the provision of, or arrangement for provision of, technical assistance to an Indian tribe that is appropriate to support and implement the plan, delivered under an arrangement subject to the approval of the Indian tribe participating in the project (except that an Indian tribe shall have the authority to accept or reject the plan for providing the technical assistance and the technical assistance provider); and

[(D) the convening by an appropriate official of the lead agency (who shall be an official appointed by and with the advice and consent of the Senate) and a representative of the Indian tribes that carry out projects under this Act, in consultation with each of the Indian tribes that participate in projects under this Act, of a meeting at least twice during each fiscal year, for the purpose of providing an opportunity for all Indian tribes that carry out projects under this Act to discuss issues relating to the implementation of this Act with officials of each agency specified in paragraph (1).

[(b) REPORT REQUIREMENTS.—

[(1) IN GENERAL.—The single reporting formats described in subsection (a)(3)(A) shall be developed by the Secretary in accordance with this Act.

[(2) INFORMATION.—The single reporting format, together with records maintained on the consolidated program at the tribal level, shall contain such information as the Secretary determines will—

[(A) allow the Secretary to determine whether the Indian tribe has complied with the requirements incorporated in the approved plan of the Indian tribe; and

[(B) provide assurances to the Secretary that the Indian tribe has complied with all—

[(i) applicable statutory requirements; and

[(ii) applicable regulatory requirements that have not been waived.

[SEC. 11. NO REDUCTION IN AMOUNTS.

[In no case shall the amount of Federal funds available to an Indian tribe involved in any project under this Act be reduced as a result of the enactment of this Act.

[SEC. 12. INTERAGENCY FUND TRANSFERS.

[The Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, or the Secretary of Transportation, as appropriate, may take such action as is necessary to provide for the interagency transfer of funds otherwise available to an Indian tribe in order to carry out this Act.

[SEC. 13. ADMINISTRATION OF FUNDS; EXCESS FUNDS.

[(a) ADMINISTRATION OF FUNDS.—

[(1) IN GENERAL.—Program funds shall be administered under this Act in such a manner as to allow for a determination by the Secretary that funds made available for specific programs (or an amount equal to the amount used from each program) are expended on activities authorized under the program.

[(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section requires an Indian tribe—

[(A) to maintain separate records tracing any service provided or activity conducted under the approved plan of the Indian tribe to the individual programs under which funds were authorized; or

[(B) to allocate expenditures among individual programs.

[(b) EXCESS FUNDS.—With respect to administrative costs of carrying out the approved plan of an Indian tribe under this Act—

[(1) all administrative costs under the approved plan may be commingled;

[(2) an Indian tribe that carries out a demonstration program under such an approved plan shall be entitled to receive reimbursement for the full amount of those costs in accordance with regulations of each program or department; and

[(3) if the Indian tribe, after paying administrative costs associated with carrying out the approved plans, realizes excess administrative funds, those funds shall not be counted for Federal audit purposes if the excess funds are used for the purposes provided for under this Act.

[SEC. 14. FISCAL ACCOUNTABILITY.

[Nothing in this Act affects the authority of the Secretary or the lead agency to safeguard Federal funds in accordance with chapter 75 of title 31, United States Code.

[SEC. 15. REPORT ON STATUTORY AND OTHER BARRIERS TO INTEGRATION.

[(a) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a preliminary report that describes the implementation of this Act.

[(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a final report that—

[(1) describes the results of implementation of this Act; and

[(2) identifies statutory barriers to the ability of Indian tribes to integrate more effectively alcohol and substance abuse services in a manner consistent with this Act.

[SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.

[Any State with an alcohol and substance abuse or mental health program targeted toward Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of subchapter IV of chapter 33 of title 5, United States Code, determines to be appropriate to help ensure the success of the program.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Native American Alcohol and Substance Abuse Program Consolidation Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTEGRATION AND CONSOLIDATION OF ALCOHOL AND SUBSTANCE ABUSE PROGRAMS AND SERVICES

Sec. 101. Purposes.
Sec. 102. Definitions.
Sec. 103. Plans.
Sec. 104. Programs affected.
Sec. 105. Plan requirements.
Sec. 106. Plan review.
Sec. 107. Plan approval.
Sec. 108. Use of funds for technology.
Sec. 109. Federal responsibilities.
Sec. 110. No reduction in amounts.
Sec. 111. Interagency fund transfers.
Sec. 112. Administration of funds; excess funds.
Sec. 113. Fiscal accountability.
Sec. 114. Report on statutory and other barriers to integration.
Sec. 115. Assignment of Federal personnel to State Indian alcohol and drug treatment or mental health programs.

TITLE II—REAUTHORIZATION OF CERTAIN INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

Sec. 201. Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.
Sec. 202. Effective date.

TITLE I—INTEGRATION AND CONSOLIDATION OF ALCOHOL AND SUBSTANCE ABUSE PROGRAMS AND SERVICES

SEC. 101. PURPOSES.

The purposes of this title are—

(1) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis, and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Indians afflicted with mental health, alcohol, or other substance abuse problems;

(2) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis, and treatment programs for their communities, consistent with the policy of self-determination;

(3) to encourage and facilitate the implementation of an automated clinical information system to complement the Indian health care delivery system;

(4) to authorize the use of Federal funds to purchase, lease, license, or provide training for technology for an automated clinical information system that incorporates clinical, financial, and reporting capabilities for Indian behavioral health care programs;

(5) to encourage quality assurance policies and procedures, and empower Indian tribes through training and use of technology, to significantly enhance the delivery of, and treatment results from, Indian behavioral health care programs;

(6) to assist Indian tribes in maximizing use of public, tribal, human, and financial resources in developing effective, understandable, and meaningful practices under Indian behavioral health care programs;

(7) to encourage and facilitate timely and effective analysis and evaluation of Indian behavioral health care programs; and

(8) to reauthorize certain Indian alcohol and substance abuse prevention and treatment programs.

SEC. 102. DEFINITIONS.

In this title:

(1) AUTOMATED CLINICAL INFORMATION SYSTEM.—The term "automated clinical information system" means an automated computer software system that can be used to manage clinical, financial, and reporting information for Indian behavioral health care programs.

(2) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" in section 551 of title 5, United States Code.

(3) INDIAN.—The term "Indian" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) INDIAN BEHAVIORAL HEALTH CARE PROGRAM.—The term "Indian behavioral health care program" means a federally funded program, for the benefit of Indians, to prevent, diagnose, or treat, or enhance the ability to prevent, diagnose, or treat—

(A) mental health problems; or

(B) alcohol or other substance abuse problems.

(5) INDIAN TRIBE.—

(A) IN GENERAL.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b).

(B) INCLUSIONS.—The term "Indian tribe", in a case in which an intertribal consortium, tribal organization, or Indian health center is authorized to carry out 1 or more programs, services, functions, or activities of an Indian tribe under this Act, includes the intertribal consortium, tribal organization, or Indian health center.

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(7) SUBSTANCE ABUSE.—The term "substance abuse" includes—

(A) the illegal use or abuse of a drug or an inhalant; and

(B) the abuse of tobacco or a related product.

SEC. 103. PLANS.

The Secretary, in cooperation with the Secretary of Labor, the Secretary of the Interior, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation, as appropriate, shall, on receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, authorize the Indian tribe to carry out a demonstration project to coordinate, in accordance with the plan, the Indian behavioral health care programs of the Indian tribe in a manner that integrates the program services into a single, coordinated, comprehensive program that uses, to the extent necessary, an automated clinical information system to better manage administrative and clinical services, costs, and reporting requirements through the consolidation and integration of administrative and clinical functions.

SEC. 104. PROGRAMS AFFECTED.

Programs that may be integrated in a demonstration project described in section 103 are—

(1) an Indian behavioral health care program under which an Indian tribe is eligible for the receipt of funds under a statutory or administrative formula;

(2) an Indian behavioral health care program under which an Indian tribe is eligible for receipt of funds through competitive or other grants, if—

(A)(i) the Indian tribe provides notice to the appropriate agency regarding the intentions of the Indian tribe to include the Indian behavioral health care program in the plan that the Indian tribe submits to the Secretary; and

(ii) the agency consents to the inclusion of the grant in the plan; or

(B)(i) the Indian tribe elects to include the Indian behavioral health care program in the plan; and

(ii) the administrative requirements contained in the plan are essentially the same as the administrative requirements applicable to a grant under the Indian behavioral health care program; and

(3) an Indian behavioral health care program under which an Indian tribe is eligible to receive funds under any other funding scheme.

SEC. 105. PLAN REQUIREMENTS.

A plan of an Indian tribe submitted under section 103 shall—

(1) identify the programs to be integrated;

(2) be consistent with this title;

(3) describe a comprehensive strategy that—

(A) identifies the full range of existing and potential alcohol and substance abuse and mental health treatment and prevention programs available on and near the service area of the Indian tribe; and

(B) may include site and technology assessments and any necessary computer hardware installation and support;

(4) describe the manner in which services are to be integrated and delivered and the results expected under the plan (including, if implemented, the manner and expected results of implementation of an automated clinical information system);

(5) identify the projected expenditures under the plan in a single budget;

(6) identify the agency or agencies in the Indian tribe to be involved in the delivery of the services integrated under the plan;

(7) identify any statutory provisions, regulations, policies, or procedures that the Indian tribe requests be waived in order to implement the plan; and

(8) be approved by the governing body of the Indian tribe.

SEC. 106. PLAN REVIEW.

(a) CONSULTATION.—On receipt of a plan from an Indian tribe under section 103, the Secretary shall consult with—

(1) the head of each Federal agency providing funds to be used to implement the plan; and

(2) the Indian tribe.

(b) IDENTIFICATION OF WAIVERS.—Each party consulting on the implementation of a plan under section 101 shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures that the party determines to be necessary to enable the Indian tribe to implement the plan.

(c) WAIVERS.—Notwithstanding any other provision of law, the head of a Federal agency may waive any statutory requirement, regulation, policy, or procedure promulgated by the Federal agency that has been identified by the Indian tribe or the Federal agency under subsection (b) unless the head of the affected Federal agency determines that such a waiver is inconsistent with—

(1) this title;

(2) any statutory requirement applicable to the program to be integrated under the plan that is specifically applicable to Indian programs; and

(3) any underlying statutory objective or purpose of a program to be consolidated under the

plan, to such a degree as would render ineffectual activities funded under the program.

SEC. 107. PLAN APPROVAL.

(a) In General.—Not later than 90 days after the date of receipt by the Secretary of a plan under section 103, the Secretary shall inform the Indian tribe that submitted the plan, in writing, of the approval or disapproval of the plan (including any request for a waiver that is made as part of the plan).

(b) Disapproval.—

(1) In general.—The Secretary may disapprove a plan if—

(A) the plan does not provide sufficient information for the Secretary to adequately review the plan for compliance with this title (including with respect to information regarding the timing, availability, and receipt of all program funding to be consolidated or integrated);

(B) the plan does not comply with this title;

(C) the plan provides for the purchase, lease, license, or training for, an automated clinical information system, but the purchase, lease, license, or training would require aggregate expenditures of program funding at such a level as would render other program substantially ineffectual; or

(D)(i) the plan identifies waivers that cannot be waived under section 106(c); and

(ii) the plan would be rendered substantially ineffectual without the waivers.

(2) Notice.—If a plan is disapproved under subsection (a), the Secretary shall—

(A) inform the Indian tribe, in writing, of the reasons for the disapproval; and

(B) provide the Indian tribe an opportunity—

(i) to amend and resubmit the plan; or

(ii) to petition the Secretary to reconsider the disapproval (including reconsidering the disapproval of any waiver requested by the Indian tribe).

SEC. 108. USE OF FUNDS FOR TECHNOLOGY.

Notwithstanding any requirement applicable to an Indian behavioral health care program of an Indian tribe that is integrated under a demonstration project described in section 103, the Indian tribe may use funds made available under the program to purchase, lease, license, or provide training for technology for an automated clinical information system if the purchase, lease, licensing of, or provision of training is conducted in accordance with a plan approved by the Secretary under section 106.

SEC. 109. FEDERAL RESPONSIBILITIES.

(a) Responsibilities of the Indian Health Service.—

(1) Memorandum of understanding.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation shall enter into a memorandum of agreement providing for the implementation of the plans approved under section 107.

(2) Coordinating agency.—The coordinating agency under this title shall be the Indian Health Service.

(3) Responsibilities.—The responsibilities of the coordinating agency under this title shall include—

(A) the development of a single reporting format—

(i) relating to each plan for a demonstration project submitted under section 103, which shall be used by an Indian tribe to report activities carried out under the plan; and

(ii) relating to the projected expenditures for the individual plan, which shall be used by an Indian tribe to report all plan expenditures;

(B) the development of a single system of Federal oversight for the plan, which shall be implemented by the coordinating agency;

(C) the provision of, or arrangement for provision of, technical assistance to an Indian tribe that is appropriate to support and implement the plan, delivered under an arrangement subject to the approval of the Indian tribe participating in the project (except that an Indian tribe shall have the authority to accept or reject the plan for providing the technical assistance and the technical assistance provider); and

(D) the convening by an appropriate official of the coordinating agency (who shall be an official appointed by and with the advice and consent of the Senate) and a representative of the Indian tribes that carry out projects under this title, in consultation with each of the Indian tribes that participate in projects under this title, of a meeting at least twice during each fiscal year, for the purpose of providing an opportunity for all Indian tribes that carry out projects under this title to discuss issues relating to the implementation of this title with officials of each agency specified in paragraph (1).

(b) Report Requirements.—

(1) In general.—The single reporting format described in subsection (a)(3)(A) shall be developed by the Secretary in accordance with this title.

(2) Information.—The single reporting format, together with records maintained on the consolidated program at the tribal level, shall contain such information as the Secretary determines will—

(A) allow the Secretary to determine whether the Indian tribe has complied with the requirements incorporated in the approved plan of the Indian tribe; and

(B) provide assurances to the Secretary that the Indian tribe has complied with all—

(i) applicable statutory requirements; and

(ii) applicable regulatory requirements that have not been waived.

SEC. 110. NO REDUCTION IN AMOUNTS.

In no case shall the amount of Federal funds available to an Indian tribe involved in any project under this title be reduced as a result of the enactment of this title.

SEC. 111. INTERAGENCY FUND TRANSFERS.

The Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, or the Secretary of Transportation, as appropriate, may take such action as is necessary to provide for the interagency transfer of funds otherwise available to an Indian tribe in order to carry out this title.

SEC. 112. ADMINISTRATION OF FUNDS; EXCESS FUNDS.

(a) Administration of Funds.—

(1) In general.—Program funds shall be administered under this title in such a manner as to allow for a determination by the Secretary that funds made available for specific programs (or an amount equal to the amount used from each program) are expended on activities authorized under the program.

(2) Separate records not required.—Nothing in this section requires an Indian tribe—

(A) to maintain separate records tracing any service provided or activity conducted under the approved plan of the Indian tribe to the individual programs under which funds were authorized; or

(B) to allocate expenditures among individual programs.

(b) Excess Funds.—With respect to administrative costs of carrying out the approved plan of an Indian tribe under this title—

(1) all administrative costs under the approved plan may be commingled;

(2) an Indian tribe that carries out a demonstration program under such an approved plan shall be entitled to receive reimbursement for the full amount of those costs in accordance with regulations of each program or department; and

(3) if the Indian tribe, after paying administrative costs associated with carrying out the approved plans, realizes excess administrative funds, those funds shall not be counted for Federal audit purposes if the excess funds are used for the purposes provided for under this title.

SEC. 113. FISCAL ACCOUNTABILITY.

Nothing in this title affects the authority of the Secretary or the coordinating agency to safeguard Federal funds in accordance with chapter 75 of title 31, United States Code.

SEC. 114. REPORT ON STATUTORY AND OTHER BARRIERS TO INTEGRATION.

(a) Preliminary Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a preliminary report that describes the implementation of this title.

(b) Final Report.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a final report that—

(1) describes the results of implementation of this title; and

(2) identifies statutory barriers to the ability of Indian tribes to integrate more effectively alcohol and substance abuse services in a manner consistent with this title.

SEC. 115. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.

Any State with an alcohol and substance abuse or mental health program targeted toward Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of subchapter IV of chapter 33 of title 5, United States Code, determines to be appropriate to help ensure the success of the program.

TITLE II—REAUTHORIZATION OF CERTAIN INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

SEC. 201. INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986.

(a) Tribal Action Plans.—

(1) In general.—Section 4206(d) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412(d)) is amended—

(A) by striking "(1) The Secretary" and inserting the following:

"(1) In general.—The Secretary"; and

(B) by striking paragraph (2) and inserting the following:

"(2) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2008.".

(2) Additional authorization.—Section 4206(f) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412(f)), is amended—

(A) by striking "(f)(1) The Secretary" and inserting the following:

"(f) Grants for In-School Training Programs.—

"(1) In general.—The Secretary";

(B) in paragraph (2)—

(i) by striking "(2) Funds" and inserting the following:

"(2) Use of funds.—Funds"; and

(ii) by indenting subparagraphs (A) through (E) appropriately; and

(C) by striking paragraph (3) and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2008.".

(b) NEWSLETTER.—Section 4210 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2416) is amended by striking subsection (b) and inserting the following:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2004 through 2008.".

(c) INDIAN EDUCATION PROGRAMS.—Section 4212(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2432(a)) is amended—

(1) in the first sentence, by striking "The Assistant Secretary of Indian Affairs" and inserting the following:

"(1) IN GENERAL.—The Assistant Secretary of Indian Affairs";

(2) in the second sentence, by striking "The Assistant Secretary shall" and inserting the following:

"(2) DEFRAYMENT OF COSTS.—The Assistant Secretary shall"; and

(3) by striking the third sentence and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2008.".

(d) EMERGENCY SHELTERS.—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated to carry out planning and design, construction, and renovation of, or to purchase or lease land or facilities for, emergency shelters and halfway houses to provide emergency care for Indian youth, such sums as are necessary for each of fiscal years 2004 through 2008.

"(2) STAFFING AND OPERATION.—There is authorized to be appropriated for staffing and operation of emergency shelters and halfway houses, described in paragraph (1), $7,000,000 for each of fiscal years 2004 through 2008.

"(3) ALLOCATION.—

"(A) IN GENERAL.—The Secretary of the Interior shall allocate funds made available under this subsection to Indian tribes on the basis of priority of need of the Indian tribes.

"(B) CONTRACTING AND GRANTS.—Funds allocated under subparagraph (A) shall be subject to contracting or available for grants under the Indian Self-Determination Act (25 U.S.C. 450f et seq.).";

(2) in paragraph (4), by striking "(4) Funds" and inserting the following:

"(4) CONDITIONS FOR USE.—Funds"; and

(3) in paragraph (5)—

(A) by striking "(5) Nothing in this Act may be construed" and inserting the following:

"(5) EFFECT ON OTHER AUTHORITY.—Nothing in this Act";

(B) in subparagraph (A)—

(i) by striking "to limit" and inserting "limits"; and

(ii) by striking "houses, or" and inserting "houses; or"; and

(C) in subparagraph (B), by striking "to require" and inserting "requires".

(e) TOHONO O'ODHAM AND ST. REGIS RESERVATIONS; ILLEGAL NARCOTICS TRAFFIC.—Section 4216(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442(a)) is amended by striking paragraph (3) and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

"(A) to carry out paragraph (1)(A), $1,000,000 for each of fiscal years 2004 through 2008; and

"(B) to carry out provisions of this subsection other than paragraph (1)(A), such sums as are necessary for each of fiscal years 2004 through 2008.".

(f) BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT AND JUDICIAL TRAINING.—Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended by striking subsection (b) and inserting the following:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2004 through 2008.".

(g) JUVENILE DETENTION CENTERS.—Section 4220 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453) is amended by striking subsection (b) and inserting the following:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2004 through 2008.".

SEC. 202. EFFECTIVE DATE.

This title and the amendments made by this title take effect on the date of enactment of this Act.

Mr. DEWINE. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 285), as amended, was passed.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 101–549, appoints Dr. Bernard Goldstein, of Pennsylvania, to the Board of Directors of the Mickey Leland National Urban Air Toxics Research Center, vice M.M. Key.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 302 and 303.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table and the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

DEPARTMENT OF TRANSPORTATION

Nicole R. Nason, of Virginia, to be an Assistant Secretary of Transportation.

FEDERAL TRADE COMMISSION

Pamela Harbour, of New York, to be a Federal Trade Commissioner for the term of seven years from September 26, 2002.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

IN REMEMBRANCE OF STROM THURMOND

Mr. DEWINE. Mr. President, I would like to take a moment this evening to pay tribute to our dear friend and former colleague, Strom Thurmond, a man who gave of himself personally to his constituents and to his colleagues here in the Senate.

All of us will always remember Strom. We will remember him seated right in front of the Presiding Officer at his desk. We will remember him for his smile. We will remember him for his greeting. Frankly, I don't think any of us will ever walk into this Chamber again without almost seeing him down there at his desk.

He was a man who gave so much of himself to his constituents. We will remember him for the way he treated each one of us, the way he treated his constituents, and the individual attention he gave to us and his constituents.

I saw the way he personally dealt with his constituents. I also saw the personal attention he paid to me and the personal interest he took in my family. In particular, I am grateful to him for the hospitality and attention he showed to my son Brian, who just recently graduated from his beloved Clemson University.

A few years ago, when I told Strom that my son Brian was going to Clemson, I remember the big smile on his face. Of course, I knew he was a graduate of Clemson. I could tell how delighted and eager he was to share stories about his experience at Clemson. And I remember a lot of those stories.

Of course, the first thing he told me was: "You know, I went to Clemson"—which, of course, I did know. And I then asked him: "Strom, what year did you graduate from Clemson?" He said: "1923." I said: "Strom, that was the year my dad was born"—which it was.

During the 4 years that Brian was at Clemson, almost every time I saw Strom on the floor, Strom would say: "How's your boy? How is that boy of yours doing down at Clemson? Does he like it?" Of course, I told him he did, which Brian certainly did.

After Brian graduated, Strom invited Brian and myself up to his office. Strom showed him all the pictures on the wall. Strom invited him over and had his picture taken with Brian, a picture that Brian now has, and a copy of another picture that I have of Brian and myself and Strom that is in a prominent place in my office today in the Russell Building.

Strom Thurmond paid this same level of attention, which he paid to his colleague in the Senate and to his colleague's son, to all his constituents. And we know that. We have all heard the stories. It did not matter whether you were a U.S. Senator or whether you worked in a filling station or who you were in his home State of South Carolina; it did not matter. That was Strom Thurmond. It did not matter who you were, Strom paid attention to you.

We have all heard the stories about the birthdays and the anniversaries, constituent problems. It did not matter, Strom was there.

Strom Thurmond has left a mark on his State and our country through his kindness and his personal attention to others—a mark that surely will not be forgotten or held in anything less than the highest regard.

We thank Strom for his service to our country, to South Carolina, and to the people who will miss his kindness and his friendship. We thank Strom for his extra efforts to help those in need, those he loved, and those he came to the Senate to represent.

We will remember this man, our friend, fondly. He was a man of courage, a man of integrity, a man of passion, a man who loved this country dearly.

We thank you, Strom. We miss you. We respect you.

ORDERS FOR THURSDAY, JULY 24, 2003

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Thursday, July 24. I further ask consent that following the prayer and pledge, the Journal of proceedings be approved, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business, with the first 15 minutes under the control of the minority leader or his designee, and the next 15 minutes under the control of Senator HUTCHISON or her designee; provided that following morning business, the Senate resume consideration of Calendar No. 192, H.R. 2555, the Department of Homeland Security appropriations bill.

I further ask consent that the Senate observe a moment of silence at 3:40 p.m. tomorrow in honor of Capitol Police Officers Jacob Chestnut and John Gibson.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. DEWINE. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period of morning business until approximately 10 a.m. Following morning business, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. Again, it is the majority leader's intention to complete action on this bill during tomorrow's session. There are several Democratic Senators who still have amendments to offer, and we will try to enter short time agreements with respect to those amendments. Rollcall votes, therefore, should be expected throughout the day tomorrow as the Senate will continue to work through the remaining amendments to the bill. Senators will be notified when the first vote is scheduled.

As a reminder, the Senate will observe a moment of silence tomorrow at 3:40 p.m. to pay tribute to two of our fallen Capitol Police officers. Members are encouraged to remain in the Chamber during that moment of silence.

The PRESIDING OFFICER. Does the Senator from Ohio yield the floor?

Mr. DEWINE. Let me just, if I could, conclude before I yield.

ORDER FOR RECESS

Mr. DEWINE. If there is no further business to come before the Senate, I ask unanimous consent that the Senate recess under the previous order, following the remarks of Senator DAYTON for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Minnesota.

TRIBUTE TO KENNETH N. DAYTON

Mr. DAYTON. Mr. President, I rise to pay tribute to one of Minnesota's leading citizens who passed away last Saturday, a man who also happens to be my uncle, Kenneth N. Dayton.

Kenneth Dayton was one of five brothers who returned from their service in World War II, and when their father died in 1950, took ownership and operating control of a single department store in Minneapolis which was then known as the Dayton Company. Ken was instrumental, along with my father, Bruce Dayton, in building that small family-owned business into what is now Target Corporation, the second largest retail company in America.

Last year, Target Corporation owned and operated some 1,500 stores in 48 States under the names Target, Marshall Fields, and Mervyn's. The week I took office in January 2001, the company announced that it was changing the name of its upper midwest Dayton's department stores to Marshall Fields. I have always suspected they did so because they were concerned I was going to generate so much bad publicity for the Dayton name that they better make that change while they could.

Kenneth Dayton, however, added only stature and respect to our family name. He was a brilliant retailer who understood merchandise, marketing, and consumers. He served as president, chief executive officer, and chairman of the board during two decades of expansions and acquisitions in the 1960s and 1970s, which transformed the company into a publicly owned corporation and a national retailer.

Early on, the five brothers established a practice of contributing 5 percent of pretax profits to charitable organizations. It was one of their ways to give back to and enhance the communities where the stores were located.

Kenneth Dayton became a national spokesman for this 5 percent club, and he persuaded many other leaders of American corporations to adopt the practice of contributing, if not 5 percent, at least some designated amount of their profits to worthwhile social causes.

Ken and his wife of over 50 years, Judy Dayton, practiced what he preached. They have been two of Minnesota's leading philanthropists during the last half century, contributing, by their own account, over $100 million to charitable organizations. The Minneapolis symphony orchestra, a world class symphony orchestra, which performs in a world class orchestral hall, has been a principal beneficiary and great love of Ken and Judy Dayton. But hundreds of other organizations, large and small, engaged in all kinds of important work, have been also recipients of their wonderful sense of social responsibility.

That wide variety of causes reflected Ken Dayton's wide breadth of interests. He had enormous enthusiasm for life, and he brought that enthusiasm to everything he did, along with a keen intellect and a world of life experience.

Because of his stature as a civic leader in Minnesota and the importance of his many contributions to the city of Minneapolis, to the State of Minnesota, and to our country, I would be making this tribute to Kenneth N. Dayton were he not my uncle, but I am proud he was. He inspired, supported, and guided our family and so many others whose lives he touched. I am fortunate to have been one of those blessed by his life and his love.

John Kennedy, as President in 1961, said for those to whom much is given, much is required. And when at some future date the high court of history sits in judgment of each of us, our success or failure will be measured by the answers to four questions: First, were we truly men of courage? Second, were we truly men of judgment? Third, were we truly men of integrity? Finally, were we truly men of dedication?

By those four measures, Kenneth Dayton was a success—a great success. He was a great man and, more importantly, he was a good man.

Well done, good and faithful servant. May you rest in peace.

I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m. on Thursday, July 24, 2003.

Thereupon, the Senate, at 8:48 p.m., recessed until Thursday, July 24, 2003, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 23, 2003:

DEPARTMENT OF TRANSPORTATION

NICOLE R. NASON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

FEDERAL TRADE COMMISSION

PAMELA HARBOUR, OF NEW YORK, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2002.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, July 23, 2003*

The House met at 10 a.m.

The Reverend Dr. Ben Haden, Changed Lives Ministries, Chattanooga, Tennessee, offered the following prayer:

Join me in prayer.

Almighty God, our Heavenly Father, we come in simplicity and honesty. You are God; we are not. Thank You, Lord, for giving to these unique men and women the political gift to be elected and the opportunity to serve You, country, and their constituency. Bless us, Lord, on the inside and make Your will plain, that these Your leaders may lead and legislate to the honor of God and to the glory of this free country.

Bless us, Lord, in this war against terrorism with victory and balance. Humble us and teach us Your greatness, Your love, and Your forgiveness. And bless these our leaders with judgment, vision, and confidence in our future. I pray in the name of Jesus Christ, my personal Lord, my personal saviour, and my personal friend. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. ETHERIDGE) come forward and lead the House in the Pledge of Allegiance.

Mr. ETHERIDGE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING PASTOR BEN HADEN OF CHANGED LIVES MINISTRIES

(Mr. WAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMP. Mr. Speaker, I rise today to welcome one of Chattanooga, Tennessee's finest citizens, Pastor Ben Haden, to the House of Representatives as our guest chaplain for today. It is very special to introduce Ben, because he is a humble man of God with a ministry that has touched thousands of lives.

Ben's first career was in the newspaper business; but in the middle of his life, Jesus Christ touched his heart and 4 decades of ministry began. He came to First Presbyterian Church of Chattanooga in 1967 and quickly gained a reputation for his passion, his heart, and his sermons. His popularity and ability to draw worshipers soon resulted in closed-circuit televisions being set up in the chapel and fellowship hall for overflow crowds.

Not long after coming to First Presbyterian, Ben launched his own radio ministry, "Changed Lives," on a radio station in Chattanooga. This ministry eventually grew to include a television program watched regularly by thousands, including the Reverend Billy Graham.

In March of 1999, Ben stepped down as senior pastor from the First Presbyterian Church to devote his full energies to his radio ministry "Changed Lives."

Mr. Speaker, I would like to thank Father Coughlin for inviting Ben Haden to offer our invocation on this day that the Lord hath made. Let us rejoice and be glad in it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS). The Chair will entertain ten 1-minute speeches on each side.

INTERNATIONAL COMMUNITY MUST ACT NOW TO HELP THE PEOPLE OF BURMA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, our State Department should urge, as all of us should, the U.N. Security Council to immediately address the ongoing conflict in Burma. Democracy leader Aung San Suu Kyi remains disappeared, and the military junta will not disclose her whereabouts.

The so-called Burmese State Peace and Development Council, the SPDC, which is their name for the military junta, uses slave labor, child soldiers, and mass rape campaigns against the people, the exact opposite of bringing peace and development to Burma. Yet the SPDC is now lobbying surrounding governments to gain support for its rule.

The Prime Minister of Thailand has created a road map for peace in Burma, but the plan leaves the brutal dictatorship in power.

What will it take for the international community to act? How many political prisoners must be tortured and ethnic villagers brutally raped and then murdered? How long must somebody be held incommunicado before strong, decisive action against the SPDC is taken?

Mr. Speaker, the international community must act now to help the people of Burma.

UNFUNDED FEDERAL MANDATE: STOP THE FEDS FROM PASSING THE BUCK FOR EDUCATION REFORM

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to demand that the Congress and the President stop passing the buck on education reform to our States and local communities.

Last week the House Committee on Rules held a hearing to consider the issue of unfunded mandates. As I have noted on several occasions on the House floor, the Bush administration's $20 billion cut to the No Child Left Behind Act has created a massive unfunded Federal mandate. As the former superintendent of my State's public schools, I know firsthand that unfunded mandates will cause real pain at the local level.

I believe the Federal Government must live up to its obligation to fund education reform. It is simply wrong to pass a piece of legislation that says we are going to give you all that money to Leave No Child Left Behind and then leave the money behind, while still forcing schools to achieve new standards.

I have introduced legislation that requires full funding of the No Child Left Behind Act, and I urge my colleagues to join me in stopping the Federal practice of passing the buck to States and local communities.

HELP FROM UNEXPECTED PLACES

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the Bible asks the question, "From where does my help come from?" And sometimes help comes from unexpected places,

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

like an anonymous civilian in Mosul who brought the sadistic sons of a dictator to justice yesterday; and like the words of a former President supporting the Bush administration's assertion that Saddam Hussein likely had weapons of mass destruction.

It was last night on CNN, former President Bill Clinton said, "When I left office, there was a substantial amount of biological and chemical material unaccounted for. That is, at the end of the first Gulf War we knew what he had. We knew what was destroyed in all the inspection processes. We bombed for 4 days in 1998, may have gotten it all, may have gotten half of it, may have gotten none of it, but we didn't know."

"So," President Clinton said, "I thought it was prudent for the President to go to the U.N."

And he went on to say, "If you don't cooperate, the penalty could be regime change, not just continued sanctions." So said former President Bill Clinton.

Thank you, President Clinton, for confirming what President Bush told America: Saddam Hussein had biological and chemical weapons and confronting him was prudent.

HADLEY? HARDLY!

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, Steven Hadley, the Deputy National Security Advisor, tried to take the President, the Vice President, the Secretary of Defense, and the National Security Advisor off the biggest hook in town by accepting the blame for the President falsely claiming in the State of the Union that Iraq was trying to go nuclear.

Hadley says he had "forgotten" the previous memos from Director Tenet discounting an Iraq-Niger uranium connection and neglected to remove this information from the speech.

So the American people are being asked to believe that the bogus major cause of war against Iraq eliminating a nuclear threat was advanced because a lower-level functionary simply overlooked a memo from a higher functionary, and that the President, the Vice President, the Secretary of Defense, and the National Security Advisor were all blissfully unaware of the fact that false nuclear claims they were circulating about Iraq were simply the result of a memo misfiled by a national security clerk named Hadley.

Hadley? Hardly. Hadley? Hardly. Hadley? Hardly.

LOSS OF A HERO

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, the State of Texas lost a hero last week. Tex Schramm, the former Dallas Cowboys president and general manager, died at the age of 83.

Mr. Schramm's passion focused on the Dallas Cowboys, but he was always looking out for the entire NFL. He had ideas ranging from using the phrase "America's team" to letting officials correct calls through instant replay.

In 1991 he became the first team executive elected to the Pro Football Hall of Fame.

His partnership with Coach Tom Landry produced 20 straight winning seasons, from 1966 to 1985, 18 playoff appearances, 13 division titles, five Super Bowl appearances, and two championships.

Tex Schramm was a significant force in the AFL–NFL merger in 1966; and he was the original chairman of the league's competition committee, a position he held from 1966 to 1988.

Instant replays and sideline radios in quarterback helmets were his ideas, but he also promoted the six-division, wild card playoff concept and will be forever remembered for introducing America to the Dallas Cowboys Cheerleaders.

To the man who left a hole in the Texas stadium roof so God could watch his team, Tex, I know you are watching too.

U.S. TRADE POLICIES ARE FAILING

Mr. DEFAZIO. Today Congress will vote on and approve so-called free trade agreements with Singapore and Chile. We find our Nation sunk in the hole of a $500 billion trade deficit, and Congress is going to get out the shovels and dig a little deeper.

Mr. Speaker, 251,000 manufacturing jobs have been lost so far this year, exported from the United States; 53,000 jobs in May alone. We have a record 136.1 trade deficit for the first 3 months on a track to $550 billion trade deficit this year.

Our trade policies are failing our workers and our Nation and our future. And the response of this administration and this Congress is a collective yawn and a vote to continue down the same disastrous path. It is pathetic.

RECENT LEGISLATION CREATING LARGER GOVERNMENT PROGRAMS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I am concerned that a lot of our recent legislation will create even larger government programs. We face large deficits; yet we continue to spend, and I am concerned.

Recently we had several amendments here on the House floor to reduce spending by 1 percent across the board, yet they failed. We have increased spending on education, agricultural subsidies, and AIDS in Africa, and a tax rebate for those who do not pay taxes. Now, honest men will call this income redistribution. We also have a new prescription drug benefit close at hand.

If we continue to add new government programs, we will create even a bigger and bigger government. Instead, we should try to solve our problems with conservative and free market principles, that is, bring choice, competition, and personal responsibility to our legislative initiatives.

□ 1015

AMERICAN NATIONAL DEBT

(Mr. HILL asked and was given permission to address the House for 1 minute.)

Mr. HILL. Mr. Speaker, it has been 803 days since President Bush and the Republican Party embarked on their economic plan for our country. During that time the national debt has increased by $1,082,452,325,550. According to the website for the Bureau of Public Debt at the U.S. Department of Treasury, yesterday at 4:30 p.m. Eastern Standard Time, the Nation's outstanding debt was $6,722,777,711,908. Furthermore, in fiscal year 2003, interest on our national debt, or the "debt tax," is $277,768,492,816 through June 30, 2003.

IT IS TIME FOR ACTION ON MEDICARE REFORM

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today in recognition of the 38th anniversary of Medicare.

Medicare has faithfully provided health care to nearly 40 million Americans. However, as Medicare nears its 40th year it is in a terrible crisis; a crisis of confidence, a crisis of finance, and a crisis of direction.

You see, Mr. Speaker, medical care is not the same today that it was 38 years ago. That is why I supported H.R. 1, legislation that will finally grant America's seniors the health care choice and prescription drug benefits that they have waited almost 4 decades to enjoy. It is time for action. I urge my colleagues to join with me in protecting, preserving, and enhancing Medicare.

HONORING DR. MICHAEL DEBAKEY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, Dr. Michael DeBakey is a friend of mine, a friend of the community. The renown House surgeon is a cherished member of the Houston community, the State of Texas and this Nation. That is why I was so proud as a Texan to be able to carry legislation that would name the Houston Veterans Hospital in my Congressional district after this great American. In so doing, I sought the support of all of the members of the Texas delegation and carried the legislation in both the 107th and 108th Congress.

Lo and behold, everyone signed to be a co-sponsor except the majority leader, the gentleman from Texas (Mr. DELAY. Although we asked on several occasions, his sponsorship did not occur. But yet I pursued because I believe that the honor was owed to Dr. DeBakey. I would think that Texans would be able to work together. But in the dark of night, the gentleman from Texas (Mr. CULBERSON), I understand, a colleague, offered a late night amendment in the VA-HUD bill without contacting our office, without talking to my constituents, without working in a collaborative effort.

I did not know to what level we would get in breaking collegiality in this body, but I believe it has gone to its lowest level. I pay tribute to Dr. DeBakey. I will continue to work to make sure this legislation is passed and signed, but I will not stand and have my constituents or the 18th Congressional District so disrespected by colleagues in this body. It is a shame and a disgrace to the way we have worked together on behalf of Texas.

To Dr. DeBakey, I salute you. We will get this legislation passed and it will be passed with the love, admiration and respect of the people of the 18th Congressional District, not with underhanded tactics to undermine individuals who are working on behalf of their constituents.

INDIA INDEPENDENCE DAY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to commend India on its annual celebration of Independence Day on August 15, 1947. Happy 56th birthday, Republic of India, the world's largest democracy and friend of America, the world's oldest democracy.

On that day, India became a free nation modeling its constitution after our own. For nearly 56 years the people of India have faithfully adhered to democratic principles. During the Cold War we were not allied as closely as we should have been. However, times have changed now. India's economy is rapidly reforming and historic joint military exercises are taking place between our two great nations.

According to Ambassador Lalit Mansingh, trade between India and America soared 20 percent last year. Also, importantly, the Indian American community should be recognized for their leadership, entrepreneurship, family values and faith. Many Indian Americans left their homelands, immediately assimilated and have achieved great success in America. As cochair of the India Caucus I am so proud of this dynamic community in South Carolina and nationwide.

It is my sincerest hope that this new friendship between the United States and India blossoms into a solid, serious relationship between mutual allies.

In conclusion, God bless our troops.

PATRIOT ACT ABUSES

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, when the PATRIOT Act was enacted in the aftermath of September 11, civil rights advocates expressed great concern about the potential for abuse of the law by law enforcement officials. Unfortunately, many of their concerns were warranted.

The Inspector General recently delivered findings of a new government investigation to Congress. In it he states that his office acted on 34 credible PATRIOT Act violations in the first half of 2003 alone and that he received over 270 allegations of abuse.

The complaints are diverse. They range from an officer holding a loaded gun to the head of a detainee, to a prison guard ordering a Muslim inmate to remove his shirt so that the guards could use it to shine his shoes. These incidents are intolerable and they demand further review, and I commend the Inspector General for bringing them to our attention.

The PATRIOT Act was intended to enhance our homeland security, not to create an atmosphere of bigotry and abuse towards our immigrant communities.

While the safety of our citizens is paramount, we must take caution to find a balance that preserves our civil liberties on which our great Nation was founded.

COMMEMORATING THE 50TH ANNIVERSARY OF THE KOREAN WAR ARMISTICE

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to commemorate the upcoming 50th anniversary of the Korean War Armistice and to honor all of the brave veterans who served in this conflict. On July 27, 1953, the Korean War Armistice Agreement took effect ending a 3-year war that was a crucial step in stopping the spread of communism and Soviet influence. U.S. troops, along with their allies, turned back North Korea's aggression and protected South Korea from falling into communist rule.

Today South Korea stands as a beacon, an economically prosperous republic, and a part of the world where stable democracies are not usually the norm.

We all know by reading the headlines that things are not so good just across the 38th Parallel.

Mr. Speaker, this Sunday marks the 50th anniversary of the end of the Korean War. It is important that we be eternally grateful to the men and women who took part in this campaign, for without their sacrifices the fall of the Soviet Union may never have been possible.

WHEN DO WE GET THE INVESTIGATION

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the White House is beginning to sound more and more line Animal House, in that you have a bunch of adolescents over there and they keep running forward saying, I did it, I did it.

First it was Mr. Tenet and now we have Mr. Hadley. When are we going to get the truth? When are we going to have an investigation, not in secret, done by the Permanent Select Committee on Intelligence, but out in the open. They did it in the British Parliament. They were not afraid of democracy there. But here we have to have everything secret. We need an investigation about who did it.

Where was Condoleezza Rice? This guy Hadley worked for her. Does she make the decisions or does he? I have not heard her stand up and say, well, if I had only put my hand up and said no, it would not have happened.

But what is even more devious about this is if you complain they attack. A Senator, a member of the other body, was attacked because he pointed out that somebody in the White House had the nerve, the nerve to uncover a CIA operative. That is a Federal crime.

Now, if we do not have an investigation and find out who it is in the White House that thinks they can just get on the horn and talk to a newspaper reporter and say, hey, did you know so and so was working for the CIA? That person should be fired immediately and probably charged. But we know they were sent out there to do it by the folks upstairs.

When we will have another, oh, gee, I did not know, I should not have done it?

When do we get the investigation, Mr. Speaker?

PARLIAMENTARY INQUIRY

Ms. PELOSI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentlewoman will state the inquiry.

Ms. PELOSI. Mr. Speaker, my inquiry is as to when the privileged resolution of the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means, will be brought up before the House.

The SPEAKER. It is in order sometime today at the discretion of the Chair.

Ms. PELOSI. Would that be very late at night or would it be during the day when people would have a chance to hear the debate?

The SPEAKER. The Chair will advise the gentlewoman that he will take that under consideration. It is the intent of the Chair to have it during regular business hours today.

Ms. PELOSI. Mr. Speaker, my concern springs from the fact that we have a long legislative day today.

PRIVILEGES OF THE HOUSE—MANNER OF CONDUCTING MARKUP OF LEGISLATION IN COMMITTEE ON WAYS AND MEANS

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise to a question of the privileges of the House, and I offer a resolution (H. Res. 330) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> Whereas during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;
>
> Whereas during the reading of that amendment the chairman of the Ways and Means Committee directed majority staff of the committee to ask the United States Capitol Police to remove minority-party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority-party members of the committee;
>
> Whereas pending a unanimous-consent request to dispense with the reading of that amendment the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee;
>
> Now, therefore, be it
>
> *Resolved*, That the House of Representatives disapproves of the manner in which Representative Thomas summoned the United States Capitol Police to evict minority party members of the Committee on Ways and Means from the committee library, as well as the manner in which he conducted the markup of legislation in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House, and calls for the police report to be placed in the CONGRESSIONAL RECORD.

The SPEAKER. The resolution constitutes a question of the privileges of the House under rule IX.

MOTION TO TABLE OFFERED BY MR. DELAY

Mr. DELAY. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

> Mr. DELAY moves that the resolution be laid on the table.

The SPEAKER. The question is on the motion to table offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. PELOSI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 193, not voting 19, as follows:

[Roll No. 410]

YEAS—223

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—19

Berkley
Bishop (GA)
Boucher
Clay
Cole
Conyers
Davis (TN)
Davis, Jo Ann
Fattah
Ferguson
Ford
Frank (MA)
Gephardt

Jefferson
Moore
Owens
Sherwood
Souder
Young (AK)

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER (during the vote). Members are advised there are 2 minutes left in this vote.

☐ 1050

Mr. BILIRAKIS changed his vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. DAVIS of Tennessee. Mr. Speaker, on rollcall No. 410, had I been present, I would have voted "nay".

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER. Pursuant to House Resolution 326 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2799.

☐ 1052

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, July 22, 2003, the bill had been read through page 103, line 26, and pending was the amendment by the gentleman from Michigan (Mr. LEVIN).

The gentleman from Michigan (Mr. LEVIN) and the gentleman from Arizona (Mr. KOLBE) each have 1 minute remaining in the debate on the amendment. The gentleman from Arizona has the right to close.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), the very distinguished and vibrant leader of the minority.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the Levin amendment and commend the gentleman from Michigan for his leadership in bringing this important amendment to the floor and his important work on behalf of America's working families.

As House Democratic leader, I proudly assert the Democratic Party's commitment to trade and what it does for our economy. That commitment to trade was exemplified in President Kennedy's 1962 State of the Union Address, which I point to with great pride. At that time President Kennedy said: "For together we face a common challenge: to enlarge the prosperity of free men everywhere, to build in partnership a new trading community in which all free nations may gain from the productive energy of free competitive effort."

That was his challenge and it was followed up by the Kennedy Round, the most ambitious round of trade negotiations under the aegis of GATT until that time. The Kennedy Round lasted from 1963 to 1967. Its goal was to lift up developing countries of the world, open our markets to their products to help them develop and create markets for U.S. products abroad. The gentleman from Michigan's (Mr. LEVIN) amendment is in keeping with that proud tradition. I thank the gentleman.

Last night the gentleman from Arizona (Mr. KOLBE), the distinguished representative of the majority party on this debate and chairman of the Foreign Operations, Export Financing and Related Programs Subcommittee said "I want to commend the gentleman from Michigan for the crafting of this particular amendment. With it I think he has shown a great deal of legislative brilliance and some policy ingenuity as well." Then the gentleman from Arizona (Mr. KOLBE) went on to oppose the amendment by saying "But I have to say the net result is quite mischievous."

I beg to differ, and I leave it up to my colleagues and am asking them to support the gentleman from Michigan's (Mr. LEVIN) amendment. Is it mischievous to ask the Trade Representative in negotiating for a Free Trade Area of the Americas with the Central America Freed Trade Amendment to protect against piracy of copyright? Is it mischievous to say that we should not support a treaty that does not open markets for United States agricultural products, high technology, and other manufactured exports that provide greater rights? Is it mischievous to tell him not to support a trade agreement that provides greater rights for foreign investors than Americans in the United States? And is it mischievous to ask that Trade Representative not to acquire adoption and enforcement of the basic prohibitions on exploitative child labor, forced labor, and discrimination and to guarantee the right to associate and bargain collectively?

A vote for the Levin amendment is a vote for America's workers who see our manufacturing and technological base fading away. American workers are the most productive workers in the world. Let us let them compete. The gentleman from Michigan's (Mr. LEVIN) amendment does just that. I urge my colleagues to support the Levin amendment.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Just to set the order of how we are doing this, last night we had the debate for the most part on the substance of this, and so at the conclusion of my remarks I will make a point of order that I reserved last night that this amendment is not in order.

☐ 1100

I did say, indeed, Mr. Chairman, that the gentleman from Michigan was ingenious in the device of this amendment. He was very clever.

It does not mean I think it is right in policy. Indeed, I think it is very wrong policy, because what it does is say that no funds shall be expended by the U.S. Trade Representative unless the negotiations do exactly the following things. In other words, the USTR is in a straitjacket from the very beginning of negotiations.

The very essence of a negotiation on trade agreement is we give something here, the other side gives something there. But to demand they have exact parity from the very beginning absolutely destroys the essence of a negotiation. That is the substance of what we are talking about here.

It would be very bad policy. It would essentially mean that we could not have a Central American Free Trade Agreement or a Free Trade Agreement of the Americas. We would essentially be saying to the Ecuadorans and the Salvadorans and the Costa Ricans that we will never allow them to trade with us, that we do not care that they are in poverty, we do not want to give them the opportunity to trade with the United States, to have access to our markets. It would be bad policy.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I make the point of order that I reserved last evening.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KOLBE. Mr. Chairman, the substance of the remarks that I just made go right to the point of order.

I do make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part, "An amendment to a general appropriation bill shall not be in order if changing existing law the amendment imposes additional duties."

As I will explain in my appeal, this clearly imposes additional duties, and I would ask for a ruling from the Chair.

The CHAIRMAN. Do other Members wish to be heard on the point of order?

Mr. LEVIN. Mr. Chairman, I spoke last night, and I will be very, very brief. I disagree with the gentleman's analysis of what is appropriate here under the rules.

I also want to mention, last night when we discussed the provision that says there shall be no funds made available for negotiating a CAFTA or an FTAA that does not require adoption and enforcement of the basic prohibitions on exploitive child labor, forced labor and discrimination and guarantee of the right to associate and bargain collectively, that the important matter was a job, and not what was in that job, what payment there was for the job or under what conditions the job was carried on.

I think that is terribly wrong. If people are going to have a chance to climb up the ladder, they have to have a chance to be able to associate and to bargain collectively. We should not base a trade agreement on the suppression of the workers of Central America or of any other place in the Americas.

So, I urge that the Chair rule this in order, and we are now prepared to hear the ruling of the Chair.

Mr. KOLBE. Mr. Chairman, before the Chair rules, I would just like to respond to what the gentleman from Michigan said.

The Levin amendment would forbid expenditure of funds that would be used to negotiate free trade agreements that do not contain certain listed provisions. The listed provisions impose duties that are not now required by law and they make the appropriations contingent upon the performance of the new duty and on successful trade negotiations with other countries.

For example, in the area of labor law, the Levin amendment seeks provisions in a trade agreement that would mandate, mandate, adoption in domestic law and enforcement of the basic recognized rights of workers. This sharply contrasts with the Trade Act, which only goes so far as to seek to promote respect for workers' rights, to promote universal ratification and full compliance with the ILO Convention 182.

The differences between the approach of the gentleman from Michigan (Mr. Levin) and the current law are manifold. The Trade Act does not call for adoption and enforcement of the labor rights listed in the Jordan Free Trade Agreement. Indeed, the Trade Act seems to uphold the right of other countries to establish domestic labor standards.

Similarly, in investment, Mr. Chairman, the Levin amendment seeks provisions in a trade agreement that would ensure the free trade agreement does not provide for an investor's greater rights than Americans. This also contrasts sharply with the Trade Act, which carefully states that foreign investors are not to be afforded greater substantive rights. The Levin amendment would deny foreign investors greater procedural rights as well as substantive rights, and certainly this would be a duty not present in the U.S. law.

So for that reason, and for others that I could go on, I would urge the Chair to make a ruling that this amendment is not in order.

Mr. LEVIN. Mr. Chairman, I want to respond very briefly. In those respects, the gentleman from Arizona (Mr. Kolbe) is very wrong. This does not change existing law. Our USTR representative is not prohibited by the present Trade Promotion Act, is not prohibited from carrying out the provisions that are spelled out here that there shall be no greater rights for foreign investors than Americans in the U.S. There is nothing in TPA that prohibits his doing just that; and there is nothing in the present TPA, which I opposed, but there is nothing, and we had an alternative, that prohibits the USTR from requiring adoption and enforcement of the basic prohibitions on exploitative child labor, forced labor and discrimination, and the guarantee of the right to associate and bargain collectively.

We are saying in this amendment that that is exactly what the USTR should be doing, and I ask the Chair to rule in our favor.

The CHAIRMAN. Do other Members wish to be heard?

If not, the Chair is prepared to rule.

The gentleman from Arizona makes a point of order that the amendment offered by the gentleman from Michigan is not in order under clause 2 of rule XXI. The amendment would limit funds for negotiating two specific specified trade agreements that fail to achieve specified goals. However, the amendment does not define those goals nor tie them to provisions in existing laws.

Therefore, the amendment imposes new duties on the Trade Representative to determine whether the proposed agreements protect against piracy of copyrights, open markets for United States agriculture products, et cetera, before applying the limitation. As such, the amendment imposes new duties not required by existing law in violation of clause 2, rule XXI.

The Chair sustains the point of order.

Mr. LEVIN. Mr. Chairman, I move to appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, this 15-minute vote on the appeal of the decision of the Chair may be followed by 5-minute votes on the four amendments debated last night on which requests for recorded votes were postponed.

The vote was taken by electronic device, and there were—ayes 231, noes 198, not voting 5, as follows:

[Roll No. 411]

AYES—231

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—198

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings

Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Berkley
Bishop (UT)
Ferguson
Ford
Gephardt

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1127

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. QUINN) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1582

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1582.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2738, UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT, AND H.R. 2739, UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 329 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 329

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement. The bill shall be considered as read for amendment. The bill shall be debatable for two hours, with one hour and forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2739) to implement the United States-Singapore Free Trade Agreement. The bill shall be considered as read for amendment. The bill shall be debatable for two hours, with one hour and forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 3. During consideration of H.R. 2738 or H.R. 2739 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very able colleague on the Committee on Rules, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, at this moment, we begin debate on the first two measures that will propel our Nation's economy into the 21st century and secure America's economic future. The free trade agreements with Chile and Singapore that we will be debating today are important in and of themselves. But more important, they are the first steps in completing a global economic and trade agenda that seeks to grow our economy by opening up markets overseas and establishing the United States as the leader in the international trade arena.

□ 1130

When Trade Promotion Authority lapsed back in 1994, the executive branch's ability to negotiate meaningful trade agreements was severely impaired. Our efforts to position the United States as the global leader in international trade were stalled. As recently as last year, there were nearly 150 regional free trade and customs agreements put into place worldwide and the United States, the greatest economic power on the face of the Earth, was party to only three of those agreements.

Mr. Speaker, we were losing market share, we were losing tariff battles, and most important, we were losing opportunities for U.S. workers and U.S. producers, opportunity to grow our economy, opportunity to increase the incomes of millions of American families and the opportunity to lead once again in the global marketplace. All of this was being lost as we went through that nearly decade long period, Mr. Speaker, when we did not have that authority in place for the executive branch.

So it was to my great satisfaction last year that we were able to enact into law a renewal of that Trade Promotion Authority. I am also pleased that the Bush administration has responded to Congressional reauthorization of the Trade Promotion Authority with great enthusiasm.

Our terrific Ambassador, U.S. Trade Representative Bob Zoellick, in particular, has been the driving force behind an ambitious and far-reaching trade agenda that will open up markets and raise standards of living both here and abroad, throughout the world. It is very clear that trade is a win-win. We will see benefits on both sides.

So, Mr. Speaker, as I mentioned earlier, the free trade agreements that we consider here today are of great importance. But I am gratified to see that many more trade agreements are on the horizon. Once we get beyond the Singapore and Chile agreements we will have a wide range of other great opportunities for U.S. workers and U.S. producers. We will soon see those benefits come to us and we will see the multilateral agreements as we proceed with Central America, South America, Africa, the Middle East and Australia.

Now, Mr. Speaker, I recognize that many in this body are opposed to some or possibly all of the free trade agreements that I have just mentioned. And I recognize, Mr. Speaker, that Congressional renewal of Trade Promotion Authority last year was very contentious and as we all know passed by the narrowest of margins on three occasions. But I sincerely hope that today we will demonstrate our bipartisan commitment to improving the economic standing of all American workers and families by strongly supporting the two implementing measures before us.

In fact, we have just a few minutes ago had the minority leader stand in the well and talk about that commitment that the minority party has to the trade agenda, and so there will be a wonderful opportunity here to demonstrate that. The agreement, Mr. Speaker, with Singapore and Chile are perfect examples of what the benefits of free trades can and will deliver to the American people.

Now, we all recognize that Singapore has been a critical ally in Southeast Asia in the war against terrorism. It has been more welcoming to our efforts to clamp down on regional instability and global terrorism than perhaps any other Southeast Asia nation. Singapore is also an extremely important economic ally of the United States. For example, Mr. Speaker, Singapore was the 12th largest trading partner with the United States last year in terms of total trade. Now, that is not bad for a country that has a population that is about the size of a county that I represent.

Mr. Speaker, the Singapore agreement lowers barriers to trade in high technology products and services and establishes unprecedented intellectual properties protections. Intellectual properties protections are of paramount importance and very much need to be recognized.

Mr. Speaker, this agreement pays particular attention to protecting copyrights, patents and trademarks for emerging technologies and digital products, sectors where American innovation has been, continues to be, and I believe will in the future be the global leader.

Now, Mr. Speaker, there can be no doubt that by lowering and eliminating tariffs that Singapore places on American exports that we will increase job opportunities right here at home. Let me underscore that again.

Mr. Speaker, I know there is so much talk about the union influence and the union opposition about what it is we are trying to do here, but Mr. Speaker, it stands to reason that if you are opening up new markets in other parts of the world, as will be the case in Singapore and so many of these service oriented areas, telecommunications for example, there will be more union jobs created right here in the United States as these markets open.

Mr. Speaker, like the Singapore agreement, the Free Trade Agreement with Chile will increase trading opportunities abroad. Under the agreement negotiated by Ambassador Zoellick, Chile will immediately remove its 6 percent tariff that exists on more than 85 percent of American exports.

I have to scratch my head once again, Mr. Speaker, and wonder why it is again that anyone would believe that this agreement would not create an opportunity for U.S. workers, union, nonunion members, workers all the way across the board if they are going to immediately reduce their 6 percent tariff that exists on 85 percent of the products that come from U.S. workers into Chile's market.

Mr. Speaker, the remaining tariffs will phase out over the next 12 years. Conversely, most of Chile's exports to the United States are already duty free. So the fact is the world has access to the U.S. consumer markets. Chile can already get their products here. Doing anything other than supporting this measure will not help U.S. workers. The only benefit to U.S. workers will come from our breaking down those barriers that exist there. Recognizing Chile's relatively small trading relationship with the United States, some might question the need for a Free Trade Agreement at this time. In other words, people will say, why bother?

Now, Mr. Speaker, it is well worth the bother. In 1997, California exported about $490 million worth of goods to Chile. By 2001, the number had decreased by $140 million largely due to Chile's implementation of trade agreements with Brazil, Argentina, Mexico and Canada, getting into the MERCOSUR and other trading blocs. So the fact that other nations are embarking on these agreements, breaking down tariff barriers have unfortunately diminished the flow of U.S. goods into Chile. So it stands to reason now that we need to do everything we can to make sure we are part of that tariff tax reduction effort because a tariff is a tax, and we know that by cutting it we will be able to improve the opportunities for that flow of goods and services.

Mr. Speaker, as we work to get our economy back on track and we all, Democrats and Republicans alike, are committed to enhancing our economy, to improving the plight of workers in this country and creating more and more opportunities, as we work to do that, clearly establishing trade rules within the Americas and the Doha negotiations, it is important that the United States of America be the leader and not the follower. Strong votes, strong bipartisan votes in favor of the Chile and Singapore agreements will mark the first steps in ensuring that the United States reaps the benefit of free trade.

It is time for the United States to unleash our enterprising spirit and allow American entrepreneurs access to some of the fastest growing markets in the world.

Mr. Speaker, I urge strong bipartisan support for this rule and the underlying measures in order to demonstrate the commitment of this body to long-term, bold and dynamic economic growth, the development of strong economies, good governments and the rule of law abroad, which will only help in dealing with the many challenges that we face for peace and stability throughout the world.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, of course, let me thank my very good friend, the distinguished and able chairman of the House Committee on Rules, the gentleman from California (Mr. DREIER) for yielding me time.

As the chairman well knows, he and I both share a passion for the types of issues which will be debated today, and while we do not always end up at the same place at the end of the day, I deeply appreciate his commitment to these issues.

Mr. Speaker, as the chairman has already pointed out, this rule would allow for consideration of both the U.S.-Chile and U.S.-Singapore Free Trade Agreements. What the chairman did not point out, however, was that this rule in a very real sense is unnecessary. The Trade Promotion Authority bill, or Fast Track, that was passed last year by Congress very strictly limits the way trade bills can come to the House floor. By law the agreements cannot be amended. They must be debated and moved expeditiously and in numerous other ways restrict the normal rights that Members of this Chamber are normally able to exercise.

Despite the restrictions imposed by Fast Track, the majority has decided to impose even more restrictive debate on these important bills today. In fact, few previous trade agreements have been given as little time to be debated as the House will have for these two measures today.

Let me repeat for the House what I said to the gentleman from California (Chairman DREIER) last night. We should not be setting a precedent for future trade deals by limiting debate to a couple of hours. In the future there will be other trade agreements that will come to this floor with more acrimony than today's do. These should, indeed must be considered for more than a cursory amount of time.

□ 1145

While I do not oppose today's rule, I will in the future if the majority again attempts to limit debate, more so than that which is required by law.

Substantively, as a member of the Congressional Oversight Group on

Trade, I want to commend Trade Representative Robert Zoellick and his staff for the yeoman's work they have put forward over the past 2-plus years putting these agreements together. I have an acute appreciation for the very delicate negotiations that are needed to achieve the success that has brought us to this point. So, again, I congratulate Ambassador Zoellick and his staff.

Let me also say that as we move forward with our new Congressional Oversight Group on Trade, I would like Ambassador Zoellick to continue to keep the Members engaged and involved in the process as much as possible.

Specifically, it would be helpful if the ambassador and his staff would provide to the oversight group negotiating text several weeks before they are brought to the House of Representatives for tabling. Any less does not provide Members of Congress and our staff the appropriate amount of time to thoroughly review the agreements and offer our substantive insight.

Additionally, when members of the Congressional Oversight Group on Trade do offer constructive proposals, if the Trade Representative ultimately rebuffs those suggestions, it would be helpful to know for what reasons congressional insight was rejected; and I might add, counter to that I raised with Ambassador Zoellick, the fact that in Singapore and in the trade agreement that there was a defense component; and I think the government of Singapore is to be complimented by all of us for the extraordinary undertakings that they put forward on behalf of our United States military who make a substantial number of ports of call in Singapore. So I saw and pointed out to the ambassador the defense component; and I might add, I think that it was taken to heart by the ambassador and his staff in their negotiations.

Finally, text of proposed trade agreements must be made public as soon as the notice of intent to sign is made, if not sooner. Failing that, it is difficult, if not impossible, for the American people to have meaningful input.

Again, though, Mr. Speaker, I do not intend to be nitpicky. These agreements were reached in an admirable fashion by the Trade Representative and those working with him; and I salute him for that, as well as his interlocutors, in what were 2 years of difficult and dynamic negotiations that will affect globally the trade and will affect the United States in substantial ways.

I look forward to the spirited debate which I am certain will follow.

Mr. Speaker, I reserve the balance of our time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply thank my colleague for his very thoughtful statement and his willingness to be supportive of this effort here. This sort of buttresses a couple of arguments I was making earlier on this union issue, and I say it specifically with the gentleman in the Chair, Mr. Speaker, because I know this is an issue that was of concern to the Chair.

One of the arguments that has been made has to do with the issue of exporting automobiles, automobiles manufactured right here in the United States of America. Under this agreement with Chile, we actually see Chile agree to an elimination of the luxury auto tax; and by eliminating that tax under this agreement in Chile, it will enhance the chance for us to see the exportation of more U.S.-manufactured automobiles into Chile's market which admittedly is a small one but is growing.

Also, there are agreements to reduce foreign duties for trucks, computers, electrical equipment, paper and construction equipment as well; and so I think that this clearly is again a great opportunity for U.S. workers.

There have been several great champions of trade on our side of the aisle and on the other side of the aisle. One of them is the great chairman of the Subcommittee on Technology and the House, my very good friend from Atlanta, the gentleman from Georgia (Mr. LINDER).

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank my friend and colleague, the chairman of the Committee on Rules, for yielding me this time. I rise in strong support of H. Res. 329, a rule that will enable the House to consider two historic free trade agreements. I urge all of my colleagues in the House to join me in supporting this rule.

Approval of this rule will allow the House to proceed to consider H.R. 2738, a U.S. free trade agreement with Chile; and H.R. 2739, a U.S. free trade agreement with Singapore.

I consider it an honor to have worked with the gentleman from California (Mr. DREIER), the Committee on Rules chairman, and our House leadership in generating the needed support for these important trade agreements; and I am pleased that they are being considered on the House floor today.

One of the main reasons that the United States of America is a shining beacon on the hill for so many others is our open markets. These open markets help bring wider choices and lower prices for businesses and consumers at home and help to promote better relationships for the U.S. abroad. Trade also helps to build strong economies and assists in fighting poverty and hunger all around the world.

As we continue in the fight against global terrorism, trade can and should be used as a tool to help spread democracy, American values, and stability.

As Governor Ronald Reagan recognized in a 1974 speech: "Constructive trade, the two-way exchange of goods and services, is the most efficient and logical way for each nation and each area of the world to build a stable prosperity, a prosperity based not on aid, but on mutually beneficial economic contacts." I believe that free trade is beneficial to both the United States and our trading partners and is a principal component of proliferating the principles of freedom and democracy worldwide.

Trade is also particularly good for America's small businesses. Small business is the backbone of our Nation's economy, creating three out of every four new jobs and generating roughly half of the U.S. private gross domestic product; 97 percent of America's exporters are small businesses. To stay at the forefront of innovation, U.S. small businesses need access to foreign markets.

The U.S.-Chile Free Trade Agreement will not only bring new market access for U.S. consumers and industrial products, but also new opportunities for our farmers and ranchers. More than 85 percent of trade in the areas of agriculture, construction, automobiles, technology, medical equipment, and paper products will be tariff-free immediately, with most of the remaining tariffs being phased out over 4 years.

Georgia, the State that I am proud to represent, has benefited significantly from trade with Chile. In fact, in 2001, Georgia had the 15th most exports to Chile in the entire United States. These exports have and will continue to provide high-paying jobs to the citizens of Georgia.

The U.S.-Singapore Free Trade Agreement, America's first trade agreement in Asia, is critical because it will give U.S. professionals new access into the fields of financial services, telecommunications, advertising and engineering, to name just a few. We must act now and approve these free trade agreements to give U.S. exporters the chance to compete on a level playing field with foreign exporters.

I believe that America must continue to strive toward expanded free trade and not retreat into the mistaken protectionism of the past. We must work to open markets, eliminate tariffs and barriers, and ensure that our Nation remains at the forefront of global economic success. The freedom to trade is a basic human liberty, and its exercise across political borders unites people in peaceful cooperation and mutual prosperity.

In his last speech as the last British Governor of Hong Kong, Chris Patten spoke about trade; and he said this: If a planetary spaceship had come to the planet Earth in the 16th century from the muddy flats of teepee-strewn North America to the typhoid-driven Longmen, to the warring planes in Paris and landed in the Ming dynasty, they would have concluded in a millisecond that China would rule the world for centuries. She had recently discovered gun powder, the printing press. She had a moderate sea and a growing and rich culture, and then she built a wall around herself and history told a different tale.

Mr. Speaker, I urge my colleagues to support the rule. We need to proceed to debate and immediately adopt both of the underlying measures.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 6 minutes to the gentleman from Ohio (Mr. BROWN), my good friend.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from Florida for yielding me the time.

Where I come from in Ohio, trade is a four-letter word, J-O-B-S. Unfortunately, the President, the United States Trade Representative, and the Republican leadership do not spell very well. They ought to simply look around.

Since President Bush has taken office, we have lost 3 million jobs in this country. We have lost 2.1 million manufacturing jobs in this country.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I would simply say one of the reasons we have not been able to have these job opportunities is the lack of this authority that has been put into place. We now for the first time are going to have markets opening up so that the four-letter word in Ohio that is so important, J-O-B-S, will, in fact, be enhanced; and I thank my friend for yielding.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from California for his comments.

I think that any reasonable people, if we would simply go home and talk to workers, talk to people, they will say that the anxiety they feel so often is because of our trade policy. These 3 million jobs we have lost, these 2.1 million manufacturing jobs are because of an economic program of tax cuts where a millionaire gets a tax cut of $93,000 and children and their families get nothing and families making 15 and 20 and $25,000 a year, a Bush economic program that cuts benefits for health care, cuts benefits for education, cuts benefits for veterans, and these trade agreements, trade agreement after trade agreement after trade agreement, have cost American jobs.

I look around. Last Sunday, there was a rally at a Goodyear plant in Akron, Ohio, in my district. Goodyear has only 14 factories in the United States left, one of the biggest rubber companies in the world. Most of their plants now are overseas. We had rallies at each of these 14 plants simultaneously, and I walked around before speaking at this rally, and these workers get it.

They understand the reason their jobs have gone overseas and those tires are made overseas and sold back into the United States. They understand that the failure of our economic policy lies at the feet of the failure of our trade policy. They understand that NAFTA took a surplus with Mexico and Canada in 1993 and has turned it into a $25 billion trade deficit. They understand that our China policy, with a $100 million trade surplus only a dozen years ago, $100 million with an "M," now is a $100 billion trade deficit with that country.

President Bush, Sr., used to say that $1 billion of trade turned into 18,000 jobs. If we have a $1 billion trade surplus, we have a net gain of 18,000 jobs. If we have a trade deficit of $1 billion, we have a net loss of 18,000 jobs. Our China policy alone has turned basically a neutral job situation into 1.8 million jobs lost every year just because of our bilateral trade situation with China, 1.8 million jobs every year; and most of those jobs are good paying manufacturing jobs.

Mexico has about 400, 500,000 jobs every year, Mexico-Canada trade deficit. Goodyear workers understand that. Steelworkers in Ohio and across the country understand that. Auto workers understand that. People who work with their hands understand that these trade agreements hemorrhage jobs.

Two years ago, even Congress understood it when we passed the Jordan trade agreement. The Jordan trade agreement lifted people up, did not pull standards down. It lifted labor standards up. It lifted environmental standards up. It lifted food safety standards up, but Congress seems to have forgotten that lesson of Jordan. Hence, today, we consider Chile and we consider Singapore.

These are two agreements that do not lift standards up. They pull standards down. They will cost American jobs. They will weaken American labor standards. They will weaken America in world and environmental standards.

Let me just briefly, Mr. Speaker, take two issues to show that with Chile, people say Chile has decent labor standards. They do today, but under this agreement, unlike the Jordan agreement, where the Jordan agreement said labor standards are determined by ILO, International Labor Organization, standards, with Chile, Chile under this agreement gets to enforce its own labor standards. They may be pretty good labor standards today; but if we get a majority in the Chilean government like the majority in this country, we will have effective pressure to weaken labor law, as my friends on the other side of the aisle do here.

□ 1200

So Chile will see a weakening of labor and environmental law, and then we will see a weakening of labor and environmental standards under this trade agreement. If Chile had ILO labor standards, that would not be the case.

The second issue is, under Jordan, we got rid of the Chapter 11 investor state provisions, which, unfortunately, under NAFTA, allows corporations to sue foreign governments, shifting sovereignty from a democratically-elected government to corporate interests where a corporation can sue a government for passing a public health law or a food safety or an environmental law, weakening those laws that governments democratically attain.

We should reject Chile and Singapore. We should go back to the Jordan model. We should reject Chile today, we should reject the Singapore agreement today, and we should go back to the Jordan model. The Jordan model lifts standards. It lifts people up rather than pulling people down. It is good for the environment, it is good for labor, it is good for food safety, and it is good for American values.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume. I have the highest regard for my friend from Ohio, but I want to make a couple of brief comments about the statements he made.

First, at the outset, he talked about this being a Republican leadership effort. Yes, Republicans have provided leadership, but I think it will be very clear that strong bipartisan support, Democrats and Republicans alike, will be embracing both the Chile and the Singapore Free Trade Agreements, realizing what opportunities they will create.

At the close of the gentleman's remarks he talked about lifting standards, and I completely concur with that. I believe very passionately that the best way, the most effective way to lift standards, and I appreciate his acknowledging that those labor standards are already high in Chile, the best way to do that is for us to enhance the economic standing of those people who are seeking the opportunity to get onto the first rung of the economic ladder.

So I just wanted to say that I disagree with some of the conclusions that my friend might have drawn, but I think we do share the exact same goal.

Mr. Speaker, I yield 4 minutes to the gentleman from Tucson, Arizona (Mr. KOLBE), my very able colleague who in 1987 asked me to join him as an original cosponsor of the legislation to obliterate tariffs among Canada, the United States, and Mexico so we could have a Free Trade Agreement. We have seen, with the NAFTA, a tripling of trade from 1993 to today, and he has been a great leader on trade issues and I enjoy working with him.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind comments, but I would have to say there has been no person in this House who has been a better advocate, a stronger advocate, a more forceful and articulate advocate of trade and the advantages it brings to American workers and American consumers than the person who just spoke, my friend, the gentleman from California (Mr. DREIER).

Mr. Speaker, I do rise in support of this rule, and I rise in strong support of the underlying trade agreements with Chile and Singapore. I was delighted to see my friend, the gentleman from Florida (Mr. HASTINGS) saying he supports the rule as well. He spoke about some of the concerns he has. These concerns are ones of process, concern that there is not the ability to amend these bills on the floor.

Well, Mr. Speaker, that was, of course, the debate that we had on Trade Promotion Authority, what we used to call Fast Track. That is not the issue here today. The issue here today is the substance of these two agreements, and the substance of these two agreements is indeed very good.

This a momentous occasion in our trade policy. Passage of these two trade agreements is the first time in a decade we have been able to use what we used to call Fast Track, now called Trade Promotion Authority, to get agreements. It will once again mean that the United States is aggressively pursuing its national interest, breaking down trade barriers and building a world of free trade. I commend the leadership of the administration and the Congress, both sides of the Capitol and both sides of the aisle, for bringing us to this point.

I have a special reason for feeling very emotional about the Chile Free Trade Agreement. Eight years ago, in 1995, just shortly after NAFTA went into effect, the Speaker of the House asked me to go to Chile and talk to them about trade. I went there and I said I had a good deal of confidence that then President Clinton would seek Trade Promotion Authority, Fast Track Authority, and Congress would give it to him. Of course we know that that did not happen. And it was not until just last year that Trade Promotion Authority was granted the President. Now we are finally back on track.

There has been so many dashed hopes in Chile, so much anticipation of what this could mean for them, and finally we are bringing it to fruition. Since the launching of these negotiations it has been a period of great unease in Chile, of anticipation as we struggled to secure TPA. All of Latin America has been watching the progression of Trade Promotion Authority, and now this agreement with Chile. For them it is the litmus test to verify that the U.S. would not renege on its commitment to the Western Hemisphere, and today Congress fulfills that commitment by moving forward.

If we are to nurture fragile democracies in the region, if we are to foster development, development that actually leads to sustained better economic conditions for people in the region, as well as for Americans and consumers and workers in this country, we have to lead by example. We have to lead by bringing free trade to the region. Chile is that first step. It is an agreement that is in our economic, our foreign policy, our national security interest.

More than 85 percent of bilateral trade in consumer and industrial products will immediately become duty free upon ratification, with most remaining tariffs eliminated within 4 years. Chile is offering new access for U.S. financial service companies, telecommunications, express delivery services, and professional service advisers.

For Singapore, this is the first free trade agreement with an East Asian country. Singapore has expressed its early and unequivocal support for the United States and its war on terrorism following the events of September 11. Their support has been unwavering since that time.

And when it comes to business and commercial interests, Singapore is the biggest customer we have in Southeast Asia. We now have investments in that city state that total $23 billion, and our exports to Singapore are $18 billion. So there is no doubt that the Singapore Free Trade Agreement is in the broad U.S. national interest. It will enhance our mutual interest in a stable, prosperous ASEAN and East Asia.

I believe these agreements will stand as models for other bilateral trade agreements and their regions and in multilateral forms. I urge my colleagues to support this rule and the passage of legislation implementing these important agreements.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman for yielding me this time. I stand today to speak for the heartland of America. My Congressional district runs for about 300 miles along the edge of the Ohio River, bordering Pennsylvania, West Virginia and Kentucky. In one of my counties the unemployment rate is 11.4 percent, and in the City of Youngstown, Ohio, the unemployment rate is 18.2 percent.

Now, I have heard some of my colleagues express concern for those who live in Chile, and I am not insensitive to the needs of the folks in Chile, but I think our first obligation is to look after the folks right here in the good old USA.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. STRICKLAND. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I totally agree, I totally agree with the statement my friend has just made. I believe our number one priority should be U.S. workers, U.S. producers, U.S. manufacturers. That should be our top priority, recognizing the benefits of opening up new markets for them.

Our goal here, as I mentioned earlier, is with the elimination of the luxury tax in Chile we will be able to export more U.S. manufactured automobiles into the Chile market and that is why this will be a win-win.

Mr. STRICKLAND. Reclaiming my time, Mr. Speaker, let us look at the record. We heard that same rhetoric about NAFTA. Does anyone seriously believe that NAFTA has been good for this country? The people that I represent, who are without work, do not believe that NAFTA has been good for this country.

What about the WTO, this body that tries to dictate policy for those of us who serve in this body? We have been elected by Americans to represent Americans, and in these trade deals, sadly, it seems to me that we are taking the authority that is invested in us through the Constitution and the responsibilities that we have as elected representatives and we are giving that responsibility to an external international organization.

Mr. DREIER. Mr. Speaker, will the gentleman once again yield?

Mr. STRICKLAND. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding to me to respond quickly to one point he made.

The gentleman said how can anyone talk about the benefits of the North American Free Trade Agreement, and I would say to my friend that in 1993 trade between Mexico and the United States was roughly $83 billion. Last year, trade between Mexico and the United States was $232 billion.

Mr. STRICKLAND. Reclaiming my time, please, Mr. Speaker, I will acknowledge that the gentleman's statistics are correct, but what has happened with trade between this country and Mexico? The imbalance has increased dramatically in their favor. I recognize that these trade agreements encourage trade, but what is it doing to our companies, our workers, our communities? Other countries are in fact benefiting, and I will acknowledge that, but what is happening to our communities?

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield on that point, I think we have to realize that imports are very good and important for the United States of America. We have the standard of living that we do today because the world does have access to our consumer market.

Mr. STRICKLAND. Reclaiming my time once again, Mr. Speaker, I sat in the living room of one of my constituents not long ago and he looked at the television and he said, "Congressman, I would be willing to pay $50 more or $100 more for a TV if I could buy one that was manufactured in America by my neighbors." That is what is happening to us.

Are consumers getting cheaper goods? Well, I suppose they are. At what cost? What is happening to this country, and I just urge my colleagues to look at the record and to reject these agreements. And I thank my colleague for the dialogue.

Mr. HASTINGS of Florida. May I inquire of the Speaker the time remaining on both sides?

The SPEAKER pro tempore (Mr. SIMMONS). The gentleman from Florida (Mr. HASTINGS) has 16½ minutes remaining and the gentleman from California (Mr. DREIER) had 8½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, only to add to the debate that the distinguished chairman was having with the gentleman from Ohio (Mr. STRICKLAND).

There are other things that happened. I voted for NAFTA, Mr. Chairman, and I thought when I did that it would help in many ways. I pointed out to the gentleman last night, and I guess we could cite a lot of things, but the tomato industry in Florida was destroyed ultimately by NAFTA, accounting for the fact that there was a freeze that took place roughly around the same time. But the dumping is what was the death knell.

In addition, I genuinely thought in the maquilladoras that there was going to be environmental improvement. I have been down there, and there has not been substantial environmental improvement. And I have talked with a significant number of people from Mexico regarding wages, and I do find that there are still problems with reference to their hourly rate.

But I will make the point that the one good thing NAFTA did was get rid of one-party rule in Mexico. But one-party rule or two-party rule does not account for the fact that the workers are not improving.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding to me, and I appreciate his engaging me on this issue.

We did have a nice discussion upstairs in the Committee on Rules last night on this issue, and I was proud to underscore the fact that bringing about economic liberalizations through greater trade did in fact lead to political liberalization and to one-party rule.

My friend has raised the issue of tomatoes, and I appreciate his acknowledging the freeze and the impact that that had on the tomato industry in Florida. One of the challenges I have found, Mr. Speaker, is that there are many people who like to blame every single ailment of society on the North American Free Trade Agreement. I would argue that while I know that there have been great challenges that the tomato industry has faced in Florida, it is important for us to realize that being able to compete in the global marketplace is a priority. And I am not here in this job, and I do not believe we as policymakers should have the protection of one industry over another as a priority.

□ 1215

And so I believe that quite frankly it may not have been the mere existence of the North American Free Trade Agreement that created the challenges that have existed in that area. Many in agriculture have made this claim to us that it is NAFTA that created this, that NAFTA is responsible for that. It is clearly because of the fact that the world has had ready access to the U.S. consumer market.

Mr. HASTINGS of Florida. Most respectfully, Mr. Speaker, I would reclaim my time. I understand what the gentleman is saying, but I labored through that with agricultural interests in Florida; and I think that we could point significantly to the North American Free Trade Agreement as causative of our concern. I suggest to him that when CAFTA ultimately comes that he and I will have a very similar, but even more vigorous, debate.

Mr. DREIER. Absolutely. I look forward to that. And we want to work very closely on that.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from California (Mr. GEORGE MILLER), a leader in this arena as well as of our caucus.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, the most troubling part of this debate for me is that with the trade agreements that we have signed, and no one discounts the importance of trade to this country and to the world economy, that we continue to see that Americans subsidize this trade policy with the loss of their good-wage jobs.

We are told time and again, as we were just recently this week, in the Wall Street Journal that those jobs are not coming back. This is not a question of losing your job in recession because of a slow economic time in manufacturing and then you get called back to your workplace. You are not going to get called back because your job has left the country. We said at the beginning of this trade debate some 15 or 20 years ago that the low-paid jobs, the not-so-good jobs were the jobs that would go overseas and because of increased trade and because of our intellectual capacity and our ingenuity that Americans would get the good jobs, that the hot, heavy, dirty jobs would go overseas, the low-wage jobs would go overseas.

But now what we see is that, in fact, middle-class jobs are leaving America to go overseas and in many instances what I am certain people would consider the high-wage jobs, as we were told again in the Wall Street Journal this week, are going overseas. $60,000-a-year software-writing jobs, computer engineering jobs are being sent overseas where they can be done for $5,000 a year. It is just an economic swap. You simply have a job that you have here in California or Minnesota or Florida and you decide that this job you are paying for, as IBM did, you paid $60,000 for this job, you can have it done in India for $5,000; and that is simply an economic equation and it makes a lot of sense. It is just not very good for middle America.

These trade agreements continue to be an assault on middle America. What I do not understand is why we insist that that be the case. Because I think it is clear that we can have expanded trade, we can open up markets, we can open up markets for American products and services and talent and at the same time hold onto these jobs. What we now see is in every industry those high-wage jobs are being traded in for low-wage jobs. It is true in steel. It is true in the automobile industry. You say, well, that is old-fashioned jobs; that is an old-fashioned industry. No, what is old-fashioned about those industries is they had middle-class jobs. You could buy a house, you could buy a car, you could send your kid to school. That is what was old-fashioned about them. And even on the cutting edge of technology, in the steel industry or the automobile industry, they are being sent overseas, even from other countries. We are doing it in insurance and financial services and computer engineering and software-writing.

The point is this, that the first generation of this trade agreement was we wanted to open up Chinese markets so we could sell into the Chinese market. Now what we see is the next generation of cutting-edge technology and cutting-edge countries not just from the United States but from all over the world that are going to China for the purposes of exporting. Those are jobs that are leaving here. Those are middle-class jobs. That is the assault on middle-class jobs. As long as we do not rise up and give workers the right to organize in other countries, then it is a fiction. It is a fiction that somehow we are going to protect American jobs.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, the point that I would like to make is a very clear one. We want to focus on middle-class jobs. We want to do everything that we can to enhance opportunities for U.S. workers in the manufacturing sector of our economy. That is why this Chile agreement will be very beneficial. Why? Under this agreement, Chile's government agrees to eliminate the auto luxury tax that exists there. What does that mean? It means that there will be enhanced opportunity for U.S. auto manufacturers and those middle-class workers that does not exist today.

Mr. GEORGE MILLER of California. The question is, from what platform will those automobiles be made? The gentleman is suggesting that they are going to be made in Detroit and shipped to Chile. I am suggesting, no, it is more likely they are going to be made in Argentina or they are going to be made in Mexico or they are going to be made in Germany than they are going to be made in the United States. I appreciate that they will have access to the automobile market.

Mr. DREIER. If the gentleman will yield on that point, I will tell him, they can be made in Argentina today and get in there tariff free because of the agreement that exists between Chile and Argentina. All we are saying with this agreement is, let us create the potential so Detroit autoworkers will have a chance to get into that market.

Mr. GEORGE MILLER of California. If I could take back the balance of my time, the point is the fastest-growing group in the United States, the fastest-growing organization is unemployed Americans looking for jobs.

Mr. DREIER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Illinois (Mrs. BIGGERT), the cochair of the Chile coalition working group who has led the effort to ensure that we get this agreement to the floor today and has counted votes and worked very hard on it.

Mrs. BIGGERT. I thank the gentleman for yielding me this time and those kind words.

Mr. Speaker, I rise today in strong support of the rule and of the underlying bills, H.R. 2638 and H.R. 2639, the U.S.-Chile and the U.S.-Singapore Free Trade Agreements. They are both outstanding agreements that are worthy of our support.

We have heard a great deal of talk right here on the floor today and during the week from opponents of these agreements who talk about everything but the agreements themselves. They talk about unemployed Americans. They talk about damage to the environment. They talk about waves of immigration. There is no doubt that these problems exist. But there is also no doubt that these problems are not about the issue at hand. The issue at hand is whether to approve implementing legislation for two particular agreements, the U.S.-Chile and U.S.-Singapore Free Trade Agreements, not the NAFTA, not a CAFTA, and not an FTAA. We are not voting today on models for future agreements. The Trade Promotion Authority that Congress granted the President last year provides the road map for future agreements and negotiations. And future agreements will have to come up to Congress for future votes.

What we are talking about today are the merits of these two individual agreements and the benefits they will bring to our businesses and our workers. So, Mr. Speaker, I would like to ask my colleagues in the hours remaining before we cast our votes to just take a few moments to look at the specific merits of these two agreements with the two key partners in Asia and Latin America. Mr. Speaker, you will find that they expand market access opportunities for U.S. manufacturers, farmers, and service providers. You will find that they secure extensive protection for U.S. companies' intellectual property rights and investment, and you will find that they provide strong labor and environmental protections.

I urge my colleagues to support the rule and the Chile and Singapore free trade agreements.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. DREIER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in support of the Chile and Singapore free trade agreements. The Chile Free Trade Agreement will eliminate tariffs on 85 percent of U.S. exports to Chile immediately. The Singapore Free Trade Agreement eliminates Singapore's few remaining tariffs to U.S. goods and locks in Singapore's tariff-free treatment of U.S. imports.

Under the U.S.-Chile Free Trade Agreement, American workers, consumers, businesses and farmers will enjoy preferential access to a small, but fast-growing, economy, enabling trade with no tariffs and under streamlined customs procedures. Over 75 percent of U.S. farm goods, including pork, beef, wheat, soybeans, feed grains, and potatoes will enter Chile duty free within 4 years. All other duties on U.S. agricultural products will be phased out over 12 years. U.S. farmers' access to Chilean markets will be as good or better than our competitors' in Chile. This will help reverse the gains Canada and Europe achieved in market share after implementing their free trade agreements with Chile.

In light of the previous debate going on, I fail to understand how we can contend that American workers will benefit by denying our workers the opportunity to compete, in this case in Chile and in Singapore, for the jobs which is exactly what we have been doing, because other countries have negotiated free trade agreements with Chile and with Singapore. We have denied our workers the opportunity to compete. With 96 percent of the world's consumers living outside the United States, we must continually look to expanding our markets outside the United States and, yes, working for fair trade agreements.

While U.S. tariffs will also be eliminated over time under the free trade agreement, the agreement has a provision that will help protect farmers and ranchers from sudden surges in imports of designated agricultural products from Chile. That is a key ingredient. The agricultural safeguard provision will apply to imports of certain Chilean products, including many canned fruits, frozen concentrated orange juice, tomato products and avocados. The safeguard is price-based and automatic. The prices for the commodities subject to safeguards will be programmed into the U.S. Customs Service computers, which will automatically assess the tariff uplift if the import value of the commodity falls below the trigger. I think this is an exciting component of this agreement.

Quickly on Singapore, it guarantees zero tariffs immediately on all U.S. goods, and the FTA ensures that Singapore cannot increase its duties on any U.S. product.

In conclusion, both the Chile and Singapore free trade agreements provide benefits for the United States by lowering duties on exports to Chile and locking in duty-free treatment for U.S. goods to Singapore. Both agreements also include innovative provisions on transparency and customs facilitation that will help promote full implementation of these agreements and further respect for the rule of law.

For these reasons, I urge my colleagues to support implementation of the Chile and Singapore free trade agreements.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would just like to say that my friend's statement is right on target. I would like to congratulate him on a couple of points that he made. First of all, realizing that 90 percent of the world's consumers are outside of U.S. borders. What that means is that as 150 countries have embarked on these free trade agreements and we have been a party to only three of them, we have been left behind the eight ball. I know my California colleague (Mr. GEORGE MILLER) was talking about workers. I see my friend from Toledo here who is about to speak. We all are focused on jobs and workers. Obviously, the agriculture sector of our economy is a critically important job creator; and I believe that, as my friend has pointed out, creating a chance to get into Chile's market along with dealing with surge safeguards so that we are not seeing a disproportionate negative impact on the United States will in fact inure to the benefit of workers here.

I thank my friend and appreciate his service as cochair along with me with the U.S.-Mexico caucus, underscoring the benefits of the North American Free Trade Agreement.

Mr. STENHOLM. In the remaining part of the minute that the gentleman yielded to me so that I could yield back to him, I would return the compliment and also commend him for continuing to emphasize jobs, workers, environmental issues, which are all going to have to be more seriously addressed in all future agreements. We both agree on that.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, it will be interesting to see what the California wine growers think about this measure. Maybe the chairman will describe that on his time.

Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), a new Member of Congress and a leader in this field.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in opposition to the rule and to the Chile and Singapore trade agreements. I oppose these bills because of the inadequate labor provisions embodied in both. These agreements yet again point to the fact that the Bush administration is determined to undermine not only worker protections here in the United States but also abroad as well.

Under the current language of these bills, only one workers' rights provision is enforceable through dispute settlement, the obligation that a country enforce its own labor laws no matter how weak these labor laws may be. These FTAs give each country involved the option to gut their current labor laws to gain a trade advantage and face no consequences at all.

The FTA with Jordan proved that a trade agreement could win the support of labor, but to do so it needs to contain a commitment that each country follow the guidelines set forth in the International Labor Organization's core labor standards.

□ 1230

The trade agreements before us today are a gigantic step backwards and are vehemently opposed by labor groups. Why in our current economic situation are we putting American workers at risk? Is it not enough that the unemployment rate has skyrocketed to 6.4 percent? Is it not enough that the Bush administration has presided over the loss of 3 million private sector jobs, has failed to raise the minimum wage, allowing millions of older workers to lose half of their private pension benefits, and has denied unemployment benefits to millions of workers who exhausted their Federal unemployment workers benefits? One would think so but apparently that is not the case.

My other concern is that these FTAs create new immigration policy in the context of a free trade agreement. This is a step into unchartered territory. The fact is there is no specific authority in the Trade Act of 2002 to negotiate new visa categories or impose new requirements on the current temporary entry system, but that is exactly what has been done in the negotiations of these two agreements. I urge my colleagues to vote no on both agreements.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. LINDA T. SÁNCHEZ of California. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding and I welcome her to this body. I know she is a new Member here. I would say that the conclusions that have been drawn I believe are totally inaccurate.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN), a new Member of Congress and a leader in this arena.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for the time to talk about this very important issue, and I rise against the rule as well.

The issue of agricultural products came up a little earlier. The products that we are going to get into Chile are going to be subsidized products from our government and in turn preventing a lot of the African countries from being able to trade also and being able to compete on an international market.

We all understand comparative advantage and I think we all understand the concept of free trade and I do not want to say for one second that I am not for trade. I think trade is a good thing. But what I cannot understand is why we were able to achieve the 2000 Jordan agreement which enable us to enforce environmental standards and labor standards with the same capacity as commercial standards. We are rolling back these provisions in these agreements. And as much as we want to export our products, we want to export our ideals. And regardless of what party we belong to, we agree that in the last century in this country we made great strides in human progress with the labor movement, with the environmental movement, with the raising of living standards in this country, and I think we are getting away from that.

I would like to share with the gentleman from California, and I have enormous respect for him and his staff, an article by Lou Dobbs in which, talking about free trade, he said, "The proof is in the numbers: The U.S. account deficit, the broadest measure of transactions with other nations, swelled to $503 billion in 2002. That is not the way it was supposed to work. Increased global trade was supposed to lead to better jobs and higher standards of living by opening markets around the world for U.S. goods. Now some people, myself included, are rethinking the belief that free trade benefits all nations."

I think it is inaccurate to say that we think that somehow these manufacturing jobs are going to move back into northeast Ohio or go back to Detroit.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. And the case I would make is I think that Mr. Dobbs is wrong in coming to the conclusion that he has, but that is what the debate is all about.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, I think it shows a trend, though, to the gentleman from California, that there are many people who bought into the program in the early 1990s who are no longer agreeing with it.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RYAN) and ask him to yield to me.

Mr. RYAN of Ohio. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding.

I think the point that needs to be made is that with this agreement, we are focused. The gentleman talks about the rollback of the Jordan agreement. That was a separate agreement. This is an agreement that was struck between the leaders of Chile and the United States and the leaders of Singapore and the United States. The fact is we are enhancing living standards through greater trade, greater opportunities for that free flow of goods and services. And on those jobs that you talked about, the auto sector, I believe that by the elimination of the luxury tax in Chile we create a chance for his auto workers to have a chance there.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time because it is running out, there is no way we can say with a straight face that it does not pass the snicker test to think manufacturing jobs are going to come back into Ohio or anywhere in the industrial Midwest because we signed this agreement. If we are so committed to the labor standards, why are we rolling back the principled stances of the International Labor Organization which were in the Jordan agreement? This is prohibition of slavery, nondiscrimination of employment, child labor, freedom of association. We are taking that out of the Chile and Singapore agreements.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, the main reason is that those circumstances do not exist in Chile. It is not necessary. It is not necessary to address those issues.

Mr. RYAN of Ohio. Then why not put them in?

Mr. DREIER. That is why they do not have to be there.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Members will address their remarks to the Chair.

Mr. HASTINGS of Florida. Mr. Speaker, I would urge the Chair, since the gentleman from California has more time, if he is inclined to yield time on his side.

Mr. DREIER. May I inquire of the Chair how much time we have remaining on each side?

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) has 4 minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 2½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SESSIONS), the cochair of the Singapore effort to bring about success on the floor here, my very good friend and able colleague on the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for yielding me this time.

Also, he and the gentleman from California (Mr. THOMAS) are heading up this great effort from the Republican side to make sure that we work with the administration on this important effort for free trade agreements.

Mr. Speaker, I rise today in support of this Singapore effort because I believe it is in the best interest of America. It is in the best interest of Singapore. These are two great nations who not only work with each other but have so much in common. This free trade agreement is going to do things which will help both countries, most specifically as it deals with intellectual property and the way we deal with each other to resolve disputes.

Singapore is going to adopt as a result of this free trade agreement laws which are the same or similar to the United States so that our companies, people who do business back and forth, have an opportunity to look at the same type of legal system in the resolution of disputes.

As was noted on June 10, Tom Lipscomb wrote in the Wall Street Journal: "Entertainment content is now [America's] largest export, and information is the basis of more than half of gross domestic product" of America. We need to make sure intellectual property, we need to make sure that the content that is a valuable asset of United States of America has an opportunity to have a free and open day in court wherever we sell these intellectual property possessions that the United States has.

Singapore is a good friend of America. We are going to find that as we work through free trade agreements that this will become the gold standard as we deal with other places all around the globe.

I support the free trade agreement with Singapore. I thank the gentleman from California for his expert leadership and his vision in making sure that with our President that we have friends all around the globe that enjoy the same opportunities that we do in America.

Mr. HASTINGS of Florida. Mr. Speaker, to close the debate on our side, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), whose district I had the good fortune of visiting and could see firsthand some of the pain of previous free trade agreements.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time and for the opportunity to urge my colleagues to vote no on this rule which restricts debate today to 2 hours, as has happened on every so-called free trade agreement that has come before this body in the last 20 years. Restricted time means no opportunity to really take a look at what has happened.

Many of us have served here long enough to know that the NAFTA idea of trade does not work. The gentleman from California (Mr. DREIER), my good friend, you told me when you voted for NAFTA back in 1993 it would create jobs. In fact, it has done exactly the opposite. We have historic trade deficits with Mexico, this year alone close to $50 billion.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I am sorry, I will not yield. You have only given me 2 minutes under your limited rule, as millions of people in this country lose their jobs and lose their futures. There is so much suffering we can lay to your hands as one of those who voted for NAFTA in 1993. I want you to meet the people who have lost their jobs all over this country, over 3 million people just in the last 3 years alone.

Look at NAFTA and these trade deficits. You told us in 1993 that this template for trade, which you now want to extend to Singapore and to Chile, would work, that it would give us jobs. It has been just the reverse. Our jobs have been cashed out, and Mexico has turned into an export platform to the United States, and the wages of Mexico's people have been cut by half. By half! You have hurt people in both countries due to those who voted for NAFTA. So we now have lost jobs and growing trade deficits. You told us our trade accounts would be better. We now have half a trillion dollars of trade debt in this country. One million lost jobs alone this year are related to that half a trillion in deficit and every year in the last 10 years, deeper and deeper deficit, more lost jobs. Your plan is not working. We have trade deficits, not surpluses, and we have job losses not jobs created. In my home community of Toledo, unemployment now is 10 percent. Every year it gets worse and the Fed has invented a new term, "jobless recovery." What is that?

And, finally, on China after PNTR, we experienced huge trade deficits with more lost jobs. Your record is indefensible. Vote no on this Singapore and Chile expansion of the NAFTA trade template. It has not worked before, and it surely will not work now.

Mr. DREIER. Mr. Speaker, I am inclined to close the debate myself, and I hope my colleague from Toledo will stay here because I plan to close the debate and respond to some of the statements that were just made. So I have no further requests for time.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I am entitled to close the debate here, and then I will be moving the previous question. So if the gentleman will complete his statement.

MOTION TO ADJOURN

Mr. HASTINGS of Florida. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 28, nays 389, not voting 17, as follows:

[Roll No. 412]

YEAS—28

Baird
Bishop (GA)
Capuano
Carson (OK)
Clyburn
Conyers
DeFazio
Doggett
Filner
Grijalva
Hastings (FL)
Johnson, E. B.
Kaptur
Kennedy (RI)
Lewis (GA)
McDermott
Payne
Rangel
Sandlin
Schakowsky
Scott (GA)
Slaughter
Solis
Strickland
Towns
Velázquez
Waters
Woolsey

NAYS—389

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Feeney
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Alexander
Berkley
Bishop (UT)
Cox
Davis (CA)
DeGette
Evans
Fattah
Ferguson
Fletcher
Ford
Gephardt
Greenwood
Pickering
Reyes
Sullivan
Taylor (NC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1302

Mr. MURPHY, Mr. FARR, and Ms. JACKSON-LEE of Texas changed their vote from "yea" to "nay."

Mr. CAPUANO and Mr. BISHOP of Georgia changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2738, UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT, AND H.R. 2739, UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. HASTINGS of Florida. Mr. Speaker, would the Chair clarify for me and the gentleman from California (Mr. DREIER) the time remaining.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 30 seconds remaining, and the gentleman from California (Mr. DREIER) has 2 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining time.

I have but 30 seconds, and I would first compliment the majority. I think that the exchange during the Committee on Rules debate on these two rules was a spirited one; and it signifies, among other things, part of the division in the House. On the floor, there were spirited exchanges between the gentleman from California (Mr. DREIER) and me; and the gentleman from California (Mr. DREIER) and the gentleman from California (Mr. GEORGE MILLER); and between the gentleman from California (Mr. DREIER) and the gentleman from Ohio (Mr. RYAN) and the gentlewoman from Ohio (Ms. KAPTUR). I think it points out the significance of these two agreements. They are really important for all of us; and as I said, this was demonstrated in the Committee on Rules and here on the floor.

There are other trade agreements that are coming down the pike, and the chairman of the Committee on Rules and I have had discussions regarding the fact that I am hopeful that in the future we will have even more time for even more spirited debate. These are important measures, and I would urge Members to pay strict attention to them.

Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I know that the Chamber is not packed to hear my words for the next 2 minutes, so I will simply say that I believe we have a wonderful opportunity to open up new markets for U.S. workers in both Chile and Singapore. This agreement is going to enjoy broad bipartisan support. I encourage my colleagues to vote "yes" for the rule and "yes" for the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution or on any other questions that may arise during this series.

The vote was taken by electronic device, and there were—ayes 226, noes 200, not voting 8, as follows:

[Roll No. 413]

AYES—226

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Berkley
Bishop (UT)
Conyers
Ferguson
Ford
Gephardt
Shimkus
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are advised they have 2 minutes to vote.

□ 1325

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. HASTINGS of Florida moves to reconsider the vote by which the previous question was ordered.

MOTION TO TABLE OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from California (Mr. DREIER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 201, not voting 10, as follows:

[Roll No. 414]

AYES—223

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitaño
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Berkley
Bishop (UT)
Dicks
Dingell
Ferguson
Ford
Gephardt
Pearce
Saxton
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are reminded that there are 2 minutes to vote.

☐ 1335

Mr. OSBORNE changed his vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 281, noes 144, not voting 9, as follows:

[Roll No. 415]

AYES—281

Aderholt
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
Matsui
McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—144

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doyle
Engel
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hinchey
Hoeffel
Holden
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lowey
Lynch
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—9

Akin
Berkley
Bishop (UT)
Ferguson
Ford
Gephardt
Pearce
Peterson (PA)
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded they have 2 minutes in which to cast their vote.

☐ 1344

Ms. HARMAN, Mr. NEAL of Massachusetts, and Mr. MEEHAN changed their vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Speaker, I offer a motion to reconsider.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. HASTINGS of Florida moves to reconsider the vote by which the resolution was agreed to.

MOTION TO TABLE OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from California (Mr. DREIER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 197, not voting 9, as follows:

[Roll No. 416]

AYES—228

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Berkley
Bishop (UT)
Conyers
Ferguson
Ford
Gephardt
Istook
Pearce
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are reminded that there are 2 minutes remaining in this vote.

☐ 1353

Mr. REYES changed his vote from "aye" to "no."

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. HASTINGS of Florida. Mr. Speaker, I move the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 29, noes 394, answered "present" 1, not voting 10, as follows:

[Roll No. 417]

AYES—29

Baird
Bishop (GA)
Brown, Corrine
Capuano
Clay
Clyburn
Conyers
Evans
Filner
Frank (MA)
Grijalva
Hastings (FL)
Jones (OH)
Kaptur
Kennedy (RI)
McIntyre
Miller, George
Olver
Pallone
Rangel
Sanchez, Loretta
Sandlin
Schakowsky
Shimkus
Solis
Thompson (MS)
Towns
Watson
Woolsey

NOES—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly

Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—10

Berkley
Bishop (UT)
Boehner
Cantor
Ferguson
Ford
Gephardt
Lewis (KY)
Pearce
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are advised that they have 2 minutes to cast their vote.

□ 1410

Mr. HOEKSTRA changed his vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMAS. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER. The Chair has examined the press accounts that have been submitted, and it qualifies as a question of personal privilege under rule IX.

The gentleman from California (Mr. THOMAS) is recognized for 1 hour.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have always considered the time spent in this institution, the people's House, as one of the highest honors a person can be provided by this country. Each of us is elected by the people to be a Member. Each of us has an equal right to be here. But what we do here, what position or responsibilities that we have, we owe to each other.

Last Friday in the Ways and Means Committee while conducting a markup of a bill as a result of decisions made by members of the committee and by me as chairman, there was a breakdown of order and decorum. To reestablish order in the committee, I requested that staff place a call to the Sergeant at Arms. That decision, in my opinion, was proper and appropriate. A second decision to instruct staff to see if the Democrats that had occupied the library would go to room 1129, which is a room reserved for the Democrats for meetings and caucuses, and to enlist the support of the Capitol Police to do so if necessary, that decision, in the words of Norm Ornstein in a column today in Roll Call, was described as "just plain stupid." I agree with him.

Every Member has as much right to be here and to be heard as any other. In hindsight, calling the Sergeant at Arms for help in the committee room, I still believe, was good judgment. My instruction to use the Capitol Police, if necessary, in the library was not. I learned a very painful lesson on Friday. As Members, you deserve better judgment from me, and you will get it. Because of my poor judgment, those outside the House who want to trivialize, marginalize, and debase this institution were given an opportunity to do so. Because of my poor judgment, the stewardship of my party as the majority party in this House has been unfairly criticized.

□ 1415

Because of my poor judgment, I became the focus of examination rather than the issues. The visions that each of us have for a better America, different as though they may be but equally entitled to be heard, were not focused on.

It has been said that our strengths are our weaknesses. Or as my mother would have put it, "When they were passing out moderation, you were hiding behind the door." I believe my intensity has served useful purposes, fixing problems and passing laws that otherwise may not have made it. But when one is charged and entrusted with responsibilities by you, my colleagues, as I have been, you deserve better. Moderation is required.

For the remainder of my time in this, the people's House, I want to rededicate my efforts to strengthening this institution as the embodiment of what is best about us. I need your help and I invite it.

Mr. Speaker, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, I would like to respond in a positive way, and I make a parliamentary inquiry. Would this be the proper time to ask whether my privilege of the House motion could be heard?

The SPEAKER. The Chair will continue to take that timing under advisement.

(Mr. RANGEL asked and was given permission to speak out of order.)

RESPONSE TO QUESTION OF PERSONAL PRIVILEGE

Mr. RANGEL. Mr. Speaker and my colleagues, I first want to thank the chairman of my committee for what had to be a very difficult task for him in coming before this august body and expressing regret for poor judgment. All of us at some time or the other have had poor judgment, and it is always difficult for us, especially as politicians, to say publicly that we made a mistake.

The reason I asked to respond is because I know that each and every one of us love this body and recognize that we are privileged, if not blessed, to have the opportunity to represent the people of the United States of America. But whether or not it is a Thomas-Rangel dispute, a Republican-Democrat dispute, the only question that we have is that we leave this place in no worse shape than we inherited it. Each Congress tries to improve the quality of civility, the partnership, the working together, the mutual respect and saying, as my chairman said, that we all want a better America, indeed a better world.

But we have diversity in this country. It is our biggest strength, and to respect the American people, we have to respect each other. It is not a question of personality. We cannot afford to be personal about it. There has to be respect. Yes, the majority has the responsibility to lead and to get their legislation through, but the minority has the right to be respected, to be heard, and to know, in a timely fashion when that legislation is coming up, to know what is in the bill, to have time and to be able to use not the rules that we make up as we go along but the rules of civility that allowed this body to exist for over 200 years. These were not Republican rules. They were not Democratic rules. They were rules to say, notwithstanding your emotion, this will guide you for a better Congress and a better America.

I hope, Mr. Speaker, that out of this, because our parents have always told us that out of the worst day of the worst situation, if you commit to it, you can find some good to come out of it. So do not look at it as being a Thomas-Rangel, Committee on Ways and Means issue. Let us look at this as being a House of Representatives issue. Let us see whether every committee and every Member can say that in this House we have got to respect each other no matter how much we differ. We should try to believe that the best of us is to do the best job for our country.

Chairman THOMAS, I thank you for coming forward and giving us the opportunity to say can we not take this House to a higher level? Can we not go back home and make the people proud of us? And whether we win or lose in terms of legislation, whether we respect each other is what I think those that we leave this Congress to would respect us for. Thank you, Mr. Chairman.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER. Pursuant to House Resolution 326 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2799.

☐ 1422

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Michigan (Mr. LEVIN) had been disposed of by a point of order.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from California (Mr. OSE), the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER), amendment No. 1 offered by the gentleman from New York (Mr. HINCHEY) and the amendment offered by the gentleman from Illinois (Mr. RUSH).

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. OSE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. OSE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OSE:

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in violation of section 212(a)(10)(C) of the Immigration and Nationality Act.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 10, as follows:

[Roll No. 418]

AYES—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Berkley
Bishop (UT)
Davis (TN)
Ferguson
Ford
Gephardt
McGovern
Pearce
Smith (NJ)
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1441

Mr. FILNER changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. DAVIS of Tennessee. Mr. Chairman, on rollcall No. 418, I was unavoidably detained. Had I been present, I would have voted "aye."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOSTETTLER:

Insert in an appropriate place the following:

SEC.   . None of the funds appropriated in this Act may be used to enforce the judgment of the United States Court of Appeals for the Eleventh Circuit in Glassroth v. Moore, decided July 1, 2003 or Glassroth v. Moore, 229 F. Supp. 2d 1067 (M. D. Ala. 2002).

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 260, noes 161, not voting 13, as follows:

[Roll No. 419]

AYES—260

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (IN)
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Duncan
Dunn
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Owens
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOES—161

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Case
Castle
Clay
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Dreier
Edwards
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gerlach
Gonzalez
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Price (NC)
Pryce (OH)
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simpson
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu

NOT VOTING—13

Berkley
Bishop (UT)
Clyburn
Ferguson
Ford
Gephardt
Meek (FL)
Obey
Pearce
Pelosi
Radanovich
Sullivan
Tierney

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote.) Members are reminded there are 2 minutes remaining in this vote.

☐ 1449

Mr. OTTER and Mr. OXLEY changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. HINCHEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 1 Offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, Arizona, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 273, not voting 9, as follows:

[Roll No. 420]

AYES—152

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Beauprez
Becerra
Bereuter
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Case
Clay
Conyers
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Engel
Eshoo
Farr
Fattah
Filner
Flake
Frank (MA)
Garrett (NJ)
Gilchrest
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Porter
Price (NC)
Rahall
Rangel
Rodriguez
Rohrabacher
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simpson
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Tancredo
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—273

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bell
Berry
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Evans
Everett
Feeney
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Oxley
Pallone
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Berkley
Bishop (UT)
Ferguson
Ford
Gephardt
Miller, George
Neugebauer
Pearce
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 1456

Mr. THOMAS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. RUSH

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RUSH:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC.   . None of the funds made available in this Act may be used for the sentencing phase of any Federal prosecution in which the penalty of death is sought by the United States.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 85, noes 339, not voting 10, as follows:

[Roll No. 421]

AYES—85

Abercrombie
Allen
Baldwin
Bartlett (MD)
Berman
Brady (PA)
Brown (OH)
Capps
Capuano
Carson (IN)
Clay
Conyers
Cummings
Davis (IL)
DeGette
Delahunt
Doyle
Ehlers
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Jackson (IL)
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Lee
Levin
Lewis (GA)
Lowey
Majette
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meeks (NY)
Michaud
Miller, George
Mollohan
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Payne
Pelosi
Rahall
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Smith (NJ)
Solis
Stark
Tierney
Towns
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Woolsey

NOES—339

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine

Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
English
Etheridge
Evans
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
Matsui
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Berkley
Bishop (UT)
Calvert
Ferguson
Ford
Gephardt
Gingrey
King (IA)
Rogers (MI)
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1504

Mr. OBEY and Mr. ENGEL changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, the Clerk will read the last lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004".

Mr. REYES. Mr. Chairman, I rise in support of H.R. 2799, the bill providing appropriations for the Department of Commerce, Justice, State and the Judiciary.

As you know, Mr. Chairman, I represent a district that lies along the U.S.-Mexico border. For many years, the region along the 2,000 mile stretch of our southern border was ignored. The bill before us today, will make tremendous strides to recognize the need for increased resources along the southwest border.

This bill includes 168 additional positions for the United States Marshals Service for areas of high priority need and specifically recognizes that the southwest border is such an area.

My district of El Paso lies within the Western District of Texas. This judicial district has been one of the greatest increases of criminal caseloads over the last decade. The majority of these cases are being heard in the El Paso Division of the Western District. The number of federal criminal cases filed in El Paso County has increased from 443 to 2,192 cases since 1994. Last year, the El Paso Division received its second federal judge. Pending Senate confirmation this year, the El Paso Division will have a total of four federal judges.

Mr. Chairman, needless to say, our case backlog is being addressed and more of our cases will be heard. This increase of work for our judges, in turn, means more work for our Marshals Service. Currently, our Marshals are reporting inoperable work load levels in the southwest border districts. As you know, our Marshals are responsible for providing protection for the federal judiciary, transporting federal prisoners, protecting endangered federal witnesses and managing assets seized from criminal enterprises. This bill would provide much needed relief for our United States Marshals Service along the southwest border communities.

This bill also provides an increase of appropriations for the State Criminal Alien Assistance Program (SCAAP) from $250 million to $400 million. SCAAP is vital to communities all across the country. This program has been dodging the President's ax for the last couple of years. The President has proposed to eliminate this program in his last two budget proposals. Mr. Chairman there is at least one jurisdiction in every state and territory that receives SCAAP funding. Last year, SCAAP appropriations were cut by over 50 percent. Although not nearly enough to fully reimburse our states and localities, the increase for this program is a step in the right direction.

El Paso County relies on SCAAP funds to assist in detaining federal criminals. Without these funds, El Paso County would be forced to tap into other over-stretched resources. These resources are generated by local revenues and are being used to provide for this otherwise federal responsibility. I support this provision in the bill before us, and I will continue to work with my colleagues to see that SCAAP is adequately funded in the future.

I would like to thank my friends and colleagues, the Chairman, Mr. WOLF, and the Ranking Member, Mr. SERRANO, for their work on this bill. I urge my colleagues to support the passage of this bill.

Mr. BLUMENAUER. Mr. Chairman, while overall funding has increased from fiscal year 2003, I hope that we can address some key issues before this bill comes back from conference for approval. One program that was particularly hard hit this year is the Public Telecommunications Facilities Program (PTFP). The funding level this year is $32.5 million—less than half of last year's appropriation of $73.3 million. As the founding Chair of the Congressional Public Broadcasting Caucus, I have seen first hand how vital the PTFP program is to communities across the country. Every public television station in America has been issued a mandate to be on the air with a digital signal. The enormous costs of the conversion from analog transmission to digital transmission, estimated at $1.7 billion, are simply too much for the system to bear alone. If we are to ensure that our local communities continue to receive the rich educational, cultural and informational programs and services offered by local public television stations, we must provide them some financial assistance. Local stations are working with state and private funders, and a federal commitment of matching funds would greatly enhance their success. In fact, much of the state funding is contingent upon a federal match, and many state budget constraints limit public broadcasting funding to well below the need.

The language in the bill regarding the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF) licensing of firearms dealers is clearly destructive. This bill specifies that BATF could request transaction records from gun retailers only if the request was part of a criminal investigation to determine the disposition of a firearm that is the subject of the investigation, or to identify an individual offender who is the subject or target of the investigation. The measure prohibits the use of funds in the bill to implement or promulgate any rule requiring a physical inventory of any firearms business licensed under federal law, or to deny licenses to dealers because of low sales volume. This language was added in subcommittee with the adoption of an amendment backed by the National Rifle Association (NRA). The NRA has opposed any meaningful additions to gun safety legislation because they believe we aren't enforcing the laws that already exist. Now they are making it impossible to enforce these laws by cutting back on the scope of the funding, placing restrictions on what can be done, and taking the already weak and porous gun safety legislation and rendering it almost meaningless. Every individual has the right to freedom from the threat of gun violence. Yet, gun violence continues to be an epidemic of enormous proportions year after year. In 2000, there were 28,663 gun deaths in the United States, 10,801 of which were homicides. These numbers are drastically larger than those of any other developed nation. Clearly we are not doing enough to protect our citizens from gun violence.

This bill seriously weakens the reporting and licensing laws for gun dealers. Under current law it is already too easy for a convicted felon to purchase a weapon with the aid of a companion. Registration and licensing requirements are strong tools to keep our cities safe. In Massachusetts, a state which requires both registration and licensing, 69 percent of guns used to commit crimes were purchased out of state. In states which have neither licensing nor registration requirements, 89 percent of guns used in crimes are purchased in-state. Gun registration and licensing is a patchwork, state by state system of gun-control which allows criminals access to legitimately purchased guns. This bill will weaken already insufficient gun safety laws, putting the citizens of our nation in harm's way.

While I am concerned with the funding level of the PTFP and the language included regarding BATF licensing of firearms dealers, I vote in support of this bill to move the appropriations process forward. I call on the conference committee to work to address these shortfalls before reporting the bill back for final approval.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in opposition to the violation imposed on women prisoners' right to reproductive choice. Abortion has been legal in this country for more than thirty years. Roe v. Wade did not lay out specifics that only white women or black women could get an abortion, that only the rich or the poor could have this health care service or that it is to be taken away if a woman is imprisoned.

In 1993, Congress lifted the six year funding restriction that had prohibited the use of federal funds to provide abortion services to women in federal prison. After the restrictions were lifted, the Bureau of Prisons required medical, religious or social counseling sessions for women seeking these services. The Bureau even took the steps to respect others views by not requiring the participation of any staff personnel that personally did not agree with reproductive choice. Yet in 1995, the funding restriction was put back in place and once again, women prisoners were denied their reproductive choice.

All the cards are stacked against women in prison. In the last decade, the number of women in federal prison has increased by 182 percent, compared to 152 percent for men, making women 7.5 percent of the prison population. The rates of infection for HIV and AIDS in women exceed the rate of infection for men in prison with the number of infected women increasing by more than 88 percent since 1991. Amnesty International USA released a report in 1999 revealing that gynecological services, in general, for women in prisons were inadequate and of poor quality. Many women prisoners are victims of physical or sexual abuse and vulnerable to sexual abuse or misconduct by correctional officers.

Now imagine a women in prison being in those conditions, with those circumstances being isolated from family and friends, not earning meaningful compensation from prison jobs, and being pregnant knowing she will receive poor prenatal care, the loss of custody upon the birth, and without the ability to make a decision on her reproductive rights. These women are completely dependent on the health care services provided by the Bureau of Prisons. This ban prevents them from seeking needed reproductive health care and prohibits them from having a reproductive choice.

Mr. VAN HOLLEN. Mr. Chairman, it is with great reluctance that I oppose this bill. However, I cannot support a bill that makes such deep cuts in investments important to our nation.

Mr. Chairman, among the many egregious cuts in this bill, this Commerce-Justice-State Appropriations bill for 2004 decreases funding for two critical agencies—the National Oceanic and Atmospheric Administration, NOAA, and the National Institute of Standards and Technology, NIST.

The bill appropriates 6 percent less, or $181 million, than the current fiscal year for NOAA programs, and is even 8 percent less than the President's request for 2004.

The bill also funds several distinct programs within NOAA, which will also suffer serious cuts. The National Weather Service, while receiving a small 3 percent increase over the current fiscal year, will actually receive $24 million below the President's request. The National Ocean Service will receive 16 percent less than the current fiscal year. The National Marine Fisheries Service will suffer a 19 percent cut. Funding for programs in Oceanic & Atmospheric Research will decrease by 18 percent. Finally, funding for the National Environmental Satellite Service will decrease by $3 million.

Mr. Chairman, these are programs that serve the public good in a variety of important ways. They help advance America's commerce, promote environmental protection, preserve our fisheries and other natural resources, and protect lives by monitoring the weather. We are doing a great disservice to the American people by slashing these programs.

Cuts to the National Institute of Standards & Technology, NIST, are just as troubling. This appropriations bill provides a staggering 35 percent less than the current fiscal year. This is a terrible blow to scientific research—the key to our future if we are to compete in the global marketplace.

For example, this bill provides no funds for the Advanced Technology Program started by the Clinton administration to assist the development and utilization of new technologies by the private sector. This could result in a reduction-in-force of as many as 250 NIST personnel from a program that works well.

In fact, the net impact of this bill could be a reduction-in-force of up to 300 people, roughly 10 percent of the NIST staff. Cost-of-living adjustments are not fully funded in this bill, forcing other programs within NIST to absorb $6.8 million in costs. This could well result in the loss of 50 NIST personnel through attrition or reductions-in-force.

For my constituents, these are devastating cuts. But these cuts are just as significant to the American people outside my area because these cuts in scientific research will curtail NIST's ability to address America's national priorities.

This bill does not fully fund the majority of NIST's proposed initiatives. In some cases, funding is completely wiped out. Delays or under-investment in measurement science now will have significant future impact—delaying the commercialization of emerging technologies. The House Committee's allowance for NIST's efforts related to development of the standards, technology, and practices needed for the cost-effective safety and security of buildings and technical support of fire fighting communities, including emergency response, is less than half of what is required. As a result, the standards and measurements support for upgrading the capabilities of the Nation's fire fighters and the emergency response communities will be significantly delayed. In addition, the shortfall in nanotechnology funding will delay NIST's critical contributions to the National Nanotechnology Initiative.

This bill also does not provide the full funding requested to equip and maintain the new Advanced Measurement Laboratory (AML). Lack of funding for the proper maintenance and operation of the building and the equipment necessary to realize the capabilities of the AML will severely hamper NIST's ability to provide industry and science with the ever more accurate and demanding measurements and standards needed to support advances in nanotechnology, biotechnology, information technology, advanced materials, new manufacturing technology, and other key growth areas. To construct this world-class facility, and then to short-change its maintenance, operation, and equipment needs is inconsistent with the $235 million investment made in the construction of the AML.

Mr. Chairman, some of these programs may seem mundane to many of us in this chamber. But these are crucial scientific programs that will have long-range benefits for all Americans.

Mr. Chairman, we need to ask: Are we really helping the American people by slashing these programs? The answer, clearly, is no. These cuts are the price we must pay for an ill-conceived budget and tax policy.

Mr. Chairman, I hope to be able to support this bill when it emerges from Conference. I am grateful to the Ranking Member of the Subcommittee, Mr. SERRANO, for agreeing to work with me to address the concerns I have expressed.

Mr. UDALL of Colorado. Mr. Chairman, the serious effects this bill will have on my district and on the nation are explained in news stories from several Colorado newspapers, which I am including for the interest of my colleagues.

[From the Rocky Mountain News, July 23, 2003]

Colorado Science Jobs on the Line

(By M.E. Sprengelmeyer)

WASHINGTON.—Congress is considering deep cuts in federal research funds that would cause an estimated 190 Colorado scientists to lose their jobs.

About $14 million in cuts to the National Oceanic and Atmospheric Administration projects in Colorado, and additional cuts to the National Institute of Standards and Technology, were contained in an appropriations bill being considered by the House of Representatives late Tuesday.

If approved, as expected, they still must be considered by the U.S. Senate.

"Obviously, it has me gravely concerned," said Susan Avery, director of the University of Colorado Cooperative Institute for Research in the Environmental Sciences. "These are cuts that could be very detrimental to our research programs."

The cuts are contained in a $38.6 billion appropriations package for the Commerce, Justice and State departments and the federal judiciary.

The bill would cut $3 million from the Space Environment Center in Boulder and $6.7 million from climate and global change programs. Meanwhile, the bill would eliminate a $4.5 million line item meant to cover rent on NOAA facilities in Boulder, meaning those expenses would have to come out of other programs, such as research funds.

NIST would lose about 300 jobs nationwide, including about 60 in Boulder, said Representative Mark Udall, a Boulder Democrat, who tried unsuccessfully to reserve the cuts on the House floor.

"It is one thing to make government leaner. It is another thing to cut jobs year in and year out at facilities all over the country," Udall said in a release.

Avery said the cuts would affect research at both the University of Colorado and Colorado State University, including climate modeling programs and research into weather phenomenon such as El Niño and La Niña.

"Unless the bill is greatly improved in a House-Senate conference committee, it will continue a pattern of bleeding these agencies dry," Udall said.

If approved by the House, the bill would move to the Senate, where state researchers hope the cuts will be reversed by Sen. Ben Nighthorse Campbell, an Ignacio Republican and a member of the Appropriations Committee.

"Senator Campbell has a lot in his hands right now because he could do it," Avery said. "He could make it happen. A lot rides on him."

Camden Hubbard, a spokeswoman for Campbell, said his office is researching the issue.

"He needs to look into it and see exactly what is being cut and make a decision accordingly," Hubbard said. "I have to tell you, money is really tight this year . . . he will see what he can do."

[From the Boulder Daily Camera, July 23, 2003]

Science Community Faces Cuts

(By Kate Larsen)

The U.S. House of Representatives approved federal budget cuts Tuesday that could cost Boulder's science community $14 million and nearly 200 jobs, U.S. Rep. Mark Udall's staff said.

The 2004 House Commerce, Justice and State spending bill includes large cuts—for the second consecutive year—to Boulder's National Oceanic and Atmospheric Administration and many labs connected to it. The bill reflects a radical difference in the suggested appropriation from President Bush.

If the Senate passes a similar bill, and the cuts clear a joint conference committee and are approved by the president, local research on climate, air quality and space environmental hazards would be affected.

"It is one thing to make government leaner; it is another thing to cut jobs year in and year out at facilities all over the country," Udall, D-Colo., said in a statement.

Camden Hubbard, spokeswoman U.S. Sen. Ben Nighthorse Campbell, R-Colo., warned that is still early in the process. The Senate has yet to take on this issue.

"Money is very tight and (Sen. Campbell's) going to be looking into this situation to see if these cuts are a good idea or a bad idea," Hubbard said.

The proposed cuts would come on top of $7 million in cuts NOAA and other labs endured this year.

"Very important weather and climate research would have to be terminated," said Alexander MacDonald, director of NOAA's forecast systems laboratory.

NOAA's Space Environment Center is facing about $3 million in cuts for 2004. The lab provides forecasts of solar storms for NASA, commercial aviation, the military and power companies.

Severe weather forecasts, long-term and seasonal climate changes also would suffer, MacDonald said. Similar to this year's cuts, this round also withholds a $4.5 million appropriation for rent at NOAA.

The Cooperative Institute for Research in Environmental Sciences—a partnership between the University of Colorado and NOAA—and other labs affiliated with NOAA stand to lose an estimated $6.7 million, said agency Interim Director Koni Steffen.

"It's not something where you can just do less science—you have to lay off people," Steffen said. "Our reputation certainly is at stake here."

Feds To Cut Research Dollars

(By Sarah-Jane Wilton)

Officials at the University of Colorado Boulder campus Tuesday called for action from the U.S. Senate to prevent massive cuts in federal funding for research labs across the state, many of which have strong ties with the university.

The U.S. Congress was scheduled to vote on the Commerce, Justice and State appropriations bill for the 2004 fiscal year Tuesday evening, which could see $14 million cut from the National Oceanic and Atmospheric Administration (NOAA) labs and from the National Institutes of Standards and Technology (NIST).

NOAA provides $6.7 million in crucial funding for the Colorado Cooperative Institute for Research in the Environmental Sciences (CIRES), the University Corporation for Atmospheric Research (UCAR), and the National Center for Atmospheric Research (NCAR).

CU could be one of 40 leading research universities with research projects funded by NOAA facing cuts.

According to Lawrence Pacheco, spokesman for Congressman Mark Udall, explained that $4.5 million of NOAA's funding is used covering the organization's rent.

Pacheco said, "130 people will lose their jobs . . . from NOAA alone. Not only can they (cut the funding), they are doing it."

Pacheco said that Udall has been working with the research community to try to restore the funding.

Associate Vice Chancellor for Research at the Boulder campus, Carol Lynch, said that CU-Boulder would be impacted more directly by the cuts to NOAA than those to NIST, both of which have intimate relations with two of CU-Boulder institutes, CIRES and JILA.

"If NOAA is cut, it would maybe not destroy CIRES, but come close to it," said Lynch. "We would really have to restructure that institute into something significantly smaller."

Both CIRES and JILA are cooperative entities within the university, receiving block funding from NOAA as well as a share of lab resources and personnel.

"The cuts that (Congress) are proposing are just absolutely drastic," said Lynch.

Among other projects, NOAA conducts research in climate diagnostics that provide crucial understanding of global warming, weather and climate patterns and the impact of atmospheric conditions.

"This is not just fun and games sciences—this is really important areas of research," said Lynch.

Although Lynch was not sure of the exact amount of funding CIRES received, she thought it was well over half the institute's budget.

"If these cuts go through we will have a very different institute with far less ability to manage the science that they have been mandated to manage," said Lynch.

Lynch has not seen a detailed analysis on where cuts would come and which programs would be targeted. But she said much of the staff support was funded by grant-support from NOAA.

Cuts would also hinder the ability of CIRES to undertake new initiatives, such as the recent study on "Water in the West."

Lynch said serious budget cuts could impact the intellectual environment of the campus.

"I would worry about losing faculty," said Lynch. "We have some very high-quality faculty (working at CIRES)."

Undergraduate, graduate and post-doctoral students have always had great support in their research at CIRES, and this would also be in jeopardy, she said.

Chair of the Council of Boulder Laboratories Directors, Randall Dole, who is also Director of the Climate Diagnostics Center said that until the cuts were finalized it would be hard to say exactly how much staff would be laid off.

"This is not just a NOAA problem—frankly this is a Colorado problem," said Dole. "Because it seats back in the whole community, you could see the potential for manifold effects which go beyond the loss of 50-100 jobs."

Dole said there was no question of the impact the cuts would have on the volume and the rate of progress of research being conducted by the various organizations, much of which focuses greatly on the state's drought, ozone and climate issues.

Pacheco said he was certain Congress would approve the bill, the U.S. could amend it.

Mr. MATHESON. Mr. Chairman, over the last few months, I have met with local law enforcement in Utah and the message is loud and clear, COPS and Byrne grants are efficient and effective programs. As a result of these meetings, I fought hard to preserve some of the most basic and fundamental law enforcement funding mechanisms offered by the federal government.

The number one program that Utah law enforcement officers bring to my attention is the importance of the Byrne Grant program. This partnership among federal, state, and local governments creates safer communities by providing funds for personnel, equipment, training, technical assistance, and information systems for more widespread apprehension, prosecution, adjudication, detention, and rehabilitation of offenders who violate such state and local laws.

Another successful program is Community Oriented Policing Services, COPS. Since its inception in 1994, the COPS program has been one of the most successful law enforcement grant programs in American history. A central goal of the COPS Office is to help law enforcement agencies implement and enhance community-based policing, and this program in particular has been successful in Utah.

While I am pleased to see that the House Appropriations Committee provided $683 million for the Community Oriented Policing Services, COPS program, it deserves more funding. I am happy that the House Appropriations Committee funded the Byrne Formula Grants at $500 million. This grant program is vital to local law enforcement in Utah. It is my hope that Congress and the Administration can recognize the value of these programs and that in the future we can work toward full funding.

Mr. WOLF. Mr. Chairman, the following table details budget authority of the Commerce, Justice, State, the Judiciary, and Related Agencies:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	90,477	133,772	106,664	+16,187	-27,108
Supplemental appropriations (P.L. 108-11)	5,000	---	---	-5,000	---
Joint automated booking system	15,869	---	---	-15,869	---
Automated Biometric Identification System-Integrated Identification system integration	8,941	---	---	-8,941	---
Identification systems integration	---	34,077	20,677	+20,677	-13,400
Legal activities office automation	15,838	---	30,136	+14,298	+30,136
Narrowband communications	63,936	140,083	103,171	+39,235	-36,912
Transfer from Treasury	7,391	---	---	-7,391	---
Counterterrorism fund	993	---	1,000	+7	+1,000
Supplemental appropriations (P.L. 108-11)	20,000	---	---	-20,000	---
Administrative review and appeals	190,290	197,420	193,530	+3,240	-3,890
Detention trustee	768,578	810,125	810,125	+41,547	---
Supplemental appropriations (P.L. 108-11)	40,000	---	---	-40,000	---
Office of Inspector General	51,599	62,029	56,245	+4,646	-5,784
Supplemental appropriations (P.L. 108-11)	2,500	---	---	-2,500	---
Total, General administration	1,281,412	1,377,506	1,321,548	+40,136	-55,958
United States Parole Commission					
Salaries and expenses	10,420	11,051	10,609	+189	-442
Legal Activities					
General legal activities:					
Direct appropriation	605,368	663,350	618,537	+13,169	-44,813
Radiation exposure compensation act	1,983	---	---	-1,983	---
Non-defense	---	1,996	1,996	+1,996	---
Subtotal	607,351	665,346	620,533	+13,182	-44,813
Vaccine injury compensation trust fund (permanent)	4,002	4,028	4,028	+26	---
Legal activities office automation	---	33,240	---	---	-33,240
Antitrust Division	133,133	141,898	128,133	-5,000	-13,765
Offsetting fee collections - current year	-133,133	-112,000	-112,000	+21,133	---
Direct appropriation	---	29,898	16,133	+16,133	-13,765
United States Attorneys	1,493,993	1,556,784	1,526,253	+32,260	-30,531
United States Trustee System Fund	155,736	175,172	166,157	+10,421	-9,015
Offsetting fee collections	-149,736	-167,172	-158,157	-8,421	+9,015
Interest on U.S. securities	-6,000	-8,000	-8,000	-2,000	---
Direct appropriation	---	---	---	---	---
Foreign Claims Settlement Commission	1,129	1,212	1,205	+76	-7
United States Marshals Service:					
Salaries and expenses (non-CSE)	676,051	720,806	678,672	+2,621	-42,134
Supplemental appropriations (P.L. 108-11)	8,000	---	---	-8,000	---
Construction	15,028	---	---	-15,028	---
Total, United States Marshals Service	699,079	720,806	678,672	-20,407	-42,134
Fees and expenses of witnesses	175,645	156,145	156,145	-19,500	---
Community Relations Service	9,412	9,526	9,526	+114	---
Assets forfeiture fund	21,759	22,949	21,759	---	-1,190
Total, Legal activities	3,012,370	3,199,934	3,034,254	+21,884	-165,680
Interagency Law Enforcement					
Interagency crime and drug enforcement	369,712	541,844	---	-369,712	-541,844

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Bureau of Investigation					
Salaries and expenses	3,680,923	4,149,465	4,086,626	+405,703	-62,839
Supplemental appropriations (P.L. 108-11)	367,192	---	---	-367,192	---
Counterintelligence and national security	472,211	490,104	490,104	+17,893	---
Direct appropriation	4,520,326	4,639,569	4,576,730	+56,404	-62,839
Foreign terrorist tracking task force	61,597	---	61,597	---	+61,597
Construction	1,242	---	1,242	---	+1,242
Total, Federal Bureau of Investigation	4,583,165	4,639,569	4,639,569	+56,404	---
Drug Enforcement Administration					
Salaries and expenses	1,639,223	1,677,304	1,719,888	+80,665	+42,584
Diversion control fund	-88,450	-118,561	-118,561	-30,111	---
Subtotal	1,550,773	1,558,743	1,601,327	+50,554	+42,584
Interagency drug enforcement	---	---	556,465	+556,465	+556,465
Total, Drug Enforcement Administration	1,550,773	1,558,743	2,157,792	+607,019	+599,049
Bureau of Alcohol, Tobacco and Firearms	788,273	838,987	831,199	+42,926	-7,788
GREAT grants	12,915	13,000	---	-12,915	-13,000
Total	801,188	851,987	831,199	+30,011	-20,788
Federal Prison System					
Salaries and expenses	4,044,788	4,677,214	4,461,257	+416,469	-215,957
Buildings and facilities	396,632	---	202,840	-193,792	+202,840
Rescission	---	-187,900	---	---	+187,900
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,407	3,429	3,429	+22	---
Total, Federal Prison System	4,444,827	4,492,743	4,667,526	+222,699	+174,783
Office of Justice Programs					
Justice assistance	199,983	2,136,423	209,131	+9,148	-1,927,292
(By transfer)	(6,632)	---	(6,632)	---	(+6,632)
Rescission	---	-11,622	---	---	+11,622
Total, Office of Justice Programs	199,983	2,124,801	209,131	+9,148	-1,915,670
State and local law enforcement assistance:					
Local law enforcement block grant	397,400	---	400,000	+2,600	+400,000
Boys and Girls clubs (earmark)	(79,480)	---	(80,000)	(+520)	(+80,000)
National Institute of Justice (earmark)	(19,870)	---	(20,000)	(+130)	(+20,000)
USA FREEDOM corps (earmark)	(2,981)	---	(5,000)	(+2,019)	(+5,000)
Indian assistance	17,883	---	13,000	-4,883	+13,000
Tribal prison construction	(4,968)	---	---	(-4,968)	---
Indian tribal courts program	(7,948)	---	(8,000)	(+52)	(+8,000)
Indian grants	(4,968)	---	(5,000)	(+32)	(+5,000)
State criminal alien assistance program	248,375	---	400,000	+151,625	+400,000
Cooperative agreement program	4,968	---	2,500	-2,468	+2,500
Byrne grants (formula)	496,750	---	500,000	+3,250	+500,000
Byrne grants (discretionary)	149,933	---	115,000	-34,933	+115,000
Juvenile crime block grant	188,765	---	---	-188,765	---
Drug courts	44,708	---	55,000	+10,292	+55,000
State prison drug treatment	64,577	---	70,000	+5,423	+70,000
Other crime control programs	5,653	---	5,361	-292	+5,361
Assistance for victims of trafficking	9,935	---	10,000	+65	+10,000
Violence against women prevention and prosecution	387,629	---	---	-387,629	---
Prescription drug monitoring	7,451	---	10,000	+2,549	+10,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Prison rape prevention	12,915	---	60,000	+47,085	+60,000
Terrorism prevention and response training	14,902	---	---	-14,902	---
Prior year unobligated balances	-20,854	---	---	+20,854	---
Total, State and local law enforcement	2,030,990	---	1,640,861	-390,129	+1,640,861
Weed and seed program fund	58,542	---	51,811	-6,731	+51,811
Community oriented policing services:					
Hiring	198,700	---	---	-198,700	---
Training and technical assistance	20,528	20,662	20,662	+134	---
Bullet proof vests	25,279	---	25,000	-279	+25,000
Tribal law enforcement	34,773	30,000	30,000	-4,773	---
Meth hot spots	56,761	20,000	60,000	+3,239	+40,000
Police corps	14,903	---	28,315	+13,412	+28,315
COPS technology	188,719	50,000	100,000	-88,719	+50,000
Interoperable communications	19,870	---	---	-19,870	---
Supplemental appropriations (P.L. 108-11)	54,750	---	---	-54,750	---
Criminal records upgrade	39,740	---	56,924	+17,184	+56,924
DNA backlog/crime lab	81,009	---	174,353	+93,344	+174,353
Paul Coverdell forensics science	---	---	5,000	+5,000	+5,000
Crime identification technology	68,626	---	---	-68,626	---
Gun violence reduction	44,708	---	45,000	+292	+45,000
Southwest border prosecutors	39,740	---	40,000	+260	+40,000
Project sentry	9,935	---	---	-9,935	---
Offender reentry	14,837	---	13,504	-1,333	+13,504
Safe schools initiative	15,111	---	---	-15,111	---
Police integrity grants	16,853	16,963	17,000	+147	+37
DC Circuit Court and fugitive apprehension	---	---	41,105	+41,105	+41,105
Management and administration	32,782	26,130	26,130	-6,652	---
Rescission	---	-6,378	---	---	+6,378
Total, Community oriented policing services	977,624	157,377	682,993	-294,631	+525,616
Violence against women prevention and prosecution	---	---	387,629	+387,629	+387,629
Juvenile justice programs	273,517	---	462,282	+188,765	+462,282
(Transfer out)	(-6,632)	---	(-6,632)	---	(-6,632)
Public safety officers benefits:					
Death benefits	49,054	49,054	49,054	---	---
Disability and education benefits	3,974	---	7,500	+3,526	+7,500
Total, Public safety officers benefits program	53,028	49,054	56,554	+3,526	+7,500
Total, Office of Justice Programs	3,593,684	2,331,232	3,491,261	-102,423	+1,160,029
Total, title I, Department of Justice	19,647,551	19,004,609	20,153,758	+506,207	+1,149,149
(Transfer out)	(-6,632)	---	(-6,632)	---	(-6,632)
(By transfer)	(6,632)	---	(6,632)	---	(+6,632)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
RELATED AGENCIES					
Office of the United States Trade Representative					
Salaries and expenses	34,772	36,994	41,994	+7,222	+5,000
European communities music licensing dispute (P.L. 108-11)	3,300	---	---	-3,300	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
International Trade Commission					
Salaries and expenses	53,649	58,295	57,000	+3,351	-1,295
Total, Related agencies	91,721	95,289	98,994	+7,273	+3,705
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	367,838	395,123	395,123	+27,285	---
Offsetting fee collections	-8,000	-13,000	-13,000	-5,000	---
Direct appropriation	359,838	382,123	382,123	+22,285	---
Bureau of Industry and Security					
Operations and administration	59,088	78,169	61,000	+1,912	-17,169
CWC enforcement	7,203	---	7,203	---	+7,203
Total, Bureau of Industry and Security	66,291	78,169	68,203	+1,912	-9,966
Economic Development Administration					
Economic development assistance programs	288,115	331,027	288,115	---	-42,912
Salaries and expenses	30,565	33,377	30,565	---	-2,812
Total, Economic Development Administration	318,680	364,404	318,680	---	-45,724
Minority Business Development Agency					
Minority business development	28,718	29,487	29,000	+282	-487
Total, Trade and Infrastructure Development	865,248	949,472	897,000	+31,752	-52,472
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	71,689	84,756	75,000	+3,311	-9,756
Bureau of the Census					
Salaries and expenses	181,811	220,908	220,908	+39,097	---
Periodic censuses and programs	369,067	441,053	441,053	+71,986	---
Total, Bureau of the Census	550,878	661,961	661,961	+111,083	---
National Telecommunications and Information Administration					
Salaries and expenses	14,604	18,869	14,604	---	-4,265
Public telecommunications facilities, planning and construction	43,273	2,538	2,538	-40,735	---
Information infrastructure grants	15,402	---	15,402	---	+15,402
Total, National Telecommunications and Information Administration	73,279	21,407	32,544	-40,735	+11,137
United States Patent and Trademark Office					
Current year fee funding	1,015,229	1,203,055	1,138,700	+123,471	-64,355
Prior year carryover	166,771	---	100,000	-66,771	+100,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
New fees (proposed legislation)	---	192,000	---	---	-192,000
Total, Patent and Trademark Office	1,182,000	1,395,055	1,238,700	+56,700	-156,355
Offsetting fee collections	-1,015,229	-1,203,055	-1,238,700	-223,471	-35,645
Total, Economic and Information Infrastructure	862,617	960,124	769,505	-93,112	-190,619
SCIENCE AND TECHNOLOGY					
Technology Administration					
Office of Technology Policy					
Salaries and expenses	9,822	8,015	7,822	-2,000	-193
National Institute of Standards and Technology					
Scientific and technical research and services	357,075	379,849	357,862	+787	-21,987
Industrial technology services	284,760	39,607	39,607	-245,153	---
Construction of research facilities	65,670	69,590	62,590	-3,080	-7,000
Working capital fund	---	7,772	---	---	-7,772
Total, National Institute of Standards and Technology	707,505	496,818	460,059	-247,446	-36,759
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	2,298,481	2,389,300	2,180,454	-118,027	-208,846
(By transfer from Promote and Develop Fund)	(65,000)	(75,000)	(79,251)	(+14,251)	(+4,251)
(By transfer from Coastal zone management)	---	3,000	---	---	-3,000
Total, Operations, research, and facilities	2,298,481	2,392,300	2,180,454	-118,027	-211,846
Procurement, acquisition and construction	754,096	842,399	794,059	+39,963	-48,340
Supplemental appropriations (P.L. 108-11)	65,000	---	---	-65,000	---
Total, Procurement, acquisition and construction	819,096	842,399	794,059	-25,037	-48,340
Pacific coastal salmon recovery	129,155	90,000	90,000	-39,155	---
Coastal zone management fund	-3,000	-3,000	-3,000	---	---
Fishermen's contingency fund	1	956	---	-1	-956
Foreign fishing observer fund	1	191	---	-1	-191
Fisheries finance program account	-8,000	-4,000	-7,000	+1,000	-3,000
Total, National Oceanic and Atmospheric Administration	3,235,734	3,318,846	3,054,513	-181,221	-264,333
Total, Science and Technology	3,953,061	3,823,679	3,522,394	-430,667	-301,285
Departmental Management					
Salaries and expenses	44,662	57,191	44,662	---	-12,529
		3,378	22,000	+1,499	-1,378
Total, Departmental management	65,163	80,569	66,662	+1,499	-13,907
Tourism promotion (sec. 210)	49,675	---	---	-49,675	---
Total, Department of Commerce	5,704,043	5,718,555	5,156,567	-547,476	-561,988
Total, title II, Department of Commerce and related agencies	5,795,764	5,813,844	5,255,561	-540,203	-558,283
Appropriations	(5,795,764)	(5,813,844)	(5,255,561)	(-540,203)	(-558,283)
(By transfer)	(65,000)	(75,000)	(79,251)	(+14,251)	(+4,251)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,872	1,896	1,896	+24	---
Other salaries and expenses	43,586	55,581	53,464	+9,878	-2,117
Supplemental appropriations (P.L. 108-11)	1,535	---	---	-1,535	---
Total, Salaries and expenses	46,993	57,477	55,360	+8,367	-2,117
Care of the building and grounds	41,355	4,658	10,591	-30,764	+5,933
Total, Supreme Court of the United States	88,348	62,135	65,951	-22,397	+3,816
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	2,225	2,237	2,237	+12	---
Other salaries and expenses	17,970	20,185	18,428	+458	-1,757
Supplemental appropriations (P.L. 108-11)	973	---	---	-973	---
Total, Salaries and expenses	21,168	22,422	20,665	-503	-1,757
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,678	1,721	1,721	+43	---
Other salaries and expenses	11,931	12,485	12,347	+416	-138
Supplemental appropriations (P.L. 108-11)	50	---	---	-50	---
Total, Salaries and expenses	13,659	14,206	14,068	+409	-138
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	263,854	274,504	274,504	+10,650	---
Other salaries and expenses	3,513,161	3,913,848	3,729,672	+216,511	-184,176
Direct appropriation	3,777,015	4,188,352	4,004,176	+227,161	-184,176
Vaccine Injury Compensation Trust Fund	2,766	3,293	3,293	+527	---
Defender services	534,961	635,481	613,948	+78,987	-21,533
Fees of jurors and commissioners	54,281	53,181	53,181	-1,100	---
Court security	266,655	311,171	288,941	+22,286	-22,230
Total, Courts of Appeals, District Courts, and Other Judicial Services	4,635,678	5,191,478	4,963,539	+327,861	-227,939
Administrative Office of the United States Courts					
Salaries and expenses	63,087	71,908	66,968	+3,881	-4,940
Federal Judicial Center					
Salaries and expenses	20,720	21,660	21,440	+720	-220
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	35,300	29,000	29,000	-6,300	---
United States Sentencing Commission					
Salaries and expenses	12,011	13,200	12,746	+735	-454

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
General Provisions					
Judges pay raise (sec. 304)	---	4,000	---	---	-4,000
Total, title III, the Judiciary	4,889,971	5,430,009	5,194,377	+304,406	-235,632
TITLE IV - DEPARTMENT OF STATE AND RELATED AGENCY					
Administration of Foreign Affairs					
Diplomatic and consular programs	3,248,008	3,516,843	3,453,260	+205,252	-63,583
(Transfer out)	(-4,000)	(-4,000)	(-4,000)	---	---
Supplemental appropriations (P.L. 108-11)	98,420	---	---	-98,420	---
Worldwide security upgrades	549,405	646,701	646,701	+97,296	---
Total, Diplomatic and consular programs	3,895,833	4,163,544	4,099,961	+204,128	-63,583
Capital investment fund	182,119	157,000	142,000	-40,119	-15,000
Office of Inspector General	29,074	31,703	29,777	+703	-1,926
Educational and cultural exchange programs	243,712	345,346	345,346	+101,634	---
Representation allowances	6,443	9,000	9,000	+2,557	---
Protection of foreign missions and officials	10,929	10,000	10,000	-929	---
Embassy security, construction, and maintenance	505,195	653,000	532,935	+27,740	-120,065
Supplemental appropriations (P.L. 108-11)	149,500	---	---	-149,500	---
Worldwide security upgrades	750,093	861,400	861,400	+111,307	---
Emergencies in the diplomatic and consular service	6,458	1,000	1,000	-5,458	---
Supplemental appropriations (P.L. 108-11)	50,000	---	---	-50,000	---
(By transfer)	(4,000)	(4,000)	(4,000)	---	---
(Transfer out)	(-1,000)	(-1,000)	(-1,000)	---	---
Repatriation Loans Program Account:					
Direct loans subsidy	608	612	612	+4	---
Administrative expenses	603	607	607	+4	---
(By transfer)	(1,000)	(1,000)	(1,000)	---	---
Total, Repatriation loans program account	1,211	1,219	1,219	+8	---
Payment to the American Institute in Taiwan	18,330	19,773	18,782	+452	-991
Payment to the Foreign Service Retirement and Disability Fund	138,200	134,979	134,979	-3,221	---
Total, Administration of Foreign Affairs	5,987,097	6,387,964	6,186,399	+199,302	-201,565
International Organizations					
Contributions to international organizations, current year assessment	860,371	1,010,463	1,010,463	+150,092	---
Contributions for international peacekeeping activities, current year	669,331	550,200	550,200	-119,131	---
Total, International Organizations and Conferences	1,529,702	1,560,663	1,560,663	+30,961	---
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	25,316	31,562	25,668	+352	-5,894
Construction	5,415	8,901	5,500	+85	-3,401
American sections, international commissions	9,410	11,204	8,944	-466	-2,260
International fisheries commissions	16,989	20,043	16,989	---	-3,054
Total, International commissions	57,130	71,710	57,101	-29	-14,609
Other					
Payment to the Asia Foundation	10,376	9,250	10,376	---	+1,126
Eisenhower Exchange Fellowship program	497	500	500	+3	---
Israeli Arab scholarship program	373	375	375	+2	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
East-West Center	17,883	14,280	---	-17,883	-14,280
National Endowment for Democracy	41,727	36,000	42,000	+273	+6,000
Total, Department of State	7,644,785	8,080,742	7,857,414	+212,629	-223,328
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations	465,850	525,204	552,105	+86,255	+26,901
Supplemental appropriations (P.L. 108-11)	30,500	---	---	-30,500	---
Broadcasting to Cuba	24,834	26,901	---	-24,834	-26,901
Broadcasting capital improvements	12,657	11,395	11,395	-1,262	---
Total, Broadcasting Board of Governors	533,841	563,500	563,500	+29,659	---
Total, title IV, Department of State	8,178,626	8,644,242	8,420,914	+242,288	-223,328
(Transfer out)	(-5,000)	(-5,000)	(-5,000)	---	---
(By transfer)	(5,000)	(5,000)	(5,000)	---	---
TITLE V - RELATED AGENCIES					
Antitrust Modernization Commission					
Salaries and expenses	---	---	1,499	+1,499	+1,499
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	496	499	499	+3	---
Commission on Civil Rights					
Salaries and expenses	9,037	9,096	9,096	+59	---
Commission on International Religious Freedom					
Salaries and expenses	2,865	3,000	3,000	+135	---
Commission on Ocean Policy					
Salaries and expenses	1,987	---	---	-1,987	---
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,572	1,615	1,615	+43	---
Congressional-Executive Commission on the People's Republic of China					
Salaries and expenses	1,371	1,800	1,800	+429	---
Equal Employment Opportunity Commission					
Salaries and expenses	306,815	334,754	328,400	+21,585	-6,354
Supplemental appropriations (P.L. 108-11)	15,000	---	---	-15,000	---
Federal Communications Commission					
Salaries and expenses	270,987	280,798	278,958	+7,971	-1,840
Offsetting fee collections - current year	-269,000	-251,984	-269,000	---	-17,016
Direct appropriation	1,987	28,814	9,958	+7,971	-18,856

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Trade Commission					
Salaries and expenses	176,553	191,132	183,041	+6,488	-8,091
Offsetting fee collections - current year	-150,000	-112,000	-112,000	+38,000	---
Offsetting fee collections, telephone database	-18,100	-18,000	-20,100	-2,000	-2,100
Direct appropriation	8,453	61,132	50,941	+42,488	-10,191
Legal Services Corporation					
Payment to the Legal Services Corporation	336,645	329,300	338,848	+2,203	+9,548
Marine Mammal Commission					
Salaries and expenses	3,030	1,856	1,856	-1,174	---
National Commission on Terrorism Attacks Upon the United States					
Salaries and expenses (P.L. 108-11)	11,000	---	---	-11,000	---
National Veterans Business Development Corporation					
Salaries and expenses	1,987	2,000	2,000	+13	---
Securities and Exchange Commission					
Salaries and expenses	745,789	841,507	841,500	+95,711	-7
Prior year unobligated balances	-29,439	---	-103,000	-73,561	-103,000
Direct appropriation	716,350	841,507	738,500	+22,150	-103,007
Small Business Administration					
Salaries and expenses	312,413	360,155	326,592	+14,179	-33,563
Office of Inspector General	12,341	14,500	13,000	+659	-1,500
Business Loans Program Account:					
Direct loans subsidy	3,702	1,910	1,910	-1,792	---
Guaranteed loans subsidy	84,805	94,860	84,805	---	-10,055
Administrative expenses	128,161	129,000	129,000	+839	---
Total, Business loans program account	216,668	225,770	215,715	-953	-10,055
Disaster Loans Program Account:					
Direct loans subsidy	72,665	79,109	72,665	---	-6,444
Administrative expenses	117,585	118,354	117,585	---	-769
Gainsharing	---	3,000	---	---	-3,000
Total, Disaster loans program account	190,250	200,463	190,250	---	-10,213
Total, Small Business Administration	731,672	800,888	745,557	+13,885	-55,331
State Justice Institute					
Salaries and expenses	2,981	---	3,000	+19	+3,000
Total, title V, Related agencies	2,153,248	2,416,261	2,236,569	+83,321	-179,692
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working Capital fund (rescission)	-78,000	---	---	+78,000	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Legal Activities					
Assets forfeiture fund (rescission)	-50,874	---	---	+50,874	---
Office of Justice Programs					
State & local law enforcement assistance (rescission)	---	---	-24,122	-24,122	-24,122
Community oriented policing services (rescission)	---	---	-6,378	-6,378	-6,378
Immigration and Naturalization Service					
Immigration emergency fund (rescission)	-580	---	---	+580	---
DEPARTMENT OF COMMERCE					
National Oceanic and Atmostpheric Administration					
Coastal impact assistance (rescission)	-7,000	---	---	+7,000	---
Departmental Management					
Emergency oil and gas guaranteed loan program account (rescission)	-920	---	---	+920	---
Emergency steel guaranteed loan program account (rescission)	---	-97,000	---	---	+97,000
RELATED AGENCIES					
Federal Communications Commission					
Salaries and expenses (rescission)	-5,700	---	---	+5,700	---
Small Business Administration					
Salaries and expenses (rescission)	-13,750	---	---	+13,750	---
Business Loans Program Account:					
Guaranteed loans subsidy (rescission)	-10,500	---	---	+10,500	---
Total, title VII, Rescissions	-167,324	-97,000	-30,500	+136,824	+66,500
Grand total:					
New budget (obligational) authority	40,497,836	41,211,965	41,230,679	+732,843	+18,714
Appropriations	(40,665,160)	(41,514,865)	(41,261,179)	(+596,019)	(-253,686)
Rescissions	(-167,324)	(-302,900)	(-30,500)	(+136,824)	(+272,400)
(Transfer out)	(-11,632)	(-5,000)	(-11,632)	---	(-6,632)
(By transfer)	(76,632)	(80,000)	(90,883)	(+14,251)	(+10,883)

Mr. MATHESON. Mr. Chairman, our nation is facing a protracted economic downturn, and manufacturers have been particularly hard hit. It is crucial that the federal government assists the smaller manufacturing businesses, which contribute significantly to the economy. This is why I support the Manufacturing Extension Partnership, MEP, program.

Many small businesses in my home state of Utah have benefited substantially from the MEP. I believe that if the federal government is content to merely study the problems of manufacturers, without providing a plan of action or tangible assistance, then our efforts to improve local economies will necessarily fall short.

While I am pleased to see that the House Appropriations Committee provided $39.6 million for MEP, I hope that this worthy program will receive full funding during Senate consideration. Our government has devised and implemented an excellent resource for manufacturers and I believe that it deserves the continued support of Congress and the administration. Thank you for your consideration.

The CHAIRMAN. Pursuant to the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 326, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 21, not voting 13, as follows:

[Roll No. 422]

YEAS—400

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—21

Akin
Costello
Duncan
Flake
Franks (AZ)
Green (WI)
Hefley
Hensarling
Jones (NC)
McCarthy (NY)
McInnis
Musgrave
Oxley
Paul
Pence
Royce
Tancredo
Tauzin
Taylor (MS)
Udall (CO)
Van Hollen

NOT VOTING—13

Berkley
Bishop (UT)
Emerson
Ferguson
Ford
Gephardt
Gutknecht
Kennedy (RI)
Lewis (GA)
Norwood
Pryce (OH)
Sullivan
Walsh

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1523

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, on rollcall No. 422, I mistakenly thought I had already voted. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2800, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 327 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2800.

□ 1525

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to present, at long last I should say, present H.R. 2800, the Foreign Operations appropriations bill for fiscal year 2004. In almost all the instances that we will see here today, this is a joint recommendation, which means that there are compromises that are made on both sides; and it is one of which I am very proud.

I am very proud to have worked with the gentlewoman from New York (Mrs. LOWEY), my colleague, the ranking member from the minority side. Working with her has been absolutely a joy. She has been wonderful in her spirit of trying to find a bipartisan approach to foreign policy. It is in that spirit, I believe, that this bill is presented today; and I want to thank her and her staff for the tireless work that they have done on this bill.

I might add, I want to thank the staff that surrounds me here, led by the able Clerk of our subcommittee, Charlie Flickner, and my personal staff for the extraordinary work that they have done to get us to where we are today.

Mr. Chairman, the subcommittee's recommendation for fiscal year 2004 foreign assistance and export financing funding is $17.1 billion. That is $1.7 billion below the administration's request. We worked to accommodate as many of the Members' interests as possible, while keeping in mind the broader national and international situation.

In the papers, on TV, in the streets, we are faced daily with the ramification of the issues that are covered by this bill. This bill provides vital funding to fight wars against disease and drugs, for building peace and democracy, and for building economic prosperity around the world.

The President's trip to Africa a few weeks ago highlighted the opportunity we have this year to embark on a bold new direction in international assistance. During his trip, the President championed initiatives to address two of the greatest problems facing our world today, persistent poverty and HIV/AIDS. The Millennium Challenge Account and the emergency plans for AIDS relief are the most innovative programs that we have seen in decades that reshape foreign assistance.

The Millennium Challenge Account will provide an incentive for countries to build a political and economic infrastructure which leads to long-term development, which leads to sustainable development, which leads to the improvement in the lives of the citizens of the countries involved.

The AIDS initiative will bring medicine and care and hope to millions of people. The very promise of care and treatment has already brought hope to millions.

These initiatives may be innovative new approaches, but the work of our subcommittee has not changed. We must distribute the resources that are allotted to us, resources that are never quite enough, across a wide range of competing priorities. We have to make difficult choices among deserving programs, and we are charged with ensuring that taxpayer money is spent wisely and efficiently. We all must remember that effective programs require a firm foundation and good management.

This year we have once again provided more funds than the President requests for HIV/AIDS, for its prevention, treatment, care and support. Our bill recommends $1.43 billion for HIV/AIDS, tuberculosis and malaria. Add to that the $645 million that was recommended by the Subcommittee on Labor, Health and Human Services, Education and Related Agencies and that the House approved last week, this body now proposes to spend nearly $2.1 billion for these three diseases, an amount that more than meets the President's request of $2.04 billion.

This $2 billion represents the first installment of $15 billion to be spent against these three diseases over the next 5 years. Let me make that crystal clear. This administration and this subcommittee and, I believe, this Congress are fully committed to spending $15 billion on prevention and life-saving treatments for those afflicted with AIDS around the world. This $2 billion that is in these two bills, last week and here today on the floor, is only our first installment in that program.

□ 1530

Now, the Millennium Challenge Account is a new component of our bill this year. I fully support the MCA. I am excited about it. I believe it can make our investments in developing assistance more effective and more sustainable. Our bill recommends $800 million for the MCA, or Millennium Challenge Account, and we believe that is the amount that can be effectively spent in fiscal year 2004.

Of course, in future years more resources are going to be needed to fight HIV/AIDS and to support the initiatives of the MCA. I have confidence that the Congress will meet the 5-year pledge for AIDS and that additional funds will be forthcoming to support the creative delivery of foreign assistance through the MCA in years ahead. But it is the very size of the task facing us over the coming years that counsels patience today. Our recommendations for the HIV/AIDS initiative and for the MCA are the first steps in two very ambitious, very innovative, and very new programs. With this $2 billion the House provides for AIDS this coming year, agencies can build a solid framework to support the $13 billion that will follow. With our $800 million for the Millennium Challenge Account, we will have a structure that can effectively and wisely use the added $5 billion in development assistance that the President has pledged to put on top of existing development assistance. But our recommendation is not so extravagant, Mr. Chairman, that money will lay waiting to be spent, gathering pressure that might lead to waste and to unwise expenditures, eroding public confidence in these two initiatives.

Some of our colleagues are pressing to take even more, to move money into AIDS from the MCA for other programs. Such an approach, Mr. Chairman, would, in my opinion, be an unwise one. What we have provided for the President's new HIV/AIDS initiative is prudent, when we consider that the coordinator, who has been named for these programs in the State Department, has not yet been confirmed by the Senate. Taking more money from the MCA would signal a lack of confidence in the approach of the MCA. We should instead be recognizing the President for his vision, and $800 million to launch this program is an appropriate level.

The final priority I want to mention in this bill is funding for Israel, Egypt, and Jordan. This funding accounts for nearly $5 billion of the total. Let me add that the major refugee account and the key military assistance accounts, so vital in our war against terrorism and to protect our national security, are all fully funded.

Of course, the funding priorities I have laid out for my colleagues add up to more than the increase in our budget allocation. So the subcommittee has gone to great lengths to avoid reducing appropriations in order to make room for the AIDS emergency plan and the Millennium Challenge Account, and for the admirable commitment of the gentlewoman from New York (Mrs. LOWEY) to improving basic education globally. Within Child Survival and Health, we have succeeded in holding the levels for Child Survival and Maternal Health, for Vulnerable Children, for Family Planning and Reproductive Health, and our unrestricted grant to UNICEF at last year's level.

Our funding for international funding institutions, the Economic Support Fund, which is used by the State Department and the President to support economic development assistance around the world, and two of the President's lesser initiatives, has been reduced or eliminated to accommodate the initiatives within the allocation that was given to us.

Separately, I would note that there is no money in this bill for the reconstruction in Iraq. None has been requested by the administration. Although many of us expect and many of us heard yesterday from Ambassador Bremer that more money may well be required shortly, we will await a Presidential decision on this matter.

In closing, let me say, and I say this with some confidence, that this is a good bill, one which I believe that all Members can be proud of and which I hope will have the support of all the Members of this body. It is fiscally responsible. It is within the subcommittee's budget allocation. It is a bill that helps to lay the groundwork for the important work that is ahead of us as we launch these major initiatives in development assistance and HIV/AIDS prevention and treatment. It is a bill that meets our challenges overseas and impacts the national security of this Nation. I urge the Members to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by thanking our distinguished chairman, the gentleman from Arizona (Mr. KOLBE), a good friend, who has worked very closely with me, and I appreciate our extremely cooperative relationship. I also want to thank the chairman of our full committee, the gentleman from Florida (Mr. YOUNG). I appreciate the leadership he provides to this committee.

And I want to say at the outset that while Chairman KOLBE and I may differ fundamentally on the adequacy of our allocation he certainly accommodated most of my priorities, and I believe we have a bill that indeed is worthy of Members' support, despite the fact that we had to cut $1.7 billion from the President's request, and I urge my colleagues to support it.

The bill contains $17.1 billion, which is an increase of $900 million over last year, and I generally agree with my chairman on the spending levels recommended for specific accounts within the reduced allocation. We did work together closely to ensure that in the face of devastating cuts we at least level funded Child Survival and Health accounts and increased education as a priority area. We provided funding for reconstruction in Afghanistan, an issue on which the chairman and I have collaborated often in the last year. The bill also funds fully our commitments in the Middle East, a powerful statement at such a critical time in the peace process. And there are many more very positive aspects I will discuss further in a moment.

I do have some concerns as well. At the $17 billion spending level, we as a country will devote less than 1 percent of our GDP to foreign assistance. Actual spending in 2003 for foreign aid will total over $23 billion, including $7.5 billion in emergency supplemental funding for war-related needs in Iraq and Afghanistan. That additional spending sped through Congress without a hint of controversy because it was judged vital to our national security. As the conflict and reconstruction continue in Iraq on parallel tracks, there is a good chance we will need more, and Members should know that there are no funds in this bill to address Iraq reconstruction needs. This means that those additional needs will be addressed in a supplemental, which will undoubtedly also contain billions to fund the defense-related costs of the war and which will again be requested by the President as emergency spending.

I do believe that our response to the HIV/AIDS pandemic is underfunded and should be dealt with as the emergency it is now. In response to the President's extraordinary initiative on HIV/AIDS, Congress overwhelmingly passed and the President signed a bill authorizing $3 billion for fiscal year 2004. While in Africa 2 weeks ago, the President repeatedly touted this $15 billion 5-year plan, and he and his advisers called on Congress to fund it. This created the impression that we the Congress were the obstacle to providing $3 billion, despite the fact that the President himself only requested $2 billion in appropriations.

Now, while I am pleased that this bill provides $1.43 billion for HIV/AIDS and other infectious diseases, we supported the $3 billion authorization on this floor in this Congress, and now the bill has come due. I believe it is disingenuous for us to make promises we have no intention of keeping, and so I offered an amendment at full committee to provide an additional $1 billion for HIV/AIDS as emergency spending. I asked that this amendment be made in order under the rule so every Member of Congress would have the opportunity to fulfill our pledge, but it was not. It is truly a disgrace, in my judgment, that we will not have the opportunity to take this vote today.

Additional resources for Africa are also vitally needed. Everyone is aware of the long history of devastating and destabilizing humanitarian and political crises on that continent. And although this bill will slightly increase resources for Africa above last year, it merely begins to address the ongoing tragedies there. Unfortunately, the amendment of the gentleman from Illinois (Mr. JACKSON) to add emergency resources for Africa was also not made in order.

The sad fact is that we as a Nation have neglected the problems of Africa for decades; chronic poverty, the spread of infectious disease, and lack of good governance remain. And despite all the efforts we have undertaken so far across many Congresses and administrations, we must no longer shy away from addressing these problems with sufficient resources and political will.

It serves no one when the current presidential initiatives are touted as ultimate answers for these tragedies. Both the Millennium Challenge Account, MCA, and the HIV initiative hold the promise of getting increased resources to Africa, but the actual effects they will have remain unclear.

I support the conceptual approach embodied in the proposal to establish a Millennium Challenge Account, however, budget realities we face this year, and will likely face next year, make it highly unlikely that the promise made by the President that the $10 billion intended for the MCA will be additive to current levels of foreign assistance will be kept. Much of the bipartisan support in Congress for the MCA is based on the fact that it is supposed to help the poorest countries of the world and that MCA resources will add to amounts currently spent on foreign assistance. Cuts to discretionary spending in this year's budget resolution, combined with unrealistically low budget requests for many domestic programs, have translated into cuts in this bill of $1.7 billion. This situation is likely to worsen in fiscal year 2005. The President cannot expect Congress to support full funding of the MCA initiative if other vital programs in the foreign operations bill have to be cut.

The bill contains $800 million for the MCA, largely at the insistence of the White House; the Senate bill contains $1 billion for MCA; and the White House is still pushing for the full $1.3 billion requested. It is highly likely that the final allocation for the foreign operations bill will be $1 billion to $1.5 billion below the President's request. Now, in plain English, this means that other accounts in the bill will be cut severely if MCA is fully funded.

Members should also know that only 3 of 11 potentially qualifying countries for MCA resources in 2004 are in Africa. In 2005, of the 12 countries most likely to qualify, again, only 3 are in Africa. In all, after $2 billion over 3 years is provided to the MCA, only a small number are African countries are likely to have benefitted.

I have taken the time in my opening remarks to address this situation because this initiative marks the beginning of a shift in how we in Congress effect foreign aid programming. As we provide more resources for MCA, our ability to direct funds to specific purposes, such as health and education, will diminish significantly. My support for this initiative going forward will thus depend on whether resources going to it are truly additive and whether Congress maintains some measure of control and oversight over country eligibility and program planning.

□ 1545

I am especially proud, and I want to personally thank the gentleman from Arizona for the $350 million in the bill for basic education, which is $100 million above last year's level. In addition, we require a detailed report on how the administration will organize and implement our expanded efforts in basic education. Virtually everyone I speak to agrees that providing more and more focused resources for basic education throughout the world is one of the best possible ways we can combat the extremism and hopelessness that breed terrorism. I again want to thank the gentleman from Arizona for working with me on what I think is a very critical issue.

The bill also provides an increase in resources for Treasury technical assistance which will help countries that are major source and transit points for terrorist financing close the gaping holes in their financial systems that let this funding slip through.

However, the fact that we took care of administration priorities such as the Millennium Challenge Account and AIDS required that we make some hard choices. As a result, some programs will suffer. There is no funding recommended for debt relief for the Democratic Republic of Congo. Cuts in economic support funds, Eastern Europe, the New Independent States, and development assistance translate into probable cuts to many countries and a limited capacity to restore misguided cuts proposed by the administration to others, including Cyprus, East Timor, Armenia, Ukraine, and Russia.

Mr. Chairman, as a final note, I want to make a few comments about the importance of this bill we consider on the floor today. I have always viewed foreign assistance as one of the three pillars of national security, along with defense and diplomacy. I believe the value of foreign assistance in spreading the ideals of democracy and freedom around the world and in eliminating the poverty that causes widespread instability in developing regions cannot be underestimated. However, except for a handful of notable instances directly linked to front-page current events, it has been difficult to ensure adequate funding for foreign aid priorities. Despite the new Presidential initiatives in this bill, and again I want to congratulate the President on these initiatives, this year, unfortunately, is no different. We still require far more resources than have been made available. I look forward to working with my colleagues in future years to ensure our priorities are adequately funded.

In closing, I once again want to emphasize that I appreciate the close working relationship I have enjoyed with the gentleman from Arizona. He is a distinguished chairman, he is committed to this bill, and it truly has been a pleasure for me to work with our chairman. Considering the obstacles we faced, the product we present today is very good. I look forward to working with him as we move the process forward. I would also like to thank our able staff, Mark Murray, Charlie Flickner, Alice Grant, Scott Gudes, Rob Blair, Lori Maes, Sean Mulvaney, Beth Tritter, and Joe Weinstein, for their hard work.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I am pleased to yield as much time as he may consume to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the full committee, who, I must say, along with his staff, has been so supportive of our efforts in getting us to the floor at this stage. I am very grateful for his confidence and his support.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentleman's comments, and I want to compliment him for having done a tremendous job. This is not the easiest bill to pass because a lot of folks just do not like foreign aid. Period. The chairman has developed a very responsible response to the issues that are facing us around the world. He has done a really good job. I would say that the gentlewoman from New York, as a working partner, has been very much a contributor to the success of this bill.

I hope that we can conclude this bill today. We will see how long it takes. But it would be nice if we could. Although the committee got off to a late start this year, we passed the ninth appropriations bill just about an hour ago, the Commerce-Justice-State Department appropriations bill. This will be the 10th bill that we have passed on the floor despite a late start. As of tomorrow morning, we will have marked up all 13 appropriations bills in the full committee and we completed 11 of last year's bills early this year, and we marked up two supplementals. So the committee has been very effective and very busy this year. This bill is the culmination of a strong effort by the gentleman from Arizona and the gentlewoman from New York to meet the responsibilities that we have in the world. I compliment them. They have done a really good job. I think that they join me in hoping that we can conclude the tenth appropritions bill before it gets too late tonight.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 6½ minutes to the gentleman from Illinois (Mr. JACKSON), a distinguished member of our committee who has made sure that we focus on our priorities every day he is there.

Mr. JACKSON of Illinois. Mr. Chairman, first I want to thank the chairman and ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs and the subcommittee staff for their hard work. I think they did a reasonable job, considering the amount of money they had allocated to them.

Mr. Chairman, the President requested $18.8 billion for the accounts that make up the foreign operations bill. Unfortunately, the leadership of the House only gave the bill $17.1 billion. That is where our problems began. From the outset, we were forced into a position of robbing Peter to pay Paul.

The President's top priorities are to fund the Millennium Challenge Account, MCA, and his bilateral HIV/AIDS initiative. To fully fund the MCA and the HIV/AIDS initiative would take up almost 25 percent of this bill's allocation. Leadership and legislating require making tough choices, but that is not the whole story here. We have the ability and the resources to adequately fund these accounts. We have chosen not to. Over the last 3 years, Congress has chosen to provide tax cuts decreasing revenue by $310 billion for the 2004 fiscal year. We have chosen to provide $8.9 billion for a ballistic missile defense system that will not work. We have chosen to ignore the type of rampant poverty, illness and hopelessness in sub-Saharan Africa that create a breeding ground for terrorism.

Africa today, Mr. Chairman, is in a state of emergency. This bill makes a valiant attempt but falls short of addressing this emergency in sub-Saharan Africa. The Congress' approach has been disjointed. In 1999, this Congress said "trade, not aid" in the Africa Growth and Opportunity Act, that trade was Africa's future. Today Congress says aid, yes, but aid for AIDS. Africa deserves more than a hodgepodge, disjointed approach to its development. An emergency exists on the continent. Africa is the poorest region of the world, containing a majority of the world's poorest countries. Only one in three people in sub-Saharan Africa get enough to eat every day, and one out of two do not have access to clean drinking water. An emergency.

Only one in three children completes elementary school. An emergency.

Average life expectancy in Africa is just 49 years of age and in countries hardest hit by AIDS, just 30. An emergency.

While poverty has fallen in much of the rest of the world, 20 African countries are poorer today than they were 20 years ago. An emergency.

Overwhelming debt burdens, falling international development assistance levels, the onslaught of AIDS, and a combination of falling prices for Africa's exports and unfair international trade policies are pushing Africa backwards, stealing the gains of a generation of hardworking African people. An emergency.

Africa is now at the epicenter of the greatest catastrophe in recorded human history, the HIV/AIDS pandemic. The gentlewoman from Michigan (Ms. KILPATRICK) will offer an amendment which I hope all Members of this Congress will support to fully fund the President's AIDS initiative. Since its first discovery 2 decades ago, more than 18 million Africans have died of AIDS out of 25 million AIDS deaths worldwide.

All day, Mr. Chairman, we are going to hear Members of the Congress come to the floor and say, We are doing something for AIDS. We are helping the Africans. We are doing something. We are showing something for Africa. But what about this bill addresses the more than 300 million people in sub-Saharan Africa who survive on under $1 per day? AIDS has nothing to do with that massive economic inequality. Infant and child mortality rates remain high, AIDS notwithstanding; and access to health care and education is shrinking in many countries. Food insecurity is growing, most seriously in southern Africa and in the horn of Africa. Sub-Saharan Africa's massive external debt is the single largest obstacle to the continent's economic development, not the criteria established by the Millennium Challenge Corporation or the Millennium Challenge Account. We will hear other Members of Congress come to the floor and say, The Millennium Challenge Account, the Millennium Challenge Corporation, we are doing something through the MCA. Out of 48 sub-Saharan African countries, only three qualify for the benefits offered by the Millennium Challenge Corporation.

I have laid out many of the statistics about the crisis on the continent, an emergency in Africa. But my colleagues would come and say, We are doing something because we are talking about AIDS. We are not discussing development and growth; we are not talking about a Marshall Plan for Africa. And this bill woefully undermines the amount of resources that this Congress could provide.

Over the past 2 decades, African governments have paid out more in debt service than they have received in development assistance or new loans. My colleagues are going to come to the floor and say, We are doing something for Africa in terms of development assistance and loans. Here is the problem. Too few African countries will be benefiting from U.S. development assistance in the midst of a severe emergency on the continent. The MCA is the equivalent of saying, Africa, do what we want you to do and we will relate to you. But if you do not do what we want you to do, we will have no relationship to you at all in the midst of a profound emergency. Debt repayments divert money directly from spending on basic social needs, including the response to the HIV/AIDS crisis, trapping countries in a cycle of underdevelopment and dependency. From 1990 to 2000, sub-Saharan Africa experienced more than twice the number of casualties from conflict than any other region in the world.

Mr. Chairman, I close on this note. In Sudan, Africa's largest country, civil war has raged for 36 of the last 46 years. It has cost more than 2 million lives and has displaced more than 4 million people. What about this bill does anything to address that problem? Since 1998, the conflict in the Democratic Republic of the Congo has cost an estimated 2 million lives, a holocaust of sorts, most the victim of hunger and disease; and at least another 2 million have been displaced. What about this bill does anything to address that problem?

Mr. Chairman, these are serious problems that require real resources to address them, not just lip service. After general debate, I will offer an amendment that offers a comprehensive approach to addressing this emergency in sub-Saharan Africa.

Mr. KOLBE. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois (Mr. KIRK), an absolutely invaluable member of our subcommittee, extraordinarily knowledgeable and has really contributed to the work of this subcommittee.

Mr. KIRK. Mr. Chairman, I thank the gentleman for yielding me this time. I want to thank the gentleman from Arizona and the gentlewoman from New York for one thing in particular. They have created a work atmosphere between the two parties on this bill that is the envy of the Committee on Ways and Means. I really take my hat off to both of them. I also wanted to take one moment to talk about the bill we just passed, the Commerce-State-Justice bill, which every Member of this Congress has helped fund the rewards program.

The State Department rewards program is the key program that led to the incident with Uday and Qusay Hussein and their untimely demise. It is this program which sometimes gets down to one basic fact: Who helping the United States wants to be a millionaire? We will pay this $15 million set of rewards, and it is this program that I think gives us the best chance to capture Saddam Hussein.

But turning now to the foreign operations bill, this bill represents a bipartisan decision by the American people since World War II that foreign policy matters, a subcommittee created by the Marshall Plan that is designed to reduce or prevent war and to lower the number of casualties or deployments by the U.S. military around the world. This bill visibly helps us respond to new challenges, Iraq and North Korea, Iran and Liberia, by substantially reducing the chance that the U.S. military will be deployed in other places in support of our allies. And look particularly at the Middle East where the little democracy of Israel has not faced a direct threat to her existence in the 1980s or 1990s, largely because of support from this legislation.

One of the big questions that we face today is funding to support our war against HIV/AIDS. As a staffer in this Congress, I helped start this program in 1987 with a small earmark of $30 million. Since that time, our commitment has grown substantially. If we look in this bill and years prior, what has our commitment to AIDS funding been? In fiscal year 1999, $139 million; in fiscal year 2000, $200 million; in 2001, $415 million; in 2002, $485 million; in 2003, $893 million; and in this bill, $1.27 billion, just in the foreign operations bill, just to fight AIDS, a substantial commitment, one that I am proud having seen in 1987, the start of this program that we have funded.

□ 1600

And it underscores one key point when we take on the commitment to treat someone with HIV, we need to fund a program that can sustain that commitment. If we provide money in ways that are not politically sustainable, we could have some sort of scandal in a provider that would undermine political support for this. That would lead to the international community withdrawing support for an HIV patient. By having a responsible uptick in our support for the fight against AIDS, we are understanding a key point. When we make a commitment to a patient with HIV, we are going to do so in a way that sustains that commitment because success right now in this battle is that this patient will survive, and therefore we need to continue funding our battle. If we do it in an unsustainable way or in an irresponsible way that undermines political support, bad GAO investigations, exposes on the fleecing of America, we will undermine political support. People's lives are at stake here, and that is why doing it in a responsible way, when we make a commitment to a patient we can keep that commitment.

And to the chairman, I really thank him for his personal commitment on the HIV issue because he has really sustained one of the highest ideals.

So when we look at the United States, we have to see what have we done as compared to other countries. The nearest commitment of any other country to the 1.27 billion commitment in this bill is the government of the United Kingdom, which provided $313 million in the fight against AIDS. In fact, the United States gives more money to fight AIDS than all of the European Union and Japan combined. That is a monument to the idealism and foreign policy foresight of the United States. It is underscored in this bill.

And to the chairman and to our ranking minority member I really want to take my hats off to them for sustaining this commitment. Hundreds of thousands of people's lives will be sustained by this, and this ramp-up in just several years from under $139 million to now $1.27 billion is a real testament to our idealism.

I also want to thank the chairman for his commitment to cross-border programs in Tibet. We understand that there are 140,000 Tibetans outside China, 6 million inside China, and this bill sustains a political effort to enhance the authority and role of the Dalai Lama in Tibet, and I really want to thank them because there is no voice for the Tibetans inside China, and this bill underscores that voice and gives them a real role in their own country where an overwhelming number of Tibetans live, and I want to thank the chairman for that.

Mrs. LOWEY. Mr. Chairman, I yield 5 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), distinguished member of the committee.

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman from Arizona (Chairman KOLBE) for his leadership in steering another bill to committee under difficult times. To the gentlewoman from New York (Mrs. LOWEY), our ranking member, who is committed to the international community and has shown that in the leadership, I thank her for yielding me this time and for crafting a bill that I will support in the end as we go through this debate.

As most Members of Congress know and very few members of the country know, the foreign assistance bill is only 1 percent of the total budget of the United States of America. Our budget is $2.2 trillion, and as the leading power in the world, this foreign assistance bill is not quite 1 percent of that. A good sum and we should be there for the other countries of the world. This budget funds many countries of the world, as was mentioned by our chairperson. Israel, Jordan, and Egypt are fully funded, and I think they should be. Other countries of the world are not so taken care of, and I think we can do better.

At a time when we find the budget shrinking, deficits soaring, and this year we expect a $455 billion deficit at least, we do have to make certain decisions in how we fund our Government, how we fund our domestic programs, how we fund education, health care, housing, and those things that Americans need. So I understand it when some Americans do not understand that we have a responsibility as a superpower in the world to help other countries less fortunate and who are strategic allies to this country of the United States of America. So the budget before us today crafted by both the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) is a good budget. It does have shortcomings, as was mentioned, and I would like to go over a few of those.

The Child Survival and Health account needs to be more fully funded to take care of the problems of the world. We have heard much discussion and we will hear more today about the pandemic of HIV and AIDS. India with over 1 billion people, China with nearly the same or more people, the Caribbean, Russia, and other countries are now finding epidemic proportions of HIV and AIDS. We have servicemen and women in those countries who may be afflicted if we do not act now.

The President was recently in Africa, and I commend him for going. I also commend him for beginning in setting up the Millenium Challenge Account. Any additional foreign assistance that we can give, and the President has shown that he understands this, as the superpower in the world, I believe we must do and I commend him for that.

The HIV/AIDS epidemic is at pandemic proportions. All over this world where our servicemen and women now represent our Nation and in some instances fight to secure the world, we must as the superpower in the world fund this pandemic appropriately and we have not done that. Malaria, tuberculosis, maternal health, family planning we have to step up as the superpower in the world and help those countries as partners in this humane society that we live in. Postnatal care, those kinds of things that help various countries who are less fortunate and who are not able to help themselves, we should be there for them, and many times in this budget we are unable to do that.

Agriculture, in many of those same countries, agriculture is how they not only feed themselves but are able to export their agriculture products, thereby making it a revenue base for their countries. It is our responsibility to join with them in partnership to help them with that. In some instances we do, but I believe that we can do better. The ESF account, the Economic Support Fund, that we also use to help other countries is also underfunded. It could be better and it is less than what the President recommended and less coming out of our budget. Those are just a few areas.

We are the superpower of the world. It is up to us as leaders of the free world to maintain stability around the world where we can, and we must not forget the men and women who risk their lives every day for us, freedom in this country and around the world, to make sure that they have the best health care that they need to sustain themselves and their families.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), my good friend.

Ms. DELAURO. Mr. Chairman, I rise in support of this bill. This bill appropriates $17.1 billion for foreign aid and export assistance, $1.8 billion less than the President requested and $6.5 billion less than what we provided last year. And while I am disappointed that we fall short of the $3 billion that the President promised for combating global AIDS and HIV, I commend the committee for taking the first steps by appropriating $2 billion in fiscal year 2004.

Last year 2.4 million Africans died of AIDS-related illnesses while nearly 30 million continue to live with the disease, irrevocably changing the lives of millions of women and children. I have spent a lot of time in South Africa. I have seen how this devastated this land, and we cannot only take the opportunity to go on trips and take photographs and believe that we are addressing the problems of Africa. Just as we have an opportunity with this bill to make a difference in those lives, to change those lives for the better and to offer some small measure of hope, we have an opportunity to make a real difference in the lives of millions of women and children in this country by extending the child tax credit to them. Six and one half million families, 12 million children were left out of the child tax credit expansion, almost 4 million single mothers, 56 percent of all single parents. Women are experiencing the very worst of the economic slowdown. Average annual earnings of low-income single mothers in decline for 3 years running, the unemployment rate of low-income single mothers rising twice as fast as the overall rate. Single and married women both are less likely than men to receive unemployment benefits to help them through their period of joblessness, and we are nearing a crisis level for these women and their families.

Tax relief is supposed to be about lifting these families up and out of such circumstances. If we extend the child tax credit to these families, they will on average receive $276 in this year alone. To some it might not seem like a lot of money, but $276 can mean all the difference. Health insurance for the 9 million children in this country without health care, clothes on their backs, school supplies. Two hundred thousand military families, 900,000 Head Start families, 42,000 families of those teaching in Head Start were left out. Just as playing a role in the battle against global HIV/AIDS, it is a matter of values, morals, something that we ought to be committed to doing. So is assisting women and the 12 million children in this country who need our help the most.

So we want to call on the President to use his moral leadership to urge this House to accept the other body's bill and bring justice to these families. They deserve it. Let us give them that.

Mr. Chairman, as my colleagues know, we went to conference on the child tax legislation on June 12. It is now July 23. The conference committee has never met.

In light of the fact that 6.5 million American families, including our military families fighting in Iraq and Afghanistan, will not receive their child tax credits when they are mailed out on Friday, I move that the Committee do now rise.

The CHAIRMAN. Does the gentlewoman from New York (Mrs. LOWEY) yield to the gentlewoman from Connecticut (Ms. DELAURO) for the purposes of offering a motion?

Mrs. LOWEY. Mr. Chairman, I yield to the gentlewoman from Connecticut for the purposes of offering a motion.

PREFERENTIAL MOTION OFFERED BY MS. DE LAURO

Ms. DELAURO. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 84, noes 318, not voting 33, as follows:

[Roll No. 423]

AYES—84

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Berry
Bishop (NY)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Clyburn
Conyers
Cooper
Crowley
Davis (AL)
Davis (IL)
DeFazio
DeLauro
Doggett
Doyle
Eshoo
Evans
Filner
Frank (MA)
Grijalva
Hastings (FL)
Hill
Hinchey
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lantos
Lewis (GA)
McCollum
McDermott
McIntyre
Meehan
Meek (FL)
Michaud
Miller (NC)
Miller, George
Napolitano
Pallone
Pastor
Payne
Pelosi
Rangel
Reyes
Rodriguez
Ross
Rush
Ryan (OH)
Sánchez, Linda T.
Sandlin
Schakowsky
Slaughter
Snyder
Solis
Stark
Stupak
Tanner
Thompson (MS)
Udall (NM)
Van Hollen
Waters
Watson
Watt
Waxman
Woolsey

NOES—318

Abercrombie
Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
Etheridge
Everett
Farr
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hunter
Inslee
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McGovern
McHugh
McInnis
McKeon
McNulty
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—33

Berkley
Bishop (UT)
Boozman
Boucher
Case
Culberson
Delahunt
Dingell
Dooley (CA)
Edwards
English
Ferguson
Ford
Frost
Gephardt
Gerlach
Gonzalez
Hulshof
Hyde
Jefferson
Kennedy (RI)
LaTourette
Menendez
Platts
Pryce (OH)
Rothman
Ryun (KS)
Smith (WA)
Sullivan
Tauzin
Thomas
Wamp
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1703

Ms. ROYBAL-ALLARD, and Messrs. BACHUS, INSLEE and COX changed their vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. TERRY). The gentleman from Arizona (Mr. KOLBE) has 12½ minutes remaining. The gentlewoman from New York (Mrs. LOWEY) has 4 minutes remaining.

The gentleman from Arizona (Mr. KOLBE) is recognized.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Much time has passed since the gentlewoman from Connecticut (Ms. DELAURO) spoke; but I did want to make one comment about her remarks, and I appreciate her support for the bill. She made a comment about how the level of funding in this bill is significantly less than last year. We need to remember that this is just about $1 billion more than the previous year's regular appropriation bill for foreign assistance. If we are going to consider apples to apples, that is what we need to consider.

We have no idea what level of a supplemental appropriation request we might receive from the President that might be transmitted during the coming year for foreign assistance; but if we are going to consider the regularly funded, basic programs, apples to apples, we need to remind ourselves that we are $1 billion above where we were last year. This is the second largest increase of any subcommittee's allocation. Only the Subcommittee on Homeland Security has a bigger increase than this subcommittee received for its allocation.

So we have been, I think, generously treated; and I think our programs are well funded.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to my distinguished colleague, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I want to commend my colleagues, the gentleman from Arizona (Mr. KOLBE), the chairman, and the gentlewoman from New York (Mrs. LOWEY), the ranking minority member and my good friend, for their work to craft a fair and balanced bill. Representing the most diverse congressional district in the country, I know how important U.S. foreign assistance is to nations around the globe, and I have seen the success of our foreign assistance firsthand.

This is a fair and balanced bill. I thank the chairman and ranking member for supporting priorities of mine, including the Middle East Children's Association and increased money for the International Fund for Ireland, in this legislation.

Mr. Chairman, this is a good bill, but it could be a great bill. The President recently hopscotched around Africa talking about his global HIV/AIDS initiative, which this Congress passed. What he did not talk about, though, was that his request for funding for HIV/AIDS was $1 billion less than the authorizing legislation provided. Think about the lives $1 billion could save.

This bill includes $25 million for the U.N. Population Fund, but we all know that the money has about as much of a chance of being released by this administration as the New York Mets do to win a World Series this year; and this bill continues to mandate the onerous global gag rule which keeps funding away from groups such as Bangladeshi Rural Advancement Committee, or BRAC, and their work to improve child and maternal health. Mr. Chairman, while the administration should fulfill its commitment to fighting HIV/AIDS, support UNFPA and remove the onerous global gag rule.

There is much work in this bill, particularly to be done when we look at the Middle East. The selection of a new prime minister for the Palestinian Authority, along with the concerted effort of the European Union and Russia, along with Israel, shows that progress can be made in the Middle East.

The support in this bill for Israel, as well as Jordan, a steadfast ally and proponent of stability, is worthwhile. I am encouraged by movements from countries such as UAE, Oman and Qatar to reestablish contact with the Israeli government, and I urge the government of Egypt to make the moves to take what is a cold peace with the Jewish state and turn it into a warmer and deeper relationship.

I also want to take this opportunity on behalf of my colleague, the gentlewoman from Nevada (Ms. BERKLEY), who is unable to be here because of the death of her mother, to express the support she has in this legislation for the State of Israel.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip of the House.

Mr. HOYER. Mr. Chairman, I rise as a member of the Committee on Appropriations that raised the issue of Egypt last year. I have no amendment to offer, nor will I do so; but as the Committee on Appropriations notes in its report accompanying the bill: "Continued military cooperation between Egypt and the United States remains in the national security interest of both countries." I agree with that statement.

Egypt, however, has one of the largest and most modern militaries of the Middle East, with approximately $4 billion in annual defense spending. Nearly one-quarter, however, of Egypt's people live in poverty, and the country has per capita income of just $700 per year. Yet a quarter of their defense budget we pay for.

Half of Egypt's adults are illiterate, and official unemployment figures for 2001 were 12 percent, although unofficial estimates are as high as 15 percent. Only 3 percent of Egypt's land is arable, making the country unable to feed itself and forcing it to import roughly two-thirds of its food.

In this context, I am concerned about the mix of funding for Egypt, $1.3 billion in foreign military sales, approximately a third of that in economic assistance.

Mr. Chairman, I am also concerned by the fact that in Egypt, which is a controlled government, some of the most virulent anti-Christian, anti-American, anti-Semitic information and anti-Christian, -U.S. and -Semitic education occurs in the schools of Egypt, the madrasas.

I believe Egypt has been an important ally of ours in trying to reach peace in the Middle East; but I also say, Mr. Chairman, as I did last year, that there needs to be significant focus on the issue of Egypt's participation in furthering anti-American, anti-Semitic, anti-Christian rhetoric and education within the confines of that country and also in failing to appropriately assist its population in dire need of a focus on economic assistance.

I thank the chairman of the full committee for his tolerance, and I thank the gentlewoman from New York for yielding for me to make this point. I hope my colleagues will continue to focus on it.

Mr. REYES. Mr. Chairman, I would like to share my thoughts on two programs funded by the Foreign Operations Appropriations bill: the Cooperative Association of States for Scholarships (CASS) and the Inter-American Foundation (IAF). Both of these programs provided bottom-up development tools for our Latin American neighbors, and as chair of the Congressional Hispanic Caucus Task Force on International Relations, I am proud and thankful to those members of the Congressional Hispanic Caucus that joined me and Caucus Chairman CIRO RODRIGUEZ in a letter to appropriators supporting the critical work of these two programs.

The CASS program, which is funded at $10 million in this bill through the U.S. Agency for International Development (USAID), serves as a bridge between the United States and our neighbors in Central America, Mexico and the Caribbean by focusing on education and service to the community. CASS designs and implements international development programs to support sustainable socio-economic growth. These programs include technical training for employment, leadership development, business education, improving public policy and administration, and strengthening health and education. The CASS mission is to foster the direct involvement of disadvantaged populations in the economic and social development of their countries. The countries that are currently served include the Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Mexico, and Nicaragua.

I would like to extend my thanks to the Foreign Operations Appropriations Subcommittee, especially my friends and colleagues Chairman JIM KOLBE and Ranking Member NITA LOWEY for including language in the Fiscal Year 2004 Foreign Operations committee report supporting the Cooperative Association of States for Scholarships (CASS) program.

Through the CASS program, young leaders are given the opportunity to come to the United States and receive education and training at 1 of 20 participating education institutions, including El Paso Community College in my own district. Concentration is given to training to support broad-based economic development and environmental protection as well as programs focusing on skill enhancement to primary school teachers and healthcare workers to improve the region's rural schools and support the fight against infectious diseases. Each participant must develop a project for their home community and upon completion of their education and training in the United States return to their countries and implement their project.

During their time in the United States these young people give back to the communities where they are residing through service and by developing close ties with their host families and other American students, leaving them with a positive and lasting link to the United States. They also learn to read and speak English. The CASS approach has led to an exceptionally high rate (98.2 percent average over the past 6 years) of participants who return to their home countries where they contribute to economic growth and social progress. Employment rates among alumni are 90 percent in countries where unemployment rates are often very high.

Presently there are 405 CASS scholars in the United States in 12 States where the network includes community, technical, and junior colleges, and 4-year universities and colleges. These U.S. community-based institutions of higher education manage programs in the designated fields of study and contribute financially through cost sharing of at least 25 percent of program costs. Though recent state budget cuts have undermined the ability of some institutions to provide the cost sharing funds, the program still thrives.

El Paso Community College, located in my district, is one of the Hispanic-serving institutions involved in the CASS program. The college focuses on training rural health workers to deliver desperately needed services to some of the most poor and remote areas in the hemisphere. The program provides training and internships in a variety of areas such as infectious diseases, maternal and child health, environmental health, and community outreach. Students also spend time volunteering in the local community at health clinics and other social service and youth agencies. Upon their return home, they work with other rural healthcare professionals to improve and expand services in their communities.

I would like to take a moment to share some specific success stories coming out of the CASS program at El Paso Community College.

Ramona Caceres from the Dominican Republic and a CASS scholar at El Paso Community College during 2001–2002, has returned to her home country and is presently actively working in her community teaching first aid in a local school and has trained some of the teachers to perform eye exams. The program is known as "Agudeza Visual". Further, Ms. Caceres will soon be presenting her thesis and graduating.

Mr. Carlos Sanchez, also a CASS scholar for 2001–2002 at El Paso Community College, is a Septima Clark award recipient and since returning to his home country of Honduras, has been working as a health promoter and within a year of assuming his job has been advanced to the position of regional supervisor.

During this year's internship at El Paso Community College, four students worked on a joint project between the Pan American Health Organization (PAHO) and the El Paso City-County Health & Environmental Health District to prevent rabies in dogs in the county.

These stories are just a few examples of the way which the CASS program is making a difference not only in Central America and the Caribbean but also within the United States.

Unfortunately, this bill did not provide as much good news for the Inter-American Foundation (IAF) as it did for CASS. I am disappointed that this bill cuts appropriations to the Inter-American Foundation by about $1 million, to $15,185,000 for fiscal year 2004. I understand that the chairman of the Foreign Operations Appropriations Subcommittee is a supporter of the IAF and did the best he could within the constraints of a low budget allocation.

Established under the 1969 Foreign Assistance Act, the Inter-American Foundation (IAF) promotes entrepreneurship, self-reliance and democratic principles as well as economic progress for the poor in Latin America and the Caribbean. The IAF is one of the many tools we have to help our neighbors in the Western Hemisphere work their own way out of poverty. I hope that as this bill moves through the conference committee, funding for the IAF will be restored to its fiscal year 2003 level.

Mr. Chairman, the economic and social development of countries in the Western Hemisphere benefits us here at home. Programs such as CASS and IAF help our neighbors become stable, free, and prosperous. I therefore urge my colleagues to support these and other such programs in this bill and in the years to come.

Mr. PAUL. Mr. Chairman, I was planning to offer an amendment to the Foreign Operations Appropriations Bill preventing tax dollars from going to the domestic shrimping industry's major foreign competitors. However, I have been informed that this amendment would be ruled out of order by the parliamentarian as legislating on an appropriations bill. While I am disappointed the House will not consider my amendment, I do wish to take this opportunity to comment on the merits of my amendment, which is based on language contained in my Shrimp Importation Financing Fairness Act.

The United States domestic shrimping industry is a vital social and economic force in many coastal communities across the United States, including several in my congressional district. A thriving shrimping industry benefits not only those who own and operate shrimp boats, but, also, food processors, hotels and restaurants, grocery stores, and all those who work in and service these industries. Shrimping also serves as a key source of safe domestic food at a time when the nation is engaged in hostilities abroad.

However, the Federal Government is strangling this vital industry with excessive regulations. For example, the Federal Government has imposed costly regulations, dealing with usage of items such as by catch reduction devices and turtle excluder devices (TEDS), on the industry. The mandatory use of these devices results in a significant reduction in the amount of shrimp caught by domestic shrimpers, thus damaging their competitive position and market share.

Seven foreign countries—Thailand, Vietnam, India, China, Ecuador, Indonesia, and Brazil—have taken advantage of the domestic shrimping industry's government-created vulnerabilities. These countries have each exported in excess of 20,000,000 pounds of shrimp to the United States in the first 6 months of 2002. These seven countries supplied nearly 70 percent of all shrimp consumed in the United States in the first 6 months of 2002 and nearly 80 percent of all shrimp imported to this country in the same period.

Adding insult to injury the Federal Government is forcing American shrimpers to subsidize their competitors. From 1999–2002, the U.S. Government provided approximately $2,172,220,000 in financing and insurance for these foreign countries through the Overseas Private Investment Corporation (OPIC). Furthermore, the United States' current exposure relative to these countries through the Export-Import Bank totals approximately $14,800,000,000. Thus, the United States taxpayer is providing a subsidy of at least $16,972,220,000 to the home countries of the leading foreign competitors of American shrimpers!

Many of the countries in question do not have free-market economies. Thus, the participation of these countries in U.S.-supported international financial regimes amounts to American shrimpers directly subsidizing their international competitors. In any case, providing aid to any of these countries indirectly benefits foreign shrimpers because of the fungibility of money.

In order to ensure that American shrimpers are not forced to subsidize their competitors, my amendment forbids taxpayer dollars from being used to support Export-Import and OPIC subsidies to the countries that imported more than 20 million pounds of shrimp in the first 6 months of 2002.

Mr. Chairman, it is time for Congress to stop subsidizing the domestic shrimping industry's leading competitors. Otherwise, the government-manufactured depression in the price of shrimp will decimate the domestic shrimping industry and the communities whose economies depend on this industry. I therefore hope that Congress will soon stand up for American shrimpers by passing my Shrimp Importation Financing Fairness Act.

Ms. WATERS. Mr. Chairman, I rise to support section 568 of H.R. 2800, the Foreign Operations Appropriations bill for fiscal year 2004. Section 568 gives the President the authority to reduce the debts that poor countries owe the United States as a result of prior loans under various foreign assistance programs. This authority is included routinely in foreign operations appropriations bills. The rules governing the debates on prior foreign operations appropriations bills always have protected this language from points of order.

Unfortunately, this year, the Rules Committee reported and the House passed a rule that fails to protect subsection (a) paragraph (3) of section 568 from points of order against the inclusion of authorizing language in an appropriations bill. Section 568(a)(3) specifically gives the President the authority to reduce debts resulting from prior loans under agricultural programs and food assistance programs. The rest of section 568 is protected from all points of order, as it should be.

As a Member of Congress who has been working on the issue of debt relief for poor countries for many years, I am especially disappointed that the Rules Committee did not protect section 568 in its entirety from all points of order. Section 568 is critical to enable the President to reduce and reschedule poor countries debts. Section 568 is especially important for poor countries that do not currently qualify for other debt relief programs, such as the Enhanced HIPC Initiative.

The President recently reduced the Congo's debts using the authority included in section 568. The Congo is an extremely impoverished country that is emerging from years of violent conflict. The Congo lacks the political institutions necessary to develop the detailed economic plans and poverty reduction strategies, which countries must develop to qualify for participation in the Enhanced HIPC Initiative. The debt reduction provided under section 568 will free the Congo from the burden of substantial debt payments and assist the Congo in developing the political institutions necessary to qualify for other debt relief and foreign assistance programs.

If section 568(a)(3) is stricken on a point of order, we will narrow the President's authority to reduce poor countries' debts significantly and needlessly. Striking section 568(a)(3) would force poor countries that receive debt reduction to continue making substantial debt payments on debts that arise under certain foreign assistance programs while debts that arise under other foreign assistance programs are reduced. The President's authority to reduce debts should not depend upon whether a loan was issued under one foreign assistance program rather than another.

The President must have the authority to reduce the debts of poor countries whenever it is appropriate. I urge my colleagues not to insist on a point of order against section 568(a)(3) and to support section 568 in its entirety.

Ms. JACKSON-LEE of Texas. Mr. Chairman and Ranking Member, I rise in support of H.R. 2800, the Foreign Operations, Export Financing, and Related Programs Appropriation Act, and its general spirit, but I feel that certain plans do not receive the attention that is required in light of the pressing needs of the international community at this time.

The total $17.1 billion recommendation in H.R. 2800 is far below the fiscal year 2003 spending level of $23 billion for foreign operations and is $1.7 billion below the President's fiscal year 2004 request. At the $17.1 billion spending level, H.R. 2800 proposes to devote less than 1 percent of our GDP to foreign assistance.

I commend the committee's effort to maintain the funding of the various programs enumerated in Child Survival and Health (CS/H). This includes an increase in HIV/AIDS treatment and prevention and increased allocation of resources to UNICEF. If H.R. 2800 passes, provisions to this end should be allocated for immediate relief administration. The HIV/AIDS pandemic has claimed more than 28 million lives. Current estimates suggest that 42 million are living with HIV. As a region, sub-Saharan Africa has the largest number of individuals living with HIV/AIDS in the world. Of the 42 million people infected worldwide, 29 million of them live in sub-Saharan Africa. A higher proportion of women is living with HIV infection or suffer from AIDS than men. As of 2002, women in sub-Saharan Africa represented more than half, approximately 58 percent, of all adults living with HIV/AIDS.

The infection rate is particularly high among young girls. In some African nations, infection rates are five times higher in young women then young men. AIDS now ranks as the number one cause of death in Africa and the fourth leading cause of death globally. These numbers are staggering and should strike a nerve in you each time you hear them. I am also certain that you all have heard these figures before. However it seems that we must constantly reiterate them in order to emphasize the dire situation that Africa is in today. AIDS is not only a threat to the health of populations; it is a threat to the social, economic, and political stability of nations as a whole. What we have failed to do, particularly in Africa, is chart a plan of action that attempts to address HIV/AIDS as a social crisis that affects all spheres of everyday life. This means that a promise of funds to address the problem is not good enough; there needs to be a targeted response that aims to address the multiplicative effects of HIV/AIDS in each sector. This includes making sure that young girls have access to educational opportunities and trying to develop methods by which women do not have to rely on their husbands for their economic stability. It is time to stop placing old Bandaids on fresh wounds and begin the process of healing our beloved Africa. Unfortunately, the Amendment offered by our distinguished colleague Representative Lowey that called for an additional $1 billion for the Children Survival and Health Programs Fund, HIV/AIDS programs, and to designate the entire amount as an emergency requirement did not make it out of Committee due to a shortage of five votes; nevertheless, I fully support her efforts to this end. Likewise, I would have supported the Amendment offered by Representative KILPATRICK that proposed an additional $5 million for the same items and reducing the "Millennium Challenge Account" by the same amount. Her proposal fell short by only one vote in Committee. H.R. 2800 contains $1.27 billion, or $30 million above the President's request. Taken together with funds included in the Labor, Health and Human Services bill, the House has approved a total of $2.074 billion for HIV/AIDS for 2004 which exceeds the President's FY 2004 request by $35 million.

This bill, however, does not propose significant or definitive spending on war-related needs in Iraq and Afghanistan. Such spending increased the FY 2003 budget to $23 billion with facility in the name of national security. The committee report as to the need for funding for post-war reconstruction of Iraq noted the following:

> Events and more recent information obtained from the Office of Management and Budget and the Coalition Provisional Authority in Baghdad has reinforced the Committee's view that additional appropriated funds will be needed in fiscal year 2004. No request for Iraq has been received, and no funds are recommended in this Act.

Given the latest escalation of the United States death toll between yesterday and today to at least 153 by way of the bombing of two Humvees near a United States military convoy in North Baghdad and an ambush, it is very likely that the need for Iraq reconstruction is certain to require definitive funding. The chief of American and allied forces in Iraq and Afghanistan GEN John Abizaid, who took over from GEN Tommy Franks, announced plans to create and install a force of nearly 7,000 Iraqis to work with U.S. soldiers consisting of eight battalions of armed Iraqi militiamen, each with 850 men. The motivation behind the creation of this force is to "lower the profile of American forces" and to "put an Iraqi face on things." Replacing the faces of deceased American soldiers with Iraqi faces doesn't solve the problem. The death of Iraqi soldiers at the hands of Saddam Hussein sympathizers and dissidents will nevertheless require our attention and resources lest we allow a situation similar to that in Monrovia to occur.

Furthermore, H.R. 2800 will slightly increase funding allocations above that of FY 2003; however, the amounts requested will only scratch the surface of the emergent need due to famine and natural disaster in areas like Ethiopia. As we speak now, some 11–14 million people will go hungry in the coming months. Severe drought conditions destroyed over 15 percent of the October-November 2002 harvest in Ethiopia. The resultant failure of root vegetables and green crops to grow has caused families that depend on subsistence farming to not only lack food, but also seeds for replanting next year. This situation makes the availability of genetically modified organism (GMO) seeds dangerously attractive to the hungry, inuring them to the host of side affects and ailments that have yet to be confirmed or denied by the Food and Drug Administration. As a result of the poor arability of the land and other adverse conditions, not only are the people's crops suffering, but their livestock as well. With the mortality rate steadily rising, those remaining are experiencing a lowered body weight, which results in reduced traction, power and milk production, which again will lead to insecure food sources. Unless veterinary services improve, the death toll will continue to increase as the livestock's immune system grows weaker resulting from poor conditions and common diseases. The combined effect of plummeting livestock prices and skyrocketing cereal prices, the poorer households face an even worse predicament in obtaining food. Their wage rate is reported to be 3 times lower in the current year than in the same period last year. According to recent studies, there were 35,000 people in Ziquala, 34,920 people in Ambassel, 16,300 in Wadla, 17,455 in Kewet and 156,200 in the three wards of South Gondar who are and will be in need of external assistance through the upcoming months. It strikes me as ironic that President Bush and the Administration took such pains to publicize the recent trip to Africa only to be followed up by a less-than-sufficient budget proposal by his House GOP counterparts.

Finally, I would hope that some of the proposed FY 2004 funding can be channeled to an effort to mobilize women in the peace process. I propose that women play any and all roles that will give them an opportunity to use their leadership skills in the peace process. I took advantage of a unique experience when I served as an Honorary Chair for the Women's Partnership for Peace in the Middle East in Oslo, Norway in June of this year. I shared a panel when an unprecedented group of more than 70 women from Israel, Palestine, the United States, Europe and Asia met in Oslo, Norway at the Nobel Peace Institute to launch the Women's Partnership for Peace in the Middle East.

The objective of the Oslo Summit was to set clear goals and devise a plan of action for achieving a greater role for women in peace negotiations in the region and in the overall effort to achieve peace, a movement largely devoid of women's perspectives and participation. I would like to see women play a more pronounced role not only in the establishment of business opportunity but also in the peace process, and this kind of forum offers a platform that is both transnational as well as international. In devising a plan to fund our foreign operations, it is critical that we include cost-effective measures of peacekeeping by deputizing our strong women leaders.

Mr. Chairman and Ranking Member, for the reasons stated above, I support H.R. 2800.

Mr. WAXMAN. Mr. Chairman, I rise to express my support for H.R. 2800, the Fiscal Year 2004 Foreign Operations Appropriations bill.

While I am deeply disappointed that the bill provides less than half of the President's request for the Global AIDS Fund and less than two-thirds of the money requested for the Millennium Challenge Account, I am encouraged by the launch of these bold new initiatives to provide vital assistance to the developing world.

I also fully support the bill's bilateral assistance account, including $2.8 billion in economic and military aid for Israel, $1.9 billion in assistance for Egypt, and $456 million for Jordan, which has long provided a measure of stability in the Middle East and reinforced the Camp David Accord and the Israel-Jordan peace treaty.

I have great ambivalence, however, over the bill's acknowledgement of President Bush's move to provide $20 million in direct aid to the Palestinian Authority Ministry of Finance.

One the one hand, I believe the funds are necessary to reinforce the Road Map and the U.S. commitment to the governance of Palestinian Prime Minister Mahmood Abbas. Deposited to the Palestine Investment Fund (PIF), the money will shore up the work of newly appointed Palestinian Finance Minister Salam Fayyad and advance his effort to eradicate corruption and put Palestinian resources to work for development instead of violence.

On the other hand, I am wary of providing direct aid while anti-Israel incitement continues an the Palestinian terrorist infrastructure remains in place. What guarantee do we have that this money won't go into the same black hole as all of the other international aid funds contributed since the beginning of the Oslo process? How can we be sure the money won't end up financing terrorism or corruption?

Since the signing of the Oslo Accord the international community has invested more than $4.5 billion to organize Palestinian infrastructure. For the past 3 years, Arab and European donors have been transferring $45 million to the Palestinian treasury every month. Yet, even in the quietest days of the peace process, the Palestinian economy languished with high unemployment and stagnant growth.

Palestinian companies created to provide services for the Palestinian people have done nothing but line the pockets of Arafat's henchmen. Corporations set up by the Palestinian Authority to manage telecommunications, energy, and phone service to the Palestinian people have been proven to be nothing more than fronts for money laundering and terrorist activity.

At the same time, the results of Finance Minister Fayyad's work has been impressive. Teamed up with a host of international monitors, the PIF has undertaken an ambitious and critically important task of auditing all Palestinian Authority companies, replacing and reorganizing management, and operating all of the restructured firms through a centralized and transparent system. The effort has quickly become a proven method to cut off Palestinian Authority funds that were being used for nefarious purposes.

Before the PIF was created, there was no way to monitor Palestinian Authority revenues or expenditures. For example, until recently taken over and audited by the PIF, the Palestinian petroleum company had been regularly used to fund the terrorist activities of Fatah and the Al-Aqsa Martyr's Brigade. Similarly, the PIF has stepped in to stop the Gaza phone company from cooking its books to write off "expenses" while never providing service to its customers.

The steady stream of money for terrorism is finally drying up. The Israeli Government has already approved the PIF system to deposit Palestinian tax revenues that were long withheld until appropriate safeguards were in place to ensure the money did not end up in terrorist hands.

It is our expectation that the direct aid to the PIF by the United States should be seen as a tenuous first step, as a confidence building measure. It is an expression of our commitment to help Prime Minister Abbas consolidate his mandate for a different Palestinian future. For too long, the Palestinian people have become dependent on terrorist organizations like Hamas and Islamic Jihad because Arafat's mismanagement denied them basic social services like education, water, and health.

With this aid package, as instituted by President Bush, the United States hopes to set an example for the international community to direct all donations and investments to the PIF and distance themselves from Arafat's money trail of devastation and murder.

I firmly believe, however, that the aid should not be viewed as a standing fund or a full resumption of ties to the Palestinian Authority. The President was only able to extend the grant with a waiver, which would still be required again before any additional aid could be considered. It is vitally important that Congress conduct vigorous oversight to ensure that the money is properly spent.

We must also require clear benchmarks to evaluate when and whether additional aid should be considered in the future. The most crucial is that no additional aid should be considered before all security forces are under a centralized control of Prime Minister Abbas with all payroll payments to Palestinian Authority officers organized electronically and transparently through the PIF.

President Bush's June 24, 2002, speech laid out the terms for a new Palestinian leadership untainted by terror to emerge. Progress can only be measured through security, cooperation and accountability.

The CHAIRMAN pro tempore. The gentlewoman's time has expired.

Mr. KOLBE. Mr. Chairman, I have no additional speakers in general debate, and I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further,* That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2004.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $71,395,000: *Provided,* That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further,* That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2004.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided,* That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $41,385,000: *Provided further,* That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2004 and 2005: *Provided further*, That such sums shall remain available through fiscal year 2012 for the disbursement of direct and guaranteed loans obligated in fiscal year 2004, and through fiscal year 2013 for the disbursement of direct and guaranteed loans obligated in fiscal year 2005.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until September 30, 2005.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2004, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $2,235,830,000, to remain available until September 30, 2005: *Provided*, That this amount shall be made available for such activities as: (1) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children displaced or orphaned by AIDS; (2) family planning/reproductive health; (3) health, nutrition, water and sanitation programs, and related education programs, which directly address the needs of mothers and children; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) immunization programs; and (6) oral rehydration programs: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this heading, not to exceed $250,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That the following amounts should be allocated as follows: $324,000,000 for child survival and maternal health; $27,000,000 for vulnerable children; $840,830,000 for HIV/AIDS; $155,500,000 for other infectious diseases; $368,500,000 for family planning/reproductive health; and $120,000,000 for UNICEF: *Provided further*, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, not less than $400,000,000 shall be made available, notwithstanding any other provision of law, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund"), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That of the funds appropriated and allocated for HIV/AIDS and the Global Fund under this Act, not to exceed $870,830,000 may be apportioned to the Office of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally (the "Coordinator"), of which amount: $400,000,000 shall be made available as a contribution to the Global Fund; not less than $15,000,000 should be made available as a contribution to the International AIDS Vaccine Initiative; not more than $6,326,000 may be available for administrative expenses; and not more than $50,000,000 may be made available under the authority contained in section 1(f)(2)(A)(iii) of the State Department Basic Authorities Act of 1956: *Provided further*, That no United States contribution to the Global Fund may cause the total amount of United States Government contributions to the Global Fund to exceed one-half of the total amount of funds contributed to the Global Fund from all other sources: *Provided further*, That if, by June 30, 2004, the application of the previous proviso prevents a contribution of the full amount allocated for the Global Fund, the amount that cannot be made available for the Global Fund may be made available by the Coordinator, through relevant executive branch agencies, for activities to combat HIV/AIDS, tuberculosis, or malaria, subject to prior consultation with the Committees on Appropriations: *Provided further*, That in carrying out the duties specified in section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956, the Coordinator shall ensure that assistance is provided for activities in not fewer than 15 countries, at least one of which shall not be in Africa or the Caribbean region: *Provided further*, That of the funds appropriated under this heading, up to $60,000,000 may be made available for a United States contribution to the Vaccine Fund, and up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contribution under the preceding provisos: *Provided further*, That notwithstanding any other provision of this Act, funds appropriated under this heading that are available for child survival and health programs, shall be apportioned to the Office of the Coordinator, or the United States Agency for International Development, and the authority of sections 632(a) or 632(b) of the Foreign Assistance Act of 1961, or any comparable provision of law, may not be used to transfer or allocate any part of such funds to the Department of Health and Human Services including any office of that agency, except that the authority of those sections may be used to transfer or allocate up to $35,000,000 of such funds to the Centers for Disease Control and Prevention: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from accounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

AMENDMENT OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACKSON of Illinois:

In title II, in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the aggregate dollar amount, insert the following: "(increased by $150,000,000)".

In title II, in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", insert before the period at the end the following:

: *Provided further*, That of the funds appropriated under this heading, $150,000,000 is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004

In title II, in the item relating to "DEVELOPMENT ASSISTANCE", after the aggregate dollar amount, insert the following: "(increased by $200,000,000)".

In title II, in the item relating to "ECONOMIC SUPPORT FUND", after the aggregate dollar amount, insert the following: "(increased by $20,000,000)".

In title II, in the item relating to "ECONOMIC SUPPORT FUND", insert before the period at the end the following:

: *Provided further*, That of the funds appropriated under this heading, not less than $97,300,000 shall be made available for assistance for sub-Saharan Africa: *Provided further*, That of the funds appropriated under this heading, $20,000,000 is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004

In title II, in the item relating to "MILLENNIUM CHALLENGE ACCOUNT", after the aggregate dollar amount, insert the following: "(reduced by $200,000,000)".

In title II, in the item relating to "DEBT RESTRUCTURING", after the aggregate dollar amount, insert the following: "(increased by $300,000,000)".

In title II, in the item relating to "DEBT RESTRUCTURING", after the dollar amount in the second proviso, insert the following: "(increased by $300,000,000)".

In title II, in the item relating to "DEBT RESTRUCTURING", at the end of the second proviso, insert the following:

, of which funds $300,000,000 shall be made available pursuant to such title for the reduction of debt of the Democratic Republic of the Congo.

In title II, in the item relating to "DEBT RESTRUCTURING", insert before the period at the end the following:

: *Provided further*, That of the funds appropriated under this heading, $300,000,000 is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004

In title IV, in the item relating to "CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND", after the aggregate dollar amount, insert the following: "(increased by $10,709,970)".

In title IV, in the item relating to "CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND", insert before the period at the end the following:

: *Provided*, That of the funds appropriated under this heading, $10,709,970 is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004

Mr. JACKSON of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

Mr. JACKSON of Illinois. Mr. Chairman, just before I present my amendment, I want to make an observation.

The chairman said a few moments ago that this bill represents a $1 billion increase over last year's numbers. The development assistance account under this bill is down from the fiscal year 2003 numbers, and it is down from the request in fiscal year 2004. The economic support fund in this bill is down from the fiscal year 2003 enacted and the fiscal year 2004 request.

☐ 1715

The African Development Foundation is down from fiscal year 2003; and under the 2004 request, migration and refugee assistance is down, debt restructuring is down, peacekeeping operations also down, and the African Development Bank is also down.

Mr. Chairman, I stand today because Africa is in a state of emergency. Africa is the poorest region in the world containing a majority of the world's poorest countries. One in three people in sub-Saharan Africa do not get enough to eat every day, and only one in two people have access to clean drinking water. One in three children completes elementary school, and the average life expectancy in Africa is just 49 years, and the countries hardest hit by AIDS just 30 years.

President Bush made a promise on March 14, 2002 at the Inter-American Development Bank. And on March 22, 2002, at the U.N. Financing for Development Conference in Monterrey, Mexico, the President said, "The United States will lead by example. I have proposed a 50 percent increase in our core development assistance over the next three budget years. Eventually this will mean a $5 billion increase over current levels." And the President said further, and I quote, "This is new money. This money is above and beyond existing aid requests in the current budget I submitted to Congress. I carry this commitment in my soul."

In other words, the President promised to add to, not take away from core development assistance accounts. Congress must not now make President Bush's promises look hollow. But the bill before us today risks doing that. The President proposed an $18.8 billion budget for foreign operations, while this bill funds at $17.1 billion. Development assistance in our bill is $25 million below the President's request and $60 million below the fiscal year 2003 level. The President's request for $300 million for bilateral debt relief for the Democratic Republic of the Congo, a nation in civil war, was not included in this bill.

So my amendment, Mr. Chairman, seeks to restore and increase the critical development assistance funding for more than 600 million people in 48 countries in sub-Saharan Africa. It seeks to make good on the President's commitment. My amendment adds a total of $680 million to the foreign operations bill. Two hundred million dollars of the $680 million is offset by reducing the Millennium Challenge Account, which applies to only three countries out of 48 in Africa, from $800 million to $600 million to pay for development assistance for sub-Saharan Africa. Four hundred eight million dollars is declared emergency spending, of which $150 million is added to survival and health programs; $20 million is added to the Economic Support Fund, and earmarks $97 million in ESF funds for sub-Saharan Africa. Three hundred million dollars is added for debt relief in the Democratic Republic of the Congo, restoring the President's request. Eleven million dollars is added for the Africa Development Fund, again restoring the President's full request of $118 million.

Mr. Chairman, my amendment is clear and simple. It provides emergency spending for an emergency. I urge Members to support my amendment, and I also urge my colleagues to think long and hard about other emergencies on the African continent other than just AIDS.

Now, Mr. Chairman, I understand that there is a bipartisan agreement not to call any votes between now and 6:45. I have missed only one vote in the last 8 years, 3,999 out of 4,000, and that means, Mr. Chairman, that I have been here through every temper tantrum, every motion to adjourn, every motion for the Committee to rise, every motion to recommit, every final passage, and every approval of the Journal for the last 8 years. And so right around 6:30 or 6:45, for the first time in the history of the United States Congress, we will have a motion that the Committee rise to help Africa.

Ms. WATERS. Mr. Chairman, I rise to support the Jackson amendment to add $480 million in emergency funds for Africa. This amendment would add $300 million for debt relief for the Democratic Republic of the

Congo, $150 million for child survival programs in Africa, $20 million for economic support funds for Africa and $10 million for the African Development Fund.

This bill underfunds a number of accounts that provide assistance to the people of sub-Saharan Africa, the poorest region of the world. More than 300 million people in sub-Saharan Africa survive on under $1 per day. Almost half of the continent does not have access to safe water sources. Only one in three African children completes elementary school, and one in three people in sub-Saharan Africa does not get enough to eat every day. Average life expectancy in Africa is just 49 years. In the countries hardest hit by the AIDS epidemic, life expectancy is just 30 years.

As a member who has been working on the issue of debt relief for poor countries for many years, I am especially concerned about the lack of funding in this bill for debt relief for the Democratic Republic of the Congo. The Enhanced HIPC Initiative was developed to free impoverished countries from the burden of debts and allow them to invest their resources in AIDS treatment and prevention, health care, education and poverty reduction programs. Most of the funds necessary to provide debt relief to the countries that are eligible for participation in the Enhanced HIPC Initiative were appropriated in the years 1999 through 2002. The President requested $300 million in fiscal year 2004 to provide debt relief to the Congo, but these funds were eliminated from this bill. The Jackson amendment would restore the $300 million included in the President's request and permit the Congo to benefit from the Enhanced HIPC Initiative.

The President recently returned from a trip to several African countries. During his trip, he talked about American support for Africa and American programs that provide assistance for Africa's development. However, if Congress does not appropriate the funds to implement African development programs, American support for Africa will be mere rhetoric. The Jackson amendment would provide funds to these critical development programs that promote American goodwill in Africa, while assisting some of the world's poorest people.

I urge my colleagues to support the Jackson amendment.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I do make a point of order against the amendment.

The CHAIRMAN pro tempore (Mr. TERRY). The gentleman will state his point of order.

Mr. KOLBE. Mr. Chairman, I make the point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states, in its pertinent part, "An amendment to a general appropriation bill shall not be in order if changing existing law." This amendment directly does change existing law, and I would ask for a ruling of the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Illinois (Mr. JACKSON) wish to be heard in rebuttal of the point of order?

Mr. JACKSON of Illinois. Mr. Chairman, I do wish to be heard in rebuttal.

My amendment does not offer any changes in existing law. My amendment simply allows emergency funding under the stated provisions. My amendment simply moves money around in an existing account, and under the House budget resolution there is a provision for emergency funding.

And while part of my amendment is offset by a reduction in the Millennium Challenge Account, the other part of my amendment is perfectly within order in the context of emergency spending as approved by the House budget resolutions in the relevant sections of the legislation.

Mr. KOLBE. Mr. Chairman, I would just make the simple comment that it is an emergency designation and that changes existing law.

The CHAIRMAN pro tempore. Does the gentlewoman from New York (Mrs. LOWEY) wish to address the point of order?

Mrs. LOWEY. Yes, Mr. Chairman. Although I certainly respect the chairman's point of order, I just wanted to make a few points before the Chair rules.

I want to say, Mr. Chairman, that the gentleman does stress the urgency of the request that he has made in this bill. I have tried repeatedly to get an emergency amendment for $1 billion, which would match the authorization, bringing the current appropriation from $2 billion to $3 billion for HIV/AIDS, and I certainly applaud the gentleman for making this point again. And I also want to applaud the gentleman for talking about the urgency of conditions in Africa.

Certainly the chairman and I would have been delighted to have the appropriation recommended by the President, which was $18.8 billion, and it was unfortunate that the leadership cut our appropriation to $17.1 billion. We know the reality, based upon last year, that $23 billion was the total amount that was appropriated for fiscal year 2003. We know that this bill does not include funding for operations in Iraq. We know there will be other urgent needs in the year. And I just want to thank the gentleman from Illinois for again bringing these issues to our attention.

We have the power of a great Nation to act, and to act and respond to these urgent situations I think is a moral imperative.

Mr. JACKSON of Illinois. Mr. Chairman, if I can be recognized further on the point of order before you rule, I did offer this amendment in the Committee on Rules but it was not granted a waiver.

And so, unfortunately, Mr. Chairman, I concede the point of order.

The CHAIRMAN pro tempore. The point of order is conceded and sustained.

AMENDMENT OFFERED BY MS. KILPATRICK

Ms. KILPATRICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KILPATRICK:

Page 5, line 22, after the dollar amount insert "(increased by $300,000,000)".

Page 6, line 21, after the second dollar amount insert "(increased by $300,000,000)".

Page 30, line 5, after the dollar amount insert "(reduced by $300,000,000)".

Ms. KILPATRICK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. KILPATRICK. Mr. Chairman, I rise today to offer an amendment that would begin to meet the President's pledge as he traveled to Africa less than a week ago. During the time in Africa, President Bush pledged to five heads of State and millions of people that he would fund the AIDS initiative at $15 billion over 5 years.

On March 27, this Congress passed an authorization for that $15 billion commitment over 5 years. In that authorization in March it had $3 billion as the first installment on that $15 billion pledge. My amendment offers $300 million to begin to meet the pledge, and again not fully funding the pledge, understanding the restraints that we are within.

I offer this amendment because, as was mentioned before, the pandemic in the world and certainly in Africa on that continent, sub-Saharan Africa, 48 countries, over 700 million people with a high incidence of HIV and AIDS need the assistance. In addition, in India, with over 1 billion people, China with similar populations, Russia, the Caribbean, there is a pandemic of enormous proportions all over the world. This is the number one country in the world. We ought to set the pace. I do not want our commitments to be taken lightly. The President has seen firsthand what this illness has done to families, to communities, to countries of the world, and I urge him to accept our amendment.

We ask that the $300 million be offset, and I fully support the Millennium Challenge Account and commend the President for beginning the process of establishing it. The $300 million offset would come from the $800 million in this foreign operations bill, which would leave $500 million in the Millennium Challenge Account. And I might add, this House just passed the MCA account last week. The Senate has yet to act on this account. We do know that the bills will be sent to the President soon, he will sign them and he will begin initiating the administration in setting up the Millennium Challenge Account.

I want to discuss what things have to happen before any of this $500 million can be spent. The President will appoint a CEO, with support and advice from the Senate, who then will hire a board and put a board in place to administer the MCA. They will then hire 150 to 200 employees to implement the things that the legislation requires. Twelve countries will then be identified that meet certain criteria in the bill. The proposals have to be drawn up, they have to be submitted, the countries have to respond again, and then the money has to be given out. We believe much of that $500 million will not be spent before the first quarter in this fiscal year.

The pandemic stretches across these countries I have mentioned, over 42 million people living with HIV/AIDS today. UNAIDS has already said to us that of all the monies coming into the U.N. for the pandemic, we will be $3 billion short of what we really need to address the pandemic. Given that situation, given the whole process that the MCA must go through between now and October 1 when we think it might be initiated and funded, right through the spring before all those steps can be taken and fully implemented, we believe that the offset matches and that there will be enough resources in MCA, which I fully support, to begin the process of establishing the Millennium Challenge Account.

At the same time, people living with HIV and AIDS are dying as we speak. The money will not be pilfered, as one Member said earlier today. These are things happening on the ground in these countries around the world today. There are proven success stories in many countries around the world.

So I urge my colleagues to accept the Kilpatrick amendment. It is on time, it is right now, and it is something that millions of people need all over this world as we speak. I want everybody to know again that the $3 billion shortfall that the UNAIDS says is needed is needed today and can be spent today.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to first of all thank the gentlewoman from Michigan for offering this, and I think the debate here is a very good and healthy one because I think it underscores some important policy differences and also allows us to have a full airing of this issue.

□ 1730

She has been a tremendous contributing member to our subcommittee. She is a passionate advocate for assistance to Africa on HIV/AIDS and development assistance, and I respect very much the gentlewoman from Michigan and her position. I do disagree with her position. Let me just take a moment to explain why.

First of all, I want to just correct one statement that the gentlewoman made and that is that the Senate has not acted on the Millennium Challenge Account. They have adopted it as an amendment to the State Department authorization bill on the floor, the bill is still pending final action, but it has been adopted on the floor of the Senate. So I think we are working our way towards approval of it.

This amendment would undermine what the President has laid out as one of his new initiatives. I am very excited about this. I was with the President in Monterrey when he talked about the new Millennium Challenge Account. I believe this is the most innovative and creative idea in foreign assistance since the Marshall Plan, maybe since President Kennedy's Partners in Progress program. There is no doubt in my mind that this is a new way of looking at foreign assistance and one which gives an opportunity for countries to be a part of our development of a foreign assistance program.

Most of our traditional foreign assistance is delivered through contractors. We decide which countries we are going to go into. We go into those countries. We hire a contractor to help develop training of nurses, to develop curricula in high schools, but we decide what is going to be done, and a contractor from the United States does this. The Millennium Challenge Account says to these countries, if you show that you have a commitment through transparency, through a lack of corruption, through openness in the process, we invite you to come and apply, we invite you to get a substantial part of these new dollars that are going to be appropriated, and we invite you to show us that you can spend these in a way that leads to sustained development, that actually increases the standard of living for the people living in these countries. I think it is a very exciting way to look at development assistance.

The President has made a commitment that it will not cut the basic development assistance that we now have in place. This is going to be added on, on top of it, so it is new development assistance. I think that is very important to keep in mind, Mr. Chairman.

Let me just make a couple of other points here. The gentlewoman is right that this program is in its infancy, it is not even born, in a sense, yet, since the legislation has not been enacted into law. That is why we are not including in our appropriation as much as the President requested. The President asked for $1.3 billion. We are about 40 percent almost underneath that at $800 million. But there is no doubt in my mind that we can deliver this assistance and really make a difference during the coming year. To cut it below that, not only do we have a statement from the White House that senior advisers would recommend a veto if we cut it below the $800 million amount, but I think it would be extraordinarily unwise.

Perhaps one of the last points I want to make, Mr. Chairman, is that this legislation goes hand in hand with what we are trying to do on HIV/AIDS. You cannot separate development assistance from HIV/AIDS. The health infrastructure in a country, the basic education of children so that they can understand about prevention of HIV/AIDS, all of this goes hand in hand, hand in glove. They go together. So we should not think as though we are taking something away from HIV/AIDS. This is a complementary program for HIV/AIDS. It gives us a real opportunity to do something about it.

I think we are going to hear probably that only three countries in Africa qualify. I do not know where that statement comes from, but that is absolutely not true. On the basis of income, which is the only thing in the bill we have passed, on the basis of income, many of the countries in Africa do meet that criteria. There is another set of criteria that is a more subjective one, that they have to get through a list of criteria before they would qualify; but there is nobody that yet has said exactly how those criteria are going to be applied. So it would be absolutely incorrect to say that only three countries in Africa could qualify. That is absolutely not true.

Mr. Chairman, this is an amendment which would be, I think, very detrimental to not only HIV/AIDS in Africa but to development assistance. I urge my colleagues to vote against this amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Kilpatrick amendment. I just want to make a point at the beginning to my distinguished chairman. Based upon the information I have received and we have received as a committee from the administration that MCA, and as you and I know we have received very little information, based upon the criteria that they have set out, only three African nations would qualify in 2004 and 2005, an additional three. I welcome additional information, but the administration has not been over to brief us.

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Arizona.

Mr. KOLBE. That statement does not come from the administration. There is an individual with one of the think tanks here in town who has gone through this proposed set of criteria, proposed set, because it is not in the law, the proposed set of criteria that would be used and said only three would qualify. But the only thing in the law is the income. That is the only thing in the law.

Mrs. LOWEY. Reclaiming my time, I understand that. And the reason we have had to depend upon think tanks for this information is that the administration, other than developing the criteria, has not responded to us in a request for specifics. Why do we not leave it at that, and I will go on and make a few other points. I thank the gentleman.

Mr. Chairman, I do support this amendment because the amendment would add $300 million to the Child Survival Account to fight the scourge of HIV/AIDS, tuberculosis and malaria and is offset by a corresponding cut in the Millennium Challenge Account. Along with the $2 billion already provided in this bill and in the labor-HHS bill, the amendment would bring the total amount appropriated for HIV/AIDS, TB and malaria to $2.3 billion. I had hoped that my amendment to add $1 billion for HIV/AIDS would be made in order, but it was not. I believe that this amendment is a step in the right direction and I urge my colleagues to support it.

Nearly 3 months ago, the House voted to authorize $3 billion to fulfill the first year of the President's 5-year, $15 billion global AIDS initiative. Amendments to cut the $3 billion level were defeated soundly by the full House. And the President did leave the distinct impression during his recent trip to Africa that the full $3 billion would be provided in 2004, despite the fact that he only requested $2 billion in funding. In fact, OMB's statement of administration policy on this bill, which arrived just a short time ago, threatens to veto the bill if we move funds from the MCA account for HIV/AIDS programs. Frankly, I find it outrageous that a veto is threatened over the fact that funding may be shifted from a proven, up-and-running program to a brand new initiative that has not yet begun.

This threat does prove one thing, however. Clearly the President has no intention of reaching a $3 billion level for HIV/AIDS as was authorized in 2004. The rhetoric that surrounded the signing of the HIV/AIDS bill was hollow. Today we have an opportunity to prove that our commitment was real.

HIV/AIDS is not only a humanitarian crisis; it is a grave threat to global stability. The African continent is being destroyed by this pandemic. Of the 42 million people infected with HIV, almost three-quarters live in Africa. Life expectancies in Africa are falling rapidly and in some countries people are not expected to live past their forties. By the year 2010, there will be 40 million AIDS orphans. There are still many countries in Africa where condom distribution, access to HIV testing, and education programs is still not available. More resources are necessary and our capacity to plan and deliver programs can and must be expanded. The global AIDS bill recently passed by Congress requires that our HIV/AIDS programs begin a transition from awareness and comprehensive prevention to treatment and abstinence promotion programs. This will be an expensive undertaking, and it should not replace current efforts which emphasize a balanced approach to prevention and awareness. New efforts require new resources.

These funds can be spent wisely next year. The most recent United Nations report, the subject cites the need for $8.3 billion for HIV/AIDS programs next year, while estimating that only $5.3 billion will be provided by all donors combined, leaving a gap of $3 billion.

The amendment also leaves open the possibility of an increase above the $400 million already in the bill for the Global Fund. Having more U.S. dollars in place for the fund will serve as an incentive for other donors to do more.

The additional funds can be used next year to: speed expansion of Mother-to-Child transmission programs; accelerate the creation of viable treatment programs; establish drug purchase and distribution programs; expand the President's initiative beyond the 14 countries currently identified; and expand prevention programs.

I support the offset included in this amendment not because I do not support the MCA initiative, but because all the funds provided in the bill cannot be used next year. Legislation setting the parameters for the new Millennium Challenge Corporation (MCC) has just passed the House and may not pass the Senate anytime soon. There are many unresolved issues relating to Congressional oversight and eligibility criteria. The head of the MCC has not been appointed, no staff are in place, and no financial or contracting procedures exist. Under the best circumstances, it will take 12 to 18 months for the Corporation to be fully functioning. Passage of this amendment leaves the MCC with $500 million for 2004, which I believe is more than enough.

The additional funding for HIV/AIDS can be used wisely next year. It will make a real difference and save lives, and it will demonstrate to the world that when the United States makes a promise, we keep it.

I urge support of the Kilpatrick amendment.

Ms. HARRIS. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to this amendment.

Mr. Chairman, by opposing this amendment, I do not wish to minimize our constitutional duty to establish our Nation's spending priorities. Even when a President invokes national security as the basis for a funding request, we have the responsibility to scrutinize the underlying justification, disagreeing where we must.

The fiscal year 2004 Foreign Operations Appropriations Act carefully balances the foreign policies of Congress and the President. Regrettably, this amendment alters that equilibrium without sufficient cause. President Bush has proposed two historic initiatives that will help win the war on terror through the power of America's compassion and the strength of America's convictions. By virtue of his plan to aggressively fight AIDS in the developing world and his Millennium Challenge Account proposal, the President has presented a comprehensive vision for a safer, freer, healthier and more prosperous world, a goal that we all share.

Both of these initiatives deserve our enthusiastic support. Individually, neither of these proposals can achieve our critical humanitarian and strategic objectives. By cutting funding to the Millennium Challenge Account, we would seriously hobble this comprehensive reform of United States assistance to developing nations in this critical first year. In particular, we would risk losing this opportunity to demand action and accountability from recipient governments rather than mere promises. Nevertheless, this amendment inexplicably deprives the Millennium Challenge Account of its necessary funding. The amendment's sponsors have failed to provide us with a compelling rationale for this approach other than the general vital importance of fighting AIDS in the developing world. I do not dispute this basic contention. Yet we must not become so single minded about this objective that we sacrifice the most revolutionary foreign aid proposal since the Marshall Plan.

America's ability to win the war on terror depends on how well we use our economic, diplomatic, and humanitarian tools at our disposal to relieve suffering, build stability, and promote freedom and prosperity around the globe. Congress, in agreement with the administration, has painstakingly allocated the resources necessary to achieve these objectives. The stakes are simply too high to sacrifice the reward of sound economic practices and good governance policies in recipient nations that the MCA would encourage.

I urge my colleagues to preserve the efficacy of the President's visionary initiative by defeating this amendment.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it was not long ago here in this Chamber that the President of the United States stood right at the desk before you and he mentioned the word "Africa" twice in a State of the Union address. One of those times, well, we will leave that time alone, but the time that is important to us, the President came to this Congress and he said, I ask the Congress to commit $15 billion over the next 5 years including nearly $10 billion in new money to turn the tide against AIDS in the most afflicted nations of Africa and the Caribbean.

Mr. Chairman, I was sitting right there where the gentlewoman is sitting, and I stood up and gave the President, along with this Chamber, the most incredible standing ovation that was sustained by Members of Congress that I think we have seen in this Chamber in a long time. We considered the President's initiative to be bold on the question of AIDS for Africa. Now the rubber meets the road. The Subcommittee on Foreign Operations is offering a number that falls significantly below that which the President offered in his State of the Union address. Again, he mentioned the term Africa twice in that State of the Union speech.

I stand in support of the gentlewoman's amendment. Make no mistake about it. The Millennium Challenge Account, the Millennium Challenge Corporation will benefit only three African countries out of 48. The chairman said that this is the most creative plan since the Marshall Plan. But make no mistake about it, the Millennium Challenge Account is not a Marshall Plan. There is a pandemic in Africa. Are we to assume that only three countries in Africa are confronting an AIDS pandemic? Or is the problem in all 48 sub-Saharan African countries? The gentlewoman seeks to take $300 million from a nontested, experimental program and move it into time-tested cures, remedy, and education for AIDS in sub-Saharan Africa.

And so, Mr. Chairman, let us be clear. Since its discovery 2 decades ago, more than 18 million Africans have died of AIDS out of 25 million cases worldwide. Most of the African Americans in this Congress, who happen to be in the minority party, are supporting the Kilpatrick amendment.

□ 1745

A few moments ago we heard members of the Committee on Ways and Means come to this floor and talk about respecting each other, respecting people's perspective and respecting their homeland. Certainly when some of my other colleagues come to the floor and offer great testimonies about where their ancestors are from and what the Congress should be doing to offer help for their areas, we tend to listen and give deference to those Members of Congress. The Congressional Black Caucus is supporting the gentlewoman from Michigan's amendment, those of us who are descendants of Africa; so are we asking too much to ask our colleagues to shift resources from one untested account to a tested account that we are confident can make a difference in the lives of people that we care so dearly and so much about, or are we to be told what the fiscal responsibility of Congress is as it relates to foreign operations?

Mr. Chairman, the gentlewoman is offering an amendment that is in order, that has been ruled in order by the Committee on Rules, and I would encourage my colleagues to support this amendment because it makes sense for Africa.

Mr. ROYCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment, and I am going to repeat a point which the gentleman from Arizona (Chairman KOLBE) has already made and that is yes, the President has repeatedly said $15 billion over 5 years, but he has also made the point repeatedly that the first year of that program as we ramp up will be $2 billion, and that is what is in this bill.

Let me make another point. As we throw around the argument in this Chamber that we will have only three countries qualified for the Millennium Challenge Account, I am reminded that initially in the argument over the African Growth and Opportunity Act there was the argument that not that many countries would qualify. If we look at the results, there are either 38 or 39 countries today that qualify under the African Growth and Opportunity Act out of those 48 sub-Saharan African governments. So what we have seen is a reform, a series of reforms. We have seen more and more countries qualify as we move forward. So I do not think we should assume coming out of the gate that because an NGO argues we think it is only going to be three that that is necessarily the case. I do not believe that.

I appreciate the gentlewoman's intent with this amendment. I chair the Subcommittee on Africa, and I think she and others are right. I think HIV/AIDS is ravaging many parts of the African continent, and I have seen its devastating impact there, and I think this pandemic is starting to ravage other regions of the world as well. So HIV/AIDS is a great challenge for Africa and is a great challenge for the world.

As the gentleman from Arizona (Chairman KOLBE) has noted, the House has provided over $2 billion this year for fighting HIV/AIDS and related diseases and we will ramp up in that commitment over the next few years, and this is more than we have ever provided before, as it should be.

But we need to be clear on another point. HIV/AIDS prevention and treatment programs are not done in a vacuum. Other efforts to combat HIV/AIDS cannot be effective if African and other developing countries do not have roads or electricity or if family members do not have jobs, if poverty remains widespread. So we need to use our limited resources to combat HIV/AIDS and to promote economic development, and our approach to Africa and the developing world must be comprehensive. Africa's many problems are, in fact, interrelated.

The Millennium Challenge Account is the most innovative approach to development aid in years. Its approach of identifying and aiding those countries committed to economic development promises to ensure that our resources actually make a difference in promoting development in Africa and elsewhere and it promises to help create the conditions that allow for a more effective attack on HIV/AIDS.

Last week the House passed legislation authorizing $1.3 billion for the Millennium Challenge Account for the upcoming fiscal year. That bill won strong bipartisan support. The bill that we are considering today appropriates $800 million. If we are serious about the Millennium Challenge Account, if we are serious about the most innovative approach to development aid in years, we should go no lower with its appropriation level. Those of my colleagues skeptical of development aid, and the track record for many development aid programs is not good, should view the Millennium Challenge Account as a critical undertaking. It promises to revolutionize the business of development aid. By defeating this amendment, we are supporting a promising departure from the past, and I ask my colleagues to defeat this amendment.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Today I rise in support of this amendment, and I would also at this point like to thank the gentlewoman from Michigan (Ms. KILPATRICK) for introducing it and also for her very bold and committed leadership and her very hard work over the years in trying to ensure that we increase the level of assistance to help combat HIV and AIDS. We could not do it without her. We authorize, she appropriates. And she certainly has taken lead to ensure that millions of people in Africa have hope. I thank her.

Over the past 2 months, in fact, it was about 2 months ago, the President of the United States signed into law H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. This piece of legislation, which passed the House overwhelmingly last May, provides $15 billion over 5 years. That is $3 billion a year, which is still not enough but that is all that we could negotiate, for global AIDS, tuberculosis, and malaria programs in the developing world, especially in Africa and the Caribbean.

Two weeks ago the President took this promise of money to the continent of Africa where he attempted to trumpet the compassionate side of United States foreign policy. For the most part, he was warmly welcomed by people who believe and expect that when the United States makes a promise to tackle a problem, particularly something as devastating as HIV and AIDS, which of course Secretary of State Colin Powell has repeatedly described as a greater threat than terrorism, people believe that we will follow through on our commitment.

Unfortunately, that has not been the case so far, and I was very surprised and taken aback last week when I learned of a letter forwarded to the gentleman from Arizona (Chairman KOLBE) from the White House asking him to keep the overall funding for global AIDS at $2 billion, specifically mentioned that the Global AIDS Fund should only receive $200 million this year. Actually it was $200 million less than what was in the bill, so thankfully I am glad that the committee did not heed this particular advice.

But meanwhile let me just say in Paris, France we learned that our Secretary of Health and Human Services, Tommy Thompson, was at the global AIDS meeting. He of course serves as Chair of the Executive Board of the Global Fund, and he was attempting to solicit greater contributions for that organization from other donor nations, which is a good thing, but we are leading the way.

Let me just ask my colleagues what kind of message do these two actions really send to the rest of the world? Clearly, the administration's financial commitment to this issue does not match its rhetoric. Let me just quote the President's own words when he was in Nigeria on July 12. The President said, "This week a committee of the House of Representatives took an important step to fund the first year of the authorization bill. The House of Representatives and the United States Senate must fully fund this initiative for the good of the people on this continent of Africa." The President said that in Africa. So today we are left to work with the foreign ops appropriation bill that is woefully underfunded coming in at even $1.8 billion less than the President requested way back in February. Unfortunately, this means that a variety of valuable foreign aid programs must compete for the same pot of money, including foreign aid initiatives that the President considers to be his own. This scenario could have been avoided really if the amendment offered by the gentlewoman from New York (Mrs. LOWEY) which provided an extra $1 billion in global AIDS funding by way of an emergency designation in this bill had been approved in committee last night, if the Committee on Rules had made the amendments in order. Ever since the subcommittee allocations came out, we knew that we were likely to face a $1 billion funding shortfall for our global AIDS programs. That is why about 2 weeks ago 115 of our colleagues joined in sending a letter to the President, urging him to formally request an emergency supplemental appropriations of $1 billion for our global AIDS program so that we could avoid any potential cuts to any other foreign aid programs. So we sent this communication.

I am still hopeful that the President will move to save millions of lives in Africa with the same kind of zeal that he has displayed earlier in pushing through tax cuts and in pursuing the invasion of Iraq. But in the meantime we must also do what we can to ensure that the promises made by the United States Government towards the people of Africa and the Caribbean are lived up to.

Mr. Chairman, let me ask that we support the Kilpatrick amendment. The need for increased funding for HIV and AIDS is now. These additional funds can be spent to save lives, and we need to put this money into the account right now. I hope that the Members have heard the cry of the Congressional Black Caucus today.

As you know the amendment before us would transfer $300 million from the Millennium Challenge Account to our bilateral AIDS programs within the Child Survival and Health Account of the Foreign Operations bill. This would reduce the overall funding level for MCA to $500 million, while boosting funding for our Global AIDS programs within this bill to $1.73 billion.

As a co-sponsor and a strong supporter of the Millennium Challenge Account legislation that we passed last week, I had to make a difficult decision as to whether we could justifiably pull $300 million away from the initiative without jeopardizing its ability to get off the ground in its first year of operation.

After careful consideration of the likely timing for the enactment of the MCA, the need to operationalize the Millennium Challenge Corporation, and future funding disbursements, as well as the urgency of the Global AIDS pandemic, I believe that this amendment is an acceptable tradeoff.

Nonetheless, this kind of practice is not something we can engage upon year to year. The administration must back up its so called Presidential initiatives with more than just rhetoric. It must provide the funding. Otherwise, the Emergency Plan for AIDS Relief, the Millennium Challenge Account, and our other initiatives will be nothing more than empty promises. The need for increased funding for HIV/AIDS is now. The additional funds can be spent to save lives immediately.

I hope that you will support this amendment.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to salute the gentleman from Arizona (Chairman KOLBE) for his great work on the foreign operations bill. I know it is a difficult task which he undertakes, and I want to commend him for the hard work and effort he has put in.

I rise in opposition to this amendment, not because I think any less of the HIV fund. I do not. I care about it passionately. But I rise in opposition because I think so very much of the Millennium Challenge Account and the hope that it offers.

Let me relate to the Members briefly an experience that I had not so many months ago. I had the great privilege of being an election observer in Kenya this past December. As some of my colleagues know, Kenya is a country I care about deeply. I once taught high school in Kenya and worked in an undeveloped region of that country. In the days right after the election when the new government was sworn in, a representative of that government in an interview was asked what his highest priorities would be, and he said that one of the first things he wanted to do was to try to determine what Kenya had to do to qualify for the Millennium Challenge Account. And I was overwhelmed by that. That is the answer. The answer to the problems in Africa and the underdeveloped world is for us to stand side by side with those countries that are embracing the values of fighting corruption, of commitment to education, of commitment to women's health, and that is what the Millennium Challenge Account is all about.

We heard just a few moments ago that the Millennium Challenge Account is no Marshall Plan, and I agree. Of course it is no Marshall Plan, but I say respectfully that it just may be the single most important development in foreign assistance that we have seen in years, because what it does is it stands by countries that are willing to take on their problems. It makes money available for basic education. It makes money available for health care, for building clinics which will serve some of the very same people that we all in this body want to help with the HIV/AIDS fund. And it rewards countries that are committed to anticorruption.

Just as importantly, it will create a new constituency for foreign assistance in this country because it is accountable foreign assistance. It is transparent foreign assistance. It asks for accountability. It demands results. It requires that countries that want to tap into this fund take certain steps themselves to show their commitment.

□ 1800

That, to me, is a wonderful, wonderful development.

So, Mr. Chairman, I believe that we need to support the Millennium Challenge Account, because the Millennium Challenge Account is the hope for the future that we all have for those of us on both sides of the aisle who care so passionately about the plight of people, of everyday people, in countries like Kenya and Uganda and throughout the African continent.

Now, it is true that in the first year only a few countries may qualify, but it is by design. This is not meant to be something that every country can qualify for. But what it is is a direction in which countries can move; and that, to me, is the hope that we have in foreign assistance, creating clear objectives, setting out those principles that we wish to reinforce and reinvigorate.

To wrap up, I do believe that HIV/AIDS funds are important, and I am disappointed that we are not doing more. But, please, do not take money from the Millennium Challenge Account. It is so vitally important to American policy. More importantly, it is so vitally important to the future of Africa and so many places in this world that have been ignored and left out for all too long.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we do not want to take money from the Millennium Challenge Account, but the reality is we are arguing that the money be spent in a higher priority.

We appreciate the gentlewoman from Michigan (Ms. KILPATRICK) making this amendment, bringing it to the floor. There is no higher priority right now for the United States.

Many of us would hope that the Nation with the greatest wealth and power in the world would become the Nation of the greatest generosity. We may not be the most generous; but certainly if we do not rise to this challenge, then we will be indicted by the rest of the world, and rightfully so. We do not have the time to wait for another year.

We know what is happening around the world. We know that every single day 15,000 more people are being infected with HIV, and it is growing. We know that 22 million people have lost their lives, over 36 million people are living with HIV/AIDS, and only 2 percent of them have access to life-prolonging therapies or basic treatment.

Most troubling is what is happening to the children of the world, particularly the children in Africa. I know that the gentleman from Arizona (Chairman KOLBE) was deeply moved in Ethiopia, for example, when we went to the school that is run by nuns and saw the number of children, and realized that all of those children, before they become adults, they are going to join their classmates in the graveyard up the mountain. The nuns would tell us each morning there would be children delivered by parents to the door of this school, some by parents, some by sanitation workers, and those delivered by sanitation workers would be children who had lost their limbs because they were thrown into a dumpster, it was known there was no hope for them, and the dogs had gotten to them. These are things we cannot even imagine in this country of such wealth and prosperity, with such a high standard of living. But do we not have some responsibility when we can afford to do something better?

We are very good at promising the rest of the world what we are going to do for them. The President has made many promises. He certainly did on his trip to Africa. Repeatedly he touted the fact he was going to spend $15 billion over the next 5 years on AIDS.

I did not hear $2 billion; I heard $15 billion. I know in the minds of the people who heard that, they heard $3 billion a year, $15 billion divided by five. Somehow they got some hope that we realize what is happening to them, that we realize that 60 million Africans are either living with HIV, have died of AIDS, or lost a parent to AIDS.

We are their source of hope. And while it is important to tell people what we are going to do for them, it is even more important to do what we say. And we know they expect us to deliver, because we have the capacity to deliver.

It is heartbreaking what AIDS has done to the continent of Africa, to Asia, throughout the world really. And if the only argument that succeeds today is one of security, AIDS is a global crisis that threatens the security of every government and every nation, including the United States. It has destroyed societies, destabilized governments, and certainly has the potential to topple democracies. Many militaries are infected throughout the world with AIDS, and they are infecting the population.

We are the ones who have to take the lead, the lead role. We take the lead role from a military standpoint, and we are very successful. The excellence of our military is unquestioned. But should we also not take the lead role in being the most moral country and using our resources to make a difference? And where else could we make such an enormous, profound difference than investing and saving the lives of people, in changing this fact, that 40 million more children will become orphans in this decade?

That will happen, if we do not stop it. We can stop it from happening by acting today. We have no more time; we have no excuses. The Kilpatrick amendment should be funded.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Kilpatrick amendment to add $300 million for global HIV/AIDS programs. I thank the gentlewoman for persevering, despite the fact that the committee did not do what it should have done in moving forward to get this amendment.

Mr. Chairman, I would like to explain to my colleagues what it is like to be African American in this Congress and have to fight, scratch, and claw for everything that we get, domestically and internationally.

Mr. Chairman, to be African American in the Congress of the United States and to watch the carnage in Liberia, to watch the children who lost limbs in Sierra Leone, to have watched the genocide up in Rwanda, with 800,000 bodies floating down the river, to watch a continent in trouble, not too many years away from just having attained independence, and a long way to go to perfect this thing called democracy; to watch them struggle; to see the men and women who die and the children, and have to come to this Congress and beg my colleagues to just do the right thing is not easy. It would be easier, Mr. Chairman, to just walk away and to say, I am tired of trying to convince my colleagues who claim to be about the same business that I am about: humanitarian efforts for the world.

It is very difficult. But we continue to do this because we must do it. If we do not do it, nobody else will do it for us.

So we are here today begging for $300 million to help fulfill the commitment that this President made for $15 billion over the next 5 years to deal with the pandemic in Africa.

We have got colleagues and Members who travel to Africa all the time. They come back from a CODEL and they tell us what they have seen and what they have heard and how they have gone to some clinic and how they have seen dying and starving children. But then, when they reach the Congress of the United States, they are willing to forget what they have seen and not to remember what they experienced and to do some kind of political maneuvering and compromising to hold back on the promises that they have made and the words that they have spoken.

Mr. Chairman, the HIV/AIDS epidemic is having a devastating impact on Africa and the world. Over 60 million people have been infected by the AIDS virus since the beginning of the epidemic, and 42 million people are currently living with this dreadful disease. In sub-Saharan Africa, more than 29 million people are living with the AIDS virus, 4 million of whom are in desperate need of treatment.

The HIV/AIDS epidemic has already curtailed the economic development of many countries in Africa. AIDS is responsible for shortages of skilled workers and teachers, high rates of absenteeism and labor turnover, and the death of workers and managers throughout business and government. Teachers and other skilled workers can be very difficult to replace. Tragically, in some parts of Africa, employers even find it necessary to hire two workers for every job opening because they expect one of them to die of AIDS.

On May 1, 2003, the House passed H.R. 1298, the global AIDS bill, which authorizes appropriations of $3 billion per year over 5 years for global HIV/AIDS treatment and prevention efforts. This bill, which is critically needed and long overdue, was signed into law by the President on May 27.

Unfortunately, the foreign operations appropriations bill for fiscal year 2004 does not fully fund the global AIDS bill. This bill includes only $1.4 billion for global AIDS programs. An additional $644 million was included in the labor-HHS appropriations bill, bringing the total funding for global AIDS programs to $2 billion, not the $3 billion that is authorized for fiscal year 2004.

Mr. Chairman, HIV/AIDS has taken the lives of over 3 million people and newly infected 5 million more in the last year. The President and the Congress promised the world community that we would spend $3 billion per year to fight this devastating disease.

Mr. Chairman, I am tired of scratching. I am tired of begging. I am tired of trying to have to leverage everything possible. But I am going to continue to do it, along with my colleagues, because fair is fair. We need the money. Our people are dying. We ask you to simply do the right thing

Mr. KIRK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in 1985 and 1986, Abbott Laboratories and others invented the AIDS test. It was our first look at the kind of less expensive ways to find the proteins that identified the HIV virus. In an unprecedented donation by private industry, Abbott and others donated the test to the World Health Organization that looked at whether the popular wisdom at the time was correct: Was this a Haitian-New York-San Francisco epidemic, or was this something else?

I received a phone call as a staffer for John Porter in this House giving me the first results of what the test showed. The indications from the Central Hospital in Kinshasa, Zaire, showed a 10 percent serial positive rate, which indicated that this was not a Haitian-San Francisco-New York epidemic. It was an African epidemic and had been going on for quite some time to get serial positive rates at that level.

We reached out across the aisle to Congressman Bob Mrazek of Long Island, and John Porter and Bob Mrazek came together to say we should earmark a disease fund, the first ever in the foreign operations bill, to fight AIDS.

Initially the leaders of the committee at the time fought us and said it would be over their dead body that we would start this program. So we arranged that. And to their credit, the leaders of the committee changed their minds. The Global AIDS Program was born in 1987 with an appropriation of $30 million. It is one of the proudest things I ever did as a congressional staffer working for John Porter.

Since that time, the program grew considerably. I ran several hearings for this House on the Committee on International Relations, sometimes begging Members to actually come to hear the progress of our fight against AIDS, to hear Dr. Jonathan Mann, the legendary first director of the Global Program on AIDS.

□ 1815

He had run the Harvard School of Public Health, and he and his wife had really set the whole parameters for this battle in 1988 and 1989. We mourn the loss of Dr. Mann. He was killed when the Swiss Air explosion happened. And Dr. Peter Piot picked up where he left off to continue this battle.

Well, it is, as they say, long work in 1986, 1987, 1988, 1989, long years until we suddenly became an overnight sensation. And now the appropriations for this program have exploded. I could not be happier to see hundreds of millions of dollars spent on this program, which started out with such small appropriations at the beginning.

Now look at what our United States Congress has done with bipartisan leadership. We can see, starting from 1999 at under $200 million, a steady step up in appropriations, in this appropriations bill now totaling, with a 31 percent increase this year, at over $1.2 billion. It is very important that these appropriations increase; and it is very important that we provide more resources because, remember, under the enabling law that now governs this program, half of the resources go to treatment. But remember what that commitment is. We are making a commitment to treat people with HIV, and that means that they will depend on us, long term, for their survival. Once we make that commitment to their treatment, we cannot back out, because their lives are at stake.

If my colleagues are as experienced as I in watching government-appropriated programs, my colleagues know that we face a danger. If we spend money too quickly, too fast, we open ourselves to what I would call the fleecing-of-America danger, a GAO audit which undermines the political support for this program. And if the support for this program is undermined because some contractor in some country has irresponsibly spent money, lives could be lost.

It is very important here that we honor the commitment in a steady, well-run way to take care of these patients, and we ramp up the program in a very responsible way so that each patient the United States takes responsibility for is one that we will maintain and honor that responsibility for. Think of what happens if we pull the plug on that patient. They die. And so in ramping up the appropriations in a responsible way, we honor that commitment, and for those that we make the commitment to care for, we will care for.

Mr. Chairman, I urge support for the committee bill and for this responsible spending profile.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kilpatrick amendment to increase HIV/AIDS funding for Africa. I am very pleased that the committee has seen fit to have already included a total of $1.43 billion in global assistance to combat HIV/AIDS, tuberculosis, and malaria.

However, this amendment, and in many ways, it is a meager amendment, will allow another $300 million to be added to the funding as a way to get closer to the fulfilling of our country's promise of providing $3 billion in funding for HIV/AIDS in 2004.

According to the Joint U.N. Program on HIV/AIDS, more than 70 million people have already become infected since the outbreak of the disease, with an estimated 5 million new cases this year. The estimated 70 million people infected stretches across borders. They do not stop at three countries or five countries or 10 countries. No, they include all of the countries, regardless of religion, ethnicity, or socioeconomic status.

Eastern Europe and Central Asia now have the world's fastest growing HIV/AIDS epidemic. In Africa, six southern nations are facing famine because of the combination of drought and a dramatic decrease in the labor force due to being infected with HIV. Due to these horrific conditions, without work or food, there has been an increase of sex being used to obtain money and food. The Joint U.N. Program on HIV/AIDS also mentions that if an estimated $10.5 billion is spent each year by 2005, then approximately 29 million new infections could be prevented. We need to support the international programs that have been established and that are working.

In the President's recent trip to Africa, he continuously repeated America's promise of $3 billion per year. Yet our Congress, under this appropriations bill and the labor-HHS appropriations, is only appropriating less than $2 billion.

Mr. Chairman, an estimated 3 million people will die from HIV/AIDS this year. This gives no doubt that the great need for additional assistance is necessary.

The time is not now to plunder and wonder or talk about what could possibly happen if we are spending too fast. I would say to my colleagues who worry about spending too fast that people are dying too fast. I would much rather be a part of the spending than be a part of the dying.

Let us support the Kilpatrick amendment.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I just want to make it clear that these are the countries that are likely to qualify for the Millennium Challenge Account: Ghana, Lesotho, Namibia, Senegal, South Africa, and Swaziland. But the 14 hardest hit countries that are not likely to qualify are Botswana, Cote d'Ivoire, Ethiopia, Kenya, Mozambique, Nigeria, Rwanda, Uganda, and Zambia and are not likely to qualify at a time when the hardest-hit countries need these resources.

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for making that point.

Mr. MEEKS of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to lend my strong support for the Kilpatrick amendment of the fiscal year 2004 foreign operations appropriations bill. This proposal to provide an additional $300 million in funding for HIV/AIDS is critical, prudent, and timely.

The United States of America has the opportunity to show both the resources and action and commitment to tackling the AIDS crisis on a global scale. As has been stated, an estimated 42 million people worldwide are currently living with the AIDS virus. Last year alone, over 3 million people died from AIDS, and another 5 million were newly infected. In selected countries on the African continent, AIDS will kill, kill one in two young people. Other regions of the world have been hit hard from AIDS as well. In fact, AIDS is the leading cause of death in many Latin American and Caribbean countries, with 2 million people living with HIV. Over 7 million people in Asia and the Pacific are living with HIV. There is no denying the immediate need for additional HIV/AIDS assistance.

This international killer is indiscriminate in its targets. It respects no geographical boundaries and heeds to no race, no age, and no religion. AIDS has become the number one killer in communities throughout the world; and we must attack it with the precision, the determination, and the coordination it requires.

This proposed injection of new funds is offset by using funds budgeted for the Millennium Challenge Account. We have an opportunity to put much-needed and available funds toward a dire and critical need.

Mr. Chairman, I have heard from some of my friends on the other side of the aisle who are opposing this, they say that this will weaken MCA. I am convinced that when we look at this new foreign assistance initiative that has yet to be signed into law, that once the President, once it is signed into law, he will have to appoint a CEO with the consent of the Senate, he will have to hire 150 to 200 employees, there will be countries that have to be selected and proposals that will have to be reviewed and approved before any money starts flowing, which will probably not be until next spring. This amendment would leave $500 million to fund this new initiative, more than enough money to get the program operating and to fund proposals from eligible countries.

I firmly believe that we can today make a bold and creative statement about both our judgment and our commitment to the global AIDS crisis by taking this bold and creative step. We must show the courage to make decisions and the wisdom to spend money where it is needed and spend it now. There are programs on the ground, up and running, ready to engage the struggle against this disease. There are troopers on the front lines of the HIV/AIDS battle and they need our assistance, cooperation, support, and the funds. We should not let even the slightest opportunity slip by where we could have provided ammunition against this dreaded disease.

Mr. Chairman, we stand for a lot in America. We spend almost $4 billion a month fighting a war, and we talk about we want to make a difference in lives. Here is a chance for America to take the lead, to bring folks together and to say we are going to put our money where our mouths are. We are going to make sure that we save these lives. These lives. Because when we talk about trying to fight dictators and we talk about changing dictators, we want to change them because they are killing people.

Well, this dreaded disease is killing people quicker than any dictator. We have the opportunity, if we only have the will, to put our money where our mouths are, and with this small $300 million, to say that we are going to make sure that we eradicate AIDS wherever it may raise its ugly head. Let us not just speak with words. Let us speak with deeds, deeds that can be heard around the world. Because if not, sometimes people say, for whom does the bell toll, and this is the boomerang. So for whom does the bell toll? It tolls for thee, if we do not wake up.

□ 1830

Ms. WATSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand in support of the Kilpatrick amendment. I just want to remind Members that we spent $4 billion monthly to rebuild Iraq and we are quibbling over $300 million to rebuild the lives of people who surely need them.

Mr. Chairman, I yield to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Chairman, I thank the gentlewoman from California (Ms. WATSON) for yielding to me.

This has been an excellent discussion as we talk about saving lives. There will be $500 million in the Millennium Challenge Account to implement for up to 12 countries, 74 of the poorest countries, the Millennium Challenge Account will probably address 12 of those, and we are happy for that.

People are dying today. That is why we are here offering this amendment for $300 million to put into the pandemic that is around the world, centered in Africa. The epicenter is moving to India, Asia, the Pacific, the Caribbean, Latin America. What better time than now to stand up?

Our President said 2 weeks ago that this House and this Senate must fully fund this initiative, $15 billion over 5 years. Unfortunately, this bill does not do that, does not recommend, does not fund $3 billion, and this Congress and America now knows that the deficit for America for this year will be $455 billion at least, some predict will be more than that.

The time is now. We must fund this initiative now. I thank all of my colleagues who are speaking out in support of this to save lives. Children are dying every day. People are dying every day.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to urge all of my colleagues to support this very important amendment being offered today by the gentlewoman from Michigan (Ms. KILPATRICK). It increases funding for the global HIV/AIDS program by $300 million.

Mr. Chairman, just 6 months ago in his State of the Union Address, the President committed to $15 billion in foreign assistance, spending over 5 years to combat the spread of HIV/AIDS. On May 1 this House authorized this funding level by an overwhelming margin, 375 to 41. And then during his recent trip to Africa, the President repeatedly stressed his commitment to fight the disease on that continent and elsewhere around the world. Regrettably, the amount provided in this bill falls far short of the $3 billion necessary to begin making good on our President's commitment, on our commitment, 375 to 41.

Mr. Chairman, the problem of HIV/AIDS is especially acute on the continent of Africa, particularly sub-Saharan Africa, where nearly 30 million people are living with HIV/AIDS. Let me repeat that, 30 million people.

Is there any doubt that if 30 million people in America were suffering, were at risk of losing their lives, were posing the incredible economic impact on our country that HIV/AIDS sufferers pose to America, is there any doubt that we would pass at least this $300 million? Put another way, while the African continent accounts for only about 10 percent of the world's population, more than 70 percent of the worldwide total of infected people reside in Africa. And there are 11,000 new infections in Africa every single day, 11,000 additional infected people every day.

Mr. Chairman, recently I had the opportunity to travel to South Africa and saw firsthand the extent of this pandemic, the challenges facing African countries as they battle this scourge, and the dire need for assistance to implement prevention programs and to provide treatment for those already infected. We are at a critical stage in the global war against HIV/AIDS. The human toll is difficult to fathom. The number of deaths worldwide is expected to double from last year's estimate of over just 5 million people, double-plus to nearly 12 million next year. In one year, an additional 7 million people.

We ignore the political implications, Mr. Chairman, at our own peril. Without doubt this is a national security issue because this scourge only foments instability and unrest.

As Secretary of State Colin Powell has stated, "No war on the face of the Earth," Colin Powell said, "is more destructive than the AIDS pandemic." He went on to say, "I was a soldier but I know of no enemy in war more insidious or vicious than AIDS. Will history record a fateful moment in our time, on our watch, when action came too late?"

Today, Mr. Chairman, we must answer that question with an emphatic no and heed the urgent call to action. We can answer that question with an emphatic no by an emphatic yes on this amendment. I urge my colleagues, not just for the people of Africa, not just for the people of the developing world who are more at risk for more health trauma than we are here, but for those of us here and our children and their children as we so dramatically learned in the SARS challenge. There are no national borders. There are no oceans wide enough to protect us, to insulate us. It is only in curing those who are afflicted that we can save ourselves. Vote yes on the Kilpatrick amendment.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Kilpatrick amendment to provide an additional $3 million in funding to combat the AIDS/HIV pandemic. I also want to take a moment to commend my colleague, the gentlewoman from Michigan (Ms. KILPATRICK), for her outstanding leadership on this issue.

I will acknowledge that the Millennium Challenge Account is important, but the HIV/AIDS pandemic is lethal and therefore must have a higher priority. I would also note that we are not attempting to take all the money from the Millennium Challenge Account. We leave a substantial amount and we are only asking for a mere $300 million to fulfill a commitment that this President has made and, by extension, that this country has made.

Millions of people are dying. We are the world's only superpower. If we were serious about addressing the problems of this planet, about creating a better world, about ending human suffering, then we must proactively combat the HIV/AIDS problem.

Last year more than 3 million people died from the virus. There are currently 42 million people infected. It is the greatest humanitarian crisis of our time. HIV/AIDS contributes to decreased economic growth by often killing the most productive members of society, young adults. Further, it is estimated that more than 14 million children will become orphans, a figure that could triple by the year 2010.

If nothing is done, Africa will continue to struggle economically and we will continue to see unstable regions throughout the continent, fertile conditions for terrorism.

In fact, recent reports from the World Bank show that the continuance of the AIDS epidemic in Africa dramatically will reduce economic growth, perhaps to the point of economic collapse. Millennium Challenge Funds will be for naught if we do not effectively address the AIDS crisis.

The education of youth in Africa and around the world is essential for the development of African countries. Unfortunately, the virus is a huge obstacle that prevents young people from getting an education. Some are infected by the virus and die. However, many others are forced to take care of their younger siblings when their parents become ill and die. A vicous cycle is created in terms of a lack of education caused by the devastation of the disease.

President George Bush returned from Africa after making a host of commitments and promises that included a plan that calls for $3 billion in HIV/AIDS funding for this year. This bill falls $1 billion short of that $3 billion commitment. It is, therefore, imperative that we act now to increase funding for HIV/AIDS to act now. Failing to provide adequate funding for HIV/AIDS will only result in more devastation. The greatness of America will not be judged by the extent of our material wealth, but rather by the extent of our compassion and our actions today to end human suffering.

I urge support of the Kilpatrick amendment.

Mr. WATT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kilpatrick amendment, in strong support of it in fact. I cannot think of many occasions when I have had more phone calls than following the President's State of the Union Address and letters from people throughout my Congressional district, some of them Republicans and Democrats, applauding the fact that the President was finally beginning, it appeared, to take some steps to live out or live up to his commitment to be a compassionate conservative.

My response to them was, well, I am also delighted by the statements that the President made in his State of the Union Address about making a substantial commitment to fight HIV and AIDS, but we should be not too effervescent about this because I had seen by that time a President who had gotten all of the rhetorical benefit out of making a pledge to leave no child behind, and I had seen this House coalesce, Republicans and Democrats alike, around that commitment to leave no child behind and to pass an authorization bill only to find the President come back in the next round appropriations or budget round and not put money into his budget to honor the commitment that had been made.

I expressed concern to my constituents who called that the same thing could occur with respect to the commitment to HIV and AIDS. I never really expected that to happen, but if you look at what is happening now, the exact same thing seems to have happened. We have gotten a statement of commitment from the President for a $15 billion fund over 5 years. We have gotten an authorization passed by a bipartisan coalition in this House to that $15 billion, and now the gamesmanship starts to be played because straight out of the chute the commitment is not being funded at the level at which it was made.

Now, I am a big supporter of the Millennium Challenge Fund, and so it is not an easy vote to talk about taking money from the Millennium Challenge Account and transferring it to this purpose. But I do understand that if we do not do this up front and now, we will be paying more later and more people will be dying later.

I am told that by spending $3 billion in 2004 and 2005, the U.S. can prevent an additional 2.3 million people from contracting the HIV virus in those 2 years alone, which means that the U.S. will save approximately $1.3 billion per year on the anti-retroviral therapies those individuals would eventually require for their treatment. So even if one looks at this as a business proposition rather than as a compassion proposition, spending money early to save money later is kind of like making a commitment to preventative medicine as opposed to reactive treatment, a last ditch method, which is not uncharacteristic of our policies in this country but I think is very short-sighted on our part.

Congress has passed the authorization, but the public should know that an authorization means absolutely nothing without money appropriated to fund what has been authorized. I think we have got to live up to it. I encourage my colleagues to support the Kilpatrick amendment as an important step in that direction.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as we are debating on the floor of the House the war in Liberia is raging and lives are being lost.

□ 1845

The Congo is in political and war conflict. Lives are being lost in Ethiopia and Eritrea in that region as relates to the famine; and many, many conflicts are matched with the devastation of HIV/AIDS.

Although the heads of state of the various nations of Africa would want me also to talk about the vibrant people, the culture, the intellect, which I celebrate, I think today is important on being serious, focused, and deadly committed.

I applaud the gentlewoman from Michigan (Ms. KILPATRICK) for being so committed, for realizing that we are in a crisis, and whether or not it is uncomfortable to move with an amendment that challenges the Millennium Challenge Account, it is an absolute necessity.

Let me also include my appreciation and support for the Jackson amendment that focused on debt relief, dollars to the Congo, moneys with respect to child survival accounts, and as well dealing with the crisis that we face. Rome is on fire, maybe not literally, but I cannot take promises to the bank. We cannot eat promises as the famine is raging. Mothers who are transmitting HIV to babies cannot stop the transmission with promises.

All of us have gone to the floor and said that we are supporters of the Millennium Challenge Account because the concept is meaningful, but the gentlewoman makes a point. The program is authorized, but not up and running. Five hundred million will be left even after the $300 million is subtracted; and if we take the President at his word on July 12, 2003, just a week or so ago, this week a committee of the House of Representatives, the President's words, took an important step to fund the first year of the authorization bill, $3 billion. The House of Representatives and the United States Senate must fully fund this initiative for the good of the people on this continent of Africa. These are not my words. These are the words of the President of the United States, in a continent that is ravaged with the devastation of AIDS; and he said it just a little over a week ago, and he said it to people who are in need, who are basically on their knees.

Frankly, I am in great disagreement that the President has not yet acted on Liberia, a completely different story from Iraq. The Liberian people are begging for the President's assistance or the American people's assistance, peacekeeping and humanitarian troops. How can we make our promises and be considered of substance if we do not support the gentlewoman's amendment and the Jackson amendment?

Clearly, if we are going to only fund three nations out of the whole continent that the Millennium Challenge at this point can seem to address their needs, then why not address the needs right now of the $3 billion that we need for HIV/AIDS?

Mr. Chairman, we can say many things today; but the truth is that Africa, the continent, is the poorest region of the world, contains the majority of the world's poorest countries, and none of us have experienced the kind of poverty where one in three people do not get enough to eat in spite of the fight we have for many of our urban districts. We are talking about a compounded continent that has issues of famine, along with issues of health, along with issues of housing, along with issues of water, along with issues of various other diseases like malaria and tuberculosis who are asking for relief today, and $300 million is fair; and I cannot imagine why my friends on the other side of the aisle can stand with a straight face and say that we have done all that we can do in making good on the President's promise.

Today, I do not challenge the President's commitment. I believe the Millennium Challenge has very good intentions, and there are constituents of mine who want to work with that particular account; but we cannot with a straight face accept the mandate of the President and not vote for the gentlewoman's amendment and the Jackson amendment.

Mrs. CHRISTENSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too join my colleagues in support of the amendment of my colleague from Michigan (Ms. KILPATRICK) to increase funding for bilateral assistance for HIV/AIDS under the child survival and health programs account by $300 million. It is time for this Congress to step up to the plate and come through with this important pledge to the developing world.

Mr. Chairman, the President's AIDS initiative grew out of the efforts of the AIDS community, the faith-based groups and the Congressional Black Caucus, all of whom sent letters to the President urging him to announce the initiative that he did in January of this year.

We have been long pushing for more funding on this issue and for the plight of Africans. Currently, 29.4 million are infected; 2.4 million Africans died last year. There are 3.5 million newly infected. The Caribbean, where my district is located, is second only to sub-Saharan Africa with over half a million people living with this disease.

This world is in the middle of a monumental, life-and-family-destroying, economy-breaking, AIDS pandemic. This situation calls out desperately for us to help. Yet without this amendment, we will fall short in our promise and our obligation as the richest country in this world to meet our very first year, the very first year of the President's promise of $15 billion over 10 years.

Yet today we are far ahead of what the President actually requested which came to us far short of his commitment that was made, thanks to the prodding of the CDC and many other Members, but this amendment is needed today to add the $300 million to fully meet our commitment and make this country keep its promise.

I attended the international AIDS conference over a year ago. It was very embarrassing to be an American in Barcelona then and at the conference hear the dire projections of 45 million new cases within a few years. As we sat at the plenary among many of the 15,000 participants, up on the screen for all of us to see was the United States at the rock bottom of the chart in terms of meeting our commitment of .7 percent of GDP, and we are the richest country in the world.

Today we can fix that. A recent U.N. report revealed that AIDS will cause early death in as many as one-half of the young adults in the hardest-hit countries of southern Africa, causing population imbalances without precedent. In one country alone, Botswana, it is predicted that two-thirds of their 15-year-olds will die of AIDS before age 50. As bad as that impact is now, though, Mr. Chairman, the full blow is still some years off. The loss of life at a time in their lives when men and women would be their most productive in these countries which are only now beginning to come out from the deep effects of colonialism and tyrannical rules will be disabling.

These communities are bleeding. They are hemorrhaging. This pandemic needs to be addressed appropriately, and it needs to be done now.

We have an opportunity today to make a difference for our neighbors in Africa and other countries of the world by supporting the Kilpatrick amendment. I ask my colleagues to support this amendment.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that some of the things that have been said need to be responded to. Mostly there has been talk. I am pleased to have been part of action to deal with the AIDS problem, particularly on the continent of Africa and around the world.

Part of this Republican Congress, rather than talk, has acted, and under the direction of our President, rather than talk, who has acted; but to give complete details in response, I am pleased to yield to the gentleman from Arizona at this time.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding just a brief moment.

We have had a number of speakers in a row on the other side speaking in support of the Kilpatrick amendment, which I appreciate, and I appreciate the passion and the arguments that have been made; but I do not want to allow some of the statements that have been made to go without at least understanding that there is another point of view here, that the facts are at least a little bit different.

The statement was made that this Congress has not been living up to the commitment that was made by the President in terms of funding for HIV/AIDS. If we are looking at the funding in this bill this year, we are more than meeting the President's request for funding for HIV/AIDS; and indeed in almost every single year since 1987, the Congress has exceeded the President's request for money to combat the international HIV/AIDS problem.

We are again exceeding that amount this year that the President has requested. It is not the amount that is in the authorization bill; but let me say it one more time, a plane does not take off at 30,000 feet. It does not take off at 500 miles an hour. It takes off more slowly. It gains altitude and it gains speed. This program, this new initiative of the President needs some time to get up and running.

We are doing everything that I believe should be done this year. Is it enough? No, it is not enough; but it is what we can do and what is reasonable to do, given the state of the problem.

Let me just remind folks that in the last decade the enacted levels of funding for HIV/AIDS, the international HIV/AIDS has increased 2,525 percent. Let me repeat that, a 2,525 percent increase in funding in the last decade. In the last year, the amount of money enacted by Congress was 46 percent over the previous year in HIV/AIDS funding. In 2002, it was 40 percent over the previous year, and in 2001, it was 40 percent over the previous year. There are not many programs that have received such an increase.

This year we are looking at a new way of delivering some of this assistance, and it will take some time to make sure that is up and running and running correctly; but, Mr. Chairman, I would submit to my colleagues that we are doing the responsible thing. We recognize, all of us, Republicans and Democrats, House and Senate, Americans all recognize the moral obligation we have to fight this pandemic around the world, not just in Africa, but in our own continent; not just in Africa, but in Asia; not just in Africa, but in Eastern Europe.

This is a pandemic that is worldwide. We need to be sure that we have the resources to fight HIV/AIDS, and I believe that this bill does provide these funds, and I thank the gentleman for yielding.

Mr. MICA. Mr. Chairman, I thank the gentleman from Arizona (Mr. KOLBE) for his response and his explanation and also his compassion for all the people who suffer from this horrible disease, but we do regretfully recommend that we oppose this amendment.

Mr. CUMMINGS. Mr. Chairman, I support the Kilpatrick amendment to add $300 million to the Global AIDS Fund under the Child Survival and Health Programs Account of the Foreign Operations Appropriations bill for fiscal year 2004. I applaud my friends CAROLYN KILPATRICK and BARBARA LEE for their valiant work on this issue.

There is no denying the need for increasing AIDS and HIV funding in Africa. AIDS and HIV have reached pandemic proportions—these diseases are literally killing a continent and leaving a generation of orphans in their wake. As a global community, we are at a crisis stage with these diseases, and adequate funding for the prevention and treatment of infectious disease, especially HIV and AIDS, must come before it is too late. As the richest and most scientifically advanced nation in the world, we have both the power and the responsibility to take the necessary actions to help eradicate HIV/AIDS and other dangerous infectious diseases worldwide.

Mr. Chairman, today more than 30 million Africans are living with HIV. Last year, an estimated 2.4 million new infectious occurred, while 3.5 million people lost their lives to the disease. This is a problem of epidemic proportion. I can only imagine the pain and suffering of the millions of families, orphaned children and those afflicted with this disease waiting for relief in any form. The time for action is now, lives are wasting.

But Mr. Chairman, this is no secret to my colleagues. Just a few months ago, this House voted overwhelmingly to support the President's commitment of $15 billion over the next 5 years to help the 30 million suffering from the horrible pandemic of AIDS in Africa. This meant that when the appropriations cycle rolled around we should ante up $3 billion. We all coalesced behind this issue on a bipartisan basis, the CBC lent its support, the President signed it into law and we walked away saying we were going to help save those suffering and facing more suffering.

Instead today we're forced to choose between two good programs—the Millenium Challenge Account and the Global AIDS fund. It seems that this is always the choice on the great programs—programs that help the most people—people who need so much and have so little. That fact notwithstanding, I say to my colleagues that the Global AIDS fund is up and running and it works. The same cannot be said of the Millenium Challenge Account, only because it is new and not yet up and running. But even with movement of the $300 million to the Global AIDS account, we're still leaving $500 million in the Millenium Challenge Account. Until this program takes off, I believe this is more than sufficient funding.

Mr. Chairman, we can give more money next year to the Millenium Challenge Account when it is ready to do its much needed intended work in Africa—but the 30 million suffering today on that continent cannot wait. Each day another 11,000 people are newly infected. Each day thousands more die.

In Africa, it is estimated that more than 4 million people have a sufficiently advanced stage of HIV/AIDS to warrant anti-retroviral treatment. However, currently only 50,000 are receiving it. This is a statistic that the Global AIDS fund is intended to make better, now.

Lastly, Mr. Chairman, unlike other unfunded mandates, like the No Child Left Behind Act, the President has said that he supports fully funding this program at $3 billion. At the urging of the CBC, AIDS activist groups and the faith-based community, the President devised a plan to address the HIV/AIDS pandemic in Africa. He eventually realized that these diseases know no borders and the U.S. should play a pivotal role in helping to try to stem the tide of destruction they bring. The House Republican Leadership should not break its promise to the Global AIDS fund and the African continent. I urge my compassionate conservative colleagues to put their money where their rhetoric is and show compassion by adopting the Kilpatrick amendment.

PREFERENTIAL MOTION OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer a motion.

The CHAIRMAN pro tempore (Mr. BASS). The Clerk will report the motion.

The Clerk read as follows:

Mr. JACKSON of Illinois moves that the committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. JACKSON).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. JACKSON of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 63, noes 342, not voting 29, as follows:

[Roll No. 424]

AYES—63

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Clyburn
Conyers
DeLauro
Dicks
Doggett
Evans
Filner
Frank (MA)
Grijalva
Hastings (FL)
Hinchey
Honda
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kaptur
Kilpatrick
Kucinich
Larson (CT)
Lewis (GA)
McGovern
Napolitano
Oberstar
Owens
Pallone
Reyes
Ross
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Snyder
Solis
Stark
Taylor (MS)
Thompson (MS)
Towns
Van Hollen
Waters
Watson
Watt
Woolsey

NOES—342

Abercrombie
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)

Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer

Hulshof
Hunter
Inslee
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose

Otter
Oxley
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weiner

Weldon (FL)
Weldon (PA)
Weller
Wexler

Whitfield
Wicker
Wilson (NM)
Wilson (SC)

Wolf
Wu
Young (AK)

NOT VOTING—29

Aderholt
Berkley
Bishop (UT)
Collins
Davis, Tom
Dooley (CA)
Edwards
Emerson
Ferguson
Ford

Gallegly
Gephardt
Hyde
Jones (OH)
McCrery
Miller, George
Moran (VA)
Neugebauer
Ney
Olver

Pastor
Rangel
Rogers (MI)
Ryan (WI)
Smith (TX)
Sullivan
Thornberry
Wynn
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BASS) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1920

Messrs. PETERSON of Pennsylvania, CALVERT and MEEKS of New York changed their vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. BASS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 21 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2008

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HULSHOF) at 8 o'clock and 8 minutes p.m.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT FOR FISCAL YEAR 2004

The SPEAKER pro tempore. Pursuant to House Resolution 327 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2800.

□ 2009

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, pending was the amendment by the gentlewoman from Michigan (Ms. KILPATRICK), and the bill was open for amendment from page 5, line 18 through page 12, line 10. Is there further debate on the Kilpatrick amendment?

If not, the question is on the amendment offered by the gentlewoman from Michigan (Ms. KILPATRICK).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Michigan (Ms. KILPATRICK) will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MCGOVERN:

In the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the first dollar amount insert "(increased by $75,000,000)".

In the item relating to "ANDEAN COUNTERDRUG INITIATIVE", after the first dollar amount insert "(reduced by $40,000,000)".

In the item relating to "FOREIGN MILITARY FINANCING PROGRAM", after the first dollar amount insert "(reduced by $35,000,000)".

Mr. MCGOVERN. Mr. Chairman, the gentleman from Missouri (Mr. SKELTON) and I are offering an amendment to make modest reductions in military aid for Colombia, and to transfer those funds to the Child Survival and Health Programs Fund for programs that combat HIV/AIDS, tuberculosis, malaria, and other infectious diseases.

H.R. 2800 provides $4.3 billion in foreign military financing, of which $110 million is slated to go to the Colombian military. Our amendment reduces that amount by $35 million.

The Andean Counterdrug Initiative is fully funded at $731 million, with at least $159 million in military aid for the Colombian armed forces. Our amendment reduces that total by just $40 million.

These are modest reductions but, if approved, they will send a powerful message that Congress believes respect for human rights is essential, that impunity for high-ranking military officers who commit human rights abuses must end, and that Congress requires a more defined U.S. plan and exit strategy in Colombia.

This amendment will also do a great deal of good.

I commend the chairman and ranking member of the subcommittee for increasing funding for HIV/AIDS, but the total is still about $1 billion less than the $3 billion authorized, the amount the President recently promised to African leaders. Mr. Chairman, $75 million is a modest amount, but every dollar counts in the fight against HIV/AIDS, tuberculosis, malaria, and other diseases. $75 million could ensure that 250,000 more people with HIV/AIDS could receive drug treatment for an entire year. Think of it. This amendment could literally save the lives of a quarter of a million people over the course of the next year.

Now, I know some of my colleagues are saying, but we cannot pull out of Colombia. Well, let me be perfectly clear. No one believes more strongly than I do that the United States must stay engaged in Colombia. I will never advocate that we walk away from Colombia. But I have serious questions about the direction of U.S. policy, the goals that have yet to be defined for our military involvement there, and how we define success or failure in Colombia.

The committee has stated that U.S. policy in Colombia stands at a crossroads, and I agree. In the past 4 years, we have sent over $3.1 billion to Colombia, 80 percent in military and security assistance. On July 16, the Colombian government announced it will soon present "Plan Colombia-Phase II" and seek substantial U.S. aid increases for 2006 and beyond.

Meanwhile, coca production in the Andes has actually increased since Plan Colombia began, rising from 185,000 hectares in 2000 to 205,400 hectares in 2002, according to the State Department.

Colombia's small drop in coca production last year did not even bring its levels back down to where they were in 2000. And Colombia's decrease is offset by shifting production back to Bolivia and Peru. That does not seem to be progress to me.

Further, according to the Justice Department, the availability of cocaine in the United States actually increased in 2002. So let us not spin ourselves into thinking our policy is working.

Despite human rights conditions placed on U.S. military aid to Colombia, our aid continues to flow uninterrupted. We keep writing huge checks, even though every reputable human rights organization in the world concludes that the Colombian armed forces directly collaborate with paramilitary forces. These are the same paramilitary forces responsible for the majority of human rights abuses against civilians. These are the same paramilitary forces on the State Department's list of terrorist organizations. These are the same paramilitary forces that President Uribe's own handpicked commission determined control at least 40 percent of the drug trade in Colombia and receive 80 percent of their funding from drug profits.

Meanwhile, over the past year, human rights crimes by official Colombian military police have increased, according to the U.N. High Commissioner for Human Rights in Colombia.

Regions where the Colombia military is most present and active are precisely the areas where official human rights abuses and political violence have most sharply escalated, according to the Colombian government's own Inspector General.

Colombia's Attorney General has dismissed prosecutors who are in charge of investigating the most serious cases of human rights crimes committed by high-ranking military officers, closing those cases, and ignoring others.

□ 2015

Instead, the Attorney General is opening new investigations against Catholic bishops, human rights defenders and community leaders. Impunity is not only alive and well in Colombia, it is better protected than ever.

Mr. Chairman, when the United States bankrolls a foreign military, then we have a special obligation not to be indifferent to its human rights record. We have a special responsibility because this is a reflection on us, but this Congress has been sending a very disturbing message to the Colombia military; namely, if you perform poorly, if you violate the human rights of your own people, do not worry, we will lower our standards on human rights.

We can do better. These modest reductions in military aid will not undercut Colombia's fight against the brutal FARC guerillas, but it could end up being the most significant message sent by this Congress in support of human rights and democracy. I urge my colleagues to support the McGovern-Skelton amendment.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do rise in opposition to the gentleman's amendment. The administration has requested $731 million for the Andean Counterdrug Initiative, or ACI as it is called, in this fiscal year 2004. We have provided full funding for that request, and I think it is absolutely critical to sustaining our success in Colombia and to protecting Colombia's neighbors from a spillover effect.

We have had this debate, Mr. Chairman, in past years and in past years we could not say with a great deal of confidence that we are having any real progress. But let me make one basic fact which I think is very, very clear, and that is that our efforts in Colombia are making a huge difference. As this chart shows here, by almost any measure, and this is from August to June of 2001 and 2002 to the year 2002 and 2003, by almost any measure the insurgents killed in action, up 28 percent. Insurgents captured, up 108 percent. Insurgents deserting, 106 percent. Terrorists attacks, down 47 percent. Tax on the economic infrastructure, down 54 percent. Murders, down 16 percent. This is all in the course of one year of time. So we have had a tremendous impact.

This administration that exists down there in Colombia today is one that is very committed to making a difference and making things happen. Poppy cultivation is spreading. As you can see, a very dramatic increase in the amount of thousands of hectares being sprayed and a resultant decline in the amount of cultivation of poppy. And similarly here, if we look at coca cultivation, even here, even a more dramatic increase over the last 3 years, and now we are beginning to see the results, for the first time ever a significant reduction in the amount of the actual coca production here and cultivation. These are the direct results, the direct results of the U.S. assisted eradication program.

We have also requested $110 million, the President's request, for the foreign military financing for Colombia. This is not blanket military assistance for Colombia, but it is designed to improve the quality of very focused support for specialized units in the Colombian ministry.

Mr. Chairman, the former ambassador to Colombia has spoken very eloquently about this and very forcefully to us. She has told us that if we are ever going to be able to ratchet down, to change the mix of how aid in Colombia and eradication programs are working in Colombia, if we are ever going to get the United States out of there and allow the Colombians to do the job, the foreign military sales are absolutely important, critical, so that the Colombians can have not only the training but have the hardware that is required in order to do that.

The problems that face Colombia are very complex. They are economic. They are social. They are military, and they are very much linked, of course, to the social problem we have in this country of drug use and drug consumption.

There is not going to be any rapid or easy fix to this problem. We have discovered that over the years. But the nonexistent government presence and the law enforcement capability in lawless areas of the country are key to Colombia's social and economic problems, and we are making a big difference there. We have just been told by the Columbian ambassador to the United States, in virtually every single case there is now presence in each of the provinces and each of the counties, as we would call them here, in this country of military and police presence, whereas scores had no presence just a couple of years ago. So we are making a huge difference there.

It is in our interests to support this request to Colombia. I cannot think of a worse time when we have a President in Colombia that is absolutely committed to making a difference and to protecting human rights. When we have an opportunity to make a real difference in this country, it would be the worst time for us to be cutting these funds.

Mr. Chairman, I would urge, strongly urge, even if the gentleman suggests that it is not a major cut in the amount of funding, it would be the wrong signal to be sending to the Columbian people who are very supportive of President Uribe in his efforts to destroy the FARC, his efforts to counterattack against the FARC and the paramilitary and to end the production of coca and opium in the area.

I urge defeat of this amendment.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do rise in opposition to the gentleman's amendment. The administration has requested $731 million for the Andean Counterdrug Initiative, or ACI as it is called, in fiscal year 2004. We have provided full funding for that request, and I think it is absolutely critical to sustaining our success in Colombia and to protecting Colombia's neighbors from a spillover effect.

We have had this debate, Mr. Chairman, in past years. And in past years we could not say with a great deal of confidence that we were experiencing real progress. But let me state one basic fact which I think is very, very clear. Our efforts in Colombia are making a real difference. As this chart shows here, and this is from August to June of 2001 and 2002 to the year 2002 and 2003, by almost any measure the insurgents killed in action is up 28 percent. Insurgents captured, up 108 percent. Insurgents deserting, 106 percent. Terrorists attacks, down 47 percent. Tax on the economic infrastructure, down 54 percent. Murders, down 16 percent. This is all over the course of one year of time. We have seen a tremendous impact.

Colombian President Uribe's administration is one that is very committed to making a difference and making things happen. Poppy cultivation was spreading. As you can see, there have been a very dramatic increase in the number of hectares being eradicated and a resultant decline in the amount of cultivation of poppy. Similarly, if we look at coca cultivation, there is an even more dramatic increase over the last 3 years in eradication efforts. Now we are beginning to see the results. For the first time in 5 years, we see a significant reduction in the amount of the actual coca production and cultivation. These are the direct results, the direct results of the U.S. assisted eradication program.

The President also requested $110 million, for foreign military financing assistance for Colombia. This is not blanket military assistance for Colombia, but it is designed to improve the quality of very focused support for specialized units in the Colombian military.

Mr. Chairman, the former U.S. ambassador to Colombia has spoken very eloquently about this and very forcefully to us about the President's regret. She has told us that if we are ever going to be able to ratchet down our assistance to Colombia, and if we are ever going to turn over the program to the Colombians and allow the Colombians to do the job, then the foreign military sales are absolutely important. It is critical so that Colombians can have not only the training but have the hardware that is required in order to be successful.

The problems that face Colombia are very complex. They are economic. They are social. They are law enforcement and they are very much linked.

There is not going to be any rapid or easy fix to this problem. We have discovered that over the years, the nonexistent government presence and the lack of law enforcement capability in lawless areas of the country are key to Colombia's social and economic problems. The U.S. assistance is helping to make a big difference. We have just been told by the Columbian ambassador to the United States, in virtually every single province there is now a military and police presence, whereas scores had no presence just a couple of years ago. Let me repeat, U.S. assistance is making a huge difference in Colombia.

It is in our interests to support the President's request to Colombia. I cannot think of a worse time to cut our assistance when we have a President in Colombia that is absolutely committed to making a difference and to protecting human rights. We have an opportunity to make a real difference in this country, therefore it would be the worst time for the Congress to be voting to cut these funds.

Mr. Chairman, even if the gentleman suggests that this is not a major cut to the level of funding, it would be the wrong signal to be sending to the Colombian people who are very supportive of President Uribe in his efforts to destroy the FARC, his efforts to counterattack against the FARC and the paramilitary and to end the production of coca and opium in the area.

I strongly urge defeat of this amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill provides $574 million for Colombia. The amendment would cut $75 million from that total. And the reason I support it, although I have great respect for the chairman's position, is because I have fundamental questions about the direction in which our Colombia policy is headed.

As my colleagues may know, the United States' commitment to Colombia has shifted in the last year from being exclusively focused on drugs towards an open-ended, long-term commitment to aid the Columbian government in its war against guerillas and terrorists.

The response to that shift in the United States' policy has been more violence directed at U.S. personnel, including kidnappings, hostages being taken and planes being shot down.

Next year marks the end of the original 5-year Plan Colombia, and as we near that time we find that coca production in the region has increased rather than decreased, violence continues unabated, more Colombians are internally displaced.

The human rights situation is worse. No viable alternative development scheme is in place, and drug dealing paramilitary organizations control much of the country. Meanwhile, the amount of United States assistance to Colombia has increased every year to over half a billion requested next year. Plans underway in the administration will lead to an even broader commitment to Colombia to assist in this civil war in the name of fighting terrorism.

According to the GAO, the administration has not developed estimates of future program costs, defined their future roles in Colombia, identified a proposed end state, or determined how they plan to achieve it.

During the original debate on Plan Colombia, critics said we were descending a slippery slope. Well, we are hurtling down that slope with no end in sight. Last year, in the context of agreeing to broaden the authority for U.S. programs beyond drugs, the new government of Colombia agreed to adopt major reforms within the military and to significantly increase security expenditures from its own budget. While it appears that the Colombians increase their security budget in 2002 and 2003, the United States has no firm commitment that the increased level will continue in 2004 and beyond. In the meantime, the costs of simply maintaining the aircraft and equipment we already have there now exceeds $230 million per year. The best you can say about reforms within the military is that they are a work in progress.

I support Colombia. I want to help Colombia. But we do not help Colombia by continuing an unbalanced policy, looking the other way on human rights problems and continue collusion with paramilitary organizations and paying the maintenance bill for their helicopters while failing to insist on a viable development scheme for rural areas.

Passage of this amendment will not cut off aid to Colombia. It will send a strong signal to the administration that they need to make some policy changes, clarify the length and terms of our commitment and present Congress with an exit strategy.

Mr. Chairman, I urge support of the McGovern amendment.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think anybody that has any knowledge at all recognizes drug abuse is the most dangerous threat that we have in our country today. We spend nearly $11 billion inside the country to fight this drug disaster. Aid to Colombia is the most effective weapon we have against drug production, not drug use.

The estimated economic cost of illegal drug use in the United States has been over $160 billion in the year 2000. The $731 million provided in the Andean Drug Initiative in this appropriations bill is necessary and money well spent and these funds will save the U.S. money in the long term.

The previous speaker spoke of the number of people that were dying of AIDS and where the money could be of use to them. There is an estimated 4.7 million Americans age 12 and older in the year 2000 who needed treatment for illicit drug use and drug abuse problems. That accounts for 2.1 percent of the national population. If you could measure the cost per individual what drugs have cost us in this country, it is $34,200 a year.

The Federal Bureau of Investigation estimates that 1.6 million people were arrested in the United States in 2001 for drug abuse violations. Nearly one in four persons were held in U.S. jails and prisons in 2000, 57 percent were imprisoned for drug offenses.

I think the statement that the war on drugs and Plan Colombia is not working is completely false. It was very slow in getting started and I blame this body right here for the first 2 years that we were ineffective because it was an argument about how the money should be spent, how it should be allotted as far as which helicopters and which aid. It is our fault here that it took so long to get going.

There was a statement made that the production of coca had increased. That is false. It has shrunk in the last year. In fact, it has been one of the most successful years that we have ever had in reducing the production of this coca in Colombia. Also, there were statements made about how horrible the paramilitary forces have been, and in the past they were terrible, but paramilitary forces within the last week have signed a peace agreement with the government.

If the ELN and FARC would do the same, the communist element that we are supposedly helping out by shrinking this budget would go away.

I would like to say that reducing drug production is what we need in this country most, and every penny that we spend on it is worth its effort, not only from North Carolina to Massachusetts but California to Missouri. Drugs are blind on who they affect, and the effort we are putting forth in Colombia is probably the most effective way that we have of reducing drug use in this country.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am extremely pleased to cosponsor this amendment with my friend and my colleague, the gentleman from Massachusetts (Mr. McGOVERN). We have sponsored a number of amendments over the last several years to take dollars from the American military assistance to Colombia, and I do not do this action because I am unsympathetic to President Uribe and what he is trying to accomplish. I think he is sincerely working to break the stranglehold that drug cartels and insurgency groups have on his nation. But the message sent by cutting this funding, those messages need to reach the Colombian people, this administration and his administration.

It is true, Mr. Chairman, that more is asked of the American soldier that is sent to Colombia than Colombia asks of its own soldiers. This bothers me to no end.

□ 2030

The Colombian people need to take concerted and consistent steps to help provide for their long-term security. That means providing for a sustained financial base.

Our administration needs to come forward with a long-term strategy for American military involvement in Colombia. Many in this House are worried about the creeping nature of our expanding mission in Colombia, known as mission creep. We need to know what role the American troops will play and for what period of time.

Having this knowledge is even more critically important as we face a long-term commitment. Our troops have the possibility of continued work in North Korea, Liberia, not to mention Iraq. We do not have enough troops to go around the world wearing them out.

We need to increase our end strength, but we have needed to do that for a while. We also need to look carefully at all of our commitments and the decisions.

So I urge my colleagues to vote for this amendment. It does not eliminate all funding for Colombia, nor does it touch the critical programs like IMET, which is developing a more professional military in Colombia.

I said a moment ago that more is asked of the American soldier that is down there helping them fight the rebels than they ask of their own soldiers. Every soldier in the American Army has at least a high school education or its equivalent or they cannot join. If anyone has a high school education in Colombia, they are exempt from their military conscription. If they come from wealthy families, if they have a high school education, they do not have to serve; but Americans down there to train them and trying to help beat back the rebels are more highly educated and are putting themselves on the line, when they in Colombia do not ask the same as we ask of our soldiers who are there to help them.

Mr. Chairman, I resent this. I resent this very much. If they want our continued help, they should prove it by having a conscription law that cuts across all classes and all education. So I urge my colleagues to vote for this amendment. It will not injure the programs that are important whatsoever, and it will cause them in Colombia, as well as our administration, to take a good hard look at what is necessary to win in Colombia.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one of the earlier speakers said this is just a signal. If it were so, it is a wrong signal, it is a wrong time; but it is not just a signal. It would actually deprive real dollars from people who are trying to fight narcoterrorists who are funded by our drug habits.

While 40 million and 35 million, a total of 75 million, may not seem like a lot here because we spend so much money, it is a significant percentage of this budget.

The previous speaker said that this has been mission creep. It has been exactly the reverse. It is mission reduction; and in fact, this request is substantially under the last request. In fact, there are fewer dollars being spent in this budget than the previous budget. In fact, more Colombians are repairing helicopters than in the past, more Colombians are spraying than in the past, more Colombians are on the ground. We now have specially trained antinarcotics units. The military have gone through human rights training and met those standards, in addition to the Colombian National Police.

We are achieving our goals on the ground, and this amendment would help devastate those goals at the very moment of their success.

We have had this debate for each of the last 3 years since President Clinton signed Plan Colombia into law. While there still may be two points of view this year, the facts clearly show that the debate should, in fact, be over. Thanks to the strong leadership of President Uribe, there can no longer be disagreement that the program is showing clear results. Just maintaining on the House floor that it is not working does not mean that it is not working. My colleagues can say things, but they cannot be true.

I have been to Colombia twice this year and have seen firsthand the signs of remarkable success in that nation. The Uribe government has taken control of areas previously held by narcoterrorist guerrillas. There are many towns in Colombia that are still under terrorist control, but the number is declining. There are now people moving back to their hometowns. There are mayors willing to run for office again because the ELN and the paramilitaries are in somewhat of a disarray, at least in somewhat retreat; and the FARC is somewhat divided. They still control a significant percentage of the country, but it is less than it was, and we are making progress.

You cannot plant alternative crops if you believe you are going to be killed by FARC and then killed by the paramilitaries. First you have some to order. We are providing people with the chance and getting some order. If we continue at that rate, we can establish one of the oldest democracies in the Americas back to a free people.

This is not a civil war. Four percent of the people, that is almost not much more than the percentage in prisons in the United States, support the FARC or any of this. The people are overwhelmingly on the side of this government. This is the most popular government in modern history in Colombia.

The facts are so clear my colleagues do not need to take my word for it. I will instead let the editorial board of The Washington Post, hardly the most conservative group of commentators, tell my colleagues why now is not the time to lessen our support for this critical program to keep stability in our hemisphere and control the flow of hard drugs onto every American street.

On July 13, The Post editorialized as follows: "Some members of Congress and human rights groups protested that the attempt to bolster the Colombian army with equipment and training while sponsoring the aerial spraying of coca fields would embroil the United States in a Vietnam-like quagmire. The critics were wrong. Colombian coca and poppy production has been reduced substantially: according to a United Nations study, the acreage has dropped by 38 percent in 3 years."

The Washington Post editorial continued: "With the traffickers and their guerrilla allies on the defensive, violence is down, too. Homicides have fallen by a quarter and kidnappings by a third this year compared with last year. Colombia's economy is growing, and its President, Alvaro Uribe, leads the strongest and most popular government the country has had in decades. Though Plan Colombia still hasn't achieved many of its goals, there can be little question that the $2.7 billion invested by the United States so far has gotten results."

Again, those were not the gentleman from Indiana's (Mr. SOUDER) arguments, but the conclusion of The Washington Post editorial board. It is now beyond serious dispute that Plan Colombia is working, that it is beginning to have a serious impact, and that it is at a critical point. No program is perfect, but the choice now is a clear one. Do we continue to make progress towards finishing the job, or do we withdraw and quit? There are many hard decisions in this body, but continuing a program that is now obviously succeeding against long and hard odds should not be one of them.

We also continue to have a moral obligation to the people of Colombia to help them solve deep problems of political, legal, and social order that are caused in significant part by Americans. In Cartagena earlier this month, I visited with Colombian soldiers who had been viciously attacked by narcoterrorist guerillas. They had lost limbs and yet stayed firm and resolute; some had lost lives, despite the fact that the groups who attacked them were funded in significant part by the drug habits of Americans.

From my hometown and the hometowns of the members of this country, I also visited the Nelson Mandela Village for people who have been displaced and terrorized in these hometowns; and in talking to these people, they want to go back home. They do not want to be terrorized. We are near the point in about half of those areas of stabilizing, and they have moved and are at the point of moving back. How can we cut this program now when it is finally working? Even a small cut could be devastating to Colombia.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support for the McGovern-Skelton amendment to transfer $75 million in military aid for Colombia to programs that combat HIV/AIDS, tuberculosis, malaria, and other infectious diseases.

I have serious concerns with our policy in Colombia and, in particular, with the ongoing human rights abuses. The number of people who have disappeared or been killed has risen from 14 to 20 per day in the last 2 years. Those newly displaced by political violence increased by 412,000 in 2002, and Colombia has the second largest population of internally displaced people in the world, trailing only the Sudan. More than 1,000 people are forced to leave their homes every single day.

What are we doing to hold the Colombian government accountable for these abuses? There is no evidence to show that Colombia's military officers involved in human rights abuses are being suspended for their actions. According to Human Rights Watch, they continue to remain on active duty and in command of their troops, and Colombian Army collaboration with paramilitaries raises serious questions about whether our involvement is making any difference at all and perhaps even enabling these abuses to continue.

It deeply worries me to see our expanding involvement in Colombia. At a time when we have forces in Iraq and Afghanistan, can we really afford to become enmeshed in another large scale conflict? Of course not. Yet just recently, Deputy Secretary of Defense Paul Wolfowitz said that the United States was considering transferring some military capabilities from Iraq to Colombia.

We are moving in a dangerous direction. Congress changed the law last year to allow U.S. counterdrug aid to support a "unified campaign" against drugs and against Colombia's guerrilla and paramilitary groups. Our mission has actually expanded. The number of U.S. military personnel on the ground in Colombia has tripled in the last 3 years, and the Colombia Government announced only a week ago that within four months it will unveil "Plan Colombia Phase II," counterinsurgency aid that will help wipe out more than 35,000 insurgents.

Mr. Chairman, this is precisely the same mission the Reagan administration adopted in El Salvador 20 years ago. It did not work then; it will not work now. And Colombia's over fifty times larger than El Salvador. We cannot fight Colombia's war and we should not.

Instead of funding a troubling conflict that we ought not to be so heavily involved with, we should focus those resources on fighting wars that we can win with the proper resources. The United Nations Joint Program on HIV/AIDS estimates that last year 2.4 million Africans died of AIDS-related illnesses, while nearly 30 million continue to live with the disease. Heavily affected countries in sub-Saharan Africa are struggling to provide care and treatment for over a third of their populations. In the Caribbean, an estimated 440,000 people are infected with HIV/AIDS, a number that is continuing to climb.

By focusing our resources in these areas, we can make a real difference in the fight to combat these diseases. That is where we should be redoubling our efforts, not in the murky forests of Colombia. This is a modest amendment in financial terms but not in what it could achieve.

I ask my colleagues to please support the McGovern-Skelton amendment.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

I come in very strong opposition to the McGovern amendment. I could not be any more opposed to any amendment that has been proposed in the House in some time. Let me discuss for my colleagues, some of them have been here, some of them have not been here during what has happened with the increase of illegal narcotics coming in from Colombia.

In 1992 and 1993, these charts are almost unbelievable. There is almost no cocaine coming in from Colombia, and there was zero heroin coming in from Colombia. Then appeared on the scene the Clinton administration which said, oh, we cannot harm the hairs on any guerrillas, we must protect human rights in Colombia and we must not do anything about drug trafficking there; we must not interfere in the civil conflict. We did nothing and tens of thousands died. Members of the legislature, members of the judiciary, citizens by the thousands died in the civil war that had gone on there, and the atrocities increased.

The production of illegal narcotics increased, and the deadly narcotics came from Colombia. Here is the statistics: again, zero in 1993 and almost all of the deadly heroin coming into the United States, and this had some results. The results are absolutely incredible.

In the year 2000, 19,698, almost double from 1993, Americans died from drug-related deaths, more than homicides. We have a silent war going on in this country. So we sat down and we formed a plan, and it was opposed time and time again.

Former Congressman Gilman, who chaired the Committee on International Relations, brought forth a Plan Colombia and plans to try to bring in helicopters to go after this, to assist in training the Colombians and attacking drugs and terrorism; and it was shot down time and time again.

Finally, through the leadership of the gentleman from New York (Mr. HASTERT), who was chair of the Subcommittee on Drug Oversight, and God, I think, had a hand in making him Speaker of the House, we were able to get Plan Colombia together.

The critics said we were wrong, The Washington Post said. The critics now say we are right. Plan Colombia and President Bush have put it into action to train the military down there, to stop the violence. The violence has stopped. The statistics we hear are old statistics. Twenty-five percent reduction in murders, 33 percent reduction in killing. We stopped some of the killing, and this amendment will again put us in the position of beginning the killing, beginning the destruction, not only in Colombia but on our streets and neighborhoods.

□ 2045

So we have a chance now to move Plan Colombia forward and we cannot destroy that chance through this amendment.

Plan Colombia, the progress is unbelievable. It benefitted 22,829 families in Colombia, supported 24,549 hectares of legal crops, it completed 349 community projects, established 33 legal service centers, constructed 19 oral trial courtrooms, trained 3,400 judges, and aided 774,000 internally displaced people. Those are the statistics. That is the truth. That is what Plan Colombia has done, and we cannot take a step backward tonight.

It would be a disaster for those mothers and fathers that I have met with who have lost their children from the cocaine, the heroin that has come up from Colombia that we have not stopped. We have a chance tonight to move Plan Colombia forward or move it backward and allow the killing to continue in Colombia. Again, in the name of human rights, how many more people should die there? How many more people should die on the streets of my neighborhood in Florida or in the streets of New York? Rich, poor, all are affected by what is going on. What about the silent deaths by the tens of thousands in our country?

Tonight would be the worst step we could take in the history of this Congress relating to our work against illegal narcotics to pass this amendment, to take a step backward to where we were, and to do what did not work should not be allowed to again happen in the Congress of the United States. I oppose the amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been following events in Colombia since 1957, and I would like to think that the money that we are spending there is well spent and will reach a useful conclusion. I wish I could say that, but after watching that government and that society, especially the economic elite of that society for a long time, I have reluctantly concluded that they simply do not have the will to do what is necessary to win their own battles. I think we have drifted little by little into a long-term sustained financial and political involvement with little expectation of real success.

Oh, I know, people say we have reduced this production here and reduced production there. Baloney. It is like a balloon. It just pops up somewhere else. I remember when one of the members of the Reagan administration's antidrug team came to me privately and told me in despairing terms what a tremendous waste he thought the money was that we were spending in our antidrug campaign in Latin America. And when he told me how little we actually intercepted at our borders, I was blown away, and that has not changed that much.

And so if I thought this money was going to accomplish any useful purpose, I would say, "Fine, provide it." But when I see the economic elite of that country still not making the sacrifices that are required in order to achieve the ends that we say we have, then I think we ought to look for a more useful place to put that money.

But I have a second question. My understanding is that the leadership of the Republican Party from the highest levels on down cares very deeply about our efforts in Colombia. So my question is, if that is the case, why are so many Members of the majority party watching "Seabiscuit" tonight? Why was this House shut down for a couple of hours to avoid votes on the House floor so that Members of the Republican leadership structure could enjoy a summer movie?

It seems to me if this issue is important enough for us to provide our money, then it is important enough for the people who believe in it the most and the people who brought about our investment in the program in the first place to be here on the floor defending it. And if they think it is more important to watch "Seabiscuit" than to deal with this program, then I think that says volumes about how useful even they think this money is.

So with all due respect to the cries of alarm, I have heard about our antidrug efforts around the world for years and years, those efforts cannot be successful unless they are coupled with a determination on the part of the recipient country to do whatever is necessary to win the battle against drugs. And when that will is absent or when it is weak, then Uncle Sam is simply being taken for Uncle Sucker.

So I would suggest my colleagues pay attention to this amendment. At least that money will be put someplace where it will do some good. And perhaps if this amendment passes tonight, in the future we will not have Members of the majority party running off to watch "Seabiscuit" when something that is supposedly important to the national security is on the floor of this House.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the McGovern-Skelton amendment. This amendment transfers $75 million from Colombian military assistance to global programs for HIV/AIDS prevention and treatment. Now, this amendment signals to Colombia and the world that this government is serious about the need to respect human rights, that it believes that we need to rethink our approach to the Colombian situation, and that we recognize that the HIV/AIDS pandemic is the greatest health and humanitarian crisis of our time.

Plan Colombia has failed. Coca production in the Andes has increased. Eradication programs are shifting production, not eliminating it, and they are exposing men, women, and children of the region to dangerous pesticides. At the same time, paramilitary organizations tied to the Colombian army we are supporting have engaged in gross human rights violations. Those same paramilitaries, according to the Washington Post and other sources, are major drug dealers themselves. The Post reports that paramilitaries control 40 percent, that is 40 percent of the Colombian drug trade. Human Rights Watch and other humanitarian organizations have reported that Colombian military officers alleged to have committed human rights abuses remain on duty.

We should be able to translate United States assistance into influence to promote the protection of human rights. That is not happening in Colombia, and civilians are paying the price. We are compelled to ask: What are we trying to do in Colombia and what is our exit strategy? How much will we spend on this program and what will it accomplish? The United States has a long and troubled history in Latin America, and we should end this chapter.

At the same time, this bill underfunds the President's $3 billion HIV/AIDS initiative, so this amendment would help correct this imbalance that will cost lives. While the money that this amendment would transfer from the Colombian account is a modest sum by most standards, it can go a long way towards helping those individuals who are suffering and dying from HIV and AIDS and other opportunistic infections such as tuberculosis and malaria.

Now, with the cost of generic antiretroviral drugs dropping to under $300 a year, let me tell my colleagues what $75 million would do. Seventy-five million dollars would allow another 250,000 HIV/AIDS infected individuals access to these lifesaving drugs. Seventy-five million dollars could also pay for approximately 7 million people to take the normal $10 treatment course for tuberculosis, which is the leading killer of HIV and AIDS patients. And with the cost of most malaria treatment courses ranging from $2 to $5, up to 15 million patients could be treated with just $75 million.

Let me be clear, though, that as much good as this money can do, it can in no way overcome the nearly $1 billion shortfall in spending for our global AIDS, TB, and malaria initiatives. Now, the President has promised $3 billion, but it is obvious that this Congress must deliver on that. I would hope that the President would try very hard to find some way to make up the difference between the $3 billion that we authorized back in May and the just over $2 billion that we are now appropriating.

Thanks to the gentlewoman from California (Ms. KILPATRICK) and the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Missouri (Mr. SKELTON), with this amendment we have an opportunity to piece this money, and that is what we are doing, piecing this $1 million together. But it is worth it.

It would be a travesty to underfund our first-year pledge of the 5 years, $15 billion commitment we made so recently to fight global AIDS, particularly since the President spoke so much about it during his recent trip to Africa. Expectations have been raised, and we must deliver upon them or we risk further damage to our credibility.

This amendment improves our foreign policy in two directions. It helps correct a Colombian policy that has gone badly astray, and it transfers desperately needed funds to the most urgent humanitarian and health crisis of our time. It helps us, this House, deliver on the President's promise. So I urge my colleagues to support this amendment.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the leadership of the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Missouri (Mr. SKELTON) in bringing this amendment before us this evening. I also respect the commitment of the Speaker of this House to Colombia. Recently he talked of this initiative as saving the lives of American children. But, frankly, I get different information.

I identify with what the gentleman from North Carolina talked about a little while ago, where there are 4.7 million drug abusers in this country, where cocaine production is steady in the region. It may be shifted around a little bit, but in terms of the region itself the cocaine production has been steady for years. And, in fact, cocaine access in the year 2002, the most recent I have available, those statistics suggest that as far as our young people are concerned, cocaine access and use is up.

I am concerned that the program in Colombia is not the most humane program, that not enough money is being invested in alternative development, manual eradication on the ground with aid to farmers. I am concerned that this package, over time, has not been balanced; that when you take all of the money into account, you are looking at approximately 80 percent that is going to be in police and military aid.

My choice, if we were dealing with this in an ideal world, would in fact be to transfer the money, as proposed under the amendment. That would result in tens of thousands of people being saved from infectious diseases. Not that we abandon Colombia, but that we are more focused in terms of what we do invest; investing in sadly underfunded programs for domestic treatment of drugs, increasing funding for the alternative development to help these small farmers switch crops, insisting, as my friend from Massachusetts has talked about, on the respect for human rights and the rule of law, and providing greater political and financial support for civilian democratic institutions.

But most of all, Mr. Chairman, if we are going to spend this money, for heaven sakes spend less of it on K Street. Do not spend so much on consultants, on contractors. I suspect that we can document that far more of this money ultimately is being spent in this country than is being spent on the ground in Colombia.

□ 2100

I think this amendment is a good first step. I welcome this debate this evening on the floor of the House, and I hope it takes us in a more productive direction.

Mr. DELAHUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I must admit, however, I do so with some ambivalence, for I share many of the concerns that have been articulated by the proponents. They are right about the balloon effect, because even as coca cultivation declines in Colombia, we are seeing an increase in Peru and Bolivia. I also share their concern about human rights abuses, about the relentless assault on labor leaders and human rights workers, and about military ties to the paramilitaries. It is reported in our own Department of State country reports. But it would be unfair not to acknowledge that there have been sincere efforts made by the Uribe administration to address these issues and some progress has been made.

Furthermore, I believe that the Colombian people, particularly the economic elite, as has been alluded to earlier, should be doing more. Unfortunately, the conflict is being currently fought by poor Colombians and paid for to a substantial degree by American taxpayers as indicated by the ranking member of the full committee. And while I applaud the initiative of President Uribe to levy a war tax, that was a one-time event. There has to be a permanent revenue stream of new money generated by the Colombian people themselves. The percentage of GDP spent on the security forces is still much lower than in other Latin American countries which do not have to confront such a vicious internal conflict. I submit that a new permanent war tax paid by Colombians ought to be a condition of continued American assistance.

But I would suggest that it is not in our interest at this point in time to reduce aid to Colombia. It is important to note that President Uribe has made a firm commitment to fight illegal armed groups, all of them, not just the FARC and the ELN, but also the paramilitaries. And it cannot be denied that the Colombian military has been much more aggressive in dealing with these right-wing paramilitary groups since the Uribe administration has come to power. Many believe that this has resulted in a cease-fire and the beginning of a peace process with the largest faction, the so-called AUC. So now at least there is the possibility of a peace accord with this particular group. If there is a chance to remove one of the armed groups from this conflict, we must take it.

To cut aid just as this process is beginning would send a very bad signal, even if an unintentional one. In fact, we should be increasing aid substantially because it is in our national security interests to do so. Remember, the entire amount we spend on all of Latin America in a year is less than the amount we are spending in a single week in Iraq. Our aid should be more balanced, should be directed to help develop democratic institutions, support human rights and encourage social and economic development in our own hemisphere, especially in Colombia. For if we are ever going to do anything that will substantially and permanently reduce the flow of cocaine and heroin into the streets of the United States, stability and healthy democratic institutions are essential. And peace is a prerequisite for that stability.

That is why I urge my colleagues to oppose the amendment of my friend from Massachusetts.

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the McGovern-Skelton amendment, and I thank my colleagues for their outstanding leadership on this critical issue. This amendment, let us be clear what it does, cuts a modest amount, $75 million in aid to Colombia's military, a military that our own State Department has certified is implicated in atrocities against the Colombian people. It redirects that aid to the fight against HIV/AIDS, TB, and malaria. And after that $75 million is diverted, still there is $315.8 million in military aid and a total of $574 million, over a half a billion dollars in overall aid that will still go to Colombia. So this is a very modest proposal.

To those who say we need to continue to fund Colombia's military at current levels because of the war on terror, I say you have not done your homework. A recent report prepared at the request of Colombia's President Uribe further documents the illicit ties between Colombia's military and the paramilitary forces in that country. This is a report prepared at the request of the President of Colombia. The paramilitaries and their organizations have been designated as terrorist organizations by the United States. They massacre civilians, and they ship drugs to the U.S. Instead of giving more money to a military known to collaborate with those the Bush administration calls terrorists, we should employ a different strategy, one that deprives a corrupt military and the terrorists with whom it collaborates of resources and American taxpayer dollars so that they cannot as easily continue their brutal abuse of the Colombian people. Why would any Member of this body want to make the mission of terrorists and criminals easier?

The McGovern-Skelton amendment would redirect $75 million to the child survival and health account for programs that combat HIV/AIDS, tuberculosis, malaria, and other infectious diseases. These are programs that are proven to be effective in improving and saving lives. Instead of wasting American dollars on an initiative that has destroyed lives and increased the suffering of innocent civilians in Colombia, I think our dollars would be better spent funding programs we know can save lives.

Our dollars are better spent on programs that work, as opposed to Plan Colombia which has failed. After 3 years and over 3 billion U.S. taxpayer dollars, Plan Colombia has failed miserably. It has failed to strengthen Colombia's democratic institutions. Known human rights offenders continue to go unpunished and operate with impunity. It has failed to reduce drug production, use, and availability. Though it may have reduced by some the production in Colombia, as a region, the Andean region actually produces more coca. It has cost the lives of Americans, contractors, even missionaries. Plan Colombia has made a bad situation in Colombia even worse and has not provided any measurable benefit to the American people.

Our aerial fumigation program in Colombia has caused untold environmental damage, poisoning and destroying legal crops, water sources, and harming the health of children and families. Trade unionists continue to be murdered. Last year, according to the International Confederation of Free Trade Unions, 85 percent of all trade union murders took place in Colombia. Aid to Colombia's military puts the blood of innocent civilians in that country on our hands. The number of people killed or disappeared per day, according to Amnesty International, increased from an average of 14 in 2000 to 20 in 2002. This is not what we should be calling progress. The number of people newly displaced by political violence increased 30 percent, from 317,340 in 2000 to 412,000 displaced people in 2002 alone, and nearly 3 million altogether since the violence has started.

I have been to Colombia. I love Colombia and the Colombian people. And I know that the way to help them is not by putting money and resources in the hands of those who are implicated in their abuse and their murder. Escalating a civil war and providing aid to a military still rife with corruption is illegal, it is immoral, and it is inexcusable. But today we are not debating an end to the U.S. military aid to Colombia. As I said, still over half a billion dollars will go there even with the McGovern-Skelton amendment. I urge support of that modest and sensible amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the McGovern-Skelton amendment to transfer a small amount of money for military funding for Colombia to increase funding for bilateral HIV/AIDS, TB, and other infectious diseases programs. This amendment says much about what we believe the priorities of our country should be in providing overseas assistance. Instead of providing more tax dollars to an ineffective drug eradication program and to the Colombian military, which is linked to human rights abuses, we should focus on alleviating the human rights tragedies that are the result of HIV/AIDS.

Aid to Colombia has failed to end the drug flow to America, and it has failed to protect human rights. Strong ties between the Colombian military and the paramilitary group AUC, which has been listed by the United States as a terrorist organization, are deeply disturbing, given the atrocious human rights abuses committed by the AUC. Most interestingly, The Washington Post recently published the findings of a report commissioned by President Uribe that showed the AUC, which frequently fights alongside the Colombian military, is a drug-trafficking organization. The report estimated that as much as 80 percent of the AUC's funding comes from drug trafficking. This means that the U.S. is funding a military that is working with a terrorist drug-trafficking organization in an effort to eradicate drugs. Does this not seem a little paradoxical?

The AUC's close relationship with the Colombian military is also disturbing because it implicates the United States in human rights abuses. How can the U.S. fund a military which has combined forces with a terrorist group responsible for torture, executions, and disappearances of innocent Colombian citizens? Until the Colombian government ceases its relationship with violent paramilitary groups that terrorize ordinary citizens, the United States must not directly fund it.

Furthermore, the process in which the drug eradication program is conducted through fumigation is conflict-ridden. Fumigation seems to chase coca cultivation from one area to another. The State Department's international narcotics control strategy reports for 2000 and 2002 show that coca production in Colombia's neighbors, Peru and Bolivia, and other areas of Colombia totaled 184,900 hectares in 2000 and rose to 205,400 hectares by the end of 2002. In the end, coca production persists because it is the most economically viable option for very poor peasant farmers in the area. Coca control initiatives must focus on alternative development assistance to small farmers so they are able to make the transition to legal crops. Effective development assistance coupled with manual eradication efforts is the only sustainable solution to the problem of coca cultivation.

Further, fumigation destroys the alternate development projects set up to sustain the lives of peasants. In the Putumayo village of La Isla, both a livestock and aquaculture project was destroyed, killing the chickens and the fish that represented economic opportunity for residents. Despite U.S. denials, fumigation affects health. It causes skin outbreaks and gastrointestinal disorders and respiratory ailments, particularly among young children, according to local physicians.

Ineffective and highly questionable funding of the Colombian military should not continue. U.S. taxpayer dollars should not be given to a military that is conducting human rights abuses against its own citizens. Instead, taxpayer dollars should be spent on worthy initiatives such as the HIV/AIDS programs that would genuinely benefit millions of suffering people.

The McGovern-Skelton amendment makes a modest step in that direction and it deserves a "yes" vote. I urge my colleagues join me in voting "yes" in support of the McGovern-Skelton amendment.

Mrs. BIGGERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to be recorded as opposed to this amendment. I served on the Committee on Government Reform in my first term here and then have served on the Speaker's drug task force. I have been to Colombia, and I have met the new President of Colombia, who has been here several times. I think it would be a real mistake to cut down on our funds to Colombia when things are moving ahead and have progressed so much in the last 5 years.

I yield to the gentleman from Florida, whom I did travel to Colombia with.

Mr. MICA. Mr. Chairman, I thank the gentlewoman from Illinois for yielding. I also thank her for her leadership and for her work on the Committee on Government Reform. I had the opportunity to chair the Subcommittee on Criminal Justice, Drug Policy and Human Resources when some of the Plan Colombia was put together.

□ 2115

And in conclusion here, we know that in the past, not much was done to stem illegal narcotic production and trafficking or the violence in Colombia. We had a President in Colombia who tried to the Cumbayah and the peace in dealing with the terrorists and that did not work. We now have a President in Colombia who is committed to the tenets of Plan Colombia, which is a strong interdiction, which is demanding reforms in the military to cultivation of other alternative crops, to building the judiciary and the strength of the institutions of Colombia. We have a President of the United States who is committed to Plan Colombia. We have seen the results in the past where tens of thousands have died per year in Colombia and in the United States. And now we have an opportunity to move forward. Even the statistics of the Washington Post, which was a critic in the beginning of Plan Colombia, now says the critics were wrong. A 25 percent reduction in murders, a 33 percent reduction in killings. So we have a President here committed to the plan. We have a President in Colombia committed to the plan, and it is a working plan and people are not dying.

Finally, let me insert in the RECORD since 1993, the number of deaths provided to me today by ONDCP, Americans who died from drug-related deaths in this country, drug-induced deaths, 148,185 Americans, more than we have lost in any tragedy we can imagine of contemporary times, in the period from 1993 to 2000, not even a 10-year period. We have a chance to stop the death and the dying and the destruction of lives here. We have a chance to stop the death and destruction and lives being lost in our neighboring country Colombia; so it would be a step backward to pass this amendment proposed by the gentleman. I know he is well intended, but I strongly urge opposition to this.

Ms. McCOLLUM. Mr. Chairman, I move to strike the requisite number of words.

I would like to speak in strong support of the McGovern-Skelton amendment.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. McGOVERN. Mr. Chairman, I thank the gentlewoman for yielding.

Let me just go over a few facts here.

Fact: If the McGovern-Skelton amendment passes, we still have $195.3 million in hard military aid for the Colombian military in this bill.

Fact: That $195.3 million joins the $120.5 million in the military aid under the Defense appropriations bill that passed this House on July 8.

So fact: If the McGovern-Skelton amendment is approved, this House will still provide a minimum of $315.8 million in military aid to the Colombian military.

I want to say to my colleagues the important fact is not how much acreage is sprayed, it is how much coca is grown. And the fact is despite this policy coca production in the Andean region has increased since Plan Colombia was enacted in 2000. Those are not my statistics. Those are the statistics by the United States State Department.

Fact: While coca cultivation in Colombia dropped 15 percent last year, coca levels in Colombia are still higher than they were in 2000.

Fact: The modest drop in coca production in Colombia is completely offset by shifting coca cultivation back to Bolivia and Peru. Is that progress? Is that success? All of us want to protect our constituents from these illegal drugs, but the bottom line is this is not doing it.

Fact: U.S. counterdrug efforts in Colombia and the Andes have had absolutely no apparent impact on the availability or use of cocaine here in the United States. This is according to the January, 2003 National Drug Threat Assessment.

Fact: If we want to stop drug production abroad, then invest in drug treatment and prevention right here at home.

The gentleman from Missouri (Mr. SKELTON), the cosponsor of this amendment, raised, I think, a very important issue about the fact that more is being expected of our military personnel in Colombia than of the Colombian military personnel themselves. President Uribe has said that he has introduced a law to change the recruitment criteria so that people who have high school degrees or are from wealthy families in Colombia are not automatically exempt from serving in the military, but such a law has been introduced every year since the 1990s. President Uribe has not made it a priority. His priorities are part of a national referendum this fall, and changing the recruitment law is not one of them. I mean we need to see a little action, not just talk.

The gentleman from Massachusetts (Mr. DELAHUNT) talked about how important it is that the government of Colombia is making progress in trying to work out a truce with the paramilitaries, but the fact of the matter is almost every human rights group in the world is concerned about what is happening because the Colombian government Peace Commissioner Luis Carlos Restrepo confirmed the fears of human rights advocates that paramilitaries involved in horrific crimes will get a free pass. I quote him: "For those who have committed crimes against humanity, we are looking for punishment that is not jail . . ."

Another concern with the paramilitaries is that the demobilized paramilitaries could go straight into the peasant soldier program, thus in effect legalizing paramilitaries without screening out the worst offenders or even significant retraining. There is no clear end in sight, no exit strategy as we get more and more involved in Colombia.

In November of 2001, there were 220 U.S. private contractors in Colombia carrying out military and counterdrug operations. Today there are 308. In November, 2001, we had 117 U.S. military presence in Colombia; today we have 358. The $75 million that we seek to transfer, this modest amount, to the HIV/AIDS tuberculosis and malaria accounts I hope will be used in Colombia. I hope much of it will be used to help the people of Colombia who have suffered so much. Speakers on the other side have talked about all the important development initiatives that are going on there. I support those. I wish that more of our aid to Colombia was in the form of development assistance and not so much of it in the form of military aid.

Let me finally close by saying we talk a lot about human rights in this Chamber, and we talk about human rights in Iraq, we talk about human rights in Iran, we talk about human rights in China, every other place in the world. We need to talk about human rights in Colombia. And anybody who has been to Colombia who has been outside the U.S. embassy, who has been outside President Uribe's palace, who has been outside the U.S. military headquarters there will see firsthand that that country is experiencing a very difficult time right now, and it is not just because of the FARC guerillas which have one of the most brutal records, but it is also because of the impunity that continues to exist in that country and the fact that the Colombian military still has yet to sever its ties with the paramilitaries. Vote for the McGovern-Skelton amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise in opposition to any attempts to cut funding for Andean Counterdrug Initiatives (ACI).

July 13 marked the third anniversary of Congressional approval of Plan Colombia. We need to reaffirm, not dismantle, our commitment to this program, to the people of Colombia, and to American citizens. I have led three congressional delegations to Colombia over the past five months. I can say firsthand that our significant investment is beginning to pay dividends. Together with the strong commitment of the Uribe Administration and historic levels of support from the Colombian people, U.S. involvement in Colombia is beginning to hit narco-terrorists where it hurts.

We are seeing tremendous results in illegal crop eradication, and Plan Colombia's efforts have produced record reductions in coca production and in the destruction of drug labs. Each week brings news of new seizures of cocaine and heroine—interdictions that are usually the result of U.S.-supplied intelligence. In fact, just three weeks ago during my most recent CODEL, Colombian officials seized over a ton of cocaine from a drug trafficking boat off the Carribean coast.

The Colombian government is reestablishing state presence in areas of the country that for decades lacked it. Criminals who have remained at bay for years are being captured and extradited to the United States for prosecution. During the first 11 months of President Uribe's tenure, 68 individuals have been extradited from Colombia to the United States.

Mr. Chairman, Plan Colombia is working. I have seen firsthand the devastation that drug production and trafficking has on Colombia. To those who question our investment, I would ask them to visit, as I have, Colombian soldiers who have lost their limbs or eyesight or sustained permanent disabilities in their battle to return peace to their nation—and keep drugs off American streets.

I would also ask them to visit Barrio Nelson Mandela, a USAID-sponsored facility for internally displaced people who have been forced from their homes by drug traffickers and guerillas. This facility showed me how our work on behalf of Colombia's millions of internally displaced people is offering men, women, and children a second chance at a violence-free, productive life.

My travels to Colombia have shown me just how critical U.S. assistance is to their government. With such promising results over the last 3 years, we need to sustain the momentum.

Of course obstacles remain, and progress is slower than we would like it to be. But now is not the time to turn our backs on this battle that is so intrinsically tied to our war on terrorism and the scourge of illegal drug use.

The Uribe Administration is committed to this war. But it needs United States assistance to improve mobility, intelligence, and training. Make no mistake: Colombia today is doing its share. Spending on security forces has increased under President Uribe from $2.7 billion to over $4 billion.

We simply cannot afford for President Uribe to fail to rid his country of the narco-terror threat. Nor would Colombians understand such a step if this amendment prevails.

The Administration requested $731,000,000 for the Andean Counterdrug Initiative (ACI) for fiscal year 2004. Full funding of this request is critical to sustaining our success in Colombia and to protecting Colombia's neighbors from a spillover effect.

It's simple, Mr. Chairman: Now is not the time to turn our backs on the progress we are making against narco-terrorism in Colombia. We cannot win this war on drugs and drug-supported terrorism without the proper tools and resources. Vote "no" on the McGovern amendments.

The CHAIRMAN. The question is on amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) will be postponed.

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLBE:

Strike beginning page 7, line 3, after "law", and ending line 17, after "expenses" but before the semicolon, and insert:

except the provisions of section 292(d)(4) of Public Law 108–25, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund"), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That of the funds appropriated and allocated for HIV/AIDS under this heading, not less than $15,000,000 should be made available as a contribution to the International AIDS Vaccine Initiative; not more than $6,326,000 may be available for administrative expenses of the Office of Coordinator of United States Government Activities to Combat HIV/AIDS Globally (the "Coordinator").

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KOLBE. Mr. Chairman, this perfecting amendment simply clarifies the responsibilities of the new AIDS coordinator that has been added by legislation adopted by the Congress and signed into law by the President. I believe it is acceptable to the minority.

I yield to the gentlewoman from New York (Mrs. LOWEY) for her comment.

Mrs. LOWEY. Mr. Chairman, I thank the Chair for yielding.

Mr. Chairman, I have no objection to the chairman's amendment; however, I do have a few comments. This amendment clarifies some of the authorities in the bill with respect to the HIV/AIDS coordinator, while preserving the underlying language in the bill setting up the framework for HIV/AIDS programs. While the President is intent on ensuring that all AIDS funding pass through the new coordinator's office, there are some in Congress who would question the wisdom of such a requirement. Both the Agency for International Development and the Centers for Disease Control have years of experience programming funds spent to combat HIV/AIDS. At the moment it is unclear what function the new coordinator will serve. If the office attempts to micromanage HIV programs as opposed to coordinate them among Federal agencies, there will potentially be serious delays in program implementation. This bill gives the coordinator adequate authority and also ensures that the appropriate agency controls program funds.

Everyone is anxious to make progress in this fight, but we have to be careful that we do not create a bureaucratic mess in the name of coordination. This amendment removes a limitation that would have focused the resources of the coordinator's operation, and it is my expectation, as we move forward to create this new bureaucracy, that Congress will exercise its oversight prerogatives on the use of such funds.

Again, I do have do not object to the chairman's amendment and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. KOLBE).

The amendment was agreed to.

Ms. MCCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had an amendment. It was very simple, and it would have provided $200 million of the funds appropriated for the HIV/AIDS assistance, that it be directed for orphans and vulnerable children affected by HIV/AIDS.

With the support of the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), ranking member, I was able to add a similar amendment to the Global AIDS authorizing language earlier this year, and it required that 10 percent of all HIV/AIDS funding go toward assistance to orphans and vulnerable children. The amendment I was going to offer today would have made good on this promise. It would have made Congress show that it was going to be responsible in the way that it passed the Global AIDS legislation earlier this year. This amendment would have helped to protect the youngest victims of the AIDS pandemic, those who cannot advocate for themselves.

The AIDS emergency is quickly becoming the worst health care catastrophe in the country and is leaving millions of children suffering the loss of their parents in its wake. Already, 25 million people have died from AIDS worldwide. And as more and more parents die, millions of children around the world are left facing an increasingly bleak future. For example, in Uganda, Christopher, a 13-year-old boy, is now officially one of the 1.7 million children orphaned by the AIDS epidemic in his country. After losing his mother to AIDS this past December, Christopher runs his household. He cares for his 9-year-old brother. Their three sisters are in the care of relatives, as the siblings had to be separated because no one single family could take on all five children. Although Christopher appears to be healthy, his younger sister has been getting sicker, and more frequently she is unable to play and to function as any child would.

But yet none of these children have gone for HIV testing. Why? Because if an HIV test is confirmed as positive, a foster family would be less likely, less inclined to look after a sick child whose days are numbered. At an age when most boys are thinking about their next soccer game, like my nephew, Christopher's thoughts are only of daily survival. If he goes to school, who will work the land? Who will ensure that there will be food on the table for suppertime, not to mention look after his younger brother?

In a society where resources are scarce and poverty is a common denominator, children like Christopher are more vulnerable as they have no one to protect them. If Christopher chooses to go to school, he will leave his home, the farm garden plot unattended, and that risk is just too great for him to take.

We have a responsibility today to ensure that this money goes to improve safe, healthy children, the survival of children, children like Christopher and his siblings.

I knew that my amendment was going to be subject to a point of order as I had taken it to the Committee on Rules, and I was unable to provide this body with a waiver to allow the House to move forward and vote on this vital issue. However, I am very hopeful that the gentleman from Arizona (Chairman KOLBE) and the gentlewoman from New York (Mrs. LOWEY), ranking member, will continue to work to enhance the report language as the appropriation process moves forward to ensure that orphans and vulnerable children receive their appropriate share of the HIV funding that we promised them.

□ 2130

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a brief colloquy with the gentleman from California.

Mr. ROYCE. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from California.

Mr. ROYCE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I had intended to offer an amendment dealing with Afghanistan. Last year the overwhelming majority of the House voted to establish a single fund to carry out a wide variety of vitally needed programs in Afghanistan when it passed the Afghanistan Freedom Support Act of 2002. That act was eventually passed on a Senate vehicle, but was very close to what we passed here with a margin of 390 to 22.

The intention was to appoint a strong administrator who would carry out programs unencumbered by the need to draw funds from and conform to every particle of the complex legal and regulatory framework of the many parts of the foreign assistance acts that need to be brought to bear on the problem of rebuilding Afghanistan.

Over time, the situation has continued to be grave. Our achievements in Afghanistan are in danger of being overturned and our sacrifices in Afghanistan are in danger of having been made in vain. The bill before us, hopefully, requires that $600 million from titles II and III be spent in Afghanistan, and those funds have been identified in broad terms by the administration. The committee has done an excellent job in this bill in general and in providing funds for Afghanistan in particular, and I salute the chairman and the committee for this achievement.

The problem is that funding under the mechanism contemplated in the bill does not take advantage of the new mechanisms provided by Congress last year. This funding cannot be as flexible and is subject to the guidance of a single administrator as it could be if it were provided in a single account.

The current coordinator, Ambassador Taylor, has experience in using this sort of account when he was Coordinator for Assistance for Eastern Europe and the Former Soviet Union. We did not know that Ambassador Taylor was going to be appointed to this position when last year's bill was drafted, but we certainly need to give him the flexibility and the overall responsibility he had for this new and very difficult job he has assumed.

The President did not sign the Afghanistan Freedom Support Act until December of 2002, and it is understandable that the administration did not establish the account in its 2003 budget and that the committee followed the administration's guidance in framing this bill.

But it is many months later and things are not going well in Afghanistan. Let us spend the $600 million the right way, if we can.

At this time I submit for the RECORD the text of the amendment I was considering offering.

Amendment to H.R. 2800, as Reported
Offered by M. ________

Page 122, after line 2, insert the following:

ASSISTANCE FOR AFGHANISTAN

SEC. ___. For necessary expenses to carry out the provisions of title I of the Afghanistan Freedom Support Act of 2002 (other than section 103(c) of such Act), and the amounts otherwise provided for in this Act for "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", "DEVELOPMENT ASSISTANCE", "ECONOMIC SUPPORT FUND", "MIGRATION AND REFUGEE ASSISTANCE", "NONPROLIFERATION, ANTITERRORISM, DEMINING AND RELATED PROGRAMS", "PEACEKEEPING OPERATIONS", and assistance for Afghanistan under section 523 are reduced by, $425,000,000, $21,000,000, $150,000,000, $150,000,000, $72,000,000, $12,000,000, $20,000,000, and $425,000,000, respectively.

Explanation of the Royce-Hyde Amendment

The amendment "reaches back" and transfers into the Afghanistan Freedom Support Fund account precisely $425 million from a variety of accounts previously identified by the Administration for Afghanistan:

$150 million from Development Assistance;
$150 million from Economic support Fund;
$20 million from Peacekeeping Operations;
$21 million from the Child Survival Fund;
$72 million from Migration and Refugee Assistance; and
$12 million from Nonproliferation, Antiterrorism, Demining and Related Programs.

It maintains the $600 million total spending by reducing the earmark in Section 523 by $425 million. It leaves remaining earmark of $175 million to be drawn from other Title II and III accounts. It does not reduce spending on Afghanistan by one dollar.

Mr. Chairman, I believe that the House took wise, considered action when it established the Afghanistan account. We filed a report and took the bill to the floor under an open rule. We then had discussions with the Senate, which passed its version, which the House accepted by voice vote. If there need to be changes to this measure, our committee has shown that it is capable of moving amendatory language through this Chamber.

Mr. KOLBE. Mr. Chairman, reclaiming my time, I appreciate the interest of the gentleman from California, who is an outstanding member of the Committee on International Relations.

We have provided separate accounts for Iraq, for the former Soviet Union and to the nations formerly in the Warsaw Pact. As the gentleman correctly notes, we have not yet funded an account for Afghanistan. The amendment that the gentleman has put in the RECORD is difficult to follow, but I believe the gentleman has described its operation accurately. I will work with the gentleman and the committee to fund this account in conference this year at the authorized level or more, though I cannot commit to the precise accounts within the bill from which we will draw the funds required.

Mr. ROYCE. Mr. Chairman, if the gentleman will yield further, I am pleased to accept the gentleman's assurance that he will work to have this account funded, and I am sure that he will do so. I will do everything I can to help make that happen.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am deeply concerned as we face this legislation with the continued decline in USAID urban programming. Now, most in the assembly probably do not give it a great deal of attention, but it is a nagging part of the international turmoil that shows up daily in the headlines to be found in some of these mega-urban areas around the world with populations of 10 million or more. This is a dangerous trend that has not been unnoticed by our security activities.

In its Outlook 2015, the CIA ranked rapid urbanization as one of the top seven security concerns of this country. It stated that "cities will be the sources of crime and instability as ethnic and religious differences exacerbate the competition for ever scarcer jobs and resources."

The sheer scale of growth in these cities around the world is striking. In 1950 there was one city in the world with more than 10 million people, the City of New York. By 2015, it is expected there will be 23 mega-cities with populations exceeding 10 million.

Over half the world's population already lives in cities. In the next 25 years, we anticipate that there will be another 2.5 billion people added to this population, more in the next 25 years in these cities than we expect in the entire world's population in the next 50 years. They are going to settle in areas like Bombay, Sao Paulo, Jakarta and Karachi.

The problems that come along with this concentrated population growth, air pollution, water and sanitation problems, transportation gridlock, disastrous housing conditions, produce political, social, economic instability and unrest.

We have a tool in the U.S. Agency for International Development's Urban Programs Office. It works to help stabilize these massive urban areas as they attempt to fight these environmental, economic, social and political problems.

Unfortunately, the United States programs in this area have faced a decade of rapid decline and staff cutbacks. In 1993, we had $8 million. This year's presidential request is for $2.5 million.

I have appreciated the effort of the gentleman from Arizona (Chairman KOLBE) and the ranking member, the gentlewoman from New York (Mrs. LOWEY) and their focusing of attention. There have been requests for more money. The Senate language last year strongly recommended additional funding, yet only $3 million was funded for 2003, and the prospects are for continued decline this year. It is the cost of approximately two cruise missiles.

Mr. Chairman, I would ask if there is some possibility on behalf of this program, to the Chair or ranking member, if there might be some way to give some attention as this bill works its way through the legislative process to perhaps focus some additional attention on being able to make some additional investment to deal with these severely stressed areas?

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman's concern. He certainly has identified an area of great concern, and one that clearly does need to be dealt with.

The growing urbanization that exists in the world makes these issues of the cities a major problem. Certainly I would agree that clean water and the environment is something that we need to be focused on and that USAID needs to be focused on.

So I would agree completely with the gentleman's concerns here that this is an area that USAID needs to give greater attention to.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, again I want to thank the gentleman for his important work in this area. I know that we have talked quite a bit about the importance of focusing on urban areas and creating a sense of civility in the areas by working on transportation and health and orderliness in our communities. I look forward to working with the gentleman. I appreciate his assistance in helping us craft important language in the reports of this bill, and I know that working together and working with AID, we can increase the intensity of their commitment to this project.

I look forward to working with the Chair and the gentleman in the next year.

Mr. BLUMENAUER. Mr. Chairman, reclaiming my time, I deeply appreciate the expressions of concern and the hard work. There is probably no committee in Congress that has a more difficult assignment and stretched in more areas that really are a matter of life and death. But I think here even a few million dollars could greatly expand our efforts. I would look forward to working with Members, and I appreciate their concern.

Mrs. MALONEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I first would like to thank the gentleman from Arizona (Chairman KOLBE) and the ranking member, the gentlewoman from New York (Mrs. LOWEY) for their hard work on this important bill.

I am extremely pleased that there is funding included in this bill in a number of important programs, including development assistance for the Child Survival and Disease Fund, the World Bank, funds for peace initiatives in the Middle East, the Fund for Ireland and many other important programs. I thank my colleagues and appreciate their work.

However, I would like to raise my concern about one issue that is of particular importance to the women of the world, UNFPA. This body debated the issue just last week, but I must repeat the facts: UNFPA provides reproductive health care, including family planning services, but not abortion, to the world's poorest women, and specializes in caring for refugees and prevention of HIV/AIDS.

The loss of funds is hurting millions of women in the world's poorest countries. UNFPA estimates that $69 million, the amount Congress appropriated these last 2 years but the administration then canceled, could prevent 4 million unwanted pregnancies, 1.6 million abortions, 9,400 maternal deaths, 120,000 cases of serious maternal injury and illness and more than 150,000 infant deaths.

Even though this bill contains $25 million for UNFPA, the money will never get to those in need because the President's cancellation of the funds remains in force. I urge my colleagues to remove the harmful language that continues the blockage on money going to UNFPA and to help save the lives of millions of women and children around the world.

Mr. Chairman, I also rise to engage the gentleman from Arizona (Chairman KOLBE) in a colloquy to clarify language contained in the foreign operations report on behalf of my dear friend and colleague, the gentleman from new York (Mr. TOWNS), who was called back to New York on important business.

Mr. Chairman, I am concerned about the language that appears on page 18 where the committee notes, "USAID does not currently fund any programs specifically aimed at obstetric fistula repair, and urges USAID to initiate programs in the most heavily affected areas."

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, the gentlewoman does correctly read the language as it appears in the report. This language that you seek to clarify was offered by the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I thank the gentlewoman for bringing this issue to the floor. This condition is so devastating, I think it makes a lot of people uncomfortable. We need to get more comfortable with the fact that the problem exists, and we must play a role in solving it. I am glad we are discussing it on the floor today.

A recent report commissioned by UNFPA has recognized obstetric fistula as a condition that is both preventable and treatable. Obstetric fistulas are virtually unknown in places where early pregnancy is discouraged, young women are educated, family planning is accessible and medical care is provided at childbirth. Women with fistulas are living indicators of failed maternal health systems.

I am proud that the committee report accompanying this bill urges the Agency for International Development to initiate programs in the areas most heavily affected by fistula. We must work hard to encourage USAID to take on this issue.

The United States has consistently taken the lead on fighting HIV-AIDS, and I believe we should do the same for obstetric fistula. We know the difference that a trained physician can make through prevention and treatment. We need more trained doctors, organized education efforts for women and families and basic medical equipment in the countries affected by fistula to eradicate this terrible condition.

These are the types of assistance that USAID can and should be providing, and I thank the gentlewoman again for raising this issue.

Mrs. MALONEY. Mr. Chairman, the Engender Health/UNFPA report highlighted the problem of obstetric fistulas in sub-Saharan Africa. This report provided valuable information that led us to understand that this condition is far more serious and widespread than previously noted. I commend the gentlewoman for her work on this issue and am seeking clarification of the phrase "most heavily affected areas."

Mrs. LOWEY. Mr. Chairman, if the gentlewoman will yield further, I share her concern. What does the gentlewoman from New York recommend?

Mrs. MALONEY. Mr. Chairman, the Engender Health/UNFPA report details widespread fistula occurrence in nine countries in sub-Saharan Africa: Benin, Chad, Malawi, Mali, Mozambique, Niger, Nigeria, Uganda and Zambia.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. MALONEY) has expired.

(By unanimous consent, Mrs. MALONEY was allowed to proceed for 1 additional minute.)

□ 2145

Mrs. MALONEY. Mr. Chairman, there are currently 35 hospitals in the aforementioned countries that have the capacity to conduct fistula repair surgery, but are without the financial resources. The Hamlin Fistula Hospital in Addis Ababa, Ethiopia, which has successfully performed fistula repairs since 1974, is the only known medical establishment focusing solely on fistula repair and has long been regarded as a model center for those involved in such care.

I would encourage USAID to follow the letter of the committee's language and initiate programs in the most heavily affected areas, which would include the aforementioned nine sub-Saharan countries and Ethiopia, in addition to Sierra Leone.

Mrs. LOWEY. Mr. Chairman, I agree with that formulation.

Mrs. MALONEY. Mr. Chairman, I hope the chairman of the subcommittee agrees also.

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I do agree with the ranking member that the heavily affected areas that she describes should be considered on a priority basis.

The CHAIRMAN. Are there further amendments to this section of the bill?

Ms. SOLIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to take this opportunity to engage in a colloquy with the chairman of the subcommittee regarding the Inter-American Foundation.

Mr. Chairman, I deeply appreciate the consideration the gentleman from Arizona has given to the Inter-American Foundation and his support of increased funding for IAF in the past. I know he understands the importance of this vital program in Latin America and the Caribbean.

For more than 3 decades, the Inter-American Foundation has provided grants to community organizations to implement their own creative ideas for development and poverty reduction. For example, a year ago I had the opportunity to visit a project in Esteli, Nicaragua, and I visited entrepreneurial women at the time who were receiving grants from the Inter-American Foundation to provide technical support and micro-credit assistance to help them launch a small business on their own and become self-sustainable. I am concerned though, Mr. Chairman, about a decrease in funding in the Inter-American Foundation in the bill before us.

As the gentleman knows, 40 of my colleagues join me in respectfully requesting a minimum level of funding of $20 million for the Inter-American Foundation fiscal year 2004. We were encouraged by the gentleman's subcommittee's leadership in increasing the program from $13.1 million in fiscal year 2002 to $16.1 million in 2003. However, this year's bill reflects the President's budget request of only $15.2 million for the Inter-American Foundation in fiscal year 2004, a decrease from last year's level.

Unfortunately, I believe the President's budget request was low because it was prepared prior to the fiscal year 2003 foreign operations bill was passed. Therefore, the President perhaps did not use the actual $16.1 million fiscal year 2003 funding level as a base.

Mr. Chairman, given the wide support of the Inter-American Foundation, would the gentleman from Arizona (Mr. KOLBE), the chairman of the subcommittee, be willing to work for increased funding, at a minimum, providing the same level it received in fiscal year 2003 for the program as the bill moves forward towards conference?

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Ms. SOLIS. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentlewoman for the concerns that she has expressed here about the Inter-American Foundation. I do support the valuable work of the foundation and the fact that it promotes entrepreneurship, self-reliance, democratic principles, as well as the economic progress for the poor in Latin America and the Caribbean region.

The committee funded the Inter-American Foundation at the President's requested level, as the gentlewoman noted. The funding level is not higher in this bill because of the low budget allocation that the subcommittee received, a level that is $1 million lower than the Senate subcommittee has to work with, and it is certainly not intended to show anything but full support for the Inter-American Foundation.

I recognize that it is important that the Inter-American Foundation experiences steady funding to ensure the viability of the crucial program that the gentlewoman has discussed. If the subcommittee receives a higher budget allocation in conference, I will certainly work to support an increased funding level for this program.

Ms. SOLIS. Mr. Chairman, reclaiming my time, I would like to thank the gentleman for his leadership and support on this vital program, and I look forward to working with him on this issue.

The CHAIRMAN. If there are no further amendments to this section of the bill, the Clerk will read.

The Clerk read as follows:

DEVELOPMENT ASSISTANCE

For necessary expenses of the United States Agency for International Development to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,317,000,000, of which up to $50,000,000 may remain available until September 30, 2005: *Provided*, That none of the funds appropriated under title II of this Act that are managed by or allocated to the United States Agency for International Development's Global Development Secretariat, may be made available except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That $194,000,000 should be allocated for trade capacity building: *Provided further*, That $250,000,000 should be allocated for basic education: *Provided further*, That of the funds appropriated under this heading and managed by the United States Agency for International Development Bureau of Democracy, Conflict, and Humanitarian Assistance, not less than $11,000,000 shall be made available only for programs to improve women's leadership capacity in recipient countries: *Provided further*, That such funds may not be made available for construction: *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $32,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For necessary expenses of the United States Agency for International Development to carry out the provisions of section 491 of the Foreign Assistance Act of 1961, as amended for international disaster relief, rehabilitation, and reconstruction assistance, $235,500,000, to remain available until expended.

In addition, for necessary expenses of the United States Agency for International Development for assistance for famine prevention and relief, including for mitigation of the effects of famine, $80,000,000, to remain available until expended: *Provided*, That such funds shall be made available utilizing the general authorities of section 491 of the Foreign Assistance Act of 1961, and shall be in addition to amounts otherwise available for such purposes: *Provided further*, That funds appropriated by this paragraph shall be available for obligation subject to prior consultation with the Committees on Appropriations.

TRANSITION INITIATIVES

For necessary expenses of the United States Agency for International Development for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961, funds may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That such funds shall not exceed $21,000,000, which shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: *Provided further*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,000,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: *Provided further*, That funds made available under this heading shall remain available until September 30, 2007.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $43,859,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $604,100,000, of which $30,000,000 may remain available until September 30, 2005: *Provided*, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: *Provided further*, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000: *Provided further*, That in addition not to exceed $15,000,000 may be derived by transfer from the "Iraq Relief and Reconstruction Fund" (Public Law 108–11) to support the United States Agency for International Development mission in Iraq: *Provided further*, That none of the funds in this Act may be used to open a new overseas mission of the United States Agency for International Development without the prior written notification of the Committees on Appropriations: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of such Act to "Operating Expenses of the United States Agency for International Development" in accordance with the provisions of those sections.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in the course of the reading of the legislation, I would like to raise a discussion about the famine in Ethiopia, particularly as it relates to the funding that is listed under International Development.

Let me just say that over the years, my office has worked with the Ethiopian community on the recurring famine in the Eritrea and Ethiopia region. The predecessor to this seat, Congressman Mickey Leland, lost his life in Ethiopia over a famine that occurred in 1989.

One of the concerns that I have with respect to this focus is the recurring aspect of the famine. I was intending to offer an amendment that is subject to a point of order that would increase the technical assistance regarding the need to enhance the skills that Ethiopia has to avoid the recurring, if you will, the recurring famine, and to be able to train the Ethiopian government to respond preemptively, if you will, in a preventive manner to the recurring famines that happen to occur.

So my concern, and the point of my amendment, which I will not offer and which I simply want to acknowledge on the record, is to ensure that the funds that we use are funds that can also not only work in accordance with the need of the present famine, but are we doing anything to invest in resources, in water needs, in wells, in order to be prepared for the recurring famine.

It is well known that in this region this drought occurs on a regular cycle. And the question remains as to whether or not, and I know the ranking member and the chairman are certainly well in tune with the idea of the recurring droughts, it concerns my constituents that it appears that we are without assistance in terms of training individuals to be preventive as opposed to being reactive.

So in order to not delay this point with respect to an amendment that has a point of order, to the ranking member, the discussion that I am having is that my concern with the funding is that Ethiopia has had a recurring drought over the last 3 decades, and that recurring drought has seen a major loss of life. My question is whether the assistance that we are giving helps provide preventive measures to be able to respond to the recurring drought as opposed to reactive measures. I wanted to raise that point on the record. I wanted to acknowledge what is obvious, that people are dying; and as well, I might inquire of the gentlewoman from New York as to whether or not in this section, whether there is technical assistance provided to those nations that are suffering from drought in this foreign development provision.

Mrs. LOWEY. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I appreciate the gentlewoman for bringing this issue to our attention. The chairman and I are very sensitive to the conditions which the gentlewoman describes. Yes, there is assistance that is being provided by AID. We would like to further discuss it with the gentlewoman and work with the gentlewoman to see if that assistance could be intensified.

I thank the gentlewoman for bringing this issue to our attention.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentlewoman. There are a number of companies here in the United States that deal with water development, well development; and many of them I have had discussions with. I know that AID is engaged with them. But I would like to think that there could be a major, sort of Marshall Plan that really collaboratively deals with this ongoing problem of this continuing drought that causes such enormous loss of life, and I would hope that our monies could be used in that direction.

Mr. Chairman, I would have provided this amendment to H.R. 2800, the Foreign Operations Appropriations Bill for FY 2004, requesting that none of the funding allocated in this Appropriation Act shall inhibit any technical assistance to Ethiopia and other famine-stricken regions in Africa. I will discuss this amendment, however, I believe that further work with AID will be as necessary as I presented.

A comprehensive, multifaceted effort to address issues of hunger-relief in Ethiopia and other regions at risk of famine must be in place because it is estimated that between 11 and 14 million people could go hungry within the coming months.

Ethiopia's poverty-stricken economy is based on agriculture, which accounts for approximately half of its gross domestic product (GDP), 85 percent of its exports, and 80 percent of its total employment. The agricultural sector suffers from frequent drought and poor cultivation practices, and as many as 4.6 million people require annual food assistance. The present environmental conditions in Ethiopia are creating a scenario in which thousands are suffering daily from hunger and malnutrition. Approximately 15 percent of Ethiopia's October-November 2002 harvest was destroyed due to severe drought conditions. This agricultural disaster resulted in the failure of root and other green vegetables upon which many Ethiopians rely for sustenance. Due to this loss in crop yield, families that depend on subsistence farming not only lack food needed to survive, but also the seeds needed for replanting the following year.

As a result of the poor environmental conditions, livestock in addition to crops are suffering as well. With mortality rates steadily rising, livestock populations fortunate enough to survive are suffering from lowered body weight, thus causing reduced traction, power and milk production; this only further exacerbates the impending food shortage. With the combination of plummeting livestock prices and raging cereal prices, poorer households are facing an even worse predicament in obtaining food. In addition to food shortages, access to safe, clean drinking water continues to be an area of enormous concern. On any given day, less than 20 percent of Ethiopia's population has access to safe drinking water. These conditions are devastating the country and more needs to be done to address this plight of hunger in the region.

I cannot emphasize enough the impact that famine is having on the young people of Ethiopia. According to one estimate, six children die of drought-related conditions daily in Ethiopia. Many of them have collapsed from disease or dehydration after walking for days with their families in search of nourishment. Thousands are fleeing remote villages where wells have dried up and agencies have yet to establish secure food stations.

As horrific as the famine situation is in Ethiopia, there are a number of other countries facing a similar plight. The United Nations warns that as many as 16 million people are at risk of starvation in 10 countries across East and Central Africa, from Burundi to Eritrea on the Red Sea. Countries like Ethiopia are forced to rely greatly on foreign aid and debt relief to push the economy forward.

Mr. Chairman, given the conditions which I have outlined I feel that it is imperative that we ensure that none of the funding allocated in this Appropriation Act shall limit the provision of any added technical assistance to Ethiopia and other countries suffering from conditions of famine. I urge my colleagues to support my amendment and support the unimpeded flow of funds to famine-stricken nations in Africa.

AMENDMENT TO H.R. 2800, AS REPORTED OFFERED BY MS. JACKSON-LEE OF TEXAS

At the end of the bill (before the short title), insert the following:

TECHNICAL ASSISTANCE FOR IMPROVED MEANS OF CROP PRODUCTION AND WATER PURIFICATION IN FAMINE STRICKEN AREAS OF AFRICA

SEC. ___. None of the funds made available in this Act may be used to limit any added technical assistance to Ethiopia and other famine stricken regions in Africa as to improved means of crop production and water purification.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments of the United States Agency for International Development, pursuant to section 667 of the Foreign Assistance Act of 1961, $49,300,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That the Administrator of the United States Agency for International Development shall assess fair and reasonable rental payments for the use of space by employees of other United States Government agencies in buildings constructed using funds appropriated under this heading, and such rental payments shall be deposited into this account as an offsetting collection: *Provided further*, That the rental payments collected pursuant to the previous proviso and deposited as an offsetting collection shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the assignment of United States Government employees or contractors to space in buildings constructed using funds appropriated under this heading shall be subject to the concurrence of the Administrator of the United States Agency for International Development: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $35,000,000, to remain available until September 30, 2005, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,240,500,000 to remain available until September 30, 2005: *Provided*, That of the funds appropriated under this heading, not less than $480,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That not less than $575,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: *Provided further*, That of the funds appropriated under this heading, not less than $250,000,000 should be made available only for assistance for Jordan: *Provided further*, That not less than $12,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That not less than $35,000,000 of the funds appropriated under this heading should be made available for assistance for Lebanon of which not less than $4,000,000 should be available only for American educational institutions for scholarships and other programs: *Provided further*, That notwithstanding section 534(a) of this Act, funds appropriated under this heading that are made available for assistance for the Central Government of Lebanon shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That not to exceed $65,000,000 of the funds appropriated under this heading in this Act may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: *Provided further*, That not to exceed $67,000,000 shall be available to the Department of State Office of Overseas Buildings Operation for construction of United States Agency for International Development facilities in Mali, Guinea, Cambodia, and Georgia: *Provided further*, That funds appropriated under this heading shall be made available for administrative costs of the United States Agency for International Development to provide adequate security, carry out programs in Afghanistan, and implement regional programs in Asia and the Near East, including the Middle East Partnership Initiative, in addition to amounts otherwise available for such purposes: *Provided further*, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2005.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $452,000,000, to remain available until September 30, 2005, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: *Provided*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That funds made available for assistance for Kosovo from funds appropriated under this heading and under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" should not exceed 15 percent of the total resources pledged by all donors for calendar year 2004 for assistance for Kosovo as of March 31, 2004.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(d) The provisions of section 529 of this Act shall apply to funds made available under subsection (c) and to funds appropriated under this heading: *Provided*, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 529 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(e) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $576,000,000, to remain available until September 30, 2005: *Provided*, That the provisions of such chapters shall apply to funds appropriated by this paragraph: *Provided further*, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: *Provided further*, That of the funds appropriated under this heading, $1,500,000 should be available only to meet the health and other assistance needs of victims of trafficking in persons: *Provided further*, That, notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of the FREEDOM Support Act (Public Law 102–511) shall be subject to a 6 percent ceiling on administrative expenses.

(b) Of the funds appropriated under this heading, not less than $70,000,000 should be made available for assistance for Armenia and not less than $90,000,000 should be available for assistance for Russia.

(c)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(d) Of the funds appropriated under this heading, not less than $63,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health, and to combat HIV/AIDS, tuberculosis and other infectious diseases, and for related activities.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

□ 2200

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

In the item relating to "ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION", add at the end the following:

( ) Of the funds appropriated under this heading, not less than $94,000,000 should be made available for assistance for Ukraine.

Mr. KOLBE. Mr. Chairman, I reserve a point of order against this amendment.

Ms. KAPTUR. Mr. Chairman, I say to the chairman of the subcommittee, I hope at some point the reservation can be withdrawn.

I offer this amendment today on behalf of the gentleman from Pennsylvania (Mr. WELDON) and myself in order that both Russia and Ukraine be treated evenhandedly in terms of U.S. foreign policy. Indeed, the underlying bill seriously alters priorities relative to the former Soviet Union and the Newly Independent States. It singles out Russia for special treatment while completely eliminating, indeed, zeroing out Ukraine in the account assistance for the Independent States of the Former Soviet Union.

I ask my colleagues to think about this very important region of the world. It is a little over a decade since independence became possible for all the states of the former Soviet Union. Many challenges lie before us in persevering with the peoples of these nations to complete their transition to open societies. And thus, the underlying bill is flawed and surprising in that it shows a deep preference, indeed, a prejudice towards Russia over Ukraine; and I would argue that this does not serve U.S. interests geopolitically for the long term. Indeed, it creates the impression that the United States is picking favorites, and that really we should be adopting a policy that has equanimity, balance, impartiality and even-handedness.

As this chart clearly demonstrates, since the 1990s we have tried to be balanced in the assistance that we have given to U.S. organizations working in both nations. For example, in the year of 2002 we provided to U.S. organizations helping the transition about $154 million in Ukraine and approximately $159 million in Russia. We have tried in both nations to give about a hundred to $200 million to U.S. groups aiding that transition.

This year, however, the administration has asked us for $94 million for Ukraine and $73 million for Russia. But this bill, the underlying bill provides $90 million for Russia, more than the administration requested by almost $20 million, and zeros out Ukraine.

I would have to say that we know that there are problems in both countries. We know that they are not part of Europe, yet they are both trying to accede to Europe and the United States, especially in this region, has to be very careful about signaling that it has preference of one country over another.

Let me remind my colleagues also that Ukraine has supported the United States in the war on Iraq and also Afghanistan. It permitted us to use air space and it has already deployed a nuclear, biological and chemical battalion to Kuwait and it has started relocating 1,800 troops to Iraq, thus contributing one of the four largest stabilization forces to the coalition. These deployments will cost Ukraine about $2.5 million per month.

In addition, let me remind my colleagues Ukraine also stopped its intended sale of turbines to Iran several years ago, causing severe unemployment in one of its largest cities in the eastern half of the country in Kharkiv.

Now, though Ukraine has miles to go in democratic transition as does Russia, to argue that Russia is more deserving or further ahead somehow in the transition has severe underlying problems. And both nations are still dealing with corruption, with election fraud, with problems of rule of law, but to say that one is better than the other and therefore deserves so much more support I believe to be foolish. Both nations have severe internal difficulties, but for this bill to favor one over the other creates further imbalance in a region that can only be made healthy by the transition of all those countries to full democratic status.

So I would just plead with my colleagues in the majority as well as on my side of the aisle to support the Kaptur-Weldon amendment and provide $94 million in assistance as the administration has requested to Ukraine while still maintaining the bill's level of support to Russia at the level of $90 million. Please treat them even-handedly. It really is in America's strategic interest.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would be quite brief here and if there are no other speakers on this, I would make my point of order at the end.

I would make the point to the gentlewoman from Ohio (Ms. KAPTUR), first of all, for whom I have a great deal of respect for and particularly admire the commitment she has made to the democracy in the Ukraine and the support for freedom and democracy in that struggling country, I would make the following point to her, that although there is a specific earmark in our bill for programs in Russia, that is because we believe very strongly in the struggling democracy programs there that need to have very specific support. There is not, and I will just say that the gentlewoman's chart is in error, there is not a zero amount for Ukraine. There is an amount for the former Soviet Republics, for Eastern Europe. We just do not earmark a specific amount for the Ukraine as we do not earmark for other countries.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, could I, with all due respect, ask the gentleman, is there not in the bill a $90 million earmark for Russia?

Mr. KOLBE. Reclaiming my time, as I said a moment ago, there is an earmark for Russia. There is not earmarks for other countries, but there is a sum of money which is available to be spent in these countries, and it is certainly anticipated that programs in the Ukraine that do support democracy would be supported by that account.

We just simply do not earmark the specific amount for any of the countries in the bill, whether we are talking about Armenia, Azerbaijan, Georgia, the other countries. There is no specific amount.

Ms. KAPTUR. If the gentleman would yield, I thank the gentleman very much for his courtesy. I just wish to also mention that there are designations in the bill also for Armenia.

Mr. KOLBE. Mr. Chairman, I correct myself. The gentlewoman is correct. Armenia and Russia do have earmarks.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I would make a point of order against the amendment because it does propose to change existing law and constitutes legislation in an appropriations bill, and therefore finds itself in violation of clause 2 of rule XXI.

That rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if it changes existing law."

It gives affirmative direction, in effect. In this legislation this proposed amount does do that.

Mr. Chairman, I would ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mrs. LOWEY. Mr. Chairman, I would like to join my Chair in thanking the member of our committee, the gentlewoman from Ohio (Ms. KAPTUR), for her commitment to Ukraine. I know of her important work in developing agriculture initiatives there and understanding how important agriculture is to Ukraine. I thank the gentlewoman for bringing this issue to our attention. I can assure the gentlewoman that the Ukraine, as always, will get a significant amount of money to continue the important work that the gentlewoman and others have been doing in Ukraine.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment proposes a legislative floor on spending not authorized by law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

Are there further amendments to this paragraph of the bill?

If not, the Clerk will continue to read.

The Clerk read as follows:

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $15,185,000, to remain available until September 30, 2005.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, $17,689,000, to remain available until September 30, 2005: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $314,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 2005: *Provided further*, That the Director of the Peace Corps may make appointments or assignments, or extend current appointments or assignments, to permit United States citizens to serve for periods in excess of five years in the case of individuals whose appointment or assignment, such as regional safety security officers and employees within the Office of the Inspector General, involves the safety of Peace Corps volunteers: *Provided further*, That the Director of the Peace Corps may make such appointments or assignments notwithstanding the provisions of section 7 of the Peace Corps Act limiting the length of an appointment or assignment, the circumstances under which such an appointment or assignment may exceed 5 years, and the percentage of appointments or assignments that can be made in excess of 5 years.

MILLENNIUM CHALLENGE ACCOUNT

For necessary expenses for the "Millennium Challenge Account", $800,000,000, to remain available until expended: *Provided*, That the availability of such amount is contingent upon enactment of authorization.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $241,700,000: *Provided*, That funds appropriated under this heading shall remain available until September 30, 2005: *Provided further*, That during fiscal year 2004, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That of the funds appropriated under this heading, not more than $24,180,000 may be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, $731,000,000, to remain available until September 30, 2005: *Provided*, That in fiscal year 2004, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided further*, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: *Provided further*, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: *Provided further*, That none of the funds appropriated by this Act may be made available to support a Peruvian air interdiction program until the Secretary of State and Director of Central Intelligence certify to the Congress, 30 days before any resumption of United States involvement in a Peruvian air interdiction program, that an air interdiction program that permits the ability of the Peruvian Air Force to shoot down aircraft will include enhanced safeguards and procedures to prevent the occurrence of any incident similar to the April 20, 2001 incident: *Provided further*, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 3204(b) through (d) of Public Law 106–246, as amended by Public Law 107–115, shall be applicable to funds appropriated for fiscal year 2004: *Provided further*, That the reports required by sections 3204(e) and (f) of Division B, title III, chapter 2 of Public Law 106–246, shall be submitted also to the Committees on Appropriations on the dates specified in those sections: *Provided further*, That of the funds appropriated under this heading, not more than $15,680,000 may be available for administrative expenses of the Department of State, and not more than $4,500,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $760,197,000, which shall remain available until expended: *Provided*, That not more than $18,500,000 may be available for administrative expenses: *Provided further*, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement: *Provided further*, That none of the funds made available pursuant to this Act after March 31, 2004, by the Department of State under the headings "Migration and Refugee Assistance" and "United States Emergency Refugee and Migration Assistance Fund" for the purposes of provision of assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for the protection of beneficiaries of humanitarian assistance.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $15,831,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $335,200,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the

Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided further*, That of this amount not to exceed $20,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so following consultation with the appropriate committees of Congress: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That of the funds made available for demining and related activities, not to exceed $690,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program.

AMENDMENT NO. 11 OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SCHIFF:

In the item relating to "NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS"—

(1) after the first dollar amount insert the following: "(increased by $15,000,000)"; and

(2) after the second dollar amount insert the following: "(increased by $15,000,000)".

In the item relating to "FOREIGN MILITARY FINANCING PROGRAM", after the first dollar amount insert the following: "(reduced by $90,000,000)".

Mr. SCHIFF. Mr. Chairman, my amendment increases the nonproliferation and disarmament funds by $15 million, from $20 million to $35 million. The effect of this amendment, therefore, is to restore the full amount of the President's request for the nonproliferation and disarmament fund. Why should we do that? Why should we meet the President's request for funding of this account?

Perhaps the single greatest threat we face as a Nation is from terrorists armed with weapons of mass destruction. It is why we went to war in Iraq. It is why we established the Department of Homeland Security, to address this significant threat to American lives. And within the threat of terrorist possession of weapons of mass destruction, the greatest danger within that threat is the potential access of terrorists to nuclear material and the ability to create a nuclear weapon.

We will survive another biological attack like the anthrax attacks. We will survive chemical attacks. But a nuclear attack in this country, on our soil or against our troops around the world would fundamentally change this Nation. And around the world there are literally hundreds of facilities that have some kilos, others that have tons of plutonium or highly enriched uranium in an unsecured condition.

The technology of the atomic bomb is a half century old. It is not difficult to replicate. Obtaining the nuclear material is the terrorists' main obstacle and that challenge may be far too easily overcome.

Removing the weapons usable material from the most vulnerable facilities around the world is a national security imperative for this country. What are we waiting for? It is far easier to prevent the theft of nuclear material than to track down the thieves after the material is gone. Fifty million dollars for a global cleanout of this material would be sufficient for several years if we were maximally efficient; $35 million, the President's request, is barely adequate; $20, what we do today, is simply irresponsible.

The State Department has identified 24 top targeted sites of vulnerable stockpiles. If we look at our pace over the last decade, in August of 2002 in Project Vinca operation we removed 48 kilos of highly enriched uranium, enough to make one to three nuclear bombs from a vulnerable site in Yugoslavia.

To succeed we had to go hat in hand to a private organization, the Nuclear Threat Initiative, for $5 million. Project Sapphire some years before that airlifted 600 kilos of highly enriched uranium away from a vulnerable location in Kazakhstan.

We have had a total of three efforts like this in the last 10 years. At that pace our work will never be done. Our risks will be unacceptably high.

Meeting our national security needs in the post Cold War period means addressing the most immediate threats first and with adequate resources. Restoring the funds to the nonproliferation and disarmament account in an amount requested by the President is what this amendment would do. I ask for Members' support.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

I thought it was the intention of the gentleman from California (Mr. SCHIFF) to withdraw the amendment at the end, but as I understand it he intends to go ahead with this.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from California.

Mr. SCHIFF. Mr. Chairman, my understanding is that the chairman was prepared to offer this evening that he would work with me in conference.

Mr. KOLBE. That was what I intended to say. Is it the gentleman's intention then to withdraw it at that point?

Mr. SCHIFF. Mr. Chairman, it is my intention.

Mr. KOLBE. Mr. Chairman, reclaiming my time, I appreciate the gentleman's comments about this account. I would just like to note that we have recommended $335 million. That is an increase of $31 million in what is called the NADR, the Nonproliferation, Antiterrorism, Demining and Related Programs.

□ 2215

The gentleman's asked for a specific sub-account within there of the nonproliferation and disarmament fund. He has asked for money to be additionally placed in there, and I would just note that we have provided an increase of $5.1 million. That is a 34 percent increase in that account there.

So I think we have done very well, and I would also note that this particular State Department discretionary fund has not had the best record of expeditiously obligating funds. I would just say the problem we have had is one that the gentleman has correctly identified, or maybe not has correctly identified, but is certainly one of the allocations that we have available to us.

As I mentioned on the previous amendment, we have an allocation of a full billion dollars less than what is available to the Senate, and I would hope that when we are in conference if we have additional funds available to us to be able to work with the gentleman to increase the funding for this; and with that, Mr. Chairman, if that is satisfactory, if the gentleman would like to respond to that, I would yield to him for the purpose of commenting on that.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding.

I appreciate the chairman's willingness to work with me to try to improve the funding of this account in conference committee. The Senate, my understanding, has gone even beyond the President's request of $45 million. We are currently at $20 million, and I would hope that we would work together to meet the President's request of 35; and based on the Chairman's willingness to work together, I will move to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from California (Mr. SCHIFF) is withdrawn.

There was no objection.

The CHAIRMAN. Are there other amendments to this section of the bill?

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would ask if I could engage the chairman of the subcommittee on the firearm issue.

I want to begin by thanking the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from New York (Mrs. MALONEY) who are co-chairs of the Hellenic Caucus, for their leadership and interest in this issue and thank the gentlewoman from New York (Mrs. LOWEY), the ranking member, and the gentleman from Arizona (Mr. KOLBE) for their interest.

Mr. Chairman, I strongly urge that the House conferees on the foreign operations appropriations work to include language in the conference report regarding the recent article 98 agreement between the United States and the Former Yugoslav Republic of Macedonia.

As my colleagues may be aware, the Former Yugoslav Republic was allowed to sign this agreement as Macedonia, which directly violates United States policy regarding use of that nomenclature. Currently, FYROM and Greece are involved in negotiations under the auspices of the United Nations regarding usage of the name "Macedonia," and the United States has said it will recognize FYROM only as the Former Yugoslav Republic of Macedonia while these negotiations are ongoing.

Despite this, the State Department allowed FYROM to sign the article 98 agreement as Macedonia, thus showing utter disregard for our Greek allies. While I certainly understand that this important agreement which ensures that Americans will not be brought before the International Criminal Court by FYROM is designed to protect American citizens and members of the U.S. Armed Forces, I find it inexcusable that we obtained the signature of FYROM at the expense of our friends in Greece.

It is my view that the name "Macedonia" properly belongs to Greek culture and, therefore, should not be used by any other country. Greek Macedonia is one of the oldest civilizations known to man, and the history of this name should be recognized and respected.

Mr. Chairman, I ask that language be included in the conference report on foreign operations which states that the State Department should not have allowed the Former Yugoslav Republic of Macedonia to sign the article 98 agreement as Macedonia. Further, this language should affirm that it is the United States policy for the Former Yugoslav Republic of Macedonia to be referred to only as the Former Yugoslav Republic of Macedonia, and this policy should be observed in all future relations between the United States and FYROM. In this manner, we can ensure that the culture of our Greek allies is never disrespected in this way again.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding and I would be pleased to respond.

I appreciate the effort that my friend from New Jersey has made to bring this issue to our attention. Clearly, it has been United States policy to recognize this nation as the Former Yugoslav Republic of Macedonia, and I know that our State Department did not intend to change this policy through this article 98 agreement, which was intended to deal with another set of issues regarding the protection of American service personnel overseas, an issue which is important to many of us in this body.

Clearly, this issue of the nation's name is an issue of contention in that the northern region of Greece also goes by Macedonia. I can tell the gentleman that we will raise this issue with the Department of State, and we will see if our colleagues in the Senate would agree to a restatement of current policy in the Statement of Managers that accompanies the fiscal year 2004 conference agreement.

Mr. ANDREWS. Mr. Chairman, reclaiming my time, I thank the chairman very much for his leadership and his work on this issue; and I know how good his word is, and I appreciate that. I also thank the ranking member for her leadership.

The CHAIRMAN. If there are no further amendments to this section of the bill, the Clerk will continue to read.

The Clerk read as follows:

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $19,000,000, to remain available until September 30, 2006, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $95,000,000, to remain available until September 30, 2005: *Provided*, That $20,000,000 of the funds appropriated under this heading may be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further*, That $75,000,000 of the funds appropriated under this heading may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113: *Provided further*, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further*, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further*, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further*, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institution to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes: *Provided further*, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: *Provided further*, That none of the funds made available under this heading in this or any other appropriations Acts shall be made available for Sudan or Burma unless the Secretary of Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $91,700,000, of which up to $3,000,000 may remain available until expended: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds appropriated under this heading for military education and training for Guatemala may only be available for expanded international military education and training and funds made available for Nigeria and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

Page 40, line 24, after the first dollar amount insert the following: "(reduced by $600,000)".

Mr. HEFLEY. Mr. Chairman, my amendment is intended to cut $600,000 out of the IMET account to prevent Indonesia from receiving IMET funding in fiscal year 2004.

As many of my colleagues may remember, last week I offered an amendment to the Foreign Service Reauthorization Act of 2004 and 2005 that would limit Indonesia's participation in the IMET program. It passed overwhelmingly here. In fact, it passed overwhelmingly in the other body and everywhere it has been offered. My amendment would limit Indonesia from receiving International Military Education and Training funds until the President certifies to Congress, and not do away with it entirely, it just says until the President certifies to Congress that the Government of Indonesia and the Indonesian armed forces are taking effective measures, including cooperating with the director of the FBI, in conducting a full investigation of the attack and to criminally prosecute the individuals responsible for the attack.

What attack am I talking about? My colleagues may or may not remember, for those Members who are not aware, on August 31, 2002, the staff of the International School of West Papua, Indonesia, decided to go on a picnic, a Sunday afternoon picnic. The teachers lived and worked in Tembagapura, a company town located high in the mountains near the Grasberg gold and copper mine. The group of 11 people, including a 6-year-old child, drove in two vehicles to a picnic site about 10 miles away on the road to Timika. Because it began to rain, they decided to return to town for lunch.

The road they were traveling on now is not an ordinary road. The road is surrounded by the gold and copper mine and is heavily guarded by the Indonesian military; and in fact, at both ends of this mountain road are military checkpoints which seal the road and control access to Tembagapura.

As they returned home, the group was brutally attacked by a band of terrorists. Two Americans and an Indonesian were killed in the ambush. The attack, which occurred less than a half mile away from an Indonesian military checkpoint, went on, and listen to me with this because it is astounding to me. This attack was a half mile from a military checkpoint, and it went on for 45 minutes, with no one doing anything to stop it. Hundreds of rounds were fired at the teachers and at their vehicles. Most of the survivors, including the 6-year-old child, were shot. Several of the teachers were shot multiple times and suffered horrible injuries; and Mr. Chairman, I could go on and on about this, but in the interests of time and in deference to the chairman, let me just say that every indication in our investigation so far by the CIA, the FBI, and even the Indonesian police forces indicate that the military was responsible for this attack.

But after all these months, we are getting little or no cooperation in the investigation. That is what we want to get to the bottom of. We want to find out who did this and bring these killers to justice.

Mr. Chairman, I would encourage support of this amendment. I would hope that my colleagues would accept this amendment.

Mrs. LOWEY. Mr. Chairman, I rise in support of the gentleman's amendment.

I applaud the gentleman for offering this amendment and for giving us the opportunity to have an open discussion about recent events in Indonesia. Last August, two U.S. citizens and one Indonesian were killed in an ambush in Papua, Indonesia, and eight other Americans were wounded. This incident took place in an area under the nominal control of an American company and the victims were their employees.

While the Indonesian military has sought to blame indigenous rebel movements for this act of terror, all signs point to the direct involvement of the Indonesian military. The FBI has been dispatched several times to assist in the investigation. The cooperation of the Indonesian military authorities has been sporadic at times and at times nonexistent.

The debate on whether to allow military training for Indonesia has gone on for over 10 years now. Last year, over my objections, Congress allowed for the resumption of full IMET training for the first time since 1992. Let us examine the Indonesians' response to this action:

One, continued lack of cooperation with the FBI investigation into the killings in Papua;

Two, an active media campaign to discredit the FBI's initial conclusions that the Indonesian military was most likely involved in this incident;

Three, a horrific military crack down in Aceh which has resulted in hundreds of civilians killed, executions, rape, numerous schools burned, and thousands forced into military camps;

The shutting out of foreign journalists and human rights organizations from Aceh;

A similar campaign in Papua, targeting mostly Christian and Melanesian populations;

A continuing mockery of justice in cases involving the abuses in East Timor in 1999;

And efforts by the Indonesian Army to slow or hinder U.S. anti-terrorism assistance for the Indonesian police.

In short, Indonesia has not shown any inclination to work more closely with us and to change policies which they know are objectionable. If anything, their behavior indicates that they have chosen to use this as an opportunity to defy the United States.

This amendment cuts $600,000 requested for Indonesian IMET and will send a strong signal to the Indonesians. Allowing unrestricted IMET demonstrates to the Indonesians that they cannot afford to ignore State Department and congressional calls for military reform, real cooperation in the war on terrorism and an end to violence and corruption.

I urge support of the Hefley amendment.

Mrs. MALONEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the gentleman from Arizona's (Mr. KOLBE) and the gentleman from New Jersey's (Mr. ANDREWS) initiative to include language stating that the State Department should not have allowed the Former Yugoslav Republic of Macedonia to sign the article 98 agreement as Macedonia. FYROM is the country's name, not Macedonia.

All historical and archaeological evidence demonstrates that the ancient Macedonians were Greek. Macedonia is a Greek name that has designated the northern area of Greece for over 2,000 years.

In 1944, the name of the Skopje region was changed to Macedonia as part of Tito's imperialist campaign to gain control of the Greek province of Macedonia. The United States opposed Tito's use of the name Macedonia at that time and has now stated that it will recognize FYROM only as the Former Yugoslav Republic of Macedonia while negotiations between Greece and FYROM continue.

□ 2230

Since 1995, bilateral relations between Greece and FYROM have improved significantly, especially in investment and trade. Currently, Greece is the largest foreign investor in FYROM. As a result, FYROM amended its constitution and removed the clauses about taking over and invading Greece, and they removed the emblem of Greece, the ancient symbol of

Verjina, from its flag, and they removed the ancient tower, the white tower in the geographical area of Greece, from their money.

However, the dispute over the official name of FYROM still continues today between Athens and Skopje under the negotiations with the United Nations. I am concerned that any implied recognition of FYROM as Macedonia, however seemingly insignificant, may very well prove destabilizing for the region and possibly derail the United States effort at finding a solution between FYROM and Greece.

Those who may think that Macedonia is Greek and this is merely a semantics issue should consider what it would have been like if at the height of the Cold War the former Soviet Union had drawn in Alaska as part of its territory and put the Washington monument on its flag.

So I strongly support the commitment by the gentleman from Arizona (Mr. KOLBE) and my colleague, the gentleman from New Jersey (Mr. ANDREWS) and their efforts, and hope that their language clarifying U.S. policy on FYROM will be included and that the State Department will be urged not to allow FYROM or any other nation to use Macedonia as a designation for FYROM.

Macedonia is geographically in Greece, historically and presently. I applaud the chairman on this bill and the ranking member, and I ask for their support with this.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Hefley amendment, which would cut all international military and education and training IMET funding for Indonesia. We in Congress ended IMET funding for Indonesia due to horrendous human rights abuses committed by Indonesia's military. Mr. Chairman, nothing has changed. Indonesia's military has continued to engage in horrific human rights violations against its own people, especially in Aceh and Papua, has obstructed the investigation of the death of two U.S. and one Indonesian citizen, and deliberately evaded accountability for crimes against humanity in East Timor.

Of great concern to me is Indonesia's failure to resolve and provide meaningful justice for the murder of two U.S. citizens and an Indonesian on the Freeport McMoRan mining road in Papua in August 2002. The TNI, which has been labeled as culpable for the crime by independent monitors, has threatened parties investigating the crime and has resisted cooperation with the FBI.

The Indonesian military has launched a major military offensive in Aceh, the largest since its 1975 invasion of East Timor, which within a few years resulted in the deaths of tens of thousands. In early December 2002, the Indonesian government and the Free Aceh Movement, GAM, signed a peace accord in Geneva called the Cessations of Hostilities Agreement. This agreement has since collapsed, and on May 19, 2003, the Indonesian government declared martial law in Aceh.

The TNI has since committed extrajudicial executions, it has committed torture, rape, and mass displacement of civilians. International humanitarian and human rights organizations, as well as foreign journalists, have been denied access to Aceh. Access for Indonesian journalists is severely restricted. Human rights monitors and defenders have been particularly targeted. TNI-sponsored militia thugs have attacked their offices. U.S. journalist William Nessen has been detained and faces a possible 5-year sentence for so-called visa violations. When Nessen originally tried to surrender to military forces they apparently shot at him.

Finally, the trial process of the Indonesian ad hoc Human Rights Court in East Timor has been a grave distortion of truth and an internationally recognized travesty of justice. As of now, the court has acquitted 12 and convicted 5, delivering light sentences. Four of the five are less than the legal minimum under Indonesian law, and those convicted remain free pending appeal.

To date, the Indonesian government has not provided the documentation, executed arrest warrants, or facilitated witness interviews as requested by the joint U.N.-East Timor Serious Crimes Unit. Senior level government official in Indonesia responded to an SCU indictment of high-level Indonesian security forces personnel for crimes against humanity for murder, deportation and persecution by publicly snubbing the indictments and openly threatening East Timor.

Congress has already provided significant carrots outside of the provision of IMET millions in counter-terrorism training for the TNI and the police, multilateral military exercises, and senior-level contacts despite these and other inexcusable actions by the Indonesian armed forces and government.

Resuming IMET funding this year will send the wrong signal and it will reward bad behavior. This Congress should vote "yes" on the Hefley amendment, and I urge my colleagues to strongly support the Hefley amendment, which would cut all international military and education training funding for Indonesia.

Mr. WALDEN of Oregon. Mr. Chairman, I move to strike the requisite number of words, and I rise today to express my strong support for the amendment offered by the gentleman from Colorado, which is designed to force the government of Indonesia to do what until now it has utterly failed to do, bring to justice the murderers who killed two American citizens and wounded eight others in Papua, Indonesia, in August of 2002.

Among the victims of that tragic attack were Ted Burgon of Sun River, Oregon, in my district, and Rick Spier of Colorado, both of whom lost their lives. Ted's wife Nancy was wounded in the ambush, as were Ken Balk and Saundra Hopkins, also of Sun River, Oregon, and their young daughter. A number of other members of their party suffered injuries at the hands of the terrorists who perpetrated this cowardly attack.

Mr. Chairman, despite the time that has elapsed since the tragedy in Indonesia, the murderers of Burgon and Spier have not been brought to justice. Perhaps most disturbingly there seems to have been little effort on the part of the Indonesian government, which receives substantial aid from the people of the United States, to ensure that these killers are made to pay for their crimes. Indeed, strong evidence suggests that government officials have actively thwarted American investigations into the attack. This amendment is intended to correct this inequity.

Mr. Chairman, since the attack occurred, evidence has been brought to light suggesting that members of the Indonesian military, and not a rogue band of criminals, bears responsibility for the ambush. Following the attack, the Indonesian police conducted an inquiry and ultimately issued a report asserting that, and I quote, "There is a strong possibility that the attack was perpetrated by members of the Indonesian National Army Force." Indeed, the attack occurred less than a half a mile away from the Indonesian military checkpoints. Moreover, various news services have reported that U.S. intelligence agencies have intercepted messages between Indonesian military officials implicating army personnel in the attack.

Mr. Chairman, from the beginning, Indonesian authorities have been less than cooperative in assisting the FBI investigations into the murders. Investigative agents were denied the opportunity to interview witnesses without Indonesian authorities present and were not permitted to bring forensic evidence back to the United States for analysis.

It is my firm belief that if prosecuting the murderers of American citizens on Indonesian soil is not a priority for the government of Indonesia, they should not expect to receive assistance from the people of the United States. My colleague's amendment would prevent Indonesia from receiving international military education and training funds until the President certifies to the Congress that the Indonesian government and the Indonesian military are cooperating with American authorities in their investigation into the attack.

Given the strong possibility that members of the Indonesian military were involved in the ambush, it would be an affront to the memory of Ted Burgon and Rick Spier, as well as the grieving families they left behind, to continue providing funding to the Indonesian armed forces. So I urge my colleagues to support this amendment.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, many statements have been made on the floor about this amendment. Unfortunately, very little of them have been accurate. Let me read the amendment, since it is less than two full lines. "Page 40, line 24. After the first dollar amount insert the following (reduce by $600,000)."

Mr. Chairman, this does not reduce the funding for Indonesia. It would take only $600,000 out of the international military education and training account. It is a cut to the general appropriations account. And it is correctly drafted this way, because to put other kinds of restrictions in it would not have been in order.

So I want to make it very clear to my colleagues that this is not an amendment which in any way directly affects Indonesia at all. The language that has been stated here on the floor might, but the amendment itself has no impact itself on Indonesia.

As to the issue of the tragic killing of U.S. citizens in Indonesia, our report in fact does deal with this on page 46 where we outline in some considerable detail the problems and make note with this sentence, Mr. Chairman: "Most disturbing, the committee understands that the Federal Bureau of Investigation has not found Indonesian officials to be particularly cooperative." So we have made note of this. We are very concerned about it.

But certainly attacking IMET as the way to get at this would be the absolute contrary way to do so. IMET is about exposing foreign military officers and enlisted personnel to civilian control, to respect for human rights, to the rule of law. It is, as its very title suggests, about education and training. And as we know from the programs that exist, human rights and civil rights, respect for human rights and respect for civil rights is a very major component of this training. If you want to reform the Indonesian military, then cutting off IMET is exactly the opposite of what one ought to do. At some point we ought to be increasing IMET for Indonesia, and perhaps indeed that is what may happen.

But I would also note, before I close, that our legislation does not permit or does not provide for any foreign military sales to Indonesia, and so that is specifically prohibited. But I am happy that this amendment does not in any way affect the IMET funding specifically for Indonesia. It represents what is less than a six-tenths of 1 percent cut in the total amount. And while I am a strong supporter of IMET, because I believe that it does exactly what we want to do, and we have adequate proof of this around the world, that it exposes military officers in other countries to human rights, to civil rights, to the values that we believe are important in this country, and because of that I strongly support it, but I am not prepared at this hour of the evening to quibble about what is less than a six-tenths of 1 percent cut in this funding.

And so, Mr. Chairman, I am prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The amendment was agreed to.

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to point out a provision that is in the bill that provides $100 million of aid to Serbia. That aid is conditioned upon certain standards being met that the Yugoslav government is cooperating with the International Criminal Tribunal, including access for investigators in the surrender and transfer of indictees or the assistance in their apprehension.

□ 2245

I want to thank the chairman and the ranking member of the subcommittee for their help in including this language again in this year's appropriation bill.

Mr. Chairman, I want to point out that the Committee on Appropriations has worked with our Helsinki Commission to make sure this language is included again this year in the appropriation process. It reinforces our commitment to the International Criminal Tribunal for the former Yugoslavia. This body has played a very important role in moving forward the work of the International Criminal Tribunal for the former Yugoslavia. I want to point out to my colleagues that the conditional language that has been included in this appropriation bill yearly has been very helpful to the prosecutor in getting cooperation from the Government of Serbia. We have seen reform within their government, and we are all very pleased to see the reforms that are taking place. But there is still a lot of work that needs to be done.

Let me just point out that there are still 18 indictees that are at large, including Bosnian Serb leader Karadzic and Army Commander General Mladic. So we still have work to be done with the International Criminal Tribunal. This language is very important. I want to thank the Committee on Appropriations and its leadership for continuing to include this conditionality. It speaks to the priority of this body. I am very pleased it is included in the bill. I certainly support it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,314,000,000: *Provided*, That of the funds appropriated under this heading, not less than $2,160,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $568,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Indonesia, Guatemala, Sudan, and Liberia: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $40,500,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than $361,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of

Defense during fiscal year 2004 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2004 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $85,000,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $107,500,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $850,000,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $4,001,672, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $16,339,982.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $151,921,405, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,104,930, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $79,609,817.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $107,370,856, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,431,111 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $122,085,497.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $15,004,042, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $194,550,000: *Provided*, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 501. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 502. None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $125,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $125,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 506. (a) PROHIBITION ON TAXATION.—None of the funds appropriated by this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2004 by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2005 and allocated for the central government of such country and for the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REFUND TO THE TREASURY AND REPROGRAMMING OF FUNDS.—Of the funds withheld from obligation for each country or entity pursuant to subsection (b), one-half may become available for reprogramming for other purposes (pursuant to section 515 of this Act and consistent with the purposes for which such funds were originally appropriated) and one-half shall be deposited in the General Fund of the Treasury on, or within 5 days after, September 1, 2005, pursuant to the certification required under subsection (b).

(e) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(f) DEFINITIONS.—As used in this section—

(1) the terms "taxes" and "taxation" refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 53, line 19, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

In section 507 (relating to prohibition against direct funding), after "Iran,", insert "Saudi Arabia,".

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order on the amendment.

Mr. WEINER. Mr. Chairman, I thank the chairman and the ranking member for the fine work they have done on this bill under difficult circumstances with many challenges.

After September 11, President Bush, I think, articulated our national policy very well by saying that nations are either for us in the war on terrorism or against us. I supported the President then, and I believe we must be tireless in pursuit of terrorists and those who sponsor terrorism overseas.

I rise today because I believe we need to make a change in this bill to fully live up to that promise. I suspect that most of my colleagues know the record of Saudi Arabia; but today I will be offering an amendment that strikes what is arguably, and agreed, a very small amount of money in this bill for Saudi Arabia and says that under this bill there shall be none for that country.

For many of my colleagues and for many Americans, it is intuitive why we would take this action. They would probably be surprised to learn that even a small amount of funding is going to that nation. We know, for example, as a matter of fact, that Saudi Arabia, far from being a force for peace in the Middle East, has been systematically exporting terrorism. Testimony heard in this Congress said that more than 50 percent of Hamas funding comes from Saudi Arabia despite increasing calls from President Bush to the kingdom to halt that funding. The Saudi Arabian government reportedly pays $5,333 to each family of what they call martyrs killed trying to murder Israelis. And in the spring of 2002, U.S. troops in Sarajevo found in the office of the Saudi High Commission for Relief of Bosnia documents that proved Saudi funding of the Hamas terrorist group to enable it to produce a short-range missile called the Qassam. We also know that increasingly it has become clear that there are Saudi connections to 9/11. Far from being a force to help us crack down on those that committed this crime, we all know, frankly, that it took the Saudis more than a month to even freeze Osama bin Laden's assets to fund his terrorist network.

A known Saudi intelligence agent, Omar al-Bayoumi, hosted two of the 9/11 hijackers, Khalid Almihdhar and Nawaf Alhazmi, during the summer of 2000. Al-Bayoumi met the two men in Los Angeles and directed them to a Muslim community in San Diego and even wrote a check for their apartment deposits. The wife of the Saudi ambassador to the United States transferred $15,000 in 1998 and then $2,000 a month to a Saudi resident, Osama Bassnan. During the same period, Mr. Bassnan and another man apparently were receiving Saudi financial support providing financial support for two of the hijackers on September 11.

I would also say that it is very clear that on many occasions when the Saudi Arabian government had a chance to offer true help to the United States of America, they have not done it. We know their record in the investigation after the 1996 Khobar bombing attack. Assistant FBI Director Robert Bryant said at the time that the Saudi government had prevented the FBI investigators from interviewing any civilians who witnessed or may have been involved in the Khobar Towers bombing.

In 1995, the Saudi government prevented us, the United States, from apprehending a Hezbollah leader by preventing us from intercepting a plane that he was on.

Some will argue here today, and I have heard it frankly continuously over the course of the last decade, that now the Saudi Arabia that we see is a different one, they have changed, they have come around. Now they really, really want to help us. In fact, the Department of State, Assistant Secretary Burns, writes a letter today to the gentlewoman from New York (Mrs. LOWEY) talking about how Saudi Arabia was among the first countries to condemn the September 11 attack. Is that not just terrific given how closely tied they were to that attack itself?

I do not need to remind anyone here that 15 of the 19 bombers of my city, attackers that killed over 2,800 people, were Saudis. I do not need to tell you how they have been exporting terrorism to the Middle East again and again and are doing it today. But yet we still hear from the State Department, maybe if we give them one more chance. Well, I agree. Let us give them one more chance. Let us give them more than that. But there should not be one dime of U.S. aid going for any reason to Saudi Arabia.

So what is in this bill? I believe it is a very small amount, perhaps the chairman could tell me, I think it is $25,000. That is all. What does that money do? It defrays the cost for Saudi intelligence officers to come here and work with our officers in our academies and in our intelligence-gathering community. That is terrific. Let us keep doing that. Let us try to bring them around. But let us not be fooled. Let them pay their own freight for that until they start to act like a nation that truly is going to work to end terrorism rather than to spread it.

It is a shame that we should be providing any funding here. I defy any of my colleagues to come to this floor and articulate a record, even William Burns, the Assistant Secretary of State, arguing so fervently against this amendment, I do not know what the French for chutzpah is, has it that Saudi Arabia has been helpful on issues, including the pursuit of Palestinian-Israeli peace. I would ask the chairman and just inform the House that if he insists on the point of order, I plan to offer the exact same language that the full section has at the appropriate place in the bill, or we can make this the sum and substance of my presentation.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I make a point of order against the amendment. The amendment does add a limitation to a general appropriation bill. Under clause 2 of rule XXI, such amendments are not in order during the reading of a general appropriations bill.

Mr. Chairman, the rule states in part:

"Except as provided in paragraph (d), an amendment proposing a limitation not specifically contained or authorized in existing law for the period of the limitation shall not be in order during consideration of a general appropriation bill."

Mr. Chairman, the amendment adds a limitation and is not specifically contained or authorized in existing law, has been offered during the reading and therefore is in violation of clause 2(c) of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. WEINER. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. WEINER. I would argue, Mr. Chairman, that this is not in fact a limiting amendment. The language that limits is already in the bill. It says none of the funds appropriated or otherwise made available pursuant to this act shall be obligated or expended, that is limiting language I have read so far, to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran or Syria, and then it goes on to say "provided." I am not adding any more limitations than the committee has already added. All I am doing is adding another nation that comes under that limitation. The limiting language, I would argue, is already in the base bill.

Mr. KOLBE. Mr. Chairman, I would insist on my point of order.

The CHAIRMAN. The Chair is prepared to rule.

The amendment amends a limitation in the bill and thus is in the form of a further limitation. Under clause 2(c) of rule XXI, an amendment in that form is not in order until the entire bill has been read.

The point of order is, therefore, sustained and the amendment is not in order at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by decree or military coup: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS

SEC. 509. (a)(1) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—None of the funds made available by this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(b) None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than five days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

(c) Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: *Provided*, That funds transferred under such authority may be made available for the cost of such audits.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 510. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Health Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Account" (by country only), "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under Title II of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2005.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2004, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Liberia, Sudan, Zimbabwe, the Democratic Republic of the Congo, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 522. Up to $13,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: *Provided*, That up to $3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: *Provided further*, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading "Child Survival and Health Programs Fund", section 515 of this Act, and sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under titles II and III of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs.

AFGHANISTAN

SEC. 523. Of the funds appropriated by titles II and III of this Act, not less than $600,000,000 shall be made available for humanitarian, reconstruction, and related assistance for Afghanistan: *Provided*, That of the funds made available pursuant to this section, not less than $150,000,000 should be from funds appropriated under the heading "Economic Support Fund".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

USAID OVERSEAS PROGRAM

SEC. 525. Funds appropriated by this and subsequent appropriations Acts to carry out the provisions of Part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States", may be made available to employ individuals overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980: *Provided*, That in fiscal year 2004 the authority of this section may be used to employ not more than 85 individuals.

TIBET

SEC. 526. Notwithstanding any other provision of law not to exceed $3,000,000 of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available to United States nongovernmental organizations located outside the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in Tibet: *Provided*, That funds made available for programs, projects, and activities for the Peoples's Republic of China shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 528. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for

International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 530. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

BURMA

SEC. 531. Of the funds appropriated under the heading "Economic Support Fund", not less than $6,000,000 should be made available to support democracy activities along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: *Provided*, That of this amount $500,000 should be made available to support newspapers, publications, and other media activities promoting democracy inside Burma: *Provided further*, That funds made available under this heading may be made available notwithstanding any other provision of law: *Provided further*, That funds made available by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 532. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 533. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 534. (a) AFGHANISTAN, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 512 of this Act and any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles I and II of this Act that are made available for Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 20 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 7 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Procurement; the Bureau for Africa; and the Bureau for Asia and the Near East: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(f) SHIPMENT OF HUMANITARIAN ASSISTANCE.—During fiscal year 2004 and each fiscal year thereafter, of the amounts made available by the United States Agency for International Development to carry out the provisions of section 123(b) of the Foreign Assistance Act of 1961, funds may be made available to nongovernmental organizations for administrative costs necessary to implement a program to obtain available donated space on commercial ships for the shipment of humanitarian assistance overseas.

(g) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other subnational entity emerging from instability, as well as a nation emerging from instability.

(h) NATIONAL ENDOWMENT FOR DEMOCRACY.—Funds appropriated by this Act that are provided to the National Endowment for Democracy may be provided notwithstanding any other provision of law or regulation.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 535. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) the three Arab League countries with diplomatic and trade relations with Israel

should return their ambassadors to Israel, should refrain from downgrading their relations with Israel, and should play a constructive role in securing a peaceful resolution of the Israeli-Arab conflict;

(4) the remaining Arab League states should normalize relations with their neighbor Israel;

(5) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(6) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 536. Of the funds appropriated or otherwise made available by this Act or any subsequent Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 537. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2004, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

RESERVATIONS OF FUNDS

SEC. 538. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 539. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 540. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 541. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 542. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 543. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 544. (a) IN GENERAL.—Of the funds appropriated under this Act that are made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fines determined to be owed under the parking programs in the District of Columbia and New York City, New York by such country as of September 30, 2003 that were incurred after the first day of the fiscal year preceding the current fiscal year shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia and New York City, New York.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 545. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 546. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 547. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 548. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 549. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 550. None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

HAITI

SEC. 551. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 552. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 553. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

FOREIGN MILITARY TRAINING REPORT

SEC. 554. The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations of the House of Representatives and the Senate by the date specified in that section.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 555. None of the funds appropriated by this Act may be made available for assistance to the Korean Peninsula Energy Organization (KEDO).

PALESTINIAN STATEHOOD

SEC. 556. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity has been democratically elected through credible and competitive elections;

(2) the elected governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) is establishing a new Palestinian security entity that is fully cooperative with appropriate Israeli and other appropriate security organizations; and

(3) the Palestinian Authority (or the governing body of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the newly elected governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is vital to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 552 of this Act ("Limitation on Assistance to the Palestinian Authority").

COLOMBIA

SEC. 557. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(1) Up to 75 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) The balance of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

(C) The Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces are severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations.

(E) The Colombian Armed Forces are executing orders for capture of leaders of paramilitary organizations that continue armed conflict.

(b) CONSULTATIVE PROCESS.—At least 10 days prior to making the certification required by subsection (a), the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

(c) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 558. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 559. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

WEST BANK AND GAZA PROGRAM

SEC. 560. (a) OVERSIGHT.—For fiscal year 2004, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection.

(c) AUDITS.—(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are made available for assistance for the West Bank and Gaza, up to $1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 561. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under "International Organizations and Programs", $25,000,000 for fiscal year 2004 shall be available for the United Nations Population Fund (hereafter in this section referred to as the "UNFPA") subject to subsection (c).

(b) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under "International Organizations and Programs" may be made available for the UNFPA for a country program in the People's Republic of China.

(c) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under "International Organizations and Programs" for fiscal year 2004 for the UNFPA may not be made available to the UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums;

(3) the UNFPA does not fund abortions; and

(4) the UNFPA does not provide any funding for the State Planned-Birth Commission (Jihua Shengyu Weiyuanhui) or its regional affiliates in the People's Republic of China.

(d) REPORT TO THE CONGRESS AND WITHHOLDING OF FUNDS.—

(1) Not later than February 15, 2004, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

SEC. 562. (a) FUNDING CONDITIONS.—Of the funds made available under the heading "International Financial Institutions" in this Act, 10 percent of the United States portion or payment to such International Financial Institution shall be withheld by the Secretary of the Treasury, until the Secretary certifies to the Committees on Appropriations that, to the extent pertinent to its lending programs, the institution is—

(1) implementing procedures for conducting annual audits by qualified independent auditors for all new investment lending;

(2) implementing procedures for annual independent external audits of central bank financial statements for countries making use of International Monetary Fund resources under new arrangements or agreements with the Fund;

(3) taking steps to establish an independent fraud and corruption investigative organization or office;

(4) implementing a process to assess a recipient country's procurement and financial management capabilities including an analysis of the risks of corruption prior to initiating new investment lending; and

(5) taking steps to fund and implement programs and policies to improve transparency and anti-corruption programs and procurement and financial management controls in recipient countries.

(b) DEFINITIONS.—The term "International Financial Institutions" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Multilateral Investment Fund, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the International Monetary Fund.

WAR CRIMINALS

SEC. 563. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 564. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 565. (a) Funds appropriated by this Act may be made available for assistance for Serbia after March 1, 2004, if the President has made the determination and certification contained in subsection (c).

(b) After March 1, 2004, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia (or a government of a successor state) subject to the conditions in subsection (c): *Provided*, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia (or a successor state) through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia (or a government of a successor state) is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law, including the release of political prisoners from Serbian jails and prisons.

(d) This section shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy in municipalities.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 566. (a) AUTHORITY.—Funds made available by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority in Jamaica and El Salvador through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

TRADE CAPACITY BUILDING

SEC. 567. Of the funds appropriated by this Act, under the headings "Trade and Development Agency", "Development Assistance", "Transition Initiatives", "Economic Support Fund", "International Affairs Technical Assistance", and "International Organizations and Programs", not less than $517,000,000 should be made available for trade capacity building assistance.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 568. (a) AUTHORITY TO REDUCE DEBT.-The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 569. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995,

pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

CAMBODIA

SEC. 570. The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to support basic human needs.

CUBA

SEC. 571. None of the funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement" may be made available for assistance to the Government of Cuba.

COMPETITION IN CONTRACTING

SEC. 572. Notwithstanding any other provision of law, none of the funds appropriated by this Act to carry out sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961 that are made available for assistance for Iraq, and none of the funds appropriated in Public Law 108–11 under the heading "Iraq Relief and Reconstruction Fund", may be made available to enter into any Federal contract or follow-on contract through the use of other than full and open competitive procedures: *Provided*, That this section shall be applicable to contracts and follow-on contracts entered into after the date of enactment of this Act.

DISASTER SURGE CAPACITY

SEC. 573. Funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by the United States Agency for International Development whose primary responsibility is to carry out programs to address natural or manmade disasters or programs under the heading "Transition Initiatives".

AUTHORIZATION

SEC. 574. The Secretary of the Treasury may, to fulfill commitments of the United States, contribute on behalf of the United States to the sixth replenishment of the resources of the International Fund for Agricultural Development. The following amount is authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: $45,000,000 for the International Fund for Agricultural Development.

CLARIFICATION OF ROLE OF USAID

SEC. 575. (a) STATUS OF USAID.—The Administrator of the United States Agency for International Development shall report to the President through, and operate under the foreign policy authority and direction of, the Secretary of State. The United States Agency for International Development shall be administered under the supervision and operational direction of the Administrator of the Agency.

(b) FUNCTIONS OF USAID.—The United States Agency for International Development is authorized—

(1) to receive appropriated funds;

(2) to be the United States Government agency primarily responsible for administering sections 103 through 108 (other than section 104A), 214, and 491 of the Foreign Assistance Act of 1961, the "Child Survival and Health Programs Fund", and other United States economic assistance as directed in writing by the President or the Secretary of State, or as otherwise provided by law;

(3) to provide assistance to a country currently ineligible for assistance from the Millennium Challenge Corporation in order that it may become eligible for such assistance; and

(4) upon the request of the Chief Executive Officer of the Millennium Challenge Corporation and with the concurrence of the Administrator, to assist in the evaluation, execution or oversight of a Millennium Challenge Contract.

(c) Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended—

(1) in subsection (a), by striking "assistance for the relief and rehabilitation of" and inserting "relief, rehabilitation, and reconstruction assistance for";

(2) in subsection (b), by striking "relief and rehabilitation" and inserting "relief, rehabilitation, and reconstruction"; and

(3) in subsection (c), by striking "relief and rehabilitation" and inserting "relief, rehabilitation, and reconstruction assistance".

PHILIPPINE EDUCATION AND HEALTH INFRASTRUCTURE

SEC. 576. Of the funds appropriated under "Economic Support Fund" for the Philippines in Public Law 108–11, the Emergency Wartime Supplemental Appropriations Act, 2003, $600,000 shall be available only for upgrading education and health infrastructure in the Sulu Archipelago.

BASIC EDUCATION

SEC. 577. Of the funds appropriated by title II of this Act, not less than $350,000,000 shall be made available for basic education: *Provided*, That of the funds made available pursuant to this section, not less than $91,500,000 should be from funds appropriated under the heading "Economic Support Fund": *Provided further*, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), shall submit a report not later than 120 days after enactment of this Act articulating a strategy for the use of basic education funds in Africa, East Asia and the Pacific, the Near East, South Asia, and the Western Hemisphere (excluding the United States) to include:

(1) country strategies and brief project descriptions of the uses and proposed uses of all U.S. Government resources for basic education overseas;

(2) a detailed description of the administrative structure currently in place to manage strategic coordination undertaken among the State Department, USAID and other agencies involved in international basic education activities; and

(3) a description of actions being taken to expand the administrative capacity of both USAID and the State Department to deliver effective expanded basic education programs.

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 122, line 2, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Are there any points of order to this section of the bill?

POINTS OF ORDER

Mr. PUTNAM. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PUTNAM. Mr. Chairman, it is with no small amount of regret that I rise to make a point of order against the distinguished chairman of this subcommittee who has worked very hard and is so capable in this area, but on behalf of Chairman GOODLATTE of the Committee on Agriculture, I must rise to make a point of order against section 568(a)(3) in that it violates House rule XXI, clause 2, by changing existing law and inserting legislative language in an appropriation bill.

The CHAIRMAN. Does the gentleman from Arizona wish to be heard on the point of order?

Mr. KOLBE. Mr. Chairman, while I regret very much that this is being done because at least in one instance these objections here are for something that is very vital, I concede the point of order.

The CHAIRMAN. Does the gentlewoman from New York wish to be heard on the point of order?

Mrs. LOWEY. I rise to be heard on the point of order.

The CHAIRMAN. The gentlewoman is recognized.

Mrs. LOWEY. Mr. Chairman, I am wondering if the gentleman has any idea what the effect of this point of order is. This authority to allow for the rescheduling of bilateral agriculture debt has been carried in the foreign operations bill for at least 5 years. If it is removed, the administration will be unable to pursue bilateral debt rescheduling. This authority is a crucial tool in helping poor countries. It has been used recently to help critical allies in the war on terrorism, such as Pakistan and Indonesia.

We also just used the authority to help the Democratic Republic of Congo with the horrible mess they are in. We did not fund the $300 million request to forgive their debt. The least we can do is reschedule their debt. So I am mystified as to why the gentleman would raise this point of order.

I might ask whether he knows of any plans in the Committee on Agriculture to enact a bill containing this authority. I would like to yield to the gentleman.

The CHAIRMAN. The gentlewoman may not yield to another member while under recognition on a point of order and is constrained to limit her remarks to the point of order made by the gentleman from Florida. If the gentlewoman is finished with her remarks, then the Chair is prepared to rule on the point of order.

The Chair finds that this provision includes language conferring authority. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the provision is stricken from the bill.

Are there further points of order?

Mr. PUTNAM. Mr. Chairman, I regret that I must rise again and raise yet another point of order against section 572 entitled, "Competition in Contracting," on the grounds that this session changes existing law in violation of clause 2(b) of House rule XXI and is therefore legislation included in a general appropriations bill.

□ 2300

The CHAIRMAN. Does the gentleman from Arizona (Mr. KOLBE) wish to be heard on the point of order?

Mr. KOLBE. Mr. Chairman, I would like to be heard to state, while I will concede the point of order, that I find this really astonishing. One of the more difficult things we have had in Iraq has been the issue of competitiveness of contracts, and I hope the gentleman is aware that what he is doing is he is saying he is against competition of contracts in Iraq, and that is exactly what this language has done. We have had a lot of controversy about that. I am glad to see that the chairman of the committee has arrived here to defend his position, but I concede the point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

The gentlewoman from New York (Mrs. LOWEY) is recognized.

Mrs. LOWEY. Mr. Chairman, I would just like to ask the gentleman again if he is against competition in awarding contracts in Iraq. I am trying to figure out what he is trying to do with the point of order.

Mr. PUTNAM. If the gentlewoman would yield.

Mrs. LOWEY. I yield to the gentleman from Florida.

The CHAIRMAN. The gentlewoman may not yield when arguing a point of order to the Chair.

Does the gentlewoman wish to be heard any further?

Mrs. LOWEY. No, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Virginia (Mr. TOM DAVIS) wish to be heard on the point of order?

Mr. TOM DAVIS of Virginia. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. TOM DAVIS of Virginia. First of all, they concede the point of order. What they are doing is legislating on an appropriation bill without any consultation with the committee of jurisdiction. We offered to work out language on this, and we were rebuffed and therefore we are going to keep our point of order. We hope that in the future if you have concerns, you will speak with the authorizing committee.

The CHAIRMAN. The Chair is prepared to rule.

The chairman of the subcommittee has conceded the point of order. This provision explicitly supersedes existing law. It constitutes legislation in violation of clause 2 of rule XXI.

The point of order is conceded and sustained, and the provision is stricken from the bill.

Are there further points of order?

POINT OF ORDER

Mr. PUTNAM. Mr. Chairman, again rising to raise a point of order and certainly not reflecting on the policy contained therein but rather the process and asserting the jurisdiction of the authorizing committees, I must rise a third time to make a point of order against section 575 on the grounds that it is changing existing law in violation of clause 2 of House rule XXI. By its very terms, this section changes current law and specifically says "The United States Agency for International Development is authorized." This is a clear violation of the rule.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

The gentleman from Arizona (Mr. KOLBE) is recognized.

Mr. KOLBE. Mr. Chairman, I again concede the point of order. This is a piece of legislation that was added to clarify and improve the language and we have worked it out previously, but now apparently it is not acceptable. I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the provision is stricken from the bill.

Are there any amendments to this section of the bill?

AMENDMENT NO. 15 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. NADLER:

At the end of the bill (before the short title), insert the following:

LIMITATION ON CONTRIBUTIONS TO UNRWA

SEC. . Of the amount made available in this Act for contributions to the United Nations Relief and Works Agency (UNRWA), one-third of such amount shall be withheld from obligation and expenditure unless and until the President determines and certifies to Congress that the UNRWA has established a program (including a timetable for implementation of the program) for the resettlement of refugees under their authority in the host countries or territories of such refugees and replaces textbooks and educational materials used in the UNRWA educational system that promote anti-Semitism, denial of the existence and the right to exist of the state of Israel, and exacerbate stereotypes and tensions between the Palestinians and Israelis.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

Mr. NADLER. Mr. Chairman, I am not asking in this amendment to shift priorities within this bill. I am asking to set priorities for an agency that has failed miserably in its 53-year history. The United Nations Relief and Works Agency, otherwise known as UNRWA, is spending over $300 million a year to house, educate and provide social services to 3.9 million Palestinian refugees, 1.2 million of whom still live in refugee camps.

The amendment is very simple. It would withhold a third of the United States contribution to UNRWA until such time as the President certifies that UNRWA has established a program for the resettlement of the refugees under its authority. It also would require UNRWA to replace textbooks and educational materials that promote anti-Semitism, deny the existence of Israel and exacerbate stereotypes and tensions between the Palestinians and Israelis.

What is shocking is that the United Nations through UNRWA has allowed and indeed compelled these camps to exist for more than 50 years. No other refugees in the modern era have had to sustain such a long existence in refugee camps before being resettled and absorbed. The United Nations High Commissioner for Refugees, charged with dealing with all refugees in the world other than the Palestinians, has overseen the resettlement and absorption of more than 200 million refugees since World War II. Only the 600,000 Palestinian refugees and their descendants have languished in refugee camps for three generations, refused resettlement and normal lives for the specific purpose of being used as political pawns and recruitment assets for terrorists groups opposed to the existence of Israel.

In March of 1976, 27 years ago, Mahmoud Abbas, who is now the new Palestinian Prime Minister, wrote: "The Arab armies entered Palestine to protect Palestinians from the Zionist Tyranny, but instead they abandoned them, forced them to emigrate and to leave their homeland, imposed upon them a political and ideological blockade and threw them into prisons similar to the ghettos in which Jews used to live in Eastern Europe."

This statement underscores the fact that UNRWA has been used and abused for over 50 years to further the political goals of a radical political Palestinian leadership with the goal of eliminating a sovereign state. With a new leadership and renewed hope for peace in the Middle East today, these abuses must end.

The United Nations has not only failed to resettle the refugees, it has fostered and promoted anti-Semitic and anti-Western propaganda in the schools. The education system run by UNRWA with United States money does not recognize Israel, indoctrinates children into Jihad, contributing to the fact that the refugee camps have become notorious breeding grounds for suicide bombers and other terrorists.

At roughly the same time, Mr. Speaker, that 600,000 Palestinians became refugees, more than 900,000 Jews were forced out of Arab countries in the Middle East and North Africa where they had lived for hundreds or even thousands of years. These refugees were not herded into refugee camps and American taxpayers have not supported them for 50 years. Israel absorbed 600,000 of these refugees from the surrounding Arab countries, building them homes and providing education and social services so that they could sustain themselves and become productive citizens, as they have. Another 300,000 fled to the United States and Canada. None became burdens on international refugee agencies and on American taxpayers.

By contrast, UNRWA and Israel's Arab neighbors have refused to allow the absorption or resettlement of the Palestinian refugees. Instead they have compelled them to suffer for more than 50 years in camps that provide no future and no hope and breed only hatred and violence.

It is time for the United Nations and UNRWA to stand up and take responsibility for the 1.2 million people under its charge. Most of these Palestinian refugees were born in these camps and will die there as well unless UNRWA is forced to reform. The United States will contribute an estimated $91 million to UNRWA this year, almost a third of its budget. I believe that it is the main financial supporter of an agency that has kept millions of people in squalid camps for generations and that has allowed and even encouraged the camps to become breeding grounds for anti-Semitic and anti-American feelings and training grounds for terrorists, it is our responsibility to force change on that agency through withholding funds until they start to change and to give hope and life to these refugees to establish a plan and a mechanism for their resettlement and their absorption.

I would urge my colleagues to support this amendment so that we may start on that goal.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take 5 minutes given the hour of the evening here, and I will not debate the merits of this except to say that at this moment with what we are doing in the Middle East with the peace process and the roadmap, this would be a very inappropriate amendment at this time.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I will just make my point of order against the amendment because it does propose to change existing law, constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. That rule states in part: "An amendment to a general appropriation bill shall not be in order if changing existing law . . ." It imposes additional duties. This does impose additional duties, and I would ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from New York wish to be heard on point of order?

Mrs. LOWEY. Mr. Chairman, I rise to thank the gentleman for bringing this important issue to the floor today. During this time of great hope in the Middle East peace process, it is critical that we take a step back to recognize that the roots of tolerance and coexistence must be planted in our young people early in order for peace to truly take hold.

I have long shared the gentleman's concern about the danger of anti-Semitic, anti-Israel and anti-Western propaganda in the Arab world. Nowhere is this propaganda more insidious than in school textbooks, where it has the capacity to poison the minds of the children who should be the region's best hope for peace.

One of the greatest obstacles to peace in the Middle East has been the consistent refusal of Arab regimes to prepare their people for coexistence with Israel. Instead, they have used the Palestinian-Israeli conflict as a pressure valve for their citizens to vent frustrations that otherwise might be directed at the ruling regimes themselves. It has been in many of these leaders' best interests to perpetuate the stereotypes and canards that make peaceful coexistence impossible. If we are ever to realize our goal of a peaceful Middle East this practice must end. The amendment the gentleman raises today raises this point, and I think it is one that needs to be made by Congress and heeded by Israel's Arab neighbors.

The CHAIRMAN. Does the gentleman from New York (Mr. NADLER) wish to be heard on the point of order?

Mr. NADLER. Yes, Mr. Chairman, I do.

The CHAIRMAN. The gentleman is recognized.

Mr. NADLER. Mr. Chairman, first of all, I thank the gentlewoman for her kind remarks about this amendment. But secondly, I think in commenting on the distinguished chairman's point of order and on the remarks he made in making that point of order, I think that now with the peace talks about to begin hopefully in the Middle East, it is precisely the time when this is not inappropriate but is very appropriate because we know, we know from the Camp David experience, that at the end of the day when everything else is agreed upon someone is going to raise the issue of the so-called right of return of these refugees to Israel and that we had better have dealt with that and have started to solve that problem if we expect a successful conclusion later. I think the biggest mistake we have all made in the last probably 20 years of seeking peace in the Middle East is trying to put off this problem to the end hoping it will go away. We must deal with it before the last moment, and that is the purpose of this amendment.

I understand the gentleman's point of order, a limitation amendment, and as a technical point I think that it is a limitation amendment, and I think that the point of it now and the point of raising this now is to put people on notice. We will be back with this amendment when the point of order will not stand against it and hopefully, though, it will not be necessary because UNRWA and the State Department will start taking notice and start dealing with these problems and dismantling these camps and enabling these people, 1.2 million people to start being resettled and absorbed and have decent lives instead of being kept in these squalid camps at a cost to the American taxpayer so far for 53 years.

The CHAIRMAN. The Chair is prepared to rule. The Chair finds that this amendment includes language imposing a legislative condition. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BIGGERT:

At the end of the bill (before the short title), insert the following:

PARTICIPATION IN THE THIRTEENTH REPLENISHMENT OF THE RESOURCES OF THE INTERNATIONAL DEVELOPMENT ASSOCIATION

SEC.   . The International Development Association Act (22 U.S.C. 284–284s) is amended by adding at the end the following:

"SEC. 22. THIRTEENTH REPLENISHMENT.

"(a) CONTRIBUTION AUTHORITY.—

"(1) IN GENERAL.—The United States Governor of the Association may contribute on behalf of the United States an amount equal to the amount appropriated under subsection (b), pursuant to the resolution of the Association entitled 'Additions to IDA Resources: Thirteenth Replenishment'.

"(2) SUBJECT TO APPROPRIATIONS.—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the contribution authorized by subsection (a), there are authorized to be appropriated such sums as may be necessary for payment by the Secretary of the Treasury, without fiscal year limitation.".

ADMINISTRATIVE PROVISIONS RELATED TO MULTILATERAL DEVELOPMENT INSTITUTIONS

SEC.   . Title XV of the International Financial Institutions Act (22 U.S.C. 262o—262o-2) is amended by adding at the end the following:

"SEC. 1504. ADMINISTRATIVE PROVISIONS.

"(a) ACHIEVEMENT OF CERTAIN POLICY GOALS.—The Secretary of Treasury should instruct the United States Executive Director at each multilateral development institution to inform the institution of the following United States policy goals, and to work toward achieving the goals at the institution before June 30, 2005:

"(1) No later than 60 calendar days after the Board of Directors of the institution approves the minutes of a Board meeting, the institution shall post on its website an electronic version of the minutes, with material deemed too sensitive for public distribution redacted.

"(2) The institution shall keep a written transcript or electronic recording of each meeting of its Board of Directors and preserve the transcript or recording for at least 10 years after the meeting.

"(3) All public sector loan documents, country assistance strategies, sector strategies, and sector policies prepared by the institution and presented for endorsement or approval by its Board of Directors, with materials deemed too sensitive for public distribution redacted or withheld, shall be made available to the public 15 calendar days before consideration by the Board or, if not then available, when the documents are distributed to the Board.

"(4) The institution shall post on its website an annual report containing statistical summaries and case studies of the fraud and corruption cases pursued by its investigations unit.

"(5) The institution shall require that any health, education, or poverty-focused loan, credit, grant, document, policy, or strategy prepared by the institution includes specific outcome and output indicators to measure results, and that the indicators and results be published periodically during the execution, and at the completion, of the project or program.

"(b) PUBLICATION OF WRITTEN STATEMENTS REGARDING INSPECTION MECHANISM CASES.—No later than 60 calendar days after a meeting of the Board of Directors of a multilateral development institution, the Secretary of the Treasury should provide for publication on the website of the Department of the Treasury of any written statement presented at the meeting by the United States Executive Director at the institution concerning—

"(1) a project on which a claim has been made to the inspection mechanism of the institution; or

"(2) a pending inspection mechanism case.

"(c) CONGRESSIONAL BRIEFINGS.—At the request of the Committee on Financial Services of the House of Representatives or the Committee on Foreign Relations of the Senate, the Secretary of the Treasury or the designee of the Secretary should brief the requesting committee on the steps that have been taken by the United States Executive Director at any multilateral development institution, and by any such institution, to implement the measures described in this section.

"(d) PUBLICATION OF 'NO' VOTES AND ABSTENTIONS BY THE UNITED STATES.—Each month, the Secretary of the Treasury should provide for posting on the website of the Department of the Treasury of a record of all 'no' votes and abstentions made by the United States Executive Director at any multilateral development institution on any matter before the Board of Directors of the institution.

"(e) MULTILATERAL DEVELOPMENT INSTITUTION DEFINED.—In this section, the term 'multilateral development institution' shall have the meaning given in section 1701(c)(3).".

PARTICIPATION IN THE SEVENTH REPLENISHMENT OF THE RESOURCES OF THE ASIAN DEVELOPMENT FUND

SEC.   . The Asian Development Bank Act (22 U.S.C. 285–285aa) is amended by adding at the end the following:

"SEC. 31. ADDITIONAL CONTRIBUTION TO SPECIAL FUNDS.

"(a) CONTRIBUTION AUTHORITY.—

"(1) IN GENERAL.—The United States Governor of the Bank may contribute on behalf of the United States an amount equal to the amount appropriated under subsection (b), pursuant to the resolution of the Bank entitled 'Seventh Replenishment of the Asian Development Fund'.

"(2) SUBJECT TO APPROPRIATIONS.—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the contribution authorized by subsection (a), there are authorized to be appropriated such sums as may be necessary for payment by the Secretary of the Treasury, without fiscal year limitation.".

PARTICIPATION IN THE NINTH REPLENISHMENT OF THE RESOURCES OF THE AFRICAN DEVELOPMENT FUND

SEC.   . The African Development Fund Act (22 U.S.C. 290g—290g-15) is amended by adding at the end the following:

"SEC. 217. NINTH REPLENISHMENT.

"(a) CONTRIBUTION AUTHORITY.—

"(1) IN GENERAL.—The United States Governor of the Fund may contribute on behalf of the United States an amount equal to the amount appropriated under subsection (b), pursuant to the resolution of the Fund entitled 'The Ninth General Replenishment of Resources of the African Development Fund'.

"(2) SUBJECT TO APPROPRIATIONS.—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the contribution authorized by subsection (a), there are authorized to be appropriated such sums as may be necessary for payment by the Secretary of the Treasury, without fiscal year limitation.".

Mrs. BIGGERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Chairman, my amendment would allow the continued U.S. participation in and contributions to the World Bank's International Development Association, the Asian Development Fund and the African Development Fund, three key institutions for which funding has been adequately provided in the underlying bill.

Requested by the Treasury Department, my amendment would enable the U.S. to deliver on its international commitments and continue the flow of crucial resources to the world's poorest countries. It enjoys the bipartisan support of the gentleman from Ohio (Chairman OXLEY) and the gentleman from Massachusetts (Mr. FRANK), ranking member, of the Committee on Financial Services. And I thank the gentleman from Arizona (Chairman KOLBE) and the gentlewoman from New York (Mrs. LOWEY), ranking member, of this subcommittee for working with us on this amendment.

I urge my colleagues to support the amendment.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

As noted, this is accepted. This is proposed by both the chairman of the authorizing committee and the ranking member, and I accept it and I strongly support it.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

I want to express my appreciation to the gentleman from Arizona and the gentlewoman from Illinois. I just want to reaffirm what has been said. This comes from the authorizing committee. It is a very important piece of legislation that very appropriately accompanies this bill, and it allows us to meet our commitments to multilateral institutions in a very progressive way, and I thank all concerned for the fact that I hope we are about to adopt it.

☐ 2315

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS of Florida:

At the end of the bill (before the short title), insert the following:

EFFORTS BY NORTH KOREA RELATING TO THE PROLIFERATION OF NUCLEAR WEAPONS

SEC. . It is the sense of Congress that the President should utilize all diplomatic options to ensure that the Government of the Democratic People's Republic of Korea does not engage in efforts relating to the proliferation of nuclear weapons.

Mr. HASTINGS of, Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to discuss a very serious issue, but I may not need to continue my discussion if I could get the attention of the chairman. I might place my remarks in the RECORD if the Chair would speak with reference to the matter.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, although a point of order could be made against this amendment, I think it certainly does no harm to restate what is clearly the position of the United States, so I am prepared to accept this amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to discuss a very serious issue—the failure of North Korea to comply with a number of non-proliferation treaties and agreements, and the failure of the President to effectively resolve the escalating tension between the United States and North Korea. So far, little has been achieved and Pyongyang continues its race to manufacture nuclear weapons.

The existence of a North Korean nuclear weapons program poses a real and imminent threat to the populations of South Korea, Japan, and North Korea, and to the U.S. Armed Forces stationed in that region. But most importantly, it poses a threat to global security interests.

Given the escalating tensions with North Korea, I have introduced an amendment to the Foreign Operations Bill that urges the President to work towards a peaceful resolution to this impasse before the situation escalates any further.

My amendment simply says, "It is the sense of Congress that the President of the United States is called upon to utilize all diplomatic options to redirect North Korean efforts away from nuclear weapons proliferation."

I know that most Members of Congress deeply believe that engagement, be it bilateral or multilateral, with North Korea is needed to defuse the tension between the two countries, and prevent the proliferation of nuclear weapons. It will take a concerted effort to transform the conflict, engaging many different parts of the system simultaneously, over a period of time.

A diplomatic track could pave the way to North Korea ending its nuclear program. Engaging rhetoric, alliance building, diplomatic efforts aimed at halting North Korea's nuclear program are all options to successfully redirect North Korean efforts away from nuclear weapons proliferation.

My amendment calls on the President to use coalitions, arms-control accords, and weapons inspections because these are methods of conflict resolution he has often ignored. If we don't incorporate all available nonproliferation tools to redirect North Korean efforts away from nuclear weapons, then military intervention will again be the only national security policy at our disposal.

Unless we do develop a plan, this standoff will continue until tensions soar even further. Now is the time for resolute diplomacy that sends a clear message against nuclear proliferation; now is the time for the President to actively engage in renewed dialogue.

I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

PARTICIPATION OF WOMEN IN INTERNATIONAL PEACE EFFORTS

SEC. . None of the funds made available in this Act may be used to prohibit projects in which agencies promote the participation of women in international peace efforts, specifically peace efforts in Africa and the Middle East.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Arizona reserves a point of order against the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I say thank you to the ranking member and the chairman of this committee and will try to give a very brief scenario on why I am recommending and presenting this amendment. I would hope that the chairman would see the necessity or the value of a waiver of the point of order because I think that there is value in this amendment, and that is the utilization of more women in the peace negotiating process, both in the Middle East and in Africa.

It is clear that there are many incidents of conflict around the world. In a recent visit that I made to Oslo, Norway, participating in the Global Peace Initiative of Women, Religious and Spiritual Leaders, there was a gathering of women from Palestine and from Israel. At the beginning of the meeting, there seemed to be no opportunity for a meeting of the minds; and yet as we proceeded, we found that because women understood the loss of life, disruptiveness to families and the overall horror of war, that more often than not they were able to come together around the preservation of family and the raising of children.

Women leaders are frequently, however, left out of international peace efforts. In fact, I am told there is a United Nations Peace Commission that has not yet had women members appointed to it.

My amendment will simply prohibit any funding being utilized to prohibit any agencies that may be interested in encouraging the international participation of women in international peace efforts. This will ensure that the input and wisdom of women are utilized in our efforts to achieve a world peace.

As we watch the horror of many conflicts around the world, as we watch the crisis in Liberia, knowing the value of the work and the understanding of African women on issues dealing with Rwanda, the Congo and other places, I would hope that as we proceed in foreign policy that we will utilize our good advocacies to encourage the United Nations to appoint members to the United Nations Peace Commission for Women and that we too would encourage the utilization of women in the international peace process.

Mr. Chairman, I propose this amendment to the Foreign Operations Appropriations Bill for Fiscal Year 2004, and I ask the Rules Committee to make my amendment in order.

This amendment says, "None of the funds made available in this Act may be used to prohibit projects in which agencies promote the participation of women in international peace efforts, specifically peace efforts in Africa, and the Middle East."

I recently visited Oslo, Norway and participated in The Global Peace Initiative of Women Religious & Spiritual Leaders. This uplifting initiative gathered leading women from across the globe to discuss the peace efforts across the globe and in particular in the Middle East.

At this initiative Israeli and Palestinian women sat at the same table and discussed the mutual horror of seeing their children killed in armed conflicts and senseless acts of violence. There were often differences between these women, but invariably all women wanted the violence to end and for peace and harmony to stand in its place.

Women leaders are frequently left out of international peace efforts. My amendment will simply prohibit funding for any project that seeks to exclude women from international peace efforts. This will ensure that the input and the wisdom of women are utilized in our efforts to achieve world peace.

Mr. Chairman, as we all watch in horror as American soldiers are killed in Iraq and civil unrest erupts in Liberia, it is clear that we need new methods to promote world peace. It is important to include women in those efforts. I urge my colleagues to support this amendment.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KOLBE. Mr. Chairman, I make a point of order under clause 2 of rule XXI against the amendment offered by the gentlewoman from Texas.

Mr. Chairman, this amendment is creative, but the amendment offered by the gentlewoman invokes a textual "double-negative." As a result, it constitutes an affirmative direction or statement of affirmative intent in violation of clause 2 of rule XXI.

I ask for a ruling of the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, the chairman makes a very valid point on the double negative, and we worked very hard to try to structure this as a limitation.

Mr. Chairman, let me just simply say this: I would hope that the distinguished chairman would waive the point of order. But, in any event, I would hope the distinguished chairman might offer in some way a comment on the value of women being utilized in the peace process. We did work very hard to try to structure this without a point of order, but clearly wanted to ensure that no funds in the appropriations bill would be used to prevent any of our agencies who would be so encouraged to use women in the peace process.

The CHAIRMAN. The Chair is prepared to rule on the point of order, unless the gentleman from Arizona wishes to be heard further on the point of order.

Mr. KOLBE. Mr. Chairman, just to simply respond to the gentlewoman. I would simply say, obviously, nothing in our bill does prohibit this. I would say this is out of the scope of our bill, but the gentlewoman is correct that we do not attempt to do that. But I do insist on the point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The gentleman from Arizona makes a point of order that the amendment offered by the gentlewoman from Texas changes existing law in violation of clause 2 of rule XXI.

The amendment is in the form of a limitation and proposes to restrict funding to prohibit or limit certain actions.

As stated in section 1044 of the House Rules and Manual, the burden is on the proponent of an amendment to prove that language offered as a limitation does not change existing law.

The Chair finds that limitation amendments that involve textual "double-negatives" are suspect and may result in an affirmative prescription or affirmative statement of intent that constitutes legislation in violation of clause 2 of rule XXI. This is consistent with the Chair's ruling of September 23, 1993, and the Parliamentarian's note found in Deschler's Precedents, volume 8, chapter 26, section 51.15.

In the opinion of the Chair, in order to carry the burden of proof on an amendment proposing a double-negative, a Member must be able to show that the object of the double-negative is specifically contemplated by existing law.

On the basis of argument heard by the Chair, the gentlewoman from Texas has failed to carry her burden to show that the amendment does not change existing law.

The point of order is sustained.

Are there further amendments?

AMENDMENT NO. 12 OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. RYUN of Kansas:

Page 122, after line 2, insert the following:

LIMITATION ON ASSISTANCE FOR COUNTRIES THAT MATERIALLY HINDERED THE UNITED STATES-LED COALITION'S EFFORTS TO LIBERATE THE IRAQI PEOPLE

SEC.   . (a) None of the funds made available in this Act under title II or III may be used to provide assistance for any country which the Secretary of State determines materially hindered the United States-led coalition's efforts to liberate the Iraqi people.

(b) The President may waive the application of subsection (a) with respect to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall notify in writing the Speaker of the House of Representatives and the President pro tempore of the Senate with respect to the exercise of each waiver under the preceding sentence.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order against the amendment.

Mr. RYUN of Kansas. Mr. Chairman, I understand this amendment will not be considered in order under the rules of the House. Therefore, I intend to withdraw my amendment at the end of my remarks.

I want to thank the chairman of the subcommittee for allowing me to speak on this important issue. Additionally, I want to thank the gentleman from Arizona (Chairman KOLBE) for his fine leadership on international development issues. His dedication and compassion on issues of poverty, famine, and the HIV/AIDS epidemic, among other things, is greatly appreciated throughout this House and the developing world.

This amendment is quite simple. It would deny bilateral economic assistance and military assistance to any country which the Secretary of State deemed to have materially hindered the U.S.-led efforts in Iraq.

The purpose of this amendment is to encourage the realignment of America's overarching foreign policy with our international development agenda. It deeply concerns me that American taxpayers have spent billions of dollars on foreign aid to various countries, but during one of our Nation's difficult moments, several of these same countries actively hindered our efforts.

Obviously, foreign aid recipients do not exchange their sovereignty for food or medical aid. At the same time, I cannot accept that these countries would actively strive to hinder the United States from taking action it deemed necessary and justified in defense of this Nation's interests. And, therefore, I cannot in good conscience support providing aid to such countries.

Like the rest of the budget, our international developing budget is limited. We must make wise and prudent choices, choices that work to promote our foreign policy agenda and not hinder it.

Therefore, although this amendment cannot be part of the bill, I hope Secretary Powell and Administrator Natsios will use the utmost of discretion and institute the policy objectives found in this amendment. The American people should not be forced to support those countries that will not support us.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 8 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

INDEPENDENT COMMISSION ON WEAPONS OF MASS DESTUCTION IN IRAQ

SEC. . None of the funds made available in this Act may be used to prohibit the establishment of an independent commission to study the basis of the determination of the existence of weapons of mass destruction in Iraq, including any written or oral statements as to the recent purchase by Iraq of uranium in Africa.

Mr. KOLBE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Arizona reserves a point of order against the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I do wish to pose a question before I address my amendment, if I could, to the ranking member of the committee.

Previously, I had mentioned the importance of involving women in the international peace process. I would like to yield to the gentlewoman from New York on the question of women in the international peace process. I had mentioned that the United Nations had a peace commission established for the purpose of appointing women to that commission. It has not been implemented, to my knowledge. But my general question is the value of encouraging and utilizing women in international peace negotiations around the world.

Mrs. LOWEY. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I would like to respond to the gentlewoman, because I think this is an absolutely critical point to be made. In countries where women are more involved, where there are more women in government, there clearly is a greater effort towards peace, towards collaboration to avoiding the horrors of war. So I want to applaud the gentlewoman for her initiative and for her focus on women and peace, and I do hope that we can work together to ensure that these kinds of efforts around the world are supported. I thank the gentlewoman.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I am gratified by the response I have gotten from the ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations; and I am very pleased that we might be able to work on that.

The amendment that I wish to discuss very briefly is in the backdrop or on the eve of the announcement of the 9/11 commission's report dealing with the horrific tragedy of 9/11.

It seems somewhat questioning that this body would not want to support the creation of a commission to deal with the weapons of mass destruction, simply finding out the truth. I do realize that, as we speak, there is an ongoing investigation by the intelligence committees, I believe both in the House and the other body; but it is true that soldiers now are still dying, even after the war was declared over in Iraq. It is also true that the American people deserve the truth, and that the question dealing with the purchase of uranium from Africa in the State of the Union address by the President is not the only question on the issue of intelligence gathering.

All of the world's eyes were on Secretary of State Powell's presentation before the United Nations utilized to encourage the United Nations Security Council to vote for, if you will, a preemptive attack against Iraq on the basis of the existence of weapons of mass destruction. I believe this is not a question of "gotcha," it is not a question of one-upmanship, it is not a question of partisanship. It is simply a question of telling the truth to the American people.

There were commissions and investigatory bodies that investigated the assassination of President John F. Kennedy, the assassination of Martin Luther King, the incident into the China satellite question, Watergate, Whitewater, if you will. All of these warranted investigations by this government.

It seems to me less than disingenuous to be able to deny the right of the American people to find out the entire truth about the decision to use a preemptive strike against Iraq on the basis that the United States of America was about to be under imminent attack.

This debate on a commission has nothing to do with the wrongness of Saddam Hussein and the collective opinion that Saddam Hussein was a despotic and horrific leader.

□ 2330

This is nothing to do with the idea of whether or not our brave young men and women are willing to put themselves on the front line to defend this Nation. All it has to do with is for this body to recognize the importance of an independent commission.

I would say that this commission should not be implemented until the completion of the work of the intelligence committees of both bodies and then, ultimately, when a final report should be rendered. But I do believe that it is extremely important that we have a submission on the weapons of mass destruction and their existence and the paper trail, if you will, and who said what, and what oversight there was with respect to the whole question of the attack on Iraq. There was no declaration of war under the United States Constitution article I, section 8; and because of that, I believe the American people are owed a thorough and full investigation on this question.

Mr. Chairman, I propose this amendment to the Foreign Operations Appropriations bill for fiscal year 2004, and I urge my colleagues in the House of Representatives to support this amendment.

This amendment says, "None of the funds made available in this Act may be used to prohibit the establishment of an independent commission to study the basis of the determination of the existence of weapons of mass destruction in Iraq, including any written or oral statements as to the recent purchase by Iraq of uranium in Africa."

This is a simple limiting amendment that will ensure that no funds are utilized to prevent the Members of this Congress and the American people from learning the truth about weapons of mass destruction in Iraq. This amendment prevents the use of funds to prohibit or impede congressional efforts to learn the truth about weapons of mass destruction in Iraq, and the accuracy of United States intelligence sources on the issue of weapons of mass destruction in Iraq.

The events that give rise to this amendment have been well documented. On January 28, 2003, President Bush delivered his State of the Union Address. In that address President Bush said that Saddam Hussein attempted to buy uranium in Africa. The intelligence report that President Bush relied on to make that allegation was proven to be fraudulent. There were also credible indications that the Bush administration had reason to know the intelligence report was fraudulent before the State of the Union Address was delivered.

All of these allegations raise questions, and show the need for an investigation into U.S. intelligence methods and the use of that intelligence report by the Bush administration. This amendment ensures that no funds will be spent to create unnecessary obstacles that prevent such an investigation from taking place. Specifically, this amendment ensures that no funds will be used to prevent the establishment of an independent commission to study the allegations of weapons of mass destruction in Iraq, the credibility of U.S. intelligence reports, and the Bush administration's use of those intelligence reports. These issues affect every American citizen and it is important to every Member of Congress's constituents that the truth be known.

Mr. Chairman, this amendment is important for learning the truth about the justifications for which the United States went to war. As of yesterday at 5 p.m., over 150 brave young American men and women have lost their lives fighting in Operation Iraqi Freedom. These courageous soldiers made the ultimate sacrifice to bring peace to the people of Iraq and the world. It is important that we learn before another soldier loses his or her life if our justifications for war were accurate. My amendment will prevent funds from being used to prevent a full inquiry. I urge all of my colleagues to support this important amendment.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take 5 minutes. I just want to say before I make my point of order that, once again, I appreciate the amendment of the gentlewoman. The one she was talking about, I had it in front of me before. Our bill has nothing in any way, shape, or form, or touches, impinges, deals with in any way, shape, or form on an independent commission to study the existence of weapons of mass destruction in Iraq. Ours is a foreign assistance bill; it has nothing to do with a commission here in the United States. So it would be absolutely impossible that we would have anything in here that would prohibit this.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I make a point of order under clause 2 of rule XXI against the amendment which the gentlewoman from Texas has offered.

The amendment offered, once again, invokes a textual "double-negative." As a result, it constitutes an affirmative direction or statement of affirmative intent which would be in violation of clause 2 of rule XXI, and I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentlewoman from Texas wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, yes, I would. I had hoped the esteemed gentleman from Arizona (Chairman KOLBE) would waive the point of order in his discussion. However, let me say that the clarification on the record was very helpful, that nothing in this bill would prohibit the establishment of a commission investigating the weapons of mass destruction. I would argue on the basis only of hoping or wishing or asking that the chairman waive the point of order so that this amendment could go forward to be sure that there is no such language to prohibit the establishment of a weapons of mass destruction investigatory commission.

But I will only say that if that is not the case, then I will yield back to the distinguished Chairman, saying that the clarification has been made.

The CHAIRMAN. The Chair is prepared to rule.

For the reasons stated by the Chair earlier today, the amendment offered by the gentlewoman from Texas employs a double-negative that effectively proposes to change law in violation of clause 2 of rule XXI. The point of order is, therefore, sustained; and the amendment is not in order.

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLBE:

At the end of the bill (before the short title) insert the following:

SEC. . None of the funds appropriated in this Act to support the programs of the United States Agency for International Development in Iraq and none of the funds appropriated in Public Law 108–11 under the heading "Iraq Relief and Reconstruction Fund" may be made available to enter into any contract or follow-on contract that uses other than full and open competitive contracting procedures as defined in 41 U.S.C. 403(6).

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KOLBE. Mr. Chairman, this is an amendment which deals with the operating procedures for USAID and simply clarifies some of those procedures. I believe it is acceptable to the minority for this amendment to be agreed to, and I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. KOLBE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, library Internet records, bookseller sales records, or bookseller customer lists.

Mr. SANDERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, I rise tonight to offer an amendment on a very important issue, namely, the government's authority under section 215 of the USA PATRIOT Act to access library circulation records, library patron lists, library Internet records, book seller sales records, or book seller customer lists. Specifically, this amendment bars the State Department from providing support for an application under section 215 to get library and book seller records.

Mr. Chairman, this is a version of the amendment that I attempted to offer yesterday and am offering it tonight.

Mr. Chairman, in the United States today, there is a great concern about terrorism. All of us are concerned about terrorism. Our country suffered a dastardly and horribly destructive attack on September 11, 2001; and every Member of this body is determined to do all that we can to fight terrorism and to apprehend those people who are at war against our country.

But many of us believe that that fight against terrorism must be waged in a way that does not undermine the basic constitutional rights and protections that have made us a great and free country. The very good news that I bring to my colleagues tonight is that all across the United States, more and more citizens, including thousands of librarians and book sellers, are speaking out against the extremely antidemocratic elements of the USA PATRIOT Act legislation that was hastily passed in the wake of the September 11 attack. And just yesterday, in an amendment offered by the gentleman from Idaho (Mr. OTTER), this House overwhelmingly said that we will deal with that issue piece by piece. I am proud of the effort that the gentleman from Idaho (Mr. OTTER) and many of us made to say, yes, we will fight terrorism; but we will do it in a way that protects our Constitution.

Mr. Chairman, specifically, under section 215 of the USA PATRIOT Act, the government can get a search warrant for any tangible thing. They can go into a library and say, we are doing an investigation on international terrorism. And having said that, a judge in a secret FISA court is obliged to give them a warrant to go into a library, to go into the bookstore, so that they can secure the reading habits, the books taken out, the books being purchased by any American. All of us want to support law enforcement going after terrorism, but we do not want to give the FBI the opportunity to go into a fishing expedition.

Mr. Chairman, all across this country, people are saying "no" to this aspect, section 215 of the USA PATRIOT Act. The underlying legislation that I have introduced has 129 bipartisan cosponsors, some of the most conservative Members of the House, some of the most progressive Members of the House: Democrats, Republicans, Independent. This concept has been supported by 20 newspapers, major newspapers: the Los Angeles Times, the Detroit Free Press, the Christian Science Monitor, the Honolulu Advertiser, and on and on. This legislation, this concept has the support of librarians all across the country, including the American Library Association. It has the support of book sellers all across this country, including the American Book Sellers Association.

The bottom line here, Mr. Chairman, is that 129 Members of this House have said, yes, we will fight terrorism; but, no, we will not undermine the basic constitutional rights that make us a free country. Over 125 communities, large cities, small towns, have come on board this issue. Libraries in California and elsewhere have been forced to put up signs saying: library patron, we cannot protect your privacy.

So, Mr. Chairman, I believe that I speak for the majority of the Members of this House who say, yes, let us fight terrorism; but let us do it in a way that keeps our country free, that does not have the United States Government and the FBI looking over our shoulders as we take our books from the library or purchase books in a bookstore.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am prepared to accept this amendment. I have been scratching my head trying to look at this thing. I noticed as it was purported or given to the desk there, it refers to the bill that we had yesterday. So this is another bill that it was dealing with.

Our bill has nothing to do with the Foreign Intelligence Surveillance Act, whatever; so I do not know what the application of this is at all to our bill. But, Mr. Chairman, I am prepared to accept this, and we will consider to try and digest it and understand it and deal with it appropriately in the conference.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank the gentleman. I do understand, the gentleman is quite right. This is not the cleanest way to address the issue. I would have preferred to do it yesterday; but as the gentleman knows, because of an agreement that was reached, a number of Republicans and those of us on this side were unable to offer the amendments that we wanted to offer.

I think there may be a few other speakers who would like to speak to this issue, and I thank the chairman very much for his support.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the 5 minutes, but I do want to correct something that was just said by the gentleman from Vermont. The reason that amendment was not in order yesterday was not because there was some agreement between the two sides that prevented the amendment from being offered. The reason the amendment was not in order yesterday was that the amendment was drafted wrongly. That is why it was not in order. And I think it is important to understand that distinction if we are going to work with each other around here.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, if I understand it, my friend, the gentleman from Arizona (Mr. KOLBE) has agreed to accept this amendment. I thank the gentleman very much for doing that and I appreciate it.

Mr. OBEY. Mr. Chairman, reclaiming my time, I do not have any objection to this amendment being accepted, but I do want it understood that yesterday was not because of some arrangement between the two political parties that this amendment was not in order. It was simply drafted wrongly, and that is not the responsibility of either the Republicans or the Democrats in this House.

Mr. PAUL. Mr. Chairman, I rise in support of the Sanders amendment. This amendment eliminates one of the serious threats to individual liberty contained in the misnamed "Patriot Act"—the section allowing Federal officials to conduct broad searches of bookstores and libraries without demonstrating probable cause. This law erodes the First Amendment rights of those who patronize libraries and bookstores. It even forbids librarians and bookstore owners from telling their patrons that their records have been searched. Librarians and booksellers across the country have expressed vehement opposition to this measure, as have defenders of individual liberty across the political spectrum.

This amendment could degrade informed political debate and discussion among the American people. Knowing that the Federal Government could snoop into their reading material choices could cause people to refrain from investigating views on political, social, or historical topics considered "out of the mainstream." People may even be reluctant to seek out material critical of the government's policies. Considering the history of administrations of both parties using the IRS and FBI to harass political opponents, it is clear that Americans should be concerned about the Federal Government's new powers.

One does not need to revive the phantoms of Richard Nixon and J. Edgar Hoover to justify concerns over these new powers. Americans are right now being investigated for the "crime" of reading material that questions government policies. For example, I ask my colleagues to consider the case of Mark Schultz of Atlanta. As detailed in the independent newspaper Creative Loafing, Mr. Schultz was questioned by two agents of the Federal Bureau of Investigation (FBI) for reading "suspicious material." The "suspicious material" in question was an article critical of the major media's coverage of the Iraqi war; apparently critics of Rupert Murdock are now considered potential terrorists!

This provision not only threatens the liberties of Americans, its effectiveness as a terrorism fighting measure is highly dubious, to say the least. After all, how likely is it that a terrorist will go to the local public library and check out "how to" books on hijacking and bioterrorism? Instead of investigating Americans whose reading list do not meet the approval of the FBI, the Federal Government should effectively fight terrorism by reforming our Nation's immigration policies to restrict immigration from terrorist sponsoring countries. I have introduced legislation, the Terrorist Immigration Elimination Act (H.R. 488), to do just that.

In conclusion, Mr. Chairman, I urge my colleagues to protect the First Amendment rights of innocent Americans to use public libraries and bookstores without fear of government harassment by voting for the Sanders amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC.   . Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $171,000,000.

Mr. HEFLEY. Mr. Chairman, I rise again today to offer an amendment to cut the level of funding in this appropriations bill by 1 percent. The amount equals $171 million.

This is the fourth time that I have offered such an amendment in recent times. I understand the appropriators have a difficult time narrowing down the requests from Members and the administration for money. However, we have to draw a line somewhere. And I feel strongly that the projected deficit for next year, $475 billion, that the bills we are currently working on are simply too large.

We can do something about the deficit. We can do it right now. By voting for my amendment, Members are stating for the record that the budget deficit is too large and that the American taxpayers should not be burdened in the future because we cannot control our spending today. It is important to offer amendments of this type, I think, and have votes for the record stating clearly who in this body believes in fiscal discipline.

I have no doubt that there are good programs. In fact, there are good programs, many good programs in this bill. In many respects, Mr. Chairman, these committees have done a good job on this bill. But some of these good programs will take a cut. While this is unfortunate, our budget should be no different from the taxpayers' budgets at home. When we have less money, we simply spend less money. It is really that simple.

What we are talking about, again, Mr. Chairman, is we are talking about saving one cent on the dollar. I urge support of the Hefley amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the amendment which would cut funding below the already inadequate allocation we have for this bill. Foreign assistance is a critical component of our national security strategy, and it would be a mistake to cut it further.

I would like to take a moment to mention just a few of the vital parts of this bill that will suffer if the gentleman's amendment is adopted.

The Middle East is at a critical juncture right now, and as we work towards peace and stability in that region, our support is absolutely essential to the process. I believe it would be a grave error to cut this funding.

We are all well aware of the devastation HIV/AIDS has caused, is causing, and will cause for years to come. Our only answer is to fight, and we cannot possibly do that with reduced funds.

The funding we are providing now is not enough, and the gentleman's amendment will cut it further.

□ 2345

I am especially proud of the funding this bill provides for basic education. Education is the basis of economic growth in developing societies. This amendment would curtail our ability to provide more of the world's poorest children with the opportunity for a better life. There are many other issues which I could raise, but I think the point is clear. Right now we need more resources in this bill, not less, and I would like to remind the gentleman that the President requested $18.8 billion for foreign aid. This House provided $17.1 billion, so we are already below the President's request.

So I strongly urge my colleagues to vote no on this amendments.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief. I do rise in opposition to the gentleman's amendment and I appreciate very much his fiscal responsibility. He has been a watchdog of fiscal prudence in this House and we need Members like that. But I really do believe that this appropriations bill is a fiscally responsible bill. Not only have we stayed with the allocation but we are at a level that is $1.8 billion less than the President's request. That is 10 percent less than the President's requested in this area in this account. So we have made some choices in order to fund some, but not all of the President's priorities.

I would note that we have provided less in our bill than the President requested in 24 accounts. We have only provided more funds than the President requested in four accounts in the bill. We have had some significant discussion about those tonight like the HIV/AIDS account. But in 24 of the accounts we have under what the President actually requested.

I know that $171 million seems like a lot of money to most folks in America. When we around here deal with the kind of dollars we deal with and some of the size of the appropriations bills we deal with, $171 million may not seem like a lot, but it is when you come to the context of foreign assistance. In fact, it is more than the entire sum of assistance programs for all but a very small number of countries that are included in our bill.

Mr. Chairman, I would say while I appreciate what the gentleman is attempting to do I think it is the wrong approach and I would oppose the gentleman's amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in favor of the Hefley Amendment to reduce IMET funding for Indonesia. Mr. HEFLEY has recounted the tragic story of brutal ambush last August, that resulted in the brutal murders of Edwin Burgon and Ricky Lynn Spier, two American school teachers in Indonesia. Eight other Americans were injured in this attack, including a six-year-old child.

The Indonesian Police, human rights NGOs, and independent journalists have all concluded that it is very likely Indonesian military personnel were involved in this brutal ambush. With this case still unresolved after almost a year, now is not the time to reward Indonesia with IMET funding. The perpetrators of these brutal crimes still have not been brought to justice.

We know that possible involvement in killing of Americans is not the only instance of involvement by the TNI, Indonesia's military, in the killing of innocent civilians. This is a corrupt and troubled military with a very poor human rights record that we should not legitimize through IMET funding.

On May 19, the Indonesian government launched its largest military offensive since the 1975 invasion of East Timor with a declaration of martial law in Aceh. The ongoing brutal TNI military operation in Aceh, has been marked by reports of extrajudicial executions, torture, rape, and mass displacement of civilians. Thousands of civilians have been forced by the military into camps, where they face threats, inadequate rations and poor health care. Civilians reportedly "disappear" in the camps on a nightly basis.

International humanitarian and human rights organizations, as well as foreign journalists, have been denied access to Aceh. U.S. journalist William Nessen has been detained and faces a possible five-year sentence for "visa violations." When Nessen originally tried to surrender to military forces, they reportedly shot at him. Human rights monitors and defenders have also been targeted by TNI-sponsored militia thugs.

The people of Papua have also suffered greatly at the hands of the Indonesian military. Sweeps by the TNI and their feared militias have forced thousands of villagers in Papua to flee to the forests. The TNI has reportedly prevented Christian pastors from bringing food and medicine to these villagers.

The attacks in Papua and Ache are very much reminiscent of the brutal violence carried out against the people of East Timor in 1999. The TNI has thus far successfully evaded accountability for crimes against humanity committed in East Timor. The Indonesian Ad Hoc Human Rights Court for East Timor has been characterized by poorly drawn indictments, inadequate witness protection, an intimidating courtroom atmosphere and distortions of events that took place in 1999. The alleged masterminds of the 1999 scorched earth campaign have not been prosecuted by Indonesia. As of now, the court has acquitted 12 and convicted five, delivering light sentences. Four of the five sentences are actually less than the legal minimum under Indonesian law and those convicted remain free pending appeal.

We know that human rights concerns are brushed aside by this regime. In a recent article, Indonesia's Defense Minister Matori was quoted as saying, "Of course, it's all right to think about human rights but the more important thing is to think about the territorial integrity of the Unitary State of the Republic of Indonesia."

It is also important to note that we know that less than a third of the TNI's budget is provided by the government in Jakarta. Additional income comes from legal and illegal ventures, including the extortion of U.S.-based corporations operating in Indonesia. TNI business activities also include illegal and environmentally devastating logging, drug production and trafficking, and prostitution.

The questions my colleagues must ask themselves are: do we really want to finance a military with such a horrendous human rights record? Do we really want to finance a military that may have been involved in the killing of Americans when such a serious case is still unresolved?

I strongly urge my colleagues to support the Hefley amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. OTTER

Mr. OTTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTER:

At the end of the bill (before the short title), add the following:

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY OR THE PALESTINIAN PEOPLE

SEC.   . (a) GENERAL PROHIBITION ON FUNDS.—None of the funds appropriated by this Act may be obligated and expended for assistance for the Palestinian Authority (or any other Palestinian entity) or for the Palestinian people during a quarter of fiscal year 2004 if the Secretary of State determines that the Palestinian Authority has provided support for acts of international terrorism during the prior 3-month period.

(b) LIMITATION ON RATE OF OBLIGATION AND EXPENDITURE.—Of the total amount of funds appropriated by this Act that are available for assistance for the Palestinian Authority (or any other Palestinian entity) or for the Palestinian people, not more than 25 percent of such amount may be obligated and expended during each quarter of fiscal year 2004.

Mr. OTTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

Mr. OTTER. Mr. Chairman, I thank the gentleman for his indulgence.

Mr. Chairman, this Congress has a dual fiduciary area responsibility when we spend taxpayers' money. One is to get the absolute best deal that we can for our money and the other one is to spend the least amount that we can in order to get that deal. The United States is not obligated to offer foreign aid to any nation, especially those that are antagonistic to the principles of democracy and American values. And yet we continue to dole out indiscriminately, as if it were required, to those who use it against us, other nations, and our allies, and who teach their children and their citizens to hate Americans and her allies.

Foreign aid is a privileged gift and it should be based upon demonstrated willingness to support U.S. ideas and aspirations for the regions to which that money goes. When we offer aid to a country we should be able to see a marked change in behavior. Our tax dollars are worse than wasted if benefitting nations from the generosity of the United States continue to work against our friends and with our enemies.

All of the efforts we put into promoting peace and cooperation is meaningless without requiring accountability from the recipients of our assistance. Infusing foreign aid with common sense and accountability requires an attitude shift on our part here in Congress. This amendment is the first step towards reforming that attitude.

President Bush has recommended giving foreign aid to the Palestinian Authority for the first time in almost a decade as part of his Roadmap to Peace. If this aid is to advance the realistic goals that the President has set forth in the Middle East, it must be subjected to high expectations and provide a powerful incentive to discourage terrorism and encourage good faith participation in the peace process.

The amendment states simply that no more than 25 percent of the appropriated funds would be available to the Palestinians during any fiscal quarter. That means that the United States would retain authority to withhold those funds should the State Department determine that the Palestinians had participated in or supported acts of international terrorism during the previous 3 months. Everything goes well for 3 months, no acts of terrorism, they get one-fourth of the allocated funds. Such a common sense approach to accountability would provide a powerful incentive to the Palestinians to discourage violence. It would also enable the United States to put hard earned dollars of American taxpayers to work for peace in this generation and peace in this world.

I applaud the President's efforts to achieve lasting peace in the region. Discord and violence have plagued the world for almost a century now, resulting in countless deaths and endless disruption of lives. The President has addressed the issue realistically and in good faith, but our approach to foreign aid must change, and what better time to implement a responsibility-based attitude than now? It is a golden opportunity to assist in the peace process by making sure that our assistance has weight.

Mr. Chairman, I have engrossed in a letter these very ideas to the subcommittee chairman, had the opportunity to meet with the committee many times on this, and before the underlying legislation that we are now considering was ever drafted. I had hoped that those ideas of wrapping our foreign aid assistance around demands for behavioral change would have been included in the final draft of the legislation that we now have before us; however, that is not the case. So it is my hope that such a responsible concept as I have suggested will become part of the appropriate title of the legislation which we will be considering a year from now.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

At the end of the bill (before the short title), insert the following:

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC.   . None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, Saudi Arabia, or Syria.

Mr. WEINER. Mr. Chairman, I believe this is the last of the amendments. Let me conclude by offering my thanks to the chairman and ranking member of the subcommittee for some very fine work.

For those Members who heard the recitation of the amendment and heard that none of the funds shall be appropriated or otherwise made available for Cuba, Libya, North Korea, Iran, Saudi Arabia or Syria, you might say, how could there possibly be any controversy in that?

Frankly, the question is should Saudi Arabia be included in that list? And I think, frankly, like the previous two speakers, the argument is not why should money be struck, the argument should always be made why should we be providing funding?

You are going to hear from opponents of this amendment that, well, the Secretary of State and the Department of State feel sure, certain, that after years and years of Saudi Arabia exporting terrorism, after clear links to September 11, after connections with them exploiting Wahabism, after efforts continually stymied by the United States to get the Saudis to stop this behavior, we still should provide them some funding because maybe, just maybe they will get better later on.

We have this desire, and it is a fervent one, to find a player in the Middle East that will turn out to be a true ally. We have it in Israel and perhaps some at the State Department believe they have it in Saudi Arabia. But the record is simply different. The record shows that over 50 percent of the funding for Hamas comes from Saudi Arabia. The record shows that the Saudi Arabian government provides cash awards of over $5,000 for terrorists in Israel.

The record shows that terrorists who recently massacred 38 civilians on a Tel Aviv highway were found to be armed with rifles bearing Saudi army markings and serial numbers.

We know, of course, in recent months, thanks to some of the fine work of our Intelligence Community that there are strong connections between the Saudi government and what happened on September 11. We all know that 15 of the 19 bombers came from Saudi Arabia. But we have now also learned that the wife of the Saudi ambassador was providing cash grants to two of the suicide bombers in the months leading up. We now know that a Saudi intelligence agent had been hosting 2 of the 9/11 hijackers. We also know as a matter of fact, absolute fact, for more than a month after September 11, the Saudi government refused to freeze Osama bin Laden's accounts where so many of his assets were kept.

Yet the Department of State sent a letter today saying that Saudi Arabia is one of the first countries to condemn the September 11 attacks.

We have to learn the lesson about Saudi Arabia. We cannot watch what they say. They do a brilliant job saying things to us, millions of dollars in lobbyists each year. We will go home tonight and there will be ads on our TV here in Washington what a great country Saudi Arabia is, all while they fund terrorism. No one needs to be told that in our districts back home. It is something that we all understand.

The audacity of Mr. Burns, the Assistant Secretary of State, to say that my amendment might undermine Saudi Arabia's cooperation in dealing with Israeli-Palestinian peace. They are the foremost, number one funder of terrorist bombings in Israel.

I have one final point. Why are we giving money to one of the richest nations on Earth for anything? It is simply insane. So this is actually a very easy vote and I would encourage my colleague, the chairman, to accept this amendment. All it does is does what is intuitive to all of us. Let us judge nations by how they act.

If the Saudis do turn over a new leaf, if they stop saying the right thing when they come visit Crawford and then going and do fund-raisers for suicide bombers on television, then maybe we can come back later and decide whether we want to give some of our taxpayer dollars to the perhaps richest nation on God's Earth.

To do it today is simply wrong. We have to begin to learn the lessons of some of these nations in the Middle East. They are simply duplicitous. This is our opportunity, and I would point out to my colleagues, this is our opportunity to tell the Saudi Arabian government we expect a change in behavior.

□ 0000

This is our only opportunity to tell our colleagues at the State Department, stop looking for the unicorn, start looking at reality; and the reality is that the Government of Saudi Arabia, the Kingdom of Saudi Arabia that we all know oppresses its people, we all know that is among the exporters of the worst types of Muslim teaching that encourages the death of Christians and Jews, let us tell them with this small message that we are not going to have it anymore.

For those of my colleagues who think there are hundreds and billions and millions of dollars in the bill, it is $105,000 in two programs. The two programs are to permit the Saudi government to purchase military training in the United States, something I am sure they can afford, and to provide IMET to Saudi Arabia to ensure continued high level of Saudi attendance at those military things.

I urge a "yes" vote.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let us be very clear about this. The gentleman has said himself that it is not a great deal of money that is involved. This is not at all about the money. This is about a statement that the gentleman is proposing making, and that statement is that we would add our ally, Saudi Arabia, to a list of outlaw nations: North Korea, Libya, Iran, Syria, and Cuba. Those are the nations that are now on the terrorist list. That would add Saudi Arabia to that list. It would prohibit any assistance to Saudi Arabia, antiterrorism assistance, which is all that we really give, military assistance, virtually anything. So I strongly oppose this amendment.

We have serious differences with Saudi Arabia. We have serious concerns about how good Saudi Arabia has been in pursuing terrorists since 9/11, but let us not make any mistake about it. Overall, Saudi Arabia has been a good friend to the United States. It was certainly above all other countries in the Gulf War a decade and more ago. It was the strongest supporter of the United States and made assistance available, its soil, its air bases available to us. It has supported U.S. policy vis-a-vis Iran. They are a major partner in the current peace efforts in the Middle East, and they were there with President Bush, with King Abdullah, with Prime Minister Sharon, with Prime Minister Abbas, and President Mubarak in the Sinai.

Our law enforcement and intelligence agencies have benefited significantly from the cooperation that we have had with Saudi Arabia in providing information, intelligence on different individuals and organizations that we know to be terrorist organizations in the Middle East; and I would note that since September 11 of 2001, the Saudis have arrested over 400 terrorist suspects.

Saudi Arabia, Mr. Chairman, has been itself a victim of terrorism, as we are. It has been a victim of terrorism as it has been an ally in the war on terrorism. They suffered very destructive bombing attacks on May 12. They have uncovered a plot to detonate a bomb in Mecca, the holiest of cities in Islam. The Saudis recently killed three chief al Qaeda operatives.

Saudi Arabia, as we know, has been a pillar of stability in the international oil and financial markets. It is a customer of U.S. goods and services. We exported $4.8 billion in goods and services in 2002, including $267 million in agriculture and food exports and $2.8 billion in machinery and transportation equipment.

Mr. Chairman, as I said earlier, this is not about money. This is a matter of Saudi military officials who are trained in the United States military and operate U.S.-made weapons systems. The relationship between our militaries are very close. This amendment would prohibit, absolutely prohibit antiterrorism assistance which the U.S. is now providing to Saudi Arabia and is absolutely essential as we struggle to try and defeat this terrorist threat in the Middle East.

The amendment, I would reiterate again, proposes to treat Saudi Arabia instead as a state like those five that I mentioned earlier that we have designated as outlaw states, as terrorist states: North Korea, Libya, Iran, Syria, Cuba. To do so, Mr. Chairman, is simply wrong.

Adoption of this amendment would be bad policy. It would do irreparable harm to U.S. relations in the Arab world and the Middle East.

We just received a letter from Assistant Secretary of State Burns who, of course, has responsibility for the Middle East; and I would like to quote just one paragraph from this letter which was sent this evening to the gentleman from Florida (Mr. YOUNG) and myself and to the gentleman from Wisconsin (Mr. OBEY) and the gentlewoman from New York (Mrs. LOWEY).

This third paragraph says the following: "The administration strongly opposes efforts to add the Kingdom of Saudi Arabia to this list of state sponsors of terrorism and urges that the House reject the amendment offered by Representative WEINER, which would severely undermine our counter-terrorism cooperation with Saudi Arabia at precisely the moment when it is moving to a new level of effectiveness. This amendment would also undermine our important interests in cooperating with Saudi Arabia on other critical issues in the region, including the pursuit of Palestinian-Israeli peace."

Mr. Chairman, we know how delicate the road map for peace is in the Middle East. This is not just a peripheral issue. It is very much involved with that, and I would urge my colleagues to think with their heads and not with their hearts and reject this amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I agree with the gentleman that for far too long the Saudi Government looked the other way as the roots of global terrorism drew stronger and stronger within its borders. Most of the 9/11 terrorists were from Saudi Arabia. U.S. troops and nationals have repeatedly been attacked by terrorists on Saudi soil. Saudi Arabia has been identified time and time again as a major source and transit point for terrorist financing. Enough is enough.

We simply cannot stand by silently as Saudi Arabia continues to poison the minds of its children with anti-Israel and anti-Western canards; as it continues to legitimize Yasser Arafat even as Abu Mazen tries to lead his people on the path toward peace; as it allows telethons on its airwaves raising funds for families of suicide bombers. This amendment will not solve all of these problems, but it will send the message that Congress has had enough.

It is time for Saudi Arabia to show some leadership, to take the first step to reform its education system, to reflect the realities of the peace process it professes to support. It is time for Saudi Arabia to strengthen the transparency and accountability of its financial systems to close the loopholes that let terrorist financing slip through and to stop passing off as charity payments to terrorists and their organizations.

It is time for Saudi Arabia to live up to its commitments to bolster the newly elected Palestinian leadership instead of continuing to strengthen the old guard that remains fixated on using terror as a negotiating tactic.

However, I do have some serious concerns about the effects this amendment could have on U.S.-Saudi cooperation to apprehend terrorist suspects and stop the flow of financing to terrorist organizations. It could also slow or stop the flow of Saudi intelligence to our own law enforcement agencies and may stymie State Department plans to help the Saudis professionalize their counterterrorism efforts by opening a training facility in that country.

I agree that we must be clear about our dissatisfaction with Saudi Arabia, but I am very concerned that this amendment may hurt our efforts to fight terrorism more than it will hurt the Saudis.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Saudis drive me nuts. They drive me to absolute distraction. I think they have a spectacular record of being disingenuous. I think they have played both sides of so many issues that I run out fingers counting them through the years, and I think that they have been incredibly gutless and obsequious in dealing with the terrorist threat, and they have allowed these right wing fundamentalist schools to poison the minds of thousands and thousands of children against the West, in general, and certainly against Israel.

I have very little confidence in virtually anything that the Saudi Government says. I want to be very clear about that. I visited their country a number of times, but the issue tonight is not whether or not we like the Saudis. The issue is whether or not this amendment at this time will assist or hinder the administration in its efforts to seek peace in the Middle East and to pursue a tough war against terrorists.

I talked to Assistant Secretary Burns tonight, and I told him flatly, I said, look, if this is a minor inconvenience, I do not want you bugging us because this is a tough vote to explain, but if this is a real problem for you, then I want to know it and I want you to let us know it; and they sent a letter which says that it is a real problem.

I take them at their word, and I note that since May 12, when al Qaeda bombed Riyadh, that the Saudis have sort of gotten religion, so to speak, on the issue of al Qaeda, and they have been, the administration tells me, much tougher in arresting terrorists and even killing some of them. I welcome that.

I am perfectly willing to do my duty tonight and support the administration on this, provided that I am not going to be taken for a sucker in the process.

As I said, well, I did not say this yet, but I want to. I have told every President going back to President Nixon that when it comes to the Middle East, I would back whatever play they made and I would do whatever was necessary to prevent their hands from being tied as they pursued peace in that very difficult region, and there are many times when I have done that to considerable consternation of some of my friends on the floor.

And as I say, I am willing to do my duty as a member of the loyal opposition; and as a member of the loyal opposition I think I am required to oppose the President when I think he is wrong and support him when I think he is right, and so since I have no reason to think that he is wrong on this issue, I intend to support him, but I cannot in good conscience ask other Members of my party to do the same unless both parties are in this tonight together, because I have seen in the past on foreign policy issues, where we have supported a Republican administration, only to turn around and have the Republican Party's own campaign organization run ads against us for doing so. And you know the old saying: fool me once, shame on you; fool me twice, shame on me.

I have no reason to believe that we are not going to be played straight with tonight by our Republican friends, and I am going to vote against this amendment because I do think all this amendment really does is cut off $105,000. That to the Saudis is nothing; but if it does, as Assistant Secretary Burns says, if it does severely undermine the administration's counterterrorism cooperation with Saudi Arabia, at precisely the moment when it is moving to a new level of effectiveness, and I am quoting from the letter, if it does that, then it is not worth it. I mean, $100,000 or so is not worth it if it puts the administration efforts at risk.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, so I intend to vote with the administration, but I intend to ask other members of my party to watch the board. If we have Republican votes go up there along with ours, then fine, I think we have an obligation to do our duty and support the administration in this request; but if we see a significant number of the President's own party running in the other direction, then my message to people on this side of the aisle is you do not owe the President of the United States any more support than people of his own party.

So tonight, let us find out if we are real. Let us deal with each other on a real basis. I have no reason to think that that will not be the case, and I do think we have an obligation, on both sides of the aisle, to listen to what the administration says when it says this will get in the way of the peace process.

But I have one message to the Saudi embassy: get your act together because there are very few people on this House floor who believe your words because of the weakness and the duplicity of your past actions. So this is a case, in my view, where we have to vote with our minds and not our spleens; and with that, I thank the House for the courtesy of the extra 2 minutes.

□ 0015

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I have a great deal of respect for the thoughtful consideration that the gentleman from Wisconsin gives to a wide range of issues. I have a couple of differences with him here.

One, I think he will understand if at this point I am less inclined to be credulous when the State Department tells me things than I have been from time to time in the past. Their record on accuracy with regard to the Middle East has not been so great lately, and I expect the State Department to say that I am unpersuaded.

Beyond that, I think, and I acknowledge what has been said, that this is not about the money. This is, I hope, a chance to express to the government of Saudi Arabia the profound unhappiness that this House has with virtually everything they do.

Now, I understand that they are cooperating with regard to terrorism, and it was said particularly since May 12. Yes, once they got bombed themselves they were prepared to cooperate with us. Whether it is selling us oil or fighting terrorism, let us understand they are doing us no favors. The Saudi Arabians need the United States a lot more than we need them. Think about confronting hostile forces in the world. If you are America, Saudi Arabia might be helpful. If you are Saudi Arabia, America is essential.

I do not want them to stop cooperating, but I do not think we are buying their cooperation with $100,000. I think they are cooperating now out of self-interest, and I think they will continue to do so. To the extent there is cooperation, that is fine, but I do think we should tell them how unhappy we are.

I agree with one point my friend from Arizona made. They do not belong on the same list with those other countries, and I would make a recommendation to him. If this amendment passes, as I hope it does, when you get to conference, reconfigure this. Give the Saudis a paragraph unto themselves. You will have the ability to do that. We should not be giving them money. I agree they should not be in there with Libya or Cuba. You have the compositional right to give them a separate place.

On the other hand, when you look at Saudi Arabia and that list, some things are not that different. I do not believe there is a more consistent violator of human rights in the world than the government of Saudi Arabia. This is a government that not only violates the human rights of their own people, but when American military personnel go over there, they have been subjected to sexual and religious discrimination of a sort that we would tolerate nowhere else.

The Saudis have not been terribly constructive with the Middle East peace process. I support what the President is doing with regards to the Middle East peace process. I was a supporter of the roadmap, and I will continue to be. I do not think the Saudis have been a very relevant piece of that.

And, yes, I think it is very worthwhile for us to say to the Saudis, we recognize you have an interest and you want to cooperate with us, and to the extent that we can cooperate together in finding these terrorists we will do that. But cutting off this money is a way to express to them, as I said, the profound revulsion that people here feel about the practices of that government.

And so I think the gentleman's amendment is a very thoughtful one. I do not think it will for a minute, let us think about it now, if this amendment passes, the Saudis are now going to say, okay, no more cooperation on terrorism? I do not think they are doing that as a favor to us. They are doing it out of self-interest. They need to sell the oil more than we need to buy it.

So we have one way now, I think we apparently have an agreement here in the House about how badly the Saudis have behaved in virtually every way, and the question is do we need them enough so that we have to worry about their feelings? I think the answer is that it is important for us to send them precisely this kind of very angry message, not about the money but about the message. And I believe the cooperation will not only survive but it may, if there is any rationality there, improve. Because I think it is important for them to understand how unhappy people are.

And I must say, with respect to all my friends who have, and nearly everybody here has condemned the Saudis, but I think simply condemning them while continuing the status quo will not have any impact. I think the amendment of the gentleman from New York is an essential piece of trying to change things.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment also, and let me begin by saying that this letter from the Assistant Secretary of State reveals a profound misunderstanding of the amendment. In the very language that the distinguished chairman read, which says, "The administration strongly opposes efforts to add the Kingdom of Saudi Arabia to this list of state sponsors of terrorism," then he says that "doing so would severely undermine our counter-terrorism cooperation with Saudi Arabia," that is not what the amendment does.

The amendment says, and I will read it in its entirety because it is one sentence. It says: None of the funds appropriated or otherwise made available pursuant to this act shall be obligated or expended to finance directly any assistance or reparations to a list of countries, including Saudi Arabia.

Now, those countries may be some of the same countries on the State Department terrorism list, but this does not affect the terrorism list. Only the Secretary of State can add or subtract a country from a terrorism list. So this letter from the Assistant Secretary of State simply means he did not read the amendment or did not understand it if he did and we should disregard it.

The fact is my colleague from New York who offered this amendment, for which we ought to be grateful, recited a whole list of actions by Saudi Arabia in supporting terrorism. Now, someone said that they have looked the other way at terrorism for a long time. They have not looked the other way. They have supported it, they have funded it, they have trained people for it, they have paid for it, and they have been the source of most of the terrorism in the world.

Mr. Chairman, some of us supported the decision to go into Iraq, some did not. I did not at the time in the way that it was done. But the fact is if Iraq is an enemy, Saudi Arabia is a more dangerous enemy. The major danger this country faces today in the world is the war launched against us by the Islamic terrorists, by Osama bin Laden, al-Qaeda, Islamic Jihad, and a dozen different organizations. They want us all dead. They have killed 3,000 of our people. They would kill 3 million if they could.

The biggest danger we face is that they may get nuclear weapons. The second biggest danger we face is that they recruit more and more people. There is a civil war going on within one of the world's great religions, Islam. And that civil war pits, hopefully, the majority of the adherents of that religion in the world today, I will call moderates, versus the Wahabi extremists, who believe that they have a religious obligation to essentially kill all the Christians and all the Jews.

And where is that Wahabi missionary work coming from? Who is supporting and funding sending out missionaries and tape cassettes to Indonesia, Nigeria, and every country in the Muslim world? Saudi Arabia. That is where the money has been coming from for the last 30 years. It started in the 1960s, to send out these missionaries to say your Imams here in Nigeria, your Imams in Iraq, your Imams in Indonesia and Malaysia, they are sellouts. They do not preach the true religion. The true religion means we have to kill all the Christians and the Jews, and certainly the United States.

That is what is emanating from Saudi Arabia. That is why 15 of the 19 hijackers were from Saudi Arabia. If we look at the funding for any of the madrasas in Afghanistan that gave rise to the Taliban in Pakistan and all these other countries that were poisoning the minds of generations of poor students because they pay for the education, where is the money coming from? Saudi Arabia. They thought for a while they would buy off these people. Now they understand it is going to boomerang on them too, maybe.

This money is not the object, the $105,000. The object is to send them a strong message, that we are on to them. It is not a question of their looking the other way and not actively participating with us. It is a question of their funding the enemy, supporting the enemy, and generating the enemy. And if I have a major criticism of the administration it is that it is not really fighting the source of the enemy. The enemy is emanating from Saudi Arabia, from this Wahabi sect that is spreading all over the Muslim world and saying if you want to go to heaven you have to kill Christians and Jews and especially Americans.

That is what is fundamentally emanating from this, and we ought to rise to the nature of what is going on. There is a civil war in Islam today. We ought to be having Radio Free Islam, we ought to be supporting the moderates and opposing this poisonous doctrine which is at the root of the terrorism aimed against us and at our friends, which comes essentially from Saudi Arabia.

So I support this amendment as a first statement of maybe waking up the American people and seeing where the problem really comes from.

Mr. DEUTSCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from New York who just spoke mentioned that he voted against the use of force resolution. I voted for it. It was the right decision then, it is the right decision still. I have been supportive of what the President has tried to do. I think he had led this country down an incredibly significant path in terms of fighting terrorism, which is really truly the challenge of our decade, the challenge for this generation.

But I think this debate on the floor, even though it is after midnight, in many ways is the most important debate this Congress might be having this session, because this is really a debate about what path this country will take. It is not about $105,000, but it is about speaking truth to power. Speaking truth to power. Because, unfortunately, as supportive as I have been in terms of the efforts of the President in the greatest challenge of this generation, the approach of this administration and, with all due respect, the State Department and Mr. Burns, they are just absolutely dead wrong about their attitude towards Saudi Arabia.

What this institution has the ability to do, and what we as individual Members have the ability to do, and hopefully we are going to do this tonight, and hopefully very shortly, is speak truth to power. It is as simple as that.

The truth is that the Saudis are not what the administration wants them to be, that they have been involved in terrorism. Absolutely. Those are the facts, and we know they are the facts. We know that those are the facts. We wish it were not the case because of all sorts of issues, related to the fact that they control the largest reserve of oil in the world. Absolutely, they do. But that does not change the facts that they are involved in terrorist activities, that they are in fact the world's leading funder of terrorism. Terrorism.

As has been pointed out, they are the world's leading funder, over 50 percent of the funds, that go to different terrorist organizations, different groups. And, again, we can go back and forth in terms of that, but they are funding them.

So we have an opportunity tonight on a bipartisan basis to make that statement, to hopefully help shift an ill-fated approach that has predated even this administration, that has occurred under Democratic administrations, unfortunately. Had this Congress done this prior to 9/11, maybe that would not have happened. Had we spoken truth to power before that date, maybe that would not have happened.

If we are able to do this tonight, my hope is that in fact we will stop some of the funding of terrorism and terrorist organizations that support that infrastructure and actually prevent the types of horrible and unthinkable things that we know are the challenges. I urge my colleagues to support the amendment.

Mr. ACKERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Saudis have been bad, bad, bad, but this amendment makes everything worse, worse, worse, and I urge my colleagues to oppose it.

There seems to be a lot of confusion because there is an array of speakers we have seen who are usually on the same side on these issues. And I have to tell you what the real problem is. The real problem is that there are two Saudi Arabias. One is the Wahabi fanatics, who are prone to terrorism, and the other is the government and the royal family that is holding on by their very rich, and sometimes greedy, claws to the tenets of power and making money.

□ 0030

It is in their interest to control the terrorists and to eliminate the terrorists. If you had to put your money down on one of these players, which one would you pick? The answer is, and my bet for a lousy $100,000 goes with the government. This list that we would put the Saudis on, every other nation on that list is a government sponsor of terrorism. The Saudis have terrorism, but it is not sponsored by the government. Osama bin Laden's number one enemy is not the United States, it is not Israel, it is their own government of Saudi Arabia. This wicked genius that did such damage to our country and to my city picked 14 Saudis to be on those planes for a specific reason, because he knew what it would do to the reputation of the country that has outlawed him, that has banned him, that has taken away his citizenship. They do not need our bucks. What they need is a little bit of encouragement, a little bit of encouragement when they do do the right thing, which is not very often. But they are trying, too, to rid themselves and the rest of the world of this terrorist threat that promises to topple their government and then some others.

This money that we are talking about is to bring some people in the military from Saudi Arabia here to join with our military people to teach them how to deal with these terrorists, how to cooperate with us. Anybody who knows anything about the intelligence on this issue, anybody who has studied it in depth knows that the names and addresses of so many of the terrorists that have been picked up in the Middle East and other places in the world have been provided to us by the Saudi Government. They cannot proudly stand up and say that because it would threaten them more than it does right now.

This amendment is the amendment to bite your nose to spite your face. Sure, we want to kick the Saudis around; sure, they have done some terrible things. But if we want to help those in Saudi Arabia who want to correct it, the right vote on this is "no" on this amendment. Let us not pander, let us not trip over each other to show our reasonableness on antiterrorism. Let us think this issue through and do the right thing, the right thing for America, the right thing for the world, the right thing for the international community, and the right thing for all those people who want to end terrorism. Let our military and our intelligence people have the benefit of meeting with those people from Saudi Arabia that want to help in this situation.

Vote "no" on this amendment.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and in agreement with the gentleman from New York who has just spoken. I also want to compliment the chairman of the subcommittee for his very factual and very precise statement in opposition to this amendment. The Saudis have helped the United States in the first Gulf War, and while they may not have been out in front in the latest attempt to dislodge Saddam Hussein, they certainly did not get in America's way. So I hope those that were supportive of the war in this body will recall that the Saudis did not in any way put themselves out to hurt America's efforts in the latest Iraq war.

I also support President Bush's road map to peace. I think he will show the same courage in enacting this road map to peace that he showed in dislodging Saddam Hussein. The actions of this body often send messages across the world. The gentleman from Arizona is perfectly right and several of my other colleagues. It is not about money. This amendment is not about money. It is about the message that this body sends. I have been one like many of my colleagues that have traveled the Middle East rather extensively, but I perhaps have spoken out on this floor more often than not for a more balanced policy in the Middle East, for what is in America's best interest in that region, which sometimes gets overlooked, in my opinion, when it comes to votes of this nature.

This amendment would send the wrong message today. It would send a wrong message for those that support a peace in the Middle East, a just and comprehensive peace. The Saudis have been targeted for all the debate thus far; but as I heard the amendment explained by the gentleman from New York, there are other countries on this list as well. I think I heard Syria mentioned.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from New York.

Mr. WEINER. The only state that is being added is Saudi Arabia. The other ones were already in the bill.

Mr. RAHALL. I stand corrected. Anyway, the effort to fight the true terrorists, al Qaeda, would be harmed by the passage of this amendment. The Saudis have helped us, as have the Syrians; and that is the reason I brought up the other countries I thought were targeted as well, have helped us especially, since 9/11, in the fight against the true terrorists, al Qaeda. These countries get the message. They do not need the Congress to pass amendments of this nature or resolutions that go out that are nothing more than chest-thumping measures. These countries are getting the message already. They have gotten it since 9/11. For us to go out and to humiliate them publicly, as this amendment would do to the Saudis, is only going to cause them to become more stubborn. That is human nature. Any of us in this body if we are attacked publicly, are we likely to succumb the next moment, the next day and agree to that public trashing? I think not. We rather become more stubborn. That is part of human nature. That is what we are dealing with here.

I believe this administration and their opposition to this amendment is on the right track. I also happen to agree with the gentleman from Wisconsin: let us make sure that the majority party has their votes on the board in opposition to this amendment, in support of their President, in support of the fight against terrorism, the true terrorists, al Qaeda. Let us make sure that we are in this together, in opposition to this amendment, because we are in the fight against terrorism together, wherever, by whomever it occurs. And if we want to see a comprehensive peace truly stand a chance in the Middle East, let us give this administration, let us give this President the tools with which to fight, the tools with which to show the participants in the area, to show all the players, friends and foes alike, that America means business about a comprehensive peace and that we are not going to take actions in this body that would undermine those efforts of this administration.

I urge opposition to the gentleman from New York's amendment.

Mr. ISRAEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is late, I understand that; and I will not take the full 5 minutes. I simply want to say this. We have heard it stated repeatedly that this is not about $105,000, and it is not about $105,000. It is about the line that President Bush drew in the sand when he came to this Chamber after 9/11/2001. He said that this struggle was between democracy and dictatorship, between liberty and tyranny, between education and indoctrination, between schools that teach people how to put things together and schools that teach people how to blow things apart. For that reason, the gentleman's amendment ought to be passed in this Chamber.

Mr. Chairman, I was reading tonight an important book called "Hatred's Kingdom: How Saudi Arabia Supports the New Global Terrorism." It is by a former ambassador to the United Nations, Dore Gold. I want to share very briefly, in a minute or less, some important excerpts from that book. Ambassador Gold points out that a third of the prisoners that the United States held from the war against bin Laden's al Qaeda organization were Saudi nationals. He talks about a Rand Corporation analysis who told the Defense Policy Board in July 2002 that the Saudis were active, quote, "at every level of the terror chain."

And if you do not want to listen to Members of Congress on this floor and if you do not want to accept the words of others, let me suggest that we understand the words of activists and leaders in the Middle East. Let me share the words of Mohamed Charfi, a former Minister of Education in Tunisia who wrote in the New York Times:

"Osama bin Laden, like the 15 Saudis who participated in the criminal operations of Sept. 11, seems to have been the pure product of his schooling. While Saudi Arabia is officially a moderate state allied with America, it has also been one of the main supporters of Islamic fundamentalism because of its financing of schools following the intransigent Wahhabi doctrine. Saudi-backed madrasas in Pakistan and Afghanistan have played significant roles in the strengthening of radical Islam in those countries."

Or the words in December 2001 of Sahr Muhammad Hatem, a doctor in Riyadh, who bravely wrote a letter to a London-based Arabic newspaper in which she said:

"The mentality of each of us in Saudi Arabia was programmed upon entering school as a child. Anyone who is not a Muslim in Saudi schools is our enemy and that the West means enfeeblement, lack of values. We all focus on bin Laden and his ilk, but we have yet to focus on the more dangerous people, and I mean those who fill our heads with this rhetoric in the schools, the mosques and the media, who disseminate words without hesitation, without considering the consequences or even understanding that in this era the entire world hears what is said."

Mr. Chairman, it makes little sense to fund the people who are funding terrorism. It makes no sense whatsoever. Until the Saudi Government stops funding terrorism, stops supporting violence against Israel, stops teaching hatred in its schools, starts teaching tolerance and starts digging up the roots of ideological hatred against the West, any amount of money, even $105,000, is just too much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

Mr. PORTMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to congratulate the chairman on the substance of H.R. 2800 but also on the way he has conducted the debate this evening. We have seen it in the latest example here with this amendment. We have also seen it in the example, I believe, Mr. Chairman, of his inclusion in the legislation of adequate funding for the Tropical Forest Conservation Act, a very important conservation bill which uses market forces. It is working. It has the strong support of the Bush administration and bipartisan support here in Congress.

I urge my colleagues on both sides of the aisle to support the underlying bill, H.R. 2800. Again, the chairman has done a good job in putting together a balanced bill. He deserves our support.

Mr. Chairman, I rise to express my support for H.R. 2800, and I want to thank Chairman KOLBE and Ranking Member LOWEY for including $20 million in the bill for the Tropical Forest Conservation Act.

The United States has a significant national interest in protecting tropical forests in developing countries. Tropical forests provide a wide range of benefits. They harbor 50–90 percent of the Earth's terrestrial biodiversity. They act as "carbon sinks," absorbing massive quantities of carbon dioxide from the atmosphere, which help reduce greenhouse gases. They help regulate rainfall on which agriculture and coastal resources depend, and they are important to regional and global climate. Furthermore, tropical forests are breeding grounds for new medicines. Fully one quarter of prescription drugs come from tropical forests. Of the more than 3,000 plants the United States National Cancer Institute has identified, plants that are active against cancer, seventy percent of them can be found in tropical forests.

Regrettably, these tropical forests are rapidly disappearing at an alarming rate of 38 million acres a year. The heavy debt burden of many countries with these forests is a contributing factor because often they must resort to exploitation of their natural resources (particularly the extraction of timber, oil, and precious metals) to generate revenue to service their external debt. At the same time, poor governments tend to have few resources available to set aside and protect tropical forests.

In 1998, I introduced the Tropical Forest Conservation Act, TFCA, to address these economic pressures. This bipartisan legislation authorizes the President to allow eligible countries to engage in debt swaps, buybacks or restructuring in exchange for protecting threatened tropical forests on a sustained basis.

Under this innovative debt treatment program, we have entered into agreements with Bangladesh, Belize, El Salvador, Panama, Peru, and the Philippines, which will generate over $60 million for tropical forest conservation in these countries.

Three of the six agreements have included contributions from U.S. based non-government organizations, which augment debt reduction funds. The Nature Conservancy (TNC) contributed $1 million to the Belize agreement and, together with the World Wildlife Fund and Conservation International, $1.1 million to the Peru deal. TNC also contributed $1.2 million to the Panama agreement.

Other agreements are in the pipeline with Colombia and Jamaica and negotiations will soon begin with Sri Lanka. And, I am delighted to report that many other countries, including Guatemala, Ecuador, Costa Rica and Paraguay have expressed interest in participating in the program.

TFCA is a worthy program that is working well. The Bush Administration is a strong proponent of the Tropical Forest Conservation Act, and it has bipartisan support in the Congress. I again thank the leadership for providing the funding in this bill that will allow TFCA to continue to protect some of the world's most threatened natural resources.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: an amendment offered by the gentlewoman from Michigan (Ms. KILPATRICK), amendment No. 5 offered by the gentleman from Massachusetts (Mr. McGOVERN), amendment No. 1 offered by the gentleman from Colorado (Mr. HEFLEY), and an amendment offered by the gentleman from New York (Mr. WEINER).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MS. KILPATRICK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Michigan (Ms. KILPATRICK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

The vote was taken by electronic device, and there were—ayes 192, noes 228, not voting 15, as follows:

[Roll No. 425]

AYES—192

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—228

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—15

Aderholt
Berkley
Bishop (UT)
Clay
Dooley (CA)
Ferguson
Ford
Hyde
Jenkins
Kind
Matsui
Meeks (NY)
Pastor
Sullivan
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). The Chair reminds Members there are 2 minutes remaining to vote.

□ 0101

Mr. SHAYS changed his vote from "aye" to "no."

Mr. SPRATT and Mr. BLUMENAUER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minutes votes.

AMENDMENT NO. 5 OFFERED BY MR. McGOVERN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. McGOVERN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 226, not voting 14, as follows:

[Roll No. 426]

AYES—195

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)

Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—226

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Holden
Hostettler
Houghton
Hunter
Isakson
Issa
Istook
Janklow
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—14

Berkley
Bishop (UT)
Clay
Ferguson
Ford
Graves
Hyde
Jenkins
Kind
Matsui
Pastor
Saxton
Sullivan
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes are remaining in this vote.

□ 0108

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GRAVES. Mr. Chairman, on rollcall No. 426 I was inadvertently detained. Had I been present, I would have voted "no."

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 110, noes 309, not voting 15, as follows:

[Roll No. 427]

AYES—110

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Cannon
Capuano
Chabot
Chocola
Coble
Collins
Costello
Cox
Crane
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeMint
Diaz-Balart, M.
Duncan
Emerson
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Isakson
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Lewis (KY)
Linder
Manzullo
McCotter
McInnis
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Radanovich
Rahall
Ramstad
Rogers (MI)
Rohrabacher
Royce
Rush
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Smith (WA)
Stearns
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Toomey
Turner (TX)
Walden (OR)
Wamp
Whitfield
Wilson (SC)

NOES—309

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Clyburn
Cole
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum

McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—15

Berkley
Bishop (UT)
Clay
Ferguson
Ford
Gephardt
Hyde
Istook
Jenkins
Kind
LaTourette
Matsui
Pastor
Sullivan
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 0115

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 231, not voting 13, as follows:

[Roll No. 428]

AYES—191

Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Boozman
Boswell
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Camp
Cantor
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chabot
Chocola
Clyburn
Coble
Collins
Conyers
Costello
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
DeFazio
DeLauro
DeMint
Deutsch
Dicks
Doggett
Duncan
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Filner
Forbes
Frank (MA)
Garrett (NJ)
Goode
Goodlatte
Graves
Green (TX)
Gutknecht
Hall
Harman
Hastings (FL)
Hayworth
Hinchey
Hoeffel
Hoekstra
Holden
Honda
Hostettler
Hoyer
Israel
Janklow
Johnson (IL)
Jones (NC)
Jones (OH)
Kaptur
Keller
Kennedy (RI)
King (IA)
Kingston
Kirk
Kucinich
Lampson
Langevin
Larsen (WA)
LaTourette
Levin
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lynch
Majette
Markey
Matheson
McCotter
McDermott
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, George
Moore
Moran (KS)
Musgrave
Nadler
Napolitano
Neal (MA)
Norwood
Nussle
Ortiz
Ose
Otter
Owens
Pallone
Paul
Pence
Peterson (MN)
Petri
Pitts
Platts
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schrock
Sensenbrenner
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Souder
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Thompson (CA)
Tierney
Toomey
Towns
Upton
Wamp
Waters
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wolf
Wu
Wynn

NOES—231

Abercrombie
Ackerman
Akin
Bachus
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Biggert
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Buyer
Calvert
Cannon
Capito
Capps
Carter
Case
Castle
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Cunningham
Davis (FL)
Davis (IL)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Ehlers
English
Evans
Fattah
Flake
Fletcher
Foley
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Green (WI)
Greenwood
Grijalva
Gutierrez
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Holt
Hooley (OR)
Houghton
Hulshof
Hunter
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kelly
Kennedy (MN)
Kildee
Kilpatrick
King (NY)
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lantos
Larson (CT)
Latham
Leach
Lee
Lewis (CA)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Marshall
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McKeon
Mica
Miller (NC)
Miller, Gary
Mollohan
Moran (VA)
Murphy
Murtha
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Osborne
Oxley
Pascrell
Payne
Pearce
Pelosi
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reynolds
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Ruppersberger
Ryun (KS)
Sabo
Sandlin
Saxton
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Simpson
Smith (MI)
Smith (TX)
Snyder
Solis
Spratt
Stenholm
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Watson
Watt
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Young (FL)

NOT VOTING—13

Berkley
Bishop (UT)
Clay
Ferguson
Ford
Gephardt
Hyde
Jenkins
Kind
Matsui
Pastor
Sullivan
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 0123

Ms. HARMAN, Mr. GRAVES, Mr. ROYCE, and Mr. MORAN of Kansas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. If there are no further amendments, the Clerk will read the last lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that

Committee, having had under consideration the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 327, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill. The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 370, nays 50, not voting 14, as follows:

[Roll No. 429]

YEAS—370

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—50

Akin
Bartlett (MD)
Berry
Chabot
Coble
Collins
Cubin
Davis, Jo Ann
Deal (GA)
Duncan
Everett
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Graves
Gutknecht
Hall
Hayes
Hefley
Herger
Hostettler
Hulshof
Jones (NC)
King (IA)
Lucas (OK)
Manzullo
McInnis
Miller (FL)
Musgrave
Norwood
Otter
Paul
Petri
Pitts
Pombo
Rahall
Rohrabacher
Ryun (KS)
Sensenbrenner
Smith (MI)
Stearns
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Toomey

NOT VOTING—14

Berkley
Bishop (UT)
Clay
Ferguson
Ford
Gephardt
Hyde
Jenkins
Kind
Matsui
Pastor
Sullivan
Waters
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR) (during the vote). Members are advised that 2 minutes remain in the vote.

□ 0141

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Ms. SOLIS. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Child Tax Credit Bill. The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. The gentlewoman's notice will appear in the RECORD.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. BISHOP of New York. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. HAYES). The Clerk will report the motion.

The Clerk read as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provision of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees, shall file a conference report consistent with the preceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

□ 0145

The SPEAKER pro tempore (Mr. HAYES). Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and a Member of the majority party each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise today to urge conferees on H.R. 1308, the child tax credit legislation, to do the right thing and act now to give lower-income families the tax refunds they deserve. This Friday, Uncle Sam will drop checks in the mail to millions of families who will benefit from the child tax credit. However, if the House would simply put an end to stalling tactics over the Senate bill and act to extent the child tax credit, 4 million additional families would receive a much-needed check in the mail, and 2.5 million families would enjoy a larger check than they are currently scheduled to receive.

Earlier this year, this Congress passed a $350 billion tax cut bill that failed to provide families of low-income children with a child tax credit. The Senate acted in early June to extend the child tax credit to include low-income families. The Senate bill was deficit neutral, as its costs were offset by other revenues. The House responded to this $9.5 billion deficit-neutral Senate bill with a bloated $82 billion plan, every dime of which adds to a deficit that is already of staggering proportions. Why?

It is difficult to resist the conclusion that the House leadership chose this response to the Senate bill precisely because they knew it would be completely unacceptable to the Senate. This is perfect, right? Give the illusion of responding to a real problem when in fact the response makes the solution even more elusive.

Now, the House continues to stall, unwilling to give an inch so that low-income families can receive the same $1,000 child tax credit other families are expecting. We have an opportunity to call off the stonewalling and follow the Senate's lead in passing meaningful relief for low-income families and we should do it.

Refusing to take the time before Congress goes on vacation to provide low- and middle-income families with a child tax credit is nothing short of an assault on the working poor. At the present time, when our economy has taken a nose dive and families are forced to cut their budgets left and right, it defies logic to engage in such a blatant form of class warfare.

Any Member who thinks it is acceptable to leave town to go on vacation and to push off the urgent business of 6.5 million hardworking families is sending an unmistakable message about misplaced priorities. This kind of attitude may be acceptable in Washington, but it is not okay in my district. I am ashamed to return home to Long Island as the representative of a Federal Government that has turned a blind eye to the needs of the 20,000 families in my district estimated to lose out if we deny them their benefits without a fight.

If this House sees wisdom in giving millionaires alone a $90 billion tax break, certainly we can give families making between $10,500 and $26,000 a small break. That is $10,500 to $26,000. Yet there is a great resistance to offsetting the cost of extending the child tax credit by reducing the dividend and capital gains relief flowing to millionaires by a remarkably trivial amount.

We were sent to Congress by people we represent to make choices. When the original conferees excluded families making from $10,500 to $26,000 from sharing in the benefit of the expanded tax credit, they had several options available to them. The cost of extending the child tax credit to these families is $3.5 billion, or one percent of the total cost of the bill. Surely somewhere in the remaining 99 percent of the bill, the conferees could have found $3.5 billion in adjustments, but they chose not to. Instead, they chose to remain within the $350 billion limit of the bill, arbitrary and illusory as it is, by telling these families, these working poor, that it was more important to assist millionaires than it was to assist them. That is the choice they made.

The tax cut is cleverly referred to as the Jobs and Growth Tax Relief Reconciliation Act of 2003. If the real goal of this tax cut bill, as stated in its title, is to create jobs and growth, I believe we would not be here tonight having this debate. If we were really interested in job growth, we would not be so concerned about a negligible decrease in the refund going to the wealthiest Americans who hold the largest pool of discretionary money and who are probably going to use this tax cut to bolster their savings accounts. If we were really interested in job growth, we would not hesitate to invest in lower-income working families who are going to immediately reinvest the money from the tax cuts in the economy.

Any observer of spending patterns will tell my colleagues that putting money into the pockets of those who need it the most will provide an immediate and welcome shot of adrenaline to our damaged economy.

Close to 12 million children nationwide and 43,000 children in my district stand to benefit from an expansion of the child tax credit to lower-income families. If these families receive their checks this summer, certainly our economy will benefit from an immediate economic stimulus. Their money is not going to go to savings accounts. Rather, their money will be reinvested because it will go to families in my district just in time to purchase back-to-school supplies for children.

One need not be a Nobel Laureate in economics to figure this out. If we put money in the hands of people who live paycheck to paycheck, and certainly families making $20,000 a year live paycheck to paycheck, they are going to spend it immediately on the necessities of life. Conversely, when we add to the income of those whose discretionary income is already generous, their spending and purchasing patterns are likely to be affected modestly or not at all. Where is the economic benefit? How many jobs will we really create?

I am here in the wee hours of the morning because I believe that Congress must not fail the American people by leaving town without extending the child tax credit to low-income families who so desperately need it. Earlier I mentioned the failure to provide relief to struggling families as emblematic of misplaced priorities. This is only the latest in a long line of misplaced priorities, and I find it very troubling.

Our government seems to think it is okay to crack down on low-income children in the school lunch program, children and families who make less than $23,000 a year, while Congress refuses to address the issue of offshore tax havens. It is ludicrous to spend time taking sandwiches away from low-income children while continuing to allow large corporations a free pass on offshore tax havens costing taxpayers billions of dollars a year.

Similarly, it makes no sense to devote government resources to crack down on filers of the earned income tax credit who earn less than $33,000 per year, while we are giving millionaires billions of dollars in tax breaks; and it is certainly counterintuitive to keep a child tax credit out of the hands of working families who will use it to care for the immediate needs of their family and boost our economy. This is more class warfare; and if we have any decency as a Nation, we will see to it that it stops.

President Bush has urged us to do right by these families, and I urge my colleagues to do the same. We should put an end to these delaying tactics and deliver immediate tax relief to our Nation's neediest children.

Mr. Speaker, I reserve the balance of my time.

Mr. HULSHOF. Mr. Speaker, I am opposed to the motion to instruct, and I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. HULSHOF) is recognized.

Mr. HULSHOF. Mr. Speaker, I yield myself such time as I may consume.

The hour is indeed late, Mr. Speaker. The majority of Americans, save a few insomniacs, are, in the words of my 3-year-old daughter, fast asleep. In fact, I see the yawns being stifled by staff members that have put in a good, long legislative day here today. I do not expect to use the entirety of the time allotted to me.

I want to applaud the gentleman from New York. I certainly share the gentleman's stated desire, at least the stated desire tonight to reduce the tax burden on working families in America. I wish the gentleman would have had his vote in favor of tax relief earlier, but that is another debate for another day.

When we think about the average worker's day in a couple of hours and the amount of taxes that that individual will have to have put forth, let me just give you a quick example. When the electric alarm clock goes off in a couple of hours, whether you hit the snooze button or turn it off, you are paying an electricity tax. When you get up and brush your teeth and take a shower, you are paying a water tax. If you drive to the convenience store to get your cup of coffee, you are paying a sales tax. When you drive on to work, you are paying a gasoline tax. If you use the phone during the day, you pay a phone tax. Obviously the day's work, you are paying an income tax, as well as a payroll tax.

When you get home, and thankfully about two-thirds of Americans actually own their own home, you of course pay a property tax.

When you kiss your spouse good night, you think that is free. Not so says Uncle Sam and the Internal Revenue Code because there is a marriage tax, and then if you build and you save and you invest and you risk and you sweat and you survive and you have a family business, yes, there is Uncle Sam at death's door taking up to half of your family business in something called the death tax.

So I share the gentleman's idea that the average working family in America is overtaxed, and there are a number of ways that we have tried in this Congress, in fact over the past couple of Congresses, to ease that burden, that heavy tax burden on America's working families.

The reason that I stand in opposition to the motion being offered by the other side proffered by the gentleman from New York is that the motion is deficient in several respects.

First of all, the motion that is offered by the gentleman from New York allows the child credit to drop from $1,000 to $700 shortly at the end of 2004. As a result, many of those low- and middle-income families that the gentleman talked about will receive a smaller child tax credit right after, as it turns out, next November's elections.

The House-passed bill that is currently awaiting a conference, and I would say to the gentleman I do not share the pessimism expressed here on the House floor because if he reads some of the publications, it appears that House and Senate conferees are beginning to work and move this package forward, but at least the House-passed version ensures that the child credit remains at the $1,000 level throughout the decade; and I would say simply to all Members of the House, if it is good policy now, if it is good policy through 2004, surely it is good policy beyond 2004. That is one reason that I strongly oppose this motion to instruct.

Secondly, the motion being offered by the gentleman from New York does not eliminate the marriage penalty in the child credit until the year 2010, and even then under this motion only does that for one measly, meager year. Under the Democratic motion, millions of children will be denied the child credit simply because their parents are married, and we are talking about those on the socioeconomic scale that we have been encouraging the institution of marriage. So on the one hand we are encouraging them to enter into a state of matrimony. At the same time we say, but there is a penalty, again a marriage penalty for those of you single parents coming together who have children because we are denying you at least under the Democratic alternative this child credit through the marriage penalty.

So for those two reasons and others that perhaps we will have a chance to discuss later I think the gentleman's motion should fail.

Mr. Speaker, I reserve the balance of my time.

☐ 0200

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Missouri and commend him for being here with us this evening. This is certainly a very important subject and it deserves full and complete debate.

He is quite right that the subject of our votes on the tax bills that have come before us is a matter for discussion at another time. I would say simply that I would be delighted to vote for a tax cut package that is properly targeted to the families that need it the most and is not obscured by a package that provides tax relief to people who need it the least.

Mr. Speaker, I am pleased to yield 6 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this motion. I want to thank my colleague from New York, as well as my other colleagues who are here this evening. I think the test of this issue is the staying power on the issue, and I have been here most nights for the last week and a half.

I might say that the preponderance of the discourse and the preponderance of the effort to address the issue of the child tax credit has come from the Democratic side of the aisle. We are committed to making sure that those hard-working, albeit low-wage income people, people who make between $15,500 a year and $26,625 a year, that these folks in fact do get the benefit of a child tax credit, a benefit that was in the tax bill and yanked out in the middle of the night in order to provide a dividend tax cut to 184,000 millionaires, providing them with a $93,000 tax break.

If my colleague from Missouri was so enthusiastic about making sure this was $1,000, we could have done it in the first go-round of this effort. But that $350 billion piece had to be held inviolate because the Senate would not accept anything else, so these vulnerable people were yanked out in the middle of the night. And, in fact, it was not much, 1 percent. One percent is what we were talking about, $3.5 billion to people who were making $93,000 a year in a tax cut. My colleagues could have done it then but decided not to.

So what did you do? You came up with this construct for $82 billion because you knew the Senate was not going to accept it, and it was the majority leader of this House who said, "Ain't nothing gonna get done on this issue." And it was the Wall Street Journal who had an editorial that commended the majority leader and said, Amen, you did the right thing by making sure that this issue would go nowhere, because the Senate would not accept $82 billion.

The other body voted 94 to 2 to address this issue, to redress it, and to say we made a mistake, let us address it and make sure that when those checks go out on this Friday that this group of people, these 6.5 million families, these 12 million children get the benefit of a child tax credit. Because as much as the other side of the aisle would like to say that they do not pay taxes, they pay property taxes, they pay sales taxes, they pay payroll taxes, and they work and live paycheck to paycheck. They know what it is to pay taxes. We should walk in their shoes.

Mr. Speaker, we ought to be able to say that they are entitled to a child tax credit the way 25 million other people are, and 184,000 millionaires who are going to get $93,000 a year. In that group of people excluded, I might add, are 200,000 military families, 42,000 families where there are Head Start teachers, 900,000 kids who are in Head Start programs. These are the people who are being excluded from the child tax credit. It is wrong. We ought to do the right thing and provide this kind of assistance to people.

I would just say that in fact we voted on this motion to instruct on June 12, 205 to 201 on a bipartisan vote. We voted to do this, to take up what the other body had done. It was the chairman of the Committee on Ways and Means the other night who said it was not a binding resolution; we do not have to worry about it. It does not make any difference what the majority did in this body.

All we are asking for is that we have a chance to take up what the other body did. We are talking about not a lot of money for people, on average $276. That means potentially health insurance, it means school supplies, it means clothes for kids going back to school. These people deserve it. This is an issue of values. It is an issue of morals.

And I say to the President of the United States, who wanted to get this done, who said let us take up what the Senate did, that since his leadership in the House and the Senate have abdicated their leadership responsibilities, take on this issue, use your moral authority and do what is right by hardworking American families. Bring justice to these families. They deserve it. Let us give them that.

Mr. Speaker, we will continue on this floor every night on this issue.

Mr. HULSHOF. Mr. Chairman, I yield myself such time as I may consume.

What I would say to my colleague and friend from Connecticut is that we have had a number of recorded votes on this issue. And the gentlewoman is correct that on the first occasion that the motion was considered it did in fact pass by a narrow margin. We have had five subsequent votes, if memory serves, and on each of those occasions the motion did not pass.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. HULSHOF. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Speaker, I would say to the gentleman that that is right, it did not pass, because some people who did vote for it were persuaded by one reason or another, and I will not comment on the nature of the persuasion, but they were persuaded to vote otherwise. Their first instinct was to vote what they believed was the right thing to do. Subsequently it has become a different issue, especially when the majority leader said, "Ain't nothing gonna happen."

Mr. HULSHOF. Reclaiming my time, Mr. Speaker, actually what the majority leader said was, when asked will the House take up the Senate bill, the majority leader then made the statement the gentlewoman suggests, and that was that, no, the House would not take up the identical language in the Senate bill. In fact, the House passed H.R. 1308, the All American Tax Relief Act of 2003, which was an amendment to the Senate version.

But I want to say just a couple of things regarding the comments that have been made. The House passed a budget, the Senate did as well. The two Chambers reconciled that budget number, and it was the Senate, of course, that drew the line in the sand, as it were, and said no more tax relief over $350 billion. And so what I think needs to be pointed out is that I think as a member of the Committee on Ways and Means, as we began to mark up the bill and move it through the committee process and bring it to the House floor, I cannot recall ever the discussion being that we needed to have this refundable child credit for low-income wage earners. It was only as an amendment on the Senate side, and then ultimately, of course, again with that $350 billion figure, they were unable to get it done. So, then, we come back and go through the legislative process again, and again I remain optimistic that the two bodies can get together.

What I want to say, though, specifically regarding this continued mantra about the amount of taxes that all Americans pay, as I stated at the outset, I continue to believe that all Americans are overburdened with State and Federal and local taxes. But what I would say to the gentlewoman from Connecticut or the gentleman or anyone else that wishes to make this point, we do not have the authority to bring down the property tax rates in the State of Connecticut. There are some States that do not have an income tax and, in fact, draw revenue based entirely upon a sales tax. That is not within the purview of Congress. That is left up to the discretion of States legislatures.

We had a recent referendum in my hometown of Columbia, Missouri, whether we should raise the property tax levy for the school districts. We decided as a community that, yes, we should. That is not something, then, that we should collect taxes from someone from the Hamptons, that happens to be in the First Congressional District of the gentleman from New York, to suddenly help redistribute that Federal income tax money to pay for this school referendum that we had at the local level.

I will say this regarding the property tax. Back in 1975, the earned income tax credit was enacted. At that time in 1975 it was a temporary program to return a portion of the Social Security taxes that were paid by lower-income taxpayers. It was made permanent in 1978. In 1990, the program had become a major component of Federal efforts to reduce poverty. Now it is the largest anti-poverty entitlement program.

My friends on the other side talk about this child credit provision, this $3.5 billion over 10-year provision. Actually it is a 2-year provision, and yet every year, every single tax year, income taxpayers collectively put $30 billion of income tax monies into the earned income tax credit for those wage earners on the low-income wage scale, $30 billion for some 19 million Americans, at least tax filers, every year through the earned income tax credit.

Now, yes, we all work hard, we play by the rules, and those individuals that contribute to Social Security, it did a wonderful thing that we have a national retirement system that if you work 40 quarters that entitles you then to Social Security benefits. And that, too, payroll taxes are these dedicated taxes that finance Social Security and Medicare. I think it should be pointed out that Social Security offers a progressive benefit structure that is by design more beneficial to low-income workers.

And lastly, in many instances, the combination of the earned income credit and the current law child credit more than completely offsets this payroll tax liability. And so I think that this Congress has spoken on many occasions as far as the expansion of the earned income tax credit.

I think the child credit, again, is something that we have discussed. I think that the motion to instruct is deficient and would urge a "no" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

There has been some discussion of what the majority leader did or did not say. One thing he was widely quoted as saying with respect to this issue is, he said there were a lot of other things that were much more important for this House to deal with than by expanding this credit. And I think that statement speaks volumes with respect to the order or the level of priority with which the majority treats this issue.

Mr. Speaker, I yield 7 minutes to the distinguished gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, I have noticed in reviewing the CONGRESSIONAL RECORD of my remarks earlier that the otherwise very talented people who transcribe do seem to have limited southern proficiency, which I think you would appreciate.

This is the second time, Mr. Speaker, that I have stayed up well past my bedtime to speak on the floor on a motion to instruct conferees on the child tax credit. I cannot recall having stayed up this late this often since I was in college, and it is not because I believe that insomniacs in my district watch C-SPAN. I am staying up tonight, as I stayed up last week, because I think it is important that we adopt a child tax credit.

□ 0215

The gentlewoman from Connecticut spoke a few minutes ago about people being prevailed upon, not voting their instincts. I was very reluctant to vote against the bill, even the bill that came before us, the $82 billion bill. I certainly knew that we could not afford it. We are digging a deep deficit hole that is going to drag down our economy for the foreseeable future and is going to destroy our ability to do the things that really will help working- and middle-class families, like providing a decent education, like reforming our health care system which is just not working for most families and is not working for American business, like making sure that Social Security and the Medicare system are solvent, particularly when my generation starts to retire.

But of all the tax cuts that this House has passed, the only one that helped working- and middle-class families was this one. That is why it is the only one that I really wanted to vote for, and now we know it is the only one that the majority did not really mean. They did not really mean this tax cut when they voted for it. They put the price tag of $82 billion on it to sabotage the tax credit, to make sure it would not really pass. They knew the Senate would not go along. They knew that they would simply dog it when it came time to confer and try to work out a compromise, they would not agree to any kind of compromise, and this would simply die. And they tell the working- and middle-class families who would benefit from the child tax credit that they had voted for it, but somehow nothing had happened. In fact, the conference committee, as I understand it, has never even met, has yet to meet.

The gentleman from Missouri has spoken eloquently of the need for this tax credit; but he should talk to his own party's leaders because they have said publicly, for attribution, on the record, that this is not a priority for them. As the gentlewoman from Connecticut pointed out earlier, the editorial board of the Wall Street Journal said that they intentionally made the price tag as big as it was to sabotage it, to kill it, and to make sure that it would not really pass. And certainly if there is one publication in the country that knows the real intentions of the Republican leadership of this House, it is the editorial board of the Wall Street Journal. It is hard to imagine that any writer for the editorial board, for the editorial page of the Wall Street Journal, does not have TOM DELAY and BILL THOMAS on their speed dial. They know exactly what the leadership of this House intended by the package that came before the House and by the vote. It was intended to kill the bill. It was a stunningly cynical maneuver.

Anyone who has ever watched a hospital show, a doctor show, knows what code blue is. They know what it is for a patient to code. But many hospitals have, or have had in the past, what they call privately light code blue. That is when their patient is in their final illness. There is a decision not to resuscitate the patient, not to take extraordinary efforts to keep the patient alive. The patient has agreed to that, the patient's family understands that, but for the peace of mind of the patient's family when the time comes, they still rush around, they still look frantic, they just do not do anything extraordinary to resuscitate the patient. They let nature take its course, and, for whatever reason, the patient's family feels a little better about it rather than simply thinking that their loved one is being allowed to die.

We have seen code blue. We have seen the extraordinary efforts that the leadership of this House goes through to pass the tax cuts that they really mean, the ones they intend to happen, they want to happen, the ones that help the investor class rather than the middle class. The inheritance tax, I am sorry, which you call the death tax, or the cut on the taxes on dividend income, we have seen the extraordinary effort, the rushing around, the moving of heaven and Earth to get those passed. But not this. Not this. This has been at most light code blue. There has been a little bit of activity, a vote on the floor; but it is very clear that they have not meant this. They have not even met. The conference committee has not even met.

This is the tax credit that should happen. This is a tax cut that should happen, that will help working- and middle-class families. Let us hope that working- and middle-class families, the ones who would benefit from the child tax credit, will see the difference between how the majority acts when they want to pass a tax cut and how they act when they do not.

Mr. HULSHOF. Mr. Speaker, I yield myself such time as I may consume.

Before the gentleman leaves the floor, let me pose a hypothetical to him because I certainly respect the fact as a newly minted Member of Congress and having to agonize over some of these votes and I think the gentleman was sincere talking about weighing these various tax cut options. The hypothetical I would put to him, if there were in a conference between House and Senate a compromise that would actually increase the child credit to $1,000 per eligible child and maybe make that extension for a 5-year period of time rather than a 10-year period of time and if this hypothetical conference also would eliminate the marriage penalty in the child credit, would the gentleman from North Carolina be so inclined to support such a compromise?

Mr. MILLER of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. HULSHOF. I yield to the gentleman from North Carolina.

Mr. MILLER of North Carolina. The problem with that is that we know that the Senate is not going to do it. There are several problems with that. The first is we simply know the Senate is not going to do it. I wanted to vote for that entire tax package. I wanted to make it permanent. I wanted to extend it down for the people who had been left out, shamefully. It was shameful to leave them out before. I wanted to extend it down the income scale to reach them. I wanted to extend it up. I think that the folks who would have gotten the expanded child tax credit slightly higher up the income scale are still the middle class. It is usually two working parents, working hard, trying to make a life for themselves and for their families. I would like for them to have gotten it. If I could write the tax laws, I would like for working- and middle-class families to get this tax cut and for it to be permanent.

But I also know, one, we are digging a massive hole. We are digging a hole that may take a generation to dig out of. It is going to be a drag on the economy. It is going to eventually certainly, not just eventually, probably already affecting interest rates, and it is going to destroy our Nation's ability to deal with the challenges that we will face, the challenges of education. We are cutting back on basic research; we are losing out economically to the rest of the world. We are in a desperate competition.

Mr. HULSHOF. Mr. Speaker, I am going to reclaim my time. I appreciate the gentleman going on a rhetorical journey about the appropriations bills. I did not mean to put the gentleman on the spot, but I again believe that a compromise is, in fact, achievable.

Just a couple of points, Mr. Speaker, regarding the gentleman and his insinuation that Congress has been derelict in dealing with or in providing relief for working families. I go back to the year 2001 in the previous Congress. That is the first time Congress actually made the child tax credit refundable, which we now are talking about expanding. Also I would point out that the jobs and growth package previously enacted and now signed into law but which originated in our Committee on Ways and Means and then considered by this House accelerated those income tax rate reductions that are now law. The reason that there is more take-home pay in the next month's monthly paycheck is because of those accelerated income tax rate reductions, as well as doubling the standard deduction for married couples to try to at least eliminate to some degree the marriage penalty.

And so I would take issue with the gentleman's comment that Congress has not been doing its work as far as working families with those prior examples and again would urge a "no" vote on the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield 2 additional minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, how does the gentleman from Missouri account for the public statements by TOM DELAY that this is not a priority for him and embracing the Senate position "ain't going to happen," the public statement by BILL THOMAS that this is not a priority for them, the editorial in the Wall Street Journal that this was intentionally made rich so that no tax credit bill would pass at all, and how does he explain the fact that the conference committee has yet to meet?

Mr. HULSHOF. Mr. Speaker, will the gentleman yield?

Mr. MILLER of North Carolina. I yield to the gentleman from Missouri.

Mr. HULSHOF. I would say to the gentleman that the leadership on our side, and he referenced a number of leaders, the very fact that we considered on this House floor an expansion of the child credit beyond what is included in the Democratic motion to instruct, the All-American Tax Relief Act of 2003, H.R. 1308, shows the commitment of leadership to move this issue forward.

Mr. MILLER of North Carolina. Is the Wall Street Journal out to lunch in saying that that was intentionally made as rich as it was so that nothing at all would pass? I do not expect that they have the gentleman on their speed dial the way they have BILL THOMAS and TOM DELAY.

Mr. HULSHOF. I would say to the gentleman that at least in some of the publications, at least Congress Daily of yesterday that talked about that there now is some dialogue between Senate conferees and House conferees, again I believe optimistically, and the President of the United States has said this is a priority for him, I believe we are going to have a compromise reached.

I appreciate the gentleman yielding.

Mr. MILLER of North Carolina. I celebrate the power of shame.

Mr. BISHOP of New York. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in support of the motion to instruct conferees on the child tax credit. Time is running out for House Republicans to fix this mess. The GOP's irresponsible tax law leaves millions of working Americans out in the cold. It tells them quite frankly that they are simply not a priority for this administration. I am calling upon the conferees to immediately adopt the major aspects of the bipartisan Senate-passed child tax bill. Working and military families need real tax relief, not lip service. Particularly this is the case with the rising unemployment rate and our sluggish economy. The simple fact is that the economy continues to remain stagnant. The national deficit continues to rise at an astronomical rate and the unemployment rate remains at a high 6.4 percent. There seems to be no end in sight to these economic problems. Yet the Republicans continue to give tax cuts and child tax credits to the very wealthy in this country.

I support the Senate-passed child tax credit bill. The bill would immediately help 6.5 million hardworking families, including many military families. In California, for example, expanding the child tax credit would help an additional 21 percent of families. One of the 4 million families that would greatly benefit from the expansion of the child tax credit lives in my district. The Ramirezes are like many families across the country that work hard to make ends meet every day and play by the rules. Mrs. Ramirez works full-time as a teacher's assistant and her husband is a mechanic. Both of them work full-time. They are raising five children on an income of $24,000 a year. I spoke to Mrs. Ramirez and she told me, quote, that any additional money that they would receive through the child tax credit that right now does not apply to them would allow her to buy clothes, school supplies and food for her five children. Times are hard for her family, she told me, so any money that they would receive back in the form of a child tax credit would greatly help them make ends meet.

We must act now to enact the Senate child tax credit bill. Families like the Ramirezes need and deserve our help. They need to be a priority for this administration. Conferees must adopt the Senate-passed child tax credit bill to help these families. Republicans should stop refusing to provide hardworking families like the Ramirezes with any tax relief whatsoever.

I urge my colleagues to vote "yes" on the motion to instruct conferees on the child tax credit. Let us for once show families like the Ramirezes that they matter to this country just as much as the millionaire families do.

Mr. HULSHOF. Mr. Speaker, I yield myself such time as I may consume.

What I would say to the gentlewoman from California who just spoke is a couple of points. The child credit actually, we phase out for upper-income individuals.

□ 0230

In fact, families that have children that are above a certain income threshold do not qualify. Their children do not qualify. I think what is interesting in all of this debate is night after night when we debate this motion to instruct and we talk about trying to provide for the children that we are only talking about some of the children; that is, children of the successful families do not qualify. But that is neither here nor there, but I wanted to set the record straight that as she talks about tax cuts for the wealthy regarding a child credit, those successful families do not qualify for the child credit.

What I would say to the gentlewoman, too, who just spoke regarding the Ramirez family and the teacher and mechanic with children, under existing law, and again this is sort of back of the envelope calculations, but under existing law, as I understand it, the Ramirez family already is entitled to the refundable child credit; in fact, a family with children whose annual income from salaries and wages is roughly $25,000. Their Federal income tax liability before the child credit is roughly $885. Their tax liability after the child credit is zero. In fact, with the refundable child credit, they get an additional $565, and part of that of course is refundable. The total check from the United States Treasury to the family like the Ramirez family is roughly, again back of the envelope calculation, $2,282. That is an income supplement that goes to good hard-working families like the Ramirez family as described by the previous speaker. So I think that they are already benefiting from actions of Congress, specifically the refundable child credit from 2001.

Again, I would just sum up, Mr. Speaker, and say that the Democratic motion to instruct actually allows the child credit to drop from $1,000 to $700 after the 2004 election. As a result, millions of low- and middle-income families will get under their motion a smaller child credit. The House-passed bill H.R. 1308 ensures that the child credit remains at this $1,000 level that we have decided to be appropriate throughout the decade. Again good policy now, good policy next year, good policy 5 or 7 or 8 years down the road. The Democratic motion to instruct should fail because it does not eliminate the marriage penalty in the child credit until the year 2010 and even then just for a year. So again under their motion millions of children will be denied the child credit because their parents are married. What signal are we sending across the country that we say that again if they do the right thing, work hard, play by the rules, and then choose to raise their family within the institution of marriage but it is going to cost them on their bottom line under the Democratic motion that they do not get this refundability if, in fact, they choose marriage as the course for their family?

The House-passed bill benefits middle-income families, married families, by eliminating the child credit immediately for married couples.

I did want to point out because I know it has been referenced on a couple of occasions the House-passed bill does not deny child credit to military families. Military families, including those that are deployed abroad, are already receiving a refundable credit and will continue to receive a refundable credit under the House-passed bill.

So I think, again, H.R. 1308, which has passed this House, is far superior than the Senate version. So I would urge a no vote on the motion to instruct. In Washington, DC, Mr. Speaker, pessimists are seldom prophets. I happen to believe in the best nature of this institution as well as our counterparts on the other side of the Capitol. I happen to believe that we will be able to find a good workable compromise for all children of working families. So I would urge a no vote on the motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

The hour is late; so let me say two quick points. One, as a clarification, the House-passed bill does, in fact, deny the child tax credit to military families in combat zones. And, secondly, let me say that if the majority party were as serious about providing this credit to these needy families as they profess to be, then we would be passing the Senate bill now. We can get this done before we go home on Friday or Saturday or whenever it is we are going to go home. It has already passed the Senate 94 to two. It is fair. It provides an immediate benefit, and it does not worsen an already staggering deficit situation for this country that imperils our ability to provide the kinds of services that our people in this country need and deserve out into the future.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYES). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. BISHOP).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

□ 0245

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2765, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–230) on the resolution (H. Res. 334) providing for consideration of the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2427, PHARMACEUTICAL MARKET ACCESS ACT OF 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–231) on the resolution (H. Res. 335) providing for consideration of the bill (H.R. 2427) to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2210, SCHOOL READINESS ACT OF 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–232) on the resolution (H. Res. 336) providing for consideration of the bill (H.R. 2210) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO JOE D. GUNN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE of Texas) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in tribute of Joe D. Gunn, the President of the AFL–CIO in Texas. I offer praise and thanks to him for his more than 40 years of service as a labor leader.

Joe Gunn has been a dedicated labor leader for the workers of Texas, and his example and influence have had ripple effects across the country. He is a hard working and fair man, with an effervescent slogan, "Dignity for Workers—A right, not a privilege! I could not agree with him more.

Joe operates with the character of someone who learned hard work, honesty, integrity, justice and compassion at an early age. He was the youngest of eight children born to Clarence and Mary Gunn in the small town of Leona, Texas. The he moved to Houston, the city we both call home. At the age of 16, he began working for Southwestern Bell to help support his family.

In 1961, Joe's labor movement career began when he was elected Steward for a one-year term, Chief Steward for six months, 2nd Vice President for six months, and then to the position of President of CWA Local 6222 in June 1962. His quick rise up the leadership ladder exemplifies his talent and ability. It also demonstrates his joy for serving the people. Joe served the CWA for over a decade, during which the CWA became a large extended family. That union family worked to advance workers' rights and to strengthen the community.

Although Joe is a Texan, he has used his gifts for the benefit of Texans and non-Texans alike. In fact, while with the CWA, he served on the bargaining committee for three contracts representing a five-state area. Moreover, the CWA local 6222 tripled in size during Joe's tenures. He conducted several strikes in CWA and was known for successfully using many different tactics to establish the public's awareness of the unfair treatment of the CWA telephone workers. Joe was hailed as one of the leaders of the "Texas Labor Management Conference," as unions worked to strengthen their companies while demanding fairness for the workers.

Joe was an unopposed candidate from the time he assumed the presidency in 1962 until he left CWA Local 6222 in

1973. At that time, he was with the Texas Employment Commission, the predecessor to the Texas Workforce Commission, as a representative of workers. That was the first time a union representative had ever held office in TEC. He remained well regarded during his time with the TEC. The hierarchy of TEC even termed one of Joe's craftier policies, "The Gunn Rule," which is still in effect today.

In 1979, Joe was elected by the Texas AFL–CIO Executive Board to the position of Secretary-Treasurer, where he served for a decade. Joe then became President of the Texas AFL–CIO in 1989 without opposition. He was unopposed in each succeeding election, which he credits to members working together as a team.

Joe's tenure as President of the Texas AFL–CIO came at a difficult time for organized labor in the United States. National membership in labor unions, as a percentage of the workforce, fell dramatically, a carryover that first accelerated during the Reagan presidency. Unfortunately, employers poured unprecedented sums into political, legislative and public relations efforts to defeat union organizations.

It is a tribute to Joe Gunn's leadership that the state Federation in Texas has maintained a solid membership base during his tenure. While union membership has fluctuated with the economy, Joe emphasized recruiting and keeping unions within the State federation.

During Joe's tenure, the Texas AFL–CIO helped lead the way in many achievements: raising the state minimum wage to the Federal level in 2001, winning consultation rights, helping defeat private school vouchers with the Texas Federation of Teachers, and improving pensions for the Fire Fighters and other public employees. That is quite a list of accomplishments and there are many others attributable to Joe's leadership. I simply do not have the time to list them all.

In 1995, Joe stood tall in denouncing then governor Bush for breaking promises his office had made to labor unions in exchanges for labor's support on key legislation involving the State's workforce. Joe Gunn was the first Democrat in Texas to point out, on a regular basis, the negative consequences that Bush's policies held for working people. Now, the Nation is witness to the negative consequences of the President's polices. Therefore, Joe continues the fight.

Finally, Mr. Speaker, when asked to characterize his most notable accomplishments, Joe's answer is always the same: "Maintaining dignity for workers, public respect for good craftsmanship, and dedication to fair employers." Joe has always advocated a good day's work for a good day's pay. He has only asked for fair treatment of working families. And he continues to insist that workers be treated with dignity. Because of his commitment, his consistency, his faith, his heart, his leadership, and his strength, I pay tribute to Joe D. Gunn. On behalf of the 18th District of Texas, on behalf of the entire State, I thank him and honor him.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PASTOR (at the request of Ms. PELOSI) for today after 6:15 p.m. and the balance of the week on account of a grave illness in the family.

Mr. BISHOP of Utah (at the request of Mr. DELAY) for today from 11:00 a.m. on account of participating in activities relating to the official State holiday of Utah.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BISHOP of New York) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 74. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

H.R. 255. An act to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska.

H.R. 1577. An act to designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the "Kris Eggle Visitor Center", and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1280. An act to amend the PROTECT Act to clarify certain volunteer liability.

S. 1399. An act to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building".

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 50 minutes a.m.), the House adjourned until today, Thursday, July 24, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3378. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Grapes Grown in a Designated Area of Southeastern California; Establishment of Safeguards and Procedures for Suspension of Packing Holidays [Docket No. FV03–925–2 FIR] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3379. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2002–03 Crop Natural (Sun-dried) Seedless and Zante Currant Raisins [Docket No. FV03–989–4 FIR] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3380. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Thiophanate Methyl; Pesticide Tolerance for Emergency Exemptions [OPP–2003–0242; FRL–7317–5] received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3381. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 97–11, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3382. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 108—107); to the Committee on Appropriations and ordered to be printed.

3383. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02–16, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3384. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 99–09D, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3385. A letter from the Director, Office of Thrift Supervision, transmitting a letter on the details of the Office's 2003 compensation plan, pursuant to 12 U.S.C. 18336; to the Committee on Financial Services.

3386. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air

Quality Implementation Plans and Approval Under Section 112(I) of the Clean Air Act; Virginia; State Operating Permit Program [VA087–5057a; FRL–7519–2] received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3387. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Mecklenburg County, North Carolina Update to Materials Incorporated by Reference [NC–200317; FRL–7511–6] received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3388. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for Texas; Approval of Section 179B Demonstration of Attainment, Carbon Monoxide Motor Vehicle Emissions Budget for Conformity, and Contingency Measure for El Paso Carbon Monoxide Nonattainment Area [TX–42–1–6274a; FRL–7521–2] received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3389. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—State and Federal Operating Permits Programs: Amendments to Compliance Certification Requirements [AL-FRL–7519–5] (RIN: 2060–AK11) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3390. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Stay of Authority Under 40 CFR 50.9(b) Related to Applicability of 1–Hour Ozone Standard [FRL–7519–3] (RIN: 2060–AK78) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3391. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Florida: Jacksonville Area Maintenance Plan Update [FL–92–200324(a); FRL–7534–2] received June 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3392. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

3393. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Japan (Transmittal No. DDTC 084–03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3394. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Jordan (Transmittal No. DDTC 032–03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3395. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Malaysia (Transmittal No. DDTC 051–03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3396. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 071–03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3397. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Egypt (Transmittal No. DDTC 069–03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3398. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles under a contract to Kourou, French Guiana and Pacific Ocean/International Waters (Transmittal No. DDTC 064–03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3399. A communication from the President of the United States, transmitting a supplemental report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on continued U.S. contributions in support of peacekeeping efforts in the former Yugoslavia; (H. Doc. No. 108—105); to the Committee on International Relations and ordered to be printed.

3400. A letter from the Public Printer, United States Government Printing Office, transmitting the Government Printing Office (GPO) annual report for Fiscal Year 2003; to the Committee on House Administration.

3401. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 021212307–3037; I.D. 071003C] received July 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3402. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian Disrict of the Bering Sea and Aleutian Islands [Docket No. 021212307–3037–02; I.D. 070203B] received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3403. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 070203A] received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3404. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 070203C] received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3405. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 070203D] received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3406. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustments [Docket No. 021209300–3048–02; I.D. 062703A] received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3407. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Increase in Roe Retention Limit for Pollock Harvested in the Bering Sea and Aleutian Islands [Docket No. 030128023–3158–02; I.D. 011503D] (RIN: 0648–AQ44) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3408. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—VISAS: Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended; Personal Appearance—received July 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3409. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Area Maritime Security [USCG–2003–14733] (RIN: 1625–AA42) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3410. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Vessel Security [USCG–2003–14749] (RIN: 1625–AA46) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3411. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Independence, IA [Docket No. FAA–2003–14598; Airspace Docket No. 03–ACE–21] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3412. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Emmetsburg, IA [Docket No. FAA–2003–14595; Airspace Docket No. 03–ACE–18] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3413. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fairmont, NE [Docket No. FAA–2003–14195; Airspace Docket No. 03–ACE–1] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3414. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Hampton, IA [Docket No. FAA–2003–14597; Airspace Docket No. 03–ACE–20] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3415. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D and Class E Airspace; St. Louis, Spirit of St. Louis Airport, MO [Docket No. FAA–2003–14549; Airspace Docket No. 03–ACE–17] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3416. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; and Modification of Class E Airspace; Dubuque, IA [Docket No. FAA–2003–14463; Airspace Docket No. 03–ACE–16] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3417. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Keokuk, IA [Docket No. FAA–2003–14599; Airspace Docket No. 03–ACE–22] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3418. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Denison, IA [Docket No. FAA–2003–14462; Airspace Docket No. 03–ACE–15] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3419. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2C10 (Regional Jet Series 700 & 701) Series Airplanes [Docket No. 2003–NM–98–AD; Amendment 39–13191; AD 2003–12–06] (RIN: 2120–AA64) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3420. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Clinton, IA [Docket No. FAA–2003–14460; Airspace Docket No. 03–ACE–13] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3421. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Greenfield, IA [Docket No. FAA–2003–14596; Airspace Docket No. 03–ACE–19] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3422. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Lake Placid, NY [Docket No. FAA–2003–14454; Airspace Docket No. 03–AEA–01] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3423. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Cavelier, ND [Docket No. FAA–2002–14044; Airspace Docket No. 02–AGL–22] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3424. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Aurora, NE [Docket No. FAA–2003–14846; Airspace Docket No. 03–ACE–31] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3425. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; New Madrid, MO [Docket No. FAA–2003–14844; Airspace Docket No. 03–ACE–29] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3426. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Shenandoah, IA [Docket No. FAA–2003–14845; Airspace Docket No. 03–ACE–30] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3427. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E airspace; Moundridge, KS; Correction [Airspace Docket No. 02–ACE–12] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3428. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Knoxville, IA [Docket No. FAA–2003–14600; Airspace Docket No. 03–ACE–23] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3429. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Crete, NE [Docket No. FAA–2003–14927; Airspace Docket No. 03–ACE–33] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3430. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E5 Airspace; Tunica, MS [Docket No. FAA–2003–14268; Airspace Docket No. 03–ASO–1] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3431. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Jet Route 10 [Docket No. FAA–2001–10980; Airspace Docket No. 01–AWP–21] (RIN: 2120–AA66) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3432. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marshalltown, IA [Docket No. FAA–2003–14601; Airspace Docket No. 03–ACE–24] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3433. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Knoxville, IA [Docket No. FAA–2003–14600; Airspace Docket No. 03–ACE–23] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3434. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; St. Louis, MO [Docket No. FAA–2003–14657; Airspace Docket No. 03–ACE–26] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3435. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Shenandoah, IA [Docket No. FAA–2003–14845; Airspace Docket No. 03–ACE–30] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3436. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Aurora, NE [Docket No. FAA–2003–14846; Airspace Docket No. 03–ACE–31] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3437. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Monticello, IA [Docket No. FAA–2003–14935; Airspace Docket No. 03–ACE–38] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3438. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; and Modification of Class E Airspace; Sioux City, IA [Docket No. FAA–2003–14937; Airspace Docket No. 03–ACE–40] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3439. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; and Modification of Class E Airspace; Kansa City Downtown Airport, MO [Docket No. FAA–2003–14931; Airspace Docket No. 03–ACE–34] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3440. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Marshall, AK [Docket No. FAA–2002–13971; Airspace Docket No. 02–AAL–08] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3441. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E2 Airspace; Elizabeth City, NC [Docket No. FAA–2003–14673; Airspace Docket No. 03–ASO–2] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3442. A letter from the Deputy Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Reorganization of Title 27, Code of Federal Regulations [OLC No. 01-03] [T.D.ATF-487] (RIN: 1512-AD06) received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3443. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2003-65) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3444. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2003-63) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3445. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Enhanced Oil Recovery Credit (Rev. Rul. 2003-82) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3446. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Special Rules Under Section 417(a)(7) for Written Explanations Provided by Qualified Retirement Plans After Annuity Starting Dates [TD 9076] (RIN: 1545-AX34) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3447. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—10 or More Employer Plans [TD 9079] (RIN: 1545-BA47) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3448. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—General Rule for Taxable Year of Deduction (Rev. Rul. 2003-90) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3449. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Subchapter S Trust Election for Testamentary Trusts [TD 9078] (RIN: 1545-AY76) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3450. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Net Gift Treatment under Section 2519 [TD 9077] (RIN: 1545-AY91) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3451. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reduction of Tax Attributes Due to Discharge of Indebtedness [TD 9080] (RIN: 1545-BC47) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3452. A communication from the President of the United States, transmitting a report detailing the progress of spending by the executive branch during the first two quarters of Fiscal Year 2003 in support of Plan Colombia, pursuant to Public Law 106—246, section 3204(e) (114 Stat. 576); (H. Doc. No. 108—104); jointly to the Committees on International Relations and Appropriations, and ordered to be printed.

3453. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Annual Report on the Federal Work Force for Fiscal Year 2002, pursuant to 42 U.S.C. 2000e—4(e); jointly to the Committees on Government Reform and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted July 24 (legislative day of July 23), 2003

Mr. LINDER: Committee on Rules. House Resolution 334. Resolution providing for consideration of the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108-230). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 335. Resolution providing for consideration of the bill (H.R. 2427) to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes (Rept. 108-231). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 336. Resolution providing for consideration of the bill (H.R. 2210) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes (Rept. 108-232). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. KELLY:

H.R. 2823. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; to the Committee on Financial Services.

By Mr. GREEN of Wisconsin (for himself, Mr. Meehan, Ms. Pryce of Ohio, Mr. Feeney, Mr. Pence, Ms. Lofgren, Ms. Baldwin, Mr. Weiner, Mr. Isakson, Mr. Conyers, Mr. Shuster, Mr. Carter, and Mrs. Blackburn):

H.R. 2824. A bill to revise and reform the Act commonly called the Jenkins Act, and for other purposes; to the Committee on the Judiciary.

By Mr. TERRY (for himself, Mr. Boucher, Mr. Blunt, Mr. Shimkus, Mr. Engel, Mr. Otter, Mr. Wynn, Mr. Bilirakis, Mr. Bass, Mr. Whitfield, Mr. Green of Texas, and Mrs. Cubin):

H.R. 2825. A bill to require the Federal Communications Commission to take actions necessary to ensure expeditious access by consumers to terrestrial digital television services; to the Committee on Energy and Commerce.

By Mr. ACEVEDO-VILA (for himself, Mr. Doyle, Mrs. Napolitano, Ms. Solis, Mr. Rodriguez, Mr. Reyes, Mr. Gutierrez, Mr. Cardoza, Mr. Grijalva, Mr. Pastor, Ms. Hart, Mr. Hinojosa, Mr. Murtha, Mr. Becerra, Mr. Greenwood, Mr. Peterson of Pennsylvania, Mr. Fattah, Mr. Ortiz, Ms. Linda T. Sánchez of California, Mr. Serrano, Mr. Boehlert, Mr. Gonzalez, Mr. Murphy, Mr. Platts, Ms. Millender-McDonald, Ms. Loretta Sanchez of California, Mr. Baca, Mr. Davis of Illinois, Mr. McDermott, Ms. Watson, Mr. Thompson of Mississippi, Mr. Brown of Ohio, Mr. Frost, Mr. Upton, Mr. Menendez, Mrs. Miller of Michigan, Mr. Sabo, Mr. McNulty, Mr. Faleomavaega, Mr. Larson of Connecticut, Ms. Velazquez, Mr. Ney, Ms. Lee, Mr. Filner, Mr. Rangel, Mr. Owens, and Mr. Bilirakis):

H.R. 2826. A bill to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the "Roberto Clemente Walker Post Office Building"; to the Committee on Government Reform.

By Mr. ANDREWS:

H.R. 2827. A bill to phase out the incineration of solid waste, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Mr. Dooley of California, Mr. Radanovich, Mr. Ortiz, Mr. Nunes, Mr. Cardoza, Mr. Osborne, Mr. Baca, Mr. Renzi, Mr. Gallegly, Mr. Lewis of California, Mr. Thomas, Mr. Dreier, Mr. Hunter, Mrs. Bono, Mr. Cox, Mr. Doolittle, Mr. Gary G. Miller of California, Mr. McKeon, Mr. Royce, Mr. Cunningham, Mr. Rohrabacher, Mr. Issa, Mr. Ose, and Mr. Pombo):

H.R. 2828. A bill to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. Crowley, Ms. Jackson-Lee of Texas, Ms. Woolsey, Mr. Sanders, Mr. Owens, Mr. Frost, Ms. Kaptur, Mr. McIntyre, Mr. Wexler, Ms. Lee, Ms. McCollum, Ms. Watson, Mr. Reyes, Mr. Schiff, and Mr. Evans):

H.R. 2829. A bill to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes; to the Committee on Veterans' Affairs.

By Mr. BISHOP of New York (for himself and Mr. Houghton):

H.R. 2830. A bill to amend the Internal Revenue Code of 1986 to clarify that installment sales treatment shall not fail to apply to property acquired for conservation purposes by a State or local government or certain tax-exempt organizations merely because purchase funds are held in a sinking or similar fund pursuant to State law; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 2831. A bill to authorize the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard

Facility to the Truckee-Carson Irrigation District; to the Committee on Resources.

By Mr. HASTINGS of Washington (for himself, Mr. HINCHEY, Mr. NETHERCUTT, Mr. SIMPSON, Mr. OTTER, Mr. LARSEN of Washington, Mr. WILSON of South Carolina, Mr. OSBORNE, Mr. FARR, Mr. ROSS, Ms. KAPTUR, and Mr. NUNES):

H.R. 2832. A bill to promote improved nutrition for students by expanding the Fruit and Vegetable Pilot Program under the Richard B. Russell National School Lunch Act; to the Committee on Education and the Workforce.

By Ms. KILPATRICK (for herself, Mrs. BLACKBURN, Ms. JACKSON-LEE of Texas, Mr. FORD, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. HINCHEY, Ms. WATERS, Mr. GORDON, Mr. MCDERMOTT, Mr. CONYERS, Mr. FROST, Mr. BERMAN, Mr. WYNN, Mr. SNYDER, Mr. DAVIS of Tennessee, Mr. RANGEL, Mr. OWENS, Mr. LEWIS of Georgia, Ms. KAPTUR, Mr. FATTAH, Mr. DAVIS of Illinois, Mr. PAYNE, Ms. LEE, Mr. THOMPSON of Mississippi, Ms. MILLENDER-MCDONALD, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mr. SCOTT of Virginia, Ms. NORTON, Mr. DAVIS of Alabama, Mr. MCNULTY, Mrs. JONES of Ohio, Mr. BALLANCE, and Mr. BISHOP of Georgia):

H.R. 2833. A bill to posthumously award a congressional gold medal to Wilma G. Rudolph; to the Committee on Financial Services.

By Mr. LATHAM:

H.R. 2834. A bill to provide for a pilot program to be conducted by the Secretary of Veterans Affairs through the establishment of an electronic database to enable healthcare facilities of the Department of Veterans Affairs in Iowa to share patient information with the State of Iowa Veterans Home on patients of both those facilities and that home; to the Committee on Veterans' Affairs.

By Mr. MCINNIS (for himself, Mr. TANCREDO, and Mr. HEFLEY):

H.R. 2835. A bill to provide for the remediation of abandoned and inactive hardrock mines in the Upper Animas River Basin in southwestern Colorado; to the Committee on Transportation and Infrastructure.

By Mr. MEEKS of New York:

H.R. 2836. A bill to amend the Internal Revenue Code of 1986 to reduce corporate refunds by fines and penalties imposed by reason of improper accounting or reporting practices or misstatements of its financial position; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself and Mr. DEAL of Georgia):

H.R. 2837. A bill to provide for compassionate payments with regard to individuals who contracted human immunodeficiency virus due to the provision of a contaminated blood transfusion, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH (for himself, Mr. NUNES, Mr. CARDOZA, Mr. OSE, and Mr. DOOLEY of California):

H.R. 2838. A bill to amend the Internal Revenue Code of 1986 to provide a credit for qualifying clean technology engines; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 2839. A bill to amend the Internal Revenue Code to restore equity and complete the transfer of motor fuel excise taxes attributable to motorboat and small engine fuels into the Aquatic Resources Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. MATSUI, Mr. FRANK of Massachusetts, Mr. RAHALL, Mr. COOPER, Mr. OWENS, Mr. MCNULTY, Mr. SANDERS, Mr. CONYERS, Mr. WAXMAN, Mr. JEFFERSON, Mr. MCDERMOTT, Ms. CARSON of Indiana, Mr. CUMMINGS, Mr. HINCHEY, Mr. SERRANO, Mr. REYES, Mr. MURTHA, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. GREEN of Texas, Mr. KILDEE, Mr. GORDON, Mr. KUCINICH, Mr. FROST, Mr. MCGOVERN, Ms. DELAURO, Mr. WEXLER, Mr. HOYER, Mrs. MALONEY, Mr. CARDIN, Mr. ABERCROMBIE, Mr. KENNEDY of Rhode Island, Ms. BALDWIN, Mr. LANTOS, and Mr. RUSH):

H.R. 2840. A bill to amend the Social Security Act to remove the limitation on the period of Medicare eligibility for disabled workers; to the Committee on Ways and Means.

By Mr. WELDON of Florida:

H.R. 2841. A bill to amend the Immigration and Nationality Act to eliminate the waiver authority relating to the implementation of machine readable passports and to expand the definition of terrorist activities for purposes of deportation; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

H. Con. Res. 250. Concurrent resolution recognizing community organization of public access defibrillation programs; to the Committee on Energy and Commerce.

By Mr. CRANE:

H. Con. Res. 251. Concurrent resolution expressing the sense of the Congress with respect to the right of all Americans to keep and bear arms in defense of life or liberty and in the pursuit of all other legitimate endeavors; to the Committee on the Judiciary.

By Ms. PELOSI:

H. Res. 330. A resolution relating to a question of the privileges of the House.

By Ms. DELAURO (for herself, Mrs. JOHNSON of Connecticut, Mr. SIMMONS, Mr. LARSON of Connecticut, and Mr. SHAYS):

H. Res. 331. A resolution recognizing Igor I. Sikorsky, a national aviation pioneer; to the Committee on Transportation and Infrastructure.

By Mr. ISAKSON:

H. Res. 332. A resolution amending the Rules of the House of Representatives to apply the layover requirements for conference reports during the last six days of a session of Congress, to require that certain matter be included in joint explanatory statements accompanying conference reports, and for other purposes; to the Committee on Rules.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H. Res. 333. A resolution providing amounts for further expenses of the Committee on Veterans' Affairs in the One Hundred Eighth Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

By Mr. SMITH of New Jersey introduced a bill (H.R. 2842) for the relief of Shiuyun Holst Zhou; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mrs. KELLY and Mr. KILDEE.

H.R. 245: Mr. MILLER of North Carolina.

H.R. 300: Mr. MCCOTTER.

H.R. 303: Mr. DAVIS of Illinois.

H.R. 339: Mr. KENNEDY of Minnesota and Mr. SCOTT of Georgia.

H.R. 364: Ms. SLAUGHTER and Mr. FROST.

H.R. 365: Mr. HAYWORTH, Ms. LEE, and Mr. HONDA.

H.R. 366: Mr. DEFAZIO.

H.R. 371: Mr. MCDERMOTT and Mr. BAKER.

H.R. 463: Mr. DAVIS of Illinois and Mr. ISAKSON.

H.R. 466: Mr. TERRY.

H.R. 496: Mr. BURR.

H.R. 528: Mr. BASS and Ms. LORETTA SANCHEZ of California.

H.R. 594: Mr. POMBO.

H.R. 673: Mr. CARTER and Mr. CULBERSON.

H.R. 714: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 731: Mr. FARR and Ms. BORDALLO.

H.R. 745: Mr. CLYBURN.

H.R. 871: Mr. HOSTETTLER.

H.R. 876: Mr. REGULA, Mr. WU, Mr. OBERSTAR, and Ms. HARRIS.

H.R. 897: Mr. UDALL of Colorado.

H.R. 898: Mr. CRANE, Mr. KNOLLENBERG, Mr. WHITFIELD, Mr. BALLENGER, Mrs. CAPITO, and Mr. DEUTSCH.

H.R. 906: Ms. HART.

H.R. 915: Mr. GOODE.

H.R. 935: Mr. UDALL of Colorado.

H.R. 936: Mrs. MCCARTHY of New York.

H.R. 941: Mr. SANDLIN.

H.R. 998: Mr. STUPAK.

H.R. 1006: Mr. THOMPSON of California.

H.R. 1071: Mr. FROST and Mr. GREEN of Texas.

H.R. 1102: Mr. JOHN.

H.R. 1137: Mr. CARTER and Mr. UPTON.

H.R. 1200: Mr. THOMPSON of Mississippi, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. RUSH, Mr. GRIJALVA, and Mr. PAYNE.

H.R. 1214: Mr. WYNN, Mr. ENGEL, Mr. WAMP, and Mr. SHIMKUS.

H.R. 1275: Ms. MCCARTHY of Missouri.

H.R. 1295: Mr. FILNER, Mr. DOGGETT, Ms. LOFGREN, Mr. TOWNS, Mr. CLAY, Mr. MCINTYRE, Ms. MILLENDER-MCDONALD, Mr. JEFFERSON, Mr. CLYBURN, Ms. KILPATRICK, and Mrs. JONES of Ohio.

H.R. 1347: Mr. FALEOMAVAEGA.

H.R. 1385: Mr. BURNS, Mr. SNYDER, Mrs. CHRISTENSEN, Mr. BAIRD, Mr. DAVIS of Tennessee, Mr. ROSS, Mrs. JONES of Ohio, Mr. CRANE, and Mr. FROST.

H.R. 1442: Mr. SNYDER.

H.R. 1483: Mr. TIERNEY.

H.R. 1508: Mr. HASTINGS of Florida and Mr. DEUTSCH.

H.R. 1606: Mr. BACHUS.

H.R. 1608: Mr. ISAKSON.

H.R. 1676: Ms. ESHOO.

H.R. 1738: Mr. HOEFFEL.

H.R. 1762: Mr. LATOURETTE.

H.R. 1769: Mr. PICKERING, Mr. HOEKSTRA, Mr. MCCOTTER, Mr. GEPHARDT, and Mr. PENCE.

H.R. 1813: Mr. WEXLER.

H.R. 1819: Mr. BOYD and Mr. EDWARDS.

H.R. 1822: Mr. SHERMAN, Mrs. TAUSCHER, Mr. BECERRA, Mr. FILNER, Mrs. NAPOLITANO, Mr. ROHRABACHER, Mr. BERMAN, Mr. DOOLEY of California, and Ms. Loretta Sanchez of California.

H.R. 1865: Mr. Terry.

H.R. 1867: Mr. Souder.

H.R. 1917: Mr. Faleomavaega and Mr. Foley.

H.R. 1918: Mr. Faleomavaega and Mr. Foley.

H.R. 1919: Mr. Faleomavaega, Mr. Foley, Mr. Davis of Illinois, Mr. Allen, Mr. Lynch, Mr. Goode, and Mr. Markey.

H.R. 1920: Mr. Faleomavaega.

H.R. 1921: Mr. Faleomavaega.

H.R. 1924: Mr. Faleomavaega.

H.R. 1933: Mrs. Jones of Ohio.

H.R. 1980: Mr. Owens.

H.R. 1992: Mr. Green of Texas.

H.R. 2011: Mr. Blumenauer, Mr. Dingell, Mrs. Kelly, and Mr. Davis of Illinois.

H.R. 2052: Mr. Wexler and Ms. Majette.

H.R. 2164: Mr. Grijalva.

H.R. 2166: Mr. Bishop of Georgia.

H.R. 2173: Mr. Schiff, Ms. Linda T. Sánchez of California, and Mr. Green of Texas.

H.R. 2176: Mr. Strickland, Mr. Wexler, Mr. Gordon, and Mr. Platts.

H.R. 2181: Mr. Buyer.

H.R. 2182: Mr. Grijalva.

H.R. 2203: Mr. Platts, Mrs. Christensen, and Ms. Schakowsky.

H.R. 2212: Mr. Clay.

H.R. 2295: Mr. Grijalva.

H.R. 2299: Mr. Grijalva.

H.R. 2303: Mr. Wamp and Mr. Whitfield.

H.R. 2318: Mr. Markey.

H.R. 2323: Mr. McIntyre.

H.R. 2327: Mr. Neal of Massachusetts.

H.R. 2347: Mr. Davis of Illinois.

H.R. 2379: Mr. Boyd, Mr. Rehberg, and Mr. Nethercutt.

H.R. 2393: Mr. Frost, Mr. Gutierrez, Ms. Kilpatrick, Mr. Conyers, Mrs. Christensen, and Ms. Woolsey.

H.R. 2424: Mr. Pickering.

H.R. 2427: Mr. Wynn, Mr. Frost, and Mr. Tierney.

H.R. 2437: Mr. McIntyre, Ms. Jackson-Lee of Texas, Ms. DeLauro, Mr. Neal of Massachusetts, Mrs. Tauscher, Ms. Solis, Ms. Norton, and Mr. Kennedy of Rhode Island.

H.R. 2442: Mr. Moran of Virginia, Ms. Woolsey, Mr. Deutsch, Mr. Van Hollen, Mr. Grijalva, Mr. Holden, Mr. Schiff, Mr. Oberstar, and Mr. Hoeffel.

H.R. 2478: Mrs. Jones of Ohio.

H.R. 2522: Mr. Grijalva and Mr. Pallone.

H.R. 2527: Mr. Houghton.

H.R. 2535: Mr. Hall, Mr. McHugh, and Mr. Acevedo-Vilá.

H.R. 2556: Mr. Garrett of New Jersey, Mr. Toomey, and Mr. Feeney.

H.R. 2563: Ms. Norton and Mrs. Jones of Ohio.

H.R. 2592: Mr. Crowley.

H.R. 2598: Mr. LaTourette.

H.R. 2601: Mr. Shays.

H.R. 2626: Mr. Wexler, Mr. Walsh, and Mr. Towns.

H.R. 2632: Mr. Saxton.

H.R. 2665: Mr. Ackerman.

H.R. 2671: Mr. Linder, Mr. Crenshaw, and Mr. Istook.

H.R. 2675: Mr. Matsui.

H.R. 2694: Mr. Payne, Mr. Fattah, Mrs. Christensen, Mr. John, Mr. Serrano, Mr. Acevedo-Vilá, Mrs. Tauscher, Ms. Millender-McDonald, Mr. Rodriguez, Mr. Wilson of South Carolina, Mr. Engel, Mr. Walsh, Mr. McNulty, Mr. Frost, and Mr. Cunningham.

H.R. 2699: Mr. Peterson of Minnesota, Mr. Cox, Mr. Isakson, Mr. Carson of Oklahoma, Mr. Doolittle, and Mr. Boyd.

H.R. 2705: Mr. Cramer and Mr. Schiff.

H.R. 2707: Mr. Udall of Colorado and Mr. Cardoza.

H.R. 2720: Mr. Kildee.

H.R. 2727: Mr. Houghton and Mr. Bishop of New York.

H.R. 2733: Mr. Terry, Mr. Norwood, and Mr. Radanovich.

H.R. 2735: Mr. Putnam, Ms. Baldwin, and Mr. Smith of New Jersey.

H.R. 2759: Mr. Kind.

H.R. 2787: Mr. McNulty and Mr. Serrano.

H.R. 2806: Mr. McInnis, Mr. Frost, Mr. King of New York, and Mr. Peterson of Minnesota.

H.J. Res. 56: Mr. Forbes, Mr. Smith of New Jersey, Mr. Schrock, Mr. Pombo, Mr. Hayworth, Mr. Stearns, Mr. Cunningham, Mr. Pearce, Mr. Hyde, Mr. Barton of Texas, Mr. Boehner, Mr. Gutknecht, Mr. Peterson of Pennsylvania, Mr. Tiahrt, and Mr. Franks of Arizona.

H. Con. Res. 78: Mr. Engel.

H. Con. Res. 87: Mr. Levin.

H. Con. Res. 111: Mr. Emanuel and Mr. Etheridge.

H. Res. 238: Ms. Kaptur, Mr. Neal of Massachusetts, Ms. Woolsey, Ms. Corrine Brown of Florida, and Ms. Schakowsky.

H. Res. 304: Mr. Collins and Mr. Costello.

H. Res. 323: Mr. Green of Wisconsin and Mr. Boyd.

H. Res. 325: Mr. Berman, Mr. Nadler, Mr. Engel, Mr. Israel, Mr. Smith of New Jersey, Mr. Towns, and Ms. Woolsey.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1582: Mr. Lampson.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2765

Offered By: Mr. Hefley

Amendment No. 2: At the end of the bill (before the short title), insert the following:

Sec. 136. Total Federal appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $4,660,000.

H.R. 2765

Offered By: Ms. Norton

Amendment No. 3: Page 11, strike lines 1 through 5.

H.R. 2800

Offered By: Ms. Kilpatrick

Amendment No. 20: Page 5, line 22, after the dollar amount insert "(increased by $300,000,000)".

Page 6, line 21, after the second dollar amount insert "(increased by $300,000,000)".

Page 30, line 5, after the dollar amount insert "(reduced by $300,000,000)".

H.R. 2800

Offered By: Mr. Weiner

Amendment No. 21: At the end of the bill (before the short title), insert the following:

PROHIBITION ON ASSISTANCE TO SAUDI ARABIA

Sec. . None of the funds made available in this Act may be used to provide assistance to the Government of Saudi Arabia.

EXTENSIONS OF REMARKS

TRIBUTE TO COLONEL BOB MORGAN (USAF) RETIRED

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to commend an honorary New Yorker, Colonel Bob Morgan (USAF) Ret.

Colonel Morgan was part of the heroic and courageous crew aboard the Memphis Belle during World War II. During that time the Memphis Belle flew 25 consecutive successful missions while helping the allies to defeat Nazi Germany.

In a ceremony at the American Airpower Museum at Republic Airport in New York, Colonel Morgan honored many supporters by describing them as "Americans who have preserved and protected our nation's past so that we may better protect our future." It is thanks to the dedication and service of men and women such as Colonel Morgan that we have such a bright future to protect.

I am honored to have gotten to spend time with Colonel Morgan and thank him again for his service, dedication and patriotism to the nation. Mr. Speaker, I ask that his remarks at the July 3, 2003 ceremony be inserted into the RECORD at this point.

Congressman Steve Israél, Mr. Hugh Jones, Mr. Edward Blumenfeld, Supervisor Bellone—distinguished guests and fellow veterans—it is a tremendous honor to be here this morning at the American Airpower Museum at Republic Airport.

I have not been in New York since September 11th, 2001. But truth be told, I don't find its spirit to be much different than when I was here back in the late 1990's. You still have the guts, the grit and the determination of what I remember. You continue to be that tough competitor on the outside with the heart of gold on the inside.

That character was on display that morning of September 11th as men and women made life and death decisions with courage and bravery that will be recorded in the annals of American history for all time.

Some 22 months ago many in this audience found themselves on the front line of this nation's fight against tyranny and terrorism. Civilians and uniformed services found themselves together—under fire and confronting an enemy we had never known before. And yet because we were attacked as Americans we responded the same way—as Americans.

I am proud that you think me worthy of being called an honorary New Yorker. Congressman Israel, I will wear that label proudly as it shows solidarity with each and every one of you. It reminds all of us that the fight to preserve and protect our country is never without sacrifice.

Some sixty years ago I served with men who understood that stark reality. To protect our freedom we need to put ourselves in harms way. In a plane much like the B-17 Flying Fortress sitting beside the museum, we set out 25 times to defy the Nazi Luftwaffe. We knew that if we didn't put bombs on target the people of Europe would remain slaves forever and the people of America would always live in fear. We never wanted to be heroes but we understood the stakes.

Today is no different. The stakes are high. The risks are great. But we are a nation that will do what it takes to defend itself and preserve liberty. These aircraft at the American Airpower Museum are part of that legacy. The outstanding work that Congressman Israel does in Washington is part of that legacy. And the support we get from people like Hugh Jones of Republic Airport, Ed Blumenfeld of BDG, Faith Weiner of Stop & Shop and Bill Mullaney of Hampton Inn keep that heritage alive and well.

Accordingly, I would like to make those individuals honorary members of the Memphis Belle—Americans who have preserved and protected our nation's past so that we may better protect our future. Wear your new membership proudly—you are now part of our American heritage.

Thank you all and God Bless America.

HONORING KEN BROWN, "MR. VETERAN"

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. PORTER. Mr. Speaker, I rise today to honor the patriotism and dedication of Ken Brown, or as he is known in Southern Nevada, "Mr. Veteran."

Mr. Brown honorably served in the United States Navy during World War II. After receiving his honorable discharge from the Armed Services, Mr. Brown dedicated himself to improving the quality of life for the military veterans of Nevada and our great nation.

Mr. Brown was the driving force behind the creation of the Veteran's Cemetery in Boulder City, Nevada. Using his own personal savings, Mr. Brown purchased 83.5 acres of land in Boulder City to be used as a veterans' cemetery site. On Friday, April 6, 1990 Mr. Brown's dream was realized and the Southern Nevada Veterans Memorial Cemetery was officially dedicated. In honor of his contributions, Friday, April 6, 1990 was proclaimed "Ken Brown Day" by the Governor of Nevada.

Mr. Brown has received numerous honors paying tribute to his fifty years of service to veterans and their families including the God & Country Award from the United States Navy Armed Guard and the key to the City of Las Vegas for heroism and vision in supporting veterans in Nevada.

I am honored to join with all Nevadans in honoring Ken Brown on his many accomplishments.

A TRIBUTE TO PATRICK J. MELLODY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. KANJORSKI. Mr. Speaker, this country has lost a great citizen. I rise today to pay tribute to an exceptional constituent of mine and the life he led by example. Nearly a year ago my very good friend, Attorney Patrick J. Mellody, passed away on August 29, 2002. He is deeply missed by his family and the entire community of Northeastern Pennsylvania.

A native of Scranton, he served his nation in the U.S. Army as a 1st Lieutenant. He married the former Patricia Lynch and raised five children: Patrick, Kathleen, Mara, Stephen, and Meredith.

An outstanding attorney, Pat often represented injured workers before me when I was an Administrative Law Judge for the state's worker's compensation fund. I quickly came to appreciate not only his excellent legal skills, but also his compassion. It was this natural empathy and desire to help others that drove Pat. He served as a trusted advisor and counselor to each of his clients.

The son of a Lackawanna county commissioner, Pat learned the importance of public service at an early age. He served as a hearing examiner for the Pennsylvania Liquor Control Board for over sixteen years. He was also active in numerous community organizations, from the Boy Scouts of America to the American Heart Association, but it was his dedicated service to the Democratic Party for which he will be best remembered.

Never a candidate himself, Pat tirelessly supported Democratic candidates and developed the Lackawanna County Democratic Party into a source of strength and significance in local, state, and national elections.

Pat served as chairman of the Lackawanna County Democratic Committee from 1984 to 2002, the longest any individual has held the position. In 1989, a local political columnist wrote about Pat's great character, which showed through when he appeared on a local radio station's political show with his Republican counterpart. "The listeners were struck by the civility and friendliness that dominated the program. Hey, the listeners reasoned, Democrats and Republicans can get along together, particularly if they're high-class gents. Listeners got a lesson in modern day political science—it is not necessary to downgrade the opponent. You can be nice to him, and vice versa."

An article in the Scranton Times on September 7, 2002 Mellody was the glue keeping party together, Pennsylvania Senate Democratic Leader Robert T. Mellow, a great friend of Pat's for forty years was quoted as saying, "He brought to the party very great leadership,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

absolutely no selfishness, no agenda." "He was a very open individual with no personal agenda except to make sure the Democratic Party . . . would be successful."

At the Lackawanna Bar Association's memorial, Attorney Sal Cognetti described, "Pat as a cheerful, helpful, generous man who everyday aided and touched other human beings by and through his counsel and knowledge. His compassion made him care about the less fortunate. The strength of his personality and his unyielding dedication to good and equal government for all kept a diverse group of individuals united under the umbrella of the Democratic Party."

Mr. Speaker, I insert in my remarks at this point the complete text of Pat's obituary.

[From the Scranton Times Tribune, August 31, 2002]

ATTORNEY PATRICK J. MELLODY

Attorney Patrick J. Mellody, 59, of the Green Ridge section of Scranton, died Thursday evening at home. His wife is the former Patricia Lynch.

Born in Scranton, son of Rita Lestrange Mellody, Scranton, and the late Lackawanna County Commissioner Patrick J. Mellody, he was a 1962 graduate of St. Paul's High School. He earned his bachelor of science degree from the University of Scranton in 1966 and his juris doctor from Columbus School of Law at Catholic University of America, Washington, D.C., in 1974. He received American Jurisprudence Awards for academic excellence.

Attorney Mellody maintained a practice in Scranton since 1974. He was admitted to practice in the Supreme Court of Pennsylvania, the U.S. District Court for the Middle District of Pennsylvania, the U.S. Court of Appeals for the Third Circuit and the U.S. Supreme Court.

Attorney Mellody had served as chairman of the Lackawanna County Democratic Committee since 1984. He was also a member of the executive committee of the Pennsylvania State Democratic Committee and was elected delegate to the 1984, 1996 and 2000 Democratic National Conventions. A graduate of Officer Candidate School, he served as a 1st lieutenant in the Army from 1966 to 1969.

He was a member of numerous civic, educational, professional and business associations, including serving as chairman of the Keystone Chapter of the American Heart Association and on the board of directors of the Pennsylvania State Affiliate of the American Heart Association. He served on the executive committee of the Friendly Sons of St. Patrick and as vice president and a member of the executive board of the Forest Lakes Council, Boy Scouts of America. An Eagle Scout, he was a member of the Eagle Scout Association of the Boy Scouts of America.

He was a member of St. Clare's Church, Scranton; the advisory board of directors of the Green Ridge branch of Penn Security Bank and Trust Co., Scranton; the Irish-American Men's Association, the Sierra Club, the Knights of Columbus Council 280, Scranton; the Green Ridge Business Association, St. Paul's Booster Club and the executive board of the Italian-American Democratic League.

Surviving in addition to his widow and mother are three daughters, Kathleen, Arlington, Va., and Mara and Meredith; both of Scranton; two sons, Patrick, Scranton, and Stephen, Arlington, Va.; a sister, Mary Horan, Pleasant Valley, N.Y.; two brothers, Charles Mellody, Bethesda, Md., and Jerome Mellody, Rockville, Md.; and several nieces and nephews.

He was also preceded in death by a brother, James Francis Mellody, who died in 1989.

Mr. Speaker, Pat Mellody's integrity, industriousness, and devotion to his family and community mark him as an extraordinary man. May his life be an inspiration to us all.

INTRODUCTION OF DC NATIONAL GUARD HOMELAND SECURITY ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Ms. NORTON. Mr. Speaker, today I am introducing a bill to give the mayor of the District of Columbia the same authority over the National Guard as the governors of all 50 States. My work as a Member of the new Select Committee on Homeland Security has convinced me that this bill is necessary now more than at anytime in the District's history. In some circumstances where a suspected terrorist incident occurs and in all circumstances constituting local emergencies, the mayor of the District of Columbia should have the same authority as governors. The National Guards in the 50 States operate under dual jurisdictions, Federal and local, but the D.C. National Guard (DCNG) has no local jurisdiction, no matter the local emergency. The President of the United States as the Commander in Chief alone has the authority to call up the National Guard for any purpose, local or national here. Each Governor, however, as the head of state, has the authority to mobilize the National Guard to protect the local jurisdiction, just as local militia have always done historically. Most often this has meant calling upon the National Guard to restore order in the wake of civil disturbances and natural disasters. Today it could mean acting quickly to respond to an incident that may be local or terrorist-related because it may be impossible to tell which. The mayor, who knows the city better than any Federal official, certainly should be able to call on the DCNG to cover local natural disasters or civil disturbances without relying on the President, who may be preoccupied with national matters, including perhaps war or security matters. It does no harm to give the mayor the authority. Today it may do great harm to leave him powerless to act quickly. If it makes sense that a Governor would have control over the mobilization and deployment of the State National Guard, at the very least it makes the same sense for the mayor of the District of Columbia, with a population the size of that of small States, should have the same authority.

The mayor of the District of Columbia, acting as head of state, should have the authority to call upon the DCNG in instances that do not rise to the level of Federal importance to implicate the powers of the President. Today requiring action by the President of the United States could endanger the life and health of D.C. residents and visitors and those who work here in the event of an emergency. Procedures now in use require the mayor to request the needed assistance from the Commander in Chief for a local National Guard. My bill does not cause the President to lose his power over the D.C. National Guard. The President could still nationalize the Guard at will, as he can with the Guards of the 50 States.

Following the September 11 terrorist attacks, I succeeded in including a provision in the Homeland Security Act recognizing that the District of Columbia must be an integral part of the planning, implementation, and execution of national plans to protect city residents, Federal employees, and visitors by including the District of Columbia, as part of the region, as a separate and full partner and first responder in federal domestic preparedness legislation. Allowing the mayor control over the DCNG helps recognize the new responsibility he now has in protecting the entire Federal establishment—the Congress, the White House, the Supreme Court, and the Federal agencies—from terrorist attacks. At a minimum, such recognition also demonstrates the respect for local governance and home rule that every jurisdiction that recruits members of the military to its National Guard deserves, especially today when the Guards are no longer weekend warriors, as the Iraq war demonstrates. If the mayor has local control over his own Guard, the Executive would give up nothing of his necessary control because the President would retain his right to nationalize the DCNG at will, as he can for the states. The confusion that accompanied the September 11 attack plainly showed the danger inherent in allowing bureaucratic steps to stand in the way of responding to emergencies in the Nation's Capital. September 11 has made local control of the DCNG an imperative.

This bill is another important step necessary to complete the transfer of full self-government powers to the District of Columbia that Congress itself began with the passage of the Home Rule Act of 1973. District authority over its own National Guard apparently was not raised during the Home Rule Act process. However, then it was unthinkable that there would be war in the homeland, much less terrorist threats to the nation's capital. What should be unthinkable after 9–11 in an era of global terrorism is allowing to stand old and antiquated layers rather than stripping them away. Giving the mayor of the District of Columbia authority to call up the National Guard could make the difference in protecting the safety of the residents, Federal employees, and visitors alike. I urge my colleagues to support this bill.

HONORING THE 50TH ANNIVERSARY OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. CROWLEY. Mr. Speaker, I rise today to commend the 50th anniversary of the American Political Science Association (APSA)

Congressional Fellowship Program. Founded in 1953, the highly selective, nonpartisan Congressional Fellowship Program has ushered more than 1700 foreign and domestic scholars, journalists and Federal employees through legislative assignments on Capitol Hill. The APSA Congressional Fellowship Program, which is currently run by Dr. Jeffrey Biggs, provides fellows with a hands-on experience in Congress as they handle legislative responsibilities both on personal or committee staffs.

In these positions, the American Political Science Association Fellows gain an invaluable inside perspective on the legislative process that no textbook can provide. In turn, they contribute significantly to the work of a congressional office as they add a new perspective and outside, real world expertise to crucial policy issues. Over the years, the Congressional Fellowship Program has gained prominence among those interested in the ways our unique democracy functions.

I am currently serving my third term in the House of Representatives and have already hosted my third APSA Congressional fellow. Ms. Simone Stemmler from Germany spent her fellowship year in my office in 1999 working on a global health initiative.

After a very successful year, my office was joined by Ms. Jodi Lieberman from the Nuclear Regulatory Agency who spearheaded a number of key legislative issues in my office, including founding and establishing the Bangladeshi Caucus.

This year, I once again picked a German fellow—political scientist Marcus Menzel—who worked together with my staff and me on a number of foreign affairs, defense, and trade issues. In addition, he created the new role of grants coordinator in my office, working to ensure that Federal dollars are returned to worthwhile groups and organizations in my district of Queens and the Bronx, New York.

Representing a multiethnic district and serving on the Committee on International Relations, I particularly appreciate the different perspectives and opinions that fellows from America's foreign allies bring to my office. They learn about our deliberate process and we in turn benefit from their unique perspective on global issues.

The 50th anniversary is often considered the golden anniversary; and I can state without hesitation that the APSA Congressional Fellowship Program represents the gold standard of fellowship programs.

HONORING THE 50TH ANNIVERSARY OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to commemorate the 50th anniversary of the American Political Science Association (APSA) Congressional Fellowship Program.

The APSA Congressional Fellowship Program is a nine-month highly selective, nonpartisan, legislative working experience where fellows gain experience as legislative assistants on personal or committee staffs and attend educational seminars and trips to the Canadian Parliament and the Maryland State House. The program exposes the inner workings of the legislative process to professionals from academia, journalism, government agencies, health care and foreign countries and, through them, to the broader public. It likewise exposes us as Members of Congress to their outside expertise and fresh perspectives on important public policy issues.

I have been honored to host two APSA fellows in my office during the course of my three terms in the House of Representatives. Wanda Meyer-Price, a federal agency fellow from the Central Intelligence Agency, served in my office in 2002. Matthew Hicks, a journalism fellow from national technology magazine eWEEK, is serving this year. Both acted as full members of my staff, advising me on important legislative issues.

On a personal note, I understand the importance of fellowship programs because my exposure to the legislative process began in 1983 as a fellow in the California Assembly Fellowship Program. Fellowship programs like the APSA Congressional Fellowship Program strengthen our democracy by fostering a broader and deeper understanding of the Congress and its legislative processes.

Mr. Speaker, let us recognize the APSA Congressional Fellowship Program and its 1,800 alumni for their contributions to the legislative work on this floor and to furthering vital participation in the democratic process.

HONORING THE COMMITMENT OF SPECIAL AGENT WILLIAM M. YOKOW

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to recognize the lifelong dedication of Special Agent William M. Yokow, who after 27 years of service retired earlier this month from the United States Department of Treasury, Internal Revenue Service, Criminal Investigation.

As a member of the IRS Criminal Investigation, Special Agent Yokow has been instrumental in protecting the American public from financial crimes. Beginning his career in 1978 under the IRS Intelligence Division, Bill served 16 years in the Hartford Post of Duty and later transferred to the New Haven Post of Duty. He has been responsible for numerous high-profile convictions and has repeatedly proven his commitment to the law enforcement community. In cooperation with the FBI, Special Agent Yokow was essential in obtaining a conviction in the well-known "Santa Claus" armored car robbery of more than $1 million and helped the Environmental Protection Agency Criminal Investigation Division, U.S. Customs Service and the U.S. Attorney's Office in the conviction of a $26 million excise tax fraud conspiracy relating to the illegal importation of ozone depleting chemicals. Over the years, Bill has not only demonstrated his leadership as an on-the-job instructor and mentor to Special Agents in training, he has also volunteered for special assignments, including service at the 2002 Winter Olympic Games held in Salt Lake City, Utah.

Bill's hard work and dedication has earned him the Director's Award for Outstanding Achievement in Law Enforcement, as well as a Certificate of Commendation by the Assistant Attorney General, U.S. Department of Justice, Environmental and Natural Resources Division. Special Agent Yokow has also received a Juris Doctorate from the Quinnipiac School of Law and is eligible to practice law before the State of Connecticut Superior Court, U.S. Tax Court and the U.S. District Court.

Mr. Speaker, I ask that my colleagues join me today in thanking and honoring Special Agent William M. Yokow for his service to the state of Connecticut and the Nation.

ROBERT A. BORSKI POST OFFICE BUILDING

SPEECH OF

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. HOLDEN. Mr. Speaker, I rise today in support of the bill before us and to pay tribute to my very good friend and former colleague, Robert A. Borski. I had the pleasure to serve with Bob for ten years in this body, and am very proud of the work we did together.

Representative Borski was first elected to the House of Representatives in November 1982 and served for 20 distinguished years in this chamber where he served his district and the entire State of Pennsylvania in a dedicated and exemplary fashion.

Representative Borski built a reputation as Philadelphia's most accessible representative. A consummate leader and statesman, Bob worked consistently to defend public safety and devotedly serve his constituents in the Philadelphia area.

As a member of the Committee on Transportation and Infrastructure, Congressman Borski worked very hard for Pennsylvania's transportation concerns. He rose to be the third ranking Democrat in seniority, and the Dean of the Pennsylvania Delegation on the Committee. In his last term he served as Ranking Democrat on the Highways and Transit Subcommittee.

I ask my colleagues to join me in formally recognizing the outstanding accomplishments of Representative Borski by passing this bill to officially name the Robert A. Borski Post Office.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. CARTER. Mr. Speaker, on Thursday, July 17, 2003 and Friday, July 18, 2003, I was unable to be present for rollcalls #382–#397. The following are the ways I would have voted, had I been present:

Rollcall 382—No; rollcall 383—No; rollcall 384—No; rollcall 385—No; rollcall 386—No; rollcall 387—No; rollcall 388—Aye; rollcall 389—Aye; rollcall 390—No; rollcall 391—Aye; rollcall 392—No; rollcall 393—No; rollcall 394—No; rollcall 395—Aye; rollcall 396—No; rollcall 397—Aye.

SHOSHONES FINALLY GET MASSACRE LAND

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. BISHOP of Utah. Mr. Speaker, the Northwestern Band of Shoshone Nation were driven and slaughtered by their own government in 1863. They are not a federally recognized tribe and are scattered throughout Northern Utah and Southern Idaho. The following article depicts their sorrows and triumphs over the last 140 years. It details how recently they were able to acquire the land where the 1863 massacre occurred. This site will serve as a reminder for time immemorial of the sacrifice and hardship endured by this people since those fateful days of 1863. I respectfully submit it to the CONGRESSIONAL RECORD on behalf of the Northwestern Band of Shoshone Nation and the American West Heritage Center, the sole repository of their artifacts and history.

[From the Salt Lake Tribune, Mar. 25, 2003]

SHOSHONES FINALLY GET MASSACRE LAND

(By Kristen Moulten)

PRESTON, IDAHO.—The Northwestern Shoshones have been invisible among Utah's Indian tribes, almost an afterthought on any list.

But that era is over, according to Forrest Cuch, Utah's head of American Indian affairs and one of a dozen speakers at a ceremony Monday celebrating a new chapter for the tribe.

The Northwestern Band of the Shoshone Nation at last took ownership of land in southern Idaho along the Bear River where hundreds of their ancestors were slaughtered by U.S. soldiers in 1863.

"All my life I've watched the Shoshone suffer in this area," Cuch told the 75 Shoshones and 125 of their friends gathered at the massacre site Monday two miles west of Preston. "It's your turn to be first now. You've been last for so long."

Tribal Chairwoman Gwen Davis of Brigham City agreed. "We've waited many years for this day to happen," she said. "Our dreams have become reality today."

The tribe plans a small interpretive center to tell the story of the massacre.

A larger interpretive center is planned farther south near Logan. The American West Heritage Center at Wellsville is raising $30 million for a center that will have a multimedia re-creation of the massacre and tell the tribe's story in full. The tribe's library and cultural artifacts also will be kept at the heritage center, said Bruce Parry, executive director of the tribe.

Back on Jan. 29, 1863, the Shoshones were in their winter camp at the northern end of Cache Valley in Idaho when soldiers under the command of Col. Patrick Connor attacked.

The first hour was a battle between the soldiers and Shoshone braves, but it soon turned into a massacre. Men, women and children were shot and clubbed to death; tepees and food supplies were torched. Between 250 and 380 Shoshones were killed, while a few dozen hid in brush and under the riverbanks.

Mormon pioneers had asked the soldiers to intercede because Shoshones—who had lost their game and other food sources to pioneer and wagon train encroachment—had become an irritant, depending on the pioneers for food. Shoshone braves also were suspected of raiding supply wagons en route to Montana gold-mining camps.

In a benedictory prayer at the end of Monday's ceremony, Elder Monte Brough of the LDS Church's First Quorum of the Seventy alluded to the role played by early Mormons in inciting the massacre.

"There is a history of persecution and discrimination here, and we ask that this can be a token gesture to remedy that . . . a token of those things that are solidly in the past."

Brough prayed that all who visit the site will consider it sacred ground.

Paul Campbell, chairman of the Franklin (Idaho) County Commission, said he learned just recently that his great-great grandfather had watched the massacre from a bluff above the river.

Many Preston area residents are ignorant of the massacre, he said. Early historic markers labeled the Shoshone women and children "combatants."

The 26 acres turned over to the tribe Monday have been grazed for decades and have a crumbling homestead in one corner.

Campbell said the shift to tribal ownership should get the Idaho congressional delegation's attention and help win the place designation as a national historic site.

The land was purchased this past weekend by the Trust for Public Land, a national land-conservation organization. The $55,000 purchase price for two parcels comprising the 26 acres was raised from the Flamekeeper Foundation (formerly the William F. and Anna Smith Foundation) of Salt Lake City; Katherine and Zeke Dumke Jr.; historian Brigham Madsen and several anonymous donors. The American West Heritage Center helped with fund raising.

"This is a story that must be heard, not just locally, but regionally and nationally," said Alina Bokde, a New Mexico-based project manager for the trust. The organization has a program to help tribes regain ancestral lands.

Allie Hansen of Preston was jubilant Monday. The history buff has shown the massacre site and told the story to thousands of visitors for two decades and successfully lobbied the National Park Service to get it listed on the National Historic Register in 1990.

When one gets immersed in a historical subject, it starts to seem like a fairy tale, she said. "This makes reality out of it."

WEST VIRGINIA SERVICEMEN MISSING IN ACTION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mrs. CAPITO. Mr. Speaker, I rise today on behalf of myself, the National League of Families of American Prisoners and Missing in Southeast Asia, and the 19 servicemen from West Virginia who are still missing as a result of their military service in the Vietnam War. Following Operation Iraqi Freedom, support for our missing soldiers and their families has been in the hearts of all Americans. The successful rescue of Army PFC. Jessica Lynch reminded America of the amazing strength and courage exhibited by American prisoners of war. In a salute to our missing soldiers, I would like to personally acknowledge the League's efforts and recognize these missing West Virginians, so that their strength, courage and patriotic service may be lastingly praised remembered and cherished:

John Scott Albright II of Huntington, Albert Harold Altizer of Squire, Joseph Clair Austin of Moundsville, Jerry Edward Auxier of Dixie, Keith Royal Wilson Curry of Salem, James Edward Duncan of Point Pleasant, Robert W. Hunt of Beckley, Carroll B. Lilly of Morgantown, Danny G. Marshall of Waverly, Michael Robert Norton of Eskdale, Edward Milton Parsley of Naugatuck, Marshall I. Pauley of Milton, Ronald Keith Pennington of Hambleton, Joe Harold Pringle of Homer, James Ray Sargent of Anawalt, Hughie Franklin Snider of New Cumberland, Dean Calvin Spencer III of Morgantown, James Lawrence Taylor of Nitro, and David Wallace Wickham II of Wheeling.

Many of us will never experience the pain of uncertainty that the families of POWs live with. Adding insult to injury, these missing soldiers have slowly slipped from our nation's collective memory. It is our sober duty to never forget our unaccounted-for soldiers, and to show our appreciation for their service by flying the POW/MIA flag.

Mr. Speaker, it is with great pride and honor that West Virginia remembers the service of these men. We will continue to fly the POW/MIA flag, and we laud The National League of Families of American Prisoners and Missing in Southeast Asia for their continued diligence in locating our missing sons and daughters and for their unwavering commitment to the memory of our nation's POWs.

VETERANS HEALTH CARE IMPROVEMENT ACT OF 2003

SPEECH OF

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. MICHAUD. Mr. Speaker, I rise today in support H.R. 2357, the Assured Funding for Veterans Health Care Act of 2003 and I would like to thank Congressman EVANS, Ranking Member of the Veterans' Affairs Committee for introducing this important measure.

As we speak, our young men and women in uniform are selflessly risking their lives in Iraq and in Afghanistan. The bravery that they show reflects the proud tradition of this nation's military and demonstrates the great sacrifices made by our veterans and their families. America owes a great debt to its veterans.

Recently, the President's Task Force to Improve Health Care Delivery for Veterans released its final report, which noted "a significant mismatch in VA between demand and available funding." To ensure funding for veterans' health care, the report recommends "modifications to the current budget and appropriations process by using a mandatory funding mechanism."

The "Assured Funding for Veterans Health Care Act of 2003" would address the findings and recommendations of the Task Force by creating a guaranteed funding stream for veterans' health care. We need a process that ensures that our veterans do not have to wait for discretionary funding each fiscal year, and that is why I support H.R. 2357.

The American Legion, Disabled American Veterans and Veterans of Foreign Wars have built a coalition to fight for the passage of mandatory funding for veterans' health care. It is one of the highest priorities for the veterans of this country and it should be one of the highest priorities for this Congress.

We need to work to ensure that both bodies pass legislation to guarantee funding for veterans' health care. The veterans of this country need to know that this Congress is serious about caring for their needs, and that this country keeps its promises.

NEGOTIATE A FREE TRADE AGREEMENT WITH TAIWAN NOW

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. TOWNS. Mr. Speaker, for over half a century, Taiwan and the United States have been close Trade partners. Last year, bilateral trade between Taiwan and the United States reached US $51 billion, making Taiwan our 8th largest trading partner. It is interesting to note that bilateral trade between Taiwan and the United States surpassed that of all of our newest prospective free trade agreement partners combined. It is therefore timely for us to consider negotiating a free trade agreement with Taiwan.

Our International Trade Commission recently issued a report which showed net gains totaling $3.4 billion for the U.S. economy from a proposed agreement. Beneficiaries would include U.S. exporters of cars, auto parts, machinery and equipment, chemicals and plastic products and certain foods. New opportunities would be created for financial and educational services.

Negotiations of a trade agreement would serve long-term U.S. interests overseas. A trade agreement with Taiwan would phase out tariffs and other non-tariff barriers with Taiwan and promote U.S. efforts to increase trade not only with Taiwan but also with other countries in the Pacific Rim.

We will build on the free trade agreements already concluded with Chile and Singapore. It is possible we will enter negotiations with Australia and New Zealand, eventually reaching the goal of a free trade zone in the region by 2010, as envisioned by the APEC Bogor Declaration.

In short, Mr. Speaker, with Taiwan's recent accession to the World Trade Organization and passage of Trade Promotion Authority for the president, it is most appropriate for the United States to reach out to Taiwan, a strong friend and ally in the Pacific. We need to solidify our long-term trade relations with Taiwan by starting to negotiate a free trade agreement with Taiwan now.

HONORING MR. ROBERT SIDNEY PHELAN

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. TANNER. Mr. Speaker, today I rise to honor Robert Sidney Phelan, a fine public servant who has dedicated himself to the people of Tennessee throughout his life as a loyal citizen to our community.

Robert attended Peabody High School in Trenton, Tennessee, where he excelled in both basketball and football. Graduating in 1952, he received a football scholarship at the University of Tennessee in Knoxville.

Dedicated to his family, Robert cut his college years short to return home and run the family business, an automobile dealership he ran for 50 years. In 1987, he received the "Quality Care Award," the highest award the Ford Motor Company bestows on a dealer.

Robert married Linda Gail Powell in 1958. They are the proud parents of Robert Sidney Phelan, Jr., Paul Edmund Phelan, and Mary LeAnn Phelan. Robert and his wife have three grandchildren and two step-grandchildren.

In 1963, Robert became the acting Postmaster while continuing to run his auto dealership. He also served in the Tennessee National Guard, from which he retired as a First Lieutenant.

Robert has long been active in helping our community. With the help of U.S. Senator Jim Sasser, Robert was instrumental in establishing a new National Guard Armory in 1991. He was Exalted Ruler of the Trenton Elks Lodge. As a fundraiser for the lodge, Robert Started Walking Horse shows, which became known as one of the best shows in West Tennessee. Robert aided the lodge in buying land and building their now existing lodge. Robert served as President of the Trenton Chamber of Commerce and he also won their prestigious Citizen of the Year Award. He was also a member of the Trenton Rotary Club.

He served as a member of the Gibson County Election Commission for 36 years, devoting many of those years as Chairman. He has served on the board of Trenton Housing Authority for 34 years. He helped in forming the Pinecrest Country Club and served on that board, as well. He helped in forming the Trenton Special School District, where years later he helped replace the aging school building with a new high school. Believing that Gibson County could support a satellite community college, Robert was instrumental in raising money to fund Dyersburg State Community College in Trenton. It is obvious that Robert Phelan gives 100 percent of himself into everything asked of him for the people of Gibson County and the State of Tennessee.

Robert has also served many years on the Trenton Industrial Board. Robert served on the board of Citizen State Bank, spending some of that tenure as Chairman. Robert worked diligently to form Citizen City and County Bank, which opened in 1997. Robert now serves as Chairman of the Board.

Throughout his life, Robert has always devoted hard work to the Democratic Party on a local and statewide level. In 1974 Robert was appointed Honorary Sergeant At Arms of the Tennessee Senate. In 1975 was the Colonel Aide de Camp on the Governor's staff and a 1976 member of the West Tennessee Democratic Caucus. He worked for such statesmen as Congressman Robert "Fats" Everett, Congressman Ed Jones, Senator Jim Sasser and Senator and Vice President Al Gore. He also worked for Tennessee Governors Frank Clement, Bufford Ellington, Ray Blanton, Ned McWhether and Phil Bredsen. Robert has also worked for members of the Tennessee General Assembly, including his son, Paul Phelan, who served for 10 years as a state representative.

Mr. Speaker, please join Robert's friends, family and me as we recognize his dedication and service to our community.

IN MEMORY OF SALVATORE "SAL" FAZZINO

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Ms. ESHOO. Mr. Speaker, it is with a profound sense of sadness that I rise to honor the memory of a good and honorable man, Salvatore "Sal" Fazzino, who passed away on Saturday, July 19, 2003.

Sal Fazzino was a first generation American whose parents immigrated from Sicily to Ellis Island. Born in Middletown, Connecticut, Sal served his country during World War II and was stationed in the Philippines. Upon returning from the War, Sal vacationed in Florida and met his future wife Dolores. They were the proud parents of three sons: Gary, Wayne and Brian, and a daughter, Donna.

It was his dedication to his children that inspired Sal in the mid-1960's to drive his family across the country, moving to California. Without a job or any job prospects, Sal bought a house in Palo Alto so that his children would be the beneficiaries of the Palo Alto school system.

With a high school education and vocational training, Sal went to work at the Stanford Linear Accelerator Center repairing the facility's air conditioning. He became an avid follower of local politics, guided by "Harry Truman-like common sense." One of his proudest moments was when his son Gary became the Mayor of Palo Alto. He was a sound advisor to his son, consistently reminding him of the needs of the middle-class in Palo Alto . . . many like himself who moved to the city when it was predominately a middle class community.

In 1994, Sal lost his wife Dolores. In spite of this loss, Sal continued to be active in the community through the Menlo Park Italian-

American Social Club, and serving as President of the Amici Club. It was through the Italian-American community that Sal met his second wife, Mary, whom he was married to for the past five years.

Mr. Speaker, I ask all my colleagues in the House to join me in honoring Sal Fazzino and extending our condolences to his family. His life exemplifies the best of America . . . serving his country in uniform, raising four fine children, taking risks so that their future would be better, and giving back to his community. Sal Fazzino distinguished himself as a loving husband, a great father and a proud citizen of the country he loved. We, in return today, pay tribute to a great American.

HONORING THE 50TH ANNIVERSARY OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. COOPER. Mr. Speaker, I rise today to offer my sincerest congratulations to the American Political Science Association on the 50th anniversary of its Congressional Fellowship Program. I am also personally deeply grateful to the APSA for the privilege of working with one of the program's most talented fellows this year, Dr. Frances Lee of Case Western Reserve University.

Frances has been a true delight and an invaluable asset to my office. Both my staff and I feel honored to have had a chance to benefit from her many-faceted intelligence, her unstinting hard work, and her ever-cheerful demeanor. In her short time with us, she has worked on several projects of both local and national impact that are of special importance to my constituents back in the Fifth District.

For example, Frances took principal responsibility in preparing a comment letter to the Internal Revenue Service, protesting its "pre-certification" proposal for recipients of the Earned Income Tax Credit. This credit provides approximately $89 million in refunds to the hard-working families of my district each year, and its benefit to my constituents cannot be overstated. Frances worked with both local and national community groups and advocates to help raise awareness of the IRS proposal, which would have imposed an onerous bureaucratic burden on EITC beneficiaries by requiring them to "register" for this credit in advance. Frances meticulously researched the details of the IRS plan and crafted a well-written and persuasive letter urging the IRS to reconsider the impact of its proposal. Her efforts have drawn not only attention from the media but the interest of community groups in Nashville, who are now working with our office to make free tax assistance more readily available in our community. I cannot thank her enough for what her work will do to help ensure that my constituents continue to receive the tax credits they have earned through their hard work.

In addition to this effort, Frances provided our office with valuable assistance and advice on issues as varied as diversity in media ownership, prescription drugs and Medicare and social security. She also worked on projects critical to local economic development and charity.

Both my staff and I will miss Frances deeply, and on behalf of my staff, I wish her the very best in all of her future endeavors. And to the APSA for granting us the opportunity to work with Frances, I again offer my sincerest thanks.

HONORING THE 50TH ANNIVERSARY OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. SCOTT of Virginia. Mr. Speaker, I would like to take a moment to draw attention to the 50th anniversary of the American Political Science Association (APSA) Congressional Fellowship Program.

The goal of the APSA Congressional Fellowship Program is simple: to help participants better understand Congress. It is the oldest such program on Capitol Hill, designed to place highly skilled professionals from a broad spectrum of backgrounds in congressional offices for nine months as legislative aides. Over the years, the highly selective, nonpartisan program has grown from its beginnings with six fellows in 1953 to the current program, which selects between 40 and 45 professionals who have built impressive records of accomplishment as political scientists, journalists, sociologists, domestic and foreign policy government specialists, health policy experts and international scholars. The relationship between the fellow and the Members of Congress is a symbiotic one as Members obtain access to new sources of expertise, while fellows obtain first-hand perspectives about life on the Hill. There is, after all, no substitute for practical experience to understand Congress as a living institution. I wish to place on record my support for it.

I have had the privilege to be associated with two APSA fellows in my office during the time I have been serving in the House of Representatives. As it turns out both are female journalists from foreign countries. Fardah Assegaf from Indonesia worked at the National News Agency of Indonesia, and served in my office in 1993. Michelle Phipps-Evans from Trinidad and Tobago worked at the Washington Afro American Newspapers and is serving this year. Both have been invaluable in the levels of writing and researching they have brought to the table. Each acted as full members of my staff advising me on various issues.

Other enrichment opportunities continue through the program with the Wilson Seminar Series, which augment the legislative experience with speakers closely involved in the legislative process. A state-federal legislative comparative program at the State House in Annapolis, Maryland, and the Canadian Parliamentary Exchange provide further education. During the Canadian exchange, fellows provide their northern colleagues with a one-week orientation to Congress and receive a similar program through the House of Commons in Ottawa, Canada.

Upon completion of the year on Capitol Hill, which often includes experience in both the House and Senate, the fellows return to their previous employment where their understanding of the political process becomes integrated and disseminated, with a kind of ripple effect among their colleagues. This knowledge of the workings of government enhances their future participation in the democratic process.

Mr. Speaker, I salute the APSA Congressional Fellowship Program, which has given over 1,800 individuals what can only be called an "opportunity of a lifetime."

CARICOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. TOWNS. Mr. Speaker, last February, members of the Caribbean Community (CARICOM) met to discuss the prospect of creating a single Caribbean market economy. In mid-April, members of the Organization of Eastern Caribbean States (OECS), a CARICOM subgroup, gathered to examine a similar proposal. Despite widespread enthusiasm among OECS members for economic integration, CARICOM participants Jamaica, Barbados, and other non-OECS members have expressed their reservations. In response to strains caused by declining tourist revenue and highly competitive pricing in the tropical fruit sector, some of the smaller Eastern Caribbean islands are recognizing that their interests and the interests of other CARICOM members do not always fully coincide. The disagreements between OECS members and the remainder of the CARICOM states merit adequate attention on Washington's part if the final product of FTAA negotiations is to result in maximum economic benefits for our own citizens and for our neighbors to the South, including, of course, the English-speaking Caribbean.

As the economies of the region find themselves under increasing stress, and as diplomatic negotiations for the proposed Free Trade Area of the Americas marches onward, it seems clearer than ever that careful attention must be paid to the delicate economic relationships presently maintained by each of the hemispheric nations, both small and large. If the world's economy is to recover from its present downturn, and if future economic slumps are to be averted, planners must recognize that support for total economic integration is far from universal. They must strive to understand the reasons behind dissent, where it exists, and the reasons for support, where it thrives. It may very well be that principles of free trade can be implemented more effectively in some places rather than in others, where local economic fundamentals do not entirely coincide with those of the main players, like the U.S.

The following research memorandum was authored by Justin Vance, a research associate with the Washington-based Council on Hemispheric Affairs (COHA), a nonpartisan, tax-exempt organization that has long been committed to addressing issues associated with human rights, democracy and economic justice throughout the western hemisphere.

Fueled by a greater sense of urgency regarding the forging of a single market economy than some of their neighbors and fellow members in the Caribbean Community (CARICOM), the prime ministers of the Organization of the Eastern Caribbean States (OECS) met in mid-April 2003 to discuss the future of their economic relations. The seven permanent members of the OECS are Antigua and Barbuda, Dominica, Grenada, Montserrat, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines. Their governments have already passed EU-style measures that allow people to move freely across each other's borders. New passports for the Eastern Caribbean States are expected to be issued by 2004, while Antigua, St. Kitts, Montserrat, and St. Vincent have further accelerated their economic integration by also allowing the free movement of labor within the island group. The necessary planning to implement a single market economy would obviously take longer, but the group hopes to implement its integration by 2005. "This is only advancing by two years what is really going to take place," said St. Vincent Prime Minister Ralph Gonsalves, possibly alluding to the fact that CARICOM is aiming for its own single market economy by 2007, only two years after its original date.

Most people tend to associate the Caribbean with stunning beaches and refreshing oceans. Some insist it is as close to paradise as one can find. Indeed, the Caribbean islands have plentiful resources and boast a soil structure that is perfect for growing a wide array of crops. Despite these riches, many Caribbean residents equate their alleged Eden more closely with Hades, as they struggle to feed their families. Some EC islands are among the most underprivileged in the world, with an increasing disparity between the rich and poor. Though the per capita GDP of most of the islands is increasing, they are still far behind that of the developed nations.

The Caribbean islands have long faced an array of dilemmas. To cope with some of these, the Treaty of Chaguaramas, signed in Trinidad on the 4th of July 1973, established the Caribbean Community known as CARICOM. The organization has taken on evolving objectives including improving standards of living, safer working conditions, full employment, and enhanced levels of competitiveness and productivity. During the twenty-third meeting of the Conference of Heads of Government of the Caribbean Community in July 2002, Mr. Edwin W. Carrington, CARICOM's secretary-general, called upon those in attendance to celebrate the organization's 30th anniversary by implementing the Caribbean Single Market Economy (CSME). In what may be an understatement, Jamaican Prime Minister, Percival J. Patterson, observed, "Our situation no longer permits time just for talking. It is high time for action here and now. In today's world there is no question of simply standing still. Just to mark the time is to be left behind."

Some island governments argue that the creation of a single market economy that would allow goods, services, people and capital to move freely throughout the Caribbean would be a bonanza for their citizens. They insist that the CSME will increase production and trade among member countries while it also improves the quality of goods and the competitiveness of their prices, creates jobs and improves living standards. Others, such as The Bahamas, contend that such an agreement would infringe on their sovereignty. It may sometimes appear easier and seemingly more beneficial for an island nation to enter into a bilateral agreement with a single country rather than with a multiplicity of its neighbors and fellow CARICOM members.

The Bahamas is content to be a part of CARICOM, but hesitant to integrate into a single market economy. According to Bahamian Prime Minister Hubert A. Ingraham, "the 'free movement of people' aspect of the SME would have serious social and political implications for The Bahamas, given its unique position as the target for massive unregulated migration from many countries." This realistic fear of a domestic job market that becomes inundated by floods of migrants from nearby islands appears justified when one looks at the statistics. The Bahamas currently enjoys a GDP per capita of $16,800, while the average for other CARICOM members is only $5,500. The unemployment rate in The Bahamas is a low 6.9% compared to the average rate of 16.6% in other CARICOM nations, (If Haiti is excluded, the average drops to 13%). CARICOM members believe that their economic problems will be ameliorated once they become a part of the proposed Free Trade Area of the Americas (FTAA), making them even more competitive on the international level. Although Bahamian officials plan on negotiating in collaboration with CARICOM, they have confirmed that they are prepared to voice opinions that are at variance with the latter's initiatives in order to protect their interests as well as ensure the proper treatment of some of the other smaller, developing economies.

Jamaica also on occasion has exhibited what could be called anti-CARICOM tendencies by negotiating a unilateral air services agreement with the Federal Aviation Administration (FAA) in Washington. CARICOM members supposedly were working collectively towards a deal with the FAA, but Jamaica skirted what it saw as a slowmoving CARICOM out of fear of further jeopardizing its already hemorrhaging tourist industry. The Bahamas and Belize have also shown themselves to be willing to strike separate deals with the U.S. As tourism generates a large part of the foreign currencies for these nations, it was a matter of utmost importance to them to reach an agreement.

In view of their individual interests, CARICOM's characteristic grindingly slow approach was producing paralysis. In response to the organization's long term aspirations to also form a political alliance as well, Prime Minister P.J. Patterson confirmed that Jamaica considers CARICOM a "community of sovereign states" and that his country would have no part of it, though they respect and support the rights of other CARICOM nations to negotiate accordingly, if they so desire. These types of divergences are what have kept CARICOM from implementing the single market economy about which they have been talking for the last fifteen years.

Another deterrent to CARICOM's quest for economic unification is the fact that the Caribbean Islands all have fairly similar economies. Chicago School neoliberal economic scholars advocate strict adherence to the law of comparative advantage, specialization, and unfettered access to markets. They insist that if the above criteria are present, an economy will maximize production and benefit from the gains of trade. In the Caribbean, however, specialization has proven difficult due to the similarity of its economic profiles.

Antigua, The Bahamas, Barbados, and Jamaica all depend heavily on tourism. For example, over 60% of the Bahamas' GDP comes from tourism. Over 50% of Belize's exports are from cane sugar, while St. Kitts also relies heavily on sugar, despite the commodity's falling price. St. Lucia and St. Vincent's primary income comes from the production of bananas, but competition involving this fruit is fierce as Central American countries are able to produce at a considerably cheaper price. Dominica also relies on bananas, but since Hurricane Luis in 1995 devastated the crop, the country has relied upon construction and such non-traditional commercial activities as soap production to fuel its recovery.

Guyana has a large mining industry based on numerous gold deposits, but lacks the required skilled labor to fully exploit that commodity. Other resources found on the islands include bauxite, petroleum, and natural gas. This dependence on tourism and limited amounts of economic diversity among the islands has pressured CARICOM members and increased inter-island competition, as they at the same time seek out various bilateral agreements with other countries that best meet their needs. Perhaps for this reason, members of the Organization of Eastern Caribbean States (OECS) have sought a single market economy sooner than CARICOM, hoping to do what the larger body has failed to accomplish thus far.

Some observers claim the OECS is pushing to form a free trade agreement apart from CARICOM in an attempt to increase their collective bargaining power. Such an alliance would allow CARICOM's smaller member states to contract services collectively—including telecommunications services, which are currently over-priced due to their micro markets—as well as to import goods at lower prices through unified buying power. The island nations aspire to eventually be seen as a larger market and to profit from economies of scale that will also strengthen their voice in an already complex global economy, and, of course, in upcoming FTAA negotiations.

Though not a single market economy, The North American Free Trade Agreement (NAFTA) between Mexico, the U.S., and Canada was met with considerable opposition when first proposed. It is the world's most extensive free trade agreement short of a common market. Since the beginning of its implementation in 1994, some tariffs have been completely eliminated while others will drop until they too disappear in five, ten, or fifteen years. From 1993 to 2001, bilateral trade between the U.S. and Mexico increased 188 percent. But despite these seemingly beneficial statistics, opponents still point out that hundreds of thousands of Mexicans have been negatively affected due to rising unemployment rates brought about by a contracting economy. In the first three years of NAFTA, over 2 million Mexicans lost their jobs. Many American and Canadian workers also lost out as companies moved south of the border in search of cheap labor. One convincing argument now being made is that those who benefit from NAFTA tend not to need it, while those who suffered before, continue to suffer, but even more dramatically.

At the beginning of the year, U.S. officials announced the commencement of discussions concerning the Central American Free Trade Agreement (CAFTA). The hope of negotiators is to eliminate tariffs and other economic barriers to the expansion of manufactured goods, agriculture, and services, as well as increasing FDI and portfolio investment between the United States and Central America. Over 50 programs will be initiated to help Central American countries compete on an international level. It remains to be seen, however, whether CAFTA will truly help stabilize the area's economies and bring relief to all strata of Central American societies.

Some Caribbean authorities feel that a NAFTA-like prescription for the Caribbean would have a monumental effect on the area as the islands' individual economies are becoming more and more obsolete in the international market, based as they are on high cost sugar and banana cultivation as well as an increasingly fickle tourist industry. According to the CARIBNews, the OECS hopes to implement a single market economy by 2005 because "the region is likely to be exposed to tough competition as it joins Latin American and North American countries in signing onto the Free Trade Area of the Americas."

Dr. Richard Bernal, director-general of the Caribbean Regional Negotiating Machinery (CRNM), has said that the Caribbean will inevitably have to increase its participation in the global economy. Its advocates say that each of the nations in the Caribbean region would benefit greatly from being a part of the FTAA, as their worldwide markets would almost certainly expand. But some of the smaller and lesser-developed countries' fate could be far more problematic. If the U.S. and other large economies are interested in what the smaller countries have to offer—such as Guyana's gold and bauxite—they will need to include provisions that help those countries develop instead of marginalizing their exports and forcing down their prices, which will only add to the poverty that already is widely found. The OECS members who are seeking a single market economy and integration within the FTAA will soon know whether their economic prospects under the pending trade pact will fulfill the abundance of sales talk they have heard over the past few years.

REMEMBERING THE LIFE AND ACCOMPLISHMENTS OF RALPH R. "RONNEY" SNELL

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. TANNER. Mr. Speaker, I rise today to recognize the extraordinary life and accomplishments of Ralph R. "Ronney" Snell, CPO, FAAOP, who passed away in Memphis, Tennessee, on May 11. Mr. Snell's death is a great loss to his family, his friends and members of the Orthotic & Prosthetic field.

Ronney dedicated his career to improving the quality of life for his patients and contributed greatly to the success of many Orthotic & Prosthetic companies. As a third generation Orthotic & Prosthetic practitioner, Ronney presided over his family's business, Snell's Limb and Braces, Inc., for 16 years.

Ronney served on the board of directors of Durr Fillauer Medical Inc., he served as president of Prosthetics and Orthotics Development Inc., and as director of research and development and production for Florida Brace, Inc. In addition, Ronney served as director of prosthetics and orthotics at Baptist Hospital in Memphis, Tennessee. Ronney founded his own company, C.F.I. Prosthetics & Orthotics in Memphis, and later worked as area manager for J.E. Hanger in Kentucky and Tennessee.

Ronney earned his certification in prosthetics in 1957 and orthotics in 1975. He made countless contributions to his profession, and he shared his knowledge and experience with everyone he met by serving as president of every major Orthotic & Prosthetic organization. Ronney was president of the American Board for Certification in Orthotics and Prosthetics in 1969, and he helped organize the American Academy of Orthotics and Prosthetics. Ronney became the Academy's first president in 1971 and was named a fellow member in 2002. Furthermore, Ronney served two terms as president of the American Orthotic and Prosthetic Association, the first in 1974–1975 and the second in 1998–1999.

Perhaps, Ronney will be remembered most as a mentor and teacher. Ronney held a number of teaching positions to pass along his knowledge and expertise to others. He served as a clinical instructor at the University of Tennessee's Department of Physical Therapy; he was an assistant professor of orthopedics for the University of Tennessee's rehabilitation engineering program and served as an instructor of Orthotics & Prosthetics at Northwestern University.

Ronney's life-long passion was dedicated to helping others and making a difference in their lives. His generosity and loving nature were evident in his active participation with St. Jude Children's Research Hospital and the donations he made in support of his ideals.

With all the lives he touched and the contributions he made, Ronney earned a wealth of accolades, including American Orthotic and Prosthetic Association's prestigious Lifetime Achievement Award, the Academy's Titus-Ferguson Award for a lifetime of achievement and a special tribute created by American Orthotic and Prosthetic Association, American Board for Certification in Orthotics and Prosthetics, and the Academy to recognize his leadership in all three organizations.

Ronney Snell leaves behind a long legacy of selfless servitude to the field of Orthotics and Prosthetics, and to his family and friends. Ronney set an example for all of us to follow, and he will be greatly missed.

Mr. Speaker, I ask that you join me in honoring a distinguished public servant, an outstanding citizen and my friend, Ronney Snell.

PERSONEL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Monday, July 21, I was unavoidably detained due to a prior obligation. I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted "yes" on rollcall No. 398, "yes" on rollcall No. 399, and "yes" on rollcall No. 400.

HONORING LARRY ALLEN

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Larry Allen, a retired police officer from my hometown of Tarpon Springs who offers free computer classes to children in my congressional district.

Mr. Allen retired from the Tarpon Springs Police Department earlier this year after thirty years of dedicated service. He joined the force after high school because he wanted to serve the community in which he was raised. Mr. Allen, however, wanted to continue serving the community he once protected after his retirement. Consequently, he devotes much of his time to the Department's Cops and Kids program, which teaches children how to use, repair, and take care of computers.

The program, which allows six youngsters to participate on a rotating basis every six weeks, enables its participants to get individualized instruction that they may not otherwise receive at school. This attention allows the students to learn how to use computers as educational tools and learn more than they would without the benefit of those skills.

I am pleased that many individuals and businesses from my congressional district have supported this effort by donating computers to the program. These machines are refurbished and loaded with current software which allows the students to take computers home to assist with their school work.

Mr. Speaker, the Cops and Kids program is a shining example of what can be accomplished by dedicated individuals who care about their community. Larry Allen is one such person; a man whose career in law enforcement made Tarpon Springs a safer place to live and work and whose concern for his community has improved the lives of many children in it. I am proud to represent Mr. Allen in Congress and commend him both for his police career and his service in the Cops and Kids program.

NATIONAL NIGHT OUT SUPPORTS THE NATIONAL CHILD IDENTIFICATION PROGRAM

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. BRADY of Texas. Mr. Speaker, I rise today to commend the National Association of Town Watch and its National Night Out program for supporting the National Child Identification Program (NCIDP), a joint partnership between the American Football Coaches Association and the Federal Bureau of Investigation to provide identification kits to parents and guardians to help locate missing children. In addition, I applaud the AFCA and the FBI in their efforts to register 2 million more children in the NCIDP by August 5, 2003, the same day that National Night Out will celebrate its 20th anniversary.

The National Association of Town Watch (NATW), a national nonprofit community-crime prevention association located in Wynnewood, Pennsylvania, organizes the annual National Night Out. The National Night Out program develops relationships between local community and law enforcement officers in order to build safer and more secure neighborhoods to reduce crime, decreases local violence, and lowers the demand for drugs. NATW provides information, program support and technical assistance to local citizens and communities to support community-crime prevention. The National Night Out campaign involves citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials from 9,850 communities from all 50 States and U.S. territories. In all, 33 million people participated in National Night Out in 2002.

I have participated in National Night Out several times and seen first hand its effectiveness in creating and supporting community crime watch programs. National Night Out has a greater presence in my State of Texas than any other state in the nation and the one in The Woodlands, Texas, my home town, has been named a national community-watch award winner for several years running.

As we all know, child safety and child protection have grown as important priorities for communities in recent years. Throughout its history, National Night Out has used its community crime-prevention message and its community-based networks to address major crime-related issues. National Night Out has proven to be a powerful tool for building stronger, safer neighborhoods, reaching more than 33 million Americans in nearly 10,000 cities and towns in 2002, making it the Nation's largest grassroots crime-prevention program.

This year, National Night Out will support the NCIDP in its efforts to provide parents with I.D. kits to collect and keep specific information, such as fingerprints, that would give authorities vital information in cases of missing children. While more than 800,000 children a year are estimated to be missing each year, less than 2 percent of all parents had a copy of a child's fingerprints to use in case of emergency. This initiative can change that reality and help protect children.

Mr. Speaker, supporting the NCIDP is just one example of the value of the National Night Out program and the important role of NATW. National Night Out, which receives part of its funding from the Edward Byrne Memorial Grant program, is one of the fastest growing, cost effective community anti-crime programs in the nation. I understand the value of National Night Out and, as a result, have asked appropriators on the Commerce, Justice, State, and the Judiciary Appropriations Subcommittee to support National Night Out funding.

Mr. Speaker, for consideration by my colleagues, I have enclosed a memorandum on the NCIDP from the Federal Bureau of Investigation to mayors across the United States explaining this year's National Night Out initiative in more detail. I respectfully request that it be included in the RECORD.

DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Clarksburg, WV, April 11, 2003.

Re community call to action.

LETTER TO ALL HONORABLE MAYORS

According to a U.S. Department of Justice study, about 58,200 children are abducted each year by non-family members with about 45 percent of those incidents being perpetrated by strangers. This startling statistic caused the American Football Coaches Association (NFL, NCAA, and high school coaches nationwide) to launch the National Child Identification Program (NCIDP). The FBI has partnered with the Coaches Association in this not-for-profit program with the goal of providing inkless fingerprint identification (I.D.) kits far all 60 million children in the United States.

The FBI is separately partnered with National Night Out which recently has also partnered with the AFCA's National Child ID Program in an effort to further increase awareness for child safety. The National Association of Town Watch introduced National Night Out, "America's Night Out Against Crime," in 1984 and continues to heighten awareness and strengthen participation in anticrime efforts throughout communities nationwide. National Night Out, the NCIDP, and the FBI hope to set a record on August 5, 2003, for the most ID kits distributed within a single day in history.

In an effort to reach our goal, we are encouraging every city across the U.S. to participate in the National Night Out on Tuesday, August 5, 2003. Information for obtaining NCIDP's inkless fingerprint ID kits for the National Night Out may be found at its website http://www.nutw.org/nno/. The National Night Out website provides you with complete information on how to plan your event, as well as a way to obtain supplies, including the child ID kit. Registration for the event is free and once registered, you will receive an organizational kit filled with "how to" materials such as: promotional ideas, guidelines, tips, Q&As, camera-ready art, sample news releases, and proclamations. Act quickly so that you do not miss this opportunity to communicate the issues of safety with your community on August 5, 2003. Registration is easy and can be completed online by following these four easy steps: Identify a Contact Person; go to the National Night Out website http://www.nutw.org/nno/; register online, it's free; and publicize your event.

Many law enforcement agencies and corporations are currently combining the distribution of the NCIDP kits with other prevention, drug awareness, violence education, and community outreach programs. For more information on the NCIDP and how you can help protect children in your community, visit their website at *www.childidprogram.com* or call (234) 630-2245.

It is paramount that we do all we can to ensure the safety of our children. Your organization can be a prime vehicle in that endeavor. Thank you for your help in this important cause.

JOHN S. HOOKS, JR.,
Deputy Assistant Director,
Policy, Administrative and Liaison Branch.

IN SUPPORT OF H.R. 2357, LEGISLATION EXTENDING HEALTH CARE BENEFITS TO FILIPINO VETERANS

SPEECH OF

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. CASE. Mr. Speaker, Filipino veterans have waited nearly 60 years for Congress to take the first steps to undo an injustice inflicted upon them. I was pleased to see our Nation finally begin to take those steps by passing H.R. 2357.

When the United States asked the Philippines to help America fight the long and difficult battles of World War II, nearly 200,000 Filipinos responded. They responded without hesitation to defend their homeland and to answer the call for help. In return, President Roosevelt promised that Filipino veterans would become U.S. citizens and thus have the same benefits given to all other U.S. veterans. In October 1945 General Omar Bradley, Administrator of the Veterans Administration, reaffirmed that they were to be treated like all other American veterans and would receive full benefits.

Yet, in 1946, the U.S. Congress broke this promise to the Commonwealth Army and the recognized guerrilla forces by enacting the Rescission Act (Public Law 79-301). Congress broke the same promise made to the New Philippine Scouts when it passed the Second Rescission Act (Public Law 79-391). The Rescission Acts stated that the World War II service of Filipinos would not be treated as recognizable military service. These acts took away their benefits.

I am pleased to add my voice to those in this Chamber, both today and for decades past, that want us to face up to this injustice. The legislation (H.R. 2357) passed by the House on July 21, 2003 authorizes the Department of Veterans' Affairs to provide hospital and nursing home care and medical services to certain Filipino World War II veterans of the Philippines Commonwealth Army and former Philippines New Scout veterans who permanently reside in the United States, in the same manner as provided to U.S. veterans. The bill would provide health care benefits to approximately 14,000 Commonwealth Army and New Philippines Scout veterans who are permanent and legal residents of the United States.

I support this legislation, but it is time for this Congress to turn its attention to the approximately 30,000 Commonwealth Army and New Philippines Scout veterans living in the Philippines who served alongside American soldiers, risked their lives during World War II, yet were denied the veterans' benefits that were promised to them. The passage of H.R. 2357 does not release the United States from its moral obligation to provide Filipino veterans, regardless of where they live, the benefits that were unfairly taken away from them in 1946.

Filipino veterans are now in their 70s and 80s, and we lose approximately five Filipino veterans each day. They are in desperate need of health care. It is time for this Congress to do the right thing and provide them with the benefits they earned during the World War II campaigns.

I thank my colleagues for passing H.R. 2357, and urge them to continue to push toward full equity for Filipino veterans.

HONORING JOSEPH F. ZABALDO, RECIPIENT OF THE GOLD LIFESAVING MEDAL

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. BLUMENAUER. Mr. Speaker, it gives me great pleasure to honor Mr. Joseph Zabaldo, World War II hero and Oregon resident. While in service, Mr. Zabaldo was a radioman in a B–29 bomber over the Pacific Ocean, near Japan. On or about July 1, 1945, Mr. Zabaldo's plane went down, crash-landing in the ocean. As the crew assembled in a life raft near the sinking B–29, Mr. Zabaldo noticed a fellow soldier tangled in ripped cable and wiring inside the wrecked bomber. As the soldier, who could not swim, frantically tried to untangle himself, Mr. Zabaldo went to his rescue, at great risk to his own life. Freeing the frantic soldier from the sinking plane, Mr. Zabaldo swam him to safety.

For his efforts, he was awarded the Coast Guard's prestigious Gold Lifesaving Medal. However, in the mix of World War II, Mr. Zabaldo never actually received the medal. His grandson, Jared, contacted my office and informed us of this situation. Now, 58 years later, it is my pleasure to be able to secure the actual medal for Oregon's hero. On Wednesday, July 23, 2003, Joseph F. Zabaldo will be awarded the Gold Lifesaving Medal for his heroic act in World War II.

ROAD TO PEACE IN SUDAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. TOWNS. Mr. Speaker, as you are keenly aware, the Road to Peace for the people of Sudan has been long and perilous. Yet the prospect for a lasting peace may finally be at hand. Negotiations among the government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) have been ongoing over the past 10 months under a renewed commitment to peace and with a determination to resolve the important issues that remain.

I observed today, the debate on H. Res. 194 regarding the importance of international efforts to abolish slavery and other human rights abuses in Sudan. Mr. Speaker, I share the concerns of my distinguished colleagues and their desire to see an end to slavery and human rights abuses, be it Sudan or elsewhere in the world. But while we cannot condone or ever forget the past, in my view the interests of the people of Sudan are best served by focusing on the future and finding lasting peace and stability for the region.

On April 21, 2003, President Bush, in his Presidential Determination Under the Sudan Peace Act, certified that the government of Sudan and the People's Liberation Movement (SPLM/A) are negotiating in good faith. This historic event underscores the government of Sudan's commitment to peace and sets the stage for a negotiated peace agreement and the chance for dignity, prosperity and a better way of life for the people of Sudan, especially for Sudanese children.

Mr. Speaker, there will be those who will criticize the president's decision and who will focus on past history while giving little recognition to the positive events of the past year. The tragedy of such criticism is that it promotes a policy of divisiveness instead of unity which would enhance the prospects for peace and stability to the region. Even more troublesome is that such criticism shifts the focus from the real prospects for peace that now exist. While progress on the peace front has not been without set backs, positive developments have and continue to occur and should not be ignored.

Mr. Speaker, the release of special envoy John Danforth's April 2002 report "Outlook for Peace in Sudan" put in motion the events to-date that have helped reestablish the present framework for peace. Following the Danforth report, an important first step towards peace was the signing of the Machakos Protocol, on July 20, 2002, resolving the major issues of self-determination for the south and the separation of state and religion. In September 2002, peace talks resumed under a negotiated ceasefire agreement and in October, 2002, the government of Sudan and the SPLM/A signed a Memorandum of Understanding (MOU) to allow unimpeded humanitarian access to all areas and to people in need, in accordance with the Operation Lifeline Sudan (OLS) agreement.

In addition, an addendum to the October 2002 MOU on cessation of hostilities was signed to add new mechanisms to strengthen implementation. Later in February, the human rights group Amnesty International was invited to visit Sudan for constructive dialogue on human rights issues.

On March 4, the mandate of the Civilian Protection Monitoring Team (CPMT) was extended for another year. Later in March, the ceasefire agreement was extended to June 30, 2003. Most recently, on May 1 the United Nations secured the opening of a new corridor in southern Sudan to enhance humanitarian access to the region.

Mr. Speaker, I hope my distinguished colleagues will view these developments as testimony to government of Sudan's commitment to achieving a lasting peace for the benefit of all our people.

While these and other events give hope for peace and a permanent end to hostilities, there are many of my colleagues who remain skeptical.

There remain roughly 90 days before the next "determination" under the Sudan Peace Act must be made. I would call on my colleagues to join me in supporting an NGO-sponsored fact finding delegation mission to Sudan and an accompanying report on the findings to assist in fully understanding the current situation in the Sudan with regard to allegations of slavery, human rights abuses and religious persecution.

Mr. Speaker, the situation in Sudan is the product of nearly a half-century of conflict and political divisiveness. While we must never forget the past, the interests of the Sudanese people will be best served by focusing in the future and achieving lasting peace.

We look forward to the day when peace is at hand and when U.S. sanctions can be lifted and Sudan removed from the state terrorist sponsors list. Only then will the people of Sudan be able to receive the benefits of American ingenuity, technology and investment for their sustained growth and economic prosperity.

HONORING THE LEGACY OF RAÚL JULIÁ

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. GUTIERREZ. Mr. Speaker, today I introduce legislation to honor the achievements of the late Raúl Juliá by awarding his family the Congressional Gold Medal. I am pleased that 31 of my colleagues have joined me as original cosponsors of this important resolution.

Whether he played Edmund in Shakespeare's King Lear, or Valentín in The Kiss of the Spiderwoman, or Rafael the fix-it-man on Sesame Street, the passion and talent that Raúl Juliá exhibited in his work made him an inspiration for actors of all backgrounds. Raúl Juliá took risks in the projects he chose and the success of these risks was an inspiration of aspiring actors everywhere and especially in his native Puerto Rico.

Raúl Juliá often chose to forgo traditional plays and Hollywood blockbusters for such innovative roles as a Fellini-esque filmmaker in the Broadway musical Nine or as slain Salvadoran Archbishop Oscar Romero in the movie Romero. Best known for his roles as Gomez Addams in The Addams Family and as Chico Mendez in The Burning Season, he was nominated for four Tony awards in 10 years, and posthumously received the Emmy Award, Golden Globe Award and the Screen Actors' Guild award.

In addition to his talents on the stage and screen, Raúl Juliá was an activist on both local and global levels. He was a spokesperson for the Hunger Project, a nonprofit organization committed to the eradication of world hunger, and was also involved in La Familia, a New York City outreach program for Latino families in need. Raúl Juliá's immense success did not diminish the immense generosity of his spirit and dedication to helping actors from Puerto Rico and elsewhere. His long-standing association with the New York Public Theater and the New York Shakespeare Festival opened doors to nontraditional parts for Hispanic actors. He co-founded the Latino Playwrights Reading Workshops and was instrumental in the creation of the Puerto Rico Traveling Theater, which showcases bilingual plays and Hispanic playwrights and actors, while bringing theater to those who cannot ordinarily afford it.

In 1994, thirty years after he made his Broadway debut in Spanish playwright Calderón de la Barca's Life is a Dream, Raúl Juliá's life and career were cut short by a fatal stroke. He was given a state funeral in Puerto Rico, where thousands of people attended as a testimony to his many lasting achievements.

Mr. Speaker, I ask my colleagues to please join me in finally recognizing and honoring Raúl Juliá's great contributions to the Latino community and to the performing by cosponsoring this legislation.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Ms. WOOLSEY. Mr. Speaker, yesterday I hosted a townhall forum with my constituents to discuss the Republicans' prescription drug plan and how it will harm America's seniors.

As a result, I missed rollcall votes 398–400. Had I been present, I would have voted: No. 398—"yea" No. 399—"yea" and No. 400—"yea."

IN MEMORY OF JUNE KEEFE OWENS

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. BEAUPREZ. Mr. Speaker, the occasion upon which I rise tonight is not one I looked forward to. The duties of our office can at times overwhelm us, but the privileges of this floor are also humbling. And it is with humility that I have the honor of submitting these words in memory of a dear lady, the mother of a good friend, for the RECORD.

Recently, the Governor of Colorado lost his mother, June Keefe Owens, on July 16 following a tragic stroke. While she can never be replaced, the warmth of her smile will never be lost.

Mrs. Owens was born in Fargo, ND, met her husband in Minneapolis, was married in New Jersey, raised her family in Texas, and spent her golden years in Colorado. She raised five wonderful children—Mike, Mary K, Bill, Betsy, and Kelly—and eleven grandchildren—Brad, Jennifer, Matthew, Patrick, Michael, Monica, Julie, Mark, Brett, Ellen, and Laura.

She was an energetic volunteer, who spent her time in Colorado volunteering for the Cancer League, Porter Hospital, and the Cherry Creek Republican Women's Association. And while I never sat down with her for bridge, I understand she played a mean hand.

Looking back, I can remember many engaging conversations with Mrs. Owens, but it was rare when the two of us spoke alone. Everywhere she went, June attracted a crowd with her pleasant smile, warm words, and genuine kindness. I remember well her words of hope and encouragement during my campaign last year. In politics, we see all too often when a person's kindness is but fleeting. People say "good luck" or "I'm pulling for you," and you just know it's mostly out of obligation to say something. Her kindness was much deeper—in her soul, she really cared about the lives of those around her, and had the ability to touch and warm your heart as too few are able to do.

They often say that a person's legacy is what you leave behind. June left behind a terrific family full of life and full of love. Today one child is in technology, one is a homemaker, another a diplomat, one an educator, and one a Governor. They are each an amazing story of success. She was so proud of them all. And that pride was well returned. Never did I see her children around her without genuine and fond admiration for their mother.

She was also vigilant about serving God and saved a pew every Sunday for her family, just in case. She would often call the Governor just to make sure he had been to Mass during the week. Her faith went much further than Sunday mornings. It was part of her every moment.

Mr. Speaker, I wish I had more words to describe this wonderful lady, but they seem to fall short. I thank my colleagues for this opportunity to pay my respects in this special way to June Keefe Owens—the wife of an army officer, the mother of a Governor, a smile that will be missed.

May she rest in eternal peace, and may comfort and strength be granted to those who loved and admired her so dearly.

DECLASSIFIED PORTIONS OF THE NATIONAL INTELLIGENCE ESTIMATE

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. KING of New York. Mr. Speaker, as I stated yesterday, President Bush's adversaries—both in the political arena and the media—have chosen to ignore or distort the facts regarding Iraq's pursuit of a nuclear weapons program. To counter the numerous inaccuracies created by too many people who should know better, I am including in the RECORD the second half of the declassified portions of the National Intelligence Estimate released by the White House this past Friday.

STATE/INR ALTERNATIVE VIEW

. . . acquire nuclear weapons. Iraq may be doing so, but INR considers the available evidence inadequate to support such a judgment. Lacking persuasive evidence that Baghdad has launched a coherent effort to reconstitute its nuclear weapons program, INR is unwilling to speculate that such an effort began soon after the departure of UN inspectors or to project a timeline for the completion of activities it does not now see happening. As a result, INR is unable to predict when Iraq could acquire a nuclear device or weapon.

In INR's view Iraq's efforts to acquire aluminum tubes is central to the argument that Baghdad is reconstituting its nuclear weapons program, but INR is not persuaded that the tubes in question are intended for use as centrifuge rotors. INR accepts the judgment of technical experts at the U.S. Department of Energy (DOE) who have concluded that the tubes Iraq seeks to acquire are poorly suited for use in gas centrifuges to be used for uranium enrichment and finds unpersuasive the arguments advanced by others to make the case that they are intended for that purpose. INR considers it far more likely that the tubes are intended for another purpose, most likely the production of artillery rockets. The very large quantities being sought, the way the tubes were tested by the Iraqis, and the atypical lack of attention to operational security in the procurement efforts are among the factors, in addition to the DOE assessment, that lead INR to conclude that the tubes are not intended for use in Iraq's nuclear weapon program.

CONFIDENCE LEVELS FOR SELECTED KEY JUDGMENTS IN THIS ESTIMATE

HIGH CONFIDENCE

Iraq is continuing, and in some areas expanding its chemical, biological, nuclear and missile programs contrary to UN resolutions.

We are not detecting portions of these weapons programs.

Iraq possesses proscribed chemical and biological weapons and missiles.

Iraq could make a nuclear weapon in months to a year once it acquires sufficient weapons grade fissile material.

MODERATE CONFIDENCE

Iraq does not yet have a nuclear weapon or sufficient material to make one but is likely to have a weapon by 2007 to 2009.

LOW CONFIDENCE

When Saddam would use weapons of mass-destruction.

Whether Saddam would engage in clandestine attacks against the U.S. Homeland.

Whether in desperation Saddam would share chemical or biological weapons with al-Qa'ida.

Uranium Acquisition. Iraq retains approximately two-and-a-half tons of 2.5 percent enriched uranium oxide, which the IAEA permits. This low-enriched material could be used as feed material to produce enough HEU for about two nuclear weapons. The use of enriched feed material also would reduce the initial number of centrifuges that Baghdad would need by about half, Iraq could divert this material—the IAEA inspects it only once a year—and enrich it to weapons grade before a subsequent inspection discovered it was missing. The IAEA last inspected this material in late January 2002.

Iraq has about 550 metric tons of yellowcake and low-enriched uranium at Tuwaitha, which is inspected annually by the IAEA, Iraq also began vigorously trying to procure uranium ore and yellowcake; acquiring either would shorten the time Baghdad needs to produce nuclear weapons.

A foreign government service reported that as of early 2001, Niger planned to send several tons of "pure uranium" (probably yellowcake) to Iraq. As of early 2001, Niger and Iraq reportedly were still working out arrangements for this deal, which could be for up to 500 tons of yellowcake. We do not know the status of this arrangement.

Reports indicate Iraq also has sought uranium ore from Somalia and possibly the Democratic Republic of the Congo.

We cannot confirm whether Iraq succeeded in acquiring uranium ore and/or yellowcake from these sources. Reports suggest Iraq is shifting from domestic mining and milling of uranium to foreign acquisition. Iraq possesses significant phosphate deposits, from which uranium had been chemically extracted before Operation Desert Storm. Intelligence information on whether nuclear-related phosphate mining and/or processing has been reestablished is inconclusive, however.

ANNEX A—IRAQ'S ATTEMPTS TO ACQUIRE ALUMINUM TUBES

Some of the specialized but dual-use items being sought are, by all indications, bound for Iraq's missile program. Other cases are ambiguous, such as that of a planned magnet-production line whose suitability for centrifuge operations remains unknown. Some efforts involve noncontrolled industrial material and equipment—including a variety of machine tools—and are troubling because they would help establish the infrastructure for a renewed nuclear program. But such efforts (which began well before the inspectors departed) are not clearly linked to a nuclear end-use. Finally, the claims of Iraqi pursuit of natural uranium in Africa are, in INR's assessment, highly dubious.-

---

THE RETIREMENT OF MAJOR GENERAL ROBERT IVANY

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. PLATTS. Mr. Speaker, I would like to take this opportunity to recognize the accomplished military career and life of Major General Robert Ivany, Commandant of the United States Army War College in Carlisle, PA. General Ivany will officially step down as Commandant of the War College on July 28, 2003 and retire from the Army on September 30, 2003.

Three-year-old Robert Ivany, the son of World War II refugees from Hungary, immigrated to the United States with his parents following the war. Our country has greatly benefited from his presence here ever since.

Over the course of his 34 years of dedicated service in the United States Army, General Ivany served a combat tour in Vietnam, taught history at West Point, spent 2 years as an aide to President Ronald Reagan, and commanded forces throughout the world. General Ivany's career culminated with his appointment as the 45th Commandant of the War College at Carlisle Barracks, the Army's foremost institution for educating its leaders.

As Commandant, General Ivany has brought each institution on post together to be a more cohesive team and better focused on the overall goals of the War College. Perhaps his greatest legacy will be his tireless efforts to improve the quality-of-life of the students, and their families, while attending the War College, as well as the officers and soldiers stationed at Carlisle Barracks. General Ivany has begun the process of upgrading housing, constructing a new classroom, and renovating other facilities. His vision will help guide the War College for years to come.

I also want to express my deepest gratitude to General Ivany's family—his wife Marianne, sons Christopher, Marc, and Brian, and daughter Julianne. I am very much aware of and deeply grateful for the many sacrifices that military family members also make on behalf of their country.

Major General Robert Ivany is a true patriot and public servant. His profound patriotism and dedication to duty serve as shining examples of citizenship for all Americans to emulate. I offer my most sincere thanks for all that General Ivany has given our great Nation.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THERE SHOULD BE ESTABLISHED A NATIONAL COMMUNITY HEALTH CENTER WEEK

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. EMANUEL. Mr. Speaker I rise today in support of House Resolution 240, to establish National Community Health Centers Week. This resolution highlights the importance of health centers throughout the nation, and aids these organizations in promoting their valuable health services to the public.

Community health centers provide a wide range of essential health services, often to uninsured and underinsured individuals. Especially in this era when so many Americans remain uninsured, the role of community health centers in the health care system is critical. Among the important services provided are mental health care, senior care, HIV/AIDS services, substance abuse treatment, and immunizations. Filling a gap in providing care for low income individuals, including those without insurance, community health centers should be recognized for their dedication to the improvement of America's public health.

Thousands of these institutions operate nationwide, and in my own district in Illinois, the Melrose Park Family Health Center and the new Peterson Family Health Center are examples of the tremendous service they provide. More than 5,000 visits were made to the Melrose Park Family Health Center within three months after it opened in October 2002. Serving a wide variety of patients, many of whom have no insurance, the Center's most common services include immunizations, and treatment for respiratory infections and hypertension. As part of Chicago's Citywide Emergency Response Program, the Center also would treat victims in the case of a bio-terror attack.

Mr. Speaker, I applaud Representative DAVIS and the Members of the Committee on Government Reform for introducing this legislation and bringing it to the floor today. It highlights the crucial efforts of community health centers across the nation that improve and even save the lives of numerous Americans on a daily basis.

A SPECIAL TRIBUTE TO ROGER D. BRIDGES, PH.D., EXECUTIVE DIRECTOR OF THE RUTHERFORD B. HAYES PRESIDENTIAL CENTER, ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman from Ohio. A scholar, librarian, professor, and writer, Dr. Roger D. Bridges is a well-respected citizen of Fremont, Ohio. Executive Director of The Rutherford B. Hayes Presidential Center, Dr. Bridges has earned credentials in a wide range of disciplines.

Born in Marshalltown, Iowa, Dr. Bridges received his B.A. from the University of Northern Iowa in 1959, and his M.A. in 1963. In 1970, Dr. Bridges earned his Ph.D. from the University of Illinois at Champaign/Urbana.

In 1970, after an early career as a teacher, librarian and assistant professor, Dr. Bridges was named an NHPRC Fellow in Documentary Editing. Assigned to the Papers of Ulysses S. Grant at Southern Illinois University, Carbondale, Dr. Bridges began his professional career in historical research.

In 1971, Dr. Bridges served as the Director of Research for the Illinois State Historical Library in Springfield. In 1976, he was promoted to Head Librarian, In 1987, Dr. Bridges became Assistant Illinois State Historian and Founding Editor of the prestigious Abraham Lincoln Legal Papers for the Illinois Historic Preservation Agency at Springfield and Illinois State University.

In 1988, the Rutherford B. Hayes Presidential Center, the nation's first presidential library and museum, asked Dr. Bridges to become the fourth director in the Center's tremendous history.

In addition to his prominent position, where Dr. Bridges has worked for the past 15 years as Director of the Hayes Presidential Center, he has received honorary doctorates from Lincoln College and Tiffin University. Furthermore, Dr. Bridges has been honored for his work in civil rights and state and local history. Dr. Bridges is also an active member of several professional organizations, including the Ohio Historical Society, served as Secretary-Treasurer for the Society for Historians of the Gilded Age and Progressive Era, and is a past member of the Ohio Academy of History Executive Council.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Dr. Roger D. Bridges. Our communities are served well by having such honorable and giving citizens, like Dr. Bridges, who is a wonderful asset to the state of Ohio. On the occasion of his retirement, we wish Dr. Bridges all the best as we pay tribute to one of Ohio's finest citizens.

RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF THE YEAR OF THE KOREAN WAR VETERAN

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H. Con. Res. 212, to proclaim 2003 as the Year of the Korean War Veteran. As we commemorate the 50th anniversary of the Korean Armistice, it is entirely appropriate to pay tribute to the nearly 1.7 million troops who fought on the Korean peninsula by designating this year in their honor.

U.S. troops endured some of the most brutal conditions ever experienced in the history of American warfare. They fought in extreme heat as well as cold so severe that some troops literally froze to the floors of their foxholes. But sadly, their sacrifice and bravery are often overlooked. In response, this resolution ensures that the "Forgotten War" is always remembered in American history, and that we will never forget the 37,000 troops who sacrificed their lives and the 104,000 Americans injured in Korea.

I am honored to represent 31,611 veterans who make their home in Illinois' Fifth Congressional District. One of them is a Korean War Veteran I am honored to call a good friend—Mr. Eugene Piltaver. For many years, Gene has devoted his time to ensuring that his fellow veterans are honored for their service to our country. A testament to his commitment is symbolized by the United States Military Armed Forces Veterans Memorial in his hometown in Franklin Park, Illinois. Gene not only conceived of the idea for the Memorial, but also rallied support and funding to build this impressive monument dedicated to the bravery and patriotism to Franklin Park's veterans.

Mr. Speaker, on behalf of Eugene Piltaver and all of the veterans who have served and sacrificed for our nation, I am proud to support the Year of the Korean War Veteran.

A SPECIAL TRIBUTE TO FARMWORKER APPRECIATION DAY—FREMONT, OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding event taking place in my district in Northwest Ohio. Saturday, August 2, 2003, people from across Ohio's Fifth Congressional District will gather in Fremont to celebrate Farmworker Appreciation Day.

There is no question that farming is the backbone of our nation. From the earliest days of our nation's history, hardworking men and women have taken to the fields to plant and harvest crops and raise livestock in order to feed their families, their neighbors, and their fellow countrymen.

Mr. Speaker, farming is an honorable profession that takes a great deal of skill, patience, and hard work. Those hardworking men and women who work on our nation's farms deserve much credit for helping to make our lands productive and fruitful.

Through the arduous process of working and cultivating the soil, these farmworkers help prepare the ground, plant the crops, and harvest the food we need to live. The lifestyle of a farmworker is tough. Like the farmer, the farmworker must endure the ever-changing seasons from the harshest winters to sun drying, waterless droughts to rain-soaked days that lead to disastrous floods. farmworkers watch the fields as thunderous storms race across them damaging the crops from which they make their living. However, through it all, farmworkers continue to the fields to do their work.

Mr. Speaker, agriculture is vitally important to the Fifth District of Ohio as we are home to nineteen percent of Ohio's farmland. We know that the economy of our part of Ohio depends on farming. The prosperity of my district is dependent in large part upon the tireless efforts of the farmworkers who bring in the crops. I can think of no better way to celebrate the contributions of these individuals than to take part in farmworker Appreciation Day.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to farmworkers by helping me proclaim August 2, 2003 as farmworker Appreciation Day. We thank them for all they have done and wish them the very best for the future.

VETERANS HEALTH CARE IMPROVEMENT ACT OF 2003

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H.R. 2357, the "Veterans Health Care Improvement Act." This bill will bestow Filipino veterans with the honor and dignity they deserve for their service in the Pacific theatre of World War II.

Filipino soldiers fought shoulder-to-shoulder and died alongside American troops at some of the war's most horrific battles like Bataan and Corregidor. During the infamous Bataan Death March, Filipino soldiers swelled the ranks of the dead to over six thousand. Yet for all their sacrifices, Congress in 1946 divested Filipino soldiers of their military benefits while soldiers of other allied countries retained their status and privileges as American veterans. It is long past time to reverse that injustice by enacting this legislation.

H.R. 2357 will restore veterans' status to the 14,000 permanent legal residents who are Filipino veterans of World War II. This will go a long way to provide comfort and security to them in their twilight years. For those suffering service-connected illnesses and injuries, Filipino veterans will finally receive the right to medical care they earned so long ago. The most elderly veterans will be granted urgently needed nursing home care.

Mr. Speaker, young Filipino men responded to the call of duty over sixty years ago and fought valiantly under the American flag. Now toward the end of their lives, they deserve to benefit from the values that the American flag represents. To that end, I stand in strong and proud support for H.R. 2357.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Mr. SCHIFF. Mr. Chairman, I rise today in support of the DeFazio-Bradley amendment to strike the Mr. Recreational Fee Demonstration program from the Interior Appropriations bill. This program is punitive, unfair, and mismanaged.

The Recreation Fee Demonstration program allows the U.S. Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service to charge citizens to recreate on public land, including primitive trails and unimproved campgrounds. I believe—as do many of my constituents who hike and picnic in the Angeles National Forest in Southern California—that it is patently unfair to charge them a fee to hike or picnic in these undeveloped public lands that they already support with their tax dollars.

The GAO has recently found evidence of serious mismanagement of the Recreation Fee program. Only 50 cents of every dollar collected is actually used to maintain or improve our public lands. This mismanagement is unacceptable, and we must not allow it to continue.

Let me be clear that I strongly support the National Park System, and users have already paid fees for use of National Parks, as well as developed campsites, boat launches, and other developed areas. Evidence shows that the National Park Service has a much more impressive track record in utilizing its program fees towards maintenance backlogs in national parks.

Nonetheless, we must not allow the Recreation Fee Demonstration program to continue without enhanced Congressional oversight. I urge my colleagues to support the DeFazio-Bradley amendment to strike this wasteful program.

PERSONAL EXPLANATION

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Ms. DUNN. Mr. Speaker, on Tuesday, July 22, 2003, I was unable to be present for rollcall votes No. 401 and No. 402 because I was unavoidably detained. Had I been here, I would have voted "aye" on rollcall No. 401 and rollcall No. 402.

PERSONAL EXPLANATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. SAXTON. Mr. Speaker, I rise today to explain my absence for rollcall number 401. During the vote, I was at the U.S. Department of State attending a swearing-in ceremony for Ambassador Eric Edelman, the new U.S. Ambassador to Turkey. After having the chance to work with Ambassador Edelman during his tenure with the Vice President, I wanted to personally extend my congratulations and express my appreciation for his long-standing service to our country.

However, had I been present for the vote, I would have voted "aye".

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THERE SHOULD BE ESTABLISHED A NATIONAL COMMUNITY HEALTH CENTER WEEK

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise today as the proud sponsor of this resolution to establish a National Community Health Center Week. As we have discussed prescription drugs for our seniors on the House floor, some of the main points of discussion have been issues like affordability, accessibility and who is being served. Just as the bill that was passed last Congress and this Congress, there will be individuals that can not afford their prescriptions or some that will just not have access to them. Fortunately, I know that there are Community Health Centers available throughout the nation to help those in need or who get displaced by health care legislation. Community health centers have become the safety net within the health care system caring for 1 of every 5 low-income babies born in America, 1 of every 8 uninsured individuals, 1 of every 9 Medicaid beneficiaries, 1 of every 9 persons of color, 1 of every 10 rural Americans, almost 750,000 homeless and nearly 850,000 farm workers. Community health centers are established in almost every corner of our nation, representing every aspect of any Congressional district—whether it be assisting the working poor in the inner city or in the rural farmland, migrant workers, or even those who have insurance but do not have access to any other health facilities.

These health centers provide high-quality, cost effective health care as they continually meet escalating health needs and assist in reducing health disparities as well as adapting to the changing nation. With the weakened economy and unemployment reaching its highest point in almost a decade, our nation's health centers are feeling and will continue to feel the consequences by an increasing volume of patients, especially the uninsured. By establishing a week to raise awareness of community health centers, we will also be highlighting each year the great accomplishments these nonprofit, community owned and operated health providers offer so many communities. With recent numbers indicating that the nation's uninsured population is even higher than once thought, at a startling 60 million, if our nation will not realize the need for universal health care, we need to realize the importance and the need to better fund our community health centers.

One of the most amazing aspects of the community health centers is the involvement of the community. Each center tailors their services to best meet the needs and priorities of the communities of which they are in. Citizens in these communities become active participants in their community's health care decision making. Health centers even provide approximately 60,000 jobs to the residents in the communities of the centers.

Mr. Speaker, community health centers are the safety net that are committed to serving all individuals with the mission that everyone deserves quality health care services regardless of where one resides, if they can pay or have insurance. They are vital in insuring that America's forgotten are being kept healthy.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. MATHESON. Mr. Chairman, I rise as a sixth generation Utahan. I come from the West, and I come from a State with public lands. Quite frankly, public lands in the West are what this issue is all about. I have grown up with a legacy of the use of those public lands in my State. My roots are in southern Utah.

Utah is a remarkable State. It is like a lot of the Western States, and it has got a lot of remarkable public lands, some places that are very special. As time has evolved, a lot of people around the world have discovered those lands as well; and I think it is safe to say, and I think there would be consensus at some point, that there is a lot of land out there that is worthy of protection because of its remarkable value.

When I talk about the public lands debate, I know tonight we are talking about the issue of RS 2477 and designation of roads, but it is really part of the overall public lands debate we have in our State and in the West. I look back over my lifetime about how that debate has been carried out. When I think about it, I think about so much emotion and so much effort that has gone into this debate, but there has been no progress. I am alarmed by the lack of progress.

As the West continues to grow and the population grows and the pressures develop, it is time for us to try to come together and try to make progress on these issues and resolve these issues as best we can.

There are not just two sides to this issue. It is not that simple. There are multiple stakeholders involved in public land matters in Utah and in the West. I have talked to so many of them. Quite frankly, I have talked to a lot of them just during this week in preparation and anticipation of the amendment from the gentleman from Colorado (Mr. UDALL) that would be introduced today.

I have talked to county commissioners throughout rural Utah, and there is not unanimity among that group, quite frankly. There is a divergence of opinion. I have talked to all kinds of stakeholders. The sportsmen community, the recreation community.

There are many different points of view, and these points of view all have legitimate claims, and it is unfortunate that we have been unable to bring those stakeholders together in a way to resolve these issues.

In some respects, life repeats itself, as was mentioned by the gentleman from Colorado (Mr. UDALL) earlier. The Department of the Interior in 1997 under Secretary Babbitt issued rules to deal with RS 2477. Congress did not like it, passed legislation just like we are looking at now to stop the funding of processing under that rule, and Congress said the Department of the Interior should not make any other rules until Congress deals with it.

Now we flash forward to 2003. The Department of the Interior under a different Secretary has issued a new set of rules, and once again we are revisiting the issue of whether or not Congress should be involved in trying to have an inclusive process where we get all the stakeholders together and try to make progress on this issue.

There is no question that there are legitimate claims out there for roads under RS 2477. We all know that. We all know there are roads that are roads. We know there would be some claims out there where we would agree they are really not roads. I would submit to the Members, in fact, that most of the claims in Utah are not controversial. But the problem is that everybody has been scared, everyone has been scared to deal with the noncontroversial roads, thinking they would make some precedent that would place them at a disadvantaged position when we deal with the controversial claims.

So we have been involved in one litigation action after another, and one administration promulgates one set of rules, and another administration promulgates a different set of rules, and we are not making any progress.

I bring before the Members tonight an amendment. It is not a perfect amendment. It is not perfect to any stakeholder in this debate. But what it attempts to do is make some progress, some progress in trying to designate the least controversial roads and allow them to move forward. In Utah, we call them class B roads. That is a State classification. But we have adopted that language in my substitute amendment.

These are roads that can be traveled by two-wheel-drive vehicles. These are roads where I would suspect that no one would disagree that there is a legitimate claim. And I am not saying this solves the entire RS 2477 debate, but it is an opportunity to have some people come together on the least controversial part of this whole issue and try to make some progress.

I also want to mention one other component of my substitute amendment, and that is that I specifically talk about the issue of roads that cross private property, and I say that private property rights need to be maintained and that one cannot file claims on that type of land.

Finally, I mentioned earlier the amount of litigation that has been associated with this, and this is not the end of that pattern. It is unfortunate how much litigation we have seen here, and we are going to see it again. We are going to see it on this ruling that came out on January 6, I predict, and I think all of us are a little tired of that. I think we are tired of having that as a way to try to resolve things. It is time for Congress to step up to the plate and do its job.

In 1997, I was not here, but Congress said we have got to do this. Congress did not agree with what Secretary Babbitt did at that time, and it is up to Congress to come together now.

This substitute amendment is a stopgap. It is a stopgap to move forward on one set of the least controversial roads. It is not the solution. The solution is that we ought to hold hearings, we ought to try to move forward and make progress, bring the interests of all the stakeholders together, and let us make progress and move forward on RS 2477 claims.

RECOGNIZING THE NAPA VALLEY OPERA HOUSE ON THE OCCASION OF ITS GRAND REOPENING

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today in honor of the Napa Valley Opera House, as this venue returns to life after 89 years of being closed to our community.

Built in 1879 and now a national historic landmark, the Napa Valley Opera House was the center of community life during its heyday, playing host to luminaries such as Jack London, John Philip Sousa and the legendary soprano Luisa Tetrazzini. Vaudeville shows, masquerade balls and temperance rallies were regular fare. But the hall went dark in 1914, a victim of changing times. As late as the 1980s, the building had reached such a state of dilapidation that it was on the verge of being condemned.

The grand reopening marks the successful completion of a grassroots preservation campaign that began 30 years ago and ultimately saved the structure from the wrecking ball. The fundraising effort started in earnest in 1986, and received a vital boost 11 years later, when Robert and Margrit Mondavi put forward a $2.2 million challenge grant. To acknowledge the importance of that gift, the main hall has been named the Margrit Biever Mondavi Theatre.

Indeed Mr. Speaker, the return of this dais represents a rebirth of artistic culture that will help bind our community together. Theatre arts no longer shall be rendered a relic of the past but will be celebrated as an institution of the present; binding young and old, and linking those with artistic passion to those who have long forgotten it.

It is not enough for a community anywhere in this great nation to teach the basics of art through the schools. The arts must be actively practiced in the community to make life richer and less confined by a lack of expression that satisfies the soul. In turn the community should never turn its back and allow those institutions that have so enriched their community to crumble to dust. Truly this is a community that will not let the arts languish in such a way any longer.

The Napa Valley Opera House will be a venue dedicated to fostering an appreciation for the theatre arts where it is most important, in our children. The development of a children's series in the theatre that often incorporates hands on experience will give youngsters confidence in their inherent creativity. Fomenting the imagination through positive outlets such as this can only lead to a well-rounded pool of experience in personal expression.

Mr. Speaker, the Napa Valley Opera House will be once again an integral part of the cultural landscape of our First Congressional District and a true treasure for the people of California. It is therefore appropriate that we acknowledge and honor the Napa Valley Opera House, and the hundreds of voices who have contributed to the legacy and success of this organization.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. ABERCROMBIE. Mr. Speaker, yesterday, on rollcall vote No. 408, I am recorded as having voted, "No". I would like the RECORD to show that I, in fact, support the Otter amendment and I intended to vote, "Yes". I hope that it is retained in the final version of the Commerce-Justice-State Appropriations Act.

HONORING KGMC–TV

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor KGMC–TV in Fresno, CA for their impressive support for our community. In 2002, KGMC–TV donated a total of 464 spots of valuable airtime towards Ad Council public service announcements.

Throughout the Ad Council's 60-year history, stations like KGMC–TV have helped to address the most pressing social issues of the day. Each year, the Ad Council receives approximately $1.3 billion in donated media for over 40 campaigns to promote awareness about topics ranging from high-school drop-out prevention to AIDS awareness.

Mr. Speaker, I am pleased to honor KGMC–TV for their ongoing dedication to informing the 19th district of current and socially important issues that improve the lives of our constituents and our Nation.

A TRIBUTE TO ALLEN B. GRESHAM FOR FOUR DECADES OF PUBLIC SERVICE TO SAN BERNARDINO COUNTY, CALIFORNIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Allen B. Gresham, a legendary attorney and highly respected community leader for more than four decades in San Bernardino County, California. Mr. Gresham is retiring from full-time practice after 41 years of building one of the top legal firms in Inland Southern California, and nearly as long helping make our community a better place.

My friend Allen Gresham grew up in El Centro, California and received his law degree from Stanford University before joining a San Bernardino law firm in 1959. In just 3 years, he was named as a partner, and became the senior partner by 1978. Gresham, Savage, Nolan and Tilden now has 27 lawyers and is one of the most respected and accomplished law firms in Southern California.

Mr. Gresham served as president of the San Bernardino County Bar Association in 1969 and as a fellow of the American College of Trial Lawyers for the past 25 years. He was named one of the "Best Lawyers in America" for the past decade, and was honored as one of the top lawyers in America in 2001. He was selected as one of the top five business litigators in the Inland Empire in that year, as well.

Almost from the beginning, Allen Gresham was active in our community. He has been a member of the Kiwanis Club of San Bernardino since 1960, and has been a director of Arrowhead United Way since 1964. He was a director of the San Bernardino County Symphony Association from 1967 to 1973 and rejoined the board in 1989—serving as its president for the next 4 years.

In 1971, Mr. Gresham stepped up his activities dramatically, beginning 32 years of service in two groups that have helped ensure that San Bernardino County grows economically and in its educational opportunities. He was elected to the Board of Trustees of the San Bernardino Community College District—and has been reelected for 8 consecutive terms. As board chairman for 3 of those terms, Mr. Gresham has helped a sleepy community college of a few thousand students grow into an academic powerhouse that today serves more than 30,000 on two campuses.

In that same year, Mr. Gresham joined Inland Action, Inc., a service group formed by community leaders to maximize the economic development of San Bernardino County, and to ensure that the county retains the benefits of Norton Air Force Base. Over my 25 years in Congress, I have worked closely with Allen Gresham and the other members of Inland Action to keep the Inland Empire high in the attention of the Federal Government. Although Norton was closed in 1988, the group has continued to strive for economic progress, and was a significant factor in winning community control of the former base in 1998. There is no doubt in my mind that the efforts of Allen Gresham and the other members of Inland Action has helped ensure that San Bernardino County is on course to be an economic powerhouse for decades to come.

I have always looked forward to the annual Inland Action trips to Washington—not least because a meeting with Allen Gresham was always a joy. He provides a combination of personal stability with an amazing ability to laugh at himself and bring laughter to those around him. His engaging and informed participation is one of the reasons Inland Action has forged numerous ties to lawmakers and federal officials that have paid off handsomely for the San Bernardino area.

Allen Gresham has received many well-deserved honors over his life of community service. He was named Citizen of the Year by the local board of realtors in 1975, Distinguished Citizen by the Military Airlift Command in 1988, Citizen of Achievement by the League of Women Voters in 1991 and received the San Bernardino County Bar Association's "John B. Surr Award" for outstanding service to the legal profession in 1999.

Mr. Speaker, as Allen Gresham retires from active practice, he is also stepping down from his role in Inland Action to give him more personal time with his wonderful wife of 49 years, Clara Thompson Gresham. Please join me in wishing them well in their retirement years, and thanking them for all of the many, many years they have devoted to their community.

INTRODUCTION OF THE WORKERS WITH DISABILITIES OPPORTUNITY ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. STARK. Mr. Speaker, I rise today to introduce the "Workers with Disabilities Opportunity Act of 2003" with Representative MATSUI (D–CA) and 34 other colleagues. This bill will remove a persistent employment barrier facing Social Security beneficiaries with disabilities who want to attempt to return to work—the fear of losing their health insurance. Right now, these workers lose their Medicare health insurance coverage if they remain in the workforce more than 8.5 years. This legislation would make Medicare coverage permanent for them.

There is a glaring problem with the American workforce today. There are a disproportionately small number of workers with disabilities in it. According to the Census Bureau's 2002 report, only 24 percent of American adults with disabilities are employed compared to 77 percent of other Americans. The National Organization on Disability reports that despite major advances in disability services and technologies, less than 1 percent of Social Security Disability Insurance enrollees leave the rolls each year to return to work. When the non-working adults with disabilities were asked in the National Health Interview Survey why they were discouraged from working over one-fifth of them replied that it was out of fear of losing their health insurance. With this piece of legislation we can remove this barrier.

People who receive Social Security disability insurance benefits risk losing the health insurance coverage they currently have if they return to work. While you may think that their job's health benefits may cover what they need, many employers do not offer health insurance and even if they do, the treatments workers with disabilities require may well not be covered by a standard employer-provided plan. This puts many Social Security beneficiaries in a dilemma. They must choose between staying at home and keeping their health insurance or going to work and losing it. There is no question about it; this Hobson's choice is keeping disabled Americans out of the workforce.

Some of you may ask: "Well, what about existing law?" The answer is that existing law does not do nearly enough. Under current law, Medicare coverage only extends for 8.5 years after a Social Security beneficiary returns to work. While this may sound like an adequate amount of time to become integrated into the workforce, keep in mind that people with a physical or mental disability often require ongoing care. Their health, often their lives, and certainly their ability to sustain work, depend on that care.

The Workers with Disabilities Opportunity Act is critical for removing the fear of returning to work for the millions of Americans with disabilities. We had bipartisan support for the original House version of the Ticket to Work and Work Incentives Improvement Act that extended Medicare coverage to 8.5 years for workers with disabilities. We hope to have bipartisan support for making this improvement complete. Furthermore, this piece of legislation is supported by the Consortium for Citizens with Disabilities, which is made up of a coalition of national disability organizations including the American Association on Mental Retardation, National Alliance for the Mentally Ill, Paralyzed Veterans of America, The Arc of the United States, and United Cerebral Palsy. Let's work together to give Americans with disabilities the opportunity to succeed in the workplace by providing permanent Medicare coverage. Let's give Americans with disabilities a real ticket to work instead of pulling the rug out from underneath them after eight and a half years.

If this bill becomes law millions of Americans will no longer be afraid of going back to work. Enacting this small piece of legislation can have a tremendous impact on the lives of American with disabilities. We need to give Americans with disabilities a chance to become permanent, active members of the workforce. Americans with disabilities deserve the opportunity to succeed and we can give it to them by making their Medicare coverage permanent. I urge my colleagues to join us in support of this important legislation.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. SIMPSON. Mr. Chairman, I rise today to offer some perspective on the amendment offered by my colleague from California, Mr. ROHRABACHER.

As all of us know and acknowledge, Mr. ROHRABACHER's amendment seems like a no-brainer and something everyone would support. To suggest that our Nation's veterans who were held prisoner by the Japanese in World War II should be prevented from filing a lawsuit for compensation seems outside the realm of what any politician would argue. But if my colleagues will allow, I am here to do just that.

While I do acknowledge the difficulty of arguing my position, I believe it's a sound position and one any member of this body could support if only they were made aware of the history surrounding this matter and the facts behind our international obligations.

America is indeed indebted to our former POWs—whether they are World War II POWs or those, including Jessica Lynch, who were held captive by Saddam Hussein. That debt our Nation owes these men and women is not just one of gratitude, but one of compensation for their time in enemy hands.

This amendment, however, is neither the best nor a wise approach to ensuring we meet our Nation's obligations to our former POWs and I would like to explain why.

If passed by the House of Representatives and adopted in conference in its current form, this amendment would almost certainly invite a veto by the White House. I firmly believe that the President would be using sound judgment in vetoing the amendment because it would violate our treaty obligations under the treaty we signed with the Japanese at the end of World War II.

Some of us in this chamber may take those treaty obligations lightly or might suggest that we should ignore commitments made over 50 years ago. I say we must abide by those treaty obligations because that treaty is what set the foundation for the 50 years of friendship and cooperation our Nation has had with Japan. Great nations do not violate their treaty obligations nor do they go back on their commitments to their friends. Great nations abide by their commitments and stand with their friends in easy situations and in difficult situations.

I believe there is another compelling reason why this amendment should be rejected and why we should choose another course. The amendment offered by my colleague from California only addresses those POWs who were taken captive during World War II. What about the POWs from the Korean War, the Vietnam War, the Iranian Hostage Crisis, the Persian Gulf War, or our most recent war with Iraq? These POWs have suffered extraordinary hardships and, due to the inequity in this amendment, would be left without any long-term compensation for their sacrifices.

I think it's important to point out that our Nation is currently home to an estimated 42,781 surviving ex-POWS: more than 39,700 from World War II, 2,400 from the Korean War, 601 from the Vietnam War, one from Somalia and three from Kosovo—and these numbers don't include the POWS from our actions against Iraq.

That is why I have offered an alternative—one that would accomplish everything this amendment does not. My legislation, H.R. 850, would create a new compensation system for former POWs delivered through the Department of Veterans Affairs. Under the new system, POWs detained 30 to 120 days would receive $150 per month, those detained 121 to 540 days would receive $300 per month, and those detained for 540 or more days would receive $450 per month. Payment would be made without regard to any other compensation under the laws of the United States. In addition, the bill contains a provision to provide outpatient dental care for all POWs. Current law requires a period of internment of not less than 90 days in order to qualify. Further, I have already agreed to eliminate the 30 day requirement to be eligible for benefits under the bill to ensure POWs who were held for a shorter period of time, including those who have returned from Iraq, would in fact be eligible for monthly compensation.

Mr. Chairman, my legislation offers this body an alternative to breaking our treaty obligations and failing to meet our commitments to 50-year-old friends and allies. World War II ended nearly 60 years ago and throughout the last half of the twentieth century, Japan proved time and again that it is one of our most trusted allies and a nation upon whom we could count for lasting friendship. If anything, the last year has shown this Nation the value of trusted friends and our need for close allies around the globe.

We have the chance today to do something noble. We can both be a good friend to Japan and meet our commitments to the men and women who have worn our Nation's uniform and been held captive during foreign wars. We can do this by rejecting the path chosen by my colleague from California and by, instead, choosing an approach such as that offered in H.R. 850.

A TRIBUTE TO DR. BRIAN BOWKER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to recognize Brian Bowker on the completion of his doctorate in animal sciences from Purdue University and his dedication to science and agriculture.

As a Federation of Animal Science Societies (FASS) Congressional Science Fellow, Dr. Bowker serves as Legislative Assistant in my office. I've had the benefit of Brian's expert advice on agricultural issues. I have seen the extent of his education but more importantly the extent of his character. Brian has reached an educational level that few people obtain, yet he desires to learn more and to use that knowledge to benefit others. He understands the concept, which few of us really embrace, that as Albert Einstein said, "Intellectual growth should commence at birth and cease only at death."

The recipient of numerous awards and honors, Brian has received the Featherston Outstanding PhD Award and the Outstanding Teaching Assistant Award. In addition, the Animal Science Department of Purdue University named Brian the outstanding freshman, sophomore, junior, and senior. He has received the Oakley M. Ray Distinguished Leadership Award, the Millard Plumlee Scholarship, and the Richard A. Pickett Scholarship, just to name a few. Also, Brian is a member of the American Meat Science Association and the American Society of Animal Sciences.

Therefore, on behalf of the Congress of the United States, I commend Dr. Brian Bowker for receiving his PhD, and thank him for his service to our Nation.

PERSONAL EXPLANATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. FRELINGHUYSEN. Mr. Chairman, on rollcall No. 406, the Hostettler amendment to H.R. 2799, the Commerce-Justice-State appropriation bill for fiscal 2004, on Tuesday July 22, during a series of several votes, I inadvertently voted "no" when I intended to vote "yes."

I strongly disagree with the decision handed down by the 9th Circuit on the Pledge of Allegiance and have voted to reflect that disapproval twice previously: on June 27, 2002 (H. Res. 459) and on March 6, 2003 (H. Res. 132).

TRIBUTE TO DR. NIKITA MORAVSKY, AMERICAN CITIZEN-PATRIOT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. VAN HOLLEN. Mr. Speaker, today I rise to pay tribute to Dr. Nikita Valerianovich Moravsky, American citizen and patriot, who will soon be celebrating his 80th birthday. Those of us who have had the good fortune to be born in the United States may sometimes take our citizenship for granted and forget how special it is. Dr. Moravsky's life reminds us of just how precious our birthright is, and his career of service to our country sets an example for us of appreciation for that gift.

In 1923, when Nikita Moravsky came into this world, he had no country. He was born in Shanghai, China, to Russian parents who had fled from the Bolshevik Revolution in their homeland. Educated in Jesuit schools in Shanghai, Nikita studied French and English, while at home he learned to speak Russian with the perfect pre-war St. Petersburg accent that he still maintains. As a young man he lived through the brutal Japanese invasion and occupation of Shanghai. Then, in 1949, as the Chinese Communists prepared to enter the city, Nikita was evacuated, along with 5,000 other—primarily Russian—refugees to a displaced persons camp on Tubabao Island in the Philippines. There he remained for two years.

Finally, in 1951, Nikita arrived in the United States, where he was soon employed on the faculty of the prestigious Army Language School in Monterey, CA, teaching Russian to American military personnel. Thus began Nikita's career of serving his adopted country. In 1958, he moved to Washington, DC, where he worked at the U.S. Information Agency (USIA) on the staff of its Russian-language magazine America Illustrated. He later entered the Foreign Service, touring Russia with USIA exhibits, and serving for two years as Cultural Attache at the American Embassy in Moscow. Next followed ten years of leadership positions with the USSR Division of the Voice of America, where broadcasts to the Soviet Union kept alive the values of truth and openness that ultimately undermined the Communist regime that his parents had fled so long before.

After leaving government service, Nikita obtained his Ph.D. in Russian Area Studies from Georgetown University. In his post-government career, he has taught at George Washington University and American University, educating his students in Russian culture and history and thus helping to prepare a new generation of leaders for the post-Cold War era. He also has published numerous articles in both English and Russian and two books in Russian, one dealing with the Tubabao Island refugees and the Russian diaspora in the Far East and a new work entitled Through the Eyes of a Russian-American.

It is thanks to the work of Nikita Moravsky, and countless others like him, who toiled for years behind the scenes during the Cold War, that the American ideals of democracy and liberty now have a chance in the former Soviet

Union. It was not just American military expenditures that ended the Cold War, but the hopes of the Russian people themselves for a freer society—hopes well-nurtured by Nikita's work.

The United States indeed has been fortunate in having Nikita Moravsky as an adopted son. I invite my colleagues to join me in saying "thank you" to Nikita for his career of service to the United States and "congratulations" on the milestone of his 80th birthday.

CELEBRATING THE 50TH ANNIVERSARY OF THE APSA CONGRESSIONAL FELLOWSHIP PROGRAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. RANGEL. Mr. Speaker, I rise today to join my fellow colleagues in celebrating the 50th Anniversary of the American Political Science Association's Congressional Fellowship, the first and oldest program of its kind on Capitol Hill.

Since 1953, APSA has allowed rising leaders within government agencies, as well as those in fields like medicine, journalism and academia to get an inside view of what, when, why and how we do things here in the people's House and the other chamber.

I have had the pleasure of having several fellows since I arrived here in Congress, all of whom have distinguished themselves in their ability to jump right in and perform as any veteran of my team. They do so by checking their egos at the door but not their skills and experiences, providing a different perspective on both potential legislation and daily procedures.

Success in any arena depends on participants getting to know the language, procedures and customs of important institutions of power. To be effective communicators or creators of sound public policy, individuals and groups must know how the game is played, even if the rules appear to sometimes be rigged. APSA fellows leave their assignments with that type of knowledge and view of Congress that is built on practical experience and not solely on media or partisan spin.

Washington does not operate in a vacuum—the things that we do echo past these great halls into the homes, schools and office buildings that dot this great land. While technology has allowed Americans to connect with each other quicker, more often and over greater distances, it has not increased the public's understanding of what gets done in Washington and the impact that debates on and off the floor have on their lives.

The APSA Congressional Fellowship program is helping to bridge this gap in the public consciousness by demystifying the political process. Their alumni provide clear evidence that everyone, no matter what their profession or expertise, has a role to play in and an opportunity to impact, their government.

HONORING M.D. ANDERSON CANCER CENTER OF HOUSTON, TX

HON. CHRIS BELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. BELL. Mr. Speaker, I rise today in recognition of The University of Texas M.D. Anderson Cancer Center in Houston, TX. I am proud to announce that in this week's issue of U.S. News and World Report, a survey of "America's Best Hospitals" named M.D. Anderson Cancer Center the nation's top cancer center. Recently, M.D. Anderson broke ground for its new proton therapy machine. This will be the largest proton therapy machine in the world. M.D. Anderson is a rapidly growing institution, increasing patient load and research capabilities every year without sacrificing service.

M.D. Anderson has been ranked as one of the top two cancer centers since 1990. Not only was the honor of the nation's best cancer center bestowed on M.D. Anderson, but it also ranked fourth for gynecology and under fifteenth in urology and ear, nose, and throat. These distinctions show the dedication of the M.D. Anderson faculty, staff, volunteers, patients, and community supporters who are working towards one mission, to eliminate cancer. M.D. Anderson was the only Texas hospital to be given a number one ranking in any medical specialty.

Providing top quality care to patients from across the state of Texas and one third from out of state, M.D. Anderson shows its commitment to Texas and to the nation. M.D. Anderson represents Houston's dedication to patients, clinical research, education programs, and prevention and eradication of cancer. I know my colleagues will join me in congratulating M.D. Anderson's 12,708 employees, 1,400 volunteers, its numerous local and national donors, and its many patients for making M.D. Anderson the nation's number one cancer center.

SERGEANT ROGER D. ROWE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. DAVIS of Tennessee. Mr. Speaker, it is with a solemn heart that I honor the dedicated and honorable Tennessee National Guardsman and Bon Aqua Resident Sergeant Roger D. Rowe. Sergeant Rowe served the Army National Guard for 17 years and was deployed to Iraq with the 1174th Transportation Company. I pay tribute to this outstanding soldier, husband, father, and grandfather who on July 9th was tragically killed in action near the city of Mahmudiyah.

Sergeant Rowe was one of 1,000 Army and Air National Guardsmen selflessly protecting our country. As a soldier, Rowe courageously endured 130 degree heat, relentless sniper attacks, and separation from his loving family. This was not the first time Sergeant Rowe unflinchingly protected the people of the United States. He also served in a medic unit in Vietnam for two years. Working as a shipping clerk with Shiloh Industries in Dickson, Tennessee, his experience driving trucks made Rowe an invaluable asset to his military convoy overseas.

Mr. Speaker, I am deeply honored to pay tribute to the life and memory of Sergeant Roger D. Rowe. Never withholding their services in the face of war, Tennessee's citizens have always been celebrated for their wartime valor. Sergeant Rowe more than upholds that reputation. He fought to keep his family and country safe and for that gift we are forever indebted. My thoughts and prayers are with the family and friends of Sergeant Roger Rowe.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. GALLEGLY. Mr. Speaker, on Tuesday, July 22, I was at the White House in a meeting with the President, along with the members of the National Academic Decathlon team from Moorpark High School, and was unable to vote on the Kucinich motion that the Committee Rise (rollcall 404). Had I been present, I would have voted "no."

HONORING ALAMO MAYOR TOMMY GREEN

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. TANNER. Mr. Speaker, today I rise to honor an outstanding public servant, Tommy Green, who has dedicated himself to the people of Tennessee through his diligent services to the community of Alamo in Crockett County.

Tommy's hard work helped earn him the Mayor of the Year award this year from the Tennessee Municipal League.

Throughout his life, Tommy has found a home in public service. He began his honorable career by volunteering for the Alamo Volunteer Fire Department, then served as Alamo's first building inspector. Tommy continued to show his dedication for our community by serving as city alderman for 11 years.

As a U.S. mail carrier, Tommy works one of the largest and most time-consuming routes in Alamo. Despite these long hours, Tommy has served as Alamo's mayor for the past 17 years.

Since 1986, Tommy has been instrumental in helping Alamo receive seven federal grants to improve the development of the community. These grants allowed for construction of a new water treatment plant, two new wells and a 200,000–gallon water storage tank.

Mr. Speaker, I ask you to join me in honoring a distinguished public servant, an outstanding citizen and my friend, Mr. Tommy Green.

APSA 50TH ANNIVERSARY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. OBERSTAR. Mr. Speaker, I am very pleased to congratulate the American Political Science Association on the 50th anniversary of its congressional fellowship program.

The APSA Congressional Fellowship Program is a highly selective, non-partisan program that provides invaluable opportunities for fellows to obtain legislative working experience. Since 1953, over 1800 journalists, federal government professionals, political scientists, Robert Wood Fellow health policy fellows, Native American Hatfield fellows, and international scholars have participated in this program. The congressional fellowship program is beneficial for both congressional offices and the fellows. Congressional offices gain from the expertise of these professionals, and the congressional fellows learn the legislative process on a firsthand basis.

I can speak from experience about the value of this program. I currently have on my staff an outstanding APSA fellow who has made great contributions to my office. Margaret Connelly came to my office from the USDA Forest Service. Since the beginning of this year, Margaret has assisted my Washington and District staff with the implementation of my Hometown Values legislative agenda, and she has also coordinated a number of high-priority transportation and natural resource projects. Margaret has brought to my office her considerable talents and professional experience with the Forest Service, and I am very pleased that she has gained new skills and valuable experience in my office.

For those of you not familiar with the fellowship program, fellows work for Democrats, Republicans, and Independents as members of personal staff or committee staff while on the Hill. In addition to their office assignments, these congressional fellows attend educational seminars throughout the program. A field trip to Annapolis, Maryland is included to gain a better understanding concerning state government operations. For a comparative dimension, some fellows travel to Ottawa, Canada to meet with high-ranking Canadian officials and gain insight into the Canadian Parliament. In exchange, Canadian Parliamentary interns travel to Washington for a week to gain a better perspective on the U.S. Government.

After these various experiences, fellows return to their previous jobs or new jobs, bringing with them new insights and knowledge of the legislative process. I hope they will continue to utilize their experience on the Hill for the rest of their lives and share this knowledge through discussions with friends and coworkers.

Mr. Speaker, I appreciate the opportunity to congratulate the American Political Science Association for their outstanding contributions through their fellowship program. I would encourage my colleagues to participate in APSA's superb program which brings immeasurable benefits for the House of Representatives and for these dedicated professionals.

SAG HARBOR VOLUNTEER FIRE DEPARTMENT CELEBRATES 200TH ANNIVERSARY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today to pay tribute to the Sag Harbor Fire Department. On March 26, 2003, the Sag Harbor Fire Department of Sag Harbor, New York, marked a momentous occasion that very few fire departments in our country have achieved. Since 1803 the volunteer firefighters of Sag Harbor have been answering their neighbors' calls for help. This year they are celebrating their 200th anniversary. Located on the South Fork of Eastern Long Island, The Sag Harbor Fire Department is one of the oldest volunteer fire departments in the nation, the second oldest in the state of New York, and the oldest in Suffolk County. It was chartered on March 26, 1803 and today, 200 years later, it has 165 volunteer members who cover the county with support and protect 5,000 winter residents and 15,000 summer residents in an area of 27 square miles.

These dedicated volunteers operate out of four different stations and comprise five companies: Gazelle Hose Company No. 1, Montauk Hose Company No. 2, Otter Hose Company No. 3, Murray Hose Company No. 4, and the Phoenix Hook & Ladder Company No. 1. The Department also has three special squads: Heavy Rescue, Fire Police and the Dive Water Team.

During the year-long 200th anniversary commemoration, the Department has received proclamations from the Village of Sag Harbor, the New York State Legislature, the New York Department of State and the Fire Association of New York State. I would like to add my heartfelt congratulations and best wishes to this outstanding fire department not only for its longevity but also for the dedication of its members. Volunteer firefighters are selfless men and women who risk their lives to protect and provide fire, emergency medical and rescue services to others in their community without financial compensation. Sag Harbor's volunteer firefighters proudly carry on the 200–year-old tradition started by their forefathers—answering the alarm, serving their neighbors and protecting the citizens of Suffolk County.

The Department will officially celebrate this milestone with a week-long series of events beginning on August 19th that includes a gala parade, fireworks, raffles and the selling of many different souvenirs including a commemorative coin created especially for the occasion.

I invite my colleagues in the U.S. House of Representatives to join me in honoring the Sag Harbor Fire Department on its 200th anniversary. These men and women represent the best of the volunteer spirit that has built our great Nation.

PERSONAL EXPLANATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. STUPAK. Mr. Speaker, I ask that the Record show that on Thursday, July 17, 2003, during consideration of the FY04 Appropriations bill for the Department of the Interior, H.R. 2691, I inadvertently voted "yes" on the amendment of Mr. UDALL of New Mexico to prevent the use of funds to finalize Bush Administration regulations that would revise requirements for scientific evaluation and public involvement during the development of forest management plans, when it was my intention to oppose the amendment.

I am a strong supporter of multi-use forest plans and had voted for this amendment under the mistaken impression that this was the amendment offered by Mr. UDALL of Colorado. I am pleased that despite my erroneous vote, the amendment of Mr. UDALL of New Mexico was defeated so that I did not need to pursue any legislative remedies to overturn it.

TRIBUTE TO THE CHALLENGER

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. QUINN. Mr. Speaker, I am honored to rise today to pay tribute and officially recognize the Fortieth Anniversary of The Challenger Newspaper in Buffalo, New York, which I am proud to say is part of the Twenty-seventh Congressional District of the State of New York.

On April 11, 1963, the first edition of The Challenger was published, serving primarily Buffalo's African-American community. That same year, the Civil Rights Movement reached a critical, historic moment. During The Challenger's inaugural year, Freedom Fighter Medgar Evers was murdered, the Sixteenth Street Baptist Church in Birmingham, Alabama was bombed by White Supremacists, killing four innocent children, and the legendary Rev. Dr. Martin Luther King, Jr. delivered his momentous "I have a Dream" speech at the March on Washington.

Founded by Mr. Calvin Kimbrough, the late Mr. John Moore and the Honorable Arthur O. Eve, The Challenger went on to become "the voice" of Buffalo's Black community. These trailblazers fought to provide Buffalo's African-American community with the ability to determine for itself how they would be portrayed in the media. The Challenger continues to serve our community by asking the tough questions, challenging the establishment, providing world news as it relates to the Black Community, promoting African and African-American culture and history, and ensuring that the positive contributions of African-Americans, too often ignored by others, are appropriately reported and celebrated. Indeed, The Challenger has become a Buffalo institution, no less important than our historic neighborhoods, parks, buildings, and other treasures.

Forty years later, the proud tradition of The Challenger continues under the exceptional leadership of Ms. Al-Nisa Banks. She has served as Editor and Publisher for twenty-four years, and has guided The Challenger to its current position as one of our nation's finest newspapers through her visionary leadership and commitment to our community.

As Members of Congress, we pause to honor and recognize those brave individuals and institutions who helped our nation find its way during some of our darkest moments. The Challenger stands proudly amongst that group as a champion of justice and a light toward a better way, and we are forever in its debt.

Mr. Speaker, today I join with The Challenger Staff, the City of Buffalo, and indeed, our entire Western New York community in special recognition and celebration of The Challenger on this historic Anniversary. We all wish them continued success and prosperity.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 24, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 25

10 a.m.

Judiciary

Crime, Corrections and Victims' Rights Subcommittee

To hold hearings to examine deterrence of alien smuggling and human trafficking.

SD–226

JULY 28

2 p.m.

Aging

To hold hearings to examine mental health treatments for older Americans with depression.

SD–628

JULY 29

9 a.m.

Environment and Public Works

To hold hearings to examine climate history and its implications, and the science underlying fate, transport and health effects of mercury emissions.

SD–406

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of General Peter J. Schoomaker (Ret.), USA, for appointment as Chief of Staff, United States Army and appointment to the grade of general; and Lieutenant General Bryan D. Brown, USA, for appointment as Commander, United States Special Operations Command and appointment to the grade of general.

SR–222

Energy and Natural Resources Energy Subcommittee

To hold hearings to examine the role of the Department of Energy's Office of Science in supporting research in physical sciences.

SD–366

Foreign Relations

To resume hearings to examine the status and prospects for reconstruction resources relating to Iraq.

SH–216

Governmental Affairs

To hold hearings to examine the nominations of Joe D. Whitley, of Georgia, to be General Counsel, and Penrose C. Albright, of Virginia, to be an Assistant Secretary, all of the Department of Homeland Security; to be followed by a hearing to examine the nomination of Joel David Kaplan, of Massachusetts, to be Deputy Director of the Office of Management and Budget.

SD–342

Judiciary

Business meeting to consider the nominations of Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit, Larry Alan Burns, to be United States District Judge for the Southern District of California, Glen E. Conrad, to be United States District Judge for the Western District of Virginia, Henry F. Floyd, to be United States District Judge for the District of South Carolina, Kim R. Gibson, to be United States District Judge for the Western District of Pennsylvania, Michael W. Mosman, to be United States District Judge for the District of Oregon, and Dana Makoto Sabraw, to be United States District Judge for the Southern District of California.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine consumer awareness and understanding of the credit granting process.

SD–538

Health, Education, Labor, and Pensions

To hold hearings to examine the nomination of Howard Radzely, of Maryland, to be Solicitor for the Department of Labor.

SD–430

Aging

To hold hearings to examine a current law trust fund exhaustion scenario if no action is taken to strengthen Social Security, focusing on the GAO report analyzing the "do nothing" scenario with the analytical framework previously used to evaluate the models developed by the President's Commission to Strengthen Social Security.

SD–628

2:30 p.m.

Judiciary

Immigration, Border Security and Citizenship Subcommittee

To hold hearings to examine the LI visa and American interests in the 21st century global economy.

SD–226

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 808, to provide for expansion of Sleeping Bear Dunes National Lakeshore, S. 1107, to enhance the Recreational Fee Demonstration Program for the National Park Service, and H.R. 620, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

SD–366

Veterans' Affairs

Business meeting to consider pending legislation and nominations, to be followed by a hearing on U.S. Army policies on the award of the Combat Medical Badge.

SR–418

JULY 30

9 a.m.

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine practices for identifying and caring for new cases of SARS.

SD–342

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider the nominations of Howard Radzely, of Maryland, to be Solicitor for the Department of Labor, and Michael Young, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission.

Room to be announced

Indian Affairs

Business meeting to consider pending calendar business, to be followed by oversight hearing on potential settlement mechanisms of the Cobell v. Norton lawsuit.

SH–216

Judiciary

To hold hearings to examine S.J. Res. 15, proposing an amendment to the Constitution of the United States to make eligible for the Office of President a person who has been a United States citizen for 20 years.

SD–226

2 p.m.

Indian Affairs

To hold hearings to examine S. 578, to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security.

SH–216

2:30 p.m.

Judiciary

To hold hearings to examine S. 1194, to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

SD–226

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine space exploration.
SR–253

JULY 31

9:30 a.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

10 a.m.
Governmental Affairs
To hold hearings to examine origination, organization and prevention in relation to terrorism financing.
SD–342

12:30 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine certain issues relative to AIDS.
SD–430

2 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine proposed Mine Safety and Health Administration (MSHA) rule on coal dust; to be followed by a hearing on union financial reporting and disclosure.
SD–192

2:30 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine Internet Corporation for Assigned Names and Numbers (ICANN).
SR–253

SEPTEMBER 16

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to receive the legislative presentation of The American Legion.
SH–216

SENATE—*Thursday, July 24, 2003*

(Legislative day of Monday, July 21, 2003)

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of hosts, great and marvelous are Your works. We thank You for the lives of great people that challenge us to live more sacrificially.

Today, we give a special thanks for the lives of two of our heroes, Detective John Gibson and Officer Jacob Chestnut, Capitol Policemen who gave their lives for freedom.

Lord, You said that a willingness to sacrifice one's life demonstrates the greatest love. Teach us how to give our lives in the living days. Use us to bring hope to those who fear tomorrow more than death.

Give our Senators wisdom so that they will truly be guardians of liberty. May they fulfill their calling in this generation to save lives by losing themselves in loving concern for others near and far.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. BROWNBACK). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period for the transaction of morning business for 30 minutes. Following that time, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. We disposed of a number of amendments during yesterday's session, and I understand there are a few issues remaining. I reiterate that I hope we can expedite consideration of these amendments and proceed to final passage of this bill at an early hour today. We would then like to proceed to two additional appropriations bills this week.

In addition, we have the Chile and Singapore free trade agreements that we would like to consider this week if possible. Those bills are considered under fast-track procedures and have limited debate. I hope we will not use the time allotted under the statute and we can complete those two bills prior to finishing our business this week.

We will be devoting the entirety of next week to the pending Energy bill. We will have a full week's consideration, with debate and votes throughout the week. I have had the opportunity to talk with the managers of that bill, and they have been working very hard to have this bill addressed on the floor in an orderly, systematic way so that we can work toward completion of that bill beginning Monday.

I do expect lengthy sessions next week as we try to complete our work on that bill, which has been pending since May 6.

I also remind Senators that at 3:40 p.m. today we will observe a moment of silence to honor the memory of our two fallen Capitol Police officers, Officers Chestnut and Gibson. Members are encouraged to be in the Chamber for that moment of silence.

CHILD TAX CREDIT CHECKS

Mr. FRIST. Mr. President, I also wish to mention that tomorrow the U.S. Treasury will start rolling out additional child tax credit checks of up to $400 to over 25 million taxpayers over the next 3 weeks. Millions of America's working families will be getting a well-deserved break in the form of a tax rebate from our Federal Government. In fact, in Tennessee over 525,000 taxpayers will receive these child tax credit checks.

This tax relief is much deserved, and I am pleased that we are able to begin delivery of those checks. In this body, we passed the Jobs and Growth Tax Act, which is the third largest tax relief package in history, increasing that child tax credit from $600 to $1,000. We will continue to work on a whole range of issues that will strengthen our economy over time.

Next week, we will be addressing energy reform, and we will continue working on such issues in the coming weeks and months as medical liability reform and a host of other legislative issues that we believe strongly will create jobs, will grow the economy, and will help American families meet their bottom line.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, with the first 15 minutes under the control of the Democratic leader or his designee.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate the announcements regarding the schedule of the distinguished majority leader. I simply say that I think the debate on homeland security this week has been a good one. I credit the chairman, as well as our ranking member, Senator BYRD, for the vigorous debate we have had on a number of issues relating to homeland security. We still have a number of amendments left to be resolved today, and I expect it will take a good part of the day before we are able to finish.

I can also appreciate the majority leader's desire to get as much work done prior to the August recess as possible, and his desire to move to other appropriations bills is understandable. However, I must say—and I have said privately and publicly—that his decision to wait until next week to begin and then finish the Energy bill leaves open the possibility that we will not finish, unless he is prepared to stay longer than next Friday. We have 382 amendments. That is about 77 amendments a day. I know some of those amendments will melt away, as oftentimes happens. But we have not seen the electricity title.

I am told there are other portions of the bill that are being revised as we speak. Senators cannot even offer amendments to those portions of the bill because they have not seen the draft. So it presents some logistical as well as really substantive questions and problems that, unfortunately, complicate the schedule even more and the majority leader's understandable desire to finish.

So I just warn my colleagues that, as much as I would like to see an Energy bill passed, we have a lot of concerns and some misgivings about the current

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

bill. We hope we can address the renewable portfolio standard, the conservation issues, and a whole array of issues that have yet to be resolved. We have not been able to do that. So we are rolling the dice, in a way, and gambling, in a sense, that we can somehow accommodate all of these questions, all of this debate, and these very serious issues in a matter of a couple of days. I do not know how one does that. Obviously, it is certainly the majority leader's right to make these decisions so long as we all are aware of the challenges it presents and the complications to completion it would anticipate.

I again warn my colleagues and certainly in a most sincere way express a desire to complete the work, but we have to have time to do that. We do not have, in my view, adequate time with that schedule to complete the work on the Energy bill, as much as we would like to do that.

CHILD TAX CREDIT

I also note the majority leader talked to another issue we have been discussing on and off for a long time. I believe it is 48 days since we made the effort initially to reinstate the tax credit that was eliminated when the tax bill was signed into law for those whose incomes fall below $26,000. There are 12 million children—200,000 children of military families—who were intentionally left out of the legislation the majority leader referenced a moment ago. That has troubled us.

We have attempted on several occasions to reinstate that tax credit for those millions of families left out. We had a motion to proceed a couple of weeks ago, and we have indicated that we will continue to ask unanimous consent to ensure we have an opportunity, once more, to send as clear a message about the unfairness, the inequity, the extraordinary insult this represents to those families who are even, I would argue, more deserving of a tax credit than families with higher incomes.

So far our efforts have been unsuccessful because of the opposition expressed by our colleagues on the other side. But we will continue every day to find a way to see if this matter can be resolved prior to the time we leave for the August recess.

UNANIMOUS CONSENT REQUEST

I again renew the request. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1434; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table. This is the Lincoln-Snowe child tax credit bill for those working Americans who will not get checks this week and which we have attempted to address now for several weeks.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, reserving the right to object, and I will be objecting, let me say to my good friend, the Democratic leader, that discussions continue between the two chairmen of Ways and Means in the House and Finance in the Senate. We are still optimistic that we will be able to move forward on something related to this matter in the near future. But in the meantime, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Mr. President, I appreciate the optimistic forecast of the distinguished assistant Republican leader. I will say, we have heard this now for some 48 days. The House leaves tomorrow, and they will have left without addressing this issue. So as checks are received for millions of families whose incomes exceed $26,000, all of those 12 million kids whose incomes are below $26,000 are going to be left empty-handed, in part because of objections, in part because of intransigence on the other side, in part simply because, by design, they were left out when this bill was written several months ago.

It is unfortunate but, as I say, we will continue to draw this matter to the attention of our colleagues, continue to find a way to resolve this so that some measure of equity can be provided, especially with regard to families who need it the most.

Mr. President, I know there are some Democratic Senators wishing to come to the Chamber soon to offer amendments. I understand we have morning business until 10 o'clock. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, if there is no one wishing to speak, I wish to make a short comment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I know the order is for time on the other side. I ask to use about 5 or 7 minutes.

* * *

LEWIS & CLARK AND THE REVEALING OF AMERICA EXHIBIT

Mr. STEVENS. Mr. President, this is the time of year when Senators have visitors from home. I know many come to my office and ask me personally, What should I see in Washington now?

Last evening, I visited the opening of the Lewis and Clark exhibit, "Lewis & Clark and the Revealing of America." It is at the Library of Congress from July 24 to November 29.

I have asked that a copy of the booklet that is being given out at this exhibit be placed on every Senator's desk. I do hope that will happen. I congratulate the Congressional Caucus on the Bicentennial of Lewis and Clark: Senators CONRAD BURNS, LARRY CRAIG, BYRON DORGAN, and Representatives DOUG BEREUTER and EARL POMEROY.

As one goes into the exhibit in the Library of Congress, the first thing one will see is the 1507 Waldseemuller world map. This is the first map that used the word "America" in the history of the world. Beyond that, there are a series of maps that lead up to the information that President Jefferson had when he dispatched Lewis and Clark to make their historic journey.

The interesting point about this is that for years, the maps of our part of the world were really kept classified by the Spanish, and it took a German geographer, Alexander von Humboldt, when he visited Mexico City and got access to the archives of Mexico to disclose to the world the maps that had been prepared prior to that time.

Copies of each of those maps is on exhibit at the Library of Congress. It takes us through the total exploration of Lewis and Clark but subsequent explorations of the American West, the Louisiana Purchase, and the total history of our country west of the Mississippi. It is told through maps and through artifacts that have been gathered not only to tell us the geography of our area, but really the dress of Americans at that time, the plants—a total description of the West as it was known then.

What is interesting is that the German geographer who had visited Mexico City actually visited with President Jefferson prior to the time Lewis and Clark set off, as I said. The information he brought to the public, to the world at that time is just staggering.

I have seen a lot of exhibits at the Library of Congress in my day, and I have the honor to be the chairman of the Joint Congressional Committee on the Library. I believe this is an exhibition that should be called to the attention of every one of our visitors as they come into our offices.

I call to the attention of the Senate also that there is a film program that is going to go on starting Friday, July 25. There will be a series of films shown at the James Madison Building, which is part of the Library of Congress. These films are free and open to the public but require advance notice and reservations to get in. The seating is limited.

They are amazing historic films. It starts off with a 1955 Paramount film which is entitled "The Far Horizons" and continues through until November 21. The schedules are shown in the booklet. This is the kind of information I think Senators would be extremely wise to point out to their visitors. All they have to do to make reservations is call the number that is shown in this booklet, and they can have reservations for one of the finest historic films that one could think of. Each Tuesday, Thursday, and Friday, between now and November 21, there will be films shown to the public.

I do congratulate the Library of Congress, Dr. Billington and his staff, for putting together this enormous exhibition of the history of our American

West. I do hope everyone has an opportunity to take the time to see it. It is not something one can just go in and make a 5-minute visit and look at a map. If they go through that door, they are going to be trapped for at least 30 to 45 minutes, or hours. It is one of the most staggering exhibits I have seen.

At one point, through our electronic means, they have the ability to show the actual outline of our Nation and put it up against the maps that were prepared back in the days before any digital concepts, before any real capability for surveying. It is amazing how close they came to preparing maps that were accurate, and this started off 500 years ago.

This is 500 years of history of the American West, and people can see it in a half hour or 2 hours. I do hope Senators will take the occasion to look at the booklet I have asked the Library of Congress to provide us. Copies of this chart are available to every Senator to put in their office so they can tell their visitors about this amazing exhibition.

In closing, I thank the Senate for the time, and particularly my friends on the other side of the aisle for letting me use some of their time, to speak about this exhibit. This is the work product of not only the Library of Congress, but they give credit to the Bicentennial Congressional Caucus, which is cochaired by my good friend from Montana. He will find an enormous number of photographs and history of his great State where I had the privilege of going to college for a short period of time. I want him to know this is a memory trip for me to go through this exhibition. I do thank him for his work, and I thank the other Senators for their courtesy.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I put a footnote on this. I recommend the Lewis and Clark exhibit. It is wonderful history. Of course, the Louisiana Purchase is of great interest to all of us in the West. I recommend a book I am about two-thirds of the way through. It is called "The Wilderness So Immense." It is the history of how we purchased all that land from France when Jefferson was ambassador to France. It goes back to 1785 and 1786, and also the politics involved with Spain. It involves the navigation of the Mississippi River, the control of New Orleans and, of course, Spain's influence in the great American southwest that led to the Louisiana Purchase. I recommend that book. It is written by Jon Kukla, and it gives a great insight on what happened.

I thank the Senator for mentioning this great 200th anniversary of the Louisiana Purchase.

The PRESIDING OFFICER. Under the previous order, there are now 15 minutes under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield up to 10 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for up to 10 minutes.

THE GOOD NEWS IN IRAQ

Mr. BURNS. Mr. President, this morning we have been through a series of briefings with regard to Iraq. It amazes me, as we hear some of the rhetoric that is coming out of this town and, of course, across the waves, and I wish to bring to the attention of those who missed it, it was a very good briefing put on by Ambassador Bremer of what is happening in Iraq after the armed conflict is over, but which continues today on a guerrilla basis, and report to the American people that all the press we get is sort of on the negative side, but there are some very positive signs.

I hasten back to the start of our country. The path to democracy is a very rocky path. Sometimes it is very slow and sometimes it is very dangerous, but there are things being done now, and the best ambassadors I have found on the ground in Iraq are our uniformed troops.

If one can imagine a people who have been under the tyranny of Saddam Hussein for the last 25 years being told how evil this great army could be, that they would either cut out their tongues or they would kill them, and then have one of our soldiers or marines in combat gear and helmet, dirty, sandy, and grimy, walk up to a young Iraqi person with a smile and offer a hand of friendship in the form of water or some food, but mostly the hand of friendship, they are making great strides in winning the hearts of the Iraqi people and helping them to establish a free and open government for their own freedom and prosperity.

Right now, we are not hearing these kinds of figures: 85 percent of the cities and towns in Iraq now have elected councils in place and working. There was a strategy after the conflict was over, but No. 1 was security. We cannot do a thing in Iraq, and neither can the Iraqi people do for themselves, until it is secure so they will feel safe.

The building of central services, electrical power, water, sewer, all of these amenities that make life easy for us, are not in place. Saddam Hussein never paid a lot of attention to that. He rationed electrical power, water, all the services we take for granted in America. He limited them in order to suppress, and he got to pick and choose who were afforded those kinds of amenities or those central services we find so necessary in our own towns, villages, counties, and States.

We are making progress. We are now reconfiguring our military presence there. We are also doing something about the economy. How does one move state-owned enterprises into the private sector to provide some economic thrust for job and economic opportunity for the Iraqi people? That framework is in place, and it is being carried out.

How do we train a militia or a police force for the Iraqi people, headed by Iraqi people, and an armed forces for Iraq who answer not to a military tyrant but to a civilian government patterned somewhat like our own? That, too, is being put in place, and they are being trained by our forces.

We have around 30 to 40 coalition forces from different countries represented in Iraq right now. There are 12 top contributors, of which the U.S., the U.K., Spain, Norway, and others are all participating in this endeavor.

I advise the American people to look at the positive side of establishing a civil and free government in Iraq. We are building a new irrigation system and repairing old systems because the infrastructure has dwindled away. It has almost been destroyed—not by war but by use and wear. These folks need to be able to feed themselves.

We have agriculturists in the field, nongovernmental organizations in the field working in health care and agriculture and services vital to the Iraqi people to put this country back together and make it a democracy that will be the shining example of the Middle East.

We cannot lose our resolve. The Founders of this country did not lose their resolve. They committed to an idea of freedom and self-government. Our path to democracy was not easy either. We have had 200 years of democracy. They have had less than 200 days to establish what they have dreamed of—freedom and the dignity of the individual. That is what this is all about. If they do not lose their resolve, we cannot lose our resolve.

Our President has provided that leadership under heavy criticism. He has established a goal and idea that will change the Middle East and how they do business in the Middle East.

Peace and freedom can be accomplished. The American people have made a commitment to do that goal. Now we have to maintain our resolve to the completion of that mission.

I thank our military forces this morning. They are men and women of great courage who know what the mission is and know how to complete the mission. Congratulations to our leadership, our leadership in Washington, President Bush and his staff. They have provided the resolve it takes to complete the mission.

There are many positive things. When the President said: We will hunt down these killers and deal with them—he meant it. The credibility around the world continues to be high with our leader. When he says it, he means it, he does it. It has bolstered Americans and shows what it is like to be the champion of freedom and human dignity around the world.

Is it costly? Yes, it is costly. Was it costly back in 1776 and the following years until 1800? Yes, it was costly. But we survived. We never lost our resolve. We cannot lose it now.

I thank the Senator from Texas for allowing me this little time. There are a lot of facts and figures we could throw out, but the message today is stand fast. If we believe in the fire of freedom, it is our responsibility to maintain that resolve.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Montana for that wonderful speech. He did remind us once again the stakes we have in the war on terrorism. What is happening in Iraq is a high-stakes game. We are committed. America is not going to walk away. We are not going to start a job that we do not finish. The job is to bring peace and stability to the people of Iraq and to the entire Middle East. I thank the Senator from Montana for coming forward with that message.

How much time remains?

The PRESIDING OFFICER (Ms. MURKOWSKI). There are 4 minutes 45 seconds remaining.

Mrs. HUTCHISON. Madam President, I will continue on the same subject as the Senator from Montana and talk about what we are doing in Iraq. The meetings we had with Ambassador Bremer brought much more clarity to the progress being made in Iraq. Everyone is stunned and saddened by the loss of life of our soldiers that we see, unfortunately, on a daily basis. This gets worse every day because we are sick about losing these soldiers.

Part of the reason we have not been able to capture these people who are doing these horrible acts to our soldiers—one and two and three at a time—is because Iraqi people do not yet believe we are there to stay until they have a democracy in place. There is widespread belief in Iraq that Saddam Hussein is coming back. When we were able to capture the sons of Saddam Hussein, and they are now dead, that sent a message to the people of Iraq that we are going to capture Saddam Hussein. We are not going to stop until we know he is captured or dead. Two of his sons are dead, the two who would have been heirs to his incredibly cruel regime. They are dead. They are gone.

I applaud the President for saying he is going to show the dead bodies so the people of Iraq will be assured. In our culture, that would be horrifying. We would never show dead bodies in a newspaper in our country, particularly identified dead bodies. However, we have a different problem in Iraq. We have a problem that the people do not believe these people are really dead. Therefore, they fear coming forward and giving information about the people who are killing our soldiers. They fear coming forward and embracing Americans in many parts of Iraq. If that, in their culture, is what is necessary to show that these two sadistic tyrants are dead, that they can no longer cut off arms and legs, put children in shackles in jail, abuse children, abuse women, that they can no longer do these horrific acts, if that is the way we must show the Iraqis that these people are gone, I applaud the President for saying we will do it. I hope the President does.

We must get the trust of the Iraqi people. I do not think we are going to have that trust until they know that Saddam Hussein is dead, they know the sons are dead, and they know we are going to keep our commitment; that we are going to try to make life better for the Iraqi people and put their own people in charge of their own fate. That is what they are looking for. We must show them we are not going to give up because times are tough. Times are tough over there right now.

For people I talk to on the streets, it is incomprehensible they do not appreciate what we have done. We have to understand what they have lived through for the last 25 years in that country. They are used to being abused for no reason. If they look the wrong way, they may be shot at close range. That is what they have lived with. We cannot even imagine that in our country. We must try to win their trust in this slow and methodical way.

Madam President, our administration is making great progress. We are showing we will have the resolve to see this through.

If we can bring a quality of life and of freedom to the people of Iraq, then we do hope this will also stabilize the rest of the Middle East so we can bring a peace between the Palestinians and Israel, the two can live side by side in peace, and have at least the ability to live in peace if not trade together and work together.

That will also send a signal to the people of Iran that they can have freedom once again. It will send a signal to the people of Syria and throughout the Middle East that they, too, do not have to live under dictatorial regimes that allow them no freedom and do not have good education systems. We want the people of the Middle East to know what freedom is, to know what having an education is, so people can have jobs and have an economy and be able to live a life that has a quality of life.

We are bringing quality of life to Iraq through this administration. We are bringing health care services. Madam President, 90 percent of the people in the north have basic health care, 80 percent in the south, 75 percent in Baghdad. We are putting $210 million now into pharmaceuticals and basic health care services. This is an important quality-of-life issue for these people, and one of the first that we have addressed.

We have brought in 1.2 million tons of food since we ceased the hostilities in Iraq on March 30. We now have the ability to purchase local harvests in Iraq, so food will be available from the Iraqi people and for the Iraqi people.

I am very pleased with the progress. Is it enough? No. Is it going to take more time? Yes. Is it going to take patience? Absolutely. But America is not going to walk away when times get tough. We are going to see this through, and the world will be better when we do.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2555, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2555) making appropriations for the Department of Homeland Security for fiscal year ending September 30, 2004, and for other purposes.

Pending:

Reid amendment No. 1318, to appropriate $20,000,000 to the Office for Domestic Preparedness to be used for grants to urban areas with large tourist populations.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I wanted to speak about an amendment I wish to offer that I have reason to believe may or may not be accepted. It may be accepted, I am told. I was willing to do that in morning business or on the bill. Since we are now on the bill, is there an amendment pending?

The PRESIDING OFFICER. There is an amendment by Senator REID which is pending.

Mr. DORGAN. I ask unanimous consent that the amendment be set aside so I might offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1362

Mr. DORGAN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1362.

Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on access by State and local law enforcement agencies to the Tipoff database on potential terrorists)

Insert after section 615 the following:

SEC. . Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, shall report to the Committee on Appropriations of the Senate and the House of Representatives on the feasibility of providing access to State and local law enforcement agencies to the database of the Department of State on potential terrorists known as the "Tipoff" database, including the process by which classified information shall be secured from unauthorized disclosure.

Mr. DORGAN. Madam President, today we will hear the results of the 9/11 Commission, which will describe, after some study and hearings and consideration, what we knew prior to 9/11, prior to the devastating attack that occurred against this country that resulted in the murder of thousands of innocent Americans.

There have been past suggestions that some of our law enforcement agencies and others had information indicating a possible attack, and that the information didn't get evaluated or moved up the chain of command.

There are all sorts of discussions about what went wrong: What did we know? What could we have done with the information we had in our possession that might have foiled these attacks?

It is useful to evaluate all that. I hope this report, which I have not yet read, will advance our knowledge of this situation.

Information sharing is essential in the war on terrorism and in securing our country. But there is an alarming lack of information sharing when it comes to our state and local law enforcement officials. And that is the subject of my amendment here today.

On October 25 of last year, a task force headed by former Senators Warren Rudman and Gary Hart released a report titled "America Still Unprepared, America Still In Danger." The bipartisan task force, sponsored by the Council on Foreign Relations, included former Secretaries of State Warren Christopher, George Shultz, retired Admiral William Crowe, former Chairman of the Joint Chiefs of Staff, and others.

What they found was that one year after the September 11 attacks, America remained dangerously unprepared for another terrorist attack. And at the top of the list of their concerns was this:

> 650,000 local and State Police officials continue to operate in a virtual intelligence vacuum, without access to the terrorist watch lists provided by the U.S. Department of State to immigration and consular officials.

That was the top concern raised by the report. What do they mean by that? They mean we do have a list of people who are known and suspected terrorists and individuals who associate with those known or suspected terrorists, and we use that list at the State Department to try to keep those people from coming into our country. It is made available to consulates across the world, to immigration officials across the world. It is a list meant to protect our country by preventing those who are known terrorist or those who associate with terrorists or suspected terrorists from entering our country.

The problem is this. This list is not shared with the 650,000 law enforcement officials in our country. We need 650,000 eyes and ears of local law enforcement officials able to access that list to see whether the car they pulled over on the interstate highway is filled with four terrorists.

Let me give an example: 36 hours before the September 11 attacks, one of the hijackers, the man who was at the controls of flight 93 that crashed in Pennsylvania—one of the hijackers named Ziad Jarrah was a 26-year-old Lebanese national. He was driving 90 miles an hour on Interstate 95, in Maryland. He was pulled over by the Maryland State Police. He was driving a car rented in his own name.

This fellow shared a Hamburg apartment with Mohamed Atta. He was, we think, at the controls of flight 93 that crashed in Pennsylvania and 36 hours before that attack he was pulled over for speeding on a Maryland highway.

It turns out, for a number of reasons, his name was not on the watch list. But had it been, and one would have expected it to be, that Maryland State trooper would not have been able to know that. If this afternoon, south of Drayton, ND, there is a highway patrol officer pulling over a car with three individuals in it, and if those individuals are known terrorists who have somehow come across the border from Canada, that highway patrol officer will not be able to access the terrorist watch list. So that highway patrol officer will be in the dark. He or she will stop that vehicle, will evaluate the occupants, search for information about their identity, but will not be able to access the watch list.

The officer can access the NCIC data list, and determine whether the person he has stopped has a criminal record, but the officer cannot access the list that includes the names of the terrorists. That makes no sense to me and it didn't make any sense to the commission headed by Senator Rudman and Senator Hart. They said, as long ago as last October, this needed to be fixed and it needed to be fixed now so that 650,000 additional pairs of eyes and ears belonging to law enforcement officials, city police officers, highway patrol, and others are available to help us look for terrorists who may be in this country.

Let me read in more detail excerpts from this Hart-Rudman report.

> With just 56 field offices around the nation the burden of identifying and intercepting terrorists in our midst is a task well beyond the scope of the FBI. This burden could and should be shared by 650,000 local, county and State law enforcement officers. But clearly they cannot lend a hand in a counterterrorism information void. When it comes to combating terrorism, the police officers on the beat are effectively operating deaf, dumb and blind. The terrorist watch lists provided by the Department of State to immigration and consular officials are still out of bounds for State and local police. In the interim period as information sharing issues get worked out, known terrorists will be free to move about to plan and execute their attacks.

That is from the report issued last October, and nothing has been done about it.

The Senate passed, at my urging, a provision in the supplemental appropriations bill that effectively says to all the agencies to work to get this done. That provision was dropped in conference.

I will now offer the same piece of legislation and hope it will be attached to this appropriations bill. I hope it will be part of the bill that is signed into law. I hope we don't have to continue to prod executive agencies to do what they know we ought to do.

If, God forbid, there is another attack in this country by terrorists, if that attack is perpetrated by someone who is picked up by a highway patrol officer or a city police officer on a highway or a street, and that person's name was on the watch list, and it was in the bowels of the State Department available to all of the consular affairs offices in the world but not available to that law enforcement officer and, therefore, they let that known terrorist go because they did not know this was a terrorist, and that terrorist then commits an act of terror and murders thousands of Americans, then shame on this Government for not doing what all of us in this Chamber know needs to be done—not tomorrow, not next week, not next year, right now, right this minute.

The report by the task force headed by Senators Hart and Rudman was titled "America Still Unprepared, America Still in Danger." Their top recommendation of last October has still not been completed by the U.S. Government.

In my judgment, the American people ought to ask the question, Why on Earth is there foot dragging going on in making this watch list available to law enforcement all across this country in order to better prepare and better secure and better protect this country? It should not take a year for this database to be shared.

Today, I resubmit this amendment and say we should not waste one additional day.

I yield the floor.

Mr. COCHRAN. Madam President, we reviewed the amendment of the Senator from North Dakota. The operative language of the amendment is as follows:

> The Secretary of Homeland Security . . . shall report to the Committee on Appropriations . . . on the feasibility of providing access to State and local law enforcement agencies to the database of the Department of State on potential terrorists . . . including the process by which classified information shall be secured from unauthorized disclosure.

We discussed the amendment with the distinguished Senator and are prepared to accept the amendment.

Mr. DORGAN. Madam President, I ask for its immediate consideration and ask for a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1362) was agreed to.

Mr. DORGAN. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1353

Mr. DODD. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Connecticut [Mr. DODD], for himself, Ms. STABENOW, and Mr. LIEBERMAN, proposes an amendment numbered 1353.

Mr. DODD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To fund urgent priorities for our Nation's firefighters, law enforcement personnel, and emergency medical personnel, and all Americans by reducing the 2003 tax breaks for individuals with annual income in excess of $1,000,000)
>
> On page 56, line 2, strike "$172,736,000" and insert "$690,944,000".
>
> On page 58, line 6, strike "$2,888,000,000" and insert "$11,552,000,000".
>
> On page 60, line 1, strike "$750,000,000" and insert "$3,000,000,000".
>
> On page 60, line 15, strike "$826,801,000" and insert "$3,307,204,000".
>
> On page 65, line 9, strike "$165,000,000" and insert "$660,000,000".

Mr. DODD. Madam President, I am offering this amendment on behalf of myself, my colleague from Michigan, Senator STABENOW, and my colleague from Connecticut, Senator LIEBERMAN.

The purpose of the amendment is very simply to take the report that has been discussed here, which was prepared over the last number of days by the Council on Foreign Relations, and identify and lay out in significant detail the priorities and the urgency in dealing with emergency responders. It is entitled "Emergency Responders Drastically Underfunded, Dangerously Unprepared." It is the report of an independent task force sponsored by the Council on Foreign Relations and chaired by Warren Rudman and Richard Clarke, senior adviser, and Jamie Metzl, project director.

The purpose of the amendment reads:

> To fund urgent priorities for our Nation's firefighters, law enforcement personnel, and emergency medical personnel, and all Americans by reducing the 2003 tax breaks for individuals with annual incomes in excess of $1 million.

That is the purpose.

Just so my colleagues understand, the language of the purpose does not mandate anything. The amendment would be subject to a point of order which I am confident my colleague from Mississippi would make, and there would be no vote on the amendment. I am setting out in the purpose what I would like to see occur.

Other than that, of course, the language of the amendment does specify some additional add-ons to meet the concerns raised by this task force on emergency responders.

Over the last day or so, we have had a series of amendments that have been offered to try to increase the funding in a number of areas.

I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE ROLLCALL VOTES 108TH CONGRESS 1ST SESSION (2003)

Vote No.	Date	Issue	Question	Result	Description
00298	July 23	H.R. 2555	On the Motion S. Amdt. 1351	Rejected 45-51	Motion to waive CBA Schumer Amdt. No. 1351; to make available an additional $200,000,000 to increase the number of border personnel at the northern border of the United States by the end of fiscal year 2004.
00297	July 23	H.R. 2555	On the Motion S. Amdt. 1350	Rejected 43-52	Motion to waive CBA Corzine Amdt. No. 1350; to appropriate $8,000,000 for the Office of the Under Secretary for Information Analysis and Infrastructure Protection to conduct chemical facility security assessments.
00296	July 23	H.R. 2555	On the Motion S. Amdt. 1346	Rejected 48-49	Motion to waive CBA Mikulski Amdt. No. 1346; to increase the amount of the appropriation for firefighter assistance grants by $150,000,000.
00295	July 23	H.R. 2555	On the Motion S. Amdt. 1343	Rejected 45-51	Motion to waive CBA Schumer Amdt. No. 1343; to increase the funds for research and development related to transportation security, and for other purposes.
00294	July 23	H.R 2555	On the Motion to table S. Amdt. 1341	Agreed to 50-48	Motion to table Hollings Amdt. No. 1341; to provide funds to increase maritime security.
00293	July 23	H.R. 2555	On the Motion S. Amdt. 1327	Rejected 45-53	Motion to waive CBA. re Murray Amdt. No. 1327; to increase funding for emergency management performance grants.
00292	July 23	H.R. 2555	On the Amendment S. Amdt. 1331	Agreed to 79-19	Boxer Amdt. No. 1331; to require a classified report to Congress on the security costs incurred by State and local government law enforcement personnel in each state in complying with requests and requirements of the United States Secret Service to provide protective services and transportation for foreign and domestic officials.
00291	July 22	H.R. 2555	On the Motion S. Amdt. 1317	Rejected 43-50	Motion to waive CBA re Byrd Amdt. No. 1317; To fulfill Homeland Security promises.

Mr. DODD. Madam President, there were amendments to make available additional dollars to increase the number of border personnel offered by our colleagues; amendments to appropriate funds for the Office of the Under Secretary of Information Analysis; amendments to increase the amount of appropriations for fire fighter assistance grants—Senator MIKULSKI and I offered that amendment—amendments to increase funds for research and to provide funds to increase maritime security; and, funds to increase emergency management performance grants. Senator BOXER offered an amendment to require a classified report to Congress on the security costs incurred by State and local governments, and so forth.

A number of amendments have been suggested. With very few exceptions, these amendments have been rejected on points of order. They were in violation of the Budget Act because they would break the caps.

I have great respect for those members who serve on the Appropriations Committee. It is not an easy job. But I think what we are faced with here is a problem that is far more significant than caps on these budget requirements under the appropriations bills.

You need go no further than to read the report prepared by the Council on Foreign Relations that came out recently. It was begun in March and has been around here for the last several weeks. All Members, I presume, have received copies of it.

I want to read various passages of this to try to at least persuade my colleagues about the sense of urgency we ought to have in light of a survey and study done by those who are knowledgeable on the subject matter of international terrorism and very knowledgeable about what needs to be done to make this Nation more prepared.

Let me read the conclusion of this report. This was prepared by our former colleague, Senator Rudman, along with a very distinguished task force whose names I will share with the Members in a moment.

> The terrible events of September 11 have shown the American people how vulnerable they are because attacks on that scale had never been carried out on U.S. soil. The United States and the American people were caught underprotected and unaware of the magnitude of the threat facing them.
>
> In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America's continuing failure to allocate sufficient resources in preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack to drive that point home.

I do not think anything can be more clear than this language.

Listen further, if you will.

Listen further, if you will, in the foreword of this report by Les Gelb, who was the President of the Council on Foreign Relations. I will quote from his foreword. Les Gelb says:

> As I sit to write this foreword, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States and/or American interests abroad using chemical, biological, radiological, nuclear or catastrophic conventional means. At the same time, diplomats, legislators, military and intelligence officers, police, fire, and emergency medical personnel, and others in the United States and across the globe are working feverishly to prevent and prepare for such attacks. These two groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.
>
> In October 2002, the Council on Foreign Relations-sponsored Independent Task Force on Homeland Security issued the report "America—Still Unprepared, Still in Danger." The Task Force, co-chaired by Senators Warren Rudman and Gary Hart, came to the general conclusion that "America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil." The report further warned that "America's own ill-prepared response could hurt its people to a much greater extent than any single attack by a terrorist. . . . But the risk of self-inflicted harm to America's liberties and way of life is greatest during and immediately following a national trauma."

Les Gelb goes on to say:

> Although progress continues to be made to the newly formed Department of Homeland Security and other federal, state, and local institutions, America remains dangerously unprepared for another catastrophic terrorist attack.
>
> In March 2003, the Council on Foreign Relations established an Independent Task Force on Emergency Responders to follow up on the specific recommendations of the Task Force on Homeland Security and to examine the status of preparedness and the adequacy of funding for emergency responders in the United States. The Task Force on Emergency Responders subsequently established an Emergency Responders Action Group, consisting of representatives of emergency responder professional associations, jurisdictional associations representing state and local officials, and congressional and budgetary experts, to provide expertise and advice to the Task Force. The Task Force performed its analysis in partnership with the Concord Coalition and the Center for Strategic and Budgetary Assessments, two of the Nation's leading budget analysis organizations. This represents the first realistic effort to develop a budget range of the costs necessary to protect the homeland [of the United States].
>
> The preliminary analysis conducted by the Task Force suggests that the United States may be spending only one-third of what is required to adequately provide for America's emergency responders.
>
> Of its most important recommendations, I would like to highlight the following—

Again, I am quoting Les Gelb—

> Congress should require that the Department of Homeland Security work with state and local agencies and officials and emergency responder professional associations to establish clearly defined standards and guidelines for emergency preparedness.
>
> Congress should work to establish a system for distributing funds based less on politics and more on threat. To do this, the federal government should consider such factors as population, population density, vulnerability assessment, and presence of critical infrastructure within each state. State governments should be required to use the same criteria for distributing funds within each state.

It goes on with these various recommendations. I will come back to those in a minute.

Let me also say, this is not an amendment where I just came up with a number. The number in the amendment I am offering is from the recommendation of this report. It is a large number. I have never offered, in all my years here, an amendment of this size. This amendment is nearly $15 billion in 1 year. That is in addition to the roughly $5 billion that is in this bill. This amendment is a little less than $15 billion. But those are the numbers recommended by this report. It is not a number I came up with or Senator STABENOW came up with or my staff came up with.

This is the recommendation of serious people who spent time looking at this problem, who have given us their best judgment of what we need to be doing, and saying we are coming woefully short of what needs to be done to keep this Nation prepared.

Let me share with you who these people are because it was not just some nameless or faceless group of individuals who prepared this report.

Charles Boyd is currently Chief Executive Officer and President of Business Executives for National Security. Before retiring from the U.S. Air Force, General Boyd served as Deputy Commander in Chief of the U.S. European Command.

Richard Clarke is Senior Adviser to the Council on Foreign Relations. Mr. Clarke served under the last three Presidents of the United States in a senior White House position.

Admiral William Crowe previously served as Chairman of the Joint Chiefs of Staff under President Ronald Reagan.

Margaret Hamburg is Vice President for Biological Weapons at the Nuclear Threat Initiative. Before coming to NTI, Dr. Hamburg was Assistant Secretary for Planning and Evaluation at the Department of Health and Human Services.

James Kallstrom is senior executive vice president at MBNA American Bank. Prior to that, he was on a leave of absence and served as the Director of the Office of Public Security for the State of New York.

Joshua Lederberg is a Nobel laureate. He currently serves as the president emeritus and Sackler Foundation Scholar at Rockefeller University.

Donald Marron is chairman of UBS America. He previously served for 20 years as chairman and chief executive officer for the Paine Webber Group.

James Metzl, I mentioned already. He served on the National Security Council at the White House, in the Department of State, and as Deputy Staff Director of the Senate Foreign Relations Committee.

Philip Odeen is former chairman of TRW. Previously he was president of BDM International, and a vice chairman at Coopers & Lybrand.

Norman Ornstein is a resident scholar at the American Enterprise Institute and senior counselor to the Continuity of Government Commission.

Dennis Reimer is director of the National Memorial Institute for the Prevention of Terrorism in Oklahoma City. Prior to that, he served in the U.S. Army in a variety of joint and combined assignments, retiring after 37 years as the Chief of Staff of the United States Army.

Warren Rudman, we all know, is our former colleague.

George Shultz is the Thomas W. and Susan B. Ford distinguished Fellow at the Hoover Institution. He has served as Secretary of State, Secretary of the Treasury, Secretary of Labor, and Director of the Office of Management and Budget and, of course, is a member of this task force.

Ann-Marie Slaughter is dean of the Woodrow Wilson School of Public and International Affairs at Princeton University.

Harold Varmus is president and chief executive officer of the Memorial Sloan-Kettering Cancer Center. He previously served as the Director of the National Institutes of Health.

John Vessey is a former Chairman of the Joint Chiefs of Staff, as well as Vice Chief of Staff of the United States Army.

William Webster previously was Director of the Central Intelligence Agency from 1987 to 1991, and Director of the Federal Bureau of Investigation from 1978 to 1987.

Steven Weinberg is the Director of the Theory Group of the University of Texas, who is a Nobel laureate in physics and a recipient of the National Medal of Science.

Mary Jo White formerly served as U.S. attorney for the Southern District of New York from 1993 to 2002.

Madam President, these are the people who said we need to do what I am recommending, not some people—with all due respect—you might not meet or ever know who come up with a number.

Can you possibly imagine a more serious group of people who have looked at the threat to the United States, and who have given us a report only a few weeks ago? And here we are debating what needs to be done in homeland security. With great respect to those who are charged with living within the caps that are provided, they are saying to us, in this report—and I will quote from it—you need to do a lot more. America is vulnerable. America is in danger. What more serious group could we listen to?

Can you imagine if this group came to us—or a similar group—and said that our military was underfunded, that we didn't have the resources to deal with the threats in Iraq and North Korea and elsewhere around the globe? How long would we wait before responding to that recommendation?

Yet here we are with a similar group of people—former Chairmen of the Joint Chiefs of Staff, Directors of the CIA and the FBI, major figures in our society—recommending that we do more to protect our country, and we are not doing it.

I am stunned by it. I know we have caps in these budgets. But we just passed, in the last 28 months—if you collectively add them up—almost $3 trillion in tax cuts. And a sizable piece of those tax cuts have gone to some of the most affluent Americans. This Congress, if it wanted to, could find resources by paring back—not by blowing through the caps, but by paring back—on some of the tax cuts we have given to the most affluent Americans.

I represent a lot of affluent Americans in the State of Connecticut. I do not think I could find one of them who would not be willing to stand here and tell you: Roll back my tax cut if it means we can provide the resources to make America secure.

I do not know of a single wealthy citizen who believes that their tax cut is more important than keeping America secure.

What an indictment it will be. And we are told—in this report that you heard from Les Gelb—it is not a matter of if this happens but when it happens. When it happens, are we going to be prepared? Have we done the things necessary to keep our country strong?

Here we are getting a clear message from those people who spent the time looking at this saying we ought to do more. I apologize for offering an amendment of $15 billion, but that is what it takes. We have offered amendments for $15 million, $60 million, and $100 million here and there for firefighters, reports, and studies and to put more guards on the border. I said: Why not have an amendment that encompasses what this report recommends? That is what Senator STABENOW and I said. Let's put it on the line. Instead of nickel and diming this, let's say whether or not we in this body think the recommendations of these distinguished Americans deserve our support and in the waning days before we take a month off in August to go out and have a nice vacation for ourselves, whether or not we have the intestinal fortitude to step up and do what needs to be done to put this country on a more sound and secure footing.

That is the vote I will be asking our colleagues to make shortly on this issue. There will be a point of order and a motion to waive, and we can get confused. Let there be no doubt about what the vote is. The vote is not a point of order. The vote is whether or not we are going to have the resources to do what needs to be done, according to this report.

Let me share some of its conclusions. I see my colleague from Michigan. I want to give her the opportunity to be heard as well. But I want my colleagues to understand what we are going to be rejecting, having seen what has happened over the last several days. We will reject this, I presume. I would love to be proven wrong, but I suspect I will not. Just so the record is clear, I will ask unanimous consent that this report be printed in the RECORD. I will exclude the appendices and other materials. So every American who may not get a copy of this report, it can be pulled up on their Web site and they can read the report. I am not making it up. If you are interested in knowing what is in this report, you can read about it in tomorrow's CONGRESSIONAL RECORD.

I ask unanimous consent that the body of the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT PREPARED BY THE COUNCIL ON FOREIGN RELATIONS—CONCLUSIONS AND RECOMMENDATIONS

1. DEFINE AND PROVIDE FOR MINIMUM ESSENTIAL CAPABILITIES

The Task Force found that there is no systematic national standard that defines the essential minimum capabilities for emergency responders that every jurisdiction of a given population size should possess or be able to access. Because of this, there are currently no comprehensive, systematic, and consolidated principles or measures against which the degree and quality of preparedness can be tracked nationwide. Current efforts to develop such standards are inconsistent and dispersed among various government agencies and nongovernmental organizations. Additionally, existing standards for minimum capabilities for emergency responders are a patchwork with many missing pieces that lacks systematic integration, are insufficient to address many major challenges—including that of catastrophic terrorism involving WMD—and are not harmonized across the many types of emergency responders. While existing standards provide a useful starting point, they do not constitute "national standards for emergency response training and preparedness," as called for in the National Strategy for Homeland Security. (A selection from this document is included in Appendix B.) At the end of five years of federal funding, therefore, some metropolitan areas may still lack fundamental emergency responder capabilities.

Congress should require DHS and HHS to work with other federal agencies, state and local emergency responder agencies and officials, and standard-setting bodies from the emergency responder community to establish clearly defined standards and guidelines for federal, state, and local government emergency preparedness and response in such areas as training, interoperable communication systems, and response equipment. These standards must be sufficiently flexible to allow local officials to set priorities based on their needs, provided that they reach nationally determined preparedness levels within a fixed time period. These capabilities must be measurable and subject to federal audit.

Congress should require that the FY05 budget request for DHS be accompanied by a minimum essential emergency responder capability standard of WMD- and terrorism-related disaster equipment and training per 100,000 persons in a metropolitan region, and by separate standards for rural areas. Each recipient state and metropolitan area should then be required to submit a plan detailing how it intends to achieve that standard, to incorporate it into all appropriate training programs, and to regularly test its effectiveness.

National performance standards could be implemented through an incentive grant system making federal funding conditional and available to those localities that adopt federally approved standards of preparedness.

2. DEVELOP REQUIREMENTS METHODOLOGY

National capability standards for levels of preparedness must drive an emergency preparedness requirements process. This process must evolve into one similar to that currently used by the U.S. military. Threats must be identified, capabilities for addressing threats determined, and requirements generated for establishing or otherwise gaining access to necessary capabilities. The Task Force found that the administration and Congress were funding emergency preparedness without any agreement on methodology to determine how much is enough or what the requirements are. It is therefore extremely difficult, if not impossible, to measure how well prepared the United States is.

Congress should include in the FY04 appropriations for DHS and HHS a provision calling on each agency to accompany the FY05 budget request with a detailed methodology for determining the national requirements for emergency responder capability and assistance.

Congress should require that DHS and HHS submit a coordinated plan for meeting national preparedness standards by the end of FY07.

Congress should require DHS and HHS to report annually on the status of emergency preparedness across the United States. This report should indicate the levels of federal, state, and local expenditures for emergency preparedness, evaluate how effectively that funding is being used, and assess the status of preparedness in each state based on national preparedness standards.

3. ACCEPT NECESSARY BURDEN-SHARING

The Task Force found that there were no accepted national guidelines for determining the nature of burden-sharing between the federal government and state and local jurisdictions. Although state and local jurisdictions should maintain primary responsibility for funding normal levels of public health and safety readiness, the Task Force found that the federal government should be responsible for providing the funds necessary to cover the incremental costs of achieving essential standards in responding to the additional national security threat posed by terrorism. In some outstanding cases, federal funds may be required to enhance state and local emergency responder infrastructure that has been starved of resources if the deterioration of capabilities is such that it poses a threat to national security and state and local resources are not reasonably sufficient for addressing this shortfall.

4. GUARANTEE SUSTAINED MULTIYEAR FUNDING

The Task Force found that many state and local governments are unwilling or unable to accept federal funding for programs that will generate long-term costs in the absence of guarantees that the federal government will make funds available for sustaining such programs. Stable and long-term funding is critical for encouraging state and local governments to develop the necessary emergency response capabilities and, most critically, to sustain them over time.

Congress should accompany all authorizations for emergency responder assistance grants in FY04 and thereafter with budget authority for sustaining those grants through the following two fiscal years.

5. REFOCUS FUNDING PRIORITIES

The Task Force found existing systems for determining the distribution of appropriated funds to states to be badly in need of reform. The federal government currently determines levels for emergency preparedness funding to states primarily on a formula that guarantees minimum funding levels to all states and then determines additional funding based on each state's population. All citizens of the United States deserve a base level of protection regardless of where they live. Nevertheless, the state and population-drive approach has led to highly uneven funding outcomes. Wyoming, for example, receives $10.00 per capita from DHS for emergency preparedness while New York State receives only $1.40 per capita. While this approach may have political appeal, it unnecessarily diverts funding from areas of highest priority. In addition, decision by state officials regarding the allocation of funds in their states have not sufficiently taken into account the multitude of necessary factors.

Congress should establish a system for allocating scarce resources based less on dividing the spoils and more on addressing idenfitied threats and vulnerabilities. To do this, the federal government should consider such factors as population, population density, vulnerability assessment, and presence of critical infrastructure within each state. State governments should be required to use the same criteria for distributing funds within each state.

Congress should also require each state receiving federal emergency preparedness funds to provide an analysis based on the same criteria to justify the distribution of funds in that state.

6. RATIONALIZE CONGRESSIONAL OVERSIGHT

The Task Force found that the proliferation of committees and subcommittees in Congress makes it hard to devise a coherent homeland security policy and a focused homeland defense system. Congress needs to have a lead committee, or an effective joint committee, to shape overall policy. Otherwise the system is likely to be fragmented and plagued with pork.

The U.S. House of Representatives should transform the House Select Committee on Homeland Security into a standing committee and give it a formal, leading role in the authorization of all emergency responder expenditures in order to streamline the federal budgetary process.

The U.S. Senate should consolidate emergency preparedness and response oversight into the Senate Government Affairs Committee.

7. ACCELERATE DELIVERY OF ASSISTANCE

The Task Force found that many metropolitan areas and states had actually received and spent only a small portion of the funds for emergency responders that have been appropriated by Congress since September 11. The current inflexible structure of homeland security funding, along with shifting federal requirements and increased amounts of paperwork, places unnecessary burdens on state and local governments as they attempt to provide badly needed funds to emergency responders. While a balance should be maintained between the need for the rapid allocation of emergency preparedness funds and the maintenance of appropriate oversight to ensure that such funds are well spent, the current danger is too great to allow for business as usual. According to the National Emergency Managers Association, "appropriation cycles have been erratic causing extreme burdens on state and local governments to continue preparedness activities when there is no federal funding, and then forcing them to thoughtfully and strategically apply several years of federal funds and millions of dollars at one time." (NEMA, State Spending and Homeland Security Funds," April 2, 2003) As a first step toward addressing this problem, Congress instructed the DHS Office of Domestic Preparedness in the FY03 consolidated appropriations measure (P.L. 108–7) to distribute grant funds to states within 60 days of the enactment of the bill and required states to distribute at least 80 percent of those funds to localities within 45 days of receipt.

Congress should ensure that all future appropriations bills funding emergency response include strict distribution timeframes as exemplified by the FY03 consolidated appropriations measure.

Congress should require states to submit data regarding the speed of distribution of the federal funds for emergency responders appropriated to states.

Congress should grant DHS the authority to allow states greater flexibility in using past homeland security funding. As a first step in this direction, Congress should authorize greater flexibility in the federal guidelines laid out in the FY03 Omnibus Appropriations Bill for the percentages of funds that can be used for various emergency response activities (e.g., 70 percent for equipment, 18 percent for exercises, 7 percent for planning, 5 percent for training) to make it possible for states to better allocate resources according to their most urgent needs. This authority should be granted on a case by case basis by means of a waiver from the Secretary of the Department of Homeland Security.

8. FIX FUNDING MECHANISMS

Many states have been mandated to develop more than five separate homeland security plans. While the information requested by each homeland security plan is similar, states and communities are often required to reinvent the wheel from one emergency plan to the next.

DHS should move the Office of Domestic Preparedness from the Bureau of Border and Transportation Security to the Office of State and Local Government Coordination in order to consolidate oversight of grants to emergency responders within the Office of the Secretary.

States should develop a prioritized list of requirements in order to ensure that federal funding is allocated to achieve the best return on investments.

Congress should require DHS to work with other federal agencies to streamline homeland security grant programs in a way that reduces unnecessary duplication and establishes coordinated "one-stop shopping" for state and local authorities seeking grant funds. Efforts to streamline the grants process should not, however, be used as a justification for eliminating existing block grant programs that support day-to-day operations of emergency responder entities. In many cases, such grants must be expanded.

Congress should create an interagency committee to eliminate duplication in homeland security grants requirements and simplify the application process for federal grants.

9. DISSEMINATE BEST PRACTICES

Although emergency responders have consistently identified as a high priority the need to systematically share best practices and lessons learned, the Task Force found insufficient national coordination of efforts to systematically capture and disseminate best practices for emergency responders. While various federal agencies, professional associations, and educational institutions have begun initiatives to develop and promulgate best practices and lessons learned, these disparate efforts generally are narrow and unsystematic and have not sufficiently reached potential beneficiaries. Such information-sharing could be one of the most effective ways to extract the greatest amount of preparedness from a finite resource pool. Once centralized and catalogued, such data will allow all emergency responders to learn from past experiences and improve the quality of their efforts, thereby assuring taxpayers the maximum return on their investment in homeland security. Access to this resource will provide the analytical foundation for future decisions regarding priorities, planning, training, and equipment.

Congress should establish within DHS a National Institute for Best Practices in Emergency Preparedness to work with state and local governments, emergency preparedness professional associations, and other partners to establish and promote a universal best practices/lessons learned knowledge base. The National Institute should establish a website for emergency preparedness information and should coordinate closely with HHS to ensure that best practices for responding to biological attack are sufficiently incorporated into the knowledge base.

10. ENHANCE COORDINATION AND PLANNING

The Task Force found that although effective coordination and planning are among the most important elements of preparedness, jurisdictions across the country are neither sufficiently coordinating emergency response disciplines within their jurisdictions nor adequately reaching across jurisdictional lines to coordinate their efforts with neighboring communities. Although Title VI of the Stafford Act (P.L. 106–390) authorizes the Director of FEMA to coordinate federal and state emergency preparedness plans, this authority has not been applied sufficiently to ensure adequate levels of coordination and planning between and among federal, state, and local jurisdictions. In addition, state and local emergency management agencies lack the resources to develop and maintain critical emergency management capabilities. More also needs to be done to encourage and facilitate mutual aid and other cross-jurisdictional agreements that pool resources, minimize costs, and enhance national preparedness.

DHS should require that all states and territories submit statewide mutual assistance plans, including cross-border plans for all cities and counties adjoining state or territorial borders. Reference to such plans should be required in all homeland security grant applications for federal funding. Wherever possible, grants should be structured to reward the pooling of assets across jurisdictional lines.

DHS should develop a comprehensive national program for exercises that coordinates exercise activities involving federal agencies, state and local governments, and representatives from appropriate private sector entities including hospitals, the media, telecommunications providers, and others. These exercises should prepare emergency responders for all types of hazards, with a specific focus on WMD detection and response. When necessary, funds should be provided to ensure that exercises do not interfere with the day-to-day activities of emergency responders.

Congress should work with DHS to expand the capacity of existing training facilities involved in the National Domestic Preparedness Consortium and to identify any new training facilities for emergency responders that may be required.

Mr. DODD. Let me read some of the executive summary. I am quoting directly.

The tragic events of September 11, 2001 brought home to the American people the magnitude of the danger posed by terrorism on U.S. soil. Now in the aftermath of the September 11th attacks, the United States must assume—

Remember who I told you wrote this report now—

that terrorists will strike again, possibly using chemical, biological, radiological, or even nuclear materials. The unthinkable has become the thinkable. But although in some respects the American public is now better prepared to address aspects of the terrorist threat than it was two years ago, the United States remains dangerously ill-prepared to handle a catastrophic attack on American soil.

On average fire departments across the country have only enough radios to equip half the firefighters on a shift and breathing apparatus for only one-third of our firefighters. Only 10 percent of the departments in the United States have the personnel and equipment to respond to a building collapse. Police departments and cities across the country do not have protective gear to safely secure a site following an attack with weapons of mass destruction. Public health labs in most states lack basic equipment and expertise to adequately respond to a chemical, biological attack, and 75 percent of state laboratories report being overwhelmed by testing requests. Most cities do not have necessary equipment to determine what kind of hazardous materials emergency responders may be facing.

If the nation does not take immediate steps to better identify and address the urgent needs of emergency responders, the next terrorist incident could have an even more devastating impact than the September 11th attacks. According to data provided to the Task Force by emergency responder professional associations and leading emergency response officials from around the country, America will fall approximately $98.4 billion short of meeting critical emergency responder needs over the next five years if current funding levels are maintained.

That is my amendment. I can only put up a 1-year appropriation. We have roughly 5 in the bill before us. I put up an additional 15. That is 20. That gets you close to 98, if we did it each year over the next 5 years. The amendment is not made up out of whole cloth. It comes from the recommendations of this task force I have cited.

Currently the Federal budget to fund emergency responders is about $28 billion over five years.

It goes on, and I will not bore my colleagues. They can read it for themselves. It goes through what States may or may not be spending. The fact is, we know almost every State is facing huge deficits. The deficit of the State of California is $38 billion alone. My State is about $1.5 billion. In Michigan, it is around $4 billion. So you have roughly $100 billion in deficits. We read the other day that colleges and universities are going to raise tuition to make up for the shortfalls. The idea that States will allocate more money in light of their own fiscal difficulties is unrealistic. Candidly, the report says, over the next number of years, we cannot rely on States to fill in the gap. They are not going to be able to do it.

By the way, I want to repeat a point. I think it was tremendously worthwhile that Pete Peterson, the leader of the Concord Coalition and also the Center for Strategic and Budgetary Assessments, two of the Nation's leading budget analyst organizations, worked on these numbers. They say in the report that they are not claiming perfection, and there is a need to do a far better assessment of overall needs. But they also quickly say: You can't wait until you get all the assessments and perfection. You have to be on a dual track. I am almost quoting the report here, that you need to do a better assessment, but simultaneously we have to get the resources out to support the efforts being made to make us more secure.

We have had very strong organizations looking at what needs to be done. The additional funds that we are talking about in this amendment and some we have already voted on would allow for additional resources to support homeland security.

We would extend the emergency 911 system nationally to foster effective emergency data, to significantly enhance urban search and rescue capabilities of major cities and the Federal Emergency Management Agency in cases where buildings or large structures collapse and trap individuals; to foster interoperable communications systems for emergency responders across the country. This is a major area. I do not know of a single colleague that has not heard from their police and fire departments about the inability to communicate with each other.

On the interoperability of the telecommunications systems, there is a real gap across the country and a tremendous demand. Some have estimated the cost to be $400 or $500 million—and that may be low—to get the ability of our first responders to be able to talk to one another. That is a major item.

Again, citing from the report, to enhance public health preparedness by strengthening laboratories' disease tracking communications by training public health officials; to strengthen emergency operations centers for local police, public safety coordination; to provide protective gear and weapons of mass destruction remediation equipment to firefighters; to support an extensive series of national exercises that would allow responders to continually learn and improve on effective response techniques; to enhance emergency agricultural and veterinarian capabilities for effective response to national food supply attacks; to develop surge capacity in the Nation's hospitals and to help them better prepare for weapons of mass destruction attacks; to enhance capacity for emergency medical technicians, paramedics, and others to respond to mass casualty events.

This is just a list of the things they are talking about that they think are necessary.

They point out the importance of coordinating. I will not read all of that. I will put it in the record so Members who want to read the report for themselves can get a better feel for what is necessary.

I mentioned already some of the tremendous shortcomings that occur. Again I quote from the report:

It is impossible to overestimate the need to prepare for this threat. One way of understanding America's urgent need to prepare is to ask the question: If we knew that there was going to be a terrorist attack sometime

> in the next 5 years, but did not know what type of attack it would be, who would carry it out, or where in the United States it would occur, what actions would we now take and how would we allocate our human and financial resources to prepare?
>
> The American people must assume this is the situation this Nation currently faces.

So we can anticipate an attack in the next 5 years. We don't know where or when, but it is going to come. What better warning could you have? What is history going to say about us? You had a report. You were told by highly competent individuals what a shortcoming you face.

This is only $15 billion. We are spending $5 billion every month in Iraq and Afghanistan—$1 billion a week in Iraq and $1 billion a month in Afghanistan. That is $15 billion in 3 months to try to deal with the threats there. I am asking for $15 billion for a whole year to make us more secure.

I certainly understand the reasons why we have to do what we do in Iraq and Afghanistan. I am not suggesting that is a bad idea. Don't misunderstand me. But if it is good enough to keep us secure by doing that there, and there is a report telling us we are not doing enough at home, can't we at least do what we do in those two countries on a 3-month basis in this country for a year to make us more secure?

Frankly, I don't understand why we are debating this. I would have thought we would have been told this is what we have to do, based on the best analysis of what needs to be done here. If we knew we were going to face a terrorist attack and we didn't know what type it would be, who would carry it out, where it would occur, what actions would we take now? I suspect that I would be overwhelmed by people who would want to be here to support an amendment to add these numbers.

As I said, we have not defined the national standards of preparedness. This report points it out—the essential capabilities of every jurisdiction, considering size, who would have immediate access to it, and so forth. This report clearly says you cannot wait for those reports to be done. I will quote again from the report. I think there is stunning language here:

> The United States must rapidly develop a sophisticated requirement methodology to determine the country's most critical needs and allow for the setting of priorities and readiness training and procurement. The United States does not, however, have the luxury of waiting until an overreaching process is created to fund urgently needed enhancements to current capabilities. In the nearly 2 years since the September 11 attacks, Congress has dangerously delayed the appropriation of funds for emergency responders, Federal agencies have been slow getting funds to State and local jurisdictions, and States have hampered the efficient dissemination of much needed Federal funds to the local level. The overall effectiveness of Federal funding has been further diluted by a lack of process to determine the most critical needs of the emergency responder community in order to achieve the greatest return on investment. A dual-track approach is therefore required while developing a reliable systematic requirements methodology, and streamlining the appropriations process must be a priority. The United States must make its most educated guess based on incomplete information about what emergency funds are needed immediately.

So it says that Congress has dangerously delayed the appropriations process. This is not a report prepared by a group of Democrats. I don't think George Shultz and the others in this group—you can go back to advisers who would associate themselves with some partisan report but this is hardly partisan. It is a cold analysis of where we are and what kind of trouble we are in. It is about what kind of trouble we are in. Either we understand this and respond to it, or we will suffer the consequences of a historical judgment that will indict us for not having done what needed to be done in these days.

I will have more to say about this. I know some of my colleagues want to be heard as well. I don't fault my good friend from Mississippi, who has the unenviable task of chairing a subcommittee that has to grapple with these issues. I don't fault him in this. He is faced with the budget constraints we have adopted. I thank him for his commitment to these issues.

As I say, with a great deal of reluctance I have offered this amendment. It is a large amount—$15 billion—but I thought that instead of trying to go through 25 different amendments of little pieces here and there, we would lay out on the table this report and its recommendations and suggest how we might do it.

It is painful, obviously, to roll back something you have already adopted. But imagine what they would say about us historically—that we didn't want to roll back a tax cut—not all of it but just for those in the most affluent group of our citizens, and ask them to take a little less for a while in order to let us fund homeland security. Can you imagine what history may say 50 or 100 years from now, after we have gone through a series of events, that Congress had a report that warned otherwise in 2003 but they just could not find a way to do it, and we didn't fund it properly, so our people faced a great threat?

I don't understand how we would allow ourselves the vulnerability of that kind of historical judgment. So that is why I have put language in here to suggest how this could be done. Yes, $3 trillion is a lot of money. It is a thousand billion dollars. One thousand billion dollars is a trillion dollars. A thousand million dollars is a billion dollars.

I am asking for $15 billion out of a thousand billion, or the three thousand billion, in order to try to get this right. You cannot convince me ever that there is not enough room in that tax cut, those amounts, to find something here to make homeland security better for the people of our Nation. They deserve nothing less. They will be horrified to find out, if events occur, that we didn't do what we should have and could have done.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, the distinguished Senator from Connecticut has offered an amendment to add exactly, according to my addition, $14.408 billion to the total spending provided in this bill that funds the Department of Homeland Security.

The statements that he makes regarding the Council on Foreign Relations report are certainly to be considered seriously by the Senate. They have done good work. Former Senators Warren Rudman and Gary Hart have worked hard to bring the attention of the whole country to the needs we have in this area.

I think one thing overlooked is that the Department of Homeland Security's budget does not represent the total amount of spending being undertaken by the Federal Government, nor State and local governments, to do the things necessary to improve our capability not only to respond to natural and manmade attacks, or terrorist acts, but to prepare for them as well, and to improve our intelligence capability and what we are doing to find out what the terrorists are up to, who they are, and how they could pose threats to American citizens and our homeland.

Much of the spending is done in other Departments that is not included in this amount. So to focus on this budget for this Department and say there is not enough money here to do what we need—of course there is not. There is no money in here for the CIA or the FBI. There is no money in here for doing things such as bioterrorism research on how we can protect ourselves against bioterrorism threats. That is being done by the Department of Health and Human Services, through the Centers for Disease Control. They are funded in other bills.

This budget, and the budget request submitted by the President for homeland security, represents only 58 percent of the total Federal effort. So there is much more being done than is reflected in the budget of this Department and this appropriations bill which, incidentally, adds a billion dollars over the President's budget request for these activities. Much of that money is going to the first responders' effort this year and will next year.

We cannot measure what we have done in the last 2 years and project it as to what we will do in the future. We cannot do it all in 1 year. We are making progress, and more progress needs to be made.

It is not just a Federal program either, it is a national program. It involves all governments, all agencies, and the American people themselves. We are all more aware and more alert to the dangers and what we can do personally to help improve the security of our homeland. So the adding of $14.408 billion to this bill, with no corresponding offset, will violate the Budget Act because we are only allocated a certain amount of spending. When we go above that, then the bill becomes subject to a point of order that any Senator can make and the whole bill falls.

So with a great deal of respect for my friend from Connecticut, I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending bill and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator from Michigan desire to speak?

Ms. STABENOW. I ask unanimous consent to speak concerning the motion to waive the Budget Act on the Dodd-Stabenow amendment before proceeding with the vote.

Mr. DODD. A motion to waive is a debatable motion.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to debate that motion and support Senator DODD in his motion. I am very proud to be joining with him in the Dodd-Stabenow amendment concerning fully providing the resources for our first responders in our communities all across America. I appreciate the constraints our chairman is working under, but I cannot imagine a more important issue for all of us today than this particular amendment.

This is not a partisan amendment. The terrorists who come do not decide who is a Republican or who is a Democrat, where one lives, their age or ethnic background. This is an issue for all of us as Americans, certainly for the people who work in this building who were directly in the line of attack on September 11, certainly for all of those across the country who understand that this is a new world since September 11, 2001.

When it comes to protecting our country from terrorists, we should do whatever it takes, period, to make sure we are safe. We cannot live by artificial limits, by bureaucratic budget procedures. Just as Congress has come together, working with the President, and said whatever our military needs, whatever it takes to prepare our men and women to be successful overseas, to support our military, to support our Department of Defense, we will do, period, to make sure our people are safe abroad as well as at home. We should do no less.

I join with Senator DODD in saying this should not even be an issue that we are debating once we have seen this report—the emergency responders are drastically underfunded and dangerously unprepared—a report that does not just deal with one department; they look across the range of issues that relate to our folks on the front lines being able to respond, and they have a report about which every single American should be concerned. We should take this as a blueprint and immediately respond to it.

How do we determine what is the right amount to spend to protect our country? I cannot think of a more objective or credible group than the one which put this together. We should listen to the experts, and in this case a bipartisan commission of experts, charged with this task, who determined we need to spend an additional $98.4 billion over 5 years on top of what we are doing today. This is a shocking difference between what the American people need, what we need, and what we are providing as a Congress representing those American people.

This conclusion was reached by an impressive bipartisan commission. As the Senator from Connecticut has already indicated, it is led by former Republican Senator Warren Rudman, former White House cybersecurity chief Richard Clarke, and just to mention a few of those who have put these recommendations together for us and for the American people, a highly respected list of Americans, including the former Chairman of the Joint Chiefs of Staff, ADM William Crowe, former Reagan Secretary of State George Shultz, and former FBI Director William Webster.

When coming up with its conclusions, this distinguished panel consulted with organizations such as the International Association of Chiefs of Police, the International Association of Fire Chiefs, and the International Association of Fire Fighters. After much deliberation, this panel reached a dramatic conclusion, and the title of its press release says it all:

> Nearly 2 years after 9/11, the United States is still dangerously unprepared, and underfunded, for a catastrophic terrorist attack, warns New Council Task Force.

I read from the summary of this report:

> Nearly 2 years after 9/11, the United States is drastically underfunding local emergency responders—

Police, fire, emergency medical personnel, others—

> and remains dangerously unprepared to handle a catastrophic attack on American soil, particularly one involving chemical, biological, radiological, nuclear, or high-impact conventional weapons. If the Nation does not take immediate steps to better identify and address the urgent needs of emergency responders, the next terrorist incident could be even more devastating than 9/11.

Further, the summary reads:

> The task force met with emergency responder organizations across the country and asked them what additional programs they truly need—not a wish list—to establish a minimum effective response to a catastrophic terrorist attack. These presently unbudgeted needs total $9.84 billion, according to the emergency responder community and budget experts.

Finally:

> The . . . Task Force . . . based its analysis on data provided by frontline emergency responders—firefighters, policemen, emergency medical personnel, public health providers and others—whose lives depend upon the adequacy of their preparedness for a potential terrorist attack.

This report says our local communities need much more than we are currently providing. This is not a critique from me, as the Senator from Michigan, it is not a critique by the distinguished Senator from Connecticut, it is not by any politician or any person right now who would gain from some partisan advantage. This is a group of experts on a bipartisan basis who come together as Americans to say we are not doing enough.

This report reaches the same conclusion I have heard from my own first responders in Michigan. I have spent a great deal of time traveling across Michigan since last fall, and I have done over 11 different townhall meetings in Michigan with police departments, large and small, fire departments, police chiefs, sheriffs—Republican sheriffs, Democratic sheriffs—those at the health department, the folks who run the emergency rooms at the hospitals, all of those involved, and overwhelmingly they have said: We are working very hard. We cannot do it alone. Please get beyond the ideological debate and talk about what we need to prepare us to be safe.

It cannot be done just by asking the local city, township or county to provide additional resources alone. This is a national attack on our country. It needs a partnership from all of us, and they are speaking loudly that they need our help. More importantly, we need to make sure they are prepared and they are stepping up to the effort.

Unfortunately, they are receiving less from our State governments that are uniformly in a budget crisis. In Michigan, we are seeing about 26 percent of their general fund budget lost through the economy, through various decisions made at the State level. They need our help.

This amendment is much more than dollars. It is really not about the dollars. It is about being safe. It is about being prepared. It is about saying, We get it; we understand we have to do whatever it takes to be able to say to our own families: We are prepared in case another attack comes.

I heard from Michigan police and firefighters and emergency responders that the issue of radios is not some theoretical debate. The ability to communicate between the fire department and the police department or the city and the county, to be able to communicate in a way to respond most effectively if there is a message or an attack is not happening because of the lack of radios. They do not have the state-of-art radio technology, interoperability, to be able to communicate with one another. Imagine how difficult it is to coordinate a response after a terrorist attack if the department has only antiquated radio equipment. How basic can you get than being able to make sure people can communicate with each other?

This is not rocket science. We are talking about the ability to communicate, so they can call someone; so when you call 9-1-1 you know the folks on the other end can call the right people and talk to them to give you the help you need, to get the response you need in the community.

The Rudman report concluded, on average, fire departments across the country only have enough radios to equip half the firefighters. Only 33 percent had proper breathing apparatus. So there is a one out of two chance that the fire department will be able to communicate and only one-third of the personnel in the community have breathing apparatus. Furthermore, only 10 percent of United States fire departments have the personnel and equipment to respond to a building collapse. The Rudman report also stated that police departments in cities across the country do not have the proper protective gear to safely secure a site following a weapons-of-mass-destruction attack. This type of gear, which we have as Senators and for staff, costs money to procure. Tragically, the men and women on the front lines of the war on terror do not have the equipment. They do not have the equipment I have in my office. That does not make sense. That is not fair. It is not right. There is not one American that would think we are doing the job when they look at the facts in this report.

The Rudman report said public health labs in most States still lack basic equipment and expertise to properly respond if there is a chemical or biological attack. In fact, 75 percent of State labs say they are overwhelmed with current testing loads. It is not that folks do not want to be prepared. It is not that they cannot have the expertise. These are competent people. It is a question of training. It is a question of having the right kind of equipment and technology. This is the United States of America. We can do better. We have to do better.

There are many other concerns. I have heard from local safety officials during my 11 town hall meetings. I heard from police chiefs who say they need resources to provide training, not only to have the trainer come in, but when you take an officer off the beat, off their regular assignment, for a week or 2 weeks or longer, we have to replace them or pay overtime to their replacement. That costs resources which are very difficult to come up with. So training becomes a major challenge for them—both in losing their staff to regular assignments, answering those calls in the neighborhoods, as well as the costs of the training and the equipment needed relating to the training. This becomes a major issue.

I believe the U.S. Government needs the flexibility, as well, so we are not tying their hands. We are saying these are the resources available, you decide what you need in training and equipment and make sure you have enough staff. You make those decisions. This is important. This is front-line defense. I trust the men and women in the State of Michigan and across the country to make the right decisions about what they need to be prepared and to keep us safe.

We have a motion challenging this amendment because it costs dollars. I reiterate, we spend resources and we make priorities every day based on what is important, what are our values, what are the most important things that affect Americans, that affect our families, that affect our communities. I cannot imagine something more important than this issue. I cannot imagine saying to families—and God forbid something happens—we were not willing to commit what was needed to keep you safe.

As my colleague from Connecticut said, we are spending about $4 billion a month, in other words, $1 billion a week in Iraq, almost $50 billion a year. This amendment costs less than a third of that to keep us safe at home. We know the tax cut passed earlier this year is much more than this amendment. The 10-year cost of the tax cut was almost $1 trillion. The total price tag includes $400 billion in tax cuts for those at the very top income bracket, and those with stock dividends and capital gains. In the State of Michigan there is not one person receiving another tax cut who is doing very well in the State of Michigan who would not say to me: Make sure my family is safe, first. I appreciate having another tax cut, but I want to make sure my family is safe. I am willing to wait a little bit. I will delay that because there is a higher value, a higher priority here. That is, making sure we do not lose human life in America on our own soil through another attack.

We can afford this amendment. All we need to do is slightly scale back some of the tax relief—again, to those who do very well in our country. We want everyone to do well in our country. We want everyone to have the opportunity to succeed. But we want to make sure, first, that they and their families are safe.

It does not matter how much you make in this country when it comes to a terrorist attack; we are all the same. We all join in wanting to make sure we are safe. God forbid there is another terrorist attack on our country. I hope and pray there will not be. But we must be fully prepared. We cannot be partially prepared. We cannot be half prepared. We need to do whatever it takes to help our firefighters, police officers, and first responders to protect us from terrorism.

As we watch the television news, we see a world in turmoil. There is violence against our own soldiers in Iraq. We watch Iran and North Korea develop nuclear weapons that could be sold to terrorists. We have not yet found Osama bin Laden. We cringe when we hear about increased nuclear tensions between Pakistan and India. And we are now witnessing chaos in Liberia. Since September 11, we live in a new world. We can no longer sit back and wait.

We must take action now to protect the American people. This amendment will do that. This amendment is based on those who have studied and have expertise and care deeply as Americans about keeping us safe and secure. This is not a political amendment. This is not an amendment designed in some way to split Democrats and Republicans. This is an amendment designed to meet the needs of those who are charged with protecting us.

The Homeland Security bill before the Senate provides the Department of Homeland Security with $28.5 billion for the next fiscal year. While it is a first step, this report makes it clear it is not enough to keep us safe. Protecting our country is not something we should simply squeeze into the normal appropriations limits. We are vulnerable. We must act now, not later. Otherwise, I am concerned that we will be sorry.

When my colleagues vote, I urge you to think of all those unmet needs in your State, in your community. Think of all the critical infrastructure that is barely protected, and consider what a biological attack could do to you and your family and to the people you represent, and then join with us in doing what the experts are telling us to do: Provide what is needed, whatever it takes to keep us safe.

We can do better for the American people. We are America; we can do what it takes to keep us safe. This amendment puts us in the direction of doing that. I urge support for it and support for a motion to waive.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we are hearing a lot about the costs of the war. I am not addressing the need for homeland security per se. But I would point out, this bill before us now is over $29 billion for a Department that did not even exist 6 months ago. During the period of time of the blockade of Iraq following the Persian Gulf war, to carry out the mandates of the United Nations we built a new airbase, Prince Sultan Air Base in Saudi Arabia, the largest airbase in the world. We built a new airbase in Aviano. We built a new Army base in Kuwait. For 12 years, we maintained forces to blockade Iraq and to enforce the no-fly zones set forth by the agreement with Saddam Hussein after the Persian Gulf war.

I have asked the staff to get me the figures of how much that cost, how much did it cost to carry out the mandates of the United Nations following the Persian Gulf war, primarily because he did not comply with the agreement he made at the termination of that war. I believe it goes into the hundreds of billions of dollars that we spent in 12 years.

It is costing us a great deal of money to keep our forces in the field now. Hopefully, that will come to an end soon. But so has the cost of the blockade of Iraq. So has the cost of Prince Sultan. So has the cost of maintaining that Army base in Kuwait. Very soon we will be able to stand down a considerable portion of the people who are at Aviano in Italy. Those costs, by the way, were in addition to the costs we spent in Bosnia during the same period, and in Kosovo during the same period.

The American taxpayer has been bearing an enormous cost for many years to deal with the deployment of forces overseas. Hopefully, what we have done now will bring to an end, or at least to a very low minimum, the cost of maintaining forces in that area.

I believe we have taken actions that were necessary but I also know that we have done a lot to improve the morale of the Air Force. I personally, along with my good friend from Hawaii, talked with many of the pilots who were flying what we call the CAP, the constant air patrol, over Iraq. They were shot at almost daily by missiles fired by Saddam Hussein. They lived in a period of constant terror, as they flew over those areas, that they would be attacked by the ground-to-air missiles. Thank God, they survived them. But it led to a period of time when our reenlistment rate in the Air Force reversed itself from about 72 percent, down to about 28 percent of our people reenlisted to fly in the Air Force, because of the strain of the constant air patrol over Iraq.

But I do think people ought to keep in perspective, when they say we can afford this, this amendment of the Senator from Connecticut, because we are spending so much money in Iraq—we have been spending a lot of money for a lot of years. The trouble is, we have to come back and have some perspective.

The amendment before us exceeds the budget by an enormous amount. It does not offset that, saying let's stop spending money somewhere else because, in fact, we cannot do that. There is no offset.

Under the circumstances, I think we ought to start having some discipline around here. That is what we are supposed to do because of the Budget Act. The Budget Act was supposed to give us discipline.

We are facing now a constant parade of amendments that the authors know is beyond the budget. The authors know we don't have the money. The authors know we found as much money as we possibly can find to allocate to homeland security for the fiscal year 2004.

I do hope Members will start thinking about the concept of affordability. We will soon stop spending that money that we are spending for the postwar security in Iraq and we will no longer have to maintain the blockade. We have had part of our Coast Guard over there for years, to try to stop the illegal exports and imports into Iraq. We had about 40 percent of our Air Force over there in those two major bases, Prince Sultan and Aviano, to maintain control of the air over Bosnia, Kosovo, and Iraq.

I do think we ought to keep in perspective what we have done, in terms of future expenses for our military. I hope we will not have a justification that we can spend this money the Senator from Connecticut wants to spend because we are spending too much money in Iraq. We are spending a lot of money in Iraq but it is not too much money. It is money well spent because it will terminate the expenses we have had to incur over the last 12 years.

Mr. DODD. Mr. President, before my good friend from Alaska leaves, and he is my good friend, the point I am making—I supported this. The needed resources there make sense. I am not suggesting in any way that the resources we are spending there somehow ought to be subtracted. I was making the point that, while we were doing the right thing, obviously, as part of our security—and no one knows these issues better than the chairman of the appropriations subcommittee and his colleague, DAN INOUYE, when they go into matters of what we need for our national security system. I respect them.

My point here is, we are being told, as we have been told by others, we need to do more at home if we are going to meet the security needs of the American people. Just as we are doing that, we merely pointed out, my colleague from Michigan and I, what we are spending on a weekly basis for reconstruction in Iraq and trying to get Afghanistan on its feet. We accept the notion that is going to be critical. Our point simply was, can you imagine someone coming in saying: "We are not doing enough; we need more to get the job done over there but, I'm sorry, we can't afford to do what our men and women in the Armed Forces need; there are budget caps and we just don't have the resources"?

That argument wouldn't find five supporters here. The point Senator STABENOW and I are trying to make is we have men and women in uniform here as well. They are called firefighters, police, emergency medical personnel, hospital attendants and doctors and physicians and scientists. They are coming to us, in this report, and saying we have some real problems here at home. We are vulnerable. We are vulnerable.

What we are saying is, can we not find the resources? We have identified a source, which this Congress, if it has the will to do it, can come up and meet the challenge.

Ms. STABENOW. Will my colleague yield for a question?

Mr. DODD. I am happy to yield to my colleague.

Ms. STABENOW. I wonder if you might respond a little more on how we will be able to find the dollars? Because, as both of us have indicated—I know you have indicated in Connecticut; I have indicated it in Michigan—there are those who are doing very well, certainly in my State. They have the same concerns as everybody else about being safe and secure. If we ask them to be willing to delay receiving a little bit more back in their pockets, those who are doing very well, in order to be able to put it into keeping their families safe, I think they would be willing to do that.

Isn't that what the Senator is suggesting, that we look at our priorities and decide what is most important in terms of safety and security?

Mr. DODD. The Senator from Michigan is absolutely correct. I represent one of the two most affluent—two or three most affluent States in the United States. Always, each year when they list what is the most affluent State in the country on the per capita, Alaska, Connecticut, and New Jersey are always competing No. 1, No. 2, No. 3. Of course, we also have some significant poverty in our State. But on a per capita basis, Connecticut is one of the most affluent States. I am confident, as I am standing before you, if you ask any of the people in my State who are in the $1 million or more income category—and I have a lot of them in my

State and I know them; they are tremendously patriotic, successful individuals—if you ask any one of them whether they would be willing to forgo some of the tax cut we have provided them over the last 2 years in exchange for getting resources to make this country more secure at home, I guarantee every single one of my affluent constituents would say: Absolutely. Absolutely.

They would be horrified to think that maybe they are being used as an excuse on why we can't do this, why we can't provide the additional resources.

I know we can't break the budget caps. I am not suggesting, nor is the Senator from Michigan, we do that. What the Senator from Michigan suggests is here is a source of revenue for us. Here is a case where some $3 trillion, in 28 months—what is $3 trillion? Mr. President, $1 trillion is one thousand billion dollars. We are talking about $15 billion instead of three thousand billion, $15 billion of it to go to make America more secure, not because the Senator from Michigan and I sat down at some point and concocted a number together. We read, and I now put it in the RECORD so all America can read it, a report put together by a distinguished group of Americans, former Chairmen of the Joint Chiefs of Staff, Director of the FBI, the CIA, and formerly colleagues of ours who said, and I quote from the report, and it is worth repeating again because it needs to be repeated:

> Congress has dangerously delayed the appropriation of funds for emergency responders.

Dangerously delayed. Listen to the conclusion of this report. I will read it again. My colleague, I know, knows this but let me read it.

> The terrible attacks of September 11 have shown the American public how vulnerable they are. Because attacks on that scale had never happened before, the United States and the American people were caught underprotected, unaware of the magnitude of the threat facing them. In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America's continuing failure to allocate sufficient resources to preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack to drive that point home.

That is the conclusion of George Shultz, of Admiral Crowe, of Les Gelb, of Director Webster. I read the list of the people who make up this report. These, with all due respect to congressional staffers, are Nobel laureates, William Webster, high-ranking former chiefs of staff of the Army, national security advisers, White House employees over three administrations, Ronald Reagan appointees.

This isn't a partisan document. It is compiled by serious Americans who know what they are talking about. And they are telling us we are dangerously inadequate in understanding what needs to be done to make America strong. Many wealthy Americans will be glad to forgo a part of their tax dollars in order to make us more secure at home. I know many of them in Connecticut—and I am confident my colleague from Michigan would say the same thing about her constituents——

Mr. REID. Mr. President, will the Senator yield?

Mr. DODD. Yes.

Mr. REID. Is this the Rudman report?

Mr. DODD. This is the Warren Rudman report. He chaired it. The senior adviser was Richard Clarke, who served for three American President's, and Jamie Metzl, along with a task force. I have read all of the names. I will put them in the RECORD.

Mr. REID. I ask my friend if he would agree with the statement I am going to make.

I had the pleasure of serving in the Senate with Warren Rudman. I want the RECORD to reflect that Warren Rudman is not some person who just came upon the scene. He is a distinguished American. He is a combat veteran from Korea, a marine, a veteran. He is very proud of that. When he served in the Senate, he did a lot of very distinguished things, not the least of which as chairman and as ranking member of the Ethics Committee for a long period of time. He went into the private sector. He retired from partisan politics and decided not to run for reelection.

No one I know has ever in my presence criticized the former Senator from New Hampshire, Warren Rudman, for being anything other than a straight shooter. Any concern that people may have had was that sometimes he was a little too direct.

Will the Senator agree with me that the distinguished American who led this panel and affixed his name to it is a person who, for lack of a better description, is a very patriotic American, who is, by the way, a card-carrying proud Republican, and who has devoted a great deal of his life to public service and has told us we need to do something to protect the people in the States we represent?

Mr. DODD. In response to my colleague from Nevada, I served with Warren Rudman, as my friend from Nevada did. In fact, I was the fourth cosponsor of the Gramm-Rudman deficit reduction proposal and budget-saving mechanism when it was first introduced and was the subject of such heated debate in this body in the early 1980s.

I heard my colleague from Nevada yesterday talk about what a tightfisted Senator, Warren Rudman was as a Member of this body as well. He was not someone who was known as a profligate spender. He believed very strongly in budget discipline.

By the way, we are low-balling the numbers. We are offering a little less than $15 billion. That is based on the assumption that States may be doing more.

When you read this report, you will get into some of the details and you will wonder why Senator STABENOW and I didn't offer an amendment with more dollars based on its conclusions.

The Senator from Nevada is absolutely correct. Warren Rudman is an individual who does serious work. This is the second report in which he has been involved. He was involved in an earlier one which was prepared along with another former colleague of ours, Senator Gary Hart, and got rave reviews by all who examined it. This report follows on as a result of that first report to determine where are we now after 2 years.

As I have said over and over again, and as my colleague from Michigan has said over and over again, the conclusion of these serious people is that we are way short of what we ought to be doing. They tell us what needs to be done, and they lay out in fact where the shortcomings are.

Senator Rudman is once again owed a deep sense of gratitude.

It is sort of like the mythical figure Cassandra. For those who love mythology as I do, Cassandra was doomed in mythology to always telling the truth and never being believed. Senator Rudman is becoming sort of the Cassandra in this debate, if this goes where I think it is going.

The Senator from Michigan and I have no illusions. She is a professional person who understands politics. She served in her State legislature for many years. We knew when we got up here that we probably weren't going to get 60 votes on this. So I am not fooled by what I face here with a waiver that we have to apply to a point of order. But we want to be on record, and we want our colleagues to be on record, to say when I was given a choice of where to be on this issue, this is where I came down; this is the side of the ledger on which I want to be recorded.

Maybe we will be surprised and 60 of our colleagues will join us in voting for the waiver. But if that is not the case, let the American public then judge where people were when the choices needed to be made.

I suspect we need to talk about this in more concrete terms.

I was impressed with the remarks of the Senator from Michigan about the comments of the people in Michigan. I believe she held a number of hearings or discussions with people in her State about first responders. I wonder if she might share with us once again some of the concerns she heard from her fire and police and emergency medical personnel about whether or not they believe they are better prepared.

We have heard from our distinguished panel of people who analyze this from more of a global perspective. But on the ground, in local communities—that may not have the benefit of Nobel laureates to examine all the laboratories in the country to look at this from a distance—what are they saying? What are our average police officers and firemen saying? What are our emergency medical personnel saying? How well do they think they are prepared?

Ms. STABENOW. I thank my colleague again for his leadership on this issue.

I have had 11 different meetings from Detroit—large urban areas—to Macomb County, all the way up to Marquette in the upper peninsula, and over to the west side of the State. This report talks about only 50 percent of our firefighters having the radio equipment they need.

I heard firsthand from the folks on the ground, and I am not sure it is even 50 percent. They talked about in some cases the fire department could not talk to the police department in the same city, that the city could not talk to the county.

When we call 911, we expect that call is going to lead to a series of other communications, that it is going to get the right people to us, and that we are going to be able to respond quickly. In the case of a bioterrorism attack, the public health department, of course, is very concerned about the inability to communicate with the fire department. And it is not that they do not have radios; it is that they do not have interoperability. They do not have the same frequency. They do not have the same technology. There is newer and newer technology that allows them to communicate ideally all across the whole State.

We hope we will be developing communications equipment that will have everybody in the county being able to talk to each other and able to talk around the entire State. But the radios, the communications systems were a major issue in those meetings.

The second major issue was training, the ability to have the newest training, the newest equipment in case of a bioterrorism attack. And then, of course, the whole question of added personnel.

I might just add, I believe the sense of urgency occurs here because of the lag time it takes when we approve the dollars to do the training, to get the equipment. I know last year, as a border State, in Michigan, this was a major issue for us. In Detroit, we have the largest border crossing of the northern border. We have over $1 billion in goods that come across the border every day.

And when we put in place—thanks to the support of our colleagues on both sides of the aisle—additional resources for Border Patrol and Customs, it has taken almost a year to train those folks. We are just now seeing the increased personnel at the border as a result of decisions made a year ago to increase the dollars.

Even if we do this now, we are talking about months or a year before the training can actually happen and take effect or that the communications equipment can be purchased and put together. I think there is even a greater sense of urgency as a result of the fact that it takes time once we even make the decision.

Mr. DODD. I thank my colleague for her comments. Maybe there are some who believe that terrorism is no longer a problem, that these organizations are no longer viable. I hope there are very few people who would embrace that belief. One needs only to read the papers every day to learn that even in Iraq it is not just a question of those members of the Baath Party who are apparently engaging in the assassination of our U.S. men and women in uniform in the military.

We are now told there are terrorist organizations operating that have gotten into Iraq from Yemen and Saudi Arabia and elsewhere. We know of cell groups. There is hardly a day that goes by that we don't read about another group that has been identified or where contacts have been made by organizations. This is a real threat and a growing one. Again, the report points it out.

This is serious business. We should never again have to go through what we went through on 9/11 and the wake of 9/11. We cannot guarantee that, but there will be a tremendous indictment, in my view, historically if we don't act.

Just look at some of these numbers that we have received on the inadequacy. There are 1 million firefighters who put their lives on the line every day. Yet we are told currently two-thirds of all fire departments operate with inadequate staff—two-thirds of all fire departments, first responders, with inadequate staff.

In fact, as pointed out in testimony before the Committee on Science and Technology of the House of Representatives, on October 11, 2001: Understaffing had caused or contributed to firefighter deaths in Memphis TN; Worcester, MA; Iowa; Pittsburgh, PA; Chesapeake, VA; Stockton, CA; Lexington, KY; Buffalo, NY. There is about a fireman a day who loses their life or is seriously injured.

Now they are being asked to do that which they never would have imagined, such as dealing with chemical materials. Imagine a major terrorist attack with how we had our departments. Look what they had to do on 9/11. Departments from Connecticut went into New York. Departments from New Jersey went into New York. Other departments tried to backfill to cover our departments that left. It was a nightmare.

As the Senator properly points out, they could not even talk to each other. They did not have the proper interoperability of the phone systems. I would like say to my colleague that the problem has been corrected 2 years later, but it has not been. The fact is, it is still an incredible fact that most of our local people cannot even talk to each other, let alone talk across State lines where you have tremendous densities of population.

Again, the budget shortfalls at the local and State level are huge. Pick up your newspaper. Today it is California, $38 billion in deficit. I mentioned earlier what the deficit is in Connecticut. I mentioned what I thought was Michigan's number. My colleague may want to correct me, but I believe it is bigger than $4 billion, as she pointed out. I don't know what it is in Nevada or Alaska. But every State is facing tremendous pressures to meet these obligations. So the numbers are shrinking on the State and local levels.

By the way, while I have been critical about not doing more, I commend the Appropriations Committee. They upped the number $1 billion from what the President wanted. The Commander in Chief, in my view, ought to be leading on this issue and saying to Congress: I will help you get the money. We are going to provide the resources.

With all due respect, we need more help. And if the Commander in Chief is even low-balling a number from what the committee did, below what we are told we need by $15 billion a year, where is the leadership on this issue? I will be happy to yield to my colleague.

Ms. STABENOW. The Senator makes such an important point. I was thinking, as he was speaking about how we are losing a firefighter a day—I believe he said as a result of not being prepared for the challenges they face—we have people now, unfortunately on a daily basis, who are losing their lives in Iraq. We are deeply concerned about our troops.

But can you imagine if we said that only half of our military men and women in Iraq could talk to each other through their radios, that only half or maybe only 10 percent have the training they need, or that they did not have the equipment they need. Our Commander in Chief, rightly so—our President—has stepped forward and said: Whatever they need to be prepared, we will make sure they have it.

As the Senator has indicated—and as I have as well—the folks on the front lines at home, in their uniforms, should have no less consideration. Why don't we say, whatever you need—if you are wearing a firefighting uniform, a police officer's uniform; if you are emergency medical personnel—you ought to have whatever you need on the frontline fight because it is a war on terrorism. This should not even be a debate. I think when we compare it, it is startling to think about what we are saying to the men and women on the front lines at home.

Mr. DODD. My colleague again raises a very good point. Again, I am told by staff that every one of our men and women in military uniform in Iraq and Afghanistan have with them devices that allow them to determine immediately if they have been affected by chemical or biological weapons. There is a certain amount of equipment or type of equipment they can have which will allow them to immediately know. And they should have it.

The fact is, we have nothing like that available to our first responders at home who may be asked to respond to those situations.

The Senator makes the point so well. Again, our discussion of what our military needs to protect our country is not the subject of this debate. The mere point we are trying to raise this issue is that we are spending this amount in these places, and if someone were to come in and say we need more—and they will, no doubt; I guarantee you, as I stand here, there will be a request saying we need more—I suspect there will not be just two or three Senators sitting here arguing about whether or not we are going to get it, and if there are budget points of order against an amendment, they will be defeated when they ask for a waiver. I guarantee you, it will go through here like a hot knife through butter when it comes.

The issue is, we are making a similar case for a similar set of challenges.

Because I don't think my colleague was here when I started the debate, let me just read the first lines of this report written by Les Gelb, who is now stepping down and is being replaced by Richard Haass, the new head of the Council on Foreign Relations. I think my colleague from Nevada will appreciate this:

> As I sit to write this forward, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States or American interests abroad using chemical, biological, radiological, nuclear, or catastrophic conventional means. At the same time diplomats, legislators, military intelligence officers, police, fire, and emergency medical personnel, and others in the United States and across the globe, are working feverishly to prevent and prepare for such attacks. These two groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.

Right now we are losing the race, according to the report of people who tell us we are not meeting the requirements we should have. As we stand here, I promise you there are people somewhere planning to attack us. I know there are people in our Government working hard to stop it at the local, State, and national level. The distinguished group of people who compiled this report, led by a former colleague, says we are dangerously, inadequately not funding what needs to be done. We are losing the race.

All our amendment suggests is, let's find the means. We can do this. This isn't brain surgery. This is not that hard. If we were faced with a similar question about whether or not we need more resources to protect our men and women in military uniform, we would do it, and we should do it. We should do no less for those here at home trying to protect us against a terrorist attack.

Mr. REID. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. REID. I hesitated because I think the final statements you have made here have so dramatically painted a picture of why we need to do something, not next Congress but now. I say to my two friends, the sponsors of this amendment, I personally very much appreciate the offering of this amendment. I appreciate it because we have had some other good amendments that have been defeated. But you have taken the approach that there are a lot of things that need to be done, that rifle shots won't work. We need to take into consideration the full impact of the Rudman report and do something about it.

I am convinced, as the Senator has indicated, the amount the Senators have suggested is really too small. But I say to everyone within the sound of my voice, let's say the distinguished Americans who wrote that report are 10 percent off and they are asking for 10 percent more than is really needed. What harm will be done from that because we have too much protection? We all know what can happen if we do not have enough protection.

I know the people of the State of Nevada are scrambling. On any given day in Las Vegas there are 300,000 tourists. People who are firefighters, police officers, medical personnel, when something goes wrong, have to take care of those tourists just as they do with someone born there. I was born in the State of Nevada. But they have as much responsibility to take care of the tourists from Connecticut as I do. I want this RECORD to be spread with my admiration and respect for the courage the Senators have shown in calling this really what it is. We need more money. That is what it takes to make sure this country is safe. Right now, according to some of the finest people in all America, we are not safe.

Mr. DODD. I thank our colleague from Nevada for that observation. He represents a unique State, he and the Presiding Officer. Literally millions of people, not just from the United States but from all over the world, visit Nevada. It is a special set of responsibilities that people of Nevada assume by inviting the world to come. And obviously, this could easily be a target. It is hard to imagine what the next target could be, but I promise, there are people planning it. They are planning it as we sit here today. Whether it is a nuclear powerplant, whether it is a major office building, whether it is a recreational facility, they are doing it.

I don't like saying that, but I can't say anything less to my colleagues because that is the conclusion of people who have spent hours and days and weeks examining all of this and telling us.

I thank my colleague from Michigan. I am grateful to her. She is a remarkable Senator. In a short amount of time, she has made a significant contribution to the public debate. I am very grateful to her for joining me in this particular effort. It is a lot of money. I have never offered an amendment of this magnitude.

I see the distinguished senior Senator from West Virginia, who has been around many years.

This is almost $15 billion. I have never offered anything quite like this. But I have never felt as concerned and as worried about a situation as I am about this one.

Shortly there will be a vote. We will more than likely not prevail. But there will be a record about those who believed we should do more. I hope we get proven wrong. There is no desire that we would like to be proven right. But I have a sense of foreboding that by not taking the steps, we are leaving ourselves very vulnerable. The trauma of America being hit again and being told we should have done more to prepare for it and didn't could have an effect far beyond the damage done by the attack itself, to know that a Congress was convened and was given information that told it to do more and do a better job and was given a chance to do so and turned it down. That is something I think history will judge us very harshly on if we make that mistake.

I hope we don't. I hope the majority of my colleagues who may be listening to this brief debate this morning will break ranks and come over and say: We can do better. Let's go back to the drawing board and come up with the resources, provide the support we need for our first responders.

I have no further requests for time. I don't know if my colleague from Michigan wishes to be heard further. I appreciate the generosity and kindness of the distinguished Senator from Mississippi who has been very patient listening to us make this case. I am very grateful to him and Senator STEVENS, as well as Senator BYRD, for taking as much time, a couple of hours this morning, to express our views on the subject.

Again, the Senator from Nevada said it well. I had planned a whole series of smaller amendments on all sorts of pieces of this. The Senator from Michigan and I sat down and decided, instead of just trying to do this item by item by item, we would ask our colleagues to respond based on this report and come up with, in the Office of Homeland Security, a set of priorities that they may determine differently than what our amendment agenda might provide.

For those reasons we urge the adoption of the amendment. That can be done by supporting the motion to waive the point of order. I yield the floor.

Mr. SARBANES. Mr. President, I would like to express my strong support for the amendment introduced by Senators MIKULSKI and DODD, of which I am a cosponsor, that would provide an additional $150 million for the Assistance to Firefighters Grant Program—FIRE Grants.

As a co-chairman of the Congressional Fire Services Caucus, I am proud to have been a strong supporter of the original legislation that established and funded the FIRE Grant Program. Since that time, this program has proven itself, by all accounts, a tremendous success.

Just this past May, the U.S. Department of Agriculture's Leadership Development Academy released a comprehensive evaluation of the program, noting that it was "highly effective in improving the readiness and the capabilities of firefighters across the country." Moreover, the study found that 97 percent of those receiving grants reported that the assistance had a positive impact on their abilities to handle fire emergencies, and, of those receiving equipment through the FIRE Grant program, 99 percent of departments indicated that the acquisitions made with the funding had dramatically improved the safety of their firefighters.

The need for this additional funding is abundantly clear. In December of this past year, FEMA and the National Fire Protection Association jointly released the Congressionally-authorized "Needs Assessment of the U.S. Fire Service." The results of this report were startling. Among its findings, the report noted that an estimated 57,000 firefighters lack protective clothing, half of all fire engines are at least fifteen years old, and approximately one-third of firefighters are not equipped with essential self-contained breathing apparatus.

Furthermore, during this year's FIRE Grant application process, record numbers of fire houses around the country have requested assistance. By the April 11 application deadline, the Department of Homeland Security reports having received approximately 19,950 FIRE Grant applications, for a total request of over $2 billion in Federal funding. Unfortunately, with an appropriation of only $745 million, the Department expects to fund well under half of these requests. The amount contained in the Homeland Security Appropriations measure currently before the Senate barely exceeds this amount, at a level of $750 million.

The Mikulski-Dodd amendment would merely fund the FIRE Act at its fully-authorized level of $900 million. In light of the demonstrated need and inadequacy of current funding levels, I would prefer a larger amount. However, the Senate authorized $900 million for this program in the Fiscal 2002 Defense Authorization Act, and I believe we must at least meet this modest commitment.

I urge my colleagues to support this amendment.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. LIEBERMAN. Mr. President, I rise in strong support of the amendment offered by my colleague Senator DODD to add $15 billion in funding for our first responders and first preventers. I commend my friend for his strong leadership, and I am proud to be a cosponsor.

One of the Federal Government's primary responsibilities under the Constitution is to provide for a common defense. Today, in the face of the terrorist threat, that means more than building a mighty, well-equipped and well-trained Army, Navy, Air Force, Marines, and Coast Guard. It means strengthening the shared security of our 50 States and their cities and towns, as well as our territories. Today, the readiness of our firefighters and police officers and public health professionals is every bit as important to our national security as the readiness of our soldiers, sailors, and airmen.

Homeland security is expensive. It can't be accomplished on the cheap. And because the war against terrorism is a national fight, a substantial portion of the responsibility falls to the Federal Government. It takes serious money to make the necessary changes to our services and infrastructure. To employ, train and equip top-flight first responders. To buy biometric security systems, hire more border personnel, install information sharing networks and develop biological and chemical testing and treatment capabilities. Securing the Nation's ports, as well as chemical and nuclear plants must become a top priority. In transportation, we must move beyond aviation and also secure mass transit, rails, air cargo, pipelines, tunnels, and bridges. These tough jobs and countless others can't be accomplished with wishful thinking or a magic wand. And they cannot be accomplished by placing an unfair share of the burden on State and local governments who are already facing the worst fiscal crises in decades. Ever since before we established the Department of Homeland Security, many of us were asking this administration to provide adequate resources, to provide them quickly and to target them more effectively. But unfortunately, that hasn't happened.

Across the country, states and localities are being spread thinner than ever at the moment they can least afford it. Homeland security and healthcare costs are rising. Deficits are rising. But the economy isn't. Only our firefighters can protect against chemical weapons or rescue families trapped in buildings. But in some cities and States around the country today, our first preventers and responders are actually being laid off because of budget cutbacks. That is like reducing your troop force in a time of conventional warfare. It is crazy and it must stop and only more money from Washington can make it stop. Yet this administration's indifference is undermining the men and women who are our first line of defense in the war against terrorism.

The American people expect and believe that we are doing our utmost to ensure that sufficient funds are provided, but in too many communities, the reality is unlikely to meet the expectation. The administration has failed to make sure that the necessary funds go to those who need it most: the local firefighters, police officers, emergency technicians, and public health workers who protect and serve us every day.

In February, I proposed spending an additional $16 billion on homeland security above the President's fiscal year 2004 budget—$7.5 billion of which was for first responders. In June, I offered an amendment at the Governmental Affairs Committee markup to add $10 billion to Senator COLLINS' legislation authorizing grant programs for our first responders, but my amendment was defeated on a party-line vote.

During the markup, it was suggested that we should not authorize that amount of funding without an independent assessment of what the real needs are. Well, now that rationale, which I believe failed to consider the testimony, public statements, and other assessments which already existed, no longer can be made. That is because on June 29th a report by an independent task force sponsored by the Council on Foreign Relations—composed of distinguished former government officials, including a director of the CIA and the FBI, our colleague Senator Rudman, a White House terrorism adviser and a former chairman of the Joint Chiefs of Staff—corroborated the conclusions I and others reached months ago. The report, entitled, "Drastically Underfunded, Dangerously Unprepared," determined that "the United States has not reached a sufficient national level of emergency preparedness and remains dangerously unprepared to handle a catastrophic attack on American soil. . . . If the nation does not take immediate steps to better identify and address the urgent needs of emergency responders, the next terrorist incident could have an even more devastating impact than the 9/11 attacks." Indeed, the task force report found that the U.S. is on track to fall nearly $100 billion short of meeting critical emergency responder needs over the next 5 years. This estimate does not even include some known needs—such as detection or protection gear for police—because the task force could not obtain reliable estimates for those areas. The administration's response to the warning from this respected commission? It brushed off the report's spending recommendation as "grossly inflated."

The task force report listed a number of urgent needs left unmet due to lack of funding. They point out that funds are urgently needed, among other things, to: provide interoperable communications equipment for all emergency responder groups across the country so that those on the front lines can communicate with one another while on the scene of an attack; enhance urban search and rescue capabilities of major cities; extend the emergency 911 system nationally; provide protective gear and weapons of mass destruction remediation equipment to first responders; and increase public health preparedness and develop surge capacity on the Nation's hospitals.

The report's findings are sobering. For example, the report noted: "On average, fire departments across the country only have enough radios to equip half the firefighters on a shift, and breathing apparatus for only one third. Only 10 percent of fire departments in the United States have the personnel and equipment to respond to a building collapse." The report found cities without the means to determine whether terrorists had struck with dangerous chemicals or pathogens, and public health labs incapable of responding to a chemical or biological attack.

Earlier today, yet another report was issued—this one by the Progressive Policy Institute—which noted that the Bush administration has failed to adequately address critical homeland security needs, including: improving intelligence gathering and analysis; improving security at the state and local level; controlling our national borders; protecting against bio terror attacks; and protecting critical facilities. The report graded the administration's overall efforts to protect the homeland as "D." It acknowledged that some progress has been made in a few areas, but added "we find that the Bush administration has not brought the same energy and attention to homeland security that it has brought to overseas military efforts. The administration has failed to adequately fund a number of essential homeland security functions. In the absence of presenting a compelling vision of the changes necessary to protect the homeland, the Bush administration has failed to push back on the government bureaucracies that have resisted meaningful change. In short the President has failed to make homeland security his top priority."

The PPI report and the Independent Task Force of the Council on Foreign Relations Report follow a series of assessments that have raised serious questions about the extent and effectiveness of the administration's homeland security efforts. The administration must stop ignoring the evidence that, with respect to homeland security, almost 2 years after the September 11, 2001 attacks, we remain "drastically underfunded, dangerously unprepared."

These reports have simply confirmed what we the Governmental Affairs Committee and others in Congress have been told for many months: The reality is that left without sufficient resources, State and local governments and first responder organizations are struggling—and failing—to keep up with their day-to-day critical services to their communities as their homeland security obligations take an increasing toll. At a hearing of the Governmental Affairs Committee this spring, one police chief told us that he had to eliminate or cut back community police, drug enforcement, traffic enforcement and programs in schools in order to station most of his force at the airport.

Even as they are forced to abandon more and more of their traditional work to serve as the front line in the war on terrorism here at home, these first responder groups are unable to work effectively because they are lacking sufficient funds. Ed Plaugher, Fire Chief of Arlington, VA told the Governmental Affairs Committee that the stress of protecting the homeland without adequate resources is affecting the morale of first responders. Captain Chauncey Bowers of the Prince Georges County, MD Fire Department testified before the Governmental Affairs Committee on behalf of the International Association of Firefighters and told us that we need a national commitment to homeland security preparedness; he urged us to work to ensure that every fire department in America has the resources to protect our citizens.

First responders need equipment such as personal protective clothing, respirators, and devices for detection of chemical, biological and radiological hazards. They need training in using such equipment, and training in how in general to respond in an attack. Nevertheless, local fire and police officials at our hearings told us at the Governmental Affairs Committee hearings they do not have the resources to pay for training or equipment that they need to prepare for a possible attack. Indeed, most emergency workers still do not have the training or the equipment they require. The December 2002 needs assessment of the U.S. Fire Service conducted by the Federal Emergency Management Agency (FEMA) in conjunction with the National Fire Protection Association found that about one-third of firefighters per shift are not equipped with self-contained breathing apparatus, and nearly half of all fire departments have no map coordinate system. And with respect to training, another study by FEMA found that 27 percent of fire department personnel involved in providing emergency medical services lacked any formal training even in those duties, and incredibly, 73 percent of fire departments failed to meet regulations for hazardous materials response training.

The administration's own budget documents estimate that only about 80,000 first responders were trained and equipped in 2002 with funding at the Federal level of $750 million. Unless this administration provides significantly more funding, it will take us decades to train our first responders to cope with weapons of mass destruction. We do not have that kind of time.

Even if we could supply training and equipment to all of our first responders, there are simply not enough of them. A survey by the Progressive Policy Institute of 44 of the largest police departments found that 27 of them—nearly two-thirds—are experiencing personnel shortfalls as a result of inadequate budgets and problems attracting new recruits. According to the report, the city of Chicago, as a result of increased overtime costs, has delayed hiring new officers and thus has seen its ranks decline between 2000 and 2002. Detroit's experience has been similar, with a 50 percent increase in overtime costs while its ranks thinned by 5.3 percent between 2000 and 2002.

This report is shocking and sad at a time when we should be enhancing our first line of defense. It highlights the need to provide adequate funding to hire additional police officers and firefighters. Yet the Bush administration has steadfastly opposed the efforts of the sponsor of this amendment to support the SAFER Act, which would authorize over $1 billion per year for 7 years to hire 10,0000 additional firefighters per year. I am proud to be a cosponsor of that legislation and the amendment to the DOD bill which would partially fund those firefighters; and I was proud that the homeland security bill which I authored last Congress included funding to hire firefighters, but that provision was defeated by Republicans on the Senate floor.

The PPI survey also makes clear the need for adequate funding for overtime related to training. Indeed, according to the Conference of Mayors, cities across America spent $70 million per week when the homeland security alert was raised to orange—much of it for overtime expenses.

Finally, even if local police and fire departments had sufficient personnel, they lack the ability to communicate effectively in a time of emergency. In most areas of the U.S., the police, firefighters and emergency technicians in the same jurisdiction have no way to communicate in the field because their equipment is not compatible. Lack of interoperability in communications systems has been cited as a cause of the deaths of 343 firefighters in New York City on September 11, 2001, because police could not reach them prior to the collapse of the World Trade Center towers.

Achieving this goal, however, will be expensive, and the administration's funding commitment is wholly insufficient. The Public Safety Wireless Network, a joint Treasury and Justice Department policy group, estimates it could cost up to $18 billion. According to the National Task Force on Interoperability, at the State level, replacing basic radio systems for a single public safety agency can cost between $100 million and $300 million. Meanwhile, Secretary Ridge testified before the Governmental Affairs Committee on May 1, 2003 that $40 million had been appropriated to run "some demonstrations projects with regard to interoperable communications." This is an inadequate response to a long-standing and expensive problem, and will leave our first line of defense without the basic equipment they need.

Our police officers, firefighters, emergency management officials, and public health officials—those we call first responders and first preventers in the fight against terrorism—are struggling to protect us from unprecedented dangers. Those funds must come from Washington because this is a national fight, and budgets are tight and getting tighter in state and local governments across our Nation. Unfortunately, most of my pleas and those of my colleagues—along with those of independent, bipartisan experts and State and local governments—have fallen on deaf ears within this administration.

Senator DODD has chosen the exact opposite route, and the route we urgently need to pursue. His amendment embraces the recommendations of the expert task force of the Council of Foreign Relations. I strongly urge support of the amendment offered by my colleague Senator DODD.●

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have submitted to the manager of the bill a list of amendments that we have remaining on the bill. This has been cleared with Senator BYRD. At any time the majority is ready to enter an agreement that there would be only a certain number of amendments in order, we are certainly ready to do that.

We have one Senator who can't offer an amendment because there is a Senator on the other side who is unavailable to do that right now. So we have people ready to offer other amendments. If the Senator from Mississippi has completed debate on the last amendment, we are ready to go on another amendment within a short period of time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the assistance of the distinguished Senator from Nevada. We have tried to find out the number of amendments that may remain to be offered to the bill so we can get some idea of what we are looking at in terms of the time we have for consideration. We hope to complete action on this bill later today. I am confident we can do that.

We still have a number of amendments that have to be offered and dealt with. We hope Senators who do have amendments will come to the floor and offer them.

In just a couple of minutes, we are going to ask unanimous consent that the list of amendments we know about be the only amendments in order to the bill. We have several amendments on that list. Just glancing at the list, it looks like about 12 in number at this point. We hope Senators won't call and say they "may" have an amendment. If they do have one, they have a right to offer it. We will respect the right of any Senator to offer an amendment to the bill.

We have considered most of the amendments about which we have heard. I am going to ask that Senators who have an amendment let us know about it so we can clear the list on both sides and limit the number of amendments that remain to be offered to the bill.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Will the Senator yield for a question?

Mr. COCHRAN. I am happy to yield to the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, I have three amendments. But I do not want to vote on my amendments in a stack. For my amendments, I want to have them voted on each after the debate on that particular amendment. I think that is the better way. I think whatever debate we can have on an amendment—I will say my amendment, and I have three—is fresh in the minds of those Senators who have been listening, or those who will listen, who are able to listen in their offices. I don't like stacked votes, as far as any amendments I have are concerned. Stacked votes may be for the convenience of Members, but, in my judgment, we are not here necessarily for the convenience of Members. We are here in this forum to debate and to act upon amendments that are in the interests of the Nation, as we see them.

So for the information of the distinguished manager, I do have three amendments, but I want to call them up whenever I can have votes on them following the debate.

Mr. REID. Will the Senator from Mississippi yield?

Mr. COCHRAN. Yes.

Mr. REID. I have spoken to the two sponsors of this amendment and they feel exactly as Senator BYRD does. They have spent all morning debating their amendment, and they are not going to allow us to go to another amendment until we vote on theirs. I suggest we vote on their amendment. Otherwise, we are not going to go forward on this bill. We asked them to come to the floor early this morning. They have been here. The debate has taken more than 2 hours. I think it has been one of the finest debates we have had in some time. I join with them, and I will object to proceeding to another amendment.

Mr. BYRD. Mr. President, I say further, if I may, what I have said is no reflection on the distinguished manager of the bill. He has been an excellent chairman of this new subcommittee and this is the first time we have appropriated on a full bill for this new Department.

The Senator from Mississippi could not have performed better. He has been very fair with the members of his subcommittee. He has always been very fair with me. What I have said is not to be taken as any reflection or criticism of him whatever. His work is trying to get this bill passed.

As the co-manager, I am interested in moving it along, too. But speaking from a personal viewpoint—and I don't call up many amendments of my own—I want to state to the Senator and to all Senators, while they are thinking of stacking votes, I have three amendments that I don't want in a stack. I want to vote on them when we have completed our debate. I don't want any 2-minute summation between other rollcalls. I think we have fallen into a kind of slipshod way of acting in the Senate. This is no fault of the Senator from Mississippi. I am voicing my sentiments with respect to my own amendments. I don't think it is a very good way to legislate, to line up six or eight votes. Sometimes we fall into a vote-arama, where we have a good many amendments called up, debated, set aside, and voted on later in a stack, when those Senators who perhaps listened during the debate have gone on to other things and have lost their recollection of what was said in the debate.

I think we ought to vote on amendments when we complete the debate. Perhaps that is not always practicable. I can understand that, having been a majority leader and having been a minority leader. I understand the practicalities of these things. But the ideal way to proceed is as I have suggested—with debate on an amendment and then a vote.

Mr. COCHRAN. Mr. President, I must say that I agree, as a general rule, with the distinguished Senator from West Virginia and the Senator from Nevada about the way the Senate should transact its business. I agree completely.

There are situations, such as on the Budget Act, when we are limited in the amount of time we have for the consideration of a measure and necessarily we end up with one of these vote-aramas, as the Senator points out.

I think, as a general rule, as we consider a bill, after the debate on the amendment is complete, or whatever the issue is, such as a motion to waive a point of order, we should vote on it. I agree.

For that reason, I advise Senators that we are about to have a vote on the motion to waive by Senator DODD on the point of order that was previously made to the Dodd amendment. The yeas and nays have been ordered on the motion to waive.

Mr. REID. Mr. President, will the Senator yield?

Mr. COCHRAN. Yes.

Mr. REID. If you have clearance on your side, I think it is appropriate to propound the unanimous consent agreement.

Mr. COCHRAN. Mr. President, before we vote, I ask unanimous consent that the following amendments be the only amendments in order to the bill, H.R. 2555:

Senator BYRD, three amendments; Senator LEVIN, two amendments; Senator FEINGOLD, two amendments; Senator ROCKEFELLER; Senator REED; Senator SCHUMER, three amendments; Senator HUTCHISON, two amendments; Senator DASCHLE, two amendments; Senator SARBANES has an amendment; Senator LANDRIEU, two amendments; Senator FEINSTEIN has an amendment; Senator BAYH, two amendments; Senator COLLINS has an amendment; Senator FRIST, two amendments; Senator SPECTER has an amendment; Senator TALENT has an amendment; Senator MCCAIN has an amendment; and Senator WARNER has an amendment.

Mr. REID. I ask the Senator to modify that to allow any possible managers' amendments cleared by both managers.

Mr. COCHRAN. I agree to that addition to my unanimous consent request.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank the Senators sincerely for assisting us in the identification of the outstanding amendments.

Mr. President, the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion to waive.

If there is no further debate, the question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "YEA."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 54, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—41

Akaka
Baucus
Bayh
Biden
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Corzine
Daschle
Dodd
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—54

Alexander
Allard
Allen
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Dayton
Kerry
Lieberman
Santorum
Specter

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. COCHRAN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I have conferred with the two managers of the bill. They have agreed that Senator FEINSTEIN will offer the next amendment. If the two leaders agree, then that amendment would be set aside and Senator BYRD would offer the next amendment. We will have two votes around 2 o'clock, give or take a little bit. I think all will work out well in that regard. Senator FEINSTEIN is outside the corridor, and she will bring her amendment in within a matter of a few minutes. Until she arrives, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, first, I give my thanks to the distinguished Senator from West Virginia for allowing me to offer this amendment at this time, and also to the distinguished Senator from Nevada.

AMENDMENT NO. 1365

(Purpose: To prevent and respond to terrorism and crime at or through ports)

Mrs. FEINSTEIN. Mr. President. I send an amendment to the desk on behalf of myself and Senator KYL.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. KYL, proposes an amendment numbered 1365.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment aimed at preventing and punishing a terrorist act at one or another of our Nation's 361 seaports. This amendment is a stripped-down version of S. 746, the legislation I introduced with Senators KYL, CHAMBLISS, and SCHUMER.

The provisions of this amendment have a de minimis cost.

The Technology and Terrorism Subcommittee of Judiciary, both under Senator KYL's leadership and also under my leadership, held some of the initial hearings on port security. Of course, we found very early on what others have found; that is, our ports are really not equipped to, A, handle the challenge of terrorism, and, B, to do so in a way to protect the American people.

This legislation builds on amendments made to our laws in the past year but goes further than those changes to ensure the security of our seaports.

We have found that many of our criminal laws have major loopholes in them and really do not take into consideration crimes that take place aboard ships.

I have shown this amendment to the staff of Senator HOLLINGS. We have shown it to Senator MCCAIN. Yesterday, I went through it with Senators GRASSLEY and BAUCUS of the Finance Committee, and none of them indicated any objection or problem.

Specifically, this amendment would make it a crime for terrorists to attack a port, or a cruise ship, or to deploy a weapon of mass destruction at or through a seaport.

It would make it a crime to put devices in U.S. waters that can destroy a ship, or cargo, or interfere with safe navigation or maritime commerce.

It would update our Federal criminal piracy and privateering laws and increase penalties.

It would make it a crime to use a dangerous weapon or explosive to try to kill someone on board a passenger vessel.

It would make it a crime to fail to heave to—that is, to slow or stop a vessel—at the direction of a Coast Guard or other authorized Federal law enforcement official seeking to board that vessel, or to interfere with boarding by such an officer.

It would make it a crime to destroy an aid to maritime navigation, such as a buoy or a shoal breakwater light maintained by the Coast Guard if this would endanger the safe navigation of the vessel.

It would make it a crime for a terrorist or a criminal to try to attack U.S. citizens or U.S. marine life by putting poison in the waters offshore.

It would require the Attorney General to issue regulations making it easier to determine the extent of crime and terrorism at a seaport, and improve communication between different law enforcement agencies involved at ports.

In addition, this amendment would help improve physical security at seaports by ensuring greater coordination.

In particular, and most importantly, it would designate the captain of the port as the primary authority for seaport security at each port. This would enable all parties involved in business at a port to understand who has final say on all security matters.

The amendment would help ensure that we devote our limited cargo inspection resources in the most efficient and effective manner. For example, it would impose deep monetary sanctions for failure to comply with information filing requirements, including filing incorrect information. The current penalty is only a few thousand dollars.

The Interagency Commission on Crime and Security in U.S. Seaports found that about half of the information on ship manifests is inaccurate. Let me repeat that—half of the information on ship manifests is inaccurate. This means that many manifests are sloppily done. We cannot afford that.

Finally, the amendment would require Customs to come up with a plan to expand its container security initiative and make better use of its scarce inspection resources. This would help push U.S. authority beyond our Nation's borders and improve our ability to monitor and inspect cargo and containers before they arrive near American shores.

If a weapon of mass destruction arrives at a U.S. seaport, it is too late.

Let me provide a couple of examples of why we need to pass this legislation, and do it fast. Our whole bill is in the Commerce Committee, and Senator MCCAIN has agreed—I think in September—to schedule a hearing on the remainder of the bill.

But, for purposes of this amendment, what we have done is strip out those sections of our larger bill where we believe, first of all, there is not much cost and, second of all, where we believe that it is important to get started.

Today, if a person blows up an airplane, he commits a crime. However, if he blows up an oil tanker, he does not commit a crime—unless he is doing it to injure someone with a commercial interest in the vessel.

In addition, if a person distributes explosives to a non-U.S. national, he commits a crime. But if the same person sows mines in the San Francisco Harbor, he does not commit a crime.

The amendment we offer today will close these loopholes, ensuring that our criminal laws are updated to deal with the current terrorist threat.

Currently, our seaports are the gaping hole in our Nation's defense against terrorism. According to the U.S. Bureau of Transportation Statistics, 13 million containers—those are 20-foot equivalent units—came into U.S. ports in 2002. However, the Government inspected only about 2 or 3 percent of these containers. The rest were simply waived through. In addition, in almost every case, these inspections occurred after the containers arrived in the United States.

The problem is a single container could contain 60,000 pounds of explosives. That is 10 to 15 times the amount in the Ryder truck used to blow up the Murrah Federal Building in Oklahoma City. And a single container ship can carry as many as 8,000 containers at one time.

So containers can and will be easily exploited to detonate a bomb that could destroy a bridge, a seaport, or other critical infrastructure, causing mass destruction and killing thousands.

Worse, a suitcase-sized nuclear device or radiological "dirty bomb" could also be installed in a container and shipped to the United States. The odds are that the container would never be inspected. And even if the container was inspected, it would be too late. The weapon would already be in the United States, most likely near a major population center.

In addition, any attack on or through a seaport could have devastating economic consequences. Excluding trade with Mexico and Canada, America's ports handle 95 percent of U.S. trade. Every year, our ports handle over 800 million tons of cargo valued at approximately $600 billion.

In its December 2002 report, the Hart-Rudman Terrorism Tack Force said something interesting:

> If an explosive device were loaded in a container and set off in a port, it would almost automatically raise concern about the integrity of the 21,000 containers that arrive in U.S. ports each day and the many thousands more that arrive by truck and rail across U.S. land borders. A three-to-four-week closure of U.S. ports would bring the global container industry to its knees. Megaports such as Rotterdam and Singapore would have to close. . . . Trucks, trains, and barges would be stranded outside the terminals with no way to unload their boxes. Boxes bound for the United States would have to be unloaded from their outbound ships. Service contracts would need to be renegotiated. As the system became gridlocked, so would much of global commerce.

We have worked on this bill with a large number of port people over a substantial period of time. This has not been quickly put together. I thank the Justice Department, the Coast Guard, Customs, the Transportation Security Administration, and leaders of ports in my home State for their assistance with this legislation.

I also thank the working group that helped put our full bill together. This group includes Dick Steinke, executive director of the Port of Long Beach; Rob Quartel, CEO of Freightdesk Technologies; Charles Upchurch, president and CEO of SGS Global Trade Solutions; Jason Clawson, president of JBC International; Stephen Flynn, Senior Fellow, Council on Foreign Relations; Michael Nacht, dean of the Goldman School of Public Policy; Kim Peterson, Executive Director of the Maritime Security Council; and Amanda deBusk, a member of the Interagency Commission on Crime and Security in U.S. Seaports and former Assistant Secretary for Export Enforcement, the Department of Commerce.

Mr. President, this has been vetted. We have passed it through all of the applicable Federal agencies. We must close these loopholes. We must tighten these criminal penalties. We must make one person in charge of security at every port so every agency isn't stumbling over the next agency there.

Senator KYL has indicated that I speak for him as well. So I hope, the managers of the bill on the floor will be able to accept this amendment or, at the very least, allow us to vote for it and add it to the bill.

Again, I thank the Senator from West Virginia. I know he was ahead of me in line but he very graciously allowed me to proceed first.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I raise a point of order under rule XVI that the amendment constitutes general legislation on an appropriations measure and is not in order.

The PRESIDING OFFICER. A point of order has been made.

The point of order is not debatable. The amendment does constitute legislation on an appropriations bill. The point of order is sustained and the amendment falls.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. LANDRIEU are printed in today's RECORD under "Morning Business.")

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1367

Mr. BYRD. Mr. President, this week the Senate has considered a number of amendments to increase homeland security funding to address known vulnerabilities in our Nation. These are vulnerabilities we know are there. We have offered amendments to add funding for expanded homeland security missions that have been authorized by Congress and signed into law by the President since 9/11.

I believe these amendments have been defeated not on the merits but because their adoption would have resulted in the bill exceeding limits established in the budget resolution. These are meritorious amendments, and I am confident some of the Senators who voted against them voted against them because the bill would then exceed limits established in the budget resolution. That is a compelling reason for many to consider.

Therefore, today I offer an amendment that addresses these known vulnerabilities to the extent possible within the limits of our 302(b) allocation. I do so because the vulnerabilities are documented and the needs are clear.

This bill includes $823 million, consistent with the President's request for information, analysis, and infrastructure protection. Since February, we have asked—now listen—the Department of Homeland Security to identify for us what specific infrastructure in this country is most vulnerable.

To whom should we go to find out the answers, if not the Department of Homeland Security? That is the Department which should be able to pinpoint, should be able to give to the Congress, a list of the most vulnerable infrastructure and give us the priorities: Which is more vulnerable, A or B or C? That is the agency that ought to be able to answer the questions.

Have we gotten any answer to our questions? No, no answer. This is the Department that should be held accountable and will be held accountable, and the Department has not responded.

We have asked these questions more than once. So I shall offer an amendment that addresses these known vulnerabilities, to the extent possible, within the limits of our 302(b) allocation, and I do so because the vulnerabilities are documented and the needs are clear.

This bill includes $823 million, consistent with the President's request for information, analysis, and infrastructure protection. Since February—let me say that again—since February, we have asked the Department of Homeland Security to identify for us in the Congress, in the Senate, what specific critical infrastructure in this country is most vulnerable.

To date, the Department has provided no detail about how these funds would be spent—no detail, none. We requested it, as I say, as early as February and since February.

The President is asking us to buy a pig in a poke. The administration wants us to give them $823 million of the taxpayers' money and they have not told Congress how the funds will be spent or whether these funds can be used effectively. Now why wouldn't they tell us? Why wouldn't they tell us?

What we do know is that the Coast Guard has over $1.7 billion of pending applications for port security grants in order to secure our most vulnerable ports. We know that. What we do know is that the Coast Guard has estimated the cost of the ports implementing the Maritime Transportation Security Act security standards is $5.4 billion over 10 years and $1.1 billion in the first year. So when you add the funds in this bill to previously appropriated funds, the Department would have only $518 million to help the ports improve their security.

What we do know is that the Department of Homeland Security received applications from over 20,000 of the Nation's local fire departments, totaling $2.5 billion out of their desire to equip and to train themselves to deal with weapons of mass destruction and to improve their capacity to respond to other emergencies in their communities.

What we do know is that only 10 percent of our fire departments have the capacity to deal with a major building collapse. What we do know is that only 13 percent have the equipment and training to deal with biological or chemical terrorist attacks.

What we do know is that the Coast Guard commandant has testified that there is no funding in the budget for the Coast Guard to enforce the new port security standards that are mandated by the Maritime Transportation Security Act and that the Coast Guard imposed on the port industry on July 1.

What we do know is that the General Accounting Office has concluded that 123 chemical facilities across the country—some of them in the great Kanawha Valley in West Virginia—has concluded that 123 chemical facilities across the country, if attacked, could inflict serious damage and expose millions of people to toxic chemicals and gasses. There are 3,000 chemical facilities in 49 States that if attacked could affect more than 10,000 people each. This is serious business. The General Accounting Office found that the Federal Government has not comprehensively assessed the chemical industry's vulnerabilities to terrorist attack.

This amendment would address those issues by providing $100 million for port security grants, $100 million for grants to fire departments, $42 million for the Coast Guard to implement the port security requirements of the Maritime Transportation Security Act, and $50 million for chemical security vulnerability assessment.

This amendment is fully offset for both budget authority and outlays by reducing amounts in the infrastructure account by $292 million.

I say again that the amendment has fully offset both the budget authority and outlays by reducing amounts in the infrastructure account by $292 million. Even after this reduction, the infrastructure account will have a funding level which is three times the level from fiscal year 2003.

I urge the Senate adopt the amendment. The Senate should address these known vulnerabilities now.

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The current amendment will be set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1367.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 785, line 6, insert the following:

TITLE VII—FULFILLING HOMELAND SECURITY PROMISES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

TRANSPORTATION SECURITY ADMINISTRATION

MARITIME AND LAND SECURITY

For an additional amount for "Maritime and Land Security", $100,000,000, to remain available until September 30, 2005, for port security grants, which shall be distributed under the same terms and conditions as provided under Public Law 107–117.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $42,000,000, to remain available until December 31, 2004, shall be for costs pursuant to Public Law 107–295 for implementing the Maritime Transportation Security Act including those costs associated with the review of vessel and facility security plans and the development of area security plans.

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for "Firefighter Assistance Grants," $100,000,000, to remain available through September 30, 2005, for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.)

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Of the amounts made available for the "Office of the Under Secretary for Information Analysis and Infrastructure Protection", $50,000,000, to remain available until September 30, 2005, shall be for chemical facility security assessments.

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

On page 66, line 9, strike "$823,700,000," and insert "$581,700,000,".

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is my intention to review the amendment, and when I have had an opportunity to reread it, I will be in a better position to respond to it.

I am very hopeful the funding in this bill will enable the Secretary of the Department of Homeland Security and the heads of the various directorates and the other agencies that are funded in this bill—the Coast Guard and others—to carry out their responsibilities to improve the overall security of our homeland to protect against terrorist attacks, to try to anticipate terrorists attacks, and to recover from natural disasters.

We have within this Department a wide range of functions and responsibilities, one of which has been identified in this amendment as, I suppose, being funded at too high a level because the offset that is contained is to take funds from one of these directorates and move it to the function of port security.

It is a very difficult challenge to try to balance the competing interests within this Department to make sure each area is not only well staffed with people who know what they are doing, but that they have the funds to carry out their mission.

The directorate that suffers if this amendment is adopted is the one who helps bring together the intelligence information to assess the vulnerabilities of various critical infrastructure areas such as chemical facilities identified by the Senator from West Virginia. If that money is taken away, it will be less likely they can carry out their mission in the way we would all hope they could.

This is a very important area of activity for the Department of Homeland Security. It is an area that, if limited in the way proposed by this amendment, would reduce the capacity to obtain intelligence or warnings and to carry out the threat analysis functions that are the responsibility of this directorate, and $292 million would be taken from the directorate responsible for information analysis and infrastructure protection.

That is 35 percent of the funds that are made available in the bill for this directorate. This is a drastic cut. It is a meat-ax approach to one directorate, to shift funds to another area that we all recognize is in need of funding, but it already is funded. It is funded at a level that, in the judgment of our committee, would help ensure that our ports are protected, that we are able to defend against not only terrorist attacks but any other activity that would threaten or undermine the security interests of the United States.

Just this week, an article was carried by the Washington Post talking about inadequacies of the new intelligence unit at the Department of Homeland Security and talking about the challenges it faced. I read the article and am familiar with some of the charges made in the article. But the conclusion was that they were not able to compete with the CIA, the FBI, the other established intelligence-gathering agencies because they were having a hard time attracting competent people and getting the number of analysts they ought to have in this Department to carry out their responsibilities. It pointed out, for example, that the intelligence analysts don't have the computers they need that are capable of receiving classified, top secret and above, documents.

If this amendment is adopted, it is going to make it even more difficult. I can't imagine their being able to sustain the workforce they have. People they tried to recruit to come aboard this Department and help deal with these new challenges may have to be dismissed. The ability of the Department to perform assessments of critical infrastructure—drinking water supply systems, chemical facilities, as I mentioned—and other areas where large numbers of people may gather from time to time; arenas, stadium crowds, baseball parks, and the Nation's seaports are just some that come to mind.

I am hopeful that the Senate will reject this amendment. It is clear to me that there are a lot of Senators who would like to increase the funding available for port security grants. If you are going to award a grant to a port, you have to be able to evaluate the security needs of these ports. All the ports in the United States are filing applications. There is a backlog of applications. One of the reasons for the backlog, in terms of assessing and approving and selecting the ones to be funded, is lack of personnel to do the job.

It seems to me this amendment seeks to improve port security but at the same time take away money that would be used to assess which ports are in greater need, where should the grant money go, which ones of the applications have the highest merit. You have to have people to do that. This amendment takes away money for the people to make those assessments.

Also affected by the offset would be the National Communications System, which would be cut deeply if this amendment were accepted. The priority telecommunications programs would not be able to be implemented, programs which allow high-ranking officials to be able to use cellular telecommunications in the event of a terrorist attack or other catastrophic event. This was a major problem on September 11. We talked about the breakdown in communications. One agency could not communicate with the other. This has been a problem nationwide. The adoption of this amendment would exacerbate that problem.

I think the amendment, while I know the distinguished Senator from West Virginia is deeply concerned about the port security issue, would undermine one of the most important activities and cripple an already tight budget situation, make it more difficult for our intelligence units to function effectively in the Department of Homeland Security.

At the appropriate time, it is my intention to move to table the amendment of the Senator from West Virginia, but I do not intend to make that motion until other Senators who may wish to be heard on the amendment have a chance to speak.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1318 WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to withdraw amendment No. 1318.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1367

Mr. BYRD. Mr. President, the distinguished Senator from Mississippi uses an old phrase that I cut my teeth on when I worked in a meat shop back in the coal camps during the Great Depression. He speaks about this "meat-ax" approach—meat-ax. Meat-ax, my foot. Is this administration serious or is it not serious about homeland security? Is it serious or is it not serious? We have heard all this talk—or is it mere talk? Is it just rhetoric? Is it rhetoric without resources?

Let me say again, Congress, the Senate, has asked the administration, the Department of Homeland Security, for a list of its vulnerabilities. How would it spend the $823 million? We say to the Secretary of Homeland Security: How are you going to expend the moneys? What are the vulnerabilities? Tell us. The moneys have been sitting there unspent for how long? Ten months? What are the vulnerabilities? Tell us. We are the elected representatives of the people. The Secretary of the Department of Homeland Security wasn't elected by anybody to the current position he holds.

I have great respect for former Governor Ridge, but what are the vulnerabilities? Let us see your list. To date, no list. The Department has not responded. So we say: If you have $823 million sitting there, and we know that this Nation and its people cry out for security, we hear about al-Qaida being here and there, and about its being in Iran and about all the threats, the level of threats, we know about the code orange and code yellow and the code red—but no list. Where is the list?

I think we have a right to say if you are not going to show us a list, we know there are vulnerabilities, and we propose to spend some money to meet those needs. The American people are busy. Those who have jobs are busy trying to put a little bread and butter on the table. They cannot read all of the news stories about budgetary problems and 302(b) allocations. They depend on us in the Senate. They depend on the Senator from Mississippi. They are depending on the Senator from West Virginia. They depend on the Senator from Kentucky who presides over the Senate at the moment. They depend on the Senator from New York and the Senator from Vermont. They think we ought to know.

They think the Department of Homeland Security, which has been handed these responsibilities by the Congress, is taking care of everything. They think the Department is on top of the problem.

They believe their homes are secure and their schools are secure. They believe the vulnerabilities that have been talked about are being taken care of.

The American people go to their jobs every day and work hard. They return home in the evenings and read the newspapers. They watch the television news and talk with their families over the supper table. We still call it supper in West Virginia. They think all that is taken care of. Many of them rest easy because they think we are on the job, that we will do the job for them, and that we are looking out for them. We are not looking out for them.

I say to you the Department will not respond to the Congress. Of course, it is not a surprise to me anymore because this administration looks upon the Congress with contempt—at least that is my perception—with utter disdain. Those peons up there, they want to know what the vulnerabilities are. We will tell them when we get ready.

Senator STEVENS and I, upon more than one occasion in times gone by, have sought to add moneys to appropriations bills to meet the needs of the defense of this Nation and homeland security. The administration, with some apparent contempt, wrote us back on more than one occasion that the administration has everything well in hand. They don't need the extra moneys that you are wanting to provide. The administration is not ready for that. We will let you know. We on Mount Olympus from our ethereal atmosphere will one day let you know how much money we need, but not now.

That is the contemptuous attitude some of those people downtown have. It is pretty clear from their letters and from the way they spurn the Congress and turn the back of their hand to the Congress.

I say the American people ought not be misled. But they are being misled if they perceive and believe they are being protected, that we are on top of everything, and that the administration has its act together. They are wrong.

Here is an amendment that would address the known vulnerabilities to the extent possible.

I don't believe the American people ought to be misled. They ought to have a right to believe that we are attending to the gaps in their security.

The distinguished Senator from Mississippi speaks about this $823 million that is there, and if we do this little amendment we will be in essence robbing the account or taking away from account moneys that the Department knows better how to spend. Even with the reduction in this amendment, the account is tripled over the fiscal year 2003 level.

The chairman has called this amendment a meat-ax cut—meat ax. I bear a scar on my left thumb today put there by a meat ax. I know what a meat-ax cut is. A meat-ax cut in spending. Yes. The account would grow from approximately $180 million to $582 million. I don't see this as a meat ax cut. I don't see this as a cut.

Securing our ports is important to our infrastructure by any definition. It is important to our infrastructure. How could we better spend that money? The money is lying there. It is not being spent. And the Department won't even tell us in the Senate what the priorities are, and how they would suggest those moneys be spent.

This amendment defines the infrastructure investments that we know about and know must be made.

I hope Senators will support this amendment.

There is nothing political about this amendment. The money has been appropriated for infrastructure. The Department in charge of the expenditures of this money won't tell the Congress how the money should be spent or what the priorities are or how the Department sees those priorities or how the Department intends to spend the money or how the Department would propose this money be spent or what the vulnerabilities are. The Department won't tell us that.

What are we to do? The American people think they are being secured. They are not.

I hope Senators will support this amendment and spend the money where it will do the most good—on where we know there are vulnerabilities to the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to express my strong support for the good government amendments that my colleague, Senator BYRD, shall be offering later today. The public is looking to the Department of Homeland Security to ensure that our country is prepared to the best of its ability for any future terrorist attack.

What must the public think when they see individuals who recently worked for Secretary Ridge turning around and lobbying for a specific special interest? What do they think when individuals who run companies competing for government contracts from the Department of Homeland Security are appointed to a special advisory council to that same Department?

These events may not be hindering our preparations against another terrorist attack, but they surely raise an appearance of am impropriety.

To ensure that the public has full confidence in the Department of Homeland Security and the actions that are taken to prepare the country, the Senate should pass these important amendments.

I thank my colleague, Senator BYRD, for raising these important issues. I urge my colleagues to support these good government amendments.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Mississippi.

Mr. COCHRAN. Madam President, I move to table the Byrd amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1367.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON), is absent attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON), and the Senator from Massachusetts (Mr. KERRY) would each vote "no."

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NOT VOTING—4

Dayton
Edwards
Kerry
Lieberman

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Senators SPECTER and SCHUMER are now going to offer an amendment. They have agreed to take 30 minutes for the two of them. I ask unanimous consent that there be 1 hour of debate evenly divided between the proponents and opponents of this amendment; that there be no second-degree amendments in order prior to any vote on or in relation to the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Pennsylvania.

AMENDMENT NO. 1368

(Purpose: To increase the funding for discretionary grants for use in high-threat urban areas)

Mr. SPECTER. Mr. President, I send an amendment to the desk on behalf of Senator SCHUMER, Senator WARNER, Senator CLINTON, Senator MIKULSKI, Senator CORZINE, Senator KENNEDY, Senator MURRAY, Senator LAUTENBERG, and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. SCHUMER, Mr. WARNER, Mrs. CLINTON, Ms. MIKULSKI, Mr. CORZINE, Mr. KENNEDY, Mrs. MURRAY, and Mr. LAUTENBERG, proposes an amendment numbered 1368.

On page 58, line 6, strike "$2,888,000,000" and insert "$3,138,000,000".

On page 59, line 1, strike "$750,000,000" and insert "$1,000,000,000".

Mr. SPECTER. Mr. President, the purpose of this amendment is to increase the funding for high threat urban areas from $750 million to $1 billion for fiscal year 2004 of the Homeland Security bill. It is well known that the threat of terrorism is with us on a daily basis, and it is our hope that another terrorist attack such as the one on September 11, 2001 can be avoided.

Our intelligence agencies are working at a high pitch to try to avoid such a terrorist attack, but we know it is relatively easy to infiltrate our borders, that we have vast areas where we are accessible from the sea, land, and air, and that it is possible to bring in explosives and dangerous items by way of bioterrorism or explosives.

There is no doubt that the high-risk areas, urban areas, are more susceptible for these kinds of attacks because they pose a target where terrorists could reach a large number of people, evidenced by September 11 when the Trade Towers were attacked, going after thousands of people, the plane that went into the Pentagon, and the plane which was most likely headed for the Capitol, doing a maximum amount of damage.

It is obviously necessary to be as prepared as we can be within reason, and in order to avoid having the terrorists win, we have to set a goal of concern but not being terrified, and a way not to be terrified is to be prepared—hopefully, adequately prepared.

Candidly, it is very difficult to make a determination factually as to how much money is adequate. Is $50 million adequate or is $1 billion adequate? Nobody can say with absolute certainty. But we believe this is a relatively modest increase in the appropriations for high-risk areas and that it is well warranted by the facts.

Earlier today, Senator SANTORUM and I traveled with President Bush to Philadelphia where he spoke. His path is illustrative of the kinds of special risks that are present in an urban area such as the city of Philadelphia. First, we landed at the airport, which is a natural target. Next, we went along the highways, another target. Then we traveled over an enormous bridge spanning the Schuylkill River, then along the seaport.

At every step of the way, we were looking at high-risk areas, and the number of policemen and security personnel, in addition to the Secret Service and Federal personnel, was very substantial.

In addition to the kinds of areas traversed by the President—the airport, the bridges, the seaport, and the highways—the major urban areas have subways, tunnels, and railyards, all of which exposes them to greater risks.

It is not only the major cities, the urban areas, which have the high risks but there is risk really all across America. No one knows if the terrorists will strike again, where the terrorists will strike again, when the terrorists will strike again, but we have to be prepared.

During the July recess, I made it a point to travel through 14 Pennsylvania counties and visit first responders. I went to the city of Pittsburgh—a big city, obviously—to take a look at what was being done there, to take a look at the paraphernalia, the clothes worn by the firefighters as first responders. They are very expensive. I looked at the mechanical units that detect anthrax in the air, that detect bioterrorism substances in the area.

I went to a series of small towns, including the Indiana Volunteer Fire Association. I went to the Oil City Fire Department. In the smaller communities there is great concern. They are worried a terrorist attack on a small community would alarm smaller communities all over the country. Whereas smaller communities might feel it is the big cities that are the first lines, perhaps it will be the smaller communities.

The funds are distributed to the smaller communities from the States. If there is an increase in funding for a State such as Pennsylvania, New York, New Jersey, or Maryland, for the high-risk areas, there will obviously be more funds available for smaller communities. The big cities are being called upon to spend a great deal of money when the threat line is elevated.

In fiscal year 2002, the city of Philadelphia spent $21.2 million on increased domestic security costs overtime by the police, fire, and public health employees associated with rapid assessment teams. This year, from February 7 to February 20, the threat level was increased from yellow to orange in the city of Philadelphia, costing an additional $1.3 million during that 2-week period alone for domestic protection.

The city of Pittsburgh has also had to bear the costs of increased protection resulting from September 11. In fiscal year 2002, the Pittsburgh Department of Public Safety spent almost $7 million for additional protection. I visited the Allegheny County Threat Center and the first responders in Pittsburgh. The money spent so far is clearly insufficient. I repeat, no one knows exactly what the costs would be to make it sufficient, but there would be some reassurance in the high-risk areas and also in the balance of the country where the smaller communities will get increased funding as a result of a special allocation to the high-risk areas which would enable State governments to allocate more to the smaller communities with this additional allocation, with this additional appropriation.

Other urban areas are similarly affected. For example, the increased police protection in New York City costs approximately $5 million a month; protection at the United Nations costs in the range of $8 million a month. This is just a thumbnail sketch. It could be amplified with every city, every urban area, every high-risk area in the country.

It is our submission in putting forward this amendment that this is a modest additional protection on a very serious threat which confronts our Nation today.

How much time remains for the proponents?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask for 8 minutes from my colleague from Pennsylvania.

Mr. SPECTER. So done.

The PRESIDING OFFICER. The Senator from New York is given 8 minutes from the proponents' time.

Mr. SCHUMER. Mr. President, I thank my colleague from Pennsylvania for sponsoring this legislation along with me, Senator WARNER, Senator CLINTON, and others. It is vital legislation.

In general, we have to make homeland security as large a national priority as security overseas. I have been supportive of the President in fighting the war on terror overseas, but I do not think we are doing enough at home. I have had a series of amendments in that regard. This amendment may be the most important of all amendments.

Senator SPECTER laid this out quite well. We have certain areas that have high needs in terms of the threat to them. To take all the money in an airplane and let it gradually disperse itself all over the United States would not make sense.

My city of New York has tremendous problems. I live near the Brooklyn Bridge. That is, obviously, a target. Our city has two police officers at each end of that bridge 24 hours a day, 7 days a week. We could not do less given the great needs of security. Just figure that out. Four officers to fill a 24-hour a day, 7-day-a week shift. That is 20 just for that bridge. Multiply it by the multiplicity of bridges, tunnels, the airports and high buildings, and New York City is spending a tremendous amount on security.

It is not just cities such as New York. Buffalo, at the other end of my State, is one of the 30 cities wisely included in the high needs formula last time by the Homeland Security Department.

Buffalo has a border with Canada, with bridges. They found a terrorist cell in Lackawanna, a city on the border with Canada. All the commerce with Canada creates special needs.

Our amendment says: Let everyone get a certain amount of money. Everyone has a police department and a fire department. But understand that there are certain areas that have high threat. We ought to do something for them.

This is a modest amendment. First, it only raises the high-needs area $250 million to $1 billion. Second—and I underscore this to my colleagues because I have been asked—this does not have an offset. It does not take money away from the smaller States, smaller cities. The theory behind this amendment is we need to do more for our police and our fire and our first responders. Therefore, we are not robbing Peter to pay Paul. We are, rather, saying let the high-needs areas, the high-threat areas, be funded.

Secretary Ridge, former Office of Management and Budget Chair Daniels, and, in conversations on the phone, present OMB Chair Bolton have all agreed we should improve the formula. We should make it better to correspond with high-threat areas. This amendment tries to do that by adding some money into the area that, in my opinion, this bill has most underfunded: High threat.

I remind my colleagues of one other point. Last year, we allocated $800 million to high threat. The needs are greater. We should be going up. The House allocated $500 million in their bill. If we go to conference with only the $750 million in the mark, we are virtually certain to go backward in terms of the money that high-threat areas need and that high-threat areas deserve.

I quote from a well-received report from the Council on Foreign Relations, chaired by a former colleague, Warren Rudman. The Council has estimated: The Federal, State, and local spending for homeland security should increase by $19.7 billion a year for the next 5 years and more targeted to the areas where the threats are.

If they think we need $19.7 billion more and we are only increasing this by $250 million, it shows the modesty of the request compared to the actual need.

To come out of conference and cut money to high-threat areas would be just what many feared in the wake of September 11: that we were getting complacent; that we are going back to the pre-September 11 days; that because nothing has happened in the last year, year and a half, we can relax.

The conditions that cause terrorism, the idea that small groups of people can use technology to do us terrible damage is with us as much today as it was on 9/10/2001. The good news is we can do things to stop it. We can do them at the Federal level, and we can do them at the local level. But this does cost money.

Money is dear. Obviously, with the deficit we have and other problems, it is dear. But life is even dearer. This is one area where nobody disputes that the Federal Government has the lead role. This is not something the private sector can do on its own. It is not something the States and localities can do on their own.

I hope my colleagues will support this amendment. Again, it doesn't take money from anything else. It does raise the overall amount by a modest $250 million but probably in the area of the budget that is least funded. Even the mark done by the chairman has less money for high-threat areas than we actually allocated last year.

I yield the floor and return the remainder of my time back to my colleague from Pennsylvania, but I hope we will support this amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides funding in excess of the subcommittee's 302(b) allocation.

Mr. SPECTER. Mr. President, I move to waive the point of order pursuant to the applicable provisions of law.

Mr. President, I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is given 5 minutes of the proponents' time.

Mr. KENNEDY. Mr. President, two weeks ago, when Defense Secretary Donald Rumsfeld testified before the Senate Armed Services Committee, he told us that the current cost of maintaining our troops in Iraq is $3.9 billion a month almost $1 billion a week.

The administration is prepared to meet that financial burden, even as the American people are beginning to question the future direction of the President's Iraq policies. Hopefully, the death of Saddam's sons will reduce the intensity of the guerilla war being waged against our troops. Hopefully, the administration will finally seek the support of the United Nations and NATO to ease the burden on our troops.

We all agree that when it comes to homeland security, there is no debate. Americans want our cities and our neighborhoods to be safe from terrorists, and the expect their government to do what is needed to accomplish that task.

Yet, while we are spending $3.9 billion each month in Iraq, this legislation includes only $3.9 billion for the entire year for first responders here at home—for the police and firefighters and emergency personnel who are the first line of defense against terrorism in our communities.

Perhaps the fact that we are spending more in Iraq each month than we are in the United States on our first responders would only be an odd coincidence if we were certain that we were doing all we can here at home. Unfortunately, all the available evidence suggests otherwise.

Just last month, the Council on Foreign Relation's Independent Task Force issued a report entitled "Emergency Responders: Drastically Underfunded, Dangerously Unprepared," and it points a very stark picture.

According to the report, America faces a $98 billion shortfall in first responder funding over the next 5 years and only 10 percent of fire departments across the country have the personnel, training, and equipment to respond to a building collapse. The report also asserts that American cities with between 250,000 and 500,000 residents have experienced a net 16 percent reduction in police personnel over the past 2 years.

Since September 11th, mid-size American cities have had to reduce police staffing by 16 percent. These figures are unacceptable, and they are getting worse.

And yet, time and time again during this debate, we have stood here and offered amendments to increase federal funding to help municipalities and public agencies with these new homeland security responsibilities. But the White House has put its foot down each time, and demanded that our colleagues on the other side oppose this badly needed funding.

Just this week we've offered eight critically important homeland security funding amendments, each of which has been voted down with little consternation about the magnitude of our pressing homeland security needs. Each was rejected on the basis of budgetary concerns, and with the belief that we are doing all we can. But clearly we are not.

We have offered amendments like Senator BYRD's to add $1.8 billion this year for a broad array of homeland security needs such as port security, air cargo security, energy security, and transportation security. It was rejected.

We have offered amendments like Senator MIKULSKI's to add $150 million to fully fund the firefighters grant programs. It was rejected.

We have offered amendments like Senator MURRAY's to add $100 million to the National Emergency Management Performance Grants program, which helps states develop and implement comprehensive security and emergency response plans. It was rejected.

We have offered amendments like Senator HOLLINGS' to add $300 million to fund essential port security programs. It too was rejected, even though the security of our nation's ports is widely considered the most glaring vulnerability in our Nation's efforts to prevent terrorist attacks.

And finally, we have offered amendments like Senator DODD's that would fund homeland security needs by reducing the recent tax cuts for millionaires. It wasn't even close.

Prudence would dictate that we pause and make absolutely sure that we are doing everything possible to provide for homeland security, and not simply continue to vote down these amendments because the administration doesn't want Federal spending to increase.

And we still have several more opportunities to do just that.

I strongly support the amendment offered by Senator SCHUMER and Senator SPECTER, because it is one such opportunity to make sure that our high-threat urban areas receive the assistance they so desperately need. This amendment would add $250 million to protect our largest cities, which face particularly daunting security challenges.

My own city of Boston feels this pressure immensely and feels it acutely. Boston is the regional economic engine of New England, and the center of the seventh-largest metropolitan area in the country.

Boston is also home to the Nation's oldest subway system, several underground highway tunnels, a bustling cargo port, and the only urban liquified natural gas facility in the country.

In short, protecting these pieces of critical infrastructure is a task too herculean for the city to handle on its own, especially in the current budget climate. It is also a Federal responsibility.

Additionally, as an international city, Boston is home to over 36 foreign embassies and tens of thousands of international students. It attracts more than 10 million visitors a year from all over the world, who come to learn about this "cradle of liberty," where the American Revolution began.

That history, and the numerous public monuments and structures that recall it, make Boston a powerful symbol of the American struggle for freedom, democracy, and liberty. Unfortunately, that symbolism also makes Boston an attractive target.

Finally, Boston is home to the Nation's mutual fund industry, the largest concentration of the world's leading hospitals, and more institutions of higher learning than any other city in the United States. An incident involving Boston would most certainly cripple the nation's economy and dismantle the Nation's health care network.

I am grateful that Homeland Security Secretary Tom Ridge has recognized Boston's unique needs and designated it as a high-threat urban area, and I also greatly appreciate that he recently visited Boston to see firsthand the challenges confronting Mayor Menino.

But while this assistance is welcome, it is simply not enough—in the face of massive municipal and State budget cutbacks—to meet Boston's extraordinary needs, which are only going to become more severe during next year's political convention when some 35,000 delegates, journalists, and visitors come to town.

Mr. President, we have voted down a great many important homeland security funding amendments in the past three days, and we are not doing all we can to protect the American people at home.

We have a $98 billion shortfall for first responders, at the same time we have approved a trillion in tax cuts for mostly millionaires and at the same time we are sending $3.9 billion each month to Iraq. We need to reassess our priorities, and this amendment provides us with one more chance to do that before this debate concludes.

Mr. President, the 9/11 Commission released its report today, the "Joint Inquiry, Intelligence Community Activities Before and After the Terrorist Attacks of September 11." It is full, full of the missed opportunities that endangered the security of American lives. It catalogues missed opportunity after missed opportunity that contributed to the suffering of the 177 Massachusetts families that lost loved ones on that horrible day and thousands of other families across the country.

The best answer we can have in response to this report that was made available to the American people today is to make sure we are going to provide the kind of support for homeland security that this amendment provides.

I hope this Senate will accept the Schumer-Specter amendment because it is an important downpayment for the security of our most vulnerable American cities. If we are really interested in learning the lessons of this report today, we will make sure that the necessary resources are provided.

I yield the floor.

The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from New York?

Mr. SPECTER. Mr. President, how much time does the Senator from New York wish?

The PRESIDING OFFICER. There are 11.5 minutes remaining.

Mrs. CLINTON. Five minutes.

Mr. SPECTER. Agreed to.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mrs. CLINTON. Mr. President, I thank the Senator from Pennsylvania for this time to speak and I also thank him for cosponsoring this amendment along with my colleagues Senator SCHUMER, Senator WARNER, and myself.

This money is critically important for high-threat urban areas. It is also money that the Secretary of the Department of Homeland Security has already made clear is needed in order to address the vulnerability and threat and other intelligence information that comes in on an hourly basis, not only to the Department of Homeland Security but to all of our intelligence agencies.

The Secretary and the Department have identified so many communities as high threat during the past few months that it is a little bit daunting. But I agree with that assessment because, whether it is a large city such as New York City, or a small community such as Lackawanna, we have threats from one part of our country to the next.

Indeed, just last month Attorney General Ashcroft unsealed an indictment against a 34-year-old Ohio truck driver who plotted with al-Qaida to destroy the Brooklyn Bridge. What more impressive symbol of New York and America could you imagine than the Brooklyn Bridge, that gateway bridge that connects Manhattan and Brooklyn, which is traveled over by thousands and thousands of pedestrians and motor vehicles every single day. Faris pled guilty to delivering cash, cell phones, plane tickets, and sleeping bags to al-Qaida leaders. We learned that he, working with terrorists, was planning to sever the Brooklyn Bridge's suspension cables.

After getting close enough to the bridge to conduct surveillance, Faris decided to call off the terrorist attack because of the tight security on and around the bridge, provided by the NYPD.

I am absolutely proud and confident in the activities of the NYPD. There is not a better police force anywhere in the world than the New York Police Department. They have been vigilant, providing the kind of security that is needed. But the NYPD's Operation Atlas that provided that security costs New York up to $700,000 a day.

Some people might say that is a lot of money. Yes, it is a lot of money. But compared to destroying the Brooklyn Bridge it is nothing. And the fact that the NYPD was on the job, there every single day, scaring off terrorist scouts like this man from Ohio, saved how many lives? We have no way of calculating.

In a guilty plea, Faris also admitted to conspiring to pinpoint targets for simultaneous terrorist attacks on New York City and Washington.

This indictment was unsealed. His surveillance was conducted, not on September 12, 2001, but in recent months. These threats have not gone away, and we need to make sure we do everything possible to provide more funding to high-threat urban areas.

Unfortunately, the threat of acts of terrorism against our great country and Americans is real. And it is especially so with respect to high-threat urban areas like New York, like Buffalo, like Washington, and many communities across the United States.

That's the kind of threat we are talking about, the resources the NYPD used in Operation Atlas are the kind of resources that are needed to thwart a terrorist threat.

The NYPD's outstanding efforts also demonstrate how being prepared can not only help our first responders and communities be prepared to respond to a terrorist attack, but, equally and arguably even more important, it unequivocally demonstrates how being prepared—and how the terrorists knowing we are prepared—serves to deter or prevent a terrorist attack.

Back in January, I gave a speech at the John Jay College of Criminal Justice in New York City to talk about how our country needed to renew its commitment to strengthen our domestic defense.

I also released a report that showed how 70 percent of New York cities and counties had not received any Federal homeland security funding since September 11, underscoring the need for direct funding.

In that speech, I talked about the need to provide extra homeland security attention to the most vulnerable communities in our country, places that are more appealing to terrorists as targets because, for example, of the American values they represent or because they are densely populated.

After hearing more and more about the particular needs of high-threat urban areas across the country, back in early March, I proposed the idea of a Domestic Defense Fund, which had three components: $5 billion in direct funding for local communities and States; a $1 billion emergency reserve fund that Secretary Ridge could draw down from to reimburse cities and States in times of heightened threat, or in the event of a high-profile terrorist trial, discovery of a terrorist cell, or similar emergency need; and $1 billion for high-threat urban areas because, at the time, only $100 million, and more was needed.

Later than month, I offered an amendment to the budget resolution that would have provided for funding for the Domestic Defense Fund, including $1 billion for high-threat urban areas, for Fiscal Year 2003. Though that amendment was narrowly defeated, I am pleased that I was able to bring greater attention to the needs of high-threat urban areas.

And in April during the Senate's consideration of the wartime supplemental, I was pleased to join Senators SCHUMER and MIKULSKI in offering an amendment to the supplemental that would have, among other things, provided approximately $1 billion in high-threat urban area funding.

Though that amendment was also narrowly defeated, I am glad, for the sake of our country, that the supplemental did in fact include an additional $700 million for high-threat urban areas.

This funding is critically important because of acute and urgent homeland security needs that face certain communities in our nation.

Los Angeles City Councilman Jack Weiss noted that the city has actually received little funding to guard against terrorist attack, even though it is a high-threat area. Every time the Nation's terror alert goes from yellow to orange, it costs Los Angeles $1.5 million a week and another $1 million a week to protect the Los Angeles International Airport.

Baltimore spent $17.5 million for homeland security and has received very little help from Washington to date.

The New York City Police Department needs almost $10 million for air filtration systems for sensitive police facilities and $27 million is needed for additional vessels to patrol the Port of New York. Nearly 2 years after the September 11 terrorist attacks, New York City's first responders—38,000 police officers and 15,000 fire fighters, and thousands of EMS, health department and hospital workers—need nearly $100 million to ensure that they are properly trained using personal protective and detection equipment and in being prepared for a possible terrorist attack.

The Department of Homeland Security has allocated high-threat funding based on factors such as credible threat, vulnerability, population, the identified needs of public agencies, and the existence of mutual aid agreements.

I ask my colleagues to look at this chart.

Many communities, not just New York and Washington, have been allocated high-threat funding this year, including Houston, Chicago, Los Angeles, Denver, Detroit, Phoenix, Baltimore, Dallas, St. Louis, Kansas City, Cincinnati, Honolulu, Pittsburgh, Portland, New Orleans, Memphis, Cleveland, and Charleston, among others.

This funding will help all of our Nation's most vulnerable targets. The decision is left to Secretary Ridge, but the bottom line is that in disbursing these funds, he is recognizing that some communities face a particularized threat and need extra assistance.

I have said this before, but I will say it again that regarding New York, I would give anything for terrorists not to be targeting New York or Buffalo, but, unfortunately, I can't. What I can do, and what I will continue to do, is to try and ensure that these and other high-threat urban areas receive the assistance they need and deserve.

I want to say again that, yes, we have made some progress since September 11 in improving our homeland defense, but we have not done nearly enough.

Expert after expert has said it, the Homeland Security Independent Task Force of the Council on Foreign Relations—chaired by former Senator Warren Rudman)—being the most recent example. It echoes what our first responders have told us again and again. I hope, for the sake of our country and the American people, that we heed their call.

This map should serve as a warning. I hope it serves as a reminder, and hopefully a convincing display about why we need this extra money in order to deal with the threats that we know exist and to make sure we have the job done, not only by the Department of Homeland Security but by our police officers, our firefighters, and our other homeland frontline defenders who live in and protect high-threat urban areas such as those on this map.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise today to offer my strong support for this high threat urban area amendment, which I have cosponsored. This amendment is of particular interest to me because my State is the most densely populated in the Nation and highly vulnerable to terrorism.

New Jersey lost nearly 700 people on September 11 second only to New York in the number of casualties. Tens of thousands of New Jerseyans could literally see the Towers burning from their homes and offices.

Not only do these memories linger for my constituents, but the threat lingers as well. And part of why I wanted to return to the Senate was to work to reduce these threats and bolster homeland security.

That is why I am disappointed in the funding we have put forward for Homeland Security. I believe this bill provides insufficient funding for our country's vast and diverse homeland security needs.

I know the distinguished chairman of the subcommittee worked extremely hard to put together a solid bill, but I believe the $28.5 billion in this bill does not provide enough resources to protect our local communities this coming fiscal year.

The real problem is that there were not enough funds allocated by the budget resolution earlier this year for our Nation's homeland security needs. While the administration spent much of the winter eagerly planning its tax cuts, the real needs of the American people—and the needs of local firefighters, policemen and women and emergency room staff—have been tragically neglected.

In addition to the overall spending level, I also want to address a truism about homeland security: Whether we like it or not, when it comes to which communities are most endangered by terrorism, all American communities are not equal.

There are some parts of this country that are more in danger of a possible terrorist attack, because of geographical location, population density, number of major transportation hubs, etc. If we ignore this reality, than we are failing to adequately address homeland security.

My state has many densely populated, urban areas that face major threats. In addition, a large percentage of my constituents commute to work in New York City and Philadelphia every work day. My State is traversed by major transit and highway systems that carry not only local traffic, but that also serve as major regional and national thoroughfares.

Each of my State's counties, cities, townships and boroughs need critical resources to enhance the security of their communities. They need first responder equipment and training; resources for hospitals to respond to potential attacks; communications equipment for police, firefighters and EMTs just to name a few of our pressing needs.

I must say, currently, in New Jersey, there is a certain desperation—a panic even—pervading the first responders who know that the communities they are charged to protect might be the next targets.

For example, the Chief of Police in Jersey City, Jim Buonocore said the following about his police department:

> We were the lifeline to New York City during the 9/11 attacks. All the food and supplies came from Jersey City in the days following the attacks. We know what it was like. New York City suffered, but we lived through it and we suffered too.

I am aware that smaller, less populated States across our great Nation are also afraid of a possible attack and equally deserving of Federal appropriations to prepare themselves for such an eventuality. Each State deserves some share of the Federal pot. But the reality is that high threat urban centers need a greater percentage, based on their population and based on the likelihood that an attack will indeed occur in their vicinity.

I ask my colleagues to consider what is best for the Nation, and the best approach is to make sure our most vulnerable areas are protected.

I thank Senators SCHUMER and SPECTER for their leadership on this issue, and urge support for this amendment.

Mr. COCHRAN. Mr. President, have the yeas and nays been ordered on the motion to waive?

The PRESIDING OFFICER. They have not.

Mr. COCHRAN. I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania has 6½ minutes remaining.

Mr. SPECTER. Mr. President, in the absence of any other Senator on the floor seeking recognition, I will make a few additional comments and then conclude.

The case in opposition to the proposed amendment has not been compelling. The risks of terrorism are ever present. The urban areas pose decisively high risks. Taking a look at airports, seaports, bridges, tunnels, and rail lines in the overall picture of homeland defense, the amendment calls for a relatively modest sum of money.

I can represent to my colleagues that there is enormous concern among the mayors and officials in urban high-risk areas as to what is happening. This extra consideration will be very warmly received knowing that the Senate of the United States, and hopefully the full Congress in conference, recognizes this sort of unique risk and is prepared to back up their efforts.

I ask unanimous consent that Senator DURBIN be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, in light of the tenor of the debate, as I have noted the response that enough has been said, I yield back the remainder of the proponents' time.

The PRESIDING OFFICER. All time has expired. The question occurs on agreeing to the motion to waive the Congressional Budget Act in relation to the Specter amendment No. 1368. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 46, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—50

Akaka
Allen
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Coleman
Conrad
Corzine
Daschle
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Specter
Stabenow
Warner
Wyden

NAYS—46

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Collins
Cornyn
Craig
Crapo
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich

NOT VOTING—4

Dayton
Edwards
Kerry
Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, Senators SPECTER and SCHUMER have an amendment. They can complete the debate in 10 minutes. That would be in time to have the moment of silence for the two slain officers.

Following that, Senator REED of Rhode Island will offer an amendment and we will arrange with the leadership when the votes will take place.

Mr. COCHRAN. Mr. President, that is satisfactory with this side. We appreciate the help of the Senator from Nevada in working out this time arrangement.

Mr. REID. Mr. President, I ask unanimous consent that there be no second-degree amendments with respect to the Specter-Schumer amendment and there be a vote on or in relation to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1370

Mr. SPECTER. Mr. President, I send an amendment to the desk on behalf of myself and Senators SCHUMER, WARNER, and CLINTON.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. SCHUMER, Mr. WARNER, and Mrs. CLINTON, proposes an amendment numbered 1370.

Mr. SPECTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the funding for discretionary grants for use in high-threat urban areas and decrease funding for information analysis and infrastructure protection, science and technology, and research and development)

On page 58, line 6, strike "$2,888,000,000" and insert "$3,138,000,000".

On page 59, line 1, strike "$750,000,000" and insert "$1,000,000,000".

On page 66, line 9, strike "$823,700,000" and insert "$636,340,000".

On page 66, line 23, strike "$866,000,000" and insert "$803,360,000".

Mr. SPECTER. Mr. President, this amendment is very similar to the last amendment, except that we have provided for an offset.

This amendment seeks to raise the allocation from $750 million to $1 billion for high-risk areas, and there is an offset of $62.640 million from technology, research, development, and acquisition operations, which would bring this figure to the precise amount that is requested by the administration, so that this reduction should pose no real problem. And there is a reduction of $187,360 from the information analysis and infrastructure protection and operating expenses. This, again, still leaves that account with considerable funding in the net amount of $636.340 million. The last vote was 50–46, 50 for the motion to waive the Budget Act. There were some seven Republican Senators who voted in favor of waiving the Budget Act, which I think is a sign of some substantial support on this side of the aisle. A number of my colleagues in the well commented that had there been an offset, there would have been a more favorable consideration.

The essence of this amendment is to more finely target where we are spending the money for homeland defense. We really do not seek to take advantage of the information analysis section or the science, technology, research, and development section, but I think a fair appraisal would be that taking a look at the risks on homeland security, they are more profoundly present in the urban areas. Again, I refer to the trip the President made earlier today to Philadelphia, accompanied by Senator SANTORUM and myself, and that route is illustrative—landing at Philadelphia National Airport, which is a major target; going over an enormous bridge, which is a major target; the Delaware River, which is a major target; and going through tunnels.

I compliment Senator COCHRAN for the work that has been done as chairman of the subcommittee. I have worked with him as well. I do believe that this sort of an increase—relatively modest—would be a great encouragement to make the cities safer. I know from my conversations with the mayors of Philadelphia and Pittsburgh, and the mayor of New York, they are very much concerned about the tremendous additional expenses. Earlier today, I made references to the high additional costs of the cities, illustrated by the fact that in just a 2-week period, from February 7 to 20, when the threat went from yellow to orange, the city of Philadelphia alone had an additional expense of $1.3 million.

Mr. STEVENS. Parliamentary inquiry, Mr. President. Is there time in the agreement for opposition to the amendment?

The PRESIDING OFFICER. There had been a discussion about 10 minutes, but there was no specific time agreement reached. However, under the previous order, the Senate, at 3:40, will go into a moment of silence in honor of fallen Capitol Police officers.

Mr. SPECTER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I want to reiterate what my colleague from Pennsylvania said. It is the same amendment as last time, except it has an offset because many colleagues wanted that. The offset doesn't come from small States or from any part of the homeland security distributional money. Rather, it comes from two categories called information analysis and infrastructure protection, which is reduced by $187 million. We reduced it by adding up all the various specific amounts that were asked for in the specific programs, and this was an overage after that. Second, science and technology, research and development, where we went with the President's commitment of $803 million, rather than the committee number of $866 million. Our high-needs areas need help. This will do it without breaking the budget by one nickel.

It does rearrange the priorities some, but it is the priorities we think are fair. We are trying to accommodate many colleagues on the other side who wished for an offset. This seems to be the right one. I reiterate, our high-needs areas, wherever they may be, or high-threat areas, need more help than they are given in the bill. The bill goes down from the amount we did last year, despite promises by all that it would go up. We don't break the budget, and we don't take it from small States.

I urge support for this amendment, and I yield the floor as we approach the time of 3:40.

HONORING THE COURAGE AND SACRIFICE OF OFFICER J.J. CHESTNUT AND DETECTIVE JOHN GIBSON ON THE FIFTH ANNIVERSARY OF THEIR DEATHS

The PRESIDING OFFICER. Under the previous order, the hour of 3:40 p.m. having arrived, the Senate will observe a moment of silence in honor of Capitol Police Officers Jacob Chestnut and John Gibson.

(Moment of Silence.)

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, 5 years ago on this day, Officers J.J. Chestnut and John Gibson were killed in the line of duty defending the United States Capitol.

At 3:40 p.m. on Friday afternoon, July 24th, 1998, a deranged gunman burst through what is now called the Memorial Door and shot Officer Chestnut in the head. The gunman then moved to the first floor where he attempted to enter the majority whip's office. There, he met Officer Gibson who blocked the intruder and opened fire. A gun battle ensued and Officer Gibson was fatally shot.

Officers Chestnut and Gibson lost their lives that day for us, for this Capitol, for the United States of America.

Officer Chestnut, a father of five, was only months away from retirement. His sister-in-law said that J.J. was "the most wonderful man you would ever meet . . . He just wanted to enjoy his garden and enjoy his children." A Vietnam vet, Officer Chestnut spent 20 years in the Air Force before serving 18 years as a Capitol Police Officer. He was recognized by all of his colleagues as a dedicated, kind, and good man.

John Gibson, also an 18-year veteran on the Capitol force, was a father of three. He was described by friends as generous and God-fearing. Only a few days before the shooting, he told one of his colleagues that he had never had to use his weapon, but if he did, he would be focused, and concentrate on the task at hand. Little did he know how soon he would be tested, and how valiantly he would perform in our service, in the Nation's service.

Officers Chestnut and Gibson will always be remembered for their personal and professional integrity, their bravery, and their sacrifice. We honor them today with a brief moment of silence.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. The poet Archibald MacLeish was an ambulance driver in World War I. Years later, in a poem about soldiers lost in battle, he wrote:

> The young dead soldiers do not speak.
> Nevertheless, they are heard in the still houses.
> Who has not heard them?
> They have a silence that speaks for them at night and when the clock strikes.

It is right, and it is important, that we stop every year at this moment to remember in silence the courage and sacrifice of Officer J.J. Chestnut and Detective John Gibson.

But it is not only at this moment, on this day, that we remember these fallen heroes.

We remember Officer J.J. Chestnut and Detective John Gibson every time we pass the Memorial Door and see that bronze plaque that bears their likenesses.

We remember them whenever we see Capitol Police officers working double shifts to protect us.

We remembered them yesterday, when we heard the awful news about the shooting at New York City Hall.

Like the young soldiers in the poem, 5 years after that terrible Friday afternoon, J.J. Chestnut and John Gibson are still heard in this house—the people's House.

We hear them in the conversations, the questions and the laughter of the schoolchildren and scout troops and all the others who visit this Capitol.

Five years ago, we probably did not understand fully the risks the Capitol Police take every day when they put on their badges and come to work, but Officer Chestnut and Detective Gibson understood.

They knowingly risked their lives because they loved this building and what it represents, and they wanted others to be able to see their Government at work.

We are not as innocent now as we were then. September 11 and the anthrax attacks made us all more aware that there are those who want to see the people's House closed, even destroyed.

The fact that this Capitol remains open—that visitors can still walk these majestic halls and sit in these galleries—is a powerful symbol of America's commitment to democracy. It is a testimony to the skill and courage of the Capitol Police. And it is a daily, living tribute to Officer Chestnut and Detective Gibson.

Today is a sad day for the members of the Capitol family, but it is not just with sadness that we remember our two fallen heroes.

We also remember how much we liked and respected them. We remember how much J.J. Chestnut loved his garden, and how crazy John Gibson was about his Red Sox. We remember how proud they were of their work, and how deeply they both loved their families.

Our hearts, and our prayers, go out today to their brothers and sisters in arms, the members of the Capitol Police, to the many friends they left behind, and especially, to their widows and children and, in Officer Chestnut's case, his grandchildren.

We think of them often, as well. Their sacrifices, too, will never be forgotten.

Officer J.J. Chestnut and Detective John Gibson gave their lives to protect something that is sacred to all of us. In doing so, they surely saved the lives of countless others. They are heroes.

Five years later, we remain in awe of their courage and sacrifice. And we are grateful to them beyond words.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1370

Mr. STEVENS. I am bothered by the offset on this amendment. In the 2003 bill, we provided $850 million to high-threat urban grants. This bill already contains another $750 million for high-threat urban grants. That is a total of $1.6 billion for high-threat urban grants.

Every community in the country is affected by the alert system. Every community in the country faces increased costs. These megalopolises of the country, the large urban areas, are demanding that everybody pay more for them, but the smaller cities, the smaller counties, the smaller areas, have the same problem. On a per capita basis, it is a higher cost to provide protection to small areas than the high-threat urban areas.

I do not know why we should have New York City and Philadelphia, in particular. They are the ones seeking this money. There is no question there is a need. But there is a need in Peoria. There is a need in Cincinnati. There is a need in Tucson. There is a need in New Orleans.

The money they have taken for this is money that deals with homeland security nationally. One of the offsets takes moneys from the small universities in the country. We had letters from many Senators asking for money to assist in terms of research, the research base of the country dealing with homeland security problems. We ought to take a second look at what we are doing.

We created this Department of Homeland Security 8 months ago. They already have in this bill and the bill we already enacted $1.6 billion more than the rest of the country. Why should this happen now that we have an offset against two of the most important accounts in Homeland Security? I hope we can talk a little bit more about that before we vote.

I will object to a time agreement until people understand what we are doing. Part of this money is from information analysis and infrastructure protection. It is a directorate, as they call it, in the new Department of Homeland Security. This will limit the intelligence warning and threat analysis functions of the Department we have just created. These are just being set up. This is for the 2004 costs of the Department we have just set up. Why should we take money from that? These are assessments of critical infrastructure, including chemical facilities, drinking water supply systems, arenas and stadiums, our Nation's seaports. This is the money being offset. Do Members with seaports want to put this money into an account that already has $1.6 billion? We ought to stop and think about this.

It would also be offset against the national communication system, as I understand. I will have to study this more deeply. The priority telecommunications programs could not be implemented. We have been interested in a national alert system. In the past, the national alert system went over the radio. Now, few people listen to the radio. They are on cell phones, they are on computers, they watch the television, cable. We are trying to get a national alert system. This offset goes against that study, how to put back into place a national alert system so the Nation will know, an area will know, if there is an extreme threat about which everyone should know.

I understand the Senators from New York and Pennsylvania are trying to increase the amount of money available to their high-threat urban areas. I have a high-threat urban area in Anchorage, too, but we do not have as large a population and we do not have the $1.6 billion either.

The Senate ought to think seriously about what we are doing. I intend to speak further if I can find additional information regarding the exact money that will be displaced by this amendment. The total amount of money here is too much, too soon. We ought to think about what we are doing. I hope others will come forward and take a look at what we are doing.

For those who sent letters asking for money in these areas, particularly in the national intelligence systems and threat analysis, in the areas of chemical facilities, drinking water supplies, utility protection, transportation protection, protection of bridges, this is what the money is. Why should that go to New York and Pennsylvania because they have a problem? Everyone else has, but they have a lot more people. On a per capita basis, we have already given them more money. To give them this additional $250 million is going too far.

I hope the Senate will listen and not adopt this amendment.

I will return with greater details in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we are listening to quite a tirade against giving money to the high-threat areas. The question is raised, Why? When you go to a hospital and you have a sick patient, someone who is really in trouble, he or she will be among the first to receive the medication. That is the situation about which we are talking.

We lost 3,000 people on September 11, 2001 most of them in New York. This is the focal point for economic activity—probably the most important financial center in the entire world. We look at the cities of Philadelphia and New York and there is New Jersey, right in the middle, with lots of commuters. We lost 700 innocent citizens on that day.

We have $29 billion going into homeland security but we need more. I know where to take it from: Take it from the huge tax cut that was given to those who do not need it.

For goodness' sake, the first round of emergency response grants had New Jersey and New York among the least compensated on a per capita basis. Our populations are squeezed together. New Jersey has the highest population density of all the States in the country. We have all kinds of important facilities, beside harbors and the financial center, that affect the way our country functions.

To say, you got enough money, that's just not right. I repeat: when the Department of Homeland Security gave out the first round of grants, New Jersey and New York were among the States most poorly treated on a per capita basis and yet our two States paid the biggest price on 9–11 when it comes to what constitutes a terrorist threat.

We may be threatened here with repercussions because we want money for the ports, we want money for transportation, or otherwise. Threaten all you want, but you cannot idly threaten the citizens of New York and New Jersey and Pennsylvania and other high-threat urban areas, walk away, and say: You got enough money.

I hope everyone is listening. What we need to do is recognize our areas of susceptibility and help those areas first. When it comes to toxic air or toxic water, we distribute the funds based on where the problem exists, where there are Superfund sites, and we try to give those areas more money so they can fix their problems.

The whole country wept on September 11, 2001. Everyone was weeping. And they all felt susceptible. But some know, many know, there are areas that are more susceptible than others. Those places are Pennsylvania, New Jersey, New York, and other high-density urban areas.

Mr. SCHUMER. Will the Senator yield?

Mr. LAUTENBERG. I yield.

Mr. SCHUMER. I know my colleague is aware the high-threat areas were not just New York, New Jersey, and Pennsylvania when the last round of money was given out. I know my colleague is aware that 30 cities got special money because the cities had special needs, including Boston, Denver, Philadelphia, Miami, Detroit, Newark, San Diego, Phoenix, Baltimore, Dallas, Buffalo, St. Louis, Kansas City, Cincinnati, Sacramento, Honolulu, Pittsburgh, Long Beach, New Orleans, Memphis, Cleveland, Tampa, Seattle, New York, Washington, Chicago, Houston, Los Angeles, and San Francisco. The high-needs areas are not simply in three States, they are in special areas.

I ask my colleague two questions. Was he aware that 30 cities got this money? And this year we are putting less money into high needs than last year.

Mr. LAUTENBERG. I was not aware of the specifics. I just know that in the areas already hit very hard—New York, New Jersey—a very serious threat remains. There are port facilities that are not protected at all. There are rail facilities. There are all kinds of things that could be destroyed or disrupted in a flash with the right kind of weapon or terrorist plan.

Whoever thought the Trade Center would come down—110 stories, just crash to the ground, melted into nothingness? No.

Mr. SCHUMER. Will my colleague yield for another question?

Mr. LAUTENBERG. I sure will.

Mr. SCHUMER. Our good friend from Alaska said we have needs on a per capita basis. But is my colleague aware that on a per capita basis the high-need States get less money? It is not the same. This is not evenly distributed on a per capita basis, because the formula here has .75 for every State—much higher.

I believe in helping all the States but this is higher than we have ever seen in a formula distributing money to every State. As a result, a State such as Wyoming or Alaska, for instance, would get far more money on a per capita basis——

Mr. STEVENS. Will the Senator yield?

Mr. SCHUMER. It is the time of the Senator from New Jersey.

Mr. STEVENS. I ask for the floor.

Mr. SCHUMER. Who has the floor, Mr. President?

Mr. LAUTENBERG. I have the floor.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. SCHUMER. On a per capita basis than even a larger, high-threat State. Is my colleague aware of that?

Mr. LAUTENBERG. I am absolutely aware of that. That is why I am surprised when I hear the distinguished Senator from Alaska, who knows this place better than anybody, who knows how desperately grants are sought and fought for, as he has so many times for his own State of Alaska, as he should, and how many times he has been successful, and how many times grants have been given to Alaska because his constituents needed the help.

But what goes around comes around, as they say. Now its New Jersey and New York that need that kind of help and we shouldn't be turned away.

With regard to the offsets for this amendment, I would prefer that we not take the money from communications and from science and technology. I would submit that there are other offsets, including the one I suggested a moment ago—one I would be most willing to forego—and that is the tax break that has come along. Take some of that money, the hundreds of millions of dollars that are involved, the billions of dollars over the next several years, and put that money back where it belongs, to protect our society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I hope the distinguished Senator from New Jersey will reserve the word "tirade" with reference to me. I might have a tirade sometime on the floor. I have not so far. And it will not be because of an amendment like this.

But I call the Senate's attention to pages 58 and 59 in the committee report. I will state to the Senator from New York that he is in error. The .7 applies to the basic grants; it does not apply to this program at all. The .7 does not apply to this concept we are talking about now, nor the money to which he is referring.

If you look at page 58, it shows the committee recommendations for the information analysis and infrastructure protection system. It is a national system.

I call your attention to page 59:

> The General Accounting Office has reported that chemical facilities present an attractive target for terrorist activity. The Congressional Budget Office estimates that it would cost $80,000,000 over 5 years for vulnerability assessments at nearly 15,000 chemical facilities across the United States. Therefore, the Committee [is directing this money to be spent for that.]

We make a direct request for a report on the matter. The systems we are dealing with here are systems that deal with the Nation. But, in particular, it is:

> . . . the creation of the National Cyber Security Division within Information Analysis and Infrastructure Protection and recommends $32,800,000 for the integration of physical and cyber infrastructure monitoring and coordination from the funds made available for information and warning advisories, and $65,700,000 for cyberspace security from the funds made available for remediation and protective actions.

We expect to move into this whole concept of critical infrastructure protection. That needs:

> . . . key asset identification, field assessments of critical infrastructures, and key asset protection implementation to help guide the development of protective measures to harden facilities and assets.

It is a national program from which this money is being taken. The inference here is this is surplus money. This is not enough. We don't have enough for this system. We don't have enough money for what the Senators from Pennsylvania and New York want. But the point is, some of this protection starts at home. Some of it starts at home. Some basic concept of protection is the responsibility of every government in the United States. But the one responsibility we have here is the national system of identification of those facilities and assets that are critical, and also the establishment of a national alert system. This money is not enough for either one. But the Senators from New York and Pennsylvania want to take $250 million from a fund that is already insufficient, based upon the General Accounting Office report.

I do hope Senators will take a look at how this money is allocated:

> Intelligence and Warning: Threat determination and assessment, Information and warning advisories, Protecting Critical Infrastructure and Key Assets: Infrastructure vulnerability and risk assessment, Remediation and protective actions, National Communication System.

That gets the bulk of it, the national communication system, finding some way to put an alert system back in place that will notify everybody if there is a national disaster. That does not exist any longer. It did, back in the days, as I said, when we all relied on radio. That got tested once a week, in fact, or once a month—whatever it was. But how long has it been since you had a test on a system? There is no test possible coming through cell phones, through computers, through the cable systems, through the satellite systems. They are not coordinated at all. We need a national system of alert and this is going to go toward that, starting it up.

The bulk of the money that they are taking is in protecting critical infrastructure and key assets. That is where $95 million is for the infrastructure vulnerability and risk assessment; $383.9 million for remediation for protective actions nationally. This is protecting the ports of New Jersey, of New York, of California, Florida, and even Alaska. But identifying the need for protection.

Why take that money out when we are just setting up the Department of Homeland Security and this is the basic money we need now? We need it now.

The Senators from New York and Pennsylvania want money to be there in case they need it if there is another national alert. There may not be one. But there is a need for this. The General Accounting Office insists the No. 1 responsibility of Congress is to deal with the vulnerability assessments of 15,000 chemical facilities and other similar assets around the country. Chemical facilities in particular, and the costs associated with protecting those chemical facilities, are essential to this homeland security.

I urge the Senate not to take this action. It will also go into the Science and Technology Directorate, taking money from the research and development capabilities of the entire Department of Homeland Security. The reduction would severely limit the university-based centers program.

As I said before, nearly every Senator has made a request. I have the list here, by the way. Here it is. These pages, 1, 2, 3, 4, 5—6 pages, single spaced, from Senators addressing this one particular account.

Senators, if you ask for this money and you expect to get it—we have not earmarked any money; isn't that correct?

Mr. COCHRAN. That is right.

Mr. STEVENS. There is no money earmarked. But money, as much as we could possibly put, is in the discretionary fund—and I think almost every Senator has asked for money in this area: Vulnerability protection, disaster assistance programs, homeland security initiative at the University of Washington, University of Nebraska. Maybe I should read them all, when we look at it: College of William and Mary, George Mason, VMI, Utah, LSU, Wichita, Montana State, Colorado, University of Delaware, Brown University, University of Rhode Island, University of Georgia, University of New York, SUNY Maritime College.

I could go on and on. Almost every college that has a capability of being involved in this assessment and determination of how to protect these facilities has asked to get involved. We could not do that. So we set up a fund and the Department will determine how many of these universities can lock together and give us the assessment that the General Accounting Office says is absolutely essential.

If you take the money for something that might happen, how are you going to know when it does happen?

This is the beginning of the homeland security assessment of threats and establishing an alert system. This amendment takes from both. I think that is absolutely wrong. I hope we will get other people to comment on this amendment. I understand the need. There is overwhelming need throughout the country for homeland security money.

I congratulate the chairman of the subcommittee, the distinguished Senator from Mississippi, for what he has done, along with his staff. They have allocated it in a way that is really fair. These other amendments so far have been to add money beyond what we have available. This is taking money that has already been assigned by the committee and the subcommittee to a specific account and putting it in another account and saying it was shortchanged. But there is already money in that account. The account they are adding to already has in this bill $750 million. It had $850 million in the bill we passed earlier this year. That is enough. Compared to the rest of the demands in this country, that is enough for that fund.

I urge the Senate to disapprove this amendment.

Mr. COCHRAN. Mr. President, I thank the Senator from Alaska for his comments. He has put this matter in perspective. We appreciate his comments and his statements about the effect of this amendment on those parts of the bill that will have funds transferred from them to this so-called high-threat urban area account.

When we started talking about this bill yesterday, we had Senator after Senator talking about adding money for new technologies and making sure that we develop and deploy new kinds of the most modern defensive systems we can have to defeat and detect terrorist attacks and to make our country share in security. One of those was an antimissile system for commercial aircraft. You may remember Senator BOXER was on the floor talking about immediately putting those capabilities in the domestic commercial airline industry. We have funds in the bill to do just that. But guess what. This amendment cuts those funds. This amendment would take money away from the antimissile defense capability fund where we are developing and will deploy the capability as soon as it is ready.

Funds for universities throughout the country that are now eligible for grants for research into new technologies which will improve our capability to defend ourselves across a wide range of areas that we need to explore, develop, and deploy will be undermined by this amendment. The funds will be cut if this amendment is agreed to.

We have had Members offering amendments for money for chemical industry infrastructure protection—special money going to the chemical industry. The money we have in this bill now for the chemical industry will be cut if this amendment is agreed to.

The last vote we took on this was on the subject of waiving the Budget Act. Some Senators came up, and I heard them say, You are going to need 60 votes. They will need 60 votes to prevail to waive the Budget Act. So my vote really won't matter, since you already have 40 votes to defeat this. I can vote for the amendment to add money, since it won't come from any other account.

Some other Senators were concerned because we were going to violate the Budget Act. I heard some Senators say, If you could find an offset, I would vote for your amendment. Now we have an offset, and Senators are going to have to take a new look at this.

This is not an automatic decision that can be made. But to think about its effect on those accounts and those activities which are going to be cut by this amendment, these are real cuts that are going to be made.

I hope Senators will look carefully and balance their judgment against the need to add money for this account that is now in the $750 million area.

Think about this: We also put $750 million into this account when we passed the supplemental just a few weeks ago. We passed a supplemental for the remainder of this fiscal year and added $750 million for these same urban areas for which they now want to increase money. To me, that is not fair. That is not fair.

People throughout the country have an equal interest. Whether you are in an urban area or a rural area, you have an equal interest in this being a balanced bill that treats all areas of the country the same in terms of the quality of the response we are going to make in our individual communities. You can't just channel the money to the big cities and expect it is going to solve our national problem. This is not a problem just for the big cities to solve. It is a problem for our country to solve. It is a national problem. It is not just a Federal Government problem. Every town and every city and every State ought to be able to share equally and fairly in the funds that are made available in this bill. If this amendment is agreed to, the fairness doctrine will go out the window.

I urge Members to vote against this amendment.

Mr. SPECTER. Mr. President, at the outset, I agree with the distinguished Senator from Alaska. His presentation was not a tirade. For those of us who have heard the Senator from Alaska speak on many occasions, there was nowhere near a tirade from the Senator from Alaska. That was a reasoned analysis of the substitution of funds.

When the distinguished Senator from Mississippi, the chairman of the subcommittee, presents his argument, it has great weight. The subcommittee has very carefully considered the allocations. But this amendment seeks to make a rather modest change. We have here a $29 billion appropriations bill. When you talk about high-risk areas, it is my view that $1 billion is a minimum. The figure might realistically be appraised for much more than $1 billion.

It is true that during the course of the last vote there were many Senators in the well who voted against waiving the Budget Act and who said had there been an offset they would be favorably disposed. That is not a carte blanche commitment. It depends upon what the offset is.

We are talking about two accounts. The information analysis, infrastructure protection, operating expenses still has a very considerable sum of money, $636.340 million. The science and technology research, development, acquisition and operations, where we have taken $62.640 million, still has more than $800 million.

What we are looking at here really is an analysis of what the highest risk area is.

Again, I come back to the activities of President Bush today. Where was President Bush today? He made a trip to Philadelphia. In Philadelphia, he went to the airport, which is high risk. Then he was on a long bridge which spans the Schuylkill River, which is high risk. Then he went along a highway again where there is very heavy congestion and high risk. Then he was at the seaport, again an area which is high risk. It is a matter of making an analysis.

I have great respect for what the Senator from Mississippi has done on this subcommittee. Perhaps the total figure of $29 billion is not sufficient. Perhaps it ought to be slightly more—not to take an offset from these two accounts.

But I supported the Senator from Mississippi on every one of his tabling motions. Other Senators have offered much greater amendments, one in the range of $1.8 billion. It is true that on one of the motions to table by the Senator from Mississippi on firefighters, I deviated on a motion to waive the Budget Act, which was nowhere near successful because of giving a little spiritual support to the firefighters who I think have done such an outstanding job. But I believe a careful analysis of the $250 million for high-risk areas contrasted with the funds that would have been taken from these other accounts which are still very well funded is appropriate.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, before we vote on this amendment, I am reminded that attacks have been thwarted in three locations. And if attacks have been thwarted, that suggests there is a certain risk attached to those locations. One is the World Trade Center, another is LAX Airport, and the third is the Space Needle in Seattle. As far as I know, there were no attacks threatened in Wyoming and many other places around the country. So when we look at this issue, I think we ought to get focused.

First of all, Secretary Ridge is the arbiter of the discretionary fund. He is the expert. He gives out this additional money. We, the Senate—Democrats and Republicans—nominated him to make these decisions. If the nondiscretionary part of the budget runs about $28 billion, I don't know that these particular accounts are the places where we have to go to get the funding. And we can ask Secretary Ridge to be aware that we are most concerned because of the high-risk nature of the New York/New Jersey region.

I hope in this case we will take seriously what we talk about so much: That we cannot be secure, no matter how good we are in Afghanistan, no matter how good we are in Iraq—and we have been terrific. Our people have fought valiantly. They have done what is asked of them. There are not enough of them. And when someone suggested there were not enough of them, such as General Shinseki, he was kind of kicked out of the Corps.

So we have to look at this and ask, what constitutes security? It is not having enough bombs and planes. It is making sure that bombs and planes don't come our way, don't come to our soil.

You may have heard the prediction that was leveled by the former Secretary of Defense when he said, within a decade, if things go along as they are, we could be looking at a nuclear explosion on American soil.

I think we ought to step up to the idea and express our interest in preventing any kind of a terrorist attack. We have had a couple, and they were devastating, not only to the lives and families who were hurt but to the morale of this country.

I think we ought to say: Look, these are areas that are constantly under concern for a terrorist attack. Let's put the money there to make sure we are taking special care of them, just as we would a patient who is especially sick and we have a limited amount of medication. We give it to that patient, not to those who might get sick.

That is the situation we face. I hope we will get enough support to carry this through. The message is important. And I leave it to Secretary Ridge to deal with his discretionary responsibility to allocate the funds.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I know of no Senators who want to speak on this issue who have not already spoken. I think we are ready for the vote. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1370.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 48, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Coleman
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Fitzgerald
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Specter
Stabenow
Voinovich
Wyden

NAYS—48

Alexander
Allard
Allen
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Warner

NOT VOTING—4

Dayton
Edwards
Kerry
Lieberman

The amendment (No. 1370) was rejected.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. I have spoken to the two managers. The next amendment that we will offer will be the Reed of Rhode Island amendment. The Senator from Rhode Island has agreed to 30 minutes on his side. Following that amendment, Senator BYRD wishes to offer an amendment. Following the debating on those two amendments, I ask that there be a vote on those two amendments with Senator BYRD's vote coming first and the vote on Senator REED coming next. Those votes would be on or in relation to those two amendments with no second-degree amendments in order.

Mr. COCHRAN. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask that the unanimous consent agreement be amended to allow the Senator from Mississippi whatever time he shall consume in opposition to the Reed amendment.

Mr. COCHRAN. I agree to that amendment, and I thank the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

AMENDMENT NO. 1372

Mr. REED. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself and Mr. SARBANES, proposes an amendment numbered 1372.

Mr. REED. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate $100,000,000 for grants to public transit agencies to enhance public transportation security against terrorist threats)

On page 49, between lines 7 and 8, insert the following:

TRANSIT SECURITY

For necessary expenses of the Transportation Security Administration related to land transportation security services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note) and for other purposes, $100,000,000, to remain available until December 31, 2004, which shall be available for grants to public transit agencies for enhancing the security of transit facilities against chemical, biological and other terrorist threats: *Provided*, That the Secretary of Homeland Security shall make such grants pursuant to threat assessments previously conducted by the Transportation Security Administration and the Federal Transit Administration: *Provided further*, That the Secretary of Homeland Security and the Secretary of Transportation shall enter into a memorandum of understanding regarding transit security. *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that includes—

> (1) the amount of funds appropriated to the Transportation Security Administration (TSA) that have been allocated for activities designed to improve public transportation security;
>
> (2) the number of full-time TSA personnel engaged in activities designed to improve public transportation security;
>
> (3) the strategic plan of the TSA for improving the security of our Nation's public transportation systems; and
>
> (4) recommendations from the TSA for any policy changes needed to ensure that the TSA, in coordination with other agencies within the Department of Homeland Security, will effectively improve public transportation security for our Nation's transit riders.

Mr. REED. Mr. President, earlier this week, the Senate debated a comprehensive amendment by Senator BYRD with respect to deficiencies in this bill regarding resources for homeland security. Essentially, what Senator BYRD was trying to do was to match the resources we need with the rhetoric we have heard about protecting the homeland of the United States.

I am disappointed Senator BYRD's amendment did not prevail. Within that amendment, there were resources devoted to transit security. Today, I offer an amendment on behalf of myself and Senator SARBANES to address what I think is an amazing and unacceptable lack of resources and investment for securing and protecting our Nation's trains, buses, and ferries. Indeed, these vehicles and these transportation modes provide transportation for millions of Americans each day, and they require protection.

I want to be clear. This is not the fault of the committee, and certainly not the fault of the chairman who has done an extraordinary job in securing an additional $1 billion for the subcommittee's allocation. But the fact is that the administration has not asked for sufficient resources to protect the transit systems in the United States. Again, this is why, together with Senator SARBANES, I am offering this amendment to add $100 million for the protection of our public transit systems.

Each day, millions of Americans, old and young, rich and poor, every kind of American, board a bus or a train to go to work, school, or a doctor's appointment. Each year the Federal Government spends billions of dollars to build and maintain these systems. Yet to date, shockingly, the Federal Government has only invested below $90 million in fiscal years 2002 and 2003 for transit security if we exclude the very special circumstances of rebuilding transit systems that were attacked and severely damaged during the September 11 attack.

We have recognized the need to protect our airlines and we have spent billions of dollars to do so, but there is the same compelling need to protect the transit systems of the United States.

There are two major reasons we must protect these transit systems: First, we want to avoid, preempt, and prevent, a terrorist event involving a transit system; second, we need transit systems that have interoperable communications, trained personnel, and additional equipment to mitigate the consequences of any type of terrorist event in the United States.

It is quite clear transit systems are a target of terrorists. According to a report in 1994 by John P. Sullivan and Henry I. DeGeneste: "Transit systems are attractive targets for a number of reasons. They carry large numbers of people within concentrated, predictable areas and timeframes. They are accessible since they provide easy user access. Finally, their target-rich infrastructure which often covers extensive geographic areas frequently renders countermeasures impractical."

So we know this. Indeed, the Federal Transit Administration knows it. To their credit, they have taken meager resources to provide transit assessment assistance to any transit system that is required or requested. They have been able to advise these transit systems. But advice is not dollars. Advice does not build or buy equipment that will protect commuters in our transit systems.

We already know transit systems are a target, in many cases targets of choice. The Mineta Institute indicates that between 1997 to 2000 there were 195 terrorist attacks against transit systems worldwide. Most of these attacks were against buses. I should point out, 90 percent of these attacks occurred against buses. In the Middle East, we have seen the horrific pictures of buses blown up by suicide bombers. No one wants to see such pictures in the United States.

Of course, the most horrific example of a terrorist attack against transit was the 1995 sarin gas attack in Japan where 11 people were killed and 5,500 innocent people were injured due to the work of a small band of crazed individuals.

We understand there is a great potential for terror attacks against transit systems. Given the increasing danger of proliferation of weapons of mass destruction, these transit attacks could be horrific in the future.

I also mention that not only do we need to avoid attacks against transit, we need to be prepared in the case of another terrorist attack in the United States. I refer to testimony before my subcommittee last year, as I chaired the subcommittee with respect to transit's role in September 11. The first is a statement by Jenna Dorn, the Administrator on the Federal Transit Administration.

> At 8:52 a.m. on September 11th, minutes after the first hijacked jet plowed into One World Trade Center, a Port Authority Trans-Hudson (PATH) train master gave life-saving instructions to conductors and operators.
>
> A train from Newark, carrying about 1,000 passengers, had just pulled into the station below the World Trade Center. The train master told the crew to keep everyone on the train, board everyone in the station, and immediately depart for the Exchange Place stop in Jersey City. Public transportation employees immediately evacuated passengers who mistakenly left the train.
>
> A train from Hoboken carrying another 1,000 people was just behind the Newark train. The train master told that crew to keep the doors closed at the Trade Center and head immediately to Jersey City.
>
> The train master then told another train in Jersey City to discharge all passengers and head back to the World Trade Center to evacuate remaining travelers and transit personnel. That train departed with its precious cargo at 9:10 a.m., 40 minutes before the first building collapsed.
>
> That train master, Richie Moran, and PATH's emergency response plan, saved thousands of lives. As we watched the death toll climb in New York, it is astounding to realize that no one riding the PATH or New York City subway lines that morning was injured.

That is not an accident. That is the result of good communications, planning, training, all the issues that they showed in New York City. But let me suggest the level of planning, training, and equipment in New York City is not duplicated in many cities around this country—and it should be.

Also, I ask unanimous consent to have printed in the RECORD excerpts from the statement by Richard A. White, the general manager of the Washington Metropolitan Area Transit Authority, who talks of the integral role of that system in evacuating personnel during the attack on the Pentagon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> On September 11, when WMATA was needed most, and in the midst of regional chaos, Metrorail and Metrobus were ready, and delivered for the National Capital Region. We operated the equivalent of back-to-back rush hours virtually without incident, after the Federal Government and other regional employers sent hundreds of thousands of workers home around mid-morning. We were operating the entire day. We did what we do best. We moved large numbers of people safely and efficiently.
>
> Throughout the day, the WMATA workforce performed extraordinarily. Not once did an employee put their own individual concerns ahead of their sense of duty to the customers. The transit police, the bus and rail operators, the station personnel, the customer service representatives—everyone—demonstrated their dedication to our mission of moving people safely and securely.
>
> Further, we never lost communications throughout the day. We established and maintained contact with local State, and Federal authorities, and we communicated with our riders through in-system messages, our phone system and over the internet through the website.
>
> WMATA, blessedly, suffered no property damage, no loss of life, and no injury to any of its employees nor to any of our customers on that terrible day.

Mr. REED. Senator SARBANES and I asked for a GAO report on transit security. The GAO visited 10 transit properties all over the country of varying sizes and characteristics. They surveyed 200 of the 6,000 transit operators of the Nation. Their report clearly indicates the compelling need for Federal assistance.

In addition to that, it clearly indicates the scope of that system. Of just eight of the transit systems that had conducted professional security assessments and asked professionals to come in and review procedures, equipment, personnel, the cost to upgrade these systems, for just 8 out of 6,000, was $700 million. If we were to upgrade all of our transit systems in this country, it would be on the order of billions of dollars. Yet, those costs have not been met by the administration for this compelling need.

The administration has barely funded transit security, about $88 million. Some of this, frankly, was discretionary funding from the Department of Homeland Security which they, to their credit, decided to commit to the issue of transit security.

We have to provide the resources. In addition, we have to also ensure that there is appropriate responsibility and oversight. That is why our amendment also calls on the Department of Homeland Security and the Department of Transportation to sign a memorandum of agreement to ensure that the two agencies, as well as the Federal Transit Administration and the Transportation Security Administration, have in place strong linkages, coordination, and understanding of their mutual and separate roles. We have been repeatedly assured that this agreement was imminent. It has yet to be produced, yet to be issued. Our amendment asks that this be done expeditiously. My colleague, Senator SARBANES, will address these points also.

Our position today is not to cause panic but to prevent panic by having the resources so that our transit systems are not targets of terrorists and that our transit systems can, in fact, provide value to the support in the wake of any type of attack on a major urban area in the United States by terrorists. This is a well-crafted amendment. Certainly the need is there. I urge support of the amendment.

I recognize at some point the chairman may raise a budget point of order against my amendment, and at the appropriate time either I or Senator REID of Nevada will move to waive the point of order. I urge my colleagues to support my motion to waive.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. What is the parliamentary situation?

The PRESIDING OFFICER. There are 19 minutes allocated to the Senator from Rhode Island.

Mr. SARBANES. Will the Senator from Rhode Island yield me 8 minutes?

Mr. REED. I am happy to yield 8 minutes.

Mr. SARBANES. Mr. President, I am very pleased to cosponsor the amendment offered by my able and distinguished colleague from Rhode Island, Senator REED. I commend him for his very strong leadership on the important issue of enhancing the security of our Nation's public transit systems. By allocating $100 million for transit security, this amendment would enhance the safety of millions of Americans.

Every workday, 14 million Americans ride buses, subways, light rail, and ferries in cities and towns all across America. Transit systems throughout our Nation link people to jobs, to medical care, to shopping, to school, and to other essential services.

More and more, Americans are recognizing the benefits that transit has to offer. Over the last 6 years, transit ridership has grown faster than any other mode of transportation.

These riders expect and deserve transit systems that are reliable, that are safe, and that are secure.

As chairman of the Banking Committee's Subcommittee on Housing and Transportation, Senator REED, during the last Congress, convened six hearings to examine our Nation's public transit systems, with two of those hearings fully devoted to the security question. One hearing took place just a few weeks after the attacks on September 11, and the second shortly after the first anniversary of those attacks.

The witnesses at those hearings included the Federal Transit Administrator, representatives of transit agencies, including Richard White, the general manager of the Washington Metropolitan Area Transit Authority, and representatives of transit labor.

I commend the record of those hearings to all of my colleagues. They were extremely well done.

The witnesses testified about the contribution transit made to the Nation on September 11, something my colleague already made reference to. That morning, transit agencies across the country ran extra trains and buses as long as needed to move people safely out of city centers.

Transit played a particularly vital role in New York and Washington, the two cities directly under attack that day. Without the vibrant transit systems in place in those cities, timely movement of our people would have been impossible.

As more and more Americans are using public transportation, it is clear that transit must be a vital component of any city's emergency response plan.

As my colleague indicated, according to the Mineta Transportation Institute in San Jose, CA, surface transportation was the target of more than 195 terrorist attacks from 1997 to 2000, and transit systems are the mode most commonly attacked.

The witnesses before Senator REED's subcommittee explained that public transportation faces unique security challenges.

By its nature, transit must be easily accessible. It runs on identified routes and at published times, and it uses an extensive network of roads and rails spanning a wide geographic area.

It obviously is not feasible to screen all passengers and baggage before boarding, as is done in airports, or to check the identity of all who wish to use the system.

But, according to the witnesses who appeared before Senator REED at those hearings, there are measures that transit agencies can take to improve their security, such as conducting vulnerability assessments, developing emergency plans, investing in security equipment, and training employees—which was repeatedly emphasized to us as something that would improve the security of our systems.

But these improvements do not come without cost, and the lack of available funding was identified as a major impediment to making transit systems more secure.

Early last year, Senator REED and I joined in asking the General Accounting Office to review transit agencies' response to the threat of terrorism, and to identify the challenges they face in enhancing the security of their systems.

The GAO report, released last December—and I commend this report to my colleagues—found that transit agencies have taken a number of steps, particularly since September 11, to improve security.

At the same time, the report identified significant remaining security needs. Consistent with the testimony of our witnesses, the report found that insufficient funding—insufficient funding—is "the most significant challenge in making transit systems as safe and secure as possible."

In fact, at the 10 transit agencies they visited, the GAO found hundreds of millions of dollars in identified security needs.

Our Nation's transit agencies have made good use of the limited resources they have had available, but this report demonstrates that new resources will be needed in the future to safeguard the security of our Nation's transit systems.

The pending legislation does not demonstrate the commitment necessary to help transit systems become more secure.

I believe we owe it to our Nation's transit riders to do more.

This amendment takes a critical step in the right direction by making $100 million available for transit security, to be allocated by the Department of Homeland Security according to threat assessments that have already been conducted by the Transportation Security Administration and the Federal Transit Administration.

Assessments have been conducted. The priorities are there. We can move these funds quickly out into the field in order to enhance security.

Transit agencies could quickly put this money to use, investing in security equipment, conducting training exercises for transit personnel, and otherwise enhancing their systems' ability to resist attack.

This is an investment that we cannot afford not to make—an investment we cannot afford not to make.

I urge my colleagues to support the amendment of the able and distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment provides $100 million in additional spending for grants for public transit agencies to enhance security of transit facilities against chemical and biological attacks. The bill already provides $71 million for the Science and Technology Directorate to develop and deploy chemical, biological, and nuclear sensor networks. Public transit facilities are in line to benefit from this appropriation.

The Science and Technology Directorate is piloting chemical and biological sensors in subways that will demonstrate an integrated chemical detection and response system for six subway stations by September of this year.

The amendment would place the Transportation Security Administration in charge of deployment of detectors prematurely, before the research and development has determined the best technology to accomplish the goal. The bill before the Senate which the subcommittee and the full committee have approved also includes $25 million for the Department to develop standards nationwide for detection sensors.

There is no offset for this additional spending in the amendment, and it would, therefore, cause us to exceed the limitations of the budget resolution. Therefore, I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The point of order is not timely at this time. Time remains for the sponsor.

Mr. COCHRAN. Mr. President, is it not correct that a motion to waive the Budget Act would be debatable and would be debatable under the unanimous consent agreement? My purpose is not to cut off anyone's right to debate under the rules of the Senate or under the terms of the unanimous consent agreement.

The PRESIDING OFFICER. The motion to waive would be debatable. Under precedent, the point of order should not be made until all time has expired.

Mr. COCHRAN. I withdraw my point of order.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the purpose of our amendment is not necessarily to impede any deployment of technology. It simply recognizes that even if this technology is deployed, tested, or evaluated in 6 stations or 100 stations, the cost of implementing this system and other systems—the amendment talks about protecting transportation facilities, not just subway lines, but buses and interurban transportation, all types and modes of transportation—even if you could deploy, the cost would be significant.

Our amendment asks that this budget recognize those significant costs.

Again, there is no question that the chairman has tried his best to come up with the resources to try to meet this need. But the need is so staggering—billions and billions of dollars. The funds in this bill devoted to transit security is so meager that our amendment simply tries to strike a balance. The $100 million would go to help systems buy equipment and train personnel. All of that is necessary.

We also would ask that the Department of Homeland Security issue the plans they have long said they were going to do between the proper transportation and the proper homeland security to coordinate their activities with respect to transit security.

I urge the amendment be adopted.

I further point out that even if we were to adopt this amendment—I understand at the appropriate moment the Senator from Mississippi will make a budget point of order—this is truly a very modest downpayment on the cost of ensuring that all of our transit systems, our buses, and our subway systems have the same degree of preparedness as we are trying to develop for our airlines and for other modes of transportation.

If we reject this amendment, we will simply be in a situation where we might be able to demonstrate a few projects, and we might be able to test the system, but we will never deploy those systems across the Nation in transit systems. There are 6,000 transit systems.

Again, it is $100 million, just a meager downpayment for what is really a multibillion-dollar requirement for the United States.

I recognize that the Senator has said he is proposing to make a point of order.

At this point, I yield my time in anticipation of such a point of order.

Mr. COCHRAN. Mr. President, I yield whatever time remains on this side.

The PRESIDING OFFICER. All time is yielded.

Mr. COCHRAN. Mr. President, I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. REED. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1373

Mr. BYRD. Mr. President, last November Congress enacted the largest reorganization of the Federal Government in half a century. At that time, the Senate was under extraordinary pressure to pass a bill quickly. The President traveled the country giving campaign speeches accusing the Senate of not caring about homeland security. The Senate responded by hastily approving the massive reorganization before Members had a chance to study the contents of the 484 pages that were dropped into our laps just a few days before the vote.

There were a lot of items in that legislation that would not have survived scrutiny had the Senate spent more time debating the bill. A number of Senators objected to certain provisions in the bill and introduced amendments. But those amendments were never considered because the Senate voted to shut off debate.

A good many Senators wanted to put the bill behind us even if it meant settling for a bill that needed more scrutiny. One of the imperfections that the Senate was willing to accept was the unprecedented secrecy that was given to the new Department of Homeland Security.

Although the original version of the bill took a responsible, moderate approach to ensure public accountability, the final version that was dumped on the Senate gave the Department carte blanche to conduct its operations in secret.

I filed amendments to scale back this excessive secrecy, as did several other Senators. But those amendments were never considered because, as I have already indicated, debate was shut off by cloture.

Now we read in the papers that full advantage is being taken of the secrecy in the Department. Their friends and contributors in the private sector have a seat at the homeland security table. Corporate leaders and campaign contributors have been awarded coveted seats on the advisory committees that make policy recommendations to Secretary Ridge and to others in the Department.

Consequently, not only do these companies have a direct role in shaping our homeland security policy, but they also have direct access to Department officials who award the private sector contracts for implementing those policies.

Last month, for the first time, the Homeland Security Advisory Council met to provide advice and recommendations to the Homeland Security Secretary about this Nation's homeland security needs.

It is my understanding Secretary Ridge took the opportunity to remind the council that the Homeland Security Department was soliciting a wide array of innovative counterterrorism technologies. "There are several million dollars available to the private sector," Secretary Ridge said. That information no doubt would have been more than just passing interest to the members of the advisory council. With six CEOs and a member of the board of directors from three top companies, the Homeland Security Advisory Council represents some of the top business interests that are in competition for government contracts related to homeland security.

It is worth noting that, according to the New York Daily News, of the 818 members chosen to sit on the advisory committee, 11 members have collectively given more than $200,000 in direct contributions to the Republican Party at a time when questions are already being raised about the propriety of former aides to Secretary Ridge lobbying a Homeland Security Department for Government grants. It is troubling that the Homeland Security Secretary would risk further damage to the Department's credibility by naming to advisory council representatives of top companies that are vying for homeland security contracts and grants.

At a time when questions are being asked or raised about the preferential treatment given to major corporate campaign contributors in bidding on Government contracts, it is disconcerting that companies such as Dow Chemical, Eli Lilly, Conoco-Phillips, Black & Decker, Procter and Gamble, and Lockheed Martin are representatives serving on the advisory council.

This volunteering by these companies of their CEOs and board members to serve on the advisory council may well be a selfless act of patriotism, but that does not stop them from profiting from the contracts and grants awarded by the Department.

Eli Lilly used its connections to use a provision in the Homeland Security Act to shield vaccine makers from lawsuits relative to the use of thimerosal, a mercury-containing preservative once added to childhood vaccines.

Dow Chemical received $1.4 million in port security grants from the Homeland Security Department last spring.

Lockheed Martin won a long-term contract to help modernize the Coast Guard, a contract that could be worth up to $17 billion. It also contracted to assist the Transportation Security Administration in developing CAPPS II, a controversial data tracking system that will reportedly collect information about nearly every adult American who buys an airline ticket.

Despite the specter of the conflict of interest, and despite numerous warnings from Government watchdog groups, the advisory council has been exempted from public disclosure laws. The American people have no way of knowing what is being discussed or what advice is being recommended. There is no way to identify the financial interests of these council members in any advice or recommendations they may make to Secretary Ridge.

With a $40 billion homeland security budget and the expectation that the Federal Government will spend hundreds of billions of dollars in the coming years on homeland defenses, corporate America is salivating over the money that is to be made from the grants and contracts being doled out by the Homeland Security Department.

Also, being at the table when advice is given to the Homeland Security Secretary can be a very powerful tool. That is all the more reason the Congress should provide the American public with some kind of check to ensure that the advice being given to the Secretary is in the best interests of the Nation's defenses and not just in the best interests of companies soliciting a Government contract.

I am concerned about the makeup of these advisory committees and how they are being used. We have no way of knowing what kind of recommendations these corporate CEOs are making to Secretary Ridge or what actions this Department is taking in response to those recommendations. We have no way of knowing whether there are real conflicts of interest when contracts are awarded to the same people who recommended the contracts in the first place.

By requiring that the Department of Homeland Security comply with the Federal Advisory Committee Act, my amendment will ensure that Congress and the American people know how these advisory committees are being used. This law has served us well for over 30 years for advisory committees throughout the Federal Government. It includes long-accepted protections for sensitive information relating to law enforcement and national security, so there is no danger of disclosing information that would make our Nation more vulnerable.

My amendment will require that the Department disclose basic facts about who is participating in these advisory committees and what kinds of recommendations are being made. The American people have a right to know that the Department of Homeland Security is acting in their best interests, not simply in the interests of any administration's friends in the private sector. This knowledge will strengthen our homeland security efforts, not weaken them, and will ensure public confidence in the policies that any administration—not only this one, but any future administration—chooses to follow.

The safety of the American people is at stake. I believe the amendment will make the people safer and better informed.

I urge the Senate to adopt this amendment.

Mr. President, I call attention to the fact that the amendment is proposed by Mr. BYRD, for himself, Mr. LIEBERMAN, and Mr. LEVIN.

I ask unanimous consent that Senator CLINTON's name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. BYRD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mrs. CLINTON, proposes an amendment numbered 1373.

The amendment is as follows:

(Purpose: To prohibit funds appropriated under this Act from being used by any advisory committee that has been exempted from the Federal Advisory Committee Act)

At the appropriate place, insert the following:

SEC. 616. None of the funds appropriated by this Act may be used to fund the activities of any advisory committee (as defined in section 3 of the Federal Advisory Committee Act) that has been exempted from the Federal Advisory Committee Act (5 U.S.C. App.) pursuant to section 871 of the Homeland Security Act of 2002 (6 U.S.C. 451).

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, section 871 of the Homeland Security Act allows for an exemption to the Federal Advisory Committee Act so that meetings of advisory committees at the Department of Homeland Security could go forward in emergency and other unforeseen situations.

To form an advisory committee, the Federal Advisory Committee Act requires notice of meetings, publication of meetings in the Federal Register, timely public release of documents associated with the advisory committee meetings, and so forth, including making reading rooms available for members of the public to read the documents that are being discussed by the advisory committee.

The Department of Homeland Security and its representatives, when this legislation was being developed, convinced the committee and the Congress to grant a narrow exemption to the Department to permit it to do its job in emergencies to protect and respond to threats to protect the homeland.

For example, it was suggested if we had another attack, such as we experienced on September 11, and damages were caused to the telecommunications systems of the east coast, the Department would need to convene a committee of experts and people who understood things that needed to be done to put the telecommunications systems back in running order. And they may not have time to put a notice of an advisory committee meeting in the Federal Register, or to give publication or notice of the meeting, or to have what the act requires: timely public release of documents associated with the meeting to be held.

It was the view of the Congress, at the time the act was written creating the Department of Homeland Security, that there were emergency situations that could develop that would require such an exemption.

Also, the Department suggests that it requires the ability to meet with private sector officials in private from time to time, as necessity might require.

The Department, as I understand it, has not invoked this exemption up to this time, so there is no indication that they are abusing the exemption that has been granted them. They are following the provisions of the Federal Advisory Committee Act, I assume, in every other respect. We have received no notice. I have no information personally that any violations of the act have occurred.

The Senate passed the Homeland Security Act just months ago, and the Department has been operational only since March, I think, of this year. So to repeal a part of the Homeland Security Act in an appropriations bill that passed the Senate overwhelmingly, and where there has been no indication of abuse, seems to be unnecessary.

So I hope the Senate will reject the amendment that is offered by the Senator from West Virginia.

Mr. BYRD. Mr. President, the Secretary can, under the Federal Advisory Committee Act, exempt committees from notice rules in an emergency under existing law, whenever he determines it is necessary for national security.

It is important that this amendment be adopted. We are not just talking about this administration. We are not just talking about this Secretary of the Department. We are saying that there should not be a blanket exemption available to any Secretary of this Department, when we keep in mind that from a national security standpoint, the Department is exempted, the President can exempt it, the Department head in this case can exempt it.

But there are matters other than national security which are important and which are discussed by this Department. For the protection of the American people not only under this administration but also under other administrations that may come and may go, this amendment should be adopted. It is in the interest of the American people that they be protected and that we know that the American people know who is being asked to make recommendations, what recommendations are being made and whether those recommendations are in the interest of the American people.

I hope the amendment will be adopted. I urge my colleagues to vote in support of it.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the amendment of the Senator from West Virginia.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1374

Mr. BYRD. Mr. President, I send to the desk an amendment by Mr. DURBIN. I believe it has been cleared on the other side of the aisle. The manager will speak to that. I send to the desk the amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. DURBIN, proposes an amendment numbered 1374.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a report to Congress on information systems interoperability, and for other purposes)

At the appropriate place, insert the following:

Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, in collaboration with the Director of the Office of Management and Budget, shall submit a report to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Select Committee on Homeland Security of the House of Representatives on the status of the Department's efforts to—

(1) complete an inventory of the Department's entire information technology infrastructure;

(2) devise and deploy a secure comprehensive enterprise architecture that—

(A) promotes interoperability of homeland security information systems, including communications systems, for agencies within and outside the Department;

(B) avoids unnecessary duplication; and

(C) aids rapid and appropriate information exchange, retrieval, and collaboration at all levels of government;

(3) consolidate multiple overlapping and inconsistent terrorist watch lists, reconcile different policies and procedures governing whether and how terrorist watch list data are shared with other agencies and organizations, and resolve fundamental differences in the design of the systems that house the watch lists so as to achieve consistency and expeditious access to accurate, complete, and current information;

(4) ensure that the Department's enterprise architecture and the information systems leveraged, developed, managed, and acquired under such enterprise architecture are capable of rapid deployment, limit data access only to authorized users in a highly secure environment, and are capable of continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data; and

(5) align common information technology investments within the Department and between the Department and other Federal, State, and local agencies responsible for homeland security to minimize inconsistent and duplicate acquisitions and expenditures.

Mr. COCHRAN. Mr. President, I have no objection to the approval of this amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1374) was agreed to.

Mr. BYRD. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1375

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Senator FEINGOLD. This, too, has been discussed with the manager of the bill who will speak to it himself. I send the amendment to the desk and ask that in the reporting of the amendment, that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The amendment will be reported by number.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. FEINGOLD, proposes an amendment numbered 1375.

The amendment is as follows:

(Purpose: To require a report on the activities of the Department of Homeland Security with respect to the development of best practices for emergency responders, and for other purposes)

On page 59, at the end of line 23, after heading insert the following:

: *Provided further*, That not later than January 1, 2004, the Office of Domestic Preparedness shall submit to the Committees on Appropriations of the Senate and House of Representatives a report detailing efforts to assess and disseminate best practices to emergency responders which, at a minimum, shall discuss (1) efforts to coordinate and share information with State and local officials and emergency preparedness organizations; and (2) steps the Department purposes to improve the coordination and sharing of such information, if any.

Mr. COCHRAN. Mr. President, I have no objection to the adoption of this amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (No. 1375) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1373

Mr. COCHRAN. Mr. President, if under the order it is permitted, we are ready to proceed to a vote on the Byrd amendment on which we just debated.

The PRESIDING OFFICER. The Senator is correct. The question is on agreeing to amendment No. 1373. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea".

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—4

Dayton
Edwards
Kerry
Lieberman

The amendment (No. 1373) was rejected.

Mr. COCHRAN. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1372

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act with respect to the amendment of the Senator from Rhode Island.

Mr. REED. I ask unanimous consent for 2 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I ask unanimous consent that Senator CLINTON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, there are 6,000 transit systems throughout the United States in every State in the Union. All of them need additional resources to improve their security. We know they are targets. Worldwide, there already have been 195 attacks against transit systems from buses in Israel to a sarin gas attack against the subway system of Tokyo which killed 11 and injured over 5,000 individuals.

To fully protect all of these systems, the GAO has estimated we would need billions of dollars. The Reed-Sarbanes-Clinton amendment is a modest first step to authorize the appropriation of $100 million for grants to transit systems for equipment, training, and other security needs. The need is clear. The threat is obvious.

I urge support for this amendment and retain the remainder of my time.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. COCHRAN. Mr. President, the funding in this amendment is not offset. It adds $100 million to the spending in the bill. It therefore violates the Budget Act.

I made a point of order under section 302(f) of the Congressional Budget Act; that the amendment provides spending in excess of the subcommittee 302(b) allocation. The yeas and nays have been ordered on the motion to waive the Budget Act. That is the vote.

I urge Senators to vote no on the motion to waive the Budget Act.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 50, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—6

Bennett
Dayton
Edwards
Kerry
Lieberman
Miller

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Missouri.

Mr. TALENT. Mr. President, I rise in support of the bill in general. Secondly, I thank the chairman and ask unanimous consent for the two of us to engage in a bit of a colloquy. I also thank the Senator from West Virginia for allowing me to go forward first with this very brief colloquy.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. TALENT. Mr. President, within the larger discussion of how homeland security funds are allocated, there is a very clear need for some limited discretionary authority for State officials to reallocate homeland security funds to needs not foreseen months earlier and which may arise due to increased threat assessments.

During my discussions across the State of Missouri about homeland security, nearly every police chief and every first responder tells me the same thing: Look, don't tie our hands on how we are going to use money you give us. Leave us some discretion on how to use those funds.

My colleague and friend, Senator KIT BOND, has heard the same message all over Missouri.

On the other hand, the Department of Homeland Security asserts it must tightly control how every dollar is spent.

I appreciate the need for accountability given the Department's mission. I also appreciate that in many instances our first responders know best how to allocate these funds and that sometimes very legitimate concerns fall outside the narrow spending guidelines of the Department.

Accordingly, the amendment I would have offered—and I am not going to offer it—would have expressed the sense of the Senate that:

> Five percent of State grants may go to provide security costs as identified by the Office of Domestic Preparedness for "non-national security special events" as approved by the Department of Homeland Security.

In closing, I will give a very brief illustration of my point for the chairman and the Senate. In August, St. Louis is going to host a Jewish Youth Olympics called the Maccabi Games. It is a great event. It is going to draw over 5,000 Jewish youth from around the globe. The State's own Homeland Security Office threat assessment team stressed the need for greater security, but there is no latitude to reallocate even a modest sum from the monies awarded to the State.

Clearly there are instances where greater latitude is needed, and I appreciate the chairman's willingness to work with me and with Senator BOND to address this issue.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I appreciate the advocacy of the distinguished Senator from Missouri for increased latitude in spending authority by State officials. I agree that greater flexibility is needed to use homeland security funds to meet special security needs such as this.

I hope the committee of jurisdiction will consider a mechanism to allow spending a limited amount of State grant funds as my colleague, Mr. TALENT, suggests for "non-national security special events" which may present particular security concerns. Certainly, the Maccabi Games, which he cites as an example, would fall within this category.

I look forward to working with the Senators from Missouri on this important issue.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I close by thanking the chairman and the Senator from West Virginia and look forward to working with the chairman and the committee to establish a means for greater latitude in how Federal homeland security funds are expended.

I yield the floor.

AMENDMENT NO. 1376

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1376.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the prohibition on contracting with corporate expatriates)

At the end, add the following:

SEC. ___. PROHIBITION ON APPROPRIATIONS AVAILABILITY TO CORPORATE EXPATRIATES.

No funds in this Act shall be available for any contract entered into after the date of enactment of this Act by the Department of Homeland Security with—

(1) an inverted domestic corporation (as defined in section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395)),

(2) any corporation which completed a plan (or series of transactions) described in such section before, on, or after the date of enactment of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395), or

(3) any subsidiary of a corporation described in paragraph (1) or (2).

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator REID of Nevada be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, it is truly appropriate that Senator REID be the principal cosponsor of this amendment because this is an issue which he has raised over the years with great passion, great feeling. This would just as appropriately be a Reid-Levin, et al., amendment as well as my offering it on our behalf.

Young men and women are putting their lives on the line for us and our country while some corporations have stiffed our country, renouncing their citizenship, going through phony reincorporations in Bermuda or other tax-haven countries to avoid paying taxes. This process is called corporate inversion. It is one of the abuses about which we all know as a shell headquarters being opened up in a tax haven, while all the benefits of living in America remain, all the benefits we would hope to provide in this bill—for instance, protection, homeland security, police, fire, port security. They take advantage of all the other services which are provided to these particular corporations. But because a shell headquarters has been opened up for a few of these corporations in Bermuda, they have avoided paying taxes.

They continue to use our roads and our law enforcement, our education system. They use our free trade laws. But then they avoid paying taxes by opening up a post office box and a computer in a tax haven.

One of the colleagues of ours who was most deeply involved in trying to correct this was Paul Wellstone. He said: If they want to make that decision, we haven't yet stopped them from gaining the tax benefits, but at least let's not give them government contracts while they are doing this type of activity. And when he was alive, our dear friend and colleague Paul Wellstone offered an amendment such as the one Senator REID and I are offering today that was adopted. It was modified in conference so that it came back in such a weakened state that there are still some loopholes in it which need to be closed.

That is what this amendment does. Basically what this amendment does is provide that the language of the amendment will apply to the subsidiaries of the fake corporations in Bermuda or elsewhere so that we get to the actual corporation which has remained in America and that we also apply this to new contracts to corporations which have already inverted, as the word goes. We obviously would not in any way attempt to affect existing contracts. We don't intend to do that. We don't do that. In fact, we can't do that in any event under the Constitution.

What we do believe, as Paul Wellstone passionately believed, is we don't have to provide advantages through contracting with these companies, if they have chosen to abandon this country and to take the unpatriotic course of creating these phony headquarters and a tax haven while they are still here, in fact, enjoying all of the services of this country.

To reiterate, while young men and women are putting their lives on the line for us and for our country, some corporations are stiffing our country, renouncing their citizenship, and going through phony reincorporations in Bermuda or other tax haven countries to avoid paying taxes. This process, called a corporate inversion, is one of the most egregious of all of the tax haven abuses that we know about—just a shell headquarters being opened up in a tax haven, but all of the benefits of living in America continue. These corporations continue to use our roads, use our law enforcement, use our education system, use our markets and use our free trade laws, among other things, but they avoid paying billions in taxes by setting up a post office box and a computer in a tax haven. One of the architects of these inversions warned that for companies planning on doing this, patriotism was going to have to take a backseat to profits—boy did she have that right.

Inversions are unfair to the taxpayers who are left holding the bag and unfair to the U.S. companies that are doing the right thing by not inverting but who nevertheless are at a competitive disadvantage because of these sham moves. Last year, Senator Wellstone tried to do something about this problem, and we in the Senate agreed with him. Senator Wellstone introduced an amendment to the Homeland Security Act which prohibited inverters and their subsidiaries from entering into homeland security contracts with the government. We adopted the amendment. Why, Senator Wellstone wondered, should those that renounce their citizenship to avoid paying taxes—and who nonetheless receive all of the benefits of being U.S. citizens—get rewarded further through homeland security contracts? Why would we continue to permit inverters to take advantage of the competitive edge their sham moves have provided them for as long as they've been inverted? Why should good corporate citizens that do not engage in this egregious behavior continue to be penalized for doing the right thing and staying in the U.S.? There were no good answers to these questions last year when we passed the Wellstone amendment, and there are no good answers to these questions today.

Unfortunately, the Wellstone provision came back from conference so watered down that, when it was passed as part of the Homeland Security Act, it actually did nothing. All of those who engaged in these specious inversion transactions in past years can still enter into homeland security contracts—the current prohibition in the law only applies to future inverters, not those that did so previously. This in reality means that the law applies to no one, because no one is going to invert in the future in light of Senator GRASSLEY's statements that the tax benefits sought from future inversions won't be recognized. The competitive advantage these inverters enjoy vis-a-vis every other U.S. company therefore remains undisturbed.

The gutted version of the prohibition also only prevents the foreign "parent" corporations, i.e., the paper Bermuda companies, from entering into homeland security contracts with the government. This, too, does nothing, because the U.S. "subsidiaries," actually the main company but because of the inversions called subsidiaries, are actually the ones entering into the contracts with the government. Prohibiting the shell parents from entering into homeland security contracts therefore has no impact whatsoever on inverted companies or the homeland security contracts they wish to receive.

My amendment would correct these two glaring loopholes in the current law, neither of which would exist had we stuck with the Wellstone amendment which we passed last year.

First, this amendment would prohibit those that inverted in the past from receiving future—and I stress the word future—homeland security contracts in fiscal year 2004. The existing law lets inverters continue to take advantage of the competitive edge they enjoy over other U.S. companies by letting them enter into future homeland security contracts. We therefore continue to reward these companies for their decisions to invert on paper to a tax haven.

Second, this amendment, consistent with the Wellstone amendment, would apply the prohibition on fiscal year 2004 homeland security contracts to the subsidiaries of the foreign "parent" corporations. As I mentioned, the current law prohibits only the foreign parent from entering into homeland security contracts. This does nothing because the U.S. "subsidiaries" are actually the ones entering into the contracts with the government. This amendment would correct that obvious problem.

That is the entire amendment. There is nothing new here: Both of these changes are identical to what we all agreed was the right solution just last year. Those that have engaged in these inversion pretenses should not continue to be rewarded for their egregious conduct to the detriment of their U.S. competitors and the U.S. public at large.

This provision is not retroactive. It does not affect existing contracts. It refers exclusively to future homeland security contracts, i.e., to contracts entered into in the future. We are not asking companies to provide any refunds for past contracts or to break existing homeland security contracts. It is solely meant to apply to contracts in the future, on a going forward basis, not those in the past.

Failure to correct this problem will continue to give companies that entered into these sham deals a significant competitive edge over the other U.S. companies out there. Listen to what some U.S. companies who compete with inverters have said. Stanley Tools of New Britain, CT, a tool manufacturer that itself contemplated inverting prior to changing its mind and doing the right thing, stated: "Not only are we disadvantaged against our foreign competitors, but two of our major U.S. competitors have a significant advantage over Stanley Works because they have already reincorporated [in Bermuda]." Conair Corporation of East Windsor, NJ, a personal and healthcare products manufacturer, stated: "Our competitors have registered in Bermuda and evade paying a great deal of American taxes which makes it very difficult and unfair for Conair to operate in an environment where people are price-conscious of the products they are buying."

It is a fact that U.S. companies that compete with these inverters are at a competitive disadvantage because of the tax and other benefits that inversions provide. Failure to act now will continue to skew the playing field against the U.S. companies who have chosen to remain in the U.S. and pay their taxes like the rest of us.

Inverted companies have received unjustified benefits of moving their P.O. box to Bermuda. These ill-begotten gains have meant years of lower U.S. taxes while competitors pay taxes, giving inverters a competitive edge over other U.S. companies. As a result of their fake move to a tax haven, these companies have had the best of all worlds for far too long, all to the detriment of their U.S. competitors, the U.S., and the public as a whole.

The solution for these companies is easy—come back home. No headquarters, jobs or operations would need to be moved since it was all a paper transaction in the first place. That is their decision but it is ours as to whether we will give them more contracts.

Companies that entered into these transactions knew this could happen. Laws change all the time, and these inverters knew that some may not be pleased with their decision to put profits ahead of patriotism. They weighed the risks at the time and decided that renouncing their U.S. citizenship was the way they wanted to go. That was their choice, and they made it. The choice we have now is whether we want to continue to reward unpatriotic companies that enjoy all the benefits of being in the U.S.—our police, roads, security provided in this bill but don't pay their share of the countless benefits they receive year in and year out.

We should not continue to reward the inversion pretense. It is unfair to the U.S. companies forced to operate on an uneven playing field, and it is unfair to the rest of our taxpayers who pay their fair share. Let's do what we intended to do when we passed Senator Wellstone's amendment last year.

I understand this amendment may be accepted. I haven't had a chance to talk to our good friend from Mississippi. I don't know that for sure. I ask him at this time whether or not the rumor mill is correct that, in fact, this might be accepted.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to be able to advise my good friend from Michigan that I am prepared to accept the amendment and recommend it be approved.

Mr. LEVIN. Mr. President, I greatly appreciate my good friend's words, as always, and his counsel.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to amendment No. 1376. Without objection, the amendment is agreed to.

The amendment (No. 1376) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, on another matter, this is an amendment which I had intended to offer but will not. I want to spend about 2 minutes discussing the formula which is in the bill before us relative to the distribution of the homeland security first responder grant funds. Typically bills have what is called a small State guarantee. That is not unusual. What is unusual in this bill is that the guarantee, the set-aside for small States, is so unusually high. That means other States with larger populations have less funds available to them because of the small State guarantee. It is deeply troubling to those of us who are from larger States, be it California, New York, Ohio, Illinois, or many others. Due to this small state minimum, many other States do not receive what we consider to be an equitable or fair portion of the funds that are in here.

There has been great debate over the level of funding because of this small State guarantee. The leading organization that analyzes Federal grants, the Federal Funds Information for States, FFIS, has stated the structure "of the three quarters of 1 percent guaranteed minimum as a base represents a departure from traditional small State minimums which are typically half of 1 percent or less."

There is an authorization bill moving along, which has come out of the Governmental Affairs Committee, which is the Homeland Security first responder grant authorization bill. It also has the same formula in it, three quarters of 1 percent. Again, this is a rare and unusual formula. But this is not the time, in my judgment, to force the resolution of this issue. Better it be resolved on the authorization bill, which is on the calendar, so we will address it at that time. I know feelings run deep in all of our States on this issue. Those of us, however, who represent more populous States really believe this particular formula is overreaching. It is almost unprecedented, prior to the Homeland Security agency coming into effect.

We will save the debate on my amendment or other amendments similar to it for a different day. I thank those Members of the Senate who have worked so closely with me on this amendment. Senators from many of the populous States who believe very strongly about the issue have worked closely with me on it. I simply tell them I hope this decision meets with their approval. It seems to me the wiser course, rather than on an appropriations bill where there are some technical problems with this, is to raise it instead on an authorization bill. Hopefully by then all of us can come together and figure out a more traditional way of protecting the small States with some kind of a minimum guarantee. I will not offer the amendment tonight.

I thank my cosponsors, including Senators BOXER, FEINSTEIN, New York Senators, my colleague from Michigan, Senator STABENOW, and other Senators who have been very supportive. Senator VOINOVICH and I, for instance, in the Governmental Affairs Committee, worked on an approach to this that is somewhat different than the amendment I was going to offer. I know how deeply Senator VOINOVICH feels about this formula, and I welcome his support on a related amendment.

I see the good Senator from Texas on the floor. I will yield to her because she has been very deeply involved as well. She and I have had some very productive conversations about the subject. She and many other States believe very strongly as I do about it. I thank her and all others who have been supportive of trying to resolve this in a fair way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, in answer to the Senator from Michigan, it is my intention to talk a little bit later in this process about this same formula issue. We have a problem with the formula not fairly representing the needs of the large States. It is my hope—and I do have a commitment from all of those involved—that we will get the authorization bill that will allow us to address this inequity in the formula because right now, the high-risk areas do not include one of my cities that is one of the top 10 largest cities in America, and it is not considered high risk. What are we thinking? So I want to talk about that later.

I appreciate the leadership of the Senator from Michigan.

Mr. LEVIN. I thank the Senator.

AMENDMENT NO. 1364

Mrs. HUTCHISON. Mr. President, I send amendment No. 1364 to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1364.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 62 of the bill, line 12, after "investigations" insert the following:

": *Provided*, That the Under Secretary for Emergency Preparedness and Response may provide advanced funding to authorized entities performing duties under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) who respond to disasters declared by the President"

Mrs. HUTCHISON. Mr. President, this is an amendment that would allow the Under Secretary for Emergency Preparedness and Response—basically the disaster relief part of the homeland defense agency—to provide advance funding for nonprofit entities performing duties they are asked to perform in major disasters.

Organizations such as the Red Cross have been unable to bring their coffers back up because of the many disasters we have had in our country over the last few weeks. It is essential that they be able to be called by the Under Secretary to go to a disaster and to provide immediate help to people. The Red Cross is often first to arrive with real help, such as medical help and help for people because their homes are flooded, or they have been in a hurricane. They went to Guam in the last few months when Guam had this terrible hurricane that wiped out so much of the island, and they spent about $17 million. They were able to recoup some, but not all, of those funds. So their coffers are low.

This amendment allows them to have advance funding when they are called to respond to a disaster and they are not able to provide that funding up front, as you would hope you would be able to do in the future. I think this amendment is acceptable. It will certainly help the Red Cross and other nonprofit agencies that just don't have the capability to run to the bank and borrow, in 24 hours, money for their disaster needs.

Until they can get their coffers built back up, I hope we can help them with this problem because we are asking a lot of them in return. They do a great job, and we want to provide the help for them to do that job for the disasters they are called to serve.

Mr. President, I offer this amendment.

Mr. COCHRAN. Mr. President, we have reviewed the amendment offered by the Senator from Texas, and we are prepared to accept it. I recommend that it be approved.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1364) was agreed to.

Mrs. HUTCHISON. Mr. President, Senator DOLE worked very hard with me on this amendment. It was a joint effort. I particularly thank Senator COCHRAN and Senator BYRD, along with Senator INHOFE and Senator JEFFORDS and Senator REID, for helping us work out the language on this bill. A lot of people had jurisdictions and everyone agreed that this was necessary. I appreciate the cooperation of all of the Senators who helped work this out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 1378

Mr. COCHRAN. Mr. President, I send to the desk an amendment on behalf of the Senator from Louisiana, Ms. LANDRIEU, and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Ms. LANDRIEU, proposes an amendment numbered 1378.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the Department of Homeland Security's Undersecretary for Science and Technology should take all appropriate steps to ensure the active participation of historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native serving institutions in Department sponsored university research)

At the appropriate place insert the following:

SEC.   . It is the sense of the Senate that the Department of Homeland Security's Undersecretary for Science and Technology should take all appropriate steps to ensure the active participation of historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native serving institutions in Department sponsored university research.

Mr. COCHRAN. Mr. President, this is a sense-of-the-Senate amendment suggesting that historically black colleges and universities be considered as appropriate recipients of certain funds under the Homeland Security Department.

The amendment has been cleared on this side of the aisle, as well as on the other side.

Mr. BYRD. It has been cleared on this side, may I say to the Senator from Mississippi.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1378) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1379

Mr. COCHRAN. Mr. President, on behalf of the Senator from Indiana, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BAYH, for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. CLINTON, proposes an amendment numbered 1379.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a plan for the enhancement of the operations of the Office of Information Analysis and Infrastructure Protection)

At the appropriate place, insert the following:

SEC.   . (a) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for enhancements of the operations of the Information Analysis and Infrastructure Protection Directorate in order to—

(1) meet the personnel requirements of the Directorate;

(2) improve communications between the Directorate and the intelligence community; and

(3) improve coordination between the Directorate and State and local counterterrorism and law enforcement officials.

(b) In addition to the matters specified in subsection (a), the plan shall include a description of the current assets and capabilities of the Information Analysis and Infrastructure Protection Directorate, a strategy for the Directorate for the coordination and dissemination of intelligence and other information, and a schedule for the implementation of the plan required under subsection (a).

Mr. COCHRAN. Mr. President, this amendment deals with funding in the Office of Information Analysis. We have reviewed it and recommend that it be approved.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1379) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1380

Mr. BYRD. Mr. President, on behalf of Senator FEINGOLD, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. FEINGOLD, proposes an amendment numbered 1380.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Comptroller General to conduct a review and to report to Congress on all of the data-mining programs relating to law enforcement and terrorism currently under development and in use in the Department of Homeland Security)

At the appropriate place, insert the following:

SEC.   . Not later than 90 days after the date of enactment of this Act, the Comptroller General shall conduct a review and report to Congress on all of the data-mining programs relating to law enforcement and terrorism currently under development and in use in the Department of Homeland Security.

Mr. BYRD. Mr. President, this amendment has been cleared with the managers on both sides of the aisle. It provides for a report from the General Accounting Office on the data-mining programs from the Department of Homeland Security. I ask unanimous consent that the amendment be adopted.

Mr. COCHRAN. Mr. President, I join in the request of the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1380) was agreed to.

AMENDMENT NO. 1381

Mr. BYRD. Mr. President, on behalf of Mr. AKAKA, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. AKAKA, proposes an amendment numbered 1381.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow the Secretary flexibility in determining priorities for firefighting vehicles)

At the appropriate place insert the following:

SEC. 6. When establishing priorities for firefighting vehicles in the Firefighter Assistance Grants program, the Secretary shall take into consideration the unique geographical needs of individual fire departments.

Mr. AKAKA. Mr. President, I rise today to offer an amendment to the Homeland Security Appropriations bill to help protect our ports and coasts from fire by making a small change to criteria for spending the appropriations for the Firefighters Assistance Grants program. I thank the floor managers for their assistance and their support.

The amendment has the support of the Federal Emergency Management Agency. The language will permit FEMA the flexibility to give fire boats equal consideration to fire trucks when awarding grants for purchases of fire vehicles under the Firefighter Assistance Grants program.

Ports security is critically important for Hawaii which imports 80 percent of its products. Ninety-eight percent of these products are brought to Hawaii by ship, and about half of these products come through Honolulu Harbor alone.

Many of the Nation's largest cities are located on the water, whether an ocean, a harbor, or a major river or lake, where thousands of people may live or visit. Suburban areas spreading out from a city can also be on the water, having marinas or piers. Commercial ports are essential to our economy. Ninety-five percent of all U.S. trade flows through the Nation's more than 400 ports.

In a major industrial port area having the necessary marine firefighting equipment could prevent serious consequences for the port, a State, or even the national economy. My state of Hawaii is only one example. Eighty-five percent of all refined fuel products for the North East come from Delaware River ports. If a ship were to burn and sink in the single channel serving the ports the price and distribution of petroleum products in the North East could be seriously affected.

The Firefighters Assistance Grants program under the U.S. Fire Administration is a major source of federal assistance to local fire departments around the Nation. It is a necessary and popular program that has distributed hundreds of millions of needed dollars to fire department nationwide.

Purchases of firefighting vehicles are authorized under the Firefighter Assistance Grant program. However, the U.S. Fire Administration 2003 program guidance does not encourage fire departments to submit grants for fire boats. Fire trucks are given a priority one and fire boats a priority three in the Vehicle Acquisition Program priorities for urban areas. In suburban and rural areas, fire boats are a priority four. Due to funding constraints, the program guidance notes that it is unlikely that vehicles that are not listed as priority one or priority two would be funded.

The Nation's fire boat resources are old and underfunded—a number of fire boats are more than 60 years old. If a fire department decides it wants a fire boat rather than a fire truck to meet its particular fire and disaster response needs it should be able to submit an application to that effect. Such an application should receive equal consideration to an application for a fire truck.

My amendment is revenue neutral. It does not seek to add to the $750 million appropriated for the firefighter assistance grants' program in FY 2004, although the efforts by Senator BYRD and other Senators to increase the appropriations are timely and worthwhile. Rather, the intent of my amendment to put fire boats on equal footing with fire trucks in the firefighter assistance grants program if the geography of a local fire department makes the acquisition of a fire boat important to their fire fighting capabilities.

I thank my colleagues for the time, and I look forward to the Senate's support for their amendment.

Mr. BYRD. Mr. President, this amendment has been cleared by the managers on both sides. It provides the Secretary of Homeland Security with flexibility in determining priorities for firefighting vehicles.

I ask unanimous consent that Senator STEVENS of Alaska be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1381) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1382

Mr. BYRD. Mr. President, on behalf of Senator LANDRIEU, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from West Virginia [Mr. BYRD], for Ms. LANDRIEU, proposes an amendment numbered 1382.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To require the Secretary of Homeland Security to submit a report on the air traffic control communications void over the Gulf of Mexico)
>
> On page 75, between lines 5 and 6, insert the following:
>
> SEC. 616. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study and submit a report with recommendations to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate regarding the status of the air traffic control communications voids and gaps in tethered aerostat coverage around the United States, such as those existing in the central Gulf of Mexico.

Mr. BYRD. Mr. President, the amendment has been cleared on both sides of the aisle. The amendment provides for a report from the Department of Homeland Security regarding radar coverage gaps at our Nation's borders.

I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to amendment No. 1382.

The amendment (No. 1382) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1383

Mr. BYRD. Mr. President, it was just 1 year ago that the Senate was preparing to begin debate on the creation of a Department of Homeland Security. The September 11 attacks had occurred just 9 months earlier, and fear that more had to be done to protect the homeland pervaded.

In that atmosphere, at a time when few wanted to look too closely at the fine print for fear of being labeled a stumbling block to the enhanced security of the American people, the administration pushed through a bill to create a huge new Federal department, the Department of Homeland Security.

The budget for the Department of Homeland Security is $28.5 billion, a level well below that needed to meet the Nation's true and pervasive homeland security challenges. Billions of those dollars are up for grabs in that budget for entities outside the Department, and outside the Government.

The administration repeatedly reminds the American people that the next terrorist attack could come any day, any time, anywhere. Do not think that companies have not noticed. The Department's budget is being eyed like a huge honey pot. Thousands of U.S. companies are reinventing themselves, repackaging products, rearranging priorities, renaming operations, and just plain salivating to cash in on what they hope will be hundreds of billions of dollars in new spending on domestic defense.

Some companies would like to sell their wireless communications systems to Government emergency response agencies. Others are hoping to win a Government contract to produce an antidote for anthrax. Still others are pitching their software as an ideal tool for integrating sensitive computer systems in the defense community. One company is trying to persuade the Federal Government to buy its dial-up video technology to install onboard thousands of airplanes to monitor cabin security. One software giant has already sold its financial management software to the Transportation Security Administration.

Go to the Washington Convention Center and one will find vice presidents of homeland security divisions standing in promotional booths describing homeland security technology that would be ideal for the Homeland Security Department. Publicly, the Homeland Security Department says it will judge businesses upon merit, but that is not stopping the more experienced insiders from quietly gobbling up contracts with the help of Washington's lobbying corps.

The campaign finance research group PoliticalMoneyLine reported last spring that in early 2002 there were 157 companies registered to lobby on homeland security issues. By April 2003, the number had more than tripled to 569, and this month the New York Times reported that the number had grown to 799. A New York Times editorial read, in part, the big boom in lobbying in Washington in the past 18 months has been in the lucrative world of homeland security where the role of new registrants intent on selling the Government antiterror products and services has grown fivefold to 799 and counting.

So lobbying firms are creating whole new departments for the sole purpose of lobbying for homeland security contracts. In fact, the homeland security lobbying industry has blossomed full flower. The spring rains have not had any impact on them. I failed to set out my tomato plants this year because of the heavy rains, but the rains have not stymied the growth of these lobbying activities.

The Federal Homeland Security Department is still being stitched together while the homeland security lobbying industry has blossomed full flower. Among these lobbyists are a number of former aides to Homeland Security Secretary Tom Ridge who are lobbying on behalf of companies seeking contracts with the new Department of Homeland Security.

Last April, the New York Times reported that at least four of Secretary Ridge's senior deputies at the White House are working as homeland security lobbyists, as is his chief of staff from his days as the Governor of Pennsylvania.

I ask unanimous consent that this article from the New York Times news service be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. The Times article is dated April 29, 2003.

I also ask unanimous consent that the New York Times editorial to which I earlier referred, dated July 8, 2003, be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BYRD. Many Senators may not be surprised by these revelations. It is a well-established practice for former Government workers to lobby their old colleagues. What is alarming about this situation is how quickly Secretary Ridge's former aides stepped into new careers as domestic security lobbyists. Those very people responsible for setting up the Homeland Security Department are the first people standing in line with their hands out. These are the same people who argued so vociferously in favor of rolling back the civil service laws to allow contractors more access to Government work. They said that the new Secretary must have the flexibility to run the new Department, to hire and fire public servants, and now some of those same people are working for the very companies that are competing for homeland security contracts.

The Homeland Security Secretary has promised to put into place strict ethical standards to make sure the agency's decisions are based on merit. I commend him for the promise but I am impatient for the follow-through. Chairman COCHRAN has taken the bold step of not earmarking first responder, science and technology and infrastructure funds for specific communities or specific technologies. This action places a great deal of discretion in the hands of the Secretary and his staff. We must make sure that in allocating the funds contained in this bill, that the decision making process is fair, even-handed and free of improper outside influence.

So, I am offering an amendment to apply the same ethical post employment standards that apply to Senators and their senior staff to employees of the Department of Homeland Security and the Office of Homeland Security within the White House. All employees who have an income of 75 percent or more of a level II of the Executive Schedule, which is comparable to a Senator's pay, would be prohibited from lobbying the Department of Homeland Security or the Office of Homeland Security for one year. An individual who violates this restriction would pay a civil penalty equal to 100 percent of all gross receipts received by the individual from the conduct that violated the restriction.

The appearance of impropriety is enough to suggest that we cannot wait for Secretary Ridge to issue new ethics rules for his sprawling, young department. The administration has pinned the hopes of the American public on this new department being able to protect them from another terrorist attack, and even the appearance of a conflict of interest undermines the department's mission.

We cannot afford to handicap this new department. I urge the adoption of my amendment.

EXHIBIT 1

[From the New York Times News Service, Apr. 29, 2003]

FROM RIDGE AIDE TO SECURITY LOBBYIST

(By Philip Shenon)

When Tom Ridge arrived here after the Sept. 11 attacks and opened the White House Office of Homeland Security, he quickly surrounded himself with a group of trusted deputies, many of them drawn from the staff he had assembled when he was governor of Pennsylvania.

But when Ridge was sworn in this year as the first secretary of the Department of Homeland Security, many of his inner circle did not follow. They took a spin through Washington's revolving door, emerging as lobbyists whose corporate clients want contracts from Ridge's multibillion-dollar agency.

Lobbying disclosure forms filed in Congress show that at least four of Ridge's deputies at the White House office are now working as "homeland security" lobbyists, as is a chief of staff from his days as Pennsylvania governor.

They are a small part of a booming new lobbying business in Washington that is focused on helping large corporations get a share of the billions of dollars that will be spent by the vast domestic-security bureaucracy that Ridge oversees.

Ridge and the Homeland Security Department, with a budget of about $40 billion this year, are obvious targets for an array of industries and their lobbyists in the capital.

"My one year is up, so I can lobby him and lobby the White House and lobby the Hill," said Rebecca Halkias, who was Ridge's legislative affairs director in the White House, referring to the one-year ban on contacts between former senior government officials and their colleagues.

Halkias, who also managed Ridge's Washington office when he was governor, is now a partner in a lobbying company, C2 Group, and congressional filings show that her clients include Tyco electronics, which is eager to sell its wireless communications systems to government emergency-response agencies.

"I'm not really comfortable talking about homeland security lobbying," Halkias said in a brief telephone interview, declining to answer most questions. Asked if she was concerned about any conflict of interest in lobbying Ridge, she said, "This conversation is over," and hung up.

There is nothing unusual about former government workers lobbying their old colleagues. The surprising thing about Ridge's former aides is how quickly they chose to take up new careers as domestic-security lobbyists.

Ridge's spokesmen at the Homeland Security Department said that he was giving no special attention to products that were being promoted by lobbyists who had worked for him at the White House or in Pennsylvania.

The boom in domestic-security lobbying is viewed skeptically by government watchdog groups, which say they intend to monitor closely how the department spends its money and how Congress appropriates money to Ridge.

"Homeland Security appears to be viewed by the lobbying firms as a huge honey pot," said Fred Wertheimer, president of Democracy 21, a group that advocates restrictions on corporate lobbying.

Exhibit 2

[From the New York Times, July 8, 2003]

Opinion: Security Against Pork

The big boom in lobbying in Washington in the past 18 months has been in the lucrative world of homeland security, where the roll of new registrants intent on selling the government antiterror products and services has grown fivefold, to 799 and counting. That is a whole new level of competitive importuning, contact wooing and just plain salivating after this year's $30 billion budget at the new Department of Homeland Security. The more polished capital lobbyists usually work with some subtlety. Still, as The New York Times' Philip Shenon has reported, some of the pioneers in this burgeoning field talk candidly to potential clients of securing your piece of the homeland security pie, and of offering expertise to avoid the land mines and find the gold mines in homeland security.

Among these post-Sept. 11 lobbyists are several former aides to Tom Ridge, the homeland security secretary. Ridge has assured Congress that these are proven public servants who will have no inside track on reaching and profiting from his agency. The secretary also promised lawmakers two months ago that there would be strict ethical standards to make sure that his agency's contract decisions were based on merit, not political favoritism. Interim rules are in place, the agency emphasizes. The new standards, not yet announced, cannot come a moment too soon for Tim Hutchinson, a former Republican senator from Arkansas who is now a lobbyist. The other day, he sent out an e-mail message inadvertently, by his account about a client, an Arkansas maker of antidotes to germ warfare. The client's Washington schedule includes a meeting with Asa Hutchinson, the lobbyist's brother, who also happens to be an undersecretary of homeland security. The e-mail wound up in the hands of rival lobbyists and, soon after, The Washington Post. Both brothers stress that the meeting will be social, not business. We do not doubt this, thanks to the disclosure of the e-mail note. But we avidly await the tough lobbying standards promised by Ridge to see security from politics established as one of the hallmarks of homeland security.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, as I read it, this amendment would single out employees of the new Department of Homeland Security and have different standards for them compared with other executive branch employees.

We have come to appreciate the government-wide ethics standards as representing a level playing field that has been the foundation of other Federal ethic laws as well; a single government-wide system of public financial disclosure requirements where officials, officers, and employees of the Federal Government has been in place for the last 14 years. The government-wide Ethics Act of 1989 created a level playing field for all three branches of Government. This act was a successful bipartisan effort to reform and strengthen Federal ethics standards. The goal of uniformity is a recurring theme in the legislative history of that act.

This amendment would break the equanimity of the current system. When we start treating one Department or Agency different from another, we could end up with a patchwork of different standards, unworkable and unfair, as employees transfer from one Department to another in the Federal Government.

I must oppose the amendment that singles out the new Department of Homeland Security for different treatment than other executive branch agencies and departments.

Mr. BYRD. Mr. President, the able Senator from Mississippi is correct in stating that this provision would apply postemployment standards to more employees at the Department of Homeland Security than other executive departments. The amendment applies the same standard, as I indicated, as is applied to Senators and their senior staffs.

The reason I believe this amendment is appropriate is that the legislation creating the Department gave the Department extraordinary authorities. For example, the Department has extraordinary flexibility with regard to civil service rules and procurement standards. Secretary Ridge and his staff were given unusual discretion and perhaps that is why lobbyists are swarming all over the Department.

I believe my amendment is appropriate. I think it is in the interests of the American people that we adopt this amendment. Congress should do no less. I urge my colleagues to join in voting for the amendment.

Mr. BYRD. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. Byrd] proposes an amendment numbered 1383.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide post-employment lobbying restrictions on employees of the Department of Homeland Security and the Office of Homeland Security within the Executive Office of the President)

At the appropriate place, insert the following:

SEC. . RESTRICTION OF FUNDING.

None of the funds made available under this Act or any other Act may be used to pay the salary of an individual who is employed by the Department of Homeland Security or the Office of Homeland Security within the Executive Office of the President at a rate of pay that is equal to or greater than 75 percent of level II of the Executive Schedule, unless that individual signs a contract with the applicable employing department or office under which—

(1) the individual agrees to the restrictions described under section 207(c)(1) of title 18, United States Code; and

(2) in the event that the individual violates such restrictions, the individual agrees to pay a civil penalty equal to 100 percent of all gross receipts received by the individual from conduct that violated the restrictions.

Mr. COCHRAN. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 1383. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Utah (Mr. Bennett) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. Edwards), the Senator from Massachusetts (Mr. Kerry), the Senator from Connecticut (Mr. Lieberman), the Senator from Georgia (Mr. Miller), and the Senator from Arizona (Mr. Pryor) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. Dayton) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Dayton) and the Senator from Massachusetts (Mr. Kerry) would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 46, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Fitzgerald
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—46

Alexander
Allard
Allen
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—8

Bennett
Dayton
Edwards
Inhofe
Kerry
Lieberman
Miller
Pryor

The amendment (No. 1383) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

VOTE EXPLANATION

Mr. INHOFE. Mr. President, on the Byrd amendment, I voted "no," but it was not recorded. Had they recorded my vote, my vote would have been "no."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, my understanding is the Senator from Texas has an amendment.

The Senator from Texas has indicated she is not going to offer the amendment. I told several Senators she was, but she is going to speak after the vote.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

Mr. DOMENICI. Mr. President, I want to make sure that the chairman of the Governmental Affairs Committee is aware of an issue of the utmost importance to the security of our Nation's homeland, namely the training of our Federal law enforcement officers who are charged with preventing, mitigating and investigating attacks on America.

We have hired a number of federal law enforcement officers since the events of September 11, and we, quite appropriately, continue to hire more. We fail the American people, however, if we don't give these men and women the training necessary to do the job we have asked of them.

Our responsibility does not stop there. We must retrain Federal law enforcement officers whose mission has changed since that fateful day. We must also commit to providing advanced training so these officers will have the most current knowledge and abilities as they take on this Herculean challenge.

We are fortunate to have state-of-the-art facilities for just these purposes located on Glynco, GA and Artesia, NM. The Federal Law Enforcement Training Center is charged with providing basic and advanced training to the law enforcement officers working for the Federal Government. Unfortunately, these facilities are not always efficiently used because there is no centralized authority responsible for the scheduling of training. I believe this problem is easily solved by placing this authority in the hands of the Director of the Federal Law Enforcement Training Center. Would the chairman be amenable to this idea and commit to working toward this goal?

Ms. COLLINS. I agree with the assessment of the Senator from New Mexico of the situation with respect to the training of our Federal law enforcement officers and I am pleased to pledge to work with the Senator to address the problem he has presented. In fact, I believe S. 1245, which was recently reported unanimously out of the Governmental Affairs Committee, may provide the appropriate vehicle for making this change.

Mr. DOMENICI. I thank the distinguished Chairman for her consideration and support for our Federal law enforcement officers. I look forward to working with her to continue to strengthen our homeland security.

VIRGINIA MILITARY INSTITUTE CONTRIBUTION TO HOMELAND SECURITY

Mr. WARNER. Mr. President, I rise today to speak on behalf of the great capabilities that one of the institutions of my State can offer to our Nation in homeland security, and ask my distinguished colleague from Mississippi to consider it as he proceeds through the budget cycle. That institution, the Virginia Military Institute, has for over 163 years provided a unique environment to develop young men and women into citizen-soldiers—leaders with the broad skills necessary to keep America and its values secure regardless of the threats we may face.

In the wake of September 11, 2001, new challenges have arisen for our Nation, not only to our physical well-being but also to the social and moral fabric of our society. As in the past, VMI is responding to help safeguard our country, by preparing civilian, government, and corporate leaders to succeed on the new domestic battlefields of the 21st century. To do so, VMI and the Commonwealth of Virginia are undertaking the establishment of the Center for Preparedness and Homeland Security, which will bring together Federal, State, military, business, and community leaders to undertake research, and develop new policy and response mechanisms to secure our homeland. It will engage in educational curriculum development, training and outreach programs, and national conferences to disseminate policy best-practices as widely as possible. In addition, VMI has already been asked to join one of the handful of distinguished educational institutions compromising the National Domestic Preparedness Consortium, one of this country's most important assets for training and policy development in the first-responder communities.

Although no additional funding will be available for individual projects through this bill, I have been informed by the Appropriations committee that a new program will be established under the Office of Domestic Preparedness in FY04 for Emergency Training Grants, providing a sum of $60 million in peer-reviewed competitive grants to develop new capabilities for first-responders and disaster planning. I can offhand think of no educational program which would fit more appropriately into this mission area, and I will strongly encourage VMI to apply for a share of this funding. I would also ask my distinguished colleague from Mississippi to look at the valuable contributions VMI can make in this area and give every consideration appropriate to provide an opportunity for this great institution to secure reasonable resources.

Mr. COCHRAN. Mr. President, I am very familiar with the institution my friend from Virginia speaks of, VMI, and I assure my colleague that I will work with him to ensure that the necessary resources are provided to it.

LETTERS OF INTENT

Mr. REED. Mr. President, I rise to engage the chairman and ranking member in a colloquy regarding letters of intent for the installation of airport security equipment.

The bill before us includes $309 million for the installation of Electronic Detection Systems, also known as EDS, at our Nation's airports, which is an increase of $309 million over the President's request.

I applaud the inclusion of these funds as our Nation's airports face increased security demands and limited growth in passenger traffic revenues in the wake of September 11. My State's airport authority, the Rhode Island Airport Corporation, RIAC, was amongst the first airports to have EDS screening of all passenger bags. However, RIAC was forced to place these large machines in the terminal waiting area at my State's main airport, T.F. Green, causing significant disruption. Since that time, RIAC and my office have worked to make sure that the TSA and FAA are aware of this situation and the need for Federal assistance to modify the terminal at T.F. Green to increase the efficiency of the facility, the security of the EDS machines, and ease of passenger movement.

I would ask my colleagues, the Senators from Mississippi and West Virginia, if it is their understanding from the Transportation Security Administration that the level of funding included in this bill is sufficient to meet the needs of airports such as T.F. Green which are far along in the planning process and that the TSA believes that it cannot expend more than the $309 million in fiscal year 2004?

Mr. COCHRAN. It is my understanding from the TSA that the $309 million for LOI's in our bill is sufficient to meet the expected demands of airports that are ready to begin formal design and construction.

Mr. BYRD. I concur with the distinguished Chairman's assessment and support the Senator from Rhode Island's efforts to assist his State's airport.

Mr. REED. I thank my colleagues for providing this level of funding, and I look forward to working with them to ensure that our Nation's airports can successfully meet their security needs.

BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Mr. REED. Mr. President, I rise to engage the chairman and ranking member in a colloquy regarding the increasing demand for investigative work by the Bureau of Immigration and Customs Enforcement in Rhode Island.

Neither the Bureau nor its predecessor, the U.S. Customs Service, has stationed a permanent investigator or special agent in Rhode Island. Several years ago, two special agents were designated to serve my State but were stationed in Boston, where they have frequently been pulled away to other duties.

Without a permanent investigative presence in Rhode Island, serious and growing challenges remain unaddressed, including financial crimes, money laundering, and the smuggling of narcotics and other contraband that enter by marine vessels and on international flights at Rhode Island's T.F. Green Airport.

The legislation before us includes an additional $20,300,000 to increase investigations staffing for the Bureau of Immigration and Customs Enforcement. I applaud the chairman and ranking member for providing these funds and for including language in the committee report recognizing the need to devote additional resources to the core investigative missions of the Bureau. I would ask my colleagues, the Senators from Mississippi and West Virginia, to join me in urging the Bureau to ensure that Rhode Island and other underserved States receive a permanent investigative presence to meet these growing challenges.

Mr. COCHRAN. Mr. President, I thank the Senator from Rhode Island for bringing this important issue before the Senate today. The committee report that accompanies this Homeland Security appropriations bill calls on the Bureau to review staffing nationwide and to submit a comprehensive deployment plan, to include existing and newly funded positions. We expect the Bureau to use these additional staffing resources to address any pressing needs.

Mr. BYRD. I concur with the remarks of the distinguished chairman and I support the interest of the Senator from Rhode Island in establishing an investigative presence in his State. There is no substitute for having investigators and special agents on the ground who are closely familiar with the ports of entry and organizations they are required to monitor.

Mr. REED. I thank my colleagues for their support, and I look forward to working with them to ensure that the Bureau of Immigration and Customs Enforcement can successfully meet its investigative responsibilities in Rhode Island and throughout the Nation.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. LIEBERMAN. Mr. President, this first appropriations bill for the Department of Homeland Security should have been a highpoint in our shared quest to secure the homeland. In the anguished days after September 11, Members of both parties were able to unite around our commitment to fight for a different, more secure future. The new Department of Homeland Security, DHS, should be a monument to that commitment. But the Department and its partners cannot make a difference without real resources to fight terrorism here at home. This bill does not provide those resources, and it does not provide them because the President has refused to lead on this issue.

We are fighting a war on terrorism that demands our full energy and determination. It must be waged not only overseas, but also at home. Yet President Bush has repeatedly balked at carrying out a serious effort at homeland defense. In the face of numerous expert reports chronicling the terrorist threat to U.S. citizens and property here at home—and the need for a dramatic infusion of new Federal funds—President Bush has consistently failed to embrace the challenge of homeland security with vision or resources.

Recall that President Bush had to be dragged to the table to consider a Department of Homeland Security. For months, President Bush rejected calls by myself and others to create a Cabinet-level department that could robustly tackle the daunting challenge of homeland security. Critical time was lost as the administration continued to insist that the monumental task of securing our homeland could be handled by a policy advisor in the White House without budget or line authority over any of the Federal workers tasked with our homeland security. But when the administration changed tacks and signed onto the idea of a new department last summer, I welcomed them to the cause. And when the legislation was passed to create the department, I held out hope that the administration would now vigorously address the vulnerabilities in our homeland defenses.

Sadly, that trust was misplaced. Having belatedly agreed to create the Department of Homeland Security, the President now refuses to seek the resources DHS—and its partners at the State and local level—must have in order to succeed. Even before the legislation to create the department went through, I had urged the White House to boost spending on critical homeland security programs. Yet throughout the last appropriations cycle, the administration resisted repeated Democratic attempts to obtain more resources for first responders and other critical homeland security accounts. Whether the question was equipping our first responders, bolstering our border personnel or money for transit security—to cite just a few items—the administration kept saying no.

Then, in February, with the Department of Homeland Security nearly launched, the President sent the Congress a status quo budget for homeland security for fiscal year 2004—requesting only $300 million more than it planned to spend on homeland defense activities in the preceding year. Incredibly, the President's request included no new money for first responders, no new money to equip our hospitals and public health clinics to combat bioterrorism, and no money at all for port security grants. The President's proposed budget actually cut funds for the Transportation Security Administration, TSA, an agency whose urgent work is just beginning. It provided almost no money to assess and help protect our Nation's critical infrastructure. It was a business-as-usual budget, when we needed a call to arms to address the dire new threats confronting us. And that timid request drove the budget debate this spring and shaped the broad contours of the appropriations bill before us.

I can hardly overstate the gravity of this failure to lead. The Federal Government may have no more fundamental obligation than to provide for the common defense. Today, as September 11 so painfully showed us, that means more than building a strong military and deploying our outstanding servicemen and women in hot spots around the world. Now, it also means securing our borders and, within the country, building a network of shared security with our State and local governments. We must equip and empower our frontline homeland defense workers—be they Customs inspectors, baggage screeners, local police and firefighters or public health professionals—just as robustly as we have readied our soldiers, sailors, and airmen for combat overseas.

Homeland security is expensive. We must invest in the people and the technologies that can prevent or help respond to terrorism, and that means making substantial new investments in our services and infrastructure. We must employ, train and equip top-flight first responders. We must hire more border personnel, create biometric security systems, install information sharing networks and develop biological and chemical testing and treatment capabilities. Securing the Nation's ports, as well as chemical and nuclear plants, must become a top priority. In transportation, we must move beyond aviation and also secure mass transit, highways, rails, air cargo, container shipments, pipelines, tunnels, and bridges. Dollars alone will not solve these challenges, but they certainly cannot be conquered without more resources. Nor should we ask State and local governments, who are already facing the worst fiscal crises in decades, to shoulder an unfair portion of the burden. The war against terrorism is a national fight, and a substantial portion of the financial responsibility falls to the Federal Government.

That is why, in February, I called for an additional $16 billion for homeland security in fiscal year 2004, including an additional $7.5 billion for grants for first responders. My proposal advocated significant new resources for port security grants, public health preparedness, heightened security in all modes of transportation, critical infrastructure protection, and more. I argued that we must approach homeland security with the same urgency, and resources, that we would deploy against terrorists overseas. In the same vein, last month I sought to authorize $10 billion for first responders in fiscal year 2004 during consideration of S. 1245, a bill to improve the process for distributing first responder grants to State and local governments, in the Governmental Affairs Committee. Unfortunately, my amendment was rejected on a party-line vote.

An expert task force has recently delivered the same message about the urgent needs of our first responders. An Independent Task Force of the Council on Foreign Relations, led by former Senator Warren Rudman and former White House terrorism adviser Richard Clarke, called for billions more to equip and train the Nation's first responders. The report's title says it all: "Drastically Underfunded, Dangerously Unprepared." The task force, which included a former Director of the FBI and CIA as well as a former Chairman of the Joint Chiefs of Staff, found a nation still "dangerously ill-prepared to handle catastrophic attack on U.S. soil." It found fire departments without proper breathing apparatuses and interoperable radios, cities without the means to determine whether terrorists had struck with dangerous chemicals or other hazardous materials, and public health labs incapable of responding to a chemical or biological attack. This expert task force concluded that government would need to spend an additional $98.4 billion over 5 years to prepare the Nation's first responders. The administration's response to the warning from this respected commission? The administration brushed off the report's spending recommendation as "grossly inflated."

The administration simply cannot be listening to our first responders. Far from seeming inflated, the funding recommendations of the task force report only corroborated what I have heard from first responders around the country, including testimony before the Governmental Affairs Committee. First responders need equipment such as personal protective clothing, respirators, and devices for detection of chemical, biological, and radiological hazards. They need training to use such equipment effectively and to learn how to respond to a serious terrorist attack. However, local fire and police officials at our hearings told the committee that they do not have the resources to pay for training or equipment that they need to prepare for a possible attack.

For instance, Captain Bowers of Prince Georges County, MD, told the Governmental Affairs Committee that approximately 57,000 firefighters lack personal protective clothing and many fire departments do not have enough portable radios to equip more than half of the firefighters on shift. Indeed, most emergency workers still do not have the training or the equipment they require. State and local governments and first responder organizations cannot train and equip these personnel on their own, and they are not getting the help they need from the Federal Government. The administration's own budget documents estimate that only about 80,000 first responders were trained and equipped in 2002 with funding at the Federal level of $750 million.

Unless this administration provides significantly more funding, it will take us decades to train our first responders to cope with weapons of mass destruction. That is time we do not have.

First responders are not the only homeland workers left in the lurch by this administration. Independent experts and the General Accounting Office, GAO, have cited substantial shortfalls in other areas of homeland security as well. Transportation security is one glaring example. By law, the Transportation Security Administration is responsible for security in all modes of transportation. But TSA has thus far focused almost exclusively on commercial aviation, leaving treacherous weaknesses in other transportation systems—a problem I outlined in a July 9 letter to Secretary Ridge. With respect to maritime transportation, the Coast Guard has identified billions of dollars worth of necessary improvements—and Congress has mandated greater security—yet the administration requested no money for port security grants to help make the changes. This even as expert upon expert has identified the Nation's 360 commercial ports as a leading cause for concern on the homeland front—in large part because of the valuable goods and energy imports channeled through these ports and because the millions of containers that enter this country by sea can hide untold dangers.

Stephen Flynn, a homeland security specialist at the Council on Foreign Relations, summed it up this way in the June 21 Boston Globe:

> A government that is wringing its hands over 1 or 2 million-dollar grants is still a nation that hasn't come to grips with the fact that the threat has changed. I was more forgiving in the first 18 months, but when you pass an act and you make sure there is no money to execute it, that goes beyond being slow to not taking this seriously.

Mass transit systems are another grave source of concern. According to a December 2002 GAO report, mass transit systems are frequent targets for terrorists. We all remember the 1995 attack on the Tokyo subway, when members of a Japanese cult released sarin, a lethal chemical nerve gas, on five subway trains during rush hour. Twelve people were killed and thousands injured. Only mistakes by the terrorists kept the death toll from being far higher.

Here in the United States, our transit systems remain vulnerable to such an attack. The GAO report concluded that "insufficient funding is the most significant challenge in making . . . transit systems as safe and secure as possible." Yet the administration is not seeking any significant resources to secure our Nation's transit systems—a project that could run into billions of dollars. Nor do we see a commitment to improve rail security, although vast quantities of hazardous materials are shipped by rail. Even in the area of passenger aviation, where TSA has focused virtually all its resources, troubling gaps remain. Officials have made strides in screening passengers themselves and their baggage, yet they have not developed a reliable system to screen commercial cargo loaded onto the very same planes.

Look in almost any direction, and you will find pressing, unmet security needs. The administration's budget will not fulfill existing congressional mandates to secure the borders with more personnel and better, biometric identification systems. Our Nation's critical infrastructure—chemical and nuclear plants, energy grids, water systems and more—remain dangerously exposed, yet the administration seems content to continue studying these vulnerabilities rather than move aggressively towards creating greater protections.

In March, I wrote to Secretary Ridge seeking firm timetables for completing inventories, risk assessments and protective measures for a wide array of critical infrastructure segments. The Secretary has yet to provide these timetables.

These shortfalls are disturbing enough when taken in isolation. Seen together, they form a shockingly dismal picture of our homeland security. That is why former Senators Gary Hart and Warren Rudman, who were the first to call for a Department of Homeland Security and who warned of terrorist attacks within the United States even before the September 11 tragedy, last fall issued a new report warning that: "America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S.

soil." They concluded the Federal Government must invest more to equip and train first responders, to boost the health community's capacity to prepare for and respond to chemical or biological attacks, and to improve transportation security beyond commercial aviation. Several months later, an expert study by the Brookings Institute came to a similar conclusion: The Administration was shortchanging key homeland security accounts such as port security and critical infrastructure protection.

Even Republicans here in Congress have called for more. Indeed, this bill does go beyond the President's request to provide some additional funds for certain homeland security accounts. But the appropriators do not go nearly far enough. So, as our firefighters and police officers face layoffs due to tight budgets, this bill would offer even less assistance to first responders than in fiscal year 2003. And as the Coast Guard predicts it will cost $1 billion this year to conduct the most basic port security assessments and improvements, this bill provides only $150 million for port security grants and would not give Coast Guard the personnel it needs to carry out its statutory mandate to review port security plans. It makes no sense to me that the Bush administration is willing to shortchange homeland security. This is a profound failure of leadership that threatens to undermine our promise to the American people to do all we can to ensure this country never again suffers the tragic loss and disruption experienced on September 11 and its aftermath.●

Mr. AKAKA. Mr. President, I rise today to speak in favor of the disaster mitigation programs as funded in the fiscal year 2004 Homeland Security appropriations bill.

The Federal Emergency Management Agency, FEMA, currently has two programs for disaster mitigation, a pre- and postdisaster program. Since 2001, the administration has sought to combine these two programs into one predisaster program. In response to the administration's initiatives, I asked the General Accounting Office, GAO, to examine the administration's proposed changes. The GAO report, released in 2002, concluded that FEMA's mitigation programs, "differ substantially in how they have sought to reduce the risks from hazards but each has features that the State emergency management community believes has been successful for mitigation."

Congress funded both programs in fiscal year 2002 and fiscal year 2003. In addition, the Senate and House Homeland Security appropriations reports for the fiscal year 2004 Homeland Security appropriations speak highly of both programs. The Senate report noted that the committee thought the post-disaster program had been "very successful and will continue to be a valuable tool in the disaster relief process." The report goes on to say the committee "has also continued funding for the national pre-disaster mitigation fund, believing that a balance in pre- and post-disaster mitigation funds allows for greater flexibility in emergency management at the local level."

The House Appropriations Committee also reviewed the two programs favorably. The House committee report said the "postdisaster hazard mitigation grant program is an effective mechanism to ensure mitigation activities are undertaken when the need is most apparent, which is immediately after a disaster strikes. When used in conjunction with the pre-disaster mitigation grant program, a comprehensive mitigation strategy can be accomplished."

I look forward to Congress's continued support for these two important programs.

Mr. DODD. Mr. President, I thank the chairman and ranking member as well as Senator STEVENS for working with me on my amendment that was approved unanimously last night by this body. This amendment had two parts: first, it would allow the Coast Guard Research and Development Center to maintain the funding level necessary to keep it functioning at current capacity; and second, it would mandate a comprehensive review of the Coast Guard's system for developing new technologies to meet the fleet's needs.

This legislation is critically important because without it, the Coast Guard R&D Center's exceptional scientists, researchers, and other employees, who work under the excellent leadership of CPT Francis Dutch, would not receive paychecks for the work they do in 2004. Basic operations and maintenance would be left unfunded and might cease in the coming fiscal year. The work that is done at this facility is first rate. With a minimal $13 million budget for operations and maintenance, our Coast Guard tracks down cutting-edge technologies to support its various missions for maritime safety, search and rescue operations, drug interdiction, and even new homeland security missions.

I am pleased that Senators STEVENS, COCHRAN, and BYRD have supported my amendment which also calls for a study to explore the Coast Guard's ability to gain access to the most advanced technology necessary to perform its mission effectively. The GAO and several independent policy institutes are joining a growing chorus of experts suggesting that more needs to be done to protect our Nation's ports. Among some of their findings is that the Coast Guard may currently be inadequately prepared to keep pace with its expanding missions. This is a significant conclusion given that our ports are principal access points for the Nation's commercial shipping and import/export traffic.

My amendment will mandate indepth study of the Coast Guard's processes for developing new technologies and will require recommendations to address shortfalls in the Coast Guard's current science and technology apparatus. It is critical that an independent policy institute provide such comprehensive analysis to improve the Coast Guard's approach to innovative research and development. With this information, we can assure that the Coast Guard remains on the cutting edge of crucial technology development and make certain it takes a proactive approach to addressing our nation's many port security challenges.

I ask unanimous consent that two letters be printed into the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 10, 2003.

Dr. DENNIS MCBRIDE, President,
Potomac Institute for Policy Studies, Arlington, VA.

DEAR DR. MCBRIDE: As the nation seeks to secure its homeland from both traditional and emerging threats, the importance of the U.S. Coast Guard's mission will certainly grow and evolve. As one result of this maturation process, the Coast Guard must examine new ways to increase its research and development (R&D) and enhance its abilities to transition effective technologies to the fleet.

I am concerned about the Coast Guard's ability to develop new technologies that will keep pace with the service's expanding missions. But perhaps more importantly, I am concerned about the potential requirements of the Coast Guard vis-à-vis the new Department of Homeland Security (DHS), and its relationship with the Department's Homeland Security Advanced Research Projects Agency (HSARPA).

As I understand it, up until last year, discretionary spending for Coast Guard R&D averaged a yearly budget of $10 million, compared to its counterpart in the Navy, the Office of Naval Research, whose annual discretionary budget totals approximately $1 billion. The scarcity of resources forced the Coast Guard to develop an R&D architecture that emphasized adaptations of commercial-off-the-shelf (COTS) technologies or *ad hoc* relationships with other government agencies to find Coast Guard applications for already existing equipment. While resourceful, this way of thinking is certainly not indicative of the government's new mindset for providing a comprehensive homeland defense. For example, the challenges posed by vulnerabilities in our nation's ports necessitates that the Coast Guard replace its apparently reactive approach to R&D with a more proactive methodology.

It is urgent that the Coast Guard R&D system undergo a comprehensive evaluation of its current structure. I am writing to request the assistance of the Potomac Institute for Policy Studies in examining the evolving management of science and technology development for the USCG, and to help develop an architecture for its future. The Institute's track record and its unique, demonstrated ability to address these issues are very clear. I strongly encourage you to bring to bear the necessary skills that are required to pursue such a study in the immediate term, and to work with the appropriate components of the Administration in doing so. I look forward to working with you on this important endeavor, and to securing support for the Institute on this effort.

Sincerely,

CHRISTOPHER DODD,
U.S. Senator.

POTOMAC INSTITUTE FOR
POLICY STUDIES,
Arlington, VA, June 26, 2003.

Hon. CHRISTOPHER DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: The Potomac Institute for Policy Studies, a not-for-profit think-and-do organization, appreciates your request for assistance and gratefully accepts the challenge. Examining the evolving management of science and technology (S&T) development for the U.S. Coast Guard (USCG) is a matter of serious importance, one that the Institute has considered at great length. There has never been a more appropriate time to undertake such a study, and the Institute's track record and unique ability make it a logical home for such a project.

Potomac understands the need for an appropriate and comprehensive set of technologies to counter emerging threats and new missions. Our work with the New York Police Department (NYPD) and other first responder organizations enables us to understand the role of the Coast Guard as law enforcement entity, while our ongoing, extensive work with the Services gives us insight into the USCG's role as a military organization. It is of fundamental importance, as you clearly recognize Senator, that the Coast Guard is nationally unique as a law enforcement as well as a naval/military organization. This unique combination is of vital importance for our future; and the Coast Guard must establish and sustain a clear and decisive technological edge.

The Institute has examined ways to increase effective research and development yield and technology transition for many of this nation's top S&T organizations including the Defense Advanced Research Projects Agency (DARPA), the Office of Naval Research (ONR), and NASA, and we will bring such knowledge and experience to bear on this project. Our endeavors have ranged from leading extremely important science efforts for the National Academy of Sciences (NAS), the National Research Council (NRC), and the National Science Foundation (NSF), to conducting highly visible Congressional policy studies, as with our examination of the nation's competitive status in shipbuilding. We are proud to have been awarded for example, the editorship of the Review of Policy Research, a testimony to our fierce objectivity and pragmatic-oriented scholarship.

The most appropriate time for this comprehensive, organizational thought process is now. The future entails more than technology transition to Service field-use as we have learned it and practiced it so well over the years. Defense of the homeland requires very sensitive consideration of myriad domestic and international variables that are specific to our homeland as well as those that are traditional to the military services. The technologies and their deployment in so many ways will imply "business that is not at all as usual."

Thank you for your support and your interest in this timely topic. We look forward to working with you, the Coast Guard, and your staff on this extremely important endeavor.

Very respectfully,

DENNIS K. MCBRIDE,
President.

AMENDMENT NO. 1318

Mr. AKAKA. Mr. President, I rise today in strong support of the Senator from Nevada, Mr. REID, who is offering an amendment to establish $20 million in grants to protect tourist populations. This amendment will ensure that homeland security funding allocations properly reflect a State's population, including its tourist population.

Currently, Federal first responder funding is based on a State's permanent population. States with large tourist populations are left with the responsibility for protecting a larger number of individuals than is reflected by the funding they receive from the Federal Government. As a result, first responders in these States face severe funding shortfalls. We need to ensure that methods for allocating Federal assistance for homeland security, especially first responder funding, considers the resources needed to protect each and every individual in a State.

Tourists represent a significant proportion of the population in many States. This is especially true for Hawaii, where, at any given time, there are over 160,000 tourists in the State.

Since the current first responder grant formula does not account for tourist populations, Hawaii is responsible for protecting 13 percent of its total population without Federal assistance.

This funding is critical for all States with significant tourist populations. For this reason, I am pleased to have worked with Senator COLLINS, chairman of the Governmental Affairs Committee, to include language in S. 1245, the Homeland Security Grant Enhancement Act of 2003, to ensure that tourist populations are fully addressed in first responder funding. This bill favorably passed out of committee unanimously. The Reid amendment builds on S. 1245 by providing the additional funding needed to protect tourist populations in Federal first responder funding.

Federal funding for homeland security should fully account for the total population in a State, including tourist populations. I urge my colleagues to support this amendment.

Mr. MCCAIN. Mr. President, as with every appropriations bill, I come to the floor of the Senate to speak about the objectionable provisions that are often hidden in the text of the legislation. Just last week, I spoke at length about all the wasteful spending in this year's Defense Appropriations Act. However, I must commend the Appropriations Committee—especially the distinguished Senator from Mississippi—for their efforts in reporting out of committee a Homeland Security bill with minimal earmarks or unrequested spending. Seeing as this is the first ever Homeland Security appropriations bill, I am very encouraged that my friends on the Appropriations Committee resisted the urge to load this legislation with unrequested spending. I urge my colleagues to ensure the bill remains this way as it progresses through conference.

The Department of Homeland Security plays a crucial role in our Nation's defense. In no place is the role of our Department of Homeland Security more vital than in protecting our Nation's borders.

Waves of undocumented immigrants still cross the border daily, leaving a trail of death and destruction in their wake. Those who survive the journey place enormous strains on the residents of Arizona and other border States. All aspects of life for the residents of Arizona are affected by costs of illegal immigration. The situation has gotten so desperate along the border, a group of citizens has resorted to vigilante actions to defend the borders because they believe the Federal Government has failed them. While I believe the actions of these groups are dangerous, they illustrate the dire situation faced by the residents of Arizona. It is vital that we continue to increase resources, particularly manpower and improve the technology along our borders. I am particularly encouraged by the development of new technologies such as Unmanned Aerial Vehicles, UAVs, which may prove extremely useful in patrolling the areas between our ports of entry.

This bill provides much-needed funding for our Nation's borders. However, money alone will not solve this problem. The militarization of our borders is not the answer. As long as there are better paying jobs in the United States, there will be a steady supply of people coming into this Nation looking for work. Legal immigration plays an important role in contributing to the economic growth and prosperity of our Nation. Our Nation's tradition of legal immigration must be respected while the Federal Government works to solve the problems along the border. One solution to the problem that will address our Nation's national security needs and prevent further deaths in the Arizona desert is to enact comprehensive immigration reform. This is not just an issue that affects those residing in border States, it affects all Americans. We must work together to address this situation.

Despite the overall lack of objectionable provisions in this legislation, I would like to express my concern about the committee's decision to move funding for the Assistance to Firefighters Grant, FIRE grant program, from the Department of Homeland Security's Emergency Preparedness and Response Directorate to the Office for Domestic Preparedness. As the chairman of the authorizing committee of jurisdiction, I am familiar with the success of the Assistance to Firefighters Grant Program. FIRE grants are made directly to local jurisdictions after their applications undergo a competitive, merit-based process. FIRE grant recipients use such funds to help meet their basic needs for equipment and training to respond to "all-hazards," including wildfires, tornadoes, floods, and structural fires—not just antiterrorism efforts. I am concerned that the Office for Domestic Preparedness, ODP, has no experience with the basic needs of firefighters or administering a program like the FIRE grant program.

I wish to acknowledge that the administration's budget submission seeks to move this grant program over to ODP, while promising to administer the grant program in a manner similar to that which is done now, with an interest in ensuring that there is one-stop shopping and better coordination for emergency preparedness grants. I understand that goal and am more than willing to work with my colleagues to ensure better coordination of our emergency preparedness efforts. In fact, just last month, the Commerce Committee reported legislation to reauthorize the U.S. Fire Administration and improve coordination and training for first responders. That legislation is the appropriate vehicle to consider any programmatic changes, instead of this or any other appropriations bill.

I am also disappointed that the Senate choose to accept a "Buy America" provision by voice vote. I firmly object to all "Buy America" restrictions, as represent prime examples of protectionist trade policy. I continue to be very concerned about the potential impact of our restrictive trade policies with our allies. From a philosophical point of view, I oppose these types of protectionist policies. I believe free trade is an important element in improving relations among all nations and essential to economic growth. From a practical standpoint, "Buy America" restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners. Buy America" provisions cost our Department of Defense over $5.5 billion each year, I do not want to see the same problems arise with the Department of Homeland Security. I urge the removal of this provision during the House-Senate conference.

Once again, I thank the appropriators for their diligence in passing a relatively clean homeland security appropriations bill. I ask unanimous consent that a copy of the objectionable provisions I have found in this legislation be printed in the RECORD. I hope that this continues with future appropriations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

2004 HOMELAND SECURITY APPROPRIATIONS BILL

OBJECTIONABLE PROVISIONS IN THE BILL

Transportation Security Administration

$210 million for Maritime and Land Security.—

Explanation: The bill would provide $295 million for Maritime and Land Security which is $210 million above the President's FY2004 request. Within this amount the bill would provide $150 million for port security grants not requested by the Administration. In addition, the bill would provide $30 million for Operation Safe Commerce, an increase of $27.5 million over the President's request. The accompanying report further describes the appropriators' intentions for the Operation Safe Commerce funds.

Explanation: Provides money for port security grants and for Operation Safe Commerce. Operation Safe Commerce is a program intended to serve as a test-bed for new techniques to increase the security of container shipments—from the point of destination through the supply chain to the point of origin. Operation Safe Commerce is not, and has never been, authorized. Report language would expand the program beyond the original pilot program ports—the ports of Seattle and Tacoma, Los Angeles and Long Beach, and the Port Authority of New York/New Jersey. This is objectionable because it is a policy change that has not been reviewed by the authorizing committee.

$10,000,000 for Intercity Bus Security. Explanation: This money was not requested by the President.

$25,000,000 for Trucking Industry Grants. Explanation: This money was not requested by the President.

$13,000,000 for Hazardous materials permit program/truck tracking. Explanation: This money was not requested by the President.

$4,000,000 for nuclear detection and monitoring. Explanation: This money was not requested by the President.

U.S. Coast Guard

The bill provides $18 million to repair bridges under the Truman-Hobbs Act and the report further earmarks these funds to the following specific bridge projects: $5 million for the Florida Avenue Railway/Highway bridge in New Orleans, LA; $1.5 million for the EJ&E railroad bridge in Morris, IL; $2 million for the John F. Limehouse bridge in Charleston, SC; $2.5 million for the Chelsea Street Bridge in Boston, MA; $2,500,000 for the Sidney Lanier Highway Bridge in Brunswick, GA; and $7 million for the Fourteen Mile CSX Railroad Bridge, Mobile, AL. Explanation: The Administration did not request this funding and the bridges earmarked are not necessarily the bridges with the greatest need to be altered under the Truman-Hobbs Act. These earmarks continue a trend where only bridges in select states annually are funded without undergoing a need or risk-management based process.

The bill states that funds for bridge alteration projects conducted pursuant to the Truman-Hobbs Act shall be available for such projects only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

The report earmarks $4 million to assist the Coast Guard in transitioning its voluntary ballast water management program to mandatory enforcement. Explanation: This money was not requested by the Administration, and the Coast Guard currently is in the process of drafting regulations to transition its ballast water management program from a voluntary program to one that is mandatory.

The report contains language adding $12 million in funding for the Coast Guard's 17th District in Alaska and contains language directing the Coast Guard to fund a total of seven Marine Safety and Security Teams (MSSTs) while the Administration only requested funding for six. Explanation: The Administration requested six new Marine Safety and Security Teams (MSSTs) in its budget request for Boston, San Francisco, Honolulu, San Juan, San Diego, and New Orleans. It appears this additional funding will create a seventh unrequested MSST for Alaska.

The report adds $202 million for the Coast Guard's Integrated Deepwater system project. Explanation: The Administration requested $500 million for the Coast Guard's Integrated Deepwater system project which is approximately $50 million less than the national Deepwater plan requires. The General Accounting Office (GAO) reported in March 2003 that if the Administration's FY04 Deepwater request is enacted, the Deepwater project will have a cumulative $202 million shortfall. This additional $202 million increase would erase this shortfall and get the Deepwater project back on schedule.

The report earmarks $40 million to acquire and install a shore-based universal Automatic Identification System (AIS) coverage system in ports nationwide. Explanation: The Administration did not request this funding. While the Maritime Transportation Security Act (MTSA) of 2003 requires the Automatic Identification System (AIS) carriage by vessels to be phased in beginning in 2003, the Coast Guard is in the process of analyzing its shore-based coverage requirements and has not determined what the system design or calculated its costs. This $40 million is not based on any in-depth analysis and is simply a guess.

TITLE IV—ASSESSMENTS, PREPAREDNESS, AND RECOVERY

Federal Law Enforcement Training Center (FLETC)

Salaries and Expenses. Explanation: $50,357,000 above the President's request to cover additional student weeks of basic training.

Acquisition, Construction, Improvements, and Related Expenses. Explanation: $5,029,000 above the President's request to construct an indoor/outdoor firearms range at FLETC's Artesia, New Mexico, location

Office for Domestic Preparedness. Explanation: $15,000,000 above the President's request for emergency management performance grants.

Cerro Grande Fire Claims. Explanation: $38,062,000 above the President's request for Cerro Grande fire claims settlement.

DIRECTIVE LANGUAGE FOUND IN THE FY 2004 DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT

The Under Secretary of Transportation and Border Security is directed to provide a comprehensive report to the Committee describing the specific measures taken by the Department and its legacy agencies since September 11, 2001, to enhance security at the northern border. The report should include a discussion of (1) increased personnel deployment, technological improvements, and enhancements in interagency coordination; (2) measures for improvement of northern border security authorized by the Congress that the Department has not yet undertaken; and (3) aspects of northern border security requiring additional resources and focus. Because of the sensitive nature of many aspects of this report, the Department should provide both an unclassified and, if necessary, classified version of the report.

The Department is expected to submit a plan that explains the privacy policies that will be put in place to protect the information that is housed in the U.S. VISIT system. Both the expenditure plan and the privacy plan shall be submitted to the Committee no later than 45 days after the enactment of this Act.

The Committee directs BCBP to review staffing nationwide, and to submit a comprehensive deployment plan to include existing (direct and fee funded) and newly funded positions. Included in the amount recommended by the Committee is continued funding at the fiscal year 2003 level for part-time and temporary positions in the Honolulu Customs District.

The Committee directs BCBP to submit a deployment plan to the Committee for the new agents provided, and to ensure that this plan is coordinated with construction projects.

The Committee directs BCBP to quickly implement deployment of the systems as planned and to submit a report to the Committee no later than October 1, 2003, on the progress made in meeting this goal.

The Committee directs the Department to work with the General Services Administration to develop a nationwide strategy to prioritize and address the infrastructure needs at the land ports-of-entry and to comply with the requirements of the Public Buildings Act of 1959 to seek necessary funding.

In addition, BCBP should review the priority funding list for construction projects for the Border Patrol, and submit to the Committee an updated plan no later than July 1, 2004.

The Committee expects BICE to review staffing nationwide, and to submit a comprehensive deployment plan, to include existing and newly funded positions.

The Department is directed to submit to the Committee an annual review of the program. This review should include a discussion of its effectiveness, compliance by certified schools, status of compliance reviews, the rate of student non-compliance, and the results of investigations. The first report is to be submitted by December 31, 2003.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will speak for a couple of minutes about the big State formula in the Department of Homeland Security. I am not going to take long. It is very important we address the issue of the formula in the bill just passed.

The formula is not fair to the large States where the greatest risk is. The large States generally have the larger population centers which generally have the highest risk for homeland security. Yet the formula under which we are proceeding is a formula that takes away from our 13 largest States because of a floor put in for the smaller States. I don't think any of the large States want to be totally whole but the large States would like to have more of a fair shake than the formula underlying in this bill.

I hope the Senate will agree to hear the bill that has come out of the Committee on Governmental Affairs which does authorize new formulas and will seek to change the formulas in a way that is more fair. To give a couple of examples, the State of California on a strict population basis would get $216 million; the State of California has a long coastline, they have major cities, they certainly have a high-risk designation. Under the bill, they will get $146 million for a deficit to California of $64 million. Georgia should get $53 million; it would get $46 million for a deficit of $5 million. New York should get $118 million; it will get $86 million for a deficit of $28 million. My home State of Texas should get $134 million; it will get $96 million for a deficit of $34 million.

This does not make sense. It does not pass the fairness test. The large States do not ask for complete parity but we do ask for fairness. There is a formula we used in the State aid package in the most recent tax cut legislation that does not give the big States full parity but it does give them a much more fair formula.

That is what I intended to offer in the bill. It would have been subject to a point of order, so I withheld. But I am serving notice that I, along with Senators VOINOVICH, SPECTER, DEWINE, SANTORUM, WARNER, CHAMBLISS, CORNYN, and LEVIN, am going to readdress this issue and hope that everyone will come together, small States and large, for something that is fair to the States that are at the highest risk.

That is a very important component of securing our homeland. If we are going to leave our biggest States and biggest cities vulnerable, that is not protecting the part of our country that is most at risk.

I thank you, Mr. President. I am serving notice we will try to address this issue in the bill. I ask the majority leader and minority leader to please assure that we will address this issue in the bill that has come out of the Governmental Affairs Committee so that we can correct this inequity.

I yield the floor.

Ms. COLLINS. Mr. President, I would oppose the amendment of my friend from Texas. I understand that she has agreed not to offer the amendment, and instead to just debate the issue at this time. As I noted yesterday, when a similar amendment was offered by the Senator from New York, formula fights are never easy. But they deserve careful deliberation and consideration.

An appropriations bill is where Congress spends money once it has settled on a formula in authorizing legislation. An appropriations bill is not the right place to have a formula fight.

My friend from Texas has raised an issue that falls squarely within the jurisdiction of the Government Affairs Committee, which has held three hearings on this topic this year. We have heard from firefighters, police officers, mayors, governors, State emergency management directors, county officials, and Secretary Ridge.

As a result of these hearings, I have developed legislation, on a bipartisan basis, with Senator CARPER and 15 other cosponsors.

Just last month, the Governmental Affairs Committee approved this legislation by a unanimous vote. My legislation would address the very issue that the amendment of the Senator from Texas seeks to address on this appropriations bill.

I cannot support the amendment of the Senator from Texas because it would pre-empt a debate that we began in the Governmental Affairs Committee, and that should continue when our legislation reaches the Senate floor.

But I also oppose this amendment because it is bad for Maine—and States across the country. And because I believe it could compromise the security of this great Nation.

This amendment would not only reduce the small State minimum from .75 to .5 percent of the amount appropriated, but it would also make the small State minimum a ceiling, rather than a floor, which it is in current law, and should remain.

Moreover, big States already get plenty under the bill that Chairman COCHRAN and Ranking Member BYRD have so ably crafted.

The bill distributes $1.75 billion to all 50 States, territories, and the District of Columbia. Of this amount, $1.05 billion, or 60 percent, will be distributed strictly based on population, meaning more populous states do well.

In addition, however, the bill sets aside $750 million just for big cities. That means states such as Maine, Mississippi, West Virginia, and Alaska will not see a dime of this money—$750 million just for the country's biggest cities—$250 million more than the House appropriated. And yet big States want more.

The Senate should not be considering these kinds of authorizing changes to an appropriations bill.

I know it is tempting to offer amendments like this to appropriations measures—I considered offering my grants bill, or parts of it, as amendments—but the practice must be resisted. It does an end-run around authorizing committees, which are set up to address matters such as these in a deliberate, thorough manner.

Any modifications to ODP's formula should be considered in a comprehensive manner, not as piecemeal amendments. By changing the formula on an ad-hoc basis, we may produce unintended consequences, where a State may end up with insufficient homeland security resources.

For all these reasons, I urge my colleagues to oppose changes to the existing funding formula on this bill.

At the same time, I pledge to work with my friend from Texas to accommodate her legitimate concerns. Big States have big homeland security needs, and the Federal Government has an obligation to help them.

Mrs. FEINSTEIN. Mr. President, I rise to urge my colleagues to support the efforts of Senators LEVIN, VOINOVICH, HUTCHISON, myself, and others to modify the USA PATRIOT Act formula for homeland security grants. This formula, as currently interpreted by the Department of Homeland Security, DHS, greatly disadvantages larger States.

Unfortunately, as Senator LEVIN stated earlier, it looks as though we will not be able to use the Homeland Security Appropriations bill to make such a modification. Any such amendment would face a point of order and fail.

However, we will be back. I intend to continue to raise this issue in the Senate until we finally change existing law to ensure that the DHS has the authority to distribute homeland security money fairly to all States.

In my view, the Department should distribute homeland security funds according to population or, at a minimum, according to threat and vulnerability assessments, location of critical infrastructure, and population density.

On March 7, 2003, DHS released their State-by-State allocations for the $566 million State Homeland Security Grant Program.

Although this program is described as being distributed on the basis of population, smaller States received a higher level of funding on a per capita basis than larger States.

For instance, California received $1.33 per capita while Wyoming received $9.78 per capita. This means that residents of Wyoming received more than five times what residents of California received. The national average was $1.98 per capita.

However, if you look at all the homeland security grants awarded by the DHS Office of Domestic Preparedness, ODP, for FY 2003, the numbers are even worse. This fiscal year, California received $4.85 per capita in ODP homeland security grants and Wyoming received $35.67 per capita. In other words, residents of Wyoming received more than seven times what residents of California received.

I do not want to pick on Wyoming or focus inordinately on California. The issue is not about any State in particular. It is about the fact that States with large populations and large amounts of critical infrastructure are more vulnerable to terrorism and also generally subject to more credible terrorist threats.

However, since I represent California in this distinguished body, I do want to explain why I believe that California—as other populous States has been shortchanged on homeland security grants.

California is what people in the counterterrorism field called a "target-rich" environment. We have two of the biggest seaports in the country, Disneyland, the Golden Gate Bridge, two of the biggest ports in the country, some of the busiest airports in the country, and much else as well.

Moreover, with the release of a congressional report today on intelligence failures by the FBI and CIA, the American people now know that at least several of the September 11 hijackers had numerous links with California. And, as a member of the Senate Intelligence Committee, I can assure you that terrorists and their sympathizers continue to operate in California.

Finally, we have all heard about credible threats to important tourism and commercial sites in California—and those are just the ones that have become public.

However, in spite of all this, my State received this fiscal year less than one-seventh per capita of ODP homeland security grants than the least populous State—a State that is not a target-rich environment, has little if any connection with any terrorists, and has been subject to few if any terrorist threats.

In my view, that is absurd.

Americans in every State should be more afraid knowing that a disproportionate amount of homeland security money is flowing into States that may not need that money.

The reason that homeland security grant allocations favor small States is because of the way that ODP applies Sec. 1014 of the PATRIOT Act.

Under the USA PATRIOT Act, ODP gives each State .75 percent and each territory .25 percent of the appropriation for homeland security grants.

For the 50 States and five territories, these amounts total approximately 40 percent of the total appropriation.

However, the USA PATRIOT Act is silent on how ODP should distribute the remaining 60 percent. ODP has opted to distribute the remaining 60 percent based on population.

It is worth pointing out that the USA PATRIOT Act does not require that the .75 minimums be allocated first and then the remainder distributed according to population. ODP could, under the USA PATRIOT Act, distribute all the money according to population and then bump up any State that has not received .75 percent.

If ODP followed this method, it would mean millions of additional dollars for more populous States. I would urge ODP to look into using such a method.

In any event, because of the USA PATRIOT Act formula, California only received $149 million of the $1.87 billion appropriated in FY 2003 for the ODP State homeland security grant program about 8 percent of the total.

However, California has over 12 percent of the population and a disproportionate amount of the country's critical infrastructure—all terrorist targets of opportunity.

If this money had been allocated according to population, California would have received $76 million more for homeland security just this fiscal year.

There is no question that the USA PATRIOT Act formula greatly disadvantages California and other States with high threat potential. These are States that possess densely populated areas and critical infrastructure such as landmark buildings, large gathering places, stadiums, amusement parks, tall buildings, underground transit, bridges, and ports.

Secretary of Homeland Security Tom Ridge has made this very point over and over. For example, in a hearing before the Senate Commerce Committee, he expressed frustration with the USA PATRIOT Act formula and urged that Congress enact legislation that would require such money to be distributed based on the likely terrorist theat and vulnerability of a given area.

Most reasonable observers agree. It is ludicrous to pour homeland security money into small, rural States that are at little risk of terrorist attack and shortchange States that have densely populated centers and/or have critical infrastructure.

It is also worth noting that the .75 small State minimums are not applied to other grant programs. In an exhaustive survey of Federal grant programs, we could find only two grant programs that used such a high percentage for State minimums: State homeland security grants and sport fish restoration grants.

While an argument could be made that perhaps less populous States deserve more sport fish restoration money, that argument fails with regard to homeland security. The fact remains that the areas most vulnerable to terrorist attack are large cities and those with critical infrastructure, which tend to be in more populous States.

Grant programs other than for homeland security or sport fishing restoration have either no small State minimums, percentages ranging from .25 percent to .50 percent, or minimum dollar figures.

The current formula for allocating homeland security grants is unfair and illogical. And, to be brutally honest, it wastes taxpayers' money by sending to it to areas where it may not be needed. I urge my colleagues to support efforts to modify this formula.

I ask unanimous consent to have printed in the RECORD a chart listing Homeland Security grants per capita.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 2003 ODP HOMELAND SECURITY GRANTS PER CAPITA

[Grant dollars in thousands]

Rank and state	ODP grants	2000 Census	Per capita spending
1. Wyoming	17,611	493,782	$35.67
2. District of Columbia	17,917	572,059	31.32
3. Vermont	18,110	608,827	29.75
4. Alaska	18,225	626,932	29.07
5. North Dakota	18,183	642,200	28.31
6. South Dakota	18,723	754,844	24.80
7. Delaware	18,917	783,600	24.14
8. Montana	19,352	902,195	21.45
9. Rhode Island	20,029	1,048,319	19.11
10. Hawaii	20,772	1,211,537	17.15
11. New Hampshire	20,897	1,235,786	16.91
12. Maine	20,981	1,274,923	16.46
13. Idaho	21,177	1,293,953	16.37
14. Nebraska	22,823	1,711,263	13.34
15. New Mexico	23,356	1,819,046	12.84
16. West Virginia	23,133	1,808,344	12.79
17. Nevada	24,708	1,998,257	12.36
18. Utah	25,311	2,233,169	11.33
19. Arkansas	26,980	2,673,400	10.09
20. Kansas	27,006	2,688,418	10.05
21. Mississippi	27,666	2,844,658	9.73
22. Iowa	27,989	2,926,324	9.55
23. Oregon	30,417	3,421,399	8.89
24. Connecticut	30,157	3,405,565	8.86
25. Oklahoma	30,298	3,450,654	8.78
26. Puerto Rico	31,846	3,858,806	8.25
27. South Carolina	32,898	4,012,012	8.20
28. Kentucky	32,841	4,041,769	8.13
29. Colorado	34,592	4,301,261	8.04
30. Alabama	34,505	4,447,100	7.76
31. Louisiana	34,487	4,468,976	7.72
32. Arizona	38,617	5,130,632	7.53
33. Minnesota	36,766	4,919,479	7.47
34. Maryland	38,622	5,296,486	7.29
35. Wisconsin	38,549	5,363,675	7.19
36. Missouri	39,532	5,595,211	7.07
37. Tennessee	40,057	5,689,283	7.04
38. Washington	41,211	5,894,121	6.99
39. Indiana	41,592	6,080,485	6.84
40. Massachusetts	42,730	6,349,097	6.73
41. Virginia	46,400	7,078,515	6.56
42. Georgia	51,767	8,186,453	6.32
43. North Carolina	50,747	8,049,313	6.30
44. New Jersey	51,892	8,414,350	6.17
45. Michigan	58,080	9,938,444	5.84
46. Ohio	63,888	11,353,140	5.63
47. Illinois	68,884	12,410,293	5.55
48. Pennsylvania	67,760	12,281,054	5.52
49. Florida	86,307	15,982,378	5.40
50. Texas	107,777	20,851,820	5.17
51. New York	96,664	18,976,457	5.09
52. California	164,279	33,871,648	4.85
Total	2,043,979	285,280,712	7.16

Copyright 2003 FFIS Federal Funds Information for States.

Mr. HARKIN. Mr. President, I thank the subcommittee chair and ranking member for their work on this bill. A difficult task was set before them in marking up this first appropriations measure for the new Department of Homeland Security. September 11 changed much about how Americans view the role of the Federal Government and its most basic function—providing physical security for American citizens.

We cannot protect the nation completely from every conceivable threat. We have to devote available resources to those threats we judge to be the likeliest and most serious. This poses difficult choices for Congress and the administration, as well as for local communities who face similar decisions. Deciding which threats to public safety it is most important to prepare for is perhaps most difficult for first responders, those men and women most directly tasked with the job—men and women whose bodies and even lives are regularly on the line.

One of my first goals upon being appointed to the Homeland Security Appropriations Subcommittee has been to attempt to address directly the needs of these people in Iowa who are on the front lines, the people who are most responsible for public safety throughout the State. My staff and I have had a number of conversations with the Governor of Iowa, his staff and with others in State government. I also asked members of my Iowa staff to visit each of the State's 99 officials. I asked my staff to check in with people in each of these local communities to find out what they think is most important when it comes to homeland security, what they think is working and what is not.

I think the meetings have been a big success. Not surprisingly, Iowans were pleased to be asked what they think are the top priorities in this area of policy. Security is on people's minds, and the communities that my staff visited have provided me with great insight about how to approach homeland security issues here in Washington. Mr. President, I ask consent that two items be printed in the RECORD at the end of my statement: first is a letter I have sent today to Homeland Security Secretary Ridge regarding the findings of my staff from their meetings around Iowa; second is the list of the locations in Iowa for those meetings, along with the dates they occurred.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. When Senator LIEBERMAN first proposed creation of a new Department of Homeland Security, in his role at that time of chairman of the Government Affairs Committee, I supported his effort. We knew then that balancing, and probably shifting, among competing priorities would be a challenge. We must do all we can to safeguard the vital interests of the Nation form the threat of terrorism. But it remains essential that we don't disregard the need to protect people from other, more likely hazards, especially in areas away from large towns and critical assets.

We must not merely redirect funds badly needed current programs, creating new holes in our security infrastructure. In fact, we should seek wherever it is possible to expand and strengthen existing emergency response mechanisms. We should increase their capacity in ways that allow local authorities to prevent or respond to terrorist threats while also helping them to deal better with the much more common threats and emergencies they face. I believe this is possible.

Iowans told my staff that the biggest challenges Iowans face today include many of the same problems they faced in June of 2000: crime, the methamphetamine scourge, natural disasters.

Over the past several years, FEMA, now part of Homeland Security, has become a truly remarkable and world-class organization for dealing with fires, floods, tornadoes and earthquakes. These occur every year, regardless of other threats, and they continue to take away lives and livelihoods. Earlier this week, a tornado hit Cedar Rapids, IA, and caused damage to 25 homes. We cannot back away from our commitment to help people in need due to these natural disasters. One example of making sure we continue that commitment is the successful fight that I and others have undertaken to ensure that the fire grant program is retained.

There is also no question that many Iowans feel that their world changed on 9/11. People want their families to be safe from terrorist threats. Larry Hurst is County Emergency Management Director in Glenwood, IA, which is in Southwest Iowa. He is afraid that Iowa could be comparatively neglected in this regard, that we might "find it easy to cut public safety, defense and health funding, betting that nothing will happen here." Of course, we hope that no terrorist incidents do occur in Iowa. But, we are only as strong as the network of first responders throughout the Nation.

First responders in my State tell me that they are frustrated. When the alert level changes, they learn about it from CNN, not from the Department of Homeland Security. They don't know why the alert level is raised, or which kinds of threats they ought to look for. Mahala Cox, the Emergency Manager in my home county, Warren County, says that "we cannot afford to be behind the curve and reacting to a media message." People like Ms. Cox must respond to vague mandates they don't fully understand, taking time away from other pursuits. Mandates are unclear, and can be costly. While some money is flowing, communities are unsure how exactly they should be spending it, and they fear spending it in a way that might not meet a later mandate.

At the same time, some current reporting requirements are onerous and illogical. One county emergency manager in Iowa relayed to my staff that they are required to report on contingency plans in case there is a tidal wave, and they understand they are not allowed to answer "not applicable." I suspect if a tidal wave big enough to cause damage in Iowa were to hit the U.S. our least concern would be what a given county emergency manager plans to do about it. These increased burdens are coming at a time when State and local governments are hurting. Many already are laying off police, fire, and emergency management personnel. The vast majority of firefighters in the United States are volunteer, increased training requirements for these personnel, while useful, might be very burdensome at a time when we are already losing firefighters in Iowa. If we at the Federal level are to create mandates, funds must follow those mandates.

Walter "Ned" Wright is the Emergency Management Director in Linn County, IA, which is home to Cedar Rapids, one of the State's larger cities. He spoke to my staff about reporting requirements. He talked about "analysis paralysis," which he described as "assessment after assessment, and blue ribbon panel assessments, but no real results.

Law enforcement and first responders are being watchful of Government waste. They are worried that we are reinventing the wheel. I share their concern. I was concerned to hear of the great costs incurred by certain communities in my State to protect critical asset bridges. I want to make sure that communities are made whole for necessary expenses, but I also want to make sure that The Department spends its money in a way that isn't wasteful. The security of our homeland is so critical that we can't afford to waste a single penny. I would be happy to work with my colleagues and the Department to help to identify ways to be more efficient.

I am pleased with language in the report requiring the Department to establish clearly defined standards for all levels of government emergency preparedness, and detailing the costs of meeting these standards, and to take into account heir opinions.

I think the committee has done a commendable job at trying to maintain funding for the kinds of programs I was most concerned with, particularly three emergency programs that are close to my heart—Emergency Management Performance Grants, Firefighter Assistance Grants, and Hazard Mitigation Grants, though I was disappointed with the cuts to the Hazard Mitigation Grants last year from 15 percent of public and individual assistance to only 7.5 percent for post-disaster mitigation and $150 million for pre-disaster mitigation. I would like to see this returned to the 15 percentage level. In Iowa, this program has been successfully used to reduce the damage from future disasters. In many cases, it saves the Government money in the long run by avoiding the costs of repairing dangerously placed structures that are repeatedly damaged.

Finally, I would like to mention the subject of agri-terrorism. As my colleagues know, a major agri-terrorism event could easily cause billions of dollars in losses. Anyone who has spent time in rural America knows the difficulty in trying to guard against every avenue through which agriculture could be attacked. It is impossible. The key for protecting U.S. agriculture is making sure our intelligence and response capacities are in place to both prevent acts of terrorism in the first place, and respond quickly, should an attack occur, to limit the damage. I think we are still falling short on response. I am very disappointed not to see more resources directed to building the capacity of our agricultural first response system. I think we really need to take a hard look, and make sure we are doing all we can to protect U.S. agriculture and rural communities.

I have been working closely with the State of Iowa, particularly with the state Homeland Security director, Ellen Gordon, on appropriate State and Federal responses to agi-terror. The State has been working overtime trying to map out a comprehensive plan to deal with this very difficult issue. I applaud their work, and look forward to working with them and with my colleagues as we move forward to improving our capability to respond to this very serious and very real threat.

EXHIBIT 1

U.S. SENATE,
Washington, DC, July 21, 2003.

Secretary TOM RIDGE,
U.S. Department of Homeland Security,
Washington, DC.

DEAR SECRETARY RIDGE: This June and July, members of my staff traveled to every county in Iowa to better understand the needs of local first responders and emergency management officials. Please find enclosed a more thorough summary of the comments provided to me by those public officials. I hope that you find it as helpful as I have.

I would appreciate it if the Department could comment on some of the broader recurring themes of their reports, including, but not limited to, those items I will discuss in this letter. As a member of the Homeland Security Appropriations Subcommittee in the Senate, I understand some of the difficulties inherent in pulling together a broad agency with a unified mission.

I fully supported legislation creating this agency. We knew then that balancing, and probably shifting, among competing priorities would be a challenge. We must do all we can to safeguard the vital interests of the nation from the threat of terrorism. But it remains essential that we don't disregard the need to protect people from other, more likely hazards, especially in areas away from large towns and assets that have been identified by the Department as critical. As evidenced by the Oklahoma City bombing, anyone could be targeted. Also, it is critical to maintain the ability local departments currently have to respond to the things they always have; fires, floods, tornadoes, and crime. In order to do so, I think it is critical to make sure that we keep the lines of communication open between the rule makers and public safety officials.

To that end, allow me to summarize the administrative issues that seemed to arise most often. Topping almost everyone's list was the desire for more information about terror alert level elevation. Public officials have complained that they learn of the increased alert level from CNN before they hear from DHS. Upon receipt of this information, they are not sure how they should alter their current behavior, if at all. It was suggested in these meetings between my staff and local officials that better intelligence from DHS as to specific threats could eliminate unnecessary cost to departments and limit complacency among citizens.

Another near-universal concern is the relationship of mandates to funding. The time and manpower needed to complete various emergency management plans come out of local budgets that are already stretched. One county emergency manager in Iowa relayed to my staff that they are required to report on contingency plans in case there is a tidal wave, and they understand that they are not allowed to answer "not applicable." At the same time, these communities are laying off firefighters and police officers due to budget constraints.

Training requirements are also difficult to cover for many small departments. While they may be reimbursed for the training itself, they may also have to pay overtime to cover for the missing staff. The vast majority of fire departments in Iowa are volunteer, so leaving a duty station for training means using vacation time from a paying job. This costs many departments valuable personnel.

On the other hand, there are funds flowing for equipment, but localities claim that guidance on how those funds could be best spent is not available from the federal level. If that is the case, is guidance planned in the near future, and if so, would that guidance require further equipment expenditures? I understand that many communities still have cold war era siren alert systems. What is the feasibility of more advanced equipment, like radios, or more advanced siren technology?

There is broad support for many of the grant formulae, such as Fire Grants, that go straight to local departments from the federal level. I have been a long time supporter of the program, first in the authorization, then as a member of VA/HUD and Independent Agencies Appropriations Subcommittee, and now as a member of Homeland Security. It is my hope that DHS will list programs like Assistance to Firefighters, Hazard Mitigation Grants, and Emergency Management Performance Grants individually in its budget request to Congress, and will request increased funding for these accounts in future years as needs grow.

Law enforcement and first responders are being watchful of government waste. They are worried that we are "reinventing the wheel." It is my hope to work with you to make sure that we do our best to weed out duplicative and overly burdensome requirements so that we may find best practices to more effectively strengthen the nationwide network of first responders.

Sincerely,

TOM HARKIN,
U.S. Senator.

SUMMARY OF COMMENTS FROM COUNTIES

Homeland Security Alerts are received via CNN instead of through formal Homeland Security Channels.

Homeland Security staff at the federal and state level is increasing, but stagnant at the local level. All coordination, reporting, and emergency response is being done at the lowest level, which receives the least funding.

In order to qualify for grant funds, a great deal of planning efforts and reports are required, but local emergency management cannot spare resources to do this work. Each country needs a full time emergency management staff person.

All counties have the same requirements regardless of county size or the number of paid employees.

Many rural communities do not have the means for protecting the community well or sanitary lift station.

Funds should be used to fix security problems rather than study them.

More decision making should be local, to respond to the unique needs of the community.

More funds are needed for training and to cover overtime for replacement workers when others are away at training.

Grants are increasingly important with dwindling state and local budget capacity.

The feasibility of developing regional capabilities for training, planning, exercising and equipment should be explored.

State, county, and city fiscal restraints, combined with certain other unfunded mandates to local jurisdictions, limit growth of public safety and emergency management budgets.

Administrative burden of regionalization will be huge and cannot be borne by local jurisdictions without funds or staff.

Local jurisdictions are just now beginning work on bioterrorism, and have not started work on agriterrorism.

Due to the specific work that the public health agencies have to accomplish in this federal fiscal year, they are finding it difficult to become leaders in pulling the community resources together for multi-agency planning and are depending upon emergency management to assist in this endeavor.

Instead of a nationwide security upgrade to level orange, a state by state, or region by region analysis of the situation would be better.

There is a need to update the sirens or early alert system. Most are 30–40 years old and there is no longer funding available to replace them.

Food processing sites want to be notified of threats directly when relevant intelligence is received by the Department. The rapid production in many food processing plants require this because of the length of time between processing and distribution.

Farm Service Agencies and veterinarians expressed concern about the easily spread hoof and mouth disease. The plan for quarantining a contaminated herd is critical. There is no known action plan in the event of this or any other infection. There is talk that the State's Department of Emergency Management is working to compile a plan, but many fear not fast enough.

Regional storage facilities for equipment would be useful for communities to share equipment they otherwise could not afford.

Forms are confusing with requirements that don't apply to the state. Some forms require an explanation of country plans in case of tidal wave. The applicant may not answer "not applicable."

Hazmat teams need more funding.

Interoperability should apply to training as well as equipment.

Information technology funding is needed.

Pre-Disaster Mitigation Act of 2000 hazard mitigation plans require a rework of every community's plan with new standards that are very difficult to meet.

Training requirements are difficult. There is no compensation to cover overtime to fill in for those away at training. Most fire departments are volunteer, and training requires that firefighters take vacation from paying jobs.

More training should be available over the internet or the fiber-optics Iowa Communications Network.

Communities need more education on the nature of possible agriterrorism threats, and how to respond.

Grants that require a local match can be difficult for small communities to obtain, due to budget constraints.

SCHEDULE OF STAFF MEETINGS WITH LOCAL EMERGENCY MANAGEMENT AND FIRST RESPONDERS—SENATOR TOM HARKIN—SUMMER, 2003

June 9—Muscatine, Wapello, Mount Pleasant, Burlington, Fort Madison, Keosauqua.

June 12—Bloomfield, Centerville, Corydon, Chariton, Albia, Ottumwa.

June 13—Fairfield, Washington, Sigourney, Oskaloosa, Montezuma, Marengo.

June 16—Iowa City, Tipton, Anamosa.

June 17—Waverly, Allison, Charles City, Cresco, New Hampton.

June 18—Osage, Northwood, Mason City, Hampton, Eldora.

June 19—Waterloo, Independence, Cedar Rapids.

June 24—Webster City, Fort Dodge, Dakota City, Algona.

June 25—Forest City, Garner, Clarion.

June 26—Vinton, Toledo, Grundy Center.

July 1—Elkader, Waukon, Decorah, West Union.

July 2—Manchester, Dubuque, Maquoketa.

July 7—Boone, Jefferson, Guthrie Center, Adel.

July 8—Nevada, Marshalltown, Newton, Knoxville, Indianola.

July 10—Bedford, Corning, Atlantic, Greenfield.

July 11—Clarina, Sidney, Glenwood, Red Oak.

July 15—Ida Grove, Sac City, Rockwell City, Pocahontas.

July 16—Logan, Council Bluffs, Audubon, Harlan.

July 18—Cherokee, Primghar, Sibley, Rock Rapids, Orange City.

July 21—Spencer, Spirit Lake, Estherville, Emmetsburg.

July 23—Sioux City, LeMars.

July 24—Onawa, Denison, Carroll, Winterset, Creston, Mount Ayr, Leon, Osceola.

July 30—Storm Lake.

Mr. AKAKA. Mr. President, I rise today to discuss the committee report to H.R. 2555, the Department of Homeland Security Appropriations Act of 2004, to ensure that the Department of Homeland Security fulfills it non-homeland security missions.

I am pleased that the committee report includes many of the same reporting requirements of non-homeland security missions at S. 910, the Non-Homeland Security Mission Performance Act of 2003, which I introduced on April 11, 2003. My bill, which is cosponsored by Senators CARPER, LAUTENBERG, and DURBIN, will guarantee the fulfillment of non-homeland security functions that Americans rely on daily. S. 910 was reported out of the Government Affairs Committee unanimously on June 13, 2003.

In my view, the reporting requirements in the committee report to H.R. 2555 and those in S. 910 achieve similar goals. However, I believe the reporting requirements in H.R. 2555 could be improved by including the reporting requirements in S. 910.

The Department of Homeland Security should indicate the management flexibilities and personnel used to carry out non-homeland security functions; clarify whether any changes are required to the department's roles, responsibilities, and organizational structure to enable it to fully accomplish its non homeland security functions; and describe the management strategy the department will use to fulfill its non-homeland security missions.

Moreover, the report should complement, not duplicate, existing reporting requirements the U.S. Coast Guard already provides the Department of Homeland Security Inspector General. The department should fully describe and evaluate how homeland security and non-homeland security functions will be fulfilled in government-wide performance reports to Congress, and the General Accounting Office should evaluate the extent to which the department is implementing the provisions in this bill and its non-homeland security missions generally.

This report should be provided annually over a five year period, and submitted to the appropriations Committees, Governmental Affairs Committee, and the Government Reform Committee.

The cost of creating a Department of Homeland Security should not come at the expense of essential non-homeland security missions.

I urge that these provisions be included to complement those in the Committee Report to H.R. 2555.

Mr. DASCHLE. Mr. President, since September 11, 2000, Congress has provided the President, our military, our intelligence agencies, and our Federal law enforcement officials with the resources and tools needed to hunt down members of al-Qaida and to break up their activities and the activities of other terrorist organizations. In addition to the regular appropriations bills that provide funding to our troops and our intelligence and law enforcement agencies, we have passed several supplemental appropriations bills totaling close to $100 billion to cover the unanticipated costs of these operations.

Regrettably, the record is not as good when it comes to making our homeland and home towns more secure. Within weeks of the 9/11 tragedy, Senate Democrats, led by Senator BYRD, launched an effort to begin addressing the major gaps in our Nation's efforts to defend itself from future attacks. Senator BYRD proposed that we provide $15 billion for first responders and to address the vulnerabilities of our Nation's transportation system, chemical and nuclear facilities, public health system, and borders.

Sadly, the administration adopted a view that we did not need additional resources for homeland defense. Hundreds of billions of additional resources for the Pentagon? The administration stated, and I agreed, that we must give our troops what they need to wage the war on terrorism. Billions in additional resources for intelligence? The administration stated, and I agreed, that we needed to strengthen our intelligence capabilities. Billions more for Federal law enforcement? The administration stated, and I agreed, that Federal law enforcement officials needed more resources to tackle the terrorist threat. But for some reason, in the immediate aftermath of the 9/11 attacks, the administration decided to draw the line on providing additional resources to protect America and Americans. In a November 28, 2001, letter to Senator BYRD, Tom Ridge, then the President's Homeland Security Director, said, "No additional resources to protect the homeland beyond what the President has already requested are needed at this time." No additional resources were needed beyond what the President requested before the 9/11 tragedy had exposed to America and the world how vulnerable we were to terrorist attack.

And what has happened since then? Study after study has affirmed this country's vulnerability to terrorist attack and the need for additional resources. According to America—Still Unprepared, Still In Danger, a bipartisan study by former Senators Warren Rudman and Gary Hart published in October, 2002, "America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack."

Our newspapers are filled almost daily with reports about the vulnerability of various aspects of our economy, our infrastructure, and our communities to terrorist attacks. In a follow-up report entitled "Drastically Underfunded, Dangerously Unprepared," the authors concluded, "Nearly two years after 9/11, the United States is drastically underfunding local emergency responders and remains dangerously unprepared to handle a catastrophic attack on American soil." In the words of Warren Rudman, former Republican Senator and one of the principal authors, "There isn't a place in America today, that if we had a nuclear, biological, or a chemical attack, that the fire and police departments could respond to it and survive the response."

Only a small percentage of the 21,000 containers that arrive in our ports every day are inspected. Little has been done to enhance the security of our Nation's 103 nuclear plants and scores of chemical facilities, despite the fact that many of them are located near populated areas. According to the EPA, there are 123 chemical facilities in 24 States where an attack could expose more than 1 million people to highly toxic chemicals. Our rail lines carry more than 23 million passengers and 40 percent of the Nation's freight. Yet the administration has done very little to improve rail security.

This is only a sample of the many challenges we must confront before we can look the American people in the eye and say we have done everything we can to make them and their families more secure. Time and again, Senate Democrats led by Senator BYRD have led the charge to begin addressing these vulnerabilities only to be rebuffed by the administration and Senate Republicans.

By their words and their votes on this bill, Republicans have confirmed that the position espoused by Secretary Ridge in the days after 9/11 is a position they remain largely committed to today. On the bill before us, they defeated Democratic efforts to add resources for States and local communities to hire, equip, and train thousands of additional police, firefighters, and emergency medical technicians. They have opposed Democratic efforts to provide resources to hire, equip, and train more than 1,000 Border and Customs personnel to police our porous borders. They voted against Democratic attempts to hire 1,500 port security personnel to enhance port security. Republicans defeated a Democratic effort to provide funds to mass transit agencies and our railways. And they opposed a Democratic proposal to provide an assessment of the vulnerability of our nuclear and chemical plants to terrorist attack.

Democrats will not give up in our attempts to protect the American people. We will return again and again in the days and months ahead to see that we provide the resources needed to make our homeland and our home towns more secure.

Finally, before leaving the floor, I would like to say a few words about Senator BYRD's latest homeland security effort his amendment to help ensure that the homeland security funds we do appropriate are spent on the proper priorities and for the proper reasons.

Hundreds of billions of taxpayers' dollars will be dedicated to homeland security in the coming years. The ethical standing of the Federal employees making these life-and-death decisions that affect the security of all Americans must be above reproach. Even the appearance of impropriety could be damaging.

Yet news reports indicate at least four of Secretary Ridge's senior aides have left government service and are working as homeland security lobbyists trying to influence the decisions of their former colleagues. Trying to deliver millions of dollars in contracts to their new employers.

Senator BYRD's important amendment merely says we should employ the same post-employment ethical standards to homeland security employees as we do to Senators and their senior staff. Based on the critical nature of their work, we should ask no less of these employees and I hope all of my colleagues join me in supporting Senator BYRD's amendment.

Mr. COCHRAN. Mr. President, I know of no other amendments that will be offered. I think we are ready for third reading.

The PRESIDING OFFICER. Is there further debate?

The Senator from West Virginia.

Mr. BYRD. Mr. President, last week, the Senate approved a bill making appropriations for the Department of Defense. That bill totaled some $368.6 billion. It is an important bill, both in size and in importance. That $368.6 billion bill pays our men and women in uniform. It pays for all the advanced weapons and technology that make the Armed Forces of the United States second to none on the planet. The Department of Defense appropriations bill funds the forces and activities that keep the United States at the forefront of military activities around the globe, protecting American interests and lives as well as responding to humanitarian and security crises in distant lands.

That $368.6 billion does not include, mind you, the actual costs of the war on terrorism. Our activities in Iraq and Afghanistan, aside from salaries paid to military personnel, are funded through supplemental appropriations—over $60 billion thus far. But that $368.6 billion does provide the weapons, the forces, the training, and the infrastructure that allow the Armed Forces to provide a very high level of preparedness, a very high level of readiness, and a very high level of security. It provides the means to keep U.S. troops stationed in Korea, Japan, and Europe as a uniformed tripwire and global 911 emergency service. In its unanimous vote in favor of the bill, the Senate has indicated its support for that level of funding and for fully supporting the men and women serving in our military.

This week, the Senate has debated an equally important appropriations bill. The bill under consideration this week funds the Department of Homeland Security. It pays the salaries of the men and women whose job it is to keep safe the people of the United States here at home. It pays for the advanced technology needed to prepare American communities to defend against and respond to attacks against Americans on U.S. soil and in U.S. airspace. It pays for the forces, border patrol and inspectors strung out along America's vast land and sea borders, striving to keep dangerous people and materials out of our vulnerable heartland. It pays for America's infrastructure security, America's traveling public. In every way and by every measure, the activities funded in the homeland security appropriations bill are as important as those funded in the Department of Defense appropriations bill.

So how much money will we spend on protecting Americans here at home in fiscal year 2004? Well, it is not $368.6 billion. Mr. President, it is nowhere close to $368.6 billion. It is not half that amount, or even a quarter of that amount. It is just $28.5 billion. In fiscal year 2004, this bill funds the Department of Homeland Security at $28.5 billion, almost 13 times less than the amount approved for the Department of Defense.

Do we care about the world outside our borders 13 times more than we care about Americans at home? I do not think so. Do we care about guarding Baghdad 13 times more than we care about guarding our own borders? I do not think so. Do we care about patrolling the skies over Afghanistan and Iraq 13 times more than patrolling the thousands of commercial airliners streaking over our heads right now? I do not think so.

I do not believe that this amount is adequate. Over the last year, we have all read the press reports about security lapses at our airports, border checkpoints, and elsewhere. Things are improving, but not nearly fast enough. This bill does not do enough or go far enough to provide the Federal resources necessary to assist a community that falls victim to a terrorist attack, and it is woefully inadequate to provide individual States and communities the resources to prepare themselves to respond to such an attack. Indeed, given the number of reservists and National Guard troops who have been called into active service, our Federal Government is robbing States and communities of critical core defenders. If an attack does come, state governors may not have the resources on hand to respond effectively, and Federal support may or may not materialize in a timely manner, especially if attacks occur at a number of places simultaneously. The so-called war on terrorism has put troops bristling with arms across the globe, but it is leaving America with a hollow core, its towns and communities undefended.

I know, as does everyone who reads the paper or watches the news, what a difficult state the economy is in. I, too, have shaken my head at the latest forecast on the size of the deficit. At an estimated $455 billion, this year's deficit surpasses even the Department of Defense budget. We have had a very difficult year in the Appropriations Committee, trying to craft bills under these circumstances. But just as we should not and will not shortchange the men and women in uniform who put their lives on the line every day in Baghdad, Kabul, Seoul, and elsewhere, we should not shortchange the families they leave behind and the men and women in uniform who patrol our coast, our borders, our airports, and our streets, and who prepare every day to face the unthinkable of a deadly biological, chemical, or nuclear attack here at home.

These defenders of American security here at home need all the help that we can give them. They, too, need new tools to help them face and defeat their enemies. They need sensors that can detect toxins and pathogens in near real time, so that contaminated areas can be cordoned off and proper decontamination procedures initiated. They need communications systems that let doctors and epidemiologists track and contain disease outbreaks, be they from infected prairie dogs, mosquitos, or more nefarious vectors. They need scanners to rapidly and effectively check the million of tons of cargo that enter the United States every day. They need better ways to protect the free and open commerce that will return the United States to a vibrant and growing economy. These tools and technologies may not be as sexy and high tech as antiballistic missile technology, or as imposing as an Aegis cruiser, but they are just as necessary for creating and maintaining the security and well-being of our Nation.

We must not forget that it is the individual communities and their State governments that will bear the brunt of any response to a terrorist event, just as they bear the brunt of responding to other natural and manmade disasters.

On September 11, 2001, the United States was attacked on two fronts, in New York and in Washington, DC. Both locations were well served by their large emergency response teams of police, firefighters, and rescue crews.

The fact is, every State and every community must be prepared to respond, or to assist neighboring communities should multiple attacks occur—whether it be Fairmount, WV, or Fairbanks, AK, Chicago, IL, or St. Paul, MN. Many communities are not ready. The first line of prevention—and defense—is the local and state leadership, not the Federal Department of Homeland Security. While the Department of Homeland Security fiddles with selecting a common computer operating system, the towns around Rome may burn. These communities need guidance, and funding, and they need it now. The Department of Homeland Security needs to get its game face on and get moving, both to do its many jobs better, and to fulfill its role in helping States and local governments to prepare for the unthinkable.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. ENSIGN. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—93

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—1

Hollings

NOT VOTING—6

Bennett
Dayton
Edwards
Kerry
Lieberman
Miller

The bill (H.R. 2555), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. McCONNELL, Mr. SHELBY, Mr. GREGG, Mr. CAMPBELL, Mr. CRAIG, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, and Mrs. MURRAY conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Florida is recognized.

JOINT INTELLIGENCE REPORT POST-9/11

Mr. GRAHAM of Florida. Mr. President, earlier this afternoon a declassified version of the report of the House and Senate Intelligence Committees on the events of September 11, 2001, were released to the public. I will take a few minutes to recognize those who performed a great public service in producing this report and to commend it to my colleagues and those who are watching. The public version of this report is available at the Web site of the Government Printing Office, www.access.gpo.gov.

This report fulfills the commitment that was made to the American people and particularly to the families of those who perished in this tragedy. The commitment was to conduct a thorough search for the truth about what our intelligence agencies knew or should have known about al-Qaida and its intentions prior to September 11. It was then to apply the lessons learned from that experience to reform the intelligence community in such a way as to mitigate the likelihood of a repetition of September 11.

This was a historic first-of-a-kind effort. For the first time in the history of the Congress, two standing committees, the House and the Senate, joined together to conduct a special inquiry with its own staff. That staff was led by the very capable Ms. Eleanor Hill. The staff reviewed nearly 1 million documents and conducted some 500 interviews. The joint inquiry committee held 22 hearings last year, 9 of which were open to the public. The result of this effort was released today.

This document includes both findings of fact and 19 recommendations for reform. I am extremely proud of the commitment that the Members of the House and Senate Intelligence Committee have given to this review. I would especially like to recognize the vice chairman of the Senate committee, Senator SHELBY, and the chairman and vice chairman of the House Intelligence Committee, Congressman PORTER GOSS and Congresswoman NANCY PELOSI.

The report's findings are grouped in 24 subject areas, but they have a single bottom line: The attacks of September 11 could have been prevented if the right combination of skill, coordination, creativity, and some good luck had been brought to the task.

There is an abundance of important information in this report that suggests, for example, institutional resistance to making counterterrorism a high national priority prior to September 11. This resistance took many forms. It included a lack of information sharing among key agencies. It included budget cuts at the Department of Justice for the FBI's counterterrorism program. Simply put, those problems contributed to the Government's inability to successfully launch an offensive against al-Qaida.

As an example of this difficulty, a previously classified finding, No. 14 in the report, states that senior military officials were reluctant to use military assets to conduct offensive counterterrorism efforts in Afghanistan or to support or participate in CIA operations directly towards al-Qaida prior to September 11.

In part, this reluctance was driven by the military's view that the intelligence community was unable to provide the intelligence necessary to support military operations. For example, the report confirms that between 1999 and 2001, U.S. Navy ships and submarines armed with cruise missiles were positioned in the north Arabian Sea. Their mission was to attack Osama bin Laden, but it was a mission frustrated because they were not able to get the actionable intelligence which only could have come by our ability to place spies close enough to al-Qaida to tell us what that organization would be doing and where Osama bin Laden might be on any given day.

The report makes it clear we should have known that potential terrorists were living among us. Indeed, two of the terrorist-turned-hijackers lived with an FBI informant in San Diego, CA, for 6 months or more in the year 2001. A resourceful FBI agent in Phoenix wanted to follow up on suspicions about foreign-born students who were honing their skills at American flight schools. Officials at FBI central headquarters shut him down.

To assure the American people that we take such actions seriously, we included a recommendation, No. 16, that calls for the Director of Central Intelligence to implement new accountability standards throughout the intelligence community. These standards would identify poor performance and affix responsibility for it. It would also set a standard to recognize and reward excellent performance.

Had such standards been in place 2 years ago, we might have been able to hold those whose performance fell short of what our country deserves accountable for their errors, omissions and commissions, particularly in the critical period immediately before September 11.

Had these standards been implemented last year, it is possible the Nation could have avoided the embarrassment and damage to our Government's credibility that has occurred because of the use of discredited intelligence information in the President's State of the Union Address. So far, we have seen no one suffer more than the indignity of a newspaper headline in either incident.

With the release of the joint inquiry report, it is time to look ahead and continue to implement the important reforms of the intelligence community that are necessary and to enhance the Federal Government's partnership with State and local law enforcement and other first responders.

If the recommendations in this report are heeded by the White House, by the agencies, and by this Congress, we should be able to make great strides in improving the security of the American people.

It is my intention to introduce legislation soon, with cosponsorship of members of the joint inquiry, that would implement the reforms which require legislative action. I hope it will move expeditiously to passage with the full support of the administration. I will also begin that effort with a sense of outrage because we have lost valuable time.

It took 7 months, almost as long as it took to conduct the inquiry, for the intelligence agencies to declassify the portions of the report that we are releasing today.

What are the consequences of that 7 months' delay? One is that the momentum for reform, which was at a high tide in the weeks and months immediately after 9/11, has begun to diminish despite the scope of the tragedy. We will learn shortly whether we can reinvigorate that reform movement. This Senate will face the test of its will to do so. I, for one, am committed to see this report is not forgotten or overlooked.

In my view, the delay reflects the excessive secrecy with which this administration appears to be obsessed and which is keeping important findings of our work from the American people. Such censorship also saps the urgency of reform and precludes the American peoples' ability to hold its leaders accountable.

The most serious omission, in my view, is part 4 of the report which is entitled "Finding, Discussion and Narrative Regarding Certain Sensitive National Security Matters." That section of the report contained 27 pages between pages 396 through 422. Those 27 pages have almost been entirely censured. This is the equivalent of ripping out a chapter in the middle of a history book before giving it to your child or grandchild and then telling her "good luck on the test."

The declassified version of this finding tells the American people that our investigation developed "information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States."

In other words, officials of a foreign government are alleged to have aided and abetted the terrorist attacks on our country on September 11 which took over 3,000 lives.

I would like to be able to identify for you the specific sources of that foreign support but that information is contained in the censured portions of this report which are being denied to the American people.

What are the consequences of this? It significantly reduces the information available to the public about some of the Government's most important actions, or more accurately, inactions prior to September 11. Second, it precludes the American people from asking their Government legitimate questions such as, How was the information that our Government might have had prior to September 11 utilized after September 11 to enhance the security of our homeland and American interests abroad? Third, almost 2 years after the tragedy of September 11, the administration and the Congress, in the main, have not initiated reforms which would reduce the chances of another September 11.

For example, we are allowed to report that the estimates of the CIA's counterterrorism center is that between 70,000 and 120,000 recruits went through al-Qaida's training camps in Afghanistan before those troops were attacked in late 2001. The important questions as to the significance of that statement, to the security of the American people, are not available.

This obsession with excessive secrecy is deeply troubling. The recognition of the evils of secrecy in a free society date back to the beginnings of our Nation. Patrick Henry declared: The liberties of a people never were, nor ever will be, secure when the transactions of their rulers may be concealed from them.

President John F. Kennedy observed in the first year of his Presidency: "the very word secret is repugnant in a free and open society, and we are, as people, inherently and historically opposed to secret societies, to secret oaths, and to secret proceedings. We decided long ago that the dangers of excessive and unwarranted concealment of pertinent facts far outweighed the dangers, which are cited to justify." These are traditional American values that are being trampled.

So the joint committee included our report with this recommendation, recommendation No. 15. "The President should review and consider amendments to the Executive Orders, policies, and procedures that govern the national security classification of intelligence information in an effort to expand access to relevant information for Federal agencies outside the intelligence community and for State and local authorities which are critical to the fight against terrorism and for the American public".

In addition, the President and heads of Federal agencies should assure that the policies and procedures to protect against unauthorized disclosure of classified intelligence information are well understood, fully implemented, and vigorously enforced.

It is my observation that because classification is used so excessively, the corollary is only a minimal effort to enforce classification of materials that truly do deserve to be classified.

Again, I remind my colleagues that these recommendations were written late in 2002 before the current crisis developed over the use and possible misuse of intelligence leading us to war in Iraq. But that crisis has given this recommendation even greater urgency for the Government's credibility with the American people and our credibility with the rest of the world.

These qualities have been severely eroded in large part because of excessive secrecy. To regain the people's trust we must bring new transparency to our decisionmakers. We must bring new transparency to our decisionmaking. We must move decisions and governmental information into the sunshine. We owe that and much more to the 3,000 victims of September 11.

The PRESIDING OFFICER (Mr. ENZI). The majority leader.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF EARL LEROY YEAKEL III, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS

Mr. FRIST. Mr. President, as in executive session I ask unanimous consent the Senate proceed to executive session for the consideration of Calendar No. 296, Earl Yeakel III, to be U.S. District Judge for the Western District of Texas; I further ask that there then be 5 minutes for debate, equally divided between Senators HUTCHISON and CORNYN, and 5 minutes for Senator LEAHY; further, I ask that following that debate, the Senate proceed to a vote on the confirmation of the nomination, with no further intervening action or debate; finally, that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is noted.

Mr. FRIST. Mr. President, I now ask unanimous consent that the Senate proceed to the nomination at 4:50 p.m. on Monday, under the exact same conditions.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ENERGY POLICY ACT OF 2003—Resumed

Mr. FRIST. Mr. President, I now ask for the regular order with respect to S. 14.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Campbell amendment No. 886, to replace "tribal consortia" with "tribal energy resource development organizations."

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Are we currently on the Indian amendment of Senator CAMPBELL?

The PRESIDING OFFICER. The Campbell amendment No. 886 is pending.

Mr. DOMENICI. I have cleared this on both sides. I ask unanimous consent that amendment be set aside so we can conduct some business this evening. There are two or three amendments of substance that Senators would like to offer. Senator CAMPBELL and Senator BINGAMAN have no objection to setting this aside.

Mr. REID. Reserving the right to object, I have spoken to Senator CAMPBELL earlier this evening. We have, now—however many weeks it has been since we were on this bill. The Senator on our side we said would be here to offer the next amendment is Senator DURBIN. Senator DURBIN is ready whenever the Senator yields the floor.

Mr. DOMENICI. Surely.

Mr. REID. He is ready to offer that right now, whenever the Senator desires.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, I certainly have no objection to Senator DURBIN having the first amendment this evening. I just want to make sure we have an understanding about how long he might take and what will be next. There are a number of people who want to offer similar amendments. We understood the purpose tonight was to stay, even though it is late, so Senator DURBIN might offer an amendment in the area of CAFE standards, and that two other Senators might follow.

Mr. REID. If I can respond to the Senator from New Mexico, the distinguished chairman of the committee, the Senator from Illinois intends to lay down the amendment tonight and that is all.

Mr. DOMENICI. Before I yield the floor, I ask if the Senator from Georgia wishes to ask something of the Senator from New Mexico, or does he want the floor?

Mr. CHAMBLISS. I ask unanimous consent I be allowed to speak for no more than 5 minutes as in morning business.

Mr. DOMENICI. He asked to speak as in morning business prior to the amendment. I have no objection.

Mr. REID. Mr. President, I would love to hear the Senator from Texas, but Senator DURBIN is going to take less than a minute to do his.

Mr. DOMENICI. We will then sit down. Certainly you can seek recognition.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to send two amendments to the desk. I will take up the first amendment and ask the second amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1384

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. NELSON of Florida, Mrs. BOXER, Mr. REID, Mr. REED, and Mr. KENNEDY, proposes an amendment numbered 1384.

Mr. DOMENICI. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 1385

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1385.

Mr. DURBIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DOMENICI. Mr. President, I don't object. I don't know what is going on, but I understood we were yielding so Senator DURBIN could offer an amendment. Now I understand there are two amendments.

Mr. DURBIN. If the chairman will yield, through the Chair, I am setting aside the second amendment. I filed but set aside the second amendment. I am only going to offer one amendment. I ask unanimous consent only one amendment be considered.

Mr. DOMENICI. I thank you.

Mr. DURBIN. I am prepared, having filed this amendment, to yield so the Senator from Georgia may be recognized.

Mr. DOMENICI. If the Senator would like to get the floor, after 5 minutes yielded to the Senator from Georgia, the Senator from New Mexico asks the floor be returned to him so he can make brief opening remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CHAMBLISS are printed in today's RECORD under "Morning Business.")

Mr. DOMENICI. Mr. President, we have all been waiting for a long time. The minority has been telling us that we can't finish the Energy bill in 1 week starting on Monday and working for the entire week. Our distinguished majority leader has been telling us—at least 10 times—that it won't be 1 week, it will be 1 week and whatever else it takes to finish it. He is sending a nice warning to all of us, as I see it, that we don't intend to put up with long delays. Nobody is offering the last phase of this Energy bill so that we can all have fun on the floor.

The idea is, if you want to recess, finish the Energy bill. I will do everything in my power to keep it right in focus. But I can't do much more than the rules permit me and the minority manager on that side will let me do. But I guarantee you that from our standpoint, there will be no efforts to go outside the scope of what is required to complete an Energy bill for the United States.

My colleagues know this is how the Senate works. We have scores of amendments listed on the so-called final list. But if anybody were to look at them in this country, they would say: What are you talking about? Those aren't amendments. That is right. They are not. It is just a list of words with numbers alongside them that Senators have put in.

I am looking at my friend from Illinois. Some Senators put 30 and 40 of them down. There is no intention to offer those kinds of amendments. We can finish this. The fact is there are 392 amendments. It doesn't mean a thing. As a matter of fact, we have put together a bipartisan electricity bill. It was circulated. I believe that bill alone might, by itself, take between 30 and 50 of the amendments on that so-called list. Those are the kinds of things that have been incorporated in this major electricity amendment.

While I am on it, let me suggest that if things work right, we should be on the electricity portion of this bill on Monday. Monday is a workday here, too, according to our leader. There is no holiday on Monday. Tomorrow is a workday, even though it is Friday.

Essentially, the bill that was submitted to everyone will have many cosponsors. It has been worked out over a long period of time with almost all the interests in the electrical future of our country as part and party to seeing the solution put together. We believe it represents a very wide scope of coverage, and that should be found acceptable. Certainly there will be amendments, and we will debate them. But the main bill should be found acceptable by an overwhelming majority.

In talking about what is really left in this bill, this huge bill—if we pass it and it goes to conference—will be the basis for America producing all kinds of energy for her future and jobs.

I think there are seven major issues left.

CAFE: My good friend from Illinois offered not two but one CAFE bill amendment tonight. He will get his turn. If not tonight, we are going to finish up CAFE in the morning. Other Senators have amendments also.

With cooperation, which I think we will get, our plan is to have the next one, and the next one, and the next one, with the Senator from Illinois reserving his right. If he wants to have his amendment voted on first, he is the first one up. We believe CAFE will be disposed of. Frankly, we believe it will be disposed of by Monday night. We don't intend to spring this on everyone. This requires everybody who can be here to be here. It looks as if that will be Monday afternoon sometime.

We think climate change will be offered by two or maybe three Senators. This Senator could make the point—but I think it will fall on deaf ears—that climate change doesn't belong in this bill. I don't think we have jurisdiction. I don't think it belongs in the Environment and Public Works bill. But we are going to get it anyway. We are very hopeful that can come up after CAFE.

I have explained electricity.

That makes three major items.

Then we have one that I thought was resolved between the distinguished Senator CRAIG and the ranking minority member, Senator BINGAMAN, on hydroelectric relicensing. But I understand it has not been resolved. So we had better list it as four in terms of serious amendments.

Fifth is an Indian energy issue. We just set it aside prior to the amendment of the Senator from Illinois. It involves a serious discussion between the junior Senator from Colorado, Mr. CAMPBELL, and the minority leader. Senator BINGAMAN wants to amend it. I understand the distinguished Senator from Vermont, Mr. JEFFORDS, may also want to amend it, which would mean the Indian energy bill would have two amendments.

There is the longstanding, always recurring issue called renewable portfolio standards—the RPS. I don't know whether we call it a standard. But essentially it is an approach that says we are going to take some of this renewable energy supplied by wind and solar. Even though we are giving them plenty of incentives in this legislation, indeed wind is—it is kind of a strange way of saying it—coming on strong; there is no question but that it is. It has even been enough to show up on these various diagrams that talk about energy. We have given them all kinds of incentives.

But the idea is mandating that companies which produce electricity in our sovereign States have a percentage each year of the renewables. Thus, the renewable portfolio standard will be an issue.

That is as I see it. That is the sixth issue. I am aware of two amendments in that area; again, one from the distinguished Senator BINGAMAN, and one from the distinguished Senator JEFFORDS from Vermont.

Then everybody should know there sits on the sideline a package. It is called a tax package. The way we have been doing this on energy bills is: Those of us concerned with energy, we all go to the Finance Committee, which has total jurisdiction over taxes, including tax incentives, and we make our case, and they produce for us a package of tax incentives and tax legislation. They have done so again this year. That is ready.

At a point in time—let me suggest—I cannot predict exactly, but I am thinking some time about Wednesday or the latest Thursday—we would offer this tax package in its entirety to become part of this bill.

I know there are many Senators who are anxious to offer tax measures, and this tax package will be no different. It will be an opportunity, for those who want to offer tax amendments, to do so. Except I might, suggest that the precedent, if you can count on it, has been that amendments that are not relevant to this package do not find themselves in this bill; that is, if somebody does not like the current state of play on the child tax credit, they may want to offer that on this bill that has incentives for windmills, incentives for biomass.

I can say, here and now, as manager of this bill, the rules are the rules. Senators' prerogatives are Senators' prerogatives, but I would ask—and I will ask in advance as many Senators as I can talk to—that we table any such amendments, and we keep the tax package to the energy package.

There will be some who want the Energy bill to pass, and they will quickly understand that is the right way to do it; and they will help. I don't know of any, so I am just talking. But there may be some who do not want us to finish by next Friday night or Saturday or Sunday or Monday—part of our vacation—and they may not like the idea of getting this tax package over with, and they may want to spend their recess debating taxes. I hope not because there are a lot of Senators around here who do not want to spend their recess debating taxes. They want to finish this bill and go home or go wherever their plans are.

I note that our leader is serious enough about this where he can be here an extra 3 days or 6 days before his plans take effect. Just to show us he is serious, that is what it looks like in his regard.

Let me tell my colleagues that it is 9:05 p.m. The minority has generously let us set aside the Indian amendment and offered the first CAFE amendment. I am hopeful that in a few minutes the senior Senator from Missouri, Mr. BOND, will be here. I am hopeful he will seek to offer a CAFE standards amendment and that the other side will be as generous as we were and let him offer his without jeopardizing the CAFE amendment of the distinguished Senator from Illinois—just setting it aside temporarily while Senator BOND offers his.

Frankly, I do not see any reason after that occurs—unless somebody comes here with some business—to stick around very long. There have been many votes today. I am just as tired, if not more tired, than most of the Senators who have already left the premises. So I do not want to stay beyond the offering of the two CAFE amendments.

I say to Senators, there is great cooperation taking place. And tomorrow morning, if we can get the same cooperation, the distinguished Senator from Arizona intends to offer his CAFE amendment. I say to the Senator, as you know, he has been telling us about that amendment for quite some time. And then immediately after that, if everyone continues to be somewhat harmonious, there will be another modified CAFE amendment that will be offered by Senator FEINSTEIN, joined by others, but I know joined by Senator MCCAIN.

That will put us tomorrow, before noon, with four CAFE amendments of sorts—I say to the Senator, his being one kind and the last one I spoke to being another kind—all pending before the Senate. After they are pending, we can determine what voting on each one does, one to another. But until then, we will hope that each Senator, who is interested in what they will clearly tell us is one of their important issues, what they perceive to be very important; namely CAFE—they will have a chance to make their presentation, as I understand it.

Senator BOND will be here shortly. I say to the Senator, if you do not mind, without going into any detail, I have a Senator to take my place for the rest of the evening.

DEATH OF COLIN MCMILLAN

Mr. President, I received word today, not too many hours ago, that one of our President's nominees to become Secretary of the Navy, Colin McMillan—some of my colleagues knew him; he would have been up here for confirmation shortly; he was a very good friend of mine for 35 years—he is dead. That is as much as I can say. And that is not a great way to start the evening.

One of my fellow Senators has told me that if I put in a brief quorum call, he will take my place and save enough time for Senator BOND, whom we have imposed upon to come down and offer his amendment.

Mr. DURBIN. Mr. President, I don't know if a quorum call has been ordered. If not, I would like to ask recognition from the Chair.

Mr. DOMENICI. I was going to suggest the absence of a quorum. I say to the Senator, if you don't mind, I would like a Republican to be here. If he will just tell me he wants to speak on his amendment—is that what the Senator wants to do?

Mr. DURBIN. That is exactly right.

Mr. DOMENICI. I say to the Senator, when Senator BOND arrives, upon request, will the Senator from Illinois yield and let him offer his amendment?

Mr. DURBIN. I will be happy to do that.

Mr. DOMENICI. Can we do that? Under those conditions, rather than suggest the absence of a quorum, I will relinquish the floor. Senator DURBIN can start. Senator BOND will be here shortly, and a Senator will be here to replace me in short order.

Here is Senator BOND now.

I ask the Senator how long he thinks it will be before he is ready?

Mr. BOND. About a minute and a half.

Mr. DOMENICI. Let's proceed as we had planned and let the distinguished Senator from Missouri proceed next.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1386

(Purpose: To impose additional requirements for improving automobile fuel economy and reducing vehicle emissions)

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of myself, Mr. LEVIN, Mr. DOMENICI, and Ms. STABENOW, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. LEVIN, Mr. DOMENICI, and Ms. STABENOW, proposes an amendment numbered 1386.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BOND. Mr. President, as we continue debate on the Energy bill, there are a number of very important issues and amendments facing the Senate. One is of great interest to me and, frankly, any Senator who has automobile plants or suppliers in his home

State. It actually should be of interest to every Senator since it directly affects all American consumers in every State who drive a car, SUV, other vehicle, or even ride in one. It is also of vital interest and a high priority to the Chamber of Commerce, the United Auto Workers, the American Farm Bureau, and a very large, diverse coalition of labor, business, and consumer groups. I refer to Corporate Average Fuel Economy, or CAFE, standards.

I am a great baseball fan, and I can think of no higher authority than Yogi Berra to quote when I say it is deja vu all over again. I must admit I was holding out hope that the Senate could avoid a lengthy debate this year over the CAFE standards. After all, this body examined fuel economy proposals in great detail during debate on the Democratic Energy bill last year. As some of my colleagues may recall, Senator LEVIN and I, with the help of others, developed an amendment to strike the job-killing antisafety CAFE provisions offered and proposed by other Members and replace it with commonsense language mandating that the experts at the National Highway Traffic Safety Administration set new CAFE standards at the maximum feasible level.

The Levin-Bond amendment last year passed on a vote of 62 to 38, obviously including Senators from both sides of the aisle. I am pleased to be offering a similar amendment again this year with Senator LEVIN, Chairman DOMENICI, and Senator STABENOW.

Members supported our amendment last year because they knew then and I believe they know now that setting fuel economy standards is complicated. Future standards should be based on sound science, and they must take into account a number of important criteria, including the impact on jobs, safety, technology, consumer choice, and many others. They should not be based on a political number, and that is why the Kerry-McCain provision was stripped out of last year's bill. In fact, it was withdrawn for an obvious lack of support.

When the Senate debated the Levin-Bond amendment last year, some in the Chamber doubted whether the Bush administration would take CAFE seriously and issue new standards in a timely fashion. The administration did act earlier this year and announced the biggest increase in 20 years in CAFE levels for light trucks and SUVs.

Regrettably, proponents of higher CAFE standards are back again this year. Several Senators have developed proposals to increase CAFE standards significantly without regard to the effect on American jobs and the American economy. If I might borrow a line from a recent movie, those CAFE numbers are "too fast, too furious."

I did some research on the economic job impact to the automobile industry in Arizona, Illinois, and California. Perhaps the sponsors of the higher CAFE amendments are not familiar with some of data for their home States. Let me provide for the record, in Arizona there are over 75,000 auto-related jobs, including 16,000 directly employed in the industry. In Illinois, there are 311,000 auto-related jobs, including 45,000 directly employed. Lastly, the great State of California has over 462,000 auto-related jobs, including 118,000 direct jobs.

Here are a couple of figures on a national scale: 6.6 million, this is the number of Americans employed in direct or spin-off jobs related to the automotive industry. Here is another big one: $243 billion, that is the economic contribution of the industry. In fact, every State is an auto State. Let me show my colleagues this chart. Most people would know that Michigan, Missouri, Indiana, and Ohio are big manufacturing States. But even smaller States—Nebraska, New Hampshire, Delaware, Arkansas—have suppliers and other industries whose success and business profitability are directly related to the bigger manufacturers.

Nebraska has 33,700 jobs; Arkansas 46,800; New Hampshire, 27,300 jobs; Delaware has 30,100 jobs. This chart is here for everyone to view.

Proponents of arbitrarily higher CAFE standards try to avoid any discussion of the job impact or they just dismiss concerns as being overreactive. But I have heard from a broad array of union officials, technical experts, plant managers, local dealers, and small businesses. They tell me that these proposals could cost jobs, because the only way for manufacturers to meet these unrealistic political numbers is to make significant cuts to light truck, minivan, and SUV production—the vehicles, quite frankly, Americans are demanding.

In fact, I had recently read in Roll Call that some of my colleagues here on the floor right now actually drive these bigger SUVs here in Washington, though there may be some fender damage to at least one of them.

I have also read the National Academy of Science's report on CAFE standards issued in 2001. Let me share with you a key finding about safety and higher standards:

> In summary, the majority of the committee finds that the downsizing and weight reduction that occurred in the late 1970s and early 1980s most likely produced between 1,300 and 2,600 crash fatalities and between 13,000 and 26,000 serious injuries in 1993.
>
> If an increase in fuel economy is effected by a system that encourages either downweighting or the production and sale of more small cars, some additional traffic fatalities would be expected.

That is the National Academy of Science. I believe that NAS report offers us in the Senate clear guidance and expert scientific analysis as we debate fuel economy standards. CAFE standards which cannot be met by technological improvement have killed roughly 2,000 people a year—that is almost as many as in the tragedy of September 11—because of what we in Congress have mandated. That is a frightening number.

This past April, the Energy Committee debated an amendment by Senator FEINSTEIN to raise the light truck CAFE standard. That could have had negative consequences for pickup trucks for ranchers and farmers across Missouri and in many agricultural States. The amendment would have also negatively impacted soccer moms and dads driving minivans, too, since they are part of the light truck category.

The committee soundly rejected the Feinstein amendment 15–7, on a bipartisan vote, including four Senators from the other side of the aisle opposing adoption. I look forward to working with those Senators and others to defeat excessive CAFE amendments to be offered on the floor.

I urge and strongly encourage Members who voted for the Bond-Levin amendment last year to do so again this year. It is a commonsense amendment to the Energy bill that will protect jobs, safety, consumer choice, and continue to pursue reasonable, scientifically achievable environmental improvements.

I know that some in this Chamber believe our fellow Americans cannot be trusted to make the right choice when purchasing a vehicle. For my part, in choosing between the Government or the consumer making choices, I side with consumers. I do not pretend to know what is best for each of the 16 million Americans who purchase a new vehicle every year.

For those who say, "too bad, we must force Detroit to build more fuel-efficient cars and trucks," do you know that under CAFE, it doesn't matter what the companies manufacture and build? It is calculated based on what they buy. There are over 30 vehicles in showrooms that get over 30 miles to the gallon, but guess what: They represent less than 2 percent of sales. In their buying decisions, consumers consistently favor safety, utility, performance, and other characteristics over fuel economy.

Do we still have a free society? I think so and I hope so. Higher CAFE standards could lead to downsizing of many popular vehicles. I don't want to tell parents in Missouri, or in any State, they cannot get the SUV or minivan they wanted for their family or business because Congress decided it would be a bad choice. Is that any way to develop sound public policy? Of course not.

Last year, I said on the floor that I would be most interested to see the hard data and the solid science which supposedly justifies the higher CAFE standards put forward by some of my colleagues.

Mr. President, I never did get a firm answer. Frankly, I doubt one exists. The numbers in these CAFE amendments are political numbers picked out of thin air. Some of my colleagues are trying to indicate that their proposed standards are suggested in the NAS study. I remind my colleagues the National Academy of Science report states the following:

> The committee cannot emphasize strongly enough that the cost-efficient fuel economy levels are not recommended CAFE goals.

Mr. President, automakers are investing billions of dollars in advanced technology research and new products, such as hybrid and fuel cell vehicles, which offer great promise to improve fuel economy and continue to offer the driving public the comfort, safety, and utility they demand. We should be encouraging this type of research. In fact, the President has recognized the importance of advanced technology and has pledged $1.2 billion in fuel cell research funding, so that America can lead the world in developing clean, hydrogen-powered automobiles. We have already voted to accept Senator DORGAN's amendment, which paves the way for production and deployment of 2.5 million hydrogen fuel cell vehicles by 2020.

The Bond-Levin amendment allows the Transportation Department to continue its plans for a multiyear rulemaking to set new CAFE standards in the future. Our amendment includes provisions so that the Government plays its part in addressing vehicle fuel efficiency.

I urge all of my colleagues to oppose higher CAFE amendments, which will only hurt consumers and do very little for fuel economy and are not based on sound science. I ask that we save jobs, improve safety for our fellow Americans, and continue to make scientific progress toward greater fuel economy and environmental improvement. Vote "yes" on the Bond-Levin-Domenici-Stabenow amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, the Senator from Missouri made reference to a colleague on the floor who is driving a big SUV with a dented fender.

I drive a 1993 Saturn, and I just took it, with my wife, on a trip to North Carolina. We averaged 35 miles a gallon with the air conditioning on. I wanted that on the record so people won't believe I am standing here talking about fuel efficiency and the only car I drive is an SUV. I don't own an SUV. People who want to are certainly entitled to. That is their free choice.

You have just heard the opening statement by the Senator from Missouri, but you may not have noticed the flapping in the background. It was the waving of a white flag. It was a concession by the Senator on his behalf and on behalf of the cosponsors that America is incapable of developing a technology to make our cars and trucks more fuel efficient—so incapable that if we establish a new fuel efficiency standard, the Senator from Missouri tells us it will cost us thousands of jobs. So we are just going to give up. America is going to walk away, surrender. There is no way we can deal with the challenge of an amendment which says we need more fuel-efficient cars.

The Senator is prepared to say to us, if that battle is underway, we concede defeat to all the foreign automobile manufacturers. America just cannot keep up. We are just going to fall behind, and our workers are going to lose their jobs.

Forgive me, but I don't have that negative attitude or pessimistic view of the people who work in the automobile industry, nor those who design cars and trucks. When given a challenge, I believe they can meet it. But if not given a challenge—which is what the Senator from Missouri and his cosponsor, Senator LEVIN of Michigan, are proposing—we know what will happen. We have seen it happen. Take a look at the history of this.

First, consider the fact that we are debating an Energy bill. How can you have a serious Energy bill and not talk about conserving energy? If you are going to talk about conserving energy, how can you avoid the largest consumer of petroleum products in America, the cars and trucks we drive on the highway? How can you have an honest Energy bill that talks about America's energy future and doesn't address the critical need to reduce our dependence on foreign oil and to make certain that the cars and trucks we are driving are more fuel efficient?

I think the answer is obvious. When I go through my State of Illinois, whether I am talking to soccer moms or corporate executives, they all understand this. If you continue to say to Detroit that you can continue to build the heaviest, most fuel-inefficient vehicles imaginable and put them on the road with absolutely no motive or no impetus to change, we are going to continue to import oil from overseas, and we are going to continue to be dependent upon Saudi Arabia and all the other oil sources in the Middle East. We are going to continue to pollute our air until our children have a planet that, frankly, has been blighted by our own neglect, and that is an abdication of our responsibility. So I offer an amendment to improve the fuel efficiency of vehicles across America.

This is not a radical concept. We have done this before. When we get down to it, there are only two or three ways to basically improve fuel efficiency of the vehicles we drive. One, we can wait for consumers to demand it. Well, they might, over some period of time, driven by foreign policy concerns or environmental concerns. It might happen. Secondly, we can increase the cost of fuel in America. And we know what happens then. If gasoline went up over $5 a gallon, every spouse would be asking his or her spouse, what kind of fuel economy do we get on that car in the driveway? At $5 a gallon, we need to know, and maybe we need to get a more fuel-efficient car. But I think that is a poor way to do it.

Imposing new taxes or new cost in fuel means families across America are going to spend more. Small businesses are going to struggle with more cost. That certainly is not the way to answer it.

There is a third way, a proven way. It is one we have used before. Remember back in 1975 when America was struggling with this whole question, and people were in long gas lines wondering whether we would have enough gasoline to fuel our vehicles? Congress took a look at the average fuel economy across America and found that the cars we were driving were averaging about 14 miles a gallon. So Congress said: We are going to impose a new standard; over 10 years, the automobile industry has to virtually double the fuel economy of its vehicles to almost 28 miles a gallon.

What did the critics say about that? Well, exactly what the Senator from Missouri just said: We cannot do that. We cannot double fuel economy in 10 years; why, that is technologically impossible. Secondly, if you want to build a car that gets 28 miles a gallon, it will not be safe. It will be light, it will be dangerous, it will not be fair to families, and people will die.

The third thing they said was: If we impose this standard of 28 miles a gallon, bet dollars to donuts those cars are going to be made overseas. They will be made in Japan and Germany and other countries, and American workers will lose their jobs. Sound familiar? Those are exactly the arguments we have heard from the Senator from Missouri: Technologically impossible; cars will be unsafe; we are going to lose jobs.

What did this Senate and the House of Representatives say about that? They rejected it. They said: We are not going to give up on American ingenuity and American technology. We believe that given a goal, Detroit and other automobile manufacturers can meet it. And we imposed a mandate to increase the fuel efficiency of vehicles and double it over a 10-year period of time.

What happened? It worked. By the end of 10 years, average fuel efficiency was up to about 27½ miles a gallon. They found the technology, cars were safer, and there were still plenty of jobs in the United States, good paying jobs, in the auto industry. That is what happened.

What has happened since 1985, when that requirement to double fuel efficiency ended? Nothing. Eighteen years of no improvement in fuel efficiency of the cars and trucks in America; and, even worse, because of loopholes in the law, we decided to call SUVs "trucks" so they were exempt from fuel efficiency.

So what happened over the 18 years? We started to slide backwards, from 27½ miles a gallon to now about 24 miles a gallon average fuel efficiency across America. What does it mean? More dependence on foreign oil; more dependence on Saudi Arabia and the oil sheiks; more dependence on the tangle of politics in the Middle East; more air pollution because the cars that we are driving, those big SUVs and heavy trucks, with less fuel efficiency and less fuel economy, are burning more gallons of gasoline, tossing more emissions out of the tailpipe, creating a bigger soup in the atmosphere to heat up our planet Earth, endangering not only lives with the problems that come from pulmonary disease and lung disease but endangering species around the world and endangering our environmental future. That is what we get for 18 years of neglect.

What is the answer of those who come before us today with the alternative amendment? More neglect. They believe America is not up to this challenge, America cannot come up with this technology. Sadly, there is some evidence that they are right.

Take a look at the hybrid cars that are on the road today. Do my colleagues know the cars I am talking about? The ones that combine gasoline engines and electric-powered engines and they get substantially better fuel mileage than most cars that are on the road. Where are the two models of these cars coming from today? Sadly, they are coming from Japan. Detroit is running second again in the race for technology.

I am not giving up on American ingenuity and technology. I do not agree with those who say there is no way we can make our cars and trucks more fuel efficient. I think we can do better, and I think we will do better, but we have to establish challenges and goals.

Let me talk for a moment about this concept of soccer moms. I have heard this—the Senator from Missouri often refers to it—there are a lot of soccer moms in Illinois and, yes, they drive minivans and SUVs and a lot of other types of cars. But when I sit down and talk to these soccer moms, they understand that they have a responsibility beyond just picking out the biggest and heaviest automobile they can buy. They understand their responsibility to the future that their children are going to share with others. They understand their responsibility to the environment.

They ask me: Senator, are you saying that Detroit, given 10 years, cannot give us a safe, fuel-efficient vehicle?

I tell them, I believe they can. But the Bond-Levin amendment says they cannot, that there is no way they can; that soccer moms are going to be stuck driving some flimsy old vehicle that may get better gas mileage but at the expense of the safety of their children.

I do not buy it. I am not that pessimistic. I am very optimistic. When it comes to American creativity, I think we can meet this challenge, and I think those soccer moms and dads want to drive more fuel-efficient vehicles, not just for the money savings—that is important to every family—but also because they feel a responsibility to the future of their children. They feel a responsibility to the environment in which we live. They understand that the No. 1 diagnosis of kids going into emergency rooms and hospitals across America today is asthma and lung disease that is caused by air pollution. They understand that.

They want to do their part. To do their part, they need leadership right here on the Senate floor, not waving the flag of surrender, not retreating, but moving America forward with a new vision, a vision which says to Detroit, to Chrysler, to General Motors, to Ford, to manufacturers in our country, let us show the rest of the world we can lead. We do not have to surrender, as the amendment that is being offered tonight suggests. We want to lead. In leading, we will solve the environmental problem and reduce our dependence upon foreign oil.

I have a few charts, but it is late, and I understand that staff has been here for a full day, so I am not going to belabor this issue. There will be time. I think we will return to this issue next week, and at that time on Monday evening, when I return, I plan to give a full statement and show charts that talk about the CAFE standard, which I am sure will be very convincing to my colleagues.

I do hope my colleagues will consider this: If we are serious about an Energy bill, if we are serious about tomorrow's energy supply, if we are serious about looking at this issue in an honest fashion, how can we avoid talking about conservation? What we have proposed by a variety of amendments, including the one from the Senator from Missouri, is more study: Let's take a look at this; surely there must be some way we can study this problem into a solution.

I do not think it works that way. The choices are very few: raising the gas tax, which I oppose for reasons I have stated, or establishing standards to reach a 40-mile-per-gallon standard fuel efficiency. That, I think, is what America needs, and that is what we can achieve. We can do it over a reasonable period of time.

AMENDMENT NO. 1385, AS MODIFIED

Mr. DURBIN. I ask unanimous consent to modify my amendment No. 1385 with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1385), as modified, is as follows:

At the appropriate place insert the following:

SEC. ____. MODIFICATIONS TO GAS GUZZLERS TAX TO ENCOURAGE GREATER AUTO FUEL EFFICIENCY.

(a) Increase in Tax Rate.—Subsection (a) of section 4064 (relating to gas guzzlers tax) is amended to read as follows:

"(a) Imposition of Tax.—

"(1) In general.—There is hereby imposed on the sale by the manufacturer of each automobile a tax determined in accordance with the following table:

If the fuel economy for the model year of the model type in which the automobile falls is:	**The tax is:**
Less than 5 mpg below the applicable fuel economy standard	$0
At least 5 but less than 6 mpg below such standard	1,000
At least 6 but less than 7 mpg below such standard	1,500
At least 7 but less than 8 mpg below such standard	2,000
At least 8 but less than 9 mpg below such standard	2,500
At least 9 but less than 10 mpg below such standard	3,100
At least 10 but less than 11 mpg below such standard	3,800
At least 11 but less than 12 mpg below such standard	4,600
At least 12 but less than 13 mpg below such standard	5,500
At least 13 but less than 14 mpg below such standard	6,500
At least 14 mpg below such standard	7,700.

"(2) Inflation adjustment.—

"(A) In general.—In the case of any taxable year beginning after 2005, each dollar amount referred to in paragraph (1) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2004' for '1992'.

"(B) Rounding.—If any amount as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $50.".

(b) Expansion of Definition of Automobile.—

(1) Increase in weight.—Section 4064(b)(1)(A)(ii) (defining automobile) is amended by striking "6,000 pounds" and inserting "12,000 pounds".

(2) Exception for certain vehicles.—Subparagraph (B) of section 4064(b)(1) is amended to read as follows:

"(B) Exception for certain vehicles.—The term 'automobile' does not include—

"(i) a vehicle which has a primary load carrying device or container attached,

"(ii) a vehicle which has a seating capacity of more than 12 persons,

"(iii) a vehicle which has a seating capacity of more than 9 persons behind the driver's seat, or "(iv) a vehicle which is equipped with a cargo area of at least 6 feet in interior length which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.".

(c) ADDITIONAL DEFINITIONS.—Section 4064(b) (relating to definitions) is amended by adding at the end the following new paragraphs:

"(8) APPLICABLE FUEL ECONOMY STANDARD.—The term 'applicable fuel economy standard' means, with respect to any model year, the average fuel economy standard as defined in section 32902 of title 49, United States Code, for passenger automobiles for such model year.

"(9) MPG.—The term 'mpg' means miles per gallon.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after October 31, 2005.

SEC. . HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the new highly fuel-efficient automobile credit determined under subsection (b).

"(b) NEW HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.—For purposes of subsection (a), the new highly fuel-efficient automobile credit with respect to any new automobile placed in service by the taxpayer during the taxable year is determined in accordance with the following tables:

If the fuel economy for the model year of the model type in which the passenger automobile falls is:	**The credit is:**
Less than 5 mpg above the applicable fuel economy standard	$0
At least 5 but less than 6 mpg above such standard	770
At least 6 but less than 7 mpg above such standard	1,540
At least 7 but less than 8 mpg above such standard	2,310
At least 8 but less than 9 mpg above such standard	3,080
At least 9 but less than 10 mpg above such standard	3,850
At least 10 but less than 11 mpg above such standard	4,620
At least 11 but less than 12 mpg above such standard	5,390
At least 12 but less than 13 mpg above such standard	6,160
At least 13 but less than 14 mpg above such standard	6,930
At least 14 mpg above such standard	7,700.

If the fuel economy for the model year of the model type in which the non-passenger automobile falls is:	**The credit is:**
Less than 5 mpg above the applicable fuel economy standard	$0
At least 5 but less than 6 mpg above such standard	770
At least 6 but less than 7 mpg above such standard	1,540
At least 7 but less than 8 mpg above such standard	2,310
At least 8 but less than 9 mpg above such standard	3,080
At least 9 but less than 10 mpg above such standard	3,850
At least 10 but less than 11 mpg above such standard	4,620
At least 11 but less than 12 mpg above such standard	5,390
At least 12 but less than 13 mpg above such standard	6,160
At least 13 but less than 14 mpg above such standard	6,930
At least 14 mpg above such standard	7,700.

"(c) NEW AUTOMOBILE.—For purposes of this section, the term 'new automobile' means a passenger automobile or non-passenger automobile—

"(1) the original use of which commences with the taxpayer,

"(2) which is acquired for use or lease by the taxpayer and not for resale, and

"(3) which is made by a manufacturer.

"(d) PASSENGER AUTOMOBILE; NON-PASSENGER AUTOMOBILE.—For purposes of this section—

"(1) PASSENGER AUTOMOBILE.—The term 'passenger automobile' has the meaning given the term 'automobile' by section 4064(b)(1).

"(2) NON-PASSENGER AUTOMOBILE.—

"(A) IN GENERAL.—The term 'non-passenger automobile' means any automobile (as defined in section 4064(b)(1)(A)), but only if such automobile is described in subparagraph (B).

"(B) NON-PASSENGER AUTOMOBILES DESCRIBED.—An automobile is described in this subparagraph if such automobile is—

"(i) a vehicle which has a primary load carrying device or container attached,

"(ii) a vehicle which has a seating capacity of more than 12 persons,

"(iii) a vehicle which has a seating capacity of more than 9 persons behind the driver's seat, or

"(iv) a vehicle which is equipped with a cargo area of at least 6 feet in interior length which does not extend beyond the frame of the vehicle and which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.

"(e) OTHER DEFINITIONS.—Except as provided in subsection (d), for purposes of this section, any term used in this section and also in section 4064 shall have the meaning given such term by section 4064.

"(f) SPECIAL RULES.—For purposes of this section—

"(1) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

"(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter with respect to an automobile described under subsection (b), shall be reduced by the amount of credit allowed under subsection (a) for such automobile for the taxable year.

"(3) PROPERTY USED BY TAX-EXEMPT ENTITIES.—In the case of a credit amount which is allowable with respect to an automobile which is acquired by an entity exempt from tax under this chapter, the person which sells or leases such automobile to the entity shall be treated as the taxpayer with respect to the automobile for purposes of this section and the credit shall be allowed to such person, but only if the person clearly discloses to the entity at the time of any sale or lease the specific amount of any credit otherwise allowable to the entity under this section.

"(4) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of an automobile).

"(5) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or with respect to the portion of the cost of any property taken into account under section 179.

"(6) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any automobile if the taxpayer elects to not have this section apply to such automobile.

"(7) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, an automobile shall not be considered eligible for a credit under this section unless such automobile is in compliance with—

"(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the automobile (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

"(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

"(g) REGULATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

"(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether an automobile meets the requirements to be eligible for a credit under this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting ", and", and by adding at the end the following new paragraph:

"(35) to the extent provided in section 36(f)(1).".

(2) Section 6501(m), as amended by this Act, is amended by inserting "36(f)(6)," after "30B(f)(9),".

(3) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 36 of such Code".

(4) The table of sections for subpart C of part IV of chapter 1 is amended by striking

the last item and inserting the following new items:

"Sec. 36. Highly fuel-efficient automobile credit.

"Sec. 37. Overpayments of tax.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after October 31, 2005, in taxable years ending after such date.

Mr. BOND. Mr. President, I thank my colleague from Illinois for his comments. I regret that he did not apparently gather what I was saying in my remarks because his characterization of my position was untenable. He suggested that we do not want to increase CAFE standards. The amendment that Senators LEVIN, DOMENICI, STABENOW, and I prepared on page 4 reads that the Secretary of Transportation shall issue new regulations setting forth increased fuel economy standards for nonpassenger automobiles, among others. We say they shall increase it. But you know something? We say they ought to base it on sound technology and sound science. For example, on page 2, we say when deciding the maximum fees of fuel economy, the Secretary shall consider:

"(1) Technological feasibility.

"(2) Economic practicability.

"(3) The effect of other motor vehicle standards of the Government on fuel economy.

"(4) The need of the United States to conserve energy.

"(5) The desirability of reducing United States dependence on imported oil.

"(6) The effects of the average fuel economy standards on motor vehicle and passenger safety.

"(7) The effects of increased fuel economy on air quality.

"(8) The adverse effects of average fuel economy standards on the relative competitiveness of manufacturers.

"(9) The effects of compliance with average fuel economy standards on levels of employment in the United States.

These are all points that are very important. But we start off saying, don't push something that is purely political. Make sure there is a technological basis for it.

Yes, my colleague is right. We did increase the CAFE achievements, but much of it came through lowering the weight of the vehicles. If my colleagues will listen and pay attention, we have the very frightening statistic from the National Academy of Sciences that those lower weight vehicles, vehicles initially designed for safety, were forced to be downsized, and they caused roughly 2,000 additional fatalities a year in automobile vehicle accidents and some 13,000 to 26,000 serious injuries. That is why we say safety is part of it. That is why we say we need to make sure we can achieve these technologically. We are pushing the technology.

My colleague talks about soccer moms. If they want to drive a very small fuel-efficient car, they can. If they want to drive an SUV, they can. We are going to push the technology to make those as efficient as possible. But we are not some kind of dictatorial or authoritarian society that says, no; we will tell you what you can buy.

We want to have parents, whether they are soccer moms, baseball dads, granddads who want to take their kids to the ball game, to have the ability to choose the kind of car they want.

It is about safety, it is about choice, and it is about jobs.

I am very grateful for a letter I have just received dated July 24, 2003, from Alan Reuther, legislative director of the UAW. He says in part:

> The UAW strongly opposes a number of other CAFE amendments that may be offered by Senator McCain, Senator Feinsten or Senator Durbin. Although taking different approaches, all of these amendments would mandate excessive, discriminatory increases in fuel economy standards that would directly threaten thousands of jobs for UAW members and other automotive workers in this country. In our judgment, fuel economy increases of the magnitude proposed in these amendments are neither technologically or economically feasible. The study conducted by the National Academy of Sciences does not support such increases. Given the economic difficulties currently facing the auto industry, we believe it would be a profound mistake to impose additional burdens on the companies by mandating excessive increases in the CAFE standards.

That is why, in summary, the UAW says it strongly supports the Bond-Levin amendment.

I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,
Washington, DC, July 24, 2003.

DEAR SENATOR: This week the Senate is scheduled to take up the comprehensive energy legislation. At that time, the Senate may consider a number of important amendments relating to Corporate Average Fuel Economy (CAFE) standards.

The UAW strongly supports the Levin-Bond amendment, which would require the Department of Transportation to engage in expedited rulemaking to issue new fuel economy standards for both cars and light trucks. DOT would be required to take into consideration a wide range of factors in establishing the new standards, including employment, safety, technology, economic practicability and the relative competitive impacts on companies. This amendment is similar to the Levin-Bond substitute that the Senate approved by a wide margin last year. The UAW supports the approach contained in this amendment because we believe it will lead to a significant improvement in fuel economy, without jeopardizing the jobs of American workers.

The UAW strongly opposes a number of other CAFE amendments that may be offered by Senator McCain, Senator Feinstein or Senator Durbin. Although taking different approaches, all of these amendments would mandate excessive, discriminatory increases in fuel economy standards that would directly threaten thousands of jobs for UAW members and other automotive workers in this country. In our judgment, fuel economy increases of the magnitude proposed in these amendments are neither technologically or economically feasible. The study conducted by the National Academy of Sciences does not support such increases. Given the economic difficulties currently facing the auto industry, we believe it would be a profound mistake to impose additional burdens on the companies by mandating excessive increases in the CAFE standards.

In addition, the UAW is particularly concerned that the structure of the proposed fuel economy increases—a flat mpg requirement for cars and/or light trucks—would severely discriminate against full line producers (such as GM, Ford and DaimlerChrysler) because their product mix contains a much higher percentage of larger cars and light trucks. This could result in severe disruption in their production, and directly threaten the jobs of thousands of UAW members and other workers associated with the production of these vehicles. Furthermore, by eliminating the distinction between foreign and domestic car fleets, the McCain amendment would enable the Big Three automakers to outsource their domestic small care production to other countries, resulting in the loss of thousands of additional automotive jobs in this country.

The UAW continues to believe that modest improvements in fuel economy are achievable over time. Indeed, NHTSA has already promulgated new CAFE standards for light trucks that will yield significant fuel savings. In our judgment, we can continue to make progress on fuel economy by following this same approach, and directing NHTSA to promulgate new fuel economy standards for both cars and light trucks, as called for by the Levin-Bond amendments. But we also believe it is critically important that the Senate reject the extreme, discriminatory CAFE proposals contained in the amendments sponsored by Senators McCain, Feinstein and Durbin, which would threaten the jobs of thousands of American automotive workers.

Thank you for considering our views on this priority issue.

Sincerely,

ALAN REUTHER,
Legislative Director.

MORNING BUSINESS

Mr. BOND. Seeing no other Senators on the floor seeking recognition, I ask unanimous consent that there now be a period for the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TRAGEDY IN NEW YORK CITY

Mr. SCHUMER. Mr. President, I rise to speak about the tragedy that occurred in my city yesterday.

Everyone knows that a gunman came into our city hall, into the city council chamber, raised his gun, and killed one of our brave city councilmen. I knew the councilman. I knew him well. He did not live far from my home in Brooklyn. One of my happiest moments with him was speaking at his inaugural ceremony only 2 short years ago.

So I would like to speak about Councilman James Davis, and also about Officer Richard Burt, who acted with bravery. In short, in the wake of this terrible tragedy, we really celebrate two heroes: mourning the life of one, thankful for the bravery of the other.

First, I would like to talk about Councilman Davis. He came from Brooklyn. He went to a high school that was one of my high school's rivals, and followed in the footsteps of his father. He was a corrections officer, and then a police officer, and then ran for public office.

He was always a maverick. He liked to challenge the conventional wisdom. He was unafraid. He was virtually fearless. But he was always fearless with a smile on his face. He would take on whatever powers that be because he believed it was right.

He cared so much about his community. Long before he became an elected official, he would sponsor "Stop the Violence" marches in Crown Heights. Everyone knew it was August when the big signs saying "Stop the Violence" would be emblazoned across Eastern Parkway.

When he got elected to the city council, it was a dream come true for James Davis. He had run for office many times before and been defeated, but he kept working and working. The people in the community saw that the man was sincere and put him in the office of city council.

Once on the city council, it was clear that James Davis was one of the rising stars in his own way because he always did things in his own way. He was a maverick. He would oppose things everybody else thought was good, and then he would have good reason for it. And he always had a twinkle of mischief in his eye, and often, when he would greet you, he would have some kind of little joke to mention with you. But he never hesitated to speak his mind. He never hesitated to vote his conscience, regardless of how it would affect his career. He refused to roll over for anyone, even some of the most powerful politicians in New York City.

So we miss James Davis. It is a tragedy he has been taken from us so young, with so much potential. It is a tragedy he has been taken from this Earth, untimely ripped. But his smile, his passion, his desire to fight, his desire to tilt at windmills will remain with us forever.

There is another hero we celebrate today, and that is Police Officer Richard Burt, so typical of the bravery of New York City police officers. Officer Burt acutely saw what was happening on the balcony during the New York City council meeting, and though he was 45 feet away, he fired shots at James Davis' murderer, and the shots struck true and killed the murderer.

Richard Burt saved lives. Richard Burt, just like James Davis, was brave. James Davis' bravery was about his willingness to challenge the establishment and to do what he thought was right. Burt's bravery came as well in the line of duty, as a police officer. We thank him because many lives were saved.

I read the reports this morning that in the murderer's sock were more bullets. Lord knows what would have happened had Richard Burt's aim not been brave and true.

So it is a sad day in New York today. It is a sad day because our city council chamber, our city hall, has been violated by violence. It is a sad day because we miss and mourn for James Davis, and our thoughts and prayers are with his family.

Two brave men: One we mourn, gone, his memory, his courage live with us; one we thank for saving the lives of so many others.

I yield the floor.

SGT PHILLIP RANDALL RUGG II

Ms. LANDRIEU. Mr. President, I take this opportunity to speak about some very exciting and heartwarming events in Monroe, Louisiana, today and tomorrow. I regret I will be unable to attend the events. But, they are very important to Marine Sergeant Phillip Randall Rugg, II, his family, the city of Monroe, and for all the people of Louisiana. Quite frankly Sgt. Rugg's actions tell a story that will be heartwarming to the Nation.

As we consider how to best defend our borders, and also as we continue to aggressively pursue the standing up of a new government in Iraq to establish a democracy there, I wish to pay tribute to our military by highlighting the heroic actions of one of the Marines' best.

Marine Sgt. Phillip Randall Rugg II, is being honored today by the city of Monroe, Louisiana. Monroe is a city of about 50,000 in northeast Louisiana that has its share of men and women in the active and reserve forces serving our country at this time. They are doing the brave and difficult work necessary for us to achieve victory. Having won the war, we are now in an all-out effort to win the peace. These men and women from Louisiana and around the Nation are putting their lives on the line, and the Nation is grateful.

Monroe is opening its arms and its hearts to a true hero. With his wife Nicol and his 2-year-old son Trey, Sgt. Rugg will be honored by the people of Monroe. I rise to explain why.

A few months ago, on March 22, then-Corporal Rugg was serving in Iraq with the 1st Tank Battalion, the 1st Marine Division. On that day, his tank recovery vehicle was hit by at least four rocket-propelled grenades. Shrapnel from the RPGs tore through his body, leaving him unable to use his legs. His vehicle was on fire. Using only his arms, with great injury to himself, he pulled himself out of his vehicle. Once outside, he realized that his gunnery sergeant, Guadalupe Denojean, was still inside the burning vehicle.

Then, without regard to his own safety, obviously having been severely injured with broken legs, he climbed back into the burning vehicle which was engulfed in flames and pulled the gunnery sergeant out. Regrettably, after this incident, Sgt. Rugg's wounds were not able to heal fully and his left leg had to be amputated below the knee. He may have had part of his leg removed, but no doctor or enemy weapon could remove his spirit.

I spoke to this young marine yesterday by phone. He is proud of his service. He is proud of his country. He said: Senator, this is not a story about sadness or pity. I am proud I went to serve in defense of my nation.

I want to say how proud we are of him and his family, how proud I am that one of the cities in Louisiana is honoring him today. This is the Marine spirit. It is one that has existed for over 200 years. It is a flame that will not go out.

He has now been promoted to sergeant. Again, he is proud to serve his country. As he told me yesterday: Senator, I have no regrets. I was happy to do what I did. My family is happy to support me in this effort.

He will soon reenter school to complete his degree in accounting. His other leg is rehabilitating well, and he is working with his doctors and therapists to some day not only walk, but run. He also wants to get back on the golf course. With his positive outlook, I am sure Sgt. Rugg will go on to do great things and continue to be a proud father and devoted husband. As the city of Monroe celebrates the recovery and return of Sgt. Rugg, I am certain his faith and positive outlook will only bring more causes for the Rugg family to celebrate in the years to come.

Former Senator Max Cleland of Georgia is a triple amputee as a result of a grenade explosion in Vietnam. Senator Cleland says his injuries changed his life and gave him even greater purpose to serve his country as a Senator and Cabinet Secretary. Senator Cleland always says he is stronger at the broken places. After talking with Sgt. Rugg, I know that he, too, is stronger at the broken places.

I want to tell Sgt. Rugg how proud the United States Senate is of his service. I want to tell the thousands of other men and women in uniform how grateful we are for what they do each day to protect and promote liberty. I want to wish Sgt. Rugg and his family well, and know my thoughts and prayers are with them. Sgt. Rugg, I salute you.

I ask unanimous consent to print the following document in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SERGEANT PHILLIP RANDALL RUGG, II

Phillip Randall Rugg, II was born at St. Francis Hospital in Monroe, Louisiana on April 26, 1977 to Jan Elizabeth Falletta Rugg and Phillip Randall Rugg. Randall was christened at Our Lady of Fatima church and attended Our Lady of Fatima School from grades K–8. He attended St. Frederick High School where he lettered in football, basketball, and baseball for three years and graduated with honors in 1995. Randall attended the University of Louisiana at Monroe and Louisiana Tech University from 1995 to 1998.

On June 28, 1999, Randall joined the Marine Corps and immediately did twelve weeks of basic training at the Marine Corps Recruit Depot in San Diego, California. After basic training, Randall attended fourteen weeks of Tank Mechanic School at Fort Knox where he graduated first in his class. On February 25, 2000, Randall was assigned permanent duty at the Marine Air Ground Task Force Training Command in Twenty Nine Palms, California.

On March 25, 2000, while serving at Twenty Nine Palms, Randall married Andrea Nicol Freeman of Ferriday, Louisiana. Randall received several letters of commendation and appreciation, and was meritoriously promoted twice while stationed at Twenty Nine Palms. His military achievements were overshadowed, however, by the birth of Phillip Randall Rugg, III, on March 18, 2001, whom Randall and Nicol have nicknamed Trey.

On March 22, 2003, the third day of Operation Iraqi Freedom, shortly before sunrise, Randall, Sergeant Eric W. Percy and Master Gunnery Sergeant Guadalupe Denogean (referred to by his crew as "Master Guns") were operating an M88 Tank Recovery Vehicle when they sustained direct hits from at least five to eight rocket-propelled grenades which were fired from a nearby farmhouse. Sergeant Percy escaped the vehicle through the side door, which had been blown off in the explosion. Randall, finding his legs were useless managed to pull himself up to the top hatch and roll out of the vehicle from the turret, which is eighteen feet from the ground. Once out of the M88, Randall and Sergeant Percy realized that "Master Guns" was still inside. Randall and Sergeant Percy managed to return to the inside of the M88 and drag him to safety. Within minutes, Randall, Sergeant Percy, and Master Gunnery Sergeant Denogean were flown to a field hospital to receive medical attention. Sergeant Percy had received two shrapnel wounds, Sergeant Denogean had received a head injury rendering him unconscious and Randall had sustained extensive shrapnel wounds to both legs, his face, and one shoulder. The damage to Randall's left leg was irreparable, requiring an amputation below the knee. His right leg sustained compound fractures of both lower leg bones and tissue damage requiring skin grafts. All three soldiers are recovering.

Randall spent a week in the hospital in Ramstein, Germany before being flown to Bethesda, Maryland where he spent seventeen days in the Bethesda Naval Hospital. He returned to Louisiana on April 15th. Once Randall's injuries heal and he is able to be fitted for a prosthesis for his left leg, he plans to go back to college and graduate in accounting.

Randall's story is similar to thousands who have gone before him. This Country, founded on the belief in freedom for all of her people, stands upon the shoulders of those who have, time and again, willingly stepped into harm's way to protect our freedom. Through life-altering injury to body or mind, or by paying the ultimate price, these brave young men and women and their families have borne the weight of freedom for our families and the families of our children. What makes Randall special is that he is ours, and through his sacrifice, we have become his.

What an honor and a privilege it will be to thank Randall in person on July 24th and 25th, 2003. The Community Salute to Sergeant Phillip Randall Rugg, II, will feature a free community gathering at the American Legion Hall at Forsythe Park in Monroe to meet Randall from 3 to 6 p.m. on July 24th. There will be a sponsor's reception and silent auction from 7 to 10 p.m. on July 24th also at the American Legion Hall at a cost of $15 per person. The following day, July 25th, there will be a golf tournament at Calvert Crossing Golf Club, For information regarding sponsorships call (318) 329–5890. All checks made payable to Sergeant Phillip Randall Rugg at American Horizons Bank.

JOINT INTELLIGENCE REPORT POST–9/11

Mr. CHAMBLISS. Mr. President, I rise tonight in response to the comments of my friend, the Senator from Florida, about the report that was issued today about September 11. There were a lot of innuendoes and direct statements by the Senator from Florida with respect to the administration, faults on the part of the administration leading up to September 11 and the connection of causation between the administration and some deficiencies with the administration and September 11. Nothing could be further from the truth.

My friend from Florida made the comment that the lack of resources in our intelligence community played a big part in the intelligence deficiencies that allowed September 11 to happen. I agree with him 100 percent. What he failed to say is that this administration had been in office less than 8 months when September 11 happened. This administration had not even been through an appropriations cycle. It is this body and the House that made the appropriations over the last several years that, in fact, did lead to a decline in resources, with the leadership of the previous administration, that caused the resources not to be put in the right place, that allowed the problems within the intelligence community to arise.

The Senator mentioned certain declassification, or failure to declassify certain aspects of the September 11 report that were not included in the report that was released today. Again, he is exactly right. But there is a reason for that. The public does have a right to know everything we can tell them about the facts leading up to September 11. But the intelligence community does not have the right and should not release information relative to sources and methods.

The intelligence community is a very complex community. The intelligence community has human assets in place all around the world, gathering information from an intelligence standpoint that is important to saving the lives of Americans.

In addition to that, we have methods of gathering intelligence that we simply cannot disclose and divulge to people we are gathering that intelligence from, or it will reduce or significantly lessen, or maybe even not allow us to gather information from them. So it is very important that we not release sources and methods.

Last, let me say my friend made the comment about secrecy on the part of this administration, this President. Again, nothing could be further from the truth. Secrecy is not the issue here, as set forth in that report that was released today.

The real issue as set forth in that report is the protection of America and the protection of Americans. This administration had done everything within its power leading up to September 11 to make sure the intelligence community had the ability to gather intelligence and that the law enforcement community had the ability to interrupt and disrupt intelligence activity. Unfortunately, as was concluded in the report today—the Senator from Florida was the chairman of the Intelligence Committee that participated in that report—that report says that, in spite of everything, there is nothing that could have been done on the part of the intelligence community that would have prohibited September 11 from happening.

What we need to be aware of and what the American people need to be aware of is that the intelligence community has learned a lesson from September 11, and we are moving forward to make sure our children and our grandchildren live in a safe and secure America just like we have enjoyed. We have a lot of recommendations within that report that are being followed today to make sure America is a safer place.

While I commend the men and women—and I was part of it—who worked very hard to get that report together, there is a lot of information in that report that was not declassified and which should not be declassified so that we can have a safer and more secure America.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the Senator from New Mexico ought to be doing the thanking. I knew when the people of the Senator's State sent him up here—he thanked us, but we ought to be thanking him; we thank the people of his State for sending him here—we knew when the Senator came that he was going to be a stalwart and someone to whom we could look. We knew we would be getting the "straight scoop," so to speak. Tonight it didn't take the Senator very long to set this record straight.

There is no use playing politics with things that do not need any politics added to them. There are already plenty of problems surrounding that big tragedy that came to America. We thank the Senator for telling us the way it is, the way it was, and the way we ought to understand it. This Senator thanks him for that. I wish he had more to say. I hope before it is over, he will have more to say about it.

With all of the inferences and implications when things go wrong, there is a political campaign. Just wait, and somebody will find some reason to blame the person running for office. Regardless of how farfetched or how wild, or how irrelevant it is, it will be there.

Frankly, we have a Senate with lots of privileges. I like the distinguished Senator from Florida. He had a big job when he had to put that report together. He doesn't have any more to say about it than a lot of other people. He just happens to be running for President. So he has a lot to say. But we thank the Senator very much for his few words which are excellent, as I understand it, and it is something we needed to hear.

Mr. CHAMBLISS. Mr. President, I will have a lot more to say about it later.

Mr. DOMENICI. I hope so.

ELECTIONS IN CAMBODIA

Mr. McCONNELL. Mr. President, Cambodians will go to the polls this weekend for the third round of parliamentary elections since the 1991 Paris Peace Accords.

Elections half way around the world in a country best known for the killing fields of the 1970s would ordinarily warrant little attention by Washington or other foreign capitals. However, in the post-September 11 world such political exercises have heightened importance to America and the free world.

Cambodia today is a lawless country, with the thin veneer of democracy bestowed by U.N.-sponsored elections in 1993 all but worn away by political turmoil and crises. Under the repressive rule of Prime Minister Hun Sen and the ruling Cambodian People's Party, CPP, human rights abuses are committed with impunity, developments stymied by corruption and incompetence, and a palpable climate of fear persists throughout a country side controlled by CPP authorities.

Under Prime Minister Hun Sen's lawless rule, Cambodia has become the Zimbabwe of Southeast Asia.

Many in the diplomatic community continue to wrongly believe that the CPP offers Cambodia stability. This thinking is nonsensical.

A CPP coup d'etat in July 1997 destroyed the coalition government cobbled together after the 1993 polls. Grenade attacks against opposition parties in 1995 and 1997 were a clear attempt by CPP to silence its rivals through violence and intimidation. And anti-Thai riots earlier this year were fueled by the reckless comments of the Prime Minister, who failed to protect Thai diplomatic property and personnel from government-paid thugs, the Pagoda Boys.

More worrisome to the international community should be the arrest of suspect regional terrorists in Cambodia. Lax border controls and official corruption have allowed terrorists a free reign in the country since the early 1990s. Cambodia is a haven for criminal triads—and fertile ground for extremists. While the Cambodian government has arrested some suspected terrorists, the absence of democracy and the rule of law in Cambodia only guarantees that terrorism will be a perpetual problem for that country, an and the entire region.

The Cambodian people must not miss the opportunity to use the upcoming polls to hold Hun Sen and the CPP accountable for the failure of leadership. While CPP has done everything it can to subvert the outcome of the elections even before the first ballots are cast, Cambodians must vote their conscience. They hold the key to breaking the cycle of violence and poverty that has gripped Cambodia for the past several decades.

I recognize that this may not be easy for many Cambodians. Anyone older than 28 years old lived through the nightmare of the Pol Pot regime and the Vietnamese invasion and occupation. Politics got people killed then—and it still does today. But unlike the past, today the fate of Cambodia is in the hands of the people and in the ballots they will cast on July 27.

Cambodians must hold those in power accountable for their actions. They should know that America is watching and willing to help them rebuild a nation committed to democracy and the rule of law.

HONORING OUR ARMED FORCES

Mr. LUGAR. Mr. President, recent developments in Iraq have given Americans cause for renewed confidence in our efforts there, as our soldiers systematically track down, capture, or eliminate the remaining fugitives on the most-wanted list. The cowardly hit-and-run attacks and ambushes on our troops have claimed American lives, but they have not deterred our troops from their task of ridding Iraq of every vestige of the brutal regime that ruled for so long.

I rise today to pay tribute to those service members who have fallen in this noble effort. As a nation, we must always keep in mind that our military successes come at a high cost in the loss of promising young human lives. My State of Indiana has paid a very high price indeed. As of this date, 13 Indiana families have suffered the loss of a loved one taking part in Operation Iraqi freedom. Seven of our losses were the result of combat action. Four Indiana soldiers have died from injuries not related to combat, and two have died of illnesses. I pray that there will be no more, but I know the danger still exists.

Army Specialist Chad L. Keith of Batesville, IN, died on July 7 in Baghdad when his motorized patrol was ambushed. He was riding in the lead vehicle when it was struck by the detonation of a mine hidden along the roadway.

Specialist Keith was 21 years old. He had joined the Army immediately after graduating from Batesville High School in 2000. He went through paratrooper training and was assigned to the 82nd Airborne Division at Fort Bragg, NC. A week before he died, he talked to his mother by telephone from Baghdad and spoke enthusiastically about wanting to get the job done in Iraq.

Chad Keith was an outstanding soldier. He will be missed.

Army Private Robert L. McKinley of Peru, IN, died on July 8 in a hospital in Homburg, Germany, where he had been taken for treatment of severe heat injuries suffered in the Iraqi desert. Private McKinley was 23 years old. He had enlisted just 8 months ago and was very proud to be serving with the fabled 101st Airborne Division.

Private McKinley, a 1998 graduate of Peru High school, was raised by his grandparents, Mr. and Mrs. Robert Feller, who loved him as if he were their own son. At his funeral, Private McKinley was posthumously awarded the Bronze Star Medal.

Robert McKinley was an outstanding soldier. He will be missed.

Sergeant First Class Craig A. Boling of Elkhart, IN, died on July 8 at Camp Wolf in Kuwait after being stricken by a sudden illness. Sergeant Boling was a member of the 1st Battalion, 152nd Infantry, one of two Indiana National Guard battalions mobilized to provide robust force protection to key bases and supply lines in Kuwait and Iraq. These units have done an extraordinary job.

Mrs. BOXER. Mr. President, I have come to the Senate floor several times this year to eulogize our young men and women who have died during the war in Iraq, as well those who have been killed during the postwar period.

Today, I want to honor and remember three additional Americans who were from California or were based in California who have died since the war officially ended.

Navy Petty Officer 3rd Class David J. Moreno, age 26, of Gering, NE, was killed July 17 in Iraq. David was assigned to the Naval Medical Center, Fourth Marine Division Detachment, San Diego, CA.

Marine LCpl Jason Andrew Tetrault, age 20, of Moreno Valley, CA, was killed in Kuwait on July 9 in a vehicle accident. He was assigned to the 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. He was the quarterback for the Moreno Valley High School football team. He loved the outdoors, and told his family that he was looking forward to returning to California's beaches and seeing the Pacific Ocean again.

Marine LCpl Cory Ryan Geurin, age 18, of Santee, CA, was killed in Iraq on July 15. He graduated from West Hills High School in suburban San Diego and was the captain of the school's wrestling team his senior year. Cory was assigned to the 1st Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA.

Mr. President, 58 individuals who were from California or based in California have died while serving our country in Iraq. The people of California, as well as all Americans, mourn their loss. I continue to pray for the safety of all of our troops and hope that they will soon be reunited with their families. I also continue my call for burden sharing in postwar Iraq so that American soldiers will not be singled out.

Mr. CONRAD. Mr. President, I rise today in tribute to a brave volunteer of the North Dakota National Guard who this week made the ultimate sacrifice for his Nation. Specialist Jon Fettig was a proud and patriotic American killed in action in Iraq on Monday. He was many times over a volunteer, from when he made his commitment to America's Armed Forces by enlisting and re-enlisting in the National Guard, to when he stepped forward to serve in Iraq despite the fact that his own unit had not been activated.

Jon Fettig is the first North Dakota National Guardsman killed in combat since the Korean war. Even before he volunteered to deploy to Iraq as a combat engineer with the 957th Multi-role Bridge Company he had already served 11 years in the Guard. His fellow soldiers admired him and valued his service. Those still at home in North Dakota gathered yesterday to celebrate his memory and mourn his passing.

SP Fettig lived his life in a way that is surely familiar to many of my distinguished colleagues here in the Senate. As Senators we are blessed with the opportunity to meet countless fine young Americans who serve our Nation in the military. Like so many National Guardsmen, SP Fettig was a good soldier, a good civilian employee, a good citizen and a good spouse. That he carried all those burdens at once is a tribute to him.

In this difficult time, our thoughts are with his father Larry, his mother Shirley, and his wife Cody. SP Fettig's sacrifice is a tragedy, but we all must take comfort from the fact that, as his father has said, he died doing what he loved, a hero serving his country to the best of his ability.

Specialist Brandon Erickson of Bismarck was another casualty of Monday's attack on the 957th, bringing to three the number of North Dakota soldiers wounded in combat in Iraq. Though SP Erickson has had part of his arm amputated, his condition is now improving. We are grateful for his service and that of the medics and doctors who treated him, and thankful that he will soon be returning home.

Our Nation asks so much of our Guard and Reserve, and they are coming through with flying colors. The tremendous contribution of North Dakotan active-duty personnel is matched by a truly remarkable commitment by North Dakota's reservists. Per capita, no State has more citizens in the National Guard, and today no State has more Guard personnel mobilized. According to the Associated Press, 36 of every 10,000 North Dakotans age 18 or older served on active duty with the Guard or Reserve during this conflict. Eight hundred members of the North Dakota Army National Guard are still deployed in Iraq.

Nearly every city and town in my State has felt the impact of an Army National Guard unit activation, including Fargo, Lisbon, Bismarck, Grand Forks, Edgeley, Grafton, Devils Lake, Rugby, Bottineau, Wishek, Cando, Carrington, Mayville, Oakes, and Wahpeton. And the loss of SP Fettig, whose family lives in Dickinson, brings home the fact that many volunteers from units in other communities stepped forward to fill vacancies in units deploying overseas. Now some of these communities are further scarred by their losses.

Today, millions of people across Iraq and America are hearing the news of the death of the two brutal sons of Saddam Hussein, fully complicit in the crimes of his regime. Hopefully this victory will help us along the road to true peace and stability in Iraq. But there are surely still many tough days ahead. The success of this difficult work depends on the commitment and sacrifice of thousands of individuals like SP Fettig, men and women willing to give their all for the good of their Nation and their world. To all those who serve, I offer my heartfelt thanks. To the friends and family of Jon Fettig and all those whose service extends to the ultimate sacrifice, I can only offer the condolences, thanks, and prayers of a grateful Nation.

GREENSPAN 180

Mr. BUNNING. Mr. President, I want to share with my fellow colleagues an article written today by Larry Kudlow for National Review Online concerning Chairman Greenspan's detrimental effect on the bond market.

Mr. Kudlow very clearly points out how Chairman Greenspan once again usurped his monetary role as Chairman of the Federal Reserve by doing a complete rhetorical 180 on deflationary pressures. As a result of the Chairman's verbal roller coaster ride, the bond market is trading at 4.2 percent compared to 3.1 percent in mid-June, the worst bond market price rout in 9 years.

Many people in Congress and throughout the business world blindly follow and trust Chairman Greenspan. I have never and will never wear this blindfold. This is just another in a long line of examples where Mr. Greenspan oversteps his bounds and causes economic malaise.

I ask unanimous consent to print the article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

This past spring Maestro Alan Greenspan issued official Federal Reserve statements that deflationary declines in the prices of goods and services people buy was the nation's top economic danger. Consequently, he said his Fed might make special purchases of Treasury bonds in order to pump new money into the economy, and get bond rates lower to stimulate investment.

But last week, in congressional testimony, Maestro G changed his tune. Totally. Completely. Utterly. Suddenly he said that next year's economy would be strong, and that this revival would begin in the second half of this year. Hence, his new thinking goes, deflation is apparently not a threat and there's no need to add liquidity through special bond purchases.

That's right. According to our Fed chairman, we've gone from deflation to reflation lickety-split. If someone from the CIA—after reading documents from Niger—had pulled this 180, they'd be forced to take a lie-detector test.

But what about the bond traders who trusted Greenspan and stocked up on Treasuries for future sales to the Fed? Said traders got their brains beaten in. Blindsided by Greenspan's policy reversal, bond traders were forced to sell heavily. Now the 10-year Treasury is trading at 4.2 percent compared to 3.1 percent in mid-June, the worst bond-market price rout in nine years.

Fortunately, at mid-year 2003, the whole deflation shtick has turned out to be a mirage, though Greenspan was unable to fathom this since late last year. The dollar's value in relation to the prices of gold, commodities, and foreign currencies has declined sufficiently to remove deflation as a real threat. There are no Japanese-style catastrophies looming out there.

And believe it or not, there is a silver lining to this Treasury travail. A stronger outlook for economic growth—from prior Fed money-creating and the newly enacted Bush tax-cut plan—has driven up the real-interest-rate component of the 10-year Treasury (not the inflation premium) by roughly a full percentage point. So, interest rates—which had been heading down for three years—are moving up.

This is meaningful. More normal interest-rate levels send a signal to consumers and investors that it is time to push the button on new purchases or new capital commitments. In fact a lot of folks will be rushing to beat the next group of rate hikes.

Of course, Maestro G himself told Congress that it is unlikely the central bank will tighten in our lifetime. But can anybody believe this guy anymore?

That aside, with supply-side tax cuts kicking in, there's all the more reason for Americans to start spending and investing right now. Stock market traders, who may be less guillible than bond traders, seem to have known this for some time. Since March equity markets have skyrocketed over 20 percent.

Democrats may be howling about false reports of uranium from Niger and big budget deficits from Washington, but these will be non-starter issues in next year's presidential election. The stock market crowd knows a peace-and-prosperity election landslide when they see one. The guys in the stock trading pits have also figured out that anytime taxes on investment are cut, more investment will quickly follow. While bondland has been hemorrhaging, equityland has fully understood an age-old axiom: When you slash marginal tax rates, you always get higher asset values and more powerful economic recovery.

Watching Britain's Tony Blair standing resolute and tall in the saddle next to George W. Bush, it's pretty clear that a bunch of ankle-biting Democrats won't deter the age-old Anglo-American partnership in their just quest to bring freedom and liberty to the Middle East (and elsewhere). If liberal critics would unlock their eyeballs for just a nanosecond, they would clearly see that the Bush/Blair axis of freedom is causing peace dominos to fall throughout the Arab region. Rather than a McGovernite quagmire in Vietnam, the prospect for free elections and free enterprise looks better today as a result of the application of force in the defense of liberty than at any time in the last 700 years.

At home, low-tax free enterprise is also gathering force. There has never been a major upturn in the stock market or the economy without broad-based tax cuts. President Bush has delivered—as promised—and this country's entrepreneurial and ownership-oriented investor class is rightly looking to much better times ahead.

As for the bond-bungling Greenspan, perhaps the 77-year-old Fed chairman will take a page from the book of Citigroup Chairman Sandy Weill, who recently chose a successor and then gracefully announced retirement at age 70. As usual, the private sector is way ahead of government.

AMAZING GRACE ON THE SEAS

Mr. HOLLINGS. Mr. President, earlier this month, newlyweds Walt and Donyelle Wilkins from Greenville, SC, were on their way to their honeymoon, when the small plane they were on crashed into the ocean. Because of their quick action and disregard for personal safety, they saved the lives of two young children, also passengers on the plane. I rise to salute this couple, and to thank them for their true heroism.

Walt and Donyelle were married in Charleston two Saturdays ago. The day after the wedding the couple took off from Ft. Lauderdale, heading to the Bahamas, when the plane crashed into the open sea. After assisting others out of the sinking plane and distributing life jackets, Walt jumped into the rough sea without a life jacket and swam to others, assisting them in inflating their jackets, while Donyelle held an infant above the waves.

After the parents of the infant were located in the water the child was passed to them so that Walt and Donyelle could assist two small children whose mother had just drowned. Several of the surviving passengers decided to attempt to swim to the nearest land some six miles away. But Walt and Donyelle stayed with the young children, keeping their heads above the waters and calming them by singing "Amazing Grace." Approximately 2 hours later, they were rescued by a Coast Guard helicopter.

The children are alive today because of the Wilkins' amazing grace under threats no one should ever have to face. I speak for all my colleagues in wishing the young couple a long and happy life together.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Omaha, NE. On September 12, 2001, two Muslim women were physically assaulted with a soda can as they walked through a parking lot of a Methodist hospital. The women were both wearing traditional hijab.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THIRTEENTH ANNUAL REPORT OF THE DEPARTMENT OF VETERANS AFFAIRS NATIONAL CENTER FOR POST-TRAUMATIC STRESS DISORDER

Mr. GRAHAM of Florida. Mr. President, I rise today to point out the accomplishments of the Department of Veterans Affairs National Center for Post-Traumatic Stress Disorder for fiscal year 2002. As spelled out in its 13th annual report, the Center for PTSD has made significant strides in the treatment of this trauma—steps that became particularly meaningful following September 11, 2001.

Born during a time of crisis, the Center was created just months before the Loma Prieta, CA, earthquake in 1989. That event's aftermath became the Center's first real emergency-response experience. Since then, the Center has been called in time and time again to treat the mental trauma resulting from disasters, including the crisis brought on in my own state of Florida following Hurricane Andrew.

Though the Center's primary focus has always been and continues to be theis country's veterans, the knowledge and expertise gained through work in the VA system has proved to be invaluable in all areas related to disaster mental health. This became all too clear in the weeks and months following September 11, 2001. The Center for PTSD's fiscal year actually began on October 1, 2001, just weeks after the events of 9/11. The year that followed proved to be the Center's greatest test of its 13-year history, calling into play all three of the Center's main areas of endeavor: research, education, and consultation.

In 2001, the Center took leadership of a 3-year project to develop best-practice guidelines for emergency mental health interventions, taking into account both criminal and natural disasters. By the time 9/11 had taken place, staff were one year into the project, enabling them use the wealth of research and analysis already accumulated. During the recovery efforts, the Center's education materials, especially those on the website, proved very helpful in educating relief workers, victims, families and bystanders about PTSD and how to cope with it.

In addition, Center staff were called upon to consult for several agencies. Its researchers used the recovery process as an opportunity to gather data and conduct long-term research studies on the effects of 9/11, including a major study involving the entire Fire Department of New York.

In the end, this report proves mostly to be a living history of the events of September 11 and the way our Nation coped with those tragedies. As documented in the report's pages, the lessons of that day will remain invaluable to the future treatment of PTSD, for both our Nation's veterans as well as the rest of the country.

As Ranking Member of the Committee on Veterans' Affairs, I am proud of the accomplishments the Center for PTSD has made in treating disaster-related mental health. The hard work and dedication of its staff proved invaluable to all those affected by September 11, 2001, regardless of whether they witnessed firsthand the attacks in New York City and Washington, DC, or simply watched the events of that terrible day unfold on their television.

COMMEMORATING THE 50TH ANNIVERSARY OF THE KOREAN WAR ARMISTICE

Mr. PRYOR. Mr. President, more than half a century ago, America answered the call to defend freedom in South Korea. Today, we continue to defend democracy and freedom in over 100 countries around the world.

This war against communism is sometimes referred to as the "Forgotten War" because it came at the heels of World War II and was overshadowed by the Vietnam War. Indeed, there are fewer pages in our children's textbooks about this war than that of other wars. But the cause of freedom was no less important. The bravery of the Nation's Korean War veterans was no less significant. And the sacrifices of these veterans and their families were no less meaningful.

Twenty-two nations joined 1.8 million Americans in risking life and limb to defend a country they did not know and a people they had never met. Included were the young men and women who fought on the mountains of Korea in places such as Pork Chop Hill and Bloody Ridge. The United States suffered 36,934 casualties and 103,284 wounded during the Korean War; another 8,000 were taken prisoner or met an unknown fate. In my state of Arkansas, 466 brave servicemen and women paid the ultimate sacrifice. These are our Nation's heroes and they acted selflessly to bring forth freedom and opportunity for generations.

July 27 marks the 50th Anniversary of the armistice with North Korea. I take this opportunity to thank our Korean War veterans and their families for their great service and dedication to our Nation. We owe our Korean War veterans a debt of gratitude that we can never repay.

The Korean War veterans defined "new opportunity for all." They defended and promoted the virtues of democracy abroad, providing an emerging Nation a chance to develop and flourish into the viable country it is today. I can not begin to imagine how different Southeast Asia and the world would be if it was not for the true determination and unbelievable courage demonstrated by our soldiers, airmen, marines and sailors.

American servicemen and women remain on-point in Korea to protect freedom along what is referred to as the world's most dangerous border. I commend them also for their bravery and commitment to democracy.

From Korea to Iraq, let us not forget the sacrifices that our men and women in uniform have made on behalf of our great country.

IN REMEMBERANCE OF STROM THURMOND

Mr. BUNNING. Mr. President, it is with great pride and honor I rise amongst my fellow colleagues to honor one of America's finest citizens, Senator Strom Thurmond of South Carolina.

When I look at Strom's unbelievable life and career and all that he has accomplished, I often find myself wondering how one man could possibly do so many different and amazing things in just one lifetime. Strom Thurmond truly deserves the title of renaissance man.

He has been a farmer, teacher, coach, lawyer, judge, author, Governor, war veteran, major general in the U.S. Army Reserves, State Senator, United States Senator, Democrat, Dixiecrat, Republican, husband and father, and most importantly to all of us—a friend. He was born when Theodore Roosevelt was president and lived through 18 different Presidencies. To put the longevity of his political career in perspective, Strom Thurmond won an election 18 years before President George W. Bush was even born. This is also a man who enlisted during World War II and jumped on D-Day with the 82nd Airborne when he was in his forties.

From 1954 when he ran and won a seat in the United States Senate as a write-in candidate, until his death on June 26, 2003, Strom Thurmond worked tirelessly and selflessly for the people of South Carolina and the citizens of this great Nation, casting more than 15,000 votes in his senatorial tenure. Whether or not people ever agreed with Strom politically, they certainly admired his zest and his passion.

In his earlier days in Congress, Strom argued for segregationist policies. In many ways, people have used this to try and discredit this American icon. But most people forget he later championed civil rights laws and Black institutions. As Winston Churchill said, "To improve is to change, to be perfect is to change often." Strom Thurmond was an honest and principled man, but he also was a man constantly striving to make this a better nation.

I now ask my fellow members of the Senate to join me in honoring our good friend and colleague for all he did throughout his life and throughout his tenure in the Senate. His brilliance, leadership and unmatched wit will be sorely missed by this legislative body and by the entire Nation. On June 26, 2003, one of this Nation's brightest stars faded away. Even though the light may be out, I believe we all will find our own way to hold on to the many memories and stories Strom Thurmond left behind with us.

ADDITIONAL STATEMENTS

IN MEMORY OF MR. PAUL BERNAL

• Mr. BINGAMAN. Mr. President, I rise to recognize a great New Mexican, Paul Bernal, who passed away on July 16. Mr. Bernal was a truly remarkable—yet remarkably humble—man.

Mr. Bernal was best known for his work to recover the Pueblo de Taos' title to its people's sacred Blue Lake, which lies in the Sangre de Cristo Mountains of northern New Mexico. Mr. Bernal served the Pueblo for many decades as a strategist and interpreter in its struggle to restore this sacred piece of land, which was taken without just compensation by the United States at the turn of the century. The Pueblo de Taos is a very traditional community and at that time had few leaders who spoke the English language. This language barrier stalled the Pueblo's efforts for decades. Mr. Bernal, who in 1946 had completed his service to this country aboard the aircraft carrier Ticonderoga in World War II, was appointed by the Pueblo elders to overcome this barrier and achieve the goal of restoring these sacred lands.

Mr. Bernal and his colleagues did achieve their goal, and the restoration act returned 48,000 acres of the Carson National Forest to be held in trust for the Pueblo to use for traditional purposes. It also restored to the Pueblo their rights to hunt, fish, graze livestock and, most importantly, to hold their lakeside ceremonies undisturbed. Mr. Bernal's courage and dedication is an inspiration and a testament to perseverance from which we can all learn.

I am honored to say that I had the opportunity to work with the Pueblo and Mr. Bernal when I cosponsored a bill in the mid-1990's to restore a final tract of sacred land to complete the Blue Lake wilderness' integrity—a tract the Taos Pueblo people use as the sacred Path of Life Trail that connects the Pueblo itself with Blue Lake. At a 1994 hearing on the bill, I had the privilege of hosting the last of Mr. Bernal's many appearances before the Senate Committee on Energy and Natural Resources. At that hearing, Mr. Bernal remembered the days when he testified before the distinguished and longtime Committee Chairman Scoop Jackson: "They used to call me Mr. Blue Lake," Mr. Bernal said, "I loved that name."

Mr. Blue Lake surely will be missed. My thoughts and prayers are with Paul Bernal's family and community. I hope they can be comforted by the fact that his was a life of dedicated service to his people and country, and that his legacy will endure with the continued use of the sacred Blue Lake and its surrounding wilderness.●

TRIBUTE TO COLIN "BIG C" MacGUIRE

• Mr. SESSIONS. Mr. President, I rise today to give tribute to Mr. Colin MacGuire, affectionately known by all as "Big C." Standing at 4-foot-7-inches, Mr. MacGuire is a small man in stature, but a large man in character, integrity, and heart. "Big C" is an avid and faithful Alabama fan and is even touted by some as one the South's biggest Bama fans.

"Big C's" love for the Crimson Tide began at an early age, when he received four College Football Digest books. He immediately began memorizing the Tide's scores, stats, and other historical information and has continued to this day. It is this deep knowledge and love for his team, that led "Big C" to author "Crimson Tide: 1,015 Questions and Answers."

After graduating from Fort Dale Academy in 1976, Mr. MacGuire took the advice of his father and enrolled in Marion Military Institute, but after only one year, he transferred to the University of Alabama. While at the University, he was the manager for the wrestling team in the fall of 1977, and in the spring of 1978, he began managing the Crimson Tide football team. During this time, Colin had the wonderful opportunity to work for the legendary Coach Paul "Bear" Bryant, as well as, to run the sidelines while the Tide won back-to-back National Championships on the field.

Mr. MacGuire graduated from the University of Alabama in the spring of 1980 with a bachelor's degree in communications, but his heart has never left Tuscaloosa. "Big C" continues this commitment to the Tide as both a fan and alumnus. He has never met a stranger and continues to spread his kindness and infectious laugh to his community. I suppose all that is left to say to Mr. Colin "Big C" MacGuire is, "Hey, big man, Roll Tide."●

IDAHO BUSINESS CELEBRATES 20 YEARS OF ENTREPRENEURSHIP

● Mr. CRAIG. Mr. President, I rise today to recognize an Idaho business that is celebrating 20 years of providing wonderful food products, jobs, and economic strength to the citizens of Canyon County and Idaho.

Matterhorn Ice Cream, Inc. is located in Caldwell, ID. They are a home-grown company that has become a nationally recognized leader in ice cream novelty products. Matterhorn is an independent producer of "Super Premium" ice cream novelty products sold primarily in convenience stores. They also have production contracts with industry leading companies such as Costco, Kroger, ConAgra, Weight Watchers, and more. This year they developed a World Series commemorative ice cream sandwich for the World Champion Anaheim Angels.

Matterhorn has won Convenience Store News' "Best New Product of The Year" award three times. And company President Tom Nist was recently recognized as a finalist for Ernst and Young's prestigious 2003 "Entrepreneur of The Year" award. Tom has expanded the company into one of the largest employers in Canyon County, with over 120 associates, and an annual payroll approaching $2 million.

You may have had the wonderful experience of eating a "Big Ed's" cookie sandwich a "Matterhorn Cone," or their "Cluster Cone." If you haven't, I suggest to all my Senate colleagues that you try this tremendous Idaho product.

As you can see, we Idahoans are very proud of our local companies, our work ethic, our creativity and entrepreneurial spirit. Matterhorn Ice Cream is a perfect example of an Idaho company that continues to grow and continues to innovate, with a vision of becoming the premier manufacturer and creative leader of superior ice cream novelties in the United States.

I am honored to represent Matterhorn and their employees in the U.S. Senate, and look forward to celebrating their 20th anniversary with them this coming weekend.●

REPORT RELATIVE TO THE NATIONAL EMERGENCY WITH RESPECTS TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—PM 47

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report, prepared by my Administration, on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 24, 2003.*

MESSAGES FROM THE HOUSE

At 1:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2799. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

At 4:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House passed the following bills, in which it requests the concurrence of the Senate.

H.R. 2738. An act to implement the United States-Chile Free Trade Agreement.

H.R. 2739. An act to implement the United States-Singapore Free Trade Agreement.

H.R. 2800. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2738. An act to implement the United States-Chile Trade Agreement.

H.R. 2739. An act to implement the United States-Singapore Free Trade Agreement.

H.R. 2800. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2673. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3439. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Subtilis Var. Amyloliquefacines Stain FZB24; Exemption from the Requirement of a Tolerance" (FRL7309–8) received on July 23, 2003 ; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3440. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, two pieces of proposed legislation relative to the Emergency Food and Shelter Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–3441. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Variable Contracts" (Rev. Rul. 2003–92) received on July 22, 2003; to the Committee on Finance.

EC–3442. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 269B Notice" (Notice 2003–50) received on July 22, 2003; to the Committee on Finance.

EC–3443. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Reallocation of Income and Deductions Among Unrelated Parties to a Lease Strip" (Rev. Rul. 2003–96) received on July 22, 2003; to the Committee on Finance.

EC–3444. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Update of Notice 95–53 (Lease Stripping)" (Notice 2003–55) received on July 22, 2003; to the Committee on Finance.

EC–3445. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Equity Investments Prior to a New Markets Credit Allocation" (Notice 2003–56) received on July 22, 2003; to the Committee on Finance.

EC–3446. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Variable Contracts" (Rev Rul. 2003–91) received on July 22, 2003; to the Committee on Finance.

EC–3447. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "TD: Prohibited Allocations of Securities in an S Corporation" (RIN1545–BC33) received on July 22, 2003; to the Committee on Finance.

EC–3448. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates-August 2003" (Rev. Rul. 2003–94) received on July 22, 2003; to the Committee on Finance.

EC–3449. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: NAC–MPC Revision" (RIN3150–AH20) received on July 22, 2003; to the Committee on Environment and Public Works.

EC–3450. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Ban on Trade of Methyl Bromide with Non-Parties to Montreal Protocol" (FRL7529–6) received on July 23, 2003; to the Committee on Environment and Public Works.

EC–3451. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey; Revised Motor Vehicle Emissions Inventories for 1996, 2005, and 2007 and Motor Vehicle Emissions Budgets for 2005 and 2007 Using MOBILE6" (FRL7535–4) received on July 23, 2003; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–235. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to low-interest loans for military personnel called to active duty; to the Committee on Armed Services.

Senate Resolution No. 151

Whereas, The recent events in our country have served to remind us of the degree to which our nation relies upon the sacrifices of our men and women in the military. With the call to active duty of thousands of members of National Guard and reserve units for overseas deployment and an increasing range of domestic security assignments, it is clear that our military strength is rooted in both the professional ranks and those working in civilian life while serving as ready reserves; and

Whereas, The men and women called to active duty to help the country respond to a crisis such as we have faced since September 11, 2001, do so at great cost to their families and, often, their careers. The uncertain length of the activation in the current situation can make the return to active duty a devastating blow to the finances of a family or a small business. When the person called to duty is the primary breadwinner in a family, for example, as is often the case, the family can face many difficulties. The mortgage payments, food and utility bills, and costs of raising children do not go away when the regular paycheck is replaced by a military paycheck that is usually far less; and

Whereas, While it would be impossible to cover the entire burden facing many families, it would be helpful for the federal government to do all it can to address this issue. A low-interest loan program for those whose active duty pay is less than civilian levels can provide short-term help with the monthly bills. For families who have sent someone to fight terrorism, whether overseas or on assignments at airports or border crossings, this would be an appropriate step to take: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide a program of low-interest loans for military personnel called to active duty; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–236. A joint resolution adopted by the Assembly of the State of Nevada relative to expenditures of money for restoration of and water developments on the public lands in Nevada; to the Committee on Energy and Natural Resources.

Senate Joint Resolution No. 2

Whereas, In recent years, wildfires have caused extensive damage to the public lands of this state by destroying thousands of acres of public lands used for economic, wildlife and recreational purposes, and have increased the threat of infestation of exotic annual grasses and noxious weeds which may, if not controlled cause further degradation of the lands, deterioration of wildlife habitat, erosion, and diminished water quality; and

Whereas, Responsible management and preservation of the public lands of this state require restoration of the public lands through various means, including, without limitation, reseeding, planting indigenous grasses and shrubs, combating exotic annual grasses and noxious weeds and reducing the encroachment or density of certain plants for purposes of fire suppression; and

Whereas, Because of a lack of adequate water developments on the public lands of this state, wildlife and livestock on those public lands have been forced to concentrate near the limited number of water developments thus jeopardizing the ecological health of the public lands; and

Whereas, Responsible management and preservation of the public lands of this state require increasing the number of water developments on the public lands of this state so that the wildlife and livestock on those public lands will be properly dispersed; and

Whereas, Proper management and preservation of the public lands and waters of this state are critical as these lands support a wide variety of vital activities that are integral to the economic success and enjoyment of the natural resources of this state, including ranching, mining and recreation, and are a unique and important historical, cultural and environmental resource that must be maintained and preserved for the use and appreciation of current and future Nevadans; and

Whereas, The continued economic success of this state, existence of wildlife diversity in this state and enjoyment derived from the natural resources of this state depend on the maintenance of healthy ecosystems within the public lands and waters of this state; and

Whereas, The Southern Nevada Public Land Management Act of 1998, Pub. L. 105–263, 112 Stat. 2343, authorizes the Secretary of the Interior to expend a portion of the proceeds of the sale or exchange of certain public lands in Clark County for conservation initiatives on certain public lands in Clark County; and

Whereas, It would greatly benefit and protect the ecosystems on the public lands in Clark County if the Secretary of the Interior expended the money authorized for such conservation initiatives to pay for restoration of and water developments on certain public lands in Clark County; and

Whereas, The Federal Land Transaction Facilitation Act, 43 U.S.C. §§2301 et seq., which addresses the sale or exchange of public lands in areas other than certain public lands in Clark County, requires the Secretary of the Interior and the Secretary of Agriculture to use the proceeds of such sales or exchanges for certain purposes, but the Act does not specifically designate any money for restoration of and water developments on the public lands in the areas in which the sales or exchanges occurred; and

Whereas, It would greatly benefit and protect the ecosystems on the public lands in the areas of this state where public lands are sold or exchanged pursuant to the Federal Land Transaction Facilitation Act, 43 U.S.C. §§2301 et seq., if the Act authorized the Secretary of the Interior and the Secretary of Agriculture to expend a portion of the proceeds obtained from such sales or exchanges for restoration of and water developments on the public lands in those areas: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the Nevada Legislature hereby urge the Secretary of the Interior to expend the money authorized pursuant to the Southern Nevada Public Land Management Act of 1998, Pub. L. 105–263, 112 Stat. 2343, for conservation initiatives on certain public lands in Clark County to pay for restoration of and water developments on such public lands in Clark County; and be it further

Resolved, That the members of the Nevada Legislature hereby urge Congress to amend the Federal Land Transaction Facilitation Act, 43 U.S.C. §§2301 et seq., to authorize the Secretary of the Interior and the Secretary of Agriculture to expend money obtained pursuant to the Act to pay for restoration of and water developments on the public lands in the areas of Nevada where public lands are sold or exchanged pursuant to the Act; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–237. A joint resolution adopted by the Assembly of the State of Nevada relative to the allocation of water rights for watering livestock on public lands; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 1

Whereas, Approximately 87 percent of the land in Nevada is held by the Federal Government and approximately 68 percent of the land in Nevada is administered by the Bureau of Land Management of the Department of the Interior; and

Whereas, Proper management and allocation of water resources on those lands are critical to the State of Nevada as those lands comprise a vast majority of the land in Nevada and as Nevada is one of the most arid states in the nation; and

Whereas, The State of Nevada has traditionally allocated water rights on public lands managed or controlled by the Federal Government pursuant to a system that provides an option for a range user to hold water rights for watering livestock solely in his own name; and

Whereas, In the mid-1990s, the Secretary of the Interior adopted regulations to be administered by the Bureau of Land Management which departed from that system by establishing a new approach to the allocation of water rights for watering livestock on public lands; and

Whereas, This new approach is codified in the second sentence of 43 C.F.R. §4120.3-9 and has the effect of significantly interfering with a range user holding such water rights solely in his own name even if the range user was fully responsible for the development of the water rights and putting the water at issue to beneficial use; and

Whereas, Since the adoption of the federal regulation at issue, important water developments on the public lands in Nevada have been postponed while the State of Nevada and the Bureau of Land Management attempt to resolve issues concerning the allocation of water rights for watering livestock on public lands; and

Whereas, If the sentence of 43 C.F.R. §4120.3-9 which is at issue were deleted.:

1. The State of Nevada could provide a range user the option of holding water rights for watering livestock on public lands in Nevada solely in his own name, without interference, as the State has done successfully for many years;
2. A range user who is fully and solely responsible for the development of water rights and putting those water rights to beneficial use would be authorized to hold such water rights in his own name; and
3. Important water developments on the public lands in the State of Nevada could be resumed; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the 72nd Session of the Nevada Legislature hereby urge the Secretary of the Interior to amend the regulations set forth in 43 C.F.R. §4120.3-9 by deleting the second sentence of that regulation in its entirety; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–238. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to urging the United States Department of Homeland Security to locate its Midwestern Headquarters at the Selfridge Air National Guard Base in Macomb County; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 47

Whereas, As our country continues to put in place stronger defenses against terrorism through homeland security measures, a key component will be the establishment of regional headquarters for the United States Department of Homeland Security. The President has called for regional centers in his 2004 budget proposal; and

Whereas, In the Midwest, an excellent site for a regional headquarters is the Selfridge Air National Guard Base in Macomb County. The advantages this location offers range from low costs, unsurpassed strategic significance, and facilities that can provide for a swift and smooth transition to the responsibilities of homeland security work; and

Whereas, Located at the heart of the nation's freshwater network and near several of the busiest international points of entry along our northern border, Selfridge is well positioned to handle quickly any type of task to protect America's people, resources, and infrastructure. Clearly, this location offers opportunities for enhanced responsiveness to the challenges before us in safeguarding our nation in the years ahead; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Department of Homeland Security to locate its Midwestern headquarters at the Selfridge Air National Guard Base in Macomb County; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the United States Department of Homeland Security, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–239. A concurrent resolution adopted by the Senate of the Legislature of the State of Michigan relative to repealing the federal excise tax on telephone and other communications services; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, The federal tax on telephone service was put in place in 1898 as a temporary luxury tax on the new technology of the telephone. At that time, the government needed money to help pay for the Spanish-American War. Over the past century, this tax, which is now three percent, has been changed many times; and

Whereas, Recently, a focal point of tax policy has been the question of taxing another emerging communications technology, the Internet. This discussion has caused some observers to reexamine the nature of certain taxes. There is a strong parallel between the notion of taxing some aspect of the Internet and the tax applied to the telephone a century ago; and

Whereas, The federal excise tax on telephone services provides an example of poor public policy. This tax is regressive in that all taxpayers, regardless of ability to do so, pay the same rate even though a phone is a necessity of modern life. Unlike other federal excise taxes, the telephone tax is not an attempt to reduce public use of a product like tobacco or alcohol that can be harmful and is not needed. In addition, the money raised from this excise tax does not go to any specific purpose related to telecommunications; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to repeal the federal excise tax on telephone and other communications services; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–240. A resolution from the Senate of the Legislature of the State of Michigan international border crossings; to the Committee on Finance.

SENATE RESOLUTION NO. 149

Whereas, The events of September 11, 2001, have shattered the illusion that past practices are adequate when it comes to security issues. One of the most important elements of security for our state is the need for stronger and more thorough measures at Michigan's international points of entry. While some people have long called for increased resources at border crossings, there is a little disputing the significance of this now; and

Whereas, Because of its unique and mutually beneficial relationship with Ontario, Michigan includes some of the busiest crossing points along the entire United States-Canada border. In addition to the number of people who cross the border each year, the amount of equipment and goods here far surpasses the traffic in other regions. The importance of free trade to both our countries is reflected in the volume of material that comes into Michigan each day; and

Whereas, Although there may eventually be other ways to heighten security at border crossings with new technologies and other strategies, the most effective, immediate, and practical approach to take is to increase significantly the number of customs agents working at entry points. No single step offers a greater return than putting more trained and dedicated customs agents at our international border crossings. In addition to the added measure of security from better inspections and examinations of people and goods entering the country, the increased staffing would also bring benefits by reducing delays as much as is practical; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to increase the number of customs inspectors at Michigan's international border crossings; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–241. A resolution adopted by the Senate of the General Assembly of the State of Pennsylvania relative to prescription drug benefits to recipients of Medicare; to the Committee on Finance.

SENATE RESOLUTION

Whereas, The United States House of Representatives is about to consider legislation proposed by President Bush that would provide prescription drug benefits to recipients of Medicare; and

Whereas, The proposed legislation utilizes private companies to provide the benefits but does not consider public programs such as PACE and PACENET; and

Whereas, PACE, PACENET and public programs like them in 12 other states have saved millions of dollars in expensive medical procedures which have been prevented or delayed because participants have been kept healthy with their needed prescription medications; and

Whereas, Because the benefits of State programs will likely be more generous than any Federal benefit, low-income seniors will not leave PACE and PACENET, and Pennsylvania will see no savings; and

Whereas, Consequently PACE and PACENET should be recognized as PROVIDERS under any Medicare prescription drug bill passed by the Congress of the United States; and

Whereas, Our seniors would be allowed to continue to use a program they trust while reimbursing PACE and PACENET appropriately; and

Whereas, Protecting seniors' options for coverage so they have real choices is paramount and can lead to significant cost savings and expanded benefits as well as rewarding states that invest in prescription drug coverage; and

Whereas, Congress is urged to include the following language in the proposed legislation:

Notwithstanding any other provision of law, at the option of the State, any person enrolled in a State prescription assistance program or a Section 1115 Medicaid Pharmacy Plus Demonstration Program and eligible for Medicare benefits shall be deemed enrolled in the Medicare prescription program established by this act to the extent of but no more than the benefit amount provided under this act. The Secretary of Health and Human Services shall transfer a sum to each eligible State equivalent to the amount of Federal funds that would have been expended under the program established by this act. The sum shall be transferred once every three months and shall provide funding for prescription services and related administrative expenses for the total number of enrolled individuals in the previous three months. In the case of a State with a Section 1115 Medicaid Pharmacy Plus Demonstration Program, the amount transferred pursuant to this act shall be deducted from the State's Medicaid claim for quarter covered by the transfer; therefore be it

Resolved, That the Senate urge Congress to consider the PACE and PACENET programs for inclusion in the President's proposed program to provide prescription drug benefits to recipients of Medicare; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1260. A bill to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes (Rept. No. 108-111).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 124. A resolution designating September 28, 2003, as "National Good Neighbor Day".

S. Res. 167. A resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1361. A bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Con. Res. 40. A concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nominations beginning James M. Cunningham and ending Howard M. Krawitz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 25, 203.

By Mr. HATCH for the Committee on the Judiciary.

James O. Browning of New Mexico, to be United States District Judge for the District of New Mexico.

H. Brent McKnight, of North Carolina, to be United States District Judge for the Western District of North Carolina.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENSIGN:

S. 1450. A bill to amend the Internal Revenue Code of 1986 to provide additional choice regarding unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1451. A bill to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD:

S. 1452. A bill to amend the Immigration and Nationality Act with respect to the H0-1B and L-1 visa programs to prevent unintended United States job losses, to increase the monitoring and enforcement authority of the Secretary of Labor over such programs, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mrs. BOXER):

S. 1453. A bill to expedite procedures for hazardous fuels reduction activities and restoration in wildlife fire prone national forests and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI (for himself, Mr. BAUCUS, Mr. ALLARD, Mr. ALLEN, Mr. BINGAMAN, Mr. BURNS, Mr. CAMPBELL, Mr. ENZI, Mr. JOHNSON, Mr. SMITH, Mr. WARNER, Mr. CRAIG, Mr. HAGEL, Mr. WYDEN, Mr. ROBERTS, Mr. NELSON of Nebraska, Ms. COLLINS, and Mr. REID):

S. 1454. A bill to establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEWINE (for himself and Mr. BIDEN):

S. Con. Res. 58. A concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month; to the Committee on the Judiciary.

By Mr. CRAPO:

S. Con. Res. 59. A concurrent resolution supporting the goals and ideal of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. Con. Res. 60. A concurrent resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. TALENT, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 5, a bill to care for people in need by inspiring personal responsibility through work, family, and community.

S. 171

At the request of Mr. DAYTON, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 171, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 215

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 249

At the request of Mrs. CLINTON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 249, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of, concealed handguns.

S. 300

At the request of Mr. KERRY, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously) , in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 480

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 557

At the request of Ms. COLLINS, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 606

At the request of Mr. REID, his name was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 623

At the request of Mr. WARNER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 818

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 874

At the request of Mr. TALENT, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Maine (Ms. COLLINS), the Senator from Oregon (Mr. SMITH), the Senator from Utah (Mr. BENNETT) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 905

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 905, a bill to amend the Internal Revenue Code of 1986 to provide a broadband Internet access tax credit.

S. 970

At the request of Mr. HOLLINGS, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 970, a bill to amend the Internal Revenue Code of 1986 to preserve jobs and production activities in the United States.

S. 985

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1028

At the request of Mr. CRAPO, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1028, a bill to amend the Public Health Service Act to establish an Office of Men's Health.

S. 1045

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1045, a bill to strengthen United States capabilities to safely and securely dispose of all greater-than-Class C low-level radioactive waste.

S. 1046

At the request of Mr. STEVENS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1120

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1120, a bill to establish an Office of Trade Adjustment Assistance, and for other purposes.

S. 1283

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1283, a bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1390

At the request of Mr. ENSIGN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 1390, a bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.

S. 1419

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1419, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. CON. RES. 40

At the request of Mrs. CLINTON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

S. RES. 160

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. Res. 160, a resolution to express the sense of the Senate that the federal Government should actively pursue a unified approach to strengthen and promote the national policy on aquaculture.

S. RES. 170

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 170, a resolution designating the years 2004 and 2005 as "Years of Foreign Language Study".

AMENDMENT NO. 1349

At the request of Mr. INHOFE, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Missouri (Mr. BOND) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 1349 intended to be proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1451. A bill to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce "the Runaway, Homeless and Missing Children Protection Act of 2003." This bill would reauthorize the Runaway and Homeless Youth Act as well as the National Center for Missing and Exploited Children.

The Runaway and Homeless Youth Act enables public and private entities to establish and operate centers for runaway and homeless youth. These centers—which provide, among other things, shelter, counseling, drug and sexual abuse education and treatment for youth—serve as alternatives for youths who are in the child welfare or juvenile justice systems. These alternatives have proven successful in keeping children off of our streets and from returning to our juvenile justice system.

The Runaway, Homeless and Missing Children Protection Act amends the original Act in the following ways: 1. It includes testing youth for sexually transmitted diseases; 2. It allows an exception to the 20 person maximum capacity to comply with States laws which may allow higher capacities; 3. It allows youths to go to maternity group homes, adds the homes to the list of eligible groups; 4. It increases the maximum amount of time a youth may spend in a home; 5. It requires the centers/groups to inform school districts of the status of youths, and it requires the centers/groups to inform youths of post-secondary education and training opportunities; and 6. It authorizes the Act through fiscal year 2008.

In addition, the Act reauthorizes the National Center for Missing and Exploited Children through Fiscal Year 2008. The Center is a critical component of our Nation's battle against child pornography and child exploitation. It is absolutely dedicated to eradicating these evils, and its members work tirelessly toward this end. The Center deserves more than just kind words for these heroic efforts; federal funding is necessary for it to continue this good work. Indeed, Congress has tasked the Center with many missions, including maintaining the cybertipline that receives reports of online child pornography, which the Center forwards to appropriate law enforcement officials and the new pilot program to study the feasibility of instituting a national background check for volunteers who work with children. In these, as well as many other areas, the Center forms a valuable partnership with both Federal and State law enforcement officials and prosecutors in redressing a host of crimes against children.

I urge my colleagues to support this Act and these important programs.

Mr. LEAHY. Mr. President, I rise today with Senator HATCH to introduce legislation to reauthorize and improve the Runaway and Homeless Youth Act, and to extend the authorization of the Missing Children's Assistance Act. We would extend both laws through 2008. This bill follows in the footsteps of the recently enacted PROTECT Act legislation, and presents another milestone in our efforts to safeguard all of our children.

In the 29 years since it became law, the Runaway and Homeless Youth Act has helped some of the most vulnerable children in our country. A Justice Department report released last year estimated that 1.7 million young people either ran away from home or were thrown out of their home in 1999. Other studies have suggested an even higher number. This law and the programs it funds provide a safety net that helps give these young people a chance to build lives for themselves. It is slated to expire at the end of this fiscal year, and Congress should not allow that to happen.

Under the Act, every State receives a Basic Center grant of at least $100,000 to provide housing and crisis services for runaway and homeless youth and their families. Community-based groups around the country can also apply for funding through the Transitional Living Program, TLP, and the Sexual Abuse Prevention/Street Outreach grant program. TLP grants are used to provide longer-term housing to homeless youth between the ages of 16 and 21, and to help them become self-sufficient. The Outreach grants are used to target youth who have engaged in or are at risk of engaging in high-risk behaviors while living on the street.

In my State, the Vermont Coalition for Runaway and Homeless Youth and Spectrum Youth and Family Services in Burlington receive grants under these programs and have provided excellent services both to young people trying to build lives on their own and to those who are struggling on the streets. Reauthorizing this law will allow them to continue their enormously important work.

This bill would improve the TLP by extending the period during which older homeless youth can receive services, to ensure that all homeless youth can take advantage of TLP services at least until they turn 18. It would also amend the grant allocation formula to allow between 45 and 55 percent of funding to be used for TLP services, an increase from the current statutory maximum of 30 percent. In practice, TLP services have proven so critical that the appropriations committees already allocate 45 percent of the fund to TLPs, and this change will bring the authorizing statute in line with reality.

The bill would also make permanent the Secretary of Health and Human Services' authority to make grants explicitly to help rural areas meet the unique stresses of providing services to runaway and homeless youth. Programs serving runaway and homeless youth have found that those in rural areas are particularly difficult to reach and serve effectively, and this bill recognizes that fact.

In addition, we take steps in this bill to ensure that runaway and homeless youth are aware of the educational opportunities available to them, and to increase coordination between HHS and the Department of Housing and Urban Development.

The improvements proposed in this bill to the Missing Children's Assistance Act build on provisions included in the PROTECT Act legislation that we enacted earlier this year. In that bill, we authorized National Center for Missing and Exploited Children, "NCMEC", activities through 2005 and authorized the Center to strengthen its CyberTipline to provide online users an effective means of reporting Internet-related child sexual exploitation in distribution of child pornography, online enticement of children for sexual acts, and child prostitution. The legislation we introduce today would extend NCMEC through 2008. Now more than ever, it is critical for Congress to give the Center the resources it needs in order to pursue its important work. A missing or abducted child is the worst nightmare of any parent or grandparent, and NCMEC has proved to be an invaluable resource in Federal, State, and local efforts to recover children who have disappeared.

Although this is a very good bill on the whole, I am disappointed that Senator HATCH did not agree to remove a provision that was included in the House bill that prohibits grantees from using any funds provided under this program for needle distribution programs. This is a superfluous provision that simply repeats what is already law. In addition, it is unnecessary because no grantee under this program operates needle exchange programs or has expressed interest in doing so. The inclusion of this needless provision, however, does not change the fact that this is still a good bill.

These programs have received tremendous bipartisan support over the years, and the House has already passed this bill by a vote of 404–14. The Senate should consider this bill as promptly as possible.

By Mr. LEAHY (for himself and Mrs. BOXER):

S. 1453. A bill to expedite procedures for hazardous fuels reduction activities and restoration in wildlife fire prone national forests and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEAHY. Mr. President, today I rise to introduce a bill to address the growing concern over the future of our Nation's Federal forest lands. The debate over the administration's proposed Healthy Forests Initiative indicates just how important these public lands are and calls for Congress to provide visionary leadership over the future of these lands. My bill, the Forestry and Community Assistance Act, strives to provide that vision through a balance of sound land stewardship and immediate active management to address the wildfire risk to communities and the forest health needs of our Federal and private forest lands.

The catastrophic fires that plague our western national forests and Bureau of Land Management lands are not a new phenomenon. Forest fires are part of the natural landscape. However, the intensity of these fires and the impacts of them on the urban interface due to past management decisions must be appropriately addressed. This is a complex issue requiring prudent and deliberate thought, not rash reaction that cuts the public out from the debate over the future of their Federal lands.

The administration claims that over 190 million acres are in need of treatment. By its own admission, treating even a small fraction of these acres will take almost a decade. Most people believe it will be much longer and could cost billions of dollars. Unfortunately, we do not have the time or money to take the broad, unfocused approach the administration proposes in H.R. 1904.

We need to take a step back and work together on a bill that will target funding and projects first to help those communities at greatest risk from wildfires. My bill, the Forest and Community Assistance Act, will expedite fire threat reduction projects on high-risk forest lands, nearby communities, private property, and municipal watersheds. It provides new authority for Federal land management agencies to enter into cooperative agreements with local and State government, homeowner associations, and local fire districts to plan and execute thinning projects across ownership boundaries.

It would do all of this without compromising environmental laws, the public input process, or judicial review. The administration, through H.R. 1904, is suggesting that they should be able to get around all of these. They are wrong. Those who we entrust with the management of our public lands should be held to the highest standards of accountability. To end the open dialog with the American public, remove objective oversight, and, when necessary, limit review of decisions by the judiciary is irresponsible. These are the American public's lands, not the lands of a small minority who want to bypass over 30 years of environmental laws and jurisprudence.

The administration continues to argue that these problems have been created by unnecessary analysis, appeals, and lawsuits. It still boggles the imagination that an agency with a $4.84 billion budget, such as the Forest Service, is brought to its knees by thirteen lawsuits as recently noted in a May 2003 General Accounting Office report.

Maybe the devil is in the details, but as a former State's attorney and ranking member of the Senate Judiciary Committee, one of my greatest concerns with the House bill, H.R. 1904, is its encroachment into the judicial branch. H.R. 1904 not only interferes with how the courts should manage their dockets, but it further tips the scales of justice in favor of the government. This is not the appropriate role of this Congress or of the executive branch. As noted, by my good colleague from Alaska, Senator STEVENS, in a debate last week on another bill, "the separation of powers is one of the most distinct advantages of this democracy. It is the longest living government on the face of the Earth today because it is a government of the people, by the people, and for the people, but it has a Constitution. That Constitution we all swear to uphold and defend. Part of that Constitution is the separation of powers concept." H.R. 1904 violates that concept.

The Forestry and Community Assistance Act of 2003 allows for public involvement, requires compliance with environmental laws, and allows for judicial review, while allowing work to be completed in an expedited manner. Further, my bill works towards addressing the health of our Nation's Federal lands by placing an emphasis on addressing the large-scale insect and disease epidemics that are harbingers of an unhealthy forest. The bill would also conserve lands in a healthy forest reserve program to provide protection for species at risk. Lastly, but not of least significance, the Forestry and Community Assistance Act focuses on providing economic and technical assistance to rural communities that depend on this Nation's natural resources for a living.

I hope that my colleagues will take a very close look at H.R. 1904 and recognize that it goes much further than its claims of addressing wildfire. I hope my colleagues will recognize that we need to take a different approach.

By Mr. DOMENICI (for himself, Mr. BAUCUS, Mr. ALLARD, Mr. ALLEN, Mr. BINGAMAN, Mr. BURNS, Mr. CAMPBELL, Mr. ENZI, Mr. JOHNSON, Mr. SMITH, Mr. WARNER, Mr. CRAIG, Mr. HAGEL, Mr. WYDEN, Mr. ROBERTS, Mr. NELSON of Nebraska, Ms. COLLINS, and Mr. REID):

S. 1454. A bill to establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DOMENICI. Mr. President, I rise today to introduce the National Drought Preparedness Act of 2003. I want to start by thanking my colleague from Montana, Senator BAUCUS, for joining me as my lead cosponsor on this important legislation.

The National Drought Council will formulate strategies to alleviate the effects of drought by fostering a greater understanding of what triggers wide spread drought conditions. By educating the public in water conservation and proper land stewardship, we can ensure a better preparedness when future drought plagues our country.

Drought is a unique emergency situation; it creeps in unlike other abrupt weather disasters. Without a national drought policy we constantly live not knowing what the next year will bring. If we find ourselves facing a drought, towns could be scrambling to drill new water wells, fire could sweep across bone dry forests, and farmers and ranchers could be forced to watch their way of life blow away with the dust. We must be vigilant and prepare ourselves for quick action when the next drought cycle begins. Better planning on our part could limit some of the damage felt by drought. I propose that this bill is the exact tool needed for facilitating better planning.

The impacts of drought are also very costly. According to NOAA, there have been 12 different drought events since 1980 that resulted in damages and costs exceeding $1 billion each. In 2000, severe drought in the South-Central and Southeastern States caused losses to agriculture and related industries of over $4 billion. Western wildfires that year totaled over $2 billion in damages. The Eastern drought in 1999 led to $1 billion in losses. These are just a few of the statistics.

I am pleased to be following through on what I started in 1997 when I commissioned a taskforce to study the widespread effects of drought. As a result, the taskforce concluded that the development of a national drought council would be an important factor in proactively combating drought.

The bill that I am introducing today is the next step in implementing a national, cohesive drought policy. The bill recognizes that drought is a recurring phenomenon that causes serious economic and environmental loss and that a national drought policy is needed to ensure an integrated, coordinated strategy.

What the future holds is very uncertain but the continuing apathy in a national drought policy is not. The need for this act is now. We can ill afford to suffer the devastating after-effects of drought knowing that we could have prepared ourselves better.

Before I close I would like to give some information about the bill. The National Drought Preparedness Act of 2003 establishes a National Drought Council within the Department of Agriculture to improve national drought preparedness, mitigation, and response efforts. It also develops a cohesive strategy for national drought policy where none previously existed. Addressing these concerns should be of paramount importance as we enter into yet another year with predictions of continued drought.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Drought Preparedness Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Effect of Act.

TITLE I—DROUGHT PREPAREDNESS

Subtitle A—National Drought Council

Sec. 101. Membership and voting.
Sec. 102. Duties of the Council.
Sec. 103. Powers of the Council.
Sec. 104. Council personnel matters.
Sec. 105. Authorization of appropriations.
Sec. 106. Termination of Council.

Subtitle B—National Office of Drought Preparedness

Sec. 111. Establishment.
Sec. 112. Director of the Office.
Sec. 113. Office staff.

Subtitle C—Drought Preparedness Plans

Sec. 121. Drought Assistance Fund.
Sec. 122. Drought preparedness plans.
Sec. 123. Federal plans.
Sec. 124. State and tribal plans.
Sec. 125. Regional and local plans.
Sec. 126. Plan elements.

TITLE II—WILDFIRE SUPPRESSION

Sec. 201. Grants for prepositioning wildfire suppression resources.

SEC. 2. FINDINGS.

Congress finds that—

(1) drought is a natural disaster;

(2) regional drought disasters in the United States cause serious economic and environmental losses, yet there is no national policy to ensure an integrated and coordinated Federal strategy to prepare for, mitigate, or respond to such losses;

(3) drought has an adverse effect on resource-dependent businesses and industries (including the recreation and tourism industries);

(4) State, tribal, and local governments have to increase coordinated efforts with each Federal agency involved in drought monitoring, planning, mitigation, and response;

(5) effective drought monitoring—

(A) is a critical component of drought preparedness and mitigation; and

(B) requires a comprehensive, integrated national program that is capable of providing reliable, accessible, and timely information to persons involved in drought planning, mitigation, and response activities;

(6) the National Drought Policy Commission was established in 1998 to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies;

(7) according to the report issued by the National Drought Policy Commission in May 2000, the guiding principles of national drought policy should be—

(A) to favor preparedness over insurance, insurance over relief, and incentives over regulation;

(B) to establish research priorities based on the potential of the research to reduce drought impacts;

(C) to coordinate the delivery of Federal services through collaboration with State and local governments and other non-Federal entities; and

(D) to improve collaboration among scientists and managers; and

(8) the National Drought Council, in coordination with Federal agencies and State, tribal, and local governments, should provide the necessary direction, coordination, guidance, and assistance in developing a comprehensive drought preparedness system.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term "Council" means the National Drought Council established by section 101(a).

(2) CRITICAL SERVICE PROVIDER.—The term "critical service provider" means an entity that provides power, water (including water provided by an irrigation organization or facility), sewer services, or wastewater treatment.

(3) DIRECTOR.—The term "Director" means the Director of the Office appointed under section 112(a).

(4) DROUGHT.—The term "drought" means a natural disaster that is caused by a deficiency in precipitation—

(A) that may lead to a deficiency in surface and subsurface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(B) that causes or may cause—

(i) substantial economic or social impacts; or

(ii) physical damage or injury to individuals, property, or the environment.

(5) FUND.—The term "Fund" means the Drought Assistance Fund established by section 121(a).

(6) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) INTERSTATE WATERSHED.—The term "interstate watershed" means a watershed that crosses a State or tribal boundary.

(8) MITIGATION.—The term "mitigation" means a short- or long-term action, program, or policy that is implemented in advance of or during a drought to minimize any risks and impacts of drought.

(9) NATIONAL INTEGRATED DROUGHT SYSTEM.—The term "National Integrated Drought System" means a comprehensive system that collects and integrates information on the key indicators of drought, including stream flow, ground water levels, reservoir levels, soil moisture, snow pack, climate (including precipitation and temperature), and forecasts, in order to make usable, reliable, and timely assessments of drought, including the severity of drought.

(10) NEIGHBORING COUNTRY.—The term "neighboring country" means Canada and Mexico.

(11) OFFICE.—The term "Office" means the National Office of Drought Preparedness established under section 111.

(12) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(13) Trigger.—The term "trigger" means the thresholds or criteria that must be satisfied before mitigation or emergency assistance may be provided to an area—

(A) in which drought is emerging; or

(B) that is experiencing a drought.

(14) Under secretary.—The term "Under Secretary" means the Under Secretary of Agriculture for Natural Resources and Environment.

(15) Watershed.—

(A) In general.—The term "watershed" means—

(i) a region or area with common hydrology;

(ii) an area drained by a waterway that drains into a lake or reservoir;

(iii) the total area above a designated point on a stream that contributes water to the flow at the designated point; or

(iv) the topographic dividing line from which surface streams flow in 2 different directions.

(B) Exclusion.—The term "watershed" does not include a region or area described in subparagraph (A) that is larger than a river basin.

(16) Watershed group.—The term "watershed group" means a group of individuals that—

(A) represents the broad scope of relevant interests in a watershed; and

(B) works in a collaborative manner to jointly plan the management of the natural resources in the watershed; and

(C) is formally recognized by each of the States in which the watershed lies.

SEC. 4. EFFECT OF ACT.

This Act does not affect—

(1) the authority of a State to allocate quantities of water under the jurisdiction of the State; or

(2) any State water rights established as of the date of enactment of this Act.

TITLE I—DROUGHT PREPAREDNESS

Subtitle A—National Drought Council

SEC. 101. MEMBERSHIP AND VOTING.

(a) In General.—There is established in the Office of the Secretary a council to be known as the "National Drought Council".

(b) Membership.—

(1) Composition.—The Council shall be composed of—

(A) the Secretary;

(B) the Secretary of Commerce;

(C) the Secretary of the Army;

(D) the Secretary of the Interior;

(E) the Director of the Federal Emergency Management Agency;

(F) the Administrator of the Environmental Protection Agency;

(G) 4 members appointed by the Secretary, in coordination with the National Governors Association—

(i) who shall each be a Governor of a State; and

(ii) who shall collectively represent the geographic diversity of the United States;

(H) 1 member appointed by the Secretary, in coordination with the National Association of Counties;

(I) 1 member appointed by the Secretary, in coordination with the United States Conference of Mayors;

(J) 1 member appointed by the Secretary of the Interior, in coordination with Indian tribes, to represent the interests of tribal governments; and

(K) 1 member appointed by the Secretary, in coordination with the National Association of Conservation Districts, to represent local soil and water conservation districts.

(2) Date of appointment.—The appointment of each member of the Council shall be made not later than 120 days after the date of enactment of this Act.

(c) Term; Vacancies.—

(1) Term.—

(A) In general.—Except as provided in subparagraph (B), a member of the Council shall serve for the life of the Council.

(B) Exception.—A member of the Council appointed under subparagraphs (G) through (K) of subsection (b)(1) shall be appointed for a term of 2 years.

(2) Vacancies.—

(A) In general.—A vacancy on the Council—

(i) shall not affect the powers of the Council; and

(ii) shall be filled in the same manner as the original appointment was made.

(B) Duration of appointment.—A member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of the term.

(d) Meetings.—

(1) In general.—The Council shall meet at the call of the co-chairs.

(2) Frequency.—The Council shall meet at least semiannually.

(e) Quorum.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings or conduct other business.

(f) Co-Chairs.—

(1) In general.—There shall be a Federal co-chair and non-Federal co-chair of the Council.

(2) Appointment.—

(A) Federal co-chair.—The Secretary shall be Federal co-chair.

(B) Non-federal co-chair.—Every 2 years, the Council members appointed under subparagraphs (G) through (K) of subsection (b)(1) shall select a non-Federal co-chair from among the members appointed under those subparagraphs.

(g) Director.—

(1) In general.—The Director shall serve as Director of the Council.

(2) Duties.—The Director shall serve the interests of all members of the Council.

SEC. 102. DUTIES OF THE COUNCIL.

(a) In General.—The Council shall—

(1) not later than 1 year after the date of the first meeting of the Council, develop a comprehensive National Drought Policy Action Plan that—

(A)(i) delineates and integrates responsibilities for activities relating to drought (including drought preparedness, mitigation, research, risk management, training, and emergency relief) among Federal agencies; and

(ii) ensures that those activities are coordinated with the activities of the States, local governments, Indian tribes, and neighboring countries;

(B) is consistent with—

(i) this Act and other applicable Federal laws; and

(ii) the laws and policies of the States for water management;

(C) is integrated with drought management programs of the States, Indian tribes, local governments, watershed groups, and private entities; and

(D) avoids duplicating Federal, State, tribal, local, watershed, and private drought preparedness and monitoring programs in existence on the date of enactment of this Act;

(2) evaluate Federal drought-related programs in existence on the date of enactment of this Act and make recommendations to Congress and the President on means of eliminating—

(A) discrepancies between the goals of the programs and actual service delivery;

(B) duplication among programs; and

(C) any other circumstances that interfere with the effective operation of the programs;

(3) make recommendations to the President, Congress, and appropriate Federal Agencies on—

(A) the establishment of common interagency triggers for authorizing Federal drought mitigation programs; and

(B) improving the consistency and fairness of assistance among Federal drought relief programs;

(4) coordinate and prioritize specific activities that will improve the National Integrated Drought System by—

(A) taking into consideration the limited resources for—

(i) drought monitoring, prediction, and research activities; and

(ii) water supply forecasting; and

(B) providing for the development of an effective drought information delivery system that—

(i) communicates drought conditions and impacts to—

(I) decisionmakers at the Federal, regional, State, tribal, and local levels of government;

(II) the private sector; and

(III) the public; and

(ii) includes near-real-time data, information, and products developed at the Federal, regional, State, tribal, and local levels of government that reflect regional and State differences in drought conditions;

(5) encourage and facilitate the development of drought preparedness plans under subtitle C, including establishing the guidelines under sections 121(c) and 122(a);

(6) based on a review of drought preparedness plans, develop and make available to the public drought planning models to reduce water resource conflicts relating to water conservation and droughts;

(7) develop and coordinate public awareness activities to provide the public with access to understandable, and informative materials on drought, including—

(A) explanations of the causes of drought, the impacts of drought, and the damages from drought;

(B) descriptions of the value and benefits of land stewardship to reduce the impacts of drought and to protect the environment;

(C) clear instructions for appropriate responses to drought, including water conservation, water reuse, and detection and elimination of water leaks;

(D) information on State and local laws applicable to drought; and

(E) information on the assistance available to resource-dependent businesses and industries during a drought; and

(8) establish operating procedures for the Council.

(b) Consultation.—In carrying out this section, the Council shall consult with groups affected by drought emergencies, including groups that represent—

(1) agricultural production, wildlife, and fishery interests;

(2) forestry and fire management interests;

(3) the credit community;

(4) rural and urban water associations;

(5) environmental interests;

(6) engineering and construction interests;

(7) the portion of the science community that is concerned with drought and climatology;

(8) resource-dependent businesses and other private entities (including the recreation and tourism industries); and

(9) watershed groups.

(c) AGENCY ROLES AND RESPONSIBILITIES.—

(1) DESIGNATION OF LEAD AGENCIES.—

(A) DEPARTMENT OF COMMERCE.—The Department of Commerce shall be the lead agency for purposes of implementing subsection (a)(4).

(B) DEPARTMENTS OF THE ARMY AND THE INTERIOR.—The Department of the Army and the Department of the Interior shall jointly be the lead agency for purposes of implementing—

(i) paragraphs (5) and (6) of section subsection (a); and

(ii) section 122.

(C) DEPARTMENT OF AGRICULTURE.—The Department of Agriculture, in cooperation with the lead agencies designated under subparagraphs (A) and (B), shall be the lead agency for purposes of implementing section 121.

(2) COOPERATION FROM OTHER FEDERAL AGENCIES.—The head of each Federal agency shall cooperate as appropriate with the lead agencies in carrying out any duties under this Act.

(d) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the first meeting of the Council, and annually thereafter, the Council shall submit to Congress a report on the activities carried out under this title.

(B) INCLUSIONS.—

(i) IN GENERAL.—The annual report shall include a summary of drought preparedness plans completed under sections 123 through 125.

(ii) INITIAL REPORT.—The initial report submitted under subparagraph (A) shall include any recommendations of the Council under paragraph (2) or (3) of subsection (a).

(2) FINAL REPORT.—Not later than 7 years after the date of enactment of this Act, the Council shall submit to Congress a report that recommends—

(A) amendments to this Act; and

(B) whether the Council should continue.

SEC. 103. POWERS OF THE COUNCIL.

(a) HEARINGS.—The Council may hold hearings, meet and act at any time and place, take any testimony and receive any evidence that the Council considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Council may obtain directly from any Federal agency any information that the Council considers necessary to carry out this title.

(2) PROVISION OF INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on request of the Secretary or the non-Federal co-chair, the head of a Federal agency may provide information to the Council.

(B) LIMITATION.—The head of a Federal agency shall not provide any information to the Council that the Federal agency head determines the disclosure of which may cause harm to national security interests.

(c) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(e) FEDERAL FACILITIES.—If the Council proposes the use of a Federal facility for the purposes of carrying out this title, the Council shall solicit and consider the input of the Federal agency with jurisdiction over the facility.

SEC. 104. COUNCIL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Council who is not an officer or employee of the Federal Government shall serve without compensation.

(2) FEDERAL EMPLOYEES.—A member of the Council who is an officer or employee of the United States shall serve without compensation in addition to the compensation received for services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Council shall be allowed travel expenses at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Council.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2004 through 2011.

SEC. 106. TERMINATION OF COUNCIL.

The Council shall terminate 8 years after the date of enactment of this Act.

Subtitle B—National Office of Drought Preparedness

SEC. 111. ESTABLISHMENT.

The Secretary shall establish an office to be known as the "National Office of Drought Preparedness", which shall be under the jurisdiction of the Under Secretary, to provide assistance to the Council in carrying out this title.

SEC. 112. DIRECTOR OF THE OFFICE.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Under Secretary shall appoint a Director of the Office under sections 3371 through 3375 of title 5, United States Code.

(2) QUALIFICATIONS.—The Director shall be a person who has experience in—

(A) public administration; and

(B) drought mitigation or drought management.

(b) POWERS.—The Director may hire such other additional personnel or contract for services with other entities as necessary to carry out the duties of the Office.

SEC. 113. OFFICE STAFF.

(a) IN GENERAL.—The Office shall have at least 5 full-time staff, including the detailees detailed under subsection (b)(1).

(b) DETAILEES.—

(1) REQUIRED DETAILEES.—There shall be detailed to the Office, on a nonreimbursable basis—

(A) by the Director of the Federal Emergency Management Agency, 1 employee of the Federal Emergency Management Agency with expertise in emergency planning;

(B) by the Secretary of Commerce, 1 employee of the Department of Commerce with experience in drought monitoring;

(C) by the Secretary of the Interior, 1 employee of the Bureau of Reclamation with experience in water planning; and

(D) by the Secretary of the Army, 1 employee of the Army Corps of Engineers with experience in water planning.

(2) ADDITIONAL DETAILEES.—

(A) IN GENERAL.—In addition to any employees detailed under paragraph (1), any other employees of the Federal Government may be detailed to the Office.

(B) REIMBURSEMENT.—An employee detailed under subparagraph (A) shall be detailed without reimbursement, unless the Secretary, on the recommendation of the Director, determines that reimbursement is appropriate.

(3) CIVIL SERVICE STATUS.—The detail of an employee under paragraph (1) or (2) shall be without interruption or loss of civil service status or privilege.

Subtitle C—Drought Preparedness Plans

SEC. 121. DROUGHT ASSISTANCE FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Drought Assistance Fund".

(b) PURPOSE.—The Fund shall be used to pay the costs of—

(1) providing technical and financial assistance (including grants and cooperative assistance) to States, Indian tribes, local governments, watershed groups, and critical service providers for the development and implementation of drought preparedness plans under sections 123 through 125;

(2) providing to States, Indian tribes, local governments, watershed groups, and critical service providers the Federal share, as determined by the Secretary, in consultation with the other members of the Council, of the cost of mitigating the overall risk and impacts of droughts;

(3) assisting States, Indian tribes, local governments, watershed groups, and critical service providers in the development of mitigation measures to address environmental, economic, and human health and safety issues relating to drought;

(4) expanding the technology transfer of drought and water conservation strategies and innovative water supply techniques;

(5) developing post-drought evaluations and recommendations; and

(6) supplementing, if necessary, the costs of implementing actions under section 102(a)(4).

(c) GUIDELINES.—

(1) IN GENERAL.—The Secretary, in consultation with the non-Federal co-chair and with the concurrence of the Council, shall promulgate guidelines to implement this section.

(2) GENERAL REQUIREMENTS.—The guidelines shall—

(A) ensure the distribution of amounts from the Fund within a reasonable period of time;

(B) take into consideration regional differences;

(C) take into consideration all impacts of drought in a balanced manner;

(D) prohibit the use of amounts from the Fund for Federal salaries that are not directly related to the provision of drought assistance;

(E) require that amounts from the Fund provided to States, local governments, watershed groups, and critical service providers under subsection (b)(1) be coordinated with and managed by the State in which the local governments, watershed groups, or critical service providers are located, consistent with the drought preparedness priorities and relevant water management plans in the State;

(F) require that amounts from the Fund provided to Indian tribes under subsection (b)(1) be used to implement plans that are, to the maximum extent practicable—

(i) coordinated with any State in which land of the Indian tribe is located; and

(ii) consistent with existing drought preparedness and water management plans of the State; and

(G) require that a State, Indian tribe, local government, watershed group, or critical service provider that receives Federal funds under paragraph (2) or (3) of subsection (b) pay, using amounts made available through non-Federal grants, cash donations made by non-Federal persons or entities, or any other non-Federal funds, not less than 25 percent of the total cost of carrying out a project for which Federal funds are provided under this Act.

(3) SPECIAL REQUIREMENTS APPLICABLE TO INTERSTATE WATERSHEDS.—

(A) DEVELOPMENT OF DROUGHT PREPAREDNESS PLANS.—The guidelines promulgated under paragraph (1) shall require that, to receive financial assistance under subsection (b)(1) for the development of drought preparedness plans for interstate watersheds, the States or Indian tribes in which the interstate watershed is located shall—

(i) cooperate in the development of the plan; and

(ii) in developing the plan—

(I) ensure that the plan is consistent with any applicable State and tribal water laws, policies, and agreements;

(II) ensure that the plan is consistent and coordinated with any interstate stream compacts;

(III) include the participation of any appropriate watershed groups; and

(IV) recognize that while implementation of the plan will involve further coordination among the appropriate States and Indian tribes, each State and Indian tribe has sole jurisdiction over implementation of the portion of the watershed within the State or tribal boundaries.

(B) IMPLEMENTATION OF DROUGHT PREPAREDNESS PLANS.—The guidelines promulgated under paragraph (1) shall require that, to receive financial assistance under subsection (b)(1) for the implementation of drought preparedness plans for interstate watersheds, the States or Indian tribes in which the interstate watershed is located shall, to the maximum extent practicable—

(i) cooperate in implementing the plan;

(ii) in implementing the plan—

(I) provide that the distribution of funds to all States and Indian tribes in which the watershed is located is not required; and

(II) consider the level of impact within the watershed on the affected States or Indian tribes; and

(iii) ensure that implementation of the plan does not interfere with State water rights in existence on the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out subsection (b).

SEC. 122. DROUGHT PREPAREDNESS PLANS.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of the Army shall, with the concurrence of the Council, jointly promulgate guidelines for administering a national program to provide technical and financial assistance to States, Indian tribes, local governments, watershed groups, and critical service providers for the development, maintenance, and implementation of drought preparedness plans.

(b) REQUIREMENTS.—To build on the experience and avoid duplication of efforts of Federal, State, local, tribal, and regional drought plans in existence on the date of enactment of this Act, the guidelines may recognize and incorporate those plans.

SEC. 123. FEDERAL PLANS.

(a) IN GENERAL.—The Secretary, the Secretary of the Interior, the Secretary of the Army, and other appropriate Federal agency heads shall develop and implement Federal drought preparedness plans for agencies under the jurisdiction of the appropriate Federal agency head.

(b) REQUIREMENTS.—The Federal plans—

(1) shall be integrated with each other;

(2) may be included as components of other Federal planning requirements;

(3) shall be integrated with drought preparedness plans of State, tribal, and local governments that are affected by Federal projects and programs; and

(4) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 124. STATE AND TRIBAL PLANS.

States and Indian tribes may develop and implement State and tribal drought preparedness plans that—

(1) address monitoring of resource conditions that are related to drought;

(2) identify areas that are at a high risk for drought;

(3) describes mitigation strategies to address and reduce the vulnerability of an area to drought; and

(4) are integrated with State, tribal, and local water plans in existence on the date of enactment of this Act.

SEC. 125. REGIONAL AND LOCAL PLANS.

Local governments, watershed groups, and regional water providers may develop and implement drought preparedness plans that—

(1) address monitoring of resource conditions that are related to drought;

(2) identify areas that are at a high risk for drought;

(3) describe mitigation strategies to address and reduce the vulnerability of an area to drought; and

(4) are integrated with corresponding State plans.

SEC. 126. PLAN ELEMENTS.

The drought preparedness plans developed under sections 123 through 125—

(1) shall be consistent with Federal and State laws, contracts, and policies;

(2) shall allow each State to continue to manage water and wildlife in the State;

(3) shall address the health, safety, and economic interests of those persons directly affected by drought;

(4) shall address the economic impact on resource-dependent businesses and industries, including regional tourism;

(5) may include—

(A) provisions for water management strategies to be used during various drought or water shortage thresholds, consistent with State water law;

(B) provisions to address key issues relating to drought (including public health, safety, economic factors, and environmental issues such as water quality, water quantity, protection of threatened and endangered species, and fire management);

(C) provisions that allow for public participation in the development, adoption, and implementation of drought plans;

(D) provisions for periodic drought exercises, revisions, and updates;

(E) a hydrologic characterization study to determine how water is being used during times of normal water supply availability to anticipate the types of drought mitigation actions that would most effectively improve water management during a drought;

(F) drought triggers;

(G) specific implementation actions for droughts;

(H) a water shortage allocation plan, consistent with State water law; and

(I) comprehensive insurance and financial strategies to manage the risks and financial impacts of droughts; and

(6) shall take into consideration—

(A) the financial impact of the plan on the ability of the utilities to ensure rate stability and revenue stream; and

(B) economic impacts from water shortages.

TITLE II—WILDFIRE SUPPRESSION

SEC. 201. GRANTS FOR PREPOSITIONING WILDFIRE SUPPRESSION RESOURCES.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

"SEC. 205. GRANTS FOR PREPOSITIONING WILDFIRE SUPPRESSION RESOURCES.

"(a) FINDINGS AND PURPOSE.—

"(1) FINDINGS.—Congress finds that—

"(A) droughts increase the risk of catastrophic wildfires that—

"(i) drastically alter and otherwise adversely affect the landscape for communities and the environment;

"(ii) because of the potential of such wildfires to overwhelm State wildfire suppression resources, require a coordinated response among States, Federal agencies, and neighboring countries; and

"(iii) result in billions of dollars in losses each year;

"(B) the Federal Government must, to the maximum extent practicable, prevent and suppress such catastrophic wildfires to protect human life and property;

"(C) not taking into account State, local, and private wildfire suppression costs, during the period of 1996 through 2000, the Federal Government expended over $630,000,000 per year for wildfire suppression costs;

"(D) in 2002, the Federal Government expended $1,600,000,000 for wildfire suppression;

"(E) it is more cost-effective to prevent wildfires by prepositioning wildfire fighting resources to catch flare-ups than to commit millions of dollars to respond to large uncontrollable fires; and

"(F) it is in the best interest of the United States to invest in catastrophic wildfire prevention and mitigation by easing the financial burden of prepositioning wildfire suppression resources.

"(2) PURPOSE.—The purpose of this section is to encourage the mitigation and prevention of wildfires by providing financial assistance to States for prepositioning of wildfire suppression resources.

"(b) AUTHORIZATION.—Subject to the availability of funds, the Director of the Federal Emergency Management Agency (referred to in this section as the 'Director') shall reimburse a State for the cost of prepositioning wildfire suppression resources on potential multiple and large fire complexes when the Director determines, in accordance with national and regional severity indices of the Forest Service, that a wildfire event poses a threat to life and property in the area.

"(c) ELIGIBILITY.—Wildfire suppression resources of the Federal Government, neighboring countries, and any State other than the State requesting assistance are eligible for reimbursement under this section.

"(d) REIMBURSEMENT.—

"(1) IN GENERAL.—The Director may reimburse a State for the costs of prepositioning of wildfire suppression resources of the entities specified in subsection (c), including mobilization to, and demobilization from, the staging or prepositioning area.

"(2) REQUIREMENTS.—For a State to receive reimbursement under paragraph (1)—

"(A) any resource provided by an entity specified in subsection (c) shall have been specifically requested by the State seeking reimbursement; and

"(B) staging or prepositioning costs—

"(i) shall be expended during the approved prepositioning period; and

"(ii) shall be reasonable.".

Mr. BAUCUS. Mr. President, this year will mark the 7th year of drought for some parts of Montana

The current drought has been disastrous, not only to agriculture producers, but also to the surrounding rural communities. When producers are hurting, everyone in that region hurts. Main streets die, schools close, and rural towns dry up.

The economic costs are immeasurable, but the social costs are also substantial. Domestic abuse increases; suicide rates rise; people's lives are turned upside down. Drought is not something we can ignore.

In Montana, agriculture accounts for over half of our economy. It's our backbone—both economically and socially. We can not ignore the drought.

According to the National Drought Monitor, nearly one-third of the United States is currently experiencing "moderate" to "exceptional" drought. Nearly one-third of the United States is experiencing the devastating effects of drought.

Yet despite the colossal economic and social costs of drought, we do not have a national drought policy.

The last prolonged drought of substantial magnitude in the United States was during the 1930s. While not all of us were around during this time, we have all heard about the dust bowl years. The drought coincided with an economic downturn and rural areas were devastated. Banks closed, schools closed, main streets disappeared. Millions of people migrated to urban areas.

The effects of the current drought are frighteningly similar. We are experiencing an economic downturn, schools are closing, main streets are disappearing.

Following the dustbowl years, the Federal Government enacted the first proactive response to drought with the creation of the Soil Conservation Service—now the Natural Resources Conservation Service—to stress soil conservation measures. It's time to expand this proactive approach and create a national drought policy.

We need a national drought policy and we need it now.

I am pleased to introduce the National Drought Preparedness Act with my colleague Senator DOMENICI of New Mexico.

The National Drought Preparedness Act accomplishes four main objectives. This bill: (1) creates a national policy for drought, (2) improves the delivery of Federal drought programs, (3) provides new tools for drought preparedness planning, and (4) improves drought forecasting and monitoring.

We have waited too long for this bill. Drought is occurring now and it will occur again. It's time to create a proactive, preparedness approach to drought and this bill will do just that.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 58—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO RAISING AWARENESS AND ENCOURAGING PREVENTION OF STALKING IN THE UNITED STATES AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL STALKING AWARENESS MONTH

Mr. DEWINE (for himself and Mr. BIDEN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 58

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

Whereas 26 percent of stalking victims lose time from work as a result of their victimization and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their address, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments who stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking; and

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) all Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofits, and others should recognize the need to increase awareness of stalking and availability of services for stalking victims;

(2) Congress urges national and community organizations, businesses in the private sector, and the media to promote, through National Stalking Awareness Month, awareness of the crime of stalking; and

(3) Congress supports the goals and ideals of National Stalking Awareness Month.

Mr. DEWINE. Mr. President, I rise today to submit a resolution supporting the establishment of a National Stalking Awareness Month. Each year, approximately 1.4 million Americans—over 1 million women and about 400,000 men—are stalked. This statistic is truly staggering. Yet given the prevalence of stalking, this crime surprisingly goes largely unrecognized.

Stalking is an issue that affects 1 in 12 women and 1 in 45 men during their lifetime. It cuts across all lines of race, age, and gender. Women and men from all walks of life across the United States have struggled emotionally and financially to rebuild their lives after being victimized by stalking.

Stalking is a tremendous problem, and it is one that we need to do more to address. A National Stalking Awareness Month would help to educate and increase awareness about stalking. This resolution applauds the efforts of policymakers, law enforcement officers, victim service agencies, and nonprofit organizations that currently promote awareness of stalking.

This resolution also encourages these groups to examine new and innovative ways to promote prevention and prosecution of stalking crimes. By increasing awareness and devising practical, effectual methods for handling stalkers, we can help the police, we can help prosecutors, and most importantly, we can help victims to confront this horrible crime.

I encourage my colleagues to support this resolution. We can—and we should—do more to ensure that stalkers are brought to justice and that their victims are not forced to live in fear.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1362. Mr. DORGAN proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

SA 1363. Mr. DODD (for himself, Ms. STABENOW, Mr. LIEBERMAN, and Mr. CORZINE) proposed an amendment to the bill H.R. 2555, supra.

SA 1364. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2555, supra.

SA 1365. Mrs. FEINSTEIN (for herself and Mr. KYL) proposed an amendment to the bill H.R. 2555, supra.

SA 1366. Mr. BAYH (for himself, Mr. NELSON of Nebraska, Mr. AKAKA, Mrs. FEINSTEIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1367. Mr. BYRD proposed an amendment to the bill H.R. 2555, supra.

SA 1368. Mr. SPECTER (for himself, Mr. SCHUMER, Mr. WARNER, Mrs. CLINTON, Ms. MIKULSKI, Mr. CORZINE, Mr. KENNEDY, Mrs. MURRAY, Mr. LAUTENBERG, Mr. DURBIN, and Mr. SARBANES) proposed an amendment to the bill H.R. 2555, supra.

SA 1369. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1370. Mr. SPECTER (for Mr. SCHUMER (for himself, Mr. SPECTER, Mr. WARNER, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

SA 1371. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1372. Mr. REED (for himself, Mr. SARBANES, Mr. CORZINE, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2555, supra.

SA 1373. Mr. BYRD (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2555, supra.

SA 1374. Mr. BYRD (for Mr. DURBIN (for himself, Mrs. CLINTON, and Mr. CORZINE)) proposed an amendment to the bill H.R. 2555, supra.

SA 1375. Mr. BYRD (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2555, supra.

SA 1376. Mr. LEVIN (for himself and Mr. REID) proposed an amendment to the bill H.R. 2555, supra.

SA 1377. Mr. BAYH (for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1378. Mr. COCHRAN (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2555, supra.

SA 1379. Mr. COCHRAN (for Mr. BAYH (for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2555, supra.

SA 1380. Mr. BYRD (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2555, supra.

SA 1381. Mr. BYRD (for Mr. AKAKA (for himself and Mr. STEVENS)) proposed an amendment to the bill H.R. 2555, supra.

SA 1382. Mr. BYRD (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2555, supra.

SA 1383. Mr. BYRD proposed an amendment to the bill H.R. 2555, supra.

SA 1384. Mr. DURBIN (for himself, Mr. NELSON of Florida, Mrs. BOXER, Mr. REID, Mr. LAUTENBERG, Ms. CANTWELL, Mr. REED, and Mr. KENNEDY) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

SA 1385. Mr. DURBIN proposed an amendment to the bill S. 14, supra.

SA 1386. Mr. BOND (for himself, Mr. LEVIN, Mr. DOMENICI, and Ms. STABENOW) proposed an amendment to the bill S. 14, supra.

TEXT OF AMENDMENTS

SA 1362. Mr. DORGAN proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 615 the following:

SEC. . Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, shall report to the Committee on Appropriations of the Senate and the House of Representatives on the feasibility of providing access to State and local law enforcement agencies to the database of the Department of State on potential terrorists known as the "Tipoff" database, including the process by which classified information shall be secured from unauthorized disclosure.

SA 1363. Mr. BOND (for himself, Ms. STABENOW, Mr. LIEBERMAN, and Mr. CORZINE) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 56, line 2, strike "$172,736,000" and insert "$690,944,000".

On page 58, line 6, strike "$2,888,000,000" and insert "$11,552,000,000".

On page 60, line 1, strike "$750,000,000" and insert "$3,000,000,000".

On page 60, line 15, strike "$826,801,000" and insert "$3,307,204,000".

On page 65, line 9, strike "$165,000,000" and insert "$660,000,000".

SA 1364. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 62 of the bill, line 12, after "investigations" insert the following:

": *Provided*, That the Under Secretary for Emergency Preparedness and Response may provide advanced funding to authorized entities performing duties under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 *et seq.*) who respond to disasters declared by the President"

SA 1365. Mrs. FEINSTEIN (for herself and Mr. KYL) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE —PORT ANTI-TERRORISM AND SECURITY ACT OF 2003

SEC. 1001. SHORT TITLE.

This title may be cited as the "Port Anti-Terrorism and Security Act of 2003".

Subtitle A—Deterring and Punishing Terrorism and Crime at United States Ports

SEC. 1101. DESTRUCTION OR INTERFERENCE WITH VESSELS OR MARITIME FACILITIES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 65 the following:

"CHAPTER 66—MARITIME VESSELS

"Sec.
"1371. Jurisdiction and scope.
"1372. Destruction of vessel or maritime facility.
"1373. Imparting or conveying false information.

"§ 1371 Jurisdiction and scope

"(a) IN GENERAL.—There is jurisdiction under section 3231 over an offense under this chapter if—

"(1) the prohibited activity takes place within the United States, or in waters or submerged lands thereunder subject to the jurisdiction of the United States; or

"(2) the prohibited activity takes place outside the United States, and—

"(A) an offender or a victim of the prohibited activity is a citizen of the United States;

"(B) a citizen of the United States was on board a vessel to which this chapter applies; or

"(C) the prohibited activity involves a vessel of the United States.

"(b) APPLICABILITY.—Nothing in this chapter shall apply to otherwise lawful activities carried out by, or at the direction of, the United States Government.

"§ 1372. Destruction of vessel or maritime facility

"(a) OFFENSES.—It shall be unlawful for any person—

"(1) to willfully—

"(A) set fire to, damage, destroy, disable, or wreck any vessel; or

"(B) place or cause to be placed a destructive device or destructive substance in, upon, or in proximity to, or otherwise make or cause to be made an unworkable or unusable or hazardous to work or use, any vessel (as defined in section 3 of title 1), or any part or other materials used or intended to be used in connection with the operation of a vessel; or

"(C) set fire to, damage, destroy, disable, or displace a destructive device or destructive substance in, upon, or in proximity to, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment, or interfere by force or violence with the operation of such maritime facility, if such action is likely to endanger the safety of any vessel in navigation;

"(D) set fire to, damage, destroy, disable, or place a destructive device or destructive substance in, upon, or in proximity to any appliance, structure, property, machine, apparatus, or any facility or other material used or intended to be used in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried on, or intended to be carried on, any vessel;

"(E) perform an act of violence against or incapacitate an individual on a vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

"(F) perform an act of violence against a person that causes or is likely to cause serious bodily injury in, upon, or in proximity to any appliance, structure, property, machine, apparatus, or any facility or other material used or intended to be used in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel; or

"(G) communicate information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

"(2) to attempt or conspire to do anything prohibited under paragraph (1).

"(b) PENALTY.—Any person who—

"(1) violates subparagraph (A) or (B) of subsection (a)(1) shall be fined in accordance with this title or imprisoned for a maximum life imprisonment term, or both, and if death results, shall be subject to the death penalty; and

“(2) violates subsection (a)(2) or subparagraph (C), (D), (E), (F), or (G) of subsection (a)(1) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“(c) ADDITIONAL PENALTIES.—Any person who is fined or imprisoned in accordance with subsection (b) for an offense that involved a vessel that, at the time the violation occurred, carried high-level radioactive waste or spent nuclear fuel shall be fined in accordance with this title or imprisoned for not less than 30 years, or for life.

“(d) THREATENED OFFENSE.—Any person who willfully imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry out the threat, shall be—

“(1) fined in accordance with this title or imprisoned not more than 5 years, or both; and

“(2) liable for all costs incurred as a result of such threat.

“(e) DEFINITIONS.—For purposes of this section—

“(1) the term ‘destructive device’ has the meaning as such term in section 921(a)(4);

“(2) the term ‘destructive substance’ has the meaning as such term in section 31;

“(3) the term ‘high-level radioactive waste’ has the meaning as such term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));

“(4) the term ‘serious bodily injury’ has the meaning as such term in section 1365(g); and

“(5) the term ‘spent nuclear fuel’ has the meaning as such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

“§1373. Imparting or conveying false information

“(a) IN GENERAL.—Any person who imparts or conveys, or causes to be imparted or conveyed, false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that is an offense under this chapter or chapter 2, 97, or 111, shall be subject to a civil penalty of not more than $5,000, which shall be recoverable in a civil action brought in the name of the United States.

“(b) INCREASED PENALTY.—Any person who willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys, or causes to be imparted or conveyed, false information, knowing the information to be false, concerning an attempt or alleged attempt being made by or to be made, to do any act that is an offense under this chapter or chapter 2, 97, or 111, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, is amended by inserting after the item relating to chapter 65 the following:

“66. Maritime Vessels .... 1371”.

SEC. 1102. CRIMINAL SANCTIONS FOR PLACEMENT OF DESTRUCTIVE DEVICES OR SUBSTANCES IN UNITED STATES JURISDICTIONAL WATERS.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by inserting after section 2280 the following:

“§2280A. Devices or substances in waters of the United States likely to destroy or damage ships

“(a) IN GENERAL.—Any person who knowingly places or causes to be placed in waters subject to the jurisdiction of the United States, by any means, a device or substance that is likely to destroy or cause damage to a ship or its cargo, or cause interference with the safe navigation of vessels or interference with maritime commerce, such as by damaging or destroying marine terminals, facilities, and any other maritime structure or entity used in maritime commerce, with the intent of causing such destruction or damage—

“(1) shall be fined in accordance with this title and imprisoned for any term of years or for life; and

“(2) if the death of any person results from conduct prohibited under this section, may be punished by death.

“(b) APPLICABILITY.—Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by inserting after the item relating to section 2280 the following:

“2280A. Devices or substances in waters of the United States likely to destroy or damage ships.”.

SEC. 1103. PIRACY AND PRIVATEERING.

Chapter 81 of title 18, United States Code, is amended to read as follows:

“CHAPTER 81—PIRACY AND PRIVATEERING

“Sec.
“1651. Piracy.
“1652. Crimes against United States persons or property on board a ship or maritime structure.
“1653. Crimes against persons on board a ship or maritime structure within the territorial jurisdiction of the United States.
“1654. Crimes by United States citizens or resident aliens.
“1655. Privateering.
“1656. Theft or conversion of vessel, maritime structure, cargo, or effects.
“1657. Intentional wrecking or plunder of a vessel, maritime structure, cargo, or effects.
“1658. Knowing receipt of an illegally acquired vessel, maritime structure, cargo, or effects.
“1659. Attempts.
“1660. Accessories.
“1661. Inapplicability to United States Government activities.

“§1651. Piracy

“Any person who commits the crime of piracy and is afterwards brought into, or found in, the United States shall be imprisoned for life.

“§1652. Crimes against United States persons or property on board a ship or maritime structure

“Any person who commits any illegal act of violence, detention, or depredation against the United States, including any vessel of the United States, citizen of the United States, any commercial structure owned in whole or in part by a United States citizen or resident alien, or any United States citizen or resident alien, or the property of that citizen or resident alien, on board a ship or maritime structure and is afterwards brought into or found in the United States, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§1653. Crimes against persons on board a ship or maritime structure within the territorial jurisdiction of the United States

“Any person who commits any illegal act of violence, detention, or depredation against an individual on board a ship or maritime structure, or the property of that individual, in waters or submerged lands thereunder, subject to the jurisdiction of the United States, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§1654. Crimes by United States citizens or resident aliens

“Any person, being a United States citizen or resident alien, or purporting to act under the authority of the United States, who commits any illegal act of violence, detention, or depredation against an individual on board a ship or maritime structure, or the property of that individual, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§1655. Privateering

“(a) OFFENSE.—It shall be unlawful for any person to furnish, fit out, arm, or serve in a privateer or private vessel used to commit any illegal act of violence, detention, or depredation against an individual, or the property of that individual, or any vessel or maritime structure without the express authority of the United States Government when—

“(1) the perpetrator of the act is a United States citizen or resident alien, or purports to act under authority of the United States;

“(2) the individual against whom the act is committed is a United States citizen or resident alien or the property, vessel, or maritime structure involved is owned, in whole or in part, by a United States citizen or resident alien; or

“(3) some element of the illegal act of violence, detention, or depredation is committed in waters subject to the jurisdiction of the United States.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§1656. Theft or conversion of vessel, maritime structure, cargo, or effects

“(a) OFFENSE.—It shall be unlawful for any person who is a captain, officer, crewman, or passenger of a vessel or maritime structure to assist in the theft or conversion of such vessel or maritime structure, or its cargo or effects when—

“(1) the perpetrator is a United States citizen or resident alien, or purports to act under the authority of the United States;

“(2) the vessel, maritime structure, cargo, or effects is owned in whole or in part by a United States citizen or resident alien; or

“(3) some element of the theft or conversion is committed in waters subject to the jurisdiction of the United States.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§1657. Intentional wrecking or plunder of a vessel, maritime structure, cargo, or effects

“(a) OFFENSE.—It shall be unlawful for any person to—

“(1) intentionally cause the wrecking of a vessel or maritime structure by act or omission, either directly such as by intentional grounding, or indirectly by modification or destruction of any navigational marker or safety device;

“(2) intentionally plunder, steal, or destroy a vessel, maritime structure, cargo, or effects when such vessel or maritime structure is in distress, wrecked, lost, stranded, or cast away; or

“(3) intentionally obstruct or interfere with the rescue of a person on board a vessel or maritime structure in distress, wrecked, lost, stranded, or cast away, or the legal salvage of such a vessel, maritime structure, cargo, or effects, when—

"(A) the perpetrator is a United States citizen or resident alien, or purports to act under authority of the United States;

"(B) the vessel, maritime structure, cargo, or effects is owned in whole or in part by a United States citizen or resident alien; or

"(C) some element of the theft or conversion is committed in waters subject to the jurisdiction of the United States.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§ 1658. Knowing receipt of an illegally acquired vessel, maritime structure, cargo, or effects

"Any person who knowingly receives or acquires a vessel, maritime structure, cargo, or effects converted or obtained by action falling under any section of this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§ 1659. Attempts

Any person who attempts any act which, if committed, would constitute an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§ 1660. Accessories

"(a) COMMISSION OF AN OFFENSE.—Any person who knowingly assists any person in the commission of an act that constitutes an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"(b) AVOIDANCE OF CONSEQUENCES.—Any person who knowingly assists any person in avoiding the consequences of an act that constitutes an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"§ 1661. Inapplicability to United States Government activities

"Nothing in this chapter shall apply to otherwise lawful activities—

"(1) carried out by, or at the direction of, the United States Government; or

"(2) undertaken under a letter or marque and reprisal issued by the United States Government.".

SEC. 1104. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

(a) IN GENERAL.—Chapter 39 of title 18, United States Code, is amended by inserting after section 831 the following:

"§ 832. Use of a dangerous weapon or explosive on a passenger vessel

"(a) OFFENSE.—It shall be unlawful for any person to willfully—

"(1) commit an act, including the use of a dangerous weapon, explosive, or incendiary device, with the intent to cause death or serious bodily injury to a crew member or passenger of a passenger vessel or any other person while on board a passenger vessel; or

"(2) attempt, threaten, or conspire to do any act referred to in paragraph (1).

"(b) PENALTY.—An person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

"(c) AGGRAVATED OFFENSE.—Any person who commits an offense described in subsection (a) in a circumstance in which—

"(1) the vessel was carrying a passenger at the time of the offense; or

"(2) the offense has resulted in the death of any person;

shall be guilty of an aggravated offense and shall be fined in accordance with this title or imprisoned for any term of years or for life.

"(d) APPLICABILITY.—This section shall apply to vessels that are subject to the jurisdiction of the United States, and vessels carrying passengers who are United States citizens or resident aliens, wherever located.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'dangerous weapon' has the meaning given such term in section 930(g);

"(2) the term 'explosive or incendiary device' has the meaning given such term in section 232(5);

"(3) the term 'passenger' has the same meaning given such term in section 2101(21) of title 46;

"(4) the term 'passenger vessel' has the same meaning given such term in section 2101(22) of title 46; and

"(5) the term 'serious bodily injury' has the meaning given such term in section 1365(g).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 39 of title 18, United States Code, is amended by inserting after the item relating to section 831 the following:

"832. Use of a dangerous weapon or explosive on a passenger vessel.".

SEC. 1105. SANCTIONS FOR FAILURE TO HEAVE TO AND FOR OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"§ 2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information

"(a) FAILURE TO HEAVE TO.—It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order to heave to on being ordered to do so by an authorized Federal law enforcement officer.

"(b) OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.—It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States to—

"(1) forcibly assault, resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law, or to resist a lawful arrest; or

"(2) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew that the person knows is false.

"(c) LIMITATIONS.—This section shall not limit the authority of—

"(1) an officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other provision of law enforced or administered by the Secretary of the Treasury or the Under Secretary for Border and Transportation Security of the Department of Homeland Security; or

"(2) a Federal law enforcement officer under any law of the United States to order a vessel to stop or heave to.

"(d) CONSENT OR OBJECTION TO ENFORCEMENT.—A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means, which consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

"(e) PENALTY.—Any person who intentionally violates this section shall be fined in accordance with this title and imprisoned not more than 1 year.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the same meanings as such terms in section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903);

"(2) the term 'heave to' means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding; and

"(3) the term 'Federal law enforcement officer' has the same meaning as such term in section 115.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information.".

SEC. 1106. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION.

Section 2280(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (F), (G), and (H) as (G), (H), and (I), respectively;

(B) by inserting after subparagraph (E) the following:

"(F) destroys, damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954, (33 U.S.C. 984) or the Coast Guard pursuant to section 81 of title 14, or lawfully maintained by the Coast Guard pursuant to section 83 of title 14, if such act endangers or is likely to endanger the safe navigation of a ship;"; and

(C) in subparagraph (I), as so redesignated, by striking "through (G)" and inserting "through (H)"; and

(2) in paragraph (2), by striking "(C) or (E)" and inserting "(C), (E), or (F)".

SEC. 1107. CRIMINAL SANCTIONS FOR MALICIOUS DUMPING.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"§ 2282. Knowing discharge or release

"(a) ENDANGERMENT OF HUMAN LIFE.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjoining shoreline with the intent to endanger human life, health, or welfare—

"(1) shall be fined in accordance with this title and imprisoned for any term of years or for life; and

"(2) if the death of any person results from conduct prohibited under this section, may be punished by death.

"(b) ENDANGERMENT OF MARINE ENVIRONMENT.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjacent shoreline with the intent to endanger the marine environment shall be fined in accordance with this title or imprisoned not more than 30 years, or both.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(2) the term 'hazardous material' has the same meaning given such term in section 2101(14) of title 46;

"(3) the term 'marine environment' has the same meaning given such term in section 2101(15) of title 46;

"(4) the term 'navigable waters' has the same meaning given such term in section 502(7) of the Federal Water Pollution Control Act (33 U.S.C. 1362(7)), and also includes the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988; and

"(5) the term 'noxious liquid substance' has the same meaning given such term in the MARPOL Protocol as defined in section 2(a)(3) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"2282. Knowing discharge or release.".

SEC. 1108. ATTORNEY GENERAL TO COORDINATE PORT-RELATED CRIME DATA COLLECTION.

(a) REGULATIONS.—The Attorney General shall issue regulations to—

(1) require the reporting by a carrier that is the victim of a cargo theft offense to the Attorney General of information on the cargo theft offense (including offenses occurring outside ports of entry and ports of shipment origination) that identifies the port of entry, the port where the shipment originated, where the theft occurred, and any other information specified by the Attorney General;

(2) create a database to contain the reports described in paragraph (1) and integrate those reports, to the extent feasible, with other noncriminal justice and intelligence data, such as insurer bill of lading, cargo contents and value, point of origin, and lien holder filings; and

(3) prescribe procedures for access to the database created in accordance with paragraph (2) by appropriate Federal, State, and local governmental agencies and private companies or organizations, while limiting access to privacy of the information in accordance with other applicable Federal laws.

(b) MODIFICATION OF DATABASES.—

(1) IN GENERAL.—United States Government agencies with significant regulatory or law enforcement responsibilities at United States ports shall, to the extent feasible, modify their information databases to ensure the collection and retrievability of data relating to crime, terrorism, and related activities at, or affecting, United States ports.

(2) DESIGNATION OF AGENCIES.—The Attorney General, after consultation with the Secretary of Homeland Security, shall designate the agencies referred to in paragraph (1).

(c) OUTREACH PROGRAM.—The Attorney General, in consultation with the Secretary of Homeland Security, the National Maritime Security Advisory Committee established under section 70112 of title 46, United States Code, and the appropriate Federal and State agencies, shall establish an outreach program—

(1) to work with State and local law enforcement officials to harmonize the reporting of data on cargo theft among States and localities with the United States Government's reports; and

(2) to work with local port security committees to disseminate cargo theft information to appropriate law enforcement officials.

(d) ANNUAL REPORT.—The Attorney General shall report annually to the Committee on the Judiciary of the Senate and the House of Representatives on the implementation of this section.

(e) INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER; STATE PROSECUTIONS.—

(1) STATE PROSECUTIONS.—Section 659 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph—

(i) by striking "Whoever embezzles" and inserting the following:

"(a) OFFENSE; PENALTY.—Whoever—

"(1) embezzles";

(ii) by striking "from any pipeline system" and all that follows through "with intent to convert to his own use"; and

(iii) by striking "or" at the end;

(B) in the second undesignated paragraph—

(i) by striking "Whoever buys" and inserting the following:

"(2) buys"; and

(ii) by striking "or" at the end;

(C) in the third undesignated paragraph—

(i) by striking "Whoever embezzles" and inserting the following"

"(3) embezzles"; and

(ii) by striking "with intent to convert to his own use";

(D) in the fourth undesignated paragraph, by striking "Whoever embezzles" and inserting the following:

"(4) embezzles";

(E) in the fifth undesignated paragraph, by striking "Shall in each case" and inserting the following:

"shall in each case";

(F) in the sixth undesignated paragraph, by striking "The" and inserting the following:

"(b) LOCATION OF OFFENSE.—The";

(G) in the seventh undesignated paragraph, by striking "The" and inserting the following"

"(c) SEPARATE OFFENSE.—The";

(H) in the eighth undesignated paragraph, by striking "To" and inserting the following:

"(d) PRIMA FACIE EVIDENCE.—To";

(I) in the ninth undesignated paragraph, by striking "A" and inserting the following:

"(e) PROSECUTION.—A"; and

(J) by adding at the end the following:

"(f) CIVIL PENALTY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any penalties that may be available under any other provision of law, a person who is found by the Secretary of Homeland Security, after notice and an opportunity for a hearing, to have violated this section or a regulation issued under this section shall be liable to the United States for a civil penalty not to exceed $25,000 for each violation.

"(2) SEPARATE VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation.

"(3) AMOUNT OF PENALTY.—

"(A) IN GENERAL.—The amount of a civil penalty for a violation of this section or a regulation issued under this section shall be assessed by the Attorney General, or the designee of the Attorney General, by written notice.

"(B) CONSIDERATIONS.—In determining the amount of a civil penalty under this paragraph, the Attorney General shall take into account—

"(i) the nature, circumstances, extent, and gravity of the prohibited act committed; and

"(ii) with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

"(4) MODIFICATION OF PENALTY.—The Secretary of Homeland Security may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or which has been imposed under this section.

"(5) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary of Homeland Security may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

"(g) DEFINITION.—For purposes of this section, the term 'goods or chattels' means to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment) regardless of any temporary stop while awaiting transshipment or otherwise.".

(2) FEDERAL SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 of title 18, United States Code, as amended by this subsection.

(3) ANNUAL REPORT.—The Attorney General shall annually submit to Congress a report that shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code.

Subtitle B—Protecting United States Ports Against Terrorism and Crime

SEC. 1201. DEFINITIONS.

In this subtitle:

(1) AIRCRAFT.—The term "aircraft" has the meaning given that term in section 40102 of title 49, United States Code.

(2) CAPTAIN-OF-THE-PORT.—The term "Captain-of-the-Port", with respect to a United States seaport, means the individual designated by the Commandant of the Coast Guard as the Captain-of-the-Port at that seaport.

(3) COMMON CARRIER.—The term "common carrier" means any person that holds itself out to the general public as a provider for hire of a transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

(4) CONTAINER.—The term "container" means a container that is used or designed for use for the international transportation of merchandise by vessel, vehicle, or aircraft.

(5) DIRECTORATE.—The term "Directorate" means the Border and Transportation Security Directorate of the Department of Homeland Security.

(6) MANUFACTURER.—The term "manufacturer" means a person who fabricates or assembles merchandise for sale in commerce.

(7) MERCHANDISE.—The term "merchandise" has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(8) SHIPMENT.—The term "shipment" means cargo traveling in international commerce under a bill of lading.

(9) UNITED STATES SEAPORT.—The term "United States seaport" means a place in the United States on a waterway with shoreside facilities for the intermodal transfer of cargo containers that are used in international trade.

(11) VEHICLE.—The term "vehicle" has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(12) VESSEL.—The term "vessel" has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

SEC. 1202. DESIGNATED SECURITY AUTHORITY.

The Captain-of-the-Port of each United States seaport shall be the primary authority responsible for security at the United States seaport and shall—

(1) coordinate security at such seaport; and

(2) be the point of contact on seaport security issues for civilian and commercial port entities at such seaport.

SEC. 1203. PENALTIES FOR INACCURATE MANIFEST.

(a) FALSITY OR LACK OF MANIFEST.—Section 584 of the Tariff Act of 1930 (19 U.S.C. 1584) is amended—

(1) in subsection (a)(1)—

(A) by striking "$1,000" each place it appears and inserting "$50,000"; and

(B) by striking "$10,000" and inserting "$50,000"; and

(2) by adding at the end the following new subsection:

"(c) CRIMINAL PENALTIES.—Any person who ships or prepares for shipment any merchandise bound for the United States who intentionally provides inaccurate or false information, whether inside or outside the United States, with respect to such merchandise for the purpose of introducing such merchandise into the United States in violation of the laws of the United States, shall be liable, upon conviction of a violation of this subsection, for a fine of not more than $50,000 or imprisonment for 1 year, or both; except that if the importation of such merchandise into the United States is prohibited, such person shall be liable for an additional fine of not more than $50,000 or imprisonment for not more than 5 years, or both.".

(b) PENALTIES FOR VIOLATIONS OF THE ARRIVAL, REPORTING, ENTRY, AND CLEARANCE REQUIREMENTS.—Subsections (b) and (c) of section 436 of Tariff Act of 1930 (19 U.S.C. 1436) are amended to read as follows:

"(b) CIVIL PENALTY.—Any master, person in charge of a vessel, vehicle, or aircraft pilot who commits any violation listed in subsection (a) shall be liable for a civil penalty of $25,000 for the first violation, and $50,000 for each subsequent violation, and any conveyance used in connection with any such violation is subject to seizure and forfeiture.

"(c) CRIMINAL PENALTY.—In addition to being liable for a civil penalty under subsection (b), any master, person in charge of a vessel, vehicle, or aircraft pilot who intentionally commits or causes another to commit any violation listed in subsection (a) shall be liable, upon conviction, for a fine of not more than $50,000 or imprisonment for 1 year, or both; except that if the conveyance has, or is discovered to have had, on board any merchandise (other than sea stores or the equivalent for conveyances other than vessels) the importation of which into the United States is prohibited, such individual shall be liable for an additional fine of not more than $50,000 or imprisonment for not more than 5 years, or both.".

SEC. 1204. INSPECTION OF MERCHANDISE AT FOREIGN FACILITIES.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a plan to—

(1) station inspectors from the Directorate, other Federal agencies, or the private sector at the foreign facilities of manufacturers or common carriers to profile and inspect merchandise and the containers or other means by which such merchandise is transported as they are prepared for shipment on a vessel that will arrive at any port or place in the United States;

(2) develop procedures to ensure the security of merchandise inspected as described in paragraph (1) until it reaches the United States; and

(3) permit merchandise inspected as described in paragraph (1) to receive expedited inspection upon arrival in the United States.

SA 1366. Mr. BAYH (for himself, Mr. NELSON of Nebraska, Mr. AKAKA, Mrs. FEINSTEIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 615 the following:

SEC. 616. (a) PLAN FOR ENHANCEMENT OF OPERATIONS OF OFFICE OF INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Not later than 120 after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a plan for enhancements of the operations of the Office of Information Analysis and Infrastructure Protection (IAIP) in order to—

(1) meet the personnel requirements of the Office;

(2) improve communications between the Office and the intelligence community; and

(3) improve coordination between the Office and State and local counterterrorism and law enforcement officials.

(b) ADDITIONAL ELEMENTS.—In addition to the matters specified in subsection (a) the report shall include the following:

(1) A description of the current assets and capabilities of the Office of Information Analysis and Infrastructure Protection.

(2) A strategy for the Office for the coordination and dissemination of intelligence and other information.

(3) A schedule for the implementation of the plan required under subsection (a).

(c) ANNUAL REPORTS ON CERTAIN EFFORTS.—(1) Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the efforts of the Office of Information Analysis and Infrastructure Protection during the one-year period ending on the date of such report to coordinate with other Federal agencies, State and local governments, and the private sector on the collection, analysis, and dissemination of information on threats to the United States and its infrastructure.

(2) Each report shall include, for the period covered by such report—

(A) a description of the efforts described in paragraph (1), including any capabilities developed or enhanced as a result of such efforts; and

(B) an assessment of the success of such efforts.

SA 1367. Mr. BYRD proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, line 6, insert the following:

TITLE VII—FULFILLING HOMELAND SECURITY PROMISES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

TRANSPORTATION SECURITY ADMINISTRATION

MARITIME AND LAND SECURITY

For an additional amount for "Maritime and Land Security", $100,000,000, to remain available until September 30, 2005, for port security grants, which shall be distributed under the same terms and conditions as provided under Public Law 107–117.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $42,000,000, to remain available until December 31, 2004, shall be for costs pursuant to Public Law 107–295 for implementing the Maritime Transportation Security Act including those costs associated with the review of vessel and facility security plans and the development of area security plans.

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for "Firefighter Assistance Grants," $100,000,000, to remain available through September 30, 2005, for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

Of the amounts made available for the "Office of the Under Secretary for Information Analysis and Infrastructure Protection", $50,000,000, to remain available until September 30, 2005, shall be for chemical facility security assessments.

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

On page 66, line 9, strike "$823,700,000," and insert "$581,700,000,".

SA 1368. Mr. SPECTER (for himself, Mr. SCHUMER, Mr. WARNER, Mrs. CLINTON, Ms. MIKULSKI, Mr. CORZINE, Mr. KENNEDY, Mrs. MURRAY, Mr. LAUTENBERG, Mr. DURBIN, and Mr. SARBANES) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 58, line 6, strike "$2,888,000,000" and insert "$3,138,000,000".

On page 59, line 1, strike "$750,000,000" and insert "$1,000,000,000".

SA 1369. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30 2004, and for other purposes; which was ordered to lie on the table, as follows:

On page 51, line 18, strike "$285,000,000" and insert "$451,000,000".

SA 1370. Mr. SPECTER (for Mr. SCHUMER (for himself, Mr. SPECTER, Mr. WARNER, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 58, line 6, strike "$2,888,000,000" and insert "$3,138,000,000".

On page 59, line 1, strike "$750,000,000" and insert "$1,000,000,000".

On page 66, line 9, strike "$823,700,000" and insert "$636,340,000".

On page 66, line 23, strike "$866,000,000" and insert "$803,360,000".

SA 1371. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 615 the following:

SEC. 616. (a) PLAN FOR ENHANCEMENT OF OPERATIONS OF OFFICE OF INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a plan for enhancements of the operations of the Office of Information Analysis and Infrastructure Protection (IAIP) in order to—

(1) meet the personnel requirements of the Office;

(2) improve communications between the Office and the intelligence community; and

(3) improve coordination between the Office and State and local counterterrorism and law enforcement officials.

(b) ADDITIONAL ELEMENTS.—In addition to the matters specified in subsection (a) the report shall include the following:

(1) A description of the current assets and capabilities of the Office of Information Analysis and Infrastructure Protection.

(2) A strategy for the Office for the coordination and dissemination of intelligence and other information.

(3) A schedule for the implementation of the plan required under subsection (a).

SA 1372. Mr. REED (for himself, Mr. SARBANES, Mr. CORZINE, and Mrs. CLINTON) proposed and amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, between lines 7 and 8, insert the following:

TRANSIT SECURITY

For necessary expenses of the Transportation Security Administration related to land transportation security services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note) and for other purposes, $100,000,000, to remain available until December 31, 2004, which shall be available for grants to public transit agencies for enhancing the security of transit facilities against chemical, biological and other terrorist threats: *Provided*, That the Secretary of Homeland Security shall make such grants pursuant to threat assessments previously conducted by the Transportation Security Administration and the Federal Transit Administration: *Provided further*, That the Secretary of Homeland Security and the Secretary of Transportation shall enter into a memorandum of understanding regarding transit security. *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that includes—

(1) the amount of funds appropriated to the Transportation Security Administration (TSA) that have been allocated for activities designed to improve public transportation security;

(2) the number of full-time TSA personnel engaged in activities designed to improve public transportation security;

(3) the strategic plan of the TSA for improving the security of our Nation's public transportation systems; and

(4) recommendations from the TSA for any policy changes needed to ensure that the TSA, in coordination with other agencies within the Department of Homeland Security, will effectively improve public transportation security for our Nation's transit riders.

SA 1373. Mr. BYRD (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mrs. CLINTON) proposed an amendment intended to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 616. None of the funds appropriated by this Act may be used to fund the activities of any advisory committee (as defined in section 3 of the Federal Advisory Committee Act) that has been exempted from the Federal Advisory Committee Act (5 U.S.C. App.) pursuant to section 871 of the Homeland Security Act of 2002 (6 U.S.C. 451).

SA 1374. Mr. BYRD (for Mr. DURBIN (for himself, Mrs. CLINTON, and Mr. CORZINE)) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, in collaboration with the Director of the Office of Management and Budget, shall submit a report to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Select Committee on Homeland Security of the House of Representatives on the status of the Department's efforts to—

(1) complete an inventory of the Department's entire information technology infrastructure;

(2) devise and deploy a secure comprehensive enterprise architecture that—

(A) promotes interoperability of homeland security information systems, including communications systems, for agencies within and outside the Department;

(B) avoids unnecessary duplication; and

(C) aids rapid and appropriate information exchange, retrieval, and collaboration at all levels of government;

(3) consolidate multiple overlapping and inconsistent terrorist watch lists, reconcile different policies and procedures governing whether and how terrorist watch list data are shared with other agencies and organizations, and resolve fundamental differences in the design of the systems that house the watch lists so as to achieve consistency and expeditious access to accurate, complete, and current information;

(4) ensure that the Department's enterprise architecture and the information systems leveraged, developed, managed, and acquired under such enterprise architecture are capable of rapid deployment, limit data access only to authorized users in a highly secure environment, and are capable of continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data; and

(5) align common information technology investments within the Department and between the Department and other Federal, State, and local agencies responsible for homeland security to minimize inconsistent and duplicate acquisitions and expenditures.

SA 1375. Mr. BYRD (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 59, at the end of line 23, after "heading" insert the following:

Provided further, That not later than January 1, 2004, the Office of Domestic Preparedness shall submit to the Committees on Appropriations of the Senate and House of Representatives a report detailing efforts to assess and disseminate best practices to emergency responders which, at a minimum, shall discuss (1) efforts to coordinate and share information with state and local officials and emergency preparedness organizations; and (2) steps the Department proposes to improve the coordination and sharing of such information, if any.

SA 1376. Mr. LEVIN (for himself and Mr. REID) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end, add the following:

SEC. . PROHIBITION ON APPROPRIATIONS AVAILABILITY TO CORPORATE EXPATRIATES.

No funds in this Act shall be available for any contract entered into after the date of enactment of this Act by the Department of Homeland Security with—

(1) an inverted domestic corporation (as defined in section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395)),

(2) any corporation which completed a plan (or series of transactions) described in such section before, on, or after the date of enactment of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395), or

(3) any subsidiary of a corporation described in paragraph (1) or (2).

SA 1377. Mr. BAYH (for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for enhancements of the operations of the Information Analysis and Infrastructure Protection Directorate in order to—

(1) meet the personnel requirements of the Directorate;

(2) improve communications between the Directorate and the intelligence community; and

(3) improve coordination between the Directorate and State and local counterterrorism and law enforcement officials.

(b) In addition to the matters specified in subsection (a), the plan shall include a description of the current assets and capabilities of the Information Analysis and Infrastructure Protection Directorate, a strategy for the Directorate for the coordination and dissemination of intelligence and other information, and a schedule for the implementation of the plan required under subsection (a).

SA 1378. Mr. COCHRAN (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. . It is the sense of the Senate that the Department of Homeland Security's Undersecretary for Science and Technology should take all appropriate steps to ensure the active participation of historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native serving institutions in Department sponsored university research.

SA 1379. Mr. COCHRAN (for Mr. BAYH (for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . (a) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for enhancements of the operations of the Information Analysis and Infrastructure Protection Directorate in order to—

(1) meet the personnel requirements of the Directorate;

(2) improve communications between the Directorate and the intelligence community; and

(3) improve coordination between the Directorate and State and local counterterrorism and law enforcement officials.

(b) In addition to the matters specified in subsection (a), the plan shall include a description of the current assets and capabilities of the Information Analysis and Infrastructure Protection Directorate, a strategy for the Directorate for the coordination and dissemination of intelligence and other information, and a schedule for the implementation of the plan required under subsection (a).

SA 1380. Mr. BYRD (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . Not later than 90 days after the date of enactment of this Act, the Comptroller General shall conduct a review and report to Congress on all of the data-mining programs relating to law enforcement and terrorism currently under development and in use in the Department of Homeland Security.

SA 1381. Mr. BYRD (for Mr. AKAKA (for himself and Mr. STEVENS)) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. 6. When establishing priorities for firefighting vehicles in the Firefighter Assistance Grant program, the Secretary shall take into consideration the unique geographical needs of individual fire departments.

SA 1382. Mr. BYRD (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 616. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study and submit a report with recommendations to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate regarding the status of the air traffic control communications voids and gaps in tethered aerostat coverage around the United States, such as those existing in the central Gulf of Mexico.

SA 1383. Mr. BYRD proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . RESTRICTION OF FUNDING.

None of the funds made available under this Act or any other Act may be used to pay the salary of an individual who is employed by the Department of Homeland Security or the Office of Homeland Security within the Executive Office of the President at a rate of pay that is equal to or greater than 75 percent of level II of the Executive Schedule, unless that individual signs a contract with the applicable employing department or office under which—

(1) the individual agrees to the restrictions described under section 207(c)(1) of title 18, United States Code; and

(2) in the event that the individual violates such restrictions, the individual agrees to pay a civil penalty equal to 100 percent of all gross receipts received by the individual from conduct that violated the restrictions.

SA 1384. Mr. DURBIN (for himself, Mr. NELSON of Florida, Mrs. BOXER, Mr. REID, Mr. LAUTENBERG, Ms. CANTWELL, Mr. REED, and Mr. KENNEDY) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 716. PHASED INCREASES IN FUEL ECONOMY STANDARDS.

(a) PASSENGER AUTOMOBILES.—

(1) MINIMUM STANDARDS.—Subsection (b) of section 32902 of title 49, United States Code, is amended to read as follows:

"(b) PASSENGER AUTOMOBILES.—Except as otherwise provided under this section, the average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year—

"(1) after model year 1984 and before model year 2006 shall be 25 miles per gallon;

"(2) after model year 2005 and before model year 2009 shall be 28 miles per gallon;

"(3) after model year 2008 and before model year 2012 shall be 32 miles per gallon;

"(4) after model year 2011 and before model year 2015 shall be 36 miles per gallon; and

"(5) after model year 2014 shall be 40 miles per gallon.".

(2) HIGHER STANDARDS SET BY REGULATION.—Subsection (c) of such section is amended—

(A) in the first sentence of paragraph (1)—

(i) by striking "Subject to paragraph (2) of this subsection, the" and inserting "The"; and

(ii) by striking "amending the standard" and inserting "increasing the standard otherwise applicable";

(B) by striking paragraph (2); and

(C) by designating the text composed of the second and third sentences of paragraph (1) as paragraph (2) and realigning such paragraph, as so designated, flush with the left margin.

(b) NON-PASSENGER AUTOMOBILES.—Subsection (a) of such section is amended—

(1) by striking "At least 18 months before each model year," and inserting the following:

"(1) The average fuel economy standard applicable for automobiles (except passenger automobiles) manufactured by a manufacturer in a model year—

"(A) after model year 1984 and before model year 2006 shall be 17 miles per gallon;

"(B) after model year 2005 and before model year 2009 shall be 19 miles per gallon;

"(C) after model year 2008 and before model year 2012 shall be 21.5 miles per gallon;

"(D) after model year 2011 and before model year 2015 shall be 24.5 miles per gallon; and

"(E) after model year 2014 shall be 27.5 miles per gallon, except as provided under paragraph (2).

"(2) At least 18 months before the beginning of each model year after model year 2015,"; and

(2) by adding at the end the following new paragraph:

"(3) If the Secretary does not increase the average fuel economy standard applicable under paragraph (1)(E) or (2), or applicable to any class under paragraph (2), within 24 months after the latest increase in the standard applicable under paragraph (1)(E) or (2), the Secretary shall submit to Congress a report containing an explanation of the reasons for not increasing the standard. The report shall be submitted not later than 90 days after the expiration of the 24-month period.".

SEC. 717. INCREASED INCLUSIVENESS OF DEFINITIONS OF AUTOMOBILE AND PASSENGER AUTOMOBILE.

(a) AUTOMOBILE.—

(1) IN GENERAL.—Paragraph (3) of section 32901(a) of title 49, United States Code, is amended—

(A) by striking "6,000 pounds" each place it appears in subparagraphs (A) and (B) and inserting "12,000 pounds"; and

(B) in subparagraph (B)—

(i) by striking "10,000 pounds" and inserting "14,000 pounds"; and

(ii) in clause (ii), by striking "an average fuel economy standard" and all that follows through "conservation or".

(2) SPECIAL RULE.—Section 32908(a)(1) of such title is amended by striking "8,500 pounds" and inserting "14,000 pounds".

(b) PASSENGER AUTOMOBILE.—Paragraph (16) of section 32901(a) of such title is amended to read as follows:

"(16) 'passenger automobile'—

"(A) means, except as provided in subparagraph (B), an automobile having a gross vehicle weight of 12,000 pounds or less that is designed to be used principally for the transportation of persons; but

"(B) does not include—

"(i) a vehicle that has a primary load carrying device or container attached;

"(ii) a vehicle that has a seating capacity of more than 12 persons;

"(iii) a vehicle that has a seating capacity of more than 9 persons behind the driver's seat; or

"(iv) a vehicle that is equipped with a cargo area of at least 6 feet in interior length that does not extend beyond the frame of the vehicle and is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.".

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to automobiles manufactured for model years after the automobile model year in which this Act is enacted.

SEC. 718. CIVIL PENALTIES.

(a) INCREASED PENALTY FOR VIOLATIONS OF FUEL ECONOMY STANDARDS.—Subsection (b) of section 32912 of title 49, United States Code, is amended—

(1) by inserting "(1)" after "STANDARDS.—";

(2) by striking "$5" and inserting "the dollar amount applicable under paragraph (2)";

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(4) by adding at the end the following new paragraph:

"(2)(A) The dollar amount referred to in paragraph (1) is $10, as increased from time to time under subparagraph (B).

"(B) Effective on October 1 of each year, the dollar amount applicable under subparagraph (A) shall be increased by the percentage (rounded to the nearest one-tenth of one percent) by which the price index for July of such year exceeds the price index for July of the preceding year. The amount calculated under the preceding sentence shall be rounded to the nearest $0.10.

"(C) In this paragraph, the term 'price index' means the Consumer Price Index for all-urban consumers published monthly by the Department of Labor.".

(b) CONFORMING AMENDMENT.—Subsection (c)(1) of such section is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(c) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to automobiles manufactured for model years after the automobile model year in which this Act is enacted.

SEC. 719. ACCURATE FUEL ECONOMY TESTING.

(a) BIENNIAL REPORT ON TESTING QUALITY.—

(1) REQUIREMENT FOR REPORT.—

(A) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 32920. Biennial report on testing quality

"(a) REQUIREMENT FOR REPORT.—Not later than October 1 of each odd-numbered year, the Secretary of Transportation shall submit to Congress a report on the quality of the testing for determining automobile fuel economy under this chapter.

"(b) CONTENT OF REPORT.—The report shall include the following information:

"(1) An assessment of the accuracy of the fuel economy determined for automobiles in relation to actual highway and road vehicle fuel economy.

"(2) A discussion of changes in testing methodology that are planned to be made, together with an assessment of the effects that such changes are expected to have on the accuracy of the measures of automobile fuel economy resulting from the use of the testing methodology as changed.

"(c) CONSULTATION REQUIREMENT.—The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall consult on the preparation of the biennial report under this section.".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"32920. Biennial report on testing quality.".

(2) FIRST REPORT.—The first report under section 32920 of title 49, United States Code, as added by paragraph (1), shall be submitted to Congress in 2005.

(b) IMPROVEMENT OF PROCESS FOR MEASURING FUEL ECONOMY.—

(1) STUDY.—

(A) REQUIREMENT FOR STUDY.—The Secretary of Transportation shall provide for the John A. Volpe National Transportation Systems Center to carry out a study—

(i) to determine what practicable automobile fuel economy testing process provides the most accurate measures of actual automobile fuel economy in highway use, in urban use, and in combined highway and in urban use; and

(ii) to compare the average automobile fuel economy ratings calculated under the testing process determined under clause (i) for each category of automobile use described in that clause with the corresponding automobile fuel economy ratings calculated under the testing process in use under chapter 329 of title 49, United States Code, on the date of the enactment of this Act.

(B) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study under subparagraph (A). The report shall include the following:

(i) DETERMINATIONS.—The determination and comparisons made under clauses (i) and (ii) of subparagraph (A).

(ii) ESTIMATE OF EQUIVALENT FUEL ECONOMY.—An estimate of the average adjustment to automobile fuel economy ratings calculated under the testing process used for the purposes of chapter 329 of title 49, United States Code, as of the date of enactment of this Act that is needed to conform those ratings closely to the automobile fuel economy ratings calculated under the testing process determined most accurate under subparagraph (A)(i).

(2) TESTING PROCEDURE REVISION.—

(A) REQUIREMENT FOR REVISED PROCEDURE.—Not later than 180 days after the report required under paragraph (1)(B) is submitted to Congress, the Secretary of Transportation shall prescribe in regulations—

(i) a revised testing procedure for accurately measuring the actual automobile fuel economy of each model of automobile; and

(ii) a requirement that the revised testing procedure be applied for the purposes of chapter 329 of title 49, United States Code, to determine the average fuel economy of the automobiles manufactured in model years after model year 2006.

(B) MODEL FOR REVISED PROCEDURE.—The testing procedure prescribed under subparagraph (A) shall be based on the testing process identified in the report required under paragraph (1)(B) as providing the most accurate measures of actual automobile fuel economy.

(3) COMPARABLE ADJUSTMENT IN AVERAGE FUEL ECONOMY STANDARDS.—

(A) REQUIREMENT FOR ADJUSTMENT.—For automobiles manufactured in model years after model year 2006, the Secretary of Transportation shall amend each average fuel economy standard prescribed under section 32902 of title 49, United States Code, to take into account improved accuracy in the calculation of automobile fuel economy that results from use of the revised testing procedure applied as required under paragraph (2).

(B) CONDITION.—The Secretary shall ensure that each average fuel economy standard applied as amended under subparagraph (A) is at least as stringent as the corresponding average fuel economy standard that the Secretary would have applied under section 32902 of title 49, United States Code, if the fuel economy testing procedure had not been revised as required under paragraph (2).

SEC. 720. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) PREVIOUS AMENDMENT NOT TO TAKE EFFECT.—Section 713 shall not take effect.

(b) SUPERSEDING AMENDMENTS.—Section 32917 of title 49, United States Code, is amended—

(1) in paragraph (1) of subsection (b)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "passenger"; and

(ii) by striking "to achieve" and all that follows and inserting "to achieve—"; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

"(A) in the case of non-passenger automobiles, a fleet average fuel economy for that year of at least the average fuel economy standard applicable under subsection (a) of section 32902 of this title for the model year that includes January 1 of that fiscal year; and

"(B) in the case of passenger automobiles, a fleet average fuel economy for that year of at least the average fuel economy standard applicable under subsection (b) or (c) of such section for such model year.";

(2) in paragraph (2) of subsection (b)—

(A) by striking "Fleet average fuel economy is—" and inserting "For the purposes of paragraph (1), the fleet average fuel economy of non-passenger or passenger automobiles in a fiscal year is—";

(B) in subparagraph (A)—

(i) by striking "passenger automobiles" and inserting "the non-passenger automobiles or passenger automobiles, respectively, that are"; and

(ii) by striking "in a fiscal year" and inserting "in such fiscal year"; and

(C) in subparagraph (B), by inserting "such" after "the number of"; and

(3) by adding at the end the following new subsection:

"(c) Minimum Number of Exceptionally Fuel-Efficient Vehicles.—The President shall prescribe regulations that require that—

"(1) at least 20 percent of the passenger automobiles leased for at least 60 consecutive days or bought by executive agencies in a fiscal year have a vehicle fuel economy rating that is at least 5 miles per gallon higher than the average fuel economy standard applicable to the automobile under subsection (b) or (c) of section 32902 of this title for the model year that includes January 1 of that fiscal year; and

"(2) beginning in fiscal year 2009, at least 10,000 vehicles in the fleet of automobiles used by executive agencies in a fiscal year have a vehicle fuel economy at least 5 miles per gallon higher than the average fuel economy standards applicable to such automobiles under section 32902 of this title for the model year that includes January 1 of that fiscal year.".

SA 1385. Mr. DURBIN proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. . MODIFICATIONS TO GAS GUZZLERS TAX TO ENCOURAGE GREATER AUTO FUEL EFFICIENCY.

(a) Increase in Tax Rate.—Subsection (a) of section 4064 (relating to gas guzzlers tax) is amended to read as follows:

"(a) Imposition of Tax.—

"(1) In general.—There is hereby imposed on the sale by the manufacturer of each automobile a tax determined in accordance with the following table:

If the fuel economy for the model year of the model type in which the automobile falls is:	**The tax is:**
Less than 5 mpg below the applicable fuel economy standard	$0
At least 5 but less than 6 mpg below such standard	1,000
At least 6 but less than 7 mpg below such standard	1,500
At least 7 but less than 8 mpg below such standard	2,000
At least 8 but less than 9 mpg below such standard	2,500
At least 9 but less than 10 mpg below such standard	3,100
At least 10 but less than 11 mpg below such standard	3,800
At least 11 but less than 12 mpg below such standard	4,600
At least 12 but less than 13 mpg below such standard	5,500
At least 13 but less than 14 mpg below such standard	6,500
At least 14 mpg below such standard	7,700.

"(2) Inflation Adjustment.—

"(A) In general.—In the case of any taxable year beginning after 2005, each dollar amount referred to in paragraph (1) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2004' for '1992'.

"(B) Rounding.—If any amount as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $50.".

(b) Expansion of Definition of Automobile.—

(1) Increase in weight.—Section 4064(b)(1)(A)(ii) (defining automobile) is amended by striking "6,000 pounds" and inserting "12,000 pounds".

(2) Exception for certain vehicles.—Subparagraph (B) of section 4064(b)(1) is amended to read as follows:

"(B) Exception for certain vehicles.—The term 'automobile' does not include—

"(i) a vehicle which has a primary load carrying device or container attached,

"(ii) a vehicle which has a seating capacity of more than 12 persons,

"(iii) a vehicle which has a seating capacity of more than 9 persons behind the driver's seat, or

"(iv) a vehicle which is equipped with a cargo area of at least 6 feet in interior length which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.".

(c) Additional Definitions.—Section 4064(b) (relating to definitions) is amended by adding at the end the following new paragraphs:

"(8) Applicable fuel economy standard.—The term 'applicable fuel economy standard' means, with respect to any model year, the average fuel economy standard as defined in section 32902 of title 49, United States Code, for passenger automobiles for such model year.

"(9) MPG.—The term 'mpg' means miles per gallon.".

(d) Effective Date.—The amendments made by this section shall apply to sales after October 31, 2005.

SEC. . HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. HIGHLY FUEL-EFFICIENT AUTOMOBILE CREDIT.

"(a) Allowance of Credit.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the new highly fuel-efficient automobile credit determined under subsection (b).

"(b) New Highly Fuel-Efficient Automobile Credit.—For purposes of subsection (a), the new highly fuel-efficient automobile credit with respect to any new automobile placed in service by the taxpayer during the taxable year is determined in accordance with the following tables:

If the fuel economy for the model year of the model type in which the passenger automobile falls is:	**The credit is:**
Less than 5 mpg above the applicable fuel economy standard	$0
At least 5 but less than 6 mpg above such standard	770
At least 6 but less than 7 mpg above such standard	1,540
At least 7 but less than 8 mpg above such standard	2,310
At least 8 but less than 9 mpg above such standard	3,080
At least 9 but less than 10 mpg above such standard	3,850
At least 10 but less than 11 mpg above such standard	4,620
At least 11 but less than 12 mpg above such standard	5,390
At least 12 but less than 13 mpg above such standard	6,160
At least 13 but less than 14 mpg above such standard	6,930
At least 14 mpg above such standard	7,700.

If the fuel economy for the model year of the model type in which the non-passenger automobile falls is:	**The credit is:**
Less than 5 mpg above the applicable fuel economy standard	$0
At least 5 but less than 6 mpg above such standard	770
At least 6 but less than 7 mpg above such standard	1,540
At least 7 but less than 8 mpg above such standard	2,310
At least 8 but less than 9 mpg above such standard	3,080
At least 9 but less than 10 mpg above such standard	3,850
At least 10 but less than 11 mpg above such standard	4,620
At least 11 but less than 12 mpg above such standard	5,390
At least 12 but less than 13 mpg above such standard	6,160
At least 13 but less than 14 mpg above such standard	6,930
At least 14 mpg above such standard	7,700.

"(c) New Automobile.—For purposes of this section, the term 'new automobile' means a passenger automobile or non-passenger automobile—

"(1) the original use of which commences with the taxpayer,

"(2) which is acquired for use or lease by the taxpayer and not for resale, and

"(3) which is made by a manufacturer.

"(d) Passenger Automobile; Non-Passenger Automobile.—For purposes of this section—

"(1) Passenger automobile.—The term 'passenger automobile' has the meaning given the term 'automobile' by section 4064(b)(1).

"(2) Non-passenger automobile.—

"(A) In general.—The term 'non-passenger automobile' means any automobile (as defined in section 4064(b)(1)(A)), but only if such automobile is described in subparagraph (B).

"(B) Non-passenger automobiles described.—An automobile is described in this subparagraph if such automobile is—

"(i) a vehicle which has a primary load carrying device or container attached,

"(ii) a vehicle which has a seating capacity of more than 12 persons,

"(iii) a vehicle which has a seating capacity of more than 9 persons behind the driver's seat, or

"(iv) a vehicle which is equipped with a cargo area of at least 6 feet in interior length which does not extend beyond the frame of the vehicle and which is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.

"(e) Other Definitions.—Except as provided in subsection (d), for purposes of this section, any term used in this section and also in section 4064 shall have the meaning given such term by section 4064.

"(f) Special Rules.—For purposes of this section—

"(1) Reduction in basis.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

"(2) No double benefit.—The amount of any deduction or other credit allowable under this chapter with respect to an automobile described under subsection (b), shall be reduced by the amount of credit allowed under subsection (a) for such automobile for the taxable year.

"(3) Property used by tax-exempt entities.—In the case of a credit amount which is allowable with respect to an automobile which is acquired by an entity exempt from tax under this chapter, the person which sells or leases such automobile to the entity shall be treated as the taxpayer with respect to the automobile for purposes of this section and the credit shall be allowed to such person, but only if the person clearly discloses to the entity at the time of any sale or lease the specific amount of any credit otherwise allowable to the entity under this section.

"(4) Recapture.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of an automobile).

"(5) Property used outside United States, etc., not qualified.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or with respect to the portion of the cost of any property taken into account under section 179.

"(6) Election to not take credit.—No credit shall be allowed under subsection (a) for any automobile if the taxpayer elects to not have this section apply to such automobile.

"(7) Interaction with air quality and motor vehicle safety standards.—Unless otherwise provided in this section, an automobile shall not be considered eligible for a credit under this section unless such automobile is in compliance with—

"(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the automobile (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

"(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

"(g) Regulations.—

"(1) In general.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

"(2) Coordination in prescription of certain regulations.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether an automobile meets the requirements to be eligible for a credit under this section.''.

SA 1386. Mr. BOND (for himself, Mr. LEVIN, Mr. DOMENICI, and Ms. STABENOW) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 264, after line 21, add the following:

SEC. 716. PROVISION NOT TO TAKE EFFECT.

Section 711 shall not take effect.

SEC. 717. REVISED CONSIDERATIONS FOR DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.

Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) Considerations for Decisions on Maximum Feasible Average Fuel Economy.—When deciding maximum feasible average fuel economy under this section, the Secretary of Transportation shall consider the following matters:

"(1) Technological feasibility.

"(2) Economic practicability.

"(3) The effect of other motor vehicle standards of the Government on fuel economy.

"(4) The need of the United States to conserve energy.

"(5) The desirability of reducing United States dependence on imported oil.

"(6) The effects of the average fuel economy standards on motor vehicle and passenger safety.

"(7) The effects of increased fuel economy on air quality.

"(8) The adverse effects of average fuel economy standards on the relative competitiveness of manufacturers.

"(9) The effects of compliance with average fuel economy standards on levels of employment in the United States.

"(10) The cost and lead time necessary for the introduction of the necessary new technologies.

"(11) The potential for advanced technology vehicles, such as hybrid and fuel cell vehicles, to contribute to the achievement of significant reductions in fuel consumption.

"(12) The extent to which the necessity for vehicle manufacturers to incur near-term costs to comply with the average fuel economy standards adversely affects the availability of resources for the development of advanced technology for the propulsion of motor vehicles.

"(13) The report of the National Research Council that is entitled 'Effectiveness and Impact of Corporate Average Fuel Economy Standards', issued in January 2002.''.

SEC. 718. INCREASED FUEL ECONOMY STANDARDS.

(a) New Regulations Required.—

(1) Non-passenger automobiles.—

(A) Requirement for new regulations.—The Secretary of Transportation shall issue, under section 32902 of title 49, United States Code, new regulations setting forth increased average fuel economy standards for non-passenger automobiles. The regulations shall be determined on the basis of the maximum feasible average fuel economy levels for the non-passenger automobiles, taking into consideration the matters set forth in subsection (f) of such section. The new regulations under this paragraph shall apply for model years after the 2007 model year, subject to subsection (b).

(B) Time for issuing regulations.—The Secretary of Transportation shall issue the final regulations under subparagraph (A) not later than April 1, 2006.

(2) Passenger automobiles.—

(A) Requirement for new regulations.—The Secretary of Transportation shall issue, under section 32902 of title 49, United States Code, new regulations setting forth increased average fuel economy standards for passenger automobiles, taking into consideration the matters set forth in subsection (f) of such section.

(B) Time for issuing regulations.—The Secretary of Transportation shall issue the final regulations under subparagraph (A) not later than 2½ years after the date of the enactment of this Act.

(b) Phased Increases.—The regulations issued pursuant to subsection (a) shall specify standards that take effect successively over several vehicle model years not exceeding 15 vehicle model years.

(c) Clarification of Authority To Amend Passenger Automobile Standard.—Section 32902(b) of title 49, United States Code, is amended by inserting before the period at the end the following: "or such other number as the Secretary prescribes under subsection (c)''.

(d) Environmental Assessment.—When issuing final regulations setting forth increased average fuel economy standards under section 32902(a) or section 32902(c) of title 49, United States Code, the Secretary of Transportation shall also issue an environmental assessment of the effects of the increased standards on the environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation $5,000,000 for each of fiscal years 2004 through 2008 for carrying out this section and for administering the regulations issued pursuant to this section.

SEC. 719. EXPEDITED PROCEDURES FOR CONGRESSIONAL INCREASE IN FUEL ECONOMY STANDARDS.

(a) Condition for Applicability.—If the Secretary of Transportation fails to issue final regulations with respect to non-passenger automobiles under section 719, or fails to issue final regulations with respect to passenger automobiles under such section, on or before the date by which such final regulations are required by such section to be issued, respectively, then this section shall apply with respect to a bill described in subsection (b).

(b) Bill.—A bill referred to in this subsection is a bill that satisfies the following requirements:

(1) Introduction.—The bill is introduced by one or more Members of Congress not later than 60 days after the date referred to in subsection (a).

(2) Title.—The title of the bill is as follows: "A bill to establish new average fuel economy standards for certain motor vehicles.''.

(3) TEXT.—The bill provides after the enacting clause only the text specified in subparagraph (A) or (B) or any provision described in subparagraph (C), as follows:

(A) NON-PASSENGER AUTOMOBILES.—In the case of a bill relating to a failure timely to issue final regulations relating to non-passenger automobiles, the following text:

"That, section 32902 of title 49, United States Code, is amended by adding at the end the following new subsection:

"'( ) NON-PASSENGER AUTOMOBILES.—The average fuel economy standard for non-passenger automobiles manufactured by a manufacturer in a model year after model year shall be miles per gallon.'", the first blank space being filled in with a subsection designation, the second blank space being filled in with the number of a year, and the third blank space being filled in with a number.

(B) PASSENGER AUTOMOBILES.—In the case of a bill relating to a failure timely to issue final regulations relating to passenger automobiles, the following text:

"That, section 32902(b) of title 49, United States Code, is amended to read as follows:

"'(b) PASSENGER AUTOMOBILES.—Except as provided in this section, the average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year after model year shall be miles per gallon.'", the first blank space being filled in with the number of a year and the second blank space being filled in with a number.

(C) SUBSTITUTE TEXT.—Any text substituted by an amendment that is in order under subsection (c)(3).

(c) EXPEDITED PROCEDURES.—A bill described in subsection (b) shall be considered in a House of Congress in accordance with the procedures provided for the consideration of joint resolutions in paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98–473; 98 Stat. 1936), with the following exceptions:

(1) REFERENCES TO RESOLUTION.—The references in such paragraphs to a resolution shall be deemed to refer to the bill described in subsection (b).

(2) COMMITTEES OF JURISDICTION.—The committees to which the bill is referred under this subsection shall—

(A) in the Senate, be the Committee on Commerce, Science, and Transportation; and

(B) in the House of Representatives, be the Committee on Energy and Commerce.

(3) AMENDMENTS.—

(A) AMENDMENTS IN ORDER.—Only four amendments to the bill are in order in each House, as follows:

(i) Two amendments proposed by the majority leader of that House.

(ii) Two amendments proposed by the minority leader of that House.

(B) FORM AND CONTENT.—To be in order under subparagraph (A), an amendment shall propose to strike all after the enacting clause and substitute text that only includes the same text as is proposed to be stricken except for one or more different numbers in the text.

(C) DEBATE, ET CETERA.—Subparagraph (B) of section 8066(c)(5) of the Department of Defense Appropriations Act, 1985 (98 Stat. 1936) shall apply to the consideration of each amendment proposed under this paragraph in the same manner as such subparagraph (B) applies to debatable motions.

Subtitle C—Advanced Clean Vehicles

SEC. 731. HYBRID VEHICLES RESEARCH AND DEVELOPMENT.

(a) RECHARGEABLE ENERGY STORAGE SYSTEMS AND OTHER TECHNOLOGIES.—The Secretary of Energy shall accelerate research and development directed toward the improvement of batteries and other rechargeable energy storage systems, power electronics, hybrid systems integration, and other technologies for use in hybrid vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for each of fiscal years 2004, 2005, and 2006 in the amount $50,000,000 for research and development activities under this section.

SEC. 732. DIESEL FUELED VEHICLES RESEARCH AND DEVELOPMENT.

(a) DIESEL COMBUSTION AND AFTER TREATMENT TECHNOLOGIES.—The Secretary of Energy shall accelerate research and development directed toward the improvement of diesel combustion and after treatment technologies for use in diesel fueled motor vehicles.

(b) GOALS.—The Secretary shall carry out subsection (a) with a view to achieving the following goals:

(1) COMPLIANCE WITH CERTAIN EMISSION STANDARDS BY 2010.—Developing and demonstrating diesel technologies that, not later than 2010, meet the following standards:

(A) TIER-2 EMISSION STANDARDS.—The tier 2 emission standards.

(B) HEAVY-DUTY EMISSION STANDARDS OF 2007.—The heavy-duty emission standards of 2007.

(2) POST-2010 HIGHLY EFFICIENT TECHNOLOGIES.—Developing the next generation of low emissions, high efficiency diesel engine technologies, including homogeneous charge compression ignition technology.

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for each of fiscal years 2004, 2005, and 2006 in the amount of $75,000,000 for research and development of advanced combustion engines and advanced fuels.

SEC. 733. PROCUREMENT OF ALTERNATIVE FUELED PASSENGER AUTOMOBILES.

(a) VEHICLE FLEETS NOT COVERED BY REQUIREMENT IN ENERGY POLICY ACT OF 1992.—The head of each agency of the executive branch shall coordinate with the Administrator of General Services to ensure that only alternative fueled vehicles are procured by or for each agency fleet of passenger automobiles that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(b) WAIVER AUTHORITY.—The head of an agency, in consultation with the Administrator, may waive the applicability of the policy regarding the procurement of alternative fueled vehicles in subsection (a) to—

(1) the procurement for such agency of any vehicles described in subparagraphs (A) through (F) of section 303(b)(3) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(3)); or

(2) a procurement of vehicles for such agency if the procurement of alternative fueled vehicles cannot meet the requirements of the agency for vehicles due to insufficient availability of the alternative fuel used to power such vehicles.

(c) APPLICABILITY TO PROCUREMENTS AFTER FISCAL YEAR 2004.—This subsection applies with respect to procurements of alternative fueled vehicles in fiscal year 2005 and subsequent fiscal years.

SEC. 734. PROCUREMENT OF HYBRID LIGHT DUTY TRUCKS.

(a) VEHICLE FLEETS NOT COVERED BY REQUIREMENT IN ENERGY POLICY ACT OF 1992.—

(1) HYBRID VEHICLES.—The head of each agency of the executive branch shall coordinate with the Administrator of General Services to ensure that only hybrid vehicles are procured by or for each agency fleet of light duty trucks that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(2) WAIVER AUTHORITY.—The head of an agency, in consultation with the Administrator, may waive the applicability of the policy regarding the procurement of hybrid vehicles in paragraph (1) to that agency to the extent that the head of that agency determines necessary—

(A) to meet specific requirements of the agency for capabilities of light duty trucks;

(B) to procure vehicles consistent with the standards applicable to the procurement of fleet vehicles for the Federal Government;

(C) to adjust to limitations on the commercial availability of light duty trucks that are hybrid vehicles; or

(D) to avoid the necessity of procuring a hybrid vehicle for the agency when each of the hybrid vehicles available for meeting the requirements of the agency has a cost to the United States that exceeds the costs of comparable nonhybrid vehicles by a factor that is significantly higher than the difference between—

(i) the real cost of the hybrid vehicle to retail purchasers, taking into account the benefit of any tax incentives available to retail purchasers for the purchase of the hybrid vehicle; and

(ii) the costs of the comparable nonhybrid vehicles to retail purchasers.

(3) APPLICABILITY TO PROCUREMENTS AFTER FISCAL YEAR 2004.—This subsection applies with respect to procurements of light duty trucks in fiscal year 2005 and subsequent fiscal years.

(b) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section does not apply to the Department of Defense, which is subject to comparable requirements under section 318 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1055; 10 U.S.C. 2302 note).

SEC. 735. DEFINITIONS.

In this subtitle:

(1) ALTERNATIVE FUELED VEHICLE.—The term "alternative fueled vehicle" means—

(A) an alternative fueled vehicle, as defined in section 301(3) of the Energy Policy Act of 1992 (42 U.S.C. 13211(3));

(B) a motor vehicle that operates on a blend of fuel that is at least 20 percent (by volume) biodiesel, as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)); and

(C) a motor vehicle that operates on a blend of fuel that is at least 20 percent (by volume) bioderived hydrocarbons (including aliphatic compounds) produced from agricultural and animal waste.

(2) HEAVY-DUTY EMISSION STANDARDS OF 2007.—The term "heavy-duty emission standards of 2007" means the motor vehicle emission standards promulgated by the Administrator of the Environmental Protection Agency on January 18, 2001, under section 202 of the Clean Air Act to apply to heavy-duty vehicles of model years beginning with the 2007 vehicle model year.

(3) HYBRID VEHICLE.—The term "hybrid vehicle" means—

(A) a motor vehicle that draws propulsion energy from on board sources of stored energy that are both—

(i) an internal combustion or heat engine using combustible fuel; and

(ii) a rechargeable energy storage system; and

(B) any other vehicle that is defined as a hybrid vehicle in regulations prescribed by the Secretary of Energy for the administration of title III of the Energy Policy Act of 1992.

(4) MOTOR VEHICLE.—The term "motor vehicle" means any vehicle that is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and that has at least four wheels.

(5) TIER 2 EMISSION STANDARDS DEFINED.—The term "tier 2 emission standards" means the motor vehicle emission standards promulgated by the Administrator of the Environmental Protection Agency on February 10, 2000, under section 202 of the Clean Air Act (42 U.S.C. 7521) to apply to passenger automobiles, light trucks, and larger passenger vehicles of model years after the 2003 vehicle model year.

(6) TERMS DEFINED IN EPA REGULATIONS.—The terms "passenger automobile" and "light truck" have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a business meeting during the session of the Senate on Thursday, July 24, 2003. The purpose of this meeting will be to mark up H.R. 1904, the Healthy Forests Restoration Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 24, 2003, at 9:30 a.m., in open session to consider the nominations of General Richard B. Myers, USAF, for Reappointment as Chairman of the Joint Chiefs of Staff and reappointment to the grade of General; and General Peter Pace, USMC, for reappointment as Vice Chairman of the Joint Chiefs of Staff and reappointment to the grade of General.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 24, 2003, at 9:30 a.m. to hold a Africa Subcommittee Hearing on the Congo Basin Forest Partnership.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Federal Biodefense Readiness during the session of the Senate on Thursday, July 24, 2003 at 10:00 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 24, 2003, at 9:30 a.m. in Dirksen Room 226.

I. Nominations:

James O. Browning to be United States District Judge for the District of New Mexico;

Steven M. Colloton to be United States District Circuit Judge for the Eighth Circuit;

P. Kevin Castel to be United States District Judge for the Southern District of New York;

Sandra J. Feuerstein to be United States District Judge for the Eastern District of New York;

Richard J. Holwell to be United States District Judge for the Southern District of New York;

H. Brent McKnight to be United States District Judge for the Western District of North Carolina;

R. David Proctor to be United States District Judge for the Northern District of Alabama;

Stephen C. Robinson to be United States District Judge for the Southern District of New York;

Rene Alexander Acosta to be Assistant Attorney General, Civil Rights Division, United States Department of Justice;

Daniel J. Bryant to be Assistant Attorney General, Office of Legal Policy, United States Department of Justice.

II. Bills:

S.J. Res. 1, A joint resolution proposing an amendment to the constitution of the United States to protect the rights of crime victims [Kyl, Chambliss, Cornyn, Craig, DeWine, Feinstein, Graham, Grassley];

S. 1301, The Video of Voyeurism Prevention Act of 2003 [DeWine, Schumer];

S. 1177, Prevent All Cigarette Trafficking Act [Hatch, Grassley, Kohl];

S. Con. Res. 40, Designating August 7, 2003, as "National Purple Heart Recognition Day" [Clinton, Biden, Chambliss, Durbin, Edwards, Feingold, Feinstein, Hatch, Kennedy, Kohl, Leahy, Schumer, Specter];

S. Res. 124, Designating September 28, 2003, as "National Good Neighbor Day" [Burns, Hatch, Kohl];

S. Res. 167, Recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company [Campbell, DeWine, Feingold, Kohl].

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 24, 2003 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 24, 2003 at 3:00 p.m. The purpose of the hearing is to conduct oversight of the competitive sourcing effort within the National Park Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Thursday, July 24, at 10:00 a.m. for a hearing entitled, "Then and Now: An update on the Administration's Competitive Sourcing Initiative."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space and the House Subcommittee on Science and Space be authorized to meet on Thursday, July 24, 2003, at 10 a.m. on Space Commercialism.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, appoints the Senator from Minnesota, Mr. COLEMAN, as a member of the United States Senate Caucus on International Narcotics Control.

ORDERS FOR FRIDAY, JULY 25, 2003

Mr. BOND. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Friday, July 25. I further ask that following the prayer and pledge, the Journal of proceedings be approved, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 14, the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BOND. Mr. President, for the information of all Senators, tomorrow the Senate will resume consideration of S. 14, the Energy bill. Three fuel standards amendments were offered tonight. Senators are encouraged to come to the floor during tomorrow's session to debate the merits of these important amendments.

There will be no rollcall votes tomorrow. The next rollcall vote will occur on Monday at 5 p.m. That vote will be on the nomination of Earl Yeakel to be a U.S. District Judge for the Western District of Texas. Following the 5 p.m. vote on Monday, the Senate may also vote in relation to any available amendments to the Energy bill.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BOND. If there is no further business to come before the Senate I ask unanimous consent that the Senate recess under the previous order.

There being no objection, the Senate, at 9:52 p.m. recessed until Friday, July 25, 2003, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, July 24, 2003*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Your people lived in security from all their enemies for a long time when Joshua summoned all the people, their elders, heads of families, their judges, and representatives together, and he said, "You have seen for yourselves all that the Lord our God has done for you. It was the Lord who fought for you in time of war. It was the Lord who granted you the gift of peace. Be resolute, therefore: Observe and perform everything written in the book of the Law without swerving to right or left."

May the words of Joshua pierce the hearts of all in Congress and all Americans today. Having seen You, Lord, guiding our history in the past, help us to be resolute today. In the formulation of law and national policy, let Members of the House hear Your voice. In their adherence to the law, let all citizens be Your people of promise and bring Your kingdom to reality. Free Your people from labels or postures that dictate right or left; rather, may they be so in tune to Your living word and Your dynamic spirit that they may be the fulfillment of Your law, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Montana (Mr. REHBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. REHBERG led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 285. An act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

S. 650. An act to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients.

The message also announced that pursuant to section 2761 of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Minority Leader, appoints the Honorable PAUL SARBANES of Maryland as a delegate of the Senate Delegation to the British-American Interparliamentary Group conference during the One Hundred Eighth Congress.

The message also announced that pursuant to Public Law 101–549, the Chair, on behalf of the Majority Leader, appoints Dr. Bernard Coldstein, of Pennsylvania, to the Board of Directors of the Mickey Leland National Urban Air Toxics Research Center, vice M.M. Key.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 5 1-minutes on each side.

IMPORTATION OF PRESCRIPTION DRUGS BAD FOR AMERICA

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, today the House will be considering legislation that would allow for the importation of prescription drugs from foreign lands, H.R. 2427. The supporters of this bill will tell us that this legislation will give millions of Americans access to safe, cheap drugs from foreign countries. I believe them to be wrong. Instead, this bill will only serve to undercut important safety protections and place foreign price controls on American businesses.

We are all concerned about the cost of prescription drugs, but this bill is not the way to go about holding down prices.

This bill is not about free trade. In other industries, we do not permit the imposition of foreign price controls on American businesses, and we should not in this case, either.

This bill is not about safe drugs. In Operation Safeguard, the U.S. Customs agency determined that 80 to 90 percent of pharmaceuticals that enter the United States via mail violate FDA and DEA requirements.

We all want cheaper drugs, but not at any cost. But that is the question the supporters of this bill put to this body: At what price we are willing to make sure cheap drugs are available to our constituents? I do not think that price should be their safety.

Let us work on constructive solutions to bring down the cost of health care in this country, not promote ideas that will do more harm than good.

SCHOOL READINESS ACT ADVERSELY AFFECTS MINORITIES

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise this morning to discuss how the School Readiness Act will adversely affect minority children. What we are talking about here is Head Start. Of the 900,000 children in Head Start, 300,000 are Hispanic. This is something very near and dear to my heart. I am a former Head Start child.

The Republicans argue that the School Readiness Act will not allow States to supplant Federal funding, but, in fact, CRS, the Congressional Research Service, indicates that that is just the case.

Why should we care? I will tell my colleagues that every kindergarten, first grade and second grade teacher in my district that I have visited in every school, and I have gone to all of them, has told me that the number one thing that the Federal Government can do at the education level is to fund Head Start, to give our children the ability to start even at the starting line of education.

So why, why would the Republicans take a program that is working and try to change it, to put more barriers in front of our minority children?

OPENING AMERICAN MARKETS TO IMPORTATION OF PRESCRIPTION DRUGS

(Mrs. EMERSON asked and was given permission to address the House for 1 minute.)

Mrs. EMERSON. Mr. Speaker, today we may be voting on a measure to open American markets to the reimportation of prescription drugs. I say we may be voting because, as a Member of this House, I have never seen an issue so important to me, to our colleagues, and to the American people treated so unfairly.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Access to affordable prescription drugs is too important an issue to only be debated on the House Floor for 1 hour.

Under the rule formulated for the debate on reimportation, the Speaker may pull this bill at any time. If that happens, Americans may remain under the thumb of the pharmaceutical industry for the foreseeable future.

In America, breast cancer kills over 40,000 people, especially women, each year. Mr. Speaker, a bottle of Tamoxifen used to fight breast cancer costs $360 in the United States. It costs $60 in Germany. How long will American women who cannot afford Tamoxifen continue to subsidize those in Europe who can? And if the drug companies have their way in this debate, Mr. Speaker, the sorry status quo will persist. Lives will be shortened, lives will be lost. This is bad process, bad form, and a bad rule. Our seniors deserve better.

MOURNING THE LOSS OF NEW YORK CITY COUNCILMAN JAMES DAVIS

(Mr. TOWNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOWNS. Mr. Speaker, I rise today with a heavy heart as New York City lost a true public servant yesterday in a violent shooting at City Hall.

Councilman James Davis of Brooklyn was an intelligent, passionate, and energetic young man who had an extremely bright future. He worked very hard and took his duties as a public servant very, very seriously.

With James, it was always about the community. He was dedicated to his community, having served as a police officer and district leader before being elected to the city council. One could always see the love he had for his community.

I met James through the Youth March Against Violence that he organized. He was only 41 years old and had served almost one term in the New York City Council at the time of his murder. But he had already made his mark. I will miss him greatly, as will the entire city and Nation, especially those of us from Brooklyn.

My sympathies and prayers go out to his family, to his staff, and friends. Farewell, James. You fought a good fight. Farewell, farewell.

A GRATEFUL NATION HONORS JEFF ALLEN AND SHANE HEATH, BRAVE IDAHO FIREFIGHTERS

(Mr. OTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTER. Mr. Speaker, I rise today in solemn humility to remember Jeff Allen and Shane Heath, two young Idaho firefighters who were killed on the afternoon of July 22 while battling a wildfire in Idaho's Salmon-Challis National Forest.

The loss of life is always tragic. The deaths of people working to protect our lives, property, and resources are especially painful; and I extend my heartfelt condolences to the families of these brave Americans.

Those with the skills and the courage to defend us against the ravages of nature and the folly of man are among the best and the brightest, and we must do all we can as a Nation to ensure that their lives are not put at unnecessary risk and that their sacrifice is never forgotten.

My own son, John, once served with a hotshot first strike crew for the Sawtooth National Firefighting crews, so I can empathize with the fear and the pain that comes from incidences like this that these families now face.

Today we pause to remember that wildfire does more than just damage our economy and our environment. It kills. May the loved ones of Jeff Allen and Shane Heath take what comfort they can in the sure knowledge that a grateful Nation honors them today and all those who follow them into the forests on our behalf.

AMERICANS NEED TO KNOW THE TRUTH

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the death toll in Iraq of the United States military has now reached and will exceed the number of deaths in the Persian Gulf War. I stand again to acknowledge and respect the brave young men and women who stand for justice and freedom and fight for our beliefs in the war in Iraq. But as Ambassador Bremer has made his rounds in Washington, there is still a missing element: a lack of a plan.

It is now time for the administration to announce a collaborative and understandable plan for Iraq, for the aftermath of Iraq; a similar plan to the Marshall concept that brings together all of our allies, not whispering and suggesting that these allies are with us, but a pronounced plan where we know who are the ones that are sending troops and paying for the costs of those troops.

What is the humanitarian aid? What are the humanitarian groups that are there on the ground helping to rebuild Iraq?

And, yes, the American people must know the truth: An independent commission on the understanding or the question of intelligence and the paper trail that caused this administration to pronounce to the American public that we are about to be under imminent attack and that was the reason for the unilateral preemptive attack against Iraq.

All we need is the truth. All we need is facts. All we need is a collective, collaborative plan in order to ensure that there is a good exit strategy for Iraq and that the American people know that we are not going to be there 1 year, we are not going to be there 6 months, we may be there 4 or 5 years, and there may be continued loss of life.

The American people need to know the truth.

SUPPORT THE SCHOOL READINESS ACT OF 2003

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, today this body will consider the School Readiness Act of 2003, better known as Head Start.

Since its inception in 1965, America's taxpayers have funded the Head Start program which has served nearly 20 million low-income children and their families. Unfortunately, the lobbying against this reauthorization legislation has been intense and, in many cases, misleading.

When did we lose the desire in this country to make a program better? Despite the millions invested each year, test scores continue to remain low. There still has been a wide achievement gap between Head Start kids and their more advantaged peers. We have a long ways to go.

Meanwhile, since 1996, funding for Head Start has nearly doubled in this Republican Congress. Do we think we can do better for these children? Yes. This is a modest attempt to improve a program.

The demonstration program in this bill is voluntary, I repeat, voluntary, on the part of eight States who want local control to try and do better. Why not? What could possibly be wrong with that?

The School Readiness Act of 2003 is a good bill and an improvement to the program.

□ 1015

FDA'S LOBBYING QUESTIONED

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, in today's Roll Call, the Capitol Hill newspaper of record, there is an article, FDA's Lobbying Questioning. Let me read a couple of paragraphs:

"In a rare lobbying campaign by a Federal agency, the Food and Drug Administration has formed an unofficial alliance with the pharmaceutical industry to urge House Members to vote against a bill that could flood the Nation with cheap prescription drugs from Canada and overseas.

"The FDA's extraordinary moves to kill the bill" this article says, "and the informal lobbying partnership between a Federal regulator and an industry it oversees, has come under fire from several Members who support this legislation."

Mr. Speaker, this may not be illegal, what the Food and Drug Administration has done, but it is certainly untoward, it is certainly unprecedented.

In my 11 years as a Member of Congress I have never seen a Federal agency use its civil servants to lobby Congress so directly and so brazenly; and what is particularly outrageous is that they are doing that against American consumers, against America's elderly, against people who need lower-priced prescription drugs. The drug industry's contributions to the Bush administration and to far too many people in this Chamber unfortunately might be paying off.

HELPING CONGRESS MAKE BETTER DECISIONS

(Mr. ISAKSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISAKSON. Mr. Speaker, I rise quickly to make a couple of points. Sometimes we change legislation through impassioned speeches on the floor of this House. Sometimes, in the quiet of committees, members offer amendments that make substantial changes in law. Sometimes you can make substantial change in our practices through change in the way we do business.

Yesterday, I introduced a change to the rules of House as a bill introduced in this House, which I would like to ask everybody to be a part of, that simply says this: Whenever a conference committee appropriates new moneys, expands a program or adds a program that was not incorporated within the House and Senate bills as they went through their normal procedure in this House, that those programs be delineated on the surface of that conference report, and that that conference report lie on the Members' desks for 24 hours before its vote.

When the sun shines in on the knowledge of last-minute appropriations and deals that are made, then we in Congress will make more intelligent votes on the bills that come before us than the late night and late hours of the conference committee reports and votes.

BALANCED BUDGET AND NATIONAL DEBT

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR of Mississippi. Mr. Speaker, if has been 804 days since the angels of debt, led by President Bush and the Republican majority in this House, embarked on the economic plan for our Nation. During that time the national debt has increased by $1,085,680,723,163.

According to the Web site for the Bureau of Public Debt at the U.S. Department of Treasury, yesterday at 4 o'clock, Eastern Daylight Time, the Nation's outstanding debt was $6,726,006,109,521.

Furthermore, in fiscal year 2003, interest on our national debt, or the debt tax, is $277,768,492,816 as of June 30.

Mr. Speaker, it is time for you to schedule a vote on this House floor for a balanced budget amendment to the American Constitution.

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 329, I call up the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2738 is as follows:

H.R. 2738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Chile Free Trade Agreement Implementation Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the agreement.
Sec. 102. Relationship of the agreement to United States and State law.
Sec. 103. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 104. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Rules of origin.
Sec. 203. Drawback.
Sec. 204. Customs user fees.
Sec. 205. Disclosure of incorrect information; denial of preferential tariff treatment; false certificates of origin.
Sec. 206. Reliquidation of entries.
Sec. 207. Recordkeeping requirements.
Sec. 208. Enforcement of textile and apparel rules of origin.
Sec. 209. Conforming amendments.
Sec. 210. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Business confidential information.

TITLE IV—TEMPORARY ENTRY OF BUSINESS PERSONS

Sec. 401. Nonimmigrant traders and investors.
Sec. 402. Nonimmigrant professionals; labor attestation.
Sec. 403. Labor disputes.
Sec. 404. Conforming amendments.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and the Republic of Chile entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002;

(2) to strengthen and develop economic relations between the United States and Chile for their mutual benefit;

(3) to establish free trade between the two nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the United States-Chile Free Trade Agreement approved by the Congress under section 101(a)(1).

(2) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(3) TEXTILE OR APPAREL GOOD.—The term "textile or apparel good" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), the Congress approves—

(1) the United States-Chile Free Trade Agreement entered into on June 6, 2003, with the Government of Chile and submitted to the Congress on July 15, 2003; and

(2) the statement of administrative action proposed to implement the Agreement that

was submitted to the Congress on July 15, 2003.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Chile has taken measures necessary to bring it into compliance with the provisions of the Agreement that take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Chile providing for the entry into force, on or after January 1, 2004, of the Agreement for the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of Congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

(a) CONSULTATION AND LAYOVER REQUIREMENTS.—If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the United States International Trade Commission;

(2) the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

(b) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under subsection (a) may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

SEC. 104. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date of entry into force.

(2) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in section 103(b) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action referred to in section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date of entry into force of the Agreement. In the case of any implementing action that takes effect on a date after the date of entry into force of the Agreement, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 22 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2003 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 22 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

(a) SUBMISSION OF CERTAIN CLAIMS.—The United States is authorized to resolve any claim against the United States covered by article 10.15(1)(a)(i)(C) or 10.15(1)(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

(b) CONTRACT CLAUSES.—All contracts executed by any agency of the United States on or after the date of entry into force of the Agreement shall contain a clause specifying the law that will apply to resolve any breach of contract claim.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement ceases to be in force, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 3.3, 3.7, 3.9, article 3.20 (8), (9), (10), and (11), and Annex 3.3 of the Agreement.

(2) EFFECT ON CHILEAN GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall terminate the designation of Chile as a beneficiary developing country for purposes of title V of the Trade Act of 1974 on the date of entry into force of the Agreement.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 103(a), the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Chile regarding the staging of any duty treatment set forth in Annex 3.3 of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Chile provided for by the Agreement.

(c) ADDITIONAL TARIFFS ON AGRICULTURAL SAFEGUARD GOODS.—

(1) IN GENERAL.—In addition to any duty proclaimed under subsection (a) or (b), and subject to paragraphs (3) through (5), the Secretary of the Treasury shall assess a duty, in the amount prescribed under paragraph (2), on an agricultural safeguard good if the Secretary of the Treasury determines that the unit import price of the good when it enters the United States, determined on an F.O.B. basis, is less than the trigger price indicated for that good in Annex 3.18 of the Agreement or any amendment thereto.

(2) CALCULATION OF ADDITIONAL DUTY.—The amount of the additional duty assessed under this subsection shall be determined as follows:

(A) If the difference between the unit import price and the trigger price is less than, or equal to, 10 percent of the trigger price, no additional duty shall be imposed.

(B) If the difference between the unit import price and the trigger price is greater than 10 percent, but less than or equal to 40 percent, of the trigger price, the additional duty shall be equal to 30 percent of the difference between the preferential tariff rate and the column 1 general rate of duty imposed under the HTS on like articles at the time the additional duty is imposed.

(C) If the difference between the unit import price and the trigger price is greater than 40 percent, but less than or equal to 60 percent, of the trigger price, the additional duty shall be equal to 50 percent of the difference between the preferential tariff rate and the column 1 general rate of duty imposed under the HTS on like articles at the time the additional duty is imposed.

(D) If the difference between the unit import price and the trigger price is greater than 60 percent, but less than or equal to 75 percent, of the trigger price, the additional duty shall be equal to 70 percent of the difference between the preferential tariff rate and the column 1 general rate of duty imposed under the HTS on like articles at the time the additional duty is imposed.

(E) If the difference between the unit import price and the trigger price is greater than 75 percent of the trigger price, the additional duty shall be equal to 100 percent of the difference between the preferential tariff rate and the column 1 general rate of duty imposed under the HTS on like articles at the time the additional duty is imposed.

(3) Exceptions.—No additional duty under this subsection shall be assessed on an agricultural safeguard good if, at the time of entry, the good is subject to import relief under—

(A) subtitle A of title III of this Act; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(4) Termination.—This subsection shall cease to apply on the date that is 12 years after the date on which the Agreement enters into force.

(5) Tariff-rate quotas.—If an agricultural safeguard good is subject to a tariff-rate quota, and the in-quota duty rate for the good proclaimed pursuant to subsection (a) or (b) is zero, any additional duty assessed under this subsection shall be applied only to over-quota imports of the good.

(6) Notice.—Not later than 60 days after the Secretary of the Treasury first assesses additional duties on an agricultural safeguard good under this subsection, the Secretary shall notify the Government of Chile in writing of such action and shall provide to the Government of Chile data supporting the assessment of additional duties.

(7) Modification of trigger prices.—Not later than 60 calendar days before agreeing with the Government of Chile pursuant to article 3.18(2)(b) of the Agreement on a modification to a trigger price for a good listed in Annex 3.18 of the Agreement, the President shall notify the Committees on Ways and Means and Agriculture of the House of Representatives and the Committees on Finance and Agriculture of the Senate of the proposed modification and the reasons therefor.

(8) Definitions.—In this subsection:

(A) Agricultural safeguard good.—The term "agricultural safeguard good" means a good—

(i) that qualifies as an originating good under section 202;

(ii) that is included in the United States Agricultural Safeguard Product List set forth in Annex 3.18 of the Agreement; and

(iii) for which a claim for preferential tariff treatment under the Agreement has been made.

(B) F.O.B.—The term "F.O.B." means free on board, regardless of the mode of transportation, at the point of direct shipment by the seller to the buyer.

(C) Unit import price.—The term "unit import price" means the price expressed in dollars per kilogram.

(d) Conversion to Ad Valorem Rates.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 3.3 of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. RULES OF ORIGIN.

(a) Originating Goods.—

(1) In general.—For purposes of this Act and for purposes of implementing the tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(A) the good is wholly obtained or produced entirely in the territory of Chile, the United States, or both;

(B) the good—

(i) is produced entirely in the territory of Chile, the United States, or both, and

(I) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 4.1 of the Agreement, or

(II) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 4.1 of the Agreement; and

(ii) satisfies all other applicable requirements of this section; or

(C) the good is produced entirely in the territory of Chile, the United States, or both, exclusively from materials described in subparagraph (A) or (B).

(2) Simple combination or mere dilution.—A good shall not be considered to be an originating good and a material shall not be considered to be an originating material by virtue of having undergone—

(A) simple combining or packaging operations; or

(B) mere dilution with water or another substance that does not materially alter the characteristics of the good or material.

(b) De Minimis Amounts of Nonoriginating Materials.—

(1) In general.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 4.1 of the Agreement is an originating good if—

(A) the value of all nonoriginating materials that are used in the production of the good and do not undergo the applicable change in tariff classification does not exceed 10 percent of the adjusted value of the good;

(B) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement; and

(C) the good meets all other applicable requirements of this section.

(2) Exceptions.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4 of the HTS, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90 of the HTS, that is used in the production of a good provided for in chapter 4 of the HTS.

(B) A nonoriginating material provided for in chapter 4 of the HTS, or nonoriginating dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 of the HTS, that are used in the production of the following goods:

(i) Infant preparations containing over 10 percent in weight of milk solids provided for in subheading 1901.10 of the HTS.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20 of the HTS.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90 of the HTS.

(iv) Goods provided for in heading 2105 of the HTS.

(v) Beverages containing milk provided for in subheading 2202.90 of the HTS.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90 of the HTS.

(C) A nonoriginating material provided for in heading 0805 of the HTS, or any of subheadings 2009.11.00 through 2009.39 of the HTS, that is used in the production of a good provided for in any of subheadings 2009.11.00 through 2009.39 of the HTS, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90 of the HTS.

(D) A nonoriginating material provided for in chapter 15 of the HTS that is used in the production of a good provided for in any of headings 1501.00.00 through 1508, 1512, 1514, and 1515 of the HTS.

(E) A nonoriginating material provided for in heading 1701 of the HTS that is used in the production of a good provided for in any of headings 1701 through 1703 of the HTS.

(F) A nonoriginating material provided for in chapter 17 of the HTS or in heading 1805.00.00 of the HTS that is used in the production of a good provided for in subheading 1806.10 of the HTS.

(G) A nonoriginating material provided for in any of headings 2203 through 2208 of the HTS that is used in the production of a good provided for in heading 2207 or 2208 of the HTS.

(H) A nonoriginating material used in the production of a good provided for in any of chapters 1 through 21 of the HTS, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(3) Goods provided for in chapters 50 through 63 of the HTS.—

(A) In general.—Except as provided in subparagraph (B), a good provided for in any of chapters 50 through 63 of the HTS that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 4.1 of the Agreement, shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) Certain textile or apparel goods.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Chile or the United States.

(c) Accumulation.—

(1) Originating goods incorporated in goods of other country.—Originating goods

or materials of Chile or the United States that are incorporated into a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) MULTIPLE PROCEDURES.—A good that is produced in the territory of Chile, the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (a) and all other applicable requirements of this section.

(d) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (a)(2), the regional value-content of a good referred to in Annex 4.1 of the Agreement shall be calculated, at the choice of the person claiming preferential tariff treatment for the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3), unless otherwise provided in Annex 4.1 of the Agreement.

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV - VNM}{AV} \times 100$$

(B) DEFINITIONS.—For purposes of subparagraph (A):

(i) The term "RVC" means the regional value-content, expressed as a percentage.

(ii) The term "AV" means the adjusted value.

(iii) The term "VNM" means the value of nonoriginating materials used by the producer in the production of the good.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV} \times 100$$

(B) DEFINITIONS.—For purposes of subparagraph (A):

(i) The term "RVC" means the regional value-content, expressed as a percentage.

(ii) The term "AV" means the adjusted value.

(iii) The term "VOM" means the value of originating materials used by the producer in the production of the good.

(e) VALUE OF MATERIALS.—

(1) IN GENERAL.—For purposes of calculating the regional value-content of a good under subsection (d), and for purposes of applying the de minimis rules under subsection (b), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material with respect to that importation;

(B) in the case of a material acquired in the territory in which the good is produced, except for a material to which subparagraph (C) applies, the producer's price actually paid or payable for the material;

(C) in the case of a material provided to the producer without charge, or at a price reflecting a discount or similar reduction, the sum of—

(i) all expenses incurred in the growth, production, or manufacture of the material, including general expenses; and

(ii) an amount for profit; or

(D) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIALS.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Chile, the United States, or both, other than duties and taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproduct.

(B) NONORIGINATING MATERIALS.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Chile, the United States, or both, other than duties and taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of Chile or the United States.

(f) ACCESSORIES, SPARE PARTS, OR TOOLS.—Accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall be regarded as a material used in the production of the good, if—

(1) the accessories, spare parts, or tools are classified with and not invoiced separately from the good; and

(2) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TREATMENT.—A person claiming preferential tariff treatment for a good may claim that a fungible good or material is originating either based on the physical segregation of each fungible good or material or by using an inventory management method.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term "inventory management method" means—

(i) averaging;

(ii) "last-in, first-out";

(iii) "first-in, first-out"; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Chile or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for particular fungible goods or materials shall continue to use that method for those goods or materials throughout the fiscal year of that person.

(h) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set out in Annex 4.1 of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether—

(1) the nonoriginating materials used in the production of the good undergo an applicable change in tariff classification set out in Annex 4.1 of the Agreement; and

(2) the good satisfies a regional value-content requirement.

(j) INDIRECT MATERIALS.—An indirect material shall be considered to be an originating material without regard to where it is produced.

(k) TRANSIT AND TRANSSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (a) shall not be considered to be an originating good if, subsequent to that production, the good undergoes further production or any other operation outside the territory of Chile or the United States, other than unloading, reloading, or any other process necessary to preserve the good in good condition or to transport the good to the territory of Chile or the United States.

(l) TEXTILE AND APPAREL GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 4.1 of the Agreement, textile and apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the Harmonized System shall not be considered to be originating goods unless each of the goods in the set is an originating good or the total value of the nonoriginating goods in the set does not exceed 10 percent of the value of the set determined for purposes of assessing customs duties.

(m) APPLICATION AND INTERPRETATION.—In this section:

(1) The basis for any tariff classification is the HTS.

(2) Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Chile or the United States).

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term "adjusted value" means the value determined in accordance with articles 1 through 8, article 15, and the corresponding interpretive notes of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act, except that such value may be adjusted to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) FUNGIBLE GOODS OR FUNGIBLE MATERIALS.—The terms "fungible goods" and "fungible materials" mean goods or materials, as the case may be, that are interchangeable for commercial purposes and the properties of which are essentially identical.

(3) Generally accepted accounting principles.—The term "generally accepted accounting principles" means the principles, rules, and procedures, including both broad and specific guidelines, that define the accounting practices accepted in the territory of Chile or the United States, as the case may be.

(4) Goods wholly obtained or produced entirely in the territory of Chile, the United States, or both.—The term "goods wholly obtained or produced entirely in the territory of Chile, the United States, or both" means—

(A) mineral goods extracted in the territory of Chile, the United States, or both;

(B) vegetable goods, as such goods are defined in the Harmonized System, harvested in the territory of Chile, the United States, or both;

(C) live animals born and raised in the territory of Chile, the United States, or both;

(D) goods obtained from hunting, trapping, or fishing in the territory of Chile, the United States, or both;

(E) goods (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Chile or the United States and flying the flag of that country;

(F) goods produced on board factory ships from the goods referred to in subparagraph (E), if such factory ships are registered or recorded with Chile or the United States and fly the flag of that country;

(G) goods taken by Chile or the United States or a person of Chile or the United States from the seabed or beneath the seabed outside territorial waters, if Chile or the United States has rights to exploit such seabed;

(H) goods taken from outer space, if the goods are obtained by Chile or the United States or a person of Chile or the United States and not processed in the territory of a country other than Chile or the United States;

(I) waste and scrap derived from—

(i) production in the territory of Chile, the United States, or both; or

(ii) used goods collected in the territory of Chile, the United States, or both, if such goods are fit only for the recovery of raw materials;

(J) recovered goods derived in the territory of Chile or the United States from used goods, and used in the territory of that country in the production of remanufactured goods; and

(K) goods produced in the territory of Chile, the United States, or both, exclusively—

(i) from goods referred to in any of subparagraphs (A) through (I), or

(ii) from the derivatives of goods referred to in clause (i),

at any stage of production.

(5) Harmonized system.—The term "Harmonized System" means the Harmonized Commodity Description and Coding System.

(6) Indirect material.—The term "indirect material" means a good used in the production, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the production of the good can reasonably be demonstrated to be a part of that production.

(7) Material.—The term "material" means a good that is used in the production of another good, including a part, ingredient, or indirect material.

(8) Material that is self-produced.—The term "material that is self-produced" means a material that is an originating good produced by a producer of a good and used in the production of that good.

(9) Nonoriginating good or nonoriginating material.—The terms "nonoriginating good" and "nonoriginating material" mean a good or material, as the case may be, that does not qualify as an originating good under this section.

(10) Packing materials and containers for shipment.—The term "packing materials and containers for shipment" means the goods used to protect a good during its transportation, and does not include the packaging materials and containers in which a good is packaged for retail sale.

(11) Preferential tariff treatment.—The term "preferential tariff treatment" means the customs duty rate that is applicable to an originating good pursuant to chapter 3 of the Agreement.

(12) Producer.—The term "producer" means a person who engages in the production of a good in the territory of Chile or the United States.

(13) Production.—The term "production" means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(14) Recovered goods.—

(A) In general.—The term "recovered goods" means materials in the form of individual parts that are the result of—

(i) the complete disassembly of used goods into individual parts; and

(ii) the cleaning, inspecting, testing, or other processing of those parts as necessary for improvement to sound working condition by one or more of the processes described in subparagraph (B), in order for such parts to be assembled with other parts, including other parts that have undergone the processes described in this paragraph, in the production of a remanufactured good.

(B) Processes.—The processes referred to in subparagraph (A)(ii) are welding, flame spraying, surface machining, knurling, plating, sleeving, and rewinding.

(15) Remanufactured good.—The term "remanufactured good" means an industrial good assembled in the territory of Chile or the United States, that is listed in Annex 4.18 of the Agreement, and—

(A) is entirely or partially comprised of recovered goods;

(B) has the same life expectancy and meets the same performance standards as a new good; and

(C) enjoys the same factory warranty as such a new good.

(o) Presidential Proclamation Authority.—

(1) In general.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set out in Annex 4.1 of the Agreement; and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) Modifications.—

(A) In general.—Subject to the consultation and layover provisions of section 103(a), the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 of the HTS, as included in Annex 4.1 of the Agreement.

(B) Additional proclamations.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 103(a), the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) that are necessary to implement an agreement with Chile pursuant to article 3.20(5) of the Agreement; and

(ii) before the 1st anniversary of the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS, as included in Annex 4.1 of the Agreement.

SEC. 203. DRAWBACK.

(a) Definition of a Good Subject to Chile FTA Drawback.—For purposes of this Act and the amendments made by subsection (b), the term "good subject to Chile FTA drawback" means any imported good other than the following:

(1) A good entered under bond for transportation and exportation to Chile.

(2)(A) A good exported to Chile in the same condition as when imported into the United States.

(B) For purposes of subparagraph (A)—

(i) processes such as testing, cleaning, repacking, inspecting, sorting, or marking a good, or preserving it in its same condition, shall not be considered to change the condition of the good; and

(ii) if a good described in subparagraph (A) is commingled with fungible goods and exported in the same condition, the origin of the good for the purposes of subsection (j)(1) of section 313 of the Tariff Act of 1930 (19 U.S.C. 1313(j)(1)) may be determined on the basis of the inventory methods provided for in the regulations implementing this title.

(3) A good—

(A) that is—

(i) deemed to be exported from the United States;

(ii) used as a material in the production of another good that is deemed to be exported to Chile; or

(iii) substituted for by a good of the same kind and quality that is used as a material in the production of another good that is deemed to be exported to Chile; and

(B) that is delivered—

(i) to a duty-free shop;

(ii) for ship's stores or supplies for a ship or aircraft; or

(iii) for use in a project undertaken jointly by the United States and Chile and destined to become the property of the United States.

(4) A good exported to Chile for which a refund of customs duties is granted by reason of—

(A) the failure of the good to conform to sample or specification; or

(B) the shipment of the good without the consent of the consignee.

(5) A good that qualifies under the rules of origin set out in section 202 that is—

(A) exported to Chile;

(B) used as a material in the production of another good that is exported to Chile; or

(C) substituted for by a good of the same kind and quality that is used as a material in the production of another good that is exported to Chile.

(b) CONSEQUENTIAL AMENDMENTS.—

(1) BONDED MANUFACTURING WAREHOUSES.—Section 311 of the Tariff Act of 1930 (19 U.S.C. 1311) is amended by adding at the end the following new paragraph:

"No article manufactured in a bonded warehouse from materials that are goods subject to Chile FTA drawback, as defined in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act, may be withdrawn from warehouse for exportation to Chile without assessment of a duty on the materials in their condition and quantity, and at their weight, at the time of importation into the United States. The duty shall be paid before the 61st day after the date of exportation, except that the duty may be waived or reduced by—

"(1) 100 percent during the 8-year period beginning on January 1, 2004;

"(2) 75 percent during the 1-year period beginning on January 1, 2012;

"(3) 50 percent during the 1-year period beginning on January 1, 2013; and

"(4) 25 percent during the 1-year period beginning on January 1, 2014.".

(2) BONDED SMELTING AND REFINING WAREHOUSES.—Section 312 of the Tariff Act of 1930 (19 U.S.C. 1312) is amended—

(A) in paragraph (1) of subsection (b), by striking "except that" and all that follows through subparagraph (B) and inserting the following: "except that—

"(A) in the case of a withdrawal for exportation of such a product to a NAFTA country, as defined in section 2(4) of the North American Free Trade Agreement Implementation Act, if any of the imported metal-bearing materials are goods subject to NAFTA drawback, as defined in section 203(a) of that Act, the duties on the materials shall be paid, and the charges against the bond canceled, before the 61st day after the date of exportation; but upon the presentation, before such 61st day, of satisfactory evidence of the amount of any customs duties paid to the NAFTA country on the product, the duties on the materials may be waived or reduced (subject to section 508(b)(2)(B)) in an amount that does not exceed the lesser of—

"(i) the total amount of customs duties owed on the materials on importation into the United States, or

"(ii) the total amount of customs duties paid to the NAFTA country on the product, and

"(B) in the case of a withdrawal for exportation of such a product to Chile, if any of the imported metal-bearing materials are goods subject to Chile FTA drawback, as defined in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act, the duties on the materials shall be paid, and the charges against the bond canceled, before the 61st day after the date of exportation, except that the duties may be waived or reduced by—

"(i) 100 percent during the 8-year period beginning on January 1, 2004,

"(ii) 75 percent during the 1-year period beginning on January 1, 2012,

"(iii) 50 percent during the 1-year period beginning on January 1, 2013, and

"(iv) 25 percent during the 1-year period beginning on January 1, 2014, or";

(B) in paragraph (4) of subsection (b), by striking "except that" and all that follows through subparagraph (B) and inserting the following: "except that—

"(A) in the case of a withdrawal for exportation of such a product to a NAFTA country, as defined in section 2(4) of the North American Free Trade Agreement Implementation Act, if any of the imported metal-bearing materials are goods subject to NAFTA drawback, as defined in section 203(a) of that Act, the duties on the materials shall be paid, and the charges against the bond canceled, before the 61st day after the date of exportation; but upon the presentation, before such 61st day, of satisfactory evidence of the amount of any customs duties paid to the NAFTA country on the product, the duties on the materials may be waived or reduced (subject to section 508(b)(2)(B)) in an amount that does not exceed the lesser of—

"(i) the total amount of customs duties owed on the materials on importation into the United States, or

"(ii) the total amount of customs duties paid to the NAFTA country on the product, and

"(B) in the case of a withdrawal for exportation of such a product to Chile, if any of the imported metal-bearing materials are goods subject to Chile FTA drawback, as defined in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act, the duties on the materials shall be paid, and the charges against the bond canceled, before the 61st day after the date of exportation, except that the duties may be waived or reduced by—

"(i) 100 percent during the 8-year period beginning on January 1, 2004,

"(ii) 75 percent during the 1-year period beginning on January 1, 2012,

"(iii) 50 percent during the 1-year period beginning on January 1, 2013, and

"(iv) 25 percent during the 1-year period beginning on January 1, 2014, or"; and

(C) in subsection (d), in the matter preceding paragraph (1), by striking "except that" and all that follows through the end of paragraph (2) and inserting the following: "except that—

"(1) in the case of a withdrawal for exportation to a NAFTA country, as defined in section 2(4) of the North American Free Trade Agreement Implementation Act, if any of the imported metal-bearing materials are goods subject to NAFTA drawback, as defined in section 203(a) of that Act, charges against the bond shall be paid before the 61st day after the date of exportation; but upon the presentation, before such 61st day, of satisfactory evidence of the amount of any customs duties paid to the NAFTA country on the product, the bond shall be credited (subject to section 508(b)(2)(B)) in an amount not to exceed the lesser of—

"(A) the total amount of customs duties paid or owed on the materials on importation into the United States, or

"(B) the total amount of customs duties paid to the NAFTA country on the product; and

"(2) in the case of a withdrawal for exportation to Chile, if any of the imported metal-bearing materials are goods subject to Chile FTA drawback, as defined in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act, charges against the bond shall be paid before the 61st day after the date of exportation, and the bond shall be credited in an amount equal to—

"(A) 100 percent of the total amount of customs duties paid or owed on the materials on importation into the United States during the 8-year period beginning on January 1, 2004,

"(B) 75 percent of the total amount of customs duties paid or owed on the materials on importation into the United States during the 1-year period beginning on January 1, 2012,

"(C) 50 percent of the total amount of customs duties paid or owed on the materials on importation into the United States during the 1-year period beginning on January 1, 2013, and

"(D) 25 percent of the total amount of customs duties paid or owed on the materials on importation into the United States during the 1-year period beginning on January 1, 2014.".

(3) DRAWBACK.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended—

(A) in paragraph (4) of subsection (j)—

(i) by striking "(4)" and inserting "(4)(A)"; and

(ii) by adding at the end the following new subparagraph:

"(B) Beginning on January 1, 2015, the exportation to Chile of merchandise that is fungible with and substituted for imported merchandise, other than merchandise described in paragraphs (1) through (5) of section 203(a) of the United States-Chile Free Trade Agreement Implementation Act, shall not constitute an exportation for purposes of paragraph (2). The preceding sentence shall not be construed to permit the substitution of unused drawback under paragraph (2) of this subsection with respect to merchandise described in paragraph (2) of section 203(a) of the United States-Chile Free Trade Agreement Implementation Act.";

(B) in subsection (n)—

(i) by striking "(n)" and inserting the following:

"(n) REFUNDS, WAIVERS, OR REDUCTIONS UNDER CERTAIN FREE TRADE AGREEMENTS.—";

(ii) in paragraph (1)—

(I) by striking "; and" at the end of subparagraph (B);

(II) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(III) by adding at the end the following new subparagraph:

"(D) the term 'good subject to Chile FTA drawback' has the meaning given that term in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act."; and

(iii) by adding the following new paragraph at the end:

"(4)(A) For purposes of subsections (a), (b), (f), (h), (j)(2), (p), and (q), if an article that is exported to Chile is a good subject to Chile FTA drawback, no customs duties on the good may be refunded, waived, or reduced, except as provided in subparagraph (B).

"(B) The customs duties referred to in subparagraph (A) may be refunded, waived, or reduced by—

"(i) 100 percent during the 8-year period beginning on January 1, 2004;

"(ii) 75 percent during the 1-year period beginning on January 1, 2012;

"(iii) 50 percent during the 1-year period beginning on January 1, 2013; and

"(iv) 25 percent during the 1-year period beginning on January 1, 2014."; and

(C) in subsection (o)—

(i) by striking "(o)" and inserting the following:

"(o) SPECIAL RULES FOR CERTAIN VESSELS AND IMPORTED MATERIALS.—"; and

(ii) by adding at the end the following new paragraphs:

"(3) For purposes of subsection (g), if—

"(A) a vessel is built for the account and ownership of a resident of Chile or the Government of Chile, and

"(B) imported materials that are used in the construction and equipment of the vessel are goods subject to Chile FTA drawback, as defined in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act,

no customs duties on such materials may be refunded, waived, or reduced, except as provided in paragraph (4).

"(4) The customs duties referred to in paragraph (3) may be refunded, waived or reduced by—

"(A) 100 percent during the 8-year period beginning on January 1, 2004;

"(B) 75 percent during the 1-year period beginning on January 1, 2012;

"(C) 50 percent during the 1-year period beginning on January 1, 2013; and

"(D) 25 percent during the 1-year period beginning on January 1, 2014.".

(4) MANIPULATION IN WAREHOUSE.—Section 562 of the Tariff Act of 1930 (19 U.S.C. 1562) is amended—

(A) in paragraph (3), by striking "to a NAFTA country" and inserting "to Chile, to a NAFTA country,";

(B) by striking "; and" at the end of paragraph (4)(B);

(C) by striking the period at the end of paragraph (5) and inserting "; and"; and

(D) by inserting after paragraph (5) the following:

"(6)(A) without payment of duties for exportation to Chile, if the merchandise is of a kind described in any of paragraphs (1) through (5) of section 203(a) of the United States-Chile Free Trade Agreement Implementation Act; and

"(B) for exportation to Chile if the merchandise consists of goods subject to Chile FTA drawback, as defined in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act, except that—

"(i) the merchandise may not be withdrawn from warehouse without assessment of a duty on the merchandise in its condition and quantity, and at its weight, at the time of withdrawal from the warehouse with such additions to, or deductions from, the final appraised value as may be necessary by reason of a change in condition, and

"(ii) duty shall be paid on the merchandise before the 61st day after the date of exportation, except that such duties may be waived or reduced by—

"(I) 100 percent during the 8-year period beginning on January 1, 2004,

"(II) 75 percent during the 1-year period beginning on January 1, 2012,

"(III) 50 percent during the 1-year period beginning on January 1, 2013, and

"(IV) 25 percent during the 1-year period beginning on January 1, 2014.".

(5) FOREIGN TRADE ZONES.—Section 3(a) of the Act of June 18, 1934 (commonly known as the "Foreign Trade Zones Act"; 19 U.S.C. 81c(a)) is amended by striking the end period and inserting the following: ": *Provided further*, That no merchandise that consists of goods subject to Chile FTA drawback, as defined in section 203(a) of the United States-Chile Free Trade Agreement Implementation Act, that is manufactured or otherwise changed in condition shall be exported to Chile without an assessment of a duty on the merchandise in its condition and quantity, and at its weight, at the time of its exportation (or if the privilege in the first proviso to this subsection was requested, an assessment of a duty on the merchandise in its condition and quantity, and at its weight, at the time of its admission into the zone) and the payment of the assessed duty before the 61st day after the date of exportation of the article, except that the customs duty may be waived or reduced by (1) 100 percent during the 8-year period beginning on January 1, 2004; (2) 75 percent during the 1-year period beginning on January 1, 2012; (3) 50 percent during the 1-year period beginning on January 1, 2013; and (4) 25 percent during the 1-year period beginning on January 1, 2014.".

(c) INAPPLICABILITY TO COUNTERVAILING AND ANTIDUMPING DUTIES.—Nothing in this section or the amendments made by this section shall be considered to authorize the refund, waiver, or reduction of countervailing duties or antidumping duties imposed on an imported good.

SEC. 204. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by inserting after paragraph (11) the following:

"(12) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 202 of the United States-Chile Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.".

SEC. 205. DISCLOSURE OF INCORRECT INFORMATION; DENIAL OF PREFERENTIAL TARIFF TREATMENT; FALSE CERTIFICATES OF ORIGIN.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph:

"(6) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES-CHILE FREE TRADE AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 202 of the United States-Chile Free Trade Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, voluntarily makes a corrected declaration and pays any duties owing."; and

(2) by adding at the end the following new subsection:

"(g) FALSE CERTIFICATIONS OF ORIGIN UNDER THE UNITED STATES-CHILE FREE TRADE AGREEMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a Chile FTA Certificate of Origin (as defined in section 508(f)(1)(B) of this Act that a good exported from the United States qualifies as an originating good under the rules of origin set out in section 202 of the United States-Chile Free Trade Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

"(2) IMMEDIATE AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, immediately after an exporter or producer that issued a Chile FTA Certificate of Origin has reason to believe that such certificate contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certificate was issued.

"(3) EXCEPTION.—A person may not be considered to have violated paragraph (1) if—

"(A) the information was correct at the time it was provided in a Chile FTA Certificate of Origin but was later rendered incorrect due to a change in circumstances; and

"(B) the person immediately and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certificate.".

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

"(g) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER UNITED STATES-CHILE FREE TRADE AGREEMENT.—If the Bureau of Customs and Border Protection or the Bureau of Immigration and Customs Enforcement finds indications of a pattern of conduct by an importer of false or unsupported representations that goods qualify under the rules of origin set out in section 202 of the United States-Chile Free Trade Agreement Implementation Act, the Bureau of Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may deny preferential tariff treatment under the United States-Chile Free Trade Agreement to entries of identical goods imported by that person until the person establishes to the satisfaction of the Bureau of Customs and Border Protection that representations of that person are in conformity with such section 202.".

SEC. 206. RELIQUIDATION OF ENTRIES.

Subsection (d) of section 520 of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended—

(1) by striking "(d)" and inserting the following:

"(d) GOODS QUALIFYING UNDER FREE TRADE AGREEMENT RULES OF ORIGIN.—";

(2) in the matter preceding paragraph (1), by inserting "or section 202 of the United States-Chile Free Trade Agreement Implementation Act" after "Act";

(3) in paragraph (1), by striking "those" and inserting "the applicable"; and

(4) in paragraph (2), by inserting before the semicolon ", or other certificates of origin, as the case may be".

SEC. 207. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by striking the heading of subsection (b) and inserting the following: "EXPORTATIONS TO NAFTA COUNTRIES.—"; and

(2) by adding at the end the following:

"(f) CERTIFICATES OF ORIGIN FOR GOODS EXPORTED UNDER THE UNITED STATES-CHILE FREE TRADE AGREEMENT.—

"(1) DEFINITIONS.—In this subsection:

"(A) RECORDS AND SUPPORTING DOCUMENTS.—The term 'records and supporting documents' means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

"(i) the purchase, cost, and value of, and payment for, the good;

"(ii) if applicable, the purchase, cost, and value of, and payment for, all materials, including recovered goods, used in the production of the good; and

"(iii) if applicable, the production of the good in the form in which it was exported.

"(B) CHILE FTA CERTIFICATE OF ORIGIN.—The term 'Chile FTA Certificate of Origin' means the certification, established under article 4.13 of the United States-Chile Free Trade Agreement, that a good qualifies as an originating good under such Agreement.

"(2) EXPORTS TO CHILE.—Any person who completes and issues a Chile FTA Certificate of Origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the

Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the Certificate or copies thereof).

"(3) RETENTION PERIOD.—Records and supporting documents shall be kept by the person who issued a Chile FTA Certificate of Origin for at least 5 years after the date on which the certificate was issued.

"(g) PENALTIES.—Any person who fails to retain records and supporting documents required by subsection (f) or the regulations issued to implement that subsection shall be liable for the greater of—

"(1) a civil penalty not to exceed $10,000; or

"(2) the general record keeping penalty that applies under the customs laws of the United States.".

SEC. 208. ENFORCEMENT OF TEXTILE AND APPAREL RULES OF ORIGIN.

(a) ACTION DURING VERIFICATION.—If the Secretary of the Treasury requests the Government of Chile to conduct a verification pursuant to article 3.21 of the Agreement for purposes of determining that—

(1) an exporter or producer in Chile is complying with applicable customs laws, regulations, and procedures regarding trade in textile and apparel goods, or

(2) claims that textile or apparel goods exported or produced by such exporter or producer—

(A) qualify as originating goods under section 202 of this Act, or

(B) are goods of Chile,

are accurate,

the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a) includes—

(1) suspension of liquidation of entries of textile and apparel goods exported or produced by the person that is the subject of the verification, in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such goods; and

(2) publication of the name of the person that is the subject of the verification.

(c) ACTION WHEN INFORMATION IS INSUFFICIENT.—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a) is insufficient to make a determination under subsection (a), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make a determination under subsection (a) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) publication of the identity of the person that is the subject of the verification;

(2) denial of preferential tariff treatment under the Agreement to any textile or apparel goods exported or produced by the person that is the subject of the verification; and

(3) denial of entry into the United States of any textile or apparel goods exported or produced by the person that is the subject of the verification.

SEC. 209. CONFORMING AMENDMENTS.

Section 508(b)(2)(B)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1508(b)(2)(B)(i)(I)) is amended—

(1) by striking "the last paragraph of section 311" and inserting "the eleventh paragraph of section 311"; and

(2) by striking "the last proviso to section 3(a)" and inserting "the proviso preceding the last proviso to section 3(a)".

SEC. 210. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 202, and sections 203 and 204;

(2) amendments made by the sections referred to in paragraph (1); and

(3) proclamations issued under section 202(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the United States International Trade Commission.

(2) CHILEAN ARTICLE.—The term "Chilean article" means an article that qualifies as an originating good under section 202(a) of this Act.

(3) CHILEAN TEXTILE OR APPAREL ARTICLE.—The term "Chilean textile or apparel article" means an article—

(A) that is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) that is a Chilean article.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Chilean article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Chilean article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Chilean article if, after the date that the Agreement enters into force, import relief has been provided with respect to that Chilean article under this subtitle, or if, at the time the petition is filed, the article is subject to import relief under chapter 1 of title II of the Trade Act of 1974.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c). Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 3.3 of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 8.2(2) of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), the import relief that the President is authorized to provide under this section, including any extensions thereof, may not, in the aggregate, exceed 3 years.

(2) EXTENSION.—

(A) IN GENERAL.—If the initial period for any import relief provided under this section is less than 3 years, the President, after receiving an affirmative determination from the Commission under subparagraph (B), may extend the effective period of any import relief provided under this section, subject to the limitation under paragraph (1), if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—(i) Upon a petition on behalf of the industry concerned, filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States in Annex 3.3 of the Agreement for the staged elimination of the tariff, would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which termination occurs shall be, at the discretion of the President, either—

(A) the applicable rate of duty for that article set out in the Schedule of the United States in Annex 3.3 of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set out in the United States Schedule in Annex 3.3 of the Agreement for the elimination of the tariff.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article subject to import relief under chapter 1 of title II of the Trade Act of 1974.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—No import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set out in the Schedule of the United States to Annex 3.3 of the Agreement, is 12 years, no relief under this subtitle may be provided for that article after the date that is 12 years after the date on which the Agreement enters into force.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202 (a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking "and"; and

(2) by inserting before the period at the end ", and title III of the United States-Chile Free Trade Agreement Implementation Act".

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the elimination of a duty under the Agreement, a Chilean textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—The import relief that the President is authorized to provide under section 322, including any extensions thereof, may not, in the aggregate, exceed 3 years.

(b) EXTENSION.—If the initial period for any import relief provided under this section is less than 3 years, the President may extend the effective period of any import relief provided under this section, subject to the limitation set forth in subsection (a), if the President determines that—

(1) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment; and

(2) there is evidence that the industry is making a positive adjustment to import competition.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if import relief previously has been provided under this subtitle with respect to that article.

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be duty-free.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 8 years after the date on which duties on the article are eliminated pursuant to the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of that Act.

SEC. 328. BUSINESS CONFIDENTIAL INFORMATION.

The President may not release information which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent business confidential information is provided, a nonconfidential version of the information shall also be provided, in which the business confidential information is summarized or, if necessary, deleted.

TITLE IV—TEMPORARY ENTRY OF BUSINESS PERSONS.

SEC. 401. NONIMMIGRANT TRADERS AND INVESTORS.

Upon a basis of reciprocity secured by the Agreement, an alien who is a national of Chile (and any spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) of such alien, if accompanying or following to join the alien) may, if otherwise eligible for a visa and if otherwise admissible into the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), be considered to be classifiable as a nonimmigrant under section 101(a)(15)(E) of such Act (8 U.S.C. 1101(a)(15)(E)) if entering solely for a purpose specified in clause (i) or (ii) of such section 101(a)(15)(E). For purposes of this section, the term "national" has the meaning given such term in article 14.9 of the Agreement.

SEC. 402. NONIMMIGRANT PROFESSIONALS; LABOR ATTESTATIONS.

(a) NONIMMIGRANT PROFESSIONALS.—

(1) DEFINITIONS.—Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) is amended by striking "212(n)(1), or (c)" and inserting "212(n)(1), or (b1) who is entitled to enter the United States under and in pursuance of the provisions of an agreement listed in section 214(g)(8)(A), who is engaged in a specialty occupation described in section 214(i)(3), and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1), or (c)".

(2) ADMISSION OF NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(A) in subsection (i)—

(i) in paragraph (1), by striking "For purposes" and inserting "Except as provided in paragraph (3), for purposes"; and

(ii) by adding at the end the following:

"(3) For purposes of section 101(a)(15)(H)(i)(b1), the term 'specialty occupation' means an occupation that requires—

"(A) theoretical and practical application of a body of specialized knowledge; and

"(B) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States."; and

(B) in subsection (g), by adding at the end the following:

"(8)(A) The agreement referred to in section 101(a)(15)(H)(i)(b1) is the United States-Chile Free Trade Agreement.

"(B)(i) The Secretary of Homeland Security shall establish annual numerical limitations on approvals of initial applications by aliens for admission under section 101(a)(15)(H)(i)(b1).

"(ii) The annual numerical limitations described in clause (i) shall not exceed 1,400 for nationals of Chile for any fiscal year. For purposes of this clause, the term 'national' has the meaning given such term in article 14.9 of the United States-Chile Free Trade Agreement.

"(iii) The annual numerical limitations described in clause (i) shall only apply to principal aliens and not to the spouses or children of such aliens.

"(iv) The annual numerical limitation described in paragraph (1)(A) is reduced by the amount of the annual numerical limitations established under clause (i). However, if a numerical limitation established under clause (i) has not been exhausted at the end of a given fiscal year, the Secretary of Homeland Security shall adjust upwards the numerical limitation in paragraph (1)(A) for that fiscal year by the amount remaining in the numerical limitation under clause (i). Visas under section 101(a)(15)(H)(i)(b) may be issued pursuant to such adjustment within the first 45 days of the next fiscal year to aliens who had applied for such visas during the fiscal year for which the adjustment was made.

"(C) The period of authorized admission as a nonimmigrant under section 101(a)(15)(H)(i)(b1) shall be 1 year, and may be extended, but only in 1-year increments. After every second extension, the next following extension shall not be granted unless the Secretary of Labor had determined and certified to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1) for the purpose of permitting the nonimmigrant to obtain such extension.

"(D) The numerical limitation described in paragraph (1)(A) for a fiscal year shall be reduced by one for each alien granted an extension under subparagraph (C) during such year who has obtained 5 or more consecutive prior extensions.".

(b) LABOR ATTESTATIONS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) by redesignating the subsection (p) added by section 1505(f) of Public Law 106–386 (114 Stat. 1526) as subsection (s); and

(2) by adding at the end the following:

"(t)(1) No alien may be admitted or provided status as a nonimmigrant under section 101(a)(15)(H)(i)(b1) in an occupational classification unless the employer has filed with the Secretary of Labor an attestation stating the following:

"(A) The employer—

"(i) is offering and will offer during the period of authorized employment to aliens admitted or provided status under section 101(a)(15)(H)(i)(b1) wages that are at least—

"(I) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; or

"(II) the prevailing wage level for the occupational classification in the area of employment,

whichever is greater, based on the best information available as of the time of filing the attestation; and

"(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

"(B) There is not a strike or lockout in the course of a labor dispute in the occupational classification at the place of employment.

"(C) The employer, at the time of filing the attestation—

"(i) has provided notice of the filing under this paragraph to the bargaining representative (if any) of the employer's employees in the occupational classification and area for which aliens are sought; or

"(ii) if there is no such bargaining representative, has provided notice of filing in the occupational classification through such methods as physical posting in conspicuous locations at the place of employment or electronic notification to employees in the occupational classification for which nonimmigrants under section 101(a)(15)(H)(i)(b1) are sought.

"(D) A specification of the number of workers sought, the occupational classification in which the workers will be employed, and wage rate and conditions under which they will be employed.

"(2)(A) The employer shall make available for public examination, within one working day after the date on which an attestation under this subsection is filed, at the employer's principal place of business or worksite, a copy of each such attestation (and such accompanying documents as are necessary).

"(B)(i) The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the attestations filed under this subsection. Such list shall include, with respect to each attestation, the wage rate, number of aliens sought, period of intended employment, and date of need.

"(ii) The Secretary of Labor shall make such list available for public examination in Washington, D.C.

"(C) The Secretary of Labor shall review an attestation filed under this subsection only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that an attestation is incomplete or obviously inaccurate, the Secretary of Labor shall provide the certification described in section 101(a)(15)(H)(i)(b1) within 7 days of the date of the filing of the attestation.

"(3)(A) The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting the failure of an employer to meet a condition specified in an attestation submitted under this subsection or misrepresentation by the employer of material facts in such an attestation. Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this paragraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) Under the process described in subparagraph (A), the Secretary of Labor shall provide, within 30 days after the date a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter by not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

"(C)(i) If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(B), a substantial failure to meet a condition of paragraph (1)(C) or (1)(D), or a misrepresentation of material fact in an attestation—

"(I) the Secretary of Labor shall notify the Secretary of State and the Secretary of Homeland Security of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(II) the Secretary of State or the Secretary of Homeland Security, as appropriate, shall not approve petitions or applications filed with respect to that employer under section 204, 214(c), or 101(a)(15)(H)(i)(b1) during a period of at least 1 year for aliens to be employed by the employer.

"(ii) If the Secretary of Labor finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1), a willful misrepresentation of material fact in an attestation, or a violation of clause (iv)—

"(I) the Secretary of Labor shall notify the Secretary of State and the Secretary of Homeland Security of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(II) the Secretary of State or the Secretary of Homeland Security, as appropriate, shall not approve petitions or applications filed with respect to that employer under section 204, 214(c), or 101(a)(15)(H)(i)(b1) during a period of at least 2 years for aliens to be employed by the employer.

"(iii) If the Secretary of Labor finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1) or a willful misrepresentation of material fact in an attestation, in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition or application supported by the attestation—

"(I) the Secretary of Labor shall notify the Secretary of State and the Secretary of Homeland Security of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $35,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(II) the Secretary of State or the Secretary of Homeland Security, as appropriate, shall not approve petitions or applications filed with respect to that employer under section 204, 214(c), or 101(a)(15)(H)(i)(b1) during a period of at least 3 years for aliens to be employed by the employer.

"(iv) It is a violation of this clause for an employer who has filed an attestation under this subsection to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this clause, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of this subsection or any rule or regulation pertaining to this subsection.

"(v) The Secretary of Labor and the Secretary of Homeland Security shall devise a process under which a nonimmigrant under section 101(a)(15)(H)(i)(b1) who files a complaint regarding a violation of clause (iv) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(vi)(I) It is a violation of this clause for an employer who has filed an attestation under this subsection to require a nonimmigrant under section 101(a)(15)(H)(i)(b1) to pay a penalty for ceasing employment with the employer prior to a date agreed to by the nonimmigrant and the employer. The Secretary of Labor shall determine whether a required payment is a penalty (and not liquidated damages) pursuant to relevant State law.

"(II) If the Secretary of Labor finds, after notice and opportunity for a hearing, that an employer has committed a violation of this clause, the Secretary of Labor may impose a civil monetary penalty of $1,000 for each such violation and issue an administrative order requiring the return to the nonimmigrant of any amount paid in violation of this clause, or, if the nonimmigrant cannot be located, requiring payment of any such amount to the general fund of the Treasury.

"(vii)(I) It is a failure to meet a condition of paragraph (1)(A) for an employer who has filed an attestation under this subsection and who places a nonimmigrant under section 101(a)(15)(H)(i)(b1) designated as a full-time employee in the attestation, after the nonimmigrant has entered into employment with the employer, in nonproductive status due to a decision by the employer (based on factors such as lack of work), or due to the nonimmigrant's lack of a permit or license, to fail to pay the nonimmigrant full-time wages in accordance with paragraph (1)(A) for all such nonproductive time.

"(II) It is a failure to meet a condition of paragraph (1)(A) for an employer who has filed an attestation under this subsection and who places a nonimmigrant under section 101(a)(15)(H)(i)(b1) designated as a part-time employee in the attestation, after the nonimmigrant has entered into employment with the employer, in nonproductive status under circumstances described in subclause (I), to fail to pay such a nonimmigrant for such hours as are designated on the attestation consistent with the rate of pay identified on the attestation.

"(III) In the case of a nonimmigrant under section 101(a)(15)(H)(i)(b1) who has not yet entered into employment with an employer who has had approved an attestation under this subsection with respect to the nonimmigrant, the provisions of subclauses (I) and (II) shall apply to the employer beginning 30 days after the date the nonimmigrant first is admitted into the United States, or 60 days after the date the nonimmigrant becomes eligible to work for the employer in the case of a nonimmigrant who is present in the United States on the date of the approval of the attestation filed with the Secretary of Labor.

"(IV) This clause does not apply to a failure to pay wages to a nonimmigrant under section 101(a)(15)(H)(i)(b1) for nonproductive time due to non-work-related factors, such as the voluntary request of the nonimmigrant for an absence or circumstances rendering the nonimmigrant unable to work.

"(V) This clause shall not be construed as prohibiting an employer that is a school or other educational institution from applying to a nonimmigrant under section 101(a)(15)(H)(i)(b1) an established salary practice of the employer, under which the employer pays to nonimmigrants under section 101(a)(15)(H)(i)(b1) and United States workers in the same occupational classification an annual salary in disbursements over fewer than 12 months, if—

"(aa) the nonimmigrant agrees to the compressed annual salary payments prior to the commencement of the employment; and

"(bb) the application of the salary practice to the nonimmigrant does not otherwise cause the nonimmigrant to violate any condition of the nonimmigrant's authorization under this Act to remain in the United States.

"(VI) This clause shall not be construed as superseding clause (viii).

"(viii) It is a failure to meet a condition of paragraph (1)(A) for an employer who has filed an attestation under this subsection to fail to offer to a nonimmigrant under section 101(a)(15)(H)(i)(b1), during the nonimmigrant's period of authorized employment, benefits and eligibility for benefits (including the opportunity to participate in health, life, disability, and other insurance plans; the opportunity to participate in retirement and savings plans; and cash bonuses and non-cash compensation, such as stock options (whether or not based on performance)) on the same basis, and in accordance with the same criteria, as the employer offers to United States workers.

"(D) If the Secretary of Labor finds, after notice and opportunity for a hearing, that an employer has not paid wages at the wage level specified in the attestation and required under paragraph (1), the Secretary of Labor shall order the employer to provide for payment of such amounts of back pay as may be required to comply with the requirements of paragraph (1), whether or not a penalty under subparagraph (C) has been imposed.

"(E) The Secretary of Labor may, on a case-by-case basis, subject an employer to random investigations for a period of up to 5 years, beginning on the date on which the employer is found by the Secretary of Labor to have committed a willful failure to meet a condition of paragraph (1) or to have made a willful misrepresentation of material fact in an attestation. The authority of the Secretary of Labor under this subparagraph shall not be construed to be subject to, or limited by, the requirements of subparagraph (A).

"(F) Nothing in this subsection shall be construed as superseding or preempting any other enforcement-related authority under this Act (such as the authorities under section 274B), or any other Act.

"(4) For purposes of this subsection:

"(A) The term 'area of employment' means the area within normal commuting distance of the worksite or physical location where the work of the nonimmigrant under section 101(a)(15)(H)(i)(b1) is or will be performed. If such worksite or location is within a Metropolitan Statistical Area, any place within such area is deemed to be within the area of employment.

"(B) In the case of an attestation with respect to one or more nonimmigrants under section 101(a)(15)(H)(i)(b1) by an employer, the employer is considered to 'displace' a United States worker from a job if the employer lays off the worker from a job that is essentially the equivalent of the job for which the nonimmigrant or nonimmigrants is or are sought. A job shall not be considered to be essentially equivalent of another job unless it involves essentially the same responsibilities, was held by a United States worker with substantially equivalent qualifications and experience, and is located in the same area of employment as the other job.

"(C)(i) The term 'lays off', with respect to a worker—

"(I) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

"(II) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(ii) Nothing in this subparagraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(D) The term 'United States worker' means an employee who—

"(i) is a citizen or national of the United States; or

"(ii) is an alien who is lawfully admitted for permanent residence, is admitted as a refugee under section 207 of this title, is granted asylum under section 208, or is an immigrant otherwise authorized, by this Act or by the Secretary of Homeland Security, to be employed.".

(c) SPECIAL RULE FOR COMPUTATION OF PREVAILING WAGE.—Section 212(p)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(p)(1)) is amended by striking "(n)(1)(A)(i)(II) and (a)(5)(A)" and inserting "(a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II)".

(d) FEE.—

(1) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(11)(A) Subject to subparagraph (B), the Secretary of Homeland Security or the Secretary of State, as appropriate, shall impose a fee on an employer who has filed an attestation described in section 212(t)—

"(i) in order that an alien may be initially granted nonimmigrant status described in section 101(a)(15)(H)(i)(b1); or

"(ii) in order to satisfy the requirement of the second sentence of subsection (g)(8)(C) for an alien having such status to obtain certain extensions of stay.

"(B) The amount of the fee shall be the same as the amount imposed by the Secretary of Homeland Security under paragraph (9), except that if such paragraph does not authorize such Secretary to impose any fee, no fee shall be imposed under this paragraph.

"(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(s).".

(2) USE OF FEE.—Section 286(s)(1) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(1)) is amended by striking "section 214(c)(9)." and inserting "paragraphs (9) and (11) of section 214(c).".

SEC. 403. LABOR DISPUTES.

Section 214(j) of the Immigration and Nationality Act (8 U.S.C. 1184(j)) is amended—

(1) by striking "(j)" and inserting "(j)(1)";

(2) by striking "this subsection" each place such term appears and inserting "this paragraph"; and

(3) by adding at the end the following:

"(2) Notwithstanding any other provision of this Act except section 212(t)(1), and subject to regulations promulgated by the Secretary of Homeland Security, an alien who seeks to enter the United States under and pursuant to the provisions of an agreement listed in subsection (g)(8)(A), and the spouse and children of such an alien if accompanying or following to join the alien, may be denied admission as a nonimmigrant under subparagraph (E), (L), or (H)(i)(b1) of section 101(a)(15) if there is in progress a labor dispute in the occupational classification at the place or intended place of employment, unless such alien establishes, pursuant to regulations promulgated by the Secretary of Homeland Security after consultation with the Secretary of Labor, that the alien's entry will not affect adversely the settlement of the labor dispute or the employment of any person who is involved in the labor dispute. Notice of a determination under this paragraph shall be given as may be required by such agreement.".

SEC. 404. CONFORMING AMENDMENTS.

Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in subsection (b), by striking "(other than a nonimmigrant described in subparagraph (H)(i), (L), or (V) of section 101(a)(15))" and inserting "(other than a nonimmigrant described in subparagraph (L) or (V) of section 101(a)(15), and other than a nonimmigrant described in any provision of section 101(a)(15)(H)(i) except subclause (b1) of such section)";

(2) in subsection (c)(1), by striking "section 101(a)(15)(H), (L), (O), or (P)(i)" and inserting "subparagraph (H), (L), (O), or (P)(i) of section 101(a)(15) (excluding nonimmigrants under section 101(a)(15)(H)(i)(b1))"; and

(3) in subsection (h), by striking "(H)(i)" and inserting "(H)(i)(b) or (c)".

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to House Resolution 329, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 50 minutes. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2738 and the companion bill, which we will discuss immediately following, H.R. 2739. These are the first fruits of the passage of the Free Trade Act implementing for the United States its ability to negotiate agreements with countries, with regions, and with multilateral organizations.

We have been out of the arena for a long time. To show you how long we have been out and how much the world has changed in a very positive way, when you look at H.R. 2738, the Free Trade Agreement with Chile, there are a number of firsts in trade agreements with the United States that are racked up by this particular agreement.

One, it is the first true bilateral agreement that we have had in 15 years. It is the first free trade agreement with a South American country. It is the first free trade agreement using a negative list approach in services, a significant step forward where you say where you do not want to play, but everything else is open. That stands on its head the historical free trade agreement arrangement.

This is the first free trade agreement requiring our trading partner to apply the TRIPS Plus Intellectual Property protections which go beyond the WTO protections. This is the first FTA allowing the use of monetary assessments for commercial disputes as a means to avoid collateral damage caused by import sanctions. It is the first FTA treating labor and environment obligations enforceable on a par with commercial disputes.

It is the first FTA requiring our trading partner to utilize transparent rulemaking procedures following U.S. standards. It is the first free trade agreement covering e-commerce.

You can go on and on because there are so many firsts in these agreements. The idea is that once we are back in the field, we have leap-frogged across a decade and a half. These are world-class free trade agreements, and one of the things that I think we can say is, it is about time.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Chile and Singapore Free Trade Agreements. Even though they are small in terms of the overall trade that our great Nation will be involved in, it is the first time that we are recognizing the ability to trade with our South American neighbors and to coordinate this with Mexico and the Caribbean and, indeed, to move forward so that we can end up with a free trade agreement for the Americas.

It is oftentimes said that peace is not just the absence of war, but it is the ability for nations to work with each other to trade with each other to improve the quality of life and to create jobs. And to a large extent, the work that has been done on the Chile and Singapore agreements will serve as a model for agreements that have to follow.

But I must say that, as we trade, we must remember that we have to, as a great Nation, have to have minimum standards that we expect that our trading partners will have. We have to make certain that we try to protect not just intellectual property rights, but environmental rights and workers' rights. We have to recognize that if we are going to become members of international organizations that have international standards, we must abide by those standards; and certainly all Americans should want to have core international work standards so that we do not drive to the minimum what we pay our workers and health standards that we try to improve.

In the Chile and Singapore agreements, you will see documents that these countries are to enforce their domestic labor laws. Many of us support the Chile and Singapore Free Trade Agreement not only because they have decent labor laws, but they have the ability and willingness to enforce them. We are not certain that this is going to happen with other trade agreements that may be coming before this body, but we want to make it abundantly clear that the mere fact that we accept this language in Chile and Singapore does not mean that we will have to accept this language where we do not see it is abundantly clear that other nations have labor laws that follow the core international labor organization laws and the fact that they have a willingness to enforce these laws.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Michigan (Mr. LEVIN) for purposes of control. The gentleman is the ranking member of the Subcommittee on Trade.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMAS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, it is with great pleasure that I rise today to express my strong support for the U.S.-Chile Free Trade Agreement.

Mr. Speaker, it was back in late 1992, just as the former Bush administration concluded negotiations on NAFTA, that the U.S. announced its intention to pursue a Free Trade Agreement of the Americas, or FTAA, with Chile as its first new partner. Now, at that time, no one could have predicted that it would take more than a decade to conclude an agreement and arrive here at the House today.

The delay, of course, was not the result of changes in the administrations in the U.S. or Chile, President Clinton supported an FTA with Chile as did President George W. Bush when he was elected in 2000. And successive Chilean governments have backed an agreement.

It was only last year, with the passage of Trade Promotion Authority, or TPA, that the logjam finally was broken and the negotiators, free to conclude the agreement that we address here today.

There is no mystery as to why the United States moved forward first with Chile. It is true, Brazil is potentially a much larger Latin American market for U.S. products and services, and the nations of the Caribbean are undeniably closer to the United States. But it was Chile, not Brazil or the Caribbean or other nations of our hemisphere that exhibited our greatest promise for a partnership, and that is why we should support this agreement today.

Truly a South American success story, Chile during the 1990s, more than doubled its gross domestic product, becoming the fourth fastest growing economy in the world. Even more significant are the political reforms that have supported this growth. Chile has rebuilt its historically solid democracy over the past decade. It has a transparent government that adheres to the rule of law. It has a firm legal commitment to human rights, including strong progressive labor and environmental protection regimes.

Perhaps most importantly, Chile has demonstrated its commitment to open markets, lowering unilaterally many of its own trade barriers and working bilaterally, regionally, and multilaterally for trade liberalization. In short, Chile is a good partner who can only become a better partner within our hemisphere with the enactment into force of this agreement.

It is not a huge trading partner for the United States. Its population of 15 million is only slightly larger than my home State of Illinois. And Chile is our 44th largest trading partner, whereas the United States is Chile's number one trading partner. Right now, most Chilean products enter the United States duty free under the GSP. In contrast, our products face a 6 percent across-the-board tariff when they enter Chile.

This free trade agreement with Chile will put the United States back on an equal or better footing with the Europeans, Brazilians, Mexicans, and Canadians with whom we compete in Chile. It is an agreement that is strong on market access, service openings, intellectual property protection, and labor and environmental safeguards.

The Free Trade Agreement with Chile was a good idea 10 years ago and it is an even better idea today. It is about reducing trade barriers, allowing our companies to compete successfully, and strengthening our friendships in the Western Hemisphere. I urge my colleagues to support the legislation.

□ 1030

Mr. LEVIN. Mr. Speaker, let me just be sure of the procedure here so that we are clear. I want to be sure that all the Members who want to speak on both sides of this have a chance to do so. I think the way we worked this out, the gentleman from California (Mr. STARK) would go next, and after the gentleman from California (Mr. STARK), the gentleman from California (Mr. THOMAS) will go, and then I will go.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Michigan (Mr. LEVIN) has the time, and he can yield it at his pleasure.

Mr. LEVIN. Mr. Speaker, I yield 25 minutes to my distinguished colleague from California (Mr. STARK).

The SPEAKER pro tempore. Does the gentleman ask unanimous consent that he be able to yield that time?

Mr. LEVIN. Yes, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume, and in doing so rise in opposition to 2738, the U.S.-Chile Free Trade Agreement implementing the Act. And not only do I speak on behalf of numerous Members who oppose this, but I also speak on behalf of the International Brotherhood of Teamsters, the AFL-CIO, the International Brotherhood of Boilermakers, the International Brotherhood of Electrical Workers, United Auto Workers, United Steelworkers of America, the UNITE, the needle trades, and the Machinists Union, all of whom strongly oppose the Singapore and Chile Free Trade Agreements, and it will soon become apparent why they oppose it.

These agreements are notable for their lack of labor rights enforcement language and, for the first time, the addition of a permanent work visa program for a violation of a guest laborer organization that invites foreign workers to come to this country under specialized visa programs, and these agreements are a template for future trade agreements and are sufficient reason to oppose both agreements and the implementing legislation.

American workers have suffered too many job losses for the sake of free trade, for the sake of giving huge tax cuts to the richest Americans, and they have suffered, the children and education and health care in this country, as the current administration has worked its will to harm and dismantle labor unions and to ignore children's education by starving these programs through tax cuts.

The U.S. Trade Representative has the ability to ensure that good-paying jobs are not shipped overseas, I must say, by negotiating labor standards that have strong enforcement measures, but the U.S. Trade Representative has not, he will not, and the administration will not ask him to. Thus, it is up to Congress to require him to protect U.S. workers from the devastation of trade agreements like the Chile Fair Trade Agreement.

Our Nation's unemployment rate reached 6.4 percent in June, the highest rate in more than 9 years, causing the loss of more than 1 million jobs in the last 3 months. Since NAFTA, we have lost 500,000 jobs due to NAFTA. Three-quarters of the jobs lost due to NAFTA have been in the manufacturing sector. These are good-paying jobs that have been shipped overseas. These are traditional American jobs that are the highest skilled among our labor force.

But rather than take the successes of the U.S.-Jordan Fair Trade Agreement, which was heralded by labor and environmental organizations, as the new model for trade agreements, the Bush administration is taking us down the path of further job losses and more degradation of our environment.

Chile's Free Trade Agreement contains only one enforceable provision on workers rights, and it is a hollow, hollow obligation that each country, get this, each country must enforce but not necessarily maintain its own domestic labor laws. If they change their domestic labor laws, that is all they have to do. If they eliminate their domestic labor laws, this fair trade agreement acknowledges that and ignores the fact that there will no longer be any workers rights.

It pays lip service to upholding the International Labor Organization's core worker rights and to not weaken its domestic labor laws, but then both these provisions are expressly excluded from coverage in the dispute settlement chapter. Hence, the Chile Fair Trade Agreement contains virtually no labor standards because any worthwhile labor standard is not enforceable.

The U.S. cannot afford to go down the road of further job losses with the Chile FTA and the Singapore FTA or any other future trade agreements.

It is anticipated that 3.5 million white collar jobs and $136 billion in wages will shift from the United States to low-cost countries in the next 10 years. So all of those, in addition to the 100,000 high-tech jobs we have already lost in California, Silicon Valley, those jobs will become obsolete under the Bush administration's course for free trade. It will not just be IT jobs. We will see a shift in financial service jobs, research and development jobs, service call center jobs and insurance jobs.

Then we get to the new immigration visa program established in the Chile FTA, and it will exacerbate the loss of white collar jobs here. The current H–1B visa program, kind of an enforced slavery program that was written at the behest of the Silicon Valley corporations, is a program of a 3-year temporary work visa renewable one time. So it is a 6-year program. The new visa program will allow an indefinite renewal, time after time, for 1,400 nationals from Chile.

U.S. college grads will increasingly see a future in flipping hamburgers and waiting on tables, while college grads from overseas will increasingly see good-paying white collar jobs in their future.

The U.S.-Chile Free Trade Agreement is nothing more than a model, a template, an excuse for the Bush administration to diminish labor standards here in the United States. Furthermore, it sets a dangerous precedent as a model for current negotiations with Central America and the Western hemisphere, and I am sorry for my colleagues who think we are going to do something different in Central America. They are just wrong.

We cannot trust the U.S. Trade Representative or the Bush administration to do the right thing. We know it. They behave like China. If we want to get them to do the right thing, we must stop them here before they strike again and diminish more labor standards. It is time for us to stand up, defend the few good-paying jobs we have left in this country and demand the administration go back to the drawing board and include enforceable labor language in the Chile FTA.

I urge my colleagues to oppose H.R. 2738, the implementing language for the U.S.-Chile Free Trade Agreement.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I rise to claim the time for the Committee on the Judiciary.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 10 minutes.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, both the U.S.-Chile and U.S.-Singapore Free Trade Agreements contain several important provisions within the purview of the Committee on the Judiciary. Both agreements contain competition clauses that ensure antitrust laws are applied in a neutral, transparent and nondiscriminatory manner while safeguarding basic procedural rights.

The agreements also contain robust intellectual property protections, requiring the governments of Chile and Singapore to take affirmative steps to eradicate the piracy of trademarks, patents, satellite television rights and other forms of intellectual property. These intellectual property provisions are widely supported and are likely to serve as a model for future free trade agreements. The intellectual property and antitrust provisions required no substantive changes to U.S. law and thus are not within the text of the implementing legislation before the House today.

For the last several years, I have woefully and repeatedly expressed concern about substantive changes to U.S. law contained in free trade agreements. Before passage of the Trade Promotion Authority Act, immigration provisions were included in earlier free trade agreements such as NAFTA without formal consultation with Congress. This regrettable practice created precedent for subsequent trade agreements, and immigration provisions were included in both the Chile and Singapore Free Trade Agreements before the elevated consultation requirements created by the Trade Promotion Authority were enacted last year.

Mr. Speaker, article I, section 8, clause 3 of the Constitution gives the Congress plenary authority over matters pertaining to immigration and naturalization. During the Committee on the Judiciary's mock markup of this legislation, I, the gentleman from Michigan (Mr. CONYERS), the ranking member and several members of the committee spoke with a united and bipartisan voice and declared that immigration provisions in future free trade agreements will not receive the support of the Committee on the Judiciary. Plainly stated, the Committee on the Judiciary will oppose any future free trade agreement that contains substantive changes in immigration law.

Following the markup, the gentleman from Michigan (Mr. CONYERS), the ranking member, and I transmitted a letter to the United States Trade Representative that reaffirmed Congress' exclusive constitutional mandate to consider immigration law. An additional letter was sent by other members of the committee and several Members of the Congress not on the committee echoing this bipartisan commitment. This was sent to the Trade Representative.

Mr. Speaker, the Committee on the Judiciary's July 10 preintroduction markup of this legislation was a mock markup in name only. At the markup, the committee reported several substantive amendments to the draft we were furnished, and these were incorporated into the legislation which we consider today.

First, while the draft implementing legislation created a separate visa category for skilled workers from Chile and Singapore, the Committee on the Judiciary amended the Immigration and Nationality Act to ensure that these visas, 6,800 in total, are now deducted from the national H–1B visa cap at the time they are issued and when they are renewed after five or more prior extensions.

The committee also reported an amendment to ensure that every second extension of temporary status for citizens of Chile and Singapore be accompanied by a new employer attestation to ensure that an employer updates the prevailing wage determination after each second application for extension.

In addition, the committee approved an amendment that requires an employer to pay a fee equal to that charged to an employer petitioning for H–1B visa status whenever a temporary exit visa is granted and after every second extension of that status.

Finally, H.R. 2738 and H.R. 2739 now explicitly state that an employer generally cannot sponsor an alien for an EL or H–1B1 visa if there is any labor dispute occurring in the occupational classification at the place of employment, regardless of whether the labor dispute is classified as a strike or a lockout. In this regard, title IV of both bills provides greater worker protection than that presently contained in the H–1B program.

The committee's commitment to ensuring that its amendments were incorporated into the introduced bills we consider today dramatically enhanced the quality of the legislation and recaptured a crucial prerogative of the Congress. It is my hope and expectation that the Committee on the Judiciary's clarion call over the last 2 weeks that immigration provisions be excluded from future trade agreements will be clearly received by this and future administrations.

Given the leadership of Ambassador Zoellick, his proven commitment to working with Congress on a cooperative and constructive basis that fully respects the constitutional prerogatives of this body and the dedication and professionalism of his staff, I have great confidence that the will of Congress will not be ignored.

☐ 1045

Mr. Speaker, reducing barriers to U.S. exports is crucial to restoring America's economic vibrancy. U.S. products containing intellectual property continue to lead America's exports, and it is incumbent upon this body to ensure that foreign governments stamp out the rampant piracy that costs America and Americans several billion dollars a year.

Strong safeguards in these agreements will ensure that the governments of Chile and Singapore create criminal sanctions to punish intellectual property theft with the seriousness and severity that it demands. In addition, the antitrust provisions will ensure that these governments do not rely on the increasingly common foreign practice of manipulating antitrust laws to discriminate against American businesses.

Mr. Speaker, the Chilean-Singapore Free Trade Agreements contain critical market-opening provisions which will expand commercial opportunities for America's farmers and dairy producers and ensure that the United States continues to lead the world in exports. These agreements also advance America's broader strategic interests by liberalizing trade with two key economic allies which serve as regional models for neighboring countries.

For the reasons I have outlined, Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to claim the time of the Committee on the Judiciary.

The SPEAKER pro tempore (Mr. HEFLEY). The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 10 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe we might have been on another journey if the USTR had responded to the concerns of many of us in a more constructive and readily solvable fashion. The Committee on the Judiciary stands as the monitor of the Constitution, and it is clear that the issue of commerce is designated in the Constitution. But it is also clear that in the Constitution, under Article 1, Section 8, Clause 4 of that document, it provides that Congress shall have the power to establish a uniform rule of naturalization.

The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policy. Moreover, the Court has found that the formulation of policies pertaining to the entry of aliens and their right to remain here, as entrusted exclusively to Congress, has become as firmly embedded in the legislative and judicial tissues of our body politics as any aspect of our government. Nonetheless, the administration has negotiated a new visa program in the U.S.-Singapore-Chile FTA usurping Congress' clear and constitutional role in creating immigration law.

Mr. SENSENBRENNER. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the balance of my time be yielded to the gentleman from Utah (Mr. CANNON) and that he be allowed to yield time to other Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Ms. JACKSON-LEE of Texas. Reclaiming my time, Mr. Speaker, we want to be friends with all of those very fine neighbors and nations across the ocean, but I believe that the USTR made a terrible mistake in implementing FTA, which many of us questioned, by delving into authority that should be left to this Congress. The USTR should not have included immigration provisions in both of these trade bills. The inclusion of immigration provisions overstepped the bounds of the USTR and usurped the jurisdiction of the Committee on the Judiciary.

Many of us reached out to the USTR in order to analyze ways of retracting some of those negotiated provisions in the trade agreement. Through their stubbornness, they refused to meet or to agree to any of these provisions. Let me give an example.

We have about 8 million undocumented aliens in the United States. Many of us have argued vigorously that we should find a way through the Congress, legislatively, to allow those undocumented individuals who are working, who are paying taxes, to access legalization. In this trade bill, we have a perpetual unlimited visa process that will allow any of those citizens from those countries to stay in the United States forever.

Now, Mr. Speaker, I did not say 1 year, 2 years, or 3 years, I said forever, with an annual renewal. No review by this Congress at all. So rather than come in, try to establish legal permanent residency, all you have to say is that you are coming in under this particular visa provision, and each year you are allowed to renew it.

We simply asked for there to be a capping of 8 years, to at least have the ability, if we are supposed to be concerned about homeland security, securing of this Nation. We now have a gaping new hole that someone can go through to apply for this kind of visa, through certain processes, and stay in the United States forever. Forever, Mr. Speaker.

Negotiating objectives that the Congress laid out for the USTR in the Trade Act of 2002 do not include a single word on entry into the United States. That was my fear about Fast Track Authority. That is what we should be concerned about.

I understand what trade agreements are about. They are a deal. It is that simple. Plain and simple, they are deals. You sit on this side of the table, they sit on that side of the table, and you make a deal. And the dealmakers do not want anyone to oversee the deal so they can slip anything in without any ability of this Congress to oversee it.

What they have done is slipped in a perpetual visa status that no one can oversee. There is no specific authority in the TPA to negotiate new visa categories or to impose new requirements on our temporary entry system, yet that is exactly what the USTR has done in these trade agreements. The trade agreements create a new visa classification for the temporary provision of a nonprofessional that is similar in many respects to the existing H-1B nonimmigrant classification.

The new nonimmigrant visa classifications, however, would differ from the existing H-1B program in significant ways. The provisions for the new nonimmigrant visa permit allow an unlimited number of extensions in 1-year increments. This makes it possible for a foreign employee entering the company on a supposedly temporary basis at the age of 22 to remain until he or she is ready to retire at the age of 70. This is with the backdrop of 6.4 million that are unemployed and with the backdrop of companies like IBM, just reported in the newspapers, outsourcing a number of their jobs, maybe upwards of 3,000 per company, outsourcing them from the United States to places beyond its borders.

In effect, this gives American employers the option of keeping permanent workers in a temporary legal status forever and ever and ever. In contrast to the H-1B program, workers are granted a 3-year visa that can be extended only once. And maybe some of us believe there should be more flexibility, but at least there is an end time. A single 3-year extension is available, but there is an end time.

The labor certification attestation is one of the few safeguards we have in our H-1B system for ensuring that employers do not abuse temporary workers and undermine the domestic labor market. The implementation legislation contains some but not all of the attestation requirements that apply in our H-1B program. The implementing legislation completely omits the category of H-1B independent employers and the additional attestation requirements that apply to them.

The problem we have here, Mr. Speaker, is the fact that we have legislation that includes boundaries beyond that of the USTR. They should not have trampled on the rights of this Congress regarding the issues of immigration, and I would argue that for that very reason this bill has an Achilles heel and should be defeated.

I will begin by saying that I value the trade relations that the United States has with Chile. Although Chile was only our 36th largest trading partner in goods in 2002 (with $2.6 billion in exports and $3.8 billion in imports), Chile has one of the fastest growing economies in the world. Its sound economic policies are reflected in its investment grade market ratings, unique in South America. Over the past 15–20 years, Chile has established a thriving democracy, a free market society and an open economy built on trade. I support trade with Chile.

My concern is with the details of the trade agreement. The U.S. Trade Representative (USTR) should not have included immigration provisions in the Chile Free Trade Agreement. The negotiating objectives that Congress laid out for the USTR in the Trade Protection Act of 2002 (TPA) do not include a single word on temporary entry into the United States. There is no specific authority in the TPA to negotiate new visa categories or to impose new requirements on our temporary entry system, yet that is exactly what USTR has done in the Chile Free Trade Agreement.

The inclusion of immigration provisions overstepped the bounds of the USTR and usurped the jurisdiction of the Congress. Article I, section 8, clause 4 of the Constitution provides that Congress shall have the power to establish a uniform Rule of Naturalization. The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policy. The Court has found that the formulation of policies [pertaining to the entry of aliens and their right to remain here] is entrusted exclusively to Congress has become as firmly embedded in the legislative and judicial tissues of our body politics as any aspect of our government. Nonetheless, the Administration has negotiated a new visa program in the Chile Free Trade Agreement; usurping Congress' clear constitutional role in creating immigration law.

The Chile Free Trade Agreement creates a new visa classification for the temporary admission of nonimmigrant professionals that is similar in many respects to the existing H–1B nonimmigrant classification. The new nonimmigrant visa classification, however, would differ from the existing H–1B program in significant ways.

The provisions for the new nonimmigrant visa permit an unlimited number of extensions in 1-year increments. This makes it possible for a foreign employee entering the country on a supposedly temporary basis at the age of 22 to remain until he is ready to retire at the age of 70. In effect, this gives American employers the option of keeping permanent workers in a temporary legal status. In contrast, under the H–1B program, workers are granted a 3-year visa that can be extended only once. A singe 3-year extension is available.

The Labor Certification Attestation is one of the few safeguards we have in our H–1B system for ensuring that employers do not abuse temporary workers to undermine the domestic labor market. The implementing legislation contains some, but not all, of the attestation requirements that apply in our H–1B program.

The implementing legislation completely omits the category of H–1B dependent employers and the additional attestation requirements that apply to them. H–1B dependent employers are required to attest that new entrants will not displace American workers and demonstrate that they have tried to recruit American workers. The implementing legislation should have a similar provision.

In addition, the H–1B program authorizes the Secretary of Labor to initiate her own investigations and enforcement proceedings based on credible information that an employer is violating the rules of the H–1B program. No such authority is granted to the Secretary in the Chile Free Trade Agreement's implementing legislation.

The Chile Free Trade Agreement requires permanent changes to our immigration system, but for now these changes are limited to two countries. Unfortunately, we may see these programs expanded to dozen of additional countries in future Free Trade Agreements. The administration is currently negotiating additional Free Trade Agreements with Australia, Morocco, five countries in Southern Africa, five countries in Central America, and the 34 countries of the Western Hemisphere.

Immigration policy is a sensitive, political matter. Changes in immigration law traditionally have been the result of intense, open negotiations between workers, employers, immigration advocates, and Members of Congress. These issues simply do not belong in fast-tracked trade agreements negotiated by executive agencies. Because the legislation is being fast-tracked, Congress does not have the power to amend it. We have to vote on it as written with no power to make any changes.

If amendments had been permitted, I would have offered one to put a limit on renewals. My amendment would have permitted no more than eight 1-year renewals of the nonimmigrant status. That would have permitted a 9-year period, which would be 50 percent longer than is allowed for employees who are here with H–1B status.

I also would have offered an amendment that would have used part of the fees generated by the new visa classification for accelerating the processing of nonimmigrant visas by the State Department's consulate offices. Delays in processing nonimmigrant visas are causing difficulty to people coming to the United States for medical treatment, to do important research, or for any of a number of other urgent reasons.

I urge you to vote against the U.S.-Chile Trade Agreement Implementation Act, H.R. 2738.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume, and I rise to speak in favor of the United States and Chile Free Trade Agreements.

Mr. Speaker, I appreciate the fact the administration has worked closely with the gentleman from Wisconsin (Mr. SENSENBRENNER) and other members of the Committee on the Judiciary on the legislation to implement the temporary entry provisions that are included in the Singapore and Chile Free Trade Agreements.

The bill language relating to the temporary entry of professionals was carefully crafted to track the H-1B program, therefore ensuring that Chilean professionals fall under the H-1B cap and that comparable fees can be charged and that the labor attestations for these visas are modeled after the H-1B program.

The temporary entry of professionals, who must have bachelor degrees or more advanced degrees, facilitates trade and services which currently account for 65 percent of the U.S. economy. The international mobility of business professionals has become an increasingly important aspect of competitive markets for suppliers and consumers alike. Facilitating the movement of professionals allows trade partners to more efficiently provide each other with services, such as architecture, engineering, consulting, and construction. It has been customary to include such provisions in trade agreements as a part of the services chapter, and the U.S. service providers are very supportive of these provisions.

The current U.S. Trade Representative inherited the Chile agreement from the prior administration, and this USTR has consulted very closely with Congress on negotiations on the agreement last year and on the implementing legislation in recent weeks, including on temporary entry of professionals. I know the USTR appreciates this consultation process on these sensitive issues. The USTR has continued to consult with Congress on trade agreements now being negotiated, including the Moroccan Free Trade Agreement, the Central American Free Trade Agreement, the Australia FTA, and the Free Trade Area of the Americas, and none of these agreements currently includes provisions on the temporary entry of professionals.

Over the past few weeks, Congress has sent a clear message asking USTR to discontinue the practice of including such provisions in these agreements. I know the USTR listens closely to Congress, and I am confident that we will continue to have opportunities to work closely with Ambassador Zoellick and his team in ensuring that the best possible free trade agreements are achieved.

Congress' goal, however, is not to become the U.S. trade negotiator itself but to be a close partner in the overall process. Recent consultations with the administration on the Chile agreement shows that this partnership is beneficial and can work. Let us not take a step backward at this crucial time. I urge my colleagues to support this agreement.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I inquire of the Speaker how much time we have remaining?

The SPEAKER pro tempore. The gentlewoman from Texas has 2 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentlewoman from Texas for yielding me this time.

Mr. Speaker, the Statue of Liberty speaks out very clearly, if anybody has been to this great monument. And from the poem "The New Colossus," at the bottom, the 19th century American poet Emma Lazarus writes, "Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed, to me. I lift my lamp beside the golden door."

□ 1100

What has happened to us, in a country where we continue to export jobs and import workers? This issue is at the very center of the economy of this country. We will never have recovery until we address it, Mr. Speaker.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself the balance of my time.

Let me conclude by simply saying this. This legislation again has trampled on the constitutional rights delineated for this Congress as it relates to immigration policies. This bill does not even have the provision that says that you need to attest that there are no American workers that can do this job before you give this perpetual visa.

When we tried to get a revenue stream for the visa fees in order to unclog the backlog of visas in our consul offices around the world, for researchers and people who need medical care, we could not even get that established. The USTR has trampled on our rights.

Fast track should not undermine the Constitution. This is a bad trade bill, a bad precedent, and if this Congress does not stand up to its right to protect the American people, who will?

I ask my colleagues to vote against this. They need to go back to the drawing boards, back to the deal-making, and if need be, you need to have Congress sit at this table so that you do not trample on our rights and begin to put in immigration policies that discriminate against hard-working immigrants who are here in this country seeking legal status, who cannot seek legal status because of our policies, yet you can be overseas, staying overseas, look up, get a visa and never leave this country.

If we are concerned about security, if we are concerned about homeland security, if we are concerned about protecting ourselves against terrorism, what a big, gaping hole.

This is a bad trade bill. I ask my colleagues to vote against it.

The SPEAKER pro tempore (Mr. HEFLEY). All time for the Judiciary Committee portion of the bill has expired.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

There is no question that we should rightly be concerned about traditional industries, manufacturing and the changing world and the United States relationship to that changing world. And I do believe that there will be some free trade agreements that will come before us when the concern about manufacturing is front and center. But one of the important things about the agreement that is in front of us today, the U.S.-Chile Free Trade Agreement is, first of all, I consider this agreement old business, not new business.

Secondly, I just have to tell you, as someone who represents California and, more particularly, the great Central Valley of California in which when I am back home, and I am greatly anticipating that in less than a week, in the morning the sun comes up over the snowy Sierra Nevadas.

As most of you know, Mount Whitney at 14,500 feet is the highest mountain in the continental 48 States. The Central Valley is the single richest agricultural area in the world. When the sun goes down, it goes down over the Pacific Ocean. If you have the opportunity, as I have, to be able to go to Chile, you will find that the geography, the topography is literally exactly the same.

One of the things that is important about this agreement is that it is a world-class agreement in the area of agriculture. Where many times people use nontariff barriers, argue sanitary or phytosanitary reasons for not allowing the free movement of agricultural products, what we have here is an opportunity to show the rest of the world how it ought to be done.

What I am hearing from people is, why should we enter into this agreement? I guess my response is, why not? It is true that we are trading the entire internal market of the United States for a market about the size of L.A. County.

But the fact of the matter is, Chile has not waited for us, no matter how close our friendship is. They have moved on in the world. They have free trade agreements with other countries who are more than willing to supply the products that we would love to supply, and no matter how close the friendship, if the price is not right, if the structure is not right, they are going to trade with people who are smart enough and wise enough to create a more comfortable trading arrangement.

We are doing this for us, not for Chile. But let me tell you, the U.S. consumer has benefited from this relationship.

Just as I described the geography of California and the geography of Chile, they may be the same, but when you look at them on the globe, they are on opposite sides of the equator, which means we are able to produce the same agricultural products but at a different time of the year. There is a seasonal complementariness to the agriculture on what would otherwise be directly competing products that creates a positive for the American consumer. Just one product, table grapes, currently if you go down to your market, you will find fresh table grapes and especially the new varieties that are seedless and they will be in a bag which says "Product of USA." But if you go to that same market in November or December or January or February, you will find what looks like exactly the same product in a bag and it will say "Product of Chile."

What we used to do in the old days was when the growing season was over, we would throw the grapes in cold storage, 4 months later we would drag them out and, as you might expect, consumer demand and interest was pretty low. Today, we can supply 12 months out of the year a fresh product where there is not the kind of conflict that would otherwise occur.

We benefit, the Chileans benefit from the primary focus of agriculture in an agreement that is world class, but beyond that, allows us to go to the market in Chile and offer a product in competition with other countries. But this time we do so under a free trade agreement. And when you have an opportunity to trade under the same economic relationship, then the question is, if there is no difference in terms of economics, why not trade with a friend rather than someone else? That is what this free trade agreement is all about.

Mr. Speaker, it is now my pleasure to yield 3 minutes to the gentlewoman from Washington (Ms. DUNN), but prior to that, I yield my time to the gentleman from Illinois (Mr. CRANE), chairman of the Subcommittee on Trade, and ask unanimous consent that he have the ability to disburse the time as he may see fit.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from California?

There was no objection.

Ms. DUNN. Mr. Speaker, it is indeed a pleasure to speak on behalf of this agreement. It has been a long time coming. I am delighted to be here on the floor supporting it.

This is the first comprehensive free trade agreement between the United States and a major South American country. Passing this trade agreement will help American businesses and farmers gain better access to foreign markets.

Currently, Chile already has a trade agreement with the European Union, with Mexico and Canada, but not with the United States. As a result, American businesses and farmers do not enjoy the same preferential benefits and advantages that their counterparts in these countries do. Of course, that results consistently in our losing contracts to Canada, the EU and Mexico because we must pay the 6 percent tariff in Chile since we do not have an agreement and they, of course, pay nothing which makes the cost of their goods and services much less.

By leveling the playing field, this trade agreement will ensure that 85 percent of United States consumer and industrial products will receive tariff-free treatment in Chile immediately. For our farmers, over 75 percent of agricultural goods exported to Chile will be duty-free within 4 years. Furthermore, both nations renewed their commitment to continuing to work on resolving sanitary and phytosanitary issues so that artificial barriers will no longer be used to inhibit legitimate trade.

For the people I represent in the Pacific Northwest, this trade agreement will require Chile to comply with intellectual property rights protections beyond the current international standards and will improve enforcement against piracy and counterfeits. It is my hope that the IPR provisions in this agreement will be a model for our efforts with the Central American FTA and the impending Free Trade Area of the Americas negotiations.

This agreement is not only about expanding market access; it also reflects our commitment to strengthen our relationship with our friends and our neighbors in South America. It will also underscore our commitment to move forward with a hemispheric free trade agreement through the FTAA. While two-way trade between our nations was only $6.4 billion last year, this agreement will help to expand foreign investment that will strengthen both our economies.

I urge passage of this bill.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Clearly, the Chile and Singapore Free Trade Agreements have many strong provisions, including comprehensive commitments by Chile and Singapore to open their goods, agricultural and services markets. This will be beneficial to American businesses, workers and farmers, commitments that will increase regulatory transparency and act to the benefit of U.S. investors, intellectual property holders, businesses, workers and consumers.

So what is the major source of controversy, especially since the economic impact of the two agreements combined will account for less than one-quarter of 1 percent of U.S. GDP? I believe that it is mainly the potential and the existing inappropriate use by this administration of provisions in these agreements as models for other agreements.

For example, the Singapore FTA includes an integrated sourcing initiative. As first drafted, ISI would have allowed in listed instances components from any country in the world imported directly into Singapore to be treated as Singapore content, i.e., Singapore as a proxy for other nations not signatory to the FTA. This local content feature has been restricted through amendments to the agreement and by this legislation at our instigation, making it difficult to use as a practical matter. And, importantly, Democrats took the initiative to prevent any expansion of the ISI list without congressional approval. These efforts should send a clear message: Do not negotiate a similar provision in any future FTA.

Second, both agreements contain provisions relating to the temporary entry of nationals which required the creation of a new H1B visa program for workers from these countries. We were able through the implementing legislation on a bipartisan basis to significantly tighten these provisions. As a result, they are not now, in my judgment, a sufficient reason to vote against these agreements. But in this day and age of heavy loss of American jobs, the changes insisted on by this House must send a clear message to the administration not to negotiate immigration provisions in future FTAs, especially where the number of such visas involved would be larger without the active involvement of Congress.

Third, both agreements contain separate dispute settlement rules that place arbitrary caps on the enforcement of the labor and environmental provisions. This is a mistaken approach, the difficulties of which would only be magnified if used as a precedent for future FTAs involving very different circumstances.

Fourth, while substantial progress was made in the critical area of investment, these agreements should not be a model for all future FTAs. Additional steps should be included in future trade negotiations to ensure fully that foreign investors have no greater rights than U.S. citizens have under U.S. law.

Fifth, of great concern about these agreements is the actual use by USTR in the ongoing Central American negotiations of the "enforce your own laws" standard in the Singapore and Chile FTAs relating to basic labor standards. The laws of Chile and Singapore incorporate five internationally recognized core labor standards, prohibition against child labor, forced labor, discrimination, and, vitally, the right to associate and bargain collectively; and they basically enforce them, though there are cultural differences in their doing so.

In clear contrast to Chile and Singapore, the laws of most Central American countries irrefutably do not embody these five standards and the inadequate laws that exist are poorly enforced. Indeed, there is a pervasive antiworker-rights culture that prevents workers from getting a livable piece of the economic pie and climbing the economic ladder to the middle class.

□ 1115

So use of an "enforce your own law standard" where opposite conditions exist is a contradiction that would lead to contradictory results.

Central America does not need to suppress its workers to compete. To say that it does, whether with neighbors or with China, is untrue, and such an argument only gives ammunition to those who say that expanded trade, indeed globalization, inevitably leads to helping the rich and continuing to exploit the poor.

CAFTA is the real test and provides a real opportunity to shape expanded trade so that it leads to a leveling up, not a leveling down, with FTAA following next. So there is not a race to the bottom. So people in developing nations, as is basically true now in Chile and Singapore, can move up the ladder. So it is clear to workers in our Nation that when they compete, it is not with workers in other nations suppressed of their basic rights to associate and bargain together to get a decent piece of the economic action.

There are two ways to respond to this situation.

One is to acknowledge the many positives in these agreements, voting a green light while making very clear a red light against misapplication of Chile and Singapore to CAFTA, FTAA, and other future agreements where the conditions are very different. Different conditions, different agreements. Or, to vote "no."

My judgment is that the message is more clear, the distinctions between different situations remain starker and less blurred, and efforts to make these distinctions more likely to succeed with a "yes" vote in the manner described above. Either way, there must be a similar message: Do not negotiate an agreement with Central American nations on the assumption that conditions are like those in Chile or Singapore when they are not.

We oppose such efforts. They would not lead to the breakthroughs that Central American or FTA nations need in access to U.S. markets. They would result, in my judgment, in the eventual defeat of CAFTA. And they would throw away an opportunity, a major opportunity for those Central American nations and others, and for ours, and an opportunity to move U.S. trade policy forward, with the broad base of support necessary for a healthy future for expanded trade.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, where I come from, trade is a 4-letter word: J-O-B-S. Unfortunately, this Congress, this U.S. Trade Representative, and this President do not spell very well.

In the 2½ years since George Bush became President, we have lost 3.1 million jobs in this country, we have lost 2.1 million manufacturing jobs in this country, and President Bush's answer is, more tax cuts for the wealthiest Americans, more cuts in services to veterans, to education, to health care, and more flawed trade agreements. There was fast track, and now there is Singapore and Chile.

American workers understand these trade agreements do not work. We have lost 2.1 million manufacturing jobs in 2½ years. American workers understand that NAFTA has failed. Ten years ago when NAFTA passed, we had a $1.7 billion surplus with Mexico and Canada. Today, 10 years later, we have a $25 billion deficit with Canada and Mexico.

American workers understand that our China trade policy does not work. A dozen years ago we had a $100 million trade deficit with China. Today, under these failed policies, for a decade we have had a $100 billion trade deficit with China, and growing.

President Bush, Sr., told the American people that for every billion dollars in trade surplus or trade deficit, it meant 18,000 jobs. That means that our trade deficit with China every year costs us 1.8 million jobs. Yet we continue the same failed trade policies that hemorrhage American jobs.

In 1992, the U.S. had a $38 billion trade deficit. Today, it is a $418 billion trade deficit. We had a bigger trade deficit in May of this year than we had for the entire year 11 years ago.

And white collar workers are next. The New York Times said IBM's top employee relations executive said 3 million service jobs will be gone by 2015, 3 million more. These are white collar: 3 million more jobs lost.

American workers, as I said, understand that these trade agreements, these failed trade policies hemorrhage American jobs.

Two years ago, President Clinton and the Congress finally figured it out. We passed a trade agreement, the Jordan Trade Agreement, that lifted up environmental labor standards, lifted up standards, lifted up people's lives, promoted American values rather than pulling down labor standards and pulling down environmental standards. Now President Bush has brought us back to the same failed NAFTA policies. That is what this Chile trade agreement is about.

The worst part is the Bush administration has announced that these agreements with Chile and Singapore will serve as the model for future trade agreements such as the Central American Free Trade Agreement, CAFTA, and the Free Trade Agreement of the Americas. They will serve as the model for these next huge trade agreements that will hemorrhage even more jobs.

The administration impact report on the Singapore Free Trade Agreement, which we will debate next, estimates that we will lose 22,000 manufacturing jobs.

That is the problem. This trade policy is continuing to hemorrhage American jobs.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, let me first indicate my strong support for this trade agreement with our friend and ally, the nation of Chile, a longtime democracy, a longtime ally; and clearly, I am one who believes that if you believe in freedom and democracy, you believe in free trade.

This historic agreement that we have between our Nation and Chile to reduce trade barriers and open up opportunities for Illinois agriculture and Illinois business and Illinois workers to sell products is a big step forward.

I want to focus on a very key portion of this trade agreement with the nation of Chile and our country, and that is, this trade agreement recognizes that today, in our economy, our global economy, that we are in a digital age, and that we exist in a digital global economy.

Our Nation's largest exports are in entertainment and technology, important industries for the State of Illinois. We are concerned about the rights of those who create music, entertainment, software, and technology products, and we are concerned about manufacturers' patents.

This agreement is an historic agreement because it includes, clearly, one of the highest levels of intellectual property rights protections that we have ever had in any trade agreement with any other nation. It is just one more reason why we should all support, in a bipartisan way, this trade agreement with the nation of Chile.

We have a high level of intellectual property rights protections. We protect trademarks in this legislation, state-of-the-art protections in this digital age. We also protect copyrights, protecting copyrights in the digital economy, protections from piracy.

We often think about it. Here in the Americas, particularly in Latin America, we have seen cases where there is an incredible amount of piracy and an incredible amount of counterfeiting of intellectual goods, music and entertainment and films and software; and that is a tremendous loss to the artists, to the creators, to those who came up with that idea and that product. But if we are concerned about those workers, we ought to ensure that they get the benefits of the fruits of their labors. If we do not provide for additional protections for intellectual property rights, those involved in piracy, some are even associated with terrorist organizations, will continue to have that niche where they take away the rights of our workers.

This is historic legislation that is before us today, protecting intellectual property rights as well as the patent rights for our American businesses, as well as our American workers.

I would note that Illinois, of course, is a major manufacturer of pharmaceutical products and also is a major manufacturer of agricultural chemicals. Again, this legislation provides stro[illegible]otections for the copyrights and [illegible]nts that protect our industries in I[illegible]ois.

L[illegible]of course, it is one thing to say we a[illegible]going to agree to protect them; the other key part is what are we going to do to enforce these intellectual property rights? Clearly, this agreement that we have with the nation of Chile provides tough penalties which they agree to implement on those who commit piracy and counterfeiting.

This legislation deserves bipartisan support.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT), my distinguished colleague on the Committee on Ways and Means.

Mr. McDERMOTT. Mr. Speaker, today's votes are not about the merits of liberalizing or opening up foreign markets to American goods and services. Democrats and Republicans both support doing that because over 90 percent of our consumers live outside the United States borders.

I represent a congressional district whose economy relies heavily on exports, but my district is also deeply concerned about the process by which economies liberalize and the effects these liberalizations have on working families and the environment in which they live.

Process is very important. Read James Madison. The rules that the Congress laid out in the fast track bill were not met. Fast track requires the U.S. Trade Representative to consult with several private-sector advisory committees to seek their opinion about trade agreements, but Mr. Zoellick refused to provide these committees with the final text of the agreements before they were required by law to respond. Many on the committees voiced frustration over this.

One committee, the Advisory Committee on Services, had this to say when they submitted their final analysis of the Singapore agreement: "It should be noted that our members were challenged by the lack of available text during the 30-day period we had to conduct this analysis and write this report."

Mr. Speaker, after EarthJustice represented several environmental groups in court to seek the release of documents used in the U.S.-Chile negotiations, a district court ruled that the U.S. Trade Representative was wrong to deny Americans these documents. After that ruling, instead of opening up, the Inside U.S. Trade article which I offer for the RECORD says, "The Office of the USTR is now formally classifying negotiating texts and related documents as exempt from the Freedom of Information Act requests on national security grounds as a part of an overall effort aimed at tightening the flow of information on trade policy between the executive branch and the private sector."

The Congress needs more time, not less. We do not need obstruction from the USTR. I believe that our Founding Fathers wanted it to be an open process. For that reason, I suggest that we reject this document and we will go back to the drawing boards. Mr. Zoellick has to follow the law. Let people have the information. Do not hide behind secrecy on national security grounds.

Mr. Speaker, I will enter in the RECORD at this point an article from Inside U.S. Trade, dated April 25, 2003.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, today I rise in support of the United States-Chile Free Trade Agreement implementation. When signed into law, this agreement, as with other free trade agreements, will help boost exports of Americans' goods and services. It will help create more net jobs for American workers and will help fuel economic growth.

Mr. Speaker, when trade grows, income grows. Free trade not only creates opportunities for the unemployed and underemployed, it helps increase wages and improves the standard of living of our workers and consumers at home and abroad. It is that simple, and we have 200 years of experience to prove it.

For example, free trade benefits small business, the job engine of America.

□ 1130

Ninety-seven percent of U.S. exporters are small businesses with fewer than 500 employees. Free trade benefits farmers. U.S. agricultural exports support hundreds of thousands of jobs. Nearly 25 percent of farmers' gross cash sales are generated by exports.

Perhaps most importantly, trade benefits families through a greater choice of goods through lower prices so more families can get better products using less of their paychecks.

But, Mr. Speaker, besides the obvious economic benefits, fundamentally we must recognize that it is not nations that trade with nations, it is people that trade with people. Every American should have the right to determine the origin of the products they want to purchase, be these products from next door, down the street or even Chile and Singapore. With the exception of national security and safety considerations, it should not be the role of the Federal Government to tell consumers from where they should buy their goods. It is a fundamental economic liberty that is at stake here.

Mr. Speaker, I urge my colleagues to reject protectionism and to support jobs and freedom by supporting this Free Trade Agreement with Chile.

Mr. STARK. Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman from California (Mr. STARK) for his leadership on this issue and for yielding me time.

Mr. Speaker, today I rise to express my opposition to the trade agreements before the House today. My concerns regarding these agreements cover many issues such as their lack of strong labor and environmental enforcement language, the intrusion of immigration policy into the realm of trade policy, and the fact that these agreements are a step backwards from the standards set by the Jordan Free Trade Agreement and are being used and touted as the model for future agreements.

First, however, I would like to address the effect these agreements will have on our trade deficit and how they will harm American workers.

As the gentleman from California (Mr. STARK) has already said, our Nation's unemployment rate is now at 6.4 percent, the highest rate in more than 9 years. Many of these jobs were lost in the manufacturing sector, just under 100,000 in Ohio alone. It seems that many perceive the solution to this crisis is to implement trade agreements that depart from the standards set by the U.S.-Jordan Free Trade Agreement, returning instead to what most would concede is the weak model accomplished by NAFTA. I anticipate that the most likely traded item these agreements will facilitate will only be more U.S. jobs.

Like NAFTA, the Chile/Singapore agreements will cause shifts in production from the U.S. that will further engorge the already bloated trade deficit and lead to the loss of more U.S. jobs.

At this time, I have been working in the City of Cleveland trying to save steel jobs in the City of Cleveland with my colleague who I share Cleveland with in terms of representation.

Mr. KUCINICH. Mr. Speaker, will the gentlewoman yield?

Mrs. JONES of Ohio. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, I want to say that, having worked together in Cleveland in trying to save jobs in the steel industry, we understand what these trade bills do in undermining our jobs. Of course, we are both familiar with the fact that the unemployment rate nationally is currently at 6.4 percent and with this bill we are going to receive an aggravated trade deficit that is already at $492 billion. I think the gentlewoman would agree that this is a condition that is intolerable for the workers in that district.

Mrs. JONES of Ohio. Absolutely.

Mr. KUCINICH. We already see these agreements that have weak labor laws, and this particular bill with a country that has laws that were established by an anti-labor, anti-union dictator, how in the world can our country protect our workers when we are facilitating a race to the bottom when we are engaging in trade agreements with countries that do not have a history of protecting workers?

Mrs. JONES of Ohio. The wonderful thing about all these agreements is that, right in the Ohio delegation, we have five members in our delegation who are on record in opposition to this trade agreement. I believe it is probably the largest number of Members who are engaged.

Mr. KUCINICH. One of things that we fought for is to protect the rights of the public, and this bill opens the door to further privatization and deregulation of vital human services, including health and water; and what that means is higher profits for corporations, higher rates and diminished services and limited access for more people.

So I want to thank the gentlewoman for her leadership and how we have been able to work together in Cleveland to protect jobs. We know from our constituents that they need us here on the floor of the House making sure that we demand this these trade agreements not further cause loss of jobs and loss of power on the part of the people.

Mrs. JONES of Ohio. I will reiterate that it is so important that everybody understand that even though Chile and Singapore may be better than other countries, these agreements are set to be a model for future trade agreements, and we do not want to set the model at the standard that we have in these agreements.

I am pleased to stand here with my colleagues in opposition to this legislation.

Mr. CRANE. Mr. Speaker, I yield two minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I rise in strong support of this agreement for better trade between the U.S. and Chile and, following this, U.S. and Singapore. I appreciate the leadership of the gentleman from Illinois (Chairman CRANE) in opening these new markets for American companies.

There is a principle involved in every piece of legislation we deal with. The principle in trade is this: If, as Americans, we build a better mouse trap, we ought to be able to sell it anywhere in the world without discrimination. If someone else builds a better mouse trap, we ought to be able to buy it for our families and for our businesses.

This type of free trade is important to America if we look at the most important thing, jobs. It is important to us because now, one of every three new jobs we are creating in America comes from international trade. No one sells more than our country outside. No one buys more than our country inside. And one out of every three acres that our farmers plant are for sale overseas, so it is important that these markets are open to companies and our farmers.

This is important in our State as well. It is important to Texas already. Just Chile's trade is responsible for almost 180,000 new jobs in Texas. That is enough new Texas workers to fill the Astrodome three times over. We have not even yet begun to scratch the surface of what new jobs we can create through free trade; and as the State which is the largest exporter, in other words, no one sells more, ships more overseas than our State, this is real jobs for our communities. These are real jobs for our families.

But let me state that, though we have not scratched the surface, other countries are not waiting for us to get our act together. They are already reaching agreements so that their companies can sell on level playing fields. We need to make sure American companies have a fair shake.

Mr. LEVIN. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I rise in support of the trade agreements before us, the Chile/Singapore agreements.

As a Democrat, I often find myself opposing long-time friends on matters of trade, and that never comes easily. But the reason I support this agreement is I know free trade simply works through strategic agreements like this one.

I have seen the unemployment rate in south Texas and my State of Texas decline through the 1990s. Coming from a poor district like the district that I represent, to see unemployment go down from 15, 17 percent to 9 percent after the agreement that we had with Mexico tells us one thing, that these agreements work.

Now we are not speculating about the benefits of free trade. We have seen them at work in our community. This economy churns mightily, and the more free trade we have, the more opportunities that there are for this Nation to advance our economy. By strengthening trade and investment relations between two partners with similar economies, both nations benefit from this agreement. This agreement streamlines the operation of major industries within our countries, the United States, Singapore, and Chile. It allows our companies greater efficiency and flexibility by cutting processing costs for some technology products and medical devices in Singapore and the United States. Benefits like this will foster greater economic growth between these countries.

The FTA formalizes our work together on labor, environmental and domestic enforcement issues. And in Singapore, clearly, these trade agreements strengthens our economic opportunity with our military partner in the war on terrorism. I have seen what Singapore has done to help us with our military. They built a pier to the cost of anywhere from 40 to $50 million so that our vessels could berth, so they could refuel, so that our young sailors could have R&R in Singapore. This strengthens the United States' presence in east and south Asia, with Singapore as a base.

Singapore serves as a regional center for many American multinational corporations. This will be the first transcontinental trade agreement across the Asia-Pacific to the nation whose United States trade exceeds all our current trading partners, which is the second largest Asian investor in the United States after Japan and which hosts over 1,300 United States corporations and 15,000 Americans. With Chile, we have the same.

As great a country that we are, can you imagine that we only have four trading agreements with the rest of the world? And what I have seen when I travel through these countries is that other countries seem to be eating our lunch. We cannot afford to do that.

I ask my friends on both sides of the aisle to please support these free trade agreements with Chile and Singapore. It will benefit our country and the lives of many of our people.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I am not going to take my two minutes because there have been many figures cited, there have been many comparisons. There are always problems in trade agreements, whether they are labor conditions or environmental or currency or intellectual property rights.

The only thing I can say is, I have been there. I have done business in Chile. I have manufactured, I have sold, and I have never had a situation where they have abused the trading privilege.

There are two issues here: one is to protect the jobs, and we all do that. The gentleman from Michigan (Mr. LEVIN) and I were down at the International Trade Commission talking about section 201 and the steel case. Of course, we are trying to protect our jobs, and we have got to do it, and we have got to do more. But at the same time we have got to open up markets. Because, as everybody knows, 95 percent of the world's population is outside of the United States, and we cannot build a wall around us.

This is a good agreement. It is not a perfect agreement, but it is a good agreement with a good country, and I urge Members to support it.

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, the proponents of the Chile and Singapore trade agreements are correct. The bills before us today will lead to increased jobs and increased exports. Unfortunately, those increases will take place in Chile and Singapore and not in the United States.

Since the first contraction of the United States gross domestic product in March, 2001, our trade deficit has risen by 31 percent. During the same period we have lost over 2.4 manufacturing jobs. Congress should be considering measures to grow the economy and create jobs instead of agreements before us today that are just one more step down the road of growing trade deficits and lost employment.

These bills represent a significant step backwards from the progress made on the Jordan Free Trade Agreement and even a step backwards from the bill authorizing fast track. Passage of these agreements will set a horrible precedent for future trade negotiations and will be an omen for even more U.S. job losses.

The devil is in the details: The Chile and Singapore Free Trade Agreements contain only one workers' rights provision protected by a dispute settlement procedure, and this is that a country enforce its own labor laws. However, the bills do not commit Chile or Singapore to even have any labor laws or to ensure that their labor laws meet any international standards.

□ 1145

These agreements also create a totally new visa category for the temporary entry of professionals into this country, even if there is no shortage of workers in the United States. These visas are temporary in name only because the bill provides that they are renewable indefinitely.

It is absurd to allow new sources of low-wage labor into this country when we are not facing a labor shortage, quite the contrary, but are facing the highest unemployment rate in 9 years.

The Singapore Free Trade Agreement also is a large loophole that allows goods made in other countries to be treated as made in Singapore and imported into our country duty free if they simply pass through Singapore's ports. This practice will allow goods made all over the world to escape U.S. duties.

Mr. Speaker, I urge my colleagues to reject both of these trade agreements.

The SPEAKER pro tempore (Mr. QUINN.) The Chair would inform the speakers that the gentleman from Illinois (Mr. CRANE) has 28½ minutes remaining, the gentleman from Michigan (Mr. LEVIN) has 8 minutes remaining and the gentleman from California (Mr. STARK) has 8 minutes remaining.

Mr. CRANE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DREIER), our distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of these agreements. I was not intending on speaking. Yesterday, I certainly had my say; for an hour, we had a very interesting exchange with a wide range of our colleagues on both sides of the aisle on this issue. But I was listening to the debate upstairs and heard some aspersions cast at our great U.S. Trade Representative, Ambassador Robert Zoellick.

I will tell my colleagues that I have had the privilege of serving now approaching a quarter century in this institution, and I have worked closely with a wide range of U.S. Trade Representatives and I have never known one to be more open to input not only from Members of Congress, but from a wide range of entities that are charged with providing the kind of information that is necessary for him to do his job.

I also want to say that we, in a bipartisan way, have had great leadership on this issue. The gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade, has, and I know this makes him sound like there is a huge disparity in our age, in fact, there is a huge disparity in our age. When I was a child, the gentleman from Illinois (Mr. CRANE) was providing great leadership on the goal of breaking down tariff barriers and openness.

I have heard a number of our colleagues talk about this issue, and freedom is really what this is all about.

We referred to the fact yesterday that 71 years of one-party rule in Mexico came to an end on July 2, 2000, and we know that that came about in large part due to the economic liberalization that was implemented in Mexico; and we saw political freedom follow. Clearly, we, by breaking down barriers, are expanding freedom worldwide.

In 1947, following the Second World War, leaders of the United States and Europe came together to establish the General Agreement on Tariffs and Trade, and the goal was a very simple one, Mr. Speaker. It was the elimination of tariff barriers, knowing that Adolph Hitler was emboldened by the fact that the United States Congress had passed a Smoot-Hawley Tariff Act, and we stuck our heads in the sand and did not engage in Western Europe, and that played a role in bringing him into power.

Similarly, we have seen very repressive societies in recent history, and we have been able to break down that repression through the further expansion of freedom and opportunity, and that is what this is all about.

Clearly, trade, as the gentleman from Illinois (Mr. CRANE) taught me, is a win-win. It benefits both sides.

Are there dislocations? Are there difficulties with which we have to contend? Absolutely. The economic theory of comparative advantage says we do what we do best.

Mr. PASCRELL. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from New Jersey.

Mr. PASCRELL. Mr. Speaker, when the gentleman says displacement, when a manufacturing job is lost, the average in United States pays $635 a week, and it is usually replaced eventually down the line by a retail job, which is $350. Let us put the facts on the table.

Mr. DREIER. Mr. Speaker, I have a limited amount of time.

Mr. PASCRELL. Let us get our facts straight.

Mr. DREIER. Mr. Speaker, I am going to continue to yield to the gentleman. What are the facts?

Mr. PASCRELL. The facts are that we should not have manufactured jobs here and have manufactured jobs across the ocean. We need to take care of our own people in this country.

Mr. DREIER. Mr. Speaker, the gentleman has made his point.

If I could reclaim my time, Mr. Speaker, let me reclaim my time and say that comparative advantage does, Mr. Speaker, say that we do what we do best. Do I want a manufacturing sector of our economy? Absolutely, but I do not in any way want us to arbitrarily keep into place an antiquated society. We have to recognize that this is a global economy and the world is changing. We have to be prepared to compete in that global economy.

Mr. LEVIN. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this today. I have enjoyed working with our colleague, the gentlewoman from Illinois (Mrs. BIGGERT), in promoting a discussion of the benefits of this agreement with Chile. I think it is an important step in getting our balance on trade correct. And I appreciate the dialogue between my friend from New Jersey and the Chair of the Committee on Rules because I think it is important for us to get our facts straight, and I think an honest and open discussion will promote that.

The facts, from my perspective, are that the United States gives up very little in exchange for this agreement. My colleagues have heard, if they have been following the debate on the floor, the fact that the average tariff for U.S. goods is over 5.5 percent for what we send to Chile, but that the vast majority of the product that comes from Chile to the United States is duty free and the average about one-half of 1 percent.

In my community, the facts are, we have seen the impact of losing the market share that the United States used to have with Chile, lost to the other countries that Chile has in the Western Hemisphere, like Argentina, Brazil, Mexico and Canada, and the European Union where we are losing market share.

I represent Freight Liner. Perhaps the largest, most efficient truck manufacturing operation in the world is in my community. They are family wage, union jobs, paying upwards of $20 an hour or more. In the last 10 years, because we have lost market share, because we could not compete with manufacturing in Brazil and in Mexico, we have lost the truck market.

There is a potential with this agreement that we would be able to have a more advantageous situation, and actually it would make more family wage jobs in my community.

We heard talk about labor and environmental practices, and I yield to no one in my concern to make sure that we are protecting quality of life and the environment at home or around the world; but the facts are, if we look at Chile, it has strong labor and environmental standards. They are amongst the best in Latin America. It is important for us to reinforce that, and I would suggest that Chile is a good model in terms of what happens on the ground. Indeed, overall, Chile is a good model. It is an island of stability in very troubled waters in Latin America. We ought to reinforce that model by providing this trade agreement to them.

I have been troubled since I have come to this Chamber listening to some of the debate that has been more emotional than factual, where people on both sides have engaged in the debate between what some say is fair trade and some say is free trade. Well, I would like us to begin an era of honest trade debate.

We have all got our blind spots. The United States has its protections. One of the reasons why I voted against the trade promotion authority that was before us last Congress is that people wanted to draw bright partisan lines and then make a hash out of our trade policy with side agreements on citrus and textiles, and we had this egregious farm bill that really was antitrade.

I think this agreement before us is a step for us to get our balance back. It is a vote for an opportunity to deal with the merits of the agreement, not what is down the line. That is the precedent I want to establish, that we look at the agreements before us, look at the facts and vote on them, that we vote on the merits and that we start rebuilding the trust, the understanding and the dialogue in this Chamber so that we can have an honest trade debate, which is so important for the future of my community, my State and, I think, our country.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to rise today in support of H.R. 2738, legislation that implements the U.S.-Chile Free Trade Agreement. The U.S.-Chile FTA has been a very long time in coming. During the NAFTA non-markup 10 years ago, I offered an amendment expressing the sense of Congress that the President should begin FTA negotiations with Chile. Finally, this has come to fruition.

Chile has one of the fastest growing economies in the world. Over the last two decades, Chile has established a vigorous democracy, a thriving and open economy built on trade and a free market society. The U.S.-Chile FTA will help Chile continue its impressive record of growth, development and poverty reduction. It will also help spur progress in the free trade area of the Americas, and will send a positive message throughout the world by demonstrating that we will work in partnership with those who are committed to free markets.

The U.S.-Chile FTA provides new trade opportunities for U.S. workers and manufacturers. More than 85 percent of two-way trade in consumer and industrial products will become tariff free immediately, with most remaining tariffs being eliminated within 4 years. This tariff elimination will benefit manufacturers, workers and consumers in such key industries as construction equipment, autos and auto parts, computers and other information technology products and medical equipment.

The agreement also allows access to new opportunities and benefits to Chile's fast-growing services sector for U.S. service providers.

In the area of agriculture, more than three-quarters of U.S. farm goods will enter Chile tariff free within 4 years, and all remaining tariffs will be phased out within 12 years. New opportunities for trade and numerous agricultural sectors such as soybeans, pork and feed grains, as well as in processed food products such as distilled spirits and breakfast cereals, will be created by this FTA.

The U.S.-Chile FTA is also groundbreaking in many areas. For example, the U.S.-Chile FTA will be a benchmark for future trade agreements because of the protections given to U.S. intellectual property rights. These new protections in digital areas such as software, music, text and videos go beyond past trade agreements in addressing protection for U.S. patents and trade secrets.

A U.S.-Chile FTA will provide tremendous benefits to the economies of both the United States and Chile. According to a study that was conducted by the University of Michigan and Tufts University, it is estimated that a U.S.-Chile FTA will expand U.S. GDP by $4.2 billion annually.

I strongly urge my colleagues to support this bill and to use this opportunity to strengthen the United States' strong relationship with Chile, which will extend the benefits of the free trade agreement to the American people.

Mr. Speaker, I reserve the balance of my time.

☐ 1200

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise in opposition to the Chilean and Singapore Free Trade Agreements.

Mr. Speaker, I continue to be amazed by the supposedly business-friendly policies that are advanced by the American business community. As we should have learned from Enron and Worldcom, focusing on immediate profit recognition is usually a terrible long-term business strategy. But that is also the failed strategy of our shortsighted trade policies: Our business community is addicted to a quick fix at the expense of its long-term health—and America's long-term health by extension.

Perhaps there will be some short-term gains in U.S. exports because of these trade accords. Some in this body seem proud to argue that tariffs on U.S. luxury cars will be eliminated under the Chile accord. My colleagues, I am eager to see how many luxury cars we will sell to Chile.

In the last three years, 2.6 million American manufacturing jobs were lost, mostly because of bad foreign trade agreements. Today, our unemployment rate is at a 9-year high and American wages are stagnant.

If these trade agreements were part of a grand foreign aid program to develop poor countries, I would feel somewhat better about them. After all, we would presumably be transferring America's standard of living to the developing world, and nurturing new consumers. But that is not the case either, as the business communities in Central America and East Asia are just as myopic as the American corporate lobby.

The countries this administration proposes to expand trade with have little to no environmental or labor protections, and their workers' wages reflect this reality. Under this Singapore and Chile framework, these countries will not be required to abide by International Labor Organization standards. Accordingly, worker wages and standards of living will continue to be abhorrent, and American jobs will continue to be trans-shipped abroad.

These agreements will further the gulf of extreme poverty in this world, and drag down progressive societies along with them. Mr. Speaker, I urge my colleagues to reject the Chile/Singapore trade framework and adopt a healthy, long-term vision for America's future.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

As this is the first significant trade agreement in the 21st century, let us look back and see, is our trade policy working? 2001, $358 billion trade deficit; 2002, $436 billion trade deficit; a record first quarter this year, $136 billion headed toward a $550 billion trade deficit; $1.5 billion a day, $1 million a minute. Three million jobs have been lost in the last decade due to trade policies, capital exports; 251,000 manufacturing jobs since January 1; 53,000 in May.

NAFTA, WTO, Fast Track, FTAA. Every time here on the floor of the House we hear the same carrying on about exports of goods and services and consumer benefits. Yes, exports will result. I agree. But they forget to tell us that there will be a much greater increase in imports, and they do not talk about the net, which is this deficit headed to more than $.5 trillion.

Then, if cornered, they will fall back and say, what about the consumer benefits? Well, the benefits are not really great for American workers when their jobs have been exported, no matter how cheap the goods are.

Earlier, we heard an eloquent lesson in geography, new false promises for our farmers. Already there are pending unfair trade complaints for dumping against grapes, raspberries, pears and salmon from Chile. But do not worry, we will retrain these people who lose their jobs for the new high-tech economy and for all the skilled work. Except now IBM, Boeing, GM, they are all exporting their jobs; and it is estimated under these agreements we will export 3.3 million skilled jobs in the next decade because of these trade agreements.

There is a new twist in this one, though. We are going to import skilled laborers from Chile under this agreement. Yes, we will mandate the importation of skilled laborers to displace the few remaining jobs in the United States of America.

Is our trade policy working? Yes, exactly as designed, but not the way it is being sold here on the floor of the House. It is about access to cheap labor, weak laws, and profiting a select few multinational corporations.

Will the last worker in the last manufacturing plant in America please turn out the lights.

Mr. CRANE. Mr. Speaker, I ask unanimous consent that I be allowed to yield the balance of my time to the gentleman from Texas (Mr. BRADY) and that he be permitted to manage the time.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in support of the Chile Free Trade Agreement, and I thank the gentleman from Michigan for yielding me this time.

The Chile Free Trade Agreement will eliminate tariffs on 85 percent of the U.S. exports to Chile immediately. Under the U.S.-Chile Free Trade Agreement, American workers, consumers, businesses, and farmers will enjoy preferential access to a small but fast-growing economy, enabling trade with no tariffs and under streamlined customs procedures.

Over 75 percent of U.S. farm goods, including pork, beef, wheat, soybeans, feed grains, and potatoes will enter Chile duty-free within 4 years. Other duties on U.S. agriculture products will be phased out over 12 years.

U.S. farmers' access to Chilean markets will be as good or better than our competitors in Chile. Now, that is something to be emphasized: as good or better. This will help reverse the gains Canada and Europe achieved in market share after implementing their free trade agreements with Chile.

U.S. wheat, wheat flower, and vegetable oils will now receive the most preferential rate available and will be duty free at the conclusion of the transition periods.

While U.S. tariffs will also be eliminated over time under the free trade agreement, the agreement has a provision that will help protect farmers and ranchers from sudden surges in imports of designated agricultural products from Chile, a very key new and significant additions to the trade agreement.

The agricultural safeguard provision will apply to imports of certain Chilean products, including many canned fruits, frozen concentrated orange juice, tomato products and avocados. The safeguard is price-based and automatic.

The prices for the commodities subject to safeguards will be programmed into U.S. Customs Service computers, which will automatically assess the tariff uplift if the import value of the commodity falls below the trigger price established in the agreement. When the safeguard is triggered, additional duties will be applied.

Mr. Speaker, Chilean consumers appreciate the quality of U.S. agricultural products, but prior to this agreement there were significant hurdles to U.S. exports, something that gets overlooked by those who oppose this agreement. Chile's associate membership with MERCOSUR and its free trade agreements with other countries meant that while U.S. products paid the full common external tariff, up to 10 percent, products from Europe, Canada, Mexico, Argentine and Brazil entered Chile at either zero duty or reduced rates.

Progress was made in 1997 when the United States gained exclusive market access for table grapes, apples and citrus after resolving a number of sanitary and phytosanitary issues.

Let me just say in conclusion that this Chile Free Trade Agreement benefits the U.S. by lowering duties on exports to Chile. Clearly, it will benefit us over current law and the current situation. It also includes innovative provisions on transparency and customs facilitation that will help promote full implementation of these agreements and further respect for the rule of law.

For these reasons, I urge my colleagues to support implementation of the Chile Free Trade Agreement.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, does it matter in all these discussions if we have a trade agreement with Chile or not? Would it matter if this bill simply went away? The answer is, if you care about American jobs, yes, it very much matters.

The National Association of Manufacturers estimates that the lack of an agreement between America and Chile causes our companies to lose more than $1 billion in sales each year to other countries. For example, when Chile reached free trade agreements with Europe, sales to Europe automatically increased. In fact, it expanded by 30 percent in the year just ending in February, while our increased sales to Chile were negligible at best. We did not have an agreement. Our sales faltered. Germany had an agreement, and their sales grew by almost 50 percent. France had an agreement with Chile. They grew by 41 percent.

We have to ask ourselves, if these free trade agreements are so bad, why do other countries pursue them so much, and why do immediately they begin selling more of their products to Chile, and why do they start creating more jobs in their countries?

We are paying a price in America for not having a free trade agreement; and, frankly, in this economy we cannot stand to lose even one American job or lose the prospect of creating more American jobs.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN).

The SPEAKER pro tempore. The Chair informs all speakers that the gentleman from Michigan (Mr. LEVIN) has 4½ minutes remaining, the gentleman from California (Mr. STARK) has 6 minutes remaining, and the gentleman from Texas (Mr. BRADY) has 15 minutes remaining.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, those who are supporting the Chilean resolution here would like us to think this is the process. Many of them have said already we do not agree with what the United States Trade Representative did in these agreements, and for that reason we will oppose the bills by voting yes. Now, if that makes sense, please, what have I missed?

We have already a trade deficit with Chile. That deficit has tripled from

2001. It is now $1.2 billion. This is not the way to have reciprocal trade agreements. These agreements set precedent. Again, we export jobs, we import workers. It is our workers that are out of jobs.

We understand that this is at the very basis of the downturn in the economy. We will not recover this economy. These folks are out of work not 2 weeks or 3 weeks, this is permanent unemployment; and the jobs that they finally do get pay half of what the jobs paid that they lost. This is a fact of life.

The trade deficit that we have with Chile and the rest of the world equates to a loss of $1 million per minute in United States' wealth. It makes no sense. We need to stop the hemorrhaging of jobs.

We need to stop trying to communicate to the American people that we care about their jobs. We know that these trade agreements are precipitated by the big folks, the big corporations, the big farmers to the detriment of the average American worker, and we cannot accept that any longer.

What is it about this trade deal that will stop the job losses? How does this end these consecutive months of decline in the manufacturing workforce? The silence is deafening, Mr. Speaker.

Mr. BRADY of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN), who has played a leading role in expanding markets around the world for American companies.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I just want to say that the silence may be deafening to the gentleman, so I will break it. There is no silence among those of us who support these trade agreements. These are good trade agreements because they will mean more U.S. jobs. That is the whole point.

This is a very exciting day on the floor, Mr. Speaker, because for years this Congress has been paralyzed on trade. While other countries are gaining market share in countries like Chile and, as an obvious example, where for 10 years the United States has not been able to move forward on trade because this Congress, at least for the past 7 or 8 years, has not had the ability through a Trade Promotion Authority, Fast Track authority to do so, we have lost market share. We have lost jobs.

We have lost jobs in my area of Ohio, which is a heavy export area; we have lost jobs all over the country, and I would daresay in the State of the gentleman from New Jersey as well. And that is what it is all about.

Now there will be an allocation of jobs. There will be a differential, depending on what part of the country you are from. But to lose these jobs because other countries, including our friends in Europe, are getting this market share in countries like Chile is unacceptable. It is irresponsible. So I am delighted to be on the floor to talk about Singapore, to talk about Chile, to talk about two good trade agreements that come out of a process where we finally now have, through this Trade Promotion Authority law, the ability to open up these markets to U.S. goods.

Our country is wide open. We protect a few products, but for the most part we are the most open country in the world. We let them sell stuff here. Talk about trade deficits. That is because we are open. They are not as open as we are. We want to open up their markets, including to products from my area.

Earlier today there was discussion about, gee, there is not enough consultation in these agreements. I do not know where that comes from, because there is unprecedented consultation in these two agreements that come out of, again, this Trade Promotion Authority that we finally passed in Congress, which allows Congress to have a bigger role and the public to have a bigger role in saying how to come up with these agreements.

Is it perfect? No. We would all like to have more of this, more of that, more information.

But let me cite a few facts. There have been more than 250 meetings with Members and staff regarding Singapore and Chile. There has been a proposed draft provided to Congress prior to the negotiating sessions. That was never true previously. The final draft text was made available to Congress not yesterday but in January of 2003.

We have also worked with more than 700 cleared advisors, including labor and environmental representatives. They are the ones that put together these advisory committees that work together with the trade folks at USTR, the U.S. Trade Representative and his negotiators. And, guess what, of those 31 advisory committees looking at everything, all the issues across the board, including environmental policy, of the 31, 30 have endorsed both of these free trade agreements. Thirty of the 31, including the environmental group.

□ 1215

That is pretty good. Yes, we always want to know as Members of Congress how we can represent our constituents better, but we have seen a vast improvement in the consultation. Therefore, I think it is ironic that some would come to this floor and say this is somehow backtracking on the ability of Congress to know what is in these agreements.

I strongly support the Chilean and Singapore Free Trade Agreements.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. BECERRA), a colleague on the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time. I thank my colleague from Texas for yielding us additional time as well. I hope that we will listen to the debate here by many, including those who are opposed to this agreement. I will stand here today in support of this agreement, but with some trepidation.

First, I have to say that Chile and Singapore perhaps represent the type of country that we would like to extend these free trade agreements to, the opportunity to have these accords with us. Chile and Singapore have both proven that they are advancing countries, they have both demonstrated a respect for their laws and enforcement of their laws; and in regards to Chile in particular, it is a country within Latin America that has over the years demonstrated that it is ready to be a full-fledged partner of the United States when it comes to international commerce.

Quite honestly, we would have had a great standard to work with in negotiating an accord on trade with Chile and Singapore if we had looked at the model that had just come through this House within the past year and that was the trade agreement with Jordan. In that Jordan agreement, we established that we would respect not just a country's manufactured products, not just that each country would respect its intellectual property and protect those rights of the property, not just that we would respect our agricultural industries, but in Jordan we also said we will respect the people who actually produce all these things, the workers; we will respect each country's environment, and we will respect that we want to bring everybody up, not just the manufactured good, not just a piece of intellectual property, not just agriculture, but the actual people who do the work.

Unfortunately, this agreement did not include that language. This agreement treats workers differently than it treats a manufactured product. It treats workers less than it does capital, inanimate objects, and that, I think, is unfortunate.

Yes, there are some provisions within the deal that speak to enforcement provisions to make sure that each of those two countries, Chile and Singapore, enforces its own laws. But what happens if they do not have these laws in the future? Then we cannot respect labor rights and environmental rights.

Chile and Singapore probably would have been very happy to have negotiated an agreement that was similar to Jordan on labor and the environment because they already meet those standards in their own domestic laws. The unfortunate thing here is that we know that the administration is negotiating future agreements with Central

America and other countries that are not prepared, like Chile and Singapore, to take on these obligations, because they have proven, they have demonstrated that they will not protect the rights of workers, the rights of the environment, and they will not enforce even those laws on the books that may be able to do that.

What are we left with? A year ago when we debated the fast track law that gave the President the authority to negotiate these agreements without having to come to Congress for consultation, I said, this is a chance for this country to lead, for our country and its administration to lead.

Mr. Speaker, the administration did not lead. Instead of trying to protect workers and the environment the same way we protect inanimate objects and capital, we did not do that. We had that opportunity to do so.

Not only are we not protecting those things, labor and the environment, but we are also not funding the tools we have in place to try to make sure countries do respect the rights of workers and the environment.

It is unfortunate that we are moving forward with a budget in this administration that would defund those systems that we have in place in agencies that would give us a chance to know if countries are actually protecting their workers and the environment.

Mr. Speaker, this is not a way to lead. But am I going to fault Chile and Singapore for the failings of our government negotiators in not trying to protect workers here and abroad, and the environment here and abroad? I will not do that. But I hope that we will all learn, as the Congressional Hispanic Caucus decided a week ago, that we will not support future agreements on trade that use the same language as the Chile and Singapore agreements do with regard to labor and the environment.

It is time to protect workers and the environment the same way we protect any other inanimate object.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 2 minutes. What kind of partner will we have in free trade with Chile? The answer is, America will have a wonderful partner in trade.

Chile has one of the fastest growing economies in the entire world. Over the last two decades, Chile has established a vigorous democracy, an open democracy, a thriving and open economy built on trade and a free market society. These are American values that we treasure. These are values that Chile embraces. The American-Chile Free Trade Agreement will help Chile continue its impressive record of growth, of development and in alleviating poverty in Chile; it will help spur progress in the Free Trade Area of the Americas; and importantly, I think it will send a positive message throughout the world by demonstrating that America will work in true partnership with those who are committed to free markets.

Free trade opens markets, it opens minds, it fosters democracy, it fosters labor rights and environmental protections. This free trade agreement represents those values, American values that we ought to be embracing.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, today I rise to urge my colleagues to oppose the U.S.-Chile and U.S.-Singapore Free Trade Agreements. Almost 5,000 jobs have been lost in my district alone since President Bush took office. Unemployment in towns that I represent are largely represented by Latinos and are averaging around 10 percent unemployment rates.

Almost 10 years after NAFTA was adopted, we saw our trade deficit with Canada and Mexico go up 10 times higher than we would have ever anticipated, destroying hundreds and thousands of jobs that left that will never come back to this country. Why when unemployment in the U.S. is at a 9-year high are we engaging in trade policies that have failed to create jobs here at home?

The Chile and Singapore trade agreements would allow thousands of temporary workers from many low-wage nations to enter into this country to compete with Americans or people who live here for those high-paying jobs. They would fill virtually any service sector jobs that have recently been filled by people who are looking for a better wage. They would be able to get jobs in technology, finance, engineering, medicine and law.

I recently saw some news stories on one of the major stations showing two very highly skilled people that recently lost their jobs. They were engineers. Now one is a telemarketer and the other one is flipping burgers. They are barely making minimum wage right now.

Why is it, then, that the U.S. wants to enter into this trade agreement with Chile and Singapore? This is a giant step backwards. Just 2 years ago, we went about supporting the Jordan Free Trade Agreement, which I believe set a higher standard for both environmental and labor laws. Why are we going backwards?

This, as I understand, will be a template for future negotiations with Central America. I have something to say about that, because I am part Central American and recently visited Nicaragua and El Salvador. They do not have any standards for labor relations or negotiations. They actually permit young women under the age of 15 to work long hours under harsh conditions, and they do not even receive a dollar's worth of pay in a day.

How are we going to lead America down that route, to lose so many jobs? I ask my colleagues to vote against these two agreements.

Mr. STARK. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK).

Mr. LEVIN. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK).

The SPEAKER pro tempore (Mr. QUINN). The gentleman from Massachusetts is recognized for 2½ minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, first I do want to comment on the irony of many of us being lectured about the value of free trade by supporters of the most anti-free trade, anti-poor people policy that the United States has, our agriculture policy. People who have voted for the American agriculture bill have less credentials to preach to the rest of us about being fair to poor people than anyone I can think of.

I am here to speak against the Chile Free Trade Agreement, as well as the Singapore Free Trade Agreement, both for the reasons that we have heard from from others, but specifically because they have unfortunately become the embodiment of a purist, right-wing ideology gone mad. Chile, in fact, as we have known, has been a successful economy. Part of what Chile did as it was building its successful economy was to adopt some sensible controls on short-term capital flows. They did not want hot money coming in and out.

Most analysts agree that the major cause of the problems in Asia in the late 1990s had to do with hot money going in and out. Sound economies, sound budgets were undermined when short-term investments had flowed in and there was a run on the country.

Most economists today agree, including advocates of free trade, that it is wise for countries in some cases, particularly developing countries that may not have sound banking systems, to be allowed to put controls not on foreign direct investment, but on short-term hot money. This agreement, because of the right-wing ideology that governs this administration and, I must say, I believe contrary to the wishes of the Trade Representative, embodies a purist view that says no capital controls anywhere, anytime, anyplace.

Let me tell my colleagues what some free trade advocates say of this. The Economist magazine, which prides itself on its free trade credentials, says in an article entitled "A Place for Capital Controls":

"In negotiating new free trade agreements with Chile and with Singapore, the U.S. has recently sought assurances of complete capital account liberalization. Bitter experience suggests that such demands are a mistake. It is past time to revise economic orthodoxy."

Joseph Stiglitz, former chief economist of the World Bank, a strong supporter of the Trade Promotion Act, a free trader, says:

"There is an emerging consensus among economists that emerging markets should be particularly wary about full capital account liberalization. It makes little sense for our trade agreements to be pushing on our trading partners' restrictions which fly in the face of sound economics." He is again opposed to this.

Finally, Professor Jagdish Bhagwati, a strong advocate of free trade, says:

"The inclusion of provisions in this regard, in these treaties, in these FTAs, seems to be ideological and a result of narrow lobbying interests hiding behind the assertion of social purposes or ideology."

I urge the rejection of these treaties. Singapore and Chile were forced to agree to these over their objection. If we rejected these treaties, we could easily renegotiate without these ideological insistencies, right-wing ideology run amuck. I hope that we defeat these treaties and renegotiate them without imposing this rigid capital control prohibition on these two countries.

[Excerpted testimony from Apr. 1, 2003 House Financial Services Committee Hearing on the U.S.-Singapore and U.S.-Chile FTAs]

THE CAPITAL CONTROL PROVISIONS IN THE SINGAPORE AND CHILE FTAs

By Jadish Bhagwati, University Professor (Economics), Columbia University)

The inclusion of capital control provisions in the Chile and Singapore FTAs is . . . difficult to understand in terms of economics. Even the IMF, including in its latest report from its Chief Economist Ken Rogoff and associates, concedes the case for prudence rather than haste in dismantling capital controls and in occasional but cautious use of them when necessary in otherwise capital-wise open economies. The inclusion of provisions in this regard in these FTAs seems therefore to be ideological and/or a result of narrow lobbying interests hiding behind the assertion of social purpose. I see, in particular, the following problems with these FTAs as a template:

1. The provisions are overly ambitious in extending to all kinds of "investments", including "futures, options and derivatives", instead of being confined to direct foreign investment. I see this as a potential problem with the NGO community which has become properly sensitive to financial flows and crises, and to the havoc they cause, especially on the poor in the afflicted countries. It will simply play into the hands of the many anti-globalization critics who see trade treaties as being captive to financial and corporate interests. At a time when trade liberalization itself has become difficult to manage, the inclusion of such provisions into a trade agreement is to invite gratuitous criticism.

2. The limitations put on what can be demanded by way of compensation for use of capital controls and their effects on the value of investments by foreign entities go some way towards assuaging the early concerns. But they still amount to roadblocks. I do not see how it can lead to anything but political objections when invoked, just as the ultra-conservative view of "takings" that was slipped into Chapter 11 provisions of NAFTA has led to fierce political objections.

3. As I read the text of the agreements, it appears that the traditional protections built in for "balance of payments" situations, which would have been invoked automatically to suspend "free transfers", have been removed and been replaced by a separate Dispute Settlement mechanism when capital controls are invoked. This is more restrictive for Chile and Singapore; it also constitutes a tightening of the restrictions being imposed on these countries' ability to use capital controls as they see fit.

None of this is good news. It also seems to me that few other countries will be prepared to accept such a template. Such restrictions, which are to be deplored in any event, are best left to be handled through investment agreements, rather than fastened on to trade agreements where they will bring trade liberalization, a policy which is far less controversial, into disrepute.

[From The Economist, May 3, 2003]

A PLACE FOR CAPITAL CONTROLS

For many developing countries, unrestricted inflows of capital are an avoidable danger.

If any cause commands the unswerving support of The Economist, it is that of liberal trade. For as long as it has existed, this newspaper has championed freedom of commerce across borders. Liberal trade, we have always argued, advances prosperity, encourages peace among nations and is an indispensable part of individual liberty. It seems natural to suppose that what goes for trade in goods must go for trade in capital, in which case capital controls would offend us as violently as, say, an import quota on bananas. The issues have much in common, but they are not the same. Untidy as it may be, economic liberals should acknowledge that capital controls—of a certain restricted sort, and in certain cases—have a role.

Why is trade in capital different from trade in goods? For two main reasons. First, international markets in capital are prone to error, whereas international markets in goods are not. Second, the punishment for big financial mistakes can be draconian, and tends to hurt innocent bystanders as much as borrowers and lenders recently with terrible clarity. Great tides of foreign capital surged into East Asia and Latin America, and then abruptly reversed. At a moment's notice, hitherto-successful economies were plunged deep into recession.

These experiences served only to underline the lesson of previous financial decades. Yet it is a lesson that governments remain decidedly reluctant to learn. Big inflows of foreign capital present developing countries with a nearly irresistible opportunity to accelerate their economic development. Where those flows are of foreign direct investment, they are all to the good. But in other cases, disaster beckons unless a series of demanding preconditions are met first. A flood of capital into an economy with immature and poorly regulated financial institutions can do more harm than good.

Unquestionably, developing countries should strive to improve their financial systems so that foreign capital can be successfully absorbed. Good government, sophisticated financial firms, and regulators who are honest and competent cannot eliminate the risk of financial calamity altogether, but they can reduce it to bearable proportions. At that point a liberal regime for international capital makes sense. The trouble is, many developing countries are nowhere near that point.

Rich-country governments and, until recently, the International Monetary Fund have often seemed reluctant to endorse this notion. One might say the same of The Economist. This reluctance is defensible Often, indeed typically, governments have abused capital controls in ways that oppress their citizens and do grave economic harm. It seems safer to frown on any and all controls—and, in those cases where they have been used intelligently and successfully, to acknowledge any success very grudgingly. But this is dishonest. It is better to face up to the case for such rules in some circumstances and thing hard about how to use them sensibly, with restraint.

IN FROM THE COLD

Experience suggests some rules. Refrain from blocking capital outflows (tempting as this might be at times of crisis). Such measures are usually oppressive, and deter future inflows of all kinds. Poor countries need all the foreign direct investment they can get: let inflows of FDI be unconfined. Other long-term inflows also pose little threat to stability. The chief danger lies with heavy inflows of short-term capital, bank lending above all. These can be difficult to stem, but many developing countries would do well to emulate the successful experience of Chile, which has imposed taxes on such inflows, with the rate of tax varying according to the holding period. In negotiating new free-trade arrangements with Chile (and with Singapore), the United States has recently sought assurances of complete capital-account liberalization. Bitter experience suggests that such demands are a mistake. It is past time to revise economic orthodoxy on this subject.

(By Joseph E. Stiglitz, Professor of Economics and Finance, Columbia University)

The importance of the subject of these hearings cannot be overestimated. There are implications for global economic stability and poverty reduction, and continuing progress in trade liberalization, as well as for broader relations with other countries around the world.

The provisions in the recent trade agreements with Chile and Singapore limiting government interventions in short term capital flows are a major source of concern. Everything should be done to eliminate them from the agreements, and to make sure that such provisions are not inserted into further trade agreements.

The purpose of trade agreements is to facilitate trade, and to eliminate trade barriers among countries. In principle, reducing such trade barriers can be of benefit to all policies on the part of government require that they maintain reserves equal to the amounts that they hold in short term foreign denominated liabilities. Hence, when a firm within a poor developing country borrows short term abroad, it in effect forces the government to set aside a corresponding amount in reserves, typically held in U.S. dollar T-bills. In effect, the country is borrowing, say, $100 million from American bank, paying say, 18 percent interest, and at the same time lending precisely the same amount to the U S., and receiving today less than 2 percent interest. The country as a whole loses on the entire transaction. The money the government put into reserves could have yielded far higher returns, say invested in education, roads, or health. It is no wonder then that so many countries have been so skeptical about capital account liberalization.

Chile, in its period of rapid economic growth, in the early 90s, imposed restrictions on the inflow of capital. I believe that such restrictions play an important role in its growth and stability. In particular, it meant that when global capital markets suddenly changed their attitudes towards emerging markets, and when capital started flowing out of them and the markets insisted on far higher interest rates, Chile was spared the pains inflicted on so many other countries (though of course it still faced problems caused by changing copper prices.) Such restrictions on capital inflows are of limited relevance in the current economic situation—with an overall dearth of capital flows to emerging markets—hopefully, at some time in the future, when capital flows are more abundant, Chile might find it in its own best interests to dampen these flows, to avoid the irrational exuberance that has affected so many countries. Whether Chile chooses to do so should be a matter of its own determination.

By the same token, the developing countries in Asia that have grown the fastest, done the most to eliminate poverty, and exhibited the greatest stability have all intervened actively in capital markets at critical stages in their development—and many continue to do so today. They have shown forcefully that one can attract huge amounts of foreign direct investment, without fully liberalizing markets to short term speculative flows.

Using our economic power and the promise or hope of increased investment and exports, to impose the viewpoint of particular set of interests, or particularly ideology, on our trading partners. Trade should be bringing us all closer together. Trade agreements with these kinds of provisions are likely to do just the opposite. This is especially the case if the kinds of patterns we have observed in recent years continue, with the short term capital flows contributing so much to instability, and with its accompaniment of insecurity and poverty.

The arguments for trade liberalization is totally distinct from those for capital market liberalization. They share in common but one word, "liberalization". There is an emerging consensus among economists that emerging markets should be particularly wary about full capital account liberalization, exposing themselves to the vicissitudes of short term speculative capital flows. It makes little sense for our trade agreements to be pushing on our trading partners restrictions which fly in the face of sound economics.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

In conclusion, what does this trade agreement mean for America and for American workers? Our answer is, a lot for our future. In this agreement there will be new opportunities for workers, especially those in manufacturing-type companies, because much of the tariffs will be immediately taken away for consumer and industrial products.

It means that our products will be more competitive. That is important if you are a worker in a company that sells construction equipment, automobiles and automobile parts, computers and other information technology products, or if you work for a company that sells medical equipment and paper products.

This agreement is important for U.S. farmers and ranchers because most of the farm goods will be tariff-free within 4 years. That is important if you are selling pork in America, pork and pork products, beef and beef products, soybeans and meal, durum wheat, feed grains, potatoes and processed foods, these are jobs for your industry.

This provides access to the fast-growing services market in Chile. That is important if you work for a U.S. bank, for a U.S. insurance company, for an American telecommunications firm. If you work in a U.S. securities firm or an express delivery company, if you are a professional in that area, these are new opportunities for sales for your company and for yourself.

This is a trade agreement for the Digital Age. So it is important for workers who work in U.S. software, which is a growing part of our economy, in the music world, in the video and text world, these are record protections for our patents, for the work that American workers and inventions that we have created.

This is important for U.S. investors with strong protections and a secure, predictable legal framework for those of us who will invest in Chile. It is important if you are a company who wants to sell to the Chilean government because it creates ground-breaking anticorruption measures and guarantees that we have a fair and transparent process to sell our goods and services to a big range of Chilean government entities, including airports and seaports.

Finally, these are strong protections for labor and environment. Both governments commit to enforce their domestic labor and environmental laws. There is an innovative enforcement mechanism that includes monetary assessments to make sure that commercial, labor and environmental obligations are met. These cooperative projects will help protect wildlife, reduce environmental hazards and promote internationally recognized labor rights.

In conclusion, Mr. Speaker, if we do not pass this trade agreement, we will pass over a billion dollars worth of sales that we could have with Chile each year, a billion dollars that will create a lot of U.S. jobs and save a lot of U.S. workers in America.

□ 1230

The time is now for a free trade agreement between U.S. and Chile, a time for new American jobs, for new American growth, for our economic future.

Mr. RAMSTAD. Mr. Speaker, I rise today in strong support of H.R. 2738, the "U.S.-Chile Free Trade Agreement Implementation Act."

Last Congress, we passed Trade Promotion Authority to open markets for American products, create jobs and get the best deal possible for our businesses and workers. Our legislative efforts are beginning to pay off with our first two bilateral Free Trade Agreements, with Chile and Singapore.

Mr. Speaker, Chile represents a particular benefit because it is the first free trade pact between the U.S. and a South American country, opening important new inroads into the continent.

Through the personal mission work I've done in South America, I can tell you firsthand that it's long past time we pay more attention to the economic problems of our South American neighbors. And our initial inroads in Chile, hopefully followed by a Central American Free Trade Agreement will go along way toward achieving our goal of a Free Trade Area of the Americas.

Mr. Speaker, Chile has one of the fastest growing economies in the world. Over the last two decades, Chile has established a vigorous democracy, a thriving and open economy built on trade and a free-market society.

The U.S.-Chile Free Trade Agreement will help Chile continue its impressive record of growth, development and poverty alleviation. It will help spur progress toward our larger goal of creating a Free Trade Area of the Americas and will send a strong message to the rest of the world that we will work in partnership with those who are committed to free markets.

The best part, though, is that reducing trade barriers is not a zero-sum game. Free Trade agreements open markets for American companies, improving the American economy and providing more American jobs!

Unfortunately, because we are so behind in international trade agreements, U.S. companies are at a steep competitive disadvantage in Chile because other countries, including Canada, Mexico and the European Union, already have Free Trade Agreements with Chile.

The U.S.-Chile Free Trade Agreement takes away the advantage these countries have and will expand U.S. GDP by approximately $4 billion.

Mr. Speaker, it's long past time the U.S. actively engaged our foreign trade partners to negotiate bilateral and multi-lateral trade agreements. Our manufacturers, farmers and businesses depend on our swift action in opening up new markets for their products. The U.S.-Chile Free Trade Agreement represents an excellent start to what I hope will lead to several more bilateral and multilateral Free Trade Agreements in the near future.

Mr. Speaker, let's pass this legislation and help put people back to work!

Mr. ETHERIDGE. Mr. Speaker, I rise today to announce my support for H.R. 2738, legislation implementing a free trade agreement with the nation of Chile.

Chile has consistently been a partner with the United States in pushing for more open and freer trade throughout the world. Since the 1970s, Chile has pursued a policy of unilateral trade opening through the systematic and sustained lowering of import tariffs and the near total elimination of non-tariff barriers. It is therefore only fitting that one of America's first free trade agreements of the 21st Century will be with this nation.

Chile currently has signed more free trade and economic agreements with other nations than has the United States. By passing this agreement, U.S. exports to Chile will now be on an equal footing with exports from Canada, Mexico, the European Union, and many other Latin American nations.

I am particularly pleased about the benefits this agreement provides with respect to agriculture. For example, all tariffs on pork and pork products will be eliminated immediately upon implementation. Due to the hard work of the folks at USTR, Chile has agreed to recognize the U.S. meat-inspection system.

Several other commodities important to North Carolina also will receive immediate duty-free access to Chile, including cotton and tobacco. While North Carolina poultry does not get immediate access, tariffs will be reduced over the next 10 years.

This is an acceptable agreement for a nation as economically advanced and sophisticated as Chile. However, I want to make it perfectly clear to the Administration that the Chile Free Trade Agreement and the Singapore Agreement are not sufficient models for future trade agreements.

Currently, the Administration is negotiating a Free Trade Agreement of the Americas, a Central American Free Trade Agreement, and several other FTAs with a variety of nations. As the Administration's first attempts to negotiate a free trade agreement, I believe Singapore and Chile deserve support. However, future agreements will prove to be much more difficult tests of the Administration.

I support fair trade. However, on future FTAs, the Administration will need to do a better job with regard to market access, sanitary and phytosanitary issues, labor and environmental standards, and intellectual property protection. I look forward to continuing to work with the Administration and my colleagues in Congress on all of these important issues.

I ask my colleagues to support this bill.

Mr. KIND. Mr. Speaker, I rise today in support of the Chile-U.S. Free Trade Agreement (FTA). While I maintain reservations about certain sections of this agreement, overall I believe that this FTA succeeds in lowering tariffs on American goods entering Chile and will benefit Wisconsin and the United States.

As our Nation leads the world into the 21st century, we should not shy from opportunities to guide and expand global trade. Chile has persevered as a model of successful, pro-trade economic growth in a region scarred by economic turmoil. Our enhanced engagement with Chile, symbolized in the free trade agreement, is a necessary commitment to stability and economic prosperity in Latin America, while at the same time serving to expand American export opportunities.

The U.S.-Chile Agreement will essentially level the playing field for U.S. companies and workers. Currently, Chile imposes a uniform tariff of six percent on American exports. Under this agreement, the tariff will be eliminated immediately on approximately 85 percent of U.S. exports. Tariffs on the remaining exports will phase out over the next 4 to 12 years. In comparison, 65 percent of Chile's exports enter the United States duty-free under the Generalized System of Preferences program, with the remaining goods facing an average duty of 0.5 percent.

With the United States economy still in a slump, the consequences of not pursuing an FTA with Chile are extreme for American workers. In 2001, exports from the United States to Chile totaled over $3 billion. This was 17 percent of all imports into Chile and made the U.S. Chile's largest single country trade partner. Over the past 2 years, however, the percentage of American imports into Chile has decreased as other international competitors have completed FTA's with Chile, including Mexico, Canada, Central America, European Union, and South Korea, and have taken over as major suppliers to the Chilean market. As a result, the U.S. has seen its share of the Chilean market drop by one third, and its bilateral trade position reverse from surplus to deficit.

This define in market share is evident in my home state of Wisconsin. For example, in 2000, Wisconsin exports to Chile totaled over $120 million—in the top quarter of all U.S. states. Of this amount, over $90 million was in industrial machinery. However, in 2002, Wisconsin exports to Chile declined to $72 million total and $47 million in industrial machinery.

The FTA with Chile will benefit Wisconsin in additional ways, including opening up the Chilean market to U.S. agriculture imports. Chile's tariffs on dairy imports from the U.S. will drop from as high as ten percent to zero in four years. The National Milk Producers Federation expects that exports will increase by several million dollars during the first few years of the agreement, and continue to grown down the road.

As I mentioned earlier, I do have concerns with this agreement, but on its merits, I believe the FTA with Chile addresses a number of important issues and will benefit the American economy. Today's trade environment is constantly changing, with non-tariff trade issues impacting all aspects of our economy and law. Through 14 rounds of negations over 2 years, negotiators were able to hammer out agreements on very complicated and important issues including intellectual property, e-commerce, agriculture, market access, and government procurement. In these respects, this FTA addresses growing challenges facing international trade in the 21st century.

Controversy remains on a few very important aspects of any trade agreement—those dealing with labor and environment. While these provisions are some of the most difficult to find agreement on with potential trade partners, I along with many in Congress, believe trade agreements can serve to raise labor and environmental standards in developing nations and that such provisions must be included in bilateral trade agreements.

While differing from the labor provisions in the Jordan agreement, the labor language in this bill, requiring Chile to enforce its labor laws or be subject to penalty, is acceptable because there is wide agreement that Chile's labor laws are consistent with high International Labor Organization standards and are systematically enforced. In addition, there is wide agreement that, while possible, it is very unlikely that Chile would ever lower labor standards to entice trade.

I, along with many members, also remain concerned with the inclusion of immigration policy in a fast tracked trade bill. While the USTR argues that the temporary workers provisions can be an aspect of services trade, I believe that Congress must thoroughly debate any changes to immigration policy. These objections were strongly conveyed by my colleagues and me to the USTR, and as a result the implementing language before us includes language placing certain H1–B visa restrictions and caps on the temporary worker provisions in this agreement that were previously excluded.

Trade agreements cannot be one-size-fits-all, and this comprehensive bilateral agreement conforms to the characteristics of Chile and the United States. With an open and developed economy grounded in market-based principles, a strong and growing middle class, a credible labor movement, and laws respecting human rights, Chile is a model trading partner. It is in the strategic interest, and economic interest of the United States to engage Chile and complete our Nation's 5th bilateral free trade agreement. I urge my colleagues to support this agreement.

Ms. LEE. Mr. Speaker, I rise in opposition to H.R. 2738, the Chile Free Trade Agreement.

Last year, this House passed a free trade agreement that I voted for because it encouraged commerce while protecting important labor and environmental standards and protecting American jobs.

The Chilean FTA and the Singapore agreement we will be voting on shortly, represent the products of Fast Track: Congress has no chance to remedy fundamental flaws in these bills. We are asked to accept what the President hands us, and in this case the Administration has handed us two bills that represent a step backward.

These bills do not uphold basic labor standards.

We set a terrible precedent if we pass these bills without adequate labor provisions because I guarantee you this weak standard will be replicated in future trade agreements.

We see the same shortfall on environmental standards and thus we set a bad precedent in that regard as well.

We need to be promoting sustainable development and environmentally sustainable trade—it's in the American interest.

Finally, this bill and its companion will continue to erode the American job base. NAFTA has cost hundreds of thousands of American jobs.

These trade agreements and those that will follow in their path will accelerate this job loss, further damaging an economy that is already spiraling down in a jobs depression.

Labor and environmental standards are not luxuries: They are essential ingredients to a sound trading policy. We could have built on the Jordanian standard; instead, these bills fall short.

I urge you to oppose this bill.

Mr. SHAYS. Mr. Speaker, I rise in strong support of this legislation to implement free trade agreements that have been negotiated with Chile and Singapore. These agreements are an important step in restoring our international competitiveness, stimulating our economy and promoting long-term economic growth.

The Administration's first two negotiated agreements since receiving trade promotion authority in 2002 will benefit businesses in Connecticut, which exported $279 million worth of goods to Singapore and $59 million worth of goods to Chile in 2000. More broadly, these agreements provide an excellent framework for creating larger free trade areas.

Chile could be a model for creating a Central American Free Trade Agreement, and even more broadly, a Free Trade Area of the Americas. The country is an ideal partner in South America because, unlike many other nations in the region, it has stabilized and restructured its economy, lifting price controls, deregulating labor markets, and privatizing state enterprises.

The United States is Chile's largest single-country trading partner, accounting for 20 percent of Chilean exports and 15 percent of imports in 2002. Chile is the United States' 34th largest export destination and 36th largest import contributor, but because Chile already has free trade agreements with other countries, including Canada, an agreement with Chile is critical to reduce the relatively high tariffs U.S. businesses face compared to these countries, and allow them to compete.

Singapore is a much larger trading partner for the United States. It is our 11th largest export market, with $16.2 billion in goods, and the 16th largest source for imports, with $14.8 billion. The United States is Singapore's second-largest trading partner, after Malaysia and before even Japan. Both countries already have relatively open trade with very low tariffs, if any at all, so the implementation of this agreement should not create a significant imbalance of any sort.

Southeast Asia generally has been a poor partner in trade, with average tariffs near 30 percent, and I have serious concerns about these nations' respect for intellectual property (IP) rights, but this agreement is a step in the right direction. The agreement allows U.S. companies to receive monetary compensation in cases where IP rights have been violated, and establishes tough penalties under Singapore law for IP violators.

In my judgment, trade can have a positive effect on social reforms and environmental protections by facilitating economic development and creating both the income and the institutional structures to address those issues.

Since 1994, when trade promotion authority expired, the United States has been steadily losing its status as the leader of free trade. We can't afford to let this decline continue. Passing trade promotion authority was like setting up a ladder that gives us the ability to get back to the top, and passing these two free trade agreements takes the first steps up that ladder. I urge my colleagues to support H.R. 2738 and H.R. 2739.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong opposition to the Singapore and Chile Free Trade Agreements. Such flawed bilateral agreements risk further weakening our economy at a time of record trade deficits and when our Nation's unemployment rate is at its highest point in nine years. I cannot support these agreements, which will simply send millions of American manufacturing jobs overseas. I will not put the economic security of my constituents at stake.

Our domestic manufacturing sector has been decimated by the so-called "liberalization of world trade." Since enactment of the North American Free Trade Agreement (NAFTA) and China's entry into the World Trade Organization, the U.S. has experienced a net loss of three million jobs, according to the Economic Policy Institute. In the manufacturing sector alone, we have experience a free fall, with more than 1.7 million jobs lost. The liberalization of world trade and the emergence of nations like China, India and Mexico as centers of manufacturing and technology for U.S. firms has certainly played a role in speeding the decline of U.S. industry.

Mexico and China are not solely to blame for the fact that my own district of Rochester, New York, in my district, has lost half of its manufacturing base in the past two decades. However, I doubt that Eastman Kodak would have moved its entire disposable camera manufacturing operation, "lock, stock, and barrel" to Mexico and China last year, in the absence of NAFTA and WTO trade preferences.

My constituents will, no doubt, appreciate the bitter irony that Congress is considering these bills—that are being touted as job-creating initiatives—when, just yesterday, Kodak, which has a long, storied history in Rochester, announced that between two and three thousand jobs would be eliminated in Rochester (6,500 worldwide). Kodak attributes its decision to the fact that its film business has been significantly weakened, with the emergence of the digital camera market. Where are those jobs going? Certainly, Kodak is not going to abandon its film manufacturing altogether? No, those jobs are going overseas, to our trading partners—where wages are low, labor standards are spotty, and the environment is free for the poisoning.

I cannot help but be struck by the glaring reality of what has happened to Kodak's Rochester workforce, about 40,000 jobs lost—never to return—since 1990. In the days leading up to the vote on NAFTA, Kodak tried to assure me that NAFTA would be a "job-creator"—that Rochester would be booming—that the only jobs that would move abroad would be low-skilled, low-paying. I take no pleasure in saying that Kodak's vision has not come to pass.

At the same time, there's more bad news from Kodak. Kodak is again poised to leave behind its loyal employees and a region that has treated it well as it ships new technology overseas. On Monday, Kodak announced that it plans to begin manufacturing part of its revolutionary new display technology in China. The company has entered into a licensing agreement with a Hong Kong firm to manufacture Kodak's organic light emitting diode display (OLED). This technology, developed in the U.S., represents a major breakthrough in display technology with untold potential for consumer and military products. Making matters worse, Kodak's OLED production facility will be the first of its kind in China—a move that could foreclose any hope of OLED production ever growing in the U.S. This decision represents another missed opportunity to rebuild our electronic component sector.

Mr. Speaker, regrettably Rochester's experience with Kodak is not unique. As an active member of the Congressional Manufacturing Caucus, I know that this issue cuts across party lines, state lines, and economic class. Given what we know about the costs of trade liberalization, enactment of these two bilateral agreements would be tantamount to aiding and abetting in the destruction of our manufacturing base.

When we look at the agreements themselves, I am very disappointed that they fail to establish sufficient enforcement of labor and environmental protections and would loosen U.S. immigration policy regarding temporary entry of workers. Rather than building on the positive labor and environmental provisions in the U.S.-Jordan Free Trade Agreement, these agreements place no requirement on Chile and Singapore to adhere to internationally recognized labor principles. With the Central American Free Trade Agreement and the Free Trade Area of the Americas (FTAA) in the pipeline, these agreements are a terrible model. Simply put, a vote for the U.S.-Chile and U.S.-Singapore agreements would send a signal that the weak labor standards in them are acceptable.

Mr. Speaker, I urge my colleagues to join me in rejecting these flawed agreements.

Mr. MOORE. Mr. Speaker, I rise in support of both H.R. 2738 and H.R. 2739, the U.S.-Chile and U.S.-Singapore Free Trade Agreements, respectively.

Globalization is here to stay. With markets now linked globally by computers, satellite communications, and advanced transportation networks, international trade and investment will play an increasing role in American prosperity. We cannot, as a nation, afford to retreat from a proactive strategy of trade expansion that takes advantage of our position as the world's most prosperous and dynamic economy.

I have great faith in American workers. They are the best in the world. And, I'm convinced they can compete with workers from any other country.

Trade liberalization is also an important tool towards developing responsible global relations. It is a tool, as the preamble of the GATT states, for "raising standards of living, ensuring full employment, developing the full use of the resources of the world and expanding the production and exchange of goods." Indeed, open markets are an important engine of economic growth, which can expand opportunities, raise living standards, and affect social change. Perhaps most importantly, however, trade liberalization provides our Nation with an additional diplomatic tool and a forum within which our Nation may deal with international disputes and/or coalition building. Trade's national security component cannot be understated.

The Chile and Singapore Free Trade Agreements include strong and comprehensive commitments from both of these nations to open their goods, agricultural and service markets to U.S. producers. These agreements include commitments that will increase regulatory transparency and act to the benefit of U.S. workers, investors, intellectual property holders, businesses and consumers.

While some of the provisions in these FTAs could serve as a model for other agreements, a number of provisions clearly cannot be, nor should they be. As a general rule, I believe that each country or countries with whom we negotiate are unique; and while the provisions contained in the Chile and Singapore FTAs work for Chile and Singapore, they may not be appropriate for FTAs with other countries, where may exist very different circumstances.

Indeed, concerns have been raised that the Administration may use some of their provisions contained in the agreements as models for other FTAs, such as the Central America Free Trade Agreement (CAFTA), where the conditions may make it inappropriate to do so. Specifically, with regard to the labor and environmental provisions, there are separate dispute settlement rules that place arbitrary caps on the enforceability of those provisions. Moreover, these agreements contain an "enforce your own laws" standard for dealing with labor and environmental disputes. In the context of Chile and Singapore, I have limited concerns about this standard since both of these countries' laws essentially reflect internationally recognized core labor rights. How they are applied does vary in the two countries, reflecting the different general characteristics of the two nations; however, there is little practical concern that these countries will backtrack.

Concerns about labor and environmental standards, however, should receive careful scrutiny on a case-by-case basis as different circumstances and situations warrant. Use of the "enforce your own law" standard is invalid as a precedent—indeed is a contradiction to the purpose of promoting enforceable core labor standards—when a country's laws clearly do not reflect international standards and when there is a history, not only of non-enforcement, but of a hostile environment towards the rights of workers to organize and bargain collectively. Using a standard in totally different circumstances will lead to totally different results.

As such, my vote for the Chile and Singapore FTAs should not be interpreted as support for using these agreements as boilerplate models for future trade negotiations. I will evaluate all future trade agreements on their merits and their applicability to each country to ensure that core international labor rights and environmental standards are addressed in a meaningful manner. Expanded trade is important to this country and the world; but it will be beneficial to a broad range of persons in our nation and in other nations only if these trade agreements are carefully shaped to include basic standards, including the requirement that nations compete on the basis of core rights for their workers, not by suppression of these basic rights.

The Singapore and Chile FTAs meet these standards and I urge my colleagues to support these two important initiatives.

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 2738, the United States-Chile Free Trade Implementation Act. A free trade agreement with Chile is tremendously important to U.S. trading interests with our South American neighbors.

The legislation before us provides a new market access for U.S. Consumer and industrial products, new opportunities for U.S. financial institutions, an open and competitive telecommunications market, protections for U.S. investors, common ground on environmental protections, and allows for 85 percent of consumer and industrial products to become duty-free.

Chile is a trade leader in South America. Over the last decade, Chile has doubled its gross domestic product and has become the 4th fastest growing economy in the world. This success stemmed from low inflation, a balanced national budget, a vigilance to eliminate corruption and a strong financial infrastructure. In securing this agreement, we acknowledge the leadership of the Lagos Administration both in Santiago and here in Washington.

Mr. Speaker, I congratulate Ambassador Robert Zoellick and his distinguished team at USTR in crafting what can truly be called a world class agreement. Free trade is the future of the U.S. economy. I urge my colleagues to support H.R. 2738.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to H.R. 2738 and H.R. 2739, the U.S.-Chile FTA Implementation Act and the U.S.-Singapore FTA Implementation Act, respectively. It is unfortunate that I find myself in this position because I want to support trade agreements because I believe they can have a positive effect on our economy. However, they only can have a positive effect if they are negotiated properly. They only can have a positive effect if they have strong labor, environmental, and consumer protections. Unfortunately, these two bills before us, and the underlying Free Trade Agreements, are woefully inadequate in these regards.

Unlike the U.S.-Jordan FTA, which passed unanimously in the 107th Congress, these FTAs—the first signed by the Administration since passage of Trade Promotion Authority—will set a dangerous precedent for future agreements, including the Central American FTA and the Free Trade Area of the Americas (FTAA).

Unlike the U.S.-Jordan FTA, which provided workers with enforceable protections based on the core International Labor Organizations workers' rights—freedom of association; the right to bargain collectively; prohibitions on child labor, forced labor and employment discrimination, these FTAs give scant attention to these important issues. The only reference to workers' rights is a provision stating that each party "shall not fail to effectively enforce its labor laws," no matter how inadequate they may be. There is no parity between our strong labor laws here in the United States and the weak protections in Singapore or Chile.

As predicted during the TPA debate during the 107th Congress, these trade agreements are bad environmental policy—and now, we have no chance to amend them. Contrary to the claims of the FTA supporters, the provisions on investment in the Chile and Singapore FTAs do not meet the requirements of the Trade Act of 2002 that foreign investors should receive "no greater substantive rights" than U.S. citizens under U.S. law. What this means is that foreign investors will be granted broad rights under international law that do not exist under U.S. law. For example, many companies have aggressively used NAFTA's Chapter 11 authority to undermine our strong environmental protections. This continues with the Chile and Singapore FTAs where foreign investors can bring suit against our laws to prevent pollution because they may claim a right to be compensated. This is just one example. Applied broadly, these two FTAs have investment language that could cause serious harm to the environment and the public interest.

The Chile and Singapore FTAs also undermine U.S. immigration policy. Specifically, they loosen policies regarding temporary entry to workers. Some claim the H1–B visa issue has been addressed. However, this is far from true. While the implementing legislation claims to "fix" the problem by limiting the damage by applying some elements of the H1–B, these provisions are not legally binding because the agreements in the actual trade agreement have been violated by these "fixes" and will be eliminated in the pacts' dispute resolution systems. Furthermore, the Chile FTA has an unprecedented requirement that the U.S. provide "written justification" to any person denied a visa.

The Singapore FTA contains Integrated Sourcing Initiative (ISI)/Transshipment permissions. Last year's Fast Track, or Trade Promotion Authority contained no authority to negotiate such deals. Yet, the U.S. Trade Representative has this deal in the FTA, and the so-called "fix" largely replicates existing terms in the World Trade Organization Information Technology Agreement, for which even the Clinton Administration—as pro-free trade as any—never sought congressional approval.

Also, these FTAs could have very negative affects on the health care system. They will impede the access to life-saving medicines by extending patents beyond the 20-year limit required by the Trade-Related Aspects of Intellection Property Rights (TRIPS); they will require a 5-year waiting period before governments can provide generic drug producers test data, thereby delaying affordable medicines; they also will permit major pharmaceutical companies to block the production of generic medicines. Also, the Singapore FTA reduces tobacco tariffs to zero, which actually will encourage more dumping of U.S. tobacco products in Singapore. Finally, these FTAs will open the door to further privatization and deregulation of vital human services including health care professionals, and the provisions for public control of water and sanitation services. Amazingly, these FTAs will leave the U.S. open to challenges from foreign private corporations and the subsidiaries to compete for these public sector services. This is just plain wrong.

Finally, some have claimed to have "fixed" this legislation with a "mock mark-up" in the Ways and Means Committee. I'm not quite certain what a "mock mark-up" is, but most believe it hasn't done anything. Specifically, some who support this implementing legislation say we have two choices: one, we can block this legislation to send a message to the administration that they need to do a better job of negotiating FTAs that have real environmental and labor protections. Or, two, we can approve this implementing legislation, and then send a message to the White House to do a better job the next time. I, for one, am not willing to take that risk—the risk that this White House and this USTR will actually listen to Congress. That is one of the reasons I voted against TPA in the first place. Sadly, many of my concerns and reason for voting no have come to fruition in these first two negotiations.

I want to support free trade because I know it has the potential to help American workers and consumers. In fact, I have supported trade agreements previously, including the U.S.-Jordan FTA. Unfortunately, however, I cannot find many positive developments in either the U.S.-Chile Free Trade Agreement or the U.S.-Singapore Free Trade Agreements. Reluctantly, Mr. Speaker, I will vote "no" on H.R. 2738 and on H.R. 2739. I urge my colleagues to do likewise.

Mr. BRADY of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 329, the bill is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

Pursuant to section 3 of House Resolution 329, the Chair postpones further consideration of the bill until later today.

GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

On July 24, 1998, at 3:40 p.m., Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun.

At 3:40 p.m. today, the Chair will recognize the anniversary of this tragedy by observing a moment of silence in their memory.

UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. BRADY of Texas. Mr. Speaker, pursuant to House Resolution 329, I call up the bill (H.R. 2739) to implement the United States Singapore Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2739 is as follows:

H.R. 2739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Singapore Free Trade Agreement Implementation Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the agreement.
Sec. 102. Relationship of the agreement to United States and State law.
Sec. 103. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 104. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of certain claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Rules of origin.
Sec. 203. Customs user fees.
Sec. 204. Disclosure of incorrect information.
Sec. 205. Enforcement relating to trade in textile and apparel goods.
Sec. 206. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Business confidential information.

Subtitle C—Cases Under Title II of the Trade Act of 1974

Sec. 331. Findings and action on goods from Singapore.

TITLE IV—TEMPORARY ENTRY OF BUSINESS PERSONS

Sec. 401. Nonimmigrant traders and investors.
Sec. 402. Nonimmigrant professionals.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and the Republic of Singapore entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002;

(2) to strengthen and develop economic relations between the United States and Singapore for their mutual benefit;

(3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the United States-Singapore Free Trade Agreement approved by Congress under section 101(a).

(2) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Singapore Free Trade Agreement entered into on May 6, 2003, with the Government of Singapore and submitted to Congress on July 15, 2003; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on July 15, 2003.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Singapore has taken measures necessary to bring it into compliance with those provisions of the Agreement that take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Singapore providing for the entry into force, on or after January 1, 2004, of the Agreement for the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

(a) CONSULTATION AND LAYOVER REQUIREMENTS.—If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974; and

(B) the United States International Trade Commission;

(2) the President has submitted a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days beginning on the first day on which the requirements of paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

(b) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under subsection (a) may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

SEC. 104. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations—

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date of entry into force.

(2) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction in section 103(b) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date of entry into force of the Agreement. In the case of any implementing action that takes effect on a date after the date of entry into force of the Agreement, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. Such office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2003 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CERTAIN CLAIMS.

(a) SUBMISSION OF CERTAIN CLAIMS.—The United States is authorized to resolve any claim against the United States covered by article 15.15.1(a)(i)(C) or article 15.15.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section C of chapter 15 of the Agreement.

(b) CONTRACT CLAUSES.—All contracts executed by any agency of the United States on or after the date of entry into force of the Agreement shall contain a clause specifying the law that will apply to resolve any breach of contract claim.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—

(1) Sections 1 through 3 and this title take effect on the date of enactment of this Act.

(2) Section 205 takes effect on the date on which the textile and apparel provisions of the Agreement take effect pursuant to article 5.10 of the Agreement.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement ceases to be in force, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—The President may proclaim—

(1) such modifications or continuation of any duty,

(2) such continuation of duty-free or excise treatment, or

(3) such additional duties—

as the President determines to be necessary or appropriate to carry out or apply articles 2.2, 2.5, 2.6, and 2.12 and Annex 2B of the Agreement.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 103(a), the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Singapore regarding the staging of any duty treatment set forth in Annex 2B of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties—

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Singapore provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States set forth in Annex 2B of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. RULES OF ORIGIN.

(a) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is wholly obtained or produced entirely in the territory of Singapore, the United States, or both;

(2) each nonoriginating material used in the production of the good—

(A) undergoes an applicable change in tariff classification set out in Annex 3A of the Agreement as a result of production occurring entirely in the territory of Singapore, the United States, or both; or

(B) if no change in tariff classification is required, the good otherwise satisfies the applicable requirements of such Annex; or

(3) the good itself, as imported, is listed in Annex 3B of the Agreement and is imported into the territory of the United States from the territory of Singapore.

(b) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided for in paragraphs (2) and (3), a good shall be considered to be an originating good if—

(A) the value of all nonoriginating materials used in the production of the good that do not undergo the required change in tariff classification under Annex 3A of the Agreement does not exceed 10 percent of the adjusted value of the good;

(B) if the good is subject to a regional value-content requirement, the value of such nonoriginating materials is taken into account in calculating the regional value-content of the good; and

(C) the good satisfies all other applicable requirements of this section.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4 of the HTS or in subheading 1901.90 of the HTS that is used in the production of a good provided for in chapter 4 of the HTS.

(B) A nonoriginating material provided for in chapter 4 of the HTS or in subheading 1901.90 of the HTS that is used in the production of a good provided for in heading 2105 or in any of subheadings 1901.10, 1901.20, 1901.90, 2106.90, 2202.90, and 2309.90 of the HTS.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11.00 through 2009.39, of the HTS, that is used in the production of a good provided for in any of subheadings 2009.11.00 through 2009.39 or in subheading 2106.90 or 2202.90 of the HTS.

(D) A nonoriginating material provided for in chapter 15 of the HTS that is used in the production of a good provided for in any of headings 1501.00.00 through 1508, 1512, 1514, and 1515 of the HTS.

(E) A nonoriginating material provided for in heading 1701 of the HTS that is used in the production of a good provided for in any of headings 1701 through 1703 of the HTS.

(F) A nonoriginating material provided for in chapter 17 of the HTS or heading 1805.00.00 of the HTS that is used in the production of a good provided for in subheading 1806.10 of the HTS.

(G) A nonoriginating material provided for in any of headings 2203 through 2208 of the HTS that is used in the production of a good provided for in heading 2207 or 2208 of the HTS.

(H) A nonoriginating material used in the production of a good provided for in any of chapters 1 through 21 of the HTS, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(3) GOODS PROVIDED FOR IN CHAPTERS 50 THROUGH 63 OF THE HTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a good provided for in any of chapters 50 through 63 of the HTS that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 3A of the Agreement shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) CERTAIN TEXTILE OR APPAREL GOODS.—

(i) TREATMENT AS ORIGINATING GOOD.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Singapore or the United States.

(ii) DEFINITION OF TEXTILE OR APPAREL GOOD.—For purposes of this subparagraph, the term "textile or apparel good" means a product listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(c) ACCUMULATION.—

(1) ORIGINATING GOODS INCORPORATED IN GOODS OF OTHER COUNTRY.—Originating materials from the territory of either Singapore or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) MULTIPLE PROCEDURES.—A good that is produced in the territory of Singapore, the United States, or both, by 1 or more producers is an originating good if the good satisfies the requirements of subsection (a) and all other applicable requirements of this section.

(d) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (a)(2), the regional value-content of a good referred to in Annex 3A of the Agreement shall be calculated, at the choice of the person claiming preferential tariff treatment for the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3), unless otherwise provided in Annex 3A of the Agreement.

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$\mathrm{RVC} = \frac{\mathrm{AV{-}VNM}}{\mathrm{AV}} \times 100$$

(B) DEFINITIONS.—For purposes of subparagraph (A):

(i) The term "RVC" means the regional value-content, expressed as a percentage.

(ii) The term "AV" means the adjusted value.

(iii) The term "VNM" means the value of nonoriginating materials that are acquired and used by the producer in the production of the good.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$\mathrm{RVC} = \frac{\mathrm{VOM}}{\mathrm{AV}} \times 100$$

(B) DEFINITIONS.—For purposes of subparagraph (A):

(i) The term "RVC" means the regional value-content, expressed as a percentage.

(ii) The term "AV" means the adjusted value.

(iii) The term "VOM" means the value of originating materials that are acquired or self-produced and are used by the producer in the production of the good.

(e) VALUE OF MATERIALS.—

(1) IN GENERAL.—For purposes of calculating the regional value-content of a good under subsection (d), and for purposes of applying the de minimis rules under subsection (b), the value of a material is—

(A) in the case of a material imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, except for a material to which subparagraph (C) applies, the adjusted value of the material; or

(C) in the case of a material that is self-produced, or in a case in which the relationship between the producer of the good and the seller of the material influenced the price actually paid or payable for the material, including a material obtained without charge, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIALS.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Singapore, the United States, or both, other than duties and taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or by-product.

(B) NONORIGINATING MATERIALS.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Singapore, the United States, or both, other than duties and taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or by-product.

(iv) The cost of processing incurred in the territory of Singapore or the United States in the production of the nonoriginating material.

(v) The cost of originating materials used in the production of the nonoriginating material in the territory of Singapore or the United States.

(f) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraph (2), accessories, spare parts, or tools delivered with the good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo an applicable change in tariff classification set out in Annex 3A of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are not invoiced separately from the good;

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good; and

(C) if the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools is taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TREATMENT.—A person claiming preferential tariff treatment for a good may claim that a fungible good or material is originating either based on the physical segregation of each fungible good or material or by using an inventory management method.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term "inventory management method" means—

(i) averaging;

(ii) "last-in, first-out";

(iii) "first-in, first-out"; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Singapore or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for particular fungible goods or materials shall continue to use that method for those fungible goods or materials throughout the fiscal year of that person.

(h) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set out in Annex 3A of the Agreement and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers in which a good is packed for shipment shall be disregarded in determining whether—

(1) the nonoriginating materials used in the production of a good undergo an applicable change in tariff classification set out in Annex 3A of the Agreement; and

(2) the good satisfies a regional value-content requirement.

(j) INDIRECT MATERIALS.—An indirect material shall be considered to be an originating material without regard to where it is produced, and its value shall be the cost registered in the accounting records of the producer of the good.

(k) THIRD COUNTRY OPERATIONS.—A good shall not be considered to be an originating good by reason of having undergone production that satisfies the requirements of subsection (a) if, subsequent to that production, the good undergoes further production or any other operation outside the territories of Singapore and the United States, other than unloading, reloading, or any other operation necessary to preserve it in good condition or to transport the good to the territory of Singapore or the United States.

(l) SPECIAL RULE FOR APPAREL GOODS LISTED IN CHAPTER 61 OR 62 OF THE HTS.—

(1) IN GENERAL.—An apparel good listed in chapter 61 or 62 of the HTS shall be considered to be an originating good if it is both cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore, the United States, or both, from fabric or yarn, regardless of origin, designated in the manner described in paragraph (2) as fabric or yarn not available in commercial quantities in a timely manner in the United States.

(2) DESIGNATION OF CERTAIN FABRIC AND YARN.—The designation referred to in paragraph (1) means a designation made in a notice published in the Federal Register on or before November 15, 2002, identifying apparel goods made from fabric or yarn eligible for entry into the United States under subheading 9819.11.24 or 9820.11.27 of the HTS. For purposes of this subsection, a reference in the notice to fabric or yarn formed in the United States is deemed to include fabric or yarn formed in Singapore.

(m) APPLICATION AND INTERPRETATION.—In this section:

(1) The basis for any tariff classification is the HTS.

(2) Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Singapore or the United States).

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term "adjusted value" means the value of a good determined under articles 1 through 8, article 15, and the corresponding interpretative notes of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act, except that such value may be adjusted to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the good from the country of exportation to the place of importation.

(2) FUNGIBLE GOODS AND FUNGIBLE MATERIALS.—The terms "fungible goods" and "fungible materials" mean goods or materials, as the case may be, that are interchangeable for commercial purposes and the properties of which are essentially identical.

(3) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term "generally accepted accounting principles" means the recognized consensus or substantial authoritative support in the territory of Singapore or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, and assets and liabilities, the disclosure of information, and the preparation of financial statements. The standards may encompass broad guidelines of general application as well as detailed standards, practices, and procedures.

(4) GOODS WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF SINGAPORE, THE UNITED STATES, OR BOTH.—The term "goods wholly obtained or produced entirely in the territory of Singapore, the United States, or both" means—

(A) mineral goods extracted in the territory of Singapore, the United States, or both;

(B) vegetable goods, as such goods are defined in the Harmonized System, harvested in the territory of Singapore, the United States, or both;

(C) live animals born and raised in the territory of Singapore, the United States, or both;

(D) goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Singapore, the United States, or both;

(E) goods (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Singapore or the United States and flying the flag of that country;

(F) goods produced exclusively from products referred to in subparagraph (E) on board factory ships registered or recorded with Singapore or the United States and flying the flag of that country;

(G) goods taken by Singapore or the United States, or a person of Singapore or the United States, from the seabed or beneath the seabed outside territorial waters, if Singapore or the United States has rights to exploit such seabed;

(H) goods taken from outer space, if the goods are obtained by Singapore or the United States or a person of Singapore or the United States and not processed in the territory of a country other than Singapore or the United States;

(I) waste and scrap derived from—

(i) production in the territory of Singapore, the United States, or both; or

(ii) used goods collected in the territory of Singapore, the United States, or both, if such goods are fit only for the recovery of raw materials;

(J) recovered goods derived in the territory of Singapore, the United States, or both, from used goods; or

(K) goods produced in the territory of Singapore, the United States, or both, exclusively—

(i) from goods referred to in any of subparagraphs (A) through (I); or

(ii) from the derivatives of goods referred to in clause (i).

(5) HARMONIZED SYSTEM.—The term "Harmonized System" means the Harmonized Commodity Description and Coding System.

(6) INDIRECT MATERIAL.—The term "indirect material" means a good used in the production, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the production of the good can reasonably be demonstrated to be a part of that production.

(7) MATERIAL.—The term "material" means a good that is used in the production of another good.

(8) MATERIAL THAT IS SELF-PRODUCED.—The term "material that is self-produced" means a material, such as a part or ingredient, produced by a producer of a good and used by the producer in the production of another good.

(9) NONORIGINATING MATERIAL.—The term "nonoriginating material" means a material that does not qualify as an originating good under the rules set out in this section.

(10) PREFERENTIAL TARIFF TREATMENT.—The term "preferential tariff treatment" means the customs duty rate that is applicable to an originating good pursuant to chapter 2 of the Agreement.

(11) PRODUCER.—The term "producer" means a person who grows, raises, mines, harvests, fishes, traps, hunts, manufactures, processes, assembles, or disassembles a good.

(12) PRODUCTION.—The term "production" means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(13) RECOVERED GOODS.—

(A) IN GENERAL.—The term "recovered goods" means materials in the form of individual parts that are the result of—

(i) the complete disassembly of used goods into individual parts; and

(ii) the cleaning, inspecting, testing, or other processing of those parts as necessary for improvement to sound working condition by one or more of the processes described in subparagraph (B), in order for such parts to be assembled with other parts, including other parts that have undergone the processes described in this paragraph, in the production of a remanufactured good described in Annex 3C of the Agreement.

(B) PROCESSES.—The processes referred to in subparagraph (A)(ii) are welding, flame spraying, surface machining, knurling, plating, sleeving, and rewinding.

(14) REMANUFACTURED GOOD.—The term "remanufactured good" means an industrial good assembled in the territory of Singapore or the United States, that is listed in Annex 3C of the Agreement, and—

(A) is entirely or partially comprised of recovered goods;

(B) has the same life expectancy and meets the same performance standards as a new good; and

(C) enjoys the same factory warranty as such a new good.

(15) TERRITORY.—The term "territory" has the meaning given that term in Annex 1A of the Agreement.

(16) USED.—The term "used" means used or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set out in Annexes 3A, 3B, and 3C of the Agreement; and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 103(a), the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than—

(i) the provisions of Annex 3B of the Agreement; and

(ii) provisions of chapters 50 through 63 of the HTS, as included in Annex 3A of the Agreement.

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 103(a), the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) that are necessary to implement an agreement with Singapore pursuant to article 3.18.4(c) of the Agreement; and

(ii) before the 1st anniversary of the date of enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS, as included in Annex 3A of the Agreement.

SEC. 203. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by inserting after paragraph (12) the following:

"(13) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 202 of the United States-Singapore Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.".

SEC. 204. DISCLOSURE OF INCORRECT INFORMATION.

Section 592(c) of the Tariff Act of 1930 (19 U.S.C. 1592(c)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES-SINGAPORE FREE TRADE AGREEMENT.—

"(A) An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 202 of the United States-Singapore Free Trade Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, voluntarily and promptly makes a corrected declaration and pays any duties owing.

"(B) In the regulations referred to in subparagraph (A), the Secretary of the Treasury is authorized to prescribe time periods for making a corrected declaration and paying duties owing under subparagraph (A), if such periods are not shorter than 1 year following the date on which the importer makes the incorrect claim that a good qualifies as an originating good.".

SEC. 205. ENFORCEMENT RELATING TO TRADE IN TEXTILE AND APPAREL GOODS.

(a) DENIAL OF PERMISSION TO CONDUCT SITE VISITS.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of the Treasury proposes to conduct a site visit at an enterprise registered under article 5.3 of the Agreement, and responsible officials of the enterprise do not consent to the proposed visit, the President may exclude from the customs territory of the United States textile and apparel goods produced or exported by that enterprise.

(2) TERMINATION OF EXCLUSION.—An exclusion of textile and apparel goods produced or exported by an enterprise under paragraph (1) shall terminate when the President determines that the enterprise's production of, and capability to produce, the goods are consistent with statements by the enterprise that textile or apparel goods the enterprise produces or has produced are originating goods or products of Singapore, as the case may be.

(b) KNOWING OR WILLFUL CIRCUMVENTION.—

(1) IN GENERAL.—If the President finds that an enterprise of Singapore has knowingly or willfully engaged in circumvention, the President may exclude from the customs territory of the United States textile and apparel goods produced or exported by the enterprise. An exclusion under this paragraph may be imposed on the date beginning on the date a finding of knowing or willful circumvention is made and shall be in effect for a period not longer than the applicable period described in paragraph (2).

(2) TIME PERIODS.—

(A) FIRST FINDING.—With respect to a first finding under paragraph (1), the applicable period is 6 months.

(B) SECOND FINDING.—With respect to a second finding under paragraph (1), the applicable period is 2 years.

(C) THIRD AND SUBSEQUENT FINDING.—With respect to a third or subsequent finding under paragraph (1), the applicable period is 2 years. If, at the time of a third or subsequent finding, an exclusion is in effect as a result of a previous finding, the 2-year period applicable to the third or subsequent finding shall begin on the day after the day on which the previous exclusion terminates.

(c) CERTAIN OTHER INSTANCES OF CIRCUMVENTION.—If the President consults with Singapore pursuant to article 5.8 of the Agreement, the consultations fail to result in a mutually satisfactory solution to the matters at issue, and the President presents to Singapore clear evidence of circumvention under the Agreement, the President may—

(1) deny preferential tariff treatment to the goods involved in the circumvention; and

(2) deny preferential tariff treatment, for a period not to exceed 4 years from the date on which consultations pursuant to article 5.8 of the Agreement conclude, to—

(A) textile and apparel goods produced by the enterprise found to have engaged in the circumvention, including any successor of such enterprise; and

(B) textile and apparel goods produced by any other entity owned or operated by a principal of the enterprise, if the principal also is a principal of the other entity.

(d) DEFINITIONS.—In this section:

(1) GENERAL DEFINITIONS.—The terms "circumvention", "preferential tariff treatment", "principal", and "textile and apparel goods" have the meanings given such terms in chapter 5 of the Agreement.

(2) ENTERPRISE.—The term "enterprise" has the meaning given that term in article 1.2.3 of the Agreement.

SEC. 206. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 202, and section 203;

(2) amendments made by the sections referred to in paragraph (1); and

(3) proclamations issued under section 202(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the United States International Trade Commission.

(2) SINGAPOREAN ARTICLE.—The term "Singaporean article" means an article that qualifies as an originating good under section 202(a) of this Act.

(3) SINGAPOREAN TEXTILE OR APPAREL ARTICLE.—The term "Singaporean textile or apparel article" means an article—

(A) that is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) that is a Singaporean article.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—

(1) IN GENERAL.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(2) PROVISIONAL RELIEF.—An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)).

(3) CRITICAL CIRCUMSTANCES.—Any allegation that critical circumstances exist shall be included in the petition.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Singaporean article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Singaporean article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (d).

(4) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Singaporean article if, after the date that the Agreement enters into force, import relief has been provided with respect to that Singaporean article under—

(1) this subtitle;

(2) subtitle B;

(3) chapter 1 of title II of the Trade Act of 1974;

(4) article 6 of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); or

(5) article 5 of the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days (180 days if critical circumstances have been alleged) after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c). Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief (including provisional relief) that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2B of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(C) In the case of a duty applied on a seasonal basis to such article, an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles for the immediately preceding corresponding season; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 7.28 of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), the import relief that the President is authorized to provide under this section may not exceed 2 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving an affirmative determination from the Commission under subparagraph (B), may extend the effective period of any import relief provided under this section if the President determines that—

(i) the import relief continues to be necessary to prevent or remedy serious injury and to facilitate adjustment; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) Upon a petition on behalf of the industry concerned, filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—The effective period of any import relief imposed under this section, including any extensions thereof, may not, in the aggregate, exceed 4 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date the relief terminates.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that has been subject to import relief, after the entry into force of the Agreement, under—

(1) this subtitle;

(2) subtitle B;

(3) chapter 1 of title II of the Trade Act of 1974;

(4) article 6 of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); or

(5) article 5 of the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—No import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—Import relief may be provided under this subtitle in the case of a Singaporean article after the date on which such relief would, but for this subsection, terminate under subsection (a), if the President determines that Singapore has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking "and"; and

(2) by inserting before the period at the end ", and title III of the United States-Singapore Free Trade Agreement Implementation Act".

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the

President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) Determination.—

(1) In general.—Pursuant to a request made by an interested party, the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, a Singaporean textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions that imports of the article constitute a substantial cause of serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) Serious damage.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(3) Substantial cause.—For purposes of this subsection, the term "substantial cause" means a cause that is important and not less than any other cause.

(b) Provision of Relief.—

(1) In general.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as described in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) Nature of relief.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is—

(A) the suspension of any further reduction provided for under Annex 2B of the Agreement in the duty imposed on the article; or

(B) an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) In General.—Subject to subsection (b), the import relief that the President is authorized to provide under section 322 may not exceed 2 years.

(b) Extension.—

(1) In general.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) Limitation.—The effective period of any action under this subtitle, including any extensions thereof, may not, in the aggregate, exceed 4 years.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if import relief previously has been provided under this subtitle with respect to that article.

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date the relief terminates.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to an article after the date that is 10 years after the date on which the provisions of the Agreement relating to trade in textile and apparel goods take effect pursuant to article 5.10 of the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 328. BUSINESS CONFIDENTIAL INFORMATION.

The President may not release information which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent business confidential information is provided, a nonconfidential version of the information shall also be provided, in which the business confidential information is summarized or, if necessary, deleted.

Subtitle C—Cases Under Title II of the Trade Act of 1974

SEC. 331. FINDINGS AND ACTION ON GOODS FROM SINGAPORE.

(a) Effect of Imports.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974, the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article from Singapore are a substantial cause of serious injury or threat thereof.

(b) Presidential Determination Regarding Singaporean Imports.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974, the President shall determine whether imports from Singapore are a substantial cause of the serious injury or threat thereof found by the Commission and, if such determination is in the negative, may exclude from such action imports from Singapore.

TITLE IV—TEMPORARY ENTRY OF BUSINESS PERSONS

SEC. 401. NONIMMIGRANT TRADERS AND INVESTORS.

Upon a basis of reciprocity secured by the Agreement, an alien who is a national of Singapore (and any spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) of such alien, if accompanying or following to join the alien) may, if otherwise eligible for a visa and if otherwise admissible into the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), be considered to be classifiable as a nonimmigrant under section 101(a)(15)(E) of such Act (8 U.S.C. 1101(a)(15)(E)) if entering solely for a purpose specified in clause (i) or (ii) of such section 101(a)(15)(E). For purposes of this section, the term "national" has the meaning given such term in Annex 1A of the Agreement.

SEC. 402. NONIMMIGRANT PROFESSIONALS.

Section 214(g)(8) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(8)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(8)(A) The agreements referred to in section 101(a)(15)(H)(i)(b1) are—

"(i) the United States-Chile Free Trade Agreement; and

"(ii) the United States-Singapore Free Trade Agreement."; and

(2) by amending subparagraph (B)(ii) to read as follows:

"(ii) The annual numerical limitations described in clause (i) shall not exceed—

"(I) 1,400 for nationals of Chile (as defined in article 14.9 of the United States-Chile Free Trade Agreement) for any fiscal year; and

"(II) 5,400 for nationals of Singapore (as defined in Annex 1A of the United States-Singapore Free Trade Agreement) for any fiscal year.".

The SPEAKER pro tempore. Pursuant to House Resolution 329, the gentleman from Texas (Mr. Brady) and the gentleman from Michigan (Mr. Levin) each will control 50 minutes, and the gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from Michigan (Mr. Conyers) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. Brady).

Mr. BRADY of Texas. Mr. Speaker, I yield myself 3 minutes.

The United States-Singapore Free Trade Agreement marks the first time the United States has entered an agreement with an Asian-Pacific nation of a free trade agreement. Because 99 percent of trade and goods with Singapore is already tariff free, this agreement focuses on removing restrictions on trade in services to the benefit of our massive American service sector, which accounts for around 80 percent of our entire economy. Singapore is the 12th largest trading partner with the United States already, with two-way trade approaching $40 billion last year. The U.S.-Singapore Free Trade Agreement will enhance and strengthen this already strong trade relationship.

Among the benefits of free trade with Singapore are new opportunities for U.S. service providers. U.S. negotiators secured key protections in a framework with minimal carve-outs. Services firms will not only enjoy equal treatment in crossborder supply of services but will gain the right to invest and to establish a local services presence, which is critical to selling American services to Singapore.

The U.S. direct foreign investment in Singapore was $27 billion last year. With this new free trade agreement, we will create a secure and predictable legal framework for U.S. investors operating in Singapore because it will be treated as favorably as local investors who will have access to meaningful dispute settlements. The U.S.-Singapore Free Trade Agreement contains state-of-the-art protections for American intellectual property, which is increasingly vital in the digital age and protects tens of thousands of U.S. workers and creates potential of tens of thousands of new American workers.

Trade in ag products represents a net trade surplus for the United States. Last year American farmers exported around $260 million worth of food products to Singapore. By binding all of its tariffs at zero, Singapore will now open its markets to American ag products and create new opportunities for American farmers to sell our produce to a nation whose small size prevents it from being able to grow enough food for consumption by its citizens. The U.S.-Singapore Free Trade Agreement will serve as the foundation for other possible free trade agreements in Southeast Asia. The free trade agreement establishes standards for trade that mirror U.S. law and sets a precedent for future agreements.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 25 of our 50 minutes to the gentleman from California (Mr. STARK) for the purposes of yielding time.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. STARK) will control 25 minutes.

There was no objection.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

I rise once again in opposition this time to H.R. 2739, the United States-Singapore Free Trade Agreement Implementation Act.

It is not bad enough that we trash workers' rights in Chile. We might as well do two of them at once and trash any hope for workers' rights in Singapore.

I am happy to note that organized labor in the United States opposes the Singapore, as well as the Chile, Free Trade Agreement. The International Brotherhood of Teamsters, the AFL-CIO, the International Brotherhood of Boilermakers, the International Brotherhood of Electrical Workers, the United Auto Workers, United Steelworkers of America, Unite! the Needle Trades Union, and the Machinists Union have all informed us of their opposition to both the Singapore and Chile free trade agreements.

If we are at all interested in protecting workers' rights around the globe, then we must oppose this piece of legislation. In Singapore in particular, a one-party dictatorship has consistently suppressed workers' rights just as they are being suppressed in Cuba, China, Liberia, Haiti, Pakistan, and many other areas of the world; and we are not doing anything about that. And we do set a standard which might very well be followed in Central America as we proceed into that free trade agreement later this year.

This agreement fails the test for acceptable labor rights provisions and trade agreements most miserably, and nowhere is it near the standard we set in the U.S.-Jordan Free Trade Agreement. It does not require Singapore to adopt even the most basic ILO standards for workers' rights. Singapore claims to uphold the ILO core standards; yet our U.S. negotiators have not obligated Singapore even to its hollow claims. Meanwhile, workers' rights are being trampled on.

The State Department outlines the numerous violations in its "2002 Human Rights Report," stating that "there were no laws or regulations on minimum wages or unemployment compensation," and their report goes on to say that there was a prohibition on strikes by workers in the water, gas and electricity sectors; and for the workers that can strike, there were no specific laws that prohibited retaliation against strikers, allowing corporations to apply virtually any tactic they choose to break up a strike.

I realize that the majority would like to see labor standards in this country returned to those conditions that we had in this country in the early part of the 20th century; but it is not going to work, and it is obscene to think that we will turn our backs on the poorest workers in poor nations across the globe where we are exporting jobs from our American workers. Even if this free trade agreement included the ILO core labor standards, it would be toothless. The agreement fails to provide the same enforcement mechanisms for labor violations as it provides for commercial violations; so if one disobeys the rights on patents or copyrights, they will be severely punished; but if they torture or shoot or otherwise bother workers, there is no retaliation. Once again, the administration chooses to relegate labor to a substandard class.

Under the Singapore agreement once a determination of the labor violation has been made, the first course of action is a fine which is capped at $15 million annually, a mere slap on the wrist. The negotiated course of enforcement pales in comparison to the sanctions that are available to protect our industries. The rich in this country get protected by this administration. Working people around the world are ignored. And without binding labor rights provisions, governments around the world will continue to trample on workers with impunity.

It is for this reason that I must strenuously oppose the U.S.-Singapore Free Trade Agreement and urge my colleagues to join me.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield the balance of my time and the ability to subdivide as necessary to the gentleman from Illinois (Mr. CRANE), chairman of the Trade Subcommittee and one of the leading voices of trade in Congress.

Mr. STARK. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Washington (Mr. MCDERMOTT) for the purpose of yielding time.

The SPEAKER pro tempore. Without objection, the gentleman from Washington (Mr. MCDERMOTT) will control the balance of the time allotted to the gentleman from California (Mr. STARK).

There was no objection.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to express my strong support for H.R. 2739, a bill which will implement the U.S.-Singapore Free Trade Agreement that was concluded between the United States and Singapore in January of this year. The U.S.-Singapore Free Trade Agreement is, along with the U.S.-Chile Free Trade Agreement, a watershed in U.S. trade policy. These are the first FTAs to be considered by Congress since the passage of the U.S.-Jordan FTA in 2001 and the first to be considered under Fast Track procedures established as part of last year's landmark bipartisan trade promotion authority since the passage of the North American Free Trade Agreement almost 10 years ago.

The fact that this agreement is one of the first to be considered under TPA authority, however, is not only the first for the U.S.-Singapore agreement. The U.S.-Singapore FTA, along with the U.S.-Chile FTA, is one of the first agreements of its kind, laying the groundwork and establishing high benchmarks for future trade agreements. For example, in the area of investment, the U.S.-Singapore FTA makes improvements to NAFTA chapter 11 model called for in TPA by providing more transparency, greater public input in the dispute resolutions process, and mechanisms to improve the investor-state process by eliminating frivolous claims.

The agreement is also groundbreaking in the area of intellectual property rights, providing new WTO plus state-of-the-art protections for U.S. patents and trade secrets and for digital products such as U.S. software, music, text, and videos. Enforcement of intellectual property rights is also enhanced and strengthened under this agreement.

I am also pleased that Singapore, as part of this agreement, has agreed both to permit the importation of certain chewing gums into Singapore and to allow some chewing gums with therapeutic value to be sold without a prescription in Singapore pharmacies. This issue may seem small to us, but it is a big step for them, demonstrating Singapore's commitment to the FTA and its willingness to strengthen its strong trade and economic relationship with the United States.

Mr. Speaker, I believe that this agreement is a win-win agreement for both the United States and Singapore. I urge my colleagues to support the bill and to support the further opening of trade between the United States and Singapore.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

It tickles me to sit here and listen to these Members talk about agriculture and opening markets with a subsidized product; and if those of us from the Midwest talk about subsidizing steel, we are called Neanderthals. So I just hope everyone understands the duplicity that is going on here.

We all want trade. We all want to trade with other countries. We all recognize the comparative advantage that certain countries have, and we want to help them lift the standards.

□ 1245

The question we have is why do we put commercial standards at such a high level, and we are taking down the environmental and the labor standards that we have agreed to in the last agreement we had with Jordan?

Now, there is a great example from 1994 after we delinked with China human rights from most favorable nation status. In 1995 there were some property rights that were in question. McDonald's had a lease problem. Mickey Mouse had an intellectual property and royalties problem, and the United States Government threatened a $1 billion trade sanction to protect Mickey Mouse.

Now, give me a break. But we do not have enough energy and commitment to protect the environmental and the workplace rights that we have established over the last century in this country?

Now we are saying that this is also going to create jobs, when the NAFTA agreement that we agreed to has already lost us 3 million jobs. I was in college in 1992, 1993, 1994; and I remember the NAFTA debate and how the United States Government was going to be a country club. Everyone was going to have a great high-tech job, nobody had to use their hands, we would be able to have flex-time at work, and it was going to be a great society.

Now we are finding out that IBM and other firms are sending 3 million high-tech software jobs, computer-design jobs to India, and we wonder why there is not a recovery in this country. The investments, the capital, are going to countries that we are doing trade deals with that have low environmental standards and low labor standards.

It is time to start protecting the jobs here in this country and to start exporting our ideals that we have in this country.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in strong support of both the Chilean and the Singapore free trade agreements. I want to compliment Ambassador Zoelick, as well as the gentleman from Michigan (Mr. LEVIN), the gentleman from New York (Mr. RANGEL), the gentleman from California (Mr. THOMAS), and others who played such an important role in ensuring that these agreements are advancing the interests of the U.S. businesses as well as the people they employ.

In the passage of these measures, we are really reaping the benefits that result from the passage of Trade Promotion Authority last year, which gave the United States the ability to maximize its leadership internationally, to ensuring that we can advance a policy of economic engagement that will create additional opportunities for the citizens of this country, and at the same time ensuring that we can facilitate and accelerate the development of economies throughout the world, and, in this case, Chile and Singapore.

These agreements are important because of the enhanced market access that they provide to U.S. farmers as well as many other products that are produced in the United States.

These agreements are also important because they help to strengthen the partnership with the United States and Singapore that ensure that we have a platform in that region of the world that allows us to expand further opportunities. The same case can be made with Chile. With the agreement we have negotiated with Chile, we are once again demonstrating that the United States has a commitment to be a good partner with our friends in South America.

This is going to be important, both in Singapore and Chile, so that we can advance our interests in terms of regional and multilateral trade agreements. We want to continue to build upon these agreements and see progress in the Doha Round of the WTO in order to once again ensure that we can benefit the entire international economy by seeing greater levels of market access.

I am also pleased that we have been able to distinguish that we have to have different approaches in how we advance the issues of labor and the environment and different agreements with different countries. I think the way that we have advanced the issue of ensuring enforcement of domestic labor laws in Chile is appropriate, that we understand that we can invest in the ability and capacity of the government of Chile to enforce their labor laws. That is going to be an important tool in terms of seeing advancement in labor conditions there. We always hold out the tool and the enforcement mechanism of sanctions if we do not see progress.

I think this is an excellent way to achieve the objectives that we all share and seeing the ability of the policy of economic engagement and trade to provide the ability to see greater progress in the improvement of environmental conditions.

Once again, in closing, both the Singapore agreement and the Chilean agreement are very important to the economic welfare of the citizens of the United States and will certainly strengthen the partnership of the United States in two very important regions of the world, in South America as well as Asia.

Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, as we debate in this Chamber today, I believe a vast majority of the American people are angry. And why are they angry? They are angry because over the last 3 years, since President Bush came into office, this country has lost approximately 3 million jobs.

I believe the people in this country are skeptical. Why are they skeptical? Because there is a disconnect between what so many of us say and what we do, a disconnect between rhetoric and reality. We talk about how these trade deals will result in additional exports and conveniently forget to talk about the imports that will flood our markets as a result of what we do in this Chamber.

The American people are puzzled. They are puzzled because they think we are United States Representatives, that our first obligation ought to be to the American people, to the American worker, the American company, the American community; and yet we hear so much talk about what this will do to help the citizens of Singapore or Chile.

Well, you know, I am concerned about those citizens; but our first obligation is right here at home. This agreement will result in jobs being sent out of the country and workers being brought into the country. Under this agreement, 5,400 workers from Singapore can come into this country every year, every year, with a visa that will be forever renewable. That means that in 10 years we can have 54,000 people from Singapore here in our country taking jobs that ought to be held by American citizens, by the people we are obligated to be representing.

I do not know what it is going to take to cause this Congress to come to its senses. Vote "no" on this unwise trade deal.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, it is my privilege to yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend from Michigan (Mr. LEVIN) for his leadership on these issues.

Mr. Speaker, I want to speak both to the Chile and Singapore Free Trade Agreements. With regard to Chile, this is going to level the trade playing field for U.S. companies and workers. Chile's uniform tariff of 6 percent will be immediately removed for more than 85 percent of all U.S. exports, and the remaining tariff is going to be phased out. By contrast, 65 percent, two-thirds of Chile's exports to the United States are already duty free, and there is an average of one-half of one percent tariff on those goods that face any duty.

But the problem with Chile has been that, while the U.S. has spent years debating Trade Promotion Authority, Chile has been busy striking free trade deals with Canada, Brazil, Argentina, Mexico, and the European Union. Because of these agreements, the U.S., which was once the dominant market for Chile's foreign trade, has seen its share of the Chilean market drop by one-third since 1997, and its bilateral trade agreement has reversed from surplus to deficit.

Equally important, this is going to promote broader U.S. foreign policy goals in the Americas. Because Chile is one of the most stable, transparent and wealthy South American nations, it boasts impressive labor and environmental standards. We are also going to have the opportunity to further exercise our world leadership role by actively promoting democracy, civil rules of law, and human rights.

With regard to Singapore, again, this should be a no-brainer for the Congress. Singapore is our 11th largest trading partner. It is renowned for its world-class infrastructure and very well-educated workforce. In my congressional district, for example, and there are many such suburban technology-oriented districts like mine across the country, it is going to have a very significant positive impact for the high-tech community.

High-technology trade between the United States and Singapore represents about half of the total two-way trade. In 2002, the U.S. exported nearly $6 billion in high-tech goods to Singapore.

The technology sector is the largest merchandise exporter in the United States, and that is the sector that is going to benefit most from the free trade agreement with Singapore.

With respect to intellectual property rights, the U.S.-Singapore Free Trade Agreement contains protections to ensure that a rich, diverse, and competitive marketplace will be maintained throughout Asia. Singapore is our key gateway to the rest of Asia; so it is very important that they are going to grant our inventors, our writers, our artists, our business people strong enforceable property rights over the fruits of their creations.

It establishes standards of protection that are consistent with U.S. law and requires that those protections be effectively enforced. Each party has to protect copyrights, trademarks, and patents against the illegal manufacture, import and export of pirated goods. It is terribly important. This is the right thing in promoting long-term economic growth for the United States and for Singapore and for this entire region of the world.

So both with respect to Chile and Singapore, these are major advancements. This is the right thing to do for our economy, and for our foreign policy and I trust that these agreements are going to pass overwhelmingly.

Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS), our distinguished chairman of the Committee on Ways and Means, for a colloquy with our other distinguished colleague, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Pennsylvania.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as we have studied this treaty, and as I have talked to people in northwestern Pennsylvania who have had an interest in the results of this trade agreement, I have heard concerns regarding the so-called integrated sourcing initiative. Is it true that this provision can be used to openly transship products from China to the United States duty free?

Mr. THOMAS. Mr. Speaker, reclaiming my time, the short answer can be quickly dealt with, but I think a longer one is necessary for people to fully appreciate.

The integrated sourcing initiative, or the ISI, the products on this list currently have no duty or restrictions when they enter the United States, regardless of where they come from or what country they pass through. The Singapore agreement identifies these goods and deems them to be of Singaporean origin for certain carefully delineated, limited purposes when they do move through Singapore for the administrative convenience of businesses and our own Customs Service. However, they are still considered of third-country origin for purposes of applying the global safeguard.

Many people are alarmed by, I think, the word "transshipment," because they think it would be an illegal movement or smuggling of goods. But that is simply not true here. These are legal goods that under current law can enter the U.S. without restriction. In this case, the Chinese goods on the ISI list could come directly to the United States without duty or restriction currently. So what difference does it make if it goes through Singapore or any number of other countries along the way?

I have heard concerns from Members about the nature and impact of this provision. As a result, I think it is prudent to ask the International Trade Commission to monitor Singapore trade in certain ISI goods and associated downstream products. If there is a significant change in the level of trade, the commission then will be asked to investigate further and report to us.

Frankly, I do not anticipate significant changes in trade in these goods as a result of the ISI provisions, but I do not think it does any harm to monitor it either. This provision makes it marginally easier on businesses, but I do not believe enough to change trade flows very much. But I want to underscore, notwithstanding that, I think it is prudent to monitor.

□ 1300

Mr. ENGLISH. Mr. Speaker, that is most reassuring.

On another point, if the gentleman will continue to yield, reading the proposal that is before us, can the administration add products to the ISI list as it sees fit without congressional approval and oversight?

Mr. THOMAS. Mr. Speaker, reclaiming my time, in the measure before us the very short and direct answer is "no." Whatever may have occurred in the process of developing this legislation or whatever was a desired result really is the past.

The measure in front of us says the list that is in this bill is the list, period. If Congress wants to address it, if Congress wants to expand or shrink the list, that is within the congressional prerogative. No other group, administration or otherwise, can change the list. Of course, the administration could be offering a proposal to Congress to consider, but it will be Congress' decision to modify the list that is in front of us in this bill.

Mr. ENGLISH. Mr. Speaker, if the gentleman will again yield, I want to thank the chairman for clarifying these points. Let me say that having participated in the process of vetting these two treaties, I believe they have been examined with a fine degree of concern, particularly for their impact on the manufacturing and agricultural sectors.

I feel very strongly that what we have here is the best kind of treaty that we can have to expand our economy, open up markets, and allow for trade on a very fair and balanced basis, with transparency and provisions that are very clearly enforceable.

So I want to thank the gentleman for his comments and add my voice to the long list of those who are urging that these two agreements be passed to create opportunities, to create good-paying American jobs, and to promote healthy trade relationships with two of our better trading partners.

Mr. THOMAS. Mr. Speaker, I want to make it perfectly clear that although that list of items is contained in this bill, which is being handled under the trade promotion authority, the so-called fast track with no amendments, if the administration or a Member introduced a piece of legislation which was to expand or contract that list, it would not be handled under the trade promotion structure; it would be handled as an ordinary piece of legislation, open to amendment and modification.

Mr. ENGLISH. Mr. Speaker, I recognize that as a very important parting shot, because that provides, I think, a greater level of protection and transparency by requiring any changes go through congressional oversight and the full legislative process.

I thank the gentleman for his points of clarification.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for his continued interest in these very important pieces of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 5 minutes and 15 seconds to the gentleman from Texas (Mr. DOGGETT), a distinguished colleague of mine on the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, I rise to question these agreements, reluctant in support, not because my interest in expanding international commerce has waned over the years, but reluctant because of this Administration's consistent refusal to support a balanced, bipartisan trade policy.

Like most of its foreign policy, the Administration's guiding principle is not moderation, but arrogance. It pursues go-it-alone, one-on-one trade deals like these instead of reforming the structure that would promote more multilateral world trade.

These agreements perhaps represent a perfect fit for this Administration, whose approach toward environmental protection and worker rights ranges from conscious indifference to open hostility, an Administration that apparently views a few attacks on health and safety laws by a foreign multinational investor trading partner as more of a help than a hindrance.

All the hullabaloo that we heard this morning about these agreements is more symbolic than it is real. The economic impact of these agreements is minuscule: less than one-hundredth percent of our gross domestic product for Singapore and less than five-hundredths for Chile. Not much to crow about for an Administration whose trade policy has followed rather crooked twists and turns.

Its enthusiasm for giant subsidies to giant agribusiness corporations impedes and distorts our efforts to expand world commerce. It cannot even permit trading catfish without demanding that the catfish be called something other than "catfish."

And, of course, this very day, efforts are under way to deny seniors in America the right to reimport FDA-approved prescriptions from Canada.

Against this backdrop of protection for its buddies, this bill represents the crowning achievement of this Administration in trade, free trade with the important, but tiny, island of Singapore. I am not willing to say "no" to this modest achievement, but we should recognize that it speaks more of failure than of success.

As a model for the future, the provisions on investor protection, on workers' rights, on environmental protection are a complete failure. Those provisions are not the result of hard-fought negotiations. In the case of Singapore, for example, that country was willing to accept most anything the United States tendered on these issues. And the Administration requested just as little as possible to justify a pseudo-claim that it cared about these issues.

As a precedent, these agreements deserve just as little respect as this Administration has now shown toward the stronger, but still very flawed, U.S.-Jordan Free Trade Agreement.

Freeing markets is very important, but so is freeing children from sweatshops. In contrast with its willingness to protect catfish farmers, the Administration is indifferent to the lakes in which those fish swim. These agreements do not guarantee that governments have the right to prevent a public nuisance like pollution of our air or water without paying compensation. The Administration is willing to protect special interests from foreign lumber competition, but not the forests that our families enjoy and the wilderness areas that are so important to our global future.

Countries should have the right to insist that electric utilities include devices that reduce air pollution, the right to limit roads into forests, and insist on replanting as a condition to investment. Expanding the investor-state language in these agreements to derivatives, stocks, and bonds raises questions about future demands for post-Enron-type accountability that may well reduce a corporate insider's short-term return on investment, even though the reform increases the security of the public as a whole over the long term. There is a great danger that these agreements will be misconstrued to facilitate challenges to all of these.

Bipartisan support for more international trade has been greatly weakened by this Administration's consistent indifference to meaningfully opening up trade to public participation. More is required than allowing a few hand-picked industry representatives with national security clearances in the back door to review documents. When key decisions are being made behind closed doors, shielded from the press, the public, and watchdog organizations like the Sierra Club, we all lose.

Reacting to its defeat in a Freedom of Information Act lawsuit recently, to force disclosure, the U.S. Trade Representative audaciously began classifying documents, and the Administration issued an Executive Order blocking the public's right to know about what was happening on trade—hardly "free and open trade" when it is closed to the people of America, even though our trading partners know what secrets are under way.

How trade affects our water, our food and working families should not be a trade secret. America's most important export—democracy—is weakened by "star chamber" trade policies.

It is possible to promote more world trade, economic growth, and opportunity without undermining our environment and facilitating child labor, but only by pursuing a different course. Open government is not inconsistent with opening markets. It is the only path that will ultimately lead to our achieving that goal.

The SPEAKER pro tempore (Mr. LINDER). It is now in order under the rule to move to the Committee on the Judiciary's 20 minutes. It is my understanding the gentleman from Texas (Mr. SMITH) will control 10 minutes for the majority, and the gentlewoman from Texas (Ms. JACKSON-LEE) will control 10 minutes for the minority.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. KING), a valued member of the Committee on the Judiciary.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise in support of both resolutions, H.R. 2738 and H.R. 2739, the Chilean and Singapore Free Trade Agreements.

The U.S.-Singapore and -Chile agreements will help a wide range of U.S. businesses, including manufacturers, service providers and farmers to get back into the game on international trade. This Free Trade Agreement also raises the bar for the Free Trade Area of the Americas. Implementing the Free Trade Agreement with Chile, the leading economic reformer in Latin America, sends a message to other countries taking part in the Free Trade Agreement negotiations that the U.S. is prepared to improve trade relations with countries that stay on the path of economic reform, free markets, and democracy.

U.S. agriculture needs trade agreements in order to obtain the global market access necessary to expand sales and farm incomes. Since 96 percent of the world's population resides outside the United States, access to foreign markets is essential for the continued growth and viability of U.S. agriculture. Bilateral agreements such as the Singapore and the Chile Free Trade Agreements are essential, because they provide benefits immediately. They help the U.S. keep pace with global competitors who currently have better access than U.S. exporters due to existing preferential trade agreements. This agreement is comprehensive, calling for an eventual duty-free, quota-free access for all products.

I would point out that Adam Smith wrote this in about 1776, that "if you can buy it cheaper than you can make it, you ought to buy it; if you can make it cheaper than you can buy it, you ought to make it." That is what this is about, this Free Trade Agreement.

The Free Trade Agreement for Singapore works to guarantee access for U.S. firms into Singapore's industries, such as express delivery, legal services, financial services, and communications.

Congress, not the U.S. Trade Representative, has plenary power over immigration. I firmly believe that immigration policy does not belong in free trade agreements.

I thank the U.S. Trade Representative for working with the Committee on the Judiciary to address some of our bipartisan concerns about the Chile and Singapore agreements. As a member of the Committee on the Judiciary, I offered amendments to help fix problematic immigration provisions in the Chile and Singapore trade agreements. I particularly appreciate the cooperation and promise of Ambassador Zoellick that immigration provisions will not be included in future trade agreements.

Many Members have supported trade promotion authority in the past. However, if the U.S. Trade Representative includes immigration provisions in future trade agreements, support for extensions of this authority and of the free trade agreements themselves will be jeopardized. The outcry here in Congress shows that the U.S. Trade Representative cannot garner the necessary support for any future trade agreements containing immigration provisions.

The message is clear: Immigration provisions will not be tolerated in future trade agreements; that is the province of the United States Congress, according to our United States Constitution.

We must step forward and fulfill our constitutional obligations here. We have done so from the Committee on the Judiciary. I will continue observing these trade agreements as they are negotiated and carried out.

I do appreciate the cooperation of the Trade Representative and also of our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), who has led the battle on this issue, and I intend to be part of that team. But I will vote in support of this trade agreement.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I claim the 10 minutes on behalf of the Committee on the Judiciary Democrats, and on behalf of the gentleman from Michigan (Mr. CONYERS), and I yield myself such time as I may consume.

Mr. Speaker, first of all, let me, since we have done two, this is the second trade bill, acknowledge the hard work of the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Ranking Member CONYERS) on one of the key elements of dissension in this legislation, and that, of course, is the fact of immigration policy on a trade bill.

We are familiar with the concept of legislating on appropriations bills. Many of our colleagues and many of us, might I say, attempt on many occasions to try and find ways to instruct this Congress as it relates to appropriations bills in terms of policy; and we suggest that there is a nexus in spending money and policy.

Well, frankly, the nexus that the USTR has tried to create between a trade bill and immigration policy is a bogus one and inappropriate. Might I cite for my colleagues again, Mr. Speaker, the constitutional clause that under article I, section 8, clause 4 of the Constitution provides that Congress shall have the power to establish a uniform rule of naturalization. The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policies.

□ 1315

Statutory law and legislative law suggests the same.

Now, let me say that I am a friend of Singapore, as well as a friend of Chile, and believe that we should create and enhance friendships. We are an equal trading partner with Singapore. But I also believe we have not established the necessity for Fast Track Authorization, which from my perspective again violates some of the authority of Congress.

The commerce clause, or commerce, is adjudged by the Constitution so it is a power constitutionally provided for and should be respected. But the question is are we adhering to the Constitution by protecting the interests of the American people? Do we have a clause in this trade bill that requires employers to attest that they cannot find anyone to do the job, that they are now providing a visa, both in Chile and Singapore, for those individuals to come to the United States? Are they attesting to the fact that they need to have this visa perpetual, no end to it?

The H1-B visas had an end, a 3-year term; and it could be renewed. We were not even allowed to put a cap, nor were we allowed to direct the visa fees that would come from these perpetual visas to be able to help bring down the overload of the costs of processing visas throughout the world.

So what happens? Medical institutions are penalized, like the Texas Medical Center, because they cannot get their researchers here to do good work, researchers from around the world because of the clogging of the system. Who else is hurt? People's lives are lost. Why? Because those who are patients of American doctors who are trying to come back for treatment are backlogged because we cannot get visas because of the backlogged system. But yet the U.S. Trade Representative would not even tolerate that kind of discussion. Further, the U.S. Trade Representative staff, thereby him, would not even engage in negotiations around these very issues that might have made this palatable.

As I close, Mr. Speaker, let me simply say that we can see jobs leaving now. IBM, Microsoft, Oracle sending 3 million jobs overseas as we speak. There is a 6.4 million unemployment. It may be rising. This is not an appropriate time, even with our friends, to suggest that we should have Fast Track Authority and overlook the economic crisis that is in the United States today.

I close by simply saying that the real angst of this bill is for us to accept the abdication, if you will, of congressional power on immigration laws. I will not do so, and on behalf of the American people I will not do so.

I will begin by saying that I value the trade relations that the United States has with Singapore. Singapore is America's largest trading partner in Southeast Asia with two-way trade of $31 billion and a United States bilateral merchandise trade surplus in 2002 of $1.4 billion. Singapore is the 11th largest export market for the United States with $16.2 billion in merchandise exports in 2002. It is the 16th largest source for goods imported into the United States with $14.8 billion in 2002. The

United States is Singapore's second largest trading partner. I support trade with Singapore.

My concern is with the details of the trade agreement. The U.S. Trade Representative (USTR) should not have included immigration provisions in the Singapore Free Trade Agreement. The negotiating objectives that Congress laid out for the USTR in Trade Protection Act of 2002 (TPA) do not include a single work on temporary entry into the United States. There is no specific authority in the TPA to negotiate new visa categories or to impose new requirements on our temporary entry system, yet that is exactly what USTR has done in the Singapore Free Trade Agreement.

The inclusion of immigration provisions overstepped the bounds of the USTR and usurped the jurisdiction of the Congress. Article I, section 8, clause 4 of the Constitution provides that Congress shall have the power to establish a uniform Rule of Naturalization. The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policy. The Court has found that the formulation of policies [pertain to the entry of aliens and their rights to remain here] is entrusted exclusively to Congress has become firmly embedded in the legislation and judicial tissues of our body politics as any aspect of our government. Nonetheless, the Administration has negotiated a new visa program in the Singapore Free Trade Agreement; usurping Congress' clear constitutional role in creating immigration law.

The Singapore Free Trade Agreement creates a new visa classification for the temporary admission of nonimmigrant professionals that is similar in many respects to the existing H–1B nonimmigrant classification. The new nonimmigrant visa classification, however, would differ from the existing H–1B program in significant ways.

The provisions for the new nonimmigrant visa permit an unlimited number of extensions in 1-year increments. This makes it possible for a foreign employee entering the country on a supposedly temporary basis at the age of 22 to remain until he is ready to retire at the age of 70. In effect, this gives American employers the option of keeping permanent workers in a temporary legal status. In contract, under the H–1B program, workers are granted a three-year visa that can be extended only once. A single three-year extension is available.

The Labor Certification Attestation is one of the few safeguards we have in our H–1B system for ensuring that employers do not abuse temporary workers to undermine the domestic labor market. The implementing legislation contains some, but not all, of the attestation requirements that apply in our H–1B program.

The implementing legislation completely omits the category of H–1B dependent employers and the additional attestation requirements that apply to them. H–1B dependent employers are required to attest that new entrants will not displace American workers and demonstrate that they have tried to recruit American workers. The implementing legislation should have a similar provision.

In addition, the H–1B program authorizes the Secretary of Labor to initiate her own investigations and enforcement proceedings based on credible information that an employer is violating the rules of the H–1B program. No such authority is granted to the Secretary in the Singapore agreement's implementing legislation.

The Singapore Free Trade Agreement requires permanent changes to our immigration system, but for now these changes are limited to two countries. Unfortunately, we may see these programs expanded to dozens of additional countries in future Free Trade Agreements. The administration is currently negotiating additional Free Trade Agreements with Australia, Morocco, five countries in Southern Africa, five countries in Central America, and the 34 countries of the Western Hemisphere.

Immigration policy is a sensitive, political matter. Changes in immigration law traditionally have been the result of intense, open negotiations between workers, employers, immigration advocates, and Members of Congress. These issues simple do not belong in fast-tracked trade agreements negotiated by executive agencies. Because the legislation is being fast-tracked, Congress does not have the power to amend it. We have to vote on it as written with no power to make any changes.

If amendments had been permitted, I would have offered one to put a limit on renewals. My amendment would have permitted no more than 8 one-year renewals of the nonimmigrant status. That would have permitted a 9-year period, which would be 50 percent longer than is allowed for employees who are here with H–1B status.

I also would have offered an amendment that would have used part of the fees generated by the new visa classification for accelerating the processing of nonimmigrant visas by the State Department's consulate offices. Delays in processing nonimmigrant visas are causing difficulty to people coming to the United States for medical treatment, to do important research, or for any of a number of other urgent reasons.

I urge you to vote against the U.S.-Singapore Trade Agreement Implementation Act, H.R. 2739.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise in support of the Singapore Free Trade Agreement. As many of my colleagues know, I support free trade. I believe it must be fair trade. I voted in the past for some of these agreements, but this one I think is very good with Singapore and Chile.

The free trade agreements under consideration today represent a significant step towards the goal of open and nondiscriminatory international markets for services and e-commerce. The agreements contain commitments from both Singapore and Chile for substantial market access across nearly all of their service sector including banking, insurance, telecommunication, computer and related services, energy, direct selling, tourism, professional services, and even express delivery services.

This is a significant departure from trade agreements in the past, as all our service sectors are open and the few exceptions are memorialized in what is called a "negative list." Moreover, the market access and nondiscrimination commitment are bolstered by strong and detailed regulatory transparency requirements, a first in trade agreements. Regulatory transparency is very important to many service industries as they are subject to government regulation. Lack of such transparency and regulatory uncertainty are non-tariff barriers that impede trade and services.

The Chile and Singapore agreements, in my mind, provide for commitments that have been missing in past agreements. In the area of services, the commitments are regarding telecommunications, intellectual property protection, and in electronic commerce and digital products. We have what I see as fair and nondiscriminatory treatment with regard to both cross-border trade in services and the right to invest in and establish local services.

Finally, Mr. Speaker, I would like to mention that Singapore has been a staunch ally with the United States on our war on terrorism. In December 2001, Singapore authorities were successful in foiling a potential terrorist attack on Western targets by an organization linked to al Qaeda. And today Singapore civilian police are working with us in Iraq to train the new Iraqi police force. In fact, within this first week, Singapore police trained 90 new recruits to assist in bringing and maintaining security and order to the Iraqi people.

Mr. Speaker, we already have a strong partnership with Singapore, and the agreement before us will further strengthen that partnership while providing excellent opportunities for U.S. businesses.

I rise in support of the Singapore Free Trade Agreement. As many of my colleagues know, while I support free trade, I believe it must be fair trade. I have voted, in the past, against those trade agreements that I felt were detrimental to our agriculture, textile, and manufacturing base and I stand behind those previous votes.

Though international trade is increasingly becoming an important component of our domestic economy, we must remain concerned with the consequences of some of these agreements. In a recent article, I spoke to the fact that over the past decade, the trade deficit of the United States has steadily risen. In 2002, the trade imbalance reached an all-time high of $435 billion—a $100 billion increase over the 2001 deficit.

Having said that, one area of trade in which the U.S. is, in fact, benefiting is the trade in services. America ran a record high surplus in services of $69.8 billion in 2001, although that surplus shrank to $44.7 billion in 2002. Another bright spot in our balance of trade calculus is the steadily increasing international e-commerce, which holds particular promise for

U.S. companies. The Information Technology Industry Council projected that between 1999 and 2003 the market for electronically distributed software alone will grow from $0.5 billion to $15 billion.

The importance of the service industries to the U.S. economy today cannot be overstated. The U.S. economy is a service economy where better than ⅔ of our GDP is composed of services output. Just over ¾ of our employment base is provided by the service industries. There is also little argument that many aspects of our Nation's economic life are now, to varying degrees, substantially reliant on e-commerce. Recent data shows that e-commerce growth is even outpacing the rosy predictions of the "dot-com bubble" period. In 1999, Forester Research Inc. estimated that U.S. e-commerce between businesses would reach a staggering $1.3 trillion by 2003. Today, Forester Research estimates that networked business-to-business transactions stand at $2.4 trillion.

Thus, the service industries and e-commerce are not only key components of our domestic economy, but increasingly trade in services and electronic commerce are becoming growth areas where U.S. firms have a comparative advantage, given open and non-discriminatory access to other markets.

The FTAs under consideration today, as I noted, represent a significant step forward towards the goal of open and non-discriminatory international markets for services and e-commerce. The Agreements contain commitments from both Singapore and Chile for substantial market access across nearly all their services sectors: including banking, insurance, telecommunications, computer and related services, energy, direct selling, tourism, professional services and even express delivery services. This is a significant departure from trade agreements in the past, as all service sectors are opened up and the few exceptions are memorialized in what is called a "negative list." Moreover, the market access and non-discrimination commitments are bolstered by strong and detailed regulatory transparency requirements, a first in trade agreements. Regulatory transparency is very important to many service industries as they are subject to government regulation. Lack of such transparency and regulatory uncertainty are non-tariff barriers that impede trade in services.

In addition, the Agreements include significant commitments establishing that the principle of non-discrimination applies to products delivered electronically and prohibiting the levying of customs duties on digital products. Furthermore, the Agreements affirm that commitments made relating to services also extend to the provisioning of such services via electronic delivery.

The Chile and Singapore Agreements, in my mind, provide for commitments that have been missing in past agreements. In the area of services, the commitments regarding telecommunications, intellectual property protection, and in electronic commerce and digital products, we have what I see as fair and non-discriminatory treatment with respect to both cross-border trade in services and the right to invest in and establish local services.

Finally, I would like to mention that Singapore has been a staunch ally with the U.S. in our war on terrorism. In December 2001, Singapore authorities were successful in foiling a potential terrorist attack on western targets by an organization linked to Al-Qaeda. And today, Singapore civilian police are working with us in Iraq to train the new Iraq police force. In fact, within their first week, Singapore police trained 90 new recruits to assist in bringing and maintaining security and order to the Iraqi people.

We already have a strong partnership with Singapore and the agreement before us will further strengthen that partnership while providing excellent opportunities for U.S. businesses.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Committee on Energy and Commerce.

Ms. SCHAKOWSKY. Mr. Speaker, I rise to join my colleagues, concerned Americans, and unions that represent the hard-working people of America in opposition to the U.S.-Chile and U.S.-Singapore Free Trade Agreements.

Like many of my colleagues who stand in opposition today, I long for a trade agreement that I can support because I really believe in the essential nature of global trade. But I am sick of seeing one after another of these agreements that come before us actually hurting U.S. working men and women; and that is why they are opposed by unions like the Teamsters; the AFL/CIO; the Brotherhood of Boilermakers; electrical workers; auto workers; steel workers; UNITE!, of which I am a proud member; and the Machinists Union.

I want to just list four of the many reasons that I am opposed to these trade agreements. They set a dangerous precedent for the Central American Free Trade Agreement, CAFTA, and the free trade agreement of the Americas. If passed, these agreements will put the United States on record as being indifferent to the gross violations of human labor rights that we know occur every day in Central America.

Two, these trade agreements would not only result in job losses here at home but would do nothing to ensure workplace standards and environmental protections elsewhere. Under the agreements, Chile and Singapore would be allowed to set labor and environmental laws below international standards in order to attract investment.

Three, under the Chile and Singapore trade agreements, corporations in Chile and Singapore would have the right to challenge environmental, health, labor and other public interest measures in this country on the grounds that these protections infringe on their profits. But perhaps most offensive of all to me is that for the first time these agreements will allow for U.S. companies to exploit foreign workers here in the United States. Corporations will no longer have to go overseas to do that. They can do it here.

The agreements create new immigration provisions that allow U.S. corporations to import foreign workers to the U.S. to do blue and white collar jobs here in this country, but do not include prevailing wage requirements and other critical labor rights guarantees. Vote "no."

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Colorado Mr. (TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding me time, especially for his very gracious allowing me to speak in opposition to this bill.

Mr. Speaker, the fact is people keep getting up and saying that we are concerned about immigration provisions in the bill. We have talked to the Trade Representative. They have responded to our issues; and, in fact, the Committee on the Judiciary will act to change one part of this bill that pertained to immigration provisions, but there are still several parts in this bill that are completely unacceptable, and that should never be in there because they are immigration provisions. It allows for L–1's, an unlimited number of L–1's. Okay. What happens when we actually begin to deal with the violation of the L–1 category that is now rampant?

We will be unable to deal with it in terms of Chile and Singapore because it is in the trade agreement that it will not be changed. It cannot be modified. So that is an immigration proposal that is still in this bill. H1–B category visas, what we are saying is that they can be annually renewed as opposed to the present system that requires some degree of attention being paid to renewal. But, as a matter of fact, that is even being ignored significantly. So if we tried to ever reform these categories, if we try to remove them, they will be there forever for these two countries because they are in the trade agreement. And that is the problem with integrating trade agreements and immigration proposals. I am against the two proposals for that reason.

Ms. JACKSON-LEE of Texas. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LINDER). The gentlewoman from Texas has 4½ minutes remaining. The gentleman from Texas (Mr. SMITH) has 3 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentlewoman for yielding me time and for allowing me to address the House on the Chile and Singapore trade agreements, which, in my opinion, represent another attack on American working families. But this administration and people in this House do not understand the abominable effect that trade agreements have on the working people of our country. Neither agreement contains basic labor standards to protect workers' rights, freedom of association, freedom to bargain collectively, freedom from child labor, freedom from forced labor, freedom from discrimination. These agreements contain no labor law enforcement mechanism.

Let me further explain why I am opposed to this bill. Indiana working families and manufacturers simply cannot afford any more trade agreements. I find it unconscionable that the manufacturing industry, Indiana's gift to the American economy in more prosperous times, suffers the indignity of unfair competition from unfair trade agreements negotiated by our own government.

U.S. manufacturing job losses from August 2001 to 2002 numbered 606,000. Indiana lost 16,200 manufacturing jobs in the same period of time; 45,000 manufacturing jobs lost in November 2002. Unemployment in this country, Mr. Speaker, is 3.6 million.

Since NAFTA was enacted 10 years ago, there has been the loss of more than 100,000 jobs in Indiana, all attributed to NAFTA. Trade agreements undermine Indiana's businesses, working families, decent wages, and strong environmental protections that Americans have fought so hard for.

I would urge defeat of this measure.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I support the strong intellectual property protections contained in both the Chile and the Singapore trade agreements. These agreements will boost U.S. trade in open markets in both countries. They also set a standard for the protections that should be included in future trade agreements.

In today's global economy, it is becoming increasingly easier for criminals to steal intellectual property. Whether this theft takes the form of pirated music, stolen software, or counterfeited trademarks, it has a severe impact on our industries and on our economy. Intellectual property is one of our Nation's major assets. The United States is a consistent leader in manufacturing high-tech and the creative industries. Strong intellectual property protections both in our law and in our trade agreements are important to ensure our economy continues to flourish.

The intellectual property found in our country is a result of the American creativity. When properly commercialized, these works lead to jobs, profits, and a better quality of life for all Americans. These agreements will enlist international cooperation that respects and protects our intellectual property.

The strong protections in these agreements set a good precedent for future free trade agreements, such as those with Australia and Central America.

Mr. Speaker, I urge my colleagues to support both the Chile and Singapore free trade agreements.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, how much time remains, please?

The SPEAKER pro tempore. The gentlewoman from Texas (Ms. JACKSON-LEE) has 3 minutes remaining. The gentleman from Texas (Mr. SMITH) has 1½ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I inquire if the gentleman has any additional speakers.

Mr. SMITH of Texas. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me close by acknowledging the positive aspect of trades bills. They are deals and they help enhance relationships between our friends, and they create vehicles for trade. We recognize that.

□ 1330

There are also constitutional duties that we have in this body, and let it be very clear, this trade bill implodes the constitutional responsibility of this Congress, and that is to create immigration policies. My greatest respect to the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Ranking Member CONYERS) for claiming jurisdiction on behalf of the Committee on the Judiciary, but that jurisdiction did not prevail to the extent that we crafted or carved out bad immigration policy.

What do we have, Mr. Speaker? One, we have an unending visa that, in essence, gives citizenship to an individual over others who are standing in line here in the United States. It gives citizenship to those who are here undocumented, working, paying taxes and have been begging to get in line to get their citizenship. It allows an individual to have perpetual citizenship by way of a visa with no capping whatsoever.

In this climate of terrorism and the war against terrorism and the responsibilities of the Homeland Security Department, what protection do we have to prevent individuals not purposely from utilizing and abusing this visa process?

Additionally, in the backdrop of Microsoft and IBM and Oracle sending jobs overseas and high unemployment, we are providing this trade bill under fast track authority. Would it not have been more appropriate if we had been able to negotiate in the backdrop of the economic crisis?

This bill does not require employers to attest to the fact that they need this employee because they do not have American workers. It does not revenue track the visa fees so we can use it to assist our visa officers across the ocean to be able to bring in the researchers, scientific personnel that we really need and, as well, to be able to help those patients who are in line suffering from cancer and other diseases who cannot get here for treatment.

This bill is a bad bill because it should not and cannot pass constitutional muster. This fast track authority is a problem in and of itself, but the United States Trade Representative has chosen to, in essence, enhance the constitutional problems and highlight why fast track is bad because all they are doing is doing a deal. They are not concerned about the responsibilities of this Congress or the obligations to the American people.

I wish the trade representative had been responsive because I believe that Singapore and Chile have great opportunities for us to do trade in a reasonable way that protects labor rights and the environment, and that we actually have a negotiated deal that impacts positively on the American people and the American workforce. Since this bill does not do that and it violates the Constitution, I ask my colleagues to vote against it.

The SPEAKER pro tempore (Mr. LINDER). All time for the Committee on the Judiciary portion has expired.

It is now in order to return to the Committee on Ways and Means portion with the time of the majority controlled by the gentleman from Illinois (Mr. CRANE) and the time of the minority controlled by the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Michigan (Mr. LEVIN).

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the chairman for recognizing me. This is a very positive day on the floor of the House. I commend the chairman and his staff for getting us to this point, as well as colleagues on the other side of the aisle and the U.S. Trade Representative.

These are the first two agreements we have been able to take up under so-called fast track authority, trade promotion authority, for the last decade, and particularly the U.S.-Singapore trade agreement has a number of aspects which are very positive for us. This, of course, is a milestone for us. It is the first agreement we have had with an Asian-Pacific nation. It is also an agreement that is in our interests. Two-way trade is now approaching $40 billion with Singapore and making them our 12th largest trading partner. This agreement will enhance that trade and strengthen it.

Ninety-nine percent of the trade in goods with Singapore is already tariff free, so it really is not about goods; it is more about services. And that is great for us because we have a massive service economy in this country. In fact, I am told that our service sector now accounts for about 80 percent of our gross domestic product. So by opening up those markets to services, it helps the United States tremendously.

U.S. direct investment in Singapore was $27 billion in 2001. This will also create a more predictable and secure legal framework for U.S. investors because they now will be treated as if they were local investors and have access to better dispute settlement mechanisms.

We also live in an advanced technological age, Mr. Speaker, and to keep jobs in the United States, we must depend on that. We must have higher technology in order to increase productivity and efficiency and keep jobs here. This agreement is good in that regard, too, because it has state-of-the-art protection for U.S. intellectual property, which is increasingly important in a digital age.

Finally, trade in agriculture is important to us. We have a net surplus, of course, in agriculture trade. In 2002, we exported around $259 million worth of food products to Singapore. By binding all of those tariffs at zero, it helps us, it helps our farmers, it helps open up those markets to our products and, therefore, creates jobs here in the United States.

Overall, again I think this is a good day for us in that we are moving forward with positive agreements. In the Singapore case, I think there are lots of benefits to the United States. I strongly urge my colleagues to support this good, bipartisan trade agreement.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, it has been about a year since this Congress voted to give the President fast track authority, and now we are seeing the first fruits of that effort, and I must say that for the democratic process and for our constitutional government and for the American workers, this is bitter fruit indeed.

It is sadly ironic that a half a world away we have about a quarter of a million American sons and daughters who are fighting and dying every day to remove a hostile regime both in Iraq and in Afghanistan with the hope and the purpose of bringing democratic rights, individual rights, human rights to the people in those countries. Yet here we are today with an agreement in which the U.S. Trade Representative has the ability to serve the same purpose with the stroke of a pen, and yet the U.S. Trade Representative has chosen not to do that. We have fumbled an opportunity to strike a blow for democracy in these agreements.

We should remember that our trade policy is an essential tool of democracy, and arguably the United States Trade Representative could have accomplished much on our behalf in these agreements, and I think Congress needs to get back into the process.

I think it is instructive that these agreements are very specific, very meaningful, very clearly defined when parties or countries violate the commercial terms of this agreement. However, when labor protections are denied and human rights are denied, the agreements are either silent or vague and unenforceable.

One would think that an administration that has ridden herd on the worst job creation performance of any President in this country since Herbert Hoover, one would think that that President would be reluctant to bring in tens of thousands of foreign workers into this country. One would think that with the jobs lost, 1.3 million jobs lost in the past 2 years, that this administration would be hesitant about adopting this type of agreement.

It is shameful indeed that this administration has not, and I ask my colleagues to vote "no" on both the Chile and Singapore trade agreements.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. JEFFERSON), my distinguished colleague on Ways and Means.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in strong support of the U.S.-Singapore FTA, and I urge my colleagues to vote for it.

This is one of the first agreements negotiated under the trade promotion authority or under the old term "fast track authority." Many of us were concerned that the efforts we made to get labor and environmental guidance in this fast track authority would not be heeded or heeded sufficiently by the administration. I am relieved to know that this is not the case, that this agreement does address, in the way that was intended by this Congress when we passed it, the important issue of labor and environmental concerns, but it also gets to the heart of so many other concerns that I think are most important to our economy.

The U.S.-Singapore FTA is a thorough, comprehensive agreement. It will remove Singaporean restrictions through the importation of a broad range of products and a broad range of services and a broad range of sectors as different as information technology, engineering, environmental services, legal and financial services.

Singapore is already the United States 11th biggest trading partner, with bilateral trade of nearly $40 billion. It has one of the world's most open and dynamic economies. Its port is one of the world's most efficient. Over 1,300 U.S. companies are now doing business in Singapore; some 300 of those have made Singapore their Southeast Asian regional business headquarters, it is such a vibrant area for it.

The U.S.-Singapore FTA will serve as a catalyst, I think, for broader U.S. economic engagement in Southeast Asia. It will also celebrate the progress of a multilateral trade agenda that our country has there.

Singapore has been a stalwart ally of the United States and the war on terrorism. It has worked very closely with us on container security and other important trade initiatives. It is a solid agreement that deserves our strong support, deserves bipartisan support, and I urge my colleagues to vote for it today.

Mr. CRANE. Mr. Speaker, I yield 4 minutes to our distinguished colleague from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me the time, and I want to commend him and the members of the Committee on Ways and Means for bringing forward these two free trade agreements with Chile and with Singapore and to commend our U.S. Trade Representative, Ambassador Zoellick, for the outstanding work that he has done to get us here.

I think I look on this as a very singular accomplishment for the United States. I remember back a few years ago traveling to Chile shortly after the adoption of the NAFTA agreement and its implementation. I went at the behest of the then-Speaker of the House Mr. Gingrich to talk about trade, and there was so much anticipation and so much excitement about the possibility of a free trade agreement; and I felt confident at that time that we would have what we then called fast track authority and now trade promotion authority for the President so these agreements could be negotiated quickly.

Of course, as we know now, it was not to be, and it has only been in the last year that the President has had this authority. But today, we are seeing for the first time in a decade agreements brought to the floor of the House of Representatives that have been negotiated using this authority of the President.

Today, for the first time, we are seeing the beginning of what I believe will be a very robust period of American trade agreements that will begin to open markets for America around the world and begin to open markets in the United States for other countries as well, to make it possible for other countries to have access to our markets, to make it possible for our consumers to have more choices, to make it possible for American workers to have jobs that can allow for the export of manufactured goods and the export of services as well. That is what these agreements are all about. They are about enhancing the lives of people not only in this country, but around the world.

The Singapore Free Trade Agreement is one that is especially important, I think, to the United States because it marks the first free trade agreement we have with an East Asian country. Ninety-nine percent of all the trade of goods in Singapore is already tariff free, and so this agreement helps us by removing some restrictions on some of the other things we have not had open yet, and that is mostly service.

Singapore, like the United States, even more than the United States, is a tremendously service-oriented economy. There is not a lot of manufacturing, as we know, in Singapore. It is about trading, and it is about services; and opening up that economy to those kinds of services is extraordinarily important. Eighty percent of our GDP depends on those kinds of services.

Singapore, despite its tiny size, is the 12th largest trading partner of the United States. It has a two-way trade in goods and services of nearly $40 billion, and this free trade agreement will enhance and strengthen this trade relationship.

I have already mentioned that there are new opportunities for U.S. service providers. U.S. negotiators in this agreement secured key protections in a framework and had minimal carveouts, that is, the other side reserved only very small things from the application of the free trade agreement.

Our investment in Singapore was over $27 billion last year. This will create a predictable legal framework that U.S. investors can operate in in Singapore to be sure that they are being treated as favorably as local investors; and they will also have access to meaningful dispute settlements.

Mr. Speaker, one of the very important aspects of this is to have dispute settlements so that when we do have disagreements in our trade, whether it is at services or manufacturing, we can settle these agreements in a fashion that allows trade to move forward. We know all too well what happens when we do not have that kind of opportunity.

Mr. Speaker, I believe that this agreement is in the best interests of the United States and of Singapore and of the world, and I urge its adoption.

Mr. McDERMOTT. Mr. Speaker, could the Chair kindly tell us the amount of time left for each of us?

The SPEAKER pro tempore. The gentleman from Washington (Mr. McDERMOTT) has 14 minutes remaining. The gentleman from Illinois (Mr. CRANE) has 32½ minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 11¼ minutes remaining.

□ 1345

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, the Singapore and Chile agreements are wrong for labor standards, they are wrong on the environment, they are wrong on the economy, and they are wrong for the American people.

I have been a mill worker at Great Northern Paper Company for over 30 years. I have had firsthand experience with the devastation of the so-called free trade agreements on the U.S. economy. I know what they really mean to the working people of this country. Almost no one else in this Chamber can claim that experience. These kinds of agreements are bad for the working American people.

NAFTA has been nothing but a disaster in my State of Maine, costing over 24,000 manufacturing jobs alone since NAFTA came into effect. As a matter of fact, in some parts of my district, the unemployment rate is over 38 percent. Working people do not want the programs or handouts that we have created because of trade agreements, they want to keep their jobs.

No, I do not oppose all free trade agreements categorically; but they must be truly free, and they must be truly fair for our workers. Singapore and Chile are neither.

Mr. Speaker, the problem with these agreements is made far worse by the Trade Promotion Authority which shuts out the people's voice and even prevents Members of Congress from holding negotiators responsible for harmful and misguided policies. That is why today I am introducing a bill to repeal Trade Promotion Authority.

If the people had a voice in how these agreements are reached and we could amend sections of these agreements that are lacking, then we might have fair and free trade agreements. In fact, we might not even need this debate today.

So I urge my colleagues to stand up for the working Americans who sent us here to fight for them, and I urge my colleagues to vote against both agreements.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this. I represent one of the richest agricultural areas in our Nation in northern California, the northern Sacramento Valley, just north of Sacramento. This agreement will be very, very helpful to our agricultural commodities.

Singapore imports virtually all of their food products. Trade and agricultural products represent a net trade surplus for the United States. In 2002, American farmers exported around $259 million worth of food products to Singapore. By binding all of its tariffs at zero, Singapore will open its markets to American agricultural products and create new opportunities for American farmers to sell their produce to a nation whose small size prevents it from being able to grow enough food for consumption by its citizens.

Again, Mr. Speaker, I feel that this would be very beneficial for our country, for their country, in general; and I urge support of this.

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman from Washington for yielding me this time, and I rise to oppose H.R. 2739, which would implement the United States-Singapore Free Trade Agreement.

I am especially opposed to the intellectual property rights provisions contained in chapter 16 of this agreement because they could restrict the access of the people of Singapore to affordable medicines for HIV/AIDS and other diseases. The agreement delays the introduction of generic competition and extends patent terms, thus extending the length of time during which people in Singapore would be required to pay monopoly prices for medicines.

The agreement also restricts Singapore's use of compulsory licensing and parallel importation mechanisms that allow governments to override patents in order to protect public health. If the United States-Singapore Free Trade Agreement becomes a template for negotiations with other developing countries, people throughout the developing world will find it harder to gain access to affordable medicines.

Currently, access to medicines is severely limited in developing countries because developing countries cannot afford to purchase medicines at the prices charged by the multinational pharmaceutical companies. More than 40 million people are living with HIV/AIDS worldwide, and over 95 percent of them live in developing countries. Yet many of the medicines that treat people with HIV/AIDS here in the United States are unavailable in most developing countries. Patients in developing countries with other diseases, such as heart disease, diabetes, and cancer, also lack access to lifesaving medicines.

The Doha Declaration on the TRIPS Agreement and Public Health affirmed the rights of developing countries to take measures to protect public health and promote access to medicines. This declaration was adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar, on November 14, 2001. The Fast Track bill passed by Congress last year specifically directs the President to negotiate trade agreements that are consistent with the provisions of the Doha Declaration.

We cannot trust this administration to negotiate free trade agreements with developing countries when the administration ignores the explicit instructions of Congress in the Fast Track bill to respect the Doha Declaration and allow developing countries to take appropriate measures to protect public health.

I urge my colleagues to support the rights of developing countries to promote access to affordable medicines by opposing the U.S.-Singapore Free Trade Agreement.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I thank the gentleman from Washington for yielding me this time, and I stand in opposition to the Singapore-Chile Free Trade Agreement.

Mr. Speaker, this agreement will do nothing to promote fair trade and nothing to help working families in this Nation. We need to create jobs here in the United States. We have seen the damage and what has happened when Congress passes free trade agreements. We have lost over 3 million jobs since NAFTA came into existence. In California alone, we have lost over 80,000 jobs. We currently have an unemployment rate right now of 6.4 percent. A 6.4 percent unemployment rate right now. Hispanics have an 8.4 percent unemployment rate. African Americans have an 11.8 percent rate. We need to create jobs here in the United States, not somewhere else. We cannot let this happen to us again.

The Chile and Singapore trade agreements will hurt American manufacturing jobs here in the United States. At one time we used to be proud to go into our stores and buy American products that said "Made in America." We are not seeing that anymore. What happens when those products are not made and manufactured here in the United States? We lose revenue right here in the United States. What happens to Social Security? What happens to Medicare? It affects the kinds of income that we need in the future when we look at the services that we have to provide if we are going to some other country.

We continue to give exporters in foreign countries an opportunity to build there but not to create the jobs here in the United States. We need to protect working families right here in the United States. We need to create jobs right here. Our families need to put food on their tables. They must not fear that they are going to lose their jobs to some foreign country.

The agreements are an insult to workers' rights. This agreement will change immigration rules, which have no place in trade agreements. The Singapore agreement will label and import raw materials from countries like China and assemble them and import them into America duty free.

We must not let this become the future example of free trade. We must stand together and fight against unfair and unsafe agreements that hurt American workers.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I am privileged to yield 3 minutes to the very distinguished gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the Singapore trade agreement.

As we debate trade agreements, it is terribly important that we try to work off the same set of facts, even though we will disagree on the interpretation of those facts and, ultimately, opinions. But this is a solid trade agreement.

It is important not to overstate the impact of this agreement. While this agreement is terribly important to Singapore, our relationship with Singapore is terribly important, this trade agreement and its implementation will not have a dramatic impact on the United States in terms of imports or exports. But it is an important stepping stone for the future.

It is increasingly clear that the Far East, Asia, is a very important part of our future in terms of national security, in terms of our political relationships, in terms of the world economy. The situation in North Korea underscores the need for us to be developing friendships with countries with whom we have much in common. Singapore is a democratic society. This is a model we should be holding up throughout the world of a country that has values they have implemented in a manner that makes them compatible with us and a model that we would hold up to other countries.

Singapore has a middle class. This is a critical ingredient to having a level playing field in terms of the rights that we guarantee and sometimes take for granted with respect to our workers and protection of our environment and natural resources here. This agreement achieves a level parity in that regard, because Singapore has adopted forward laws on both labor and environment. We need to hold that up as a model as well.

We would be mistaken, though, if we were to conclude that our work is finished once this trade agreement has been adopted. Because as has been mentioned by some of the speakers in opposition to this bill, there will be parts of the country, there will be sectors of our economy in which people will face increased competition, whether it is in the Singapore trade agreement or others we have debated or will debate on the floor of Congress. And it is critically important we recognize that ultimately this is about equipping our workers with the tools they need to compete in an increasingly competitive global economy.

Now, that means that as we begin to debate spending in this Congress in the weeks ahead, to support the States that are struggling to continue job training programs, strong community college, State university educations, even Head Start programs, we must be terribly mindful that if we do not fulfill our responsibility to equip our workers with the tools they need to do their jobs, the global economy ultimately will not work for them, it will work against them.

So let us adopt this trade agreement today; but let us fulfill our ultimate responsibility, which is to make sure the people we are here to represent have the tools they need to compete in this increasingly competitive global economy.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise today in support of the U.S.-Chile Free Trade Agreement and in opposition to the U.S.-Singapore Free Trade Agreement.

I believe in vibrant trade, and I believe in vibrant democracy. It has often been referred on this floor today that the U.S.-Singapore Free Trade Agreement is the first free trade agreement signed with any Asian nation. And I must point out that instead of selecting vibrant democracies, such as South Korea, Japan, Taiwan, or India, this administration has negotiated a free trade agreement with a single-party authoritarian state.

I think that by choosing this course, we are, in effect, endorsing our competing model for this next century. That is, in the last century the competition of ideas in the world was between our ideals of free markets and free societies versus fascism or communism. In this next century, the competition is between our ideals of a free market and a free society versus a free market coupled with a one-party authoritarian state, such as exists in the city-state of Singapore.

□ 1400

The Singapore Free Trade Agreement will pass. Even without that agreement, 99 percent of trade is without tariffs. But I ask at least some Members of this Chamber to stand with me today and show that there is a distinction between the Chilean and Singaporean Free Trade Agreements because when you are asked, what is the difference, since these agreements are so similar, what is the difference and why did you vote for one and not the other, the answer is, we should have free trade with free people and we should use our economic leverage to enhance democracy in this next century.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Singapore is not the same as Chile. Each negotiation has to be taken on its own. In Singapore, there was a provision relating to the integrated sourcing initiative, and we were concerned about that. We on the Democratic side initiated efforts to make sure that there could not be use of that provision so that it was misused, so that Singapore would become a vehicle for essentially evasion of the rules. Working together, we were able to very much address, I think, the most major problem, and that is any addition of components or products unless there was the approval of this Congress in the same course as with any other piece of legislation.

In both cases, there were immigration provisions. They were of major concern to us. Again, we on the Democratic side initiated a discussion of these concerns, and we worked on a bipartisan basis within the Committee on Ways and Means and between the Committee on Ways and Means and the Committee on the Judiciary. As a result, virtually all of these concerns have been, in my judgment, essentially addressed with the additional proviso, which the gentleman from Wisconsin (Mr. SENSENBRENNER) has indicated, and that is a warning to the USTR that Chile and Singapore, in terms of immigration provisions, should not be a template, should not be a model in the future for any agreement.

The same is true of core labor standards. Here I want to be very clear. Jordan is Jordan. Singapore is Singapore. Chile is Chile. The agreement as to Jordan was satisfactory. It was, however, changed to some extent by the administration through an exchange of letters. We voted for it anyway, despite the exchange of letters, with some hesitation because Jordan, in fact, has core labor standards in their laws and enforces them. Chile does also. In its own way, so does Singapore.

I do not think the Jordan or the Singapore or Chile agreements would be satisfactory as applied to Central America and the conditions for workers in those countries. They are suppressed, and to apply even Jordan to Central America would be a serious mistake because the provisions regarding enforcement of core labor standards by Jordan talk about striving to ensure. That may be okay for a country that has them; it is unsatisfactory for most countries in Central America that simply do not have, in laws or in practice, core labor standards.

So, in my judgment, the best way to approach these trade agreements is to take them on the terrain that exists and is likely to exist. In that respect, I am going to vote for these two agreements, as many of my colleagues will, but I think for almost all of us on this side, whether we vote "yes" or "no," there is a similar message to USTR and, that is, do not consider these agreements as a model or a template for Central America or FTAA. If you do so, you are likely to jeopardize an important agreement, CAFTA, you will not bring about the benefits that these Central American countries need, and you will have the strong opposition not only of the workers of America but virtually everybody on this side of the aisle.

Under those circumstances, I close, urging the Democrats to vote "yes." However we vote, I hope the stated message is clear to this administration and, indeed, to everybody who is concerned.

Mr. Speaker, I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Washington is recognized for 5½ minutes.

Mr. McDERMOTT. Mr. Speaker, as you listen to my colleague from Michigan and me, you will hear us say many of the same things. You kind of wonder, why does one vote "yes" and one vote "no"?

I have been on the Committee on Ways and Means since 1991. I have been involved in all the labor agreements in the last 12 years. Today, we are voting on the first two agreements negotiated by the new Trade Representative. Most of the provisions in the two agreements do not really require Chile, Singapore or the United States to do much more than they have already agreed to do in the World Trade Organization. In fact, the service sector portions of the Singapore agreement simply restate commitments made in the WTO General Agreement on Trade and Services.

I have deep concerns about these two agreements because they are indicative of the Bush administration's poor approach to trade policy. The primary mission of the United States Trade Representative is to open up foreign markets to create economic growth and raise living standards. The agreements brought here today by the President and the ones that he is currently pursuing with Morocco and Bahrain, for example, will do little to provide economic gains for the United States. In fact, the entire economy of Singapore and Chile combined does not even equal Japan's service sector.

Furthermore, considering that the size of Russia's economy is equal to 15 countries with which we are now negotiating free trade agreements, the limited resources at USTR would be perhaps better put in focusing on Russia's accession to WTO, not a free trade agreement with Namibia.

The criterion that the Bush administration employs to determine which countries to pursue trade agreements with is dubious at best. It is apparent that our Trade Representative is basing his decisions almost exclusively on geopolitical rather than economic criteria. I believe that Secretary Powell's agency is the appropriate one to conduct our foreign policy, not the Trade Representative.

America's best exports are the democratic values that we hold dear. While capitalism and open markets may boost trade flows, democratic values must always be a centerpiece of U.S. trade. I supported the U.S.-Jordan Free Trade Agreement because it incorporated labor and environmental issues. This was a profound development, because it symbolized the acknowledgment that we need to approach international trade in a more holistic manner. While the Chile and Singapore agreements incorporate labor and environment, they treat these issues as inferior to commercial interests, as illustrated by the inadequate dispute settlement process. This is a step backward from where we were with the Jordan agreement.

Singapore, for instance, is a hub for illegal timber, illegal wildlife and restricted pollutants like chlorofluorocarbons. The Environmental Investigation Agency reports that Singapore is, quote, "a major center of illegal trade in endangered wildlife including poached elephant ivory, tiger bone, parrots and other species." The same agency reports that Singapore is central to the regional Asian black market trade in chlorofluorocarbons, even though international trade in CFCs is strictly limited by the Montreal Protocol on Ozone Depleting Substances.

The USTR had an opportunity to change Singapore's course of illegal environmental trafficking with this agreement. Unfortunately, they decided to turn a blind eye to these illegal and harmful environmental practices on behalf of free and unbridled trade. It is now up to Congress to stand up for the environment and say "no."

I mentioned in earlier remarks how disappointed I was over the clandestine, undemocratic process that the Trade Representative has gone about, negotiating these agreements. Mr. Zoellick simply does not seem to trust those whom he claims to represent.

I am voting "no," and I encourage my fellow Democrats and Republicans, vote "no" on these agreements because I do not agree with the process or the spirit in which these agreements were negotiated. And I am voting "no" because of the trade policies that these agreements symbolize.

Although I expect these agreements will pass, the Bush administration had better take to heart the concerns of the Congress, of industry and of civil society as it continues to pursue this trade liberalization. They will not always have easy little ones like Chile and Singapore, and I do not think in the administration they yet understand the depth of concern that this Congress has about the environment and about labor. They continue to think if we just put some fuzzy words in there that kind of feel soft and warm, that maybe that will get it by. There is coming a time when that will not.

They have seen the evidences already, and they are going to find it in the Doha Round. People are saying, how can the United States talk about liberalizing farm commodities and then pass out of the Congress $160 billion in trade subsidies to farmers? Where is the fairness? How are you going to keep doing that to the world? I think the Trade Representative had better listen.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

The U.S.-Singapore Free Trade Agreement marks the first time the United States has entered into an FTA with an Asia-Pacific nation. Also, our agreement with Chile marks the first time that we have entered into a free trade agreement with a South America nation. Those will serve as precedents for further, ongoing negotiations and agreements, I am sure.

Because 99 percent of trade and goods with Singapore is already tariff-free, this agreement focuses on removing restrictions on trade and services to the benefit of our massive service sector, which accounts for around 80 percent of our GDP. Singapore is the 12th largest trading partner with the United States, with two-way trade approaching $40 billion last year. The U.S.-Singapore FTA will enhance and strengthen this trade relationship.

These agreements reflect bipartisan consensus in TPA on labor and the environment. Some Members seek to reopen that consensus, but the law does not support them. The gentleman from Michigan is right: Singapore is not the model for future agreements nor is Chile. Trade Promotion Authority is the model and the law. These agreements embody that law and contain strong, enforceable labor and environment provisions.

The U.S.-Singapore FTA will serve as the foundation for other possible FTAs in Southeast Asia just as our Chilean agreement will do the same in South America. The FTA establishes standards for trade that mirror U.S. law and sets a precedent for future agreements.

I urge my colleagues to join in collegial, bipartisan support for these important trade bills that serve our interest as well as our trading partners' interests.

Mr. BLUMENAUER. Mr. Speaker, initially, I had significant reservations about the trade agreement with Singapore. The Integrated Sourcing Initiative was too open-ended and Singaporean enforcement of environmental laws regarding commerce in endangered species was not as rigorous as it could be.

However, a willingness to compromise and address these concerns makes me optimistic about future trade between the United States and Singapore. The progress I have seen regarding the tightening of the Integrated Sourcing Initiative encourages me. The implementing language that we are voting on today makes it clear that ISI expansion can only occur by express approval of Congress and can only apply to products that are already approved to enter the U.S. tariff-free.

Regarding the transshipment of endangered species and illegal timber, I was buoyed by the Memorandum of Intent in Environmental Matters signed between the U.S. and Singapore last month. The statement directly addresses endangered species conservation and the intent to work regionally in Asia on best practices and capacity building. I am confident that by continuing in this spirit of cooperation, we can work to address transshipment of this contraband that is devastating to critical ecosystems.

The legislative process has, in fact, worked, and appropriate actions are being taken to answer critics. I hope that we are able to bring this atmosphere of discussion and debate to upcoming free trade agreements, thus ensuring that each is tailored to the specific needs and opportunities that we may encounter with future partners.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to the Chile and Singapore free trade agreements.

We have lost three million jobs in this country over the last two and one half years. Unemployment is at a ten year high. Our trade deficit is $500 billion per year, and hits a new high every month. Our manufacturing base is in tatters, and our workers are crying out for help. Yet the bills we are voting on today only add insult to the injuries our workers have already suffered.

It there any question that because of the lack of labor and environmental protections in these agreements, they will cost American jobs, increase poverty overseas, and pose grave harms to our environment? Does any one not realize that these agreements do nothing but foster a race to the bottom where American workers are forced to compete with what ever foreign workers will accept the lowest wage?

If you read these bills closely you will see there is no language which will protect our jobs or our environment. There is nothing in the legislation which requires compliance with internationally recognized core workers' rights under the International Labor Organization. And there is nothing to insure that foreign manufacturers face the same environmental standards that our own companies and workers face.

Even worse, the agreements allow thousands of workers to come into this country every year from Singapore and Chile who will take even more jobs from American workers. Unlike workers from almost every other country in the world, these foreign workers will be able to stay here indefinitely, and their employers will not be forced to comply with all of the temporary worker rules we have in place.

We should never use our immigration laws as a bargaining chip to negotiate bade trade deals. We shouldn't have offered visas to Mexico and Canada as part of NAFTA, we shouldn't have given 6,000 visas to Chile and Singapore as part of these trade deals, and we shouldn't trade American jobs as part of the Central American Free Trade Agreement.

Chairman SENSENBRENNER and I were able to work together to make the best we could out of a bad situation. We made sure that the new visas, and any visas which extend beyond six years, counted against the overall temporary worker cap. And we made sure the employers paid $1000 fees for each temporary worker that would be used to pay for training Americans. These are useful and important improvements.

But at the end of the day, we are still left with a bad trade deal that harms our workers and damages our communities. I urge a "no" vote.

Ms. ESHOO. Mr. Speaker, I rise in support of both the Chile and the Singapore Free Trade Agreements.

Free trade and expanding global markets for U.S. goods and services are critical tools to spur our faltering economy.

The Chile and Singapore free trade agreements open new markets in Latin America and Asia, important regions in the midst of economic development.

The Chile Free Trade Agreement immediately drops tariffs on 85 percent of all U.S. exports, providing a penalty-free entry for almost all American products into an untapped market. We must seize this opportunity.

The Singapore Free Trade Agreement is especially critical since it's the first trade agreement we've negotiated with an Asian country.

I recognize that through trade we export more than just U.S. goods and services. We are in fact exporting our domestic standards for protecting our environment and workforce.

I have strong concerns about how this Administration has diminished the domestic environmental and labor standards they inherited.

But I also believe that we must move forward to open global markets and I think these trade agreements set a solid precedent for doing just that.

I'm encouraged that both Chile and Singapore have a history of protecting the environment and that their labor laws are based on the International Labor Organization's core principles.

It's critical that future trade deals enhance these important standards.

I urge my colleagues to join me in supporting these important trade agreements.

Mrs. MALONEY. Mr. Speaker, I rise in support of the Singapore bilateral trade agreement.

Singapore is a valued U.S. ally and a supporter in the war on terrorism. While Singapore is a good friend and a responsible world citizen I am voting for this agreement because it is a good deal for my constituents.

The bilateral trade deal allows increased access to a number of important markets such as financial services, telecom and technology.

Much of our country's exports are now products of intellectual capital. From movies and records produced in New York City's arts community, to software developed by city programmers, protecting intellectual property is an elemental key to future trade agreements.

Accordingly, I am pleased that this agreement contains strong intellectual property protections. With the U.S. trade deficit at more than $500 billion annually it is notable that the U.S. has a $2.7 billion trade surplus with Singapore.

Today the House is also considering the bilateral trade agreement with Chile which I support for similar reasons including the fact that Chile has reached trade agreements with Europe and other U.S. competitors. As a result, the U.S. has lost one third of its Chilean market share since 1997.

One other reason I am talking about both these agreements together is there is one provision in each that I oppose and that I do not want to see as a precedent in future agreements.

The trade agreements contain investor-state dispute settlement procedures that determine how U.S. investors can win damages if Chile or Singapore violate the "free transfer" provisions in each agreement. As Ranking Member of the Subcommittee on Domestic and International Monetary Policy, Trade and Technology, I was part of a hearing on this issue and have worked closely with Financial Services Ranking Member BARNEY FRANK on it.

Effectively, these provisions allow U.S. investors to seek damages in the event that Chile or Singapore take measures to limit capital flight in the event of a reoccurrence of an Asian financial crisis-like calamity.

While Chile and Singapore are unlikely to need to impose capital controls, many economists have expressed the concern that the Administration will insist on these provisions as a template in future trade negotiations with less stable countries.

Such a policy could lead to a situation where wealthy U.S. bondholders have legal claims against a country that has imposed capital controls while all other investors face losses and where the country's own people are suffering through an economic collapse.

This special status for U.S. investors sends the wrong message about promoting free trade and could increase anti-American feelings.

I will support these agreements but urge the Administration and Treasury not to include the capital control provisions in future agreements.

Ms. DUNN. Mr. Speaker, I rise in support of the U.S.-Singapore Free Trade Agreement. It is a comprehensive trade agreement that will provide greater market access for businesses, enhance protection and enforcement of intellectual property rights, and expand investment opportunities in both countries.

While Singapore is the United States' 11th largest trading partner with two-way trade in goods and services of over $38 billion, their importance cannot be measured in trade alone. Singapore's strategic location makes it an attractive regional hub for many U.S. multinational businesses to export in Asia. This trade agreement is not only about expanding market access, but also ensuring that U.S. businesses remain strategically competitive among APEC countries and the Asia Pacific region.

The U.S.-Singapore FTA will certainly benefit those of us from the Pacific Northwest. As you are aware, Washington is the most trade dependent state in the nation, with nearly one in three jobs related to trade. In 2000, 80 percent of Washington State's $103 billion worth of trade were with APEC countries.

Let me give a few examples why the U.S.-Singapore FTA is important.

For the 25,000 Boeing workers I represent, this FTA means keeping the aircraft industry viable in our community. Nearly 90 percent of Singapore Airlines fleet is Boeing aircrafts, making the airline one of Boeing's key customers in the Asia Pacific region and the world. Over the years, Singapore Airlines has added approximately $20–$25 billion to our economy.

For our high tech firms, this FTA means strengthening intellectual property standards. I represent Microsoft's corporate campus and the software industry loses $12 billion annually due to counterfeiting and piracy. In this FTA, the Singaporean government will implement tough penalties against piracy and counterfeiting.

For our ports, increasing the volume of trade in Asia Pacific region will create high-wage jobs that would otherwise not have existed. The Ports of Seattle and Tacoma handle approximately seven percent of all U.S. export and 6 percent of all imports. Without a doubt, expanded trade with Singapore will make our ports more critical and valuable to the U.S. economy.

These are just some of the benefits of this FTA. More significant than the statistics and dollar value of goods traded, the U.S.-Singapore FTA reflects a continued commitment by President Bush, Ambassador Zoellick, and Congress to reduce global trade barriers. This FTA is a reminder to other nations in the region that they need to join us in furthering trade liberalization.

Vote for this bill to implement the U.S.-Singapore Free Trade Agreement.

Mr. ETHERIDGE. Mr. Speaker, I rise today to announce my support for H.R. 2739, legislation implementing a free trade agreement with Singapore.

This agreement represents a historic first for the United States as it will be the first FTA we sign with an Asian nation. The Asian-Pacific region represents approximately 50 percent of the world's population, and we must work aggressively to open up new markets in this region to remain competitive in the world marketplace. The Singapore FTA is an important first step in that regard.

Our high-tech industry stands to gain new opportunities with this agreement. Last year the U.S. exported nearly six billion dollar's worth of high-tech goods to Singapore. The high-tech sector is the largest merchandise exporter in the United States, and this agreement will help build on that success.

Unlike other trade agreements, this Agreement guarantees zero tariffs on all U.S. products imported by Singapore immediately upon ratification. This means companies do not have to wait years to realize the benefits of trade with Singapore.

As America's twelfth largest trading partner and export market, Singapore possesses a world-class infrastructure, a well-educated workforce, and growing middle-class. This Agreement will allow the United States to compete effectively in this vibrant market and demonstrate to the rest of Asia the benefits of fair free trade.

While this is an acceptable agreement for a nation as economically advanced and sophisticated as Singapore, I want to make it perfectly clear to the Administration that the Singapore Free Trade Agreement, and the Chile Agreement, are not sufficient models for future trade agreements.

Currently, the Administration is negotiating a Free Trade Agreement of the Americas, a Central American Free Trade Agreement, and several other FTAs with a variety of nations. As the Administration's first attempts to negotiate a free trade agreement, I believe Singapore and Chile deserve support. However, future agreements will prove to be much more difficult tests of the Administration.

I support fair trade. However, on future FTAs, the Administration will need to do a better job with regard to market access, sanitary and phystosanitary issues, labor and environmental standards, and intellectual property protection. I look forward to continuing to work with the Administration and my colleagues in Congress on all of these important issues.

I ask my colleagues to support this bill.

Mr. KIND. Mr. Speaker, I rise today in support of the U.S.-Singapore Free Trade Agreement (FTA). While I maintain reservations about certain sections of this agreement, overall I believe that this FTA will benefit Wisconsin and the United States.

As our nation leads the world into the 21st century, we should not shy from opportunities to guide and expand global trade. Singapore is a model of successful, pro-trade economic growth in a region still seeking to establish stable economies. Our enhanced engagement with Singapore, symbolized in the free trade agreement, is a necessary commitment to stability and economic prosperity in Asia, while at the same time serving to expand American export opportunities.

The U.S.-Singapore FTA builds upon an already strong trade relationship with mutually low tariffs. While over $16 billion in American imports in 2002, Singapore is the 11th largest export market for the U.S. This includes over 120,000 manufactured goods exported to Singapore from Wisconsin with a total value of $102 million, including $42.6 million in industry machinery.

Some of the most important benefits to U.S. workers in this agreement will be realized by addressing issues of growing concern for international trade in the 21st century. Today's trade environment is constantly changing, with non-tariff trade issues impacting all aspects of our economy and law. Through numerous rounds of negotiation over 3 years, negotiators were able to reach agreements on very complicated and important issues including state-of-the-art intellectual property protections, e-commerce, market access, and government procurement. Further, this agreement increases government transparency and regulatory reform necessary to protect American businesses and women.

As I mentioned earlier, I do have concerns with this agreement, but on its merits, I believe the FTA with Singapore addresses a number of important issues and will benefit the American economy. It also serves to demonstrate to other Asian nations the high standards demanded by the U.S. when engaging in trade relationship.

As with the Chile Agreement, controversy remains on a few very important aspects of any trade agreement—those dealing with labor and environment. While these provisions are some of the most difficult to find agreement on with potential trade partners, I, along with many in Congress, believe bilateral trade agreements can serve to raise labor and environmental standards in developing nations an must be included in FTA's.

While the labor provisions in this agreement differ from those in the Jordan agreement, the labor language of this bill, requiring Singapore to enforce its labor laws or be subject to penalty, is acceptable because there is wide agreement that Singapore's labor laws are consistent with high International Labor Organization standards and are systematically enforced. In addition, there is wide agreement that, while possible, it is very unlikely that Singapore would regress and lower labor standards to entice trade.

I, along with many members, also remain concerned with the inclusion of immigration policy in a fast tracked trade bill. While the U.S. Trade Representative (USTR) argues that the temporary worker provisions can be an aspect of services trade, I believe that Congress must thoroughly debate any changes to immigration policy. These objections were strongly conveyed by my colleagues and me to the USTR, and as a result, the implementing language before us includes language placing certain H1–B visa restrictions and caps on the temporary worker provisions in this agreement that were previously excluded.

One of the most confusing aspects of this agreement relates to the Integrated Sourcing Initiative (IS). I, along with many members, had serious reservations about this ambiguous provision as originally drafted and raised these concerns with the USTR. The implementing bill before us, however, includes language virtually nullifying the transshipment concerns with the original draft. Under this bill, the ISI only applies to the limited number of information and medical technology products already allowed to enter the United States duty free under the WTO's Information Technology Agreement. And, contrary to the original draft, this list of eligible products cannot be expanded without congressional approval. In order for a third party to take advantage of the ISI, the eligible product would have to first be shipped to the U.S. from the country of origin, then to Singapore, and then back to the United States. Given these restrictions, there is wide agreement that the ISI will not pose a threat to American workers.

Trade agreements cannot be one-size-fits-all, and this comprehensive bilateral agreement conforms to the characteristics of Singapore and the United States. With an open and developed economy grounded in market-based principles, a strong and growing middle class, and laws respecting human rights, Singapore, like Chile, is a model trading partner. It is in the strategic interest, and economic interest to engage Singapore and complete this bilateral free trade agreement. I urge my colleagues to support this agreement.

Mr. SENSENBRENNER. Mr. Speaker, both the U.S.-Chile and U.S.-Singapore Free Trade Agreements include several important provisions within the purview of the Judiciary Committee. Both agreements contain competition clauses that ensure antitrust laws are applied in a neutral, transparent, nondiscriminatory manner while safeguarding basic procedural rights. The agreements also contain robust intellectual property protections, requiring the governments of Chile and Singapore to take affirmative steps to eradicate the piracy of trademarks, patents, satellite television signals, and other forms of intellectual property. These intellectual property provisions are widely supported and are likely to serve as a model for future Free Trade Agreements. The intellectual property and antitrust provisions required no substantive changes to U.S. law.

For the last several years, I have vocally and repeatedly expressed concern about substantive changes to U.S. law contained in free trade agreements. Before passage of Trade Promotion Authority, immigration provisions were included in earlier free trade agreements such as NAFTA, without formal consultation with Congress. This regrettable practice created precedent for subsequent trade agreements, and immigration provisions were included in both the Chile and Singapore Free Trade Agreements before the elevated consultation requirements created by Trade Promotion Authority were enacted last year.

Mr. Speaker, Article I, Section 8, Clause 3 of the Constitution gives Congress plenary authority over matters pertaining to immigration and naturalization. During the Judiciary Committee's "mock markup" of this legislation, I, Ranking Member CONYERS, and several Members of the Committee spoke with a united bipartisan voice and declared that immigration provisions in future free trade agreements will not receive the support of the Judiciary Committee.

Following the markup, I and Ranking Member CONYERS transmitted a letter to the United States Trade Representative that reaffirmed Congress' exclusive constitutional mandate to consider immigration law. An additional letter by other Members of the Committee and several Members of Congress echoing this bipartisan commitment was also sent to the Trade Representative.

Mr. Speaker, the Judiciary Committee's July 10th pre-introduction markup of this legislation was a "mock markup" in name only. At the markup, the Committee reported several substantive amendments to this legislation which were incorporated into the legislation we consider today.

First, while the draft implementing legislation created a separate visa category for skilled workers from Chile and Singapore, the Judiciary Committee amended the Immigration and Nationality Act to ensure that these visas—6,800 in total—are now deducted from the national H–1B cap at the time they are issued and when they are renewed after five or more prior extensions.

The Committee also reported an amendment to ensure that every second extension of temporary status for citizens of Chile and Singapore be accompanied by a new employer attestation to ensure that an employer updates the prevailing wage determination after each second application for extension. In addition, the Committee approved an amendment that requires an employer to pay a fee equal to that charged to an employer petitioning for H–1B visa status whenever a temporary entry visa is granted and after every second extension of that status.

Finally, H.R. 2738 and H.R. 2739 now explicitly state that an employer generally cannot sponsor an alien for an E, L, or H–1B1 visa if there is any labor dispute occurring in the occupational classification at the place of employment, regardless of whether the labor dispute is classified as a strike or lockout. In this regard, Title IV of both bills provides greater worker protection than that presently contained in the H–1B program.

The Committee's commitment to ensuring that its amendments were incorporated into the introduced bills we consider today dramatically enhanced the quality of the legislation and recaptured a crucial prerogative of Congress. It is my hope and expectation that the Judiciary Committee's clarion call over the last two weeks that immigration provisions be excluded from future trade agreements will be clearly received by this—and future—Administrations. Given the leadership of Ambassador Zoellick, his proven commitment to working with Congress on a cooperative and constructive basis that fully respects the constitutional prerogatives of this body, and the dedication and professionalism of his staff, I have great confidence that the will of Congress will not be ignored.

Mr. Speaker, reducing barriers to U.S. exports is crucial to restoring America's economic vibrancy. U.S. products containing intellectual property continue to lead America's exports, and it is incumbent upon this body to ensure that foreign governments stamp out the rampant piracy that costs America several billion dollars a year.

Strong safeguards in these agreements will ensure that the governments of Chile and Singapore create criminal sanctions to punish intellectual property theft with the seriousiness and severity that it demands. In addition, the antitrust provisions will ensure that these governments do not rely on the increasingly common foreign practice of manipulating antitrust laws to discriminate against United States businesses.

Mr. Speaker, the Chile and Singapore Free Trade Agreements contain critical market-opening provisions which will expand commercial opportunities for America's farmers and dairy producers, and ensure that the United States continues to lead the world in exports. These agreements also advance America's broader strategic interests by liberalizing trade with two key economic allies which serve as regional models for neighboring countries.

For the reasons I've outlined, I urge my colleagues to support this legislation.

Mr. SHAYS. Mr. Speaker, I rise in strong support of this legislation to implement free trade agreements that have been negotiated with Chile and Singapore. These agreements are an important step in restoring our international competitiveness, stimulating our economy and promoting long-term economic growth.

The Administration's first two negotiated agreements since receiving trade promotion authority in 2002 will benefit businesses in Connecticut, which exported $279 million worth of goods to Singapore and $59 million worth of goods to Chile in 2000. More broadly, these agreements provide an excellent framework for creating larger free trade areas.

Chile could be a model for creating a Central American Free Trade Agreement, and even more broadly, a Free Trade Area of the Americas. The country is an ideal partner in South America because, unlike many other nations in the region, it has stabilized and restructured its economy, lifting price controls, deregulating labor markets, and privatizing state enterprises.

The United States is Chile's largest single-country trading partner, accounting for 20 percent of Chilean exports and 15 percent of imports in 2002. Chile is the United States' 34th largest export destination and 36th largest import contributor, but because Chile already has free trade agreements with other countries, including Canada, an agreement with Chile is critical to reduce the relatively high tariffs U.S. businesses face compared to these countries, and allow them to compete.

Singapore is a much larger trading partner for the United States. It is our 11th largest export market, with $16.2 billion in goods, and the 16th largest source for imports, with $14.8 billion. The United States is Singapore's second-largest trading partner, after Malaysia and before even Japan. Both countries already have relatively open trade with very low tariffs, if any at all, so the implementation of this agreement should not create a significant imbalance of any sort.

Southeast Asia generally has been a poor partner in trade, with average tariffs near 30 percent, and I have serious concerns about these nations' respect for intellectual property (IP) rights, but this agreement is a step in the right direction. The agreement allows U.S. companies to receive monetary compensation in cases where IP rights have been violated, and establishes tough penalties under Singapore law for IP violators.

In my judgment, trade can have a positive effect on social reforms and environmental protections by facilitating economic development and creating both the income and the institutional structures to address those issues.

Since 1994, when trade promotion authority expired, the United States has been steadily losing its status as the leader of free trade. We can't afford to let this decline continue. Passing trade promotion authority was like setting up a ladder that gives us the ability to get back to the top, and passing these two free trade agreements takes the first steps up that ladder. I urge my colleagues to support H.R. 2738 and H.R. 2739.

Mr. MOORE. Mr. Speaker, I rise in support of both H.R. 2738 and H.R. 2739, the U.S.-Chile and U.S.-Singapore Free Trade Agreements, respectively.

Globalization is here to stay. With markets now linked globally by computers, satellite communications, and advanced transportation networks, international trade and investment will play an increasing role in American prosperity. We cannot, as a nation, afford to retreat from a proactive strategy of trade expansion that takes advantage of our position as the world's most prosperous and dynamic economy.

I have great faith in American workers. They are the best in the world. And, I'm convinced they can compete with workers from any other country.

Trade liberalization is also an important tool towards developing responsible global relations. It is a tool, as the preamble of the GATT states, for "raising standards of living, ensuring full employment, developing the full use of the resources of the world and expanding the production and exchange of goods." Indeed, open markets are an important engine of economic growth, which can expand opportunities, raise living standards, and affect social change. Perhaps most importantly, however, trade liberalization provides our nation with an additional diplomatic tool and a forum within which our nation may deal with international disputes and/or coalition building. Trade's national security component cannot be understated.

The Chile and Singapore Free Trade Agreements include strong and comprehensive commitments from both of these nations to open their goods, agricultural and service markets to U.S. producers. These agreements include commitments that will increase regulatory transparency and act to the benefit of U.S. workers, investors, intellectual property holders, businesses and consumers.

While some of the provisions in these FTAs could serve as a model for other agreements, a number of provisions clearly cannot be, nor should they be. As a general rule, I believe that each country or countries with whom we negotiate are unique, and while the provisions contained in the Chile and Singapore FTAs work for Chile and Singapore, they may not be appropriate for FTAs with other countries, where there may exist very different circumstances.

Indeed, concerns have been raised that the Administration may sue some of their provisions contained in the agreements as models for other FTAs, such as the Central America Free Trade Agreement (CAFTA), where the conditions may make it inappropriate to do so. Specifically, with regard to the labor and environmental provisions, there are separate dispute settlement rules that place arbitrary caps on the enforceability of those provisions. Moreover, these agreements that contain an "enforce your own laws' standard for dealing with labor and environmental disputes. In the context of Chile and Singapore, I have limited concerns about this standard since both of these countries' laws essentially reflect internationally recognized core labor rights. How they are applied does vary in the two countries, reflecting the different general characteristics of the two nations; however, there is little practical concern that these countries will backtrack.

Concerns about labor and environmental standards, however, should receive careful scrutiny on a case-by-case basis as different circumstances and situations warrant. Use of the "enforce your own law" standard is invalid as a precedent—indeed is a contradiction to the purpose of promoting enforceable core labor standards—when a country's laws clearly do not reflect international standards and when there is a history, not only of non-enforcement, but of a hostile environment towards the rights of workers to organize and bargain collectively. Using a standard in totally different circumstances will lead to totally different results.

As such, my vote for the Chile and Singapore FTAs should not be interpreted as support for using these agreements as boilerplate models for future trade negotiations. I will evaluate all future trade agreements on their merits and their applicability to each country to ensure that core international labor rights and environmental standards are addressed in a meaningful manner. Expanded trade is important to this country and the world; but it will be beneficial to a broad range of persons in our nation and in other nations only if these trade agreements are carefully shaped to include basic standards, including the requirement that nations compete on the basis of core rights for their workers, not by suppression of these basic rights.

The Singapore and Chile FTAs meet these standards and I urge my colleagues to support these two important initiatives.

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 2739, the United States-Singapore Free Trade Implementation Act. A free trade agreement with Singapore allows U.S. industries access to America's 12th largest trading partner—a partner that represents roughly $40 billion in two-way trade of goods and services.

H.R. 2739 provides direct market access for American industries and workers. With the implementation of this bill, Singapore will immediately eliminate tariffs on all goods from the United States.

The agreement before us is also critical to U.S. investors. Direct foreign investment in Singapore was more then $27 billion in 2001. This agreement ensures U.S. investors will receive the same fair treatment as investors from Singapore.

Mr. Speaker, I salute Ambassador Robert Zoellick and his team for successfully negotiating the agreement before us today. I urge adoption of H.R. 2739.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to H.R. 2738 and H.R. 2739, the U.S.-Chile FTA Implementation Act and the U.S.-Singapore FTA Implementation Act, respectively. It is unfortunate that I find myself in this position because I want to support trade agreements because I believe they can have a positive effect on our economy. However, they only can have a positive effect if they are negotiated properly. They only can have a positive effect if they have strong labor, environmental, and consumer protections. Unfortunately, these two bills before us, and the underlying Free Trade Agreements, are woefully inadequate in these regards.

Unlike the U.S.-Jordan FTA, which passed unanimously in the 107th Congress, these FTAs—the first signed by the Administration since passage of Trade Promotion Authority—will set a dangerous precedent for future agreements, including the Central American FTA and the Free Trade Area of the Americas (FTAA).

Unlike the U.S.-Jordan FTA, which provided workers with enforceable protections based on the core International Labor Organizations workers' rights—freedom of associations; the right to bargain collectively; prohibitions on child labor, forced labor and employment discrimination, these FTAs give scant attention to these important issues. The ONLY reference to workers' rights is a provision stating that each party "shall not fail to effectively enforce its labor laws," no matter how inadequate they may be. There is no parity between our strong labor laws here in the United States and the weak protections in Singapore or Chile.

As predicted during the TPA debate during the 107th Congress, these trade agreements are bad environmental policy—and now, we have no change to amend them. Contrary to the claims of the FTA supporters, the provisions on investment in the Chile and Singapore FTAs do not meet the requirements of the Trade Act of 2002 that foreign investors should receive "no greater substantive rights" than U.S. citizens under U.S. law. What this means is that foreign investors will be granted broad rights under international law that do not exist under U.S. law. For example, many companies have aggressively used NAFTA's Chapter 11 authority to undermine our strong environmental protections. This continues with the Chile and Singapore FTAs where foreign investors can bring suit against our laws to prevent pollution because they may claim a right to be compensated. This is just one example. Applied broadly, these two FTAs have investment language that could cause serious harm to the environment and the public interest.

The Chile and Singapore FTAs also undermine U.S. immigration policy. Specifically, they loosen policies regarding temporary entry to workers. Some claim the H1–B visa issue has been addressed. However, this is far from true. While the implementing legislation claims to "fix" the problem by limiting the damage by applying SOME elements of the H1–B, these provisions are NOT legally binding because the agreements in the actual trade agreement has been violated by these "fixes" and will be eliminated in the pacts' dispute resolution systems. Furthermore, the Chile FTA has an unprecedented requirement that the U.S. provide "written justification" to any person denied a visa.

The Singapore FTA contains Integrated Sourcing Initiative (ISI)/Transshipment permissions. Last year's Fast Track, or Trade Promotion Authority contained no authority to negotiate such deals. Yet, the U.S. Trade Representative has this deal in the FTA, and the so-called "fix" largely replicates existing terms in the World Trade Organization Information Technology Agreement, for which even the Clinton Administration—as pro-free trade as any—never sought congressional approval.

Also, these FTAs could have very negative affects on the health care system. They will impede the access to life-saving medicines by extending patents beyond the 20-year limit required by the Trade-Related Aspects of Intellection Property Rights (TRIPS); they will require a 5-year waiting period before governments can provide generic drug producers test data, thereby delaying affordable medicines; they also will permit major pharmaceutical companies to block the production of generic medicines. Also, the Singapore FTA reduces tobacco tariffs to ZERO, which actually will encourage more dumping of U.S. tobacco products in Singapore. Finally, these FTAs will open the door to further privatization and deregulation of vital human services including health care professionals, and the provisions for public control of water and sanitation services. Amazingly, these FTAs will leave the U.S. open to challenges from foreign private corporations and the subsidiaries to compete for these public sector services. This is just plain wrong.

Finally, some have claimed to have "fixed" this legislation with a "mock mark-up" in the Ways & Means Committee. I'm not quite certain what a "mock" mark-up is, but most believe it hasn't done anything. Specifically, some who support this implementing legislation say we have two choices: one, we can block this legislation to send a message to the Administration that they need to do a better job of negotiating FTAs that have real environmental and labor protections. Or, two, we can approve this implementing legislation, and then send a message to the White House to do a better job the next time. I, for one, am not willing to take that risk—the risk that this White House and this USTR will actually listen to Congress. That is one of the reasons I voted against TPA in the first place. Sadly, many of my concerns and reason for voting no have come to fruition in these first two negotiations.

I want to support free trade because I know it has the potential to help American workers and consumers. In fact, I have supported trade agreements previously, including the U.S.-Jordan FTA. Unfortunately, however, I cannot find many positive developments in either the U.S.-Chile Free Trade Agreement or the U.S.-Singapore Free Trade Agreements. Reluctantly, Mr. Speaker, I will vote NO on H.R. 2738 and on H.R. 2739. I urge my colleagues to do likewise.

Mr. CRANE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 329, the bill is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, this 15-minute vote on engrossment and third reading will be followed by 5-minute votes on any other questions on which record votes may be ordered in series on the pending business.

The vote was taken by electronic device, and there were—yeas 309, nays 114, not voting 11, as follows:

[Roll No. 430]

YEAS—309

Aderholt
Akin
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Conyers
Cooper
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stark
Stearns
Stenholm
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—114

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bishop (GA)
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardoza
Carson (IN)
Clay
Clyburn
Costello
Cramer
Cummings
Davis (AL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Doyle
Engel
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Goode
Green (TX)
Grijalva
Gutierrez
Hoeffel
Holden
Holt
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lynch
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Peterson (MN)
Rahall
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Scott (GA)
Sherman
Solis
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Towns
Udall (NM)
Velazquez
Visclosky
Weiner
Wexler
Wicker
Wilson (SC)
Wynn

NOT VOTING—11

Berkley
Bishop (UT)
Gephardt
Goss
Hinchey
Kilpatrick
Manzullo
Pastor
Pelosi
Spratt
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1436

Ms. McCARTHY of Missouri, Mr. DEUTSCH and Mr. ROTHMAN changed their vote from "yea" to "nay."

Ms. DEGETTE, Ms. EDDIE BERNICE JOHNSON of Texas and Messrs. EMANUEL, CASE and JEFFERSON changed their vote from "nay" to "yea."

So the bill was ordered to be engrossed and read a third time.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER OFFERED BY MR. LEVIN

Mr. LEVIN. Mr. Speaker, I offer a motion to reconsider the vote by which engrossment and third reading was ordered.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. LEVIN moves to reconsider the vote by which engrossment and third reading was ordered.

MOTION TO TABLE OFFERED BY MR. CRANE

Mr. CRANE. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) to lay on the table the motion to reconsider the vote by which the bill was ordered engrossed and read a third time.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 269, noes 153, not voting 12, as follows:

[Roll No. 431]

AYES—269

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matsui
McCollum
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schakowsky
Schrock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—153

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Capuano
Cardin
Cardoza
Carson (IN)
Clay
Clyburn
Conyers
Costello
Cramer
Cummings
Davis (AL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lowey
Lynch
Majette
Maloney
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Payne
Peterson (MN)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Scott (GA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—12

Bartlett (MD)
Berkley
Bishop (UT)
DeLay
Gephardt
Goss
Kilpatrick
Pastor
Pelosi
Sullivan
Turner (TX)
Wu

□ 1445

Mr. RENZI changed his vote from "no" to "aye."

So the motion to table the motion to reconsider engrossment and third reading was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WU. Mr. Speaker, I entered the Chamber in the last rollcall vote prior to this one, attempting to vote by electronic device, when the electronic device would not take my vote. I approached the table and attempted to submit a vote on that motion and my attempt to vote was not accepted.

Had my vote been accepted, I would have voted "no" on that resolution.

So the bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 155, not voting 7, as follows:

[Roll No. 432]

AYES—272

Bachus
Baird
Baker
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Tom
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Granger
Graves
Greenwood
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Matheson
Matsui
McCotter
McCrery
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (FL)

NOES—155

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baldwin
Barrett (SC)
Bell
Berry
Bishop (GA)
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardoza
Carson (IN)
Clay
Clyburn
Coble
Conyers
Costello
Cummings
Davis (IL)
Davis, Jo Ann
Deal (GA)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doyle
Duncan
Engel
Evans
Everett
Farr
Fattah
Filner
Frank (MA)
Frost
Gephardt
Goode
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hastings (FL)
Hayes
Hefley
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Hunter
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Lynch
Markey
Marshall
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Murtha
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Peterson (MN)
Quinn
Rahall
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Watt
Wexler
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—7

Berkley
Bishop (UT)
Goss
Gutknecht
Miller, George
Pastor
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1454

So the bill was passed.

The result of the vote was announced as above recorded.

Stated against:

Mr. GEORGE MILLER of California. Mr. Speaker, on rollcall No. 432, which was the passage of the Singapore Trade Agreement, I inadvertently missed that vote. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. GOSS. Mr. Speaker, on rollcall Nos. 430, 431 and 432 I was unavoidably detained. Had I been present, I would have voted "yes" on all three.

MOTION TO ADJOURN

Mr. McDERMOTT. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. McDERMOTT moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McDERMOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 33, noes 383, not voting 18, as follows:

[Roll No. 433]

AYES—33

Andrews
Capuano
Clay
Clyburn
Conyers
Doggett
Emanuel
Evans
Farr
Filner
Ford
Grijalva
Hastings (FL)
Hinchey
Honda
Johnson, E. B.
Kennedy (RI)
Lampson
Lewis (GA)
Lynch
McDermott
McGovern
Miller, George
Oberstar
Rangel
Sanchez, Loretta
Sandlin
Schakowsky
Strickland
Thompson (MS)
Towns
Waters
Woolsey

NOES—383

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)

Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanders
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Ackerman
Baird
Baldwin
Berkley
Berman
Bishop (UT)
Deutsch
Frank (MA)
Harman
Hoyer
Pastor
Pelosi
Rothman
Scott (GA)
Stenholm
Sullivan
Waxman
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that two minutes remain in this vote.

□ 1512

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 329, proceedings will now resume on the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed earlier today, the question of engrossment and third reading of the bill had been postponed.

The question is on the engrossment and third reading of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDERMOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on engrossment and third reading will be followed by 5-minute votes on any other questions on which record votes may be ordered in series on the pending business.

The vote was taken by electronic device, and there were—yeas 299, nays 129, not voting 6, as follows:

[Roll No. 434]

YEAS—299

Aderholt
Akin
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCotter
McCrery
McDermott
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—129

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra

Bell
Berry
Bishop (GA)
Bishop (NY)
Boucher
Brown (OH)
Capuano
Cardoza
Carson (IN)
Clay
Clyburn
Conyers
Cummings
Davis (AL)
Davis (IL)
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Hoeffel
Holden
Hooley (OR)
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lowey
Lynch
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Weiner
Wexler
Wilson (SC)
Woolsey
Wynn

NOT VOTING—6

Berkley
Bishop (UT)
Gephardt
Hinchey
Pastor
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1529

So the bill was ordered to be engrossed and read a third time.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER OFFERED BY MR. McDERMOTT

Mr. McDERMOTT. Mr. Speaker, I offer a motion to reconsider.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the motion.

The Clerk read as follows:

Mr. McDERMOTT moves to reconsider the vote on ordering engrossment and third reading of the bill.

MOTION TO TABLE OFFERED BY MR. CRANE

Mr. CRANE. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) to lay on the table the motion to reconsider the vote by which the bill was ordered to be engrossed and read a third time offered by the gentleman from Washington (Mr. McDERMOTT).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McDERMOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 276, noes 152, not voting 6, as follows:

[Roll No. 435]

AYES—276

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—152

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Clay
Clyburn
Conyers
Cooper
Cummings
Davis (AL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Peterson (MN)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—6

Berkley
Bishop (UT)
Gephardt
Nethercutt
Pastor
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1538

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

So the bill was ordered to be engrossed and read a third time, and was read the third time.

MOMENT OF SILENCE OBSERVED IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The SPEAKER. Pursuant to the Chair's announcement of earlier today, the House will now observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

Will all please rise for a moment of silence.

Thank you.

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McDERMOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 270, noes 156, not voting 8, as follows:

[Roll No. 436]

AYES—270

Bachus
Baker
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Matheson
Matsui
McCotter
McCrery
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stenholm
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (FL)

NOES—156

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrett (SC)
Bell
Berry
Bishop (GA)
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardoza
Carson (IN)
Clay
Clyburn
Coble
Conyers
Costello
Cummings
Davis (IL)
Davis, Jo Ann
Deal (GA)
DeFazio
Delahunt
Deutsch
Dingell
Doggett
Doyle
Duncan
Engel
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gephardt
Gillmor
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hayes
Hefley
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hunter
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lynch
Markey
Marshall
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Peterson (MN)
Quinn
Rahall
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Watt
Wexler
Wilson (SC)
Woolsey
Wynn
Young (AK)

NOT VOTING—8

Berkley
Bishop (UT)
Davis, Tom
Kirk
Myrick
Pastor
Stearns
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1547

So the bill was passed.

The result of the vote was announced as above recorded.

Stated for:

Mr. TOM DAVIS of Virginia. Mr. Speaker, on rollcall No. 436, I was off the House floor and didn't hear the bells. Had I been present, I would have voted "aye."

Mr. STEARNS. Mr. Speaker, on rollcall No. 436, I was inadvertantly detained. Had I been present, I would have voted "aye."

Ms. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows: Rollcall No. 436, on passage of H.R. 2738, the U.S.-Chile Free Trade Agreement, I would have voted "aye."

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of H.R. 2738 and H.R. 2739, the bills just passed.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION TO ADJOURN

Mr. McDERMOTT. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. McDERMOTT moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Washington (Mr. McDERMOTT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McDERMOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 23, noes 392, answered "present" 1, not voting 18, as follows:

[Roll No. 437]

AYES—23

Capuano
Clay
Clyburn
Conyers
Davis (TN)
Doggett
Emanuel
Feeney
Filner
Grijalva
Jefferson
Johnson, E. B.
Jones (OH)
Lampson
McDermott
Murtha
Oberstar
Olver
Rangel
Sandlin
Thompson (MS)
Towns
Woolsey

NOES—392

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—18

Berkley
Bishop (UT)
Capps
DeLauro
Diaz-Balart, L.
Gephardt
Honda
John
Kelly
LaTourette
Marshall
Matsui
Pastor
Schakowsky
Sessions
Sullivan
Waters
Wynn

□ 1604

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1793

Mr. DAVIS of Florida. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1793.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 2210, SCHOOL READINESS ACT OF 2003

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 336 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 336

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2210) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Education and the Workforce now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. After a motion that the Committee rise has been rejected on a legislative day, the Chairman may entertain another such motion on that day only if offered by the chairman of the Committee on Education and the Workforce or the Majority Leader or a designee. After a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chairman may not entertain another such motion during further consideration of the bill. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Res. 336 makes in order the bill H.R. 2210, under a structured rule. The rule provides 1 hour of debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce.

The rule provides that in lieu of the amendment recommended by the Committee on Education and the Workforce, it shall be in order to consider as an original bill for the purpose of amendment, the amendment in the nature of a substitute printed in part A of the Committee on Rules report accompanying this resolution and provides that it shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute printed in part B of the report.

It makes in order only those amendments printed in part B of the Committee on Rules report, which shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order are waived against the amendments printed in part B of the report.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, there are many things in this world that I can be content with, fully satisfied. Watching a beautiful sunset, eating a good piece of chocolate cake, or reading a great ending to a nail-biting suspense book. But there are other things in this world with which we should never be content; ideals which we should never tire of championing, that we should never stop striving for. And the quality of our children's education is one of those items with which we should never be content. We should always want more for them.

Mr. Speaker, the debate today is in many ways a vote on the status quo. Do we keep the existing system as it is, or do we demand more for our children? More specific to our debate: Are we completely satisfied that the quality of our children's education is fine, or do we demand more? The bill before us today, the School Readiness Act, strengthens the Head Start program, the Federal Government's largest effort to prepare the Nation's most disadvantaged children for school.

An immensely popular program, Head Start provides a range of services including education, nutrition, health, and parent training to over 20 million preschool children and their families who are living in poverty. But Head Start can do better.

The legislation before us aims to reform and improve Head Start so that disadvantaged children hold the same level of academic preparedness as all of their peers before entering kindergarten. Specifically, this plan aims to enhance school preparedness, improve teacher quality, and close the "readiness gap" that exists between Head Start and non-Head Start children.

First, this education package will help enhance each school's effectiveness by providing certain select States with more flexibility and control over the operation of prekindergarten initiatives through a measured pilot program. Currently, States lack the ability to fully coordinate their State's early childhood programs with Head Start. This inefficiency results in the duplication of programs and services, underenrollment, gaps in services, and missed opportunities. With this pilot program, however, States and local communities will be able to tailor their programs and services to best meet the needs of local families.

It is important to note that this pilot program in no way eliminates basic programs and services, nor is the program an unfunded mandate or a loophole for States to cut early childhood education programs. Let us be crystal clear: this bill in no way cuts funding for any of Head Start's education, nutrition, or health services. Quite the opposite, Mr. Speaker. This package provides safeguards to prohibit participating pilot program States from making funding cuts. In addition, the Head Start package authorizes a $202 million increase in funding for the program, an amount that has nearly doubled in the past 7 years.

This legislation will also ensure that more Head Start teachers are adequately trained and educated in early childhood development, particularly in teaching the fundamental skills of language, prereading, and premathematics. These provisions will help to meet a goal set recently by the National Head Start Association itself, which calls for 75 percent of the Head Start teachers to have at least an associate degree by the year 2005 and for all Head Start teachers to have at least an associate degree by 2008.

And, finally, for our country's most, most disadvantaged children, this education plan will help close the Head Start readiness gap and ensure that all children achieve academic parity.

Most children entering Head Start hold academic skills far below national standards. That is very sad. And while most children make improvements in these schools while enrolled in Head Start, the average Head Start child still lacks many of the premathematics and prevocabulary skills that their peers attain.

Head Start students are learning, but they are not learning enough. In fact, for the brightest 25 percent of Head Start kids, there is no evidence of academic progress while enrolled in the program. This bill makes significant improvements to the program, finetuning its focus on a strong curriculum and academic excellence.

And so we find ourselves faced with the same questions I asked just moments ago: Is Head Start better and more effective than it was yesterday or last year?

□ 1615

It is a worthy question, especially when faced with the long list of studies that shows the sad truth, that Head Start children simply do not begin kindergarten with the same level of academic preparedness as their more fortunate peers.

So I ask the opponents of this legislation, are you satisfied with this readiness gap? Are you comfortable with the status quo? Well, I am not. Parents are not. And neither are the supporters of this bill.

The level and quality of our children's education is something with which we can never be completely content. It is an on-going struggle, an area where we must be willing to constantly demand more.

There is no rest when it comes to fighting for a better education and a brighter future for the youngest in our society. There is no such thing as a perfect classroom, a perfect teacher, or a perfect student. There is always room for improvement.

Mr. Speaker, this plan raises the bar on our standards and our expectations. It closes the readiness gap between disadvantaged and more affluent children, and it will enhance teacher quality and school effectiveness.

In short, Mr. Speaker, it is a bill that demands the best for our children, and I urge my colleagues to pass the rule and agree to the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, H.R. 2210 will dismantle Head Start and rob single moms of the very best childhood education for their children.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members that as indicated by previous occupants of the Chair on June 26, 2003, on June 22, 2002, and on March 24, 1995, although a unanimous consent request to insert remarks in debate may comprise a simple, declarative statement of the Member's attitude toward the pending measure, it is improper for a Member to embellish such a request with other oratory, and it can become an imposition on the time of the Member who has yielded for that purpose.

The Chair will entertain as many requests to insert as may be necessary to accommodate Members, but the Chair also must ask Members to cooperate by confining such remarks to the proper form.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, H.R. 2210 would cynically dismantle Head Start, so I rise in opposition to the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, H.R. 2210 will dismantle the successful Head Start program.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, H.R. 2210 will dismantle Head Start, which in these desperate economic times should be strengthened and not weakened.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, H.R. 2210 will dismantle Head Start and rob single moms of the best early childhood education for their children.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise to speak regarding H.R. 2210, because in these desperate economic times Head Start needs to be strengthened, not weakened.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, H.R. 2210 will dismantle Head Start, which in these desperate economic times should be strengthened and not dismantled.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, H.R. 2210 will dismantle Head Start and take thousands of beloved Head Start teachers from the children who depend on them.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, as the only Member of Congress that is a former Head Start child, I rise to speak about H.R. 2210, which will dismantle Head Start and rob single moms of the best early childhood education for their children.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise to speak about how H.R. 2210 will dismantle Head Start and take thousands of beloved Head Start teachers from the children who depend on them so greatly.

Mr. Speaker, I rise today in strong opposition to H.R. 2210, the wrongheaded Republican Head Start Bill that represents an unprecedented attack on our federal preschool system

I want to bring to your attention two important reports that were released this week by the Government Reform Committee of which I sit on, one commissioned by members representing Los Angeles area, and one by the congressional Black Caucus. Both of which demonstrate that H.R. 2210 is detached from reality and does little to address the programs' existing challenges.

The reports released by the Government Reform Committee track the success of current Head Start program. They tracked studies that showed how Head Start children are more likely to receive medical services than other low-income children, and they are less likely to repeat a grade, require special education, or be convicted of a crime. Head Start children are also more likely to graduate from high school and college, and that the program narrows the performance gap between disadvantaged children and other children in vocabulary, writing skills, and social behavior.

So why is this Administration trying to dismantle a successful and popular 40-year old program? Studies after studies have showed that when states run their own pre-school programs, they fail to provide the services guaranteed under the comprehensive standards of Head Start. For example, 60 percent of the states do not require dental care referrals, while 40 percent of the states fail to provide mental health referrals.

Under H.R. 2210's proposal to block grant Head Start in eight states, hundreds of children would lose the protection of federal standards providing that they receive preventive and primary health care. They would lose the protection of federal standards providing that they receive all necessary immunization, and they would lose such protection for dental care. This is simply not acceptable!

The President is trying to hoodwink the American people into believing that one of the most successful child development programs ever needs to be "fixed." Head Start isn't broken, but it is under threat from Republican meddling. My constituents have seen the Bush bait and switch before—on education, on the economy, and on prescription drugs. They won't be fooled this time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, as a father, I rise in opposition to H.R. 2210, which will dismantle Head Start, which should be strengthened, not weakened, in any economic time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Georgia (Ms. MAJETTE).

Ms. MAJETTE. Mr. Speaker, I rise in opposition to H.R. 2210, which will dismantle Head Start and rob children of their best opportunity to break the cycle of poverty and to become successful, happy, and healthy adults.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, H.R. 2210 will dismantle Head Start, leaving thousands of children without the comprehensive tools that have been a proven success for decades.

Mr. Speaker, I rise today in strong opposition to H.R. 2210.

While traveling through Wisconsin, I have seen first-hand how important this program is for our children. Its comprehensive approach to child development—through health, social and learning skills—has been proven success for over 19 million children since 1965.

The simple fact is that Head Start works. Head Start kids arrive at school more ready to learn and do better in school than low income children who don't participate in Head Start. In addition, Head Start narrows the readiness gap between Head Start kids and their more affluent peers.

I have also heard countless personal stories about how Head Start has strengthened entire families. Parents who may have limited resources to provide for their children in other ways are overjoyed to enroll their children in Head Start. They know it is an investment in their child's future—something that they can do now to benefit their children for their entire lives.

Why then, I ask, has such a successful and important program become the focus of an unnecessary political battle? Why has this reauthorization been the only contentious reauthorization in Head Start's 38 year history?

Because instead of strengthening Head Start by providing full funding and expanding Early Head Start, the bill's sponsor has chosen to alter the Head Start program in such a fundamental way that if these provisions are passed into law, head Start as we known it will cease to exist.

This bill starts down the slippery slope of turning Head Start into a block grant program. The eight states that participate in the block grant demonstration program would only have to meet four weak eligibility criteria. The states can then spend the block grant funds as they please with no Federal guidelines on what should constitute a Head Start program. This block grant scheme actually weakens educational standards for Head Start!

In addition, this bill allows religious institutions who participate in the Head Start program to hire and fire based on religious beliefs. I have serious concerns about direct government funding of religious organizations engaging in religious discrimination as proposed in this legislation. Under this bill, a church could refuse to hire a person who is Jewish to work as a janitor in their day care, or a Muslim soup kitchen could refuse to hire a Baptist. But not only that, a church could refuse to hire a person who is divorced if divorce is against that church's tenets and teachings, even though the position is for a secular activity. In addition to expanding religious discrimination, the bill also preempts all State and local laws against discrimination. The religious community has been an integral part of Head Start's success. They have helped millions and millions of children from all parts of the country. They have not asked for this provision.

Finally, this bill actually cuts funds for teacher training, while increasing educational requirements for Head Start teachers. This is insulting to both the teachers who would like to further their education and to the children and families who benefit from Head Start.

Instead of attacking the Head Start program, its participants, and its teachers, we should be having a real discussion of how to improve the program. Only 60 percent of eligible preschoolers participate in Head Start due to a lack of funding. And only 3 percent of eligible children participate in Early Head Start. Instead of dismantling a successful program, we should provide additional funding to expand opportunities for all children in our country.

I urge my colleagues to vote against H.R. 2210.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, as a California mother of four who values early education, I rise in opposition to H.R. 2210.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, H.R. 2210 should be strengthened and not weakened for families and their children.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I rise in opposition to H.R. 2210. Head Start should be strengthened even more, rather than dismantled. It is the most effective program for children in our country today.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, Head Start works. It should not be dismantled. The Republican Party should not dismantle Head Start.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, H.R. 2210 will dismantle Head Start, despite its proven effectiveness for our children and despite its demonstrated scientific validity.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 2210 would dismantle Head Start and take dedicated teachers from the children and families who depend on them.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I rise in opposition to H.R. 2210. Head Start has more than paid for itself over these years, giving children precisely what it says, a head start on education and a much better society for the rest of us. I ask that it not be dismantled.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to H.R. 2210, which in essence really will dismantle the Head Start Program, which has proven its effectiveness, and has provided youngsters an opportunity to realize their potential to grow, to become productive members of our society. It would be contrary to the role that we have in this institution to turn our backs on a program that has been so effective in making a difference in the lives of children and families. We should not do it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, H.R. 2210 will dismantle the most effective of all Great Society programs, Head Start.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, H.R. 2210 will dismantle Head Start. The Republican example of compassionate conservatism is destroying our best early childhood education program for our children. If it isn't broke, don't fix it; and, whatever you do, don't break it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I thank my good friend from Ohio for yielding to me.

Mr. Speaker, what we have just seen is a powerful demonstration of women and two men that represent nearly 13 million people in the United States of America.

One would think that this highly contentious Head Start reauthorization bill would be the kind of thing that would allow us to not have this kind of undertaking. One would think that this would be a simple four-step process involving the systematic introduction of a bill that increases funding and expands Head Start services; followed by committee markups to ensure the bill includes bipartisan interests; next, it is placed on the calendar; and, finally, a 15-minute vote with the passing of Head Start reauthorization. But since the Republicans are in control of the House, it is never that simple. Instead, I wind up opposing the rule and the underlying bill on Head Start.

Head Start is America's best known Federal program. Of the more than 20 million children and families that are enrolled in Head Start nationwide, there are 2,574 Head Start children in my congressional district alone, including 41 Head Start centers with a total of 127 classrooms. Of those Head Start children in my district, 98 percent of them live in families that receive public assistance or have incomes that are below the Federal poverty line.

These kids receive a gamut of services which include medical and dental care, mental health services, disability assessment and treatment and family assistance.

In fact, studies have shown that Head Start narrows the gap between disadvantaged children and other children, narrows that gap in vocabulary, writing skills, and social behavior. Head Start children are less likely to repeat a grade, require special education or be convicted of a crime. And I underscore, 80 percent of all of the children who start and end Head Start do not wind up in prison. These children show IQ gains compared to low-income children who are not in the program and are more likely to graduate from high school and college.

Mr. Speaker, I cite these statistics to simply say it seems to me that, as one of the gentlewomen said, If it ain't broke, don't fix it. This seems to be a solution in search of a problem.

Although Head Start has a well-documented record of improving the education and health of participating children, Republicans seek to begin its evisceration. The current proposal by my colleagues on the other side of the aisle is completely without reason.

While H.R. 2210 does seek to reauthorize Head Start funding, it also seeks to undermine and erode the foundation of Head Start programs through its proposed change. We need legislation that will build upon and ensure Head Start's continued success.

We would not be building upon its success if we passed a bill that begins the state-by-state dismantling of Head Start programs by establishing block grants in eight States, Florida included.

We would not be building upon its success if we passed a bill that promotes discrimination in hiring by ignoring civil rights laws and lowers Federal standards.

We would not be building upon its success if we passed a bill that literally and figuratively shortchanges teachers by not mandating an increase in pay and denies services to eligible children through an insignificant increase in funding.

Mr. Speaker, I might also add that of the 25 amendments that we heard in the Committee on Rules that were offered by Democrats, only two were allowed, and the one Republican amendment by arguably the most qualified Member of the House on this particular matter, the gentleman from Pennsylvania (Mr. MURPHY), a child psychologist, was also rejected.

This is shameful, and, frankly, sinister. You Republicans really know how to kick a kid when he is down. First the child tax credit, now this. What is next? Maybe there is a Republican bill out there that outlaws kickball or stickball.

Mr. Speaker, this body owes the American people a reauthorization that significantly increases funding and allows for the expansion of Head Start and Early Head Start. We will be doing a disservice to lower-income families and the future of America to pass the bill on the floor today. I urge rejection of this Draconian rule and of the underlying bill.

Mr. Speaker, I reserve the balance of my time.

□ 1630

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 5 minutes to my distinguished colleague, the gentleman from the great State of Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce from which this bill arose.

Mr. BOEHNER. Mr. Speaker, I thank my colleague from Ohio for yielding me this time.

Mr. Speaker, I rise today in support of the rule for H.R. 2210, the School Readiness Act, important legislation that will help close the readiness gap that exists between Head Start children and their more affluent peers.

This rule clears the way for consideration of a consensus agreement reached among Members who believe children in Head Start deserve the very best that our Nation can give them. It clears the way for steps supported by the President that will strengthen the academic components of Head Start, ensure that well-qualified teachers are helping Head Start children get ready for school, and encourage coordination between Head Start and other successful State programs.

These changes are badly needed. Children in Head Start are learning, but they are not learning as much as they deserve to be learning. There is still a significant school readiness gap between children in Head Start and their peers when they enter kindergarten, and that is simply not acceptable. Children in Head Start deserve the same shot at a good education as every other child in America. These children are capable of achieving the same things, and they deserve that chance and nothing less.

When Head Start was a new program in 1964, it aimed to give disadvantaged children a "head start" by allowing them to begin learning earlier than everyone else who started in school in the first grade. Now, most States run their own pre-kindergarten programs and virtually every child attends kindergarten.

Unfortunately, Head Start has not changed with the times. As this chart shows, Head Start's graduates beginning kindergarten are more than 25 percentile points below in average skills like recognizing letters, numbers, shapes, and colors. And when compared to what other children are learning before they start school, disadvantaged children are not getting an even start, much less a head start. Too many children in Head Start are being left behind.

The average child entering kindergarten today is right here, at the 50 percentile, and if we look at the numbers across the bottom of this chart, we can begin to see where Head Start children are in each of these subject areas. We can do better and we must do better.

And it is not because there is a lack of funding. We have almost doubled funding for Head Start since 1995. What is holding Head Start back is that it has become isolated from change and improvement. It has been walled off from other good programs that it should be coordinated with.

Today, States administer the vast majority of programs that provide early childhood care and education. Even programs funded by the Federal Government, such as Temporary Assistance for Needy Families, child care and development block grant funds are administered by State governments. Head Start is the only program that lies outside of this network.

If we are going to ensure children in Head Start get the best our Nation can give them, qualified States need more freedom to coordinate Head Start with these programs. There is an agreement on this across the ideological spectrum, from the Brookings Institution to the Heritage Foundation, from the Wall Street Journal to the Washington Post, from faith-based organizations to State school leaders.

The rule would allow for consideration of the bill that will strengthen Head Start by addressing this need in up to eight States, so long as those eight States meet tough new rigorous standards. The bill also ensures that Head Start children can benefit from the full talents and compassion of America's faith-based organizations by restoring civil rights protections for such groups and removing barriers that discourage them from participating in the Head Start program.

The 1964 Civil Rights Act established that faith-based organizations have the right to hire workers on a religious basis; for example, a Catholic organization can intentionally hire Catholic individuals under the law. Over the years, though, many Federal programs have trampled on this right, including Head Start. It is just wrong; it is just as wrong to deny any civil right to any other group or individual. If a Catholic group operating Head Start intentionally hires Catholic individuals, that organization should not have to worry that it may be breaking the law.

The rule allows consideration of the measure that would restore this protection to faith-based organizations and ensure that they are full participants in the effort to prepare disadvantaged children for school. The rule allows for consideration of a base bill that will address these pressing needs.

President Clinton signed four different bills during his Presidency that do exactly the same thing that the faith-based provision in this underlying bill does. Yet, some of our friends on the other side of the aisle disagree with that proposal. The rule accommodates their concerns by allowing for an open debate on an amendment that would strike this provision from the bill. It also allows for a substitute offered by our colleague, the gentleman from California (Mr. GEORGE MILLER).

I would urge my colleagues to support the rule and to support the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA), my good friend.

Mr. HINOJOSA. Mr. Speaker, I rise today in opposition to this rule on H.R. 2210. The bill, which the majority has brought to the floor, is not a good-faith effort to reauthorize the Nation's premier early childhood education program, the only program that exists to serve some of the most deprived children. Instead, the majority has stifled serious debate on areas of need within the Head Start program. They have refused to significantly increase the funding resources for this vital program.

The majority say they are for improving the quality of Head Start and access to Head Start, but only, only if it does not cost money. Once again, poor children and families are left off of the majority's list of priorities.

Under this restrictive rule, the majority refuses to debate many of the critical amendments by Members on this side of the aisle. Because of the majority, we will not debate how to help Head Start teachers earn their B.A. degrees or how to increase their wages. We will not debate how to expand Head Start to all eligible children. We will not debate the appropriate use of assessments in the education of our youngest children.

I had offered an amendment to increase funding for Early Head Start and improve its services for limited-English-proficient families. The majority refused to allow me. Early Head Start currently reaches only 3 percent of the eligible families. Access to this program for Hispanic and limited-English-proficient families falls below these dismal national figures.

In the entire State of Texas, the second most populous State in the Nation, only 2,500 infants and toddlers are being served. The need is great, yet my proposed amendment will never get a vote on the House Floor.

I urge my colleagues to defeat this unfair rule.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield four minutes to my distinguished colleague, the gentleman from Nebraska (Mr. OSBORNE), a member of the Committee on Education and the Workforce.

Mr. OSBORNE. Mr. Speaker, as I have talked to my colleagues here in the House, I have been really surprised and somewhat dismayed at the amount of misunderstanding and misinformation we have had regarding this particular bill. We have already heard some of those: We are going to dismantle Head Start. I do not think anybody on this side or the other side intends to dismantle Head Start. Everyone values Head Start. Head Start is not being transformed into a State-run program. It is not a block grant program. That is absolutely not true.

So currently what we are talking about is the possibility of eight States entering a pilot program, if they so choose. Now, if all 50 States say we want to keep Head Start like it is, they can keep the program in all 50 States like it is. So the maximum would be eight States in a pilot program, 42 States in a similar program that we have had previously. So it is entirely voluntary. Pilot States must increase spending for early learning and not decrease it, so it does not take money from Head Start.

I have often heard, as I talk to people around the floor here, Well, we are afraid that this is going to take money away from Head Start. This is not structured in this way. Actually, the State must increase its spending; no Head Start dollars will be transferred to the State.

This will create a seamless, coordinated early learning program in pilot programs instead of a two-track system. Right now, we have Head Start in most States and we have State-run early learning programs, and they exist side-by-side. There is no coordination. There is no commonality of standards. We think this is wasteful and inefficient.

So what we are talking about is a program that will serve more children and will have higher standards, not lower.

Also, the Castle bill increases Head Start funding, as we have said previously, by $202 million, up to $6.9 billion, which, as the gentleman from Ohio (Chairman BOEHNER) said, has more than doubled since 1995. It raises the standards for teacher qualifications. It does not lower standards at all.

Head Start continues to be administered by Health and Human Services. It not being transferred to another department. Again, that is a myth that has been out there for some reason.

Health and nutrition programs remain in place. They will not be changed at all.

Underachieving Head Start programs receive additional funds. This is one thing I think we really need to look at and think about.

The academic content of Head Start is strengthened while maintaining important socialization components. So as has been stated earlier, there is an emphasis on pre-mathematics, which currently is not something that happens in most Head Start programs. There is also an emphasis on pre-science, which again is not emphasized in Head Start programs currently; also in pre-reading.

Currently, most Head Start programs say all you have to do is be able to recognize 10 letters of the alphabet. Well, by the time you are four years old, you had better know the whole alphabet. So we think that we can make considerable improvements.

What we would like to emphasize here is that according to the Family and Child Experience Survey, the average child entering Head Start in terms of school readiness ranks in the 21st percentile. Two years later, $6,500 a year later, that child leaves Head Start at the 24th percentile, which is hardly statistically significant.

We cannot afford to do this. So if you start in the lower one-fourth of readiness and you end Head Start in the lower one-fourth, by the age of 16, you are probably still in the lower one-fourth, because where you start is usually where you finish. Now, that is critical. So something needs to be done to address this problem. So that is all we are saying.

Let us make some changes here. This is not a perfect program, but it is a good program, and we are trying to make it better.

So we hope that people will consider and will understand the bill better. We think if they understand it, they will vote for it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, in Texas we say, "If it ain't broke, don't fix it." I oppose H.R. 2210.

Head Start is one of the greatest programs this government has produced. It is highly successful; and it is by no means broke, so this action by the House is unwarranted. If we pass this bill today, we will be denying hundreds of thousands of little kids from poor homes a solid foundation from which to begin their lives.

Since the beginning of the program, Head Start has provided the foundation for low-income working families. Upon this foundation, thousands of adults throughout South Texas have overcome tremendous obstacles to break the cycle of family poverty and become productive citizens. Without the foundation of Head Start, the children and families in the 21st century will have a much harder time trying to get a start on education, nutrition habits, and other basic health care needs.

In South Texas, we have a long and successful relationship with Head Start. In my district alone, Head Start serves nearly 4,000 kids from birth to 5-years old. Head Start offers several unique opportunities and programs to South Texas; including transportation, parent training, Diabetes and obesity education, general nutrition information, and services for immunizations, counseling and dental health. Their whole-family approach to these services vastly improves the health and education in South Texas.

By providing transportation to the program facilities, the South Texas Head Start helps parents who are too impoverished to have their own transportation from smaller towns to the Head Start facilities. By training parents through English courses, promoting GEDs, increasing literacy, and offering job referral services, parents learn to be self-sufficient for themselves, their kids and their community.

One of the more valuable offerings of the local Head Start is the Diabetes and obesity education. The Hispanic population suffers from diabetes at two times the rate of whites. Of Hispanic 2½ to 3-year-old kids, 50 percent will likely be diagnosed with diabetes within their lifetime, according to a recent CDC study.

Losing weight, of course, can prevent diabetes, along with exercising and following a sensible diet, all of which Head Start teaches local families. Through providing nutrition information to parents and kids with a focus on healthy eating and balanced meals, kids will develop healthier habits and break the cycle of obesity and diabetes.

By offering a comprehensive immunization record for kids to get the appropriate shots, Head Start helps prevents increase in spread of disease along the international border, where disease is often rampant. Dental services through Head Start educate parents and kids in proper dental hygiene and about how nutrition affects oral health.

Through counseling services, Head Start serves the many kids with severe emotional problems, who come from difficult backgrounds. Head Start works with professionals, parents and kids to improve the emotional well-being of the kids before they start school.

That's the overview of Head Start in South Texas; but let me share with you stories from people who have used this program and precisely what we will be taking away from the children of Texas and other states around the Nation.

Jaime Reyna—28-year-old with a Master's Degree in pediatric physical therapy, fondly recalls learning, not just numbers, colors and how to read, but also how to build self-esteem through social interactions with other kids.

Victor Sauceda—Honors graduate and varsity football player from Texas A&M University-Kingsville, is currently a football, basketball, and track coach who will travel to Reno, Nevada next spring to take a shot at the NFL. He attributes his outgoing leadership style to the encouragement and interaction he had from his Head Start teachers and peers.

Lizandro Garcia—4th-year student at University of Texas-Brownsville, is earning his Master's degree in accounting while holding a steady job as the Accounts Payable Supervisor. He says that thanks to the teaching he received at Head Start, teaching him to always be your best, strive higher and never settle for second best, he has been able to succeed in life.

Antonio Guerra—Principal of Elma Barrera Elementary School in Santa Rosa, Texas, says that even though he didn't understand the importance of being in Head Start as a child, he does remember that the people were friendly, smart and caring. He came from a low-income single parent home, where the things other kids take for granted weren't always affordable, but where education was a high priority. Head Start provided him with the educational foundation to improve his future.

Melissa Duran—Attended Head Start in the early 70s, went to college and worked as a Head Start teacher for a couple of years after graduation. She received her Child Development credentials through the Head Start program, and now has owned her own two Day Care Centers for 11 years.

Pat Gomez—Parent of three boys who went through Head Start. The program gave them the opportunity to gain self-esteem and confidence in themselves. They are all successfully employed. One is a dentist.

Ms. Davis—Single mother of one son who went through Head Start. Because of the one-on-one attention her son received, he changed from being shy and withdrawn to an outgoing young man who is now a successful lawyer.

Ida Gonzalez—Raised by her grandmother who spoke very little English. She specifically remembers learning how to brush her teeth, jump rope, eat healthy food and was prepared enough academically to stay ahead of her peers in the Gifted and Talented Program once she entered school. Her love of learning motivated her to become a teacher and child advocate.

Jessika Perez—Former Head Start student who is currently beginning her senior year at Texas A&M University where she received full scholarship for all four years. She has spent summers working at California State University with NASA researchers, and plans to start her own Engineering Firm after graduating with her Masters Degree in Civil Engineering.

This is only a small sample of what this House is ready to end if we pass H.R. 2210.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 2 minutes to the gentleman from Texas (Mr. EDWARDS), my good friend.

Mr. EDWARDS. Mr. Speaker, no American citizen should have to pass someone else's religious test to qualify for a federally funded job. That is why I am strongly supporting the Woolsey amendment allowed under this rule.

Without the Woolsey amendment, private groups could actually receive millions of Federal Head Start dollars to run Head Start programs, and then with those public tax dollars, they could hire and fire people not based on whether they could help educate and support children, but whether they passed a religious test. That is wrong.

For any citizen to have to choose between his or her job and personal religious faith makes a mockery of the free exercise clause in the first amendment of our Constitution.

Let me be specific, without the Woolsey amendment, a group associated with Bob Jones University could receive a multimillion dollar Federal grant and use those tax dollars to put out a sign that says this: No Jews or Catholics need apply here for a federally funded job.

Now, if you think it is okay to have that kind of religious discrimination using Federal dollars, then vote against the Woolsey amendment. If, like many Americans and the vast majority of Americans, you think that that kind of religious bigotry is wrong, then vote for the Woolsey amendment.

Without the Woolsey amendment, American women could be denied a federally funded Head Start job simply because a grant recipient says, in their religious beliefs, women really should not have the right to work. Without the Woolsey amendment, a Federal Head Start grantee would ask job applicants the most private of religious questions and then refuse to hire someone based on their answers.

I wonder, Mr. Speaker, how Members on the floor right now would feel if somebody, while they were applying for a job, somebody asked them these questions: Are you a Christian? Are you Jewish? Are you Muslim?

□ 1645

Did you tithe to your church last year? Do you believe in evolution or creationism? How many times did you attend church last year? What religious beliefs are you teaching your children? How many times did you pray yesterday?

Protect the fundamental American principle of religious freedom by voting for the Woolsey amendment.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4¾ minutes to the gentleman from Florida (Mr. MICA), a member of my very own class in Congress.

Mr. MICA. Mr. Speaker, I thank the gentlewoman for yielding me time.

I am pleased to come before the House on this issue, and I am so glad this issue is being discussed. I have waited some 10 years for this issue to be discussed in this manner before the House of Representatives.

This is the most important vote that this House of Representatives and this Congress will have since we did welfare reform because we are talking about the future of our most needy and deserving citizens, our most disadvantaged citizens. We are talking about the children of those individuals in our society who need a Head Start and we were not providing that.

I have heard rhetoric from the other side, and we saw the parade of mediocrity coming down the aisle advocating the continuation of the same, the same exact situation.

Mr. HASTINGS of Florida. Mr. Speaker, I would most respectfully ask that the gentleman's words with reference to idiocrasy be stricken, but without asking a ruling from the Chair, I would ask the gentleman to give consideration to undertaking to do that before making such a demand. He said idiocrasy.

Mr. MICA. Mediocrity. That is what we are talking about today.

We are talking about mediocrity and perpetuating mediocrity among our neediest students and those who really need an advantage. Let me say, I have a degree in education and my interest is in the quality of the education. And for the first time, a President has come forward with a package that would not ensure mediocrity but ensure quality in the Head Start program for the very first time.

Let me give an example. I come from a district that is very broad and very big. I represent large counties, and I represent small counties. So I spent the time some 6 and 8 years ago and have been back again to look at the Head Start program and the preschool programs to see what they are doing. I can tell you what they are doing is they are spending a lot of money. They are spending a lot of money on bureaucracy, not all on programs. I have a good program in my big county, and we are able to support that. I have two counties that are over 45 miles apart, and I begged and pleaded to try to get a Head Start program that made sense.

We went to Atlanta. We went to Washington. We said, no, you cannot do that. We do not have enough students in either county. We have 200 in one and 300 in another to support the bureaucracy that is required by Head Start. So we asked for a little flexibility, and we got no flexibility. We still have no flexibility today.

Today we have eight administrators in a program earning between $31,000 and $42,000. I have a total of 34 administrative various personnel required by the program for 500 students and two counties that are separated by almost 50 miles. So I am spending the monies on bureaucracy, and you will not give me the flexibility to give my kids the best chance possible.

I have got teachers; and I do not have one teacher, not one teacher out of all the so-called teachers that we have in the program that are certified. Would you want your children to go to a school if we take the certification out of the school, the pre-school programs or any of the programs that we take it out and force your children to go to that?

Today we are spending between $12,000 for our so-called teachers and $22,932. And my bureaucrats in the program are getting up to $42,000. I do not have one qualified teacher and that is the mediocrity you want to resign our children to, my children to? These children deserve a head start. That is what the program was about.

There is not one dollar cut in this. There are no standard cuts in this; but we do allow a little bit of flexibility, and we do allow quality. The President has requested quality in the program. For the first time we will have people who actually have had an education to educate our weakest, poorest-performing students. Is that a lot to ask for, I ask you?

I have waited some 8, 9 years for these students. Do not deny my students this opportunity. Do not deny them quality. Do not deny them flexibility. Do not relegate them to mediocrity or bureaucracy.

You can tell I am very passionate about this. I feel very strongly about this. This is the biggest improvement we can make for the future of these children. I do not ask you to accept this. I plead with you to work with us to try to improve this program. We do not cut money. We do not cut quality. We make improvements and I ask you to help us.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 10 seconds.

To the gentleman from Florida (Mr. MICA), I went to school in Alta Mont Springs. There were no certified teachers. Every one of them loved me. My mama and daddy and grandmama never went to school and somehow or another I managed to get three degrees.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), my very good friend and a leader in this field; and I invite the House to listen for 2 minutes to the gentleman.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong opposition to this unfair rule.

Just yesterday a very contrite leader in the Republican Party acknowledged a chronic mistreatment of members of the minority of this House.

On Monday, the former Republican leader talked about an emerging theme in this House. The theme is 10 years of one-party rule is enough. The Republicans have had control for 10 years. They have gotten arrogant. They demean the institution. They demean democracy by virtue of their heavy-handed way they run the House, minority rights are downtrodden, and it is time for a change.

The rule we have here today is a perfect example of the arrogant and abusive treatment that is directed not just at Democrats but 140 million Americans who sent us here to represent them and look out for their interests and particularly the children. Many of those Americans feel very strongly about Head Start programs. Many of their children participate in it, and they would like to know this program is going to be improved. But we have the same old arrogance we saw last week with the pension bill.

Last minute changes were made in this legislation at 11 o'clock last night. When we asked the right to change our substitute to take into account those changes, we were told we would not be given the opportunity. So instead we will not be able to offer the amendments that people came before the Committee on Rules and asked for.

So what is the result? The result is for the first time in the history of this program, for the first time in the history of this program, where we had Republican Presidents, Republican Congresses, Democratic Congress, we have always sought to improve this program.

For the first time in history we have a partisan attack on Head Start, and for the first time in history we are undermining the performance standards, the quality standards in this program. And for the first time in history, we will be limiting the participation of children in Head Start. In the third year of this bill because of the caps on funding for the first time in history under any administration in any Congress, we will reduce the number of Head Start children that will be able to participate from the current population. No Republican President in the past has ever done that. No Congress has ever done that. No Democratic President has done that because we have had a national consensus, because this is the best program we have in the Nation, with the best results.

You may want to do a lot of things with this program, but you cannot put it somewhere where a program has better results than Head Start. This attack should be rejected and this rule should be rejected.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. REGULA), the distinguished colleague of mine and the dean of our delegation, a former elementary school teacher and principal himself, and, most importantly, the chairman of the Appropriations Committee on Health and Human Services that funds this bill.

Mr. REGULA. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in support of H.R. 2210, the School Readiness Act of 2003. As a former elementary teacher and an elementary principal, I am aware of the necessity of a first-rate education and the need to ensure that children have adequate skills before entering kindergarten. You cannot start too soon. My daughter-in-law reads to my 16-month-old granddaughter, and here we are talking about children who are 2, 3, 4 years old.

The Head Start program has been a successful program over the years, providing comprehensive services to many children not otherwise reached, and providing students with some of the basics needed to be successful in school.

As successful as Head Start has been, I believe that the program can be even more successful by maintaining the comprehensive services already provided and enhancing, that is the key word, the academic component. H.R. 2210 will allow the Head Start program to achieve this goal by emphasizing cognitive development, improving teacher quality, and providing extra help for Head Start programs identified as underachieving.

I would like to emphasize, as my colleagues have stated, that there will be no additional testing required of the children in this program. Further, arbitrary performance measures will be eliminated, ensuring that the performances of Head Start centers are more fairly evaluated.

Because of the value of the comprehensive services, recently referred to as the crown jewel of Head Start, this legislation will keep the program at the Department of Health and Human Services, preserving and extending the health and nutrition components. The bill authorizes a level of more than $200 million over the current level and limits Federal Government administrative expenses allowing as many as 10,000 more children, 10,000 more to be served by the Head Start program.

I would like to add that in the appropriations bill for the Departments of Labor, Health and Human Services and Education that this body recently approved, we provide an additional $148 million. This bill was just approved a few weeks ago. We added $148 million to the program. I might point out that in the last 8 years the Republican majority has more than doubled the amount going to Head Start.

I hear conversation about how the program is not getting adequately funded. The facts are the facts. Funding has more than doubled in the last 8 years since we have been responsible. Additionally, the bill contains incentives for States to maintain or expand funding of early childhood education. Education should be seamless. It should start with the Head Start program, go through the elementary into the high school and on to the college level. And I have had a real concern since I have been chairman of this subcommittee about the number of high school dropouts. Many of the major cities are in excess of 50 percent in the dropout rate. That is a terrible waste of human capital; and we need to address it. One of the key elements in this is the ability to read. I do not think decisions are made by young people at the ninth grade or the tenth grade to drop out. Those decisions are made when they do not learn to read at the first, second, third, fourth, fifth grade level.

Therefore, the Head Start program as envisioned by this bill will be an added component to ensure that individuals will have skills so that when they reach high school they can participate. They can read. They can comprehend, and they can be ensured that they will get the skills they need to participate in our economy.

We hear today about unemployment levels. We hear about people not finding jobs, and the need for skills only grows. Therefore, I think this program is a very important part of the early education of a young person, of a child and on into adulthood. I would urge my colleagues to support this legislation. Give these kids the same chance that others have. That is what it is. It is Head Start. And we want to give them a head start, and this bill will do that.

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members that the gentleman from Florida (Mr. HASTINGS) has 18½ minutes remaining. The gentlewoman from Ohio (Ms. PRYCE) has 5¼ minutes remaining.

□ 1700

Mr. HASTINGS of Florida. Mr. Speaker, I yield for a unanimous consent to the gentlewoman from Kansas City, Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Speaker, I believe the rule to H.R. 2210 will dismantle Head Start which, in these desperate economic times, should be strengthened, not weakened.

Mr. Speaker, I rise today in opposition to the rule on the School Readiness Act, which would seriously jeopardize the Head Start early education program.

For decades, Head Start has been a successful program dedicated to helping disadvantaged children receive the preparation they need to succeed in school and to lead better lives. This bill would leave our neediest children behind by shortchanging the Head Start program and putting its federal funding at risk in States that are mired in their own budget woes.

In my district of Kansas City, MO, over 3,800 children are enrolled in Head Start programs and they depend on help from the Federal Government. Head Start is one of the oldest and most thoroughly studied early education programs in America. Studies find that children involved in Head Start programs are less likely to repeat a grade and to require special education services than disadvantaged children who are not lucky enough to experience Head Start. Furthermore, Head Start students are more likely to graduate high school and to attend college.

This past Fall a young mother named Michelle enrolled her son, August, in a Head Start program in Kansas City. Her two older daughters had already successfully completed the program, but Michelle worried that her son's speech and physical disabilities would put him far behind his classmates when he started kindergarten. The Head Start Mental Health and Disability Consultant coordinated his efforts with the County Health Department and the North Kansas City School District to insure that Michelle's fears would not become a reality. An Individualized Education plan was put into place and August was enrolled in speech therapy classes. Today, all of Michelle's children are doing well academically and socially, and she stays involved in Head Start as a volunteer so that she can give back to the program that meant so much to her and her children.

The measure before us (H.R. 2210) authorizes barely enough funds to even cover the cost of inflation, let alone expand Head Start programs. It will actually reduce the number of children in the program. It provides no resources for teacher training and will allow discrimination in hiring practices. But the part of this legislation that concerns me the most is that it puts Head Start money into the hands of States that will be able to use these block grant funds to defray their own deficits rather than expanding the program to reach students.

Governor Holden of Missouri shares my concern that resources usually suffer when a federal program becomes a block grant. It is his fear, and mine, that federal mandates will be shifted to deficit wracked states such as mine, forcing them to do more with less money.

Head Start works in Missouri, and it works all over the country. Let's put federal dollars into education programs such as Head Start that have been proven to make students ready for a successful school experience and a productive life. It's the best investment we can make for our Nation's future.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), my very good friend.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of the Woolsey antidiscrimination amendment and against the part of the bill which would allow employment discrimination based on religion in the Head Start program for the first time since the program began.

Yesterday, the bipartisan leadership of the House and Senate celebrated the historic March on Washington and praised the gentleman from Georgia (Mr. LEWIS), Reverend Martin Luther King, Jr., and others for their courageous demonstration 40 years ago. Let us not forget what that march was about because two of the demands of the March on Washington were:

"Withholding of Federal funds from all programs in which discrimination exists" and "a Federal Fair Employment Practices Act barring discrimination." Both of those demands were enacted within 2 years of the march.

Now, one day after the bipartisan celebration, we have a bill before us which undermines the same victories which were celebrated. But the Woolsey amendment will preserve the tradition of nondiscrimination in federally funded programs. That tradition goes back to 1941, when President Roosevelt issued an executive order prohibiting antidiscrimination laws that have not caused all these problems over all these years. In fact, today 8 percent of Head Start programs are sponsored by faith-based organizations, and Head Start officials recently expressed outrage that someone could tell a Head Start child's parents that they were not qualified to be Head Start teachers solely because they attended a synagogue rather than a church or a mosque rather than a temple.

Next year, we will celebrate the 50th anniversary of the Supreme Court's decision in Brown v. Board of Education. That case spoke of the ravages of segregation when it stated that "the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of the Negro children."

Mr. Speaker, although the children in the Head Start programs may not be segregated, some will not miss the message their parents were not qualified to be teachers while parents of other children were qualified.

Mr. Speaker; we have a choice today. Preserve the equal employment opportunity principles and traditions established by President Roosevelt, Brown v. Board of Education and the March on Washington or change the law in such a way that someone will have to explain to some young Head Start students why their parents were not good enough to be teachers solely because of the family religion.

The vote on this amendment will determine what kind of Head Start the next generation will have.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. NADLER), my very good friend.

Mr. NADLER. Mr. Speaker, I rise in opposition to the bill as crafted and to this rule. I also urge my colleagues to support the substitute that will be offered by the gentleman from California (Mr. GEORGE MILLER) and the amendment to be offered by the gentlewoman from California (Ms. WOOLSEY).

The bill creates a new block grant for eight States and eliminates the obligation that States abide by Head Start's educational performance standards by allowing governors to increase class size, increase child-to-staff ratios, dumb down existing curricula, all without any accountability.

The President has told us repeatedly that his goal is to leave no child behind. Unfortunately, the reality fails to match the rhetoric. Because of inadequate funding, we are already leaving 400,000 children behind. An appalling 40 percent of those eligible to participate in Head Start cannot participate because of short funding.

With the changes made by this bill, even more of our at-risk, eligible children will be shut out of this successful program, endangering their opportunities to succeed in school and to contribute all they might to this Nation. We must not deny children the health, social and educational services they need. This Nation cannot afford to cheat its future by robbing our children of educational opportunities today.

Without the amendment to be offered by the gentlewoman from California (Ms. WOOLSEY), the bill would betray our core values by explicitly permitting, for the first time in the history of this program, religious discrimination in employment. It would allow Head Start programs that use taxpayer funds to discriminate against teachers and parent volunteers solely because of their religious convictions.

The bill does so by eliminating existing law that has, since the beginning of the Head Start program, protected the people who teach our children against this most reprehensible form of discrimination. No public school, no publicly funded Head Start program should be permitted to hang out a sign that says no Jews or Catholics or Protestants or Muslims or whatever need apply. Incredibly, this bill deliberately would allow them to do just that. For shame.

Head Start is an exceptional program that has served nearly a million children and their families. It works. It works well. Instead of cutting its funding and eliminating basic standards and promoting religious discrimination, we should be standing up and expanding this program and not destroying it.

Mr. Speaker, I rise in strong opposition to the legislation and to this rule. I also urge my colleagues to support the substitute that will be offered by the gentleman from California (Mr. MILLER), and the amendment to be offered by the gentlewoman from California (Ms. WOOLSEY).

This bill creates a new block grant program for eight states, yet it eliminates the obligation that states abide by Head Start's educational performance standards by allowing governors to increase class size, increase child to staff ratios, dumb-down existing curricula—all without any accountability.

The President has repeatedly told us that his goal is to leave no child behind. Unfortunately, the reality fails to match the rhetoric. Due to inadequate funding, we are already leaving behind over 400,000 children—an appalling 40 percent of those eligible to participate in Head Start.

With the changes made by this bill, even more of our most at-risk, eligible children will be shut out of this successful program, compromising their opportunities to succeed in school and contribute all they could to our nation. We cannot continue to deny children the health, social, and educational services they need. This nation cannot afford to rob its future by robbing our children of educational opportunities today.

This bill also betrays our core values by permitting, for the first time in the history of the Head Start program, religious discrimination. It allows taxpayer funds to be used in Head Start programs that discriminate against teachers and parent volunteers solely because of their religious convictions. The bill does so by eliminating existing law that has, since Head Start's beginning, protected the people who teach our children against this most reprehensible form of discrimination.

We have heard terrible allegations from the other side of the aisle, and from the administration alleging, that certain members of the other body have hung a sign on the federal courts saying "No Catholics Need Apply." While I continue to believe that this slur against conscientious Catholic members of the other body is blatantly false and slanderous, those making the charge, including the President and our colleagues on the other side of the aisle, understand that religious discrimination in employment, or the imposition of a religious test for federally funded employment in violation of the Constitution, is reprehensible and an affront to our First Freedom.

I urge my colleagues to support the Democratic substitute, and the Woolsey amendment, both of which would strip this indefeasible provision from the bill.

Head Start is an exceptional program that serves nearly 1 million children and their families. We know from experience that it works and works well, helping our children succeed educationally. Instead of cutting funding, eliminating basic standards, and promoting religious discrimination, we should be standing up for families and our most vulnerable children by providing the necessary resources and accountability, to ensure that all children who qualify for the Head Start program can participate and succeed.

By failing to improve, rather than destroy, Head Start, this administration, and this bill, are making clear that our children are not valued and do not deserve a head start in life. Instead of dismantling this program, with a proven track record, that countless early childhood educators, child psychologists support, and parents support, this bill would replace it with an untested, unproven, unaccountable program.

It is time to match the rhetoric with action and leave no child behind. It is time to make good on the promise of this nation that we are all created equal, that all children are entitled to a decent education, and that no one should ever have to decide between a job helping our children and their religious faith. No child was ever helped by governmentally funded and endorsed religious discrimination. That is not what this country is about, and it is not befitting of a nation dedicated to liberty and justice for all.

I urge the rejection of this rule, and the adoption of the Democratic substitute and the Woolsey amendment.

Mr. HASTINGS of Florida. Mr. Speaker, will the Chair tell me how much time we have remaining.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Florida (Mr. HASTINGS) has 13½ minutes remaining. The gentlewoman from Ohio (Ms. PRYCE) has 5¼ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), my good friend.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me the time.

I wanted to debate this at the very beginning of this very long evening because this is the rule that will design whether we work on this in a bipartisan manner or whether or not we use the singular view, My way or the highway.

This is actually Head Start retrogression, and I wish that we could have come to the floor of the House and crafted reform that would truly help our children, but Mr. Speaker, this legislation continues the saga.

Only 60 percent of preschool children are able to access the real Head Start, 19 percent only of those who are seasonal and migrant children and 3 percent only of infant and preschoolers are able to access a real Head Start program.

Mr. Speaker, if we look at America, we will find Members of this body that started in Head Start. Children who are children of incarcerated persons were in Head Start. Average Americans have had the ability to be in Head Start, but we have never finished the job, and this legislation that we have before us is going to unravel Head Start as we know it, a nurturing, caring program that has nutrition, has psychology, has education, has teachers who care and teaches parents how to access better education for their children.

Why could my Republican colleagues not see that education is a dream of all America? This rule should be denied because this rule does not address the question of giving block grant moneys to the States so that they can abuse those resources, and our children still will not have a viable Head Start program.

I support the Woolsey amendment. I support the substitute. We need to go back to the drawing board and really listen to those who have now grown up who have been products of Head Start. Ask them the question whether or not they have benefited from the ability to have immunization and good health care, good nutrition and then be able to have a loving environment to educate or to be educated in.

Why my good friends think that that is a good bill, I do not know, but the best thing to do is to send it back. It is a Head Start retrogression. Vote against the rule.

I oppose the rule governing H.R. 2210, the Head Start Authorization Act, because it denies the Minority an opportunity to make a bad bill better. Make no mistake about it; the underlying legislation is a bad bill. I regret that my colleagues and I do not have the opportunity to improve upon it.

The Republicans on the Rules Committee have denied us the opportunity to have our amendments heard, to have our colleagues vote on the amendments and to decide for themselves what best suits their constituents. The Head Start program is of critical importance to our children and this rule does not do justice to the undertaking of reauthorizing that program.

A total of 26 amendments were submitted to the Rules Committee on this bill. Of those 26 amendments, Democratic Members submitted all but one. The rule makes in order only two of those amendments: a Democratic substitute and the Woolsey/Edwards/Frank/Scott/Van Hollen amendment to restore civil rights protections to Head Start teachers by striking the language in the bill that allows Head Start programs to discriminate in hiring with regard to religion. Certainly, those are both excellent amendments and it is my hope that they will be adopted. Then, this bad bill will be better. Those two amendments however, were not the only worthy amendments that should have been allowed to come to this floor.

There was Mr. GRIJALVA's Migrant and Seasonal Head Start and Indian Head Start amendment which calls for additional funds to be allocated to Head Start. That is important because the legislation currently on the table will prevent more than 80 percent of eligible children from benefiting from Head Start services. The U.S. Department of Health has found that Migrant and Seasonal Head Start Programs serve only 31,400 out of 161,400 migrant and seasonal children; this is a mere 19 percent of all eligible children. That overwhelming shortfall leaves 130,000 children of migrant and seasonal Head Start families behind.

This is simply unacceptable; America's children deserve better. As a Texan, I understand the importance of that amendment, as would many of my colleagues on both sides of the aisle. I wish that we had the opportunity to vote for the Grijalva amendment.

The amendment proposed by Mr. GRIJALVA aimed to minimize the existing gaps that are preventing the children of migrant and seasonal workers from receiving the early education that prepares children for more structured schooling later in life. The amendment calls for an increase in the total authorization of early education programs from $6.87 billion to $7 billion and raises the set-aside for each of these programs from 13 percent to 15 percent. While Migrant and Seasonal Head Start Programs as well as Indian Head Start programs serve both infants and toddlers, the fact remains that neither program has access to Early Head Start Funds. However, these funds are available to Regional Head Start programs. The only way Migrant and Seasonal Head Start and Indian Head Start Programs can receive increases is if additional funds are appropriated. That is what the Grijalva amendment would do.

By making a modest increase in the funding for Migrant and Seasonal Head Start as well as Indian Head Start programs, we would be able to move these programs toward parity and ultimately to reduce the significant funding gap. What a small price to pay for the success of our children. Given the chance I would have urged my colleagues to vote in favor of the Grijalva amendment and to support the measure on behalf of America's marginalized children. Due to the Republican's restrictive and unfair rule, I will not have the opportunity to do so.

The Republican leadership of the Rules Committee closed out a number of other valuable amendments. One of those amendments was offered by Mr. DAVIS of Illinois. His amendment would have provided scholarships to Head Start teachers to assist them with the cost of obtaining a post-secondary degree. It is stunning that the majority denied this amendment because post-secondary degrees will be a requirement for half of current Head Start teachers, if this version of H.R. 2210 passes.

If we are to demand higher levels of formal education from Head Start teachers then we must compensate them fairly. Unfortunately, well-educated Head Start teachers can earn more by taking a new job teaching kindergarten. It is a fact that a teacher with a Bachelor's degree in Early Childhood Education can earn, on average, about $16,000 a year more teaching in a public school kindergarten than working in a Head Start program. That is nearly double the salary. How then can we expect these teachers to bear the expense of attaining additional education and then remain as Head Start employees earning lower salaries? It is illogical and frankly, it is unlikely that most Head Start teachers will make that choice.

We know that these teachers are caring people. They want to remain in their jobs working with children and families that need them most. Without the Davis amendment, however, H.R. 2210 will make that financially impossible for many Head Start teachers. The result could be a great loss to Head Start programs, to the children they serve and thus to the future of the country.

I too offered amendments to the underlying bill. I too had those amendments shut out of the process. One amendment was written to maintain the mandate for a study comparing the educational achievement, social adaptation, and health status of children participating in Head Start programs with that of eligible children who do not participate. The underlying bill would eliminate that study. It is apparent, that the data gained from the study would be useful in adding to our understanding of the importance of Head Start and the ways in which we can improve program.

Among those children who are eligible for Head Start, the study would focus on the developmental differences between children who participate in Head Start and those who do not. Such a study could be particularly relevant as we seek to better accommodate the increasing number of special needs disabled children, emotionally or mentally challenged children, and non-English-speaking Head Start children.

In Texas, and in other states, there are thousands of children who are eligible for Head Start but who are not enrolled. Those children are entitled to the services that they would receive from the Head Start program. The families of those children would benefit from the holistic approach of Head Start as it seeks to educate not only the child but also the child's parents about what it takes to help a child thrive. This study is a mechanism through which we may better understand the positive impact that Head Start creates on the lives of the children and families whom it serves. Unfortunately, the Members on the other side of the aisle would not allow it to be heard on the floor.

My other amendment was authored to prevent states from using federal funds allocated under this Act to supplant other federal funds that states are currently spending on Head Start. In other words, my amendment would have helped keep Head Start dollars in Head Start programs. Under the amendment, the text of the Head Start Act would read, in part, "Funds received under this section shall not supplant any Federal, State or local funds." That language is crucial to the preservation of Head Start in states that currently spend federal dollars on Head Start centers.

Without this amendment, the cash strapped states could choose to use funds allocated under this Act to supplant funds currently being spent. Thus, there would be no net gain for the children who need the services provided by Head Start. Undoubtedly, the overburdened states will use this opportunity to plug federal dollars into another hole in their budgets. My amendment would had cured that problem but the majority on the Rules Committee will not allow it.

The amendment was supported by the Children's Defense Fund, yet my colleagues were denied the opportunity to vote the amendment up or down. What a shame, Mr. Speaker. What a pity that something so important should fall prey to partisan politics.

While I am disappointed that my amendments and those of my colleagues were excluded from the legislative process here on the floor, I am substantially more disappointed about what the underlying bill will do to Head Start. I am dismayed by this rule but I am in fact more dismayed about what this bill will do to the children and families who would otherwise benefit from a healthy Head Start program. I am so disappointed and dismayed because the legislation seeks to desolve Head Start. Although the Republicans seek to disguise it, Title II of this bill will end Head Start as we know it.

Frankly, the underlying bill is the answer to a question that has not been asked. It is a solution for a problem that does not exist. The block grant created under Title II is no more than a treacherous experiment. It will push a successful program onto states that have unproven expertise to manage it. Not only does the bill push Head Start to the states for experimentation but also, it does so without the federal quality requirements and oversight that have demonstrated their success.

There are other failures in this bill that could have been corrected had the Democrats of this House been allowed to offer their amendments. Would that I had time to speak about them all but, I have only 2 minutes to speak on the rule. Would that my colleagues had the opportunity to vote on those amendment to improve this bill. Nevertheless, there is still a chance.

There is still an opportunity for this body to improve the Head Start bill. Voting "no" on this rule will allow us that opportunity. Therefore, I urge my colleagues to join me in voting no on the rule. Vote no and let us come together to pass a better piece of legislation one that will strengthen not dismantle Head Start and serve the needs of our children.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Arizona (Mr. GRIJALVA), a new Member, but a distinguished person that has dynamics with reference to this matter as a part of his portfolio.

Mr. GRIJALVA. Mr. Speaker, I rise today to express my deep, deep disappointment in the Republican proposal to dismantle Head Start.

Head Start has been an historic, powerful tool in ending poverty in this country, and we heard about passion earlier today, but when we profess our passion, it should not be about empty rhetoric. It should be about real compassion, real care and real resources for children.

I am very proud of my Democratic colleagues' persistent attempts to improve this disastrous bill. Yet of the 25 Democratic amendments submitted to the Committee on Rules, only two were made in order. Receiving a rewritten bill in the middle of the night last night, many of us have not had sufficient time to review the changes. From what I can see, though, this is essentially the same bill, causing lasting damage to a widely successful program like Head Start.

The bill offers no accountability. The bill repeals long-standing civil rights protections on employment discrimination; and my colleagues have addressed many of the other issues that are wrong with this bill.

I want to concentrate on one aspect. The most troubling part of this forum from my perspective is the weak attempt by the Republicans to provide a funding increase for migrant and seasonal Head Start. Before these changes, the bill would have provided between $8.5 and $17 million additional funds to migrant and seasonal Head Start.

This new bill creates a provision that guarantees $17 million to this program. While this looks like an improvement, it actually only guarantees one-quarter of 1 percent of the total appropriation for eligible children of migrant and seasonal farm-working families. This modification would only extend services to 2,200 of the 130,000 eligible children that are currently neglected. This is a so-called improvement? It is a slap in the face to these children and their families.

Mr. Speaker, these children deserve equal resources. They deserve our attention and they deserve to be treated equitably in this legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for a unanimous consent request to the gentlewoman from Illinois (Ms. SCHAKOWSKY), my good friend.

Ms. SCHAKOWSKY. Mr. Speaker, I believe H.R. 2210 will dismantle Head Start and rob single moms of the best early childhood education for their children.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) who is distinguishing herself in our body as new Member, my friend.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, let me just begin first by saying that I take umbrage to comments that were made earlier from the gentleman from Florida that the female Democratic Members of the House were "a parade of mediocrity." These are amazing, talented women who are not mediocre, but extraordinary women as evidenced by their passion on this issue.

Having said that, I rise in opposition to this flawed rule. We are considering a bad bill, the so-called School Readiness Act, H.R. 2210, without any options for improvement. There are so many things wrong with this bill that I cannot even begin to count them.

A fair rule would have allowed us to fix some of those things, like providing adequate funding to expand Head Start, especially migrant and seasonal Head Start programs, and providing scholarships for Head Start teachers.

H.R. 2210 begins an irreversible process of dismantling Head Start by promoting religious discrimination in hiring, shortchanging teachers by increasing requirements and denying services to eligible children by continuing to underfund Head Start.

Worst of all, H.R. 2210 puts in danger years of proven success. For what? An experiment, a so-called pilot program that does not require States to even abide by national Head Start standards or have a sound preschool infrastructure.

Nearly four decades of research have established that Head Start delivers the intended services and improves the lives and the development of children and families that it serves. Head Start is about preparing children for school like Pablo Robles, a constituent of mine. It is about helping parents become better parents and advocates for their children and involved in their school work. Ultimately, Head Start is about giving low-income children an opportunity to succeed in life.

Republicans are just like scam artists trying to sell us an oceanfront property in the desert, but now they are trying to sell us a phony Head Start bill. We must not fall for it, especially when it is gambling with the lives of children.

I urge my colleagues to vote "no" on the rule for H.R. 2210 and on the underlying bill. Let us not play with the future of our most vulnerable children, like Pablo Robles.

Mr. HASTINGS of Florida. Mr. Speaker, how much time do we have at this time?

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Florida (Mr. HASTINGS) has 7½ minutes remaining. The gentlewoman from Ohio (Ms. PRYCE) has 5¼ minutes remaining.

Ms. PRYCE of Ohio. Mr. Speaker, I would inquire of the gentleman as to how many speakers he has?

Mr. HASTINGS of Florida. Three, and we are at that time prepared to close.

Mr. PRYCE of Ohio. The gentleman may as well go ahead then, please.

Mr. HASTINGS of Florida. Mr. Speaker, I am very privileged and pleased to yield 2 minutes to the gentlewoman from California (Ms. WATERS), who is not only my good friend, but is a person that ran a Head Start program in the United States of America while the rest of us are running our mouths about Head Start.

Ms. WATERS. Mr. Speaker, I thank the gentleman for allowing me this time, and I must tell my colleagues that as I stand here today, my heart is broken. It is broken because after 38 years of a successful program we allowed 90 minutes on a closed rule to destroy Head Start.

□ 1715

It is shameful. Republicans ought to know and understand what they are doing. It is another blow that you are striking against children, and poor children and poor families at that.

Mr. Speaker, I cannot help it that the gentleman from Florida (Mr. MICA) and others do not understand how Head Start was organized, the delegate agencies, to keep it closer to the communities. We bypassed the Governors on purpose to keep them from snatching the money from Head Start, and my colleagues are throwing it back into a block grant. That money is going to be siphoned off in even States like mine where we have a $38 billion deficit.

My Republican colleagues want to throw it back into school systems and preschool programs that have no mandates, that do not mandate parental involvement, that will not guarantee nutrition programs, that will not give the physical examinations to help identify the deficiencies that these children have before we put them in the classroom and help get them ready for school.

Everyone has admitted that Head Start is successful. Each of my colleagues says that as they get up to destroy it. If it is successful, why then are we messing with Head Start? We need to try and do something about K through 12. When we send kids to Head Start, they are doing well. Sometimes they lose it because the school systems are not ready for them.

Mr. Speaker, we need more money in Head Start. It is only servicing 60 percent of the children who need it. We have waiting lists. To add insult to injury, not only do my colleagues dismantle this program by putting it into a block grant, then they bring on discrimination and only allow those parents to participate who are of the same religion of some of the delegate agencies that are trying to run a Head Start program.

Again, it is shameful. You break my heart today, and you dismantle a program that is desperately needed.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE), who was the superintendent of education in North Carolina and speaks very clearly with reference to these issues based on his experience.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to thank the gentlewoman who just spoke, my friend from California. She knows what she is talking about. Head Start is working. And I rise today in opposition to this rule, and I urge my colleagues to oppose H.R. 2210, the Republican Head Start bill. It is not what it says it is.

Someone said earlier today, if it is not broken, do not fix it, improve it. Currently, Head Start funds are targeted directly to the specific local initiatives of children who need it. But under H.R. 2210, the responsibility for operating Head Start would shift to the State through a series of block grants. And I can tell you when you go to block grants, the next thing you are going to see is they are going to be cut and they will not go to the children who have the needs. I know. I have been there. I have been involved.

Governors have enough to do rather than trying to put their fingers in this. They can help improve it, but not run it. This change would require the establishment of a new State bureaucracy, placing yet another burden on our already cash-strapped States. Most importantly, there is no guaranty that under these block grants Federal funds would ever find their way to Head Start. Oh, sure, some of them will; but eventually we will see it slip.

Additionally, these block grants eliminate accountability and exempt States from quality standards and oversight. The bill is not a reauthorization. It is a demolition of a program that has worked so well for so many children and so many families.

We have learned that under H.R. 2210 States would be allowed to increase class size and child teacher ratios, reduce the number of hours children have to spend in Head Start, eliminate health services and supplement Federal dollars. That alone is enough to tell us not to do it. We should not allow States to supplant the dollars. Instead of recklessly dismantling Head Start, we should invest in it and improve, as we have already heard.

Today, Mr. Speaker, I will vote for the Miller substitute to this bill which will strengthen school readiness, enhance quality and accountability, expand the initiative to more children and families, all while maintaining local control and high performance standards. That is what we ought to be about in this House, making it better, not dismantling it.

Mr. Speaker, H.R. 2210 flies in the face of reason. It will ruin Head Start and needlessly jeopardize the future of thousands of children. This bill is a part of the disturbing trend in this House of trampling on low-income families and children.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from New York (Mr. HOUGHTON), a very thoughtful member of this conference.

Mr. HOUGHTON. Mr. Speaker, I have been listening to all of the discussion on the other side; and I may be missing something, but I think this bill makes sort of sense.

I believe in Head Start. I work with the people who have taught and been in it. My kids have been a part of the program. It works the way it should in some areas. In other areas it does not. Where it works, the kids compete and succeed and it is fine. Where it does not work, we find those kids as they move into kindergarten no better off than the kids who do not go to Head Start. That is not right. If we have a program we spend money on, it ought to work.

This new program, at least to me, is a win-win situation. If a State wants to take a look at its programs, it can. If it needs help, it can get it. The bill adds over $200 million to that. If on the other hand the State likes what it has, does not want to change, it does not apply for the demo project. It does not have to do it. And if it does, every single one of those demo projects is guaranteed to have the full 5-year funding.

I think the program makes sense, and I hope I am not missing something essential.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, H.R. 2210 will dismantle Head Start, resulting in lowering the quality and effectiveness and quite possibly ending one of the most successful programs our Nation has ever had. Since its inception, Head Start has served over 20 million children. Its focus on the whole child extends through recognizing the importance of the family, not only the institution. Its full-day, full-year programs provide preschool children of low-income working families with a comprehensive program to meet their emotional, social, health, nutritional, and parental support.

The bill really does a lot. It brings in parents that work with the teachers. It brings in parents who have helped design the program. It emboldens the parents then to become interested in also improving their education. It has local vendors being able to provide services to that local Head Start program. It is a program that really has a tremendous amount of impact on a local program. And having this sent to the States, I think, goes in the wrong direction; and I ask the defeat of the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform, the chief sponsor and author of this legislation.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank all the members who took enough interest in Head Start to be here today to speak. Obviously, we do not agree on everything, but they are interested, and that is good.

My view of this legislation is greatly influenced by the history of it. Looking back to 1965, in what was called the Great Society and the creation of this, many people say this is maybe the best program extant from that in terms of it being able to help children. We have heard the millions it has helped over the years. And, frankly, I believe that is accurate. I believe particularly in the areas of just well-being, in nutrition and medicine, it has been a tremendous amount of help.

This program has been continued pretty much as is directly from the Federal Government to the local grantees who run the Head Start programs. It serves today about 900,000 students at about $7,100 a year. Most of the 4-year-olds that are eligible are served. Some 3-year-olds are served. And they go to school for roughly half the year for roughly half a day. I think all of this is in the interest of these children because we are dealing with children who are at 100 percent of poverty, or roughly $20,000 for a family of four. So for that reason, I think we can agree that Head Start does some good things.

On the other hand, to suggest that Head Start is doing what it should do educationally for these young kids who need it as badly as anyone else in our society would be, in my judgment, a very inaccurate statement. Another inaccurate statement I have heard today are words like dismantling Head Start. This is not an accurate statement whatsoever; and also block grant, which is also not an accurate statement.

I have had this argument so much I am almost tired of making it, but perhaps some people have not heard it. Essentially, the bottom line is that we are not block granting anything here. Forty-two States will be treated just as they were before and eight States would go through a demonstration program that would hopefully show us how better to educate these young people as far as Head Start is concerned.

Is it a block grant? Let us take a look at it. First of all, the States would have to maintain or increase their fiscal year 2003 State funding levels. Then they would have to add 5 percent to that in order to be one of the eight States which qualify. They could only use Head Start funds for Head Start-related uses. All comprehensive health and nutritional services currently provided by Head Start would continue to be provided. Parental involvement strategies must be developed. State teacher quality standards would meet or exceed the new requirements for Head Start programs. This is hardly block granting or dismantling. It just simply is not that. This is an opportunity for improvement, as far as young people are concerned.

A speaker from the other side said at one point that for the first it will reduce the number of children to be served. I do not know mathematically how anybody arrived at that. I have seen the authorization figures, and I have seen the appropriation figure for this year. The increases are there for that.

The rule itself is fair. There will be a substitute certainly that is very significant in terms of what we are going to do.

A number of other people have spoken to this legislation, Mr. Speaker; and I thought it would be interesting to go through what some other people are saying, since we are a little bit political on the floor, if you will. Today, in Roll Call, Mr. Morton Kandracke said, "Children who were in the upper 25 percent of their Head Start class when they entered Head Start in 1997 showed no gains on any measure of cognitive ability over the course of the Head Start program year, and actually experienced losses in some measures in comparison to national norms. The report said that more recent 2000 data shows modest improvement in results of children, but overall progress is still too limited. Children continue to lag behind national norms when they exit Head Start. They also lag behind more advantaged children throughout their school years."

And then it says, in conclusion, and this is, I believe, a fair man: "Democrats ought to be urging, not fighting, upgrades in Head Start's academic rigor. Instead, they are denouncing the measure sponsored by Representative MIKE CASTLE to give eight high-performing States leeway to improve the program."

And that is my judgment as well. Because today, and we are in 2003 not 1965, all these States have early education programs, prekindergarten programs and other programs that help with this. Others have looked at this. The Brookings Institute has looked at it; and they have reached the same conclusions, that we should be doing this.

So I think we need to be very cautious about what we are saying about what is in this program. I believe this affords kids an opportunity. Vote for the rule, support the legislation. It will be interesting to continue the debate through the evening.

Mr. HASTINGS of Florida. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I rise to say that H.R. 2210 will dismantle Head Start and rob single moms of the best early childhood education for their children.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 30 seconds to the gentlewoman from the District of Columbia (Ms. NORTON), who should be able to vote on whether or not there are vouchers in her city.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time. I wanted to put on the record what I learned at a Congressional Black Caucus hearing. The rap is put on these children that they are not as far ahead as they should be. I asked why they were not exposed to reading, and the testimony was there had been, until recently, a Federal mandate against exposing these children to the kind of early access to reading that other kids get in nursery schools. The problem is with the Feds and not with the program.

☐ 1730

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Florida is recognized for 1½ minutes.

Mr. HASTINGS of Florida. Mr. Speaker, the gentleman from Delaware knows that I have great respect for him. That will continue regardless of our different views on this subject.

What he did was read from today's Roll Call by that paragon of education, Morton Kondracke, who is probably a friend of his and certainly a friend of mine. But the gentleman left out another thing that Mr. Kondracke said. He said, "Democrats did help Bush pass his No Child Left Behind standards and testing initiative in 2001 and now have every right to blast his and the GOP Congress' failure to fund it."

So, you see, context has a lot to do with things. When the gentleman was before the Committee on Rules, I asked him, in a respectful manner, was there one teacher organization or one parent organization or one student organization that supported the bill that he put forward. He looked to his staff and indicated that there was an education trust group, which the Democrats support as well because it deals with the quality of teachers and teacher pay. There are no teacher organizations, no parent organizations, no student organizations that support this proposition.

The fact of the matter is, one of my distinguished colleagues from Florida came down here and all of these ladies who represent nearly 13 million people, along with the two men that stood with them and asked unanimous consent, he referred to them as a line of mediocrity. If he wants mediocrity, all he has to do is suggest that if this bill rose to the level of mediocrity, it would be fine. Look to Florida for mediocrity when they say they leave no children behind. In Florida we not only leave them behind, we lose them and cannot find them.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

It is time to demand the best for our children. The gentleman from Delaware (Mr. CASTLE) and the gentleman from Ohio (Mr. BOEHNER) are offering us that opportunity this evening. I urge my colleagues to pass this fair rule and agree to the underlying legislation. It is time to improve our children's chances.

Mrs. DAVIS of California. I rise to object to the rule on consideration of H.R. 2210, the Head Start reauthorization. Once again, thoughtful amendments that address core issues were not ruled in order by the committee.

As has been so widely discussed this week, I believe it is important that this legislative body be able to give the proper consideration to this reauthorization—which is so critical to the most vulnerable among us, low income children.

I valued the opportunity to participate in considering this measure at the subcommittee and the committee levels. In that process, I was able to offer significant amendments for consideration and in one case for adoption by the committee. Happily, the reauthorization now before us recognizes the central nature of the social and emotional development of young children as well as their cognitive and physical development.

Nonetheless, other core issues were not adopted during the committee consideration. However, only 10 percent of the members of this body had the opportunity to consider those issues. The public deserves a full consideration by other 90 percent of their representatives.

I would particularly point to these major areas of concern: (1) providing financial support and loan forgiveness for the increased educational levels which will be required of teachers and staff members; (2) requiring performance standards of curriculum, developmentally appropriate accountability processes, personnel education, and professional development opportunities to be at least as high as federally required standards; and (3) assuring that any state-operated programs would be required to provide the comprehensive health and family services that are integral to Head Start.

Mr. Speaker and members, 100 percent of the members of this representative body have the right and obligation to consider how these issues should be resolved in order to enable the most vulnerable children to enter kindergarten closer to the levels of preparation enjoyed by more economically advantaged children.

Mr. PRICE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 34 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1807

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SWEENEY) at 6 o'clock and 7 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 2427, PHARMACEUTICAL MARKET ACCESS ACT OF 2003

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 335 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 335

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2427) to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce or their designees; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 2427 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the resolution before us is a well-reasoned rule providing for consideration of H.R. 2427, the Pharmaceutical Market Access Act of 2003. This rule waives all points of order against consideration of the bill and provides 1 hour of debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce or their designees.

The rule also provides that during consideration of the bill, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

Finally, Mr. Speaker, this rule provides for one motion to recommit.

Mr. Speaker, I rise today to introduce the rule for H.R. 2427, the Pharmaceutical Market Access Act of 2003. The fact that this legislation is on the floor today demonstrates the willingness of the House Republican leadership to deal with contentious issues publicly on this House floor and to allow democracy to work by giving every Member an opportunity to cast their vote on an important issue and issues that are important to them and the American public.

But, while I believe that the underlying legislation that we will bring to the floor later is well-intentioned, it is also deeply flawed and puts the health and well-being of the American public at great risk. Congress needs to find a way to provide affordable prescription drugs to all Americans. This, however, is not the way to do it.

Mr. Speaker, the problems with this legislation can be divided into three main categories. First, safety; second, fairness; and, lastly, legal liability.

On the topic of safety, H.R. 2427 is certain to harm Americans in a number of ways. First is the issue of verifiability. Today, on nearly every single East Asian street corner, an American traveler can pick up for only a few dollars what looks like at first inspection to be a Polo shirt that would retail in American stores for around $50. However, as anyone who has ever bought one of these shirts has learned, perhaps the hard way, after a few washings, these shirts fade, rip and generally fall apart. But I believe the consumer knew what the consumer was buying at the time that they bought it.

H.R. 2427 would open American consumers of prescription medicine up to this same kind of potential scam by allowing them to be ripped off by offering an inferior product that looks like the genuine article, but with life or death consequences not associated with purchasing illegal leisure wear. The difference here is that the consumer does not know what they are purchasing. The other can be verified and they know for sure.

I believe that the health and well-being of American drug consumers is all too important to allow them to be taken advantage of in this fashion by passing a law that would allow clever black market manufacturers with the capability to make superficially similar reproductions of prescription drugs and to pass them off as the real thing to unsuspecting American consumers.

Of course, the difference here is that when you buy that shirt on the street corner, you know that what you are buying is probably a fake and it will fall apart after a few washings, whereas our Nation's seniors and other prescription drug buyers will think that they are getting the real thing, a mistake that could have dangerous or even fatal consequences.

Another safety issue raised by this legislation is that it leaves us utterly defenseless if a health safety crisis caused by substandard or fake imported medicine is discovered. The bill would remove 16 important provisions in the U.S. law which currently protect American consumers from unsafe, counterfeit and substandard imported medicines.

For example, importation would be required under H.R. 2427 even if the Secretary of Health and Human Services believes it would pose "an additional risk to the public health and safety."

To demonstrate the full nature of this threat, an analogy can be drawn with yet another health crisis that happened recently. Earlier this year, when there were concerns about Mad Cow Disease in cattle from Canada that might make it its way into the United States, the Food and Drug Administration took immediate action to close the border to Canadian beef. Likewise, we need the same kind of protection for counterfeit prescription drugs that may be making their way across the border. Unfortunately, this legislation provides no protection.

The removal of these important safety provisions will lead to an influx of counterfeit and dangerous medicines into the United States. I believe that our public health and safety officials should have the right to close our borders to counterfeits and to importers who counterfeit prescription drugs. However, once again, H.R. 2427 would strip the ability of the Department of Health and Human Services to suspend reimportation of specific products or from specific importers, even if the agency discovers a pattern of counterfeits.

Existing law already allows for reimportation of prescription drugs when the health and safety of Americans can be ensured.

□ 1815

This bill would change that and allow importation even when health and safety could not be assured.

This legislation says that safety, in essence, does not matter. But I do say that safety matters, and it should matter whether we are talking about the beef we eat or the prescription drugs that we take.

Finally, this legislation poses a safety risk to consumers because it prevents consumers from being able to guarantee the source or effectiveness of their prescription drugs. In fact, in a letter to the gentleman from Louisiana (Mr. TAUZIN), chairman of the Committee on Energy and Commerce, the Commissioner of the Drug Administration, Dr. Mark McClellan stated that this legislation would "create a wide channel for large volumes of unapproved drugs and other products to enter the United States that are potentially injurious to the 'public health and that pose a threat to the security of our Nation's drug supply."

A real live example of this case is of an Internet-based counterfeit drug provider, TrustedCanadianPharmacy.com, that claims to be the most trusted pharmacy in Canada. The site is actually registered in Barbados which, I believe, is an island off Venezuela, not a Canadian province. The products from this site could be imported into America fraudulently, with consumers believing that they were getting reimported drugs through Canada. That is why the Canadian Government has "never stated that it would be responsible for the safety and quality of prescription drugs exported into the United States, or any country, for that matter."

The second set of problems created by this legislation relates to fairness, both to American consumers and to the developers of the new and innovative drugs of tomorrow. If Congress were to pass this legislation, America would be justified in importing the practices of those countries that coerce drug innovators into providing their lifesaving products at below market rates. These other countries get these anticompetitive prices for medicine by blackmailing drug innovators with the threat of breaking their patent rights and illegally transferring their intellectual property to a domestic manufacturer if they refuse to concede in providing their drugs at an artificial, nonmarket rate.

As it currently stands, American prescription drug consumers already subsidize the anticompetitive practices of countries with socialized medical schemes, and I believe that is unfair. However, the answer to this problem is not to import the price controls and strong-armed tactics of the European Community. It is to address the issues through trade negotiations and the enforcement of legal mechanisms to protect American manufacturers' intellectual property.

By being unfair to the producers of these innovative medicines, H.R. 2427 also has shortcomings that consumers need from these medicines to live healthy, productive, and pain-free lives. Importing the socialist price controls of other nations will create a disincentive for drug companies to reinvest in new drug research and development, and could set back the search for cures for breast cancer, AIDS, and a number of other deadly diseases for decades by starving the private sector of these funds and the incentives that it needs to conduct this ongoing, time-consuming, and often unprofitable research. In fact, in a letter to House Speaker DENNIS HASTERT, the National AIDS Treatment Advocacy Project noted that "It is foolhardy for Congress to double NIH research and then launch hasty reimportation schemes that will undermine the entire drug development process by opening the floodgates to counterfeits which will destroy the value of intellectual property."

Finally, this legislation raises a number of complicated and troubling legal issues. For example, if a consumer who purchases a tampered or counterfeit medicine gets sick or simply does not get better because they are taking a counterfeit placebo, where do they turn for legal relief? Will they sue the drug manufacturer of the real drug who had nothing to do with the counterfeit product consumed? Will they sue the doctor who prescribed the medicine, thinking that their patient will be using the real or true product? Will they sue the pharmacy that reimported it? How about the hospital or medical complex where the doctor has that practice?

There is no telling how great the overall drain on these productive and helpful industries could be as a result of being in court with these tort claims arising from this faulty reimportation scheme, nor is there any indication of how much this inefficiency will increase the health care and insurance costs of every American.

Mr. Speaker, this legislation would create a congressionally mandated litigation disaster that has the potential to destroy the viability of health care and insurance in America.

I would like to close by listing just a few of the organizations who oppose this bill: the American Medical Association, the United States Chamber of Commerce, the Hispanic Business Roundtable, the Leukemia and Lymphoma Society, the Society for Women's Health Research, the Seniors Coalition, 50 Plus, the National Alliance for the Mentally Ill, and the National Prostate Center Coalition. These are simply a few of the 200 organizations that have looked at this underlying legislation and wish to make their words known that they do not support the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Texas for yielding me the 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, after listening to my colleague, I can hardly believe that this is the same bill that passed the House twice. I had no idea that the Canadians were posing such a danger to us. That is really quite frightening. It strikes me, I think probably the danger is that the drug companies think that they may lose some research money; but since a great deal of it comes from the taxpayers of the United States, I do not know why they are so worried.

But anyway, Mr. Speaker, we are here again today with a rule that silences debate and deliberation. Late last night, along party lines, the Committee on Rules passed a closed rule for this bill. The closed rule prohibits anyone from offering amendments, including the gentlewoman from Missouri, who is, in large part, responsible for the consideration of this important legislation. The floor procedure muffles the voices of millions of Americans suffering under the outrageous cost of prescription drugs. And each side, for and against, deserves equal time and equal treatment.

Mr. Speaker, we are fortunate to live in an age when the wonders of science produces medicines that cure illness and improve the quality of life. Yet, the promise of the wonder drug is meaningless if you cannot buy them. The soaring costs of prescription drugs is a cancer on the body politic, threatening public health and our health care system. Prescription drug spending is the fastest growing component of health care spending. This spreading affliction harms everyone: seniors, working families with children, and small businesses that are doing everything they can to provide medical insurance for their employees.

A few years ago as a temporary Band-Aid, I organized a bus load of seniors to travel to Canada to purchase medications at a fraction of the cost charged in American markets. We had far more people interested than we could accommodate on our trip, but those who went saved anywhere from $100 to $650 on 3-month supplies of medication.

Right now, 10 million Americans are looking outside of the United States for affordable medicines. My constituents continue to write to me desperately looking for information on how to buy cheaper prescription drugs from Canada.

The U.S. market constitutes half of the worldwide revenue of pharmaceutical corporations. In 2001, for every dollar earned by the top 10 largest drug makers, 60 cents came from the U.S. market. U.S. consumers are routinely charged 20 to 80 percent more for prescription drugs than consumers in other industrialized nations.

If a woman from Niagara Falls fills a prescription at a pharmacy near her home, she could pay 67 percent more than she would if she crossed the Whirlpool Bridge and filled her prescription in Ontario. Tamoxifen is a highly effective, state-of-the-art medicine used in breast cancer therapy. An average prescription costs $340 in the United States, $340. In Canada, the same prescription is $40. Women in the United States should not have to pay 750 percent more for this lifesaving medicine.

People with diabetes and high cholesterol and arthritis and osteoporosis and other chronic illnesses should not be forced to buy needed prescription drugs at inflated prices just so that the pharmaceutical company executives can enjoy gargantuan profits. H.R. 2427 could reduce an average drug price by 35 percent and reduce drug spending by $635 million over 10 years.

The impact of these drug prices is particularly harsh on older Americans. Seniors disproportionately rely on prescriptions, and many have no drug coverage. It is estimated about one-third of the Medicare beneficiaries have no drug coverage at all, and others have partial coverage. Seniors are forced to pay most or all of their drug costs out-of-pocket.

Due to the ever-increasing costs, many older Americans go without filling prescriptions. Disturbingly, a study found that many seniors with serious health problems reported that they skip doses to make prescriptions last longer. According to a study released just today, African American Medicare beneficiaries age 65 and older are more than twice as likely as white beneficiaries to fail to fill prescriptions merely because of the cost.

The opponents of the legislation have put forth several arguments against drug reimportation. And, after hearing some of these arguments, I feel like I should call my friends and my colleagues across Lake Ontario and warn them about the grave danger posed by the prescriptions in their medicine cabinets.

But the fact is that drugs from Canada are safe. If the U.S. was faced with a medical crisis and a shortage of medicine to deal with it, I assure my colleagues we would not hesitate a second to import the drugs we needed from Canada to save our population.

Opponents claim that drug reimportation will result in a boom of counterfeit drugs. But the vast majority of counterfeit operations have been broken up here in the United States, not Canada, perhaps because the unaffordable cost of drugs in the U.S. creates a market for cheaper and sometimes counterfeit drugs.

Opponents are also saying that lower drug prices will impede research. The U.S. taxpayer already pays for much of the research through the National Institutes of Health, and the pharmaceutical industry remains by far the most profitable sector in the United States' economy. From 1994 to 1998, the after-tax profits averaged 17 percent, compared to 5 percent for all other industries. The high drug prices in the United States enabled pharmaceutical companies to spend more on marketing and administration than on research. And in the year 2000, the pharmaceutical industry spent more than $15 billion on marketing.

A few years, Schering-Plough spent more money marketing Claritin than Coca Cola spent advertising Coke, and more than Anheuser-Busch promoting Budweiser beer. The pharmaceutical companies have the funds necessary to continue research to discover the next breakthrough treatment, but consumers do not have the funds to buy the medicine at the inflated prices.

Some opponents of drug reimportation question the safety and efficacy of medicines brought into the United States. The underlying bill restricts the exporting countries to other industrial nations like Canada, Australia, New Zealand, and the countries of the European Union. And the United States imports guns, it imports explosives, it imports lethal chemicals and uranium and food and medical devices like pacemakers and heart valves. If we can safely and effectively import these, we can safely import prescription drugs.

The technology to ensure the safety and efficacy of imported medicines exists; we just need to use it. Even the Federal Government shops for pharmaceuticals in foreign markets. When the Federal Government needed additional doses of Anthrax vaccine after our domestic supplies had run out, where do you suppose the Pentagon bought the vaccine? From Canada.

Mr. Speaker, H.R. 2427 is an effective remedy for the crippling cost of prescription drugs and is an immediate treatment that benefits seniors, working families, and small businesses. In the end, the only loser is the inflated profits of the cash-rich pharmaceutical industry. We can and we must do better for the American people. We owe it to them to pass this legislation for the third time.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Girardeau, Missouri (Mrs. EMERSON).

☐ 1830

Mrs. EMERSON. Mr. Speaker, I want to take this opportunity to thank my colleagues and thank the Speaker of the House for allowing us to have debate on this very, very critical issue.

Mr. Speaker, Americans will spend $1.8 trillion on prescription drugs over the next 10 years according to the CBO, and over the same period a policy of pharmaceutical market access will save them $630 billion. Americans pay higher prices for prescription drugs than any other nation in the world. Our tax dollars heavily subsidize research and development. But prices for the same pills right across the border, Mr. Speaker, are a fraction of those here at home. Pharmaceutical market access means a great deal on the bottom line of the drug companies. But it means much more to the bottom line of America's senior citizens.

Because of the enormous costs of prescription drugs, some of America's senior citizens are forced to cut their pills in half, some must alternate months of taking their medication, and even more must choose between food and medicine, people like my mother-in-law who live on fixed incomes, but she is lucky because she has me and our family to help her. But what about the others, Mr. Speaker, what about the seniors living in my district in Missouri, the ninth poorest district in the United States of America, who do they have to help them?

The answer, well, the answer is right here in this room. They are counting on us today, my colleagues. We can end the bus trips to Canada. We can stop the pill cutting. We can alleviate the budget-busting burdens on American seniors. We can do it, and we can do it safely. The only question is, will we?

I was raised, Mr. Speaker, to put people before politics. As a Member of this House, I have a mandate from my constituents. I was not sent here by drug companies, and I will not stand by and see American seniors take a back seat to the pharmaceutical industry.

In this place, Mr. Speaker, our credibility is our currency, and our credibility is on the line tonight.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, first it is important to acknowledge what everybody knows. We are not here on the House floor today because the Republican leadership has seen the light on the high cost of prescription drugs, and we are not here discussing drug reimportation because the Republican leadership suddenly thinks it is a good idea. We are here because during the vote on Medicare a few Members of the majority stood up and stood their ground and demanded a vote on it.

Now, it has been widely reported, Mr. Speaker, that during the discussions that led to today's debate, the Republican leadership promised that they would not lobby against the reimportation bill. That lasted about 5 minutes. They have even bragged about their reference in the press. As the majority leader said the other day, "We are trying as hard as we can to defeat it."

Now, apparently, the Republican leadership, and the majority leader in particular, has gotten bored with breaking the promises they made to seniors and to students and to middle-income workers and to Democrats and Independents, and now they are breaking their promises to their own Members. I hope that they fail in their attempts to defeat this bill, because our seniors, gouged by the high cost of prescription drugs, are looking for affordable alternatives. They are our mothers and our fathers and our grandmothers and our grandfathers and our neighbors. Too many of them living on a fixed income simply cannot afford to pay thousands of dollars for their medicines. Something must be done. And while I believe the only long-term answer is a true prescription drug benefit under Medicare, a benefit that allows the Secretary of HHS to negotiate for lower prices for prescription drugs, the Gutknecht bill is a good step.

There has been a lot of rhetoric about safety. Let us set the record straight. First, prescription drugs will not be reimported from Mexico or other developing countries. Instead, under the Gutknecht bill, Americans can buy FDA-approved drugs produced at FDA-approved facilities in other industrialized nations.

Second, the same technology used by the U.S. Treasury Department to prevent illegal counterfeiting of American currency is being used by the drug industry in Europe to prevent illegal counterfeiting of prescription drugs. It is clear to me that the real motivation behind the massive lobbying campaign we have seen is not safety. The motivation is money. The pharmaceutical companies do not want anything to affect their profits.

What they do not tell you is that the prices set by these companies are artificially high, 30 to 300 percent more than in other countries with the same medicine.

Now, I am not against businesses succeeding, and I am not against companies doing well; but those profits should not be made unfairly, on the backs of our most vulnerable senior citizens.

Thousands of my constituents, desperate for affordable medicine, are way ahead of our Congress on this issue. Several times a year they travel by bus to Canada to get the drugs they need at low costs they can afford.

Mr. Speaker, I am disappointed that this rule only allows for 1 hour of debate. But then again, this is an important issue. And this body, thanks to the Republican majority and the Committee on Rules, has become a place where we debate trivial issues passionately and important issues hardly at all.

I urge my colleagues to vote for the Gutknecht bill.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Surf Side, Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the rule, but I also strongly support the bill itself, H.R. 2427. And I would like to advise other Members here that I approach all legislation the same way. I look at it through two prisms. One, I look to see if it promotes freedom, and the other I look to see if it conforms to the Constitution.

Every piece of legislation, I look at in this manner. Now, the sad part is I do not get to vote for many bills. They come up short on quite a few occasions. So I want to thank the gentleman from Minnesota (Mr. GUTKNECHT) and the gentlewoman from Missouri (Mrs. EMERSON) for giving us a bill tonight that I can vote for enthusiastically. I finally found one, and I thank them very much.

But in looking at the particular bill, one of the specific reasons why I oppose it, is I came to Congress opposing all welfare. Some people oppose welfare for the poor, but they support welfare for the rich. Others support welfare for the rich, but not for the poor; and some people support both kinds of welfare. I do not support any kind of welfare. This bill is needed to stop the indirect welfare through regulation for the rich and the pharmaceutical corporations. This is corporate welfare. That is one of the strong reasons why I am opposed to that.

I also believe in freedom of choice. People have the right to make their own choices. We do not need to promote the nanny state. People are wise enough and cautious enough to make their own choices. Today we had two votes on free trade legislation. They were promoting international trade agreements, but done in the name of free trade. Why do we have free trade legislation, so-called? To lower tariffs, to lower prices to the consumer. But those very same people who worked so hard on free trade legislation are saying now we cannot allow the American people the option of buying drugs from other countries and saving money.

I urge all my colleagues to support H.R. 2427.

Mr. Speaker, I am pleased to be an original cosponsor of H.R. 2427, the Pharmaceutical Market Access Act, because I believe it is an important bill that will benefit all Americans. As my colleagues are aware, many Americans are concerned about the high cost of prescription drugs. These high prices particularly affect senior citizens who have a greater than average need for prescription drugs and a lower than average income. Of course, some of these seniors may soon have at least part of their prescription drug costs covered by Medicare.

However, the fact that Medicare, that is already on shaky financial ground, will soon be subsidizing prescription drug costs makes it more important than ever that Congress address the issue of prescription drug costs. Of course, Congress's actions should respect our constitutional limits and not further expand the role of government in the health care market.

Fortunately, there are a number of market-oriented policies Congress can adopt to lower the prices of prescription drugs. This is because the main reason prescription drug prices are high is government policies, that give a few powerful companies monopoly power. For example, policies restricting the importation of quality pharmaceuticals enable pharmaceutical companies to charge above-market prices for their products. Therefore, all members of Congress who are serious about lowering prescription drug prices should support H.R. 2427.

Opponents of this bill have waged a hysterical campaign to convince members that this amendment will result in consumers purchasing unsafe products. Acceptance of this argument not only requires ignoring H.R. 2427's numerous provisions ensuring the safety of imported drugs, it also requires assuming that consumers will buy cheap pharmaceuticals without taking any efforts to ensure that they are buying quality products. The experience of my constituents who are currently traveling to foreign countries to purchase prescription drugs shows that consumers are quite capable of purchasing safe products without interference from Big "Mother."

Furthermore, if the supporters of the status quo were truly concerned about promoting health, instead of protecting the special privileges of powerful companies, they would be more concerned with reforming the current policies that endanger health by artificially raising the cost of prescription drugs. Oftentimes, lower income Americans will take less of a prescription medicine than necessary to save money. Some even forgo other necessities, including food, in order to afford their medications. By reducing the prices of pharmaceuticals, H.R. 2427 will help ensure that no child has to take less than the recommended dosage of a prescription medicine and that no American has to choose between medication and food.

Other opponents of this bill have charged that creating a free market in pharmaceuticals will impose Canadian style price controls on prescription drugs. This is nonsense. Nothing in H.R. 2427 gives the government any additional power to determine pharmaceutical prices. H.R. 2427 simply lowers trade barriers, thus taking a step toward ensuring that Americans pay a true market price for prescription drugs. This market price will likely be lower than the current price because current government policies raise the price of prescription drugs above what it would be in the market.

Today, Americans enjoy access to many imported goods which are subject to price controls, and even receive government subsidies, in their countries of origin. Interestingly, some people support liberalized trade with Communist China, which is hardly a free economy, while opposing H.R. 2427! American policy has always been based on the principle that our economy is strengthened by free trade even when our trading partners engage in such market distorting policies as price controls and industrial subsidies. There is no good reason why pharmaceuticals should be an exception to the rule.

Finally, Mr. Speaker, I wish to express my disappointment with the numerous D.C.-based "free-market" organizations that are opposing this bill. Anyone following this debate could be excused for thinking they have entered into a Twilight Zone episode where "libertarian" policy wonks argue that the Federal Government must protect citizens from purchasing the pharmaceuticals of their choice, endorse protectionism, and argue that the Federal Government has a moral duty to fashion policies designed to protect the pharmaceutical companies' profit margins. I do not wish to speculate on the motivation behind this deviation from free-market principles among groups that normally uphold the principles of liberty. However, I do hope the vehemence with which these organizations are attacking this bill is motivated by sincere, if misguided, principle, and not by the large donations these organizations have received from the pharmaceutical industry. If the latter is the case, then these groups have discredited themselves by suggesting that their free-market principles can be compromised when it serves the interests of their corporate donors.

In conclusion, Mr. Speaker, I once again urge my colleagues to show that they are serious about lowering the prices of prescription drugs and that they trust the people to do what is in their best interests by supporting H.R. 2427, the Pharmaceutical Market Access Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DeFAZIO).

Mr. DeFAZIO. Mr. Speaker, if you are defending the indefensible, that U.S.-manufactured, FDA-approved drugs are available at half the price or less in Canada, well, then change the subject. Say it is about safety. PhRMA has spent tens of millions of dollars advertising how it is about safety.

Which capsule has been tampered with? Well, actually the answer in Canada is neither. Not a single one has been found in the last decade in Canada of a USA-manufactured, FDA-approved drug that has been tampered with. However, what is really at risk here and the real danger is the danger to their profits.

Look at the difference in price. Which one of these capsules is the one that is 50 percent cheaper? Guess what? They are identical, but this capsule took a short vacation to Canada and the price dropped in half.

That is what we are defending against here on the floor. This is not about safety. You want to talk about safety for my seniors. I am a gerontologist, and I have sat with seniors who cried because they could not afford the prescription drugs they needed, couples who decided which one would get the prescription month in month out. Go talk to your pharmacist. Go talk to your seniors. Ask them how they divide the drugs and the dosages in half, not to save money but because they cannot afford to take a full dosage. That is what is killing seniors. It is killing them today.

Now you want to create this mythical threat of adulteration. So the manufacturers, the drug manufacturers, the most wealthy, profitable industry on Earth cannot afford to invest in tamper-proof packaging?

I guess it is beyond their capabilities. Come on. Let us get real. Let us talk about what it is really about. It is about profit. The profit center for the drug industry is in the United States because other countries have negotiated the price down on behalf of their citizens, and we were getting gouged to pay for it.

The research is not going to go away. That is the last thing that is going to go away. They only make money on the patented drugs. They will maybe cut the CEOs' salaries and maybe the $6 billion a year in direct advertising before they cut the research. We will still get the research. We will get the new drugs, and we will have healthier seniors if we pass this legislation.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY), one of the brightest young Members of Congress that we have.

Mr. TOOMEY. Mr. Speaker, I thank the gentleman for yielding me time.

Let me start by saying, I do not mind when pharmaceutical companies make profits. In fact, I want them to make profits because it is evidence that they are providing a product that people value and people need. I am also one of the most vehemently opposed, among all Members of Congress, there is nobody more vehemently opposed to price controls than me. And I have nothing but criticism for countries overseas that fix their prices and intentionally set artificially low prices on drugs or anything else for that matter.

The main reason that I support this rule and I support this bill is because this is the only way I can think of that we can begin the process of tearing down the artificial prices around the rest of the world that are forcing Americans to subsidize drug consumption all over the world. This is what we need to do in order to get to more normal market prices everywhere in the world.

If we pass this legislation and American consumers start to go to other countries and buy drugs at those artificially low levels, pharmaceutical companies will have no choice but to confront those countries and threaten to either withdraw from those countries entirely or have those governments raise their prices to normal market levels. That is what they will do.

Now, if a foreign country refuses the deal and says, go ahead and leave and we will make a knock-off product ourselves, then we have to use every vehicle available to us to enforce the intellectual property rights that are inherent in our patents laws and prevent them from going in every multilateral and bilateral forum that we have. That is an obligation that we have.

Now, I wish I could wave a wand and make these price controls go away so that everyone in the world is paying their fair share of the cost of prescription drugs, but I cannot do that. And as the world-famous and brilliant economist Art Laffer said, and he supports this bill, by the way, he made the point that trade barriers have never made a problem better.

Well, that is the case here today as well. The status quo is unacceptable. We need to take whatever measures we can to start to dismantle this very artificial construction of prices that are extremely unfair and unequal all around the world. I think this bill is the best chance to do that. I urge my colleagues to support the rule and support the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

Mr. Speaker, in 11 years here I have never seen anything like this. The drug industry and its allies have spent the past few weeks unloading a lobbying blitzkrieg on Members of Congress. They have run disingenuous ads likening America's closest allies to rogue states. They have targeted individual House Members, accusing them of putting their constituents' lives at risk. They have manufactured claims that importation would encourage abortion.

These are the actions of a lobby that knows it loses on the merits and desperately wants to change the subject.

Nothing new here.

For years the drug industry has been spending a lot of time and a lot of money trying to change the subject. During the past decade, the drug industry spent a half billion dollars to tell public officials and the American people what they should believe and how they should think. They have spent $100 million to assist President Bush and the Republican leaders in this House.

These are the actions of a lobby that wants desperately to talk about anything but its unsupportable and unjustifiable prices.

If this were a sincere, serious debate about the public's interest in securing safe, affordable medicine, opponents of this bill would not just be complaining about safety, they would be suggesting ways to help importation address their concerns. In an honest debate, Mr. Speaker, opponents would not just be lambasting importation; they would be suggesting alternative strategies for bringing prices down. They have done none of that with their heavy-handed lobbying.

□ 1845

It is not about protecting consumers. It is about protecting the drug industry. It is just the latest tool in a drug industry lobbying effort that knows no bounds.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, many people will talk about the substance of the bill. I want to talk about what is really at stake here tonight and what is really at stake is the integrity of the legislative process.

The gentleman from Ohio just talked about the spending program that has gone on here by the pharmaceutical industry. We are all knee-deep in Washington, D.C., with money being spent on this issue. Extraordinary numbers of groups have been brought to bear on this issue, massive spending, nothing like it that I have ever seen since I have been here.

When I went to my town hall meetings, I saw my name, my picture, informing me by the Senior Coalition exactly why counterfeit drugs were so potentially lethal and such a big loss to the protection of consumers. It was funded by the Senior Coalition. Ask AARP how much money from the pharmaceutical industry comes to the Senior Coalition.

What is at stake here, I would say, is whether or not this is the people's House, whether or not we have integrity in this House to do what is right for our constituents.

Four of my colleagues actually have a Dear Colleague out which says, "The Canadian-European socialistic price controls already dictate drug prices in the United States because drug-makers and policy-makers are willing to pander to price control systems overseas. We enable protectionism and fixed high prices at home," and that is exactly right. What we have is massive cost-shifting on drug costs in this world, and it is all coming on the back of the American consumer. Every developed country on Earth has price controls. We do not.

Of course, research and development is important, but it is being paid for primarily by American consumers, and its costs ought to be spread across the world to at least a reasonable degree.

I think it will be interesting to compare what the pharmaceutical industry spends on advertising and what it spends on inducing health professionals to prescribe their particular drugs. Compare that with what they are spending on R&D, it would be very interesting for constituents to see that.

My constituents understand what is happening there. I think we need to protect the integrity of the House. Vote for the Gutknecht bill. It is the best thing we have, and we ought to proceed with it.

Mr. Speaker, as an original cosponsor, this Member wishes to add his strong support for the Pharmaceutical Market Access Act of 2003 (H.R. 2427). This legislation would provide American consumers with access to markets where they can obtain more affordable prescription drugs.

This Member would like to commend the distinguished gentleman from Minnesota (Mr. GUTKNECHT) for sponsoring H.R. 2427 and for his personal interest in providing Americans with access to world class drugs at world market prices. This Member would also like to commend the gentlewoman from Missouri (Mrs. EMERSON) for her persistence on this issue and her work to ensure that this measure was debated on the House Floor.

Mr. Speaker, this Member recognizes that American consumers pay the highest prices in the world for prescription drugs. Canadian and European senior citizens frequently pay half or less of the amount U.S. seniors pay for the same drugs. The same drugs are often even less expensive in Mexico. This anomaly has led some Americans to travel outside of the U.S., particularly to Canada, to purchase prescription drugs.

This Member has concluded that drug companies charge Americans what they believe the market will bear and that high pricing probably is abetted by the fact that effectively under current law, only the drug companies themselves can import or reimport prescription drugs into the U.S. In fact, all or nearly all developed countries have imposed price controls on drugs. Thus, there is huge international cost-shifting; pharmaceutical companies are charging what the market will bear in America. American consumers are being forced to subsidize the dramatically lower prices paid by consumers elsewhere.

Mr. Speaker, the Pharmaceutical Market Access Act provides a solution to this problem. This legislation would provide individuals, pharmacists, and wholesalers in America with access to FDA-approved drugs from FDA-approved facilities in industrialized nations abroad. Those countries are limited to: the European Union, Australia, Canada, Iceland, Israel, Japan, Lichtenstein, New Zealand, Norway, Switzerland, and South Africa.

The pharmaceutical industry has spent millions of dollars trying to defeat the concept of market access. The industry claims that H.R. 2427 would undermine the safety of the U.S. drug supply and place American consumers at risk. This is simply hogwash! There have been no reported deaths from Americans taking imported pharmaceuticals.

Mr. Speaker, if prescription drugs are not affordable, they are not accessible. American consumers cannot afford to continue to pay excessive prices for prescription drugs so that Canadians, Europeans, and individuals of other countries can pay significantly lower prices for their pharmaceuticals. American citizens should not continue to be held captive from the global marketplace.

In closing, this member urges his colleagues to support H.R. 2427.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, as the first Member of the Congress to take constituents across the Canadian border in order to purchase safe and affordable medicine, I have been involved in the issue of reimportation for many years; and the reason for that is, I will never forget the look on the faces of Vermont women who went with me across the border, who were struggling with breast cancer, and they were able to purchase in Canada Tamoxifen, the widely prescribed breast cancer drug, for one-tenth the price that they were paying in the United States, women fighting for their lives, same product, same company, one-tenth the price.

Mr. Speaker, let us be clear about what this debate is all about. Those of us who are sick and tired of seeing Americans being forced to pay by far the highest prices in the world for prescription drugs are taking on the most powerful lobby in the country. In the last several years, they have spent hundreds of millions of dollars to keep their profits the highest of any industry and to make Americans pay the highest prices in the world. If people are on Capitol Hill today, they will see a swarm of hundreds of paid lobbyists trying to defeat this legislation.

Mr. Speaker, let us be clear that the pharmaceutical industry lies and lies and lies again. Whether it is telling Americans that this issue has something to do with abortion, it is a lie. Whether it is telling advocates for low-income people that a two-tier prescription drug system will be set up, it is a lie, and the safety issue is a lie. They are going to bring out their charts of rat-infested laboratories where medicine is made. It is a lie.

Today, Mr. Speaker, we eat food, pork bellies and beef that come from Canada, vegetables that come from Latin America, food products that come from China. We can safely import FDA-safety-approved products, and that is what we have got to do.

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, there is not one Member of Congress who would ever jeopardize the safety of their constituents. We all agree, no matter what the costs of prescription drugs are, safety is the first, most important thing, but the wildly exaggerated claims that this bill would jeopardize safety is typical of the type of rhetoric we have heard from pharmaceutical companies.

The truth is, the Americans know the truth. Over one million Americans get their drugs right now from Canada and places around the world. They reimport. We see articles like the one on the front page of my paper that talks about how to get drugs from the Internet or from overseas, and the truth is, we know that our friends, our families, none of them have been harmed by this.

Why is that? Because developed countries around the world share all the same production facilities, all the same license distribution facilities, all the same licensed pharmacies so that our drugs are as safe as any in the other developed countries.

This may be the wrong rule. It is the toughest bill. It is the latest hour, but I have faith that Congress will do the right thing and pass this rule and this bill tonight.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. OSE). The gentlewoman from New York (Ms. SLAUGHTER) has 13 minutes remaining. The gentleman from Texas (Mr. SESSIONS) has 7½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I am from New Jersey, and a lot of the pharmaceutical companies are based in my District. But I have to tell my colleagues, when I talk to my constituents, when I have my town meetings, do my colleagues know what they say to me? They say, Congressman PALLONE, we know the drug companies are never going to let the Republicans pass a decent prescription drug benefit. The only hope for us is if you pass this drug reimportation bill because that is the only way we are going to get low-priced drugs now at this time.

They do not believe any of the stories about the problems with safety. Many of them are already getting their drugs from Canada, and they know exactly what the previous speaker said on the Republican side, which is these are FDA-approved facilities, these are FDA-approved drugs. We are already importing them in some fashion to the tune of about $[illegible]5 million a year from overseas. So there is no reason in the world why we cannot pass this bill.

Do not believe anybody when they talk about the safety. That is something that the pharmaceutical industry is telling my colleagues and sending over the airwaves in the same way that they are opposed to a decent prescription drug benefit. And they are opposed to any mechanism that would bring down the price. It is just a price. It is nothing more. Pass this bill and give the people a chance.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), who is the author of this legislation.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me the time, and I rise in reluctant support of this bill.

This is the people's House. This is an historic night. Tonight we will decide whether we represent the people or whether we represent the big pharmaceutical companies. This is an important vote, and I am proud of the discussion we have heard here tonight. It is Republicans, it is Democrats, it is Independents.

This is not an issue of right versus left. This is an issue of right versus wrong, and we have an opportunity tonight to right that wrong, and the wrong is all around us and we see it.

Look at the numbers. I am just a guy with a chart. I do not have a big PAC. I do not have 600 lobbyists, but I have got charts and I have got facts, and John Adams said it best, Facts are stubborn things, and look at the facts.

Look what Americans pay for these drugs. Look what my father has to pay for coumadin in the United States, almost $90. The same drug can be bought in Germany for $21. Look at glucophage, $5 in Germany, $29.95 here in the United States.

The worst one is this one, Tamoxifen. This is a lifesaver for women with breast cancer. It sells in the United States for $360. This same drug made in the same plant under the same FDA approval sells in Germany for $60. That is unacceptable, and those who defend the system by saying safety, let them explain how it is that this industrialized Nation can import hundreds of thousands of tons of food every week. We import 40 percent of our orange juice. We will import 318,000 tons of plantains, but somehow we cannot import prescription drugs.

My bill makes it even safer because we require tamper-proof, counterfeit-proof packaging. Frankly, we should not even have to require that. If I ran a pharmaceutical company, we would put that out there right now. Do my colleagues know how much this package will cost in an additional cost to pharmaceuticals? Less than a nickel to make certain that our drug system is even safer.

I support this rule. I support this debate. We ought to pass this bill tonight by an overwhelming majority.

I thank my colleagues and may God bless America.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman for yielding me the time.

I congratulate the gentleman from Minnesota (Mr. GUTKNECHT) and the gentlewoman from Missouri (Mrs. EMERSON) and so many on the Democratic side who have worked so hard on this issue.

Seniors in Maine have come to rely on Canada to get their low-cost medicines, and this reimportation bill will make it easier for Americans to take advantage of lower prices that other Nations negotiate on behalf of their citizens.

We really should, of course, fix the problem here with a true Medicare prescription drug benefit and giving the Secretary of Health and Human Services the power to negotiate lower prices. I would remind my colleagues that the Medicare prescription drug bills that we have passed in both the House and the Senate actually prohibit the Secretary from negotiating lower prices.

The cold, hard truth is that PhRMA, the pharmaceutical industry, has had a stranglehold on this Congress, 675 registered lobbyists in this town, $150 million for a lobbying budget this year. This is a concentration of economic and political power that undermines our democratic traditions. Until we break that power, seniors will continue to pay the highest prices in the world.

We have an historic opportunity today to give seniors a chance to escape from the anxiety and the frustration that they face every day due to the high cost of their prescription drugs. We can give them hope and we can make this once again not PhRMA's House, but the people's House.

Support this rule, support this legislation.

Mr. SESSIONS. Mr. Speaker, I would like to let the minority know that I have two additional speakers, but I would like for them to feel free to run down their time and then just before the gentlewoman from New York closes, we will have one speaker for 1 minute and then we will close; and if we could proceed under that agreement.

Ms. SLAUGHTER. That is fine, Mr. Speaker. We would be happy to do that.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, seniors in America are crying out for help. Heart patients in need of blood thinner, coumadin, are having to pay $64 in America but only $24 if they can get it from Canada. Diabetics have to pay $124 in America but only pay $26 if they could get it from Canada. We ought to give them some help and cut out the lip service.

The arguments we hear from opponents is always safety-safety-safety. That is absolutely false. It is the worst kind of scare tactic. There is overwhelming consensus reflected in editorials in the Washington Post, the New York Times, there are no safety concerns.

My colleagues have stood before us and talked about antitampering, anticounterfeiting technology. We have the methodology to prevent the safety concerns, the safety problems that are being discussed.

What we need this evening is the will to do the right thing to really help seniors. We hear a lot about what we want to do, what we ought to do, what we could do. It is time to quit talking. It is time to do. We need to pass this bill.

Let me say this in conclusion: Whenever we see Democrats and Republicans walking down the aisle hand and in hand, it is something called bipartisanship. It also means we have got a good bill.

Let us pass the Gutknecht bill.

□ 1900

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, we have before us a bad rule on a bad bill. This is a bill which is going to come up simply because somebody wanted a vote, and it is also a bill which is going to put our senior citizens and everybody else at risk.

Some of my colleagues think that prices are going to be lower. They are not. What in fact is going to happen is that the country is going to be flooded with unsafe pharmaceuticals, counterfeits, over-aged pharmaceuticals, pharmaceuticals that do not preserve and protect the safety of our senior citizens. That is what the House is doing. There were no hearings, there was no opportunity for the committee to consider this legislation; and as a result, we are at risk of passing legislation that is liable to hurt our senior citizens and other Americans.

Let me tell my colleagues what the AMA says. These are doctors: "We believe that H.R. 2427 would be so dangerous to patients' safety that we must oppose it. This legislation would eliminate most of the important safety restrictions on reimportation to pharmaceuticals in current law and replace them with a system of unverifiable and unsafe provisions."

The American Osteopathic Association says, "H.R. 2427, while increasing the possible number of drugs reimported into the United States, does nothing to ensure the safety and efficiency of these drugs. There is no bargain to be found for our patients who purchase drugs that are ineffective or contaminated."

The Food and Drug Administration says this: "H.R. 2427 would authorize the importation of prescription drugs from foreign sources without adequate assurance that such products are safe and effective. H.R. 2427 creates a wide channel of large volumes of unapproved drugs and other products to enter the United States that are potentially injurious to the public health and pose a threat to the security of our Nation's drug supply."

That is what my colleagues are doing here today. They are not making cheaper drugs available; they are putting our citizens at risk.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in strong opposition to this restrictive rule and to the bill.

I can respect and agree with the intentions of the bill's sponsors in wanting our seniors to have access to more life-saving, life-enhancing prescription drugs; but this bill could actually endanger the health and safety of millions of seniors. And I think the worst tactic, and I have heard what some of the worst tactics supposedly are, is to suggest that there are no safety issues here whatsoever. Under this legislation, the Food and Drug Administration would no longer be able to adequately ensure the safety of our Nation's drug supply because of the dramatic influx of foreign pharmaceuticals flooding our market from countries with drug regulatory policies inferior to ours.

This bill would authorize the importation of prescription drugs not from Canada but 25 different countries, including some which have rampant drug counterfeit problems and substandard drug safety enforcement measures. By creating an expansive inlet for counterfeit drugs and other second-rate pharmaceuticals to enter our borders, this bill poses a clear and considerable threat to the security and safety of our Nation's drug supply.

Now, the reason we will have so many Republicans come down here and argue in favor of this bill is because they want seniors to be diverted from the real issue. Instead of debating this bill, we should be considering the real issue of providing a guaranteed universal Medicare drug benefit for our seniors so that they have access to affordable and safe medicine.

Mr. Speaker, bring a real Medicare drug benefit to this floor where prices will be forced down because of the purchasing power of 40 million seniors so that they will not have to worry about the affordability or the safety of their medications. That is why this bill should be opposed. That is why we should get to a real prescription drug benefit under Medicare, universally guaranteed. And that is why many, including the Secretary of Health and Human Services, say that this bill should be defeated.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this is about safety, who will safely protect the profits of the drug companies. The pharmaceutical industry wants to maintain the world's highest prices in America by telling consumers imported pharmaceuticals are unsafe, even though the drug companies import drugs as a normal business practice. They sold $15 billion in imported drugs in 2001. They save money buying from overseas. They do not want the captive customers in America to save money.

The Gutknecht bill is the pill which will cure the drug companies of their greed. It will also signal a moment in this House when the power of government of the people, by the people, and for the people rises to its glory.

Ms. SLAUGHTER. Mr. Speaker, may I inquire of the time, please.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from New York has 5 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. People from around the world, Mr. Speaker, come to America for first-class medical care, but Americans need to travel around the world for affordable medications. Between 2000 and 2003, seniors' expenditures on prescription drugs increased by 44 percent.

The legislation we are debating today is about inserting competition into drug pricing to ensure that Americans no longer have to pay a 25 to 40 percent premium over the prices paid in other countries. For too long, price gouging of our seniors has gone on, subsidizing the discounts the French, Germans, and Italians enjoy.

We are about to embark on the largest expansion of an entitlement in over 40 years, spending $400 billion of taxpayer money. We owe it to our taxpayers to ensure that they are getting the best price, not the most expensive price.

And to the issue of safety, I would like to address two points. One, I spoke to Donna Shalala, the former Secretary of HHS, on Friday. She never said that you could not do this. She said you could ensure the safety if you put the resources behind the FDA. And a lot of folks wants to build a mythology around what she said.

Second, in 2001, we imported $14.8 billion of medications. Lipitor is manufactured in Ireland, and it is on the shelves here in the United States. So to those who spout this myth about safety, we better take Lipitor off the shelves.

Let me also say one thing. When people say something is not about money, well, it is about money. I understand how this system works. There is a pharmaceutical lobbyist and a half for every Member of Congress. They have spent $100 million in contributions, entertainment, and lobbying expenses all focused on this body. Meanwhile, our seniors are being overcharged by approximately $100 billion.

The question before us tonight is, are we going to put more priority on the

$100 million focused on us or the $100 billion our constituents are overcharged?

Now, I know we all came here for a set of values and a set of ideas. We ran on those values and those ideas. Whether we believe in competition, protecting taxpayers, or affordable prices for our seniors, let us ensure tonight that the people we represent have a voice, not the special interests.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, this issue of safety is nothing more than a red herring, and to the American people it is another example of big corporate interest and big government joining together against the interest of the American people.

Tonight we are going to learn who here in this body represents PhRMA and who here represent the interests of the American people. We will find out who here refuse to be swayed by the prescription drug companies who have tried everything, from 650 lobbyists to millions of dollars in campaign contributions, to false and misleading advertisements, to company letters threatening they will do no more research, and to threats to their employees that they have to write us letters because they are afraid they will lose their jobs.

Greed, fear, lies, and ignorance are their weapons and their tools. But tonight we are going to find out that those supporting this bill can defeat it with the truth, with the facts, with common sense, and with an abiding commitment to serving those people who sent them here to represent them and an abiding commitment to fulfill their responsibilities to this institution.

This is about hope. This is about renewal. This is about hope that the American people can finally overcome a large corporate interest and an overwhelming government that too often does not listen to them. And this is about the renewal of this institution, of people standing up for the integrity of this institution and for the American voice.

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentleman from Morristown, New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise to associate myself with the remarks of the dean of the House, the gentleman from Michigan (Mr. DINGELL), and rise in strong opposition to the Gutknecht bill, which would basically legalize the dangerous practice of reimportation of undocumented medicines from foreign countries into the United States. The American people, especially senior citizens, need to know that this provision could threaten their health and safety.

Earlier this month, the Committee on Energy and Commerce released a bipartisan report on the safety and efficacy of drugs imported into the United States. This report should be a must-read for all Members of this House as it raises serious questions about reimportation, and describes "a system overwhelmed with an avalanche of imported counterfeit unapproved drugs into the United States." Yet tonight, the House is giving serious consideration to a bill that would allow American pharmacists and wholesalers to import prescription drugs from Canada and other foreign countries and resell them for a lower price here in the United States with absolutely no regulation.

There is no doubt that Congress must and will act to help older Americans cover the cost of expensive prescription medicines, but this amendment is not the right prescription.

Mr. SESSIONS. Mr. Speaker, I would like to inquire and confirm that I have 4½ minutes remaining.

The SPEAKER pro tempore. That is correct.

Mr. SESSIONS. Mr. Speaker, I have one other speaker for about 4 minutes, and then I will consume the last 30 seconds. So I will let the gentlewoman decide if she would like to finish and then we will close.

MOTION TO ADJOURN.

Ms. SLAUGHTER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 41, nays 370, answered "present" 1, not voting 22, as follows:

[Roll No. 438]

YEAS—41

Berry
Brown, Corrine
Capuano
Carson (IN)
Clay
Clyburn
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Emanuel
Evans
Farr
Filner
Grijalva
Hastings (FL)
Jones (OH)
Kanjorski
Larson (CT)
McGovern
McIntyre
McNulty
Miller (NC)
Miller, George
Murtha
Olver
Pallone
Pelosi
Radanovich
Rangel
Sanchez, Loretta
Sandlin
Schakowsky
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Velazquez
Waters
Woolsey

NAYS—370

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri

Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Reyes

NOT VOTING—22

Baird
Bishop (UT)
Burr
Cannon
Conyers
Eshoo
Fossella
Gephardt
Hinojosa
Houghton
John
Johnson, E. B.
Kingston
Lowey
Nussle
Pastor
Pomeroy
Price (NC)
Ryun (KS)
Souder
Sullivan
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1931

Ms. LOFGREN, Mr. MEEHAN, and Mr. MORAN of Kansas changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2427, PHARMACEUTICAL MARKET ACCESS ACT OF 2003

The SPEAKER pro tempore (Mr. LaHood). The time remaining on the rule, the gentleman from Texas (Mr. Sessions) has 4½ minutes remaining, and the gentlewoman from New York (Ms. Slaughter) has 1½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, before I start I would like to clarify with the gentleman from Texas (Mr. Sessions), we had a conversation, and he has one more speaker for the remainder of the time; is that correct?

Mr. SESSIONS. Mr. Speaker, to answer the gentlewoman, I have 4½ minutes remaining. I will use 4 minutes for a speaker to close, and then I will end the debate.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 20 seconds.

Mr. Speaker, I simply wanted to remind the House that this is probably one of the most important votes that they are going to take because their constituents are waiting to see where we fall. Are we with the pharmaceutical companies, or are we with them? The safety issue absolutely will hold no water anywhere, and they know it. And I think that there will be a lot to answer to if we do not support this tonight.

Mr. Speaker, I yield the remainder of my time to the gentleman from Indiana (Mr. Burton).

Mr. BURTON of Indiana. Mr. Speaker, I have been here for 21 years in this body. I know I look a lot younger, but I have been here 21 years. And I have never seen the kind of pressure exerted on Members of this body like I have seen on this bill.

They say it is about safety. It is not about safety; it is about money. They say it is about health, the health of the seniors who might be taken in by counterfeit drugs. It is not about that. It is about money, the money that the pharmaceutical companies are making on the backs of the American people.

Talk to a lady who has got a child who is suffering from some very serious disease and she finds out, to buy her pharmaceutical products here, it costs four or five times here than what it costs in Canada or Germany or France. What do we say to her? It is about money. What do we say to a woman who has breast cancer, who is going to die, who needs Tamoxifen to survive? Her life depends on it. How do we tell her it is going to cost six or seven times what it costs in Canada or Germany for the very same thing? Is her life worth that much less? Tell me, is her life worth that much less?

And if the profits are so great here and they are not as great elsewhere, then why not spread it around? Why should all these profits be loaded on the backs of the American people?

When the Members vote, I want them to think about this. Think about this. And I approach this from a personal standpoint. There is a woman who is dying of breast cancer. This is one example. How do we tell her when she goes to buy Tamoxifen and she cannot afford it that she could go right across the border to Canada and get it for one-sixth or one-seventh what it costs here? How do we tell her that? We cannot.

We need to pass this bill to send a message to the pharmaceutical companies that the American people deserve the same rights and privileges as anybody else in this world, especially those who really need it because of their health.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. McCrery).

Mr. McCRERY. Mr. Speaker, one thing I agree with the last speaker about, and that is that Americans pay an unfair share of the research and development costs for pharmaceuticals in the world; but the proper way to address that is not by abandoning our free market principles and importing price controls, and that is what this bill would do.

I have heard it several times here this evening, there is no safety issue. That is a ruse. Do not believe PhRMA. Do not even believe FDA. But how about the Secretary of HHS for two different administrations, one Democratic and one Republican? A previous speaker said, well, I personally talked to Secretary Shalala not long ago and she assured me that that is not what she really said. What she really said is that if the FDA had the appropriate resources, then we could certify the safety of these drugs.

I would ask the gentleman who spoke with Donna Shalala, did he ask her does the FDA have the appropriate resources? The answer would be no. Does this bill give them the appropriate resources? The answer is no. When would they get the appropriate resources? We do not know. But you want to pass this bill tonight. If the FDA got the appropriate resources, how long would it take them to put those safety devices in place?

So you can say there is not a safety issue, but that is all it is, is words. The people who have researched this, the people in positions of responsibility in government, both Democratic and Republican, have said there is a safety issue. So think about that before voting for this bill.

There is a chart to my left here. This side of the chart shows a chart that was put up on this floor earlier by one of the proponents of the bill. The other side shows the rest of the story. Germany imposes price controls, called "reference prices" on most drugs. Seven out of the 10 drugs on this chart that was shown have price controls. Most of the drugs on this list are also available as generics in Germany. Seven out of 10, in fact, are available as generics. Nine out of 10 are either subject to price controls or are available in generic form. What happens when a generic form comes on market? The price comes down of the patented drug.

In addition, all drugs in Germany are subject to the threat of compulsory licensing, that is, the drug company can lose its patent in Germany if they refuse to sell the drugs there. I do not know where the United States prices on the supporters' charts came from. The difference is not 300 percent, as they would advertise, but 31 percent. That is reality. Vote against this bill if we want better wonder drugs in the future for better health.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

These proposed changes will prevent the greatest scientific research and development organization in the world from continuing to solve the medical problems of tomorrow. We need to pass a prescription drug plan that reduces the cost of drugs, not one that ruins those that make drugs that solves problems, that takes care of the real-life problems that we face, moms, dads, brothers, and sisters. We need to make sure that we vote "yes" on the rule and that we vote "no" on Gutknecht to make sure that the prescription drug people who do the hard work are alive and well and provide those things that are necessary and pass a prescription drug plan that takes care of the problems with the cost of high prescription drugs.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the vote on adoption of the resolution, if ordered, and on any other votes arising in this series.

The vote was taken by electronic device, and there were—ayes 417, noes 10, not voting 7, as follows:

[Roll No. 439]

AYES—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—10

Clyburn
Costello
DeFazio
Dicks
Johnson, E. B.
Menendez
Pascrell
Rothman
Stupak
Towns

NOT VOTING—7

Baird
Bishop (UT)
Gephardt
Houghton
Istook
Pastor
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 1959

Messrs. OLVER, COOPER, and NADLER changed their vote from "no" to "aye."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Ms. SLAUGHTER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this vote will followed by a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 35, noes 393, not voting 6, as follows:

[Roll No. 440]

AYES—35

Brown, Corrine
Capuano
Clay
Conyers
Davis (TN)
DeFazio
DeGette
Delahunt
Doggett
Filner
Ford
Gordon
Grijalva
Hastings (FL)
Johnson, E. B.
Lampson
Lewis (GA)
Markey
Matsui
McGovern
Miller, George
Pallone
Pelosi
Rangel
Sandlin
Schakowsky
Shimkus
Solis
Strickland
Thompson (CA)
Thompson (MS)
Towns
Velazquez
Waters
Woolsey

NOES—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell

Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Bishop (UT)
Gephardt
Moran (VA)
Pastor
Sullivan
Tierney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised that 2 minutes remain in the vote.

☐ 2018

Mr. REYNOLDS changed his vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2210, SCHOOL READINESS ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of ordering the previous question on House Resolution 336.

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the question of ordering the previous question on House Resolution 336 in favor of the previous force vote thereon.

The SPEAKER pro tempore. Without objection, so ordered.

The aye voice vote on that question earlier today stands, and the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2210.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SCHOOL READINESS ACT OF 2003

The SPEAKER pro tempore (Mr. BASS). Pursuant to House Resolution 336 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2210.

The Chair designates the gentleman from Tennessee (Mr. DUNCAN) as Chairman of the Committee of the Whole, and requests the gentleman from Illinois (Mr. LAHOOD) to assume the Chair temporarily.

☐ 2025

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2210) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

(Mr. HOYER asked and was given permission to speak out of order.)

LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, I know the Members of the House are concerned about the schedule that we have been on and the schedule we are going to be on. And in the interest of apprising Members of what they might expect for the balance of this evening and tomorrow, I yield to the distinguished majority leader, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. I appreciate the distinguished whip yielding to me.

In consultation with the minority, we have come up with what we think is a very firm schedule, very fair schedule, and that is we, as most Members know, will go to the Head Start bill at the end of this conversation. There will be about 2 hours, 2 hours 20 minutes of debate before a vote. Then when that bill is disposed of, we will go to the drug reimportation bill, hopefully voting on that final passage sometime around 1 o'clock. Then we will break and come back tomorrow.

We have been in discussion with the ranking member of the appropriations and the chairman of the appropriations. They want to do a supplemental on FEMA and fires first thing in the morning, or in the morning, and then go to VA-HUD appropriations. We will not be doing D.C. appropriations tomorrow. We anticipate or we hope that Members will get us amendments to the VA-HUD bill so that we can make some sort of arrangements in time on that debate. And if everything goes well, we ought to be able to adjourn sometime around 5 o'clock tomorrow afternoon.

Mr. HOYER. Reclaiming my time, if I might, Mr. Leader, it is my understanding that the first thing that will be considered tomorrow will be the Solis motion to instruct on the Child Tax Credit. We would have an hour of debate on that. Am I correct, sir?

Mr. DELAY. The gentleman is correct. We will start that at 9 a.m.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Wisconsin.

Mr. OBEY. I think Members need to understand if we are to facilitate the agreement that has been described and if we are going to get out of here at a reasonable time tomorrow, we do need to have all of the amendments that are going to be offered to the VA-HUD bill in tonight. So my understanding is on our side of the aisle, the leadership is sending out a bulletin to all Members that they need to have their amendments filed by 10:30 tonight because that is the only way we can work overnight to get an agreement on the universe of amendments and work out time agreements for all of them; otherwise, we will be here until midnight tomorrow.

☐ 2030

Mr. HOYER. I yield to the majority leader.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

I appreciate the ranking member of the Committee on Appropriations pointing that out because it will take all night tonight to work on those amendments, and during the time of the debate on the motion to instruct and the supplemental, we will have to firm up those agreements so that the debate on VA-HUD will go smoothly.

Mr. HOYER. Reclaiming my time, my question did not include it, so you did not say it, but just to clarify it for Members, on the motions to instruct on the child tax, the vote will be tomorrow, as well, after debate, or at least shortly after the debate. It may not be immediately, but it will be tomorrow; am I correct?

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield, it will be tomorrow, but hopefully we can work it where we can roll it into other votes.

Mr. HOYER. I thank the leader and I thank the ranking member as well as the chairman of the Committee on Appropriations for helping us arrive at this schedule which will be defined, and Members can, I think, pretty well know when they are going to be voting on issues from here on in.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

Under the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise tonight in support of H.R. 2210, the School Readiness Act, legislation that will improve the Federal Head Start program by increasing its focus on academics and helping to close the readiness gap. We believe that the bill that we have before us will close the readiness gap that exists between Head Start graduates and their more affluent peers.

I want to thank the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform and the author of this bill, for his dedication on behalf of disadvantaged children. We would not be here today without his hard work.

The measure before us reflects a consensus agreement amongst Members of this House who believe that disadvantaged children in our country are getting the best this Nation can possibly give them. In opposing our efforts to strengthen Head Start, my friends on the other side of the aisle have repeatedly said, "If it ain't broke, don't fix it," but the evidence suggests this is a system that badly needs fixing.

Too many studies show Head Start children are entering kindergarten behind their peers. Improving school readiness standards for Head Start grantees in all States will help close this readiness gap.

Worse, in many parts of the country, Head Start centers are not getting the job done. Data from the U.S. Department of Health and Human Services shows most Head Start grantees across the country are actually falling far short of Federal standards, the very standards that the congressional Democrats say would be undermined by the School Readiness Act.

In fiscal year 2002, a total of 559 Head Start grantees were reviewed. Only 9 percent were found to be in compliance, 9 percent, with our Head Start performance standards. The remaining 509 grantees, 91 percent, had one or more areas of noncompliance.

In fiscal year 2001, nearly 600 Head Start grantees were reviewed by the U.S. Department of Health and Human Services. Only 11 percent of those grantees were found to be in compliance with all Head Start performance standards; 89 percent were out of compliance.

These statistics are nothing short of shocking, and I would ask my friends on both sides of the aisle, do not our children deserve better? We think they do.

The measure before us meets the President's goal to strengthen the overall quality of Head Start, especially the academic standards, by emphasizing cognitive development and the results of scientifically based research. It requires all new Head Start teachers to have at least an associate degree by 2005 and half of all Head Start teachers nationwide to have a bachelor's degree by 2008. It restores civil rights protections to faith-based organizations, removing barriers that discourage some of America's most talented and compassionate groups from providing services to children in need.

It gives up to eight States with an existing commitment to early childhood education the opportunity to coordinate Head Start with their own preschool programs; and we recognize that offering highly qualified States the opportunity to coordinate programs will result in better outcomes for parents and children than what Head Start serves today.

The bill guarantees that children in these demonstration States have access to pre-kindergarten programs that are at least as strong, if not stronger, than what is currently offered by Head Start. States are required to have strong standards for school readiness already in place to increase their already substantial funding of early childhood education and maintain or improve all comprehensive services, including health, nutrition and parental involvement.

The bill ensures that no State or local funds can be supplanted and that all Head Start funds must be spent on Head Start uses.

Additionally, the bill increases authorized funding for Head Start by more than $202 million for the upcoming year, as originally proposed, while setting specific spending levels for the remaining spending years of the bill. It also includes a 5-year hold harmless that guarantees funding for all Head Start centers in the pilot States, instead of the 3 years that were originally proposed.

I am grateful to everyone who played a part in helping us to reach this agreement, and I do believe it has helped pave the way for this legislation that could dramatically improve school readiness for disadvantaged children.

In his remarks on Head Start earlier this month, President Bush said, Head Start is "working okay. We want better than 'okay' in America. We want excellence." The children in Head Start deserve the very best that this Nation can give them, nothing less.

Mr. Chairman, these reforms will not dismantle the Head Start program as some of my colleagues have claimed, and I am sure will claim as the evening goes on. They will strengthen the Head Start program. This debate is about protecting children, not about protecting turf. Instead of clinging jealously to the status quo, these lobbyists should join us in bringing real improvement to the Head Start system that needs to do better for our children.

I want to urge my colleagues to vote "yes" tonight on H.R. 2210.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, I rise in strong opposition to the underlying bill. While we spent a great deal of time in No Child Left Behind to provide for improved student achievement, increased standards and accountability to ask more of State schools and students, this legislation does exactly the opposite. It decreases the standards and decreases the accountability, and it weakens our commitment to quality and it asks less of the States.

We should not be experimenting with this program. I appreciate that the gentleman says that 91 percent of these programs were out of compliance, but what he does not tell us is that in that same audit 85 percent of the programs were found to be of high quality. Why were they of high quality? Because of the Head Start standards, the Head Start performance standards and the quality standards. These are the performance and quality standards that Congress after Congress and President after President have worked to continuously improve so that Head Start now is the premier pre-K program for impoverished children in this Nation. There is no State that has a program comparable to Head Start for these children.

When my colleague on the other side suggests that these children do not do as well as their peers, he is denying all of the evidence. These children are doing better than their peers. They are not doing as well as middle-class white children in the suburbs, but he does not know of any program that will have these children do as well in the year or two as middle-class white children in the suburbs, but among their peers, among the children in same community who do not get to participate, these children do much better and they accelerate by the end of kindergarten.

Head Start works and it performs, and it performs well for these children. But this legislation takes another approach. While the first part of this legislation makes many improvements that we agree with and we support in this bill, the second provision provides for a block grant. It was a wholesale block grant of the entire program that politically was unsustainable. It became an eight-State block program, and over the last few days apparently some people got promises to vote for this bill and they would not block grant their State. There is a commitment to block grants.

But what do they do with these block grants? In the block grants they circumvent the standards of performance and quality and education standards and health services and comprehensive services because if they have a block grant, they do not have to meet those standards. It says so in the bill. They will say in their Dear Colleagues, it has to meet or exceed Head Start standards, but in the law, it says it must generally meet or exceed. "Generally" is a very important word here because they do not have to comply with the standards.

The same is true in accountability, and yet we do this. We weaken these standards. We create this loophole of the block grant, and we do it without any evidence to suggest that that is the answer.

The concern is about accountability, the concern is about performance; and we put the children into a system for which there really is no accountability or performance. Nothing requires a showing that the system that will be created is better than the current Head Start system, that the program running currently in the State is better than the Head Start system; and yet, we are talking about creating a system where almost as much as 40 percent of the children could be put in that system.

That is really not fair to these children because Head Start is their best hope. Head Start is our premier early education program in this country, and that is why it must be protected. And "protected" is the right word because this legislation with the block grant is an all-out assault on Head Start as we know it, on Head Start as it performs and Head Start as it delivers for these children and these families and their educational opportunity.

Can it be improved? Of course it can be improved, and what every President and every Congress on a bipartisan basis, Republican and Democratic administrations, year after year, time after time, they have continuously improved this program. I have been on this committee for 29 years, and we have continuously approved this program every 3 to 5 years. That is why it is the premier program. That is why it gets the results it does.

Now what happens here? For the first time, we essentially see a partisan assault on that bipartisan coalition that has led to that continuous improvement of this program, that has led to these comprehensive services for these children.

□ 2045

And these services are terribly important. Terribly important. Health screening, vision, dental care. What will you get under their block grant? You will get a referral to a service. You may not get the service. You may get to stand in line. You may get put on a waiting list, but you do not necessarily get the service for mental health screening and general health screening and nutrition and health education, all of which we know in terms of child development of these impoverished children is terribly important.

But, finally, let me say this. There is something else going on in this bill that is the first in 35 years. When they capped the expenditures in the outyears, when they changed such sums as necessary, under which every President and every Congress has expanded the participation in the Head Start program, there is not enough money for inflation. So in the third year, we find that some 5,000 to 10,000 children at a minimum are going to have to stop attending Head Start because of the capped authorization.

I appreciate all of the money we have put in Head Start under President Clinton's leadership, under this Congress, the Republican leadership, that we have done over the last 8 years; but that comes to a grinding halt in this legislation. That is why this bill should be rejected, and later we will hope that the substitute will be accepted by the Congress; and then we can continue the process of continuing to improve America's premier education program for pre-K impoverished children.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Delaware (Mr. CASTLE), the author of the bill and the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding me this time tonight and for all the tremendous work he has done in the committee and on this piece of legislation.

There has been a lot of rhetoric about this legislation, and we are going to hear a lot more in the next 2 hours. Frankly, I would love to be able to stand and try to repudiate all that we are hearing, but perhaps we do not have time for that. So I thought I would take a little different tack in the time I have and that is to make sure that people who are really willing to listen understand what truly is in this title II, which is the State demonstration program of this bill.

I think we can all agree on the reforms made in title I, or at least most of them anyhow. What has been the strongest point of contention is title II, which does create the eight-State demonstration program that would allow a select number of qualified States to better coordinate and to improve their early education programs.

What title II does not do is seek to dismantle Head Start as we know it. It does not create a block grant, nor does it permit States to use this money as a bandage for their ailing budgets. Since H.R. 2210 was introduced, we have listened to the concerns raised by Members on the other side of the aisle as well as Head Start advocates across the Nation. What we have before us today is a carefully crafted bill which clearly addresses all of these concerns.

I very strongly believe in the State demonstration project. Title II is critical, because today, unlike in 1965 when Head Start was created, Governors have a host of initiatives to serve disadvantaged citizens, including WIC, TANF, Community Services Block Grant, and state-run prekindergarten programs. Most of these programs are run through States, making coordination easy. In Head Start, however, grantees receive funds directly from the Federal Government, despite the fact that it may be more beneficial to coordinate with similar State initiatives.

Those Governors who have demonstrated a commitment to early childhood education programs will now have an opportunity to fully coordinate all of those programs. By empowering those States that are committed to early childhood education to coordinate their existing patchwork of child care and preschool programs, we will produce improved results for all our children.

In order for a State to participate in the demonstration program, they would have to meet a set of eligibility requirements. The State would then submit a plan to the U.S. Department of Health and Human Services for approval by the Secretary. In order to be eligible, a State would need to show evidence that they are contributing to Head Start or State prekindergarten programs an amount in State and local dollars that is at least half of what the State receives in Head Start funding; existing State school readiness standards and demonstration of a willingness to allowing those State standards with K through 12 State standards, if they have not already done so; existing professional development criteria for early childhood educators; and an established means of interagency coordination.

Once a State has been approved by the Secretary, there are a number of requirements and prohibitions attached to the State. For example, a State would be prohibited from using Head Start funds to pad their State budgets. Explicit in the legislation is a prohibition on supplanting, misdirecting, or misappropriating Federal or State early childhood education funds to other purposes. States are also required to continue to fund early childhood education at the same level as the 2003 fiscal year.

Under this bill, it is illegal for States to reduce their complements to early childhood education. In order to participate in the pilot, States must be matching at least 50 percent of the Federal commitment with State and local dollars and contribute from any non-Federal sources an additional 5 percent of their Federal Head Start allotment. This good-faith money ensures that States make a strong commitment to early childhood education.

Participating States must also have state-developed standards that generally meet or exceed the standards that ensure the quality and effectiveness of programs operated by Head Start agencies. Children in a Head Start program in a participating State will be receiving the same, if not better, services than if that State remained in the current structure. States must have standards that ensure children participating in a program demonstrate language skills, prereading knowledge, pre-mathematics knowledge, cognitive abilities related to academic achievement and social development.

Finally, today, we require a State in a demonstration program to continue to fund all current Head Start grantees for the full 5 years of the project.

Mr. Chairman, I ask my colleagues to look at the details and the facts. This is good policy. Examining how State coordination will enhance the academic preparedness of pre-K children is something that will ultimately help all of the children in our districts.

The School Readiness Act of 2003 builds upon the reforms of previous reauthorizations of Head Start as well as the requirements of the landmark No Child Left Behind and the vision of President Bush and Secretary Thompson. We all want to do the best for our children. I truly believe this bill does this.

I have looked at the results that have existed in Head Start for a number of years, and they just are not what we need. We need to enhance the program and do even more. That is what this bill does. That is what it is all about. I would ask all of us to support the legislation when the time comes for it.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), the ranking member of the subcommittee dealing with Head Start.

Ms. WOOLSEY. Mr. Chairman, I thank the ranking member for yielding me this time.

This Head Start bill is outrageous. It turns a program that is a proven success at improving the lives and futures of low-income children into a Federal experiment. And for the first time in this Nation's history, it repeals the law that protects employees against religious discrimination.

Head Start does a better job than any other program to narrow the school readiness gap between low-income children and their more advantaged peers. These are our Nation's most disadvantaged children, Mr. Chairman, children who face multiple barriers to learning. One year in Head Start can erase all of these barriers.

We have absolute proof that children who have been in Head Start enter kindergarten ahead of their peers from similar backgrounds but without Head Start. These children make substantial gains in specific academics during kindergarten. They end up close to all national academic norms by the end of the kindergarten year.

We know that children who complete Head Start are less likely to become delinquent and more likely to graduate from high school. Yet not only does this bill hand Head Start over to the States to do what they would do with it as a block grant, it would also lead to tens of thousands of Head Start children losing their beloved teachers for no other reason than religious prejudice. The base bill allows faith-based Head Start providers to fire thousands of dedicated Head Start teachers because of their religious beliefs or practices.

Today, Members will have the opportunity to vote for the Miller amendment, which will stop the dismantling of Head Start, and for my amendment against religious discrimination. Voting for these amendments will ensure that low-income children can continue to get the head start they need to succeed in school and to succeed in life. Without these amendments, this bill must be defeated.

Mr. CASTLE. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from California (Mr. MCKEON), who is the chairman of the Subcommittee on 21st Century Competitiveness of the Committee on Education and the Workforce and who does a wonderful job.

Mr. MCKEON. Mr. Chairman, I rise in strong support of H.R. 2210, the School Readiness Act, which will strengthen the Head Start program by closing the readiness gap that exists between low- and upper-income children.

I want to thank my good friend, the gentleman from Ohio (Mr. BOEHNER), and the chairman of the Subcommittee on Education Reform, the gentleman from Delaware (Mr. CASTLE), for their hard work on getting this important piece of legislation here to the floor. At the outset, I want to thank them for their willingness to work with me to include language in the committee report on facilities management.

The Los Angeles County Office of Education, the largest Head Start grantee in the country, has been experiencing great difficulty in meeting the Department's requirement that it spend facility-related funding by the end of the Federal Government's fiscal year. In my State of California, with the numerous environmental and permitting reviews that are required at the local and State level, it is nearly impossible to get approval to spend money in this time frame, much less 2 years. Even more daunting is the fact that fiscal years for many grantees do not coincide with the Federal Government. I am grateful that we are urging the Department to take a look at giving grantees some flexibility to meet a longer time period.

Mr. Chairman, like many of my colleagues, I have been listening to the debate, and I have heard criticisms of this bill. Over the last few weeks, those on the other side of the aisle and their supporters have vilified the School

Readiness Act all in the name of protecting the status quo and resisting the efforts to ensure that disadvantaged children in this country are better prepared for school. I think it is important that we put down our political talking points and get to the bottom of what this bill truly will do.

Now, there is no question that there is near-unanimous support for the Head Start program. Created in 1965, and located in every community in the country, the program has been a valuable part of our Nation in preparing lower-income children for elementary school. At the same time, it is Congress' responsibility to examine every program up for reauthorization to see if it is truly meeting our high standards for success and if there are any potential reforms that we can perform.

I would argue that regardless of the political reluctance to enact and accept fundamental reforms, every Federal program could do a better job of carrying out its mission than it is currently performing. This applies to those programs on the elementary and secondary school level, it applies to programs governing postsecondary education, it applies to workforce development programs, and, yes, it applies to early childhood programs like Head Start.

And so we come here to consider H.R. 2210, which will improve the Head Start program and close the readiness gap that exists between Head Start children and their more affluent peers. We strongly believe that we must strengthen Head Start's academic standards by emphasizing cognitive development and the results of scientifically based research on topics critical to children's school readiness. I believe that Head Start has placed an unbalanced emphasis on providing health and social services to children and their families, which have resulted in Head Start children not making the gains necessary to begin school with an equal opportunity to succeed.

A critical component of school readiness is the attainment of prereading abilities. Head Start programs should provide children from low-income families with a high-quality oral language and literature-rich environment. Through scientific research, much has been learned about the way children learn to read and the strong foundation that is important before children are given formal reading instruction in kindergarten and first grade.

Consistent with the early reading initiative, launched as part of the No Child Left Behind Act, Head Start must play a pivotal role in this effort. We have done this and can do this while preserving all current health and nutrition services for Head Start children.

Mr. Chairman, I know there has been a lot of criticism about this bill because of the State option, but I think it is important to point out this committee has produced a bill which improves the education of our Nation's most vulnerable children, and for this reason I urge all my colleagues to support this bill.

□ 2100

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 15 seconds just to say to my colleague, we do not know whether this bill will improve the education of the children, but we do know that the language contained in this bill will weaken the education standards, will weaken the comprehensive services available to these children and will weaken the accountability of this program.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), subcommittee ranking member.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to this bill.

This bill literally turns back the clock on decades of efforts to improve programs for our youngest children. Head Start has meant so much to so many of our most disadvantaged children and their families. Rather than strengthen Head Start through bipartisan consensus, this bill begins the dismantling of the most successful and popular early childhood education program in our Nation's history.

I must also express my disappointment that the majority has not sought to reach bipartisan consensus on this legislation. I have been through, Mr. Chairman, a number of Head Start reauthorizations during my 27 years here in the Congress, and they were all pleasant and productive experiences. This statute has always been reauthorized in a bipartisan manner. I strongly believe that we do our best work when we pass bipartisan legislation, especially legislation dealing with children. Not to do so is a doleful disappointment.

The Republican Head Start bill creates an unaccountable block grant that undermines the comprehensive nature of Head Start. Under this legislation, the strength of Head Start's decades of existence would be eviscerated through lower-quality State-controlled block grants.

What makes the bill's block grants even more troubling is that it departs from the efforts of this committee over the past decade to strengthen accountability and results in Federal programs, the most recent example being the No Child Left Behind. On that bill, Democrats and Republicans in both the House and the Senate, along with the President, all worked to create bipartisan legislation to strengthen accountability in our K–12 programs.

Now we are confronted by a White House and Republican bill to create unaccountable block grants in the Head Start program. This does not make sense. I urge opposition to this legislation.

Mr. CASTLE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. DUNCAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2210) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 2861, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Mr. WALSH, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–235) on the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

SCHOOL READINESS ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 336 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2210.

□ 2103

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2210) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, time remaining under general debate, the gentleman from Ohio (Mr. BOEHNER) has 15½ minutes and the gentleman from California (Mr. GEORGE MILLER) has 20¼ minutes remaining.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Nebraska (Mr. OSBORNE) who not only is extremely well known for his expertise in coaching, but is one of the leading experts on mentoring in this country.

The CHAIRMAN. Without objection, the gentleman from Delaware (Mr. CASTLE) controls the time.

There was no objection.

Mr. OSBORNE. Mr. Chairman, I certainly agree with all those who have spoken tonight that Head Start is an excellent program. It is a necessary program. Yet many people feel that no changes are needed to the program.

I guess if you put it in any context, let us say you ran a business for 35 years, a football team for 35 years, a school for 35 years, and you said over and over again, if it ain't broke, don't fix it and you stayed with a pat hand, my feeling is you would drift toward mediocrity. There is no organization that can stay the same year after year after year. I think there are a couple of things that really can be fixed. I think there are some things that need to be done here.

The first question is, does Head Start do what it is designed to do, which is to get kids ready to go to school? As we have mentioned earlier tonight, the Family and Child Experience Survey, which is the best measure I know of of school readiness, says this. They said that the average student entering Head Start is at the 21st percentile in terms of readiness to go to school. And then 2 years later, $6,500 a year, $13,000 later, we see those same students ranking at the 24th percentile, a gain of 3 percent in 2 years.

I think that is unsatisfactory. I do not think we are doing the right thing by our children. When they enter Head Start, they are in the bottom fourth of school readiness, when they leave Head Start they are in the bottom fourth, and the best statistical prediction we can make is that at age 16, they are still going to be in the bottom fourth. This is something that I think needs to be rectified.

As we have mentioned, the Castle bill does introduce some academic rigor to Head Start. I think this is critical. I think this change needs to be made. Pre-math, pre-science, ramp up the reading programs. We think students ought to be somewhere around the 40th percentile on average after leaving Head Start instead of the 24th percentile. I think that can be done. I think that is doable.

Secondly, there are 1.5 million children eligible for Head Start; 900,000 are in Head Start and there are 600,000 left over. Of that 600,000, some are in State programs, and we have State programs here and we have Head Start and then we have got a whole bunch in the middle that are falling through the cracks. They are not in anything. That is why we think the demonstration program is critical, because we need to have a more seamless program where those kids are not falling through the cracks, where we have some type of a comprehensive plan as to how we are going to take care of all of them. I think that is going to be important.

The last thing I will mention, that in fact we might think about a little bit, is one of the real strengths of Head Start is we involve the parents. We are expecting now that there is a transition from Head Start to the elementary school where those kids' parents stay with the student. That is something that we have incorporated in this bill which we think is very important.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Chairman, let us be clear about what we are doing here. We are asking this body to begin, in my opinion, to dismantle Head Start, one of the most successful programs in American history.

Head Start serves more than 900,000 3- to 5-year-olds in every State in this Nation every single year. Head Start teaches reading, writing, mathematics and language skills. Head Start, as well, provides comprehensive services that increase school readiness: health and mental health screenings and services, nutrition, dental and vision services, and extensive parent involvement in education, a critical component of this program.

And Head Start combines local control with strong Federal quality standards. That is the key. In fact, Head Start is one of our most evaluated education programs. Over the last 30 years, it has helped millions of children do better in school. But now, through H.R. 2210, the sponsors are trying, in my opinion, to unravel Head Start.

The Republican initiative initially was to block-grant all of Head Start. That did not fly. They are now down to eight States. This bill, however, would create a new block grant program for eight States without requiring any of the Federal Head Start program performance standards. What does that really mean to parents and their children? It means, I think, that States could run Head Start programs with lower educational standards, minimal comprehensive services and less oversight and accountability. That is not good for our children or their parents.

In looking at this bill, we should look at the intent. The intent of this bill directly contradicts, I believe, our bipartisan recognition that no child should be left behind, that the Federal Government needed to establish high educational standards and tough accountability for the educational achievement of low-income children because the States had not done so. In essence, this bill proposes that we turn our 3- to 5-year-olds in Head Start over to the States even though the premise of the No Child Left Behind Act is that States are not currently serving low-income children as well as they should. As the Los Angeles Times stated recently: "Now, when States are in precarious financial shape, is hardly the time to dismantle the program's, Head Start's, Federal management."

Let me close by saying, despite our best efforts in Head Start, we still are not doing enough for low-income children. There are some 1.5 million children eligible. There are 900,000 participating, 600,000 being left behind. Now is not the time to start to dismantle Head Start.

Mr. Speaker, let's be clear about what the Republican majority is proposing today: They are asking this body to begin to dismantle Head Start, one of the most successful Government programs in American history.

Head Start serves more than 90,000 three- to five-year-olds in every State in this Nation every single year.

My Democratic colleagues and I are not standing here today just reflexively defending Head Start because Lyndon Johnson signed it into law in 1964.

No, we are here defending Head Start—and to expose the GOP's bill that is designed to dismantle it—Because Head Start Works!

Head Start teaches reading, writing, mathematics, and language skills.

Head Start provides comprehensive services that increase school readiness—health and mental health screenings and services; nutrition, dental and vision services; and extensive parent involvement and education.

And Head Start combines local control with strong Federal quality standards.

In fact, Head Start is one of our most evaluated education programs—and over the last 30 years it has helped millions of children do better in school and achieve more in life.

But now, House Republicans, through H.R. 2210—the misnamed "School Readiness Act"—are trying to unravel Head Start. They want to end it.

They would like nothing more than to see 50 State programs run by 50 State Governors.

This bill would create a new block grant program for eight States without requiring any of the Federal Head Start program performance standards.

What's that really mean to parents and their children?

It means that States could run Head Start programs with lower educational standards, minimal comprehensive services, and less oversight and accountability.

Now, doesn't that strike any of you as odd?

It should, because the intent of this bill directly contradicts our bipartisan recognition in the No Child Left Behind Act—that the Federal Government needed to establish high educational standards and tough accountability for the educational achievement of low-income children because the States had not done so.

In essence, the Republicans are proposing that we turn our 3- to 5-year-olds in Head Start over to the States even though the premise of the No-Child Left Behind act is that States are not currently serving low-income children.

And as the Los Angeles Times stated recently: "Now, when States are in precarious financial shape, is hardly the time to dismantle the Program's—Head Start's—Federal Management.

Let me close by saying, despite our best efforts in Head Start, we still are not doing enough for low-income children.

Right now, Head Start is only serving 6 out of every 10 eligible preschool children because of inadequate funding.

That's 600,000 American children left behind. And it's simply unconscionable.

It's unconscionable in the greatest Nation on the face of the Earth.

And it's unconscionable when Republicans talk about leaving no child behind, but then propose a budget for fiscal year 2004 for Head Start that barely covers inflation.

I urge my colleagues to vote for the Democratic plan offered by the gentleman from California Mr. MILLER.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. OWENS), a member of the committee.

Mr. OWENS. Mr. Chairman, for its exemplary performance, Head Start deserves to be rewarded by the decisionmakers in both parties. But instead of rewarding Head Start, the Republican majority is proposing to abandon Head Start through the slow death process which begins with the block-grant experiment.

When translated into realistic terms, realistic political terms, the Republican block grant means, first, a withdrawal of compliance requirements and the automatic granting of endless waivers. In the next appropriations cycle, it means a reduction in Federal funds. This slow strangling process has been utilized to destroy enough safety net and social programs to provide us with a clear vision of the fate that Head Start will suffer if it is block-granted.

Consider the fate of title XX social service programs. Consider the fate of the summer youth employment programs. For years, youth summer jobs could be protected from the floor of this House, but once the block grant took place, we have a situation this year where State by State you will find that everywhere summer youth employment programs are being drastically reduced. In New York State, the Governor started the budget process by putting zero in the budget for summer youth employment programs. Block grant means certain death.

The time to save Head Start is now. Vote "no" on this Republican proposal.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, I strongly oppose the dismantling of the Head Start program, a program that has proven to be a winner since its inception 38 years ago. These changes will result in lowering the quality and effectiveness and quite possibly end one of the most successful programs in the Nation. The New York Times said on July 11, 2003:

"The Bush administration has mastered the art of producing speeches and press that bear little resemblance to the legislative program they purport to describe."

□ 2115

"This block grant approach has loopholes that the President either does not understand or fails to acknowledge." The Boston Globe on June 16, 2003, said: "Over Democratic objections, they [Republicans] advanced a bill that would transfer Federal control of the program to as many as eight States," which has 33 percent of the students, "in a demonstration project. The measure requires those States to serve the same number of children and provide the same services. But there is no guarantee that the quality of services will be maintained, and there is no extra money to handle the new enrollees."

The Star-Ledger of New Jersey on February 20, 2003, said: "Against the backdrop of Bush's anemic education budget, the President's proposal is to turn Head Start into a [block] grant program, to hand responsibility for delivering preschool services for poor children to the States," and this is very "suspect."

Let me just hold up, if I can, some of the mail that I have received from my district. Some are petitions with 10 names on it. I have never received as much mail from my constituents as I have on this particular bill. So I would just say that I have not heard parents say change it. I have not heard educators say change it. I have not heard people who are researchers say change it. Let us defeat this bill and keep the program as it is.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes and 15 seconds to the distinguished gentleman from Michigan (Mr. EHLERS), who probably has had more to do with increasing the emphasis on math and science education than anybody in the Congress and has indicated this is one of the most misunderstood bills he has seen in 10 years here.

Mr. EHLERS. Mr. Chairman, I thank the chairman for yielding me this time.

It is a pleasure to rise and defend this bill. And as the chairman of the subcommittee has mentioned, I have been shocked by the misunderstanding about this bill that has been propagated throughout this country. It is a good bill, and I wanted to comment about one part of it that I think has really been improved.

The migrant and seasonal children of this country are special children who need special help. They need special help because they are moved from place to place, and they have special conditions that have to be dealt with. For example, in my community they must be attended to in Head Start programs from early summer to mid-fall. That is not the standard school year.

But that is just one of many ways in which they have to be treated specially. I am very familiar with their problems because in my youth I lived in a farming community. I worked on a produce farm. I worked side by side with migrant workers, both in the fields and in the packing sheds and even in transporting produce to markets.

It is very important to provide services for migrant children. When these children are not served, parents sometimes will bring their children to the field and sometimes even have them working. This certainly exposes them to harmful conditions.

Today, migrant and seasonal Head Start serves close to 35,000 children and operates in 39 States in every region of the country. But in contrast to the normal Head Start program that serves approximately 60 percent of eligible children, migrant and seasonal Head Start serves only approximately 19 percent. That is a dramatic shortfall, and we must improve that.

I am pleased that I was able to get an amendment approved by the committee that, first of all, will allow all migrant and seasonal Head Start grantees to operate Early Head Start programs. That is not true of all Head Start programs, but it is essential because that way the youngest children of the migrant and seasonal workers can participate in Head Start programs rather than being taken to the fields.

My amendment will also require the Secretary to ensure that migrant and seasonal Head Start programs are included in the planning and coordination of the State system of training and technical assistance. In addition, part of my amendment, in combination with a change that the gentleman from Delaware (Mr. CASTLE) made in his substitute, specifically makes one-fourth of 1 percent of all the total authorization available for seasonal and migrant Head Start. This means that we will have an additional $17.4 million in fiscal year 2005 and $18.5 million in 2008. This also means that the funding that will be available will provide an additional 2,300 slots for children to receive services in 2005 and up to 2,500 in 2008. I expect that these provisions will allow the migrant and seasonal Head Start program to successfully take care of a substantially greater number of migrant and seasonal Head Start children.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, we support Head Start, and we support constructive changes to Head Start. We must oppose this bill because of two very destructive changes. The majority says there are 600,000 children eligible for Head Start who, today, do not get Head Start. They do change that. They increase the number of children eligible who will not get funded. About 10,000 more children by the end of this bill who are eligible for Head Start will not be.

The second change is even more odious. There is an understanding in this country that if a church or religious organization runs a preschool program and someone who is not a member of that religious organization comes and applies for a teaching job to teach mathematics or reading or other skills that under present law they cannot deny that person a job because they do not go to their church or their religious organization. This bill changes that law. It violates that principle. It is wrong. It is divisive. It is destructive. It is unconstitutional.

There are a lot of good reasons to oppose this bill; but ripping us asunder, giving employers the right not to hire people because of where they worship is just plain wrong, and so is this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA), a member of the committee.

Mr. HINOJOSA. Mr. Chairman, I rise today in opposition to this bill. The majority has placed divisive and damaging provisions in the legislation. They propose to begin the dismantling of Head Start through a block grant to the States. The majority has also proposed to allow discrimination in hiring of teachers that educate our youngest citizens. And I ask the Members, what kind of head start in life could that be?

In the few moments given me to debate, allow me to inform the Members about migrant Head Start children. In the case of perhaps our neediest children, the sons and daughters of migrant and seasonal farmworkers, the majority in the Committee on Education and the Workforce has offered crumbs. Only 19 percent of these eligible migrant children are served now, compared to the 60 percent for the regular Head Start program nationally. The majority bill will move that figure by only 1 percentage point to approximately 20 percent. Furthermore, their meager authorization funding level will ensure that a larger percentage of children will never be served and helped to be school-ready in the foreseeable future.

For farmworker families, access to Head Start is more than a school readiness issue. It is a public health and safety issue. The Republican bill provides no new money to close this access gap for the migrant children, and I have to emphasize that the only way to close this gap is to substantially increase our investment in Head Start. It does not have to be this way. Head Start has a 35-year history of bipartisan cooperation. Until that happens, I urge Members of Congress on both sides of the aisle to vote "no" on H.R. 2210.

I hope that my colleagues on the other side of the aisle will come back to the table and work with us to write a bill that will be worthy of our children, our future.

Until that happens, I urge Members of Congress on both sides of the aisle to vote "no" on H.R. 2210.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Chairman, today I rise in opposition to the so-called School Readiness Act, H.R. 2210. Currently, Head Start provides services to our most vulnerable population, children born into families who live below the poverty line. Head Start reaches those children. It reaches their families and does tremendous work in providing them with access to health services, teaching parenting skills, and preparing young children to overcome the obstacles related to poverty and enter kindergarten with a fighting chance.

Title II of H.R. 2210 strips Head Start programs of oversight and accountability measures. The already-vulnerable children served by Head Start will undoubtedly be left behind. Many indicators of the difference this program has made in children's lives are quite measurable, and we can prove that Head Start works. Add to that the immeasurable value of breaking the cycle of poverty, and I am at an utter loss to comprehend why the Republican leadership insists on this seriously flawed bill.

Mr. Chairman, in the spirit of preserving a program that works wonders, I urge my colleagues to vote against H.R. 2210.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to enter into colloquy with the distinguished gentleman from Ohio (Chairman BOEHNER), and I would like to thank him and the gentleman from Delaware (Chairman CASTLE) for their ongoing generosity in letting me voice my thoughts on this very important piece of legislation.

Mr. Chairman, I testified before the Committee on Rules in support of an amendment which the gentleman from Delaware (Chairman CASTLE) and the administration support, dealing with accepted scientific standards of reliability and validity that will have a very positive impact on Head Start. As a psychologist who has focused my career on dealing with early childhood education, I know the values of these measures.

Head Start currently uses a variety of assessment measures, some acceptable and some less reliable, and teachers and parents need good, reliable information for the sake of tracking Head Start successes and providing taxpayers with information on how well this Federal program is functioning. Less reliable tests provide little value in identifying children's needs for further evaluations. They run the risk of misdiagnosing problems and mislabeling children and are more prone to cultural biases.

I ask the gentleman from Ohio (Mr. BOEHNER), is it his intent to continue to explore this issue?

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, as we progress through the conference, I do intend to explore this issue further. Quality research relies on valid and reliable data, and I believe that we must have quality research to drive the real improvements that are necessary in Head Start. The gentleman from Pennsylvania (Mr. MURPHY) is a leader on these issues, and I appreciate his interest and his advice on this matter.

Mr. MURPHY. Mr. Chairman, I thank the gentleman for his response.

I must add an emphasis on quality research that is going to drive program administrators to use scientifically valid measures. And additionally, when information is disclosed to the local community and parents, it is imperative that the reports depend on quality measures. Finally, let me add, we know that Head Start is not alone among early childhood education programs. The Perry Preschool Project and the Abcedarian Project are two that are frequently quoted in scientific literature, and we need room for innovations that follow research, but accompanying any Head Start help must be sound ways of measuring success.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I want to thank the gentleman for his commitment to these quality programs and look forward to continuing to work with him as we move this bill through the conference.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentleman from California for yielding me this time.

We have heard talk tonight about people saying that everybody on this side of the aisle wants to have things stay the same, and that frankly is not so. We worked quite hard together to make changes and improvements in the first section of this bill, as we have made changes and improvements on the bill in previous years, continually improving it and continually reducing the gap in readiness for school.

The problem comes in the second part of this bill. And the fact of the matter is that those proponents of the change in the block grant cannot show a single stitch of evidence that this would improve the situation. When the gentleman from Delaware (Mr. CASTLE) was asked at the Committee on Rules to give an example of one parent group, one child group, one educational group, one social advocacy group that supported the block grant section of the bill, he could not do it. When all the editorialists and all those are people are dead set against this, somehow the Republicans still think that they are right. Other people would have some pause for thought on it.

The fact of the matter is that the block grant does do damage to the Head Start program. It would not require performance standards. It would allow States to weaken educational standards by increasing class size, increasing child/teacher ratio, shortening the program duration, cutting off 3-year-olds, using unproven curricula. States can, under their provisions, gut comprehensive services, eliminate parent classroom involvement, eliminate health and mental health screenings and services, eliminate adult literacy services, eliminate vision and dental services, eliminate health and nutrition education. And, yes, under this they can take block grant money and supplant other Federal funds. And CRS, Congressional Research Service, an independent group, says that that is so, despite the protestations of the other side.

□ 2130

We also leave too many children behind. For one-fourth of what we are spending in a month in Iraq, we could add another 87,000 children to this program that already underserves America's children.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE), a member of our committee.

Mrs. MUSGRAVE. Mr. Chairman, I rise in support of H.R. 2210.

While the resources spent for Head Start have been very significant, hard-earned dollars of our taxpayers, the results have been mixed. Studies indicate that children who are enrolled in Head Start make some progress, but are still lagging far behind the national average in school readiness.

Let me share some research from Health and Human Services. In 1997, Head Start children entered the program at an average of the 19th percentile in early learning knowledge areas and graduated in the 23rd percentile. That left Head Start students 27 percentile points behind the national average.

In the 1997–98 school year, Head Start students actually decreased performance in letter recognition.

In 2000, Head Start children entered the program at an average of the 21st percentile in early learning knowledge areas and graduated in the 24th percentile. That left these Head Start children more than 25 percentile points behind the national average.

Sadly, in the 2000–2001 school year, the Head Start students made no gains in letter recognition.

A recent publication by the U.S. Department of Health and Human Services again concludes that both higher- and lower-achieving Head Start children have low scores overall and show limited progress after completion of the Head Start program, another way of saying they enter and leave the Head Start program with below average skill and knowledge areas.

We know that disadvantaged children need all the help they can get because in order for them to succeed in school, well before they enter school they have to have this knowledge base. We can predict how they are going to do in school by the progress they have made when they enter. The importance of all children achieving academic parity upon entry into kindergarten is critical, because children who start behind have been shown to never catch up.

I am very much in support of this bill, and I commend the gentleman from Ohio (Mr. BOEHNER), the gentleman from Delaware (Mr. CASTLE) and the staff and members for their hard work.

The stakes are high with these disadvantaged children. We need to do everything we can to prepare them for school.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, it is rather remarkable that the other side has discovered that the poorest children in the Nation do not do as well as the average children in the Nation, but what they ought to tell you is, these children do better than their peers that do not have an opportunity, and by the time they finish kindergarten, they are in the 50th percentile.

That was the job, to try to get them ready for school, and they are accelerating as they go through kindergarten; but they somehow seem astonished that they cannot compete with the average child the first year in Head Start, when they are the most impoverished children in the Nation.

Yes, we are dedicated to all of the changes in title I of this legislation. We are just not dedicated to the eradication of the Head Start program in title II.

Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, change for any program can be a good thing, if it is change the right way. That is why I reluctantly rise in opposition to the Head Start bill this evening. The recommended changes are wrong for the children of the Head Start program.

The story of Head Start is that it works. It is a highly successful program. Studies have shown for every $1 we invest in children at this age in Head Start programs, we realize $4 to $7 worth of savings down the line. There is not a business person in the country that would not take that deal.

According to surveys, 96 percent of the Head Start families express a high level of satisfaction with their Head Start programs because of the quality and the accountability that exists there already. That is probably why there has been such overwhelming opposition to the radical Republican transformation of the Head Start program before us tonight.

We have heard the concerns of the block grant proposal that they are recommending without accountability or quality assurances. We have also heard the concerns that the bill would legalize religious discrimination in the Head Start program.

What we have not heard this evening is that under their bill they call for a reduction in funding for professional development programs, again affecting the quality of these programs.

What we also have not heard, perhaps a very important issue, is that they are planning on moving forward with an entirely new testing regime by this fall for these 3- and 4-year-olds, when experts in early childhood development tell us, unless we do it right, unless we have the right measurements, it could do more harm than good for these children.

That is why I got included in the legislation a National Academy of Sciences study to recommend what measurements are appropriate for children. But instead of waiting for the results of that study, they are moving forward on an untested, unscientific, new testing system this fall, which could do our children more harm.

Mr. Chairman, I urge my colleagues to oppose this legislation.

Mr. Chairman, I join educators, parents, and Head Start staff around Wisconsin as well as many of my colleagues here today in opposing drastic changes to the highly successful, early education Head Start program. Changes offered by the Bush Administration and backed by the Republican Congressional majority threaten the program, which has helped millions of high-risk children from impoverished families achieve academic success.

In the 38 years of Head Start, there has always been bipartisan consensus to continue this program that currently helps more than 13,000 children in Wisconsin and 2,000 in the 3rd Congressional district alone. As a member of the House Education and Workforce Committee, it is my belief that the majority leaders have put our 3- and 4-year-old children in the middle of a partisan tug-of-war.

Under the bill, which I voted against during the committee consideration, the burden of Head Start would be on the shoulders of cash-strapped States through a series of block grants. Under current law, the Department of Health and Human Services gives money directly to local Head Start programs. Under the proposed changes, however, block grants would be administered by new State bureaucracies, which would cost additional money and provide no guarantee the money would go towards Head Start.

Nearly every State in the nation is facing a budget deficit. We cannot take the chance that one dime of this critical funding would fail to go towards Head Start and the kids it serves.

Educators and parents are particularly upset with the changes because of the success rate of Head Start. Further, numerous studies indicate that every dollar spent on Head Start saves taxpayers $4 to $7 in the future due to savings and lower education and welfare expenses.

I offered a series of amendments to H.R. 2210 during Committee markup and again to the Rules committee last week. The first amendment would restore to current law the 2 percent set aside for training and technical assistance for improving program quality in Head Start. We know the key to quality Head Start programming is having quality teachers dealing with the students. And, yet, the base bill before us would actually go backwards. It would decrease the training and technical assistance fund to an undetermined amount between 1 and 2 percent. That is especially disconcerting since we know that approximately 2.5 percent of Head Start funds are currently being spent on such programs.

This money is critical for quality staff. Funds are being used to supplement teacher salaries and train staff in a variety of areas. For example, this funding is used to improve staff qualifications, to implement early childhood curriculum, to assess child development, to monitor child health and safety, provide human resources training, support parenting and family services, and to better integrate the use of technology in Head Start centers in working with these kids. Now is not the time we should be going back on the maximum amount that is allowed for ongoing training and technical assistance.

Furthermore, I offered an amendment that would have halted the National Reporting System until the National Academy of Science (NAS) reports to Congress on the appropriate standards and benchmarks for school readiness and valid measures of assessment.

I am concerned with the Administration's implementation of a country-wide testing system for Head Start children despite protests by early child education experts who question the validity and reliability of the assessments developed. The National Research Council's "Eager To Learn" report warns, "assessments must be used carefully and appropriately if they are to resolve and not create educational problems." Thus, while we support ongoing assessments of Head Start children to help ensure their school readiness, these specific assessments were developed behind closed doors and with very little input from Congress, Head Start Centers, or other experts.

Reauthorization provides Congress with an opportunity to evaluate appropriate standards and benchmarks for school readiness, as well as valid measures of assessments for Head Start students. Unfortunately, efforts to slow down and properly evaluate the National Reporting System during Committee consideration were defeated. For the sake of our children, it is important that these assessments are not rushed and are given ample review before implementation.

Therefore, Mr. Chairman, I strongly oppose H.R. 2210. I will not support any legislation that reduces the opportunities for children. All children deserve a high-quality prekindergarten program and according to numerous studies that is exactly what Head Start children currently receive.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, when H.R. 2210 was considered in the Committee on Education and the Workforce, Democrats offered a number of amendments to the bill, an amendment to disallow a provision that taxpayer dollars be used to support religious discrimination in hiring, an amendment to provide money to Head Start teachers to help them acquire bachelor's degrees and be better qualified to teach low-income children of this Nation, and an amendment to fully fund Head Start, ensuring that all eligible preschoolers would have access to the program.

Unfortunately, all of these amendments were rejected. As a result, low-income children in 42 States will suffer and the Head Start program will not have improved access or resources for teacher quality or protection from discrimination in hiring.

In eight States, the majority would dismantle, would dismantle, the program, dissolving Head Start into a block grant without requiring Federal Head Start performance standards. This means States then can eliminate health screenings, parenting education, dental exams, adult literacy services, parent classroom involvement and vision services. The block grant is the first step towards the end of Head Start.

Poverty is on the rise. We should not be dismantling Head Start. Our Democratic substitute will ensure that the program continues unharmed, eliminating the discrimination provision and eliminating the block grant.

Children deserve Head Start. They deserve a chance in life. They deserve our votes for the Democratic alternative and to reject the wrong-headed Republican proposal.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. UPTON), a member of our committee and a real leader on this issue.

Mr. UPTON. Mr. Chairman, I too want to commend the gentleman from Ohio (Chairman BOEHNER), the gentleman from Delaware (Chairman CASTLE) and the terrific staff for their work as we prepared this bill for the House floor tonight.

Mr. Chairman, I strongly support this legislation. I have worked with a number of Head Start operations all of my years. I have been impressed with the teachers and the aides; I have been impressed with the administrators, the parents often working as volunteers; and certainly the kids themselves, not only the kids I have seen in the classrooms, but the same kids as I have watched them progress K through 12.

Though tonight there has been a lot of criticism focused on title II of this bill, this is the provision that allows only eight States, only eight States, to establish a pilot program. It is important to note that those States cannot use the money that they receive for these pilot programs for other programs. It has to be dedicated solely to Head Start. They also have to dedicate more of their own State money for these programs. To me, the kids win. They get more money, particularly to see if they can make the program work even better.

As I said earlier, I visited many of these Head Start facilities, and I was concerned as we developed this legislation that under title II perhaps some of those Head Start grantees may have had their funds cut. Well, I did not want to see that happen. I offered a successful amendment in committee to have a hold-harmless provision that prevents any cuts to current grantees that will now be in place for 5 years. So you cannot say that those grantees in fact are going to be cut if that State goes into a pilot program.

By the end of the demonstration period, the 5 years authorization period of this bill, Congress will have an accurate perspective on the effectiveness of whether or not these pilot programs work.

This is a better bill for our kids. Let us see it pass.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield a minute and a half to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. Mr. Chairman, for almost 40 years Head Start has assisted low-income, preschool children and their families, establishing a comprehensive, early learning environment addressing a variety of social and medical needs. Certainly in my district, as in districts all over the country, Head Start has been a tremendous success: IQ gains, reading and writing and math skills improved, high school graduation, significantly greater; the need for special education, reduced; crime, reduced.

So if it is so good, why overhaul it? If one wants to improve it, we can do that. But one should review it in a bipartisan way. This is not bipartisan.

There is nothing bipartisan here. And this is not a debate. No Member will be persuaded, no vote will be changed.

The Republicans are foisting a block grant program on the country on a take-it-or-leave-it basis. And you know what a block grant program is. It is a pot of money that goes to the State with the message "This is for early education. You know what to do with it."

Well, some States know what to do with it, and some States do not.

The block grant approach is flawed and it is illogical. It guts quality comprehensive services, primary health care, dental care, mental health services. The block grant approach weakens performance standards, it sets no minimum thresholds for school readiness standards, teacher-student ratios, classroom size or curriculum content. It weakens oversight and evaluation.

Rather than pursuing a bill that will lead to a partisan vote on Head Start legislation, we should reconsider the block grant approach for the sake of America's children.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS), a member of the committee.

Mrs. DAVIS of California. Mr. Chairman, I must regretfully rise in opposition to a bill which I believe has many good elements.

I see the Head Start program, as my colleagues do, as a successful and longstanding effort to engage low-income children in the preparation for kindergarten, that we know is readily available and enjoyed by children from more financially secure families. In fact, I have two of my current staff members who are graduates of the Head Start program, and so I know that the program indeed does work.

I am pleased to support the requirements for relevant training for staff members, but the problem is that we really have not done the job of providing loan forgiveness for those staff members. We really have not done the job of finding a way for them to get the professional development that they need.

We have talked about the religious discrimination introduction into this bill, and that is a real problem. But let me just talk about another problem. We have targeted title II, and we have targeted that for a very good reason, because in reality the bill fails; it fails to secure guarantees and require that States not supplant State or other Federal funds with Head Start funds.

We know about the current budget crisis in my State of California. States will find a way to find opportunities to supplant when they are in fiscal crisis, and the bill does not really prevent that.

There is another thing that the bill does not do. It only says that States must generally meet the requirements, not meet or exceed those requirements, and all the special programs in Head Start, we need them to meet those requirements.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Minnesota (Ms. McCOLLUM).

Ms. McCOLLUM. Mr. Chairman, Head Start is a program that works. Studies have shown that this is an investment that pays off. Children in Head Start are less likely to be held back in school or placed in special education classes, saving our schools precious dollars. These children are more likely to be successful students and to graduate.

In my home State, there are currently 16,000 children eligible for Head Start and not receiving services because of lack of funding.

□ 2145

Budget constraints this year have forced Minnesota to make drastic cuts in early childhood programs, cutting more than $3 million in Head Start funding. Early childhood and family education was cut by $7 million. School readiness was cut by almost $2 million, and the Way to Go program, well, that was just plain eliminated. Combined, this represents a 14 percent cut in base funding for early childhood programs in Minnesota.

Now, this legislation would give States a block grant, and in my opinion, that will limit accountability, allowing States to reduce performance standards, allowing for increased class sizes, decreased child-teacher ratios, cutting off services possibly for 3-year-olds, and using unproven curriculum. This legislation would allow States like Minnesota to cut Head Start funding, a temptation I know they will not be able to resist, given the current track record with early childhood programs, and allow governors like my own to shift funding away from Head Start and put programs at risk.

Head Start works. It does not need to be overhauled; it needs to be funded.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), the author of the bill and the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I just want to take on the question of how well we are doing, at least educationally, in Head Start. This is really, really important, that everybody understands it.

First of all, there are not that many studies with respect to how Head Start children are doing. There is a longitudinal study in the works right now which we should have pretty soon. This is a study, and I will show 2 charts, one from 1997 and one from 2000, which shows children in Head Start far below average. The average is 50 percent. That is the median that we are dealing with here.

This study is by the Family and Child Experiences Survey, and it shows, and you cannot see it probably, but the blue is the fall of 1997 and the purple is the spring of 1998, so after they had been through a year of this. It shows the vocabulary of the kids had gone from the 16th percentile to the 23rd. In letter recognition they actually went down from the 27th to the 25th. In early writing, 16th to 23rd, and early mathematics, 17 to 19.

Believe me, these are numbers which tell us that these kids are not going to make it in school. This is absolutely why we have to challenge Head Start. It is why we need to go to a State demonstration to make sure it is brought in with all of the other State programs which exist.

Now, the numbers really are not a lot different for the year 2000, but there they are: 16 to 23 for early letter recognition; early writing went from 16 to 19; early mathematics, 21 to 23. This means that when these children reach kindergarten, we can almost predict that they are not going to make it out of school ultimately, and that, unfortunately, Head Start has not done all for them that it could.

Head Start does a wonderful job in many ways that we have described here today in terms of helping with the well-being of our young children, but it is not doing what we need to do in education, and we need to challenge it. It is as we have seen and heard in some of the newspapers that have written about it. The Detroit News on July 9 said:

> Head Start advocates fear States will fritter away any Federal Head Start funds shifted their way, but proposals now in the House restrict States in how they spend earmarked money. The pilot program would be limited to eight States, and that would be a good test for proposed preschool reforms. If government can devise a better Head Start program, one which helps children more effectively, it should hurry to do so. The program's 900,000 children, the ones who need the help, deserve no less.

That is absolutely correct. We need to take steps to help them academically. What we have proposed will do so. Please support this legislation.

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) has 1½ minutes remaining, and the gentleman from California (Mr. GEORGE MILLER) has 1½ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield the remaining time to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, sometimes when we evaluate, we need to look at the depths from which one comes as opposed to only the heights to which they have not excelled.

I rise in strong opposition to H.R. 2210. I am pleased that my amendments in committee to restore reference to the importance of delivering culturally appropriate services and to increase opportunities for fathers to more actively participate in Head Start were agreed to. And while I am pleased with the acceptance of these amendments and others introduced by my colleagues, I am greatly disappointed by the fact that other amendments will not be discussed here today.

Among these is my amendment to provide funding for grantees to fulfill the requirement that 50 percent of teachers have bachelor's degrees. Since my amendment was not accepted, this will continue to be an unfunded mandate like the rhetoric of Leave No Child Behind.

Education is, in fact, the great equalizer, and since its introduction in 1965, the Head Start program has helped over 21 million of America's poorest children gain the academic, social, emotional behavior, and readiness skills necessary for success. In those 38 years, we have learned much about the needs of disadvantaged children living in poverty. What we have learned is what it takes to prepare them for school. It takes dedicated, skilled, well-trained teachers. It takes parental involvement. It takes comprehensiveness. It takes health care. It takes nutrition. It does not take some kind of program that has never been tested.

Let us keep Head Start. "If it ain't broke, don't fix it."

Mr. Chairman, I would like to begin by commending Chairman BOEHNER and Ranking Member MILLER from the Education and the Workforce Committee and Chairman CASTLE and Ranking Member WOOLSEY from the Subcommittee on Select Education for their work on this bill. I rise in strong opposition to H.R. 2210. I am pleased that my amendments in committee to restore references to the importance of delivering culturally appropriate services and to increase opportunities for fathers to more actively participate in Head Start were agreed to. While I am pleased with acceptance of these amendments and others introduced by my colleagues on the Education and the Workforce Committee, I am greatly disappointed by the fact that numerous amendments designed to improve this legislation will not be discussed today. Among these is my amendment to provide funding for grantees to fulfill the requirement that 50% of teachers have Bachelor's degrees. Since my amendment was not accepted, this will continue to be an unfunded mandate, like the rhetoric of Leave No Child Behind.

Education is the great equalizer. Since its introduction in 1965, the Head Start program has helped over 21 million of America's poorest children gain the academic, social, emotional, behavioral and readiness skills necessary for success in the future. In those thirty-eight years, we have learned much about the needs of disadvantaged children living in poverty and what it takes to prepare them for school. It takes skilled, well trained and dedicated teachers. It takes comprehensiveness. It takes health care, nutrition, it takes parental involvement and participation. It takes more than eloquent speeches about Leave No Child Behind experiments. The Head Start program has grown and changed through the years with the increased knowledge of how best to serve low-income children and their families. Study after study has shown that participation in the program results in decreased incidence of school failure, higher graduation rates, lower crime rates later in life, and better social and emotional relationships. In these times when politicians speak so eloquently on how no child should be left behind, why would we conduct an experiment that would restructure an already successful program and, ultimately, result in thousands of children being left behind?

Title II of this bill would do just that. It implements a pilot program for eight states to take the Head Start money appropriated to them and run the program on their own. The idea behind this experimental program is to integrate Head Start with already existing state preschool programs. However, such a move would undermine the intent of Head Start as a comprehensive, family-based program. Title II would allow states to determine their own standards, guidelines, and qualifications. These states could decide to implement Head Start as a pre-kindergarten program, cutting out nutrition, vaccinations, dental care, medical care, and other important services currently guaranteed to children in the program. With the current state budget crisis, these services will almost certainly be eliminated, leaving the low-income children served by Head Start with no way to receive these extremely important services.

The Head Start program has been in place for 38 years and has been continually improving in quality as professionals have gained knowledge on how best to serve low-income children. This knowledge and understanding has resulted in high quality standards being set. In contrast, many states do not even have preschool programs, and those that do are still in the early stages of developing them. Few state-run preschool programs have established quality standards. Nor do state-run preschool programs encourage the active participation of parents. Helping parents learn how to provide nurturing environments for their children has a positive impact for years after graduation from Head Start and is beneficial for the child in the program as well as his or her siblings. The role of parents in Head Start goes far beyond being a PTA member or a teacher's aide; parents learn that they are the most important role model for their children and must be a caring and supportive influence. The vast majority of State-run preschool programs also have little to no integration of services, which is already a major part of the Head Start program. Merging Head Start with programs that do not have quality standards, do not encourage parent participation, and do not provide such services as nutrition, health, and immunizations runs the risk of destabilizing a successful program and lowering standards and minimizing services that have been so painstakingly developed.

Mr. Chairman, Head Start could serve our children better. However, dismantling the program and leaving states to rebuild it without the insights gained over the past thirty-eight years would be a tragedy for our low-income children and their families.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, if we look at the proposal that we have before us, in title I, the main part of the program, there is quite a bit of unanimity about the changes that need to be made to help improve Head Start if, in fact, we are going to improve the futures for many poor children in America. I think there is a recognition that more of an education component to Head Start is absolutely necessary.

And so if we look at title I of the bill, there is no amount of disagreement over it. The real disagreement is over title II which would set up an eight-State demonstration program, only for the States who have made big commitments to early childhood development, only States that would agree to meet or exceed Federal standards, only for States that are willing to make a big commitment and are already doing it, and they will have to add more money. And if that is not enough, we guarantee that the local grantees that are there today in those eight States will continue to receive their money for 5 years.

How anybody could ever refer to this as a block grant is beyond me.

Why are we doing this? Very simply this: Some States are making big commitments to help poor kids, and if they are able to take their pre-kindergarten programs, their early childhood development programs, their child care programs, they can work with poor children in their States and their families to create a more seamless system to help prepare children for school.

Why should we not see if it works? Why should we not take the chance to help these children? Because I do believe that some States will be better able to prepare these children to be ready for school.

Mr. MATHESON. Mr. Chairman, in my district, nearly 200 children and their families utilize Head Start. I am opposed to the legislation before us today because it would pose a risk to the many Utahns who receive health, dental, social and educational services under this vital program.

This is a program with a long-term record of success in investing in the future of our children. Head Start has a proven pattern of success with enrollment correlating to IQ gains, improved high school graduation rates and higher achievement in writing, vocabulary and social skills.

For almost 40 years, Head Start has been a lifeline for disadvantaged Utah children, providing comprehensive services to them and their families. I have seen the positive results. Children are receiving medical, social and education help unavailable to them from any other entity.

After taking to Utah parents, administrators and children in Head Start, I am convinced that the current program serves as well, and I don't understand why Congress would want to make the significant changes before us today.

Mr. RODRIQUEZ. Mr. Speaker, I rise in strong opposition to H.R. 2210, the School Readines Act.

I rise today, not only as Chair of the Congressional Hispanic Caucus, not only as a Member of this body, but as a person who had to fight for every day of his education and who is determined not to have his grandchildren go through the same thing because of a partisan attack.

The changes to Head Start proposed through this legislation are disgraceful.

And the lack of resources committed to serve all eligible children is shameful.

We can no longer block grant the needs of families and then cut them off at our discretion.

There are currently an estimated 270,000 Hispanic children benefiting from Head Start today.

For over three decades, Head Start has grown tremendously, however, funding has failed to keep up with inflation, let alone provide enough to maintain or improve quality.

And now the President's 2004 budget proposals laid out the beginning of this plan to dismantle Head Start.

His plan will keep 32,000 of our immigrant and seasonal children in the fields and prevent the diversity of our education system through religious discrimination.

The Head Start program is not perfect, but this plan throws the baby out the bathwater.

Mrs. JONES of Ohio. Mr. Chairman, I rise today in opposition to H.R. 2210, the School Readiness Act of 2003.

In my State of Ohio, the State Head Start Program, as passed by the Ohio General Assembly, and signed by Governor Taft, provided funding to serve only 11,672 children in fiscal year 2004 using $57,170,000 in TANF Block Grant funds, which is a reduction of services to 6,328 kids. In the second year, funding was increased to $110,184,000 in TANF Block Grant Funds with an anticipated enrollment of 14,000 children—still 4,000 fewer children that were served compared to last year.

There is only a small amount of State funds that are included in the Head Start line item, $16 million in General Revenue Fund (GRF) money—$11 million in fiscal year 2004 and $5 million fiscal year 2005. But, State funds can only be used for start-up, and can only be used for TANF-eligible services. This means that homeless children, children whose parents are unemployed, and foster care children are ineligible for State-funded Head Start. The State contends these children can be served by Federal Head Start even though there is no increase in funding in H.R. 2210 to accommodate these children.

Since the State program is funded almost exclusively by TANF, except for the self-imposed funding restrictions on the State money as mentioned above, comprehensive health services will not be able to be provided to children in State-funded Head Start. This violates both performance standards and common sense as to what we know these children need.

In tough economic times, one of the first programs to be cut in Ohio, as well as other States, has been early care and education services.

The goal of creating a comprehensive early care and education system that provides quality services for children, easier access for parents, and fabulous results for all children is laudable and one for which we all strive. In the last several years Ohio has taken several steps in the opposite direction by continuing to flat fund preschool, lowering child care eligibility, cutting 6,300 low-income children off of State Head Start, and eliminating almost all State resources to support one of our most vulnerable populations. Until Ohio has proven on a consistent basis that a comprehensive, appropriately funded early care and education system is one of its top priorities, Ohio should be one of the last in line for flexibility to do what it will with children: recent history already has shown we are not ready for it.

Mr. Chairman, I rise to reiterate my opposition to H.R. 2210. Funding authorization in H.R. 2210 does not even cover cost of living increases, let alone provide enough to implement improvements in teacher credentialing and wages or to increase the number of children served in Head Start, Early Head Start, and the Indian, Migrant and Seasonal Head Start programs, all of which are woefully underfunded. Ohio has done much work to help Head Start teachers receive higher credentials and degrees, but it takes a long time and significant resources.

States given the option to administer Head Start would have little federal monitoring. The states would be free to determine their own standards and monitor their progress, unlike the current requirements to closely monitor Head Start programs. This is of great concern.

Finally, several Ohio faith-based organizations and coalitions are not in support of provisions in H.R. 2210 that allow discrimination in hiring based on religion. My constituents believe that discrimination of any kind should not be allowed in this bill. It is also of great concern should this provision extend to volunteers. Parents are often the ones encouraged to volunteer in their child's classroom. Parents often are ultimately hired as staff in Head Start centers. Do we want to discourage parent involvement and a potential job applicant pool because of their religion?

Mr. LEVIN. Mr. Chairman, I rise in opposition to the bill. The Bush Administration and many in this Congress have said over and over that the education policies of this country should leave no child behind. The President pledged to leave no child behind, and then proposed more than a billion dollars of education cuts. If the legislation before the House today passes, the Majority will once again fail the kids who need our help the most.

Head Start was created to help secure a good start, a good education, and good prospects for at-risk youth. Not only does it help children develop cognitive learning and social skills, but also provides comprehensive health, dental and nutrition services which are vital to educational success. This bill before the House would undo the foundation of a program that has been a glowing success for nearly 40 years.

In addition, this bill seriously underfunds Head Start. With already limited resources, Head Start struggles to serve two out of every five eligible children. Without additional funding, we will leave nearly 1 million children behind. It is ironic that the Majority will push to pass billions in tax cuts that chiefly benefit the very rich, yet is unwilling to provide the necessary funding to school kids. This speaks volumes about the priorities of the Majority.

In contrast, the Democratic substitute which I support would build on the success of Head Start. It does so by strengthening school readiness, improving program quality and accountability, and expanding access so more eligible children will be served. It does all this while maintaining local control and high program performance standards.

I ask you to defeat the Republican-sponsored legislation. If you vote for this legislation, not only are you voting to undermine the foundation of Head Start, you're voting to undermine the future of the children who depend on it.

Mr. BACA. Mr. Chairman, I rise in support of the Democratic substitute to protect Head Start. I oppose H.R. 2210, because this bill will do nothing to help African American, Latino, and low-income children get a head start on education.

Head Start has been helping minority and low-income families for over 38 years.

It has helped millions of children from our families have access to quality education.

Ninety percent of the families served by Head Start are below the poverty level and 30 percent are Latino. We must fight to protect this program.

Head Start helps our children compete on a level playing field with children from more privileged backgrounds.

Our families deserve a level playing field. Our children deserve a quality education.

If we truly cared about all children, we would simply expand Head Start not leave it up to the States.

There are nearly 1 million children from Spanish speaking homes that could use a Head Start, but because of funding it can only serve 21 percent of them.

We must not let Republicans block grant this program. It is too important to minorities and low-income families. We must pass the Miller substitute and stop the destruction of Head Start.

Right now, States like my State of California are facing huge deficits. They have their hands full. They cannot adequately protect this program.

All children deserve a better chance at life. We should simply expand this program.

Right now, Head Start only serves 60 percent of all eligible children.

I am tired of watching legislation be passed every day that hurts minorities and hurts the poor. This doesn't make sense.

We must provide more money to our Latino communities since we are now the largest minority in the country.

We need more money to train teachers to meet the needs of children with limited English skills.

The only way to improve Head Start is to invest in our children. Giving control to the States simply doesn't make sense.

I urge my colleagues to vote "yes" on the Democratic substitute and "no" on H.R. 2210.

Mr. ISRAEL. Mr. Chairman, I rise today in strong opposition to H.R. 2210, the School Readiness Act of 2003.

Head Start is one of the great success stories in the history of American education. Since 1965, Head Start has benefited more than 20 million low-income pre-school children, preparing them to compete with their more affluent peers when they reach primary school.

Head Start offers these kids a research-based academic curriculum and a wide range of vital services, including health screenings, nutrition, dental and vision services, as well as extensive parental involvement in education. It currently serves over 900,000 pre-schoolers, including 2,500 on Long Island.

Last week, I had the privilege of meeting several Head Start success stories in my district. Let me tell you about one of them.

Thomas Farrell attended Head Start for 2 years as a pre-schooler. Thomas came into Head Start with a speech impediment, which the Head Start educators worked to correct.

Now, Thomas has just finished his first year at Brown University. He has excelled in his coursework. He plays linebacker on the football team. And he speaks perfectly.

From Head Start to the Ivy League. That's the kind of life-changing difference that Head Start makes.

But this bill will pull the rug out from under all of the future Thomas Farrells out there—ending Head Start as we know it. H.R. 2210 dismantles Head Start, turning the program over to States with unproven expertise and without the Federal program's quality standards and oversight.

If this bill passes, our low-income kids will be placed into State-run Head Start programs, which will be held to a weaker set of quality standards—if they are held to any standards at all—than current, locally run Head Start programs.

States will be able to cut off all services to 3-year-olds, increase class size, eliminate adult literacy services, eliminate parent classroom involvement, and use unproven and untested academic curricula.

And under this bill, States will be able to raid Head Start funding to pay for other educational programs.

My Republican colleagues say they want to make Head Start better. But under this bill, State are under no obligation to show that they would improve the program. In fact, no State pre-kindergarten program has ever been demonstrated to be as effective as Head Start.

Mr. Chairman, my Democratic colleagues and I are willing to work with our friends across the aisle to make Head Start an even more effective program for our low-income kids. We can start by fully funding Head Start so no eligible child is left behind. We can work together to expand Early Head Start to serve more infants and toddlers. And we can improve the quality of Head Start teachers by requiring that more of them have bachelor degrees and by compensating them properly so that they stay with Head Start.

But what we must not do is dismantle a program that has proven to be so effective for our low-income kids.

Mr. Chairman, education is the great equalizer for kids like Thomas Farrell to achieve the American Dream. I implore my colleagues to vote against H.R. 2210, which makes the playing field even more unlevel for them.

Our primary job in Congress is to set priorities for America. Let our children be our highest priority.

Mr. FARR. Mr. Chairman, I rise today in strong opposition to H.R. 2210, the School Readiness Act of 2003. Since 1965, Head Start has profoundly improved the lives of more than 20 million children, and their families. The legislation before us undermines the very structure of the Head Start program and its ability to continue to improve the lives of low-income children who deserve a chance to succeed.

This bill establishes an eight state, block grant program that would provide funds to cash-strapped states that have neither the experience nor the commitment to run a Head Start program. These state run Head Start programs would not be required to meet Head Start performance standards that ensure a quality, comprehensive program that focuses on: health, education, and family and community development.

One of the most valuable parts of the Head Start program is the commitment to families and communities. The "federal to local" organization of Head Start has allowed each program to address the particular needs of their locality. Through this tailored approach, Head Start teaches and encourages parents to become more involved and committed to their children's continuing education. The result is that Head Start has been able to improve the long-term outlook for many children. Studies show that by the spring of their kindergarten year, Head Start students show substantial progress in word knowledge, letter recognition, math skills, and writing skills in comparison to national norms. In addition, Head Start students are less likely to be held back a grade, or require special education. Rather, they are more likely to graduate from high school and college, than their peers who did not enjoy the benefits of Head Start. There is no evidence to show that state-run Head Start programs could replicate these successes or the invaluable community focus.

In order to continue to help more low-income children overcome the disadvantage of poverty, Head Start must receive adequate funding. Currently, Head Start is capable of serving only: 60 percent of eligible children, and 19 percent of migrant children; while Early Head Start serves only 3 percent of eligible children. Rather than jeopardizing the quality programming of Head Start by ceding control to states that are inexperienced in managing Head Start programs, we need to catch more at risk children who are slipping through the cracks.

In addition to making irresponsible structural changes, H.R. 2210 repeals longstanding civil rights protections for the employees of Head Start programs that are operated through faith based organizations. Under this legislation, faith based organizations could legally discriminate, on the basis of religion, in the hiring of their Head Start employees. Many Head Start programs are admirably operated by faith-based organizations, however, that does not give them the right to discriminate if they accept Federal funds. The only consideration in hiring Head Start teachers should be to secure the best possible educator for these children who so desperately need quality instruction. It is shameful to think that educational qualifications could be overshadowed by religious affiliation.

In my home State of California, over 100,000 children and their families participate in Head Start and Early Head Start programs annually. These programs have dramatically improved school readiness, health, and family relationships of participating children. I am unwilling to support H.R. 2210 and its unproven provisions that threaten the established success of the Head Start Program. I would urge all of my colleagues to oppose this dangerous legislation.

Ms. LOFGREN. Mr. Chairman, I rise today to express my strong opposition to proposed changes to Head Start that will lead to the dismantling of this important program for children. Instead of making these changes, we should be working in a nonpartisan manner to strengthen a program that has served so many children so well for almost 40 years. Turning Head Start over to the States who already face growing record budget revenue shortfalls can only lead to deep, unacceptable cuts in State government support for early childhood education and development programs.

Countless studies show that Head Start is effective at an early age and continues to be effective into adulthood.

One study shows that only about one-fourth as many female Head Start participants as nonparticipants failed to obtain a high school or GED diploma and only one-third as many were arrested for crimes.

The Administration itself said in a 2002 report by the Department of Health and Human Services (HHS) that Early Head Start programs consistency enhanced cognitive development and reduced negative aspects of children's social-emotional development.

HHS reported that the Head Start program received the highest customer satisfaction score of any government agency and even had a higher score than many major companies.

HHS also found that the children and families served by Head Start are diverse in culture and language and that parents have been pleased with the program's attempts to respond to linguistic and cultural uniqueness of their children.

We must not by persuaded by word games involving Head Start. I do not believe that we should attempt to "improve" Head Start by breaking it up and diverting its funding to the States for use in untested and unproven programs that may not survive deficit-driven State budget cuts over the next few years. Our constituents will be watching to see how we work to best serve their children.

It is inconceivable that we would strive to serve fewer children than Head Start does or provide less comprehensive services to those children who are served. These outcomes are simply not acceptable since these at-risk children who rely upon Head Start require special assistance in order to be "ready to learn" when they start kindergarten and elementary school. Why, Mr. Speaker, should we support spending funds on state administrative costs that would be better spent serving children in the classroom? Perhaps, someone can explain to me how reducing teacher educational requirements and other key standards and providing no role for Head Start parents and volunteers will strengthen this program.

Rather than this dangerous bill, I support making Head Start work better rather than dismantling Head Start. This House should make sure that this program survives and is properly funded to serve all eligible children, including the two out of five 3- and 4-year-old children who could be in the program, but are not, today. We should be building on the success of Head Start, not rendering it useless. Mr. Chairman, Head Start deserves the funds it needs to serve all eligible children and to put more teachers with top qualifications into the classrooms where they are so urgently needed today.

Mr. STARK. Mr. Chairman, I rise today in opposition to the Republican Anti-Head Start legislation that strives to destroy this nationwide pre-school program for poor children, and in support of the Democratic substitute.

The Head Start program is by far the most successful preschool program in this Nation's history. The facts show that Head Start works. Children enrolled in Head Start show gains in their IQs, are more likely to graduate from high school, and are less likely to need special education, repeat a grade, or commit crime than low-income children who do not attend Head Start.

Head Start works because it provides comprehensive health and nutritional services as well as educational services to poor children. This is important because well-fed and healthy children learn better than hungry and unhealthy children.

Head Start also works because it provides services to parents such as education classes, health services and parent training classes. This is vital because parent services involve fathers and mothers in their children's development and as a result their children perform better academically.

Unfortunately, the Republican bill today attempts to destroy all that is good about Head Start. Instead of expanding the program, the Republicans allow states to gut Head Start and the benefits it provides to children. By turning the program into a block grant, Republicans are ensuring that unproven state preschool programs could soon replace Head Start.

It is a proven fact that these state programs aren't as good at improving our children's academic performance. A recent Yale University Study shows that Head Start provides better health and nutritional services than any state preschool program. Yet, the Republican bill does not even require States to demonstrate that their preschool programs can do a better job than Head Start. In fact, States could use Head Start dollars to support preschool programs that have no quality education standards or that have no school readiness standards.

Republicans also allow States to cut off all services to 3 year olds, to increase class size, to increase child-staff ratios, and to eliminate adult literacy services, parent classroom involvement and all health and nutrition services.

Mr. Chairman, our children deserve better than a second rate start to their education. They need the best Head Start we can give them.

Unlike the Republican bill, the Democratic substitute builds on the proven success of Head Start by strengthening school readiness, improving program quality and accountability, and expanding access so more children can receive its benefits. The Democratic bill strengthens Head Start's focus on pre-literacy, language and pre-math skills and creates new quality standards to develop school readiness skills.

Our legislation also expands Head Start to all eligible preschoolers and increases access for poor families to the Early Head Start program. Even the most successful programs need improvements over time. The Democratic bill addresses this. It strengthens Head Start by providing meaningful reforms that build upon this program's success.

Mr. Chairman, I urge all my colleagues to stand up and stop this heartless destruction of Head Start. The hopes of millions low-income children are depending on us to do the right thing. We should not deny these children the Head Start services that give them a better chance, that help them to succeed, and allow them to become healthy and productive citizens of our great country.

I urge my colleagues to vote to save Head Start and Early Head Start by supporting the Democratic substitute and voting down this destructive Republican anti-Head Start bill.

Mr. BLUMENAUER. Mr. Chairman, it makes no sense to gamble with Head Start. We have a program that serves almost a million people. Since Head Start's inception in 1965, the program has reached over 21 million children. In our community it has served over 214,000 children and their families. It works.

Head Start children score higher on standardized assessments of cognitive development than children who haven't been able to participate.

Head Start is an investment. There are estimates for each dollar invested in the long term savings to society are seven times as much, but that does not really tell the whole story. It's not just money, it is more stable families, a sense of worth and accomplishment and it is a demonstration that we care enough to invest in children who don't have all the advantages.

Children learn by example. Parents of Head Start children are more likely to be engaged with their children, and more likely to read with their children. Head Start is more than just an education program. Health screenings provided by Head Start are an essential component of many children's health at a time when too many of our working families do not qualify for health coverage.

In my 8 years serving in Congress I have not heard one complaint about Head Start. In fact, Oregonians support Head Start and are opposed to the changes. This bill is a sign that we don't care enough to provide services for another two-thirds of a million children and their families that are eligible but for whom funding is not available, this of course would be small fraction of the money we are giving in tax cuts to people who have all the financial advantages and do not want for education and support. It will be extremely difficult to explain to the vast majority of Americans how we have money for the most well off and not to extend this basic proven service to those not in need and who would benefit not just themselves but the society for years to come.

The problem is compounded by the insistence administration and Republican leadership to take chances with Head Start. Because of economic upheaval, more restrictive financial operating requirements and frankly because the Federal Government has not kept its promises, state governments are a source of significant turmoil.

Across the country, states are dealing with the economic calamity and the lack of federal support by cutting back on services and some cases abandoning long held principles of their own. College tuition is skyrocketing, social service networks are unraveling and money that was to be directed to long-term social problems are being robbed to avoid complete financial breakdown. State after state is raiding tobacco settlement money which was given to correct health problems from use of tobacco. This money is being diverted, to provide short-term financial relief.

Why would we take a proven successful program and throw it into the financial black hole that is represented by so many states? Why would we abandon the guarantees that these Head Start money will go to the children who need it? Why after the travesty of Leave No Child Left Behind which has degenerated into a series of unfunded mandates would we now impose another unfunded mandate for Head Start teacher qualification and provide no addition resources? In my good conscious I cannot support a bill that gambles with our children.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today in opposition to a bill that would turn back the clock on the improvements made to early childhood education and development in this country.

The School Readiness Act, H.R. 2210, would turn the successful Head Start education program for disadvantaged children into block grants in eight states, including Connecticut, which would reduce accountability and ignore performance standards. It would allow states to qualify for a block grant simply by having a state preschool program, regardless of the quality, components, size or proven record of that state program. It also allows states to run Head Start programs with lower educational standards, minimal comprehensive services, less oversight and accountability and no evidence that they do a job equal to or better than Head Start.

This legislation is the first step in the process of completely dismantling a very significant early childhood education program by turning it into a block grant initiative for states without requiring them to live up to any Head Start performance standards. The bill diverts funds from local programs to state governments while at the same time relieving states of the responsibility to meet the current federal performance standards that have made Head Start so successful. This change will result in reduced performance standards, accountability and oversight, ending the Department of Health and Human Services review process and weakening the program.

Mr. Chairman, Head Start is one of the most evaluated federal programs, and research concludes that Head State works. Children who attend Head Start exceed national norms in vocabulary, early writing, letter recognition and social behavior, and they enter school better prepared than low-income children who do not attend Head Start. Head Start students are less likely to need special education services, are less likely to repeat a grade, are more likely to graduate from high school and are less likely to commit crimes during adolescence.

For nearly 40 years, Head Start has successfully served millions of children through comprehensive services to ensure they are ready for school. The efforts to dismantle this program is little more than an ideological exercise cloaked in rhetoric about collaboration with states and improving outcomes. It is an unjustified and unnecessary experiment on a successful program that is less about real policy and more about advancing an ideological crusade. It will end up doing harm to the children of this country and I urge my colleagues to oppose it.

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to H.R. 2210, because it unjustifiably turns the Head Start program—one of the most evaluated and successful federal anti-poverty programs—into an unproven experiment.

The very strength of the Head Start program lies in the comprehensive services it provides. Consistent with Maslow's hierarchy of needs, the program improves academic achievement only because it addresses basic health and mental health, nutritional, dental and other social needs of low-income children. These needs must be met in order to facilitate learning. H.R. 2210 discards Head Start's comprehensive approach and curtails parent involvement. It troubles me that proponents of this bill believe that we can expect children to excel academically, along with their privileged peers, when, in fact, their learning is seriously impeded by the devastating effects of poverty.

Pediatric dentists are rare in rural areas. In Blossburg, PA, the local Head Start program makes several trips each year to Scranton with children who needed so much dental work that local dentists will not treat them. Parents do not have the means to drive 180 miles to access dental treatment, so Head Start provides the transportation.

John Holdsclaw, who worked with the National Head Start Association and was a Head Start student himself, would not be the successful adult that he is now without the program. When he entered Head Start at the age of four, he was called "Thick John," because he never responded when asked a question. Head Start employees found that he had an inner ear problem; had this problem not been corrected, John would have entered school unable to hear his teacher and unable to learn.

There are eleven Head Start agencies, including five tribal programs, serving families in my Congressional District. Over the past 5 years, these programs served 12,683 children ages 0–5. In my district, 50 percent of eligible children go unserved by Head Start and Early Head Start.

In recent weeks, I have received numerous expressions of support for this vital program from Early Childhood experts, Head Start teachers, and Head Start families in my district. They all state the obvious: Head Start has yielded countless success stories, and it should not be restructured in the name of "reform."

Recently, I heard from Susan Woidyla, a Head Start teacher who serves children in two counties in my district. She described the success of the Early Head Start program's curriculum for prenatal woman. The program currently serves ten pregnant women, many of whom are teenagers who will be first-time mothers. Woidyla spoke about one teenage mother who is homeless and in an abusive relationship. As the only social service program in her life, Head Start is not only providing her with critical information about the brain development of her fetus and the potential effects of periodontal disease, but the program is helping this young woman find the services she needs to care for herself and her developing child.

Julia Kicker, another constituent of mine, shared her family's experience with Head Start. Although Julia and her husband knew that their first son, Jacob, was lagging behind other children in his social development, they were told differing information from local day care providers. Some day care providers insisted that he was fine; others believed he needed to be medicated; and still others suggested parenting classes for the Kickers.

Then Jacob began Head Start. The staff identified his needs, and they encouraged special education professionals to become involved with assessments and other services for Jacob, who is now enrolled in kindergarten. He has a one-on-one para-professional helper in the classroom and has been diagnosed with sensory delay and emotional behavior disorder.

Not only did the program assist Jacob, but it assisted Julia as well. It was the support that the Head Start program routinely gives parents and families that gave Julia the self-confidence to run for and be elected to the Policy Council for Head Start, the Board of Directors of the Community Action Council, and the City Council.

I will not vote for legislation that guts Head Start's comprehensive services and parental involvement and unravels a successful program that HHS itself has said is working. Instead, Head Start should be adequately funded to meet the needs of all eligible children.

I urge my colleagues to vote "no" on H.R. 2210.

Ms. SLAUGHTER. Mr. Speaker, Head Start works. In my home district, over 3,300 children benefit from Head Start programs. Ninety-seven percent of these children are part of families that live below the poverty level or receive public assistance. For these children in Western New York and the other million children enrolled in Head Start across the Nation, I oppose the Head Start Reauthorization Act and its attempts to dismantle Head Start.

Countless studies have shown that Head Start is an effective program that helps some of our Nation's neediest youths succeed. It takes a holistic approach to children's welfare by proving early childhood education in reading, writing, mathematics, and language skills, providing medical and dental care, providing mental health services, and providing disability assessment and treatment. Virtually every single child in Head Start programs in my district has received appropriate preventative and primary medical care and comprehensive dental care. This is health care they likely would not receive otherwise.

The comprehensive approach to preparing children for academic success is itself a success. Dollars spent on Head Start produce taxpayer dividends for year. Children who go through Head Start are better prepared for elementary school. Without Head Start, many of these children would be far behind their peers from the first day of kindergarten. Head Start children are less likely to repeat a grade, require special education, or be convicted of a crime. Head Start children show IQ gains when compared to low-income children who are not in the program. In addition, Head Start children are more likely to graduate from high school and college.

H.R. 2210 is the first step toward destroying Head Start. The bill would hand control and responsibility for Head Start to eight states—states that are facing the severe budget crisis gripping almost every state and local government. However, these states would not be required to meet minimum federal standards. Without these federal basic requirement, states are likely to weaken educational standards, cut services like medical and dental care, and shift more funds to cover administrative costs—especially during this jobless recovery that is squeezing state budgets. It is irresponsible to hand states such a substantial sum of money without ensuring that it will be spent for the optimum benefit for the 900,000 children currently enrolled in Head Start and the thousands of eligible children who are not enrolled.

The Head Start programs in states that are not part of the block-grant experiment continue to be severely underfunded. The lack of sufficient funds denies many eligible children access to Head Start programs. Only 60 percent of eligible preschoolers are enrolled in Head Start; Early Head Start only serves 3 percent of eligible infants and toddlers; and Migrant and Seasonal Head Start only serves 19 percent of children or migrant and seasonal farm workers—all due to insufficient funds.

Further, I am incredibly disturbed that this bill promotes discrimination by allowing Head Start programs to hire and fire teachers based on religion. This country has an admirable history of advancing the fundamental principle of nondiscrimination, particularly when the federal government spends taxpayers' money. It is irresponsible to allow religious organizations using federal dollars to run secular Head Start programs which could discriminate against people of other faiths. The landmark Civil Rights Act of 1964 prohibits many insidious forms of discrimination. It also permits religious organizations to hire people of their own faith for religious functions. It protects synagogues from discrimination suits for not hiring a Catholic priest to serve as a religions leader. This is as it should be. But Head Start is not a religious program—it is a secular education program. The faith of the teachers in Head Start is irrelevant to their jobs. It is a terrible lesson to teach thousands of children that discrimination against peoples of a differing religious faith is desirable. How are Head Start teachers supposed to teach their students that discrimination is wrong when a federal statute validates it? Mr. Chairman, I strongly support the Woolsey/Edwards/Frank/Scott (VA)/Van Hollen amendment that would restores civil rights protections to Head Start teachers and oppose H.R. 2210.

Mrs. TAUSCHER. Mr. Chairman, I rise today to voice my strong opposition to H.R. 2210, the School Readiness Act of 2003. Nationwide, Head Start programs are facing serious budget and service cutbacks in the comprehensive health, nutrition, social and educational services they offer. Most Head Start programs only have enough funds to operate a half-day schedule while most parents need full day care to accommodate their work schedules. Only three out of every five children eligible for services find a slot in a Head Start classroom. Only 62,000 infants and toddlers—just 3 percent of those eligible—are served in Early Head Start. Many centers will face possible closure within the next 5 years if President Bush's proposal is enacted.

Last year, federal funding for Head Start was almost cut by 10 percent. If that funding cut had been enacted, the Napa Solano Head Start Program, which serves children in some of the areas I represent, would have been forced to eliminate 100 slots for kids; would have had to close five classrooms; and would have had to fire 15 teachers. The Napa Solano Head Start program serves over a thousand infants, toddlers, and pre-school children in my district. These children come from families who live in poverty—where the parents' incomes are around $18 thousand a year for a family of four. Without Head Start, these families would have almost no options.

Incredibly, Head Start is only receiving a paltry 1.6 percent increase in funding for 2004—an amount that barely covers inflation. Head Start administrators say they will be forced to make cuts. But Mr. Chairman, the cuts are not the biggest concern. The crux of this debate is that the White House and Republicans in Congress are trying to dismantle Head Start as we know it. The Republican bill being debated today would change Head Start from a program that provides federal grants directly to local community organizations into a state-controlled program.

I've always believed that education needs to be a national obsession and a local possession, and I am very concerned that taking money away from communities to run Head Start programs tailored to their needs would devastate children in our communities. States will be forced to use money for administrative expenses instead of spending it all on early education, healthcare, and nutrition services for our children. This plan may also allow states to use Head Start dollars for non-Head Start programs because the block grant money could be funneled to other programs to reduce state budget deficits. A state only needs an existing program providing pre-kindergarten in order to qualify for funds. Unfortunately, nothing in this bill requires the state to have a good pre-K program. There are no measures dictating quality, class size, or components of curriculum. Any program would suffice. Thus, a state with an untested, unproven program that is less rigorous and comprehensive than the Head Start program would still qualify for funds.

According to the National Head Start Association, only four states have services as comprehensive as Head Start, and none have been demonstrated to be of equal or better effectiveness. And, because of conditions put on states to receive Federal funds, many simply would not qualify. The net effect of this, Mr. Chairman, is that there will be fewer dollars to administer programs at the local level and our kids will be the ones who suffer. But that's not the only problem with this bill. It essentially guts performance standards, which will ultimately lead to dismantling Head Start. Current law requires the Department of Health and Human Services to thoroughly review all Head Start grantees every 3 years. Head Start experts supervise and conduct the reviews. Under H.R. 2210, accountability and oversight will disappear because the reviews will be contracted out and there will be no initial evaluation of the quality of their state plan before funds are released. By determining priorities and making decisions at the state level instead of at the local level, the input of community leaders and parents would be eliminated.

I do support the underlying bill's provision requiring that 50 percent of Head Start teachers nationwide have a bachelor's degree by 2008, and that by 2005, all new teachers have at least an associate's degree. This would provide our children with better trained teachers and would provide our teachers with a way to earn a higher salary. Unfortunately, this bill provides no funding for teacher education or salaries. It actually cuts the amount of funds that may be reserved for teacher training and technical assistance to less than 2 percent. Head Start teacher salaries cannot compete with the benefit packages offered by county offices of education and school districts; therefore we train teachers and then lose them to the higher paying entities after they obtain their degrees. This bill does not provide enough money for teacher training and salaries and is thus another unfunded mandate.

Head Start is not just a literacy program or just a pre-kindergarten program. It is an anti-poverty program that seeks to build strong families and strong communities. Strengthening the family is the only way we can effect long-term, positive change in a child's life.

My colleague from California, GEORGE MILLER, has offered a substitute bill that will keep Head Start in place as we know it. The Miller substitute will strengthen school readiness, improve program quality, and expand access so more eligible kids are served—and provide enough funds to do so all while maintaining local control. The Democratic substitute includes assistance for children of migrant and seasonal farm workers, creates a new quality standard to develop school readiness, and focuses on pre-literacy, language and pre-math skills. While our children's performance standards in some content areas do need to be improved, dismantling the entire Head Start program, as the majority's proposal would do, is a huge leap backwards in the progress we've made for children in communities across the country.

I urge my colleagues to support the Democratic substitute and to preserve this great program.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I am here today to oppose H.R. 2210, the School Readiness Act of 2003. While I agree that every child deserves an early education—the "head start"—that they need to get a strong start in life, and to be safe and secure while their parents are at work, providing its funding in the form of block grants and moving the program from the Department of Health and Human Services would strip the program of its effectiveness.

Every day, three out of five preschoolers are in childcare and millions of older children are in after-school activities while their parents work. Head Start activities help to shape the way children think, learn, and behave for the rest of their lives, but little attention is being paid to the quality of those experiences.

While Head Start offers a strong educational foundation, the program teaches proper nutrition and provides health and mental health screenings and other important services that many of these children would not have if it were not for the Head Start program. This Nation's most comprehensive and successful pre-school program for low-income families, Head Start serves at least 1 million children each year.

As a member of this body, but more importantly as a grandmother I am troubled by the administration's plans to dismantle this proven program by turning it over to struggling states. I find this move to be incredulous and it baffles me as to why such a move would be necessary.

Disappointingly, last week the Rules Committee voted on a closed rule, which allowed no amendments to H.R. 2210. During the last week, colleagues on both sides of the aisle echoed the need for civility and respect in this institution in making this a better America. Republicans offer a rule that allows changes to their bill without allowing changes to the Democratic substitute, and also blocks consideration of critical Democratic amendments. I understand that my colleagues on the other side of the aisle are doing everything to succeed the President's agenda, but I am shocked that they are doing it at the cost of innocent, deserving young children.

This administration is eager to prescribe unfunded mandates yet they offer no tangible means of implementing measures. An issue of great concern to many, which is not addressed in the current bill, is how Head Start programs will comply with new regulations issued by the Department of Health and Human Services (found at 45 CFR part 1310). These new regulations require significant changes to the manner in which these programs transport Head Start children to and from school and were issued without providing programs with any effective means to fund these changes.

As a result, numerous programs are having difficulty complying with the transportation regulations and particularly with the next deadline for implementation—January 20, 2004.

If an open rule were provided, I planned on offering an amendment. In order to address this problem, I recommend extending the deadline for Head Start programs to comply with the transportation requirements from January 2004 to 2006. During this time period, with the input from the local Head Start centers, I believe these regulations could be effectively revisited and modified.

The Head Start program not only involves the child but also recognizes the importance of the family. Head Start has included parents in both the child's education and their membership of in the Head Start Policy Council. Although this bill does focus on literacy, it abandons the comprehensive approach that is fundamental to Head Start's success. There are additional benefits of Head Start, including providing medical screenings, immunizations, nutritional assistance and referral service for families.

I have received numerous letters from teachers, parents, and other employees of the Sunnyview and Greater Head Start locations in my district of Dallas, Texas. Each one pleading for additional funding and urging the program to be kept in its current structure. One parent writes, "they teach them how to write, count, their ABCs, to draw, to be responsible. . . . Many families feel comfortable with this program because they can come in and volunteer in the classes and see what the children are learning."

Mr. Chairman, we must join hands and commit to work together in our country's educational struggle. A good education is the key component of success in the information age. That is why extending educational opportunity to every child in America has become my principal mission in life.

It is my earnest plea that my colleagues will join me and vote against H.R. 2210 in its current form. Head Start should not be moved to the Department of Education, nor should the funding ever be in question by having it succumb to the politics of block grants.

Mr. SANDLIN. Mr. Chairman, I rise today to join my colleagues in speaking against the House leadership's ill-conceived plan to abandon our Nation's most vulnerable children, through their latest attempt to dismantle Head Start.

The re-authorization of Head Start grants Congress the express opportunity to honor and strengthen the original intent of this landmark anti-poverty legislation. Instead, we stand here today with legislation that directly assaults Head Start by weakening the academic, health, social and civil rights protections created by the Office of Economic Opportunity as part of President Johnson's War on Poverty social programs. Furthermore, we have once again been robbed of the opportunity to amend and improve H.R. 2210, through the leadership's restrictive, unfair rules denying us a voice in this process. It is unconscionable to play legislative games with politics that affect our most vulnerable citizens' lives.

First implemented in 1965, Head Start has been a beacon of hope for low-income families and has fostered their dreams for their children's successful futures. By offering comprehensive services, including early childhood development, educational support, social development, healthcare, dental services and parenting classes, we recognize the unique needs of disadvantaged children, and offer much needed assistance to level the playing field.

The leadership's so called reform legislation will only serve to undermine Head Start and the success of the children whose futures we debate here today. By block granting Head Start, states will be permitted to create their own achievement and readiness standards, while allowing them to gut the crucial programs currently used to achieve national objectives. Under H.R. 2210, class sizes can increase, programs can be shortened, and unproven curricula can be implemented.

Make no mistake about it, the existing Head Start guidelines value the communities that implement the program. Currently, funding is sent directly to the school systems, nonprofit organizations, and agencies that assist our Nation's low-income children. By block granting Head Start to states, funding will have to endure an extra level of bureaucracy, with an extra level of administrative costs, without the national accountability.

Our leadership's abysmal funding for Head Start is also indicative of the low priority it holds for this essential program. The bill's authorization does little more than cover inflationary costs by providing only 2.9 percent more than the fiscal year 2003 appropriation. In addition, while increasing teacher quality degree requirements, a new unfunded federal mandate is enacted by its failure to provide the funds to achieve these measures. Even worse, H.R. 2210 cuts funding for training and technical assistance.

Jodi Ogden, the executive direct of Community Services of North East Texas, told me she is currently able to serve over 500 children in 10 Head Start centers under her purview. Weeks before the fall school year has even begun, five of these centers have wait lists for needy children. These children should not have to be waitlisted for essential services. We should do better by them today.

Finally, we should be ashamed that this Head Start program, a hallmark of federal social assistance, will allow nationwide discrimination under the new reauthorization legislation. Current law allows faith-based organizations to participate in the Head Start program, as long as they do so fairly. However, under the reauthorization these organizations will be permitted to use discriminatory hiring practices to favor job applicants of certain faiths over others. This is not how our scarce federal tax dollars should be used. It is sadly ironic that a program intended to create equity would permit such an inequitable hiring practice.

Like many of my colleagues, I have been gratified by the opportunity to visit with those at the front lines that are providing Head Start services to our disadvantaged children. They know the benefits of Head Start. They see how families are helped by comprehensive Head Start services. They know that we must augment, not annihilate the valued tenets of the Head Start program. Any reform to essential programs must be thoughtful, balanced, and reflect our citizens' most essential needs for successful lives. As Karen Swenson, executive director of Greater East Texas Community Action, wrote to me about this legislation, "I do not want children to suffer just because of the idea of change."

Mr. Chairman, this terrible legislation will cause children to suffer. Knowing this, I am forced to vote against it today.

Mr. FALEOMAVAEGA. Mr. Chairman, I would like to take this opportunity to discuss a section of H.R. 2210 which is critical to my district. Section 640(a)(2) of the Head Start Act directs the Secretary of Health and Human Services to reserve 13 percent of the amount appropriated for Head Start to be divided between Indian Head Start programs, services for children with disabilities, migrant and seasonal Head Start programs, and American Samoa, Guam, the Northern Marinas, and the Virgin Islands.

Mr. Chairman, American Samoa has a population of almost 60,000. Six out of every 10 residents in American Samoa live below the poverty level and more than 3,000 children qualify for Head Start services. American Samoa currently provides Head Start services for 1,532 children. American Samoa also has the highest enrollment of any other Pacific island group.

Given this, I am concerned about the lack of funding American Samoa is receiving and the allocation process being utilized by the Secretary of Health and Human Services. It was my intent to offer an amendment which would direct the Secretary to conduct a full review of how to more equitably distribute Head Start funding among Indian Head Start programs, services for children with disabilities, migrant and seasonal Head Start programs, and American Samoa, Guam, the Northern Marianas, and the Virgin Islands, and it is my hope that language will be inserted into the conference report which will direct the Secretary to review the formula being utilized. If this is not possible, then I am hopeful that this statement will establish that it is the intent of Congress for the allocation process to be immediately reviewed.

Mr. RAMSTAD. Mr. Chairman, I don't understand why the administration wants to fix a program that's not broken.

Head Start is one Federal program that works and gives parents a voice in how to best meet their children's educational needs.

I have visited a number of Head Start classrooms, and I have seen firsthand that Head Start is working well for "at-risk" preschoolers and their families.

I oppose this bill to recast Head Start because it would disrupt Head Start's comprehensive mission of education, health and nutrition. Comprehensive services, along with parental involvement, are the foundation that make Head Start successful.

This bill diverts funds from local programs to the States, while relieving States of the responsibility to meet current performance standards.

Early childhood experts agree that the proposed changes would be devastating for Head Start and the children and families it serves. The last thing Congress should do is experiment with a successful program.

I urge my colleagues to vote against this legislation.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in support of Head Start and against H.R. 2210, the so-called "School Readiness Act of 2003". The only thing this bill "readies," is the dismantling of the successful, time-tested Head Start program. I am an avid supporter of Head Start and have been since its beginning in 1965 when I taught Head Start classes. The Head Start program was founded on the basic principle that children cannot learn when they are hungry or sick or when their parents are not actively involved in their lives. Currently, this program serves only 60 percent of eligible pre-schoolers, 3 percent of eligible infants and toddlers, and 19 percent of migrant and seasonal farm workers. Congress should be working to strengthen the program and expand the ability of low-income families to access its benefits. Instead, this bill does not even authorize enough funds for the program to cover the cost of inflation.

There is a major difference between what H.R. 2210 claims to do and what it actually does. H.R. 2210 promises quality improvements by increasing teacher credential requirements, but fails to provide any funds to increase teacher salary or assist teachers in obtaining education. Head Start teachers earn half of the average salary for kindergarten teachers—this bill allows only for a modest raise. The bill increases teacher credential requirements—requiring 50 percent of Head Start teachers to have a B.A. by 2008—while decreasing the amount of funds that are spent on training and technical assistance.

Further placing the future of Head Start at risk, this bill would allow eight states to replace their successful Head Start programs with other unproven pre-school programs. At a time when our states are facing severe budget crises, this bill would turn complete control of the program over to the states. It allows states to set their own quality standards and to determine whether or not they meet those standards. It guts that Head Start program—allowing increases in class size, unproven curricula, and shorter programs that do not provide the crucial nutrition, health, and social services children need to succeed.

More insidious than the full-frontal attack H.R. 2210 wages on Head Start is the attack it wages on civil rights. H.R. 2210 repeals long-standing civil rights protections to allow faith-based organizations to discriminate on the basis of religion. The bill allows these organizations to use Federal dollars to practice discriminatory hiring policies. This is an assault on two of our Nation's most fundamental principles: the separation of church and state and equal protection under the law. The Federal Government should never be in the business of permitting discrimination nor should it break down the historic separation of church and state.

We must stand up for our nations neediest. Head Start provides children in difficult, often impoverished, situations the developmental tools needed to give them a head start in their lives—an equal starting place in life so they can catch up to their more fortunate peers. Children, and their families, cannot afford the loss of any of those services. We must reject H.R. 2210.

Ms. MAJETTE. Mr. Chairman, I rise today in support of Head Start, the most successful program our country has in the war against poverty. The Head Start program gives children the tools they need to break the cycle of poverty. As the philosopher, Plato, once noted, "The direction in which education starts a man will determine this future life."

Dr. Martin Luther King Jr., Congressman JOHN LEWIS, A. Philip Randolph, and hundreds of thousands of others marched on Washington 40 years ago to demand that the President and Congress give every man, woman, and child an equal opportunity to be the best we can be. That opportunity can only come about when every child has equal access to education.

Indeed, providing a firm foundation for the education of our children is the most important investment we as a nation can make in our future. When President Lyndon B. Johnson convinced Congress to put this program in place almost 40 years ago, we began a war on poverty that has benefited this country in countless ways.

Poverty in America weakens our greatest resource by sapping our children of their hope that they can realize their dreams. These children can, and do, realize their dreams when they take part in Head Start.

Head Start is not a simple daycare program it focuses on the whole child. These children receive balanced, nutritional meals. They also receive basic health care, including dental, medical and vision screenings and vaccinations. Head Start children not only learn their colors, they are enveloped in nurturing relationships, and by age four or five come to school ready to learn. Head Start focuses on the whole child, and Head Start works.

It's a fact that Head Start children are:

Less likely to be held back in school.

Less likely to be placed in special education classes.

More likely to succeed in school.

More likely to graduate.

More likely to be rated as behaving well in class and being better adjusted in school.

And five times less likely to end up in jail as adults.

Mr. Chairman, I'd like to bring up a sad state of affairs in America today: Right now, there are over 2 million Americans in prison.

The evidence shows that we can actually reduce incarcerations if we act early enough because children who participate in Head Start are five times less likely to end up in jail. There is no disagreement about this face: Head Start reduces the likelihood that a child will become one of those two million in jail.

Unfortunately, Head Start serves fewer than 1 million children: only helping 1 out of 5 needy children in Georgia and across the Nation. Even though the money we put into this program now will save us much more in the long run by, among other things, reducing the amounts we need to spend on prisons. Head Start is quite simply the best investment opportunity we can offer our constituents for their tax dollars. We are being penny wise and pound foolish.

Despite this huge investment opportunity, taxpayers are currently supporting twice as many prisoners as Head Start students. The administration does not have its priorities straight. Just look at the cost: We spent less than $7 billion on Head Start this year, while we spend over $74 billion a year on the prison system. It costs only $18 a day to place a child into Head Start, and over $50 a day to keep someone incarcerated in jail. This is not fuzzy math—it is crystal clear. We can save money if we realign our priorities. We must fully fund with Head Start to guarantee that we leave no child behind.

This is not just any "program," it is an incredible investment in our future. Head Start takes our poorest children and cures their toothaches, fills their stomachs, and gives them eyeglasses. With that vision, children are able to see far beyond the blackboard. Full funding of Head Start would enable us to fulfill our Nation's promise to give everyone an equal opportunity in life. In short, Head Start gives children a reason to hope, and the ability to succeed.

And isn't that what our Nation is all about? The promise that everyone, regardless of their background, can pursue their own happiness and achieve their own dreams. Every day people come to America in the hope that their children will have better opportunities than they did. Head Start is a critical part of our commitment to fulfill this promise. It is our Nation's attempt to be sure that every child gets to take advantage of an education. A good education represents everyone's best hope of realizing the American dream. Head Start is our program, painstakingly designed over 35 years, to "aid participating children in attaining their full potential." This bill removes this language, but this ideal is still a part of Head Start.

Do we want children who get a head start to come to school ready to learn, graduate and become productive members of our society, or do we want to watch our prison population continue to explode and scratch our heads, wondering what went so wrong?

Today we have the capability to reduce the number of Americans in prison, to reduce the burden on taxpayers and at the same time give millions more children a reason to hope. Head Start is the smartest investment we can make in our future. For just $12.5 billion over the next 5 years, we can set every child on the road with their best foot forward and show them a world of possibilities.

We are spending $1 billion a week in Iraq. Should we do less for the children of America?

If some citizens don't succeed, it may not be our fault, but if we fail to show them how to succeed in the first place, we have only ourselves to blame.

Mr. DAVIS of Illinois. Mr. Chairman, I have always stood by the saying that "education is the great equalizer". Yet, in this bill, we are allowing education to be easily accessible to the haves and more difficult to obtain for our Nation's have-nots. This attitude toward education is a giant step backwards to 40 years ago. Low-income children, children with disabilities and individuals who want to go to college are the ones that are being hurt substantially in this bill.

Although, the 2004 budget resolution was to provide the Department of Education with a $3 billion increase, this bill only allows for a $2.3 billion increase over Fiscal Year 2003. The Title I program is one that is hit the heaviest. Title I schools have the least experienced teachers, less competitive teacher salaries, higher teacher turnover, a less rigorous curriculum, the least amount of resources and students with greater academic deficits, which all adds up to these schools being less able to meet the No Child Left Behind Act's mandates. Instead of providing a substantial increase to offset the disadvantage these schools are already facing, this bill only provides a $666 million increase, compared to the $1 billion in the 2004 budget resolution.

On April 30, this House passed the IDEA reauthorization bill with the promise attached from the 2004 budget resolution to provide a $2.2 billion increase over the current level.

Yet, this bill falls $1.2 billion short of that promise. As deficit stricken states continue to cut from their school funding, schools will have to continue to absorb the costs of providing special education for nearly 6.7 million school children as well as even cut other school programs or hope for a local referendum to pass to offset the shortfall.

A college graduate can expect to earn 80 percent more than a high school graduate, or $1 million over the course of a lifetime. This obviously allows for an individual to have a better quality of life by having a higher skilled job, better health insurance, pension and the ability to provide a better life for their children. Yet, this bill in essence abandons higher education federal student aid. All the federal student aid programs: Pell Grants, Supplemental Educational Opportunity Grants (SEOG), Federal Work Study, Perkins Loan Program, LEAP, and Graduate Education are level funded. This may not sound too bad but for example the Pell Grants maximum award was kept at $4,050 which will only cover 38 percent or less of expenses in a 4-year public college compared to 84 percent of expenses covered by Pell Grants in 1975, when the program originated. Unfortunately, the Federal Government is abandoning higher education while the states suffer record breaking deficits. These simultaneous occurrences result in cuts in grant aid to students facing rising cost in higher education. Loyola University Chicago lost $1 million in state grant aid for needy students due to Illinois $5 billion deficit. How much more will their students lose without any increases to the federal student aid programs?

Mr. Chairman, If we pass this bill, we are sending the message that we do not care enough about all of our nation's children and young people. We need to ensure that we are helping those who are in most need of help—low-income children, children with disabilities, and those who have the desire to continue their education but who just can not afford to go without assistance of state and federal aid. Our message needs to be clear. But most importantly, our message needs to be more than just words. Let's see increases in funding where they are most needed.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise today in opposition to H.R. 2210, a bill that will dismantle the successful Head Start program. I am troubled that the Republican majority is trying to pass a bill that will hurt America's children under the guise of "reform."

The current Head Start program provides low-income children across the Nation with cost-free, high-quality early education. In my district, and other traditionally underserved communities, Head Start not only helps ensure the academic success of our children, but also provides a holistic approach to school readiness that includes individualized services in the areas of early childhood development, parental involvement, nutrition, and medical, dental, and mental health. This multi-pronged approach recognizes the fact that children need to be healthy in order to facilitate learning. Under the Republican plan, all these services are in jeopardy because guaranteed comprehensive services are made optional.

Nationally, Head Start serves more than 900,000 children, nearly a third of whom are Latino. Yet, this bill fails to provide resources for programs important to Latino and other immigrant children. For example, this bill does not include one new cent to train teachers to help limited English proficient students and provides no new resources for the more than 130,000 children eligible for the Migrant and Seasonal Head Start program.

Mr. Chairman, in closing the Republican bill not only fails to protect important provisions of one of the most successful Federal programs in the history of our country, but by all accounts, ends a program that has given countless children the opportunity to reach their full potential.

That is why, Mr. Chairman, I urge my colleagues to defeat the flawed Republican bill, known as the School Readiness Act, and to pass the Democratic substitute that will truly strengthen our children's pre-literacy, language and pre-math skills, without sacrificing essential comprehensive health and family services. The Democratic substitute, in every way, helps to ensure that every child in the United States is given all the tools needed to succeed in school.

Mr. CUMMINGS. Mr. Chairman, I rise today in opposition to the School Readiness Act, H.R. 2210, and I implore my colleagues to vote against it as this bill is a blatant attempt to dismantle the Head Start program.

Mr. Chairman, Head Start is a very successful Federal program run at the local level. As we are all well aware the program provides education, health care, nutrition and parent involvement programs to nearly 1 million low-income preschool children and their families. The language in the bill we are considering right now will weaken Head Start and jeopardize the comprehensive educational and social services Head Start now provides to hundreds of thousands of families.

On July 15, I released a report, prepared at my request by the House Government Reform Committee, entitled "Proposed Overhaul of Head Start Could Affect Thousands of Children in Maryland's 7th Congressional District." If the administration's changes are implemented in Maryland, the report indicates that almost 3,000 children in Baltimore City, Baltimore County, and Howard County would be adversely affected in the following way: 2,742 children would not be guaranteed dental care; 2,433 families may be left out of participating in their child's education; 472 children may not receive mental health care that they currently get in Head Start; 444 children would be at risk for not getting treatment for asthma, anemia and vision problems; and 341 children could possibly lose guaranteed access to disability services.

What we may not be aware of is that by block granting, we are cutting the number of children currently served and leaving millions of eligible low-income children without the needed resources in advance is not wise. Many Head Start advocates are concerned that states that accept block grants will weaken educational standards. And let me tell you how, because I think it is a nuance that many of my compassionate conservative colleagues miss. This bill allows a demonstration project in eight states which essentially allows these States to take their Head Start monies and use them as they see fit for early childhood education programs. In a phrase blockgranting. We know block granting does not work because in tough economic times with a record $544 billion national deficit, states make tough budget choices and programs like Head Start get shortchanged. Block grants are a veiled way to kill the Head Start program as we know it. Blockgranting makes it easier to cut programs and as a result more programs begin to dwindle. Eventually, Head Start will not exist. The comprehensive nature of the program supports the notion that success inside the classroom requires that children be physically and mentally healthy, with a stable home life.

Head Start works and is highly successful. The broad nature of the program has resulted in the following accomplishments:

Head Start has proven to narrow the gap between disadvantaged children and other children in vocabulary skills, writing and social behavior;

Children who participate in Head Start programs are less likely to repeat a grade, require special education or be convicted of a crime;

The program's graduates show higher IQ gains compared to low-income children who have not attended Head Start;

And finally, children who attend Head Start are more likely to graduate from high school, and college.

But one does not have to read this report to realize the positive impact Head Start can make on a child.

Any of my colleagues who questions the positive difference that Head Start can make should listen to my constituent, Ms. Portia DeShields.

When her son Marcus was three, Ms. DeShields realized that he was struggling with a speech and language disability. Recalling how she had gained from her childhood participation in Head Start, Ms. DeShields and her husband enrolled Marcus in a Head Start program sponsored by Baltimore's Union Baptist Church.

Beginning in September of last year, a Head Start speech pathologist worked with Marcus two or three times each week. A mental health specialist helped Marcus learn how to control his anger, and "positive parenting" classes taught his parents how to better meet his needs.

Today, at age 4, Marcus's speech and language skills have improved to the point where he is functioning at near-kindergarten level.

Head Start is working for Marcus and nearly 1 million other children.

As such, I urge my colleagues to reject the underlying bill and support the Democratic substitute that builds on the proven success of Head Start by strengthening school readiness, improving program quality and accountability, and expanding access so more eligible children. The Democratic substitute accomplishes this while maintaining local control and high performance standards in its programming.

That is why the Democratic Substitute is supported by many organizations including the National Head Start Association, the National Education Association, the Children's Defense Fund, the American Federation of Teachers, the ACLU, and the National League of Cities.

H.R. 2210 is opposed by these same groups because these groups understand that block grants put this important program in a perilous position. But not only that, this bill does not improve Head Start—if it's not broken, don't tinker with it to break it.

Mr. Chairman, we cannot shortchange the early education of millions of children because to do so would be to shortchange the rest of their lives. I urge my colleagues on the other side of the aisle, compassionate conservatives too, to put children first and to make good on the promise that "no child be left behind."

This bad bill puts the future of these children in jeopardy. H.R. 2210 dismantles ore than 38 years of bipartisan support for this critical early education program. Reject the H.R. 2210 and support the Democratic substitute. Only by supporting the Democratic substitute will children indeed have a head start.

Ms. KILPATRICK. Mr. Chairman. I rise in strong opposition to H.R. 2210. My opposition is based on the following reasons. The bill will make it legal for faith-based institutions that receive Federal funds and run Head Start programs to discriminate in their hiring practices. I contend that our focus should be on continuing to fund a wonderful pre-school educational program. Unfortunately, this bill undermines current anti-discrimination laws, and will allow institutions to establish a litmus test in their hiring programs. Let me make it clear, I respect and admire the tremendous work performed by faith-based organizations. However, the Head Start Program is being used as a political vehicle to institutionalize discrimination in an early learning environment.

We all believe in educating our youth in their embryonic learning states. I am struck though by the rhetoric from my majority colleagues that they are motivated to help disadvantaged students. That is a laudable goal, but the goal can be achieved through the current Head Start program. I am struck by the hypocrisy of the bill before us. The majority abhors affirmative action, yet they seek legal protection to discriminate based on religion. They allege that affirmative action is discriminatory. Yet they seek to sanction religious-based discrimination through the pre-school educational process. The logic and the method are flawed.

I also oppose this bill because it purports to administer Head Start through a state block grant. States can also use block grant money to supplant Federal funds, in addition to not requiring performance standards. I question the wisdom of relying on states to use their discretion in this manner. Increasingly, we have witnessed the administration promote policies that the House and the Senate pass as laws that re-direct power to the states. The majority recipe has produced catastrophic results, the most glaring example is the No Child Left Behind Act. The majority promised wholesale reform, and it is delivering widespread misery. If H.R. 2210 is enacted, more misery is surely on the way for America's poor and disadvantaged children. I urge my colleagues to reject the false premises put forward by the proponents of H.R. 2210, and to embrace the Woolsey amendment that restores civil rights to Head Start teachers, and the Miller substitute amendment that retains Federal-to-local funding and which strikes hiring discrimination.

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong opposition to the School Readiness Act of 2003, which will reauthorize the Head Start program.

I strongly support Head Start programs because they provide low-income preschool-aged children a comprehensive array of services such as child development, education, health, nutritional, social and other activities which help them receive greater advantages in life.

Some of these services include health screenings and services. Statistics have shown that children who receive crucial services such as dental and eye care, or a hot breakfast every morning, have increased school readiness.

In my congressional district, one of the most successful Head Start programs is the Alexandria Head Start. This is a collaboration among the Campagna Center, the city of Alexandria, and the Alexandria City Public Schools formed 35 years ago.

AHS serve 253 Head Start children, and because of a wonderful group of dedicated educators, parents and teachers, these children have truly been given a "head start."

While many of my low-income constituents in the city of Alexandria are served by Head Start, I am concerned with the devastating statistic that 40 percent of eligible children nationwide will continue to be underserved under H.R. 2210.

In fact, after a COLA adjustment for staff salaries and increased rent costs, H.R. 2210 just barely covers inflation and allows almost no program expansion. Due to "insufficient funds," a large number of children who need these services will be unable to obtain them.

Let's look at the facts right now. The President's budget request for fiscal year 2004 is $7.2 billion below the level needed to maintain current services for domestic priorities.

Unfortunately with slashes in domestic discretionary spending coupled with massive tax cuts, the result has been fiscal crises at the State and Federal levels, which have translated into the underfunding of critical programs and services such as affordable housing, Medicare and Head Start.

Due to this stark economic climate, supporters of H.R. 2210 want to block-grant Head Start to eight States whose preschool programs are untested and unproven.

A year and a half ago, we all celebrated when the President Bush signed into law, the No Child Left Behind legislation, which was touted as the plan to bring stronger accountability and stronger standards to our Nation's schools.

H.R. 2210 will in fact do the exact opposite of NCLB, by allowing States that have not demonstrated expertise or the commitment to providing quality service to these children, to be eligible for this block grant.

Where are the standards? This block-grant will allow States to strip the Head Start program of the qualified services that it provides to children nationwide, and more importantly, that they and their families rely on. This was not what President Johnson intended when he founded this vital program.

It was once said that "Education is the great equalizer in a democratic society, and if people are not given access to a quality education, then what we are doing is creating an underclass of people who will ultimately challenge our very way of life."

This statement has never been more true than today. The Head Start program was designed to give preschoolers a quality education while also ensuring that their social and physical needs were met, which helps put them on the path to success.

Yet, the bill before us today will weaken and underfund the Head Start program while continuing to leave 40 percent of eligible children unserved.

Instead, I ask all my colleagues to support the Miller amendment which will continue to build upon the successes of the Head Start program while striving to ensure that all eligible children in our country are served by Head Start and obtain the services that they need to receive a true "head start" in life.

Mr. TERRY. Mr. Chairman, I rise in strong support of H.R. 2210, the School Readiness Act.

Last year, President Bush proposed strengthening Head Start to help the program produce more kindergarten-ready children. Research shows that early learning skills such as letter, number, shape and color recognition are crucial to a child's future success in school. In fact, technological advances have made it possible to predict how well a child will read in the 10th grade based on his or her knowledge of the alphabet in kindergarten. Unfortunately, Head Start graduates consistently score in the lowest 25 percent in key early knowledge areas.

More than 1,000 children attend Head Start in Douglas County, NE. Last November, the Child and Family Development Corporation that runs the program failed its Federal review. Government inspectors cited mismanagement, health and safety concerns, and a lack of program goals. This situation is a perfect example of why we need greater accountability in Head Start programs. The children who graduated from this failed program entered school at a disadvantage. We must demand better for these children. We must give them the skills they need to overcome poverty and low expectations.

The Omaha Public School District and a charitable foundation tried to partner Head Start with a successful, private preschool program last year. Almost a hundred additional low-income children could have been helped. Unfortunately, Head Start backed out at the last minute. Construction had already begun on the new $6 million preschool building. From conversations with involved parties, I am convinced this decision was made in the interest of self-preservation rather than concern for disadvantaged children. Head Start pulled out to hide the failures of their program from parents, educators, and government officials. At least one member of the Head Start parents advisory board resigned in protest over this debacle.

H.R. 2210 is necessary to put the future of our children before the small-mindedness of entrenched bureaucrats. Partnerships between public schools, private foundations and Head Start programs are essential. Chicago and Atlanta have successfully implemented this model to benefit children, and another partnership is being created in Milwaukee. The Federal Government should not be allowed to stand in the way of such caring community partnerships to rescue disadvantaged children from hopeless futures. This is a travesty and an immeasurable disservice to the next generation.

It is crucial that school districts be involved in preparing low-income children for academic success. These children already face tremendous obstacles. Research conducted by D.E. Caspar highlights the differences between environments in which children from poor, middle-class and affluent families grow up. For example, affluent children are exposed to 45 million words before kindergarten; working-class children 26 million; and children in poverty only 13 million words.

These conditions affect a child's language development and word comprehension, skills necessary for learning to read. President Bush has called reading "the new civil right." We now know that children who are reading at grade-level by the third grade have a greater chance for success throughout their school years.

The disparity between low-income and affluent children is even more obvious in the amount of positive reinforcement they receive. Children from affluent families are given 32 positive affirmations an hour; working class children 12 per hour, and poor children only 5. Without assistance from caring educators in the community, disadvantaged children will not have the social, emotional or academic skills to succeed in school and life. We must allow States and local school districts the chance to partner with Head Start and provide these children with quality early education programs.

I urge my colleagues to join me in voting for H.R. 2210 to give disadvantaged children a real head start in life.

The CHAIRMAN. All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Education and the Workforce printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in part A of the House report 108–232. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Readiness Act of 2003".

TITLE I—HEAD START REAUTHORIZATION AND PROGRAM IMPROVEMENTS

SEC. 101. PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

"SEC. 636. STATEMENT OF PURPOSE.

"It is the purpose of this subchapter to promote school readiness by enhancing the development of low-income children, through educational instruction in prereading skills, premathematics skills, and language, and through the provision to low-income children and their families of health, educational, nutritional, social and other services that are determined, based on family needs assessments, to be necessary.".

SEC. 102. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended as follows:

(1) In paragraph (17) by striking ", but for fiscal years" and all that follows down to the period.

(2) By adding the following at the end thereof:

"(18) The term 'eligible entities' means an institution of higher education or other agency with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the quality of early childhood educations programs.

"(19) The term 'homeless children' has the meaning given such term in subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).".

SEC. 103. AUTHORIZATION.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

"SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated for carrying out the provisions of this subchapter $6,870,000,000 for the fiscal year 2004, $6,988,750,000 for fiscal year 2005, $7,106,500,000 for fiscal year 2006, $7,245,000,000 for fiscal year 2007, and $7,427,000,000 for fiscal year 2008.

"(b) SPECIFIC PROGRAMS.—From the amount appropriated under subsection (a), the Secretary shall make available not more than $20,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal year 2005 through 2008 to carry out such other research, demonstration, and evaluation activities, including longitudinal studies, under section 649.

"(1) not more than $7,000,000 for each of fiscal years 2004 through 2008 to carry out impact studies under section 649(g); and

"(2) not more than $13,000,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 through 2008, to carry out other research, demonstration, and evaluation activities, including longitudinal studies, under section 649.

"(c) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2008 to assist participating States with the administrative expenses associated with implementing a program under section 643A.".

SEC. 104. ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE.

Section 640 of the Head Start Act (42 U.S.C. 9835) is amended as follows:

(1) In subsection (a)(2):

(A) By striking "1998" in subparagraph (A) and inserting "2003".

(B) By amending subparagraph (B) to read as follows:

"(B) payments, subject to paragraph (7) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States;".

(2) By striking the last sentence of paragraph (2) of subsection (a).

(3)(A) By amending subsection (a)(2)(C) to read as follows:

"(C) training and technical assistance activities that are sufficient to meet the needs associated with program expansion and to foster program and management improvement as described in section 648 of this subchapter, in an amount for each fiscal year which is equal to one percent of the amount appropriated for such fiscal year, of which—

"(i) not less than 50 percent shall be made available to local Head Start agencies to comply with the standards described in section 641A(a)(1), of which not less than 50 percent shall be used to comply with the standards described in section 641A(a)(1)(B) and for the uses described in clauses (iii), (iv), and (vii) of subsection (a)(3)(B);

"(ii) not less than 30 percent shall be made available to support a State system of early childhood education training and technical assistance;

"(iii) not less than 20 percent shall be made available to the Secretary to assist local programs in meeting the standards described in section 641A(a)(1); and

"(iv) not less than $3,000,000 of the amount in clause (iii) appropriated for such fiscal year shall be made available to carry out activities described in section 648(c)(4);".

(B) By inserting the following at the end of subsection (a)(2):

"Of an additional one percent of the amount appropriated for such fiscal year, the Secretary shall use not less than 25 percent of such funds to fund the expansion of services to migrant and seasonal Head Start children. If sufficient migrant and seasonal eligible children are not available to use such funds, then enrollment priority shall be given to other disadvantaged populations referred to in subparagraph (A). Not less than 60 percent of such one percent amount shall be used to fund quality improvement activites as described in sec 640(a)(3)(B) and (C)".

(4) In subsection (a)(3)(A) by inserting at the end thereof:

"(iii) After the reservation of amounts under paragraph (2) and the 60 percent amount referred to in subparagraph (A) of this paragraph, a portion of the remaining funds shall be made available for quality to expand services to underserved populations, such as children receiving services under the Early Head Start and Migrant and Seasonal Head Start programs.".

(5) In subsection (a)(3)(A)(i)(I) by striking "1999" and all that follows down to the semicolon and inserting "2004 through 2008".

(6) By amending subsection (a)(3)(B) to read as follows:

"(B) Funds reserved under this paragraph (referred to in this paragraph as 'quality improvement funds') shall be used to accomplish any or all of the following goals:

"(i) Ensuring that Head Start programs meet or exceed standards pursuant to section 641A(a)(1).

"(ii) Ensuring that such programs have adequate numbers of qualified staff, and that such staff is furnished adequate training, including developing skills to promote the development of language skills, premathematic skills, and prereading in young children and in working with children with non-English language background, children referred by child welfare services, and children with disabilities, when appropriate.

"(iii) Developing and financing the salary scales described under section 644(a) and section 653, in order to ensure that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

"(iv) Using salary increases to improve staff qualifications, and to assist with the implementation of programs specifically designed to enable lead instructors to become more effective educators, for the staff of Head Start programs, and to encourage the staff to continually improve their skills and expertise by informing the staff of the availability of Federal and State incentive and loan forgiveness programs for professional development.

"(v) Improving community-wide strategic planning and needs assessments for such programs and collaboration efforts for such programs, including collaborations to increase program participation by underserved populations of eligible children.

"(vi) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and their parents.

"(vii) Ensuring that such programs have qualified staff that can promote language skills and literacy growth of children and that can provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.

"(viii) Providing assistance to complete post-secondary course work needed to attain baccalaureate degrees in early childhood education.

"(ix) Making such other improvements in the quality of such programs as the Secretary may designate.

"(x) To promote the regular attendance and stability of highly mobile children, including migrant and homeless children.".

(7) By amending subsection (a)(3)(C) to read as follows:

"(C) Quality improvement funds shall be used to carry out any or all of the following activities:

"(i)(I) Not less than one-half of the amount reserved under this paragraph, to improve the compensation (including benefits) of classroom teachers and other staff of Head Start agencies providing instructional services and thereby enhancing recruitment and retention of qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 648A(a). The expenditure of funds under this clause shall be subject to section 653. Salary increases, in excess of cost-of-living allowance, provided with such funds shall be subject to the specific standards governing salaries and salary increases established pursuant to section 644(a).

"(II) If a Head Start agency certifies to the Secretary for such fiscal year that part of the funds set aside under subclause (I) to improve wages cannot be expended by such agency to improve wages because of the operation of section 653, then such agency may expend such part for any of the uses specified in this subparagraph (other than wages).

"(III) From the remainder of the amount reserved under this paragraph (after the Secretary carries out subclause (I)), the Secretary shall carry out any or all of the activities described in clauses (ii) through (vii), placing the highest priority on the activities described in clause (ii).

"(ii) To train classroom teachers and other staff to meet the education standards described in section 641A(a)(1)(B), through activities—

"(I) to promote children's language and prereading growth, through techniques identified through scientifically based reading research;

"(II) to promote the acquisition of the English language for non-English background children and families;

"(III) to foster children's school readiness skills through activities described in section 648A(a)(1); and

"(IV) to educate and provide training necessary to improve the qualifications particularly with respect to such assistance to enable more instructors to meet the degree requirements under section 648A(a)(2)(A) and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

"(iii) To employ additional Head Start staff, including staff necessary to reduce the child-staff ratio lead instructors who meet the qualifications of section 648A(a) and staff necessary to coordinate a Head Start program with other services available to children participating in such program and to their families.

"(iv) To pay costs incurred by Head Start agencies to purchase insurance (other than employee benefits) and thereby maintain or expand Head Start services.

"(v) To supplement amounts provided under paragraph (2)(C) to provide training necessary to improve the qualifications of the staff of the Head Start agencies, and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

"(vi) To conduct outreach to homeless families in an effort to increase the program participation of eligible homeless children.

"(vii) Such other activities as the Secretary may designate.

"(viii) To conduct outreach to migrant and seasonal farm-working families and families with children with a limited English proficiency.".

(8) In subsection (a)(4) by striking "1998" in subparagraph (A) and inserting "2003".

(9) In subsection (a)(5)(B)—

(A) by striking "may" and inserting "shall"; and

(B) by inserting "early childhood education" after "regarding".

(10) By amending subsection (a)(5)(C) to read as follows:

"(C) In order to improve results for children, a State that receives a grant under subparagraph (B) shall—

"(i) appoint an individual to serve as the State Director of Collaboration between—

"(I) the appropriate regional office of the Administration for Children and Families;

"(II) the State educational agency;

"(III) the State Department of Health and Human Services;

"(IV) the State agency that oversees child care;

"(V) the State agency that assists children with developmental disabilities;

"(VI) the State Head Start Association;

"(VII) the State network of child care resource and referral agencies;

"(VIII) local educational agencies;

"(IX) community-based and faith-based organizations;

"(X) State representatives of migrant and seasonal Head Start programs;

"(XI) State representatives of Indian Head Start programs;

"(XII) State and local providers of early childhood education and child care; and

"(XIII) other entities carrying out programs serving low-income children and families in the State;

"(ii) ensure that the State Director of Collaboration holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies;

"(iii) involve the entities described in section clause (i) to develop a strategic plan for the coordinated outreach to identify eligible children and implementation strategies based on a needs assessment conducted by the Office of the State Director of Collaboration which shall include an assessment of the availability of high quality prekindergarten services for low-income children in the State. Such assessment shall be completed within one year after the date of enactment of the 'School Readiness Act of 2003' and be updated on an annual basis and shall be made available to the general public within the State;

"(iv) ensure that the collaboration described in subparagraph (B) involves coordination of Head Start services with health care, welfare, child care, child protective services, education, and community service activities, family literacy services, activities relating to children with disabilities (including coordination of services with those State officials who are responsible for administering part C and section 619 of the Individuals with Disabilities Education Act), and services for homeless children (including coordination of services with the Office of Coordinator for Education of Homeless Children and Youth designated under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001;

"(v) consult with the chief State school officer, local educational agencies, and representatives of local Head Start agencies and providers of early childhood education and care in unified planning regarding early care and education services at both the State and local levels, including collaborative efforts to develop school readiness standards; and

"(vi) consult with the chief State school officer, local educational agencies, State child care administrators, State human services administrators, representatives of local resource and referral agencies, local early childhood councils, providers of early childhood education and care and other relevant State and local agencies, and representatives of the State Head Start Associations to plan for the provision of full-working-day, full calendar year early care and education services for children.".

(11) By amending clause (i) of subsection (a)(5)(D) by inserting "and providers of services supporting early childhood education and child care" after "Associations".

(12) By amending subsection (a)(6)(A) to read as follows:

"(A) From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in section 645A(a) of this subchapter, a portion of the combined total of such amounts equal to at least 10 percent for fiscal years 2004 through 2008, of the amount appropriated pursuant to section 639(a), except as provided in subparagraph (B)."

(13) By inserting the following before the period at the end of subsection (f): ", including models that leverage the existing capacity and capabilities of the delivery system of early childhood education and child care".

(14) By inserting the following after "manner that will" in subsection (g)(2)(G): "leverage the existing delivery systems of such services and".

(15) By amending subsection (g)(2)(C) to read as follows:

"(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations and public agencies serving children and families (including organizations and agencies providing family support services and protective services to children and families, and organizations serving families in whose homes English is not the language customarily spoken), and organizations and public entities serving children with disabilities and homeless children (including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001);”.

(16) By inserting in subsection (g)(2)(H) after “serving the community involved” the following: “, including the liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001,”.

(17) By adding the following new subsections at the end thereof:

“(m) ENROLLMENT OF HOMELESS CHILDREN.—The Secretary shall by regulation prescribe policies and procedures to remove barriers to the enrollment and participation of eligible homeless children in Head Start programs. Such regulations shall require Head Start agencies to:

“(1) implement policies and procedures to ensure that eligible homeless children are identified and prioritized for enrollment,

“(2) allow homeless families to apply to, enroll in and attend Head Start programs while required documents, such as proof of residency, immunization and other medical records, birth certificates and other documents, are obtained within a reasonable time frame, and

“(3) coordinate individual Head Start centers and programs with efforts to implement Subtitle VII-B of the McKinney-Vento Homeless Assistance Act.

“(n) SAVINGS PROVISION.—Nothing in this Act shall be construed to require a State to establish a program of early education for children in the State, to require any child to participate in a program of early education, to attend school, or to participate in any initial screening prior to participation in such program, except as provided under section 612(a)(3), (consistent with section 614(a)(1)(C)), of the Individuals with Disabilities Education Act.

“(o) MATERIALS.—All curricula and instructional materials funded under this subchapter shall be scientifically based and age appropriate. Parents shall have the ability to inspect, upon request, any curricula or instructional materials.”.

SEC. 105. DESIGNATION OF AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended as follows:

(1) In subsection (a)—

(A) by inserting after “community” in the first place it appears “, including a community-based or faith-based organization”;

(B) by inserting “(1)” after “(a)”;

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(D) by adding the following at the end thereof:

“(2) In order to be designated as a Head Start agency and to receive a grant under this subchapter, a grantee shall establish grantee-determined goals for improving the school readiness of children participating in a program under this subchapter, which shall include goals for—

“(A) educational instruction in prereading, premathematical, and language skills; and

“(B) the provision of health, educational, nutritional, social, and other services.

“(3) In order to receive a grant subsequent to the initial grant provided following the date of enactment of this subchapter, the grantee shall demonstrate that it has met the goals described in paragraph (2).

“(4) Progress in meeting such goals shall not be measured primarily or solely by the results of assessments.”

(2) By amending subsection (c) to read as follows:

“(c) In the administration of the provisions of this section, the Secretary shall, in consultation with the chief executive officer of the State involved if such State expends non-Federal funds to carry out Head Start programs, give priority in the designation of Head Start agencies to any local public or private nonprofit or for-profit agency which is receiving funds under any Head Start program on the date of the enactment of this Act that fulfills the program and financial management requirements, standards described in section 641A(a)(1), results-based performance measures developed by the Secretary under section 641A(b), or other requirements established by the Secretary.”.

(3) By amending subsection (d) to read as follows:

“(d) If no entity in a community is entitled to the priority specified in subsection (c), then the Secretary may designate a Head Start agency from among qualified applicants in such community. In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to any qualified agency that functioned as a Head Start delegate agency in the community and carried out a Head Start program that the Secretary determines met or exceeded such performance standards and such results-based performance measures. In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

“(1) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

“(2) the capacity of such applicant to serve eligible children with scientifically-based programs that promote school readiness of children participating in the program;

“(3) the plan of such applicant to meet standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

“(4) the plan of such applicant to provide comprehensive health, nutritional, educational, social, and other services needed to prepare children to succeed in school;

“(5) the plan of such applicant to coordinate the Head Start program it proposes to carry out with other preschool programs, including Early Reading First and Even Start programs under title I, part B, subparts 1 and 2 of the Elementary and Secondary Education Act of 1965; other preschool programs carried out under title I of the Act; programs under part C and section 619 of the Individuals with Disabilities Education Act; State prekindergarten programs; and with the educational programs such children will enter at the age of compulsory school attendance;

“(6) the plan of such applicant to coordinate the Head Start program it proposes to carry out with private entities with resources available to assist the Head Start Program meet its program needs;

“(7) the plan of such applicant—

“(A) to seek the involvement of parents of participating children in activities (at home and in the center involved where practicable) designed to help such parents become full partners in the education of their children;

“(B) to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

“(C) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.); public and school libraries, and family support programs) to such parents—

“(i) family literacy services; and

“(ii) parenting skills training;

“(D) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;

“(E) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

“(i) training in basic child development;

“(ii) assistance in developing communication skills;

“(iii) opportunities for parents to share experiences with other parents; or

“(iv) any other activity designed to help such parents become full partners in the education of their children;

“(F) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in subparagraphs (C) (D), and (E) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities); and

“(G) to extend out reach to fathers in order to strengthen the role of fathers in families by working directly with fathers and father-figures through such activities as including fathers in home visits; implementing father outreach efforts, providing opportunities for direct father-child interactions; and targeting increased male participation in the program;

“(8) the ability of such applicant to carry out the plans described in paragraphs (2), (3), and (4);

“(9) other factors related to the requirements of this subchapter;

“(10) the plan of such applicant to meet the needs of non-English background children and their families, including needs related to the acquisition of the English language;

“(11) the plan of such applicant to meet the needs of children with disabilities;

“(12) the plan of such applicant who chooses to assist younger siblings of children who will participate in the proposed Head Start program to obtain health services from other sources;

“(13) the plan of such applicant to collaborate with other entities carrying out early childhood education and child care programs in the community; and

“(14) the plan of such applicant to meet the needs of homeless children.”.

SEC. 106. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

Section 641A of the Head Start Act (42 U.S.C. 9836a) is amended as follows:

(1) In subsection (a)(1)(B) by amending clause (ii) to read as follows:

“(ii) additional education standards to ensure that the children participating in the program, at a minimum develop and demonstrate—

“(I) language skills;

“(II) prereading knowledge and skills, including interest in and appreciation of books, reading and writing either alone or with others;

“(III) premathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

“(IV) cognitive abilities related to academic achievement;

"(V) social and emotional development important for environments constructive for child development, early learning, and school success; and

"(VI) in the case of limited-English proficient children, progress toward acquisition of the English language.".

(2) By amending subsection (a)(2)(B) to read as follows:

"(B) take into consideration—

"(i) past experience with use of the standards in effect under this subchapter on October 27, 1998;

"(ii) changes over the period since October 27, 1998, in the circumstances and problems typically facing children and families served by Head Start agencies;

"(iii) developments concerning best practices with respect to early childhood education and development, children with disabilities, family services, program administration, and financial management;

"(iv) projected needs of an expanding Head Start program;

"(v) guidelines and standards currently in effect or under consideration that promote child health services, and projected needs of expanding Head Start programs;

"(vi) changes in the population of children who are eligible to participate in Head Start programs, including the language background and family structure of such children;

"(vii) the need for, and state-of-the-art developments relating to, local policies and activities designed to ensure that children participating in Head Start programs make a successful transition to schools; and

"(viii) the unique challenges faced by individual programs, including those that are seasonal or short term, and those that serve rural populations; and".

(3) In subsection (a)(2)(C)(ii) by striking all that follows "in effect on" down to the period and inserting "October 27, 1998".

(4) By amending subsection (b)(2) to read as follows:

"(2) CHARACTERISTICS OF MEASURES.—The performance measures developed under this subsection shall—

"(A) be used to assess the impact of the various services provided by Head Start programs and, to the extent the Secretary finds appropriate, administrative and financial management practices of such programs;

"(B) be adaptable for use in self-assessment, peer review, and program evaluation of individual Head Start agencies and programs;

"(C) be developed for other program purposes as determined by the Secretary;

"(D) be appropriate for the population served; and

"(E) be reviewed no less than every 4 years, based on advances in the science of early childhood development.

The performance measures shall include the performance standards described in subsection (a)(1)(A) and (B).".

(5) By amending subsection (b)(4) to read as follows:

"(4) EDUCATIONAL MEASURES.—Results based measures shall be designed for the purpose of promoting the competencies of children participating in Head Start programs specified in subsection (a)(1)(B)(ii), with an emphasis on measuring those competencies that have a strong scientifically-based predictability of a child's school readiness and later performance in school.".

(6) In subsection (c)(1)(C) by striking "the standards" and inserting "one or more of the performance measures developed by the Secretary under subsection (b)".

(7) By amending subsection (c)(2) to read as follows:

"(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

"(A) that incorporate a monitoring visit, do so without prior notice of the visit to the local agency or program;

"(B) are conducted by review teams that shall include individuals who are knowledgeable about Head Start programs and, to the maximum extent practicable, the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities) and limited-English proficient children and their families;

"(C) include as part of the reviews of the programs, a review and assessment of program effectiveness, as measured in accordance with the results-based performance measures developed by the Secretary pursuant to subsection (b) and with the standards established pursuant to subparagraphs (A) and (B) of subsection (a)(1);

"(D) seek information from the communities and the States involved about the performance of the programs and the efforts of the Head Start agencies to collaborate with other entities carrying out early childhood education and child care programs in the community;

"(E) seek information from the communities where Head Start programs exist about innovative or effective collaborative efforts, barriers to collaboration, and the efforts of the Head Start agencies and programs to collaborate with the entities carrying out early childhood education and child care programs in the community;

"(F) include as part of the reviews of the programs, a review and assessment of whether a program is in conformity with the income eligibility requirements, as defined in section 645 and regulations promulgated thereunder;

"(G) include as part of the reviews of the programs, a review and assessment of whether programs have adequately addressed the population and community needs (including populations of children with a limited English proficiency and children of migrant and seasonal farm-working families); and

"(H) include as part of the review the extent to which the program addresses the community needs and strategic plan identified in section 640(g)(2)(C).".

(8) By amending so much of subsection (d)(1) as precedes subparagraph (A) to read as follows:

"(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the standards described in subsection (a) or results-based performance measures developed by the Secretary under subsection (b), or fails to adequately address the community needs and strategic plan identified in 640(g)(2)(C), the Secretary shall—"

(9) By amending subsection (d)(2) to read as follows:

"(2) QUALITY IMPROVEMENT PLAN.—

"(A) AGENCY AND PROGRAM RESPONSIBILITIES.—In order to retain a designation as a Head Start agency under this subchapter, or in the case of a Head Start Program, in order to continue to receive funds from such agency, a Head Start agency, or Head Start program that is the subject of a determination described in paragraph (1) (other than an agency or program required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—

"(i) develop in a timely manner, a quality improvement plan which shall be subject to the approval of the Secretary, or in the case of a program, the sponsoring agency, and which shall specify—

"(I) the deficiencies to be corrected;

"(II) the actions to be taken to correct such deficiencies; and

"(III) the timetable for accomplishment of the corrective actions specified; and

"(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 1 year after the date the agency or program received notice of the determination and of the specific deficiency to be corrected).

"(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

"(C) AGENCY RESPONSIBILITY FOR PROGRAM IMPROVEMENT.—Not later than 30 days after receiving from a Head Start program, a proposed quality improvement plan pursuant to subparagraph (A), the sponsoring agency shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.".

(10) In subsection (d)(3) by inserting "and programs" after "agencies".

(11) Subsection (e) is amended to read as follows:

"(e) SUMMARIES OF MONITORING OUTCOMES.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (d), during such fiscal year. Such information shall be made available to all parents with students receiving assistance under this Act in a understandable and uniform format, and to the extent practicable, provided in a language that the parents can understand, and in addition, make the information widely available through public means such as distribution through public agencies, and at a minimum posting such information on the Internet immediately upon publication.".

SEC. 107. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

Section 642 of the Head Start Act (42 U.S.C. 9837(b)) is amended as follows:

(1) By amending subsection (b) to read as follows:

"(b) In order to be so designated, a Head Start agency shall also—

"(1) establish a program with standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

"(2) demonstrate capacity to serve eligible children with scientifically-based curricula and other interventions that help promote the school readiness of children participating in the program;

"(3) establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests;

"(4) provide for their regular participation in the implementation of such programs;

"(5) provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources;

"(6) seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

"(7) conduct outreach to schools in which Head Start children enroll, local educational agencies, the local business community, community-based organizations, faith-based organizations, museums, and libraries to generate support and leverage the resources of the entire local community in order to improve school readiness;

"(8) offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training;

"(9) offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;

"(10) at the option of such agency, offer (directly or through referral to local entities), to such parents—

"(A) training in basic child development;

"(B) assistance in developing communication skills;

"(C) opportunities to share experiences with other parents;

"(D) regular in-home visitation; or

"(E) any other activity designed to help such parents become full partners in the education of their children;

"(11) provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in paragraphs (4) through (7) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities);

"(12) consider providing services to assist younger siblings of children participating in its Head Start program to obtain health services from other sources;

"(13) perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers; and

"(14)(A) inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support; and

"(B) refer eligible parents to the child support offices of State and local governments.".

(2) Amend subsection (c) to read as follows:

"(c) The head of each Head Start agency shall coordinate and collaborate with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other early childhood education and development programs, including programs under subtitle VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431-11435), Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.), and programs under Part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431-1445, 1419), and the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a), serving the children and families served by the Head Start agency to carry out the provisions of this subchapter.".

(3) In subsection (d) by redesignating paragraphs (2) through (4) as paragraph (3) through (5) and inserting the following new paragraph after paragraph (1):

"(2) In communities where both public prekindergarten programs and Head Start programs operate, a Head Start agency shall coordinate with the local educational agency or other public agency responsible for the operation of the prekindergarten program and providers of prekindergarten, including for outreach to identify eligible children.".

(5) In paragraph (3) (as redesignated) of subsection (d), strike "and" at the end of subparagraph (A) and insert the following after subparagraph (A) and redesignate subparagraph (B) as (C):

"(B) collaborating to increase the program participation of underserved populations of eligible children; and".

SEC. 108. HEAD START ALIGNMENT WITH K-12 EDUCATION.

Section 642A of the Head Start Act (42 U.S.C. 9837a) is amended as follows:

(1) The heading is amended to read as follows:

"SEC. 642A. HEAD START ALIGNMENT WITH K-12 EDUCATION.".

(2) In paragraph (2) after "social workers," insert the following: "McKinney-Vento liaisons as established under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001,".

(3) Add the following new paragraph after paragraph (2) and redesignated paragraphs (3) through (7) as (4) through (8):

"(3) developing continuity of developmentally appropriate curricula between Head Start and local educational agencies to ensure an effective transition and appropriate shared expectations for children's learning and development as they make such transition to school;".

(4) Paragraph (6)(as redesignated by paragraph (3) of this section) is amended to read as follows:

"(6) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under Title I of the Elementary and Secondary Education Act of 1965 and family outreach and support efforts under subtitle VII-B of the McKinney-Vento Homeless Assistance Act;".

(4) In paragraph (7)(as redesignated by paragraph (3) of this section) by inserting "and continuity in parental involvement activities" after "developmental continuity".

(5) Strike "and" at the end of paragraph (7)(as redesignated by paragraph (3) of this section) and strike the period at the end of paragraph (8)(as redesignated by paragraph (3) of this section) and insert a semicolon.

(6) Add the following after paragraph (8):

"(9) helping parents to understand the importance of parental involvement in a child's academic success while teaching them strategies for maintaining parental involvement as their child moves from Head Start to elementary school; and

"(10) developing and implementing a system to increase program participation of underserved populations of eligible children.".

SEC. 109. ADMINISTRATIVE REQUIREMENTS AND STANDARDS.

Section 644 of the Head Start Act (42 U.S.C. 9839) is amended in subsection (f)(2) by redesignating subparagraphs (A) through (E) as (B) through (F) and inserting the following new subparagraph before subparagraph (B) (as so redesignated):

"(A) a description of the consultation conducted by the Head Start agency with the providers in the community demonstrating capacity and capability to provide services under this Act, and of the potential for collaboration with such providers and the cost effectiveness of such collaboration as opposed to the cost effectiveness of the purchase of a facility;"

SEC. 110. ELIGIBILITY.

Section 645(a) of the Head Start Act (42 U.S.C. 9843) is amended as follows:

(1) By striking "to a reasonable extent" in paragraph (1)(B)(i) and inserting "not to exceed 10 percent of the total enrollment" and by striking "benefit from such programs" and inserting "benefit from such programs, including children referred by child welfare services," .

(2) By adding the following new paragraph at the end thereof:

"(3) The amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for programs assisted under this subchapter.".

SEC. 111. EARLY HEAD START PROGRAMS.

(a) IN GENERAL.—Section 645A of the Head Start Act (42 U.S.C. 9643) is amended as follows:

(1) By amending paragraphs (4) and (5) of subsection (b) to read as follows:

"(4) provide services to parents to support their role as parents (including parenting skills training and training in basic child development) and to help the families move toward self-sufficiency (including educational and employment services as appropriate);

"(5) coordinate services with services (including home-based services) provided by programs in the State and programs in the community (including programs for infants and toddlers with disabilities) to ensure a comprehensive array of services (such as health and mental health services, and family support services);".

(2) By amending paragraph (8) of subsection (b) to read as follows:

"(8) ensure formal linkages with the agencies and entities described in section 644(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)) and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the agency responsible for administering the Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a); and".

(3) In subsection (g)(2)(B) by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting "; and" and by inserting the following at the end:

"(v) providing professional development designed to increase program participation for underserved populations of eligible children.".

(b) MIGRANT AND SEASONAL PROGRAMS.—Section 645A(d)(1) of the Head Start Act (42 U.S.C. 9643(d)(1)) is amended to read as follows:

"(1) entities operating Head Start programs under this subpart, including migrant and seasonal Head Start programs; and".

(c) COMMUNITY- AND FAITH-BASED ORGANIZATIONS.—Section 645A(d)(2) of the Head

Start Act (42 U.S.C. 9643(d)(21)) is amended by inserting ", including community- and faith-based organizations" after "entities" in the second place it appears.

SEC. 112. TECHNICAL ASSISTANCE AND TRAINING.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended as follows:

(1) By inserting the following new subsection after subsection (a) and redesignating subsections (b) through (e) as subsections (c) through (f):

"(b) The Secretary shall make available to each State the money reserved in section 640(a)(2)(C)(ii) to support a State-based system delivering training and technical assistance that improves the capacity of Head Start programs within a State to deliver services in accordance with the Head Start standards in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section. The Secretary shall—

"(1) ensure eligible entities within a State are chosen by the Secretary, in consultation with the State Collaboration Board described in section 640(a)(5)(C)(i), through a competitive bid process;

"(2) ensure that existing agencies with demonstrated expertise in providing high quality training and technical assistance to improve the delivery of Head Start services, including the State Head Start Association, State agencies, migrant and seasonal Head Start programs operating in the State, and other entities currently providing training and technical assistance in early education, be included in the planning and coordination of the State system of training and technical assistance; and

"(3) encourage States to supplement the funds authorized in section 640(a)(2)(C)(ii) with State, Federal, or local funds other than Head Start funds, to expand activities beyond Head Start agencies to include other providers of other early childhood services within a State.".

(2) In subsection (d) (as redesignated):

(A) In paragraph (2), after "disabilities" insert "and for activities described in section 1221(b)(3) of the Elementary and Secondary Education Act of 1965".

(B) In paragraph (5) after "assessment" insert ", including the needs of homeless children and their families".

(C) By striking "and" at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting "; and" and by inserting the following at the end:

"(12) assist Head Start agencies and programs in increasing program participation of eligible homeless children.".

(3) In subsection (e) (as redesignated by paragraph (1)) by inserting ", including community- and faith-based organizations" after "entities".

(4) By amending subsection (f) (as redesignated by paragraph (1)) to read as follows:

"(f) The Secretary shall provide, either directly or through grants or other arrangements, funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to non-English language background children (including services to promote the acquisition of the English language), training for personnel providing services to children determined to be abused or neglected, training for personnel providing services to children referred by or receiving child welfare services, training for personnel in helping children cope with community violence, and resource access projects for personnel working with disabled children.".

(5) Insert at the end of the section:

"(g) HELPING PERSONNEL BETTER SERVE MIGRANT AND SEASONAL FARM-WORKING COMMUNITIES AND HOMELESS FAMILIES.—The Secretary shall provide, either directly or through grants, or other arrangements, funds for training of Head Start personnel in addressing the unique needs of migrant and seasonal working families, families with a limited English proficiency, and homeless families.

"(h) AUTHORIZED ACTIVITIES.—The majority of funds expended under this section shall be used to provide high quality, sustained, intensive, and classroom-focused training and technical assistance in order to have a positive and lasting impact on classroom instruction. Funds shall be used to carry out activities related to any or all of the following:

"(1) Education and early childhood development.

"(2) Child health, nutrition, and safety.

"(3) Family and community partnerships.

"(4) Other areas that impact the quality or overall effectiveness of Head Start programs.

"(i) PROHIBITION ON USE OF FUNDS.—Funds under this subchapter used for training shall be used for needs identified annually by a grant applicant or delegate agency in their program improvement plan, except that funds shall not be used for long-distance travel expenses for training activities available locally or regionally or for training activities substantially similar to locally or regionally available training activities.

"(j) DEFINITION.—For purposes of this section, the term 'eligible entities' means an institution of higher education or other entity with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the delivery of Head Start services.".

SEC. 113. STAFF QUALIFICATIONS AND DEVELOPMENT.

Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended as follows:

(1) By amending paragraph (2) of subsection (a) to read as follows:

"(2) DEGREE REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall ensure that not later than September 30, 2008, at least 50 percent of all Head Start teachers nationwide in center-based programs have—

"(i) a baccalaureate, or advanced degree in early childhood education; or

"(ii) a baccalaureate, or advanced degree in a field related to early childhood education, with experience in teaching preschool children.

"(B) PROGRESS.—Each Head State agency shall provide to the Secretary a report indicating the number and percentage of classroom instructors with child development associate credentials and associate, baccalaureate, or advanced degrees. The Secretary shall compile all program reports and make them available to the Committee on Education and the Workforce of the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions of the United States Senate.

"(C) REQUIREMENT FOR NEW HEAD START TEACHERS.—Within 3 years after the date of enactment of this clause, the Secretary shall require that all Head Start teachers nationwide in center-based programs hired following the date of enactment of this subparagraph—

"(i) have an associate, baccalaureate, or advanced degree in early childhood education;

"(ii) have an associate, baccalaureate, or advanced degree in a field related to early childhood education, with experience in teaching preschool children; or

"(iii) be currently enrolled in a program of study leading to an associate degree in early childhood education and agree to complete degree requirements within 3 years from the date of hire.

"(D) SERVICE REQUIREMENTS.—The Secretary shall establish requirements to ensure that individuals who receive financial assistance under this Act in order to comply with the requirements under section 648A(a)(2) shall subsequently teach in a Head Start center for a period of time equivalent to the period for which they received assistance or repay the amount of the funds.".

(2) By adding the following at the end thereof:

"(f) PROFESSIONAL DEVELOPMENT PLANS.—Every Head Start agency and program shall create, in consultation with an employee, a professional development plan for all full-time employees who provide direct services to children.".

SEC. 114. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended as follows:

(1) By amending subsection (a)(1)(B) to read as follows:

"(B) use the Head Start programs to develop, test, and disseminate new ideas and approaches for addressing the needs of low-income preschool children (including children with disabilities and children determined to be abused or neglected) and their families and communities (including demonstrations of innovative non-center based program models such as home-based and mobile programs), and otherwise to further the purposes of this subchapter.".

(2) By striking paragraph (9) of subsection (d) and inserting "(9) REPEALED.—".

(3) By striking clause (i) of subsection (g)(1)(A) and redesignating clauses (ii) and (iii) as clauses (i) and (ii).

(4) In subsection (g)(7)(C)(i) by striking "1999" and inserting "2003", striking "2001" and inserting "2005", and striking "2003" and inserting "2006".

(5) By amending subsection (h) to read as follows:

"(h) NAS STUDY.—

"(1) IN GENERAL.—The Secretary shall use funds allocated in section 640(a)(2)(C)(iii) to contract with the National Academy of Sciences for the Board on Children, Youth, and Families of the National Research Council to establish an independent panel of experts to review and synthesize research, theory and applications in the social, behavioral and biological sciences and shall make recommendations on early childhood pedagogy with regard to each of the following:

"(A) Age and developmentally appropriate Head Start academic requirements and outcomes, including but not limited to the domains in 641A(a)(B).

"(B) Differences in the type, length, mix and intensity of services necessary to ensure that children from challenging family and social backgrounds including: low-income children, children of color, children with special needs, and children with limited English proficiency enter kindergarten ready to succeed.

"(C) Appropriate assessments of young children for the purposes of improving instruction, services, and program quality, including systematic observation assessment in a child's natural environment, parent and provider interviews, and accommodations for children with disabilities and appropriate assessments for children with special needs, including English language learners.

"(2) COMPOSITION.—The panel shall consist of multiple experts in each of the following areas:

"(A) Child development and education, including cognitive, social, emotional, physical, approaches to learning, and other domains of child development and learning.

"(B) Professional development, including teacher preparation, to individuals who teach young children in programs.

"(C) Assessment of young children, including screening, diagnostic and classroom-based instructional assessment; children with special needs, including children with disabilities and limited English proficient children.

"(3) TIMING.—The National Academy of Sciences and the Board shall establish the panel not later than 90 days after the date of enactment of this paragraph. The panel should complete its recommendations within 18 months of its convening.

"(4) APPLICATION OF PANEL REPORT.—The results of the panel study shall be used as guidelines by the Secretary to develop, inform and revise, where appropriate, the Head Start education performance measures and standards and the assessments utilized in the Head Start program.".

SEC. 115. REPORTS.

Section 650 of the Head Start Act (42 U.S.C. 9845) is amended as follows:

(1) The first sentence of subsection (a) is amended to read as follows: "At least once during every 2-year period, the Secretary shall prepare and submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, a report concerning the status of children (including disabled, homeless, and non-English language background children) in Head Start programs, including the number of children and the services being provided to such children.".

(2) Paragraph (8) of subsection (a) is amended by inserting ", homelessness" after "background".

SEC. 116. HEAD START NONDISCRIMINATION PROVISIONS.

Section 654 of the Head Start Act (42 U.S.C. 9849) is amended to read as follows:

"SEC. 654. NONDISCRIMINATION PROVISIONS.

"(a)(1) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(2) Paragraph (1) shall not apply to a recipient of financial assistance under this subchapter that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. Such recipients shall comply with the other requirements contained in this subsection.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this subchapter. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment (except as provided in subsection (a)(2)), in the administration of any program, project, or activity receiving assistance under this subchapter.

"(c) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract relating to the financial assistance specifically provides that no person with responsibilities in the operation of the program, project, or activity will discriminate against any individual because of a handicapping condition in violation of section 504 of the Rehabilitation Act of 1973, except as provided in subsection (a)(2).".

SEC. 117. EFFECTIVE DATE.

The amendments made by this Act shall be effective with respect to fiscal years beginning on and after October 1, 2003.

TITLE II—STATE DEMONSTRATION PROGRAM

SEC. 201. STATE DEMONSTRATION PROGRAM.

The Head Start Act is amended by inserting after section 643 the following new section:

"SEC. 643A. STATE DEMONSTRATION PROGRAM.

"(a) GRANTS.—

"(1) IN GENERAL.—

"(A) ELIGIBLE STATES.—In the case of each eligible State that submits to the Secretary an application that fulfills the requirements of this section, the Secretary, from amounts appropriated under section 639(a), shall make a grant to the State to carry out a State demonstration program under this section, except that the Secretary shall not make such grants to more than 8 eligible States.

"(B) DETERMINATION.—The Secretary shall make awards to those States that demonstrate—

"(i) that the State standards generally meet or exceed the standards that ensure the quality and effectiveness of programs operated by Head Start agencies;

"(ii) the capacity to deliver high quality early childhood education services to prepare children, including low-income children, for school; and

"(iii) success in improving the school readiness of children.

"(2) STATE ELIGIBILITY.—A State shall be eligible to participate in the program under this section if it meets each of the following criteria:

"(A) The State has an existing State supported system providing public prekindergarten to children prior to entry into kindergarten.

"(B) The State has implemented standards as of fiscal year 2003 for school readiness that include standards for language, prereading and premathematics development for prekindergarten that are aligned with State kindergarten through twelfth grade academic content standards and which shall apply to all programs receiving funds under this part or provides an assurance that such standards will be aligned by the end of the second fiscal year of participation.

"(C) State and locally appropriated funds for prekindergarten services and Head Start services in the base year under this section shall not be less than 50 percent of the Federal funds that the grantees in the State received under this Act in the base year for services to Head Start eligible children, excluding amounts for services provided under section 645A.

"(D) The State has established a means for inter-agency coordination and collaboration in the development of the plan under subsection (h).

"(b) LEAD AGENCY.—A program under this section shall be administered by a State governmental entity designated by the Chief Executive Officer of the State as the lead State agency.

"(c) STATE OPERATION OF PROGRAM.—The State may conduct all or any part of the program under this section (including the activities specified in subsection (g)) directly or by grant, contract, or cooperative agreement.

"(d) TRANSITION.—

"(1) IN GENERAL.—For 60 months after the effective date of this section, the State shall continue to provide funds to each local grantee who—

"(A) was receiving funds under this subchapter, as in effect prior to the date of enactment of this section; and

"(B) is serving the geographic area covered by the plan in section 643A(h).

Such continuing grants shall be made in accordance with the terms of the grant made to the local grantee immediately prior to such date of enactment. This paragraph shall not apply to a grant applicant who has experienced substantial uncorrected deficiencies on Department of Health and Human Services monitoring reports during any year of the most recent 5-year period, or to a grantee that, as determined by the State, does not comply with the State plan described in subsection 643A(h) submitted to the Secretary.

"(e) FEDERAL FINANCIAL ASSISTANCE.—

"(1) ALLOCATION OF FEDERAL ALLOTMENTS TO STATE PROGRAMS.—From each total amount described in paragraph (2) allotted to a State for a fiscal year, the Secretary shall pay to a State with a program approved under this section for such fiscal year an amount equal to—

"(A) if the State program is statewide, 100 percent of such total amount; and

"(B) if the State program is limited to a geographic area or areas, the sum of—

"(i) an amount equal to the amount received by grantees in such geographic area or areas for the Federal fiscal year preceding the first fiscal year of the State program under this section; plus

"(ii) an amount bearing the same ratio to the excess (if any) above the total amount for such preceding fiscal year as the number of children less than 5 years of age from families whose income is below the poverty line in the geographic area or areas included in the program bears to the total number of such children in the State (as determined using the same data used pursuant to section 640(a)(4)(B)).

"(2) FUNDS ALLOCATED.—For purposes of paragraph (1), amounts described in this paragraph are:

"(A) BASIC STATE ALLOTMENTS.—Amounts allotted to States pursuant to section 640(a)(4), including amounts reserved pursuant to section 640(a)(5), excluding amounts for services provided under section 645A.

"(B) STATE ALLOTMENTS OF EXPANSION FUNDS.—Amounts allotted to States pursuant to section 640(a)(3)(D)(i)(I) for program expansion.

"(C) QUALITY IMPROVEMENT FUNDS.—Quality improvement funds (if any) reserved pursuant to section 640(a)(3).

"(D) TRAINING AND TECHNICAL ASSISTANCE FUNDS.—An amount bearing the same ratio to the amount set aside for training and technical assistance activities pursuant to section 640(a)(2)(C)(i) and (ii) as the State's share of amounts allotted under section 640(a)(4)(B) bears to the total amount so allotted (and for purposes of subparagraph (A), such amount shall be considered an amount allotted to the State for the fiscal year).

"(3) NON-FEDERAL MATCH.—(A) In determining the amount of Federal and non-Federal contributions for purposes of this section, the amounts required to be expended by the State under subsection (h)(14)(B) (relating to maintenance of effort) shall be excluded.

"(B) Financial assistance made available to a State under this subchapter shall be in an amount equal to 95 percent of the total amount expended for such programs. The Secretary shall require non-Federal contributions in an amount equal to 5 percent of the total amount expended under this subchapter for such programs.

"(C) Non-Federal contributions may be made in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(4) COMBINED OPERATIONS WITH OTHER EARLY CHILDHOOD EDUCATION PROGRAMS.—A State may combine funds for a program under this section with funds for other early childhood programs serving children in the same age group, as long as all applicable requirements of this subchapter are met with respect to either—

"(A) the entire combined program; or

"(B) each child served in such combined program for whom the services provided are funded from appropriations under this subchapter or non-Federal matching contributions under this subchapter.

"(5) USE OF FUNDS WITHOUT REGARD TO ALLOTMENT PURPOSES.—A State may use funds received pursuant to this section for any program purpose set forth in section 636, without regard to the purposes for such funds specified in section 640.

"(6) OTHER FUNDS.—Funds received under this section shall not supplant any non-Federal, State or local funds that would otherwise be used for activities authorized under this section or similar activities carried out in the State.

"(f) COORDINATION AND CHOICE.—

"(1) IN GENERAL.—A State demonstration Program shall be coordinated with the education programs of local educational agencies in the State to ensure that the program is effectively designed to develop in children in the program the knowledge and behaviors necessary to transition successfully to kindergarten and to succeed in school.

"(2) PROGRAMS CONCERNED.—

"(A) REQUIRED PROGRAMS.—Such coordination shall occur regarding the implementation of the following:

"(i) The Early Reading First and Even Start programs under title I, part B, subparts 2 and 3 of the Elementary and Secondary Education Act of 1965, and other preschool programs carried out under title I of that Act.

"(ii) State prekindergarten programs.

"(iii) The Ready-to-Learn Television Program under subpart 3 of Part D of title II of the Elementary and Secondary Education Act.

"(B) OPTIONAL PROGRAMS.—Such coordination may occur regarding the implementation of the following:

"(i) Programs under the Child Care and Development Block Grant Act.

"(ii) Other publicly funded early childhood education programs.

"(3) PARENTAL CHOICE.—The program shall allow parents to choose the preschool program for their child.

"(g) REQUIRED SERVICES.—With funds under this section, the State shall provide services described in section 641A at least as extensive as were provided, and to at least as many low-income children and families in each fiscal year as were provided such services, with such funds in the base year in the State (or, if applicable, in the geographic area included in the State program). A program under this section shall include the following comprehensive activities designed to promote school readiness and success in school:

"(1) CHILD DEVELOPMENT AND EDUCATION.—Activities with enrolled children that promote—

"(A) cognitive development, language development, prereading, and premathematics knowledge and skills;

"(B) physical development, health, and nutrition (including through coordination with, and referral of children and families to local health service entities; and

"(C) social development important for environments constructive for child development, early learning, and school success.

"(2) PARENT EDUCATION AND INVOLVEMENT.—Activities with the parents of enrolled children directed at enhancing and encouraging—

"(A) involvement in, and ability to support, their children's educational development;

"(B) parenting skills and understanding of child development; and

"(C) ability to participate effectively in decisions relating to the education of their children.

"(3) SOCIAL AND FAMILY SUPPORT SERVICES.—Activities directed at securing appropriate social and family support services for enrolled children and their families, primarily through referral and coordination with local, State, and Federal entities that provide such services.

"(4) HEAD START SERVICES.—For purposes of paragraph (1) Head Start services furnished in a State program under this section shall include all Head Start services, other than—

"(A) Indian Head Start programs and migrant and seasonal Head Start programs supported with funds reserved under section 640(a)(2)(A); and

"(B) Early Head Start services provided under section 645A.

"(h) STATE PLAN.—A State proposing to administer a program under this section shall submit a State plan to the Secretary. The State plan shall include the following:

"(1) LEAD STATE AGENCY.—The plan shall identify the entity designated by the Chief Executive Officer of the State as the lead State agency.

"(2) GEOGRAPHIC AREA.—The plan shall specify whether the program is statewide, and, if it is not, identify the geographic area or areas covered by the plan. A geographic area may be a city, county, standard metropolitan statistical area, or such other geographic area in the State.

"(3) PROGRAM PERIOD.—A State program under this section shall be in effect for 5 Federal fiscal years.

"(4) PROGRAM DESCRIPTION.—The plan shall describe the services under subsection (f) to be provided in the program and arrangements the State proposes to use to provide the services specified in subsection (g), including how the State will leverage existing delivery systems for such services.

"(5) NEEDS ASSESSMENT.—The plan shall describe the results of a State needs assessment and shall provide an assurance that the State will use the results to identify the needs for early childhood education services within a State or geographic area to be served and is targeting services to those areas of greatest need and to expand and improve services to disadvantaged children in the State.

"(6) ASSURANCE OF COMPLIANCE.—The plan shall provide an assurance that the State program will comply with the requirements of this section, including each of the following:

"(A) PRIORITY FOR LOW-INCOME CHILDREN.—Requirements established pursuant to section 645(a) concerning the eligibility and priority of individuals for participation in Head Start programs.

"(B) CONTINUATION FOR EXISTING PROVIDERS.—An applicant who received funds under this subchapter in prior fiscal years and has not corrected any substantial deficiencies identified in the past 5 years shall not be eligible to receive any grants, contract, or cooperative agreements under this section.

"(C) PARTICIPATION OF CHILDREN WITH DISABILITIES.—Requirements pursuant to section 640(d) concerning Head Start enrollment opportunities and services for children with disabilities.

"(D) PROVISIONS CONCERNING FEES AND COPAYMENTS.—The provisions of section 645(b) concerning the charging of fees and the circumstances under which copayments are permissible.

"(E) FEDERAL SHARE; STATE AND LOCAL MATCHING.—The provisions of section 640(b) limiting Federal financial assistance for Head Start programs, and providing for non-Federal contributions.

"(F) ADMINISTRATIVE COSTS.—The provisions of section 644(b) limiting the share of program funds that may be used for developing and administering a program.

"(G) FEDERAL PROPERTY INTEREST.—Applicable provisions of this subchapter regarding the Federal Government interest in property (including real property) purchased, leased, or renovated with Federal funds.

"(7) IDENTIFICATION OF BARRIERS.—The plan shall identify barriers in the State to the effective use of Federal, State, and local public funds, and private funds, for early education and care that are available to the State on the date on which the application is submitted.

"(8) STATE GUIDELINES FOR SCHOOL READINESS.—The plan shall include—

"(A) a State definition of school readiness;

"(B) a description of the State's general goals for school readiness, including how the State intends to—

"(i) promote and maintain ongoing communication and collaboration between providers of early care and education and local educational agencies in the State;

"(ii) align early childhood and kindergarten curricula to ensure program continuity; and

"(iii) ensure that children successfully transition to kindergarten.

"(9) TEACHER QUALIFICATIONS.—The plan shall assure that the qualifications and credentials for early childhood teachers meet or exceed the standards in section 648A(a)(2)(A), (B), and (C).

"(10) PROFESSIONAL DEVELOPMENT.—The plan shall provide a description of the State plan for assuring the ongoing professional development of early childhood educators and administrators including how the State intends to—

"(A) improve the competencies of early childhood educators in meeting the cognitive and other developmental needs of young children through effective instructional strategies, methods, and skills;

"(B) develop and implement initiatives to effectively recruit and promote the retention of well-qualified early childhood educators;

"(C) encourage institutions of higher education, providers of community-based training, and other qualified providers to develop high-quality programs to prepare students to be early childhood education professionals; and

"(D) improve the quality of professional development available to meet the needs of teachers that serve preschool children.

"(11) Quality standards.—The State shall describe the State's standards, applicable to all agencies, programs, and projects that receive funds under this subchapter, including a description of—

"(A) standards with respect to services required to be provided, including health, parental involvement, nutritional, social, transition activities described in section 642(d) of this subchapter, and other services;

"(B)(i) education standards to promote the school readiness of children participating in a State program under Title II of this subchapter; and

"(ii) additional education standards to ensure that the children participating in the program, at a minimum develop and demonstrate—

"(I) language skills;

"(II) prereading knowledge and skills, including interest in and appreciation of books, reading and writing either alone or with others;

"(III) premathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

"(IV) cognitive abilities related to academic achievement;

"(V) social development important for environments constructive for child development, early learning, and school success; and

"(VI) in the case of limited-English proficient children, progress toward acquisition of the English language;

"(C) the State's minimum standards for early childhood teacher credentials and qualifications;

"(D) the student-teacher ratio for each age-group served;

"(E) administrative and financial management standards;

"(F) standards relating to the condition and location of facilities for such agencies, programs, and projects; and

"(G) such other standards as the State finds to be appropriate.

"(12) State accountability system.—

"(A) In general.—The State plan shall—

"(i) ensure that individual providers are achieving results in advancing the knowledge and behaviors identified by the State as prerequisites for kindergarten success; and

"(ii) specify the measures the State will use to evaluate the progress toward achieving such results and the effectiveness of the State program under this section, and of individual providers in such program.

"(B) Publication of results.—

"(i) In general.—Subject to clause (ii), the results shall be made publicly available in the communities served by the program.

"(ii) Confidentiality safeguards.—The system shall have in effect privacy safeguards ensuring that information on children included in data and results made public in accordance with clause (i) shall be in aggregated form, and shall not include information allowing identification of individual children.

"(13) Transition plan.—The initial State plan shall make provision for transition from the direct Federal program under section 640 to the demonstration program.

"(14) Cooperation with research studies.—The plan shall provide assurances that the State will cooperate with research activities described in section 649.

"(15) Maintenance of effort.—The State plan shall—

"(A) contain a commitment to provide data, at such times and in such format as the Secretary requires, concerning non-Federal expenditures and numbers of children and families served in preschool and Head Start programs during the base year and each fiscal year covered under the State plan, sufficient to satisfy the Secretary that the State program will meet its obligation with respect to the maintenance of effort requirement under subparagraph (B); and

"(B) assure that the resources (which may be cash or in-kind) contributed by the State government to child care for preschool-aged children and other preschool programs, including Head Start, in the State (or, if applicable, in the geographic area included in the State program) for each fiscal year in which the program under this section is in effect shall be in an amount at least equal to the total amount of such State governmental resources contributed to support such programs in the State (or geographic area) for the base year.

"(16) Training and technical assistance.—The State plan shall describe the training and technical assistance activities that shall provide high quality, sustained, intensive, and classroom-focused training and technical assistance in order to have a positive and lasting impact on classroom instruction.

"(i) Records, Reports and Audits.—The State agency administering the State program, and each entity participating as a Head Start service provider, shall maintain such records, make such reports, and cooperate with such audits as the Secretary may require for oversight of program activities and expenditures.

"(j) Inapplicability of Provisions Concerning Priority in Agency Designation.—The provisions of subsections (c) and (d) of section 641 (concerning priority in designation of Head Start agencies, successor agencies, and delegate agencies) shall not apply to a State program under this section.

"(k) Consultation.—A State proposing to administer a program under this section shall submit, with the plan under this section, assurances that the plan was developed through timely and meaningful consultation with appropriate public and private sector entities, including—

"(1) representatives of agencies responsible for administering early education and care programs in the State, including Head Start providers;

"(2) parents;

"(3) the State educational agency and local educational agencies;

"(4) early childhood education professionals;

"(5) kindergarten teachers and teachers in grades 1 through 4;

"(6) child welfare agencies;

"(7) child care resource and referral agencies;

"(8) child care providers; and

"(9) a wide array of persons interested in and involved with early care and early education issues in the State, such as representatives of—

"(A) health care professionals;

"(B) the State agency with responsibility for the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966;

"(C) institutions of higher education;

"(D) community-based and faith-based organizations;

"(E) the business community;

"(F) State legislators and local officials;

"(G) museums and libraries;

"(H) other relevant entities in the State; and

"(I) other agencies that provide resources for young children.

"(l) State Plan Submission.—An application shall be submitted by a State pursuant to this section to the Secretary, in consultation with the Secretary of Education, and shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of a reasonable time beginning on the date on which the Secretary received the application, that the application is not in compliance with this section.

"(m) Treatment of Funds.—If a State or local government contributes its own funds to supplement activities carried out under the applicable programs, the State or local government has the option to separate out the Federal funds or commingle them. If the funds are commingled, the provisions of this subchapter shall apply to all of the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

"(n) Federal Oversight Authority; Corrective Action; Withdrawal of Approval.—

"(1) Federal oversight.—The Secretary shall retain the authority to oversee the operation of the State program under this section, including through review of records and reports, audits, and onsite inspection of records and facilities and monitoring of program activities and operations.

"(2) Correction of deficiencies.—If the Secretary determines that a State program under this section substantially fails to meet the requirements of this section, the Secretary shall notify the State of the deficiencies identified and require corrective action as follows:

"(A) Deficiencies causing immediate jeopardy.—The Secretary shall require immediate corrective action to eliminate a deficiency that the Secretary finds threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds.

"(B) Other deficiencies.—The Secretary, taking into consideration the nature and magnitude of a deficiency not described in subparagraph (A), and the time reasonably required for correction, may—

"(i) require the State to correct the deficiency within 90 days after notification under this paragraph; or

"(ii) require the State to implement a quality improvement plan designed to correct the deficiency within one year from identification of the deficiency.

"(3) Withdrawal of approval.—If the deficiencies identified under paragraph (2) are not corrected by the deadlines established by the Secretary, the Secretary shall initiate proceedings to withdraw approval of the State program under this section.

"(4) PROCEDURAL RIGHTS.—A State subject to adverse action under this subsection shall have the same procedural rights as a Head Start agency subject to adverse action under section 641A.

"(o) INDEPENDENT EVALUATION.—

"(1) IN GENERAL.—The Secretary shall contract with an independent organization outside of the Department to design and conduct a multi-year, rigorous, scientifically valid, quantitative evaluation of the State demonstration program.

"(2) PROCESS.—The Secretary shall award a contract within 180 days of the date of enactment of the School Readiness Act of 2003, to an organization that is capable of designing and carrying out an independent evaluation described in this subsection.

"(3) ANALYSIS.—The evaluation shall include an analysis of each State participating in the State demonstration program, including—

"(A) A quantitative description of the State prekindergarten program and Head Start programs within such State, as such programs existed prior to participation in the State demonstration program, including—

"(i) data on the characteristics of the children served, including the overall number and percentages of children served disaggregated by socioeconomic status, race and ethnicity of those served;

"(ii) the quality and characteristics of the services provided to such children; and

"(iii) the education attainment of instructional staff.

"(B) A quantitative and qualitative description of the State program after each year of participation in the State demonstration, which shall include each of the following:

"(i) A description of changes in the administration of the State program, including the Head Start program, within such State.

"(ii) The rate of progress of the State in improving the school readiness of disadvantaged children in the key domains of development.

"(iii) Data as described in subparagraph (A), as updated annually.

"(iv) The extent to which each State has met the goals established by such State with respect to annual goals as described under section 643(h)(10).

"(4) REPORT.—(A) The Secretary shall provide an interim report on the progress of such evaluation and of the progress of States participating in the State demonstration in increasing the availability of high quality prekindergarten services for low-income children not later than October 1, 2006 to the Committee on Education and the Workforce in the House of Representatives and the Committee on Health, Education, Labor, and Pensions in the Senate.

"(B) The Secretary shall provide a final report to the Committee on Education and the Workforce in the House of Representatives and the Committee on Health, Education, Labor, and Pensions in the Senate, not later than October 1, 2007, which shall include an overall evaluation of the State demonstration program, including an assessment of its success in increasing the overall availability of high quality prekindergarten services for low income children in each of the participating States as compared to a representative sample of non-participating States.

"(p) STATE PARTICIPATION AGREEMENT.—Following the submission of an application fulfilling all requirements of this section, a State that meets all eligibility requirements set forth in section 643A(a)(2) and is selected by the Secretary to participate in the demonstration program under this section shall—

"(1) maintain or increase fiscal year 2003 State funding levels for early childhood education;

"(2) provide an additional contribution of non-federal funds equal to five percent of the State's federal Head Start allotment;

"(3) use Head Start funding only for the purposes of Head Start as described in section 636;

"(4) provide all comprehensive social services currently available to Head Start children, including health and nutrition;

"(5) develop a strategy to maximize parental involvement to enable parents to become full partners in the education of their children;

"(6) demonstrate that the qualifications and credentials for early childhood teachers meet or exceed the standards in section 648A(a)(2)(A), (B), and (C);

"(7) enforce quality standards for school readiness that are aligned with K-12 educational standards and generally meet or exceed the Federal Head Start performance standards;

"(8) continue funding, for a period of 60 months, all current Head Start grantees as described in section 643A(d);

"(9) provide services described in section 641A that are at least as extensive as were provided, and to at least as many low-income children and families in the State, in each fiscal year as were provided such services in the base year;

"(10) establish a comprehensive collaboration effort to integrate Head Start, state-funded pre-kindergarten programs, Even Start, Title I preschool, and Early Reading First;

"(11) participate in independent evaluations of the demonstration program authorized under this subchapter; and

"(12) submit to Federal oversight by the Secretary.".

"(q) DEFINITION.—For purposes of this section, the term 'base year' means the fiscal year 2003.".

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

It is now in order to consider amendment No. 1 printed in House report 108–232.

AMENDMENT NO. 1 OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. WOOLSEY: Page 57, strike lines 6 through 14.

The CHAIRMAN. Pursuant to House Resolution 336, the gentlewoman from California (Ms. WOOLSEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this is a very simple amendment. It strikes the provision in the bill which would allow faith-based providers of Head Start services to discriminate based on religion against employees who are paid with public funds.

Faith-based providers are already participating in Head Start, Mr. Chairman, and they abide by current law which says they cannot discriminate based on religion when they use taxpayers' dollars to hire employees. H.R. 2210 changes that.

If H.R. 2210 becomes law with this employment discrimination exception in it, it will be the first time, the first time Congress has ever repealed a law that prohibits religious discrimination. And contrary to what my colleagues on the other side have been saying, H.R. 2210 is not consistent with title VII of the civil rights law.

Title VII allows faith-based organizations to discriminate using their own money. H.R. 2210 will allow public taxpayers' money to be used for religious discrimination.

Faith-based organizations do not want this, Mr. Chairman. That is why the Coalition Against Religious Discrimination sent a letter signed by 30 faith-based organizations asking Members to vote for the Woolsey-Edwards-Frank-Scott-Van Hollen amendment.

Mr. BOEHNER. Mr. Chairman, I claim the time in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment and any attempt to deny organizations their longstanding civil rights protections. The amendment before us is a direct attack on faith-based service providers seeking to participate in the Head Start program, where they can make a valuable difference in the lives of disadvantaged children.

Make no mistake, the amendment before us would not only be stripping faith-based organizations of their rights, but worse, will eliminate an entire category of potential Head Start service providers simply because they choose to maintain their legally protected right to make staffing decisions consistent with their organizational character and with the protections provided them under title VII of the Civil Rights Act.

This debate must be understood in real terms. Let us take the Catholic church, for example. Often these churches have strong roots in the community and a vast network of volunteers and employees who work together to make a difference for those who need a helping hand. They participate in many activities that are not about religion, but simply about making a difference in the lives of those in need. These organizations are a natural choice to participate in the Head Start program. After all, the infrastructure is in place, the members of the community already consider church a resource for social services, and workers are ready and willing to take in these needy children and give them the comprehensive support they need to get ready to enter school.

So what is the catch? Catholic churches have a tendency to hire Catholics. The Supreme Court does not see a problem with this. In fact, the Supreme Court has unanimously upheld the right of religious organizations to be religious and make staffing decisions based on that decision. There is no debate about that right. Until today, that is, when we consider this amendment that would make it illegal for these churches to continue to hire Catholics if they choose to participate in the Head Start program.

That is what we are talking about here, a double standard applying only to faith-based organizations, which tells them that they cannot serve disadvantaged children in Head Start unless they relinquish their identity, especially when it comes to hiring.

Faith-based organizations are a priceless national resource, providing help and hope to communities across America. And by their very nature, faith-based organizations often reach out to those in need when others may turn a blind eye. Improving lives is all in a day's work for faith-based organizations. That is why the President has called on Congress to level the playing field when these compassionate service providers are seeking to play a role in Federal initiatives like the Head Start program, to serve those who need our help.

□ 2200

Mr. Chairman, I strongly urge my colleagues to vote "no" and defeat this amendment. We should not ask religious groups to forfeit their religious character and identity as a condition of participating in Head Start. If we have discourage faith-based organizations from participating, we will be giving Head Start children less than we are capable of giving them. I think we must stand firm to protected the civil rights exemption for faith-based organizations so they can do their good works and community all across the Nation.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, this amendment is simple. It preserves the law just as it has been since the Head Start program began. Faith-based organizations can and do sponsor Head Start programs. In fact, 8 percent of the Head Start programs today are sponsored by faith-based organizations. They administer the Head Start programs just as any other sponsor of a federally funded program, including compliance with traditional anti-discrimination laws.

The underlying bill allows many programs to discriminate in employment based on religion. Make no mistake, if there is discrimination based on religion, there can be discrimination based on race, because eleven o'clock on Sunday is still the most racially segregated hour of the week.

So if an organization can select employees based on which church, synagogue, mosque or temple someone belongs to, that will have racial overtones. There used to be a time in America when certain people were routinely denied the opportunity to even be considered for good jobs and all African American parents at one time or another had to explain to their children why they had to sit in the back of the bus or why they could not be considered for jobs at certain companies. That invidious discrimination was so ugly that our Nation passed laws to make it illegal to discriminate in employment based on race, color, creed, national origin or sex in most cases, even with private funds, but illegal to discriminate in all cases with Federal funds.

Now, churches can discriminate with their own money, but not with Federal taxpayers' money. If this amendment is not adopted, the days of invidious discrimination could return and some parents will have to explain to their children why other parents could become teachers but not them solely because of the family's religion. Just what kind of head start lesson is that?

So this vote is important because it will decide and we will decide tonight just what kind of head start our next generation will have.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a member of our committee.

Mrs. BLACKBURN. Mr. Chairman, a few weeks ago in my district we held a government reform subcommittee hearing on the effectiveness of faith-based organizations. And our chairman is exactly right. These are priceless national resources. There is an issue that I am familiar with and today I must rise in opposition to the Woolsey amendment to strike the faith-based provision from the School Readiness Act.

I have listened to the debate on this bill in subcommittee and here on the floor, and actually I have been surprised at the level of false information being used to defeat what is an excellent aspect of this legislation. This bill does not ignore or undermine civil rights laws. Instead, it brings the Head Start program up to date with them. The Civil Rights Act was amended in 1972 by the Equal Employment Opportunity Act because Congress recognized that there needed to be a more defined relationship between church and State. Indeed, these changes were made in response to concerns that government might interfere with the affairs of religious organizations.

As the law is written now, a church or religious institution can set up a Head Start center, but they have to give up their right to hire based on a person's religion, something that most are not willing to do. And in many communities there is a great need to establish more Head Start centers. Think how many more children would be served if the restriction were removed.

One of the fundamental tenants of faith is that we must help people in need and work to better one's community. When religious organizations cannot participate in establishing and running Head Start centers, children lose out on an opportunity to learn, to prepare for school, and to be nurtured.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, no American citizen, not one, should have to pass someone else's religious test to qualify for a federally funded job. That is the principle behind the Woolsey amendment. Frankly, I am appalled that the Civil Rights Act of 1964 would be mischaracterized by some to defend the act of religious discrimination and bigotry when using Federal tax dollars.

Mr. Chairman, I want you to imagine for a moment that you are applying for a Head Start job which is funded by Federal tax dollars. You have a college degree in early childhood education. You have excellent references and 10 years of experience in working with prekindergarten children. Prior to your job interview, you prepare for days for possible questions regarding teaching methods and enhancing children's self-esteem. Then when you sit down for your job interview, the first question asked of you is this: Are you Jewish or Catholic? Puzzled about why you would be asked such a question for a Head Start job interview, you answer that your faith is a private matter and it has nothing to do with your job qualifications. But the job interviewer responds by saying, no, your job interview is over. You are not being hired because we do not hire Catholics or Jews. Offended, you say you are an American citizen and you cannot be denied a federally funded job based solely on your private, personal religious faith.

The interviewer says, no, you are wrong. On July 24 of 2003, the House of Representatives in Washington passed the Head Start bill which allows me to make hiring and firing decisions based solely on your personal religious faith.

Mr. Chairman, I find this scenario to be deeply offensive and so do the vast majority of Americans. I would repeat: no American citizen should have to pass someone else's religious test to qualify for a federally funded tax-supported job. Yet, by saying no to the Woolsey amendment, Members of this House would be legalizing Federal subsidies of religious discrimination and bigotry. That is wrong. Stand up for the fundamental right of religious freedom. Vote for the Woolsey amendment.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I rise in opposition to this amendment because quite simply it is an exceptionally bad idea.

Children who are served by Head Start have the right to receive those services in the most effective way possible. In many cases it will be a traditional public sector provider; but in at least some, in some, it may be a faith-based organization. We should encourage faith-based groups from coming forward. This would do the opposite. It is a bad idea. Vote down the amendment.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, let me start by talking about what this amendment is not about. It is not about whether faith-based organizations can provide valuable services. They can and they do. In fact, many are currently running Head Start programs. The issue is whether those Head Start programs, faith-based programs that are receiving taxpayers dollars can discriminate in hiring based on religion; whether someone who comes to them with a terrific background in early childhood education can have the door shut on them because they do not pass a particular religious test, because they are not Jewish or not Christian or not Muslim or whatever the particular test is.

Now, I have talked to many people around this country involved in the Head Start program, and not one of them has said to me, gee, we could do a much better job teaching children how to read, we could do a much better job teaching children arithmetic if only we could discriminate, if only we could fire the Jews in our organization, if only we could fire the Christians, if only we could fire the Baptists. No one has said that we need to do that, and it is a sad day that that comes up on this bill.

Nothing should be more universal. Nothing is more universal in this country than the desire of everyone to provide their children with a good start in life, a head start in life. And yet what this provision of the bill does that we are stripping out is sends a terrible message to the children of this country that it is okay to discriminate based on religion.

When we are teaching children in their earliest years the values that we want them to learn, we do not want to teach them the lesson of religious intolerance and religious bigotry. We must support the Woolsey amendment. I urge my colleagues to do so.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CARTER), a new member of our committee.

Mr. CARTER. Mr. Chairman, I rise in support of H.R. 2210 and in opposition to the Woolsey amendment.

The United States Supreme Court has ruled and has looked at this issue in the Corporation of the Presiding Bishop v. Amos and has upheld the title VII exemption as constitutional under our law. Finding that the exemption did not violate the establishment clause, the Supreme Court has made it clear that "it is a permissible legislative purpose to alleviate significant governmental interference with the ability of religious organizations to define and carry out their religious missions."

This is not a matter of discrimination or teaching children discrimination. This is a matter of abiding by the law. The Clinton administration passed numerous legislation that followed this same idea. These faith-based organizations provide good services. They should be able to hire the people that they feel are important to their cause, and this would in no way interfere with the rights of the students that come before the Head Start program. It is a good idea led by good people. I urge its support.

Ms. WOOLSEY. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentlewoman from California (Ms. WOOLSEY) has 3 minutes. The gentleman from Ohio (Mr. BOEHNER) has 3½ minutes.

Ms. WOOLSEY. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, a couple of things that have been said that I think need direct response to.

One is you could serve more children if you allow people to discriminate. That is not true. You will serve more people if you put more money into the Head Start program. There are plenty of sponsors who are willing to provide services without discriminating.

Second, you lose your right to discriminate. You do not lose your right to discriminate with your church money if you sponsor a federally funded program, but you cannot discriminate with the taxpayers' money. I think that needs to be said in response to some of the comments previously made.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER), a former member of our committee.

Mr. SOUDER. Mr. Chairman, I thank the chairman for his leadership on this difficult bill. When you make changes that are important to help poor kids in America, those who are disadvantaged, you will get controversy. You have plenty of it, but I congratulate you on trying to improve a good program.

Let me directly address this amendment. This amendment would in effect say that if you have strong religious values of any faith, check it at the door or do not apply. In fact, it was also said by another Member that many organizations and people who are currently serving these kids are not asking for this amendment. Of course not. They have the contracts.

Let us be frank here. In these inner-city areas where the Head Start programs are concentrated or in the rural poorer areas, we are mostly looking at black and Hispanic small churches that have been cut out of the system. We are also looking at rural white churches, the only institutions that have often stayed in those communities and they would like to be involved and some of those of deepest passion.

If you are a Christian church, you believe your church is supposed to reflect the glory of God. You do not want to be forced to hire who the government says you must hire. If you have somebody who has had things that violate your faith, you do not want to be told that you cannot violate them. You want to be involved in helping people. You want to practice that compassion, whether you are Muslim, whether you are Jewish, whether you are Christian. This amendment would say to those small churches who are the pillars of those institutions, no, you are not eligible.

Of course the people who have the contracts want this. This has already been ruled constitutional by the Supreme Court. They have said that there is a constitutional right, even when you get public funds, to keep your religious liberty to hire and fire who you want. This is a question of do we believe these programs are effective. Do we believe the local-based programs in these communities have a value there; that the minority churches that I have visited in the urban centers who want to get involved with the kids and give them a chance, should these churches be allowed to participate without accepting the mandates of the Federal Government.

□ 2215

This is not about big white suburban churches coming in and discriminating. This is mostly going to be minority churches in these poor areas who want to apply for these grants, and you are saying, unless you are willing to take the Federal Government telling you who to hire, who to fire, do not apply. And that is wrong, and it is a constitutionally protected right, and this amendment would be a disaster to many of those small churches who want to participate.

Ms. WOOLSEY. Mr. Chairman, would the Chair advise me, please, who has the right to close.

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) has the right to close.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, as to the history, it is clear, as it has been for 31 years, that the law says that if you take Federal funds, you cannot take the money you took from all the taxpayers and then tell some of those taxpayers many of them are ineligible because of their religion.

The gentleman from Indiana is wrong. We are not having the Federal Government tell you who to hire. We are saying that the Federal Government tells you you cannot refuse to hire most of the people who pay taxes that you are now spending because they do not like your religious beliefs. And I have to say, you tell me that this drives religions away. What are we talking about, the Taliban? I mean, what is it that is so terrible?

We are saying when you run your church, you run your church. When you hire people with your own money then you hire whoever you want, but when you take Federal tax dollars for a secular purpose, remember by definition, you cannot get Federal funds for religious purposes. So you are getting Federal funds for secular purposes, nonreligious purposes. Every taxpayer contributes and you are telling people then you can hire only people of your religion as they believe. That means racial segregation de facto.

How many whites will the black Muslims hire? How many blacks will the Orthodox Jews hire? Religion unfortunately de facto means segregation. But they also have to say what is it that is so terrible?

What we are saying to religious people is, in doing these good works with Federal money, we ask you please to associate with people of other religions, and you are telling us that asking religious people to associate with people of other religions defiles them. You ought to call your position the Antiheretic and Infidel Association Act. Unclean. Get away from me, unbeliever.

Well, if you want to say, get away from me, unbeliever, go ahead, but do not take the unbeliever's money through taxes and say, thank you for the tax money, now get out of here before you profane my day care center, before you profane my Head Start center.

How can you tell people that everybody has to pay taxes, but only those who meet a certain religious test, and it is not a broad religious test, it is a specific one, you believe in evolution, you cannot do Head Start here? You believe in all kinds of things, out you go.

So we are simply asking that the law be maintained. Our amendment maintains current law, and we ask you, please do not take the Taliban as the model for American social service.

Ms. WOOLSEY. Mr. Chairman, can the Chair advise me how much time I have remaining?

The CHAIRMAN. The gentlewoman from California (Ms. WOOLSEY) has 30 seconds remaining. The gentleman from Ohio (Mr. BOEHNER) has 1½ minutes remaining.

Ms. WOOLSEY. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, the people in this country will not believe what they are hearing tonight, that this amendment will allow thousands of dedicated Head Start teachers to be fired for no other reason than religious prejudice.

Our amendment will reinstate the fundamental American protections against religious discrimination in employment. It will protect the jobs of thousands of Head Start teachers and the stability of children and families in Head Start programs.

Voting for this amendment means that my colleagues are voting against religious discrimination.

Why would anyone do otherwise?

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of the time.

I think there are is some misunderstanding. Title VII of the Civil Rights Act says that religious organizations can discriminate in their hiring based on religion. That is what it says.

Look at Federal laws that provide grants to community-based organizations. Some of those require these organizations to give up their title VII protections, like the Head Start program we have before us. We have other programs, dozens of them, where they can maintain their title VII protections, and as I have told the Members on the other side over the last several months, as we bring these reauthorizations through our committee, like the Workforce Investment Act, like Head Start, I am going to provide some consistency.

President Clinton signed five programs into law that allowed faith-based organizations to have their title VII exemption with Federal funds, and all we want to do is to say if you take Federal funds and you provide Head Start services, you do not have to give up your title VII protections that are granted to you, plain and simple.

I urge my colleagues to defeat the gentlewoman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I support the Woolsey-Scott amendment to H.R. 2210 to remove the provision allowing religious discrimination in employment from the underlying bill. The Head Start Act, a bill that should be designed to improve the education of children, is no. place to encourage discrimination. In fact, there is no place for religious discrimination in American law just as there should be no place in America for that kind of backwards thinking.

H.R. 2210, in its current state, erodes fundamental civil rights protections for Head Start workers and families by exempting faith-based organizations from compliance with the current Head Start law. Presently, under our country's existing laws, in Title VII of the Civil Rights Act, employing institutions using private funds were exempt from employment discrimination protections. However, Head Start programs are federally funded and as such do not fall under the jurisdiction of the Title VII statute. Simply put: Public funds are not allowed to be used to encourage religious discrimination in employment and that should not change.

Each of my colleagues should understand that without the Woolsey-Scott amendment, we are advocating the notion that one's ability to nurture and develop the minds of our children is contingent on the religious institution to which the individual belongs. What if anything is accomplished by attempting to create religious hierarchies in the workplace? What benefit does that provide the Head Start child? None. And thus the language allowing religious discrimination should be stricken from the bill. As should all language that does not add to the well being of children.

The Founding Fathers of this country found it necessary to say that no one should be unfairly judged or discriminated against on the basis of their religion. This Congress should do no less. We should not create law that does harm. We should not encourage discrimination of any kind, religious or otherwise.

Surely, this country prides itself on its diversity and its willingness to open its doors to people of different religions, races, and ethnic backgrounds. Yet on the floor of the people's House we are faced with an attempt by the Republicans to create a monolithic sub-culture within our Head Start programs. Despite the rhetoric on the other side of the aisle, H.R. 2210 as it currently reads will not only result in the loss of jobs for teachers who do not identify with their employer's religious beliefs but more importantly it will cause the loss of role models and advocates for youth who are already at-risk.

The Woolsey-Scott amendment will effectively retain civil rights protections for employees of Head Start programs. This amendment simply retains their freedom of religious choice and their freedom not to be discriminated against due to their religion. This amendment adds nothing to the law rather it maintains current law. Without the addition of the Woolsey-Scott amendment, however, the body elected to serve all of the people of this country will have endorsed employment discrimination with federal dollars. We simply cannot allow this to happen. We must do everything we can to preserve the fundamentals of Head Start. I urge my colleagues to vote to ensure that our child readiness programs are not muddied and degraded by the promotion of religious discrimination. Therefore, I stand in full support of the Woolsey-Scott amendment and I urge my colleagues to do the same.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentlewoman from California (Ms. Woolsey).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 108–232.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. George Miller of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Readiness Act of 2003".

SEC. 2. PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

"SEC. 636. STATEMENT OF PURPOSE.

"It is the purpose of this subchapter to promote school readiness by enhancing the development of low-income children, through educational instruction in prereading skills, premathematics skills, and language, and through the provision to low-income children and their families of health, educational, nutritional, social and other services that are determined, based on family needs assessments, to be necessary.".

SEC. 3. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended as follows:

(1) In paragraph (17) by striking ", but for fiscal years" and all that follows down to the period.

(2) By adding the following at the end thereof:

"(18) The term 'eligible entities' means an institution of higher education or other agency with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the quality of early childhood education programs.

"(19) The term 'homeless children' has the meaning given such term in subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).".

SEC. 4. AUTHORIZATION.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

"SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated for carrying out the provisions of this subchapter $6,870,000,000 for the fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

"(b) Specific Programs.—From the amount appropriated under subsection (a), the Secretary shall make available not more than $20,000,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 through 2008, to carry out such other research, demonstration, and evaluation activities, including longitudinal studies, under section 649.

"(1) not more than $7,000,000 for each of fiscal years 2004 through 2008 to carry out impact studies under section 649(g); and

"(2) not more than $13,000,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 through 2008, to carry out other research, demonstration, and evaluation activities, including longitudinal studies, under section 649.

"(c) Administrative Expenses.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2008 to assist participating States with the administrative expenses associated with implementing a program under section 643A.".

SEC. 5. ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE.

Section 640 of the Head Start Act (42 U.S.C. 9835) is amended as follows:

(1) In subsection (a)(2):

(A) By striking "1998" in subparagraph (A) and inserting "2003".

(B) By amending subparagraph (B) to read as follows:

"(B) payments, subject to paragraph (7) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States;".

(2) By striking the last sentence of paragraph (2) of subsection (a).

(3)(A) By amending subsection (a)(2)(C) to read as follows:

"(C) training and technical assistance activities that are sufficient to meet the needs associated with program expansion and to foster program and management improvement as described in section 648 of this subchapter, in an amount for each fiscal year which is not less than one percent, and shall not exceed 2 percent, of the amount appropriated for such fiscal year, of which—

"(i) not less than 50 percent shall be made available to local Head Start agencies to comply with the standards described in section 641A(a)(1), of which not less than 50 percent shall be used to comply with the standards described in section 641A(a)(1)(B) and for the uses described in clauses (iii), (iv), and (vii) of subsection (a)(3)(B);

"(ii) not less than 30 percent shall be made available to support a State system of early childhood education training and technical assistance;

"(iii) not less than 20 percent shall be made available to the Secretary to assist local programs in meeting the standards described in section 641A(a)(1); and

"(iv) not less than $3,000,000 of the amount in clause (iii) appropriated for such fiscal year shall be made available to carry out activities described in section 648(c)(4);".

(B) By inserting the following at the end of subsection (a)(2):

"If less than 2 percent of the amount appropriated for such fiscal year is made available for the activities authorized in subparagraph (C), then the Secretary is authorized to use at least 25 percent of such funds to fund migrant and seasonal Head Start programs for expansion of services. If sufficient migrant and seasonal eligible children are not available to use such funds, then enrollment priority shall be given to other disadvantaged populations referred to in subparagraph (A).".

(4) In subsection (a)(3)(A) by inserting at the end thereof:

"(iii) After the reservation of amounts under paragraph (2)(including the 2 percent amount referred to in paragraph (2)(C)) and the 60 percent amount referred to in subparagraph (A) of this paragraph, a portion of the remaining funds shall be made available to expand services to underserved populations, such as children receiving services under the Early Head Start and Migrant and Seasonal Head Start programs.".

(5) In subsection (a)(3)(A)(i)(I) by striking "1999" and all that follows down to the semicolon and inserting "2004 through 2008".

(6) By amending subsection (a)(3)(B) to read as follows:

"(B) Funds reserved under this paragraph (referred to in this paragraph as 'quality improvement funds') shall be used to accomplish any or all of the following goals:

"(i) Ensuring that Head Start programs meet or exceed standards pursuant to section 641A(a)(1).

"(ii) Ensuring that such programs have adequate numbers of qualified staff, and that such staff is furnished adequate training, including developing skills to promote the development of language skills, premathematic skills, and prereading in young children and in working with children with non-English language background, children referred by child welfare services, and children with disabilities, when appropriate.

"(iii) Developing and financing the salary scales described under section 644(a) and section 653, in order to ensure that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

"(iv) Using salary increases to improve staff qualifications, and to assist with the implementation of programs specifically designed to enable lead instructors to become more effective educators, for the staff of Head Start programs, and to encourage the staff to continually improve their skills and expertise by informing the staff of the availability of Federal and State incentive and loan forgiveness programs for professional development.

"(v) Improving community-wide strategic planning and needs assessments for such programs and collaboration efforts for such programs, including collaborations to increase program participation by underserved populations of eligible children.

"(vi) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and their parents.

"(vii) Ensuring that such programs have qualified staff that can promote language skills and literacy growth of children and that can provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.

"(viii) Providing assistance to complete post-secondary course work needed to attain baccalaureate degrees in early childhood education.

"(ix) Making such other improvements in the quality of such programs as the Secretary may designate.

"(x) To promote the regular attendance and stability of highly mobile children, including migrant and homeless children.".

(7) By amending subsection (a)(3)(C) to read as follows:

"(C) Quality improvement funds shall be used to carry out any or all of the following activities:

"(i)(I) Not less than one-half of the amount reserved under this paragraph, to improve the compensation (including benefits) of classroom teachers and other staff of Head Start agencies providing instructional services and thereby enhancing recruitment and retention of qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 648A(a). The expenditure of funds under this clause shall be subject to section 653. Salary increases, in excess of cost-of-living allowance, provided with such funds shall be subject to the specific standards governing salaries and salary increases established pursuant to section 644(a).

"(II) If a Head Start agency certifies to the Secretary for such fiscal year that part of the funds set aside under subclause (I) to improve wages cannot be expended by such agency to improve wages because of the operation of section 653, then such agency may expend such part for any of the uses specified in this subparagraph (other than wages).

"(III) From the remainder of the amount reserved under this paragraph (after the Secretary carries out subclause (I)), the Secretary shall carry out any or all of the activities described in clauses (ii) through (vii), placing the highest priority on the activities described in clause (ii).

"(ii) To train classroom teachers and other staff to meet the education standards described in section 641A(a)(1)(B), through activities—

"(I) to promote children's language and prereading growth, through techniques identified through scientifically based reading research;

"(II) to promote the acquisition of the English language for non-English background children and families;

"(III) to foster children's school readiness skills through activities described in section 648A(a)(1); and

"(IV) to educate and provide training necessary to improve the qualifications particularly with respect to such assistance to enable more instructors to meet the degree requirements under section 648A(a)(2)(A) and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

"(iii) To employ additional Head Start staff, including staff necessary to reduce the child-staff ratio lead instructors who meet the qualifications of section 648A(a) and staff necessary to coordinate a Head Start program with other services available to children participating in such program and to their families.

"(iv) To pay costs incurred by Head Start agencies to purchase insurance (other than employee benefits) and thereby maintain or expand Head Start services.

"(v) To supplement amounts provided under paragraph (2)(C) to provide training necessary to improve the qualifications of the staff of the Head Start agencies, and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

"(vi) To conduct outreach to homeless families in an effort to increase the program participation of eligible homeless children.

"(vii) Such other activities as the Secretary may designate.

"(viii) To conduct outreach to migrant and seasonal farm-working families and families with children with a limited English proficiency.".

(8) In subsection (a)(4) by striking "1998" in subparagraph (A) and inserting "2003".

(9) In subsection (a)(5)(B)—

(A) by striking "may" and inserting "shall"; and

(B) by inserting "early childhood education" after "regarding".

(10) By amending subsection (a)(5)(C) to read as follows:

"(C) In order to improve results for children, a State that receives a grant under subparagraph (B) shall—

"(i) appoint an individual to serve as the State Director of Collaboration between—

"(I) the appropriate regional office of the Administration for Children and Families;

"(II) the State educational agency;

"(III) the State Department of Health and Human Services;

"(IV) the State agency that oversees child care;

"(V) the State agency that assists children with developmental disabilities;

"(VI) the State Head Start Association;

"(VII) the State network of child care resource and referral agencies;

"(VIII) local educational agencies;

"(IX) community-based and faith-based organizations;

"(X) State representatives of migrant and seasonal Head Start programs;

"(XI) State representatives of Indian Head Start programs;

"(XII) State and local providers of early childhood education and child care; and

"(XIII) other entities carrying out programs serving low-income children and families in the State;

"(ii) ensure that the State Director of Collaboration holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies;

"(iii) involve the entities described in section clause (i) to develop a strategic plan for the coordinated outreach to identify eligible children and implementation strategies based on a needs assessment conducted by the Office of the State Director of Collaboration which shall include an assessment of the availability of high quality prekindergarten services for low-income children in the State. Such assessment shall be completed within one year after the date of enactment of the 'School Readiness Act of 2003' and be updated on an annual basis and shall be made available to the general public within the State;

"(iv) ensure that the collaboration described in subparagraph (B) involves coordination of Head Start services with health care, welfare, child care, child protective services, education, and community service activities, family literacy services, activities relating to children with disabilities (including coordination of services with those State officials who are responsible for administering part C and section 619 of the Individuals with Disabilities Education Act), and services for homeless children (including coordination of services with the Office of Coordinator for Education of Homeless Children and Youth designated under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001;

"(v) consult with the chief State school officer, local educational agencies, and representatives of local Head Start agencies and providers of early childhood education and care in unified planning regarding early care and education services at both the State and local levels, including collaborative efforts to develop school readiness standards; and

"(vi) consult with the chief State school officer, local educational agencies, State child care administrators, State human services administrators, representatives of local resource and referral agencies, local early childhood councils, providers of early childhood education and care and other relevant State and local agencies, and representatives of the State Head Start Associations to plan for the provision of full-working-day, full calendar year early care and education services for children.".

(11) By amending clause (i) of subsection (a)(5)(D) by inserting "and providers of services supporting early childhood education and child care" after "Associations".

(12) By amending subsection (a)(6)(A) to read as follows:

"(A) From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in section 645A(a) of this subchapter, a portion of the combined total of such amounts equal to at least 10 percent for fiscal years 2004 through 2008, of the amount appropriated pursuant to section 639(a), except as provided in subparagraph (B)."

(13) By inserting the following before the period at the end of subsection (f): ", including models that leverage the existing capacity and capabilities of the delivery system of early childhood education and child care".

(14) By inserting the following after "manner that will" in subsection (g)(2)(G): "leverage the existing delivery systems of such services and".

(15) By amending subsection (g)(2)(C) to read as follows:

"(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations and public agencies serving children and families (including organizations and agencies providing family support services and protective services to children and families, and organizations serving families in whose homes English is not the language customarily spoken), and organizations and public entities serving children with disabilities and homeless children (including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001);".

(16) By inserting in subsection (g)(2)(H) after "serving the community involved" the following: ", including the liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001,".

(17) By adding the following new subsections at the end thereof:

"(m) ENROLLMENT OF HOMELESS CHILDREN.—The Secretary shall by regulation prescribe policies and procedures to remove barriers to the enrollment and participation of eligible homeless children in Head Start programs. Such regulations shall require Head Start agencies to:

"(1) implement policies and procedures to ensure that eligible homeless children are identified and prioritized for enrollment,

"(2) allow homeless families to apply to, enroll in and attend Head Start programs while required documents, such as proof of residency, immunization and other medical records, birth certificates and other documents, are obtained within a reasonable time frame, and

"(3) coordinate individual Head Start centers and programs with efforts to implement Subtitle VII-B of the McKinney-Vento Homeless Assistance Act.

"(n) SAVINGS PROVISION.—Nothing in this Act shall be construed to require a State to establish a program of early education for children in the State, to require any child to participate in a program of early education, to attend school, or to participate in any initial screening prior to participation in such program, except as provided under section 612(a)(3), (consistent with section 614(a)(1)(C)), of the Individuals with Disabilities Education Act.

"(o) MATERIALS.—All curricula and instructional materials funded under this subchapter shall be scientifically based and age appropriate. Parents shall have the ability to inspect, upon request, any curricula or instructional materials.".

SEC. 6. DESIGNATION OF AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended as follows:

(1) In subsection (a)—

(A) by inserting after "community" in the first place it appears ", including a community-based or faith-based organization";

(B) by inserting "(1)" after "(a)";

. (C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(D) by adding the following at the end thereof:

"(2) In order to be designated as a Head Start agency and to receive a grant under this subchapter, a grantee shall establish grantee-determined goals for improving the school readiness of children participating in a program under this subchapter, which shall include goals for—

"(A) educational instruction in prereading, premathematical, and language skills; and

"(B) the provision of health, educational, nutritional, social, and other services.

"(3) In order to receive a grant subsequent to the initial grant provided following the date of enactment of this subchapter, the grantee shall demonstrate that it has met the goals described in paragraph (2).

"(4) Progress in meeting such goals shall not be measured primarily or solely by the results of assessments."

(2) By amending subsection (c) to read as follows:

"(c) In the administration of the provisions of this section, the Secretary shall, in consultation with the chief executive officer of the State involved if such State expends non-Federal funds to carry out Head Start programs, give priority in the designation of Head Start agencies to any local public or private nonprofit or for-profit agency which is receiving funds under any Head Start program on the date of the enactment of this Act that fulfills the program and financial management requirements, standards described in section 641A(a)(1), results-based performance measures developed by the Secretary under section 641A(b), or other requirements established by the Secretary.".

(3) By amending subsection (d) to read as follows:

"(d) If no entity in a community is entitled to the priority specified in subsection (c), then the Secretary may designate a Head Start agency from among qualified applicants in such community. In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to any qualified agency that functioned as a Head Start delegate agency in the community and carried out a Head Start program that the Secretary determines met or exceeded such performance standards and such results-based performance measures. In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

"(1) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

"(2) the capacity of such applicant to serve eligible children with scientifically-based programs that promote school readiness of children participating in the program;

"(3) the plan of such applicant to meet standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

"(4) the plan of such applicant to provide comprehensive health, nutritional, educational, social, and other services needed to prepare children to succeed in school;

"(5) the plan of such applicant to coordinate the Head Start program it proposes to carry out with other preschool programs, including Early Reading First and Even Start programs under title I, part B, subparts 1 and 2 of the Elementary and Secondary Education Act of 1965; other preschool programs carried out under title I of the Act; programs under part C and section 619 of the Individuals with Disabilities Education Act; State prekindergarten programs; and with the educational programs such children will enter at the age of compulsory school attendance;

"(6) the plan of such applicant to coordinate the Head Start program it proposes to carry out with private entities with resources available to assist the Head Start Program meet its program needs;

"(7) the plan of such applicant—

"(A) to seek the involvement of parents of participating children in activities (at home and in the center involved where practicable) designed to help such parents become full partners in the education of their children;

"(B) to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

"(C) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.), public and school libraries, and family support programs) to such parents—

"(i) family literacy services; and

"(ii) parenting skills training;

"(D) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;

"(E) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

"(i) training in basic child development;

"(ii) assistance in developing communication skills;

"(iii) opportunities for parents to share experiences with other parents; or

"(iv) any other activity designed to help such parents become full partners in the education of their children;

"(F) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in subparagraphs (C) (D), and (E) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities); and

"(G) to extend out reach to fathers in order to strengthen the role of fathers in families by working directly with fathers and father-figures through such activities as including fathers in home visits; implementing father outreach efforts, providing opportunities for direct father-child interactions; and targeting increased male participation in the program;

"(8) the ability of such applicant to carry out the plans described in paragraphs (2), (3), and (4);

"(9) other factors related to the requirements of this subchapter;

"(10) the plan of such applicant to meet the needs of non-English background children and their families, including needs related to the acquisition of the English language;

"(11) the plan of such applicant to meet the needs of children with disabilities;

"(12) the plan of such applicant who chooses to assist younger siblings of children who will participate in the proposed Head Start program to obtain health services from other sources;

"(13) the plan of such applicant to collaborate with other entities carrying out early childhood education and child care programs in the community; and

"(14) the plan of such applicant to meet the needs of homeless children.".

SEC. 7. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

Section 641A of the Head Start Act (42 U.S.C. 9836a) is amended as follows:

(1) In subsection (a)(1)(B) by amending clause (ii) to read as follows:

"(ii) additional education standards to ensure that the children participating in the program, at a minimum develop and demonstrate—

"(I) language skills;

"(II) prereading knowledge and skills, including interest in and appreciation of books, reading and writing either alone or with others;

"(III) premathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

"(IV) cognitive abilities related to academic achievement;

"(V) social and emotional development important for environments constructive for child development, early learning, and school success; and

"(VI) in the case of limited-English proficient children, progress toward acquisition of the English language.".

(2) By amending subsection (a)(2)(B) to read as follows:

"(B) take into consideration—

"(i) past experience with use of the standards in effect under this subchapter on October 27, 1998;

"(ii) changes over the period since October 27, 1998, in the circumstances and problems typically facing children and families served by Head Start agencies;

"(iii) developments concerning best practices with respect to early childhood education and development, children with disabilities, family services, program administration, and financial management;

"(iv) projected needs of an expanding Head Start program;

"(v) guidelines and standards currently in effect or under consideration that promote child health services, and projected needs of expanding Head Start programs;

"(vi) changes in the population of children who are eligible to participate in Head Start programs, including the language background and family structure of such children;

"(vii) the need for, and state-of-the-art developments relating to, local policies and activities designed to ensure that children participating in Head Start programs make a successful transition to schools; and

"(viii) the unique challenges faced by individual programs, including those that are seasonal or short term, and those that serve rural populations; and".

(3) In subsection (a)(2)(C)(ii) by striking all that follows "in effect on" down to the period and inserting "October 27, 1998".

(4) By amending subsection (b)(2) to read as follows:

"(2) CHARACTERISTICS OF MEASURES.—The performance measures developed under this subsection shall—

"(A) be used to assess the impact of the various services provided by Head Start programs and, to the extent the Secretary finds appropriate, administrative and financial management practices of such programs;

"(B) be adaptable for use in self-assessment, peer review, and program evaluation of individual Head Start agencies and programs;

"(C) be developed for other program purposes as determined by the Secretary;

"(D) be appropriate for the population served; and

"(E) be reviewed no less than every 4 years, based on advances in the science of early childhood development.

The performance measures shall include the performance standards described in subsection (a)(1)(A) and (B).".

(5) By amending subsection (b)(4) to read as follows:

"(4) EDUCATIONAL MEASURES.—Results based measures shall be designed for the purpose of promoting the competencies of children participating in Head Start programs specified in subsection (a)(1)(B)(ii), with an emphasis on measuring those competencies that have a strong scientifically-based predictability of a child's school readiness and later performance in school.".

(6) In subsection (c)(1)(C) by striking "the standards" and inserting "one or more of the performance measures developed by the Secretary under subsection (b)".

(7) By amending subsection (c)(2) to read as follows:

"(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

"(A) that incorporate a monitoring visit, do so without prior notice of the visit to the local agency or program;

"(B) are conducted by review teams that shall include individuals who are knowledgeable about Head Start programs and, to the maximum extent practicable, the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities) and limited-English proficient children and their families;

"(C) include as part of the reviews of the programs, a review and assessment of program effectiveness, as measured in accordance with the results-based performance measures developed by the Secretary pursuant to subsection (b) and with the standards established pursuant to subparagraphs (A) and (B) of subsection (a)(1);

"(D) seek information from the communities and the States involved about the performance of the programs and the efforts of the Head Start agencies to collaborate with other entities carrying out early childhood education and child care programs in the community;

"(E) seek information from the communities where Head Start programs exist about innovative or effective collaborative efforts, barriers to collaboration, and the efforts of the Head Start agencies and programs to collaborate with the entities carrying out early childhood education and child care programs in the community;

"(F) include as part of the reviews of the programs, a review and assessment of whether a program is in conformity with the income eligibility requirements, as defined in section 645 and regulations promulgated thereunder;

"(G) include as part of the reviews of the programs, a review and assessment of whether programs have adequately addressed the population and community needs (including populations of children with a limited English proficiency and children of migrant and seasonal farm-working families); and

"(H) include as part of the review the extent to which the program addresses the community needs and strategic plan identified in section 640(g)(2)(C).".

(8) By amending so much of subsection (d)(1) as precedes subparagraph (A) to read as follows:

"(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the standards described in subsection (a) or results-based performance measures developed by the Secretary under subsection (b), or fails to adequately address the community needs and strategic plan identified in 640(g)(2)(C), the Secretary shall—"

(9) By amending subsection (d)(2) to read as follows:

"(2) QUALITY IMPROVEMENT PLAN.—

"(A) AGENCY AND PROGRAM RESPONSIBILITIES.—In order to retain a designation as a Head Start agency under this subchapter, or in the case of a Head Start Program, in order to continue to receive funds from such agency, a Head Start agency, or Head Start program that is the subject of a determination described in paragraph (1) (other than an agency or program required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—

"(i) develop in a timely manner, a quality improvement plan which shall be subject to the approval of the Secretary, or in the case of a program, the sponsoring agency, and which shall specify—

"(I) the deficiencies to be corrected;

"(II) the actions to be taken to correct such deficiencies; and

"(III) the timetable for accomplishment of the corrective actions specified; and

"(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 1 year after the date the agency or program received notice of the determination and of the specific deficiency to be corrected).

"(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

"(C) AGENCY RESPONSIBILITY FOR PROGRAM IMPROVEMENT.—Not later than 30 days after receiving from a Head Start program, a proposed quality improvement plan pursuant to subparagraph (A), the sponsoring agency shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.".

(10) In subsection (d)(3) by inserting "and programs" after "agencies".

(11) Subsection (e) is amended to read as follows:

"(e) SUMMARIES OF MONITORING OUTCOMES.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (d), during such fiscal year. Such information shall be made available to all parents with students receiving assistance under this Act in a understandable and uniform format, and to the extent practicable, provided in a language that the parents can understand, and in addition, make the information widely available through public means such as distribution through public agencies, and at a minimum posting such information on the Internet immediately upon publication.".

SEC. 8. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

Section 642 of the Head Start Act (42 U.S.C. 9837(b)) is amended as follows:

(1) By amending subsection (b) to read as follows:

"(b) In order to be so designated, a Head Start agency shall also—

"(1) establish a program with standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

"(2) demonstrate capacity to serve eligible children with scientifically-based curricula and other interventions that help promote the school readiness of children participating in the program;

"(3) establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests;

"(4) provide for their regular participation in the implementation of such programs;

"(5) provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources;

"(6) seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

"(7) conduct outreach to schools in which Head Start children enroll, local educational agencies, the local business community, community-based organizations, faith-based organizations, museums, and libraries to generate support and leverage the resources of the entire local community in order to improve school readiness;

"(8) offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training;

"(9) offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;

"(10) at the option of such agency, offer (directly or through referral to local entities), to such parents—

"(A) training in basic child development;

"(B) assistance in developing communication skills;

"(C) opportunities to share experiences with other parents;

"(D) regular in-home visitation; or

"(E) any other activity designed to help such parents become full partners in the education of their children;

"(11) provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in paragraphs (4) through (7) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities);

"(12) consider providing services to assist younger siblings of children participating in its Head Start program to obtain health services from other sources;

"(13) perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers; and

"(14)(A) inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support; and

"(B) refer eligible parents to the child support offices of State and local governments.".

(2) Amend subsection (c) to read as follows:

"(c) The head of each Head Start agency shall coordinate and collaborate with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other early childhood education and development programs, including programs under subtitle VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431-11435), Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.), and programs under Part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431-1445, 1419), and the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a), serving the children and families served by the Head Start agency to carry out the provisions of this subchapter.".

(3) In subsection (d) by redesignating paragraphs (2) through (4) as paragraph (3) through (5) and inserting the following new paragraph after paragraph (1):

"(2) In communities where both public prekindergarten programs and Head Start programs operate, a Head Start agency shall coordinate with the local educational agency or other public agency responsible for the operation of the prekindergarten program and providers of prekindergarten, including for outreach to identify eligible children.".

(5) In paragraph (3) (as redesignated) of subsection (d), strike "and" at the end of subparagraph (A) and insert the following after subparagraph (A) and redesignate subparagraph (B) as (C):

"(B) collaborating to increase the program participation of underserved populations of eligible children; and".

SEC. 9. HEAD START ALIGNMENT WITH K-12 EDUCATION.

Section 642A of the Head Start Act (42 U.S.C. 9837a) is amended as follows:

(1) The heading is amended to read as follows:

"SEC. 642A. HEAD START ALIGNMENT WITH K-12 EDUCATION.".

(2) In paragraph (2) after "social workers," insert the following: "McKinney-Vento liaisons as established under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001,".

(3) Add the following new paragraph after paragraph (2) and redesignated paragraphs (3) through (7) as (4) through (8):

"(3) developing continuity of developmentally appropriate curricula between Head Start and local educational agencies to ensure an effective transition and appropriate shared expectations for children's learning and development as they make such transition to school;".

(4) Paragraph (6)(as redesignated by paragraph (3) of this section) is amended to read as follows:

"(6) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under Title I of the Elementary and Secondary Education Act of 1965 and family outreach and support efforts under subtitle VII-B of the McKinney-Vento Homeless Assistance Act;".

(4) In paragraph (7)(as redesignated by paragraph (3) of this section) by inserting "and continuity in parental involvement activities" after "developmental continuity".

(5) Strike "and" at the end of paragraph (7)(as redesignated by paragraph (3) of this section) and strike the period at the end of paragraph (8)(as redesignated by paragraph (3) of this section) and insert a semicolon.

(6) Add the following after paragraph (8):

"(9) helping parents to understand the importance of parental involvement in a child's academic success while teaching them strategies for maintaining parental involvement as their child moves from Head Start to elementary school; and

"(10) developing and implementing a system to increase program participation of underserved populations of eligible children.".

SEC. 10. ADMINISTRATIVE REQUIREMENTS AND STANDARDS.

Section 644 of the Head Start Act (42 U.S.C. 9839) is amended in subsection (f)(2) by redesignating subparagraphs (A) through (E) as (B) through (F) and inserting the following new subparagraph before subparagraph (B) (as so redesignated):

"(A) a description of the consultation conducted by the Head Start agency with the providers in the community demonstrating capacity and capability to provide services under this Act, and of the potential for collaboration with such providers and the cost effectiveness of such collaboration as opposed to the cost effectiveness of the purchase of a facility;"

SEC. 11. ELIGIBILITY.

Section 645(a) of the Head Start Act (42 U.S.C. 9843) is amended as follows:

(1) By striking "to a reasonable extent" in paragraph (1)(B)(i) and inserting "not to exceed 10 percent of the total enrollment" and by striking "benefit from such programs" and inserting "benefit from such programs, including children referred by child welfare services,".

(2) By adding the following new paragraph at the end thereof:

"(3) The amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for programs assisted under this subchapter.".

SEC. 12. EARLY HEAD START PROGRAMS.

(a) IN GENERAL.—Section 645A of the Head Start Act (42 U.S.C. 9643) is amended as follows:

(1) By amending paragraphs (4) and (5) of subsection (b) to read as follows:

"(4) provide services to parents to support their role as parents (including parenting skills training and training in basic child development) and to help the families move toward self-sufficiency (including educational and employment services as appropriate);

"(5) coordinate services with services (including home-based services) provided by programs in the State and programs in the community (including programs for infants and toddlers with disabilities) to ensure a comprehensive array of services (such as health and mental health services, and family support services);".

(2) By amending paragraph (8) of subsection (b) to read as follows:

"(8) ensure formal linkages with the agencies and entities described in section 644(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)) and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the agency responsible for administering the Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a); and".

(3) In subsection (g)(2)(B) by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting "; and" and by inserting the following at the end:

"(v) providing professional development designed to increase program participation for underserved populations of eligible children.".

(b) MIGRANT AND SEASONAL PROGRAMS.—Section 645A(d)(1) of the Head Start Act (42 US.C. 9643(d)(1)) is amended to read as follows:

"(1) entities operating Head Start programs under this subpart, including migrant and seasonal Head Start programs; and".

(c) COMMUNITY- AND FAITH-BASED ORGANIZATIONS.—Section 645A(d)(2) of the Head Start Act (42 US.C. 9643(d)(21)) is amended by inserting ", including community- and faith-based organizations" after "entities" in the second place it appears.

SEC. 13. TECHNICAL ASSISTANCE AND TRAINING.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended as follows:

(1) By inserting the following new subsection after subsection (a) and redesignating subsections (b) through (e) as subsections (c) through (f):

"(b) The Secretary shall make available to each State the money reserved in section 640(a)(2)(C)(ii) to support a State-based system delivering training and technical assistance that improves the capacity of Head Start programs within a State to deliver services in accordance with the Head Start standards in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section. The Secretary shall—

"(1) ensure eligible entities within a State are chosen by the Secretary, in consultation with the State Collaboration Board described in section 640(a)(5)(C)(i), through a competitive bid process;

"(2) ensure that existing agencies with demonstrated expertise in providing high quality training and technical assistance to improve the delivery of Head Start services, including the State Head Start Association, State agencies, migrant and seasonal Head Start programs operating in the State, and other entities currently providing training and technical assistance in early education, be included in the planning and coordination of the State system of training and technical assistance; and

"(3) encourage States to supplement the funds authorized in section 640(a)(2)(C)(ii) with State, Federal, or local funds other than Head Start funds, to expand activities beyond Head Start agencies to include other providers of other early childhood services within a State.".

(2) In subsection (d) (as redesignated):

(A) In paragraph (2), after "disabilities" insert "and for activities described in section 1221(b)(3) of the Elementary and Secondary Education Act of 1965".

(B) In paragraph (5) after "assessment" insert ", including the needs of homeless children and their families".

(C) By striking "and" at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting "; and" and by inserting the following at the end:

"(12) assist Head Start agencies and programs in increasing program participation of eligible homeless children.".

(3) In subsection (e) (as redesignated by paragraph (1)) by inserting ", including community- and faith-based organizations" after "entities".

(4) By amending subsection (f) (as redesignated by paragraph (1)) to read as follows:

"(f) The Secretary shall provide, either directly or through grants or other arrangements, funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to non-English language background children (including services to promote the acquisition of the English language), training for personnel providing services to children determined to be abused or neglected, training for personnel providing services to children referred by or receiving child welfare services, training for personnel in helping children cope with community violence, and resource access projects for personnel working with disabled children.".

(5) Insert at the end of the section:

"(g) Helping Personnel Better Serve Migrant and Seasonal Farm-working Communities and Homeless Families.—The Secretary shall provide, either directly or through grants, or other arrangements, funds for training of Head Start personnel in addressing the unique needs of migrant and seasonal working families, families with a limited English proficiency, and homeless families.

"(h) Authorized Activities.—The majority of funds expended under this section shall be used to provide high quality, sustained, intensive, and classroom-focused training and technical assistance in order to have a positive and lasting impact on classroom instruction. Funds shall be used to carry out activities related to any or all of the following:

"(1) Education and early childhood development.

"(2) Child health, nutrition, and safety.

"(3) Family and community partnerships.

"(4) Other areas that impact the quality or overall effectiveness of Head Start programs.

"(i) Prohibition on Use of Funds.—Funds under this subchapter used for training shall be used for needs identified annually by a grant applicant or delegate agency in their program improvement plan, except that funds shall not be used for long-distance travel expenses for training activities available locally or regionally or for training activities substantially similar to locally or regionally available training activities.

"(j) Definition.—For purposes of this section, the term 'eligible entities' means an institution of higher education or other entity with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the delivery of Head Start services.".

SEC. 14. STAFF QUALIFICATIONS AND DEVELOPMENT.

Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended as follows:

(1) By amending paragraph (2) of subsection (a) to read as follows:

"(2) Degree requirements.—

"(A) In general.—The Secretary shall ensure that not later than September 30, 2008, at least 50 percent of all Head Start teachers nationwide in center-based programs have—

"(i) a baccalaureate, or advanced degree in early childhood education; or

"(ii) a baccalaureate, or advanced degree in a field related to early childhood education, with experience in teaching preschool children.

"(B) Progress.—Each Head State agency shall provide to the Secretary a report indicating the number and percentage of classroom instructors with child development associate credentials and associate, baccalaureate, or advanced degrees. The Secretary shall compile all program reports and make them available to the Committee on Education and the Workforce of the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions of the United States Senate.

"(C) Requirement for new Head Start teachers.—Within 3 years after the date of enactment of this clause, the Secretary shall require that all Head Start teachers nationwide in center-based programs hired following the date of enactment of this subparagraph—

"(i) have an associate, baccalaureate, or advanced degree in early childhood education;

"(ii) have an associate, baccalaureate, or advanced degree in a field related to early childhood education, with experience in teaching preschool children; or

"(iii) be currently enrolled in a program of study leading to an associate degree in early childhood education and agree to complete degree requirements within 3 years from the date of hire.

"(D) Service requirements.—The Secretary shall establish requirements to ensure that individuals who receive financial assistance under this Act in order to comply with the requirements under section 648A(a)(2) shall subsequently teach in a Head Start center for a period of time equivalent to the period for which they received assistance or repay the amount of the funds.".

(2) By adding the following at the end thereof:

"(f) Professional Development Plans.—Every Head Start agency and program shall create, in consultation with an employee, a professional development plan for all full-time employees who provide direct services to children.".

SEC. 15. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended as follows:

(1) By amending subsection (a)(1)(B) to read as follows:

"(B) use the Head Start programs to develop, test, and disseminate new ideas and approaches for addressing the needs of low-income preschool children (including children with disabilities and children determined to be abused or neglected) and their families and communities (including demonstrations of innovative non-center based program models such as home-based and mobile programs), and otherwise to further the purposes of this subchapter.".

(1) By striking paragraph (9) of subsection (d) and inserting "(9) Repealed.—".

(2) By striking clause (i) of subsection (g)(1)(A) and redesignating clauses (ii) and (iii) as clauses (i) and (ii).

(3) In subsection (g)(7)(C)(i) by striking "1999" and inserting "2003", striking "2001" and inserting "2005", and striking "2003" and inserting "2006".

(4) By amending subsection (h) to read as follows:

"(h) NAS Study.—

"(1) In General.—The Secretary shall use funds allocated in section 640(a)(2)(C)(iii) to contract with the National Academy of Sciences for the Board on Children, Youth, and Families of the National Research Council to establish an independent panel of experts to review and synthesize research, theory and applications in the social, behavioral and biological sciences and shall make recommendations on early childhood pedagogy with regard to each of the following:

"(A) Age and developmentally appropriate Head Start academic requirements and outcomes, including but not limited to the domains in 641A(a)(B).

"(B) Differences in the type, length, mix and intensity of services necessary to ensure that children from challenging family and social backgrounds including: low-income children, children of color, children with special needs, and children with limited English proficiency enter kindergarten ready to succeed.

"(C) Appropriate assessments of young children for the purposes of improving instruction, services, and program quality, including systematic observation assessment in a child's natural environment, parent and provider interviews, and accommodations for children with disabilities and appropriate assessments for children with special needs, including English language learners.

"(2) Composition.—The panel shall consist of multiple experts in each of the following areas:

"(A) Child development and education, including cognitive, social, emotional, physical, approaches to learning, and other domains of child development and learning.

"(B) Professional development, including teacher preparation, to individuals who teach young children in programs.

"(C) Assessment of young children, including screening, diagnostic and classroom-based instructional assessment; children with special needs, including children with disabilities and limited English proficient children.

"(3) Timing.—The National Academy of Sciences and the Board shall establish the panel not later than 90 days after the date of enactment of this paragraph. The panel should complete its recommendations within 18 months of its convening.

"(4) APPLICATION OF PANEL REPORT.—The results of the panel study shall be used as guidelines by the Secretary to develop, inform and revise, where appropriate, the Head Start education performance measures and standards and the assessments utilized in the Head Start program.".

SEC. 16. REPORTS.

Section 650 of the Head Start Act (42 U.S.C. 9845) is amended as follows:

(1) The first sentence of subsection (a) is amended to read as follows: "At least once during every 2-year period, the Secretary shall prepare and submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, a report concerning the status of children (including disabled, homeless, and non-English language background children) in Head Start programs, including the number of children and the services being provided to such children.".

(2) Paragraph (8) of subsection (a) is amended by inserting ", homelessness" after "background".

SEC. 17. EFFECTIVE DATE.

The amendments made by this Act shall be effective with respect to fiscal years beginning on and after October 1, 2003.

The CHAIRMAN. Pursuant to House Resolution 336, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, there has been a lot of discussion tonight about those who do not want to see change or are somehow suggesting that those who oppose the block grants are against change. This amendment is an amendment to strike the block grant and to retain title I of the legislation as it has been reported from committee. Many Members on this side of the aisle worked with our colleagues on the other side of the aisle in committee on title I.

We had numerous discussions, and we all believe, as I said, that there can be continuous improvement, and this is the purpose of the reauthorization of Head Start, to provide for that continuous improvement, to take the evaluations, to take the studies, to take the things that we have learned and apply them to make this an even better program for America's poorest children so that, in fact, they will have a better opportunity at achieving an education that will allow them to fully participate in American society and the American economic system.

The fly in the ointment to that continuous improvement is the block grant, because as many times as my colleagues will say it, that the block grant requires the adherence with the quality standards and performance standards in Head Start, the very quality standards and performance standards that have made this the best program in the Nation with room for improvement, that the States need not adhere to that. There is no requirement that they do so. They can generally meet or exceed those standards.

That is the beginning of the end. That is the reason we have so carefully evaluated this program, because you are not going to find those standards in the States. They do not exist. They do not have the achievement standards that we have in this program, and they do not have the success that we have in this program.

What they really do is, they say if the States put up some additional money and the States have a pre-K program somewhere in the State, they can make application and that application is deemed to be accepted. Then the State is on its way. It can serve a different population of children. It can serve more children. It just cannot have more money. So by the end of the third year, we see that for the first time children who were otherwise eligible to be served will be cut back from this program.

They talk about how they are going to meet or exceed the commitment to comprehensive services, but when we read the legislation, we find out that that is not true. Again, they must generally meet or exceed, but in this case, they can provide the services or they can provide a referral to services.

Well, it will not take the governor long, unlike the State of Delaware, it will not take a lot of other governors long to figure out that they do not have to provide those services or all of those services or the comprehensive nature of those services, and they can then serve more children; and we start to see the dilution of the program, the dilution of the quality of the program, and that is the concern.

A great effort has been made by this Nation to maintain the integrity and the quality of the Head Start program, and that is what is threatened by the block grant. This is not a question of whether one is for improving or against improving Head Start. This is not a question of whether or not you think we can do it better or not. This is a question of setting in motion a process that, just as sure as rain, will bring about a diminution in the integrity and the high quality of this program.

This amendment provides for striking that block grant program. They can say, well, it is just a demonstration, it is just an experiment. It conceivably could be as high as 30 to 40 percent of the children in the Head Start program.

I appreciate that they say, we are going to fund the program for 5-years and they ran around and told their moderates and others, this program will be funded for 5 years; but there is a huge loophole. If that program does not comply with the State plan in any fashion, there is no guarantee of that funding taking place. What you read and what you they say turn out to be two different things.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I rise in opposition to the amendment and claim the time in opposition.

The CHAIRMAN. The gentleman from Delaware (Mr. CASTLE) is recognized for 30 minutes.

Mr. CASTLE. Mr. Chairman, I yield 5 minutes to the very distinguished gentleman from Georgia (Mr. ISAKSON), who is the former chairman of the State Board of Education and a tremendous asset to the Committee on Education and the Workforce.

Mr. ISAKSON. Mr. Chairman, I thank the gentleman from Delaware (Mr. CASTLE) for his work as a governor and as a leader, for his work on this committee and for his hard work on this bill.

When I was a little boy, and I heard something that I was not quite sure was correct, I used to always go to my daddy and I would say, Pop, is this right? Being the kind of guy that wanted me to learn how to find out for myself, he would say, Son, why do you not go look it up? So tonight I have heard that we are going to serve less people with demonstration grants, that the standards are not being held to as in title I. I heard there were not any new things. I heard it was an experiment.

So I decided to go look it up, and just for a second, please indulge me.

I want to read on page 66, subparagraph (g), the required services of the block grant. With the funds under this section, the States shall provide services described in Section 641(a) which is every required service, standard and audit of title I, and at least as extensive as were provided previously and to at least as many low-income children, families in each fiscal year. And then, further, it adds a page of new requirements and new standards which I guess are the experiments.

I do not think a 4-year-old prekindergartener is an experiment. I do not think physical development, health and nutrition is an experiment, and I do not think social development is an experiment. I do not think parental engagement and involvement is an experiment.

I think what we need to look at here tonight is what is really trying to be done.

Title II allows States, on their own volition, to apply for grants in such cases only when they already offer a 4-year-old pre-kindergarten program and other services. It requires them to invest more money, not less; serve at least as many children, not less; and meet every standard that existed under 641(a). That is what it says. I looked it up in the book.

Let me tell my colleagues what else it does. Out in America today somewhere there are 3-year-olds soon to be eligible or currently eligible for Head Start named Jose and Maria, Willy and Bob. There is probably a little Johnny who cannot read somewhere out there, and if they could write, which they cannot because they are three and they are impoverished, or if they could call you, but they really cannot because their parents do not have the money for a phone, I will tell you what they would tell us.

□ 2230

They would say, gosh, if you could, take all the benefits of Head Start in title I and add to it a dimension of things like Even Start, where my mom and I can learn to read together, and a 4-year-old prekindergarten program that has, as this bill requires, an early reading, early cognitive skill, and early language development requirement aligned with the State requirements for criteria and for curriculum in grades K through 12.

Now, it is not a block grant because it does not waive the standards of 641(a), which is what is required on title I. If that is true, then title I is a block grant. It is not an experiment. Education is not an experiment. It is the great enabler. It is the great empowerer.

Yes, I do know that all those children that it needs to serve are those who started out with a disadvantage far worse than the ones that I did. But the gentleman from Michigan (Mr. KILDEE) in his original remarks said that this bill turned back the clock. Well, if it turned back the clock, that means it went to the year preceding Head Start, which was 1964, where there were very few publicly funded kindergartens much less prekindergartens, where nutrition programs were just beginning to develop, where in my part of the country Brown v. Board of Education and its promise of equal access to education had just really begun.

This bill does not turn back the clock. It addresses the challenges of the 21st century. It is permissive for challenging our States to reach for the stars, to help those most impoverished to do better, and to see to it that we take a program that has proven it can do well and give States that want a chance to improve it through academic enrichment and collaboration.

I close with this. My State developed a 4-year-old prekindergarten 10 years ago under Governor Zel Miller. Today, 600,000 4-year-olds have gone through that program, and 68,000 will enter this August. We have an Office of School Readiness where we collaborate with the Atlanta Symphony that has an inner-city and minority classical musical program for 3- and 4-year-olds based on the scientifically based brain research to enrich the cognitive skills of children.

Should we not say to those States that want that opportunity that they have the chance, just as long as they spend more money, meet every standard as required in 641(a), serve every child, or at least every one they did before? I think we want to say that. And I say we say "no" to the substitute and "yes" to the bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I rise in support of the Miller amendment and in opposition to H.R. 2110.

Mr. Chairman, I thank the gentleman for yielding. In my district, 11 Head Start agencies, five of which are tribal programs, have served 12,683 children up to 5 years of age over the past 5 years. Yet, due to inadequate funding, half of all eligible children in my district are not served by Head Start and Early Start.

Ever since people began hearing about this bill, there has been an out-pouring of support for Head Start from early childhood experts, Head Start teachers, and Head Start families throughout my district. They all say the same thing: Head Start has produced countless success stories; it should not be restructured in the name of so-called reform.

Listen to Susan Woidyla, a Head Start teacher who serves children in two counties in my district. She described the success of the Early Head Start program's curriculum for prenatal women. The program serves 10 pregnant women, many of whom are teenagers who will be first-time mothers. Woidyla wrote to me about one teenage mother who is homeless and in an abusive relationship. As the only social service program in her life, Head Start is not only providing her with critical information about the brain development of her unborn child and the potential effects of periodontal disease, but the program is also helping this young woman find the services she needs to care for herself and her developing child.

Julia Kicker, another constituent of mine, shared her family's experience with Head Start. Although Julia and her husband knew that their first son, Jacob, was lagging behind other children in his social development, they were told differing information from local day care providers. Some day care providers insisted that he was fine; others believed he needed to be medicated; and still others suggested parenting classes for the Kickers.

Then they enrolled Jacob in Head Start. The staff identified his needs, and they encouraged special education professionals to become involved with assessments and other services for Jacob, who is now enrolled in kindergarten. He has a one-on-one para-professional helper in the classroom and has been diagnosed with sensory delay and emotional behavior disorder.

Not only did the program help Jacob, it helped Julia as well. It was the support that Head Start has routinely offered parents and families that gave Julia the self-confidence to run for and be elected to the Policy Council for Head Start, the board of directors of the Community Action Council, and the City Council.

The very strength of Head Start is in its comprehensive services. Head Start improves academic achievement in very large part because, in addition to academics, it also addresses basic health, mental health, nutritional, dental, and other social needs of low-income children, which facilitate learning.

We cannot expect underprivileged children to thrive academically along with their privileged peers, when their learning is seriously undermined by the devastating effects of poverty.

I will not vote for legislation that guts Head Start's comprehensive services and parental involvement and unravels a successful program that HHS itself has said is working. Instead, Head Start should be adequately funded to meet the needs of all eligible children.

I urge a "no" vote on H.R. 2210.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 1 minute.

The gentleman from Georgia is right, we should look it up, because when it says at least as extensive, what it does is it exempts you from the regulation. So you offer health care services because health care is provided under the law. But what you are exempt from is the legislation that requires screening for all the children in 45 days.

So what happens in my district? Some 150 Head Start children are diagnosed with speech and language impairments, and with this knowledge we can immediately provide the services because those are the regulations and that is the screening that is required. But it is not required under the block grant.

My colleagues can use euphemisms, they can play with the language; but the fact of the matter is there is a huge credibility gap between what they say the bill does and what the bill does. That is what we all have to understand.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. GRIJALVA), a member of the committee.

Mr. GRIJALVA. Mr. Chairman, I thank the distinguished ranking member from the committee for yielding me this time, and I want to thank the chairman as well.

I rise again before my colleagues today to express my opposition to the Republican plan to destroy Head Start and in support of the substitute.

Head Start, a successful Federal program for nearly 40 years, has never been a partisan issue. This year, though, my Republican colleagues have hijacked the issue and it now risks becoming the victim of a social political agenda, nothing to do with education. Head Start has become part of the plan to eliminate social programs from Federal responsibility. This cynical "not my problem, let 'em eat cake" agenda ignores our shared responsibility for poor children in this country. Yes, a shared responsibility to these children, a shared responsibility to fight poverty, and a shared responsibility to provide equal opportunity to all children regardless of their parents income.

Mr. Chairman, it is simply irresponsible to neglect these children when we can do so much to help them. I urge my colleagues to vote "no" on H.R. 2210 and "yes" on the substitute.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Georgia (Ms. MAJETTE).

Ms. MAJETTE. Mr. Chairman, I rise today in support of Head Start and in support of the Miller substitute.

Head Start gives children the tools that they need to break the cycle of poverty. Each child deserves an equal opportunity to be the best that he or she can be. That opportunity can only come when every child has equal access to education.

Educating our children is not only our moral obligation; it is a smart investment. Head Start focuses on the whole child. Children receive balanced nutritional meals, basic health care, dental, medical, vision screenings and vaccinations. It is a fact that Head Start children are less likely to be held back in school, more likely to graduate, and five times less likely to end up in jail as adults.

There are more than 2 million Americans in prison today, and the evidence shows that Head Start children are five times less likely to end up in jail. Head Start reduces the likelihood that children will become one of those 2 million incarcerated.

Unfortunately, Head Start serves fewer than 1 million children at this time, only helping one out of five needy children in Georgia and across this Nation. When it comes to our children, we are being penny-wise and pound-foolish. Taxpayers are supporting twice as many prisoners as Head Start students.

Just look at the costs. We spent less than $7 billion on Head Start this year while we spend more than $74 billion a year on the prison system. It costs only $18 a day to place a child in Head Start and more than $50 a day to keep someone incarcerated in jail. This is not fuzzy math; it is crystal clear.

We must make sure that each and every child has the opportunity to succeed, and Head Start is the smartest investment we can make in our future. We are spending $1 billion a week in Iraq. We should do no less for the children of America. I urge my colleagues to vote for the Miller amendment.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a strong proponent for the children of our country.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for yielding me this time and for his kind words.

Mr. Chairman, I rise today to support H.R. 2210 and to oppose the Democrat substitute. Mr. Chairman, I am probably the only Member of Congress who has ever worked in a Head Start program, and that happened in 1964, the first year of Head Start. I worked as a volunteer in the summer when the program first started. So I really know firsthand the tremendous benefits Head Start has delivered to children; and I love the Head Start program, and I only want it to be better.

I have gone out to visit the Head Start programs in my community and found them to be great schools. But to listen to some of my colleagues and their notions of Head Start, you would actually think the sky is falling. Let me make this clear. There really is no new block grant in this Head Start authorization. There really is no lowering of the standards or shrinking of Federal responsibility. There is no massive restructuring, and there is no falling sky.

What there is in H.R. 2210 is a straightforward reauthorization with some improvements for 42 of the 50 States in the Union. For the other eight States, there is a new pilot program, a pilot program which is voluntary, maintains high standards, and is limited to the highest-quality States that have exhibited the strongest commitment to early childhood learning. So why is that so frightening? For those eight States with the strongest programs, there is an option of trying something slightly new for 5 years. That is what pilot projects are designed to do, to try something new that may work a little bit better.

Yes, the Head Start program is, in my view, one of the most successful programs in history. But does that success rule out the possibility of improvement and need for progress and opportunity to make it even better? I do not think so. I will admit that when this reauthorizing bill first was introduced earlier this year, I had a few misgivings. Like many Members who have spoken this evening, why tinker with a program that works was what crossed my mind. But I must admit that many of my concerns later were addressed both in the improved legislation that came out of the committee and in the substitute amendment that the gentleman from Delaware (Mr. CASTLE) has proposed that we are voting on tonight.

The State pilot program has the potential to make Head Start even better, and that is why these changes are in the bill. For instance, States must match a sizable proportion of the Head Start funds they receive from the Federal Government with State funds, and Head Start funds may not be used for any other purpose. These are good solid safeguards that will allow for progress and improvements while preventing abuses and unintended consequences.

In contrast, the Democrat substitute offers no incentive for States to improve their early childhood programs, nor does it give local Head Start centers the opportunity to coordinate with other programs to make Head Start better. The Democrat substitute says Head Start is good and cannot and will not be made better.

Mr. Chairman, I urge my colleagues to reject the Democrat substitute and support the improved H.R. 2210.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. VAN HOLLEN), a member of the committee.

Mr. VAN HOLLEN. Mr. Chairman, we have had bipartisan support for the Head Start program since it was founded in 1965, so it is extremely unfortunate that here tonight that bipartisan support is being sacrificed for an ideological agenda of block granting.

As we have heard tonight, we agree on two things. We all agree Head Start has been a great success story for millions of American children. We also all agree that it can be improved, that it can be strengthened.

So here is the great irony. Our committee did strengthen and improve Head Start in one part of this bill, the first part of the bill. That is what we need. We improved the coordination, and that would help millions of children in the Head Start program. Yet in the other part of the bill we take those improvements away. We take the higher performance standards away. We take away the benefits of the Head Start program, so that what we have provided and strengthened on the one hand we take away with the other.

It is a bad deal for America's children. We can do much better. I urge us all to adopt the Miller substitute amendment.

Mr. CASTLE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. EHLERS), where they have the university that stole their football uniforms from the University of Delaware, I might add.

Mr. EHLERS. Mr. Chairman, there is an incredible amount of misunderstanding about the bill, and apparently about football uniforms as well.

Mr. Chairman, let me clarify a few points. I find so many people misunderstand the intent dealing with faith-based organizations receiving Federal funding. This is not money that is going to religious groups to proselytize students or kids or indoctrinate them. This is money provided to organizations who, in seeking to carry out their religious faiths, are trying to help their communities by establishing institutions that serve the people of their community. Head Start is just one example of that. There are many other examples of charitable organizations, faith-based organizations, which do good for the community.

My community is almost a poster child for that. We have the second largest private mental hospital in the world in my community. It is a faith-based organization. People come from all over this country and even from some other countries to get the service there because it is so extremely good. We have the largest adoption agency in the world headquartered in my district. It started there by a faith-based organization to serve with adoptions.

□ 2245

These are not people who are trying to proselytize. They are people who are trying to serve and serve in the name of God. That is what we are talking about.

I heard a reference from the gentleman from Massachusetts earlier about this is awful, that we are taking unbelievers' money and giving it to faith-based institutions. I would remind the gentleman that religious people pay taxes as well, and I can guarantee you that the amount of tax money collected from believers is considerably greater than the amount of money going to faith-based institutions. That statement simply makes no sense.

We have a long history in this Nation of supporting faith-based institutions. I taught at a State university. I have taught at a private religious college. The grants I received from the Federal Government were the same at both institutions. The Federal Government treats them evenhandedly.

I believe it is very important that we continue the faith-based practice outlined in this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. BISHOP), a member of the committee.

Mr. BISHOP of New York. Mr. Chairman, I rise to express my deep concern over the proposed Head Start legislation on which we will be voting this evening. Almost 1 million low-income children will be served by Head Start this year and 2,000 of them reside in my district. It is well established that Head Start gets children off to a positive start in life by providing them with an improved vocabulary, better writing skills and enhanced social skills, all tools they need in order to succeed.

The reauthorization of Head Start was meant to help correct problems within the existing program, but this bill goes way beyond that. Title II of this bill would allow block-granting of Head Start in eight States without requiring any of the Federal Head Start program performance standards or guarantees as to the distribution or allocation of Federal funds by the States. This action will turn a program that has been a proven success over to States in fiscal crisis with unproven expertise in coordinating these types of services.

The bill also lacks any real funding for teacher training and retention. Although the bill does take the positive step of requiring 50 percent of Head Start teachers to have a bachelor's degree, it does not provide the money and resources needed for them to achieve the requirements that we have set forth for them. This is a good requirement, but one that will be very difficult to achieve absent significant additional funding. The average salary of a Head Start teacher in my district is less than $20,000 a year. How will a Head Start program attract highly qualified teachers if the funds are not available to pay competitive salaries?

Similarly, how will current staff achieve a bachelor's degree if funds are not available to support their return to school?

H.R. 2210 is fundamentally flawed. I urge my colleagues to vote "no" on H.R. 2210 and "yes" on the Miller amendment.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida (Mr. MICA), clearly a person very concerned about Head Start.

Mr. MICA. Mr. Chairman, I urge my friends in the Chamber to oppose the substitute that is being proposed because it does not offer us the opportunity for the flexibility that we need.

Let me say at the outset, and this has been repeated over and over, that the proposal before us does keep standards, it ensures standards, it has fire walls to protect standards and it even increases standards as we heard from the previous speaker, because for the first time we will have teachers who have qualifications to teach our most disadvantaged students.

We increase funding. There is no diminution of funding in this legislation. The red herring that at some point funding will be decreased or diverted is not possible under the provisions of this legislation. Most importantly, we do improve quality.

I described earlier the problem that I face. I have some wonderful Head Start programs. I represent some small areas and some large metropolitan areas and some of the Head Start programs are great. I have been to them; I have seen what they can do. But the substitute before us would eliminate the flexibility that we need in some of our other areas.

I described two Head Start programs, one with 200 children, one with 300 and not enough to support 34 noninstructive personnel that are required under the standards that we cannot get any flexibility on. We have pleaded to try to have that flexibility, to give these students a chance. So here we have for the first time the opportunity to improve the quality.

Let us talk about the students that we have, the children that we have in these programs. These, Mr. Chairman, are our poorest children. These are our most disadvantaged children. These are our children that maybe are social problems throughout their lives. Here is an opportunity to improve the quality. They have come from homes where they cannot have that advantage, and Head Start can give them that advantage. We can do more even with less money.

I measured the amount of money we are spending in this one program that is over two counties. It is $8,439. I have no problem with spending that. I would double the amount if the program is effective. The best prep school, preschool program in my district costs, ironically, $8,400. I could save $39 and send them to that and I am not even proposing that. I urge my colleagues to take advantage of this opportunity for flexibility and quality, improving the lives of our most needy children.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LORETTA SANCHEZ).

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN. The Chair would advise the gentlewoman that she should remove the badge while she is addressing the Committee.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank the gentleman from California for yielding me this time.

For months now we have heard statements from politicians on both sides of the aisle arguing about what works best for Head Start. I have been listening here all night, and I have been hearing you talk about children who are in households in poverty. I think most of you do not know about that, or households where no English is spoken or households where parents have no education, where parents do not know how to access the education system, or with children who have a speech and hearing problem.

Or imagine somebody who sits in a home like that and has all of that and then you can imagine what I looked like 40 years ago. See, I know about these kids, because I am one of those kids. It hurts to hear you talk about how we are not successful, or how we are losers. But we are very successful. We have had a lot of successes with Head Start. All you have to do is ask us. You do not have to imagine it. We write to you about it all the time.

Let us keep Head Start the way it is.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA), head of the Subcommittee on Select Education in the Committee on Education and the Workforce and a strong force on our committee.

Mr. HOEKSTRA. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to talk again about the right that is taken away in this substitute, the right of religious organizations to retain their religious character while receiving Federal funds It takes away something that even Al Gore supports. Al Gore during the campaign said that "faith-based organizations can provide jobs and job training, counseling and mentoring, food and basic medical care. They can do so with public funds, and without having to alter the religious character that is so often the key to their effectiveness."

Churches should be allowed to compete for Federal social services funds and to remain churches while doing so. The only way a church can remain a church is if it can staff itself, to the extent it desires, with those who share the same faith. The underlying bill, unlike the substitute, provides for the equal treatment of religious organizations.

Members of faith-based organizations should enjoy the same rights to associate with others sharing their unique vision as other nonreligious groups currently enjoy. To deny them that right is to discriminate against people simply because they are religious and have a religious, rather than a purely secular, way of looking at the world. The underlying bill provides for equal treatment. The amendment singles out religious people for adverse treatment, and that is wrong.

The Supreme Court has upheld the title VII exemption for religious organizations. In fact, the Supreme Court decided the Amos case on grounds that support the constitutionality of the title VII exemption as applied to employees of religious organizations that receive Federal funds.

In Corporation of the Presiding Bishop v. Amos, the Supreme Court unanimously upheld the exemption permitting religious organizations to staff on a religious basis in matters concerning employment. Finding that the exemption did not violate the establishment clause, the Supreme Court has made clear that it is a permissible legislative purpose to alleviate significant governmental interference with the ability of religious organizations to define and carry out their religious missions.

Even where the content of their activities is secular, in the sense that activities do not include religious teaching, proselytizing, prayer or ritual, Justice Brennan in the Amos case recognized that the religious organization's performance of such functions is likely to be "infused with a religious purpose." He also recognized that churches and other religious entities "often regard the provision of such services as a means of fulfilling religious duty and of providing an example of the way of life a church seeks to foster."

Perhaps one of the greatest liberal Justices, then, recognized that preserving the title VII exemption when religious organizations engage in social services is a necessary element of religious freedom.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time. As I approached the podium here, I removed my sticker that said "Head Start Works," but that is where I would like to begin my remarks.

Mr. Chairman, I want to commend the gentleman from California for his extraordinary leadership on behalf of children of America in every aspect of their lives, their health, their education, the economic security of their families, the environment in which they live. Tonight, I particularly want to thank him for his leadership on this Head Start legislation. His amendment to eliminate the block grant segment of this bill is a very important one.

I also want to commend the gentlewoman from California (Ms. WOOLSEY) for her stewardship of her amendment through the process, another very important antidiscrimination addition to tonight's debate.

Mr. Chairman, as I mentioned, Head Start Works is the motto of the effort this evening. I first saw Head Start work as a young mother over 30 years ago on the playgrounds of New York. As I wheeled my babies to the playground and played there every day, we saw a Head Start program. My oldest child was born in 1964, the same year Head Start was born, but this would be like a couple of years after that.

We saw the Head Start program right there and the facility next to the program day in and day out. We would see children come, children learn, children thrive and parents participate. It was pretty exciting because it was a new experience for them, made a difference in their lives personally; and it was a new experience for our country, and it made a tremendous difference not only to those children but to all of our children. Lifting up children, all children in America, is good for our entire country.

And so imagine how exciting it was for me over 20 years later to come to Congress, go to the appropriations committee and serve on the Labor-HHS subcommittee which funds Head Start. Year in and year out our committee reviewed the Head Start program, always seeking to improve it, always, always, anything we do, looking at every initiative to make it better, greatly assisted by the superior work of the authorization committees, of course. On both committees, on appropriations and on authorization committees, the work was always bipartisan and in good spirit.

For decades, Head Start worked and for decades Head Start has been helping children arrive at school ready to learn. Head Start children do better in vocabulary, letter writing, letter recognition and social behavior. They are less likely to need special education services, repeat a grade and are more likely to graduate from high school and go on to college. Again, it ensured that children got not only education but nutrition and the medical treatment they needed for a head start.

I saw in the Committee on Appropriations, reviewing not only these issues, but others, that the best way to undermine a program, to really begin the end of it, was to turn it into a block grant. Central to the Head Start successes were its standards. So once you block-granted this and undermined the standards, you were changing the very nature of the program and undermining the excellence of it.

□ 2300

The block grants that are contained in H.R. 2210 will dismantle Head Start in eight States because it creates new block grants programs for eight States without requiring any of the Head Start performance standards. It would allow States to run Head Start programs with lower educational standards, minimal comprehensive service, less oversight and accountability, no evidence that they do an equally good or better job than Head Start, and relieves States of providing comprehensive services currently provided by Head Start and are proven to improve school readiness, to name but a few of the concerns that I have about the block grants.

So as I said before, I worked on the Committee on Appropriations, which I was pleased to serve with the gentleman from Mississippi (Mr. WICKER), the gentleman from Rhode Island (Mr. KENNEDY), others who have spoken here. It was always bipartisan when it came to Head Start and, as I said earlier, not so today. The majority has put forth a bill that dismantles Head Start by eliminating, as I say, the quality standards that are the foundation of its success.

The Republican bill will not strengthen academic standards. Instead, the bill removes minimum standards, and I keep repeating that, on curriculum content, class size and child/staff ratios. The Republican bill eliminates the comprehensive health, nutritional, and social services available both to parents and children through Head Start.

The bottom line is that the Republican bill undermines opportunity. It undermines the aspirations of hardworking parents who want the best for their children, parents who dream of their children making the honor roll, going to college.

Head Start is about giving every child an opportunity to succeed. Head Start is about all Americans having the opportunity to fulfill their dreams. With that, Mr. Chairman, I will prepare to put my sticker back on that says "Head Start Works" and in doing so again commending the gentleman from California (Mr. GEORGE MILLER), the gentlewoman from California (Ms. WOOLSEY), and all of the members on the Democratic side of the committee for the fight that they are making to preserve Head Start.

I urge my colleagues to support the Miller substitute and reject the underlying bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my friend and ranking member of the Committee on Education and the Workforce for yielding me this time.

I rise in opposition to H.R. 2210. Since 1965, Head Start has successfully provided comprehensive child development and family support services for more than 20 million low-income preschool children and their families. Programs are designed locally and are administered by a network of 1,500 public and private nonprofit agencies. Each year this program serves more than 900,000 students, ensuring that these children are better prepared when they enter kindergarten. It is an extremely effective and popular program, one that we should be working to strengthen. We should be working to strengthen the educational component for the children and their parents. We should be continuing the health care, not referrals away from the Head Start center sites. We should strengthen accountability and cover more children.

We have great examples in my own congressional district that I represent of successful public school- and Head Start-provided cooperation, putting both Federal dollars and public dollars, and local State dollars to effectiveness, serving more children. We do not need to block grant it. I have watched States this year reduce educational funds. We do not need to do that to Head Start. This is not reform. This bill deforms Head Start.

Mr. Chairman, I rise today in opposition to H.R. 2210, the School Readiness Act.

Since 1965, Head Start has successfully provided comprehensive child development and family support services to more than 20 million low-income preschool children and their families.

Programs are locally designed, and are administered by a network of about 1,500 public and private nonprofit agencies. Each year, this program serves more than 900,000 students, ensuring that these children are better prepared when they enter kindergarten.

This is an extremely effective and popular program, and one that we should be working together to strengthen.

We should be strengthening the educational component and better health care effort but that is not the focus of H.R. 2210.

Instead, H.R. 2210 seeks to dismantle the program by moving it closer to a State block grant, despite evidence that these are lower-quality, less comprehensive programs.

Despite claims that the legislation we are considering today is improved from previous versions, this bill still allows States to weaken educational standard by increasing class size, increasing child-teacher ratio, shortening program duration, cutting off 3-year-olds from services, and using unproven curricula.

The bill would undermine the comprehensive nature of the program by eliminating parent-classroom involvement, health and mental health screenings and services, adult literacy services, vision and dental services, and health and nutrition education.

This bill would also allow States to use Head Start funds to supplant other Federal funds. I don't know about you, but I don't want Head Start funds to be paving highways and building bridges.

And as my colleague from California will point out, this legislation repeals longstanding civil rights protections for employees of Head Start programs operating through faith-based organizations. This bill would allow taxpayer dollars to be used to support discrimination in hiring based on religion.

Mr. Chairman, I know that the Head Start program isn't perfect, but rather than working toward bipartisan improvements to the program, this bill is a partisan effort at dismantling this program.

Our children deserve better. I urge my colleagues to reject H.R. 2210.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. REYES), a long awaited appearance.

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me this time.

I have about four pages of things that I wanted to say, including statistics about Head Start, but I would like to just put it in the context of personal experience. Fifty-three years ago, a 6-year-old boy was sent to school by his parents. I was born on a farm, and in Texas one has to go to school when they are 6 years old. The problem was that we only spoke Spanish in my house. So about 10 other kids and I were moved to kindergarten from first grade because the teacher did not speak Spanish, and we did not speak English. That did not work too well; so they decided that we were holding back the kids of kindergarten; so they devised a new grade that was called prekinder at that time. That was 53 years ago.

So those that are wondering why we are apprehensive about the changes that they want to make in a program that works, if that program had been in place 53 years ago, I and nine other brothers and sisters that followed me would have been much better off. We made it, but how many kids do not make it? And if we change Head Start, Head Start that is working today, shame on all of us as Americans.

Mr. Chairman, I rise today in opposition to the so-called "School Readiness Act." This bill is a direct attack on the Head Start program. Head Start has been serving low-income children from birth to age 5 and their families since 1964 in order to increase their school readiness. Passage of this bill will lead to the dismantling of the program as we know it.

Mr. Chairman, the Head Start Center in my district of El Paso, TX, serves 3,803 children and their families, 94 percent of whom are of Hispanic decent. There are even more children who can benefit from what Head Start has to offer. This bill does not do nearly enough to increase the number of needy children served. This bill also leaves behind children of migrant and seasonal farm workers who are currently not being targeted. This is unacceptable.

Under this bill, States would be allowed to run Head Start programs, thus allowing for children to be held at lower educational and child care standards. Accountability for these programs are key to their success. Mr. Chairman, Head Start programs are already held to high developmental and performance standards that were created by this body. We need to be taking steps forward when preparing our children for school. Passage of this bill will be a step backward.

This bill would also allow for Head Start providers to discriminate in their hiring practices on the basis of religion. Under this bill, faith-based organizations will be allowed to provide this service and again not be held to the same Federal accountability standards.

I urge my colleagues to support the children of their districts and oppose this bill. I also urge my colleagues to support the substitute provided by Mr. MILLER.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I want to thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

I have about three or four pages of written comments; so I have to say my comments within a minute.

I am opposing H.R. 2210. I was a classroom teacher and a principal. And my wife has been a kindergarten teacher since 1965. So most of us here, we talk about Head Start from personal experiences and from professional experiences rather than sitting in the board rooms of school board members and other things, volunteers to these programs; and I am not going to question the motivations of those who are proposing this bill. But I have to say from my gut that you are wrong. You are wrong about the direction you are headed with Head Start. We understand because we lived it, and we understand it because we worked with the youngsters and we saw it work.

I had two primary schools. I established two Head Start programs. Our teachers worked with youngsters who spoke Cambodian, Vietnamese, Spanish; and our kindergarten teachers and first and third grade teachers said it works. If it ain't broke, why do you want to adjust it?

Mr. Chairman, as a former teacher and principal, I rise today to voice my opposition to H.R. 2210, the Republican Head Start Reauthorization bill.

We should be increasing funding for Head Start, so that all eligible children can enroll.

We should be increasing the salaries of Head Start teachers, and providing the necessary resources to improve teacher quality. We need to continue to impose the high standards that Head Start has been required to meet for the past 38 years.

Instead, Republicans are advocating for the exact opposite. They support trillion dollar tax cuts, but refuse to provide resources for disadvantaged children. The Head Start Reauthorization bill would dismantle this critical program by shortchanging teachers, denying services to eligible children, and weakening accountability.

Republicans shortchange Head Start teachers. Currently, Head Start teachers only make about half of what kindergarten teachers make. Common sense tells us that increasing salaries is imperative for attracting and retaining highly qualified teachers.

However, Republicans only provide an annual increase of $49 for teacher salaries and education next year—this is over $300 million short of what is needed in 2004, and $2 billion short of what is needed over the lifetime of the bill.

As vice chairman of the Congressional Asian Pacific American Caucus, I am particularly alarmed by how these Republican cuts will hurt APA communities. Nationwide, over 25,000 APA children are served by Head Start.

In California alone, over 6,000 APA children are enrolled in Head Start, with over half of them coming from homes where English is not the primary language. By cutting funding for Head Start, Republicans deny these children the opportunities they richly deserve.

Mr. Chairman, I urge all Members to put the needs of children first, and vote against the Republican's proposal to destroy the Head Start program.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of the substitute because Head Start is very dear to me. I love Head Start. Thirty-eight years ago I helped to organize one of the first Head Start programs in the Los Angeles area. Head Start happened to change my life, and I have seen what Head Start can do for families and for the children.

They talk about wanting to make Head Start better. Let me tell the Members, Head Start created new ways by which to deal with education for poor children. Five children to every one adult. In the public schools they still do not have the right ratios, classrooms all over this country, 25 and 35 and 45 children to one adult. Nutrition for every child, parental involvement for every child. All kinds of services. Physical examinations. They are going to help make Head Start better?

We have the President and people on other side of the aisle talking about Leave No Child Behind. They need to put some money into the public schools so they can receive these children from Head Start who are doing better, who are ready to learn.

This is a sad moment for me. I never thought I would come to the Congress of the United States and be involved with the demise of the Head Start program. Shame on you, Republicans.

Mr. Chairman, I rise in strong opposition to this bill. You don't fix what isn't broken. Head Start has achieved tremendous successes in helping the most vulnerable of our children. It does not need a legislative fix. It needs funding so that Head Start can reach the 40 percent of eligible children it does not presently serve.

With this bill, the Republican party is undermining our efforts to help these children get an education and break the cycle of poverty that plagues so many of them.

This bill is just the latest example of Republicans choosing to leave our children behind. They have consistently underfunded the President's so-called signature education program, Leave No Child Behind. And, they refuse to pass a child tax credit that would benefit millions of children.

Now, they seek changes that would ruin the most successful early childhood education program we have. It is a crime and every Member of Congress should oppose this bill.

Mr. Chairman, there are two fundamental flaws contained in this bill. The first is the block grant provision that will ruin the program. Block granting will gut the high quality, comprehensive services that are the hallmark of Head Start and weaken the program's educational performance standards. It also will weaken oversight and evaluation of the program.

But what I fear the most, is that block granting will significantly waken the important role of parents in their children's education. We all know that teaching effective parenting strategies and involving parents in their children's education is strongly related to children's achievement in school.

The Castle substitute purports to provide for parental involvement while the original Republican bill did not. What is clear is that the Castle substitute is not as strong on parent involvement as the existing Head Start program. Why should we recklessly experiment when we have a Head Start program that effectively involves parents in their children's education? We should stick with what works.

In fact, experts have often cited the Head Start-parent partnership as one of the most successful aspects of the Head Start program. To retreat from our emphasis on the importance of this relationship, would be to turn back the clock on our commitment to improving the lives of adults. It also would be a profound insult to the millions of parents who have been inspired to improve their parenting skills, volunteer in the program or return to school.

My other concern is with section 654, which would allow Head Start programs run by faith-based organizations to discriminate on the basis of religion.

Mr. Chairman, this is appalling. One of the greatest strengths of Head Start is the diversity of individuals who participate in, and work, for the Head Start program. Yet, if the Congress supports this provision, one of the historic foundations of Head Start will crumble. Teachers will not be hired or parents will be unable to volunteer simply because they do not share the views of the religious organization's teachings. This provision will severely hamper the program and goes against what we stand for as Americans.

Mr. Chairman, the groups that understand children, who understand the struggles of low-income families, all oppose this bill. The scope of groups that oppose H.R. 2210 is truly breathtaking. Civil rights groups, labor, business, teachers, the National Head Start Association, early education experts—they all oppose this bill because they understand that the holistic approach that Head Start employs works. And it works very, very well.

We have heard it before, but I'm going to say it again: "Head Start ain't broke, so don't try to fix it."

Mr. Chairman, this is a bad bill. I urge my colleagues to reject it.

Mr. CASTLE. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), another distinguished member of the Committee on Education and the Workforce.

Mr. WILSON of South Carolina. Mr. Chairman, I want to thank the gentleman from Ohio (Chairman BOEHNER) for his leadership on improving the educational opportunities for our poorest children and the gentleman from Delaware (Mr. CASTLE), former Governor of Delaware, for his passion and dedication to this issue.

I strongly support the improvements to the Head Start program and the School Readiness Act as the husband of a school teacher, as a parent, and as a new grandparent since March 14. We cannot allow fear of change to keep children from reaching their full potential. I hope we can all work together to help low-income children to be better prepared to learn as I learned from State superintendent of education Barbara Nielson.

First, the School Readiness Act requires children to be taught early reading, math, and writing skills. It also directs that 50 percent of the Head Start teachers have a 4-year degree by 2008. Second, through an eight-State pilot program, States like South Carolina that already are committed to educating pre-K children will be able to combine efforts with Head Start to maximize resources and experiences to provide comprehensive, coordinated services that must generally meet or exceed Head Start services.

The School Readiness Act does not dismantle Head Start. It reinvigorates and improves it by focusing on academic skills and allowing States to be innovative.

Our military has proven that tactics must be constantly examined and improved to be successful in combat. The School Readiness Act brings this same philosophy to a 40-year program for one purpose: to better prepare our country's poorest children to succeed in schools. I urge my colleagues to vote against the Miller amendment and support the underlying bill.

God bless our troops.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, Head Start works. Despite the warnings from the National Academy of Sciences that, under this bill, the poorly designed tests of young children can have a negative impact on their education, under this legislation the Head Start Bureau is plowing forward with plans to give a significantly flawed test to these children starting in the fall. The use of this test will jeopardize the integrity of Head Start, as teachers skew the test to focus on the few skills that those children will be tested upon.

We risk labeling these children as failures before they even get on track to advance in other equally important developmental domains. We are negligent in our responsibilities under this legislation when it comes to putting politics, not science, ahead of our discussions. Under this bill, we put politics ahead of what the National Academy of Sciences says is what is right when it comes to educating our young people.

I support the Miller substitute and oppose the underlying bill.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Chairman, I rise in support of H.R. 2210 and in opposition to the substitute. I wish to emphasize the important work that religious organizations do and to support their right to staff on a religious basis.

The landmark Federal law prohibiting religious discrimination in employment includes an explicit exemption for religious employers in section 702(a) of title VII of the Civil Rights Act of 1964, and nothing in title VII provides that a religious organization loses its exemption because it receives Federal funds.

Any Federal legislation governing Federal social service funds should continue to protect the rights of religious organizations to hire and staff on a religious basis when they take part in Federal social service efforts. To do otherwise would deny religious organization rights they have enjoyed for decades under the Civil Rights Act of 1964.

As the New Republic's legal critic, Jeffrey Rosen, has made clear: "Preserving churches' ability to fire or refuse to hire people who reject their religious values is . . . necessary to protect religious autonomy and State neutrality."

□ 2315

Faith-based organizations cannot be expected to sustain their religious drive without the ability to employ individuals who share the tenets and practices of their faith, because it is that faith that motivates them to do the good work they do.

Faith is an idea, not an immutable characteristic. Faith is not tied to the color of one's skin, to one's genetic makeup, or to one's ethnic ancestry. It is a unique blend of emotion and intellect that can be shared by anyone.

I strongly support a religious organization's right to staff on a religious basis, and I commend them for the good work that they do and the good work they will do in regard to Head Start.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Chairman, I think that the most important work that our faith-based organizations could perhaps do on behalf of this Nation is to pray for the soul of our country. If we would come at this hour and block grant Head Start to States, it would appear that we have blocked out of our heads the historical circumstances in our States in terms of the way they treated the academic development of poor children.

What State in our country will we put on the honor roll in terms of providing an adequate educational opportunity for poor children, where they insisted that these children get qualified teachers and decent classrooms? In 45 of our 50 States there has been litigation by thousands of our school districts about the inadequacy of the provision of public education.

Why did the Federal Government get in the business of Head Start? Was it because States were rushing to help poor children get ready for school? Why did we get involved in school lunch programs and summer job programs, in title I? We have gotten involved because States have never sought to provide for poor children what they need to prepare for their future.

The CHAIRMAN pro tempore (Mr. SWEENEY). Without objection, the gentleman from Ohio (Mr. BOEHNER) will control the balance of the time of the gentleman from Delaware (Mr. CASTLE).

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me thank the gentleman for yielding me time and for his leadership and for making sure we have a way to make sure that the world knows what we are trying to stop tonight.

Head Start has a proven record of preparing low-income children for school and for life. It has been successful because Head Start understands that education is not just about reading and writing; it understands that all children need a sound body if they are to have a sound mind. Just as much as they need education and learning, Head Start understands that they need nutrition and health care.

Recent studies show the congressional districts represented by Congressional Black Caucus Members have almost twice as many children in Head Start as other congressional districts. That means if this bill goes through, children in our districts will be disproportionately hit.

Mr. Chairman, block granting is a recipe for disaster. It guarantees that thousands of Head Start students will start their life well behind. It is the beginning of the end of Head Start. By supporting the Miller substitute, however, we are recognizing that Head Start works. Let us keep it working.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair will ask the gentlewoman to remove her badge.

When Members are being recognized, they are not to wear badges to communicate a message.

Mrs. CHRISTENSEN. Mr. Chairman, as a representative of another area of this country which has successfully utilized Head Start to improve the readiness of our children for school and help parents improve their own lives and provide a more stable and nurturing family environment for them, I rise in opposition to H.R. 2210 and for the Miller substitute.

H.R. 2210 would begin the dismantling of a program that is of vital importance to the welfare of our country. Head Start is not just an early education program, but deals with the whole child and all that is important to his or her optimal development.

One of those areas is health care. I have done health screenings at Head Start, and I can tell you we find many potential disabilities, hearing, sight, speech, lack of immunization and others, which can be corrected if we find them early. We know poor parents often do not have transportation costs to go where referred as H.R. 2210 wants them to do.

This would hurt our children, weaken our families, undermine our communities, and really weaken our Nation.

Mr. Chairman, let us not destroy this program and the hope that it has provided for so many to build their families and lives upon. Oppose H.R. 2210 and support the Miller substitute.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will take off my badge that said "Head Start Works," but I do want to start, as the leader did, by saying that Head Start does work, and I thank the distinguished gentleman for his amendment to bring reality into this discussion.

Mr. Chairman, we are not talking about a frivolous issue tonight on the floor. It is almost midnight here on the east coast. The parents of Head Start children are beginning, probably some of them, to just be able to lay their heads down. Many of them will rise in the early morning. Many of them are on hourly jobs. Some of them are the parents of children who are in fact impacted by migrant and seasonal work. Sixty percent of the eligible children are served; 40 percent are not. Nineteen percent of the migrant and seasonal worker children are served; the rest are not served. Three percent of infant and preschool children are served only; the rest are not served.

This is a bill that is a bad bill. This particular amendment puts Head Start back where it needs to be, serving all of the children of America, not just a few. This is a bad bill. Support the Miller amendment.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE), a member of our committee.

Mr. OSBORNE. Mr. Chairman, I would like to thank the gentleman from Ohio (Chairman BOEHNER) and the gentleman from Delaware (Chairman CASTLE), and also the gentleman from California (Mr. GEORGE MILLER) for his thoughtful amendment. I think his amendment does represent some improvement.

I would like to just briefly discuss eight State demonstration programs. That seems to be the crux of the problem right now. I can point out that no State has to join the demonstration program. This is totally optional.

We may have all 50 States say, Let's keep the thing like it is. I do not believe any State will join unless it feels it can actually better serve children. So what is the fear? Why are we concerned about this? Is it the argument of a camel's nose under the tent, maybe it will work and then it might spread? I do not think this is a dangerous issue at all.

So it only makes sense that two programs that are now existing side by side, a State program and Head Start, can be better coordinated, can serve more children, and can do a better job than what we are doing at the present time.

So I recommend that we defeat the substitute and pass the Head Start reauthorization.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Chairman, I rise in support of the Democratic substitute to protect Head Start and oppose H.R. 2210.

Basically, one of the reasons why I am behind it is because we are talking about monies going into block grants right now. We are talking about monies that are going to be going there, because States are in a deficit right now. It is a time we should pour monies into education, invest more money into education; and Head Start should receive a lot more money.

Let me tell you, a lot more kids are receiving help when they go into Head Start. It builds their self-esteem, it gets them involved, it builds their confidence, it allows them an opportunity to progress and advance in education.

I can talk about my personal experience. I was put in a slow-learners' class. I was not put in the regular classes during that periods of time. Had there been a Head Start class, I would have been able to build my self-esteem, my confidence and my ability to go on and learn. It is important that we do.

The Republicans now are saying we want to reach out to the Hispanic community. Well, you are not reaching out to the Hispanic community. You say we want to include you; we want to leave no child behind.

You are going to leave more children behind, because what you are doing right now is you are cutting off support for them, giving them the ability to learn, giving them the ability to progress by putting it into block grants, putting it into States that have deficits right now, and making those decisions.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELAZQUEZ. Mr. Chairman, the work we do here in Congress is all about priorities, and the decisions we make are a measure of what we value as a Nation.

What this bill shows us very clearly is that low-income children are again not a priority for our President and the Republican leadership. We have spent $350 billion in another tax cut for our wealthiest families, yet we cannot afford to provide Head Start services to two out of every five eligible preschool children.

Mr. Chairman, instead of expanding the libraries in Head Start classrooms, this bill will take books out of the hands of our most at-risk children. Rather than providing teachers additional resources, we are jamming even more students into the crowded classrooms.

This legislation jeopardizes funding, slashes critical health services, weakens educational standards, and repeals civil rights protections.

I am outraged by the Republican bill, but I am not surprised. The Republican leadership constantly extols family values, yet its legislative agenda so clearly fails to value American families.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Delaware (Mr. CASTLE), the author of the bill, and the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I listened to this argument all night, and there is some great success stories in Head Start, and there are a lot of us that are very devoted to what Head Start has done. But I hark back to about 15 or 16 years ago when I was Governor of the small State of Delaware, and we started welfare reform before anybody here in Congress had talked about it. We started it by having classes, mandatory classes. You had to go to classes, or you would not get your welfare.

I went to that first class after they had been there for about 2 months. I walked in there; I remember there were 19 people there, one man and 18 women. I was stunned, because I thought they would want to run me out of the place. Instead, they thanked me for giving them an opportunity.

We have done what you had to do with welfare in Delaware, and now in the United States. We have reduced welfare by 50 percent. The time has come in the United States of America to do more with Head Start.

There are some wonderful success stories for Head Start, no question about it. But there are also in-bred problems that we need to deal with if we are going to make Head Start better, and some of those we need to talk about right now.

First of all, I do appreciate the support for title I, because we did make a lot of changes. That is everything but the State demonstration and the faith-based business.

Secondly, we have increased spending. Since 1995, we have doubled spending. But if you look at these results for just 1 year, and I showed these charts before, ironically, that was about an hour and a half ago, nobody has come forward to show me anything different, any study, any chart, any test whatsoever, to show that Head Start results are better than this.

This shows that the increases are rather marginal, in fact, in some instances no increases at all as far as Head Start is concerned, averaging in the low twenties. This means these are kids that are going to have difficulty in school. Some are going to be higher and they are going to do all right; but for the most part, they are going to have difficulty in schools because we simply have not gotten them to where they should be, which is as close to the median level, 50 percent, as we can get them. We have to raise that.

What does the State demonstration make? The State demonstration that people are so concerned about, what does it do with respect to this? Well, it fences in all of the Federal money, all of local money, it adds more local money to what we are doing here, and it makes sure that the State merges it in with all of the other programs and projects which they are trying to do to help children.

Some of the comments which I have spelled out before from people on the outside, for example, the San Diego Union said: "The strident opposition to President Bush's modest pilot proposal to fine-tune Head Start is nothing more than partisan sniping, pure and simple. Bush is looking to close the achievement gap for poor youngsters. He would do so by merging Head Start into often overlapping State programs and opposing new academic standards on the combined program."

That is positive. That will help educate young people.

Then the Des Moines Register said: "The eight States selected for the 5-year pilot project just might do better. The eight-State pilot project is a chance to see what States can do on their own. Meanwhile, Head Start is working to improve early literacy and math preparation. When the 5-year experiment is over, Congress can decide whether a state-by-state or national framework better serves the interests of young children."

□ 2330

That is not taking apart Head Start, that is not block-granting anything. That is affording opportunities to young people to be able to be educated.

The Council of State School Officers has come forward and has indicated that they believe in this proposal and we need to do something about it. This is a council of State school officers which has done that, people who believe in education. The Brookings Institution, certainly a middle-of-the-road operation, has come forward and said that we need to do something. It said, given the immensity of the task and the modest success achieved thus far, new ideas are worth trying.

This is a new idea. This is not dismembering anything. This is affording opportunity. This is taking eight States and saying, we are going to give you, the best States in the country, who are willing to put in extra money and who are already running programs that are going to help in early education with these young children, the opportunity to do more to lift the standards of where we are going with Head Start. Everything else will be done in Head Start.

And Lord only knows, it does some wonderful things, and we have heard that said by a lot of people here tonight. But this is unacceptable; we have to do better educationally. That is what this is all about.

Please support the underlying legislation and defeat the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, Head Start works. It has for 38 years. Providing comprehensive child development, literacy, family services to more than 18 million preschoolers. One million children and their families are served every single year, unquestionably, the most effective early childhood development program ever developed.

Why do we want to change it? What is the reason for it?

The bill that underlies this amendment tonight, it would shift the responsibility of the program to the States. In essence, what we would see, we are going to pave the way for what the founder of Head Start, Dr. Edward Zigler, has called 50 Head Start programs run by 50 governors. It is going to these States untested and unproven. They lack the high standards, the accountability that is already found in the Head Start program. And the sole problem with this program is that only three out of five eligible preschoolers and only 3 percent of eligible infants and toddlers can participate in Head Start because of the funding constraints.

Farming the program out to cash-strapped States will not improve matters. Do not deny our children opportunity. Do not deny them success. Support the Miller amendment and let us do something right for the youngsters of this country.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, tonight we have a choice. We have a choice about whether or not we can build upon the continued and improving success of the Head Start program, and whether or not we can provide the kind of quality assurance and performance standards that this generation of children, of impoverished children, of many children who have not had opportunity up until the day they walked through the door of a Head Start center, whether we can provide that kind of quality program and performance standards to assure that they will, in fact, have the opportunity to exercise the education that they will be given.

The gentleman from Delaware (Mr. CASTLE) pointed out the chart that showed these children were improving a few percentiles during their time in Head Start; then he suggested in his earlier remarks, not in these remarks but in the earlier remarks, that these children were performing so poorly that for all intents and purposes, they are done educationally. Well, that obviously does not jive with some of our colleagues who talked about their own success as Head Start students and our own experiences in our congressional districts; nor does it jive with the rest of the study which the gentleman from Delaware (Mr. CASTLE) cited, which is, by the end of kindergarten, these children are performing at about average.

What does that suggest to us? It suggests to the researchers that Head Start, in fact, did lay down the foundation, did lay down the basis by which these children, compared to other children in kindergarten, are able to achieve in that 1 year the average of those children. That is against all children in that kindergarten.

How does Head Start work against their peers, other poor children who do not have the opportunity? We see that these children have substantial gains, IQ gains over the children who did not get to participate in Head Start. Their reading, writing, and math skills are superior to those children who did not get to participate; a much higher level of high school graduation. They are not doomed because they are not doing as well as we would like in Head Start; they are doing better than their peers. Special education, many fewer held back in school, and fewer put into special education and, of course, a lower incidence of participation in crime.

So it is working against their peers, and it is providing them an educational opportunity against the average children.

We have already agreed, and we have said on both sides of the aisle, that there is much improvement in this legislation. But again we go back to the fundamental principle that the improvements that we make in title I, the improvements in the performance standards and in the law, are then undermined by the block grant.

It is interesting that the gentleman from Delaware, and I can understand his experience, because his State has basically adopted the Head Start performance standards for State pre-K programs, as has Ohio, the chairman; and I guess, apparently, of Oregon.

But in this block grant, the very things that strengthen and provide for the success that the gentleman from Delaware talks about are not included, because when you say it is extensive, you do not have to take the body of regulations that have provided the quality and the continuous improvement of this program over 35 years. The States do not have to take that, and that is the big difference. And that is what we see when we talk about the erosion that the block grant leads to.

We can take the block grant and we can reduce program hours. We can exclude 3-year-olds. We can increase child-teacher ratios. We can provide unproven curricula. We have spent a fortune trying to get Head Start doing something with the massive amounts of research that we have been involved in, and yet we can cast that aside and go out to some vendor who promises us something for these children. We can run half-year programs and we can serve more children by running the half-year program.

These are the core elements that have separated Head Start from so many other State-run programs where they do not have the quality and they do not get the results. That is why there is such a strong adherence by our communities to the Head Start program. That is why there is such strong adherence by the Members of Congress to the Head Start program, because we understand that they are being measured by their compliance, by their compliance to those standards.

Yes, many of them are out of compliance in one fashion or another, but we also know that many of those are just minuscule, tiny, tiny factors that they are out of compliance with. Because in that same study, again, 85 percent of them were high quality.

And then it comes to the question of the comprehensive services and the direct access, and the body that we have built up, services that are not provided in many of the State programs. That is why we ask our colleagues to accept this bill and all of the hard work that has gone into title I and to reject title II.

Finally, let me say that all of this improvement and all of these children that are supposed to be served are all essentially going to be served with less money in a few years because of the capped authorization in this legislation. For the first time, this Congress will reauthorize a bill that will not allow for the expansion over the period of that reauthorization of this program. That is the first time any Congress has done that, and that is the first time any administration, Republican or Democrat, has suggested that that is the right way to go.

We know it is not the right way to go. We are only serving 60 percent of the children, and yet we are going to knock out in the next few years some 5,000 to 10,000 of those children because the authorization does not provide sufficient funding.

Mr. Chairman, I urge the adoption of this amendment, and rejection of the block grant and the undermining of the Head Start program.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I want to thank the author of this bill, the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman, for the brilliant job that he did with the subcommittee to bring this bill together and to bring it to this point.

Also, I want to thank the gentleman from Nebraska (Mr. OSBORNE) for all of his efforts, and all of the members of our committee who have worked hard and come together from the right wing to the more moderate wing to help craft a bill that will help poor children get a better start in life.

I also want to thank the staff of the gentleman from Delaware (Mr. CASTLE), including Sara Rittling and Paul Leonard. I want to thank the committee staff: Kate Houston, Amanda Farris, Melanie Looney, Julian Baer, Parker Hamilton, Krisann Pearce, Dave Schnittger, Jo-Marie St. Martin, and Sally Lovejoy and others who were so helpful in putting this bill together.

Head Start has done a lot for a lot of children all across the country. There is not one Member in this room, not one, who does not believe that Head Start cannot be improved.

Now, the question is, how do we improve it? In title I of the bill, there is basic agreement on the changes that will bring a more academic component to Head Start.

The big issue was over title II, the eight-State pilot project. We have heard it called a block grant, we have heard it described as the dismantling of Head Start. Please. There are some States out there who are doing magnificent things, and to give them the opportunity to better coordinate Head Start with their own pre-kindergarten programs, their own early childhood development programs, their own child care programs, States can, in fact, provide a comprehensive package that we believe could be of great help to poor children and their parents in terms of helping improve this program.

And to just say "no," we are not going to try it, we are never going to go there, frankly, is not fair. It is not fair to the 3- and 4-year-olds in America who need our help.

So we have in this bill this eight-state demonstration project, but only for those States who would hold themselves to high standards, only those States who will make a big commitment to early childhood development, and only States who really want to take this project on.

I believe that we have got a good bill before us. I want to ask my colleagues to reject the Miller substitute and to vote "yes" on final passage.

Ms. WOOLSEY. Mr. Chairman, I thank the ranking member for introducing this necessary substitute. This Head Start bill is an outrage!

H.R. 2210 it turns a program that is a proven success at improving the lives and futures of low-income children into some kind of Federal experiment. And, for the first time in this Nation's history, it repeals a law which protects employees against religious discrimination, and Mr. MILLER's substitute fixes both of these issues.

We know that children who complete Head Start are less likely to become delinquents and are more likely to graduate from high school than their peers from similar economic backgrounds. We know this and we know that voting for these amendments will ensure that low-income children can continue to get the Head Start they need to succeed in school and in life.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SWEENEY). The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment in the nature of a substitute offered by the gentleman from California (Mr. GEORGE MILLER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by Ms. WOOLSEY of California; amendment No. 2 in the Nature of a Substitute offered by Mr. MILLER of California.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

AMENDMENT NO. 1 OFFERED BY MS. WOOLSEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WOOLSEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 231, not voting 5, as follows:

[Roll No. 441]

AYES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee

Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—231

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Davis (TN)
Gephardt
Gutierrez
McCrery
Pastor

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 0004

Mr. TIAHRT and Mr. JANKLOW changed their vote from "aye" to "no."

Mr. TANNER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY). Pursuant to clause 6 of rule XVIII, the next vote will be a 5-minute vote.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 200, noes 229, not voting 6, as follows:

[Roll No. 442]

AYES—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—229

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood

Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Marshall
McCotter
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Buyer
Gephardt
McCrery
Oberstar
Pastor
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 0012

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. There being no other amendments, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Accordingly, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. SWEENEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2210) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes, pursuant to House Resolution 336, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GRIJALVA

Mr. GRIJALVA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GRIJALVA. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Grijalva moves to recommit the bill H.R. 2210 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith with the following amendments:

Page 2, line 23, strike "$6,870,000,000" and all that follows down through line 26 and insert "$7,000,000,000 for the fiscal year 2004, $7,119,000,000 for the fiscal year 2005, $7,232,904,000 for the fiscal year 2006, $7,370,329,000 for the fiscal year 2007, and $7,554,587,000 for the fiscal year 2008.".

Page 4, strike lines 10 and 11 and insert the following:

(2)(A) By inserting, after "13 percent of the amount appropriated for each fiscal year" in subsection (a)(2) the following: "or increase such reservation to 15 percent in any year in which the amount appropriated hereinafter under section 639(a) exceeds the amount appropriated under such section for fiscal year 2003, increasing such reservation only from such excess,".

(B) By inserting ", consistent with the last sentence of this paragraph" after "except in subsection (a)(2)(A)."

(C) By striking "1998" in subsection (a)(2)(A) and inserting "2003".

(D) By amending the last sentence of subsection (a)(2) to read as follows: "For any fiscal year in which the amount appropriated hereinafter under section 639(a) exceeds the amount appropriated under such section for fiscal year 2003, the Secretary, from such excess amount, shall increase the amount made available under subparagraph (A) for programs described under such subparagraph to not less than 3 percent for Indian Head Start programs and 5 percent for migrant and seasonal Head Start programs.".

Page 5, line 16, after "the following" insert "before the last sentence".

Mr. GRIJALVA (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

☐ 0015

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) is recognized for 5 minutes in support of the motion.

Mr. GRIJALVA. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA), who is also chair of the Education Task Force for the Congressional Hispanic Conference.

Mr. HINOJOSA. Mr. Speaker, I urge my colleagues to support this Grijalva motion to recommit. Migrant children whose parents do the most backbreaking work in the Nation in order to put food on our tables deserve better than crumbs when it comes to early childhood education.

I would especially like to recognize the leadership that my colleague, the gentleman from Arizona (Mr. GRIJALVA), has shown on this issue. Migrant children have no better friend than this gentleman from Arizona.

We began the reauthorization process thinking we could come to a bipartisan solution to the access gap in Head Start programs for the children of migrant and seasonal farm workers. But the majority has steadfastly refused to provide the financial resources needed to expand the program. Their bill will only increase the migrant Head Start children from 19 percent served to 20 percent.

When these families do not have access to the program, parents have no alternative but to take their children to the fields, or perhaps leave them unattended in the labor camp. We are fooling ourselves if we think that we can provide Head Start services to the 80 percent of children we have left behind. Vote "yes" on the motion to recommit.

Mr. GRIJALVA. Mr. Speaker, I thank the gentleman for his comments, and I yield 1½ minutes to the gentlewoman from California (Ms. SOLIS), a great advocate for education and a former member of the Committee on Education and the Workforce.

Ms. SOLIS. Mr. Speaker, I also would like to rise to support the Grijalva motion to recommit. I want to also state to the Members here tonight that I have heard a lot of discussion and debate about Head Start. I want to point out the family here that I represent in my district. They are actually recipients of the WIC program, the Women, Infant and Children program.

These young children are not even eligible for Head Start yet, but you are already determining their fate by cutting out program services when you propose legislation that would block grant these services. I am talking about real people, people who need help, who are not looking for a handout but want to see educational improvements in their lives.

When we help to educate a mother, we help to educate her children and her family. But when we deny her that ability to take her children somewhere so that they can be taught appropriately to learn the language, to become assimilated to this society, to be able to seek assistance from this government, because they also pay taxes, this is also a working family, and let us not lose sight of that. This is not something about people who were looking for handouts.

Right now in the State of California there are over 103,000 children who will not be eligible under the Republican proposal; 6,500 in the 32nd Congressional District that I am very proud to represent in East Los Angeles and the San Gabriel Valley, where 60 percent of the students enrolled in Head Start are Hispanic. They look like this family. My colleagues are telling them that they are not going to have a future. You are telling them and their mother that the mother will not be able to participate in their education.

We need to help these families. We need to help provide support for migrant education programs. These are families that are coming and seeking a better tomorrow, the American Dream. They are immigrants seeking a better tomorrow. I support the motion to recommit, and I support full funding for the migrant seasonal education program as well as the efforts of my colleague, the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I rise today to urge my colleagues to provide a ray of hope to thousands upon thousands of the poorest of the poor, the children of migrant and farm worker families.

The child in this picture is eligible for migrant and seasonal Head Start services, yet he wanders in a field in North Carolina with his parents while they work all day. He is exposed to pesticides, hazardous equipment, extreme heat, and other health dangers. The sad part of this situation is that he is not alone. Over 130,000 children are in the exact same situation in the richest country in the world. These children are neglected because Congress has chosen not to provide the funds to give them services.

If you have not seen these children, you have seen their families' hard work. Every day you see their hard work on your dinner table, in your restaurants, and in your grocery stores. With just 19 percent of migrant children being served, this program is so drastically underfunded that providing new money is the only clear and real solution.

Republicans are rearranging the money in Head Start, claiming that they are providing relief to these children. This is simply untrue. Strategies that steal from Peter to pay Paul are unfair. Only 2,200 of the 130,000 neglected children will be served with this new funding scheme, and it ignores the Native American children all together.

There are deadly weapons in this Nation: ignorance, intolerance, injustice, neglect, and denial of opportunity. These children are the victims. These are weapons we can find and we can destroy, and this is your opportunity.

Let us extend to these children the American Dream. Let these children who are the sons and daughters of farm workers feel that they too have a stake in this country. Mr. Speaker, I urge my colleagues to use their consciences and support the motion to recommit and vote "no" on final passage.

It is time we start speaking for children that have no voice in this House. The children of farm workers deserve our support and our care.

Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would kindly ask all Members to turn off electronic equipment.

Mr. BOEHNER. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. EHLERS), the gentleman who has led our efforts with Members on both sides of the aisle to help seasonal migrant workers.

Mr. EHLERS. Mr. Speaker, I thank the chairman for yielding me this time, and it is my pleasure to rise and defend this bill, and particularly the provisions in it regarding seasonal and migrant workers.

The migrant and seasonal children of this country have special needs and should get special help, and I do not disagree with the minority on that part. They need special help because they are often moved from place to place, and they have special conditions that have to be dealt with.

For example, in my community, they attend Head Start programs from early summer to mid-fall. Obviously, this is not the standard school year. But that is just one of the many ways in which they have to be treated specially. And I am personally very familiar with their problems because in my youth I lived in a small farming community in the great State of Ohio. I worked on a produce farm. I worked side by side with migrant workers, in the fields and in the packing sheds, and even in transporting produce to markets.

It is very important for us to provide the services for these children. When these children are not served properly, parents will often bring them to the fields and sometimes even have the slightly older ones working. They certainly can be exposed to harmful conditions that way. Today, migrant and seasonal Head Start serves close to 35,000 children in 39 States in every region of this country. But in contrast to the standard Head Start program, the part that serves the migrant and seasonal serves only approximately 19 percent of the eligible children. That is dramatically lower than the 60 percent of eligible children served in other areas.

Mr. Speaker, I was pleased to be able in the committee to offer an amendment that was approved by the committee that allows all migrant and seasonal Head Start grantees to operate early Head Start programs. Not every Head Start program is allowed to operate early Head Start, but this amendment allows all migrant and seasonal Head Start grantees to operate these.

Why is that important? Because frequently migrants have small children and they need the early Head Start program, or they are going to be taken to the fields. That is one great improvement.

Another is that my amendment will require the Secretary to ensure that migrant and seasonal Head Start programs are included in the planning and coordination of the State systems of training and technical assistance. In addition, part of my amendment, in combination with a change that has been made in the substitute, will provide at least 25 percent of any remaining technical assistance funds which are used in migrant and seasonal Head Start programs. And the bill specifically makes 1 percent of the technical training assistance funds available in this category. This means we will have an additional $17.4 million in fiscal year 2005 and an additional $1 million in 2008. This will provide an additional 2,300 slots for children to receive services and up to 2,500.

This is not just a magic authorization improvement. This is money that will be there. These are slots that will be there. These are children that will receive service. It is not simply increasing authorization; it is producing additional spots for the kids to go in.

We have covered a good deal of this problem in this bill through this amendment. Let us vote for this bill, let us reject the recommittal motion, and let us go on and get this bill into effect and help all the seasonal and migrant children of this Nation.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GRIJALVA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage, if ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 227, not voting 5, as follows:

[Roll No. 443]

AYES—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—227

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Gephardt
Myrick
Pastor
Petri
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 0043

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 216, not voting 2, as follows:

[Roll No. 444]

AYES—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—216

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett

Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—2

Gephardt
Pastor

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 0057

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 0100

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Ms. SOLIS. Mr. Speaker, subject to clause 7(c) of rule XXII, I announce my intention to offer a motion to instruct on H.R. 1308. The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the manner as other taxpayers were entitled immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman's statement will appear in the record.

PHARMACEUTICAL MARKET ACCESS ACT OF 2003

Mr. TAUZIN. Mr. Speaker, pursuant to House Resolution 335, I call up the bill (H.R. 2427) to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2427 is as follows:

H.R. 2427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pharmaceutical Market Access Act of 2003".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Americans unjustly pay up to 1000 percent more to fill their prescriptions than consumers in other countries.

(2) The United States is the world's largest market for pharmaceuticals yet consumers still pay the world's highest prices.

(3) An unaffordable drug is neither safe nor effective. Allowing and structuring the importation of prescription drugs ensures access to affordable drugs, thus providing a level of safety to American consumers they do not currently enjoy.

(4) According to the Congressional Budget Office, American seniors alone will spend $1.8 trillion dollars on pharmaceuticals over the next ten years.

(5) Allowing open pharmaceutical markets could save American consumers at least $635 billion of their own money each year.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To give all Americans immediate relief from the outrageously high cost of pharmaceuticals.

(2) To reverse the perverse economics of the American pharmaceutical markets.

(3) To allow the importation of drugs only if the drugs and the facilities where they are manufactured are approved by the Food and Drug Administration, and to exclude pharmaceutical narcotics.

(4) To require that imported prescription drugs be packaged and shipped using counterfeit-resistant technologies approved by the Bureau of Engraving and Printing (technologies similar to those used to secure United States currency).

SEC. 4. IMPORTATION OF PRESCRIPTION DRUGS.

Section 804 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384) is amended—

(1) in subsection (a)—

(A) by striking "The Secretary" and inserting "Not later than 180 days after the date of the enactment of the Pharmaceutical Market Access Act of 2003, the Secretary"; and

(B) by striking "pharmacists and wholesalers" and inserting "pharmacists, wholesalers, and qualifying individuals";

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) require that each covered product imported pursuant to such subsection complies with sections 501, 502, and 505, and other applicable requirements of this Act; and";

(B) in paragraph (2), by striking ", including subsection (d); and" and inserting a period; and

(C) by striking paragraph (3);

(3) in subsection (c), by inserting "by pharmacists and wholesalers (but not qualifying individuals)" after "importation of covered products";

(4) in subsection (d)—

(A) by striking paragraphs (3) and (10);

(B) in paragraph (5), by striking ", including the professional license number of the importer, if any";

(C) in paragraph (6)—

(i) in subparagraph (C), by inserting "(if required under subsection (e))" before the period;

(ii) in subparagraph (D), by inserting "(if required under subsection (e))" before the period; and

(iii) in subparagraph (E), by striking "labeling";

(D) in paragraph (7)—

(i) in subparagraph (A), by inserting "(if required under subsection (e))" before the period; and

(ii) by amending subparagraph (B) to read as follows:

"(B) Certification from the importer or manufacturer of such product that the product meets all requirements of this Act."; and

(E) by redesignating paragraphs (4) through (9) as paragraphs (3) through (8), respectively;

(5) by amending subsection (e) to read as follows:

"(e) TESTING.—

"(1) IN GENERAL.—Subject to paragraph (2), regulations under subsection (a) shall require that testing referred to in paragraphs (5) through (7) of subsection (d) be conducted by the importer of the covered product, unless the covered product is a prescription drug subject to the requirements of section 505B for counterfeit-resistant technologies.

"(2) EXCEPTION.—The testing requirements of paragraphs (5) through (7) of subsection (d) shall not apply to an importer unless the importer is a wholesaler.";

(6) in subsection (f), by striking "or designated by the Secretary, subject to such limitations as the Secretary determines to be appropriate to protect the public health";

(7) in subsection (g)—

(A) by striking "counterfeit or"; and

(B) by striking "and the Secretary determines that the public is adequately protected from counterfeit and violative covered products being imported pursuant to subsection (a)";

(8) in subsection (i)(1)—

(A) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—The Secretary shall conduct, or contract with an entity to conduct, a study on the imports permitted pursuant to subsection (a), including consideration of the information received under subsection (d). In conducting such study, the Secretary or entity shall evaluate the compliance of importers with regulations under subsection (a), and the incidence of shipments pursuant to such subsection, if any, that have been determined to be misbranded or adulterated, and determine how such compliance contrasts with the incidence of shipments of prescription drugs transported within the United States that have been determined to be misbranded or adulterated."; and

(B) in subparagraph (B), by striking "Not later than 2 years after the effective date of final regulations under subsection (a)," and inserting "Not later than 18 months after the date of the enactment of the Pharmaceutical Market Access Act of 2003,";

(9) in subsection (k)(2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

"(D) The term 'qualifying individual' means an individual who is not a pharmacist or a wholesaler. "; and

(10) by striking subsections (l) and (m).

SEC. 5. USE OF COUNTERFEIT-RESISTANT TECHNOLOGIES TO PREVENT COUNTERFEITING.

(a) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352; deeming drugs and devices to be misbranded) is amended by adding at the end the following:

"(w) If it is a drug subject to section 503(b), unless the packaging of such drug complies with the requirements of section 505B for counterfeit-resistant technologies.".

(b) REQUIREMENTS.—Title V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505A the following:

"SEC. 505B. COUNTERFEIT-RESISTANT TECHNOLOGIES.

"(a) INCORPORATION OF COUNTERFEIT-RESISTANT TECHNOLOGIES INTO PRESCRIPTION DRUG PACKAGING.—The Secretary shall require that the packaging of any drug subject to section 503(b) incorporate—

"(1) overt optically variable counterfeit-resistant technologies that are described in subsection (b) and comply with the standards of subsection (c); or

"(2) technologies that have an equivalent function of security, as determined by the Secretary.

"(b) ELIGIBLE TECHNOLOGIES.—Technologies described in this subsection—

"(1) shall be visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

"(2) shall be similar to that used by the Bureau of Engraving and Printing to secure United States currency;

"(3) shall be manufactured and distributed in a highly secure, tightly controlled environment; and

"(4) should incorporate additional layers of non-visible covert security features up to and including forensic capability.

"(c) STANDARDS FOR PACKAGING.—

"(1) MULTIPLE ELEMENTS.—For the purpose of making it more difficult to counterfeit the packaging of drugs subject to section 503(b), manufacturers of the drugs shall incorporate the technologies described in subsection (b) into multiple elements of the physical packaging of the drugs, including blister packs, shrink wrap, package labels, package seals, bottles, and boxes.

"(2) LABELING OF SHIPPING CONTAINER.—Shipments of drugs described in subsection (a) shall include a label on the shipping container that incorporates the technologies described in subsection (b), so that officials inspecting the packages will be able to determine the authenticity of the shipment. Chain of custody procedures shall apply to such labels and shall include procedures applicable to contractual agreements for the use and distribution of the labels, methods to audit the use of the labels, and database access for the relevant governmental agencies for audit or verification of the use and distribution of the labels.".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members who are speaking to remove the yellow tags from their lapel.

Pursuant to House Resolution 335, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota (Mr. GUTKNECHT) be permitted to control 15 minutes of the debate time allocated to me.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio (Mr. BROWN) be permitted to control 15 minutes of the time allocated to me.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2427.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I join my colleague, the ranking member of our committee, the gentleman from Michigan (Mr. DINGELL), in opposing this bill because it is dangerous.

This week the gentleman from Michigan (Mr. DINGELL) and I and all of the members of the Committee on Energy and Commerce had to face a horrible realization: This week we faced the parents of Steve Bechler, the 23-year-old pitcher for the Baltimore Orioles, who died of a heart attack at that young age taking ephedra tablets, tablets which we in 1994 voted to exempt from FDA safety regulations. I have got that on my conscience now. In 1994, you and I decided, those of you who were here with me, that safety did not matter when it came to ephedra.

Mr. Speaker, as the Justice Department criminal investigations are under way and as our own Committee's investigation is under way, we learned this week that over 17,000 serious events have occurred as a result of the use of unregulated ephedra; young athletes, young people, dying, suffering strokes, heart attacks, like Steve Bechler, because we voted in 1994 to say that safety did not count when it came to ephedra.

And with this bill tonight, its authors I know well-intentioned, angry at the price of drugs in America, angry at Canada because they impose price controls that take advantage of our citizens, angry at those trade laws that let it happen, they are asking us tonight to do exactly what we did in 1994, to vote for a bill that says safety does not matter when it comes to drugs, that safety does not really count; that we are going to repeal tonight, if they get their way, the language that is in the law that says that FDA must certify the safety of any drugs that are imported into this country; to take away the language that says FDA must do those things appropriate to ensure that the drug supply in this country is never compromised; that bogus, counterfeit, diluted, old, rotten drugs are not permitted into this country.

I voted wrong in 1994. I am not going to vote wrong tonight. I will never vote to compromise safety again in the use of drugs or products for our young people and our old people and our citizens.

Tonight we will learn about those rotten drugs that are coming into this country from Canada, yes, and from a lot of other countries, transhipped through Canada. We will have the smoking gun for tonight to show what is about to happen if we open the door to that awful problem.

I urge Members, vote against this bill.

Mr. DINGELL. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, this is a bad bill. On its face it would appear to be a good bill. It is not. It will allow this country to be flooded with unsafe, counterfeit drugs; drugs that will not do what they should; drugs that are unsafe; drugs that will kill the American people. I tell Members, it is a bad bill, and I ask them to remember the experiences that were reported by my colleague from Louisiana.

This bill would reduce the capacity of the Food and Drug Administration to protect our people from unsafe prescription pharmaceuticals, which will begin to flood the country if and when it is passed.

H.R. 2427 is a prescription for trouble. They open our borders. They provide millions of Americans with access to perhaps drugs which are cheaper, but drugs which are unsafe and which evade the responsibility and the ability of Food and Drug to protect the American people.

Mr. Speaker, do not take my word for that. Listen to what the health care professionals and regulators say.

The American Medical Association says, "We believe H.R. 2427 would be so dangerous to patient safety that we must oppose it. This legislation would eliminate most of the important restrictions on reimportation of pharmaceuticals in current law and replace them with a system of unverifiable and unsafe provisions."

The National Medical Association has said, "This legislation would result in counterfeit, adulterated, and dangerous drugs entering the United States. We do not believe that H.R. 2427 should be enacted at the risk of jeopardizing patient safety."

The American Osteopathic Association says, "H.R. 2427, while increasing the possible number of drugs reimported into the United States, does nothing to ensure the safety and efficacy of these drugs. There is no bargain to be found for our patients who purchase drugs that are ineffective or contaminated."

The Food and Drug Administration says, "H.R. 2427 would authorize the importation of prescription drugs from foreign sources without adequate assurances that such products are safe and effective. H.R. 2427 creates a wide channel for large volumes of unapproved drugs and other products to enter the United States that are potentially injurious to public health and pose a threat to the security of our Nation's drug supply. The bill would do so by taking unprecedented steps that limit FDA's authority to assure the safety of prescription drug products to be used by American consumers."

Mr. Speaker, this will enable foreign manufacturers to import into Canada for reimportation into the United States tons of counterfeit foreign drugs, drugs which are ineffective, over-age, unsafe, unregulated and improperly manufactured in ways which will offer threats to the United States, to our citizens and to the people who are looking to you to see to it that their food, drugs and cosmetics are safe.

Mr. Speaker, let us look at it. Foreigners are going to use this device to enter Canada to sell unsafe drugs to the American people. Do not deceive yourself to think that any one of those importers will be bound by any requirements of American law or that they will, in fact, sell those drugs at less price. They will simply sell them at U.S. market prices, and you are going to have on your hands the possibility that you have voted to injure, sicken, hurt or kill the American people by allowing the importation of unsafe drugs.

RECENT COUNTERFEITS

COUNTERFEIT LIPITOR

Lipitor, a cholesterol-lowering medicine, is used by 11 million Americans each year to help prevent serious heart disease. Last month, according to FDA, a large quantity of fake Lipitor entered the U.S. market. The product was imported to the U.S. and repackaged here, for sale to distributors and pharmacies. To date, FDA and Lipitor manufacturer Pfizer have recalled 200,000 bottles of this dangerous phony product.

FAKE AND MISLABELED ZERIT

Counterfeit Zerit, a medication to treat HIV infection, was first discovered in 1997. According to the real manufacturer, Bristol-Myers Squibb, this not only was not its authentic product, but the labels incorrectly told consumers they were taking 30 mg, when in fact the capsules inside the bottles allegedly contained 40 mg of the active ingredient. Patients were exposed both to a product of unknown origin and the dangerous possibility of an overdose.

PHONY CLARITHROMYCIN

This antibiotic, called Biaxin, is used to treat infections such as pneumonia, bronchitis, and ear infections—including infections in children. Recently, according to the drug's manufacturer, Abbott, counterfeit Biaxin, containing absolutely no active ingredient, has been found in Russia (where counterfeits make up 15 percent of the prescription drug market). Because the legal system in Russia makes pursuit and punishment of these counterfeiters difficult, these dangerous products remain available in Russia as well as for export to other lucrative markets like the U.S.

COUNTERFEIT NEURONTIN, ACCUPRIL, AND CELEBREX

Counterfeits of these Pfizer products—Neurontin, for seizures in children 3 and older and adults and for treating shingles pain in adults; Accurpril, for high blood pressure; and Celebrex, for treating debilitating arthritis pain—have recently been found in California, at a company called NuCare Pharmaceuticals. Laboratory analysis confirmed no active ingredient in any of the tablets, which actually were vitamins. Neither the origin of the bottles nor the disposition of the original medications is known.

FAKE ALLEGRA

Fexofenadine, an important active ingredient in products to treat allergies, is sold under the name Allegra in the U.S. Recently, security personnel of the product manufacturer, Aventis, ordered Allegra from an internet site purported to be based in the UK. The product shipped was one called Telfast, a fexofenadine product sold in other countries, but not approved by the U.S. FDA. Furthermore, a stick-on label indicated an expiration date of 1/03; the product actually had expired in 1/02. Finally, although the web site appeared to be promising products from a "safe" country in the UK, this product came not from the UK but from Vanuatu, an island off the coast of New Zealand well known for businesses trafficking in illegitimate prescription drugs destined for the U.S.

FAKE LOSEC

Losec (omeprazole), a treatment for ulcers and other gastric conditions, is sold in the U.S. as Prilosec. A generic version of Prilosec is also on the market in the U.S. Counterfeit Prilosec, according to its manufacturer AstraZeneca, was manufactured in an underground facility and distributed through an affiliated wholesaler. The counterfeiter boasted that the copies were sufficiently clever to avoid detection by the government and, in fact, only AstraZeneca had the technical information necessary to determine this product was a fake.

COUNTERFEIT MONOPRIL

Fakes of this high-blood-pressure medication were discovered earlier this year by the LA County Sheriff's Office. The counterfeit operation was uncovered after a local printing company contacted the sheriff to report a suspicious order for thousands of drug product labels. The product, vitamins substituted for the real pills, bottle caps, and seals were all counterfeit. Arrested individuals were owners of prescription drug diversion businesses in Canada, Europe, and Asia. Many other drugs found in the LA raid were expired or fake, then repackaged, relabeled, and sold to American doctors and pharmacies.

COUNTERFEITS FROM INDIA

According to FDA, an American patient ordered product from an internet site promising "Canadian drugs manufactured in the U.S." The drug he appears to have needed was a seizure medication called gabapentin. What he received was a knock-off from India, labeled "Gabantin." What IS "gabantin?" Only the counterfeiter in India, and the so-called "Canadian" on-line pharmacy knows. The patient was the unwitting dupe.

COUNTERFEIT PROCRIT

Epoetin alpha, marketed as Procrit, treats anemia in patients with chronic kidney disease, HIV, and cancer. The first discovery of counterfeit Procrit was made in 2002; subsequent discoveries followed. The counterfeit, of unknown origin, has been found at two large wholesalers and a number of retail outlets. The counterfeit, some with 20 times less active ingredient than the real drug and some with no active ingredient but bacteria-contaminated water, appeared identical with the authentic product. Sophisticated anti-counterfeiting technology used on this product failed to challenge the ingenuity of the counterfeiters, who quickly learned to mimic it.

FAKE CRIXIVAN, PEPCIDINE, ZOROXIN, AND ZOCOR

According to Merck, the manufacturer of these products, substantial quantities of counterfeits were found in a police raid on a home in Bogota, Columbia. In addition to these products, the home possessed many other counterfeits. English language labeling suggested the final destination for many; unwary U.S. patients.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), who knows that the drug industry imports

$15 billion worth of drugs into this country, but then claims that importation is unsafe in order to protect their profits.

Ms. DELAURO. Mr. Speaker, in my 13 years in Congress, no issue has made such a deep impression on my constituents than the rising price of prescription drugs. This is an issue for seniors, but high health care prices are eroding the living standards of middle-class families across this country. We all have a stake in driving drug prices down.

Last week, the Congress of the United States abrogated its responsibility to address the problem of soaring drug prices. It did worse than nothing, barring the government from negotiating lower prices for seniors.

We can strike a blow for lower prices with a simple step, giving ordinary Americans the choice they are taking on their own out of desperation. It should be legal to reimport drugs from some countries. This alone would save Americans $600 billion in the next decade, savings passed directly on to the consumer. We know that this is a safe option. In 2001, U.S. drug companies reimported $14.7 billion worth of brand name medications from their overseas plants.

□ 0115

This legislation guarantees safety. It not only requires that drugs reimported from other countries are FDA-approved, but that the facilities they are manufactured in are rigorously inspected and approved by the FDA as well. Add to that the requirement that all prescription drugs use counterfeit-resistant packaging, which means every drug purchased here in the United States, reimported or otherwise, will be safer than the drugs that are available today.

The FDA's opposition is one more instance of a regulatory agency becoming captive of the industries they are supposed to regulate. There is no safety issue here. This bill would only allow the importation of FDA-approved drugs manufactured in FDA-approved facilities from 26 designated countries, clearly, a superior system to what we have today in the area of food and drug safety both.

The issue is not safety, I say to my colleagues. The issue is price. It is time that this Congress stop acting as a wholly owned subsidiary of the pharmaceutical companies and step up to its responsibility to help the consumers of this Nation.

I urge my colleagues to support this bill.

Mr. GUTKNECHT. Mr. Speaker, I just want to clarify real quickly that nothing in this bill deals with controlled substances like RU486 or morphine, and nothing in this bill would have anything to do with Ephedra.

Mr. Speaker, I am happy to yield 1½ minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I want to thank the Speaker of the House for his graciousness in letting us bring this bill to the floor for debate tonight.

And speaking of the leadership in the House, I thought it would be important to all my colleagues for a little clarification. We hear talk about the FDA blasting the Gutknecht bill, saying that it is unsafe. I want my colleagues to know, and it is very important that they know, that in 2000 when we passed the reimportation language that is current statute, that language was written, that statute was written by our leadership, by a person who is now working at the White House, by me, and by the FDA.

My colleagues might remember it passed in the Agriculture appropriations act. The FDA chose the 26 countries where it felt it was safe to import from those countries, because our current drug manufacturers, U.S. manufacturers, are today manufacturing drugs in those facilities that are approved and inspected by the FDA.

It is very important that my colleagues know this. This is the underlying bill of Gutknecht. Plus, we have added extremely high-tech packaging, tamper-resistant, counterfeit-proof packaging. And this is in addition to the safety requirements, the chain of custody that the FDA has written in the underlying bill today.

Mr. TAUZIN. Mr. Speaker, I would point out that the packaging is held by a single company and the bill they have mandates a monopoly. We ought never do this in this country.

Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health of the Committee on Energy and Commerce.

Mr. BILIRAKIS. Mr. Speaker, this dangerous bill is a legislative Trojan Horse that uses a promising veneer to hide dangerous realities.

I do not have the time to go into all of the reasons why I personally am opposing this legislation, but I want to remind my colleagues that a number of patient advocate organizations dedicated to the health and well-being of our constituents, including the ALS Association, the National Alliance for the Mentally Ill, and the Friends of Cancer Research, and this long list here, and so many others that will not fit on this chart, are joining me in my opposition tonight. They, they consider the issue safety. They consider the issue safety.

Also, the bill, in addition to the devastating impact on patient safety, would adversely affect the ability of our research-driven pharmaceutical and biotechnology industries to develop breakthrough cures for a myriad of devastating diseases.

Many of the solutions to high pharmaceutical prices have already been considered on this floor. They include a meaningful Medicare prescription drug benefit and Hatch-Waxman reforms to ensure quicker access to less costly generic drugs. We also need to find a way to reduce the number of Americans without health insurance. In fact, I recently introduced a bill that would attempt to do just that.

Mr. Speaker, this is a bad bill. It will do more harm than good. I urge my colleagues to do the responsible, the responsible and not the political thing, and that is to defeat H.R. 2427 tonight.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. TOWNS), my good friend.

Mr. TOWNS. Mr. Speaker, this is a bad bill. If we vote for this legislation tonight, we are kissing safety regulations good-bye and saying to patients, fend for yourselves in determining what drugs are safe. The FDA will have no oversight responsibility here.

I will admit that I am not qualified to determine what drugs are safe. It takes expertise to distinguish between counterfeit medicines and the genuine article. We rely on our government's health and safety officials like the Food and Drug Administration to keep unsafe drugs out of American medicine cabinets.

It is a mystery to me why anyone would vote for a bill that would prevent our health officials from doing their job. That just blows my mind. And it is a giant step in the wrong direction.

I ask all of my colleagues here tonight to vote against this bill because safety is a nonpartisan issue. The life you save might be your own.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LEE), who knows the drug industry profits for 20 years running are the highest of any industry in America.

Ms. LEE. Mr. Speaker, let me just thank the gentleman for yielding me this time, and I thank all of my colleagues on this side of the aisle and also our colleagues on the other side of the aisle, especially the gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from Minnesota (Mr. GUTKNECHT) for leading this very important fight for more affordable prescription drugs.

Mr. Speaker, I want to start off tonight by sharing with my colleagues the news from a study which was featured today in the Wall Street Journal. Now, this article begins, "Black Medicare beneficiaries are more than twice as likely as white beneficiaries to go without a prescription drug because they could not afford it." This is a study conducted by the Robert Wood Johnson Foundation. Let me repeat: African Americans are two times more likely to go without needed medicine.

Now, this study goes on to detail the deep disparities in access to drugs, reporting that fully 16 percent of black recipients of Medicare said they could not afford to fill at least one prescription in 2001 compared with 7 percent of whites.

Mr. Speaker, make no mistake, African Americans are suffering disproportionately and mightily under the current laws crafted to protect the drug companies and their inflated prices. And make no mistake, that the suffering will only get worse if we do not pass this bill. And the suffering will last for as long as there is this huge, and I cannot believe this huge, resistance to efforts to reduce the skyrocketing and irrational cost of these lifesaving medicines.

The reality for African Americans and millions of Americans on Medicare is outrageous and shameful, but we have the option tonight to do something about it. We should and we must seize this opportunity to provide lifesaving medicine to millions of Americans who are going without, simply because they cannot afford the bloated costs of drugs. And we should do so by voting to allow, as this bill does, safe, FDA-approved prescription drugs to be reimported into the United States.

Now, much has been said about safety and logistics of reimportation, and I think it is very important to point out that the FDA-approved drugs are already frequently and legally imported into this country, but only by the manufacturers. It is also important to note that more than 1 million Americans already purchase their medicines from outside the United States, and there has not been one reported death or illness from Americans taking such products.

Mr. Speaker, the simple fact is that seniors' drug costs increased 44 percent between 2000 and 2003, with the top 50 drugs prescribed to seniors increasing in cost by 3.5 times the rate of inflation in the last year.

The simple fact is, Americans pay 30 to 300 percent more for medicines than do people in other industrialized countries. We should pass this bill tonight.

Mr. GUTKNECHT. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Connecticut (Mr. SHAYS), the author of the Shays act.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time.

The debate tonight to allow the reimportation of FDA-approved drugs is obviously long overdue. The arguments that Americans will be put at risk and the pharmaceutical industry will be harmed is specious and reminds me of the debate on the use of generic drugs that we had years ago in States throughout America.

Like the reimportation of drugs, the use of generic drugs was illegal and stayed that way for years and years because the pharmaceutical industry opposed it. Like the reimportation of drugs, we were told, generic drugs would harm the pharmaceutical industry and endanger individual Americans. Fortunately, we did not listen to those false arguments then, and we should not listen to them now, as they relate to the importation of FDA drugs. If Canadians, Germans, and others have the ability to buy FDA-approved drugs at a fraction of the cost, then Americans in this day and age should have the same opportunity.

Please vote for H.R. 2427, the Pharmaceutical Market Access Act.

I thank the proponent, the gentleman from Minnesota (Mr. GUTKNECHT) and others, for their efforts and the House leadership for bringing this bill before the chamber.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. GREENWOOD), the distinguished chairman of our Subcommittee on Oversight and Investigation.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

We all want safe and affordable drugs, especially for our senior citizens. And in recent years, as the price of drugs skyrocketed and seniors were without a benefit through Medicare, they became desperate, and many considered it a calculated risk to buy drugs from other countries that were not certified safe by the FDA; and this reimportation legislation grew from that desperation. But today we are on the verge of providing seniors affordable and safe drugs through Medicare. It will happen this fall.

The reimportation bill is now an unnecessary relic. We do not have to trade off safety for affordability. We can offer our seniors both through Medicare, and we ought to.

The risk is real. The gentleman from Florida (Mr. DEUTSCH) and I have been to airports and watched these packages come through, opened up by the Customs people, and what we saw would turn your stomach. Drugs coming from countries all over the world where there is no regulation, drugs that have incalculable content, unknowable safety. We do not need to put our seniors at that risk.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

I rise in opposition to H.R. 2427. Mr. Speaker, I think it is very important for everyone in the House to really understand exactly what this bill will do.

Some think that drug reimportation will dramatically reduce drug costs in the United States. This has never been proven. Secretaries of Health and Human Services for two Presidents have stated that they could not certify that reimportation would actually save Americans money.

Now, minus this guarantee that the bill would ever achieve its primary purpose, I think we are taking huge risks for little or no gain.

Secondly, the bill is dangerously flawed and poses considerable risks to the people that we represent. Current law states that the Secretary of HHS must certify that reimportation will not add risks to the public health. This bill removes that requirement, effectively eliminating our last line of defense against unsafe and illegal pharmaceuticals.

The bill expands reimportation to 25 countries, many of which do not have the regulatory regimes that even remotely, remotely match the FDA.

□ 0130

This is very different from "Canada only." We have the safest drug supply in the world today, and Americans rely on this safety every day. Do we really want to dilute this?

The sponsors of 2427 have said the bill contains numerous provisions that will ensure that drugs reimported into our country are safe. I disagree. The bill purports to only allow reimportation of drugs made in FDA-approved factories, but the bill also eliminates the requirements that reimporters demonstrate who has had custody of a drug since its creation. Now, how can we verify that a drug is made in an FDA-approved facility if we do not even know who had custody of it last?

The bill requires reimporters to test the drugs they are bringing back into the United States to ensure they are legitimate. The results of those tests are to be verified by the FDA. Is there an appropriation to this bill to fund the added mandate to the FDA? There is not.

The bill requires counterfeit-proof packaging for many of the drugs that will be reimported to the United States. And yet there is not any guarantee that the counterfeit technology itself will not be counterfeit or tampered with. This is happening in the United States today as we debate this bill. This is an example of a hologram that has been tampered with. You and I would not know the difference. The FDA would. My mother would not.

We have to remember that nearly 20 years ago the gentleman from Michigan (Mr. DINGELL) introduced and passed the prescription drug marketing law. He did so on the heals of a multiyear investigation by oversight and investigations of the Committee on Commerce. We should not give up this safety. What my fear is is that we have so taken for granted the efficacy of pharmaceuticals that we are willing to let it go tonight. Vote against this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY), who knows that a Federal Government that says it can store nuclear waste for 10,000 years can surely ensure the safety of imported prescription drugs.

Mr. BERRY. Mr. Speaker, I am the only registered pharmacist in this Congress. And I know what I am talking about.

Now, do not confuse safety with the fact that FDA many times just simply does not do its job. Let me tell you what the real danger is. The danger is not getting or not being able to afford the medicine you have to have to stay alive, stay healthy, and have a decent life-style. That is danger.

Now, this safety deal is bogus. I am not even going to tell you how bogus it is. On the front page of Roll Call this morning it says, "The Food and Drug Administration has formed an unofficial alliance with the pharmaceutical industry to urge House Members to vote today against a bill that could flood the Nation with cheap prescription drugs from Canada and overseas."

Now, would that not be a tragedy, that our people could afford the medicine that they need? This is a classic, cynical example of crony capitalism. An alliance between the Food and Drug Administration has existed for many years, and the pharmaceutical industry makes them nothing better than common thieves. And if you vote against this bill tonight, just think about what you are going to tell your constituents when you go back and say, I voted to keep your medicine five times more expensive than any place else in the world. I voted to let the pharmaceutical industry continue to rob the old people in this country. You go back and tell them that.

What I have seen here this evening makes me think of that old Southern philosopher, Brother Dave Gardner, who said when you get people down, kick them. It gives them an incentive to rise above themselves.

We were charged by our Founding Fathers with this responsibility, and we will be judged by God Almighty as to how we do it.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would point out that both the American Pharmacists Association and the Arkansas Pharmacists Association have sent letters in strong opposition to this bill.

Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I am quite bothered that someone would actually come to the floor and denigrate the great minds of the world that come to the only free market, America. And these individuals improve the quality of our life, not only just us, but around the world. This debate needs to be elevated, elevated, because other countries out there who call themselves friends of America are taking advantage of those manufacturers. This is a serious trade issue, and we think we can only address it by addressing price? I do not know where you all went to school. You cannot address it just on price.

This is safety. We have a closed system. When you take that pill, you have trust and confidence that it will do exactly what the label will say.

Somebody brought up the issue of chain of custody. When those drugs end up, and we create a very wide berth and a very wide channel for drugs, we lose that chain of custody. We do not know what it is going to do. You can go to Canada, but it will not have the labeling. This is very serious.

Mr. DINGELL. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, as we enter this late night, I am reminded of a show: Things that make you say hmmm. When I think of just the title of this bill and what is referred reimportation of drugs, I say hmmm.

Reimportation tries to give the implication that the drugs were manufactured here, gone over, and they are coming back here so, therefore, they are safe. If the issue of safety were not there, what would we be talking about? We are really talking about the reimportation of drugs from many a different country. The FDA, if you just look up at the Web site of the FDA, over the last 5 years they have only inspected labs, labs over the last 5 years. Yet, we say safety is not an issue.

My esteemed colleague from Illinois talked earlier. He said he spoke with the former Secretary of the FDA, Donna Shalala; and she said if the FDA had additional money, maybe they could do this. Well, as indicated, there is no additional appropriations here because the implication is if the FDA does not have the money, they cannot ensure safety of the medicine.

What money will go to the FDA? There is no appropriations to this bill.

Just recently there was a situation that occurred in Florida where 19 individuals were indicted for distributing millions of dollars of counterfeit cancer, AIDS and other drugs. It occurs all over this country. If H.R. 2427 were to pass tonight, this is exactly what the Congress would be encouraging. Yes, we would be encouraging counterfeit drugs, improperly stored drugs, expired drugs, diluted products to enter our borders and to be distributed by qualified individuals, who, when I read the bill, qualified individuals, who they are? They have added, qualified individuals can bring this in, but there is no clear definition of who those qualified individuals are.

Supporting this bill suggests that health and safety warnings, I present, are simply myths. I beg to differ.

I have two pills in my hands. Distinguish between an authentic pill and a counterfeit pill. I ask anybody to just tell me how you, not experts, can determine which is the real one and which one is the counterfeit.

Mr. DINGELL. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Louisiana (Mr. TAUZIN) has 9 minutes. The gentleman from Minnesota (Mr. GUTKNECHT) has 12½ minutes. The gentleman from Michigan (Mr. DINGELL) has 5 minutes. The gentleman from Ohio (Mr. BROWN) has 8½ minutes.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS), who recognizes that 270 Members voted for free trade for Singapore yesterday while many oppose free trade for prescription drugs for American today.

Mr. SANDERS. Mr. Speaker, I became involved in this issue several years ago when I took women who were struggling with breast cancer across the border from Vermont and they were able to purchase the breast cancer drug Tamoxifen for one-tenth of the price that they paid in the United States. Mr. Speaker, tonight we must end the national disgrace of Americans being forced to pay by far the highest prices in the world for prescription drugs.

Tonight, in terms of safety, we must understand that one million Americans have gone to Canada to buy their medicine without one death, without one problem. To the gentleman from Louisiana (Mr. TAUZIN), yes, the death of one baseball player is a tragedy; but it is a far greater tragedy that millions of elderly people in this country are suffering, and in some cases dying, because they cannot afford prescription drugs. And the issue tonight is do we stand up to the money interests and protect the American people or are they going to buy the House of the people? Let us stand tall.

Mr. GUTKNECHT. Mr. Speaker, I yield myself 15 seconds to respond.

First of all, I hope Members would at least read the bill. We have heard a lot about safety tonight. This bill specifically includes section sections 501, 502, 505, which are the safety codes. As the gentlewoman from Missouri (Mrs. EMERSON) said earlier, essentially the FDA wrote all the law that is here. Secondly, the FDA has inspected, this is the report, 949 facilities, all the way to China in the last 5 years.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I rise tonight to appeal to my fellow conservatives to open markets and help seniors by supporting this act.

Some critics say this act will merely import price controls. But every day in America we import a myriad of products from food to machinery that have some form of government price controls embedded within them, be they subsidy, tax preference or direct price controls. Yet we do not block their import even though their prices are not derived in a truly free market.

The relevant question for us ought to be: are we working for more competition or less competition and whether or not we respect the economic liberties of our citizens.

Now, other critics say this bill will cause less research and development. I am uncertain if this is true, but I do know that closing our borders to trade and denying Americans their economic liberties is not the answer. Typically, we let private individuals within a competitive marketplace make these R&D decisions. If we choose to second guess them and believe that they have underinvested, then Congress can easily remedy the situation by a variety of means, like tax credits and subsidies. This body does it every day, wind energy, aerospace technology, semiconductors, the list goes on.

Finally, critics contend that seniors will be hurt by a rash of counterfeit imported drugs. Are thousands dying in Europe and Canada from fake drugs? Can counterfeit drugs not be produced domestically as well as overseas?

Every year we import tons of food and occasionally this food may be tainted, yet we do not prohibit agricultural imports. Should pharmaceuticals be different?

Perhaps the safety argument may have some merit, but I also know it is usually the first argument of the protectionist. Mr. Speaker, it is time for my fellow conservatives to choose. We can choose free trade over protectionism. We can choose to side with seniors' interests over pharmaceutical companies' interests. We can choose less government and more freedom. The choice is ours. And if there should be any doubts whatsoever, we should err on the side of freedom.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. FERGUSON), who knows the difference between a cancer drug and a strawberry.

Mr. FERGUSON. Mr. Speaker, after the attacks on our Nation on September 11 when thousands of Americans died, many from my congressional district, what was our collective response in this House? What did we do? Did we decide to eliminate the safety and security laws of our Nation to make ourselves more vulnerable to those who would seek to do us harm? Of course not. We did the opposite. We strengthened our laws.

□ 0145

We strengthened our laws. We took steps to protect our citizens and we made America a safer place.

Then why, I ask, at a time when we are at an increased danger of counterfeit and altered drugs, when we are having a tough time keeping up with attempts by criminals who want to smuggle dangerous, counterfeit drugs into this country, why would we then pass a law which would gut the current law of this Nation? Why would we pass a law that would eliminate 16 different health and safety regulations which are specifically designed to protect our citizens against these dangers?

Unfortunately, that is exactly what this bill would do.

Mr. DINGELL. Mr. Speaker, I am low on time and I would reserve.

Mr. BROWN of Ohio. Mr. Speaker, could the Chair let us know how much time each of us has.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Louisiana (Mr. TAUZIN) has 8 minutes remaining. The gentleman from Minnesota (Mr. GUTKNECHT) has 10¼ minutes remaining. The gentleman from Michigan (Mr. DINGELL) has 5 minutes remaining. The gentleman from Ohio (Mr. BROWN) has 7½ minutes remaining.

Mr. BROWN of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from Hawaii (Mr. ABERCROMBIE) who knows the drug industry has 1.5 lobbyists for every Member of this body.

Mr. ABERCROMBIE. Mr. Speaker, this is about money, money, piles of money, oodles of money, tons of money. This is what this is about.

You do not have to worry about safety because if you cannot afford the drug in the first place, you are not even going to get it to take it, and if you are a Democrat, a minority Democrat, and you do not vote for this bill, there is not any Democrat in the country that is not going to say you sold out and you rolled over belly up again and you are not standing up for the people of this country.

We deserve to be in the minority if we cannot pass this bill. We are defying everything that makes us Democrats, and if you are a Republican, then they are going to say you are in the pockets of the big pharmaceuticals again and you are just acting like a Republican.

If you are a Republican or Democrat, vote this bill through and save the integrity of this House.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. HOEKSTRA), who has the unenviable task of following that.

Mr. HOEKSTRA. Mr. Speaker, amen, Brother. I notice that none of the folks that are opposed to the bill are willing to answer the single most important question tonight which is, why do drugs cost 40 percent more in the United States than they do in Canada and in Europe? That question is not being answered.

It is about safety, but they are missing the big elephant in the room. They do not want to talk about pricing. We have to realize that when working Americans pay 40 percent more for prescription drugs than the rest of the world, our workers are subsidizing the health care costs of the rest of the world.

If we reject this bill, once again this Congress will undercut America's workers, will force American workers to continue to subsidize foreign workers' prescription drugs; and then we will go out and ask them to compete in global markets. No wonder America is facing a crisis in manufacturing. This is blatantly unfair. How long do we believe American workers can survive under this burden?

Tonight, we have a wonderful opportunity to support working Americans, let them have access to fairly priced products and improve their global competitiveness.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I thank the chairman for yielding me the time, and Mr. Speaker, I rise today in opposition to H.R. 2427.

It is clear to me that the best way to help seniors is both to ensure that they have access to safe, affordable prescription drugs and to foster an environment where innovation can flourish, where new and better drug treatments will be developed for future generations.

The U.S. continues to be the world leader in the development of new drugs and treatments that improve the quality of every American. I want to lower drug costs for the seniors in my district, but not at the risk of stifling the very innovation that creates the drugs in the first place.

Some have called this a free trade issue. Yet it runs contrary to the fundamental tenets of free trade. Free trade creates efficiencies by opening borders, lowering tariffs, and giving consumers access to products and services from other countries. Reimportation stands this fundamental tenet on its head by giving Americans access to American pharmaceuticals that have been sold to the Canadian Government, a single payer that can, in effect, name its price at a lower cost than the laws of supply and demand allow.

Congress can take a number of different steps to lower the cost of drugs for all consumers. We have already taken the most important one by passing a $400 billion drug benefit for Medicare beneficiaries.

Mr. GUTKNECHT. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding me the time.

I think ultimately each of us has to be responsible to our constituents, and what I hear from Nebraska seniors contacting me is much more concern about high prescription drug prices than safety issues. Many of those Nebraskans are already getting their prescription drugs from Canada, and if drug prices continue to escalate as they have been and as they will continue to do, the $400 billion prescription drug benefit passed by the House will be insufficient. I think we all know that intuitively, and I think OMB knows that empirically.

So I see that the only solution, that I can think of at least, is holding drug prices down through competition in the free market, which I think most of us believe in. We import meat, fruit, wine, cheeses for direct consumption without undue alarm about safety. Americans take millions of dollars of imported prescription drugs each year, and yet no deaths or significant problems have occurred.

I have a lot of confidence in this country. I believe we can have cheaper drugs and also have the intelligence and technology to have safe drugs.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), my good friend.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in opposition to H.R. 2427, not because I do not believe, like my fellow Democrats, that we must do something about the high cost of medicines, I am committed to that end, but this is not the way to do it.

I will always be against bypassing established authorities and applying quick fixes to complex challenges. The first because it is always a mistake, proven sooner or later, and sometimes with grave consequences, and the latter because such remedies usually end up no fixes at all. This bill fails on both tests.

I know through my years of medical practice the difficulty of lower-income people and seniors and even middle-income people having to pay for life-improving and -saving medication, but there are also cases where medicines have been brought back in from other countries and caused harm.

This is not an easy issue because health and lives are at the center of it, and the high prices present a major barrier to the important goal of eliminating disparities and improving the well-being of many, especially our racial and ethnic minorities.

We must continue to seek ways to lower drug prices safely, and we must eliminate this and every other barrier that exists in this country to good health, but H.R. 2427 is not the way.

I urge my colleagues to vote no.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE) who knows opponents of this bill offer no alternative strategy for bringing down drug prices.

Mr. PALLONE. Mr. Speaker, I urge my colleagues, do not believe the FDA or the drug companies on this bill. They do not have any credibility.

If you think about it, the bill says that these products can be imported for FDA-approved drugs from FDA-approved facilities. We are already importing drug products from these types of facilities in these various countries that are mentioned in the bill. If the FDA had a problem with it, why are they not shutting down the facilities? They are not credible when they tell you there is a problem because they have the authority to shut them down if they are not safe or they think the product is causing a problem here in this country.

The drug companies, forget that. They have no credibility at all. They have told you to oppose reimportation. They told you to oppose any kind of Medicare benefit that has a negotiated price reduction. They told you to oppose Hatch-Waxman and any kind of generic drugs being used in some type of competition. They have no credibility. They are only concerned about price. They only want to make sure that their profits are secure.

That is all there is here, and I do not believe that we are going to get Hatch-Waxman reform. I do not believe that we are going to get even a Medicare benefit. This is the only alternative for the seniors to lower prices.

This is it. Vote for it. Do not vote against it. Do not leave those seniors hung out to dry.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in opposition to the reimportation bill, but I do so with the deepest respect and affection for the author of this bill whose character and tenacity I admire greatly.

America, without a doubt, has the greatest health care system in the history of the world. Some have spoken of riding buses to Canada to purchase prescription drugs. Well, they have, and I am sure they could wave at the many tens of thousands of Canadians that come on buses across our border to receive the elective treatment that takes 9 to 18 months in some cases in their system.

It has been asked today by my colleague from Michigan, why do drugs cost 40 percent more in Canada. Well, the answer is very simple. Because Canada, like Germany, like France, are socialist countries. I am sure pharmaceutical drugs would have been cheaper in the Soviet Union.

The truth is, reimportation of drugs is simply reimportation of price controls and socialism. Let us not import Canadian price controls and socialism. Let us export the free market health care principles that make our system the envy of the world.

Mr. GUTKNECHT. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I rise in strong support of the Pharmaceutical Access Act against protectionism and in favor of a free market.

I want our pharmaceutical companies to be profitable. I particularly want them to have the funds they need to do the research and development they must do. I just do not want them to take that money from Americans and only Americans and to impose the burden of that R&D on our seniors only. It simply is not fair to impose the entire cost of the phenomenally expensive research and development on just America's seniors and to allow the rest of the world to profit from that.

Over and over again, we hear the issue is safety, safety, safety, and yet there are thousands of counterfeit drugs in the market today precisely because we do not have a free market, precisely because we do not allow reimportation. The minute you allow reimportation, a system similar to the Good Housekeeping Seal of Approval or the Underwriters Laboratory will arise and that system will advertise, If you buy our drug, we have inspected the plants where they came from; we have certified the shipping of that drug; and we certify it safe. Americans will buy those drugs and those drugs only.

Trust the market. End protectionism. Americans cannot afford to pay protectionist prices for our drugs any longer. Fix this market. Allow a free market to work.

Mr. BROWN of Ohio. Mr. Speaker, I yield 30 seconds to the gentlewoman from Ohio (Ms. KAPTUR) who knows that the breast cancer drug Tamoxifen is more expensive in our country than in Canada.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for his leadership on this important issue and rise in support of H.R. 2427.

I wish to say, last year, average drug prices in our country were 67 percent higher than in Canada and double that of Europe. The real issue is that pharmaceutical companies have been gouging the American public for far too long, and the leadership in this Congress has allowed them to do that.

This bill requires the FDA to do what it must to assure safety, but more than that, it finally blows the whistle on an industry that has been taking America's seniors to the cleaners. It is time their gig is up. Support H.R. 2427.

□ 0200

Mr. TAUZIN. Will the Speaker announce how much time remains.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Louisiana (Mr. TAUZIN) has 6 minutes remaining, the gentleman from Minnesota (Mr. GUTKNECHT) has 7¼ minutes remaining, the gentleman from Michigan (Mr. DINGELL) has 4 minutes remaining, and the gentleman from Ohio (Mr. BROWN) has 5½ minutes remaining.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, drug prices can be higher in some cases for consumers than in other industrialized countries because the governments of Canada, Mexico, and Europe hold down the costs through market intervention. In other industries we do not permit the imposition of foreign price controls on American businesses, and we should not in this case either. These price controls would stifle the development of new drugs, drugs like Avastin, a powerful and promising new anti-cancer drug that inhibits blood vessel growth in tumors, an entirely new approach to treating cancer. This drug took 20 years and millions of dollars to develop.

In my own medical practice, I have witnessed what might be politely called therapeutic misadventures resulting from drugs illegally imported from Mexico. Vote "no" on H.R. 2427 and let us work together on feasible solutions that will bring down the cost of prescription drugs in a constructive manner, not proposals like this that will put our constituents at risk.

Mr. GUTKNECHT. Mr. Speaker, I am happy to yield 1 minute to the gentlewoman from Louisville, Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, despite the histrionics we have seen tonight, there is not one Member of Congress that would vote for a bill that would endanger the people in this country, not the seniors, not our children, and no one in between.

The false arguments, the scare tactics, the unrelated examples should not surprise anybody because we hear them every day, and these tactics have worked in the past. But Americans know the truth. Over 1 million have imported drugs every single year into this country safely. They buy drugs that are manufactured and regulated on how they are distributed the same way we regulate them in the United States. In fact, they are the same plants, and they are the same distribution systems.

Our unions and our businesses are telling us that drugs are costing them a fortune, and without relief our taxpayers are going to foot the bill for our seniors who are going to have to pay extraordinary prices for their drugs. Tonight is historic. We are going to, without the money, without the staff, and without the army of lobbyists take back the House and pass this bill to reduce the cost of drugs for our seniors.

Mr. DINGELL. Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Louisiana for yielding me this time. Tonight is a very important debate for this country. It is important for us to understand that the drugs that get reimported in this country may not be known and understood exactly for what they are by the consumers of this country.

As a person who travels overseas, when I want to buy a shirt that might be on the street in Bangkok or in Shanghai, I know that that is probably a counterfeit. I buy that and purchase that shirt knowing that. But as a consumer in this country, going on the Internet, thinking I am buying something from Canada, it can be from somewhere else. It happens every day.

Let us not let this happen to consumers. Let us let them know what they are buying, where they are getting it from; and let us make sure we reduce the cost of prescription drugs in this country. We have a plan to do that. That plan is called a prescription drug plan that the Republican Party has had on this floor. Let us reduce the cost of prescription drugs but let us keep our seniors safe.

Mr. GUTKNECHT. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time. I want to say as a supporter of the Gutknecht bill that this bill is about safety because it is unsafe not to take your medicine.

If you need Glucophage, if you need Lipitor, if you need Tamoxifen, you have to get it as inexpensively as you can or you are going to be skipping your groceries to do it.

What you can do is join millions of Americans and go to our biggest trade partner, Canada, and get it at 40 percent less than what we are paying now. And incidentally, in the next 10 years senior citizens alone will spend $1.8 trillion on prescription drugs.

What should we do about the people who are buying these drugs from Canada? Should we arrest them now? Or since it is so unsafe, why do we not just wait for them at the hospital and then arrest them?

The reality is that this right now is the domain of the border State constituents and the savvy Internet buyer. I want to support this bill so that the working people can have access at their local pharmacists to these low-cost prescription drugs. That is what this is about. Support the Gutknecht bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. GREEN), who knows that a drug you cannot afford is simply not a safe drug.

Mr. GREEN of Texas. Mr. Speaker, I rise in support of the Pharmaceutical Market Access Act, and I would not be here this morning supporting this reimportation bill if we had passed a real pharmaceutical prescription drug plan under Medicare that did not have a hole you could drive an M-1A tank through.

I have constituents who now go to Mexico and order pharmaceuticals through Canada on the Internet. I have bought pharmaceuticals in Mexico myself to use. They are safe. We need to make sure they are available for our constituents legally.

If we are not going to pass a real pharmaceutical prescription drug plan under Medicare, we need to at least pass this bill.

Mr. Speaker, I rise today in support of the Pharmaceuticals Market Access Act, and urge my colleagues to join me in voting for this important legislation.

For far too long, Americans have been paying a premium for prescription drugs. Our constituents are paying top dollar for their drugs, while citizens from other industrialized countries like Canada, France, Italy, Germany, and Great Britain are getting deeply discounted prescription drugs.

American consumers are charged, on average, 38 percent more than consumers in Canada, 31 percent more than citizens of Great Britain, 45 percent more than French consumers, and 48 percent more than Italian citizens. This is simply unacceptable.

Now I know that opponents of this bill will try to muddy the waters by raising the specter that reimportation is unsafe and unfair, but this is simply not true.

Manufacturers have been safely importing drugs into this country for years. In 2001 alone, they spent $14.7 billion bringing prescription drugs into the United States.

Additionally, H.R. 2427 specifically prohibits counterfeit drugs, drugs that have been tampered with, and expired drugs from entering the United States.

Under this bill, only FDA approved drugs would be allowed into the country. The only difference from U.S. manufactured drugs will be the more affordable price.

And don't be alarmed by cries that this will decrease research and development into new medicines. Pharmaceutical companies' after-tax profits—and after expenditures for R&D—averaged 17 percent from 1994 to 1998. This leaves plenty of money for R&D.

The bottom line is that opponents of this bill want to protect pharmaceutical industry profits.

I urge my colleagues to stand up against these special interests, and for your constituents.

Mr. GUTKNECHT. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time.

It has been a great debate tonight. I am not supporting this bill because I believe that it will lower drug prices substantially in the long term. I do not believe that it will. But what it will do is, as has been pointed out earlier tonight, it will force some of the other countries who have been freeloading off of us for far too long to pay some of the costs of R&D to develop these medicines for the future. That is important.

I want to also read this. From "The Wealth of Nations," Adam Smith addressed this issue. He said: "To narrow competition can only serve to enable the dealers, by raising their profits above what they naturally would be, to levy, for their own benefit, an absurd tax on the rest of their fellow citizens."

The absurd tax has been paid by Americans for far too long. It ought to be shared by the rest of the world to pay for the cost of research and development.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in opposition to this bill. The argument is we are dealing with reimportation, not drugs manufactured in Canada.

Ask yourself the question, why are there no major manufacturing facilities in Canada? The reason is they invest billions of dollars in these drugs to save our lives. Of every thousand they work on, seven hit the market place and one makes a profit. Now, ask yourself the question, Canada represents 1 percent of the marketplace. That is all they represent. Do you believe that U.S. manufacturers are going to ship enough drugs to Canada to sell them back at less prices in the United States to fill the volume that is needed in the largest market in the world?

When people get sick in Canada and they are seriously ill, they come to the United States. Why? Because we have the best health care and the best treatment forms in the world.

It is already legal to reimport if you can prove safety, but they cannot prove safety; and you know it. And they will have that same difficulty in the future. So do not believe there is some manufacturer in Canada who is just arbitrarily going to ship drugs here. Our companies do not meet the demand.

Mr. BROWN of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from Rhode Island (Mr. LANGEVIN) who knows that a Federal Government who says it can build a national missile defense can surely ensure the safety of imported drugs.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of H.R. 2427, the Pharmaceutical Market Access Act. We know that Americans pay 30 to 300 percent more for their medications than those in other industrialized nations. The United States has failed time and time again to assert our force in the pharmaceutical marketplace, and we should continue to pursue all available avenues to lower drug costs for our citizens.

Today, we have the opportunity to take action by passing H.R. 2427. This bill makes possible the reimportation of FDA-approved drugs from FDA-approved facilities. It includes new standards for safety messages in the packaging of drugs. It is the right thing to do for our seniors and we must act now.

Mr. Speaker, I rise in support of H.R. 2427, the Pharmaceutical Market Access Act. I am grateful that the House of Representatives has the opportunity to substitute existing reimportation language in the House-passed Medicare bill with a meaningful provision, one that could result in billions of dollars in savings to American seniors and bring balance back to the global marketplace for prescription drugs.

American taxpayers heavily subsidize the research that leads to life-saving medications, used worldwide. Despite that, citizens of this country pay 30 to 300 percent more than those in other industrialized countries. The reason for this disparity is that the government of every other industrialized nation works on behalf of it's citizens to control the cost of medication—through the use of bulk purchasing power, and other methods the United States has failed to adopt. The recently-passed Medicare bill failed to incorporate any meaningful cost control measures for the 54 million Medicare beneficiaries—in fact the legislation strictly forbade the U.S. government from negotiating for these seniors and discouraged reimportation. There are other steps the United States should be taking to lower costs, and we should continue to pursue the use of bulk purchasing power and speeding the approval process for generic drug entry to the market—but tonight, we have the opportunity to vote on market access.

Americans are suffering because of their government's failure to assert their force in the pharmaceutical market. Last month, I joined the Rhode Island Academy of Family Physicians in releasing a survey showing that a third of seniors in Rhode Island are relying on physician samples for their necessary medications and 20 percent are failing to take them as prescribed because of cost—skipping prescriptions to make them last longer and failing to refill them. There is absolutely no reason for this. Today, we have the opportunity to take action by passing H.R. 2427, which would level the playing field by allowing American pharmacists, wholesalers and individuals to legally and safely import the same drugs they are paying inflated prices for at home from other countries. The tangible result of this policy will be significant savings—savings that will be passed from pharmacists and wholesalers to American consumers.

It is ironic that the drug companies are telling us that importation cannot be done safely. For years now, drug manufacturers have safely and legally reimported drugs—$14.7 billion worth in 2001—and in certain circumstances, individuals have been able to purchase their own medications abroad. In the years of this legal reimportation—there have been zero reported deaths from Americans taking imported pharmaceuticals. However, thousands of Americans become ill or die from food-borne illnesses each year, yet no one suggests the banning of the importation of food. Instead, we work hard to regulate the importation of food, and we incorporate current technology to ensure the safety of the process. H.R. 2427 includes new standards for safety measures in the packaging of drugs and limits importation to FDA-approved drugs from FDA-approved facilities. This can be done, and it can be done safely.

Earlier today we heard a number of Members on the floor talking about the benefits of free trade, as we debated the United States-Chile Free Trade Agreement. I am certain that these Members recognize drug companies can set drug prices at extraordinarily high prices in the United States, because current law protects them from competition. I hope that, in the spirit of consistency, these Members will support H.R. 2427, and allow the market forces to work in favor of American consumers when it comes to the purchase of life-saving medications.

We must not let the opportunity to lower the cost of prescription drugs for Americans pass us by. I urge all of my colleagues to vote in favor of H.R. 2427.

Mr. TAUZIN. Mr. Speaker, may I inquire once again as to the time allocations.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. TAUZIN) has 3 minutes remaining, the gentleman from Minnesota (Mr. GUTKNECHT) has 4¼ minutes remaining, the gentleman from Michigan (Mr. DINGELL) has 4 minutes remaining, and the gentleman from Ohio (Mr. BROWN) has 4 minutes remaining.

The order of closing will be the gentleman from Ohio (Mr. BROWN) will go first, the gentleman from Minnesota (Mr. GUTKNECHT) will go second, the gentleman from Michigan (Mr. DINGELL) will go third, and the gentleman from Louisiana (Mr. TAUZIN) goes last.

Mr. BROWN of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. STRICKLAND) who knows this debate is not about safety, but about drug industry profits.

Mr. STRICKLAND. Mr. Speaker, this is an interesting debate because it is not primarily between Democrats and Republicans; it is between the people and the pharmaceutical companies.

The gentleman from Louisiana (Mr. TAUZIN), the distinguished chair of my committee, says he is concerned about safety, that if we pass this bill people may die. I contend that people are dying every day in this country. People are dying because they are not getting the medicines they need because they cannot afford the medicines they need.

Does the gentleman believe if we pass this bill others may die? I believe if we do not pass this bill there will be many Americans who will die as a result of our inaction.

Mr. TAUZIN. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, night after night my Democratic colleagues come to this floor to characterize the Republican Party as being the party controlled by monied special interests. Well, this evening, my fellow Democrats, is a moment of truth for the Democratic Party and what we stand for and who we stand for and who we stand with: the people or the big drug corporations.

Seniors in my district are splitting their pills to make their prescriptions last. And if a big PhRMA splits our party over the issue of lowering drug prices, it is a prescription for disaster for the Democratic Party. It is time we stood up and showed America who we really are, with the people or with the corporations.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

□ 0215

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Minnesota for yielding me this time, and I thank my friends across this Chamber for the warm reception.

Mr. Speaker, when a prescription is written by a physician, there is not an inquiry as to partisan affiliation or political persuasion. A decision is made that a medicine is needed. The question tonight in this House is how best can that delivery be achieved. Economic conditions are the overwhelming criteria upon which this must be decided.

My friend from Arizona spoke earlier, and he was quite right. An unfair tax has been levied on Americans. We have borne the costs that should be shared with others. Oh, yes, and we already subsidize many of those costs and we also have a research and development tax credit that exists currently in the Tax Code.

Vote "yes" on the Gutknecht legislation. Let us seek a rational solution.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, H.R. 2427 is both a diversion and a danger. It is a diversion from the prescription drug coverage we should be providing.

What have we done instead? We have instead passed a Republican Medicare bill which actually denies the Secretary of HHS the ability to negotiate volume discounts. So much for my colleague's elephant in the room.

And it is a danger. This bill is a danger. It would allow distributors to import drugs that have been sold, stored and transported outside the FDA's closed regulatory system. Massive and haphazard reimportation is the wrong prescription for a very real problem, the lack of drug coverage under Medicare available to all beneficiaries.

I urge colleagues not to be diverted, to vote against the inferior and dangerous solution which H.R. 2427 represents.

Mr. TAUZIN. Mr. Speaker, I am honored to yield 1 minute to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, yesterday afternoon, earlier this legislative day, we made history by passing two very important measures which are designed to eliminate tariff barriers in our relationship with both Singapore and Chile. And now we have people who have injected the issue of free trade in this debate.

Mr. Speaker, the fact of the matter is, as we look at this challenge, what it is that we are dealing with is government subsidization, government cost controls and mandatory licensing, which is antithetical to the entire concept of the free flow of goods and services and ideas. Vote against this measure.

Mr. BROWN of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. NADLER) who knows that if you want to talk safety, we should talk about Americans having to split their pills to afford to pay for their expensive medicines.

Mr. NADLER. Mr. Speaker, for 30 years the pharmaceutical companies have opposed proposals for the government to help senior citizens buy their products. Why? Because they are afraid that the government, as a bulk purchaser, would exercise market power to do what a bulk purchaser in a free market society should do, use bulk market power to get lower prices. And they tell us that lower prices will mean they could not do research and development when they spend 33 percent of their revenues on marketing and 14 percent on research and developing.

That is why the Republican bill we debated a few weeks ago prohibits the government from negotiating prices. This bill is a substitute for that, not a good substitute, but the best we are likely to get. It will help the seniors buy their drugs and we ought to pass it.

Mr. BROWN of Ohio. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE) who knows the drug industry's pricing policies put the health of American patients at risk every day.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman for yielding me this time.

Mr. Speaker, tonight's vote is a vote of the heart and a vote of one's conscience. This weekend, many of us spent time with our senior citizens, and I am glad that we are talking now not about Democratic and Republican politics but about saving lives.

I grappled with this whole question of pharmaceuticals and senior citizens, but when I got this letter from Ms. Davis and said, "My pressure pill is too high, the rest of my medicine is too high, I cannot afford no medicine; my doctor gives me samples. I cannot afford the regular medicine," I had to stand with these senior citizens who need our help.

We have got to vote for this bill so we can save lives in America.

Mr. Speaker, I must say that this is one of the toughest votes I have made in my tenure in Congress. We have an epidemic upon us in America today. It is not an epidemic caused by a virus or a bacterium. Instead, it is the epidemic of Americans who have no access to affordable healthcare.

One of the fastest growing segments of our nation's healthcare budget is the cost of prescription drugs. I had a town hall meeting last week, so that I could hear the seniors in my district talk about their prescription drug costs, and what they want me to do about it. The conversation turned to the question of why Americans pay 2 to 10 times more than Canadians, for the exact same prescription drugs. It was then that I realized the truth: that those seniors, 70, 80, one over 90 years old—many living on about $12,000 per year that they receive from Social Security—are buying drugs for rich Canadians. Every Canadian or German or Brit, no matter of their income gets a giant discount on their drugs, because the elderly in our Districts here in the U.S. are paying on average about 60 percent too much for their drugs. They are having to choose between eating and taking their medications on a regular basis, and they are subsidizing the costs of people around the world with much more.

That is outrageous.

I and my fellow Democrats have been fighting to ensure that more Americans have access to affordable medications, and I believe that the drug industry wants more people to be able to buy their medications. Surely we should be perfect collaborators. Furthermore, the drug industry has made tremendous advances in their labs, that have lengthened and improved the lives of millions of people around the world. That is why I have been trying to work with our nation's drug companies to find common ground, to seek compromise that helps people get the drugs they need, and enables our companies to get the profits and recognition they deserve. On several occasions they have stepped up to the plate—with patient assistance programs giving free drugs to the working poor, and discount cards, like Together Rx, that give discounts to low-income seniors. They have also donated drugs to those suffering in Africa and other developing nations. I commend the drug industry for their good works.

I was hoping to build on those modest steps, and continue to make progress toward increasing access to state-of-the-art prescription drugs, by partnering with the good people in the industry—and I do believe there are good people in PhRMA. But the Republican leadership put an end to that, and turned this into a political war. I and my fellow Democrats fought to give the Secretary of HHS the ability to negotiated with the drug industry on behalf of our 40 million seniors on Medicare, to lower their drug costs. Such negotiations would have brought about prices lower than we pay now, but probably not quite as dramatic a decrease in PhRMA profits as H.R. 2427 will bring about. The Republican leadership denied us that common sense provision, so a door was closed.

As H.R. 2427 was coming to the floor, there were some of us who felt that there could be compromise legislation, that would increase safety, and would perhaps lessen the impact on our drug industry, and their workers, and their investors. But we knew, as usual, that there would be no chance for such smart improvements, and as we see today the Rules

Committee has sent this bill to the Floor with yet another Closed Rule. Again a door was closed.

In 2006, a Medicare Prescription Drug benefit will probably kick in. If it looks like anything that came out of the House or Senate last week, that benefit will leave many of our seniors far worse off than they are today. According to Republican estimates, a senior paying $5000 per year will only get 20% of their costs covered by their insurance plan. But by 2006, drug costs will have risen more than 20%, and also the discount card programs that the industry has put forth, will end as seniors get a drug benefit.

So, I don't see many options here. I do not like the idea that under this legislation, we will be shipping American drugs overseas, paying foreign middlemen to handle them, then ship them back to us, all in an effort to get a better price out of companies in our own backyards. There should have been a better way; but I do not see it today.

Today the problem of access is out of hand; it is about life and death. Every one of us has an elderly friend or relative, who has suffered a catastrophic blow to their health and watched the emotional, physical, and financial struggle that that can cause. We have people in the richest nation in the world choosing amongst eating, or paying rent, or buying their medications. Losing any one of the three can be deadly. I cannot help perpetuate this nightmare. I will support this bill.

The one issue that might have caused me to rethink my vote is that of safety. If I really believed the hype—that this bill would lead to a deluge of dirty drugs from Canada, or Switzerland, or Japan, or wherever—I would have voted against it. But I do not. We have the technology and the creativity to make this venture safe. And the bill before us does not strip the FDA of its powers to search for potential sources of counterfeits, or damaged, or outdated products, and stop their influx into this country. Those abilities are specifically protected in the bill.

This is a bill whose time has come, and I believe that it will save lives. My one regret is that it may cause some temporary hardship to some excellent companies. But I am confident that they will survive. They are creative and industrious, and I hope that they will work harder to increase their profits overseas.

I also want to work with the industry to create provisions that will improve the Medicare Prescription Drug Bill in a way that will increase access to fairly priced drugs to ensure fair profits for producers, and protect the health of consumers. It is possible, but the leadership will need to put lives before politics.

Again, it is an idea whose time has come.

Mr. BROWN of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. EMANUEL) who knows the same Federal Government that put a man on the Moon certainly can ensure the safety of prescription drugs.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Illinois is recognized for 2 minutes.

Mr. EMANUEL. Mr. Speaker, people from around the world come to America for their medical care. Yet Americans travel around the world for affordable medications. Between 2000 and 2003, seniors' expenditures on prescription drugs increased 44 percent.

The legislation we are debating today is about inserting competition and the free market into the pricing of medication to ensure that Americans no longer have to pay a 25 to 40 percent premium over the prices paid in other countries.

For too long, our constituents have subsidized the starving French, Germans, Italians and Canadians. Americans have also subsidized the research and development for pharmaceutical companies through the NIH funding and through the R&D tax credit. We are about to embark on the largest expansion of entitlement in over 40 years and spend $400 billion of the taxpayers' money. We owe it to the American taxpayer to ensure that they are getting the best price for their money, not the most expensive price.

I want to address and speak to the myth of safety concerns. Last year, Americans imported $14.8 billion worth of medications from around the world. Lipitor is a cholesterol drug that is on every pharmaceutical counter. It is made in Ireland, but we import it. If it is unsafe, get it off the counter and get those ads off the television, because we import Lipitor from Ireland.

Folks, when somebody tells you it ain't about money, it is about money, and that is what this debate is about. I know how this system works like everybody else here. There is a pharmaceutical lobbyist and a half for every Member of Congress. They have spent over $100 million in contributions, entertainment, lobbying expenses, all focused on us. But meanwhile our seniors are being overcharged approximately $100 billion.

The question before us tonight is, are we going to put more priority on the $100 million focused on us or the $100 billion that our constituents are overcharged?

I know why we all came here. We ran for a set of ideas, a set of values and a set of principles. They may be different, but we share a common set of values. Whether you believe in competition in the free market, protecting our taxpayers or ensuring affordable prices, tonight the vote is about the special interests versus the American people. I ask you to support our constituents.

Mr. GUTKNECHT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 3¼ minutes.

Mr. GUTKNECHT. Mr. Speaker, first of all, let me say thank you to the gentlewoman from Missouri (Mrs. EMERSON), because we would not be having this historic debate tonight without her courage, and I want to thank her.

Mr. Speaker, I have been down on this floor many, many times with my charts, talking about this issue. I have had charts and plenty of statistics, but the saddest statistic of all that I have come across is this from the Kaiser Foundation. Twenty-nine percent of seniors say that they have had prescriptions that went unfilled because they could not afford them. Shame on us.

I was at a community pharmacists meeting a few months ago. There were 300 community pharmacists there. I asked them this question: Has this ever happened to you where someone comes into your store with a prescription, they hand you the prescription, you tell them how much it is going to be and their head drops, their voice drops, and they say, Well, maybe I'll be back tomorrow. And they never come back. Shame on us.

We have heard about safety. We have heard about intellectual property rights. No one wants unsafe drugs or to steal patents. We have heard about price controls and aren't we simply importing them. But the plain truth is today, Americans are subsidizing them.

This bill is not perfect, but it is not complicated, either. We simply take away the FDA's power to defy the will of this the people's House and in its place we put counterfeit-proof, tamper-proof packaging.

I will not question any Member's motives, but others will. If you are going to vote against this bill tonight, you had better go back to your office and write a letter to your constituents explaining exactly why, because you will be asked. Maybe it will be at a town hall or a candidates forum, or maybe in your opponent's ads next year, but you will be asked. Someone is going to hold up a package of pills and they are going to ask this: Why is it that Americans have to spend $360 for this drug, this lifesaving drug, when Germans can buy it for $60? And then they are going to ask the even tougher question: Congressman, what did you do about it?

Tonight we can send a very simple but clear message. The status quo is unacceptable, and we will not stand idly by and allow Americans to be forced to pay the world's highest prices for prescription drugs.

Members, all I ask is vote your conscience. Millions of proud Americans are counting on us.

Mr. DINGELL. Mr. Speaker, I yield the balance of my time to the distinguished gentlewoman from Colorado (Ms. DEGETTE).

The SPEAKER pro tempore. The gentlewoman from Colorado is recognized for 3 minutes.

Ms. DEGETTE. Mr. Speaker, this legislation will harm patients. It will harm the children, and it will harm the elderly. It lacks the necessary guarantees of safety and we should not subject the American people to it.

Permitting reimportation would significantly increase the risk that counterfeit, misbranded and adulterated drugs would show up in U.S. pharmacies and American homes. Every one of us here tonight is concerned about the high cost of prescription drugs, but we should not and must not substitute the hope of lower prescription drug prices for the fundamental safety of the drugs that we are providing to our citizens. We have a duty to protect the people of this Nation.

Every expert agrees, this bill will not help Americans. The Food and Drug Administration, along with the U.S. Customs Service, currently cannot enforce the existing laws. Counterfeit drugs are pouring across our borders. I used to think I supported this legislation, and then the Subcommittee on Oversight and Investigations had hearings. This chart is just one example of counterfeit Viagra that was received in the Miami office. There are tons of counterfeit drugs coming into this country right now.

Proponents of the bill say that the quality of the drugs will be protected. I have not heard one Member on either side of the aisle say how that will happen, when you have drugs that are coming in from all parts of the world. This is counterfeit Voltaren. It is a pill that is used to relieve pain, tenderness, inflammation and stiffness caused by arthritis.

□ 0230

Every one of these pills is marked with the manufacturer. It looks real. There is no active ingredient in these pills. I challenge anybody who just thinks that we will be safe to come get on a plane to Miami and see the counterfeit drugs that are coming into this country.

The gentleman from Arkansas (Mr. BERRY) said the country will be flooded with cheap prescription drugs. That may happen under this bill, but we cannot guarantee that any of those cheaper prescription drugs will have any active ingredients in them. The gentleman from Pennsylvania (Mr. HOEKSTRA) asked why the Canadian drugs are 40 percent cheaper. I have a different answer than the gentleman from Indiana (Mr. PENCE) had. I think they are cheaper because Canadian law allows the government to negotiate with pharmacies for lower prices. And that is what we should do too in this country. We should not go in a roundabout way letting these counterfeit drugs come in, putting our citizens at risk simply because we want lower prices.

Here is the bottom line. We were elected to preserve the health and safety of the people we represent, over 600,000 each. Let us not sacrifice that fundamental right for a convoluted bill that is not even guaranteed to do what it is supposed to do. Vote "no" on this ill-conceived legislation.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Current law allows importation. Current law contains 10 provisions to protect the safety of drug supplies in this country, 10 provisions protecting the safety of those drugs that are imported into this country. This bill that the Members are asked to vote on tonight strikes all 10 of those safety provisions, all 10.

I am going to show the Members tonight what we get if we pass this bill. What we are looking at now is a Web site of a Canadian prescription center where one can order prescriptions from Canada right now which would be legalized under this bill, illegal under current law because the FDA cannot verify the safety of drugs obtained on this Web site.

The FDA obtained some drugs on this Web site to just see what they could get. I want to show the Members what they got. What they got was this drug. This is a drug called Gabapentin. It is used as an antiseizure measure. It is to prevent seizures for people who have all kinds of seizures with all kinds of diseases. Do the Members know where it was made? It was made in India, not in Canada; and it came to an American over that Canadian Web site. And do the Members know what is in it? Nothing. It is water inside this package. And the folks who buy it in America at these cheap prices we are told they are going to get it for nothing except fake drugs.

Here is another set of drugs to look at. This is one is called Serostim. It is used by HIV/AIDS patients to prevent wasting. This is the authentic one; this is the fake one. The fake one contains nothing but pond water. Imagine giving that to an HIV/AIDS patient. Is the price, half price, quarter price worth it to take a drug like that?

I want to ask the Members something before we end this debate, and I have the greatest respect for those who bring this issue to the floor because I hate the fact that Canada and other countries take advantage of our patients in America, and we have to end those trade imbalances. We have to fight them. We do. We do. But I want to ask one question. If the Members vote to say that safety does not count and Americans increasingly buy these drugs full of nothing but pond water and diluted and old and rotten drugs, are they going to have to face the mother and father the way we faced them this week who said, Why is my son dead, because you did not put FDA regulations into place?

Vote down this bill. It is dangerous for every American. It needs to be defeated.

Mr. HOLT. Mr. Speaker, I am sad to say that for the second time during this Congress, the House has considered legislation offering a false promise to help for seniors struggling to pay for prescription medications.

Last month, the House passed a bill that purported to offer Medicare prescription drug coverage. I have long supported providing seniors with a reliable, comprehensive, and affordable drug benefit under Medicare. I could not in good conscience vote for the bill passed by the House, however, because it would provide only a meager benefit while quite possibly leading to the death of the traditional Medicare program that has served seniors in my district so well.

Congress has an obligation to help Americans who cannot afford the prescription drugs they need. Seniors need and deserve a voluntary, universal, prescription drug benefit under Medicare that can help lower prices using the collective buying power of the Medicare population. But making it easier to bring counterfeit, substandard medicines into the United States is not the way to help seniors get the drugs they need. H.R. 2427 poses a very serious danger—exposing American consumers to unsafe counterfeit drugs.

The evidence of this is well documented. The Food and Drug Administration, which has for nearly a century been responsible for certifying the safety and efficacy of medications sold in the United States, opposes reimportation. According to FDA Commissioner Mark McClellan, "At a time when FDA faces more challenges than ever in keeping America's supply of prescription drugs safe and secure, H.R. 2427 would create new drug safety problems. H.R. 2427 creates a wide channel for large volumes of unapproved drugs and other products to enter the United States that are potentially injurious to public health and pose a threat to the security of our Nation's drug supply. The bill would do so by taking unprecedented steps that limit FDA's authority to assure the safety of prescription drug products to be used by U.S. consumers.

These sentiments are shared by eight former FDA Commissioners as well as current and former HHS Secretaries Tommy Thompson and Donna Shalala, who both refused to certify the safety of reimportation. The Nation's largest association of physicians, the AMA, also opposes this dangerous policy.

The dangers of reimportation were brought to life recently, when 19 people in Florida were arrested in charges of selling "adultered" drugs, including fake Lipitor pills imported illegally from England. We were lucky in this case. Sometimes the dangers of counterfeit imported pills don't become apparent until it's too late.

Mr. Speaker, I cannot vote to jeopardize the safety of our supply of medications. The United States is the envy of the world because its medicines are the safest. Opening our borders to the peril of counterfeit drugs is simply a foolish way to increase accessibility. We need a Medicare prescription drug benefit—not a flood of dangerous counterfeits. Do we really want to open our borders to let in drugs from other countries when the worldwide rate of counterfeit drugs is 8 percent.

I urge my colleagues to protect the safety of U.S. consumers and vote no on H.R. 2427.

Mr. UDALL of Colorado. Mr. Speaker, I cannot support the reimportation bill because it will create a flood of unsafe, counterfeit or ineffective drug products that will end up in the medicine cabinets of millions of Americans, and I do not think it will result in the cost savings that supporters are hoping for.

First and foremost, this issue is about patient safety. I agree with the Food and Drug

Administration, the American Medical Association and many physician and patient organizations who say that allowing wholesalers and pharmacists to reimport drugs from foreign countries will pose serious public health concerns for our country. There are no safety provisions in this bill that will assure Americans that the drugs they are taking are safe and effective. And the bill does not provide any resources to the FDA, Customs, or other Federal agencies to test, inspect and certify that drugs coming into our country from around the world are safe.

In addition to the safety issues involved, I do not think this bill will lower the cost of drugs in the U.S. Recently, the non-partisan Congressional Budget Office released a report saying that reimportation legislation "would not produce substantial savings to the Federal government." Furthermore, some regulations in the bill will result in higher prices for pharmaceuticals. If our aim is to make drugs more affordable for seniors, Congress should pass a fair and affordable Medicare drug benefit bill.

Pharmaceuticals play a critical role in our health care delivery system. As such, I want to support initiatives that spark research and innovation in the pharmaceutical industry and that increase accessibility to prescriptions drugs. These should not be mutually exclusive goals. Ultimately, I cannot support legislation that will endanger the health of millions of Americans who rely on medications to treat a condition or an illness.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in strong support of H.R. 2427, the Pharmaceutical Market Access Act of 2003. Those who are debating this bill can be divided into just two separate groups: those who support making pharmaceuticals more affordable to Americans, and those who are swayed by the pharmaceutical industry's attempts to maintain astronomical profit margins. I proudly stand with the first group.

You cannot deny the skyrocketing prescription drug costs in this country. The price of the top 50 drugs used by American seniors rose at three and a half times the rate of inflation in 2002. At community clinics, physicians prescribing common antibiotics find that their patients cannot afford them. Americans with diabetes, high blood pressure, and other manageable diseases go without life-preserving medications. Meanwhile, those in other countries pay as little as one tenth what Americans pay for the exact same pharmaceuticals. In Canada, the country's national health care system allows them to negotiate prices with drug companies, substantially reducing costs for Canadians. In their quest for profit, those drug companies raise prices in the U.S. to compensate for lost profits in Canada.

Contrary to our opponents' claims, H.R. 2427 has built-in provisions to ensure the safety of reimported drugs. The new technologies developed to ensure the safety of reimported drugs will also safeguard domestic pharmaceuticals against counterfeiting. Our opponents claim that the FDA fails to adequately monitor the safety of drugs already being imported into the U.S. The answer is not to deny Americans the right to reimported pharmaceuticals, but to hold the FDA accountable for its failures and demand improvement.

Our opponents claim that H.R. 2427 would hurt low-income Americans, in attempts to win more support for their position. In fact, this bill would only provide poor Americans with more access to the medicines they need through cost reductions.

Mr. Speaker, as health care costs rise out of control, we must take every step possible to improve health care for the 41 million uninsured and countless underinsured Americans. I urge you to join me in support of H.R. 2427. Do now allow our opponents, influenced by the pharmaceutical industry, to deny safe, affordable prescription drugs to Americans.

Mr. KIND. Mr. Speaker, I rise today in support of the Pharmaceutical Market Access Act (H.R. 2427). Every day, seniors in western Wisconsin face the escalating cost of prescription drugs. A recent Families USA study found that the prices of the 50 drugs most commonly used by seniors increased by an average of three and a half times the rate of inflation over the past year. And between 2000 and 2003, seniors' expenditures on prescription drugs increased by 44 percent.

One solution for many Wisconsin residents is to drive to Canada where they can purchase prescription medication at a substantial savings compared to a drug store in the United States. On average, American consumes in 2002 were charged 38 percent more than consumers in Canada. A 38 percent savings is sizable amount of money to an individual on a fix income. H.R. 2427 would help all seniors realize this savings.

The legislation we are debating today is about inserting competition into drug pricing, to ensure that Americans no longer have to pay a 25- to 40-percent premium over the prices paid in other countries. As we embark on the largest entitlement expansion in recent history, $400 billion, we must ensure that we get the best price for prescription medicines. We owe it to our taxpayers to ensure that they are getting the best bang for their buck.

The legislation before us would lower prescription drug costs for all American consumers by allowing the importation of drugs with appropriate safeguards. This legislation mandates that the Food and Drug Administration approve drugs and manufacturing facilities before reimportation. In addition, imported drugs must be packaged and shipped using approved counterfeit-resistant technologies. The truth is, more people in Wisconsin have become sick from imported strawberries than from imported prescription drugs. Today, the FDA only imports roughly 1 percent of imported food. Surely we can do a better job of ensuring the safety of imported drugs.

As I travel around my district in western Wisconsin I consistently hear about the high cost of prescription medicines, not only from my seniors but also from businesses and average citizens. The Pharmaceutical Market Access Act is a significant step in the right direction to bring prescription drug costs down and ensure that all Americans have better access to affordable medicines. I urge my colleagues to support H.R. 2327.

Mr. SIMMONS. Mr. Speaker, I rise in opposition to H.R. 2427, Prescription Drug Reimportation legislation. My fear is that this bill will result in a flood of fake foreign pharmaceuticals into our country.

Immediately following 9/11/01, Congress came together in a bipartisan fashion and moved quickly and swiftly to protect our borders, protect our airports, protect our drinking water, our food supply.

Yet the reimportation bill before Congress today would allow the import of unregulated prescription drugs through our borders.

That's why so many groups oppose H.R. 2427. This bill, although well-intentioned, jeopardizes the safety of consumers who use prescription drugs.

Among the opponents to the bill is the Food and Drug Administration. In a letter to Congress, the FDA stated that H.R. 2427 "would erode the ability of the FDA to fulfill its challenging mission of ensuring the safety and efficacy of the U.S. drug supply." The FDA goes on to state it, "simply cannot support legislation that exposes Americans to greater potential risk of harm from unsafe or ineffective drugs."

The American Medical Association, who also opposes the bill, stated in a recent letter, "We believe that H.R. 2427 would be so dangerous to patient safety that we must oppose it."

From my home state, the Connecticut Medical Society says, "While we support broader availability of prescription drugs at the lowest price possible, quality must be assured. For the safety of our patients in Connecticut, we respectfully urge you to reject H.R. 2427."

Our Nation's pharmacists also oppose the measure. The National Community Pharmacists Association says it "is strongly opposed to any legislation that legalizes and/or encourages the importation of prescription drugs by individuals."

Mr. Chairman, I believe in listening to the experts. And it's clear that the experts all oppose this unsafe policy.

Instead of supporting a risky reimportation bill, Congress must work harder to bring a cost-effective prescription drug bill to our citizens. American citizens deserve access to safe, effective American drugs.

I urge my colleagues to join me in voting against H.R. 2427.

Ms. KILPATRICK. Mr. Speaker, I rise in support of H.R. 2427, the Pharmaceutical Market Access Act of 2003, sponsored by Representatives GUTKNECKT and EMERSON. I appreciate their hard work and efforts to bring this bill up for debate in this chamber. They have faced considerable obstacles in trying to get this bill considered by this chamber. They are to be commended for their success in having H.R. 2427 debated tonight.

Opponents of this bill suggest that patients whom we intend to help with the passage of this bill will actually be harmed. They charge that they will be vulnerable to purchasing unsafe prescription drugs and that we are encouraging patients to purchase lower-cost drugs from countries that have less stringent regulatory regimes. Opponents are also concerned that the bill repeals language that requires the Secretary of Health and Human Services to certify that reimportation of prescription drugs is safe before any reimportation occurs. There are more objections to the legislation, but I have mentioned the major arguments advocated by the bill's opponents.

Not too long ago a pharmacist from Michigan visited with my Washington staff. He told my staff how seniors would leave his pharmacy in tears because they did not have the resources to purchase their medicine. This is an important issue to seniors. It is an important issue to all Americans because the high cost of prescription drugs is driving many families to dilute prescribed dosages in order to stretch out their prescription orders to make them last longer. If pharmacists were able to purchase drugs, lower costs would be passed on to our seniors and families who are struggling with the high cost of health care.

This is the only opportunity that this Congress will have to vote on legislation dealing with the cost of prescription drugs. I am using this opportunity to support lower drug prices for many Americans. This bill puts people before profits. It puts affordable health care for Americans ahead of profit margins for the pharmaceutical industry. It is time to send the industry and the Administration a message: Americans want affordable drug prices. Support this bill and put people ahead of the profit margins of the pharmaceutical industry.

Mr. EVANS. Mr. Speaker, everyone knows American seniors are facing staggering prescription drug costs. Currently, safe and cheaper drugs lie across our northern border in Canada. Seniors do not have to go far to see how much less the rest of the world pays for the same FDA-approved drugs sold many times higher in our country.

The issue of the safety is a non-issue. Seniors in Illinois know that the pharmaceutical industry is fighting one of the biggest and most expensive fights to keep the United States in this protectionist state, not because drugs from FDA-approved facilities in other industrialized countries are unsafe, but because this measure forces drug companies here to lower their hugely inflated prices.

With the implementation of affordable, anti-counterfeit technology, we will know that drugs that come into this country are indeed safe, reliable, and tamper-free. There is a counterfeit technology currently being used by the drug industry in the EU. This is a similar technology used on billions of pieces of currency around the world which is a testament to its effectiveness and true affordability. There is no evidence to believe that the importation of prescription drugs will increase Americans' risk of receiving tainted drugs.

It is ironic, Mr. Speaker, that the discussion of drug re-importation comes hours after debate on two free trade bills. While we have debated and passed today two bills that do not meet these standards, many of my colleagues are not willing to engage in the trade of FDA-approved drugs from industrialized nations that do indeed meet these standards. Many of these countries already have free trade agreements with the U.S. and the most important factor is that this reimportation will benefit Americans greatly through reduced pharmaceutical prices; not taking away a single American job.

H.R. 2427 will make sure that Americans have access to fair prices by forcing the drug industry to play by the same rule as every other business. My colleagues continually come to this floor to speak on behalf of "free markets" and this is one opportunity to demonstrate whether they support an industry hiding behind protective trade barriers or one providing a needed good at a competitive price. I urge my colleagues to do the right thing for America's seniors and support this legislation.

Ms. SCHAKOWSKY. Mr. Speaker, I rise tonight in support of H.R. 2427, the Pharmaceutical Access Act.

Over 13 million senior citizens on Medicare and 42 million uninsured Americans have no access to prescription drug coverage. Millions of others have skimpy coverage that runs out quickly, leaving them to face months of bills that they must scramble to find the money to pay. The excessive price of prescription drugs creates financial crises for those who struggle to pay exorbitant bills and health crises for those who are forced to go without needed medications, to share drugs with family members, or to take half doses in an attempt to make their prescription last a little longer.

I wish that we were on the floor tonight debating legislation to force U.S. drug manufacturers to charge reasonable prices for their products, products that are developed and tested with significant amounts of U.S. taxpayer dollars. It is shameful that we—alone among the industrialized world—have left the pharmaceutical industry free to price gouge our constituents. We should be here tonight debating measures to ensure that health care consumers can go to their local pharmacy and get the drugs that they need at a price that they can afford. We should be passing legislation to make sure that American consumers here at home are not charged many times more than their neighbors in Canada for the same drugs.

Unfortunately, the drug companies have used their financial clout to prevent those debates. Last year, drug companies spent over $91 million to lobby Congress. They hired 675 lobbyists—enough to provide each member of Congress with their own personal lobbyist with more to spare. They have spent millions of dollars on front groups to get their message out. Tragically for the American consumer, those investments have paid off. Last month, this body even passed a Medicare prescription drug bill that prohibits Medicare from using its power to negotiate for discounts or from interfering in any way to lower unconscionably high drug prices. Ironically, a number of my colleagues who support H.R. 2427 because it will give American consumers access to affordable drug prices established through negotiations by other governments, voted to prevent Medicare from using the same techniques.

Tonight, the drug industry is now working to shut down the only remaining avenue open to senior citizens and other health care consumers. Having stopped access to affordable drugs here in the United States, the drug companies are now trying to block access to affordable drugs from Canada and other countries.

Reimportation can and must be done safely. We all want to make sure that consumers get safe medications. H.R. 2427 provides access only to FDA-approved drugs manufactured in FDA-approved facilities. There are requirements that drugs must be packaged to prevent tampering. There is not a single documented death from imported drugs, and we have the means to maintain that record.

We all know that the reason the drug industry is pulling out all the stops to prevent passage of the Pharmaceutical Access Act is not their concern about safety, it is their concern about their profits. We could put every safety protection in a reimportation bill and the U.S. drug industry will still oppose it. They will oppose any bill that prevents U.S. consumers from being held hostage to their price-gouging practices.

If this body is unwilling to take on the drug industry here at home, the least that we can do is to ensure that U.S. consumers will have access to safe and affordable drugs through reimportation. We should pass H.R. 2427 but, in doing so, we should not be too quick to claim victory. We should not be proud of telling our constituents that they must rely on the actions of foreign governments to provide them with affordable medications. The real solution—the solution of which we could all be proud—would be if we were willing to join those governments in confronting the power and greed of the pharmaceutical industry.

Mr. LEVIN. Mr. Speaker, tonight I vote for H.R. 2427 with some reservations. I have put those reservations aside because this is not the final step in the process.

I would have much preferred if the Republican leadership had not blocked a vote on the Emerson "Save Our Seniors Act" and all other amendments. Unfortunately, the Republican leadership decided to block a vote on Emerson and all amendments in the hopes of shutting this effort down and saving the pharmaceutical industry's policy of charging Americans the highest drug prices in the world.

Our senior citizens are more likely to need prescription drugs and less likely to have insurance to cover them than any other group. As a result, many of them pay high prices or go without needed medication. That is wrong.

In recent years, many seniors in my district have tried to solve this problem by traveling to Canada, where drugmakers charge lower prices for the same medications. Some of them have been able to purchase medications, especially for chronic illnesses, at a thirty to 50 percent discount. I strongly support allowing them to continue doing this without interference from the Food and Drug Administration or the U.S. Customs department. I believe that Canada's system of regulating prescription medications sold at its pharmacies is safe and reliable for my constituents.

But bus trips to Canada should not be the answer to the serious problem facing our seniors. The real answer is a Medicare prescription drug benefit so that they can get the drugs they need here at home. I have cosponsored H.R. 1199, which would add a comprehensive prescription drug benefit to the Medicare seniors know and trust. If H.R. 1199 becomes law, the federal government will be able to negotiate lower prices for medications and help seniors afford to buy them.

Last month, the House instead passed a bill which uses an inadequate, unreliable drug insurance program for seniors as a decoy to distract people from the bill's real purpose—privatizing Medicare and turning it into a voucher program. I voted against that bad bill. That bill is now in a House-Senate conference, which is charged with combining it with a very different Senate bill. If H.R. 2427 passes the House tonight, it will become part of the discussion for that conference committee and increase the pressure for that committee to address the issue of affordable drugs, rather than focusing on privatizing Medicare.

I believe we must address the issue of real drug coverage for seniors and the issue of unreasonably high drug prices. The Republican leadership hoped to avoid that issue by only allowing a vote on the broadest possible approach. Tonight, I stand with my colleagues in refusing to play games, and I will vote for H.R. 2427 to keep this issue alive and force action.

Mr. STARK. Mr. Speaker, I rise in support of H.R. 2427, the Pharmaceutical Market Access Act.

This bipartisan legislation overcomes the stranglehold that the drug lobby has on Congress and provides a means of providing safe, affordable medication to all our citizens. It allows for the importation from Canada and Western European countries of Federal Drug Administration (FDA)-approved prescription drugs that sell at prices significantly below those charged for the same medications in the United States.

Last year, average drug prices in the United States were approximately 67 percent higher than those in Canada and about twice those in Italy and France. Yes, for the same drugs! As a result of these high prices, many Americans are denied the medical treatment they require. They just cannot afford to pay for the drugs they need for their health. This bill takes a commonsense approach to address this problem; it provides Americans ready access to these same lower cost drugs from other countries.

The opponents of this bill—most notably the administration, Republican House leaders and the powerful drug lobby—contend that the passage of this legislation would compromise the safety of prescription drugs in this country. Let's examine the validity of this contention:

There is no validity to opponents' claims that this legislation would open our markets to counterfeit drugs. The legislation not only requires that these imported drugs meet current Federal drug regulations, but it strengthens these standards by requiring all prescription drugs sold in the country to use high security, counterfeit-resistant packaging. (A technology already being used throughout the European Union). Furthermore, the legislation only allows the importation of FDA-approved drugs manufactured in FDA-approved facilities.

Opponents falsely claim that this legislation would allow individuals to access drugs without prescriptions. The regulations currently in effect controlling the accessibility of prescription drugs are not changed at all by this legislation.

Despite protests from those who oppose this bill, the fact is that drug manufacturers safely import an estimated $14.7 billion worth of FDA-approved drugs into this country today. It is also estimated that more than a million Americans already purchase their medications from outside the American market—for example, by taking trips into Canada or by making an Internet purchase—without any evidence of adverse effects.

Thus, it appears that the safety argument is just a red herring. A bogus argument to defeat this legislation and continue the practice of providing Americans with ready access solely to drugs offered at inflated prices that feed the insatiable profit-hungry appetite of the pharmaceutical industry and corporate investors. It is time to put an end to this practice.

The goal of this bill is simple. It will allow American consumers the right to purchase needed medication at a lower price. I urge my colleagues to support the passage of the Pharmaceutical Market Access Act.

Mr. BLUMENAUER. Mr. Speaker, I am glad that the House has finally decided to confront what can only be described as a national embarrassment. Today we must take steps to prevent our low-income seniors from paying the highest prescription drug prices in the world.

Reimportation is a valid approach. While it may slice drug profits, it costs taxpayers nothing.

If we do not act to protect seniors from skyrocketing drug prices, I worry that it is because we are choosing to protect drug companies from competition on the world market. This competition with willing sellers of FDA approved drugs from abroad will ensure that our seniors get the lower prices that citizens in other countries enjoy.

Opponents of this common sense solution warn of grave risks, which the evidence suggests are wildly exaggerated. There are certainly fewer risks than continuing the mass underground reimportation that takes place today.

Tonight's vote is an important step in this struggle to stop the exploitation of seniors. It is, however, just a beginning. I look forward to building on this momentum for the hard task ahead.

Mr. SMITH of Texas. Mr. Speaker, I rise in opposition to H.R. 2427. Like many of my colleagues, I am greatly alarmed by the negative ramifications of this legislation. This bill threatens continued patient access to safe and regulated prescription drug products, fails to address affordability issues for senior citizens, and violates U.S. drug patent and trade agreements.

This bill directly undermines the current regulatory system to prevent unapproved or otherwise unsafe prescription drugs from entering the U.S. consumer market. It prevents regulating authorities from enforcing drug labeling standards, inspecting the quality and components of imported drugs, verifying that strict safety standards are met, and maintaining market-related drug prices.

In addition, H.R. 2427 fails to provide lower prescription drug costs to patients and senior citizens. According to the congressional Budget Office, the importation program does not result in savings to the federal government or consumers as previously predicted. In fact, CBO reports that if "manufacturers were unable to limit the supply of drugs entering the U.S. market from Canada, the likely result would be that brand-name prices in Canada would rise much more than the price in the U.S. would decline."

Finally, this legislation allows the wholesale and individual importation of drugs into the U.S. from Canada even where a U.S. patent exists. This will nullify a patent owner's exclusive right to prevent importation and thereby undermine U.S. patent rights. Further, these provisions breach various U.S. international treaty obligations. By allowing drugs with a U.S. patent to be imported, the provisions violate several free trade agreements to which the U.S. is a party because most require that the owner of a patent be able to prevent third parties from importing the product without their consent.

This legislation would dangerously decrease the overall quality of drug products that consumers purchase, sabotage the regulatory system, and conflict directly with U.S. patent and trade agreements. All without lowering prescription drug prices.

I urge my colleagues to vote "no" on H.R. 2427.

Mr. FRANKS of Arizona. Mr. Speaker, a wise man once said, "markets are more powerful than governments." Ronald Reagan believed in the power of a free market system. He believed that the market is a model for growth throughout the world. That is why I rise today in support of H.R. 2427, the Pharmaceutical Market Access Act. As a co-sponsor of this legislation, I believe this bill breaks open a market that currently does not exist. We live in a terrible anomaly where Americans continue to pay drug prices that are 30 to 300 percent more than in European and other industrialized nations. Over the next 10 years, seniors will spend $1.8 trillion on prescription drugs. That is a shocking statistic—one that will cause prescriptions to go unfilled because prices are too high in the United States. But, if seniors had access to world market drugs, they would save 35 percent, or $630 billion. We, as American consumers, have the power to knock down this unfair barrier to growth and freer access to pharmaceuticals.

The Opponents of this legislation will tell you that this legislation will bring dangerous drugs into this country. They will tell you that it allows for faulty packaging and poor shipping conditions. They will tell you that this legislation forces American consumers to risk their own health. None of these claims are true. The Pharmaceutical Market Access Act contains language written by people at the FDA that requires that each pharmaceutical shipment be tested, unless the package already uses counterfeit-resistant technology. This kind of technology is the same technology that the U.S. Department of the Treasury uses to secure U.S. currency. And, more importantly, market access would be limited to 25 industrialized nations, such as Canada, Australia, Japan, Norway, Switzerland and New Zealand. The FDA will implement a system to allow Americans access to FDA-approved drugs from FDA-approved facilities.

Today, we prohibit Americans access to other markets, but other products in the consumer chain—like, fruit or meat—are allowed. This is or opportunity to codify our fundamental right to open pharmaceutical markets and allow seniors to keep more of their hard-earned dollars in their pockets. This is our opportunity to give pharmaceutical companies the leverage that they need to knock down barriers, and more importantly, to knock down price controls. In the long run, this will be better for pharmaceutical companies and better for American consumers. I commend Mr. GUTKNECHT for being a champion of this important issue and I urge my colleague to support this effort.

Mr. KNOLLENBERG. Mr. Speaker, I rise today to urge my colleagues to protect the well-being of the American people by voting against H.R. 2427, the Pharmaceutical Market

Access Act, which would allow the re-importation of drugs.

It is estimated that more than 10 percent of drugs worldwide are counterfeit, and in some countries, more than half the drug supply is fake. We have seen in this country the tragic consequences of counterfeit drugs.

For example, many American AIDS and cancer patients were victims of a counterfeit version of the injectible medication, Procrit. Hawked as the life-prolonging Procrit, the counterfeit drug proved to be lethal, non-sterile tap water. How many more cases like this will we experience with re-importation?

In fact, multiple FDA commissioners have declared, "Consumers are exposed to a number of potential risks when they purchase drugs from foreign sources."

I sincerely appreciate my colleagues' efforts to make prescription drugs more accessible. However, this pursuit of accessibility compromises the health and safety of American citizens. I encourage all my colleagues to ensure the safety of our citizens by voting against H.R. 2427.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to House Resolution 335, the bill is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DINGELL. Most vigorously so, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Dingell of Michigan moves to recommit the bill, H.R. 2427, to the Committee on Energy and Commerce.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAUZIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on the motion to instruct on H.R. 1308, if ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 186, not voting 6, as follows:

[Roll No. 445]

AYES—243

Abercrombie
Ackerman
Aderholt
Allen
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Bass
Becerra
Bell
Bereuter
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Capito
Capps
Capuano
Cardoza
Carson (IN)
Case
Castle
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Evans
Everett
Fattah
Filner
Flake
Forbes
Frank (MA)
Franks (AZ)
Frost
Garrett (NJ)
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Grijalva
Gutknecht
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hensarling
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hoyer
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jenkins
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Paul
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Rohrabacher
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Tierney
Toomey
Turner (TX)
Udall (NM)
Van Hollen
Velazquez
Vitter
Wamp
Waters
Watson
Watt
Weiner
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—186

Akin
Alexander
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Berman
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bradley (NH)
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Cardin
Carson (OK)
Carter
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis (FL)
Davis, Tom
Deal (GA)
DeGette
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Dunn
English
Eshoo
Etheridge
Farr
Feeney
Ferguson
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart
Hastert
Hayes
Hefley
Herger
Hill
Hobson
Holt
Honda
Hostettler
Houghton
Hulshof
Isakson
Issa
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (NY)
Kirk
Kline
Knollenberg
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Matheson
Matsui
McCarthy (MO)
McCotter
McCrery
McIntyre
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Murphy
Nethercutt
Ney
Norwood
Nunes
Nussle
Ose
Oxley
Pascrell
Payne
Pearce
Pence
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Rush
Ryun (KS)
Sanchez, Loretta
Saxton
Scott (GA)
Sessions
Sherman
Shimkus
Simmons
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Towns
Turner (OH)
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Waxman
Weldon (FL)
Weller
Whitfield
Wilson (SC)
Young (AK)

NOT VOTING—6

Ford
Gephardt
Gutierrez
Jefferson
Pastor
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Two minutes are left to vote.

☐ 0251

Mr. SMITH of Texas changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2861, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108-236) on the resolution (H. Res. 338) providing for consideration of the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2859, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2003

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–237) on the resolution (H. Res. 339) providing for consideration of the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–238) on the resolution (H. Res. 340) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question of agreeing to the motion to instruct on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arkansas (Mr. ROSS) on which the yeas and nays are ordered.

Without objection, this will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 202, nays 214, not voting 19, as follows:

[Roll No. 446]

YEAS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—214

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Baker
Ballenger
Boehner
Gephardt
Gutierrez
Hefley
Hyde
Lipinski
Murtha
Myrick
Northup
Oxley
Pastor
Paul
Sanders
Smith (WA)
Stark
Sullivan
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1458

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL 4 P.M. ON FRIDAY, AUGUST 29, 2003, TO FILE CERTAIN REPORTS

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Committee on Science may have until 4 p.m. Friday, August 29, 2003 to file the following late reports: H.R. 1085, NASA Flexibility Act of 2003, as amended; H.R. 2608, National Earthquake Hazards Reduction Program Reauthorization Act of 2003, as amended; H.R. 2692, the United States Fire Administration Authorization Act of 2003, as amended; H.R. 2734, Federal Aviation Administration Research and Development Reauthorization Act, as amended; and finally, H.R. 2801, Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXPRESSING CONGRATULATIONS AND APPRECIATION TO EVE BUTLER-GEE, CHIEF JOURNAL CLERK, ON HER RETIREMENT

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, I would like to ask my colleagues who are still in the Chamber if they could give their attention to the remarks that I am about to make.

Mr. Speaker, I would like to draw the attention of my colleagues to Eve Butler-Gee, who is sitting right here, who is our Chief Journal Clerk. Eve will be retiring at the end of next month after 20 years of stellar service to the United States House of Representatives. She was appointed to her position by the former minority leader, Bob Michel, and she has had a very, very, very great career, spending many, many late nights, tonight is just another example of that, working very, very hard in behalf of this institution.

Mr. Speaker, let me say, too rarely do we recognize the diligent efforts that are put into the work offered by so many of our wonderful staff members. I have had the opportunity to sit up there in the chair late at night with Eve sitting right there, and she is going to be with her husband, Tom, retiring, and I know that they are going have many, many wonderful years together.

I would like all of my colleagues to join me in a round of applause for the great service that Eve has provided to us.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to join with the distinguished gentleman from California. Eve deserves our applause for just a moment.

I would like to simply add our appreciation for such an attractive lady. It makes the evening late hours that much more pleasant to be able to see your smiling face. You have been here with many of us who believe it is important to communicate to our colleagues on the important issues of America. We thank you for being an outstanding public servant.

I said that I would be able to stay here to be with you this evening. Thank you for being a great American. Congratulations to you, and many, many best wishes for many, many good years to come on behalf of all of us.

Mr. DREIER. Mr. Speaker, I thank the gentlewoman for her contribution.

I yield briefly to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I want to congratulate Eve on a wonderful career. I have always thought that the most beautiful women in America are from Kansas, as Eve is. I want to wish her the best in her retirement and tell you, Eve, through the Speaker, of course, that we are going to miss you very, very much. God bless.

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–108)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report, prepared by my Administration, on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 24, 2003.*

APPOINTMENT OF MEMBER TO CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 6913, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. WU, Oregon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of Utah (at the request of Mr. DELAY) for today until 10:00 p.m. on account of participating in activities relating to the official State holiday of Utah.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 285. An act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes to the Committee on Resources and the Committee on Energy and Commerce.

S. 650. An act to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients; to the Committee on Energy and Commerce.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 24, 2003 he presented to the President of the United states, for his approval, the following bills.

H.R. 74. To direct the Secretary of Agriculture to convey certain land in the lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

H.R. 255. To authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska.

H.R. 1577. To designate the visitor center in Organ Pipe National Monument in Arizona as the "Kris Eggle Visitor Center", and for other purposes.

ADJOURNMENT

Mr. KING of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 5 minutes a.m.), the House adjourned until today, Friday, July 25, 2003, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3454. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus subtilis var. amyloliquefaciens strain FZB24; Exemption from the Requirement of a Tolerance [OPP-2003-0059; FRL-7309-8] received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3455. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey; Revised Motor Vehicle Emissions Inventories for 1996, 2005, and 2007 and Motor Vehicle Emission Budgets for 2005 and 2007 using MOBILE6 [Region II Docket No. NJ62-262, FRL-7535-4] received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3456. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Ban on Trade of Methyl Bromide with Non-Parties to the Montreal Protocol [FRL 7529-6] (RIN: 2060-AK67) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3457. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: NAC-MPC Revision (RIN: 3150-AH20) received July 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3458. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule — Updating Amendments to Office of Government Ethics Organization and Functions Regulation (RIN: 3209-AA21) received July 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3459. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Definition and Registration of Reverse Distributors [Docket No. DEA-108I] (RIN: 1117-AA19) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3460. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones; Chesapeake Bay, Maryland and Tributaries [CGD05-03-008] (RIN: 1625-AA00) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3461. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Selfridge ANGB Air Show, Harrison Twp, MI [CGD09-03-245] (RIN: 1625-AA00) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3462. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Territorial Seas, Navigable Waters, and Jurisdiction [USCG-2001-9044] (RIN: 1625-AA30) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3463. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-03-039] (RIN: 1625-AA09 (Formerly 2115-AE47)) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3464. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Shrewsbury River, NJ [CGD01-03-002] (RIN: 1625-AA09) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3465. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Eureka, KS [Docket No. FAA-2003-14847; Airspace Docket No. 03-ACE-32] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3466. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; New Madrid, MO [Docket No. FAA-2003-14844; Airspace Docket No. 03-ACE-29] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3467. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E airspace; Fort Leonard Wood, MO [Docket No. FAA-2003-14658; Airspace Docket No. 03-ACE-27] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3468. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Davenport, IA [Docket No. FAA-2003-14461; Airspace Docket No. 03-ACE-14] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3469. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Milford, IA [Docket No. FAA-2003-14934; Airspace Docket No. 03-ACE-37] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3470. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Kansas City Downtown Airport, MO [Docket No. FAA-2003-14931; Airspace Docket No. 03-ACE-34] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3471. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Pratt, KS [Docket No. FAA-2003-14933; Airspace Docket No. 03-ACE-36] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3472. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Hays, KS [Docket No. FAA-2003-14932; Airspace Docket No. 03-ACE-35] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3473. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Monticello, IA [Docket No. FAA-2003-14935; Airspace Docket No. 03-ACE-38] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3474. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Sioux City, IA [Docket No. FAA-2003-14937; Airspace Docket No. 03-ACE-40] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3475. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Routes (RNAV) [Docket No. FAA-2003-14611; Airspace Docket No. 03-AWA-4] (RIN: 2120-AA66) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3476. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Valentine, NE [Docket No. FAA-2003-15075; Airspace Docket No. 03-ACE-43] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3477. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Kansas City Downtown Airport, MO [Docket No. FAA-2003-14931; Airspace Docket No. 03-ACE-34] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3478. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Presumption of Service Connection for Cirrhosis of the Liver in Former Prisoners of War (RIN: 2900-AL36) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3479. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Increase in Rates Payable Under the Montgomery GI Bill--Selected Reserve (RIN: 2900-AL41) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3480. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Medication Prescribed by Non-VA Physicians (RIN: 2900-AL68) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3481. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Civil Fines for Importation of Merchandise Bearing a Counterfeit Mark [CBP Decision 03-12] (RIN: 1515-AC98) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3482. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections: Rules of Origin of Imported Goods (Other than Textile and Apparel Products) for Purposes of the NAFTA [CBP Dec. 03-11] received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3483. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Refund of Duties Paid on Imports of Certain Wool Products [CBP Dec. 03-10] (RIN: 1515-AD27) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3484. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — User Fees [CBP Decision 03-13] (RIN: 1515-AC81) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3485. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Limitations on Assessment and Collection (Rev. Rul. 2003-88) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3486. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Reallocation of income and deductions among unrelated parties to a lease strip (Rev. Rul. 2003-96) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3487. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Accounting for Lease Strips and Other Stripping Transactions (Notice 2003-55) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3488. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Gross Income Defined (Rev. Rul. 2003-91) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3489. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Gross Income Defined (Rev. Rul. 2003-92) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3490. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — New Markets Tax Credit (Notice 2003-56) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3491. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Treatment of foreign stapled entity under section 269B as domestic for purposes of sections 904(i) and 864(e) (Notice 2003-50) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3492. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Prohibited Allocations of Securities in an S Corporation [TD 9081] (RIN: 1545-BC33) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3493. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-94) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3494. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Elimination of Sanctions for Refusal of Vocational Rehabilitation Services Without Good Cause [Regulations Nos. 4 and 16] (RIN: 0960-AF81) received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2443. A bill to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes; with an amendment (Rept. 108-233). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 49. A bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; with an amendment (Rept. 108-234). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALSH: Committee on Appropriations. H.R. 2861. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108-235). Referred to the Committee of the Whole House on the State of the Union.

[Filed on July 25 (legislative day of July 24), 2003]

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 338. Resolution providing for consideration of the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108-236). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 339. Resolution for consideration of the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003 (Rept. 108-237). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 340. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108-238). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Ms. Ros-Lehtinen, Mr. Mario Diaz-Balart of Florida, Mr. Nunes, Mr. Tom Davis of Virginia, Mr. Crowley, Mr. Bonilla, Mr. Wexler, Ms. Corrine Brown of Florida, Mr. Serrano, Mr. Markey, Ms. Woolsey, Mr. Towns, Mr. Frank of Massachusetts, Mr. Delahunt, Mr. Deutsch, Mr. Rodriguez, Mr. Moran of Virginia, Mr. McGovern, Mr. Farr, and Ms. Jackson-Lee of Texas):

H.R. 2843. A bill to adjust the immigration status of certain Colombian and Peruvian nationals who are in the United States; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Mr. Dreier, Mrs. Miller of Michigan, Mr. Cole, Mr. Chabot, and Mr. Paul):

H.R. 2844. A bill to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes; to the Committee on House Administration.

By Mr. CASE:

H.R. 2845. A bill to amend the Merchant Marine Act, 1920, to allow transportation of merchandise in noncontiguous trade on foreign-flag vessels, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE:

H.R. 2846. A bill to amend the Merchant Marine Act, 1920, to allow transportation of merchandise in Hawaiian noncontiguous trade on foreign-flag vessels, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE:

H.R. 2847. A bill to amend the Merchant Marine Act, 1920, to allow transportation of certain agricultural goods and livestock in Hawaiian noncontiguous trade on foreign-flag vessels, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 2848. A bill to provide for Federal custody and Federal payment of costs of emergency ambulance and medical services for aliens illegally attempting to enter the United States; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Simmons, Mr. Mica, Mr. Greenwood, and Mr. Manzullo):

H.R. 2849. A bill to amend the Immigration and Nationality Act with respect to the H-1B and L-1 visa programs to prevent unintended United States job losses, to increase the monitoring and enforcement authority of the Secretary of Labor over such programs, and for other purposes; to the Committee on the Judiciary.

By Mr. KIND (for himself, Mr. Andrews, Mr. Hinchey, Mr. Frost, Mr. Kildee, Mr. Abercrombie, Mr. Payne, Ms. Woolsey, Mr. Van Hollen, Mr. Holt, Ms. McCollum, Mr. Serrano, Mr. Oberstar, Mr. Emanuel, Mr. Ford, Mr. Pastor, Mr. George Miller of California, and Mr. Hinojosa):

H.R. 2850. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the establishment in the Department of Labor of a Small Employer Health Benefits Program; to the Committee on Education and the Workforce.

By Mr. PENCE (for himself, Mr. Sessions, Mrs. Musgrave, Mr. Paul, Mr. Ryun of Kansas, Mr. Terry, Mr. Doolittle, Mrs. Northup, Mr. Flake, Mr. Crane, Mr. Garrett of New Jersey, Mr. Jones of North Carolina, Mr. Otter, Mr. Burton of Indiana, and Mr. Sensenbrenner):

H.R. 2851. A bill to amend title XXVII of the Public Health Service Act to improve the affordability of health insurance coverage for small employers; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. Burr, Mr. Davis of Alabama, Mr. Towns, Mr. Doolittle, Mr. Toomey, Mr. Faleomavaega, Mr.

Weldon of Florida, and Mrs. Myrick):

H.R. 2852. A bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells; to the Committee on Energy and Commerce.

By Mr. McGOVERN:

H.R. 2853. A bill to designate Colombia under section 244 of the Immigration and Nationality Act in order to make nationals of Colombia eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. Dingell, Mr. Bilirakis, and Mr. Brown of Ohio):

H.R. 2854. A bill to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WELLER (for himself, Mr. Upton, Mr. English, Mr. Kolbe, Mr. Burr, and Mr. Gary G. Miller of California):

H.R. 2855. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 50-percent bonus depreciation added by the Jobs and Growth Tax Relief Reconciliation Act of 2003; to the Committee on Ways and Means.

By Mr. GREENWOOD (for himself, Mr. Frost, and Mrs. Christensen):

H.R. 2856. A bill to authorize the Secretary of Health and Human Services to carry out demonstration projects to increase the supply of organs donated for human transplantation; to the Committee on Energy and Commerce.

By Mr. GREENWOOD (for himself, Ms. Eshoo, and Ms. Pryce of Ohio):

H.R. 2857. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients; to the Committee on Energy and Commerce.

By Mr. GREEN of Wisconsin:

H.R. 2858. A bill to prohibit material support for terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 2859. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2003; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. Houghton):

H.R. 2860. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for qualified national service educational awards; to the Committee on Ways and Means.

By Mr. WALSH:

H.R. 2861. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes.

By Mr. BRADLEY of New Hampshire (for himself and Mr. Bass):

H.R. 2862. A bill to amend the Satellite Home Viewer Improvement Act of 1999 to provide residents of States with single network affiliate stations to receive the signals of such stations via satellite, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN of South Carolina (for himself and Mr. Baker):

H.R. 2863. A bill to amend title 49, United States Code, relating to responsibility for intermodal equipment compliance with commercial motor vehicle safety requirements, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BURGESS:

H.R. 2864. A bill to amend title 23, United States Code, to provide increased flexibility to donor States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARDOZA (for himself, Mr. Dooley of California, and Mr. Radanovich):

H.R. 2865. A bill to amend the Internal Revenue Code of 1986 to provide a credit for qualified clean-fuel vehicles which are used in certain ozone nonattainment areas; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 2866. A bill to amend title 36, United States Code, to grant a Federal charter to the Sons and Daughters of Pearl Harbor Survivors, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. Berman, Ms. Jackson-Lee of Texas, Mr. Delahunt, Mr. Blumenauer, Mr. Farr, Ms. Carson of Indiana, and Mr. Waxman):

H.R. 2867. A bill to reform the Federal Bureau of Investigation; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CULBERSON (for himself, Mr. Bell, Mr. Green of Texas, Mr. Rodriguez, Mr. Stenholm, Mr. Lampson, Mr. Ortiz, Mr. Edwards, Ms. Jackson-Lee of Texas, Mr. Gonzalez, Mr. Sandlin, Mr. Turner of Texas, Mr. Hinojosa, Mr. Reyes, Ms. Eddie Bernice Johnson of Texas, Mr. Frost, Mr. Doggett, Mr. Hall, Mr. Burgess, Mr. Barton of Texas, Mr. Neugebauer, Mr. Hensarling, Mr. Sessions, Ms. Granger, Mr. Thornberry, Mr. Carter, Mr. Sam Johnson of Texas, Mr. Smith of Texas, Mr. Brady of Texas, and Mr. Bonilla):

H.R. 2868. A bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.; to the Committee on Financial Services.

By Mr. GIBBONS:

H.R. 2869. A bill to direct the Secretary of the Interior to sell certain public lands subject to mining operations in Eureka, Lander, White Pine, Elko, and Humboldt Counties, Nevada, for the reclamation of abandoned mines in Nevada, to promote and enhance economic development, education, and local government revenues, and for other purposes; to the Committee on Resources.

By Mr. GUTIERREZ:

H.R. 2870. A bill to protect day laborers from unfair labor practices; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida (for himself, Mr. Rehberg, Mr. Stenholm, Mr. Bereuter, Mr. Udall of New Mexico, Mr. Edwards, Mr. Otter, Mr. Udall of Colorado, Mr. Kolbe, Ms. Carson of Indiana, Mrs. Cubin, Mr. Case, Mr. Ortiz, Mr. Hayworth, Mr. Etheridge, Ms. Jackson-Lee of Texas, Mr. Simpson, Mr. Deutsch, Mr. Conyers, Ms. Ros-Lehtinen, Mr. Wexler, Mr. Delahunt, Ms. Corrine Brown of Florida, Mr. Davis of Florida, Ms. Bordallo, Mr. Scott of Georgia, Mr. Spratt, and Mr. Foley):

H.R. 2871. A bill to establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEFFEL:

H.R. 2872. A bill to make Federal law apply to antique firearms in the same way it applies to other firearms; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon (for herself, Mr. Walden of Oregon, Mr. Hinchey, Mr. Weldon of Pennsylvania, Mr. Wolf, and Mrs. Maloney):

H.R. 2873. A bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to prevent the abuse of inhalants through programs under that Act, and for other purposes; to the Committee on Education and the Workforce.

By Ms. HOOLEY of Oregon:

H.R. 2874. A bill to amend title 38, United States Code, to provide improved prescription drug benefits for veterans; to the Committee on Veterans' Affairs.

By Mr. JONES of North Carolina:

H.R. 2875. A bill to establish procedures for consideration of applications for award of the Purple Heart medal to veterans who were held as prisoners of war before April 25, 1962; to the Committee on Armed Services.

By Mr. LaTOURETTE (for himself, Mr. Platts, Mr. Meehan, and Mrs. Jones of Ohio):

H.R. 2876. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit for amounts paid for products and counseling designed to assist individuals to cease using tobacco products; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. Nadler, Mr. Costello, Mr. Cramer, Mr. Mollohan, Mr. Visclosky, Mr. Evans, Ms. Schakowsky, Mr. Shimkus, Mr. Crane, Mr. Johnson of Illinois, Mr. Duncan, Mr. Davis of Illinois, Mr. Sanders, Mr. LaHood, Mr. DeFazio, Mr. Gutierrez, Mr. Jackson of Illinois, Mr. Emanuel, and Mr. Rush):

H.R. 2877. A bill to provide for the revocation of certain exclusions from the safeguard measures imposed by the President on imports of certain steel products; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. Serrano, Mr. Towns, and Mr. McNulty):

H.R. 2878. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve Federal response efforts after a terrorist strike or other major disaster affecting homeland security, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself, Mr. Brown of Ohio, Mr. DeFazio, Mr. Grijalva, Mr. Hinchey, Ms. Lee, Mr. Lynch, Mr. Pascrell, Mr. Peterson of Minnesota, Mr. Ryan of Ohio, Ms. Linda T. Sánchez of California, Mr. Sanders, Mr. Strickland, Mr. Stupak, and Mrs. Jones of Ohio):

H.R. 2879. A bill to repeal the Bipartisan Trade Promotion Authority Act of 2002; to the Committee on Ways and Means.

By Ms. MILLENDER-McDONALD:

H.R. 2880. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOLLOHAN (for himself, Mr. Murtha, Mr. Visclosky, Mr. Stupak, Mrs. Jones of Ohio, Mr. Kucinich, Mr. Quinn, Mr. LaTourette, and Mr. Strickland):

H.R. 2881. A bill to reauthorize the Emergency Steel Loan Guarantee Act of 1999, and for other purposes; to the Committee on Financial Services.

By Mr. MORAN of Virginia:

H.R. 2882. A bill to reduce traffic congestion, promote economic development, and improve the quality of life in the metropolitan Washington region; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself and Mr. Ramstad):

H.R. 2883. A bill to amend the Internal Revenue Code of 1986 to provide a refundable long-term care tax credit, and to provide for programs within the Department of Health and Human Services and Department of Veterans Affairs for patients with fatal chronic illness; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS:

H.R. 2884. A bill to provide dollars to the classroom; to the Committee on Education and the Workforce.

By Mr. PITTS (for himself, Mr. John, Mr. Sullivan, Mr. Pence, and Mr. DeMint):

H.R. 2885. A bill to prohibit the distribution of peer-to-peer file trading software in interstate commerce; to the Committee on Energy and Commerce.

By Mr. PLATTS (for himself, Mr. Tom Davis of Virginia, Mr. Waxman, Mrs. Blackburn, and Mr. Towns):

H.R. 2886. A bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 2887. A bill to provide for naturalization through service in a combat zone designated in connection with Operation Iraqi Freedom, and for other purposes; to the Committee on the Judiciary.

By Mr. SABO (for himself, Mr. Kucinich, Mr. DeFazio, Ms. Norton, Mr. Sanders, Mr. Delahunt, Ms. Lee, Mr. Lipinski, and Ms. McCollum):

H.R. 2888. A bill to amend the Internal Revenue Code of 1986 to deny employers a deduction for payments of excessive compensation; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 2889. A bill to direct the Secretary of Commerce to conduct a study of existing and new fishery observer data to effectively map migratory patterns, delineate wintering areas and feeding grounds of Atlantic Striped Bass in the Mid-Atlantic exclusive economic zone, and for other purposes; to the Committee on Resources.

By Mr. SAXTON:

H.R. 2890. A bill to protect the public's ability to fish for sport, and for other purposes; to the Committee on Resources.

By Mr. SCHIFF (for himself, Mr. Andrews, Mr. Hinchey, Mr. George Miller of California, Ms. Jackson-Lee of Texas, Mr. Weiner, Mr. Kildee, Mr. McNulty, Ms. Carson of Indiana, Mr. Brady of Pennsylvania, Mr. Frost, Mr. Wexler, Mr. Owens, Mr. Ackerman, Ms. Woolsey, Mr. Abercrombie, Mr. Frank of Massachusetts, Mr. Payne, Mr. Grijalva, Mrs. Jones of Ohio, and Mr. Van Hollen):

H.R. 2891. A bill to make COBRA continuing coverage more affordable for laid-off American workers; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 2892. A bill to amend the Higher Education Act of 1965 to provide for student loan forgiveness to encourage individuals to become and remain school administrators in low income areas; to the Committee on Education and the Workforce.

By Mr. STUPAK:

H.R. 2893. A bill to direct the Secretary of Transportation to permit Federal participation in construction projects for the Mackinac Bridge Authority, Michigan; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi:

H.R. 2894. A bill to establish the Theodore Roosevelt National Wildlife Refuge and the Holt Collier Wildlife Interpretation and Education Center; to the Committee on Resources.

By Mr. WILSON of South Carolina:

H.R. 2895. A bill to amend the Internal Revenue Code of 1986 to extend bonus depreciation for 2 years; to the Committee on Ways and Means.

By Mr. STENHOLM (for himself, Mr. Bartlett of Maryland, Mr. Rogers of Alabama, and Mr. Hill):

H.J. Res. 66. A joint resolution proposing an amendment to the Constitution of the United States to provide for terms of office for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. HOLT (for himself, Mr. Brown of South Carolina, Mr. Michaud, Mr. Simpson, Mr. Filner, Mr. Evans, Mr. Lynch, Mr. Serrano, Mrs. Christensen, Mr. Rodriguez, Ms. Lee, Mr. Green of Wisconsin, Mr. Frost, Mr. Wilson of South Carolina, Mr. Grijalva, Mr. Holden, Mr. Ross, Mrs. Jones of Ohio, Mr. English, Mr. Baker, Mrs. Maloney, Mr. McDermott, Mr. Wynn, Mr. Acevedo-Vilá, Mr. Kildee, Ms. Norton, Mr. Kind, Ms. Bordallo, Mr. Bell, Mr. Lantos, Mr. Sandlin, Ms. Majette, and Mr. Strickland):

H. Con. Res. 252. Concurrent resolution expressing support for the designation and goals of "Hire a Veteran Week"; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Minnesota:

H. Con. Res. 253. Concurrent resolution expressing the sense of the Congress that there should be established a "Free Enterprise Education Week" to encourage schools and businesses to educate students about the free enterprise system; to the Committee on Government Reform.

By Mr. LEVIN (for himself, Ms. Kaptur, and Mr. Weldon of Pennsylvania):

H. Con. Res. 254. Concurrent resolution expressing the sense of Congress that the 70th anniversary of the 1932-1933 man-made famine in Ukraine ("Holodomor") should serve as a reminder of the incredible suffering and loss sustained by the Ukrainian people as a result of intentional policies implemented by the government of the former Soviet Union; to the Committee on International Relations.

By Mr. PAUL (for himself, Mr. Duncan, Mr. Goode, and Mr. Tancredo):

H. Con. Res. 255. Concurrent resolution expressing the sense of the Congress that the United States military should not become involved in the Liberian civil war, either alone or as part of a United Nations peacekeeping force; to the Committee on International Relations.

By Mr. RUSH (for himself, Mr. Thompson of Mississippi, Mr. Towns, Mr. Davis of Illinois, Ms. Lee, Mr. Payne, Mr. Owens, Ms. Jackson-Lee of Texas, Mrs. Christensen, Ms. Carson of Indiana, Mr. Lewis of Georgia, Ms. Eddie Bernice Johnson of Texas, Mr. Clyburn, Ms. Kilpatrick, and Mr. Jefferson):

H. Con. Res. 256. Concurrent resolution recognizing the Honorable Nelson Rolihlahla Mandela on his 85th birthday; to the Committee on International Relations.

By Mr. RYUN of Kansas (for himself, Mr. Tiahrt, Mr. Moran of Kansas, Mr. Evans, and Mr. Smith of New Jersey):

H. Con. Res. 257. Concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery; to the Committee on Government Reform.

By Mr. SAXTON (for himself, Mr. Shaw, Mr. Wilson of South Carolina, Mr. Royce, Mr. Issa, Mr. Davis of Alabama, and Mr. Walsh):

H. Con. Res. 258. Concurrent resolution expressing the sense of the Congress that the Social Security promise should be kept; to the Committee on Ways and Means.

By Mr. RYAN of Ohio:

H. Res. 337. A resolution congratulating Ben Curtis on his outstanding accomplishment in winning the 2003 British Open golf tournament; to the Committee on Government Reform.

By Mr. SAXTON (for himself and Mr. Engel):

H. Res. 341. A resolution urging the President of the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

151. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 67 memorializing the United States Congress to enact H.R. 369 to waive time limitations for the consideration of the Congressional Medal of Honor for Sergeant Gary Lee McKiddy; to the Committee on Armed Services.

152. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 62 memorializing the United States Congress and the Federal Trade Commission to address the issue of unsolicited commercial email, otherwise known as spam, on a national basis; to the Committee on Energy and Commerce.

153. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 68 memorializing the United States Congress to vote to ban partial birth abortions; to the Committee on the Judiciary.

154. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 37 memorializing the United States Congress to enact legislation that would remove the unfair advantages that Federal Prison Industries has in competition for business; to the Committee on the Judiciary.

155. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 80 memorializing the United States Congress to adopt and submit to the states for ratification an amendment to the United States Constitution to prohibit the desecration of the American flag; to the Committee on the Judiciary.

156. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 103 memorializing the United States Congress to enact legislation that would remove the unfair advantages that Federal Prison Industries has in competition for business; to the Committee on the Judiciary.

157. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 90 memorializing the United States Congress to provide adequate and immediate protection, stabilization, and maintenance of the Gulf Intracoastal Waterway canal banks in southwest Louisiana; to the Committee on Transportation and Infrastructure.

158. Also, a memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 4 memorializing the United States Congress to repeal the federal excise tax on telephone and other communications services; to the Committee on Ways and Means.

159. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 145 memorializing the United States Congress to support any proposed federal laws, rules or regulations that would grant federal motor fuels tax credits for diesel and gasoline refined from wood bio-mass materials; to the Committee on Ways and Means.

160. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 178 memorializing the United States Congress to review the GPO and WEB social security benefit reductions and to consider eliminating them; to the Committee on Ways and Means.

161. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 182 memorializing the United States Congress to amend the provisions of Section 418(d)(6)(C) of Title 42 of the United States Code allowing the state of Louisiana the right to amend it's retirement system; to the Committee on Ways and Means.

162. Also, a memorial of the General Assembly of the State of Nebraska, relative to Assembly Joint Resolution No. 3, memorializing that the Nevada General Assembly urge Congress to amend the Social Security Act by repealing the provisions, commonly known as the Government Pension Offset and the Windfall Elimination Provision; to the Committee on Ways and Means.

163. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 107 memorializing the United States Congress to consider the PACE and PACENET programs for inclusion in the President's proposed program to provide prescription drug benefits to recipients of Medicare; jointly to the Committees on Ways and Means and Energy and Commerce.

164. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 106 memorializing the United States Congress to pass legislation giving relief from high prescription drug prices to seniors on Medicare; jointly to the Committees on Ways and Means and Energy and Commerce.

165. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 133 memorializing the United States Congress to enact legislation to correct the flawed Medicare hospital outpatient prospective payment system methodology in order to ensure that all hospitals are appropriately reimbursed for drugs and biologics and to ensure beneficiary access to innovative biotechnology medicines; jointly to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. STRICKLAND.

H.R. 41: Mr. DOYLE and Mr. KIND.

H.R. 120: Mr. WAMP.

H.R. 167: Mr. SHADEGG.

H.R. 173: Mr. TIERNEY.

H.R. 208: Mr. NAPOLITANO.

H.R. 236: Mr. OBERSTAR.

H.R. 284: Ms. LORETTA SANCHEZ of California, Mr. LIPINSKI, and Mr. HALL.

H.R. 290: Ms. LOFGREN and Mr. FLETCHER.

H.R. 339: Mr. GREEN of Wisconsin.

H.R. 364: Mr. TOWNS and Mr. MCNULTY.

H.R. 401: Mrs. NORTHUP.

H.R. 466: Mr. FORD and Mrs. BLACKBURN.

H.R. 528: Mr. CONYERS, Mr. BRADLEY of New Hampshire, Mr. ROGERS of Michigan, and Mr. SABO.

H.R. 548: Mr. HOLT, Mr. NEUGEBAUER, Mr. DAVIS of Illinois, and Mr. STENHOLM.

H.R. 584: Mr. KENNEDY of Rhode Island.

H.R. 631: Mr. FOLEY.

H.R. 632: Mr. FOLEY.

H.R. 668: Mr. DAVIS of Illinois.

H.R. 673: Mr. SESSIONS.

H.R. 742: Mr. DAVIS of Illinois, Mr. STUPAK, Mrs. KELLY, and Mr. WALSH.

H.R. 770: Mr. DAVIS of Illinois.

H.R. 775: Mr. JONES of North Carolina, Mr. SCHROCK, Mr. GILCHREST, Mr. HERGER, Mr. TAUZIN, Mr. DUNCAN, and Mr. WHITFIELD.

H.R. 785: Mr. BAKER and Mr. CALVERT.

H.R. 791: Mr. SESSIONS, Mr. RADANOVICH, Mrs. NORTHUP, Mr. GONZALEZ, Mr. CRAMER, and Mr. MORAN of Kansas.

H.R. 806: Mr. LATHAM.

H.R. 832: Mr. SMITH of Washington.

H.R. 852: Mr. NADLER and Ms. SOLIS.

H.R. 876: Mr. PETRI.

H.R. 898: Mr. OBERSTAR.

H.R. 919: Mr. SAXTON.

H.R. 934: Mr. GRIJALVA.

H.R. 965: Mr. MCNULTY and Mr. PRICE of North Carolina.

H.R. 970: Mr. NADLER.

H.R. 973: Mr. KING of New York.

H.R. 997: Mr. CAMP, Mrs. MILLER of Michigan, and Mr. MCCRERY.

H.R. 1078: Mr. RADANOVICH.

H.R. 1080: Ms. ROYBAL-ALLARD and Mr. OWENS.

H.R. 1093: Mr. COLE.

H.R. 1120: Mr. CHABOT.

H.R. 1130: Mr. JACKSON of Illinois.

H.R. 1245: Mr. NADLER.

H.R. 1250: Mr. POMEROY, Mr. TERRY, and Mr. PETERSON of Minnesota.

H.R. 1288: Mr. SESSIONS and Mr. TIERNEY.

H.R. 1336: Mr. GINGREY and Mr. UDALL of Colorado.

H.R. 1372: Mr. CRAMER, Mr. MILLER of North Carolina, Mr. REYNOLDS, and Mr. PUTNAM.

H.R. 1381: Mr. DELAHUNT, Mr. VAN HOLLEN, and Mr. KIND.

H.R. 1385: Mr. TIERNEY and Mr. REYES.

H.R. 1513: Mr. SAM JOHNSON of Texas, Mr. SIMMONS, and Mr. SMITH of Michigan.

H.R. 1523: Mr. WELLER.

H.R. 1563: Mr. SABO and Mr. DAVIS of Illinois.

H.R. 1605: Mr. GEORGE MILLER of California.

H.R. 1622: Ms. BALDWIN and Mr. PLATTS.

H.R. 1633: Mr. CLYBURN and Mr. MCNULTY.

H.R. 1676: Mr. DEUTSCH.

H.R. 1688: Ms. MAJETTE and Mr. FILNER.

H.R. 1717: Mr. DAVIS of Illinois.

H.R. 1734: Mr. CALVERT, Mr. TOWNS, Mr. GORDON, Mr. CARDOZA, and Mr. VAN HOLLEN.

H.R. 1751: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1767: Mr. SAM JOHNSON of Texas and Mr. ISAKSON.

H.R. 1784: Mr. VAN HOLLEN, Mr. CUMMINGS, and Ms. LOFGREN.

H.R. 1812: Mrs. TAUSCHER, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. INSLEE, and Mr. HOUGHTON.

H.R. 1822: Ms. LOFGREN, Ms. WOOLSEY, Mr. HONDA, Mr. POMBO, Mr. SCHIFF, and Mr. CAPUANO.

H.R. 1828: Mr. SCOTT of Virginia, Mr. RUPPERSBERGER, Mr. CASE, Mr. THOMPSON of California, Mr. NUNES, Mr. HASTINGS of Washington, and Mr. SHUSTER.

H.R. 1856: Mrs. JONES of Ohio.

H.R. 1882: Mr. MILLER of Florida, Mr. BOYD, Mr. CRENSHAW, Ms. GINNY BROWN-WAITE of Florida, Mr. STEARNS, Mr. MICA, Mr. KELLER, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. DAVIS of Florida, Mr. PUTNAM, Ms. HARRIS, Mr. GOSS, Mr. WELDON of Florida, Mr. FOLEY, Mr. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. DEUTSCH, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHAW, Mr. HASTINGS of Florida, Mr. FEENEY, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 1883: Mr. MILLER of Florida, Mr. BOYD, Mr. CRENSHAW, Ms. GINNY BROWN-WAITE of Florida, Mr. STEARNS, Mr. MICA, Mr. KELLER, Mr. Bilirakis, Mr. Young of Florida, Mr. Davis of Florida, Mr. Putnam, Ms. Harris, Mr. Goss, Mr. Weldon of Florida, Mr. Foley, Mr. Meek of Florida, Ms. Ros-Lehtinen, Mr. Wexler, Mr. Deutsch, Mr. Lincoln Diaz-Balart of Florida, Mr. Shaw, Mr. Hastings of Florida, Mr. Feeney, and Mr. Mario Diaz-Balart of Florida.

H.R. 1890: Mr. Jefferson, Mr. Nussle, and Mr. Ryan of Wisconsin.

H.R. 1914: Mr. Wicker, Mr. Saxton, Ms. Hart, Mr. Cox, Mr. Janklow, Mrs. Capito, Mr. Johnson of Illinois, Mr. Wilson of South Carolina, Mr. Ballenger, and Mr. Cramer.

H.R. 1916: Mr. Larsen of Washington, Mr. Abercrombie, Mr. Weiner, Mr. Fossella, Mr. Pickering, and Ms. Lofgren.

H.R. 1958: Ms. Majette and Mr. Sherman.

H.R. 1992: Ms. Lee and Mr. Nadler.

H.R. 2009: Ms. Waters.

H.R. 2020: Ms. Lofgren.

H.R. 2021: Mr. Tierney.

H.R. 2023: Mr. Kildee.

H.R. 2038: Mr. Clay, Mr. Berman, Mr. Becerra, and Mrs. Jones of Ohio.

H.R. 2052: Ms. McCarthy of Missouri and Ms. Roybal-Allard.

H.R. 2068: Ms. Eddie Bernice Johnson of Texas.

H.R. 2069: Mr. Serrano and Ms. Eddie Bernice Johnson of Texas.

H.R. 2123: Mr. Tierney.

H.R. 2154: Mrs. Jo Ann Davis of Virginia.

H.R. 2205: Mr. Alexander, Mr. Waxman, Mr. Wexler, Mr. Bishop of New York, Mr. Gonzalez, Mr. Price of North Carolina, Mr. Johnson of Illinois, Mr. Cardin, and Mr. Ackerman.

H.R. 2220: Mr. Sessions.

H.R. 2223: Mr. Platts.

H.R. 2238: Mr. Calvert, Mr. Davis of Florda, Ms. Pelosi, Ms. Eshoo, Mr. Turner of Texas, and Mr. Miller of North Carolina.

H.R. 2292: Mrs. Christensen.

H.R. 2347: Ms. Ros-Lehtinen.

H.R. 2379: Mr. Hefley, Mr. Pickering, Mr. Chocola, Mr. Hastings of Washington, Mr. Stenholm, and Mr. Wicker.

H.R. 2394: Mr. Alexander, Mr. Hoeffel, and Mr. Langevin.

H.R. 2399: Mr. Souder.

H.R. 2456: Mr. McNulty.

H.R. 2511: Mr. Strickland and Mr. Tierney.

H.R. 2519: Mr. Greenwood and Ms. Eshoo.

H.R. 2521: Mr. Case and Mr. Pickering.

H.R. 2524: Mr. Stark.

H.R. 2527: Mr. Baird.

H.R. 2532: Mr. Davis of Illinois.

H.R. 2569: Mr. Ortiz and Mr. Van Hollen.

H.R. 2572: Mr. Etheridge.

H.R. 2579: Mr. Kingston and Mr. Terry.

H.R. 2582: Mr. Thompson of Mississippi, Mr. Lipinski, Ms. Woolsey, Ms. Norton, Ms. DeLauro, and Mr. Moore.

H.R. 2608: Ms. Lofgren.

H.R. 2621: Mrs. Eshoo.

H.R. 2625: Ms. McCarthy of Missouri, Mr. Case, Mr. Serrano, Mr. Baca, Ms. DeLauro, Ms. Loretta Sanchez of California, Mr. George Miller of California, Mr. Pallone, Mr. Tierney, Mr. Bell, Ms. DeGette, Mr. Capuano, and Mr. Udall of New Mexico.

H.R. 2659: Mr. Boyd and Ms. Corrine Brown of Florida.

H.R. 2665: Mr. Sabo.

H.R. 2668: Mr. English and Mr. Oberstar.

H.R. 2670: Mrs. Jones of Ohio.

H.R. 2671: Mr. Shadegg.

H.R. 2674: Mr. Filner.

H.R. 2700: Mr. Lantos, Mrs. Christensen, and Mrs. Bono.

H.R. 2702: Mr. Larson of Connecticut.

H.R. 2706: Mr. Baker, Mr. Lewis of Kentucky, Mr. Foley, Mr. Taylor of Mississippi, Mr. Emanuel, Mr. Kind, Mr. Ryan of Wisconsin, and Mr. Barton of Texas.

H.R. 2718: Ms. Slaughter.

H.R. 2719: Mr. Isakson.

H.R. 2722: Mr. Meehan.

H.R. 2732: Mr. Pence, Mr. Barton of Texas, and Mr. Otter.

H.R. 2797: Mr. Bartlett of Maryland.

H.R. 2801: Mr. Carter and Mr. Larson of Connecticut.

H.R. 2806: Mr. Duncan, Mr. Rodriguez, Mr. Evans, Mr. Paul, Mr. Gibbons, Mr. Jenkins, Ms. Lofgren, Mr. Hunter, and Mr. Bilirakis.

H.R. 2808: Mr. Allen, Mr. Berman, Mr. Bartlett of Maryland, Mr. Bishop of Georgia, Mr. Brady of Pennsylvania, Mr. Cardin, Mr. Costello, Mr. Tom Davis of Virginia, Ms. DeLauro, Mr. Dicks, Mr. Frank of Massachusetts, Mr. Goode, Mr. Gordon, Ms. Harman, Mr. Hinchey, Mr. Hyde, Mr. Johnson of Illinois, Mrs. Jones of Ohio, Mr. Kildee, Ms. Kilpatrick, Mr. Langevin, Ms. Lee, Mr. Lewis of Georgia, Mr. McGovern, Mr. Nethercutt, Mr. Oberstar, Mr. Oxley, Mr. Pallone, Mr. Ruppersberger, Ms. Schakowsky, Mr. Stark, Mr. Upton, Ms. Watson, Mr. Waxman, and Mr. Weldon of Pennsylvania.

H.R. 2828: Mrs. Napolitano, Mr. Reyes, and Mr. Rodriguez.

H.J. Res. 38: Mr. Marshall.

H.J. Res. 56: Mr. Carter, Mrs. Emerson, Mr. Chocola, Mr. Rohrabacher, Mr. Crane, Mr. Shuster, Mr. Sessions, and Mr. Beauprez.

H. Con. Res. 99: Mr. Tierney.

H. Con. Res. 176: Mr. Case.

H. Res. 38: Mr. Baird.

H. Res. 42: Mr. Shimkus, Mr. Frost, and Mr. Acevedo-Vilá.

H. Res. 103: Mr. Putnam and Mr. Platts.

H. Res. 234: Mr. Matheson, Mr. Israel, Mr. Pastor, and Mr. Ehlers.

H. Res. 285: Mr. Souder, Mr. Van Hollen, and Mrs. Kelly.

H. Res. 307: Mr. Wexler, Mr. Kleczka, Ms. Woolsey, and Mr. Moran of Virginia.

H. Res. 323: Mr. Upton.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1793: Mr. Davis of Florida.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

Transportation and Treasury Appropriations, 2004

Offered By: Mr. Manzullo

Amendment No. 1: At the end of the bill (before the short title), insert the following:

Sec. . None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

H.R. 2859

Offered By: Mr. Stupak

Amendment No. 1: At the end of the bill (before the short title), insert the following:

Sec. . None of the funds appropriated by this Act shall be available for the Emergency Preparedness and Response Directorate's congressional and intergovernmental affairs office within the Department of Homeland Security.

H.R. 2861

Offered By: Mr. Manzullo

Amendment No. 1: At the end of the bill (before the short title), insert the following:

Sec. . None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

H.R. 2861

Offered By: Mr. Dingell

Amendment No. 2: In title III, in the item relating to "Environmental Protection Agency—environmental programs and management", after the aggregate dollar amount, insert the following: "(reduced by $1,000,000) (increased by $1,000,000)".

H.R. 2861

Offered By: Mr. Markey

Amendment No. 3: In title III, in the item relating to "Environmental Protection Agency; hazardous substance superfund" after the first and third dollar amounts insert "(increased by $114,716,000)".

In title III, in the item relating to "National Aeronautics and Space Administration; science, aeronautics and exploration" after the second dollar amount insert "(reduced by $114,716,000)".

H.R. 2861

Offered By: Mr. Nadler

Amendment No. 4: In title II, in the item relating to "Community Planning and Development; housing opportunities for persons with aids", after the first dollar amount insert "(increased by $13,000,000)".

In title III, in the item relating to "National Science Foundation; research and related activities", after the first and second dollar amounts insert "(reduced by $13,000,000)".

H.R. 2861

Offered By: Mr. Hastings of Florida

Amendment No. 5: In title III, in the item relating to "Environmental Protection Agency—environmental programs and management", after the aggregate dollar amount, insert the following: "(increased by $550,000)".

In title III, in the item relating to "Environmental Protection Agency—buildings and facilities", after the aggregate dollar amount, insert the following: "(reduced by $550,000)".

H.R. 2861

Offered By: Mr. Nadler

Amendment No. 6: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Public and Indian Housing—housing certificate fund", after each of the first, second, and fourth dollar amounts, insert the following: "(increased by $150,000,000)".

In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—WORKING CAPITAL FUND", after the first dollar amount, insert the following: "(reduced by $150,000,000)".

H.R. 2861

OFFERED BY: MRS. CAPPS

AMENDMENT NO. 7: In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY; SCIENCE AND TECHNOLOGY", after the last dollar amount, insert the following: "(reduced by $7,300,000)".

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY; LEAKING UNDERGROUND STORAGE TANK TRUST FUND", after the last dollar amount, insert the following: "(increased by $7,300,000)".

H.R. 2861

OFFERED BY: MR. LYNCH

AMENDMENT NO. 8: To insert after final bill section:

SEC. . SENSE OF CONGRESS REGARDING WAIT TIMES FOR VETERANS.

An amendment expressing the sense of Congress that no veteran should wait more than thirty days for an initial doctor's appointment.

H.R. 2861

OFFERED BY: MR. FATTAH

AMENDMENT NO. 9: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)", after the first dollar amount, insert the following: "(increased by $100,000,000)".

In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)", after the second dollar amount, insert the following: "(increased by $4,500,000)".

In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—WORKING CAPITAL FUND", after the first dollar amount, insert the following: "(reduced by $100,000,000)".

H.R. 2861

OFFERED BY: MR. STEARNS

AMENDMENT NO. 10: In title I, in the item relating to "VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH", after the aggregate dollar amount, insert the following: "(increased by $5,000,000)".

In title III, in the item relating to "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE—NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES", after the first (aggregate) and fourth (AmeriCorps grants) dollar amounts, insert the following: "(reduced by $12,217,000)".

H.R. 2861

OFFERED BY: MR. HALL

AMENDMENT NO. 11: In title III, in the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; SPACE FLIGHT CAPABILITIES", insert "of which $15,000,000 of amounts for the Space Shuttle Life Extension Program shall be for the development and independent assessment of concepts to increase Space Shuttle crew survivability for crew sizes of 4 to 7 astronauts by at least a factor of 20 relative to the demonstrated crew survival rate of the Space Shuttle to date, and" after "September 30, 2005,".

H.R. 2861

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 12: Strike section 114.

H.R. 2861

OFFERED BY: MR. KIRK

AMENDMENT NO. 13: Under Title I, Department of Veterans Affairs, Administrative Provisions, add the following new section:

SEC. . The Secretary of Veterans Affairs shall maximize, to the greatest extent possible, sharing agreements for services, programs, and facilities with the Department of Defense, particularly in areas where facilities and/or targeted populations are in close proximity: *Provided*, That the Secretary of Veterans Affairs shall submit a report to the Committees on Appropriations no later than December 1, 2003, detailing restrictive regulations, policies, and regulatory redundancies that inhibit resource sharing, and provide milestone dates to address each identified issue.

H.R. 2861

OFFERED BY: MR. ALLEN

AMENDMENT NO. 14: At the end of the bill, before the short title, insert the following:

SEC. 421. When an numerical estimate of the costs and benefits of an agency action is prepared in accordance with Executive Order 12866 or section 812 of the Clean Air Act, none of the funds provided in this Act may be expended to apply monetary values for adult premature mortality that differ based on the age of the adult.

H.R. 2861

OFFERED BY: MR. SANDERS

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

H.R. 2861

OFFERED BY: MR. MORAN OF KANSAS

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following new section:

SEC. . None of the funds in this Act may be used by the Secretary of Veterans Affairs to provide reimbursement for beneficiary travel under section 111 of title 38, United States Code, based upon a mileage allowance rate that is less than the rate in effect under title 5, United States Code, for Federal employee travel.

H.R. 2861

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 17: In title I, strike the heading "VETERANS HEALTH ADMINISTRATION" and all of the paragraphs under that heading and insert the following:

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code; aid to State homes as authorized by section 1741 of title 38, United States Code; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), $27,068,220, plus reimbursements: *Provided*, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2005.

MEDICAL CARE COLLECTIONS FUND

(INCLUDING TRANSFER OF FUNDS)

Amounts deposited during the current fiscal year in the Department of Veterans Affairs Medical Care Collections Fund under section 1729A of title 38, United States Code, may be transferred to "Medical care", to remain available until expended.

MEDICAL AND PROSTHETIC RESEARCH

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2005, $408,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $79,000,000, of which $3,000,000 shall be available until September 30, 2005, plus reimbursements: *Provided*, That technical and consulting services offered by the Facilities Management Field Support Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2004.

In section 116(a), strike "under 'Medical services for priority 7–8 veterans' and" and insert "under 'Medical care' and".

In section 117, strike "Medical Services" both places it appears and insert "Medical care".

In section 118, strike "transferred to" and all that follows through "for the" and insert "transferred to 'Medical care' for the".

Strike section 119.

H.R. 2861

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 18: In the paragraph in title I under the heading "MEDICAL SERVICES FOR PRIORITY 1–6 VETERANS", insert after the first dollar amount the following: "(increased by $1,800,000,000)".

EXTENSIONS OF REMARKS

TRIBUTE TO JAMES McNEIL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress today to recognize James McNeil for the courageous act that led to his untimely passing. James displayed extraordinary bravery in an attempt to save his father from drowning in a fishing accident. It is with a solemn heart that I join my colleagues in paying tribute to his heroism and sacrifice.

James McNeil and his father, Kelly McNeil, were fishing on San Luis Lake when Kelly suddenly fell from his boat into the water. Without hesitation, James dove into the 55-degree water and began swimming toward his father in a rescue attempt. Unfortunately, James did not survive the frigid, treacherous waters and passed away before reaching his father. The Carnegie Hero Fund has awarded James a Bronze Medal in recognition of his brave act.

Mr. Speaker, I am honored to recognize James before this body of Congress today. His brave act serves as a reminder to all Americans of the courage upon which our nation is founded. While James will be dearly missed, his family can take solace in the knowledge that his spirit will live on through those whom he has touched. I extend my deepest sympathies to James' loved ones during this difficult time.

EXPRESSING THE SENSE OF CONGRESS THAT JOHN WOODEN SHOULD BE HONORED FOR HIS CONTRIBUTIONS TO SPORTS AND EDUCATION.

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. LEWIS of California. Mr. Speaker, I have submitted the following concurrent resolution; which was referred to the Committee on Government Reform:

CONCURRENT RESOLUTION

Expressing the sense of Congress that John Wooden should be honored for his contributions to sports and education.

Whereas John Wooden was one of the greatest basketball coaches and players;

Whereas John Wooden nurtured and inspired many of the greatest basketball players of all time who would go on to fame in their own right;

Whereas John Wooden is one of only two men enshrined in the Basketball Hall of Fame as both a player and a coach;

Whereas John Wooden coached the UCLA Bruins to 10 NCAA Mens' Basketball Championships in 12 years;

Whereas John Wooden led the Bruins to 88 consecutive victories;

Whereas John Wooden, during 40 years of coaching, compiled a 885–203 (.813) record;

Whereas John Wooden developed the "Pyramid of Success," a graphic representation of the ideals that form the basis of Wooden's outlook on life and explain much of his success on and off the court;

Whereas John Wooden was a successful amateur basketball player who led Martinsville High School of Martinsville, Indiana to 1927 Indiana State Championship and led Purdue University to the 1932 NCAA Mens' Basketball Championship;

Whereas John Wooden is a best selling author, public servant, holder of numerous honorary degrees, and recipient of many awards honoring his lifetime dedication to improving the lives of others;

Whereas John Wooden has been honored with the Presidential Medal of Freedom, the nation's highest civilian award;

Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates John Wooden for receiving the Presidential Medal of Freedom, the nation's highest civilian award;

(2) recognizes the achievements and contributions of John Wooden in the fields of sports and education.

COLE A. LEWIS WILL BE MISSED BY MANY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. PAYNE. Mr. Speaker, I am saddened to inform my colleagues of the death of Mr. Cole A. Lewis. Mr. Lewis was special to many. He was a man of conscience. His principles and ethics were impeccable. He did whatever he could. He was the true example of humanity. His life experiences shaped the man he became. He was born and raised in Baltimore, Maryland where he graduated from the country's second oldest high school, City College. After high school he went off to Brown University in Providence, Rhode Island. During World War II he enrolled in the U.S. Navy's V–12 program at Brown. He was commissioned in 1945 and served in the post-war occupation of Japan. He returned to Brown in 1946 where he graduated in 1947 with his original class. Cole Lewis and Nat Brush were married after graduation and moved to Newark, New Jersey.

Mr. Lewis was employed by the Prudential Insurance Company of America. He held many positions there including pioneer systems analyst for the installation of the company's first computer, and ending as vice president of community affairs. Mr. Lewis used his position in the community affairs department to benefit social and cultural programs in Newark and throughout the state. Although he was responsible for funding many of these programs he became personally involved. He was the founding director of the Community Food Bank of New Jersey, chairman of the New Jersey Committee for the Humanities, and an active officer and board member of Planned Parenthood, the Integrity House, The Catholic Youth Organization, the Education Law Center and many other groups.

Mr. Lewis was employed with Prudential for 37 years. Upon his retirement he became comptroller of the New Jersey Symphony Orchestra, serving nine years. His second retirement was brief, when he joined the staff of the Education Law Center, a pro bono advocacy group dedicated to bettering educational opportunities for underprivileged children in the state.

Mr. Speaker, I am sure my colleagues would have liked to meet Mr. Lewis who would have celebrated his 77th birthday this past weekend. I am also sure my colleagues would have extended their condolences to Mr. Lewis's family—his wife, Nat; and his two daughters, Susan Kenny and her husband, Thomas; and Deborah Sexton and three grandchildren; Sarah Kenny, Austin Kenny and Laura Sexton.

TRIBUTE TO MILDRED BOWLES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress to recognize a remarkable woman that is a long time resident of Cedar Mesa, Colorado. Mildred Bowles has witnessed the evolution of her hometown in the last century and simultaneously worked to preserve its invaluable memories. I am proud to recognize Mildred's contributions to my district before my colleagues here today.

Mildred's adventurous spirit can be traced back to her ancestors, who traveled in a covered wagon from Nebraska to Colorado in 1902. Mildred's father, L.E. Dolph, played an integral role in the founding of both Cedar Mesa and Cedaredge. His responsibilities included serving as sheriff and delivering mail to local residents.

Mildred has developed a plethora of memories in Cedar Mesa during the 93 years that she has spent in the area. She notes that while children now have spring break, she remembers the days when students had "mud breaks," when the spring weather inhibited any type of travel, and "apple breaks," when students provided an extra hand during harvest season. Mildred also remembers the days when electricity was only available two days a week and silent movies were a popular form of entertainment. She has helped to preserve her precious memories by performing a one-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

person skit over the years and participating in the local historical society.

Mr. Speaker, it is my pleasure to recognize Mildred Bowles, a woman who provides her community with a priceless link to our past. We are fortunate to have her memories, which serve as a reminder of the hard work and determination that have made our nation strong. I commend Mildred for all that she does in her community and wish her all the best in her future endeavors.

SELECTION OF JOHN WOODEN FOR MEDAL OF FREEDOM IS MOST DESERVED

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. LEWIS of California. Mr. Speaker, I rise today to honor the incredible achievements of John Wooden, famed educator, coach, and basketball player. Coach Wooden was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor, in a ceremony at the White House today.

What Coach Wooden accomplished during his 40 years of coaching will never be surpassed. He compiled an 885–203 record, leading the UCLA Bruins to 10 NCAA Men's Basketball Championships. During his time at UCLA, the Bruins had four undefeated seasons and 88 consecutive victories, including 38 straight NCAA tournament victories. Among his many honors Wooden was named NCAA College Basketball Coach of the Year six times. Coach Wooden nurtured and inspired many of the greatest basketball players of all time who would go on to fame in their own right, including Kareem Abdul-Jabbar and Bill Walton.

Wooden was also a standout athlete. Born and raised in Martinsville, Indiana, Wooden led his high school squad to the state title in 1927. Later, at Purdue University, he won letters in basketball and baseball as a freshman, and then went on to captain Purdue to the 1932 National Collegiate Championship. Wooden's accomplishments on the basketball court led to him being one of only two men enshrined in the Basketball Hall of Fame as both player and coach.

But it is his role as an educator where he has made his greatest mark. Wooden developed the "Pyramid of Success", a graphic representation of the ideals that form the basis of Wooden's outlook on life and explain much of his success on and off the court. Emphasizing such traits as skill, poise, and confidence, the Pyramid of Success has helped millions be their best when their best was needed.

Coach Wooden has not been content to sit back as a legend. He is a best-selling author, active on the public speaking circuit, and has devoted much of his energies to public service. Wooden was the first sports figure to be awarded the Bellarmine Medal of Excellence, whose other recipients have included Mother Teresa and Walter Cronkite. He received the 1994 Landry Medal for Inspiration to American Youth and also has a number of honorary degrees. The National Father's Day Committee has named him "Grandfather of the Year" and the National Urban League has honored him for his years of humanitarian service.

Mr. Speaker, John Wooden's philosophy benefits us all. Be quick, but don't hurry. It's not how tall you are, but how tall you play. Make each day your masterpiece. Character is what you really are; reputation is what you are perceived to be. Through his life's work and his great accomplishments, Coach John Wooden has earned every award he has received. More importantly, he has earned our respect and admiration. Please join me in congratulating this legendary coach and educator on his latest award, the Presidential Medal of Freedom.

EXPRESSING APPRECIATION TO JONITA WHITAKER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. PAYNE. Mr. Speaker, I rise today to express my appreciation to an outstanding professional, Ms. Jonita Whitaker, who has served as a State Department Pearson Fellow in my Washington Congressional Office for the past year. Under this excellent program, Foreign Service Officers work on Capitol Hill, learning the legislative process and sharing their expertise in international relations. I believe the program provides tremendous benefits to both members of Congress and to the State Department professionals who participate.

Over the past year, Jonita has proven to be a shining star on my staff. As a member of the House International Relations Committee, I have benefited tremendously from her extensive knowledge, her expertise in foreign affairs and immigration law, her foreign language skills, and most of all, her passionate dedication to public service. Jonita quickly mastered the many complex global issues we deal with on a daily basis.

Jonita has played a leading role as an advisor on a number of key issues, including developments in Iraq, the movement to return the Parthenon Marbles to Greece, efforts to reach a political settlement in Cyprus, the peace process in Northern Ireland, daily updates on developments in Africa, and the eradication of polio world-wide, among her many other contributions. Reports she provided to me when she traveled to Northern Ireland to witness the Orange Order parades were enormously helpful.

Mr. Speaker, I am pleased to have this opportunity to thank Jonita Whitaker for all of her hard work and to wish her continued success as she moves forward in her career.

TRIBUTE TO LARRY KISLING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress and this nation today to pay tribute to Larry Kisling of Grand Junction, Colorado. Through hard work and dedication, Larry has received national attention for the quality of his competitive racing engines, which he builds and maintains for racing teams across the country. Larry's work provides him with the ability to be involved in the sport he loves, and I am proud to speak of his accomplishments here today.

Moving to Grand Junction in 1990, Larry set up his shop and began business. Larry's hard work is evident in his high quality products, which is why his customers keep coming back. Larry's business expanded so much that he recently moved into a new location and a brand new 3,400 square foot facility. Today he works on all kinds of engines, from forklifts to boats.

Larry's passion, however, will always be high-performance racing engines, despite the fact that they are the least profitable part of the company. Larry does the work because he loves it, noting the personal satisfaction he gets when he sees one of his engines on the track. Larry gets the most fulfillment when a driver returns to his shop and lets him know his race car has never gone faster.

Mr. Speaker, I join with my colleagues here today in applauding the hard work of Larry Kisling. I commend Larry on his successful business endeavors and the respect he has gained from his peers. I wish him all the best in the years to come.

50TH ANNIVERSARY OF APSA SCHOLARS PROGRAM

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. OXLEY. Mr. Speaker, the American Political Science Association (APSA) is commemorating the 50th anniversary of its Congressional Fellowship Program this year. I join my colleagues in commending APSA for the service that it has provided to the U.S. Congress.

APSA fellows have made a valuable contribution to the work of personal and committee offices in both the House and Senate. The program draws on the talents of a variety of professionals who are interested in learning about and contributing to the legislative process. The APSA program is held in high regard by Members for the quality of the fellows it makes available to offices at no charge. Among its distinguished alumni is Vice President DICK CHENEY.

My office has been pleased to host two fellows in recent years. Tim Johnson, a 1994 journalism fellow, remained on my staff and currently serves as my Legislative Director and Press Secretary. Ben Brown, a 2001 fellow from the FDIC, brought valuable banking expertise to the House Financial Services Committee during its formative first months.

The APSA Congressional Fellows Program merits our recognition for the ongoing contributions that it makes to the legislative process.

FREEDOM FIESTA WEEK

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. REYES. Mr. Speaker, in my home district of El Paso, Texas, Operation Iraqi Freedom will always be remembered for the tragic ambush of the 507th Maintenance Company. In a city that is home to nearly 60,000 veterans and thousands of troops and their family members stationed at Fort Bliss, we felt for these soldiers as if they were members of our own families. We mourned for those who had lost their lives, and prayed for the safe and speedy return of those who had been captured. The losses suffered by the 507th Maintenance Company were the first combat casualties to be experienced by Fort Bliss in at least a quarter century. These soldiers are heroes, and they are more than deserving of all of the honor and respect they have received.

The soldiers of the 507th Maintenance Company, while exceptional, are not the only heroes who call Fort Bliss home. Each and every one of the more than 3,600 other United States Army soldiers who were deployed to Iraq from Fort Bliss is also a hero, and all of their sacrifices should be remembered. The thousands of soldiers who contributed to the war effort from home and the family members who offered their unwavering support must also be recognized. El Paso is a city full of soldiers—they and their families deserve our respect and gratitude.

El Paso is proud to be the home of so many of our nation's soldiers. During the week of August 3–10, 2003, El Paso will celebrate "Freedom Fiesta Week," a series of events to welcome home and honor the region's armed services personnel. The celebration will kick off on August 3rd with the "Freedom Fiesta Picnic," featuring free food and drinks and live music and entertainment. Throughout the week, active duty and reserve military personnel and their families will have free or reduced admission on selected days to Wet n' Wild Water Park, Western Playland Amusement Park, the El Paso Diablos, the El Paso Zoo, and various clubs and restaurants in Downtown El Paso. The week will culminate in Saturday's parade, featuring more than 6,000 of our Fort Bliss soldiers.

The organization of Freedom Fiesta Week was a collaborative effort, and I would like to commend the Greater El Paso Chamber of Commerce, the El Paso Hispanic Chamber of Commerce, the El Paso Black Chamber of Commerce, the City of El Paso, the County of El Paso and the Association of the U.S. Army for their hard work in planning what promises to be an exciting week. I must also thank all the organizations participating in Freedom Fiesta Week for their generosity. I do not have the words to express my thanks to our troops, but Mr. Speaker, it is with events like Freedom Fiesta Week that we can begin to show them how grateful we are for their hard work and dedication during Operation Iraqi Freedom.

HONORING JAMES DOUGLAS THOMAS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a selfless community servant and dedicated veteran from my district, Doug Thomas of Craig, Colorado. An active member of the Craig community, Doug is the newly elected Chaplain for the American Legion in the State of Colorado. I would like to join the Craig community and American Legion in honoring Doug's commitment and recognizing this distinct honor.

When members of American Legion had the opportunity to select their new Chaplain, Doug was an obvious choice. His reputation as a dedicated Chaplain had preceded him; Doug had done great work as both the District Chaplain and Chaplain of Post 2700. He made it clear at the state conference that he would work harder than any other nominee, an attribute that is essential to the position.

Doug's commitment to the American Legion is evident in his plans as Chaplain. He hopes to visit all 164 American Legion Posts throughout the state during his one-year term, sponsor workshops at state conventions, and start a Prayer Program that will be mailed to families around the state. Doug enjoys all aspects of the Chaplain position, but he particularly enjoys having an impact on families across the state.

Mr. Speaker, I join with my colleagues here today in applauding Doug's civic-mindedness and in recognizing this prestigious honor. This recognition to Doug for the work he does in his community is long overdue, and I am proud to bring his achievements to the attention of this body of Congress today. Congratulations and thanks again, Doug, for your many years of hard work on behalf of Craig and the State of Colorado. May you have many more to come!

INTRODUCTION OF THE STEVE GRISSOM RELIEF FUND ACT

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. PRICE of North Carolina. Mr. Speaker, today my colleague NATHAN DEAL and I have introduced the Steve Grissom Relief Fund Act.

This legislation would compensate individuals who contracted AIDS through HIV-contaminated blood products and transplants. It is modeled on the bipartisan Ricky Ray Hemophilia Relief Act of 1998, and honors the late Steve Grissom, a North Carolina resident who was infected with HIV while undergoing treatment for leukemia.

A study conducted by the Institute of Medicine at the request of Congress found that "blood became a vector for HIV infection in the early and mid-1980s and caused more than half of the 16,000 hemophiliacs and over 12,000 blood transfusion recipients to contract AIDS." The Food and Drug Administration, the report claimed, failed to protect the blood supply when it chose not to implement screening options recommended by the Centers for Disease Control in 1983. In addition, the report recommended that a fund be established to compensate people who have become infected with HIV from contaminated blood products.

In 1995, legislation was introduced to help hemophiliacs who contracted HIV through such transfusions. The Ricky Ray Act established a trust fund for making one-time payments of $100,000 to persons with hemophilia who contacted HIV through tainted blood products. The bill passed with overwhelming support, and was fully funded in 2001. However, the bill did not address the problem of people like Steve Grissom, who received blood transfusions or transplants for other reasons. Our bill would resolve the current inequity and extend the same benefits to non-hemophiliacs, their secondarily infected spouses, and children infected perinatally.

Steve Grissom was a resident of North Carolina's 4th District and my constituent. An Army veteran, Steve was an avid pilot and outdoorsman, a loyal husband, a loving father, and a tireless advocate for others. He advanced legislation for terminally ill parents at the state level, and founded the National Association for Victims of Transfusion-Acquired AIDS (NAVTA) organization. In 1998, he tried very hard to get individuals like himself included in the Ricky Ray Act. However, rather than contribute to the demise of this legislation, Steve pulled back so that at least some would be compensated for the horrors that occurred during the early 1980s.

Americans who have contracted AIDS through HIV-contaminated products deserve the same consideration regardless of whether they are hemophiliacs. We owe it to people like Steve Grissom, and their survivors, to try and compensate for this terrible tragedy.

I invite my colleagues to join us in completing the work begun with the Ricky Ray Act by cosponsoring the Steve Grissom Relief Fund Act.

HONORING THE 40TH ANNIVERSARY OF THE MARCH ON WASHINGTON

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. DINGELL. Mr. Speaker, I rise today to celebrate the 40th anniversary of the March on Washington, the most significant civil rights demonstration in United States history. The march was a watershed event that led to the passage of the Civil Rights Act of 1964.

On August 28, 1963, more than 250,000 people of all ages, races and religions traveled from every corner of America to Washington on "freedom" buses and trains. Some participants walked as far as 230 miles to reach our nation's capital. The march was by far the largest and most peaceful of its time and its volume greatly exceeded the expected

100,000 participants. The purpose of the March for Jobs and Freedom was to encourage passage of the Civil Rights Act presented to Congress by President John F. Kennedy. The United Auto Workers union, one of the march's biggest sponsors, printed hundreds of signs with slogans such as "UAW Says Jobs and Freedom for Every American."

My dear friend, colleague and genuine American hero JOHN LEWIS, had the honor of speaking alongside Reverend Dr. Martin Luther King, Jr., who concluded the event with his renowned "I Have A Dream" speech. Dr. King's eloquent words should be remembered today: "When we allow freedom to ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: "Free at last! Free at last! Thank God Almighty, we are free at last!"

Reverend King's powerful words did not fall on deaf ears. After President Kennedy's tragic death, his successor President Lyndon Johnson, in his first address to Congress and the nation, called for the passage of the Civil Rights Act. "Let us continue," he declared, promising that "the ideas and the ideals which [Kennedy] so nobly represented must and will be translated into effective action." Finally, on July 2, 1964, President Johnson signed into law the Civil Rights Act of 1964, the most important piece of civil rights legislation in United States history.

Mr. Speaker, I am proud to say that I voted for that historic civil rights bill. I am proud of the work Congress and the Administration has done in the past 40 years to guarantee equal rights to all Americans. I ask that you and all of my colleagues rise to join me in commemorating the anniversary of this remarkable event.

HONORING WEY AND SUE CHEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a pair of selfless community servants and dedicated parents, Wey and Sue Chen of Greeley, Colorado. As active members of the Colorado community, they are this year's recipients of the Excellence in Parenting Award presented by the National Parents Day Council. I would like to join with the Colorado community in honoring the Chens and their commitment.

The Excellence in Parenting Award is a unique tribute, honoring immigrants who, as parents, demonstrate exemplary leadership and parenting skills. The Chens are deserving recipients; after arriving in the U.S. from China, they have worked hard to create new lives for their children in America. They frequently volunteer at their children's schools, and have become involved in a variety of Chinese-American organizations. The couple has raised two wonderful children, Elisa and Davis, who are a testament to their hard work and dedication as parents. Davis is currently enrolled at the University of Colorado at Boulder, and Elisa is enrolled at the University of Northern Colorado. They serve as examples to their fellow classmates by practicing the lessons that were passed on to them by their parents.

Mr. Speaker, I join with my colleagues here today in applauding the Chen's civic-mindedness, family values, and in recognizing this prestigious honor. This recognition to the Chen's for the work they do in their community is long overdue, and I am proud to bring their achievements to the attention of this body of Congress today. Congratulations and thanks again for your many years of hard work and your inspiring dedication to your two children.

HEAD START, H.R. 2210

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. ORTIZ. Mr. Speaker, I join my colleagues from the Congressional Hispanic Caucus and the Congressional Black Caucus to oppose H.R. 2210, which the leadership in the House of Representatives will bring to the floor this week.

Since the beginning of the program, Head Start has provided the foundation for low-income working families. Upon this foundation, thousands of adults throughout South Texas have overcome tremendous obstacles to break the cycle of family poverty and become productive citizens. Without the solid base provided by Head Start, the children and families in the 21st Century will have a much harder time trying to get a start on education, nutrition habits, and other simple health care and educational needs.

In South Texas, we have a long and successful relationship with Head Start. In my district alone, Head Start serves nearly 4,000 kids from birth to 5 years old.

Tonight, I want to share with you stories from people who have used this program so our colleagues will understand precisely what we will be taking away from the children of Texas and other states around the nation if the House passes H.R. 2210.

Cynthia del Angelo—She and her twin sister attended Head Start in 1973. They both own their own daycare centers now. Her mother received all of her education through Head Start, and is now an Education Coordinator. Her father is currently an area manager of a Head Start center. Her husband is a restaurant manager. They both feel that Head Start contributed to their success by instilling in them the confidence that they could achieve anything.

Jose Carrizales—Attended Head Start in 1965 in a small, rural community. Changed him from a shy, skeptical boy into a secure, loving kid with self-confidence. Later, having become a parent of a Head Start child, he was elected President of the Parent Committee, where the leadership skills he gained led him to a 6-year employment as the District Office Manager for Congressman SOLOMON ORTIZ. He now is the Director of Family Services for Head Start in South Texas.

Maricela Vasquez Vitt—Former Head Start student now teaches elementary school in Los Fresnos, Texas. Head Start allowed her to learn English before she started school, and form a strong educational foundation.

Jo Ann Garcia—She and her sister are both Head Start students and are now Registered Nurses. Jo Ann has worked with cancer patients in a major hospital and as Director for a Home Health Provider, and says that neither one is as rewarding for her as working with Head Start kids.

These are the everyday people who have been profoundly affected by the good works of Head Start. These are the sorts of people in the future who will be without similar services and without the foundation now provided by Head Start.

TRIBUTE TO TONY MOREY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. MCINNIS. Mr. Speaker, I am honored to stand before this body of Congress and this nation today to pay tribute to a truly talented artist from my district, Tony Morey of Grand Junction, Colorado. Tony has painted a variety of murals throughout the community, helping businesses gain notoriety while brightening up our buildings and streets. Tony's murals are more then just advertisements for local businesses; they are works of art that I am proud to speak about today.

Tony began his art career early in life and began working for a sign company after high school graduation. He shortly realized he wanted to expand his art career, so he began to paint murals. Eventually finding his way to Grand Junction, Tony has continued with his murals, decorating buildings with advertisements for local businesses. Tony will soon begin work on his second mural at the Bottle Shop, where his work has been credited with an increase in business. Some of Tony's most recognizable work includes murals for Mesa Pawn and the Eagle Lodge.

Tony's ambitions are leading him to experimenting with work on traditional canvas. He hopes to someday display his art in a show, exhibiting the hard work and dedication he puts into every painting. I have no doubt that, with Tony's diligence, we will soon see his paintings on display across the country.

Mr. Speaker, it is my honor to pay tribute to the accomplishments of Tony Morey. His artwork brings happiness to the streets of Grand Junction while providing businesses with a cheap, effective advertising technique. I look forward to the advancement of Tony's career and I wish him the best with his future endeavors.

CONGRATULATING MAUI ECONOMIC OPPORTUNITY, INC., ON BEING AWARDED THE AWARD FOR EXCELLENCE BY THE NATIONAL COMMUNITY ACTION PARTNERSHIP

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. CASE. Mr. Speaker, I rise to offer my heartiest congratulations to Maui Economic Opportunity, Inc. (MEO) on being one of the four agencies nationwide to be awarded the "Award for Excellence in Community Action" by the National Community Action Partnership.

This prestigious and coveted award is given to Community Action Agencies that demonstrate their excellence through many programs that improve communities and help people change their lives. I have long known that MEO is one of the best Community Action Agencies in the nation and this award at long last recognizes this fact. MEO's innovative efforts have transformed Maui County residents' lives and have had a lasting impact on the entire community.

I would like to especially recognize MEO's Executive Director, Gladys Baisa, for her commitment to excellence and to the people of Maui County. This award is indicative of Gladys' leadership and also a testament to the staff she has surrounded herself with. I am proud to work closely with Gladys and MEO to make Maui County and the State of Hawaii a better place.

Mahalo nui loa to the MEO board and all of its great staff. Keep up the good work and always know that it is truly appreciated.

TRIBUTE TO DEAN GRAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I stand before you today to pay tribute to the life and passing of Dean Gray, a resident of Grand Junction, Colorado. For three years Dean volunteered at KAFM radio, a station that showcased his musical passion, jazz. Dean's hard work and dedication to KAFM made him a popular presence at the station, as he provided exemplary leadership and friendship to the other employees. I am honored to speak of the accomplishments of Dean before this body of Congress and this nation here today.

Dean and his wife Jean moved to the Grand Junction area 10 years ago, relocating from the jazz-rich city of Chicago. Chicago provided an ideal atmosphere for jazz connoisseurs, offering a variety of clubs, concerts, and musicians that are based in that area. The couple's passion for jazz grew, and when they arrived in Grand Junction, they immediately tuned to KAFM Community Radio. As a retired member of the community, Dean wanted to expand his involvement in the jazz world. This passion for music led Dean to volunteer as a programmer for KAFM, and his hard work and dedication landed him his own show on Sunday mornings. Dean was an instant hit; he was happiest when listeners called in, telling him how much they enjoyed the show. The station appreciated Dean's dedication so much that he was recently honored with a party and plaque thanking him for his hard work at the station.

Mr. Speaker, I am saddened by the loss of such a kind and caring individual. Dean's commitment, compassion, and hard work garnered him respect at KAFM, and it is for those very qualities that I bring his life to the attention of my colleagues here today. My thoughts and prayers go out to the family and friends of Dean Gray.

HONORING ROBERT AND MARGUERITE STEELE AS "PARENTS OF THE YEAR"

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to Robert and Marguerite Steele who reside in Xenia, Ohio in the 7th Congressional District, who have received the "Parents of the Year" Award for 2003 by the National Parents' Day Council.

Mr. and Mrs. Steele have worked very hard to be both responsible parents to their children, while helping the larger "family" of the local community.

Robert Steele has served in the military and is active with the local American Legion. Through his work with the Legion, the couple has instituted community programs for the less fortunate, where area children can participate in life-enhancing and educational activities. The Steeles' outreach efforts have helped bring about better cooperation and understanding between racial groups in the community.

This honor exemplifies Robert and Marguerite's commitment to strengthening the concept of family, which we Americans value above virtually all other things. Their community work and involvement in the lives their own children are ample justification for this award.

As the Congressman who represents Xenia, Ohio in the U.S. House of Representatives, I offer my sincere congratulations to Robert and Marguerite Steele for this achievement. It is an honor to recognize their outstanding leadership and the exemplary character they have shown as parents.

TRIBUTE TO GLADYS McBEE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to the passing of a woman from my district who spent a lifetime in the service of others. Gladys McBee of Durango, Colorado recently passed away, and as her friends and loved ones mourn their loss, I would like to recognize a few of her many achievements here today.

Born in La Plata in 1917, Gladys settled in Durango where she became well known in the community for her enthusiastic involvement in numerous causes. She helped establish the Durango and LaPlata Senior Center and spent 20 years working with seniors at the San Juan Area Agency on Aging. As a member of the Daughters of the American Revolution and the League of Women Voters, Gladys helped foster patriotism and educate others of our nation's unique heritage. She continued these efforts through numerous articles about the Constitution and Bill of Rights for her local newspaper, the Durango Herald. Many people in Durango also knew Gladys for her extensive involvement in water issues and the Animas Museum, Durango's only history museum.

Mr. Speaker, Gladys McBee continually worked to improve the lives of others, and she is certainly deserving of praise before this body today. She is survived by her sister Aileen, son Douglas, grandson Teddy and other extended family members. Our thoughts are with them during their time of bereavement. To her family, friends, and the many people in the community who knew her, Gladys McBee will be deeply missed.

RAUL RIVERO MUST NOT DIE IN CASTRO'S PRISONS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, Raul Rivero is the dean of independent journalism in Cuba, having founded in 1995 Cuba Press, a news agency for independent journalists in Cuba. Mr. Rivero is also a world acclaimed poet and writer. His articles have appeared in publications such as The Chicago Tribune and The Washington Post. He has been recognized by such prestigious organizations as Reporters Without Borders. However, in totalitarian Cuba, Mr. Rivero is banned from publishing. In fact, the Castro regime is so threatened by Mr. Rivero's writing that in March Castro sent his thugs to his home to arrest him and 75 other dissidents and subsequently sentenced Mr. Rivero to 20 years in prison.

In 1991 Mr. Rivero, along with 10 other intellectuals, signed a petition to the Castro regime calling for the liberation of all prisoners of conscience. Of the 10 signatories Mr. Rivero is the only one still living in Cuba and now finds himself in Castro's gulag for simply daring to write in his own country. Mr. Rivero must not die in Castro's prisons. Mr. Rivero and all political prisoners must be liberated now!

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of this amendment offered by my friend from Colorado, MARK UDALL.

My colleagues, the reason we have so many funding limitation amendments to this bill is not because of the actions of Chairman TAYLOR and the Appropriations Committee in general. It's because the congressional leadership has abdicated its institutional obligations to carry out its oversight responsibilities. And, nowhere is this abdication of responsibility more prominent than in the arena of the environment.

I can understand from some in the west that the federal government owns too much land and that these states should have the first right of refusal. But let's redefine who exactly the federal government is. It's the people of the United States and it's their land. The stewardship responsibilities for these lands, these national parks, wildlife refuges, national forests, monuments and wilderness areas are the federal government's in accordance with the laws this institution has adopted in the name of all Americans and with their support. But when an administration disregards a moratorium directed by Congress and proceeds to use an obscure reinterpretation of an arcane mining law to carve up by roads some of America's great treasured landscapes and scenic lands, it has gone too far.

Earlier this year, the Department of Interior amended an existing rule to facilitate right-of-way claims under Revised Statute 2477 (RS 2477), a long ago repealed provision of the Mining Law of 1866. The new regulation will allow any entity to file claims against federal lands, yet the new rule lacks any standard for determining the legitimacy of these claims. As a result of this and other changes, the amended disclaimer rule is being used to establish thousands of new roads potentially through National Parks, Refuges, Forests and Monuments or candidate wilderness sites without even proving any actual need.

You've seen the pictures. Find a footpath, a donkey trail and you can undermine the people's and this nation's expressed desire to protect this land from development and the extraction industry. You say it is not happening, or maybe it is just limited to Utah. Think again.

San Bernardino County in California has actively begun surveying specific routes and mapping claims. This process is 80 percent complete and the county has thus far claimed 4,986 miles, 2,567 of which are in the Mojave National Preserve. The county has requested the Department of Interior waive the $100 filing fee because they have so many RS 2477 claims the cost to the county to file all of these claims would be prohibitive. I am puzzled how they may lack the money to file these claims, but will somehow find the money to build all these roads?

I doubt more than a fraction of these claims will ever give rise to a road, but the claims will prove sufficient to block federal, state and local efforts to protect the land these road claims bisect. Mr. Chairman, what the public would never support through legislation, the administration is doing by stealth. And, while these actions may succeed at removing these lands from federal protection, they will create a host of new liabilities and unfunded costs.

In some states, including California and New Mexico, state law makes the local jurisdictions liable for failure to maintain a roadway. I wonder what future lawsuits we may be inviting when these localities will be sued for injuries caused by hazardous conditions on roads that were never built?

Given the tens of thousands of claims that have been received, I fail to see corresponding increases in the Bureau of Land Management's budget to process them. Will the granting of rights-of-way, create any new financial obligations for the federal government? What costs, including environmental assessments and litigation might be involved?

Mr. Chairman, this policy is an abomination. The administration needs to be reigned in and the purse strings are all that we have available. Support the Udall amendment.

IN HONOR OF THE AMERICAN MERCHANT MARINE FOR A JOB WELL DONE DURING OPERATION IRAQI FREEDOM

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise to congratulate the members of the American Merchant Marine for exemplary service to our country during Operation Iraqi Freedom. Our nation owes them a debt of gratitude for delivering goods and keeping our troops supplied during a very trying time. Without the Merchant Marines, our armed forces would have faced insurmountable obstacles during their mission in the Persian Gulf.

Our maritime industry accounted for more than 80 percent of the supplies that were moved into Kuwait and Qatar for use in Operation Iraqi Freedom. Over 5,000 mariners, from midshipmen to seasoned licensed marine officers, took part in the massive effort. They braved the seas in unarmed vessels full of explosive cargoes, and even volunteered to take anthrax and smallpox vaccinations to protect against biological attack. They moved nearly 21 million square feet of cargo in four months—the equivalent, as Chairman of the Joint Chiefs of Staff General Richard Myers stated, of shipping everything in the Pentagon three times.

On May 22, 2003, Secretary of Transportation Norman Mineta said, "There is no more devoted a community of professionals than those who serve our nation's marine transportation system." I wholeheartedly agree with this statement. Since the founding of our great nation, the men and women of our maritime industry have shown great dedication to the ideals on which America was founded.

In peacetime, and in wartime, our maritime industry provides the vital lines of communications that keep our manufacturers producing, our farmers growing, and our consumers buying. Without the Merchant Marines, the American economy would grind to a screeching halt.

I ask my colleagues to join me in recognizing the important contributions made by our Merchant Mariners and their unwavering commitment to America's freedom and prosperity. Participation in the most recent war in Iraq is just another example of our Merchant Marine's dedication to our nation.

RECOGNIZING THE DISTINGUISHED CAREER OF GENE VERDU, EXECUTIVE DIRECTOR OF THE SOUTHWESTERN ILLINOIS COLLEGE PROGRAMS AND SERVICES FOR OLDER PERSONS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the distinguished career and retirement of Gene Verdu, Executive Director of the Southwestern Illinois College Programs and Services for Older Persons (PSOP).

August 31, 2003, will mark the end of an era of dedicated service as Eugene "Gene" Verdu retires from his position as the Executive Director of PSOP. Gene has dedicated his life to helping others. Throughout his 30-year career, he has touched the lives of thousands of people as he built and developed one of the finest social service agencies in the State of Illinois. From Belleville to Belize, Gene's generosity, passion and spirit have had a positive impact on family, friends, colleagues and constituents. His visionary leadership and tireless efforts to constantly improve the lives of others will be missed.

Throughout his career, Gene has served people, first as a teacher from 1963–1968. Moving from teaching young people to serving the needs of the elderly, Gene became the Director of the local Foster Grandparent Program in 1968 and served in that position until 1973. In 1973, Gene became the Director of the Retired and Senior Volunteer Program and served in that position until he was named the Director of the PSOP in 1975.

While serving our area's senior citizen population, Gene developed one of the first comprehensive "Preparation for Retirement" courses and educational materials. He organized and administered local Foster Grandparent programs, the Senior Companion Program, Senior Nutrition and Development programs, as well as Senior Transportation programs. Gene also developed, organized and taught several statewide training seminars related to the subject of aging and established one of the first electronic telephone reassurance programs for the homebound elderly.

Gene served as a delegate to the 1971, 1981, and 1995 White House Conferences on Aging and served on national committees for the American Association of Retired Persons, the National Council on Aging and the National Council of Senior Citizens. He assisted the State of Illinois by organizing the Illinois State Council of Senior Citizens and lobbying the state to create the Department on Aging. Gene also helped establish the Illinois Gerontology Consortium.

Gene has been the recipient of many community awards, among them the Medal of Merit by the Belleville Rotary Club, the Studs Terkel Humanitarian Award, the Martin Luther King, Jr. Humanitarian Award and the Outstanding Administrator Award from Belleville Area College. He has also received the Distinguished Community Service Award from St. Clair County and the Liberty Bell Award from the St. Clair County Bar Association.

Through Gene's work as the Director of PSOP, the elderly of the community are treated with respect and dignity. Their needs are met by the services PSOP offers: congregate meals, meals delivered to homebound elderly, transportation, employment, companionship, workshops and activities, travel opportunities, wellness clinic, volunteer opportunities, advocacy, counseling, outreach programs, and more. Recently, I was happy to work with Gene to secure more than $900,000 to help finance the construction of an addition to the PSOP building at 201 North Church Street.

In addition to his work with the elderly, Gene still has a place in his heart for children. He continues to touch the lives of young handicapped children through the Belize Crippled Children's Program. He spends much of his spare time promoting this program, recruiting host families for the children who receive medical treatment at Shriner's Hospital in St. Louis, arranging travel to and from Belize for the children, and often escorting them himself, and traveling to Belize to assist with the medical clinics which are held to select the children for the program.

As a result of his many years of dedication to the Belize Crippled Children's Program, he was appointed Honorary Consul of Belize for the Greater St. Louis/Southern Illinois Area and serves as Secretary-Treasurer to the St. Louis Consular Corps.

If a person, no matter what age, race, or religion, is in need, Gene will lend a helping hand. If there is a situation that needs correcting to benefit others, he will fight to correct it.

The PSOP program helps approximately 12,000 seniors every year and he has helped hundreds of children through the Belize Crippled Children's Program. His life has made a definite impact on thousands of people, thus making the world a better place. Gene Verdu is a true humanitarian.

Mr. Speaker, I ask my colleagues to join me in recognizing the contributions of Gene Verdu and wish him the best in the future.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong opposition to the amendment by my colleague from Colorado (Mr. TANCREDO). Wildfires are a serious problem but we should not be undercutting an investment in our future. Build fewer roads in our national forests and I'll bet you'll have more money to fight forest fires and maybe even have fewer forest fires to fight.

Mr. Chairman, this is a cynical amendment. Why target just the NEA? What has NEA done to deserve such spitefulness? Since its creation in 1965, the NEA has issued more than tens of thousands of grants. Of this total, fewer than 20 have been considered controversial. Match that 20 against grant recipients who received 35 of the past 46 National Book Awards, National Book Critics Circle Awards and Pulitzer Prizes in fiction and poetry since 1990.

Match it against the grant recipients of PBS's Great Performances who were nominated for 121 Emmys and won 51 Emmys. The arts are vitally important to the intellectual and cultural growth of our nation. The contributions that the National Endowment for the Arts have made to such efforts are significant and should be permitted to continue at an even higher funding level. It has worked to enrich American life and culture by promoting knowledge of artistic endeavor, thought and culture throughout the nation. The endowment accomplishes this mission by providing grants for high-quality artistic projects.

Great performances or small, NEA has supported hundreds of professional orchestras, dance companies, and nonprofit theaters, where before NEA's support there were none. As a member of the Subcommittee on Interior Appropriations, I have been privileged to learn more about the NEA through congressional hearings and outside witnesses. Federal funding for music, dance, theater, literature and visual arts is not just about quality of life; it's about investments to fulfill our human and economic potential.

By directing funds toward culturally diverse, educational, community-oriented programs, for example, we provide places where at-risk youth can express themselves creatively rather than destructively. The small seed money NEA provides is an investments in communities across the country that will pay us back many fold in rich dividends. Today, we have a chance to increase our investment funding for this worthwhile program, not retreat from it.

I urge my colleagues to oppose this amendment.

TRIBUTE TO MR. PETER SMITH

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to recognize a great contributor to civil rights and to the empowerment of people in this country. Peter Smith has worked for almost forty years to promote civil rights and to provide legal services to those who have traditionally been denied such access—African Americans and other minorities, the poor, juveniles, and those with disabilities.

In his Cornell Law School graduating class, he was one of the very few who chose to turn their backs on the prestige and financial rewards that would come to those who entered private law practice. In a period of our history where the fashion was "me first", Mr. Smith has without exception put "you first." And for four decades, the "you" was individuals who for reasons of race, poverty, age or disability were denied equal access.

In 1964, having worked there earlier during law school, Mr. Smith joined the staff of the Civil Rights Division of the U.S. Department of Justice. As a member of the small and elite Appeals and Research Section, he wrote and argued appeals in some of the most significant cases in the civil rights struggle of the 1960s and played a role in drafting the landmark Civil Rights Act of 1964 and the Voting Rights Act of 1965.

In 1966, again breaking new ground, Peter Smith joined the first legal services appellate section in the nation. He argued before the Supreme Court of the United States the landmark case that brought an end to welfare residence requirements. The work that he did in public housing and welfare reform continues to this day to promote the quality of lives of those people who are dependent upon government policy for their very survival.

After five years of working to deliver legal services to those who, because they were poor or minorities, were denied access to such services, Mr. Smith concluded that the problems would never be solved unless the private bar was brought into the struggle. After much effort, he convinced an establishment Baltimore law firm to open a branch office in Baltimore's inner city that would deliver legal services to the underserved the same way the rest of the firm delivered legal services to the privileged. That office, under Smith's leadership, became a model for a number of other law firms in the country.

In 1972, Mr. Smith joined the faculty of the University of Maryland School of Law and, almost immediately, created one of the first clinical legal education programs in the nation—a program with two parallel goals. The first goal was to change the way that law students were educated, by creating an opportunity for students to practice law, representing clients, while under very close supervision—a model that the medical community had long used. The second, and equally important goal was to deliver legal services to a class of people who ordinarily did not have access to such services—juveniles. Smith operated the Juvenile Law Clinic until 1979, representing many clients in administrative and judicial proceedings including before the Supreme Court of the United States where he helped to guarantee key legal rights for juveniles.

Almost without exception, the students who went through his clinic consider that experience to be the most significant of their law school education. In 1979 he spent a sabbatical in England helping to develop clinical legal education there.

In 1991, Smith returned to his childhood home in New Hampshire where he assumed a new challenge—to provide legal services to yet another segment of American society that traditionally had been denied that access—individuals with disabilities whose legal problems were related to their disability. For the last few years Mr. Smith has narrowed that focus even more, representing parents of children with disabilities in cases where the school district was not complying with federal law.

Mr. Speaker, on April 27th, Peter Smith celebrated his 65th birthday. While he continues to actively practice law, delivering legal services to those who have so long been denied that access, I did not want this occasion to pass without acknowledging his long service promoting civil rights for minorities, the poor and the disabled.

TRIBUTE TO JOE MARTIN

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. SPRATT. Mr. Speaker, I would like to enter in the CONGRESSIONAL RECORD a story from the Charlotte Observer about Joe Martin, a friend since college days, who was diagnosed nine years ago with ALS, amyotrophic lateral sclerosis. Today, Joe says, "I do not have ALS. I had it." Joe wants to change the "doomsday" mentality about ALS, and show that people can survive, as he has for the last nine years. Joe, in fact, has not only survived but has published two books, an autobiography and a novel, and is at work on a third.

Many members will remember Rep. Jim Martin, who left Congress to serve as Governor of North Carolina. Joe is Jim Martin's brother. As you will see from the article, Joe Martin and his wife, Joan, are establishing a web page which may be of interest to Members with constituents who have ALS.

[From the Charlotte Observer, July 23, 2003]

JOE MARTIN TACKLES HIS NEXT CAUSE

(By David Perlmutt)

He can't talk, he can't walk, he can't move a single body part except for a finger, eyes and a few facial muscles, but Joe Martin is on yet another crusade.

Nine years after he was diagnosed with ALS, amyotrophic lateral sclerosis, the former bank executive and now novelist wants to change the thinking about the disease that paralyzed him and, according to that doomsday thinking, should have killed him.

These days, he discusses his illness in the past tense. Martin, 63, is living proof, he says, that people can live—and don't have to die—with ALS.

"For any practical purpose, I do not have ALS. I had it," Martin responded by e-mail. ". . . My survival is just a fact, almost a foregone conclusion."

Soon, he and wife Joan plan to post a new Web site that takes "positive" messages to ALS patients—despite doctors telling them they will die within two to five years.

"Joe wants people to get information that is positive, instead of the sad news," Joan Martin said. "It will talk about living, never about dying. Joe tells people diagnosed with ALS, 'If you have a doctor who talks about dying, get another doctor.'"

Martin also plans to go after investment money for technology he says makes survival an option—for example, the ventilator, a little larger than a laptop computer, that helps him breathe and a feeding tube that prevents him from choking on food. Both have given him renewed hope that he will live to be an old man.

"I knew all along we needed to change the way the world sees ALS, but to what?" he wrote. "If the world concluded that only someone with my money and connections could survive, people with ALS would be more depressed than ever."

Martin, a force in the past for better race relations, is the brother of former N.C. Gov. Jim Martin and a retired bank executive. The ALS Association, he says, argues that many patients don't have his means and therefore "we will give them only palliative care, easing them toward death, then use them to raise money.

"My passion is to save people from that deathtrap."

Jerry Dawson, executive director of the Carolinas ALS Association, said the group's primary mission is: "To help people live with ALS and to leave no stone unturned in the search for a cure."

It is fighting ALS through research and lobbying Congress for research money, he said.

Martin was diagnosed in October 1994. The disease kills nerves controlling arms, legs and muscles used to breathe, swallow and talk. It has the highest mortality rate among degenerative neurological disorders.

In 1941, ALS killed baseball legend Lou Gehrig, whose name is tied to the disease. Patients generally die of respiratory failure.

Martin believes ALS can do nothing else to him, since the ventilator helps him breathe.

"He can't fall. He can't choke. He won't starve. And with a ventilator, he can't stop breathing," Joan Martin said. ". . . His eyes are never affected by ALS. So nothing else can go wrong with him."

Martin sees three barriers to survival:

Using Lou Gehrig as an icon of death: "In the name of a true American idol, 'advocates' use false claims with impunity . . .," he wrote in a recent letter to U.S. Rep. Mike Bilirakis, R-Fla., who chairs a House health subcommittee. "How many people refuse treatment, accepting that fate?" The ALS Association's "commitment to death as the only remedy": "My crusade is to put the ALS Association on a different track or put them out of business. They or somebody else can raise more money by telling the truth, without sacrificing lives." Dawson said the association "regards its work with people with ALS . . . to be its most vital mission."

Technology: "Technology makes survival possible but not attractive. Our Web site will encourage such things as ventilators . . . and headbands that transform brain waves into words." The average life expectancy after diagnosis, he said, predates new therapies and "assistive equipment."

Though silenced, Martin has become a loud advocate for ALS patients getting the treatment and equipment they need to prolong life. In 1998, he, his brother and friends raised more than $3 million to build the Carolinas Neuromuscular/ALS Center at Carolinas Medical Center.

Dr. Jeffrey Rosenfeld, the center's director and CMC's chief of neurology, agrees that if Martin's body doesn't create a new problem—such as an infection—ALS can do little more to him.

The center, Rosenfeld said, has adopted a philosophy of aggressively treating symptoms before they become debilitating. Martin, he added, bought into that.

"I agree with Joe that if you're aggressive with the management of the disease, you can most definitely change the course of the disease," he said. ". . . Joe has opted for the benefits of every aggressive intervention available."

Those interventions are available to everyone treated at the Charlotte center, which pays the cost if the patient can't. Rosenfeld said: "At the center, the patients and needs come first. The financial obligations come second."

Martin is helped by a rare determination and his support system at home, Rosenfeld said.

He's shown he can live with ALS. A year ago, he and Joan traveled overseas, and in December to New York, where they saw plays. He has written two books, one about living with the illness, the other a novel. He's writing a second novel; a computer allows him to type e-mails or faxes by focusing his eyes on letters.

"What Joe wants to show . . . you can go to the movies, you can see your grandchildren," his wife said. "You can live with ALS."

In the past, Martin has crusaded for causes such as better schools and race relations. He introduced "Race Day," challenging Charlotteans to invite a person of a different race to lunch and to live tolerantly.

Martin knows there is still much to be done, but for now he is focusing on ALS.

Far from declaring victory, he became discouraged and upset last week by the ALS death of friend Glenn Mason of Charlotte.

"Glenn faced ALS with courage and thigh-slapping humor. He was important to changing attitudes about ALS and his death reminds us we have a long way to go.

". . . I will accept victory when we make survival a viable and generally available option."

SENATE—*Friday, July 25, 2003*

(Legislative day of Monday, July 21, 2003)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. This morning, the Senate will be led in prayer by the Reverend Campbell Gillon, Pastor Emeritus of the Georgetown Presbyterian Church.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Eternal God, before Whom the children of humanity rise and pass away, the living who seek Thee find a faithfulness that knows no end. Thy love transcends not only time and space, but human evil in its arrogance and cruelty, prejudice and pride. Teach us that we do not exist by ourselves, in ourselves and for ourselves, but only learn what life means when in a true relationship with others and with Thee. Teach us that our context is not an accidental cosmos but a purposeful Creator; our destiny no cosmic accident but a love-fashioned creation, and Thy self-revelation, O God, the key to our knowledge of the dust and the divine.

We mortals are made in Thine image, which is certainly not dust. If we deny or ignore the revelation of Thy Word, then we make the dust our final goal and our way to it paved, at best, with ephemeral success, or, at worst, with evil done and its sad harvest multiplied. Lord, we know that this need not be so. When we acknowledge that our destiny is in Thee then the past can be forgiven, the present empowered and the future unchecked by death. Increase this faith in all homes whose loved ones have died and in particular those whose beloved have been serving this Nation's present and future safety. Death is pointless.especially to those for whom life is ultimately pointless, but when any life, long or short, is faithfully spent for the good of others and Thou, O God, art its goal, then powerless death is swallowed up in the victory of life eternal.

Grant to these Senators of this 108th Congress a daily awareness of this larger context, as they use talents entrusted and opportunities sent. Help them to match the one with the other as they strive for this peoples' long-term good and the human family's gain. And upon them individually and together we ask Thy blessing. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

SCHEDULE

Mr. CRAIG. Mr. President, this morning the Senate will resume consideration of S. 14, the Energy bill. Three fuel standard amendments were offered last night. Senators are encouraged to come to the floor during today's session to debate these pending amendments. Other amendments are expected during today's session with the hope of making further progress on the bill.

There will be no rollcall votes today. But it is still the expectation that Members will be available to debate the amendments.

Also, today it is expected that the Senate will debate the Free Trade Agreement relative to Chile and Singapore. Some Members have indicated that they desire to speak on these agreements today, and they will have that opportunity following the Energy bill.

Under an order from last night, the next rollcall vote will occur on Monday at 5 p.m. That vote will be the nomination of Earl Yeakel to be a United States District Judge for the Western District of Texas.

Following the 5 p.m. vote on Monday, the Senate will also vote in relation to any available amendments to the Energy bill, as well as the Chile and Singapore trade agreements.

Finally, a cloture motion will be filed today on Priscilla Owen's nomination to the United States Circuit for the Fifth Circuit. This will be the third cloture motion on this nomination. That vote will occur on Tuesday.

I thank Members for their attention.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed in morning business for no longer than 2 minutes.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

A TRIBUTE TO THE IDAHO FALLEN FIREFIGHTERS

Mr. CRAIG. Mr. President, the reason I ask for this privilege is to speak to my colleagues in the Senate about two families in Idaho who have just lost their sons fighting wildfires. My sympathy to the families of Jeff Allen of Salmon, ID, and Shane Heath of the Treasure Valley of Idaho. These brave men lost their lives while trying to save our public lands from a catastrophic wildfire in the Salmon-Challis National Forest, this past Tuesday, July 22. Both men were experienced firefighters of the Indianola Helitack Crew.

My heart and prayers are with the family and friends of these two firefighters and the Forest Service firefighting family.

Jeff Allen was 23 years old and had been a firefighter since 1999. He started working on the Salmon-Challis National Forest on a thinning crew on the Salmon-Cobalt District in 1998. He served successfully in fighting devastating fires on the Salmon-Challis National Forest during the 2000 fire season. Jeff was a marketing major at Boise State University.

Shane Heath was 22 years old and this was his fourth season with the Forest Service. He served on the Helitack crew as a certified sawyer and was also a student at Boise State University.

The tragic loss of these two men will be felt throughout their communities and their selfless acts of true bravery will not be forgotten. I commend the men and women who risk their lives every day by undertaking this terribly dangerous job with courage and professionalism.

Thousands of young men and women are on the fire fronts of the wildfires that are now sweeping across the West. As we enter the middle of fire season, with the devastating heat that we are having in the Great Basin, and the West, I hope that we do not lose another fire fighter to wildfire.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

THANKING APPROPRIATIONS COMMITTEE STAFF FOR HOMELAND SECURITY APPROPRIATIONS BILL

Mr. COCHRAN. Mr. President, I take this opportunity to commend the hardworking members of the staff of the Appropriations Committee for assisting in the passage of the Homeland Security appropriations bill last night.

For over 3 days we were on the floor debating the bill and considering amendments. They did a masterful job helping guide those of us who were in charge of managing the bill along the path toward final passage.

I also thank the President pro tempore, the distinguished chairman of the Appropriations Committee, for his active involvement in helping to bring that bill to final passage. And my friend from West Virginia, the ranking minority member of the subcommittee, and his able staff all worked hard to help guide this bill through the subcommittee, the full committee, and then, even though we had disagreements on a number of subjects during the consideration of the bill on the floor, the Senate worked its will. We passed the bill, and I know we will go to conference with the House.

But those members of the subcommittee staff I particularly want to single out for praise and my expression of appreciation this morning are: Rebecca Davies, Carol Cribbs, James Hayes, Les Spivey, Rachelle Schroeder, Josh Manley, and our intern Ferriday Mansel. I am deeply grateful to them.

ENERGY POLICY ACT OF 2003

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 14, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

> Campbell amendment No. 886, to replace "tribal consortia" with "tribal energy resource development organizations."
>
> Durbin amendment No. 1384, to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency.
>
> Durbin modified amendment No. 1385, to amend the Internal Revenue Code of 1986 to provide additional tax incentives for enhancing motor vehicle fuel efficiency.
>
> Bond amendment No. 1386, to impose additional requirements for improving automobile fuel economy and reducing vehicle emissions.

Mr. CRAIG. Mr. President, Senator DOMENICI, chairman of the Energy and Natural Resources Committee, will be here soon to manage this bill for the remainder of the morning. But I want to say at the outset, we are now involved in a national energy policy debate that will run through the balance of next week.

I thank to Senator DOMENICI, as chairman of the Energy and Natural Resources Committee, for the way he has handled this critical issue for our Nation. He held thorough hearings on the importance of a balanced national energy policy for our country. Much of the lead was taken by our President when he took office over 2 years ago as he outlined this issue as one of the highest priorities for our country.

Senator DOMENICI then began to work with all of us on that committee, Democrats and Republicans, to craft a truly bipartisan and balanced piece of legislation. That is S. 14, the bill we have before us, a national energy policy for our country. When I say "balanced," Mr. President, as you know, one of the true problems in our country today is the failure to keep our energy production levels up with the demands of a growing economy.

Largely through the decade of the 1990s, we lived off the surpluses we had generated by increased capacity being built in the decades of the 1960s and 1970s and 1980s. But that surplus ran out in the late 1990s. We began to see the blackouts and the brownouts in California. We began to see energy prices increase. Our dependency on oil from foreign nations progressively grew during the decade of the 1990s, from percentages in the low 40s to the 60s. And, of course, as the Presiding Officer knows, the senior Senator from Alaska, Alaska became during that period of several decades a prime producer of high-quality crude for this Nation, and still has tremendous oil reserves in Alaska that could be made available if the politics were allowed to let that happen. But that has not happened.

Senator DOMENICI recognizes that, and in the crafting of this bill did a combination of things, in cooperation with all of us, to recognize the need to get this country back into the production of energy while at the same time recognizing the importance of conservation, recognizing the importance of our environment, and that the energies we produce in the decade of 2000 to 2010 and beyond be clean sources of energy, and also recognizing the application of technology and the development of hydrogen fuel cells and wind and photovoltaic.

Also, the Senator from New Mexico and I have worked very closely over the last nearly two decades building a case for the return of the cleanest, most abundant source of energy for our country: electricity generated by the nuclear generation process and nuclear reactors.

There has been a schism or a belief in our country that somehow this was not a safe way to generate electricity, and that we could not manage the waste stream produced from nuclear reactors. Quite the opposite is now true. Not only have we moved significantly in the development of a clean waste stream, but this legislation also speaks to what we now call Generation IV or new passive reactors this legislation would authorize the design and development of for future generations. This is, without question—other than wind, solar, and hydro—the cleanest form of energy we have because it can produce energy at high, sustained levels to meet the demand of a high-tech economy and, at the same time, do it very cleanly.

This bill is a complete and balanced energy policy for our Nation. As I have said, it puts us back into the business of producing energy. It recognizes conservation. It recognizes technology. Our President has challenged us to develop hydrogen as a new source of transportation fuel for our country. This legislation deals with those issues, and I think it does so in not only a comprehensive and environmentally sensitive way, but it clearly recognizes that this economy runs on energy, period, end of statement.

Every one of us today started our day using energy. The clock that awakened us, the radio that turned on was turned on by energy. The cool room we slept in last night was cooled by energy. Many of you probably brushed your teeth with an electric toothbrush this morning fueled by energy. The water that surged out of the tap in your bathroom or from the nozzle of your shower this morning—the pressure was produced by energy. And it goes on and on.

When you went into your kitchen and opened the refrigerator to get out a glass of orange juice, the refrigerator was cooled by energy. The orange juice was processed by energy—and so on.

Did you walk here this morning? If you did, you used your own energy, but it was generated by all those other sources of energy. But if you drove here, then you used the standard form of energy that has kept this economy so vibrant for so many decades. Without question, we are an energy-intensive, extensive, involved economy. Without an abundant, available source of energy in all forms, this economy does not function well or it becomes increasingly dependent on those nations that produce energy and sell it to us.

Senator DOMENICI, myself, and others serving on the Energy Committee have recognized that, I believe, in a responsible way in S. 14. Now we have the opportunity to complete the debate on this legislation. There are hundreds of amendments that have been filed, and we will work very hard to get through all of them. But then all of them are not intended ever to be offered. They are merely offered as placeholders or for the political statement one of our colleagues may want to make as it relates to a constituent or to his or her particular views on energy.

So we hope—and I think the Senator from New Mexico, who is now in the

Chamber hopes—we can work our way through those amendments over the course of the next week as we move toward completion of this bill before the August recess.

This bill has already been on the floor for hours over the course of the last several months, and we have had a variety of amendments already. So for anyone who will stand and wring their hands and say it cannot be completed by next week, they are simply saying: I don't want to complete it by next week—for whatever political purpose that might serve the individual.

Our leader, Majority Leader FRIST, says we will start early and work late; and we are prepared to do just that, starting on Monday with votes on this legislation and working through the remainder of the week.

At this time I will yield the floor to the chairman of the Energy and Natural Resources Committee and, once again, recognize him for the phenomenally hard work he has put into building a balanced national energy policy, reflected in S. 14.

I hope by next Friday evening we will have finalized this bill, gone to final passage, and that this will be the year when we put on the desk of the President of the United States a futuristic program for the assurance of the development of energy for generations of Americans to come—that product which will fuel a vibrant economy for our country.

I yield the floor.

The PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand we will have a number of amendments this morning. Yesterday we had two CAFE amendments. I understand there is a third—at least a third—that will be presented this morning. We are hoping that will be the extent of the CAFE amendments and that we will eventually vote on those and the Senate will work its will, as it has already in the past on CAFE standards. I understand there is a good chance there will be a number of amendments offered this morning.

There is no desire on my part to ask for votes today. Every effort will be made to work out with the minority a method of stacking them for Monday which would be far more accommodating to Senators.

While we wait to untangle some matters, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF WILLIAM H. PRYOR

Mr. SESSIONS. Mr. President, I wish to bring my colleagues up to speed on the nomination of Attorney General Bill Pryor from the State of Alabama for U.S. District Court for the Eleventh Circuit Court of Appeals.

Bill Pryor is an extraordinary nominee, one of the finest, most decent, most intelligent, and most ethical individuals I have ever had the pleasure of knowing. His reputation throughout the State of Alabama is extraordinary. His career as a lawyer is extraordinary. He would make a magnificent judge on the court of appeals.

Bill grew up in Mobile, AL. He attended the Catholic school there, McGill-Toolen. His father was band director there. They were active in their church. They are the kind of family we ought to emulate and lift up and be proud of. I have heard it said that Mr. Pryor was a John Kennedy Democrat in the 1960s. After some of the problems we have had, he probably has changed some of his views about his politics in the last few days. But he is a remarkable man, and his mother and family are remarkable.

Bill went to Tulane Law School, one of America's great law schools. He worked very hard. He finished at the top of his class. He was the editor in chief of the Tulane Law Review. The most prestigious position a graduating law senior can have is to be the editor of the law review for the law school. It is a quite an honor.

He clerked after that for Judge John Minor Wisdom, one of the great justices on the old Fifth Circuit Court of Appeals. Judge Wisdom has been known as a champion of civil rights in the South. He was one of those judges on the court of appeals during the time of the end of segregation and the movement toward integration. It was not easy. The court was constantly in the arena, whether they wanted to be there or not. Judge Wisdom has been recognized by all as being a champion in that area.

Bill Pryor is a man of religious faith. He attends church regularly. His wife and children do so. He is a Catholic, and he believes in the doctrine of the church. It seems that some of those beliefs he shares with millions of Americans and millions of people throughout the world have caused some of the difficulties he has had.

He helped me. When I was attorney general of Alabama, I put him in charge of appellate litigation and constitutional litigation. He wrote briefs to the court of appeals. He argued those cases personally. He had already been with two of Alabama's best law firms before he agreed to join me, giving up a very lucrative law career. The firms wanted him to stay. He was in a position to be partner and make a great deal of money. But he believed in public service. He and his wife talked about it. They agreed to come to work.

After I was elected to the Senate 2 years later, Governor James, then Republican Governor of Alabama, appointed Bill to be my successor as attorney general. In that position, he has stood courageously for the values he believes in. He has done so with clarity and conviction, winning the confidence and respect of people throughout the State, even those who are of a different political party and race.

For example, when he was sworn in, he said in his inaugural address: "The constitution and laws of this State should have not one thing in them that would discriminate against a person because of their race." We had in our Alabama Constitution an old amendment that said interracial marriages were banned. That had been declared unconstitutional by the Supreme Court, but Bill thought it ought not to be in there. He joined with State Representative Alvin Holmes who worked on the team of Dr. Martin Luther King, Jr., during those very tough days of civil rights. Together they led the battle, and the people of Alabama removed that amendment from the constitution.

Alvin Holmes said: No other politician in Alabama, Republican or Democrat, White politician, supported me in that effort but Bill Pryor.

He wrote one of the most powerful, moving letters anybody would ever want to see explaining the character of Bill Pryor and why he should be a Federal judge.

Along that line, Mr. Joe Reed, Representative Joe Reed, Dr. Joe Reed, who is the vice chairman of the Alabama teachers union, the AEA, a member of the Democratic National Committee, who has chaired for 30 years the Alabama Democratic Conference, a powerful force in Alabama—there is nobody who has run for the Democratic nomination for President in these United States who does not know Dr. Joe Reed. He is the first person they would want to talk to as they consider how to be involved in winning a primary in Alabama. Dr. Reed supports him strongly.

Congressman ARTUR DAVIS, a Harvard Law graduate, former assistant U.S. attorney, African American, supports Bill Pryor.

The former Democratic Governor of Alabama has spoken highly of him. He has that kind of reputation. His reputation is that Bill Pryor does what is right; he follows the law, whether it is popular or not.

One of the issues that was important politically in the State—and each State has issues that arise given time—was separation of church and state. The issue became very contentious.

Our Republican Governor, Bob James, had a very strong view about it. He played football and he said he didn't see anything wrong with a coach leading the kids in prayer. Frankly, I don't either. But the Supreme Court has ruled to the contrary.

Governor James had other very strong views. He had just appointed Bill Pryor to the attorney general office to be one of the youngest attorneys general in America. He had this idea about how these issues ought to be argued in court. But under the Alabama Constitution, the attorney general speaks for the State of Alabama in court. So they had a conversation or two, and Attorney General Pryor had to reluctantly tell the man who just appointed him, in a very hot political deal, that your position will not hold up according to the law; I cannot support that.

The Governor took a very strong position on the right of school officials to speak on religious issues, and reluctantly the attorney general had to file a brief on the subject. The attorney general filed a brief and said flat out that the Governor's position did not state the legal position of the State of Alabama. He argued the case according to the precedent of the Supreme Court. He also, in that confused time, wrote a legal opinion, which he sent to every school official in the State, setting forth what children could do in the free exercise of their religious beliefs and what schools could and could not do. In fact, those rules that he sent out were adopted almost in toto by the Clinton Department of Education as their directives to policy concerning the separation of church and state in schools. He followed the law, even though it was very tough for him to do so.

They have expressed real reservation about Mr. Pryor. They say he has strongly held views, that he is extreme in his pro-life views, that he is very passionate, and that he would not follow the law, basically.

They have criticized him for his views on abortion. He didn't volunteer those views. But in the committee, one of the Senators looked right at him and asked him about that. He explained that he thought that taking an unborn life was immoral and that Roe v. Wade has led to the slaughter of millions of innocent unborn. You could have heard a pin drop. Nobody had really been asked that squarely. He answered it honestly. He said: But, Senator, I know the courts don't follow that view and it is not the law today, and I follow the law as it is written.

In fact, he had proof of it because, previously, when he was attorney general, Alabama passed a law to ban partial abortions. That law was a broad law. Under the Supreme Court rulings and other rulings, portions of that statute were not constitutional. Attorney General Pryor, as attorney general of Alabama, had to send a directive to all the district attorneys in Alabama directing them not to enforce portions of that law that violate the Constitution of the United States. So even though he thought, no doubt, partial-birth abortion was wrong—because he believes abortion is wrong, so he would certainly believe that horrible procedure would be wrong—he was a lawyer and he spoke up and he directed, as attorney general, every district attorney in the State to enforce that law, consistent with the Constitution. I think that demonstrates clearly his ability to understand and follow the law even if he does not agree with it.

The only other thing I know he has ever done with regard to abortion is to make clear that if there were a protest at an abortion clinic that violated the law and the right of people to attend that clinic, they would be prosecuted by him. He would enforce the constitutional right of people to go to clinics and have abortions under the laws of the United States.

Another issue we dealt with in the State was reapportionment. Most Republicans believed strongly that reapportionment had been very adverse to their ability to have a representative in the State legislature. As a whole, the State is a majority Republican State, with both Senators, the Governor, and five of the seven Congressmen being Republicans. But the legislature is about two-thirds Democrats.

A lawsuit was filed by the Republican groups to get the legislature reapportioned, hoping they would get a better shake in the numbers. It was a pretty legitimate suit. It had real merit to it. They wanted Bill Pryor to take the lead in it as attorney general. He was a Republican, after all. Some lawyers had known him for years and they had worked with him. Bill researched the law and said: You don't have standing, and this is not a legitimate lawsuit, and I cannot support it. They said: What do you mean? They called me saying I have to get Bill to change his idea and help them win. But I told them then that Bill follows the law. If you have the law, do it; if you don't, he will not help you. So he resisted their actions. He defended the Democratic position. He defended, particularly, the African-American position. He actually lost the case in the court of appeals and appealed it to the Supreme Court of the United States and won it. He was right all along.

So I can give many examples of this brilliant lawyer who has stood firm for what he believes is right, who gives bipartisan, biracial support to the people in Alabama, a man who would flourish as a court of appeals judge, a man who loves America. He has sincere and great religious faith. He understands the rule of law and places all that in proper context. I am just proud of him. I am glad the committee has moved him forward. I hope we will see him confirmed as a Federal judge.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

TRIBUTE TO COLIN McMILLAN

Mr. BINGAMAN. Mr. President, I take a couple of minutes to speak about the tragic death of Colin McMillan, who was a very outstanding citizen of our State of New Mexico. He had distinguished himself as a businessman and also as a public servant in Roswell. In Santa Fe, he served in the State legislature, with a leadership position, and also here in Washington, where he served in the Department of Defense in the previous Bush administration. He was influential and effective in all of the positions he held. He was extremely well respected for his straight dealing and his integrity.

I met Colin first when I was in law practice in Santa Fe and he was in our State legislature. As I indicated, he had a very prominent position, a leadership position, in our State legislature back in the 1970s. Since then, our paths have crossed many times. Most recently, we spoke when he came to my office to discuss his nomination by President Bush to serve as the Secretary of the Navy.

This is a position I strongly supported him obtaining and I told him I was looking forward to him being back in Washington. I know he and his wife Kay were looking forward to returning to Washington. He spoke with great enthusiasm about his plans in that new position.

His death is a loss to us in New Mexico, and it is a loss to the country. We will be deprived of his leadership.

I know he was a very good friend of my colleague, Senator DOMENICI, for many years and a political ally in New Mexico for many years. His loss will be noted and regretted by all of us in New Mexico.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, last night I took a couple of minutes to tell the Senate that a good friend of mine, but also a great New Mexican, was dead, Colin McMillan. My friend and colleague, Senator BINGAMAN, just spoke of him.

It is remarkable that Senator BINGAMAN would speak of him with such glaring words when, as a matter of fact, they ran against each other in a statewide campaign.

The truth is, he was a truly outstanding man. His death is rather unexplainable. We still do not know enough about it, but we do know that he was too young to die and had succeeded at just about everything he tried in his life, starting out at the

University of North Carolina where he was a Phi Beta Kappa in the college of engineering and became an enormously successful geological engineer. He was one of those who was first to grab on to the modern techniques of discerning what lies below the surface and, thus, became an expert and developed a successful company helping others locate oil and gas. He formed his own exploration company and became an oil and gas entrepreneur.

Along with that achievement, he had a western craving to own a ranch, and he had a beautiful ranch. I have been there many times. It is a great place to hunt quail. His ranch is renowned for quail. My son Peter and I and others in New Mexico have been there with him many times. It is rather ironic that he was found dead at the ranch yesterday some time during the day by the ranch hands.

When I spoke this morning with my oldest son, he used the word "brutal." I use it today. It is truly brutal for those of us who knew him. All we can say is he succeeded at almost everything he wanted to do in life. Clearly, there are few in New Mexico who will achieve as much as he. He was really looking forward to becoming Secretary of the Navy, taking great pride in being a Marine officer for 3 years after completing his baccalaureate degree in North Carolina.

I and my wife Nancy clearly have had a very tough personal loss in his death, and there is not much more I can say other than he will be missed. We will all find out someday, perhaps in the hereafter, how all this happened. In the meantime, all we can say is we will miss him terribly, and we wish for all of his family an understanding beyond normal capacity to apprehend, that there will come upon them some understanding as to why all of this happened.

He had been sick. He had a recurrence of cancer that inflicted him some 2 years ago. Everybody thought he was recovered and recuperating quite well. At least we thought so and his family thought so, when this tragedy occurred.

I thank the Senate for the time.

Mr. President, before we call on Senators, we are expecting closure of between 5 and 10 amendments, which we will present jointly this morning on this Energy bill. The biggest issue everyone has asked so much about is the electricity title. It is a very complex title. We have tried to put together a major bipartisan amendment. It is in the hands of all the Senators and, as a result, because it is so important, it is in the hands of hundreds of experts and lobbyists and companies across this country.

By Monday, everybody should know what they want to do with it, to it, or for it. It will be offered Monday with the hope that we will begin serious debate on that amendment.

CAFE standards has been one of those issues of importance. We have two of the major CAFE standards amendments pending. They were offered last night. We will work out a time for voting on them on Monday. We expected another CAFE standards amendment this morning, but it has not materialized. Let's hope it does so we can get them all lined up to dispose of them Monday evening.

There are about five other major issues that are being worked on, and we hope we can prove that the Senate is capable of completing this bill in five additional working days, besides last night and today, and the previous time we spent on the bill.

Everyone should remember, the majority leader said we are going to finish this bill. We are scheduled for our August recess next Friday, but we have been told those recess days will not commence until we have finished this bill. I hope everybody understands that is not said in any way other than in a positive way. There is plenty of time so long as Senators do not desire an inordinate amount of time on any subject. We probably have one or two climate change amendments. We probably have, as I indicated, an additional CAFE amendment and many amendments on the electricity section. Plus, I am sure the minority leader has some amendments with reference to mandating the percentage of wind energy and solar energy that must be utilized by the utility companies. That will be thoroughly debated and voted on. There may be a couple other major issues, but I think that covers most of them—and I covered them last night reminding everybody to get ready. We always have the idea around here that we will get ready when the time is necessary.

People put off things until that ominous time. On Energy amendments, the time has come. The electricity amendment is in our hands. It is major legislation. We are going to proceed with dispatch, at least as much dispatch as the Senate will let us, and we will try to push that as nicely and calmly but as rigorously as we can for the next 5 or 6 days in an effort to complete this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

UNANIMOUS CONSENT REQUEST—S. RES. 200

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 200 regarding the adoption of a conference agreement on the child tax credit; that the resolution and the preamble be agreed to; and that the motion to reconsider be laid on the table.

Mr. DOMENICI. I object.

Mr. JOHNSON. Mr. President, I call on Congress to pass the Lincoln bill which will provide immediate tax relief for 12 million children and our Nation's fighting men and women.

Millions of working American families with incomes between $10,000 and $26,000 will receive absolutely no benefit from the increase in the child credit that was signed into law by the President several weeks ago. Close to 200,000 military personnel have incomes in this range, and most will not qualify for the $1,000 child tax credit.

More then 300,000 military personnel are currently serving in combat zones around the world. In answering the call of duty, these young men and women were forced to leave their families behind as they headed to Iraq and Afghanistan to serve their country and to help create new democracies. Yet this Nation's laws have failed them. Under current law, the children of these families are truly left behind.

The Treasury Department will begin sending checks to taxpayers reflecting the increase in the child credit from $600 to $1,000 for 2003. Yet the Children's Defense Fund estimates that 1 million children in military families will not be eligible for the full child credit. This is roughly 1 out of every 8 children of military families.

For active duty military families, the numbers are even more staggering. Roughly 260,000 of the 1.4 million children of active duty military personnel, or nearly 1 of every 5, will not receive the $1,000 child credit.

Military personnel serving in combat zones in Iraq and Afghanistan would be particularly hard hit. Under current law, a family must make $10,500 to qualify for any portion of the child credit. Because combat zone pay does not count toward the income required, many military personnel who left their families behind to fight America's wars will themselves be left behind by this Congress.

Congress has failed its fighting men and women. It does not matter how many speeches we give thanking them for their service, and lionizing their courage, and acclaiming their patriotism.

The single mother whose husband has been deployed to the Middle East for the 50th week running cares a lot more about getting her $400 check than she does about hearing how much we appreciate her sacrifice.

Frankly, it is shameful that a body willing to send our young men and women to war would at the same time turn a blind eye and a deaf ear to their families.

The Lincoln bill, however, changes the law to ensure those military personnel fighting for our freedom will receive the child credit that is guaranteed to all other middle-income families. The Lincoln bill will ensure that military families get the child credit checks promised to our Nation's families.

In contrast, the House bill will leave these families behind. For example: Navy Petty Officer Second Class E-5, 4 years service, married with two children, stationed in Iraq from December 2002 until June 2003. He receives an annual salary of $22,842, and hazardous duty pay of $190 per month. Under current law, he will not see any of the increase in the child credit. Under the Lincoln bill, he will get the full $1,000 per child tax credit, an increase of $800, which his family will receive through a check in their mailbox.

The Senate bill also recognizes that the latest Bush tax cut failed to include millions of working families, families who have jobs and work hard to put food on the table for their children, and that they deserve tax relief as well.

Unless we pass the Lincoln bill, there is no check in the mail for over 6.5 million working families earning between $10,500 and $26,625; this means that over 12 million children will be left behind.

Not only do we help millions of children, but we pay for every penny by shutting down corporate tax loopholes.

For all these reasons, I call on the Senate to express its deep commitment to working together for this Nation's fighting men and women, this Nation's working men and women, and all of their children, and ask that: 1, the committee of conference between the Senate and House of Representatives on H.R. 1308 should agree to a conference report before the August recess; 2, any conference report on H.R. 1308 should contain the provisions in the Senate Amendment to H.R. 1308 concerning the refundability of the child tax credit; 3, any conference report on H.R. 1308 should contain the provisions in the Senate amendment to H.R. 1308 concerning the availability of the child tax credit for military families; 4, any conference report on H.R. 1308 should contain the provision in the Armed Forces Tax Fairness Act of 2003; and 5, any conference report on H.R. 1308 should contain provisions to fully offset its cost.

It is my hope that this resolution will be taken up promptly and that we will emerge from conference with the House in a timely fashion so that we may honor the families of our fighting men and women in a very real way with more than platitudes, more than salutes, more than just honors, but by including their kids and their families in the same kind of tax credit that other American families receive.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent to speak as in morning business on a subject of great urgency. I do not know how much time it will take. Senator BURNS will join me in a moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. STEVENS. Mr. President, I have been informed that the House this evening will pass a bill for $989 million dealing with disaster relief. As my colleagues know, we received a supplemental request from the President for $1,550,000,000 for the Department of Homeland Security for disaster response. It is estimated that the disaster fund probably has already run out of money during this month of July. When the money runs out, when there are storms, tornados, whatever they have to deal with, they borrow from other accounts, which means as we get towards the end of this fiscal year those other accounts must come to an end. We have tried to meet the President's request by sending the supplemental as part of the legislative appropriations bill.

The House has refused to conference with us on that bill. Now they are going to send us a bill that is totally inadequate. If they leave this city without giving us a supplemental for fires, it is going to leave the West burning, and it is going to bring to a halt other functions of the Federal Government which must continue through this period until September 30. I cannot believe that they would do this.

The supplemental the President sent to us provided $50 million for NASA, the National Aeronautics and Space Administration, to cover unanticipated costs of the recovery and investigation of the Space Shuttle Columbia accident. I am informed that as far as NASA is concerned, the actual costs of the Columbia accident investigation board is about $150 million so far. That means NASA has to take that money out of their current accounts and the remainder of the year they, too, will be strapped and will not be doing the scientific investigations, not be doing the prevention that is necessary in order to get ready for another NASA shuttle flight.

We received the supplemental on July 8. We acted almost as quickly as possible. It is true, we put on that bill the money to save the program for education of young people, AmeriCorps. AmeriCorps is another subject, and I will get into that in a minute. But because we put AmeriCorps on that bill, the House refused to act.

We have offered a series of suggestions.

It is impossible to believe this message I received this morning. We are going to get a bill that has less than $1 billion in it, when the President asked for $1.550 billion for FEMA and he asked for NASA at the same time. He had money in there for firefighting. The President had $253 million for Forest Service and fire suppression. We added $36 million for the Bureau of Land Management.

This is a terrible fire season. I am informed Glacier Park is ready to be evacuated. We have to have some disaster money. When I checked on July 21, the disaster relief fund had $89 million in it. We are currently estimating an obligation rate of about $5.7 million a day on the fires that existed on July 21. There is a whole new series of fires just this week. I cannot believe this.

In addition, there is an obligation to rise to $6.3 million as the disaster activity in Texas ramps up due to Hurricane Claudette.

I hope others will also join to call on the House to give a bill that will meet the needs, particularly the needs of the West. These fires are primarily in the West. The need for FEMA is national. The firefighting conditions right now in the West could not be worse. There is enormous heat in the West, including my State of Alaska. Even with enactment of the supplemental, which we sent to the House, I am told the Forest Service projects will have a deficit of $167 million by September. That is, with all the money we provided for FEMA and for firefighting, the Forest Service alone will have a deficit of $167 million based on projections of July 14th. We have increased fires, particularly in the Park Service area. It is the park that is burning out there now. I cannot believe we cannot have a conference on the supplemental before the House leaves.

AmeriCorps is a problem, too. The Government, by mistake, enrolled 70,000 young people to enter school in September. The moneys that had been previously divided only covered 50,000 young people. The person who made that mistake is no longer with the Government. But the young people are out there now with their certificates. They are entitled to enter school, but the money will not be there. It is the worst situation I have faced as chairman of the Appropriations Committee. We have to have some action by the House before they leave tonight. If they leave tonight without giving us the money we need to meet these disaster needs, I think we are going to have a terrible September.

By the way, the House is going home tonight. They could have stayed another week and we could conference the bills. The bills have been sent to conference. When we come back in September we have to meet with the House in conference and at the same time try to pass the bills we could have passed and should have passed had they sent us the bills in time. They will send us a whole series of bills they are now passing as they leave town. The Appropriations Committee must conference those bills in September and at the same time we must pass the ones they have just passed.

We cannot be two places at one time. The scheduling of appropriations this year is abominable. Someone mentioned the word "tirade" yesterday. This is a tirade, and it is time for a tirade. It is time to be strong in talking to our colleagues in the House. We must have that bill today that covers the disasters the President recognized back in July. They are worse now than when he sent the bill to us.

I hope others who have the knowledge will talk about the firefighting. In Alaska, we have fire conditions we have never faced before. One of the real problems is we have been unable to cut into the areas of the Forest Service and the Fish and Wildlife Service owned by the Federal Government that have beetle kill.

I read just last night, two young fishermen were out and they had an accident. They tried to set a fire to attract the attention of small planes flying in their area. The fire got out of control and burned 40,000 acres before we could even get to it. I don't know how many acres that will burn. But that is the condition that exists in the West today. They built a signal fire and that signal fire is totally out of control now.

We have to have funds to meet this condition this year. It is not satisfactory to say they can borrow money from other accounts. When they borrow money from other accounts, they shut down those activities that primarily exist in the West in July, August, and early September.

I call on the House: Do something; react. The President asked on July 8th. Give us the bill we need to meet the disasters that are occurring right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD TAX CREDIT

Mr. REED. Mr. President, I rise today to express my dismay about the failure to provide the child tax credit to millions of low-income Americans. In this regard, I join my colleague, Senator JOHNSON, and applaud his efforts to try today, through unanimous consent, to resolve that at least we will as a Congress commit ourselves to give the benefit to low-income families which many other families in America are about to enjoy.

Yesterday, the Internal Revenue Service began mailing out the first batch of advance $400 checks to middle and upper-income American families who are receiving the child tax credit. The President was at a mailing facility to get a visual of these checks going out. That is good news for these families. But certainly low-income Americans have the same needs; in fact, one might argue even more compelling needs for help and assistance to raise their children.

Mr. President, 6.5 million low-income families will not receive a check today. They will be left out. Even though this body acted prudently to give them the opportunity, the House, in May, dropped the provisions and did not respond with an appropriate bill.

On June 5, nearly 2 months ago, this Senate, in a bipartisan manner, passed legislation that would provide for the refundability of these tax credits and in effect give the credit to low-income families. I commend all of the individual Senators who have led the way both on the Finance Committee and, in particular, Senator LINCOLN of Arkansas, who has been advocating strenuously for this very fair and very prudent approach.

The House, on the other hand, passed an expansive $82 billion tax cut package surrounding this child tax care credit. As a result, they politicized and essentially frustrated the obvious and the compelling need to help these low-income families.

The President has called for the passage of this act, but frankly, other than appearing yesterday at a mailing facility, he has not done a great deal to force the House to pass this very simple, very necessary measure.

I hope we can make progress on this. This tax credit for child care is an important benefit for all of our families and, as I said before, very important for low-income Americans. They are struggling and with both parents working two jobs to make ends meet. These are the working Americans who are doing difficult work and working very hard. They deserve the same kind of assistance to raise their children we are providing for middle and upper-income Americans.

This is a question of fairness, certainly. It is unfair, in my view, that we would provide benefits for certain children—ironically, some of the most affluent children—and not provide similar benefits for low-income families with children. It is just patently unfair. Also, it is part of an emerging pattern of indifference, and worse, towards low-income Americans.

There is the issue of the Earned-Income Tax Credit. This has been an enormously successful program. It has, in my State of Rhode Island alone, provided $90 million to over 57,000 families in the year 2001, giving them additional help based upon their work. Recall now, this is the Earned-Income Tax Credit; you have to be working, you have to qualify by accumulating income to get the tax credit.

This is one of those very ingenious mechanisms which help lift families and children out of poverty, and it has done so with remarkable success. It has been a tax provision supported by both sides of the aisle enthusiastically for several decades. But now the IRS has announced its intention to require elaborate precertification for EITC eligibility for about 45,000, as they term it, high-risk households. Generally these are households in which grandparents or single fathers are raising children.

But perhaps of more concern to me is that there are plans to expand this precertification process to 2 million households in the year 2004 and to 5 million households within 3 years. This is a move that President Bush clearly supports, because he requested $100 million in additional funds for the fiscal year 2004 budget for this so-called compliance initiative.

If we were to propose an elaborate precertification for middle-income and upper-income tax advantages, there would be howls of protest. We would rush to this floor crying foul, accusing the IRS of overreaching and meddling with burdensome impacts upon taxpayers. But that is exactly what, in my view, is happening to low-income families in the budget proposal of the President for this precertification.

Again, I note the President has requested $100 million for additional funds to supposedly precertify families qualifying for a tax advantage under the Earned-Income Tax Credit. Just yesterday we couldn't afford, according to the vote, $100 million for improved transit security in the United States. That suggests to me the wrong, and perverse, if you will, priorities. If we are spending $100 million to try to force low-income families to come up with documentation to qualify for a tax cut but we can't find the money to protect the subways and the trains and the buses in the United States, that suggests something askew in our policies and our priorities.

I think what the pre-certification does, frankly, and maybe intentionally, will dissuade some individuals who qualify for the EITC from coming forward and applying for it. They might not understand the new precertification. They might have to pay for tax advice to do it appropriately. And one other point: the IRS has the authority to release all this documentation to the Department of Justice and other Federal agencies at their discretion, which might cause some people concerns about privacy.

This is something that, again, if we proposed it for middle- or upper-income Americans, you could not hear yourself think because of the howls of protest in this body. Indeed, back in 1998 we passed the Internal Revenue Service Restructuring and Reform Act because of supposed taxpayer harassment inflicted upon middle- and upper-income Americans by the IRS. It seems when it comes to low-income Americans who work and who qualify for the EITC, harassment isn't a problem when it comes to proposals by the administration.

I am also disappointed that in line with this attack against low-income Americans is the inability of this body and the other body to pass a long-term unemployment compensation benefit that will really take care of all the Americans who are suffering because of an economy that is functioning poorly—and that is being polite—at this moment. Unemployment in June was up to 6.4 percent, and those numbers don't even include the 4.5 million underemployed individuals, those who are working part time, looking for full-time employment but struggling to get by on part-time jobs. At least 1.3 million of these 4.5 million are in that category of looking for long-term, full-time employment but having to settle for something part-time. Yet they are excluded from our unemployment compensation provisions.

In addition, we will shortly be looking at new rules by the Department of Labor with regard to the Fair Labor Standards Act that relax overtime protection. We are also encountering proposals to increase the TANF requirements from 30 hours to 40 hours per week. Here, at a time when there are so many Americans struggling to find a job, struggling to find a few hours of part-time work, we are proposing to increase the number of work hours under the TANF Program. I think this approach to TANF will be another impact on the low-income children of this country because it will necessarily require mothers to spend less time with their children. Again,' this is another example of a policy that is not good for the economy and it is certainly not good for children.

Then we are looking at Head Start proposals and AmeriCorps proposals, as Senator STEVENS just indicated, that are shortchanging so many people, particularly young people in this country. Again, I hope we can very quickly resolve this issue with respect to the child tax credit, the underlying point of my remarks today. There are 6.5 million wage earners who are working, contributing to our economy, and trying with all their might to raise their children. Today we are ignoring the plight of all of those 6.5 million people. I hope our indifference will end very quickly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO HAL McCOY

Mr. DEWINE. Mr. President, I rise today to pay tribute to a truly remarkable Ohioan—a man who has covered Cincinnati Reds baseball for the Dayton Daily News for the last 31 years. This weekend, Hal McCoy will join many legendary baseball players and sports writers when he is inducted into the writers wing of the Major League Baseball Hall of Fame. This is a fitting and well-deserved tribute to a man who reminds all his readers everyday about why we love baseball.

I am a life-long fan of the Cincinnati Reds. For the last 31 years, I have counted on Hal McCoy for complete, detailed, objective coverage of their games. When I am back home in Ohio, the first thing I do when I pick up the Dayton Daily News in the morning is read Hal's reports. When I am in Washington, I read them off the Internet.

For more than 3 decades, Hal McCoy has brought to life in vivid detail thousands of Reds games. Through his words and insights, he has taken readers, like me, onto the field and into the clubhouse. With his stories, we have felt the players' pride in their wins and the pain in their losses. Hal McCoy has brought readers right to the game, giving us a real glimpse into the highs and lows of the Reds seasons.

One of the things I admire most about Hal is his incredible work ethic—unbelievable. Hal McCoy is, some people have said, almost a machine. I have always been amazed by his ability to crank out so much material and so many anecdotes and "notes" from the games. Nothing stops him.

You pick up the paper in the morning and you see the account of a game. Sometimes you will see a column to go along with that, you will see another story on the back page, and then you will see the notes of the game—sometimes three, sometimes even four stories just in one paper by one writer. That is Hal McCoy. He works and works and works and has an unending, unfettered enthusiasm, after all these years, for the game of baseball.

Hal McCoy is a very special man. I wish to take a few minutes today to tell my colleagues a little bit about his life and his career as a sports writer.

Hal was born and raised in Akron, OH. He played Little League baseball in Summit County and later graduated from Akron East High School. He then graduated from Kent State University in 1962, with a Bachelor of Fine Arts and a major in Journalism. Upon receiving his diploma, Hal immediately put his degree to good use when he started a job as a Dayton Journal Herald reporter, covering the Dayton Public prep league.

Hal first covered the Cincinnati Reds for the Dayton Daily News in 1973. No one knew at the time that Hal would be holding our Nation's longest-running tenure, covering one team continuously or that he would be recognized as one of the finest journalists in Ohio history, let alone one of the finest ever in his profession.

A few years ago, Hal suffered a stroke in his right optic nerve while covering a Reds game in St. Louis. He lost half of his vision as a result. While this would cause most people to slow down or stop, Hal could not be deterred. He overcame this adversity with grace and continued his post with the Reds.

Then, on January 23, 2003, Hal suffered a stroke in his other eye. Suddenly, legally blind, Hal was faced with a seemingly insurmountable obstacle—the eyes that he had been using for years to "show" the game to his readers essentially stopped working for him. But, Hal wouldn't let that stop him. He persevered. He never complained. And, when faced with the choice to retire, his resolve to write his legendary stories only became stronger.

Today, Hal continues to attend and report on Reds games using a special large-size scorebook that he designed. He says:

> I tell everybody I'm going to do this until my head hits the laptop, when I pass out in the press box. That's how much I love this job.

And let me tell you that Hal's fans couldn't be happier! Many, many Reds fans, like me, still can't wait to get up in the morning and read his stories. That is how much we enjoy his work and what he produces every day.

The publisher of the Dayton Daily News, Brad Tillson, has said this of Hal:

> I've been reading Hal McCoy's coverage of Major League Baseball and the Cincinnati Reds for more than 30 years, and I never cease to be amazed at his insight into the game and his ability to communicate it to the readers. He calls the games as he sees them with candor, integrity, and authority. Sometimes it's more illuminating to read Hal's account of the game than it is to watch it.

I must also add that the respect of the players Hal McCoy covers is also very illuminating. When Hal was faced with the loss of his sight, some of the players went to him and told him: You can't quit. You need to keep doing what you love to do.

He is held in respect by the people he covers. I think that says a lot about Hal McCoy.

Of course, if you ask Hal about the secret to his success, he would respond that it is "the readers, the people." That connection with the people is very powerful. It is not at all surprising that Hal hasn't missed a road series in 30 years. Hal has said:

> When I sit down at my laptop, it is the readers I have in mind. What would they want to know? I've tried to inform them, entertain them, and tell them the truth to the best of my capacities . . . I can never thank all the readers who have been so supportive. You are what we are all about.

It is this humble spirit and gratitude for his readers that Hal's friends and readers love most.

As Hal takes his destined place in the writers wing of the Baseball Hall of Fame, I join many other proud Ohioans in saying thank you. Hal Mccoy is a terrific writer, a magnificent storyteller, and an exemplary and well-respected member of his community. My family—my dad and my children—extends its warmest congratulations and sincerest thanks to Hal for his wonderful writing and his dedication to continuing to do what he loves despite difficult challenges. We thank him for his service to the Dayton community, to the Miami Valley, to Ohio, and to our Nation.

I look forward to many more Cincinnati Reds seasons that Hal will cover and many more great stories.

Thanks Hal. We appreciate the great work you do.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. BURNS. Mr. President, I appeal to my good friend from New Mexico who is managing this Energy bill and ask unanimous consent to proceed as in morning business.

Mr. DOMENICI. I have no objection.

Mr. BURNS. For less than 10 minutes.

Mr. DOMENICI. Whatever time the Senator desires. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I thank my good friend.

FIGHTING FOREST FIRES

Mr. BURNS. Mr. President, on the floor of the House of Representatives this morning, they are debating a supplemental appropriations bill that deals with some serious issues that are happening under the heading of disasters across this country. The appropriations bill does not designate any money for firefighting in the West. I have been told that right now the Forest Service currently has $352 million available for wildfire suppression, but that is only going to last the next 2 weeks. The latest projections, which are conservative, I am told, indicate the expected expenditure for fighting forest fires this year is $775 million.

We have a certain amount of money set aside for prevention; that is—if we didn't have this procedure called appeals—those accounts that are set aside for prevention will now be moved over to fire suppression. We are between a rock and a hard place.

It occurs to me that with the support of the White House, a clean supplemental for fire suppression, under emergency conditions, makes a lot of sense. We have to provide some money for fire suppression. The American people are turning on their television sets every night, and every night our forests are afire.

To give a rundown, they have evacuated all of Glacier National Park. Even some people they said would not have to evacuate—they are inholders in the park and have homes along Lake McDonald—they had to prepare their homes for fire prevention, and they left the park, for example, to get their groceries. Now they will not let those people back in. That is a local situation, and I am sure that is going to get ironed out.

That is how drastic this situation is. I call upon my friends in the House of Representatives: Do what is right to handle the emergencies we now have because, if we don't, when we start running out of money, then—due to this extended drought, with very hot conditions right now in the Rocky Mountain West—we are going to have these fires far into the month of September. It is just not right.

These fires are threatening our national treasures. McDonald Valley, Glacier National Park, is now on fire on both ends. Remember the book, "The Perfect Storm," about two storms coming together at the right time, and they are only 10 miles apart, that is the "perfect storm," and we could lose that entire forest.

I call upon my colleagues in the House to do the right thing now because we understand they are going to pass this bill and send it to the Senate. The Senate is in a vise. We either take it or we don't. If we don't, it will be zero dollars and the middle of September before any funds will flow into these areas that desperately need the money.

I don't know who is giving advice on this issue. I don't know who is doing the thinking on this issue. But I will tell you right now, it is wrong-headed to do it as the apparatus is set up to get it done now. It is just wrong-headed. I feel powerless to do anything, especially for the forests in my State of Montana, and that is not a very good feeling.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before the Senator leaves the floor, I wish to make a comment.

First, I was present when Senator STEVENS, the chairman of the Appropriations Committee, spoke, which was prior to Senator BURNS. He heard him, he talked to him, and then he spoke.

I wish to talk a minute about an issue that is dear to the Senator and Senator BINGAMAN, who sits here, and myself. We continue to have meetings in our Committee on Energy and Natural Resources and the Agriculture Committee of the Senate trying to analyze why it is we are unable to address the issue of thinning our forests and getting rid of blighted areas in large manner rather than taking so long and sitting by and watching the forests of America deteriorate to the point that they become tinderboxes. They are so filled with overgrowth that fires are inevitable. And when fires happen, very big trees burn because the bottom is totally filled with too many trees, too much brush, too many of the branches and leaves that have fallen. Then thousands of acres are blighted and dried and nobody is doing anything about it.

Then comes a fire. Then we come along and we say: Let's put up extra money to put out these fires, so-called disaster money. Then groups across America begin to run advertisements, have meetings and say: What is the matter with Congress? We can't get our forests thinned. We can't get them fixed. We cannot get the kind of reform that will get work done.

We have arguments that break along environmental and nonenvironmental lines. We can solve those, perhaps, in the next month or two.

But let me say to the U.S. House, I submit to you the real problem we are having in getting any kind of real cleanup of the forests—that is, preventive work done on American forests, be it BLM forests that belong to Interior or forests that belong to the Department of Agriculture and the National Forest Service—is because there isn't any money to do it.

The question is, why isn't there any money? We are always appropriating money for it. And every year there will be a bill that comes through here, Interior appropriations, and you find money for that, a lot of money for that. But guess what happens. Very shortly as the year starts, we have to put out fires. And then what happens? There is no money to put out those fires.

The disaster money we are talking about today and that Senator STEVENS came to the floor and told the House about, the Departments of our Government say: Well, we have a disaster. We have to spend the money.

Surely, they do. What they do is, they take money from other aspects of the Government. What are those? Many of them are accounts which would be used for major prevention on the forests. If there isn't any money for that, the year will pass. The money will have been spent on the disaster, and we will be here talking about a supplemental that is too late and inadequate, and the prevention will not occur.

It is so desperate that in our Committee on Energy and Natural Resources, there have been suggestions to try to set this money aside, to set up a new fund, a whole new way so that the prevention money is prevention money and nothing else. The distinguished Senator, Mr. BINGAMAN, has suggested such an effort.

I am not sure it will work because obviously once you get a big forest fire going and you don't have any money to put out the fire, they are going to find the money somewhere within the Department, unless you took it out of Interior and put it in the Army and said: You can't get it because it isn't even there. They are going to have to use the money they have and make it fungible, take it away from prevention and use it for disaster.

Somehow or another we have to stop that. While I am not today able to say to the House what they are and aren't doing because I am not privy to what Chairman STEVENS is, it seems to me that something like this is occurring early in the season in this supplemental that the House is talking about. Before we even get seriously into the season, we are having more of this: Well, we are having to put out disasters. We will find the money. And if we didn't put up enough, use other money. And yes, there will be a whole blighted area somewhere in Alaska or northern New Mexico that is supposed to get money for prevention and cleanup, and they will be out of money.

Essentially, this is not simple fun and games. This is serious business. We sit around and watch the forests of America change so that they no longer look like, behave like, or are like they used to be. Our people know it. We know it. They are filled to the brim with too much growth, too much underbrush. They are not even the forests of old. You can't take your children for a nice walk in the forest in most American forests because you can't even walk in them.

I went up into northern New Mexico to the Jemez area and surrounding where I remember, as a youngster, we used to go. There were huge cottonwood trees, wide open, full of pine needles. And believe it or not, it was filled with beautiful growth, such as mushrooms and things that are very pretty. You find you can't even walk, much less see if there is any vegetation, because we haven't had any prevention. We haven't had any maintenance on those forests.

That is minuscule, because we are minuscule in New Mexico compared to the West Coast—Oregon, Washington, and Idaho. I suspect we are talking about the wrong things in this bill over in the House. We are talking about putting money in the wrong place and not facing up to the reality that there are two very distinct needs. And you cannot continue to rob one to pay for the other unless you quickly meet up before the year is out and replenish all of the money in the Departments that are operational, that are ongoing maintenance and operation of the BLM and the Forest Service of America.

I urge the House to do that and be careful not to rob those accounts so much by not appropriating sufficient money for the disaster straight out and leave that other money to be used for what it is intended.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let my compliment my colleague on his statement and also our colleague from Montana.

This is a very serious issue, one we have had many hearings on, one very recently. The problem is just as Senator DOMENICI described it. We have sort of an annual event. Annually, we find out we haven't put enough money in these appropriations bills to fight fires. Accordingly, the agencies involved, in particular the Forest Service, understandably have to go somewhere to get that money. They go into these other accounts. These are the funds they should be using to do the forest thinning and forest health and restoration work we all know is essential.

Last Saturday, I went up to Taos in our home State to see the damage that was done in the Taos pueblo by the Encebado fire. That was a very substantial fire, burning close to 6,000 acres of land, right behind the Taos pueblo. We got a helicopter tour with the Governor and the war chief and the BIA officials and others to survey all the damage that had been done.

On our way back after we had surveyed the damage, which was extensive, we flew down what is called Lucero Canyon. That area was one that the Governor and the war chief pointed out and said: This is an area which is greatly overgrown and which we need to thin. We very much would like to get some Federal funds to help with this thinning activity because our next forest fire we fear is going to be in this canyon.

It is also part of the Taos pueblo land. It is clearly also in danger of burning. That is one area which is one of many areas in northern New Mexico and throughout the West that could be singled out for high risk of being subject to some kind of catastrophic fire.

As Senator DOMENICI said, there are two separate needs. One, we have to have money to fight fires when fires start. But a separate and equally important need is that we have to be able to use the funds we appropriate for thinning activities and for forest restoration activities. We have to be able to use that money for those purposes and not have it transferred for this other purpose. So I hope we can find a solution.

The proposal I have made is that we essentially give the Forest Service authority to go to Treasury and borrow money so they don't have to take it from their other accounts. To the extent there is a need to fight fires, let them go to Treasury and get that money and then have that money reimbursed by Congress in a supplemental later.

I don't think it is tenable for us to think each year, when we have the fire season, we are going to pass a new supplemental appropriations bill. We may have to do that this year. I am not arguing against doing that this year. But that is not a long-term solution to the problem. We need to recognize this problem is with us. Every year we have these fires and every year we come up short in funds to fight them.

I very much hope we can solve that problem and do it in a way that avoids the robbing of funds from the restoration accounts, which is what we have been doing each year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, my understanding is that we are on the Energy bill. My colleagues are speaking of forests. I come from a State ranked 50th among the 50 States in native forest land. So I am much less acquainted with the challenges of America's forests, forest fires, and other issues than are my two colleagues. I wanted to make a comment about the Energy bill.

I had come to the floor to speak about trade. My understanding from last evening is that we were going to be on the free trade agreement. My understanding is that perhaps we may still be on that later in the day, after the Energy bill is off the floor. Maybe that is not the case.

Let me just say, as a member of the Energy Committee, I feel very strongly that this country needs a new energy policy, an Energy bill. I think it is unlikely that we will be able to finish an Energy bill by the end of next week. There are very significant issues that remain.

Speaking for myself, I want this Senate to pass an Energy bill. I want it to be a good one, one that does all four things that are necessary in a good bill: One that promotes additional production of the sources of energy that we need; one that promotes increased conservation, which is a significant part of our energy needs; for a barrel of oil conserved is about the same as a barrel of oil produced. So we need production and conservation. We also need strong provisions dealing with efficiencies of all of the things we use day to day that use energy. Fourth, we need an opportunity in this legislation to aggressively pursue both renewable and limitless sources of energy. So production, conservation, efficiency, and renewable and limitless sources of energy are very important provisions.

I want to mention one point with respect to an Energy bill that would be a balanced bill, including those four pieces. In addition to that, we must deal with this question of consumer protection. The reason I say that is, having chaired hearings in the Commerce Committee on what happened in the State of California and in the entire set of Western States some while ago—a year and a half or so ago—it is quite clear to me that having chaired those hearings, we had wholesale cheating going on, and ratepayers from the Western United States were bilked of billions of dollars. I am saying this money was stolen and bilked from consumers. It happened because some companies decided to collude in ways that they were able to cheat the consumers.

Regarding Enron Corporation, for example, we unearthed memoranda that described strategies by which they were going to bilk consumers—Get Shorty, Fat Boy, Death Star. They sound like movies, but they are not; they are strategies by which one company decided to cheat west coast consumers. There are many other companies also.

The FERC, a regulatory agency, has been investigating this. They have come up with some hard words, tough words, but not quite as tough a set of actions as I would have liked. My point is, having learned what we did about what happened in the energy markets on the west coast, we need strong consumer protection provisions in the bill that is voted out of the full Senate to go to conference with the House. I feel strongly that we need to pass a bill. We will head into the winter with severe dislocations between supply and demand of natural gas. Natural gas prices will increase dramatically. They are already on the rise. That is going to be exacerbated in the coming months. Coming from a northern State where natural gas is a pretty important commodity to us in the cold, with our hard winter climates, this will be a very important issue. We are not going to be able to fix that in the Energy bill in the short run. But we need to tell the American people we have set in place policies that help resolve these issues for the long term and intermediate term. I hope we are able to do that.

I ask the chairman, if I may, I had hoped to be able to make a presentation on the issue of trade. If there are others wishing to speak on energy, I will defer. If not, I would like to proceed perhaps to make the statement on trade, understanding that if Members with amendments are coming back to the floor, they could interrupt me, and I will relinquish the floor so they can clear the amendments. If that is satisfactory to the chairman, I will proceed in that manner.

Mr. DOMENICI. How long might the Senator speak on this issue?

Mr. DORGAN. About 20 minutes, I would guess.

Mr. DOMENICI. We are trying to work out about 5 or 10 amendments. If we get them ready, we will call it to his attention on the bill before us. In the meantime, I am going to have no objection to his proceeding to discuss trade as in morning business.

I ask the Senator if he would permit the distinguished Senator from Idaho, Mr. CRAIG, to speak for a couple of minutes on the issue we have just been speaking on, to wit, the House action with reference to the supplemental. When he yields, I will have no objection to the Senator from North Dakota following him, subject to the understanding that if we need to interrupt him, of course, doing it in an appropriate way, to bring in the amendments, the Senator will have no objection.

Mr. DORGAN. That will be fine. I will relinquish the floor to my colleague from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank the Senator for giving me a moment of time to address the stopgap supplemental funding bill that has just come back from the House. I come to the floor as frustrated as the chairman of the Appropriations Committee, Senator STEVENS, who spoke to the issue a few moments ago. Senator DOMENICI spoke, as did Senator BURNS of Montana.

It was 100 degrees in Idaho yesterday. For Idaho, that is hot. It has been that way for 3 weeks. We have dried up. We now have forest fires burning, with literally thousands of acres ablaze. We just lost two people in a wildfire in the middle of the week. Idaho, Montana, Nevada, eastern Washington, Oregon—all of us are afire at this moment.

The supplemental money we put in for the Forest Service and for wildfires, which the House took out, was to replenish last year's accounts from which we had borrowed to fight last year's fires. The accounts we borrowed from were the very accounts that would allow people to go out on the ground for the purpose of rehabilitation, for doing the kinds of things necessary to begin to environmentally improve the land, the 7.5 million acres that burned last year in a phenomenal wildfire scenario.

We are deeply into that already this year. Fires have burned extensively in Arizona, and as the heat has moved up the Great Basin States, along the Rocky Mountain ridge, of course, these fires now continue.

Why the House has done this, I am not quite sure. They say there is plenty of money. There is not because the money was borrowed from the accounts of other areas within the Forest Service. That is a standard practice we have done in the past. But the problem is, by doing what the House did, we are not replenishing the accounts of last year that we borrowed from. We have always done that on a historical basis because one cannot measure or estimate how extensive a fire season will be, how many acres will burn, how many people will be employed. We have literally thousands of people in Idaho right now on the fire lines, as is true in other States in the West, and helicopters are flying, aerial bombers are flying, at this moment.

A phenomenally large number of people are employed to stop the fires, protect the environment, and try to save the habitat, the wildlife and, in many instances, houses, private property, homes that are built up and within the forests of our country, up to and within the forests of our country. We are obviously going to have to address this in an emergency environment.

I am extremely disappointed with what the House has done. I have talked with the Deputy Secretary of Agriculture who heads up the Forest Service, and the chief, and they are just a week away from having to again start borrowing out of the accounts that have not yet been replenished. So their capacity to pay back until we obviously appropriate is limited.

We will continue to fight the fires. The fires will be fought. It is the rehabilitation, it is the restoration, that is funded by other accounts that will largely be denied.

FREE TRADE

Mr. CRAIG. Turning to the Senator from North Dakota, I thank him for the time he has allotted me. I think he is going to be talking about trade and possibly the Singapore and the Chilean free-trade agreements. The Senator and I worked cooperatively together on a lot of trade issues, and cochair a caucus on the Hill.

The Senator who is in the chair at this moment is as frustrated as I am about these current free-trade agreements in front of us, because our trade ambassador has stepped into an arena that is frankly none of his business, if I can be so blunt, and that is immigration law. I think the Senator from North Dakota is as frustrated by that as I am. The Senator from Alabama, Mr. SESSIONS, has crafted a sense of the Senate I am looking at that will speak very boldly to the fact that if the trade ambassador wants to send up other free-trade agreements—Senator SESSIONS and I serve on the Judiciary Committee, we will be blunt about it—we are not going to let them out.

This ambassador is an appointed person, not an elected person. He does not have the right to go in and write immigration law. That is not his prerogative. If he has to discuss it, if he wants it to become a part of a trade agreement, then he must tell foreign countries he will offer legislation to Congress to review for the purposes of adjusting trade law, if necessary, where it fits and where a majority of the Congress can and will support it.

The two trade agreements that are in front of us are very frustrating to this Senator because I think we have a trade ambassador who has overstepped his authority and I think it is time we tell him that in as clear language as we possibly can.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

FREE TRADE IMBALANCES

Mr. DORGAN. Mr. President, my colleague from Idaho has described accurately the provision in the free-trade agreement dealing with immigration.

But I must say, and he will agree with me, I am sure, that a sense-of-the-Senate resolution that says, in effect, you better watch it, is the equivalent of hitting someone on the forehead with a feather.

The reason there has to be a sense-of-the-Senate resolution at the moment, if we are to express displeasure, is because we cannot offer any amendments to a free-trade agreement. It is brought to the floor under fast track. This Senate, in its wisdom—or in its lack of wisdom—said we agree to put our arms in a straitjacket so whatever the trade ambassador negotiates anywhere in the world, he can bring it back here and we agree to prevent ourselves from offering amendments. That is fast track.

I do not have any big issues with Chile or Singapore. The free-trade agreement coming to the Senate floor is not even a very big deal with respect to Chile and Singapore, the two countries with whom the agreements are made. The big deal to me is that we have made agreement after agreement in international trade. In each case, this country has lost, and lost big time.

We have lost jobs. We have lost economic strength. We have massive problems in previous trade agreements. None of them are being fixed. None of them get solved. What gets done? Well, new trade agreements seem to emerge on the Senate floor. Rather than fixing old trade agreements and beginning to support this country's interests, what we want to do, according to the trade ambassador, is bring new trade agreements so we can debate and vote on those.

What I want to do this morning is talk a little bit about some of those old trade agreements and talk about what ought to be done rather than debating new trade agreements at this point.

First, it is worth noting what our trade deficit is at this point. This is an article from the Washington Post. It shows the trade deficit the end of last year. It is the highest trade deficit in history. The trade deficit soared to $435 billion on an annual basis in 2002, and it is worse now, of course.

> Nearly one-fourth of the year's deficit in goods trade was with China, which sold $103 billion more goods to the United States than it bought here.

I will talk about China. It is a story in itself. They ship us all their trinkets, trousers, shirts, and shoes, and they come into our K-Marts and our WalMarts and our grocery stores and we buy all of these things from China. Guess what. China's market is not very open to the products our employees and our businesses produce. They are not buying very much from us.

What does it mean to us? It means we do not have jobs. It means we have people today looking for work who cannot find a job in this country.

Now, it is interesting, there was a story recently about this being a jobless recovery. Of course, we do not have much of a recovery. It is pretty anemic at this point. We have very slow economic growth. So this economy is just sort of bumping along, just hiccuping from day to day, week to week, and month to month without much strength at all. So they say, this is a recovery that is jobless.

Well, they miss the point on that. Oh, there are jobs created by American enterprise. There are jobs created by ingenuity that comes from U.S. firms. It is just that the jobs that are being created are not being created in this country. This is a recovery, all right, an anemic recovery with jobs, but the jobs are not here. The jobs are overseas. More and more, we see jobs in factories that are moved overseas that used to be good American jobs.

So if in fact this is a jobless recovery, it is jobless only to the extent that it is jobless in the United States. We have millions of Americans who desperately want a job, they want to go to work, but there are not enough jobs available. Two-and-a-half million people who were working a couple of years ago now are not working because this economy is not producing the jobs here. Too many American corporations are producing the jobs in Asia and elsewhere. I want to talk a little about that.

Ambassador Zoellick is a perfectly nice person. He is our U.S. trade ambassador. Most people would not recognize his name from a cord of wood, but he serves in a pretty important role. He is the trade ambassador. He goes overseas with his staff and they negotiate trade agreements. These are the agreements by which we trade with other countries. They negotiate behind closed doors. We are not there. Our constituents are not there. These are trade negotiations behind closed doors in which they decide what kind of trade relationship we will have in the future. Then they come back to us with a trade agreement and they say, here is our agreement between our country and China, our country and Japan, our country and European countries.

Then they say to the Congress, because the Congress previously agreed: you cannot change the agreement. We negotiated it in secret, but you have a responsibility to vote on it, up or down, yes or no, with no changes, no amendments. And the Congress was foolish enough to agree.

Here we are. This morning we are talking about a sense-of-the-Senate resolution to say to the trade ambassador: Better watch it. Why? Because he went off to Singapore and negotiated a free-trade agreement with Singapore that said: By the way, in this free-trade agreement having nothing to do with trade, we will insist that a provision will allow 5,400 immigrants from Singapore into the United States under 1-year visas that will be renewed indefinitely.

What are they going to come here for? To work. Will they come to see movies, drive around on Sundays? No, they are coming here for a job, to work. We have millions and millions of Americans who need a job, who are out of work, who are struggling every single day. And this trade agreement says: What we would like to do, in addition to creating the trade circumstances that exist by this agreement with us and with Singapore, we agree 5,400 people from Singapore will come here to work.

Usually, if one disagrees with that—and I certainly do—we would offer an amendment to strip this from the trade agreement. But we cannot in this instance, because of the fast track authority we handed to the executive branch.

If ever you want a description of why it is "dumb" for the Congress to decide to put itself in a straitjacket, this is it. We are going to vote, probably Monday or Tuesday, on a free-trade agreement with Singapore. That free-trade agreement has a provision in it that will have 5,400 people from Singapore coming to this country to take jobs in this country, when we have 8 to 10 million Americans out of work; and we cannot do a thing about it—not a thing.

Frustrated? Sure, as I am sure are many others. Can you do anything? No, what we can do is say to Mr. Zoellick, the ambassador, with the sense-of-a-senate resolution: You better watch it.

I will vote for it, but it is like beating someone over the head with a feather. It does not mean anything.

Let me talk about what they should be doing instead of creating new fast-track agreements. Instead of rushing off to create new trade agreements, let me make a couple of suggestions.

I will vote against these trade agreements because we ought to be fixing old problems before we create new ones. That is not a judgment about Singapore or Chile. It is a judgment about what I think the obligation of our trade ambassador is. Under Republican and Democrat administrations, they have systematically failed in the obligation to correct trade problems. Let me mention a couple.

Japan has a very large trade surplus with us. We have a very large trade deficit with Japan. Each year, we have a $50, $60, $70 billion trade deficit. One of the products that we would like to export more of to Japan is beef. Fifteen years ago we reached a new beef agreement with Japan. We had negotiators over there negotiating, and they finally reached an agreement. It was front-page headlines in the American newspapers. You would have thought they won the Olympics. They were celebrating and rejoicing and feasting. Big beef agreement with Japan.

It is 15 years later. Where are we 15 years after a beef agreement with Japan, a country with whom we have a very large deficit? Every single pound of American beef going to Japan has a 38.5 percent tariff on it 15 years after the agreement. And that is set to snap back to a 50-percent tariff on every single pound of beef we send to Japan.

Does Japan need more T-bones? Of course. More hamburger? Of course. But every single pound has this extraordinary tariff on it. Why? Because the Japanese are trying to keep it out. They do not want as much as we should be sending at a time when we have a huge trade deficit with Japan.

It is unforgivable. Do you hear complaints from our country about it? No, no one is talking much about it. It is fine with most people around here to run a huge yearly trade deficit with Japan. It is not fine with me. The trade ambassador, it is fine with him. They are so busy negotiating new agreements with new countries that they cannot seem to resolve these issues. A country with whom we have a $60 to $70 billion trade deficit ought not apply 38.5 percent tariffs on the products our ranchers want to send to the dinner table in Tokyo.

What about wheat with China? We just did a trade agreement with the country of China, in order for China to join the WTO. China has a $103 billion trade deficit with us. They send us everything. They send us their trousers, trinkets, shirts, and shoes. They send us everything. Our marketplace absorbs it all. But the fact is, their marketplace is not open to us. What does that mean? It means jobs move from this country to China. People here are unemployed, out of work, and we are running up this huge trade deficit with China.

Let me mention the agricultural side of trade with China because I care a lot about that. I come from a wheat-producing State. And our trade officials dealing in agriculture on our side recently stated that China has failed miserably to live up to the promises it made when it joined the WTO in 2001. In fact, before he resigned, the top U.S. trade official dealing with agriculture in China said we should file a trade complaint against China, but we are not doing so. Despite a recommendation that we should, we are not doing so for foreign policy reasons. We do not want to upset the Chinese. God forbid we should upset the Chinese.

So we have a $103 billion trade deficit with China and our jobs are evaporating in this country, moving to China for lower wages. And we do not want to upset them. We do not want to demand their market be open to our products.

Instead of having a trade ambassador working on that problem, we have new trade agreements. I do not understand that at all.

Automobiles and China has always been interesting. Our trade negotiators, a couple years ago, went to China regarding the bilateral trade agreement under a Democratic administration—all the Democrats and Republicans in the White House have the same trade view. But let me give you a description of the bilateral trade agreement on automobiles. China is a country of 1.3 billion people who want substantial additional growth. Our trade negotiators said we agree, after a phase-in, China can have a 25-percent tariff on any automobiles we send into China, and we will have a 2.5 percent tariff on any Chinese automobiles sent to our marketplace. Our negotiators said they agree to a tariff that is 10 times higher on U.S. cars being shipped to China than we would impose on a Chinese car coming to the United States.

Why on Earth, on a bilateral agreement in this sector, would our negotiators ever agree to something like that with a country with which we have a $100 billion trade deficit? I don't have the foggiest idea.

This is a 1.3 billion person country that will need automobiles at some point in the future, and we say: We will give you a deal. You have a huge surplus with us, or we have a big deficit with you. We will give you a deal. On automobile trade, we will agree you can have a tariff 10 times higher than ours to keep our cars out.

Unforgivably incompetent, I must say. I am not talking about people, I am talking about the policy.

Something also of interest to me—again, I mention China, but I will get to a couple of other countries—is movies. Our country is pretty good at making movies, the best in the world. Do you know that before China entered the WTO, China allowed 10 movies into the Chinese marketplace a year—just 10? Not 11, not 12—but 10. That was the limit.

But when they joined the WTO in 2001 there was this giant liberalization of trade by China. Do you know what they do now? They allow 20 movies into the Chinese marketplace. I guess that is all right with us. In fact, I had people in that industry say we have really made progress here, big advantages, double the movies into China—10 to 20. We have such low expectations of our trading partners it is incomprehensible to me.

Let me talk about beef with Europe, turning to Europe for just a moment. The occasions in which I have traveled to Europe and opened the pages of the European newspapers, I hear the concerns of the Europeans about growth hormones in American beef. Here is the way they picture American beef: Two-headed cow. Right? Growth hormones, God forbid you raise two-headed cows and you can't eat them because it will ruin your health.

Of course, none of that is true. But nonetheless they have effectively kept U.S. beef out of Europe.

So we filed a trade complaint and our trade complaint on European beef was upheld. And Europe is supposed to let our beef in. But they have not.

So we said: All right. Europe, you are not letting our beef into your marketplace and you should, the WTO says you must, we won the case, and since you are not going to abide by the decision, we will play hardball.

Do you know what we did? We said: All right, we are really going to whip you into shape, we are going to take tough, no-nonsense enforcement against you. We said: We are going to impose tariffs on your truffles, goose liver, and Roquefort cheese. That will scare the devil out of a country, won't it? Take action against truffles, goose liver, and Roquefort cheese. Is there a reason people think we are wimps in international trade? I think so. It is bizarre.

When the Europeans want to get tough with us, they pick sectors like steel and textiles. That sounds robust, doesn't it? But we are going to go at them on goose liver.

Shame on us. We ought as a country to decide we are going to protect our marketplace, not against competition, but against unfair competition, that we are going to demand of other countries, if our marketplace is open to them, their marketplace be open to us. I am not a protectionist. I don't believe we ought to put walls around our country. I believe our consumers are advantaged by expanded trade. But by the same token I believe very strongly that trade ought to be fair.

It is not fair trade with respect to the Chinese and the circumstances I mentioned. Let me mention Korea, just for a moment. I talked about China and Europe. Let me talk about automobiles in Korea.

Do you know in the last year we sent automobiles to Korea, about 680,000 Korean automobiles came into this country—Daiwoos, Hyundais—Korean automobiles. They are probably wonderful cars. I don't know, I have not driven them. But 680,000 Korean cars came into the United States.

Do you know how many U.S. cars we got to Korea? We sold 2,800 cars to Korea. They shipped us 680,000; we sent them 2,800. Do you know why? Because Korea doesn't want American cars in its marketplace and they put up barriers and impediments to keep them out.

What are we doing about that? Nothing. We don't do anything about anything. All we do is go negotiate a new agreement and bring it to the Senate and say, Oh, by the way, we have stuck some extraneous things in and if you don't like it, tough luck, because you can't offer amendments.

Does anyone care about the imbalance in Korean automobile trade? They sent us 680,000 cars and we only get 2,800 to Korea. Does anybody care about that?

There is an interesting example about the Dodge Dakota pickup, just recently. In February of this year, DaimlerChrysler started to sell the Dodge Dakota pickup in Korea. The pickup is made in Detroit, by the way. Korea doesn't manufacture pickups like the Dakota, so DaimlerChrysler thought it had pretty good potential in Korea and the company started marketing to small business owners. It was initially quite successful. It got orders for 60 pickup trucks in February and another 60 in March.

Guess what happened? In March an official with the Korean Ministry of Construction and Transportation decided Dodge Dakota pickup trucks represented a hazard. He said some people were even putting optional cargo covers on the vehicle and that might be dangerous if passengers rode in the back, so he announced that cargo covers on pickups on Dodge Dakotas were illegal, and drivers of the pickups would be fined if they put on a cargo cover. And the Korean newspapers had huge headlines: "Government Ministry Finds Dodge Dakota Covers Illegal." Guess what happened. Korean consumers got the message. They canceled 55 out of the 60 orders they had placed for March.

The Korean Government has done this time and time and time again, to shut down our exports of automobiles to Korea.

On the subject of trade with Korea, I could tell you if you try to send potato flakes to Korea from this country you will find there is a 300 percent tariff on potato flakes used to make confection food.

I could go on for some length at the barriers we face sending America's products overseas into markets that ought to be open to us because our markets are open to them. But we as a country don't seem to think too much about that, we are so busy doing new agreements.

I have a chart here that shows where we are with trade deficits. With almost every country in the world, we have very significant trade deficits. And ironically, the U.S. trade ambassador has been negotiating with the very few countries with which we have surpluses, like Singapore and Australia. I expect those will soon turn to deficits, given our proclivity to negotiate trade agreements that don't work for our country.

Let me talk just for a moment about Canada. We face wheat coming into this country from Canada, sold by an entity that would be illegal in this country, called the Canadian Wheat Board. It is a state-controlled monopoly that would be illegal in the United States. Yet every day we have Canadian wheat shipped into our country at what we allege are prices below the cost of acquisition, dumping in our country. It is unfair trade. It has been going on for a decade and you can't stop it. You just can't stop it. It is enormously frustrating for our farmers because it takes money right out of their pockets.

One day some while ago I went to the Canadian border with a man named Earl in a 12-year-old orange truck.

He and I went to the Canadian border with about 200 bushels of durum wheat. All the way to the Canadian border we met 18-wheel semi-trucks loaded with Canadian wheat being shipped into this country. When we got to the Canadian border, we couldn't take a small amount of durum wheat in a 12-year-old orange truck into Canada. They stopped us cold. We couldn't move. At the same time, we had all of these semi-trucks coming into this country loaded with wheat. Unfair? You are darned right it is. In fact, Canadian wheat is dumped into our country below the cost of production. Yet we are not able to get satisfaction.

Regrettably, the same is true in almost every circumstance. Instead of trying to resolve these issues for our producers, for our employers, and for our employees in this country, we have this free trade fever to negotiate all of these new agreements, and we are correcting none of the problems in previous agreements.

Those who speak as I do, we are often referred to as "protectionists." The papers will not print op-ed pieces by someone like me on this subject. They will print reams extolling the virtues of this trade policy that comes from Republican and Democratic administrations, but they will never print an op-ed piece by someone who speaks as I do about the need to enforce trade laws.

The view of most around here is that there is a globalization going on and that there are some of us don't get it; we are the xenophobic, isolationist stooges who simply can't see over the horizon; that they know better; and, if we understood all of this, we wouldn't be critical of it.

But the question that is fundamental to me is this. Should we not require that trade be fair?

Let me give an example of what I mean by "fair."

Our trade relations are unfair in so many different ways. Is it fair, for example, for a worker in a manufacturing plant in the State of Georgia to compete against a 14-year-old young man or a 14-year-old young woman working 14 hours a day, being paid 14 cents an hour in a manufacturing plant in Bangladesh or Indonesia to produce a product that is then sent to our marketplace to sit on a store shelf in a small town in Georgia? Is that fair competition for the company in Georgia that makes the same product, that pays the minimum wage, that prevents the dumping of chemicals and sewage into the water and air, that makes sure they have a safe workplace because they understand those are requirements in this country, because there are prohibitions against child labor and prohibitions against working people 100 hours a week?

Is it fair competition to allow into that store and onto that store shelf for the consumer a product made by somebody who works 14 hours a day and is being paid 14 cents an hour?

This is a true story. A worker in Bangladesh is paid 1.6 cents for every baseball cap she sews, which is then sent to a store in this country to sit on the shelf and is sold for $17.

Is there a company in this country that can compete with that? I don't think so. Is it fair trade?

Let me give you an example, if I might. The story is entitled "Worked Till They Drop." It tells of a woman named Li Chunmei. Unfortunately, it is not a very unusual story.

Li Chunmei was 19 years old. She worked in a toy factory in China. They made stuffed animals for the U.S. marketplace. Let me read from the article.

> On the night she died, Li Chunmei must have been exhausted. Co-workers said she had been on her feet for nearly 16 hours, running back and forth inside the Bainan Toy Factory, carrying toy parts from machine to machine.
>
> Long hours were mandatory, and at least two months had passed since Li and the other workers had enjoyed even a Sunday off.

It had been two months since she and other workers had a Sunday off.

> The factory food was so bad, she said, she felt as if she had not eaten at all.
>
> "I want to quit," one of her roommates, Huang Jiaqun, remembered her saying. "I want to go home."
>
> Her roommates had already fallen asleep when Li started coughing up blood. They found her in the bathroom a few hours later, curled up on the floor, moaning softly in the dark, bleeding from her nose and mouth. Someone called an ambulance, but she died before it arrived.
>
> The exact cause of Li's death remains unknown. But what happened to her last November in this industrial town in southeastern Guangdong province is described by family, friends and co-workers as an example of what China's more daring newspapers call guolaosi.
>
> The phrase means "over-work death," and usually applies to young workers who suddenly collapse and die after working exceedingly long hours, day after day.

Li worked for 16 hours, running back and forth on the factory floor, and had not had a Sunday off for 2 months—not even a Sunday off. I don't know the wages Li made, but I can tell you that

I have gone to some of those places in the world. There are circumstances in which 12-year-old kids are working 16 hours a day and are being paid 14 cents an hour. It is not, in my judgment, fair trade. If they take the product of their work, send it to our store shelves, and tell American workers and businesses, Compete with this, it is not a standard with which we ought to aspire to compete.

We ought not be racing to the bottom on the question of workers' standards, on the question of child labor, and on the question of basic fairness and wages. We ought not be racing to the bottom. Yet that is what we are being set up to do with some of these trade agreements.

Let me say again that this trade ambassador and others have a responsibility to be solving trade problems created by past trade agreements and not presenting us with new trade problems in new agreements.

My main interest today is not Chile or Singapore. My interest is that this country has the largest trade deficit in human history, and this country is suffering a mass exodus of jobs that used to be held by Americans, which are now moved to plants and factories where they can pay pennies on the dollar for an hour's wages. My concern is that the rules of trade have not kept up with the galloping globalization of trade.

The winners are not, as some would have us believe, poor people in other countries who now have jobs. There are plenty of studies and evidence showing that in the last 20 years of globalization, the poor have not improved their lot in life.

These trade agreements are about raw profits. These profits have increased because those who produce those toys—in this case, from a toy factory in China—don't have to pay a decent wage. But it has not improved the lot and life of those who work 16 hours a day—teenage kids—and don't have a Sunday off for 2 months.

My question is very simple to this trade ambassador and others: Why will you not begin to solve some problems, demanding on behalf of the workers of this country and demanding on behalf of the businesses of this country—yes, from Japan, from China, from Korea, from Europe, and others—demanding fair trade rules and understanding there is an admission price to the American marketplace?

This marketplace of ours we fought for, for 100 years. When I say "fought for," there were men and women who died in the streets of this country fighting for the right to organize as workers. We have had major battles in this Chamber on the issue of child labor, on the issue of minimum wage, and on the issue of safe workplaces and polluting streams and the air shed. We fought those battles, and this country has come to grips with the understanding that you shouldn't put 12-year-old kids in factories and work them 16 hours a day and pay them 12 cents an hour. We don't do that because it is not right. It is not right either to ask American workers to compete with unfair trade practices.

Unless this country starts to stand up for its interests, we will not soon have a manufacturing base left and we will not have family farmers available in the future.

I know when I speak this way, there are those who take a look at it and say: Oh, again, another protectionist.

Again, I believe expanding trade is beneficial to this country, but only if it is done under circumstances in which the rules are fair to those of us in this country.

We ought never, ever be concerned about standing up for our interests. If we have trade agreements, trade ought to be mutually beneficial. Too often in the past our trade agreements, with country after country after country, have not been mutually beneficial.

We had a trade surplus with Mexico; did an agreement with Mexico, and turned it into a big deficit. We had a modest deficit with Canada; did an agreement with Canada, and turned it into a huge deficit. It has been the same with Europe, the same with the GATT legislation. All of it has been a colossal failure, in my judgment. The biggest trade deficit in human history: $1.5 billion every single day, 7 days a week. That is what we purchase from abroad more than we ship abroad. And it means we are moving America's jobs overseas at an accelerated rate.

The question is, who will be the consumers in the future? If Americans do not have access to good jobs, who will be the consumers in the future for these cheap imports into this country?

We better come to grips with these trade issues, and soon. I am going to come to the Chamber on Monday and speak more about trade when we have the vote on the Free Trade Agreement.

But let me again say, as I conclude, the reason we are having this vote this way is because this Congress, imprudently, in my judgment, decided to tie its hands with something called fast track. It says: Oh, yes, let's offer up our hands, put handcuffs on them so we cannot offer any amendments.

So now Ambassador Zoellick brings us the Singapore Free Trade Agreement, which says we will allow 5,400 citizens from Singapore to come to this country to take jobs. We have some folks who don't like that, so they are going to do a sense of the Senate resolution. Oh, my God, that is going to make Ambassador Zoellick shake in his boots. It is like hitting him in the forehead with a feather. Sense of Senate: You better not do that again.

The fact is, nobody in this Chamber can do a thing about it because this Chamber decided long ago it would not allow itself to offer an amendment. It is fundamentally at odds with our constitutional responsibilities, in my judgment. But enough Members of this Senate decided to embrace that foolishness and we are now stuck with a circumstance where this agreement will say 5,400 folks from Singapore can come here and take 5,400 American jobs, at a time when we have 8 to 10 million people who are looking for work. Boy, that doesn't add up, where I come from.

I intend to speak at greater length on Monday and try to get some of this trade frustration off of my chest, at least, and see if we can't try to push people—if not pull them—into beginning to stand up for this country's economic interests. No, we don't want an advantage, we just want to stand up for our economic interests and demand fair trade on behalf of American workers and American businesses.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGENT SUPPLEMENTAL APPROPRIATIONS

Ms. MIKULSKI. Mr. President, I join with my colleague, Senator STEVENS, and other colleagues from the West to protest what the House is about to do in the urgent supplemental bill.

Mr. President and colleagues, and all Americans who are listening, you have to understand what is happening. The Senate passed an urgent supplemental bill to deal with shortfalls in funding where America is facing disasters.

No. 1, our Federal Emergency Management account, which responds to disasters such as hurricanes, earthquakes, and other natural disasters, and even a terrorist attack, is in danger of running out of funds within a matter of days. As of July, they were down to $89 million, and we acted swiftly to send a bill to the House that would include $1.6 billion to replenish the account.

Also, the West is enduring wildfires of unbelievable magnitude because of a combination of fire and drought. Again, as fellow Americans, we joined with our western Senators to put money in the Federal checkbook to deal with these wildfires.

We also included funds to deal with the shortfall in the committee that is investigating what went wrong in the Columbia disaster.

Guess what. We also added $100 million to deal with the shortfall in AmeriCorps that occurred because of bureaucratic mismanagement, so that volunteers would not be penalized and they could come into our school-based programs.

Well, guess what is happening now in the House. This very minute they are debating a rule that, No. 1, limits debate and prohibits amendments. If the rule passes, the House will take up a bill that will essentially strip-mine the urgent supplemental the Senate passed. The House only wants to pass almost half of what the President says he needs for FEMA, and take out all of the other programs.

My message to the House is: Don't do it. Don't pass that rule. It is an embarrassment to you and to the people in desperate need. If you pass the rule, for gosh sakes, don't pass the bill.

I cannot believe the House of Representatives will pass us a take-it-or-leave-it supplemental that takes out help for FEMA, takes out help for wildfires, will not let the NASA commission go on, and essentially pokes AmeriCorps volunteers in the eye, when we are ready to harvest their idealism and put them to work in Teach America and other education programs.

House of Representatives: Don't go out for a 5-week break without helping these desperate situations.

What is an urgent supplemental? An urgent supplemental says when the Federal Government runs out of funds in key programs, because of unintended consequences, we, somewhere in the spring, pass legislation to deal with that. That is what we are supposed to be dealing with now. It is urgent, it is supplemental, and it is desperately needed.

I express my disappointment that the House of Representatives has blocked emergency funding for disaster assistance for wildfire assistance, for AmeriCorps volunteers.

We saw this coming. Who spotted it? Our very able chairman of the Homeland Security Subcommittee on Appropriations, Senator COCHRAN, and Senator BYRD saw this emergency disaster coming. In April of this year, Senator COCHRAN and Senator BYRD asked President Bush to help with emergency funding for FEMA disaster relief. They rightly calculated FEMA would be down to $89 million at the end of July, just when we are heading into high hurricane season, and there would be the possibility of other natural disasters. And God forbid we have to have the money if there is another attack on the United States of America.

They asked for the money in April. Silence from the White House. Silence from the White House. Silence from OMB. Silence—where the clock was ticking, as the money dwindled down.

The President did send Congress a request on July 7. He did say FEMA would run out of money. So the Senate acted very quickly with the President's request, led by Senator STEVENS and Senator BYRD, the chairman and ranking member of the Appropriations Committee. Expeditiously, within 48 hours of the President's request, the Appropriations Committee in the Senate acted. We approved money for disaster assistance. We approved $1.6 billion for disaster relief. We approved money to help with the Space Station Columbia. We approved money to help with the wildfires facing our Western States and possibly even Alaska itself, and much-needed help in mountain counties of West Virginia.

We helped with AmeriCorps. We did it. And I was a proud sponsor of adding $100 million for AmeriCorps. There were Senators who had disputes on this, so we had a separate vote on AmeriCorps, kind of the American way. I thought: majority ruled. I would have been disappointed if the Senate had defeated my amendment, but we followed usual and customary procedures, and the Senate sustained the AmeriCorps funding by a vote of 71–21.

Then we passed the urgent supplemental as part of the legislative branch appropriations 85 to 7. Again, majority ruled.

The Senate quickly appointed conferees. Remember, the Senate moved very quickly. The President made a request on the 7th. We went to committee on the 9th; to the Senate floor on the 11th. Isn't that just terrific. We knew we had to move fast because it is an urgent supplemental. Then we went to conference. Well, guess what. There was no conference. The House has delayed, delayed, delayed, delayed. And so now at the very last minute they want to leave town for a recess. They want to leave 1 week before we are. Well, they don't have to go this week. There is nothing that says the House has to evacuate Washington. They could stay another couple of days.

But all of last week, ever since we passed this bill on July 11—and it is now the July 25—for 14 days I have been waiting to go to conference to work on this supplemental. I was ready to go during the day. I was ready to go during the night. I was ready to go on weekends. I would have come here on my birthday. I was ready to stand up for America and to stand up for this supplemental assistance. But, no, now they are going to wait for the last minute, pull kind of a parliamentary shenanigan, take it or leave it.

What are they sending over? What an embarrassment. They are sending over $984 million for FEMA assistance, and that is it.

Not only are they taking out AmeriCorps, wildfire money, and NASA money to complete the investigation of what went wrong, they are reducing the FEMA account requested by the Senate by $700 million. We have never let FEMA fall to such a low level. I am sorry that the House is falling to such a low level as well.

We don't need low levels at FEMA. We don't need low levels from the House of Representatives.

I am concerned that the FEMA account is nearly bankrupt. It is unconscionable and irresponsible for we on the Atlantic and gulf coasts who are at the height of the hurricane season, and they know it.

When it comes to looking at the whole issue of wildfires, they know what the West is facing. It is not a TV item. It is brave people willing to put themselves on the line. States are at a financial crisis, and now they are facing the fire crisis. As an east coast Senator, my heart goes out to those in the West.

Then when we look at NASA—we went to the memorial. We said: A grateful nation will never forget. We are going to get to the bottom of this. We are going to fly again.

I hope we do. Hats off and salutes to the commission being led by Admiral Gayman. It is thorough, it is rigorous, it is leaving no stone unturned. We are going to get great results. But they need the money to finish the commission. And where will they get the money? Go back to NASA, take it out of the shuttle? Take it out of space science? It is a slap in the face for the families of those astronauts we promised we would get to the bottom of this. We have a great commission with an outstanding leader, and we should put the money in the Federal checkbook.

Then when we talk about AmeriCorps, 20,000 volunteers will lose their slots within a matter of days. Why? Because the mismanagement at headquarters overenrolled by 20,000 volunteers. We have discussed this. Why punish the volunteers and the community for headquarters? Headquarters is not going to lose their jobs, though I did call for new leadership, and the President has responded. Senator BOND is the one who has been a champion of fiscal reform. He has stood sentry over the issues related to AmeriCorps. The House was silent on it. And the uncovering of the debacle occurred in the Senate under Senator BOND's leadership with my assistance. The reform effort was led by Senator BOND for fiscal accountability and greater transparency, again with our assistance, on a bipartisan basis.

When we put $100 million in the committee, there was a vote on the Senate floor to take it out. Seventy-one Senators voted to keep it in. We have been working in such a bipartisan way. I am so agitated about what is going on in the House. We have had bipartisan cooperation to deal with the urgent supplemental. We have had bipartisan support to deal with the issues. We have conducted ourselves in a way that I thought was civilized and constructive.

I recall the evening where the junior Senator from Alabama rose and said he was going to oppose the $100 million. He had a markup on asbestos. We accommodated each other so the Senator could offer his debate; I could offer my rebuttal. The Senator wanted to return to the asbestos markup. We were crisp. We were cogent. We were civilized. We were collegial. We each had our day. Then the Senate, the next day, had a vote.

How unlike the House. They can't even offer an amendment. Then they didn't even have the backbone to face us in conference.

I don't know how they are going to go back and face their constituents with the fact that they have short-funded FEMA. They have taken out the wildfire money, which I cannot understand. Why punish the West that has been hit by drought, hit by wildfires, and hit by a budget crisis? I don't think Americans should do this to other Americans.

I have spoken about the NASA commission. When it comes to the AmeriCorps volunteers, let me tell you what is going to happen if we don't do this. On August 1, Wendy Kopp, one of the true leaders of America, is going to tell several thousand volunteers ready to go into classrooms: The U.S. Congress didn't think you were important enough or valued enough to put in the grant funds for you to go into those classrooms, authorize the working in PAL programs, literacy programs, all of the education stuff that needs to start in September. We didn't think it was urgent enough. We wanted to have a temper tantrum over a bureaucratic snafu, so we are not going to punish the bureaucrats. We are going to punish the volunteers. We are going to punish the programs that help on education, and we are going to punish our children.

I know one volunteer in education who came to Baltimore. And he went into a very tough school under Teach America. When he came in, the reading levels were 23 percent. When he walked out, after he had finished his AmeriCorps commitment, those kids were reading in the 71st percentile, a 50-percent improvement. That young man changed those kids' lives, but those kids changed that young man's life. He is now a regular teacher in the Baltimore City school system. This is what this is all about. This isn't rich kids singing "Kumbaya." These are kids trying to earn a voucher to pay for the high cost of tuition, give practical experience to America. They help our communities, and then in turn the communities have a great impact on them. It is a modest public investment.

There was a bureaucratic snafu. It has been corrected thanks to the leadership of Senator BOND, with the cooperation of this side of the aisle. Why should we punish 20,000 volunteers who are already to go in September and won't be able to go because of what the House is going to do this afternoon? Shame on you, House leadership, for not at least giving them the vote. Shame on you for not voting sooner and bringing this to conference.

I am very disappointed. I thought in America the majority ruled. There is a very small minority that is blocking this urgent supplemental, blocking following the rules of procedure of the Senate. This isn't about rules. This is about people. It is about people who could be hit by a hurricane, people who are already hit by a wildfire, volunteers who are ready to roll into our classrooms. "Ready to roll," I use those words deliberately.

A promise made should be a promise kept for the families who lost their loved ones in the Columbia disaster. I really object to their sending back a conference report without these items in it. When this is raised, if this comes back under this draconian circumstance, I will object to it being brought up. I think we ought to send back to the House the Senate bill, which we agreed upon with an overwhelming majority of 80 to 20.

I thank the Chair for his very kind attention. I thank Senator STEVENS very much for his leadership on this issue, and the leadership provided by Senator BYRD, and for the collegiality in which we participated in our debate. My heart goes out to the Western Senators who are about to be nailed by this, and to the AmeriCorps volunteers. I think we need to stand up for America, and we ought to stand up for this urgent supplemental.

I yield the floor, but I will not yield my perspective on this supplemental.

ENERGY POLICY ACT OF 2003—Continued

AMENDMENTS NOS. 1390 THROUGH 1395, EN BLOC

Mr. DOMENICI. Mr. President, we have worked out 11 amendments we would like to dispose of today.

I send a series of amendments to the desk and ask for their consideration en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments numbered 1390, 1391, 1392, 1393, 1394, and 1395, en bloc.

Mr. DOMENICI. I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1390

(Purpose: To authorize grants to the Ground Water Protection Council to develop risk-based data management systems in State oil and gas agencies to assist States and oil and gas producers with compliance, economic forecasting, permitting, and exploration)

On page 52, after line 22, add the following:

SEC. 1 . RISK-BASED DATA MANAGEMENT SYSTEMS.

(a) IN GENERAL.—The Secretary of Energy shall make grants to the Ground Water Protection Council to develop risk-based data management systems in State oil and gas agencies to assist States and oil and gas producers with compliance, economic forecasting, permitting, and exploration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each fiscal year.

AMENDMENT NO. 1391

(Purpose: To encourage energy conservation through bicycling)

Page 209, after line 6, insert:

"SEC. 6 . CONSERVE BY BICYCLING PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) The term 'program' means the Conserve by Bicycling Program established by subsection (b).

"(2) The term 'Secretary' means the Secretary of Transportation.

"(b) ESTABLISHMENT.—There is established within the Department of Transportation a program to be known as the 'Conserve by Bicycling Program'.

"(c) PROJECTS.—

"(1) In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—

"(A) dispersed geographically throughout the United States; and

"(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

"(2) A pilot project described in paragraph (1) shall—

"(A) use education and marketing to convert motor vehicle trips to bicycle trips;

"(B) document project results and energy savings (in estimated units of energy conserved);

"(C) facilitate partnerships among interested parties in at least 2 of the fields of transportation, law enforcement, education, public health, environment, and energy;

"(D) maximize bicycle facility investments;

"(E) demonstrate methods that may be used in other regions of the United States; and

"(F) facilitate the continuation of ongoing programs that are sustained by local resources.

"(3) At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

"(d) ENERGY AND BICYCLING RESEARCH STUDY.—

"(1) Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress, a report on a study on the feasibility of converting motor vehicle trips to bicycle trips.

"(2) The study shall—

"(A) document the results or progress of the pilot projects under subsection (c);

"(B) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as weather, land use and traffic patterns, the carrying capacity of bicycles, and bicycle infrastructure;

"(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

"(D) include a cost-benefit analysis of bicycle infrastructure investments; and

"(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,200,000, to remain available until expended, of which—

"(1) $5,150,000 shall be used to carry out pilot projects described in subsection (c);

"(2) $300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and

"(3) $750,000 shall be used to carry out subsection (d).".

AMENDMENT NO. 1392

(Purpose: To provide for a renewable production of hydrogen demonstration and commercial application program)

On page 290, between lines 19 and 20, insert the following:

SEC. 8 . RENEWABLE PRODUCTION OF HYDROGEN DEMONSTRATION AND COMMERCIAL APPLICATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program to assist projects for the demonstration and commercial application of the production of hydrogen from renewable resources.

(b) SCOPE.—A project funded with assistance under this section may include an element other than production of hydrogen if the Secretary determines that the element contributes to the overall efficiency and commercial viability of the technology employed in the project, including—

(1) joint production of hydrogen and other commercial products from biomass; and

(2) renewable production of hydrogen and use of the hydrogen at a single farm location.

(c) COST SHARING; MERIT REVIEW.—A project carried out using funds made available under this section shall be subject to the cost sharing and merit review requirements under sections 982 and 983, respectively.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2004; and

(2) $25,000,000 for each of fiscal years 2005 through 2008.

AMENDMENT NO. 1393

(Purpose: To require the Secretary of Energy to transmit to Congress a plan for the transfer of title to the Western New York Service Center in West Valley, New York)

On page 150, after line 14, insert the following:

SEC. 443. PLAN FOR WESTERN NEW YORK SERVICE CENTER.

Not later than one year after the date of enactment of this Act, the Secretary of Energy shall transmit to the Congress a plan for the transfer to the Secretary of title to, and full responsibility for the possession, transportation, disposal, stewardship, maintenance, and monitoring of, all facilities, property, and radioactive waste at the Western New York Service Center in West Valley, New York. The Secretary shall consult with the President of the New York State Energy Research and Development Authority in developing such plan.

AMENDMENT NO. 1394

(Purpose: To provide for the preservation and archiving of geological and geophysical data through establishment of a data archive system and for other purposes)

Strike the text starting on page 43, line 19, through page 49, line 19, and insert the following:

"SEC. 112. PRESERVATION OF GEOLOGICAL AND GEOPHYSICAL DATA.

"(a) SHORT TITLE.—This section may be cited as the 'National Geological and Geophysical Data Preservation Program Act of 2003'.

"(b) PROGRAM.—The Secretary of the Interior shall carry out a National Geological and Geophysical Data Preservation Program in accordance with this section—

"(1) to archive geologic, geophysical, and engineering data, maps, well logs, and samples;

"(2) to provide a national catalog of such archival material; and

"(3) to provide technical and financial assistance related to the archival material.

"(c) PLAN.—Within 1 year after the date of the enactment of this section, the Secretary shall develop and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a plan for the implementation of the Program.

"(d) DATA ARCHIVE SYSTEM.—

"(1) ESTABLISHMENT.—The Secretary shall establish, as a component of the Program, a data archive system, which shall provide for the storage, preservation, and archiving of subsurface, surface, geological, geophysical and engineering data and samples. The Secretary, in consultation with the Advisory Committee, shall develop guidelines relating to the data archive system, including the types of data and samples to be preserved.

"(2) SYSTEM COMPONENTS.—The system shall be comprised of State agencies which elect to be part of the system and agencies within the Department of the Interior that maintain geological and geophysical data and samples that are designated by the Secretary in accordance with this subsection. The Program shall provide for the storage of data and samples through data repositories operated by such agencies.

"(3) LIMITATION OF DESIGNATION.—The Secretary may not designate a State agency as a component of the data archive system unless it is the agency that acts as the geological survey in the State.

"(4) DATA FROM FEDERAL LANDS.—The data archive system shall provide for the archiving of relevant subsurface data and samples obtained from Federal lands—

"(A) in the most appropriate repository designated under paragraph (2), with preference being given to archiving data in the State in which the data was collected; and

(B) consistent with all applicable law and requirements relating to confidentiality and proprietary data.

"(e) NATIONAL CATALOG.—

"(1) IN GENERAL.—As soon as practicable after the date of the enactment of this section, the Secretary shall develop and maintain, as a component of the Program, a national catalog that identifies—

"(A) data and samples available in the data archive system established under subsection (d);

"(B) the repository for particular material in such system; and

"(C) the means of accessing the material.

"(2) AVAILABILITY.—The Secretary shall make the national catalog accessible to the public on the site of the Survey on the World Wide Web, consistent with all applicable requirements related to confidentiality and proprietary data.

"(f) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Advisory Committee shall advise the Secretary on planning and implementation of the Program.

"(2) NEW DUTIES.—In addition to its duties under the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), the Advisory Committee shall perform the following duties:

"(A) Advise the Secretary on developing guidelines and procedures for providing assistance for facilities in subsection (g)(1).

"(B) Review and critique the draft implementation plan prepared by the Secretary pursuant to subsection (c).

"(C) Identify useful studies of data archived under the Program that will advance understanding of the Nation's energy and mineral resources, geologic hazards, and engineering geology.

"(D) Review the progress of the Program in archiving significant data and preventing the loss of such data, and the scientific progress of the studies funded under the Program.

"(E) Include in the annual report to the Secretary required under section 5(b)(3) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)(3)) an evaluation of the progress of the Program toward fulfilling the purposes of the Program under subsection (b).

"(g) FINANCIAL ASSISTANCE.—

"(1) ARCHIVE FACILITIES.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to a State agency that is designated under subsection (d)(2), for providing facilities to archive energy material.

"(2) STUDIES AND TECHNICAL ASSISTANCE.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any State agency designated under subsection (d)(2) for studies and technical assistance activities that enhance understanding, interpretation, and use of materials archived in the data archive system established under subsection (d).

"(3) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with assistance under this subsection shall be no more than 50 percent of the total cost of that activity.

"(4) PRIVATE CONTRIBUTIONS.—The Secretary shall apply to the non-Federal share of the cost of an activity carried out with assistance under this subsection the value of private contributions of property and services used for that activity.

"(h) REPORT.—The Secretary shall include in each report under section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g)—

"(1) a description of the status of the Program;

"(2) an evaluation of the progress achieved in developing the Program during the period covered by the report; and

"(3) any recommendations for legislative or other action the Secretary considers necessary and appropriate to fulfill the purposes of the Program under subsection (b).

"(i) DEFINITIONS.—As used in this section:

"(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the advisory committee established under section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d).

"(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior acting through the Director of the United States Geological Survey.

"(3) PROGRAM.—The term "Program" means the National Geological and Geophysical Data Preservation Program carried out under this section.

"(4) SURVEY.—The term "Survey" means the United States Geological Survey.

"(j) MAINTENANCE OF STATE EFFORT.—It is the intent of the Congress that the States not use this section as an opportunity to reduce State resources applied to the activities that are the subject of the Program.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $30,000,000 for each of fiscal years 2004 through 2008 for carrying out this section.”.

AMENDMENT NO. 1395

On page 150, line 24, strike “(tidal and thermal)” and insert “(wave, tidal, current, and thermal)”.

On page 156, line 4, strike “(tidal and thermal)” and insert “(wave, tidal, current, and thermal)”.

Mr. DOMENICI. The amendments have been cleared on both sides.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendments are agreed to, en bloc.

The amendments were agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EN BLOC AMENDMENTS NOS. 1396 THROUGH 1401

Mr. DOMENICI. Mr. President, I send a series of amendments to the desk and ask for their consideration en bloc.

The PRESIDING OFFICER. The clerk will report. The amendments will be considered en bloc.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], proposes amendments numbered 1396, 1397, 1398, 1399, 1400 and 1401, en bloc.

Mr. DOMENICI. I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1396

(Purpose: Provides authorization dates for Clean Coal program)

On page 90, line 24, strike “2003 through 2011” and insert “2004 through 2012”.

AMENDMENT NO. 1397

(Purpose: To provide for the calculation of coastal impact assistance payments based on previous years' revenues)

On page 40, beginning with line 13, strike all through line 20 and insert:

“(4) For purposes of this subsection, calculations of payments shall be made using qualified Outer Continental Shelf revenues received during the previous fiscal year.

AMENDMENT NO. 1398

(Purpose: To remove requirement that Secretary must hold coastal impact assistance payments in escrow in certain circumstances)

On page 40, strike line 5 and all that follows through line 12, and insert:

“shall not disburse such an amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section or so long as the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Coastal Impact Assistance Plan.”

AMENDMENT NO. 1399

(Purpose: To clarify that certain hydrgen demonstration programs include the entire National Park System)

On page 286, strike line 10 and all that follows through page 287, line 21, and insert:

“SEC. 814. HYDROGEN DEMONSTRATION PROGRAMS IN NATIONAL PARKS

“(a) STUDY.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior and the Secretary of Energy shall jointly study and report to Congress on—

“(1) the energy needs and uses in units of the National Park System; and

“(2) the potential for fuel cell and other hydrogen-based technologies to meet such energy needs in—

“(A) stationary applications, including power generation, combined heat and power for buildings and campsites, and standby and backup power systems; and

“(B) transportation-related applications, including support vehicles, passenger vehicles and heavy-duty trucks and buses.

“(b) PILOT PROJECTS.—Based on the results of the study, the Secretary of the Interior shall fund not fewer than 3 pilot projects in units of the National Park System for demonstration of fuel cells or other hydrogen-based technologies in those applications where the greatest potential for such use has been identified. Such pilot projects shall be geographically distributed throughout the United States.

“(c) AUTHORIZATION OF APPROPRIATIONS.—For purposes of this section, there are authorized to be appropriated to the Secretary of the Interior $1,000,000 for fiscal year 2004, and $15,000,000 for fiscal year 2005, to remain available until expended.”.

AMENDMENT NO. 1400

(Purpose: Modifies definition of research in regards to the Next Generation Lighting Initiative)

On page 305, line 23, strike the word “basic”.

AMENDMENT NO. 1401

(Purpose: Makes technical change to Sec. 111)

On page 37, line 23, strike “year. Where” and insert “year, except that where”.

Mr. DOMENICI. The amendments have been cleared on both sides. These are clarifying and technical amendments, agreed to by Senator BINGAMAN and myself as the managers of the bill. I request these amendments not be counted against any reservations on the finite list of amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendments? Without objection, the amendments are agreed to en bloc.

The amendments were agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank the Chair and yield the floor.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

* * *

SINGAPORE AND CHILE TRADE AGREEMENT

Mrs. FEINSTEIN. Mr. President, I come to the floor to make some comments on the Singapore and Chile trade agreements. Let me begin by saying I think it is really a shame that an otherwise good trade agreement with both Singapore and Chile, which I would otherwise support, I cannot support because immigration provisions were added to the bill. I believe contrary to the plenary powers of this Congress.

But before I discuss the trade agreement, I would like to say at the outset that, as I see it, the fast-track process is a real problem. Under fast-track rules, there is limited debate, expedited procedures, deadlines, and no amendments. Congress can only vote up or down.

While the fast-track procedures provide for consultations with Congress, there is really no guarantee that the President or the U.S. Trade Representative will ultimately respect the opinions and advice of Senators and House Members. In other words, we lose all ability to influence the content of a trade agreement negotiated under the fast-track procedures.

For me, from California, a place that has 36 million people and is either the fifth or sixth largest economic engine on Earth, trade agreements have major implications.

I have always had a relationship with the USTR that apparently I do not have with this USTR, because of the size of California economically, and the interests internationally, that at least I be consulted in a meaningful way. In this case, consultation, as I understand it, constituted staff briefings.

I wish to say, my staff does not cast a vote. I cast the vote. So if anyone is going to consult with the senior Senator from California, it ought to be with the senior Senator from California. None of those consultations took place.

Not only that, I have sat on the Immigration Subcommittee for 10 years now and you, Mr. President, are the new chair of that subcommittee. To the best of my knowledge, that subcommittee as a whole—maybe individual members have been able to have an impact, but as a whole, the subcommittee has not been able to have an impact. So any hearing we might have is de minimis in impact because the decision is already made. I am told by my staff that by the time any meaningful briefing took place, the agreement had been signed and sent over here. That is not the way to do business with somebody like me, who has 36 million people, a huge economy, and all kinds of issues in virtually any trade agreement.

Fast track really provides a disadvantage for the people of California. When I was lobbied to vote yes on fast track, I said to virtually every industry in California: Do you realize that if a President or a USTR negotiates an agreement, they can negotiate an agreement and let California suffer all kinds of repercussions and there is nothing your elected representative can do about it? That is fast track. When you have the fifth or sixth largest economy on Earth, it means a great deal.

But, having said that, let me go to the immigration provisions of this free-trade agreement. The administration again insists it has had a number of discussions on these. Perhaps, again, they have with certain Members. They certainly have not with me. But immigration policy has long been well within the purview of Congress, and I believe it should stay there. Indeed, the Constitution gives Congress this power, and I do not think it is wise to give up that power to another branch of Government in this trade agreement or in any other.

These agreements, as I read them, would create sweeping and permanent new categories of visas, regardless of whether Congress would deem these new entries valid or beneficial to our Nation's economy and welfare. Even more important, regardless of whether Congress might want to change these new categories at some later date, we cannot do it.

. Specifically, I oppose these agreements because they would create entirely new categories of nonimmigrant visas for free-trade professionals, thus permitting the admission of up to 5,400 professionals from Singapore and up to 1,400 professionals from Chile each year.

They would permit an indefinite extension of these visas.

They would require the entry of spouses and children accompanying or following to join these professionals without limitation. So any number of family members can come in.

They would require, without numerical limit, the entry of business persons under categories that parallel three other current visa categories. In other words, require their entry under other categories, the B-1 business visitor visa, the E-1 treaty trader or investor visa, and the L-1 intracompany transfer visa.

These agreements would permit but not require the United States to deny the entry of a free-trade professional if his or her entry would adversely affect the settlement of a labor dispute.

They would require that the United States submit disputes about whether it should grant certain individuals entry to an international tribunal. So if there was a pattern in our entry practice, we would have to submit that to an international tribunal, and a international tribunal would decide a sovereign right of the United States of America. That, to me, is unacceptable.

These agreements are troubling in their permanence, their inflexibility, and their lack of congressional participation or oversight. The fact is, current law already permits foreign nationals to do all the things specified under the trade agreement. In fact, several thousand nationals from Chile and Singapore enter the United States each year. To the extent that changes need to be made, Congress can choose to make them.

So this raises the question, Why, then, do these provisions need to be in a trade agreement? Perhaps the answer can be found by taking a closer look at these trade agreements, and more specifically at how exactly the agreements differ from current law.

There are no numerical limits for any of the visa categories except the new H-1B(1) visa. There are no labor certifications under this bill. This is very significant. The United States can impose no prior approval procedures, petitions, labor certification tests, or other procedures of similar effect.

Under the visitor visa provisions:

> A party shall normally accept an oral declaration as to the principal place of business and the actual place of accrual of profits.

Where the party requires further proof, a letter from the employer attesting to these matters would serve as sufficient proof.

These are all contained in the trade agreements. Thus, the facts speak for themselves.

But behind the abstraction, the theories, and the statistics of the free-trade agreements we are considering today, there is one inescapable factor, and that is the working men and women of this country and what is going to happen to them.

As I said in the Judiciary Committee, I am not the Senator from Chile or Singapore. I am the Senator from California. The people of my State are working in produce-rich fields. They are building new technologies for tomorrow. They are fiber optic engineers, computer programers, and physical therapists tending to the needs of others, all of whom are going to be affected by the immigration provisions of this bill.

I know of engineers who have been out of work for more than a year who have sent out hundreds of resumes and are still looking for a job—machinists, carpenters, and engineers by the tens of thousands looking for work in my State. Let me give you a couple of cases.

Jenlih Hsieh is a 50-year-old U.S. citizen from Taiwan with a master's degree and more than 12 years of experience in Unix systems administration, filed a complaint with the Equal Employment Opportunity Commission, the U.S. Department of Justice and in Santa Clara County Superior Court. Hsieh alleges that SwitchOn Networks of Milpitas fired him after 6 months and replaced him with an H-1B worker. According to the complaint, the H-1B worker was earning $30,000 less a year, had only a bachelor's degree and much less experience.

Why is this important? It is important because this bill provides that the Labor Department cannot do an investigation to see if the complaint is correct. The Labor Department cannot make a certification that there is no replacement of an American worker. If the administration chose to add this, the message it should send to each and every one of us is the administration fully contemplates that American workers are going to be replaced by the immigration provisions of this treaty and does not want their Department of Labor to be able to check that out and keep records to see if these are, in fact, sustainable complaints.

Bob Simoni, 39, lost his consulting job at Toshiba American Electronics Components in Irvine in March 2002. Simoni, who has an MBA from the University of California-Los Angeles, had worked at Toshiba as a contract engineer for 2 years installing software. He came to work in February to find everyone packing their boxes. Toshiba was outsourcing the division to an India-based technology services company, Infosys, which employs H-1B workers in the United States. Simoni said Toshiba asked him to stay for 3 weeks to do "knowledge transfer" with Infosys employee Rakesh Gollapalli, who told him he had an H-1B visa. It hurt to be training someone who for all practical purposes was replacing him, and it felt wrong, Simoni said.

You and I, Mr. President, are allowing this to happen with the H-1B visa being so extensively used in the United States, and we need to change that.

The Boston Globe published an article June 3, 2003 that also reveals the fear many American workers have of losing their positions to H-1B and L-1 temporary workers. The story of John Malloy illustrates the experience of many Americans in the fields of technology, information, and engineering:

> Unix system administrator John Malloy used to work for NASA, but hasn't had a steady job in over 2 years. "I'm 40 years old, and my life is ruined," he said. Malloy said his last job was at a local healthcare company, where he helped train two workers from India. He said the Indian workers are still on the job, but he was laid off. Mallory told the reporter: "I'm an open, fair-minded world citizen who loves everybody . . . but I'm really starting to get frustrated."

This trend prompted The San Francisco Chronicle to publish articles on the topic on both May 25 and June 2, 2003. The articles describe the confusion surrounding the use of L-1 visas, citing confusion among companies, labor lawyers, and government agencies as to what type of use of the visas is legal. They also show increasing hostility from American high-tech workers surrounding L-1 visas.

> One example is the case of the dozen computer programmers who were laid off from Siemens Information and Communication Networks in Lake Mary FL, and replaced with foreign workers using the L-1 program.

> Michael Emmons left Siemens last fall just before his job there was to end. Emmons had worked as a contract computer programmer for the company for 6 years, first in San Jose, CA, and then in Florida. He said, "This is what they call outsourcing. I call it insourcing. Import foreign workers, mandate your American workers to train them, they lay off your Americans."

This is what we are allowing to happen. My view is that it is not a problem during boom time because there are enough jobs for all. But what happens when we have these rich programs is that when tough times come, employers succumb to the lure of being able to save $30,000 or $40,000 a worker. We are passing this treaty in the middle of huge unemployment in our country. We are creating a sinecure for these workers from other countries. I think that is a mistaken priority.

Last week, I joined with my colleagues on the Judiciary Committee, Senators SESSIONS of Alabama and GRAHAM of South Carolina, urging the President and the U.S. Trade Representative to withdraw the legislation implementing the Free Trade Agreements with Chile and Singapore.

We also asked that the administration renegotiate or reconfigure the trade agreements without the immigration provisions and re-transmit a new version of the implementing legislation to Congress.

I am extremely trouble that despite these concerns, which were expressed by several members of both chambers of Congress, the President sent Congress implementing legislation that would effectively expand the temporary admissions program without the express consent to do so.

Let me say this: I very much doubt that the USTR is any kind of an expert on immigration. I must tell you that I have heard rumors that this was to be the precedent for some 50 other treaties to come after it. I think if this Senate and the House were to allow this to happen, we don't deserve to hold these jobs.

I don't believe that this Senate should relinquish its plenary power over immigration to any administration nor to any country that is party to a trade agreement. Trade agreements are simply not the appropriate vehicle for enacting immigration law. Such agreements are meant to have a permanent impact. They cannot be amended or modified by subsequent legislation should Congress need to alter these provisions. I am not saying we should capriciously alter these provisions. I am saying that if the economic conditions change, the United States needs to respond to those economic changes rather than to be frozen into a pattern of dozens of agreements which freeze for all time certain things that may be proved to be inimical to our national interests.

A recent commentary by Paul Magnusson in BusinessWeek asked the question I think we should all ask ourselves: "Is a stealth immigration policy smart?" Magnusson wrote:

> Complex trade agreements, which increasingly affect the entire U.S. economy and require changes in U.S. laws and social policies, should not be considered in secret, or in isolation from all other legislation.

That is exactly what happened with this agreement. The result of this kind of process is going to be an unwieldy patchwork of conflicting permanent law that will encumber an already overburdened immigration system, while exacerbating the growing backlogs of people already seeking to enter the United States.

Such legislation will ultimately tie our hands when the national interest demands an alteration in the immigration provisions on which we are about to vote. Establishing separate policies and laws for different countries makes the day-to-day implementation more complicated and susceptible to error and abuse. And that is exactly what this does. Every country will have its own set of immigration laws, which can last forever under the terms of the treaty. How can any INS ever administer that?

I have other concerns with the Trade Representative's decision to include so prescriptively the immigration provisions at hand. The Office of the U.S. Trade Representative has not demonstrated the need for negotiating these temporary entry provisions, nor does the office provide any evidence that current immigration law would be a barrier to meeting the United States obligation in furthering trade and goods and services. In fact, current law is sufficient to accommodate these obligations, as evidenced by the millions of temporary workers who enter the United States each year.

Just listen to the numbers: In just 2002, 4,376,935 foreign nationals entered under the B–1 temporary business visitor visa; 171,368 entered under the E treaty-trader visa; and another 313,699 entered under the L intracompany transfer visa; and an additional 370,490 entered the United States under the H–1B professional visa.

If you add all of these up, we have over 5 million people just last year coming in under these temporary visas, of which probably half become permanent. And that is in addition to the regular immigration program.

In all, the United States admitted a total of 5,232,492 foreign nationals under the current temporary visa categories. Of these numbers, 40,461 temporary business professionals entered from Chile and 29,458 entered from Singapore.

What is my point? My point is, there already is enough room to absorb under present visa categories. Over 40,000 from Chile and 30,000 from Singapore came in last year alone under these visa categories. Yet the USTR saw fit to say: It isn't enough, Senate and House. We are going to impose another permanent program.

Free-trade visas should not be indefinitely renewable, and I am not going to vote for one that is. Under the trade agreements, the visas for temporary businesspersons entering under all the categories in the agreement are indefinitely renewable. So this is what transforms what, on paper, is a temporary visa-entry program into a permanent visa-entry program.

While the trade agreements require temporary professionals to come in under the overall cap imposed on the H–1B visa, each visa holder would be permitted to remain in the United States for an indefinite period of time. That means permanent. Thus, employers could renew their employees' visas each and every year under the agreement with no limits, while also bringing in new entrants to fill up the annual numerical limits for new visas. So the thing spirals and expands exponentially. This effectively would obliterate Congress' ability to limit the duration of such visas even when it is in the national interest to do so.

Thirdly, the agreement provides insufficient protection for workers, both domestic and foreign. Today, in our country, 15.3 million people are unemployed or underemployed in part-time jobs out of economic necessity or they have given up looking for work. Of that number, 9.4 million are considered officially unemployed.

These unemployment figures are the highest in a decade, and yet we are doing this program now. In California, 1.17 million people are out of work. In the San Francisco Bay area, the technology boom and subsequent bust has created a huge pool of unemployed skilled labor. In San Jose alone, 47,160 people—or nearly 10 percent of the population—are looking for jobs.

More and more out-of-work technology workers are filing complaints with the Government or going to court to protest perceived abuses of temporary visa programs. And yet the administration has seen fit to push through a free-trade agreement with immigration provisions of which very few of us could predict the consequences.

Although employers are, by and large, good actors, the provisions in the implementing legislation would expose many more workers—and don't forget this—to displacement, to wage exploitation, and to other forms of abuse. These provisions, as drafted in the trade agreement, would increase the number of temporary foreign workers exposed to exploitation and leave more to face an uncertain future. By making the visas indefinitely extendable, albeit 1 year at a time, these workers will remain in limbo with year-to-year extensions of their stay.

Despite these concerns, the USTR has seen fit to push through a free-trade agreement with immigration provisions that significantly weaken the U.S. and temporary foreign worker protections under current immigration law in several ways.

First, the provisions would expand the types of occupations currently covered under H-1B to include: management consultants, disaster relief claims adjusters, physical therapists, and agricultural managers—professions that do not require a bachelor's degree. Nor would employers be required to demonstrate a shortage of workers in these professions before hiring foreign nationals under the agreement. This opens the door to the inclusion of new occupations in the trade agreement that are not currently included in the H-1B program.

In a sense, what this means is, it is a special program through which you can replace an American worker, pay less for that worker, and keep that worker so that worker isn't going to complain because if he or she does, the visa is not going to get renewed the next year. And if that worker succumbs to any kind of exploitation, his family comes over, her family comes over, and they have a lifetime sinecure, not only with the company but within the United States. No American worker has that.

The current H-1B program defines a specialty occupation as one that requires the application—and this is important—of a body of highly specialized knowledge. That is there for one reason, to ensure employers don't abuse the program to undercut American workers in occupations where there is no skill shortage. What this agreement does is delete the word "highly." So that would lower the standard for admission by broadening the definition of specialty occupation to include any job that requires the application "of a body of specialized knowledge."

It is a significant weakening to allow less specialized workers to come in and, I believe, to replace American workers at less money.

Neither the free-trade agreement nor the implementing legislation require the employer to attest and the Department of Labor to certify that the employer has not laid off a U.S. worker either 90 days before or after hiring the foreign worker before the foreign national is permitted to enter the United States.

Why do you suppose that is in there? That is in there so any American employer that wants to can keep an American worker until they can replace them with a foreign worker at less money and then do so. Because those simple precautions that made this more difficult to do are gone. Nobody should believe, when they vote for this legislation, that it is not a foreign-worker replacement program. I have just given the documentation that indicates exactly how it is going to be done.

Once you eliminate the labor certification, you eliminate the requirement that the Department of Labor makes an investigation to verify the employer's attestation is accurate and truthful before permitting the entry of a foreign national. Labor certifications are expressly prohibited under this trade agreement. Again, it is the foreign worker employment program in the United States displacing American workers, and this is how to do it.

Moreover, the implementing provisions limit the authority of the Labor Department by providing that it may review attestations only for completeness and only for inaccuracies. So the screw is being tightened on the Labor Department. You can't investigate, you can't certify, and you can only review the application to see whether it is complete and accurate. To add insult to injury, you have to provide the certification mandatorily within 7 days. So neither the trade agreement nor the implementing language provides the Department of Labor authority to initiate investigations or conduct spot checks at worksites to uncover instances of U.S. worker displacement and other labor violations pertaining to the entry of foreign workers. It is really bad.

This is troublesome, given that in the last 2 fiscal years the Department of Labor investigated 166 businesses with H-1B violations. As a result of those investigations, H-1B employers were required to pay more than $5 million in back pay awards to 678 H-1B workers. That is proof of what is going on. There is proof that companies do this. This is not new thought. I am not reaching to find a reason. This is happening. And in a tough economy, it is going to happen more. Those of us who are elected by workers to protect them fail in our obligation to do so.

While the administration has included a cap on the number of professionals entering under the H-1B(1) category, there are no such limitations on the number of temporary workers entering on other visa categories, including the B-1 visitor visa, the E-treaty/investor visa, and the L-1 intracompany visa.

None of these categories are numerically limited under the agreement. Once enacted, Congress may not subsequently impose caps on these categories for nationals entering pursuant to this agreement.

The trade agreement expressly prohibits the imposition of labor certification tests or other similar conditions on temporary workers entering from Chile and Singapore. I am amazed the Governments of Chile and Singapore want this. I am amazed they want their people to come in and face exploitation in the United States.

While Congress could certainly correct some aspects of the law implementing the trade agreements, it would be limited in what it could do by the underlying trade agreement itself. For example, if Congress decided to better protect U.S. businesses and workers by amending the laws governing the L-1 visa category to require a labor certification or a numerical limit before a foreign worker from Chile or Singapore could enter the United States, it would not be able to do so. Both are plausible options for dealing with perceived abuses in the visa category. However, both trade agreements provide "neither party may, A, as a condition for temporary entry under paragraph 1, require labor certifications or other procedures of similar effect; or, B, impose or maintain any numerical restriction relating to temporary entry under paragraph 1."

Again, there is something a little insidious in this, in the formulation of a new program with these specific specifications in view of the fact of the more than 50,000 Chilean and Singaporean workers coming in in our other business visitor visa categories. So the significance of this is creating a new program and making it permanent and taking out any meaningful labor certification. I figure every one of these people can replace an American worker for less money. Otherwise, why do this?

These provisions significantly limit congressional authority, A, to establish labor protections when warranted and, B, to limit the number of visas that could be issued to nationals in Chile and Singapore, should we deem it is in the national interest.

I don't think we should relinquish this constitutional authority. It is really for this reason, on behalf of the millions of Americans who are unemployed and underemployed and particularly in these exact categories, I cannot tell you the workers trained with graduate degrees being replaced, with families. And they can't find jobs. And we fall right into the trap and produce an agreement that is going to say: Labor Department, the only thing you can check is the accuracy of an application for name, address, and phone number, and whether it is all filled in, and then you must certify it within 7 days. And John Smith, who has worked in the company for 10 years, has a graduate degree, gets to train this worker, who is paid $30,000 less—and I gave you actual cases where this is happening—and the worker goes home to a mortgage on a home and a car and three kids in school.

Is this what we are elected to do? I am not going to do it. If I could filibuster, I would filibuster it. I am really angry about it because it is sleight of hand. There was no meaningful consultation. Mr. Zoellick never picked up the phone and called me—or his No. 2, 3, 4, or 5—and said: This is what we are thinking of doing. I know you in California have the highest unemployment in 10 years and there has been a high-tech bubble burst. I know a lot of your professionals are out on the street. What do you think of this? I would say: No way, Jose.

So I am mad and I hope every working man and woman in this country is mad, too. I am mad because—Mr. President, you know, as you were in committee—we asked to send it back. We were refused. And there is no delay. Bingo, it is out on the floor. It is going to be ramrodded through this body.

Well, one thing I have learned is that the working men and women of this country are not stupid. Of all these visitor visas, we have 5 million granted in just a year. People are going to catch on. The word is going to get around. I very much regret that the administration won't eliminate the immigration section. This would be a perfectly good treaty without them. Five million people came in last year under the H-1B visas—5 million. Plenty of room. We don't need to create a new permanent program, tighten the housing supply, tighten the school supply, bring in all these families, and not be able to take care of our own.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

A CRISIS IN EDUCATION

Mr. JEFFORDS. First, I commend my good friend from California for her excellent statement and revealing to the Nation the seriousness we have in the ability to provide jobs with qualified workers. Just this past decade, we brought 4 million workers into this country to take the high-skilled jobs of our Nation because we could not provide them from our own school systems. Yet we have thousands and thousands of unemployed and unskilled workers who have managed to get through our school systems without the necessary skills.

We have a crisis in this Nation, and we have had it for years, and that is in education. This administration is totally ignoring the fact that where we should be putting the funds is in preventing this necessity of having to bring in workers from foreign nations, whether it be from Europe or elsewhere. Most of them come from Asia now. Millions and millions are coming in. Yet our own young people in this country do not have the skills because their school systems are failing. And we are cutting back and back on the funding for education in this Nation.

This administration recognizes we have a problem and realizes our children need help; we have the Leave No Child Behind Program. But we have no funding to prevent the terrible situation that was just outlined by the Senator from California. I praise her for that. But let's wake up and do something about it rather than bringing in millions and millions of workers from Asia to take the jobs that our young people ought to have the skills to take.

MERCURY POLLUTION

Mr. JEFFORDS. Mr. President, I will spend a few minutes expressing my concerns about a serious public health crisis that this country faces due to mercury pollution.

Perhaps some of you have heard of the small fishing community of Minamata Bay in Japan. If you know this village, you know also that it was nearly devastated by mercury pollution.

Over 70 years ago, a chemical plant began dumping mercury waste into that bay. For the next 30 years, local citizens who depended heavily on the bay for commerce and daily sustenance saw strange and debilitating health problems emerge.

At first, those eating fish out of the bay began experiencing headaches, numbness, tremors, blurred vision, hearing loss, speech problems, spasms, and loss of consciousness. As fish consumption continued, more people became sick.

Plus, pets started becoming violent and birds fell from the sky. Naturally, the public's panic grew.

Then, a generation of children was born with shriveled limbs and severe physical deformities. The woman in this photograph is one of the survivors of what was called Minamata Disease.

In all, over nine hundred people died and thousands more were crippled by the poisoning. The Japanese government, which discovered the cause of these illnesses as early as 1956, hid the truth from the ailing public and refused to halt the industrial pollution. The dumping eventually stopped in 1968.

In other words, knowing this mercury pollution was deadly, the Japanese government allowed it to continue for another 12 years.

Surely such abandonment of the public's well-being would not happen today in our great country.

Surely our government would never delay protections from mercury pollution for a decade, while allowing industry to neglect its responsibilities.

Sadly, I am afraid this is exactly what is happening in our country today—over half a century after the lessons of Minamata Bay.

Fortunately, we are not faced with the same concentration of mercury pollution as that Japanese fishing village so many years ago, where an estimated 27 tons of mercury compounds were dumped into the Bay. Although U.S. power plants emit almost twice that amount into the air each year, it is dispersed broadly, resulting in lower concentrations in any one place.

Some estimates show that almost 100 additional tons of this poison are emitted from other U.S. sources every year, bringing our air emissions total to almost 150 tons of mercury pollution annually.

Furthermore, the principal route of human and wildlife exposure, namely, the consumption of poisoned fish, is the same in this country as it was in Minamata. It is occurring at often dangerous levels.

Power plants are the largest unregulated source of mercury in the country, emitting almost 50 tons each year into our air. To put this amount into perspective, just one-seventieth of a teaspoon of annual mercury deposition can make fish in a 25 acre lake unsafe to eat. Utilities, amazingly, are releasing enough mercury into our air every year to contaminate 45 million lakes.

Medical and solid waste incinerators are also major mercury polluters, but they are regulated under the Clean Air Act. Because of these regulations, incinerators have reduced emissions by 95 percent in the last decade. Impressive. The act also requires any residual risk posed by these sources to be reduced with further emissions cuts.

When utilities burn coal, they release much of its mercury content into the air. This mercury falls with the rain into lakes, streams, and the ocean. It then transforms into a toxic compound called methyl mercury that does not break down easily, as this chart shows.

This toxic mercury is eaten by fish, and increases in concentration up the fish food chain as smaller fish are consumed by larger fish. Eventually, humans and other animals eat the fish, and the mercury too. Clearly, our consumption of larger fish can expose us to greater concentrations of mercury contamination than eating smaller fish. This cycle is depicted in the chart beside me.

The EPA estimates that although some atmospheric deposition of mercury in the United States is due to non-U.S. sources, 60 percent of what falls to Earth in our country is due to our own emissions.

We should take responsibility for the fact that most of our mercury deposition comes from our own country. And, for those sources abroad that affect our Nation's environment, I urge the administration to negotiate a treaty quickly to control non-U.S. emissions.

Mercury contamination of fish in the United States has very harmful impacts on our wildlife and our health. In waterfowl such as loons, it interferes with vision and muscle coordination. It is toxic to their developing embryos and hinders reproduction. As a result, loon populations are declining, especially in the Adirondacks.

Other fish-eating wildlife like mink and otters are at risk as well.

In humans, once mercury is ingested it has the ability to enter our blood stream and cross the blood-brain barrier. Pregnant and nursing women then can pass the mercury on to developing fetuses and infants, who are at greatest risk for serious health problems.

The National Academy of Sciences has confirmed that prenatal mercury exposure is linked to the following: impaired memory and concentration; the inability to process and recall information; impaired visual and motor function; attention and language deficits; cerebral palsy; mental retardation; and other developmental effects.

These health effects are similar to those caused by lead poisoning. Indeed, mercury is very likely the next lead. We were able to find an effective solution to the lead problem relatively quickly. However, we can and should address mercury pollution even more swiftly and effectively. We have advanced technology that makes it possible and feasible now.

In 2003, the Centers for Disease Control and Prevention found that 1 in 12 women of childbearing age has mercury levels above EPA's safe health threshold, due primarily to consumption of poisoned fish. This totals almost 5 million women, and results in almost 300,000 newborns with increased risk of nervous system damage from exposure in the womb.

EPA recommends that pregnant women, or women who may become pregnant, eat only one serving of fish each week, and adhere to any State advisories that may call for further prohibitions.

What many Americans may not realize is that all other healthy children and adults are also at risk if they consume a large amount of fish. This group includes recreational anglers like this boy here, some Native American tribes, Asian Americans, and the poor. A United Nations Environment Programme report has linked mercury exposure to heart, thyroid, and digestive problems in adults.

This is truly a widespread health crisis. Yet, despite the fact that these at-risk groups can face mercury exposures two to five times higher than the general population, they are often the least informed about the dangers of mercury consumption.

Today we rely on a hodge podge of State advisories to protect citizens from eating too much poisoned fish. Currently, 43 States have advisories in effect.

These advisories cover over 12 million acres of lakes, 450,000 miles of river, 15,000 miles of coast, and more.

Multi-state water bodies are often covered by inconsistent warnings, leading to confusion for anglers and consumers alike. Many States do not even monitor their own rivers and lakes.

Some State advisories are based on EPA's safety threshold, which has been deemed scientifically justifiable by the National Academy of Sciences. However, others are based on the EPA's weaker standard. EPA itself does not issue advisories, but it offers guidance to States.

The FDA is responsible for warning consumers about mercury contamination of commercially available fish. However, FDA advisories are rarely posted where fish consumers can see them, at the grocery stores or fish markets. In fact, only this year did one State, California, require that stores begin posting warnings like this one.

This advisory says:

> Warning—Pregnant and nursing women, women who may become pregnant, and young children should not eat the following fish: swordfish, shark, king mackerel, and tilefish. They should also limit their consumption of other fish, including fresh or frozen tuna.

Shamefully, the FDA does not make public the information it has collected from fish safety testing. Plus, in 1998, it ceased its mercury monitoring program for shark, swordfish, and tuna, and now does only limited testing.

Does this seem like an adequate way to inform the public about the risks of fish consumption? The FDA must act now to better protect Americans.

The good news is that the Clean Air Act is designed to protect us from some sources of mercury pollution. The bad news is that this administration seems determined to reverse or weaken such protections.

The Clean Air Act amendments of 1990, which I was proud to work on with the first President Bush, called on EPA to study the health and environmental impacts of mercury emissions from utilities by 1993.

Unfortunately, this vital study was not completed until the end of 1997.

The amendments also ordered EPA to explore available technologies for their emission reduction potential, and to regulate mercury and other air toxics, if deemed appropriate and necessary by the administrator.

Such a determination should have been made soon after release of the study, during the Clinton administration. However, the Clinton EPA did not issue such a finding until December 2000.

EPA Administrator Carol Browner found that mercury regulation was, in fact, appropriate and necessary, given the results of the prior EPA's study. This kicked off the drafting of maximum achievable control technology—or MACT—standards for mercury.

However, because EPA missed deadlines in the Act to make that determination, environmentalists sued and obtained a settlement creating a schedule for the development of MACT standards.

Now, the second Bush EPA must propose mercury emission standards for utilities by this December, and finalize them by next December. These standards must be met by the end of 2007 at each unit.

EPA could expedite finalization of the standard to give industry more time to comply, but instead the Agency has opted for delays. I would also note that EPA is currently violating the Clean Air Act's schedule for air toxics controls for many other sources, sending millions more pounds of dangerous emissions into the air we breathe.

Mr. President, industry information shows that the technology exists today to reduce utility mercury emissions by 90 percent or more—down to about 5 tons per year. Under MACT, the EPA should set its standard to match the capability of the best utility performers.

Not coincidentally, a 90 percent cut in utility mercury emissions is guaranteed in my bill, the Clean Power Act of 2003.

However, the current Bush administration has proposed to derail EPA's mercury standard—in essence, to violate the intent of the Clean Air Act.

This administration's multi-pollutant plan, called Clear Skies, does away with the Clean Air Act's technology standard for mercury. In its place, Clear Skies calls for weaker standards and a 10-year delay in their achievement.

Plus, EPA is prevented from using its existing authority to require further reductions if residual risk from utility air toxics remains a problem.

Could it be that the administration is more interested in giving polluters a free ride than in protecting public health?

This harmful bias towards irresponsible industry is something we saw 50 years ago in Minamata Bay—and we should have learned a lesson about its ill effects.

The Clear Skies polluter payoff does not aim for this five ton goal by 2008, but for 15 tons in 2018 and on—for eternity. As this chart shows, compared to a strict interpretation of what the Clean Air Act could do for our health, this rollback totals 520 percent more toxic mercury in our environment and on our dinner tables before 2018, and 300 percent more mercury after 2018.

Why would we pass this risk on to our children? I have to believe that no compassionate parent- or grandparent-to-be would knowingly do that.

EPA has thoroughly studied the mercury threat and devised an adequate health threshold—which has been supported by the NAS. The agency must follow through with the law of the land and cut mercury emissions from utilities now. In fact, this administration does not have the authority to do any less. We in Congress must not and cannot in good conscience give them that authority through the Clear Skies rollback.

If any of my colleagues doubt the potential benefits of the current Clean Air Act, I suggest they ask this administration for its long overdue economic analysis of today's best technologies—

what the Act would require utilities to install.

My colleagues should know that they won't get an honest, fair, or timely response, because that response would show that, by comparison, Clear Skies is just a license to keep sending uncontrolled mercury into our air.

It is hard for me to grasp why any administration would want to keep Congress and the public in the dark about the real benefits of the Clean Air Act. Could it be that the administration wants to distort the perceived benefits of any proposed changes?

To make matters worse, in a recent hearing in the Environment and Public Works Committee, an official from the Council of Economic Advisors suggested that the administration now wants Congress to modify the mercury cap in their air pollution giveaway to make it even less protective.

Instead of capping mercury at twenty-six tons in 2010, the administration would like us to consider a cap as high as 46 tons.

This is an outrage. Utilities today emit about 48 tons of toxic mercury every year. So the modified Clear Skies cap would mean only more inaction.

Candidate George W. Bush started with a four-pollutant bill, then dropped carbon in 2001 to get to three pollutants. Now, his administration is more or less admitting they support merely a 2-pollutant bill. Is that what they consider progress?

Why on earth would we allow them to go forward with this plan?

The scientific evidence about the dangers of mercury exposure mounts annually. The technologies exist today to dramatically reduce emissions and the associated risk. To do otherwise abdicates the administration's and our responsibility to protect public health.

We have a vital choice to make in Congress this year. Either we uphold the law as written in the Clean Air Act or we shut our eyes while the pollution and damage to our health and environment goes on.

The delays and distortion must stop. This in not the 1950s, as much as the administration would like it to be. I have no doubt there will be misguided efforts to stall the mercury standards, which are already late. I promise that I will keep a watchful eye. But I urge all mothers and fathers to pay heed as well—your children's and grandchildren's health hangs in the balance.

I have my own health advisory to post on the walls of Congress today: The administration appears less interested in protecting mothers and children from mercury poisoning, and more interested in protecting the polluters' bottom line. This may explain why they are trying to replace current law with Clear Skies.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent my remarks be as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF WILLIAM PRYOR

Mr. HATCH. Mr. President, I rise in support of the nomination of William Pryor to the Eleventh Circuit Court of Appeals. Mr. Pryor was No. 1 in his class at Tulane University Law School. He is a magna cum laude of Tulane University School of Law where he was editor and chief of the Tulane Law Review, something that very few lawyers have the privilege of saying. He then clerked for Judge John Minor Wisdom for the Fifth U.S. Circuit Court of Appeals, a civil rights legend who helped implement desegregation in the South.

While working at two of Alabama's top private law firms, he was the adjunct professor of law at Samford University Cumberland School of Law. In 1995, then-Attorney General JEFF SESSIONS, current Senator from Alabama, hired him as Deputy Attorney General, and in 1997 he was appointed to serve out Senator SESSIONS' term.

In 1998, Alabamians elected General Pryor to this position. He was reelected in 2002 with the remarkable 59 percent of the vote.

Let me share some of the letters that prominent Democrats have written about General Pryor. Joe Reed, chairman of the Alabama Democratic Conference, which is the State's African-American caucus, writes that General Pryor "will uphold the law without fear or favor. I believe all races and colors will get a fair shake when their cases come before him . . . I am a member of the Democratic National Committee and, of course, General Pryor is a Republican, but these are only party labels. I am persuaded that in General Pryor's eyes, Justice has only one label—Justice!"

Judge Sue Bell Cobb, who sits on the Alabama Court of Criminal Appeals, stated:

> I write, not only as the only statewide Democrat to be elected in 2000, not only as a member of the Court which reviews the greatest portion of General Pryor's work, but also as a child advocate who has labored shoulder to shoulder with General Pryor in the political arena on behalf of Alabama's children. It is for these reasons and more that I am indeed honored to recommend General Pryor for nomination to the 11th Circuit Court of Appeals.

And Congressman ARTUR DAVIS encouraged President Bush to nominate General Pryor, declaring his belief that "Alabama will be proud of his service."

I will submit copies of these letters for the RECORD, along with copies of the other many letters from Democrats and Republicans, men and women, and members of Africa-American, Jewish, and Christian communities who support Bill Pryor's nomination.

It is fundamental that a State attorney general has the obligation to represent and defend the laws and interests of this State. General Pryor has fulfilled this responsibility admirably by repeatedly defending the public first and the laws and policies enacted by the Alabama legislature. But one of the reasons for the broad spectrum of support for General Pryor is his demonstrated ability to set aside his personal views and follow the law. As you will undoubtedly hear during the course of the debate on his nomination, General Pryor is no shrinking violet. He has been open and honest about his personal beliefs, which is what voters expect from the persons whom they elect to represent them. Yet General Pryor has shown again and again that when the law conflicts with his personal and political beliefs, he follows the law.

For example, in 1997, the Alabama legislature enacted a ban on partial birth abortion that could have been interpreted to prohibit abortions before viability. General Pryor is avowedly pro-life, and has strongly criticized Roe v. Wade, so one might very well have expected General Pryor to vigorously enforce the statute. Instead, he instructed law enforcement officials to enforce the law only insofar as it was consistent with the Supreme Court's precedents of Casey and Stenberg v. Carhart—despite pressure from many Republicans to enforce broader language in the act.

Here's another example: I am sure that we will hear General Pryor's call for modification or repeal of section 5 of the Voting Rights Act, which requires Department of Justice preclearance. By the way, General Pryor is not alone in his opinion of section 5; the Democratic Attorney General of Georgia, Thurbert Baker, has called section 5 an "extraordinary transgression of the normal prerogatives of the states." Despite his opinion that section 5 is flawed, General Pryor successfully defended before the Supreme Court several majority-minority voting districts approved under section 5 from a challenge by a group of white Alabama voters. He also issued an opinion that the use of stickers to replace one candidate's name with another on a ballot required preclearance under section 5. In other words, he upheld a law that he thinks is legally flawed and politically flawed. In other words, this man will abide by the law in spite of his personal beliefs.

Yet another example involves General Pryor's interpretation of the First Amendment's Establishment Clause. In an effort to defeat challenges to school prayer and the display of the Ten Commandments in the Alabama Supreme Court, both the Governor and the Chief Justice urged General Pryor to argue that the Bill of Rights does not apply to the States. General Pryor refused, despite his own deeply held Catholic faith and personal support for both of these issues.

And here's my final example: General Pryor supported the right of teachers to serve as state legislators, despite intense pressure from his own party, because he believed that the Alabama Constitution allowed them to do so. This man follows the law, regardless of his personal beliefs. That is all you can ask of a judicial official and of somebody who is nominated to a Circuit Court of Appeals in this country.

These examples, and I can give others, aptly illustrate why General Pryor's nomination enjoys broad bipartisan support from persons like former Democratic Alabama Attorney General Bill Baxley. He observed of General Pryor:

> In every difficult decision he has made, his actions were supported by his interpretation of the law, without race, gender, age, political power, wealth, community standing, or any other competing interest affecting judgment.

That is pretty high praise coming from a Leading Democrat, one of his predecessors.

Mr. Baxley continued,

> I often disagree, politically, with Bill Pryor. This does not prevent me from making this recommendation because we need fair minded, intelligent, industrious men and women, possessed of impeccable integrity on the Eleventh Circuit. Bill Pryor has these qualities in abundance. . . . There is no better choice for this vacancy.

During the course of this debate, we will hear many things about Bill Pryor. We will hear many one-sided half-truths perpetuated by the usual liberal interest groups who will stop at nothing to defeat President Bush's judicial nominees. I want to make sure that this debate is about fairness, and about telling the full story of Bill Pryor's record.

We will hear that General Pryor is a devout pro-life Catholic who has criticized Roe v. Wade, but the rest of the story is that many prominent pro-choice Democrats, such as Justice Ruth Bader Ginsburg, Archibold Cox and former Stanford Dean John Hart Ely have also criticized Roe without anyone questioning their recognition of it as binding Supreme Court precedent.

We will hear claims that General Pryor is against the disabled and elderly, but the real story is that General Pryor has done his duty as Attorney General to defend his State's budget from costly lawsuits. Other state attorneys general, including respected Democrats like Bob Butterworth of Florida and now Senator MARK PRYOR of Arkansas, have taken the same positions as General Pryor in defending their States. While the Supreme Court agreed with the attorneys general in these cases that the Eleventh Amendment protects States from monetary damages in Federal court, these rulings did not affect—and General Pryor did not seek to weaken—other important methods of redressing discrimination, like actions for monetary damages under state law, injunctive relief, or back pay.

We will hear claims that General Pryor's criticisms of Section 5 of the Voting Rights Act indicate a lack of commitment to civil rights. That is pure and simple, unmitigated bunk. But the real story is that General Pryor has a solid record of commitment to civil rights, which includes defending majority-minority voting districts, leading the battle to abolish the Alabama Constitution's prohibition on interracial marriage, and working with the Clinton Administration's Justice Department to prosecute the former Ku Klux Klansmen who perpetrated the bombing of Birmingham's 16th Street Baptist Church, which resulted in the deaths of four little girls in 1963.

We will no doubt hear other claims during the course of this debate distorting General Pryor's record or presenting only partial truths. I urge my colleagues to judge this nominee on his record, not on the distortions we too often hear about President Bush's nominees. He will make a fine addition to the Eleventh Circuit.

I ask unanimous consent that the letters to which I have referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WILLIAM H. PRYOR, JR. TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

LETTERS OF SUPPORT

ALABAMA DEMOCRATIC CONFERENCE,
Montgomery, AL, January 27, 2003.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Through the news media, it has come to my attention that you now have under consideration Attorney General Bill Pryor for appointment as Circuit Judge to the United States 11th Circuit Court of Appeals, of which Alabama is a part. I take this unusual opportunity to urge you to appoint him.

Attorney General Pryor will make a first-class Judge because he is a first-class lawyer and is a first-class public official. He is a person, in my opinion, who will uphold the law without fear or favor. I believe all races and colors will get a fair shake when their cases come before him. As Attorney General for Alabama during the past six (6) years, he has been fair to all people.

For your information, I am a member of the Democratic National Committee and, of course, Mr. Pryor is Republican, but these are only party labels. I am persuaded that in Mr. Pryor's eyes, Justice has only one label—Justice.

I am satisfied that if you appoint Mr. Pryor to the Bench, and he is confirmed by the Senate, he will be a credit to the Judiciary and will be a guardian for justice. I urge you to appoint Mr. Pryor to this important court.

Sincerely,

JOE L. REED,
Chairman.

COURT OF CRIMINAL APPEALS,
STATE OF ALABAMA,
Montgomery, AL, January 21, 2003.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I have had the good fortune to recommend a variety of people for a variety of positions. Never have I been more honored or confident about a recommendation than I am as I write on behalf of my dear friend and Alabama Attorney General, Bill Pryor.

In November of 2000, both you and I were on the ballot. As I stood for reelection for my second term on the Alabama Court of Criminal Appeals, I became the only statewide Democrat to survive the 2000 election. Hence, I write, not only as the only statewide Democrat to be elected in 2000, not only as a member of the Court which reviews the greatest portion of General Pryor's work, but also as a child advocate who has labored shoulder to shoulder with General Pryor in the political arena on behalf of Alabama's children. It is for these reasons and more that I am indeed honored to recommend General Pryor for nomination to the 11th Circuit Court of Appeals.

Bill Pryor is an outstanding attorney general and is one of the most righteous elected officials in this state. He possesses two of the most important attributes of a judge; unquestionable integrity and a strong internal moral compass. Whether he is reviewing hundreds of appellate briefs to ensure the quality of the work his assistants submit to this court, whether he is preparing to argue one of my cases to the United States Supreme Court. Whether he is using his considerable influence to encourage Alabama legislators to make children a top priority, or whether he is in his weekly tutoring session with an "at-risk" child, Bill Pryor is proving that he is a true public servant.

Bill Pryor is exceedingly bright, and a lawyer's lawyer. He is as dedicated to the "Rule of Law" as anyone I know. I have never known another attorney general who loved being the "people's lawyer" more than Bill Pryor. Though we may disagree on an issue, I am always confident that his position is the product of complete intellectual honesty. He loves the mental challenge presented by a complex case, yet he never fails to remember that each case impacts people's lives.

A sportscaster once said about a former Atlanta Braves player, Terry Pendleton, "[H]e does the right thing, because it is the right thing to do." That, Mr. President, perfectly describes Bill Pryor. Hence, it is my profound honor to urge you to nominate a great Alabamian, General Bill Pryor, to the 11th Circuit Court of Appeals.

I would be honored to assist you in any way in making General Pryor's nomination and confirmation a reality. With best regards, I remain,

Most Sincerely,

SUE BELL COBB,
Judge.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 10, 2003.

Hon. JEFF SESSIONS,
U.S. Senate,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SESSIONS: Thank you for all of your kindness during the transition period. You and the rest of the Alabama Delegation have made me feel very welcome

As you know, several pending vacancies on the Alabama federal bench are attracting attention back home. I understand that the President may be considering Attorney General Bill Pryor for a seat on the Eleventh Circuit. I have the utmost respect for my friend Attorney General Pryor and I believe if he is selected, Alabama will be proud of his service.

In the near future, as openings occur on the District Court, I encourage you to view this as an opportunity to diversify the federal bench. Unfortunately only two African Americans have ever served as federal district judges in Alabama. I believe that a review of the most qualified judicial candidates will inevitably lead to the inclusion of black attorneys. I strongly encourage you to consider recommending for nomination several outstanding black attorneys who have distinguished themselves. I know you would agree that Alabama deserves a federal bench that looks like Alabama.

Thank you very much for your attention to this matter. I look forward to working together over the coming months and years.

Best wishes,

ARTUR DAVIS,
Member of Congress.

BAXLEY, DILLARD, DAUPHIN & McKNIGHT, ATTORNEYS AT LAW,
Birmingham, AL, April 8, 2003.

Hon. JEFF SESSIONS,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SESSIONS: Media reports confirm that Alabama's Attorney General, Bill Pryor, has been nominated to fill the vacancy which now exists on the Eleventh Circuit.

As you well know, I too am a former Attorney General of our great state. I therefore feel comfortable assessing Bill Pryor's service in that elected office, as well as his fitness to serve the United States as a Circuit Judge. As a Democrat, I am certain I have a more unbiased frame of reference than many. As a lawyer with a diverse practice in Alabama—one which has seen me aligned with him on some occasions and against him on others—I have a better basis than most for gauging his character, fitness and ability.

Bill Pryor is a completely independent man of unwavering convictions. He courageously takes positions dictated by his conscience and does so based upon a truly intellectual sense of right and wrong. In this regard, his willingness to be guided by pure interpretations of the law superbly qualifies him for the federal bench. He has never, to my knowledge, bowed to any pressure from constituents or special interest groups. In every difficult decision he has made, his actions were supported by his interpretation of the law, without race, gender, age, political power, wealth, community standing, or any other competing interest affecting his judgment. This is a rare accomplishment, and the core reason for this, my highest and best recommendation.

I often disagree, politically, with Bill Pryor. This does not prevent me from making this recommendation because we need fair minded, intelligent, industrious men and women, possessed of impeccable integrity, on the Eleventh Circuit. Bill Pryor has these qualities in abundance. I am certain he will be guided completely by his conscience and afford a balanced analysis to every case before him, without unfair advantage to any litigant. There is no better choice for this vacancy.

Respectfully yours,

WILLIAM J. BAXLEY.

DEPARTMENT OF LAW,
STATE OF GEORGIA,
March 31, 2003.

Hon. RICHARD SHELBY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. JEFF SESSIONS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS: I have had the great pleasure of knowing and working with Bill Pryor over the past five years. Through the National Association of Attorneys General, Bill and I have worked together on matters of mutual concern to Georgia and Alabama. During that time, Bill has distinguished himself time and again with the legal acumen that he brings to issues of national or regional concern as well as with his commitment to furthering the prospects of good and responsive government.

During is tenure as Attorney General, Bill has made combating white-collar crime and public corruption one of the centerpieces of his service to the people of Alabama. He joined the efforts of Attorneys General around the country in fighting the rising tide of identity theft, pushing through legislation in the Alabama legislature making identity theft a felony in Alabama. Bill has fought to keep law enforcement in Alabama armed with appropriate laws to protect Alabama's citizens, pushing for tough money laundering provisions and stiff penalties for trafficking in date rape drugs.

Time and again as Attorney General, Bill has taken on public corruption cases in Alabama, regardless of how well-connected the defendant many be, to ensure that the public trust is upheld and the public's confidence in government is well-founded. He has worked with industry groups and the Better Business Bureau to crack down on unscrupulous contractors who victimized many of Alabama's more vulnerable citizens.

From the time that he clerked with the late Judge Wisdom of the 5th Circuit to the present, though, the most critical asset that Bill Pryor has brought to the practice of law is his zeal to do what he thinks is right. He has always done what he thought was best for the people of Alabama. Recognizing a wrong that had gone on far too long, he took the opportunity of his inaugural address to call on an end to the ban on inter-racial marriages in Alabama law. Concerned about at-risk kids in Alabama schools, he formed Mentor Alabama, a program designed to pair volunteer mentors with students who needed a role model and an attentive ear to the problems facing them on a daily basis.

These are just a few of the qualities that I believe will make Bill Pryor an excellent candidate for a slot on the 11th Circuit Court of Appeals. My only regret is that I will no longer have Bill as a fellow Attorney General fighting for what is right, but I know that his work on the bench will continue to serve as an example of how the public trust should be upheld.

Sincerely,

THURBERT E. BAKER.

STATE OF ALABAMA,
HOUSE OF REPRESENTATIVES,
Montgomery, AL, June 5, 2003.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Hart Office Building, Washington, DC.

Hon. PATRICK J. LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SIRS: Please accept this as my full support and endorsement of Alabama's Attorney General Bill Pryor to the United States Court of Appeals for the 11th Circuit.

I am a black member of the Alabama House of Representatives having served for 28 years. During my time of service in the Alabama House of Representatives I have led most of the fights for civil rights of blacks, women, lesbians and gays and other minorities.

Consider Bill Pryor as a moderate on the race issue:

1. From 1998 to 2000, Bill Pryor sided with the NAACP against a white Republican lawsuit that challenged the districts for the Legislature. Pryor fought the case all the way to the U.S. Supreme Court and won a unanimous ruling in Sinkfield v. Kelley, 531 U.S. 28 (2000). The lawsuit was filed by Attorney Mark Montiel, a white Republican, and the 3-judge district court ruled 2 to 1 in favor of Montiel. Two Republicans (Cox and Albritton) ruled in favor of Montiel while Judge Myron Thompson (a black Democrat) agreed with Pryor that Montiel's white clients had no standing to challenge black districts in which the whites did not live.

2. In 2001 and 2002, Bill Pryor sided with the Legislature when it redrew districts for Congress, the Legislature, and State Board of Education. Mark Montiel filed lawsuits in federal court (Montiel v. Davis) challenging the black districts as racial gerrymanders. Pryor won every lawsuit. Pryor came under heavy pressure from other white Republicans in Alabama for fighting to protect black Legislative seats.

3. Bill Pryor worked with U.S. Attorney Doug Jones to prosecute KKK murderers Blanton and Cherry for the September 14, 1963, bombing of Sixteenth Street Baptist Church that killed four little girls. Bill Pryor personally argued to uphold Blanton's conviction before the Alabama Court of Criminal Appeals on May 20, 2003.

4. Bill Pryor drafted the law (Ala. Code §12-25-2(a)(2)) that created the Alabama Sentencing Commission with the stated purpose of ending racial disparities in criminal punishments.

5. In 2000, Bill Pryor started Mentor Alabama—a program to recruit positive adult role models for thousands of at-risk youth which were 99% black. For the last three years, Bill Pryor has worked every week as a reading tutor for black children in a Montgomery public school.

6. In 2002, I introduced a bill in the Alabama Legislature to amend the Alabama Constitution repealing Alabama's racist ban on interracial marriage. Every prominent white political leader in Alabama (both Republican and Democrat) opposed my bill or remained silent except Bill Pryor who openly and publicly asked the white and black citizens of Alabama to vote and repeal such racist law. It was passed with a slim majority among the voters and Bill Pryor later successfully defended that repeal when the leader of a racist group called the "Confederate Heritage" sued the State to challenge it.

7. I sponsored HB534 this Legislative Session establishing cross burning as a felony. Said bill passed the Alabama House of Representatives on May 15th 2003. That bill was written by Bill Pryor and he was the only white leader in Alabama that openly and publicly supported it.

Finally, as one of the key civil rights leaders in Alabama who has participated in basically every major civil rights demonstration in America, who has been arrested for civil rights causes on many occasions, as one who was a field staff member of Dr. Martin Luther King's SCLC, as one who has been brutally beaten by vicious police officers for participating in civil rights marches and demonstrations, as one who has had crosses burned in his front yard by the KKK and other hate groups, as one who has lived under constant threats day in and day out because of his stand fighting for the rights of blacks and other minorities, I request your swift confirmation of Bill Pryor to the 11th Circuit because of his constant efforts to help the causes of blacks in Alabama.

Thanks for your consideration.

Sincerely,

ALVIN HOLMES,
State Representative.

HERC LEVINE,
Birmingham, AL, June 5, 2003.

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, Dirksen Building, Washington, DC.

DEAR CHAIRMAN HATCH: As an active and proud member of the Birmingham Jewish Community, I was disappointed by the decision of the National Council of Jewish Women and the Religious Action Center of Reform Judaism to oppose the nomination of Attorney General Bill Pryor to the 11th Circuit Court of Appeals bench. While I doubt that these groups have taken the time to sit down and talk with Attorney General Pryor, I am proud to say that he has my support and the support of many in the Alabama Jewish Community because of his personal integrity and commitment to insure that all of our citizens are treated fairly and receive equal justice under the law. He has been a true friend to the Alabama Jewish Community on many important issues.

Attorney General Pryor has a distinguished career as a public servant, practicing attorney and law professor, and is highly qualified to serve on the Federal bench. He has a well deserved reputation for fairness and competency that cuts across party lines and which has resulted in overwhelming support from Alabamians of all political parties and segments of our society. His distinguished record as Attorney General affirms my belief that he will serve with great distinction as a Federal judge.

Very truly yours,

HERC LEVINE.

FAIRNESS IN THE CONSIDERATION OF JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, on Wednesday the Judiciary Committee favorably reported to the full Senate the nomination of Alabama Attorney General William Pryor for the Eleventh Circuit Court of Appeals. It has been more than 6 weeks since General Pryor's confirmation hearing, and I am pleased that the full Senate will now have the opportunity to consider his nomination.

Nevertheless, we will no doubt hear over the course of this debate many allegations from some of our Democratic colleagues as to why they believe that Bill Pryor's nomination does not deserve an up or down vote by the full Senate. I want to make perfectly clear right now that there is no valid reason to delay this body's consideration of the Pryor nomination.

All we ask is that there be an up-or-down vote. Vote against him if you don't like the man personally—although there is little room to vote against him because of his record.

Despite these efforts by committee Democrats to erect a procedural roadblock to voting on the Pryor nomination in spite of fact that I had set five markups, I finally was able to have a markup on his nomination. They wanted to revive a debate over the interpretation of committee rule IV. This rule, entitled "Bringing a Matter to a Vote", was clearly intended to serve as a tool by which a determined majority of the committee could force a recalcitrant chairman to bring a matter to vote. In fact, the rule provides, "The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote."

Clearly, it was a rule by which you could force a chairman to have a vote. All you had to do was get a majority of the Senators on the committee with one from the minority side and you could force a chairman to call for a vote.

On Wednesday there was no motion to bring the matter before the committee to a vote. In fact, there was an objection to voting, which I overruled. Thus, on its face, rule IV was inapplicable to the Pryor nomination.

Despite claims to the contrary, there has been no inconsistency in my interpretation of this rule. First of all, I have checked with two Parliamentarians, and both said I could interpret the rule. I believe I have interpreted it correctly.

During the Clinton administration, in an effort to prevent the defeat in committee of a controversial Justice Department nominee, I was chairman and I wanted to bring the nomination to a vote. We had enough votes to defeat the nominee in committee. It would have been a 9–9 tie, and the nominee would have gone down to defeat. The Democrats then started to filibuster their own nominee. In deference to them, I chose not to exercise the inherent powers I and all committee chairmen have to bring a matter to a vote.

I have been condemned for that ever since as though I acknowledged that you should just have filibusters in the committee any time you want to. President Clinton ultimately made a recess appointment of their nominee. In retrospect, my reliance on rule IV to accomplish this was admittedly not the best course of action. I was wrong to say they could filibuster. But I was trying to be gracious to my colleagues on the other side who clearly did not want to vote on the record defeating their nominee. Since I respected and liked the nominee himself, but not for the particular position he was nominated for, I would have supported him for any other position. And I had good reason to be against him for this position. I agreed to allow their filibuster to cause me to pull down his nomination rather than to have a vote that would have been embarrassing to him and to the Democrats. And that is why they were filibustering their own nominee. Now they cite that as the reason why I am wrong here. But there is no reason for that.

I nevertheless believed then, and I do now, that I had the power to bring that matter to a vote, and that I used the discretion of the chairman to decide not to do so. It was a matter of showing decency and kindness to my colleagues on the other side and to the nominee so he would not have a vote that defeated him in committee.

The fact of the matter is I don't believe there should be filibusters in the Judiciary Committee. We have had at least two instances now where my colleagues on the other side have tried to filibuster. In addition, the Democrats now complain they weren't given enough time to do an investigation. We have given them all kinds of time to do an investigation. Since their investigation was proving to be fruitless because they couldn't find one thing to criticize Attorney General Pryor on, they wanted to have a fishing expedition to do further investigation.

I want to make clear that at no time did I agree to modify my interpretation of rule IV in connection with the Cook, Roberts, or Sutton nominations, which is the last context in which this debate arose. I did agree to bring Roberts back in to the committee and have one more day of hearing. I did not agree to bring Cook back or Sutton back. But at no time did I agree my interpretation of rule IV which I made at that time was in error. It certainly was not.

I can't imagine any committee chairman agreeing to give up his or her right to call for a vote in committee after there has been a sufficient debate. No chairman is going to give up that right because that means the minority could control the committee any time they wanted to. The argument which they make on this is ridiculous.

But, be that as may, at no time did I agree to modify my interpretation of rule IV in connection with the Cook, Roberts, or Sutton nominations, which is the last context in which this debate arose. To have adopted the interpretation my Democratic colleagues advanced both then and now would have constituted an unprecedented curtailment of the chairman's inherent authority to bring a matter to vote, and would have given the authority to control the committee to the minority. I don't think they would want that when they are in the majority, and I certainly don't want it now that we are in the majority. No other chairman I know of who has any brains at all would have allowed that type of interpretation. Yet you hear all of the screaming and shouting that they were mistreated.

In short, there was no violation of committee rules or process in bringing the Pryor nomination to a vote on

Wednesday, and any argument to the contrary is merely a last-ditch effort to prevent the full Senate from considering that nomination.

Another complaint we will hear is there was an open investigation into General Pryor's activities on behalf of the Republican Attorneys General Association at the time of the vote. Here are the facts:

When our Democratic colleagues brought to our attention documents they obtained pertaining to RAGA, we joined with them to conduct a bipartisan investigation to determine the authenticity of the documents, whether they reflected any wrongdoing on the part of General Pryor. Committee staff interviewed several witnesses in connection with this investigation, with two notable exceptions. First, the Democrats' source of these documents has not answered key questions about when the documents were drafted, who drafted them, and who has had access to them. Second, Democratic staff asked General Pryor no questions about the documents, despite his willingness to answer whatever questions they may have had.

Nevertheless, our Democratic colleagues have insisted on pressing forward with an investigation, over Republican objection, based on unauthenticated and unreliable documents provided to them by a source who refuses to talk to Republican staff, whose former employer stated under oath that she stole the documents, and who has yet to disclose the details of when and how she first provided the documents to Democratic staff.

Some on our side wanted the committee to conduct an investigation of Democratic staff. I am certainly not going to do that. Frankly, Democratic staff, I think, have an obligation if they get documents to look at them and to present them to us. However, these documents weren't presented to us until the last minute.

Frankly, it is just another pattern of practice of delaying as long as they can and making it miserable for people like Bill Pryor to get a vote up or down. All we want is a vote up and down.

Democratic staffers have interviewed 20 persons but have found nothing inconsistent with General Pryor's testimony. There is simply nothing to indicate General Pryor was anything less than truthful about the material facts of his participation in the Republican Attorneys General Association. What is going on here is a classic game of "beltway gotcha." That is no reason to delay consideration of General Pryor's nomination.

We even had members say we want to have another hearing for General Pryor after all that we have had. His was one of the longest hearings I can recall having in my 27 years on the Judiciary Committee. It was a very difficult hearing with a lot of moaning and groaning and screaming and shouting. Frankly, it was one in which I don't think he was treated as fairly as he should have been treated, nor do I think he has been treated fairly since. I think there are reasons for that. One of them is he is so forthright about his testimony and that he has conservative beliefs that I think some on the other side are afraid that even though his whole record is one of following the law, he might not follow the law if he gets on the Eleventh Circuit Court of Appeals—even though he is an honest man and said he will follow the law regardless of his personal viewpoint.

That is all you can ask of these people. When you have a person of the integrity and the ability and the capacity of William Pryor who says he will follow the law, you had better believe it, in my opinion. If we get to the point where we have to second-guess people who have an impeccably honest reputation around here, it is going to get to where nobody who has any views is going to be able to serve on the Federal courts of this land. That is wrong.

I felt like I needed to come here today and say some of these things, because in all honesty I think we have had too many of these type of ridiculous battles in the Senate Judiciary Committee.

I am trying to bring some decency to the committee. I have tried to work as closely with my colleagues who differ with us on our side as I possibly can, and I am going to continue to do that, and try to work in a decent, honorable, good way with my colleagues. But I do personally resent some of the accusations that have been made, some of the mischaracterizations that have been made, some of the things that have been done to besmirch some of these excellent people whom the President of the United States has nominated, and a continuation of filibustering on the floor of the Senate.

Having said that, I am going to conclude with these remarks: Never in the history of the Senate—before Miguel Estrada, Priscilla Owen; and now there is some indication there is going to be a filibuster of William Pryor, the attorney general of the State of Alabama—never has there been a filibuster, a true filibuster against anyone.

Now, I thought—and I have said it on the floor—I thought there was a filibuster of the Fortas nomination, but I was corrected by none other than the Senator who led the fight against Fortas—and that was Robert Griffin of Michigan—in a Republican policy meeting, where he said: I only need to correct Senator HATCH on one statement that he made; and that is, that having led the fight against Fortas—for a variety of what he believed were appropriate reasons; and apparently a majority of the Senate did—he said: We were never filibustering Abe Fortas. And the reason we were not is because we had the votes to defeat him up and down.

But the Democrats called for a cloture vote, which was narrowly won by Fortas, with 12 Members absent at the time, many of whom would have voted against Abe Fortas.

So never in the history of this body has there been a filibuster against any Federal judicial nominees until this year. And now we have two—and a potential of three. And I hope they are not going to filibuster Kuhl. And I hope they are not going to filibuster Holmes. And I hope they are not going to filibuster Judge Pickering when he comes out of the committee, and others.

It is a dangerous thing to do. It is a wrong thing to do. It flies in the face of senatorial history. In the end, this body is going to be very saddened if that is the way all of these nominations wind up, without an up-and-down vote on the floor of the Senate.

What is wrong with having up-and-down votes on the floor of the Senate for these nominees? Whether it is a Democrat President or a Republican President, once they are brought to the Senate floor, they deserve an up-and-down vote. That is all we are asking for.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Nevada.

Mr. REID. Madam President, I am not going to speak at any great length regarding the statement made by my friend, the distinguished senior Senator from Utah, regarding this particular judge, Judge Pryor. I don't know much about him, but I am sure in the near future we will learn more about him because, as indicated by my distinguished friend from Utah, the chairman of the Judiciary Committee, the nomination, at the time of the hearing, was very disputed and it took a long time. So I am sure I will learn more about this man.

But the one statement I want to comment on, made by my friend from Utah, is that the Democrats are looking for ways to oppose President Bush's judicial appointments.

Madam President, there is an order in effect that on Monday night we will vote on two judges, a man by the name of Earl Leroy Yeakel of Texas and a woman by the name of Kathleen Cardone of Texas, both to be Federal District Judges for the United States. Both of those judges will be approved by large margins.

These 2 judges will bring the total to 140 judges who will have been approved by this Senate during the administration of this President—140. How many have we turned down? How many have the Democrats—who, as my friend indicated, are looking for ways to oppose President Bush's judicial nominees—turned down? We have turned down two. The count on Monday night will be 140 to 2.

Does it mean that it has to be every judge he gives us? I think not. Any reasonable person, looking at these numbers, would acknowledge there has been no witch hunt by the Democrats. Madam President, 140 to 2 is a pretty good average.

HONORING OUR ARMED FORCES

Mr. REID. Madam President, today, this afternoon, here in the Senate, I stand, for lack of a better description, with a sad heart. I am sorrowful.

Almost every day we see news reports about casualties sustained by our brave men and women in Iraq. In the last 2 days we have lost five soldiers. These reports are always troubling, but when they involve another young person from my State, they really hit home.

Josh Byers of Sparks, NV, was the kind of young man any of us would be proud to call son. He graduated from Reed High School in Sparks/Reno, NV. Kids come from both Sparks and Reno to go to Reed High School.

For many years, the Nevada congressional delegation has been holding an event that was first started by Senator Hecht, who was a Senator from Nevada. And this Senator—we started holding what we call Academy Night where we have a meeting in Reno and one in Las Vegas. We bring young men and young women from Nevada who are now in the academies back to Nevada. We have music, and we have presentations made by all the academies, including the Merchant Marine Academy, about what there is at the academies for these high school students.

They draw large crowds. Hundreds and hundreds of people come to these events in Reno and Las Vegas. And now Senator Hecht and I don't do it alone; now the entire congressional delegation joins us: Senator ENSIGN and I, Congressman GIBBONS, Congressman PORTER, and Congresswoman BERKLEY. These are wonderful occasions.

Josh Byers of Sparks, NV, came more than 1 year. He loved Academy Night. He wanted to go to one of our military academies. He worked hard. He was student body president at Reed High School. He was nominated to the Naval Academy by me. He was nominated to the U.S. Military Academy at West Point by Senator Bryan.

Josh's best friend, Beau Elsfelder, in being interviewed by the press last night, referred to Josh as "The Man." That is how he referred to him. He was an A student. As I indicated, he was president of the student body. They had a military cadet unit there. He was the leader of that unit.

He always told his friends he wanted to be an officer in the Army or the Navy. The entire Nevada delegation was supportive of this dream.

As I indicated, I nominated him to the Naval Academy. Senator Bryan nominated him to West Point where he graduated. He went on to become a company commander in the 3rd Armored Cavalry Regiment. This past April he was shipped off to Iraq to defend our country and our interests in that part of the world. A little more than 24 hours ago he was riding in a vehicle. Two men hiding beside the road triggered an explosive device, killing him and injuring seven other comrades of Josh's.

Tragically, Josh's mother, on this same date he was killed, was observing her birthday. But mothers, as they are, seem to know. Even before the tragic news about her son she had worried about him a lot, was extremely worried this day. His parents are wonderful people. His father came to Nevada to set up a church. They left northern Nevada and went back to South Carolina to set up a church. His parents just arrived back in this country on the day he was killed, coming back from Guam where they are missionaries.

To show you the outstanding young man Josh was, you only need to look at what his high school counselor Bob White said. He said:

> He's the second one we have lost in Iraq.

White, who kept a picture of Josh on his office bulletin board, remembered his second day on the job at Reed High School as a new counselor, during the 1990–91 school year when he met a junior who wanted to attend a military academy. It was Josh Byers. White said:

> He came into the office and introduced himself. He said, "My goal is to go to an academy. I'm a junior. I need your help."

White said Josh Byers, as a senior, was accepted into all three major military academies, Army, Navy, and Air Force. I don't know who nominated him to the Air Force. Back then it could have been Senator ENSIGN when he was in the House. I really don't know who it was. We know who nominated him to the Army and Navy.

White said Josh Byers selected West Point because he thought its rules of conduct were the strictest. White said:

> He said, "Even though I want to go into the Navy, I'm going into the Army. Their honor code is better."

Before he left to go to Iraq and after he was there, Josh tried to comfort his mother by telling her the worst fighting was over and it would be finished by the time he got to Iraq. But as she learned, as we learn almost every day from the news, the worst is not over. In fact, Josh kept saying:

> Mom, the worst will be over when I get there. We will be doing peacekeeping, setting up the government and providing aid to the people of Iraq.

Our young men and women in Iraq are still dying almost every day. My office spoke to Mrs. Byers today. I called and the phone was tied up. I was not able to do that. I wanted to give these remarks prior to the Senate recessing. I left a message for the parents saying I was going to give a speech on the Senate floor today. There is nothing I can do, that we can do, to erase the loss of the parents, but the one thing we can do is never forget the sacrifice made by Josh Byers. I know everyone in the Senate family, whether it is our Chaplain or the individual Senators, offers our condolences for Josh's widow, his parents, and the entire family.

I know we all join in hoping for the safe return of the other 150,000 men and women from America who serve in Iraq today. We wish their safe return, and offer our condolences once again to the Byers family.

The PRESIDING OFFICER. The Senator from Utah.

CONFIRMATION OF JUDGES

Mr. HATCH. Madam President, I would like to correct the distinguished minority whip on one thing. It is true we have had about 140 judges go through and only two so far have been filibustered. The third is on its way, maybe fourth, fifth, and sixth. Stopping, through a filibuster, anybody, even one judge, is unacceptable. It has never been done before, especially judges for the circuit court of appeals. But it has never been done even for district court judges and certainly not for Supreme Court judges.

All we want is an up-or-down vote on these people. That is all we want. If they are defeated, we can live with it. If they pass, I hope the other side can live with that. But I don't think it is too much to ask for the President's nominees who are brought to the floor of the Senate to have an up-or-down vote. I don't think that is too much to ask, and I don't think the American people believe that is too much to ask. Even the filibuster of one nominee is unacceptable because that means you are not allowing the President to have an up-or-down vote if somebody is brought to the floor of the Senate.

I am concerned that we will soon see the number of judges who are denied an up-or-down vote escalate from two to three to four to five to six, maybe more. Is that an acceptable number of judges who do not deserve an up-or-down vote? Of course not. Not one should be denied an up-or-down vote, once they are brought to the floor of the Senate. I believe that is true.

MORNING BUSINESS

Mr. HATCH. Madam President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEACHING FROM SPACE PROGRAM

Mr. STEVENS. Mr. President, April 10, 2003, brought a new educational milestone to my State.

On that date, Alaska students from one of the most rural school districts in our Nation were the first Alaskans to take part in a live hook-up with astronauts in space.

Using distance learning technology, youngsters from my States Southwest Region School District spoke to the three-member crew of the International Space Station as astronauts orbited the Earth.

These students were participating in NASA's Teaching From Space Program, which includes science, math, and geography instruction, and features a live video question-and-answer session with the astronauts aboard the space station.

This session complemented a 6 week educational program, developed by our Challenger Learning Center in Kenai, which was included in the curriculum of the Southwest Region School District.

While the Teaching From Space Program has provided unique and motivating educational experiences to students across our country for many years, only recently were Alaska schools able to take advantage of the NASA program.

Until a few short months ago, no schools in rural Alaska had technology to allow teachers and students to communicate via video with others outside their villages.

Now that is changing, as some schools use distance learning technology to virtually bring new teachers and subjects into their classrooms.

The Southwest Region School District, one of the first in Alaska to install distance learning technology, is located on the southern coast of the Bering Sea, 350 miles southwest of Anchorage.

Eight villages are served by this school district, only one of which is accessible by road. The others are up to 120 miles from the school district's headquarters in Dillingham and may only be reached by air in winter. Some are accessible by river during summer months when, of course, our schools are closed.

The 779 students in the school district are primarily Yu'pik Eskimos. Most non-Native villagers in this region are employed as teachers.

During their 20-minute conversation with the International Space Station crew, students at Manokotak school asked questions about geography and space on behalf of their fellow students throughout the district. They watched as U.S. astronauts Ken Bowersox and Don Pettit and Russian cosmonaut Nikolai Budarin, floating inside the space station, answered their questions.

There was a special surprise, when the students learned that Alaska's own NASA astronaut, Bill Oefelein, who hails from Anchorage, flew from Houston to Manokotak to be with the students on their special day.

Many individuals and organizations contributed to the success of this educational achievement. This was a collaborative effort achievement. This was a collaborative effort of NASA, the Southwest Region School District, the Challenger Learning Center, and GCI.

Mr. President, I ask unanimous consent that all the individuals names be printed in the RECORD following my remarks.

Sean O'Keefe, NASA Administrator.

Lieutenant William Oefelein, USN, NASA astronaut: flew to Manokotak to be on-site with the students.

Gwendolyn Brown, NASA: coordinated public affairs for the event.

Cindy McArthur, NASA: guided Manokotak teachers through the Teaching from Space program.

Kelly McCormick, NASA: guided Manokotak teachers through the Teaching from Space program.

Scott Anderson, NASA: guided Manokotak teachers through the Teaching from Space program.

Robin Hart, NASA: guided Manokotak teachers through the Teaching from Space program.

Randy Cash, NASA: managed the audio portion of the program.

Glenn Peterson, NASA: Mission Control Specialist.

Superintendent Mark Hiratsuka, Southwest Region School District: secured approvals for the program.

Tim Whaling, Southwest Region School District: coordinated the educational curriculum for the program.

Karen Swenson, Southwest Region School District: secured approvals for the program.

Steve Noonkesser, Southwest Region School District: managed the school district's technology and coordination with GCI.

David Piazza, Southwest Region School District: managed the school district's technology.

Principal David Legg, Manokotak School: secured facilities and staff for the program.

Kirk Kofford, Manokotak School: prepared students for the NASA link up and taught the NASA distance learning curriculum.

Dana Bartman, Manokotak School: prepared students for the link-up.

Nate Preston, Manokotak School: coordinated photography and publishing for the program.

Steve Horn, Challenger Learning Center of Alaska: secured educational curriculum for the school district.

Jamie Meyers, Challenger Learning Center of Alaska: coordinated curriculum between the center and the school district.

Martin Cary, GCI: secured telecommunications resources and personnel to link NASA and the school district.

Greg Dutton, GCI-SchoolAccess: managed GCI's participation.

David Morris, GCI: managed public affairs for the program.

Anna Sattler, GCI: coordinated communication between participants.

Tom Elmore, GCI: coordinated the video teleconference connection with school district sites.

Chad Parker, GCI: coordinated technology needs.

Brian Lichner, GCI: managed the NASA TV downlink in Anchorage.

Rob Knorr, GCI: managed the NASA TV downlink in Juneau.

Greg Farmer, GCI: managed the NASA TV feed in Juneau.

Doug Keil, GCI: connected the NASA TV feed in Anchorage to GCI-SchoolAccess.

Mark Dinneen, GCI: managed government relations for the program.

John Raffetto, Infotech Strategies: managed communication between all participants.

Nicole Angarella, Infotech Strategies: coordinated logistics and on-site materials.

Tracy Krughoff, Infotech Strategies: assisted school district with applications.

Angela Mathwig, Infotech Strategies: coordinated logistics and on-site materials.

Christopher Capps: coordinated astronaut participation.

Mike Donovan Hausler: managed design and production of graphic art.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL

Mr. FEINGOLD. Mr. President, I want to add my thoughts to the debate on the Department of Homeland Security appropriations bill for fiscal year 2004.

First, I want to take this opportunity to thank the distinguished chairman and distinguished ranking member of the Appropriations Subcommittee on Homeland Security for working so diligently on this bill before us. These leaders had the difficult job of allocating a very limited amount of money for one of the Nation's most pressing needs and they have done an admirable job.

I also thank this Nation's first responders. They are the ones who are on the front lines of this fight against terrorism. They are the ones who will be the first to react to any future attack upon our Nation. These brave men and women must, at a moment's notice, be ready to respond to a host of possible horrifying scenarios, including those involving nuclear, radiological, biological, and chemical devices.

Congress has been working hard to support our first responders, including providing almost $3.9 billion in this appropriations bill. I am particularly pleased that the committee chose to maintain the successful firefighter assistance grants and fund them at $750 million rather than the President's requested $500 million. I thank the committee for their wisdom in this matter.

Although this bill does a lot to help our first responders, it does not do enough. As my colleagues know, the Council on Foreign Relations recently released the report of an independent task force chaired by former Senator Warren B. Rudman. The title of this report says it all: "Emergency Responders: Drastically Underfunded, Dangerously Unprepared." I supported Senator BYRD and others in trying to address the drastic underfunding of our first responders pointed out in the Rudman Report and am disappointed that we in the Senate were unable to do more.

I point out to my colleagues that I do not take lightly my decision to vote in favor of spending more money. Fiscal responsibility is one of my highest priorities and I constantly look for ways to limit government spending. I am honored that the Concord Coalition and others have recognized me for my efforts in this regard. Although fiscal responsibility remains one of my highest priorities, the fight against terrorism is also a high priority. I regret that the Republican budget resolution did not provide adequate funding for homeland security, choosing instead to place tax cuts as its highest priority. I agree with the distinguished Senators from Connecticut and Michigan that we ought to pay for increased funding in this bill by reviewing tax breaks for those making over a million dollars. This is a reasonable way to approach the current underfunding of this top priority.

I would like to draw attention to the fact that local first responders, emergency preparedness professional associations, and others have responded to the tragic events of 9/11 by re-examining emergency response procedures, compiling lessons learned, and developing new and innovative practices to best deal with possible terrorist attacks. Unfortunately, the Rudman Report found that "(T)he task Force found insufficient national coordination of efforts to systematically capture and disseminate best practices for emergency responders." First responders in Wisconsin back up this finding.

The Department of Homeland Security is supposed to be gathering and disseminating first responder best practices to all relevant parties. I am concerned that they are not adequately fulfilling their responsibility in this area. I understand that the newly formed Department of Homeland Security has many important responsibilities and is being pulled in many different directions. I am concerned, however, that the Department is wasting an important opportunity to increase the efficiency of our first responders. The Rudman Report recommends establishing a national institute to collect and disseminate best practices for first responders. This would "allow all emergency responders to learn from past experiences and improve the quality of their efforts, thereby assuring taxpayers the maximum return on their investment in homeland security."

I offered an amendment directing the Department to report on its efforts to assess and disseminate best practices and its plans for improving the coordination and sharing of such information. This amendment was designed to prompt the Department into action so that all of us can reap the benefits of shared best practices. I am pleased that the Senate adopted this amendment.

I am also concerned that in our hasty efforts to protect the homeland we may be sacrificing some of our civil liberties. One item of particular concern to me is the use of data-mining by the Department of Homeland Security. Such programs give the Government the ability to peer into virtually every facet of an individual's life, including credit card use, bank statements, health records, and on and on. Congress must make sure that civil liberties are being protected and so must carefully monitor Government entities that may try to use data-mining technology. I am pleased that the Senate adopted my amendment requiring the Comptroller General to conduct a review and report to Congress on the development and use of data-mining by the Department of Homeland Security.

I will vote for this bill. This legislation includes many good elements, such as the funds available for first responders. However, I must also express my disappointment that funding for homeland security, one of our highest priorities, is being forced to play second fiddle to tax cuts. This is unacceptable and I hope we in Congress will soon rectify this situation.

HONORING CLAY SELL

Mr. DOMENICI. Mr. President, I rise to honor a remarkable and talented young man who will be sorely missed as he moves to the administration to become the special assistant on energy to the President of the United States. Clay Sell has been working for me as chief clerk for the Senate Appropriations Subcommittee on Energy and Water Development for the past 4 years and while I am extremely proud of his accomplishments, I am sad to see him go.

When Clay first came to the Senate, he impressed us all with his quick uptake of his new position and we were pleasantly surprised with his negotiation skills. It has been said of Clay that even when he negotiated a victory for his position, all parties involved left the negotiation table happy. His keen understanding of people and his genuine attitude are just a few of the great personality traits that Clay possesses.

Clay's hard work and dedication began at an early age. Growing up in greater West Texas, he learned the value of hard work and perseverance. The Sell family settled in Petersburg, TX in the early 1900's, a small farming community that has changed very little over the past century. Clay's father George grew up to become the first person in the family to receive a college degree. The hard work that drove George to succeed was prevalent in his son Clay.

Clay graduated from Tascosa High in Amarillo, TX where after he went on to receive his undergraduate degree in finance from Texas Tech University at Lubbock. Immediately following his graduation from college, Clay moved to Austin to attend the University of Texas Law School where he met and married his lovely wife Alisa.

After a short stint in Amarillo, Clay and Alisa moved to Washington, DC, where Clay began his political career working as a legislative assistant for a newly elected Representative from Texas, MAC THORNBERRY. While working in the House of Representatives, Clay spent a great deal of time working with energy policy. He worked in all aspects of energy legislation and played a key role in formulating and drafting the legislation which set up the National Nuclear Security Agency, NNSA. This experience made Clay a prime candidate for the position he would eventually assume upon his move to the Senate. Clay's work in the House of Representatives prepared him a great deal for his new job, but his new position required a greater understanding of national energy policy.

Over the past 4 years, I have gotten to know Clay and his wonderful family very well. Alisa and their two sons, Jack and Robert, have been Clay's stabilizing force. With another child on the way, that force will no doubt grow even stronger.

It has been my privilege to know and work with Mr. Clay Sell, but my words today are bittersweet. I do not feel that words alone can properly show my admiration for all that Clay has done for me, but I am confident that he understands how greatly he will be missed.

VOTE EXPLANATION

Mr. DAYTON. Mr. President, yesterday, I was absent from the Senate, attending the funeral of Kenneth N. Dayton, my uncle. If I had been present, I would have voted "aye" on the motion to waive the Budget Act for Senator DODD's amendment No. 1363, rollcall vote No. 299. I also would have voted "aye" on the motion to waive the Budget Act for Senator SPECTER's amendment No. 1368, rollcall vote No. 301.

MARTIN BAILEY PIERCE

Mr. SESSIONS. Mr. President, it is with a tremendous amount of pride that I take to the floor today to discuss the accomplishments of one of Alabama's native sons, 2LT Martin Bailey Pierce. This remarkable young man has achieved a truly auspicious honor: he has been named the valedictorian of West Point's class of 2003. In both word and deed, this is a young man who truly has lived up to the Army's challenge to "be all that you can be."

When the selection committee I have established to review potential service academy nominations forwarded Martin Pierce's name to me, I knew that he had the potential to be a fine selection. After all, he had been the 1999 valedictorian at UMS-Wright, formerly known as University Military School, which is a prestigious school in Mobile, AL. Additionally, he had the full support of his two loving parents, Bailey and Susann, who had obviously instilled a sense of duty, honor and commitment in their son. There was little doubt in my mind that the traits 2LT Pierce had exhibited up to that point in time would serve him well at West Point.

However, the same could be said of most of the 846 cadets who graduated alongside Martin in the class of 2003. The service academys attract a special kind of applicant, and those that are accepted tend to be individuals of great capabilities. Therefore when someone achieves the kind of academic success that 2LT Pierce has, there is a special satisfaction that he has done so while placed among the best and brightest.

I would like to take a few moments to place Mr. Pierce's West Point record in perspective. He became valedictorian by posting a GPA of 4.086 in the field of electrical/chemical engineering, and he was a dean's list member throughout his time at the academy. He also was one of only 144 recipients of the Gold Star and Wreath. This honor required Martin to achieve distinguished cadet status and to also become a Superintendent's Individual Award winner. In order to qualify for the Gold Star, Martin had to not only maintain a GPA of 3.67 or greater, but he also had to excel in West Point's academic, military and physical programs.

And excel in these programs he did. In addition to his exceptional work in the classroom, 2LT Pierce was a 4-year member of the Army's Black Knights football team, where he lettered as an outside linebacker. His accomplishments on the field and in the classroom also led him to be recognized nationally when he was awarded the Home Depot Scholar Athlete Award during the December 7, 2002 telecast of the Army/Navy game.

If these achievements weren't enough, Martin saved his best for last. On June 1, 2LT Pierce married the former Michelle Ann Czyz in a ceremony in West Point, NY. Who knows? Perhaps this union foreshadows another valedictorian in a future West Point class.

And so 2LT Martin Bailey Pierce has left a mark upon the U.S. Military Academy as indelible as the mark the service academy has left on him. In doing so, he has come to exemplify the West Point's mission "to educate, train, and inspire the Corps of Cadets so that each graduate is a commissioned leader of character committed to the values of Duty, Honor, Country; professional growth throughout a career as an officer in the United States Army; and a lifetime of selfless service to the nation." I am proud he is an Alabamian, and proud to know that he will continue and add to our State's remarkable record of producing outstanding cadets and soldiers. I congratulate 2LT Pierce for his accomplishments, and look forward to what I am sure will be a career that will make all members of the long gray line proud.

LAO-HMONG DAY OF RECOGNITION

Mr. KOHL. Mr. President, I rise today on National Lao-Hmong Recognition Day to commemorate those who served alongside the United States to protect democracy in Southeast Asia. Since 1995, the day of July 22nd has been celebrated as the Nation's official day recognizing the commitment and sacrifice of the Lao-Hmong people.

Beginning in the 1960s the United States recruited thousands of the Lao-Hmong citizens to fight against the Communist North Vietnamese Army. The United States relied heavily on support from the Lao-Hmong units to engage in direct combat with the adversary from 1960 to 1975. Although heavily outnumbered, the Lao-Hmong courageously battled to disrupt supply flows which ran along the Ho Chi Minh Trail.

In the name of democracy, the Lao-Hmong protected U.S. personnel, defended U.S. Air Force radar installations, collected critical intelligence about enemy operations, and undertook rescue missions to save the lives of downed U.S. pilots. In doing so, the Lao-Hmong lost more than 35,000 lives and many more were seriously injured and disabled.

Decades of war separated the Lao-Hmong from their native land. Now the Lao-Hmong in these United States can call America their home. The great State of Wisconsin has over many years become a population center for the Lao-Hmong community. Now citizens of the United States, the Lao-Hmong contribute richly to our Wisconsin communities.

On July 22, 1995, the first National Lao-Hmong Recognition Day was celebrated in Denver, CO. This year, in my home State of Wisconsin, the city of Milwaukee has been chosen to host the 2003 celebration. The purpose of celebrating this historic day is to memorialize the departed and to honor the living for their valor in defense of freedom and democracy. While acknowledging and respecting the commitment the Lao-Hmong people gave the United States during the Vietnam War, we are honored to celebrate their lives today.

ADDITIONAL STATEMENTS

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Reedley, CA. On September 21, 2001, Abdo Ali Ahmed was killed after receiving a death threat and a hate note deriding his ethnicity. Ahmed was a 51-year-old Yemeni shopkeeper and father of eight. Before his murder, Ahmed had lived in California for 35 years.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

HONORING THE OWYHEE CATTLEMEN'S ASSOCIATION ON ITS 125TH ANNIVERSARY

• Mr. CRAPO. Mr. President, I rise today to offer congratulations to the Owyhee Cattlemen's Association on its 125th year celebration. This makes this organization the oldest cattle group in my home State of Idaho. From the original Owyhee Cattle and Horse Growers Association, which formed in 1878 to protect livestock from rustlers and Indians, to the association's present influential position on property rights, water rights, and grazing matters, it has been an effectively involved force in Idaho.

The Owyhee Cattlemen's Association has benefited from a long line of topnotch leaders, and it continues to be instrumental in representing the cattle industry in a variety of issue areas including rangeland monitoring, species issues, and environmental concerns. These are all far different from cattle rustling activities, but perhaps similar in economic effects on the cattle industry.

The association has also played a leading and pioneering role in negotiating agreements and initiatives that work towards the future viability and profitability of the entire grazing community. I particularly appreciate that it has recognized the strength of collaborative efforts in dealing with the multiple interest groups that are becoming stakeholders and hopefully partners in public land stewardship.

The past strength and resolve of the Owyhee Cattleman's Association has served the cattle industry well, and will continue to ensure its place at the discussions of future issues, as we advance into the next 100 years of public land grazing.

Once again, my congratulations to the Owyhee Cattlemen's Association and its members as it marks a milestone anniversary. It has an unprecedented history of accomplishments in the cattle industry. I send my very best wishes for its continued success in serving the Owyhee County constituent base and the entire Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 2210. An act to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes.

H.R. 2427. An act to reauthorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2210. An act to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2427. An act to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–242. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to Title IX; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 31

Whereas, Title IX, recently renamed the Patsy Takemoto Mink Equal Opportunity in Education Act, was adopted in 1972 to prohibit gender discrimination in programs that receive federal funds; and

Whereas, Title IX's impact on athletics has led to a vast increase in girls' participation in high school athletics, college athletics, and women's professional athletics; and

Whereas, in 1972, fewer than thirty-two thousand women competed in intercollegiate athletics, women received only two percent of schools' athletic budgets, and athletic scholarships for women were nonexistent; and

Whereas, today, thanks to the doors opened by Title IX, high school female sports participation has increased eight hundred percent, from three hundred thousand in 1971 to 2,800,000 in 2002; and

Whereas, the number of college women participating in competitive athletics is nearly five times as great as it was before Title IX; and

Whereas, while sports are the most visible benefit of Title IX, women's gains in college-level academics have been substantial; and

Whereas, Title IX's antidiscrimination provisions apply to every single aspect of education, including admissions and recruitment, comparable facilities, access to course offerings, access to schools of vocational education, counseling and counseling materials, financial assistance, student health and insurance benefits and services, housing, marital and parental status of students, physical education and athletics, education programs and activities, and employment, providing a fair and equal benefit for a generation of women; and

Whereas, girls and women who attended schools prior to Title IX experienced sex-segregated classes, denial of admissions to certain vocational education classes, lack of access to advanced mathematics and science courses, and overt discrimination in medical schools and other predominantly male institutions; and

Whereas, after Title IX women in post-secondary education shot up dramatically, rising from forty-four percent of all undergraduates in 1972 to fifty-six percent of all undergraduates today; and

Whereas, since the inception of Title IX, the amount of scholarship money for women has increased from $100,000 in 1972 to $179 million in 1997; and

Whereas, women made significant jumps in areas traditionally thought of as male, such as engineering, medicine, and law: in 1970 women earned 0.7 percent of bachelor's degrees in engineering while today women earn 20 percent of these degrees; and in 1972, women received only 9 percent of all medical degrees and 7 percent of all law degrees, whereas in 1996, women received 41 percent of all medical degrees and 44 percent of all law degrees, and

Whereas, Title IX has also benefited men and boys by eliminating the barriers and stereotypes that limit the opportunities and choices of both sexes; and

Whereas, the Bush administration has convened a Commission on Opportunity in Athletics to consider changes to Title IX; and

Whereas, this controversial commission has made recommendations that would seriously dilute the power of Title IX; and

Whereas, proponents of Title IX charge that the commission is an attempt to weaken the law after repeated court challenges over the past thirty years have failed; and

Whereas, Title IX is an Act of Congress and should not be subject to modification by an executive branch commission; and

Whereas, the people of Hawaii have experienced the great benefits of Title IX, the Patsy Takemoto Mink Equal Opportunity in Education Act, and strongly support its full implementation: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, the Senate concurring, That the State of Hawaii urges Congress to maintain Title IX, the Patsy Takemoto Mink Equal Opportunity in Education Act, in its original form and to take a firm stand opposing any recommendations that would weaken it; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Secretary of Education of the United States, President of the Senate of the United States Congress, the Speaker of the House of Representatives of the United States Congress, and the members of Hawaii's congressional delegation.

POM–243. A joint resolution adopted by the General Assembly of the Commonwealth of Kentucky relative to a constitutional amendment allowing the exercise of religion in public places; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, the Ten Commandments appear over the bench where the United States Supreme Court Justices sit, thus showing the source from whence our laws and the government power of the state are derived; and

Whereas, America's colonial governments adopted the Ten Commandments not as an object of worship or an icon, but as the basis for their civil and criminal law, as illustrated on April 3, 1644, when the New Haven Colony Charter was adopted establishing that: "the judicial laws of God, as they were delivered to Moses be a rule to all courts in this jurisdiction"; and

Whereas, when signing the Declaration of Independence on August 2, 1776, Samuel Adams, the "Father of the Revolution" emphasized its Biblical presuppositions: "We have this day restored the Sovereign to whom all men ought to be obedient. He reigns in heaven and from the rising to the setting of the sun, let His kingdom come"; and

Whereas, on August 20, 1789, Congressman Fisher Ames from Massachusetts proposed the wording of the First Amendment which was adopted by the House of Representatives in the first session of the Congress of the United States; and his writings clearly demonstrate that the Framers never intended the First Amendment to be so interpreted as to remove the Bible from the public buildings: "We are spending less time in the classroom on the Bible which should be the principal text in our schools . . ."; and

Whereas, in a letter dated August 18, 1790, President George Washington wrote to the Hebrew Congregation in Newport, Rhode Island, "All possess alike liberty if conscience and immunities of citizenship . . . May the children of the stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants; while every one shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid"; and

Whereas, in his "Farewell Address of September 19, 1796, George Washington pointed out the connection between the faith of the Nation and its political prosperity when he declared. "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports . . .", and

Whereas, acknowledging the Bible as an integral part of the fabric of our society on

September 11, 1777, the Continental Congress adopted a resolution to import 20,000 Bibles from Holland and Scotland, as the colonies were at war with England; and

Whereas, On May 29, 1845, the day before his death, President Andrew Jackson stated: "My lamp of life is nearly out, and the last glimmer has come. I am ready to depart when called. The Bible is true. The principles and statutes of the Holy Book have been the rule of my life, and I have tried to conform to its spirit as nearly as possible. Upon that scared volume I rest my hope for eternal salvation through the merits and blood of our blessed Lord and Savior Jesus Christ"; and

Whereas, President John Quincy Adams, the sixth President of the United States, wrote concerning the civil function of the Mosaic law. "The law given from Sinai was a civil and municipal as well as a moral and religious code: It contained many statutes . . . of universal application—laws essential to the existence of men in society and most of which have been enacted by every nation which ever professed any code of laws"; and

Whereas, in a June, 1778 letter to her son, John Quincy Adams, Abigail Adams reinforced noble values and a sense of ultimate accountability to God which she believed to be the foundation of true greatness: "Great learning and superior abilities, should you ever possess them, will be of little value and small estimation, unless virtue, honor, truth, and integrity are added to them. Adhere to those religious sentiments and principles which were early instilled into your mind, and remember that you are accountable to your Maker for all your words and actions"; and

Whereas, on February 29, 1892, the United States Supreme Court, in a unanimous decision, which has never been overruled, cited sixty-six organic authorities which show the Bible's singular influence on America: "There is no dissonance in these declarations. There is a universal language pervading them all having one meaning: they affirm and reaffirm that this is a religious nation. These are not individual sayings, declarations of private persons; they are organic utterances; they speak the voice of the entire group. These authorities were collected to support the historical conclusion that 'no purpose of action against religion can be imputed to any legislation, state or nation, because this is a religious people. This is historically true. From the discovery of this continent to the present hour, there is a single voice making this affirmation . . . we find everywhere a clear recognition of the same truth . . . this is a Christian nation' "; and

Whereas, on May 7, 1911, President Woodrow Wilson, addressing the Tercentenary Celebration of the Translation of the Bible into the English language, stated, "Moreover, the Bible does what is so invaluable in human life—it classifies moral values. It apprises us that men are not judged according to their wits, but according to their characters—that the last of every man's reputation is his truthfulness, his squaring his conduct with the standards that he knew to be the standards of purity and rectitude. How many a man we appraise, ladies and gentlemen, as great today whom we do not admire as noble! A man may have great power and small character"; and "The bible has had a critical impact upon the development of Western civilization. Western literature, art and music are filled with images and ideas that can be traced to its pages. More important, our moral tradition has been shaped by the laws and teachings it contains. It was a biblical view of man—one affirming the dignity and worth of the human person, made in the image of our Creator—that inspired the principles upon which the United States is founded. President Jackson called the Bible 'the rock on which our republic rests' because he knew that it shaped the Founding Fathers' concept of individual liberty and their vision of a free and just society. The Bible has not only influenced the development of our Nation's values and institutions, but also enriched the daily lives of millions of men and women who have looked to it for comfort, hope and guidance. On the American frontier, the Bible was often the only book a family owned. For those pioneers living far from any church or school, it served both as a source of religious instruction and as the primary text from which children learned to read. The historical speeches of Abraham Lincoln and Dr. Martin Luther King, Jr., provide compelling evidence of the role Scripture played in shaping the struggle against slavery and discrimination. Today the Bible continues to give courage and direction to those who seek truth and righteousness. In recognizing its enduring value, we recall the words of the prophet Isaiah, who declared 'The grass withereth, the flower fadeth; but the word of our God shall stand forever.' Containing revelations of God's intervention in human history, the Bible offers moving testimony to His love for mankind. Treasuring the Bible as a source of knowledge and inspiration, President Abraham Lincoln called this Great Book 'the best gift God has given to man.' President Lincoln believed that the Bible not only reveals the infinite goodness of our Creator, but also reminds us of our worth as individuals and our responsibilities toward one another"; and

Whereas, the First Amendment in the Bill of Rights states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peacefully to assemble, and to petition the Government for a redress of grievances"; and

Whereas, recent court rulings have prevented the displaying of the Ten Commandments and have been the cause of the removal of these documents from public buildings; and

Whereas, eighty percent of the people are in favor of displaying the Ten Commandments in public places; and

Whereas, the General Assembly finds the Ten Commandments to be the precedent legal code of the Commonwealth which has provided the foundation for many of the civil and criminal statutes enacted into law throughout the history of the Commonwealth; and

Whereas, under Article V of the Constitution of the United States, Amendments to said Constitution may be proposed by the United States Congress whenever two-thirds of both chambers deem it necessary: Now, therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly of the Commonwealth of Kentucky, a majority of all members of the chambers voting separately to concur herein, hereby petitions the United States Congress to propose an Amendment to the Constitution of the United States, for submission to the several States for ratification, to allow the people of the United States and the several States the freedom to exercise their religion in public places.

Section 2. The text of the proposed Amendment to the Constitution of the United States should read substantially as follows:

"Nothing in the Constitution shall be construed to prohibit or otherwise limit the practice of individual or group prayer, the reading of the posting of the Ten Commandments, the recital of the Pledge of Allegiance, and the display of the motto 'In God We Trust' or similar phrases from historical documents referencing God in any public place, including a school; nor shall it require any person to join in prayer or other religious activity."

Section 3. Certified copies of this joint resolution shall be transmitted by the Secretary of State to the Administrator of General Services of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives of the United States, to each member of the Commonwealth's delegation to the Congress of the United States, and to the presiding officer of each house of each state legislature of the several States.

POM–244. A resolution adopted by the Evanston City Council of Cook County of the State of Illinois relative to a repeal of the USA Patriot Act; to the Committee on the Judiciary.

POM–245. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to improving benefits for Filipino Veterans of World War II; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 76

Whereas, on February 11, 2003, Representative Neil Abercrombie, along with other members, introduced H.R. 664 in the United States House of Representatives, which bill was then referred to the Committee on Veterans' Affairs; and

Whereas, H.R. 664 proposes to amend title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, H.R. 664 would mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, H.R. 664 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, H.R. 664 would also increase the rate of payment of compensation benefits and burial benefits to certain Filipino veterans designated in title 38 United States Code section 107(b) and referred to as New Philippine Scouts: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, the Senate concurring, That the United States Congress is respectfully urged to support the passage of H.R. 664, to improve benefits for Filipino veterans of World War II and the surviving spouses of those veterans; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, and the Secretary of Veterans Affairs.

POM–246. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to improving benefits for Filipino veterans for World War II; to the Committee on Veterans' Affairs.

House Concurrent Resolution No. 77

Whereas, on January 7, 2003, Senator Daniel K. Inouye introduced S. 68 in the United States Senate, which bill was read twice and then referred to the Committee on Veterans' Affairs; and

Whereas, S. 68 proposes to amend title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, S. 68 would increase the rate of payment of compensation benefits to certain Filipino veterans, designated in title 38 United States Code section 107(b) and referred to as New Philippine Scouts, who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, S. 68 would further make eligible for full disability pensions certain Filipino veterans who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, S. 68 would further require the Secretary of Veterans Affairs to furnish care and services to all Filipino World War II veterans for service-connected disabilities and nonservice-connected disabilities residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinc; Now therefore, be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, the Senate concurring, That the United States Congress is respectfully urged to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Hawaii congressional delegation, and the Secretary of Veterans Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 678. A bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes (Rept. No. 108–112).

By Mr. LUGAR, from the Committee on Foreign Relations, with amendments and an amendment to the title and with an amended preamble:

H. Con. Res. 209. A concurrent resolution commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia.

By Mr. LUGAR, from the Committee on Foreign Relations, with amendments and with an amended preamble:

S. Res. 184. A resolution calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. CANTWELL:

S. 1455. A bill to regulate international marriage broker activity in the United States, to provide for certain protections for individuals who utilize services of international marriage brokers, and for other services; to the Committee on the Judiciary.

By Mr. BREAUX:

S. 1456. A bill to amend the Public Health Service Act with respect to mental health services for elderly individuals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BUNNING (for himself and Mr. Allen):

S. 1457. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits on its pre-1985 level; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 1458. A bill to amend the Gramm-Leach-Bliley Act to provide for enhanced protection of nonpublic personal information, including health information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCAIN (for himself, Mr. Daschle, and Mr. Johnson):

S. 1459. A bill to provide for reform of management of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and for other purposes; to the Committee on Indian Affairs.

By Mr. KENNEDY (for himself, Ms. Snowe, Mr. Reed, and Mr. Bingaman):

S. 1460. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCAIN:

S. 1461. A bill to establish two new categories of nonimmigrant workers, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAMBLISS (for himself and Mr. Miller):

S. 1462. A bill to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON:

S. 1463. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add New York to the New England Fishery Management Council; to the Committee on Commerce, Science, and Transportation.

By Mr. HAGEL (for himself and Mr. Dorgan):

S. 1464. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland to encourage the continued use of the property for farming, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. Alexander):

S. 1465. A bill to authorize the President to award a gold medal on behalf of Congress honoring Wilma G. Rudolph, in recognition of her enduring contributions to humanity and women's athletics in the United States and the world; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI:

S. 1466. A bill to facilitate the transfer of land in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 1467. A bill to establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself and Mr. Johnson):

S. 1468. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSON (for himself, Mr. Daschle, Mrs. Lincoln, Mr. Baucus, Mr. Kennedy, Mr. Graham of Florida, Ms. Cantwell, Mr. Corzine, and Mr. Leahy):

S. Res. 200. A resolution expressing the sense of the Senate that Congress should adopt a conference agreement on the child tax credit and on tax relief for military personnel; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr. Reid, Mr. Shelby, Mr. Kerry, Mr. Brownback, Ms. Cantwell, Mr. Hatch, Mrs. Boxer, Ms. Collins, Mr. Lieberman, Mr. Inhofe, Mr. Breaux, Mr. DeWine, Mrs. Lincoln, Mr. Craig, Mr. Miller, Ms. Snowe, Mr. Bayh, Mr. Crapo, Mr. Domenici, Mr. Roberts, Mr. Nelson of Florida, Mr. Grassley, Mr. Dodd, Mr. Smith, Mr. Durbin, Mr. Bunning, Mrs. Feinstein, Mr. Hagel, Ms. Mikulski, Mr. Voinovich, Mr. Edwards, Mr. Campbell, Mr. Inouye, Mr. Feingold, Mr. Schumer, Ms. Landrieu, Mr. Dorgan, Mr. Lautenberg, Ms. Stabenow, and Mrs. Clinton):

S. Res. 201. A resolution designating the month of September 2003 as "National Prostate Cancer Awareness Month"; considered and agreed to.

By Mr. LOTT:

S. Con. Res. 61. A concurrent resolution authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. Hagel, and Mr. Levin):

S. Con. Res. 62. A concurrent resolution honoring the service and sacrifice of Korean War veterans; considered and agreed to.

ADDITIONAL COSPONSORS

S. 794

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 794, a bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes.

S. 874

At the request of Mr. TALENT, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 1037

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1037, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 1283

At the request of Mr. GRAHAM of Florida, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1283, a bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and for other purposes.

S. 1374

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1374, a bill to provide health care professionals with immediate relief from increased medical malpractice insurance costs and to deal with the root causes of the current medical malpractice insurance crisis.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1396

At the request of Ms. SNOWE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1396, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1409

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1409, a bill to provide funding for infrastructure investment to restore the United States economy and to enhance the security of transportation and environmental facilities throughout the United States.

S. RES. 167

At the request of Mr. CAMPBELL, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. Res. 167, a resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

AMENDMENT NO. 1379

At the request of Mr. BAYH, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 1379 proposed to H.R. 2555, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. CANTWELL:

S. 1455. A bill to regulate international marriage broker activity in the United States, to provide for certain protections for individuals who utilize services of international marriage brokers, and for other services; to the Committee on the Judiciary.

Ms. CANTWELL. I rise today to introduce the International Marriage Broker Regulation Act of 2003. This legislation will provide much needed protections for the thousands of foreign women who meet their American husbands through for-profit Internet sites and catalogs.

While mail order bride catalogs may seem like a relic from the past, the use of marriage broker services has exploded in recent years with the growth of the Internet. While many of these matches result in happy, long unions, there is a growing epidemic of domestic abuse among couples who meet via international marriage brokers. Immigrant and women's advocacy groups across the country report seeing an increase in the number of these wives seeking to escape a physically abusive husband they met through an IMB. In several cases, the abuse has progressed to murder.

A 1999 study found there were over 200 Internet sites marketing foreign women primarily from Eastern Europe and Asia seeking American husbands. Recent studies suggest that there are now as many as 400 currently operating in this country. These sites feature pictures of hundreds of women who, according to the Web sites, are looking to meet and marry an American man. The international marriage brokers operating these sites promise a wife with "traditional values," who will honor her husband.

Unfortunately, women meeting their husbands in this manner frequently have little opportunity to get to know their prospective spouses or assess their potential for violence. They also have little knowledge of their rights as victims of domestic violence in our country even if they are not yet citizens or permanent residents.

In my State of Washington alone there have been three cases of serious domestic violence including two murders of women who met their husbands through an Internet-based international marriage broker. Susanna Blackwell met her husband through an IMB and, in 1994, left her native Philippines to move to Washington to marry him. During their short marriage, Timothy Blackwell physically abused his wife regularly. Within a few months, she had left him and begun divorce proceedings. The Blackwells had been separated for more than a year when Timothy Blackwell learned Susanna was eight months pregnant with another man's child. On the last day of the divorce proceedings, Timothy Blackwell shot and killed Susanna, her unborn child, and two friends who were waiting outside of the Seattle courtroom.

In 1999, 18-year-old Anastasia Solovyova married Indle King, a man she met through an IMB. Entries from Anastasia's diary detail the abuse she suffered and the fear she had of her husband who threatened her with death if she were to leave him. In December 2000, Anastasia was found strangled to death and buried in a shallow grave in Washington. King's accomplice later told police that he strangled Anastasia with a necktie while King lay on her chest to keep her from moving. At trial, it was discovered that Indle King had previously married another woman he met through an internet IMB, who later got a domestic violence protection order against him before divorcing him in 1997. It was also discovered that he was seeking his third wife through an IMB when he and his accomplice developed the plot to kill Anastasia.

Unfortunately, there are similar examples across the country of women who have met their American spouses through an Internet IMB only to be seriously injured or killed by an American spouse with a preexisting history of violence against women.

My legislation is modeled on a groundbreaking Washington State law, the first State effort to regulate the international matchmaking industry. The Washington Legislature took action on this important issue after the Blackwell and King cases, and multiple States are currently looking at enacting similar legislation.

The primary goal of my legislation is to better inform women entering this country as fiancées and prospective spouses about the past history of their prospective spouse and to better inform them of their rights as residents of the United States if they become victims of domestic violence.

The bill would first of all halt the current practice of allowing Americans to simultaneously seek visas for multiple fiancées, by requiring that only one fiancée visa may be sought per applicant each year. Currently, multiple request for fiancée visas can be simultaneously filed with the Bureau of Citizenship and Immigration, and the American requesting the visa will simply choose to marry the first woman who is approved.

Second, my bill would require that, before an IMB may release the contact information of a foreign national client, it must first obtain her consent to the release of that information and second, provide her with information on the rights of victims of domestic violence in this country in her own language.

Third, the IMB would be required to ask American clients to provide information on any previous arrest, conviction or court-ordered restriction relating to crimes of violence along with their previous marital history. This information would also be made available to the foreign national.

Finally, it would require a U.S. citizen seeking a foreign fiancée visa to undergo a criminal background check, a check that is already performed for the fiancées entering the country themselves. Information on convictions and civil orders would be relayed to the visa applicant by the consular official along with information on their legal rights should they find themselves in an abusive relationship.

Currently, an American seeking to marry someone through an IMB holds all of the cards. The American client has the benefit of a complete background check on his future wife, a requirement of the immigration process. In addition, the IMBs provide clients extensive information about the women they offer, everything from their favorite movies and hobbies to whether they are sexually promiscuous.

Conversely, the foreign fiancée' only gets whatever information her future spouse wants to share. These women have no way of confirming what they are told about previous marriages or relationships or the American client's criminal history.

Researchers describe the typical American client as Caucasian, educated, professional, and financially secure. More than half have been married once already and express a desire to find a bride with more "traditional values," attitudes they feel are not held by many American women today.

Most of the foreign brides advertised by the IMBs come from countries where women are oppressed, have a few educational or professional opportunities, and where violence against women is condoned, if not encouraged. Because of the cultural differences, researchers say there is an inherent imbalance of power in these relationships between American men and foreign women.

The men who seek these more traditional wives typically control the household finances and make basic decisons like whether the wife will have a driver's license, get a job or spend time with friends. Because these women often immigrate alone, they have no family or other support network and rely on their husbands for everything. Such dependency can make it difficult for a wife to report abuse without worrying that doing so is a surefire ticket to deportation. Researchers agree that isolation and dependency put these women at greater risk of domestic abuse.

Documenting the extent of this problem has been quite difficult. Marriages arranged by IMBs are not tracked separately from other immigrant marriages. However, experts agree that abuse is more likely in such an arranged marriages and that abuse in these relationships is likely underreported since the women are likely to be more afraid of deportation than the abuse they suffer at home.

Attempting to get a handle on the problem, the Immigration and Naturalization Service commissioned a study of the industry in 1999. The INS study estimated that there are more than 200 IMBs operating around the globe, arranging between 4,000 and 6,000 marriages between American men and foreign women every year. Experts today put the number of IMBs at nearly 500 worldwide. And based on the 1999 statistics, there are between 20,000 and 30,000 women who have entered the U.S. using an IMB in the past 5 years. While there are a few IMBs aimed at female clients, the overwhelming majority of people who seek IMB services are men.

IMBs also are being used as a cover for those seeking servants. That is what happened to Helen Clemente, a Filipina brought to the U.S. by retired Seattle-area police officer Eldon Doty and his wife, Sally. Eldon and Sally Doty had divorced to allow Eldon to marry Helen Clemente. However, Eldon and Sally Doty continued to live as man and wife, forcing Helene Clemente to work as their servant. After 3 years, Helen ran way. The Dotys have worked with INS in exchange for de facto immunity, while Helen Clemente continues to fight deportation.

It is critical for legal immigrants to know that they don't have to suffer abuse or work without pay to remain in this country. The Violence Against Women Act provided some safeguards for these female immigrants, ensuring that in cases of abuse a woman's immigration petition may proceed without the sponsorship of her abuser. That important legislation provided protections for women who come here and find themselves in abusive relationships; however, more can and should be done.

My legislation would give foreign financées critical information they need to make an informed decision about the person they are going to marry. It puts these foreign brides on more equal footing with their American grooms.

My legislation enjoys support from more than 80 organizations and advocacy groups across the country, including religious coalitions, laws firms, women's rights and social justice groups. I hope my colleagues in the Senate will support it as well.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Marriage Broker Regulation Act of 2003".

SEC. 2. LIMIT ON CONCURRENT PETITIONS FOR FIANCÉ(E) VISAS.

Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(1) by inserting "(1)" before "A visa"; and

(2) by adding at the end the following:

"(2) A United States citizen or a legal permanent resident may not file more than 1 application for a visa under section 101(a)(15)(K)(i) in any 1-year period.".

SEC. 3. INTERNATIONAL MARRIAGE BROKERS.

Section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375), is amended to read as follows:

"SEC. 652. INTERNATIONAL MARRIAGE BROKERS.

"(a) FINDINGS.—Congress finds the following:

"(1) There is a substantial international marriage broker business worldwide. A 1999 study by the Immigration and Naturalization Service estimated that in 1999 there were at least 200 such companies operating in the United States, and that as many as 4,000 to 6,000 persons in the United States, almost all male, find foreign spouses through for-profit international marriage brokers each year.

"(2) Aliens seeking to enter the United States to marry citizens of the United States currently lack the ability to access and fully verify personal history information about their prospective American spouses.

"(3) Persons applying for fiancé(e) visas to enter the United States are required to undergo a criminal background information investigation prior to the issuance of a visa. However, no corresponding requirement exists to inform those seeking fiancé(e) visas of any history of violence by the prospective United States spouse.

"(4) Many individuals entering the United States on fiancé(e) visas for the purpose of marrying a person in the United States are unaware of United States laws regarding domestic violence, including protections for immigrant victims of domestic violence, prohibitions on involuntary servitude, protections from automatic deportation, and the role of police and the courts in providing assistance to victims of domestic violence.

"(b) DEFINITIONS.—In this section:

"(1) CLIENT.—The term 'client' means a United States citizen or legal permanent resident who makes a payment or incurs a debt in order to utilize the services of an international marriage broker.

"(2) CRIME OF VIOLENCE.—The term 'crime of violence' has the same meaning given the term in section 16 of title 18, United States Code.

"(3) DOMESTIC VIOLENCE.—The term 'domestic violence' means any crime of violence, or other act forming the basis for past or outstanding protective orders, restraining orders, no-contact orders, convictions, arrests, or police reports, committed against a person by—

"(A) a current or former spouse of the person;

"(B) an individual with whom the person shares a child in common;

"(C) an individual who is cohabiting with or has cohabited with the person;

"(D) an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs; or

"(E) any other individual if the person is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

"(4) FOREIGN NATIONAL CLIENT.—The term 'foreign national client' means a non-resident alien who utilizes the services of an international marriage broker.

"(5) INTERNATIONAL MARRIAGE BROKER.—

"(A) IN GENERAL.—The term 'international marriage broker' means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, social referrals, or matching services between United States citizens or legal permanent residents and nonresident aliens by providing information that would permit individuals to contact each other, including—

"(i) providing the name, telephone number, address, electronic mail address, or voicemail of an individual; or

"(ii) providing an opportunity for an in-person meeting.

"(B) EXCEPTIONS.—Such term does not include—

"(i) a traditional matchmaking organization of a religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates including the laws of the United States; or

"(ii) an entity that provides dating services between United States citizens or legal permanent residents and aliens, but not as its principal business, and charges comparable rates to all clients regardless of the gender or country of residence of the client.

"(6) PERSONAL CONTACT INFORMATION.—

"(A) IN GENERAL.—The term 'personal contact information' means information that would permit an individual to contact another individual, including—

"(i) the name, address, phone number, electronic mail address, or voice message mailbox of that individual; and

"(ii) the provision of an opportunity for an in-person meeting.

"(B) EXCEPTION.—Such term does not include a photograph or general information about the background or interests of a person.

"(c) OBLIGATIONS OF INTERNATIONAL MARRIAGE BROKER WITH RESPECT TO INFORMED CONSENT.—An international marriage broker shall not provide any personal contact information about any foreign national client, not including photographs, to any person unless and until the international marriage broker has—

"(1) provided the foreign national client with information in his or her native language that explains the rights of victims of domestic violence in the United States, including the right to petition for residence independent of, and without the knowledge, consent, or cooperation of, the spouse; and

"(2) received from the foreign national client a signed consent to the release of such personal contact information.

"(d) MANDATORY COLLECTION OF INFORMATION.—

"(1) IN GENERAL.—Each international marriage broker shall require each client to provide the information listed in paragraph (2), in writing and signed by the client (including by electronic writing and electronic signature), to the international marriage broker prior to referring any personal contact information about any foreign national client to the client.

"(2) INFORMATION.—The information required to be provided in accordance with paragraph (1) is as follows:

"(A) Any arrest, charge, or conviction record for homicide, rape, assault, sexual assault, kidnap, or child abuse or neglect.

"(B) Any court ordered restriction on physical contact with another person, including any temporary or permanent restraining order or civil protection order.

"(C) Marital history, including if the person is currently married, if the person has previously been married and how many times, how previous marriages were terminated and the date of termination, and if the person has previously sponsored an alien to whom the person has been engaged or married.

"(D) The ages of any and all children under the age of 18.

"(E) All States in which the client has resided since the age of 18.

"(e) ADDITIONAL OBLIGATIONS OF THE INTERNATIONAL MARRIAGE BROKER.—An international marriage broker shall not provide any personal contact information about any foreign national client to any client, unless and until—

"(1) the client has been informed that the client will be subject to a criminal background check should they petition for a visa under clause (i) or (iii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)); and

"(2) the foreign national client has been provided a copy of the information required under subsection (d) regarding that client.

"(f) CIVIL PENALTY.—

"(1) VIOLATION.—An international marriage broker that the Secretary of Homeland Security determines has violated any provision of this section or section 7 of the International Marriage Broker Regulation Act of 2003 shall be subject, in addition to any other penalties that may be prescribed by law, to a civil penalty of not more than $20,000 for each such violation.

"(2) PROCEDURES FOR IMPOSITION OF PENALTY.—A penalty imposed under paragraph (1) may be imposed only after notice and an opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

"(g) CRIMINAL PENALTY.—An international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates any provision of this section or section 7 of the International Marriage Broker Regulation Act of 2003 shall be fined in accordance with title 18, United States Code, or imprisoned for not less than 1 year and not more than 5 years, or both.

"(h) ENFORCEMENT.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been, or is threatened to be, adversely affected by a violation of this section, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to —

"(1) enjoin that practice;

"(2) enforce compliance with this section; or

"(3) obtain damages.

"(i) STUDY AND REPORT.—

"(1) STUDY.—Not later than 2 years after the date of enactment of the International Marriage Broker Regulation Act of 2003, the Attorney General, in consultation with the Director of the Bureau of Citizenship and Immigration Services within the Department of Homeland Security, shall conduct a study—

"(A) regarding the number of international marriage brokers doing business in the United States and the number of marriages resulting from the services provided, and the extent of compliance with this section and section 7 of the International Marriage Broker Regulation Act of 2003;

"(B) that assesses information gathered under this section and section 7 of the International Marriage Broker Regulation Act of 2003 from clients and petitioners by international marriage brokers and the Bureau of Citizenship and Immigration Services;

"(C) that examines, based on the information gathered, the extent to which persons with a history of violence are using the services of international marriage brokers and the extent to which such persons are providing accurate information to international marriage brokers in accordance with this section and section 7 of the International Marriage Broker Regulation Act of 2003; and

"(D) that assesses the accuracy of the criminal background check at identifying past instances of domestic violence.

"(2) REPORT.—Not later than 3 years after the date of enactment of the International Marriage Broker Regulation Act of 2003, the Secretary of Homeland Security shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives setting forth the results of the study conducted pursuant to paragraph (1).".

SEC. 4. CRIMINAL BACKGROUND CHECK.

Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)), as amended by section 2, is further amended by adding at the end the following:

"(3) A petitioner for a visa under clause (i) or (iii) of section 101(a)(15)(K) shall undergo a national criminal background check conducted using the national criminal history background check system and State criminal history repositories of all States in which the applicant has resided prior to the petition being approved by the Secretary of Homeland Security, and the results of the background check shall be included in the petition forwarded to the consular office under that section.".

SEC. 5. CHANGES IN CONSULAR PROCESSING OF FIANCÉ(E) VISA APPLICATIONS.

(a) In General.—During the consular interview for purposes of the issuance of a visa under clause (i) or (iii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)), a consular officer shall disclose to the alien applicant information in writing in the native language of the alien concerning—

(1) the illegality of domestic violence in the United States and the availability of resources for victims of domestic violence (including aliens), including protective orders, crisis hotlines, free legal advice, and shelters;

(2) the requirement that international marriage brokers provide foreign national clients with responses of clients to questions regarding the client's domestic violence history and marital history, but that such information may not be accurate;

(3) the right of an alien who is or whose children are subjected to domestic violence or extreme cruelty by a United States citizen spouse or legal permanent resident spouse, to self-petition for legal permanent immigration status under the Violence Against Women Act independently of, and without the knowledge, consent, or cooperation of, such United States citizen spouse or legal permanent resident spouse; and

(4) any information regarding the petitioner that—

(A) was provided to the Bureau of Citizenship and Immigration Services within the Department of Homeland Security pursuant to section 7; and

(B) is contained in the background check conducted in accordance with section 214(d)(3) of the Immigration and Nationality Act, as added by section 4, relating to any conviction or civil order for a crime of violence, act of domestic violence, or child abuse or neglect.

(b) Definitions.—In this section, the terms "client", "domestic violence", "foreign national client", and "international marriage brokers" have the same meaning given such terms in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375).

SEC. 6. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

Section 105 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103) is amended—

(1) in subsection (d)(2), by inserting "and the role of international marriage brokers (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375))" after "public corruption"; and

(2) by adding at the end the following:

"(f) Meetings.—The Task Force shall meet not less than 2 times in a calendar year.".

SEC. 7. BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES.

The Bureau of Citizenship and Immigration Services within the Department of Homeland Security shall require that information described in section 652(c) of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375(c)), as amended by section 3, be provided to the Bureau of Citizenship and Immigration Services by a client (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C.1375)) in writing and signed under penalty of perjury as part of any visa petition under section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)).

SEC. 8. GOOD FAITH MARRIAGES.

The fact that an alien who is in the United States on a visa under clause (i) or (iii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is aware of the criminal background of a client (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375)) cannot be used as evidence that the marriage was not entered into in good faith.

SEC. 9. TECHNICAL AND CONFORMING AMENDMENTS.

Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security".

SEC. 10. PREEMPTION.

Nothing in this Act, or the amendments made by this Act, shall preempt any State law that provides additional protection for aliens who are utilizing the services of an international marriage broker (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375)).

By Mr. BREAUX:

S. 1456. A bill to amend the Public Health Service Act with respect to mental health services for elderly individuals; to the Committee on Health, Education, Labor, and Pensions.

Mr. BREAUX. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Positive Aging Act of 2003".

SEC. 2. FINDINGS; STATEMENT OF PURPOSE.

(a) Findings.—The Congress finds that—

(1) although, on average, ¼ of all patients seen in primary care settings have a mental disorder, primary care practitioners identify such illness in only about half of these cases;

(2) four mental disorders are among the 10 leading causes of disability in the United States;

(3) among the elderly, 10 percent have dementia and as many as one quarter have significant clinical depression;

(4) access to mental health services by the elderly is compromised by health benefits coverage limits, gaps in the mental health services delivery system, and shortages of geriatric mental health practitioners;

(5) the integration of medical and mental health treatment provides an effective means of coordinating care, improving mental health outcomes, and saving health care dollars; and

(6) the treatment of mental disorders in older patients, particularly those with other chronic diseases, can improve health outcomes and the quality of life for these patients.

(b) Statement of Purpose.—In order to address the emerging crisis in the identification and treatment of mental disorders among the elderly, it is the purpose of this Act to—

(1) promote models of care that integrate mental health services and medical care within primary care settings; and

(2) improve access by older adults to mental health services in community-based settings.

TITLE I—ENHANCING ACCESS TO MENTAL HEALTH SERVICES FOR THE ELDERLY

SEC. 101. SERVICES IMPLEMENTATION PROJECTS TO SUPPORT INTEGRATION OF MENTAL HEALTH SERVICES IN PRIMARY CARE SETTINGS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended—

(1) in section 520(b)—

(A) in paragraph (14), by striking "and" at the end;

(B) in paragraph (15), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(16) conduct the demonstration projects specified in section 520K."; and

(2) by adding at the end the following section:

"SEC. 520K. PROJECTS TO DEMONSTRATE INTEGRATION OF MENTAL HEALTH SERVICES IN PRIMARY CARE SETTINGS.

"(a) In General.—The Secretary, acting through the Director of the Center for Mental Health Services, shall make grants to public and private nonprofit entities for evidence-based projects to demonstrate ways of integrating mental health services for older patients into primary care settings, such as health centers receiving a grant under section 330 (or determined by the Secretary to meet the requirements for receiving such a grant), other Federally qualified health centers, primary care clinics, and private practice sites.

"(b) Requirements.—In order to qualify for a grant under this section, a project shall provide for collaborative care within a primary care setting, involving psychiatrists, psychologists, and other licensed mental health professionals with appropriate training and experience in the treatment of older adults, in which screening, assessment, and intervention services are combined into an integrated service delivery model, including—

"(1) screening services by a mental health professional with at least a masters degree in an appropriate field of training, supported by psychiatrists and psychologists with appropriate training and experience in the treatment of older adults to ensure adequate consideration of biomedical and psychosocial conditions, respectively;

"(2) referrals for necessary prevention, intervention, follow-up care, consultations, and care planning oversight for mental health and other service needs, as indicated; and

"(3) adoption and implementation of evidence-based protocols, to the extent available, for prevalent mental health disorders, including depression, anxiety, behavioral and psychological symptoms of dementia, psychosis, and misuse of, or dependence on, alcohol or medication.

"(c) Considerations in Awarding Grants.—To the extent feasible, the Secretary shall ensure that—

"(1) grants under this section are awarded to projects in a variety of geographic areas, including urban and rural areas; and

"(2) the needs of ethnically diverse at-risk populations are addressed.

"(d) Duration.—A project may receive funding pursuant to a grant under this section for a period of up to 3 years, with an extension period of 2 additional years at the discretion of the Secretary.

"(e) Application.—In order to receive a grant under this section, a public or private nonprofit entity shall—

"(1) submit an application to the Secretary (in such form, containing such information, and at such time as the Secretary may specify); and

"(2) agree to report to the Secretary standardized clinical and behavioral data necessary to evaluate patient outcomes and to facilitate evaluations across participating projects.

"(f) EVALUATION.—Not later than 6 months after the close of a calendar year, the Secretary shall submit to the Congress a report evaluating the projects receiving awards under this section for such year.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2004 and each fiscal year thereafter such sums as may be necessary to carry out this section.".

SEC. 102. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH TREATMENT OUTREACH TEAMS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 101 of this Act, is further amended by adding at the end the following section:

"SEC. 520L. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH TREATMENT OUTREACH TEAMS.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall make grants to public or private nonprofit entities that are community-based providers of geriatric mental health services, to support the establishment and maintenance by such entities of multi-disciplinary geriatric mental health outreach teams in community settings where older adults reside or receive social services. Entities eligible for such grants include—

"(1) mental health service providers of a State or local government;

"(2) outpatient programs of private, nonprofit hospitals;

"(3) community mental health centers meeting the criteria specified in section 1913(c); and

"(4) other community-based providers of mental health services.

"(b) REQUIREMENTS.—In order to qualify for a grant under this section, an entity shall—

"(1) adopt and implement, for use by its mental health outreach team, evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older adults, relying to the greatest extent feasible on protocols that have been developed—

"(A) by or under the auspices of the Secretary; or

"(B) by academicians with expertise in mental health and aging;

"(2) provide screening for mental disorders, diagnostic services, referrals for treatment, and case management and coordination through such teams; and

"(3) coordinate and integrate the services provided by such team with the services of social service, mental health, medical, and other health care providers at the site or sites where the team is based in order to—

"(A) improve patient outcomes; and

"(B) to ensure, to the maximum extent feasible, the continuing independence of older adults who are residing in the community.

"(c) COOPERATIVE ARRANGEMENTS WITH SITES SERVING AS BASES FOR OUTREACH TEAMS.—An entity receiving a grant under this section may enter into an agreement with a person operating a site at which a geriatric mental health outreach team of the entity is based, including—

"(1) senior centers;

"(2) adult day care programs;

"(3) assisted living facilities; and

"(4) recipients of grants to provide services to senior citizens under the Older Americans Act, under which such person provides (and is reimbursed by the entity, out of funds received under the grant, for) any supportive services, such as transportation and administrative support, that such person provides to an outreach team of such entity.

"(d) CONSIDERATIONS IN AWARDING GRANTS.—To the extent feasible, the Secretary shall ensure that—

"(1) grants under this section are awarded to projects in a variety of geographic areas, including urban and rural areas; and

"(2) the needs of ethnically diverse at-risk populations are addressed.

"(e) APPLICATION.—In order to receive a grant under this section, an entity shall—

"(1) submit an application to the Secretary (in such form, containing such information, and at such time as the Secretary may specify); and

"(2) agree to report to the Secretary standardized clinical and behavioral data necessary to evaluate patient outcomes and to facilitate evaluations across participating projects.

"(f) EVALUATION.—Not later than 6 months after the close of a calendar year, the Secretary shall submit to the Congress a report evaluating the programs receiving a grant under this section for such year.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2004 and each fiscal year thereafter such sums as may be necessary to carry out this section.".

TITLE II—ADMINISTRATIVE CHANGES TO STRENGTHEN PROGRAMS FOR GERIATRIC MENTAL HEALTH SERVICES

SEC. 201. DESIGNATION OF DEPUTY DIRECTOR FOR GERIATRIC MENTAL HEALTH SERVICES IN CENTER FOR MENTAL HEALTH SERVICES.

Section 520 of the Public Health Service Act (42 U.S.C. 290bb–31) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

"(c) DEPUTY DIRECTOR FOR GERIATRIC MENTAL HEALTH SERVICES.—The Director, after consultation with the Administrator, shall designate a Deputy Director for Geriatric Mental Health Services, who shall be responsible for the development and implementation of initiatives of the Center to address the mental health needs of older adults. Such initiatives shall include—

"(1) research on prevention and identification of mental disorders in the geriatric population;

"(2) innovative demonstration projects for the delivery of community-based mental health services for older Americans;

"(3) support for the development and dissemination of evidence-based practice models, including models to address dependence on, and misuse of, alcohol and medication in older adults; and

"(4) development of model training programs for mental health professionals and caregivers serving older adults.".

SEC. 202. MEMBERSHIP OF ADVISORY COUNCIL FOR THE CENTER FOR MENTAL HEALTH SERVICES.

Section 502(b)(3) of the Public Health Service Act (42 U.S.C. 290aa–1(b)(3)) is amended by adding at the end the following:

"(C) In the case of the advisory council for the Center for Mental Health Services, the members appointed pursuant to subparagraphs (A) and (B) shall include representatives of older Americans, their families, and geriatric mental health specialists, including at least 1 physician with board certification in geriatric psychiatry and at least 1 psychologist with appropriate training and experience in the treatment of older adults.".

SEC. 203. PROJECTS OF NATIONAL SIGNIFICANCE TARGETING SUBSTANCE ABUSE IN OLDER ADULTS.

Section 509(b)(2) of the Public Health Service Act (42 U.S.C. 290bb–2(b)(2)) is amended by inserting before the period the following: ", and to providing treatment for older adults with alcohol or substance abuse or addiction, including medication misuse or dependence".

SEC. 204. CRITERIA FOR STATE PLANS UNDER COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANTS.

(a) IN GENERAL.—Section 1912(b) of the Public Health Service Act (42 U.S.C. 300x–2(b)) is amended by inserting after paragraph (5) the following:

"(6) GOALS AND INITIATIVES FOR IMPROVING ACCESS TO SERVICES FOR OLDER ADULTS.—The plan—

"(A) specifies goals for improving access by older Americans to community-based mental health services;

"(B) includes a plan identifying and addressing the unmet needs of such individuals for mental health services; and

"(C) includes an inventory of the services, personnel, and treatment sites available to improve the delivery of mental health services to such individuals.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to State plans submitted under section 1912 of the Public Health Service Act on or after the date that is 180 days after the date of the enactment of this Act.

By Mr. MCCAIN (for himself, Mr. DASCHLE, and Mr. JOHNSON):

S. 1459. A bill to provide for reform of management of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I rise to introduce legislation to serve as the basis for much needed reforms to the Federal Government's management of Indian trust funds and trust assets within the U.S. Department of the Interior. I am joined by my colleagues, Senators DASCHLE and JOHNSON, in this effort, as well as by Representatives MARK UDALL and NICK RAHALL whom are sponsoring a companion measure in the House of Representatives.

This legislation is a reflection of a continuing effort by my colleagues and myself to develop a trust reform proposal that will not only serve to improve the Federal Government's administration and management of Indian trust funds and trust assets but it will also institute a role for Indian tribes to participate in developing additional needed reforms and enhance the principles of tribal self-determination.

Earlier this year, Senators DASCHLE, JOHNSON, and myself introduced similar trust reform legislation and received substantive feedback from Indian country on the bill. This feedback helped us in developing this new legislative proposal, which will serve as the framework for instituting broader reforms necessary for long-term management of tribal trust resources and enhancing Federal Indian policy. I thank the tribes and tribal organizations such as the Inter Tribal Monitoring Association, the Native American Rights Fund, and the National Congress of American Indians, which worked with our offices and helped to formulate the concepts embodied in this proposal. We are encouraged by their efforts and support to seek a legislative remedy to these difficult problems.

The basic elements of this bill focus on three primary areas: the management of trust funds and trust assets will be elevated in the overall Department by designating a Deputy Secretary of Indian Affairs to assume the current responsibilities of the Assistant Secretary of Indian Affairs and the Special Trustee. Second, as determined by the court and the administration, it is Congress' duty to affirm fiduciary standards for proper management of these trust funds and trust assets, and this bill includes such standards. And, third, the role of the tribes is enhanced through affirmation of the authority of tribes to utilize self-determination laws to manage their own funds and assets. Tribes will also be engaged in determining additional necessary reforms through participation in an established congressional commission.

The mismanagement of Indian trust funds is a long and disgraceful chapter in the history of this Nation. The 1994 American Indian Trust Fund Management Reform Act was enacted to take measures to reconcile these accounts and return the money to the Native American beneficiaries. Unfortunately, as continuing management problems persist and Native Americans are left out of the decision-making process about the management of their resources, it is time for Congress to step up and take decisive action to once again require significant reform with the active participation of the tribes.

I am pleased that Senators DASCHLE and JOHNSON are committed to working with me once again on this legislation, and I am also encouraged by the interest of our House counterparts to jointly introduce this bill with us. I look forward to working with my colleagues and the tribes to advance this legislation. We are willing to consider additional review and comments and expect to further refine this bill as it moves through the legislative process.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Indian Trust Fund Management Reform Act Amendments Act of 2003".

SEC. 2. DEFINITIONS.

Section 2 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as paragraphs (7), (4), (6), (5), (2), and (3), respectively, and moving those paragraphs so as to appear in numerical order; and

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) AUDIT.—The term 'audit' means an audit using accounting procedures that conform to generally accepted accounting principles and auditing procedures that conform to chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984'); and

(3) by adding at the end the following:

"(8) TRIBAL GOVERNMENT—The term 'tribal government' means the governing body of an Indian tribe.

"(9) TRUST ASSET.—The term 'trust asset' means any tangible property (such as land, a mineral, coal, oil or gas, a forest resource, an agricultural resource, water, a water source, fish, or wildlife) held by the Secretary for the benefit of an Indian tribe or an individual member of an Indian tribe in accordance with Federal law.

"(10) TRUST FUNDS.—The term 'trust funds' means—

"(A) all monies or proceeds derived from trust assets; and

"(B) all funds held by the Secretary for the benefit of an Indian tribe or an individual member of an Indian tribe in accordance with Federal law.

"(11) TRUSTEE.—The term 'trustee' means the Secretary or any other person that is authorized to act as a trustee for trust assets and trust funds.".

SEC. 3. RESPONSIBILITIES OF SECRETARY.

Section 102 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4011) is amended to read as follows:

"SEC. 102. RESPONSIBILITIES OF SECRETARY.

"(a) ACCOUNTING FOR DAILY AND ANNUAL BALANCES OF INDIAN TRUST FUNDS.—

"(1) IN GENERAL.—The Secretary shall account for the daily and annual balances of all trust funds.

"(2) PERIODIC STATEMENT OF PERFORMANCE.—

"(A) IN GENERAL.—Not later than 20 business days after the close of the second calendar quarter after the date of enactment of this paragraph, and not later than 20 business days after the close of each calendar quarter thereafter, the Secretary shall provide to each Indian tribe and individual Indian for whom the Secretary manages trust funds a statement of performance for the trust funds.

"(B) REQUIREMENTS.—Each statement under subparagraph (A) shall identify, with respect to the period covered by the statement—

"(i) the source, type, and status of the funds;

"(ii) the beginning balance of the funds;

"(iii) the gains and losses of the funds;

"(iv) receipts and disbursements of the funds; and

"(v) the ending balance of the funds.

"(3) AUDITS.—With respect to each account containing trust funds, the Secretary shall—

"(A) for accounts with less than $1,000, group accounts separately to allow for statistical sampling audit procedures;

"(B) for accounts containing more than $1,000 at any time during a given fiscal year—

"(i) conduct, for each fiscal year, an audit of all trust funds; and

"(ii) include, in the first statement of performance after completion of the audit, a letter describing the results of the audit.

"(b) ADDITIONAL RESPONSIBILITIES.—The responsibilities of the Secretary in carrying out the trust responsibility of the United States include, but are not limited to—

"(1) providing for adequate systems for accounting for and reporting trust fund balances;

"(2) providing for adequate controls over receipts and disbursements;

"(3) providing for periodic, timely reconciliations of financial records to ensure the accuracy of account information;

"(4) determining accurate cash balances;

"(5) preparing and supplying to account holders periodic account statements;

"(6) establishing and publishing in the Federal Register consistent policies and procedures for trust fund management and accounting;

"(7) providing adequate staffing, supervision, and training for trust fund management and accounting; and

"(8) managing natural resources located within the boundaries of Indian reservations and trust land.".

SEC. 4. AFFIRMATION OF STANDARDS.

Title I of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4011 et seq.) is amended by adding at the end the following:

"SEC. 105. AFFIRMATION OF STANDARDS.

"Congress affirms that the proper discharge of trust responsibility of the United States requires, without limitation, that the trustee, using the highest degree of care, skill, and loyalty—

"(1) protect and preserve Indian trust assets from loss, damage, unlawful alienation, waste, and depletion;

"(2) ensure that any management of Indian trust assets required to be carried out by the Secretary—

"(A) promotes the interest of the beneficial owner; and

"(B) supports, to the maximum extent practicable in accordance with the trust responsibility of the Secretary, the beneficial owner's intended use of the assets;

"(3)(A) enforce the terms of all leases or other agreements that provide for the use of trust assets; and

"(B) take appropriate steps to remedy trespass on trust or restricted land;

"(4) promote tribal control and self-determination over tribal trust land and resources without diminishing the trust responsibility of the Secretary;

"(5) select and oversee persons that manage Indian trust assets;

"(6) confirm that Indian tribes that manage Indian trust assets in accordance with contracts and compacts authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) protect and prudently manage those Indian trust assets;

"(7) provide oversight and review of the performance of the trust responsibility of the Secretary, including Indian trust asset and investment management programs, operational systems, and information systems;

"(8) account for and identify, collect, deposit, invest, and distribute, in a timely manner, income due or held on behalf of tribal and individual Indian account holders;

"(9) maintain a verifiable system of records that, at a minimum, is capable of identifying, with respect to a trust asset—

"(A) the location of the trust asset;

"(B) the beneficial owners of the trust asset;

"(C) any legal encumbrances (such as leases or permits) applicable to the trust asset;

"(D) the user of the trust asset;

"(E) any rent or other payments made;

"(F) the value of trust or restricted land and resources associated with the trust asset;

"(G) dates of—

"(i) collections;

"(ii) deposits;

"(iii) transfers;

"(iv) disbursements;

"(v) imposition of third-party obligations (such as court-ordered child support or judgments);

"(vi) statements of earnings;

"(vii) investment instruments; and

"(viii) closure of all trust fund accounts relating to the trust fund asset;

"(H) documents pertaining to actions taken to prevent or compensate for any diminishment of the Indian trust asset; and

"(I) documents that evidence the actions of the Secretary regarding the management and disposition of the Indian trust asset;

"(10) establish and maintain a system of records that—

"(A) permits beneficial owners to obtain information regarding Indian trust assets in a timely manner; and

"(B) protects the privacy of that information;

"(11) invest tribal and individual Indian trust funds to ensure that the trust account remains reasonably productive for the beneficial owner consistent with market conditions existing at the time at which investment is made;

"(12) communicate with beneficial owners regarding the management and administration of Indian trust assets; and

"(13) protect treaty-based fishing, hunting, gathering, and similar rights-of-access and resource use on traditional tribal land.".

SEC. 5. INDIAN PARTICIPATION IN TRUST FUND ACTIVITIES.

Section 202 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4022) is amended by striking subsection (c) and inserting the following:

"(c) MANAGEMENT THROUGH SELF-DETERMINATION AUTHORITY.—

"(1) IN GENERAL.—An Indian tribe may use authority granted to the Indian tribe under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to manage Indian trust funds and trust assets without terminating—

"(A) the trust responsibility of the Secretary; or

"(B) the trust status of the funds and assets.

"(2) NO EFFECT ON TRUST RESPONSIBILITY.—Nothing in this subsection diminishes or otherwise impairs the trust responsibility of the United States with respect to the Indian people.".

SEC. 6. DEPUTY SECRETARY FOR INDIAN AFFAIRS.

(a) IN GENERAL.—Section 302 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4042) is amended to read as follows:

"SEC. 302. DEPUTY SECRETARY FOR INDIAN AFFAIRS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Department the position of Deputy Secretary for Indian Affairs (referred to in this section as the 'Deputy Secretary'), who shall report directly to the Secretary.

"(2) APPOINTMENT.—The Deputy Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) DUTIES.—

"(1) IN GENERAL.—The Deputy Secretary shall—

"(A) oversee the Bureau of Indian Affairs;

"(B) be responsible for carrying out all duties assigned to the Assistant Secretary for Indian Affairs as of the day before the date of enactment of the American Indian Trust Fund Management Reform Act Amendments Act of 2003;

"(C) oversee all trust fund and trust asset matters of the Department, including—

"(i) administration and management of the Reform Office;

"(ii) financial and human resource matters of the Reform Office; and

"(iii) all duties relating to trust fund and trust asset matters;

"(D) engage in appropriate government-to-government relations and consultations with Indian tribes and individual trust asset and trust fund account holders on matters involving trust asset and trust fund management and reform within the Department; and

"(E) carry out such other duties relating to Indian affairs as the Secretary may assign.

"(2) TRANSFER OF DUTIES OF ASSISTANT SECRETARY.—As of the date of enactment of the American Indian Trust Fund Management Reform Act Amendments Act of 2003, all duties assigned to the Assistant Secretary for Indian Affairs shall be transferred to, and become the responsibility of, the Deputy Secretary.

"(3) SUCCESSION.—Any official who is serving as Assistant Secretary for Indian Affairs on the date of enactment of the American Indian Trust Fund Management Reform Act Amendments Act of 2003 and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (a) to the successor position authorized under subsection (a) if the Secretary approves the occupation by the official of the position by the date that is 180 days after the date of enactment of the American Indian Trust Fund Management Reform Act Amendments Act of 2003 (or such later date determined by the Secretary if litigation delays rapid succession).

"(c) STAFF.—In carrying out this section, the Deputy Secretary may hire such staff having expertise in trust asset and trust fund management, financial organization and management, and Federal Indian law and policy as the Deputy Secretary determines is necessary to carry out this title.

"(d) EFFECT ON DUTIES OF OTHER OFFICIALS.—

"(1) IN GENERAL.—Except as provided in subsection (c) and paragraph (2), nothing in this section diminishes any responsibility or duty of the Deputy Secretary of the Interior appointed under the Act of May 9, 1935 (43 U.S.C. 1452), or any other Federal official, relating to any duty established under this Act or any other provision of law.

"(2) TRUST ASSET AND TRUST FUND MANAGEMENT AND REFORM.—Notwithstanding any other provision of law, the Deputy Secretary shall have overall management and oversight authority on matters of the Department relating to trust asset and trust fund management and reform (including matters that, as of the day before the date of enactment of the Indian Trust Asset and Trust Fund Management and Reform Act of 2003, were carried out by the Commissioner of Indian Affairs).

"(e) OFFICE OF TRUST REFORM IMPLEMENTATION AND OVERSIGHT.—

"(1) ESTABLISHMENT.—There is established within the Office of the Secretary the Office of Trust Reform Implementation and Oversight.

"(2) REFORM OFFICE HEAD.—The Reform Office shall be headed by the Deputy Secretary.

"(3) DUTIES.—The Reform Office shall—

"(A) supervise and direct the day-to-day activities of the Deputy Secretary, the Commissioner of Reclamation, the Director of the Bureau of Land Management, and the Director of the Minerals Management Service, to the extent that those officials administer or manage any Indian trust assets or funds;

"(B) administer, in accordance with title II, all trust properties, funds, and other assets held by the United States for the benefit of Indian tribes and individual members of Indian tribes;

"(C) require the development and maintenance of an accurate inventory of all trust funds and trust assets;

"(D) ensure the prompt posting of revenue derived from a trust fund or trust asset for the benefit of each Indian tribe (or individual member of each Indian tribe) that owns a beneficial interest in the trust fund or trust asset;

"(E) ensure that all trust fund accounts are audited at least annually, and more frequently as determined to be necessary by the Deputy Secretary;

"(F) ensure that the Deputy Secretary, the Director of the Bureau of Land Management, the Commissioner of Reclamation, and the Director of the Minerals Management Service provide to the Secretary current and accurate information relating to the administration and management of trust funds and trust assets; and

"(G) provide for regular consultation with trust fund account holders on the administration of trust funds and trust assets to ensure, to the maximum extent practicable in accordance with applicable law and a Plan approved under section 202, the greatest return on those funds and assets for the trust fund account holders consistent with the beneficial owners, intended uses for the trust funds.

"(4) CONTRACTS AND COMPACTS.—The Reform Office may carry out its duties directly or through contracts and compacts under section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) or section 403 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 458cc) to provide for the management of trust assets and trust funds by Indian tribes pursuant to a Trust Fund and Trust Asset Management and Monitoring Plan developed under section 202 of this Act.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 5313 of title 5, United States Code, is amended by inserting "Deputy Secretary of the Interior for Indian Affairs" after "Deputy Secretary of the Interior".

(B) Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of the Interior (6)" and inserting "Assistant Secretaries of the Interior (5)".

(C) Title III of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4041 et seq.) is amended by striking the title heading and inserting the following:

"TITLE III—REFORMS RELATING TO TRUST RESPONSIBILITY".

(D) Section 301(1) of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4041(1)) is amended by striking "by establishing in the Department of the Interior an Office of Special Trustee for American Indians" and inserting "by directing the Deputy Secretary".

(E) Section 303 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4043) is amended—

(i) by striking the section heading and inserting the following:

"SEC. 303. ADDITIONAL AUTHORITIES AND FUNCTIONS OF THE DEPUTY SECRETARY.";

(ii) in subsection (a)(1), by striking "section 302(b) of this title" and inserting "section 302(a)(2)";

(iii) in subsection (e)—

(I) by striking the subsection heading and inserting the following:

"(e) ACCESS OF DEPUTY SECRETARY.—"; and

(II) by striking "of his duties" and inserting "of the duties of the Deputy Secretary"; and

(iv) by striking "Special Trustee" each place it appears and inserting "Deputy Secretary".

(F) Sections 304 and 305 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4044, 4045) are amended by striking "Special Trustee" each place it appears and inserting "Deputy Secretary".

(G) The first section of Public Law 92–22 (43 U.S.C. 1453a) is repealed.

(H) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Assistant Secretary of the Interior for Indian Affairs shall be deemed to be a reference to the Deputy Secretary of the Interior for Indian Affairs.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date on which a Deputy Secretary for Indian Affairs is appointed under section 302 of the American Indian Trust Fund Management Reform Act (as amended by subsection (a)).

SEC. 7. COMMISSION FOR REVIEW OF INDIAN TRUST FUND MANAGEMENT RESPONSIBILITIES.

(a) ESTABLISHMENT.—There is established a commission, to be known as the "Commission for Review of Indian Trust Fund Management Responsibilities" (referred to in this section as the "Commission"), for the purpose of assessing the fiduciary and management responsibilities of the Federal Government with respect to Indian tribes and individual Indian beneficiaries.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 12 members, of whom—

(A) 4 members shall be appointed by the President;

(B) 2 members shall be appointed by the Majority Leader of the Senate;

(C) 2 members shall be appointed by the Minority Leader of the Senate;

(D) 2 members shall be appointed by the Speaker of the House of Representatives; and

(E) 2 members shall be appointed by the Minority Leader of the House of Representatives.

(2) QUALIFICATIONS.—The membership of the Commission—

(A) shall include a majority of individuals who are representatives of federally recognized Indian tribes, including at least 1 representative who is an individual Indian trust fund account holder; and

(B) shall include members who have experience in—

(i) trust management;

(ii) fiduciary investment management;

(iii) Federal Indian law and policy; and

(iv) financial management.

(3) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(4) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(5) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 60 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(2) PROCEDURES.—The Commission shall—

(A) meet at the call of the Chairperson; and

(B) establish procedures for conduct of business of the Commission, including public hearings.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(d) DUTIES.—The Commission shall—

(1) review and assess Federal laws and policies relating to the management of Indian trust funds;

(2) make recommendations (including legislative and administrative recommendations) relating to management of Indian trust funds, including but not limited to options for—

(A) historical accounting;

(B) settlement of disputed tribal and individual accounts; and

(C) revisions of—

(i) management standards;

(ii) administrative management structure;

(iii) investment policies and accounting; and

(iv) reporting procedures; and

(3) carry out such other duties as the President may assign to the Commission.

(e) REPORT.—Not later than 32 months after the date on which the Commission holds the initial meeting of the Commission, the Commission shall submit to Congress, the Secretary of the Interior, and the Secretary of the Treasury a report that includes the results of the assessment conducted, and the recommendations made, by the Commission under subsection (d).

(f) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(3) ACCESS TO PERSONNEL.—The Commission shall have reasonable access to staff responsible for Indian trust management in—

(A) the Department of the Interior;

(B) the Department of Treasury; and

(C) the Department of Justice.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(h) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(j) TERMINATION OF COMMISSION.—The Commission and the authority of the Commission under this section terminates on the date that is 3 years after the date on which the Commission holds the initial meeting of the Commission.

SEC. 8. REGULATIONS.

The Secretary of the Interior, in consultation with interested Indian tribes, shall promulgate such regulations as are necessary to carry out this Act and amendments made by this Act.

SEC. 9. EFFECT OF ACT.

(a) COURT PROCEEDINGS.—Nothing in this Act limits the findings, remedies, jurisdiction, authority, or discretion of the courts in the matter entitled Cobell v. Norton, Civ. No. 96-1285 (RCL).

(b) USE OF FUNDS.—No funds appropriated for the purpose of an historical accounting of the individual Indian trust funds shall be used except as provided in an order of the court in Cobell v. Norton, Civ. No. 96-1285 (RCL) entered after the date of enactment of this Act.

Mr. DASCHLE. Mr. President, today I once again join with Senators JOHN McCAIN and TIM JOHNSON in introducing legislation that addresses the longstanding problem of mismanagement of assets held by the United States in trust for federally recognized Indian tribes and individual American Indians.

Indian country has faced many challenges over the years. Few, however, have had more far-ranging ramifications on the lives of individual Native Americans, or been more vexing, than that of restoring integrity to trust fund management.

For over 100 years, the Department of the Interior has administered a trust fund containing the proceeds of leasing of oil, gas, land and mineral rights on Indian land for the benefit of Indian people. Today, that trust fund may owe as much as $10 billion to as many as 500,000 Indians.

To provide some perspective, the 16 tribes of the Great Plains in South Dakota, North Dakota, and Nebraska hold 10 million acres of trust lands representing over one-third of the tribal trust assets. Many enrolled members of the nine South Dakota tribes have individual trust accounts.

There is little disagreement that current government administration of the trust fund is a failure. However, there is no consensus on how to reform it.

Senators McCAIN, JOHNSON, and I believe that Congress should be more assertive in promoting a solution to the trust management problem and in ensuring that tribes and individual Indian account holders have a true voice in shaping that solution. That is why we have proposed legislation that would redesign the trust management process.

Today, Senators McCAIN, JOHNSON, and I are introducing a revised version of S. 175, a trust reform proposal we introduced earlier this year. This bill incorporates feedback we received from interested stakeholders and responds to developments that have occurred since S. 175 was introduced.

We are joined in this effort by Representatives MARK UDALL and NICK RAHALL who are introducing a companion measure in the House. I commend them for their commitment to correcting the trust management problem and value their leadership on this issue.

This legislation lays out legislative standards that form the cornerstone of the United States of America's trust responsibility to Indian nations. It directs the Secretary of the Interior to conduct a historical accounting for all trust accounts, regardless of amount, and authorizes an Indian tribe to manage Indian trust funds or trust assets through contracts or compacts. The trust responsibility of the Secretary or the trust status of funds and assets is not terminated but a voluntary option of cobeneficiary management is allowed if a tribe chooses that option.

A clear line of authority for trust management is established by elevating the Assistant Secretary of Indian Affairs to Deputy Secretary of Indian Affairs status. The special trustee's responsibilities are transferred to the Deputy Secretary, and the special trustee is terminated as intended in the 1994 act.

Finally, a temporary congressional commission is created to review trust funds management by the Department of the Interior. Comprised of 12 members, it will review and assess Federal management of trust funds and provide recommendations relating to the administrative and management duties of the Department.

It is our hope that this proposal will encourage more constructive dialog among the Congress, the Interior Department, and Indian country on the trust management problem and lead to a true consensus solution. With that goal in mind, the bill has been reviewed by representatives of the Great Plains tribes, the Native American Rights Fund, the National Congress of American Indians, the InterTribal Monitoring Association, and the tribes of Arizona.

With respect to the Great Plains tribes, I would like to note that Mike Jandreau, chairman of the Lower Brule Sioux Tribe, has been a particularly eloquent advocate and effective champion of trust reform. Mike and Cheyenne River Sioux tribal chairman, Harold Frazier, led very productive working sessions with tribal leaders from South Dakota, North Dakota, and Nebraska that both raised awareness of the importance of this issue and built support for the bill that is being introduced today.

I commend the commitment and contribution of the participating Great Plains tribal leaders who have been an integral part of a public process that will not stop until the trust management problem is solved. The McCain-Daschle-Johnson bill is intended to contribute to this result.

It should also be noted and understood that we are not addressing the Cobell litigation or settlement issues in this bill. Our focus is the broader trust responsibility of the Department of the Interior.

The issues of trust reform and reorganization within the Bureau of Indian Affairs are nothing new to us here on Capitol Hill or in Indian country. Collectively, we have endured many efforts—some well intentioned and some clearly not—to fix, reform, adjust, improve, streamline, downsize, and even terminate the Bureau of Indian Affairs and its trust activities.

These efforts have been pursued under both Republican and Democratic administrations. Unfortunately, they have rarely included meaningful involvement of tribal leadership or respected the Federal Government's treaty obligation to tribes.

Restoring accountability and efficiency to trust management is a matter of fundamental justice. Nowhere do the principles of self-determination and tribal sovereignty come more into play than in the management and distribution of trust funds and assets.

I am deeply disappointed that this problem has not been solved to the satisfaction of tribal leaders by now. That fight is not over.

An effective long-term solution to the trust problem must be based on government-to-government dialog. The McCain-Daschle-Johnson bill will not only provide the catalyst for meaningful tribal involvement in the search for solutions, it can also form the basis for true trust reform. I look forward to participating with tribal leaders, administration officials, and my congressional colleagues in pursuit of this essential objective.

By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. REED, and Mr. BINGAMAN):

S. 1460. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator SNOWE, Senator REED, and Senator BINGAMAN in introducing The Preservation of Antibiotics for Medical Treatment Act.

Our legislation is both important and timely because we face unprecedented challenges to our health and safety from deadly diseases. As we have seen from SARS, new diseases can arise naturally and spread rapidly around the world. As we have seen from the anthrax attack, diseases can also be spread by terrorists.

We rely heavily on miracle drugs and vaccines to protect us against both of these threats. In fact, antibiotics are our strongest weapon in combating deadly bacterial diseases. But we have failed for too long to deal with a related and increasingly serous aspect of the problem: The indiscriminate use of antibiotics for livestock and poultry which is reducing the effectiveness of these indispensable drugs that have become the crown jewels of modern medicine.

Every year, literally tons of antibiotics are routinely added to animal feed to enhance growth, fatten animals, and fatten profits too. Mounting scientific evidence, though, shows that nontherapeutic use of antibiotics in agricultural animals can lead to the development of antibiotic-resistant bacteria. These resistant bacteria are easily transferred to people by tainted food, making it very difficult or impossible to treat deadly infections.

The use of antibiotics in medicines began in the 1940s, and in the last 60 years, many different antibiotics have been discovered and widely used in treating patients. But the race has accelerated between patients and bacteria. Miracle drugs have saved countless lives but, inevitably, as their use in medicine increased, bacteria have developed resistance as well. Already, some older antibiotics have become useless in medicine.

There have also been cases of infections resistant even to some of the newest and most powerful antibiotics. According to the Centers for Disease Control and Prevention, thousands of Americans die each year from antibiotic-resistant diseases. The widespread use of antibiotics in agriculture was clearly contributing to this serious problem. In 1997, the World Health Organization recommended that antibiotics should not be used to promote animal growth, although they could still be used to treat sick animals. Last month, McDonald's Corporation took a major step in dealing with this problem. It announced a directive to its meat suppliers to stop or reduce the use of antibiotics for growth promotion of livestock.

The legislation we propose will phase out nontherapeutic uses of medically important antibiotics in livestock and poultry production, unless their manufacturers can demonstrate that they are no danger to public health.

The bill applies the same strict standard to applications for approval of new animal antibiotics. It does not restrict the use of antibiotics to treat sick animals or to treat pets and other animals not used for food.

There may well be certain circumstances in which the use of antibiotics briefly to prevent the spread of a specific disease in a limited area is legitimate. I look forward to working with my colleagues as we move ahead on this legislation to ensure that we properly distinguish the different uses of antibiotics for disease prevention.

The bill also recognizes that FDA is conducting needed studies to analyze the risks of using specific antibiotics in raising animals. The agency's current risk analysis focuses on the antibiotic known as virginiamycin. Our legislation allows such studies to be conducted in determining whether antibiotics can be used with a reasonable certainty of no harm, and we welcome FDA's scientific analysis of the use of these products.

In addition, the bill authorizes Federal payments to small family farms to defray the cost of compliance, and also authorizes research and demonstration projects to reduce the use of antibiotics in raising food-producing animals. Finally, the bill provides a needed mechanism for collecting data to monitor the use of antibiotics in animals, so that we can stay ahead of the growing public health threat of antibiotic-resistant bacteria.

The American Medical Association and 300 other organizations support our legislation. At a time when the Nation is relying heavily on antibiotics to protect our security from bioterrorism, we can't afford to squander these essential defenses. I urge my colleagues to support this legislation, and I look forward to its enactment.

Ms. SNOWE. Mr. President, I rise today to join my colleague from Massachusetts, Senator KENNEDY, in introducing legislation addressing the critical issue of bacterial resistance to antibiotics arising from overuse of these valuable drugs in humans and animals.

Alexander Fleming's discovery of the antibacterial effects of penicillin in 1929 represented the dawning of a new era in medicine. In the decades after its discovery, penicillin became a miracle drug—allowing physicians to cure diseases that previously would have been untreatable—and literally saved millions of lives.

Antibiotics are crucial in curing a variety of common diseases that could result in severe illness or even death if left untreated. The anthrax attacks after September 11 showed us another need for antibiotics that sadly is a continuing threat in our global community—bioterrorism. Many of us in the Capitol relied on the effective treatment of antibiotics to counteract exposure to the anthrax spores and maintain our health during those weeks and months when our Nation was grieving the horrible impact of terrorism in our homeland.

Unfortunately, decades after the discovery of penicillin and other antibiotics, diseases of bacterial origin remain a real and increasing threat to public health. Overuse of medically important antibiotics in humans and animals promotes resistance in bacteria. Infections caused by resistant bacteria cannot be treated with traditional antibiotics. If left unchecked, the problem of bacterial resistance represents an impending public health crisis.

Recogizing the public health threat, Congress already took steps to curb antibiotic overuse in humans by amending the Public Health Service Act and the Public Health Threats and Emergencies Act. Unfortunately, the issue of antibiotic overuse in animals has not been addressed in Federal law.

We recognize the value of antibiotics in treating disease in humans and animals. Unfortunately, it is common practice to put antibiotics, which are similar or identical to those used in human medicine, in the food or water of healthy animals intended for human consumption to promote these animals' growth and compensate for their unsanitary conditions. This practice poses an environmental threat and jeopardizes the effectiveness of these drugs in treating ill people and animals. Our legislation provides for the phased elimination of nontherapeutic use of medically important antibiotics in food animals unless such usage is deemed safe through rigorous scientific evaluation.

Foodborne illness affects millions of Americans each year and is estimated to cost the economy up to $35 billion annually in medical expenses and lost productivity alone. Tragically, the worst foodborne illnesses cause thousands of deaths and disproportionally target the very young and the elderly each year in the United States. The impact of foodborne illness in developing countries is even more severe. By itself, the magnitude of this public health hazard necessitates action to ensure the safety of our food supply. I hope the improved data collection and monitoring of antibiotics used in food animals included in our legislation will help provide a more complete picture of the contributing factors to these devastating illnesses.

Our legislation provides for research and demonstration grants to colleges and universities to exploit advances in biotechnology and animal science to discover new, safer methods of inexpensive, responsible agricultural productivity. We appreciate the good intentions of the many farmers across our Nation, and our legislation establishes transition funds to help these families and businesses implement changes that will benefit us all.

I have received numerous letters from groups and individuals in Maine who were concerned that the overuse of antibiotics in animal agriculture was not being actively addressed by Congress. I appreciate all who took the time to voice their concerns to me. I extend my personal thanks to all who have invested so much time and energy in educating Members of Congress as well as the public on this critical issue.

I am pleased to join Senator KENNEDY in introducing legislation today that will address this crucial issue. I applaud the steps that some businesses have taken voluntarily to discourage use of antibiotics in healthy animals. It is my hope that our legislation as well as the voluntary efforts by businesses across the Nation will help to ensure that we have drugs available that are effective in treating diseases for many years to come.

By Mr. McCAIN:

S. 1461. A bill to establish two new categories of nonimmigrant workers, and for other purposes; to the Committee on the Judiciary.

Mr. McCAIN. Mr. President, in the aftermath of the September 11 attacks, our Nation awoke to the realization that we are not as safe as we once believed. Soon after, we began critical efforts to improve our homeland security. Those efforts remain ongoing today. As we work to improve the security of our homeland, securing our borders remains one of the most difficult and important challenges facing our Nation today. The simple fact is, our borders are not secure, and no amount of money, equipment, or manpower alone will ensure the safety of our Nation.

Over the past several years, I have supported many efforts to improve border security and address the repercussions of poor enforcement and failed immigration policies. It is imperative that we not shirk from what are Federal responsibilities. We must address the many unfunded mandates born by States and local communities, because control of immigration is principally the responsibility of the Federal Government. We must continue efforts designed to improve infrastructure and technology at and between our ports of entry as well as enhance coordination between Federal, State and local law enforcement personnel. However, without comprehensive immigration reform, all of these efforts will be ineffective and meaningless.

In order to address these concerns and to balance the need to secure our borders while addressing the inconsistencies and contradictions of our Nation's immigration policy, I am introducing the Border Security and Immigration Improvement Act. This bill is the first comprehensive immigration reform package introduced this Congress, and I hope that it will serve to initiate an important and necessary dialog so that we may address the security needs of our country and reform our failed immigration system.

The Border Security and Immigration Improvement Act establishes two new visa programs. One addresses individuals wishing to enter the United States to work on a short-term basis while the other will be available for the undocumented immigrants currently residing in the U.S.

Fully cognizant of the failures and abuses of previous temporary worker programs, I am committed to ensuring that this new program prevents abuse and protects the rights of workers. Important protections are built into the new visa program. Complete portability across all sectors will allow workers the freedom to leave abusive employers and seek work elsewhere. This program would allow employers to immediately apply for permanent resident status on behalf of the employee, but unlike previous programs, this bill would allow workers self-petition after 3 years so that no employer could use residency status to manipulate and abuse any worker. Additionally, all U.S. labor laws are applicable to ensure full worker protection.

In another departure from previous visa programs, this legislation does not put a finite number on the available visas, rather it is designed to allow the market to dictate the need for workers. Through the establishment of a job registry system, U.S. employers in need of workers can post available jobs on this registry. To ensure that U.S. workers do not lose out on valuable job opportunities, each job posted on the registry must be available to U.S. workers for a minimum of 14 days before it is open to a foreign worker. Additionally, to ensure that we do not incentivize employers to look abroad for labor that is less expensive than the domestic workforce, all employers will be charged a fee for the worker's visa.

The second visa program included in this bill addresses the estimated 6 to 10 million people currently residing in the United States. Today, undocumented immigrants live in constant fear, in a shadowy underground that affords them limited opportunities and frequently leads to both exploitation and abuse. Establishing a process by which this population can voluntarily come forward and seek legal status is a necessary component to comprehensive immigration reform and ensuring the safety of our Nation.

Under this bill, every undocumented individual currently residing in the U.S. will have the opportunity to obtain a visa authorizing them to remain in the United States and work for 3 years, after which time they may apply for the temporary worker visa program which has a built-in path to permanent legal residency.

Every year, millions of people enter this country legally, in a monitored and controlled manner. Although a majority enter legally, an increasing number of people risk their lives to cross our borders illegally. According to the U.S. Border Patrol apprehension statistics, it is estimated that almost 4 million people crossed our borders illegally in 2002. The majority of these people are seeking the American dream, looking for a good paying job that will enable them to provide a better life for themselves and their families. We must recognize that as long as there are jobs available and employers in need of workers, people will continue to migrate. Our Nation was built by immigrants, and like those who came hundreds of years ago, this population represents a significant portion of our workforce.

In recent years, improved security and enhanced infrastructure in California and Texas have created a funneling effect through the Sonoran desert, which straddles Arizona and the Mexican State of Sonora. This is easily the most treacherous portion of the southern border, and in recent years, it has become more dangerous. Last fiscal year, an estimated 320 people died crossing the southern border into this country, 145 of those deaths were in the Arizona desert. Since last October, over 200 people have died, 113 along the Arizona border. The Arizona Republic found that undocumented immigrants are seven times as likely to die crossing the Arizona-Mexico border now than they were 5 years ago.

Many people desperate to cross the border pay large sums of money to human smugglers who guarantee their entrance into the U.S. Our Nation witnessed the extreme danger of human smugglers first hand in May when 100 people were found packed into a tractor trailer truck at a truck stop in Victoria, TX. These people, abandoned by their smugglers, were trapped for hours in the extreme desert heat. Nineteen people died as a result.

These are not merely numbers, these figures represent men, women, and children. This unnecessary loss of human life deserves our Nation's attention and should compel all of us to action. Our current border and immigration policies create a contradictory situation whereby we attempt to keep people from crossing our borders illegally but reward those who survive the dangerous journey with bountiful employment opportunities. This system is not sustainable.

In addition to the human tragedy, this mass migration also represents a threat to our national security. Although over 99 percent of the people crossing our borders do not intend to harm Americans, we must be cognizant of the fact that a small number do. As long as we are unable to control and monitor who enters our country and what they bring in, Americans will not be safe. We must establish a system by which to allow people seeking work to enter the country in a safe manner, through controlled ports of entry—freeing up Federal agents to monitor the border and focus their efforts on the individuals who do pose a potential threat to our national security.

We can no longer afford to bury our heads in the sand and expect this problem to go away. Anyone who has visited the border and seen the challenges we face first hand or who hears of the number of unnecessary deaths, must recognize that we can no longer ignore this problem. It is time we dispense with partisan politics and put human lives and our national security above special interest groups. I hold no illusions. Reforming our Nation's immigration laws will not be an easy task. This will be a long and arduous process, however we must not let the difficulty dissuade us from trying, and this legislation represents a meaningful first step. I am committed to this issue and to working towards a balanced solution to this crisis.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Security and Immigration Improvement Act".

SEC. 2. NEW NONIMMIGRANT WORKER VISA CATEGORIES.

Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended—

(1) by striking "or (iii)" and inserting "(iii)"; and

(2) by striking "and the alien spouse" and inserting the following:

"or (iv)(a) subject to section 218A, who is coming to the United States to fill a job opportunity for temporary full-time employment at a place in the United States; or (b) whose status is adjusted under section 251 and who (except in the case of a spouse or child provided derivative status) is employed in the United States; and, except as provided in sections 218A and 251, the alien spouse".

SEC. 3. ADMISSION OF TEMPORARY H-4A WORKERS.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 218 the following:

"ADMISSION OF TEMPORARY H-4A WORKERS

"SEC. 218A. (a) PETITION.—In the case of a petition under section 214(c) initially to grant an alien nonimmigrant status described in section 101(a)(15)(H)(iv)(a), the Secretary of Homeland Security—

"(1) shall impose a fee on the petitioning employer of—

"(A) $1000, in the case of an employer employing more than 500 employees; or

"(B) $500, in the case of any other employer; and

"(2) shall approve the petition only after determining that the petitioning employer—

"(A) has satisfied the recruitment requirements of subsection (i); and

"(B) has attested in such petition that the employer—

"(i) with respect to the employment eligibility confirmation system established under subsection (j)—

"(I) will use such system to verify the alien's identity and employment authorization after such approval and before the commencement of employment;

"(II) will advise the alien of any nonconfirmation with respect to the alien provided by such system; and

"(III) will provide the alien an opportunity to correct the information in the system causing such nonconfirmation before revoking the offer of employment in order that the requirement of subclause (I) is satisfied before the commencement of employment;

"(ii) will provide the nonimmigrant the same benefits, wages, and working conditions provided to other employees similarly employed in the same occupation at the place of employment;

"(iii) will require the nonimmigrant to work hours commensurate with those of such other employees;

"(iv) will not ask the nonimmigrant to refrain from accepting work for any competitor of the employer;

"(v) did not displace and will not displace a United States worker (as defined in section 212(n)(4)) employed by the employer within the period beginning 90 days before and ending 90 days after the date of filing of the petition; and

"(vi) otherwise will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to the nonimmigrant.

"(b) NONIMMIGRANT VISAS.—

"(1) NO FEE.—Neither the Secretary of State, nor the Secretary of Homeland Security, shall authorize the imposition of an application fee on an alien seeking a nonimmigrant visa under section 101(a)(15)(H)(iv)(a) in an amount that exceeds the actual cost of processing and adjudicating such application.

"(2) BIOMETRIC IDENTIFIERS.—The Secretary of State and the Secretary of Homeland Security shall issue to aliens obtaining status under section 101(a)(15)(H)(iv)(a) only machine-readable, tamper-resistant visas and other travel and entry documents that use biometric identifiers. The Secretary of State and the Secretary of Homeland Security shall jointly establish document authentication standards and biometric identifier standards to be employed on such visas and other travel and entry documents from among those biometric identifiers recognized by domestic and international standards organizations.

"(3) PHYSICAL EXAMINATION.—Prior to the issuance of a nonimmigrant visa to any alien under section 101(a)(15)(H)(iv)(a), the consular officer shall require such alien to submit to a medical examination to ascertain whether such alien is ineligible to receive a visa on a health-related ground.

"(4) PRIORITY FOR VISITOR VISAS FOR IMMEDIATE RELATIVES.—In the case of an alien who is the spouse, parent, son, or daughter of a nonimmigrant described in section 101(a)(15)(H)(iv), if the alien is applying for a nonimmigrant visa under section 101(a)(15)(B)—

"(A) the alien's application shall be given priority; and

"(B) notwithstanding sections 214(b) and 291, in establishing that the alien has a residence in a foreign country which the alien has no intention of abandoning, the burden of proof required shall not be greater than a preponderance of the evidence.

"(5) VISITS OUTSIDE UNITED STATES.—Pursuant to regulations established by the Secretary of Homeland Security, an alien having status as a nonimmigrant described in section 101(a)(15)(H)(iv)(a) may make brief visits outside the United States and may be readmitted without having to obtain a new visa. Such periods of time spent outside the United States shall not cause the period of authorized admission in the United States to be extended.

"(c) PERIOD OF AUTHORIZED ADMISSION.—

"(1) INITIAL PERIOD.—In the case of a nonimmigrant described in section 101(a)(15)(H)(iv)(a), the initial period of authorized admission as such a nonimmigrant shall be 3 years.

"(2) RENEWALS.—

"(A) IN GENERAL.—The Secretary of Homeland Security may extend such period not more than once, in a 3-year increment.

"(B) TREATMENT OF LONG-TERM EMPLOYEES.—In any case in which a nonimmigrant has held a job for 3 years or more, an extension under subparagraph (A) may be granted only upon the filing of a petition by the nonimmigrant's employer establishing that—

"(i) not earlier than 2 months prior to such filing, the employer advertised the availability of the nonimmigrant's job exclusively to United States workers for not less than 14 days using the electronic job registry described in subsection (i); and

"(ii) the employer offered the job to any eligible United States worker who applied by means of such registry and was equally or better qualified for such job and available at the time and place of need.

(C) NO FEES.—The Secretary of Homeland Security shall not impose a fee on a petitioning employer in the case of a petition to extend the stay of an alien having nonimmigrant status described in section 101(a)(15)(H)(iv)(a).

"(3) LOSS OF EMPLOYMENT.—

"(A) IN GENERAL.—Subject to subsection (e), any period of authorized admission of an alien having nonimmigrant status described in section 101(a)(15)(H)(iv)(a) shall terminate if the nonimmigrant is unemployed for 45 or more consecutive days.

"(B) RETURN TO FOREIGN RESIDENCE.—An alien whose period of authorized admission terminates under subparagraph (A) shall be required to return to the country of the alien's nationality or last residence.

"(C) VISA VALIDITY.—An alien whose period of authorized admission terminates under subparagraph (A), and who returns to the country of the alien's nationality or last residence under subparagraph (B), may reenter the United States on the basis of the same visa to resume the status existing at the time of the alien's departure if the alien satisfies all the other requirements otherwise applicable to an alien seeking an initial grant of status under section 101(a)(15)(H)(iv)(a). The period of authorized admission of an alien entering under this subparagraph shall expire on the date on which it would have expired had the alien not been required to depart the United States.

"(d) RETURN TRANSPORTATION.—

"(1) IN GENERAL.—In the case of an alien who is provided nonimmigrant status under section 101(a)(15)(H)(iv)(a) and who is dismissed without cause from employment by the employer before the end of the period of authorized admission, the employer shall be liable for the reasonable costs of return transportation of the alien abroad and may not require or permit the alien to reimburse, or otherwise compensate, the employer for part or all of such costs.

"(2) CIVIL MONEY PENALTY.—If the Secretary of Homeland Security finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1), the Secretary—

"(A) shall require the employer to pay each nonimmigrant with respect to whom such a failure occurs the costs owed under paragraph (1); and

"(B) may impose a civil money penalty in an amount not to exceed $5,000 for each nonimmigrant with respect to whom such a failure occurs.

"(e) PORTABILITY.—

"(1) IN GENERAL.—A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(iv)(a) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). The Secretary of Homeland

Security shall impose a fee for such a petition consistent with the fee imposed under subsection (a)(1). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, no other such petition is pending, and the alien has ceased employment with the previous employer, such authorization shall cease and the alien shall be required to return to the country of the alien's nationality or last residence in accordance with subsection (c)(3).

“(2) ALIENS DESCRIBED.—A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

“(A) who has been lawfully admitted into the United States;

“(B) on whose behalf an employer has filed a nonfrivolous petition for new employment not later than 45 days after the last date on which the employee was lawfully employed in the United States; and

“(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States.

“(f) TREATMENT OF SPOUSES AND CHILDREN.—

“(1) SPOUSES.—A spouse of an alien having nonimmigrant status described in section 101(a)(15)(H)(iv)(a) shall not be eligible for derivative status by accompanying or following to join the alien. Such a spouse may obtain status under section 101(a)(15)(H)(iv)(a) based only on an independent petition filed by an employer petitioning under subsection (a) with respect to the employment of the spouse.

“(2) CHILDREN.—A child of an alien having nonimmigrant status described in section 101(a)(15)(H)(iv)(a) shall not be eligible for the same nonimmigrant status unless—

“(A) the child is accompanying or following to join the alien; and

“(B) the alien is the sole custodial parent of the child or both custodial parents of the child have obtained such status.

“(3) SPECIAL RULE FOR SPOUSES AND CHILDREN OF FORMER H–4B NONIMMIGRANTS.—In the case of a spouse or child of an alien who was a nonimmigrant described in section 101(a)(15)(H)(iv)(b) before obtaining a change in nonimmigrant status to that of a nonimmigrant under section 101(a)(15)(H)(iv)(a), the spouse or child shall be eligible for nonimmigrant status under section 101(a)(15)(H)(iv)(a) if the principal alien is the only alien among them authorized to be employed in the United States.

“(g) GROUNDS FOR INELIGIBILITY.—

“(1) BAR TO FUTURE VISAS FOR CONDITION VIOLATIONS.—Any alien having nonimmigrant status described in section 101(a)(15)(H)(iv)(a) shall not again be eligible for the same nonimmigrant status if the alien violates any term or condition of such status.

“(2) ALIENS UNLAWFULLY PRESENT.—Any alien who enters the United States after August 1, 2003, without being admitted or paroled shall be ineligible for nonimmigrant status described in section 101(a)(15)(H)(iv)(a) during the 3-year period beginning on the date of such alien's departure or removal from the United States,

“(h) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—

“(1) IN GENERAL.—For purposes of adjustment of status under section 245(a), employment-based immigrant visas shall be made available without numerical limitation to an alien having nonimmigrant status described in section 101(a)(15)(H)(iv)(a) upon the filing of a petition for such a visa—

“(A) by the alien's employer; or

“(B) by the alien, but only if the alien has maintained such nonimmigrant status for at least 3 years.

“(2) CONSTRUCTION.—The fact that an alien is the beneficiary of a petition described in paragraph (1), or has otherwise sought permanent residence in the United States, shall not constitute evidence of ineligibility for nonimmigrant status under section 101(a)(15)(H)(iv)(a).

“(3) SPECIAL RULE FOR FORMER H–4B NONIMMIGRANTS.—In the case of an alien who was a nonimmigrant described in section 101(a)(15)(H)(iv)(b) before obtaining a change in nonimmigrant status to that of a nonimmigrant under section 101(a)(15)(H)(iv)(a), in determining admissibility for purposes of adjustment of status under section 245(a), the grounds for inadmissibility specified in paragraphs (6)(A), (6)(B), (6)(C), (7)(A), and (9)(B) of section 212(a) shall not apply.

“(i) MANDATORY USE OF ELECTRONIC JOB REGISTRY.—

“(1) ADVERTISEMENT OF JOB OPPORTUNITY TO U.S. WORKERS.—In order to satisfy the recruitment requirements of this subsection, the employer shall have—

“(A) taken good faith steps to recruit United States workers for the job for which the nonimmigrant is sought, including advertising the job opportunity exclusively to United States workers for not less than 14 days on an electronic job registry established by the Secretary of Labor (or a designee of the Secretary, which may be a nongovernmental entity) to carry out this section;

“(B) offered the job to any United States worker who applied by means of such registry and was equally or better qualified for the job for which the nonimmigrant was sought; and

“(C) advertised and offered the job to individuals other than United States workers solely by means of such registry and after the termination of such 14-day period.

“(2) EXCEPTION.—The requirements of this subsection shall not apply to any employer who is continuing—

“(A) employment of an employee granted a change in nonimmigrant status from that of a nonimmigrant under section 101(a)(15)(H)(iv)(b) to that of a nonimmigrant under section 101(a)(15)(H)(iv)(a); or

“(B) self-employment after being granted such a change in status.

“(3) AVAILABILITY OF JOB REGISTRY INFORMATION.—

“(A) CIRCULATION IN INTERSTATE EMPLOYMENT SERVICE SYSTEM.—The Secretary of Labor shall ensure that job opportunities advertised on the electronic job registry established under this subsection are circulated through the interstate employment service system and otherwise furnished to State public employment services throughout the country.

“(B) INTERNET.—Consistent with subsection (c)(2)(B) and this subsection, the Secretary of Labor shall ensure that the electronic job registry established under this subsection may be accessed by all interested workers, employers, and labor organizations by means of the Internet.

“(4) DEFINITION.—For purposes of this subsection, the term ‘United States worker’ means an individual who—

“(A) is a citizen or national of the United States; or

“(B) is an alien who is lawfully admitted for permanent residence, is admitted as a refugee under section 207, is granted asylum under section 208, or is an immigrant otherwise authorized, by this Act or by the Secretary of Homeland Security, to be employed.

“(j) EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall establish a confirmation system through which the Secretary (or a designee of the Secretary, which may be a nongovernmental entity)—

“(A) responds to inquiries made by persons and other entities (including those made by the transmittal of data from machine-readable documents) at any time through a toll-free telephone line or other toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and

“(B) maintains records of the inquiries that were made, of confirmations provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under the this Act.

“(2) INITIAL RESPONSE.—The confirmation system shall provide confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing confirmation or tentative nonconfirmation, the confirmation system shall provide an appropriate code indicating such confirmation or such nonconfirmation.

“(3) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Secretary of Homeland Security shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation within 10 working days after the date of the tentative nonconfirmation. When final confirmation or nonconfirmation is provided, the confirmation system shall provide an appropriate code indicating such confirmation or nonconfirmation.

“(4) DESIGN AND OPERATION OF SYSTEM.—The confirmation system shall be designed and operated—

“(A) to maximize its reliability and ease of use consistent with insulating and protecting the privacy and security of the underlying information;

“(B) to respond to all inquiries made by employers seeking to employ nonimmigrants described in section 101(a)(15)(H)(iv) on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

“(C) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

“(D) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

“(i) the selective or unauthorized use of the system to verify eligibility;

“(ii) the use of the system prior to an offer of employment; or

“(iii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants.

“(5) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—

“(A) IN GENERAL.—As part of the confirmation system, the Commissioner of Social Security, in consultation with the entity responsible for administration of the system, shall use the information maintained by the Commissioner to assist in confirming (or not confirming) the identity and employment eligibility of an individual in a manner that is determined by the Secretary of Homeland Security to be reliable, secure, not susceptible to identity theft, and to minimize fraud. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

"(6) RESPONSIBILITIES OF THE SECRETARY.—As part of the confirmation system, the Secretary of Homeland Security, in consultation with the entity responsible for administration of the system, shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name of the alien, the alien identification or authorization number, the date, and the workplace location which are provided in an inquiry against such information maintained by the Secretary in order to confirm (or not confirm) the identity and employment eligibility of an individual in a manner that is determined by the Secretary to be reliable, secure, not susceptible to identity theft, and to minimize fraud.

"(7) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in paragraph (3).

"(8) LIMITATION ON USE.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this subsection for any other purpose other than as provided for under this section or section 251.

"(k) ENFORCEMENT OF EMPLOYER OBLIGATIONS.—

"(1) IN GENERAL.—

"(A) SECRETARY OF HOMELAND SECURITY.—Except as provided in paragraphs (2) and (3), if the Secretary of Homeland Security finds, after notice and opportunity for a hearing, a failure to meet a condition of subsection (a)(2), the Secretary may impose a civil money penalty in an amount not to exceed **$10,000** for each nonimmigrant with respect to whom such a failure occurs.

"(B) SECRETARY OF LABOR.—Except as provided in paragraphs (2) and (3), the Secretary of Labor exclusively may exercise any enforcement authority granted in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to address a failure to meet a condition of subsection (a)(2).

"(2) PROHIBITION ON FEE REIMBURSEMENT.—An employer who has filed a petition under section 214(c) to grant an alien nonimmigrant status described in section 101(a)(15)(H)(iv)(a) may not require the alien to reimburse, or otherwise compensate, the employer for part or all of the cost of the fee imposed under subsection (a)(1). It is a violation of this paragraph for such an employer otherwise to accept any reimbursement or compensation from such an alien as a condition on employment. If the Secretary of Homeland Security finds, after notice and opportunity for a hearing, a violation of this paragraph, the Secretary may impose a civil money penalty in an amount not to exceed **$10,000** for each such violation.

"(3) REQUIRED USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to use the employment eligibility confirmation system established under subsection (j) to verify a nonimmigrant's identity and employment authorization before the commencement of employment, or any other violation of subsection (a)(2)(B)(i), the Secretary may impose a civil money penalty in an amount not to exceed **$5,000** for each nonimmigrant with respect to whom such a violation occurs.

"(4) WAGE PROTECTIONS.—For purposes of subsection (a)(2)(B)(ii), all provisions of Federal, State, and local law pertaining to payment of wages shall apply to nonimmigrants described in section 101(a)(15)(H)(iv)(a) in the same manner as they apply to other employees similarly employed in the same occupation at the place of employment.

"(l) LABOR RECRUITERS.—The Secretary of Labor shall develop rules regulating the conduct of labor recruiters under this section.".

(b) EXEMPTION FROM NUMERICAL LIMITATIONS ON ADJUSTMENT OF STATUS.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

"(F) Nonimmigrants described in section 101(a)(15)(H)(iv)(a) whose status is adjusted to permanent resident under section 245(a).".

(c) CONFORMING AMENDMENT REGARDING PRESUMPTION OF NONIMMIGRANT STATUS.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by striking "(other than a nonimmigrant described in subparagraph (H)(i), (L), or (V) of section 101(a)(15))" and inserting "(other than a nonimmigrant described in subparagraph (L) or (V) of section 101(a)(15), and other than a nonimmigrant described in clause (i) or (vi)(a) of section 101(a)(15)(H))".

(d) ASSISTANCE TO FOREIGN GOVERNMENTS.—The Secretary of Labor and the Secretary of State shall consult with and advise foreign governments in the use and construction of facilities to assist their nationals in obtaining nonimmigrant status under section 101(a)(15)(H)(iv)(a) of the Immigration and Nationality Act, as added by section 2.

(e) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

"Sec. 218A. Admission of temporary H-4A workers.".

SEC. 4. ADJUSTMENT OF STATUS TO THAT OF H-4B NONIMMIGRANT.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by inserting after section 250 the following:

"ADJUSTMENT OF STATUS TO THAT OF H-4B NONIMMIGRANTS

"SEC. 251. (a) IN GENERAL.—The Secretary of Homeland Security may adjust the status of an alien to that of a nonimmigrant under section 101(a)(15)(H)(iv)(b) if the alien meets the following requirements:

"(1) UNLAWFUL RESIDENCE SINCE 2003.—

"(A) IN GENERAL.—The alien must establish that the alien entered the United States before August 1, 2003, and has resided in the United States in an unlawful status since such date and through the date the application is filed under this subsection.

"(B) NONIMMIGRANTS.—In the case of an alien who entered the United States as a nonimmigrant before August 1, 2003, the alien must establish that the alien's period of authorized stay as a nonimmigrant expired before such date through the passage of time or the alien's unlawful status was known to the Federal Government as of such date.

"(C) EXCHANGE VISITORS.—If the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien must establish that the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof.

"(2) ADMISSIBLE AS IMMIGRANT.—The alien must establish that the alien—

"(A) is not inadmissible to the United States under paragraph (2), (3), or (4) of section 212(a);

"(B) has not been convicted of any felony or misdemeanor committed in the United States, excluding crimes related to unlawful entry or presence in the United States and crimes related to document fraud undertaken for the purpose of satisfying a requirement of this Act or obtaining a benefit under this Act; and

"(C) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(3) EMPLOYED.—The alien must establish that the alien—

"(A) was employed in the United States before August 1, 2003, and has worked in the United States since such date and through the date the application is filed under this subsection; or

"(B) is the spouse or child of an alien who satisfies the requirement of subparagraph (A).

"(b) APPLICATION FEE.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall provide for a fee to be charged for the filing of applications for adjustment of status under this section. Such fee shall be sufficient to cover the administrative and other expenses incurred in connection with the review of such applications.

"(2) PENALTY PAYMENT.—

"(A) IN GENERAL.—In addition to the fee imposed under paragraph (1), except as provided in subparagraph (B), the Secretary of Homeland Security may accept an application for adjustment of status under this section only if the alien remits with such application **$1,500**, but such sum shall not be required from a child under the age of 17.

"(B) WAGE GARNISHMENT.—

"(i) IN GENERAL.—In lieu of paying the sum under subparagraph (A) upon filing the application, an alien may elect to pay such sum by having the Secretary of Homeland Security garnish 10 percent of the disposable pay of the alien, in accordance with section 3720D of title 31, United States Code.

"(ii) INTEREST.—In the case of an outstanding debt created by an election under clause (i), the Secretary of Homeland Security shall charge an annual fixed rate of interest on the debt that is equal to the bond equivalent rate of 5-year Treasury notes auctioned at the final auction held prior to the date on which interest begins to accrue.

"(iii) FINAL PAYMENT.—Any outstanding debt created by an election under clause (i), and any interest due under clause (ii), shall be considered delinquent if not paid in full 30 days after the end of the alien's period of authorized stay as a nonimmigrant described in section 101(a)(15)(H)(iv)(b).

"(3) USE OF FUNDS FOR ADMINISTERING PROGRAM.—

"(A) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'H-4B Nonimmigrant Applicant Account'. Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the account all fees and penalties collected under this subsection.

"(B) EXPENDITURE.—Amounts deposited into the H-4B Nonimmigrant Petitioner Account shall remain available to the Secretary of Homeland Security until expended to carry out duties related to nonimmigrants described in section 101(a)(15)(H)(iv)(b).

"(c) ADMISSIONS.—Nothing in this section shall be construed as authorizing an alien to apply for admission to, or to be admitted to, the United States in order to apply for adjustment of status under this section.

"(d) STAY OF REMOVAL.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall provide by regulation for an alien subject to a final order of deportation or removal to seek a stay of such order based on the filing of an application under subsection (a).

"(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Secretary of Homeland Security shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Secretary has rendered a final administrative determination to deny the application.

"(e) PERIOD OF AUTHORIZED STAY.—In the case of a nonimmigrant described in section 101(a)(15)(H)(iv)(b), the period of authorized stay as such a nonimmigrant shall be 3 years. The Secretary of Homeland Security may not authorize a change from such nonimmigrant classification to any other immigrant or nonimmigrant classification until the termination of such 3-year period. Such period may not be extended except in the discretion of the Secretary and for a reasonable time solely in order to accommodate the processing of an application for a change in nonimmigrant status to that of a nonimmigrant under section 101(a)(15)(H)(iv)(a) pursuant to a petition described in section 218A(a).

"(f) REQUIRED USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—

"(1) IN GENERAL.—It is unlawful for a person or other entity to hire for employment in the United States a nonimmigrant described in section 101(a)(15)(H)(iv)(b) without—

"(A) using the employment eligibility confirmation system established under section 218A(j) to verify the nonimmigrant's identity and employment authorization before the commencement of employment;

"(B) advising the nonimmigrant of any nonconfirmation with respect to the nonimmigrant provided by such system; and

"(C) providing the nonimmigrant an opportunity to correct the information in the system causing such nonconfirmation before revoking the offer of employment in order that the requirement of subparagraph (A) is satisfied before the commencement of employment.

"(2) CIVIL MONEY PENALTY.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a violation of paragraph (1), the Secretary may impose a civil money penalty in an amount not to exceed $5,000 for each nonimmigrant with respect to whom such a violation occurs.

"(g) EXTENSION OF H-4A LABOR PROTECTIONS TO H-4B NONIMMIGRANTS.—A person or other entity employing a nonimmigrant described in section 101(a)(15)(H)(iv)(b) shall comply with the requirements of clauses (ii) through (vi) of section 218A(a)(2) in the same manner as an employer having an approved petition described in section 218A(a). The Secretary of Labor exclusively may exercise any enforcement authority granted in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to address a failure to meet a requirement of this subsection.".

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 250 the following:

"Sec. 251. Adjustment of status to that of H-4B nonimmigrant.".

SEC. 5. INCREASED FUNDS FOR UNITED STATES EMPLOYMENT SERVICE.

There are authorized to be appropriated to the Secretary of Labor such additional sums as may be necessary for fiscal year 2004 and subsequent fiscal years to permit the United States Employment Service to assist State public employment services in meeting any increased demand for services by employers and persons seeking employment engendered by the amendments made by this Act.

By Mr. CHAMBLISS (for himself and Mr. MILLER):

S. 1462. A bill to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the Cumberland Island National Seashore Wilderness Boundary Act. With the introduction of this important legislation, we will be able to better preserve and manage one of Georgia's unique islands. The purpose of this bill is to allow for more efficient management of the Cumberland Island National Seashore and to preserve the historical and ecological significance of the island.

As one of Georgia's Golden Isles, Cumberland Island is truly a historical and ecological masterpiece encompassing 36,415 acres. The island contains a 5000-year history of human habitation that is inscribed into the natural landscape of the island. This history can be seen by visiting the early Indian burial grounds to the vast plantations that were once home to abundant corn, cotton, and rice fields, as well as the workers who tended the land. And we cannot forget about the rich ecological environment found on Cumberland Island. It is one that many sea turtles, marsh microorganisms, and abundant shore birds call home amongst the numerous dune fields, salt marshes, and maritime forest areas. These historic and natural resources are important elements of Cumberland Island's past, present, and future.

As many of you know, I am an avid outdoorsman and conservationist. I am a supporter of sound wildlife management and the preservation of our Nation's unique and complex history. Another key point that I wish to make is that this history has been preserved for all of us to see and experience. Under the enactment of Public Law 97-250, 96 Stat. 709, in 1982, Congress designated approximately 8,840 acres of Cumberland Island as wilderness under the national wilderness preservation system and authorized an additional 11,718 acres to be designated as potential wilderness. Currently, the main road on the island passes through the designated wilderness area. Due to the location of the designated wilderness area, access to historic settlements such as: Plum Orchard Mansion and Dungeness, both former homes of Andrew Carnegie descendants; the First African Baptist Church established in 1893 and rebuilt in the 1930s; as well as the High Point/Half Moon Bluff historic district, is severely restricted. Such restrictions make it extremely difficult for visitors to experience this unique collection of Georgia's history and diverse ecology. I believe that history and nature can best be appreciated when one is given the opportunity to experience it firsthand. It is vitally important for the unique history and ecology of Cumberland Island to be properly managed and protected so that many generations to come will be able to experience this beautiful treasure found in the State of Georgia.

The nature and history of Cumberland Island needs to be preserved and managed in such a manner that will allow many generations to experience this golden treasure of Georgia. The Cumberland Island National Seashore Wilderness Boundary of 2003 will do just that. This bill will allow for greater access to key areas of the island by removing the Main Road, the Spur Road to Plum Orchard, as well as the North Cut Road from the previously designated wilderness area. Further, the bill allows for the addition of 210 acres to the wilderness area upon acquisition by the National Park Service. I should clarify and stress that this bill does not suggest that we open this land to the public for further habitation and degradation of the area's natural history and ecological habitats. The purpose of this bill is very simple—I want to improve the management and preservation of Cumberland Island's history and diverse ecosystem so that others in the future will be able to experience and learn about the treasures of the Golden Isles and all that they represent.

It is crucial that Cumberland Island's history and unique ecosystem is properly managed and protected. We want to ensure that these treasures are available to all of our Nation's citizens to experience and enjoy. This bill allows Congress to address this issue and to make the necessary changes so that Cumberland Island can remain as one of Georgia's treasured Golden Isles for many years to come.

By Mr. HAGEL (for himself and Mr. DORGAN):

S. 1464. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland to encourage the continued use of the property for farming, and for other purposes; to the Committee on Finance.

Mr. HAGEL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Beginning Farmers and Ranchers Tax Incentive Act of 2003".

SEC. 2. EXCLUSION OF GAIN FROM SALE OF CERTAIN FARMLAND.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by adding after section 121 the following new section:

"SEC. 121A. EXCLUSION OF GAIN FROM SALE OF QUALIFIED FARM PROPERTY.

"(a) EXCLUSION.—In the case of a natural person, gross income shall not include—

"(1) 100 percent of the gain from the sale or exchange of qualified farm property to a first-time farmer (as defined in section 147(c)(2)(C) (determined without regard to clause (i)(II) thereof)) who certifies that the use of such property shall be as a farm for farming purposes for not less than 10 years after such sale or exchange,

"(2) 50 percent of the gain from the sale or exchange of qualified farm property to any other person who certifies that the use of such property shall be as a farm for farming purposes for not less than 10 years after such sale or exchange, and

"(3) 25 percent of the gain from the sale or exchange of qualified farm property to any other person for any other use.

"(b) LIMITATION ON AMOUNT OF EXCLUSION.—

"(1) IN GENERAL.—The amount of gain excluded from gross income under subsection (a) with respect to any taxable year shall not exceed **$500,000 ($250,000** in the case of a married individual filing a separate return), reduced by the aggregate amount of gain excluded under subsection (a) for all preceding taxable years.

"(2) SPECIAL RULE FOR JOINT RETURNS.—The amount of the exclusion under subsection (a) on a joint return for any taxable year shall be allocated equally between the spouses for purposes of applying the limitation under paragraph (1) for any succeeding taxable year.

"(c) QUALIFIED FARM PROPERTY.—

"(1) QUALIFIED FARM PROPERTY.—For purposes of this section, the term 'qualified farm property' means real property located in the United States if, during periods aggregating 3 years or more of the 5-year period ending on the date of the sale or exchange of such real property—

"(A) such real property was used as a farm for farming purposes by the taxpayer or a member of the family of the taxpayer, and

"(B) there was material participation by the taxpayer (or such a member) in the operation of the farm.

"(2) DEFINITIONS.—For purposes of this subsection, the terms 'member of the family', 'farm', and 'farming purposes' have the respective meanings given such terms by paragraphs (2), (4), and (5) of section 2032A(e).

"(3) SPECIAL RULES.—For purposes of this section, rules similar to the rules of paragraphs (4) and (5) of section 2032A(b) and paragraphs (3) and (6) of section 2032A(e) shall apply.

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsection (e) and subsection (f) of section 121 shall apply.

"(e) TREATMENT OF DISPOSITION OR CHANGE IN USE OF PROPERTY.—

"(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified farm property transferred to the taxpayer in a sale or exchange described in paragraph (1) or (2) of subsection (a), then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable recapture percentage, and

"(B) 10 percent of the taxpayer's adjusted basis in the property on the date such property was transferred to the taxpayer.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs in:	**The applicable recapture percentage is:**
Years 1 through 5	100
Year 6	80
Year 7	60
Year 8	40
Year 9	20
Years 10 and thereafter	0.

"(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the date of the sale or exchange described in paragraph (1) or (2) of subsection (a).

"(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

"(A) CESSATION OF OPERATION.—The cessation of the operation of any property the sale or exchange of which to the taxpayer is described in paragraph (1) or (2) of subsection (a) as a farm for farming purposes.

"(B) CHANGE IN OWNERSHIP.—

"(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in any property the sale or exchange of which to the taxpayer is described in paragraph (1) or (2) of subsection (a).

"(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the property agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the property shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

"(4) SPECIAL RULES.—

"(A) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

"(B) NO RECAPTURE BY REASON OF HARDSHIP.—The increase in tax under this subsection shall not apply to any disposition of property or cessation of the operation of any property as a farm for farming purposes by reason of any hardship as determined by the Secretary.".

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding after the item relating to section 121 the following new item:

"Sec. 121A. Exclusion of gain from sale of qualified farm property.".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to any sale or exchange on or after the date of the enactment of this Act, in taxable years ending after such date.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 1465. A bill to authorize the President to award a gold medal on behalf of Congress honoring Wilma G. Rudolph, in recognition of her enduring contributions to humanity and women's athletics in the United States and the world; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FRIST. Mr. President, today Senator ALEXANDER and I introduce legislation to award a Congressional Gold Medal to Clarksville, Tennessee native Wilma Rudolph for her contributions to women's athletics and racial equality in the United States and the world.

I take a moment to say a few words about this remarkable woman.

Wilma was the 20th of 22 children in her packed family. After overcoming scarlet fever, double pneumonia and polio, Wilma went onto win three Olympic gold medals in track and field. She became an international star and a hero to the people of Tennessee. Wilma showed the world that hard work and determination could overcome nearly anything.

Wilma was inducted into the National Track and Field Hall of Fame in 1973 and received the Humanitarian of the Year Award of the Special Olympics in 1985. She was the first woman to ever receive the National Collegiate Athletic Association's Silver Anniversary Award in 1987. And in 1989 earned the Jackie Robinson Image Award of the National Association for the Advancement of Colored People. Wilma remains the only woman ever to have received the National Sports Award, which she was granted in 1993.

Wilma Rudolph is an inspiration to all Tennesseans and is eminently deserving of the Congressional Gold Medal.

I urge my colleagues to confer this well earned honor.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) Wilma G. Rudolph of Clarksville, Tennessee, the 20th of 22 children, overcame a series of childhood diseases, including scarlet fever, double pneumonia, and polio, to become an athletic pioneer and champion in

the State of Tennessee, the United States, and the world, first as an outstanding basketball player and track athlete in Tennessee, then as a 3-time gold medal winner in the 1960 Olympics in Rome, and finally as a pioneer for racial equality, goodwill, and justice;

(2) Wilma G. Rudolph's winning of 3 gold medals in the 1960 Olympics served as an inspiration to athletes of all sports, all races, and both genders;

(3) Wilma G. Rudolph's ability to inspire endured after her performance in the 1960 Olympics, as demonstrated by—

(A) her receipt in 1987 of the National Collegiate Athletic Association's Silver Anniversary Award, the first time a woman ever received the award;

(B) her receipt of the 1989 Jackie Robinson Image Award of the National Association for the Advancement of Colored People (NAACP);

(C) her induction into the National Track and Field Hall of Fame in 1973;

(D) her receipt of the 1985 Humanitarian of the Year Award of the Special Olympics; and

(E) her receipt in 1993 of the National Sports Award, the only time a woman has received the award;

(4) Wilma G. Rudolph, a graduate of Tennessee State University, a successful businessperson, a mother, an athlete, a coach, and a teacher, who passed away on November 12, 1994, will forever remain an inspiration to all able-bodied and physically-challenged individuals in overcoming odds;

(5) Wilma G. Rudolph blazed a trail that helped all people understand the contributions of women to the world of athletics;

(6) the legacy of Wilma G. Rudolph continues to serve as a particular inspiration to women; and

(7) Wilma G. Rudolph's life truly embodied the American values of hard work, determination, and love of humanity.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to the family of Wilma G. Rudolph, on behalf of Congress, a gold medal of appropriate design honoring Wilma G. Rudolph (posthumously) in recognition of her outstanding and enduring contributions to humanity and to women's athletics, in the United States and the world.

(b) DESIGN AND STRIKING.—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

By Ms. MURKOWSKI:

S. 1466. A bill to facilitate the transfer of land in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Alaska Land Transfer Acceleration Act of 2003 will transfer millions of acres of land to Alaska Natives, the State of Alaska and to Native Corporations by 2009. The Federal agencies in Alaska have management jurisdiction of over 63 percent of the State. It is time to transfer these public lands from Federal Government control to private ownership. This legislation creates a strategic plan for the Bureau of Land Management to finally resolve long-standing land survey, land entitlement issues and land claims issues, some of which date back to 1906. Since 1906 Congress has enacted other legislation that requires the BLM to transfer public lands to Alaska Natives, the State of Alaska and to Alaska Native Corporations.

The land conveyance program is the largest and most complex of any in United States history. For many years, BLM's primary goal was to convey title to unsurveyed lands to the State and Native Corporations by tentative approval and interim conveyance, respectively. This management practice allowed the State and Native Corporations to manage their lands, subject only to the survey of the final boundary.

This legislation will accelerate release of lands for conveyance to Native coporations and the State of Alaska. It will complete land patterns to allow land owners to more efficiently manage their land. It will clarify that certain minerals can be transferred to Native landowners. And frankly, split estates can be minimized. The University will be given the opportunity to select the remaining Federal interests in lands the University already owns, that will likely produce economic opportunities not presently available under this land lock.

The complexity of land patterns and uses in Alaska is evident in the presence of federal mining claims that are within lands owned or selected by the State of Alaska. Our legislation would clarify miners' right to convert from Federal to State claims without jeopardizing ongoing mining operations. At the same time, BLM would be allowed to expedite conveyances to the State. Properly maintained Federal claims will continue to be excluded from conveyance. Entitlements to the State will remain secure. The miner will decide when or whether to convert his claims to State claims.

For too many years, individuals, Native corporations and the State have been patiently waiting to receive title to their land. In 1958 the State of Alaska was promised 104 million acres of land, and has to date received final title to only 42 million acres; less than half of what is due. Of the 44 million acres of land that the Native Corporations are entitled to, only about a third has been conveyed or about 15 million acres. Worse, yet, are the 2,500 parcels pending title to Native individuals out of 16,000 parcels. Almost 14,000 parcels are still awaiting basic adjudication to even make a determination of land transfer. Too much land is hanging in the balance that must be surveyed and patented to rightful owners. Between now and the sunset of this bill in 2009, more than 89 million acres must be surveyed on State and Native Corporation lands. The lands that are awaiting survey do not include lands that will eventually be titled to Native individuals; these lands too must first be surveyed.

While some Native allotments have been conveyed, issues have arisen to challenge final conveyance to the land. Such challenges have included whether actual use of land occurred; the location of the parcel; or even who should receive title to the land. Sadly, some of the original Native allotment applicants have died waiting to receive title or have disputes resolved. Oftentimes, the death of an applicant can present the agency with chain of title questions to determine who the rightful heir is, causing further delays to getting the lands transferred.

Some disputes have been easier to handle than others, resulting in settlement through an administrative appeals process. The Federal agencies have been hampered by many administrative and legal obstacles. There have been court decisions and lawsuit settlements, new legislation creating new rights of changing rules midstream. Old cases have been reopened that have created new land patterns for adjudication and survey. The administrative appeals process was designed to be efficient, and immediately accessible to individuals who believe they have been adversely impacted by actions taken by the BLM. In too many instances this process has resulted in long delays that hinder the BLM from finalizing its work. In the meantime, the applicant suffers at the hands of a process that generally takes years just for a case to be reviewed for resolution.

This legislation will provide the BLM with broader authority for solving many of the problems associated with land claims affecting all disputes that occur in Alaska. When disputes arise over the adjudication of land claims, BLM needs to have full authority to work in a more collaborative environment with its clientele.

This legislation will provide the BLM the opportunity to caucus with its clients. It will allow for a process of negotiation to gain consensus on final resolution of land applications. What has been missing all these years is the flexibility for the Federal agencies to work in such a cooperative fashion. This new process is intended to be free of complicated rules that have plagued the agency to finding solutions. Resolution and closure must come quicker.

Mr. President, I give great credit to the management and the employees of the BLM Alaska for their efforts over the years to transfer the land. They have proven to be dedicated and committed public servants. I believe they have tried to do the right thing; they just need the tools and the resources. They want to close the books on the Alaska conveyance program once and for all, and this bill will help them achieve that goal by 2009.

In 1973 the Alaska Native Claims Appeal Board was established. The Board had jurisdiction over decisions made under the Alaska Native Claims Settlement Act. The Board consisted of four judges, and was able to decide a case within 3 to 6 months of the close of briefing. It usually had a small backlog. While the Board was able to act in a fairly responsive manner, there was criticism the Board did not correctly apply general Federal land law precedent and that some of their rulings were inconsistent with policy of the Department of the Interior. The Board was dissolved in 1981. The backlog of cases was not necessarily attributed to Native Corporation cases; most of the backlog related to all other matters. This legislation will create a hearings and appeals process located in Alaska. Presently, there are almost 100 appeals of Alaska decisions pending before the Interior Board of Land Appeals. It usually takes this Board several years to rule on a case, sometimes as long as 3 to 5 years. The present process is broken. There should never be a process that controls the fate of someone's livelihood. Matters requiring resolution must not sit and languish for years without resolution. This practice is unacceptable and unreasonable.

Additionally, more than 20 cases are pending before Administrative Law judges at various Office of Hearings Appeals offices—Virginia, Minnesota and Utah. The cases currently in their hands are Native allotments and mining claims. Substantial delays have resulted from the slow pace of scheduling hearings in Alaska. Establishing an Alaska hearings unit to handle all Alaska appeals would significantly speed up the current process. Such a new process would be able to routinely issue decisions within 3 to 6 months of the close of briefing.

Challenges likely to emerge on land actions requiring judicial review will be handled by judges located in Alaska. Moreover, having judges located in Alaska, conducting Alaska business, would ensure an understanding of the special laws that are applicable to Alaska. In addition, this process would include all land transfer matters, not just claims under the Alaska Native Claims Settlement Act.

To achieve the acceleration of land conveyances, we must be able to count on a consistent level of funding. We do not want any aspect of the acceleration plan to be hampered. As I pointed out earlier, almost 90 million acres must be surveyed between now and 2009. The BLM is the single agency of the Federal Government that is charged with the authority and responsibility for surveys and land title record keeping. Official survey plats are the Government's record of the boundaries of an area and the description of such surveyed land is known as the legal land description. Land title or patents are based on such plats of survey. And, until the land is surveyed, the Alaska Natives, the State of Alaska and the Native Corporations will still be waiting way off into the future for this work to be finalized.

The Alaska Land Transfer Acceleration Act of 2003 imposes very strict provisions on the agency to complete land conveyances by 2009 to Alaska Natives, the State of Alaska and to the Native Corporations. Some might view this plan as ambitious. I view it as being long overdue.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Alaska Land Transfer Acceleration Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—STATE SELECTIONS AND CONVEYANCES

Sec. 101. Community grant selections and conveyances.
Sec. 102. Prioritization of land to be conveyed.
Sec. 103. Selection of certain reversionary interests held by the United States.
Sec. 104. Effect of powersite reserves, powersite classifications, power projects, and hot spring withdrawals.
Sec. 105. Entitlement for the University of Alaska.
Sec. 106. Settlement of remaining entitlement.
Sec. 107. Effect of Federal mining claims.
Sec. 108. Land mistakenly relinquished or omitted.

TITLE II—ALASKA NATIVE CLAIMS SETTLEMENT ACT

Sec. 201. Land available after selection period.
Sec. 202. Combined entitlements.
Sec. 203. Conveyance of last whole section of land.
Sec. 204. Discretionary authority to convey subsurface estate in pre-ANCSA refuges.
Sec. 205. Conveyance of cemetery sites and historical places.
Sec. 206. Approved allotments.
Sec. 207. Allocations based on population.
Sec. 208. Authority to withdraw land.
Sec. 209. Bureau of Land Management land.
Sec. 210. Automatic segregation of land for underselected Village Corporations.
Sec. 211. Procedures relating to dissolved or lapsed Native Corporations.
Sec. 212. Settlement of remaining entitlement.
Sec. 213. Conveyance to Kaktovik Inupiat Corporation and Arctic Slope Regional Corporation.

TITLE III—NATIVE ALLOTMENTS

Sec. 301. Title affirmation of Native allotment location and description.
Sec. 302. Title recovery of Native allotments
Sec. 303. Native allotment relocation on land selected by or conveyed to a native corporation.
Sec. 304. Compensatory acreage.
Sec. 305. Native allotment deadlines.
Sec. 306. Elimination of shore space measurement.
Sec. 307. Amendments to section 41 of the Alaska Native Claims Settlement Act.

TITLE IV—FINAL PRIORITIES; CONVEYANCE AND SURVEY PLANS

Sec. 401. Deadline for establishment of regional plans.
Sec. 402. Deadlines for establishment of village plans.
Sec. 403. Final prioritization of ANCSA selections
Sec. 404. Final prioritization of State selections.

TITLE V—ALASKA LAND CLAIMS HEARINGS AND APPEALS

Sec. 501. Alaska land claims hearings and appeals.

TITLE VI—REPORT TO CONGRESS

Sec. 601. Report.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

Sec. 701. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of Alaska.

TITLE I—STATE SELECTIONS AND CONVEYANCES

SEC. 101. COMMUNITY GRANT SELECTIONS AND CONVEYANCES.

(a) IN GENERAL.—Section 6 of Public Law 85–508 (commonly known as the "Alaska Statehood Act") (72 Stat. 340) is amended by adding at the end the following:

"(n) WAIVER OF MINIMUM TRACT SELECTION SIZE.—With respect to a selection made by the State of Alaska under subsection (a), the Secretary of the Interior may waive the minimum tract selection size if the Secretary determines that—

"(1) an existing selection does not meet the original minimum statutory acreage; and

"(2) the only alternative to waiver is to reject the application.

"(o) REQUIREMENTS APPLICABLE TO UNITS OF THE NATIONAL FOREST SYSTEM.—A selection of land in a unit of the National Forest System under subsection (a) shall not be valid unless the Secretary of Agriculture has approved the selection before the date of enactment of this subsection.

"(p) NO RELINQUISHMENT.—If there is a selection under subsection (a) with respect to a tract of land that is equal to or greater than 160 acres, the State of Alaska may not relinquish such portion of the tract as is necessary for the tract to be less than 160 acres.

"(q) Ratification of Patents and Tentative Approvals.—Any patent or tentative approval for a selection under subsection (a) of less than 160 acres that is issued before the date of enactment of this subsection is ratified and confirmed.".

(b) Community Grant Selections.—Section 6 of Public Law 85–508 (commonly known as the "Alaska Statehood Act") (72 Stat. 340) (as amended by subsection (a)) is amended by adding at the end the following:

"(r) Conversion to Community Grant Selection.—

"(1) In general.—The State of Alaska may elect to convert a selection filed under subsection (b) to a selection under subsection (a) by notifying the Secretary of the Interior in writing.

"(2) No partial conversion.—If the State of Alaska makes an election under paragraph (1), the entire selection shall be converted to a selection under subsection (a).

"(3) Limitation on acreage.—The Secretary shall not convey a total of more than 400,000 acres of—

"(A) land that is selected before the date of enactment of this subsection under subsection (a); or

"(B) land that is converted to a subsection (a) selection under paragraph (1).

"(4) Effect on survey obligations.—Conversion of a selection under paragraph (1) shall not affect the survey obligation of the United States with respect to the land converted.

"(s) Use of Selected Land for Community and Recreational Purposes.—All selection applications of the State of Alaska that are on file with the Secretary of the Interior under subsection (a) on the date of enactment of this subsection are approved as suitable for community or recreational purposes.".

SEC. 102. PRIORITIZATION OF LAND TO BE CONVEYED.

Section 906(h)(2) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(h)(2)) is amended—

(1) by striking "(2) As soon as practicable" and inserting the following:

"(2) Tentative approval.—

"(A) Issuance.—As soon as practicable";

(2) by striking "The sequence of" and inserting the following:

"(B) Priority.—

"(i) In general.—The sequence of"; and

(3) by adding at the end the following:

"(ii) Requirements.—In establishing the priorities for tentative approval under clause (i), the State shall—

"(I) in the case of a selection under section 6(a) of Public Law 85–508 (commonly known as the "Alaska Statehood Act") (72 Stat. 340), include all land selected; or

"(II) in the case of a selection under section 6(b) of that Act—

"(aa) include at least 5,760 acres; or

"(bb) if a waiver has been granted under section 6(g) of that Act or less than 5,760 acres of the entitlement remains, prioritize the selection in such increments as are available for conveyance.".

SEC. 103. SELECTION OF CERTAIN REVERSIONARY INTERESTS HELD BY THE UNITED STATES.

(a) In General.—All reversionary interests held by the United States in land owned by the State or any political subdivision of the State, and any Federal land leased by the State under the Act of August 23, 1950 (25 U.S.C. 293a), or the Act of June 4, 1953 (67 Stat. 41, chapter 47), that is prioritized for conveyance by the State under section 906(h)(2) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(h)(2))—

(1) is deemed to be selected; and

(2) may, with the concurrence of the Secretary or the Secretary of Agriculture, as appropriate, be selected under section 6 of Public Law 85–508 (commonly known as the "Alaska Statehood Act") (72 Stat. 340).

(b) Effect on Entitlement.—If, before the date of enactment of this Act, the entitlement of the State has not been charged with respect to a parcel for which a reversionary interest is conveyed under subsection (a), the total acreage of the parcel shall be charged against the remaining entitlement of the State.

(c) Minimum Acreage Requirement Not Applicable.—The minimum acreage requirement under subsections (a) and (b) of section 6 of Public Law 85–508 (commonly known as the "Alaska Statehood Act") (72 Stat. 340) shall not apply to the selection of reversionary interests under subsection (a).

(d) State Waiver.—On conveyance of any reversionary interest to the State selected under subsection (a), the State shall be deemed to have waived all right to any future credit should the reversion not occur.

(e) Limitation.—This section shall not apply to—

(1) reversionary interests in land acquired by the United States through the use of amounts from the Exxon Valdez Oil Spill Trust Fund; or

(2) reversionary interests in any land conveyed to the State as a result of the "Terms and Conditions for Land Consolidation and Management in Cook Inlet Area" as ratified by section 12 of Public Law 94–204 (43 U.S.C. 1611 note).

SEC. 104. EFFECT OF POWERSITE RESERVES, POWERSITE CLASSIFICATIONS, POWER PROJECTS, AND HOT SPRING WITHDRAWALS.

(a) In General.—If the State has filed a future selection application under section 906(e) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(e)) for land withdrawn, reserved, or classified for power site or power project purposes, or for land containing hot or medicinal springs withdrawn by Executive Order No. 5389 of July 7, 1930, as amended by Public Land Order No. 399 of August 20, 1947, notwithstanding the withdrawal, reservation, or classification, the land shall be deemed to be vacant, unappropriated, and unreserved within the meaning of Public Law 85–508 (commonly known as the "Alaska Statehood Act") (72 Stat. 339).

(b) Limitation.—Subsection (a) does not apply to any land that is reserved for an additional Federal purpose other than those listed in—

(1) subsection (a); or

(2) section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)).

(c) Requirement Applicable to National Forest System Land.—Any land described in subsection (a) that is in a unit of the National Forest System shall not be deemed to be vacant, unappropriated, or unreserved unless the Secretary of Agriculture approved the State selection before January 3, 1994.

(d) Requirements Applicable to Hydroelectric Projects.—Any conveyance of land described in subsection (a) that is included in a hydroelectric application or licensed project shall be subject to—

(1) the rights of third parties; and

(2) the right of reentry under section 24 of the Federal Power Act (16 U.S.C. 818).

(e) Disclaimer of Interest.—If the Federal Energy Regulatory Commission has determined that a reservation made under section 24 of the Federal Power Act (16 U.S.C. 818) is not necessary, the patentee may apply to the Secretary for a disclaimer of interest instead of petitioning Congress for private relief legislation.

SEC. 105. ENTITLEMENT FOR THE UNIVERSITY OF ALASKA.

(a) In General.—As of January 1, 2003, the remaining entitlement of the University of Alaska under the Act of January 21, 1929 (45 Stat. 1091, chapter 92), is equal to 456 acres.

(b) Additional Entitlement.—The entitlement under subsection (a) shall be increased to reflect the reconveyance of any land by the University of Alaska to the United States to accommodate conveyance of a Native allotment.

(c) Reversionary Interests.—The Act of January 21, 1929 (45 Stat. 1091, chapter 92), is amended by adding at the end the following:

"SEC. 8. SELECTION BY STATE.

"(a) Reversionary Interests.—

"(1) In general.—The State of Alaska, on behalf of the University of Alaska, may select any mineral interest (including an interest in oil or gas) or reversionary interest held by the United States in land located in the State of Alaska that—

"(A) is owned by the University of Alaska; or

"(B) was previously conveyed to a nongovernmental third party.

"(2) Written consent required.—If an interest in land selected under paragraph (1) is otherwise available under this Act, to be valid a selection under that paragraph shall be approved in writing by the owner or owners of the remaining interests.

"(3) Effect on entitlement.—The total acreage of any parcel of land for which only the reserved or retained mineral interest or reversionary interest is conveyed shall be charged against the remaining entitlement of the University of Alaska.

"(4) Waiver.—In taking title to a reversionary interest, the University of Alaska waives all right to any future credit if the reversion does not occur.

"(b) Selection of Isolated Tracts.—The State, on behalf of the University of Alaska, may select any tract of land, regardless of size, that—

"(1) is vacant, unappropriated, and unreserved, other than land withdrawn under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); and

"(2) is an isolated tract of public land.

"(c) Selection of tracts of more than 40 acres.—The State, on behalf of the University of Alaska, may, with the concurrence of the Secretary, select any tract of land that—

"(1) is vacant, unappropriated, and unreserved, other than land withdrawn under 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); and

"(2) is not less than 40 acres.

"SEC. 9. LIMITATION ON ACREAGE SELECTED.

"The total acreage selected under this Act shall be not more than—

"(1) 125 percent of the entitlement of the University of Alaska remaining on the date of enactment of this section; plus

"(2) the number of acres that are in conflict with land of the University of Alaska, as identified in Native allotment applications on record with the Bureau of Land Management.

"SEC. 10. SELECTION OF LAND SUBJECT TO A PENDING APPLICATION.

"The University of Alaska may not select land under this Act that is subject to a pending selection by the State of Alaska or a Native Corporation or to which the State of Alaska or the Native Corporation is entitled to make a claim unless the University has received written consent for the selection from the State of Alaska or the Native Corporation.".

SEC. 106. SETTLEMENT OF REMAINING ENTITLEMENT.

(a) IN GENERAL.—The Secretary may enter into binding, written agreements with the State with respect to—

(1) the exact number and location of acres of land remaining to be conveyed to the State under each entitlement established or confirmed by—

(A) Public Law 85–508 (commonly known as the "Alaska Statehood Act") (72 Stat. 340); and

(B) the Act of January 21, 1929 (45 Stat. 1091, chapter 92);

(2) the priority in which the land is to be conveyed;

(3) the relinquishment of selections which are not to be conveyed;

(4) the survey of the exterior boundaries of the land to be conveyed; and

(5) any other matters that would assist in carrying out the conveyances to the State.

(b) CONSULTATION.—Before entering into an agreement under subsection (a), the Secretary shall consult with the head of the agency administering the land to be conveyed.

(c) ERRORS.—The State, by entering into an agreement under subsection (a), shall receive any gain or bear any loss resulting from errors in prior surveys, protraction diagrams, or the computation of the ownership of third parties on any land conveyed.

SEC. 107. EFFECT OF FEDERAL MINING CLAIMS.

(a) IN GENERAL.—Land encumbered by a Federal mining claim shall be deemed to be vacant, unappropriated, and unreserved within the meaning of Public Law 85–508 (commonly known as the "Alaska Statehood Act") (72 Stat. 339) and may be conveyed to the State under subsection (b) if, with respect to the land—

(1) the State has filed—

(A) a selection application under Public Law 85–508 (commonly known as the "Alaska Statehood Act") (72 Stat. 339); or

(B) a future selection application under section 906(e) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(e)); and

(2) the owner of the Federal mining claim has filed with the Secretary a voluntary relinquishment of the Federal mining claim conditioned on conveyance of the land to the State by tentative approval or patent.

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary may, subject to the conditions described in paragraph (2), convey to the State without charge against entitlement land encumbered by a Federal mining claim if—

(A)(i) a mining claimant files a conditional relinquishment described in subsection (a); or

(ii) a mining claim recordation is—

(I) deemed abandoned and void; or

(II) otherwise closed by final decision of the Secretary; and

(B) the State owns land surrounding or effectively surrounding the land encumbered by the Federal mining claim.

(2) CONDITIONS.—A conveyance under paragraph (1)—

(A) shall not include more than 1,280 acres of land;

(B) shall not require reclamation of the land; and

(C) shall be effective only if, at least 30 days before the date on which the land is to be conveyed, the Secretary submits to the State written notice of the pending conveyance.

(3) NO RELINQUISHMENT.—If the land encumbered by the Federal mining claim is not conveyed to the State under paragraph (1), the relinquishment of land under subsection (a)(2) shall be of no effect.

(4) OBLIGATIONS UNDER FEDERAL LAW.—Until the date on which the land is conveyed under paragraph (1), the owner of the Federal mining claim shall be subject to any obligations relating to the land under Federal law.

(c) SURVEYS.—

(1) LAND ENCUMBERED BY FEDERAL MINING CLAIMS.—Land encumbered by Federal mining claims shall not be surveyed for the purpose of conveying to the State the land surrounding the encumbered land.

(2) EXTERIOR BOUNDARY.—A patent to the State for land surrounding land encumbered by a Federal mining claim shall be made based on an exterior boundary survey of the total conveyance.

(3) EXCLUSION FOR FEDERAL MINING CLAIMS.—In a conveyance of land encumbered by a Federal mining claim, the Federal mining claim—

(A) shall not be included in the patent document; and

(B) shall not be charged against the entitlement of the State.

SEC. 108. LAND MISTAKENLY RELINQUISHED OR OMITTED.

(a) IN GENERAL.—Subject to valid existing rights and the concurrence of the Secretary with jurisdiction over the land, the State may, with respect to any land that is mistakenly relinquished or omitted from a selection under section 6 of Public Law 85–508 (commonly known as the "Alaska Statehood Act") or top-filing under section 906(e) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 1635(e)), select or top-file the relinquished or omitted land.

(b) STATE.—The Secretary with jurisdiction over the land may convey to the State the relinquished or omitted land if—

(1) the State demonstrates, to the satisfaction of the Secretary with jurisdiction over the land, that the land was mistakenly relinquished or omitted from the selection or top-filing; and

(2) there is sufficient acreage in the remaining entitlement to make the conveyance.

TITLE II—ALASKA NATIVE CLAIMS SETTLEMENT ACT

SEC. 201. LAND AVAILABLE AFTER SELECTION PERIOD.

Section 12(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) is amended by adding at the end the following:

"(3) LAND AVAILABLE AFTER SELECTION PERIOD.—

"(A) DEFINITION OF CORE TOWNSHIP.—In this paragraph, the term "core township" means the township or townships in which all or any part of a Native Village is located.

"(B) CORE TOWNSHIP LAND.—The Secretary may make available for selection land in a core township that was unavailable before December 18, 1974, if—

"(i) there is sufficient remaining entitlement; and

"(ii) the processing and conveyance of the selection can be completed by 2009.

"(C) LAND OUTSIDE CORE TOWNSHIP.—

"(i) IN GENERAL.—Subject to subclause (ii), the Secretary may make available for selection land that—

"(I) is in a township in which a Village Corporation that was unavailable for selection by a Village Corporation before December 18, 1974; and

"(II)(aa) was withdrawn for selection; or

"(bb) is completely surrounded by land withdrawn for selection.

"(ii) CONDITIONS.—The Secretary may make the land described in clause (i) available for selection if—

"(I) there is sufficient remaining entitlement;

"(II) the land is contiguous to land that is owned by or that will be conveyed to the Village Corporation; and

"(III) the processing and conveyance of the selection can be completed by 2009.

"(iii) LIMITATION.—

"(I) IN GENERAL.—If the land described in clause (i) is selected, or top filed under section 906(e) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(e)) by the State, not later than 90 days after the date on which the Secretary notifies the State that the land has become available for selection, the State may add the parcel to the current conveyance priority list of the State on file with the Bureau of Land Management.

"(II) FAILURE TO ADD PARCEL TO PRIORITY LIST.—Except as provided in subclause (III), if the State does not add the parcel to the current conveyance priority list in accordance with subclause (I)—

"(aa) the land shall be deemed selected by the appropriate Village Corporation; and

"(bb) the application of the State shall be rejected.

"(III) ELECTION.—Subclause (II) shall not apply if, not later than 90 days after notification by the Secretary that the land has become available for selection—

"(aa) the Village Corporation elects not to take the land that has become available by filing a written election that—

"(AA) declines the selection; and

"(BB) relinquishes any pending selection of the land; and

"(bb) the State has not exercised the option of the State to take title to the land.

"(D) CONDITIONS.—

"(i) IN GENERAL.—A conveyance of land under subparagraph (B) or (C) shall be made—

"(I) subject to—

"(aa) valid existing rights; and

"(bb) existing third party interests;

"(II) in accordance with the requirements applicable to conveyances under this Act; and

"(III) subject to the reservation of an easement for public access in accordance with section 17(b) that aligns with the easements reserved on land adjoining the conveyed land.

"(ii) WAIVER OF ACREAGE LIMITATION.—For purposes of conveying land under subparagraphs (B) and (C), the Secretary may waive the 69,120 acreage limit under paragraph (1).

"(iii) CONGRESSIONAL ACTION.—Subparagraphs (B) and (C) shall not apply in a case in which Congress has specifically provided for the disposition of a tract of land in a particular manner.".

SEC. 202. COMBINED ENTITLEMENTS.

Section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) is amended—

(1) in the second sentence of subsection (b), by striking "Regional Corporation shall" and inserting "Regional Corporation shall, not later than October 1, 2005,"; and

(2) by adding at the end the following:

"(f) COMBINED ENTITLEMENTS.—

"(1) IN GENERAL.—The entitlements received by any Village Corporation under subsection (a) and acreage reallocated under subsection (b) may be combined, at the discretion of the Secretary, without—

"(A) increasing or decreasing to either entitlement; or

"(B) increasing the limitation on selections of Wildlife Refuge System land, National Forest System land, or State-selected land under subsection (a).

"(2) SOURCE OF ENTITLEMENT.—The combined entitlement under paragraph (1) may be fulfilled from selections under subsection (a) or (b) without regard to the entitlement specified in the selection application.

"(3) ADJUDICATION AND CONVEYANCE.—All selections under a combined entitlement shall be adjudicated and conveyed in compliance with this Act.

"(4) NO ADDITIONAL PATENTS OR SURVEYS.—Except in a case in which is a survey has been contracted for before the date of enactment of this subsection, the combination of entitlements under paragraph (1) shall not require separate patents or surveys, to distinguish between conveyances made to a Village Corporation under subsections (a) and (b).".

SEC. 203. CONVEYANCE OF LAST WHOLE SECTION.

Section 14(d) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(d)) is amended—

(1) by striking "(d) the Secretary" and inserting the following:

"(d) ACREAGE LIMITATIONS.—

"(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) CONVEYANCE OF LAST WHOLE SECTION.—

"(A) IN GENERAL.—If the calculations of the Bureau of Land Management relating to acreage entitlements indicate that an entitlement may be fulfilled by conveying the next prioritized section to a Village Corporation (other than a Village Corporation under section 16), the Director of the Bureau of Land Management and the affected Village or Regional Corporation may enter into an agreement providing that all land entitlements under this Act shall be deemed satisfied by conveyance of a specifically identified and agreed upon tract of that land.

"(B) REQUIREMENTS.—An agreement entered into under subparagraph (A) shall be—

"(i) in writing;

"(ii) executed by the Director of the Bureau of Land Management and the Village or Regional Corporation; and

"(iii) authorized by a corporate resolution enacted by the affected Village or Regional Corporation.

"(C) NO ADJUSTMENTS TO LAND ENTITLEMENTS.—After execution of an agreement under subparagraph (A) and conveyance of the agreed upon tract to the affected Village or Regional Corporation—

"(i) the Director of the Bureau of Land Management shall not make any further adjustments to calculations relating to acreage entitlements of the Village or Regional Corporation; and

"(ii) the Village or Regional Corporation shall not be entitled to any further conveyances under this Act.

"(D) LIMITATION.—A Village or Regional Corporation shall not be eligible to receive land under subparagraph (A) if—

"(i) the Village or Regional Corporation has received the full land entitlement of the Village or Regional Corporation through—

"(I) actual conveyance of the land; or

"(II) an agreement; or

"(ii) the final survey boundaries of the Village or Regional Corporation's land entitlement have been established.

"(E) EFFECT.—This paragraph does not limit or otherwise affect the ability of a Village or Regional Corporation to enter into land exchanges with the United States.".

SEC. 204. DISCRETIONARY AUTHORITY TO CONVEY SUBSURFACE ESTATE IN PRE-ANCSA REFUGES.

Section 14(f) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(f)) is amended—

(1) by striking "(f) When the Secretary" and inserting the following:

"(f) PATENT TO THE SUBSURFACE ESTATE.—

"(1) IN GENERAL.—When the Secretary";

(2) by striking ": *Provided,*" and inserting a period;

(3) by striking "That the right" and inserting the following:

"(2) CONSENT OF VILLAGE CORPORATION REQUIRED.—The right"; and

(4) by adding at the end the following:

"(3) OFFERING OF CERTAIN SUBSURFACE ESTATES IN REFUGE LAND.—The subsurface estate beneath the surface estate conveyed to a Village Corporation in a National Wildlife Refuge in existence on December 18, 1971 (except the Kenai National Wildlife Refuge and the Kodiak National Wildlife Refuge), may, at the discretion of the Secretary, be offered to the appropriate Regional Corporation as an alternative to the selection of the subsurface estate under section 12(a)(1).".

SEC. 205. CONVEYANCE OF CEMETERY SITES AND HISTORICAL PLACES.

Section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) is amended—

(1) by striking "(1) The Secretary" and inserting the following:

"(1) CEMETERY SITES AND HISTORICAL PLACES.—

"(A) IN GENERAL.—The Secretary";

(2) by striking "Only title" and inserting the following:

"(B) LAND LOCATED IN A WILDLIFE REFUGE.—Only title"; and

(3) by adding at the end the following:

"(C) WAIVER OF ACREAGE ALLOCATIONS.—

"(i) IN GENERAL.—Notwithstanding acreage allocations made before the date of enactment of this subparagraph, the Secretary may convey any cemetery site or historical place—

"(I) with respect to which there is an application on record with the Secretary on the date of enactment of this paragraph; and

"(II) that is eligible for conveyance.

"(ii) APPLICABILITY.—Clause (i) shall apply to any of the 188 closed applications that are determined to be eligible and reinstated under Secretarial Order No. 3220 dated January 5, 2001.

"(D) NO REINSTATEMENT.—No applications submitted for the conveyance of land under subparagraph (A) that were closed before the date of enactment of this paragraph may be reinstated other than those specified in subparagraph (C)(ii).

"(E) NO NEW APPLICATIONS OR AMENDMENTS.—After the date of enactment of this paragraph—

"(i) no application may be filed for the conveyance of land under subparagraph (A); and

"(ii) no pending application may be amended to include additional land under that subparagraph.

"(F) NO WAIVER OF REGULATIONS.—The Secretary shall not waive any regulations relating to withdrawals and conveyances under subparagraph (A).

"(G) REQUIREMENTS APPLICABLE TO APPLICATIONS FOR HISTORIC PLACES.—Unless, not later than 1 year after the date of enactment of this paragraph, a Regional Corporation that has filed an application for a historic place submits to the Secretary a statement on the significance of and the location of the historic place—

"(i) the application shall not be valid; and

"(ii) the Secretary shall reject the application.

"(H) RELINQUISHMENT.—A Regional Corporation may elect to relinquish eligible cemetery sites or historical places located within the boundaries of a conservation system unit (as defined in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102)) on the execution of an agreement between the Federal land management agency and the affected Regional Corporation that describes—

"(i) the statutory responsibilities of the Federal land management agency with respect to protecting the cemetery site or historical place that is relinquished; and

"(ii) any other terms to which the Federal land management agency and Regional Corporation agree.

"(I) NO RESERVATION OF EASEMENT.—Section 17(b)(3) shall not apply to cemetery sites or historical places conveyed under subparagraph (A), but a conveyance under that paragraph shall be subject to an easement for roads and trails in existence at the time of conveyance.".

SEC. 206. APPROVED ALLOTMENTS.

Section 14(h)(6) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(6)) is amended—

(1) by striking "(6) The Secretary" and inserting the following:

"(6) APPROVED ALLOTMENTS.—

"(A) IN GENERAL.—The Secretary";

(2) by striking "this Act;" and inserting "this Act, a total of 184,663 acres, as described in the report entitled 'Audit Summary ANCSA 14(h)(6) Acreage', dated July 1983, and in 48 Fed. Reg. 37086 (August 16, 1983).";

(3) by striking "Any minerals" and inserting the following:

"(B) MINERAL RESERVATIONS.—

"(i) IN GENERAL.—Any minerals"; and

(4) by inserting after subparagraph (B)(i) (as redesignated by paragraph (3)) the following:

"(ii) ELECTION.—With respect to reserved mineral estates that are located partly in an area that qualifies for in-lieu subsurface selection, the Regional Corporation may elect to take the reserved minerals in the entire allotment or to take the entire acreage as in-lieu.

"(iii) NO SUBDIVISION.—United States surveys shall not be subdivided to accommodate conveyance of a reserved mineral estate under this subparagraph.".

SEC. 207. ALLOCATIONS BASED ON POPULATION.

Section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)) is amended—

(1) by striking "(8)(A) Any portion" and inserting the following:

"(8) ALLOCATIONS BASED ON POPULATION.—

"(A) IN GENERAL.—Any portion";

(2) by striking "(B) Such allocation" and inserting the following:

"(B) ALLOCATION FOR SOUTHEASTERN ALASKA.—Such allocation"; and

(3) by adding at the end the following:

"(C) ALTERNATIVE METHODS OF DISTRIBUTION.—

"(i) IN GENERAL.—In lieu of an allocation in accordance with the method of distribution under subparagraph (A), a Regional Corporation may elect to receive an allocation in accordance with clause (ii) or (iii).

"(ii) PERCENTAGE SHARE.—

"(I) IN GENERAL.—A Regional Corporation eligible for an additional allocation under subparagraph (A) may irrevocably elect, not later than 1 year after the date of enactment of this subparagraph, to take the Regional Corporation's percentage share of an additional 255,000 acres above any acreage allocated as of January 1, 2003.

"(II) WAIVER.—Any Regional Corporation electing to take a percentage share under subclause (I) shall waive any additional gain or loss that the Regional Corporation may have been eligible to receive under subparagraph (A).

"(iii) SETTLEMENT AGREEMENT.—

"(I) IN GENERAL.—A Regional Corporation eligible to participate in an additional allocation under subparagraph (A) may irrevocably elect, not later than 1 year after the date of enactment of this subparagraph, to enter into good faith negotiations with the Secretary for a settlement agreement relating to the Regional Corporation's entitlement under subparagraph (A).

"(II) REQUIREMENTS.—An agreement entered into under subclause (I) shall—

"(aa) establish the number of acres to be allocated to the Regional Corporation, which shall be considered to be the remaining entitlement of the Regional Corporation; and

"(bb) provide that the United States and the Regional Corporation agree to waive any additional gain or loss that would have been available under subparagraph (A).

"(III) DEADLINE FOR AGREEMENT.—A Regional Corporation shall have not later than the date that is 2 years after the date of enactment of this subparagraph to reach a final agreement with the Secretary under this clause.

"(IV) NO AGREEMENT.—If an agreement is not executed by the date specified in clause (III)—

"(aa) the authority of the Secretary to enter into such an agreement shall terminate; and

"(bb) any allocations of entitlements under subparagraph (A) of the Regional Corporation shall be deferred until the date on which all allocations under this subsection are completed.

"(iv) APPLICABILITY.—This subparagraph shall not apply to—

"(I) Cook Inlet Region Incorporated and Koniag, Inc.; or

"(II) any Regional Corporation that has entered into a prior agreement relating to the entitlement of the Regional Corporation under subparagraph (A), the terms of which would be modified or negated by the agreement entered into under clause (iii).".

SEC. 208. AUTHORITY TO WITHDRAW LAND.

Section 14(h)(10) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(10)) is amended—

(1) by striking "(10) Notwithstanding" and inserting the following:

"(10) WITHDRAWALS.—

"(A) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(B) SELECTIONS NOT ON FILE.—If a Regional Corporation does not have enough valid selections on file to fulfill the remaining entitlement of the Regional Corporation under subsection (a) or (b), the Secretary may use the withdrawal authority under subparagraph (A) to withdraw land for selection and conveyance to the Regional Corporation to fulfill that entitlement, except that the Secretary may not withdraw land located within the boundaries of a conservation system unit (as defined in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102)).".

SEC. 209. BUREAU OF LAND MANAGEMENT LAND.

(a) CLASSIFICATION.—

(1) IN GENERAL.—Notwithstanding revocation of a withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)), the Secretary may classify or reclassify any land administered by the Bureau of Land Management in the State to open or close the land to any form of appropriation or use under the public land laws.

(2) JUDICIAL REVIEW.—A decision to classify or reclassify land under paragraph (1) shall not be subject to judicial review.

(b) WITHDRAWN LAND.—Land in the State administered by the Bureau of Land Management that is withdrawn under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)), but not otherwise withdrawn or reserved, may be opened, without environmental review, to all forms of appropriation under the public land laws, including location and entry under the Mining Law of 1872 (30 U.S.C. 22 et seq.), by publication of a classification order in the Federal Register.

'(c) LAND INCLUDED IN AN APPROVED RESOURCE MANAGEMENT OR LAND USE PLAN.—Land that is included in an approved resource management or land use plan and that is not segregated (including land in the Steese National Conservation Area) may be opened or closed to location and entry under the Mining Law of 1872 (30 U.S.C. 22 et seq.) and under the Mineral Leasing Act (30 U.S.C. 181 et seq.), consistent with the plan, by publication in the Federal Register of a classification order that describes—

(1) the land to be opened;

(2) the public land laws to which the opening applies; and

(3) the effective date of the opening.

SEC. 210. AUTOMATIC SEGREGATION OF LAND FOR UNDERSELECTED VILLAGE CORPORATIONS.

Section 22(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(j)) is amended by adding at the end the following:

"(3) AGREEMENT.—In lieu of withdrawal under paragraph (2), land may be segregated from all other forms of appropriation for the purposes described in that paragraph if—

"(A) the Secretary and the Village Corporation enter into an agreement identifying the land for selection; and

"(B) the Village Corporation files an application for selection of the land.".

SEC. 211. PROCEDURES RELATING TO DISSOLVED OR LAPSED NATIVE CORPORATIONS.

Section 22 of the Alaska Native Claims Settlement Act (43 U.S.C. 1621) is amended by adding at the end the following:

"(n) DISSOLVED OR LAPSED NATIVE CORPORATIONS.—

"(1) IN GENERAL.—Not later than the date that is 2 years after the date of enactment of this subsection, a Native Corporation entitled to receive land under this Act that has allowed the corporate status of the Native Corporation to lapse or has otherwise dissolved or ceased to do business, may, in accordance with State law, reestablish the Native Corporation.

"(2) CONVEYANCE.—If the Native Corporation is not reestablished by the date described in subsection (a) or allows the corporate status of the Native Corporation to lapse after that date, the remaining entitlement of the Native Corporation, if any, shall be conveyed to the Regional Corporation, subject to the condition that the land not be sold or otherwise alienated to any other person or entity other than the Village Corporation for a period of at least 12 years.

"(3) EFFECT.—After the Regional Corporation assumes responsibility for administering the assets for a lapsed or dissolved Native Corporation, the Regional Corporation may—

"(A) file relinquishments of selections;

"(B) return land to the United States to accommodate an allotment;

"(C) reprioritize land selections before the deadline in section 404 of the Alaska Land Transfer Acceleration Act of 2003;

"(D) negotiate settlement of remaining entitlement under section 212 of the Alaska Land Transfer Acceleration Act of 2003; and

"(E) take any appropriate actions to bring the lapsed or dissolved Native Corporation into compliance with State law.

"(4) REESTABLISHMENT UNDER STATE LAW.—If the lapsed or dissolved Native Corporation reestablishes itself under State law, on petition from the reestablished Native Corporation, the property conveyed to the Regional Corporation from the reestablished Native Corporation's prior entitlement shall be conveyed by the Regional Corporation to the reestablished Native Corporation.

"(5) PRIORITIES.—If a lapsed or dissolved Native Corporation fails to establish, by the prioritization deadlines established by the Alaska Land Transfer Acceleration Act of 2003, irrevocable final priorities in accordance with section 404 of that Act, the Regional Corporation shall establish the priorities by the deadline established by section 404 of that Act.".

SEC. 212. SETTLEMENT OF REMAINING ENTITLEMENT.

(a) IN GENERAL.—The Secretary may enter into a binding, written agreement with any Native Corporation relating to—

(1) the land remaining to be conveyed to the Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(2) the priority in which the land is to be conveyed;

(3) the relinquishment of selections which are not to be conveyed;

(4) the selection entitlement to which selections are to be charged, regardless of the entitlement under which originally selected;

(5) the survey of the exterior boundaries of the land to be conveyed;

(6) the additional survey to be performed under section 14(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(c));

(7) the resolution of conflicts with Native allotment applications; and

(8) any other matters that may facilitate the conveyance to the Native Corporation.

(b) REQUIREMENTS.—An agreement under subsection (a)—

(1) shall be authorized in a corporate resolution of the Native Corporation subject to the agreement; and

(2) shall include a statement that the entitlement of the Native Corporation shall be considered complete on execution of the agreement.

(c) RESERVATION OF EASEMENTS.—In an agreement under subsection (a), the Secretary may—

(1) reserve easements under subsection (b) of section 17 of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b));

(2) realign easements reserved under that subsection before the date of enactment of this Act; and

(3) correct conveyance documents to reflect the reservation of easements under that subsection.

(d) CONSULTATION.—Before entering into an agreement under subsection (a), the Secretary shall consult with the head of the agency administering the land to be conveyed and the State.

(e) ERRORS.—Any Native Corporation entering into an agreement under subsection (a) shall receive any gain or bear any loss arising out of errors in prior surveys, protraction diagrams, or computation of the ownership of third parties on any land conveyed.

(f) EFFECT.—

(1) IN GENERAL.—An agreement under subsection (a) shall not—

(A) affect the obligations of Native Corporations under prior agreements; or

(B) result in a Native Corporation relinquishing valid selections of land in order to qualify for the withdrawal of other tracts of land.

(2) EFFECT ON SUBSURFACE RIGHTS.—The terms of an agreement entered into by the Secretary and a Village Corporation or other Native Corporation under subsection (a) shall be binding on a Regional Corporation with respect to the location and quantity of subsurface rights of the Regional Corporation under section 14(f) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(f)).

SEC. 213. CONVEYANCE TO KAKTOVIK INUPIAT CORPORATION AND ARCTIC SLOPE REGIONAL CORPORATION.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), the Secretary shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959—

(A) to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611); and

(B) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which the Regional Corporation is entitled under the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States.

TITLE III—NATIVE ALLOTMENTS

SEC. 301. TITLE AFFIRMATION OF NATIVE ALLOTMENT LOCATION AND DESCRIPTION.

Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) is amended by adding at the end the following:

"(d) TITLE AFFIRMATION.—

"(1) IN GENERAL.—The Secretary may correct a conveyance to a Native Corporation or to the State that includes land described in a valid allotment application to exclude the described allotment land with the written concurrence of the Native Corporation or the State.

"(2) CONCURRENCE.—A written concurrence shall—

"(A) include a finding that the land description proposed by the Secretary is acceptable; and

"(B) attest that the Native Corporation or the State has not—

"(i) granted any third party rights or taken any other action that would affect the ability of the United States to convey full title under the Act of May 17, 1906 (34 Stat. 197, chapter 2469); and;

"(ii) stored or allowed the deposit of hazardous waste on the land.

"(3) CORRECTED DOCUMENT.—On receipt of an acceptable written concurrence, the Alaska State Office of the Bureau of Land Management shall—

"(A) issue a corrected conveyance document to the State or Native Corporation, as appropriate; and

"(B) issue a certificate of allotment to the allotment applicant.

"(4) NO OTHER DOCUMENTATION REQUIRED.—No documents of reconveyance from the State or an Alaska Native Corporation or evidence of title, other than the written concurrence and attestation described in paragraph (1), are necessary to use the procedures authorized by this subsection.

"(5) EFFECT ON LIABILITY.—Nothing in this section relieves the State, the United States, or any other entity of any existing liability under Federal or State law arising out of the presence or release of hazardous or toxic substances or solid wastes nor shall the United States be subject to such liability under applicable laws solely as a result of taking any actions under this subsection.".

SEC. 302. TITLE RECOVERY OF NATIVE ALLOTMENTS

(a) IN GENERAL.—If the State or any Native Corporation does not elect to take advantage of the title affirmation process available under subsection (d) of section 18 of th Alaska Native Claims Settlement Act (as added by section 301), the State or any Native Corporation may quitclaim, by a date certain established by the Secretary, all or any part of its interest in the land encompassed by an allotment claim by tendering a valid and appropriate deed to the United States.

(b) ACCEPTANCE OF DEED BY UNITED STATES.—The United States may accept the deed if the United States determines that the issuance of an allotment is appropriate based on evidence of record with the Bureau of Land Management or attestation of the State or Native Corporation as to the use of the land by the allotment applicant.

(c) OFFERING OF ALTERNATE LAND.—The State, under the authority granted in section 18(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1617(c)), or a Native Corporation under the authority granted in section 303, may elect to offer land other than those encompassed by the allotment claim in substitution for the originally described land.

(d) ACCEPTANCE OF DEED BY APPLICANT.—Before the acceptance of the title by the United States, the Secretary shall provide the applicant or the personal representative of a deceased applicant 90 days to accept the offered deed.

(e) ACCEPTANCE BY UNITED STATES.—On receipt of the applicant's acceptance, the Secretary may accept the quit claim deed and issue the allotment.

(f) BINDING EFFECT.—The allottee shall be bound by the terms and conditions of the conveyance to the United States and the conveyance to the allottee by the United States.

(g) SURVEY.—If acceptance by the applicant is not received by the Bureau of Land Management, Alaska State Office, within the 90-day time period provided under subsection (d), the United States shall, with the permission of the landowner, survey the boundaries of the allotment claim on file with the Secretary to fix in an irrevocable manner the location of the claim.

(h) NO DOCUMENTATION REQUIRED.—When the Secretary reacquires title to land from a Native Corporation or the State for the purpose of conveying an allotment, there shall be no requirement to prepare a certificate of inspection and possession or to perform a hazardous materials inspection prior to the acceptance of the reconveyance to the United States or conveyance to the Native allotment applicant.

(i) NO LIABILITY.—The United States shall not be liable for any contamination on the land solely by virtue of reacquiring title or conveying the allotment.

SEC. 303. NATIVE ALLOTMENT RELOCATION ON LAND SELECTED BY OR CONVEYED TO A NATIVE CORPORATION.

Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) (as amended by section 301) is amended by adding at the end the following:

"(e) AMENDMENT OF LAND DESCRIPTION.—

"(1) IN GENERAL.—An allotment applicant who had a valid application pending before the Department of the Interior on December 18, 1971, and whose application is still open on the records of the Secretary as of the date of enactment of this subsection may amend the land description in the application to describe land other than the land that the applicant originally intended to claim if—

"(A) the application—

"(i) describes land selected by or conveyed by interim conveyance or patent to a Native Corporation formed to receive benefits under this Act; or

"(ii) otherwise conflicts with an interest in land granted to a Native Corporation by the United States;

"(B) the amended land description describes land selected by or conveyed by interim conveyance or patent to a Native Corporation of approximately equal acreage in substitution for the land described in the original application; and

"(C) the Native Corporation, or its successor in interest, that selected the land or received an interim conveyance or patent for the land, provides a corporate resolution authorizing reconveyance or relinquishment to the United States of the land, or interest in land, described in the amended application.

"(2) RIGHT OF FIRST REFUSAL.—

"(A) IN GENERAL.—The allotment applicant and the Native Corporation may agree that the Native Allotment Certificate, when issued, shall contain a right of first refusal allowing the Native Corporation to match any offer to buy the allotted land at or over appraised value, with approval of an authorized official of the Bureau of Indian Affairs, within 30 days of notice of intent to accept an offer.

"(B) FILING.—Any agreement to make the allotment subject to such a right of first refusal shall be in writing and shall be filed with the Alaska State Office of the Bureau of Land Management. The right of first refusal shall not apply to transfers of the land to family members or to transfers by gift deed.

"(3) CONCURRENCE REQUIRED.—If an application pending before the Department of the Interior as described in paragraph (1) describes land selected by, but not conveyed by interim conveyance or patent to a Native Corporation, the concurrence of an authorized official of the Bureau of Land Management and regional head of the managing Federal agency if different than the Bureau of Land Management shall be required in order for an application to proceed under this section.

"(4) NATIVE ALLOTMENT CERTIFICATE.—

"(A) IN GENERAL.—On acceptance of a reconveyance or relinquishment from a Native Corporation under paragraph (1), the Secretary shall issue a native allotment certificate to the applicant for the land reconveyed or relinquished by the Native Corporation.

"(B) Inclusions.—The Native Allotment Certificate shall include a right of first refusal if a written copy of an agreement to include such provision is filed with the Alaska State Office of the Bureau of Land Management prior to issuance of the Native Allotment Certificate.

"(C) Reservations.—Any allotment relocated under this section shall, when allotted, be made subject to any easement, trail, or right-of-way in existence on the relocated allotment land on the date of relocation.".

SEC. 304. COMPENSATORY ACREAGE.

(a) In General.—The Secretary shall adjust the acreage entitlement computation records for the State of Alaska or an affected Native Corporation to account for any difference in the amount of acreage between the corrected description and the previous description in any conveyance document as a result of actions taken under section 18(d) of the Alaska Native Claims Settlement Act (as added by section 301), section 302, or section 18(e) of the Alaska Native Claims Settlement Act (as added by section 303), or for other voluntary reconveyances to the United States for the purpose of facilitating timely completion of land transfer in Alaska.

(b) Limitation.—No adjustment to the acreage conveyance computations shall be made where the State of Alaska or an affected Native Corporation retains a partial estate in the described allotment land.

(c) Availability of Additional Land.—If, as a result of implementation under section 18(d) of the Alaska Native Claims Settlement Act (as added by section 301) or section 302, a Village Corporation has insufficient remaining selections from which to receive its full entitlement under the Alaska Native Claims Settlement Act, the Secretary has sole and unreviewable discretion to use the authority and procedures available under section 22(j)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(j)(2)) and section 207 to make additional land available for selection by the Village Corporation.

SEC. 305. NATIVE ALLOTMENT DEADLINES.

Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) (as amended by section 303) is amended by adding at the end the following:

"(f) Request for Reinstatement.—

"(1) In general.—An applicant for a Native allotment filed under the Act of May 17, 1906 (34 Stat. 197, chapter 2469) or filed under section 41 of this Act shall be entitled to have the Secretary accept a reinstatement of a previously closed Native allotment application or to accept a reconstructed copy of an application claimed to have been timely filed with an agency of the Department of the Interior, only if the applicant filed a request for reinstatement or acceptance of a reconstructed application with the Alaska State Office, Bureau of Land Management, before the date of enactment of this subsection.

"(2) Requirements.—No request to accept a Native allotment application as timely filed, submitted before the date of enactment of this subsection, shall be granted unless the request or application contains—

"(A) the name of the person to whom the application was originally given;

"(B) the Department of the Interior Bureau for whom that person worked;

"(C) the month and year in which the application was originally submitted;

"(D) the place at which the application was originally submitted (address or specific location, more than the community's name);

"(E) a complete application, including—

"(i) the date of commencement of qualifying use and occupancy;

"(ii) a description of the land for which the application is being made;

"(iii) a map sufficient to locate the property on the ground; and

"(iv) at least 2 written statements from knowledgeable individuals attesting to the applicant's qualifying use and occupancy of the land described in the application;

"(F) a written explanation setting forth all information known concerning the original filing of the application and the reasons that the application was not forwarded when originally submitted, if known, which explanation shall not include any additional information or explanatory material that was filed after the date of enactment of this Act; and

"(G) sworn statements from at least 2 knowledgeable individuals, with their current addresses, who will not benefit from the granting of the Native allotment application, attesting to the fact that an application for Native allotment was originally filed as set forth in the request, not including any additional witness statements or supplementation of the previously submitted statements.

"(3) Prohibition on reopening of application.—No application for a Native allotment that was closed, whether through relinquishment, denial or otherwise, under the laws (including regulations) that existed as of the date of closure, shall be reopened after the date of enactment of this subsection.

"(4) Voluntary reconveyance.—The United States—

"(A) may seek voluntary reconveyance of any land described in a application that is reopened, accepted, or is reconstructed that is accepted as timely filed after the date of enactment of this Act; but

"(B) shall not file an action in any court to recover title from a current landowner.

"(5) Exception.—Except as otherwise provided in this subsection, after the date of enactment of this subsection, no requests to amend an allotment description may be granted unless the request is initiated by the Secretary in order to conform the allotment description to its on-the-ground or surveyed description.".

SEC. 306. ELIMINATION OF SHORE SPACE MEASUREMENT.

Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) (as amended by section 305) is amended by adding at the end the following:

"(g) Applicability of Shore Space Measurement Requirement.—Section 2094 of part 43, Code of Federal Regulations, (relating to Shore Space) shall not apply to Native allotment applications which are required to be adjudicated under the Act of May 17, 1906 (34 Stat. 197, chapter 2469), if the land has been surveyed before the date of enactment of this Act or has been the subject of a field examination, before the date of enactment of this subsection, which did not recommend adjustment of the land that is the subject of the application due to excessive shore space.".

SEC. 307. AMENDMENTS TO SECTION 41 OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT.

Section 41(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g(b)) is amended—

(1) in paragraph (1)(A), by inserting before the semicolon at the end the following: "(except that the term 'nonmineral', as used in that Act, shall for the purpose of this subsection, include land valuable for deposits of sand or gravel except for claims describing land within the National Park System)"; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(B) by inserting "(A)" after "(2)";

(C) in clause (ii) (as redesignated by subparagraph (A)), by inserting after "Department of Veterans Affairs" the following: "or based on other evidence acceptable to the Secretary of the Interior"; and

(D) by adding at the end the following:

"(B)(i) If the Secretary requests that the Secretary of Veterans Affairs make a determination whether a veteran died as a direct consequence of a wound received in action, the Secretary of Veterans Affairs shall, within 60 days of receipt of the request—

"(I) provide a determination to the Secretary if the records of the Department of Veterans Affairs contain sufficient information to support such a determination; or

"(II) notify the Secretary that the records of the Department of Veterans Affairs do not contain sufficient information to support a determination and that further investigation will be necessary.

"(ii) Not later than 1 year after notification to the Secretary that further investigation is necessary, the Department of Veterans Affairs shall complete the investigation and provide a determination to the Secretary.".

TITLE IV—FINAL PRIORITIES; CONVEYANCE AND SURVEY PLANS

SEC. 401. DEADLINE FOR ESTABLISHMENT OF REGIONAL PLANS.

(a) In General.—Not later than 18 months after the date of enactment of this Act, the Director of the Bureau of Land Management (referred to in this title as the "Director"), in coordination and consultation with Native Corporations, Federal land management agencies, and the State, shall update and revise the 12 preliminary Regional Conveyance and Survey Plans.

(b) Inclusions.—The updated and revised plans under subsection (a) shall identify any conflicts to be resolved and recommend any actions that should be taken to facilitate the finalization of land conveyances in a region by 2009.

SEC. 402. DEADLINES FOR ESTABLISHMENT OF VILLAGE PLANS.

Not later than 30 months after the date of enactment of this Act, the Director, in coordination with affected Federal land management agencies, the State, and Village Corporations, shall complete a final closure plan with respect to the entitlements for each Village Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

SEC. 403. FINAL PRIORITIZATION OF ANCSA SELECTIONS

(a) In General.—Any Village or Regional Corporation that has not entered in a voluntary, negotiated settlement of final entitlement under section 212 by the date of enactment of this Act, shall submit the final, irrevocable priorities of the Village or Regional Corporation—

(1) not later than 36 months after the date of enactment of this Act for Village Corporations; and

(2) not later than 42 months after the date of enactment of this Act for Regional Corporations.

(b) Acreage Limitations.—The priorities submitted under subsection (a) shall not exceed land that is the greater of—

(1) not more than 125 percent of the remaining entitlement; or

(2) not more than 640 acres in excess of the remaining entitlement.

(c) Corrections.—

(1) In general.—Except as provided in paragraph (2), the priorities submitted under subsection (a) may not be revoked, rescinded, or modified by the Village or Regional Corporation.

(2) Technical corrections.—Not later than 90 days after the date of receipt of a notification by the Director that there is a technical error in the priorities, the Village or Regional Corporation may correct the technical error in accordance with any recommendations of, and in the manner prescribed by, the Director.

(d) Relinquishment.—

(1) In general.—As of the date on which the Village or Regional Corporation submits the final priorities of the Village or Regional Corporation under subsection (a), any unprioritized, remaining selections of the Village or Regional Corporation—

(A) are relinquished; and

(B) shall have no further segregative effect.

(2) Records.—All relinquishments under paragraph (1) shall be included in Bureau of Land Management land records.

(e) Failure to Submit Priorities.—If a Village or Regional Corporation fails to submit priorities by the deadline specified in subsection (a)—

(1) with respect to a Village or Regional Corporation that has priorities on file with the Director, the Director—

(A) shall convey to the Village or Regional Corporation the remaining entitlement of the Village or Regional Corporation, as determined based on the most recent priorities of the Village or Regional Corporation on file with the Director; and

(B) may reject any selections not needed to fulfill the entitlement; or

(2) with respect to a Village or Regional Corporation that does not have priorities on file with the Bureau of Land Management, the Director shall satisfy the entitlement by conveying land selected by the Director, in consultation with the Village or Regional Corporation, the Federal land managing agency, and the State, that, to the maximum extent practicable, is—

(A) compact;

(B) contiguous to land previously conveyed to the Village or Regional Corporation; and

(C) consistent with the applicable preliminary Regional Conveyance and Survey Plan referred to in section 401.

SEC. 404. FINAL PRIORITIZATION OF STATE SELECTIONS.

(a) Filing of Selection Priorities.—

(1) In general.—Not later than 180 days after the date on which the Director notifies the State that the portion of the Regional Conveyance and Survey Plan relating to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is complete, the State shall file selection priorities for the Regional Conveyance and Survey Plan area.

(2) Identification of priorities.—In the selection priorities filed under paragraph (1), the State shall identify all prioritized selections as being in 1 of the following 3 categories:

(A) Irrevocable priorities available for immediate conveyance.

(B) Topfiled priorities not currently available for conveyance.

(C) Revocable priorities not available for immediate conveyance.

(b) Conveyance.—The Director shall convey any irrevocable priorities identified under subsection (a)(2)(A) as soon as practicable after the date of enactment of this Act but not later than September 30, 2009.

(c) Corrections.—

(1) In general.—Except as provided in paragraph (2), irrevocable priorities identified under subsection (a)(2)(A) may not be rescinded or modified by the State.

(2) Technical corrections.—Not later than 30 days after the date of receipt of a notification by the Director that there is a technical error in the irrevocable priorities, the State may correct the technical error in accordance with any recommendations of, and in the manner prescribed by, the Director.

(d) Maximum Acreage.—The cumulative quantity of revocable selections (other than topfilings) shall not exceed 3,525,000 acres.

(e) Relinquishment.—

(1) In general.—The State shall relinquish any State selections in a Regional Conveyance and Survey Plan area not identified as an irrevocable, topfiled, or revocable priority.

(2) Failure to relinquish.—If the State fails to relinquish a selection under paragraph (1), the Director shall reject the selection.

(f) Filing of Final Priorities.—

(1) In general.—In addition to the prioritization required under subsection (a), the State shall, not later than the date that is 4 years after the date of enactment of this Act, in accordance with section 906(f)(1) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(f)(1)), file final priorities with the Bureau of Land Management for all land grant entitlements to the State which remain unsatisfied on the date of the filing.

(2) Ranking.—All selection applications on file with the Bureau of Land Management on the date specified in paragraph (1) shall—

(A) be ranked; and

(B) include an estimate of the acreage included in each selection.

(3) Inclusions.—The State shall include in the prioritized list land which has been topfiled under section 906(e) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(e)).

(4) Acreage limitation.—

(A) In general.—Acreage for topfilings shall not be counted against the 125 percent limitation.

(B) Relinquishment.—

(i) In general.—The State shall relinquish any selections that exceed the 125 percent limitation.

(ii) Failure to relinquish.—If the State fails to relinquish a selection under clause (i), the Director shall reject the selection.

(g) Deadline for Prioritization.—

(1) In general.—The State shall irrevocably prioritize sufficient selections to allow the Director to complete transfer of 101,000,000 acres by September 30, 2009.

(2) Financial assistance.—The Director may, using amounts made available to carry out this Act, provide financial assistance to other Federal agencies, the State, and Native Corporations and entities to assist in completing the transfer of land by September 30, 2009.

(3) Reprioritization.—Any selections remaining after September 30, 2009, may be reprioritized.

TITLE V—ALASKA LAND CLAIMS HEARINGS AND APPEALS

SEC. 501. ALASKA LAND CLAIMS HEARINGS AND APPEALS.

(a) Establishment.—The Secretary shall establish a hearings and appeals process to decide appeals from land transfer decisions issued by the Secretary in the State.

(b) Administrative Law Judges.—

(1) Appointment.—For purposes of carrying out subsection (a), the Secretary may appoint administrative law judges or other officers to hear appeals under subsection (a) for a specified term, as determined by the Secretary.

(2) Powers.—Judges and other officers appointed under paragraph (1) shall have the powers set forth in section 556(c) of title 5, United States Code.

(c) Regulations.—

(1) In general.—Notwithstanding the fact that proposed regulations have not been published, on establishment of the hearings and appeals process under subsection (a) the Secretary shall immediately publish in the Federal Register final regulations establishing procedures and practices for the hearings and appeals process.

(2) Applicable law.—Section 910 of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1638) shall apply to the regulations published under paragraph (1).

TITLE VI—REPORT TO CONGRESS

SEC. 601. REPORT.

(a) In General.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the status of the implementation of this Act.

(b) Contents.—The report shall—

(1) describe the status of conveyances to Alaska Natives, Native Corporations, and the State; and

(2) include recommendations for completing the conveyances required by this Act.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

(b) Availability of Funds.—Amounts appropriated under subsection (a) shall be available until expended.

By Mr. CAMPBELL:

S. 1467. A bill to establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, I rise today to introduce a bill to designate a stretch of the Rio Grande River as an Outstanding Natural Area. This Outstanding Natural Area designation is the hallmark of successful partnerships between local landowners, farmers, governments and interested advocacy groups to develop a plan to preserve an important stretch of river and the southwest Willow Flycatcher, a federally recognized endangered species.

The Rio Grande River and its tributaries rise in the San Juan Mountains and flow into the San Luis Valley. The Valley, like so much of Colorado is dependent on snowmelt for water. In fact, the 600,000 acres of irrigated farm land within the Valley only get an average of seven inches of precipitation each year. It goes without saying that the Rio Grande River is the lifeblood of the Valley for flora and fauna as well as thousands of farmers and landowners.

The legislation that I am introducing today is the product of careful collaboration between interested stakeholder, including environmental groups, landowners, farmers, and local governments. All of these parties recognized that in order to protect this important thirty-three miles of watershed something had to be done. After much deliberation, all agreed that designating the stretch of River from the southern edge of the Alamosa National Wildlife Refuge to the New Mexico State line as an Outstanding Natural Area would be the best way to maintain this critical reach.

This bill establishes a Commission made up of Federal, State, and local stakeholders who are charged with developing a management plan to restore and protect the area. The Secretary of Interior must review and approve the plan. Upon approval, the Secretary of Interior would implement the management plan, coordinating with State and local governments, and cooperating with land owners. Private landowners are encouraged to participate in the Commission.

As in much of the West, Rio Grande River's water is apportioned to downstream states through interstate compact. Therefore, make no mistake; this bill does not include an implied or reserved water right.

The Outstanding Natural Area legislation that I am introducing today is supported by the local Boards of county Commissioners, the local water user organizations, the local Cattlemen's Association, the environmental community, and affected private landowners along the River.

We often talk about bringing interested folks to the table to work out a cooperative solution to an issue. All too often, either people don't come to the table or the discussions fail to bear fruit. This bill is a positive example of what can be accomplished when interested stakeholders come together in good faith and work toward a common goal. I am proud to introduce this legislation and continue that effort.

I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rio Grande Outstanding Natural Area Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds as follows:

(1) Preservation and restoration of the land in the Area are required to preserve the Area's unique scientific, scenic beauty, educational, and environmental values, including unique land forms, scenic beauty, cultural sites, and habitats used by various species of raptors and other birds, mammals, reptiles, and amphibians.

(2) There are archaeological and historic sites in the Area resulting from at least 10,000 years of use for subsistence and commerce.

(3) The archaeological sites represent regional ancestry, including Paleo-Indian and nomadic bands of Ute and Apache.

(4) The Area contains exceptional scenic values and opportunities for wildlife viewing.

(5) Approximately 2,771 acres of land within the Area are owned by the United States and administered by the Secretary, acting through the Director of the Bureau of Land Management, and approximately 7,885 acres of land within the Area are owned by private landowners.

(6) The Area is located downstream from areas in Colorado of significant and longstanding water development and use.

(7) The availability of water for use in Colorado is governed, in significant part, by the Compact, which obligates the State of Colorado to deliver certain quantities of water to the Colorado-New Mexico State line for the benefit of the States of New Mexico and Texas in accordance with the terms of the Compact.

(8) Because of the allocations of water made by the Compact to downstream States, the levels of use and development of water in Colorado, and the unpredictable and seasonal nature of the water supply, the Secretary shall manage the land within the Area to accomplish the purposes of this Act without asserting reserved water rights for instream flows or appropriating or acquiring water rights for that purpose.

(b) Purposes.—The purposes of this Act are to conserve, restore, and protect for future generations the natural, ecological, historic, scenic, recreational, wildlife, and environmental resources of the Area.

SEC. 3. DEFINITIONS.

In this Act:

(1) Area.—The term "Area" means the Rio Grande Outstanding Natural Area established under section 4.

(2) Area management plan.—The term "Area Management Plan" means the plan developed by the Commission in cooperation with Federal, State, and local agencies and approved by the Secretary.

(3) Commission.—The term "Commission" means the Rio Grande Outstanding Natural Area Commission as established in this Act.

(4) Compact.—The term "Compact" means the Rio Grande Compact, consented to by Congress in the Act of May 31, 1939 (53 Stat. 785, chapter 155).

(5) Map.—The term "Map" means the map entitled "   ", dated   , and numbered   .

(6) Public lands.—The term "public lands" has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(7) Secretary.—The term "Secretary" means the Secretary of the Interior.

(8) State.—The term "State" means the State of Colorado.

SEC. 4. ESTABLISHMENT OF AREA.

(a) In General.—There is established the Rio Grande Outstanding Natural Area.

(b) Boundaries.—The Area shall consist of approximately 10,656 acres extending for a distance of 33.3 miles along the Rio Grande River in southern Colorado from the southern boundary of the Alamosa National Wildlife Refuge to the Colorado-New Mexico State line, encompassing the Rio Grande River and its adjacent riparian areas extending not more than 1,320 feet on either side of the river.

(c) Map and Legal Description.—

(1) Legal description.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a legal description of the Area in the office of the Director of the Bureau of Land Management, Department of the Interior, in Washington, District of Columbia, and the Office of the Colorado State Director of the Bureau of Land Management.

(2) Force and effect.—The Map and legal description of the Area shall have the same force and effect as if they were included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description as they may appear from time to time.

(3) Public availability.—The Map and legal description of the Area shall be available for public inspection in the office of the Colorado State Director of the Bureau of Land Management, Department of the Interior in Denver, Colorado.

SEC. 5. COMMISSION.

(a) Establishment.—There is hereby established the Rio Grande Outstanding Natural Area Commission.

(b) Purpose.—The Commission shall assist appropriate Federal, State, and local authorities in the development and implementation of an integrated resource management plan for the Area called the Area Management Plan.

(c) Membership.—The Commission shall be composed of 9 members, designated or appointed not later than 6 months after the date of the enactment of this Act as follows:

(1) 2 officials of Department of the Interior designated by the Secretary, 1 of whom shall represent the Federal agency responsible for the management of the Area and 1 of whom shall be the manager of the Alamosa National Wildlife Refuge.

(2) 2 individuals appointed by the Secretary, 1 of whom shall be based on the recommendation of the State Governor, representing the Colorado Division of Wildlife, and 1 representing the Colorado Division of Water Resources responsible for the Rio Grande drainage.

(3) 1 representative of the Rio Grande Water Conservation District appointed by the Secretary based on the recommendation of the State Governor, representing the local region in which the Area is established.

(4) 4 individuals appointed by the Secretary based on recommendations of the State Governor, representing the general public who are citizens of the State and of the local region in which the Area is established, who have knowledge and experience in the appropriate fields of interest relating to the preservation and restoration and use of the Area. 2 appointees from the local area shall represent nongovernmental agricultural interests and 2 appointees from the local area shall represent nonprofit nongovernmental environmental interests.

(d) Terms.—Members shall be appointed for terms of 5 years and may be reappointed.

(e) Compensation.—Members of the Commission shall receive no pay on account of their service on the Commission.

(f) Chairperson.—The chairperson of the Commission shall be elected by the members of the Commission.

(g) Meetings.—The Commission shall hold its first meeting not later than 90 days after the date on which the last of its initial members is appointed, and shall meet at least quarterly at the call of the chairperson.

SEC. 6. POWERS OF THE COMMISSION.

(a) Hearings.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) Powers of Members and Agents.—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this Act.

(c) Acquisition of Real Property.—Except as provided in section 12, the Commission may not acquire any real property or interest in real property.

(d) Cooperative Agreements.—For purposes of carrying out the Area Management Plan, the Commission may enter into cooperative agreements with the State, with any political subdivision of the State, or with any person. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action proposed by the State, a political subdivision, or a person which may affect the implementation of the Area Management Plan.

SEC. 7. DUTIES OF THE COMMISSION.

(a) Preparation of Plan.—Not later than 2 years after the Commission conducts its first meeting, it shall submit to the Secretary an Area Management Plan. The Area Management Plan shall be—

(1) based on existing Federal, State, and local plans, but shall coordinate those plans and present a unified preservation, restoration, and conservation plan for the Area;

(2) developed in accordance with the provisions of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(3) consistent, to the extent possible, with the management plans adopted by the Director of the Bureau of Land Management for adjacent properties in Colorado and New Mexico.

(b) Contents.—The Area Management Plan shall include the following:

(1) An inventory which includes any property in the Area which should be preserved, restored, managed, developed, maintained, or acquired because of its natural, scientific, scenic, or environmental significance.

(2) Recommended policies for resource management which consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements, that will protect the Area's natural, scenic, and wildlife resources and environment.

(3) Recommended policies for resource management to provide for protection of the Area for solitude, quiet use, and pristine natural values.

(c) Implementation of the Plan.—Upon approval of the Area Management Plan by the Secretary, as provided in section 9, the Commission shall assist the Secretary in implementing the Area Management Plan by taking appropriate steps to preserve and interpret the natural resources of the Area and its surrounding area. These steps may include the following:

(1) Assisting the State in preserving the Area.

(2) Assisting the State and local governments, and political subdivisions of the State in increasing public awareness of and appreciation for the natural, historical, and wildlife resources in the Area.

(3) Encouraging local governments and political subdivisions of the State to adopt land use policies consistent with the management of the Area and the goals of the Area Management Plan, and to take actions to implement those policies.

(4) Encouraging and assisting private landowners within the Area in understanding and accepting the provisions of the Area Management Plan and cooperating in its implementation.

SEC. 8. TERMINATION OF THE COMMISSION.

(a) Termination.—Except as provided in subsection (b), the Commission shall terminate 10 years and 6 months after the date of the enactment of this Act.

(b) Extensions.—The Commission may be extended for a period of not more than 5 years beginning on the day of termination specified in subsection (a) if, not later than 180 days before that day, the Commission—

(1) determines that such an extension is necessary in order to carry out the purpose of this Act; and

(2) submits such proposed extension to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 9. ADMINISTRATION BY SECRETARY.

(a) Plan Approval; Publication.—Not later than 60 days after the Secretary receives a proposed management plan from the Commission, the Secretary, with the assistance of the Commission, shall initiate the environmental compliance activities which the Secretary determines to be appropriate in order to allow the review of the proposed plan and any alternatives thereto and to allow public participation in the environmental compliance activities. Thereafter, the Secretary shall approve an Area Management Plan for the Area consistent with the Commission's proposed plan to the extent possible, that reflects the results of the environmental compliance activities undertaken. Not later than 18 months after the Secretary receives the proposed management plan, the Secretary shall publish the Area Management Plan in the Federal Register.

(b) Administration.—The Secretary shall administer the lands owned by the United States within the Area in accordance with the laws and regulations applicable to public lands and the Area Management Plan in such a manner as shall provide for the following:

(1) The conservation, restoration, and protection of the Area's unique scientific, scenic, educational, recreational, and wildlife values.

(2) The continued use of the Area for purposes of education, scientific study, and limited public recreation in a manner that does not substantially impair the purposes for which the Area is established.

(3) The protection of the wildlife habitat of the Area.

(4) The elimination of opportunities to construct water storage facilities within the Area.

(5) The reduction or elimination of roads and motorized vehicles from the public lands to the greatest extent possible within the Area.

(6) The elimination of roads and motorized use on the public lands within the area on the western side of the river from Lobatos Bridge south to the State line.

(c) No Reservation of Water Rights.—Public lands affected by this Act shall not be subject to reserved water rights for any Federal purpose.

(d) Changes in Streamflow Regime.—To the extent that changes to the streamflow regime beneficial to the Area can be accommodated through negotiation with the State of Colorado, the Rio Grande Water Conservation District, and water users within Colorado, such changes should be encouraged, but may not be imposed as a requirement.

(e) Private Lands.—Private lands within the Area will be affected by the designation and management of the Area only to the extent that the private landowner agrees in writing to be bound by the Area Management Plan.

SEC. 10. MANAGEMENT.

(a) Area Management Plan.—

(1) In general.—The Secretary shall implement the Area Management Plan for all of the land within the Area that accomplishes the purposes of and is consistent with the provisions of this Act.

(2) Non-federal land.—The Area Management Plan shall apply to all land within the Area owned by the United States and may be made to apply to non-Federal land within the Area only when written acceptance of the Area Management Plan is given by the owners of such land.

(b) Coordination with State and Local Governments.—The Area Management Plan shall be developed and adopted in coordination with the appropriate State agencies and local governments in Colorado.

(c) Cooperation by Private Landowners.—In implementing the Area Management Plan, the Secretary shall encourage full public participation and seek the cooperation of all private landowners within the Area, regardless of whether the landowners are directly or indirectly affected by the Area Management Plan. If accepted by private landowners, in writing, the provisions of the Area Management Plan may be applied to the individual parcels of private land.

(d) New Impoundments.—In managing the Area, neither the Secretary nor any other Federal agency or officer may approve or issue any permit for, or provide any assistance for, the construction of any new dam, reservoir, or impoundment on any segment of the Rio Grande River or its tributaries within the exterior boundaries of the Area.

SEC. 11. RESTORATION TO PUBLIC LANDS STATUS.

(a) Existing Reservations.—All reservations of public lands within the Area for Federal purposes that have been made by an Act of Congress or Executive order prior to the date of enactment of this Act are revoked.

(b) Public Lands.—Subject to subsection (c), public lands within the Area that were subject to a reservation described in subsection (a)—

(1) are restored to the status of public lands; and

(2) shall be administered in accordance with the Area Management Plan.

(c) Withdrawal.—All public lands within the Area are withdrawn from settlement, sale, location, entry, or disposal under the laws applicable to public lands, including the following:

(1) Sections 910, 2318 through 2340, and 2343 through 2346 of the Revised Statutes (commonly known as the "General Mining Law, of 1872") (30 U.S.C. 21, 22, 23, 24, 26 through 30, 33 through 43, 46 through 48, 50 through 53).

(2) The Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a).

(3) The Act of April 26, 1882 (22 Stat. 49, chapter 106; 30 U.S.C. 25, 31).

(4) Public Law 85–876 (30 U.S.C. 28–1, 28–2).

(5) The Act of June 21, 1949 (63 Stat. 214, chapter 232; 30 U.S.C. 28b through 28e, 54).

(6) The Act of March 3, 1991 (21 Stat. 505, chapter 140; 30 U.S.C. 32).

(7) The Act of May 5, 1876 (19 Stat. 52, chapter 91; 30 U.S.C. 49).

(8) Sections 15, 16, and 26 of the Act of June 6, 1990 (31 Stat. 327, 328, 329, chapter 786; 30 U.S.C. 49a, 49c, 49d).

(9) Section 2 of the Act of May 4, 1934 (48 Stat. 1243, chapter 2559; 30 U.S.C. 49e, 49f).

(10) The Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (commonly known as the "Mineral Lands Leasing Act of 1920"; 30 U.S.C. 181 et seq.).

(11) The Act entitled "An Act to provide for the disposal of materials on public lands

of the United States", approved July 31, 1947 (commonly known as the "Materials Act of 1947"; 30 U.S.C. 601 et seq.).

(d) WILD AND SCENIC RIVERS.—No land or water within the Area shall be designated as a wild, scenic, or recreational river under section 2 of the Wild and Scenic Rivers Act (16 U.S.C. 1273).

SEC. 12. ACQUISITION OF NON-FEDERAL LANDS.

(a) ACQUISITION OF LANDS NOT CURRENTLY IN FEDERAL OWNERSHIP.—The Secretary, with the cooperation and assistance of the Commission, may acquire by purchase, exchange, or donation all or any part of the land and interests in land, including conservation easements, within the Area from willing sellers only.

(b) ADMINISTRATION.—Any lands and interests in lands acquired under this section—

(1) shall be administered in accordance with the Area Management Plan;

(2) shall not be subject to reserved water rights for any Federal purpose, nor shall the acquisition of the land authorize the Secretary or any Federal agency to acquire instream flows in the Rio Grande River at any place within the Area;

(3) shall become public lands; and

(4) shall upon acquisition be immediately withdrawn as provided in section 11.

SEC. 13. STATE INSTREAM FLOW PROTECTION AUTHORIZED.

Nothing in this Act shall be construed to prevent the State from acquiring an instream flow through the Area pursuant to the terms, conditions, and limitations of Colorado law to assist in protecting the natural environment to the extent and for the purposes authorized by Colorado law.

SEC. 14. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to—

(1) authorize, expressly or by implication, the appropriation or reservation of water by any Federal agency, or any other entity or individual other than the State of Colorado, for any instream flow purpose associated with the Area;

(2) affect the rights or jurisdiction of the United States, a State, or any other entity over waters of any river or stream or over any ground water resource;

(3) alter, amend, repeal, interpret, modify, or be in conflict with the Compact;

(4) alter or establish the respective rights of any State, the United States, or any person with respect to any water or water-related right;

(5) impede the maintenance of the free-flowing nature of the waters in the Area so as to protect—

(A) the ability of the State of Colorado to fulfill its obligations under the Compact; or

(B) the riparian habitat within the Area;

(6) allow the conditioning of Federal permits, permissions, licenses, or approvals to require the bypass or release of waters appropriated pursuant to State law to protect, enhance, or alter the water flows through the Area;

(7) affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers along the Rio Grande River and its tributaries upstream of the Area;

(8) impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or upstream of the Area, that is more restrictive than those that would be applicable had the Area not been established; or

(9) modify, alter, or amend title I of the Reclamation Project Authorizing Act of 1972, as amended (Public Law 92-514, 86 Stat. 964; Public Law 96-375, 94 Stat. 1507; Public Law 98-570, 98 Stat. 2941; and Public Law 100-516, 100 Stat. 257), or to authorize the Secretary to acquire water from other sources for delivery to the Rio Grande River pursuant to section 102(c) of such title.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 200—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD ADOPT A CONFERENCE AGREEMENT ON THE CHILD TAX CREDIT AND ON TAX RELIEF FOR MILITARY PERSONNEL

Mr. JOHNSON (for himself, Mr. DASCHLE, Mrs. LINCOLN, Mr. BAUCUS, Mr. KENNEDY, Mr. GRAHAM of Florida, Ms. CANTWELL, Mr. CORZINE, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 200

Whereas the Department of the Treasury will begin sending refund checks to taxpayers reflecting the increase in the child tax credit from $600 to $1,000 for 2003;

Whereas over 6,500,000 working families earning between $10,500 and $26,625, which include over 12,000,000 children, will not receive an increase in the child tax credit or a refund check;

Whereas nearly 150,000 United States soldiers are in Iraq sacrificing their lives to ensure freedom for Iraqi citizens;

Whereas of the 300,000 soldiers in combat zones throughout the world, 192,000 will have an earned income below $26,625;

Whereas many military families, which include 1,000,000 children, will not be eligible for the child tax credit unless the Senate Amendment to H.R. 1308 is enacted; and

Whereas many military personnel serving in combat zones and many working families would be eligible for the child tax credit under the Senate Amendment to H.R. 1308: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the committee of conference between the Senate and House of Representatives on H.R. 1308 should agree to a conference report before the August recess;

(2) any conference report on H.R. 1308 should contain the provisions in the Senate Amendment to H.R. 1308 concerning the refundability of the child tax credit;

(3) any conference report on H.R. 1308 should contain the provisions in the Senate Amendment to H.R. 1308 concerning the availability of the child tax credit for military families;

(4) any conference report on H.R. 1308 should contain the provisions in the Armed Forces Tax Fairness Act of 2003; and

(5) any conference report on H.R. 1308 should contain provisions to fully offset its cost.

SENATE RESOLUTION 201—DESIGNATING THE MONTH OF SEPTEMBER 2003 AS "NATIONAL PROSTATE CANCER AWARENESS MONTH"

Mr. SESSIONS (for himself, Mr. REID, Mr. SHELBY, Mr. KERRY, Mr. BROWNBACK, Ms. CANTWELL, Mr. HATCH, Mrs. BOXER, Ms. COLLINS, Mr. LIEBERMAN, Mr. INHOFE, Mr. BREAUX, Mr. DEWINE, Mrs. LINCOLN, Mr. CRAIG, Mr. MILLER, Ms. SNOWE, Mr. BAYH, Mr. CRAPO, Mr. DOMENICI, Mr. ROBERTS, Mr. NELSON of Florida, Mr. GRASSLEY, Mr. DODD, Mr. SMITH, Mr. DURBIN, Mr. BUNNING, Mrs. FEINSTEIN, Mr. HAGEL, Ms. MIKULSKI, Mr. VOINOVICH, Mr. EDWARDS, Mr. CAMPBELL, Mr. INOUYE, Mr. FEINGOLD, Mr. SCHUMER, Ms. LANDRIEU, Mr. DORGAN, Mr. LAUTENBERG, Ms. STABENOW, and Mrs. CLINTON) submitted the following resolution; which was considered and agreed to:

S. RES. 201

Whereas countless families in the United States have a family member living with prostate cancer;

Whereas in the United States, 1 man in 6 will be diagnosed with prostate cancer in his lifetime;

Whereas between 1993 and 2003, prostate cancer has been the most commonly diagnosed nonskin cancer and the second most common cancer killer of men in the United States;

Whereas the American Cancer Society estimates that in the United States, 220,900 men will be diagnosed with prostate cancer and 28,900 men will die of prostate cancer in 2003;

Whereas 30 percent of new cases of prostate cancer occur in men under the age of 65;

Whereas in the United States, as the population ages, the occurrence of prostate cancer will also increase;

Whereas African Americans suffer from a prostate cancer incidence rate that is up to 60-percent higher than White males and are more than twice as likely as White males to die of the disease;

Whereas in the United States, a man with 1 family member diagnosed with prostate cancer has double the risk of developing prostate cancer, a man with 2 such family members has 5 times the risk, and a man with 3 such family members has a 97-percent risk of developing the disease;

Whereas screening by both digital rectal examination (DRE) and prostate specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages, thus reducing prostate cancer mortality;

Whereas developing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating the people of the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September 2003 as "National Prostate Cancer Awareness Month";

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods and the treatment of prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the causes of, and improved screening, treatments, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) requests the President to issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote awareness of prostate cancer, to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy, and to observe the month of September 2003 with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 61—AUTHORIZING AND REQUESTING THE PRESIDENT TO ISSUE A PROCLAMATION TO COMMEMORATE THE 200TH ANNIVERSARY OF THE BIRTH OF CONSTANTINO BRUMIDI

Mr. LOTT submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 61

Whereas Constantino Brumidi, born in Rome, Italy, on July 26, 1805, landed at New York Harbor on September 18, 1852, as a political exile, making his flight from Italy to the United States because of his love for liberty;

Whereas Constantino Brumidi's love for his adopted country led him to seek citizenship 2 years after his arrival;

Whereas in 1855, Constantino Brumidi began his artistic work in the Capitol, and spent more than 25 years of his life painting, decorating, and beautifying the corridors, committee rooms, and Rotunda of the Capitol;

Whereas Constantino Brumidi created many magnificent paintings and decorations, depicting the history, inventions, values, and ideals of the United States, thus enhancing the dignity and beauty of the Capitol and inspiring millions of visitors;

Whereas in 1865, Constantino Brumidi painted, in just 11 months, his masterpiece "The Apotheosis of Washington" in the canopy of the eye of the Capitol dome;

Whereas in 1871, Constantino Brumidi created the first tribute to an African-American in the Capitol when he placed the figure of Crispus Attucks at the center of his painting of the Boston Massacre;

Whereas in 1877, at the age of 72, Constantino Brumidi began his last work, the fresco frieze encircling the top of the Rotunda, and 3 years later fell from a slipped scaffolding and was never able to return to work;

Whereas Constantino Brumidi died as a result of this experience 3 months later in February 1880;

Whereas Constantino Brumidi has been called "the Michelangelo of the Capitol" by historians; and

Whereas the year 2005 marks the 200th anniversary of the birth of Constantino Brumidi, as well as the 150th anniversary of the beginning of his artistic career in the Capitol and the 125th anniversary of his death: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President is authorized and requested to issue a proclamation commemorating the 200th anniversary of the birth of Constantino Brumidi and calling upon the people of the United States, State and local governments, and interested organizations to commemorate this anniversary with appropriate ceremonies, activities, and programs.

Mr. LOTT. Mr. President, Saturday, July 26, marks the 198th anniversary of the birth of Constantino Brumidi, the great artist who has been called the Michelangelo of the Capitol. When, in 2 years, the 200th anniversary of Brumidi's birth is at hand, I believe the President should issue a proclamation commemorating Brumidi's life. Today, I am introducing a resolution authorizing such a proclamation.

Constantino Brumidi was born in Rome in 1805 and immigrated to America in 1852. He began his artistic work in the Capitol in 1855 and, for the next 25 years, he labored to produce some of the most bold and moving frescoes and murals the world has ever seen. His paintings and decorations depict the history, inventions, values and ideals of the United States immeasurably enhancing the dignity and beauty of the Capitol. He designed and decorated on House and Senate committee rooms in the Capitol, as well as the Senate Reception Room, the Office of the Vice President and the President's Room. In 1856, Brumidi began creating designs for Senate corridors based on a loggia by Raphael in the Vatican, carefully integrating American motifs into a classical framework.

He was very proud of becoming an American citizen and is reported to have said: "I no longer wish for fame and fortune. My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on Earth in which there is liberty." He did not live long enough to finish his work; but he lived long enough to make the Capitol incredibly beautiful.

The man who labored a quarter century to make the Halls of Congress so magnificent deserves the recognition of the American people. Through this resolution, I believe we will provide appropriate recognition.

SENATE CONCURRENT RESOLUTION 62—HONORING THE SERVICE AND SACRIFICE OF KOREAN WAR VETERANS

Mr. DASCHLE (for himself, Mr. HAGEL, and Mr. LEVIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 62

Whereas Sunday, July 27, 2003, marks the 50th anniversary of the armistice ending the Korean War;

Whereas nearly 1,800,000 members of the United States Armed Forces answered their Nation's call to duty and served in Korea during the Korean War;

Whereas, during the 3-year period of the Korean War, more than 36,500 Americans died and more than 100,000 were wounded in some of the bloodiest, most horrific fighting in the history of warfare;

Whereas the bloodshed and sacrifice of these soldiers made possible the development of a democratic, prosperous, and peaceful Republic of Korea;

Whereas our troops in Korea were at the forefront of a long and difficult struggle against Communism and oppression that ultimately brought freedom to millions of people around the world;

Whereas the Korean War accelerated the final desegregation of the United States Armed Forces and stands as a milestone along the road to racial equality; and

Whereas it has taken decades for the people of this Nation to understand and appreciate the significance of the Korean War and the lasting accomplishments of those who fought in the war, leaving these veterans without the recognition and respect they so rightfully deserve: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) declares its appreciation for the significant and enduring accomplishments of our Nation's Korean War veterans;

(2) remains committed to the ideals of freedom, peace, and democracy on the Korean Peninsula; and

(3) affirms its commitment to preserving the memory of those who made the ultimate sacrifice in the Korean War, and to educating future generations about the achievements of our Nation's Korean War heroes.

AMENDMENTS SUBMITTED & PROPOSED

SA 1387. Mr. BINGAMAN (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 1388. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1389. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1390. Mr. DOMENICI (for Mr. INHOFE) proposed an amendment to the bill S. 14, supra.

SA 1391. Mr. BINGAMAN (for Mr. DURBIN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 14, supra.

SA 1392. Mr. BINGAMAN (for Mr. HARKIN) proposed an amendment to the bill S. 14, supra.

SA 1393. Mr. BINGAMAN (for Mr. SCHUMER) proposed an amendment to the bill S. 14, supra.

SA 1394. Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill S. 14, supra.

SA 1395. Mr. BINGAMAN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 14, supra.

SA 1396. Mr. DOMENICI proposed an amendment to the bill S. 14, supra.

SA 1397. Mr. DOMENICI (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 14, supra.

SA 1398. Mr. DOMENICI proposed an amendment to the bill S. 14, supra.

SA 1399. Mr. DOMENICI proposed an amendment to the bill S. 14, supra.

SA 1400. Mr. DOMENICI proposed an amendment to the bill S. 14, supra.

SA 1401. Mr. BINGAMAN (for Ms. LANDRIEU) proposed an amendment to the bill S. 14, supra.

SA 1402. Mr. FEINGOLD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1387. Mr. BINGAMAN (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, strike lines 6 through 19, and insert the following:

"(C) for property described in subsection (d)(6)—

"(i) $150 for each electric heat pump water heater,

"(ii) $250 for each electric heat pump,

"(iii) $125 for each advanced natural gas, oil, propane furnace, or hot water boiler,

"(iv) $250 for each central air conditioner,

"(v) $150 for each advanced natural gas, oil, or propane water heater,

"(vi) $50 for each natural gas, oil, or propane water heater,

"(vii) $250 for each geothermal heat pump,

"(viii) $50 for an advanced main air circulating fan,

"(ix) $150 for each advanced combination space and water heating system,

"(x) $50 for each combination space and water heating system.".

On page 109, line 19, strike "or propane furnace" and insert "propane furnace, or hot water boiler" after "furnace".

On page 110, line 3, strike lines 1 through 7 and insert:

"(v) an advanced natural gas, oil, or propane water heater which has an energy factor of at least 0.80 in the standard Department of Energy test procedure,

"(vi) a natural gas, oil, or propane water heater which has an energy factor of at least 0.65 and less than .080 in the standard Department of Energy test procedure,

"(vii) a geothermal heat pump which has an average efficiency ratio (EER) of at least 21,

"(viii) an advanced main air circulating fan used in a new natural gas, propane, or oil-fired furnace, including main air circulating fans that use a brushless permanent magnet motor or another type of motor that achieves similar or higher efficiency at half and full speed, as determined by the Secretary,

"(ix) an advanced combination space and water heating system which has a combined energy factor of at least 0.80 and a combined annual fuel utilization efficiency (AFUE) of 78 percent or higher in the standard Department of Energy test procedure, and

"(x) a combination space and water heating system which has a combined energy factor of at least 0.65 and less than .080 and a combined annual fuel utilization efficiency (AFUE) of 78 percent or higher in the standard Department of Energy test procedure.".

SA 1388. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, strike lines 12 through 16 and insert the following:

"(ii) which has an electrical capacity of no more than 15,000 kilowatts or a mechanical energy capacity of no more than 2,000 horsepower or an equivalent combination of electrical and mechanical energy capacities,".

On page 134, line 4, strike "(70 percent" and all that follows through "capacities)" on line 10.

On page 136, strike lines 16 through "section 168." on line 22.

SA 1389. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, line 17, strike "ending on—" and all that follows through "2007." on line 21 and insert "ending on December 31, 2007.".

SA 1390. Mr. DOMENICI (for Mr. INHOFE) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 52, after line 22, add the following:

SEC. 1 . RISK-BASED DATA MANAGEMENT SYSTEMS.

(a) IN GENERAL.—The Secretary of Energy shall make grants to the Ground Water Protection Council to develop risk-based data management systems in State oil and gas agencies to assist States and oil and gas producers with compliance, economic forecasting, permitting, and exploration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each fiscal year.

SA 1391. Mr. BINGAMAN (for Mr. DURBIN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Page 209, after line 6, insert:

"SEC. 6 . CONSERVE BY BICYCLING PROGRAM.

"(A) DEFINITIONS.—In this section:

"(1) The term 'program' means the Conserve by Bicycling Program established by subsection (b).

"(2) The term 'Secretary' means the Secretary of Transportation.

"(b) ESTABLISHMENT.—There is established within the Department of Transportation a program to be known as the 'Conserve by Bicycling Program'.

"(c) PROJECTS.—

"(1) In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—

"(A) dispersed geographically throughout the United States; and

"(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

"(2) A pilot project described in paragraph (1) shall—

"(A) use education and marketing to convert motor vehicle trips to bicycles trips;

"(B) document project results and energy savings (in estimated units of energy conserved);

"(C) facilitate partnerships among interested parties in at least 2 of the fields of transportation, law enforcement, education, public health, environment, and energy;

"(D) maximize bicycle facility investments;

"(E) demonstrate methods that may be used in other regions of the United States; and

"(F) facilitate the continuation of ongoing programs that are sustained by local resources.

"(3) At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

"(d) ENERGY AND BICYCLING RESEARCH STUDY.—

"(1) Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress, a report on a study on the feasibility of converting motor vehicle trips to bicycle trips.

"(2) The study shall—

"(A) document the results or progress of the pilot projects under subsection (c);

"(B) determine the type of duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as weather, land use and traffic patterns, the carrying capacity of bicycles, and bicycle infrastructure;

"(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

"(D) include a cost-benefit analysis of infrastructure investments; and

"(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,200,000, to remain available until expended, of which—

"(1) $5,150,000 shall be used to carry out pilot projects described in subsection (c);

"(2) $300,000 shall be used to by the Secretary to coordinate, publicize, and disseminate the results of the program; and

"(3) $750,000 shall be used to carry out subsection (d).".

SA 1392. Mr. BINGAMAN (for Mr. HARKIN) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 290, between lines 19 and 20, insert the following:

SEC. 8 . RENEWABLE PRODUCTION OF HYDROGEN DEMONSTRATION AND COMMERCIAL APPLICATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program to assist projects for the demonstration and commercial application of the production of hydrogen from renewable resources.

(b) SCOPE.—A project funded with assistance under this section may include an element other than production of hydrogen if the Secretary determines that the element contributes to the overall efficiency and commercial viability of the technology employed in the project, including—

(1) joint production of hydrogen and other commercial products from biomass; and

(2) renewable production of hydrogen and use of the hydrogen at a single farm location.

(c) COST SHARING; MERIT REVIEW.—A project carried out using funds made available under this section shall be subject to the cost sharing and merit review requirements under sections 982 and 983, respectively.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2004; and

(2) $25,000,000 for each of fiscal years 2005 through 2008.

SA 1393. Mr. BINGAMAN (for Mr. SCHUMER) proposed an amendment to the bill S. 14, to enhance the energy security of the United States and for other purposes; as follows

On page 150, after line 14, insert the following:

SEC. 443. PLAN FOR WESTERN NEW YORK SERVICE CENTER.

Not later than one year after the date of enactment of this Act, the Secretary of Energy shall transmit to the Congress a plan for the transfer to the Secretary of title to, and full responsibility for the possession, transportation, disposal, stewardship, maintenance, and monitoring of, all facilities, property, and radioactive waste at the Western New York Service Center in West Valley, New York. The Secretary shall consult with the President of the New York State Energy Research and Development Authority in developing such plan.

SA 1394. Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Strike the text starting on page 43, line 19, through page 49, line 19, and insert the following:

“SEC. 112. PRESERVATION OF GEOLOGICAL AND GEOPHYSICAL DATA.

“(a) SHORT TITLE.—This section may be cited as the ‘National Geological and Geophysical Data Preservation Program Act of 2003.’

“(b) PROGRAM.—The Secretary of the Interior shall carry out a National Geological and Geophysical Data Preservation Program in accordance with this section—

“(1) to archive geologic, geophysical, and engineering data, maps, well logs, and samples;

“(2) to provide a national catalog of such archival material; and

“(3) to provide technical and financial assistance related to the archival material.

“(c) PLAN.—Within 1 year after the date of the enactment of this section, the Secretary shall develop and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a plan for the implementation of the Program.

“(d) DATA ARCHIVE SYSTEM.—

“(1) ESTABLISHMENT.—The Secretary shall establish, as a component of the Program, a data archive system, which shall provide for the storage, preservation, and archiving of subsurface, surface, geological, geophysical and engineering data and samples. The Secretary, in consultation with the Advisory Committee, shall develop guidelines relating to the data archive system, including the types of data and samples to be preserved.

“(2) SYSTEM COMPONENTS.—The system shall be comprised of State agencies which elect to be part of the system and agencies within the Department of the Interior that maintain geological and geophysical data and samples that are designated by the Secretary in accordance with this subsection. The Program shall provide for the storage of data and samples through data repositories operated by such agencies.

“(3) LIMITATION OF DESIGNATION.—The Secretary may not designate a State agency as a component of the data archive system unless it is the agency that acts as the geological survey in the State.

“(4) DATA FROM FEDERAL LANDS.—The data archive system shall provide for the archiving of relevant subsurface data and samples obtained from Federal lands—

“(A) in the most appropriate repository designated under paragraph (2), with preference being given to archiving data in the State in which the data was collected; and

“(B) consistent with all applicable law and requirements relating to confidentiality and proprietary data.

“(e) NATIONAL CATALOG.—

“(1) IN GENERAL.—As soon as practicable after the date of the enactment of this section, the Secretary shall develop and maintain, as a component of the program, a national catalog that identifies—

“(A) data and samples available in the data archive system established under subsection (d);

“(B) the repository for particular material in such system; and

“(C) the means of accessing the material.

“(2) AVAILABILITY.—The Secretary shall make the national catalog accessible to the public on the site of the Survey on the World Wide Web, consistent with all applicable requirements related to confidentiality and proprietary data.

“(f) ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Advisory Committee shall advise the Secretary on planning and implementation of the Program.

“(2) NEW DUTIES.—In addition to its duties under the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), the Advisory Committee shall perform the following duties.

“(A) Advise the Secretary on developing guidelines and procedures for providing assistance for facilities in subsection (g)(1).

“(B) Review and critique the draft implementation plan prepared by the Secretary pursuant to subsection (c).

“(C) Identify useful studies of data archived under the Program that will advance understanding of the Nation's energy and mineral resources, geologic hazards, and engineering geology.

“(D) Review the progress of the Program in archiving significant data and preventing the loss of such data, and the scientific progress of the studies funded under the Program.

“(E) Include in the annual report to the Secretary required under section 5(b)(3) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)(3)) an evaluation of the progress of the Program toward fulfilling the purposes of the Program under subsection (b).

“(g) FINANCIAL ASSISTANCE.—

“(1) ARCHIVE FACILITIES.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to a State agency that is designated under subsection (d)(2), for providing facilities to archive energy material.

“(2) STUDIES AND TECHNICAL ASSISTANCE.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any State agency designated under subsection (d)(2) for studies and technical assistance activities that enhance understanding, interpretation, and use of materials archived in the data archive system established under subsection (d).

“(3) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with assistance under this subsection shall be no more than 50 percent of the total cost of that activity.

“(4) PRIVATE CONTRIBUTIONS.—The Secretary shall apply to the non-Federal share of the cost of an activity carried out with assistance under this subsection the value of private contributions of property and services used for that activity.

“(h) REPORT.—The Secretary shall include in each report under section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g)—

“(1) a description of the status of the Program;

“(2) an evaluation of the progress achieved in developing the Program during the period covered by the report; and

“(3) any recommendations for legislative or other action the Secretary considers necessary and appropriate to fulfill the purposes of the Program under subsection (b).

“(i) DEFINITIONS.—As used in this section:

“(1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the advisory committee established under section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d).

“(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior acting through the Director of the United States Geological Survey.

“(3) PROGRAM.—The term “Program” means the National Geological and Geophysical Data Preservation Program carried out under this section.

“(4) SURVEY.—The term “Survey” means the United States Geological Survey.

“(j) MAINTENANCE OF STATE EFFORT.—It is the intent of the Congress that the States not use this section as an opportunity to reduce State resources applied to the activities that are the subject of the Program.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $30,000,000 for each of fiscal years 2004 through 2008 for carrying out this section.”

SA 1395. Mr. BINGAMAN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 150, line 24, strike “(tidal and thermal)” and insert “(wave, tidal, current, and thermal)”.

On page 156, line 4, strike “(tidal and thermal)” and insert “(wave, tidal, current, and thermal)”.

SA 1396. Mr. DOMENICI proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes, as follows:

On page 90, line 24, strike “2003 through 2011” and insert “2004 through 2012”.

SA 1397. Mr. DOMENICI (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 40, beginning with line 13, strike all through line 20 and insert:

“(4) For purposes of this subsection, calculations of payments shall be made using qualified Outer Continental Shelf revenues received during the previous fiscal year.

SA 1398. Mr. DOMENICI proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 40, strike line 5 and all that follows through line 12, and insert: “shall not disburse such an amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section or so long as the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Coastal Impact Assistance Plan.”.

SA 1399. Mr. DOMENICI proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 286, strike line 10 and all that follows through page 287, line 21, and insert:

"SEC. 814. HYDROGEN DEMONSTRATION PROGRAMS IN NATIONAL PARKS.

"(a) Study.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior and the Secretary of Energy shall jointly study and report to Congress on—

"(1) the energy needs and uses in units of the National Park System; and

"(2) the potential for fuel cell and other hydrogen-based technologies to meet such energy needs in—

"(A) stationary applications, including power generation, combined heat and power for buildings and campsites, and standby and backup power systems; and

"(B) transportation-related applications, including support vehicles, passenger vehicles and heavy-duty trucks and buses.

"(b) Pilot Projects.—Based on the results of the study, the Secretary of the Interior shall fund not fewer than 3 pilot projects in units of the National Park System for demonstration of fuel cells or other hydrogen-based technologies in those applications where the greatest potential for such use has been identified. Such pilot projects shall be geographically distributed throughout the United States.

"(c) Authorization of Appropriations.—For purposes of this section, there are authorized to be appropriated to the Secretary of the Interior $1,000,000 for fiscal year 2004, and $15,000,000 for fiscal year 2005, to remain available until expended.".

SA 1400. Mr. DOMENICI proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 305, line 23, strike the word "basic".

SA 1401. Mr. BINGAMAN (for Ms. Landrieu) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 37, line 23, "year. Where" and insert "year, except that where".

SA 1402. Mr. FEINGOLD (for himself and Mr. Brownback) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 465, between lines 10 and 11, insert the following:

SEC. 1175. AFFILIATE TRANSACTIONS.

Section 204 of the Federal Power Act (16 U.S.C. 824c) is amended by adding at the end the following:

"(i) Transactions With Affiliates and Associated Companies.—

"(1) Definitions.—In this subsection, the terms 'affiliate', 'associate company', and 'public utility' have the meanings given the terms in section 1151 of the Energy Policy Act of 2003.

"(2) Regulations.—

"(A) In general.—The Commission shall promulgate regulations that shall apply in the case of a transaction between a public utility and an affiliate or associate company of the public utility.

"(B) Contents.—At a minimum, the regulations under subparagraph (A) shall require, with respect to a transaction between a public utility and an affiliate or associate company of the public utility, that—

"(i) the affiliate or associate company shall be an independent, separate, and distinct entity from the public utility;

"(ii) the affiliate or associate company shall maintain separate books, accounts, memoranda, and other records and shall prepare separate financial statements;

"(iii)(I) the public utility shall conduct the transaction in a manner that is consistent with transactions among nonaffiliated and nonassociated companies; and

"(II) shall not use its status as a monopoly franchise to confer on the affiliate or associate company any unfair competitive advantage;

"(iv) the public utility shall not declare or pay any dividend on any security of the public utility in contravention of such rules as the Commission considers appropriate to protect the financial integrity of the public utility;

"(v) the public utility shall have at least 1 independent director on its board of directors;

"(vi) the affiliate or associate company shall not acquire any loan, loan guarantee, or other indebtedness, and shall not structure its governance, in a manner that would permit creditors to have recourse against the assets of the public utility; and

"(vii) the public utility shall not—

"(I) commingle any assets or liabilities of the public utility with any assets or liabilities of the affiliate or associate company; or

"(II) pledge or encumber any assets of the public utility on behalf of the affiliate or associate company;

"(viii)(I) the public utility shall not cross-subsidize or shift costs from the affiliate or associate company to the public utility; and

"(II) the public utility shall disclose and fully value, at the market value or other value specified by the Commission, any assets or services by the public utility that, directly or indirectly, are transferred to, or otherwise provided for the benefit of, the affiliate or associate company, in a manner that is consistent with transfers among nonaffiliated and nonassociated companies; and

"(ix) electricity and hatural gas consumers and investors shall be protected against the financial risks of public utility diversification and transactions with and among affiliates and associate companies.

"(3) No preemption.—This subsection does not preclude or deny the right of any State or political subdivision of a State to adopt and enforce standards for the corporate and financial separation of public utilities that are more stringent that those provided under the regulations under paragraph (2).

"(4) Prohibition.—It shall be unlawful for a public utility to enter into or take any step in the performance of any transaction with any affiliate or associate company in violation of the regulations under paragraph (2).".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CRIME, CORRECTIONS AND VICTIMS' RIGHTS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Crime, Corrections and Victims' Rights be authorized to meet to conduct a hearing on "Alien Smuggling/Human Trafficking: Sending Meaningful Messages of Deterrence," on Friday, July 25, 2003, at 10 a.m., in SD226.

Panel 1: John Malcomb, Esq., Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC; Mr. Charles Demore, Interim Assistant Director of Investigations, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Washington, DC; and Mr. Robert L. Harris, Deputy Chief, U.S. Border Patrol, Department of Homeland Security, Bureau of Customs and Border Protection, Washington, DC.

Panel 2: the Honorable Robert Charleton, United States Attorney, District of Arizona, Phoenix, AZ; the Honorable Jane Boyle, United States Attorney, Northern District of Texas, Dallas, TX; and Sharon Cohn, Esq., Senior Counsel, International Justice Mission, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

On Thursday, July 24, 2003, the Senate passed H.R. 2555, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2555) entitled "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, namely:

DEPARTMENT OF HOMELAND SECURITY

TITLE I—DEPARTMENTAL OPERATIONS, MANAGEMENT, AND OVERSIGHT

Office of the Secretary and Executive Management

For necessary expenses of the Office of the Secretary of Homeland Security as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112) and executive management of the Department of Homeland Security, as authorized by law, $83,653,000.

Office of the Under Secretary for Management

For necessary expenses of the Office of the Under Secretary for Management and Administration, as authorized by sections 701–704 of the Homeland Security Act of 2002 (6 U.S.C. 341–344), $167,521,000: Provided, That of the total amount provided, $30,000,000 shall remain available until expended solely for the alteration and improvement of facilities and for relocation costs necessary for the interim housing of the Department's headquarters' operations and organizations collocated therewith.

Department-Wide Technology Investments

For development and acquisition of information technology equipment, software, services, *and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, $185,000,000, to remain available until expended.*

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $58,118,000; of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, including international services, as transferred by and authorized by the Homeland Security Act of 2002 (6 U.S.C. 271, 272), $229,377,000.

TITLE III—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by Subtitle A, Title IV, of the Homeland Security Act of 2002 (6 U.S.C. 201–203), $8,842,000.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), $380,000,000, to remain available until expended: Provided, That none of the funds appropriated in this Act for the United States Visitor and Immigrant Status Indicator Technology project may be obligated until the Department of Homeland Security submits a plan for expenditure that has been approved by the Committees on Appropriations of the Senate and the House of Representatives.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports, acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; contracting with individuals for personal services abroad; including not to exceed $1,000,000 to meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Customs and Border Protection, $4,366,000,000, of which not to exceed $96,000,000 shall remain available until September 30, 2005, for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may exceed that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed $4,000,000 shall remain available until expended.

In addition, for administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, and notwithstanding section 1511 (e)(1) of Public Law 107–296, $3,000,000 to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the appropriation for "Salaries and Expenses" under this heading.

AUTOMATION MODERNIZATION

For expenses for Customs and Border Protection automated systems, $441,122,000, to remain available until expended, of which not less than $318,690,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated in this Act for the Automated Commercial Environment may be obligated until the Department of Homeland Security submits a plan for expenditure that has been approved by the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $90,363,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for enforcement of immigration and customs laws, detention and removals, investigations; purchase and lease of up to 1,600 (1,450 for replacement only) police-type vehicles; including not to exceed $1,000,000 to meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Immigration and Customs Enforcement, $2,180,000,000, of which not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081), of which not less than $40,000,000 shall be available until expended for information technology infrastructure, and of which not to exceed $5,000,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That in addition, $424,211,000 shall be transferred from the revenues and collections in the General Services Administration, Federal Buildings Fund for the Federal Protective Service: Provided further, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed $1,000,000 shall remain available until expended: Provided further, That not later than 180 days after the date of enactment of this Act, the General Accounting Office shall transmit to Congress a report on the implementation of the Student and Exchange Visitor Information System (SEVIS), including an assessment of the technical problems faced by institutions of higher education using the system, the need for the detailed information collected, and an analysis of corrective action being taken by the Department to resolve problems in SEVIS.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE AND PROCUREMENT

For necessary expenses for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and at the discretion of the Director of the Bureau of Immigration and Customs Enforcement, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $257,291,000, to remain available until expended.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,775,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $4,523,900,000, to remain available until September 30, 2005, of which $3,185,000,000 shall be available for screening activities and of which $1,338,900,000 shall be available for airport support and enforcement presence: Provided, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: Provided further, That the sum under this heading appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004 in order to result in a final fiscal year appropriation from the general fund estimated at not more than $2,453,900,000: Provided further, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005: Provided further, That of the total amount provided under this heading, $309,000,000 shall be available for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems, as authorized by section 367 of title III of Division I of the Consolidated Appropriations Resolution, 2003 (49 U.S.C. 47110 note); and $150,500,000 shall be available for procurement of checked baggage explosive detection systems, including explosive trace detection systems, as authorized by section 4490 of title 49, United States Code.

MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $295,000,000, *to remain available until September 30, 2005: Provided, That of the total amount provided under this heading, $150,000,000 shall be available for port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117; and $30,000,000 shall be available to execute grants, contracts, and interagency agreements for the purpose of deploying Operation Safe Commerce.*

INTELLIGENCE

For necessary expenses for intelligence activities pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $13,600,000, to remain available until September 30, 2004.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development related to transportation security, $130,200,000, to remain available until expended: Provided, That of the total amount provided under this heading, $45,000,000 shall be available for the research and development of explosive detection devices.

ADMINISTRATION

For necessary administrative expenses of the Transportation Security Administration to carry out the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $433,200,000, to remain available until September 30, 2004.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note); and section 229(b) of the Social Security Act (42 U.S.C. 429(b)) and recreation and welfare, $4,719,000,000, of which $340,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That of the total amount provided under this heading, funding to operate and maintain the Coast Guard Research and Development Center shall continue at the fiscal year 2003 level: Provided further, That the Commandant of the Coast Guard shall conduct a study, the cost of which is not to exceed $350,000, to be submitted to the Committees on Appropriations of the Senate and the House of Representatives, on the research and development priorities of the Coast Guard and a design for a new research and development organizational structure within the Coast Guard that ensures that the Coast Guard has access to the most advanced technology necessary to perform its missions effectively: Provided further, That the Commandant may seek an independent entity to conduct such a study: Provided further, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That notwithstanding section 1116(c) of title 10, United States Code, amounts made available under this heading may be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2004 under section 1116(a) of such title.

In addition, of the funds appropriated under this heading in chapter 6 of title I of Public Law 108–11 (117 Stat. 583), $71,000,000 are hereby rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

RESERVE TRAINING

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $95,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $1,035,000,000, of which $23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $66,500,000 shall be available to acquire, repair, renovate, or improve vessels, small boats, and related equipment, to remain available until expended; of which $178,500,000 shall be available for other equipment, including $3,500,000 for defense message system implementation and $1,000,000 for oil spill prevention efforts under the Ports and Waterways Safety Systems (PAWSS) program, to remain available until expended; of which $70,000,000 shall be available for personnel compensation and benefits and related costs; of which $702,000,000 shall be available for the Integrated Deepwater Systems program, to remain available until expended; and of which $18,000,000 shall be available for alteration or removal of obstructive bridges, to remain available until expended: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available only for Rescue 21 and shall remain available until expended: Provided further, That funds for bridge alteration projects conducted pursuant to the Act of June 21, 1940 (33 U.S.C. 511 et seq.) shall be available for such projects only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,020,000,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 730 vehicles for police-type use, of which 610 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made sidecar compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,114,737,000, of which $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children; and of which $5,000,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2005: Provided further, That in fiscal year 2004 and thereafter, the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,579,000, to remain available until expended.

TITLE IV—ASSESSMENTS, PREPAREDNESS, AND RECOVERY

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, $20,000,000, to remain available until expended, to reimburse any Department of Homeland Security organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: Provided, That any funds provided under this heading shall be available only after the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 605 of this Act.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; for expenses for student athletic and related activities; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; room and board for student interns; and services as authorized by section 3109 of title 5, United States Code, $172,736,000, of which up to $44,413,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005: Provided, That in fiscal year 2004 and thereafter, the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: Provided further, That notwithstanding any other provision of law, in fiscal year 2004 and thereafter, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That in fiscal year 2004 and thereafter, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken under section 801 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–32); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $28,708,000, to remain available until expended.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,888,000,000, which shall be allocated as follows:

(1) $1,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711), of which $500,000,000 shall be available for State and local law enforcement terrorism prevention grants: Provided, That no funds shall be made available to any State prior to the submission of an updated state plan to the Office for Domestic Preparedness: Provided further, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: Provided further, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days after the grant award;

(2) $30,000,000 for technical assistance;

(3) $750,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: Provided, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 45 days after the receipt of the funds: Provided further, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants; and

(4) $358,000,000 for national programs:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: Provided further, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (3) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training as needed: Provided further, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of the funds provided under paragraphs (1) and (3) of this heading: Provided further, That not later than January 1, 2004, the Office of Domestic Preparedness shall submit to the Committees on Appropriations of the Senate and House of Representatives a report detailing efforts to assess and disseminate best practices to emergency responders which, at a minimum, shall discuss (1) efforts to coordinate and share information with State and local officials and emergency preparedness organizations; and (2) steps the Department proposes to improve the coordination and sharing of such information, if any.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $750,000,000, to remain available until September 30, 2005: Provided, That up to 5 percent of this amount shall be available for program administration.

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $3,615,000.

EMERGENCY PREPAREDNESS AND RESPONSE

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Emergency Preparedness and Response Directorate, $826,801,000, to remain available until expended, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. 903 note), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the amount provided under this heading: $163,000,000 shall be for activities relating to Preparedness, Mitigation, Response and Recovery; $434,000,000 shall be for Public Health Programs, including the Disaster Medical Assistance Teams and the Strategic National Stockpile; $165,214,000 shall be for Administrative and Regional Operations; and $64,587,000 shall be for Urban Search and Rescue Teams.

In addition, of the funds appropriated under this heading by Public Law 108–11 (117 Stat. 583), $3,000,000 are hereby rescinded.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2004, as authorized by the Energy and Water Development Appropriations Act, 2001 (Public Law 106–377; 114 Stat. 114A–46), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2004, and remain available until expended.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,956,000,000, notwithstanding the matter under the heading "Disaster Relief" under the heading "Federal Emergency Management Agency" of chapter II of title I of Public Law 102–229 (42 U.S.C. 5203), to remain available until expended; of which not to exceed $22,000,000 shall be transferred to and merged with the appropriation for "Office of the Inspector General" for audits and investigations: Provided, That the Under Secretary for Emergency Preparedness and Response may provide advanced funding to authorize nonprofit entities performing duties under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) who respond to a disaster declared by the President if the nonprofit entity petitions the Under Secretary for such advanced funding and demonstrates that they would be unable to respond to the disaster absent such funding.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For direct loans, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): Provided, That gross obligations for the principal amount of direct loans not to exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a). In addition, for administrative expenses to carry out the direct loan program, $557,000.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $150,000,000, to remain available until expended: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(g)): Provided further, That, notwithstanding section 203(f) of that Act (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), not to exceed $32,663,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed $77,809,000 for flood hazard mitigation, to remain available until September 30, 2005, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2005, and *which amounts shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: Provided, That in fiscal year 2004, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $565,897,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.*

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $20,000,000, to remain available until September 30, 2005, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and the Reorganization Plan No. 3 of 1978 (5 U.S.C. 903 note), $165,000,000.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77 (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

CERRO GRANDE FIRE CLAIMS

For payment of claims under the Cerro Grande Fire Assistance Act (Public Law 106–246; 114 Stat. 583), $38,062,000, to remain available until expended: Provided, That up to 5 percent of this amount may be made available for administrative costs.

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

For necessary expenses of the Office of the Under Secretary for Information Analysis and Infrastructure Protection as authorized by section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121), $10,460,000; of which $5,442,000 shall be for operations of the Department of Homeland Security Command Center: Provided, That no later than 120 days after enactment of this Act the Under Secretary of Infrastructure Analysis and Infrastructure Protection shall submit a report to the Committees on Appropriations of the Senate and House of Representatives on the vulnerability of the 250 largest sports and entertainment facilities (based on seating capacity).

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION, OPERATING EXPENSES

For necessary expenses for information analysis and infrastructure protection as authorized by section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121), $823,700,000, to remain available until September 30, 2005.

TITLE V—RESEARCH AND DEVELOPMENT

OFFICE OF THE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY

For necessary expenses of the Office of the Under Secretary for Science and Technology as authorized by section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182), $5,400,000.

SCIENCE AND TECHNOLOGY, RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

For necessary expenses for science and technology research, development, acquisition, and operations, as authorized by sections 302, 307, and 308 of the Homeland Security Act of 2002 (6 U.S.C. 182, 187, 188), $866,000,000, to remain available until expended; of which $55,000,000 is for university-based centers for homeland security as authorized by section 308(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 188(b)(2)); and of which $70,000,000 is provided for the centralized Federal technology clearinghouse as authorized by section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193): Provided, That of the total amount appropriated, $20,000,000 shall be available for the construction of the National Biodefense Analysis and Countermeasures Center: Provided further, That the Under Secretary for Science and Technology shall work with the Coast Guard Research and Development Center regarding research priorities for the Coast Guard: Provided further, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

TITLE VI—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 602. The Federal Emergency Management Agency "Working Capital Fund" shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313 and 557), for expenses and equipment necessary for maintenance and operations of such administrative services as the Secretary determines may be performed more advantageously as central services: Provided, That such fund shall hereafter be known as the "Department of Homeland Security Working Capital Fund".

SEC. 603. The Federal Emergency Management Agency "Bequests and Gifts" account shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313 and 557), for the Secretary of Homeland Security to accept, hold, administer and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security: Provided, That such fund shall hereafter be known as "Department of Homeland Security, Gifts and Donations": Provided further, That any gift or bequest is to be used in accordance with the terms of that gift or bequest to the greatest extent practicable.

SEC. 604. No employee of the Department of Homeland Security may be detailed or assigned from an agency, bureau, or office funded by this Act to any other agency, bureau, or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment unless expressly so provided herein.

SEC. 605. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, projects or activities, as approved by Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year to the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

SEC. 606. Of the funds appropriated by this Act or otherwise made available, not to exceed $100,000 may be used for official reception and representation expenses when specifically approved by the Secretary.

SEC. 607. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the date of enactment of an Act authorizing intelligence activities for fiscal year 2004.

SEC. 608. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 609. For fiscal year 2004 and thereafter, none of the funds made available by this Act may be used for the production of customs declarations that do not inquire whether the passenger had been in the proximity of livestock.

SEC. 610. For fiscal year 2004 and thereafter, none of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a determination, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 611. For fiscal year 2004 and thereafter, none of the funds made available by this Act may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined,

produced, or manufactured by forced or indentured child labor, as determined under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which there is in effect a detention order under such section 307 on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 612. Unless otherwise provided, funds may be used for purchase of insurance for official motor vehicles operated in foreign countries, and for the hire and purchase of motor vehicles as authorized by section 1343 of title 31, United States Code: Provided, That purchase for police-type use of passenger vehicles may be made without regard to the general purchase price limitation for the current fiscal year.

SEC. 613. Unless otherwise provided, funds may be used for uniforms without regard to the general purchase price limitation for the current fiscal year.

SEC. 614. None of the funds made available by this Act shall be used to pay the salaries and expenses of personnel to adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Transportation Security Administration for necessary security checkpoints.

SEC. 615. (a) None of the funds provided by this or previous appropriations Acts may be obligated for testing (other than simulations), deployment, or implementation of the Computer Assisted Passenger Prescreening System (CAPPS II) that the Transportation Security Administration (TSA) plans to utilize to screen aviation passengers, until the General Accounting Office has reported to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS II and has demonstrated that CAPPS II can make an accurate predictive assessment of those passengers who may constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which CAPPS II is being developed and prepared;

(5) the TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS II from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the use and operation of the system; and

(8) there are no specific privacy concerns with the technological architecture of the system.

(b) The General Accounting Office shall submit the report required under paragraph (a) of this section no later than 60 days after the Secretary of Homeland Security has published in the Federal Register the Department's privacy notice for CAPPS II or no later than 60 days after enactment of this Act, whichever is later.

SEC. 616. Not later than March 1, 2004, the Secretary of Homeland Security shall submit to Congress a report that—

(1) details the progress made in developing countermeasures for commercial aircraft against shoulder-fired missile systems, including cost and time schedules for developing and deploying such countermeasures; and

(2) in classified form and in conjunction with airports in category X and category one, an assessment of the vulnerability of such airports from the threat of shoulder-fired missile systems and the interim measures being taken to address the threat.

SEC. 617. Not later than March 1, 2004, the Secretary of Homeland Security shall issue a classified report to Congress on the security costs incurred by State and local government law enforcement personnel in each State in complying with requests and requirements of the United States Secret Service to provide protective services and transportation for foreign and domestic officials.

SEC. 618. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the procurement of any articles, materials, or supplies in contravention of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 619. Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report in unclassified form to Congress on the Homeland Security Advisory System, which shall include—

(1) an assessment of how the system is fulfilling its missions to—

(A) provide a national framework for Federal, State, and local governments, private industry and the public to gauge threat levels;

(B) establish the integration of factors for assignment of threat conditions;

(C) unify the system of public announcements, allowing government officials and citizens to communicate the nature and degree of terrorist threats; and

(D) provide a tool for combating terrorism by deterring terrorist activity, notifying law enforcement and State and local government officials of threats, informing the public about government preparations, and providing such officials and the public with information necessary to respond to the threat;

(2) the average daily cost of elevating the Homeland Security Advisory System by 1 threat level;

(3) an evaluation by the Inspector General of the Department of Homeland Security of the responses to each of the suggested protective measures to be taken at each threat level; and

(4) a review of efforts taken by the Department of Homeland Security to refine the Homeland Security Advisory System, and the progress of tailoring the system so that threat alerts are issued on a regional basis rather than nationally.

SEC. 620. (a) Congress finds that—

(1) emergency responders are the first line of defense in protecting our Nation against terrorist attacks;

(2) the Department of Homeland Security uses population as a factor when allocating grant funding to States and local governments for emergency responders;

(3) population plays an important role in both formula and discretionary grants, which are administered by the Department of Homeland Security;

(4) the number of people in a city or State often differs from estimates by the Census Bureau;

(5) large groups of tourists regularly visit many American cities and States, but are not included in the resident population of these cities and States; and

(6) the monetary needs of emergency responders are directly related to the amount of people they are responsible to protect.

(b) It is the sense of the Senate that the Secretary of Homeland Security should take into account tourist population as a factor when determining resource needs and potential vulnerabilities for the purpose of allocating funds for discretionary and formula grants.

SEC. 621. Not later than 30 days after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall—

(1) review the damage survey reports and project worksheets relating to the damages and costs incurred by the University of North Dakota as a result of the April 1997 flooding in North Dakota, which is classified by Emergency Preparedness and Response as DR–1174–ND; and

(2) submit a report on the efforts of the Directorate of Emergency Preparedness and Response to resolve any outstanding claims by the University of North Dakota relating to the reports described in paragraph (1) to the Committees on Appropriations of the Senate and House of Representatives.

SEC. 622. Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, shall report to the Committees on Appropriations of the Senate and the House of Representatives on the feasibility of providing access to State and local law enforcement agencies to the database of the Department of State on potential terrorists known as the "Tipoff" database, including the process by which classified information shall be secured from unauthorized disclosure.

SEC. 623. Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, in collaboration with the Director of the Office of Management and Budget, shall submit a report to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Select Committee on Homeland Security of the House of Representatives on the status of the Department's efforts to—

(1) complete an inventory of the Department's entire information technology infrastructure;

(2) devise and deploy a secure comprehensive enterprise architecture that—

(A) promotes interoperability of homeland security information systems, including communications systems, for agencies within and outside the Department;

(B) avoids unnecessary duplication; and

(C) aids rapid and appropriate information exchange, retrieval, and collaboration at all levels of government;

(3) consolidate multiple overlapping and inconsistent terrorist watch lists, reconcile different policies and procedures governing whether and how terrorist watch list data are shared with other agencies and organizations, and resolve fundamental differences in the design of the systems that house the watch lists so as to achieve consistency and expeditious access to accurate, complete, and current information;

(4) ensure that the Department's enterprise architecture and the information systems leveraged, developed, managed, and acquired under such enterprise architecture are capable of rapid deployment, limit data access only to authorized users in a highly secure environment, and are

capable of continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data; and

(5) align common information technology investments within the Department and between the Department and other Federal, State, and local agencies responsible for homeland security to minimize inconsistent and duplicate acquisitions and expenditures.

SEC. 624. No funds in this Act shall be available for any contract entered into after the date of enactment of this Act by the Department of Homeland Security with—

(1) an inverted domestic corporation (as defined in section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395)),

(2) any corporation which completed a plan (or series of transactions) described in such section before, on, or after the date of enactment of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395), or

(3) any subsidiary of a corporation described in paragraph (1) or (2).

SEC. 625. It is the sense of the Senate that the Department of Homeland Security's Undersecretary for Science and Technology should take all appropriate steps to ensure the active participation of historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native serving institutions in Department sponsored university research.

SEC. 626. (a) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for enhancements of the operations of the Information Analysis and Infrastructure Protection Directorate in order to—

(1) meet the personnel requirements of the Directorate;

(2) improve communications between the Directorate and the intelligence community; and

(3) improve coordination between the Directorate and State and local counterterrorism and law enforcement officials.

(b) In addition to the matters specified in subsection (a), the plan shall include a description of the current assets and capabilities of the Information Analysis and Infrastructure Protection Directorate, a strategy for the Directorate for the coordination and dissemination of intelligence and other information, and a schedule for the implementation of the plan required under subsection (a).

SEC. 627. Not later than 90 days after the date of enactment of this Act, the Comptroller General shall conduct a review and report to Congress on all of the data-mining programs relating to law enforcement and terrorism currently under development and in use in the Department of Homeland Security.

SEC. 628. When establishing priorities for firefighting vehicles in the Firefighter Assistance Grants program, the Secretary shall take into consideration the unique geographical needs of individual fire departments.

SEC. 629. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study and submit a report with recommendations to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate regarding the status of the air traffic control communications voids and gaps in tethered aerostat coverage around the United States, such as those existing in the central Gulf of Mexico.

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2004".

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

AMENDMENT NO. 1364, AS MODIFIED

Mr. HATCH. Madam President, I ask unanimous consent that notwithstanding passage of H.R. 2555, amendment No. 1364, which was previously agreed to, be modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 62 of the bill, line 12, after "investigations" insert the following:

"*Provided*, That the Under Secretary for Emergency Preparedness and Response may provide advanced funding to authorize nonprofit entities performing duties under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) who respond to a disaster declared by the President, if the non-profit entity petitions the Under Secretary for such advanced funding and demonstrates that they would be unable to respond to the disaster absent such funding."

EXECUTIVE SESSION

NOMINATION OF PRISCILLA RICHMAN OWEN TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. HATCH. Madam President, I ask unanimous consent that the Senate now proceed to executive session for the consideration of Calendar No. 86.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read the nomination of Priscilla Richman Owen, of Texas, to be U.S. Circuit Judge for the Fifth Circuit.

CLOTURE MOTION

Mr. HATCH. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under Rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undesigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 86, the nomination of Priscilla R. Owen of Texas to be United States Circuit Judge for the Fifth Circuit.

Bill Frist, Orrin Hatch, John Cornyn, Michael B. Enzi, Jim Talent, Judd Gregg, Jeff Sessions, Ben Nighthorse Campbell, Craig Thomas, Chuck Grassley, Chuck Hagel, Thad Cochran, Richard Shelby, Wayne Allard, Elizabeth Dole, Conrad Burns, Larry Craig.

Mr. HATCH. Madam President, I ask unanimous consent that the live quorum as provided for under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. For the information of all Senators, this will be the third cloture motion with respect to this nomination. This cloture vote will occur Tuesday, so we will notify Senators when the exact vote time is locked in.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. HATCH. Madam President, I ask unanimous consent that on Monday, the debate on Calendar No. 296 begin at 5:20 p.m.; provided further that immediately after the vote on that nomination, Executive Calendar No. 304 be confirmed, the motion to reconsider be laid upon the table, the President then be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, for the information of all Senators, this will now mean that the first vote during Monday's session will begin at 5:30 p.m.

LEGISLATIVE SESSION

Mr. HATCH. Madam President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. HATCH. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 229, 230, and 231, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I ask unanimous consent that the resolutions be agreed to, en bloc; that the preambles be agreed to, en bloc; that the motions to reconsider be laid upon the table, en bloc; and that any statements relating to these measures be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL GOOD NEIGHBOR DAY

The resolution (S. Res. 124) designating September 28, 2003, as "National Good Neighbor Day" was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas while our society has developed highly effective means of speedy communication around the world, it has failed to ensure communication among individuals who live side by side;

Whereas the endurance of human values and consideration for others is of prime importance if civilization is to survive; and

Whereas being a good neighbor to those around us is the first step toward human understanding: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 28, 2003, as "National Good Neighbor Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups and organizations to observe National Good Neighbor Day with appropriate ceremonies and activities.

100TH ANNIVERSARY OF THE FOUNDING OF THE HARLEY-DAVIDSON MOTOR COMPANY

The resolution (S. Res. 167) recognizing the 100th anniversary of the founding of the Harley-Davidson Motor company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century, was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas in 1903, boyhood friends, hobby designers, and tinkerers William S. Harley, then 21 years old, and Arthur Davidson, then 20 years old, completed the design and manufacture of their first motorcycle, with help from Arthur Davidson's brothers, Walter Davidson and William A. Davidson;

Whereas, also in 1903, Harley and the Davidson brothers completed 2 additional motorcycles in a makeshift "factory" shed in the Davidson family's backyard at the corner of 38th Street and Highland Boulevard in Milwaukee, Wisconsin;

Whereas the design features and construction quality of the early Harley-Davidson motorcycles proved significantly more innovative and durable than most other motorcycles of the era, giving Harley-Davidson a distinct competitive advantage;

Whereas in 1905, Walter Davidson won the first of many motorcycle competition events, giving rise to a strong tradition of victory in motorcycle racing that continues today;

Whereas in 1906, Harley-Davidson Motor Company constructed its first building, financed by the Davidsons' uncle James McClay, on the site of the Company's current world headquarters one block north of the Davidson home site, and manufactured 50 motorcycles that year;

Whereas in 1907, Harley-Davidson Motor Company was incorporated and its 18 employees purchased shares;

Whereas in 1908, the first motorcycle for police duty was delivered to the Detroit Police Department, beginning Harley-Davidson's long and close relationship with law enforcement agencies;

Whereas in 1909, to enhance power and performance, Harley-Davidson added a second cylinder to its motorcycle, giving birth to its hallmark 45-degree V-Twin configuration and the legendary Harley-Davidson sound;

Whereas during the years 1907 through 1913, manufacturing space at least doubled every year, reaching nearly 300,000 square feet by 1914;

Whereas Arthur Davidson, during Harley-Davidson's formative years, set up a worldwide dealer network that would serve as the focal point of the company's "close to the customer" philosophy;

Whereas Harley-Davidson early in its history began marketing motorcycles as a sport and leisure pursuit, thus laying the groundwork for long-term prosperity;

Whereas in 1916, Harley-Davidson launched "The Enthusiast" magazine, which today is the longest running continuously published motorcycle magazine in the world;

Whereas also in 1916, Harley-Davidson motorcycles saw their first military duty in skirmishes in border disputes along the United States border with Mexico;

Whereas in World War I, Harley-Davidson supplied 17,000 motorcycles for dispatch and scouting use by the Allied armed forces, and whereas the first Allied soldier to enter Germany after the signing of the Armistice was riding a Harley-Davidson motorcycle;

Whereas by 1920, Harley-Davidson was the world's largest motorcycle manufacturer, both in terms of floor space and production, with continual engineering and design innovation;

Whereas during the Great Depression of the 1930s, the company survived when all but 1 other domestic motorcycle manufacturer failed, on the strength of its product quality, the loyalty of its employees, dealers, and customers, steady police and commercial business, and a growing international presence;

Whereas in 1936, Harley-Davidson demonstrated foresight, resolve, and faith in the future by introducing the company's first overhead valve engine, the "Knucklehead" as it would come to be known, on its Model EL motorcycle, thus establishing the widely recognized classic Harley Davidson look and the company's reputation for styling;

Whereas Harley-Davidson workers in 1937 elected to be represented by the United Auto Workers of America, thus launching a proud tradition of working with Harley-Davidson to further build the company through advocacy and the development of effective programs and policies;

Whereas William H. Davidson, son of the late founder William A. Davidson, became president of Harley-Davidson in 1942 and would lead the company until 1971;

Whereas Harley-Davidson built more than 90,000 motorcycles for United States and Allied armed forces use during World War II, earning 4 Army-Navy "E" Awards for excellence in wartime production;

Whereas Harley-Davidson, during the 1950s and 1960s, recharged its sales and popularity with new models, including the Sportster and the Electra Glide, new engines, and other technological advances;

Whereas the Company developed the concept of the "factory custom" motorcycle with the 1971 introduction of the Super Glide and the 1977 Low Rider, under the design leadership of William "Willie G" Davidson, vice president of Styling and grandson of company founder William A. Davidson;

Whereas since 1980, as a national corporate sponsor of the Muscular Dystrophy Association, Harley-Davidson has raised more than $40,000,000 through company, dealer, customer, and supplier contributions, to fund research and health services;

Whereas in 1981, a group of 13 Harley-Davidson executives, led by chairman and CEO Vaughn Beals purchased Harley-Davidson from its then corporate parent AMF Incorporated;

Whereas by 1986, Harley-Davidson, against incredible odds, restored the company's reputation for quality and innovation and returned the company to vitality, thus ensuring a highly successful initial public stock offering;

Whereas throughout the 1980s and 1990s, Harley-Davidson became a national role model for positive labor-management relations, product innovation, manufacturing quality and efficiency, and phenomenal growth;

Whereas President Ronald Reagan, President William J. Clinton, and President George W. Bush all have visited Harley-Davidson manufacturing facilities and extolled the example set by Harley Davidson through its practices;

Whereas the Harley Owners Group, with more than 800,000 members and 1,200 chapters worldwide, is celebrating its 20th anniversary year in 2003 as a driving force in the company's heralded "close to the customer" operating philosophy; and

Whereas Harley-Davidson Motor Company is today the world's leading seller of large displacement (651 cc plus) motorcycles, with annual revenues in excess of $4,000,000,000, annual motorcycle shipments in excess of 290,000 units, strong international sales, and 17 consecutive years of annual revenue and earnings growth since becoming a publicly held company: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements of Harley-Davidson Motor Company, widely regarded as a tremendous American business success story and one of the top performing companies in America, as its employees, retirees, suppliers, dealers, customers, motorcycle enthusiasts, and friends worldwide commemorate and celebrate its 100th anniversary milestone;

(2) recognizes the great impact that Harley-Davidson has had on the business, social, and cultural landscape and lives of Americans and citizens of all nations, as a quintessential icon of Americana; and

(3) congratulates the Harley-Davidson Motor Company for this achievement and trusts that Harley-Davidson will have an even greater impact in the 21st century and beyond as a leading force for innovative business practices and products that will continue to provide enjoyment, transportation, and delight for generations to come.

NATIONAL PURPLE HEART RECOGNITION DAY

A concurrent resolution (S. Con. Res. 40) designating August 7, 2003, as "National Purple Heart Recognition Day" was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas the Order of the Purple Heart for Military Merit, commonly known as the Purple Heart, is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force, or while held by an enemy force as a prisoner of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force, or who die of a wound received in conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit, or the Decoration of the Purple Heart;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived out of respect for the memory and military achievements of George Washington in 1932, the 200th anniversary of his birth; and

Whereas the designation of August 7, 2003, as "National Purple Heart Recognition Day" is a fitting tribute to General Washington, and to the over 1,535,000 recipients of the Purple Heart Medal, approximately 550,000 of whom are still living: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates August 7, 2003, as "National Purple Heart Recognition Day";

(2) encourages all Americans to learn about the history of the Order of the Purple Heart for Military Merit and to honor its recipients; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for the Order of the Purple Heart for Military Merit.

NATIONAL CHILDREN'S MEMORIAL DAY

Mr. HATCH. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 196 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 196) designating December 14, 2003, as "National Children's Memorial Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Madam President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to this measure be printed in the RECORD, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from a myriad of causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a parent or family will ever endure during a lifetime; and

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates December 14, 2003, as "National Children's Memorial Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe "National Children's Memorial Day" with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. HATCH. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 201, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 201) designating the month of September 2003 as "National Prostate Cancer Awareness Month".

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Madam President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statement relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 201) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas countless families in the United States have a family member living with prostate cancer;

Whereas in the United States, 1 man in 6 will be diagnosed with prostate cancer in his lifetime;

Whereas between 1993 and 2003, prostate cancer has been the most commonly diagnosed nonskin cancer and the second most common cancer killer of men in the United States;

Whereas the American Cancer Society estimates that in the United States, 220,900 men will be diagnosed with prostate cancer and 28,900 men will die of prostate cancer in 2003;

Whereas 30 percent of new cases of prostate cancer occur in men under the age of 65;

Whereas in the United States, as the population ages, the occurrence of prostate cancer will also increase;

Whereas African Americans suffer from a prostate cancer incidence rate that is up to 60-percent higher than White males and are more than twice as likely as White males to die of the disease;

Whereas in the United States, a man with 1 family member diagnosed with prostate cancer has double the risk of developing prostate cancer, a man with 2 such family members has 5 times the risk, and a man with 3 such family members has a 97-percent risk of developing the disease;

Whereas screening by both digital rectal examination (DRE) and prostate specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages, thus reducing prostate cancer mortality;

Whereas developing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating the people of the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September 2003 as "National Prostate Cancer Awareness Month";

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods and the treatment of prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the causes of, and improved screening, treatments, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) requests the President to issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote awareness of prostate cancer, to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy, and to observe the month of September 2003 with appropriate ceremonies and activities.

HONORING THE SERVICE OF KOREAN WAR VETERANS

Mr. HATCH. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 62, submitted earlier today by Senators DASCHLE and HAGEL honoring the service of Korean war veterans; that the concurrent resolution be agreed to; that the preamble be agreed to; that the motions to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 62) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

Whereas Sunday, July 27, 2003, marks the 50th anniversary of the armistice ending the Korean War;

Whereas nearly 1,800,000 members of the United States Armed Forces answered their Nation's call to duty and served in Korea during the Korean War;

Whereas, during the 3-year period of the Korean War, more than 36,500 Americans died and more than 100,000 were wounded in some of the bloodiest, most horrific fighting in the history of warfare;

Whereas the bloodshed and sacrifice of these soldiers made possible the development of a democratic, prosperous, and peaceful Republic of Korea;

Whereas our troops in Korea were at the forefront of a long and difficult struggle against Communism and oppression that ultimately brought freedom to millions of people around the world;

Whereas the Korean War accelerated the final desegregation of the United States Armed Forces and stands as a milestone along the road to racial equality; and

Whereas it has taken decades for the people of this Nation to understand and appreciate the significance of the Korean War and the lasting accomplishments of those who fought in the war, leaving these veterans without the recognition and respect they so rightfully deserve: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) declares its appreciation for the significant and enduring accomplishments of our Nation's Korean War veterans;

(2) remains committed to the ideals of freedom, peace, and democracy on the Korean Peninsula; and

(3) affirms its commitment to preserving the memory of those who made the ultimate sacrifice in the Korean War, and to educating future generations about the achievements of our Nation's Korean War heroes.

ORDERS FOR MONDAY, JULY 28, 2003

Mr. HATCH. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m., Monday, July 28. I further ask unanimous consent that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 14, the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATCH. Madam President, for the information of all Senators, on Monday, the Senate will resume consideration of S. 14, the Energy bill. The chairman and ranking member were able to work through a number of amendments today, and they will continue to consider amendments during Monday's session. On behalf of the leader, I encourage Members who want to offer amendments to do so as early as possible next week. Those Members should contact the bill managers for an orderly consideration of those amendments.

Under a previous agreement, at 5:20 p.m. on Monday, the Senate will proceed to executive session to consider the nomination of Earl Yeakel, to be U.S. District Judge for the Western District of Texas. The Senate will vote on the Yeakel nomination at 5:30 p.m., and that will be the first rollcall vote of the day. Members should anticipate additional votes in relation to Energy bill amendments or any other items that can be cleared for action. In addition, the Senate will consider the trade agreements with Chile and Singapore. If all debate has been completed on those bills, the votes would also occur during Monday's session of the Senate.

Next week is the final week prior to the August recess. Senators can, therefore, expect busy sessions with rollcall votes throughout each day, and Members should schedule themselves accordingly.

ORDER FOR RECESS

Mr. HATCH. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate recess under the previous order following the remarks of the distinguished Senator from West Virginia, Mr. BYRD, for up to 20 minutes, and the distinguished Senator from Alabama, Mr. SESSIONS, for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Madam President, I thank the distinguished Senator from Utah, Mr. HATCH, for his courtesy in arranging for me to speak briefly before the Senate goes out for the weekend.

THE "REAL BEVERLY HILLBILLIES" IS REAL GARBAGE

Mr. BYRD. Mr. President, for more than a century now, national commentators of one type or another have stereotyped, mocked, and ridiculed the people of Appalachia.

They continued to do so even as the region and its people were savaged by Northeast industrialists, and as economic forces beyond their control resulted in massive gaps of poverty in the region. When I say "their control," I refer to its being beyond the control of the people of Appalachia. The stereotyping of the Appalachian people as dim-witted, barefooted hillbillies who thrive on incest and moonshine allowed the Nation to laugh at and turn its back on the plight of a people who were being robbed of their land and its resources. It prompted the Nation to perceive and to dismiss Appalachians as the instigators rather the victims of their plight.

Television has certainly been a part of this Appalachian bashing. "Green Acres" featured farming mountain folks conversing with a talking pig. The "Dukes of Hazzard" featured stereotypical mountain folk jumping into and out of cars, without bothering to open doors, and a car horn that played Dixie.

Even "The Waltons,"—remember the Waltons?—a series with numerous morally uplifting episodes and storylines that promoted hard work, love of family, honesty, patriotism, and spirituality, can be faulted for its beautifully romanticized version of poverty. It portrayed poverty as a way of life that nurtures, rather than inhibits, that builds character rather than denies opportunity.

I have seen poverty. I am one of poverty's children. I have known poverty, and poverty has known me. I can tell you that poverty is beautiful only if you are not poor.

In this day and age of political correctness, Appalachians may be the last remaining ethnic group that it is still socially acceptable to scorn, demean, stereotype, and joke about. If Jay Leno told such cruel, bigoted, and slanderous ethnic humor about any number of minority groups that he does Appalachians, he would have more than the ratings of David Letterman about which to be concerned.

Incredibly, the Columbia Broadcasting System, CBS, is planning to air a new program, "The Real Beverly Hillbillies." For this program, the brainchild of the CEO Leslie Moonves, CBS plans to pluck a poor, rural family from the hills of Appalachia and plop them down in a mansion in Beverly Hills so the Nation can laugh at them as they try to adjust to big city life. I have read that CBS is already conducting so-called "hick-hunts" in which they are searching for the perfect stereotype Appalachian family to amuse a national audience.

The insensitivity and mean spiritedness of this plan has already aroused protests and criticisms from many segments of American society including Appalachian social action groups, labor unions, and various State and national legislators.

The United Mine Workers of America, the Steel Workers Union, and Communication Workers have all protested the network's intent to ridicule good people and make fun of their lifestyles. Forty-three Members of the House of Representatives objected to the proposed program, saying it would be "an insult to the millions of people living in Appalachia."

While I am outraged, I am even more curious about just what kind of brain power went into proposing this show. I cannot help but chuckle when I picture these highly paid, supposedly educated television corporate executives sitting around in a plush, ornate boardroom and thinking of such a stupid program. I am sure most of these fellows earn at least a six-figure income. Some of them probably went to Ivy League schools. And this is what they come up with?

It is not even original. It is a plagiarization of an old program, only going a step further and using real people rather than actors.

Highly paid, highly educated television executives sitting around in an ornate boardroom and thinking of low-grade garbage such as this. If this were my staff, I can tell you that I would be looking for some new staffers.

But these CBS executives think it will be funny for city folk to sit back and watch country bumpkins try to blend into the culture of the "beautiful people" of Rodeo Drive. Their anticipation is that Americans will tune in and watch and just howl and howl as they watch a poor family from Appalachia adjust to the glitz and glamour of Beverly Hills, to modern appliances, Gucci shoes, and Rolex watches. Boy, I can hardly hold back my laughter, being one of those people from Appalachia, being one of those country bumpkins.

One CBS executive remarked: "Imagine the episode where they have to interview maids." Boy, I am sure that episode will be a real knee slapper.

I have to ask, Is this the best they can do? Is this the best television has to offer? Unfortunately, it is.

Just when you think the television standards can get no lower, they do. Just when you start thinking these bottom feeders have cleansed the bottom and might try to move up the food chain, they find more garbage at the bottom to keep them there.

This is an Appalachian speaking to an Appalachian who sits in the chair today and presides over this great body with such dignity and aplomb.

Television has become more than the "vast wasteland" FCC chairman Newton Minnow labeled it 42 years ago, it has become a waste.

This is the industry that brings us "Buffy the Vampire Slayer," "Fear Factor," and "Jerry Springer."

Fox Network has featured those unforgettable, morally uplifting hits, "Temptation Island," "Joe Millionaire," and now the latest, "Mr. Personality," which features the show's hostess, the talented Monica Lewinsky.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER (Mr. WARNER.) If the distinguished leader would indulge the Presiding Officer to give the usual admonishment to those privileged to sit in the gallery of the Senate, they are not to enter into vocal expressions or disaffections.

Mr. BYRD. I congratulate the Chair on upholding the rules of the Senate.

Let them laugh. I am laughing, too.

If these executives are looking for new ideas for television reality shows, may I suggest a few. We could take highly paid, well-groomed television network executives and relocate them to the sticks, where they'd have to try to find a job with health care and pension benefits and enough pay to support a family, and adjust to everyday life in rural America. Now that would be funny! And, as the president of the UMWA, Cecil Roberts, has suggested, we could put them to work digging coal from a 30-inch seam in a non-union coal mine. That too would be funny!

I could suggest a program where Americans could watch television anchormen trying to get to work on time each day while driving on hilly, winding two-lane roads behind huge coal trucks going 5 miles an hour up steep hills. We would watch their frustration build and build and could take bets on when they would blow their tempers. We could watch them get their $2,500 made-to-measure suits dirty as they are forced to change tires flattened by huge potholes created by those coal trucks. We could watch them pull their cars into garages and get the estimates for repairs to the damage those potholes have done. Then we could laugh hysterically as they present "fleecing of America" awards to Senators who try to get those highways improved.

Or we could watch nightly news programs featuring episodes of journalists embedded with a Marine battalion comprised of the sons and daughters of Bush administration officials as they are being shot at in Iraq and Afghanistan.

That, of course, would not be funny, but it would make an important point that war is a lot more glamorous and macho when it is someone else's kid you are sending into combat.

Television could be such a positive tool in our society and culture. It could be doing so much good. It could be a powerful instrument to bring out the best in us, rather than appeal to our meanest and darker sides. It could be a creative instrument in elevating the standards and values of the American people rather than lowering them. I strongly urge the executives at CBS to reconsider their plans for the "Real Beverly Hillbillies" in favor a program that is enlightening, educational, and beneficial.

I yield the floor.

Mr. President, I should not take advantage of my two friends because I have been included in the order. I was given 20 minutes. I yield the floor.

Mr. SESSIONS. If the Senator from West Virginia would like to make additional remarks, I would suggest that Senator MCCAIN had quick remarks he would like to make and I will be glad to have him go ahead of me.

I yield the floor.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I thank the Chair.

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 1461 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD. Mr. President, I thank the distinguished Senator from Alabama and I thank also the distinguished Senator from Arizona.

DISASTER RELIEF

Mr. BYRD. Mr. President, in April of this year, Senator COCHRAN, as chairman of the Appropriations Subcommittee on Homeland Security, and I, as ranking member, recognized a looming shortfall in the Federal Emergency Management Agency, FEMA, disaster relief accounts. We urged the President to release monies that he was holding up and also that he request funds to shore up the looming shortfall. Following severe floods in 19 West Virginia counties, I wrote to the administration again, this time pointing out that the Disaster Relief account would likely be empty by the end of July. At the time that I wrote that letter, the disaster relief fund had a balance of $181 million. The balance now, four weeks later, is a mere $89 million, and is expected to be completely exhausted by August 8th.

On July 7th, the President finally sent up an emergency supplemental request. After months of delay, the administration requested the additional funds to assist recovery efforts in West Virginia and over 300 other areas in every State of the Nation that have been hit hard by severe rains, floods, and tornadoes. These funds will help citizens to get back on their feet. The communication from the White House requested fiscal year 2003 emergency supplemental appropriations in the amount of $1.9 billion for the Department of Homeland Security, Agriculture, Interior, and the National Aeronautics and Space Administration, NASA.

The principal item in this request was $1.55 billion requested for the Department of Homeland Security for FEMA to provide support for "ongoing disaster efforts and to ensure the capacity to respond to future disasters and emergencies." In a communication from Homeland Security Secretary Tom Ridge, dated July 24, 2003, the Department now estimates that it will exhaust existing funds by August 8th and that it has no authority to provide assistance in the absence of appropriations.

The supplemental request also included an amount of $253 million for fighting wildfires. As some of my colleagues may recall, 42 major fires, which have consumed over 400,000 acres, are raging in 12 western States. Officials at the Forest Service have told the Appropriations Committee that their fire suppression budget is already $420 million short of what they anticipate needing between now and the end of the fiscal year. Also included in the Administration's request is $50 million for unanticipated costs associated with the recovery and investigation of the Space Shuttle Columbia accident.

In order to expedite the processing of this supplemental, the distinguished chairman of the Appropriations Committee, Senator TED STEVENS, and I, as ranking member, worked together to assure the earliest availability of this emergency supplemental request by incorporating it into the fiscal year 2004 Legislative Branch appropriations bill. On July 9th, only 2 days after receiving the President's supplemental request, the Appropriations Committee ordered reported the Legislative Branch appropriations bill, which included the full amount for disaster relief, emergency firefighting, and emergency NASA needs sought by the President in his July 7th communication, as well as $100 million for a shortfall in AmeriCorps, a program which we were told the administration supports. The AmeriCorps amendment was voted on separately on the Senate floor and the funding was sustained by an overwhelming 71 to 21 vote. Subsequently, the Legislative Branch appropriations bill, including the supplemental, was approved on July 11th by the full Senate by a vote of 85 to 7, and conferees were appointed.

So what is the situation? The administration was slow in sending up the emergency supplemental budget request. The Senate Appropriations Committee, under the leadership of Senator TED STEVENS, responded quickly, acting within 2 days of receiving the request. And, within 2 additional days, on July 11th, the measure was approved by the full Senate. We have been waiting for the other body ever since. It has been 2 weeks since we acted on this bill in the Senate. We are advised that the other body plans to depart for the August recess tonight.

What are we to do to cover the costs of recovering from disasters and fire emergencies for the remainder of the current fiscal year? FEMA has already stopped making payments to States for $400 million of infrastructure repairs in the 300 communities with outstanding natural disasters. Communities have already been forced to put projects for repairing damage from past disasters on hold.

In addition, if the Disaster Relief Fund is depleted by the end of July, which is just around the corner, that leaves 2 full months with no means of providing assistance to communities that may be hit hard by hurricanes, tornadoes, and other disasters or emergencies occurring in August and September. The Forest Service budget request of $253 million for fighting 42 major fires in 12 western States is needed now.

Furthermore, twenty thousand AmeriCorps volunteers will lose their positions if supplemental funding is not approved. AmeriCorps volunteers work in our schools teaching our children reading and math. They provide care to our senior citizens, they help clean up our parks, they teach the Nation's children and adults to read, and they provide other valuable volunteer services to our communities. If we fail to provide the necessary funds for AmeriCorps, we will unnecessarily be punishing the volunteers, the communities that they serve and the children, elderly and the poor who benefit from the skills and energy of the volunteers.

Some 2 weeks ago, the Senate responded positively and in a timely manner to address these emergency requests. Now, the House is about to pass a stripped-down supplemental appropriations bill in the amount of $983 million just for FEMA disaster relief, thus ignoring the Senate's supplemental legislation enacted 2 weeks ago for wildfire fighting, NASA emergency funds, and AmercCorps funding.

I am distressed by the situation in which we find ourselves. It is not the fault of the Chairman of the Appropriations Committee, Mr. STEVENS. He has been trying to find a solution to this problem. The Senate has done its part to solve this problem. Citizens who find themselves victimized by natural disasters and wildfires, and those individuals and communities who would have benefited from the AmeriCorps program, do not appreciate the game-playing now taking place in the Congress.

Mr. President, I yield the floor. I again thank the distinguished Senator from Alabama.

HISTORY OF JUDICIAL NOMINATIONS

Mr. SESSIONS. Mr. President, I think it is important, in light of Senator HATCH's remarks and some of the criticisms we have heard of his leadership in the Judiciary Committee a few days ago, that we recall a little history here on how we have handled judicial nominations in the past and why we are having problems today.

The criticism of Judiciary Committee Chairman ORRIN HATCH is simply unfair. He has stood foursquare for fairness, for constitutionality in the process, and for good public policy as we go about confirmations. That has been his record. When he chaired or was ranking member of the Judiciary Committee during the 8 years of President Clinton's administration, 377 Clinton nominees were confirmed to the bench. Only one nominee was voted down. No nominee was voted down in his committee. No nominee was filibustered in his committee.

When President Clinton left office, there were 41 judicial nominees who had not yet been confirmed by this Senate. That is a very good record compared to the situation when former President Bush left office. The Democrats controlled the Senate at that time, and 61 of former President Bush's judicial nominees were left unconfirmed. Those numbers are indisputable.

I know the distinguished Presiding Officer, Senator WARNER from Virginia, remembers the complaints in the Republican Conference that Senator HATCH had been too generous to President Clinton's nominees. Several Republican colleagues fussed at Senator HATCH, and Members were saying, "you are moving too many," or, "we need to block them," or, "let's consider a filibuster," or, "let's change the blue slip rules on circuit nominees," which would give individual Senators more power than they historically had to block Clinton nominees.

There was a conference set aside for the very purpose of resolving these issues. It was quite a battle. We discussed it for some time. Senator HATCH spoke passionately about the process, about what he thought the policy should be, about what he thought the law was, and about what he thought the Constitution required. We finally voted, and we voted not to filibuster and not to enhance the blue slip rule, thereby continuing the historic policies of this Senate. It was a very seriously contested matter. Senator HATCH argued passionately for his view, and at the time no one was sure how the vote would come out. But his arguments won the day.

It is worth considering some other history about the confirmation process.

In the entire history of the American Republic, it is indisputable that we have never had a filibuster of a circuit or a district judge. This tactic was used for the first time 2 years ago by the Democrats. They held a retreat not long after the 2000 election. The New York Times reported that a group of liberal professors met with the Democratic Senators, and they called on the Democrats to change the ground rules about confirmations, to ratchet up the partisanship. They had been complaining for 8 years that President Clinton's nominees weren't getting treated fairly. Overwhelmingly, I suggest, they were in error in those complaints. But in any case, instead of saying "we are going to act better now that we are in charge"—they were in charge of the Senate for a little less than 2 years—the Democrats decided to change the ground rules and make it even more difficult for President Bush's nominees to be confirmed.

So let me tell you what they did. President Bush announced his first group of judicial nominations in May 2001. He nominated 11 superbly qualified lawyers. As a gesture of good faith, he included 2 Democrats among these 11 nominees. One, an African-American, had previously been nominated by President Clinton. These were men and women of extraordinary accomplishment, with high ratings by the American Bar Association, and with tremendous backgrounds.

For almost 2 years, only the two Democrats were moved promptly. Virtually all of the remaining nine of the eleven original nominees remained unconfirmed by 2002. They were not even voted out of committee. They were blocked in committee.

The Democrats appeared to change the burden of proof—now, the judicial nominee seemed to bear the burden of proving that he or she was worthy of the judicial service. The chairman of the Courts Subcommittee then said that this would change the basic ground rules for confirmation.

The Democrats also insisted on changes in the blue slip policy. The blue slip policy allows home State Senators certain powers to object to the confirmation of Presidential nominees. The Democrats wanted to enhance that blue slip policy in order to block President Bush's nominees. They complained about it when President Clinton was in office and said it was wrong to use it as Republicans were properly doing. But when President Bush sent up nominees, they wanted to enhance the power of an individual Senator to block the President's nominees.

And then, of course, the Democrats started filibustering. They have already filibustered Priscilla Owen and Miguel Estrada. Both of those extraordinarily qualified nominees languish on the floor today. Both were given a unanimous well-qualified rating by the American Bar Association—a man and a woman of extraordinary achievement, great legal experience, superb legal ability, and unquestioned integrity. Yet the Democrats chose to filibuster each—the first filibusters in the history of this country for a circuit judge nominee.

Now, we have begun to see slowdowns in committee. The Democrats effectively have begun to try to filibuster in committee. They misinterpreted Rule IV of the Judiciary Committee rules, saying the chairman could not call a matter up for a vote unless at least one member of the Democratic minority agreed.

That rule was put in to make sure that a chairman had to bring a matter up for a vote, whether the chairman wanted to do so or not, when there were ten overall votes in favor, including at least 1 member of the other party. This rule is a limit on the power of the chairman. It did not stand for the novel proposition that, if the Democrats stuck together, no Republican nominee could be brought up for a vote.

To say that rule IV should be interpreted the way the Democrats on the committee are now complaining would mean the chairman couldn't bring any matter up for a vote without minority support—that a minority in committee could block any nomination moving out of committee. This interpretation is a recipe for disaster: a chairman has to be able to get a matter up for a vote, or the committee cannot do business.

Senator HATCH interpreted the rule as he is empowered to do. The majority of the committee, not to mention two parliamentarians, supported him on that. We should not and are not going to have filibusters in the Judiciary Committee that keep judges from even having a vote in the Judiciary Committee.

I just want to say to my fellow colleagues that it is not correct that Chairman HATCH is acting unfairly. Chairman HATCH has acted with principle in this matter. He brought Clinton nominees to the floor, and he moved them forward, even when some of us objected. Even when Senator HATCH himself may have objected on the merits, those nominees got votes.

Take, for example, the Richard Paez nomination, which I opposed. Several people had holds on that nomination. Some wanted to see if we could work with President Clinton to get some more mainstream nominees for the Ninth Circuit Court of Appeals. We were hoping to negotiate with him on that, as we tried to do with other things. Finally, the Republican Majority Leader, TRENT LOTT, said: It is time for this man to have an up-and-down vote. File for cloture. He filed for cloture, and I supported cloture. ORRIN HATCH supported cloture. TRENT LOTT supported cloture. When Paez was voted on, I am pretty confident that TRENT LOTT voted against him, just as I voted against him. Several dozen votes were cast against him.

I note parenthetically that now-Judge Paez was part of a panel of the Ninth Circuit that overturned the "three strikes" law in California. That panel was overruled by the U.S. Supreme Court earlier this year. Judge Paez was also part of the panel that declared the Pledge of Allegiance unconstitutional because it had the words "under God" in it.

Notwithstanding indications of such judicial activism during his confirmation hearing and process, Judge Paez was confirmed. He got his up-or-down vote. The Republican leadership moved the nomination forward.

That is all we are asking of the Democratic leader, TOM DASCHLE, with respect to Miguel Estrada and Priscilla Owen. Instead, it looks like we may be heading toward more filibusters. I certainly hope not.

Of the many reasons why we shouldn't have a filibuster, an important one is Article I of the Constitution. It says the Senate shall advise and consent on treaties by a two-thirds vote, and simply "shall advise and consent" on nominations.

Historically, we have understood that provision to mean—and I think there is no doubt the Founders understood that to mean—that a treaty confirmation requires a two-thirds vote, but confirmation of a judicial nomination requires only a simple majority vote. That is why we have never had a filibuster. People on both sides of the aisle have understood it to be wrong. They have understood it to be in violation of the Constitution.

As Senator HATCH has said, the complaint suggesting there was a filibuster on the Fortas nomination is not really correct. They had debate for several days. Apparently, when the votes were counted, it was clear that considering those who were absent, there were enough votes to defeat the nomination, and the nomination was withdrawn.

So there has never really been a filibuster of a judicial nominee in the Senate until now, when our Democratic colleagues have decided to change the ground rules on confirmation. They have said so and done so openly, and seem to be little concerned that the Constitution may be violated in the process.

Mr. President, these nominees are entitled to an up-and-down vote. If a Member does not like them, he or she can vote against them. But it is time to move these nominees. How can they defend voting against nominees of the quality of Priscilla Owen or Miguel Estrada? How can they justify opposing a man of such integrity, ability, patriotism, and courage as Attorney General Bill Pryor, a man of faith and integrity? These are questions that should be answered on the floor. Let us discuss these nominees' records here. And then, let us just vote. That is what the Constitution and Senate tradition demand of us.

I think the American people are getting enraged, and they are telling us "we are tired of obstructionism," "we are tired of delays," and "we believe these nominees deserve an up-and-down vote." I could not agree more.

I yield the floor.

RECESS UNTIL MONDAY, JULY 28, 2003, AT 11 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 11 a.m. on Monday.

Thereupon, the Senate, at 3:35 p.m., recessed until Monday, July 28, 2003, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 2003:

THE JUDICIARY

JANICE R. BROWN, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE STEPHEN F. WILLIAMS, RETIRED.

BRETT M. KAVANAUGH, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE LAURENCE H. SILBERMAN, RETIRED.

NUCLEAR REGULATORY COMMISSION

JOHN JOSEPH GROSSENBACHER, OF ILLINOIS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2004, VICE RICHARD A. MESERVE, RESIGNED.

JOHN JOSEPH GROSSENBACHER, OF ILLINOIS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM EXPIRING JUNE 30, 2009. (REAPPOINTMENT)

HOUSE OF REPRESENTATIVES—*Friday, July 25, 2003*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 25, 2003.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Joshua said to all the people: "This is the Word of the Lord: I gave you land on which you had not labored, cities which you had never built; you have lived in these cities and you eat the produce of vineyards and olive groves which you did not plant. Therefore, hold the Lord in awe and worship Him with loyalty and truth."

Lord God, gratitude overwhelms Americans for all we have received since the very founding of this great Nation. Therefore we are filled with awe and worship You, O Lord.

Blessed to be Members of this House of Representatives by the election of the people and Divine Providence, this governing body is humbled by the responsibility it has for this land, its cities and its resources. So we choose to serve this Nation with loyalty to the oath we have taken; and we will always search the truth for what is best for this Nation. This is the pledge of the United States Congress; so, help us God. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. COOPER) come forward and lead the House in the Pledge of Allegiance.

Mr. COOPER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minute speeches on each side.

HONORING 50TH ANNIVERSARY OF KOREAN WAR ARMISTICE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on July 27 we will honor the 50th anniversary of the armistice that ended the fighting of the Korean War. On that day, I encourage all Americans to remember the courageous men and women who sacrificed to prevent the spread of Communism and restore the freedom of South Korea.

I am particularly proud to recognize an event to be held in Lexington, South Carolina, to honor those who served so bravely. Veterans speaking at the event will be E. Pickens Rish, a U.S. Army Ranger from Lexington who was awarded the Purple Heart, and Anthony Forker, a native Korean who served 30 years in the U.S. Army and is currently the President of the Korean Association of Columbia, South Carolina.

As our military continues to fight in the War on Terrorism, we can find inspiration in remembering the Korean War victory over Communism, which reminds us that Americans have a long history of defeating enemies of freedom all over the world. In conclusion, God bless our troops.

WHERE IS COMPASSIONATE CONSERVATIVE?

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, this was a very important week in the House of Representatives. Hopefully we learned a lesson of bipartisan cooperation last night with the historic victory on the drug reimportation bill; and hopefully we also learned the dangers of arrogance, anger, and insensitivity when a House chairman had to apologize to this House.

I hope that we apply these lessons to the child care tax credit today. We need to help the 12 million poor children waiting for that assistance. The Senate has voted 94–2 to help these children. The White House is for it. Only a small group in the House Republican leadership is opposing it. People of goodwill on both sides of the aisle want this relief to be granted today. Where is compassionate conservative? As one of the House Republican leaders said, "It ain't going to happen."

Mr. Speaker, this House needs to get relief to these 12 million poor children.

EARNED INCOME TAX CREDIT HELPS WORKING POOR

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with interest to the comments of the gentleman from Tennessee (Mr. COOPER) who served here in a previous majority that had its share of challenges in terms of a lack of modesty, and I think that is an ever-present danger for the majority.

At the same time, however, we cannot paralyze legitimate differences of public opinion, for that is the essence of the House of Representatives and debate within this body. Case in point: the upcoming motion to instruct. My friend, a Morehead Scholar at the University of North Carolina, Chapel Hill, is a student of history and he understands that for the working poor we instituted in the 1970s an earned income tax credit so the families he wants to help are already being helped to the tune of several thousand dollars. If not, I would urge every Member of this body to inform his or her constituents of the earned income tax credit. I look forward to the upcoming debate.

ASSAULT ON TRANSPORTATION ENHANCEMENTS PROGRAM

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, Members depart the Chamber today to go back to their districts, meeting with people to get in touch with what is on their minds. I hope that our colleagues will take the opportunity to discuss with their constituents an assault on the transportation enhancements program.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, this has been a program since 1991 that has funneled billions of dollars into opportunities for people to convert abandoned rail corridors to trails, to have programs to revitalize historic highways, and for bike and pedestrian paths. All of these have been critical elements of being able to improve the livability of our communities. Inexplicably, the Appropriations Subcommittee on Transportation stripped these elements out, and condemned them as ineffective. Hopefully the full committee is starting to right this wrong, but people at home need to be careful. If we are not diligent, we are going to lose an important part of the broad base of support for a balanced transportation system.

DEMOCRATIC SUCCESSION PLAN FOR AZERBAIJAN

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, the United States and our allies need a democratic succession plan for the Government of Azerbaijan. Our country's energy policy depends in large part on foreign energy supply, and much of it comes from the Caspian region in Azerbaijan. The former President there, President Aliev, a former KGB leader, is coming in and out of a coma on death's door and trying to have his son succeed him.

I think for the long-term future of the United States' interests and those of our allies, we need to back a true democracy in Azerbaijan with a wide range of candidates, but right now some of the most powerful and important candidates are not allowed to register. For example, the former Speaker of the House in Azerbaijan has had no opportunity to stand before the people of Azerbaijan for election.

Mr. Speaker, this administration, and the administration of our allies, needs to support a true democratic process so we can have a stable Caspian region which is so important to the world's energy supply and so important to the economy of the United States.

TRIBUTE TO EDDIE MURRAY

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, I rise today to bring to this body's attention that this weekend in Cooperstown, Cooperstown, New York, one of the greatest baseball players of all time will be inducted into the Hall of Fame, and that is Eddie Murray who played for the Baltimore Orioles. He played for other teams, but he is known as a Baltimore Oriole.

Eddie Murray is one of only three players, the other two, Hank Aaron and Willie Mays, who hit over his lifetime 500 home runs in 3,000 hits. But what we all know about Eddie Murray, he is a model of consistency, a real team player, a person who really brought championship to Baltimore, and championship to the baseball diamond.

He also gave back to the community. Particularly, I want to bring to this body's attention the Carrie Murray Nature Center that he founded in Baltimore, in honor of his mother, in Lincoln Park. He is known not only as a great baseball player, but a great person. I congratulate him on being selected for the Hall of Fame.

ILLEGAL IMMIGRATION

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise today to conclude a series of commentaries I have been making on illegal immigration and to find a solution to the Nation's current immigration woes. We in Arizona feel this in particular.

Over the past 8 months, I have been working with the gentleman from Arizona (Mr. KOLBE) to put together a comprehensive foreign worker program, a temporary worker program, which recognizes the way people organize and order their own lives, that recognizes that we need a rational policy to deal with the situation that we have along our Nation's borders.

We need to understand that we not only need to deal with those who want to come to our country to work on a temporary basis, but for those who are here illegally as well, and find a solution that will both encourage those who are here illegally to come out from under the woodwork, and to come into a legal framework and to provide an opportunity for those who wish to come and fill our Nation's labor needs to do so.

I am pleased that this will be introduced today, and I encourage my colleagues to look at it and join us in the debate and ultimately support it.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Ms. SOLIS. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. SOLIS moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. The gentlewoman from California (Ms. SOLIS) and a majority Member each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion would instruct our conferees to accept the Senate amendment to H.R. 1308. This amendment restores the child tax credit to 6.5 million families. It restores a tax credit to military families with members serving in combat zones overseas. It requires that restoring the child tax credit does not become an excuse for further tax cuts for the rich.

We have had Democrats come to the floor every night this week to demand a child tax credit for all Americans. We have done so because while tax cut checks are going out today to some Americans, 6.5 million families will get nothing in their mailbox today. These families have 12 million children. They will get nothing because last-minute changes by Republicans prevent families with incomes between $10,500 and $26,625 from receiving the child tax credits.

We will not let these families be forgotten, and I will not forget the 140,000 families in my district in California that will get no child tax credit under the House Republican plan. These are working families, like the one pictured here, who told me how hard they are working just to provide for the basic needs of their children. This is a military family who saw fathers and mothers and sons and daughters go off to war. Across the country, there are over 250,000 children of active duty military families, such as this one depicted here, that will receive no child tax credit at all.

Republicans had the nerve to say these people should not get any tax relief because they pay no taxes. It is true that while soldiers are collecting combat pay and are putting their lives on the line, they do not pay taxes, but they pay their debt to our government, to our society, with hard and dangerous work, with months spent far apart from their families and loved ones, and sometimes even ending in tragedy.

It is true that families left behind by the Republicans do not pay Federal income taxes, but they do carry a far higher tax burden than the millionaires who would benefit the most from the tax cuts. This is because these low-income families, like this one depicted, pay sales tax, property tax and payroll tax. These taxes eat up a very high percentage of this family's income.

When we learned of the exclusion of the low-income families from the tax cuts, Democrats came forward and protested and the country listened to them. Our colleagues in the other body quickly and overwhelmingly acted to fix the glaring omission, but here in the House Republicans only responded with more tax cuts for the rich. Under the guise of restoring child tax credit, they passed an additional $82 billion tax cut that benefits themselves more than the working poor like this family here, more than our soldiers, more than 6.5 million families who were left out of the original tax cut plan.

Mr. Speaker, under the House Republican plan, a Member of Congress, like you and I, with two children will receive $1,750 while the same size family earning $20,000, like this family from my district, would only get $475. I did not come up here to represent myself, I came here to represent the people of my district, like this family here. How can I go back to my district and tell families such as this that their children will get no tax relief because Republicans choose to protect the wealthiest Americans in our country? How can I go home and tell these military families who sacrificed for our country that they will get nothing because Republicans would not even sacrifice a few thousand dollars of the millionaires' $93,000 tax cut?

It is for these families and their children that my colleagues and I rise to instruct our conferees to accept the Senate amendment. We ask the House simply to accept language that restores tax credits to 12 million children. That is fiscally responsible, and that does not neglect our military families. This is not a lot to ask for, and I hope this motion will pass as it did on June 12. Just yesterday our President, America's President, visited Michigan and Pennsylvania and he said, "The child credit must be given to low-income families as well." Take a good look at this picture, and remember these families.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. LEWIS) is recognized for 30 minutes.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Kentucky, a member of the Committee on Ways and Means, for yielding me this time.

Mr. Speaker, here we go again. What is before the House is a classic example of not letting facts get in the way of impassioned debate. My friend from California rightly has a concern for the working poor, and I appreciate her mention of a specific family earning about $20,000 a year. Now for the rest of the story where the silence has been deafening.

Under existing law, we have the earned income tax credit specifically designed for the working poor. For a single mom with two kids earning $20,000 a year, a check is available from Uncle Sam for a total of $3,335, according to the Tax Foundation. On top of that, in the All-American Tax Act, we even expanded the child tax credit, not inconsistent with what our President has said, so even more funds are available.

It is true we expanded that child tax credit because we believe if we accept the philosophy of my friends in opposition here, if it is immoral to leave out children at the lower end of the socioeconomic scale, likewise it is unfair to limit those two-earner families, like the nurse practitioner who earns $63,000 a year and her spouse who is a school principal in the Awatukee section of Phoenix, both of these earning $64,000 a year, that should not invalidate their children either.

What this majority has done in the House is to expand the child tax credit while keeping intact the earned income tax credit. And, sadly, the silence from the minority on existing policy is deafening.

It will be interesting during the course of this debate to see if our friends will in fact acknowledge what they believed in public policy to be a triumph, but now is suddenly forgotten. I will not impugn their motives; but, Mr. Speaker, it is curious that for this entire week, my friends on the left have developed a severe case of political amnesia.

Reject the motion to instruct, embrace expansive, fair and equitable tax relief for all families, and we will work with the other body to ensure that comes to pass in conference.

Ms. SOLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I remind my colleagues that this administration is now taking a very aggressive role to go after families that are seeking earned income tax credits. In fact, we should be spending more time going after the big guys like the Enrons, the WorldComs and all of the other corporations that do not have anybody tracking their abuses and fraud.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for bringing this matter before the House.

On June 9, the President made it very clear that he wants this tax credit for low-income working people, the tax credit for their children to be passed and put into law. He wants the Senate provision passed. That was 2 months ago. In those 2 months, the House and the Senate have done very little to advance this ball. Why? Because the extreme radical position of the Republicans in the House of Representatives has essentially kept a conference committee from taking place because they have decided that to take care of a $3 billion oversight in the tax credit, they want to spend $80 billion to get there.

That is unacceptable to the President of the United States, that is unacceptable to the Senate on a bipartisan basis, and it is certainly unacceptable to many of us in the House of Representatives. They made a conscious decision in the last hours in the middle of the night in the consideration of the last tax bill that these children of low-income working parents would simply not get this credit. They had to make a decision between the millionaires who would get $44,000 a year in tax rebate; or if they gave the tax credit to low-income children's families, they would only get $38,000 in a tax rebate.

The person making that decision was one of the big beneficiaries, Vice President CHENEY. The children had the tax credit when Vice President CHENEY walked into the room; when he left the room, he had the tax credit and the poor children's families didn't have the tax credit. That is the history.

Yesterday as the gentlewoman from California (Ms. SOLIS) pointed out, the President was in Dearborn, Michigan, where he was hailing the first checks to go out to families seeking the tax credit, deserving of the tax credit; and once again, he asked Congress to pass legislation, to pass the Senate bill. He said he wants to extend it to all spectrums of society.

Now maybe the Republicans in the House of Representatives think that President Bush is a wild-eyed, radical liberal who wants to take care of some families who are undeserving. I do not think he is. I think what he recognizes is that this is a matter of equity. This is a matter of whether or not people who go to work every day, work their tails off, and at the end of the year end up poor, and that this Congress decided we were going to place an additional value on the cost of raising these children, and we were going to help America's families with a child tax credit.

But the Republicans in this Congress decided the poor children were not going to be worth as much. Just a cold-hearted calculation, stone-cold decision that these poor children just are not worth as much. That somehow, their parents are not as noble when they go to work every day as millionaires are when they go to work every day.

Mr. Speaker, that is the calculation that this President has asked this Congress, these Republicans to reject, and to pass the tax credit so that these children will get their share of equity in American society.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a sense of fairness, as the gentleman just spoke of a minute ago. In this Nation, it is really a great privilege to live here and to have all of the blessings of freedom that we have and all the opportunity that we have. But along with that blessing and the wonderful aspects of what we have in this great country comes a certain responsibility. One of those responsibilities that we have is to pay an income tax.

We have in our system a progressive income tax system where those who make a great amount or more money than someone else will pay a greater amount of taxes, and those that make less money pay less taxes, and those that reach a certain level in this country, they pay no income tax whatsoever. They may pay payroll taxes and other taxes. In order to offset those other taxes, there is the earned income tax credit that gives back to families that do not make enough to pay income taxes the money to offset the other taxes that they pay.

Now it seems to me that we have tried in this country to be as fair as we possibly can to all those in whatever income level they may be. When I think about this situation, those that are paying taxes are providing for a lot of things that we all get an advantage for: defense, infrastructure, highways, education, health care, law enforcement, and I could go on and on. When we look at what people pay in taxes, what they actually pay in taxes according to their income, I think we have tried to be as fair as we possibly can. I think those that are receiving earned income tax credits to offset their other taxes is certainly something that I do not think our friends on the other side of the aisle remember or understand or want to even talk about.

H.R. 1308, the All-American Tax Relief Act does a lot of wonderful things. It increases the child credit to $1,000 per eligible child through 2010, eliminates the marriage penalty in the child credit, celebrates the increase in refundable child credit, it provides tax relief and enhances tax fairness for members of the Armed Forces that my colleague mentioned a little while ago. It suspends the tax-exempt status of designated terrorist organizations, provides tax relief for astronauts who die in space missions.

Actually, the motion to recommit will do damage to a lot of families. The Democrat's motion to instruct allows the child credit to drop from $1,000 to $700 after the 2004 election. As a result, millions of low- and middle-income families will receive a smaller child tax credit right after the elections. The House-passed bill ensures that the child credit remains at the $1,000 level throughout the decade. The Democrat's motion to instruct does not eliminate the marriage penalty in the child credit until 2010, and even then, it only does so for 1 year.

Under the Democrat's motion, millions of children will be denied the child credit simply because their parents are married. The House-passed bill benefits middle-income families by eliminating the child credit immediately. The House-passed bill does not deny the child credit to military families. Military families include those who are deployed abroad who are already receiving a refundable child credit, and will continue to receive a refundable child credit under the House-passed bill.

The Democrat's motion to instruct would only increase the refundable child credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit.

This motion to instruct, I think, is without merit. I ask my colleagues to vote "no" on the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I find it incredible that the gentleman on the other side of the aisle would suggest that somehow these are not responsible people, that they accept the privileges of living in this country, but they are not responsible because they do not pay income taxes, so they are not entitled to the tax credit.

These people would love to pay more taxes. They would love to be rich. They go to work every day hoping that someday they might get rich, might get a benefit. They would love to pay more taxes, but the gentleman says they are not responsible. I guess that extends to the soldier who is putting his life on the line to defend the privileges that the gentleman talked about, and because he gets tax-free income while he is in battle risking his life, his family should not get a tax credit?

I think that soldier is a fairly responsible individual, and I bet his family is fairly responsible. But he does not pay much in taxes because we do not pay him much to do his job. That is your idea of the trade-off in America between those who are entitled in America and those who get privileges? This tax cut is denigrating families who work hard every day, and their children, and the military.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. GEORGE MILLER of California.

* * *

The SPEAKER pro tempore. The gentleman is out of order.

Mr. GEORGE MILLER of California.

* * *

Ms. SOLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from California (Ms. SOLIS) and I thank the gentleman from California (Mr. GEORGE MILLER) for making it very clear about whether or not we in this country really value work and ordinary workers.

Today is the day, July 25, that millions of child tax credits are going to start to be delivered to families around the country. President Bush went to Philadelphia to highlight those checks, to claim credit for getting some extra money into the pockets of working families.

My two children, each of whom have two children, are probably going to get checks in the mail, and I am happy about it. They are modest-income earners, and they are going to get their tax credit.

But this family, the Narvaez family, Maria and two of her three children, she makes $20,000 a year. She works in a day-care center, she works 40 hours a week. She is not going to get a check in the mail. There is no check in the mail for her family. I want to tell Members that this hardworking woman, I would think, is as deserving of getting a check in the mail.

Let us compare that to Vice President CHENEY who made the deal in the dark of night to say well, let us see, the tax breaks went too high. It exceeded our budget; who are we going to cut out? I have got it: Let us cut out families like the Narvaez family.

Vice President CHENEY will see a tax break of about $116,000 for 1 year. I am not talking income, I am talking tax break. Mrs. Narvaez, Maria, would have to work 5.8 years to get as much as Vice President CHENEY is going to get in 1 year in a tax break.

Let us see, who is more deserving; how about all those people, millionaires who go to work; no, maybe it is millionaires whose work is to cut open those envelopes that have dividend checks in them. Those people, do they deserve it more than the Narvaez family? I do not think so. Let us pass this motion to instruct, and let us get a child tax credit to the Narvaez family.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to respond to the comments of the gentleman from California (Mr. GEORGE MILLER). I certainly did not say that the working poor are not responsible. They are very responsible. I have been in that position. I have been among the working poor. I know how hard it is to make ends meet.

But, I also was brought up in a family, my father a construction worker, a pipe fitter that was many times without a job, that a full day's work for a full day's pay; we accept things in our life that sometimes we do not like. We try to make ends meet many times when that is all we can do. Sometimes we cannot even make ends meet.

I think we have provided in this country an opportunity for people that are working hard to receive an earned income tax credit to help them through the tough times.

I am certainly someone who believes that we should help those that cannot help themselves that are in need. It is our responsibility to do that. I certainly appreciate our military for what they are doing. I appreciate all the efforts that are put forward in this country by all those who are willing to work and earn a full day's pay for a full day's work, and we should support them and their families every way we possibly can.

But we also have to remember the liability. As I said, we have a progressive income tax system in this country. The liability, those who talk about the rich and how much tax relief they are going to get, well, how much are they paying in taxes? How much are those on the lower scale, how much are they paying in taxes? It is always how much refund are they going to get. Well, you have to pay income taxes to get a refund. If you do not pay taxes, we do provide an earned income tax credit. So we are helping.

But this idea of class warfare, sure there are families out there working hard, they want to be rich.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Kentucky. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I thank the gentleman, and I understand the point that you are making, except the fact of the matter is that Enron paid no taxes the last 4 out of 5 years. There are companies who are paying zero in taxes, and yet they are the beneficiaries of a very, very hefty tax cut.

Mr. LEWIS of Kentucky. Mr. Speaker, reclaiming my time, Enron is being dealt with. No one appreciates what Enron did. It is a disaster for a lot of people, and they are being dealt with. It was really an embarrassment to our country that a corporation and the people that ran Enron acted the way they did, but that happens. That happens.

Anyway, getting back to the subject, we are doing everything we possibly can to provide tax relief across the board, provide people that are not paying taxes as much help as we possibly can, and we will continue to do that. But this motion to instruct does more harm to helping families with children and receiving tax credit than it will do good.

Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, because of a very small group of Republican leaders, they are preventing this House from helping 12 million poor children around America. I would like to give my colleagues on the other side of the aisle, the rank-and-file Republicans, the benefit of the doubt. I do not believe that their heart is in this fight. I believe they are being compelled by their leaders to do the wrong thing. It is still not too late to do the right thing.

The checks are being mailed out today to the rich families in America, and Members know it was a mistake made also 2 months ago to prevent the other families in America from also getting help. That is not just my opinion. Our President, George Bush, called once again yesterday to help these children. President Bush is trying to be a compassionate conservative, but the other side of the aisle is not letting him do that. He has been calling for this 2 months now. Let us listen to our President. It is not just our President; the other body, by a vote of 94–2 has voted to do the right thing.

But too often we see in the House younger Members, Republicans, compelled in some cases to do the wrong thing. It happened last week when Member after Member came to this House to say that the chairman of the Committee on Ways and Means had done the right thing; when, thankfully, that same chairman came to the House floor this week to admit that he had done the wrong thing.

Do not support Republican leaders when they are asking you to do the wrong thing. Be the compassionate conservatives you claim to be. Help these 12 million poor children. It is not quite too late; but 2 months have passed, 2 months of waiting, 2 months of hurt for these families. These people work hard every day. They pay their fair share of taxes. Let us give them their fair share of tax help. Do the right thing today and vote for this motion to instruct.

Mr. LEWIS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, do we not value all of this country's children and families? This body has shortchanged our children too often this year, and it is adding up to a heavy burden on their families, all to make the wealthiest in this country richer.

Underfunding for Leave No Child Behind, block grants to States with unmeetable requirements for Head Start teachers, and although it is a demonstration program, this is meant to be the first nail in the coffin of Head Start. We barely lost the vote last night, but Democrats will continue to fight for this country's children, all of them, but certainly those from lower-income families.

Today I am here with my colleague, the gentlewoman from California (Ms. SOLIS) and other Democratic colleagues to call on this House to instruct the conferees first to act; and, second, to provide what the President promised, tax relief to the 6.5 million families and over 12 million children. These families work hard, but in this economy this President has created, they still need help, and especially for the military families of soldiers who today are fighting for this country and fighting for us.

□ 0945

Democrats meant it when we said we will leave no child behind. Today we call on the leadership of this conference, and specifically the conferees, to expand the child tax credit and put our money where our mouth is and where our heart and our values should be.

Mr. LEWIS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I listened to the gentleman from Kentucky, and he expressed a lot of sympathy with the plight of the people, the working poor and the people that we are trying to get some checks to this morning. But I listened to the gentleman and I could not believe, because he was suggesting that he was powerless to do something to help the working poor and the children that have been left out and the parents who are not getting this check.

Mr. LEWIS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. Mr. Speaker, I only have 2 minutes. I am trying to be nice, not critical.

But the bottom line is this should not be ideologically driven. The fact that they are not paying income tax is not important. They are paying property taxes. They are paying sales taxes. In a State like mine in New Jersey, one could be paying a tremendous amount in property taxes and sales taxes and all kinds of other taxes, payroll taxes.

So I am just asking my colleagues, do not be ideologically driven. Do not say we cannot do this because they have not paid income taxes. My colleagues on the other side have the power. This is a political decision that is being made here.

The Republican leadership is making a political decision that they do not want to help these people. They want to go home. They do not want to go to conference. They want to go on break without helping these people.

Mr. Speaker, the other body is not saying that. They are supportive of what we are saying here. They want to send the checks and help these people. The President wants to help.

So keep in mind, this is an ideology. Forget the ideology. I ask my Republican colleagues to forget what they think about whether it is good or bad from an ideological perspective. The bottom line is that these people need help. The gentleman from Kentucky acknowledged that he himself was in that position, or his family was in that position. That is all we are saying as Democrats.

We know a lot of these people in the Armed Forces. Some of them are serving in Iraq. They need help. We go home. We will see them. They are constituents. They are having a hard time paying the rent and putting food on the table. They need help. The economy is not good. We are not doing well. They are having a hard time. Maybe if this was a better time, we might say do not do this; but it is not. The economic times are bad, and my colleagues cannot run away from this.

Mr. Speaker, it is the Republican leadership in the House that is preventing this from happening. I urge my colleagues on the other side to do it before they go home and before we have the recess and go on vacation.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to point out the child tax credit under current law is refundable to the extent of 10 percent of the taxpayer's earned income in excess of $10,500; salary and wages of $15,000, $450 refundable tax credit; $20,565, plus the earned income tax credit. It is $3,823 for a salary of $15,000; $2,770 for a salary of $20,000.

So it is not like we are not helping. We are. And the fact is that these individuals are not paying income taxes, and we are offsetting those other taxes the gentleman just spoke of through the earned income tax credit. So we are, under current law, helping these individuals right now.

Mr. Speaker, I might just say, I spoke to a young man and his wife not too long ago when we were debating the child tax credit for those that pay no income taxes. And they work at a factory. They are factory workers. They both work many hours of overtime. They have one child. And they were asking me why they had to pay the taxes that they pay, very high taxes, and they are taxed more because of the overtime that they work. And they were excited about the child tax credit for their own child. But when we were debating the issue of the child tax credit for individuals that pay no income tax, they asked me why that would be the case, that they were paying a lot of taxes, working very hard, overtime pay to provide for their family, and they seemed to think that was just a little, the playing field just was not level for them when they were doing everything they could. And they were not making a lot of money at that. I think $30,000 basically was their income.

But we are trying our best to do all we can. And I think the numbers here show that we are helping the working poor, those that are paying no income taxes. We are helping them through the earned income tax credit and through child tax credit, 10 percent of the taxpayers that earn incomes in excess of $10,500.

Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to clarify something. There are over 337,000 children of teachers, classroom teachers that are left out of this child tax credit. They pay payroll tax, gasoline tax, rent, property taxes, and other types of taxes. I would think that their burden falls very heavily on their children, and yet they get nothing.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, today the Federal Government is sending out checks to 25 million families in this country. More than 2 months after this House passed the President's tax bill, among those receiving their checks in the coming days will not be 6½ million taxpaying families, taxpaying families, taxpaying families: property taxes, payroll taxes, sales taxes. They pay taxes. They make low wages, yes. So what is wrong with making low wages? Those who make low wages do pay taxes.

My mother was a factory worker. She worked in the old sweatshops. She did not make a lot of money, but she paid her taxes like others do. Why should families not be allowed to have a child tax credit? These families were denied what they were rightfully due, the extension of the child tax credit, because they make low wages and for the last 2 weeks on this floor Democrats have been offering a motion to instruct conferees. We have implored the leadership of this House: do what is right; act on what the other body's legislation is.

Mr. Speaker, my colleagues on the other side of the aisle have criticized our motion. They argue that this would drop the child tax credit from $1,000 to $700 immediately after the 2004 election. There is a word for this type of argument: hypocritical. The child tax credit will already drop after the 2004 elections. That is no coincidence. It is a result of a deliberate decision made by the Republican majority to drop the credit once these families go to the polls with the impression that they are going to get the credit again in 2005.

Not so, my friends. Under the Republican-passed tax legislation, as the law stands today, the $1,000 credit goes down, it goes up, it goes down. It is more a seesaw than tax law.

When it came time to choose between a child tax credit or the tax cuts for the wealthy, they chose the latter over and over and over again. To meet their $350 billion goal, they cut out people who make $10,500 a year to $26,000 a year in favor of those who make over a million dollars a year who are going to get $93,000 in a tax cut every single year.

The President said it yesterday, he said it in June: adopt what the Senate has done. Fix this issue. Let us give these families what they want.

Mr. Speaker, let us abide by that. Let us go with that. Let us make sure that what we do allows today those 25 million people who are going to get their child tax cut. Let us make sure that those families who make $10,500 to $26,000 they get their child tax credit. They deserve it. It is the right thing to do. It is the moral thing to do, and that is the obligation of this House.

Mr. LEWIS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I would like to thank the gentlewoman from California (Ms. SOLIS) for organizing this morning's discussion, because here we go. Is it not ironic that while the Nation is facing one of the biggest budget deficits in history, at least $450 billion, and I quote from the gentleman from Kentucky (Mr. LEWIS), "Enron happens." Yes, it does. And we need to be doing something about it.

Republicans can find the money to provide tax cuts for the very richest Americans and not enough for the children of America's working families. Ha. The gentleman from Kentucky said Republicans are trying their hardest. Well, I am telling my colleague, Republicans have to try harder.

This supposed party of compassionate conservatism has exploited the child tax credit issue to pass even more tax cuts for their wealthy friends. Rather than bringing up the other body's child tax credit which would have cost $3.5 billion, they passed a bill that costs $80 billion to benefit the wealthiest in this Nation.

Earlier this week, I joined my Democratic colleagues in writing a letter to President Bush requesting that he lead the Republicans in Congress to do the right thing, to provide a tax cut that will benefit over 12 million children of working families. One million of them, I remind my colleagues, one million of them are children of military families.

Congress must not recess today without giving American workers and their families the same consideration it gives the rich.

Why did Republicans in the United States House of Representatives not follow the other body and bring a clean child tax credit bill before us? According to a colleague from the other side of the aisle, and I quote: "If we are going to do it, we should get something in exchange. If we give people that do not pay taxes a tax break, it is welfare."

Well, Mr. Speaker, these families do pay taxes and they are not seeking welfare. They are seeking the same acknowledgment for their hard work as the rich receive in the Republican tax package. It is unfortunate that the Republicans believe these forgotten children and families do not contribute enough to deserve a break. Their actions leave no doubt that their priorities are dead wrong.

Mr. Speaker, we want to pass this tax break and we want to do it today before we go home to enjoy our tax breaks that we have passed in the House of Representatives.

Mr. LEWIS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I would like to inquire about the time remaining on both sides.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from California (Ms. SOLIS) has 8 minutes remaining, and the gentleman from Kentucky (Mr. LEWIS) has 15½ minutes remaining.

Ms. SOLIS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, I rise today in support of the motion offered by my colleague from California, and I want to thank her for her extraordinary leadership. The Republicans are holding this measure hostage because they really want to avoid doing what is right. They knowingly left out millions of families in their tax bill.

Mr. Speaker, this is shameful and that is why we have been protesting their failure to provide this vital relief for working families. When the child tax credit was created in 1975, it was for the purpose of helping families, not hurting them.

President Bush said that all Americans would receive tax relief, but that was not the case. Initially, it seemed that the President's $400 per child increase in the child tax credit was meant to help all families, but what we did not know was that the Republicans really did not mean "all families." Their idea of helping families did not extend to low-income working families, the same people who were already left out of the President's tax cut on dividends which President Bush offered the wealthiest Americans.

When Republican negotiators went behind closed doors, suddenly these families of 12 million children were excluded from the child tax credit. Nationwide, that means one out of every six American children were excluded. These children come from families where the parents work hard and play by the rules. They deserve the same tax credit that other parents will receive, but they really need it more. Their families do not have the advantages that others have.

In the jobs depression this administration has put us in, the loss of the $400 tax credit is like rubbing salt really in their wounds. Now let us be clear about some of the people who will be hurt by this huge inequity in the Republican tax plan, because the victims will be disproportionately African American and Latino and other people of color. 8.1 million taxpayers will receive no relief under the Republican tax cuts; 1.6 million of them are Hispanic.

Mr. Speaker, 8.1 million represents 44 times the number of taxpayers who have incomes exceeding $1 million, yet the President and the Republicans have gone out of their way to help the wealthy. In fact, those people with incomes over $1 million will receive an average tax cut of $93,000 in 2003.

In terms of the child tax credit, one-half of all African American families will not get the full tax credit, while one-quarter will receive no tax credit.

And how can we abandon military families who are making tremendous sacrifices? One million children of military families were excluded from this tax package. So let us be for real in supporting our troops.

Mr. Speaker, the situation is outrageous, and it really does show the Republican leadership's complete, complete lack of compassion in their very conservative agenda.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are talking about tax credits here. Tax credits. One has to pay income taxes to get tax credits. A credit is on a tax that has been paid to get a refund.

My wife, not too long ago, said we needed a new automobile. And I said, great. I think the automobile dealer in town is having some tremendous rebates, so let's find the most expensive car we can buy so we can get a greater rebate. She did not think that was a very good idea because it was still going to be pretty expensive. So we are going to have to look at the less expensive cars. But I think we ought to get the rebate that the people who are paying for those expensive cars get. I mean, it is only fair. Or maybe I should not buy the car; maybe I should go down there and demand the rebate.

Mr. Speaker, that is what we are talking about here. What we are talking about is taking money out of the pockets of people that are paying taxes, income taxes, and putting it in the pockets of people that are not paying income taxes. And on top of that, we are already providing earned income tax credits, plus for those that are making $10,500, we are paying child tax credits under current law.

So I do not know what we are talking about here, but I think that there is some problem when we are talking about tax credits, when there are those who want to take money out of someone's pocket, like the couple that I was talking about a little while ago that works overtime, works as hard as they can, and I am not saying that the working poor are not working hard, but they are not paying taxes. They do not have to pay taxes. They are not making enough to pay taxes. And to account for the taxes that they are paying, to make up the difference, we are paying earned income tax credits. Plus for those over $10,500, we are paying child tax credits.

But, Mr. Speaker, I do not think we ought to be talking about tax credits here. We ought to be talking about helping those who are not paying income taxes. We are taking money out of one taxpayer's pocket and putting it in the pocket of someone who is not paying taxes.

Now, I think there can be an argument there that that is being compassionate. And being compassionate means that we are helping people that at some point cannot help themselves, and I think we are doing that. And I think the bill that we are talking about, H.R. 1308, provides a lot of help for families. A lot of help. And what this motion to instruct would do would reverse that. Again, I ask my colleagues to vote "no" on the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to clarify that, to my knowledge, there are about 178,000 children from farming families that are going to be left out with no child tax credit. Perhaps the gentleman from Texas (Mr. REYES), our good friend and ranking member on the Committee on Armed Services, can speak to that effect about his experience as a veteran and how hard veteran families work.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, time after time during these times that our families are deployed overseas fighting for America's freedom and for the freedom of others, we hear many Members of this body talk about how great our soldiers are, and they are; how great their sacrifices are, and they are; how great the sacrifice of their family and the sacrifices that they are making, and they certainly are.

So perhaps I can clarify for my colleague here that one of the ways that we judge ourselves as a Nation is not about talking about today's heroes, but how we take care of yesterday's heroes. Cutting back veterans benefits is certainly not one of those ways that we honor the heroes of yesterday, because today's heroes fighting for our freedom across the country and across the world, you are paying attention.

Mr. Speaker, today, as we speak, tax rebate checks are being sent to families around the country. But in my own district of El Paso and across America, there are hardworking families and families of brave members of our Armed Forces whose mailboxes will be empty. The tax bill passed in May leaves behind 8 million children by denying their families full access to child tax credit. This law fails to give the child tax credit to those earning between $10,500 and $26,625 per year.

Of the 8 million children left behind in this tax law, 1 million live with parents who are on active duty or are veterans. The children of our working families, especially those of our armed services, deserve better support from this body.

Mr. Speaker, there are over 16,000 military families with children stationed at Ft. Bliss in my district. With loved ones serving in Iraq, these families understand more than most what it means to sacrifice for our Nation. These families certainly do not deserve to be left behind, I would say to the gentleman from Kentucky that is handling the time on the Republican side.

The tax bill passed by this House penalizes enlisted soldiers who are serving in Iraq. For example, a staff sergeant with two children earning $29,000 qualifies for the child tax credit. But if this same staff sergeant is deployed in Iraq, 8 months, 10 months, 12 months, we do not know what the duration is. That is why they are frustrated, his taxable income drops and his children do not qualify for the tax credit.

Mr. Speaker, this is no way to treat our soldiers. This is no way to treat those that we exalt here on the floor of this great House who are risking their lives for our country.

This motion will help these families. It instructs conferees to include provisions to allow our men and women in uniform and their families to include combat pay in their gross earnings for the purposes of calculating eligibility for the child tax credit. They deserve it. We ought to provide it for them. Let us send a message to our hard-working families that they count too and that we recognize the sacrifices being put on the line by military families around the world. Let us pass the Solis motion.

Mr. LEWIS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I yield the balance of my time to the distinguished gentlewoman from California (Ms. PELOSI), our Democratic leader.

Ms. PELOSI. Mr. Speaker, I rise in support of this very important motion to instruct conferees. In doing so, I want to acknowledge the excellent work and leadership of the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means; the gentlewoman from Connecticut, (Ms. DELAURO), who has taken a very important role of putting this issue of fairness to America's children forward; the gentlewoman from California (Ms. SOLIS), a member of the Committee on Education and the Workforce, now a member of the Committee on Commerce, for her leadership; representing the freshman class, the gentleman from Maine (Mr. MICHAUD), the gentleman from New York (Mr. BISHOP).

Mr. Speaker, night after night, night after night for the past 2 weeks, Democratic Members have come to the floor to make the case for America's children, the case for the children of America's working families, the children of parents on active duty in the military.

Mr. Speaker, see, this is a copy of the check the President is going around the country posing for pictures with, a check saying that this is a good day because the check is in the mail for so many children in America. The good news is that the check is in the mail for so many children in our country. The bad news is, and the President knows this, that the check is not in the mail for 12 million children, 250,000 of them children of men and women on active duty.

The good news for those children is that their parents work hard, care about them, and are the backbone of our country. The bad news is they do not make enough money to be considered worthy of this tax credit. I ask my Republican colleagues, why not raise the minimum wage if they do not think it is high enough to get a tax credit for these children? They say: Oh, no, we cannot do that.

The good news is that these children are children of men and women on active duty serving their patriotic duty to our country. The bad news is that although we honor their service on this floor of the House on a regular basis, the service of our men and women in Iraq and Afghanistan, at the same time we dishonor them by saying their children are unworthy of receiving the tax credit because their pay does not count and is not high enough for them to get the tax credit.

Mr. Speaker, I listened with great interest to our Republican colleague who must have drawn the short straw to come to the floor to defend the indefensible, cutting 12 million children out of the tax credit, when he said that these people who cannot help themselves, well, they want to help them. These people are helping themselves. They are helping themselves. They are helping their children. They are helping our country. They are entry level. They are people with aspirations. They are people with young families. They are the future of our country.

The gentleman from Kentucky also said, well, for them we have the earned income tax credit. That should take care of them. Others have said in the course of these couple of weeks, and on TV and again this morning here, they do not pay taxes. My colleagues have pointed out very clearly that they do pay taxes. I ask anyone who looks at his or her paycheck whenever they get paid, do they not think paying a payroll tax is paying taxes? Or paying sales tax is paying taxes?

The gentleman says, well, they get an earned income tax credit for that. Interesting to note, my colleagues, since we are having a quiet moment here this morning as Members come back to the Chamber after a very late night, the IRS has recently said that they are going to premonitor, premonitor, excuse me, I am using the wrong word, preaudit, preaudit families, low-income families who might wish to claim the earned income tax credit.

I ask my colleagues to think of it. These are people who make the minimum wage. We have said that they will get an earned income tax credit, and that is appropriate. The IRS is now saying they are going to preaudit these poor families before they can make that claim for the earned income tax credit by just listing their income on their income tax and signing that this is what their income is.

At the same time, they have a very, very low audit rate for wealthier individuals in our country. They have said on occasion that it is too difficult and too expensive to fight the lawyers of those with resources in our country, be they wealthy individuals or corporations. But instead, the IRS is using its resources to preaudit poor working families who may wish to claim the earned income tax credit. Just some issues of fairness that I thought it was important to note this morning.

Mr. Speaker, this check which will go out to many families of children in America, and that is a good thing and we all support that, this check for the poor children, though, of working families is delayed. Delayed. Delayed.

The President says he wants this tax credit for poor children. That is what the President said. That is what the President is saying on the road. The Senate has already passed the legislation and sent it to conference with the Republicans. It would take 1 minute for the conferees to meet, to accept the Senate language, put the bill on the President's desk, and remove this terrible embarrassment to the Republican Party. It is no wonder no Republican Members showed up on the floor today, leaving the gentleman from Kentucky (Mr. LEWIS) to do all of this heavy lifting by himself, carrying this unfortunate defense of the indefensible.

It has a nice ring to it. It is reminiscent. Delayed by whom? Delayed by DELAY. Delayed by DELAY. The child tax credit is delayed by DELAY.

I think the American people should know that. And if the President is serious about wanting this tax credit for all children in America, and I believe that he does, then I think he should use his influence, his moral suasion, his leadership with the Members of his own party to say let us end this embarrassment. Let us end this embarrassment. Let us eliminate the delay caused by DELAY.

A couple of other thoughts that I wanted to convey to my colleagues this morning as we get back into the legislative mode after a very late night of debate and voting is that this delay for 12 million Americans takes place within the context of the past few weeks. As recently as yesterday, the Republicans strove to undermine, undermine Head Start. By one vote, this House passed a block grant program under Medicare that contained language that legalizes discrimination, but undermines Head Start, removing standards so important for lifting up children. And within the past couple of weeks, this body voted to underfund Leave No Child Behind by $9 billion, leaving millions of children behind.

No tax credit if a child's parents do not make enough money, $9 billion out of no Child Left Behind leaving millions of children behind. Undermining Head Start, removing the standards, turning it into a block grant, on its way to being unrecognizable. These, sadly, are the same children in many cases who are affected. The same children fall into the categories for education for disadvantaged children, children of parents making between $10,000 and $26,000 a year.

Mr. Speaker, that is not disadvantage. That is entry level. But nonetheless they would qualify for some of those educational benefits in Leave No Child Behind. And of course these children would take advantage of Head Start.

So this is all part of a pattern. I call it the trifecta against children that the Republicans have put forth. Actually, it is not my idea. The gentleman from California (Mr. GEORGE MILLER) calls it the trifecta, that great champion for children in our country.

So let us calm down after all the debates that we have had night after night that we have tried to make the case to the American people. This is almost like A Christmas Carol (Dickins) or something where wealthier people are treated better than poor kids. And the children of America are in solidarity. They respect each other. They do not want other children not to have toys at Christmas and food to eat and a home to live in, the dignity of that kind of shelter.

Children are sympathetic to each other. Why can we not, as a Congress, be sympathetic to all children? Because what we are doing here today by saying this to these children, as I said again the context of the Head Start legislation and the Leave No Child Behind legislation, and when these children and some of the older siblings of these children have a bigger struggle affording college and higher education because of what this Congress is doing to Pell grants, this is just not right.

Mr. Speaker, this is America's future. This is America's future. And to every one of those children, how much better if we could say to them: you are important to us. As President Kennedy said, children are our greatest resource and our best hope for the future. He did not say children of those making over $26,000 are our greatest resource, and if their parents are even wealthier than that, our best hope for the future. He said all children are.

So this is about aspirations. This is about the American Dream. This is about making the future better. And day by day, quickly and surely, the actions of this House, lead by the Republican Majority, are undermining those aspirations.

It is not too late. It is not too late. We can accept the motion offered by the gentlewoman from California (Ms. SOLIS) to instruct the conferees to agree to the Senate language. We can do it right now.

End the delay. Have our conferees go to conference. Agree to the language. Put the bill on the President's desk. And would it not be a wonderful gift to him who has said, the President who has said over and over again that he wants this for America's children, all of America's children, that when he returns from his trip he can immediately sign the No Child Left Behind bill? In fact, they could probably get the bill to him on the road so that history will never show that on the same day that these checks were being received by some children, that other children were getting nothing. Were getting nothing.

Mr. Speaker, with that I commend all who have worked so hard to make the case for America's children, for America's future. I thank the gentlewoman from California (Ms. SOLIS) for her diligence, and all of our colleagues, the gentlewoman from California (Ms. WOOLSEY), who I see on the floor has been so much a part of this fight. I could name practically every Member of the Democratic Caucus who has played a major and significant role in making the case on this floor, to the press, and across the country that fairness is a value that Americans hold dear and that we agree with President Kennedy that children are our greatest resource and our best hope for the future. All of America's children.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think fairness really is the issue here. When I look at the child tax credit that is refundable to the extent of the taxpayer's earned income in excess of $10,500, plus the earned income tax credit, the earned income tax credit, here are some numbers that I think are interesting. There are 18 million families receiving earned income tax credits at a cost of $30 billion. $30 billion, 18 million families. I think those numbers need to be looked at.

But here are the actual numbers. The head of a household with two children at $10,000 in wages would receive $4,010 in earned income tax credit; $15,000, a refundable child tax credit of $450; earned income tax credit of $3,823; $20,000, $565 child tax credit, an earned income tax credit of $2,770. We are helping those that need this help.

And going back to the military, the House-passed bill does not deny the child credit to military families. Military families, including those who are deployed abroad, are already receiving a refundable child credit and will continue to receive a refundable child credit. Under the House-passed bill, the Democrat motion to commit would only increase the credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit.

Mr. Speaker, The House-passed bill provides more tax relief to military families because it includes $806 million of military tax benefits. These provisions have passed the House on numerous occasions and are awaiting action in the Senate.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of the motion to instruct conferees.

Mr. Speaker, it's a simple question: Will the Republican leadership permit Congress to pass tax relief for millions of working and military families before the August break?

Unfortunately, we know the answer, and it is not good news for the 4 million families with incomes between $10,000 and $26,000 who were left out of the original Republican tax cut plan. And it is not good news for the 262,000 children of military servicemen and women who currently serve or have served in Iraq or other combat zones because their combat pay actually reduces their tax credit.

With the Republican party in control of the White House, the Senate and the House of

Representatives, President Bush and the Republican leadership have the political power to pass tax relief for these families today. But do they have the political will?

I think that question was answered by Speaker HASTERT, when he was asked last Sunday if he and the Republican leadership would pass the child tax credit before leaving town. Speaker HASTERT dismissed the question by saying that the families making between $10,000 and $26,000 "don't pay taxes."

I hope the Speaker will talk to some of these families in his own district. If he does, they will be glad to inform him that even though they don't earn enough to pay income taxes, they pay plenty in Social Security payroll taxes, sales taxes, and—if they are fortunate enough to own a home—in property taxes.

Mr. Speaker, we should pass the child care tax credit bill today and give working and military families the tax relief they deserve. As I said at the outset, it's really a very simple question: Will the Republican leadership permit Congress to pass tax relief for millions of working and military families before we break or will they continue to look the other way and go home?

Mr. LEWIS of Kentucky. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. SOLIS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SOLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2861, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 338 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 338

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: under the heading "State and Tribal Assistance Grants" beginning with ", except that, notwithstanding section 1452(n)" through "water contaminants". Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 338 is an open rule which provides 1 hour of general debate, equally divided between the chairman and ranking minority member.

Mr. Speaker, H.R. 2861, the Fiscal Year 2004 Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriation Act we are hearing today. The rule waives all points of order against consideration of the bill and against provisions in the bill, except as specified in the resolution.

After general debate, any Member wishing to offer an amendment may do so as long as it complies with the regular rules of the House. The bill shall be read for amendment by paragraph and the rule authorizes the Chair to accord priority in recognition to the Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule permits the minority to offer a motion to recommit with or without instructions.

Mr. Speaker, there is much to be said about what is good in this bill.

Mr. Speaker, I reserve the balance of my time at this point, and will speak about it later.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary 30 minutes and yield myself such time as I may consume.

Mr. Speaker, part of the cost of waging war is the cost of caring for our veterans when they return home. Today, American troops are fighting in Iraq and Afghanistan and this body is considering an appropriations bill that grossly underfunds the veterans health care.

It is projected that 600,000 veterans will enroll in the veterans health care system this year. However, the veterans health care system cannot meet the medical needs of the number of veterans who are already enrolled because of inadequate funding.

□ 1030

More than 235,000 veterans are waiting 6 months or more for doctors' appointments. Embarrassingly, many veterans have reported waiting 2 years before they were able to see a Veterans Affairs doctor. The VA has reached capacity at many health care facilities and has closed enrollment for new patients at many hospitals and clinics. The VA has also placed a moratorium on all marketing and outreach to veterans.

According to the Veterans of Foreign Wars, because the veterans health care system is underfunded, 1.1 million veterans will either be pushed out or not even bother to try to access the VA health care. The funding allocated for veterans health is simply not enough and our veterans pay the price.

With this bill, we break many promises that we made to the veterans. The budget resolution for fiscal year 2004 pledged billions more for veterans medical care than has been allocated in H.R. 2861. Whenever America's men and women are sent off to war, they leave with the promise and the expectation that a thankful and grateful America will provide them with quality and accessible health care at least when they return home. We break this promise if we do not provide the funds necessary to ensure that no veteran waits months for a doctor's appointment or is denied admission to the VA health care system.

Late last night, the Committee on Rules prioritized tax cuts for the wealthiest Americans over the health care needs of America's veterans. Along party lines, the committee rejected an amendment by the gentleman from Texas (Mr. EDWARDS) that sought to increase the funding for veterans medical care by $2.2 million. A small reduction in the tax cut for people making more than $1 million would provide the needed additional health care funds with no pain to the millionaire. We should not accept the proposition that the government is able to pay for a $350 billion tax cut for the wealthiest Americans but is unable to fund $2 billion more for veterans health care needs.

The Committee on Rules also rejected an amendment by the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS), again on party lines. This amendment would have increased funding for veterans health care by $1.8 billion, bringing the total funding level for veterans health care to the level set in the budget resolution. Meeting the budget funding levels would ensure that the VA is able to continue to treat all of the veterans currently enrolled and ensure that the VA is able to maintain nursing home care levels for the aging veterans, and indeed, it recognizes the fact that more veterans will be coming home from the present wars needing help.

Mr. Speaker, it is heartbreaking that we have American soldiers in Iraq and around the world who will find the system they count on crumbling when they return home. We need to fix the inadequacies in the underlying legislation. I urge my colleagues to oppose this rule, and I hope that I can tell the 60,000 veterans in my district that we honor our commitment to them and will provide them with the health care we promised them.

I do want to say that I think both the committee chair and the ranking member on the committee tried extraordinarily hard in a bipartisanship that is really the way our House ought to operate, and I want to give them my thanks for their hard work. Nonetheless, I would like to call for the defeat of this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I am here to speak against the rule on the VA-HUD appropriations bill.

Our troops are beginning to return from their service in Afghanistan and Iraq. Sadly, these have not been bloodless wars. None of them are in history, and certainly many of these brave men and women will now rely upon the VA for their health care. They do not deserve delayed or rationed services.

Ultimately, this Congress did the right thing in approving a budget resolution that increased funding for veterans programs by $1.8 billion. We want to ensure that we keep the promise that we gave our veterans and add these funds to the appropriation for veterans health care. Please give us the opportunity to do so.

Mr. Speaker, Sunday is the 50th anniversary of the signing of the peace treaty for the Korean War. Veterans have gathered here in Washington and elsewhere to commemorate this event. Some of these veterans are gathered in the halls of this Congress today.

It comes down to this, Mr. Speaker, with the vote on this rule: You are either for or against veteran health services for veterans. What will you say to the veterans watching today and your veterans at home tomorrow who are showing great interest in this issue? Do you support them or not? Vote no on this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, everyone knows that there is a crisis in veterans health care in this country. All too often a veteran who has prostate cancer will be told that it is going to be 3 months before he can see a specialist. There are delays in seeing almost any specialist in the system. Veterans hospitals are in many ways inadequate for the demand that they face, and there is no question that if this bill passes as is, it will make that situation worse.

Now how can I say that? After all, the bill has a 6 percent increase. Here is how I can say it.

Inflation, first of all, will cost at least 3 percent more this year to serve the same population. In addition, the population which will be served, or will be eligible to be served I should say, will increase by 9 percent this year. So that means that this bill would need to be 12 percent above last year for veterans health care just to stay even.

This bill does about half of that. So if you pass this bill as is, veterans health care will get worse, not better, in this country, and I do not think that makes any sense.

Members from both sides of the aisle asked the Committee on Rules to allow amendments to be offered that could fix this situation, and they have been told, "No, sorry, boys and girls, cannot do it." That, I think, means that if you want to do anything meaningful besides send out a political press release or a nice flowery letter, another one of those wonderful resolutions that passed this Congress 430 to nothing, if you want to do something to back up all those wonderful flowery words, if you want to send your veterans, as the gentleman from Michigan (Mr. KILDEE) says, if you want to send them something other than a get well card, you will vote against this rule, and give us the chance to boost veterans health care in a meaningful way.

We want to be able to offer the Edwards amendment which would raise the veterans health care budget by over $2 billion, and it would pay for it by reducing the size of the tax cut for people who make over $1 million a year from $88,000 to about $77,000. So we have a choice. What is more important to the country, an $88,000 tax cut for someone who makes 100,000 bucks a year or putting veterans where we promised we would put them, which is first in line immediately for the medical care they need?

Now, I know some people will say, "You know, this is a bottomless pit." I have heard it said this is a bottomless pit. How much are we going to give the veterans? We did not ask how much the veterans were going to give us when they agreed to put everything on the line, and it just seems to me that our position ought to be that whatever it takes to provide people who wore the uniform of this country under any circumstances, whatever it takes to provide them with decent health care we are going to do.

To me, that is a whole lot more important than a number of the tax choices that have been made, and I think it is to a lot of people in this Chamber as well.

So I would strongly urge you to vote against this rule. If you are not willing to vote against this rule, do not go back home and tell your veterans, oh, man, we put you first, we really did. This committee has done a a credible job with the resources available, but the resources available are pitiful in comparison to need.

So I would hope Members would recognize that it is no criticism of the subcommittee itself to vote against this rule. It is a criticism of misplaced institutional priorities in this House, and we ask the House to take the only action you can take if you want to correct those misplaced priorities, and that is to turn down this rule.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN) a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, this is a defining moment for this Congress. What we are talking about here today is a big deal. It is a huge deal. This is about veterans and the services that they receive in this country. The vote on this rule will show once and for all which Members of this body truly support veterans and which Members are merely talking a good game when it comes to funding veterans programs.

This bill woefully underfunds veterans services. It is disgraceful. We have young men and women who are bravely serving in Afghanistan and Iraq and around the world, and how do we thank them for their sacrifices? By cutting important veterans programs and services.

I know the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Ranking Member MOLLOHAN) did the very best they could with the little money they had to work with. In fact, they should be praised for crafting this bill out of such few resources. They are both dedicated and good public servants, and I do not fault them for this problem.

But I do fault the Republican leadership and the Republicans on the Committee on Rules for not making several bipartisan amendments in order last night that would have increased veterans spending by at least $1.8 billion. The gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) had an amendment, the gentleman from Texas (Mr. EDWARDS) had an amendment, and they were just shut out.

The Committee on Rules provides waivers all the time, and it could have provided waivers for these amendments. Not only did the majority fail to provide waivers for these amendments, but in fact, every single Republican on the Committee on Rules voted against every amendment to increase veterans spending last night.

Mr. Speaker, the sad reality is that the Republican leadership is all talk and no action. They talk about funding important programs. They talk about their support and their admiration for our veterans. They like to pose for pictures with our veterans. They speak at every veterans conference, but they do not back up their rhetoric with the funds necessary to pay for these programs.

Frankly, this body is quick to pass authorization bills that designate the necessary funding levels, followed by lengthy press releases and big press conferences, claiming support for these programs, but the Republican leadership does not put its money where its mouth is when it comes time to genuinely provide the funds needed to run these programs.

This entire year has been nothing but a history of broken promises, to our teachers, our schools, our children and, today, to our veterans. It is wrong, Mr. Speaker, and it is outrageous that this Congress is turning its back on the men and women who have defended this country and made it the greatest and freest country in the world.

We have veterans in our districts who have to wait months and months and months to get health care. We have veterans programs that are being slashed, but it does not have to be this way.

I truly believe that this is a defining moment for this body. A yes vote on this rule is a vote against veterans. This rule prohibits any opportunity to increase veterans spending. So if my colleagues want to live up to their rhetoric, if they actually support our veterans, then join me in voting against this rule. Send this flawed rule back to the Committee on Rules and force the majority at a minimum to give us a vote but, more importantly, to give our veterans what they deserve.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to my distinguished colleague, the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

Mr. WALSH. Mr. Speaker, I would like to thank the gentlewoman from Ohio (Ms. PRYCE), my colleague from the Committee on Rules, who has helped us to guide this bill through the Congress the last three years. She does a great job and knows the bill very well and is very capable at this.

I would like to first of all, Mr. Speaker, talk a little bit about the rule. This rule provides for the customary protections usually afforded all appropriations bills at this stage of the process. It is an open rule but it waives points of order against unauthorized appropriations because so much of this bill is unauthorized.

The Appropriations subcommittee is appropriating funds for NASA, much of which is unauthorized; EPA, much of which is unauthorized; HUD programs, National Science Foundation, and we have heard a lot about veterans, and we will continue to hear more about veterans.

□ 1045

But there are a lot of items in this bill that are of critical importance to these Departments; and this would, in effect, provide the authorization required for this current year.

Most of the focus has been on veterans issues in this bill, and rightly so. It is the priority for the subcommittee each and every year that we provide for funding for this area. But I would like to talk a little bit about some of the other aspects of the bill, the other Departments that are funded in this bill.

HUD is the Department that provides for housing for all Americans. We have fully funded the section 8 housing voucher program, which allows individuals to live where they would like and take their housing vouchers with them to help pay for their rent. It is a very popular program. It is fully funded. Of our allocation, which was only about a $3 billion increase over last year, a billion of that goes just to fund the cost increases in the section 8 housing voucher program. No new vouchers, but it is fully funded. And I would remind my colleagues that thousands of American veterans live in section 8 housing, and they benefit substantially from that portion of the bill, as all other Americans do.

In the AmeriCorps program, which has had a lot of discussion and debate of late, the subcommittee provides them with about a $100 million increase over last year's budget. We raised the cap. We allow AmeriCorps to put on an additional 5,000 volunteers, which is something the President wants. We go from 50,000 to 55,000. Our only hope is that they will hire that many, as opposed to last year when they had a cap of 50,000 and they put on 67,000 volunteers. So there are problems over at AmeriCorps and National Corporation that they are working on trying to fix. We are going to provide them with additional funds this year; and, hopefully, we will get it right this year.

The Environmental Protection Agency. We provide for about $8 billion in funding for that agency. We maintain the level of enforcement that we maintained last year, which was an increase over the prior year. We have added back about $.5 billion in funds to the EPA to provide for clean water, wastewater improvements, and combined sewer overflow conversions so that we can help clean up our Nation's water. There is a tremendous demand out there. This will not cover the problem; but of our $3 billion increase in allocation, about $.5 billion of it went to clean water SRF and State and tribal assistance grants.

NASA is really a status quo budget because we are waiting to hear what happens with the Gehman Commission. They will be reporting back to the Congress probably in August, and we expect that that will have some major ramifications for NASA. The administration will have to weigh in on that, and possibly we could be dealing with that in a supplemental later in the year. I do not know. I do not know what the administration will want us to do. But we did not deal with those issues in this bill. As I said, it is a status quo budget for NASA.

National Science Foundation. The Congress has asked us to double National Science Foundation over a 5-year period. We could not do that with this allocation. We have provided for in the last several years almost double-digit increases in the National Science Foundation. Everybody agrees these are important investments for the country, but we provided for about a 5 percent increase in National Science Foundation.

That brings us to veterans. And I describe this bill, the VA–HUD and independent agencies bill, as a train, and the engine that pulls the train through the Congress is the veterans funding. It is the most important priority of the subcommittee. It has the largest advocacy group. It has the broadest support within the Congress.

Now, as I said, we had about a $3 billion increase in our allocation over last year's enacted level, and $1.3 billion of that goes toward the veterans medical care. There is also a $1 billion increase for veterans mandatory programs for veterans benefits, so a $2.3 billion increase just for veterans out of the about $3 billion that we got as an increase. Actually, the mandatory is separate, but an overall increase in veterans, counting discretionary and mandatory, is about a $2.5 billion increase.

Mr. Speaker, we have increased veterans spending in the last 5 years by almost 50 percent, 49 percent. I do not believe there is any other Department in the Federal Government that has experienced a 50 percent increase in the last 5 years. This subcommittee has bent over backwards to try to meet the needs of our veterans.

Now, we will hear, and it is accurate, that the number of veterans actually coming into the VA has increased beyond that number. But I would submit that most of the new veterans coming in are coming in for prescription drugs. They are what we refer to as category 7s and 8s.

The Congress has, in its wisdom, dramatically expanded eligibility for access to the veterans health agency. Many of the new veterans that are coming in are not indigent and they are not service connected, but they are eligible under the new broadened eligibility rules that the Congress put in place. That is putting an additional burden on the VA. It is creating long waiting lines.

There are a couple things that can happen that the administration can do. One of the things the Secretary is talking about relates to one of the problems we are experiencing. A category 7 and 8 looking to come in for prescription drugs cannot get them until they have a physical, even if they have had a physical by their own personal doctor. Now, that it is a double cost. It is a cost possibly in Medicare; it is also a cost in the VA if they need to get two physicals. There is some discussion about waiving that initial physical for veterans when they come to the VA if it is just for prescription drugs. So that would reduce the waiting time.

Also, there was in this bill when we first brought it to the Congress a fee requirement, a $250 premium and a $15 copay, which has been stripped from the bill. So those additional fees that were in the bill are no longer in the bill. We just do not have the allocation that some people would like us to have, the amount of funds some people would like us to provide. The budget resolution that we passed required us to raise veterans spending for health care even higher. The problem was we did not have the resources to do that.

There was an assumption in that budget resolution for $7.5 billion more than we actually had. It was supposed to come from mandatory savings, from waste, fraud, and abuse savings; but that was knocked out in the conference so we did not have those additional funds. Now, we went back and rescinded $5 billion from defense to provide the Committee on Appropriations with an additional $5 billion, which we did do, which provided some relief; but we still came up about $2.5 billion less than what was assumed available in the budget resolution. So it squeezed us.

Now, I do not stand back from the commitment that this bill has made to veterans. We have increased mandatory spending. We have increased discretionary spending. It is clearly the priority. We have increased veterans health care 50 percent in the last 5 years. As I said, no other Department, no other agency in the Federal Government has experienced that kind of growth.

This is a bill we can be proud of. This is a bill that maintains its commitment and maintains its promise to veterans, but it also provides the necessary resources to make the investments in our Nation's intellectual and technological future by making investments in the National Science Foundation. On NASA, we are waiting for the report and we will respond to that. Environmental protection, we think this is a strong vote of support for protecting our environment, which is a priority for our party and for all parties in this country, certainly for the President. It provides an increase for AmeriCorps, and it also fully funds our Nation's public housing program, which, to me, is as important a commitment as our commitment to the veterans.

We have an obligation, I think, in this country. This is a very competitive society. Some people do not compete as well as others. There is a need out there for public housing, and this Congress stands behind that commitment to those individuals that, until they can get on their feet and manage their own housing costs, we need to stand behind them.

So it is a very complex bill; we have limited resources, but a full desire to meet our commitments that we have. Mr. Speaker, I am proud of this bill, and I urge its support and support of the rule. It is a good rule. It is an open rule.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 20 seconds to say to the gentleman, the Chair of the subcommittee, the gentleman from New York (Mr. WALSH), that we do know what a wonderful job that he does with what he has been given, but we do believe we could make the bill a little better if we were allowed the Edwards amendment.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I know you know about veterans issues, because I was honored to serve as your ranking member on the Subcommittee on Benefits. As I sit here and listen to my good friend and colleague trying to deal with a very difficult situation, trying to put the best face he possibly can on this, the thought occurs to me that if we are interested in doing right by our veterans, and I spoke earlier about the sacrifices that today are being made by the families of our veterans and current members of the armed services, it occurs to me that no amount of parliamentary gerrymandering that talks about unauthorized appropriations and those kinds of fancy words can make this issue go away.

Yes, there have been increases in the VA budget, but I would remind my colleagues on both sides of the aisle that not too long ago we were in a situation where we had a surplus. I spoke about putting our veterans at the head of the line. Instead, we put tax cuts before our veterans. The gentleman from New York (Mr. WALSH) is absolutely correct, we do not have the resources today. Why do we not have the resources? Because we prioritized tax cuts ahead of our veterans and ahead of so many other programs.

Those of us that continuously have an opportunity to go visit with today's heroes, heroes that we talk about on the floor of this House, heroes that we talk about in our respective committees, and I am talking about the men and women that are laying down their lives in Iraq and other parts of the Middle East and around the world in serving proudly for our country, we go to Walter Reed Hospital and to Bethesda and we see the results of those sacrifices. Why can we not increase the budget of the Veterans' Administration that takes care of today's heroes? Because we are not even taking care of yesterday's heroes.

Veterans today are not coming in just to get prescription drugs. They are coming in because they need attention after putting their lives on the line for this country. They deserve better. They deserve to have us do our job for them, if nothing else. Vote against this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, as we speak from the comfort and security of this House Chamber, tomorrow's veterans are putting their lives on the line in Iraq today. That is why this rule is shameful.

With this rule, the House Republican leadership has guaranteed inadequate funding for veterans health care during a time of war. And to add insult to injury, the House Republican leadership has broken its recent promises with this rule to veterans. How? By ensuring that we cut VA health care funding by $1.8 billion less than they promised our veterans just a few weeks ago.

Do not listen to just my voice; more importantly, listen to the voices of America's veterans' leaders. Let us go to Ron Conley, the national commander of the American Legion. He said this: "I have visited over 60 VA medical facilities across the country only to find that budgetary shortfalls are preventing hundreds of thousands of Americans from receiving timely access to quality health care." He goes on to say that to fund VA medical care short of that recommendation in the House budget resolution "sends a chilling message to those who served in the liberation of Iraq."

Shameful, Mr. Speaker.

□ 1100

Let us talk about broken promises. It would be wrong to break promises to veterans in any year, but to do so in a time of war is absolutely inexcusable. The VFW in its national press release just a week ago calls this bill without the amendment that has been prohibited with this rule to increase veterans funding by $2.2 billion "a clear betrayal of the assurances made to America's veterans by the House Republican leadership." VFW Commander in Chief Ray Sisk said on July 17, "The House leadership has deceived us."

The national legislative directors of AMVETS, Paralyzed Veterans, and Veterans of Foreign Wars said this:

"This represents a flagrant disregard to promises made to veterans by this Congress."

I think I know what is happening. The Republican leadership is carrying out the will of its majority leader, TOM DELAY, who said not long ago that in time of war nothing is more important than tax cuts. I would hope, Mr. Speaker, that Mr. DELAY would tell that into the eyes and into the faces of the 20,000 soldiers from my district that are presently putting their lives on the line in Iraq. This rule that prohibits a $2.2 billion increase in veterans health care guarantees broken promises to our veterans in time of war, and it guarantees inadequate funding for veterans health care. That is shameful.

Vote "no" on this rule and in doing so let us support America's veterans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), the very distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. There is nothing extraordinary about it at all. This is a standard rule for consideration of an appropriation measure. It is an open amendment process. For my colleagues, I would like to explain exactly what it is that we have done. The subcommittee, very ably chaired by our friend from New York (Mr. WALSH), worked its will, went through its subcommittee process, worked through the full committee, and it had a number of very important items focused obviously at its number one priority, dealing with the veterans of this Nation. Do I wish that more could be done for veterans? Absolutely.

I was just having a conversation with my friend from Connecticut (Mr. SIMMONS), subcommittee chairman on the authorization committee. Obviously, we would like to be able to do more. We live within the constraints of the 302(b) allocations, and I believe that the gentleman from New York did a phenomenal job with those limitations that have been imposed on him.

There are a lot of other issues that are included in this measure, Mr. Speaker, some that are important to me. I happen to be privileged to represent the Jet Propulsion Laboratory just above Pasadena, California, in La Canada-Flintridge. They are phenomenal projects that they have been pursuing, the Prometheus Project, the Jupiter program. They have been involved on the cutting edge of exploration, which is improving the quality of life for all of us. Important funding for that is included in this measure.

As the full Committee on Appropriations worked out its package, they came to the Committee on Rules and asked for, as is usually the case, a waiver to simply protect the work product of the subcommittee and the full committee. Chairman YOUNG, who does such a great job, was supportive of that request that came forward to provide the protection for the bill itself. And then, Mr. Speaker, what we did is we made in order what is called an open rule. An open rule means that any Member can offer a germane amendment that relates to this appropriations bill. That means they can offer striking amendments, cutting amendments. Those are in order. Those amendments are in order.

That is why, while I am very sympathetic, very sympathetic, with the concerns that have been raised by my colleagues as it relates to veterans, we need to recognize everything that has been done for veterans. The dedication that the United States Congress and our government has made to those who have sacrificed for our country is very strong. I was just telling the gentleman from Connecticut that my father was a drill instructor, Mr. Speaker, in the United States Marine Corps. He passed away 6 years ago this past March 3. I miss him greatly, but he inspired me. The service that he provided to our country inspired me. I cannot in any way turn my back on that kind of dedication, that kind of commitment to our country. I believe that this measure does effectively address the challenges that we have, and I hope very much that we will at some point be able to do more. I appreciate the work of so many of our colleagues on this.

But I think that we need to move ahead and get this bill done. Chairman YOUNG has done a phenomenal job with the appropriations process, but we have a lot of work ahead of us so I hope we are able to move quickly. I thank my friend from Ohio for yielding me this time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I extend my heartfelt gratitude to the honorable gentlewoman from New York for yielding me this time. I do not believe that there is any Member of all of us who does not love veterans. I really believe that you genuinely love veterans and that you probably have some of them in your district. So I believe that you love them. I am here simply to say, help my disbelief.

We have hospitals closing that were inspired and created specifically to accommodate health care for veterans. We have veterans in my district, if you would care to talk to some in yours, who have endured long waits just to have an opportunity to see a doctor in a VA hospital. If you really love your veterans, give up your seat in Congress to a veteran so that they can go down to the attending physician's office and go out to Walter Reed or Bethesda whenever they have a toe ache or a headache and then that would be showing your love for a veteran.

In 1789, General and President George Washington, whose picture hangs on the wall here in the Chamber, said: "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country."

We pass feel-good legislation not to desecrate the flag. We pass resolutions to support our troops. If we truly, genuinely, without hypocrisy want to support our troops, vote against the rule. If any of you care to notice, many of our young women and men who are in war right now will come back hopefully in this country, but many will be maimed, many will be without limbs, many will suffer post-traumatic stress disorder, in need of dire medical care. We are closing down veterans hospitals around this country. That is just devastating that we are shutting out the people who fought for the freedom of the United States of America. We come in here and pledge allegiance to the Flag on a daily basis, pretending to support those who preserve the freedom for this country.

The President's budget requested a $1.4 billion increase when it really needed at least $2.5 billion, even to meet its own definition of current services, which includes serving fewer veterans and further rationing services like nursing home care. It meets the shortfall by proposing poorly defined management efficiencies, including outsourcing a significant part of the workforce. The President's budget also contained a number of legislative initiatives designed to limit veterans' use of health care services by increasing copayments for medication and outpatient visits and levying a new enrollment fee. Give me a break.

This rule is atrocious. It reeks with hypocrisy. It reeks with inhumaneness. I would encourage anybody in the name of the veteran to vote against the rule.

In 1789, General and President George Washington spoke these words:

> The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by this country.

This bill shortchanges veterans.

I do not believe we should be balancing the budget on the back of veterans. By not allowing priority 8 veterans to claim the benefits they deserve for serving this nation only because they were lucky enough to escape combat without injury is wrong.

The President's budget requested a $1.4 billion increase when it really needed at least $2.5 billion even to meet its own definition of current services, which includes serving fewer veterans and further rationing services like nursing home care.

It meets the shortfall by proposing poorly defined management efficiencies, including outsourcing a significant part of its workforce.

The President's budget also contained a number of legislative initiatives designed to limit veterans' use of health care services by increasing copayments for medication and outpatient visits and levying a new enrollment fee.

Congress has not had the stomach for the Bush legislative initiatives, but hasn't replaced the funds they were designed to create.

Ultimately this body agreed to accept the Senate budget numbers that increased VA discretionary funds, including medical care by $1.8 billion in fiscal year 04.

This level of funding would allow VA to fill the funding deficiencies left from our rejection of Bush's legislative initiatives, restore a vital nursing home program and fund much-needed construction.

We must not break our promises to veterans. The VA–HUD appropriations bill will not meets veterans' needs. Its increase from last year is $1.4 billion, which does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled.

Even the President's own Task Force to Improve Health Care Delivery for Our Nation's Veterans acknowledged the problem, stating that "There is persistent concern about the inability of VA to provide care to enrolled veterans . . . ."

The President's Task Force also noted that "the Federal Government has been more ambitious in authorizing veteran access to health care than it has been in providing the funding necessary to match declared intentions."

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. "To bind up the Nation's wounds, to care for those who have borne the battle." Those are the words of our greatest Republican President. It was the beginning of a national promise, a promise, an obligation, a sacred obligation to look after those who bore the battle. The result is today we have in the VA excellent doctors and nurses, excellent facilities as far as they go, but it is not far enough.

Patients have unacceptable waits. And when it comes to medical care, to delay is to deny. Those who served in uniform did not wait to serve. This bill effectively cuts veterans health care. Do not just take my word for it. The DAV, the VFW, Paralyzed Vets say this cuts health care. The rule denies waivers to the gentleman from Texas (Mr. EDWARDS), the gentleman from New Jersey (Mr. SMITH), and the gentleman from Illinois (Mr. EVANS) to try to address this. That is reason enough to justify defeating this rule. The gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) have done their best; but we must not forget, these cuts were not an accident. They did not happen in the Committee on Appropriations just yesterday. They are the deliberate result of a partisan budget that was rammed through Congress a few months ago. It was passed with some empty promises to some of our colleagues that veterans would be taken care of later.

But this budget, despite the words of the chairman, who a moment ago said, "We would like to do more," this budget that was rammed through Congress months ago cut veterans benefits.

Here is what they said: You know, we found several trillion dollars of money that we don't need. It's your money, Americans. We'll give it back to you. You know how to spend it better than we do.

I ask you, Mr. Speaker, whether these young and old millionaires who get 80, $90,000 will spend it better than the government to take care of those veterans, to see that they do not have to wait at their local clinic at Fort Monmouth; or Brick, New Jersey; or Lyons Hospital in New Jersey. Do they know how to spend it better?

Defeat this rule. We owe it to those who served in the Second World War, in Korea, in Vietnam, in the Gulf War and in a number of other actions; and we owe it to the new veterans who are coming home every day. Defeat this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I oppose this rule. This bill critically underfunds veterans health care, affecting the lives of more than 26 million veterans in our country and 75,000 veterans in my State of Connecticut. For over 200 years our veterans have made sacrifices for our country. Some of them continue their sacrifices after they come home. They may require continued care, rehabilitation, help with job training, college, promises that were made to them when they volunteered to serve. Shamefully, we are going back on those promises now.

This bill breaks the promise by the House Republican leadership to veterans by providing $2 billion less than the budget resolution. The administration recognized the shortfall in their budget request, but claimed that they made up much of the difference implementing so-called, quote, management efficiencies by outsourcing a large portion of the medical care workforce. Outsourcing medical care will in all likelihood mean inadequate care for many of the 2.3 million veterans currently receiving benefits for service-related disabilities. It could mean longer lines for the more than 134,000 sick and disabled veterans who have already been waiting more than 6 months to simply get an appointment at veterans hospitals.

In my State, almost 2,000 veterans will be frozen out of VA enrollment entirely. I am troubled that the President has made no attempt to request emergency funding to restore enrollment for new priority 8 veterans. If this is not an emergency, then what is?

The respect and the fair treatment of veterans is an issue that hits close to home to me, Mr. Speaker, because my dad, an immigrant to this country from his native Italy, was a veteran. He proudly served in the United States military. He would find it unconscionable that this Republican Congress would renege on a commitment they made to our soldiers at the very moment our men and women are securing the peace overseas.

Mr. Speaker, you cannot support our troops and not support our veterans. Mr. President, you cannot support our troops and not support our veterans. You cannot pay for today's military services by cutting the funds for those who served in the past. It is wrong. We should honor the legacy of sacrifice made by American soldiers by supporting our veterans and the services that they rely on. We owe our veterans better.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, despite the Republicans' promise to veterans during the budget process, we find ourselves with a VA-HUD appropriations bill that is shamefully inadequate. We have cut the $3.4 billion increase that we promised veterans in half. Even though the Committee on Appropriations took out the President's recommendations to impose new enrollment fees and copayments on veterans, they did this by simply shifting funds and adding no new money.

□ 1115

Therefore, we have a new $264 million hole in the VA budget. Chairman SMITH and Ranking Member EVANS had an amendment to restore $1.8 billion. But it was denied a waiver by the Committee on Rules. Mr. EDWARDS had an amendment that would have added $2.2 billion to VA health care for all veterans including priority 8 veterans, they were recently shut out of VA health care altogether, but it was also denied.

A few weeks ago some of my Republican colleagues held a press conference in order to calm the fears of the veterans across America who were concerned that their health care system would not be adequately funded. They assured the veterans that funding veterans service was a priority of the Republican Party. A priority of the Republican Party. We now know that their words were empty. Their promises were nothing, nothing but empty rhetoric.

We can find money for a massive tax cut. We can find money for Pakistan. We can find money for Turkey. We are spending $4 billion a month in Iraq. We can find money for veterans health care. You just do not want to. Shame on you. I feel sorry for you when you go home in August and explain to your veterans why you turned your back on them, why you gave them an inadequate health care budget when you promised to do better.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Speaker, I rise in opposition to this rule. I rise in opposition to this rule because without an amendment that we presented to the Committee on Rules last night, we cannot fix the VA/HUD appropriations bill, and that bill needs to be fixed. That bill needs an additional $1.8 billion that was carried in the budget resolution that we passed in this body just a few months ago.

Over 30 years ago, I went to infantry OCS at Fort Benning, Georgia and I learned there that an officer's word is his bond and I have carried that with me through 3½ in Vietnam, 37 years in the U.S. Army, 10 years in the Central Intelligence Agency, and 3 years in this body. An officer's word is his bond. And we pledged in April that we would fund veterans health care adequately. This bill does not fund veterans health care adequately. It does not help us keep the promise. It does not allow me to keep my word, which is my bond. Vote against the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding.

I rise in strong support of defeating this rule and keeping our promises to our veterans.

Ms. SLAUGHTER. Mr. Speaker, I yield my remaining time to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the most powerful statement made in this debate this morning is the deafening silence of House Republicans. I hope veterans all across America have noticed that only one Republican out of over 200 in this House had the courage to say that we should have just the right to be able to vote for an amendment to increase veterans health care spending this year by $2 billion. Deafening silence. Broken promises to veterans in time of war, inadequate funding for veterans health care. That is what Republicans are saying when they vote yes on this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

In closing, when Members of Congress met in the subcommittee to write this appropriations package, planning the most effective and efficient way to fund many of these programs, they did not pick random funding level. Quite the contrary. The gentleman from New York (Chairman Walsh) and the gentleman from Florida (Chairman Young) had a good solid record of success to guide them upon which to build. They were able to look at all of the significant battles that Congress has fought and won for our veterans in the past, the measurable steps we have taken to provide better and better and better benefits and care for our veterans.

In the fight to enhance veterans access to high-quality health care, we have won many battles. Through the Veterans Benefits and Health Care Improvement Act, we ensured quality medical staff through competitive compensation for VA nurses. Through the Veterans Millennium Health Care and Benefits Act, the House has increased access to geriatric evaluation, nursing home care and adult day care.

In our fight to improve job training, education and employment placement for veterans, we have won many battles as well. Through the Jobs for Veterans Act, Republicans have provided a new system of incentives and accountability measures aimed at enhancing economic security. Through the Veterans Entrepreneurship and Benefits Improvement Act, the House has provided veterans with assistance in starting and growing small businesses.

In our fight to enhance veterans survivor benefits, we have won many battles. Through the Survivor Benefits Improvement Act, Republicans have provided $100 million in new health care benefits for surviving spouses and extension in life insurance coverage to families in their time of need. In our fight to improve the overall quality of life for veterans and their loved ones, we have won many battles. Through the homeless veterans law, we have provided $1 billion to help homeless veterans receive housing vouchers and assistance for those veterans undergoing treatment for mental illness and substance abuse.

Today we are here to add to that long list of successes. Today we are claiming victory. Today we have an opportunity to make greater gains for our veterans and their communities by approving this significant funding plan. This bill provides $27.2 billion in total budgetary resources for the Veterans Health Administration, a $1.4 billion increase over last year. A $1.4 billion increase over last year, that is not a cut, Mr. Speaker.

This package includes nearly $16 billion for medical services, $4 billion for medical facilities, $408 million for veterans medical and prosthetic research. In addition, this plan makes significant investments in America's communities. There is more in this bill than what we have just discussed today. Over $2 billion to assist low-income families in making down payments as they purchase a home, invest in their communities, and achieve the American dream; $850 million for safe drinking water, nearly $16 million for NASA further space exploration.

In nearly every way, this funding package builds on our past successes for our veterans and for our own communities.

Is it everything on our Christmas list? No, it is not. Is it everything that we had ever hoped to provide our veterans, their families and America's communities? Not even close. But is this progress? Yes, sir, this is progress. It is one more achievement that will encourage us to return and fight harder tomorrow, next month, and next year for more for our veterans and for our communities.

Mr. Speaker, America's veterans have served our Nation in invaluable ways. Repaying them for upholding our values of liberty and freedom seems nearly impossible, but we will continue to try. Each year we will work harder and harder to reward their sacrifices. Each year we make progress, and each year we fall short because, very honestly, freedom has no price tag. We can never repay what we owe them. But step by step, bit by bit, we can continue to make gains in honoring their service with better health care, enhance access to housing and job opportunities and more generous benefits for their loved ones, and that is what this plan does. It places us one step further in the ongoing and never-ending quest to reward those who have upheld the liberty we all enjoy. Mr. Speaker, I urge my colleagues to pass the rule and approve the underlying bill.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in opposition to the rule provided for consideration of the VA/HUD appropriation bill with great sadness.

Sadness knowing that our veterans will not receive the health care they have earned.

Early this morning I joined my esteemed (bipartisan) colleagues on the House Veterans Affairs Committee Chairman CHRIS SMITH and Ranking Member LANE EVANS before the Rules Committee in support of their Amendment that would have added $1.8 billion dollars in funding for veterans health care for the 2004 budget.

This amendment was ruled out of order.

Mr. Chairman is ensuring that the VA is able to continue offering health care for all veterans currently enrolled—is that out of order?

Our veterans deserve better than this.

Many are old and frail and unable to afford any other form of health care.

Have no doubt if we pass this budget without this amendment we are handing the Department of Veterans Affairs serious challenges.

These challenges will include deciding which veterans will and will not be served.

Mr. Speaker it is time for us to put our money where our mouth is and support our veterans.

I urge a "no" vote on this rule.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in opposition to H. Res. 338, the rule providing for consideration of the Department of Veterans Affairs and Housing and Urban Development appropriations bill. I am again disappointed by the lip service being paid to veterans by the Republican leadership. This bill falls far short of giving the VA adequate resources to meet the health care needs of America's veterans. The Independent Budget authored by AMVETS, Disabled American Veterans, Paralyzed Veterans of American, and Veterans of Foreign Wars recommended $27 billion for veterans' health care, a $3.3 billion increase over the current level. That was the nonpartisan recommendation of America's veterans, the men and women who fought and served for our Nation.

But our veterans came under attack when the President's budget only recommended a $1.4 billion increase to $25.7 billion and dared to ask certain veterans to pay a fee to enroll in VA health care and pay increased copayments. The House took a step forward when it passed a budget resolution in April that provided $27 billion in funding for VA health care, but the resolution still funded this increase by charging veterans enrollment fees and raising copayments. While, I am pleased to learn that the Appropriations Committee did not include the President's proposal to impose new fees and increase copayments, I am sorely disappointed that the Committee shortchanged veterans what was promised in the budget resolution by only providing $25.2 billion for veterans' health care.

I am equally disappointed that the Rules Committee did not make in order an amendment offered by Veterans Affairs Committee Chairman SMITH and Ranking Member EVANS that would have increased funding for veteran's health care by an additional $1.8 billion to match the $27 billion in the budget resolution we passed in April. Additionally, the Rules Committee did not make in order an amendment by the gentleman from Texas (Mr. EDWARDS) to increase funding above the Appropriations Committee figure by an additional $2.2 billion to $27.4 billion. Veterans need these increases to insure that they are no longer turned away from their own health care system.

This debate is yet another reason for this House to consider legislation to make veterans health care funding mandatory. Our veterans deserve better than bickering over discretionary funding. They deserve a Congress that will live up to its pledge by providing health care to all veterans, by ensuring that it is accessible, and by fully funding the VA health care system.

Mr. Speaker, I urge my colleagues to join me in voting against this rule that will again deny veterans the health care funding that they deserve. I have said many times before that veterans were promised by the Federal Government that for their service to the country they would be provided a lifetime of health care services, as well as their own health care service network. It is time for us to no longer say we will support our veterans, but to actually act to support our veterans.

Mr. PRYCE of Ohio. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this resolution are postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2859, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 339 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 339

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; (2) an amendment printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by Representative Toomey of Pennsylvania or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. McGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 339 is a modified closed rule waiving all points of order against the consideration of H.R. 2859, the Emergency Supplemental Appropriations for Disaster Relief Act, 2003. The rule provides for 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule also provides for a consideration of an amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY), or his designee, which shall be considered as read, shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment. Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2859 was introduced by the chairman of the Committee on Appropriations and provides $983.6 million in emergency supplemental funds for the Federal Emergency Management Agency for fiscal year 2003. This emergency appropriation is necessary to replenish the Disaster Relief Fund to make certain Federal resources available for the current fiscal year to meet the needs of Americans affected by tornadoes, floods, forest fires or other national disasters. The administration has informed Congress that without supplemental funds it is estimated that the Disaster Relief Fund would soon be exhausted. Additional funds are needed to respond to emergencies created by extreme weather and deadly wildfires.

Our Nation was struck by a record 562 tornadoes, Mr. Speaker, in May alone. The National Oceanic and Atmospheric Administration forecasters predict an above average season for tropical storms and for flooding, with Hurricane Claudette already striking the Gulf Coast of Texas.

The summer fire season is also fully upon the Western United States. The National Interagency Fire Center in Boise, Idaho reported yesterday that there are currently 45 large fires burning in 12 western States. Three of these fires are burning in my State of Washington. The largest of the fires in Washington State is the Farewell

Creek fire burning in the arid north central portion of the State. This fire has grown so large that it could burn, Mr. Speaker, for 3 months and not be fully extinguished until the first heavy rainfall or snowfall this winter.

The emergency appropriation included in H.R. 2859 will make certain that FEMA and the Department of Homeland Security have the funding and resources needed to meet the needs of Americans affected by these tornadoes, floods, wildfires and other national disasters. H.R. 2859 was introduced by the chairman of the Committee on Appropriations to allow for prompt consideration by the House of Representatives and by the Congress. Accordingly, I encourage my colleagues to support both the rule, H. Res. 339, and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

□ 1130

Mr. McGOVERN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I thank my friend from Washington for yielding me the customary 30 minutes.

Mr. Speaker, the Republicans have put us in quite a situation here. We all remember the great job that President Clinton and James Lee Witt did in the 1990s by remaking FEMA into the world-class disaster response agency it is today. But earlier this year, the Republicans in the House decided to play games with FEMA's funding levels. They deliberately provided inadequate resources for FEMA in order to meet their arbitrary budget cap. They knew full well that they would have to come back for more FEMA funding; and surprise, surprise, here we are.

We are here to consider a new supplemental appropriations bill that will partially fund FEMA through August and through part of the hurricane season. I am sure almost all of us will vote for this bill, because this funding is so important for FEMA and the families that they help.

But it is important that we discuss the other emergency that is looming, and that is that of AmeriCorp. As many of my colleagues probably know, AmeriCorp is woefully underfunded. Without immediate action, 20,000 AmeriCorp positions will be lost; 20,000 AmeriCorp positions will be lost.

The other body did the right thing, and they added $100 million to AmeriCorp to their version of the supplemental. But on a near party-line vote in the House Committee on Appropriations, the Republican majority killed this funding. This must be another part of the Republican employment plan.

Mr. Speaker, the Republican majority is playing games with the lives of 20,000 AmeriCorp employees. These people are proudly serving their communities and have committed themselves to this important public service program. But without our help, they will be cast aside, at no fault of their own.

After September 11, President Bush issued a challenge to Americans to give back to their communities, right here in this Chamber. He specifically singled out AmeriCorp as one way to give back. Unfortunately, the administration's actions have not matched their rhetoric. While they have talked a good game about the importance of this program, they have done absolutely nothing, absolutely nothing, to ensure its long-term stability.

Mr. Speaker, these are real people we are talking about. I recently talked to a young woman in Worcester, Massachusetts. She was thrilled just to be accepted into the AmeriCorp program. But then she told me that her hiring depends directly on whether AmeriCorp receives the emergency funding it needs. Her life is on hold while the Republican leadership plays more games and breaks more promises.

Mr. Speaker, all of us support important funding for FEMA, but we cannot and must not turn our backs on the young people across this country who have stepped up to serve their communities. We owe it to them to do the right thing.

Mr. Speaker, at the end of this debate, I will call for a vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will provide us the opportunity to debate the Obey amendment, which will provide important AmeriCorp funding.

Mr. Speaker, this is the only way we can help AmeriCorp. Once again we must take this avenue of defeating the previous question because the Republicans on the Committee on Rules shut us out. Last night they shut us out with regard to increasing veterans funding, and, then, after that, they shut us out with regard to finding ways to help 20,000 AmeriCorp volunteers keep their jobs.

Mr. Speaker, I would urge my colleagues to join me in defeating the previous question.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I simply want to say that before this year is done, we are going to need a lot more supplemental funding than we have before us in the bill that will be brought to the floor under this rule. There is no question we are going to need money for Iraq. I personally have doubts that the money being requested for FEMA is going to be sufficient, unless we get by with virtually a storm-free summer, and I would not expect that. And as the gentleman from Massachusetts has indicated, if we do not fund AmeriCorp, we are going to have thousands of people who have offered to give their services to their communities in various capacities who are going to get laid off. It is as simple as that.

So if we want to ignore that fact, as we earlier today ignored the problem of children from families who get the earned income tax credit, if we want to follow that example and again turn our backs on them, the House has the power to do that. But it should not do that. That is why we are asking the House to vote against the previous question on the rule, so that we could amend the rule to provide for consideration of funding for AmeriCorp, as well as FEMA.

Mr. Speaker, I would hope that that is what the House would do, but we shall see when the votes are counted.

Mr. McGOVERN. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Ms. SLAUGHTER), a member of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me time, and I rise to say that I think the supplemental appropriations bill makes an irreversible mistake by letting one of our Nation's preeminent volunteer programs die.

AmeriCorp helps thousands each year, and now it is our turn to help them. AmeriCorp members dedicated thousands of hours, providing health care, tutoring, food and public safety services to some of our neediest citizens. We must resolve the accounting crisis that put them in danger in the first place, but we need not destroy the program in the process.

At a time of record unemployment and rising poverty, it is foolish to deny our AmeriCorp volunteers the opportunity to serve. These are Americans who have not asked what their Nation can do for them; they have asked what they can do for our Nation. And the answer they are getting back is basically, nothing.

In Rochester, this funding crisis means a loss of over 100 AmeriCorp volunteers by the end of August. Each year the members of the Rochester, New York, AmeriCorp and other volunteers contribute over 150,000 hours of service to our community. Their services reach over 10,000 children and young people.

Volunteers help to revitalize communities in countless ways. They mentor youth, they build affordable housing for families, they teach computer skills to people of all ages, they clean the parks and the streams that have been polluted, and they run the afterschool programs.

The value of even one AmeriCorp participant is simply staggering. A single AmeriCorp volunteer can create a reading program to help dozens, even hundreds, of students at a school.

AmeriCorp has made thousands of American cities and towns safer and cleaner and better places to live.

In Buffalo, the AmeriCorp volunteers increased the capacity of 225 small community and faith-based organizations. One example is the Response to Love Center on Buffalo's east side, which was founded by Sister Johnice.

She told me when heavy snow paralyzed the city last winter, she worked with AmeriCorp volunteers packing thousands of food bags, delivering heavy packages of food to the homebound that she could never have managed on her own. "I saw AmeriCorp volunteers walk miles," she said, for a prescription for a new mother after having a baby. I looked at the workers shoveling snow for hours so the emergency vehicles could move, and I witnessed faith and love in action."

It is not only our community as a whole that benefits from AmeriCorp. In return for serving our community, the volunteer members receive an education award of up to $4,725 to help pay for college or pay back student loans. What a cheap price we pay for all that help.

Today, more than 13,000 New York residents have qualified for those awards. Now, when the State budget crunches are hitting and we expect college tuition to rise, it is not the time to make it more difficult for people who have public service in mind to be disallowed their education benefits.

Social programs are being cut to ribbons in the United States, Mr. Speaker, as the deficits mount on all the levels of government; and we should not close AmeriCorp, which gives so much for so little.

If I might be allowed a personal note, I am so proud of my granddaughter, who graduated last year from Wake Forest, and was so pleased to be accepted into the Teach for America program. Unfortunately, as AmeriCorp dies, so does Teach for America; and that child, who was so excited about that program, waits now in some limbo again to start her future, hoping that somehow some miracle will happen and that program, which will mean so much to so many children, will be saved.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I thank my colleague for yielding me time.

I am pleased that the House is taking quick action to address the critical shortfalls facing the Director of Emergency Preparedness and Response, the entity we used to know as FEMA. In fact, I was speaking with the new Under Secretary, Mike Brown, just last night, who informed me that EPR will have to close regional offices within 2 weeks if funding is not approved. So I strongly support the approval of this money.

However, there are other important programs that will have to start closing down in August if funds are not approved immediately.

As was mentioned by the gentlewoman from New York, Teach for America, there are 2,700 people in this country who were signed up for Teach for America. They would be trained in August and start working in September. So obviously if we do not appropriate the money now, we appropriate the money in September, it is going to completely disrupt this program, which has been so important for helping kids in school who need special training and special help.

These young people all across this country who think that they are going to have a contract are not going to have one because we have failed to act here in the House of Representatives. We tried to offer this amendment in committee to add $100 million for this important program, and on a straight party-line vote it was voted down.

We certainly can do this now if we can defeat the previous question. We can add this $100 million and take care of FEMA, take care of AmeriCorp and send the bill to the Senate. Frankly, as the ranking Democrat on the Committee on the Interior, I am worried about the money for forest fires. Again, we are not putting up the money for the forest fires either.

Now we use the old adage, well, we can borrow the money and then pay it back. But they have not paid back the money from the last year that they have borrowed. I was pleased that the administration requested, I think, $289 million, maybe it was $320 when you add BLM and Forest Service together; but that money is not in here.

I just had a conversation with the distinguished chairman in the other body on the interior appropriations, and he is very concerned about the fact that we do not have the forest fire money in here as well.

So I understand that the problem with FEMA is very urgent, but these other issues are also important. So I wish we could do a broader supplemental and deal with them. I hope that the gentleman from Wisconsin (Mr. OBEY) is going to have an amendment that will deal with the problem of AmeriCorp. I just hate to see, if we are going to solve this thing in September anyway, why screw up the entire program and not get it done now when we have an opportunity to.

There are 224 Members of the House who have signed a letter, a majority, Democrats and Republicans, in favor of adding the $100 million. I am told the President now has changed his mind and he is in favor of it. So if everybody wants to do it, why not do it?

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of defeating the previous question so we will have an opportunity to properly fund AmeriCorp. AmeriCorp is desperately in need of $100 million to make sure we do not provide the kinds of cuts that can be devastating, not only to the AmeriCorp volunteers, but to our communities.

In my own State of California, we are talking about cuts if this funding is not realized of some 64 percent. That means some 2,000 service members in AmeriCorp, young people volunteering, will not be eligible to have their positions continued.

This is not just about them; it is about the work they do in our communities, in after-school programs, building affordable housing, to help the communities respond to disaster, and helping to train a new core of teachers. Those are the services they provide. That is the multiplier that they provide.

Many of us have witnessed AmeriCorp workers at work. We spend time with them at social occasions and you start to appreciate their infectious enthusiasm and their desire to help their country and help our communities and help young people and older people. They provide a huge amount of services. And yet because of a squabble, because of a mistake by the executives in the corporation, we are now going to hold these young people liable. We are going to decimate this program.

□ 1145

And we do that in light of the fact that the President of the United States asked us to increase AmeriCorps from between 50,000 to 75,000 new volunteers, recognizing the spirit and the contribution that AmeriCorps makes to our communities and to our Nation. But now, what we find out is that this supplemental, if we do not defeat the previous question, will provide for 28,000 positions. That is an anemic form of AmeriCorps in a country that has so many needs and has the ability to attract the best of these young people with their talents, with their education, and with their desire to help our communities.

So I would urge my colleagues to vote against the previous question so that we can open up this supplemental to provide fpr the funding for AmeriCorps that is so urgently needed.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, whether one supports AmeriCorps or not, recently they got over $60 million.

Now they want another $100 million. Just do the math; 50,000 AmeriCorps, what they call volunteers, take 50,000 into $162 million. They are making over $30,000 each per volunteer, if you take the cost of it.

Now, the individuals do not do that, but that is the cost of the program per person that is in there. We do not need this.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I am disappointed that this bill does not include funding for AmeriCorps. AmeriCorps is about fortifying our democracy, energizing and unlocking the potential of young people, and improving our communities. AmeriCorps has given a quarter million Americans the opportunity to serve millions of their fellow citizens in countless ways, fighting poverty, tutoring and mentoring neglected youngsters, cleaning up the environment, and providing long-term care to the elderly, to name a few. It is the premier national service program of the United States.

Critical vital services in our communities would not be the same without the efforts of the dedicated young volunteers whose energy, compassion, and commitment touch people's lives every single day.

The Corporation for National Community Services, yes, has had management problems. They have been identified. They are being addressed by the managers and administrators, and it is vital that we remain vigilant that these reforms continue.

In doing so, we should not punish the communities, the thousands of young volunteers. Why do we want to dampen their enthusiasm and their spirit? Why do we want to hurt those people who rely on their services, simply because top administrators failed to do their jobs? And without funding, more than 20,000 AmeriCorps volunteers will lose their positions. Counselors at the LEAP program in my hometown of New Haven, Connecticut provides mentoring and service opportunities for area kids. It shows 1,300 children across Connecticut with over 350 college and high school students lending their time.

One hundred percent of LEAP's junior counselors graduate from public high schools, and 80 percent go on to college. If we lose that sense of community spirit, shared responsibility, and shared purpose of our young people, in addition to the services they provide to millions of Americans, everybody in this country loses.

Mr. Speaker, 228 Members of Congress and 43 Governors have written to the President of the United States asking for his support. The President says that he supports AmeriCorps and the idea of public service and national service. Keep this program alive. Let us defeat the previous question, and make sure we provide this opportunity for our youngsters.

Mr. McGOVERN. Mr. Speaker, I yield 30 seconds to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I simply want the record to reflect that it is not correct that AmeriCorps volunteers make $30,000. They have a small stipend to pay for their living expenses and $5,000 on their college loans. That is it. It is a bargain.

Mr. McGOVERN. Mr. Speaker, I thank the gentlewoman for setting the record straight.

Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I offered an amendment in today's bill that would ban using funds in the supplemental to support FEMA's Congressional and Intergovernmental Affairs Office in Washington, D.C. The amendments were born out of my frustration in dealing with FEMA which, up to now, had an excellent working relationship with my office and many other congressional offices.

The problems relate to the very serious floodings in part of my district in May of this year. More than $100 million in damage resulted from floods. FEMA's recommended denial of Michigan Governor Granholm's request for a Federal major disaster declaration that would permit Federal aid to the hard-pressed local governments, businesses, and individuals affected.

My district is rural, mostly low income, and these 4 counties just cannot bear this kind of financial hardship and economic burden without our help.

My frustration with FEMA is not with the men and women who actually do the work for the agency in the Region 5 office. In fact, FEMA responded with impressive speed immediately after the disaster to put people on the ground and to investigate, even before a formal disaster request was made. My frustration is the runaround I received from the Washington office since the decision in June not to declare a major disaster.

For the first time in my 11 years in Congress, I was forced to file a Freedom of Information request to receive the factual information I needed to represent my constituents. When I asked for the reasons for their decisions and the copies of correspondence related to the decision process, FEMA refused to give me this basic information. In fact, they refused to even voluntarily tell me whether the decision to deny disaster relief was made in FEMA in Chicago, or FEMA at headquarters here in Washington.

FEMA headquarters even refused to have a meeting with me, our two State U.S. Senators, the Governor's representative, and the Under Secretary responsible for emergency aid to discuss this issue.

In order to properly appeal the decision, the Governor's office should have had the information they needed and any documentation we needed to make the appeal. Congressional liaison offices are there to facilitate the needs of Members' offices, not throw up roadblocks.

I realize my amendment was not made in order, but I wanted to bring to the attention of the House this situation. There is no reason for not giving me the information I need to respond to my constituents when they ask me whether the refusal for disaster aid is political. There is no reason to refuse to have a meeting with top-level FEMA officials, a Member of Congress, two U.S. Senators, and representatives from the Governor's office.

I hope that speaking out on the floor will make our point, and I am here to do so.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would like to address the gentlewoman from New York (Ms. SLAUGHTER). My friend, and she is my friend; she is a valued Member, she is a close friend. But I want to tell the gentlewoman, I never said AmeriCorps volunteers got $30,000. As a matter of fact, I said they do not individually get that amount.

But my colleagues, we want to increase AmeriCorps $100 million. Look at the money we have already put in AmeriCorps last year, I think $260 million. If we look at this, to me a volunteer at a church, they get coffee and doughnuts. If we take all of the hundreds of millions of dollars that we put into AmeriCorps each year and want to put another $100 million in this year, if you take 50,000 workers into that, that is over $30,000 per person cost. Now, a lot of that goes into administration. But when we define volunteer, let us make sure that volunteer is volunteer, not paid worker. That was my point.

Mr. McGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would simply say to my friend that there are 42 Governors of both parties who have asked us to take this action, so I think they must feel that the investment is well worth the cost. I think that most mayors around the country receive the services these volunteers would also approve.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, I did not say the program was not supported, to the gentleman, my friend. But I would say that be careful when we talk about volunteer, because the cost of this is very high per person.

Mr. OBEY. Well, they are still volunteers. They have not been drafted.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, today we are considering a stripped-down supplemental appropriations bill that contains funding for FEMA disaster relief.

As a representative from a State that benefits from this funding, I have no problem with including FEMA funding in an emergency supplemental, but I do have a problem with what is omitted from this bill.

I am concerned about what we are failing to do for AmeriCorps and all of the faith-based and community-based groups who depend on AmeriCorps participants.

The Senate supplemental appropriations bill which was completed 2 weeks ago contains $100 million for AmeriCorps, the amount needed to sustain 50,000 AmeriCorps participants this year. This funding has strong bipartisan support, in the Senate if not in the House. It was sustained on a 71–21 vote in the other body. Without this funding, AmeriCorps will see its numbers reduced by something like 40 percent, a drastic reduction to around 30,000 participants.

Why has it taken so long for the House to act? The Committee on Appropriations did not even consider the supplemental until this past Monday, with no intention of actually bringing it to the floor. And where has the President been? The President spoke in this Chamber, urging us to increase AmeriCorps enrollment to 75,000 participants. But, up to now, he has hardly lifted a finger to maintain even the current enrollment of 50,000 participants.

Now we have a bill before us, at the last minute, just before the House recesses for 5 weeks, leaving the Senate with the option of either passing our version or passing nothing until at least September. And our version, the House version, omits AmeriCorps. It was defeated on a party-line vote in the Committee on Appropriations this week. Our only resource now is to defeat the previous question and add the $100 million to the bill on the House floor today.

Failing to provide this funding will deny hundreds of faith-based and community-based organizations around the country the AmeriCorps positions they depend on. We are talking about groups like Habitat for Humanity, Teach for America, hundreds of home-grown programs in the districts of everyone here that make a difference every day.

A letter was sent Monday to the House leadership from 43 of our Governors, Republicans and Democrats alike, in support of this AmeriCorps funding, and it articulates very well what is at stake.

I will close by quoting from this letter: "Without an emergency appropriation," the Governors say, "the dramatic decrease in AmeriCorps positions now being proposed could seriously affect communities and individuals who rely on AmeriCorps members for help. It is also likely to damage, if not destroy, the infrastructure of strong programs which do not have the resources to sustain a significant budget cut, even if only for 1 year. Organizations that have been built over a decade cannot be eliminated this year and rebuilt the next."

These faith-based and community-based groups, who are doing good works in our communities with just a little help from their Federal Government, depend on AmeriCorps participants, and right now they are depending on us to come through for them. September will be too late. Fiscal year 04 will be too late. Let us include the AmeriCorps emergency funding in this supplemental appropriation. Vote against the previous question.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, as a fiscal conservative, I believe national service is one of the most productive and cost-effective investments our government can make. Through service, Americans of all ages gain a sense of commitment to their community and their country, which will prove invaluable for the rest of their lives.

National service benefits both the recipient and the giver. Volunteers not only address an immediate need, they lead and teach through example, and through that example, they learn the value of serving and helping others. We need to harness the energy and commitment of those anxious to contribute to their country, not deny them the opportunity to serve.

As an eighth grader, I vividly remember President John Kennedy's call to service when he created the Peace Corps in 1961. He said, "Life in the Peace Corps will not be easy, but if the life is not easy, it will be rich and satisfying."

As a former Peace Corps volunteer, and I want to emphasize I had the name "volunteer," I can attest to the positive effect the Peace Corps has on the lives of people around the world.

□ 1200

Peace Corps volunteers are not high-paid consultants. Just like AmeriCorps volunteers, they are hands-on workers in the trenches who live in the communities they serve. Just like the Peace Corps, the challenges are great for those working in domestic service programs, but the rewards are immeasurable. I believe I would not be a Member of Congress today were it not for my experience in the Peace Corps. And I particularly believe I am a better person because of this service. I think the same thing applies to those who serve in AmeriCorps.

Both Democrats and Republicans should speak loudly and passionately in support of all service programs. And we must not stop until citizen service truly becomes a universal opportunity and a common expectation. I want to say parenthetically, in most cases, AmeriCorps volunteers in my communities are young men and women who have no resources whatsoever to serve their community or their country if it were not for AmeriCorps.

As most of you know, AmeriCorps—the most recognizable domestic service program—is experiencing significant challenges this year, and there is danger that countless programs across the country will receive little or no funding. Without question, there have been mistakes and mismanagements by the Corporation for National and Community Service. This summer, however, a series of steps have been taken to help put AmeriCorps on a sound financial footing. Earlier this month, we passed, and the President signed, the Strengthening AmeriCorps Program Act to correct the financial accounting problems. Additionally, the President has named David Eisner, AOL/Time Warner executive, as his nominee to head the Corporation. With these reforms in place, we ought to fulfill our commitment to the thousands of young people who have answered the President's call to service. I believe we must to do that, but not in this legislation.

We are in a war against terrorism, and national service is a vital part of winning that war. AmeriCorps and other service programs are the right prescription during these times because the best antidote to terror and hate in society are acts of kindness and service. If we are truly to expand service opportunities, we must find a way to work with those who see national service so differently.

Recently, I read an op-ed by former Majority Leader Dick Armey stating that programs like AmeriCorps robs the American taxpayer. I could not disagree more, but I know this notion is shared by too many of my colleagues. As a Peace Corps volunteer, I was paid a minimum wage to live, and I was given a small stipend. I have failed to understand why some of my colleagues would object to people earning a degree while serving their community. Isn't that preferable to just being given a grant. I do not understand why we would not be eager and thrilled to have more people participate in community service, particularly those with the least amount of resources.

The current accounting problems at the Corporation offer an opportunity to work together and ensure all service programs are transparent and accountable.

I believe that has to happen, but not in the vehicle we see here today. We need to reauthorize national service. We need to find a way to prevent further mistakes and mismanagement. It will not happen on this legislation. It needs to happen with men and women in this Congress working together. And I believe that there are commitments on both sides of the aisle and in the White House to do that.

The current accounting problems of the Corporation offer an opportunity to work together and in doing so, we will remember that a life of service connects us to generations of Americans who we will never know but whose service and sacrifice enable us to live in freedom. It also connects us to future generations of Americans who will inherit a world be built on the legacy of service we leave them.

Increasing and expanding opportunities to serve will not be easy, but in the words of President Kennedy, the effort will be "rich and satisfying." I hope this Chamber will reauthorize national service. I hope we will find the funds necessary to make sure this program continues unabated, and I believe we will.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time.

As I speak here on the floor, there are fires burning across the West, a major fire in my own district, and others elsewhere. The President asked for an additional $280 million to fight these fires because the Forest Service has already spent 84 percent of the inadequate budget for this year, 16 percent left; and the years fires have hardly begun. Last year we spent $1.6 billion.

Now, the majority here wants to pretend that we can do this all on the cheap. We do not need money to fight fires. We do not need money to prevent fires. They have jammed through a so-called Healthy Forest Bill after stripping out the money we proposed last fall in a bipartisan way to fund fuel reduction efforts. You cannot do that for nothing, but they want to pretend you can; and now they want to pretend that you can fight fires for nothing.

There is not an additional penny in this bill for the fire emergency in the western U.S. So you know what the Forest Service is going to do? They are going to borrow money. You know where they are going to borrow the money? They are going to borrow money from the already underfunded fuel reduction programs. Guess what? We have created a little endless cycle here. We are going to pretend we are doing something about fuel reduction in healthy forests, but we are not really going to do it. But it is a great political issue.

In fact, the little bit that we are already doing, we are going to rob it to fight this year's fires. The Forest Service is already preparing those cuts. That means this year's fuel reduction program will not go forward because the majority here will not even meet the President's meager request to help fight the fires that are burning today in the western United States.

Come on, you can find the money for everything else around here, tax cuts, for all sorts of other things; but somehow we get fires burning, we cannot find the money to fight the fires. And what is worse, we are going to create worse fires in the future because you are going to borrow that money and stop those programs in their tracks. It is a sad day for the United States Congress.

Mr. McGOVERN. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Massachusetts (Mr. McGOVERN) has 5 minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 19½ minutes remaining.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today in opposition to this rule and urge my colleagues to defeat the previous question so that the gentleman from Wisconsin (Mr. OBEY) may offer his amendment to add $100 million for the AmeriCorps program.

The deep cuts this AmeriCorps program is facing will severely undermine the progress we have made in expanding opportunities for national service. The program cuts will close 40 out of 90 centers that run the Teach for America program. These programs all over the country have already run out of money. Many of them will not recover.

In my own home State of Texas, we will lose at least 800 teaching volunteers, many who have committed to teach children in the Rio Grande Valley. We have an acute shortage of teachers, and we cannot afford the loss.

The Senate has stepped up and signaled its commitment to these programs, but the House has dragged its feet on restoring the funds for this critical program.

The AmeriCorps program has come to embody what is best in America, the desire to make a difference in local communities. All of this will be jeopardized if we do not find a way to provide the funding for our young teachers; men and women are only receiving a small stipend to help them pay their living expenses. Yes, our children throughout the country benefit from these AmeriCorps teachers.

Vote "no" to defeat the previous question so we can keep the spirit of service alive in America. Fight to restore the $100 million needed to keep the AmeriCorps program alive and working well. Do that today.

Mr. McGOVERN. Mr. Speaker, may I inquire of the gentleman from Washington (Mr. HASTINGS) how many more speakers he has.

Mr. HASTINGS of Washington. I am prepared to yield back after we go through the amendment process.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will insert in the RECORD the letter that was sent to us by 43 Governors, including Governor George Pataki and Governor Jeb Bush, in support of funding for AmeriCorps. I would only say to my colleagues, if Members do not want to listen to President Bush, maybe you might listen to his brother and provide the funding that all these Governors are asking for.

The letter is as follows:

JULY 21, 2003.

PRESIDENT GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: As strong supporters of America's, national service programs, we are writing to urge you to help solve the crisis confronting AmeriCorps. This crisis is felt most directly by states and localities facing the imminent closure of hundreds of AmeriCorps programs. We hope you will do everything possible to ensure that these programs are not closed or drastically cut, that needed services continue to be provided by AmeriCorps members, and that we can continue to tap the idealism and patriotism of so many of our citizens who want to serve.

Your leadership on national service has helped to boast our nation's civic spirit and we appreciate that, in your 2004 budget request, you proposed that the number of AmeriCorps volunteers increase from 50,000 to 75,000. Since your 2002 State of the Union Address, when you called upon Americans to dedicate two years—or 4,000 hours—of their lives to serving their country, tens of thousands of Americans have responded by seeking new opportunities to serve their communities and their nation. Through AmeriCorps, among many other initiatives, these citizens have worked to meet critical needs in education, public safety, health, and homeland security.

Unfortunately, on June 16th the Corporation for National and Community Service announced dramatic and unprecedented cuts of approximately 50 to 90 percent to our states' AmeriCorps programs and corps member slots. We are very pleased that, following this announcement and under the leadership of Senators Bond and Mikulski, Congress acted quickly to pass the Strengthen AmeriCorps Act, which will alleviate some of this devastation and correct the Corporation's management of the National Service Trust. This legislation is an important first step towards assuring fiscal accountability, increasing the enrollment of AmeriCorps members, an ensuring the program's long-term health.

We recognize that prior "fixes" to the Trust have helped put full AmeriCorps staffing for this year in jeopardy. It is truly a shame that mismanagement might prevent willing individuals from serving their communities through AmeriCorps. To avoid such a situation, we hope that you will consider approving an appropriation of up to $200M for AmeriCorps as part of the FY03 supplemental spending bill currently being debated by Congress. Without an emergency appropriation, the dramatic decrease in

AmeriCorps positions now being proposed could seriously affect communities and individuals who rely on AmeriCorps members for help. It is also likely to damage, if not destroy, the infrastructure of strong programs, which do not have the resources to sustain a significant budget cut, even if only for one year. Organizations that have been built over a decade cannot be eliminated this year and rebuilt the next.

Finally, we look forward to working with you to see the goal of 75,000 AmeriCorps volunteers realized in the near future and salute your overall commitment to bringing Americans together around the ethic of service. Over the past ten years, AmeriCorps has become an essential resource for states and their communities to meet pressing needs, train future leaders through service, and provide access to life-changing educational awards for thousands of citizens. AmeriCorps also greatly leverages private sector dollars for civic initiatives. With your leadership we can work to assure that it remains a vital force for good across the country for years to come.

Sincerely,

Gov. Mitt Romney, Massachusetts; Gov. Frank Murkowski, Alaska; Gov. Mike Huckabee, Arkansas; Gov. John Rowland, Connecticut; Gov. Jeb Bush, Florida; Gov. Edward Rendell, Pennsylvania; Gov. Janet Napolitano, Arizona; Gov. Gray Davis, California; Gov. Ruth Ann Minner, Delaware; Gov. Sonny Pedue, Georgia. Gov. Dirk Kempthorne, Idaho; Gov. Frank O'Bannon, Indiana; Gov. Kathleen Sebelius, Kansas; Gov. Mike Foster, Louisiana; Gov. Robert Ehrlich, Maryland; Gov. Tim Pawlenty, Minnesota; Gov. Bob Holden, Missouri; Gov. Mike Johanns, Nebraska; Gov. James McGreevey, New Jersey; Gov. Rod Blagojevich, Illinois; Gov. Thomas Vilsack, Iowa; Gov. Paul Patton, Kentucky; Gov. John Baldacci, Maine; Gov. Jennifer Granholm, Michigan; Gov. Ronnie Musgrove, Mississippi; Gov. Judy Martz, Montana; Gov. Kenny Guinn, Nevada; Gov. Bill Richardson, New Mexico; Gov. George Pataki, New York; Gov. John Hoeven, North Dakota; Gov. Brad Henry, Oklahoma; Gov. Don Carcieri, Rhode Island; Gov. Michael Leavitt, Utah; Gov. Mark Warner, Virginia; Gov. Bob Wise, West Virginia; Gov. Dave Freudenthal, Wyoming; Gov. Mike Easley, North Carolina; Gov. Bob Taft, Ohio; Gov. Ted Kulongoski, Oregon; Gov. Phil Bedesen, Tennessee; Gov. James Douglas, Vermont; Gov. Gary Locke, Washington; Gov. Jim Doyle, Wisconsin.

JULY 21, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. THOMAS A. DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, U.S. House of Representatives,
Washington, DC.

DEAR MAJORITY LEADER FRIST, MINORITY LEADER DASCHLE, SPEAKER HASTERT, AND MINORITY LEADER PELOSI: As strong supporters of America's national service programs, we are writing to urge you to help solve the crisis confronting AmeriCorps. This crisis is felt most directly by states and localities facing the imminent closure of hundreds of AmeriCorps programs. We hope you will do everything possible to ensure that these programs are not closed or drastically cut, that needed services continue to be provided by AmeriCorps members, and that we can continue to tap the idealism and patriotism of so many of our citizens who want to serve.

President Bush's leadership on national service has helped to boost our nation's civic spirit and we appreciate that, in his 2004 budget request, he proposed that the number of AmeriCorps volunteers increase from 50,000 to 75,000. Since the President's 2002 State of the Union Address, when he called upon Americans to dedicate two years—or 4,000 hours—of their lives to serving their country, tens of thousands of Americans have responded by seeking new opportunities to serve their communities and their nation. Through AmeriCorps, among many other initiatives, these citizens have worked to meet critical needs in education, public safety, health, and homeland security.

Unfortunately, on June 16th the Corporation for National and Community Service announced dramatic and unprecedented cuts of approximately 50 to 90 percent to our states' AmeriCorps programs and corps member slots. We are very pleased that, following this announcement and under the leadership of Senators Bond and Mikulski, Congress acted quickly to pass the Strengthen AmeriCorps Act, which will alleviate some of this devastation and correct the Corporation's management of the National Service Trust. This legislation is an important first step towards assuring fiscal accountability, increasing the enrollment of AmeriCorps members, and ensuring the program's long-term health.

We recognize that prior "fixes" to the Trust have helped put full AmeriCorps staffing for this year in jeopardy. It is truly a shame that mismanagement might prevent willing individuals from serving their communities through AmeriCorps. To avoid such a situation, we hope that you will consider an appropriation of up to $200 million for AmeriCorps as part of the FY03 supplemental spending bill recently sent to Congress by the President. Without an emergency appropriation, the dramatic decrease in AmeriCorps positions now being proposed could seriously affect communities and individuals who rely on AmeriCorps members for help. It is also likely to damage, if not destroy, the infrastructure of strong programs, which do not have the resources to sustain a significant budget cut, even if only for one year. Organizations that have been built over a decade cannot be eliminated this year and rebuilt the next.

Finally, we look forward to working with you to see the goal of 75,000 AmeriCorps volunteers realized in the near future and salute your overall commitment to bringing Americans together around the ethic of service. Over the past ten years, AmeriCorps has become an essential resource for states and their communities to meet pressing needs, train future leaders through service, and provide access to life-changing educational awards for thousands of our citizens. AmeriCorps also greatly leverages private sector dollars for civic initiatives. With your leadership, we can work to assure that it remains a vital force for good across the country for years to come.

Sincerely,

Gov. Mitt Romney, Massachusetts; Gov. Frank Murkowski, Alaska; Gov. Mike Huckabee, Arkansas; Gov. Edward Rendell, Pennsylvania; Gov. Janet Napolitano, Arizona; Gov. Gray Davis, California; Gov. John Rowland, Connecticut; Gov. Jeb Bush, Florida; Gov. Dirk Kempthorne, Idaho; Gov. Frank O'Bannon, Indiana; Gov. Kathleen Sebelius, Kansas; Gov. Mike Foster, Louisiana; Gov. Robert Ehrlich, Maryland; Gov. Tim Pawlenty, Minnesota; Gov. Bob Holden, Missouri; Gov. Ruth Ann Minner, Delaware; Gov. Sonny Perdue, Georgia; Gov. Rod Blagojevich, Illinois; Gov. Thomas Vilsack, Iowa; Gov. Paul Patton, Kentucky; Gov. John Baldacci, Maine; Gov. Jennifer Grandholm, Michigan; Gov. Ronnie Musgrove, Mississippi; Gov. Judy Martz, Montana; Gov. Mike Johanns, Nebraska; Gov. James McGreevey, New Jersey; Gov. George Pataki, New York; Gov. John Hoeven, North Dakota; Gov. Brad Henry, Oklahoma; Gov. Don Carcieri, Rhode Island; Gov. Michael Leavitt, Utah; Gov. Mark Warner, Virginia; Gov. Bob Wise, West Virginia; Gov. Dave Freudenthal, Wyoming; Gov. Kenny Guinn, Nevada; Gov. Bill Richardson, New Mexico; Gov. Mike Easley, North Carolina; Gov. Bob Taft, Ohio; Ted Kulongoski, Oregon; Gov. Phil Bedesen, Tennessee; Gov. James Douglas, Vermont; Gov. Gary Locke, Washington; Gov. Jim Doyle, Wisconsin.

Mr. Speaker, if anyone has ever doubted the importance of the parliamentary vote known as the previous question, Mr. Speaker, today should lay those doubt to rest. If a majority of this House votes "no" on the previous question, I will amend the rule to allow us to pass the Obey amendment to provide the financially strapped AmeriCorps program with the $100 million it desperately needs. But if Republican leaders win the previous question vote, up to 20,000 volunteers may lose their positions serving their fellow Americans.

Since September 11, President Bush has spoken eloquently about the value of national service. On many occasions he has praised AmeriCorps' excellent work and its hard-working, dedicated volunteers. But all the rhetoric in the world cannot make up for the fact that AmeriCorps faces severe budgetary problems this year. It will have to eliminate as many as 20,000 of those volunteers if Congress does not act immediately.

No, Mr. Speaker, political rhetoric will not solve this problem. It is going to take some money. And since so many House Republicans were so happy to spend so much money on tax breaks for millionaires, they should have no problem spending a fraction, a tiny fraction of that on national service.

Now, to those of my colleagues who are asking why we cannot vote on AmeriCorps funding today, what is the big deal, the answer is quite simply and typically that the Committee on Rules Republicans used a party-line vote last night to block the money that AmeriCorps needs. That is why we have to defeat the previous question today.

Voting "no" on that important parliamentary question is the only way to provide AmeriCorps with the immediate funding it needs to ensure volunteers can continue helping others in cities and towns all across this Nation. So I urge Republican Members to put their money where their mouths are. To be very clear, you will not stop this emergency spending billing if you vote "no." But if you vote "yes," you will prevents as many as 20,000 dedicated volunteers from getting the help they need to keep serving their fellow Americans, and you will betray the commitment to national service that President Bush claims to believe in.

Again, I urge my colleagues to support national service by voting "no" on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDMENT OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS of Washington:

At the end of the resolution add the following:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order as though printed in the Congressional Record pursuant to clause 8 of rule XVIII.

SEC. 3. The amendment referred to in section 2 is as follows:

At the end of the bill (before the short title), insert the following:

SEC.   . (a) There is hereby rescinded a total of $983,600,000 of the unobligated budget authority provided for fiscal year 2003 for discretionary accounts.

(b) The rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account described in subsection (a); and

(2) within each such account, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) The rescission in subsection (a) shall not apply to budget authority provided for any of the following:

(1) The Department of Defense.

(2) The Department of Homeland Security.

(3) The Department of Veterans Affairs.

(d) If the President determines that the full application of the rescission required by subsections (a) and (b) to any program, project, or activity in fiscal year 2003 would be excessive, the President may postpone all or a portion of the rescission for such program, project, or activity, and apply the remaining amount of such rescission to budgetary authority provided for such program, project, or activity for fiscal year 2004.

(e) The Director of the Office of Management and Budget shall include in the President's budget submission for fiscal year 2005 a report specifying the reductions made to each program, project, and activity pursuant to this section.

Mr. HASTINGS of Washington. Mr. Speaker, this is an important piece of legislation. I urge my colleagues to support the previous question and the rule.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 339—RULE ON H.R. 2859 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT FOR FISCAL YEAR 2003

In the resolution strike "and (3)" and insert the following:

"(3) a further amendment printed in Sec. 2 of this resolution if offered by Representative Obey or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (4)"

SEC. 2.

The amendment referred to in section 2 is as follows:

At the end of the bill, add the following paragraph:

CHAPTER 6

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

For an additional amount for "Corporation for National and Community Service, National and Community Service Programs Operating Expenses", for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program) and for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), $100,000,000, with funds for grants to remain available until September 30, 2004, and funds for educational awards to remain available until expended: Provided further, That the first proviso under the heading "Corporation for National and Community Service, National and Community Service Programs Operating Expenses' in Public Law 108–7 shall apply only to positions originally approved subsequent to March 10, 2003: Provided further, That the Inspector General of the Corporation for National and Community Service shall conduct random audits of the Corporation and the grantees that administer activities under the AmeriCorps programs and shall de-fund any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed in the following order:

Ordering the motion to instruct by the gentlewoman from California (Ms. SOLIS); ordering the previous question, and, if ordered, on amending and adopting House Resolution 339; adopting the motion to instruct by the gentleman from New York (Mr. BISHOP); and adopting House Resolution 338.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

□ 1215

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question on the motion to instruct conferees on H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentlewoman from California (Ms. SOLIS), on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 216, not voting 13, as follows:

[Roll No. 447]

YEAS—206

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall

Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—216

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—13

Cox
Cummings
Doolittle
Gephardt
Green (TX)
Gutknecht
Hunter
Oberstar
Quinn
Royce
Smith (MI)
Sullivan
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). There are 2 minutes remaining in this vote.

□ 1233

Mr. MILLER of Florida changed his vote from "yea" to "nay."

Mr. LYNCH and Mr. DOYLE changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2859, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2003

The SPEAKER pro tempore. The pending business is the question of ordering the previous question on the amendment and on House Resolution 339 on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 200, not voting 15, as follows:

[Roll No. 448]

YEAS—219

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)

Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Blackburn
Brown (OH)
Burton (IN)
Gephardt
Green (TX)
Honda
Kelly
McKeon
Oberstar
Quinn
Rogers (MI)
Serrano
Sullivan
Weller
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1241

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct conferees on H.R. 1308 offered by the gentleman from New York (Mr. BISHOP) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. BISHOP).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 202, nays 221, not voting 12, as follows:

[Roll No. 449]

AYES—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—12

Blackburn
Conyers
Emanuel
Fattah
Gephardt
Green (TX)
Maloney
Oberstar
Quinn
Strickland
Sullivan
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1248

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2861, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 338, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 196, not voting 10, as follows:

[Roll No. 450]

YEAS—229

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Coble
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Nadler
Napolitano
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Ramstad
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Conyers
Cooper
Fletcher
Gephardt
Green (TX)
Oberstar
Quinn
Smith (NJ)
Sullivan
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1300

Mr. BRADLEY of New Hampshire changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, due to my father's serious heart condition, I was called back to Arizona, and I missed several rollcall votes on Wednesday and Thursday.

Had I been here, I would have voted in the following manner:

On rollcall No. 429, final passage of H.R. 2800, the Foreign Operations Appropriations Act, I would have voted "aye."

On rollcall No. 432, final passage of H.R. 2739, the United States-Singapore Free Trade Agreement Implementation Act, I would have voted "no."

On rollcall No. 436, final passage of H.R. 2738, the United States-Chile Free Trade Agreement Implementation Act, I would have voted "no."

On rollcall No. 444, final passage of H.R. 2210, the School Readiness Act, I would have voted "no."

On rollcall No. 445, final passage of H.R. 2427, the Pharmaceutical Market Access Act, I would have voted "aye."

Mr. Speaker, I appreciate the understanding of the House and my constituents on this issue.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2735

Mr. WEXLER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2735, the Motor Vehicle Owners' Right to Repair Act of 2003.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, JULY 30, 2003, TO FILE A PRIVILEGED REPORT ON DEPARTMENTS OF TRANSPORTATION, TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight, July 30, 2003, to file a privileged report, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2859 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 339, I call up the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 339, the bill is considered read for amendment.

The text of H.R. 2859 is as follows:

H.R. 2859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, namely:

DEPARTMENT OF HOMELAND SECURITY EMERGENCY PREPAREDNESS AND RESPONSE

Disaster Relief

For an additional amount for "Disaster Relief" for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $983,600,000, to remain available until expended: *Provided,* That this amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

This Act may be cited as the "Emergency Supplemental Appropriations for Disaster Relief Act, 2003".

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment made in order by the resolution, if offered by the gentleman from Pennsylvania (Mr. TOOMEY), or his designee, which shall be considered read, and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the question of adopting the Toomey amendment to H.R. 2859 may be subject to postponement as though under clause 8 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

I do so to present the emergency supplemental appropriations bill, the second supplemental for fiscal year 2003. We have had considerable debate already on the bill as we debated the rule. This is a very simple, straightforward emergency bill that includes $983.6 million for the Disaster Relief Fund, which is now a part of the Department of Homeland Security. We know that there are Members that have other interests, and the administration has other interests. We had already reported from the Committee on Appropriations a supplemental that was more far reaching than this, but it appears the proper thing to do now is to just present this emergency supplemental strictly for Disaster Relief because the Disaster Relief account has a serious problem with running out of money. I do not think we need a lot of debate on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, before I discuss this matter before us, I would like to alert Members of the House to the situation we face on the VA-HUD bill. There have been approximately 40 amendments offered to that bill. Perhaps 10 of them at this point will fall by the wayside, people deciding not to offer them. If the others simply take 5 minutes on each side and if about a third to a half of them have rollcalls, that will take us to probably 7 o'clock tonight. I am sorry. I said that wrong. If we have no rollcalls and if we just have 5 minutes of debate on each side, it will take us until about 7 o'clock tonight. If there are any rollcalls at all, then let us say there are rollcalls on about a third of the amendments, that means we would be here until about 9 o'clock tonight. And if you have one-third of those amendments where you take at least 10 minutes a side, then we are going to be here until about 11 o'clock.

I want Members to understand that now, because I know a lot of them are assuming that they are going to be able to catch 6 o'clock planes. Unless something happens, that is not going to be true. I would urge Members to think through whether they are serious in offering these amendments. If they are, obviously they have a right to offer them. But I think Members need to understand what the realistic time frame is as well and would urge Members to take that into consideration if in fact they are planning to get out of here on a plane this evening.

Mr. Speaker, having given that notice, let me simply say that we have already made quite clear that we think that this supplemental is deficient in a number of areas, especially in the areas of fire fighting and in the area of AmeriCorps, but in my view there is no sense chewing that cud twice. We have already talked about it on the rule.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman yielding. The one concern I have in the Toomey amendment which is yet to be offered, since it was not printed in the RECORD as it was supposed to be, but, anyway, in the Toomey amendment, we are going to have an across-the-board cut. One of the items that was not exempted was fire fighting. We are already not getting the supplemental funding for fire fighting that was promised in this bill. Last year they borrowed money from all the accounts to fund the fire fighting. That is what we are going to have to wind up doing again. But then on top of that, we are going to have to have an across-the-board cut. I am told this would be 7 or $8 million out of the fire fighting funds. I know you can defer it if the President does this and that. All I am saying is, I do not think this amendment is very well thought out, I do not like across-the-board amendments normally; and so I hope that this will at least be thought about as we get into the debate on this supplemental.

Mr. OBEY. Mr. Speaker, I simply want to say that I agree with the gentleman's observation, but it is obvious we are going to be voting on the amendment so I think I will withhold my comments on it until we are actually at the amending stage.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute to remind Members that the Committee on Appropriations reported a supplemental appropriations bill that I believe is still in play that would be conferenced as part of the legislative branch bill. That bill did include the money for fighting the fires. We think that is a very important issue. We actually proposed that to the administration and they agreed. They agreed to that part of the supplemental. I hope that is still in play, and I believe that it will be; but today we are faced with the real emergency of a funding emergency for Disaster Relief account.

Mr. Speaker, I yield 6 minutes to the gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee on Homeland Security and, of course, FEMA falls into his jurisdiction.

Mr. ROGERS of Kentucky. Mr. Speaker, this is a stripped-down version of the disaster supplemental. It is $983.6 million purely for disaster relief activities. It fully funds all the anticipated Federal disaster relief activities for the balance of this year. The administration, you recollect, had requested $1.55 billion for these activities, but a portion of that request was for fiscal year 2004 activities; and because we anticipate that we will be able to complete the 2004 appropriations bill before October 1, it is not necessary to include 2004 moneys in this 2003 supplemental. All fiscal year 2004 program requirements can be accommodated in the regular 2004 bill.

Severe storms, tornadoes, and flooding in the Midwest and South have taken their toll on the disaster relief fund. Combined with severe snow and ice storms this past winter and the *Columbia* shuttle recovery efforts, this fund will be depleted within the next 2 weeks. As of July 21, the balance in the disaster relief fund was $89 million.

FEMA is currently spending at $5.7 million a day; and as expenses for Hurricane Claudette come in, obligations will jump to $6.3 million a day. That means the fund will be gone on or about August 4.

FEMA has done all they can to hold expenses down. They have put all nonessential projects on hold, including all reconstruction and mitigation projects. In total, $400 million in spending is on hold. The only activities being supported by FEMA are emergency and essential services such as debris removal, individual assistance, shelter, and medical care.

□ 1315

To date for fiscal 2003 there have been 32 major disasters declared, 15 emergencies and 18 fire management events. We are at the height of the wildfire and hurricane seasons, and an active hurricane season is predicted.

FEMA estimates that they will need about $10 million a day to support Federal disaster relief efforts for the months of August and September. The proposed $983.6 million in this bill assumes that FEMA will fully fund these efforts as well as resume work on mitigation, repair and reconstruction projects. It also assumes there will be a zero balance in the fund on September 30.

I urge support for this supplemental. It is streamlined. It is stripped down to its bare essentials. Without it, FEMA funds will dry up August 4, leaving communities and individuals without Federal assistance and laying off personnel.

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, the gentleman does an excellent job in his work and his subcommittee in dealing with this. I am wondering if he could report to us why it is that there is a shortfall' of resources for FEMA for this year.

Mr. ROGERS of Kentucky. Mr. Speaker, unanticipated disasters. There is no way obviously to accurately predict what Mother Nature is going to do. This is not a huge amount of money, as it goes, for disaster relief. It is simply replenishing or allowing that fund to be able to exist until we can get through the next 2 months.

Mr. NUSSLE. Mr. Speaker, will the gentleman continue to yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, is it not true, however, that the President requested back in February an additional $1 billion for FEMA to be made part of the omnibus appropriations bill, and that that $1 billion request was not used for FEMA, but rather for other accounts within the omnibus appropriations bill?

Mr. ROGERS of Kentucky. Mr. Speaker, that is something I will yield to the big chairman on. I am not conversant with the details of it.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, let me suggest to the chairman of the Committee on the Budget that our process on appropriations was so fouled up last year by some insistent demands of certain Members that, yes, we had to do 11 of the 13 bills in February of this year.

If the Committee on Appropriations would have been permitted to do our work like we have done this year, by the way, we would not have had those kinds of problems where we had to make adjustments in order to cover the balance of the 2003 issues. And I would suggest that what was done was done in agreement with the leadership, it was done in agreement with the President of the United States; and I make no excuse for it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, again, the chairman has, if not the toughest job, one the toughest jobs on Capitol Hill, and I do not take anything away from that.

My concern about what we are doing with regard to an emergency supplemental, as the gentleman correctly said when he started, is that an emergency, by definition, and has been by definition since the early 1990s, is something that is unforeseen, unpredictable, and unanticipated. And when the President makes a request for $1 billion in order to fund FEMA accounts for problems that while they maybe have not yet manifested themselves, we know there will be forest fires, floods, hurricanes, tornadoes, windstorms, et cetera.

And I think the concern I have and others may have, is that when it is requested, it is not funded as it is traditionally and unfortunately the case for FEMA, and that money is used for other accounts, that we find ourselves now having to take time on the floor to go and do what should have been done in February.

That money has now been used for other accounts, and that is the concern that I have as the Committee on the Budget chairman, and I know a number of other people have, with regard to the process that we are taking here today.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I understand the gentleman's concern. I do not necessarily agree with it, but I understand it.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 6 minutes to myself.

Mr. Speaker, I would simply say that, as I have indicated, we believe that there are a number of other items which should have been included in this supplemental. They were not. The majority determines that; so we have no objection to that which is included in the proposal, and I would certainly intend to vote for it.

I would say with respect to the comments of the distinguished chairman of the Committee on the Budget, it is my observation that in the world sometimes things change. Events occur, natural disasters occur, matters of a war here and there occur. Things change, except in the world of the Committee on the Budget. So I guess nothing that the Committee on Appropriations does will ever satisfy people who prefer a static world, but I quit worrying about that a long time ago.

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, let me just report to the ranking member that I have supported all of the appropriations bills on the floor this year.

Mr. OBEY. I have not.

Mr. NUSSLE. I understand that, but my point is that the Committee on the Budget tries not to meddle other than when it writes the budget itself, which is our prerogative as a committee to write.

And I would just say, I think the gentleman might acknowledge that a war does not have its own account. FEMA has its own account to anticipate natural disasters, to anticipate emergencies; and as the gentleman knows, this is an unfortunate, but yet somewhat traditional exercise that goes on to underfund FEMA, knowing full well that we have a difficult time saying no to natural disasters, so that those resources can be spread among other accounts.

We can all decide how we are going to vote on this, but I would only encourage the very distinguished ranking member, who I know is concerned about this practice, that we prevent this from occurring in the future.

Mr. OBEY. Mr. Speaker, I thank the gentleman for his comments.

Let me simply say I am familiar with the gentleman's history on disaster funding. I personally would prefer that there would be no federally financed disaster programs.

I have introduced legislation which would require every State in the Union to buy into a federally run insurance plan so that on an experience-rated basis States would, much as they do with Worker's Compensation, prepay for any expected disaster short of a gargantuan tragedy. We have not been able to get that considered by either party, so we are stuck with what is left.

I am much more concerned with whether this estimate is real than whether it fits within the niceties of the budget resolution, to be frank about it. I do not think that God gives us 2 weeks' notice before we have a hurricane; so we do not have time to send down a proper budget amendment. So I think we do the best we can.

I think the difference between the gentleman from Iowa and the gentleman from Florida is that the gentleman from Iowa is free to pull numbers out of the air on the Committee on the Budget and describe the world as he and as Committee on the Budget think it ought to exist. But then the Committee on Appropriations and other legislative committees in this place have to implement what happens, and I think it is a whole lot more difficult to implement than it is to pronounce.

So all I would say is, given the limited nature of the recommendations here, I think this is reasonable. I personally believe that this is not going to be enough money in the FEMA account. I think we should have done something on fire fighting. I think we should have done something to prevent 20,000 people from being fired in AmeriCorps, and I recognize we are going to have to continue to agree to disagree.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I would just like to point out to my colleagues, I had a chance last night to meet Mike Brown, who is the Under Secretary for Emergency Preparedness and Response, which used to be FEMA, and I asked him a couple of questions about this problem.

First of all, he said they will have to start shutting down offices all over the country, I think it was by August 8, if we do not get this money. I also asked him can they borrow the money from other accounts? No. They do not have a way of doing this like the Forest Service and the Department of Interior. The BLM does; they can borrow money from other accounts.

EPR, Emergency Preparedness and Response, does not have that authority. So we have to appropriate this money. That is why all of a sudden this supplemental reemerged because it became very clear we could not, in good conscience, doing our jobs, leave here without appropriating the money for FEMA.

We have got disasters all over this country, as we speak, that require this funding. And as I said, I wish we had taken care of fire fighting; I wish we had taken care of AmeriCorps. But at least we have to take care of this. It would be totally irresponsible, and I hope in the other body they will also understand that they have got to pass this as well, though I know there is concern over there about this coming at the last moment.

In my mind, this has to be done.

And I appreciate the gentleman for yielding.

Mr. OBEY. Mr. Speaker, I thank the gentleman for his comments.

I would simply say, Mr. Speaker, I invite any Member of this House on either side of the aisle who is disquieted about this to call my office and indicate their willingness to join me in sponsoring the legislation that I have described that would set up an experience-rated fund into which States would contribute, so that the Feds do not always get hit with the cost of these things.

But absent that kind of legislation being on the books, I think we have no choice but to provide enough money to meet what we know will be unscheduled, irregular natural disasters.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I rise with a heavy heart today because of the fire fighting funds being stricken from this bill.

This is an enormous problem for those of us from the West. Outside the city of Bend, Oregon, a fire burned 600 acres yesterday. This morning that fire is up to 4,000 acres; it is burning. The Forest Service tells us they will run out of money to fight these fires next week. OMB says we can borrow from other accounts; they can get us through until the fall.

Here is what happens year after year after year after year. We get through all the paperwork and the environmental process to be able to go out to do the healthy forest things that need to be done to thin the forests, get out the flammable fuels, do all that work.

We get into fire season. We have not budgeted for it properly. We pull the money out to fight the fires. And what does the Forest Service have to do? They borrow from the accounts, and they are ready to do the work to make America's forests healthier by doing the thinning, and they put the work off for another year. We come back in the fall and the winter, we replenish the accounts for the fires, and we do the process all over again. We delay what we need to do to fix problem that will get us to where we do not have as expensive a fire to fight, because it would not be as catastrophic.

Mr. Speaker, if I could enter into an unscripted colloquy with the chairman, my concern is this.

Do we have any assurance from the Forest Service that they will be able to go ahead with these contracts that they are planning to let for this summer and the work that they are planning to do, to do forest thinning and fuels reduction and categorical exclusion work to make our forests healthier and safer, or will any of those funds be pulled back to go into fire fighting instead?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. WALDEN of Oregon. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, first let me explain that I agree with everything the gentleman is saying. And I would tell him that just last week when the Committee on Appropriations reported the first supplemental for this particular season, it included a substantial amount of money for fighting fires.

Mr. WALDEN of Oregon. And we are appreciative of that.

Mr. YOUNG of Florida. Mr. Speaker, this supplemental is still in play. It has not gone to conference, but it is still in play as part of the legislative branch appropriations bill.

This is a different bill. This one is intended to move smoothly. That is a joke, by the way.

However, that particular bill is stalled, so we are moving this one because this is a real emergency for FEMA. The ability to borrow money to fight the fires is there. They can do that.

□ 1330

However, everybody should be aware that whatever we borrow, we are going to have to pay it back anyway, so we are going to have to make up this money.

My thinking is it would have been smarter to include in this bill the fire fighting money that is necessary. But it did not happen. I wish it had, but it did not.

We will move this bill and hopefully get to conference quickly on the other bill and take care of the problem at least of paying back the money that they have to borrow.

Mr. WALDEN of Oregon. Mr. Speaker, reclaiming my time, I understand what the gentleman says, and he has been most gracious and wonderful to work with on this issue. But the problem is, as we wait, the forests burn, the work does not get done, the issue is compounded. This is penny wise and pound foolish.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. WALDEN of Oregon. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to associate myself with the gentleman's remarks. The gentleman is absolutely accurate on this point. We would almost be better off if we took away the borrowing authority, because then they would have to put up the money. We would be like FEMA in that situation. Then they would have to put up the money, because we could not leave here without taking care of this problem.

Now what we do is let them borrow the money from the Forest Service, from BLM, ruin their other programs, put the agency in total chaos, and then, on top of that, we do not pay the money back. This is not good.

Mr. WALDEN of Oregon. Mr. Speaker, reclaiming my time, I would say to the gentleman from Wisconsin (Mr. OBEY), I admire his legislation and will take a close look at it. The State of Oregon for many years has done precisely that, buy an insurance policy to help pay for the cost of fire fighting. Of course, that cost continues to go up; but we do participate in that. So I think it is a good idea to consider.

So, Mr. Speaker, in conclusion, I rise in great, great frustration about where we find ourselves today, especially with the lack of notice that these funds were going to be cut out, when we thought they were going to be there.

Mr. SMITH of Michigan. Mr. Speaker, supplemental appropriation bills are too often used to fund expenses that can, on average, be predicted. They allow politicians to keep the annual appropriation budgets at a level that is less objectionable to fiscal conservatives. In effect it is a hoodwinking of taxpayers who think that Congress sticks to its budget.

In my eleven years in this House we never have supplemental appropriation bills increase deficit spending and total debt of the government.

A reasonable average of past supplementals should be included in annual budgets as a reserve fund that can be used for emergency or unexpected necessary spending. To do otherwise is not good spending policy.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of the Democratic motion to provide adequate funding for AmeriCorps, one of our Nation's most important volunteer programs.

I applaud President Bush for his support of community service. It is essential to provide volunteers with the means to do so. AmeriCorps has been a shining example of the difference volunteers can make in communities across the country.

Because of AmeriCorps, more than 38,000 people of all ages and backgrounds are helping to solve problems and strengthen communities through 108 national service projects across Missouri. Serving with national and community nonprofit organizations, faith-based groups, schools, and local agencies, these individuals tutor and mentor children, coordinate after-school programs, build homes and community gardens, conduct neighborhood patrols, organize local homeland security efforts, respond to disasters, and recruit and manage volunteers, to name a few of their contributions. These programs reach thousands of children, many of whom will be left without mentorship opportunities and after school guidance if AmeriCorps is not fully funded.

Mr. Speaker, I support the $100 million in additional funding for AmeriCorps, and it should be provided for in this bill. The National and Community Service announced in June that there would be cuts of 50 to 90 percent to State AmeriCorps budgets and corps member slots. This must be remedied so that AmeriCorps and its volunteers can continue their selfless contributions to our country.

Mr. HOLT. Mr. Speaker, I rise to speak about a glaring omission from this emergency supplemental—funding for AmeriCorps. We must include $100 million in funding for AmeriCorps. Without this funding AmeriCorps will suffer a nearly 60 percent cut and 20,000 service members will be eliminated.

Cutting AmeriCorps at a time when Americans are facing a stagnant economy, the worst unemployment in more than a decade, and deep cuts in State and Federal social programs is not just inconsiderate and wrong, it is unwise. That's why I have signed a letter along with many of my colleagues in Congress calling on the President and the Congressional Leadership to push for emergency funding for AmeriCorps. Young people who are qualified and willing to serve our communities should not be turned away. We should not be trampling on the spirit of service that AmeriCorps has inspired in so many of our young people to give back to our communities. Since 1994, more than 250,000 men and women have served in AmeriCorps, providing needed assistance to millions of Americans.

President Bush has called for expanding AmeriCorps from 50,000 to 75,000 volunteers. Volunteerism was a major theme of his State of the Union address and as recently as April 9, while speaking at a Connecticut community center where AmeriCorps volunteers mentor students, President Bush said, "We need to encourage programs to expand, to give people an outlet, a chance to participate." Words are cheap—the efforts of these volunteers are dear.

Without additional funding the service programs, as well as the volunteers and communities that rely on their help, will be devastated. The infrastructure of many small programs, which do not have the resources to sustain a significant budget cut for even one year, will be destroyed.

The people of central New Jersey will lose if this funding is not restored. In Trenton, New Jersey, the Crisis Ministry, the Trenton Soup Kitchen, and the ARC (which helps kids and adults with mental disabilities) could all face cutbacks in AmeriCorps volunteers. These programs provide services that are vital to my district all the time, but especially in tough economic times. AmeriCorps is an outstanding program with a proven track record of meeting the critical needs of New Jersey's communities. We cannot allow it to be downsized. I ask my colleagues to include funding for AmeriCorps in the conference committee.

Mr. OSBORNE. Mr. Speaker, I wanted to come to the floor today to raise an issue that I know many of my colleagues have been very concerned about, and that is additional funding for AmeriCorps. Currently, AmeriCorps is facing a very severe funding crisis. Local programs around the country are facing severe cuts.

Thousands of social service organizations across the country depend on AmeriCorps for manpower and service for constituents. If we do nothing, many of these programs won't be able to survive or make up the difference in funding in another way. This means that fewer meals will be delivered to the elderly and fewer children will be mentored. When national AmeriCorps officials announced a major cut last month in grants for volunteer positions, leaders of hundreds of volunteer programs across the country warned they will have to reduce operations or shut down. These programs and the people they serve should not be made to suffer because of problems in Washington that could be addressed by short-term solutions, such as agreeing to $100 million in supplemental funding for AmeriCorps.

While I realize that today's bill is focused only on addressing issues facing FEMA, I did want to make sure to note that a majority of members of this House signed letters in support of additional funding for AmeriCorps. We have heard from the wonderful programs all around this country that are doing such important work. I will continue to work to see if additional funding can be provided to improve this situation which is so critical to so many nonprofit programs in all of our districts.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). All time for general debate has expired.

AMENDMENT OFFERED BY MR. TOOMEY

Mr. TOOMEY. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TOOMEY:

At the end of the bill (before the short title), insert the following:

SEC.   . (a) There is hereby rescinded a total of $983,600,000 of the unobligated budget authority provided for fiscal year 2003 for discretionary accounts.

(b) The rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account described in subsection (a); and

(2) within each such account, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) The rescission in subsection (a) shall not apply to budget authority provided for any of the following:

(1) The Department of Defense.

(2) The Department of Homeland Security.

(3) The Department of Veterans Affairs.

(d) If the President determines that the full application of the rescission required by subsections (a) and (b) to any program, project, or activity in fiscal year 2003 would be excessive, the President may postpone all or a portion of the rescission for such program, project, or activity, and apply the remaining amount of such rescission to budgetary authority provided for such program, project, or activity for fiscal year 2004.

(e) The Director of the Office of Management and Budget shall include in the President's budget submission for fiscal year 2005 a report specifying the reductions made to each program, project, and activity pursuant to this section.

The SPEAKER pro tempore. Pursuant to House Resolution 339, the gentleman from Pennsylvania (Mr. TOOMEY) and a Member opposed each will control 10 minutes.

Mr. YOUNG of Florida. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) will control the time in opposition.

The Chair recognizes the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, let me start by saying we do need to fund FEMA properly; but we also need to offset it, as we often have done in the past, and that is what this amendment proposes to do.

I want to follow up on the comments of my chairman, the chairman of the Committee on the Budget, who was exactly right about how we got to this point. I would like to explain that a little bit and make sure that my colleagues understand that for fiscal year 2003 the President requested $1.8 billion for FEMA disaster relief. This is routine annual spending in anticipation of the fact that we know we will have disasters in America.

In October of 2002, the House Committee on Appropriations approved $1.8 billion in committee. In January of this year, the Senate passed an omnibus with only $800 million, $1 billion below the President's level.

In January of 2003, the White House issued a statement of administration policy pointing out that this underfunding of FEMA by $1 billion would cause a problem and we would need to go back and address this. But despite that, despite the fact that everybody knew that we were intentionally and consciously underfunding FEMA by about $1 billion, we passed an omnibus at the lower level, $1 billion below the House Committee on Appropriations level, $1 billion below the President's request.

And what happened to the $1 billion? As the chairman of the Committee on the Budget correctly observed, it was used so we could spend more money in other areas and still pretend we were living within the overall discretionary level that we had all sort of agreed upon.

Well, the fact is, this emergency is an emergency that we have created by virtue of the fact that we chose not to fund this one category, and we all knew that low-balling FEMA would not stand. So now, predictably, we are all back to back-fill the hole that we dug for ourselves in February.

As I said before, FEMA needs the money. That is not the issue about this amendment. What we are simply saying is we ought to offset this so that we do not have just a net increase in the total amount of spending. We are just trying to stick to the budget that we agreed to.

So what this amendment does is it says let us take this $984 million and let us offset it with an across-the-board reduction in all discretionary spending programs except defense, homeland security, and veterans programs. That adds up to about five one-hundredths of 1 percent of the total spending for 2003, about three-tenths of 1 percent of the spending in the categories in which we are going to make this tiny cut. It is about 29 cents out of every $100 dollars.

Now, some people will say, well, even that is too much to cut, especially since there are only 2 months left in the fiscal year. So we have gone on to say, okay, we'll leave it to the discretion of the President to decide whether we cannot find that amount of waste, 29 cents out of $100 is too hard to find; and if that is the case, he has all of 2004 to offset any individual accounts he so chooses.

It strikes me, Mr. Speaker, as a very reasonable and very doable amendment. Over the next 2 months, agencies would be asked to come up with 29 cents out of every $100. And if they cannot, they get another 12 months to do it. We have a history of offsetting non-defense supplementals; and I believe with a deficit of $455 billion, here is a way to reduce that deficit. It is what we ought to do.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), a very important member of the Committee on Appropriations.

Mr. WAMP. Mr. Speaker, I thank the gentleman for yielding me time.

To my colleagues, several of us on the Committee on Appropriations have fought now for many years to try to hold the line on spending and have a record there and are in agreement with these efforts to do this. But this is not only not workable; it is actually the wrong thing to do at the wrong time, and let me explain why.

OMB, if you have not worked with them since this administration took over, "OMB" are the three most dreaded letters in Washington, D.C. They are about the business of carving and cutting, and rightly so, in many directions. But they are not offering offsets, they do not have offsets for this spending, and the administration has requested the money without offsets because even those carvers at OMB cannot find the offsets. You gentlemen know it, and you know that it will not work because of that.

I hope we do not just cede the constitutional responsibility to spend money to the executive branch. That is not in our best interests, it is not in the constitutional best interest, and I do not want to just say, administration, you can start spending money discretionarily or saving money discretionarily. That is the power that belongs here in the Congress, and that is our responsibility.

Now, the money you are talking about offsetting in the final 2 months of the fiscal year is not from mandatory programs; it is not Social Security, Medicare, any of the mandatories. It cannot come from that. It cannot come from defense, it cannot come from homeland security. So the offsets must come from about 14 percent of the Federal budget, and then it is only for one-sixth of the fiscal year. So now you are down to a very narrow pool of discretionary funds to take the offsets from. And then it does not work out to 29 cents on every $100. It gets into specific small accounts, most of which are already obligated, most of which are obligated to be spent in the final 2 months of the fiscal year.

So, frankly, it is not a workable solution. Even though I am all for offsetting early, you cannot wait until the end of the fiscal year and say we are going to have offsets. The money is obligated by the end of the fiscal year.

Once again, the most important thing here is that we have to carry out our responsibilities and not just say, White House, you find these offsets.

Mr. TOOMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would remind my colleagues that we have 14 months to find these offsets, not just 2.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget.

Mr. NUSSLE. Mr. Speaker, there is not enough time in this debate to adequately acknowledge what this practice of underfunding FEMA means to the victims. So I hope we all keep that in mind here today, because while this bill is important, it is important that we change the practice of underfunding FEMA intentionally, as we did in February to take $1 billion out of what was requested by OMB and to spread it into all these other little goodies, knowing full well that if FEMA needed the money, we would come back here breathlessly to say, oh, yes, we need a little bit of extra money; and that is exactly what happened. That is exactly what was predicted in February, and that is exactly what happened today.

The traditional definition that we have used for emergencies has always been "unforeseen, unanticipated, and unpredictable." Well, how is it that OMB and the President were able to predict that this was going to happen in February; but for some reason now, the last minute on the last day before the recess, before, as my friend from Washington says, offices are ready to close, the lights are ready to be turned off, people are thrown in the street, and that is typically what happens, as people come breathlessly to the floor with an emergency supplemental, knowing full well in February we needed money and waiting until the last minute to try and jam it through.

We are probably going to jam it through again, and it is only, gosh, I hope my mother is not listening, it is only $1 billion. But we have got a deficit, and I want to see all those deficit hawks, all those Democrats in particular that have been down here on the floor railing about the deficit, to come down here today and remind themselves and their friends about how important it is to not add an additional $1 billion to the deficit.

What the gentleman from Pennsylvania says is let us find the money. If you do not like this offset, fix it in conference. That is the power you have. The chairman knows he can increase the bill in conference. You can also fix this amendment and find a true offset in conference. Let us pay for this disaster.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, the issue of February's bill, first of all, that was not our fault. We were not permitted to bring the bills in the regular period of time for fiscal year 2003. That was not our fault.

The fact that the numbers were different in February, understand that in February almost half of the fiscal year was gone, and there was not any use funding the early part of the fiscal year because it was already over with.

It is easy for the budget resolution to make assumptions. They can assume that you can find $7 billion, for example, in the plug that was in this 2004 budget resolution. The Committee on Appropriations has to be real. What we write in our bills becomes law. It has to be real. It has to be realistic. That is what we do. We cannot satisfy everybody.

I want to compliment my friend from Pennsylvania for keeping our feet to the fire on spending. He does a really good job. And we try to balance out those who want to spend more and those who want to spend less, just to make sure that we do a responsible job in funding the government and funding essential operations. So I compliment the gentleman. Sometimes I agree with him, and sometimes I do not.

In this case, I must disagree with him. I do so because his amendment would cut money from the FBI, Drug Enforcement Agency, technology for State and local enforcement. It would cut for embassy security, it would cut NIH, Centers for Disease Control, Head Start, special education grants, grants for disadvantaged students. Cuts would also deal with HIV-AIDS and child survival, world hunger programs, aid to Israel, and the list is very long.

Remember, there are only 2 months left in this fiscal year. If this was across-the-board for the whole 12 months, it might not be so bad, but this is only for 2 months left in the fiscal yield.

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, I would ask the chairman, what portion of all Federal spending is actually appropriated by the appropriations?

Mr. YOUNG of Florida. The answer is the discretionary spending is about one-third of the total government spending. It is amazing to me how some of those who are constantly arguing about discretionary spending vote for the big mandatory programs, the back-door spending. So it is two to one.

Mr. ROGERS of Kentucky. Mr. Speaker, if the gentleman will yield further, is that two-thirds of the Federal spending that the mandatory accounts account for? Are those accounts adding to the Federal deficit even as we speak?

□ 1345

Mr. YOUNG of Florida. Absolutely.

Mr. ROGERS of Kentucky. Has the Committee on the Budget done anything about mandatory spending?

Mr. YOUNG of Florida. Mr. Speaker, I have not found much success in the proper committee's dealing with that.

Mr. NUSSLE. Mr. Speaker, would the gentleman yield? Would the gentleman yield?

Mr. YOUNG of Florida. Mr. Speaker, I will yield after I yield to the gentleman from Wisconsin (Mr. OBEY.)

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, one observation, and then one question.

I do not appreciate having to take lectures from the Committee on the Budget. Let me tell my colleague the sleight of hand that that committee played. They pretended that they provided additional money for veterans. They pretended that they provided additional money for education and for special education in order to get the votes of the moderate Republicans in here for the resolution.

And then, after they pretended, on an account-by-account basis, that they had provided the money, then that same Committee on the Budget provided $7.2 billion in undistributed reductions and assigned those reductions to our committee, without having the guts to spell out what those reductions should be.

And then they squawked when the gentleman from Florida tried to distribute those reductions. That is what is going on here.

The difference is that the gentleman from Florida has to run a real railroad train, it is not an Alice in Wonderland train.

Now, with respect to the amendment at hand, I simply want Members to know how they are going to vote. I mean, the Republicans are running this show, so it is immaterial to me which of your factions wins the argument on that side.

But if this amendment passes, you will be cutting $15 million from the FBI. You will forcing Israel to write a $12 million check back to us because they have already gotten their money. The Drug Enforcement Agency will have to cut $5 million. The Colombian drug initiative, which was just defended in this House this week, you will have to cut $1 million out of that. You will have to cut $15 million out of the Cancer Institute. And you will have to cut $600,000 out of Meals-on-Wheels.

Now, I am not going to debate whether you ought to do any of that stuff; I simply want Members to know what they will be voting on if they vote for the amendment.

I would also simply say that I hope, and I am confident, that this amendment has more to do with concerns about budget than it does a Pennsylvania Senate primary.

Mr. TOOMEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE) and remind my colleagues that we have enacted across-the-board spending cuts in 3 of the last 4 fiscal years.

Mr. PENCE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, I come to this floor in the reality of representing a district, 10 counties of which are, at this hour, recognized as Federal disaster areas. The flood of 2003 saw the waters of the Wabash River and the St. Mary's River rise and devastate families and homes in much of the eastern Indiana district that I represent.

But there is another rising tide that I am here to support the gentleman from Pennsylvania (Mr. TOOMEY) on as he seeks this amendment's passage, and that is the rising tide of red ink that is engulfing the American taxpayer, and a modest effort today that we attempt to stem.

The Federal deficit today stands at $455 billion, and I would offer humbly, with deep respect for the gentleman from Florida and his outstanding leadership of this Committee on Appropriations, that now is not the time to add another $1 billion, another new massive player to that deficit.

Two important points, I think, in this discussion. We have heard from the Committee on the Budget chairman, and I would not enter that debate between chairmen, as unwise as that might be, but it is accurate to say that the dollars that are being asked for today are not in the budget resolution that we passed narrowly on this floor.

Number two, in defense of the chairman of the Committee on Appropriations and the House Members gathered here on both sides of the aisle, the money that we are considering today was in the House bill. We did our work, it seems to me important to say today; the House Committee on Appropriations met the President's request for FEMA, and somewhere in the midst of the conference committee, it was lost.

As people across the 10 counties of my eastern Indiana district struggle against the weight of the flood of 2003, I think we ought to try and do two things at once today: pass the Toomey amendment; speed much-needed relief by the end of this day to make sure FEMA has the resources it needs, but speed relief to the American taxpayer who earnestly desires that we confront the rising tide of red ink in Washington.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I appreciate the gentleman yielding me this time. I want to associate myself with his remarks and the remarks of the gentleman from Wisconsin (Mr. OBEY).

I must say, I worry about the Interior Appropriations, an across-the-board cut like this, especially since it would affect forest fire fighting. It would also affect forest health. Those would both be cut. And all of the other accounts would be cut at a time when we are going to have to borrow money from those accounts to fight the fires of this year, because we do not have enough money in the budget to do that.

So I would say to everyone here, I think that the prudent thing to do, since we do not know all of the consequences of the amendment, and we know that a number of them are bad, and it is the last two months of the year, is to defeat the Toomey amendment and pass the supplemental.

The President of the United States happens to be the person, by the way, who is asking for this money, and he did not ask that it be offset. And this OMB has been as tough on spending as any in modern history.

So they want it as an emergency. They do not want to see their programs cut any further.

So I think, with the risk to fire fighting across this country, we should defeat the Toomey amendment.

Mr. TOOMEY. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget.

Mr. NUSSLE. Mr. Speaker, I take this time just to respond to my very distinguished appropriations chairman and subcommittee chairman to report to them that I heard their personal conversations to me about the need to take on mandatory spending and not just fight about discretionary spending. That is why in the budget this year we not only asked for the 1 percent from all of the mandatory spending; the first time that has been done, it was because of the interest of the Committee on Appropriations, in particular, that we took on that task.

No, it did not complete the final version of the budget, because there were not enough people who were gutsy enough to do it. I know the gentleman from Kentucky is. I am, as well.

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, assuming, and the gentleman is correct about its being in the budget as a request, but where is the reconciliation bill that makes that happen?

Mr. NUSSLE. Mr. Speaker, reclaiming my time, that is a fair comment. But to suggest that the Committee on the Budget has not been doing its work with regard to mandatory spending is what troubled me in the gentleman's comments.

The gentleman is right that the proof will be in the final product, but I would just say that the committee has attempted to at least fix this problem.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman's time has expired.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Iowa and ask him to yield to me.

Mr. NUSSLE. Mr. Speaker, I am happy to yield.

Mr. YOUNG of Florida. Mr. Speaker, I hope the gentleman did not misunderstand my comments. I agree, the gentleman has, as chairman, done more than previous budget chairmen to recognize the problem with mandatory versus discretionary; and I compliment the gentleman for that.

My comment relative to and in response to the question of the gentleman from Kentucky (Mr. ROGERS) about the two-thirds, one-third is a fact. But again, that was not to be a criticism of the chairman of the Committee on the Budget, because I know that you and I have talked, and I know that you understand totally and you agree that if we cannot control mandatory, we are never going to control discretionary.

Mr. NUSSLE. Mr. Speaker, if I can reclaim the time and just report that we have had one successful bill that already has moved to the floor that reduced, for waste, fraud, and abuse, $33 billion in a mandatory program called Medicare. It was part of the bill that was voted on and passed by this House.

So, again, to suggest that nothing has been done is not correct.

Mr. TOOMEY. Mr. Speaker, I yield myself the balance of our time.

I would just remind my colleagues on the Committee on Appropriations that in addition to the Committee on the Budget, I offered an alternative budget that actually would significantly restrain the growth of mandatory spending. Very specifically, I frequently vote against many mandatory spending programs as well.

But what we are here today to try to do is not cut a dime out of FEMA. What we want to do is just say, let us offset this. It is 29 cents out of $100. It is not for two months, it is over 14 months, and any single individual line item, if the President thinks it is unreasonable to try to find 29 cents out of the $100 because there are only two months left, and no doubt there are many categories in which that would be difficult, there are another whole 12 months, all of fiscal year 2004, to find those offsets.

This is not that hard. Any family can find 29 cents out of $100 in their family budget. Any business can do likewise. We have an obligation to do the same thing for our taxpayers, especially at a time when we are running the kind of deficits that we are.

So, Mr. Speaker, I urge my colleagues to adopt this amendment, and when this amendment succeeds, which I hope it will, and I am sure every Blue Dog is going to vote for it, because I hear them all the time talking about how upset they are about the deficit; well, here is an absolute, straightforward way to reduce the deficits. I am looking forward to a lot of votes from that side of the aisle. I am looking forward to the passage of my amendment, and then passage of the underlying supplemental.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I rise in strong opposition to the amendment.

Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from Pennsylvania.

As a fiscal conservative I certainly can appreciate the spirit of what this amendment seeks to accomplish. But as a member of the House I cannot support the abrogation of our constitutional "power of the purse" responsibilities to the executive branch.

The funding for the Federal Emergency Management Agency in this supplemental is precisely the level to meet the unexpected—and emergency—disaster expenses the Bush Administration has said it requires.

The amendment before the House stipulates that the executive branch make unspecified cuts to unspecified programs. Funds could be cut from the FBI, DEA, FEMA, Special Education, NASA, transportation and other projects that this House has already acted upon. It is the responsibility of the legislative branch to make these types of funding decisions not the executive branch.

Early on in my tenure I had the chance to support a recission bill that pared back billions in previously appropriated funding. So my dispute with this amendment is much more about process than substance.

This underlying bill is fiscally responsible. It is important to note that it is almost $1 billion below the original amount requested by the President. If we are serious about fiscal responsibility, we should identify specific programs for specific reductions. This amendment shirks the difficult choices in favor of an easy vote.

I urge my colleagues to defeat the amendment and pass the bill.

Mr. YOUNG of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I rise in strong opposition to the Toomey amendment.

Just before I came here for this series of votes, we were meeting with the FBI. The FBI needs additional resources because they have taken personnel out of crime fighting and drug fighting and are now putting them in with regard to homeland security. They need more people. Then they have taken people off the streets that are working on drugs. So this would not be good for the FBI, aside from the homeland security.

Lastly, across-the-board cuts never work. The best way to do something, if there is a particular program that you want to cut, you go after it. But across the board, to make the FBI take that cut now, and DEA, would not be good for the country, not good for crime, and not good for the fight against drugs.

So on that, I strongly urge a "no" vote on the Toomey amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 339, the previous question is ordered on the bill and on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. TOOMEY. Mr. Chairman, on that I demand the yeas and nays.

The yeas and nays are ordered.

The SPEAKER pro tempore. Pursuant to the previous order of the House earlier today, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY) are postponed.

LIMITATION ON AMENDMENTS DURING CONSIDERATION OF H.R. 2861, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2861 in the Committee of the Whole pursuant to House Resolution 338, no amendment to the bill may be offered except:

pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

an amendment by Mr. WALSH striking provisions in title III and title IV, which may be offered en bloc;

Two amendments by Mr. SMITH of New Jersey, each regarding medical care for veterans;

an amendment by Mr. SMITH of New Jersey striking section 114, which shall be debatable for 20 minutes;

an amendment by Mr. EDWARDS regarding medical care for veterans;

an amendment by Mr. STEARNS regarding medical and prosthetic research;

an amendment by Mr. KIRK regarding sharing agreements with the Department of Defense;

an amendment by Mr. NADLER regarding the housing certificate fund, which shall be debatable for 20 minutes;

an amendment by Mr. FATTAH or Mr. DAVIS of Illinois regarding public housing, which shall be debatable for 20 minutes;

an amendment by Mr. NADLER regarding housing opportunities, which shall be debatable for 20 minutes;

an amendment by Mrs. CAPPS regarding science and technology programs on the Environmental Protection Agency;

an amendment by Mr. HASTINGS of Florida regarding environmental programs and management;

□ 1400

an amendment by the gentleman from Michigan (Mr. DINGELL) regarding environmental programs and management;

an amendment by the gentleman from Massachusetts (Mr. MARKEY) regarding hazardous substance Superfund, which shall be debatable for 20 minutes;

an amendment by the gentleman from Texas (Mr. HALL) regarding NASA;

an amendment by the gentleman from Kansas (Mr. MORAN) regarding beneficiary travel;

an amendment by the gentleman from Maine (Mr. ALLEN) regarding the Clean Air Act, which shall be debatable for 20 minutes;

an amendment by the gentleman from Illinois (Mr. MANZULLO) regarding the Buy America Act;

an amendment by the gentleman from Vermont (Mr. SANDERS) or the gentleman from Pennsylvania (Mr. KANJORSKI) regarding veterans integrated service networks;

an amendment by the gentleman from Massachusetts (Mr. LYNCH) regarding veterans;

an amendment by the gentleman from Kansas (Mr. MOORE) regarding Capital Asset Realignment for Enhanced Services;

an amendment by the gentleman from Hawaii (Mr. CASE) regarding redesignation of Hawaiian counties;

an amendment by the gentlewoman from California (Ms. LEE) or the gentlewoman from Illinois (Ms. SCHAKOWSKY) regarding homeless assistance grants, debatable for 20 minutes;

an amendment by the gentleman from Washington (Mr. INSLEE) or the gentleman from New York (Mr. HINCHEY) regarding environmental programs and management;

two amendments by the gentlewoman from Texas (Ms. JACKSON-LEE) regarding NASA, each of which shall be debatable for 5 minutes;

an amendment by the gentleman from New York (Mr. BISHOP) regarding human testing of pesticides;

an amendment by the gentleman from New York (Mr. MEEKS) regarding VA clinics, which shall be debatable for 20 minutes.

Each amendment may be offered only by the Member designated or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Except as specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Reserving the right to object, Mr. Speaker, and I certainly will not object because we have been working on this for a long time, but I would still like to point out to the Members of the House that while I certainly welcome this time agreement for planning purposes, Members need to understand that if everyone included in this agreement exercises the full amount of time listed in this agreement, we will still be here about 9 o'clock this evening. So if people are trying to catch their airplanes and they have amendments, many of these amendments are subject to a point of order and many of these amendments are probably not going to get very many votes. So I think Members need to ask themselves how much time they want to take in situations like that.

The committee is doing everything it can to get Members out of here so they can catch their planes, but we will need the cooperation of the individual Members, or it is not going to happen.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding, and I want to confirm what the gentleman has said.

I recall yesterday the dialogue between the minority whip and the majority leader that if we work things out that Members could probably consider leaving here about 5 o'clock. And I know that, if we continue to do everything that is on this unanimous consent list, that is just not going to happen. So Members need to be aware that the 5 o'clock suggestion that was made yesterday may not work if we do all of this.

Mr. OBEY. Reclaiming my time, I would simply say it most certainly will not work if we do all of this. So people need to think about it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 338 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2861.

The Chair designates the gentleman from Illinois (Mr. SHIMKUS) as Chairman of the Committee of the Whole, and requests the gentleman from Iowa (Mr. NUSSLE) to assume the chair temporarily.

□ 1405

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes, with Mr. NUSSLE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

GENERAL LEAVE

Mr. WALSH. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2861, and that I may include tabular and extraneous material.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to bring before the House today H.R. 2861, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for 2004.

Prior to proceeding, Mr. Chairman, in discussing the bill before us, I would like to offer my sincere recognition and thanks to my ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for his help in bringing this bill to the floor. He and I have forged a strong relationship over the last 5 years working on this bill. I feel the result reflects most of our shared priorities. We consulted during hearings during the formation of the bill, during markups, and his advice has been remarkable and we would not be here if we had not had it.

I would also like to thank and recognize the staff on both sides of the aisle for their hard work and assistance. My personal thanks to Tim Peterson, the clerk of the subcommittee; Dena Baron; Jennifer Whitson; Jennifer Miller; and Doug Disrud on the majority side, and to Michelle Burkette, Mike Stephens, and Jerry Johnson for the minority.

I would also like to express my appreciation to Gavin Clingham and Angela Ohm on the gentleman from West Virginia's (Mr. MOLLOHAN) personal staff, as well as Ron Anderson and Art Jutton on my personal staff for their assistance in getting this bill to this point in the process.

Mr. Chairman, I would like to just sum up briefly the bill. Most of the attention has been focused on the veterans portion, and I will address that at the end. In housing, we have provided an increase of about close to $1 billion to provide for full funding for section 8 housing vouchers. There are no new incremental vouchers, but we have fully funded the existing vouchers that include vouchers that are targeted for housing for people with AIDS. It is also for disabled individuals in our society. So those are dedicated funds, and they will continue to flow.

In the Environmental Protection Agency, we provided approximately $8 billion, and I think we have done a good job in continuing the progress that we have made in protecting the environment; and we do expect several amendments in that area of the bill, some of which we will accept.

In NASA, NASA really is a status quo budget, pending the outcome and the release of the Gehman Commission report. We expect that that report will have profound implications for NASA, and we expect that the administration, once that report is available, will come forward and express their views to us, which may result in additional supplemental expenditures depending on what the report says, but we do await that report.

The National Science Foundation, the Congress is on record as requesting that we double the National Science Foundation in 5 years. We cannot keep that pace, although in the past we have done close to double-digit increases in the past 3 or 4 years in NSF; and I think the subcommittee has shown great leadership in supporting the investment in the new technologies, information technologies and others that this country leads the world in. We will have a 5 percent increase, which I think given our allocation is a remarkable commitment to our scientific community. These are all peer reviewed, non-earmarked funds. So they encourage some of our finest educational institutions across the country and our finest young people.

Lastly, the veterans budget, which has been the focus of most of the discussion so far. Mr. Chairman, we have increased veterans medical care by approximately $1.3 billion over last year. It is about a 6 percent increase in medical care. We have provided about $1 billion increase in the mandatory portion of the bill which is veterans benefits. It is a $2.5 billion increase.

We were asked to provide additional funds to veterans. We were unable to do that, given the allocation that we had. It is an increase, it is a substantial increase, but it is not a record increase similar to what we provided 2 years ago and then again last year. But, in fact, this subcommittee has increased the veterans budget and the medical care side by close to 50 percent in the last 5 years. So since 1998, close to a 50 percent increase in veterans medical care. The difficulty is that the number of customers, the number of patients that we have had at the veterans hospitals has outstripped those increases.

The Congress has tried diligently and this has been the number one priority of the subcommittee to fully fund veterans health care, and we are trying. It is pretty clear by the discussion that Members expect us to provide more, veterans expect us to provide more, veterans service agencies expect us to provide more.

This is not the end of the process. The process continues after this bill is hopefully passed today. We have to go to conference with the Senate. And I pledge to work with the minority, with the gentleman from West Virginia (Mr. MOLLOHAN), with our Republican leadership, the leadership of the House, and with the Senate to find any way we can to improve the funding for veterans medical care and at the same time looking down the road at things that the Congress can do to improve the situation by making administrative decisions to bring veterans in through the process more quickly, to take some of the pressure off the prescription drug problem by passing a prescription drug benefit for all Americans, by looking at the Medicare subvention issue which would allow veterans to use their Medicare payments to pay for going to the veterans hospital.

There are a number of things we can do. We cannot do them all in this bill, but I do pledge to continue to work to try to improve the situation as we go towards the conference.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions	28,949,000	29,845,127	29,845,127	+896,127	---
Readjustment benefits	2,264,808	2,529,734	2,529,734	+264,926	---
Veterans insurance and indemnities	27,530	29,017	29,017	+1,487	---
Veterans housing benefit program fund program account (indefinite)	437,522	305,834	305,834	-131,688	---
(Limitation on direct loans)	(300)	(300)	(300)	---	---
Credit subsidy	-98,000	---	---	+98,000	---
Administrative expenses	167,114	154,850	154,850	-12,264	---
Education loan fund program account	1	1	1	---	---
(Limitation on direct loans)	(3)	(3)	(3)	---	---
Administrative expenses	70	---	70	---	+70
Vocational rehabilitation loans program account	55	52	52	-3	---
(Limitation on direct loans)	(3,626)	(3,938)	(3,938)	(+312)	---
Administrative expenses	287	300	300	+13	---
Native American Veteran Housing Loan Program Account	554	571	571	+17	---
Total, Veterans Benefits Administration	31,748,941	32,865,486	32,865,556	+1,116,615	+70
Veterans Health Administration					
Medical services for Priority 1-6 Veterans	---	---	15,579,220	+15,579,220	+15,579,220
Delayed obligation	---	---	200,000	+200,000	+200,000
Total	---	---	15,779,220	+15,779,220	+15,779,220
Medical services for Priority 7-8 Veterans	---	---	2,166,000	+2,166,000	+2,166,000
Offsetting receipts	---	---	-1,502,000	-1,502,000	-1,502,000
Medical and prosthetic research	397,400	408,000	408,000	+10,600	---
Medical administration	---	---	4,854,000	+4,854,000	+4,854,000
Medical facilities	---	---	3,920,000	+3,920,000	+3,920,000
Delayed obligation	---	---	80,000	+80,000	+80,000
Total	---	---	4,000,000	+4,000,000	+4,000,000
Medical care	23,889,304	25,218,080	---	-23,889,304	-25,218,080
Medical care cost recovery collections:					
Offsetting receipts	-1,386,000	-1,800,000	---	+1,386,000	+1,800,000
Appropriations (indefinite)	1,386,000	1,800,000	---	-1,386,000	-1,800,000
Total available (excludes offsetting receipts)	25,275,304	27,018,080	---	-25,275,304	-27,018,080
Medical administration and miscellaneous operating expenses	74,230	79,140	---	-74,230	-79,140
Total, Veterans Health Administration	24,360,934	25,705,220	25,705,220	+1,344,286	---
Departmental Administration					
General operating expenses	1,245,849	1,283,272	1,283,272	+37,423	---
Supplemental Appropriations (P.L. 108-11)	100,000	---	---	-100,000	---
National Cemetery Administration	132,284	144,203	144,223	+11,939	+20
Office of Inspector General	57,623	61,750	61,750	+4,127	---
Construction, major projects	99,128	272,690	274,690	+175,562	+2,000
Construction, minor projects	224,531	252,144	252,144	+27,613	---
Grants for construction of State extended care facilities	99,350	102,100	102,100	+2,750	---
Grants for the construction of State veterans cemeteries	31,792	32,000	32,000	+208	---
Total, Departmental Administration	1,990,557	2,148,159	2,150,179	+159,622	+2,020

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total, title I, Department of Veterans Affairs	58,100,432	60,718,865	60,720,955	+2,620,523	+2,090
(Limitation on direct loans)	(3,929)	(4,241)	(4,241)	(+312)	---
Consisting of:					
Mandatory	(31,580,860)	(32,709,712)	(32,709,712)	(+1,128,852)	---
Discretionary	(26,519,572)	(28,009,153)	(28,011,243)	(+1,491,671)	(+2,090)
Medical care collection fund	(1,386,000)	(1,800,000)	---	(-1,386,000)	(-1,800,000)
Total Discretionary (excluding MCCF)	(25,133,572)	(26,209,153)	(28,011,243)	(+2,877,671)	(+1,802,090)
TITLE II					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Public and Indian Housing					
Housing Certificate Fund:					
Direct appropriation	12,938,913	---	14,230,606	+1,291,693	+14,230,606
Advance appropriations provided in previous acts	4,172,700	---	4,200,000	+27,300	+4,200,000
Advance appropriations provided in current year	4,200,000	---	4,200,000	---	+4,200,000
Subtotal	21,311,613	---	22,630,606	+1,318,993	+22,630,606
Appropriations	(17,111,613)	---	(18,430,606)	(+1,318,993)	(+18,430,606)
Advance appropriations prov. in current year	(4,200,000)	---	(4,200,000)	---	(+4,200,000)
Housing assistance for needy families:					
Direct appropriation	---	8,335,201	---	---	-8,335,201
Advance appropriations provided in previous acts	---	4,200,000	---	---	-4,200,000
Advance appropriations provided in FY 2004	---	4,200,000	---	---	-4,200,000
Subtotal 1/	---	16,735,201	---	---	-16,735,201
Appropriations, FY 2004 1/	---	(12,535,201)	---	---	(-12,535,201)
Advance appropriations, FY 2004 1/	---	(4,200,000)	---	---	(-4,200,000)
Project based rental assistance 1/	---	4,823,405	---	---	-4,823,405
Rescission of unobligated balances	-1,600,000	-300,000	-1,372,000	+228,000	-1,072,000
Public housing capital fund	2,712,255	2,641,000	2,712,255	---	+71,255
Public housing operating fund	3,576,600	3,574,000	3,600,000	+23,400	+26,000
Revitalization of severely distressed public housing	570,269	---	50,000	-520,269	+50,000
Native American housing block grants	644,782	646,600	661,600	+16,818	+15,000
Indian housing loan guarantee fund program account	5,266	1,000	5,300	+34	+4,300
(Limitation on guaranteed loans)	(197,243)	(27,473)	(197,243)	---	(+169,770)
Native Hawaiian housing block grant	---	10,000	---	---	-10,000
Native Hawaiian housing loan guarantee fund	1,028	1,000	1,000	-28	---
(Limitation on guaranteed loans)	(39,712)	(35,348)	(35,348)	(-4,364)	---
Total, Public and Indian Housing (net)	23,021,813	23,932,206	24,088,761	+1,066,948	+156,555
In addition:					
Advance appropriations, FY 2003 and FY 2004	4,200,000	4,200,000	4,200,000	---	---
1/ The FY 2003 Act provided funds for these purposes under the Housing Certificate Fund account					
Community Planning and Development					
Housing opportunities for persons with AIDS	290,102	297,000	297,000	+6,898	---
Rural housing and economic development	24,837	---	25,000	+163	+25,000
Empowerment zones / enterprise communities	29,805	---	15,000	-14,805	+15,000
Community development fund	4,904,909	4,716,000	4,959,000	+54,091	+243,000
Colonias initiative (legislative proposal)	---	16,000	---	---	-16,000
Urban development action grant (rescission)	---	-30,000	-30,000	-30,000	---
Section 108 loan guarantees:					
(Limitation on guaranteed loans)	(275,000)	---	---	(-275,000)	---
Credit subsidy	6,284	---	---	-6,284	---
Administrative expenses	993	---	---	-993	---
Brownfields redevelopment	24,837	---	25,000	+163	+25,000
HOME investment partnerships program	1,987,000	2,197,000	2,064,100	+77,100	-132,900
Homeless assistance grants	1,217,037	1,325,000	1,242,000	+24,963	-83,000
Samaritan housing initiative (legislative proposal)	---	50,000	---	---	-50,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Total, Community planning and development	8,485,804	8,571,000	8,597,100	+111,296	+26,100
Housing Programs					
Housing for special populations	1,027,081	---	---	-1,027,081	---
Housing for the elderly 2/	---	773,636	773,320	+773,320	-316
Housing for persons with disabilities 2/	---	250,515	250,570	+250,570	+55
Housing counseling assistance	---	45,000	---	---	-45,000
Rental housing assistance (rescission)	-100,000	-303,000	-303,000	-203,000	---
Manufactured housing fees trust fund	12,915	17,000	13,000	+85	-4,000
Offsetting collections	-13,000	-17,000	-13,000	---	+4,000
Total, housing programs	926,996	766,151	720,890	-206,106	-45,261
2/ The FY 2003 Act provided funds for these activities in the Housing for special populations account					
Government National Mortgage Association (GNMA)					
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(165,000,000)	(185,000,000)	(185,000,000)	(+20,000,000)	---
(Limitation on direct loans)	(100,000)	(50,000)	(50,000)	(-50,000)	---
Administrative expenses	345,568	359,000	359,000	+13,432	---
Negative subsidy	-2,753,000	-2,921,000	-2,921,000	-168,000	---
Administrative contract expenses	85,163	85,000	85,000	-163	---
Additional contract expenses	993	1,000	1,000	+7	---
FHA - General and special risk program account:					
(Limitation on guaranteed loans)	(23,000,000)	(25,000,000)	(25,000,000)	(+2,000,000)	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	---	---
Administrative expenses	222,262	229,000	229,000	+6.738	---
Negative subsidy	-225,000	-225,000	-225,000	---	---
Subsidy	14,902	15,000	15,000	+98	---
Non-overhead administrative expenses	93,170	93,700	93,780	+610	+80
Additional contract expenses	3,974	4,000	4,000	+26	---
Total, Federal Housing Administration	-2,211,968	-2,359,300	-2,359,220	-147,252	+80
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	---	---
Administrative expenses	10,276	10,695	10,695	+419	---
Offsetting receipts	-358,000	-318,000	-318,000	+40,000	---
Policy Development and Research					
Research and technology	46,695	51,000	47,000	+305	-4,000
Fair Housing and Equal Opportunity					
Fair housing activities	45,601	50,000	46,000	+399	-4,000
Office of Lead Hazard Control					
Lead hazard reduction	174,856	136,000	130,000	-44,856	-6,000
Management and Administration					
Salaries and expenses	526,852	537,000	547,000	+20,148	+10,000
Transfer from:					
Limitation on FHA corporate funds	(544,639)	(564,000)	(564,000)	(+19,361)	---
GNMA	(10,276)	(10,695)	(10,695)	(+419)	---
Community Development Loan Guarantees Program	(993)	---	---	(-993)	---
Native American Housing Block Grants	(149)	(150)	(150)	(+1)	---
Indian Housing Loan Guarantee Fund Program	(199)	(250)	(250)	(+51)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Native Hawaiian Housing Loan Guarantees	(35)	(35)	(35)	---	---
Total, Salaries and expenses	(1,083,143)	(1,112,130)	(1,122,130)	(+38,987)	(+10,000)
Working capital fund	274,504	276,300	240,000	-34,504	-36,300
Office of Inspector General	73,674	76,080	76,080	+2,406	---
(By transfer, limitation on FHA corporate funds)	(23,343)	(24,000)	(24,000)	(+657)	---
Total, Office of Inspector General	(97,017)	(100,080)	(100,080)	(+3,063)	---
Consolidated fee fund (rescission)	-8,000	---	---	+8,000	---
Office of Federal Housing Enterprise Oversight	29,805	32,415	32,415	+2,610	---
Offsetting receipts	-30,000	-32,415	-32,415	-2,415	---
Total, title II, Department of Housing and Urban Development	31,008,908	31,729,132	31,826,306	+817,398	+97,174
Appropriations	(36,095,908)	(35,875,547)	(37,040,721)	(+944,813)	(+1,165,174)
Rescissions	(-1,708,000)	(-633,000)	(-1,705,000)	(+3,000)	(-1,072,000)
Negative subsidy	(-2,978,000)	(-3,146,000)	(-3,146,000)	(-168,000)	---
Offsetting collections	(-401,000)	(-367,415)	(-363,415)	(+37,585)	(+4,000)
Advance appropriations	(4,200,000)	(4,200,000)	(4,200,000)	---	---
(Limitation on direct loans)	(150,000)	(100,000)	(100,000)	(-50,000)	---
(Limitation on guaranteed loans)	(388,511,955)	(410,062,821)	(410,232,591)	(+21,720,636)	(+169,770)
(Limitation on corporate funds)	(579,634)	(599,130)	(599,130)	(+19,496)	---
TITLE III					
INDEPENDENT AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	35,017	32,400	47,276	+12,259	+14,876
Chemical Safety and Hazard Investigation Board					
Salaries and expenses	6,408	8,000	8,550	+2,142	+550
Emergency fund	---	---	450	+450	+450
Total	6,408	8,000	9,000	+2,592	+1,000
Department of the Treasury					
Community Development Financial Institutions					
Community development financial institutions fund program account	74,512	51,000	51,000	-23,512	---
Consumer Product Safety Commission					
Salaries and expenses	56,629	60,000	60,000	+3,371	---
Corporation for National and Community Service					
National and community service programs operating expenses	326,211	472,742	363,452	+37,241	-109,290
National Service Trust	100,000	120,000	110,771	+10,771	-9,229
Rescission	-48,000	---	---	+48,000	---
Office of Inspector General	5,961	5,108	6,000	+39	+892
Total	384,172	597,850	480,223	+96,051	-117,627
U.S. Court of Appeals for Veterans Claims					
Salaries and expenses	14,233	16,220	15,938	+1,705	-282

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	32,234	25,961	25,961	-6,273	---
Department of Health and Human Services					
National Institute of Health					
National Institute of Environmental Health Sciences	83,528	78,774	80,000	-3,528	+1,226
Centers for Disease Control and Prevention					
Agency for Toxic Substances and Disease Registry					
Toxic substances and environmental public health	82,262	73,467	73,467	-8,795	---
Total, Department of Health and Human Services	165,790	152,241	153,467	-12,323	+1,226
Environmental Protection Agency					
Science and Technology	715,579	731,483	767,115	+51,536	+35,632
Transfer from Hazardous Substance Superfund	85,608	44,697	44,697	-40,911	---
Subtotal, Science and Technology	801,187	776,180	811,812	+10,625	+35,632
Environmental Programs and Management	2,097,879	2,219,659	2,192,552	+94,673	-27,107
Office of Inspector General	35,766	36,808	36,808	+1,042	---
Transfer from Hazardous Substance Superfund	12,659	13,214	13,214	+555	---
Subtotal, OIG	48,425	50,022	50,022	+1,597	---
Buildings and facilities	42,639	42,918	42,918	+279	---
Hazardous Substance Superfund	1,264,614	1,389,716	1,275,000	+10,386	-114,716
Transfer to Office of Inspector General	-12,742	-13,214	-13,214	-472	---
Transfer to Science and Technology	-86,168	-44,697	-44,697	+41,471	---
Subtotal, Hazardous Substance Superfund	1,165,704	1,331,805	1,217,089	+51,385	-114,716
Leaking Underground Storage Tank Program	71,843	72,545	72,545	+702	---
Oil spill response	15,480	16,209	16,209	+729	---
State and Tribal Assistance Grants	2,692,000	1,918,500	2,419,750	-272,250	+501,250
Categorical grants	1,142,905	1,202,700	1,182,200	+39,295	-20,500
Subtotal, STAG	3,834,905	3,121,200	3,601,950	-232,955	+480,750
Total, EPA	8,078,062	7,630,538	8,005,097	-72,965	+374,559
Executive Office of the President					
Office of Science and Technology Policy	5,333	7,027	7,027	+1,694	---
Council on Environmental Quality and Office of Environmental Quality	3,011	3,238	3,238	+227	---
Total	8,344	10,265	10,265	+1,921	---
Federal Deposit Insurance Corporation					
Office of Inspector General (transfer)	(30,848)	(30,125)	(30,125)	(-723)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
General Services Administration					
Federal Consumer Information Center Fund	11,466	17,643	12,500	+1,034	-5,143
Interagency Council on the Homeless					
Operating expenses	1,490	---	1,500	+10	+1,500
National Aeronautics and Space Administration					
Human space flight	6,165,658	---	---	-6,165,658	---
Space flight capabilities	---	7,782,100	7,806,100	+7,806,100	+24,000
Science, aeronautics and technology	9,147,815	---	---	-9,147,815	---
Science, aeronautics and exploration	---	7,660,900	7,707,900	+7,707,900	+47,000
Office of Inspector General	25,434	26,300	26,300	+866	---
Total, NASA	15,338,907	15,469,300	15,540,300	+201,393	+71,000
National Credit Union Administration					
Central liquidity facility:					
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	---	---
(Limitation on administrative expenses, corporate funds)	(309)	(310)	(310)	(+1)	---
Community Development Revolving Loan Fund	993	1,000	1,000	+7	---
National Science Foundation					
Research and related activities	3,988,902	4,038,360	4,238,360	+249,458	+200,000
Defense function	67,558	68,000	68,000	+442	---
Subtotal	4,056,460	4,106,360	4,306,360	+249,900	+200,000
Major research equipment and facilities construction	148,538	202,330	192,330	+43,792	-10,000
Education and human resources	903,171	938,040	910,680	+7,509	-27,360
Salaries and expenses	189,115	225,700	215,900	+26,785	-9,800
National Science Board	3,477	---	3,800	+323	+3,800
Office of Inspector General	9,190	8,770	10,000	+810	+1,230
Total, NSF	5,309,951	5,481,200	5,639,070	+329,119	+157,870
Neighborhood Reinvestment Corporation					
Payment to the Neighborhood Reinvestment Corporation	104,317	115,000	115,000	+10,683	---
Selective Service System					
Salaries and expenses	26,308	28,290	28,290	+1,982	---
Total, title III, Independent agencies	29,648,833	29,696,908	30,195,887	+547,054	+498,979
Appropriations	(29,696,833)	(29,696,908)	(30,195,887)	(+499,054)	(+498,979)
Rescissions	(-48,000)	---	---	(+48,000)	---
(By transfer)	(30,848)	(30,125)	(30,125)	(-723)	---
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	---	---
(Limitation on corporate funds)	(309)	(310)	(310)	(+1)	---
Grand total (net)	122,958,173	126,344,905	126,943,148	+3,984,975	+598,243
Appropriations	(123,893,173)	(126,291,320)	(127,957,563)	(+4,064,390)	(+1,666,243)
Rescissions	(-1,756,000)	(-633,000)	(-1,705,000)	(+51,000)	(-1,072,000)
Negative subsidy	(-2,978,000)	(-3,146,000)	(-3,146,000)	(-168,000)	---
Offsetting collections	(-401,000)	(-367,415)	(-363,415)	(+37,585)	(+4,000)
Advance appropriations	(4,200,000)	(4,200,000)	(4,200,000)	---	---
(By transfer)	(30,848)	(30,125)	(30,125)	(-723)	---
(Limitation on direct loans)	(1,653,929)	(1,604,241)	(1,604,241)	(-49,688)	---
(Limitation on guaranteed loans)	(388,511,955)	(410,062,821)	(410,232,591)	(+21,720,636)	(+169,770)
(Limitation on corporate funds)	(579,943)	(599,440)	(599,440)	(+19,497)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2861)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
FSLIC resolution fund (mandatory)	-4,000	-3,000	-3,000	+1,000	---
Housing assistance for needy families, advance appropriation provided in FY 2003 and FY 2004 1/	-4,200,000	-4,200,000	-4,200,000	---	---
Total, adjustments	-4,204,000	-4,203,000	-4,203,000	+1,000	---
Total (including adjustments)	118,754,173	122,141,905	122,740,148	+3,985,975	+598,243
Amounts in this bill	(122,958,173)	(126,344,905)	(126,943,148)	(+3,984,975)	(+598,243)
Scorekeeping adjustments	(-4,204,000)	(-4,203,000)	(-4,203,000)	(+1,000)	---
Total mandatory and discretionary	118,754,173	122,141,905	122,740,148	+3,985,975	+598,243
Mandatory	31,576,860	32,706,712	32,706,712	+1,129,852	---
Discretionary	87,177,313	89,435,193	90,033,436	+2,856,123	+598,243

1/ The FY 2003 Act provided funds for these purposes under the Housing Certificate Fund account

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first let me express my appreciation to the gentleman from New York (Chairman WALSH) for his hard work and very capable efforts in putting together a very tough bill. I would like to express my appreciation to him. He has always been courteous. He is extremely capable and very responsive to both the substantive and procedural issues associated with moving this bill forward. That is greatly appreciated.

I want to join the gentleman in expressing our appreciation to our very capable staff. He has mentioned them all. Let me associate myself with his remarks. Both the majority and the minority have done a tremendous job under very tough circumstances.

Mr. Chairman, the appropriations bill being considered today provides appropriations for a broad array of Federal agencies. While our allocation of $112.7 billion, of which $90 billion represents discretionary spending, sounds large it is, in fact, not adequate to meet the varied needs of these important Federal agencies. It is a stretch to fund the growing number of veterans newly eligible for health care coverage, the renewal of long-standing housing commitments, and the necessity to increase investments in our Nation's research activities. Many accounts in this bill have been flat-funded for too long a period of time. Yes, this bill could use more money.

The veterans medical care increase of $1.3 billion is far short of the $2.4 billion increase provided last year. The Hope VI program is funded at a mere $50 million, down from the current year's $570 million. The EPA Clean Water Revolving Fund is $150 million below the current year. And the CDFI fund is only provided the President's request of $51 million, down from $75 million.

□ 1415

I do intend to work with the Chairman to improve these accounts as the bill moves forward.

Of particular concern, Mr. Chairman, are the veterans accounts. They need attention. There were representations made by those who passed the budget resolution which created expectations that the budget resolution itself did not provide the allocation to meet. Those expectations are fairly out there, they were produced by the budget resolution.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise in support of this bill, as a member of the committee but also as a veteran.

Since 1999, our Congress has provided an almost 40 percent increase for VA medical services. We provided in this bill over $200 million in construction to repair and rehabilitate and realign VA facilities, and this bill also fully funds the demand for a National Cemetery Administration.

It is important to point out one key fact, though, that this bill fully funds the projected medical needs for all veterans 50 percent, service-connected disability and above. This bill funds all of the medical needs for all veterans 30 to 40 percent, service-connected. This bill fully funds all of the medical needs for prisoners of war, Purple Heart veterans and service-connected, 10 to 20 percent, service disability veterans.

We fully fund all of the medical needs for veterans with catastrophic problems. We fully fund all of the medical needs for no- and very-low-income veterans and, of course, fully fund the needs for the service-connected World War I, Mexican incident and Gulf War veterans.

Our veteran brothers want to make sure that this government honors, first, its commitment to service-connected veterans, and we want to make sure that our comrades in arms who are wounded and are still suffering have their needs fully met.

As a veteran, I can say that I want service-connected veterans to stand first; but there is another opportunity in this bill, and it will be addressed in an amendment coming up, and that is the chance to share resources with other Federal agencies, particularly the military. We have the chance in this legislation to save several hundred million dollars by sharing facilities between the Department of Defense and the Department of Veterans Affairs.

For example, in my own congressional District in north Chicago, Illinois, we provide excellent military health care at a naval hospital and excellent veterans health care at a VA center, but those two Federal institutions with separate galleys, separate security forces, separate steam and heating plants, separate medical staffs are 1 mile apart. This kind of geographic collocation happens in many parts of the country and the ability to combine these institutions gives us the opportunity to upgrade medical care, not just for the active duty, but for veterans.

It will happen in northern Illinois. It is happening in Denver. It is happening in New Mexico. It is happening in South Carolina.

So I urge support for this bill. I think this bill moves us forward, especially on the sharing issue, and it is important to note this bill meets all of the medical needs for veterans in categories 1, 2, 3, 4, 5, and 6.

Mr. BISHOP of Georgia. Mr. Chairman, I rise in support of this bill, H.R. 2861, VA, HUD and Independent Agencies. As a member of the Subcommittee that oversees the VA, HUD appropriations, we are all in agreement that this bill leaves a lot to be desired. However, I applaud the Chair, Mr. JAMES T. WALSH and the Ranking Member, Mr. ALAN B. MOLLOHAN for their leadership in moving this measure to the floor for a vote.

I also want to thank Mr. OBEY for his leadership in the Appropriation process and for raising so many concerns that we all have regarding funding cuts in programs in this bill and in other areas. He has so poignantly made it clear to all parties involved that "the tax cuts fostered by the Bush administration are swallowing up a huge share of the available money."

Mr. Chairman, I support this bill because of my deep concerns for the veterans in the 2nd District of Georgia and across the country, the needy and poor that live in substandard housing, and for all those who are affected by the downturn of the economy. I concur with some of my colleagues that some of the programs are woefully under-funded. However, I believe we must pass this bill to avoid any further delays in stimulating the economy. This bill provides $137,500,000 for economic development initiatives.

We began the 108th Congress at FY02 funding levels. Many of the FY03 Appropriations bills were not passed until February of this year. We must not bog down this process any further. My constituents and others around the country are hurting. We must move this bill through the House in hopes of working out some of the major differences in Conference.

H.R. 2861 provides for $90 billion in discretionary funds for the Veterans Affairs and, the Housing and Urban Development departments and other independent agencies for fiscal 2004. This bill also includes $27.2 billion in fiscal 2004, an increase of $1.4 billion. The largest component of the VA total is $15.8 billion "for medical services for veterans with service-connected health needs."

Further, H.R. 2861 provides funding in fiscal 2004 for NASA in the amount of $15.5 billion; $5.6 billion for the National Science Foundation, a $329 million increase over fiscal 2003; $8 billion for the Environmental Protection Agency, which is $375 million above the President's request but $74 million below 2003; $37 billion for HUD, which is $942 million above last year and $98 million over the President's request; $480 million for the Corporation for National and Community Service, which is $96 million above last year and $118 million below the President's request. This funding level will be able to sustain 55,000 volunteers, and increase of 5,000 and $60 million for the Consumer Product Safety Commission.

I also applaud both Mr. WALSH and Mr. MOLLOHAN for recognizing the need to maintain the HOPE VI program. The allocation of $50,000,000 is not nearly enough to meet the needs of many of the severely distressed public housing facilities in my district and others alike. However, the committee has recognized the need to continue the program and went on record as willing to work with HUD in order to improve the overall performance and operation of the program.

The Committee's recommendation to zero out the Samaritan Housing Initiative, that provides assistance to the homeless community, was very alarming to many of the advocates in the housing community. Again, I am hopeful this issue will be addressed at the Conference level.

The Committee has made a valiant attempt to increase the funding for the National Science Foundation (NSF). The Committee allocated $5,639,070,000 to NSF to enhance its national policy on science, and to support basic research for research and education.

Further, H.R. 2861 provides for other allocations such as:

One VA Enterprise Architecture in the Veterans Administration budget, public Housing Operating Fund, HOPWA, Rural Housing and Economic Development; Empowerment Zones/Enterprise Communities; Community Development Fund, CDBG; Community Development Block Grant-Formula grants; Habitat for Humanity capacity building; Historically Black Colleges and Universities; Brownfield Redevelopment; HOME Program; HOME/CHDO Technical Assistance; Homeless Program; Housing for the Disabled; Rental Housing Assistance; Fair Housing and Equal Opportunity; Community Development Financial Institutions; Corporation for National and Community Service; STAG—State and Tribal Assistance Grants; Louis Stokes Alliance for Minority Participation (LSAMP); HBCU–UP and the Neighborhood Reinvestment Corporation.

Finally, H.R. 2861 provides for the establishment of a new provision in the Veterans' Budget to establish a $250 enrollment fee for priority 7 and 8 veterans (those veterans who are not service connected or not impoverished). This level is nearly identical to the annual enrollment fee charged to TRICARE retirees. This new provision increases the co-pay on prescription drugs from $7 to $15 for a 30-day supply of pharmaceuticals prescribed for non-service connected conditions.

Mr. Chairman, I have some real concerns about the ability of some veterans to pay the $250 enrollment fee and the increased fees for co-pay on prescription drugs, I am also hopeful that further consideration will be given to this issue at the Conference Committee level.

Mr. FARR. Mr. Chairman. I rise today in opposition of the rule for the VA/HUD Appropriations bill that shortchanges health care for our nation's veterans. The bill is $2.1 billion below the GOP House Budget Resolution and $3.3 billion below the veterans' consensus budget.

The Rules Committee created a rule for the VA/HUD bill that does not allow two amendments. The first seeks to add $1.8 billion for veterans' health care, in order to fulfill the promise of the Republican budget. The second blocks an amendment by Representative EDWARDS of Texas to increase veterans' spending for VA medical by $2.2 billion—to meet the funding promises in the GOP budget resolution, taking into account the costs of offsetting the enrollment fees and drug co-payments from the President's budget.

As it stands now, the VA/HUD bill provides $25.2 billion for veterans' health care—$1.8 billion less than was promised in the budget resolution House Republicans passed earlier this year (H. Con. Res. 95). Its increase from last year is $1.4 billion, which does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled. It is plain to me that the VA/HUD Appropriations bill will not meet veterans' needs.

My question is: when does the hypocrisy stop? When will Republicans realize that they can't pay lip-service to men and women who have shed blood on the battlefield for the very freedoms they enjoy? Since his inauguration, President Bush has championed the cause of the veteran, and along with the House Majority, he has continually failed to put his money where his mouth is. We are fighting two wars under his Administration, creating thousands of new veterans—soldiers looking to come home and start their life with the help of the government they just defended. That same government has said, "Thanks for your sacrifice; sorry we can't do the same." No matter how many aircraft carriers you land on, Mr. President, that does not shrink waiting lines at VA clinics!

The Republican Party has provided a terrific show for veterans this year. Initially, the President's budget requests underfund the VA, and the House Budget Resolution approves funding levels below that of the President's. Then, the Appropriations Committee allocates $1.8 billion less than the House Budget Resolution, and the Rules Committee approves a rule that bars amendments seeking to fill those funding gaps. All the while, they spin patriotism and "support the troops" rhetoric to further their political agenda.

This show has gone on long enough, and I think it is time this circus and its elephants left town.

Mr. RAMSTAD. Mr. Chairman, I rise today in strong opposition to the VA/HUD appropriations bill.

The funding level in the bill for veterans' health care is totally inadequate and breaks Congress' promise to America's veterans.

As a proud member of the American Legion, I agree with Minnesota Department Commander Michael Neubarth that it is "blatantly wrong to slash veterans' medical care by $41.8 billion."

We should not break our promise to veterans to keep pace with hospital inflation and the increase in the number of enrolled veterans.

America's 25 million veterans deserve better. It's outrageous that 200,000 veterans have been waiting over 6 months for a basic health care appointment.

Congress should honor our Nation's veterans and take care of their medical needs as promised.

I urge my colleagues to vote against this bill.

Mr. BEREUTER. Mr. Chairman, this Member offers his strong support for H.R. 2861, the Veterans Affairs (VA)/Housing and Urban Development (HUD) Appropriations Act for FY2004. This Member would like to thank the chairman of the VA/HUD appropriations subcommittee, the distinguished gentleman from New York (Mr. WALSH) and the ranking member of the subcommittee, the distinguished gentleman from West Virginia (Mr. MOLLOHAN) for their dedication to crafting this measure.

1. DEPARTMENT OF VETERANS ADMINISTRATION (VA)

This measure provides $60.7 billion for veterans programs including $27.2 billion for veterans health care. Although H.R. 2861 does not provide veterans funding equal to the levels authorized in the FY2004 congressional budget resolution (H. Con. Res. 95), the funding levels in H.R. 2861 exceed not only FY2003 appropriation levels by 5 percent but also the Administration's budget request. (This Member would remind his colleagues what he reminds his constituents about the congressional budget process—the levels in the budget resolution are a framework as Congress determines actual funding levels. Of course, the actual funding levels are determined through the annual appropriations process.)

Mr. Chairman, it is simply not true that, as often recently alleged by numerous sources, the Federal Government is cutting back on financial support for veterans' health care or that Congress or recent presidents are not supportive of veterans. Each year, Congress sets new records on the amount of appropriations for veterans' health care, not only because of higher health care costs but also due to a huge bulge of WWII and Korean War veterans who are understandably making larger demands for health care because of their age, plus a very large number of Vietnam War and other veterans who require medical care. During 2002, approximately 4.7 million individual veterans received VA medical care. Outpatient visits are increasing rapidly, with 43.8 million visits last year. Both the general VA inpatient caseload and acute care cases are also increasing, with the daily inpatient caseload projected to be over 57,000 and the acute care up 2,700 over last year. Yet thousands of veterans are on waiting lists for medical care, after waiting months for appointments to see medical staff.

Between FY1998 and FY2003, the appropriation has increased 4 percent, an increase nearly six times greater than the average increase of federal domestic programs. The appropriation for VA medical care in fiscal year 2003 jumped to $23.8 billion—$1.1 billion more than the President's request. Each year, the President asks for a far larger increase than in almost any other domestic program, and each year the Congress exceeds that request. In his budget request for FY2004, for example, the President has requested $25.2 billion for VA medical care.

Mr. Chairman, the health care needs of military veterans must be met to the fullest extent possible, and this Member is committed to continuing to see that veterans receive the benefits they deserve with the resources available. Veterans fought to protect our freedom and way of life. As they served this nation in a time of need, the Federal Government must remember them in their time of need. The people of the U.S. owe veterans a great deal and should keep the promises made to them. Voting for H.R. 2861 is an important step in keeping those promises.

2. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) ECONOMIC DEVELOPMENT INITIATIVE

This Member is pleased and appreciative that $450,000 is appropriated in this bill as a HUD Economic Development Initiative (EDI) for Falls City, Nebraska. This appropriation, which could be used for economic development and job creation, represents a continuation of my efforts for Falls City. In the FY2003 appropriations bill, $526,500 was earmarked as a CDBG EDI for the renovation of a Falls City business industry incubator building which is necessary for job creation.

Falls City is a community in extreme Southeast Nebraska, an area of the state with serious economic needs. For example, 51 percent of Falls City's population is categorized as either low or low-moderate income. Moreover, continuing a forty-year trend, the population of the City again has declined by 3.2 percent from 1990 to 2000. In addition, in July of 2001, the U.S. Department of Agriculture designated Richardson County, of which Falls City is the county seat, as a county in severe economic distress. As a result, this funding request for infrastructure is needed to help maintain the economic viability of Falls City. This is the largest community and employment center in a four-county region that needs economic stimulation: very recent job losses have accentuated the problems; and this community and area really needs the help.

3. Missouri River Sanitary Sewer Connection Between Nebraska and Iowa—$400,000

This Member greatly appreciates the inclusion in the bill of $400,000 toward the construction of a sanitary sewer connection across the Missouri River which is the boundary between Nebraska and Iowa. This new connector is a very immediate need for the community of South Sioux City, Nebraska, and a much more cost-effective approach than adding to a separate sewage treatment program in this Nebraska suburb of Sioux City, Iowa.

The existing connection is 40 years old and early last year, the trunk sewer carrying sewage between South Sioux City to the treatment plant in Sioux City, Iowa, broke, For several weeks, about 1.6 million gallons of raw sewage each day was dumped into the Missouri River. The sewer connector was eventually replaced, but the incident highlighted the need for a second connector. The new trunk line connector proposed is to be located south of the city. It would provide a more direct link to the regional sewage treatment plant in Sioux City.

Since the original sewer pipe was installed in the early 1960s, South Sioux City's population has increased more than 60 percent. Also, the community's industrial base (with difficult treatment requirements) continues to grow, which places an additional burden on the sewer system. In an effort to meet the growing needs for an improved sewer system, the city's residents have seen significant rate increases over the past several years, including a 27 percent jump in 2001 and a 37 percent jump in 2002. It is now clear that Federal assistance is necessary to assist this municipality meet this unusual and expensive infrastructure project.

4. Indian Housing Loan Guarantee Program

This Member commends the support for the Section 184, American Indian Housing Loan Guarantee Program. An amount of $5.3 million is appropriated for FY2004 for the Section 184 program which, it is estimated, would guarantee up to $197.2 million in commercial loans for Indian families who would otherwise be unable to secure conventional financing due to the trust status of Indian reservation land. As the author of the Section 184 program, this Member strongly supports this innovative program.

This Member is particularly supportive of this funding level in light of the Administration's inadequate request of $1 million for the Section 184 loan guarantee program for FY2004. Unfortunately, the Administration's request for FY2004 is projected to only guarantee up to $27.5 million of commercial home loans for American Indians.

The Administration's inadequate request for the Section 184 program is also inconsistent with the Indian Lands Title Report Commission which was authorized into law in year 2000. In some parts of the country and on some Indian reservations, the Section 184 program is bringing results, while on others it is stymied. This can be attributed to the Bureau of Indian Affairs (BIA) apparent inability to oversee and track the leases and the rights in trust-held land which continues to inhibit mortgage loans on American Indian reservations.

To help solve this problem, the Indian Lands Title Report Commission was authorized to study the system of the BIA for maintaining land ownership records, title documents, and title status reports. Subsequently, Congress or the Executive Branch will be able to use the findings from this one-year commission to eliminate any BIA/HUD national or regional problems or barriers remaining to the use of Section 184 Indian Housing Loan Guarantee Program on American Indian reservations.

5. Rural Housing Efforts by HUD

This Member also would note his disappointment with the fact that the $25 million which is appropriated for the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development in this appropriations bill. This Member testified earlier this year and also last year before the Veterans, HUD, and Independent Agencies Appropriations Subcommittee, that HUD should not be the source of funding rural housing and rural economic development projects. Although this Member has been and remains a strong and long-term advocate of rural housing and rural development during my tenure in the House, he believes that we need to avoid inappropriate duplication in the efforts of the Federal Government in rural housing and economic development. This Member supports the full funding (and even larger funding) of rural housing and economic development programs through the Rural Development offices of the United States Department of Agriculture. This is the agency that has the real interest and expertise to make such programs work in the more rural parts of nonmetropolitan America; HUD doesn't.

6. AmeriCorps Funding

This Member is concerned about AmeriCorps funding. The bill provides a 25-percent increase in funds over FY2003. Indeed, including the $64 million in the first supplemental appropriation passed in April, there is still a slight increase over last year. However, this amount is still inadequate to deal with the results of the bad management decisions that have occurred possibly since the very beginning of the program.

As a long-time AmeriCorps supporter and one of 19 original Republican cosponsors which created this program in 1993, this Member is disappointed to say that the administrative incompetence at the national level of AmeriCorps is largely responsible for creating the current situation. For example, it is amazing and totally unacceptable that AmeriCorps could not even provide an accurate count of the number of participants when asked. Instead, a very faulty and under-estimated count was provided to the Congress which then was used to establish what seemed a reasonable employee cap of 50,000 participants. A basic requirement of proper program administration, at least, is to know the number of people employed by the organization. Another problem is that the AmeriCorps drop-out rate was grossly over-estimated in allocating sufficient educational trust funds.

Real reforms must happen in this program that provides such excellent opportunities for thousands of people around the United States. This Member is hopeful that significant improvements can be made in a reauthorization bill before the end of the year.

Mr. Chairman, in closing, this Member urges his colleagues to vote in support of this important bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman and Ranking Member, I rise in support of this bill, H.R. 2861, the Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriation Act for FY 2004; however, I do not agree with the rule regarding amendments that was published and allowed to govern the amendment process. H.R. 2861 provides $25.2 billion for the health care of our war heroes, which is $1.8 billion less than the amount promised under H. Con. Res. 95 introduced by the House Republicans and passed earlier this year. Because the rule precluded a bipartisan amendment that was offered by Reps. EVAN and SMITH, the $1.8 billion for veterans' health care was effectively reneged on the Republicans' promise—at the expense of the lives of those who fought for us.

In providing $25.2 billion overall for veterans' care, the Republicans congratulate themselves for increasing this budget allocation by $1.4 billion from FY 2003. However, a $1.4 billion increase fails to factor in hospital inflation, growth in the number of veterans' enrolled in the programs, and the new costs associated with most needed infrastructure improvements associated with homeland security.

Last week, I supported H.R. 2318, the Assured Funding for Veterans Health Care Act of 2003. That legislation proposed to address shortfalls in the FY 2003 budget appropriations for veterans' health care. Of our 25 million living veterans, nearly 19 million have served during times of war. There are 19 million stories to tell and 19 million histories to preserve. However, time is of the essence. There are only a few thousand World War I veterans left and they are all more than 100 years old. The average age of our World War II veterans is more than 77 and we are losing 1,500 of them a day. We need to preserve their great legacy now.

Republican tax cuts and the shortfalls to the veterans' health plan will have a negative impact on the veteran community and the veteran-service healthcare facilities of Texas. In the State of Texas, there are approximately 1.721 million veterans. Currently, 3,400 veterans are on the waiting list and due to the war in Iraq we will have new veterans in need of services. The Veterans' Administration Medical Center in the 18th Congressional District of Texas has seen an 18 percent increase in its need for its services this year already. There must be additional funding to meet that need. I am adamantly opposed to any efforts that would reduce the accessibility or the extent of health care to our veterans. The House Republican budget cuts veterans' benefits, including health care and education, by $14.6 billion. The Republican budget cuts veterans programs in order to finance additional tax cuts that we cannot afford. To pay for those tax cuts, we will be leaving thousands of veterans who were disabled during their brave service to this country without the medical services they require—which is an atrocity and a national embarrassment. At a time when our economy is suffering, the Republican Party wants to take from the poor and disabled to give to the rich.

If H.R. 2861 passes without measures to make up for the $1.8 billion lost in the Committee on Rules, a large economic burden would befall thousands of veterans who will then be forced to bear their medical expenses on their limited incomes. We must renew our commitment to our nation's veterans who have already given to us.

In Congressional District 18, Harris County alone in 1998, total Veterans Administration patient care costs rose to $240,868,665 and $1,071,793,244 for all of Texas. An extrapolation of this figure with inflationary factors gives but a glimpse of the national shortfall for our veterans. This paints a dismal picture in light of the fact that five of the VA's 22 networks have already projected shortfalls in funding for veterans medical care by the year's end.

In a January 2003 letter, the Disabled American Veterans, the Veterans of Foreign Wars of the U.S., Paralyzed Veterans of America and AMVETS, called on President Bush to propose a veteran's medical care appropriation of $24.5 billion. However, the Administration has not heeded this budget advice from our veterans' organizations in any of the appropriations legislation passed thus far.

The Administration's budget emphasizes the need to reduce the huge backlog in claims for benefits submitted by veterans. During the first four months of fiscal year 2002, the number of rating cases awaiting a decision for over 180 days increased from 172,294 to 204,006. Our veterans are waiting for the VA to reduce claims processing time without sacrificing decision-making quality or the shirking of the VA's statutory duty to assist veterans develop their claims.

The budget as drafted in H.R. 2861 needs re-examination of its misguided priorities that will cause us to provide inadequate funding for health care for the men and women who have served our nation in uniform in order to allow tax cuts that will primarily benefit wealthier Americans.

Unfortunately, too often the President is simply unwilling to work with Congress to develop a fair budget. This means veteran's programs consistently fall prey to political considerations that have little to do with veterans. This year, funding lost to the tax cut will have a direct effect upon the amount of funds that remain available for discretionary priorities, like veterans' health care.

Absent protective amendments or other measures would mean there would be no additional funds available to implement the Homeless Veterans Comprehensive Assistance Act to work toward the goal of eliminating chronic homelessness in a decade. Furthermore, the Capital Assets Realignment for Enhanced Services (CARES) program, a comprehensive planning and evaluation process undertaken by the VA to assess the best use of its physical infrastructure would become a "de facto" closure commission with no ability to respond to veterans' needs for primary care, long-term care, and mental health projected by its own models. There would be little money leftover for any of the system's desperately needed construction and improvement projects.

Even more horrifying than the simple health care system problems, the scheduled shortfall for veterans' benefits would carry far-reaching negative implications. The Administration's Budget for 2004 in this bill makes no provision for additional service-connected disability benefits resulting from the present war with Iraq. As we know from the last war in the Persian Gulf, war results in adverse health effects and justifiable claims for service-connected disability compensation. It does acknowledge the expected increase in veteran's claims and an expected worsening of the disabilities of some service-connected veterans. Under these circumstances, cuts in mandatory spending can only be made by cutting benefits to veterans with service-connected disabilities. With a death toll of 153 U.S. Troops since the start of the Iraqi War that is rising on a daily basis, it is incumbent upon our government to plan ahead for expenses that will stem from these deaths—as a courtesy to our fallen heroes at the very least.

Mr. Chairman and Ranking Member, I thank you for this opportunity I also thank those of my colleagues who supported my amendment to prohibit any funds from being used for "buyouts"—financial incentives to encourage retirement-until the National Aeronautics and Space Administrator assures Congress that the loss of that employee will not compromise the safety of future shuttle missions or the International Space Station.

Mr. BARTON of Texas. Mr. Chairman, the committee report for H.R. 2861, the Department of Veterans' Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for Fiscal Year 2004 (H. Rept. 108–235) contains non-legislative language concerning the phase out of metered dose inhalers (MDIs) containing chlorofluorocarbons (CFCs). This report language addresses a citizen petition which has been filed with the Food and Drug Administration as well as theoretical, future decisions by the Parties to the Montreal Protocol and contains various statements urging certain actions. I strongly object to directive language being placed within H. Rept. 108–235 since this language has not been subject to regular order and process in the committee of jurisdiction.

The Energy and Commerce Committee has jurisdiction over the phase-out of CFCs by virtue of its jurisdiction over Title VI of the Clean Air Act. The Committee, in fact, has substantially reviewed this matter in the past, holding numerous hearings concerning the implementation of Title VI, matters concerning methyl bromide, the structure and disbursements of the Multilateral Fund established by the Montreal Protocol, the schedules applicable to hydrochlorofluorocarbons (HCFCs) and other matters within the ambit of this title. In specific, the Subcommittee on Health and Environment of the Energy and Commerce Committee held a hearing on May 6, 1998 concerning Regulatory Efforts to Phaseout Chlorofluorocarbon-Based Metered Dose Inhalers which received testimony from numerous witnesses, including the Department of State, the Environmental Protection Agency and the Food and Drug Administration. This hearing extensively explored the legal background and ongoing regulatory efforts concerning essential use allocations for CFC-based MDIs and the work of the Parties to the Montreal Protocol in this matter. The Committee has not acted, however, to review the citizen petition referred to in H. Rept. 108–235, nor has it considered what action may or may not be appropriate for the United States to take at upcoming Meetings of the Parties to the Montreal Protocol.

Mr. WELLER. Mr. Chairman, I rise today in strong support of the fiscal year 2004 VA–HUD Appropriations bill. First, let me thank and congratulate Chairman YOUNG, Chairman WALSH, and Members of the Appropriations Committee for all of the hard work they have done in crafting this excellent bill. I am especially thankful for the increase of $2.75 million to the Grants for Construction of State Extended Care Facilities, funding this vital program at a total of over $102 million.

These grants are of great importance to America's veterans, providing many veterans with services they would otherwise be unable to receive. There is one such facility in my district I want to talk about, the Illinois Home for Veterans in LaSalle.

Located in my district, this Home provides intermediate and skilled nursing services for veterans, with a total capacity of 120 beds including 18 special needs beds for veterans suffering Alzheimer's Disease or related dementias. As successful as the Home has been, it is in need of new funding to expand its bed capacity.

With the ranks of those requiring VA care growing on a yearly basis, States already face huge financial burdens in helping to care for our veterans. The waiting list for admittance to the LaSalle home is as long as 2 to 3 years, with over 250 veterans waiting, many of which will go untreated or under treated due to lack of beds.

Recently, the State of Illinois enacted legislation authorizing an increase in the number of beds in this facility by 80. I have asked the State of Illinois to apply for the 65 percent Federal funding under this grant and to secure its 35 percent share of the matching funds for the LaSalle home to proceed with the construction.

In the past, the State has had problems with Federal funding from the State Home Construction Grant program. Specifically, the State made repairs and improvements to the Home in LaSalle and had not been awarded funding by the Federal Government for these projects through the grant program, or reimbursements from the program had been slow and piecemeal.

In consideration of this, I ask for inclusion into the VA–HUD Appropriations Conference Report, priority language which would read, "The Committee further encourages the Department to work with the State of Illinois as that State applies for a grant to expand the LaSalle facility."

With so many veterans in need of care, the Illinois Valley can no longer wait to obtain more beds in the veterans home.

Again, let me thank the Appropriations Committee for their hard work, and attention to this important matter.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
July 18, 2003.

Hon. ROD BLAGOJEVICH,
Governor, State of Illinois, Statehouse, Springfield, IL.

DEAR GOVERNOR BLAGOJEVICH, I am pleased to be writing you in regards to the legislation that you recently signed into law that will expand the Illinois Home for Veterans in LaSalle. Congratulations on this accomplishment!

As a result of this landmark legislation, I urge you to apply for federal funds from the State Home Construction Grant program, which could reimburse the State for up to 65% of the cost of the expansions.

As you may know, in the past, the State of Illinois had expressed concerns about the State Home Construction Grant program. Specifically, the State had made repairs and/or improvements to the home in LaSalle and had not been awarded funding by the federal government for these projects through the grant program. Last July, after working with the Ryan Administration and the VA, the State was paid $7.3 million as a reimbursement for renovations/improvements made to State veterans' homes. The State is no longer due any reimbursement funds from this program.

Included in legislation enacted in the 106th Congress were changes for the requirements needed for submitting an application. After submitting the application, the VA will assign it a priority (if it approves the application), and the State will then have 180 days to meet all necessary requirements, including proof of the 35 percent matching funds. With the new law that you have just signed that guarantees the State has the matching funds for the project, the expansion will likely be placed high on the priority list for FY2004 funding. The application deadline for submitting projects for FY2004 is August 15, 2003. Due to the budget problems that the State is now having, I strongly urge you to apply for federal funds through the State Home Construction Grant program.

As you may know, I offered amendments to the VA, Housing and Urban Development, and Independent Agencies appropriations bills in fiscal years 1999, 2000, and 2001 to increase the funding for veterans' state grants, which are used by the Manteno and LaSalle facilities for construction or addition of new beds or facilities. In FT2002 and FY2003, Congress fully funded the State Home Construction Grant Program, and President Bush has indicated that he will fully fund it in upcoming fiscal years. Our success with fully funding this program increases the chance that the state could be reimbursed for the LaSalle expansion project.

I am optimistic that funding for the LaSalle expansion would be awarded soon since this would most likely be designated by the VA as a Priority One project.

If you have any questions, please do not hesitate to contact Jack Dusik on my staff. Thank you for your support of the expansion.

Sincerely,
JERRY WELLER,
Member of Congress.

Ms. WATERS. Mr. Chairman, I rise to express my serious concerns about the fiscal year 2004 VA–HUD Appropriations bill. This bill fundamentally shortchanges our veterans and it is no way to thank them for their sacrifice and their service.

Just about every day, we hear about one of our soldiers dying in Iraq for a war that was based on questionable evidence and inaccurate information from both our intelligence community and from the Administration.

Just as often, although we don't hear about it as much, our soldiers are being injured in Iraq, Afghanistan, Kuwait, the Philippines and the dozens of other countries to which they have been deployed. I thank each and every soldier for his or her courage, dedication and sacrifice made in order to protect our country and defend our freedom.

However, when it comes to thanking our soldiers and our veterans, it is not enough just to stand up and give a speech or wave a flag. My colleagues and I want to ensure that our soldiers have all the resources they need whenever they are deployed. Yet, we also must make certain that our soldiers have the resources they need when they return home. We must provide our soldiers and our veterans with the health care, the disability compensation, education and the many other benefits that they have earned and deserve.

This bill fails to provide the necessary resources our veterans need. the President and his party would rather provide trillions of dollars in tax cuts than pay for the health care of those who protect our freedom. It's tragic the way that this Administration pays lip-service to our soldiers but fails to fund programs that can improve the quality of lives of those who serve.

Because of the Bush tax cuts, this bill provides the VA with $1.8 billion less than was promised even in the Republican Budget Resolution. In fact, the $25.2 billion in VA funding in this bill does not even keep up with inflation which will put an even greater strain on the VA's already scarce resources.

There is already a shortage of qualified doctors and nurses. This bill will only exacerbate the problem. Too many of our veterans are forced to wait six or eight months to see a doctor. Because of the seriousness of their injuries, some even die before they have the opportunity to see a doctor. The inadequate funding in this bill will do nothing to alleviate the waiting periods. This is no way to treat our veterans.

We can and must do better than this sorry bill. I urge my colleagues to reject this bill, reject these unfair tax cuts, and provide the resources our veterans need.

Mr. ISRAEL. Mr. Chairman, I rise today to recall that George Washington once said that the "willingness of future generations to serve in our military will be directly dependent upon how we have treated those who have served in the past." Unfortunately, that is a lesson that still hasn't been learned in the city that bears his name. Today, the House considered legislation funding the Veterans Administration. This bill funds veterans' programs at a level $1.8 billion less than was promised in the budget passed through the House just a few months ago.

Veterans' health care is no place to start slashing funding. We cannot send troops into war today and cut their vets benefits tomorrow. We cannot ask them to fight in Iraq and, then, when they come home tell them that we've slashed spending, causing veterans to lose access to VA health care. There is no excuse for trying to balance domestic budgets on the back of those willing to fight to protect our freedoms.

The funding level set out in the bill today does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled. There is a staggering crisis in veterans' medical care: an average of 200,000 veterans are waiting six months or more for an appointment at Veterans Administration hospitals. Some are even dying before they get to see a doctor.

I have been working with colleagues in the House to prevent increases in prescription drug co-payments and enrollment fees and to increase investments in veterans' health in order to reduce these waits for medical appointments. It is generally acknowledged that veterans deserve a $3.3 billion increase for medical care. The $1.4 billion increase is inadequate to allow us to fulfill our obligations to those who have served our country so well.

This stinginess with our veterans health needs is unacceptable. As Americans are fighting for our freedom abroad, we must stand with them at home. But where will we stand tomorrow? Will we remember what we owe them? At the end of WWI, the British Prime Minister David Lloyd George asked: "What is our task? To make Britain a fit country for heroes to live in." Our task is to make America a country fit for heroes to live in.

Our veterans deserve better. I urge my colleagues in voting to return this bill to the Appropriations Committee for reconsideration.

Mrs. MALONEY. Mr. Chairman, while I voted in favor of H.R. 2861, the FY04 VA–HUD-Independent Agencies bill, I am hopeful that more funding for veterans programs will be included in the conference report. America's brave servicemen and servicewomen deserve to have adequate health care and other benefits. I support increasing the funding for critical programs including Montgomery GI bill education benefits and compensation for service-connected disabilities.

Throughout history, America's military men and women have traveled around the world to fight for the causes of freedom and democracy. In this selfless pursuit, they knew that the battle would not always be easy. We owe them all an enormous debt of gratitude. It's up to us to fight for our veterans.

As this legislation moves forward it is my hope that significant improvement can be made in the housing sections. I am pleased that the bill contains none of the Administration's ill-conceived plans to privatize public housing, impose mandatory minimum rents or block grant Section 8. At the same time, I am hopeful that the funding levels for Hope VI, Section 8 and public housing can be increased. The insufficient funding for the public housing capital funds and operating funds will do severe damage to the nation's public housing residents. These citizens deserve better.

The funding levels are so low that they thoroughly and finally refute HUD's claim that the public housing authorities can make up for the elimination of the drug elimination program with other funds. I also want to signal my strong support for increasing HOPWA funding as dictated by the Nadler-Shays-Crowley and am pleased it has been included in the bill.

Mr. UDALL of Colorado. Mr. Chairman, today, I regretfully rise in opposition to this bill.

I am satisfied with some parts of the bill. The Appropriations Committee has sensibly held off on making all funding decisions for programs at the National Aeronautics and Space Administration (NASA) until the Columbia Accident Investigation Board completes its report. The Committee will use the report of the board, along with NASA's response to the board's findings, as the basis for final action on NASA funding. I will be watching closely to see what the Committee provides. NASA funding has been relatively flat over the years, so I hope that final funding levels for NASA will exceed the 1 percent increase over fiscal year 2003 levels that is so far provided in this bill. I am pleased that the National Space Grant College and Fellowship program is funded at $25.3 million, a level over the President's request and an increase from last year's levels.

Nonetheless, I am not at all satisfied with the funding this bill provides our Nation's veterans.

The freedom we enjoy in the United States has not just been given to us. Men and women have made great sacrifices, some with their lives, to protect our way of life. For making these sacrifices they have been promised some benefits in return.

One of those benefits is adequate healthcare. Unfortunately, this bill falls far short of what America's veterans were promised.

The Joint Explanatory Statement from the House and Senate managers on the fiscal year 2004 Budget Resolution states the "Conference Agreement provides for discretionary budget authority of $29.96 billion for fiscal year 2004, an increase of $3.4 billion, or 12.9 percent—nearly all of which is expected to be for Department of Veterans Affairs (VA) medical programs." But this bill only provides an increase of $1.4 billion, which will not provide adequate funding for services these veterans deserve.

According to the VA, as of June 13, there were 134,287 veterans on waiting lists to receive treatment and over 51,000 of these veterans had been waiting for at least 6 months to just get an appointment. This is the result of the lack of resources the VA has today because of past underfunding.

American men and women are serving on the front lines in Afghanistan, Iraq, and around the world. When they are no longer serving under active duty for their country they should not be pushed aside and forgotten. Unfortunately, that is what the bill does.

Ms. HOOLEY of Oregon. Mr. Chairman, our veterans have made great personal sacrifices, and members of Congress have a responsibility to serve our retired military personnel, just as they served our country. But the needs of our veterans are not being met. Funding for medical care per veteran has steadily declined in constant dollars over the past decade while the number of veterans seeking health care has increased.

This bill includes a $1.4 billion increase for veterans' health care from last year. Yet even this increase is woefully inadequate. This bill is still $1.8 billion less than the amount promised in the House budget resolution and will do little to improve timely access to much-needed medical care.

In Oregon, the cost of medical care rose 7 percent last year, and the number of veterans seeking VA services rose 17 percent. And the number of veterans using the VA will only continue to increase. We must provide VA with the funds they need to provide veterans with the health care they deserve. This bill does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled. It is plain that the VA–HUD Appropriations bill will not meet veterans needs.

Without adequate funds for the VA, our veterans will continue to wait in long lines at overburdened facilities.

The Portland VA Medical Center in Oregon currently has a waiting list of over 6000 veterans who want to see a primary care physician and it takes about 6 monthsh for even high priority veterans to see a physician. Last year, to make up a $19 million budget shortfall, the Portland VA began reducing services and laid off about 10 percent of their personnel. The VA cannot provide quality health care to our veterans when they are forced to cut physicians while their caseload is increasing by 17%. Our veterans deserve better.

We must ensure that our promise to provide health care for all veterans is kept. We made that promise, we need to keep that promise.

Mr. EMANUEL. Mr. Chairman, I rise today to voice my concerns about how H.R. 2861 would adversely affect affordable housing in my home State of Illinois and across the United States. As a former vice chairman of the Chicago Housing Authority, I am keenly aware of the benefits of "Section 8" grants.

The Section 8 voucher program enables low-income families with children, the elderly, and the disabled to rent apartments in the private market. This program provides a critical source of support for more than 2 million families by making up the difference between what low-income people can afford to pay for housing and the cost of private rental payments. Without vouchers, many of these families would have no other choice but to live in overcrowded or unsafe housing, or worse yet, to become homeless.

Although today's bill improves upon the Bush Administration's Section 8 funding request, it still falls short of the amount needed to continue all vouchers in use, according to estimates by the Congressional Budget Office. The result of this shortfall will be that 85,000 families will not have the funding for their vouchers renewed.

Mr. Chairman, it is my hope that we can address these concerns when the Conference Committee meets later this year. If we fail to do so, 85,000 families will pay the price. We cannot in good conscience allow that to happen.

I am also concerned that this bill did not fund my priority request for the largest locally funded rent subsidy program in the country, the Chicago Low Income Housing Trust Fund. This highly successful program helps house almost 3,000 families with incomes as low as $10,000 per year. It has had an enormously beneficial impact on my hometown, but there is considerable need for affordable housing, and we must do all that we can to continue supporting affordable rental units.

Mr. HOBSON. Mr. Chairman, I rise in support of the fiscal year 2004 Veterans Affairs/Housing and Urban Development (VA–HUD) and Independent Agencies Appropriations Bill which was approved Monday by the House Appropriations Committee.

Veterans' medical care has received generous funding increases over the last several years, an average of $1.6 billion a year over the past 5 years. This represents an almost 50 percent increase under Republican leadership since 1999.

Building on that record, the fiscal year 2004 VA–HUD bill provides a $1.4 billion increase over the previous year, making a total of $27.2 billion available for Veterans' Health Administration. This brings veterans' health funding to the highest level in history.

It also triples funding over last year to repair and replace aging VA medical facilities and fully funds the VA's request to expedite claims processing at the Veterans Benefits Administration, bringing total funding to $1 billion for this important initiative to reduce the backlog of claims for veterans' benefits.

This record level of funding will maintain nursing home care and ensure that all needy veterans receive the health care they deserve.

I am very pleased that the legislation also includes $500,000, for the preliminary planning of a new ambulatory clinic at the Defense Supply Center campus in Columbus, OH.

The new clinic has been strongly supported by Rep. DEBORAH PRYCE, PAT TIBERI (R–Columbus) and other Members of the Ohio delegation; I am pleased it has been included in this bill to improve health care for the thousands of veterans in Central Ohio.

As a veteran, I am proud to support this legislation, which addresses the special needs of veterans across the country.

Mr. Chairman, I join today with my colleagues on the Appropriations Committee, and urge the approval of this appropriation bill by the House.

Mr. HONDA. Mr. Chairman, I rise today to voice my opposition to the fiscal year 2004 VA–HUD Appropriations bill. After passing sweeping tax cuts for the wealthy, the Republican majority in this House is once again telling the American people that not enough money is available to adequately fund programs for our Nation's veterans and poor.

Consider, for example, that this appropriations bill provides $25.2 billion for veterans' health care—$1.8 billion less than was promised in the Republican budget resolution passed earlier this year. While Republicans may assert that $25.2 billion is a $1.4 billion increase over fiscal year 2003 levels, the truth is that this modest "increase" does not keep pace with hospital inflation or the growth in the numbers of veterans enrolled.

The bill will only exacerbate the crisis in veterans' medical care. In fact, in a recently released report, the American Legion concluded that an average of 200,000 veterans must routinely wait 6 months or more for an appointment at the Veterans Administration's hospitals. Sadly, some veterans die before they even see their doctor. It is shameful that this Congress is turning its back on the same veterans that fought for the safety of this nation. I will continue to fight to fulfill our obligation to those who have served our country so well.

Just as this bill shortchanges America's veterans, it also fails thousands of poor Americans that rely on Federal housing assistance. The VA–HUD Appropriations bill provides funding for the "Section 8" housing choice voucher program. The voucher program enables low-income families with children, the elderly, and the disabled to rent apartments in the private market. It makes up the difference between what low-income people can afford to pay for housing and what private rents are, and is a critical source of support for more than 2 million families. Without vouchers, many of these families would be stuck in overcrowded or unsafe housing, or even worse, wind up homeless.

While the bill before us today improves upon the President's inadequate request for this program, it still falls short of the amount needed to continue all vouchers in use, according to estimates by the Congressional Budget Office and outside experts. Specifically, the House bill uses data on voucher costs that date as far back as April 2001. Mr. Chairman, as we all know, housing costs in most parts of the country have been steadily rising since then, and it is unrealistic to ignore those market trends in setting HUD's budget for the year.

If the shortfall in this bill is not addressed, 85,000 families will not have the funding for their vouchers renewed. This kind of cut would be unprecedented in the history of the voucher program. In fact, what we should be talking about today is how to make more vouchers available to families, not fewer. Only a fraction of eligible households receive vouchers, and most people face a several-year wait for a voucher.

And last but not least, I will be opposing the fiscal year 2004 VA–HUD Appropriations bill because it makes rash and unwise cuts in the AmeriCorps program, a program that embodies the spirit of altruism and service that has made our nation great.

In his 2002 State of the Union address, President Bush introduced the Freedom Corps program to further encourage volunteerism across our nation, asserting that "we need mentors to love children, especially children whose parents are in prison, and we need more talented teachers in troubled schools." At that time, the President announced his goal for the Freedom Corps to "expand and improve the good efforts of AmeriCorps and Senior Corps to recruit more than 200,000 new volunteers." In providing 20 percent less than the President's request, the House fails to heed the President's call for national service. Indeed, this bill will limit new enrollment in AmeriCorps to 55,000. The House, once again, is falling short of its responsibility to support all those Americans who so desperately need our help.

We can do much better than the bill before us today. I urge my colleagues to oppose H.R. 2861.

Mr. MOLLOHAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Pursuant to the order of the House of today, no amendment to the bill may be offered except pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designee for the purpose of debate:

An amendment by Mr. WALSH striking provisions in title III and title IV, which may be offered en bloc;

Two amendments by Mr. SMITH of New Jersey, each regarding medical care for veterans;

An amendment by Mr. SMITH of New Jersey striking section 114, which shall be debatable for 20 minutes;

An amendment by Mr. EDWARDS regarding medical care for veterans;

An amendment by Mr. STEARNS regarding medical and prosthetic research;

An amendment by Mr. KIRK regarding sharing agreements with the Department of Defense;

An amendment by Mr. NADLER regarding the housing certificate fund, which shall be debatable for 20 minutes;

An amendment by Mr. FATTAH or Mr. DAVIS of Illinois regarding public housing, which shall be debatable for 20 minutes;

An amendment by Mr. NADLER regarding housing opportunities, which shall be debatable for 20 minutes;

An amendment by Mrs. CAPPS regarding science and technology programs of the Environmental Protection Agency;

An amendment by Mr. HASTINGS of Florida regarding environmental programs and management;

An amendment by Mr. DINGELL regarding environmental programs and management;

An amendment by Mr. MARKEY regarding hazardous substance Superfund, which shall be debatable for 20 minutes;

An amendment by Mr. HALL regarding NASA;

An amendment by Mr. MORAN of Kansas regarding beneficiary travel;

An amendment by Mr. ALLEN regarding the Clean Air Act, which shall be debatable for 20 minutes;

An amendment by Mr. MANZULLO regarding the Buy America Act;

An amendment by Mr. SANDERS or Mr. KANJORSKI regarding veterans integrated service networks;

An amendment by Mr. LYNCH regarding veterans;

An amendment by Mr. MOORE regarding Capital Asset Realignment and Enhanced Services;

An amendment by Mr. CASE regarding redesignation of Hawaiian counties;

An amendment by Ms. LEE or Ms. SCHAKOWSKY regarding homeless assistance grants, which shall be debatable for 20 minutes;

An amendment by Mr. INSLEE or Mr. HINCHEY regarding environment programs and management;

Two amendments by Ms. JACKSON-LEE of Texas regarding NASA, each of which shall be debatable for 5 minutes;

An amendment by Mr. BISHOP of New York regarding human testing of pesticides;

An amendment by Mr. MEEKS of New York regarding VA clinics, which shall be debatable for 20 minutes.

Each amendment may be offered only by the Member designated, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question. Except as specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The Clerk will read.

The Clerk read as follows:

H.R. 2861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION, PENSION AND BURIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $29,845,127,000, to remain available until expended: *Provided,* That not to exceed $17,617,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical services for priority 1–6 veterans" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and

55), the funding source for which is specifically provided as the "Compensation, pension and burial benefits" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $2,529,734,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $29,017,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, subchapters I–III, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2004, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans, 38 U.S.C. 3711(i).

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $154,850,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $70,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $52,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,938,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $300,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $571,000, which may be transferred to and merged with the appropriation for "General operating expenses": *Provided*, That no new loans in excess of $40,000,000 may be made in fiscal year 2004.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by 38 U.S.C. chapter 37, subchapter VI, not to exceed $350,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical services for priority 1–6 veterans) may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES FOR PRIORITY 1–6 VETERANS

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs other than veterans described in paragraphs (7) and (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $15,779,220,000, plus reimbursements: *Provided*, That of the funds made available under this heading, not less than $200,000,000 is for the equipment object classification, which amount shall not become available for obligation until August 1, 2004, and shall remain available until September 30, 2005: *Provided further*, That of the funds made available under this heading, not to exceed $700,000,000 shall be available until September 30, 2005.

MEDICAL SERVICES FOR PRIORITY 7–8 VETERANS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs who are veterans described in paragraphs (7) and (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $2,164,000,000, plus reimbursements: *Provided*, That of the amounts provided under this heading, $1,500,000,000 shall be derived from amounts deposited during the current fiscal year in the Department of Veterans Affairs Medical Care Collections Fund under section 1729A of title 38, United States Code, and transferred to this account, to remain available until expended.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2005, $408,000,000, plus reimbursements.

MEDICAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; information technology hardware and software; uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code; and administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $4,854,000,000, of which $300,000,000 shall be available until September 30, 2005, plus reimbursements: *Provided*, That funds available under this heading may be transferred to "Medical Services for Priority 1–6 Veterans" or to "Medical Services for Priority 7–8 Veterans" after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed.

MEDICAL FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, $4,000,000,000: *Provided*, That of the funds made available under this heading, not less than $80,000,000 is for the land and structures object classification, which amount shall not become available for obligation until August 1, 2004, and shall remain available until September 30, 2005: *Provided further*, That funds available under this heading may be transferred to "Medical Services for Priority 1–6 Veterans" or to "Medical Services for Priority 7–8 Veterans" after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,283,272,000: *Provided*, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5), and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than $1,005,000,000: *Provided further*, That of the funds made available under this heading, not to exceed $66,000,000 shall be available for obligation until September 30, 2005: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines: *Provided further*, That travel expenses for this account shall not exceed $17,082,000.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $144,223,000, to remain available until September 30, 2005.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $61,750,000, to remain available until September 30, 2005.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $274,690,000, to remain available until expended, of which $173,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which $10,000,000 shall be to make reimbursements as provided in 41 U.S.C. 612 for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2004, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2004; and (2) by the awarding of a construction contract by September 30, 2004: *Provided further*, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: *Provided further*, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $252,144,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000, of which $35,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: *Provided*, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations: *Provided further*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical facilities".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $102,100,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $32,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2004 for "Compensation, pension and burial benefits", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2004 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109 hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the Medical care collections fund account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2004 for "Compensation, pension and burial benefits", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2003.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2004 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100-86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation, pension and burial benefits".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2004, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2004 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2004 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2004: *Provided*, That the Franchise Fund, established by title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2004.

SEC. 109. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 110. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2004 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $29,318,000 for the Office of Resolution Management and $3,010,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 111. No appropriations in this Act for the Department of Veterans Affairs shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 112. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or treatment of any person by reason of eligibility under section 1710(a)(3) of title 38, United States Code, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require—

(1) current, accurate third-party reimbursement information for purposes of section 1729 of such title; and

(2) annual income information for purposes of section 1722 of such title.

SEC. 113. Of the amounts provided in this Act, $25,000,000 shall be for information technology initiatives to support the enterprise architecture of the Department of Veterans Affairs.

SEC. 114. None of the funds in this Act may be used to implement sections 2 and 5 of Public Law 107–287.

SEC. 115. Notwithstanding any other provision of law, the Secretary of Veterans Affairs may establish a priority for treatment for veterans who have service-connected disability, who are lower-income veterans, or who have special needs.

SEC. 116. (a) The Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care. Notwithstanding section 3302(b) of title 31, United States Code, amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under "Medical services for priority 7–8 veterans" and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor.

(b) All amounts so collected under subsection (a) with respect to a designated health care region (as that term is defined in section 1729A(d)(2) of title 38, United States Code) shall be allocated, net of payments to the contractor, to that region.

SEC. 117. Amounts made available for Medical Services are available—

(1) for furnishing veterans provided Medical Services with recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the department.

SEC. 118. Balances in excess of $1,500,000,000 in the Medical Care Collections Fund as of August 1, 2004 shall be transferred to "Medical services for priority 7–8 veterans" for the purposes under that heading to be available until expended.

SEC. 119. Amounts made available for fiscal year 2004 under the "Medical services for priority 1–6 veterans" and "Medical services for priority 7–8 veterans" accounts may be transferred between either account to the extent necessary to implement the restructuring of the Veterans Health Administration accounts after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed: *Provided*, That the limitation on transfers is ten percent in fiscal year 2004.

SEC. 120. The Department of Veterans Affairs medical center in Houston, Texas, shall after the date of the enactment of this Act be known as designated as the "Michael E. DeBakey Department of Veterans Affairs Medical Center". Any reference in any law, regulation, map, document, record, or other paper of the United States to such medical center shall be considered to be a reference to the Michael E. DeBakey Department of Veterans Affairs Medical Center.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities and assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $18,430,606,000, and amounts that are recaptured in this account, to remain available until expended: *Provided*, That of the amounts made available under this heading, $14,230,606,000 and the aforementioned recaptures shall be available on October 1, 2003 and $4,200,000,000 shall be available on October 1, 2004: *Provided further*, That amounts made available under this heading are provided as follows:

(1) $16,295,578,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts, for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for the renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for renewals of expiring section 8 tenant-based annual contributions contracts (including amendments and renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C. 1437f(t))): *Provided*, That notwithstanding any other provision of law, the Secretary shall renew expiring section 8 tenant-based annual contributions contracts for each public housing agency, (including for agencies participating in the Moving to Work demonstration, unit months representing section 8 tenant-based assistance funds committed by the public housing agency for specific purposes, other than reserves, that are authorized pursuant to any agreement and conditions entered into under such demonstration, and utilized in compliance with any applicable program obligation deadlines) based on the total number of unit months which were under lease as reported on the most recent end-of-year financial statement submitted by the public housing agency to the Department, adjusted by such additional information submitted by the public housing agency to the Secretary which the Secretary determines to be timely and reliable regarding the total number of unit months under lease at the time of renewal of the annual contributions contract, and by applying an inflation factor based on local or regional factors to the actual per unit cost as reported on such statement: *Provided further*, That none of the funds made available in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract;

(2) $568,503,000 for a central fund to be allocated by the Secretary for amendments to section 8 tenant-based annual contributions contracts for such purposes set forth in this paragraph: *Provided*, That subject to the following proviso, the Secretary may use amounts made available in such fund, as necessary, for contract amendments resulting from a significant increase in the per unit cost of vouchers or an increase in the total number of unit months under lease as compared to the per unit cost or the total number of unit months provided for by the annual contributions contract: *Provided further*, That if a public housing agency, at any point in time during their fiscal year, has obligated the amounts made available to such agency pursuant to paragraph (1) under this heading for the renewal of expiring section 8 tenant-based annual contributions contracts, and if such agency has expended fifty percent of the amounts available to such agency in its annual contributions contract reserve account, the Secretary shall make available such amounts as are necessary from amounts available from such central fund to fund amendments under the preceding proviso within thirty days of a request from such agency: *Provided further*, That none of the funds made available in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations of the House and the Senate on the obligation of funds provided in this paragraph in accordance with the directions specified in the report accompanying this Act;

(3) $206,495,100 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C.1437f(t)), and

tenant protection assistance, including replacement and relocation assistance;

(4) $48,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(5) not to exceed $1,209,020,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program: *Provided*, That, notwithstanding any other provision of law or regulation, the Secretary shall allocate funds provided in this paragraph among public housing agencies in a manner prescribed by the Secretary: *Provided further*, That none of the funds provided in this Act or any other Act may be used to supplement the amounts provided in this paragraph: *Provided further*, That, hereafter, the Secretary shall recapture any funds provided under this heading in this Act or any other Act for administrative fees and other expenses from a public housing agency which are in excess of the amounts expended by such agency for the section 8 tenant-based rental assistance program and not otherwise needed to maintain an administrative fee reserve account balance of not to exceed five percent: *Provided further*, That all such administrative fee amounts provided under this paragraph shall be only for activities directly related to the provision of rental assistance under section 8;

(6) $100,000,000 for contract administrators for section 8 project-based assistance; and

(7) not less than $3,010,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Public and Indian Housing": *Provided*, That the Secretary may transfer up to 15 percent of funds provided under paragraphs (1), (2) or (5), herein to paragraphs (1) or (2), if the Secretary determines that such action is necessary because the funding provided under one such paragraph otherwise would be depleted and as a result, the maximum utilization of section 8 tenant-based assistance with the funds appropriated for this purpose by this Act would not be feasible: *Provided further*, That prior to undertaking the transfer of funds in excess of 10 percent from any paragraph pursuant to the previous proviso, the Secretary shall notify the Chairman and Ranking Member of the Subcommittees on Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate and shall not transfer any such funds until 30 days after such notification: *Provided further*, That incremental vouchers previously made available under this heading for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover: *Provided further*, That $1,372,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2003 and prior years, to be effected by the Secretary no later than September 30, 2004: *Provided further*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: *Provided further*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g) (the "Act") $2,712,255,000, to remain available until September 30, 2007: *Provided*, That of the total amount provided under this heading, in addition to amounts otherwise allocated under this heading, $429,000,000 shall be allocated for such capital and management activities only among public housing agencies that have obligated all assistance for the agency for fiscal years 2001 and 2002 made available under this same heading in accordance with the requirements under paragraphs (1) and (2) of section 9(j) of such Act: *Provided further*, That notwithstanding any other provision of law or regulation, during fiscal year 2004, the Secretary may not delegate to any Department official other than the Deputy Secretary any authority under paragraph (2) of such section 9(j) regarding the extension of the time periods under such section for obligation of amounts made available for fiscal year 1998, 1999, 2000, 2001, 2002, 2003, or 2004: *Provided further*, That with respect to any amounts made available under the Public Housing Capital Fund for fiscal year 1999, 2000, 2001, 2002, 2003, or 2004 that remain unobligated in violation of paragraph (1) of such section 9(j) or unexpended in violation of paragraph (5)(A) of such section 9(j), the Secretary shall recapture any such amounts and reallocate such amounts among public housing agencies determined under section 6(j) of the Act to be high-performing: *Provided further*, That for purposes of this heading, the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That if the Secretary issues a regulation for effect implementing section 9(j) of the United States Housing Act of 1937 (42 U.S.C. 1437g(j)), the first and third provisos under this heading shall cease to be effective: *Provided further*, That of the total amount provided under this heading, up to $51,000,000 shall be for carrying out activities under section 9(h) of such Act, of which $13,000,000 shall be for the provision of remediation services to public housing agencies identified as "troubled" under the Section 8 Management Assessment Program and for surveys used to calculate local Fair Market Rents and assess housing conditions in connection with rental assistance under section 8 of the Act: *Provided further*, That of the total amount provided under this heading, up to $500,000 shall be for lease adjustments to section 23 projects, and no less than $10,610,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Public and Indian housing": *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: *Provided further*, That of the total amount provided under this heading, up to $40,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2004: *Provided further*, That of the total amount provided under this heading, $55,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996.

The first proviso under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003, is amended by striking "1998, 1999".

PUBLIC HOUSING OPERATING FUND

For 2004 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,600,000,000: *Provided*, That of the total amount provided under this heading, $10,000,000 shall be for programs, as determined appropriate by the Attorney General, which assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally-assisted low-income housing, including Indian housing, which shall be administered by the Department of Justice through a reimbursable agreement with the Department of Housing and Urban Development: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: *Provided further*, That in 2004 and hereafter, no amounts provided under this heading may be used for payments to public housing agencies for the costs of operation and management of public housing in any year prior to the current year.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $50,000,000, to remain available until September 30, 2005, of which the Secretary may use up to $500,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $661,600,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $5,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which no less than $2,720,000 shall be transferred to the Working Capital Fund for development of and modifications to information technology systems which serve programs or activities under "Public and Indian housing": *Provided*, That of the amount provided under this heading, $1,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $8,049,000: *Provided further*, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,300,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $197,243,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $250,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $35,347,985.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $297,000,000, to remain available until September 30, 2005: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be competitively awarded by June 1, 2004, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $15,000,000, to remain available until September 30, 2005, for "Urban Empowerment Zones", as authorized in section 1391(g) of the Internal Revenue Code of 1986 (26 U.S.C. 1391(g)), including $1,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,959,000,000, to remain available until September 30, 2006: *Provided*, That of the amount provided, $4,538,650,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the third paragraph and amounts made available in the second paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for planning and management development and administration: *Provided further*, That $72,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act; $3,300,000 shall be for a grant to the Housing Assistance Council; $2,400,000 shall be for a grant to the National American Indian Housing Council; $5,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation; $5,000,000 shall be available as a grant to the National Council of La Raza for the HOPE Fund, of which $500,000 is for technical assistance and fund management, and $4,500,000 is for investments in the HOPE Fund and financing to affiliated organizations; $43,000,000 shall be for grants pursuant to section 107 of the Act, of which $9,500,000 shall be for the Native Hawaiian block grant authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996; no less than $4,900,000 shall be transferred to the Working Capital Fund for the development of and modification to information technology systems which serve programs or activities under "Community planning and development"; $28,000,000 shall be for grants pursuant to the Self Help Homeownership Opportunity Program; $33,250,000 shall be for capacity building, of which $28,250,000 shall be for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas, and of which $5,000,000 shall be for capacity building activities administered by Habitat for Humanity International; $65,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: *Provided* That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: *Provided further*, That no more than 10 percent of any grant award under the YouthBuild program may be used for administrative costs: *Provided further*, That of the amount made available for YouthBuild not less than $10,000,000 is for grants to establish YouthBuild programs in underserved and rural areas and $2,000,000 is to be made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $21,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the report accompanying this Act.

Of the amount made available under this heading, $137,500,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the report accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations.

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended with respect to the amount made available to the North Carolina Community Land Trust Initiative by striking "North Carolina Community Land Trust Initiative" and inserting "Orange Community Housing and Land Trust."

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended with respect to the amount made available to the Willacy County Boys and Girls Club in Willacy County, Texas by striking "Willacy County Boys and Girls Club in Willacy County, Texas" and inserting "Willacy County, Texas".

The referenced statement of the managers under this heading in Public Law 108–10 is deemed to be amended with respect to item number 17 by striking "for sidewalks, curbs, street lighting, outdoor furniture and façade improvements in the Mill Village neighborhood" and inserting "for the restoration and renovation of houses within the Lincoln or Dallas mill villages".

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended with respect to the amount made available to the Metropolitan Development Association in Syracuse, New York by inserting "and other economic development planning and revitalization activities" after the word "study".

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended with respect to the amount made available to the Staten Island Freedom Memorial Fund by striking all "Staten Island Freedom Memorial Fund for the construction of a memorial in the Staten Island community of St. George, New York" and inserting "Staten Island Botanical Garden for construction and related activities for a healing garden".

The referenced statement of the managers under this heading in title II of division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7; H. Rept. 108–10) is deemed to be amended with respect to item number 526 by striking "for an economic development study for the revitalization of Westchester" and inserting "for the reconstruction of renaissance plaza at Main and Mamaroneck in downtown White Plains".

The referenced statement of the managers under this heading in title II of division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7; H. Rept. 108–10) is deemed to be amended with respect to item number 877 by striking "West Virginia High Technology Consortium Foundation, Inc. in Marion County, West Virginia for facilities construction for a high-tech park" and inserting "Glenville State College in Glenville, West Virginia for construction of a new campus community education center".

The referenced statement of the managers under this heading in title II of division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7; H. Rept. 108–10) is deemed to be amended with respect to item number 126 by striking "for construction of" and inserting "for facilities improvements and build out for".

URBAN DEVELOPMENT ACTION GRANTS

(RESCISSION)

From balances of the Urban Development Action Grant Program, as authorized by title I of the Housing and Community Development Act of 1974, as amended, $30,000,000 are canceled.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until September 30, 2005.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,939,100,000, to remain available until September 30, 2006: *Provided*, That of the total amount provided in this paragraph, up to $40,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968 and no less than $2,100,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Community planning and development".

In addition to amounts otherwise made available under this heading, $125,000,000, to remain available until September 30, 2006, for assistance to homebuyers as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended: *Provided*, That the Secretary shall provide such assistance in accordance with a formula to be established by the Secretary that considers a participating jurisdiction's need for, and prior commitment to, assistance to homebuyers.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,242,000,000, of which $1,222,000,000 to remain available until September 30, 2006, and of which $20,000,000 to remain available until expended: *Provided*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: *Provided further*, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That $12,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That no less than $2,580,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Community planning and development".

Housing Programs

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $773,320,000, plus recaptures and cancelled commitments, to remain available until September 30, 2006, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: *Provided*, That of the amount made available under this heading, $16,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That no less than $470,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Housing programs" or "Federal Housing Administration": *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That all balances outstanding, as of September 30, 2003, for capital advances, including amendments to capital advances, for housing for elderly, as authorized by section 202, for project rental assistance for housing for the elderly, as authorized under section 202(c)(2) of such Act, including amendments to contracts shall be transferred to and merged with the amounts for those purposes under this heading.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $250,570,000, plus recaptures and cancelled commitments to remain available until September 30, 2006: *Provided*, That no less than $470,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Housing programs" or "Federal Housing Administration": *Provided further*, That of the amount provided under this heading, other than amounts for renewal of expiring project-based or tenant-based rental assistance contracts, the Secretary may designate up to 25 percent for tenant-based rental assistance, as authorized by section 811 of such Act, (which assistance is five years in duration): *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed five years in duration: *Provided further*, That all balances outstanding, as of September 30, 2003, for capital advances, including amendments to capital advances, for supportive housing for persons with disabilities, as authorized by section 811, for project rental assistance for supportive housing for persons with disabilities, as authorized under section 811(d)(2), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1), shall be transferred to and merged with the amounts for these purposes under this heading.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2003, and any collections made during fiscal year 2004, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

Up to $303,000,000 of recaptured section 236 budget authority resulting from prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 2004: *Provided*, That the limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 is reduced in fiscal year 2004 by not more than $303,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in prior appropriations Acts.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to $13,000,000 to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2004 appropriation.

Federal Housing Administration

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2004, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $185,000,000,000.

During fiscal year 2004, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $359,000,000, of which not to exceed $355,000,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed $4,000,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, $85,000,000, of which no less than $20,744,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Housing programs" or "Federal Housing Administration": *Provided*, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2004, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $15,000,000, to remain available until expended: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $25,000,000,000.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $229,000,000, of which $209,000,000 shall be transferred to the appropriation for "Salaries and expenses"; and of which $20,000,000 shall be transferred to the appropriation for "Office of Inspector General".

In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $93,780,000, of which no less than $16,946,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Housing programs" or "Federal Housing Administration": *Provided*, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2004, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

Government National Mortgage Association

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2005.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $10,695,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $10,695,000, shall be transferred to the appropriation for "Salaries and expenses".

Policy Development and Research

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $47,000,000, to remain available until September 30, 2005: *Provided*, That of the total amount provided under this heading, $7,500,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

Fair Housing and Equal Opportunity

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $46,000,000, to remain available until September 30, 2005, of which $20,250,000 shall be to carry out activities pursuant to such section 561: *Provided*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

Office of Lead Hazard Control

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $130,000,000, to remain available until September 30, 2005, of which $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards.

Management and Administration

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,122,130,000, of which $564,000,000 shall be provided from the various funds of the Federal Housing Administration, $10,695,000 shall be provided from funds of the Government National Mortgage Association, $150,000 shall be provided by transfer from the "Native American housing block grants" account, $250,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account and $35,000 shall be transferred from the "Native Hawaiian housing loan guarantee fund" account: *Provided*, That funds made available under this heading shall only be allocated in the manner specified in the report accompanying this Act unless the Committees on Appropriations of both the House of Representatives and the Senate are notified of any changes in an operating plan or reprogramming: *Provided further*, That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer (OCFO) has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: *Provided further*, That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: *Provided further*, That for purposes of funds control and determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract, except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract, and shall be designated in the approved funds control plan: *Provided further*, That the Chief Financial Officer shall: (a) appoint qualified personnel to conduct investigations of potential or actual violations; (b) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (c) establish guidelines and timeframes for the conduct and completion of investigations; (d) prescribe the content, format and other requirements for the submission of final reports on violations; and (e) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: *Provided further*, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by 2½ percent: *Provided further*, That the Secretary shall submit a staffing plan for the Department by November 15, 2003.

The tenth proviso under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003, is amended by striking "the purpose of" and inserting "purposes of funds control and" and before the colon insert the following ", except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract".

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, and for the continuing operation of both Department-wide and program-specific information systems, $240,000,000, to remain available until September 30, 2005: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $100,080,000, of which $24,000,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office: *Provided further*, That no less than $300,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems for the Office of Inspector General.

CONSOLIDATED FEE FUND

(RESCISSION)

All unobligated balances remaining available from fees and charges under section 7(j) of the Department of Housing and Urban Development Act on October 1, 2003 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $32,415,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: *Provided*, That not to exceed such amount shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2003 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2004 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2004 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2004 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2004, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

SEC. 204. (a) Section 225(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Public Law 106–74 (113 Stat. 1076), is amended by striking "year 2000, and the amounts that would otherwise be allocated for fiscal year 2001 and fiscal year 2002", and inserting "years 2000, 2001, 2002, 2003, and 2004".

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2004 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Durham-Chapel Hill, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

SEC. 205. (a) During fiscal year 2004, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 206. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 207. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 208. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 209. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2003 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 210. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2004, HUD shall transmit this information to the Committees by November 15, 2003 for 30 days of review.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance in the states of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the states of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

TITLE III—INDEPENDENT AGENCIES

American Battle Monuments Commission

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $47,276,000 (of which $10,000,000 shall not become available until Septmeber 1, 2004), to remain available until expended.

Chemical Safety and Hazard Investigation Board

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $8,550,000: *Provided*, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

EMERGENCY FUND

For necessary expenses of the Chemical Safety and Hazard Investigation Board for accident investigations not otherwise provided for, $450,000, to remain available until expended.

Department of the Treasury

Community Development Financial Institutions

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $51,000,000, to remain available until September 30, 2005, of which $3,000,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to $13,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.

Consumer Product Safety Commission

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $60,000,000: *Provided*, That up to $1,000,000 is for purposes of carrying out the Inspector General Act of 1978.

Corporation for National and Community Service

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12501 et seq.), $363,452,000, to remain available until September 30, 2005: *Provided*, That not more than $30,500,000 shall be available for administrative expenses authorized under section 501(a)(4): *Provided further*, That not more than $2,500 shall be for official reception and representation expenses: *Provided further*, That $244,352,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), and for grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), 131(e), 132, and 140(a), (d), and (e) of the Act): of which not more than $50,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further*, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That not more than $10,000,000 of the funds made available under this heading shall be for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further*, That not less than $24,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than $40,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further*, That not more than $6,100,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): *Provided further*, That not more than $5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: *Provided further*, That not more than $3,500,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639).

NATIONAL SERVICE TRUST

For payment of educational awards authorized under subtitle D of title I of the National Community Service Act of 1990 (42 U.S.C. 12601), $110,771,000, to remain available until expended; of which $5,000,000 shall be available for national service scholarships for high school students performing community service, and $10,000,000 shall be held in reserve as defined in Public Law 108–45: *Provided*, That the Corporation for National and Community Servcice shall enroll no more than 55,000 volunteers in the National Service Trust with the funds provided in this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,000,000, to remain available until September 30, 2005.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

U.S. Court of Appeals for Veterans Claims

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $15,938,000 of which $1,175,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

Department of Defense—Civil

Cemeterial Expenses, Army

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $25,961,000, to remain available until expended.

Department of Health and Human Services

National Institutes of Health

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $80,000,000.

Agency for Toxic Substances and Disease Registry

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $73,467,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2004, and existing profiles may be updated as necessary.

Environmental Protection Agency

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $767,115,000 which shall remain available until September 30, 2005.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $9,000 for official reception and representation expenses, $2,192,552,000, which shall remain available until September 30, 2005, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $36,808,000, to remain available until September 30, 2005.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $42,918,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,275,000,000, to remain available until expended, consisting of $200,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended, and $1,075,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $13,214,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2005, and $44,697,000 shall be transferred to the "Science and technology" appropriation to remain available until September 30, 2005.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,545,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $16,209,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,601,950,000, to remain available until expended, of which $1,200,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"), of which up to $68,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, intermunicipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $25,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $195,000,000 shall be for making grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the report accompanying this legislation; $8,250,000 for grants for construction of alternative decentralized wastewater facilities under the National Decentralized Wastewater Demonstration program, in accordance with the terms and conditions specified in the report accompanying this legislation; $93,500,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; and $1,180,200,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities, of which and subject to terms and conditions specified by the Administrator, $50,000,000 shall be for carrying out section 128 of CERCLA, as amended, and $20,000,000 shall be for National Environmental Information Exchange Network grants, including associated program support costs: *Provided*, That for fiscal year 2004, State authority under section 302(a) of Public Law 104–182 shall remain in effect: *Provided further*, That notwithstanding section 603(d)(7) of the Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2004 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2004, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2004, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: *Provided further*, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: *Provided further*, That the referenced statement of the managers under this heading in Public Law 108–7, item number 383, is deemed to be amended by adding after the word "overflow", "and water infrastructure": *Provided further*, That the referenced statement of the managers under this heading in Public Law 108–07, item number 255, is deemed to be amended by inserting "water and" after the words "Mississippi for": *Provided further*, That the referenced statement of the managers under this heading in Public Law 108–07, item number 256, is deemed to be amended by adding after the word "for", "water and".

ADMINISTRATIVE PROVISIONS

For fiscal year 2004, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

The Environmental Protection Agency may not use any of the funds appropriated or otherwise made available by this Act to implement the Registration Fee system codified at 40 Code of Federal Regulations Subpart U (sections 152.400 et seq.) if its authority to collect maintenance fees pursuant to FIFRA section 4(i)(5) is extended for at least 1 year beyond September 30, 2003.

Section 136a–1 of title 7, U.S.C. is amended—

(1) in subsection (i)(5)(C)(i) by striking "2003" and inserting "2004";

(2) in subsection (i)(5)(H) by striking "2003" and inserting "2004";

(3) in subsection (i)(6) by striking "2003" and inserting "2004"; and

(4) in subsection (k)(3)(A) by striking "2003" and inserting "2004".

Executive Office of the President

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $7,027,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,238,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

Federal Deposit Insurance Corporation

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,125,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

General Services Administration

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $12,500,000, to be deposited into the Federal Citizen Information Center Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount of $18,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2004 in excess of $18,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

Interagency Council on the Homeless

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the Interagency Council on the Homeless in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,500,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SPACE FLIGHT CAPABILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of space flight capabilities research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $7,806,100,000, to remain available until September 30, 2005, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Science, aeronautics and exploration" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

SCIENCE, AERONAUTICS AND EXPLORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $7,707,900,000, to remain available until September 30, 2005, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Space flight capabilities" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $26,300,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Science, aeronautics and exploration", or "Space flight capabilities" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Science, aeronautics and exploration", or "Space flight capabilities" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2006.

From amounts made available in this Act for these activities, the Administration may transfer amounts between aeronautics of the "Science, Aeronautics and Exploration" account and crosscutting technologies of the "Space flight capabilities" account.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

The unexpired balances of prior appropriations to NASA for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2004, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2004 shall not exceed $310,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,000,000 for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $4,306,360,000, of which not more than $355,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2005: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally and used for authorized purposes of this account.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $192,330,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $910,680,000, to remain available until September 30, 2005: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $215,900,000: *Provided*, That contracts may be entered into under "Salaries and expenses" in fiscal year 2004 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $3,800,000: *Provided*, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $10,000,000, to remain available until September 30, 2005.

Neighborhood Reinvestment Corporation

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $115,000,000.

ADMINISTRATIVE PROVISION

Section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104) is amended by—

(1) striking out "compensation" and inserting "salary"; and striking out "highest rate provided for GS–18 of the General Schedule under section 5332 of title 5 United States Code"; and inserting "rate for level IV of the Executive Schedule"; and

(2) inserting after the end the following sentence: "The Corporation shall also apply the provisions of section 5307 (a)(1), (b)(1), and (b)(2) of title 5, United States Code, governing limitations on certain pay as if its employees were Federal employees receiving payments under title 5.".

Selective Service System

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $28,290,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

Sec. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 402. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Officer or is specifically exempt by law from such audit.

Sec. 403. None of the funds provided in this Act to any department or agency may be obligated or expended for: (1) the transportation of any officer or employee of such department or agency between the domicile and the place of employment of the officer or employee, with the exception of an officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905 or (2) to provide a cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

Sec. 404. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

Sec. 405. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

Sec. 406. None of the funds provided in this Act may be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

Sec. 407. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

Sec. 408. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

Sec. 409. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Sec. 410. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

Sec. 411. Such sums as may be necessary for fiscal year 2004 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Sec. 412. None of the funds made available in this Act may be used for any program, project, or activity; when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

Sec. 413. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

Sec. 414. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

Sec. 415. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

Sec. 416. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

Sec. 417. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

Sec. 418. Section 312 of the National Aeronautics and Space Administration of 1958, as amended, is further amended—

(1) by striking the second Sec. "312" and inserting "313";

(2) by inserting the title, "Full Cost Appropriations Account Structure", before Sec. 313;

(3) in subsection (a)—

(A) by striking "Human space flight" and inserting "Space flight capabilities";

(B) by striking "technology" and inserting "exploration"; and

(C) by striking "2002" and inserting "2004"; and

(4) by striking subsection (c), and inserting the following new subsection:

"(c) The unexpired balances of prior appropriations to the Administration for activities authorized under this Act may be transferred to the new account established for such activity in subsection (a). Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions".

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 106, line 11, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Are there any points of order?

Are there any amendments?

AMENDMENT NO. 13 OFFERED BY MR. KIRK

Mr. KIRK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. KIRK:

Under Title I, Department of Veterans Affairs, Administrative Provisions, add the following new section:

SEC. . The Secretary of Veterans Affairs shall maximize, to the greatest extent possible, sharing agreements for services, programs and facilities with the Department of Defense, particularly in areas where facilities and/or targeted populations are in close proximity: Provided, That the Secretary of Veterans Affairs shall submit a report to the Committees on Appropriations no later than December 1, 2003,detailing restrictive regulations, policies, and regulatory redundancies that inhibit resource sharing, and provide milestone dates to address each identified issue.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a technical amendment that calls on the Department of Defense to submit a report to Congress on resource sharing agreements for services, programs and facilities the Department undertakes with the Department of Defense.

I understand this amendment has been cleared with the majority and minority.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding. We are prepared to accept the amendment. I thank the gentleman for his diligence, and we think this will help the bill.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from West Virginia, our distinguished ranking minority member.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to the Kirk amendment.

Mr. KIRK. Mr. Chairman, I rise today to offer a technical amendment that calls on the Department of Veterans Affairs (VA) to submit a report to Congress reporting on resource sharing agreements for services, programs and facilities the department undertakes with the Department of Defense (DoD).

Every American knows that the face of health care has changed dramatically over the past decades. This is no less true for military and veterans' health care. It is clear from all the studies undertaken by the departments of Defense and Veterans' Affairs that the integration of health care services—where possible—will enhance the quality of care for the men and women who are serving our country today and those who served our nation in the past.

My district is home to the North Chicago VA Medical Center and the Great Lakes Naval Hospital. During the last Administration, officials made two attempts to close the North Chicago VA Medical Center. On June 19, 2001 the VA released its Capital Asset Realignment for Enhanced Services (CARES) study. The CARES study developed four options to impose veterans health care in the Chicago area, each of which recommended the preservation of services offered at North Chicago. The CARES study also recommended increasing the level of cooperative between North Chicago VA and the Great Lakes Naval Hospital, located less than a mile apart.

Integration of the two medical facilities is both practical and also urgent in North Chicago, Illinois, where the Great Lakes Naval training Center Hospital and the North Chicago Veterans Medical center both sit underutilized and in such close proximity. Combining these two facilities in a state of the art, federal health care center will maximize the use of tax payer dollars, enhance the training opportunities for young naval medical corps personnel, and, most importantly, bring the health care we promised the men and women into the twenty-first century. By directing the VA to report to Congress on the issues facing resource sharing Congress will be able to better understand and utilize resource sharing agreements when moving forward with this cost shaving approach.

I have met with Secretary Principi and Secretary Rumsfeld to discuss enhanced cooperation and health care resources sharing between the DoD and the VA. Both secretaries are committed to providing our men and women in uniform, veterans and retirees with world-class health care in an efficient manner. Both agree that cooperation between the two agencies when possible, will enable the departments to meet the growing needs of active and retired soldiers.

As an officer in the Naval Reserve and fellow veteran, I understand the sacrifices made by the men and women who wore their country's uniform. Therefore, I urge my colleagues to support this amendment.

I would like to close by thanking Chairman WALSH, ranking member MOLLOHAN, and the staff of the VA–HUD subcommittee for their help with this amendment. I hope to continue working with them on this issue as this bill moves into a conference committee with the other body.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. Hastings of Florida:

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT", after the aggregate dollar amount, insert the following: "(increased by $550,000)".

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY—BUILDINGS AND FACILITIES", after the aggregate dollar amount, insert the following: "(reduced by $550,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will not take that amount of time. My understanding is that the chairman and the ranking member have cleared this matter, and if that is the case and either the Chair or both would speak to it, then I will include my statement in the RECORD at this point.

Mr. Chairman, I rise today to offer an amendment that increases funding in the Environmental Protection Agency's Environmental Programs and Management account by $550,000.

While the rules of the House preclude me from specifying in the text of the amendment what the increase is to be used for, it is my intention that this $550,000 be utilized as additional funding for the EPA's environmental justice programs. My amendment is straight-forward, germane, and more than fair.

Since the creation of an Office of Environmental Justice in the EPA, the agency has worked to ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income. Further, it seeks to include all communities—white, black, brown, or green—in the development, implementation, and enforcement of environmental laws, regulations, and policies.

However, despite increases in the number of environmental justice complaints to the EPA, as well as a growing awareness about this issue, Congress has not increased funding to meet the agency's growing demands. This bill's allocation for EPA environmental justice programs of $5.5 million is the same as last year's even though the strains on the programs, as well as the immediate need for the programs, have increased.

My amendment provides a 10 percent increase in funding to the EPA's environmental justice programs, a modest increase I should add. It is long overdue, and I urge my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WALSH:

In title III in the item relating to "ENVIRONMENTAL PROTECTION AGENCY; STATE AND TRIBAL ASSISTANCE GRANTS", strike ", except that, notwithstanding section 1452(n)" through "water contaminants".

In title IV, strike sections 408 and 409.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. WALSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

My amendment would strike three provisions in the bill which are legislative in nature, and I have been asked to do this by the relevant authorization committee Chairs, and I would ask for the adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New York (Mr. WALSH).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DINGELL:

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT", after the aggregate dollar amount, insert the following: "(reduced by $1,000,000) (increased by $1,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. DINGELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment on behalf of my colleagues from Michigan, especially my three good friends and colleagues Mr. UPTON, Mr. STUPAK and Mr. ROGERS, all of whom are interested very much in this matter.

We in Michigan are awash in Canadian waste, 180 truckloads a day. EPA can help Michigan citizens control the flow of municipal solid waste from Canada. We have an agreement with the Canadians signed in 1992 that requires the EPA to implement a notice and consent procedure on the flow of trash.

The EPA has spent 11 years shirking its duty. They have determined that they will not implement this safe, simple and internationally recognized agreement.

The amendment is simple. It proposes to take $1 million out of EPA's Office of Media Relations and put the money into the Office of Enforcement, specifically for the enforcement of this bilateral agreement.

I know of no controversy with regard to this amendment. I note that it is a message to EPA bureaucrats to stop stalling and start protecting our citizens in Michigan.

I would note that I would, out of gratitude to my dear friends on the Committee on Appropriations, the gentleman from New York (Mr. WALSH) and also the gentleman from West Virginia (Mr. MOLLOHAN), I now terminate my remarks at this time.

Mr. STUPAK. Mr. Chairman, we have a crisis in Michigan. We have become the dumping ground for 100 percent of Toronto Canada's trash.

At a hearing earlier this week we heard excuse after excuse from the EPA as to why they are not enforcing a bilateral agreement that was reached back in 1992 which requires United States officials be notified of all shipments of trash coming in from Canada. When I asked the EPA if they have ever received such notification from Canada in the past 11 years, they said no. When I asked exactly when EPA would begin implementing the agreement they answered "hopefully soon." This is very similar to a response they gave the Congress 10 years ago.

In the mean time, Michigan landfills are being filled with Canadian trash and Canada is now considering sending their human waste to Michigan! When will it end, Mr. Speaker.

This amendment will provide $1 million to the EPA for implementing the requirements in the bilateral agreement, end the excuses, and begin the enforcement! I urge its adoption.

Mr. DINGELL. Mr. Chairman, I rise today to ask all my colleagues to support an amendment I have offered with my good friends and colleagues from Michigan, Mr. UPTON, Mr. STUPAK and Mr. ROGERS.

We in Michigan have a bit of a problem, Mr. Speaker. You see, we are awash in Canadian trash. Every single day, 180 truckloads of the stuff cross over the Blue Water Bridge in Port Huron and the Ambassador Bridge in Detroit.

Luckily, in 1986 the United States and Canada signed the Agreement Between the Government of the United States of America and the Government of Canada Concerning the Transboundary Movement of Hazardous Waste, which was amended in 1992 to also govern the transport of municipal waste.

While we are fortunate to have that agreement, the EPA unfortunately had declined to enforce it. They have had 11 years to implement the notice and consent procedure required by the agreement. Eleven years, Mr. Speaker, and incredibly EPA has taken no action!

Meanwhile, Customs officials have told us in no uncertain terms that they consider these trucks "high risk" and nearly impossible to inspect. A recent shipment included 50 pounds of marijuana. During the SARS outbreak in Toronto, where much of the garbage comes from, a Michigan State Trooper found a trash can dripping blood.

These truckloads of trash are a nuisance and a danger to Michiganders. In fact, on two separate occasions, innocent citizens were hit by these semi-trucks. Citizens who once lived on quiet country roads now must contend with nearly 200 truckloads of garbage that begin rolling in at six in the morning. Nice summer breezes are a thing of the past for these folks, now houses must be shut up year round in an effort to avoid the stench.

Our amendment, Mr. Speaker, is simple. We take $1 million from EPA's Office of Media Relations, and put that money into the Office of Enforcement, specifically the enforcement of this Bilateral Agreement.

On Wednesday, July 23, the Energy and Commerce Subcommittee heard testimony from EPA. They were able to give us a timeline for when Canada might be done with their regulatory process. Unfortunately, they were unable to give Members of the Subcommittee any idea when EPA might be through their regulatory process. I think, Mr. Speaker, that this bears repeating: U.S. EPA testified as to when Canada might be through their regulatory process, but they were not able to give us any indication of when they might be through their own.

I would note that Article 5.3 of the Bilateral Agreement expressly provides that "to the extent any implementing regulations are necessary to comply with this Agreement, the Parties will act expeditiously to issue such regulations consistent with domestic law." Article 5.3 further and expressly provides that "pending such issuance, the Parties will make best efforts to provide notification in accordance with this Agreement where current regulatory authority is insufficient."

Well, by EPA's own admission, this is not being done. They have not used their best efforts and they have not even begun the regulatory process. How long does it take, Mr. Speaker? How long do the citizens of Michigan have to wait?

My fellow colleagues from Michigan, and indeed, all Michiganders, find it outrageous that EPA has shirked its duty and determined that our health and well-being is not worth their time and effort. This amendment tells them to do their job: issue regulations and enforce them. As they move forward with these regulations, we would request that before EPA consents to a shipment, they consider the views of the state and local governments, as well as the impact of the importation of continued public support and adherence to recycling programs, landfill capacity, air emissions from increased vehicular traffic, road deterioration from increased vehicular traffic, and public health and the environment.

I would ask my colleagues to support this common sense amendment to help protect the citizens of Michigan and to force the EPA to do its job.

Again, I would like to thank my distinguished colleagues from Michigan, Mr. UPTON, Mr. STUPAK, and Mr. ROGERS for their cosponsorship of this important amendment and their leadership on this issue.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was agreed to.

□ 1430

AMENDMENTS OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Will the gentleman identify which amendment he is offering.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

Mr. SMITH of New Jersey. It is the medical care amendment. I have two, Mr. Chairman, and this would be the first one.

Since they are very similar, Mr. Chairman, I ask unanimous consent they be considered en bloc with the time allotted. We could dispose of both of them at the same time.

Never mind, do them one at a time.

The CHAIRMAN. Will the gentleman further identify the amendment, since there are two.

Mr. SMITH of New Jersey. The amendment would seek to add $1.8 billion to the medical care budget.

I offered two amendments last night, Mr. Chairman, or asked that two be made in order at the Committee on Rules, and I submitted 50 copies of each to the Committee on Rules, so there should be at least one copy.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. SMITH of New Jersey:

In title I, strike the heading "VETERANS HEALTH ADMINISTRATION" and all of the paragraphs under that heading and insert the following:

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code; aid to State homes as authorized by section 1741 of title 38, United States Code; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), $27,068,220,000, plus reimbursements: *Provided*, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2005.

MEDICAL CARE COLLECTIONS FUND

(INCLUDING TRANSFER OF FUNDS)

Amounts deposited during the current fiscal year in the Department of Veterans Affairs Medical Care Collections Fund under section 1729A of title 38, United States Code, may be transferred to "Medical care", to remain available until expended.

MEDICAL AND PROSTHETIC RESEARCH

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2005, $408,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $79,000,000, of which $3,000,000 shall be available until September 30, 2005, plus reimbursements: *Provided*, That technical and consulting services offered by the Facilities Management Field Support Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2004.

In section 116(a), strike "under 'Medical services for priority 7–8 veterans' and" and insert "under 'Medical care' and".

In section 117, strike "Medical Services" both places it appears and insert "Medical care".

In section 118, strike "transferred to" and all that follows through "for the" and insert "transferred to 'Medical care' for the".

Strike section 119.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) has reserved a point of order against the amendment.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, despite significant and sustained efforts by Secretary Principi and the VA to boost effectiveness and efficiencies in the VA health care delivery; despite enhanced DOD-VA sharing of resources, individual facilities, administration, and pharmaceuticals; despite improved collections from individual veterans' insurance companies, and as a matter of fact my committee passed legislation that will boost that even further, and collections are up 70 percent since fiscal year 2001; despite an ongoing crackdown of waste, fraud, and abuse by the VA, and I point out that PL 107–103, one of my bills, goes after fugitive felons and we expect to glean about $209 million per year by recapturing those dollars; despite all of this and increases in the VA health care funding over the past few years, there remains what President Bush's 15-member task force calls a serious mismatch between need and resources.

After 2 years of vigorous investigation and analysis, President Bush's task force, and I would invite every Member to read the Bush task force report, it was co-chaired by Dr. Gail Wilensky and John Paul Hammersmith, the former ranking member of the Committee on Veterans' Affairs, and before then by Congressman Solomon, who has regrettably passed away, but was an outstanding man and lawmaker, and he was co-chair before passing away. This task force found, and I quote, "that funding provided through the authorization in the appropriations process for VA health care delivery has not kept pace with demand."

There are reasons for it, of course. Since 1996, we have seen some 600 new outpatient clinics created. So there are feeder points. Our men and women, either in their wheelchairs or by their feet, are walking into VA health care facilities and getting the kind of care they need; we have seen a 70 percent increase in unique users, new patients since 1996.

The Bush task force pointed out, and I think it needs to be underscored, that there is a significant core underfunding. And you have to read this report because it talks about doing everything humanly possible, realizing every synergy, every efficiency; but when all is said and done, there is still this significant shortfall that needs to be breached by appropriated dollars.

And, of course, one of the outcomes of not having sufficient money is that many of our veterans wait unconscionably long periods in order to get the care they need. The task force found a snapshot in January: 236,000 veterans waiting 6 months or longer to get a first visit or a follow-up visit to their doctor.

An individual can get awfully sick and awfully diseased waiting that long to get health care. And I would respectfully submit that our veterans get sicker and more diseased by that inattention. We can close that gap by providing the proper amount of money.

Let me just say to my colleagues, as well, that last night I went to the Committee on Rules, joined by my good friend, the gentleman from Connecticut (Mr. SIMMONS), the chairman of our Subcommittee on Health; the gentleman from Illinois (Mr. EVANS), the gentleman from Texas (Mr. RODRIGUEZ), the two ranking members of the full committee and the Subcommittee on Health, and asked that this amendment be made in order to add back $1.8 billion.

What are we talking about? That is the number that was in the House- and Senate-passed congressional budget resolution, $27 billion for medical care, so that we meet the needs of our veterans for fiscal year 2004. Sadly, we were turned down.

What is the predictable outcome? I would respectfully submit it will be an awful outcome if we do not provide these resources. The VA has given us an indication, a blueprint, if you will, of 1.2 million veterans being disenrolled. 1.2 million, every State of the Union, men and women currently enrolled will no longer be enrolled. Five thousand nursing home beds for the spinal cord injury patients and others who have very highly skilled needs will be idled, will be done away with if we do not add back this $1.8 billion.

This is a very significant need, I would say to my colleagues, especially at a time when we are at war in Iraq. The war is over, but we have deployments and people are still getting injured and even killed. We need, in a bipartisan way, to step up to the plate and provide this necessary money.

And I would say to my colleagues with regret and with respect for the chairman of the subcommittee and the ranking member, that I will be voting "no" on final passage of this bill, and, hopefully, we will go back to committee, get this funding problem solved there and do this right.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I want to applaud my colleague for his statement. I think there is something fundamentally wrong with the priorities of this country when we have men and women who have put their lives on the line, who in Vermont and all over this country are on waiting lists, people who served this country and who are thrown off of VA health care.

When we talk about giving huge tax breaks to people who do not need it and then say that we do not have $1.8 billion for our veterans, that is absolutely outrageous. And I want to commend my friend for his efforts.

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order.

The CHAIRMAN. Does anyone wish to claim time in opposition?

Mr. MOLLOHAN. Mr. Chairman, I claim the time in opposition to the amendment, but I rise in support of the amendment.

The amendment would add $1.8 billion in additional funding to VA medical care. It is demonstrably true that veterans' medical care is in need of additional funding. More than 235,000 veterans are currently waiting six months or more for initial appointments. Veterans in certain areas of the country have reported waiting two years to see a doctor. The VA has now reached capacity at many healthcare facilities and has closed enrollment to new patients at many hospitals and clinics. The VA has even taken the step of placing a moratorium on all marketing and outreach efforts.

These problems are all symptoms of a larger illness—the VA consistently is not provided enough funds to provide all the benefits that are authorized for all veterans—not even in the area of medical care.

The Chairman without a doubt did the best he could by veterans in this bill. However, the fiscal year 2004 Budget Resolution did not allow the VA–HUD Subcommittee to have an allocation that would permit the promises the Republican leadership made to be kept. I know that this amendment will be stricken on a point of order, but I was to express my support of it because we need to do more for veterans medical care.

The gentleman's amendment rightly points out the need for more funding for veterans medical care and is providing an invaluable service by allowing the House to debate the consequences of irresponsible budget agreements and tax cuts to millionaires. Consequences such as not being able to adequately fund promised services to the most deserving among us—our Nation's veterans.

I yield back the balance of my time.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2004 on July 22 of this year. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of this act.

I ask for a ruling of the Chair.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair is authoritatively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from New Jersey would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. FATTAH

Mr. FATTAH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

Text of the amendment is as follows:

Amendment offered by Mr. FATTAH:

In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)", after the second dollar amount, insert the following: "(increased by $4,500,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. FATTAH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the HOPE VI program, which received a very significant allocation last year in this bill, has only a $50 million allocation. Part of the rationale for not aggressively supporting what is the most successful neighborhood revitalization program and the largest in our country is that there is in the pipeline some projects that have not moved as quickly as we might want them to.

I met with the officials at HUD, and my staff has interacted with any number of people since we have become aware of this problem, and I am convinced that part of the problem, which was identified by the GAO in a study done, is that HUD has backed away from and withdrawn services and support, including the use of expediters to move these projects through the pipeline.

So I have offered an amendment to substantially increase technical assistance from $500,000 to $5 million to help move these projects through the pipeline. Hopefully, as we go between now and conference, because a lot of Members are very interested in HOPE VI on a bipartisan basis, we would like to see this subcommittee find a way, and I know that the chairman and my ranking member would work with us on this, to try to see how we could have a greater commitment to seeing this program move forward. It is also up for reauthorization.

But I think at a minimum, at least at this moment, the one thing that the House should do is to substantially increase technical assistance and say to HUD that we want the communities around this country that receive HOPE VI grants to have the type of expertise that they need to be able to make those projects go and to go as quickly as possible so that we never again have any rationale offered that projects previously funded that are desperately needed are not moving as quickly as some might want them to.

I have talked both with the majority and the minority, Mr. Chairman, and I believe this amendment might find acceptance.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. FATTAH. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, we have reviewed the amendment, we think it helps the bill, and we are prepared to accept it.

Mr. FATTAH. Reclaiming my time, Mr. Chairman, I thank the gentleman.

For every reason I can think of, Mr. Chairman, this is an important thing to do.

Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for yielding me this time. I also have an amendment at the desk which I had understood was going to be handled at the same time as the Fattah amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would announce that under the order of the House, the amendment of the gentleman from Illinois was not made in order separately from this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I will then discuss my amendment at the same time as the Fattah amendment, though it is different from the Fattah amendment.

My amendment dealt with the fact that section 8 is underfunded and HOPE VI housing is underfunded in this appropriation. The bill funds the Department of Housing and Urban Development. The single largest low-income housing program at HUD is the section 8 housing choice voucher program.

The voucher program enables low-income families with children, the elderly and the disabled to rent apartments in the private market. It makes up the difference between what low-income people can afford to pay for housing and what private rents are, and is a critical source of support for more than 2 million families. Without vouchers, many of these families would be stuck in overcrowded and unsafe housing, or even worse, homeless.

If the shortcomings of this bill are not addressed, 85,000 families will not have the funding for their vouchers renewed. These families need affordable housing assistance. The current funding in H.R. 2861 does not address nor take into consideration inflation and the high cost of living, unemployment, and the failure of corporations and small businesses.

Another housing program which is underfunded is HOPE VI. The purpose of the HOPE VI program is to revitalize severely distressed public housing developments and transform them into safe, livable environments. A required element of the program is the provision of the effective, targeted self-sufficiency initiatives so that public housing can regain its role as housing for low-income families who are determined to improve their status.

HOPE VI funds are used to provide three types of grants: planning, implementation, and demolition. Mr. Chairman, the vast majority of public housing in Chicago is in my district and, of course, we need public housing assistance. Without HOPE VI, many of the people will lose hope and lose what they have had.

My amendment would have added $300 million to HOPE VI to replace some of the $500 million that is being cut. But since most of the money has already been given back to the wealthy in the form of huge tax cuts, I am afraid that very little is left for HOPE VI for the poor, for veterans health care, for the needy, for the disadvantaged, and for the 3 million people who have lost their jobs.

Since the money is gone, Mr. Chairman, I will withdraw my amendment.

Mr. FATTAH. Reclaiming my time, Mr. Chairman, let me in conclusion say that I share the sympathies that have been articulated by the gentleman from Illinois. I do, however, want to say that I think this technical assistance addition is important, and I want to thank the majority and the ranking member.

Mr. SHAYS. Mr. Chairman, I rise in support of this amendment and in support of the HOPE VI program.

Mr. Chairman, I'm amazed Congress would all but eliminate funding for this highly successful program.

While the $50 million for HOPE VI contained in this bill is $50 million more than the President requested for this program, this is still a cut of $524 million from 2003, a reduction of 90 percent, and will gut a program that brings hope and opportunity to so many.

In Stamford, Connecticut, a HOPE VI grant transformed a dim, crime-ridden, and dilapidated housing project into a beautiful place to live and raise your children. As a result of this federal assistance, Southwood Square is now a safe place for children to play, its residents receive job training on site, and working parents have access to a child care facility. Just as importantly, residents are involved in their community.

I wish Members could see the transformation that has taken place there. If they did, I doubt they would be cutting this program.

The most beautiful part of HOPE VI the way a grant from the federal government produces a ripple effect in the neighborhood. The transformation that occurs in HOPE VI communities is funded with a small investment in the form of a federal grant, but primarily is funded with local and private money.

The lesson there is that when the federal government demonstrates its interest in improving the housing needs of low-income families, the community responds in a big way.

The question that begs to be asked is: Why would such a successful program be cut so drastically?

I recognize the fiscal constraints of this budget cycle, but this is not time to weaken our commitment to HOPE VI. I urge passage of this amendment.

Mr. FATTAH. Mr. Chairman, I yield back the balance of my time.

□ 1445

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Pennsylvania (Mr. FATTAH).

The agreement was agreed to.

PARLIAMENTARY INQUIRY

Mr. SMITH of New Jersey. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of New Jersey. Earlier on the amendment I called up regarding the $1.8 billion add-back, there were two amendments. I asked that they be considered en bloc. It was objected to by the gentleman from New York (Mr. WALSH) so they stayed separate, but we were allocated only 5 minutes.

Mr. Chairman, I would ask unanimous consent for those additional 5 minutes to hear from a few Members who were precluded from speaking.

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SMITH of New Jersey. Mr. Chairman, further on my parliamentary inquiry, it is my understanding, especially after a consultation with the Chair, that the time was improperly accorded us. It was not a matter of seeking unanimous consent of any kind. We asked that they not be en bloc, so if they were not en bloc, I do call up the other amendment.

The CHAIRMAN. The gentleman will suspend. The gentlemans' amendments were considered en bloc by unanimous consent.

Mr. SMITH of New Jersey. And only 5 minutes was allocated?

The CHAIRMAN. That is correct for the proponent and an opponent under the order of the House, but the those amendments have been disposed of. Without unanimous consent on the pending amendment, there is no additional debate time available.

AMENDMENT NO. 12 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. SMITH of New Jersey:

Strike section 114.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. SMITH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment would strike section 114 of the bill to remove a provision that would bar the VA from using funds to implement provisions of Public Law 107–287, the Department of Veterans Affairs Emergency Preparedness Act. This vital veterans legislation would create new research centers to help protect future veterans and current ones from the effects of weapons of mass destruction.

For the benefit of my colleagues who are not familiar with this law, the VA Emergency Preparedness Act was designed to give the VA health care system better tools and information to prepare for the possibility of injuries and illnesses to servicemembers caused by weapons of mass destruction.

Dr. Susan Mather, the Chief Public Health and Environmental Hazards Officer, is ready to move forward to let these kinds of programs go forward so the research will be done, so if the unthinkable happens to our men and women in uniform with regards to biological, radiological or chemical, that we will have a more adequate response than we do right now.

Let me point out that the VA excels in establishing Centers of Excellence. It does it on a myriad of fronts, including for combat and war-related injuries that are suffered on the battlefield. Two recent centers were established for that purpose.

The VA is ready to go, and Dr. Mather made the point to the Under Secretary of Health that the VA health care system is "more likely than any large, small, private or public health care system to be required to identify and respond to threats of chemical and biological or other threats to public health or safety." Thus, the Medical Emergency Preparedness program will facilitate the best medical care and services to veterans.

The VA is ready to go. This provision in the bill that precludes that, I think, is unfortunate.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek the time in opposition to the amendment?

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 10 minutes.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment adds another bureaucratic arm to the Veterans Administration by creating a new assistant secretary. This function, the function of emergency preparedness, is already under the Assistant Secretary for Policy and Planning. Emergency activities are well planned, managed and executed under the current arrangement.

Another part of this amendment takes money away from regular medical care. We just heard some debate about the cost of medical care and the need for additional funds for medical care. This would take money out of medical care to create these new crisis centers.

I believe the money should be prioritized to treating sick veterans. That is the mission of the Veterans Health Administration, and the focus should remain there.

Emergency response and research centers and activities are already funded under the Departments of Homeland Security, Justice, Defense and Health and Human Services, where they rightly belong. I would urge a strong "no" vote on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SIMMONS), the chairman of the Subcommittee on Health.

Mr. SIMMONS. Mr. Chairman, I rise in support of the amendment. The amendment makes sense. These types of emergency preparedness activities have historically taken place within the VA. They should continue to take place within the VA, especially at a time when the United States of America is threatened by chemical, biological and possibly even dirty nuclear weapons; especially when our veterans overseas, those in Iraq in particular, have the potential of being exposed to these types of weapons.

We cannot afford to let some bureaucratic arguments get in the way of implementing this legislation. It is important legislation. We cannot afford to get bureaucratic rules in the way of restoring $1.8 billion to this bill, so we can properly fund veterans' health care.

I was told earlier this afternoon by a colleague that certain categories of veterans are fully funded. Yes, they are, but that does not meet the obligations and requirements of this body to fund all veterans.

In 1996, when we in this Chamber passed unanimously H.R. 3118, no "no" votes, we opened the Veterans Health Administration to all veterans. All veterans, to all veterans. We have not kept that promise.

In April of this year, when we passed a budget resolution which adequately funded health care to all veterans, to all veterans, we have walked away from that promise as well.

I do not blame the chairman of the subcommittee or the ranking member; they have done the best they can with the allocation they have. They have done a brilliant job with the allocation they have. But the allocation they have is inadequate for us to meet the promise to our veterans.

It is interesting to note that we have money in this bill for cemeteries because if we deny our veterans the health care they deserve and earned, and we have promised to them, we are going to need those cemeteries.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Chairman, as a member of the Committee on Veterans' Affairs, I see and hear firsthand the scars of battle borne by our veterans during the carnage of war. Veterans do receive affordable, quality health care. However, in expanding the eligibility requirement for health care in 1996, we now have veterans waiting months for an appointment because we are not keeping up with the funding demands.

We are obligated to honor the promise this Chamber made to fund veterans' medical care at the March budget leave. As the son of a retired two-star general, I was raised to believe that a man's word is his bond. Those who vote in favor of this bill, whether Republican or Democrat, vote to underfund the needs of those who shed their blood so we can breathe free.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, certainly coming from Florida I have a very large veterans population. I have the second largest veterans population in this Congress.

When I went back home and told them about the amount of funding that was in the budget that we passed, I can tell Members they were delighted. It was not enough even then, but it sure made a big difference.

Today, the bill that we will be voting on will be cutting $1.8 billion from the veterans' health care appropriation. That is wrong. We are breaking a promise that we made when we went home and told them about the funding that was in the budget. I think veterans deserve better. They have defended our country.

Tomorrow, I am going to be presenting medals to Korean War veterans, celebrating the 50th anniversary of the Korean War. Can we give them a medal and turn our backs on what they may have in health care needs?

We also have men and women coming home from Iraq. What kind of health care are they going to have?

I know how hard the chairman of the committee, the gentleman from New York (Mr. WALSH), worked on this and how hard the members of the Committee on Veterans' Affairs and the Committee on the Budget worked on this, because I serve on both. We took some tough votes because we were told there would be additional funding in the final appropriations bill that was passed.

I cannot vote for this bill, and I think that there are many in this Chamber who are really, as we used to say back in New York, having agita over this vote. This is not a vote that I can cast affirmatively.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, we know it is a very difficult budget year and lots of decisions have to be made. I have 61,000 retired veterans and military retirees, combined, that live in the Third District of North Carolina, the home of Camp Lejeune, Cherry Point, and Seymour Johnson Air Force Base. And like each and every one of my colleagues, I know we all care about our vets, but let me say that sometimes, for all of us who serve, you get a little bit wondering, what are our priorities? And with all of the responsibilities we have, should those vets be number one for this country?

I believe those of us who had the privilege to serve—and no, I do not have a military background, but Members do not need a military background to appreciate those who put the uniform on for this country.

Mr. Chairman, I think about those young kids at Walter Reed and those young kids at Bethesda who lost a limb, many are paralyzed, and in the short term they will be taken care of, but how about 3 and 4 and 5 years down the road? We are losing beds and losing care. America is too great to let this happen.

Let me say, Mr. Chairman, in closing, that many of my vets ask me, we find this money for foreign aid, we find $15 billion for Africa, and they want to help the AIDS victims in Africa, but they agree and I agree, they should come first. Then if we have extra money, let us help the other people; but for God's sake, let us not forget our vets. We made a promise a few months ago that it would be $1.8 billion.

I know the chairman and the ranking member are two of the finest men here in the House, and this is not their doing or their fault, but let us reestablish our priorities and let us take care of those who are willing to give their lives for us.

Mr. SMITH of New Jersey. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from New York (Mr. WALSH) has the right to close.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself the balance of my time.

This amendment that has been made in order is not the amendment to add back $1.8 billion, and I say that with great sadness on behalf of our veterans. What this amendment would do is lift a prohibition in the underlying bill that would prevent the VA from establishing already authorized medical preparedness centers, Centers of Excellence, to work the issue on weapons of mass destruction.

□ 1500

As I said earlier, the VA is ready to go. We already have their time line. It is in print. They are ready to go. They want to do this. I would say to my colleagues that if we are saying we do not have the $5 million approximate in start-up costs, let us grow this budget. That is what we have been saying in this entire debate. I hope my colleagues will vote for this. I would again remind my colleagues that the VA already operates dozens of specialized research centers, the center for limb loss, the center for spinal cord injury, the center for brain rehab, the center for wheelchair and related technology; in May of 2001, two new centers to study war-related illnesses. We are not breaking new ground here; we are moving in a direction that heretofore has not been addressed and that is weapons of mass destruction. I would hope my colleagues would vote for this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER), a member of the Committee on Veterans' Affairs and a combat veteran.

Mr. BUYER. Mr. Chairman, I want to thank the chairman of the Committee on Veterans' Affairs for his leadership. There are a lot of different individuals here on many different committees that after September 11 did an assessment. The gentleman from New Jersey (Mr. SMITH), the chairman, also did his assessment. At the same time so were other committees. The real question right now is over the issue on redundancy. I want to applaud the chairman for having his bill passed and it is authorized.

The real question now is on the funding and the timeliness of that funding. I recognize the present objection of the chairman of the Committee on Appropriations. With regard to some of the comments from my other colleagues with regard to whether the funding has been underfunded or not and we have been citing back to when we did eligibility reform here on the House floor, I want everybody to note this, that during that time period, the Congressional Budget Office and GAO provided testimony to the House and the Senate. They said, if you change eligibility from the core competencies of the VA and let non-service-connected disabled veterans be treated the same in line with combat- or peace-disabled veterans, you will open up the system and you will have a tremendous cost impact.

The Committee on Veterans' Affairs staff and members on the House and the Senate did not agree with what the recommendations were nor testimony of CBO and OMB. As a matter of fact, the veterans service community and organizations, some in particular mocked CBO and OMB for their testimony. Their testimony was correct. We were wrong.

So what we are doing today is we are trying to now catch up. Members may ask, what do you mean catch up? In the last 5 years in which the gentleman from New York has chaired the subcommittee, we have increased the health budget in the VA 50 percent. Members might say, my gosh, 50 percent, why? Because the category 7's and 8's are rushing into the system. Today we have a system called a no-shame system. A no-shame system. There are things in our society, if you are in a food line and you have already eaten and there are people that have not eaten, do you get in line and cut before them? No, that is shameful. What happens today is that you have individuals who are non-service-connected disabled veterans who are in line before combat-disabled veterans. I think that is shameful. Others can disagree with that, but I think that is. Today this present theme has become that every veteran is a veteran is a veteran. That is the present theme, because we do not want to look back and see what the mistakes were that we made. No one in this House wants to accept the responsibility for having gotten it wrong: Oh, please, Steve, don't tell us the mistakes that we made. Just fund it. Just throw more money at it.

Folks, we are creating a problem. If we do not accept some responsibility here, I am fearful of what is happening to the VA. We need to restore the core competencies of the VA in those categories 1 through 6. I want to applaud the chairman for his work along with the ranking member. It is quality work.

Mr. WALSH. Mr. Chairman, I urge a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. SMITH) will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. HALL:

In title III, in the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; SPACE FLIGHT CAPABILITIES", insert "of which $15,000,000 of amounts for the Space Shuttle Life Extension Program shall be for the development and independent assessment of concepts to increase Space Shuttle crew survivability for crew sizes of 4 to 7 astronauts by at least a factor of 20 relative to the demonstrated crew survival rate of the Space Shuttle to date, and" after "September 30, 2005,".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Chairman I yield myself such time as I may consume.

Mr. Chairman, I want to thank Chairman Walsh and Ranking Member Mollohan. I am offering an amendment to the NASA portion of the bill. That issue is the safety of the astronauts who fly the Space Shuttle.

Mr. Chairman, the amendment that I am offering today would start NASA down the path to developing a new crew escape system for the entire Space Shuttle crew, not just the pilot and the copilot. My amendment is focusing on increasing the safety of the Space Shuttle astronauts through the development of concepts for crew escape in the event of an accident. It is that simple.

Mr. Chairman, I am offering an amendment to the NASA portion of the bill. It concerns an issue that I feel as strongly about as anything I have fought during my time in Congress. That issue is the safety of the astronauts who fly the space shuttle.

These brave young men and women risk their lives to advance our knowledge and to help this Nation explore space. They know that space travel involves risk. However, I'm not sure that the rest of us fully comprehend how risky it can be until we are confronted with a tragedy like last February's loss the space shuttle *Columbia* and its crew. Yet the fact that space travel involves risk doesn't mean that we shouldn't be taking all prudent measures possible to reduce that risk—which brings me to the objective of my amendment.

The sad reality is that 17 years after the space shuttle *Challenger* accident, the loss of a space shuttle almost inevitably means the loss of its crew. I don't think that is right, and I don't think it has to be that way. And I'm not alone in that belief. For years, the independent Aerospace Safety Advisory Panel (ASAP) and others have argued that NASA needs to pay more attention to improving space shuttle crew survivability in the event of an accident. For example, in its March 2002 report to the NASA Administrator, the ASAP expressed its concern that: "there is no in-flight crew escape system for the [Space Shuttle] Orbiter other than for abort below 20,000 feet during a controlled glide", and it strongly recommended that NASA: "complete the ongoing studies of crew escape design options and implement and improved system as soon as possible."

Moreover, in their meeting with the NASA Administrator earlier this year, ASAP members were vocal in their belief that NASA needed to give serious attention to the development and installation of a space shuttle crew escape system.

I agree with the ASAP members. I think that if we are going to fly the shuttle for an extended period—which I believe we are—then NASA needs to develop and install a crew escape system on the remaining Orbiters in the space shuttle fleet as soon as practicable. And we need to size it so that we are able to fly enough astronauts to the International Space Station (ISS) annually to allow a permanent ISS crew of seven.

The amendment that I am offering today would start NASA down the path to developing a crew escape system for the entire space shuttle crew—not just the pilot and co-pilot.

My amendment would use $15 million from the as yet unallocated funds in the fiscal year 2004 Space Shuttle Life Extension Program "Future Projects" account to solicit the best concepts from the aerospace industry and elsewhere for significantly improving shuttle crew survivability. Those concepts, including estimates of their costs and impacts on shuttle performance, would be independently so that Congress and NASA will know what the best options care. We can then make an informed decision on what to do next. I would hope that the solicitation and independent assessment could be completed expeditiously, certainly in less than a year.

Now I know that some at NASA would agree that it can't be done at a reasonable cost or without a big negative impact on shuttle performance. My reply is that I don't believe that the combined talents of the aerospace industry and NASA aren't capable of rising to the challenge of developing a viable space shuttle crew escape system and dramatically improving shuttle crew survivability. I may be wrong, but I don't think so.

Mr. Chairman, my amendment is a modest first step toward achieving my goal of significantly improving the odds for our brave astronauts when they fly the space shuttle. It is only one step. I intend to keep pressing for the development of a capable space shuttle crew escape system if the nation decides to continue to flying the shuttle.

While my amendment may be only a first step, I believe it is an important role. I hope Members will join me in support of this amendment.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

The question is on the amendment offered by the gentleman from Texas (Mr. HALL).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. STEARNS:

In title I, in the item relating to "VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH", after the aggregate dollar amount, insert the following: "(increased by $5,000,000)".

In title III, in the item relating to "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE—NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES", after the first (aggregate) and fourth (AmeriCorps grants) dollar amounts, insert the following: "(reduced by $12,217,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

This is a simple amendment, and I will not take long. It transfers 5 percent of the fiscal year 2004 funding from the Corporation for National and Community Service's AmeriCorps grants to the Veterans Health Administration, Medical and Prosthetic Research.

I think, Mr. Chairman, I would summarize my amendment basically as one of priorities. It is interesting on July 27 now, we are going to celebrate the 50th anniversary of the Korean War armistice. Perhaps this is a perfect time for all of my colleagues to think about the priorities relative to this anniversary of the Korean War.

The Department of Veterans Affairs has a history of producing beneficial research in medicine and prosthetics, the latter of which will be sadly in demand as amputated veterans return from Iraq. Arguing for the transfer of these funds is based upon, I think, the accomplishments of the VA research department. Perhaps many Members do not realize it has produced three Nobel Prize winners, developed the cardiac pacemaker, conducted the first successful drug treatments for high blood pressure and schizophrenia, is undergoing trials of a smallpox treatment in mice, and developed the technology that recently enabled paralyzed actor Christopher Reeve to regain the ability to breathe on his own temporarily. The money is going to go to this research. They have a history, Mr. Chairman, of success. The long-term consequences of helping these people is immense. But from our reading of this bill, their increase in this area is only 2.7 percent. So I thought, well, that is pretty low, why do we not transfer some money over there?

I might point out that when we are talking about volunteer organizations or people that volunteer, I would like to really tout an organized group of committed volunteer military veterans in my hometown of Ocala, Florida. They do not get paid, Mr. Chairman. It is called Vets Helping Vets. Vets Helping Vets lend assistance to their veteran brothers and sisters and volunteer for numerous activities, including helping the homeless. The program is administered by Hank Whittier from my hometown, Ocala, Florida. He has done a great job. I think it is a pilot program that could be done throughout this country.

Let us observe the 50th anniversary of the Korean War by reexamining our priorities, our policy. A vote for my amendment is in support of promising beneficial medical and prosthetic research for deserving veterans.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, I want to thank the gentleman for bringing his amendment. One thing that we often must recognize with regard to the recruiting pool for the United States military, AmeriCorps competes with our recruiting pool for an all-volunteer force. It makes it very difficult and very expensive for DOD to go out there and recruit those soldiers.

I have a question for the author of the bill. When President Clinton created the AmeriCorps, he was touting volunteerism. It is my understanding that at AmeriCorps, they do not call them volunteers anymore. Do you know whether that is true or not?

Mr. STEARNS. I do not know. I think they are using the term paid volunteers. I think when you look at it, compared to those who have already served their country, maybe even the word "paid volunteers" is an area that we might talk further about. I think the point of my amendment is not to discredit any one government agency but just to set priorities here and say that the amount of research increase in dollars in the VA is very small. And so I am just in a very small way asking my colleagues to consider this amendment and moving it forward.

Mr. BUYER. I would just urge my colleagues to support the gentleman from Florida's amendment. If we can move some quality dollars here and prioritization into veterans health care, I think his amendment is in the right intent. I support it.

Mr. STEARNS. Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

PARLIAMENTARY INQUIRY

Mr. FILNER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FILNER. Mr. Chairman, I am also in opposition and am in the opposite party. Who has control?

The CHAIRMAN. The Member managing the bill and a member of the committee has the prior right to recognition to control debate time in opposition to the amendment.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

I rise in reluctant opposition to my good friend and colleague and classmate, the gentleman from Florida's amendment. This is a small amount of money, but I think it would be significant either for AmeriCorps or for VA research. There are a lot of really tough choices in this bill. The gentleman from Florida has created for us another. But I would urge that we resist the temptation to move this money from AmeriCorps into veterans. We are talking about a program in AmeriCorps that has had its problems; but I think it is pretty clear, in the discussion that we had in committee and on the floor of the House regarding the supplemental, that there is broad support for AmeriCorps. These are young people who are idealistic, altruistic, energetic. They want to serve their country, too. I think we owe that to them. I think it is something the government should be involved with, in supporting that activity.

The discussion has been somewhat about the fact that they are paid volunteers. What they are paid is minimum wage. They often live in communities outside of their home so they have to pay rent. They have to pay for food. The only way that they can meet their obligations is by getting paid. But clearly they are volunteering their time and that year of their life to serve their country. I think that should be continued and rewarded. The program AmeriCorps is a priority program for this Congress. We have said that time and time again. It is a priority for the President of the United States. He has asked us to increase funding. We have increased funding in the 2004 request. I would urge Members to give this some thought. We are talking about a very difficult choice between veterans health and AmeriCorps, but this money is needed in AmeriCorps.

I would urge Members to vote "no" on the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I respect what my good colleague and classmate, the distinguished gentleman from New York, has said. I might just read from the committee's report itself:

"The committee is completely frustrated at the financial situation created by the lack of financial and grant program accountability at the corporation, even after years of providing funds specifically for the purpose of grant management and assurances made by the corporation during the conference that the corporation, AmeriCorps, was on the path to reform." Yet the committee gave it an 11.7 percent increase. When we look at the VA funding for research, it is 2.7 percent. I ask my colleagues to put that in perspective and also put it in the perspective, as the gentleman from New York said, this is a small amount of money but this has a symbolic value to veterans, people who need prosthetic support. To think that you are taking some of the money that is in a program like AmeriCorps and giving it to veterans research, I think, is saying, We're behind you.

I urge support for the Stearns amendment.

Mr. WALSH. Mr. Chairman, I again urge a "no" vote on the gentleman's amendment. I respectfully disagree. I urge that the House oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

□ 1515

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

AMENDMENT NO. 7 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mrs. CAPPS:

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY; SCIENCE AND TECHNOLOGY", after the last dollar amount, insert the following: "(reduced by $7,300,000)".

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY; LEAKING UNDERGROUND STORAGE TANK TRUST FUND", after the last dollar amount, insert the following: "(increased by $7,300,000)".

The CHAIRMAN. Pursuant to the order of House of today, the gentlewoman from California (Mrs. CAPPS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I yield myself such time as I may consume.

I understand that the majority has agreed to accept this amendment, and I am very grateful. Briefly, I would state that the amendment would increase Federal efforts to clean up leaking underground storage tanks by $7.3 million. The amendment pays for this increase by transferring the same amount from the EPA's Science and Technology account. The hope is that we can increase our attention to the problem that MTBE contamination is causing to drinking water across this country.

When MTBE gets into groundwater, even at very low levels, it makes water smell and taste like turpentine. This contamination has resulted in closing important drinking water supplies all over the country. To be sure, owners and operators of underground tanks are responsible for cleanup, and that is where this responsibility should lie, but the Federal Leaking Underground Storage Tank Trust Fund provides additional cleanup resources, enforces corrective action and steps in when responsible parties cannot be found.

The LUST fund has a $2.2 billion balance. The bill before us, the underlying bill, only appropriates $73 million of that amount to support cleanup efforts for leaking tanks, and I think we can do better than that.

My amendment today is only a small step toward addressing those cleanup needs. Perhaps one day we can take a giant leap. So I urge my colleagues to support this common-sense amendment.

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, we would be happy to accept the amendment.

Mrs. CAPPS. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. FILNER. Mr. Chairman, since no one took time in opposition, can I ask unanimous consent to take that time in opposition?

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Chairman, I yield myself such time as I may consume.

I thank my colleagues for allowing me this time.

Because of the unanimous consent request, there was little time for those of us who wanted to speak on behalf of the veterans of the United States to make that argument. We simply have before us a bill that is inadequate to the needs of our Nation's veterans. There are a lot of reasons that have been advanced, and there are a lot of understandings of the parameters which we have to work with, but that is the reality. We simply have not put the money in.

And we see some of these trade-offs that have to go on, like moving money from AmeriCorps to prosthetic research. We have to make those kinds of decisions because we do not have enough money for research in the budget. We do not have enough money for our veterans.

We are $2 billion under the amount that left this House when we passed the budget resolution. And I love when my colleagues on the other side of the aisle get up and say we should have 2 billion more, but they voted for the rule that puts this bill on the floor and they have not voted for any of the amendments which would put that money back in. The Committee on Rules rejected the amendments that would give us this additional $2 billion.

Do my colleagues know that we have 160.000 veterans who have been waiting for more than 6 months for their first appointment at the VA center? More than 6 months. Some of them will die before they have their first appointment.

We have disabled veterans who have fought for our Nation who have been waiting 2, 3 or more years to get their adjudication settled. Some will die before they get that claim settled.

Nurses are being laid off from the VA health care system. We do not seem to have enough money for those nurses.

We have a system where we had one member of the Committee on Veterans' Affairs, the gentleman from Indiana, say the Priority 7s and 8s are clogging up our system. He has said that our veterans, because they have a certain income or because they did not have a certain level of disability, they are categorized as 7s and 8s. They are veterans, they have protected our Nation; and we have a Member who says they clog the system.

Let us open the system by giving us the resources that we need. Let us open up that system. We cannot leave off veterans because they are clogging it up. The Secretary of our VA, Secretary Principi, and his chief Health Under Secretary, had to send a memo out to his employees, Do not tell any veterans about their rights because we cannot handle them. Do not tell veterans about their rights because we cannot handle their business. That is wrong.

We should give the Secretary the amount of money so we can handle all the veterans that are eligible for that and who need that care.

So I thank my colleagues for allowing me this time, but this bill does not honor our Nation's veterans. When our folks in Iraq and Kuwait and Korea and Liberia and Germany and wherever else they are, when they hear that we do not give the VA health care sufficient funds, what happens to their morale? What happens to their sense of what this country is about? We have to respect the men and women in our Armed Forces by giving the respect to our veterans who have fought for our Nation.

I yield back, but I yield back hoping that we put this money back into this budget at the end of the process.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

I yield to the distinguished gentlemen from New York (Mr. BOEHLERT), my neighbor and colleague, for the purpose of a colloquy.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for the outstanding work he is doing with a very difficult bill under tough fiscal restraints. I think he has demonstrated repeatedly his recognition of the importance of providing the resources necessary to meet so many demands on the Treasury.

I want to enter into a colloquy to draw attention to one particular program in this bill that is of great concern to him and to me.

Last fall, President Bush signed into law the Cybersecurity Research and Development Act of 2002, which had passed the House by a vote of 400 to 12. Under the act, the National Science Foundation should be spending $105 million in fiscal 2004 in activities under that act; yet NSF requested only $35 million for cybersecurity and was not necessarily directing that the money be spent in accordance with the provisions of the act.

Given the importance of cybersecurity research, is it the chairman's view that in its current plan for fiscal year 2004 NSF should fund cybersecurity research activities under the act at a level as close to the authorized level as possible?

Mr. WALSH. Mr. Chairman, reclaiming my time, yes, I agree. NSF needs to make implementation of the Cybersecurity Research and Development Act a priority.

Mr. BOEHLERT. Mr. Chairman, would the gentleman agree then that the level must be significantly above the $35 million level?

Mr. WALSH. Mr. Chairman, I concur.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding to me and look forward to continuing to work with him and all my colleagues in the House for whom this is such an important subject to strengthen our Nation's research enterprise.

Mr. WALSH. Mr. Chairman, reclaiming my time, I thank the gentleman for his leadership in the Committee on Science.

AMENDMENT NO. 15 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SANDERS:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

This amendment is cosponsored by the gentleman from Pennsylvania (Mr. KANJORSKI), who is a leader on this issue and has a related freestanding bill which I am happy to have cosponsored.

The purpose of this amendment is simple. It will reverse an ill-conceived policy at the VA to forbid outreach to veterans who may be eligible for VA health care. This policy is unacceptable. The men and women who have put their lives on the line for this country should be fully informed of the benefits that their service has earned them.

Finally, let me thank the subcommittee chairman and the ranking member, who I understand have agreed to accept this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Chairman, I thank the gentleman from Vermont for yielding me this time.

Mr. Chairman, I rise in support of the amendment. I appreciate the effort of the chairman and the ranking member to support this amendment.

What it basically does is, it allows us to refuse to expend moneys from the Veterans Affairs appropriation for the further advance of the policy to stop the outreach program which was most recently referred to in comment. Imagine, we have veterans out there who do not know the benefits that they are entitled to under health care, and the Veterans Administration determines a policy to say, Do not tell them, do not inform them, do not let them know.

The passage of this amendment will implement into law what H.R. 813, my original bill on this subject, would accomplish and send a message to American soldiers and veterans that we care and that we direct the Secretary of Veterans Affairs to stop interfering with the outreach program but to implement the outreach program once again.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

I thank my friend from Pennsylvania for his comments. The bottom line is, it is not acceptable that the veterans of this country not know the benefits to which they are entitled.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentlemen from Pennsylvania and Vermont for the amendment, and we are prepared to accept the amendment.

Mr. SANDERS. Mr. Chairman, reclaiming my time, I thank the chairman very much and I thank the ranking member.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER:

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT; HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS", after the first dollar amount insert "(increased by $5,000,000)"

In title III, in the item relating to "NATIONAL SCIENCE FOUNDATION; RESEARCH AND RELATED ACTIVITIES", after the first and second dollar amounts insert "(reduced by $5,000,000)."

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

This amendment would increase the appropriation for the Housing Opportunities for Persons with AIDS program, known as HOPWA, by $5 million. It is a far cry from what is truly needed, but it represents an important first step towards full funding.

I would like to thank the gentleman from New York (Mr. CROWLEY) for cosponsoring the amendment, and I would like to thank the gentleman from Connecticut (Mr. SHAYS) for cosponsoring the amendment and for demonstrating bipartisan support for this amendment and for this program.

I have a lengthy statement, but since the distinguished chairman has indicated he is prepared to accept the amendment, I will say nothing further other than to thank him.

Mr. Chairman, this amendment would increase the appropriation for the Housing Opportunities for Persons With AIDS, or HOPWA, progam by $5 million. This is a far cry from what is truly needed, but it represents an important first step toward full funding.

I would like to thank Mr. SHAYS and Mr. CROWLEY for joining me on this amendment and for demonstrating the bipartisan support for HOPWA.

Mr. Chairman, at any given time, one-third to one-half of all Americans living with AIDS are either homeless or in imminent danger of losing their homes. Without assistance, they face almost certain death on the streets.

This is where HOPWA comes in. Through a variety of services, HOPWA helps thousands of people each year put a roof over their heads and create a stable living environment for themselves.

But HOPWA is not just about being compassionate, it's also good public policy. Having stable, decent housing is the key to maintaining strict treatment regimens which have allowed thousands of people with AIDS to resume normal, productive lives.

HOPWA is a locally controlled program that provides communities with the flexibility to address local housing needs. It also supplies a low-cost alternative to acute-care hospital beds, typically paid for by Medicaid, which are often the only available shelter for people living with AIDS. In fact, while an acute-care facility costs Medicaid, on average more than $1,000 a day assistance under HOPWA costs just $55 to $110 a day.

In Fiscal Year 2002 alone, HOPWA funds served over 60,000 people in 74 cities and 34 states across the nation. This is a well-run, far-reaching and successful program.

When I meet with members of the AIDS community, there is one need that is stressed about all others, and that is housing. Finding affordable housing can be extremely difficult for anyone. Throw in the added complications of living with AIDS—paying for expensive medication, the difficulty in holding a steady job, and perhaps facing discrimination—and it becomes nearly impossible. That's why HOPWA fills such a critical void.

But without sufficient funding, thousands of people will continue to be unable to access these critical services. In San Francisco alone, over 4,700 people are now on waiting lists for HOPWA-funded housing. We must do all we can to reduce this backlog.

The housing crisis facing people living with HIV/AIDS exacts an enormous toll on individuals, their families, and communities across the country. HOPWA dollars help lessen this toll. Without proper funding for HOPWA, people with HIV and AIDS will continue to die prematurely in hospital rooms, shelters, and on the streets of our cities. This amendment is a small step toward what is truly necessary, but even this modest increase will mean the difference between life and death for thousands of people. I urge the adoption of this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I rise in opposition to this amendment, which would reduce funding for research through the National Science Foundation, NSF, polar research and to briefly discuss the overall NSF funding. Last year, the President signed into law my bill to re-authorize NSF, allowing for a doubling of funds over the next five years. Among other things, the bill expanded federally funded basic research efforts at America's colleges and universities. Improving science and math education in our country is important because this is how we train new generations of scientists and inventors. Just one example of how crucial NSF is; approximately half of the U.S. Nobel Prize laureates in science and engineering have received NSF research grants. Some of these Nobel laureates gained experience through polar research.

In addition to the purely scientific value that NSF contributes to society, the technological advancements that have resulted from cutting-edge basic research have been the primary force behind the economic and productivity gains of the last fifty years. I am disappointed that the overall increase for NSF is a lessor reduction then last year. Good research leads to the development of new and better products and more efficient ways to produce those goods at a competitive cost. Some examples of what basic federal R&D funding has given us today are the silicon chip, internet, web browsers, supercomputers resulting in more products and more efficient production. The world is getting more competitive, and we must keep finding ways to develop high-quality products that people want at a competitive cost.

Under my re-authorization bill that passed last year, NSF is authorized at nearly $6.4 billion for fiscal year 2004, $4.8 billion of that for research. The bill that we are considering today would only appropriate $5.6 billion for NSF, with $4.3 billion designated for research.

I understand that given the economy and the budget situation, it is necessary for Congress to make tough choices with funding. Still, I am disappointed that the bill before us today would fund NSF at nearly $800 million less than its authorization level. Due to a lack of funding, NSF is currently forced to reject more than 30 percent of its highest rated peer-reviewed proposals. In addition, more resources are needed to invest in emerging fields of research like cyber security, information technology, and nanotechnology.

Mr. Chairman, this Nadler amendment would reduce funding for NSF polar research by $5 million dollars. In light of the significant funding shortfalls that NSF already faces, it would be unwise to drain any more money out of this research program.

Mr. SHAYS. Mr. Chairman, I rise in strong support of this amendment to increase HOPWA funding. This amendment is tremendously important for thousands of people afflicted with AIDS.

I appreciate the good work the Chairman has done on this bill, as well as the fiscal constraints of this budget cycle. The bottom line, Mr. Chairman, is when it comes to the HOPWA program I think we can do better.

The National Institutes of Health estimates there are between 850,000 and 950,000 Americans living with HIV and AIDS. A majority of these individuals will face a housing crisis at some point during their illness as a result of increased medical expenses and lost wages.

More than 200,000 people living with HIV/AIDS are in need of housing assistance and HOPWA is the only federal program specifically designed to meet this need.

The HOPWA program is one of the most cost-effective ways to provide people living with HIV/AIDS with adequate and affordable housing.

Acute care facilities under Medicaid cost more than $1,000 a day as compared to HOPWA community housing, which averages $55 to $110 per day.

The program keeps those living with HIV/AIDS off the streets and out of expensive acute care facilities.

My predecessor, Stewart B. McKinney, died of AIDS-related pneumonia. His wife, Lucie, carries on his work as chairman of the Stewart B. McKinney Foundation. This foundation is dedicated to providing housing to persons and families living with HIV/AIDS.

The McKinney House and other HOPWA programs approach the HIV crisis in a truly caring, community-based and cost-effective manner. Because 90 percent of HOPWA funds are distributed to states by formula, states and localities control how money is spent—not the federal government.

Communities are empowered to use HOPWA funds to meet their unique housing needs, from providing short-term supportive housing for low-income persons with HIV/AIDS, to building new community residences.

The flexibility has, in large measure, contributed to the widespread success of the HOPWA program.

The bottom line is that money for HOPWA is money well spent. I urge support for the HOPWA Amendment.

Mr. NADLER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ALLEN:

At the end of the bill, before the short title, insert the following:

SEC. 421. None of the funds provided in this Act may be expended to apply, in a numerical estimate of the benefits of an agency action prepared pursuant to Executive Order 12866 or section 812 of the Clean Air Act, monetary values for adult premature mortality that differ based on the age of the adult.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Maine (Mr. ALLEN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today with the gentleman from California (Mr. WAXMAN) to offer an amendment which prevents the EPA from placing a lower statistical value on the lives of older Americans than the lives of other adults. The amendment is necessary because last year, under pressure from the Office of Management and Budget, EPA began applying an economic technique that assumes that the value of a life of an elderly person is worth less than other citizens.

□ 1530

After a public outcry, EPA Administrator Whitman announced that EPA would stop using that technique. But OMB is still pursuing techniques that discriminate between people based on their age.

This amendment prevents EPA from asserting that older Americans are worth less than other adults. The effect of advocating methods that devalue the lives of some Americans makes health regulations that save lives appear less worthwhile.

Make no mistake, there is no dispute here over how many lives are saved; this dispute is over whether we are going to let EPA cook the books to make some people's lives worth less than others.

This amendment is supported by AARP and a host of different environmental organizations. I appreciate the supports of the Chair and ranking member. I understand the Chair of the subcommittee is willing to accept this amendment to ensure that EPA does not shortchange protections for senior citizens when considering proposals to protect the public health.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding. We have looked at the amendment. We compared it to what EPA's position is. We are very confident that the EPA has made it very clear that it will not use statistical analysis that devalues the lives of older people, that that was the right decision.

The gentleman's language is perfectly acceptable, and I have no objection to the amendment.

Mr. WAXMAN. Mr. Chairman, I rise in strong support of Congressman ALLEN's amendment to protect seniors.

This amendment bars EPA from applying the discredited "senior death discount" when evaluating the benefits of pollution control. Instead, the amendment requires EPA to place an equal value on each adult life saved.

You may wonder why we need this amendment. After all, the right of equal protection is enshrined in our Constitution.

Well, here's the problem. When EPA adopts a pollution control requirement, EPA often looks at the public health benefits to decide whether to make the requirement more or less protective. In particular, EPA looks at the number of lives we could save by reducing pollution that causes cancer, heart attacks, strokes and other fatal diseases.

Then EPA translates the lives saved into a dollar value. You may or may not agree with putting dollar values on human life, but that's what the agency does.

Traditionally, EPA has said that all lives have an equal value. But recently, the White House Office of Management and Budget has been pushing agencies to base the dollar value of a life on the age of the person. Specifically, the Administration said that the life of each person older than 70 was worth 37 percent less than the life of a younger person.

That's just wrong.

It's so wrong that this past May EPA said it will stop. Then-Administrator Christie Todd Whitman said: "EPA will not, I repeat, not, use an age-adjusted analysis in decision making."

But OMB didn't make any promises. According to Dr. John Graham, who oversees all of the Administration's rulemaking, the only thing wrong with the senior death discount was a technical flaw—the 37 percent discount wasn't the right number. OMB still insists that the value of saving a life may depend on a person's age. And OMB is still pushing EPA to use this technique.

This amendment says no. We're not less worried about air pollution if it "only" kills our parents and grandparents. Cancer isn't less painful when it strikes the elderly. Senior Americans have worked hard all their lives, and they don't deserve to be abandoned now.

I urge my colleagues to support this amendment to ban the Senior Death Discount.

Mr. ALLEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Maine (Mr. ALLEN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. LYNCH

Mr. LYNCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. LYNCH:

To insert after final bill section:

SEC. . SENSE OF CONGRESS REGARDING WAIT TIMES FOR VETERANS

An amendment expressing the sense of Congress that no veteran should wait more than thirty days for an initial doctor's appointment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will not take the full 5 minutes, and I understand that the gentleman from New York (Chairman WALSH) may be willing to accept the amendment. So I would like to yield to the gentleman from New York (Mr. WALSH) for a clarification.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. LYNCH. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding.

We do agree. It is a good amendment, it helps the bill, and this is a worthy goal for the Veterans Administration; and we endorse the amendment.

Mr. LYNCH. Mr. Chairman, reclaiming my time, this amendment targets the long waiting periods faced by our armed service veterans. Many of those are World War II veterans who are trying to access for the first time in their lives the VA system itself. Many of those are trying to access the VA pharmacies in order to get prescription drugs. We have 160,000 veterans who have been on the waiting list for over 6 months. This is an opportunity with this amendment to address that problem.

In addition to our World War II veterans, I do want to say several weeks ago I returned from Iraq visiting our veterans in Baghdad, armed service people in Baghdad and Kerkook. I visited the 804th Military Battalion in Camp Wolf over in Kuwait. We have every reason to be proud of the men and women of our armed services and the job they are doing in the Mideast.

I would like to thank the gentleman from New York (Chairman WALSH) and also the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for their great leadership on this issue.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BISHOP of New York:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to accept, consider, or rely on third-party intentional dosing human studies for pesticides.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to urge the House to pass the Bishop amendment, which will continue the ban on the human testing of pesticides. Human testing of pesticides is wrong on many levels. It is morally wrong, it is ethically wrong, it is environmentally wrong, and it is even scientifically wrong.

In the wake of World War II and the horrendous crimes committed against humanity, many of them by doctors, American judges wrote what is called the Nuremberg Code when those doctors went on trial. This code prohibits non-therapeutic medical testing. Pesticide testing does not meet that criteria. Pesticide testing is not about public safety; it is about private interests.

Because of the stricter requirements of the unanimously passed Food Quality Protection Act of 1996, the pesticide industry has been under mounting pressure to reduce the risks that pesticides pose to infants and children. The industry has adopted a strategy to evade these requirements by testing pesticides on a small number of adult human subjects and to thereby remove safety factors and other protective requirements.

And unlike human testing of drugs, which has the potential to benefit test subjects or to directly improve human health, the pesticide industry's purpose in conducting human tests of pesticides is to weaken otherwise applicable health protections and to increase their profits. Intentional dosing of humans with pesticides is unethical since it is done to advance industry interests and to weaken otherwise applicable health protections, not to benefit test subjects or the public health.

At the end of the day, these tests are scientifically irrelevant for several reasons. Human tests of pesticides are scientifically invalid because they routinely test tiny numbers of healthy people, often just eight adult males, whereas a test of thousands of people is needed to yield statistically valid results for certain effects.

The results of these tests are non-applicable because they are testing self-selected, healthy adult males; yet the protections we seek are for all Americans, including vulnerable children. It is ridiculous to somehow infer if you do not witness symptoms in a small number of adult males, that the level of pesticide is therefore safe for a child.

When media reports first informed the American people that the pesticide industry was conducting human testing, the resulting outrage resulted in an EPA moratorium of the studies, as well as a panel to study the morality of the issue. In 2000, that panel concluded if the use of human subjects in pesticide testing can be justified, that justification cannot be to facilitate the interests of industry or of agriculture, but only to better safeguard the public health. That standard has never been met by the pesticide industry.

More recently, in December of 2001, in the wake of a public outcry after reports that the Bush administration was considering using such human tests, EPA Administrator Whitman announced the EPA would not use these tests to make decisions. However, the pesticide industry sued, arguing that the EPA failed to follow the procedures required by the Administrative Procedures Act in adopting the policy. On June 3, 2003, a court agreed and set aside the Bush administration's temporary moratorium, ruling that the EPA followed the wrong procedures in adopting it.

We simply cannot allow human testing of pesticides to proceed on a loophole. Let us be ethically right, environmentally right and scientifically right, and pass this amendment to prohibit human testing of pesticides.

Mr. WAXMAN. I rise in strong support of the Bishop amendment.

Mr. Chairman, it is simply wrong to intentionally test pesticides on humans. Yet as we speak here today, the pesticide industry is doing just that.

These studies don't stand up to scientific and ethnical requirements. In many cases, the pesticide industry conducts these studies overseas where it can more easily avoid public scrutiny and accountability. Often the studies are conducted without the informed consent of the test subjects. Sometimes, the test subjects are not even told they are being exposed to pesticides.

For example, in Scotland one company paid volunteers to drink orange juice that contained doses of the extremely toxic insecticide "aldicarb."

Some of the participants in this study are now suffering ill health. They are embittered because they say they would not have participated had they known they were being exposed to pesticides.

For most of the last 5 years, EPA has refused to consider these kinds of studies. Since the studies often violate the ethical standards that apply to most research, EPA has simply refused to consider pesticide studies conducted on humans.

However in November 2001, we learned that EPA had departed from its previous policy and was beginning to use these unethical tests. Congress and the public were outraged. As a result, EPA reestablished a moratorium on using these studies.

Unfortunately, just last month, the D.C. District Court of Appeals overturned the moratorium when the pesticide industry argued that EPA had made procedural mistakes in issuing the moratorium.

EPA's procedural mistakes are no reason to allow industry to intentionally expose humans to pesticides.

A number of religious groups including the Coalition on the Environment and Jewish Life and the Washington Office of the Presbyterian Church have written to Congress today on this issue. Let me tell you what they say:

> We believe that it is deplorable and unethical to intentionally dose humans with substances, designed to be toxic, with no conceivable benefit to the subject, solely for eliminating or lessening regulatory safety margins.

Mr. Chairman, Congress needs to act to stop this unethical and unscientific practice.

The Bishop amendment addresses this important ethical issue by reestablishing the EPA moratorium in the coming fiscal year. Specifically, the amendment prohibits EPA from using studies which have intentionally dosed humans with pesticides. If EPA cannot use the studies, industry will have no incentive to conduct them.

I commend the gentleman from New York for his leadership on this issue.

I urge all Members to support the Bishop amendment.

Mr. BISHOP of New York. Mr. Chairman, I yield back my time.

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT", after the aggregate dollar amount, insert the following: "(reduced by $5,400,000) (increased by $5,400,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this amendment to restore personnel levels at the Environmental Protection Agency's budget for compliance monitoring and civil enforcement to the FY 2003 level. I understand the committee's estimate of the number of positions for inspections and civil enforcement, that the current appropriations bill would reduce that level by about 54 positions.

This amendment would take $5.4 million from the EPA's Environmental Programs and Management Account of nearly $2.2 billion and redirect those funds to the EPA's Office of Enforcement and Compliance Assurance for salaries and other expenses to increase the personnel level for civil enforcement by 54 positions on the assumption that this amount is sufficient to cover the salary and expense of these employees.

It is also my understanding that these additional funds would be redirected from within the agency's entire operating budget and not reprogrammed from other enforcement functions such as lab support or travel inspectors.

Mr. Chairman, I recognize we have worked hard in a very difficult funding year to meet the needs of the EPA, and I would be most hopeful if the gentleman could accept this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does anyone seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. MORAN OF KANSAS

Mr. MORAN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. MORAN of Kansas:

At the end of the bill (before the short title), insert the following new section:

SEC. . None of the funds in this Act may be used by the Secretary of Veterans Affairs to provide reimbursement for beneficiary travel under section 111 of title 38, United States Code, based upon a mileage allowance rate that is less than the rate in effect under title 5, United States Code, for Federal employee travel.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I offer today would raise the reimbursement rate for veterans traveling to health care facilities. The current standard reimbursement rate for Federal employees is 36 cents per mile, while veterans are currently reimbursed at the much lower rate of 11 cents per mile for beneficiary travel. This amendment would require the VA Secretary to reimburse veterans at the standard Federal rate.

In 1978, Congress enacted authority for the Secretary of the Department of Veterans Affairs to have the discretion to adjust reimbursement for certain veterans' travels to and from VA health care centers. At the time, the standard rate for reimbursement was set at 11 cents per mile. Reimbursement for eligible veterans is also subject to a $3 deductible for each one way visit, not to exceed $18 in one calendar month.

Each year, the VA is required to review the beneficiary travel rate and has not taken any action to increase it, despite that review. As a result, the VA beneficiary travel rate has not been adjusted for 25 years. In comparison, travel reimbursement for Federal employees is currently 36 cents, more than three times the rate we pay veterans.

I currently serve as the vice chairman of the Committee on Veterans' Affairs Subcommittee on Health, and have been long an advocate for improving veterans' access to VA health care. This is particularly true for those of us who represent rural districts, and in my case there is no veterans hospital in that district.

A reasonable reimbursement rate for travel is integral for our veterans actually being able to have access to the VA health care they are entitled to. I support an increase in the beneficiary mileage reimbursement rate; but, unfortunately, the only way that it can be paid for in today's proceedings is through compromising medical care.

Therefore, at the end of my remarks, I intend to withdraw this amendment, but I would use this as an opportunity to urge not only my colleagues, but the

Secretary of Veterans Affairs, to request additional funding from Congress for a rate increase for beneficiary mileage.

Therefore, Mr. Chairman, I ask the cooperation of my colleagues in achieving this goal. I would ask that the Secretary work with us to come up with the necessary funding to increase that rate.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

AMENDMENT NO. 6 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. NADLER:

In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND", after each of the first, second, and fourth dollar amounts, insert the following: "(increased by $150,000,000)".

In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—WORKING CAPITAL FUND",, after the first dollar amount, insert the following: "(reduced by $150,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I will upset the normal order of things by first yielding 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for offering this amendment and for yielding.

Mr. Chairman, this budget is clearly inadequate for our housing needs. The Committee on Appropriations was given too little to work with. I would be more sympathetic to the majority on the Committee on Appropriations if they had not all voted for the budget, which is the reason they had too little to work with. But by the time they are through with the tax cuts and other things, there is simply too little left here for basic housing needs, even to keep where we now are, and that has been too low.

Mr. Chairman, I include for the RECORD a document from the National Low Income Housing Coalition, which makes clear exactly how much of a shortfall there is.

Mr. Chairman, I want to commend the gentleman from New York for his amendment, which goes part of the way towards undoing the damage this bill will do to our housing programs.

HOUSING APPROPRIATIONS INADEQUATE; 85,000 FAMILIES AT RISK

Tens of thousands of low income families, seniors, and people with disabilities are at risk of losing their housing under the VA-HUD-IA Appropriations bill passed by the House Appropriations Committee on July 21 and set to be considered by the full House on Friday, July 25.

The most serious problem lies in the funding of the Housing Choice Voucher program. The Appropriations Committee appropriated $583 million less to the program than is needed to renew every voucher currently in use by low income families, making it almost a certainty that at least 85,000 households will lose their housing assistance sometime in the coming year.

The Committee appropriated $13.26 billion for the voucher program. Although the funding represents an improvement over the Bush Administration's request, which was $1.26 billion short and would have jeopardized the housing of more than 180,000 families, the cut represents the first time in the history of the voucher program that Congress or an Administration would break the federal government's longstanding commitment to renew all existing vouchers.

"Housing is a foundation of our communities and our families," said NLIHC President Sheila Crowley. "The reality today is that millions of families just do not earn enough to be able to afford even modest housing. It is outrageous that in a time of economic downturn Congress not only is failing to address the unmet need, but is actually taking the unprecedented step of cutting families from the voucher program."

In addition, the House bill does not provide funding for existing vouchers that are not in use at the beginning of FY04. As a result, a further 95,000 authorized vouchers that could potentially have been used to serve additional families from waiting lists will be defunded, according to the most recent data analysis by the Center on Budget and Policy Priorities.

The cuts come while only a fraction of eligible households receive vouchers, which typically pay the difference between 30% of the family's income and the rent on a modest rental home. Most families seeking assistance face a several year wait. In larger cities, waiting lists can be as long as eight to 10 years.

"The Administration and Congress enacted reckless tax cuts benefiting the wealthiest elites of this country, and now it is hard-working families and seniors struggling to make ends meet who will pay," Ms. Crowley added.

The Committee did rebuff the Administration by failing to take steps to turn the voucher program into a block grant to the states, something the Administration has been urging. Advocates have expressed serious concern about the block granting plan, as block grants typically decrease in value over time and allow states to make changes to programs that can lessen their effectiveness and original intent.

The Committee has allocated a net appropriation of $31.8 billion to HUD, not including offsets. The $31.8 billion is an increase of $817 million from last year's budget and a $96 million increase from the President's requested budget. While the appropriation looks as if it is a slight increase, the amount is inadequate because housing costs have risen rapidly in the past year, meaning that additional funding is required to serve the same number of households.

In addition, the appropriation does not consider the increasing number of low income people who are unable to afford a home. There is currently a 2 million home gap in the number of lowest income families (those in bottom income quintile) and the number of rental homes affordable to them, and the committee does not address this need.

In constant dollars, the amount appropriated to housing for low income people continues to decline. HUD's FY04 budget of $31.8 billion would be only one-third of the FY1976 HUD budget (in the last year of the Ford Administration, in 2002 constant dollars).

Besides the voucher program, key provisions of the bill include:

HOPE VI. The Administration targeted the HOPE VI program for elimination in FY04. The Appropriators instead allocated $50 million to the program, a small fraction of the $574 million it has received in recent years. The program, which helps communities rehabilitate and demolish distressed public housing, has received bipartisan support by many Members of both the subcommittee and the full House. However, it is unlikely the full House will find funding for the program equal to current levels.

Public Housing. The public housing capital fund would receive $2.7 billion, level funding from FY03 and $71 million more than the President requested. The funding for capital needs remains wholly inadequate, given the $20 billion estimated backlog in capital needs. The public housing operating fund, which funds operating expenses such as utility payments and maintenance, was appropriated a total funding level of $3.6 billion. The appropriation represents a $250 million shortfall, although it is $26 million more than the President's request and $23 million above the FY03 funding level.

Two of the President's much-touted initiatives were not fully funded: The American Dream Downpayment Initiative, which would provide downpayment assistance to first-time homebuyers, received only $125 million of the $200 million the President had requested. His Samaritan Initiative, which would provide $50 million for housing and services for people experiencing long-term homelessness, was not funded.

In addition, the Committee tempered other of the Bush Administration's attempts to cut funding. As it has done for the past two years, the Administration did not request any funds at all for the Rural Housing and Economic Development program. Appropriators reinstated funding to $25 million, last year's level. The Brownfield Redevelopment program, intended to redevelop contaminated sites and provide jobs to low income people, was appropriated $25 million despite the Administration's attempts to eliminate the program. The subcommittee suggested in the report that HUD work collaboratively with the Environmental Protection Agency to redevelop sites.

Mr. NADLER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment would increase funding for section 8 housing vouchers by $150 million to help low-income families afford safe, decent housing. To offset this increase, the amendment cuts the working capital fund from the management and administration accounts by an equal amount.

The need for housing assistance is staggering. As of January 1, the New

York City Housing Authority had 142,000 applicants on its waiting list for section 8. And it gets worse. The section 8 waiting list has been closed to new applicants since December 1994, and there is still 142,000 people waiting, just in New York City. In 1999, a HUD study concluded there were nearly 5 million low-income families who paid more than 50 percent of their income for rent or lived in severely substandard housing.

In the last several years, housing prices have continued to skyrocket, and with the stagnant economy and rising unemployment rates the problem is probably even worse and more severe today. We must not ignore the desperate situation facing these families any longer.

I challenge anyone to argue that tenant-based section 8 vouchers do not achieve their goals. More than 2 million American families benefit from section 8 vouchers. For these families, section 8 is a lifeline and enables them to live in decent housing.

☐ 1545

Mr. Chairman, why are we planning to undermine the program in this bill by not expanding it?

The fact is, as recently as a few years ago, in fiscal year 2001, we increased the number of vouchers by 79,000. In fiscal year 2002, we increased it by 18,000. Last year we increased it by zero. This budget proposes to increase it by zero.

The amount of money I am proposing to put into this bill will increase a mere 23,000 new vouchers. Waiting lists are in the millions. We can afford the offset. We have already appropriated over $1 billion in the last couple of years to upgrade the computer system. We are proposing $330 million more this year. We are saying, take about half of that, less than half of that, and provide services for people. If it takes HUD a little longer to upgrade its computer system, they will live with that, so 23,000 people will have decent housing.

Mr. Chairman, that is a fair trade, and that is why I urge my colleagues to support this amendment.

JULY 25, 2003.

To: Members of the House of Representatives.

Re: Funding for the Housing Choice ("Section 8") Voucher Program.

As members of the faith community, we are writing to express our concern about funding for the Section 8 housing voucher program. Our organizations serve millions of low-income individuals and families who, despite their best efforts, are struggling to meet their basic needs and to achieve economic stability. To many of those we assist, the lack of affordable housing presents a considerable obstacle, and the Section 8 voucher program offers in turn a critical form of assistance. Through our work, we are witness to the important role that housing vouchers play in preventing homelessness, and in helping low-income individuals and families to make progress towards economic stability.

Congress has for many years expressed a strong commitment to the Section 8 voucher program, consistently voting to increase the number of vouchers authorized and to fully fund all authorized vouchers. This commitment has been important, as the need for housing assistance has continued to expand. In most communities, there are long waiting lists for Section 8 vouchers, and it is estimated that only one third of eligible households receive voucher assistance.

To our disappointment, however, Congress appears to be retreating from this commitment. In the appropriations law for 2003, Congress failed, for the first time in recent memory, to include funding for incremental Section 8 vouchers. This week, the House Appropriations Committee reported out a VA-HUD appropriations bill for 2004 that would, by its own estimate, fund only 96 percent of authorized Section 8 vouchers, and again includes on funding for incremental vouchers.

Moreover, while we appreciate that the House Appropriations Committee has made a sincere effort to improve on the President's budget request for the voucher program, and we recognize that estimating future voucher costs is difficult, there is reason to believe that the Committee's estimate is overly optimistic. Recent analyses performed independently by the Congressional Budget Office and the Center on Budget and Policy Priorities (CBPP) suggest that the Committee's estimate is based on voucher cost assumptions that are too low. For example, in an analysis of the most recent voucher cost data from the U.S. Department of Housing and Urban Development, CBPP estimates that the Section 8 appropriation in the House bill would be sufficient to renew only 91 percent of authorized vouchers, and is approximately $580 million short of the funding that will be necessary to fully renew vouchers leased in 2004. A shortfall of this magnitude would have a destructive impact on thousands of vulnerable households—85,000 households, by CBPP's estimate—the great majority of which are working families, elderly, or disabled.

We therefore urge you to renew Congress's commitment to fully fund the Section 8 voucher program. Specifically, we ask that you increase the Section 8 appropriation sufficiently to ensure that all authorized vouchers will be funded, and to make certain that no households using vouchers in the coming year will be denied funding.

As faith-based organizations, we are committed to strengthening our communities by assisting those who are the most vulnerable, and we believe that our work is not simply a matter of charity, but of responsibility, righteousness, and justice. We urge you to assist us in our work by renewing Congress's commitment to fully fund and expand the Section 8 voucher program.

Sincerely,

American Baptist Churches USA.
Call to Renewal.
Catholic Charities USA.
The Episcopal Church, USA.
McAuley Institute.
NETWORK, A National Catholic Social Justice Lobby.
Presbyterian Church (U.S.A.) Washington Office.
United Jewish Communities.
Volunteers of America.

Mr. Chairman, I am offering, with Congresswoman VELÁZQUEZ, this amendment to increase funding for Section 8 vouchers by $150 million to help low-income families afford safe, decent housing. To offset this increase, we propose to cut the working capital fund from the management and administration account by the same amount.

The need for housing assistance is staggering. As of January 1, 2003, the New York City Housing Authority had 141,837 applicants on its Section 8 waiting list. And it gets worse. The Section 8 waiting list has been closed to new applicants since December 1994. That is just in New York City.

In 1999, a HUD study concluded that there were nearly 5 million low-income families who paid more than 50 percent of their income for rent or who lived in severely substandard housing. In the last several years housing prices have continued to skyrocket, and with the stagnant Bush economy and rising unemployment rates the problem is probably even more severe today. We must not ignore the desperate situation facing many families or the severity of their needs any longer.

I challenge anyone to argue that tenant-based Section 8 vouchers do not achieve their goals. More than 2 million American families benefit from Section 8 vouchers. For these families, Section 8 is more than a contract or a subsidy; it is often the foundation upon which they can build lifelong economic self-sufficiency. Section 8 allows families to enter the private housing market and choose where they want to live, helping them to escape from the cycle of poverty and creating better income mixes throughout our communities. Thanks to Section 8, families are able to afford decent, safe housing. Nothing extravagant and, frankly, sometimes not very nice at all, but much better than the alternative.

Research supports the benefits of Section 8 housing. Section 8 children are much less likely to be involved in violent crime, and they are more likely to stay in school and improve their educational performance. Section 8 families are more than twice as likely to leave welfare, and have success moving into the workforce. Based on these and other findings, the bipartisan, congressionally-chartered Millennial Housing Commission strongly endorsed the voucher program in its May 2002 report, describing the program as "flexible, cost-effective, and successful in its mission."

So why are we planning to undermine the program in this bill?

The bill, in its current form, does a terrible disservice to those most in need. Unlike the previous administration which in the year 2000 requested 120,000 incremental Section 8 vouchers, the Bush Administration would prefer to block grant the program and cut its funding. Thankfully, not even the Republicans agreed to such a radical proposal. However, this bill would contribute to the growing backlog of families who can't afford decent, safe and sanitary housing.

I want to quote from a letter from religious organizations throughout the country who write that "Recent analyses performed independently by the Congressional Budget Office and the Center on Budget and Policy Priorities (CBPP) suggest that the Committee's estimate is based on voucher cost assumptions that are too low. . . . CBPP estimates that the Section appropriation . . . is approximately $580 million short of the funding that will be needed to fully renew vouchers leased in 2004." That means that 85,000 households will be affected.

Our amendment will allow about 23,500 more families to live in safe, affordable, decent housing. It is not asking for much. We can and should do more. But today, we only ask for a very modest amount.

Franklin Delano Roosevelt spoke eloquently in 1944 of the fact hat, and I quote: "True individual freedom cannot exist without economic security and independence. Necessitous men are not freemen." FDR was right—every family deserves a decent home.

President Roosevelt's commitment to provide decent, safe, affordable housing to those who could not afford the rents in the private market continued through both Democratic and Republican administrations. Richard Nixon, Ronald Reagan and the first George Bush all—to some degree—continued that commitment. And yet today, this bill does not properly fund Section 8 housing vouchers. Families in need will suffer under this bill if we cannot amend it.

We must house our people. Let's continue the legacy of this great nation. Please vote yes on the Nadler-Velázquez amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks time in opposition?

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, this amendment would not slow down HUD's ability to operate; it would slash their annual funding that is required to keep their information technology systems, it would cut it about 67 percent, two-thirds of their ability to manage their information in that department.

The adoption of this amendment would likely bring the department's day-to-day operations to a halt. Public housing authorities would not get paid, grants would not be made, commercial lenders would be unable to process FHA-insured loans.

I share the sponsor's desire to ensure that adequate funding is available for Section 8 renewals, and I believe that the bill does just that. Last year, we instituted major reforms for Section 8 to better estimate actual funding requirements and to end the chronic problems of recapture. This bill continues these reforms.

We have provided $11.6 billion for Section 8 renewals, the full amount necessary to support the projected actual requirement based on the latest verified cost and use data. In addition, we have included another $568 million in Central Fund as a cushion, should actual renewal needs be greater than projected. This means that in total, the bill provides over $12 billion for Section 8 voucher renewals, an $810 million increase over our 2003 bill, and $205 million more than was requested in the budget, 7 percent above the 2003 level.

Last year, there was much discussion and debate over the funding methods that we used, if they would provide adequate funding for 2003. Based on current spending to date, it appears that our new funding methodology is pretty close to the target. In fact, of the $381 million cushion we provided in Central Fund for 2003, only $99 million is estimated to actually be spent this year, leaving those funds available for 2004, in addition to the $568 million we have included in this bill.

I understand that an outside interest group has provided its own analysis of Section 8 funding requirements, a group that I would note fought the reforms we adopted in 2003. This analysis was not based on HUD data; it was based on unverified information submitted by public housing authorities. It is my understanding that HUD's experts have repeatedly warned this group and others that this information was neither appropriate nor reliable for accurately predicting Section 8 funding needs.

Let me assure my colleagues that this subcommittee will continue to work closely with the experts at HUD to monitor and examine the estimated Section 8 funding needs as we move through the process and verified, reliable data becomes available.

Mr. Chairman, I urge the rejection of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank my friend from New York for yielding me this time.

I rise in strong support of the Nadler-Velázquez amendment to provide decent, affordable housing to the working poor. While I salute the work of the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Ranking Member MOLLOHAN) for making the best possible bill with the awful budget constraints they were given by the leadership of the House, the facts demonstrate that the Section 8 housing program is badly underfunded and, at this level, will lead to the possible eviction and homelessness of 85,000 families.

Who are Section 8 families? They are the working poor who cannot afford housing in today's high-priced markets, in my district in such places as Queens and the Bronx. They contribute 30 percent of their income to housing, so it is not free housing we are talking about. Section 8 serves as a vital tool to help those families whose only other choice is the streets.

In my district, I see a number of Section 8 houses threatened, such as the Seward Manor in the Bronx in New York, which I represent. I am working to save the homes of those families, but without Section 8 vouchers, this will be a losing battle.

I can also just add to this that I know there are landlords in New York City who are refusing Section 8 vouchers as they exist right now. We should be enhancing this program, making them more lucrative to landlords to accept. In fact, the enhanced vouchers are threatened by landlords of being rejected.

This is a real crisis, potential crisis in the City of New York. We see homelessness on the streets rising on a daily basis. We should not be contributing to that factor. These are hard-working people, working people, not just poor people. They are working poor people. They are people struggling each day to put food on their plates, to afford to buy prescription drugs and, at the same time, affording themselves the opportunity to have a roof over their heads, that are being threatened right now with the decrease in enhancement of vouchers in Section 8:

So I would ask my colleagues to support this amendment and give an opportunity of hope to people who desperately need that in Section 8 vouchers.

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, let me, first of all, compliment the gentleman from New York (Mr. NADLER) and the gentlewoman from New York (Ms. VELÁZQUEZ) for their leadership on this issue. Let me dwell for a moment on the 185,000 families that my colleague from New York alluded to earlier.

At a time when unemployment in this country is rising, at a time when poverty is rising in major parts of this country, it strikes me that this, frankly, is the kind of program that we ought to be investing more into, and not less.

Section 8 has a bipartisan history. There was a time, Mr. Chairman, when many of our colleagues on the other side of the aisle firmly embraced this program as an example of the public sector and the private sector combining together.

In so many ways in this budget, particularly in the area of housing, we are dismantling tools, we are deconstructing tools that we ought to be putting more behind. I am deeply concerned about that. Just 3 weeks ago in my district, we held a Section 8 event and we drew in, in Birmingham, Alabama on a Wednesday night, 250 people to come out because they were concerned about the changes in this program.

Now, I compliment the leadership of the subcommittee for not doing the block-granting that the President wanted to do, and I compliment them for putting more money behind this program than what the President wanted to provide. But as I looked into the faces of those 250 people who came out, it was clear to me that they need this kind of program. They need it to be well-funded. A number of them, close to 1,000 of them in the State of Alabama, stand to lose their funding under this budget. That is a very cruel signal for us to send these hard-working Americans who are not getting the child tax credit check today that they ought to be getting, and who are facing so much economic anxiety and insecurity right now.

This bill is flawed in so many ways, Mr. Chairman, because it makes the wrong set of investments, it chooses the wrong set of priorities. So many of us in this House regularly talk about extending opportunity. This is a means of extending opportunity, because when we give people a chance at housing, when we give people a chance to have the spark of homeownership, this is a huge benefit to them.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, let me nòte and thank the gentlewoman from New York (Ms. VELÁZQUEZ) for coauthoring this amendment with me. She could not be here on the floor right now, but it is her amendment as well as mine, and I want to express my appreciation to her in public for all the work that she has done on this amendment.

Second, the distinguished chairman said that an outside interest group estimated the costs of the vouchers. The fact of the matter is, and I quote from a letter from some church groups, religious organizations throughout the country who wrote, "Recent analyses performed independently by the Congressional Budget Office and the Center on Budget and Policy Priorities suggest the committee's estimate is based on voucher cost assumptions that are too low" because, in fact, they are a couple of years out of date. "CBPP estimates that the Section 8 appropriation is approximately $580 million short of the funding that will be needed to fully renew vouchers leased in 2004."

That means that about 85,000 vouchers will not be paid for, assuming the Congressional Budget Office and the Center of Budget and Policy Priorities are more correct than those of the Department, for which I would rather give them the benefit of the doubt than I would the Department.

This amendment would restore funding for 23,500. Frankly, it is simply unacceptable in a time of rampant homelessness, in a time when in New York City, and I use this as an example because conditions are bad in many places, the waiting list for public housing was closed in 1994 and the waiting list is almost 200,000 since then. You cannot get on the waiting list in the last 9 years.

People are desperate for housing. It is unacceptable to have a budget that purports to increase the number of Section 8 vouchers by zero, and that may very well, if in fact the CBO and the CBPP were correct in saying that HUD estimates of costs are wrong, may very well cut it by 85,000. That is just not acceptable.

So I urge my colleagues to accept this amendment. Yes, it will present some difficulties perhaps with computerization. HUD can survive that. But this will enable 23,500 additional households to have decent housing, maybe 23,500 additional kids to be able to learn in school instead of not being able to learn in school because they have no place to do their homework and no decent place to literally hang their hats.

This is a modest, minimal amendment. It is minimal decency. We should be doing it 10 times larger, but given the constraints of the budget, the constraints of the tax cut, this is the least we can do.

I am sorry, by the way, if it were not for the constraints of the tax cuts and the budget that were forced on this side of the aisle by the other side of the aisle, we would not have to take $150 million away from this computerization program. We would not have to have that offset. We could simply say, in decency, let us help provide more people with decent housing.

But we must do this offset. The offset may not be the best thing, but it is a heck of a lot better than 23,500 families not having decent housing.

So I urge my colleagues to support this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in support of the Nadler-Velázquez amendment to increase funding for Section 8 vouchers. This successful program is the principal form of housing assistance for low-income families, the elderly and the disabled.

For the last several years, I have taken to the floor with like-minded colleagues time and time again to decry the deep and sweeping cuts being made to the HUD budget. In FY 2001, 79,000 new vouchers were appropriated—that was the last year of the Clinton Administration. As soon as President Bush took office, the number of new vouchers dropped to 18,000. In FY 2003, no new vouchers were appropriated.

During these debates we have discussed how rising housing costs are far outstripping income growth for low-income Americans. We contrasted the growing need for housing assistance, with the drastic cuts to HUD's budget. And we warned that by allowing the housing crisis to take firm root in time of economic prosperity it would grow beyond control during an economic downturn. Well, Mr. Chairman, you reap what you sow.

Unemployment is up, the markets are down, and housing costs continue to rise. The need for housing assistance is skyrocketing across the nation, and homelessness is at a 10-year high. In fact, the housing crisis is so bad in New York City that low-income families were actually housed in jail cells.

Our cities and States have continuously called on the Federal Government for assistance—yet never has a HUD budget so directly exacerbated this national housing crisis. President Bush's FY 2004 HUD budget proposal called for a mere 5,500 new vouchers.

This spring, my colleague from New York and I sent a letter to chairman and ranking member of this subcommittee, signed by 66 Members of the House, urging funding for 79,000 new vouchers. This request was soundly ignored. We were all well aware that the Republican tax cuts would put us in such a budget crisis that funding for all low-income programs would be on the chopping-block. But I never thought that we would be standing here today voting on a budget that actually cuts current Section 8 assistance for 85,000 families, and will likely lead to their eviction.

The Nadler-Velázquez amendment offers some relief by providing an additional $150 million for this account. It would protect nearly 22,000 low-income families whose housing is jeopardized by this bill.

Clearly, the entire VA–HUD appropriations bill is underfunded. And using funding from one Federal program to offset another is less than ideal. While Mr. NALDER and I reluctantly included this offset, we unequivocally support increasing Section 8 funding. I urge my colleagues to support the Nadler-Velázquez amendment—and the right of low-income American families to safe, decent, affordable housing.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of the Nadler-Velázquez amendment to provide an additional $150 million for the Housing Certificate Fund for housing vouchers.

First I want to acknowledge that Chairman WALSH and his staff improved upon the President's request for the Housing Certificate Fund, particularly by using a more up-to-date estimate of the average annual cost of each housing voucher. But I am concerned that the average cost estimate used may yet be insufficient to actually renew all currently used vouchers.

I understand the need to base estimated costs for the housing voucher program on financial statements that have been audited by HUD. But the audit work takes time, such that by the time the audited data is available, it is almost certainly out-of-date. The bill before us does not use the most recent estimates from HUD on the number of vouchers currently in use and the average cost of each voucher.

It it true that the most recent data, based on information provided to HUD by State and local housing agencies in April 2003, does not come from audited financial statements. But we should not completely ignore what it tells us about average voucher costs, in particular.

The experts at the Center on Budget and Policy priorities have produced a report indicating that, based on this most recent HUD data, the bill before us is very likely $583 million short of what is needed to fully renew all currently used vouchers. That shortfall, if borne out next year, would result in at least 85,000 fewer families with access to vouchers—and the number could be much higher depending on how public housing agencies might decide to absorb the reduction in real funding.

Most of the shortfall, according to the Center, comes from an underestimation in the House bill of the average annual cost of each voucher by some $300. And before anyone dismisses this estimated cost out of hand, I want to point out that it is very close to the average annual voucher cost estimated by the Congressional Budget Office for FY 2004.

The Nadler-Veláquez amendment is not proposing to provide the full $583 million that the voucher program may well need during the next fiscal year. Instead it proposes a much more modest increase in funding that would provide a margin of safety for the many low-income families around the country who rely on housing vouchers. At the very least, we should provide this incremental amount of funding for the program, and we should also be prepared to supplement funding for the program next year as the more up-to-date can be better verified by HUD.

Mr. NADLER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. NADLER) will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

SEC. . . None of the funds made available in this Act may be used for voluntary separation incentive payments as provided for in subchapter II of chapter 35 of title 5, United States Code, unless the Administrator has first certified to Congress that such payments would not result in the loss of skills related to the safety of the Space Shuttle or the International Space Station or to the conduct of independent safety oversight in the National Aeronautics and Space Administration.

Mr. HOBSON. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

☐ 1600

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman and the ranking member of the subcommittee on VA-HUD appropriations, first of all, for the excellent work they have done. This is a tough legislative appropriations or appropriations bill to manage with several agencies. And I do know that many of us are still struggling to work to ensure greater assistance of veterans, but I believe that this has been a cooperative effort and look forward to supporting this legislation.

I offer a very simple amendment on one of the supporting agencies, NASA. NASA is an agency that gives us great pride, but in the last 6 months we have suffered with the *Columbia* 7 tragedy. I serve as a member of the Subcommittee on Space and Aeronautics and have worked over the years as a member of that committee on one question: beyond the question of human space flight is safety, safety, safety.

What this amendment does as we begin to prepare ourselves for Admiral Gehman's report on what happened with the *Columbia* 7 tragedy and the loss of life of those brave young men and women, it is to understand that NASA must change its culture and begin to promote safety as an important issue.

I am very gratified that the chairman and ranking member of the committee are concerned about these issues and realize that they will be addressing them as the Gehman report is rendered. We would like to work with you in collaboration. The Committee on Science ranking member, the gentleman from Texas (Mr. HALL), and the gentleman from New York (Chairman BOEHLERT) have worked on this question; we would like to work with you and be prepared to assist in whatever resource is necessary to promote safety.

This amendment says that we should not lose the skills and the expertise of employees that deal with safety as it relates to the international space station and as well the Space Shuttle. We should not lose those employees in terms of any buy-outs that might be pending at this time. All of the expertise we can muster to save lives and promote safe human Space Shuttle flights and safety on the international space station should be our goal as part of this Congress. I ask my colleagues to support this amendment. I appreciate the consideration.

Mr. Chairman, I have always been a staunch supporter of NASA and its manned and unmanned space exploration missions. However, the *Columbia* disaster and the loss of seven of my neighbors from Johnson Space Center outside of Houston has opened our eyes to some deep seeded problems at NASA that need to be addressed. NASA needs a new culture of safety and a renewed commitment to the well-being of their spacecraft and crew. I am troubled by the fact that on Tuesday of this week, the Chairman of the Science Committee pushed through legislation, urged by the NASA Administrator, that will give the NASA Administrator unprecedented flexibility to reorganize the NASA workforce. The bill was about bonuses, and buyouts, designations, and transfers. The bill was rushed through, over protests from the minority, despite the fact that Admiral Gehman and the Columbia Accident Investigation Board, will be giving us a detailed report next month regarding the cause of the *Columbia*-7 disaster, and the technical and workforce changes necessary to prevent further losses.

It was only after hard work and pressure from us Democrats, with great leadership from my colleague from Texas, Ranking Member HALL, and my colleague from Tennessee, Space Subcommittee Ranking Member GORDON, that some common sense safety provisions were added to that workforce bill. But again, safety seemed to be an afterthought, rather than a top priority in NASA policy.

Two more excellent safety provisions offered by Mr. HALL were blocked by the majority in the Science Committee, and I am concerned that due to long delays in putting forth a NASA reauthorization bill, these provisions might not be able to be put into place in time to prevent loss of lives, or the loss of multi-billion dollar spacecraft, so I hope my colleagues can support their insertion here.

My first amendment will prohibit any funds from being used for "buyouts"—financial incentives to encourage retirement—until the Administrator assures Congress that the loss of that employee will not compromise the safety of future shuttle missions or the International Space Station.

This amendment will help ensure that we do not put management "flexibility" before safety. I am concerned by reports that NASA may not have given high enough priority to safety and quality assurance in the past. We will learn more about that from the Gehman report later, however, I understand that in some cases there is only a single safety expert responsible for a given project subsection.

Therefore, I am worried that if we give the Administrator a flexibility offer to encourage experienced people to retire—we could lose critical knowledge and expertise, and compromise missions in the future.

This amendment will not let that happen. It is a smart and unobtrusive provision. I hope my colleagues can support it.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Ohio (Mr. HOBSON) still insist on his point of order?

Mr. HOBSON. Mr. Chairman, I withdraw my reservation. After hearing the explanation, we are willing to accept the amendment.

The CHAIRMAN. Are there any Members seeking time in opposition to the amendment?

If not, the question will be on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY; HAZARDOUS

SUBSTANCE SUPERFUND" after the second and fourth dollar amounts insert "(increased by $114,716,000)".

In title III, in the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; SCIENCE, AERONAUTICS AND EXPLORATION" after the second dollar amount insert "(reduced by $114,716,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentleman from New Hampshire (Mr. BASS) and I are at this point going to attempt to move money from the program which has funded the Prometheus program in NASA's budget over to deal with the shortfall in the Superfund clean-up program which is one that has not met the amount which President Bush requested in this budget. Now, as the bill itself is structured, there is such an increase in the program for Prometheus that it does leave over substantial money that if it was shifted over, that would ensure the full funding of the Superfund program as President Bush requested it, combined with a still substantial increase in the Prometheus program, and that is what we will consider today.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 10 minutes.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we had to make some really tough choices in this bill. I believe that the $1.3 billion that we provided for the Superfund program given our allocation and the demands of the bill is the right level. This level keeps cleanups going at a steady pace. A cut of $115 million to NASA would severely hamper the operations of NASA, and I think it would send a terrible signal. It would seem like the Congress is bailing out on NASA at a time when they are in a crisis, and we are awaiting the report from the Gehman Commission.

If the gentleman wants to find money somewhere else in the bill, well, at this point I guess it is too late to do that. But NASA is dealing with unknown costs associated with the return to flight following the Columbia accident. We have to await the Gehman Commission report, and this would really send a bad signal.

It would also place in jeopardy many worthwhile space and Earth missions which would improve the understanding of our world, basic knowledge, which we, as humans, strive for. So I would urge Members to support the Superfund budget at $1.3 billion to maintain critical funding at NASA, and reject the gentleman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS), the co-sponsor of the amendment.

Mr. BASS. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. MARKEY) for yielding me time. I agree and I appreciate the fact that the gentleman from New York (Mr. WALSH) has to make funding priorities in these difficult times. However, what this amendment seeks to do is to return funding or raise funding to what the President's request was for this program.

I certainly support NASA in such respects, but this Project Prometheus is still going to receive a 30 percent increase after the money is removed for Superfund clean-up. And what the project basically is is an effort to study 3 moons of Jupiter. Even NASA space science chief Ed Weiler told Science Magazine in late March of this year that "Prometheus is more vision than reality" and the entire effort must cost between 8 and 9 billion over the next 10 years.

Now I am not here to bash NASA or Project Prometheus, but it is an issue of priorities. Now, of the 10 sites that will not be addressed this year because of this reduction in funding, three of them are in New England and one of them is in Merimack, New Hampshire, and it is an extremely dangerous area which is emitting all sorts of noxious chemicals which need to be addressed immediately.

I hope that this Congress and this Committee on Appropriations will seriously consider this small reallocation which will address a problem 10 different places around the country facing very significant issues now.

Project Prometheus is a project that is going on for a long time. The moons of Jupiter are going nowhere, but the people who live around these Superfund sites are people that are affected and potentially affected by this issue every single day. I urge the Congress to adopt this amendment.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member of the subcommittee.

Mr. MOLLOHAN. Mr. Chairman, the gentleman's amendment shines the light on the problem we have in this bill: to provide additional funds for one account, you have to raid another account. There has to be an offset. That is why so many of the account funding levels are very similar this year as to last year.

In this case, the amendment seek to add funds for EPA Superfund clean-up efforts. It is a good thing, certainly. I think that all of us or at least a great majority of us support the Federal Government playing an important role in providing some of the resources that communities across this country need to ensure that former industrial sites are not a health risk and are reclaimed and reused.

The funds permit EPA to not only provide resources for removal and remedial actions, but also to ensure that primary responsible parties contribute to the clean-up of the site, all very good things.

As an indication of the support for these efforts, the bill as presented provides $1.275 billion for the hazardous substance Superfund. This represents a small increase of $10 million from the current year's funding. The amendment would add a further $114 million to the account in bringing the funding level to what the administration requested, but at what cost?

To allow for the increase the President proposed, cuts and program elimination throughout the bill would be the cost. The gentleman has a different offset in mind. He would look to a NASA program, Project Prometheus. NASA is an agency that as many of you know has been essentially flat-funded for most of the past decade. This program started last year would develop radio isotopes, thermo-electric generators, and nuclear propulsion for planetary exploration space craft technology. And this is technology that if developed would make the exploration of different planets cheaper and more reliable.

The bill provides the budget request for the program, $279 million. A reduction of $114 million would cause a severe disruption to this program at a time when NASA cannot afford budget cuts and should be receiving additional resources.

The bill contains funding for $1.275 billion for Superfund activities. That is a slight increase over last year's level. The funding the amendment would add represents an increase of less than 10 percent. However, the cut proposed for the NASA initiative is roughly 40 percent of that program. If the bill before us had reduced funding for Superfund, I might be in a different position, might be; but as it stands, that account is treated as well as any in this bill. One account should not be gutted to provide funding for another when this bill has been as delicately balanced by the chairman as it has been.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, and I appreciate the leadership that the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from New Hampshire (Mr. BASS) have provided.

I rarely take exception to what I hear from my good friend from New York and the good work that he does with his colleague from West Virginia. But the fact is that we are not keeping up with our Superfund responsibilities. We have backed away from having the Superfund polluter paid concept to having a stream of money. We are cutting back on sites. There are places around the country, including some that I have seen in Upstate New York, that would benefit from this dramatically.

I would feel different if I felt that we were somehow taking some finely balanced program. We have been trying to get information about Prometheus and find out why it would be crippled if it had only a 30 percent increase, which is what the gentleman's amendment would provide. I think this is nebulous. It is a decade-long project that is going to involve billions of dollars. Right now if we are going to promote livable communities in our cities, in our districts, we ought to approve this amendment, be able to provide at least another 10 sites, including one in my district. I think the American people would be well-served. I strongly urge the adoption of this amendment.

Mr. WALSH. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from New York (Mr. WALSH) has 5½ minutes remaining. The gentleman from Massachusetts (Mr. MARKEY) has 6 minutes remaining.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Chairman, I thank the gentleman for yielding me time.

I want to rise as a strong supporter of the Superfund program. We have dealt with real challenges in southern California with Superfund clean-up. I want to congratulate the gentleman from New York (Chairman WALSH) for the $1.3 billion level for the Superfund that exists. And I know that there are other needs that continue to exist out there, and I would support efforts to find ways in which we could address those needs. But, Mr. Chairman, I have to say that I believe as we look at the challenge of space exploration and the NASA program, it would be extraordinarily short-sighted of us to make this kind of attack, and it is an attack on NASA and the Prometheus program.

□ 1615

In the last couple of weeks we have just seen the launching of the very, very innovative and a program with great potential, a Mars program which will have a scheduled landing for January, 5 months from now. The Prometheus program is designed, Mr. Speaker, to enhance the opportunity to increase the speed of travel. As we look toward ways to increase that, I believe the Prometheus program is the one way in which we can pursue it.

My very good friend from New Hampshire (Mr. BASS), cosponsor of this amendment, used the term "going nowhere" in describing this Prometheus program, and I have to say from having spent a great deal of time, as my colleague, the gentleman from California (Mr. SCHIFF), and I have, with a number of the engineers, those who are involved in this program, we know that if you do not take risks, you are not going to learn anything. That was said to me by the former director of the Jet Propulsion Laboratory in Southern California, Dr. Ed Stone, and I believe that we do need to do everything that we possibly can to pursue it.

My friend from New Hampshire loves Model A automobiles, and I know that at the time that that brilliant new vehicle came on line, the Model A, there were many people around who were focused simply on the horse as a means of transportation.

It is obvious that, as we look towards our future, we have great potential in space. We also know that the NASA program itself has been undergoing some great challenges after the *Challenger* disaster and other difficulties that they have faced in the past. That is why I urge my colleagues to, while we support the concept of dealing with Superfund and want to enhance that, please do not attack this very, very important Prometheus program in so doing.

I thank my friend for yielding me the time.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I am struck by the number of Members of the majority party who come up and concede, there is not enough here and not enough there. That was their decision. They voted to cut taxes on wealthy people and then voted for a budget that constrains them. So as they complain about these constraints, remember that this is self-flagellation in almost the literal sense.

Given the bad position they have put us in, we have to make choices. Nothing in the gentleman's amendment would interfere with NASA's ability to solve the problems that led to the tragedy of a few months ago. Indeed, the opposite is the case. At this point, NASA ought to be focused on preventing that kind of tragedy, rather than going into new programs that would divert resources and attention; and instead, we have the Superfund program.

The gentleman from California said, Well, you have got to take risks. If, as a society, we decide to take risks, that is one thing. But I do not think the people who live in Fairhaven, Massachusetts, ought to have to take the risk of living next to a Superfund site that has been certified by the EPA as a Superfund site; and now they tell us they have not got enough money to continue.

The gentleman from New York says this is $10 million more, a slight percentage increase than what we now have, but what we now have is a recent announcement by the EPA that existing Superfund sites will get no work. The EPA has just announced some of the hazardous sites in this country will be left in their current situation because they have not had enough money, and we are being told, well, you should be happy we are continuing the situation in which existing Superfund sites will not get the money.

I think it is important to deal with space, but not at the expense of exposing citizens of this country today to the hazards of Superfund sites, and that is what this bill does. It carries forward a situation in which EPA admits it does not have enough money, and that is intolerable.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding me the time, and I want to join the chairman and my colleague and friend, the gentleman from California (Mr. DREIER) from the San Gabriel Valley in strong opposition to the Markey amendment.

I appreciate the colleague's interest in increasing funding for the Superfund program, and I share that desire, but this is most emphatically not the way. To divert $115 million in funds away from a critical NASA project, Prometheus, is not the way.

Project Prometheus and the exploration of the icy moons of Jupiter has been rated as top priority by the National Academy of Sciences. JPL has recently launched two Mars Rovers, aptly named Spirit and Opportunity, to land on the red planet and determine whether there was or has been water on that planet and help science unlock the geologic mysteries of our solar system.

This work in Project Prometheus is a bold, new venture and will revolutionize solar system exploration using nuclear power and propulsion. Project Prometheus will enable more robust and ambitious scientific missions by supporting more complex scientific instruments, enabling significantly larger and faster data communication networks and allowing a single spacecraft to visit multiple targets per mission.

Using nuclear power and propulsion systems will exponentially increase the amount of power available to spacecraft instruments and enable vastly greater amounts of scientific data to be returned to home, 120 CDs worth of data compared to one or two floppy disks of information today. It will allow much more time for scientific observation of the moons, 180 days, opposed to only 1 to 5 hours using conventional technology.

This project's spearheading the Jupiter Icy Moons Orbiter mission will be the first application of these new technologies for a flight mission. It will search for evidence of global, subsurface oceans on Jupiter's icy moons.

This is a top priority, and I urge rejection of this effort to rob Peter to pay Paul.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

The amendment which I am making is a win-win amendment. All we do in our amendment is say to those who are fans of the Prometheus program, and it is a program which has strong support in the Congress in our country, that in my amendment you get a 31 percent increase in the Prometheus budget for next year, a 31 percent increase, and the remainder of the money goes over to Superfund and they get a 9 percent increase in their budget.

How can anyone complain if space science is increased by 31 percent? Here on Earth the residue of the industrial age is still leaving neighborhood nightmares all across our country to the point where the Bush administration has decreased Superfund cleanup by 50 percent over the last 2 years.

All we are saying is, is not it possible for us to give a 31 percent increase between this year and next year to Prometheus, which we will vote for, and have a 9 percent increase for the Superfund program so we can take care of the last Industrial Age that still torments neighborhoods all over our country?

Win-win: Prometheus wins a 31 percent increase; Superfund gets a 9 percent increase. This is not anything other than something which everyone should be able to embrace.

Back in history, during the Clinton administration, in the mid- to late-1990s, there was an average of 86 Superfund sites cleaned up each year. In the Bush EPA, it only cleans up about 40 sites in 2003 and 2004. It is slowing down at half the rate that it was used as a program to help neighborhoods in the 1990s.

In Massachusetts, Fairhaven, Massachusetts, has now been taken off the list. There are 10 sites, including Fairhaven, taken off the list; sorry, we cannot help you with the residue of the last era of research.

All we are saying is, within this budget, without hurting Prometheus, giving it a 31 percent increase, we can also ensure that we take what the President requested, that is the number that I am building in here, President Bush requested the number $1.39 billion for Superfund. That is the number I am using, the number they sent to us. President Bush, his EPA, his OMB, they gave us that number; and you can get to the number President Bush wanted just by taking a relatively small amount of money and leaving a 31 percent increase for Prometheus.

That is only fair to those communities across America that still have these sites, and I ask and I implore Members to listen to President Bush, to give that money, that $1.39 billion, over to Superfund and still leave the 31 percent for space exploration, which all of us believe is so important. But a balance has to be struck between our exploration of the stars and our preservation of the Earth in a way that is respectful of neighborhoods that were ravaged by the Industrial Revolution. This is the balance which works for both projects.

Mr. WALSH. Mr. Chairman, I yield myself the remainder of my time. I have just 30 seconds to close, so I will be brief.

We have increased funding for Superfund in this budget by over $50 million. The subcommittee strongly supports environmental cleanup, but if we adopted this gentleman's amendment, we would cut our increase in the entire NASA budget by half.

I think it is the wrong time to send that kind of a signal, and I urge my colleagues to reject the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise with great jubilation and excitement and also great appreciation that this legislation has accepted my bill filed just last year and again this year, H.R. 91, to name the veterans hospital in the city of Houston in the 18th Congressional District after a great American hero, Dr. Michael E. DeBakey, who played a critical role in helping to establish and develop the Veterans Affairs Medical Center and, as well, served valiantly as a World War II hero and as the creator and orchestrator of the MASH unit.

Now, almost 95 years old, he is a great American, and it is a great privilege that we have the opportunity to honor him. I am grateful to my Texas colleagues and to the ranking member and the chairman for allowing this to occur, and I will include the bill for the RECORD at this point.

Mr. Chairman. One provision in this bill that is of great importance to me and to the 18th Congressional District of Texas, which I represent, is language that calls for the Veterans Affairs Hospital in Houston, Texas to be renamed the Michael DeBakey Department of Veterans Affairs Medical Center. Inclusion of this provision is the culmination of over a year of hard work and collaboration with members of the American Legion, AMVETS, Disabled American Veterans, Veterans of Foreign Wars, and the Paralyzed Veterans Association; my colleagues in the Texas Congressional Delegation; and numerous other Houstonians—all committed to bestowing this honor upon the great Dr. Michael DeBakey.

Dr. Michael DeBakey is an internationally renowned physician, known foremost for his pioneering work as a cardiovascular surgeon. Although known as "the father of modern cardiovascular surgery" due to his introduction of now common-place procedures as arterial bypass operations, artificial hearts, and heart transplants, Dr. DeBakey has also contributed greatly to other fields diverse as military medicine, veterans affairs, and public health policy.

Born in 1908 in Lake Charles, Louisiana, Dr. Michael DeBakey received his bachelors and medical degrees from Tulane University. After receiving surgical training in Europe, Dr. DeBakey returned to the United States and enlisted in the Army at the onset of World War II. His service on the Surgeon General's staff during the War was pivotal; studies conducted there led to the formation of mobile army surgical hospital (MASH) units that would save countless lives in that and subsequent wars. For his wartime contributions to the nation, Lt. Col./Dr. DeBakey was awarded a Legion of Merit Award in 1945. Following the war, Dr. DeBakey's expertise in the development of specialized medical and surgical center-systems became crucial to the formation of the Veterans Administration Medical Center System. In addition, Dr. DeBakey was instrumental in securing congressional support for the creation of the National Library of Medicine, where records of the nation's medical research activities are stored for the benefit of future researchers.

Dr. DeBakey's arrival in Houston at the Baylor College of Medicine heralded the development of Baylor and Houston's Texas Medical Center into world-renowned centers of medical excellence. As Baylor's Chairman of Surgery and later President, Dr. DeBakey spearheaded efforts to associate Baylor with the TMC's network of hospitals, secured federal funding for research, and recruited numerous highly-acclaimed faculty and researchers to Baylor. During that time, Dr. DeBakey was also an active and innovative clinician: introducing the Dacron artificial arteries in 1953, the first successful coronary bypass in the early 1960s, and the first successful multi-organ transplant in 1968.

Dr. DeBakey's wisdom has been sought by virtually every U.S. president since Harry S. Truman. He served on presidential commissions during both the Kennedy and Johnson administrations, and thus provided essential support in the passage of the landmark 1965 Medicare legislation. Dr. DeBakey was awarded the Presidential Medal of Freedom with Distinction in 1969 and the National Medal of Science by President Ronald Reagan in 1987. He currently serves as Chancellor Emeritus of the Baylor College of Medicine and continues to see patients, pursue his research, serve on national advisory committees, and consult on projects to help develop health care systems in the Middle and Far East.

This legislation honoring the contributions of Dr. DeBakey was also supported by a variety of organizations including: the University of Texas Health Science Center at Houston, the Texas Medical Center, the Harris County Medical Society, Methodist Hospital. Senators HUTCHISON and CORNYN have recently introduced the Senate companion to my legislation.

I am pleased to see this endeavor clearing this important milestone, and passing out of the House of Representatives. I look forward with great anticipation to a ceremony in the near future: renaming the Veterans Affairs Hospital in Houston after Dr. Michael DeBakey; it is an honor that is long overdue.

H.R. 91

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds as follows:

(1) Dr. Michael E. DeBakey played a critical role in establishing and developing the Department of Veterans Affairs Medical Center in Houston, Texas. He has successfully elevated its professional staff and quality healthcare to meet high standards of excellence and encouraged minorities to fulfill their potential in education, and particularly in the health professions.

(2) Dr. DeBakey's dedication to the Department of Veterans Affairs Medical Center is ongoing. He is still chairman of the Dean's Committee of that medical center, as he has been since the beginning of that institution.

(3) Dr. DeBakey brought both the City of Houston and the State of Texas international recognition for the Texas Medical Center through his pioneering of medical research, his leadership at Baylor College of Medicine, his national and international medical statesmanship, and his championing of the rights and the welfare of the underprivileged.

(4) Dr. DeBakey is credited with the development of the Mobile Army Surgical Hospitals (MASH) concepts for the military, which led to saving thousands of lives during the Korean and Vietnam conflicts, as well as the development of specialized medical and surgical center systems in order to treat returning military personnel.

(5) During World War II, Dr. DeBakey served as a colonel in the United States Army and was assigned to the Surgical Consultant Division in the office of the Surgeon General. His active duty service was from 1942 to 1946. He remained on active duty in 1946 and recruited 100 additional specialists to care for World War II wounded military personnel in Army specialty centers.

(6) For his service in the Armed Forces, Dr. DeBakey received the Legion of Merit.

SEC. 2. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, HOUSTON, TEXAS.

(a) NAME.—The Department of Veterans Affairs medical center in Houston, Texas, shall after the date of the enactment of this Act be known and designated as the "Michael E. DeBakey Department of Veterans Affairs Medical Center".

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Michael E. DeBakey Department of Veterans Affairs Medical Center.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I just want to thank and commend the gentlewoman from Texas (Ms. JACKSON-LEE) for her farsightedness in writing a bill which now will be incorporated into this measure to name the Houston VA Medical Center after the renowned American, Dr. Michael DeBakey.

My mentor in politics, Olin Teague, one of the greatest of all World War II veterans, has a VA hospital named after him in Temple.

☐ 1630

I think that kind of honor meant more to him than all the awards given to him through his lifetime. And I want to congratulate the gentlewoman from Houston for honoring our veterans, for honoring Dr. DeBakey by writing the legislation, which now, through this bill, will become the law of the land. This is an honor deserved by Dr. DeBakey, and I appreciate her for bringing this legislation to the forefront so that it could be put in this bill.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield time to the gentleman from New Jersey (Mr. ANDREWS) for the purpose of a colloquy.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman, the chairman, and the ranking member as well, for their gracious cooperation.

Mr. Chairman, I strongly urge the House conferees on this bill work to include language in the conference report that addresses concerns I have about a Superfund site in my district, the Gloucester Environmental Management Services, or GEMS, landfill. Specifically, I request that report language direct the Inspector General of the EPA to conduct an investigation into all financial transactions, including revenue and spending, by the GEMS Trust, a collection of responsible parties who are required to conduct the remediation of this highly polluted landfill. I am concerned about how the trust has financed its actions so far and have reason to believe that the trust has not seriously considered all viable remediation options.

Mr. Chairman, 38,000 of my constituents live within a 3-mile radius of this landfill, some as close as 300 feet. We owe it to them to choose the safest and most environmentally sound remediation method, not simply the cheapest. The responsible parties should not get away with a Band-Aid solution to a major environmental hazard. I seek this Inspector General investigation because I fear that the EPA may be endorsing a treatment method that does not sufficiently protect the health of my community.

Mr. WALSH. Mr. Chairman, reclaiming my time, I thank the gentleman for the concern he has expressed for his constituents in his community. We will work with EPA and have the Inspector General look at this site to ensure that any remedy gives adequate consideration to the health of the gentleman's constituents and other environmental impacts.

I look forward to working with the gentleman on this issue as we move towards the conference.

Mr. ANDREWS. Mr. Chairman, if the gentleman will yield further, I thank the chairman and the ranking member for their cooperation.

The CHAIRMAN. Are there further amendments to be heard?

AMENDMENT OFFERED BY MR. MOORE

Mr. MOORE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOORE:

At the end of the bill (before the short title), insert the following new section:

SEC.   . (a) None of funds appropriated in this Act may be expended to take any action proposed under the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs until—

(1) the Secretary of Veterans Affairs submits to Congress a written notification of the intent to take such action; and

(2) there has elapsed—

(A) a period of 60 days beginning on the date on which such notification is submitted; and

(B) a period of 30 days of continuous session of Congress beginning on the date on which such notification is submitted.

(b) For purposes of subsection (a)(2)(B)—

(1) the continuity of session of Congress is broken only by an adjournment of Congress sine die;

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session; and

(3) if either House of Congress is not in session on the date when a notification is submitted under subsection (a)(1), the counting of days shall begin as of the first day after such date that both Houses of Congress are in session.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the opportunity to talk about an amendment that I want to offer to the VA-HUD appropriations bill. I ask that the House consider as an amendment H.R. 2808, which the gentlewoman from Missouri (Mrs. EMERSON) and I filed just this week.

The concept is simple. Our amendment would require that the Secretary of Veterans Affairs give 60 days' advance notice to Congress before closing any Veterans Hospital facilities or medical facilities or beds currently serving veterans.

At the Kansas City Veterans Administration facility, which serves my district, veterans already have to wait 6 months for nonemergency care. Closure of beds at a VA facility in Leavenworth, just north of my district, would put more people in the pool in Kansas City, making the wait even longer, as much as 8 months, 9 months or a year, which is unconscionable. Asking veterans to wait even longer for care is wrong; we should not sacrifice treatment for those who fought for our country.

Mr. Chairman, I appreciate the opportunity to bring this matter to the House's attention. It is vital that we keep our promises to our veterans as we are asking even more young men and women to serve our country in places such as Afghanistan, Iraq, and perhaps even Liberia. We owe them quality care when they return from their service and they have the absolute right to know that that quality care will be there for them.

Mr. Chairman, Bob Ulin, State president of the Association of the United States Army, I think said it best: "It is a budget issue for the VA; it is a life and death issue for our vets."

I understand, Mr. Chairman, that my amendment is subject to a point of order, but I ask my colleagues to consider the status of VA care in our country and join as cosponsors on H.R. 2808.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

AMENDMENT OFFERED BY MR. MEEKS OF NEW YORK

Mr. MEEKS of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MEEKS of New York:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds appropriated or otherwise made available by this Act, may be used to terminate the furnishing of services to veterans by the Department of Veterans Affairs medical facility located in St. Albans Queens, New York.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. MEEKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. MEEKS).

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair asks that Members turn off electronic devices on the floor.

Mr. MEEKS of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment just simply says that no funds in fiscal year 2004 can be used to close the St. Albans Veterans Facility. Basically, the St. Albans veterans care facility has been a key provider of services and jobs at St. Albans for as long as I can remember. It sits in the heart of my district on what was formerly a military base in Queens County, New York.

The St. Albans VA Primary and Extended Care Center provides primary care and offers specialized geriatric programs and restorative rehabilitation. Geriatric programs provide comprehensive evaluation and safe, effective management of elderly cognitively impaired veterans. An outpatient adult day care health care program and home-based primary care program exists and cares for the physically disabled, medically complicated elderly veterans who are at risk of nursing home placement or recurrent hospitalization. A comprehensive psychosocial rehabilitation domiciliary program providing incentive therapy, vocational counseling, and independent living skills training for patients seeking to return to independent living is provided by the VA Primary and Extended Care Facility.

This facility has 386 beds. This facility provides inpatient extended care services, including skilled nursing, antibiotic therapy, and respite care. Also provided is subacute restorative rehabilitation for the elderly. The campus also hosts an ambulatory care center that provides primary care and specialty care, including podiatry, audiology, dental service, and optometry. VA adult health care and home-based primary care programs, providing outpatient geriatric care, is present at the St. Albans campus. A homeless domiciliary emphasizing comprehensive psychosocial rehabilitation exists at the extended care center.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank my friend and colleague, the gentleman from Queens, for yielding me this time, and I rise in strong support of the Meeks-Crowley-Ackerman amendment to ensure that the St. Albans Veterans Medical Center is not closed by the VA this year.

Queens County has the largest veterans population in the New York metropolitan area, with over 115,000 living veterans. St. Albans serves thousands of Queens County veterans. The facility provides inpatient extended care services, including skilled nursing, IV antibiotic therapy, and respite care.

The campus also hosts an ambulatory care center that provides primary care and specialty care, including optometry, podiatry, audiology, and dental services. VA adult day care and home-based primary care programs, providing outpatient geriatric care, are present at the St. Albans campus, as are programs and services to benefit homeless veterans.

I understand that as part of a cost savings measure the VA is contemplating the closure of St. Albans. This is not because of a lack of veterans but rather, in my opinion, misplaced priorities. We must keep this hospital and all of our VA hospitals and clinics open.

I have had a conversation with the chairman, and I appreciate the situation he finds himself in at this time, and I know that we are waiting for the CARES Phase II proposal to be published. I hope that after that document is released, we will have an opportunity to really evaluate what it says and not close this particular facility as the VA, I believe, is suggesting may happen.

There are just too many veterans in the City of New York. Many of these people have absolutely no one; they have nobody. If it were not for the St. Albans Medical Center and what this center provides for these individuals, there would be no one there to take care of these poor veterans.

Mr. MEEKS of New York. Mr. Chairman, I yield myself the balance of my time.

I realize, Mr. Chairman, that the CARES program that the VA is looking to is to reduce wasteful and underutilized space; that it is costing $1 million a day. I understand the need not to be wasteful, but the St. Albans facility is not a place of waste. It is not only a key to the County of Queens, it is a key for all of New York City and is also a huge economic engine in the City of New York.

We need this facility, particularly now; and it is really something that is not underutilized. In fact, it is overutilized. And so I would urge all of my colleagues to support this amendment and keep the St. Albans VA Facility for fiscal year 2004 and accept this amendment.

Mr. WALSH. Mr. Chairman, I rise in strong opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, this CARES process is something that the Congress voted to support. It is an ongoing process. Certainly we are all nervous about its impact upon our own veterans medical centers. This is of great concern to us. We all have an affinity and a relationship with our VAs, with the vets that go there, and the doctors and nurses and staff who serve there. But it would be wrong for us to step in on behalf of one center, because all Members have the same concern.

The Secretary has not seen the proposals yet on realignment. Any protection built into this bill for any specific facility would undermine the overall plan. I think this discussion is best left until next year when the capital assets studies are completed and an official proposal is on the table.

So at this time, Mr. Chairman, I urge a strong "no" vote on this amendment.

Mr. ACKERMAN. Mr. Chairman, I rise today in support of the Meeks-Crowley-Ackerman amendment to prevent the unnecessary closing of the St. Albans Primary & Extended Care Center. This center provides primary care and offers specialized geriatric programs and restorative rehabilitation to veterans from New York City and Nassau County. To close it would be a disservice to the Veterans of Queens and Nassau County.

At a time, when we have sent over 150,000 troops to fight in Iraq, it is indefensible that these men and women may come home to find that the Veterans Center is no longer there. Closing this facility would be an insult to those who have served our country so bravely.

The Veterans Administration is currently dangerously under-funded. To save dollars, the Administration wants to close Veterans' health centers. However, the administration did manage to find the money to give the wealthiest Americans a tremendous tax cut. We must fulfill our promises to our veterans and continue to provide access to the quality health care they were promised.

Currently, veterans sometimes have to wait months for doctors' appointments at VA Hospitals. Closing St. Albans will simply exacerbate this problem. If St. Albans is closed, veterans will have to go to other already overcrowded facilities in New York.

We owe it to our veterans to provide them access to quality health care. St. Albans needs to remain open.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. MEEKS).

The amendment was rejected.

AMENDMENT OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LEE:

In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—HOMELESS ASSISTANCE GRANTS", after the first and second dollar amounts, insert the following: "(increased by $83,000,000)".

In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—WORKING CAPITAL FUND", after the first dollar amount, insert the following: "(reduced by $83,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first let me thank the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and the chairman, the gentleman from New York (Mr. WALSH), for this bill and for their hard work and leadership in terms of trying to address the very complicated issues of housing and our veterans population.

Mr. Chairman, 20 percent of our homeless population hold jobs, 22 percent are mentally ill, and 11 percent are veterans. Now, on any given day in my home State of California, there are approximately 350,000 people who are homeless, including as many as 100,000 children. I rise today because we must help the over 3 million homeless nationwide and millions of low-income families struggling to find shelter across this country.

Mr. Chairman, this bill is woefully underfunding homeless programs for one of our Nation's most vulnerable and most consistently neglected populations. Now, I understand that this bill provides $25 million more than fiscal year 2003 levels. But given the cost of inflation, this bill really does provide a net cut. Moreover, and what is very important that we understand here is that this bill falls $83 million short of the President's request. The President's request. Our amendment simply funds the McKinney-Vento homeless programs at the President's request.

This Congress and the administration have championed the need for more supportive housing, more comprehensive transitional housing and homeless assistance programs, and really ending the chronic cycle of homelessness. President Bush and Secretary Martinez have both committed to ending homelessness in the next 10 years.

□ 1645

As we make these commitments and promises, the rates of homelessness continues to rise. Since the start of 2003, people requesting emergency homeless assistance and food has skyrocketed. At a time of record and rising unemployment and economic uncertainty, when more people are forced to live on the streets, to suffer the elements and the stigma of homelessness, we must commit and live up to our promise and our obligation to end this crisis.

By increasing the funds used in the McKinney-Vento account, we can devote the much-deserved funding and attention to homelessness. The Lee-Schakowsky amendment would provide a modest response to this often unavoided yet urgent problem by simply funding the McKinney-Vento account at the President's requested level of $1.3 billion for fiscal year 2004.

This $83 million would translate into housing to over 14 million families who have critical housing needs and over 2.5 million households with children living in severely substandard housing. By supporting McKinney-Vento at the President's requested amount, we could provide shelter for the over 1 million homeless children in our country.

What would we be giving up in order to fund these accounts and do the right thing? The answer is nothing that HUD could not live without. This offset comes from an already bloated working capital account which pays for IT consultants and computer supplies at HUD. Even with the passage of the Lee-Schakowsky amendment, the HUD working capital would have received over $1 billion from 2001 to 2003.

The real question that our amendment poses, is very simple: Do Members support helping to alleviate homelessness or do they support a nameless, faceless account used to provide the tools to process the information about the homeless. It is really about choice.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong support of the amendment that I am so proud to cosponsor along with the gentlewoman from California (Ms. LEE), who has done so much on behalf of low-income families.

The Bush administration's budget request for homeless programs was actually slashed in this appropriations bill. In this legislation, funding for homeless programs is $133 million below the administration's budget request, a total request that really does not even come close to addressing the critical problem of homelessness, and the growing problem of homelessness.

A modest amendment would increase HUD's homeless assistance and prevention programs by $83 million to provide desperately needed services for 20,000 homeless children and adults.

Homelessness does not discriminate. It affects people in rural and urban communities, and every single Member of Congress represents constituents who cannot afford a roof over their head. I do not care how wealthy Members think their district is, there are people who do not have a permanent residence.

Despite stereotypes, 39 percent of the homeless are children, and half of all homeless women and children are the victims of domestic violence. Over the course of a year, 3.5 million people will experience homelessness in the United States.

The underlying bill will actually increase the number of homeless people because it takes away vouchers from 85,000 families, including 3,200 families in Illinois. Our amendment would take $83 million from HUD's working capital fund and direct it right to homeless people.

The working capital account, which the money comes from, helps pay for computer upgrades and consultants. While I am sure that the capital account is helpful for HUD, there is no doubt that it is more important to provide housing for those that need it the most. $83 million could fund transitional housing and supportive services that could permanently end homelessness for 20,000 children and adults.

In 2002, Chicago alone had a 22 percent increase in requests for emergency shelter and a 35 percent increase in requests for shelter by families, compared to 2001. In Illinois, 1 million renters in need of housing assistance compete for 230,000 assisted housing units, while 80 percent of the shelters throughout the State reported an increase in family homelessness in the past year. As a result, families with children are being forced to choose between paying their rent, food, heat, and other necessities. This money would help emergency providers give aid to those who need it right now.

The Bush administration itself has stated on several occasions that it wants to end homelessness, and it can. This is not some sort of a problem like a hurricane or a tornado. We can decide to end homelessness, but the problem is, we consistently underfund the housing programs.

In communities like Chicago where our mayor, Mayor Daley, and community leaders have developed an historic 10-year plan to end homelessness, it will not succeed if it does not receive Federal support. I urge the support of this modest amendment to end homelessness.

Ms. LEE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me follow up with that by saying, failing to fund the administration's budget request for homeless programs undercuts HUD Secretary Martinez's pledge to end chronic homelessness within the next decade. By repudiating the administration's homeless budget, which is at the heart of that pledge, it will be impossible to provide the permanent housing and supportive services that are needed for the 150,000 chronically homeless individuals.

Underfunding in the homeless account really comes on top of the bill's deep cuts in public housing and underfunding of section 8 renewals. Public housing and section 8 are the key provisions providing rental assistance to the poorest. Program cuts now will result in an increase in the level of homelessness nationwide, and that is one of the reasons why we are standing today with the President in terms of his funding request of $83 million, so we can move forward and begin to address those who have been shut out, really, of the benefits of this very wealthy country.

I want to close with this poem from a 7-year-old homeless child. It is called "Being Homeless":

"If you are a kid, it is cold, lonely, scary. I guess I need to hurry and grow up."

It does not seem much of a choice to me in terms of restoring or putting in the $83 million that the President wants. I am asking for this House to please support the Lee-Schakowsky amendment.

It is really a matter of choices. We can decide, do we want to help those who are vulnerable, those who are out on the streets with no place to go, those who barely have enough to eat, those who have severe mental difficulties, physical difficulties who have no health care; or do we want to fund some information technology account over at HUD.

I ask for an "aye" vote on this amendment.

Mr. WALSH. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 10 minutes.

Mr. WALSH. Mr. Chairman, just briefly, to correct a point, there are no cuts for the homeless in this bill. There is an increase of $35 million. There are no cuts in section 8 housing vouchers, there is an increase of over $900 million.

But if we accepted this amendment, it would cut HUD's information technology by 35 percent and make it very difficult for them to continue their operation. For that reason I oppose the amendment, and I urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. LEE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. LEE) will be postponed.

AMENDMENT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EDWARDS:

In title I, in the item relating to "MEDICAL SERVICES FOR PRIORITY 1–6 VETERANS", insert at the end of the following

In addition for such purposes, $1,800,000,000: *Provided*, That, from such sum, amounts may be transferred to "Medical Services for Priority 7-8 Veterans" without regard to the percentage limitation established in section 119 of this Act.

In title I, in the item relating to "MEDICAL ADMINISTRATION", after the aggregate dollar amount, insert "(increased by $264,000,000)".

At the end of the bill (before the short title), insert the following:

SEC. ___. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Pub. L. 108–27) shall be reduced by 12.5 percent.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. EDWARDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I yield myself such time as I may consume.

"The House leadership has deceived us." Those are not our words, those are the words of the Veterans of Foreign Wars Commander-in-Chief Ray Sisk in his press release of July 17, just a few days ago.

"A clear betrayal of the assurances made to America's veterans by the House Republican leadership." Those are not my words, those are the words of the VFW press release of July 17.

"This meager increase is simply inadequate to provide health care to sick and disabled veterans, and represents a flagrant disregard to promises made to veterans by this Congress." Those are not my words. They come from the National Legislative Director of AMVETS, Paralyzed Veterans of America and the Veterans of Foreign Wars.

Mr. Chairman, my amendment would add a desperately needed $2.2 billion to our veterans' health care system. Our veterans deserve those dollars. My view is that a Nation that can afford trillion dollar tax cuts that help our wealthiest citizens can and should afford to take care of our veterans who have sacrificed so much for our country.

I think it is time for some straight talk with veterans. They need to know what this debate is all about. Let me tell Members the steps we have gone through to get here.

Step 1. On March 20 during the first days of the Iraqi war this year, House Republicans voted for a budget resolution that, yes, cut veterans' benefits by $28 billion over the next 10 years.

Step 2. When Democrats and veterans organizations expressed outrage from one end of our country to another, the Republicans in the House, who drastically cut veterans programs even during a time of war in Iraq, during the first days of that war, Republicans scrambled to find some cover.

Step 3. The Republicans found the cover. It was to offer the promise of a $1.8 billion increase in funding for VA health care this year. In fact, on March 20, the gentleman from New Jersey (Mr. SMITH) put out a press release, "I am pleased we reached agreement for a

$1.8 billion increase." Republicans sent out releases like this bragging about this commitment to our veterans all over the country. That was step 3, and then what happened:

Step 4. It was not good news for veterans. The House Republican leadership, after allowing these kinds of press releases to go out from its Members, said, Nope, we are going to take away every dime of those $1.8 billion that we promised to you, America's veterans.

Step 5. Veterans groups made the quotes that I just read to you, "clear betrayal," "House leadership has deceived us." Then what happened?

Step 6. The gentleman from New Jersey (Mr. SMITH) and I, a Republican and a Democrat respectively, offered amendments to the Committee on Rules to increase veterans' health care spending by $1.8 and $2.2 billion respectively.

□ 1700

Even though the Committee on Rules protects amendments from points of order on a daily basis in this process and we all know that, in this case the Committee on Rules and the Republicans on it last night said, you know, we are not going to make that kind of exception for veterans even in time of war. We are not going to protect amendments that would actually increase VA health care spending.

Step 7. By voting "no" on that rule, we could say to the House Republican leadership, you are wrong, we should stand up for veterans today because tomorrow's veterans are fighting today in Iraq. 189 Democrats voted with veterans to kill that rule but only seven out of 229 Republicans voted against that rule. Why? We know. The Republican leadership threatened them. If they voted "no" on that rule, they were going to pay a terrible price for it.

Step 8. Republicans who were missing in action when we could have actually killed the rule that prohibited an increase in veterans spending said, I better get down to the floor and give an eloquent speech about standing up and fighting for veterans. So they have done that over the last couple of hours, knowing full well that this bill is going to pass even though they vote "no." So they were missing in action when we needed them; but after the cease-fire was drawn, the agreements were made, they came running in with their rifles and said, boy, I want to stand up and fight for our veterans.

Step 9. This bill will pass and we all know it. VA health care funding will be $2 billion less than it should be.

Step 10. The Members who were missing in action and voted against veterans when they voted for this rule that stopped our helping veterans with more money, they will put out press releases telling veterans how they gave eloquent speeches on the floor of the House opposing this terrible bill.

Mr. Chairman, this is how our veterans get the shaft while Members are covering themselves. It is wrong. We ought to pass this amendment that will now be ruled out of order.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Does the gentleman continue to reserve?

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order.

The CHAIRMAN. The point of order continues to be reserved.

The gentleman from New York will be recognized for 5 minutes.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a veteran and distinguished member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, I am a veteran. The gentleman who just spoke is not. I am a combat veteran. The gentleman is not. I was wounded in combat. The gentleman was not. And I resent the implications that we are trying to cut veterans benefits. This bill increases veterans benefits $1.3 billion. In my mind, that is a good thing, not a bad thing. If you take a look at what the Republicans have done since we have been in the majority, every single year we have increased veterans benefits.

While Bill Clinton's budget fought against veterans health care, actually cut, not increased, Republicans came together with moderate Democrats and increased the veterans budgets every single year. I resent a gentleman saying, well, we do it just for tax breaks for the rich. Those jobs that the gentlemen are talking about, 70 percent of the jobs are created by small business, that enhance. We want those veterans to have business and we want them to have jobs. We did not, as the Democrats in 1993 when they had the White House, the House and the Senate, cut veterans COLAs. They cut military COLAs.

They gave us the highest middle-class tax increase in history. That tax increase also hurt our veterans. Republicans along with moderate Democrats restored those veterans COLAs, we restored the military COLAs, and we gave middle-income taxpayers tax relief. For the gentleman to sit up here and say that we are cutting veterans benefits when this bill increases it $1.3 billion aggravates me, Mr. Chairman.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I think the point is not that the chairman and the subcommittee has not increased funding for veterans in this bill. We certainly have done that. I think the point is that the expectation with the budget resolution, with the advertising the increase in veterans benefits in the budget resolution which the majority passed was significantly higher than the actual allocation that we were able to deal with in the appropriation bill.

Mr. CUNNINGHAM. Taking back my time, I agree with the gentleman. I want more money in veterans. But to insinuate that it is a tax break for the rich when they say that about every bill is a political shot that is wrong.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I would insist on my point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2, rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment modifies existing law. I ask for a ruling from the Chair.

The CHAIRMAN. The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had not wanted to speak any more on this, but in light of the comments of my friend from California, I feel compelled to. I want to read some words: "The fiscal year 2004 VA–HUD appropriations bill as it pertains to funding levels for veterans health care is inadequate and represents a clear betrayal of the assurances promised to America's veterans by the House Republican leadership." I did not say that. Ray Sisk, Commander in Chief of the Veterans of Foreign Wars, said it on July 17 of this year. I could insert four other quotes in the RECORD from veterans organization leaders as well.

The gentleman from California says that this is a good budget for veterans. Let me explain why it is not. This bill has a 6 percent nominal increase in funding for veterans health care, so it sounds good. But the fact is that inflation eats up 3 percent of that 6 percent and then you have a 9 percent growth in the veterans population eligible for these programs. So when you add 9 and 3, that means that you need a 12 percent increase in veterans health care programs just in order to stay even. This bill only meets half that. While the gentleman is shaking his head, it is simple mathematics. His daughter got a perfect 600 on the SATs. She would know that that statement was right.

Let me say, also, Mr. Chairman, that I totally agree with the gentleman from Texas (Mr. EDWARDS) who has time and time again taken this floor to lead the effort to help veterans. The fact is that veterans are not going to be conned by someone who says, Oh, oh, I was a really good friend of veterans that day when that bill was up. I voted against final passage.

Mr. Chairman, the only practical chance that any Member of this House had to get more money for veterans was to beat the rule so you could go back and have made in order the amendment that the gentleman talked about. My friend from California can resent all he wants the fact that we talk about what the tax cut cost us in services, but the fact is the Republican leadership of this Congress put tax cuts before anybody else and the fact is that under those tax cuts if you make a million bucks next year, you are going to get an $88,000 tax cut. The fact is that what we are trying to do with his amendment is to reduce that by $11,000 so they will only get a $77,000 tax cut. We are trying to do that so that there is enough room to fund additional veterans health care benefits.

That is what we are trying to do. You may not like the fact that we bring it up, but the consequences of your providing $3 trillion in tax cuts the next 11 years, the consequences are that there will be no room in the inn for adequate education funding, adequate health care funding, or adequate help for veterans. That is a fact. You may not like the fact that we bring it up, but we are going to bring it up every day of the year because it is a hard, cold fact of budgeting. When you make choices, you have to be able to take the heat for those choices; and we are going to turn up the heat, baby, because you were wrong.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to thank my colleague for his assistance in creating this bill and steering it through the floor debate. I would like to give him and our colleagues in the House my promise that as all these bills move through to conference as CBO and OMB reexamine the estimates and costs of the bills and if, and that is a hope, more funds become available to the VA–HUD bill, increasing the funding for VA medical service will be our first priority.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I certainly agree with that. As has been expressed here on the floor, expressed through the gentleman from Texas (Mr. EDWARDS), expressed with the gentleman from Wisconsin's comments, I agree that should funds under the VA-HUD allocation increase, VA medical service would most definitely be one of our first priorities.

Mr. WALSH. I thank the gentleman for his comments. I thank him for his help. I urge a "yes" vote on the bill.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 12 offered by the gentleman from New Jersey (Mr. SMITH), amendment No. 10 offered by the gentleman from Florida (Mr. STEARNS), amendment No. 6 offered by the gentleman from New York (Mr. NADLER), an amendment offered by the gentleman from Massachusetts (Mr. MARKEY), and an amendment offered by the gentlewoman from California (Ms. LEE).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 12 OFFERED BY MR. SMITH OF NEW JERSEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 347, noes 77, not voting 10, as follows:

[Roll No. 451]

AYES—347

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Ford
Fossella
Frank (MA)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Nadler
Napolitano
Neugebauer
Ney
Norwood
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)

NOES—77

Aderholt
Barton (TX)
Biggert
Bishop (UT)
Blunt
Bonilla
Bonner
Brady (TX)
Buyer
Cannon
Cantor
Castle
Collins
Culberson
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Ehlers
Everett
Flake
Foley
Franks (AZ)
Frelinghuysen
Gilchrest
Granger
Hastings (WA)
Hobson
Houghton
Hulshof
Istook
Johnson, Sam
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lewis (CA)
Murtha
Musgrave
Myrick
Nethercutt
Northup

Nunes
Nussle
Osborne
Otter
Pearce
Petri
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rogers (KY)
Saxton
Schrock
Sessions
Shadegg
Sherwood
Simpson
Souder
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Wicker
Wolf
Young (FL)

NOT VOTING—10

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
McCrery
Neal (MA)
Oberstar
Ros-Lehtinen
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1733

Messrs. COLLINS, PETRI, HOUGHTON, FRANKS of Arizona, and WALDEN of Oregon changed their vote from "aye" to "no."

Ms. KILPATRICK, Mrs. MILLER of Michigan, Mrs. CUBIN and Messrs. SHIMKUS, UPTON, SHUSTER, BURGESS, CALVERT, GARY G. MILLER of California, ROTHMAN, and CUNNINGHAM changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

The Chair will inform Members that this is a lengthy series of votes and will ask Members to cast their vote within the time provided for each vote.

AMENDMENT NO. 10 OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 154, noes 264, not voting 16, as follows:

[Roll No. 452]

AYES—154

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Edwards
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Manzullo
McCotter
McHugh
McInnis
McIntyre
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Obey
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Platts
Pombo
Porter
Ramstad
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Simmons
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Stenholm
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—264

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Shimkus
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wicker
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—16

Cooper
Fletcher
Gephardt
Green (TX)
Greenwood
Gutierrez
Hinchey
Holt
Issa
Kelly
McCrery
Millender-McDonald
Oberstar
Radanovich
Ros-Lehtinen
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1740

Mr. PETRI changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. KELLY. Mr. Chairman, on rollcall No. 452, due to a technical difficulty with my voting card, my vote was not recorded. I would have voted "aye."

Stated against:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 452, I was detained by constituents that precluded me from getting to the floor. Had I been present, I would have voted "no."

Mr. HOLT. Mr. Chairman, I was detained on rollcall vote number 452, the Stearns amendment. If I had been here, I would have voted "no." At a time when AmeriCorp is already underfunded by $100 million, this is no time to cut it further.

AMENDMENT NO. 6 OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 208, not voting 9, as follows:

[Roll No. 453]

AYES—217

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Frost
Gonzalez
Goss
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—208

Aderholt
Akin
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stupak
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
McCrery
Oberstar
Ros-Lehtinen
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1749

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 309, not voting 11, as follows:

[Roll No. 454]

AYES—114

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Bass
Berkley
Bishop (NY)
Blumenauer
Bradley (NH)
Brady (PA)
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Chocola
Clay
Conyers
Costello
Crowley
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Emanuel
Engel
Eshoo
Evans
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Grijalva
Gutierrez
Hoeffel
Holden
Honda
Hooley (OR)
Inslee
Jackson (IL)
Johnson (CT)
Johnson (IL)
Kelly
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Lynch
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Michaud
Miller, George
Moore
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Ramstad
Rangel
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Saxton
Schakowsky
Shays
Simmons
Slaughter
Smith (WA)
Solis
Stark
Strickland
Terry
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Waters
Waxman
Weiner
Woolsey

NOES—309

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carter
Castle
Chabot
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Farr
Feeney
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost

Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holt
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Marshall
Matheson
McCotter
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
Hunter
McCrery
Oberstar
Ros-Lehtinen
Sullivan
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1756

Ms. LINDA T. SÁNCHEZ of California changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. WILSON of New Mexico. Mr. Chairman, on rollcall No. 454 I was unavoidably absent. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MS. LEE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 232, not voting 10, as follows:

[Roll No. 455]

AYES—192

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—232

Aderholt
Akin
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
McCrery
Oberstar
Ros-Lehtinen
Sullivan
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes left in this vote.

☐ 1804

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. WILSON of New Mexico. Mr. Chairman, on rollcall No. 455 I was unavoidably absent. Had I been present, I would have voted "aye."

The CHAIRMAN. Are there any further amendments? If not, the Clerk will read the last three lines.

The Clerk read as follows:

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004".

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. SHIMKUS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 338, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the remaining votes on final passage, if ordered, and on the concurrent resolution on adjournment and on the Toomey amendment be conducted as 5-minute votes if there are no intervening recorded votes ordered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to the order of the House just adopted, this will be a 5-minute vote. This will be followed by a series of other 5-minute votes on the adjournment resolution and on the postponed proceedings of H.R. 2859. Because of the unusual nature of the unanimous consent request, the Chair will make certain that all Members have the opportunity to vote during this 5-minute series.

The vote was taken by electronic device, and there were—yeas 316, nays 109, not voting 10, as follows:

[Roll No. 456]

YEAS—316

Abercrombie
Ackerman
Aderholt
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Castle
Chabot
Clay
Clyburn
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Hall
Harman
Harris
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Houghton
Hoyer
Hulshof
Hunter
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—109

Akin
Alexander
Allen
Baird
Barrett (SC)
Bartlett (MD)
Beauprez
Bilirakis
Blackburn
Boozman
Boswell
Bradley (NH)
Brown (OH)
Brown-Waite, Ginny
Burgess
Burns
Carson (IN)
Carson (OK)
Carter
Case
Chocola
Coble
Conyers
Costello
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
English
Evans
Feeney
Filner
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Gerlach
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hart
Hayworth
Hefley
Hensarling
Hill
Honda
Hooley (OR)
Hostettler
Hyde
Inslee
Jackson (IL)
Janklow
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kind
King (NY)
Kline
Kucinich
Langevin
Larsen (WA)
Lee
Lewis (KY)
LoBiondo
McCollum
McCotter
McInnis
McIntyre
Michaud
Miller (FL)
Moran (KS)
Murphy
Musgrave
Nussle
Obey
Paul
Pomeroy
Ramstad
Renzi
Rodriguez
Rogers (MI)
Ryan (OH)
Ryan (WI)
Ryun (KS)
Schakowsky
Schrock
Sensenbrenner
Simmons
Smith (MI)
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Tancredo
Tanner
Tauscher
Toomey
Turner (OH)
Udall (CO)
Udall (NM)
Velazquez
Watt
Wexler

NOT VOTING—10

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
McCrery
Oberstar
Ros-Lehtinen
Sullivan
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1815

Messrs. POMEROY, DELAHUNT, LARSEN of Washington and McINTYRE changed their vote from "yea" to "nay."

Messrs. EMANUEL, MOORE, HAYES, and MARKEY changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 456 I was unavoidably absent. Had I been present, I would have voted "nay."

☐ 1815

PROVIDING FOR AN ADOURNMENT OR RECESS OF THE TWO HOUSES

Mr. DELAY. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 259) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. LATOURETTE). The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 259

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Friday, July 25, 2003, or Saturday, July 26, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Wednesday, September 3, 2003 or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, July 25, 2003, through Monday, August 4, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 2, 2003, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The resolution is not debatable.

Pursuant to section 132 of the Legislative Reorganization Act of 1946, this vote must be taken by the yeas and nays.

Under the previous order of the House, this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 40, not voting 19, as follows:

[Roll No. 457]

YEAS—376

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutierrez
Gutknecht
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—40

Alexander
Baca
Becerra
Bell
Bishop (NY)
DeFazio
DeLauro
Dicks
Doggett
Fattah
Filner
Grijalva
Hall
Harman
Holt
Lee
Lofgren
Maloney
McCarthy (NY)
Meek (FL)
Menendez
Olver
Pastor
Pelosi
Rahall
Sanchez, Linda T.
Schakowsky
Schiff
Scott (VA)
Sherman
Solis
Strickland
Tanner
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Watt
Weiner
Wexler

NOT VOTING—19

Boehner
Burton (IN)
Cooper
Diaz-Balart, L.
Everett
Fletcher
Gephardt
Green (TX)
Hinchey
Jackson-Lee (TX)
Lipinski
McCrery
Miller, George
Oberstar
Ros-Lehtinen
Sessions
Sullivan
Taylor (NC)
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

☐ 1823

Ms. DELAURO changed her vote from "yea" to "nay."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 457, I was unavoidably absent. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2861, and that I may include tabular and extraneous material therein.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2003

The SPEAKER pro tempore. Pursuant to the order of the House today, proceedings will now resume on the bill (H.R. 2859), making emergency supplemental appropriations for the fiscal year ending September 30, 2003.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed earlier today, pending was the amendment by the gentleman from Pennsylvania (Mr. TOOMEY) on which the yeas and nays were ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

This is a 5-minute order pursuant to the previous order of the House to be followed by a second 5-minute vote on passage.

The vote was taken by electronic device, and there were—yeas 111, nays 300, not voting 23, as follows:

[Roll No. 458]

YEAS—111

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bishop (UT)
Blackburn
Boyd
Brady (TX)
Brown-Waite, Ginny
Burgess
Burr
Buyer
Camp
Cannon
Cardoza
Case
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Cubin
Davis, Jo Ann
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Dooley (CA)
Duncan
Dunn
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Gutknecht
Hall
Harman
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Isakson
Issa
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kind
King (IA)
Kline
Manzullo
Marshall
McCotter
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Nussle
Otter
Paul
Pence
Petri
Pickering
Pitts
Platts
Radanovich
Ramstad
Renzi
Reynolds
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (MI)
Smith (WA)
Stearns
Stenholm
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Toomey
Vitter
Wilson (SC)

NAYS—300

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Calvert
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Carter
Castle
Clay
Clyburn
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (WI)
Greenwood
Grijalva
Gutierrez
Harris
Hastings (FL)
Hastings (WA)
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Rehberg
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Boehner
Burton (IN)
Conyers
Cooper
Diaz-Balart, L.
Evans
Everett
Fletcher
Gephardt
Green (TX)
Hinchey
Hunter
Jackson-Lee (TX)
Lewis (KY)
Lipinski
McCarthy (MO)
McCrery
Miller, George
Oberstar
Ros-Lehtinen
Slaughter
Sullivan
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). There are 2 minutes remaining in this vote.

□ 1830

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. ISRAEL. Mr. Speaker, I was unavoidably detained and missed rollcall vote No. 458 on final passage of H.R. 2859, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2003. If I had been present, I would have voted "yea."

Stated against:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 458 I was unavoidably absent. Had I been present, I would have voted "no."

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 458, the Toomey amendment, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 352, noes 60, not voting 23, as follows:

[Roll No. 459]

AYES—352

Abercrombie
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Costello
Cramer
Crane
Crenshaw
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart

Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walsh
Wamp
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)
Tancredo
Toomey
Udall (CO)
Udall (NM)
Walden (OR)
Waters

NOES—60

Akin
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Blumenauer
Cannon
Cox
Crowley
Cubin
Deal (GA)
DeFazio
DeGette
Duncan
Ehlers
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Green (WI)
Hayworth
Hefley
Hensarling
Herger
Hooley (OR)
Hostettler
Johnson, Sam
Jones (NC)
Kucinich
McInnis
Miller (FL)
Musgrave
Myrick
Nussle
Otter
Paul
Peterson (PA)
Petri
Pitts
Ramstad
Rehberg
Renzi
Rohrabacher
Royce
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shays
Smith (MI)
Stearns
Stenholm

NOT VOTING—23

Ackerman
Brady (TX)
Burton (IN)
Cooper
Delahunt
Diaz-Balart, L.
Everett
Fletcher
Gephardt
Green (TX)
Hinchey
Israel
Lipinski
McCarthy (MO)
McCrery
Oberstar
Ros-Lehtinen
Ryan (WI)
Scott (GA)
Slaughter
Sullivan
Weiner
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1836

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 459 I was unavoidably absent. Had I been present, I would have voted "aye."

Mrs. McCARTHY of Missouri. Mr. Speaker, on rollcall No. 459 I was unavoidably detained. Had I been present, I would have voted "aye."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2555. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2555) "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. CAMPBELL, Mr. CRAIG, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, and Mrs. MURRAY, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 40. Concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

S. Con. Res. 62. Concurrent resolution honoring the service and sacrifice of Korean War veterans.

The message also announced that pursuant to the provisions of Public Law 99-93, as amended by Public Law 99-151, the Chair, on behalf of the Majority Leader, appoints the Senator from Minnesota (Mr. COLEMAN) as a member of the United States Senate Caucus on International Narcotics Control.

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT REGARDING THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 2854) to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AVAILABILITY OF SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 THROUGH 2001.

(a) EXTENDING AVAILABILITY OF SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 THROUGH 2001.—

(1) RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEARS 1998 AND 1999.—Paragraphs (2)(A)(i) and (2)(A)(ii) of section 2104(g) of the Social Security Act (42 U.S.C. 1397dd(g)) are each amended by striking "fiscal year 2002" and inserting "fiscal year 2004".

(2) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2000.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2000 ALLOTMENT.—Paragraph (2) of such section 2104(g) is amended—

(i) in the heading, by striking "AND 1999" and inserting "THROUGH 2000"; and

(ii) by adding at the end of subparagraph (A) the following:

"(iii) FISCAL YEAR 2000 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2000 that were not expended by the State by the end of fiscal year 2002, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2004.".

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g) is amended—

(i) in subparagraph (A), by inserting "or for fiscal year 2000 by the end of fiscal year 2002," after "fiscal year 2001,";

(ii) in subparagraph (A), by striking "1998 or 1999" and inserting "1998, 1999, or 2000";

(iii) in subparagraph (A)(i)—

(I) by striking "or" at the end of subclause (I),

(II) by striking the period at the end of subclause (II) and inserting "; or"; and

(III) by adding at the end the following new subclause:

"(III) the fiscal year 2000 allotment, the amount specified in subparagraph (C)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (C)(ii) for the State to the amount specified in subparagraph (C)(iii).";

(iv) in subparagraph (A)(ii), by striking "or 1999" and inserting ", 1999, or 2000";

(v) in subparagraph (B), by striking "with respect to fiscal year 1998 or 1999";

(vi) in subparagraph (B)(ii)—

(I) by inserting "with respect to fiscal year 1998, 1999, or 2000," after "subsection (e),"; and

(II) by striking "2002" and inserting "2004"; and

(vii) by adding at the end the following new subparagraph:

"(C) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2000.—For purposes of subparagraph (A)(i)(III)—

"(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2000, less the total amount remaining available pursuant to paragraph (2)(A)(iii);

"(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2000, 2001, and 2002 exceed the State's allotment for fiscal year 2000 under subsection (b); and

"(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2000, of the amounts specified in clause (ii).".

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking "AND 1999" and inserting ", 1999, AND 2000"; and

(ii) in paragraph (3)—

(I) by striking "or fiscal year 1999" and inserting ", fiscal year 1999, or fiscal year 2000"; and

(II) by striking "or November 30, 2001" and inserting "November 30, 2001, or November 30, 2002", respectively.

(3) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2001.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2001 ALLOTMENT.—Paragraph (2) of such section 2104(g), as amended in paragraph (2)(A)(ii), is further amended—

(i) in the heading, by striking "2000" and inserting "2001"; and

(ii) by adding at the end of subparagraph (A) the following:

"(iv) FISCAL YEAR 2001 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2001 that were not expended by the State by the end of fiscal year 2003, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2005.".

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g), as amended in paragraph (2)(B), is further amended—

(i) in subparagraph (A), by inserting "or for fiscal year 2001 by the end of fiscal year 2003," after "fiscal year 2002,";

(ii) in subparagraph (A), by striking "1999, or 2000" and inserting "1999, 2000, or 2001";

(iii) in subparagraph (A)(i)—

(I) by striking "or" at the end of subclause (II),

(II) by striking the period at the end of subclause (III) and inserting "; or"; and

(III) by adding at the end the following new subclause:

"(IV) the fiscal year 2001 allotment, the amount specified in subparagraph (D)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (D)(ii) for the State to the amount specified in subparagraph (D)(iii).";

(iv) in subparagraph (A)(ii), by striking "or 2000" and inserting "2000, or 2001";

(v) in subparagraph (B)—

(I) by striking "and" at the end of clause (ii);

(II) by redesignating clause (iii) as clause (iv); and

(III) by inserting after clause (ii) the following new clause:

"(iii) notwithstanding subsection (e), with respect to fiscal year 2001, shall remain available for expenditure by the State through the end of fiscal year 2005; and"; and

(vi) by adding at the end the following new subparagraph:

"(D) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2001.—For purposes of subparagraph (A)(i)(IV)—

"(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2001, less the total amount remaining available pursuant to paragraph (2)(A)(iv);

"(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2001, 2002, and 2003 exceed the State's allotment for fiscal year 2001 under subsection (b); and

"(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2001, of the amounts specified in clause (ii).".

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking "AND 2000" and inserting "2000, AND 2001"; and

(ii) in paragraph (3)—

(I) by striking "or fiscal year 2000" and inserting "fiscal year 2000, or fiscal year 2001"; and

(II) by striking "or November 30, 2002," and inserting "November 30, 2002, or November 30, 2003,", respectively.

(4) EFFECTIVE DATE.—This subsection, and the amendments made by this subsection, shall be effective as if this subsection had been enacted on September 30, 2002, and amounts under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) from allotments for fiscal years 1998 through 2000 are available for expenditure on and after October 1, 2002, under the amendments made by this subsection as if this subsection had been enacted on September 30, 2002.

(b) AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP FUNDS FOR MEDICAID EXPENDITURES.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

"(g) AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—

"(1) STATE OPTION.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, a qualifying State (as defined in paragraph (2)) may elect to use not more than 20 percent of any allotment under section 2104 for fiscal year 1998, 1999, 2000, or 2001 (insofar as it is available under subsections (e) and (g) of such section) for payments under title XIX in accordance with subparagraph (B), instead of for expenditures under this title.

"(B) PAYMENTS TO STATES.—

"(i) IN GENERAL.—In the case of a qualifying State that has elected the option described in subparagraph (A), subject to the availability of funds under such subparagraph with respect to the State, the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to expenditures described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

"(ii) EXPENDITURES DESCRIBED.—For purposes of this subparagraph, the expenditures described in this clause are expenditures, made after the date of the enactment of this subsection and during the period in which funds are available to the qualifying State for use under subparagraph (A), for medical assistance under title XIX to individuals who have not attained age 19 and whose family income exceeds 150 percent of the poverty line.

"(iii) NO IMPACT ON DETERMINATION OF BUDGET NEUTRALITY FOR WAIVERS.—In the case of a qualifying State that uses amounts paid under this subsection for expenditures described in clause (ii) that are incurred under a waiver approved for the State, any budget neutrality determinations with respect to such waiver shall be determined without regard to such amounts paid.

"(2) QUALIFYING STATE.—In this subsection, the term 'qualifying State' means a State that, on and after April 15, 1997, has an income eligibility standard that is at least 185 percent of the poverty line with respect to any 1 or more categories of children (other than infants) who are eligible for medical assistance under section 1902(a)(10)(A) or, in the case of a State that has a statewide waiver in effect under section 1115 with respect to title XIX that was first implemented on July 1, 1995, has an income eligibility standard under such waiver for children that is at least 185 percent of the poverty line, or, in the case of a State that has a statewide waiver in effect under section 1115 with respect to title XIX that was first implemented on January 1, 1994, has an income eligibility standard under such waiver for children who lack health insurance that is at least 185 percent of the poverty line..

"(3) CONSTRUCTION.—Nothing in paragraphs (1) and (2) shall be construed as modifying the requirements applicable to States implementing State child health plans under this title.".

SEC. 2. TECHNICAL CORRECTION.

(a) TEMPORARY INCREASE OF THE MEDICAID FMAP.—Subparagraphs (A) and (B) of section 401(a)(6) of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–027) are amended to read as follows:

"(A) IN GENERAL.—Subject to subparagraph (B), a State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) for any date after September 2, 2003, only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) applied as of such date is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

"(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) for any date after September 2, 2003, is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) for subsequent dates in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.".

(b) Retroactive Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 401 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–027).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1015) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mosquito Abatement for Safety and Health Act”.

SEC. 2. GRANTS REGARDING PREVENTION OF MOSQUITO-BORNE DISEASES.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 4 of Public Law 107–84 and section 312 of Public Law 107–188, is amended—

(1) by transferring section 317R from the current placement of the section and inserting the section after section 317Q; and

(2) by inserting after section 317R (as so transferred) the following:

“SEC. 317S. MOSQUITO-BORNE DISEASES; COORDINATION GRANTS TO STATES; ASSESSMENT AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS.

“(a) Coordination Grants to States; Assessment Grants to Political Subdivisions.—

“(1) In general.—With respect to mosquito control programs to prevent and control mosquito-borne diseases (referred to in this section as ‘control programs’), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States for the purpose of—

“(A) coordinating control programs in the State involved; and

“(B) assisting such State in making grants to political subdivisions of the State to conduct assessments to determine the immediate needs in such subdivisions for control programs, and to develop, on the basis of such assessments, plans for carrying out control programs in the subdivisions.

“(2) Preference in making grants.—In making grants under paragraph (1), the Secretary shall give preference to States that have one or more political subdivisions with an incidence, prevalence, or high risk of mosquito-borne disease, or a population of infected mosquitoes, that is substantial relative to political subdivisions in other States.

“(3) Certain requirements.—A grant may be made under paragraph (1) only if—

“(A) the State involved has developed, or agrees to develop, a plan for coordinating control programs in the State, and the plan takes into account any assessments or plans described in subsection (b)(3) that have been conducted or developed, respectively, by political subdivisions in the State;

“(B) in developing such plan, the State consulted or will consult (as the case may be under subparagraph (A)) with political subdivisions in the State that are carrying out or planning to carry out control programs;

“(C) the State agrees to monitor control programs in the State in order to ensure that the programs are carried out in accordance with such plan, with priority given to coordination of control programs in political subdivisions described in paragraph (2) that are contiguous;

“(D) the State agrees that the State will make grants to political subdivisions as described in paragraph (1)(B), and that such a grant will not exceed $10,000; and

“(E) the State agrees that the grant will be used to supplement, and not supplant, State and local funds available for the purpose described in paragraph (1).

“(4) Reports to secretary.—A grant may be made under paragraph (1) only if the State involved agrees that, promptly after the end of the fiscal year for which the grant is made, the State will submit to the Secretary a report that—

“(A) describes the activities of the State under the grant; and

“(B) contains an evaluation of whether the control programs of political subdivisions in the State were effectively coordinated with each other, which evaluation takes into account any reports that the State received under subsection (b)(5) from such subdivisions.

“(5) Number of grants.—A State may not receive more than one grant under paragraph (1).

“(b) Prevention and Control Grants to Political Subdivisions.—

“(1) In general.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to political subdivisions of States or consortia of political subdivisions of States, for the operation of control programs.

“(2) Preference in making grants.—In making grants under paragraph (1), the Secretary shall give preference to a political subdivision or consortium of political subdivisions that—

“(A) has—

“(i) a history of elevated incidence or prevalence of mosquito-borne disease;

“(ii) a population of infected mosquitoes; or

“(iii) met criteria determined by the Secretary to suggest an increased risk of elevated incidence or prevalence of mosquito-borne disease in the pending fiscal year;

“(B) demonstrates to the Secretary that such political subdivision or consortium of political subdivisions will, if appropriate to the mosquito circumstances involved, effectively coordinate the activities of the control programs with contiguous political subdivisions;

“(C) demonstrates to the Secretary (directly or through State officials) that the State in which such a political subdivision or consortium of political subdivisions is located has identified or will identify geographic areas in such State that have a significant need for control programs and will effectively coordinate such programs in such areas; and

“(D) is located in a State that has received a grant under subsection (a).

“(3) Requirement of assessment and plan.—A grant may be made under paragraph (1) only if the political subdivision or consortium of political subdivisions involved—

“(A) has conducted an assessment to determine the immediate needs in such subdivision or consortium for a control program, including an entomological survey of potential mosquito breeding areas; and

“(B) has, on the basis of such assessment, developed a plan for carrying out such a program.

“(4) Requirement of matching funds.—

“(A) In general.—With respect to the costs of a control program to be carried out under paragraph (1) by a political subdivision or consortium of political subdivisions, a grant under such paragraph may be made only if the subdivision or consortium agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than ⅓ of such costs ($1 for each $2 of Federal funds provided in the grant).

“(B) Determination of amount contributed.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

“(C) Waiver.—The Secretary may waive the requirement established in subparagraph (A) if the Secretary determines that extraordinary economic conditions in the political subdivision or consortium of political subdivisions involved justify the waiver.

“(5) Reports to secretary.—A grant may be made under paragraph (1) only if the political subdivision or consortium of political subdivisions involved agrees that, promptly after the end of the fiscal year for which the grant is made, the subdivision or consortium will submit to the Secretary, and to the State within which the subdivision or consortium is located, a report that describes the control program and contains an evaluation of whether the program was effective.

“(6) Amount of grant; number of grants.—

“(A) Amount of grant.—

“(i) Single political subdivision.—A grant under paragraph (1) awarded to a political subdivision for a fiscal year may not exceed $100,000.

“(ii) Consortium.—A grant under paragraph (1) awarded to a consortium of 2 or more political subdivisions may not exceed $110,000 for each political subdivision. A consortium is not required to provide matching funds under paragraph (4) for any amounts received by such consortium in excess of amounts each political subdivision would have received separately.

“(iii) Waiver of requirement.—A grant may exceed the maximum amount in clause (i) or (ii) if the Secretary determines that the geographical area covered by a political subdivision or consortium awarded a grant under paragraph (1) has an extreme need due to the size or density of—

“(I) the human population in such geographical area; or

"(II) the mosquito population in such geographical area.

"(B) NUMBER OF GRANTS.—A political subdivision or a consortium of political subdivisions may not receive more than one grant under paragraph (1).

"(c) APPLICATIONS FOR GRANTS.—A grant may be made under subsection (a) or (b) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(d) TECHNICAL ASSISTANCE.—Amounts appropriated under subsection (f) may be used by the Secretary to provide training and technical assistance with respect to the planning, development, and operation of assessments and plans under subsection (a) and control programs under subsection (b). The Secretary may provide such technical assistance directly or through awards of grants or contracts to public and private entities.

"(e) DEFINITION OF POLITICAL SUBDIVISION.—In this section, the term 'political subdivision' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

"(2) PUBLIC HEALTH EMERGENCIES.—In the case of control programs carried out in response to a mosquito-borne disease that constitutes a public health emergency, the authorization of appropriations under paragraph (1) is in addition to applicable authorizations of appropriations under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.

"(3) FISCAL YEAR 2004 APPROPRIATIONS.—For fiscal year 2004, 50 percent or more of the funds appropriated under paragraph (1) shall be used to award grants to political subdivisions or consortia of political subdivisions under subsection (b).".

SEC. 3. RESEARCH PROGRAM OF NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES.

Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following section:

"METHODS OF CONTROLLING CERTAIN INSECT AND VERMIN POPULATIONS

"SEC. 463B. The Director of the Institute shall conduct or support research to identify or develop methods of controlling insect and vermin populations that transmit to humans diseases that have significant adverse health consequences.".

SEC. 4. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, after consultation with the Administrator of the Environmental Protection Agency shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report containing the following:

(1) A description of the status of the development of protocols for ensuring the safety of the blood supply of the United States with respect to West Nile Virus, including—

(A) the status of the development of screening mechanisms;

(B) changes in donor screening protocols; and

(C) the implementation of surveillance systems for the transmission of the virus via the blood supply.

(2) Recommendations for improvements to be made to the safety of the blood supply based on the development of protocols pursuant to paragraph (1), including the need for expedited review of screening mechanisms or other protocols.

(3) The benefits and risks of the spraying of insecticides as a public health intervention, including recommendations and guidelines for such spraying.

(4) The overall role of public health pesticides and the development of standards for the use of such pesticides compared to the standards when such pesticides are used for agricultural purposes.

Mr. TAUZIN. Mr. Speaker, I am pleased that the House is considering, hopefully for the final time, the Mosquito Abatement for Safety and Health Act (MASH).

Last summer, West Nile infected over 40 states in the nation. This record epidemic led to the deaths of 274 people and made seriously ill more than 4,000. While much of the press has focused on Severe Acute Respiratory Syndrome (SARS), it is important to point out that last year West Nile Virus led to more American deaths than the total caseload of SARS in this country. West Nile Virus is clearly an infectious disease that must be addressed in a coordinated fashion.

The House has passed the Mosquito Abatement for Safety and Health Act twice in the past year. I am pleased to announce that we have reached agreement with our Senate counterparts and are now planning to move forward legislation that is substantively the same as the MASH Act approved by the House in March, with of course, minor, but nonetheless improvements to the House bill.

The bill we are considering today will compliment the work the CDC already has underway. The MASH Act provides authority to the Secretary of Health and Human Services to make grants to states for the purpose of coordinating mosquito control programs, including assessment and mosquito control planning grants to political subdivisions. In addition to State grants, the MASH Act authorizes the CDC to award grants to political subdivisions of states for the operation of mosquito control programs.

The rapid outbreak of West Nile virus across America—which is fast outpacing the predictions of many scientists—has made it very difficult for our communities to adequately respond. The additional federal dollars we authorize through this legislation will assist states and localities with their immediate needs to combat West Nile virus. Notably, this legislation recognizes the importance of keeping mosquito control programs running at the local level, where they have historically operated. The bill also gives additional support to the CDC so it may provide training and technical assistance in the planning, development, and operation of mosquito control programs.

I would also like to personally thank my colleagues, Representative CHRIS JOHN, for the leadership he has shown in advancing this legislation. I would also like to thank Senators GREGG, FRIST, BREAUX, LANDRIEU, and KENNEDY and their staff for the extensive time they dedicated to this issue.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2854 and S. 1015, the two bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

VISION 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. YOUNG of Alaska submitted the following conference report and statement on the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

CONFERENCE REPORT (H. REPT. 108–240)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2115), to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Vision 100—Century of Aviation Reauthorization Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Applicability.
Sec. 4. Findings.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding of FAA Programs

Sec. 101. Airport planning and development and noise compatibility planning and programs.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Federal Aviation Administration operations.
Sec. 104. Funding for aviation programs.
Sec. 105. Agreements for operation of airport facilities.
Sec. 106. Insurance.

Subtitle B—Passenger Facility Fees

Sec. 121. Low-emission airport vehicles and ground support equipment.

Sec. 122. Use of fees to pay debt service.
Sec. 123. Streamlining of the passenger facility fee program.
Sec. 124. Financial management of passenger facility fees.
Subtitle C—AIP Modifications
Sec. 141. Airfield pavement.
Sec. 142. Replacement of baggage conveyor systems.
Sec. 143. Authority to use certain funds for airport security programs and activities.
Sec. 144. Grant assurances.
Sec. 145. Clarification of allowable project costs.
Sec. 146. Apportionments to primary airports.
Sec. 147. Cargo airports.
Sec. 148. Considerations in making discretionary grants.
Sec. 149. Flexible funding for nonprimary airport apportionments.
Sec. 150. Use of apportioned amounts.
Sec. 151. Increase in apportionment for, and flexibility of, noise compatibility planning programs.
Sec. 152. Pilot program for purchase of airport development rights.
Sec. 153. Military airport program.
Sec. 154. Airport safety data collection.
Sec. 155. Airport privatization pilot program.
Sec. 156. Innovative financing techniques.
Sec. 157. Airport security program.
Sec. 158. Emission credits for air quality projects.
Sec. 159. Low-emission airport vehicles and infrastructure.
Sec. 160. Compatible land use planning and projects by State and local governments..
Sec. 161. Temporary increase in Government share of certain AIP project costs.
Sec. 163. Federal share for private ownership of airports.
Sec. 164. Disposition of land acquired for noise compatibility purposes.
Sec. 165. Hangar construction grant assurance.
Sec. 166. Terminal development costs.
Subtitle D—Miscellaneous
Sec. 181. Design-build contracting.
Sec. 182. Pilot program for innovative financing of air traffic control equipment.
Sec. 183. Cost sharing of air traffic modernization projects.
Sec. 184. Facilities and equipment reports.
Sec. 185. Civil penalty for permanent closure of an airport without providing sufficient notice.
Sec. 186. Midway Island airport.
Sec. 187. Intermodal planning.
Sec. 188. Marshall Islands, Micronesia, and Palau.
Sec. 189. Limitation on approval of certain programs.
Sec. 190. Conveyance of airport.
TITLE II—FAA ORGANIZATION
Subtitle A—FAA Reform
Sec. 201. Management advisory committee members.
Sec. 202. Reorganization of the air traffic services subcommittee.
Sec. 203. Clarification of the responsibilities of the Chief Operating Officer.
Sec. 204. Deputy Administrator.
Subtitle B—Miscellaneous
Sec. 221. Controller staffing.
Sec. 222. Whistleblower protection under acquisition management system.
Sec. 223. FAA purchase cards.
Sec. 224. Procurement.
Sec. 225. Definitions.
Sec. 226. Air traffic controller retirement.
Sec. 227. Design organization certificates.
Sec. 228. Judicial review.
Sec. 229. Overflight fees.
Sec. 230. Prohibition on air traffic control privatization.
Sec. 231. Definition of air traffic controller.
TITLE III—ENVIRONMENTAL PROCESS
Subtitle A—Aviation Development Streamlining
Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Airport capacity enhancement.
Sec. 304. Aviation project streamlining.
Sec. 305. Elimination of duplicative requirements.
Sec. 306. Construction of certain airport capacity projects.
Sec. 307. Issuance of orders.
Sec. 308. Limitations.
Sec. 309. Relationship to other requirements.
Subtitle B—Miscellaneous
Sec. 321. Report on long term environmental improvements.
Sec. 322. Noise disclosure.
Sec. 323. Overflights of national parks.
Sec. 324. Noise exposure maps.
Sec. 325. Implementation of Chapter 4 noise standards.
Sec. 326. Reduction of noise and emissions from civilian aircraft.
Sec. 327. Special rule for airport in Illinois.
TITLE IV—AIRLINE SERVICE IMPROVEMENTS
Subtitle A—Small Community Air Service
Sec. 401. Exemption from hold-in requirements.
Sec. 402. Adjustments to account for significantly increased costs.
Sec. 403. Joint proposals.
Sec. 404. Essential air service authorization.
Sec. 405. Community and regional choice programs.
Sec. 406. Code-sharing pilot program.
Sec. 407. Tracking service.
Sec. 408. EAS local participation program.
Sec. 409. Measurement of highway miles for purposes of determining eligibility of essential air service subsidies.
Sec. 410. Incentive program.
Sec. 411. National Commission on Small Community Air Service.
Sec. 412. Small community air service.
Subtitle B—Miscellaneous
Sec. 421. Data on incidents and complaints involving passenger and baggage security screening.
Sec. 422. Delay reduction actions.
Sec. 423. Collaborative decisionmaking pilot program.
Sec. 424. Competition disclosure requirement for large and medium hub airports.
Sec. 425. Slot exemptions at Ronald Reagan Washington National Airport.
Sec. 426. Definition of commuter aircraft.
Sec. 427. Airfares for members of the Armed Forces.
Sec. 428. Air carriers required to honor tickets for suspended service.
TITLE V—AVIATION SAFETY
Sec. 501. Counterfeit or fraudulently represented parts violations.
Sec. 502. Runway safety standards.
Sec. 503. Civil penalties.
Sec. 504. Improvement of curriculum standards for aviation maintenance technicians.
Sec. 505. Assessment of wake turbulence research and development program.
Sec. 506. FAA inspector training.
Sec. 507. Air transportation oversight system plan.
TITLE VI—AVIATION SECURITY
Sec. 601. Certificate actions in response to a security threat.
Sec. 602. Justification for air defense identification zone.
Sec. 603. Crew training.
Sec. 604. Study of effectiveness of transportation security system.
Sec. 605. Airport security improvement projects.
Sec. 606. Charter security.
Sec. 607. CAPPS2.
Sec. 608. Report on passenger prescreening program.
Sec. 609. Arming cargo pilots against terrorism.
Sec. 610. Removal of cap on TSA staffing level.
Sec. 611. Foreign repair stations.
Sec. 612. Flight training.
Sec. 613. Deployment of screeners at Kenai, Homer, and Valdez, Alaska.
TITLE VII—AVIATION RESEARCH
Sec. 701. Authorization of appropriations.
Sec. 702. Federal Aviation Administration Science and Technology Scholarship Program.
Sec. 703. National Aeronautics and Space Administration Science and Technology Scholarship Program.
Sec. 704. Research program to improve airfield pavements.
Sec. 705. Ensuring appropriate standards for airfield pavements.
Sec. 706. Development of analytical tools and certification methods.
Sec. 707. Research on aviation training.
Sec. 708. FAA Center for Excellence for applied research and training in the use of advanced materials in transport aircraft.
Sec. 709. Air Transportation System Joint Planning and Development Office.
Sec. 710. Next Generation Air Transportation Senior Policy Committee.
Sec. 711. Rotorcraft Research and Development Initiative.
Sec. 712. Airport Cooperative Research Program.
TITLE VIII—MISCELLANEOUS
Sec. 801. Definitions.
Sec. 802. Report on aviation safety reporting system.
Sec. 803. Anchorage air traffic control.
Sec. 804. Extension of Metropolitan Washington Airports Authority.
Sec. 805. Improvement of aviation information collection.
Sec. 806. Government-financed air transportation.
Sec. 807. Air carrier citizenship.
Sec. 808. United States presence in global air cargo industry.
Sec. 809. Availability of aircraft accident site information.
Sec. 810. Notice concerning aircraft assembly.
Sec. 811. Type certificates.
Sec. 812. Reciprocal airworthiness certification.
Sec. 813. International role of the FAA.
Sec. 814. Flight attendant certification.
Sec. 815. Air quality in aircraft cabins.
Sec. 816. Recommendations concerning travel agents.
Sec. 817. Reimbursement for losses incurred by general aviation entities.
Sec. 818. International air show.
Sec. 819. Report on certain market developments and government policies.
Sec. 820. International air transportation.
Sec. 821. Reimbursement of air carriers for certain screening and related activities.
Sec. 822. Charter airlines.
Sec. 823. General aviation flights at Ronald Reagan Washington National Airport.
Sec. 824. Review of air carrier compensation.
Sec. 825. Noise control plan for certain airports.
Sec. 826. GAO report on airlines actions to improve finances and on executive compensation.

Sec. 827. Private air carriage in Alaska.
Sec. 828. Report on waivers of preference for buying goods produced in the United States.
Sec. 829. Navigation fees.
TITLE IX—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY
Sec. 901. Extension of expenditure authority.
Sec. 902. Technical correction to flight segment.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. APPLICABILITY.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2003.

SEC. 4. FINDINGS.

Congress finds the following:

(1) The United States has revolutionized the way people travel, developing new technologies and aircraft to move people more efficiently and more safely.

(2) Past Federal investment in aeronautics research and development has benefited the economy and national security of the United States and the quality of life of its citizens.

(3) The total impact of civil aviation on the United States economy exceeds $900,000,000,000 annually and accounts for 9 percent of the gross national product and 11,000,000 jobs in the national workforce. Civil aviation products and services generate a significant surplus for United States trade accounts, and amount to significant numbers of the Nation's highly skilled, technologically qualified work force.

(4) Aerospace technologies, products, and services underpin the advanced capabilities of our men and women in uniform and those charged with homeland security.

(5) Future growth in civil aviation increasingly will be constrained by concerns related to aviation system safety and security, aviation system capabilities, aircraft noise, emissions, and fuel consumption.

(6) Revitalization and coordination of the United States efforts to maintain its leadership in aviation and aeronautics are critical and must begin now.

(7) A recent report by the Commission on the Future of the United States Aerospace Industry outlined the scope of the problems confronting the aerospace and aviation industries in the United States and found that—

(A) aerospace will be at the core of the Nation's leadership and strength throughout the 21st century;

(B) aerospace will play an integral role in the Nation's economy, security, and mobility; and

(C) global leadership in aerospace is a national imperative.

(8) Despite the downturn in the global economy, projections of the Federal Aviation Administration indicate that upwards of 1,000,000,000 people will fly annually by 2013. Efforts must begin now to prepare for future growth in the number of airline passengers.

(9) The United States must increase its investment in research and development to revitalize the aviation and aerospace industries, to create jobs, and to provide educational assistance and training to prepare workers in those industries for the future.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended—

(1) by striking "The total" and inserting "(a) IN GENERAL.—The total"; and

(2) in subsection (a) (as so designated)—

(A) by striking "September 30, 1998" and inserting "September 30, 2003"; and

(B) by striking paragraphs (1) through (5) and inserting the following:

"(1) $3,400,000,000 for fiscal year 2004;
"(2) $3,500,000,000 for fiscal year 2005;
"(3) $3,600,000,000 for fiscal year 2006; and
"(4) $3,700,000,000 for fiscal year 2007.".

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "September 30, 2003" and inserting "September 30, 2007".

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101 is amended—

(1) in subsection (a) by striking paragraphs (1) through (5) and inserting the following:

"(1) $3,138,000,000 for fiscal year 2004;
"(2) $2,993,000,000 for fiscal year 2005;
"(3) $3,053,000,000 for fiscal year 2006; and
"(4) $3,110,000,000 for fiscal year 2007.";

(2) by striking subsections (b), (d), and (e) and redesignating subsection (c) as subsection (b);

(3) by inserting after subsection (b) (as so redesignated) the following:

"(c) ENHANCED SAFETY AND SECURITY FOR AIRCRAFT OPERATIONS IN THE GULF OF MEXICO.—Of amounts appropriated under subsection (a), such sums as may be necessary for fiscal years 2004 through 2007 may be used to expand and improve the safety, efficiency, and security of air traffic control, navigation, low altitude communications and surveillance, and weather services in the Gulf of Mexico.

"(d) OPERATIONAL BENEFITS OF WAKE VORTEX ADVISORY SYSTEM.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 through 2007 may be used for the development and analysis of wake vortex advisory systems.

"(e) GROUND-BASED PRECISION NAVIGATIONAL AIDS.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 to 2007 may be used to establish a program for the installation of a precision approach aid designed to improve aircraft accessibility at mountainous airports with limited land if the approach aid is able to provide curved and segmented approach guidance for noise abatement purposes and other such approach aids and is certified or approved by the Administrator.";

(4) in subsection (f)—

(A) by striking "for fiscal years beginning after September 30, 2000"; and

(B) by inserting "may be used" after "necessary"; and

(5) by adding at the end the following:

"(h) STANDBY POWER EFFICIENCY PROGRAM.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 through 2007 may be used by the Secretary of Transportation, in cooperation with the Secretary of Energy and, where applicable, the Secretary of Defense, to establish a program to improve the efficiency, cost effectiveness, and environmental performance of standby power systems at Federal Aviation Administration sites, including the implementation of fuel cell technology.

"(i) PILOT PROGRAM TO PROVIDE INCENTIVES FOR DEVELOPMENT OF NEW TECHNOLOGIES.—Of amounts appropriated under subsection (a), $500,000 for fiscal year 2004 may be used for the conduct of a pilot program to provide operating incentives to users of the airspace for the deployment of new technologies, including technologies to facilitate expedited flight routing and sequencing of take-offs and landings.".

SEC. 103. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended to read as follows:

"(1) SALARIES, OPERATIONS, AND MAINTENANCE.—There is authorized to be appropriated to the Secretary of Transportation for salaries, operations, and maintenance of the Administration—

"(A) $7,591,000,000 for fiscal year 2004;
"(B) $7,732,000,000 for fiscal year 2005;
"(C) $7,889,000,000 for fiscal year 2006; and
"(D) $8,064,000,000 for fiscal year 2007.

Such sums shall remain available until expended.".

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2) is amended—

(1) by striking subparagraphs (A) and (B) and subparagraphs (F) through (I);

(2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (A), (B), and (C), respectively;

(3) in subparagraphs (A), (B), and (C) (as so redesignated) by striking "fiscal years 2000 through 2003" and inserting "fiscal years 2004 through 2007"; and

(4) by adding after subparagraph (C) (as so redesignated) the following:

"(D) Such sums as may be necessary for fiscal years 2004 through 2007 for the Center for Management Development of the Federal Aviation Administration to operate training courses and to support associated student travel for both residential and field courses.

"(E) Such sums as may be necessary for fiscal years 2004 through 2007 to carry out and expand the Air Traffic Control Collegiate Training Initiative.

"(F) Such sums as may be necessary for fiscal years 2004 through 2007 for the completion of the Alaska aviation safety project with respect to the 3 dimensional mapping of Alaska's main aviation corridors.

"(G) Such sums as may be necessary for fiscal years 2004 through 2007 to carry out the Aviation Safety Reporting System.".

(c) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $3,971,000 for fiscal year 2004, $4,045,000 for fiscal year 2005, $4,127,000 for fiscal year 2006, and $4,219,000 for fiscal year 2007 to gather aviation data and conduct analyses of such data in the Bureau of Transportation Statistics of the Department of Transportation.

SEC. 104. FUNDING FOR AVIATION PROGRAMS.

(a) IN GENERAL.—Chapter 481 is further amended by adding at the end the following:

"§48114. Funding for aviation programs

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—

"(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2007 pursuant to sections 48101, 48102, 48103, and 106(k) of title 49, United States Code, shall be equal to the level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year. Such amounts may be used only for aviation investment programs listed in subsection (b).

"(B) GUARANTEE.—No funds may be appropriated or limited for aviation investment programs listed in subsection (b) unless the amount described in subparagraph (A) has been provided.

"(2) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—In any fiscal year through fiscal year 2007, if the amount described in paragraph (1) is appropriated, there is further authorized to be appropriated from the general fund of the Treasury such sums as may be necessary for the Federal Aviation Administration Operations account.

"(b) DEFINITIONS.—In this section, the following definitions apply:

"(1) TOTAL BUDGET RESOURCES.—The term 'total budget resources' means the total amount made available from the Airport and Airway Trust Fund for the sum of obligation limitations and budget authority made available for a fiscal year for the following budget accounts that are subject to the obligation limitation on contract authority provided in this Act and for which appropriations are provided pursuant to authorizations contained in this Act:

"(A) 69–8106–0–7–402 (Grants in Aid for Airports).

"(B) 69–8107–0–7–402 (Facilities and Equipment).

"(C) 69–8108–0–7–402 (Research and Development).

"(D) 69–8104–0–7–402 (Trust Fund Share of Operations).

"(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term 'level of receipts plus interest' means the level of excise taxes and interest credited to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) (Treasury identification code 20–8103–0–7–402) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

"(c) ENFORCEMENT OF GUARANTEES.—

"(1) TOTAL AIRPORT AND AIRWAY TRUST FUND FUNDING.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for aviation investment programs described in subsection (b) to be less than the amount required by subsection (a)(1)(A) for such fiscal year.

"(2) CAPITAL PRIORITY.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that provides an appropriation (or any amendment thereto) for any fiscal year through fiscal year 2007 for Research and Development or Operations if the sum of the obligation limitation for Grants-in-Aid for Airports and the appropriation for Facilities and Equipment for such fiscal year is below the sum of the authorized levels for Grants-in-Aid for Airports and for Facilities and Equipment for such fiscal year.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 481 is amended by adding at the end the following:

"48114. Funding for aviation programs.".

(c) REPEAL.—Section 106 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 48101 note) is repealed.

SEC. 105. AGREEMENTS FOR OPERATION OF AIRPORT FACILITIES.

Section 47124 is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GOVERNMENT RELIEF FROM LIABILITY.—The Secretary of Transportation shall ensure that an agreement under this subchapter with a qualified entity (as determined by the Secretary), State, or a political subdivision of a State to allow the entity, State, or subdivision to operate an airport facility relieves the United States Government from any liability arising out of, or related to, acts or omissions of employees of the entity, State, or subdivision in operating the airport facility.";

(2) by striking subsection (b)(2) and inserting the following:

"(2) The Secretary may make a contract with a qualified entity (as determined by the Secretary) or, on a sole source basis, with a State or a political subdivision of a State to allow the entity, State, or subdivision to operate an airport traffic control tower classified as a level I (Visual Flight Rules) tower if the Secretary decides that the entity, State, or subdivision has the capability to comply with the requirements of this paragraph. The contract shall require that the entity, State, or subdivision comply with applicable safety regulations in operating the facility and with applicable competition requirements in making a subcontract to perform work to carry out the contract.";

(3) subsection (b)(3)—

(A) in the paragraph heading by striking "PILOT";

(B) by striking "pilot" each place it appears; and

(C) in subparagraph (E) by striking "$6,000,000 per fiscal year" and inserting "$6,500,000 for fiscal 2004, $7,000,000 for fiscal year 2005, $7,500,000 for fiscal year 2006, and $8,000,000 for fiscal year 2007"; and

(4) in subsection (b)(4)(C) by striking "$1,100,000." and inserting "$1,500,000.".

SEC. 106. INSURANCE.

(a) AIRCRAFT MANUFACTURERS.—

(1) IN GENERAL.—Section 44302 is amended by adding at the end the following:

"(g) AIRCRAFT MANUFACTURERS.—

"(1) IN GENERAL.—The Secretary may provide to an aircraft manufacturer insurance for loss or damage resulting from operation of an aircraft by an air carrier and involving war or terrorism.

"(2) AMOUNT.—Insurance provided by the Secretary under this subsection shall be for loss or damage in excess of the greater of the amount of available primary insurance or $50,000,000.

"(3) TERMS AND CONDITIONS.—Insurance provided by the Secretary under this subsection shall be subject to the terms and conditions set forth in this chapter and such other terms and conditions as the Secretary may prescribe.".

(2) DEFINITION OF AIRCRAFT MANUFACTURER.—Section 44301 is amended—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) 'aircraft manufacturer' means any company or other business entity, the majority ownership and control of which is by United States citizens, that manufactures aircraft or aircraft engines.".

(3) COVERAGE.—Section 44303(a) is amended—

(A) in the subsection heading by striking "IN GENERAL" and inserting "IN GENERAL"; and

(B) by adding at the end the following:

"(6) loss or damage of an aircraft manufacturer resulting from operation of an aircraft by an air carrier and involving war or terrorism.".

(b) AIRCRAFT MANUFACTURER LIABILITY FOR THIRD PARTY CLAIMS ARISING OUT OF ACTS OF TERRORISM.—Section 44303(b) is amended by adding at the end the following: "The Secretary may extend the provisions of this subsection to an aircraft manufacturer (as defined in section 44301) of the aircraft of the air carrier involved.".

(c) PREMIUMS AND LIMITATIONS ON COVERAGE AND CLAIMS.—Section 44306(b) is amended by striking "air" and inserting "insurance".

(d) ENDING EFFECTIVE DATE.—Section 44310 is amended by striking "December 31, 2004" and inserting "March 30, 2008".

(e) TECHNICAL CORRECTION.—Effective November 19, 2001, section 124(b) of the Aviation and Transportation Security Act (115 Stat. 631) is amended by striking "to carry out foreign policy" and inserting "to carry out the foreign policy".

Subtitle B—Passenger Facility Fees

SEC. 121. LOW-EMISSION AIRPORT VEHICLES AND GROUND SUPPORT EQUIPMENT.

(a) IN GENERAL.—Section 40117(a)(3) is amended by inserting at the end the following:

"(G) A project for converting vehicles and ground support equipment used at a commercial service airport to low-emission technology (as defined in section 47102) or to use cleaner burning conventional fuels, retrofitting of any such vehicles or equipment that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, or acquiring for use at a commercial service airport vehicles and ground support equipment that include low-emission technology or use cleaner burning fuels if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47139.".

(b) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—Section 40117(b) is amended by adding at the end the following:

"(5) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—The maximum cost that may be financed by imposition of a passenger facility fee under this section for a project described in subsection (a)(3)(G) with respect to a vehicle or ground support equipment may not exceed the incremental amount of the project cost that is greater than the cost of acquiring a vehicle or equipment that is not low-emission and would be used for the same purpose, or the cost of low-emission retrofitting, as determined by the Secretary.".

(c) GROUND SUPPORT EQUIPMENT DEFINED.—Section 40117(a) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) GROUND SUPPORT EQUIPMENT.—The term 'ground support equipment' means service and maintenance equipment used at an airport to support aeronautical operations and related activities.".

(d) GUIDANCE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue guidance determining eligibility of projects, and how benefits to air quality must be demonstrated, under the amendments made by this section.

SEC. 122. USE OF FEES TO PAY DEBT SERVICE.

Sections 40117(b) is further amended by adding at the end the following:

"(6) DEBT SERVICE FOR CERTAIN PROJECTS.—In addition to the uses specified in paragraphs (1) and (4), the Secretary may authorize a passenger facility fee imposed under paragraph (1) or (4) to be used for making payments for debt service on indebtedness incurred to carry out at the airport a project that is not an eligible airport-related project if the Secretary determines that such use is necessary due to the financial need of the airport.".

SEC. 123. STREAMLINING OF THE PASSENGER FACILITY FEE PROGRAM.

(a) APPLICATION REQUIREMENTS.—Section 40117(c) is amended—

(1) by adding at the end of paragraph (2) the following:

"(E) The agency must include in its application or notice submitted under subparagraph (A) copies of all certifications of agreement or disagreement received under subparagraph (D).

"(F) For the purpose of this section, an eligible agency providing notice and an opportunity for consultation to an air carrier or foreign air carrier is deemed to have satisfied the requirements of this paragraph if the eligible agency limits such notices and consultations to air carriers and foreign air carriers that have a significant business interest at the airport. In the subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that had no less than 1.0 percent of passenger boardings at the airport in the prior calendar year, had at least 25,000 passenger boardings at the airport in the prior calendar year, or provides scheduled service at the airport.";

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following:

"(3) Before submitting an application, the eligible agency must provide reasonable notice and an opportunity for public comment. The Secretary shall prescribe regulations that define reasonable notice and provide for at least the following under this paragraph:

"(A) A requirement that the eligible agency provide public notice of intent to collect a passenger facility fee so as to inform those interested persons and agencies that may be affected. The public notice may include—

"(i) publication in local newspapers of general circulation;

"(ii) publication in other local media; and

"(iii) posting the notice on the agency's Internet website.

"(B) A requirement for submission of public comments no sooner than 30 days, and no later than 45 days, after the date of the publication of the notice.

"(C) A requirement that the agency include in its application or notice submitted under subparagraph (A) copies of all comments received under subparagraph (B)."; and

(4) in the first sentence of paragraph (4) (as redesignated by paragraph (2) of this subsection) by striking "shall" and inserting "may".

(b) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.—Section 40117 is amended by adding at the end the following:

"(l) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.—

"(1) IN GENERAL.—The Secretary shall establish a pilot program to test alternative procedures for authorizing eligible agencies for nonhub airports to impose passenger facility fees. An eligible agency may impose in accordance with the provisions of this subsection a passenger facility fee under this section. For purposes of the pilot program, the procedures in this subsection shall apply instead of the procedures otherwise provided in this section.

"(2) NOTICE AND OPPORTUNITY FOR CONSULTATION.—The eligible agency must provide reasonable notice and an opportunity for consultation to air carriers and foreign air carriers in accordance with subsection (c)(2) and must provide reasonable notice and opportunity for public comment in accordance with subsection (c)(3).

"(3) NOTICE OF INTENTION.—The eligible agency must submit to the Secretary a notice of intention to impose a passenger facility fee under this subsection. The notice shall include—

"(A) information that the Secretary may require by regulation on each project for which authority to impose a passenger facility fee is sought;

"(B) the amount of revenue from passenger facility fees that is proposed to be collected for each project; and

"(C) the level of the passenger facility fee that is proposed.

"(4) ACKNOWLEDGEMENT OF RECEIPT AND INDICATION OF OBJECTION.—The Secretary shall acknowledge receipt of the notice and indicate any objection to the imposition of a passenger facility fee under this subsection for any project identified in the notice within 30 days after receipt of the eligible agency's notice.

"(5) AUTHORITY TO IMPOSE FEE.—Unless the Secretary objects within 30 days after receipt of the eligible agency's notice, the eligible agency is authorized to impose a passenger facility fee in accordance with the terms of its notice under this subsection.

"(6) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall propose such regulations as may be necessary to carry out this subsection.

"(7) SUNSET.—This subsection shall cease to be effective beginning on the date that is 3 years after the date of issuance of regulations to carry out this subsection.

"(8) ACKNOWLEDGEMENT NOT AN ORDER.—An acknowledgement issued under paragraph (4) shall not be considered an order issued by the Secretary for purposes of section 46110.".

(c) CLARIFICATION OF APPLICABILITY OF PFC'S TO MILITARY CHARTERS.—Section 40117(e)(2) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a semicolon;

(2) by striking "and" at the end of subparagraph (D);

(3) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(4) by adding after subparagraph (E) the following:

"(F) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement due to charter arrangements and payment by the Department of Defense.".

(d) TECHNICAL AMENDMENTS.—Section 40117(a)(3)(C) is amended—

(1) by striking "for costs" and inserting "A project for costs"; and

(2) by striking the semicolon and inserting a period.

(e) ELIGIBILITY OF AIRPORT GROUND ACCESS TRANSPORTATION PROJECTS.—Not later than 60 days after the enactment of this Act, the Administrator of the Federal Aviation Administration shall publish in the Federal Register the current policy of the Administration, consistent with current law, with respect to the eligibility of airport ground access transportation projects for the use of passenger facility fees under section 40117 of title 49, United States Code.

SEC. 124. FINANCIAL MANAGEMENT OF PASSENGER FACILITY FEES.

Section 40117 is further amended by adding at the end the following:

"(m) FINANCIAL MANAGEMENT OF FEES.—

"(1) HANDLING OF FEES.—A covered air carrier shall segregate in a separate account passenger facility revenue equal to the average monthly liability for fees collected under this section by such carrier or any of its agents for the benefit of the eligible agencies entitled to such revenue.

"(2) TRUST FUND STATUS.—If a covered air carrier or its agent fails to segregate passenger facility revenue in violation of the subsection, the trust fund status of such revenue shall not be defeated by an inability of any party to identify and trace the precise funds in the accounts of the air carrier.

"(3) PROHIBITION.—A covered air carrier and its agents may not grant to any third party any security or other interest in passenger facility revenue.

"(4) COMPENSATION TO ELIGIBLE ENTITIES.—A covered air carrier that fails to comply with any requirement of this subsection, or otherwise unnecessarily causes an eligible entity to expend funds, through litigation or otherwise, to recover or retain payment of passenger facility revenue to which the eligible entity is otherwise entitled shall be required to compensate the eligible agency for the costs so incurred.

"(5) INTEREST ON AMOUNTS.—A covered air carrier that collects passenger facility fees is entitled to receive the interest on passenger facility fee accounts if the accounts are established and maintained in compliance with this subsection.

"(6) EXISTING REGULATIONS.—The provisions of section 158.49 of title 14, Code of Federal Regulations, that permit the commingling of passenger facility fees with other air carrier revenue shall not apply to a covered air carrier.

"(7) COVERED AIR CARRIER DEFINED.—In this section, the term 'covered air carrier' means an air carrier that files for chapter 7 or chapter 11 of title 11 bankruptcy protection, or has an involuntary chapter 7 of title 11 bankruptcy proceeding commenced against it, after the date of enactment of this subsection.".

Subtitle C—AIP Modifications

SEC. 141. AIRFIELD PAVEMENT.

Section 47102(3)(H) is amended by inserting "nonhub airports and" before "airports that are not primary airports".

SEC. 142. REPLACEMENT OF BAGGAGE CONVEYOR SYSTEMS.

Section 47102(3)(B)(x) is amended by striking the period at the end and inserting the following: "; except that such activities shall be eligible for funding under this subchapter only using amounts apportioned under section 47114.".

SEC. 143. AUTHORITY TO USE CERTAIN FUNDS FOR AIRPORT SECURITY PROGRAMS AND ACTIVITIES.

Section 308 of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 44901 note; 110 Stat. 3253), and the item relating to such section in the table of contents contained in section 1(b) of that Act, are repealed.

SEC. 144. GRANT ASSURANCES.

(a) STATUTE OF LIMITATIONS..—Section 47107(l)(5)(A) is amended by inserting "or any other governmental entity" after "sponsor".

(b) AUDIT CERTIFICATION.—Section 47107(m) is amended—.

(1) in paragraph (1) by striking "promulgate regulations that" and inserting "include a provision in the compliance supplement provisions to";

(2) in paragraph (1) by striking "and opinion of the review"; and

(3) by striking paragraph (3).

SEC. 145. CLARIFICATION OF ALLOWABLE PROJECT COSTS.

Section 47110(b)(1) is amended by inserting before the semicolon at the end "and any cost of moving a Federal facility impeding the project if the rebuilt facility is of an equivalent size and type".

SEC. 146. APPORTIONMENTS TO PRIMARY AIRPORTS.

(a) IN GENERAL.—Section 47114(c)(1) is amended by adding at the end the following:

"(F) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—Notwithstanding subparagraph (A) and the absence of scheduled passenger aircraft service at an airport, the Secretary may apportion in fiscal years 2004 and 2005 to the sponsor of the airport an amount equal to the amount apportioned to that sponsor in fiscal year 2002 or 2003, whichever amount is greater, if the Secretary finds that—

"(i) the passenger boardings at the airport were below 10,000 in calendar year 2002 or 2003;

"(ii) the airport had at least 10,000 passenger boardings and scheduled passenger aircraft service in either calendar year 2000 or 2001; and

"(iii) the reason that passenger boardings described in clause (i) were below 10,000 was the decrease in passengers following the terrorist attacks of September 11, 2001.".

(b) SPECIAL RULE FOR TRANSITIONING AIRPORTS.—Section 47114(f)(3) is amended—

(1) in the paragraph heading by striking "AIRORTS" and inserting "AIRPORTS"; and

(2) in subparagraph (B) by striking "fiscal years 2000 through 2003" and inserting "fiscal year 2004".

SEC. 147. CARGO AIRPORTS.

Section 47114(c)(2) is amended—

(1) in the paragraph heading by striking "ONLY"; and

(2) in subparagraph (A) by striking "3 percent" and inserting "3.5 percent".

SEC. 148. CONSIDERATIONS IN MAKING DISCRETIONARY GRANTS.

Section 47115(d) is amended to read as follows:

"(d) CONSIDERATIONS.—

"(1) FOR CAPACITY ENHANCEMENT PROJECTS.—In selecting a project for a grant to preserve and improve capacity funded in whole or in part from the fund, the Secretary shall consider—

"(A) the effect that the project will have on overall national transportation system capacity;

"(B) the benefit and cost of the project, including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to the reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system;

"(C) the financial commitment from non-United States Government sources to preserve or improve airport capacity;

"(D) the airport improvement priorities of the States to the extent such priorities are not in conflict with subparagraphs (A) and (B); and

"(E) the projected growth in the number of passengers or aircraft that will be using the airport at which the project will be carried out.

"(F) the ability of the project to foster United States competitiveness in securing global air cargo activity at a United States airport.".

"(2) FOR ALL PROJECTS.—In selecting a project for a grant under this section, the Secretary shall consider among other factors whether—

"(A) funding has been provided for all other projects qualifying for funding during the fiscal year under this chapter that have attained a higher score under the numerical priority system employed by the Secretary in administering the fund; and

"(B) the sponsor will be able to commence the work identified in the project application in the fiscal year in which the grant is made or within 6 months after the grant is made, whichever is later.".

SEC. 149. FLEXIBLE FUNDING FOR NONPRIMARY AIRPORT APPORTIONMENTS.

(a) PROJECT GRANT AGREEMENTS.—Section 47108(a) is amended by inserting "or 47114(d)(3)(A)" after "under section 47114(c)".

(b) ALLOWABLE PROJECT COSTS.—Section 47110 is amended—

(1) in subsection (b)(2)(C) by striking "of this title" and inserting "or section 47114(d)(3)(A)";

(2) in subsection (g)—

(A) by inserting "or section 47114(d)(3)(A)" after "of section 47114(c)"; and

(B) by striking "of project" and inserting "of the project"; and

(3) by adding at the end the following:

"(h) NONPRIMARY AIRPORTS.—The Secretary may decide that the costs of revenue producing aeronautical support facilities, including fuel farms and hangars, are allowable for an airport development project at a nonprimary airport if the Government's share of such costs is paid only with funds apportioned to the airport sponsor under section 47114(d)(3)(A) and if the Secretary determines that the sponsor has made adequate provision for financing airside needs of the airport.".

(c) WAIVER.—Section 47117(c)(2) is amended to read as follows:

"(2) WAIVER.—A sponsor of an airport may make an agreement with the Secretary of Transportation waiving the sponsor's claim to any part of the amount apportioned for the airport under sections 47114(c) and 47114(d)(3)(A) if the Secretary agrees to make the waived amount available for a grant for another public-use airport in the same State or geographical area as the airport, as determined by the Secretary.".

(d) TERMINAL DEVELOPMENT COSTS.—Section 47119(b) is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; or"; and

(3) by adding at the end the following:

"(5) to a sponsor of a nonprimary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(d)(3)(A) for project costs allowable under section 47110(d).".

SEC. 150. USE OF APPORTIONED AMOUNTS.

The first sentence of section 47117(b) is amended by striking "primary airport" and all that follows through "calendar year" and inserting "nonhub airport or any airport that is not a commercial service airport".

SEC. 151. INCREASE IN APPORTIONMENT FOR, AND FLEXIBILITY OF, NOISE COMPATIBILITY PLANNING PROGRAMS.

Section 47117(e)(1)(A) is amended—

(1) by striking "At least 34 percent" and inserting "At least 35 percent";

(2) by striking "of this title and" and inserting a comma;

(3) by striking "of this title." and inserting ", for noise mitigation projects approved in an environmental record of decision for an airport development project under this title, for compatible land use planning and projects carried out by State and local governments under section 47141, and for airport development described in section 47102(3)(F), 47102(3)(K), or 47102(3)(L) to comply with the Clean Air Act (42 U.S.C. 7401 et seq.)."; and

(4) by striking "34 percent requirement" and inserting "35 percent requirement".

SEC. 152. PILOT PROGRAM FOR PURCHASE OF AIRPORT DEVELOPMENT RIGHTS.

(a) IN GENERAL.—Chapter 471 is amended by adding at the end the following:

"§47138. Pilot program for purchase of airport development rights

"(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program to support the purchase, by a State or political subdivision of a State, of development rights associated with, or directly affecting the use of, privately owned public use airports located in that State. Under the program, the Secretary may make a grant to a State or political subdivision of a State from funds apportioned under section 47114 for the purchase of such rights.

"(b) GRANT REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the grant is made—

"(A) to enable the State or political subdivision to purchase development rights in order to ensure that the airport property will continue to be available for use as a public airport; and

"(B) subject to a requirement that the State or political subdivision acquire an easement or other appropriate covenant requiring that the airport shall remain a public use airport in perpetuity.

"(2) MATCHING REQUIREMENT.—The amount of a grant under the program may not exceed 90 percent of the costs of acquiring the development rights.

"(c) GRANT STANDARDS.—The Secretary shall prescribe standards for grants under subsection (a), including—

"(1) grant application and approval procedures; and

"(2) requirements for the content of the instrument recording the purchase of the development rights.

"(d) RELEASE OF PURCHASED RIGHTS AND COVENANT.—Any development rights purchased under the program shall remain the property of the State or political subdivision unless the Secretary approves the transfer or disposal of the development rights after making a determination that the transfer or disposal of that right is in the public interest.

"(e) LIMITATION.—The Secretary may not make a grant under the pilot program for the purchase of development rights at more than 10 airports.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by inserting after the item relating to section 47137 the following:

"47138. Pilot program for purchase of airport development rights".

SEC. 153. MILITARY AIRPORT PROGRAM.

Section 47118 is amended—

(1) in subsection (e) by striking "Not more than $7,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for a fiscal year is available" and inserting "From amounts the Secretary distributes to an airport under section 47115, $10,000,000 for each of fiscal years 2004 and 2005, and $7,000,000 for each fiscal year thereafter, is available"; and

(2) in subsection (f)—

(A) by striking "Not more than a total of $7,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for fiscal years beginning after September 30, 1992, is available" and inserting the following:

"(1) CONSTRUCTION.—From amounts the Secretary distributes to an airport under section 47115, $10,000,000 for each of fiscal years 2004 and 2005, and $7,000,000 for each fiscal year thereafter, is available"; and

(2) by adding at the end the following:

"(2) REIMBURSEMENT.—Upon approval of the Secretary, the sponsor of a current or former military airport the Secretary designates under this section may use an amount apportioned under section 47114, or made available under section 47119(b), to the airport for reimbursement of costs incurred by the airport in fiscal years 2003 and 2004 for construction, improvement, or repair described in paragraph (1).".

SEC. 154. AIRPORT SAFETY DATA COLLECTION.

Section 47130 is amended to read as follows:

"§47130. Airport safety data collection

"Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may award a contract, using sole source or limited source authority, or enter into a cooperative agreement with, or provide a grant from amounts made available under section 48103 to, a private company or entity for the collection of airport safety data. In the event that a grant is provided under this section, the United States Government's share of the cost of the data collection shall be 100 percent.".

SEC. 155. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) IN GENERAL.—Section 47134(b)(1) is amended—

(1) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:

"(i) in the case of a primary airport, by at least 65 percent of the scheduled air carriers serving the airport and by scheduled and nonscheduled air carriers whose aircraft landing at the airport during the preceding calendar year, had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year; or

"(ii) in the case of a nonprimary airport, by the Secretary after the airport has consulted with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.";

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

"(B) OBJECTION TO EXEMPTION.—An air carrier shall be deemed to have approved a sponsor's application for an exemption under subparagraph (A) unless the air carrier has submitted an objection, in writing, to the sponsor within 60 days of the filing of the sponsor's application with the Secretary, or within 60 days of the service of the application upon that air carrier, whichever is later.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall not affect any application submitted before the date of enactment of this Act.

SEC. 156. INNOVATIVE FINANCING TECHNIQUES.

(a) ELIGIBLE PROJECTS.—The first sentence of section 47135(a) is amended by inserting after "approve" the following: ", after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act,".

SEC. 157. AIRPORT SECURITY PROGRAM.

Section 47137 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

"(e) ADMINISTRATION.—The Secretary, in cooperation with the Secretary of Homeland Security, shall administer the program authorized by this section.".

SEC. 158. EMISSION CREDITS FOR AIR QUALITY PROJECTS.

(a) EMISSIONS CREDIT.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§47139. Emission credits for air quality projects

"(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall issue guidance on how to ensure that airport sponsors receive appropriate emission reduction credits for carrying out projects described in sections 40117(a)(3)(G), 47102(3)(F), 47102(3)(K), and 47102(3)(L). Such guidance shall include, at a minimum, the following conditions:

"(1) The provision of credits is consistent with the Clean Air Act (42 U.S.C. 7402 et seq.).

"(2) Credits generated by the emissions reductions are kept by the airport sponsor and may only be used for purposes of any current or future general conformity determination under the Clean Air Act or as offsets under the Environmental Protection Agency's new source review program for projects on the airport or associated with the airport.

"(3) Credits are calculated and provided to airports on a consistent basis nationwide.

"(4) Credits are provided to airport sponsors in a timely manner.

"(5) The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.

"(b) ASSURANCE OF RECEIPT OF CREDITS.—As a condition for making a grant for a project described in section 47102(3)(F), 47102(3)(K), 47102(3)(L), or 47140 or as a condition for granting approval to collect or use a passenger facility fee for a project described in section 40117(a)(3)(G), 47103(3)(F), 47102(3)(K), 47102(3)(L), or 47140, the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a Federal implementation plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this section.

"(c) PREVIOUSLY APPROVED PROJECTS.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall determine how to provide appropriate emissions credits to airport projects previously approved under section 47136 consistent with the guidance and conditions specified in subsection (a).

"(d) STATE AUTHORITY UNDER CAA.—Nothing in this section shall be construed as overriding existing State law or regulation pursuant to section 116 of the Clean Air Act (42 U.S.C. 7416).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by inserting after the item relating to section 47138 the following:

"47139. Emission credits for air quality projects.".

SEC. 159. LOW-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE.

(a) AIRPORT GROUND SUPPORT EQUIPMENT EMISSIONS RETROFIT PILOT PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§47140. Airport ground support equipment emissions retrofit pilot program

"(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 commercial service airports under which the sponsors of such airports may use an amount made available under section 48103 to retrofit existing eligible airport ground support equipment that burns conventional fuels to achieve lower emissions utilizing emission control technologies certified or verified by the Environmental Protection Agency.

"(b) LOCATION IN AIR QUALITY NONATTAINMENT OR MAINTENANCE AREAS.—A commercial service airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a).

"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

"(d) MAXIMUM AMOUNT.—Not more than $500,000 may be expended under the pilot program at any single commercial service airport.

"(e) GUIDELINES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish guidelines regarding the types of retrofit projects eligible under the pilot program by considering remaining equipment useful life, amounts of emission reduction in relation to the cost of projects, and other factors necessary to carry out this section. The Secretary may give priority to ground support equipment owned by the airport and used for airport purposes.

"(f) ELIGIBLE EQUIPMENT DEFINED.—In this section, the term 'eligible equipment' means ground service or maintenance equipment that is located at the airport, is used to support aeronautical and related activities at the airport, and will remain in operation at the airport for the life or useful life of the equipment, whichever is earlier.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by inserting after the item relating to section 47139 the following:

"47140. Airport ground support equipment emissions retrofit pilot program.".

(b) ACTIVITIES ADDED TO DEFINITION OF AIRPORT DEVELOPMENT.—

(1) IN GENERAL.—Section 47102(3) is amended—

(A) by striking subparagraphs (J), (K), and (L) and redesignating subparagraph (M) as subparagraph (J); and

(B) by adding at the end the following:

"(K) work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, and other related air quality improvements at a commercial service airport if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a) and if such project will result in an airport receiving appropriate emission credits, as described in section 47139.

"(L) a project for the acquisition or conversion of vehicles and ground support equipment, owned by a commercial service airport, to low-emission technology, if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47139.".

(2) GUIDANCE.—

(A) ELIGIBLE LOW-EMISSION MODIFICATIONS AND IMPROVEMENTS.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall issue guidance describing eligible low-emission modifications and improvements, and stating how airport sponsors will demonstrate benefits, under section 47102(3)(K) of title 49, United States Code, as added by this subsection.

(B) ELIGIBLE LOW-EMISSION VEHICLE TECHNOLOGY.—The Secretary, in consultation with the Administrator, shall issue guidance describing eligible low-emission vehicle technology, and stating how airport sponsors will demonstrate benefits, under section 47102(3)(L) of title 49, United States Code, as added by this subsection.

(c) ALLOWABLE PROJECT COST.—Section 47110(b) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) if the cost is for a project not described in section 47102(3) for acquiring for use at a commercial service airport vehicles and ground support equipment owned by an airport that include low-emission technology, but only to the extent of the incremental cost of equipping such vehicles or equipment with low emission technology, as determined by the Secretary.".

(d) LOW-EMISSION TECHNOLOGY EQUIPMENT.—Section 47102 (as amended by section 801 of this Act) is further amended by inserting after paragraph (10) the following:

"(11) 'low-emission technology' means technology for vehicles and equipment whose emission performance is the best achievable under emission standards established by the Environmental Protection Agency and that relies exclusively on alternative fuels that are substantially non-petroleum based, as defined by the Department of Energy, but not excluding hybrid systems or natural gas powered vehicles.".

SEC. 160. COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§47141. Compatible land use planning and projects by State and local governments

"(a) IN GENERAL.—The Secretary of Transportation may make grants, from amounts set aside under section 47117(e)(1)(A), to States and units of local government for development and implementation of land use compatability plans and implementation of land use compatibility projects resulting from those plans for the purposes of making the use of land areas around *large hub airports and medium hub airports compatible with aircraft operations. The Secretary may make a grant under this section for a land use compatibility plan or a project resulting from such plan only if—*

"(1) the airport operator has not submitted a noise compatibility program to the Secretary under section 47504 or has not updated such program within the preceding 10 years; and

"(2) the land use plan or project meets the requirements of this section.

"(b) ELIGIBILITY.—In order to receive a grant under this section, a State or unit of local government must—

"(1) have the authority to plan and adopt land use control measures, including zoning, in the planning area in and around a large or medium hub airport;

"(2) enter into an agreement with the airport owner or operator that the development of the land use compatibility plan will be done cooperatively; and

"(3) provide written assurance to the Secretary that it will achieve, to the maximum extent possible, compatible land uses consistent with Federal land use compatibility criteria under section 47502(3) and that those compatible land uses will be maintained.

"(c) ASSURANCES.—The Secretary shall require a State or unit of local government to which a grant may be made under this section for a land use plan or a project resulting from such plan to provide—

"(1) assurances satisfactory to the Secretary that the plan—

"(A) is reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;

"(B) addresses ways to achieve and maintain compatible land uses, including zoning, building codes, and any other land use compatibility measures under section 47504(a)(2) that are within the authority of the State or unit of local government to implement;

"(C) uses noise contours provided by the airport operator that are consistent with the airport operation and planning, including any noise abatement measures adopted by the airport operator as part of its own noise mitigation efforts;

"(D) does not duplicate, and is not inconsistent with, the airport operator's noise compatibility measures for the same area; and

"(E) has been approved jointly by the airport owner or operator and the State or unit of local government; and

"(2) such other assurances as the Secretary determines to be necessary to carry out this section.

"(d) GUIDELINES.—The Secretary shall establish guidelines to administer this section in accordance with the purposes and conditions described in this section. The Secretary may require a State or unit of local government to which a grant may be made under this section to provide progress reports and other information as the Secretary determines to be necessary to carry out this section.

"(e) ELIGIBLE PROJECTS.—The Secretary may approve a grant under this section to a State or unit of local government for a project resulting from a land use compatibility plan only if the Secretary is satisfied that the project is consistent with the guidelines established by the Secretary under this section, the State or unit of local government has provided the assurances required by this section, the State or unit of local government has implemented (or has made provision to implement) those elements of the plan that are not eligible for Federal financial assistance, and that the project is not inconsistent with applicable Federal Aviation Administration standards.

"(f) SUNSET.—This section shall not be in effect after September 30, 2007.".

(b) CONFORMING AMENDMENT.—The analysis of subchapter I of chapter 471 is further amended by adding at the end the following:

"47141. Compatible land use planning and projects by State and local governments.".

SEC. 161. TEMPORARY INCREASE IN GOVERNMENT SHARE OF CERTAIN AIP PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs for a grant made in each of fiscal years 2004 through 2007 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 162. SHARE OF AIRPORT PROJECT COSTS.

(a) IN GENERAL.—Section 47109 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) GRANDFATHER RULE.—

"(1) IN GENERAL.—In the case of any project approved after September 30, 2003, at a small hub airport or nonhub airport that is located in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, the Government's share of allowable costs of the project shall be increased by the same ratio as the basic share of allowable costs of a project divided into the increased (Public Lands States) share of allowable costs of a project as shown on documents of the Federal Aviation Administration dated August 3, 1979, at airports for which the general share was 80 percent on August 3, 1979. This subsection shall apply only if—

"(A) the State contained unappropriated and unreserved public lands and nontaxable Indian lands of more than 5 percent of the total area of all lands in the State on August 3, 1979; and

"(B) the application under subsection (b), does not increase the Government's share of allowable costs of the project

"(2) LIMITATION.—The Government's share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage Government share applicable to any project in any State under subsection (b).".

(b) CONFORMING AMENDMENT.—Subsection (a) of section 47109 is amended by striking "Except as provided in subsection (b)", and inserting "Except as provided in subsection (b) or subsection (c)".

SEC. 163. FEDERAL SHARE FOR PRIVATE OWNERSHIP OF AIRPORTS.

Section 47109(a)(4) is amended by striking "40 percent" and inserting "70 percent".

SEC. 164. DISPOSITION OF LAND ACQUIRED FOR NOISE COMPATIBILITY PURPOSES.

Section 47107(c)(2)(A)(iii) is amended by inserting before the semicolon at the end the following: ", including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program".

SEC. 165. HANGAR CONSTRUCTION GRANT ASSURANCE.

Section 47107(a) is amended—

(1) by striking "and" at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting "; and"; and

(3) by adding at the end the following:

"(21) if the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long-term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.".

SEC. 166. TERMINAL DEVELOPMENT COSTS.

Section 47119(a) is amended to read as follows:

"(a) REPAYING BORROWED MONEY.—

"(1) TERMINAL DEVELOPMENT COSTS INCURRED AFTER JUNE 30, 1970, AND BEFORE JULY 12, 1976.—An amount apportioned under section 47114 and made available to the sponsor of a commercial service airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d) if they had been incurred after September 3, 1982.

"(2) TERMINAL DEVELOPMENT COSTS INCURRED BETWEEN JANUARY 1, 1992, AND OCTOBER 31, 1992.—An amount apportioned under section 47114 and made available to the sponsor of a nonhub airport at which terminal development was carried out between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

"(3) TERMINAL DEVELOPMENT COSTS AT PRIMARY AIRPORTS.—An amount apportioned under section 47114 or available under subsection (b)(3) to a primary airport—

"(A) that was a nonhub airport in the most recent year used to calculate apportionments under section 47114;

"(B) that is a designated airport under section 47118 in fiscal year 2003; and

"(C) at which terminal development is carried out between January 2003 and August 2004,

is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

"(4) CONDITIONS FOR GRANT.—An amount is available for a grant under this subsection only if—

"(A) the sponsor submits the certification required under section 47110(d);

"(B) the Secretary of Transportation decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

"(C) amounts available for airport development under this subchapter will not be used for additional terminal development projects at the airport for at least 1 year beginning on the date the grant is used to repay the borrowed money.

"(5) APPLICABILITY OF CERTAIN LIMITATIONS.—A grant under this subsection shall be subject to the limitations in subsection (b)(1) and (2).".

Subtitle D—Miscellaneous

SEC. 181. DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§ 47142. Design-build contracting

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may approve an application of an airport sponsor under this section to authorize the airport sponsor to award a design-build contract using a selection process permitted under applicable State or local law if—

"(1) the Administrator approves the application using criteria established by the Administrator;

"(2) the design-build contract is in a form that is approved by the Administrator;

"(3) the Administrator is satisfied that the contract will be executed pursuant to competitive procedures and contains a schematic design adequate for the Administrator to approve the grant;

"(4) use of a design-build contract will be cost effective and expedite the project;

"(5) the Administrator is satisfied that there will be no conflict of interest; and

"(6) the Administrator is satisfied that the selection process will be as open, fair, and objective as the competitive bid system and that at least 3 or more bids will be submitted for each project under the selection process.

"(b) REIMBURSEMENT OF COSTS.—The Administrator may reimburse an airport sponsor for design and construction costs incurred before a grant is made pursuant to this section if the project is approved by the Administrator in advance and is carried out in accordance with all administrative and statutory requirements that would have been applicable under this chapter if the project were carried out after a grant agreement had been executed.

"(c) DESIGN-BUILD CONTRACT DEFINED.—In this section, the term 'design-build contract' means an agreement that provides for both design and construction of a project by a contractor.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by inserting after the item relating to section 47141 the following:

"47142. Design-build contracting.".

SEC. 182. PILOT PROGRAM FOR INNOVATIVE FINANCING OF AIR TRAFFIC CONTROL EQUIPMENT.

(a) IN GENERAL.—In order to test the cost effectiveness and feasibility of long-term financing of modernization of major air traffic control systems, the Administrator of the Federal Aviation Administration may establish a pilot program to test innovative financing techniques through amending, subject to section 1341 of title 31, United States Code, a contract for more than one, but not more than 20, fiscal years to purchase and install air traffic control equipment for the Administration. Such amendments may be for more than one, but not more than 10, fiscal years.

(b) CANCELLATION.—A contract described in subsection (a) may include a cancellation provision if the Administrator determines that such a provision is necessary and in the best interest of the United States. Any such provision shall include a cancellation liability schedule that covers reasonable and allocable costs incurred by the contractor through the date of cancellation plus reasonable profit, if any, on those costs. Any such provision shall not apply if the contract is terminated by default of the contractor.

(c) CONTRACT PROVISIONS.—If feasible and practicable for the pilot program, the Administrator may make an advance contract provision to achieve economic-lot purchases and more efficient production rates.

(d) LIMITATION.—The Administrator may not amend a contract under this section until the program for the terminal automation replacement systems has been rebaselined in accordance with the acquisition management system of the Administration.

(e) ANNUAL REPORTS.—At the end of each fiscal year during the term of the pilot program, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on how the Administrator has implemented in such fiscal year the pilot program, the number and types of contracts or contract amendments that are entered into under the program, and the program's cost effectiveness.

(f) FUNDING.—Out of amounts appropriated under section 48101 for fiscal year 2004, such sums as may be necessary shall be available to carry out this section.

SEC. 183. COST SHARING OF AIR TRAFFIC MODERNIZATION PROJECTS.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following:

"§44517. Program to permit cost sharing of air traffic modernization projects

"(a) IN GENERAL.—Subject to the requirements of this section, the Secretary may carry out a program under which the Secretary may make grants to project sponsors for not more than 10 eligible projects per fiscal year for the purpose of improving aviation safety and enhancing mobility of the Nation's air transportation system by encouraging non-Federal investment in critical air traffic control equipment and software.

"(b) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under the program shall not exceed 33 percent. The non-Federal share of the cost of an eligible project shall be provided from non-Federal sources, including revenues collected pursuant to section 40117.

"(c) LIMITATION ON GRANT AMOUNTS.—No eligible project may receive more than $5,000,000 in Federal funds under the program.

"(d) FUNDING.—The Secretary shall use amounts appropriated under section 48101(a) to carry out the program.

"(e) DEFINITIONS.—In this section, the following definitions apply:

"(1) ELIGIBLE PROJECT.—The term 'eligible project' means a project to purchase equipment or software relating to the Nation's air traffic control system that is certified or approved by the Administrator of the Federal Aviation Administration and that promotes safety, efficiency, or mobility. Such projects may include—

"(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landing systems, weather and wind shear detection equipment, and lighting improvements;

"(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

"(C) equipment and software that enhance airspace control procedures or assist in en route surveillance, including oceanic and offshore flight tracking.

"(2) PROJECT SPONSOR.—The term 'project sponsor' means any major user of the national airspace system, as determined by the Secretary, including a public-use airport or a joint venture between a public-use airport and one or more air carriers.

"(f) TRANSFERS OF EQUIPMENT.—Notwithstanding any other provision of law, and upon agreement by the Administrator, a project sponsor may transfer, without consideration, to the Federal Aviation Administration, facilities, equipment, or automation tools, the purchase of which was assisted by a grant made under this section, if such facilities, equipment or tools meet Federal Aviation Administration operation and maintenance criteria.

"(g) GUIDELINES.—The Administrator shall issue advisory guidelines on the implementation of the program. The guidelines shall not be subject to administrative rulemaking requirements under subchapter II of chapter 5 of title 5.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 445 is amended by adding at the end the following:

"44517. Program to permit cost sharing of air traffic modernization projects.".

SEC. 184. FACILITIES AND EQUIPMENT REPORTS.

(a) BIANNUAL REPORTS.—Beginning 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure every 6 months that describes—

(1) the 10 largest programs funded under section 48101(a) of title 49, United States Code;

(2) any changes in the budget for such programs;

(3) the program schedule; and

(4) technical risks associated with the programs.

(b) SUNSET PROVISION.—This section shall cease to be effective beginning on the date that is 4 years after the date of enactment of this Act.

SEC. 185. CIVIL PENALTY FOR PERMANENT CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

"§46319. Permanent closure of an airport without providing sufficient notice

"(a) PROHIBITION.—A public agency (as defined in section 47102) may not permanently close an airport listed in the national plan of integrated airport systems under section 47103 without providing written notice to the Administrator of the Federal Aviation Administration at least 30 days before the date of the closure.

"(b) PUBLICATION OF NOTICE.—The Administrator shall publish each notice received under subsection (a) in the Federal Register.

"(c) CIVIL PENALTY.—A public agency violating subsection (a) shall be liable for a civil penalty of $10,000 for each day that the airport remains closed without having given the notice required by this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by adding at the end the following:

"46319. Permanent closure of an airport without providing sufficient notice.".

SEC. 186. MIDWAY ISLAND AIRPORT.

(a) FINDINGS.—Congress finds that the continued operation of the Midway Island Airport in accordance with the standards of the Federal Aviation Administration applicable to commercial airports is critical to the safety of commercial, military, and general aviation in the mid-Pacific Ocean region.

(b) MEMORANDUM OF UNDERSTANDING ON SALE OF AIRCRAFT FUEL.—The Secretaries of Transportation, Defense, Interior, and Homeland Security shall enter into a memorandum of understanding to facilitate the sale of aircraft fuel on Midway Island at a price that will generate sufficient revenue to improve the ability of the airport to operate on a self-sustaining basis in accordance with the standards of the Federal Aviation Administration applicable to commercial airports. The memorandum shall also address the long-range potential of promoting tourism as a means to generate revenue to operate the airport.

(c) TRANSFER OF NAVIGATION AIDS AT MIDWAY ISLAND AIRPORT.—The Midway Island Airport may transfer, without consideration, to the Administrator the navigation aids at the airport. The Administrator shall accept the navigation aids and operate and maintain the navigation aids under criteria of the Administrator.

(d) FUNDING TO SECRETARY OF THE INTERIOR FOR MIDWAY ISLAND AIRPORT.—The Secretary of Transportation may enter into a reimbursable agreement with the Secretary of the Interior for the purpose of funding airport development, as defined in section 47102(3) of title 49, United States Code, at Midway Island Airport for fiscal years ending before October 1, 2007, from amounts available in the discretionary fund established by section 47115 of such title. The maximum obligation under the agreement for any such fiscal year shall be $2,500,000.

SEC. 187. INTERMODAL PLANNING.

Section 47106(c)(1)(A) is amended—

(1) by striking "and" at the end of clause (i);

(2) by adding "and" at the end of clause (ii); and

(3) by adding at the end the following:

"(iii) with respect to an airport development project involving the location of an airport, runway, or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted;".

SEC. 188. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115 is amended by adding at the end the following:

"(j) MARSHALL ISLANDS, MICRONESIA, AND PALAU.—For fiscal years 2004 through 2007, the sponsors of airports located in the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau shall be eligible for grants under this section and section 47116.".

SEC. 189. LIMITATION ON APPROVAL OF CERTAIN PROGRAMS.

Section 47504(b) is amended by adding at the end the following:

"(4) The Secretary shall not approve in fiscal years 2004 through 2007 a program submitted under subsection (a) if the program requires the expenditure of funds made available under section 48103 for mitigation of aircraft noise less than 65 DNL.".

SEC. 190. CONVEYANCE OF AIRPORT.

(a) OFFER OF CONVEYANCE.—Subject to the requirements of this section, the Chaluka Corporation is hereby offered ownership of the surface estate in the former Nikolski Radio Relay Site on Umnak Island, Alaska, and the Aleut Corporation is hereby offered the subsurface estate of that Site, in exchange for relinquishment by the Chaluka Corporation and the Aleut Corporation of Lot 1, Section 14, Township 81 South, Range 133 West, Seward Meridian, Alaska.

(b) ACCEPTANCE AND RELINQUISHMENT.—

(1) IN GENERAL.—The Secretary of the Interior shall convey the land as provided in subsection (c) if the Chaluka Corporation and the Aleut Corporation take the actions specified in paragraphs (2) and (3), respectively.

(2) CHALUKA CORPORATION.—As a condition for conveyance under subsection (c), the Chaluka Corporation shall notify the Secretary of the Interior within 180 days after the date of enactment of this Act that, by means of a legally binding resolution of the Board of Directors, the Chaluka Corporation—

(A) accepts the offer under subsection (a);

(B) confirms that the area surveyed by the Bureau of Land Management for the purpose of fulfilling the Chaluka Corporation's final entitlements under sections 12(a) and 12(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a) and (b)), identified as Group Survey Number 773, accurately represents the Chaluka Corporation's final, irrevocable Alaska Native Claims Settlement Act priorities and entitlements unless any tract in Group Survey Number 773 is ultimately not conveyed as the result of an appeal; and

(C) relinquishes Lot 1, Section 14, Township 81 South, Range 133 West, Seward Meridian, Alaska, which will be charged against the Chaluka Corporation's final entitlement under section 12(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(b)).

(3) ALEUT CORPORATION.—As a condition for the conveyance under subsection (c), the Aleut Corporation shall notify the Secretary of the Interior within 180 days after the date of enactment of this Act that, by means of a legally binding resolution of the Board of Directors, accompanied by the written legal opinion of counsel as to the legal sufficiency of the Board of Directors' action, the Aleut Corporation—

(A) accepts the offer under subsection (a); and

(B) relinquishes all rights to Lot 1, Section 14, Township 81 South, Range 133 West, Seward Meridian, Alaska.

(c) REQUIREMENT TO CONVEY.—

(1) CONVEYANCE.—Notwithstanding the existence of Public Land Order 2374, upon receipt from the Chaluka Corporation and from the Aleut Corporation of their acceptances made in accordance with the requirements of subsections (b)(2) and (b)(3), respectively, of the offer under subsection (a), the Secretary of the Interior shall convey to the Chaluka Corporation the surface estate, and to the Aleut Corporation the subsurface estate, of—

(A) Phase I lands as soon as practicable; and

(B) each parcel of Phase II lands upon completion of environmental restoration of Phase II lands in accordance with applicable law.

(2) PHASE I LIABILITY LIMIT.—Notwithstanding section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607), neither the Chaluka Corporation nor the Aleut Corporation shall be subject to any liability for—

(A) the presence or release of a hazardous substance, as that term is defined by section 101(14) of that Act (16 U.S.C. 9601(14)), on Phase I lands or the presence of solid waste on Phase I lands, which predates conveyance of those lands to the Chaluka Corporation and the Aleut Corporation pursuant to this section; or

(B) any release, from any of the hazardous substances or solid wastes referred to in subparagraph (A), following conveyance of Phase I lands under this section, so long as the presence of or releases from those hazardous substances or solid wastes are not the result of actions by the Chaluka Corporation or the Aleut Corporation.

(3) CONTINUED ACCESS OVER HILL AND BEACH STREETS.—The surface estate conveyed under paragraph (1) shall be subject to the public's right of access over Hill and Beach Streets, located on Tract B of United States Survey 4904.

(d) TREATMENT AS ANCSA LANDS.—Conveyances made under subsection (c) shall be considered to be conveyances under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), and are subject to the provisions of that Act except sections 14(e)(3), 14(c)(4), and 17(b)(3) (43 U.S.C. 1613(c)(3), 1613(c)(4), and 1616(b)(3)).

(e) AUTHORITY TO CONVEY CERTAIN OTHER LANDS.—The Secretary of the Interior shall at no cost to the recipient convey ownership of—

(1) an estate in fee simple in—

(A) each of Lots 1, 2, 5, 6, and 9 of Tract B of Amended United States Survey 4904 that is the subject of an Aleutian Housing Authority mutual help occupancy agreement, to the Aleutian Housing Authority; and

(B) the remainder of such Lots to the current occupants; and

(2) an estate in fee simple in the Nikolski powerhouse land, to—

(A) the Indian Reorganization Act Tribal Government for the Native Village of Nikolski, upon completion of the environmental restoration described in subsection (f), if after the restoration the powerhouse continues to be located on the Nikolski powerhouse land; or

(B) the surface estate to the Chaluka Corporation and the subsurface estate to the Aleut Corporation, if after the restoration, the Nikolski powerhouse is no longer located on the Nikolski powerhouse land.

(f) RESTORATION OF POWERHOUSE LAND.—The Denali Commission, in consultation with the appropriate agency of the State of Alaska, is authorized to arrange for environmental restoration, in accordance with applicable law, of the areas on, beneath, and adjacent to the Nikolski powerhouse land that are contaminated as a result of powerhouse operations and activities.

(g) ACCESS.—As a condition of the conveyance of land under subsection (c), the Chaluka Corporation shall permit the United States Government, and its agents, employees, and contractors, to have unrestricted access to the airfield at Nikolski in perpetuity for site investigation, restoration, remediation, and environmental monitoring of the former Nikolski Radio Relay Site and reasonable access to that airfield, and to other land conveyed under this section, for any activity associated with management of lands owned by the United States and for other governmental purposes without cost to the Government.

(h) SURVEY REQUIREMENTS.—

(1) BLM SURVEYS.—The Bureau of Land Management is not required to conduct additional on-the-ground surveys as a result of conveyances under this section. The patent to the Chaluka Corporation may be based on protracted section lines and lotting where relinquishment under subsection (b)(2)(C) results in a change to the Chaluka Corporation's final boundaries.

(2) MONUMENTATION.—No additional monumentation is required to complete those final boundaries.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) FEDERAL AGENCIES.—There is authorized to be appropriated to the Department of the Interior and other appropriate agencies such sums as are necessary to carry out the provisions of this section.

(2) POWERHOUSE LAND RESTORATION.—There is authorized to be appropriated $1,500,000 to reimburse the appropriate State of Alaska agency for costs required for environmental restoration of the Nikolski powerhouse land, in accordance with applicable law.

(j) TERMINATION.—This section shall cease to be effective if either the Chaluka Corporation or the Aleut Corporation affirmatively rejects the offer under subsection (a) or if after 180 days following the date of enactment of this Act either corporation has not taken the actions specified in subsection (b)(2) or (b)(3), respectively.

(k) DEFINITIONS.—In this section, the following defintions apply:

(1) The term "Aleut Corporation" means the regional corporation established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for the region in which the Native Village of Nikolski, Alaska, is located.

(2) The term "Chaluka Corporation" means the village corporation established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for the Native Village of Nikolski, Alaska.

(3) The term "former Nikolski Radio Relay Site" means the portions of Tracts A, B, and C of Public Land Order 2374 that are surveyed as Tracts 37, 37A, 38, 39, and 39A of Township 83 South, Range 136 West, Seward Meridian, Alaska, and Tract B of United States Survey 4904, Alaska, except—

(A) Lots 1, 2, 5, 6, and 9 of Tract B of Amended United States Survey 4904; and

(B) the Nikolski powerhouse land.

(4) The term "Nikolski powerhouse land" means the parcel of land upon which is located the power generation building for supplying power to the Native Village of Nikolski, the boundaries of which are described generally as follows: Beginning at the point at which the southerly boundary of Tract 39 of Township 83 South, Range 136 West, Seward Meridian, Alaska, intersects the easterly boundary of the road that connects the Native Village of Nikolski and

the airfield at Nikolski; then meandering in a northeasterly direction along the easterly boundary of that road until the road intersects the westerly boundary of the road that connects Umnak Lake and the airfield; then meandering in a southerly direction along the western boundary of that Umnak Lake road until that western boundary intersects the southern boundary of such Tract 39; then proceeding eastward along the southern boundary of such Tract 39 to the beginning point.

(5) The term "Phase I lands" means Tract 39 of Township 83 South, Range 136 West, Seward Meridian, excluding the Nikolski powerhouse land.

(6) The term "Phase II lands" means the portion of the former Nikolski Radio Relay Site not conveyed as Phase I lands.

TITLE II—FAA ORGANIZATION

Subtitle A—FAA Reform

SEC. 201. MANAGEMENT ADVISORY COMMITTEE MEMBERS.

Section 106(p) is amended—

(1) in the subsection heading by inserting "AND AIR TRAFFIC SERVICES BOARD" after "COUNCIL"; and

(2) in paragraph (2)—

(A) by striking "consist of" and all that follows through "members, who" and inserting "consist of 13 members, who";

(B) by inserting after "Senate" in subparagraph (C)(i) ", except that initial appointments made after May 1, 2003, shall be made by the Secretary of Transportation";

(C) by striking the semicolon at the end of subparagraph (C)(ii) and inserting "; and"; and

(D) by striking "employees, by—" in subparagraph (D) and all that follows through the period at the end of subparagraph (E) and inserting "employees, by the Secretary of Transportation.".

SEC. 202. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE.

Section 106(p) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) QUALIFICATIONS.—No officer or employee of the United States Government may be appointed to the Council under paragraph (2)(C) or to the Air Traffic Services Committee.".

(2) in paragraph (4)(C) by inserting "or Air Traffic Services Committee" after "Council" each place it appears;

(3) in paragraph (5) by inserting ", the Air Traffic Services Committee," after "Council";

(4) in paragraph (6)(C)—

(A) by striking "SUBCOMMITTEE" in the subparagraph heading and inserting "COMMITTEE";

(B) by striking "member" and inserting "members";

(C) by striking "under paragraph (2)(E)" the first place it appears and inserting "to the Air Traffic Services Committee"; and

(D) by striking "of the members first" and all that follows through the period at the end and inserting "the first members of the Committee shall be the members of the Air Traffic Services Subcommittee of the Council on the day before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act who shall serve in an advisory capacity until such time as the President appoints the members of the Committee under paragraph (7).";

(5) in paragraph (6)(D) by striking "under paragraph (2)(E)" and inserting "to the Committee";

(6) in paragraph (6)(E) by inserting "or Committee" after "Council";

(7) in paragraph (6)(F) by inserting "of the Council or Committee" after "member";

(8) in the second sentence of subparagraph (6)(G)—

(A) by striking "Council" and inserting "Committee"; and

(B) by striking "appointed under paragraph (2)(E)";

(9) in paragraph (6)(H)—

(A) by striking "SUBCOMMITTEE" in the subparagraph heading and inserting "COMMITTEE";

(B) by striking "under paragraph (2)(E)" in clause (i) and inserting "to the Committee"; and

(C) by striking "Air Traffic Services Subcommittee" and inserting "Committee";

(10) in paragraph (6)(I)(i)—

(A) by striking "appointed under paragraph (2)(E) is" and inserting "is serving as"; and

(B) by striking "Subcommittee" and inserting "Committee";

(11) in paragraph (6)(I)(ii)—

(A) by striking "appointed under paragraph (2)(E)" and inserting "who is a member of the Committee"; and

(B) by striking "Subcommittee" and inserting "Committee";

(12) in paragraph (6)(K) by inserting "or Committee" after "Council";

(13) in paragraph (6)(L) by inserting "or Committee" after "Council" each place it appears; and

(14) in paragraph (7)—

(A) by striking "SUBCOMMITTEE" in the paragraph heading and inserting "COMMITTEE";

(B) by striking subparagraph (A) and inserting the following:

"(A) ESTABLISHMENT.—The Administrator shall establish a committee that is independent of the Council by converting the Air Traffic Services Subcommittee of the Council, as in effect on the day before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, into such committee. The committee shall be known as the Air Traffic Services Committee (in this subsection referred to as the 'Committee').";

(C) by redesignating subparagraphs (B) through (F) as subparagraphs (D) through (H), respectively;

(D) by inserting after subparagraph (A) the following:

"(B) MEMBERSHIP AND QUALIFICATIONS.—Subject to paragraph (6)(C), the Committee shall consist of 5 members, one of whom shall be the Administrator and shall serve as chairperson. The remaining members shall be appointed by the President with the advice and consent of the Senate and—

"(i) shall have a fiduciary responsibility to represent the public interest;

"(ii) shall be citizens of the United States; and

"(iii) shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in all of the following areas:

"(I) Management of large service organizations.

"(II) Customer service.

"(III) Management of large procurements.

"(IV) Information and communications technology.

"(V) Organizational development.

"(VI) Labor relations.

"(C) PROHIBITIONS ON MEMBERS OF COMMITTEE.—No member of the Committee may—

"(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

"(ii) engage in another business related to aviation or aeronautics; or

"(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.";

(E) by striking "Subcommittee" each place it appears in subparagraphs (D) and (E) (as redesignated by subparagraph (C) of this paragraph) and inserting "Committee";

(F) by striking "approve" in subparagraph (E)(v)(I) (as so redesignated) and inserting "make recommendations on";

(G) by striking "request" in subparagraph (E)(v)(II) (as so redesignated) and inserting "recommendations";

(H) by striking "ensure that the budget request supports" in subparagraph (E)(v)(III) (as so redesignated) and inserting "base such budget recommendations on";

(I) by striking "The Secretary shall submit" in subparagraph (E) (as so redesignated) and all that follows through the period at the end of such subparagraph (E);

(J) by striking subparagraph (F) (as so redesignated) and inserting the following:

"(F) COMMITTEE PERSONNEL MATTERS AND EXPENSES.—

"(i) PERSONNEL MATTERS.—The Committee may appoint and terminate for purposes of employment by the Committee any personnel that may be necessary to enable the Committee to perform its duties, and may procure temporary and intermittent services under section 40122.

"(ii) TRAVEL EXPENSES.—Each member of the Committee shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.";

(K) in subparagraph (G) (as so redesignated)—

(i) by striking clause (i);

(ii) by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively; and

(iii) by striking "Subcommittee" each place it appears in clauses (i), (ii), and (iii) (as so redesignated) and inserting "Committee";

(L) in subparagraph (H) (as so redesignated)—

(i) by striking "Subcommittee" each place it appears and inserting "Committee";

(ii) by striking "Administrator, the Council" each place it appears in clauses (i) and (ii) and inserting "Secretary"; and

(iii) in clause (ii) by striking "(B)(i)" and inserting "(D)(i)"; and

(M) by adding at the end the following:

"(I) AUTHORIZATION.—There are authorized to be appropriated to the Committee such sums as may be necessary for the Committee to carry out its activities.".

SEC. 203. CLARIFICATION OF THE RESPONSIBILITIES OF THE CHIEF OPERATING OFFICER.

Section 106(r) is amended—

(1) in each of paragraphs (1)(A) and (2)(A) by striking "Air Traffic Services Subcommittee of the Aviation Management Advisory Council" and inserting "Air Traffic Services Committee";

(2) in paragraph (2)(B) by inserting "in" before "paragraph (3).";

(3) in paragraph (3) by striking "Air Traffic Control Subcommittee of the Aviation Management Advisory Committee" and inserting "Air Traffic Services Committee";

(4) in paragraph (4) by striking "Transportation and Congress" and inserting "Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate";

(5) in paragraph (5)(A)—

(A) by striking "develop a" and inserting "implement the"; and

(B) by striking ", including the establishment of" and inserting "in order to further";

(6) in paragraph (5)(B)—

(A) by striking "review" and all that follows through "Administration," and inserting "oversee the day-to-day operational functions of the Administration for air traffic control,";

(B) by striking "and" at the end of clause (ii);

(C) by striking the period at the end of clause (iii) and inserting "; and"; and

(D) by adding at the end the following:

"(iv) the management of cost-reimbursable contracts.";

(7) in paragraph (5)(C)(i) by striking "prepared by the Administrator";

(8) in paragraph (5)(C)(ii) by striking "and the Secretary of Transportation" and inserting "and the Committee"; and

(9) in paragraph (5)(C)(iii)—

(A) by inserting "agency's" before "annual"; and

(B) by striking "developed under subparagraph (A) of this subsection." and inserting "for air traffic control services.".

SEC. 204. DEPUTY ADMINISTRATOR.

Section 106(d) is amended—

(1) by redesignating paragraphs (2) and (3) as (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) The annual rate of basic pay of the Deputy Administrator shall be set by the Secretary but shall not exceed the annual rate of basic pay payable to the Administrator of the Federal Aviation Administration.".

Subtitle B—Miscellaneous

SEC. 221. CONTROLLER STAFFING.

(a) Annual Report.—Beginning with the submission of the Budget of the United States to the Congress for fiscal year 2005, the Administrator of the Federal Aviation Administration shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that describes the overall air traffic controller staffing plan, including strategies to address anticipated retirement and replacement of air traffic controllers.

(b) Human Capital Workforce Strategy.—

(1) Development.—The Administrator shall develop a comprehensive human capital workforce strategy to determine the most effective method for addressing the need for more air traffic controllers that is identified in the June 2002 report of the General Accounting Office.

(2) Completion Date.—Not later than 1 year after the date of enactment of this Act, the Administrator shall complete development of the strategy.

(3) Report.—Not later than 30 days after the date on which the strategy is completed, the Administrator shall transmit to Congress a report describing the strategy.

SEC. 222. WHISTLEBLOWER PROTECTION UNDER ACQUISITION MANAGEMENT SYSTEM.

Section 40110(d)(2)(C) is amended by striking "355)." and inserting "355), except for section 315 (41 U.S.C. 265). For the purpose of applying section 315 of that Act to the system, the term 'executive agency' is deemed to refer to the Federal Aviation Administration.".

SEC. 223. FAA PURCHASE CARDS.

(a) In General.—The Administrator of the Federal Aviation Administration shall take appropriate actions to implement the recommendations contained in the report of the General Accounting Office entitled "FAA Purchase Cards: Weak Controls Resulted in Instances of Improper and Wasteful Purchases and Missing Assets", numbered GAO–03–405 and dated March 21, 2003.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing a description of the actions taken by the Administrator under this section.

SEC. 224. PROCUREMENT.

(a) Acquisition Management System.—Section 40110(d) is amended—

(1) in paragraph (1)—

(A) by striking ", not later than January 1, 1996,"; and

(B) by striking "provides for more timely and cost-effective acquisitions of equipment and materials." and inserting the following:

"provides for—

"(A) more timely and cost-effective acquisitions of equipment, services, property, and materials; and

"(B) the resolution of bid protests and contract disputes related thereto, using consensual alternative dispute resolution techniques to the maximum extent practicable."; and

(2) by striking paragraph (4), relating to the effective date, and inserting the following:

"(4) Adjudication of Certain Bid Protests and Contract Disputes.—A bid protest or contract dispute that is not addressed or resolved through alternative dispute resolution shall be adjudicated by the Administrator through Dispute Resolution Officers or Special Masters of the Federal Aviation Administration Office of Dispute Resolution for Acquisition, acting pursuant to sections 46102, 46104, 46105, 46106 and 46107 and shall be subject to judicial review under section 46110 and to section 504 of title 5.".

(b) Authority of Administrator To Acquire Services.—Section 106(f)(2)(A)(ii) is amended by inserting ", services," after "property".

SEC. 225. DEFINITIONS.

(a) In General.—Section 40102(a) is amended—

(1) by redesignating paragraphs (38) through (42) as paragraphs (43) through (47), respectively;

(2) by inserting after paragraph (37) the following:

"(42) 'small hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.";

(3) by redesignating paragraphs (33) through (37) as paragraphs (37) through (41) respectively;

(4) by inserting after paragraph (32) the following:

"(36) 'passenger boardings'—

"(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

"(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.";

(5) by redesignating paragraph (32) as paragraph (35);

(6) by inserting after paragraph (31) the following:

"(34) 'nonhub airport' means a commercial service airport (as defined in section 47102) that has less than 0.05 percent of the passenger boardings.";

(7) by redesignating paragraphs (30) and (31) as paragraphs (32) and (33), respectively;

(8) by inserting after paragraph (29) the following:

"(31) 'medium hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.";

(9) by redesignating paragraph (29) as paragraph (30); and

(10) by inserting after paragraph (28) the following:

"(29) 'large hub airport' means a commercial service airport (as defined in section 47102) that has at least 1.0 percent of the passenger boardings.".

(b) Conforming Amendments.—

(1) Air Service Termination Notice.—Section 41719(d) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(2) Small Community Air Service.—Section 41731(a) is amended by striking paragraphs (3) through (5).

(3) Airports Not Receiving Sufficient Service.—Section 41743 is amended—

(A) in subsection (c)(1) by striking "(as that term is defined in section 41731(a)(5))"; and

(B) in subsection (f) by striking "(as defined in section 41731(a)(3))".

(4) Preservation of Basic Essential Air Service at Single Carrier Dominated Hub Airports.—Section 41744(b) is amended by striking "(as defined in section 41731)".

(5) Regional Air Service Incentive Program.—Section 41762 is amended—

(A) by striking paragraphs (11) and (15); and

(B) by redesignating paragraphs (12), (13), (14), and (16) as paragraphs (11), (12), (13), and (14), respectively.

SEC. 226. AIR TRAFFIC CONTROLLER RETIREMENT.

(a) Air Traffic Controller Defined.—

(1) Civil Service Retirement System.—Section 8331 of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (27);

(B) by striking the period at the end of paragraph (28) and inserting "; and"; and

(C) by adding at the end the following:

"(29) 'air traffic controller' or 'controller' means—

"(A) a controller within the meaning of section 2109(1); and

"(B) a civilian employee of the Department of Transportation or the Department of Defense who is the immediate supervisor of a person described in section 2109(1)(B).".

(2) Federal Employees' Retirement System.—Section 8401 of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (33);

(B) by striking the period at the end of paragraph (34) and inserting "; and"; and

(C) by adding at the end the following:

"(35) 'air traffic controller' or 'controller' means—

"(A) a controller within the meaning of section 2109(1); and

"(B) a civilian employee of the Department of Transportation or the Department of Defense who is the immediate supervisor of a person described in section 2109(1)(B).".

(3) Mandatory Separation Treatment Not Affected.—

(A) Civil Service Retirement System.—Section 8335(a) of title 5, United States Code, is amended by adding at the end the following: "For purposes of this subsection, the term 'air traffic controller' or 'controller' has the meaning given to it under section 8331(29)(A).".

(B) Federal Employees' Retirement System.—Section 8425(a) of title 5, United States Code, is amended by adding at the end the following: "For purposes of this subsection, the term 'air traffic controller' or 'controller' has the meaning given to it under section 8401(35)(A).".

(b) Modified Annuity Computation Rule for Certain Air Traffic Controllers Under FERS.—

(1) In General.—Section 8415 of title 5, United States Code, is amended—

(A) by redesignating subsections (e) through (j) as subsections (f) through (k), respectively, and by redesignating the second subsection (i) as subsection (l); and

(B) by inserting after subsection (d) the following:

"(e) The annuity of an air traffic controller or former air traffic controller retiring under section 8412(a) is computed under subsection (a), except that if the individual has had at least 5 years of service as an air traffic controller as defined by section 2109(1)(A)(i), so much of the annuity as is computed with respect to such type of service shall be computed by multiplying $1\frac{7}{10}$ percent of the individual's average pay by the years of such service.".

(2) CONFORMING AMENDMENTS.—(A) Section 8422(d)(2) of title 5, United States Code, is amended by striking "8415(i)" and inserting "8415(j)".

(B) Section 8452(d)(1) of such title is amended by striking "subsection (f)" and inserting "subsection (g)".

(C) Section 8468(b)(1)(A) of such title is amended by striking "through (g)" and inserting "through (h)".

(D) Section 302(a) of the Federal Employees' Retirement System Act of 1986 (5 U.S.C. 8331 note) is amended—

(i) in paragraph (1)(D)(iii)(VI), by striking "subsection (g)" and inserting "subsection (h)";

(ii) in paragraph (9), by striking "8415(f)" and inserting "8415(g)"; and

(iii) in paragraph (12)(B)(ii), by striking "through (f)" and inserting "through (g)".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section—

(A) shall take effect on the 60th day after the date of enactment of this Act; and

(B) shall apply with respect to—

(i) any annuity entitlement to which is based on an individual's separation from service occurring on or after the effective date of this section; and

(ii) any service performed by any such individual before, on, or after the effective date of this section, subject to paragraph (2).

(2) SPECIAL RULE.—

(A) DEPOSIT REQUIREMENT.—For purposes of determining eligibility for immediate retirement under section 8412(e) of title 5, United States Code, the amendment made by subsection (a)(2) shall, with respect to any service described in subparagraph (B), be disregarded unless there is deposited into the Civil Service Retirement and Disability Fund, with respect to such service, in such time, form, and manner as the Office of Personnel Management by regulation requires, an amount equal to the amount by which—

(i) the deductions from pay which would have been required for such service if the amendments made by subsection (a)(2) had been in effect when such service was performed, exceeds

(ii) the unrefunded deductions or deposits actually made under subchapter II of chapter 84 of such title with respect to such service.

An amount under this subparagraph shall include interest, computed under paragraphs (2) and (3) of section 8334(e) of such title 5.

(B) PRIOR SERVICE DESCRIBED.—This paragraph applies with respect to any service performed by an individual before the effective date of this section as an employee described in section 8401(35)(B) of title 5, United States Code (as amended by subsection (a)(2)).

SEC. 227. DESIGN ORGANIZATION CERTIFICATES.

(a) GENERAL AUTHORITY TO ISSUE CERTIFICATES.—Effective on the last day of the 7-year period beginning on the date of enactment of this Act, section 44702(a) is amended by inserting "design organization certificates," after "airman certificates,".

(b) DESIGN ORGANIZATION CERTIFICATES.—

(1) PLAN.—Not later than 4 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the development and oversight of a system for certification of design organizations to certify compliance with the requirements and minimum standards prescribed under section 44701(a) of title 49, United States Code, for the type certification of aircraft, aircraft engines, propellers, or appliances.

(2) ISSUANCE OF CERTIFICATES.—Section 44704 is amended by adding at the end the following:

"(e) DESIGN ORGANIZATION CERTIFICATES.—

"(1) ISSUANCE.—Beginning 7 years after the date of enactment of this subsection, the Administrator may issue a design organization certificate to a design organization to authorize the organization to certify compliance with the requirements and minimum standards prescribed under section 44701(a) for the type certification of aircraft, aircraft engines, propellers, or appliances.

"(2) APPLICATIONS.—On receiving an application for a design organization certificate, the Administrator shall examine and rate the design organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the design organization has adequate engineering, design, and testing capabilities, standards, and safeguards to ensure that the product being certificated is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44701(a).

"(3) ISSUANCE OF TYPE CERTIFICATES BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on certifications of compliance by a design organization when making a finding under subsection (a).

"(4) PUBLIC SAFETY.—The Administrator shall include in a design organization certificate issued under this subsection terms required in the interest of safety.

"(5) NO EFFECT ON POWER OF REVOCATION.—Nothing in this subsection affects the authority of the Secretary of Transportation to revoke a certificate.".

(c) REINSPECTION AND REEXAMINATION.—Section 44709(a) is amended by inserting "design organization, production certificate holder," after "appliance,".

(d) PROHIBITIONS.—Section 44711(a)(7) is amended by striking "agency" and inserting "agency, design organization certificate, ".

(e) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 44704 is amended by striking the section designation and heading and inserting the following:

"§44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates"

(2) CHAPTER ANALYSIS.—The analysis for chapter 447 is amended by striking the item relating to section 44704 and inserting the following:

"44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates.".

SEC. 228. JUDICIAL REVIEW.

The first sentence of section 46110(a) is amended—

(1) by striking "safety"; and

(2) by striking under this part and inserting "in whole or in part under this part, part B, or subsection (l) or (s) of section 114".

SEC. 229. OVERFLIGHT FEES.

(a) ADOPTION AND LEGALIZATION OF CERTAIN RULES.—

(1) APPLICABILITY AND EFFECT OF CERTAIN LAW.—Notwithstanding section 141(d)(1) of the Aviation and Transportation Security Act (49 U.S.C. 44901 note), section 45301(b)(1)(B) of title 49, United States Code, is deemed to apply to and to have effect with respect to the authority of the Administrator of the Federal Aviation Administration with respect to the interim final rule and final rule, relating to overflight fees, issued by the Administrator on May 30, 2000, and August 13, 2001, respectively.

(2) ADOPTION AND LEGALIZATION.—The interim final rule and final rule referred to in subsection (a), including the fees issued pursuant to those rules, are adopted, legalized, and confirmed as fully to all intents and purposes as if the same had, by prior Act of Congress, been specifically adopted, authorized, and directed as of the date those rules were originally issued.

(3) FEES TO WHICH APPLICABLE.—This subsection applies to fees assessed after November 19, 2001, and before April 8, 2003, and fees collected after the requirements of subsection (b) have been met.

(b) DEFERRED COLLECTION OF FEES.—The Administrator shall defer collecting fees under section 45301(a)(1) of title 49, United States Code, until the Administrator (1) reports to Congress responding to the issues raised by the court in Air Transport Association of Canada v. Federal Aviation Administration and Administrator, FAA, decided on April 8, 2003, and (2) consults with users and other interested parties regarding the consistency of the fees established under such section with the international obligations of the United States.

(c) ENFORCEMENT.—The Administrator shall take an appropriate enforcement action under subtitle VII of title 49, United States Code, against any user that does not pay a fee under section 45301(a)(1) of such title.

SEC. 230. PROHIBITION ON AIR TRAFFIC CONTROL PRIVATIZATION.

(a) IN GENERAL.—Until October 1, 2007, the Secretary of Transportation may not authorize the transfer of the air traffic separation and control functions operated by the Federal Aviation Administration on the date of enactment of this Act to a private entity or to a public entity other than the United State Government.

(b) LIMITATION.—Subsection (a) shall not apply—

(1) to a Federal Aviation Administration air traffic control tower operated under the contract tower program on the date of enactment of this Act;

(2) to any expansion of that program through new construction under subtitle VII of title 49, United States Code; or

(3) to a Federal Aviation Administration air traffic control tower (other than towers in Alaska) identified in the Report of the Department of Transportation Inspector General dated April 12, 2000, and designated "Contract Towers: Observations on the Federal Aviation Administration's Study of Expanding the Program".

TITLE III—ENVIRONMENTAL PROCESS

Subtitle A—Aviation Development Streamlining

SEC. 301. SHORT TITLE.

This title may be cited as "Aviation Streamlining Approval Process Act of 2003".

SEC. 302. FINDINGS.

Congress finds that—

(1) airports play a major role in interstate and foreign commerce;

(2) congestion and delays at our Nation's major airports have a significant negative impact on our Nation's economy;

(3) airport capacity enhancement projects at congested airports are a national priority and should be constructed on an expedited basis;

(4) airport capacity enhancement projects must include an environmental review process that provides local citizenry an opportunity for consideration of and appropriate action to address environmental concerns; and

(5) the Federal Aviation Administration, airport authorities, communities, and other Federal, State, and local government agencies must work together to develop a plan, set and honor milestones and deadlines, and work to protect the environment while sustaining the economic vitality that will result from the continued growth of aviation.

SEC. 303. AIRPORT CAPACITY ENHANCEMENT.

Section 40104 is amended by adding at the end the following:

"(c) Airport Capacity Enhancement Projects at Congested Airports.—In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47176.".

SEC. 304. AVIATION PROJECT STREAMLINING.

(a) In General.—Chapter 471 is amended by inserting after subchapter II the following:

"SUBCHAPTER III—AVIATION DEVELOPMENT STREAMLINING

"§47171. Expedited, coordinated environmental review process

"(a) Aviation Project Review Process.—The Secretary of Transportation shall develop and implement an expedited and coordinated environmental review process for airport capacity enhancement projects at congested airports, aviation safety projects, and aviation security projects that—

"(1) provides for better coordination among the Federal, regional, State, and local agencies concerned with the preparation of environmental impact statements or environmental assessments under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(2) provides that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal agency or airport sponsor for such a project will be conducted concurrently, to the maximum extent practicable; and

"(3) provides that any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal agency or airport sponsor for such a project will be completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (d) with respect to the project.

"(b) Aviation Projects Subject to a Streamlined Environmental Review Process.—

"(1) Airport capacity enhancement projects at congested airports.—An airport capacity enhancement project at a congested airport shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

"(2) Aviation safety and aviation security projects.—

"(A) In general.—The Administrator of the Federal Aviation Administration may designate an aviation safety project or aviation security project for priority environmental review. The Administrator may not delegate this designation authority. A designated project shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

"(B) Project designation criteria.—The Administrator shall establish guidelines for the designation of an aviation safety project or aviation security project for priority environmental review. Such guidelines shall provide for consideration of—

"(i) the importance or urgency of the project;

"(ii) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(iii) the need for cooperation and concurrent reviews by other Federal or State agencies;

"(iv) the prospect for undue delay if the project is not designated for priority review; and

"(v) for aviation security projects, the views of the Department of Homeland Security.

"(c) High Priority of and Agency Participation in Coordinated Reviews.—

"(1) High priority for environmental reviews.—Each Federal agency with jurisdiction over an environmental review, analysis, opinion, permit, license, or approval shall accord any such review, analysis, opinion, permit, license, or approval involving an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(2) the highest possible priority and conduct the review, analysis, opinion, permit, license, or approval expeditiously.

"(2) Agency participation.—Each Federal agency described in subsection (d) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to participate in the coordinated environmental review process under this section and to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in subsection (a) in a timely and environmentally responsible manner.

"(d) Identification of Jurisdictional Agencies.—With respect to each airport capacity enhancement project at a congested airport or a project designated under subsection (b)(2), the Secretary shall identify, as soon as practicable, all Federal and State agencies that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

"(e) State Authority.—Under a coordinated review process being implemented under this section by the Secretary with respect to a project at an airport within the boundaries of a State, the Governor of the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

"(f) Memorandum of Understanding.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal and State agencies identified under subsection (d) with respect to the project and, if applicable, the airport sponsor.

"(g) Use of Interagency Environmental Impact Statement Teams.—

"(1) In general.—The Secretary may utilize an interagency environmental impact statement team to expedite and coordinate the coordinated environmental review process for a project under this section. When utilizing an interagency environmental impact statement team, the Secretary shall invite Federal, State and Tribal agencies with jurisdiction by law, and may invite such agencies with special expertise, to participate on an interagency environmental impact statement team.

"(2) Responsibility of interagency environmental impact statement team.—Under a coordinated environmental review process being implemented under this section, the interagency environmental impact statement team shall assist the Federal Aviation Administration in the preparation of the environmental impact statement. To facilitate timely and efficient environmental review, the team shall agree on agency or Tribal points of contact, protocols for communication among agencies, and deadlines for necessary actions by each individual agency (including the review of environmental analyses, the conduct of required consultation and coordination, and the issuance of environmental opinions, licenses, permits, and approvals). The members of the team may formalize their agreement in a written memorandum.

"(h) Lead Agency Responsibility.—The Federal Aviation Administration shall be the lead agency for projects designated under subsection (b)(2) and airport capacity enhancement projects at congested airports and shall be responsible for defining the scope and content of the environmental impact statement, consistent with regulations issued by the Council on Environmental Quality. Any other Federal agency or State agency that is participating in a coordinated environmental review process under this section shall give substantial deference, to the extent consistent with applicable law and policy, to the aviation expertise of the Federal Aviation Administration.

"(i) Effect of Failure To Meet Deadline.—

"(1) Notification of congress and CEQ.—If the Secretary determines that a Federal agency, State agency, or airport sponsor that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (a)(3) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Council on Environmental Quality, and the agency or sponsor involved about the failure to meet the deadline.

"(2) Agency report.—Not later than 30 days after date of receipt of a notice under paragraph (1), the agency or sponsor involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Council on Environmental Quality explaining why the agency or sponsor did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, permit, license, or approval.

"(j) Purpose and Need.—For any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal or State agency that is participating in a coordinated review process under this section and that requires an analysis of purpose and need for the project, the agency, notwithstanding any other provision of law, shall be bound by the project purpose and need as defined by the Secretary.

"(k) Alternatives Analysis.—The Secretary shall determine the reasonable alternatives to an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(2). Any other Federal agency, or State agency that is participating in a coordinated review process under this section with respect to the project shall consider only those alternatives to the project that the Secretary has determined are reasonable.

"(l) Solicitation and Consideration of Comments.—In applying subsections (j) and (k), the Secretary shall solicit and consider comments from interested persons and governmental entities in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.).

"(m) Monitoring by Task Force.—The Transportation Infrastructure Streamlining Task Force, established by Executive Order

13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews), may monitor airport projects that are subject to the coordinated review process under this section.

"§47172. Air traffic procedures for airport capacity enhancement projects at congested airports

"(a) In General.—The Administrator of the Federal Aviation Administration may consider prescribing flight procedures to avoid or minimize potentially significant adverse noise impacts of an airport capacity enhancement project at a congested airport that involves the construction of new runways or the reconfiguration of existing runways during the environmental planning process for the project. If the Administrator determines that noise mitigation flight procedures are consistent with safe and efficient use of the navigable airspace, the Administrator may commit, at the request of the airport sponsor and in a manner consistent with applicable Federal law, to prescribing such procedures in any record of decision approving the project.

"(b) Modification.—Notwithstanding any commitment by the Administrator under subsection (a), the Administrator may initiate changes to such procedures if necessary to maintain safety and efficiency in light of new information or changed circumstances.

"§47173. Airport funding of FAA staff

"(a) Acceptance of Sponsor-Provided Funds.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under section 47114(c), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project.

"(b) Administrative Provision.—Instead of payment from an airport sponsor from funds apportioned to the sponsor under section 47114, the Administrator, with agreement of the sponsor, may transfer funds that would otherwise be apportioned to the sponsor under section 47114 to the account used by the Administrator for activities described in subsection (a).

"(c) Receipts Credited as Offsetting Collections.—Notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b)—

"(1) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

"(2) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

"(3) shall remain available until expended.

"(d) Maintenance of Effort.—No funds may be accepted pursuant to subsection (a), or transferred pursuant to subsection (b), in any fiscal year in which the Federal Aviation Administration does not allocate at least the amount it expended in fiscal year 2002 (excluding amounts accepted pursuant to section 337 of the Department of Transportation and Related Agencies Appropriations Act, 2002 (115 Stat. 862)) for the activities described in subsection (a).

"§47174. Authorization of appropriations

"In addition to the amounts authorized to be appropriated under section 106(k), there is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $4,200,000 for fiscal year 2004 and for each fiscal year thereafter to facilitate the timely processing, review, and completion of environmental activities associated with airport capacity enhancement projects at congested airports.

"§47175. Definitions

"In this subchapter, the following definitions apply:

"(1) Airport sponsor.—The term 'airport sponsor' has the meaning given the term 'sponsor' under section 47102.

"(2) Congested airport.—The term 'congested airport' means an airport that accounted for at least 1 percent of all delayed aircraft operations in the United States in the most recent year for which such data is available and an airport listed in table 1 of the Federal Aviation Administration's Airport Capacity Benchmark Report 2001.

"(3) Airport capacity enhancement project.—The term 'airport capacity enhancement project' means—

"(A) a project for construction or extension of a runway, including any land acquisition, taxiway, or safety area associated with the runway or runway extension; and

"(B) such other airport development projects as the Secretary may designate as facilitating a reduction in air traffic congestion and delays.

"(4) Aviation safety project.—The term 'aviation safety project' means an aviation project that—

"(A) has as its primary purpose reducing the risk of injury to persons or damage to aircraft and property, as determined by the Administrator; and

"(B)(i) is needed to respond to a recommendation from the National Transportation Safety Board, as determined by the Administrator; or

"(ii) is necessary for an airport to comply with part 139 of title 14, Code of Federal Regulations (relating to airport certification).

"(5) Aviation security project.—The term 'aviation security project' means a security project at an airport required by the Department of Homeland Security.

"(6) Federal agency.—The term 'Federal agency' means a department or agency of the United States Government.".

(b) Conforming Amendment.—The analysis for such chapter is amended by adding at the end the following:

"SUBCHAPTER III—AVIATION DEVELOPMENT STREAMLINING

"47171. Expedited, coordinated environmental review process.
"47172. Air traffic procedures for airport capacity enhancement projects at congested airports.
"47173. Airport funding of FAA staff.
"47174. Authorization of appropriations.
"47175. Definitions.".

SEC. 305. ELIMINATION OF DUPLICATIVE REQUIREMENTS.

Section 47106(c) is amended—

(1) by inserting "and" after the semicolon at the end of paragraph (1)(A)(iii) (as added by this Act);

(2) by striking subparagraph (B) of paragraph (1);

(3) by redesignating subparagraph (C) of paragraph (1) as subparagraph (B);

(4) in paragraph (2)(A) by striking "stage 2" and inserting "stage 3";

(5) by striking paragraph (4);

(6) by redesignating paragraph (5) as paragraph (4); and

(7) in paragraph (4) (as so redesignated) by striking "(1)(C)" and inserting "(1)(B)".

SEC. 306. CONSTRUCTION OF CERTAIN AIRPORT CAPACITY PROJECTS.

Section 47504(c)(2) is amended—

(1) by moving subparagraphs (C) and (D) 2 ems to the right;

(2) by striking "and" at the end of subparagraph (C);

(3) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(4) by adding at the end the following:

"(E) to an airport operator of a congested airport (as defined in section 47175) and a unit of local government referred to in paragraph (1)(B) of this subsection to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the Federal Aviation Administration for an airport capacity enhancement project (as defined in section 47175) even if that airport has not met the requirements of part 150 of title 14, Code of Federal Regulations.".

SEC. 307. ISSUANCE OF ORDERS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall publish the final Federal Aviation Administration Order 1050.1E, Environmental Impacts: Policies and Procedures. Not later than 180 days after the date of publication of such final order, the Secretary shall publish for public comment the revised Federal Aviation Administration Order 5050.4B, Airport Environmental Handbook.

SEC. 308. LIMITATIONS.

Nothing in this subtitle, including any amendment made by this title, shall preempt or interfere with—

(1) any practice of seeking public comment;

(2) any power, jurisdiction, or authority that a State agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project; and

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.

SEC. 309. RELATIONSHIP TO OTHER REQUIREMENTS.

The coordinated review process required under the amendments made by this subtitle shall apply to an airport capacity enhancement project at a congested airport whether or not the project is designated by the Secretary of Transportation as a high-priority transportation infrastructure project under Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews).

Subtitle B—Miscellaneous

SEC. 321. REPORT ON LONG TERM ENVIRONMENTAL IMPROVEMENTS.

(a) In General.—The Secretary of Transportation, in consultation with the Administrator of the National Aeronautics and Space Administration, shall conduct a study of ways to reduce aircraft noise and emissions and to increase aircraft fuel efficiency. The study shall—

(1) explore new operational procedures for aircraft to achieve those goals;

(2) identify both near term and long term options to achieve those goals;

(3) identify infrastructure changes that would contribute to attainment of those goals;

(4) identify emerging technologies that might contribute to attainment of those goals;

(5) develop a research plan for application of such emerging technologies, including new combuster and engine design concepts and methodologies for designing high bypass ratio turbofan engines so as to minimize the effects on climate change per unit of production of thrust and flight speed; and

(6) develop an implementation plan for exploiting such emerging technologies to attain those goals.

(b) Report.—The Secretary shall transmit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary $500,000 for fiscal year 2004 to carry out this section.

SEC. 322. NOISE DISCLOSURE.

(a) Noise Disclosure System Implementation Study.—The Administrator of the Federal Aviation Administration shall conduct a study to determine the feasibility of developing a program under which prospective home buyers of property located in the vicinity of an airport could be notified of information derived from noise exposure maps that may affect the use and enjoyment of the property. The study shall assess the scope, administration, usefulness, and burdensomeness of any such program, the costs and benefits of such a program, and whether participation in such a program should be voluntary or mandatory.

(b) Public Availability of Noise Exposure Maps.—The Administrator shall make noise exposure and land use information from noise exposure maps available to the public via the Internet on its website in an appropriate format.

(c) Noise Exposure Map.—In this section, the term "noise exposure map" means a noise exposure map prepared under section 47503 of title 49, United States Code.

SEC. 323. OVERFLIGHTS OF NATIONAL PARKS.

(a) In General.—Section 40128 is amended—

(1) in subsection (a)(1) by inserting ", as defined by this section," after "lands" the first place it appears;

(2) in subsections (b)(3)(A) and (b)(3)(B) by inserting "over a national park" after "operations";

(3) in subsection (b)(3)(C) by inserting "over a national park that are also" after "operations";

(4) in subsection (b)(3)(D) by striking "at the park" and inserting "over a national park";

(5) in subsection (b)(3)(E) by inserting "over a national park" after "operations" the first place it appears;

(6) in subsections (c)(2)(A)(i) and (c)(2)(B) by inserting "over a national park" after "operations";

(7) in subsection (f)(1) by inserting "over a national park" after "operation";

(8) in subsection (f)(4)(A)—

(A) by striking "commercial air tour operation" and inserting "commercial air tour operation over a national park"; and

(B) by striking "park, or over tribal lands," and inserting "park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park),";

(9) in subsection (f)(4)(B) by inserting "over a national park" after "operation"; and

(10) in the heading for paragraph (4) of subsection (f) by inserting "OVER A NATIONAL PARK" after "OPERATION".

(b) Quiet Technology Rulemaking for Air Tours Over Grand Canyon National Park.—

(1) Deadline for rule.—No later than January 2005, the Secretary of Transportation shall issue a final rule to establish standards for quiet technology that are reasonably achievable at Grand Canyon National Park, based on the Supplemental Notice of Proposed Rulemaking on Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park, published in the Federal Register on March 24, 2003.

(2) Resolution of disputes.—Subject to applicable administrative law and procedures, if the Secretary determines that a dispute among interested parties (including outside groups) or government agencies cannot be resolved within a reasonable time frame and could delay finalizing the rulemaking described in subsection (a), or implementation of final standards under such rule, due to controversy over adoption of quiet technology routes, establishment of incentives to encourage adoption of such routes, establishment of incentives to encourage adoption of quite technology, or other measures to achieve substantial restoration of natural quiet, the Secretary shall refer such dispute to a recognized center for environmental conflict resolution.

SEC. 324. NOISE EXPOSURE MAPS.

Section 47503 is amended—

(1) in subsection (a) by striking "1985," and inserting "a forecast period that is at least 5 years in the future"; and

(2) by striking subsection (b) and inserting the following:

"(b) Revised Maps.—If, in an area surrounding an airport, a change in the operation of the airport would establish a substantial new noncompatible use, or would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use or noise reduction.".

SEC. 325. IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS.

Not later than April 1, 2005, the Secretary of Transportation shall issue final regulations to implement Chapter 4 noise standards, consistent with the recommendations adopted by the International Civil Aviation Organization.

SEC. 326. REDUCTION OF NOISE AND EMISSIONS FROM CIVILIAN AIRCRAFT.

(a) Establishment of Research Program.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to reducing community exposure to civilian aircraft noise or emissions through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities for developing and testing noise reduction engine technology.

(b) Designation of Institute as a Center of Excellence.—The Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Noise and Emission Research.

SEC. 327. SPECIAL RULE FOR AIRPORT IN ILLINOIS.

(a) In General.—Nothing in this title shall be construed to preclude the application of any provision of this Act to the State of Illinois or any other sponsor of a new airport proposed to be constructed in the State of Illinois.

(b) Authority of the Governor.—Nothing in this title shall be construed to preempt the authority of the Governor of the State of Illinois as of August 1, 2001, to approve or disapprove airport development projects.

TITLE IV—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Small Community Air Service

SEC. 401. EXEMPTION FROM HOLD-IN REQUIREMENTS.

Section 41734 is amended by adding at the end the following:

"(i) Exemption From Hold-In Requirements.—If, after the date of enactment of this subsection, an air carrier commences air transportation to an eligible place that is not receiving scheduled passenger air service as a result of the failure of the eligible place to meet requirements contained in an appropriations Act, the air carrier shall not be subject to the requirements of subsections (b) and (c) with respect to such air transportation.".

SEC. 402. ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED COSTS.

(a) In General.—Section 41737 is amended by adding at the end the following:

"(e) Adjustments to Account for Significantly Increased Costs.—

"(1) In general.—If the Secretary determines that air carriers are experiencing significantly increased costs in providing air service or air transportation for which compensation is being paid under this subchapter, the Secretary may increase the rates of compensation payable under this subchapter without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

"(2) Readjustment if costs subsequently decline.—If an adjustment is made under paragraph (1), and total unit costs subsequently decrease to at least the total unit cost reflected in the compensation rate, then the Secretary may reverse the adjustment previously made under paragraph (1) without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

"(3) Significantly increased costs defined.—In this subsection, the term 'significantly increased costs' means a total unit cost increase (but not increases in individual unit costs) of 10 percent or more in relation to the total unit cost reflected in the compensation rate, based on the carrier's internal audit of its financial statements if such cost increase is incurred for a period of at least 2 consecutive months.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect 30 days after the date of enactment of this Act.

SEC. 403. JOINT PROPOSALS.

Section 41740 is amended by inserting ", including joint fares," after "joint proposals".

SEC. 404. ESSENTIAL AIR SERVICE AUTHORIZATION.

Section 41742 is amended—

(1) in subsection (a)(2)—

(A) by striking "$15,000,000" and inserting "$77,000,000"; and

(B) by inserting before the period at the end "of which not more than $12,000,000 per fiscal year may be used for the marketing incentive program for communities and for State marketing assistance";

(2) by adding at the end of subsection (a) the following:

"(3) Authorization for additional employees.—In addition to amounts authorized under paragraphs (1) and (2), there are authorized to be appropriated such sums as may be necessary for the Secretary of Transportation to hire and employ 4 additional employees for the office responsible for carrying out the essential air service program."; and

(3) by striking subsection (c) and redesignating subsection (d) as subsection (c).

SEC. 405. COMMUNITY AND REGIONAL CHOICE PROGRAMS.

Subchapter II of chapter 417 is amended by adding at the end the following:

"§41745. Community and regional choice programs

"(a) Alternate Essential Air Service Pilot Program.—

"(1) Establishment.—The Secretary of Transportation shall establish an alternate essential air service pilot program in accordance with the requirements of this section.

"(2) Assistance to eligible places.—In carrying out the program, the Secretary, instead of paying compensation to an air carrier to provide essential air service to an eligible place, may provide assistance directly to a unit of local government having jurisdiction over the eligible place or a State within the boundaries of which the eligible place is located.

"(3) Use of assistance.—A unit of local government or State receiving assistance for an eligible place under the program may use the assistance for any of the following purposes:

"(A) To provide assistance to air carriers that will use smaller equipment to provide the service and to consider increasing the frequency of service using such smaller equipment if the Secretary determines that passenger safety would not be compromised by the use of such smaller equipment and if the State or unit of local government waives the minimum service requirements under section 41732(b).

"(B) To provide assistance to an air carrier to provide on-demand air taxi service to and from the eligible place.

"(C) To provide assistance to a person to provide scheduled or on-demand surface transportation to and from the eligible place and an airport in another place.

"(D) In combination with other units of local government in the same region, to provide transportation services to and from all the eligible places in that region at an airport or other transportation center that can serve all the eligible places in that region.

"(E) To purchase aircraft to provide transportation to and from the eligible place or to purchase a fractional share in an aircraft to provide such transportation after the effective date of a rule the Secretary issues relating to fractional ownership.

"(F) To pay for other transportation or related services that the Secretary may permit.

"(b) Community Flexibility Pilot Program.—

"(1) In general.—The Secretary shall establish a pilot program for not more than 10 eligible places or consortia of units of local government.

"(2) Election.—Under the program, the sponsor of an airport serving an eligible place may elect to forego any essential air service for which compensation is being provided under this subchapter for a 10-year period in exchange for a grant from the Secretary equal in value to twice the compensation paid to provide such service in the most recent 12-month period.

"(3) Grant.—Notwithstanding any other provision of law, the Secretary shall make a grant to each airport sponsor participating in the program for use on any project that—

"(A) is eligible for assistance under chapter 471 and complies with the requirements of that chapter;

"(B) is located on the airport property; or

"(C) will improve airport facilities in a way that would make such facilities more usable for general aviation.

"(c) Fractionally Owned Aircraft.—After the effective date of the rule referred to in subsection (a)(3)(E), only those operating rules that relate to an aircraft that is fractionally owned apply when an aircraft described in subsection (a)(3)(E) is used to provide transportation described in subsection (a)(3)(E).

"(d) Applications.—

"(1) In general.—An entity seeking to participate in a program under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

"(2) Required information.—At a minimum, the application shall include—

"(A) a statement of the amount of compensation or assistance required; and

"(B) a description of how the compensation or assistance will be used.

"(e) Participation Requirements.—An eligible place for which compensation or assistance is provided under this section in a fiscal year shall not be eligible in that fiscal year for the essential air service that it would otherwise be entitled to under this subchapter.

"(f) Subsequent Participation.—A unit of local government participating in the program under this subsection (a) in a fiscal year shall not be prohibited from participating in the basic essential air service program under this subchapter in a subsequent fiscal year if such unit is otherwise eligible to participate in such program.

"(g) Funding.—Amounts appropriated or otherwise made available to carry out the essential air service program under this subchapter shall be available to carry out this section.".

SEC. 406. CODE-SHARING PILOT PROGRAM.

(a) In General.—The Secretary of Transportation shall establish a pilot program under which the Secretary may require air carriers providing service with compensation under subchapter II of chapter 417 of title 49, United States Code, and major air carriers (as defined in section 41716(a)(2) of such title) serving large hub airports (as defined in section 40102 of such title) to participate in multiple code-share arrangements consistent with normal industry practice whenever and wherever the Secretary determines that such multiple code-sharing arrangements would improve air transportation services.

(b) Limitation.—The Secretary may not require air carriers to participate in the pilot program under this section for more than 10 communities receiving service under subchapter II of chapter 417 of title 49, United States Code.

SEC. 407. TRACKING SERVICE.

Subchapter II of chapter 417 is further amended by adding at the end the following:

"§41746. Tracking service

"The Secretary of Transportation shall require a carrier that provides essential air service to an eligible place and that receives compensation for such service under this subchapter to report not less than semiannually—

"(1) the percentage of flights to and from the place that arrive on time as defined by the Secretary; and

"(2) such other information as the Secretary considers necessary to evaluate service provided to passengers traveling to and from such place.".

SEC. 408. EAS LOCAL PARTICIPATION PROGRAM.

(a) In General.—Subchapter II of chapter 417 is further amended by adding at the end the following:

"§41747. EAS local participation program

"(a) In General.—The Secretary of Transportation shall establish a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air service subsidy costs for a 4-year period.

"(b) Designation of Communities.—

"(1) In general.—The Secretary may not designate any community under this section unless it is located within 100 miles by road of a hub airport and is not located in a noncontiguous State. In making the designation, the Secretary may take into consideration the total traveltime between a community and the nearest hub airport, taking into account terrain, traffic, weather, road conditions, and other relevant factors.

"(2) One community per state.—The Secretary may not designate—

"(A) more than 1 community per State under this section; or

"(B) a community in a State in which another community that is eligible to participate in the essential air service program has elected not to participate in the essential air service program as part of a pilot program under section 41745.

"(c) Appeal of Designation.—A community may appeal its designation under this section. The Secretary may withdraw the designation of a community under this section based on—

"(1) the airport sponsor's ability to pay; or

"(2) the relative lack of financial resources in a community, based on a comparison of the median income of the community with other communities in the State.

"(d) Non-Federal Share.—

"(1) Non-federal amounts.—For purposes of this section, the non-Federal portion of the essential air service subsidy may be derived from contributions in kind, or through reduction in the amount of the essential air service subsidy through reduction of air carrier costs, increased ridership, pre-purchase of tickets, or other means. The Secretary shall provide assistance to designated communities in identifying potential means of reducing the amount of the subsidy without adversely affecting air transportation service to the community.

"(2) Application with other matching requirements.—This section shall apply to the Federal share of essential air service provided this subchapter, after the application of any other non-Federal share matching requirements imposed by law.

"(e) Eligibility for Other Programs Not Affected.—Nothing in this section affects the eligibility of a community or consortium of communities, an airport sponsor, or any other person to participate in any program authorized by this subchapter. A community designated under this section may participate in any program (including pilot programs) authorized by this subchapter for which it is otherwise eligible—

"(1) without regard to any limitation on the number of communities that may participate in that program; and

"(2) without reducing the number of other communities that may participate in that program.

"(f) Secretary To Report to Congress on Impact.—The Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

"(1) the economic condition of communities designated under this section before their designation;

"(2) the impact of designation under this section on such communities at the end of each of the 3 years following their designation; and

"(3) the impact of designation on air traffic patterns affecting air transportation to and from communities designated under this section.".

(b) Conforming Amendment.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

"41745. Community and regional choice programs.
"41746. Tracking service.
"41747. EAS local participation program.".

SEC. 409. MEASUREMENT OF HIGHWAY MILES FOR PURPOSES OF DETERMINING ELIGIBILITY OF ESSENTIAL AIR SERVICE SUBSIDIES.

(a) Request for Secretarial Review.—An eligible place (as defined in section 41731 of title 49, United States Code) with respect to which the Secretary has, in the 2-year period ending on the date of enactment of this Act, eliminated (or tentatively eliminated) compensation for essential air service to such place, or terminated (or tentatively terminated) the compensation eligibility of such place for essential air service, under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note), or any prior law of similar effect based on the highway mileage of such place from the nearest hub airport (as defined in section 40102 of such title), may request the Secretary to review such action.

(b) Determination of Mileage.—In reviewing an action under subsection (a), the highway mileage between an eligible place and the nearest medium hub airport or large hub airport is the highway mileage of the most commonly used route between the place and the medium hub airport or large hub airport. In identifying such route, the Secretary shall identify the most commonly used route for a community by—

(1) consulting with the Governor of a State or the Governor's designee; and

(2) considering the certification of the Governor of a State or the Governor's designee as to the most commonly used route.

(c) ELIGIBILITY DETERMINATION.—Not later than 60 days after receiving a request under subsection (a), the Secretary shall—

(1) determine whether the eligible place would have been subject to an elimination of compensation eligibility for essential air service, or termination of the eligibility of such place for essential air service, under the provisions of law referred to in subsection (a) based on the determination of the highway mileage of such place from the nearest medium hub airport or large hub airport under subsection (b); and

(2) issue a final order with respect to the eligibility of such place for essential air service compensation under subchapter II of chapter 417 of title 49, United States Code.

(d) LIMITATION ON PERIOD OF FINAL ORDER.—A final order issued under subsection (c) shall terminate on September 30, 2007.

SEC. 410. INCENTIVE PROGRAM.

(a) PURPOSES.—The purposes of this section are—

(1) to enable essential air service communities to increase boardings and the level of passenger usage of airport facilities at an eligible place by providing technical, financial, and other marketing assistance to such communities and to States;

(2) to reduce subsidy costs under subchapter II of this chapter as a consequence of such increased usage; and

(3) to provide such communities with opportunities to obtain, retain, and improve transportation services.

(b) MARKETING PROGRAM.—Subchapter II of chapter 417 is further amended by adding at the end the following:

"§41748. Marketing program

"(a) IN GENERAL.—The Secretary of Transportation shall establish a marketing incentive program for eligible places that receive subsidized service by an air carrier under section 41733. Under the program, the sponsor of the airport serving such an eligible place may receive a grant of not more than $50,000 in a fiscal year to develop and implement a marketing plan to increase passenger boardings and the level of passenger usage of its airport facilities.

"(b) MATCHING REQUIREMENT; SUCCESS BONUSES—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), not less than 25 percent of the publicly financed costs associated with a marketing plan to be developed and implemented under this section shall come from non-Federal sources. For purposes of this section—

"(A) the non-Federal portion of the publicly financed costs may be derived from contributions in kind; and

"(B) matching contributions from a State or unit of local government may not be derived, directly or indirectly, from Federal funds, but the use by the State or unit of local government of proceeds from the sale of bonds to provide the matching contribution is not considered to be a contribution derived directly or indirectly from Federal funds, without regard to the Federal income tax treatment of interest paid on those bonds or the Federal income tax treatment of those bonds.

"(2) BONUS FOR 25-PERCENT INCREASE IN USAGE.—Except as provided in paragraph (3), if, after any 12-month period during which a marketing plan has been in effect under this section with respect to an eligible place, the Secretary determines that the marketing plan has increased average monthly boardings, or the level of passenger usage, at the airport serving the eligible place, by 25 percent or more, then only 10 percent of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources under this subsection for the following 12-month period.

"(3) BONUS FOR 50-PERCENT INCREASE IN USAGE.—If, after any 12-month period during which a marketing plan has been in effect under this section with respect to an eligible place, the Secretary determines that the marketing plan has increased average monthly boardings, or the level of passenger usage, at the airport serving the eligible place, by 50 percent or more, then no portion of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources under this subsection for the following 12-month period.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is further amended by adding at the end the following:

"41748. Marketing program.".

SEC. 411. NATIONAL COMMISSION ON SMALL COMMUNITY AIR SERVICE.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Commission on Small Community Air Service" (in this section referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 9 members of whom—

(A) 3 members shall be appointed by the Secretary;

(B) 2 members shall be appointed by the majority leader of the Senate;

(C) 1 member shall be appointed by the minority leader of the Senate;

(D) 2 members shall be appointed by the Speaker of the House of Representatives; and

(E) 1 member shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—Of the members appointed by the Secretary under paragraph (1)(A)—

(A) 1 member shall be a representative of a regional airline;

(B) 1 member shall be a representative of a small hub airport or nonhub airport (as such terms are defined in section 40102 of title 49, United States Code); and

(C) 1 member shall be a representative of a State aviation agency.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Commission.

(d) DUTIES.—

(1) STUDY.—The Commission shall undertake a study of—

(A) the challenges faced by small communities in the United States with respect to retaining and enhancing their scheduled commercial air service; and

(B) whether the existing Federal programs charged with helping small communities are adequate for them to retain and enhance their existing air service.

(2) ESSENTIAL AIR SERVICE COMMUNITIES.—In conducting the study, the Commission shall pay particular attention to the state of scheduled commercial air service in communities currently served by the essential air service program.

(e) RECOMMENDATIONS.—Based on the results of the study under subsection (d), the Commission shall make such recommendations as it considers necessary to—

(1) improve the state of scheduled commercial air service at small communities in the United States, especially communities described in subsection (d)(2); and

(2) improve the ability of small communities to retain and enhance their existing air service.

(f) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (e).

(g) COMMISSION PANELS.—The chairperson of the Commission shall establish such panels consisting of members of the Commission as the chairperson determines appropriate to carry out the functions of the Commission.

(h) COMMISSION PERSONNEL MATTERS.—

(1) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon the request of the Commission, or a panel of the Commission, the Secretary shall provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the chairperson of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(j) TERMINATION.—The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (f).

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $250,000 to be used to fund the Commission.

SEC. 412. SMALL COMMUNITY AIR SERVICE.

Section 41743 is amended—

(1) in the heading of subsection (a) by striking "PILOT";

(2) in subsection (a) by striking "pilot";

(3) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

"(3) STATE LIMIT.—Not more than 4 communities or consortia of communities, or a combination thereof, from the same State may be selected to participate in the program in any fiscal year.";

(B) by adding at the end of paragraph (4) the following: "No community, consortia of communities, nor combination thereof may participate in the program in support of the same project more than once, but any community, consortia of communities, or combination thereof may apply, subsequent to such participation, to participate in the program in support of a different project."; and

(C) in paragraph (5)—

(i) by striking "and" at the end of subparagraph (C);

(ii) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(iii) by adding at the end the following:

"(E) the assistance will be used in a timely fashion.";

(4) in subsection (e)(2)—

(A) by striking "and" the first place it appears and inserting a comma; and

(B) by inserting after "2003" the following ", and $35,000,000 for each of fiscal years 2004 through 2008"; and

(5) in subsection (f) by striking "pilot".

Subtitle B—Miscellaneous

SEC. 421. DATA ON INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.

Section 329 is amended by adding at the end the following:

"(e) Incidents and Complaints Involving Passenger and Baggage Security Screening.—

"(1) Publication of Data.—The Secretary of Transportation shall publish data on incidents and complaints involving passenger and baggage security screening in a manner comparable to other consumer complaint and incident data.

"(2) Monthly Reports from Secretary of Homeland Security.—To assist in the publication of data under paragraph (1), the Secretary of Transportation may request the Secretary of Homeland Security to periodically report on the number of complaints about security screening received by the Secretary of Homeland Security.".

SEC. 422. DELAY REDUCTION ACTIONS.

(a) In General.—Subchapter I of chapter 417 is amended by adding at the end the following new section:

"§41722. Delay reduction actions

"(a) Scheduling Reduction Meetings.—The Secretary of Transportation may request that air carriers meet with the Administrator of the Federal Aviation Administration to discuss flight reductions at severely congested airports to reduce overscheduling and flight delays during hours of peak operation if—

"(1) the Administrator determines that it is necessary to convene such a meeting; and

"(2) the Secretary determines that the meeting is necessary to meet a serious transportation need or achieve an important public benefit.

"(b) Meeting Conditions.—Any meeting under subsection (a)—

"(1) shall be chaired by the Administrator;

"(2) shall be open to all scheduled air carriers; and

"(3) shall be limited to discussions involving the airports and time periods described in the Administrator's determination.

"(c) Flight Reduction Targets.—Before any such meeting is held, the Administrator shall establish flight reduction targets for the meeting and notify the attending air carriers of those targets not less than 48 hours before the meeting.

"(d) Delay Reduction Offers.—An air carrier attending the meeting shall make any offer to meet a flight reduction target to the Administrator rather than to another carrier.

"(e) Transcript.—The Administrator shall ensure that a transcript of the meeting is kept and made available to the public not later than 3 business days after the conclusion of the meeting.".

(b) Conforming Amendment.—The analysis for chapter 417 is amended by striking the item relating to section 41721 and inserting the following:

"41721. Reports by carriers on incidents involving animals during air transport.

"41722. Delay reduction actions.".

SEC. 423. COLLABORATIVE DECISIONMAKING PILOT PROGRAM.

(a) In General.—Chapter 401 is amended by adding at the end the following:

"§40129. Collaborative decisionmaking pilot program

"(a) Establishment.—Not later than 90 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish a collaborative decisionmaking pilot program in accordance with this section.

"(b) Duration.—Except as provided in subsection (k), the pilot program shall be in effect for a period of 2 years.

"(c) Guidelines.—

"(1) Issuance.—The Administrator, with the concurrence of the Attorney General, shall issue guidelines concerning the pilot program. Such guidelines, at a minimum, shall—

"(A) define a capacity reduction event;

"(B) establish the criteria and process for determining when a capacity reduction event exists that warrants the use of collaborative decisionmaking among carriers at airports participating in the pilot program; and

"(C) prescribe the methods of communication to be implemented among carriers during such an event.

"(2) Views.—The Administrator may obtain the views of interested parties in issuing the guidelines.

"(d) Effect of Determination of Existence of Capacity Reduction Event.—Upon a determination by the Administrator that a capacity reduction event exists, the Administrator may authorize air carriers and foreign air carriers operating at an airport participating in the pilot program to communicate for a period of time not to exceed 24 hours with each other concerning changes in their respective flight schedules in order to use air traffic capacity most effectively. The Administration shall facilitate and monitor such communication. The Attorney General, or the Attorney General's designee, may monitor such communication.

"(e) Selection of Participating Airports.—Not later than 30 days after the date on which the Administrator establishes the pilot program, the Administrator shall select 2 airports to participate in the pilot program from among the most capacity-constrained airports in the Nation based on the Administration's Airport Capacity Benchmark Report 2001 or more recent data on airport capacity that is available to the Administrator. The Administrator shall select an airport for participation in the pilot program if the Administrator determines that collaborative decisionmaking among air carriers and foreign air carriers would reduce delays at the airport and have beneficial effects on reducing delays in the national airspace system as a whole.

"(f) Eligibility of Air Carriers.—An air carrier or foreign air carrier operating at an airport selected to participate in the pilot program is eligible to participate in the pilot program if the Administrator determines that the carrier has the operational and communications capability to participate in the pilot program.

"(g) Modification or Termination of Pilot Program at an Airport.—The Administrator, with the concurrence of the Attorney General, may modify or end the pilot program at an airport before the term of the pilot program has expired, or may ban an air carrier or foreign air carrier from participating in the program, if the Administrator determines that the purpose of the pilot program is not being furthered by participation of the airport or air carrier or if the Secretary of Transportation, with the concurrence of the Attorney General, finds that the pilot program or the participation of an air carrier or foreign air carrier in the pilot program has had, or is having, an adverse effect on competition among carriers.

"(h) Antitrust Immunity.—

"(1) In general.—Unless, within 5 days after receiving notice from the Secretary of the Secretary's intention to exercise authority under this subsection, the Attorney General submits to the Secretary a written objection to such action, including reasons for such objection, the Secretary may exempt an air carrier's or foreign air carrier's activities that are necessary to participate in the pilot program under this section from the antitrust laws for the sole purpose of participating in the pilot program. Such exemption shall not extend to any discussions, agreements, or activities outside the scope of the pilot program.

"(2) Antitrust laws defined.—In this section, the term 'antitrust laws' has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

"(i) Consultation With Attorney General.—The Secretary shall consult with the Attorney General regarding the design and implementation of the pilot program, including determining whether a limit should be set on the number of occasions collaborative decisionmaking could be employed during the initial 2-year period of the pilot program.

"(j) Evaluation.—

"(1) In general.—Before the expiration of the 2-year period for which the pilot program is authorized under subsection (b), the Administrator shall determine whether the pilot program has facilitated more effective use of air traffic capacity and the Secretary, with the concurrence of the Attorney General, shall determine whether the pilot program has had an adverse effect on airline competition or the availability of air services to communities. The Administrator shall also examine whether capacity benefits resulting from the participation in the pilot program of an airport resulted in capacity benefits to other parts of the national airspace system.

"(2) Obtaining necessary data.—The Administrator may require participating air carriers and airports to provide data necessary to evaluate the pilot program's impact.

"(k) Extension of Pilot Program.—At the end of the 2-year period for which the pilot program is authorized, the Administrator, with the concurrence of the Attorney General, may continue the pilot program for an additional 2 years and expand participation in the program to up to 7 additional airports if the Administrator determines pursuant to subsection (j) that the pilot program has facilitated more effective use of air traffic capacity and if the Secretary, with the concurrence of the Attorney General, determines that the pilot program has had no adverse effect on airline competition or the availability of air services to communities. The Administrator shall select the additional airports to participate in the extended pilot program in the same manner in which airports were initially selected to participate.".

(b) Conforming Amendment.—The analysis for chapter 401 is amended by adding at the end the following:

"40129. Collaborative decisionmaking pilot program.".

SEC. 424. COMPETITION DISCLOSURE REQUIREMENT FOR LARGE AND MEDIUM HUB AIRPORTS.

Section 47107 is amended by adding at the end the following:

"(s) Competition Disclosure Requirement.—

"(1) In general.—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant for a large hub airport or a medium hub airport only if the Secretary receives assurances

that the airport sponsor will provide the information required by paragraph (2) at such time and in such form as the Secretary may require.

“(2) COMPETITIVE ACCESS.—On February 1 and August 1 of each year, an airport that during the previous 6-month period has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to provide service to the airport or to expand service at the airport shall transmit a report to the Secretary that—

“(A) describes the requests;

“(B) provides an explanation as to why the requests could not be accommodated; and

“(C) provides a time frame within which, if any, the airport will be able to accommodate the requests.

“(3) SUNSET PROVISION.—This subsection shall cease to be effective beginning October 1, 2008.”.

SEC. 425. SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) BEYOND-PERIMETER EXEMPTIONS.—Section 41718(a) is amended by striking “12” and inserting “24”.

(b) WITHIN-PERIMETER EXEMPTIONS.—Section 41718(b) is amended—

(1) by striking “12” and inserting “20”; and

(2) by striking “that were designated as medium hub or smaller airports”.

(c) LIMITATIONS.—

(1) GENERAL EXEMPTIONS.—Section 41718(c)(2) is amended by striking “two” and inserting “3”.

(2) ALLOCATION OF WITHIN-PERIMETER EXEMPTIONS.—Section 41718(c)(3) is amended—

(A) in subparagraph (A)—

(i) by striking “four” and inserting “without regard to the criteria contained in subsection (b)(1), six”; and

(ii) by striking “and” at the end;

(B) in subparagraph (B)—

(i) by striking “eight” and inserting “ten”; and

(ii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) four shall be for air transportation to airports without regard to their size.”.

(d) APPLICATION PROCEDURES.—Section 41718(d) is amended to read as follows:

“(d) APPLICATION PROCEDURES.—The Secretary shall establish procedures to ensure that all requests for exemptions under this section are granted or denied within 90 days after the date on which the request is made.”.

SEC. 426. DEFINITION OF COMMUTER AIRCRAFT.

(a) IN GENERAL.—Section 41718 is amended by adding at the end the following:

“(f) COMMUTERS DEFINED.—For purposes of aircraft operations at Ronald Reagan Washington National Airport under subpart K of part 93 of title 14, Code of Federal Regulations, the term ‘commuters’ means aircraft operations using aircraft having a certificated maximum seating capacity of 76 or less.”.

(b) REGULATIONS.—The Administrator of the Federal Aviation Administration shall revise regulations to take into account the amendment made by subsection (a).

SEC. 427. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation’s interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

SEC. 428. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED SERVICE.

Section 145(c) of the Aviation and Transportation Security Act of 2001 (49 U.S.C. 40101 note) is amended by striking “more than” and all that follows through “after” and inserting “more than 36 months after”.

TITLE V—AVIATION SAFETY

SEC. 501. COUNTERFEIT OR FRAUDULENTLY REPRESENTED PARTS VIOLATIONS.

Section 44726(a)(1) is amended—

(1) by striking “or” at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following:

“(B) whose certificate is revoked under subsection (b); or”; and

(4) in subparagraph (C) (as redesignated by paragraph (2) of this section) by striking “convicted of such a violation.” and inserting “described in subparagraph (A) or (B).”.

SEC. 502. RUNWAY SAFETY STANDARDS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

“§44727. Runway safety areas

“(a) AIRPORTS IN ALASKA.—An airport owner or operator in the State of Alaska shall not be required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet standards of the Federal Aviation Administration applicable to runway safety areas.

“(b) STUDY.—

“(1) IN GENERAL.—The Secretary shall conduct a study of runways at airports in States other than Alaska to determine which airports are affected by standards of the Federal Aviation Administration applicable to runway safety areas and to assess how operations at those airports would be affected if the owner or operator of the airport is required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet such standards.

“(2) REPORT.—Not later than 9 months after the date of enactment of this section, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

“44727. Runway safety areas.”.

SEC. 503. CIVIL PENALTIES.

(a) INCREASE IN MAXIMUM CIVIL PENALTY.—Section 46301(a) is amended—

(1) by striking “$1,000” in paragraph (1) and inserting “$25,000 (or $1,100 if the person is an individual or small business concern)”;

(2) by striking “or” the last place it appears in paragraph (1)(A);

(3) by striking “section)” in paragraph (1)(A) and inserting “section), or section 47133”;

(4) by striking paragraphs (2), (3), (6), and (7) and redesignating paragraphs (4), (5), and (8) as paragraphs (2), (3), and (4), respectively;

(5) by striking “41715” each place it appears in paragraph (2), as redesignated, and inserting “41719”;

(6) by striking “paragraphs (1) and (2)” in paragraph (4), as redesignated, and inserting “paragraph (1)”; and

(7) by adding at the end the following:

“(5) PENALTIES APPLICABLE TO INDIVIDUALS AND SMALL BUSINESS CONCERNS.—

“(A) An individual (except an airman serving as an airman) or small business concern is liable to the Government for a civil penalty of not more than $10,000 for violating—

“(i) chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), section 44502 (b) or (c), chapter 447 (except sections 44717–44723), or chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909) of this title; or

“(ii) a regulation prescribed or order issued under any provision to which clause (i) applies.

“(B) A civil penalty of not more than $10,000 may be imposed for each violation under paragraph (1) committed by an individual or small business concern related to—

“(i) the transportation of hazardous material;

“(ii) the registration or recordation under chapter 441 of an aircraft not used to provide air transportation;

“(iii) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;

“(iv) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or

“(v) a violation of section 40127 or section 41705, relating to discrimination.

“(C) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41719 committed by an individual or small business concern shall be $5,000 instead of $1,000.

“(D) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary by an individual or small business concern that is intended to afford consumer protection to commercial air transportation passengers shall be $2,500 for each violation.”.

(b) INCREASE IN LIMIT ON ADMINISTRATIVE AUTHORITY AND CIVIL PENALTY.—Section 46301(d) is amended—

(1) by striking “more than $50,000;” in paragraph (4)(A) and inserting “more than—

“(i) $50,000 if the violation was committed by any person before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act;

“(ii) $400,000 if the violation was committed by a person other than an individual or small business concern on or after that date; or

“(iii) $50,000 if the violation was committed by an individual or small business concern on or after that date;”; and

(2) by striking “is $50,000.” in paragraph (8) and inserting “is—

“(A) $50,000 if the violation was committed by any person before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act;

“(B) $400,000 if the violation was committed by a person other than an individual or small business concern on or after that date; or

“(C) $50,000 if the violation was committed by an individual or small business concern on or after that date.”.

(c) SMALL BUSINESS CONCERN DEFINED.—Section 46301 is amended by adding at the end the following:

"(i) SMALL BUSINESS CONCERN DEFINED.—In this section, the term 'small business concern' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).".

(d) CONFORMING AMENDMENTS.—Title 49 is amended—

(1) in section 41705(b) by striking "46301(a)(3)(E)" and inserting "46301"; and

(2) in section 46304(a) by striking ", (2), or (3)".

SEC. 504. IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall ensure that the training standards for airframe and powerplant mechanics under part 65 of title 14, Code of Federal Regulations, are updated and revised in accordance with this section. The Administrator may update and revise the training standards through the initiation of a formal rulemaking or by issuing an advisory circular or other agency guidance.

(b) ELEMENTS FOR CONSIDERATION.—The updated and revised standards required under subsection (a) shall include those curriculum adjustments that are necessary to more accurately reflect current technology and maintenance practices.

(c) CERTIFICATION.—Any adjustment or modification of current curriculum standards made pursuant to this section shall be reflected in the certification examinations of airframe and powerplant mechanics.

(d) COMPLETION.—The revised and updated training standards required by subsection (a) shall be completed not later than 12 months after the date of enactment of this Act.

(e) PERIODIC REVIEWS AND UPDATES.—The Administrator shall review the content of the curriculum standards for training airframe and powerplant mechanics referred to in subsection (a) every 3 years after completion of the revised and updated training standards required under subsection (a) as necessary to reflect current technology and maintenance practices.

SEC. 505. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ASSESSMENT.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council for an assessment of the Federal Aviation Administration's proposed wake turbulence research and development program. The assessment shall include—

(1) an evaluation of the research and development goals and objectives of the program;

(2) a listing of any additional research and development objectives that should be included in the program;

(3) any modifications that will be necessary for the program to achieve the program's goals and objectives on schedule and within the proposed level of resources; and

(4) an evaluation of the roles, if any, that should be played by other Federal agencies, such as the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, in wake turbulence research and development, and how those efforts could be coordinated.

(b) REPORT.—A report containing the results of the assessment shall be provided to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator of the Federal Aviation Administration $500,000 for fiscal year 2004 to carry out this section.

SEC. 506. FAA INSPECTOR TRAINING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of the aviation safety inspectors of the Federal Aviation Administration (in this section referred to as "FAA inspectors").

(2) CONTENTS.—The study shall include—

(A) an analysis of the type of training provided to FAA inspectors;

(B) actions that the Federal Aviation Administration has undertaken to ensure that FAA inspectors receive up-to-date training on the latest technologies;

(C) the extent of FAA inspector training provided by the aviation industry and whether such training is provided without charge or on a quid-pro-quo basis; and

(D) the amount of travel that is required of FAA inspectors in receiving training.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that—

(1) FAA inspectors should be encouraged to take the most up-to-date initial and recurrent training on the latest aviation technologies;

(2) FAA inspector training should have a direct relation to an individual's job requirements; and

(3) if possible, a FAA inspector should be allowed to take training at the location most convenient for the inspector.

(c) WORKLOAD OF INSPECTORS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing standards for FAA inspectors to ensure proper oversight over the aviation industry, including the designee program.

(2) CONTENTS.—The study shall include the following:

(A) A suggested method of modifying FAA inspectors staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) REPORT.—Not later than 12 months after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study.

SEC. 507. AIR TRANSPORTATION OVERSIGHT SYSTEM PLAN.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a plan containing an implementation schedule for addressing problems with the air transportation oversight system that have been identified in reports by the Comptroller General and the Inspector General of the Department of Transportation.

(b) PLAN REQUIREMENTS.—The plan transmitted by the Administrator under subsection (a) shall set forth the action the Administration will take under the plan—

(1) to develop specific, clear, and meaningful inspection guidance for the use by Administration aviation safety inspectors and analysts;

(2) to provide adequate training to Administration aviation safety inspectors in system safety concepts, risk analysis, and auditing;

(3) to ensure that aviation safety inspectors with the necessary qualifications and experience are physically located where they can satisfy the most important needs;

(4) to establish strong national leadership for the air transportation oversight system and to ensure that the system is implemented consistently across Administration field offices; and

(5) to extend the air transportation oversight system beyond the 10 largest air carriers, so it governs oversight of smaller air carriers as well.

TITLE VI—AVIATION SECURITY

SEC. 601. CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT.

(a) IN GENERAL.—Chapter 461 is amended by adding at the end the following:

"§46111. Certificate actions in response to a security threat

"(a) ORDERS.—The Administrator of Federal Aviation Administration shall issue an order amending, modifying, suspending, or revoking any part of a certificate issued under this title if the Administrator is notified by the Under Secretary for Border and Transportation Security of the Department of Homeland Security that the holder of the certificate poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. If requested by the Under Secretary, the order shall be effective immediately.

"(b) HEARINGS FOR CITIZENS.—An individual who is a citizen of the United States who is adversely affected by an order of the Administrator under subsection (a) is entitled to a hearing on the record.

"(c) HEARINGS.—When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Administrator or the Under Secretary.

"(d) APPEALS.—An appeal from a decision of an administrative law judge as the result of a hearing under subsection (b) shall be made to the Transportation Security Oversight Board established by section 115. The Board shall establish a panel to review the decision. The members of this panel (1) shall not be employees of the Transportation Security Administration, (2) shall have the level of security clearance needed to review the determination made under this section, and (3) shall be given access to all relevant documents that support that determination. The panel may affirm, modify, or reverse the decision.

"(e) REVIEW.—A person substantially affected by an action of a panel under subsection (d), or the Under Secretary when the Under Secretary decides that the action of the panel under this section will have a significant adverse impact on carrying out this part, may obtain review of the order under section 46110. The Under Secretary and the Administrator shall be made a party to the review proceedings. Findings of fact of the panel are conclusive if supported by substantial evidence.

"(f) EXPLANATION OF DECISIONS.—An individual who commences an appeal under this section shall receive a written explanation of the basis for the determination or decision and all relevant documents that support that determination to the maximum extent that the national security interests of the United States and other applicable laws permit.

"(g) CLASSIFIED EVIDENCE.—

"(1) IN GENERAL.—The Under Secretary, in consultation with the Administrator and the Director of Central Intelligence, shall issue regulations to establish procedures by which the Under Secretary, as part of a hearing conducted under this section, may provide an unclassified

summary of classified evidence upon which the order of the Administrator was based to the individual adversely affected by the order.

"(2) REVIEW OF CLASSIFIED EVIDENCE BY ADMINISTRATIVE LAW JUDGE.—

"(A) REVIEW.—As part of a hearing conducted under this section, if the order of the Administrator issued under subsection (a) is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.), such information may be submitted by the Under Secretary to the reviewing administrative law judge, pursuant to appropriate security procedures, and shall be reviewed by the administrative law judge ex parte and in camera.

"(B) SECURITY CLEARANCES.—Pursuant to existing procedures and requirements, the Under Secretary shall, in coordination, as necessary, with the heads of other affected departments or agencies, ensure that administrative law judges reviewing orders of the Administrator under this section possess security clearances appropriate for their work under this section.

"(3) UNCLASSIFIED SUMMARIES OF CLASSIFIED EVIDENCE.—As part of a hearing conducted under this section and upon the request of the individual adversely affected by an order of the Administrator under subsection (a), the Under Secretary shall provide to the individual and reviewing administrative law judge, consistent with the procedures established under paragraph (1), an unclassified summary of any classified information upon which the order of the Administrator is based.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 461 is amended by adding at the end the following:

"46111. Certificate actions in response to a security threat.".

(c) REVIEW.—The first sentence of section 46110(a) is amended by striking "part" and inserting "subtitle".

SEC. 602. JUSTIFICATION FOR AIR DEFENSE IDENTIFICATION ZONE.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration establishes an Air Defense Identification Zone (in this section referred as an "ADIZ"), the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 60 days after the date of establishing the ADIZ, a report containing an explanation of the need for the ADIZ. The Administrator also shall transmit to the Committees updates of the report every 60 days until the ADIZ is rescinded. The reports and updates shall be transmitted in classified form.

(b) EXISTING ADIZ.—If an ADIZ is in effect on the date of enactment of this Act, the Administrator shall transmit an initial report under subsection (a) not later than 30 days after such date of enactment.

(c) DESCRIPTION OF CHANGES TO IMPROVE OPERATIONS.—A report transmitted by the Administrator under this section shall include a description of any changes in procedures or requirements that could improve operational efficiency or minimize operational impacts of the ADIZ on pilots and controllers. This portion of the report may be transmitted in classified or unclassified form.

(d) DEFINITION.—In this section, the terms "Air Defense Identification Zone" and "ADIZ" each mean a zone established by the Administrator with respect to airspace under 18,000 feet in approximately a 15- to 38-mile radius around Washington, District of Columbia, for which security measures are extended beyond the existing 15-mile no-fly zone around Washington and in which general aviation aircraft are required to adhere to certain procedures issued by the Administrator.

SEC. 603. CREW TRAINING.

Section 44918 is amended to read as follows:

"§44918. Crew training

"(a) BASIC SECURITY TRAINING.—

"(1) IN GENERAL.—Each air carrier providing scheduled passenger air transportation shall carry out a training program for flight and cabin crew members to prepare the crew members for potential threat conditions.

"(2) PROGRAM ELEMENTS.—An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

"(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

"(B) Crew communication and coordination.

"(C) The proper commands to give passengers and attackers.

"(D) Appropriate responses to defend oneself.

"(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Under Secretary for Border and Transportation Security of the Department of Homeland Security).

"(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

"(G) Situational training exercises regarding various threat conditions.

"(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

"(I) The proper conduct of a cabin search, including explosive device recognition.

"(J) Any other subject matter considered appropriate by the Under Secretary.

"(3) APPROVAL.—An air carrier training program under this subsection shall be subject to approval by the Under Secretary.

"(4) MINIMUM STANDARDS.—Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the Under Secretary may establish minimum standards for the training provided under this subsection and for recurrent training.

"(5) EXISTING PROGRAMS.—Notwithstanding paragraphs (3) and (4), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that was approved by the Administrator or the Under Secretary before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act may continue in effect until disapproved or ordered modified by the Under Secretary.

"(6) MONITORING.—The Under Secretary, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier's training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier's training program should be reviewed under this paragraph, the Under Secretary shall consider complaints from crew members. The Under Secretary shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.

"(7) UPDATES.—The Under Secretary, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

"(b) ADVANCED SELF DEFENSE TRAINING.—

"(1) IN GENERAL.—Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the Under Secretary shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.

"(2) PROGRAM ELEMENTS.—The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:

"(A) Deterring a passenger who might present a threat.

"(B) Advanced control, striking, and restraint techniques.

"(C) Training to defend oneself against edged or contact weapons.

"(D) Methods to subdue and restrain an attacker.

"(E) Use of available items aboard the aircraft for self-defense.

"(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.

"(G) Any other element of training that the Under Secretary considers appropriate.

"(3) PARTICIPATION NOT REQUIRED.—A crew member shall not be required to participate in the training program under this subsection.

"(4) COMPENSATION.—Neither the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.

"(5) FEES.—A crew member shall not be required to pay a fee for the training program under this subsection.

"(6) CONSULTATION.—In developing the training program under this subsection, the Under Secretary shall consult with law enforcement personnel and security experts who have expertise in self-defense training, terrorism experts, representatives of air carriers, the director of self-defense training in the Federal Air Marshals Service, flight attendants, labor organizations representing flight attendants, and educational institutions offering law enforcement training programs.

"(7) DESIGNATION OF TSA OFFICIAL.—The Under Secretary shall designate an official in the Transportation Security Administration to be responsible for implementing the training program under this subsection. The official shall consult with air carriers and labor organizations representing crew members before implementing the program to ensure that it is appropriate for situations that may arise on board an aircraft during a flight.

"(c) LIMITATION.—Actions by crew members under this section shall be subject to the provisions of section 44903(k).".

SEC. 604. STUDY OF EFFECTIVENESS OF TRANSPORTATION SECURITY SYSTEM.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with representatives of the aviation community, shall study the effectiveness of the aviation security system, including the air marshal program, hardening of cockpit doors, and security screening of passengers, checked baggage, and cargo.

(b) REPORT.—The Secretary shall transmit a report of the Secretary's findings and conclusions together with any recommendations, including legislative recommendations, the Secretary may have for improving the effectiveness of aviation security to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 6 months after the date of enactment of this Act. In the report the Secretary shall also describe any redeployment of Transportation Security Administration resources based on those findings and conclusions. The Secretary may submit the report to the Committees in classified and redacted form. The Secretary shall submit the report in lieu of the annual report required under section 44938(a) of title 49, United States Code, that is due March 31, 2004.

SEC. 605. AIRPORT SECURITY IMPROVEMENT PROJECTS.

(a) IN GENERAL.—Subchapter I of chapter 449 is amended by adding at the end the following:

"§44923. Airport security improvement projects

"(a) GRANT AUTHORITY.—Subject to the requirements of this section, the Under Secretary *for Border and Transportation Security of the Department of Homeland Security may make grants to airport sponsors—*

"(1) for projects to replace baggage conveyer systems related to aviation security;

"(2) for projects to reconfigure terminal baggage areas as needed to install explosive detection systems;

"(3) for projects to enable the Under Secretary to deploy explosive detection systems behind the ticket counter, in the baggage sorting area, or inline with the baggage handling system; and

"(4) for other airport security capital improvement projects.

"(b) APPLICATIONS.—A sponsor seeking a grant under this section shall submit to the Under Secretary an application in such form and containing such information as the Under Secretary prescribes.

"(c) APPROVAL.—The Under Secretary, after consultation with the Secretary of Transportation, may approve an application of a sponsor for a grant under this section only if the Under Secretary determines that the project will improve security at an airport or improve the efficiency of the airport without lessening security.

"(d) LETTERS OF INTENT.—

"(1) ISSUANCE.—The Under Secretary may issue a letter of intent to a sponsor committing to obligate from future budget authority an amount, not more than the Federal Government's share of the project's cost, for an airport security improvement project (including interest costs and costs of formulating the project).

"(2) SCHEDULE.—A letter of intent under this subsection shall establish a schedule under which the Under Secretary will reimburse the sponsor for the Government's share of the project's costs, as amounts become available, if the sponsor, after the Under Secretary issues the letter, carries out the project without receiving amounts under this section.

"(3) NOTICE TO UNDER SECRETARY.—A sponsor that has been issued a letter of intent under this subsection shall notify the Under Secretary of the sponsor's intent to carry out a project before the project begins.

"(4) NOTICE TO CONGRESS.—The Under Secretary shall transmit to the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science and Transportation of the Senate a written notification at least 3 days before the issuance of a letter of intent under this section.

"(5) LIMITATIONS.—A letter of intent issued under this subsection is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

"(6) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Government's share of the cost of a project under this section shall be 90 percent for a project at a medium or large hub airport and 95 percent for a project at any other airport.

"(2) EXISTING LETTERS OF INTENT.—The Under Secretary shall revise letters of intent issued before the date of enactment of this section to reflect the cost share established in this subsection with respect to grants made after September 30, 2003.

"(f) SPONSOR DEFINED.—In this section, the term 'sponsor' has the meaning given that term in section 47102.

"(g) APPLICABILITY OF CERTAIN REQUIREMENTS.—The requirements that apply to grants and letters of intent issued under chapter 471 (other than section 47102(3)) shall apply to grants and letters of intent issued under this section.

"(h) AVIATION SECURITY CAPITAL FUND.—

"(1) IN GENERAL.—There is established within the Department of Homeland Security a fund to be known as the Aviation Security Capital Fund. The first $250,000,000 derived from fees received under section 44940(a)(1) in each of fiscal years 2004 through 2007 shall be available to be deposited in the Fund. The Under Secretary shall impose the fee authorized by section 44940(a)(1) so as to collect at least $250,000,000 in each of such fiscal years for deposit into the Fund. Amounts in the Fund shall be available to the Under Secretary to make grants under this section.

"(2) ALLOCATIONS.—Of the amount made available under paragraph (1) for a fiscal year, $125,000,000 shall be allocated in such a manner that—

"(A) 40 percent shall be made available for large hub airports;

"(B) 20 percent shall be made available for medium hub airports;

"(C) 15 percent shall be made available for small hub airports and nonhub airports; and

"(D) 25 percent shall be distributed by the Secretary to any airport on the basis of aviation security risks.

"(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, $125,000,000 shall be used to make discretionary grants, with priority given to fulfilling intentions to obligate under letters of intent issued under subsection (d).

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to amounts made available under subsection (h), there is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2004 through 2007. Such sums shall remain available until expended.

"(2) ALLOCATIONS.—50 percent of amounts appropriated pursuant to this subsection for a fiscal year shall be used for making allocations under subsection (h)(2) and 50 percent of such amounts shall be used for making discretionary grants under subsection (h)(3).".

(b) CONFORMING AMENDMENTS.—

(1) USE OF PASSENGER FEE FUNDS.—Section 44940(a)(1) is amended by inserting after subparagraph (G) the following:

"(H) The costs of security-related capital improvements at airports.

"(I) The costs of training pilots and flight attendants under sections 44918 and 44921.".

(2) LIMITATION ON COLLECTION.—Section 44940(d)(4) is amended by striking "Act." and inserting "Act or in section 44923.".

SEC. 606. CHARTER SECURITY.

(a) IN GENERAL.—Section 44903 is amended by adding at the end the following:

"(l) AIR CHARTER PROGRAM.—

"(1) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall implement an aviation security program for charter air carriers (as defined in section 40102(a)) with a maximum certificated takeoff weight of more than 12,500 pounds.

"(2) EXEMPTION FOR ARMED FORCES CHARTERS.—

"(A) IN GENERAL.—Paragraph (1) and the other requirements of this chapter do not apply to passengers and property carried by aircraft when employed to provide charter transportation to members of the armed forces.

"(B) SECURITY PROCEDURES.—The Secretary of Defense, in consultation with the Secretary of Homeland Security and the Secretary of Transportation, shall establish security procedures relating to the operation of aircraft when employed to provide charter transportation to members of the armed forces to or from an airport described in section 44903(c).

"(C) ARMED FORCES DEFINED.—In this paragraph, the term 'armed forces' has the meaning given that term by section 101(a)(4) of title 10.".

(b) REPEAL.—Section 132 of the Aviation and Transportation Security Act (49 U.S.C. 44944 note) is repealed.

SEC. 607. CAPPS2.

(a) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall not implement, on other than a test basis, the computer assisted passenger prescreening system (commonly known as and in this section referred to as "CAPPS2") until the Under Secretary provides to Congress a certification that—

(1) a procedure is established enabling airline passengers, who are delayed or prohibited from boarding a flight because CAPPS2 determined that they might pose a security threat, to appeal such determination and correct information contained in CAPPS2;

(2) the error rate of the Government and private data bases that will be used to both establish identity and assign a risk level to a passenger under CAPPS2 will not produce a large number of false positives that will result in a significant number of passengers being mistaken as a security threat;

(3) the Under Secretary has demonstrated the efficacy and accuracy of all search tools in CAPPS2 and has demonstrated that CAPPS2 can make an accurate predictive assessment of those passengers who would constitute a security threat;

(4) the Secretary of Homeland Security has established an internal oversight board to oversee and monitor the manner in which CAPPS2 is being implemented;

(5) the Under Secretary has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS2 from unauthorized access by hackers or other intruders;

(7) the Under Secretary has adopted policies establishing effective oversight of the use and operation of the system; and

(8) there are no specific privacy concerns with the technological architecture of the system.

(b) GAO REPORT.—Not later than 90 days after the date on which certification is provided under subsection (a), the Comptroller General shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate that assesses the impact of CAPPS2 on the issues listed in subsection (a) and on privacy and civil liberties. The report shall include any recommendations for practices, procedures, regulations, or legislation to eliminate or minimize adverse effect of CAPPS2 on privacy, discrimination, and other civil liberties.

SEC. 608. REPORT ON PASSENGER PRESCREENING PROGRAM.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Attorney General, shall submit a report in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential impact of the Transportation Security Administration's proposed Computer Assisted Passenger Prescreening system, commonly known as CAPPS2, on the privacy and civil liberties of United States citizens.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall address the following:

(1) Whether and for what period of time data gathered on individual travelers will be retained, who will have access to such data, and who will make decisions concerning access to such data.

(2) How the Transportation Security Administration will treat the scores assigned to individual travelers to measure the likelihood they may pose a security threat, including how long such scores will be retained and whether and under what circumstances they may be shared with other governmental, nongovernmental, or commercial entities.

(3) The role airlines and outside vendors or contractors will have in implementing and operating the system, and to what extent will they have access, or the means to obtain access, to data, scores, or other information generated by the system.

(4) The safeguards that will be implemented to ensure that data, scores, or other information generated by the system will be used only as officially intended.

(5) The procedures that will be implemented to mitigate the effect of any errors, and what procedural recourse will be available to passengers who believe the system has wrongly barred them from taking flights.

(6) The oversight procedures that will be implemented to ensure that, on an ongoing basis, privacy and civil liberties issues will continue to be considered and addressed with high priority as the system is installed, operated, and updated.

SEC. 609. ARMING CARGO PILOTS AGAINST TERRORISM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that members of a flight deck crew of a cargo aircraft should be armed with a firearm or taser to defend the cargo aircraft against an attack by terrorists that could result in the use of the aircraft as a weapon of mass destruction or for other terrorist purposes.

(b) ARMING CARGO PILOTS AGAINST TERRORISM.—Section 44921 is amended—

(1) in subsection (a) by striking "passenger" each place that it appears; and

(2) in subsection (k)(2) by striking "or," and all that follows before the period at the end and inserting "or any other flight deck crew member"; and

(3) by adding at the end of subsection (k) the following:

"(3) ALL-CARGO AIR TRANSPORTATION.—In this section, the term 'air transportation' includes all-cargo air transportation.".

(c) TIME FOR IMPLEMENTATION.—In carrying out the amendments made by subsection (d), the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall ensure that passenger and cargo pilots are treated equitably in receiving access to training as Federal flight deck officers.

(d) EFFECT ON OTHER LAWS.—The requirements of subsection (e) shall have no effect on the deadlines for implementation contained in section 44921 of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

SEC. 610. REMOVAL OF CAP ON TSA STAFFING LEVEL.

The matter appearing under the heading "AVIATION SECURITY" in the appropriations for the Transportation Security Administration in the Transportation and Related Agencies Appropriation Act, 2003 (Public Law 108–7; 117 Stat. 386) is amended by striking the fifth proviso.

SEC. 611. FOREIGN REPAIR STATIONS.

(a) OVERSIGHT PLAN.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a plan containing an implementation schedule to strengthen oversight of domestic and foreign repair stations and ensure that foreign repair stations that are certified by the Administrator under part 145 of title 14, Code of Federal Regulations, are subject to an equivalent level of safety, oversight, and quality control as those located in the United States.

(b) REPAIR STATION SECURITY.—

(1) IN GENERAL.—Subchapter I of chapter 449 is further amended by adding at the end the following:

"§44924. Repair station security

"(a) SECURITY REVIEW AND AUDIT.—To ensure the security of maintenance and repair work conducted on air carrier aircraft and components at foreign repair stations, the Under Secretary for Border and Transportation Security of the Department of Homeland Security, in consultation with the Administrator of the Federal Aviation Administration, shall complete a security review and audit of foreign repair stations that are certified by the Administrator under part 145 of title 14, Code of Federal Regulations, and that work on air carrier aircraft and components. The review shall be completed not later than 18 months after the date on which the Under Secretary issues regulations under subsection (f).

"(b) ADDRESSING SECURITY CONCERNS.—The Under Secretary shall require a foreign repair station to address the security issues and vulnerabilities identified in a security audit conducted under subsection (a) within 90 days of providing notice to the repair station of the security issues and vulnerabilities so identified and shall notify the Administrator that a deficiency was identified in the security audit.

"(c) SUSPENSIONS AND REVOCATIONS OF CERTIFICATES.—

"(1) FAILURE TO CARRY OUT EFFECTIVE SECURITY MEASURES.—If, after the 90th day on which a notice is provided to a foreign repair station under subsection (b), the Under Secretary determines that the foreign repair station does not maintain and carry out effective security measures, the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determination, the Administrator shall suspend the certification of the repair station until such time as the Under Secretary determines that the repair station maintains and carries out effective security measures and transmits the determination to the Administrator.

"(2) IMMEDIATE SECURITY RISK.—If the Under Secretary determines that a foreign repair station poses an immediate security risk, the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determination, the Administrator shall revoke the certification of the repair station.

"(3) PROCEDURES FOR APPEALS.—The Under Secretary, in consultation with the Administrator, shall establish procedures for appealing a revocation of a certificate under this subsection.

"(d) FAILURE TO MEET AUDIT DEADLINE.—If the security audits required by subsection (a) are not completed on or before the date that is 18 months after the date on which the Under Secretary issues regulations under subsection (f), the Administrator shall be barred from certifying any foreign repair station until such audits are completed for existing stations.

"(e) PRIORITY FOR AUDITS.—In conducting the audits described in subsection (a), the Under Secretary and the Administrator shall give priority to foreign repair stations located in countries identified by the Government as posing the most significant security risks.

"(f) REGULATIONS.—Not later than 240 days after the date of enactment of this section, the Under Secretary, in consultation with the Administrator, shall issue final regulations to ensure the security of foreign and domestic aircraft repair stations.

"(g) REPORT TO CONGRESS.—If the Under Secretary does not issue final regulations before the deadline specified in subsection (f), the Under Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an explanation as to why the deadline was not met and a schedule for issuing the final regulations.".

(2) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 449 is amended by adding at the end the following:

"44924. Repair station security.".

SEC. 612. FLIGHT TRAINING.

(a) IN GENERAL.—Section 44939 is amended to read as follows:

"§44939. Training to operate certain aircraft

"(a) WAITING PERIOD.—A person operating as a flight instructor, pilot school, or aviation training center or subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of more than 12,500 pounds to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Secretary of Homeland Security only if—

"(1) that person has first notified the Secretary that the alien or individual has requested such training and submitted to the Secretary, in such form as the Secretary may prescribe, the following information about the alien or individual:

"(A) full name, including any aliases used by the applicant or variations in spelling of the applicant's name;

"(B) passport and visa information;

"(C) country of citizenship;

"(D) date of birth;

"(E) dates of training; and

"(F) fingerprints collected by, or under the supervision of, a Federal, State, or local law enforcement agency or by another entity approved by the Federal Bureau of Investigation or the Secretary of Homeland Security, including fingerprints taken by United States Government personnel at a United States embassy or consulate; and

"(2) the Secretary has not directed, within 30 days after being notified under paragraph (1), that person not to provide the requested training because the Secretary has determined that the individual presents a risk to aviation or national security.

"(b) INTERRUPTION OF TRAINING.—If the Secretary of Homeland Security, more than 30 days after receiving notification under subsection (a) from a person providing training described in subsection (a), determines that the individual presents a risk to aviation or national security, the Secretary shall immediately notify the person providing the training of the determination and that person shall immediately terminate the training.

"(c) NOTIFICATION.—A person operating as a flight instructor, pilot school, or aviation training center or subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of 12,500 pounds or less to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Secretary of Homeland Security only if that person has notified the Secretary that the individual has requested such training and furnished the Secretary with that individual's identification in such form as the Secretary may require.

"(d) EXPEDITED PROCESSING.—Not later than 60 days after the date of enactment of this section, the Secretary shall establish a process to ensure that the waiting period under subsection (a) shall not exceed 5 days for an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) who—

"(1) holds an airman's certification of a foreign country that is recognized by an agency of the United States, including a military agency, that permits an individual to operate a multi-engine aircraft that has a certificated takeoff weight of more than 12,500 pounds;

"(2) is employed by a foreign air carrier that is certified under part 129 of title 14, Code of Federal Regulations, and that has a security program approved under section 1546 of title 49, Code of Federal Regulations;

"(3) is an individual that has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(ii); or

"(4) is an individual that is part of a class of individuals that the Secretary has determined that providing aviation training to presents minimal risk to aviation or national security because of the aviation training already possessed by such class of individuals.

"(e) TRAINING.—In subsection (a), the term 'training' means training received from an instructor in an aircraft or aircraft simulator and does not include recurrent training, ground training, or demonstration flights for marketing purposes.

"(f) NONAPPLICABILITY TO CERTAIN FOREIGN MILITARY PILOTS.—The procedures and processes required by subsections (a) through (d) shall not apply to a foreign military pilot endorsed by the Department of Defense for flight training in the United States and seeking training described in subsection (e) in the United States.

"(g) FEE.—

"(1) IN GENERAL.—The Secretary of Homeland Security may assess a fee for an investigation under this section, which may not exceed $100 per individual (exclusive of the cost of transmitting fingerprints collected at overseas facilities) during fiscal years 2003 and 2004. For fiscal year 2005 and thereafter, the Secretary may adjust the maximum amount of the fee to reflect the costs of such an investigation.

"(2) OFFSET.—Notwithstanding section 3302 of title 31, any fee collected under this section—

"(A) shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Secretary for those expenses; and

"(B) shall remain available until expended.

"(h) INTERAGENCY COOPERATION.—The Attorney General, the Director of Central Intelligence, and the Administrator of the Federal Aviation Administration shall cooperate with the Secretary in implementing this section.

"(i) SECURITY AWARENESS TRAINING FOR EMPLOYEES.—The Secretary shall require flight schools to conduct a security awareness program for flight school employees to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight school.".

(b) PROCEDURES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall promulgate an interim final rule to implement section 44939 of title 49, United States Code, as amended by subsection (a).

(2) USE OF OVERSEAS FACILITIES.—In order to implement section 44939 of title 49, United States Code, as amended by subsection (a), United States Embassies and Consulates that possess appropriate fingerprint collection equipment and personnel certified to capture fingerprints shall provide fingerprint services to aliens covered by that section if the Secretary requires fingerprints in the administration of that section, and shall transmit the fingerprints to the Secretary or other agency designated by the Secretary. The Attorney General and the Secretary of State shall cooperate with the Secretary of Homeland Security in carrying out this paragraph.

(3) USE OF UNITED STATES FACILITIES.—If the Secretary of Homeland Security requires fingerprinting in the administration of section 44939 of title 49, United States Code, the Secretary may designate locations within the United States that will provide fingerprinting services to individuals covered by that section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the effective date of the interim final rule required by subsection (b)(1).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the effectiveness of the activities carried out under section 44939 of title 49, United States Code, in reducing risks to aviation security and national security.

SEC. 613. DEPLOYMENT OF SCREENERS AT KENAI, HOMER, AND VALDEZ, ALASKA.

Not later than 45 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall deploy Federal screeners at Kenai, Homer, and Valdez, Alaska.

TITLE VII—AVIATION RESEARCH

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "to carry out sections 44504" and inserting "for conducting civil aviation research and development under sections 44504";

(2) by striking "and" at the end of paragraph (7);

(3) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(9) for fiscal year 2004, $346,317,000, including—

"(A) $65,000,000 for Improving Aviation Safety;

"(B) $24,000,000 for Weather Safety Research;

"(C) $27,500,000 for Human Factors and Aeromedical Research;

"(D) $30,000,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

"(E) $7,000,000 for Research Mission Support;

"(F) $10,000,000 for the Airport Cooperative Research Program;

"(G) $1,500,000 for carrying out subsection (h) of this section;

"(H) $42,800,000 for Advanced Technology Development and Prototyping;

"(I) $30,300,000 for Safe Flight 21;

"(J) $90,800,000 for the Center for Advanced Aviation System Development;

"(K) $9,667,000 for Airports Technology-Safety; and

"(L) $7,750,000 for Airports Technology-Efficiency;

"(10) for fiscal year 2005, $356,192,000, including—

"(A) $65,705,000 for Improving Aviation Safety;

"(B) $24,260,000 for Weather Safety Research;

"(C) $27,800,000 for Human Factors and Aeromedical Research;

"(D) $30,109,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

"(E) $7,076,000 for Research Mission Support;

"(F) $10,000,000 for the Airport Cooperative Research Program;

"(G) $1,650,000 for carrying out subsection (h) of this section;

"(H) $43,300,000 for Advanced Technology Development and Prototyping;

"(I) $31,100,000 for Safe Flight 21;

"(J) $95,400,000 for the Center for Advanced Aviation System Development;

"(K) $2,200,000 for Free Flight Phase 2;

"(L) $9,764,000 for Airports Technology-Safety; and

"(M) $7,828,000 for Airports Technology-Efficiency;

"(11) for fiscal year 2006, $352,157,000, including—

"(A) $66,447,000 for Improving Aviation Safety;

"(B) $24,534,000 for Weather Safety Research;

"(C) $28,114,000 for Human Factors and Aeromedical Research;

"(D) $30,223,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

"(E) $7,156,000 for Research Mission Support;

"(F) $10,000,000 for the Airport Cooperation Research Program;

"(G) $1,815,000 for carrying out subsection (h) of this section;

"(H) $42,200,000 for Advanced Technology Development and Prototyping;

"(I) $23,900,000 for Safe Flight 21;

"(J) $100,000,000 for the Center for Advanced Aviation System Development;

"(K) $9,862,000 for Airports Technology-Safety; and

"(L) $7,906,000 for Airports Technology-Efficiency; and

"(12) for fiscal year 2007, $356,261,000, including—

"(A) $67,244,000 for Improving Aviation Safety;

"(B) $24,828,000 for Weather Safety Research;

"(C) $28,451,000 for Human Factors and Aeromedical Research;

"(D) $30,586,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

"(E) $7,242,000 for Research Mission Support;

"(F) $10,000,000 for the Airport Cooperation Research Program;

"(G) $1,837,000 for carrying out subsection (h) of this section;

"(H) $42,706,000 for Advanced Technology Development and Prototyping;

"(I) $24,187,000 for Safe Flight 21;

"(J) $101,200,000 for the Center for Advanced Aviation System Development;

"(K) $9,980,000 for Airports Technology-Safety; and

"(L) $8,000,000 for Airports Technology-Efficiency.".

SEC. 702. FEDERAL AVIATION ADMINISTRATION SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.

(a)(1) The Administrator of the Federal Aviation Administration shall establish a Federal Aviation Administration Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the Federal Aviation Administration.

(2) Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or

34 of the Science and Engineering Equal Opportunities Act.

(3) To carry out the Program the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Federal Aviation Administration, for the period described in subsection (f)(1), in positions needed by the Federal Aviation Administration and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) In order to be eligible to participate in the Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education, as a junior or senior undergraduate or graduate student, in an academic field or discipline described in the list made available under subsection (d);

(2) be a United States citizen or permanent resident; and

(3) at the time of the initial scholarship award, not be an employee (as defined in section 2105 of title 5, United States Code).

(c) An individual seeking a scholarship under this section shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require.

(d) The Administrator shall make publicly available a list of academic programs and fields of study for which scholarships under the Program may be utilized and shall update the list as necessary.

(e)(1) The Administrator may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Administrator, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

(2) An individual may not receive a scholarship under this section for more than 4 academic years, unless the Administrator grants a waiver.

(3) The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Administrator, but shall in no case exceed the cost of attendance.

(4) A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Administrator by regulation.

(5) The Administrator may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f)(1) The period of service for which an individual shall be obligated to serve as an employee of the Federal Aviation Administration is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2)(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate. The Administrator shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g)(1) Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Administrator when determined to be necessary, as established by regulation.

(2) Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States,

multiplied by 3.

(h)(1) Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) The Administrator shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(i) For purposes of this section—

(1) the term "cost of attendance" has the meaning given that term in section 472 of the Higher Education Act of 1965;

(2) the term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965; and

(3) the term "Program" means the Federal Aviation Administration Science and Technology Scholarship Program established under this section.

(j)(1) There is authorized to be appropriated to the Federal Aviation Administration for the Program $10,000,000 for each fiscal year.

(2) Amounts appropriated under this section shall remain available for 2 fiscal years.

(k) The Administrator may provide temporary internships to full-time students enrolled in an undergraduate or post-graduate program leading to an advanced degree in an aerospace-related or aviation safety-related field of endeavor.

SEC. 703. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.

(a)(1) The Administrator of the National Aeronautics and Space Administration shall establish a National Aeronautics and Space Administration Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the National Aeronautics and Space Administration.

(2) Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act.

(3) To carry out the Program the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the National Aeronautics and Space Administration, for the period described in subsection (f)(1), in positions needed by the National Aeronautics and Space Administration and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) In order to be eligible to participate in the Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education, as a junior or senior undergraduate or graduate student, in an academic field or discipline described in the list made available under subsection (d);

(2) be a United States citizen or permanent resident; and

(3) at the time of the initial scholarship award, not be an employee (as defined in section 2105 of title 5, United States Code).

(c) An individual seeking a scholarship under this section shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require.

(d) The Administrator shall make publicly available a list of academic programs and fields of study for which scholarships under the Program may be utilized and shall update the list as necessary.

(e)(1) The Administrator may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Administrator, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

(2) An individual may not receive a scholarship under this section for more than 4 academic years, unless the Administrator grants a waiver.

(3) The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Administrator, but shall in no case exceed the cost of attendance.

(4) A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Administrator by regulation.

(5) The Administrator may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f)(1) The period of service for which an individual shall be obligated to serve as an employee of the National Aeronautics and Space Administration is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2)(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate. The Administrator shall prescribe the terms and

conditions under which a service obligation may be deferred through regulation.

(g)(1) Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Administrator when determined to be necessary, as established by regulation.

(2) Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States,

multiplied by 3.

(h)(1) Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) The Administrator shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(i) For purposes of this section—

(1) the term "cost of attendance" has the meaning given that term in section 472 of the Higher Education Act of 1965;

(2) the term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965; and

(3) the term "Program" means the National Aeronautics and Space Administration Science and Technology Scholarship Program established under this section.

(j)(1) There is authorized to be appropriated to the National Aeronautics and Space Administration for the Program $10,000,000 for each fiscal year.

(2) Amounts appropriated under this section shall remain available for 2 fiscal years.

(k) The Administrator may provide temporary internships to full-time students enrolled in an undergraduate or post-graduate program leading to an advanced degree in an aerospace-related or aviation safety-related field of endeavor.

SEC. 704. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

(c) STATUTORY CONSTRUCTION.—Nothing in this section requires the Administrator to prioritize an airfield pavement research program above safety, security, Flight 21, environment, or energy research programs.

SEC. 705. ENSURING APPROPRIATE STANDARDS FOR AIRFIELD PAVEMENTS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review and determine whether the Federal Aviation Administration's standards used to determine the appropriate thickness for asphalt and concrete airfield pavements are in accordance with the Federal Aviation Administration's standard 20-year-life requirement using the most up-to-date available information on the life of airfield pavements. If the Administrator determines that such standards are not in accordance with that requirement, the Administrator shall make appropriate adjustments to the Federal Aviation Administration's standards for airfield pavements.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Administrator shall report the results of the review conducted under subsection (a) and the adjustments, if any, made on the basis of that review to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Science.

SEC. 706. DEVELOPMENT OF ANALYTICAL TOOLS AND CERTIFICATION METHODS.

The Federal Aviation Administration shall conduct research to promote the development of analytical tools to improve existing certification methods and to reduce the overall costs for the certification of new products.

SEC. 707. RESEARCH ON AVIATION TRAINING.

Section 48102(h)(1) of title 49, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, on training requirements for pilots and air traffic controllers.".

SEC. 708. FAA CENTER FOR EXCELLENCE FOR APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall develop a Center for Excellence focused on applied research and training on the durability and maintainability of advanced materials in transport airframe structures. The Center shall—

(1) promote and facilitate collaboration among academia, the Federal Aviation Administration's Transportation Division, and the commercial aircraft industry, including manufacturers, commercial air carriers, and suppliers; and

(2) establish goals set to advance technology, improve engineering practices, and facilitate continuing education in relevant areas of study.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $500,000 for fiscal year 2004 to carry out this section.

SEC. 709. AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) ESTABLISHMENT.—(1) The Secretary of Transportation shall establish in the Federal Aviation Administration a joint planning and development office to manage work related to the Next Generation Air Transportation System. The office shall be known as the Next Generation Air Transportation System Joint Planning and Development Office (in this section referred to as the "Office").

(2) The responsibilities of the Office shall include—

(A) creating and carrying out an integrated plan for a Next Generation Air Transportation System pursuant to subsection (b);

(B) overseeing research and development on that system;

(C) creating a transition plan for the implementation of that system;

(D) coordinating aviation and aeronautics research programs to achieve the goal of more effective and directed programs that will result in applicable research;

(E) coordinating goals and priorities and coordinating research activities within the Federal Government with United States aviation and aeronautical firms;

(F) coordinating the development and utilization of new technologies to ensure that when available, they may be used to their fullest potential in aircraft and in the air traffic control system;

(G) facilitating the transfer of technology from research programs such as the National Aeronautics and Space Administration program and the Department of Defense Advanced Research Projects Agency program to Federal agencies with operational responsibilities and to the private sector; and

(H) reviewing activities relating to noise, emissions, fuel consumption, and safety conducted by Federal agencies, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Commerce, and the Department of Defense.

(3) The Office shall operate in conjunction with relevant programs in the Department of Defense, the National Aeronautics and Space Administration, the Department of Commerce and the Department of Homeland Security. The Secretary of Transportation may request assistance from staff from those Departments and other Federal agencies.

(4) In developing and carrying out its plans, the Office shall consult with the public and ensure the participation of experts from the private sector including representatives of commercial aviation, general aviation, aviation labor groups, aviation research and development entities, aircraft and air traffic control suppliers, and the space industry.

(b) INTEGRATED PLAN.—The integrated plan shall be designed to ensure that the Next Generation Air Transportation System meets air transportation safety, security, mobility, efficiency, and capacity needs beyond those currently included in the Federal Aviation Administration's operational evolution plan and accomplishes the goals under subsection (c). The integrated plan shall include—

(1) a national vision statement for an air transportation system capable of meeting potential air traffic demand by 2025;

(2) a description of the demand and the performance characteristics that will be required of the Nation's future air transportation system, and an explanation of how those characteristics were derived, including the national goals, objectives, and policies the system is designed to further, and the underlying socioeconomic determinants, and associated models and analyses;

(3) a multiagency research and development roadmap for creating the Next Generation Air

Transportation System with the characteristics outlined under clause (ii), including—

(A) the most significant technical obstacles and the research and development activities necessary to overcome them, including for each project, the role of each Federal agency, corporations, and universities;

(B) the annual anticipated cost of carrying out the research and development activities; and

(C) the technical milestones that will be used to evaluate the activities; and

(4) a description of the operational concepts to meet the system performance requirements for all system users and a timeline and anticipated expenditures needed to develop and deploy the system to meet the vision for 2025.

(c) GOALS.—The Next Generation Air Transportation System shall—

(1) improve the level of safety, security, efficiency, quality, and affordability of the National Airspace System and aviation services;

(2) take advantage of data from emerging ground-based and space-based communications, navigation, and surveillance technologies;

(3) integrate data streams from multiple agencies and sources to enable situational awareness and seamless global operations for all appropriate users of the system, including users responsible for civil aviation, homeland security, and national security;

(4) leverage investments in civil aviation, homeland security, and national security and build upon current air traffic management and infrastructure initiatives to meet system performance requirements for all system users;

(5) be scalable to accommodate and encourage substantial growth in domestic and international transportation and anticipate and accommodate continuing technology upgrades and advances;

(6) accommodate a wide range of aircraft operations, including airlines, air taxis, helicopters, general aviation, and unmanned aerial vehicles; and

(7) take into consideration, to the greatest extent practicable, design of airport approach and departure flight paths to reduce exposure of noise and emissions pollution on affected residents.

(d) REPORTS.—The Administrator of the Federal Aviation Administration shall transmit to the Committee on Commerce, Science, and Transportation in the Senate and the Committee on Transportation and Infrastructure and the Committee on Science in the House of Representatives—

(1) not later than 1 year after the date of enactment of this Act, the integrated plan required in subsection (b); and

(2) annually at the time of the President's budget request, a report describing the progress in carrying out the plan required under subsection (b) and any changes to that plan.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office $50,000,000 for each of the fiscal years 2004 through 2010.

SEC. 710. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

(a) IN GENERAL.—The Secretary of Transportation shall establish a senior policy committee to work with the Next Generation Air Transportation System Joint Planning and Development Office. The senior policy committee shall be chaired by the Secretary.

(b) MEMBERSHIP.—In addition to the Secretary, the senior policy committee shall be composed of—

(1) the Administrator of the Federal Aviation Administration (or the Administrator's designee);

(2) the Administrator of the National Aeronautics and Space Administration (or the Administrator's designee);

(3) the Secretary of Defense (or the Secretary's designee);

(4) the Secretary of Homeland Security (or the Secretary's designee);

(5) the Secretary of Commerce (or the Secretary's designee);

(6) the Director of the Office of Science and Technology Policy (or the Director's designee); and

(7) designees from other Federal agencies determined by the Secretary of Transportation to have an important interest in, or responsibility for, other aspects of the system.

(c) FUNCTION.—The senior policy committee shall—

(1) advise the Secretary of Transportation regarding the national goals and strategic objectives for the transformation of the Nation's air transportation system to meet its future needs;

(2) provide policy guidance for the integrated plan for the air transportation system to be developed by the Next Generation Air Transportation System Joint Planning and Development Office;

(3) provide ongoing policy review for the transformation of the air transportation system;

(4) identify resource needs and make recommendations to their respective agencies for necessary funding for planning, research, and development activities; and

(5) make legislative recommendations, as appropriate, for the future air transportation system.

(d) CONSULTATION.—In carrying out its functions under this section, the senior policy committee shall consult with, and ensure participation by, the private sector (including representatives of general aviation, commercial aviation, aviation labor, and the space industry), members of the public, and other interested parties and may do so through a special advisory committee composed of such representatives.

SEC. 711. ROTORCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.

(a) OBJECTIVE.—The Administrator of the Federal Aviation Administration shall establish a rotorcraft initiative with the objective of developing, and demonstrating in a relevant environment, within 10 years after the date of the enactment of this Act, technologies to enable rotorcraft with the following improvements relative to rotorcraft existing as of the date of the enactment of this Act:

(1) 80 percent reduction in noise levels on takeoff and on approach and landing as perceived by a human observer.

(2) Factor of 10 reduction in vibration.

(3) 30 percent reduction in empty weight.

(4) Predicted accident rate equivalent to that of fixed-wing aircraft in commercial service within 10 years after the date of the enactment of this Act.

(5) Capability for zero-ceiling, zero-visibility operations.

(b) IMPLEMENTATION.—Within 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall provide a plan to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate for the implementation of the initiative described in subsection (a).

SEC. 712. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f) AIRPORT COOPERATIVE RESEARCH PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a 4-year pilot airport cooperative research program to—

"(A) identify problems that are shared by airport operating agencies and can be solved through applied research but that are not being adequately addressed by existing Federal research programs; and

"(B) fund research to address those problems.

"(2) GOVERNANCE.—The Secretary of Transportation shall appoint an independent governing board for the research program established under this subsection. The governing board shall be appointed from candidates nominated by national associations representing public airport operating agencies, airport executives, State aviation officials, and the scheduled airlines, and shall include representatives of appropriate Federal agencies. Section 14 of the Federal Advisory Committee Act shall not apply to the governing board.

"(3) IMPLEMENTATION.—The Secretary of Transportation shall enter into an arrangement with the National Academy of Sciences to provide staff support to the governing board established under paragraph (2) and to carry out projects proposed by the governing board that the Secretary considers appropriate.

"(4) REPORT.—Not later than 6 months after the expiration of the program under this subsection, the Secretary shall transmit to the Congress a report on the program, including recommendations as to the need for establishing a permanent airport cooperative research program.".

TITLE VIII—MISCELLANEOUS

SEC. 801. DEFINITIONS.

(a) IN GENERAL.—Section 47102 is amended—

(1) by redesignating paragraphs (19) and (20) as paragraphs (24) and (25), respectively;

(2) by inserting after paragraph (18) the following:

"(23) 'small hub airport' means a commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.";

(3) in paragraph (10) by striking subparagraphs (A) and (B) and inserting following:

"(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

"(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.";

(4) by redesignating paragraphs (10) through (18) as paragraphs (14) through (22), respectively;

(5) by inserting after paragraph (9) the following:

"(10) 'large hub airport' means a commercial service airport that has at least 1.0 percent of the passenger boardings.

"(12) 'medium hub airport' means a commercial service airport that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.

"(13) 'nonhub airport' means a commercial service airport that has less than 0.05 percent of the passenger boardings."; and

(6) by striking paragraph (6) and inserting the following:

"(6) 'amount made available under section 48103' or 'amount newly made available' means the amount authorized for grants under section 48103 as that amount may be limited in that year by a subsequent law, but as determined without regard to grant obligation recoveries made in that year or amounts covered by section 47107(f).".

(b) CONFORMING AMENDMENT.—Section 47116(b)(1) is amended by striking "(as defined in section 41731 of this title)".

SEC. 802. REPORT ON AVIATION SAFETY REPORTING SYSTEM.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to Congress a report on the long-term goals and objectives of the Aviation Safety Reporting System and how such system interrelates with other safety reporting systems of the Federal Government.

SEC. 803. ANCHORAGE AIR TRAFFIC CONTROL.

(a) IN GENERAL.—Not later than September 30, 2004, the Administrator of the Federal Aviation Administration shall complete a study and transmit a report to the appropriate committees regarding the feasibility of consolidating the Anchorage Terminal Radar Approach Control and the Anchorage Air Route Traffic Control Center at the existing Anchorage Air Route Traffic Control Center facility.

(b) APPROPRIATE COMMITTEES.—In this section, the term “appropriate committees” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 804. EXTENSION OF METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

Section 49108 is amended by striking “2004” and inserting “2008”.

SEC. 805. IMPROVEMENT OF AVIATION INFORMATION COLLECTION.

(a) IN GENERAL.—Section 329(b)(1) is amended by striking “except that in no case” and all that follows through the semicolon at the end and inserting the following: “except that, if the Secretary requires air carriers to provide flight-specific information, the Secretary—

“(A) shall not disseminate fare information for a specific flight to the general public for a period of at least 9 months following the date of the flight; and

“(B) shall give due consideration to and address confidentiality concerns of carriers, including competitive implications, in any rulemaking prior to adoption of a rule requiring the dissemination to the general public of any flight-specific fare;”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the issuance of a final rule to modernize the Origin and Destination Survey of Airline Passenger Traffic, pursuant to the Advance Notice of Proposed Rulemaking published July 15, 1998 (Regulation Identifier Number 2105–AC71), that reduces the reporting burden for air carriers through electronic filing of the survey data collected under section 329(b)(1) of title 49, United States Code.

SEC. 806. GOVERNMENT-FINANCED AIR TRANSPORTATION.

Section 40118(f)(2) is amended by inserting before the period at the end the following: “, except that it shall not include a contract for the transportation by air of passengers”.

SEC. 807. AIR CARRIER CITIZENSHIP.

Section 40102(a)(15)(C) is amended by inserting “which is under the actual control of citizens of the United States,” before “and in which”.

SEC. 808. UNITED STATES PRESENCE IN GLOBAL AIR CARGO INDUSTRY.

Section 41703 is amended by adding at the end the following:

“(e) CARGO IN ALASKA.—

“(1) IN GENERAL.—For the purposes of subsection (c), eligible cargo taken on or off any aircraft at a place in Alaska in the course of transportation of that cargo by any combination of 2 or more air carriers or foreign air carriers in either direction between a place in the United States and a place outside the United States shall not be deemed to have broken its international journey in, be taken on in, or be destined for Alaska.

“(2) ELIGIBLE CARGO.—For purposes of paragraph (1), the term ‘eligible cargo’ means cargo transported between Alaska and any other place in the United States on a foreign air carrier (having been transported from, or thereafter being transported to, a place outside the United States on a different air carrier or foreign air carrier) that is carried—

“(A) under the code of a United States air carrier providing air transportation to Alaska;

“(B) on an air carrier way bill of an air carrier providing air transportation to Alaska;

“(C) under a term arrangement or block space agreement with an air carrier; or

“(D) under the code of a United States air carrier for purposes of transportation within the United States.”.

SEC. 809. AVAILABILITY OF AIRCRAFT ACCIDENT SITE INFORMATION.

(a) DOMESTIC AIR TRANSPORTATION.—Section 41113(b) is amended—

(1) in paragraph (16) by striking “the air carrier” the third place it appears; and

(2) by adding at the end the following:

“(17)(A) An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

“(B) At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by air carrier representatives about compensation by the air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

“(18) An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the air carrier’s flight if that city is located in the United States.”.

(b) FOREIGN AIR TRANSPORTATION.—Section 41313(c) is amended by adding at the end the following:

“(17) NOTICE CONCERNING LIABILITY FOR MAN-MADE STRUCTURES.—

“(A) IN GENERAL.—An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the foreign air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

“(B) MINIMUM CONTENTS.—At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by foreign air carrier representatives about compensation by the foreign air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

“(18) SIMULTANEOUS ELECTRONIC TRANSMISSION OF NTSB HEARING.—An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the foreign air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the foreign air carrier’s flight if that city is located in the United States.”.

(c) UPDATE PLANS.—Air carriers and foreign air carriers shall update their plans under sections 41113 and 41313 of title 49, United States Code, respectively, to reflect the amendments made by subsections (a) and (b) of this section not later than 90 days after the date of enactment of this Act.

SEC. 810. NOTICE CONCERNING AIRCRAFT ASSEMBLY.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

“§41723. Notice concerning aircraft assembly

“The Secretary of Transportation shall require, beginning after the last day of the 18-month period following the date of enactment of this section, an air carrier using an aircraft to provide scheduled passenger air transportation to display a notice, on an information placard available to each passenger on the aircraft, that informs the passengers of the nation in which the aircraft was finally assembled.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by inserting after the item relating to section 41722 the following:

“41723. Notice concerning aircraft assembly.”.

SEC. 811. TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

“(3) If the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. Such other person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if such other person is the holder of the type certificate or has permission from the holder.”.

SEC. 812. RECIPROCAL AIRWORTHINESS CERTIFICATION.

(a) IN GENERAL.—As part of their bilateral negotiations with foreign nations and their civil aviation counterparts, the Secretary of State and the Administrator of the Federal Aviation Administration shall facilitate the reciprocal airworthiness certification of aviation products.

(b) RECIPROCAL AIRWORTHINESS DEFINED.—In this section, the term “reciprocal airworthiness certification of aviation products” means that the regulatory authorities of each nation perform a similar review in certifying or validating the certification of aircraft and aircraft components of other nations.

SEC. 813. INTERNATIONAL ROLE OF THE FAA.

Section 40104(b) is amended to read as follows:

“(b) INTERNATIONAL ROLE OF THE FAA.—The Administrator shall promote and achieve global improvements in the safety, efficiency, and environmental effect of air travel by exercising leadership with the Administrator’s foreign counterparts, in the International Civil Aviation Organization and its subsidiary organizations, and other international organizations and fora, and with the private sector.”.

SEC. 814. FLIGHT ATTENDANT CERTIFICATION.

(a) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

“§44729. Flight attendant certification

“(a) CERTIFICATE REQUIRED.—

“(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier unless that person holds a certificate of demonstrated proficiency from the Administrator of the Federal Aviation Administration.

Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board or another Federal agency, a person who holds such a certificate shall present the certificate for inspection within a reasonable period of time after the date of the request.

"(2) Special Rule for Current Flight Attendants.—An individual serving as a flight attendant on the effective date of this section may continue to serve aboard an aircraft as a flight attendant until completion by that individual of the required recurrent or requalification training and subsequent certification under this section.

"(3) Treatment of Flight Attendant After Notification.—On the date that the Administrator is notified by an air carrier that an individual has the demonstrated proficiency to be a flight attendant, the individual shall be treated for purposes of this section as holding a certificate issued under the section.

"(b) Issuance of Certificate.—The Administrator shall issue a certificate of demonstrated proficiency under this section to an individual after the Administrator is notified by the air carrier that the individual has successfully completed all the training requirements for flight attendants approved by the Administrator.

"(c) Designation of Person To Determine Successful Completion of Training.—In accordance with part 183 of chapter 14, Code of Federal Regulation, the director of operations of an air carrier is designated to determine that an individual has successfully completed the training requirements approved by the Administrator for such individual to serve as a flight attendant.

"(d) Specifications Relating to Certificates.—Each certificate issued under this section shall—

"(1) be numbered and recorded by the Administrator;

"(2) contain the name, address, and description of the individual to whom the certificate is issued;

"(3) is similar in size and appearance to certificates issued to airmen; .

"(4) contain the airplane group for which the certificate is issued; and

"(5) be issued not later than 120 days after the Administrator receives notification from the air carrier of demonstrated proficiency and, in the case of an individual serving as flight attendant on the effective date of this section, not later than 1 year after such effective date.

"(e) Approval of Training Programs.—Air carrier flight attendant training programs shall be subject to approval by the Administrator. All flight attendant training programs approved by the Administrator in the 1-year period ending on the date of enactment of this section shall be treated as providing a demonstrated proficiency for purposes of meeting the certification requirements of this section.

"(f) Flight Attendant Defined.—In this section, the term 'flight attendant' means an individual working as a flight attendant in the cabin of an aircraft that has 20 or more seats and is being used by an air carrier to provide air transportation.".

(b) Conforming Amendment.—The analysis for chapter 447 is further amended by adding at the end the following:

"44729. Flight attendant certification.".

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on the 365th day following the date of enactment of this Act.

SEC. 815. AIR QUALITY IN AIRCRAFT CABINS.

(a) In General.—The Administrator of the Federal Aviation Administration shall undertake the studies and analysis called for in the report of the National Research Council entitled "The Airliner Cabin Environment and the Health of Passengers and Crew".

(b) Required Activities.—In carrying out this section, the Administrator, at a minimum, shall—

(1) conduct surveillance to monitor ozone in the cabin on a representative number of flights and aircraft to determine compliance with existing Federal Aviation Regulations for ozone;

(2) collect pesticide exposure data to determine exposures of passengers and crew;

(3) analyze samples of residue from aircraft ventilation ducts and filters after air quality incidents to identify the contaminants to which passengers and crew were exposed;

(4) analyze and study cabin air pressure and altitude; and

(5) establish an air quality incident reporting system.

(c) Report.—Not later than 30 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the Administrator under this section.

SEC. 816. RECOMMENDATIONS CONCERNING TRAVEL AGENTS.

(a) Report.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on any actions that should be taken with respect to recommendations made by the National Commission to Ensure Consumer Information and Choice in the Airline Industry on—

(1) the travel agent arbiter program; and

(2) the special box on tickets for agents to include their service fee charges.

(b) Consultation.—In preparing this report, the Secretary shall consult with representatives from the airline and travel agent industry.

SEC. 817. REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES.

(a) In General.—The Secretary of Transportation may make grants to reimburse the following general aviation entities for the security costs incurred and revenue foregone as a result of the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001:

(1) General aviation entities that operate at Ronald Reagan Washington National Airport.

(2) Airports that are located within 15 miles of Ronald Reagan Washington National Airport and were operating under security restrictions on the date of enactment of this Act and general aviation entities operating at those airports.

(3) General aviation entities affected by implementation of section 44939 of title 49, United States Code.

(4) General aviation entities that were affected by Federal Aviation Administration Notices to Airmen FDC 2/1099 and 3/1862 or section 352 of the Department of Transportation and Related Agencies Appropriations Act, 2003 (Public Law 108–7, division I), or both.

(5) Sightseeing operations that were not authorized to resume in enhanced class B air space under Federal Aviation Administration notice to airmen 1/1225.

(b) Documentation.—Reimbursement under this section shall be made in accordance with sworn financial statements or other appropriate data submitted by each general aviation entity demonstrating the costs incurred and revenue foregone to the satisfaction of the Secretary.

(c) General Aviation Entity Defined.—In this section, the term "general aviation entity" means any person (other than a scheduled air carrier or foreign air carrier, as such terms are defined in section 40102 of title 49, United States Code) that—

(1) operates nonmilitary aircraft under part 91 of title 14, Code of Federal Regulations, for the purpose of conducting its primary business;

(2) manufactures nonmilitary aircraft with a maximum seating capacity of fewer than 20 passengers or aircraft parts to be used in such aircraft;

(3) provides services necessary for nonmilitary operations under such part 91; or

(4) operates an airport, other than a primary airport (as such terms are defined in such section 40102), that—

(A) is listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103 of such title; or

(B) is normally open to the public, is located within the confines of enhanced class B airspace (as defined by the Federal Aviation Administration in Notice to Airmen FDC 1/0618), and was closed as a result of an order issued by the Federal Aviation Administration in the period beginning September 11, 2001, and ending January 1, 2002, and remained closed as a result of that order on January 1, 2002.

Such term includes fixed based operators, flight schools, manufacturers of general aviation aircraft and products, persons engaged in nonscheduled aviation enterprises, and general aviation independent contractors.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 818. INTERNATIONAL AIR SHOW.

If the Secretary of Defense conducts activities necessary to enable the United States to host a major international air show in the United States, the Secretary of Defense shall coordinate such activities with the Secretary of Transportation and the Secretary of Commerce.

SEC. 819. REPORT ON CERTAIN MARKET DEVELOPMENTS AND GOVERNMENT POLICIES.

Within 6 months after the date of enactment of this Act, the Department of Commerce, in consultation with the Department of Transportation and other appropriate Federal agencies, shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure a report about market developments and government policies influencing the competitiveness of the United States jet transport aircraft industry that—

(1) describes the structural characteristics of the United States and the European Union jet transport industries, and the markets for these industries;

(2) examines the global market factors affecting the jet transport industries in the United States and the European Union, such as passenger and freight airline purchasing patterns, the rise of low-cost carriers and point-to-point service, the evolution of new market niches, and direct and indirect operating cost trends;

(3) reviews government regulations in the United States and the European Union that have altered the competitive landscape for jet transport aircraft, such as airline deregulation, certification and safety regulations, noise and emissions regulations, government research and development programs, advances in air traffic control and other infrastructure issues, corporate and air travel tax issues, and industry consolidation strategies;

(4) analyzes how changes in the global market and government regulations have affected the competitive position of the United States aerospace and aviation industry vis-à-vis the European Union aerospace and aviation industry; and

(5) describes any other significant developments that affect the market for jet transport aircraft.

SEC. 820. INTERNATIONAL AIR TRANSPORTATION.

It is the sense of Congress that, in an effort to modernize its regulations, the Department of Transportation should formally define "Fifth Freedom" and "Seventh Freedom" consistently for both scheduled and charter passenger and cargo traffic.

SEC. 821. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES.

The Secretary of Homeland Security, subject to the availability of funds (other than amounts in the Aviation Trust Fund) provided for this purpose, shall reimburse air carriers and airports for—

(1) the screening of catering supplies; and

(2) checking documents at security checkpoints.

SEC. 822. CHARTER AIRLINES.

(a) IN GENERAL.—Section 41104(b)(1) is amended—

(1) by striking "paragraph (3)" and inserting "paragraphs (3) and (4)";

(2) by inserting a comma after "regularly scheduled charter air transportation"; and

(3) by striking "flight unless such air transportation" and all that follows through the period at the end and inserting the following: "flight, to or from an airport that—

"(A) does not have an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation); or

"(B) has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation) if the airport—

"(i) is a reliever airport (as defined in section 47102) and is designated as such in the national plan of integrated airports maintained under section 47103; and

"(ii) is located within 20 nautical miles (22 statute miles) of 3 or more airports that each annually account for at least 1 percent of the total United States passenger enplanements and at least 2 of which are operated by the sponsor of the reliever airport.".

(b) WAIVERS.—Section 41104(b) is amended by adding at the end the following:

"(4) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) in cases in which the Secretary determines that the public interest so requires.".

SEC. 823. GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) SECURITY PLAN.—The Secretary of Homeland Security shall develop and implement a security plan to permit general aviation aircraft to land and take off at Ronald Reagan Washington National Airport.

(b) LANDINGS AND TAKE OFFS.—The Administrator of the Federal Aviation Administration shall allow general aviation aircraft that comply with the requirements of the security plan to land and take off at the Airport except during any period that the President suspends the plan developed under subsection (a) due to national security concerns.

(c) REPORT.—If the President suspends the security plan developed under subsection (a), the President shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the reasons for the suspension not later than 30 days following the first day of the suspension. The report may be submitted in classified form.

SEC. 824. REVIEW OF AIR CARRIER COMPENSATION.

Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the criteria and procedures used by the Secretary of Transportation under the Air Transportation Safety and System Stabilization Act (Public Law 107–42) to compensate air carriers after the terrorist attack of September 11, 2001, with a particular focus on whether it is appropriate—

(1) to compensate air carriers for the decrease in value of their aircraft after September 11, 2001; and

(2) to ensure that comparable air carriers receive comparable percentages of the maximum compensation payable under section 103(b)(2) of such Act (49 U.S.C. 40101 note).

SEC. 825. NOISE CONTROL PLAN FOR CERTAIN AIRPORTS.

(a) IN GENERAL.—Notwithstanding chapter 475 of title 49, United States Code, or any other provision of law or regulation, a sponsor of a commercial service airport that does not own the airport land and is a party to a long-term lease agreement with a Federal agency (other than the Department of Defense or the Department of Transportation) may impose restrictions on, or prohibit, the operation of Stage 2 aircraft weighing less than 75,000 pounds, in order to help meet the noise control plan contained within the lease agreement. A use restriction imposed pursuant to this section must contain reasonable exemptions for public health and safety.

(b) PUBLIC NOTICE AND COMMENT.—Prior to imposing restrictions on, or prohibiting, the operation of Stage 2 aircraft weighing less than 75,000 pounds, the airport sponsor must provide reasonable notice and the opportunity to comment on the proposed airport use restriction limited to no more than 90 days.

(c) DEFINITIONS.—In this section, the terms "Stage 2 aircraft" and "Stage 3 aircraft" have the same meaning as those terms have in chapter 475 of title 49, United States Code.

SEC. 826. GAO REPORT ON AIRLINES ACTIONS TO IMPROVE FINANCES AND ON EXECUTIVE COMPENSATION.

(a) FINDING.—Congress finds that the United States Government has by law provided substantial financial assistance to United States commercial airlines in the form of war risk insurance and reinsurance and other economic benefits and has imposed substantial economic and regulatory burdens on those airlines. In order to determine the economic viability of the domestic commercial airline industry and to evaluate the need for additional measures or the modification of existing laws, Congress needs more frequent information and independently verified information about the financial condition of these airlines.

(b) GAO REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall prepare a report for Congress analyzing the financial condition of the United States airline industry in its efforts to reduce the costs, improve the earnings and profits and balances of each individual air carrier. The report shall recommend steps that the industry should take to become financially self sufficient.

(c) GAO AUTHORITY.—In order to compile the report required by subsection (b), the Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of such air carriers that relate to the information required to compile the report. The Comptroller General shall submit with the report a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(d) REPORTS TO CONGRESS.—The Comptroller General shall transmit the report required by subsection (b) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 827. PRIVATE AIR CARRIAGE IN ALASKA.

(a) IN GENERAL.—Due to the demands of conducting business within and from the State of Alaska, the Secretary of Transportation shall permit, under the operating rules of part 91 of title 14 of the Code of Federal Regulations where common carriage is not involved, a company, located in the State of Alaska, to organize a subsidiary where the only enterprise of the subsidiary is to provide air carriage of officials, employees, guests, and property of the company, or its affiliate, when the carriage—

(1) originates or terminates in the State of Alaska;

(2) is by an aircraft with no more than 20 seats;

(3) is within the scope of, and incidental to, the business of the company or its affiliate; and

(4) no charge, assessment, or fee is made for the carriage in excess of the cost of owning, operating, and maintaining the airplane.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a company from making intermediate stops in providing air carriage under this section.

SEC. 828. REPORT ON WAIVERS OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the waiver contained in section 50101(b) of title 49, United States Code (relating to buying goods produced in the United States). The report shall, at a minimum, include—

(1) a list of all waivers granted pursuant to that section during the 2-year period ending on the date of enactment of that section; and

(2) for each such waiver—

(A) the specific authority under such section 50101(b) for granting the waiver; and

(B) the rationale for granting the waiver.

SEC. 829. NAVIGATION FEES.

(a) IN GENERAL.—Section 4(b) of the Rivers and Harbors Appropriation Act of July 5, 1884 (33 U.S.C. 5(b); 116 Stat. 2133), is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by adding at the end the following:

"(3) property taxes on vessels or watercraft, other than vessels or watercraft that are primarily engaged in foreign commerce if those taxes are permissible under the United States Constitution.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) is effective on and after November 25, 2002.

TITLE IX—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 901. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 2003" and inserting "October 1, 2007", and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: "or the Vision 100—Century of Aviation Reauthorization Act".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(f) of the Internal Revenue Code of 1986 is amended by striking "October 1, 2003" and inserting "October 1, 2007".

SEC. 902. TECHNICAL CORRECTION TO FLIGHT SEGMENT.

(a) SPECIAL RULE.—Section 4261(e)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR AMOUNTS PAID FOR DOMESTIC SEGMENTS BEGINNING AFTER 2002.—If an amount is paid during a calendar year for a domestic segment beginning in a later calendar year, then the rate of tax under subsection (b) on such amount shall be the rate in effect for the calendar year in which such amount is paid.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DON YOUNG,
JOHN L. MICA,
VERNON J. EHLERS,
ROBIN HAYES,
DENNY REHBERG,
JOHNNY ISAKSON,

From the Committee on Energy and Commerce, for consideration of sec. 521 of the House bill and sec. 508 of the Senate amendment, and modifications committed to conference:

BILLY TAUZIN,
JOE BARTON,

From the Committee on Government Reform, for consideration of secs. 404 and 438 of the House bill and sec. 108 of the Senate amendment, and modifications committed to conference:

TOM DAVIS,
CHRISTOPHER SHAYS,

From the Committee on the Judiciary, for consideration of secs. 106, 301, 405, 505, and 507 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER,
HOWARD COBLE,

From the Committee on Resources, for consideration of secs. 204 and 409 of the House bill and sec. 201 of the Senate amendment, and modifications committed to conference:

RICHARD POMBO,
JIM GIBBONS,

Provided that Mr. Renzi is appointed in lieu of Mr. Pombo for consideration of sec. 409 of the House bill, and modifications committed to conference:

RICK RENZI,

From the Committee on Science, for consideration of sec. 102 of the House bill and secs. 102, 104, 621, 622, 641, 642, 661, 662, 663, 667, and 669 of the Senate amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
DANA ROHRABACHER,

From the Committee on Ways and Means, for consideration of title VI of the House bill and title VII of the Senate amendment, and modifications committed to conference:

WILLIAM THOMAS,
DAVE CAMP,
Managers on the Part of the House.

JOHN MCCAIN,
TED STEVENS,
CONRAD BURNS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the Bill (H.R. 2115), to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. SHORT TITLE

House bill

"Flight 100-Century of Aviation Reauthorization Act".

Senate Amendment

"Aviation Investment and Revitalization Vision Act".

Conference substitute

"Vision 100—Century of Aviation Reauthorization Act".

2. LENGTH OF AUTHORIZATION

House bill

4 years.

Senate amendment

3 years.

Conference substitute

House bill.

3. FINDINGS

House bill

No provision.

Senate amendment

Contains findings about the importance of aviation and the need to invest more into it.

Conference substitute

Contains some of the findings in the Senate amendment.

4. FAA OPERATIONS

House bill

Authorizes $7.591 billion in 2004, $7.732 billion in 2005, $7.889 billion in 2006, and $8,064 billion in 2007 for the operating costs of the FAA.

Senate amendment

Authorizes same amount for first 3 years. No authorization for 2007.

Conference substitute

House bill.

5. FAA TRAINING FACILITY

House bill

Authorizes some of this money to be used to fully utilize the FAA's Palm Coast management training facility.

Senate amendment

No provision.

Conference substitute

House bill funded out of the Operations account. Conferees agreed to authorize funding for the FAA Center for Management Development to operate training courses and to support associated student travel for both residential and field courses.

6. AEROSPACE AND AVIATION LIAISON

House bill

Directs the President to establish a task force to look for ways to ensure that technology developed for military aircraft is more quickly and easily transferred to applications for improving and modernizing the fleet of civilian aircraft.

Senate amendment

Establishes an office in DOT to coordinate research, development of new technologies, transfer of technology from research done by NASA and DOD to the private sector, review activities related to noise and emissions. One time and annual report required. $2 million is authorized over 2 years.

Conference substitute

Assigns the newly established Air Transportation System Joint Planning and Development Office (item #8) responsibility to facilitate the transfer of technology from research programs such as those managed by the National Aeronautics and Space Administration and the Department of Defense Advanced Research Projects Agency to Federal agencies with operational responsibilities, and to the private sector.

7. COMPETITIVENESS OF U.S. JET TRANSPORTATION INDUSTRY

House bill

No provision.

Senate amendment

Within 6 months the office established above shall report on the market developments and government policies influencing U.S. competitiveness.

Conference substitute

Senate Amendment with modifications.

8. NEXT GENERATION AIR TRAFFIC CONTROL OFFICE

House bill

Authorizes some of this money to be used to establish an office in the FAA to develop and plan for the implementation of the next generation air traffic control system.

Senate amendment

Similar provision but sets forth in greater detail the duties of the office. Authorizes $300 million over 7 years. Head of office reports directly to the Administrator.

Conference substitute

Establishes a Next Generation Air Transportation System Joint Planning and Development Office. Requires the office to produce an integrated research and development plan to meet air transportation needs in the year 2025. Requires the plan to be transmitted to Congress within one year after the date of enactment, and an annual update describing the progress in carrying out the plan. Authorizes $50 million a year through FY 2010.

9. TASK FORCE ON FUTURE OF AIR TRANSPORTATION SYSTEM

House bill

Implements the recommendation of the National Commission on the Future of the Aerospace Industry and requires the President to establish a Task Force to develop an integrated plan to transform the Nation's air traffic control and air transportation system to meet its future needs.

Senate amendment

No provision.

Conference substitute

Requires the Secretary of Transportation to establish a Next Generation Air Transportation Senior Policy Committee to work with the Joint Planning and Development Office. Members shall be the Administrator or designee from NASA and FAA, the Secretary of Defense, Secretary of Homeland Security, Secretary of Commerce, Director of the Office of Science and Technology Policy, and designees from Federal agencies determined by the Secretary of Transportation to have an important role. The Senior Policy Committee shall advise the Secretary and provide policy guidance on the integrated plan for the air transportation system to be developed by the Next Generation Air Transportation System Joint Planning and Development Office.

10. APPROACH PROCEDURES

House bill

Authorizes some of this money to be used to establish approach and departure procedures using GPS and ADS–B in order to meet the needs of air ambulance services.

Senate amendment

No provision.

Conference substitute

In lieu of House provision, change expiration date in paragraphs (C), (D), and (E) of section 106(k)(2) of current law to conform to the number of years of the bill. Include reference to ADS–B in the Statement of Managers.

11. AIR TRAFFIC CONTROLLERS

House bill

Paragraph (k)(5) in section 101 authorizes some of this money to be used to hire additional air traffic controllers in order to accommodate the growth in air traffic and address the expected increase in retirement of experienced controllers.

Subsection (c) of section 101 directs the FAA to develop a human capital workforce strategy to address the need for more air traffic controllers as called for by the General Accounting Office.

Senate amendment

Section 103(b). Requires FAA beginning in FY 2004 budget submission and thereafter to include description of controller staffing plan including strategies for addressing anticipated retirements.

Conference substitute

Senate section 103(b) but starts with 2005 budget submission. Subsection (c) of House bill.

12. ALASKAN AVIATION CORRIDORS

House bill

Authorizes some of this money be used to complete the mapping of Alaska's main aviation corridors.

Senate amendment

No provision.

Conference substitute

House bill.

13. AVIATION SAFETY REPORTING SYSTEM

House bill

Authorizes $3.4 million to be used for the Aviation Safety Reporting System. Calls for a report on the Aviation Safety Reporting System.

Senate amendment

No provision.

Conference substitute

House bill.

14. BUREAU OF TRANSPORTATION STATISTICS

House bill

Authorizes $3.971 million in 04, $4.045 million in 05, $4.127 million in 06, and $4.219 million in 05 from the Trust Fund for the Bureau of Transportation Statistics' activities collecting and analyzing aviation data.

Senate amendment

No provision.

Conference substitute

House bill.

15. AIR NAVIGATION FACILITIES AND EQUIPMENT (F&E)

House bill

Authorizes $3.138 billion in 2004, $2.993 billion in 2005, $3.053 billion in 2006, and $3.110 billion in 2007.

Senate amendment

Authorizes $2.196 billion in 2004, $2.971 in 2005, and $3.030 billion for 2006. No authorization for 2007. Requires biannual reports on the changes in budget and schedule, and technical risks, of 10 largest F&E programs.

Conference substitute

House bill with Senate report. The Managers expect that no research and development activities will be funded from the facilities and equipment account.

16. GULF OF MEXICO

House bill

Money is authorized from the F&E account to improve the safety and efficiency of air operations in the Gulf of Mexico.

Senate amendment

Similar provision but worded differently. Money is authorized from general fund.

Conference substitute

House bill.

17. WAKE TURBULENCE

House bill

$20 million per year for 4 years is authorized from F&E for FAA to demonstrate the benefits of a wake vortex advisory system.

Senate amendment

$500,000 is authorized for 1 year from RED for FAA to contract with the National Research Council for an assessment of FAA's wake vortex research program. Report required in 1 year.

Conference substitute

House provision for the life of bill, except the Conferees agreed to delete a specific dollar amount and change the wording to allow development and analysis of multiple systems.

18. PRECISION APPROACH LANDING SYSTEMS

House bill

$20 million per year is authorized per year from F&E for precision approach landing systems in mountainous areas contingent on FAA certifying or approving these systems. Maintenance of equipment not included.

Senate amendment

Similar provision but no requirement for FAA approval and no specific sum is authorized. Money comes from general fund. Maintenance of equipment is included.

Conference substitute

House bill without specifying dollar amount.

19. STANDBY POWER EFFICIENCY PROGRAM

House bill

No provision.

Senate amendment

Authorizes funding for a program to improve power stations at FAA sites.

Conference substitute

Senate amendment.

20. ANCHORAGE AIR TRAFFIC CONTROL FACILITIES

House bill

No provision.

Senate amendment

Requires a report from FAA on the feasibility of consolidating air traffic control facilities.

Conference substitute

Senate amendment.

21. AIR TRAFFIC CONTROL COLLEGIATE TRAINING INITIATIVE

House bill

No provision.

Senate amendment

Authorizes DOT to expend funds on this initiative.

Conference substitute

Senate amendment but funded from the FAA's operating account (49 USC 106(k)).

22. RESEARCH

House bill

No provision.

Senate amendment

Authorizes funding for FAA research and development.

Conference substitute

Authorizes all research and development activities for the agency within the R&D section of Title 49. The Managers expect these research and development activities to be funded from the FAA's R,E&D account.

23. AVIATION SAFETY WORKFORCE INITIATIVE

House bill

No provision.

Senate amendment

NASA and FAA shall establish a joint program to make grants to students in aviation fields. Such sums are authorized to NASA and FAA to carry out this program. Report required in 180 days.

Conference substitute

Senate amendment.

24. SCHOLARSHIPS

House bill

No provision.

Senate amendment

NASA and FAA shall develop a student loan program for those studying in an aviation field. Money is authorized and a report is required.

Conference substitute

Established a scholarship and internship program for those studying in an aviation field.

25. AIRFIELD PAVEMENT

House bill

No provision.

Senate amendment

Requires FAA to continue the program of awarding grants to foundations to do research on airfield pavement. But this should not get higher priority than other research programs.

FAA shall review its standards for airfield pavement thickness and revise them if needed to meet the 20-year life requirement for such pavement. Report required in 1 year.

Conference substitute

Senate amendment, except Conferees agreed to strike any reference to "rigid concrete" and to amend 47102(3)(H) to make nonhubs eligible for AIP grants for pavement maintenance.

26. CERTIFICATION METHODS

House bill

No provision.

Senate amendment

FAA shall conduct research to develop analytical tools to improve existing certification methods and reduce the cost for certification of new products.

Conference substitute

Senate amendment.

27. NEW TECHNOLOGIES

House bill

No provision.

Senate amendment

FAA may conduct a limited pilot program to provide incentives to airlines to use new technologies. $500,000 is authorized from the general fund in 2004 for this program.

Conference substitute

Senate amendment except authorized from Facilities and Equipment.

28. FAA CENTER FOR EXCELLENCE

House bill

No provision.

Senate amendment

FAA shall develop a Center for Excellence focused on research and training on composite materials.

Conference substitute

Senate amendment.

29. REPORT ON ENVIRONMENTAL IMPROVEMENTS

House bill

No provision.

Senate amendment

Requires a study on ways to reduce aircraft noise and emissions. Report required in 1 year. $500,000 is authorized.

Conference substitute

Authorizes $20 million a year for research on enabling technologies to reduce noise and emissions pollution.

30. AIRPORT IMPROVEMENT PROGRAM (AIP)

House bill

$3.4 billion in 2004, increasing by $200 million each of 3 years thereafter. No AIP money for administrative expenses.

Senate amendment

$3.4 billion in 2004, increasing by $100 million in each of 2 years thereafter. Authorizes use of AIP for administrative expenses.

Conference substitute

Senate amendment to the length of the bill however does not authorize use of AIP for administrative expenses. Conferees believe that AIP money should not be used for research, as that should be done in the research account.

31. CONTRACT TOWER PROGRAM

House bill

Authorizes funding for the contract tower program for 4 years increasing funding by 500,000 each year. Updates the section on the FAA's contract tower program by deleting the 1987 date and increases the maximum Federal share (from $1.1 million to $1.5 million) for the construction of a tower under this program.

Senate amendment

Same provision with respect to funding but for only 3 years. Allows qualified entities to contract for towers. Same provision with respect to the Federal share.

Conference substitute

Senate amendment, but for 4 years.

32. UNDERSERVED AIRPORTS

House bill

Subsection (b) of section 104 authorizes funding for 5 years at $35 million per year for the program established in AIR 21 to improve service at underserved airports.

Subsection (b) of section 415 revises this program by eliminating the per-State limit on the number of communities that can participate and by giving priority to those communities that can use the money in the fiscal year that they receive it.

Senate amendment

Section 302, subsection (a) authorizes funding for 3 years at $27.5 million per year for this program. $275,000 may be used for administrative costs.

Subsection (b) allows communities to participate more than once but not for the same project. Section 354(c) amends section 41734(h) by striking "an airport" and inserting "each airport".

Conference substitute

House section 104(b) and Senate section 302(b). House section 415(b) but retain per state limit on a per year basis.

The Conferees continue to be concerned about air service to small and medium sized airports. Section 203 of AIR 21 (114 Stat. 92), codified at section 41743 of title 49, included a pilot program to make grants to small communities to help them bolster their air service. This program is only now beginning to get underway. The Conferees believe this program will lead to the desired air service improvements and the reported bill reauthorizes it for another 5 years at $35 million per year. In selecting communities for participation in this program, the Conferees encourage the Secretary of Transportation to give preference to airports that have demonstrated the ability to sustain service and that have strong support from the local community.

33. REGIONAL JET LOAN GUARANTEES

House bill

Reauthorizes the program to permit loan guarantees to be offered for the purchase of regional jets to serve small airports.

Senate amendment

No provision.

Conference substitute

No provision.

34. TRUST FUND GUARANTEE

House bill

Reauthorizes for 4 years the procedural protections in AIR 21 that ensure that all Trust Fund revenue and interest is fully spent and that the AIP and F&E programs are fully funded at their authorized levels.

Senate amendment

Same provision, worded differently, for 3 years.

Conference substitute

House bill.

35. DESIGN-BUILD

House bill

Continues for another 4 years the provision in existing law permitting contractors to both design and build 7 airport improvement projects.

Senate amendment

Makes existing law permanent and removes the 7-airport project limit.

Conference substitute

Senate amendment. The Committee understands that other alternative qualifications based methods exist such as job order contracting and construction manager at risk. These alternative qualifications-based methods are acceptable under existing regulations and statute. The term "job order contracting" means an agreement that provides for the purchase of indefinite and limited quantities of construction pursuant to specific work orders issued to the contractor. The term "construction manager at risk" means an agreement that provides for preconstruction services by a contractor during or after design. Section 181 is intended to cover traditional design-build techniques that are not otherwise permitted.

36. METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA)

House bill

Reauthorizes MWAA's ability to receive AIP grants until 2007. Section 412(g) repeals the provision requiring this periodic reauthorization.

Senate amendment

Requires MWAA, with DOT, to study the feasibility of housing gates of the two air shuttles in one terminal.

Conference substitute

House bill, however Conferees agreed not to repeal the provision requiring periodic reauthorization and to require MWAA to seek reauthorization in 2008.

37. WAR RISK INSURANCE

House bill

Makes permanent war risk insurance for international flights and for non-premium insurance. War risk insurance for domestic flights would continue to be subject to periodic reauthorizations. Permits DOT to keep in effect after August 31, 2004 the war risk insurance policies that must be in effect until that date. Permits DOT to extend the $100 million cap on liability for third party damages to U.S. aircraft manufacturers until the end of next year. Allows DOT to provide war risk insurance coverage to U.S. aircraft manufacturers and to vendors, agents, and subcontractors of airlines but only to the extent that the loss involved aircraft of a U.S. airline. Makes technical corrections.

Senate amendment

Reauthorizes the program for 3 years. Allows DOT to provide war risk insurance to a U.S. aircraft manufacturer for loss of an aircraft of a U.S. airline in excess of $50,000,000 or in excess of manufacturer's primary insurance. Includes conforming amendments.

Conference substitute

Conferees agreed to amend Section 44310 to extend the effective date of the program to March 30, 2008. DOT is allowed to provide war risk insurance to a U.S. aircraft manufacturer for loss of an aircraft of a U.S. airline in excess of $50,000,000 or in excess of manufacturer's primary insurance.

38. PILOT PROGRAM FOR INNOVATIVE FINANCING FOR TERMINAL AUTOMATION REPLACEMENT SYSTEMS

House bill

Authorizes FAA to conduct a pilot program to test the cost-effectiveness and feasibility of innovative financing techniques to purchase and install terminal automation replacement systems. This proposal is designed to replace existing obsolete air traffic control equipment at FAA TRACONS. This section provides $200,000,000 in FY 2004 from the Facilities and Equipment Account for this pilot program and allows the FAA to make multi-year advance contract provisions to achieve economic-lot purchases and more efficient production rates.

Senate amendment

No provision.

Conference substitute

House bill, however the pilot program is not limited to any particular technology or system.

39. COST SHARING OF ATC MODERNIZATION PROJECTS

House bill

No provision.

Senate amendment

DOT may make 10 grants per year for ATC projects that are certified or approved by FAA and that promote safety, efficiency or mobility. The money shall come from the F&E account. It shall be limited to $5 million per project. The Federal share of the project shall be limited to 33%. The local share shall come from non-Federal sources including PFCs. Facilities and equipment obtained through this program may be transferred to FAA. FAA shall issue guidelines for this program without being subject to the APA.

Conference substitute

Senate amendment but limited to the purchase of equipment and software.

40. PROJECT STREAMLINING

House bill

Provides that the Title may be cited as the "Airport Streamlining Approval Process Act of 2003". Makes a number of findings regarding our Nation's major airports and the environmental review process for airport capacity projects at congested airports.

Senate amendment

No provision.

Conference substitute

Subtitle renamed "Aviation Development Streamlining." Provides that the Title may be cited as the "Aviation Streamlining Approval Process Act of 2003". Findings are the same as the House bill.

41. PROMOTION OF NEW RUNWAYS—AIRPORT CAPACITY PROJECTS

House bill

Provides that the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports. This is designed to encourage the FAA to take a more proactive approach in encouraging the construction of new runways when it determines that it would be in the national interest.

Senate amendment

Section 47701, takes a different approach by requiring the Secretary to identify airports, among FAA's Airport Capacity Benchmark Report 2001, with delays significantly affecting the national system. This section also requires the Secretary to set up a task force and conduct a capacity enhancement study (CES) from which identified airports would be directed to engage in runway expansion processes. Based on the CES, an airport would be required to complete the planning and environmental review process within 5 years after CES, is submitted to DOT. If an identified airport declines to undertake expansion projects; they will be ineligible for planning and other expansion funding and cannot issue passenger facility fees. The Secretary must make every attempt to expedite funding for airports that do comply.

Section 47702, provides for designation of airport development projects as national capacity projects if they will significantly enhance the capacity of the national air transportation system. The designation is effective for 5 years.

Conference substitute

Adopted the Senate title "Airport Capacity Enhancement" and the House bill.

42. DOT AS LEAD AGENCY

House bill

Section 47171, subsection (a) requires the Secretary to develop and implement a coordinated airport project review process for airport capacity enhancement projects at congested airports.

Subsection (b) provides for a coordinated review process for all environmental reviews, analyses, opinions, permits, licenses, and approvals to be conducted concurrently and completed within a time period established by the Secretary in cooperation with the agencies involved.

Subsection (c) requires that for each airport capacity enhancement project at a congested airport, the Secretary shall identify all Federal and state agencies that may have jurisdiction over environmental-related matters, may be required by law to conduct an environment review, or may have jurisdiction to determine whether to issue an environmental-related permit, license, or approval for the project.

Subsection (d) allows a State and its associated agencies, consistent with State law, to choose to participate in the coordinated review process for a project at an airport within that State.

Subsection (e) allows the coordinated review process for a project to be incorporated into a Memorandum of Understanding between the Secretary and the heads of other Federal and State agencies identified in subsection (c), and the airport involved.

Subsection (f) sets forth the notification and reporting requirements should the Secretary determine that a Federal agency, state agency, or airport sponsor participating in the coordinated review process has not met a deadline established under subsection (b).

Subsection (g) provides that for any environmental review process or approval issued or made by a Federal or state agency participating in a coordinated review process requiring an analysis of the purpose and need for a project, the agency is bound by the project's purpose and need as defined by the Secretary.

Subsection (h) provides that the Secretary shall determine the reasonable alternatives to an airport capacity enhancement project at a congested airport and any other Federal or state agency participating in a coordinated review process shall consider only those alternatives to the project that the Secretary has determined are reasonable.

Senate amendment

Section 47703, subsection (a) similarly requires the Secretary to implement an expedited coordinated environmental review process for national capacity projects. Includes a date certain deadline for completing all reviews.

Subsection (b) requires each Federal agency/dept. to accord national capacity project environmental review the highest possible priority & to conduct the review expeditiously. If not complying then the Secretary shall notify Congress immediately.

Subsection (c) requires the designation of a Project Coordinator who shall, among other things, coordinate all activities of Federal, State and local agencies involved in the project.

Subsection (c)(1) requires Secretary to designate a project coordinator & establish an environmental impact team for each national capacity project. Subsection (c)(2) sets forth what the project coordinator and the EIS team shall do.

Adds 180-days extra time and it is not part of the NEPA process. Subsection (a) requires FAA to publish an additional notice in the FR for each airport capacity enhancement project at a congested airport requesting comments on reasonable alternatives. Subsection (b) provides, outside of NEPA, that an alternative shall be considered reasonable if certain listed criteria are met.

Subsection (d), provides that the Secretary's determination, not later than 90-days after last day of comment period, is binding on "all persons, including Federal and State agencies, acting under or applying Federal laws when considering the availability of alternatives to the project."

Subsection (e) states that the section does not apply to alternatives analysis under NEPA and does not apply if an airport opts out in writing. Subsections (a) and (c) require comment periods in addition to NEPA. Subsection (a), as indicated above, requires FAA to publish an additional notice requesting comments on reasonable alternatives.

Subsection (c), requires an additional 60-day comment period.

Conference substitute

House bill with Senate Amendment. The Conferees intend that the procedures set forth in this section will allow DOT to cut through red tape and eliminate duplication without diminishing existing environmental laws or limiting local input into these critical projects. Conferees believe that the expedited, coordinated environmental review process will ensure that once a community reaches consensus on a critical project, the review process will not unnecessarily delay action. Conferees designate the Department of Transportation as the lead agency for the project review process, and directs the Secretary of Transportation to develop a coordinated review process for major airport capacity projects that will ensure that all environmental reviews by government agencies will be conducted at the same time, whenever possible.

The Conferees agreed to combine the streamlined environmental review processes and procedures for airport capacity enhancement projects at congested airports, aviation safety projects, and aviation security projects into one section. Therefore, House bill section 47177 is folded into House bill section 47171. The Conferees also adopted the Senate amendment regarding environmental impact statement teams as a way to streamline the environmental review process and achieve a coordinated, expedited environmental review. Conferees believe that after proper scoping and public comment processes, the determinations of the Secretary with regard to a proposed project's purpose and need and reasonable alternatives shall be binding on any other Federal or state agency that is participating in a coordinated environmental review process under this section. Participation in a coordinated environmental review process includes the review of environmental analyses, consultation and coordination, and the issuance of environmental opinions, licenses, permits, and approvals.

Conferees recognize that the Department of Transportation and the Federal Aviation Administration have significant expertise and experience on transportation-related matters. Therefore, the Conferees believe that in conducting environmental reviews within the jurisdiction of the DOT, the Secretary should play a lead role in determining which analytical methods are reasonable for use in determining the transportation impacts and benefits of project alternatives, particularly in the area of noise impacts. Other agencies should give substantial deference to the aviation expertise of the Federal Aviation Administration with respect to determinations of relevant aviation factors including aircraft and airport operations, airport capacity, and future national air space capacity forecasts. Other agencies have expertise in determining the environmental impacts of transportation projects, and the Secretary should rely on the expertise of these agencies in analyzing these impacts. The Conferees believe that, to the maximum extent possible, all Federal and State agencies participating in the coordinated review process should use a common set of data for their analyses in carrying out their responsibilities to conduct environmental reviews under Federal law.

43. CATEGORICAL EXCLUSIONS

House bill

Section 47172, states that not later than 120 days after the date of enactment of this section, the Secretary shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environment impact statement be prepared for projects at airports.

Senate amendment

Requires FAA to report to Senate, within 30 days, on current CATEXs and on proposed additional CATEXs. Directs Secretary to consider other things outside of NEPA, when determining list of proposed CATEXs.

Conference substitute

In lieu of either the House bill or Senate amendment, the Conferees agree that the requirement to develop and publish a list of categorical exclusions is unnecessary given that the FAA already published a list of new categorical exclusions as part of their proposed FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures." It would therefore be most helpful if the FAA finalized this Order. The Conferees have set a 180-day deadline for the FAA to publish their final FAA Order 1050.1E. In addition, with regard to airport projects, the Conferees have set a deadline for the FAA to publish, for public comment, the revised FAA Order 5050.413, "Airport Environmental Handbook," and urge the FAA to finalize this Order as soon as practicable.

44. ACCESS RESTRICTIONS TO EASE CONSTRUCTION—AIR TRAFFIC PROCEDURES

House bill

Section 47173, provides that at the request of a congested airport, the Secretary may approve a restriction on use of a runway to be constructed at the airport to minimize potentially significant adverse noise impacts from the runway only if the Secretary determines that the imposition of the restriction (1) is necessary to mitigate significant noise impacts and expedite construction of the runway; (2) is the most appropriate and cost-effective measure to mitigate those impacts, taking into consideration any environmental tradeoffs; and (3) would not adversely affect service to small communities, adversely affect safety or efficiency of the national airspace system, unjustly discriminate against any class of user of the airport, or impose an undue burden on interstate or foreign commerce.

Senate amendment

Section 47705 is a similar provision for national capacity projects that involve construction of new runway or reconfiguration of runway. If the Secretary determines consistent with safe and efficient use of airspace, and consistent with applicable Federal law, then commit to such procedure in ROD for project.

Conference substitute

Conferees adopted the Senate amendment with minor changes to conform to the use of the term "airport capacity enhancement projects at congested airports" in lieu of the term "national capacity projects."

45. AIRPORT REVENUE TO PAY FOR MITIGATION

House bill

Section 47174, subsection (a) states, that the Secretary may allow an airport carrying out a capacity enhancement project at a congested airport to make payments out of revenues generated at the airport for measures to mitigate the environmental impacts of the project if the Secretary finds that (1) the mitigation measures are included as part of, or are consistent with, the preferred alternative for the project in the documentation prepared for NEPA; (2) the use of such revenues will provide a significant incentive for, or remove an impediment to, approval of the project by a State or local government; and (3) the cost of the mitigation measures is reasonable in relation to the mitigation that will be achieved. Subsection (b) describes what the mitigation measures described in Subsection (a) may include.

Senate amendment

No provision.

Conference substitute

No provision.

46. AIRPORT FUNDING OF FAA STAFF

House bill

Section 47175, subsection (a) provides that FAA may accept funds from an airport to hire additional staff or obtain the services of consultants to facilitate the timely processing, review, and completion of environmental documents associated with an airport development project.

Subsection (b) allows the Administrator, with agreement of the airport, to transfer its entitlement funds to the account used by FAA for activities described in subsection (a).

Subsection (c) states that, notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b) shall (1) be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted; (2) be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and (3) remain available until expended.

Subsection (d) provides that no funds may be accepted pursuant to subsection (a), or transferred under subsection (b), ensures that airport or AIP money is utilized only to provide additional funds for environmental staff, not merely replace funds from the FAA's operating account that would have been provided for this purpose in any event.

Senate amendment

Section 47706, similar provision but provides for pilot program and sets up rather complicated process getting much more specific in requirements. Also, does not allow airports to use AIP for this purpose.

Conference substitute

House bill and Senate Amendment. Conferees agree that this program should be a permanent program and that airports should be allowed to use AIP entitlement funds to fund environmental staff. However, this provision is designed to ensure that airport or AIP money is utilized only to provide additional funds for environmental staff, and not merely to replace funds in the FAA's operating account that would have been provided for this purpose in any event.

47. AUTHORIZATION

House bill

Section 47176, authorizes funds to be appropriated to the Secretary out of the Airport and Airway Trust Fund, in the amount of $4,200,000 for fiscal year 2004 and for each fiscal year thereafter for the timely processing, review and completion of environmental review activities associated with airport capacity enhancement projects at congested airports

Senate amendment

No provision.

Conference substitute

House bill.

48. STREAMLINING OF SAFETY AND SECURITY PROJECTS

House bill

Section 47177, allows, in subsection (a), the Administrator of the Federal Aviation Administration to designate an aviation safety or aviation security project for priority environmental review. The Administrator is not allowed to delegate this designation authority.

Subsection (b) directs the Administrator to establish guidelines for the designation of an aviation safety or aviation security project for priority environmental review. The guidelines must include consideration of, (1) the importance or urgency of the project; (2) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act; (3) the need for cooperation and concurrent reviews by other Federal or State agencies; and (4) the prospect for undue delay if the project is not designated for priority review.

Subsection (c) sets forth the procedures for coordinated environmental reviews. Paragraph (1) directs the Administrator, in consultation with the heads of affected agencies, to establish specific timelines for coordinated environmental reviews of an aviation safety or aviation security projects. The timelines shall be consistent with timelines established in existing laws and regulations. Also, this subsection directs each Federal agency with responsibility for project environmental reviews, analyses, opinions, permits, licenses, and approvals to accord any such review a high priority and to conduct the review expeditiously and, to the maximum extent possible, concurrently with other such reviews. Paragraph (2) directs each Federal agency identified under subsection (c) to formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, in a timely and environmentally responsible manner.

Subsection (d) provides for State participation. Paragraph (1) states that if a priority environmental review process is being implemented with respect to a project within the boundaries of a State with State environmental requirements and approvals, the Administrator must invite the State to participate in the process. Paragraph (2) allows that a State invited to participate in a priority environmental review process, consistent with State law, may choose to participate and may direct that all State agencies, which have jurisdiction to conduct an environmental review or analysis of the project, be subject to the coordinated review process.

Subsection (e) sets forth the procedures for when a Federal agency or participating State fail to give priority, review. Paragraph (1) provides that if the Secretary of Transportation deternines that a Federal agency or a participating State is not complying with the requirements of this section and that the noncompliance is undermining the environmental review process, the Secretary must notify, within 30 days the head of the Federal agency or, with respect to a State agency, the Governor of the State. Paragraph (2) states that when a Federal agency receives such a notification, the Agency must submit a written report to the Secretary within 30 days explaining the reasons for the situation described in the notification and what remedial actions the agency intends to take. Paragraph (3) states that if the Secretary determines that a Federal agency has not satisfactorily addressed the problems within a reasonable period of time allowed under this subsection, the Secretary shall notify the Council on Environmental Quality, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate.

Subparagraph (f) cross-references the procedures set forth in subsections (c), (e), (g), (h), and (i) of section 47171 and directs that they shall apply with respect to an aviation safety or aviation security project under this section in the same manner and to the same extent as such procedures apply to an airport capacity enhancement project at a congested airport under section 47171.

Subsection (g) provides a list of definitions of terms used in the section. Section 47178, provides a list of definitions of terms used in the subchapter, including terms "congested airport" and "Airport Capacity Enhancement Project."

Senate amendment

Section 47707, provides definition of National Capacity Project.

Conference substitute

House bill. Conferees combined House bill section 47177, which includes the procedures for an expedited, coordinated environmental review process for aviation safety and aviation security projects, with House bill section 47171, the procedures for airport capacity enhancement projects at congested airports. The Conferees believe that environmental reviews for these types of projects should be streamlined in the same way that airport capacity enhancement projects at congested airports are streamlined. Therefore, all processes and procedures applicable to airport capacity enhancement projects at congested airports apply to designated aviation safety or aviation security projects. Conferees adopted the House bill definitions of terms in both Sections 47177(g) and 47178.

49. GOVERNOR'S CERTIFICATE

House bill

Repeals the requirement in section 47106(c)(1)(B) that the Governor of the state in which the project is located certifies in writing to the Secretary that there is reasonable assurance that the project will be in compliance with applicable air and water quality standards.

Senate amendment

Same as House bill except the Senate strikes "(1)(c)" in newly designated 47106(c)(4) and inserts "(1)(B)", and does not strike "Stage 2" and insert "Stage 3" in 7106(c)(2)(A).

Conference substitute

Senate amendment with minor technical changes to reflect revisions contained in House bill. Conference substitute repeals the governor's certificate requirement regarding compliance with applicable air and water quality standards.

50. NOISE MITIGATION NEAR A CONGESTED AIRPORT

House bill

Authorizes the issuance of a grant to an airport operator of a congested airport and a unit of local government to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the FAA for an airport capacity enhancement project.

Senate amendment

No provision.

Conference substitute

House bill.

51. STREAMLINING LIMITATIONS AND RELATIONSHIP TO OTHER REQUIREMENTS

House bill

Section 207 states that nothing in the Act shall preempt or interfere with any practice of seeking public comment; any power, jurisdiction, or authority that a state agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project; and any obligation under the National Environmental Policy Act and Council on Environmental Quality regulations.

Section 208 provides that the coordinated review process required under this Title for airport capacity enhancement projects at congested airports shall apply whether or not the project is a high-priority transportation infrastructure project under Executive Order 13274.

Senate amendment

No provision.

Conference substitute

House bill.

52. ILLINOIS

House bill

No provision.

Senate amendment

Makes clear that nothing in Title II of the Senate amendment precludes the application of this Act to Illinois or preempts the Illinois Governor from approving or disapproving an airport project.

Conference substitute

Senate amendment.

53. MANAGEMENT ADVISORY COMMITTEE MEMBERS

House bill

This section reduces the FAA's Management Advisory Council (MAC) to 13 members to reflect the removal the Air Traffic Services Subcommittee from the MAC. The DOT Secretary rather than the President would fill any remaining vacancies in the MAC.

Senate amendment

Similar provision.

Conference substitute

House bill, but name changed to Management Advisory Committee.

54. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE

House bill

Establishes the Air Traffic Services Board and moves the members of the Air Traffic Services Subcommittee to this new Board. The FAA Administrator would be the Chairman of this Board. Members are appointed by the President and confirmed by the Senate. Compensation of the Board Members is eliminated. Board makes recommendations on the FAA budget rather than approve it.

Senate amendment

Similar provision but it is called a Committee rather than a Board and members are appointed by the Secretary. Retains $25,000 compensation for members. Continues to require approval of FAA budget. Requires President to submit FAA budget request to Congress without revision.

Conference substitute

House bill and Senate amendment, but without the provision on the budget. The new organization is a committee.

55. CLARIFICATION OF THE RESPONSIBILITIES OF THE CHIEF OPERATING OFFICER

House bill

Revises the functions of the FAA's Chief Operating Officer (COO) to more closely reflect the duties of such a position. The current statutory functions have been criticized for being more appropriate for a CEO than a COO. The COO is given the added responsibility of developing a comprehensive plan with specific performance goals for managing cost-reimbursable contracts as called for in the report of the Inspector General (Report F1-2202-092, May 8, 2002).

Senate amendment

Similar, except there is no provision on cost-reimbursable contracts.

Conference substitute

House bill.

56. SECTION WHISTLEBLOWER PROTECTION

House bill

No provision.

Senate amendment

Provides whistleblower protection for employees of FAA contractors.

Conference substitute

Senate amendment.

57. SMALL BUSINESS OMBUDSMAN

House bill

This section establishes the position of small business ombudsman within FAA to serve as a liaison with small business and provide assistance to those businesses.

Senate amendment

No provision.

Conference substitute

No provision.

58. FAA PURCHASE CARDS

House bill

This section requires FAA to take appropriate actions to implement General Accounting Office recommendations made in a report (GAO-03-405, March 2003) that uncovered abuses of FAA purchase cards. Similar concerns had been raised earlier about practices in Alaska (GAO-02-606, May 2002).

Senate amendment

No provision.

Conference substitute

House bill.

59. IMPROVEMENT OF AVIATION INFORMATION COLLECTION

House bill

This section would repeal the prohibition on collecting information by specific flight effective on the date of issuance of a final rule that reduces the reporting burden for air carriers through electronic filing of the Origin & Destination Survey data.

Senate amendment

No provision.

Conference substitute

House provision with additional language to ensure that data cannot be used for anti-competitive purposes. The additional language requires that, if the Secretary requires air carriers to provide flight-specific information, (1) the Secretary shall not disseminate fare information for a specific flight to the general public for a period of at least nine months following the date of the flight; and (2) shall give due consideration to and address confidentiality concerns of carriers, including competitive implications, in any rulemaking prior to adoption of a rule requiring the dissemination to the general public of any flight-specific fare.

60. DATA ON INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING

House bill

This section requires DOT to publish passenger complaints about screening problems in the same way that it publishes complaints about delays, lost baggage, etc.

Senate amendment

No provision.

Conference substitute

House bill.

61. DEFINITIONS

House bill

This section places the various definitions of "hub" in one place in Title 49 rather than scattered throughout the code as they are now. This section includes the various hub definitions in Chapter 471 of title 49. Also defines "amount made available" and "passenger boardings".

Senate amendment

Adds definitions of "amount newly made available" and "amount subject to apportionment" in chapter 471. Makes necessary conforming changes. Subsection (b) revises when AIP grants may be made.

Conference substitute

House bill and Senate amendment.

62. CLARIFICATIONS TO PROCUREMENT AUTHORITY

House bill

Subsection (a) deletes paragraph (c)(1) and (c)(2)(D) that no longer apply to the FAA as a result of the procurement reform contained in section 40110(d) of title 49.

Subsection (b) deletes the reference to the deadline for implementing procurement reform and allows bid protests to be resolved by alternate dispute resolution techniques. Subsection (c) adds the procurement of "services" to the list of actions to which the FAA's procurement system applies.

Senate amendment

Subsection (a) is the same provision but it also deletes paragraphs (2)(C) and (E) that require authorization from GSA and limit sole source contracts.

Also deletes the reference to the deadline for implementing procurement reform.

Subsection (b) is the same as subsection (c) of the House bill.

Conference substitute

House bill and Senate amendment with additional language at the end of new paragraph (d)(4) stating "and shall be subject to judicial review under section 46110 of this title, and to the provisions of the Equal Access to Justice Act (5 U.S.C. 504)."

63. LOW-EMISSION AIRPORT VEHICLES AND GROUND SUPPORT EQUIPMENT UNDER THE PFC PROGRAM

House bill

Subsection (a) allows passenger facility charge (PFC) revenue to be used to purchase low-emission vehicles or to convert existing equipment.

Subsection (b) makes clear that PFC revenue can be used only to pay the difference in cost between the low-emission vehicle and a regular vehicle. PFCs can also be used to pay the cost of converting an existing vehicle to a low emission vehicle.

Subsection (c) defines the type of equipment that is eligible.

Senate amendment

Similar provision, but adds requirement that DOT, in consultation with EPA, shall issue guidance.

Conference substitute

Conferees adopted a blended version of the House bill and Senate amendment. The Conferees adopted the House provision with the Senate requirement that the EPA, in consultation with DOT, shall issue guidance.

64. STREAMLINING OF THE PASSENGER FACILITY FEE PROGRAM

House bill

Subsection (a) is designed to streamline the PFC approval process by requiring that notice and comment is provided before the airport submits its PFC application to FAA and all the certifications are included in that application. The subsection also states that an airport is required to consult with only those airlines operating there that provide scheduled air service or major charter operations.

. Subsection (b) provides a 3-year test of expedited procedures for approval of PFC applications at small airports. Such an airport that notifies FAA of its intention to impose a PFC shall be allowed to do so unless FAA objects within 30 days of receiving the notice.

Senate amendment

This is the same provision with some different wording. Also eliminates the requirement that large airports seeking a PFC of more than $3 show that the project will make a significant contribution to safety, security, increased competition, or reducing congestion or noise.

Conference substitute

House bill.

65. PFCS AND MILITARY CHARTERS

House bill

Makes clear that passengers on a military charter are not required to pay a PFC since payment for the flight is made by the Department of Defense rather than by the individual passengers.

Makes technical amendments.

Senate amendment

Subsection (g) of section 507 is the same provision.

Conference substitute

Both House bill and Senate amendment.

66. USING PFC REVENUE FOR GROUND ACCESS PROJECTS

House bill

Requires FAA to publish in 60 days its current policy for allowing PFCs to be used to pay for ground access projects.

Senate amendment

No provision.

Conference substitute

House bill but add "consistent with current law."

67. FINANCIAL MANAGEMENT OF PASSENGER FACILITY FEES

House bill

This section requires airlines to place PFC revenue that they collect in a separate account so that the airport for which the PFC was collected will be assured of receiving its money should the airline go out of business during the interim period between the time that the PFC was collected and the time it is remitted to the airport.

Senate amendment

No provision.

Conference substitute

House bill, but limited to air carriers filing for bankruptcy after the date of enactment. These air carriers would only have to segregate PFC money, and would not be required to put that money in an escrow account.

68. MAJOR RUNWAY PROJECTS

House bill

No provision.

Senate amendment

Requires quarterly reports on the status of major runway projects undertaken at 40 largest airports.

Conference substitute

No provision.

69. NOISE DISCLOSURE TO HOME BUYERS

House bill

No provision.

Senate amendment

Requires FAA to study the feasibility of developing a program to notify homebuyers of information on noise disclosure maps. Requires FAA to make noise exposure maps available on its web site.

Conference substitute

Senate amendment. Conferees made one change by requiring the Federal Aviation Administration to make noise exposure and land use information from noise exposure maps available to the public via the Internet on its website in an appropriate format. The approach was adopted instead of requiring the FAA to publish noise exposure maps on the FAA's web site alone. Conferees believe that it is very important that potential homebuyers should be notified of the likelihood that they would be exposed to aircraft noise.

70. CLARIFICATION OF FLY AMERICA ACT

House bill

Makes clear that the term "commercial item" does not include the transportation of people by air. Such transportation must be on U.S. airlines to the extent required by the other provisions of 49 U.S.C. 40118.

Makes clear that a person that has contracted with the military has the same obligation under 49 U.S.C. 41106 to employ U.S. airlines for airlift services as the military.

Senate amendment

No provision.

Conference substitute

Conferees adopted the House provision that the term "commercial item" does not include the transportation of people by air. Such transportation must be on U.S. airlines to the extent required by the other provisions of 49 U.S.C. 40118.

71. AIRLINE CITIZENSHIP

House bill

No provision.

Senate amendment

To qualify as a U.S. airline, it must be under the actual control of citizens of the U.S.

Conference substitute

Senate amendment.

72. AIR CARGO IN ALASKA

House bill

No provision.

Senate amendment

Permits cargo to or from a foreign country to be transferred to another airline in Alaska without being considered to have broken its international journey.

Conference substitute

Senate amendment. This subsection does not apply to transportation of passengers and does not permit the Secretary to authorize a foreign air carrier either to take on for compensation at a place in the United States cargo having both first origin and ultimate destination in the United States, or to engage in service that contravenes any bilateral or multilateral agreement between the United States and any foreign state. Alaska's geographic location and distance from the contiguous 48 states creates special needs, challenges and opportunities. Alaska has a unique geographic location as a technical and refueling stop for all cargo services between Asia, on the one hand, and Europe and North America on the other. A "term arrangement" is a cargo relationship between air carrier(s) and foreign air carrier(s) on an ongoing basis, including, for example, preferential rates or joint marketing up to and including a full cargo alliance.

73. OVERFLIGHTS OF NATIONAL PARKS

House bill

States that the requirements and restrictions governing commercial air tour operations, as defined in the Air Tour Management Act of 2000, of national parks apply only to those flights that are over the park, or over an area within ½ mile outside the boundary of a national park, and not to those flights that may be near the park, even if they have some impact on the park.

Overrules an FAA regulation that establishes specific times that are considered daylight hours and instead uses the more common approach of defining daylight as the hours between 1 hour after sunrise and 1 hour before sunset.

Senate amendment

No provision.

Conference substitute

House bill, subsection (a) regarding the application of the Air Tour Management Act of 2000 only. The Conferees also agreed to add a provision regarding the utilization of quiet technology at Grand Canyon National Park and established a mediation process if necessary.

Conferees are greatly disappointed with the lack of progress that has been made by the National Park Service (NPS) and the Federal Aviation Administration (FAA) with regard to managing air tour noise impacts in national parks. It is our understanding that the two agencies have not been able to reach agreement on how to set noise standards for national parks, how to measure and model noise impacts in national parks, and how to appropriately regulate air tours over national parks.

Conferees point out that in no less than eight places in the Air Tour Management Act of 2000 (ATMA), Congress used the words "in cooperation" to describe how the FAA and NPS should work together to develop air tour management plans (ATMPs) for national parks. Congress' intent is clear. The agencies should work collaboratively, cooperatively and in coordination with one another. Neither is in the position to dictate an approach. Conferees expect the two agencies to come to an agreement on a common approach to develop ATMP's, as well as to determine environmental impacts in national parks, including noise impacts. The approach and procedures should be developed expeditiously and in a coordinated and collaborative fashion.

Finally, it is our understanding that the National Park Service has not sought funding authorization or appropriation for the ATMP process. Conferees believe that both agencies should be funding this effort.

74. DELAY REDUCTION MEETINGS

House bill

No provision.

Senate amendment

DOT may ask U.S. airlines to meet with FAA to discuss flight reductions at severely congested airports to reduce over scheduling and flight delays during peak hours if FAA and DOT determine it is necessary. Meetings shall be chaired by FAA, open to all scheduled U.S. airlines, and limited to the airports and time period determined by FAA. FAA shall set flight reduction targets for the meeting. Airlines shall make flight reduction offers to FAA rather than to other airlines. Transcripts of the meetings shall be made available. Includes an additional provision dealing with delays caused by stormy weather.

Conference substitute

Senate amendment without the "Stormy Weather" provisions which are covered by the collaborative decision making pilot program described below.

75. COLLABORATIVE DECISION MAKING PILOT PROGRAM

House bill

Requires a pilot program to be established within 90 days that would authorize airlines to discuss changes in flight schedules in the event of a capacity reduction event.

States that the pilot program will last for 2 years after it is established.

Subsection (c) directs FAA to issue guidelines for the program that, at least, define when a capacity reduction event exists that would warrant the use of collaborative decision making among airlines.

States that when the FAA determines that a capacity reduction event exists at an airport, it may permit airlines to meet and discuss their schedules for up to 24 hours in order to use the available air traffic capacity most effectively. The FAA shall monitor these discussions.

Directs the FAA to choose three airports to participate in the program within 30 days after establishing the program. The airports chosen should be those with the most delays where collaborative decision-making could help reduce delays there and throughout the nation.

States which airlines are eligible to participate.

Permits the FAA to modify or cancel the program or prevent an airline from participating if it finds that the purposes of the program are not being furthered or there is an adverse impact on competition.

Requires FAA and DOT to evaluate the impact of the pilot program on the use of air traffic capacity, competition, the amount of air service to communities, and the impact of delays at other airports. Subsection (i) allows the program to be extended for an additional two years and expanded to seven more airports if warranted by the evaluation in subsection (h).

Senate amendment

Requires a program to be established to authorize airlines to discuss changes in schedules in the event of bad weather.

Within 30 days of enactment, DOT shall establish procedures governing airline requests for authorization, participation by DOT, and the determination by FAA about the impact of bad weather.

When FAA determines that bad weather is likely to adversely and directly affect capacity at an airport for at least 3 hours, airlines may discuss flights directly affected by the bad weather for up to 24 hours. DOT shall be represented at the meetings.

Allows DOT to exempt airlines from the antitrust laws in order to participate in the discussions.

This provision expires 2 years and 45 days after enactment but may be extended for another 2 years. DOT shall notify Congress of any such extension.

Conference substitute

House bill but reduced the number of initial participating airports from 3 to 2. Conferees also included requirements that the Attorney General concur with certain actions and determinations of the Secretary of DOT. Conferees also provided that the Attorney General may monitor the communications between air carriers operating at a participating airport. Also included antitrust immunity. Conferees directed the Administrator of the FAA to define and establish limited criteria for a "capacity reduction event". Conferees expect the FAA to work closely with the Department of Justice and the Department of Transportation.

76. COMPETITION AND ACCESS

House bill

No provision.

Senate amendment

Directs DOT to study and report within 6 months on competition, access problems, gate usage, pricing and availability at large airports.

Conference substitute

No provision.

77. COMPETITION DISCLOSURE

House bill

No provision.

Senate amendment

Requires large airports to file a report with DOT within 30 days of denying an airline a gate or other facilities. Report shall provide reason for the denial and time frame for granting the request.

Conference substitute

Instead of requiring a report from an airport each time it is unable to accommodate an airline request for gates, the conference substitute requires an airport to file a report with DOT during each 6 month period that it was unable to accommodate a request for gates. The airport could aggregate several incidents into one report. This provision sunsets in 5 years.

78. AVAILABILITY OF AIRCRAFT ACCIDENT SITE INFORMATION

House bill

This section adds two provisions to the family assistance plans that airlines are required to follow in the event of a plane crash. The first requires information to homeowners whose houses are damaged about liability and compensation. Typically, this information should direct homeowners to their insurance companies to obtain information on compensation for damages. The second requires the airline to provide closed circuit television or a similar method for families to view NTSB proceedings concerning the accident. This would apply only if the NTSB proceedings were more than 80 miles from the accident site. In such cases, the proceedings would have to be able to be viewed in the cities where the flight originated and where it was scheduled to land. This applies only to cities in the United States.

Senate amendment

No provision.

Conference substitute

House bill.

79. SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT

House bill

Increases the number of slot exemptions to be granted outside the 1,250-mile perimeter from 12 to 24. Increases the number of slot exemptions to be granted inside the perimeter from 12 to 20.

Accommodates the above additional exemptions by increasing the number that can be granted during each one-hour period from 2 to 3. It also distributes the 20 inside-the-perimeter exemptions as follows—6 for air service from Reagan National to small airports without regard to the new entrant criteria, 10 to medium size or smaller airports, and 4 to any airport. Directs DOT to establish procedures for the grant of these slot exemptions.

Senate amendment

No provision.

Conference substitute

House bill. In order to enhance competition, DOT is encouraged to, among others, consider the competitive importance of service to cities that can serve as gateways to additional western states that currently have only limited service to Reagan National Airport. This language is not intended to favor or prejudice an application from a carrier under this section.

80. PERIMETER RULES

House bill

Requires DOT to study the impact of locally imposed perimeter rules on competition and air service to communities outside that perimeter.

Senate amendment

No provision.

Conference substitute

No provision.

81. COMMUTER AIRCRAFT DEFINITION

House bill

Changes the definition of commuter to allow up to 76 seat regional jets to use commuter slots at Reagan National Airport.

Senate amendment

No provision.

Conference substitute

House bill.

82. NOTICE CONCERNING AIRCRAFT ASSEMBLY WHERE AN AIRCRAFT IS ASSEMBLED

House bill

This section requires, within 1 year, U.S. airlines to include on the placard in the seat back pocket a notice informing the passenger of where the aircraft was built.

Senate amendment

No provision.

Conference substitute

House bill, but airlines have 18 months to include on the placard in the seat back pocket a notice informing the passenger of where the aircraft was finally assembled.

83. SPECIAL RULE TO PROMOTE AIR SERVICE TO SMALL COMMUNITIES

House bill

In order to promote air service to small communities, this section directs FAA to permit small turbine powered or multi-engine aircraft to carry passengers between a small airport and another airport and to accept payment from those passengers if the aircraft is otherwise operated in accordance with FAA rules in Parts 119 and 135 and DOT rules in Part 298 of 14 CFR.

Senate amendment

No provision.

Conference substitute

No provision.

84. ESSENTIAL AIR SERVICE (EAS) MARKETING

House bill

Allows the portion of the essential air service (EAS) subsidy paid to an airline to promote its service to be paid to the community instead so that the community can promote that service.

Senate amendment

Airports may receive up to $50,000 for a marketing plan to increase usage at an EAS community. A local share, not including federal sources but including bond proceeds or in-kind contributions, is required unless passenger usage increases by a specified amount. Authorizes $50,000 to a State with an EAS community to assist the State in developing methods to increase passengers at the community. A 10% local share, including in-kind contributions, is required.

$12 million per year for 3 years is authorized for this program of which $200,000 may be used for administrative costs.

Conference substitute

Senate amendment.

85. EAS SUBSIDY ADJUSTMENT

House bill

Allows adjustments to a carrier's subsidy rate at any time if average monthly costs have increased by 10% or more without regard to requirements relating to renegotiation or termination notice.

Senate amendment

Allows adjustments to a carrier's subsidy rate within 30 days of enactment if average annual unit costs have increased by 10% or more without regard to renegotiation requirements.

Conference substitute

House bill section 415 (a)(3), but does not go into effect until 30 days after enactment. Senate amendment definition of "significantly increased costs," with revisions to clarify calculation. Conferees agreed to a new provision authorizing the Secretary to reverse the upward adjustment in the subsidy rate if costs subsequently decline. It is the Managers' intent that the authority provided in this section be used to cover an industry-wide cost increase, such as increased fuel or insurance costs, and not one unique to a particular carrier.

86. RETURNED EAS FUNDS

House bill

No provision.

Senate amendment

Any EAS subsidy returned to DOT by an airport shall remain available to DOT and used to increase flights to that airport.

Conference substitute

No provision.

87. EAS AUTHORIZATION

House bill

Authorizes $65 million, in addition to the $50 million already required to be provided, for the EAS program and for the alternative program established by subsection (f) below. It also authorizes the hiring of additional employees in DOT to manage the program.

Senate amendment

Authorizes $113 million including the $50 million already required.

Conference substitute

House bill, with additional authorization for marketing from Senate bill.

88. SUBSIDY TERMINATION

House bill

Requires DOT to give a community 90 days notice before it discontinues subsidies to a community as a result of that community's failure to meet mileage or per passenger subsidy targets established in Appropriations Acts.

Senate amendment

Notwithstanding the subsidy per passenger limitation in the 2000 appropriations act, DOT may not terminate a subsidy to a community before the end of 2004, if 2000 ridership at the community was sufficient and it received notice in 2003 that its ridership is no longer sufficient.

Conference substitute

No provision.

89. RESUMING SERVICE AT FORMER EAS COMMUNITIES

House bill

Allows an airline to begin service after the date of enactment to a community that has been eliminated from the EAS program without being subject to the hold-in requirements of that program if it should decide to terminate service to that community.

Senate amendment

No provision.

Conference substitute

House bill. The purpose of this provision is to remove a requirement that might prove to be a disincentive to a carrier resuming service to a community without any service.

90. JOINT FARES

House bill

Directs DOT to encourage the submission of joint fare proposals to benefit service to small communities.

Senate amendment

No provision.

Conference substitute

House bill.

91. ALTERNATIVE EAS

House bill

Establishes an alternative to the EAS program. Under this alternative, rather than receiving service from an airline subsidized by DOT, the community could receive a grant from DOT to establish and pay for its own service. This could include scheduled air service, air taxi service, fractional ownership where passengers pay for the service, surface transportation, or some other approach approved by DOT. Communities choosing to participate in this alternative program could not receive service under the established EAS program in the fiscal year in which they participated in the alternate program.

Senate amendment

If money authorized for the marketing program is fully appropriated, DOT shall establish a pilot program for no more than 10 communities under which the airport may forgo EAS subsidies for 10 years in exchange for a grant of double the EAS subsidy for airport development. DOT may require major airlines serving one of these 10 communities to participate in multiple code shares if that would improve air service.

DOT shall establish a pilot program for no more than 10 communities to authorize more flights with smaller aircraft if safety will not be compromised. For 3 of these airports, DOT may establish a pilot program where the subsidy pays for alternate transportation and improvement to airport facilities if the airport agrees to terminate its participation in this program pilot program after 1 year.

DOT may establish a pilot program where airports share the cost of providing service over and above the required essential air service.

Conference substitute

Substitute is House section 415 (g), with alternatives and pilot programs in the Senate bill. The fractional ownership provision cannot be used until the FAA rule on fractional ownership takes effect.

92. TRACKING EAS SERVICE CHANGES

House bill

No provision.

Senate amendment

Requires semi-annual report from airlines providing EAS on on-time performance and other service changes.

Conference substitute

Senate amendment with revisions.

93. MILEAGE REQUIREMENTS FOR EAS PROGRAM

House bill

Establishes mileage requirements for participation in the EAS program and directs DOT to calculate the mileage by the most commonly used route. DOT should consult with the Governor in determining the most commonly used route. Any community previously eliminated from the EAS program by the distance criteria may appeal that decision to DOT in light of the changes made by this subsection.

Senate amendment

Similar provision but the method for determining mileage applies only to Lancaster, PA while the appeal rights apply to any community.

Conference substitute

House bill but limited to only 2 years prior to date of enactment and order to be issued is limited to 2007.

94. SMALL COMMUNITY OMBUDSMAN

House bill

No provision.

Senate amendment

Establishes ombudsman in DOT to develop strategies for improving air service to small communities.

Conference substitute

No provision.

95. NATIONAL COMMISSION ON SMALL COMMUNITY AIR SERVICE

House bill

No provision.

Senate amendment

Establishes 9-member Commission to study challenges facing small communities and whether existing Federal programs are helping.

Conference substitute

Senate amendment.

96. REFUNDED SECURITY FEES

House bill

No provision.

Senate amendment

Requires flag airlines, within 30 days, to remit to their code share partners any security fees that they paid but that were refunded to the flag airline. IG reviews compliance. Airline CEO certifies compliance.

Conference substitute

No provision.

97. TYPE CERTIFICATES

House bill

Requires anyone building a new aircraft based on a type certificate to have the permission of the holder of that type certificate.

Senate amendment

No provision.

Conference substitute

House bill.

98. CERTIFICATION OF FOREIGN AVIATION PRODUCTS

House bill

Requires the FAA to spend the same amount of time and perform a similarly thorough review when certifying or validating a foreign aviation product as the foreign nation spends in certifying or validating U.S. aviation products.

Senate amendment

No provision.

Conference substitute

The House bill is revised to direct U.S. negotiators to ensure that American products are treated fairly in the certification process.

99. INTERNATIONAL ROLE OF FAA

House bill

No provision.

Senate amendment

Amends section 40101 (d) by requiring FAA to exercise leadership with foreign counterparts, in ICAO, and other organizations to promote safety, efficiency, and environmental improvements in air travel.

Conference substitute

Senate amendment.

100. REPORT ON OTHER NATION'S ADVANCEMENTS

House bill

No provision.

Senate amendment

FAA shall review other countries aviation safety, research funding, and technological actions and report with recommendations on how those activities might be used in the U.S.

Conference substitute

No provision, however the report requirement in the Senate amendment is included in section 819 of the bill.

101. DESIGN ORGANIZATION CERTIFICATES

House bill

This section directs FAA to develop, within 4 years, a plan for certification of design organizations and allows the FAA to implement within 7 years a system for certifying design organizations if it so chooses.

Senate amendment

Similar provision but plan is to be submitted in 3 years and implemented in 5 years. Nothing in this section prevents FAA from revoking a certificate. Makes conforming change to subsection on type certificates.

Conference substitute

House timelines with Senate provision on FAA authority to revoke certificates. Replace (f)(3) of House bill with "The FAA may rely on certifications of compliance by a Design Organization when making a finding under section (a)."

102. COUNTERFEIT OR FRAUDULENTLY REPRESENTED PARTS VIOLATIONS

House bill

This section would direct the FAA to deny a certificate to a person whose certificate was previously revoked for involvement in an activity relating to counterfeit or fraudulent aviation parts.

Senate amendment

Same provision, but would also deny a certificate to a person who carried out an activity related to counterfeit or fraudulent aviation parts for which he could have been convicted.

Conference substitute

House bill.

103. RUNWAY SAFETY AREAS

House bill

Section 419 states that an airport shall not be required to reduce the length of a runway or declare the length of the runway to be less than the actual pavement length in order to meet FAA requirements for runway safety areas.

Section 505 requires airports to undertake, to the maximum extent practical, improvements to the runway safety overrun area to meet FAA standards when they receive grants to construct, reconstruct, repair, or improve that runway. This does not require that airport to build a shorter runway, reduce the length of that runway or similar actions that are prohibited by section 419 of this bill.

Senate amendment

No provision.

Conference substitute

House bill. The Conferees agreed to limit this provision to airports located in the State of Alaska, as that is apparently where the FAA's actions with regard to runway safety areas has become a problem. The Conferees also agreed to require the DOT to conduct a study and submit a report on this issue for airports located in the remaining states.

104. AVAILABILITY OF MAINTENANCE INFORMATION

House bill

Requires manufacturers of aircraft and aircraft parts to provide maintenance manuals at a reasonable cost to repair stations that are authorized to work on those aircraft or aircraft parts.

Senate amendment

No provision.

Conference substitute

No provision.

105. CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT

House bill

Requires FAA to revoke a pilot's certificate if the Department of Homeland Security notifies the FAA that the pilot is a security risk.

Gives a pilot who is a U.S. citizen the right to a hearing before an administrative law judge (ALJ). Others have the right to the appeal procedures that the Transportation Security Administration (TSA) has already provided for them.

States that the ALJ is not bound by the FAA's or TSA's findings of fact or law.

Allows either party to appeal an ALJ decision to a special panel created by the Transportation Security Oversight Board.

Allows either party to appeal the panel's decision to the U.S. Court of Appeals. Requires TSA to give a person appealing under this section an explanation of the reason for the revocation and all supporting documents to the extent that national security permits.

Sets forth the procedures for handling classified evidence This section makes clears that appeals under Subtitle VII of title 49 are handled by the Federal Court of Appeals rather than the District Court.

Contains a conforming amendment.

Senate amendment

No provision.

Conference substitute

House bill with technical clarifications to address how FAA, TSA, DHS, CIA, and the parties shall handle classified information in the hearing and appeal processes.

106. JUDICIAL REVIEW

House bill

Amends 46110(a) by striking "part" and inserting "subtitle" in the first sentence. Judicial review of TSA actions is covered by section 1710 of H.R. 2144.

Senate amendment

References 46110(c) instead of 46110(a). Uses Administration's proposed language, including sections for TSA.

Conference substitute

Conferees agreed to amend section 46110(a) of Title 49, United States Code to clarify that the judicial review procedures set forth in section 46110 apply to persons disclosing a substantial interest in orders issued by the Secretary of Transportation in whole or in part under part A and under part B of Subtitle VII of Chapter 49 of the U.S. Code. The intent is to clarify that decisions to take actions authorizing airport development projects are reviewable in the circuit courts of appeals under section 46110, notwithstanding the nature of the petitioner's objections to the decision. In addition, the Committee believes that FAA orders pertaining to airport compliance are exclusively reviewable in the circuit courts of appeals, like other orders issued under similar provisions in part B of subtitle VII of title 49. The Committee notes that the amendment to section 46110 would resolve the jurisdictional issue raised in *City of Alameda* v. *FAA*, 285 F.3d 1143 (9th Cir. 2002). Conferees agreed to strike "part" and insert "Subparts A and B"; strike the reference to "safety" in order to clarify that the provision is not limited to safety orders of the FAA. Similar changes are made with respect to the Transportation Security Administration.

107. CIVIL PENALTIES

House bill

No provision.

Senate amendment

Sets all civil penalties at $25,000. Increases the limit for the administrative imposition of civil penalties to $1 million.

Conference substitute

Senate amendment on civil penalties with an exemption for individuals and small businesses. They will not be subject to the penalty increase but will be subject to the penalty they were subject to prior to the enactment of this Act. Also, sets the limit for the administrative imposition of civil penalties at $400,000.

108. FLIGHT ATTENDANT CERTIFICATION

House bill

Prohibits a person from serving as a flight attendant on an aircraft of a U.S. airline unless that person holds a certificate from the FAA. That person must present that certificate, upon request, to an authorized Federal official within a reasonable time. People currently serving as flight attendants can continue to do so pending their certification. After the airline notifies the FAA that a person has met the qualifications for certification, that person may serve as a flight attendant even if that person does not have the certificate in hand. Requires the FAA to issue a certificate to a person after the airline notifies the FAA that the person has completed all FAA approved training. Designates the appropriate airline official to determine whether a person has successfully completed the training. Requires the certificate to be numbered and recorded by the FAA, contain the name, address, and description of the flight attendant, contain the name of the airline that the flight attendant works for, be similar to airmen certificates, contain the airplane group (jet or prop) for which the certificate is issued, and be issued by the FAA within 30 days of notification by the airline or within 1 year of the effective date of this section.

Subsection (e) states that all flight attendant training programs, other than those involving security, are subject to FAA approval. Training programs approved within one year prior to the date of enactment may be used as the basis for certifying flight attendants. Defines "flight attendant". This section takes effect one year after the date of enactment.

Senate amendment

Requires FAA to establish standards for flight attendant training. FAA shall require flight attendants to complete training courses approved by FAA and TSA. FAA shall issue a certificate to each person that completes the course. Has a similar requirement for the certificate. Similar definition of "flight attendant".

Conference substitute

House bill, however Conferees agreed to allow the Administrator 120 days to issue the certificate after receiving notification from the air carrier.

109. CIVIL PENALTY FOR CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE

House bill

Requires the government agency that owns or controls an airport to provide 30 days notice before that airport is closed. There is $10,000 penalty for each day that the airport remains closed without having given the proper notice.

Senate amendment

Same provision.

Conference substitute

House bill and Senate amendment. This provision applies only to airport closures that are permanent, not to temporary closures for emergency or operational reasons.

110. NOISE EXPOSURE MAPS

House bill

This section replaces an obsolete date reference and directs airports to update their noise exposure maps if there is a change in the operations at the airport that would lead to a significant increase or decrease in noise.

Senate amendment

Similar provision with exception that does not direct airports to update their noise exposure maps if there is a change in the operations at the airport that would lead to a significant increase or decrease in noise.

Conference substitute

House bill.

111. OVERFLIGHT FEES

House bill

This section makes clear that the changes to the method for calculating overflight fees in the Aviation and Transportation Security Act were not nullified by the savings provision in that Act.

Senate amendment

The provision has a similar goal but accomplishes it differently.

Conference substitute

Conferees agreed to ratify the interim final rule and final rule issued by the FAA on May 30, 2000, and August 13, 2001, respectively. This ratification applies to fees collected after the date of enactment of the Aviation and Transportation Security Act and before the court decision striking down those fees. It also applies to the fees that FAA collects in the future after it undertakes the actions required by this provision. The FAA may not resume collecting fees until after the Administrator reports to Congress in response to the issues raised in the April 8, 2003 court decision; and after the FAA consults with users and other interested parties to ensure the fees established are consistent with the international obligations of the United States. Conferees intend that consultations before the date of enactment shall satisfy this requirement.

Conferees note that in 1996, Congress directed the FAA Administrator to set and collect fees for the provision of air traffic control and related services for flights that fly over but do not land in the United States. This was done to recover a portion of the costs of these services from those who receive the benefit of the services but who would otherwise pay nothing. Although the FAA Administrator has diligently proceeded to recover such costs through the imposition of overflight fees, a group of foreign airlines has challenged the fees in United States Court of Appeals for the District of Columbia Circuit.

On April 8, 2003, when the United States Court of Appeals for the District of Columbia Circuit issued an opinion in the case of Air Transport Association of *Canada et al* v. *FAA*, No. 01–1446, setting aside and remanding to the FAA the Final Rule issued on August 13, 2001 under Section 45301(b)(1)(B) because the Court concluded that, as a result of the generic savings provision set forth in Section 141 of the ATSA, Section 119(d) of ATSA did not apply to this Final Rule since it was the subject of the foreign air carriers' pending challenge at the time the ATSA was enacted. It was never the intention of Congress that the savings provision set forth in Section 141 was to have this effect, and this amendment clarifies that fact by retroactively applying Section 119(d) to both the Interim Final Rule issued on May 30, 2000 as well as the Final Rule issued on August 13, 2001.

Also, to clarify that the FAA has complied with its statutory mandate regarding overflight fees in the Interim Final Rule and Final Rule and to ensure the fees can be collected in the future, the language and authority approved by the Court of Appeals for the District of Columbia Circuit in *Thomas* v. *Network Solutions, Inc.*, 176 F. 3d 500 (D.C. Cir 1999) is adopted hereto retroactively, as well as prospectively, to legalize and ratify both the Interim Final Rule and the Final Rule, effective as of the dates those rules were originally issued by the FAA.

Although the Court of Appeals has never found a violation of international law in the overflight fee rulemakings, there have been complaints that international law has not been complied with by the FAA. To ensure compliance, the Administrator is directed to consult and confer on the concerns of foreign governments and users that the fees established by this section conform to the international obligations of the United States and the Administrator is authorized to adjust the fees, if necessary, to conform to the obligations of the United States under international law.

112. IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS

House bill

This section requires FAA to update the curriculum for training aircraft mechanics to reflect current technology and maintenance practices. Maintains requirement for 1900 hours of training.

Senate amendment

No provision.

Conference substitute

House bill without specifically mentioning the 1900-hour minimum requirement.

113. AIR QUALITY IN AIRCRAFT CABINS

House bill

This section directs the FAA to undertake the studies and analysis called for in the National Academy of Sciences study on airline cabin air quality.

Senate amendment

Similar provision, but adds two requirements, to study air pressure and altitude and to establish an incident reporting system.

Conference substitute

Senate amendment.

114. RECOMMENDATIONS CONCERNING TRAVEL AGENTS

House bill

This section requires DOT to consider the recommendations of the National Commission to Ensure Consumer Information and Choice in the Airline Industry and to report to Congress on any actions that it believes should be taken.

Senate amendment

Same provision.

Conference substitute

House bill and Senate amendment.

115. REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES

House bill

This section authorizes $100 million to reimburse general aviation businesses that have incurred costs or lost money as a result of security restrictions. The businesses eligible for this reimbursement are the fixed based operator and any other general aviation businesses at Reagan National Airport that has been largely closed to general aviation since September 11, 2001, the 3 general aviation airports in the Washington, D.C. area that were closed after September 11th and are now operating under security restrictions, banner towers who have been prohibited from flying over stadiums, flight schools that have been unable to train foreign students, and any other general aviation business that is prohibited from operating due to similar restrictions.

Senate amendment

Similar provision but does not explicitly include banner towers or flight schools in each coverage. Definition of general aviation entity is slightly different.

Conference substitute

House bill, but narrows reimbursement eligibility to general aviation businesses that are specifically identified as having incurred costs or lost money as a result of the events of September 11, 2001.

116. IMPASSE PROCEDURES FOR NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS

House bill

This section requires the wage dispute between the FAA and the National Association of Air Traffic Specialists to be submitted to the Federal Services Impasse Panel if it has not been resolved within 30 days of enactment of this Act.

Senate amendment

No provision.

Conference substitute

No provision.

117. FAA INSPECTOR TRAINING

House bill

Directs GAO to undertake a study of the training of FAA's safety inspectors. Sense of the House that FAA safety inspectors should take the most up-to-date training at a location convenient to the inspector and that the training should have a direct relation to the inspector's job requirements. Directs the FAA to arrange for the National Academy of Sciences to study the staffing standards the FAA uses for its inspector workforce.

Senate amendment

No provision.

Conference substitute

House bill.

118. AIR TRAFFIC OVERSIGHT SYSTEM (ATOS)

House bill

No provision.

Senate amendment

Requires FAA, within 90 days, to transmit an action plan for overseeing repair stations, ensuring foreign repair stations are subject to the same level of oversight as domestic ones, and addressing problems with ATOS identified by GAO and the IG. Sets forth the requirements for the action plan including extending ATOS beyond the 10 largest airlines.

Conference substitute

Senate amendment that within 90 days, the FAA shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a plan containing an implementation schedule to strengthen oversight of domestic and foreign repair stations and ensure that Administration-approved foreign repair stations are subject to an equivalent level of safety, oversight, and quality control as those located in the United States. This does not require, nor does it prevent, the FAA to perform the same number of inspections on foreign repair stations as domestic ones.

119. PROHIBITION ON AIR TRAFFIC CONTROL PRIVATIZATION

House bill

Prohibits DOT from privatizing the functions performed by its air traffic controllers who separate and control aircraft. States that this prohibition does not apply to the functions performed at air traffic control towers that are operated by private entities under the FAA's contract tower program. This exemption covers the current air traffic control towers that are part of the FAA contract tower program and to non-towered airports and non-federal towers that would qualify for participation in this program.

Senate amendment

Prohibits DOT from privatizing the functions performed by its air traffic controllers who separate and control aircraft and the functions of those who maintain and certify those systems. Section shall not apply to an FAA tower operated under the contract tower program as of the date of enactment.

Conference substitute

Prohibits DOT from privatizing air traffic control functions associated with the separation and control of aircraft, but ensures that the current contract tower program can continue and be expanded to new towers and VFR towers. The prohibition sunsets after 4 years.

120. AIRFARES FOR MEMBERS OF THE ARMED FORCES

House bill

This is a sense of Congress urging airlines to provide low fares for Members of the Armed Forces of the United States. Also includes findings.

Senate amendment

Similar provision. No findings. Refers only to standby tickets.

Conference substitute

House bill.

121. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED AIR SERVICE

House bill

This section extends for 9 more months the requirement that airlines accommodate passengers whose flight is cancelled due to the bankruptcy of the carrier on which that passenger was ticketed.

Senate amendment

Same provision. Also requires DOT to consider waiving this requirement where other airlines operate flights over routes operated in isolated areas dependent on air transportation.

Conference substitute

House bill and Senate amendment but without the waiver in the Senate amendment.

122. INTERNATIONAL AIR SHOW

House bill

This section directs DOT, in consultation with the Secretary of Defense, to study the feasibility of the United States hosting an international air show. A report is required by September 30, 2004.

Senate amendment

No provision.

Conference substitute

House bill to direct DOT to work with DOD on an international air show.

123. RETIREMENT BENEFITS OF AIR TRAFFIC CONTROLLERS

House bill

This section allows an air traffic controller who is promoted to a supervisory or managerial position to retain the same retirement benefits as one who was not so promoted. Amends the definition of an "air traffic controller" within the Civil Service Retirement System (CSRS) and Federal Employee Retirement System (FERS) to include second level air traffic controller supervisors. Clarifies that CSRS and FERS mandatory retirement provisions that apply to line air traffic controllers do not apply to second level supervisors. Specifies that this section shall take effect on the 60th day after the date of enactment. Allow current second level supervisors who have been promoted prior to enactment to retroactively pay into the higher CSRS accrual rate.

Senate amendment

No provision.

Conference substitute

The provision would ensure that former controllers could keep the retirement benefits they accrued as controllers. Also controllers who were promoted to first line supervisors as well as the supervisors of those first line supervisors would continue to accrue the retirement benefit of controllers. Others who are promoted to higher supervisory positions or who move out of the controller ranks would get controller retirement benefits only for the time they spent as controllers.

124. JUSTIFICATION FOR AIR DEFENSE IDENTIFICATION ZONE

House bill

If the FAA imposes flight restrictions in the Washington D.C. area, this section requires FAA to submit a report to Congress within 60 days explaining the need for such restrictions. If such restrictions are in effect on the date of enactment, this report must be filed within 30 days of the date of enactment.

Senate amendment

Same provision with some different wording.

Conference substitute

House bill.

125. INTERNATIONAL AIR TRANSPORTATION

House bill

This is a sense of Congress urging DOT to define "fifth freedom" and "seventh freedom" consistently for both scheduled and charter passenger and cargo traffic.

Senate amendment

No provision.

Conference substitute

House bill.

126. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES

House bill

This section directs DOT, subject to the availability of funds, to reimburse U.S. airlines and airports for the security activities that they are still being required to perform. It also directs DOT to reimburse airports for the space being used to screen passengers if that space was being used or would have been used by concessionaires or other for revenue producing activities.

Senate amendment

No provision.

Conference substitute

House bill, but limited to reimbursement for the screening of catering supplies and checking documents at security checkpoints. The Department of Homeland Security, rather than DOT, would be responsible for implementing this provision to the extent funds are made available to them.

127. GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT

House bill

This is a sense of Congress that Reagan National Airport should be opened to general aviation flights as soon as possible.

Senate amendment

No provision.

Conference substitute

Requires the Secretary of Homeland Security to develop and implement a security plan to permit general aviation aircraft to land and take off at Ronald Reagan Washington National Airport. The Administrator of the Federal Aviation Administration is required to allow general aviation aircraft that comply with the requirements of the security plan to land and take off at the Airport except during any period that the President suspends the plan developed by DHS due to national security concerns. Also requires a Report to Congress if a plan is suspended.

128. CHARTER AIRLINES

House bill

This section prohibits scheduled charter airlines from operating at Teterboro unless the Secretary finds that it is in the public interest.

Senate amendment

No provision.

Conference substitute

House bill.

129. IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS

House bill

This section requires DOT to issue rule to implement Chapter 4 noise standards by July 1, 2004.

Senate amendment

No provision.

Conference substitute

House bill but the deadline for the final rule is April 1, 2005.

130. JACKSON HOLE

House bill

No provision.

Senate amendment

Permits Jackson Hole to prohibit operations by small stage 2 aircraft.

Conference substitute

Senate amendment, but permits a sponsor of a commercial service airport who does not own the airport land and is a party to a long-term lease agreement with a Federal agency (other than the Department of Defense or the Department of Transportation) to impose restrictions on, or prohibit, the operation of small Stage 2 aircraft, in order to help meet the noise control plan contained within the lease agreement. The airport sponsor must give public notice and allow for public comment before imposing a restriction or prohibition.

131. CREW SECURITY TRAINING

House bill

Requires airlines to provide basic security training for flight attendants and sets forth the elements of that training. TSA shall establish minimum standards for that training within one year. Requires TSA to develop and provide advanced self-defense training for flight attendants and sets forth the elements of that training. This training is voluntary and flight attendants are not compensated for taking that training. They cannot be charged a fee. Exempts flight attendants from liability for using self-defense techniques in an actual terrorist situation.

Senate amendment

No provision.

Conference substitute

House bill. The provision requires the TSA to set the minimum standards to be included in the basic security training provided by each carrier to train flight and cabin crew-members to prepare the crew members for potential threat conditions. This is intended to make sure that each carrier's training program includes the minimum standards that have been outlined by Congress and the TSA. The programs will be subject to approval of the TSA, who will also monitor and periodically review those programs to assure that the programs are adequately preparing crew members for potential threat situations.

132. STUDY OF TRANSPORTATION SECURITY

House bill

No provision.

Senate amendment

Requires DHS to report in 6 months on the effectiveness of aviation security.

Conference substitute

Senate amendment, but this report may be submitted in lieu of TSA's annual report required by section 44938 of current law.

133. LETTERS OF INTENT TO PAY FOR AIRPORT SECURITY PROJECTS

House bill

No provision, but section 1525 of H.R. 2144 establishes a grant program to airport sponsors for (1) projects to replace conveyers related to security, (2) projects to reconfigure baggage areas, (3) projects that enable EDS installation behind the ticket counters, in baggage sorting areas or as part of an in-line systems, and (4) other security improvement projects determined appropriate. Authorizes Under Secretary to issue letters of intent. Established the Federal share of projects to be 90% for large and medium hubs and 95% for smaller airports. Authorized $500M to be appropriated in each of FY04, FY05, FY06 and FY07 to be available until expended. Prohibits the collection of the security fees unless appropriations cover all outstanding LOI commitments in a given Fiscal year.

Senate amendment

Establishes Aviation Security Capital Fund to provide financial assistance to airport sponsors to defray capital investment in transportation security. Authorizes $500M for each of FY04, FY05, FY06, and FY07 to be derived from the passenger and air carrier security fees. Allocates funds 40% large hub, 20% medium hub, 15% small hub, and 25% discretionary. Amounts allocated to airports are apportioned based on passenger enplanements. Authorizes letters of intent. No provision on Federal share.

Conference substitute

Establishes within the Department of Homeland Security a grant program to airport sponsors for (1) projects to replace baggage conveyer systems related to aviation security; (2) projects to reconfigure terminal baggage areas as needed to install explosive detection systems; (3) projects to enable the Under Secretary for Border and Transportation Security to deploy explosive detection systems behind the ticket counter, in the baggage sorting area, or inline with the baggage handling system; and (4) other airport security capital improvement projects. Authorizes Under Secretary to issue letters of intent. Establishes the Federal share of projects to be 90% for large and medium hubs and 95% for smaller projects. This applies to all grants made under letters of intent beginning in fiscal year 2004 even if the letter was issued in fiscal year 2003. The Under Secretary shall revise letters of intent issued before the date of enactment to reflect this cost share with respect to projects carried out after September 30, 2003. Requires $250 million annually from the existing aviation security fee that is paid by airline passengers to be deposited in an Aviation Security Capital Fund, and made available to finance this grant program. Of this $250 million, $125 million shall be allocated based on the following set-asides: 40% to large hub airports, 20% to medium hub airports, 15% to small and non-hub airports, and 25% to any size airport based on aviation security risks. The remaining $125 million shall be used to make discretionary grants, with priority given to fulfilling letters of intent. In addition to the amounts made available to the Aviation Security Capital Fund, there is authorized to be appropriated an additional $250 million to carry out this program. If additional amounts are appropriated pursuant to this authorization, 50% shall be used for discretionary grants, and 50% in accordance with the set-asides discussed above.

134. CHARTER SECURITY

House bill

No provision, but section 1503(1) of H.R. 2144 moves the provisions governing charters into title 49 and exempts military charters from the requirements that would otherwise apply. Also makes a technical change in the size of charter aircraft covered.

Senate amendment

Maintains as a freestanding provision but otherwise virtually the same. Section 406 makes the same technical change.

Conference substitute

Senate amendment, but includes the provision in U.S. Code, title 49.

135. COMPUTER ASSISTED PASSENGER PRESCREENING SYSTEM (CAPPS2)

House bill

No provision, but section 208 of H.R. 2144 requires TSA to certify that civil liberty and privacy issues have been addressed before implementing CAPPS 2 and requires GAO to assess TSA compliance one year after TSA makes the required certification.

Senate amendment

Requires DHS report in 90 days on privacy and civil liberties issues.

Conference substitute

House bill and Senate amendment, but requires the GAO report in the House bill to be submitted 3 months after TSA certification

136. ARMING CARGO PILOTS

House bill

No provision but section 1521 of H.R. 2144 allows cargo pilots to carry guns under the same program for pilots of passenger airlines. In addition, this provision revises the armed pilots program to do the following—

Make clear that pilot requalification to carry a gun can be done at either Federal or non-Federal facility

Establish a pilot program to provide firearms requalification training at various non-Federal facilities;

Permit an off-duty pilot to transport the gun in a lockbox in the passenger cabin rather than in the baggage hold; and

Permit flight engineers to participate in the Federal flight deck officer program.

Senate amendment

Similar provision but includes findings and sense of Congress and requires training of cargo pilots to begin in 90 days.

Conference substitute

Senate amendment, but instead of 90-day provision on training cargo pilots, Conferees included a provision that both passenger and cargo pilots should be treated equitably in their access to training.

137. TSA STAFFING LEVELS

House bill

No provision but section 206 of H.R. 2144 requires TSA to report to Congress in 30 days on its methodology for allocating screeners and equipment among airports.

Senate amendment

Section 409, eliminates the cap in the FY 03 Appropriations Act on the number of TSA screeners.

Conference substitute

Senate amendment.

138. FOREIGN REPAIR STATION SECURITY

House bill

No provision but section 1526 of H.R. 2144 requires security audits of all foreign repair stations within 1 year after TSA issues rules governing the audits. The rules must be issued within 180 days of enactment. If a problem is found, the repair station must address it in 90 days or its certificate will be suspended until it complies. If there is an immediate security risk, the certificate can be revoked immediately. TSA shall establish procedures for appealing such revocations. If the security audits are not completed within the required 1-year, no new foreign repair station can be certified and no existing one can have their certificate renewed. Priority shall be given to auditing stations in countries that pose the most significant security risk.

Senate amendment

Defines domestic and foreign repair station. Within 180 days, FAA must issue rules to require foreign repair stations to meet the same level of safety as domestic repair stations. These rules shall require drug and alcohol testing and the same type and level of inspection as domestic repair stations.

Requires security audit within 180 days. If a problem is found, the repair station must address it in 90 days or its certificate will be suspended until it complies. If there is an immediate security risk, the certificate can be revoked immediately. If the security audits are not completed within the required 180 days, no new foreign repair station can be certified and no existing one can have their certificate renewed. Priority shall be given to auditing stations in countries that pose the most significant security risk. Rules for security audits must be issued within 180 days. If they are not, no new foreign repair station can be certified and no existing one can have their certificate renewed until the rules are issued.

Requires FAA, within 90 days, to transmit an action plan for overseeing repair stations, ensuring foreign repair stations are subject to the same level of oversight as domestic ones

Conference substitute

House bill except—Lengthened time to issue rule from 6 to 8 months. If TSA fails to meet this deadline, require a report within 30 days of the deadline explaining the reasons for failing to meet the deadline and the schedule for issuing the rule. Lengthened time for security audits from 12 to 18 months. Eliminated the provision that prohibits renewal of foreign repair station certificates if TSA has not met this 18-month deadline but keep provision that no new stations can be certificated.

139. FLIGHT TRAINING

House bill

No provision, but section 1539 of H.R. 2144 requires background checks on aliens seeking flight training in aircraft with more than 12,500 pounds. Makes TSA responsible for the background check. Specifies the information that can be collected from the alien. Continues the 45-day waiting period. Continues to require security awareness training for employees. Requires, within 90 days, TSA to establish an expedited process that limits the waiting period to 48 hours for individuals who hold a pilot license from a foreign country, have previously undergone a background check, or who have already had pilot training. Exempts from the waiting period those seeking recurrent training or ground training. Doesn't provide for fees.

Senate amendment

Requires background checks on aliens seeking flight training in any sized aircraft. Makes TSA responsible for the background check. Doesn't specify the info that can be collected. Reduces the waiting period to 30 days. Continues to require security awareness training for employees. Establishes a notification process for aliens who holds a visa and holds a pilot license from a foreign country or has previously undergone a background check. Exempts from the waiting period classroom instruction Allows fees to be assessed for the background check. Fee cannot be more than $100 in FY 2003 and 2004. Fees are credited to TSA's account. Requires interagency cooperation. Requires TSA to issue an interim final rule in 60 days to implement this section. This section takes effect when that rule becomes effective. U.S. embassies and consulates shall provide fingerprint services to aliens. Report is required within 1 year

Conference substitute

For all training on small aircraft, includes a notification requirement but no waiting period. For training on larger aircraft, adopts the expedited procedure similar to the House bill if they already have training, a license, or a background check and adopts the 30-day waiting period as in the Senate bill for first-time training on large aircraft. Makes TSA responsible for the background check. The managers are disappointed in the amount of time that the Justice Department took to implement this program and on the burdensome requirements it has imposed. Therefore, the substitute specifies the information that can be collected from the alien. Reduces the waiting period to 30 days. Establishes a notification process for all aliens, even if they hold a visa, who seeks training on aircraft of 12,500 pounds or less. Requires, within 60 days, that TSA establish an expedited process that limits the waiting period to 5 days for aliens seeking training on aircraft of more than 12,500 pounds who hold a pilot license from a foreign country, have previously undergone a background check, or who have already had pilot training.

Requires all others to go through the background check under the 30-day waiting period. Exempts from the process those seeking recurrent training or ground training or demonstration flights or classroom instruction as well as military trainees of the armed forces, including their contractors. Allows fees to be assessed for the background check. Fee cannot be more than $100 in FY 2003 and 2004. Fees are credited to TSA's account. Requires interagency cooperation. Requires TSA to issue an interim final rule in 60 days to implement this section. This section takes effect when that rule becomes effective. U.S. embassies and consulates shall provide fingerprint services to aliens. A report is required within 1 year. Continues to require security awareness training for employees.

140. REVIEW OF COMPENSATION CRITERIA UNDER STABILIZATION ACT

House bill

This section requires GAO to review the way airlines were compensated after 9/11 to determine whether they should be compensated for the devaluation of their aircraft.

Senate amendment

No provision.

Conference substitute

House bill, however study is on DOT criteria and procedures used to compensate airlines.

141. AIRLINE FINANCIAL CONDITION AND EXECUTIVE COMPENSATION

House bill

No provision.

Senate amendment

Requires semiannual GAO report on measures being taken by airlines to reduce costs and improve earnings and on total compensation, including stock options paid to airline executives.

Conference substitute

Requires a report.

142. REVIEW OF CERTAIN AIRCRAFT OPERATIONS IN ALASKA

House bill

This section requires FAA to report to Congress on whether flights in Alaska can be operated under Part 91 of FAA rules even if passengers pay for some of the costs of operating the aircraft.

Senate amendment

No provision.

Conference substitute

Conferees agreed that due to the demands of conducting business within and from the State of Alaska, the FAA shall permit, where common carriage is not involved, a company, located in the State of Alaska, to organize a subsidiary where the only enterprise of the subsidiary is to provide carriage of officials, employees, guests, and property of the company, or its affiliate. The substitute sets forth specific limitations on the carriage that is allowed.

143. USING AIP FOR REPLACEMENT OF BAGGAGE CONVEYER SYSTEMS

House bill

This section states that an airport can only use its AIP entitlement funds for airport terminal modifications to accommodate explosive detection systems. AIP discretionary funds will not be available for this purpose.

Senate amendment

Prohibits the use of AIP for this purpose.

Conference substitute

House bill.

144. USING AIP OR PFC FOR SECURITY

House bill

No provision, but section 44901(d)(2)(D)(ii) of H.R. 2144 deletes the requirement that airports unable to make the checked baggage screening deadline give priority to using AIP and PFCs for security projects.

Senate amendment

Amends section 308 of the Federal Aviation Reauthorization Act of 1996 to allow AIP and PFCs to be used for safety and security only if the improvement or equipment will be owned by the airport.

Conference substitute

Repeals section 308 of the Federal Aviation Reauthorization Act of 1996.

145. SECURITY OPERATING COSTS AT SMALL AIRPORTS

House bill

This section allows small airports to use their AIP entitlement funds in fiscal year 2004 to pay the operating costs required to meet new security requirements.

Senate amendment

No provision.

Conference substitute

No provision.

146. WITHHOLDING OF DISCRETIONARY GRANTS

House bill

If an AIP discretionary grant is withheld from an airport on the grounds that the airport has violated a grant assurance, this section requires that the airport be given the same right to a hearing that it would have if the FAA had withheld an entitlement grant. This section does not require the FAA to give a discretionary grant to any particular airport.

Senate amendment

No provision.

Conference substitute

No provision.

147. DISPOSITION OF LAND ACQUIRED FOR NOISE COMPATIBILITY PURPOSES

House bill

Rather than depositing into the aviation trust fund the proceeds from the sale of land acquired as part of a noise compatibility program, this section allows an airport to retain those proceeds and use them to purchase non-residential property near residential property that was purchased as part of a noise compatibility program.

Senate amendment

No provision.

Conference substitute

House bill.

148. GRANT ASSURANCES

House bill

If an airport owner and an aircraft owner agree that an aircraft hangar can be constructed at the airport at the aircraft owner's expense, subsection (a) requires the airport owner to grant a long-term lease, or at least 50 years, to the aircraft owner for that hangar. The lease may be subject to such terms and conditions on the hangar as the airport may impose.

Senate amendment

No provision.

Conference substitute

House bill but does not specify 50 years.

149. STATUTE OF LIMITATION ON REIMBURSEMENT REQUEST

House bill

Makes a governmental entity subject to the 6-year statute of limitations on making requests for reimbursement from an airport. Currently, only the airport sponsor is subject to this statute of limitations.

Senate amendment

Subsection (d) of section 507 is the same provision.

Conference substitute

House bill and Senate amendment.

150. SINGLE AUDIT ACT

House bill

Clarifies the review of revenue use through the annual audit activities under the Single Audit Act of Title 31.

Senate amendment

Subsection (e) of section 507 is the same provision.

Conference substitute

House bill and Senate amendment.

151. AIP FOR PARKING LOTS

House bill

Permits AIP grants to be used to build or modify a revenue generating parking facility at an airport if it is needed to comply with a security directive.

Senate amendment

No provision.

Conference substitute

No provision.

152. ALLOWING AIP TO PAY INTEREST

House bill

Permits AIP grants to be used at small airports to pay the interest on a bond used to finance an airport project.

Senate amendment

No provision.

Conference substitute

House bill but included as one of the innovative financing techniques already in existing law.

153. ALLOWING AIP TO PAY TO MOVE BUILDINGS

House bill

Permits AIP grants to be used to pay the cost of moving a Federal building that is impeding an airport project to the extent the new building is similar to the old one

Senate amendment

No provision.

Conference substitute

House bill.

154. APPORTIONMENTS TO PRIMARY AIRPORTS

House bill

Lowers the entitlement for the largest airports by 5 cents for each passenger at that airport over 3.5 million in a year.

Senate amendment

No provision.

Conference substitute

No provision.

155. ENTITLEMENT FOR FORMER PRIMARY AIRPORTS

House bill

Allows airports that fell below the 10,000 passengers in 2002 or 2003 to continue to receive their primary airport entitlement for two years if the reason for the passenger decrease was the terrorist attacks of 9/11.

Senate amendment

Allows airports that fell below 10,000 passengers in 2002 to continue to receive their primary airport entitlement for one more year without regard to the reason for the decrease.

Conference substitute

House bill.

156. CARGO AIRPORTS

House bill

This section increases the entitlement for airports with air cargo service from 3% of total AIP to 3.5%.

Senate amendment

Same provision.

Conference substitute

House bill and Senate amendment.

157. CONSIDERATIONS IN MAKING DISCRETIONARY GRANTS

House bill

This section restates the first five factors that FAA must consider in deciding whether to make a discretionary grant for a project to enhance capacity at an airport. The sixth consideration in current law is eliminated. This section also adds two additional factors for FAA to consider when making discretionary grants for all projects. One is where the project stands in the FAA's priority system. The second is whether work can begin on the project soon after the grant is made.

Senate amendment

Adds an additional consideration for cargo operations.

Conference substitute

House bill and Senate amendment.

158. FLEXIBLE FUNDING FOR AIP ENTITLEMENTS

House bill

Permits an airport sponsor to make AIP entitlement grants for one of its airports available to another one of its airports if that other airport is eligible to receive AIP grants. It also permits an airport to make an agreement with FAA to forego its entitlement if the FAA agrees to make the money foregone available for a grant to another airport in the same State or to an airport that the FAA determines is in the same geographical area.

Senate amendment

Same with respect to the second waiver dealing with the same State or geographical area.

Conference substitute

Senate amendment.

159. FLEXIBILITY FOR GENERAL AVIATION ENTITLEMENTS

House bill

Permits multiyear grants using the general aviation entitlement to the same extent that they are permitted using the primary airport entitlement. Permits retroactive use of the general aviation entitlement in the same way that the primary airport entitlement can be used. It also permits a general aviation airport to use its AIP entitlement for revenue producing facilities, such as building fuel farms and hangars, if the airport certifies that its airside needs are being met. Permits a general aviation airport to use its AIP entitlement for terminal development. Section 513. Use of apportioned amounts, subsection (a) allows general aviation airports to carry over their entitlements for 3 years rather than two.

Senate amendment

Same provision.

Conference substitute

House bill and Senate amendment.

160. NOISE SET-ASIDE

House bill

Broadens the purposes for which noise set-aside funds may be used to include projects approved in an environmental Record of Decision and projects to reduce air emissions.

Senate amendment

Increases the percent for grants to 35%. Only allows for funding for noise mitigation committed to in ROD for National Capacity Projects, versus House that allows funding for mitigation in any ROD. Also, does not have funding for new land compatibility and CAA initiatives.

Conference substitute

House bill and Senate amendment with minor technical corrections.

161. PURCHASE OF AIRPORT DEVELOPMENT RIGHTS

House bill

No provision.

Senate amendment

Establishes a pilot program at 10 privately owned public use airports permitting the use of their entitlement to purchase development rights to ensure that the property will continue to be used as an airport.

Conference substitute

Senate amendment.

162. GARY, INDIANA

House bill

No provision.

Senate amendment

Requires FAA to give priority to request for a letter of intent for Gary.

Conference substitute

No provision. The Conferees are aware that there are numerous requests for LOI's and urges the FAA to respond as expeditiously as possible to such applications.

163. RELIEVER AIRPORTS SET-ASIDE

House bill

Eliminates the special set-aside for reliever airports.

Senate amendment

No provision.

Conference substitute

Senate amendment.

164. UNUSED AIP FUNDS

House bill

Allows AIP grant funds that are not spent by an airport to be recovered by the FAA and used for a grant to another airport notwithstanding any obligation limitation in an appropriations act.

Senate amendment

Subsection (b) of section 507 is the same provision worded somewhat differently.

Conference substitute

Senate amendment.

165. MILITARY AIRPORT PROGRAM

House bill

Increases from $7 million to $10 million the amount that an airport designated under the military airport program can use for terminal development, parking lots, fuel farms, or hangar construction. Allows an airport designated under the military airport program to use money it receives under that program or from its entitlement for reimbursement for construction of a terminal, parking lot, hangar, or fuel farm.

Senate amendment

No provision.

Conference substitute

House bill, but the allowable amount is increased to $10 million for only 2 years.

166. TERMINAL DEVELOPMENT COSTS

House bill

This section restates two provisions in current law that permits reimbursement for terminal development costs and adds a third provision. The third provision allows a small airport that is designated under the military airport program at which terminal development is carried out between January 2003 and August 2004 to use AIP money to repay money borrowed to build that terminal.

Senate amendment

Reduces the waiting period for an airport that has used AIP to repay the cost of terminal development from 3 years to 1 year before they can use AIP again for terminal development.

Conference substitute

House bill and Senate amendment.

167. AIRPORT SAFETY DATA COLLECTION

House bill

This section allows FAA to use AIP money to enter into a sole source contract with a private entity to collect airport safety data.

Senate amendment

Same provision.

Conference substitute

House bill.

168. AIRPORT PRIVATIZATION PILOT PROGRAM

House bill

Allows a proposed airport privatization to proceed if it is approved by 65% of the scheduled U.S. airlines serving the airport rather than by 65% of all scheduled and charter airlines serving the airport. With respect to a general aviation airport, approval must be by 65% of the owners of aircraft based at the airport, as determined by the Secretary. If an airline has not filed an objection within 60 days, it will be considered to have approved the proposed privatization.

Senate amendment

No provision.

Conference substitute

House bill, but applied only prospectively.

169. FEDERAL SHARE

House bill

Eliminates the provision that limits the Federal share of a discretionary grant for a privatized airport to 40%.

Senate amendment

Increases Federal share to 95% for AIP grants in 2004 to small airports. Allows a different Federal share for projects in State with a significant amount of public land.

Conference substitute

Senate amendment, but for 4 years. Increases the Federal share of a discretionary grant for a privatized airport to 70%.

170. INNOVATIVE FINANCING TECHNIQUES

House bill

This section allows 12 more grants for innovative financing techniques to be issued but eliminates payment of interest and commercial bond insurance as permitted techniques since those are now covered by section 508(b). It adds payment of interest for large airports as a permitted technique.

Senate amendment

No provision.

Conference substitute

Payment of interest for small airports is put back into the innovative financing section. Instead of allowing AIP to be used by large airports for payment of interest, the substitute allows PFCs to be used for this purpose.

171. AIRPORT SECURITY PROGRAM

House bill

This section directs the FAA to continue to administer the program to test and evaluate innovate aviation security systems and technologies at airports even though most security responsibilities have been transferred to the Department of Homeland Security.

Senate amendment

No provision.

Conference substitute

House bill.

172. LOW-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE

House bill

Requires DOT and EPA to ensure that an airport will receive appropriate emission credits for carrying out a project that will reduce emissions at that airport. Directs DOT to carry out a pilot program at no more than 10 airports under which an airport may use AIP grants of not more than $500 thousand to retrofit equipment used at the airport so that they produce lower emissions. Makes projects that will reduce emissions at airports eligible for AIP grants. States that with respect to low-emission equipment that is not already eligible to be purchased with AIP funds, the only portion of the cost that is eligible to be paid for with AIP funds is the portion that the FAA determines represents the increase in the cost of the low-emission equipment over a similar piece of equipment that is not low-emission. Defines low-emission equipment.

Senate amendment

Adds that the DOT and EPA shall issue guidance on eligible low-emission modifications and improvements and how sponsors will demonstrate benefits.

Conference substitute

House bill and Senate amendment.

173. COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS

House bill

This section would allow the FAA to use AIP funds to make grants to States and localities for land use planning near airports so that the communities may make the use of land in their jurisdictions more compatible with aircraft operations. Conditions are imposed to avoid undermining the efforts of the airport. This provision expires in 4 years.

Senate amendment

Ties funding for land use planning to national capacity projects only, as opposed to a broader universe of large and medium hubs in House bill. No sunset provision. Would apply to airports even if they have a current Part 150 program.

Conference substitute

House provision with changes to ensure that an airport sponsor is involved in the compatible land use planning and compatible land use projects process. The Managers believe that it is essential that the airport sponsor have the ability to enter into an agreement with the State or local government to develop a land use compatibility plan and that the parties should jointly approve the compatible land use plan.

174. PROHIBITION ON REQUIRING AIRPORTS TO PROVIDE RENT-FREE SPACE FOR FEDERAL AVIATION ADMINISTRATION

House bill

This section requires FAA to pay rent for the space that it uses at airports. Exceptions are provided for agreements that might be negotiated with the airport and for land and facilities needed to House air traffic controllers. TSA covered by section 1527 of H.R. 2144.

Senate amendment

Similar provision but it also covers TSA use of airport space.

Conference substitute

No provision.

175. MIDWAY ISLAND AIRPORT

House bill

Finds that the airport on Midway Island is critical to the safety of flights over the Pacific Ocean. Directs DOT to enter into an MOU with other government agencies to facilitate the sale of fuel at the airport to help it become self-sufficient. Allows the airport to transfer its navigation aids to the FAA and requires the FAA to operate and maintain them. Makes aviation trust fund money available to the Interior Department for capital projects at the airport.

Senate amendment

Allows the Department of the Interior to act as a public agency for the purposes of sponsoring grants for an airport that is required to be maintained for safety at a remote location. Section 510(a) is similar to subsection (b) of the House bill. Section 510(b) is similar to subsection (c) of the House bill.

Conference substitute

House bill, with changes to how funding will be made available to the Secretary of the Interior. It will be done by a reimbursable agreement rather than a grant. Conferees feel strongly that all of the Federal agencies involved in the administration of Midway Island should work cooperatively to ensure there is a working airfield.

176. INTERMODAL PLANNING

House bill

Requires medium and large hub airports building a new airport, new runway, or runway extension to make available to any metropolitan planning organization (MPO) in the area a copy of the airport layout plan and airport master plan.

Senate amendment

No provision.

Conference substitute

House bill.

177. STATUS REVIEW OF MARSHALL ISLANDS AIRPORT

House bill

Requires DOT to report within 6 months on whether the airport at the Marshall Islands should get a grant under the AIP.

Senate amendment

No provision.

Conference substitute

Makes the sponsors of airports located in the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau eligible for grants from the Airport Improvement Program Discretionary Fund and Small Airport Fund for fiscal years 2004 through 2007. Conferees have made the entities in section 188 eligible for AIP funding. The Conferees believe that FAA should strongly consider an application for AIP funds by any one of the entities.

178. REPORT ON WAIVER OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES

House bill

Requires DOT, within 90 days, to list all waivers granted from the Buy America Act since the date of enactment of that Act and the authority and rationale for that waiver.

Senate amendment

No provision.

Conference substitute

House bill but limited to waiver granted during the previous 2 years.

179. EXTENSION OF EXPENDITURE AUTHORITY

House bill

Allows grants to be made from the aviation trust fund for the purposes specified in this Act.

Senate amendment

Similar provision but adds a conforming amendment to section 9502(f).

Conference substitute

Senate amendment plus additional language making a technical correction to the domestic flight segment portion of the airline ticket tax. Beginning with calendar year 2003, the domestic flight segment portion of the airline ticket tax is adjusted for inflation annually. The technical correction clarifies that, in the case of amounts paid for transportation before the beginning of the year in which the transportation is to occur, the rate of tax is the rate in effect for the calendar year in which the amount is paid. The provision is effective for flight segments beginning after December 31, 2002.

The Managers strongly encourage the FAA and the Occupational Safety and Health Administration to continue to work under the framework established in the August 2000 Memorandum of Understanding and establish a coordination mechanism to determine which existing and future OSHA regulations can be applied to an aircraft in operation without compromising aviation safety.

The Managers are aware of concerns about the impact of aircraft noise on residential areas, including those surrounding the communities of the four airports of the Port Authority of New York and New Jersey (PANYNJ). Although the FAA determined that aircraft noise pollution was the strongest and most widespread concern raised by the public at its twenty-eight public scoping meetings in five states in 2001, the PANYNJ has not undertaken action to mitigating residential complaints in the neighborhoods surrounding its airports. Therefore, it is the hope of the Conference Committee that the PANYNJ will work in good faith with the New York and New Jersey Congressional delegations to address these issues, including undertaking a part 150 study to qualify for Federal residential soundproofing dollars or to begin undertaking residential soundproofing in the most affected areas in the footprint with particular focus on the neighborhoods surrounding LaGuardia Airport.

The Managers strongly encourage the FAA to work with state aviation agencies and universities to develop a national, innovative program that would offer practical training and information resources for those who operate, maintain, and administer public use airports across the nation on topics such as pavement maintenance, snow and ice control, project development and funding, wildlife control and safety and operations. To further this program, the Committee recommends that FAA consult with state aviation agencies and universities that have created similar programs for general aviation airports in their state.

The legislation includes a section that amends section 4(b) of the Rivers and Harbors Appropriations Act of 1884 to clarify that the restriction in that section with respect to taxes on vessels or other water craft does not apply to property taxes on vessels or water craft, other than vessels or water craft that are primarily engaged in foreign commerce, so long as those taxes are constitutionally permissible under long-standing judicial interpretations of the Commerce Clause. To assure the consistent application of legal principles concerning non-Federal taxation of interstate transportation equipment, the amendment in this section is effective as of November 25, 2002. Over the years, the U.S. Supreme Court has ruled on the constitutionality of property taxes on various forms of interstate and international transportation equipment in a number of cases, including but not limited to *Pullman's Palace Car Co.* v. *Pennsylvania*, 141 U.S. 18 (1891) (railroad rolling stock); *Ott* v. *Mississippi Valley Barge Line Co.*, 336 U.S. 169 (1949) (barges on inland waterways); and *Braniff Airways, Inc.* v. *Nebraska State Board of Equalization*, 347 U.S. 590 (1954) (domestic aircraft); *Complete Auto Transit, Inc.* v. *Brady*, 430 U.S. 274 (1977); and *Japan Line* v. *County of Los Angeles*, 441 U.S. 434 (1979). This line of decisions has sustained property taxes in interstate transportation cases when the tax is applied to an activity with a substantial nexus with the taxing entity, is fairly apportioned, does not discriminate against interstate commerce, and is fairly related to the services provided by the taxing entity. The exception for state and local taxes on vessels or watercraft that are primarily engaged in foreign commerce implements the holding of the Japan Line case. The committee notes that section 4(b) does not affect whether sales or income taxes are applicable with respect to vessels. The purpose of section 4(b) was to clarify existing law with respect to Constitutionally permitted fees and taxes on a vessel, but also to prohibit fees and taxes imposed on a vessel simply because that vessel sails through a given jurisdiction.

The Managers are aware of the concerns raised about the recent increase in shipment interruptions during the transportation of essential radiopharmaceuticals due to new air transportation security mandates. The Committee recommends that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, review current procedures for shipment of radiopharmaceuticals and recommend actions to ensure the timely delivery of them. If the Secretary of DHS undertakes this study, the Secretary shall also submit recommendations to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the actions taken to ensure that timely delivery of these medical products by commercial aircraft no later than 180 days after the enactment of the Act.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Don Young,
John L. Mica,
Vernon J. Ehlers,
Robin Hayes,
Denny Rehberg,
Johnny Isakson,

From the Committee on Energy and Commerce, for consideration of sec. 521 of the House bill and sec. 508 of the Senate amendment, and modifications committed to conference:

Billy Tauzin,
Joe Barton,

From the Committee on Government Reform, for consideration of secs. 404 and 438 of the House bill and sec. 108 of the Senate amendment, and modifications committed to conference:

Tom Davis,
Christopher Shays,

From the Committee on the Judiciary, for consideration of secs. 106, 301, 405, 505, and 507 of the Senate amendment, and modifications committed to conference:

F. James Sensenbrenner,
Howard Coble,

From the Committee on Resources, for consideration of secs. 204 and 409 of the House bill and sec. 201 of the Senate amendment, and modifications committed to conference:

Richard Pombo,
Jim Gibbons,

Provided that Mr. Renzi is appointed in lieu of Mr. Pombo for consideration of sec. 409 of the House bill, and modifications committee to conference:

Rick Renzi,

From the Committee on Science, for consideration of sec. 102 of the House bill and secs. 102, 104, 621, 622, 641, 642, 661, 662, 663, 667 and 669 of the Senate amendment, and modifications committed to conference:

Sherwood Boehlert,
Dana Rohrabacher,

From the Committee on Ways and Means, for consideration of title VI of the House bill and title VII of the Senate amendment, and modifications committed to conference:

William Thomas,
Dave Camp,
Managers on the Part of the House.

John McCain,
Ted Stevens,
Conrad Burns,
Trent Lott,
Kay Bailey Hutchison,
Managers on the Part of the Senate.

PRISON RAPE ELIMINATION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1435) to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. SCOTT of Virginia. Mr. Speaker, reserving the right to object, and I will not object, however, I do want to thank the chairman, the gentleman from Wisconsin (Mr. Sensenbrenner), and the ranking member, the gentleman from Michigan (Mr. Conyers), as well as the gentleman from North Carolina (Mr. Coble), for their hard work in getting the bill to the floor, and especially to my good friend and colleague, the gentleman from Virginia (Mr. Wolf), for developing the bill and introducing it with me.

I should also thank the House leadership and Senators Kennedy and Sessions whose bill we consider today.

Mr. Speaker, I want to first express my appreciation to Chairman Sensenbrenner for the heavy lifting he did to get this bill before us today. Not only did he make it clear that this matter was of the highest priority to him, but he directed his staff to get with everybody necessary to expeditiously develop a bill that we all could support. A reflection of his commitment to expediting this legislation is his agreement, despite his reluctance, to take up the Senate bill for House Floor consideration instead of our Committee bill. So, I want to thank and commend you, Mr. Chairman for your commitment to this legislation and your excellent and expeditious stewardship of this matter to this point.

I would also like to thank my friend and our Ranking Member, John Conyers, the gentleman from Michigan, for his support and assistance on this bill. And the leadership and determination of my Subcommittee Chairman and good friend, Howard Coble, the gentleman from North Carolina, must also be recognized. From the moment this matter hit the Subcommittee agenda, his strong and persuasive impact was felt in having it move forward. It was a pleasure to work with you on this, Howard. I must also thank Speaker Hastert, Majority Leader Tom DeLay and Minority Leader Nancy Pelosi for their strong support and accommodations in assisting this legislation to this point.

Of course, the spirit, purpose, and soul of this bill is personified in the efforts of its chief sponsor in the House, my friend and colleague Frank Wolf, the gentleman from Virginia. The passion and dedication he has given to this effort has fueled us all.

Prison rape has been shown to have a devastating impact on our prisons.

Not only does it cause severe physical and psychological trauma to its victims, but prison rape is recognized as a contributing factor to prison homicide, violence against staff, and institutional riots. Prison rape also increases the transmission of HIV/AIDS, other sexually transmitted diseases, tuberculosis, and hepatitis B and C—all of which exist at a very high rate within U.S. prisons and jails.

Prison rape is a problem of sizable scope. Of the 2 million people incarcerated today, it is estimated that one in ten, or roughly 200,000, are victims of prison rape. And youths in adult prisons are 5 times more likely to be raped than adults. Yet, because it occurs in prison, like most other aspects of prison life, prison rape is, essentially, ignored as a societal problem.

And society pays dearly for ignoring prison rape. Inmates, often non-violent first time offenders, come out of a prison rape experience severely traumatized and leave prison not only more likely to commit crimes, but far more likely to commit violent crimes than when they entered. And the high incidence of rape within prison which leads to the increased transmission of HIV, hepatitis and other diseases there, in turn, increases the incidences of these dreaded diseases and it imposes threats and costs to society at large.

Prison rape is a crime with constitutional implications. The Supreme Court held in Farmer v. Brennan that deliberate indifference to the risk of prison rape violates the Eighth and Fourteenth Amendments to the United States Constitution. While prison conditions may be "restrictive and even harsh," prison and jail officials "must take reasonable measures to guarantee the safety of the inmates.".

The bill requires an annual statistical study of the incidence of rape in a significant number of federal, state and county prisons and jails, and public reviews of institutions where the rate of prison rape is 30% above the national average rate. It also establishes a clearinghouse for complaints of prison rape to assist prevention and prosecution, and provide training and assistance to prison and jail officials. Further, the bill establishes a program to provide grants, from a total authorization of $40 million each year, to state and local governments and institutions for the purpose of enhancing the prevention and punishment of prison rape.

The bill also provides for the establishment of a Commission to develop standards for addressing and eliminating prison rape, and finally, the bill requires prison accreditation organizations to examine prison rape prevention practices as a critical component of their accreditation reviews.

In the end, and perhaps most importantly, the effort to combat prison rape is a moral imperative. Prison rape is nothing short of prison torture—the infliction of severe emotional and physical pain as punishment and coercion. Long after bodies have healed, the emotional trauma, shame and stigma of brutal and repeated prison rape lasts and embitters.

Whatever their crimes and whatever the prescribed punishment for them, in a humane society prison rape should not be a part of it. Prison rape not only derails justice—it destroys human dignity.

Again, I would like to thank Chairman SENSENBRENNER, Chairman, COBLE, and Chairman WOLF, the chief Sponsor of the bill in the House, for their dedication and diligent work on this issue. I would also like to thank Senator TED KENNEDY and Senator JEFF SESSIONS, the chief sponsors of the Senate bill. A reflection of the work they have done on this issue over the past 2 Congresses is the fact that it passed the Senate unanimously and in record time.

Further, I must thank the originators of this effort—Michael Horowitz of the Hudson Institute and Vinnie Schraldi of the Justice Policy Institute, for their vision, leadership and dedication in bringing this matter to the forefront and keeping it going. They developed and led the amazingly diverse coalition supporting this bill, that is listed at the end of these remarks for the record. And I thank our staff—Katy Crooks, Bobby Vassar and Chief Counsel Jay Apperson of the Subcommittee, Robert Toone of Senator KENNEDY's office and Andrea Sanders of Senator SESSIONS office, Nathaniel Zylstrap of Hudson Institute, and, of course, Committee Chief Counsel, Phil Kiko, whose heavy hand directed the staff effort, for their yeoman-like work on this bill.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of this bill.

This bill is about changing attitudes in America's prisons and in America as a whole. In our country, prison rape occurs frequently, but unfortunately it is often viewed as a fact of prison life. We know these crimes are occurring, but most people would really rather not discuss this unpleasant topic.

Unpleasant as it may be, prison rape is a serious problem that harms prisoners and also effects our communities. This problem is brought to bear on our communities through higher health costs for increased HIV and tuberculosis in prisons. It is brought to bear on our communities by the emotional and psychological problems it creates in the prisoners who will one day be released back into society. This Congress has decided enough is enough. It is time for us to stop ignoring this problem.

S. 1435 as offered on the floor today represents a bipartisan effort to address this problem in a meaningful way and bring some accountability into America's prisons and jails. It is intended to make prevention and prosecution of sexual assault within correctional facilities a priority for Federal, State and local institutions and require the development of national standards for detection, prevention, reduction, and punishment of these incidents. S. 1435 will help to eliminate prison rape in a number of ways.

First, this legislation will require the Department of Justice, for the first time, to collect data and statistics on the incidence of prison rape. For the first time we will be collecting information on an annual basis to determine the extent of this problem. This is the first step in our effort to address this problem.

Additionally, the legislation requires the Attorney General to develop national standards on the prevention and prosecution of prison rape.

A state that receives Federal funds for prisons and jails will need to comply with these national standards or shift 5 percent of its funds from the Federal Government for its prisons to comply with the standards.

Finally, this legislation will establish a new grant program for the Attorney General to make one year grants to State and local governments to prevent, investigate, and punish prison rape or to help in addressing prisoner and community safety issues in states facing budget crises.

Before closing, I would note that this legislation is substantively identical to H.R. 1707, introduced by Congressman WOLF, and reported by the Judiciary Committee earlier this month. I believe this legislation will go a long way towards eliminating this very serious safety issue in our prisons and I urge my colleagues to support it.

Mr. SCOTT of Virginia. Mr. Speaker, reclaiming my time under my reservation, I again want to thank the chairman of the committee, and I hereby submit for the RECORD a statement on the bill as well as a letter in support of the legislation from a long list of organizations.

APRIL 18, 2003.

DEAR MR. SPEAKER, SENATOR FRIST, SENATOR DASCHLE, MAJORITY LEADER DELAY, AND MINORITY LEADER PELOSI: We write to strongly urge your support for the Sessions-Kennedy-Wolf-Scott Prison Rape Reduction Act of 2003, H.R. 1707.

Those of us who have signed this letter have many disagreements on public policy matters, including a variety of issues relating to criminal law and punishment. But we are united in our unyielding determination to end the scourge of prison rape and to enact the Sessions-Kennedy-Wolf-Scott bill.

Of the 2 million prisoners in the U.S., a conservative estimate is that one in 10 has been raped—more than 200,000 inmates! Further conservative research indicates that inmates who are sexually assaulted are also victimized, on average, nine additional times during their incarceration. In addition, incarcerated youths are more likely to be raped than are adult inmates and, when they are, more likely to be acutely victimized and shattered.

The Sessions-Kennedy-Wolf-Scott bill is a moderate and necessary response to this crisis. It is designed to eliminate prison rape in a manner that is respectful of the primary role of States and local governments in administering correctional institutions and of the federal government's obligation not to impose unfunded mandates on them and to make the problem more fully visible to the American people and those who can combat it. Additionally, the legislation has been carefully drawn to ensure comprehensive study and reporting of prison rape, and to reverse perverse prison administration incentives that now often make it exceedingly difficult for prison officials to engage in priority efforts to abate prison rape.

The Sessions-Kennedy-Wolf-Scott bill is not only a means of protecting inmates. Society pays dearly for ignoring prison rape. Clearly, prison rape costs taxpayers greatly in recidivism and increased violent crime and thus negates federal programs designed to reduce the incidence of crime. Inmates, often non-violet first time offenders, come out of a prison rape experience severely traumatized and thus leave prison far more violent than when they entered. The high incidence of rape within prison also leads to the increased transmission of HIV, hepatitis and other diseases, which in turn imposes costs on all of society.

Fighting prison rape is also affirmatively mandated by the Constitution. As distinguished from federal programs designed to address problems ranging from teenage drinking to declining education standards, the Sessions-Kennedy-Wolf-Scott bill deals with plenary and constitutionally inescapable federal responsibilities—this in light of the determination of a near unanimous Supreme Court in Farmer v. Brennan that deliberate indifference to prison rape violates the 8th Amendment's cruel and unusual punishment provisions.

In the end, perhaps most importantly, the effort to combat prison rape is a moral imperative. Prison rape is nothing short of torture—the infliction of severe emotional and physical pain as punishment and coercion. And, long after bodies have healed, the emotional trauma, shame and stigma of brutal and repeated prison rape lasts and embitters. Thus, prison rape not only derails justice—it destroys human dignity.

The Sessions-Kennedy-Wolf-Scott bill offers great hope that the brutality of prison rape can be sharply curtailed, and our joint effort to enact it is thus a coalition of conscience rather than convenience. As such, we take heart from the Speaker's strong endorsement of the bill, and are determined to see its effective, moderate provisions rapidly brought into effect. As men and women of good will we will not rest while the violence of prison rape continues, and we strongly urge you to join us in an effort also certain to bring credit on the United States at a moment when America's need to show its commitment to democratic values has never been higher.

Working with the bill's sponsors, we stand ready to meet with you at your earliest convenience. If you would like additional information or have any questions please contact Marian Bell, National Policy Director for Prison Fellowship Ministries, at (703) 478-0100 ext. 3630 or Vincent Schiraldi, President, Justice Policy Institute, at (202) 363-7847.

Very truly yours,

American Values
Amnesty International USA
Center for Religious Freedom
Christian Coalition
Concerned Women of America
Focus on the Family
Human Rights and the Drug War
Human Rights Watch
Intitute on Religion and Democracy
Justice Policy Institute
Kids First Coalition
NAACP
National Association of Evangelicals
National Center for Neighborhood Enterprise
National Center on Institutions and Alternatives
National Council of La Raza
Open Society Policy Center
Prison Fellowship
Salvation Army
Southern Baptist Convention
Stop Prisoner Rape
The Sentencing Project
Tradition, Family, Property Inc.
Unitarian Universalists for Juvenile Justice

Youth Law Center
Federal CURE, Inc.
MALDEF
American Probation and Parole Association
Alliance for Children and Families
Religious Action Center of Reform Judaism
Physicians for Human Rights
National Association of Sentencing Advocates (NASA)
Penal Reform International
Aleph Institute
Presbyterian Church USA
Union of American Hebrew Congregations

Mr. WOLF. Mr. Speaker, I am pleased to rise in support of H.R. 1707, the Prison Rape Reduction Act of 2003 which I introduced with my Virginia colleague Representative BOBBY SCOTT. Similar legislation S. 1435, sponsored by Senator SESSIONS and Senator KENNEDY, passed the Senate earlier this week. I am encouraged that both the Senate and now the House have taken action on this bill and have moved a step closer to reducing sexual assault in prisons.

I want to thank the chairman of the Judiciary Committee, Representative JAMES SENSENBRENNER, for his assistance with this legislation. It is due largely to his efforts and interest in this bill that we are on the floor today to pass. This bill, which is essential to reversing the increasing numbers of prisoners who are sexually assaulted.

Not often discussed, prison rape is a cruel act which has been ignored for too long. Survivors of prison rape often bear physical and emotional scars from their experiences for their entire lives. Moreover, if we allow this problem to continue, we will be allowing increased recidivism, prison unrest, and the spread of disease—all byproducts of prison rape—to continue unabated. Reducing sexual assault in prison will reduce the numbers of prisoners who when released will go back into the community and commit crimes again.

Prison rape occurs every day, For example, just last month, a 19-year-old college student in Florida, in jail on marijuana charges, was raped by a cell mate who was being held on charges of sexual battery. This rape occurred within hours of the student being placed in his cell. There are thousands of other stories of prisoners being raped in prison.

The legislation before us today will facilitate the study of prison rape, allow hearings on the impact of prison rape on inmates and society, and create national standards for preventing prison rape.

It is important to be tough on crime, but turning a blind eye to prison rape has nothing to do with being tough on crime; it has everything to do with treating people humanely, reducing recidivism, and halting the spread of disease. Recently a number of prison rape survivors spoke here: in Washington to explain how prison rape harmed them. These were gripping stories, and I have previously entered them into the RECORD. Today the House can pass legislation to help curb prison rape and reduce the needless suffering and additional punishment of prisoners. I urge my colleagues to support this legislation.

There have been many individuals responsible for moving this legislation through Congress. I wish to thank Rep. BOBBY SCOTT of Virginia, who co-sponsored this legislation, and Bobby Vassar of his staff. Senator KENNEDY and Senator SESSIONS were the Senate co-sponsors of this bill and their leadership is greatly appreciated, along with the hard work of their staffers, Robert Toone and Andrea Sanders respectively. Representative HOWARD COBLE, chairman of the Judiciary Committee's Subcommittee on Crime, Terrorism, and Homeland Security, and his counsel, Katy Crooks who helped guide this legislation through their subcommittee, and Phil Kiko, Jay Apperson, and Joseph Gibson on the full committee, were very supportive along with Chairman JAMES SENSENBRENNER.

The Speaker of the House, J. DENNIS HASTERT, and Margaret Peterlin in the Speaker's office have been of great assistance in moving this bill. Majority Leader TOM DELAY, and his staffer, Carl Thorsen have been invaluable in getting this bill through the final hurdles and onto the floor of the House.

There are others who need to be thanked. First and foremost, I must thank Michael Horowitz of the Hudson Institute has been the guiding force behind this legislation; his foresight and dedication to this issue are incomparable. Nathaniel Zylstra, Mr. Horowitz's assistant, has also provided valuable help. There are others outside Capitol Hill who played a role in this legislation. They are: Vince Schiraldi, Justice Policy Institute; Mariam Bell, Prison Fellowship; Mike Thompson, Council on State Governments; Paul Rosenzweig, Heritage Foundation, principal drafter of the bill; Ed Haden, formerly of Senator SESSIONS' office; Gene Guerrero, Open Society Institute; Marian Zapata-Rossa, National Council of La Raza; Ben Jealous, Amnesty International; Hilary Shelton, NAACP; Linda Chavez, Center for Equal Opportunity, who first came up with the concept for this bill; John Kaneb, private businessman and a passionate backer of our efforts; David Saperstein, the Religious Action Center; Wendy Patten, Human Rights Watch; Prison Fellowship, specifically Mark Earley, Kate Fowler and Chuck Colson; Pat Nolan, Justice Fellowship; Rich Cizik, National Association of Evangelicals; Barrett Duke and Shannon Royce, Southern Baptist Convention; Salvation Army, specifically Richard Land, George Hood, Todd Bassett; Rich Lowry, National Review; Jennie Osmer, Cal Skinner, former State Senator in Illinois; Micah Solomon, Virginia businessman; Charles Sullivan, Citizens United for Alternatives to the Death Penalty; David Whettstone, Mennonite Central Committee; Cindy Struckman-Johnson, University of South Dakota; Bob Dumond, licensed clinical mental health counselor, Frank Hall, who headed six prison systems; Tom Cahill, co-founder, and Lara Stemple, Stop Prison Rape.

Finally, I wish to thank John Martens of the House Appropriations subcommittee on Commerce-Justice-State; Daniel Scandling, my chief of staff; Janet Shaffron, my legislative director; Neil Siefring, my legislative assistant for Judiciary issues; and Chris Santora, a former legislative assistant in my office who worked hard on this issue in the early days of the bill's history.

Mr. SCOTT of Virginia. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Prison Rape Elimination Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. National prison rape statistics, data, and research.
Sec. 5. Prison rape prevention and prosecution.
Sec. 6. Grants to protect inmates and safeguard communities.
Sec. 7. National Prison Rape Reduction Commission.
Sec. 8. Adoption and effect of national standards.
Sec. 9. Requirement that accreditation organizations adopt accreditation standards.
Sec. 10. Definitions.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) 2,100,146 persons were incarcerated in the United States at the end of 2001: 1,324,465 in Federal and State prisons and 631,240 in county and local jails. In 1999, there were more than 10,000,000 separate admissions to and discharges from prisons and jails.

(2) Insufficient research has been conducted and insufficient data reported on the extent of prison rape. However, experts have conservatively estimated that at least 13 percent of the inmates in the United States have been sexually assaulted in prison. Many inmates have suffered repeated assaults. Under this estimate, nearly 200,000 inmates now incarcerated have been or will be the victims of prison rape. The total number of inmates who have been sexually assaulted in the past 20 years likely exceeds 1,000,000.

(3) Inmates with mental illness are at increased risk of sexual victimization. America's jails and prisons house more mentally ill individuals than all of the Nation's psychiatric hospitals combined. As many as 16 percent of inmates in state prisons and jails, and 7 percent of Federal inmates, suffer from mental illness.

(4) Young first-time offenders are at increased risk of sexual victimization. Juveniles are 5 times more likely to be sexually assaulted in adult rather than juvenile facilities—often within the first 48 hours of incarceration.

(5) Most prison staff are not adequately trained or prepared to prevent, report, or treat inmate sexual assaults.

(6) Prison rape often goes unreported, and inmate victims often receive inadequate treatment for the severe physical and psychological effects of sexual assault—if they receive treatment at all.

(7) HIV and AIDS are major public health problems within America's correctional facilities. In 2000, 25,088 inmates in Federal and State prisons were known to be infected with HIV/AIDS. In 2000, HIV/AIDS accounted for more than 6 percent of all deaths in Federal and State prisons. Infection rates for other sexually transmitted diseases, tuberculosis, and hepatitis B and C are also far greater for prisoners than for the American population as a whole. Prison rape undermines the public health by contributing to the spread of

these diseases, and often giving a potential death sentence to its victims.

(8) Prison rape endangers the public safety by making brutalized inmates more likely to commit crimes when they are released—as 600,000 inmates are each year.

(9) The frequently interracial character of prison sexual assaults significantly exacerbates interracial tensions, both within prison and, upon release of perpetrators and victims from prison, in the community at large.

(10) Prison rape increases the level of homicides and other violence against inmates and staff, and the risk of insurrections and riots.

(11) Victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison. They are thus more likely to become homeless and/or require government assistance.

(12) Members of the public and government officials are largely unaware of the epidemic character of prison rape and the day-to-day horror experienced by victimized inmates.

(13) The high incidence of sexual assault within prisons involves actual and potential violations of the United States Constitution. In Farmer v. Brennan, 511 U.S. 825 (1994), the Supreme Court ruled that deliberate indifference to the substantial risk of sexual assault violates prisoners' rights under the Cruel and Unusual Punishments Clause of the Eighth Amendment. The Eighth Amendment rights of State and local prisoners are protected through the Due Process Clause of the Fourteenth Amendment. Pursuant to the power of Congress under Section Five of the Fourteenth Amendment, Congress may take action to enforce those rights in States where officials have demonstrated such indifference. States that do not take basic steps to abate prison rape by adopting standards that do not generate significant additional expenditures demonstrate such indifference. Therefore, such States are not entitled to the same level of Federal benefits as other States.

(14) The high incidence of prison rape undermines the effectiveness and efficiency of United States Government expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment and homelessness. The effectiveness and efficiency of these Federally funded grant programs are compromised by the failure of State officials to adopt policies and procedure that reduce the incidence of prison rape in that the high incidence of prison rape—

(A) increases the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) increases the levels of violence, directed at inmates and at staff, within prisons;

(C) increases health care expenditures, both inside and outside of prison systems, and reduces the effectiveness of disease prevention programs by substantially increasing the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases;

(D) increases mental health care expenditures, both inside and outside of prison systems, by substantially increasing the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates;

(E) increases the risks of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape; and

(F) increases the level of interracial tensions and strife within prisons and, upon release of perpetrators and victims, in the community at large.

(15) The high incidence of prison rape has a significant effect on interstate commerce because it increases substantially—

(A) the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases, contributing to increased health and medical expenditures throughout the Nation;

(C) the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates, contributing to increased health and medical expenditures throughout the Nation; and

(D) the risk of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States;

(2) make the prevention of prison rape a top priority in each prison system;

(3) develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape;

(4) increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;

(5) standardize the definitions used for collecting data on the incidence of prison rape;

(6) increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;

(7) protect the Eighth Amendment rights of Federal, State, and local prisoners;

(8) increase the efficiency and effectiveness of Federal expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homelessness; and

(9) reduce the costs that prison rape imposes on interstate commerce.

SEC. 4. NATIONAL PRISON RAPE STATISTICS, DATA, AND RESEARCH.

(a) ANNUAL COMPREHENSIVE STATISTICAL REVIEW.—

(1) IN GENERAL.—The Bureau of Justice Statistics of the Department of Justice (in this section referred to as the "Bureau") shall carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape. The statistical review and analysis shall include, but not be limited to the identification of the common characteristics of—

(A) both victims and perpetrators of prison rape; and

(B) prisons and prison systems with a high incidence of prison rape.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Bureau shall consider—

(A) how rape should be defined for the purposes of the statistical review and analysis;

(B) how the Bureau should collect information about staff-on-inmate sexual assault;

(C) how the Bureau should collect information beyond inmate self-reports of prison rape;

(D) how the Bureau should adjust the data in order to account for differences among prisons as required by subsection (c)(3);

(E) the categorization of prisons as required by subsection (c)(4); and

(F) whether a preliminary study of prison rape should be conducted to inform the methodology of the comprehensive statistical review.

(3) SOLICITATION OF VIEWS.—The Bureau of Justice Statistics shall solicit views from representatives of the following: State departments of correction; county and municipal jails; juvenile correctional facilities; former inmates; victim advocates; researchers; and other experts in the area of sexual assault.

(4) SAMPLING TECHNIQUES.—The review and analysis under paragraph (1) shall be based on a random sample, or other scientifically appropriate sample, of not less than 10 percent of all Federal, State, and county prisons, and a representative sample of municipal prisons. The selection shall include at least one prison from each State. The selection of facilities for sampling shall be made at the latest practicable date prior to conducting the surveys and shall not be disclosed to any facility or prison system official prior to the time period studied in the survey. Selection of a facility for sampling during any year shall not preclude its selection for sampling in any subsequent year.

(5) SURVEYS.—In carrying out the review and analysis under paragraph (1), the Bureau shall, in addition to such other methods as the Bureau considers appropriate, use surveys and other statistical studies of current and former inmates from a sample of Federal, State, county, and municipal prisons. The Bureau shall ensure the confidentiality of each survey participant.

(6) PARTICIPATION IN SURVEY.—Federal, State, or local officials or facility administrators that receive a request from the Bureau under subsection (a)(4) or (5) will be required to participate in the national survey and provide access to any inmates under their legal custody.

(b) REVIEW PANEL ON PRISON RAPE.—

(1) ESTABLISHMENT.—To assist the Bureau in carrying out the review and analysis under subsection (a), there is established, within the Department of Justice, the Review Panel on Prison Rape (in this section referred to as the "Panel").

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Panel shall be composed of 3 members, each of whom shall be appointed by the Attorney General, in consultation with the Secretary of Health and Human Services.

(B) QUALIFICATIONS.—Members of the Panel shall be selected from among individuals with knowledge or expertise in matters to be studied by the Panel.

(3) PUBLIC HEARINGS.—

(A) IN GENERAL.—The duty of the Panel shall be to carry out, for each calendar year, public hearings concerning the operation of the three prisons with the highest incidence of prison rape and the two prisons with the lowest incidence of prison rape in each category of facilities identified under subsection (c)(4). The Panel shall hold a separate hearing regarding the three Federal or State prisons with the highest incidence of prison rape. The purpose of these hearings shall be to collect evidence to aid in the identification of common characteristics of both victims and perpetrators of prison rape, and the identification of common characteristics of prisons and prison systems with a high incidence of prison rape, and the identification of common characteristics of prisons and prison systems that appear to have been successful in deterring prison rape.

(B) TESTIMONY AT HEARINGS.—

(i) PUBLIC OFFICIALS.—In carrying out the hearings required under subparagraph (A), the Panel shall request the public testimony of Federal, State, and local officials (and organizations that represent such officials), including the warden or director of each prison, who bears responsibility for the prevention, detection, and punishment of prison rape at each entity, and the head of the prison system encompassing such prison.

(ii) VICTIMS.—The Panel may request the testimony of prison rape victims, organizations representing such victims, and other appropriate individuals and organizations.

(C) SUBPOENAS.—

(i) ISSUANCE.—The Panel may issue subpoenas for the attendance of witnesses and the production of written or other matter.

(ii) ENFORCEMENT.—In the case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(c) REPORTS.—

(1) IN GENERAL.—Not later than June 30 of each year, the Attorney General shall submit a report on the activities of the Bureau and the Review Panel, with respect to prison rape, for the preceding calendar year to—

(A) Congress; and

(B) the Secretary of Health and Human Services.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) with respect to the effects of prison rape, statistical, sociological, and psychological data;

(B) with respect to the incidence of prison rape—

(i) statistical data aggregated at the Federal, State, prison system, and prison levels;

(ii) a listing of those institutions in the representative sample, separated into each category identified under subsection (c)(4) and ranked according to the incidence of prison rape in each institution; and

(iii) an identification of those institutions in the representative sample that appear to have been successful in deterring prison rape; and

(C) a listing of any prisons in the representative sample that did not cooperate with the survey conducted pursuant to section 4.

(3) DATA ADJUSTMENTS.—In preparing the information specified in paragraph (2), the Attorney General shall use established statistical methods to adjust the data as necessary to account for differences among institutions in the representative sample, which are not related to the detection, prevention, reduction and punishment of prison rape, or which are outside the control of the of the State, prison, or prison system, in order to provide an accurate comparison among prisons. Such differences may include the mission, security level, size, and jurisdiction under which the prison operates. For each such adjustment made, the Attorney General shall identify and explain such adjustment in the report.

(4) CATEGORIZATION OF PRISONS.—The report shall divide the prisons surveyed into three categories. One category shall be composed of all Federal and State prisons. The other two categories shall be defined by the Attorney General in order to compare similar institutions.

(d) CONTRACTS AND GRANTS.—In carrying out its duties under this section, the Attorney General may—

(1) provide grants for research through the National Institute of Justice; and

(2) contract with or provide grants to any other entity the Attorney General deems appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

SEC. 5. PRISON RAPE PREVENTION AND PROSECUTION.

(a) INFORMATION AND ASSISTANCE.—

(1) NATIONAL CLEARINGHOUSE.—There is established within the National Institute of Corrections a national clearinghouse for the provision of information and assistance to Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

(2) TRAINING AND EDUCATION.—The National Institute of Corrections shall conduct periodic training and education programs for Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

(b) REPORTS.—

(1) IN GENERAL.—Not later than September 30 of each year, the National Institute of Corrections shall submit a report to Congress and the Secretary of Health and Human Services. This report shall be available to the Director of the Bureau of Justice Statistics.

(2) CONTENTS.—The report required under paragraph (1) shall summarize the activities of the Department of Justice regarding prison rape abatement for the preceding calendar year.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

SEC. 6. GRANTS TO PROTECT INMATES AND SAFEGUARD COMMUNITIES.

(a) GRANTS AUTHORIZED.—From amounts made available for grants under this section, the Attorney General shall make grants to States to assist those States in ensuring that budgetary circumstances (such as reduced State and local spending on prisons) do not compromise efforts to protect inmates (particularly from prison rape) and to safeguard the communities to which inmates return. The purpose of grants under this section shall be to provide funds for personnel, training, technical assistance, data collection, and equipment to prevent and prosecute prisoner rape.

(b) USE OF GRANT AMOUNTS.—Amounts received by a grantee under this section may be used by the grantee, directly or through subgrants, only for one or more of the following activities:

(1) PROTECTING INMATES.—Protecting inmates by—

(A) undertaking efforts to more effectively prevent prison rape;

(B) investigating incidents of prison rape; or

(C) prosecuting incidents of prison rape.

(2) SAFEGUARDING COMMUNITIES.—Safeguarding communities by—

(A) making available, to officials of State and local governments who are considering reductions to prison budgets, training and technical assistance in successful methods for moderating the growth of prison populations without compromising public safety, including successful methods used by other jurisdictions;

(B) developing and utilizing analyses of prison populations and risk assessment instruments that will improve State and local governments' understanding of risks to the community regarding release of inmates in the prison population;

(C) preparing maps demonstrating the concentration, on a community-by-community basis, of inmates who have been released, to facilitate the efficient and effective—

(i) deployment of law enforcement resources (including probation and parole resources); and

(ii) delivery of services (such as job training and substance abuse treatment) to those released inmates;

(D) promoting collaborative efforts, among officials of State and local governments and leaders of appropriate communities, to understand and address the effects on a community of the presence of a disproportionate number of released inmates in that community; or

(E) developing policies and programs that reduce spending on prisons by effectively reducing rates of parole and probation revocation without compromising public safety.

(c) GRANT REQUIREMENTS.—

(1) PERIOD.—A grant under this section shall be made for a period of not more than 2 years.

(2) MAXIMUM.—The amount of a grant under this section may not exceed $1,000,000.

(3) MATCHING.—The Federal share of a grant under this section may not exceed 50 percent of the total costs of the project described in the application submitted under subsection (d) for the fiscal year for which the grant was made under this section.

(d) APPLICATIONS.—

(1) IN GENERAL.—To request a grant under this section, the chief executive of a State shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) CONTENTS.—Each application required by paragraph (1) shall—

(A) include the certification of the chief executive that the State receiving such grant—

(i) has adopted all national prison rape standards that, as of the date on which the application was submitted, have been promulgated under this Act; and

(ii) will consider adopting all national prison rape standards that are promulgated under this Act after such date;

(B) specify with particularity the preventative, prosecutorial, or administrative activities to be undertaken by the State with the amounts received under the grant; and

(C) in the case of an application for a grant for one or more activities specified in paragraph (2) of subsection (b)—

(i) review the extent of the budgetary circumstances affecting the State generally and describe how those circumstances relate to the State's prisons;

(ii) describe the rate of growth of the State's prison population over the preceding 10 years and explain why the State may have difficulty sustaining that rate of growth; and

(iii) explain the extent to which officials (including law enforcement officials) of State and local governments and victims of crime will be consulted regarding decisions whether, or how, to moderate the growth of the State's prison population.

(e) REPORTS BY GRANTEE.—

(1) IN GENERAL.—The Attorney General shall require each grantee to submit, not later than 90 days after the end of the period for which the grant was made under this section, a report on the activities carried out under the grant. The report shall identify

and describe those activities and shall contain an evaluation of the effect of those activities on—

(A) the number of incidents of prison rape, and the grantee's response to such incidents; and

(B) the safety of the prisons, and the safety of the communities in which released inmates are present.

(2) DISSEMINATION.—The Attorney General shall ensure that each report submitted under paragraph (1) is made available under the national clearinghouse established under section 5.

(f) STATE DEFINED.—In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for grants under this section $40,000,000 for each of fiscal years 2004 through 2010.

(2) LIMITATION.—Of amounts made available for grants under this section, not less than 50 percent shall be available only for activities specified in paragraph (1) of subsection (b).

SEC. 7. NATIONAL PRISON RAPE REDUCTION COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Prison Rape Reduction Commission (in this section referred to as the "Commission").

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(3) CONSULTATION REQUIRED.—The President, the Speaker and minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult with one another prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(c) OPERATION.—

(1) CHAIRPERSON.—Not later than 15 days after appointments of all the members are made, the President shall appoint a chairperson for the Commission from among its members.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the initial appointment of the members is completed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this Act or other applicable law.

(d) COMPREHENSIVE STUDY OF THE IMPACTS OF PRISON RAPE.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive legal and factual study of the penalogical, physical, mental, medical, social, and economic impacts of prison rape in the United States on—

(A) Federal, State, and local governments; and

(B) communities and social institutions generally, including individuals, families, and businesses within such communities and social institutions.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of existing Federal, State, and local government policies and practices with respect to the prevention, detection, and punishment of prison rape;

(B) an assessment of the relationship between prison rape and prison conditions, and of existing monitoring, regulatory, and enforcement practices that are intended to address any such relationship;

(C) an assessment of pathological or social causes of prison rape;

(D) an assessment of the extent to which the incidence of prison rape contributes to the spread of sexually transmitted diseases and to the transmission of HIV;

(E) an assessment of the characteristics of inmates most likely to commit prison rape and the effectiveness of various types of treatment or programs to reduce such likelihood;

(F) an assessment of the characteristics of inmates most likely to be victims of prison rape and the effectiveness of various types of treatment or programs to reduce such likelihood;

(G) an assessment of the impacts of prison rape on individuals, families, social institutions and the economy generally, including an assessment of the extent to which the incidence of prison rape contributes to recidivism and to increased incidence of sexual assault;

(H) an examination of the feasibility and cost of conducting surveillance, undercover activities, or both, to reduce the incidence of prison rape;

(I) an assessment of the safety and security of prison facilities and the relationship of prison facility construction and design to the incidence of prison rape;

(J) an assessment of the feasibility and cost of any particular proposals for prison reform;

(K) an identification of the need for additional scientific and social science research on the prevalence of prison rape in Federal, State, and local prisons;

(L) an assessment of the general relationship between prison rape and prison violence;

(M) an assessment of the relationship between prison rape and levels of training, supervision, and discipline of prison staff; and

(N) an assessment of existing Federal and State systems for reporting incidents of prison rape, including an assessment of whether existing systems provide an adequate assurance of confidentiality, impartiality and the absence of reprisal.

(3) REPORT.—

(A) DISTRIBUTION.—Not later than 2 years after the date of the initial meeting of the Commission, the Commission shall submit a report on the study carried out under this subsection to—

(i) the President;

(ii) the Congress;

(iii) the Attorney General;

(iv) the Secretary of Health and Human Services;

(v) the Director of the Federal Bureau of Prisons;

(vi) the chief executive of each State; and

(vii) the head of the department of corrections of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) recommended national standards for reducing prison rape;

(iii) recommended protocols for preserving evidence and treating victims of prison rape; and

(iv) a summary of the materials relied on by the Commission in the preparation of the report.

(e) RECOMMENDATIONS.—

(1) IN GENERAL.—In conjunction with the report submitted under subsection (d)(3), the Commission shall provide the Attorney General and the Secretary of Health and Human Services with recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape.

(2) MATTERS INCLUDED.—The information provided under paragraph (1) shall include recommended national standards relating to—

(A) the classification and assignment of prisoners, using proven standardized instruments and protocols, in a manner that limits the occurrence of prison rape;

(B) the investigation and resolution of rape complaints by responsible prison authorities, local and State police, and Federal and State prosecution authorities;

(C) the preservation of physical and testimonial evidence for use in an investigation of the circumstances relating to the rape;

(D) acute-term trauma care for rape victims, including standards relating to—

(i) the manner and extent of physical examination and treatment to be provided to any rape victim; and

(ii) the manner and extent of any psychological examination, psychiatric care, medication, and mental health counseling to be provided to any rape victim;

(E) referrals for long-term continuity of care for rape victims;

(F) educational and medical testing measures for reducing the incidence of HIV transmission due to prison rape;

(G) post-rape prophylactic medical measures for reducing the incidence of transmission of sexual diseases;

(H) the training of correctional staff sufficient to ensure that they understand and appreciate the significance of prison rape and the necessity of its eradication;

(I) the timely and comprehensive investigation of staff sexual misconduct involving rape or other sexual assault on inmates;

(J) ensuring the confidentiality of prison rape complaints and protecting inmates who make complaints of prison rape;

(K) creating a system for reporting incidents of prison rape that will ensure the confidentiality of prison rape complaints, protect inmates who make prison rape complaints from retaliation, and assure the impartial resolution of prison rape complaints;

(L) data collection and reporting of—

(i) prison rape;

(ii) prison staff sexual misconduct; and

(iii) the resolution of prison rape complaints by prison officials and Federal, State, and local investigation and prosecution authorities; and

(M) such other matters as may reasonably be related to the detection, prevention, reduction, and punishment of prison rape.

(3) LIMITATION.—The Commission shall not propose a recommended standard that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities.

(f) CONSULTATION WITH ACCREDITATION ORGANIZATIONS.—In developing recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape, the Commission shall consider any standards that have already been developed, or are being developed simultaneously to the deliberations of the Commission. The Commission shall consult with accreditation organizations responsible for the accreditation of Federal, State, local or private prisons, that have developed or are currently developing standards related to prison rape. The Commission will also consult with national associations representing the corrections profession that have developed or are currently developing standards related to prison rape.

(g) HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United State Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(h) INFORMATION FROM FEDERAL OR STATE AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under this section. The Commission may request the head of any State or local department or agency to furnish such information to the Commission.

(i) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of ⅔ of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—Upon the request of the Commission, the Attorney General shall provide reasonable and appropriate office space, supplies, and administrative assistance.

(j) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a ⅔ affirmative vote, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this Act. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(k) SUBPOENAS.—

(1) ISSUANCE.—The Commission may issue subpoenas for the attendance of witnesses and the production of written or other matter.

(2) ENFORCEMENT.—In the case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(3) CONFIDENTIALITY OF DOCUMENTARY EVIDENCE.—Documents provided to the Commission pursuant to a subpoena issued under this subsection shall not be released publicly without the affirmative vote of ⅔ of the Commission.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(m) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the reports required by this section.

(n) EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act.

SEC. 8. ADOPTION AND EFFECT OF NATIONAL STANDARDS.

(a) PUBLICATION OF PROPOSED STANDARDS.—

(1) FINAL RULE.—Not later than 1 year after receiving the report specified in section 7(d)(3), the Attorney General shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of prison rape.

(2) INDEPENDENT JUDGMENT.—The standards referred to in paragraph (1) shall be based upon the independent judgment of the Attorney General, after giving due consideration to the recommended national standards provided by the Commission under section 7(e), and being informed by such data, opinions, and proposals that the Attorney General determines to be appropriate to consider.

(3) LIMITATION.—The Attorney General shall not establish a national standard under this section that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities. The Attorney General may, however, provide a list of improvements for consideration by correctional facilities.

(4) TRANSMISSION TO STATES.—Within 90 days of publishing the final rule under paragraph (1), the Attorney General shall transmit the national standards adopted under such paragraph to the chief executive of each State, the head of the department of corrections of each State, and to the appropriate authorities in those units of local government who oversee operation in one or more prisons.

(b) APPLICABILITY TO FEDERAL BUREAU OF PRISONS.—The national standards referred to in subsection (a) shall apply to the Federal Bureau of Prisons immediately upon adoption of the final rule under subsection (a)(4).

(c) ELIGIBILITY FOR FEDERAL FUNDS.—

(1) COVERED PROGRAMS.—

(A) IN GENERAL.—For purposes of this subsection, a grant program is covered by this subsection if, and only if—

(i) the program is carried out by or under the authority of the Attorney General; and

(ii) the program may provide amounts to States for prison purposes.

(B) LIST.—For each fiscal year, the Attorney General shall prepare a list identifying each program that meets the criteria of subparagraph (A) and provide that list to each State.

(2) ADOPTION OF NATIONAL STANDARDS.—For each fiscal year, any amount that a State would otherwise receive for prison purposes for that fiscal year under a grant program covered by this subsection shall be reduced by 5 percent, unless the chief executive of the State submits to the Attorney General—

(A) a certification that the State has adopted, and is in full compliance with, the national standards described in section 8(a); or

(B) an assurance that not less than 5 percent of such amount shall be used only for the purpose of enabling the State to adopt, and achieve full compliance with, those national standards, so as to ensure that a certification under subparagraph (A) may be submitted in future years.

(3) REPORT ON NONCOMPLIANCE.—Not later than September 30 of each year, the Attorney General shall publish a report listing each grantee that is not in compliance with the national standards adopted pursuant to section 8(a).

(4) COOPERATION WITH SURVEY.—For each fiscal year, any amount that a State receives for that fiscal year under a grant program covered by this subsection shall not be used for prison purposes (and shall be returned to the grant program if no other authorized use is available), unless the chief executive of the State submits to the Attorney General a certification that neither the State, nor any political subdivision or unit of local government within the State, is listed in a report issued by the Attorney General pursuant to section 4(c)(2)(C).

(5) REDISTRIBUTION OF AMOUNTS.—Amounts under a grant program not granted by reason of a reduction under paragraph (2), or returned by reason of the prohibition in paragraph (4), shall be granted to one or more entities not subject to such reduction or such prohibition, subject to the other laws governing that program.

(6) IMPLEMENTATION.—The Attorney General shall establish procedures to implement this subsection, including procedures for effectively applying this subsection to discretionary grant programs.

(7) EFFECTIVE DATE.—

(A) REQUIREMENT OF ADOPTION OF STANDARDS.—The first grants to which paragraph (2) applies are grants for the second fiscal year beginning after the date on which the national standards under section 8(a) are finalized.

(B) REQUIREMENT FOR COOPERATION.—The first grants to which paragraph (4) applies are grants for the fiscal year beginning after the date of the enactment of this Act.

SEC. 9. REQUIREMENT THAT ACCREDITATION ORGANIZATIONS ADOPT ACCREDITATION STANDARDS.

(a) ELIGIBILITY FOR FEDERAL GRANTS.—Notwithstanding any other provision of law, an organization responsible for the accreditation of Federal, State, local, or private prisons, jails, or other penal facilities may not receive any new Federal grants during any period in which such organization fails to meet any of the requirements of subsection (b).

(b) REQUIREMENTS.—To be eligible to receive Federal grants, an accreditation organization referred to in subsection (a) must meet the following requirements:

(1) At all times after 90 days after the date of enactment of this Act, the organization shall have in effect, for each facility that it is responsible for accrediting, accreditation standards for the detection, prevention, reduction, and punishment of prison rape.

(2) At all times after 1 year after the date of the adoption of the final rule under section 8(a)(4), the organization shall, in addition to any other such standards that it may promulgate relevant to the detection, prevention, reduction, and punishment of prison rape, adopt accreditation standards consistent with the national standards adopted pursuant to such final rule.

SEC. 10. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) CARNAL KNOWLEDGE.—The term "carnal knowledge" means contact between the penis and the vulva or the penis and the anus, including penetration of any sort, however slight.

(2) INMATE.—The term "inmate" means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.

(3) JAIL.—The term "jail" means a confinement facility of a Federal, State, or local law enforcement agency to hold—

(A) persons pending adjudication of criminal charges; or

(B) persons committed to confinement after adjudication of criminal charges for sentences of 1 year or less.

(4) HIV.—The term "HIV" means the human immunodeficiency virus.

(5) ORAL SODOMY.—The term "oral sodomy" means contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus.

(6) POLICE LOCKUP.—The term "police lockup" means a temporary holding facility of a Federal, State, or local law enforcement agency to hold—

(A) inmates pending bail or transport to jail;

(B) inebriates until ready for release; or

(C) juveniles pending parental custody or shelter placement.

(7) PRISON.—The term "prison" means any confinement facility of a Federal, State, or local government, whether administered by such government or by a private organization on behalf of such government, and includes—

(A) any local jail or police lockup; and

(B) any juvenile facility used for the custody or care of juvenile inmates.

(8) PRISON RAPE.—The term "prison rape" includes the rape of an inmate in the actual or constructive control of prison officials.

(9) RAPE.—The term "rape" means—

(A) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will;

(B) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or

(C) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

(10) SEXUAL ASSAULT WITH AN OBJECT.—The term "sexual assault with an object" means the use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person.

(11) SEXUAL FONDLING.—The term "sexual fondling" means the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

(12) EXCLUSIONS.—The terms and conditions described in paragraphs (9) and (10) shall not apply to—

(A) custodial or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating prison rape;

(B) the use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison rape; or

(C) the use of a health care provider's hands or fingers and the use of instruments to perform body cavity searches in order to maintain security and safety within the prison or detention facility, provided that the search is conducted in a manner consistent with constitutional requirements.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill S. 1435.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

BARBARA B. KENNELLY POST OFFICE BUILDING

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 2746) to designate the facilities of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building," and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BARBARA B. KENNELLY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, shall be known and designated as the "Barbara B. Kennelly Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Barbara B. Kennelly Post Office Building.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL MARINA DAY

Mr. PORTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the resolution (H. Res. 323) supporting the goals and ideals of National Marina Day, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

Mr. THOMPSON of California. Mr. Speaker, reserving the right to object, and I do not intend to object, however, I would like to yield to the gentleman to explain his unanimous consent request.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of California. I yield to the gentleman from Nevada.

Mr. PORTER. Mr. Speaker, the resolution is referring to marinas across the United States of America and the impacts they have on the economy. We are having a day in Nevada, at Lake Mead, to honor the marinas on August 9, and I invite everyone to be in attendance.

Mr. THOMPSON of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 323

Whereas Americans place a high value on recreation time and the ability to access one of the United States' greatest natural resources, its waterways;

Whereas, in 1928, the word "marina" was adopted by the National Association of Engine and Boat Manufacturers to define a recreational boating facility;

Whereas the United States is home to over 12,000 marinas that contribute substantially to their local communities by providing safe, reliable gateways to boating for members of their communities and their guests;

Whereas marinas help preserve their environments by protecting the surrounding waterways, permitting not only this generation but future generations to enjoy these precious natural resources;

Whereas the Nation's marinas provide their communities and visitors with a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation;

Whereas more than 140,000 people are employed at marinas, which create jobs and generate tax revenues for their communities;

Whereas the Marina Operators Association of America has proclaimed August 9, 2003, to be National Marina Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Marina Day;

(2) recognizes America's marinas for their many contributions to their local communities; and

(3) urges all Americans to become more aware of the overall contributions marinas make to the well-being of the United States.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2765, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of H.R. 2765, which shall proceed according to the following order:

The first reading of the bill shall be dispensed with.

All points of order against consideration of the bill are waived.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

After general debate the bill shall be considered for amendment under the 5-minute rule.

Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except section 119.

The amendment printed in House Report 108–230 may be offered only by the gentleman from Virginia (Mr. TOM DAVIS) and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable 40 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment are waived.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read.

At the conclusion of consideration of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

And, Mr. Speaker, I ask unanimous consent that House Resolution 334 be laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1845

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 3, 2003

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 3, 2003.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

CONDITIONAL ADJOURNMENT TO TUESDAY, JULY 29, 2003

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. on Tuesday, July 29, 2003, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 259, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FAREWELL AND GODSPEED TO EVE BUTLER-GEE ON THE OCCASION OF HER RETIREMENT FROM THE HOUSE OF REPRESENTATIVES

(Mr. TOM DAVIS of Virginia asked and was given permission to address the House for 1 minute.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to say good-bye to Eve Butler-Gee, the Chief Journal Clerk in the House, who will retire at the end of August after 20 years of service to the House of Representatives.

Eve began her professional career in the House. After an interlude working for a charitable foundation, she returned to the House in 1987 as the Minority Enrolling Clerk of the House. She served in that capacity for 8 years before her appointment as Chief Journal Clerk in 1995. With this appointment, Eve became the first woman in the history of the House of Representatives to serve as Chief Journal Clerk.

Eve and three assistant journal clerks are responsible for keeping the journal of the House proceedings in that big journal minute book which we see her with here every day at the rostrum and which we vote on half the time. According to House rules, the first order of business each day is the vote on the Chair's approval of the Journal of the last day's proceedings. The Journal Clerk's office also publishes the journal of each session of Congress for use as a reference by the House Parliamentarians, Members of Congress, regional libraries and State governments. Under Eve's direction the publication of the House Journal has been brought up to date and publication procedures modernized and refined.

Much has transpired during her service on the House rostrum staff. The House has voted on the Gulf War resolution, grieved a gunman's killing of two U.S. Capitol policemen, evacuated the House during the attacks of September 11, enacted counterterrorism measures, dealt with anthrax attacks and voted to authorize the use of force in Iraq. Eve has often said that she has been privileged to witness history every day in this Chamber.

Those who know Eve Butler-Gee know her faith life and her service in the Episcopal Church is also an important part of who she is. She serves as head verger at the Church of the Holy Comforter in Vienna, Virginia, where her husband, Tom Gee, also serves as director of lay liturgists. After her retirement, she plans to serve as a volunteer verger at the Washington National Cathedral. She and Tom plan to spend their time traveling and enjoying the comfort of friends and family, including Eve's daughter and son-in-law, Lora and John Williams, her grandson Evan, and Tom's son Sean Gee. Tom and Eve also eagerly await the birth of a new grandchild in December. Following a trip to Ireland in September, Eve hopes finally to have the free time to resume her lifelong interest in writing and community theater.

In closing, Mr. Speaker, I want to thank her for her faithful service to this body and wish her health and happiness in the years to come.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. I just would like to say that it was exactly 15 hours and 47 minutes ago that I was standing at this exact spot, that means 3 a.m. this morning.

Mr. TOM DAVIS of Virginia. That is midnight California time.

Mr. DREIER. Exactly, I would say to my friend; it was exactly midnight in Los Angeles. At that point, we began our tribute to Eve and we are continuing it, 15 hours and 45 minutes later. I thank my friend for actually getting into greater detail than I did, but I want to join again. I am sandwiched between two Virginians and a Marylander here, so I am bringing some bicoastal balance to this effort to say how much we appreciate again your wonderful service to this institution.

Mr. TOM DAVIS of Virginia. I thank my friend for being part of this 15-hour celebration.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. WOLF. I certainly share the sentiments of my colleagues.

Mr. Speaker, if I can just read a brief thing. The gentleman from West Virginia (Mr. MOLLOHAN) wanted me to submit this and read this to you briefly. He had to run and catch a plane. I will not read the whole thing, but I want to read the beginning and the end.

"This House will suffer a true loss next month. Eve Butler-Gee, our Chief Journal Clerk, will be retiring at the end of August after 20 dedicated years. I want to join my colleagues today in recognizing her contributions to this Chamber.

"As we thank Eve for her dedication, we also wish her the very best for a happy retirement, with much time spent with her husband Tom; her daughter Lora and Lora's husband John Williams and their son Evan; and Tom's son Sean.

"I am proud to also note that Eve has a number of family connections to West Virginia, Mr. Chairman, and it is my hope that her travels will bring her to our State often."

God bless. We wish you the best.

Mr. MOLLOHAN. Mr. Speaker, This House will suffer a true loss next month. Eve Butler-Gee, our Chief Journal Clerk, will be retiring at the end of August after 20 years of dedicated service. I want to join my colleagues today in recognizing her contributions to this chamber.

Eve began her career here in the House. She then went to work in the private sector. Fortunately for us she returned, and in 1987 was named as minority enrolling clerk of the House.

Eve served as an Assistant Enrolling Clerk for 8 years. Then, in 1995, she was appointed as Chief Journal Clerk. This institution has benefitted greatly from her knowledge, her talent and her commitment to the people's business.

Eve and her hard-working staff are responsible for memorializing the proceedings of this House; ensuring the accuracy and timeliness of the official record of each legislative day. It is a serious responsibility, and it is carried out with true professionalism by Eve and her team. We will miss her, and we will miss her outstanding work.

Mr. Speaker, as we thank Eve for her dedication, we also wish her the very best for a happy retirement—with much time spent with her husband, Tom; her daughter Lora and Lora's husband John Williams and their son Evan; and Tom's son Sean.

I am proud to also note that Eve has a number of family connections to West Virginia, Mr. Speaker and it is my hope that her travels will bring her to our state often.

It is a pleasure to help recognize the career of one who has served this House so very well. Thank you, Eve, and all the best in the days to come.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Eve, I want to rise with my colleagues. I was here at 3 o'clock when DAVID DREIER gave that short, but very heartfelt thanks to you. I did not join him at that point in time; I thought that at 3 a.m. you might want to go home. But I do want to rise at this point in time.

Mr. Speaker, the Members of the House, the House as an institution, and this country are all blessed by having some extraordinarily dedicated, extraordinarily able people serving this body. Other than our terrific reading clerks, few of them get on camera, at least in terms of being identified. But without them, this House would not run nearly as well as it does. And to the extent that it does not run well, it is not for any lack of ability or dedication on their part but because the Members sometimes get out of hand.

But the staff that serves this House of Representatives, the people's House, is an extraordinary one. Each time we lose one of them by retirement or for any other reason, we are a lesser place. We will be a lesser place for some period of time because one cannot replace the 20 years of experience that Eve takes with her. But she takes with her the thanks and gratitude of all of us who are Members of this body. Whether brought in by the majority or the minority, Democrats or Republicans, matters not to any of our desk personnel or our Parliamentarian or our timekeepers or whatever their particular designation. They serve us well and they serve this country well.

Eve, I wish you and Tom the very best. You are still a very young person and you will have many years to enjoy service to church, service to God, but I know that you will continue in many ways to serve your country. I know you will take with you the deep affection and respect for this institution that you have served so well. Godspeed.

FAREWELL TO KIRK BOYLE

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, it is my honor and privilege to be here today to salute an individual who has served this House for many years, who is also leaving us today. Kirk Boyle first started his career with this House with the former majority leader, Dick Armey. He served as Dick Armey's page in the House and later returned after schooling to be a floor assistant for Dick Armey. In the last year he has become part of the majority whip's team and has been on the floor with leadership, with the majority whip ROY BLUNT.

Anybody who knows Kirk knows he is a source of accurate information. He always knows what is going on. He has been a tremendous asset to all of us.

Lastly, I would just like to note that I think he will be best remembered as the cofounder and creator of the Boyle-Turton precedent which, as you know, contributes to the expeditious proceedings of this House.

Again, I salute Kirk Boyle and wish him well as he continues his life journey and development as an individual as he goes and moves on to Chicago to perform some mission work and to do good for the people of this great land.

Congratulations. We will miss you, Kirk.

APPOINTMENT OF HON. TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 3, 2003

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 25, 2003.

I hereby appoint the Honorable TOM DAVIS or, if not available to perform this duty, the Honorable FRANK R. WOLF or, if not available to perform this duty, the Honorable ROSCOE G. BARTLETT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 3, 2003.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

APPOINTMENT OF INSPECTOR GENERAL FOR HOUSE OF REPRESENTATIVES FOR 108TH CONGRESS

The SPEAKER pro tempore. Pursuant to clause 6 of rule II, and the order of the House of January 8, 2003, the Chair announces the joint appointment by the Speaker, majority leader and minority leader of Mr. Steven A. McNamara of Sterling, Virginia, to the position of Inspector General for the United States House of Representatives for the 108th Congress effective January 3, 2003.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore. Pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107–117, and order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

Mr. KENNEDY, Rhode Island.

APPOINTMENT OF MEMBERS TO UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Pursuant to 36 U.S.C. 2301, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the United States Holocaust Memorial Council:

Mr. LANTOS, California;
Mr. FROST, Texas.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to 14 U.S.C. 194(a), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Coast Guard Academy:

Mr. FILNER, California.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE HORROR STORIES OF CASTRO'S JAILS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to draw attention to the continued plight of political prisoners locked away in Cuban jails. In March of this year, Fidel Castro began a campaign against political opposition. Over the course of a few weeks, Castro's regime arrested an array of political opposition leaders, including signers and supporters of a joint statement from the Cuban dissident community to the European Union, promoters of the Varela Project, members of the independent press, owners of independent libraries and members of Cuba's independent civil society.

Inside of a month, the dissidents were arrested, arraigned, tried and sentenced, some receiving prison terms as long as 27 years. The prisoners were refused access to their wives and family, allowed little or no legal defense and were denied the ability to read the state's case against them. The Cuban Government provided no information about the trials and barred access to international journalists. However, that was only the beginning of Castro's reign of terror.

Accounts of psychological torture, abuse and neglect have slowly begun to emerge from Cuba's prisons. Stories of rat- and bug-infested cells, beatings, solitary confinement and a lack of medical treatment seem to be the standard in Castro's prisons. The accounts are so horrible that they have led a spokesperson for the U.S. State Department to declare that "the Cuban Government seems to be going out of its way to treat these prisoners inhumanely."

The wife of journalist Hector Maseda, sentenced to 20 years, shared his accounts of bed bugs so rampant in one jail that prisoners cannot sleep. Family members of journalist Oscar Espinosa Chepe, who is suffering from liver disease and gastrointestinal bleeding, shared his stories of being denied medical care. His family fears he may die.

The wife of Juan Carlos Gonzalez Leyva, a blind dissident, recently presented one of his letters to the U.N. Human Rights Commission in Geneva. In the letter he talks of the daily "sawdust shower" that he has been subjected to by a fellow inmate. Gonzalez writes that the substance "gives me the sensation of millions of bugs constantly running all over me." He continues, stating, "I don't know if this is a biological substance or a chemical agent. But I know that it is not insects because when I touch my skin there are no actual bugs that I can feel."

Other prisoners, Mr. Speaker, complain of leaking cells, no sheets, no pillows and no eating utensils.

Amnesty International recently declared the 75 dissidents and opposition leaders "prisoners of conscience." These 75 convictions bring Cuba's total to 90 "prisoners of conscience" currently in Cuban prisons. This makes Cuba the country with the highest number of prisoners with that status in the Western Hemisphere. Various other organizations inside and outside Cuba place the number of political prisoners at more than 300.

However, these are the stories and prisoner accounts that have managed to be leaked to the public. There is no telling what evils lurk in Castro's jails and what stories and horrors have yet to see the light of day.

Mr. Speaker, I ask my colleagues to join with me and condemn Castro's incarceration and mistreatment of the 75 dissidents and all of its political prisoners. Congress must send a strong message to Castro that the abuse of Cuban political prisoners has not gone unnoticed and will not be allowed to continue.

☐ 1900

TIME FOR AN END TO THE ADMINISTRATION'S SECRECY

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, yesterday the special congressional panel looking into the September 11 attacks issued its report. It said the intelligence community could have done a much better job in protecting the American people. That truly is an understatement.

But what stands out is the fact that the Bush administration has taken secrecy to a new unacceptable level. The administration insists on keeping secret 28 pages of that report. It is widely believed that these 28 pages deal with the possible involvement of foreign governments in the 9/11 tragedy and specifically Saudi Arabia.

Mr. Speaker, the Bush administration clearly exaggerated the immediate threat to the United States posed by the regime of Saddam Hussein in order to justify the war in Iraq, and, indeed, I have supported the calls for an independent commission to get to the bottom of that deception.

The administration's credibility has been greatly damaged by the revelations about the manipulated statements in the President's State of the Union address. Now we have 28 pages of a report of a vitally important study that are being kept away from the American people.

Do the American people not deserve to know the truth, whole truth, the whole story about 9/11? Do the families of 9/11 not deserve to know? What is the Bush administration now hiding about Saudi Arabia's possible involvement? How can the Bush administration justify keeping this secret from the American people?

In an editorial entitled "Deception and Denial," the London-based Financial Times this morning says the following about the Bush administration:

"The scale of the Bush administration's official obstruction is clear."

And the article goes on to say "'The Bush administration has done everything they can do to make sure that's not the focus,' said William Wechsler, a former White House official who coauthored a recent report critical of the Saudi failure to cut off financing for terrorist troops." The Bush administration wants "'to talk about tactical breakdown, but they do not want to talk about the elephant in the room,'" i.e., specifically Saudi Arabia. According to the Financial Times, "the tantalizing glimpses of the Saudi role that survived the censor's pencil are by far the report's most potentially explosive aspects."

We know there were meetings between some of the hijackers and Omar al-Bayoumi, a Saudi citizen. What does that mean in the context of 9/11? There are reports that al-Bayoumi supplied at least some of the hijackers with cash. Is that true? Unless the Bush administration drops its insistence on secrecy, the American people and families of the victims of 9/11 might never know the truth.

The Bush administration says it cannot tell the American people the whole truth because of national security concerns. One should ask, is it national security that the Bush administration cares about or is it political security? Or could it be access to Saudi oil? As the Financial Times said this morning, "It is hard to avoid suspicion that some of the coyness may have political origins." The decision to keep this information secret adds "a new layer of haze over its credibility," says the Financial Times.

It is time for the Bush administration to tell the families and to tell the American people what it knows about the possible involvement of foreign governments or foreign nationals in the events of September 11, and no one should be exempt from that scrutiny. No country, no person. It is time for an end to the Bush administration's secrecy.

[From the Financial Times, July 25, 2003]

REPORT RAISES NEW QUESTIONS ON SAUDI ROLE IN 9/11 ATTACKS

(By Marianne Brun-Rovet and Edward Alden)

WASHINGTON.—The September 11 hijackers received foreign-government support while they were in the US plotting the attacks on New York and Washington, the leader of a congressional inquiry charged.

The conclusion, which is strongly hinted at in the declassified parts of the inquiry's 900-page report released yesterday, will raise new questions about the role of Saudi Arabia in particular. The Bush administration insisted on deleting a 28-page section of the report that focused on the link to foreign governments.

Senator Bob Graham, the former Democratic intelligence committee chairman who led the investigation, said the hijackers "received, during most of this time [in the US], significant assistance from a foreign government which further facilitated their ability to be so lethal". He would not identify the government.

But he charged the Bush administration with refusing to release the information "to protect the country or countries . . . that were providing direct assistance to some of the hijackers".

The report also contains new evidence that US intelligence agencies and the Federal Bureau of Investigation knew far more about some of the hijackers activities than has been revealed.

While the administration has insisted that the plot could not have been unraveled from the information available, a congressional official said: "There was no smoking gun in the sense of all the details and the specifics in one piece of intelligence . . . But that is not the same as saying that this attack could not have been prevented."

Despite the deletions demanded by the administration, which held up the report's release for nearly seven months, it contains new evidence that indicates the Saudis may have had ties to supporters of the September 11 hijackers.

It focuses on the activities of Omar al-Bayoumi, who some in the FBI believed to be a Saudi intelligence agent, though the Saudi government has denied the allegation.

Mr. Bayoumi played a vital role in establishing Nawaf al-Hazmi and Khalid al-Mihdhar, two of the hijackers, when they arrived in the U.S. before the attacks. U.S. intelligence agencies knew as early as 1999 that the two were linked with al-Qaeda and that they had attended a CIA-monitored high-level meeting of the terror network's operatives in Malaysia in January 2000.

Mr. Bayoumi met the pair in Los Angeles shortly after he was observed entering and leaving a meeting at the Saudi consulate.

Prince Bandar bin Sultan, the Saudi ambassador to the U.S., said yesterday that the country was facing "false accusations . . . made by some for political purposes" despite its widespread co-operation with the U.S. in the war on terrorism. "It is disappointing that despite everything we are doing, outrageous charges continue."

The report also revealed another serious U.S. intelligence failure before the attacks, which represented "perhaps the intelligence community's best chance to unravel the September 11 plot". The FBI had recruited an informant in San Diego who met repeatedly with Mr. Hazmi and Mr. Mihdhar. However, the FBI did not act on his information because the CIA had not told the FBI of the pair's suspected links to al-Qaeda. The FBI agent handling the informant said "we would have done everything" had the CIA revealed what it knew.

[From the Financial Times, July 25, 2003]

DECEPTION AND DENIAL (PART TWO)—THE WHITE HOUSE'S INTELLIGENCE PROBLEMS GET BIGGER

It is often the case with lengthy inquiries into government failures that what gets left out of the final report is more interesting than what goes in it. Politicians are not unduly burdened by a capacity for self-criticism and if they can hide behind spurious claims of national security to avoid providing potentially damning evidence to hungry investigators, you can generally guarantee that they will.

The publication yesterday of the results of the congressional investigation into the performance of the US intelligence services in the run-up to the September 11, 2001 terrorist attacks is a case in point.

We knew already that the White House had been most unhelpful in its dealings with the congressional investigators, failing to make available critical material such as presidential briefings on the scale of the al-Qaeda threat. Now, in the form of dozens of blank pages in the 900-page volume, the scale of official obstruction becomes clear.

Though the report still reaches some valid conclusions about the failures of the Federal Bureau of Investigation and the Central Intelligence Agency in acting on what they knew about the hijackers, the overall effect of the administration's behaviour is to produce more questions. Most disturbing is the White House's unwillingness to disclose important new information on Saudi Arabia's role in the terrorist plot.

The long list of errors by the FBI and the CIA remains the central finding. The fact that officials had opportunities to track the movements of at least two of the hijackers in the months before the attacks represents the largest single failing and highlights flaws in intelligence co-ordination that still need to be put right. In addition the lack of reliable intelligence overseas prevented either the Clinton or the Bush administration from taking preemptive action against al-Qaeda that might have scuppered the plot.

But the tantalising glimpses of the Saudi role that survived the censor's pencil are by far the report's most potentially explosive aspects. Meetings between some of the hijackers and Omar al-Bayoumi, a Saudi citizen, are well documented, as are indications that he supplied them with cash. But instead of detailed investigation of Mr. al-Bayoumi and his alleged links to the Saudi government, there are only blank spaces. The administration says it could not agree to publication of this and other material for national security reasons. That may be true. But it is hard to avoid suspicion that some of the coyness may have political origins. The Bush administration is already under fire for its dubious disclosures about Iraq's weapons of mass destruction. Now the White House has added a new layer of haze over its credibility.

In the end the congressional report is not so much an indictment of the intelligence agencies, though it clearly highlights their faults. It is an indictment of the needless obfuscation surrounding too much of this administration's national security policy.

[From the Financial Times, July 25, 2002]

SEPTEMBER 11 INVESTIGATION UNDERMINES BUSH'S CLAIMS

(By Edward Alden and Marianne Brun-Rovet)

For the past 18 months the administration of President George W. Bush has clung firmly to the argument that, while there were certainly intelligence failings, the September 11, 2001 attacks could not have been prevented.

The release yesterday of the declassified final report of the congressional investigation will make that argument much harder to sustain, and could ignite fresh controversy for an administration already under scrutiny for manipulating intelligence information before the war on Iraq.

The report contains few entirely new revelations about the missed opportunities to unravel the plot of the 19 hijackers. But the detailed evidence of how much the U.S. knew of their movements before the attacks belies the assertion made to the investigators last year by Robert Mueller, the Federal Bureau of Investigation's director, that "as far as we know, they contacted no known terrorist sympathizers in the U.S.".

The report points out that five of the hijackers had met a total of 14 people who had come to the FBI's attention as part of counter-terrorism investigations.

Four of those 14 were under active FBI investigation when the hijackers were in the U.S.

The hijackers who led the attacks were not isolated but instead were backed by what U.S. intelligence knew to be "a radical Islamic network in the U.S. that could support al-Qaeda and other terrorist operatives."

As early as June 2001 the CIA had learned that senior al-Qaeda planner Khalid Sheikh Mohammed was recruiting people for operations in the U.S.

The report also revealed that an informant for the FBI had numerous meetings with two of the hijackers, Nawaf al-Hazmi and Khalid al-Mihdhar, when they were living in San Diego. But the San Diego FBI was unaware that the Central Intelligence Agency had in 2000 identified the two men as al-Qaeda operatives, so never acted on the information.

The FBI had also opened in 1998 a counter-terrorism investigation of Omar al-Bayoumi, a Saudi who co-signed the lease on an apartment in San Diego rented by the two hijackers, paid the first month's rent and organised a party to welcome them into the community.

Mr. Bayoumi became the subject of attention late last year after it was revealed that the wife of Prince Bandar, the Saudi ambassador to the U.S., had indirectly deposited tens of thousands of dollars into an account held by Mr. Bayoumi's wife. The Saudis have said they had no knowledge that the money, which was part of a charitable contribution, had ended up in her accounts.

The report says that although Mr. Bayoumi was a student, he "had access to seemingly unlimited funding from Saudi Arabia", and at one time made a $400,000 donation to a Kurdish mosque in San Diego. It adds: "One of the FBI's best sources in San Diego informed the FBI that he thought that Mr. Bayoumi must be an intelligence officer for Saudi Arabia or another foreign power."

The Saudi government denies the charge, saying he has no connection to the Saudi government.

The most controversial element of the report will be what it does not contain. At the insistence of the Bush administration, 28 pages discussing evidence of foreign government support for the hijackers was deleted from the declassified version.

"The Bush administration has done everything they can do to make sure that's not the focus," said William Wechsler, a former White House official who co-authored a recent report critical of the Saudi failure to cut off financing for terrorist groups.

"They want to talk about tactical breakdown but they don't want to talk about the elephant in the room."

U.S. officials note that Saudi co-operation in counter-terrorism investigations has improved markedly, particularly following al-Qaeda attack's in Riyadh in May that left more than 30 people dead. The Saudis responded angrily yesterday that "we cannot respond to blank pages".

But the investigation showed that even well after the September 11 attacks, Saudi Arabia continued to impede U.S. efforts in areas such as shutting down financing for terrorism.

While the congressional investigation was a bipartisan undertaking, its conclusions will fuel a partisan battle over whether the Bush administration has responded fully to the lessons of September 11.

Democrats have homed in on intelligence failures, both in the war on terrorism and before the war on Iraq, as the vulnerable spot for an administration that has been widely trusted by Americans on national security since the attacks.

The report challenges whether the administration has yet made sufficient efforts to improve intelligence gathering and sharing in response to the serious breakdowns uncovered by the investigation.

On foreign support for terrorists, the report says "only recently", and in part due to the pressure from the congressional inquiry, had the agencies tried to determine the extent of the problem. "This gap in US intelligence coverage is unacceptable, given the magnitude and immediacy of the potential risk to US national security," it says.

Democratic hopefuls for the next presidential election, including Senator Bob Graham, the former intelligence committee chairman, are already seizing on the problems identified by the inquiry to criticise the administration's actions since September 11.

The controversy over what is missing in the report will only deepen those charges. Senator Joseph Lieberman, another Democratic candidate, said yesterday that the administration "has, even today, failed to demand a full accounting of intelligence failures, in order to ensure that they have been corrected".

THE CALL FOR AN INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 165 years ago the late 1830s, Congress passed a rule prohibiting the use of the word "slavery" in the Chamber of this House, prohibiting debate about the Nation's largest blemish, the Nation's largest embarrassment, the institution of slavery. For some years Members of Congress, because of this House gag rule, could not even debate the issue of slavery in this body.

Mr. Speaker, in those days Congressman John Quincy Adams, former President, elected to Congress after he left the White House, was particularly outraged by that gag rule, and he came to the floor of the House, to the Chamber of this House of Representatives, week after week, day after day in many cases, reading letters from his constituents about the issue of slavery. Since he was prohibited from the debating the issue, he served as the megaphone, and he let his constituents speak about slavery.

Today, we face a similar situation in which the leaders of this Congress have refused to discuss some of the issues about the President's behavior in Iraq, about who knew what when, and as a result, a group called MoveOn.org, a national Internet organization, a group of about 1.4 million citizens, circulated a petition, and the petition said "We believe Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program."

Several hundred thousand people signed the petition, tens of thousands of people actually wrote letters about this petition, about this issue. And I would just like to serve as the mouthpiece for those Ohioans who are concerned about what we need as a Nation to find out about the reasons that we actually went to war, whether the President told us the truth.

Ms. Durkin of Cincinnati wrote: "The possibility that the administration may have misled America (Congress and the American people) is a matter not of politics but of integrity."

Chris Bache of Poland, Ohio wrote: "The distortion of intelligence concerning Iraq . . . is a gross violation of the duties of public office."

Jim Waldfogle from Cincinnati wrote: "Even if well-intentioned, distortions of the truth can only hurt the credibility of government in the long run. If this has taken place, it needs to be brought as soon as possible by Congress, to restore the public's faith that Washington will not tolerate abuses of the system."

From Akron, Ohio, Mary Benzie writes: "Was our son in the Army Reserves sent to Iraq for a cause based on, at best, inaccuracies, at worst, a deliberate deception? How do you think we will feel the next time?"

Timothy A. Bennett of Springfield writes: "This is an extremely urgent issue which requires investigation. Failure to do so would undermine the public's faith in our democratic institutions. Please support an investigation."

Constance Bouchard from Wooster, Ohio, writes: "We seem to have three choices about the missing weapons of mass destruction, none of them good. One, our intelligence is deeply flawed or two, our intelligence was deliberately distorted by the administration, or, three, the weapons have left Iraq and are now in terrorist hands."

Suzanne Seals of Worthington, Ohio writes: "I am very frightened for the freedom and welfare of our country when the administration can bully the evidence and distort the truth to a naive public without any accountability. When this behavior is used to wage war, I become even more concerned about the policies of our administration."

Deborah Steytler of Mentor, Ohio writes: "Please support appropriate investigations into the methods of warmaking and intelligence-gathering."

Victoria Kelsey of West Chester writes: "I feel that the exaggerations employed by politicians to push their agendas have overstepped all boundaries in this case and cannot condone it by my silence on this important issue."

From Kingsville, Ohio, William Venable writes: "We need to know the truth without spin, without obfuscation, and without prevarication."

Paul Burnam of Westerville, Ohio writes: "I am indeed troubled by, at best, the use of outdated and inaccurate evidence to make the case to invade Iraq. The Bush administration needs to be held to account for the which it 'marketed' (I am using presidential Chief of Staff Andrew Card's word) the war."

Elmer Fischesser of Cincinnati writes: "Because individuals are still losing their lives, we have a right to know, as a matter of justice, what was known and how the information was acted upon."

From Canfield, Ohio, Marcia Malmer writes: "This cannot be a government by the people if we are given misleading and/or false information on which to base our decisions."

Mr. Speaker, these are all important letters and important concerns. We do in fact need an investigation to set the public's mind at rest.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today after 6 p.m. on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 62. Concurrent resolution honoring the service and sacrifice of Korean War veterans; to the Committee on Veteran Affairs; in addition to the Committee on International Relations for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. BROWN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 4 p.m. on Tuesday, July 29, 2003, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 259, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 7 o'clock and 10 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 4 p.m., Tuesday, July 29, 2003, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 259.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3495. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Low Pathogenic Avian Influenza; Payment of Indemnity [Docket No. 02-048-2] (RIN: 0579-AB46) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3496. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Oriental Fruit Fly; Removal of Quarantined Area [Docket No. 02-130-2] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3497. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State Designations; New Mexico [Docket No. 03-044-1] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3498. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Japanese Beetle; Domestic Quarantine and Regulations [Docket No. 03-057-1] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3499. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Extensions of Payments of Principal and Interest (RIN: 0572-AB79) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3500. A letter from the Congressional Review Coordinator, APHIS, Department of Transportation, transmitting the Department's final rule — Sapote Fruit Fly; Removal of Quarantined Area in Texas [Docket No. 03-032-2] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3501. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; 3-pyridinecarboxamide, 2-chloro-N-(4'chloro[1,1'-biphenyl]-2-yl); Pesticide Tolerance [OPP-2003-0246; FRL-7319-6] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3502. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of the Navy, transmitting Notice of decision to convert any commercial- or industrial-type function from performance by DOD civilian personnel to private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3503. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Joseph W. Wehrle, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3504. A letter from the Inspector General, Department of Defense, transmitting a report entitled "Acquisition: Summary Report on the Joint Review of Selected DoD Purchase Card Transactions (D-2003-109)" as pursuant to Public Law 107-314 section 1007, pursuant to Public Law 107—314 section 1007; to the Committee on Armed Services.

3505. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John H. Campbell, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3506. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation "To authorize appropriations for the United States contribution to the HIPC Trust Fund, administered by the International Bank for Reconstruction and Development"; to the Committee on Financial Services.

3507. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7811] received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3508. A letter from the Secretary, Department of Housing and Urban Development, transmitting a draft of proposed legislation concerning the Emergency Food and Shelter Program and its National Board appointed positions; to the Committee on Financial Services.

3509. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the Community Food and Nutrition Program for Fiscal Year 2000; to the Committee on Education and the Workforce.

3510. A letter from the Secretary, Department of Energy, transmitting a draft of proposed legislation concerning waste materials stored in silos at the Department of Energy uranium processing facility at Fernald, Ohio; to the Committee on Energy and Commerce.

3511. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Classification of the Breath Nitric Oxide Test System [Docket No. 2003D-0209] received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3512. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Control of Emission of Oxides of Nitrogen From Cement Kilns [TX-164-1-7602a; FRL-7536-8] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3513. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous

Waste Final Exclusion [SW-FRL-7537-5] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3514. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards [RCRA-1998-0015; FRL-7537-4] (RIN: 2050-AF07) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3515. A letter from the AMD-PERM, OMD, FCC, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2003 [MD Docket No. 03-83] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3516. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States be transmitted to the Congress within a sixty day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

3517. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad (Transmittal No. DDTC 060-03) received July 24, 2003, pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3518. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Turkey (Transmittal No. DDTC 070-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3519. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Brazil, Russia, Ukraine, and Norway (Transmittal No. DDTC 068-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3520. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Brazil (Transmittal No. DDTC 058-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3521. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel, Singapore (Transmittal No. DDTC 059-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3522. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 071-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3523. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada (Transmittal No. DDTC 057-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3524. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece (Transmittal No. DDTC 074-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3525. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel (Transmittal No. DDTC 073-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3526. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Pacific Ocean/International Waters or Kourou, French Guiana (Transmittal No. DDTC 050-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3527. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to International Waters, Pacific Ocean (Transmittal No. DDTC 075-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3528. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to United Kingdom (Transmittal No. DDTC 062-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3529. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Taiwan [Transmittal No. DDTC 083-03], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

3530. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan [Transmittal No. DDTC 080-03], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

3531. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan [Transmittal No. DTC 079-03], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

3532. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan [Transmittal No. DDTC 072-03], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

3533. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Turkey [Transmittal No. DDTC 061-03], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

3534. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad to India [Transmittal No. DDTC 021-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3535. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad to Japan [Transmittal No. DDTC 077-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3536. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fifth of six annual reports on enforcement and monitoring of the Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, pursuant to paragraph (c)(1) of the resolution of advice and consent, adopted by the United States Senate on July 31, 1998; to the Committee on International Relations.

3537. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued by GAO during each calendar month and cumulative list of preceding 12 months(FY 2002), pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

3538. A letter from the Director, Office of Government Ethics, transmitting the Office's draft bill, "to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to modernize the financial disclosure process for Federal personnel, and for other purposes"; to the Committee on Government Reform.

3539. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting a draft of proposed legislation entitled "Records Retention Facilitation Act of 2003"; to the Committee on Government Reform.

3540. A letter from the Director, Office of Congressional and Legislative Affairs, Department of the Interior, transmitting a copy of a draft bill to "Resolve Certain Trust Fund Accounting Discrepancies within the Individual Indian Money Investment Pool"; to the Committee on Resources.

3541. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon (RIN: 1018-AI26) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3542. A letter from the Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce, transmitting the activities of the Northwest Atlantic Fisheries Organization for 2002; to the Committee on Resources.

3543. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of Interior, transmitting the Department's final rule — Law and Order on Indian Reservations (RIN: 1076-AE41) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3544. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting [Docket No. 021209300-3048-02; I.D. 071103A] received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3545. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 38 to the Northeast Multispecies Fishery Management Plan [Docket No. 030514123-3162-02; I.D. 041003B] (RIN: 0648-AQ78) received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3546. A letter from the Director, Regulations and Forms Services Division, Department of Homeland Security, transmitting the Department's final rule — Certificates for Certain Health Care Workers [CIS No. 2080-00] (RIN: 1615-AA10) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3547. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Release Gratuities, Transportation and Clothing: Aliens [BOP-1097-F] (RIN: 1120-AA93) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3548. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft legislative proposal entitled the "Department of Justice Appropriations Authorization Act, Fiscal Years 2004 and 2005"; to the Committee on the Judiciary.

3549. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's concerns and objections regarding the amendment offered to H.R. 2799, the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 2004"; to the Committee on the Judiciary.

3550. A letter from the Chief, Regulations and Administrative Law, USCG, Department for Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY 03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3551. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Apalachicola River, River Junction, FL [CGD08-03-007] (RIN: 1625-AA09) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3552. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Facility Security [USCG-2003-14732] (RIN: 1625-AA43) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3553. A letter from the Chief, Regulations and Administrative Law, USCG,, Department of Homeland Security, transmitting the Department's final rule — Automatic Identification System; Vessel Carriage Requirement [USCG-2003-14757] (RIN: 1625-AA67) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3554. A letter from the Chief, Regulations and Administrative Law, USCG,, Department of Homeland Security, transmitting the Department's final rule — Outer Continental Shelf Facility Security [USCG-2003-14759] (RIN: 1625-AA68) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3555. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones, Security Zones and Drawbridge Operation Regulations [USCG-2003-15330] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3556. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Tampa, Tampa Florida [COTP TAMPA 03-043] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3557. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Bay, Oakland Estuary, California [COTP San Francisco Bay 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3558. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: San Diego Bay, CA [COTP San Diego 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3559. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Savannah River, Savannah, GA [COTP Savannah 03-042] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3560. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-03--021] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3561. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Juan, Puerto Rico [COTP San Juan 03-052] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3562. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ponce, Puerto Rico [COTP San Juan 03-026] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3563. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mardi Gras Fireworks Display, Sabine-Neches Canal, Port Arthur, TX [COTP Port Arthur-03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3564. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River Mile 119.0 to 119.8, Natrium, West Virginia [COTP Pittsburgh-02-019] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3565. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, Pennsylvania [COTP Pittsburgh-03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3566. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Delaware River, Philadelphia, Pennsylvania [COTP PHILADELPHIA 03-013] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3567. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Cape May Harbor/Inlet [COTP Philadelphia 03-012] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3568. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Delaware River, Salem River, Christina River, and the Schuylkill River [COTP Philadelphia 03-011] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3569. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Chesapeake & Delaware Canal [COTP Philadelphia 03-010] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3570. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice

Conditions, Chesapeake & Delaware Canal [COTP Philadelphia 03-009] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3571. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tacony Palmyra Bridge, Delaware River, Philadelphia, Pennsylvania [COTP PHILADELPHIA 03-008] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3572. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Peach Bottom Atomic Power Station, Susquehanna River, York County, PA [COTP PHILADELPHIA 03-006] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3573. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Packer Avenue Marine Terminal, Delaware River, Philadelphia, Pennsylvania [COTP PHILADELPHIA 03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3574. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Delaware Bay and River [COTP PHILADELPHIA 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3575. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY-03-006] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3576. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY-03-005] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3577. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3578. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Lower Mississippi River, Above Head of Passes, LA [COTP New Orleans-03-006] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3579. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 93.0 to 96.0 Above Head of Passes, New Orleans, LA [COTP New Orleans-03-005] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3580. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Intracoastal Waterway (ICW), Miles 20.0 to 15.0, Barataria, LA [COTP New Orleans-03-004] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3581. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South Shore, Lake Pontchartrain, Metairie, LA [COTP New Orleans-03-003] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3582. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Treasure Chest Casino, Lake Pontchartrain, Kenner, LA [COTP New Orleans-03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3583. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 94.0 to 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3584. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Atchafalaya River, Eugene Island Sea Buoy to MM 119.8(AR), Berwick, LA [COTP Morgan City-03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3585. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pascagoula Ship Channel, Pascagoula, MS [COTP Mobile-03-006] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3586. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulfport Ship Channel, Gulfport, MS [COTP Mobile-03-005] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3587. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boggy Bayou, Niceville, Florida [COTP MOBILE-03-004] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3588. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Mobile, Mobile, Alabama [COTP Mobile-03-003] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3589. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones, Security Zones and Drawbridge Operation Regulations [USCG-2003-15330] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3590. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E airspace; Brookfield, MO [Docket No. FAA-2003-14656; Airspace Docket No. 03-ACE-25] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3591. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Hays, KS [Docket No. FAA-2003-14932; Airspace Docket No. 03-ACE-35] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3592. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Pratt, KS [Docket No. FAA-2003-14933; Airspace Docket No. 03-ACE-36] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3593. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Muscatine, IA [Docket No. FAA-2003-14936; Airspace Docket No. 03-ACE-39] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3594. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Milford, IA [Docket No. FAA-2003-14934; Airspace Docket No. 03-ACE-37] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3595. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Ottumwa, IA [Docket No. FAA-2003-14938; Airspace Docket No. 03-ACE-41] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3596. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sac City, IA [Docket No. FAA-2003-15079; Airspace Docket No. 03-ACE-47] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3597. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Red Oak, IA [Docket No. FAA-2003-15078; Airspace Docket No. 03-ACE-46] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3598. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Government-Owned Contractor-Operated Vehicle Fleet Management and Reporting — received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3599. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft of proposed legislation relating to amending title 38 of the United States Code to modify and improve authorities relating to former prisoners of war; to the Committee on Veterans' Affairs.

3600. A letter from the Secretary, Department of the Treasury, transmitting a draft bill designed to restore the HI Trust Fund to its correct financial position; to the Committee on Ways and Means.

3601. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Services's final rule — BLS Department Store Indexes for March 2003 (Announcement 2003-44) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3602. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Pre-Filing Agreements (Announcement 2003-43) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3603. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rules and Regulations — received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3604. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Certain Cost-Sharing Payments (Rev. Rul. 2003-59) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3605. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Compliance initiative for nonresident aliens and foreign corporations (Notice 2003-38) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3606. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Interest deduction in general (Rev. Rul. 2003-97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3607. A letter from the Secretary, Department of Health and Human Services, transmitting Report and study regarding state licensure and certification standards and respiratory therapy competency examinations, pursuant to Public Law 106—113, section 107 (113 Stat. 1501A—328); jointly to the Committees on Energy and Commerce and Ways and Means.

3608. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal to amend title 5, United States Codes, to establish a Human Capital Performance Fund, to better relate Senior Executive Service pay to performance, and other purposes; jointly to the Committees on Government Reform and the Judiciary.

3609. A letter from the General Counsel, Department of Commerce, transmitting a copy of a draft bill entitled "Fishery Conservation and Management Amendments of 2003" and a section-by-section analysis of the proposed legislation; jointly to the Committees on Resources and the Judiciary.

3610. A letter from the Secretary, Department of Commerce, transmitting a draft bill entitled the "Department of Commerce 21st Century Innovation Act of 2003"; jointly to the Committees on Science and Energy and Commerce.

3611. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill "To amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists, to authorize alternate work schedules and executive pay for nurses"; jointly to the Committees on Veterans' Affairs and Government Reform.

3612. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Third Party Liability Insurance Regulations [CMS-1475-FC] (RIN: 0938-AM65) received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

3613. A letter from the Secretary, Department of Energy, transmitting a draft of proposed legislation to support a proposal in the President's FY 2004 Budget regarding direct funding for operation and maintenance of hydropower facilities at Army Corps of Engineers dams and revenues from the sale of power and related services by the Department of Energy's Power Marketing Administrations; jointly to the Committees on Transportation and Infrastructure, Resources, and the Budget.

3614. A letter from the Secretary, Department of Transportation, transmitting a bill entitled the "Federal Railroad Safety Improvement Act"; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, and the Judiciary.

3615. A letter from the Secretary, Department of Transportation, transmitting a draft of proposed legislation entitled "To authorize appropriations for Fiscal Year 2004 for certain maritime programs of the Department of Transportation, and for other purposes"; jointly to the Committees on Armed Services, Ways and Means, Transportation and Infrastructure, and Resources.

3616. A letter from the Deputy Secretary, Department of State, transmitting a draft of proposed legislation entitled "Compact of Free Association Amendments Act of 2003"; jointly to the Committees on International Relations, Resources, Agriculture, Armed Services, Energy and Commerce, Financial Services, Government Reform, the Judiciary, Science, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1303. A bill to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference; with an amendment (Rept. 108–239). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee of Conference. Conference report on H.R. 2115. A bill to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes (Rept. 108–240). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1561. A bill to amend title 35, United States Code, with respect to patent fees, and for other purposes; with an amendment (Rept. 108–241). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on the Budget, Ways and Means and Government Reform discharged from further consideration of H.R. 180.

Pursuant to clause 2 of rule XII the Committees on Armed Services, Science and Ways and Means discharged, from further consideration. H.R. 1836 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration of H.R. 1837.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 180. Referral to the Committees on Ways and Means and Government Reform extended for a period ending not later than July 25, 2003. Referral to the Committee on Rules extended for a period ending not later than October 3, 2003.

H.R. 1837. Referral to the Committee on the Judiciary extended for a period ending not later than September 3, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMAS:

H.R. 2896. A bill to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad; to the Committee on Ways and Means.

By Ms. CARSON of Indiana (for herself, Mr. CONYERS, Mr. KUCINICH, Ms. LEE, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms. MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. SANDERS, Mr. WEXLER, Mr. GRIJALVA, Ms. WOOLSEY, Mr. REYES, Ms. SCHAKOWSKY, Mr. RANGEL, Ms. MAJETTE, Ms. SLAUGHTER, Mr. THOMPSON of Mississippi, Mr. EVANS, Mr. PAYNE, Mr. MCDERMOTT, Mr. CAPUANO, Mr. WEINER, Ms. MCCOLLUM, and Mr. EMANUEL):

H.R. 2897. A bill to end homelessness in the United States; to the Committee on Financial Services, and in addition to the Committees on Agriculture, Energy and Commerce, Education and the Workforce, Government Reform, Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself, Ms. ESHOO, Mr. UPTON, Mr. MARKEY, Mr. DINGELL, Mr. TERRY, Mr. TOWNS, Mr.

PICKERING, Mr. GILLMOR, Mrs. BONO, Mr. WHITFIELD, Ms. SLAUGHTER, Mr. GREEN of Texas, Mr. MCHUGH, Mr. HASTINGS of Florida, Mr. KIND, Mr. FRANK of Massachusetts, Mr. WYNN, Mr. GRIJALVA, Mr. FROST, Mr. RUPPERSBERGER, Mr. GORDON, Mr. ENGEL, Mr. PETERSON of Pennsylvania, and Mr. STUPAK):

H.R. 2898. A bill to improve homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 wireless services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KOLBE (for himself and Mr. FLAKE):

H.R. 2899. A bill to establish two new categories of nonimmigrant workers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH (for himself, Mr. JEFFERSON, Mr. FOLEY, Mr. RAMSTAD, Mr. CANTOR, Mr. HOUGHTON, Mr. HAYES, Mr. FEENEY, Mr. ROGERS of Alabama, Mr. ENGLISH, Mr. WELLER, Mr. MCINNIS, and Mr. CAMP):

H.R. 2900. A bill to amend the Internal Revenue Code of 1986 to provide for a 7-year recovery period for motorsports entertainment complexes; to the Committee on Ways and Means.

By Mr. FOSSELLA:

H.R. 2901. A bill to protect human health and the environment from the release of hazardous substances by acts of terrorism; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mr. SHAYS, Mr. CASE, Mr. TIERNEY, Mr. CARTER, Mr. DUNCAN, and Mr. EMANUEL):

H.R. 2902. A bill to establish the Corporate Subsidy Reform Commission to review inequitable Federal subsidies and make recommendations for termination, modification, or retention of such subsidies, and to state the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. SHAYS, Mr. CASE, Mr. TIERNEY, Mr. CARTER, Mr. DUNCAN, and Mr. EMANUEL):

H.R. 2903. A bill to establish the Program Reform Commission to review unnecessary Federal programs and make recommendations for termination, modification, or retention of such programs, and to state the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Government Reform.

By Mr. SMITH of Washington:

H.R. 2904. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself, Mr. ABERCROMBIE, Mr. LYNCH, Mr. TERRY, Mr. ROSS, and Mrs. JO ANN DAVIS of Virginia):

H.R. 2905. A bill to amend title XVIII of the Social Security Act to recognize the services of respiratory therapists under the plan of care for home health services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself, Mrs. MUSGRAVE, Mr. HOSTETTLER, Mr. OTTER, Mr. MILLER of Florida, Mr. GOODE, Mr. FRANKS of Arizona, Mr. PAUL, Mr. SESSIONS, Mr. VITTER, Mr. BARTLETT of Maryland, and Mr. HALL):

H.R. 2906. A bill to clarify that federally licensed firearms dealers may transfer firearms to other federally licensed firearms dealers at places other than the business premises specified on the license of the transferor dealer; to the Committee on the Judiciary.

By Mr. RENZI (for himself and Mr. HAYWORTH):

H.R. 2907. A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; to the Committee on Resources.

By Mr. UDALL of Colorado (for himself, Mr. HONDA, Mr. CARDOZA, and Mr. EHLERS):

H.R. 2908. A bill to establish the position of Under Secretary of Commerce for Manufacturing and Technology, require the establishment of a research and implementation program on manufacturing, and promote manufacturing education; to the Committee on Science.

By Mr. BISHOP of Utah (for himself, Mr. CANNON, and Mr. MATHESON):

H.R. 2909. A bill to ensure the continued availability of the Utah Test and Training Range to support the readiness and training needs of the Armed Forces; to the Committee on Resources.

By Mr. TIBERI:

H.R. 2910. A bill to amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Labor Management Relations Act, 1947 to provide special rules for Teamster plans relating to termination and funding; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. OWENS, Mr. EMANUEL, Mrs. DAVIS of California, Mr. LYNCH, Mr. PAYNE, Ms. NORTON, Mr. SCHIFF, Mr. ROSS, Mr. BAIRD, Ms. CARSON of Indiana, and Mr. MORAN of Virginia):

H.R. 2911. A bill to direct the Consumer Product Safety Commission to promulgate a consumer product safety standard under section 7(a) of the Consumer Product Safety Act for each durable infant or toddler product, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LUCAS of Oklahoma:

H.R. 2912. A bill to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government; to the Committee on Resources.

By Mr. ANDREWS (for himself and Mr. KILDEE):

H.R. 2913. A bill to amend the Higher Education Act of 1965 regarding distance education, and for other purposes; to the Committee on Education and the Workforce.

By Ms. CARSON of Indiana (for herself, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Mr. RANGEL, Mr. GRIJALVA, Mr. HONDA, Mr. CAPUANO, Ms. MILLENDER-MCDONALD, Mr. CASE, Mr. FILNER, and Mr. BOSWELL):

H.R. 2914. A bill to amend title 49, United States Code, to provide for the establishment of a flexibility incentive grant program; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut (for herself, Mr. GREENWOOD, Mr. NUSSLE, Mr. ENGLISH, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, and Mr. BURGESS):

H.R. 2915. A bill to provide for a National Health Information Infrastructure and data and communication standards for health Information system interoperability; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. SANDERS, Mr. DEFAZIO, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. HONDA, Mr. ACEVEDO-VILÁ, Mr. BROWN of Ohio, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, and Mr. KLECZKA):

H.R. 2916. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. ACEVEDO-VILÁ, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 2917. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, and Mr. ACEVEDO-VILÁ):

H.R. 2918. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, and for other purposes; to the Committee on Agriculture.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. ACEVEDO-VILÁ, Mr. GUTIERREZ, Mr. NADLER, Mr. Owens, Ms. Velázquez, Ms. Waters, Ms. Watson, and Ms. Woolsey):

H.R. 2919. A bill to assign liability for injury caused by genetically engineered organisms; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DeFazio, Mr. Sanders, Ms. Lee, Mr. Conyers, Mr. Olver, Mr. Acevedo-Vilá, Mr. Gutierrez, Mr. Nadler, Mr. Owens, Ms. Velázquez, Ms. Waters, Ms. Watson, and Ms. Woolsey):

H.R. 2920. A bill to ensure that efforts to address world hunger through the use of genetically engineered animals and crops actually help developing countries and peoples while protecting human health and the environment, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DeFazio, Mr. Sanders, Ms. Lee, Mr. Conyers, Mr. Gutierrez, Mr. Nadler, Mr. Owens, Ms. Velázquez, Ms. Waters, Ms. Watson, and Ms. Woolsey):

H.R. 2921. A bill to prohibit the open-air cultivation of genetically engineered pharmaceutical and industrial crops, to prohibit the use of common human food or animal feed as the host plant for a genetically engineered pharmaceutical or industrial chemical, to establish a tracking system to regulate the growing, handling, transportation, and disposal of pharmaceutical and industrial crops and their byproducts to prevent human, animal, and general environmental exposure to genetically engineered pharmaceutical and industrial crops and their byproducts, and for other purposes; to the Committee on Agriculture.

By Mr. ACEVEDO-VILÁ:

H.R. 2922. A bill to amend the Small Business Act to provide additional grants to small business development centers located in high unemployment districts; to the Committee on Small Business.

By Mr. ACKERMAN:

H.R. 2923. A bill to amend title 23, United States Code, to require periodic testing of the competency of drivers over age 79, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BAKER (for himself, Mr. John, Mr. Vitter, and Mr. Pomeroy):

H.R. 2924. A bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BALLANCE:

H.R. 2925. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Northeastern North Carolina Heritage Area in North Carolina, and for other purposes; to the Committee on Resources.

By Ms. BERKLEY (for herself, Mr. Gibbons, and Mr. Porter):

H.R. 2926. A bill to provide for interagency planning for preparing for, defending against, and responding to the consequences of terrorist attacks against the Yucca Mountain Project, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER:

H.R. 2927. A bill to amend title 23, United States Code, to provide grants and technical assistance to restore orphan highways; to the Committee on Transportation and Infrastructure.

By Mr. BOEHLERT (for himself, Ms. Millender-McDonald, Mr. Duncan, Mr. Pascrell, Ms. Lofgren, Mr. Coble, and Mr. Michaud):

H.R. 2928. A bill to amend title 49, United States Code, relating to improved consumer protection regulation of the household goods transportation industry, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BONO (for herself and Mr. Towns):

H.R. 2929. A bill to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BONO:

H.R. 2930. A bill to authorize the disinterment from the American Ardennes Cemetery at Neuville-en-Condroz, Belgium of the remains of Sergeant Roaul R. Prieto, who died in combat in April 1945, and to authorize the transfer of his remains to his next of kin; to the Committee on Veterans' Affairs.

By Mr. BRADY of Texas (for himself and Mr. Matsui):

H.R. 2931. A bill to provide for the expansion of human clinical trials qualifying for the orphan drug credit; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. Gilchrest, Ms. Slaughter, Mr. Waxman, and Mr. Allen):

H.R. 2932. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Energy and Commerce.

By Mr. CARDOZA (for himself, Mr. Dooley of California, Mr. Carson of Oklahoma, Mr. Nunes, Mr. Baca, Mr. Stenholm, Mr. Hall, Mr. Berry, Mr. Ross, Mr. Doolittle, Mr. Radanovich, Mr. Herger, Mr. Peterson of Minnesota, Mr. Alexander, Mr. Ortiz, Mr. Hunter, Mr. Calvert, and Mr. Young of Alaska):

H.R. 2933. A bill to amend the Endangered Species Act of 1973 to reform the process for designating critical habitat under that Act; to the Committee on Resources.

By Mr. CARTER:

H.R. 2934. A bill to increase criminal penalties relating to terrorist murders, deny Federal benefits to terrorists, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H.R. 2935. A bill to provide fairness in voter participation; to the Committee on the Judiciary.

By Mr. DEUTSCH (for himself and Mr. Shaw):

H.R. 2936. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale or trade of prescription drugs that were knowingly caused to be adulterated or misbranded, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mrs. Lowey, and Mrs. Kelly):

H.R. 2937. A bill to designate the facility of the United States Postal Service located at 48 South Broadway in Nyack, New York, as the "John G. Dow Post Office Building"; to the Committee on Government Reform.

By Mr. ENGLISH (for himself and Mr. Davis of Alabama):

H.R. 2938. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 2939. A bill to strengthen and enhance the prevention and prosecution of crimes using weapons of mass destruction, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH:

H.R. 2940. A bill to amend titles 23 and 49, United States Code, to promote the integration of local land use planning and transportation planning; to the Committee on Transportation and Infrastructure.

By Mr. GRIJALVA (for himself, Mr. Flake, Mr. Renzi, Mr. Hayworth, and Mr. Pastor):

H.R. 2941. A bill to correct the south boundary of the Colorado River Indian Reservation in Arizona, and for other purposes; to the Committee on Resources.

By Ms. HOOLEY of Oregon:

H.R. 2942. A bill to establish a national clearinghouse for information on incidents of environmental terrorism and to establish a program to reduce environmental terrorism; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon:

H.R. 2943. A bill to waive, for grants awarded in fiscal years 2004 and 2005, certain restrictions on the hiring or rehiring of career law enforcement officers under the COPS grant program under Part Q of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H.R. 2944. A bill to amend title 10, United States Code, to provide for forgiveness of certain overpayments of retired pay paid to deceased retired members of the Armed Forces following death; to the Committee on Armed Services.

By Mr. KENNEDY of Rhode Island (for himself, Mr. George Miller of California, Ms. Woolsey, Ms. Jackson-Lee of Texas, Mr. McNulty, Mr. Pomeroy, Ms. Millender-McDonald, Mr. Hinchey, Mrs. Jones of Ohio, Ms. DeLauro, Mr. Grijalva, Mr. Payne, Mr. Hinojosa, Mrs. Davis of California, Mr. Serrano, Ms. Kilpatrick, Ms. Lee, Mr. Towns, Mr. Ryan of Ohio, Ms. Majette, Mr. Davis of Florida, Ms. Linda T. Sánchez of California, Ms. Carson of Indiana, Mr. Stark, Mr. Davis of Illinois, and Mr. Holt):

H.R. 2945. A bill to condition the implementation of assessment procedures in connection with the Head Start National Reporting System on Child Outcomes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KING of New York (for himself and Mr. Meehan):

H.R. 2946. A bill to combat illegal gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Mr. LANGEVIN (for himself, Mr. Crowley, Ms. Norton, Ms. Lee, Mr. Lantos, Ms. Jackson-Lee of Texas, Mr. Murtha, and Mr. Frost):

H.R. 2947. A bill to establish a demonstration grant program to assist States in providing subsidies for group health insurance premiums for low-income, Medicaid-eligible individuals; to the Committee on Energy and Commerce.

By Mr. LANGEVIN (for himself, Mr. Baird, Mr. Bereuter, Mr. Kennedy of Rhode Island, Mr. Wynn, and Mr. Crowley):

H.R. 2948. A bill to direct the Comptroller General to enter into arrangements with the National Academy of Sciences and the Librarian of Congress for conducting a study on the feasibility and costs of implementing an emergency electronic communications system for Congress to ensure the continuity of the operations of Congress during an emergency, and for other purposes; to the Committee on House Administration.

By Mr. LARSEN of Washington (for himself, Mr. Kirk, and Mr. Inslee):

H.R. 2949. A bill to regulate international marriage broker activity in the United States, to provide for certain protections for individuals who utilize the services of international marriage brokers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky (for himself, Mr. Rogers of Kentucky, Mr. Whitfield, Mr. Fletcher, Mr. Lucas of Kentucky, Mr. Hayworth, Mr. Cox, Mr. Davis of Tennessee, Mr. Rehberg, Mr. Cunningham, Mr. Paul, Mr. Royce, Mr. Simmons, Mr. Crane, Mr. Pomeroy, Mr. Hastings of Washington, Mr. Doolittle, Ms. Ros-Lehtinen, Mr. Calvert, Mr. Jenkins, Mr. Tiberi, Mr. Towns, Ms. Dunn, Mr. John, Mr. Stearns, Mr. Stupak, Mr. Crowley, Mrs. Jo Ann Davis of Virginia, Mr. Reynolds, Mr. Cardoza, Mr. McCrery, Mr. Boswell, Mr. Foley, Mr. Coble, and Mr. Camp):

H.R. 2950. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits to its pre-1985 level; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. Hinchey, and Mr. Engel):

H.R. 2951. A bill to prohibit the operation of nuclear power plants unless there exists a State and county certified radiological emergency response plan; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Mr. Greenwood, Ms. Pelosi, Mr. Shays, Mrs. Maloney, Mr. Moran of Virginia, Mr. Holt, Ms. Woolsey, Mr. Engel, Mr. Hinchey, Mr. Abercrombie, Mr. Crowley, Mr. Towns, Mr. Frank of Massachusetts, Mr. Gutierrez, Ms. Kilpatrick, Mr. Delahunt, Mr. Andrews, Ms. Solis, Ms. DeGette, Mr. Olver, Mr. Hoeffel, Ms. Roybal-Allard, Mrs. Capps, Mr. McGovern, Mr. Matsui, Ms. Berkley, Ms. Lee, Mr. Waxman, Mr. George Miller of California, Mr. Nadler, Ms. Lofgren, Ms. Corrine Brown of Florida, Mr. Thompson of California, Ms. DeLauro, Ms. Millender-McDonald, Mr. Filner, Mr. Schiff, Ms. Norton, Ms. Schakowsky, Mr. Frost, Mr. Berman, Mr. Baca, Ms. Velázquez, Mr. Baird, Mr. Rangel, Mrs. Johnson of Connecticut, Ms. McCollum, Mr. Blumenauer, Mr. Kirk, Mrs. Davis of California, Mr. Simmons, Mr. Levin, Mr. Van Hollen, and Mr. Wexler):

H.R. 2952. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. Smith of New Jersey, and Mr. Lantos):

H.R. 2953. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and the Workforce.

By Mrs. MALONEY (for herself and Ms. Ros-Lehtinen):

H.R. 2954. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons; to the Committee on the Judiciary.

By Mr. McINNIS (for himself, Mr. Tancredo, and Mr. Hefley):

H.R. 2955. A bill to establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes; to the Committee on Resources.

By Mr. McKEON (for himself, Mr. Emanuel, Mr. Boehner, Mr. Kildee, Mr. Petri, Ms. Woolsey, Mr. Keller, Mr. Tierney, Mr. Greenwood, Mrs. Davis of California, Mr. Grijalva, Mr. Bishop of New York, Mr. Kucinich, Mr. Osborne, Mr. Holt, Mr. Davis of Illinois, Mr. Isakson, Mr. Ballenger, Mr. Souder, Mr. Cunningham, Mr. Upton, Mr. Blunt, and Mr. Ehlers):

H.R. 2956. A bill to begin the process of simplifying the Federal student financial aid process, making it easier and more understandable for students and families to participate in Federal student financial aid programs; to the Committee on Education and the Workforce.

By Mr. GARY G. MILLER of California (for himself, Mr. Portman, Mr. Foley, Mr. Sessions, Mr. Tancredo, Mr. Terry, and Mr. Forbes):

H.R. 2957. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. MORAN of Virginia:

H.R. 2958. A bill to amend title 31, United States Code, to allow certain State and local tax debt to be collected through the reduction of Federal tax refunds; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT:

H.R. 2959. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. ORTIZ:

H.R. 2960. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project; to the Committee on Resources.

By Mr. PASCRELL (for himself, Mrs. Emerson, Mr. Pallone, Mrs. McCarthy of New York, Mr. Weldon of Pennsylvania, Mr. Capuano, Mr. Holden, Mr. Doyle, Mr. Brady of Pennsylvania, Mr. Rahall, Mr. Davis of Tennessee, Mr. Rehberg, Mr. Emanuel, Mr. Cooper, Mr. Stenholm, Mr. Owens, and Ms. Woolsey):

H.R. 2961. A bill to provide mortgage assistance to firefighters; to the Committee on Financial Services.

By Mr. PASCRELL (for himself, Mr. Terry, Mr. Pallone, Mr. Etheridge, and Mr. Capuano):

H.R. 2962. A bill to prevent the abuse of the illegal drug commonly called ecstasy; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO (for himself, Mr. Doolittle, Mr. Filner, Mr. Honda, Mr. DeFazio, Mr. Udall of Colorado, Mr. Ose, Mr. Cunningham, Mr. Gibbons, Mr. Farr, Mr. Otter, Mr. Simpson, and Mr. McInnis):

H.R. 2963. A bill to amend title 5, United States Code, to provide for portal-to-portal compensation for wildland firefighters, and for other purposes; to the Committee on Government Reform.

By Mr. PORTMAN (for himself and Mr. Matsui):

H.R. 2964. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself and Mr. Pomeroy):

H.R. 2965. A bill to amend the Internal Revenue Code of 1986 to transfer all excise taxes imposed on alcohol fuels to the Highway Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. RADANOVICH (for himself, Mr. Nunes, Mr. Otter, Mr. Doolittle, Mr. Hefley, Mr. Herger, Mr. Rehberg, and Mr. Collins):

H.R. 2966. A bill to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 2967. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of

1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. REYNOLDS (for himself, Mr. CANTOR, Mr. MATSUI, Mr. CARDIN, and Mr. HOLT):

H.R. 2968. A bill to permit biomedical research corporations to engage in certain equity financings without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. ROHRABACHER, Mrs. MALONEY, Mr. MANZULLO, Mr. MICHAUD, Mr. GOODE, Mr. LIPINSKI, Ms. LEE, Mr. RYAN of Ohio, Mr. LANTOS, Mr. ANDREWS, Mr. SERRANO, Mr. GRIJALVA, Mr. OWENS, Ms. KILPATRICK, Mrs. CHRISTENSEN, and Ms. BORDALLO):

H.R. 2969. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Financial Services.

By Mr. SANDERS:

H.R. 2970. A bill to authorize the disinterment from the Lorraine American Cemetery in St. Avold, France, of the remains of Private First Class Alfred J. Laitres, of Island Pond, Vermont, who died in combat in France on December 25, 1944, and to authorize the transfer of his remains to the custody of his next of kin; to the Committee on Veterans' Affairs.

By Mr. SHAW (for himself, Mr. MATSUI, Mr. KLECZKA, Mr. BRADY of Texas, Mr. BECERRA, Mr. ENGLISH, Mr. FOLEY, Mr. HAYWORTH, Mr. HOUGHTON, Mr. JEFFERSON, Mr. SAM JOHNSON of Texas, Mr. LEVIN, Mr. LEWIS of Kentucky, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. RANGEL, Mr. SANDLIN, Mrs. JONES of Ohio, Ms. BALDWIN, Mr. BEREUTER, Mrs. CAPPS, Mr. COSTELLO, Mr. DUNCAN, Mr. FILNER, Mr. FROST, Ms. HART, Mr. HINCHEY, Mr. REYNOLDS, Ms. ROS-LEHTINEN, Mr. SAXTON, and Mr. WOLF):

H.R. 2971. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H.R. 2972. A bill to amend the Internal Revenue Code of 1986 to provide incentives for rural development, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMMONS (for himself, Mr. FRANK of Massachusetts, Mr. FALEOMAVAEGA, Ms. DELAURO, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. DELAHUNT, Mr. GILCHREST, Mr. MICHAUD, Mr. ALLEN, Mr. LOBIONDO, Mr. PALLONE, Mr. BISHOP of New York, Mr. ISAKSON, Mr. PAUL, Mr. SANDERS, Mr. MCDERMOTT, Mr. GREEN of Wisconsin, and Mr. PASCRELL):

H.R. 2973. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 2974. A bill to prohibit the Secretary of Defense and the Secretary of Homeland Security from purchasing equipment containing electronic components that are not manufactured in the United States; to the Committee on Armed Services.

By Mr. STRICKLAND (for himself and Mr. SHIMKUS):

H.R. 2975. A bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 2976. A bill to direct the Secretary of Agriculture to transfer certain land within the Ottawa National Forest to the Lac Vieux Desert Band of Lake Superior Chippewa Indians, and for other purposes; to the Committee on Agriculture.

By Mr. STUPAK:

H.R. 2977. A bill to amend title 23, United States Code, to provide for the installation of baby changing stations at public rest areas along Federal-aid highways; to the Committee on Transportation and Infrastructure.

By Mr. TERRY (for himself and Mr. POMEROY):

H.R. 2978. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland to encourage the continued use of the property for farming, and for other purposes; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself, Mr. SANDERS, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. KUCINICH, Mr. OWENS, Mr. NADLER, Ms. NORTON, Mr. CONYERS, Mr. HINCHEY, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. STARK, Mr. OLVER, Mr. BRADY of Pennsylvania, Mr. EVANS, Ms. WATERS, Ms. BALDWIN, Mr. UDALL of New Mexico, Mr. MARKEY, Ms. LEE, Mrs. CHRISTENSEN, Mr. CAPUANO, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mrs. MALONEY, Mr. DAVIS of Illinois, Ms. SOLIS, Mr. WEINER, Mr. LANTOS, Mr. PAYNE, Ms. CARSON of Indiana, Mr. FILNER, Mr. MEEHAN, Mr. LYNCH, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mr. DELAHUNT, Mr. FATTAH, and Mrs. JONES of Ohio):

H.R. 2979. A bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration; to the Committee on Energy and Commerce.

By Mr. TOWNS (for himself and Mr. UPTON):

H.R. 2980. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. RAHALL):

H.R. 2981. A bill to provide for reform of management of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 2982. A bill to amend the Flood Control Act of 1948 with respect to the Middle Rio Grande Project to authorize programs for water conservation, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 2983. A bill to amend title 38, United States Code, to provide for the eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands; to the Committee on Veterans' Affairs.

By Mr. WALDEN of Oregon (for himself, Mr. HASTINGS of Washington, Mr. NETHERCUTT, and Mr. LARSEN of Washington):

H.R. 2984. A bill to amend the Agricultural Adjustment Act to remove the requirement that processors be members of an agency administering a marketing order applicable to pears; to the Committee on Agriculture.

By Ms. WATERS:

H.R. 2985. A bill to direct the Secretary of Homeland Security to conduct a review of the proposed project for construction of a remote passenger check-in facility at Los Angeles International Airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WICKER (for himself, Mr. HOYER, Mr. BLUNT, Mrs. CAPPS, Mr. TAYLOR of Mississippi, Ms. CORRINE BROWN of Florida, Mr. WAMP, Ms. DELAURO, Mr. CUNNINGHAM, Mr. GOODE, Ms. NORTON, Mr. TIBERI, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mr. KENNEDY of Rhode Island, Mr. RAHALL, and Mr. KING of New York):

H.R. 2986. A bill to provide for the expansion and coordination of activities of the National Institutes of Health and the Centers for Disease Control and Prevention with respect to research and programs on cancer survivorship, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WOOLSEY:

H.R. 2987. A bill to amend the Richard B. Russell National School Lunch Act to improve the nutrition of students served under child nutrition programs; to the Committee on Education and the Workforce.

By Mr. DELAY:

H. Con. Res. 259. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mrs. BONO (for herself, Mr. CALVERT, Mr. LEWIS of California, Mr. SHADEGG, Mr. ISAKSON, Mr. WAMP, Mr. DEMINT, Mr. BILIRAKIS, and Mr. BROWN of South Carolina):

H. Con. Res. 260. Concurrent resolution recognizing and honoring the service of those who volunteer their time to participate in funeral honor guards at the interment or memorialization of deceased veterans of the uniformed services of the United States at national cemeteries across the country; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Illinois:

H. Con. Res. 261. Concurrent resolution directing the Architect of the Capitol to enter into a contract for the design and construction of a monument to commemorate the contributions of minority women to women's suffrage and to the participation of women in public life, and for other purposes; to the Committee on House Administration.

By Mr. TOM DAVIS of Virginia (for himself and Mr. Ruppersberger):

H. Con. Res. 262. Concurrent resolution expressing the sense of the Congress in support of the National Anthem "SingAmerica" project; to the Committee on Government Reform.

By Mr. FOSSELLA (for himself and Mr. Burton of Indiana):

H. Con. Res. 263. Concurrent resolution calling for an expedited resolution of all existing child custody cases in which Saudi Arabian subjects are holding United States citizens who are minors in the Kingdom of Saudi Arabia without regard for United States law and calling for the establishment of a permanent treaty or other agreement to govern future child custody disputes between the two countries; to the Committee on International Relations.

By Mr. MICA (for himself, Mr. Israel, Mr. Fossella, Mr. Capuano, Mr. Ferguson, Mr. Oberstar, Mr. Lampson, Mr. Pallone, Mr. Brady of Pennsylvania, Mr. McDermott, Mr. LoBiondo, Mr. Pascrell, Mr. Manzullo, Ms. DeLauro, Mr. Tancredo, and Mr. Renzi):

H. Con. Res. 264. Concurrent resolution authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi; to the Committee on Government Reform.

By Mr. PASCRELL (for himself, Mr. Greenwood, Mr. Markey, Mr. Strickland, Mr. Kennedy of Rhode Island, Mr. McNulty, Mrs. Christensen, Mr. Hinchey, Mr. Jefferson, Mr. Ross, Mr. Wamp, Mr. Wilson of South Carolina, Mr. Capuano, 'Mr. Brady of Pennsylvania, Mr. Davis of Illinois, Mr. Goode, Mr. Holden, Mr. Doyle, Mr. Pallone, Mr. Lipinski, Mr. Berry, Mr. Stupak, Mr. Snyder, Mr. Spratt, and Mr. Payne):

H. Con. Res. 265. Concurrent resolution expressing the need for enhanced public awareness of Traumatic Brain Injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself, Mr. Simmons, Mr. Smith of New Jersey, Mr. Strickland, Mr. Cunningham, Mr. Edwards, Mr. Walsh, Ms. Corrine Brown of Florida, Mr. Collins, Mr. Frost, Mr. Filner, Mrs. Miller of Michigan, Mr. Towns, Mr. Bartlett of Maryland, Ms. Kaptur, Mr. Ose, Mr. John, Mr. English, Mr. Payne, Mr. Platts, Ms. Jackson-Lee of Texas, Mr. Hefley, Mr. Etheridge, Mr. Wilson of South Carolina, Mr. Wynn, Mr. Burns, Mr. Holt, Mr. Burgess, Mr. Lynch, Mr. Moran of Virginia, Mr. Garrett of New Jersey, Mr. Delahunt, Mr. Bishop of New York, Mr. Ross, Mr. McIntyre, and Mr. Bereuter):

H. Con. Res. 266. Concurrent resolution honoring veterans by requesting that television and radio stations provide a moment of silence or a public service announcement on November 11, at 11 a.m. each year; to the Committee on Veterans' Affairs.

By Mr. PAYNE:

H. Con. Res. 267. Concurrent resolution urging a full and impartial inquiry into the murder of attorney Pat Finucane in 1989 in Northern Ireland; to the Committee on International Relations.

By Mr. SAXTON (for himself and Mr. Gilchrest):

H. Con. Res. 268. Concurrent resolution expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries; to the Committee on Resources.

By Ms. WATERS:

H. Con. Res. 269. Concurrent resolution expressing the sense of the Congress that the trade and economic development policies of the United States should respect and support the rights of African farmers with respect to their agricultural and biological resources, traditional knowledge, and technologies; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Mr. LaHood, Mr. Shimkus, Mr. Lipinski, Mr. Rush, Mr. Jackson of Illinois, Ms. Schakowsky, Mr. Frost, Mr. Davis of Illinois, and Mr. Johnson of Illinois):

H. Res. 342. A resolution supporting the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame; to the Committee on Transportation and Infrastructure.

By Mr. FRANKS of Arizona (for himself and Mr. Toomey):

H. Res. 343. A resolution amending the Rules of the House of Representatives to limit service on the Committee on Appropriations to not more than three Congresses in a period of five successive Congresses; to the Committee on Rules.

By Mr. LANTOS (for himself, Mr. Ackerman, Mr. Berman, Mr. Wexler, Mr. Engel, and Mr. Crowley):

H. Res. 344. A resolution expressing the sense of the House of Representatives that Syria, Lebanon and Iran should be held accountable for the well-being of abducted Israeli civilian Elchanan Tannenbaum, provide the International Committee of the Red Cross access to Elchanan Tannenbaum, and take all necessary measures to secure the release of Elchanan Tannenbaum; to the Committee on International Relations.

By Mr. McDERMOTT (for himself, Mr. George Miller of California, Mrs. Tauscher, and Mr. Frost):

H. Res. 345. A resolution extending condolences to the family, friends, and loved ones of the late David Christopher Kelly, PhD; to the Committee on International Relations.

By Mr. MICHAUD (for himself, Mr. Lantos, Mr. Crowley, Mr. Acevedo-Vilá, Mr. Grijalva, Mr. Oberstar, and Mr. Allen):

H. Res. 346. A resolution expressing the sense of the House of Representatives that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes; to the Committee on Ways and Means.

By Mr. PENCE:

H. Res. 347. A resolution concerning United States assessed contributions to the United Nations; to the Committee on International Relations.

By Mr. RYAN of Ohio (for himself, Mr. Towns, Mr. Kildee, Mr. Ross, Mr. Hinchey, Ms. Woolsey, and Mrs. Christensen):

H. Res. 348. A resolution expressing the sense of the House of Representatives to raise the awareness of alopecia areata; to the Committee on Government Reform.

By Mr. STARK (for himself, Ms. Lee, Mr. George Miller of California, Mr. Farr, Mr. Rangel, Mr. Doggett, Ms. Woolsey, Mr. McGovern, Mr. Brown of Ohio, Ms. Kaptur, Mr. Grijalva, Mr. Kucinich, Mr. Sabo, Mr. Filner, and Ms. Millender-McDonald):

H. Res. 349. A resolution encouraging the consumption of Fair Trade Certified coffee; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

166. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 320 the House of Representative of the Commonwealth of Pennsylvania urging the Congress of the United States to reauthorize the Carl D. Perkins Vocational and Technical Education Act; to the Committee on Education and the Workforce.

167. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 79 memorializing the United States Congress to allocate federal funds to ensure the continued operation of Detroit Receiving Hospital; to the Committee on Energy and Commerce.

168. Also, a memorial of the Legislature of the State of New Hampshire, relative to Senate Concurrent Resolution No. 4 urging the President of the United States and the USEPA Administrator to suspend implementation of modified regulations on new source review pending independent scientific review of their projected impact by the National Academy of Sciences; to the Committee on Energy and Commerce.

169. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 58 memorializing the United States Congress to enact the appropriate legislation to pass federal funds on to states via block grants to be used for public welfare and Medicaid purposes; to the Committee on Energy and Commerce.

170. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 186 memorializing the United States Congress to initiate whatever actions are needed to reopen La Linda Bridge as a border crossing; to the Committee on International Relations.

171. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 318

memorializing the Congress of the United States to enact legislation requiring the United States Postal Service to adopt increased security measures to ensure that change of address forms are not used in the commission of identification fraud; to the Committee on Government Reform.

172. Also, a memorial of the General Assembly of the Commonwealth of Kentucky, relative to Senate Joint Resolution No. 18, memorializing the United States Congress to propose an Amendment to the Constitution of the United States of America, for submission to the several States for ratification, to allow the people of the United States and the several States the freedom to exercise their religion in public places; to the Committee on the Judiciary.

173. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 156 memorializing the United States Congress to enact House Bill H.R. 1685, relating to providing immigration status and benefits for surviving spouses and children, and House Bill H.R. 1275, the Citizenship For America's Troops Act; to the Committee on the Judiciary.

174. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 63 memorializing the United States Congress to increase efforts to preserve and protect Lake St. Clair; to the Committee on Transportation and Infrastructure.

175. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 33 memorializing the United States Congress to appropriate additional funds for road and bridge improvement projects; to the Committee on Transportation and Infrastructure.

176. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 82 memorializing the United States Congress to provide equity funding to Texas by increasing the state's highway program rate of return from the Highway Trust Fund to 95 percent of Texas' contributions to the fund; to the Committee on Transportation and Infrastructure.

177. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 312 urging Congress to enact the "Veterans Health Care Funding Guarantee Act of 2003," and make veterans health care mandatory to ensure that veterans have access to timely, quality health care; to the Committee on Veterans' Affairs.

178. Also, a memorial of the Senate of the State of Oregon, relative to Senate Joint Memorial 6 urging the Congress of the United States to amend section 143(1)(4)(A) and (B) of the Internal Revenue Code to allow veterans who entered the Armed Forces of the United States after December 31, 1976, to become eligible for Oregon home loans for veterans using the proceeds of qualified veteran mortgage bonds; to the Committee on Ways and Means.

179. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 1 memorializing the United States Congress to restore the federal income tax deductibility of state and local sales taxes that existed before 1986; to the Committee on Ways and Means.

180. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 161 memorializing the United States Congress to encact legislation to amend the Internal Revenue Code in order that today's veterans and their families might enjoy the same benefits as their earlier counterparts; to the Committee on Ways and Means.

181. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 90 memorializing the United States Congress to broaden the scope and availability of the medical savings account program, remove its restrictions, and allow state governments to design such programs for their employees; to the Committee on Ways and Means.

182. Also, a memorial of the House of Representatives of the State of Florida, relative to House Resolution No. 9003-C memorializing the United States Congress to reinstate the federal income tax deduction for state and local sales tax paid; to the Committee on Ways and Means.

183. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 949 Joint Resolution memorializing the Congress of the United States to require the United States Department of Labor to examinie its methodology for calculating rates in the Woods Wage Survey, to establish heavy equipment operational rates and to remove barriers to the health and safety of persons harvesting forest products; jointly to the Committees on Education and the Workforce and Ways and Means.

184. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 14 memorializing the United States Congress to enact the Child Modeling Exploitation Prevention Act of 2002; jointly to the Committees on Education and the Workforce and the Judiciary.

185. Also, a memorial of the Legislature of the State of New Hampshire, relative to Senate Concurrent Resolution No. 3 memorializing the United States Congress to urge maintenance of federal funding for the Low Income Home Energy Assistance Program; jointly to the Committees on Energy and Commerce and Education and the Workforce.

186. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 204 memorializing the United States Congress to reinstate funding for the EPA Border Fund to $75 million for fiscal year 2004 and to appropriate sufficient funds in subsequent years to address environmental infrastructure needs in the border region; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

187. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 317 the House of Representative of the Commonwealth of Pennsylvania urging the Congress of the United States to create a Federal Medicare prescription drug benefit plan which works seamlessly with Pennsylvania's PACE and PACENET programs; jointly to the Committees on Ways and Means and Energy and Commerce.

188. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 101 memorializing the United States Congress to enact financially sustainable, voluntary, universal, and privately administered outpatient prescription drug coverage as part of the federal Medicare program; jointly to the Committees on Ways and Means and Energy and Commerce.

189. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 13 memorializing the United States Congress to enact the Protect Children From E-Mail Smut Act of 2001; jointly to the Committees on Energy and Commerce, the Judiciary, and Science.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. GRIJALVA introduced A bill (H.R. 2988) for the relief of Silvia Lorenia Parra; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII , sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. NUSSLE, Mr. RUSH, Mr. HILL, Mr. WEINER, Mr. MARKEY, Mr. MEEHAN, Mr. SCOTT of Georgia, Mr. SPRATT, and Mr. FRANK of Massachusetts.

H.R. 52: Ms. KILPATRICK.

H.R. 97: Mr. TAYLOR of North Carolina and Mr. BURR.

H.R. 135: Mr. SESSIONS.

H.R. 173: Mr. BURNS and Ms. HOOLEY of Oregon.

H.R. 206: Mr. PETERSON of Minnesota.

H.R. 218: Mr. NUSSLE.

H.R. 235: Mr. BOOZMAN, Mr. TIAHRT, and Mr. MCHUGH.

H.R. 236: Mr. TAYLOR of Mississippi and Ms. DEGETTE.

H.R. 262: Mr. UDALL of Colorado, Mr. BARTLETT of Maryland, and Mr. VAN HOLLEN.

H.R. 284: Mr. STUPAK, Mr. WALDEN of Oregon, and Mr. BLUMENAUER.

H.R. 296: Mr. OWENS and Mr. CUMMINGS.

H.R. 299: Mr. ISRAEL.

H.R. 365: Mr. SNYDER and Mr. FROST.

H.R. 366: Mr. UDALL of Colorado.

H.R. 369: Mr. HOBSON.

H.R. 371: Mr. CROWLEY.

H.R. 375: Mr. GOODLATTE.

H.R. 422: Mr. JOHNSON of Illinois.

H.R. 466: Mr. FARR and Mr. DOYLE.

H.R. 476: Mr. TIERNEY.

H.R. 528: Mr. LYNCH.

H.R. 571: Mr. PLATTS, Mr. SHADEGG, and Mr. GONZALEZ.

H.R. 584: Mr. MILLER of North Carolina.

H.R. 594: Ms. KILPATRICK.

H.R. 632: Ms. HOOLEY of Oregon.

H.R. 687: Mr. GARRETT of New Jersey, Mr. MCINTYRE, Mr. HEFLEY, and Mr. MILLER of Michigan.

H.R. 707: Mr. TIERNEY.

H.R. 709: Mr. NEUGEBAUER and Mr. MORAN of Kansas.

H.R. 716: Ms. BALDWIN and Mr. DAVIS of Illinois.

H.R. 745: Mr. ROTHMAN.

H.R. 767: Mr. SIMPSON.

H.R. 775: Mr. OSBORNE.

H.R. 791: Mr. COBLE, Mr. OXLEY, Mr. FOSSELLA, Mr. POMEROY and Mr. BERRY.

H.R. 792: Mr. FLETCHER, Mr. LANTOS, Mrs. MILLER of Michigan, Mr. NUSSLE, and Mr. ADERHOLT.

H.R. 806: Mr. WELLER.

H.R. 813: Mr. OBEY.

H.R. 814: Ms. LOFGREN and Mr. LIPINSKI.

H.R. 829: Mr. CROWLEY.

H.R. 833: Mr. PETERSON of Minnesota and Mr. STENHOLM.

H.R. 839: Mr. GONZALEZ, Mrs. BONO, Mrs. CAPPS, Ms. CARSON of Indiana, Mr. HONDA, Mr. DELAHUNT, Mr. WELDON of Pennsylvania, Mr. NUSSLE, Mr. HUNTER, Mr. FOSSELLA, Mr. HERGER, Ms. DEGETTE, Mr. OXLEY, Mr. BERRY, Mr. COX, and Mr. NEY.

H.R. 857: Ms. MCCARTHY of Missouri.

H.R. 870: Mr. RYAN of Wisconsin and Mr. BRADY of Texas.

H.R. 871: Mr. MARSHALL.

H.R. 882: Mr. HASTINGS of Washington.

H.R. 887: Mr. OLVER, Mr. LATOURETTE, Mr. TIERNEY, and Ms. HOOLEY of Oregon.

H.R. 898: Mr. BRADY of Texas and Mr. SMITH of Washington.

H.R. 918: Mr. WHITFIELD, Mr. KIND, Mr. GOSS, Mr. PETERSON of Minnesota, Mr. BOOZMAN, Mrs. MCCARTHY of New York, Mr. UPTON, Mr. BURNS, and Mr. KING of New York.

H.R. 943: Mr. OWENS.

H.R. 962: Mr. WEXLER and Mr. CARDIN.

H.R. 990: Mr. BOOZMAN, Mr. KINGSTON, and Mr. TOOMEY.

H.R. 1102: Mr. ALEXANDER.

H.R. 1105: Ms. KAPTUR, Mr. HOLDEN, and Mr. TAYLOR of Mississippi.

H.R. 1118: Mr. BOOZMAN, Ms. HARRIS, and Mr. BLUMENAUER.

H.R. 1125: Mr. LANTOS, Mr. MENENDEZ, Mr. ROGERS of Alabama, Mr. LARSON of Connecticut, Mr. HONDA, Mrs. MILLER of Michigan, Mr. EDWARDS, Mr. VITTER, Mr. PITTS, and Mr. ADERHOLT.

H.R. 1160: Mrs. MILLER of Michigan, Mr. SOUDER, Mr. FRANKS of Arizona, Mr. NORWOOD, Mr. PASTOR, Mr. NADLER, and Mr. JENKINS.

H.R. 1210: Ms. LINDA T. SÁNCHEZ of California, and Mr. GRIJALVA.

H.R. 1214: Mr. PRICE of North Carolina.

H.R. 1225: Mr. WOLF.

H.R. 1258: Mrs. BIGGERT.

H.R. 1264: Ms. NORTON.

H.R. 1295: Ms. NORTON, Mr. SCHIFF, Ms. SLAUGHTER, and Mr. STUPAK.

H.R. 1305: Mr. ISSA.

H.R. 1316: Mr. MCHUGH.

H.R. 1322: Mr. CONYERS and Mr. WAXMAN.

H.R. 1340: Mr. TIERNEY and Mr. ALLEN.

H.R. 1353: Ms. LOFGREN.

H.R. 1372: Mr. BURGESS and Mr. GONZALEZ.

H.R. 1385: Ms. ESHOO and Mr. DINGELL.

H.R. 1406: Mr. GOODLATTE.

H.R. 1414: Ms. HOOLEY of Oregon.

H.R. 1422: Mrs. MCCARTHY of New York, Mr. LEWIS of Kentucky, Mr. FLETCHER, and Mr. DEAL of Georgia.

H.R. 1425: Ms. NORTON.

H.R. 1428: Mr. UDALL of New Mexico.

H.R. 1470: Mrs. JONES of Ohio and Ms. HOOLEY of Oregon.

H.R. 1482: Ms. MCCOLLUM.

H.R. 1502: Ms. HOOLEY of Oregon.

H.R. 1513: Mr. BERRY, Mr. BLUNT, Mr. COBLE, Mr. LAMPSON, and Mr. ROTHMAN.

H.R. 1535: Mr. COOPER, Mr. CROWLEY, and Mr. JEFFERSON.

H.R. 1605: Ms. DEGETTE.

H.R. 1622: Mr. SAXTON and Mr. BLUMENAUER.

H.R. 1626: Mr. LUCAS of Kentucky and Mr. ORTIZ.

H.R. 1633: Mr. STENHOLM.

H.R. 1684: Ms. MCCOLLUM.

H.R. 1692: Ms. HOOLEY of Oregon.

H.R. 1694: Mr. MCDERMOTT.

H.R. 1708: Mr. MICA.

H.R. 1713: Ms. HOOLEY of Oregon.

H.R. 1731: Mr. GOODE and Mr. FRANK of Massachusetts.

H.R. 1735: Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, and Mr. RODRIGUEZ.

H.R. 1749: Mr. CRANE, Mr. THORNBERRY, Mr. VAN HOLLEN, Mr. BERRY, Mr. STARK, Mr. CLYBURN, Mr. SABO, Mr. HAYWORTH, Ms. NORTON, Ms. KILPATRICK, Mr. THOMPSON of Mississippi, Mr. ANDREWS, Mr. GILCHREST, Mr. BURTON of Indiana, and Mr. NUSSLE.

H.R. 1751: Ms. HOOLEY of Oregon.

H.R. 1755: Mr. BARRETT of South Carolina and Mr. FOLEY.

H.R. 1767: Mr. BURNS and Mr. KNOLLENBERG.

H.R. 1769: Mr. SANDLIN and Mr. HOYER.

H.R. 1776: Mr. PUTNAM and Mr. BURTON of Indiana.

H.R. 1796: Mr. CASE.

H.R. 1819: Mr. ALLEN.

H.R. 1822: Mr. LEWIS of California, Mrs. DAVIS of California, Mr. BACA, Mr. MATSUI, Mr. STARK, Mr. CONYERS, Ms. LINDA T. SÁNCHEZ of California, and Mr. GEORGE MILLER of California.

H.R. 1824: Mr. LUCAS of Kentucky, Mr. INSLEE, and Mrs. KELLY.

H.R. 1828: Mr. GONZALEZ.

H.R. 1829: Mr. BARRETT of South Carolina and Mr. DOYLE.

H.R. 1862: Mr. WELDON of Pennsylvania.

H.R. 1873: Mr. BRADLEY of New Hampshire, Mr. VITTER, and Mr. WELDON of Florida.

H.R. 1886: Ms. HOOLEY of Oregon.

H.R. 1910: Mr. BLUMENAUER, Mr. BECERRA, Mr. CALVERT, Mr. LEWIS of Georgia, Mr. SABO, Mr. MURTHA, Mr. KIRK, and Mr. BACHUS.

H.R. 1914: Mr. BISHOP of Georgia, Mr. SULLIVAN, and Mr. RANGEL.

H.R. 1963: Mr. MARSHALL.

H.R. 1999: Mr. LATOURETTE, Mr. KLECZKA, and Mr. ACKERMAN.

H.R. 2008: Mr. MEEHAN.

H.R. 2038: Mr. HOYER.

H.R. 2042: Mr. ACKERMAN, Mrs. MALONEY, and Mr. HOEFFEL.

H.R. 2045: Mr. CALVERT, Mr. SHIMKUS, and Mr. PAUL.

H.R. 2081: Mr. DAVIS of Illinois.

H.R. 2096: Mr. ROGERS of Alabama, Mr. FLETCHER, Mr. CANTOR, Mr. KILDEE, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2125: Mr. GUTIERREZ.

H.R. 2154: Mr. BURGESS.

H.R. 2172: Mr. RYAN of Ohio, Mr. PASCRELL, and Mr. BARRETT of South Carolina.

H.R. 2208: Mrs. JO ANN DAVIS of Virginia.

H.R. 2218: Mr. GRIJALVA.

H.R. 2238: Mrs. BONO and Mr. NEUGEBAUER.

H.R. 2239: Ms. BALDWIN, Mr. KUCINICH, and Mr. HASTINGS of Florida.

H.R. 2240: Mr. WU and Mr. BLUMENAUER.

H.R. 2246: Mr. TIERNEY and Mr. HALL.

H.R. 2265: Mr. STRICKLAND.

H.R. 2292: Mr. CLYBURN.

H.R. 2300: Mr. GORDON, Mr. VAN HOLLEN, and Mr. UDALL of Colorado.

H.R. 2311: Mr. WEXLER.

H.R. 2314: Mr. PETERSON of Minnesota, Mr. KUCINICH, and Ms. SLAUGHTER.

H.R. 2318: Mr. MEEHAN.

H.R. 2323: Mr. DOYLE.

H.R. 2327: Mr. DOYLE.

H.R. 2329: Mr. WAXMAN and Mr. WEXLER.

H.R. 2349: Mr. DAVIS of Illinois.

H.R. 2353: Mr. GRIJALVA, Mr. DAVIS of Illinois, and Ms. MCCOLLUM.

H.R. 2361: Mr. SCHROCK.

H.R. 2365: Mrs. JONES of Ohio and Mr. RUPPERSBERGER.

H.R. 2379: Mr. DEMINT and Mr. NEUGEBAUER.

H.R. 2385: Mr. KIND.

H.R. 2418: Mr. DAVIS of Illinois.

H.R. 2435: Mrs. LOWEY, Mr. BACA, and Mr. GONZALEZ.

H.R. 2437: Mr. SANDERS and Mr. KUCINICH.

H.R. 2448: Mr. COBLE.

H.R. 2456: Ms. BALDWIN and Mrs. CHRISTENSEN.

H.R. 2462: Ms. MCCARTHY of Missouri, Mr. BALLANCE, Mr. ROTHMAN, Mr. TAYLOR of Mississippi, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2470: Mr GRIJALVA, Mr. GUTIERREZ, and Ms. SCHAKOWSKY.

H.R. 2504: Mrs. DAVIS of California.

H.R. 2505: Mr. STRICKLAND and Ms. SLAUGHTER.

H.R. 2515: Mr. TANCREDO.

H.R. 2517: Mr. FORBES.

H.R. 2536: Ms. KAPTUR and Mr. KUCINICH.

H.R. 2540: Mr. TERRY, Mr. BILIRAKIS, Mr. SPRATT, and Mr. STUPAK.

H.R. 2546: Mr. DAVIS of Illinois.

H.R. 2548: Mr. WAXMAN.

H.R. 2560: Mr. LINDER and Mr. GOODE.

H.R. 2582: Ms. ESHOO.

H.R. 2603: Mr. SHADEGG.

H.R. 2615: Mr. FROST, Mr. MARKEY, Mr. GRIJALVA, Ms. MCCOLLUM, Mr. REYES, Mr. ETHERIDGE, Mr. DOYLE, and Mr. RANGEL.

H.R. 2616: Ms. WOOLSEY, Mr. DOGGETT, Mr. ALLEN, and Mr. MCGOVERN.

H.R. 2622: Mr. STRICKLAND, Mr. BURTON of Indiana, Mr. KIND, and Mr. DEAL of Georgia.

H.R. 2625: Mr. DELAHUNT, Ms. SLAUGHTER, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOFGREN, Mr. DOYLE, Mr. RUSH, Ms. ROYBAL-ALLARD, Ms. NORTON, Ms. KAPTUR, Mr. PASTOR, Ms. CARSON of Indiana, Mr. KILDEE, Mr. PAYNE, Mr. THOMPSON of Mississippi, Mr. OBERSTAR, Mr. STUPAK, Mr. CONYERS, Mr. UDALL of Colorado, Mr. CUMMINGS, Mr. BLUMENAUER, Mr. CARDIN, Mr. WU, Mr. GUTIERREZ, Ms. LINDA T. SÁNCHEZ of California, Mr. BALLANCE, Mr. WATT, Mr. MENENDEZ, Mr. CLYBURN, Mr. GONZALEZ, and Ms. MCCOLLUM.

H.R. 2626: Mr. LARSEN of Washington.

H.R. 2655: Mr. NADLER.

H.R. 2659: Mr. JONES of North Carolina, Mr. FOLEY, Ms. GINNY BROWN-WAITE of Florida, and Mr. MICA.

H.R. 2662: Mr. ENGLISH.

H.R. 2665: Mr. OBERSTAR and Ms. MCCOLLUM.

H.R. 2668: Mr. WALSH.

H.R. 2671: Mr. JANKLOW.

H.R. 2678: Ms. SLAUGHTER.

H.R. 2679: Mr. ACKERMAN, Mr. BOEHLERT, Mr. CROWLEY, Mr. ENGEL, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOUGHTON, Mrs. KELLY, Mr. KING of New York, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNULTY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Mr. SERRANO, Ms. SLAUGHTER, Mr. SWEENEY, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. WALSH, and Mr. WEINER.

H.R. 2682: Mr. DEUTSCH, Ms. MILLENDER-MCDONALD, Mrs. TAUSCHER, Mr. WALSH, and Mr. BLUMENAUER.

H.R. 2694: Mr. SIMMONS, Mr. PUTNAM, Mr. ROSS, Mr SAXTON, Mr. HEFLEY, and Mr. HAYWORTH.

H.R. 2702: Mr. GILCHREST and Mr. DEAL of Georgia.

H.R. 2705: Mr. PETERSON of Minnesota and Mr. LIPINSKI.

H.R. 2706: Mr. TANNER, Mr. CAMP, Mr. PITTS, Mr. LEWIS of Georgia, Mr. POMEROY, Mr. JEFFERSON, Mr. ALEXANDER, Mrs. JONES of Ohio, Mr. BRADY of Texas, and Mr. CRANE.

H.R. 2707: Mr. FILNER.

H.R. 2711: Ms. SLAUGHTER, Mr. BOSWELL, Ms. HOOLEY of Oregon, Mr. PALLONE, Ms. NORTON, and Ms. HARMAN.

H.R. 2717: Ms. SLAUGHTER and Mr. RANGEL.

H.R. 2719: Mr. ENGLISH, Mr. UPTON, Mr. SHAW, Mr. FORD, and Mr. CANTOR.

H.R. 2720: Mr. STRICKLAND and Mrs. JONES of Ohio.

H.R. 2727: Mr. KUCINICH.

H.R. 2732: Mr. SHIMKUS, Mr. CANTOR, and Mr. SIMPSON.

H.R. 2735: Mr. MORAN of Virginia and Mr. LIPINSKI.

H.R. 2751: Mr. PUTNAM.

H.R. 2755: Mr. CUNNINGHAM.

H.R. 2760: Mr. ENGEL.

H.R. 2767: Ms. KILPATRICK and Mr. PAYNE.

H.R. 2768: Mr. FORBES, Mr. KNOLLENBERG, and Mr. PORTMAN.

H.R. 2788: Mr. Kucinich.

H.R. 2801: Ms. Millender-McDonald, Ms. Harman, Mr. Payne, Mrs. Napolitano, Mr. Menendez, Ms. Norton, Mr. Thompson of Mississippi, Mr. Ross, Mr. Crowley, Mr. Rodriguez, Mr. Jefferson, Mr. Etheridge, Mr. Acevedo-Vilá, Mr. Gordon, Mr. Marshall, Mrs. Christensen, Ms. Bordallo, Mr. Miller of North Carolina, Mr. Weldon of Pennsylvania, Mr. Hayes, Mrs. Jones of Ohio, Mr. Gilchrest, and Mr. Wicker.

H.R. 2806: Mr. Snyder, Mr. Wolf, Mr. Turner of Texas, Mr. Hefley, Mr. Wilson of South Carolina, Mr. Baker, Mr. Bonner, Mr. Goode, and Mr. McDermott.

H.R. 2808: Mr. Baker, Mr. Blumenauer, Ms. DeGette, Mr. Engel, Mr. Etheridge, Mr. McIntyre, Mrs. Myrick, and Mr. Sherman.

H.R. 2813: Mrs. Blackburn.

H.R. 2814: Mr. English.

H.R. 2821: Mr. Ramstad.

H.R. 2825: Mr. Walden of Oregon, Mr. Pitts, and Mr. Gillmor.

H.R. 2837: Mr. McNulty, Mr. Grijalva, Mr. Jefferson, and Mr. Frost.

H.R. 2839: Mr. Foley.

H.R. 2840: Mr. Davis of Illinois.

H.R. 2849: Mr. Hostettler.

H.R. 2850: Mr. Rodriguez.

H.R. 2851: Mr. Herger.

H.R. 2856: Mr. Payne and Mr. Holt.

H.R. 2871: Mr. Crowley, Mr. Ruppersberger, and Ms. McCollum.

H.R. 2873: Ms. Jackson-Lee of Texas and Mr. Farr.

H.R. 2876: Mr. Duncan, Mr. Ruppersberger, and Mr. Holt.

H.R. 2881: Mr. Ney.

H.R. 2883: Ms. Berkley.

H.R. 2885: Mr. Souder.

H. J. Res. 56: Mr. Ballenger, Mrs. Myrick, and Mr. Toomey.

H. Con. Res. 45: Ms. Hooley of Oregon.

H. Con. Res. 76: Mr. Scott of Georgia and Mr. Osborne.

H. Con. Res. 94: Mr. Hayworth, Mr. Marshall, Mr. Doolittle, Mr. Hinchey, and Mr. Doyle.

H. Con. Res. 145: Ms. Kaptur, Ms. Millender-McDonald, Mr. Frost, Mr. Upton, Mr. McNulty, and Ms. Norton.

H. Con. Res. 154: Mr. Davis of Illinois.

H. Con. Res. 155: Mrs. Jones of Ohio.

H. Con. Res. 213: Mr. Larsen of Washington.

H. Con. Res. 242: Mr. Shaw, Mr. Wolf, Mr. Burton of Indiana, Mr. McNulty, Mrs. Maloney, Mr. Israel, Mr. Frank of Massachusetts, and Mr. Smith of New Jersey.

H. Con. Res. 247: Ms. Norton.

H. Con. Res. 252: Ms. Eddie Bernice Johnson of Texas, Ms. Millender-McDonald, Mr. Scott of Virginia, and Mr. Ford.

H. Con. Res. 256: Mr. Rangel.

H. Res. 32: Mr. Engel.

H. Res. 42: Mr. Janklow, Mr. Foley, Mrs. Christensen, Mr. McNulty, Ms. Slaughter, Mr. Snyder, Ms. Kaptur, and Mrs. Jones of Ohio.

H. Res. 45: Mr. Holt.

H. Res. 65: Ms. Linda T. Sánchez of California.

H. Res. 144: Mr. Bishop of New York.

H. Res. 174: Ms. Hooley of Oregon.

H. Res. 261: Mr. Schiff, Ms. Jackson-Lee of Texas, Mr. Larsen of Washington, Mr. Platts, and Ms. McCollum.

H. Res. 304: Mr. Lipinski and Mr. Schiff.

H. Res. 307: Mr. Frank of Massachusetts.

H. Res. 313: Mr. Clyburn.

H. Res. 325: Mr. Wexler, Mr. McNulty, Mr. Chabot, and Mr. Shaw.

H. Res. 337: Mrs. Jones of Ohio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2735: Mr. Wexler.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

34. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 295 of 2003 petitioning the United States Congress to adopt "The Nationwide Health Tracking Act of 2002" (Senate Law S. 2054 IS, HR 4061 IH); to the Committee on Energy and Commerce.

35. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 292 of 2003 petitioning the United States Congress to extend compensation and other benefits to their full time employees who are members of organized militia of any reserve force or reserve component of the armed forces unit of the United States called to active duty; to the Committee on Government Reform.

36. Also, a petition of City of Soldotna, Alaska, relative to Resolution No. 2003-52 petitioning the United States Congress to support the protection of the civil liberties as guaranteed in the U.S. Bill of Rights and support a revision of the "Patriot Act" to ensure civil liberties and protect the rightsof all citizens including residents of Soldotna; to the Committee on the Judiciary.

37. Also,a petition of the Legislature of Rockland County, New York, relative to Resolution No. 291 of 2003 petitioning the United States Congress to restore proposed cuts to veterans services provided through the United States Department of Veterans Affairs; to the Committee on Veterans' Affairs.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names of the following discharge petitions:

Petition 3, by Mr. GENE TAYLOR on House Resolution 275: Chaka Fattah.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2861

Offered By: Mr. Fattah

Amendment No. 19: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Public and Indian Housing—revitalization of severely distressed public housing (hope vi)", after the second dollar amount, insert the following: "(increased by $4,500,000)".

H.R. 2861

Offered By: Mr. Inslee

Amendment No. 20: In title III, in the item relating to "Environmental Protection Agency—environmental programs and management", after the aggregate dollar amount, insert the following: "(reduced by $5,400,000) (increased by $5,400,000)".

H.R. 2861

Offered By: Mr. Kanjorski

Amendment No. 21: At the end of the bill (before the short title), insert the following new section:

Sec. . None of the funds appropriated or otherwise made available by this Act may be used to carry out the memorandum of the Department of Veterans Affairs dated July 18, 2002, from the Deputy Under Secretary for Health for Operations and Management with the subject "Status of VHA Enrollment and Associated Issues".

H.R. 2861

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 22: At the end of the bill (before the short title), insert the following:

Sec. . None of the funds made available in this Act may be used for voluntary separation incentive payments as provided for in subchapter II of chapter 35 of title 5, United States Code, unless the Administrator has first certified to Congress that such payments would not result in the loss of skills related to the safety of the Space Shuttle or the International Space Station or to the conduct of independent safety oversight in the National Aeronautics and Space Administration.

EXTENSIONS OF REMARKS

INTRODUCING THE DEPARTMENT OF HOMELAND SECURITY FINANCIAL ACCOUNTABILITY ACT

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. PLATTS. Mr. Speaker, I am pleased to rise today to introduce the Department of Homeland Security Financial Accountability Act.

The purpose of this bill is to ensure that the new Department of Homeland Security is subject to the same financial management and accountability requirements as all other cabinet-level departments. This requires adding the new Department to the list of agencies that are covered by the Chief Financial Officers (CFO) Act of 1990 and making adjustments to provisions of the Homeland Security Act of 2002 to make it consistent with the CFO Act. These changes will put the Department's CFO on the same footing as the CFOs at the rest of the cabinet-level departments by ensuring that the Department's CFO is a presidential appointee subject to Senate confirmation, that the CFO reports directly to the Secretary, and that the CFO is a part of the statutorily created CFO Council.

The CFO Act of 1990 increased federal accountability by enacting much needed financial management reforms. Among the most important of these reforms was the establishment of a new leadership structure for federal financial management within the 24 largest departments and agencies as well as within the Office of Management and Budget. The CFO Act created 24 chief financial officers for the major executive departments and agencies as well as 24 deputy CFOs. The CFOs in the 14 cabinet-level departments, the Environmental Protection Agency, and the National Aeronautics and Space Administration are filled by presidential appointees, confirmed by the Senate. These CFOs serve as the leaders of financial management in these departments and agencies. The Department of Homeland Security, as one of our most important departments, should be in this framework.

The newly created Department of Homeland Security is one of the most significant government reorganizations in the history of the United States. The Department faces the challenge of merging 22 agencies, 17,000 employees, and hundreds of computer systems and management processes. As the Chairman of the Subcommittee on Government Efficiency and Financial Management, I have seen how ineffective strategic planning can result in systemic problems in an agency's financial management. The Department of Defense is a good example of a situation where years of insufficient coordination among business units, improper financial planning, and the use of stove piped information systems has resulted in the inability of the Department to obtain a clean annual financial audit or fully account for the way it spends its budget. No one wishes to see these same mistakes made at the Department of Homeland Security. That is why it is extremely important to instill solid financial management practices in the Department from its inception through the establishment of a strong CFO that is on equal footing with the other CFOs at cabinet-level departments.

Mr. Speaker, the Department of Homeland Security Financial Accountability Act makes important, common sense changes to the CFO position at the Department of Homeland Security. It is a good government measure that benefits the American taxpayer. I urge my colleagues to join with me in seeking prompt enactment of the bill.

WELL DONE, SPECTRUM

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to commemorate the accomplishments of the SBC/Ameritech employee group SPECTRUM, which holds its annual dinner August 3 in Milwaukee, Wisconsin.

SPECTRUM has been successful in achieving its goals to provide a supportive, diverse, accepting, and respectful work environment for all employees regardless of sexual orientation. Their work both within and outside of their company has served to improve the perception of SBC within the LGBT community and the community as a whole. SPECTRUM has successfully been able to secure company benefits for domestic partnerships. The group should be commended for its perseverance and ability to work with SBC to come closer to achieving SBC's Diversity Vision.

SPECTRUM has done a fine job of celebrating diversity as well as ensuring that rights and benefits in the workplace are applied equally and without discrimination. Groups that promote diversity and equal rights in the workplace are an important part of promoting tolerance and awareness. Organizations such as SPECTRUM have gone to great lengths to secure equal and fair treatment of employees through equal benefits and fair opportunities regardless of factors such as sexual orientation. Although much more work still needs to be done, SPECTRUM has led the way by working with SBC and its employees to set a wonderful example of what should be accomplished in all workplaces and throughout the entire United States.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. KIND. Mr. Speaker, on Wednesday July 23, 2003 I was unable to record my vote on final passage of H.R. 2800, the Foreign Operations Appropriations bill for FY04, and the four recorded votes on amendments immediately preceding. My unfortunate and unavoidable absence was due to the fact that I fell very ill earlier in the evening.

Had I been able to vote I would have voted the following: Rollcall No. 425: "yes," Rollcall No. 426: "yes," Rollcall No. 427: "no," Rollcall No. 428: "yes," and Rollcall No. 429: "yes."

REGARDING TURKEY'S INVASION OF CYPRUS 29 YEARS AGO

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SMITH of New Jersey. Mr. Speaker, twenty-nine years ago—on July 20, 1974—the Republic of Turkey invaded the independent Republic of Cyprus and seized control of more than one third of the island. In 1983, Turkey declared the seized territory to be the "Turkish Republic of Northern Cyprus." For two decades this entity has received diplomatic recognition only from its creator and protector the Republic of Turkey. United Nations observers are deployed, and the 113-mile barbed wire fence known as the "Green Line" continues to divide the island.

The United States has supported efforts by the United Nations to address the continued division. Though not accepted by both sides, the latest plan, the Annan Plan, remains on the table for consideration. Both Greek and Turkish Cypriot leaders have met trying to resolve their differences on this issue.

Over the last several years, the Helsinki Commission, which I chair, has held two briefings focusing on Cyprus. We have heard optimism from some witnesses, and skepticism from others. But the common thread throughout the testimonies has been that Cyprus has been divided too long and must come together to move into the future.

In April, the Green Line was opened to private individuals and groups and their automobiles, and Cypriots flocked across by the thousands into areas denied them for over a generation. Although required to return home each day, families have been able to visit their pre-war homes. In an effort to develop trade between the two areas, the Government of Cyprus announced in June that it would permit Turkish Cypriot trucks carrying goods from the north to cross into the south. The trucks are inspected in accordance with European Union regulations and the laws of the Government of Cyprus Transport Department, which will issue permits to the drivers for the transport of goods, and various fees have been reduced or abolished.

Thus, while we observe the anniversary of a bleak day in the history of Cyprus, we do so in the light of optimism. The people of Cyprus have made clear their desire to overcome the legacy of the past and move toward some sense of normalcy after decades of division. Regrettably, intransigence on the Turkish Cypriot side remains a formidable obstacle to ending the artificial division of Cyprus. We must encourage and support the efforts of openminded reformers. I am hopeful that negotiations will resume under the auspices of the United Nations Good Offices Mission for Cyprus and that a new generation of Cypriots will have the opportunity to exercise their fundamental freedoms, including freedom of movement, and enjoy economic prosperity in their own land.

METROPOLITAN WASHINGTON REGIONAL TRANSPORTATION ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to join my House colleague, Delegate ELEANOR HOLMES NORTON today, in introducing the "Metropolitan Washington Regional Transportation Act."

No one would expect the road system and limited transit service that existed in the 1970s to serve us today. Yet much of the transportation infrastructure in this region was designed and built more than 30 years ago and has already reached the saturation point. A disruption on any single thoroughfare, be it rail or road, can overwhelm other roadways and shut down the entire region. Rush hour conditions in this region are becoming a 24-hour phenomenon. For more than a decade we have suffered some of the worst traffic congestion in the nation. According to the Greater Washington Board of Trade, this increased commuting time and congestion costs each man, woman, and child in the region close to $1,600 for each rush-hour driver in lost time, wasted fuel, and environmental damage. Long commutes and traffic congestion have also become quality-of-life issues to area residents, robbing many families of the one commodity Washingtonians never seem to have enough of—time.

Some drivers facing a longer commute have even become a safety hazard as they race recklessly to cut a precious few minutes from their daily commute. For those who lack cars, the distance between employment opportunities and affordable housing has grown more and more difficult to traverse. Our economic prosperity and quality of life hinge on improving our congestion problem.

Unfortunately, as we look to the future the traffic situation only grows worse. Even with the increase in Federal funds that Virginia, Maryland and DC will receive under legislation reauthorizing Federal surface transportation programs, "TEA–21," this region will still fall seriously short of meeting the growing demand for transportation improvements. For the period of 1990 through 2020, this region can expect both a 43 percent increase in population and a 43 percent increase in employment. This growth and increased dependency on the automobile is expected to increase, by 79 percent, the number of vehicle miles traveled in the region by 2020. The Board of Trade estimates that transportation spending is expected to fall short of the region's transportation needs by more than $500 million annually.

Any solution to current and future congestion demands strategic investment in both our road and mass transit system. It demands better land use and planning decisions and better interjurisdictional cooperation. And it also demands that this region come together and raise additional revenue to finance priority transportation projects that will provide immediate congestion relief. It may not be a popular idea, particularly in light of Northern Virginia's failed attempt to enact a regional sales tax for transportation improvements. I think the key to success, however, is with some healthy Federal incentives that encourage this region to do more.

The legislation I am introducing provides a new option to help the metropolitan Washington region more effectively address its transportation needs. It has seven key elements: it turns the National Capital Region Transportation Planning Board into a regional transportation authority with the power to issue bonds, receive Federal grants and local funds; it directs the new authority to develop a list of critical congestion relief projects that have not been funded under current and forecasted Federal, State, or local transportation plans; it directs the authority within two years to contract out through the States, local governments or the private sector to build the approved list of projects; it allows tolls on interstate highways for the purposes of building more HOV and new HOT lanes; it grants consent to the metropolitan Washington region jurisdictions to enter into an interstate compact or agreement to create a more permanent authority that would help meet the region's long-term transportation needs; it provides $100 million annually in Federal grants to leverage more State and local funds; and it provides $5 million annually for expanding the network of non-motorized trails within the region.

This legislation provides the framework under which regional transportation needs could be addressed. It requires consultation with State and local officials at every level and in an effort to win State support, the legislation preciously guards State control of both the corporation and the authority through veto power. It does not raise anyone's taxes, but it does provide a mechanism or a "vehicle" through which the local jurisdictions could coordinate and commit future revenues to finance the construction of specific transportation projects that otherwise will not get built or built anytime soon.

The "Metropolitan Washington Regional Transportation Act" gives us a choice and helps start a debate on how we should take control and improve our future transportation system and improve our quality of life. Our failure to act and meet our transportation needs will have a much higher cost. The Board of Trade places the cumulative regional economic losses from the failure to meet our transportation needs in the year 2020 at between $70.2 billion to $182 billion. That economic loss includes: a 350 percent or $345 million increase in shipping costs; $1.3 billion to $2.6 billion in higher warehousing and inventory costs; $1,365 per household, per year, higher consumer costs; and more than $1,000 per household, per year, in higher personal travel costs.

In the past, leaders from this region have shared a vision and worked together successfully to address important transportation needs, through such institutions as the Metropolitan Washington Airports Authority, the Washington Metropolitan Area Transit Authority, and the National Capital Region Transportation Planning Board at the Metropolitan Washington Council of Governments. We need a similar vision to carry us forward another 30 years. The Metropolitan Washington Regional Transportation Act will help us craft this vision.

JOHN DAVID GARCIA

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. BRADY of Texas. Mr. Speaker, I rise to share with you the personal motto of Deputy Constable John David Garcia, a brave law enforcement officer from Magnolia, Texas, who tragically lost his life in the line of duty one week ago today.

"Always do right. This will gratify some, and astonish the rest."

These words were written on the back of a Magnolia Deputy Constable's "officer trading card." What make these words so special are not only the meaning, but also the fact that this officer lived by them each day that he protected and served the people of Texas. Garcia was killed in a tragic car accident, on July 17, 2003 while patrolling just outside the city of Magnolia in Montgomery County, Texas.

Born July 25, 1969, Deputy Garcia was a young officer who began his career in law enforcement in 1997, and had been with Precinct 5 since 1999.

Everyone will remember John David Garcia differently. To some, he will be remembered as one of the finest officers in Constable David Hill's precinct—always giving 110 percent. All of Deputy Garcia's fellow law enforcement officers will remember him as a person who was eager and willing to serve, especially with his service to the Hispanic community in the area.

Most importantly, he is known as a loving husband, father, son, and friend. Deputy Garcia leaves behind his wife, Shannon, and 14-year-old daughter, Patricia. Our thoughts and prayers go out to his family and friends during this time.

Deputy Garcia's dedication and values are reflected in his personal creed and the life that creed embodied.

Mr. Speaker, please join me today in honoring the life and service of Deputy John David Garcia. All residents of Montgomery County, Texas and the 8th Congressional District are grateful for his service and dedication.

IN RECOGNITION OF THE 29TH ANNIVERSARY OF THE TURKISH INVASION OF THE REPUBLIC OF CYPRUS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ANDREWS. Mr. Speaker, I rise today in recognition of the 29th anniversary of the Turkish invasion of the Republic of Cyprus, which occurred on July 20, 1974. It is my firm hope that these Turkish occupying forces, which are still stationed in the northern third of the island, will soon be withdrawn, thus allowing Greek and Turkish Cypriot compatriots to live in peace and unity in the absence of this needless military presence.

For the past 29 years, Cyprus has been a nation divided. Despite the strong desires of Greek Cypriots to return to the homes that they have been barred from since the initial invasion, and the expressed desires of an overwhelming majority of Turkish Cypriots to reunify the island so that all Cypriots can enjoy the benefits of EU membership, the Republic of Cyprus remains torn. There have been recent advancements, such as the signing of the EU Accession Treaty, the partial opening of the Green Line, and the package of measures that was designed and implemented by the Greek Cypriots with the intention of assisting their Turkish-Cypriot neighbors, but none of this has led to the ultimate goal, which is the peaceful reunification of the island. The United Nations, under the leadership of Secretary General Kofi Annan, made a sincere effort at encouraging negotiations between the two sides prior to the signing of the EU Accession Treaty, but the obdurate leader of the Turkish-Cypriots, Rauf Denktash, failed to cooperate. Thus, the division remains.

The failure to reunify the island is certainly not due to a lack of interest shown by the people of Cyprus. Compelled by desires to return to the lands they have been evicted from since the Turkish invasion of 1974, Greek-Cypriots continue to support efforts to reach a settlement through negotiations. Likewise, Turkish-Cypriots have come out in great numbers to demonstrate against their leader's negative approach in hopes of someday reuniting their country and gaining all of the benefits that come with EU membership. Mr. Speaker, I feel that it is vitally important for the United States government to continue its strong support and encouragement of the Cypriot community as they continue their push towards reunification.

I recently introduced a resolution into the House, H. Res. 320, which calls for the immediate withdrawal of the Turkish troops of occupation from the Republic of Cyprus. Given the recent advancements that have been made, I feel that the removal of occupational forces would be an appropriate and meaningful step to continue the momentum towards reunification of the island. With over 30,000 troops currently stationed in Cyprus, the island is one of the most militarized countries in the world, and this is clearly not conducive to peaceful negotiations. I strongly urge each of my colleagues in the House to join me in support of this positive step, and to cosponsor this resolution.

It has been 29 long years since the Republic of Cyprus was first divided by the illegal occupation of Turkish military forces. For 29 years Greek-Cypriots have been barred from the northern portion of their homeland, and Turkish-Cypriots have lived through economic hardships under an illegitimate government. Mr. Speaker, I firmly believe that the time has come for the Republic of Cyprus to be reunified, and I urge my colleagues in the House to join me in support of all efforts towards this end.

IN TRIBUTE TO BERT BOECKMANN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Bert Boeckmann, a close friend, who is being honored tonight for his many years of service to the Los Angeles Police Department and a lifetime of service to the community.

Bert Boeckmann proved his business acumen at an early age. He began selling automobiles at Galpin Ford in 1953 and by age 26 was general manager of the company. As vice president in 1960, he began purchasing company stock. Four years later he became president and majority stockholder. By 1968, the buyout was complete. Galpin Motors now employs more than 835 people and includes not only Ford, but also Saturn, Jaguar, Mazda and Volvo dealerships.

Bert also owns, partners or serves as board chairman in a slew of other companies spanning the spectrum from real estate development, to ranching, to mining to communications.

As anyone who has had dealings with one of Bert's companies can tell you, he has built his success on a recipe of moral character and ethical standards that are rewarded at every level. It works. For 30 of the past 34 years, he has been the Number One profitmaker for Ford Motor Company. For the past 11 years, he has ranked Number One nationally in Ford retail car and truck sales. About 87 percent of Galpin's sales are to customers who are either repeat customers, referrals from customers, or heard about the Galpin reputation.

Bert has given equal energy to bettering his community. He set a precedent by being appointed as a Los Angeles Police Department commissioner by three consecutive mayors. In addition to his Police Department service, which spans three decades, he served as a State of California New Motor Vehicle Board director, on the Mayor's Select Blue Ribbon Committee on Budget & Finance, and is president of the Municipal Improvement Corporation of L.A. He donated a major collection of 80,000 volumes of Spanish language books to the University of Southern California, including the complete history of Central and South America, and created an annual endowment to catalog and maintain the collection.

He has served on the executive board of the Boy Scouts of America since 1965, as a director of the San Fernando Valley Business and Professional Association since 1972, and supported Chambers of Commerces, universities and high schools, and many, many more civic, educational, church and business organizations.

Not surprisingly, Bert Boeckmann has won numerous prestigious awards for his business acumen and community service. To highlight only a few: the Jack Webb Award presented by the Los Angeles Police Department Historical Society, the Albert Schweitzer Award from the Hugh O'Brian Youth Leadership Foundation, and the Presidential Citation for Private Sector Initiatives, presented by President Reagan and Vice President Bush at a special Rose Garden Ceremony.

Mr. Speaker, Bert Boeckmann's life and success proves that ethical and moral capitalism is not only good business, but benefits everyone in the community. I know my colleagues will join me in paying tribute to Bert Boeckmann and thank him for a lifetime of service.

RECOGNIZING THE MISSION OF THE DIAGEO IRAQ HUMANITARIAN AIRLIFT TEAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today, to recognize and pay tribute to the effort of the Diageo Iraq Humanitarian Airlift Team, who in four days, covered 12,000 miles, and delivered school supplies, hygienic and food products to the children of Iraq. The Diageo Iraq Humanitarian Airlift, one of the first U.S. corporate humanitarian missions into Iraq, provided 90,000 pounds of aid and supplies to improve the health and lives of thousands of Iraqi children.

As a project endorsed by both U.S. Defense Secretary Donald Rumsfeld and Commanding General Tommy Franks, this team of Diageo employees and Ground Zero Heroes—current and former New York City Firefighters and Policemen who provided emergency services on September 11th—left for Baghdad on June 22, 2003. This humanitarian team flew from New York to Amsterdam, where they loaded a DC–8 cargo transport plane with supplies that included such things as school materials, infant formula, milk powder, rice and sugar. With temperatures exceeding 115 degrees, the cargo plane carrying these supplies touched down at the Baghdad International Airport. In a city mostly without power and water, the Diageo Iraq Humanitarian Airlift volunteers visited among thousands of small children suffering from malnutrition, severe dehydration and other illnesses at the Habibya Children's Hospital and the Pediatric ward, formerly the Saddam Pediatric Hospital. These supplies have not only helped improve the health of these children, but have offered some relief to the many troubled parents who cannot afford the basic needs for their children.

The Diageo Iraq Humanitarian Airlift, marks the second time Diageo has embarked on a humanitarian airlift. In December 2001, New York Fire Department and Police Department officers participated in the Diageo "Ground Zero to Ground Zero" airlift taking food and emergency relief supplies to an orphanage in Kabul, Afghanistan.

Mr. Speaker, I ask that my colleagues join me today in thanking the volunteers of the Diageo Iraq Humanitarian Airlift and Diageo North America, who represent the finest and most compassionate qualities of America.

HONORING THE VILLAGE OF JUSTICE, ILLINOIS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. LIPINSKI. Mr. Speaker, I rise tonight to salute the men and women of Justice, Illinois for their act of positive Americanism. Led by Mayor Mel VanAllen, Clerk Kathleen Svoboda, and my good and longtime friend Jeff Kranig, the village of Justice planned, organized, and presented a magnificent celebration of Americanism dedicated to our men and women fighting terrorism and defending our Nation and people around the world.

This four-day long celebration included athletic events, cultural events, educational events, and culminated in a great parade and awards ceremony for the youth of the community. I was fortunate enough to be selected as parade marshal for this first annual Patriots weekend. I wish to thank the citizens of Justice for this great honor and express my sincere appreciation to them for all their hard work and dedication that brought this patriotic event to fruition. All residents of Justice should be very proud of their contribution to this unique and very special event.

In closing, let me say my Tricorner hat is off and my trusty old colonial musket is raised in salute to the Mayor, the clerk, my old friend Jeff, and the residents of Justice, Illinois.

COMMENDATION AND RECOGNITION FOR MERCATUS CENTER'S REPORT ON THE "TRANSPARENCY OF ANNUAL PERFORMANCE AND ACCOUNTABILITY REPORTS FROM THE 24 FEDERAL CFO ACT AGENCIES"

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. PLATTS. Mr. Speaker, as Members of Congress, we are accountable not only to the constituents who elected us, but to all American taxpayers. We are responsible for making informed decisions, that incorporate a base of knowledge. The Mercatus Center at George Mason University provides a valuable, objective, independent evaluation to Members of Congress and taxpayers, by reviewing the annual performance reports of the 24 CFO Act agencies and ranking them according to three criteria: transparency, public benefit, and forwardlooking leadership. Mercatus evaluates the Annual Performance and Accountability Reports of each of these Agencies to determine how transparently an agency reports its successes and failures, how well an agency documents the tangible public benefits it claims to have produced, and whether an agency demonstrates leadership that uses annual performance information to devise strategies for improvement.

Their analysis and the report I submit to the CONGRESSIONAL RECORD, allows us as Members of Congress to have a common understanding about which agencies report to the public most clearly. Their analysis also allows agencies to learn from their colleagues how best to present useful data about the performance of their organizations. Armed with this report, and upon reviewing performance information provided by agencies, we can and must determine appropriate resource allocations, based not on the amount appropriated and spent last year, but on what benefit was earned from this expenditure. We owe it to the people who pay our salaries, to demonstrate the public benefit created with the money entrusted to us. And where the government is a poor steward of funds, we must intervene to improve the Federal Government's role in providing efficient and effective service to the American people.

I commend the Mercatus Center's report to my colleagues.

EXECUTIVE SUMMARY

Public disclosure is the mechanism used to report on performance to those who are entitled to know. In this Scorecard we assess how effective reports of the agencies of the federal government are in disclosing pertinent information to the American people. We review these reports with the mindset of ordinary citizens, who are interested in looking for the benefits that the agencies provide and the effectiveness of the agencies' efforts. Thus, our research efforts emphasize an assessment of an agency's transparency of communications with the general public, identification and assessment of the public benefits it provides, and its leadership vision for the future.

In an era of increased demand for accountability, disclosure and transparency, the government has a responsibility to supply the American people with quality disclosures on the public benefits it provides. Clear, descriptive disclosure of the public benefits provided by governmental agencies allows ordinary citizens to understand the strategic goals and assess the agencies' performance relative to those goals.

Annual performance and accountability reports are one avenue for agencies to communicate with both citizens and policymakers. The purpose of this Scorecard is to encourage improvement in the quality of reporting on results achieved by government agencies. We do this by evaluating and ranking (1) how transparently an agency reports its successes and failures; (2) how well an agency documents the tangible public benefits it claims to have produced; and, (3) whether an agency demonstrates leadership that uses annual performance information to devise strategies for improvement.

Researchers at the Mercatus Center at George Mason University conducted our fourth annual evaluation of the reports produced by the 24 agencies covered under the Chief Financial Officers Act, using similar criteria to evaluate the fiscal year (FY) 2002 performance and accountability reports. By assessing the quality of agencies' reports (but not the quality of the results achieved), we wish to learn which agencies are supplying the information that Congress and the public need to make informed funding and policy decisions. The importance of quality reporting has taken on added significance in light of the President's Management Agenda that highlights the intent to use agency performance information to make budget decisions.

Best Reports: For FY 2002, the Department of Labor (Labor), the Department of Transportation (Transportation), the Small Business Administration (SBA), and the Department of Veterans Affairs (Veterans) produced the highest rated reports. Three of these agencies, Department of Labor, Department of Transportation, and the Department of Veterans Affairs were rated the top three agencies for FY 2001 as well. The SBA joins their ranks this year.

Reports Most In Need Of Improvement: The Department of Defense (Defense), U.S. Agency for International Development (USAID), the Department of Health and Human Services (HHS), and the Department of Energy (Energy) earned the lowest rankings for FY 2002.

Most Improved Reports: Eleven agencies improved their scores from FY 2001 to FY 2002. Of these, the Small Business Administration, the Federal Emergency Management Agency, and the Department of State showed the most improvement in their rankings. The Small Business Administration moved from 16th to 3rd in the rankings, the Federal Emergency Management Agency jumped from 19th to 8th, and the Department of State moved from 20th to 11th.

Most Common Strengths: (1) accessibility of reports, and (2) clarity of reports.

Most Common Weaknesses: (1) weak or missing explanations of failures to achieve strategic goals, and (2) lack of well-articulated descriptions of changes in policies or procedures to address weaknesses or failures.

Mixed results: The average score of the 24 reporting agencies was 30, a 4.1 percent increase for FY 2002 reports compared to FY 2001. The average scores for seven of the twelve criteria improved this year, led by improvements of 26.9 percent for accessibility and 19.7 percent for better explanations of the linkages between the agencies goals and results to their costs. However, on average, agencies did not make progress in several areas, particularly in providing quality trend data (decline of 13.0 percent) and clearly articulating their goals and objectives as outcomes (decline of 9.9 percent).

Scorecard Rankings for FY 2002 (1) Labor; (2) Transportation; (3) SBA, Veterans; (5) Commerce; (6) EPA, Interior; (8) FEMA; (9) NRC, SSA; (11) State; (12) Agriculture, Education, GSA, Justice, NASA, OPM; (18) HUD, NSF, Treasury; (21) Energy, HHS; (23) USAID; and (24) Defense.

INTRODUCTION

Following the passage of the Government Performance and Results Act of 1993 (GPRA), federal agencies developed strategic plans, performance plans, and performance reports to explain what they are trying to accomplish, identify performance measures, and report on their results. A new reporting requirement for FY 2002 requires agencies to prepare and submit a combined performance and accountability report. The combined Performance and Accountability Report includes the strategic plans, performance plans, and performance reports previously included as well as a financial section, which incorporates the audited financial statements and report of the Office of Inspector General (OIG) on serious management challenges.

President Bush's FY 2002 budget proposal called upon the federal government to produce better results for citizens by enhancing accountability for dollars collected and dollars spent. The administration also began using information on agency performance in the FY 2003 budget for a selected set of programs, a practice that has been expanded for the FY 2004 budget. Performance-based budgeting means that money will be allocated not just on the basis of perceived needs and policy priorities, but also according to the federal government's ability to address those needs and priorities effectively. Program proponents will have to demonstrate that the particular programs actually accomplish their stated goals.

For performance-based budgeting to work, performance information has to be transparent, accessible, and reliable. GPRA and its amendments require federal agencies to produce annual performance reports. The purpose of these reports is to give Congress and the American people accurate and timely information that will let them assess the extent to which agencies are producing tangible public benefits. In line with expectations under the legislation, agencies published their first reports (for FY 1999) in spring 2000, the second series in spring 2001 (covering FY 2000), the third series in spring 2002 (covering FY 2001), and the current series in spring 2003 (for FY 2002). Beginning with FY 2002 reports, agencies are required to consolidate their performance reports with financial reporting information in a combined Performance and Accountability report. With society's increased emphasis on accountability, transparency, and disclosure, it is incumbent on the federal government and its agencies to meet the highest standards in their external reporting efforts. Effective accountability in public service requires that agencies present a comprehensive, concise, accurate, and reliable assessment of the benefits created for the public, as well as the costs of producing those benefits. Equipped with such information, the administration and Congress can allocate federal resources in ways that continually advance government's contribution to citizens' quality of life (The Mercatus Center has developed a seven-step process, called "Outcome-Based Scrutiny," that provides a framework for comparing the results and costs of programs with similar objectives and assessing the likely impact of reallocating resources to the most effective programs. For a pilot study applying Outcome-Based Scrutiny to federal vocational training programs, see http://www.mercatus.org/governmentaccountability).

To help policymakers assess this year's reports and agencies improve the quality of future reports, a Mercatus Center research team evaluated the reports produced by the 24 agencies covered under the Chief Financial Officers' Act. This marks the fourth year that researchers at the Mercatus Center's Government Accountability Project have evaluated agencies' reports. It is our goal that this annual assessment will not only help to inform decision makers, but that it will also inform the American people more generally. By promoting the American spirit of competition and accountability and applying it to government performance reporting, it is also our hope that agencies can and will improve the quality and cost-effectiveness of the services they deliver.

INTERPRETING OUR FINDINGS

It is important to emphasize that our research team evaluated only the quality of reporting, not the quality of results. Therefore, it would be a mistake to conclude that the agencies with the highest-scoring reports necessarily produced the best results for the country. Ideally, an agency's report reflects more about its managers' capabilities than just their ability to write reports. Instead, a high scoring report reflects an agency's ability to translate what it does into understandable and meaningful results that Americans can appreciate.

Similarly, it would also be inappropriate to draw policy conclusions from our analysis. We offer no recommendations on whether the federal government should or should not be engaged in its current menu of activities.

So what do the findings in this study really mean? By assessing the quality of agency reports, we are trying to evaluate the agencies that are supplying the information that Congress and the public need to make informed funding, budgeting, and policy decisions. An additional word on information quality is also in order. Our researchers assessed the quality of each report's disclosure of data verification and validation procedures. In the interest of producing a timely study, we did not, however, verify the performance information cited in each agency's report. Given the importance of accurate data for sensible decisions, we believe that verification and validation should be a high priority for Inspectors General, Congress, the General Accounting Office, and the Office of Management and Budget.

For the complete report, visit the Mercatus Center's Government Accountability Project website at www.governmnentaccountability.org.

HONORING DONALD SCHNEIDER

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to honor Donald Schneider, who served as the Chief Clerk of the Wisconsin State Senate for 26 years.

As the longest-serving Chief Clerk in Wisconsin's history, Don Schneider worked under three Democrat and three Republican majorities. Although it is impossible to quantify his rich legacy, I honor him most for three reasons: his dedication to bring cutting edge technology to the Senate, his expertise in legislative organization, and his non-partisan cooperation in serving the body.

During his tenure, Schneider was instrumental in the modernization and automation of the Senate. The Senate's increased technology allowed for increased efficiency and increased public accessibility. In a world of ever-advancing technology, Schneider's commitment of keeping the Senate technologically current was crucial to the performance of its function.

Secondly, Schneider is recognized both within Wisconsin borders and beyond for his authority in the fields of legislative organization and legislative institution development. This reputation extends nationally and internationally, culminating in his acceptance of the Joseph A. Beek Distinguished Service Award from the American Society of Legislative Clerks and Secretaries in 1998.

Perhaps most importantly, Schneider is honored for his professionalism and nonpartisanship. His collaboration with both sides of the aisle induced the respect that Republicans and Democrats alike feel for him, translating into his lengthy tenure under both majorities. Mr. Schneider's character served to advance and facilitate the legislative function of the Senate both on the floor and behind the scenes.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Mr. KIND. Mr. Chairman, I rise today to thank the Committee for including in the report on the Fiscal Year 2004 Foreign Operations Appropriations bill language reiterating its support for the East Central European Scholarship Program (ECESP). This program has operated successfully for a number of years at the University of Wisconsin-La Crosse and has had positive impacts not only in the various Balkan nations on which it is focused, but also on the La Crosse campus of the University of Wisconsin.

As we look at the situation in Iraq and Afghanistan today, it is clear how critically important it is that we work to ensure that nations taking shape in the aftermath of conflict have the human resources to sustain democratic institutions and free market economies. Over the past 14 years, ECESP has conducted technical training for democratic institution building, health care administration, and financial sector management, among other fields. The program's efforts have resulted in strengthened skills and understanding for over 1200 administrators, managers and government leaders. ECESP alumni include members of national parliaments and the European Council, bank examiners of central banks, hospital administrators as well as administrators of nongovernmental and non-profit organizations.

From 1989 until 1998, ECESP focused its work in the Czech Republic, Hungary, Poland, and Slovakia, assisting in the systemic reforms required for integration into the European community. Since 1998, ECESP has been engaged in similar efforts focusing on Albania, Bulgaria, Macedonia and Romania. I look forward to working with USAID, institutions of higher learning, and my colleagues in Congress to help expand this program model in the former Soviet Republics and Central Asia, as recommended by a recent USAID funded evaluation, and explore similar possibilities in the Middle East.

Over the last decade, the University of Wisconsin-La Crosse, through ECESP, has been able to provide training to some 300 financial managers from all of the participating ECESP countries. That training has provided these managers with expertise in bank risk management, financial management, and supervision of financial institutions, all of which are critically important to stable market economies. At the same time, the program has enabled U.S. students on the UW-La Crosse campus to benefit from interaction with the international students and a greater awareness of international perspectives in these areas.

USAID is currently considering a new multiyear agreement with the Center for Intercultural Education and Development based at Georgetown University, which manages ECESP. As that agreement is finalized, I strongly encourage USAID and the Department of State to maintain the current level of support for this important and successful program. ECESP is an important component in our efforts to stabilize the Balkan region, and it is a commitment that we need to see through.

DISPLACED PERSONS FACING SERIOUS OBSTACLES IN RUSSIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SMITH of New Jersey. Mr. Speaker, today I want to bring to the attention of colleagues two situations concerning internally displaced persons (IDPs) in the Russian Federation. I recently chaired a Helsinki Commission hearing to assess the plight of IDPs , including those in the Caucasus region.

The first involves IDPs from Chechnya who, according to reliable sources, continue to be pressured by Russian authorities to return to the war-torn capital city of Grozny, despite continuing violence there and a lack of many basic services. According to the State Department's Country Reports on Human Rights Practices for 2002, approximately 140,000 persons remained internally displaced within Chechnya, with 110,000 more displaced in the neighboring republic of Ingushetia. Despite international attention, including a letter initiated last fall by the Helsinki Commission, which I chair, the Russian Government continues to pressure IDPs to return, and in some cases limits the ability of NGOs to provide assistance.

My concern for the safety of Chechen IDPs is well founded, as authorities in the past year closed three IDP camps, two near the village of Znamenskoye in northern Chechnya and the Aki-Yurt camp in Ingushetia, effectively forcing the residents back to Grozny. Reports of violence and human rights violations by both Russian military units and Chechen rebels in Chechnya are disturbing. The ongoing chaos in that war-torn region has kept UNHCR from certifying Chechnya as a safe return destination, which is supported by the fact that many international aid agencies have limited or suspended their operations out of concern for the safety of aid workers.

Despite this lack of security, the United Nations estimates that more than 38,000 IDPs from Ingushetia returned to Chechnya last year, with many complaining of government coercion. While no camp has been closed since December 2002, Doctors Without Borders reports that government officials threaten to cut off assistance in Ingushetia and block future aid in Chechnya for those refusing to leave immediately. The stationing of Russian troops near IDP camps and the limiting of assistance from international agencies to camp residents represent pressure tactics to "encourage" the return of IDPs to Chechnya.

Clearly, the Russian Government is not respecting the fundamental right of individuals to seek safe refuge. As a participating State of the Organization for Security and Cooperation in Europe (OSCE), the Russian Federation has committed to facilitate sustainable solutions to the plight of IDPs and the voluntary return of such individuals in dignity and safety. I urge President Putin to intervene to ensure that Russian policy and practice are consistent with these OSCE commitments and that no IDPs be effectively forced to return to their homes in Chechnya until the conditions have been created for their return. To do otherwise would place the lives of tens of thousands of innocent Russian citizens at risk.

The second situation I want to briefly highlight concerns the plight of Meskhetian Turks in the Krasnodar Krai region of the Russian Federation. Also known as Ahiska Turks or Meskhetians, Meskhetian Turks were forced to relocate twice within the past 50 years, first from Soviet Georgia in November 1944 to the Soviet Socialist Republic of Uzbekistan. In 1989, approximately 90,000 Meskhetian Turks fled ethnic conflicts in Uzbekistan to all parts of the Soviet Union, with the largest concentration today found in Krasnodar Krai. Numbering approximately 13,000, these displaced individuals find themselves in a virtual no man's land, denied citizenship and permanent residency permits, as well as many other fundamental rights.

Due to loopholes in the Russian citizenship law and the improper application of this law by Krasnodar Krai authorities, Meskhetian Turks must register as "guests" every 45 days, may not legally register the purchase of a house or car, and their marriages and deaths are not officially recorded. Most are denied education above high school, as well. The Krasnodar regional legislature enacted a series of laws in 2002 in an attempt to pressure the Meskhetian Turks to leave. Corresponding with the expiration of the temporary registration held by most Krasnodar Meskhetian Turks, the laws reportedly cancelled leases on land or denied lease renewals for the 2002 crop season.

Furthermore, chauvinistic local authorities have not intervened to prevent local Cossack paramilitary units from repeatedly victimizing Krasnodar Meskhetian Turks through public harassment, robbery, and vandalism. In late May, a mob of around 50 people attacked Meskhetian Turks and other non-Russian-looking individuals in two villages, injuring 30 people and hospitalizing six.

By not granting citizenship or providing permanent residency status, current Russian policy enables the discriminatory practices subjugating the rights of Meskhetian Turks in Krasnodar Krai to continue. Mr. Speaker, President Putin cited the problems of citizenship and stateless persons in his annual State of the Federation address earlier this year. The Russian President pointed out the complexities and uncertainties faced by stateless persons in Russia. I urge him and Members of the State Duma to rectify the status of Meskhetian Turks and other stateless persons. Meanwhile, the Kremlin should intervene to ensure that Krasnodar Krai officials desist in their discriminatory treatment of the Meskhetian Turks until their status is normalized, as well as guarantee the prosecution of violent criminals.

TRIBUTE TO DR. JAMES E. COTTRELL

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to an outstanding physician, scholar, educator, humanitarian and citizen from the State of New York, James E. Cottrell, M.D. Dr. Cottrell will soon complete his term as national president of the American Society of Anesthesiologists (ASA). I am very proud and pleased that one of New York's own served as the 2002–2003 president of this prestigious national organization that is recognized worldwide for its outstanding work in improving patient safety.

Founded in 1905, ASA is the predominant professional organization that represents more than 36,000 anesthesiologists. Since its founding, ASA has been the leader in the development of patient safety standards and guidelines for the delivery of safe patient care before, during and after surgery. Efforts on the part of the organization and its members are recognized throughout the scientific and medical communities. The Institute of Medicine in its 1999 report on medical errors recognized the successes of organized anesthesiology's efforts to improve patient outcomes.

Anesthesiologists either directly administer or supervise 90 percent of all anesthetics performed throughout this country, in hospitals and outpatient surgical centers, and in urban and rural areas. In fact, anesthesiologists are the predominant provider of anesthetics in rural facilities. Besides the operating room, anesthesiologists are often found treating patients' pain and delivering critical medical care to patients in hospital intensive care units, emergency rooms and diagnostic facilities.

Dr. Cottrell received his medical degree from West Virginia University, Morgantown, WV, and completed his anesthesiology residency at Mercy Hospital, Pittsburgh, PA.

As a recognized expert in the field of neuroanesthesia, he has lectured extensively worldwide, authored or co-authored more than

90 scientific papers, 114 scientific abstract presentations, 20 book chapters, was co-editor of three textbooks and has most recently authored a book that helps patients be better prepared for their surgery and anesthesia.

Dr. Cottrell currently serves on the Board of Directors of Doctors of the World and has served on the Board of Directors of God's Love We Deliver, an organization dedicated to serving and delivering meals to AIDS patients in New York City.

Mr. Speaker, I ask my colleagues to join me today in recognizing James E. Cottrell, M.D., for his notable career, outstanding achievements, humanitarian work and dedication to patient safety.

THE TURKISH REPUBLIC OF NORTHERN CYPRUS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. BURTON of Indiana. Mr. Speaker, since 1974, Cyprus has been divided de facto into the government-controlled two-thirds of the island, the Republic of Cyprus, and the Turkish Cypriot one-third, the Turkish Republic of Northern Cyprus. The anniversary of the events of July 1974 in Cyprus gives rise to misrepresentation of historical events. As the cliché goes, there are two-sides to every story. That is why I would like to share with my colleagues, the Turkish Cypriot point of view regarding the current situation on Cyprus.

The island of Cyprus gained its independence from Great Britain in 1960 and has been divided since 1974. At independence, the Republic's constitution defined elaborate power-sharing arrangements. It required a Greek Cypriot president and a Turkish Cypriot vice president; each elected by their own community. The Treaty of Alliance among the Republic, Greece, and Turkey provided for 950 Greek and 650 Turkish soldiers to help defend the island.

Cyprus' success as a new Republic lasted from 1960–63. After President Makarios proposed constitutional modifications in favor of the majority community in 1963, relations between Turkish and Greek Cypriots deteriorated. In 1964, Turkish Cypriots withdrew from most national institutions and began to administer their own affairs. Violence between Turkish and Greek Cypriot communities occurred in 1963–64 and again in 1967. Since the 1964 crisis, U.N. peacekeeping troops have been a buffer between the two communities.

In 1974, a military junta in Athens supported a coup against President Makarios, replacing him with a hardline supporter of enosis. Turkey, citing the 1960 Treaty of Guarantee, sent troops in two separate actions and, by August 25, was in control of more than 36 percent of the island. The Athens junta fell and civilian government was restored. The legitimacy of the Turkish intervention was confirmed, among others, by the Consultative Assembly of the Council of Europe, by resolution 573, dated July 29, 1974, in which it is stated, "Turkey exercised its right of intervention in accordance with Article IV of the Guarantee Treaty of 1960." Greece withdrew from NATO's military command to protest NATO's failure to prevent Turkey's action.

According to Turkish Cypriot leaders, the Turkish intervention of July 1974 did not come about as an unprovoked invasion but in response to a coup d'etat; was in accordance with the Treaty of Guarantee of 1960; and therefore, was legal and legitimate. Furthermore, the Turkish Cypriot community saw the 1974 coup attempt as the culmination of a campaign to annex Cyprus to Greece.

Turkish Cypriots celebrate July 20 as their day of liberation. Since Turkey's arrival in Cyprus, peace has prevailed on the island, and the biggest beneficiaries of this atmosphere of peace and tranquility have been all Cypriots, Greek and Turkish. However, the Greek Cypriots enjoy a high level of economic prosperity, while the Turkish Cypriot economy continues to suffer from the embargoes imposed on the Turkish Cypriot North by the Greek Cypriot South.

Turkey's presence in Cyprus is within the confines of a security role and far from preventing a political settlement. Turkey has always supported a just and lasting settlement on the island, within the mission of the good offices of the United Nations Secretary-General. Recently, Turkish Cypriots, with the full support of Turkey, demonstrated their good will by undertaking a series of confidence-building measures, including the opening of the borders to people and traffic from both sides. This has allowed, by Turkish Cypriot estimates, thousands of Turkish and Greek Cypriots to cross over to each other's territory.

This measure was followed-up by an offer to the Greek Cypriot side for the resettlement of the vacant town of Varosha in return for the re-opening of the now-defunct Nicosia International Airport. President Denktas also proposed to meet with Greek Cypriot leader Tassos Papadopoulos directly in order to discuss these and other related issues.

However, it appears that the Greek Cypriot side has shown little interest in a negotiated settlement. In a speech made on July 17, Greek Cypriot leader Papadopoulos again made clear that his side does not accept the "Annan Plan" for a settlement as it is, claiming that doing so would mean "legitimizing the gains accomplished by the occupation" and that if they did so, the (the Greek Cypriots) "would become accomplices in the destruction of the Republic of Cyprus."

It is my hope that efforts to reach a settlement will continue between Turkish and Greek Cypriot leaders. I know there are two sides to the Turkish and Greek Cypriot conflict, and that is why it is important for Congress to adopt a balanced, even-handed approach to the issue of facilitating a just and lasting settlement between Turkish and Greek Cypriots.

INTRODUCTION OF H.R.__ (UNITED STATES NONCONTIGUOUS SHIPPING OPEN MARKET ACT OF 2003), H.R.__ (HAWAII SHIPPING OPEN MARKET ACT OF 2003), AND H.R.__ (HAWAII AGRICULTURE/LIVESTOCK SHIPPING OPEN MARKET ACT OF 2003)

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. CASE. Mr. Speaker, today, I introduce three bills to end a century of closed market cargo shipping to, from and within my isolated home state of Hawaii, as well as the other noncontiguous locations of our country. In doing so, we will break the stranglehold on the economics and peoples of these exposed communities which results from just a few shipping companies controlling the lifeline of commerce upon which our communities absolutely depend.

These bills all amend the Merchant Marine Act of 1920, also known as the Jones Act. That federal law mandates that all cargo shipping between U.S. ports occur exclusively on U.S., not foreign, flagged vessels. (A similar federal law of the same vintage, the Passenger Vessels Services Act, provides the same mandate for cruise line and other passenger transit; the same arguments as drive these three bills apply there, but that is another effort, already commenced through limited Federal exemptions.)

The Jones Act was enacted in a protectionist era under the guise of preserving a strong national merchant marine. But today it is just an anachronism: most of the world's shipping is by way of an international merchant marine functioning in an open, competitive market. And those few U.S. flag cargo lines that remain have maneuvered the Jones Act to develop virtual monopolies over domestic cargo shipping to, from and within our most isolated and exposed locales: our island and offshore states, territories and possessions.

My Hawaii is a classic example. Located almost 2,500 miles off the West Coast, we import well over 90 percent of our life necessities by ocean cargo. There are no doubt plenty of international cargo lines who could and would compete for a share of that market. Yet only two U.S. flag domestic cargo lines—Matson Navigation and CSX Lines (fka Sea-Land)—operate a virtual duopoly over our lifeline.

While they are nominally subject to Federal regulation, the fact of the matter is that cargo prices have gone in only one direction—up, and fast—and it is indisputable that there is no downward market pressure which would otherwise result from meaningful competition. These accelerating cargo prices are not absorbed by the shipping lines, but passed through all the way down the chain, to the transporters, wholesalers, retailers, small businesses, mom-n-pops, and ultimately consumers, of all of the elementals of life, from food, to medical supplies, clothes, housing and virtually all other goods. The result is a crippling drag on an already-challenged economy and the very quality of life in Hawaii.

The broadest, deepest effects of the Jones Act on Hawaii result from its impact on westbound imports. But Hawaii is an export location as well, in key products such as agriculture and livestock. Here the Jones Act also effectively stifles meaningful competition in getting those products to their primary markets on the U.S. Mainland. Because the producers of these products and all that rely for their own livelihood on their successful export have to eat inflated shipping costs, these export industries, which any economist knows are the ultimate key to any economy's prosperity, are also crippled.

Let's take a concrete example: Hawaii's once-prosperous ranching/cattle industry, which is so key to the economic health and the very lifestyle of so much of the rural Second District which I proudly represent. That industry depends on getting its product, young cattle, to West Coast pens and transportation hubs in a cost-efficient manner.

There are foreign cargo carriers that specialize, through custom cattle ships and overall sensitivity and adjustment to rancher timetables and needs, in such transport, but the Jones Act outright excludes them from the Hawaii-Mainland market. As a result, Hawaii's ranchers are reduced to two crippling, cost magnifying options.

The first is to ship their cargo by foreign carriers to Canada, where they have to go through a myriad of bureaucratic, cost-magnifying gyrations to get their product eventually to their U.S. markets. The second is to beg for the goodwill of the domestic carriers, to whom this is simply a hindrance rather than a major commitment, to ship directly to the West Coast.

And it shows: most of the cattle are first shipped from Hawaii's Neighbor Islands, where the bulk of the cattle industry is located, to Oahu, in small "cow-tainers", where they sit for days in Honolulu Harbor awaiting the return to the Mainland of one of the massive cargo ships designed and utilized for quite another purpose. The result (besides associated higher costs): in-harbor cattle waste disposal challenges; higher in-transit cattle mortality; lower-weight cattle delivery to market. That's what happens when you try to squeeze a square peg into a round hole.

These three bills say: enough is enough. The first, H.R. —, the United States Noncontiguous Shipping Open Market Act of 2003, exempts all noncontiguous U.S. locations, including Hawaii, from the Jones Act. (Frankly I question whether we shouldn't outright repeal the Jones Act, but I leave it to my colleagues from the contiguous U.S. to evaluate that option; the consequences are especially acute in the noncontiguous U.S. and that is my focus.) The second, H.R. —, the Hawaii Shipping Open Market Act of 2003, exempts Hawaii. And the third, H.R. —, the Hawaii Agriculture/Livestock Shipping Open Market Act of 2003, exempts Hawaii agriculture and livestock. Essentially, the bills are intended to lay out the options from broad to narrow; we can get into the issue at any level and work our way up or down.

Let me address directly some arguments sometimes offered up by the domestic shippers in defense of the Jones Act: that it contains important labor and environmental protections that would be lost upon repeal. Of course, the exact terms of repeal are up to this Congress and administration, and all three of these bills propose to retain these important protections. Specifically, these bills provide that all foreign shippers operating under Jones Act exemptions must comply with the same labor, environmental, tax, documentation, U.S. locus and other laws as are applicable to non-U.S. flag ships and shippers transiting U.S. waters today.

Mr. Speaker, these long-overdue bills are of the utmost importance to the localities which have long borne the brunt of the Jones Act. Sometimes it is difficult to pierce the veil of longstanding custom and understanding to see what should instead be, but clearly the time for these measures is overdue. I urge their passage.

TRIBUTE TO SUPERVISORY SPECIAL AGENT THOMAS M. BOURGEOIS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Supervisory Special Agent Thomas M. Bourgeois for his nearly twenty-two years of service to the Federal Bureau of Investigation. For the past two decades, SSA Bourgeois has selflessly put his own well-being in jeopardy to serve and protect the American people.

Thomas M. Bourgeois reported for duty on October 5, 1981 and was first assigned to the Milwaukee Division of the FBI. He worked in both the Milwaukee and Myrtle Beach offices investigating fugitives, bank robbery, and kidnaping cases before being transferred to the Chicago Division to investigate narcotics and organized crime. During his tenure in Chicago, Tom was responsible for the apprehension of some of America's most dangerous criminals, including the Calabrese Street crew, Anthony Centracchio, and John Serpico. From 1986 until 1997, Tom served as a member of Chicago Division's enhanced SWAT Team. While serving on the SWAT Team, Tom was deployed on several assignments, including the Unibomber case, Hurricane Marilyn in the Virgin Islands, and the Republican National Convention in 1996.

SSA Thomas M. Bourgeois is the recipient of numerous honors for his work at the FBI. He received letters of commendation from FBI director William Webster in May of 1982 and again in March of 1986. Mr. Bourgeois also received the Chicago Crime Commission's Star of Distinction Award in both 2001 and 2003 for his role in the Anthony Centracchio investigation and for his role in thwarting a scheme by Cicero, Illinois public officials to defraud the town of nearly $13 million.

Mr. Speaker, I would like to offer my best personal regards to SSA Thomas M. Bourgeois on his recent retirement from the FBI and I ask my colleagues to join me in thanking him on behalf of the American people for his service and dedication to our collective security.

INTRODUCTION OF THE COBRA COVERAGE ACT OF 2003

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SCHIFF. Mr. Speaker, today I am introducing the COBRA Coverage Act of 2003. As you may know, our Nation's faltering economy has resulted in staggering unemployment, unemployment that has risen from 5.7 percent in January of this year to 6.4 percent in June, leaving millions of Americans out of work. The loss of one's job is often accompanied by the loss of employer-based health coverage and the ability to afford individual health insurance. In this time of economic hardship, we must act to make health care more accessible to the working and middle-class families of America.

In an attempt to reduce the growing population of those without health coverage, Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provided access to group health insurance for workers who had lost their employer-sponsored coverage. COBRA requires employers who offer health insurance to continue coverage for their employees under circumstances such as a change in their employment status. However, this law allows the employer to charge up to 102 percent of the premium for the covered beneficiary and up to 150 percent for disabled individuals who qualify for an additional 11 months of coverage.

The Kaiser Family Foundation estimates that in 2002 health care premiums increased by 12.7 percent, making the average cost for self-only coverage $3,060 while the average cost for the family coverage reached $7,954. These high costs make retaining health coverage extremely difficult for individuals without work, without an income. As a result many people and their families choose to go without health insurance until they find another job. This is unacceptable.

Not only do these prohibitive costs prevent people from maintaining their health coverage, they can also drive up the group costs of employers who offer COBRA coverage. Because health care premiums are so high, those who have costly, preexisting health problems are more likely to enroll in extended coverage than those who are healthy. These costs are often passed onto the employer and onto the others covered by the group insurance.

We can alleviate this problem by making COBRA health coverage more accessible and more affordable. With the COBRA Coverage Act of 2003, laid-off workers would be provided with a 50 percent tax credit toward the cost of COBRA coverage, up to a maximum of $110 for an individual and $290 for a family per month. This credit is entirely refundable, which means one can receive it regardless of one's tax liability, and it is advanceable, meaning that it's available to the recipient immediately. This is possible because the tax credit would be administered through the employer.

While we work diligently to improve our economy, we must not sit idle and turn our backs on the millions of uninsured Americans. We must assist those who are suffering by ensuring they retain access to affordable health insurance for themselves and for their families.

TRIBUTE TO DR. GEORGE ROLOFSON

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. COBLE. Mr. Speaker, Dr. George Rolofson—"Dr. George" as I call him—has been a good friend of mine for many years and has worked with me on a number of issues relating to the U.S. agrichemical industry. Soon he will be retiring as Senior Vice President of legislative and regulatory affairs from CropLife America, where he has been a tireless champion of the agriculture and chemical industries. As Dr. George prepares to retire, I want to take the opportunity to thank him for these efforts and for his many contributions to the industry and to let him know that he will be greatly missed by all those with whom he has come in contact over the years.

George spent his entire adult life devoted to the study and improvement of the field of agricultural science, specifically as it regarded the use of important agrichemicals. He earned his Bachelor's and Master's degrees in entomology from the University of Nebraska and later went on to receive a Doctorate from Virginia Tech in entomology and toxicology. He then applied those degrees to practical use with the former Ciba Geigy Company in their agricultural division, now known as Syngenta Crop Protection. George worked in product development, toxicology, environmental sciences, and most recently in government relations for CropLife America here in Washington, D.C.

Our nation was largely built upon the back of the agriculture industry. Even here in our Capitol building, we see numerous artistic references to this critical industry and its importance in our nation. I would like to ask my colleagues to join with me in thanking my friend, Dr. George, for the devotion he has demonstrated to such an important part of our nation. George, you have left a legacy of pride and commitment to the American farming industry and we are most appreciative for your dedication and contributions. Best wishes in the next phase of your life.

RECOGNIZING COLONEL DAVID L. HANSEN, COMMANDER OF THE NORFOLK ENGINEER DISTRICT, NORFOLK CORPS OF ENGINEERS, VIRGINIA FOR HIS SERVICE AND DEDICATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. FORBES. Mr. Speaker, I rise today in recognition of Colonel David L. Hansen, Commander and Norfolk District Engineer, for his loyal service to the United States Corps of Engineers and to the development and progress of numerous projects in Virginia's Fourth District.

Colonel Hansen's dedication and loyalty to the advancement of our district and the Commonwealth of Virginia as a whole is to be commended. He has played an instrumental role in overseeing the growth and preservation of numerous projects along the river basins in Virginia since he assumed command in July 2001.

Since first enrolling in the U.S. Army nearly 30 years ago, Colonel Hansen's devotion to duty has reflected the highest standards of the military profession. Following four years of Army enlisted service, he was commissioned in the Corps of Engineers through the Officer Candidate School program, Fort Benning, Georgia, in 1978. He has served on numerous assignments both in the United States and overseas. His military education is extensive and includes the Industrial College of the Armed Forces, the Army's Command and General Staff College, Engineer Basic and Advanced Courses, and the Combined Arms and Services Staff School. Colonel Hansen also holds a Bachelor of Science degree, and two master degrees.

Colonel Hansen's decorations include the Legion of Merit, the Meritorious Service Medal with one silver and two Oak Leaf Clusters, the Army Commendation Medal with Oak Leaf Cluster, the Army Achievement Medal, National Defense Service Medal with star, and Good Conduct Medal.

Colonel Hansen has shown tremendous commitment and devotion to his country. Today we recognize him for his unwavering patriotism and dedication to both his profession and the American people.

Mr. Speaker, please join me in honoring Colonel David L. Hansen.

75TH ANNIVERSARY OF THE MADONNA OF THE TRAIL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the 75th anniversary of the Madonna of the Trail. One of these historic statues stands in my hometown of Lexington, Missouri, where the pioneer mother monument was presented by the Daughters of the American Revolution in 1928. The pioneer mother looks west, up the Missouri River, on an area that was settled by American pioneers more than 160 years ago.

In the early 1900's, the Daughters of the American Revolution suggested marking the national Old Trails Road with a series of small markers placed at frequent intervals along the route. This road began with Braddock's Road in 1755. Lt. George Washington surveyed the road, which was cut through the Allegheny Mountains by British soldiers. The road was later continued as the Columbia Pike; the Great Valley Road; the Wilderness Road (cut by Daniel Boone across the Cumberland Gap); the Cumberland Road (also known as the National Road); Boone's Lick Road; and, finally, as the Santa Fe and Oregon Trails.

In 1924, Missouri State Regent, Mrs. John Trigg Moss of St. Louis, a member of the Cornelia Green Chapter, envisioned the idea of placing an identical statue in each of the twelve states crossed by the National Old Trails Road instead of small markers.

The twelve statues, designed by St. Louis sculptor August Leimbach, are made of algonite stone, a poured mass, of which the Missouri granite is used as the main aggregate, thus giving the monument a warm, pink shade. They stand ten-feet tall on a six-foot base with a five-foot foundation (two-feet showing) below.

The Madonna of the Trail is a pioneer woman clasping her baby with her young son clinging to her skirt. The face of the mother, strong in character, beauty, and gentleness, is the face of a mother who realizes her responsibilities and trust in God. It has a feeling of solidarity—a monument that will stand through the ages.

Marking the 67th anniversary of the Battle of Lexington during the Civil War and facing ever Westward, the Pioneer Mother statue was dedicated on September 17, 1928. The presentation of the American Legion Memorial Flag and Flag pole was made by Ike Skelton III. The keynote speaker was Judge Harry S. Truman, President of the National Old Trails Association.

Mr. Speaker, the Daughters of the American Revolution can be proud of the Madonna of the Trail statue and the 75 years it has graced the City of Lexington. I know the Members of the House will join me in saluting the Daughters of the American Revolution for their contributions to preserving American history.

A VOICE OF CUBA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on July 16, 2003 Mrs. Celia Cruz passed away, however, her legacy will be eternal. Celia Cruz was a musical genius and an extraordinary human being, dedicated to improving the lives of all, to the most admirable humanitarian causes, and with a profound love for Cuba and her people. Celia Cruz's exceptional life is a model and inspiration to all people. Her blessed voice combined with her gentle soul brought comfort and happiness to every corner of the planet.

Mrs. Cruz was not only the Ambassador of free Cuba's music, she represented the finest qualities of Cuban-Americans and Cuban exiles, and was a constant voice for freedom on the oppressed island nation.

Mr. Speaker, Mrs. Cruz died longing to return to a free and democratic Cuba, but as Reverend Martin Añorga so eloquently stated during her funeral mass, "Celia did not leave Cuba because she took Cuba with her when she left."

Hundreds of thousands of people of all nationalities paid their respects and tribute to the "Queen of Latin Music" in Miami and New York. Even at the moment of her death Mrs. Cruz made certain that her physical passing would be a celebration of the happiness she embodied.

The passing of Celia Cruz is cause for deep pain. I send my deepest condolences to her husband, another great Cuban, Pedro Knight.

Mr. Speaker, I would like to submit for the record an editorial by The Washington Post which appropriately honors the life and legacy of Celia Cruz.

A VOICE OF CUBA

Sugar is a symbol of Cuba, not only a core industry but a key ingredient of its history and heritage and a timeless reminder of both sweeter and grittier times for the island's people. And in Spanish, "Azucar!" was also the signature trill of Celia Cruz, whose voice has embodied the sound of Cuba for decades.

Ms. Cruz, who died Wednesday of brain cancer, was the voice of a generation, and the one after, and the one after that. She started out singing lullabies to her nieces and until the end continued to shake what her mama gave her. Young couples in the 1950s swayed to her rhythms as part of the band La Sonora Matancera; those same couples' grandchildren got down to her single "La Negra Tiene Tumbao," whose album won a Latin Grammy in 2002.

When Ms. Cruz defected from Cuba in 1960, her songs were banned in her home country, though in recent years Cuban aficionados could listen to her hits by tuning into Miami radio stations. At first, the sensation who left behind stardom in Cuba and sought liberty in the United States had no easy time; her efforts for the next decade stumbled. But like so many immigrants seeking the American dream, she eventually made it: That clear, operatic voice could not be denied.

Hers was a talent that reached far beyond her own culture. In concert, she charmed audiences throughout Latin America, Europe, Africa and Asia, and Ms. Cruz's more than 70 records became a clarion call for music lovers worldwide. She moved, effortlessly between the Afro-Cuban rhythms of her youth to the salsa she defined and redefined; later in her career she embraced hip-hop style and transformed it into eye-popping music videos. For her, it was all part of the same music and a shared experience.

Unlike so many celebrities of the modern era, Ms. Cruz knew firsthand of the atrocities of communism in Cuba, and she spoke frankly of her time and challenges there. Ms. Cruz's voice instantly fills a room with the feel of swaying palm fronds and cigar smoke, bringing back memories of a Cuba before Fidel Castro's dictatorship. But her art transcended any political agenda. Ms. Cruz always remained a lady, coy about her age and decked out in extravagant outfits even in her last public appearances—accompanied nearly always by her husband of 40 years, Pedro Knight.

For thousands of Cuban exiles, listening to her music will remain a time machine, a connection to a homeland that in many ways no longer exists. She, like so many others of her generation, was never able to return to the free Cuba for which she longed. But her message was also one of hope, inspiring fans of all nationalities with her indomitable voice, ringing at once with grace and perseverance every time she cried out, "Azucar!"

HARRISBURG SESQUICENTENNIAL RECOGNITION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to pay special tribute to the City of Harrisburg, Illinois, as she celebrates her sesquicentennial. Established in 1853, the people of Harrisburg have prospered while giving so much to this great nation.

The City of Harrisburg was founded as an administrative center for the newly-created Saline County. Since that time, many people have been blessed to call Harrisburg home. Harrisburg boasts of a quality educational system, the unrivaled natural beauty of the Shawnee National Forest and one of Illinois' top track and field programs. Each fall, the City of Harrisburg celebrates its history with a Past to Present Festival. As well, Harrisburg has served as a vital part of the coal industry in southern Illinois for many years.

I am proud to represent the people of the great City of Harrisburg and to share in this special occasion with them. I thank them for all they give to this great nation and I wish them many successes in the years to come. Congratulations!

IN RECOGNITION OF FORMER MISSOURI GOVERNOR WARREN E. HEARNES AND FORMER MISSOURI STATE REPRESENTATIVE BETTY COOPER HEARNES

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to honor two great Missourians, Governor Warren E. Hearnes and his wife, State Representative Betty Cooper Hearnes on their birthdays.

I salute the accomplishments of Governor Hearnes and Representative Hearnes. I worked alongside Betty in the General Assembly. In true fashion, she does not want to be recognized for her accomplishments, but I would be remiss not to mention her great contributions to our State as an elected official and First Lady. The Hearnes have shared significant roles in the State of Missouri, shaped and crafted sound public policy, and served as beacons of light for our citizens and our party.

The Hearnes celebrate the same birthday and today marks Warren's 80th birthday and Betty's 76th birthday. I salute the remarkable longevity of their lives together and their lifelong commitment to public service.

Warren Hearnes is renowned for his tenacity and principles as a public official. Governor Hearnes is a graduate from West Point Military Academy, as well as from the University of Missouri Columbia Law School. After serving in the U.S. Army during World War II, he was elected to the Missouri House of Representatives the following year, and later went on to serve as Secretary of State. He will long be remembered for his unwavering stance to promote state autonomy. Governor Hearnes' fight with the Johnson administration often made him disliked by the presidency but admired by his colleagues in the National Governors Conference throughout the sixties and seventies.

During his time in office, the state legislature overwhelmingly approved and the people ratified a constitutional amendment to allow future Governors of Missouri to serve two consecutive four year terms. Thus, Governor Hearnes ran for and won a second term with the largest percentage of popular votes in Missouri history. In his second term he facilitated reforms to improve universities and colleges, ushered in massive road improvements, and supported the troops in Vietnam but questioned the administration's plan to pursue such a war. Following his term in office, he continued his public advocacy by spending sixteen years working as the Executive Director of the Southeast Missouri Legal Services, an agency to assist people with low incomes in dire need of legal counseling.

Like her husband, Betty Hearnes is an amazing mentor and friend to everyone she meets. She was an excellent model and confidante during the seventies and eighties when the Missouri legislature had very few women in office. In 1979, Betty won the same Missouri House seat her husband held years prior. In addition, she served as Chairwoman of the Democratic State Committee, President of the Mississippi County Industrial Development Authority, as a major facilitator of the Warren E. Hearnes Museum, and a volunteer currently involved in countless civic and charity projects. Today Warren and Betty continue to spend time in Charleston, Missouri serving those most in need. Their endless generosity is an inspiration to us all.

I congratulate Warren and Betty Hearnes on this meaningful occasion and shared birthday. I am grateful for their friendship and am honored to recognize them for their vast personal accomplishments and lifetime of public service.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of Wednesday, July 23, 2003, the House had a procedural vote on the FY 2004 Foreign Operations Appropriations bill. On House rollcall vote No. 424, I was unavoidably detained. Had I been present, I would have voted "no."

NYSSA 100TH CENTENNIAL

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. WALDEN of Oregon. Mr. Speaker, I rise this evening to pay tribute to the community of Nyssa in eastern Oregon's Malheur County and to commemorate the passage of an important milestone in the history of the town. This weekend the people of Nyssa will commemorate the centennial anniversary of the incorporation of their community. This is an event that symbolizes the endurance of the eastern Oregon way of life and the continuity that exists between the earliest settlers of our state and the people who proudly identify themselves as Oregonians today.

There is some debate about the origin of the name Nyssa. Some say it is an acronym for the New York Sheep Shearing Association, which sounds plausible enough given the tradition of shepherding throughout the town's history. Others insist that the town was named by the daughter of a railroad engineer who was reading a book on ancient history and named the town after St. Gregory of Nyssa. Whatever the source of the name, this much is clear: Nyssa stands for the small town values that still echo in the hearts of the people who call it home.

Known as the Gateway City to Oregon, Nyssa is located on the banks of the Snake River on the Idaho-Oregon border. Nearby the historic Oregon Trail, which brought thousands of settlers across the continent to the West, remains visible to this day. Nyssa's history as a town began in 1883 with the arrival of the Oregon Short Line Railroad, though the area was familiar terrain to the fur traders who operated along the Snake River in the early 1800s. The town's first Post Office was established in 1889 and the incorporation of Nyssa occurred in 1903, when the town had gained enough residents to merit elected city officials. In the generations that have followed the founding of Nyssa, the community has been home to hardworking farmers and ranchers who have made their homes in the high desert of Oregon.

The community was immeasurably enriched by the revival of federal irrigation projects in the area, such as the Owyhee Dam which was completed in 1932 to provide water for 120,000 acres of arid land surrounding Nyssa. The miracle of irrigated agriculture made the high desert of Oregon bloom and made possible the way of life that continues today. In the 1930s, many citizens of the Great Plains relocated to the area, drawn by the warmth of the people and the quality of life offered by the community. By the late 1930s, the number of acres being irrigated had attracted the sugar beet industry, and Nyssa saw the opening of the Amalgamated Sugar Company, a sugar processing plant that came into operation in Nyssa in 1938. Agriculture remains the base of the local economy, and most businesses cater to farm production and marketing of products, which include sugar, onions, potatoes, corn, mint, and wheat.

Like many communities in Oregon, the growth in agriculture during the first half of the century brought immigrant families to Nyssa to work the land. Many Hispanic families traveled to the area, where they raised their children and established roots that endure to this day. Nyssa also became home to many Dutch immigrants and later a number of Japanese-Americans who were interned during World War II. Many of these internees remained in the area after the war ended, where they continue to add to the richness of the town's history.

Despite the ups and downs of the Oregon farm economy and the need for many townspeople to find work outside of town, the people of Nyssa have remained loyal to their community. The town has maintained an excellent school system and the population remains stable at 3,100.

Mr. Speaker, since Nyssa was founded it has been home to hearty, self-reliant people who are proud of their history, loyal to their families and community, and representative of the rural way of life that still means as much to the people who live here as it did a hundred years ago. It is both a privilege and an honor to represent the good people of Nyssa in the U.S. House of Representatives. I congratulate them on the occasion of the Centennial of their community, and I look forward to traveling to Nyssa this weekend to share in the celebration with my good friends.

JEFFREY MATTISON WERSHOW: KILLED IN IRAQ

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am here today to speak about a very brave young man, Jeffrey Mattison Wershow, who was killed in the line of duty in Iraq. A specialist in the Florida National Guard who served with the Army's 124th Infantry Regiment, he died at the very young age of twenty-two. Jeffrey was born in Gainesville, a city which is in my congressional district, Florida's third.

Compounding the tragedy of Jeffrey's death is that he was killed in Iraq while trying to keep the peace after the U.S. invasion had already ended. He was assigned to be part of a group of soldiers in a 124-man group assigned to escort U.S. officials. He was killed while guarding a convoy of vehicles while they were parked outside a campus building at Baghdad University when an Iraqi man approached him, pulled out a gun, and shot him.

For his service in "Iraqi Freedom" Jeffrey received the Army Commendation Medal, the National Defense Service Medal, the Achievement Medal, the Parachute Badge and the Army Service Medal. The Army in fact, has recommended that he receive the Bronze Star and the Purple Heart for his dedicated and honorable service in combat.

It is truly impressive all that Jeffrey had accomplished during his young life. He began his active duty in the U.S. Army back in June 1999. After he finished his specialized training, he went on to join the 82nd Airborne Division of the Army's 505 Parachute Infantry Regiment. From there, he went on to continue his service with the National Guard.

A curious and bright young man, Jeffrey had a burning interest in history and political science. He was active in Gainesville politics, and served as co-campaign manager to the campaign of one of my close friends, Cynthia Chestnut, during her County Commission campaign in 2002. He also participated in politics at Santa Fe Community College, was elected to the Student Senate, and was intending to run for student body president.

In a photo taken of him for which he will be fondly remembered, he can be seen patriotically waving the flag during last year's University of Florida Homecoming parade. Jeffrey, riding in the veteran's float, in a demonstration of boundless patriotism and limitless energy, jumped out of the float and ran down the street waving the American flag to energize the crowd.

Jeffrey will be deeply missed by all of the people who knew him. I will keep Jeffrey and his family members with me in my prayers and thoughts.

2003 CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. BILIRAKIS. Mr. Speaker, as I have done every year, I rise again today to reiterate my fierce objection to the illegal occupation of the island of Cyprus by Turkish troops and declare my grave concern for the future of the area. The island's twenty-nine years of internal division make the status quo absolutely unacceptable.

In July 1974, Turkish troops captured the northern part of Cyprus, seizing more than a third of the island. The Turkish troops expelled 200,000 Greek-Cypriots from their homes and killed 5,000 citizens of the once-peaceful island. The Turkish invasion was a conscious and deliberate attempt at ethnic cleansing. Turkey proceeded to install 40,000 military personnel on Cyprus. Today, these troops, in conjunction with United Nations peacekeeping forces, make the small island of Cyprus one of the most militarized areas in the world. Over a quarter of a century later, approximately 1,500 Greek-Cypriots remain missing, including four Americans.

The Green Line, a 113-mile barbed wire fence, separates the Greek-Cypriot community from its Turkish-Cypriot counterpart. The Turkish Northern Republic of Cyprus (TNRC), recognized by no nation in the world except for Turkey, prohibits Greek-Cypriots from freely crossing the Green Line to visit the towns and communities of their families. With control of about 37 percent of the island, Turkey's military occupation has had severe consequences, most notably the dislocation of the Greek-Cypriot population and the resulting refugees.

Twenty-nine years later, the forced separation of these two communities still exists despite efforts by the United Nations (U.N.) and G–8 leadership to mend this rift between north and south. The U.N., with the explicit support of the United States, has sponsored several rounds of proximity talks between the former President of the Republic of Cyprus, Mr. Glafcos Clerides, and Mr. Rauf Denktash, the self-proclaimed leader of the occupied northern part of the island.

In March 2003, the United Nations-sponsored Cyprus peace talks at the Hague between newly-elected President of Cyprus, Tassos Papadopoulos, and Mr. Denktash came to an abrupt halt. Responsibility for this unfortunate setback in the peace process rests largely with Mr. Denktash who rejected U.N. Secretary General Kofi Annan's Plan to end the 29-year division of Cyprus. It is a shame that the Secretary General's personal diplomacy was met by this kind of flat-out rejection. A large share of the blame also rests with the Turkish military and hard-line nationalists in Ankara, who have maintained the illegal Turkish military occupation of Cyprus since

Turkish forces invaded the island in 1974. If the Government of Turkey were sincere about settling the Cyprus problem, they could have put the necessary pressure on Mr. Denktash to say “yes” to the U.N. Plan.

In sharp contrast to Mr. Denktash, Mr. Papadopoulos said “yes” to a public referendum on the Secretary General's plan. His response is consistent with years of efforts by the Government of Cyprus to try to negotiate in good faith to reunify the country—efforts that have been consistently rebuffed by the separatist Turkish-Cypriot regime. I praise President Papadopoulos for stressing that the Greek-Cypriot side will continue the efforts for reaching a solution to the Cyprus question both before and after Cyprus joins the European Union (EU).

In April 2003, the House of Representatives unanimously approved House Resolution 165, introduced by Mr. BEREUTER and myself, which expresses support for a renewed effort to find a peaceful and lasting settlement to the Cyprus problem by declaring appreciation for the efforts of Kofi Annan. The bill also expresses strong disappointment that Mr. Denktash rejected the comprehensive settlement offered by Secretary General Annan, thereby denying the Turkish-Cypriot people the opportunity to determine their own future.

A few days later, Cyprus experienced a major historic event on April 16, 2003, with the signing of the Treaty of Accession to the European Union. For the first time, the people of Cyprus have the opportunity to seal their future when Cyprus becomes a member of the E.U. next year. Upon accession to the European Union, Cyprus will, in its capacity as a full member, be firmly anchored to the western political and security structures, enhancing both geographically and qualitatively the operational capabilities of the Western world.

Needless to say, it would be in the best interest of Turkey to cooperate with the United Nations and the rest of the international community on Cyprus in order to advance its own membership in the European Union. Northern Cyprus will perhaps be the greatest beneficiary of Cypriot membership and resolution of the entire affair. It is currently in a state of economic distress that is being exacerbated by Turkish intransigence. Sadly, the people living in the northern part of the island continue to be mired in poverty as a direct result of their leadership's and Turkey's separatist policies. By joining the rest of Cyprus, it would become part of an already progressive economy, eliminating its financial dependence on Turkey.

So far we have seen that both Turkey and Mr. Denktash have sought to create preconditions on Cyprus' accession by tying that process to the resolution of a comprehensive settlement in Cyprus. The United States should remind Turkey that any threat against the Republic of Cyprus will be met with strong opposition and that Turkey does not possess any veto power over European Union membership. Promotion of Cyprus' membership will remove what has been a stumbling block in comprehensive settlement negotiations, and it will allow Turkey to strive toward the laudable goal of its own accession.

Despite the continued Turkish intransigence, earlier this year the Cypriot Government announced a package of measures aimed at assisting those Turkish Cypriots residing under the control of the Turkish occupation army. This package includes a wide range of political, social, humanitarian, educational and economic measures that will enhance the ability of the Turkish Cypriots to enjoy many of the benefits that the Republic of Cyprus offers to its citizens—as well as to share in the benefits of European Union membership. Far beyond a merely symbolic gesture, the package is a substantive program to integrate the Turkish Cypriot community into the larger Cypriot society as the country prepares to join the EU.

At the same time, the Turkish occupation regime partially lifted restrictions on freedom across the artificial line of division created by Turkey's military occupation. Since then, hundreds of thousands of Greek Cypriots and Turkish Cypriots have crossed the line, to visit homes and areas of their own country that were inaccessible to them for nearly 30 years. It isn't clear whether opening the border was just a tactic to ease the frustrations, or a sign of a fundamental change of heart. But it has produced rare displays of human kinship, exchanges of flowers and pastries, and emotional visits to homes abandoned in the mid-1970s.

Neither the Government's measures for the Turkish Cypriots, nor the partial lifting of restrictions by the occupation regime, should be seen as a substitute for a comprehensive resolution to end the division of Cyprus. We can only hope that the improved climate that has resulted from these steps will contribute to a negotiated settlement based on the U.N. framework in time for the accession of Cyprus to the European Union in May 2004.

We are all standing at the threshold of a historic opportunity that will shape the futures of generations of Cypriots, Greeks, and Turks. We have a responsibility to these ensuant generations to secure their futures by contributing to the efforts to create a peaceful world. We have a moral and ethical obligation to use our influence as Americans—as defenders of democracy, and as defenders of human rights, to reunify Cyprus. There have been twenty-nine years of illegitimate occupation, violence, and strife; let's not make it three decades.

Lastly, I want to bid a fond farewell to Cyprus's Ambassador to the United States, Mrs. Erato Kozakou-Marcoullis, after nearly 5 years of service in our nation's capital. I want to praise the Ambassador for her tremendous efforts and contributions to accomplishing awareness among Members of Congress and Administration officials of Cyprus' desire to be reunified. She will be missed.

CYPRUS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to thank the gentleman from Florida, Mr. BILIRAKIS, for organizing this special order on Cyprus, and for allowing us to reflect on the 29th anniversary of the Turkish invasion of Cyprus. Cyprus has over the last three millennia faced war, devastation and foreign occupation. Today, we highlight the most recent occupation, which Cyprus has endured for 29 years.

Although Cyprus was granted its independence by Great Britain in 1960, as an independent republic composed of two equal communities, in 1974, Turkey exploited a crisis brought about by a military junta to occupy over one third of the island.

To this day, Turkey refuses to remove its troops, despite repeated condemnations by the United Nations.

The Cyprus conflict is one of the longest lasting issues of the international community, which remains unresolved. This conflict has had devastating consequences in terms of lives lost, children orphaned, economic losses and psychological trauma.

The present division of Cyprus, and the presence of 35,000 Turkish troops on the island, is completely unacceptable. We should not accept any further delays or excuses from Turkey on withdrawing from Cyprus.

Numerous resolutions adopted by the United Nations Security Council and the UN General Assembly condemn both the Turkish invasion of Cyprus and the continuing presence of the Turkish military, as illegal acts of aggression.

In addition to the UN, other international bodies of similar stature, like the European Parliament, have also voiced their opposition to the occupation and endorse the reunification of Cyprus as the only acceptable solution to the Cyprus problem.

Faced with a unanimous condemnation by the international community, Turkish leaders have reverted to threats of annexation of Cyprus.

Reports by the European Commission on Human rights state that the Turkish government uses Turkish newspapers to issue threats that the Turkish army will move to occupy the southern part of Cyprus as well, which is under control of the Government of the Republic.

The human rights body of the European Commission adds that Turkey's puppet regime has increasingly threatened to settle, as yet unoccupied areas, with Turks, instead of returning these to the 35,000 lawful inhabitants, the Greek Cypriot refugees of Varosha.

This cannot and will not be tolerated. The United States has put Turkish and Turkish Cypriot leaders on notice.

Not only is it the right thing to do, but it would also benefit American interests in the region to help bring about an expeditious resolution of the tragic division of Cyprus.

Cyprus is a valued partner in the fight against the new global threats of terrorism and terrorist-sponsoring regimes, proliferation, illegal narcotics and international crime.

Cyprus and the United States also have shared values and a shared commitment to building a world based on open markets, democratic principles and the rule of law.

While the Turkish stance, which clearly led to the failure of U.N.-sponsored negotiations between the Greek and Turkish Cypriot communities, must change immediately, we, in Congress, will not waiver on our commitment for Turkish troops to end their illegal occupation of Cyprus once and for all, bringing to an end a tragic period in Cypriot history.

As a U.S. NATO ally and European Union aspirant, Turkey should be held to the highest standards of compliance with its international obligations.

For 29 years, Turkey has ignored the will of the United States and has repeatedly violated the mandates of the United Nations to cease its illegal occupation of Cyprus. Rather than withdrawing, it has reinforced its military presence.

The moment of truth is at hand, and time has run out for Turkish and Turkish Cypriot leaders.

They must undertake concrete steps to forge an agreement on the terms of reunification, and must do so with all deliberate speed.

HONORING MARY LOU STROM

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SIMMONS. Mr. Speaker, I rise today to honor Mary Lou Strom of Enfield, CT who is leaving the political arena after 22 years of dedicated service to the people of Northeastern Connecticut.

Mary Lou has set a standard of excellence for those engaged in local politics. Having served for 8 years on the Planning and Zoning Commission and another 14 years on the Enfield Town Council, Mary Lou has become a familiar face to Connecticut politics and has truly made a difference in her community.

What is most exceptional about Mary Lou is her understanding that it is our fellow citizens who are most important in the political process. All of us know that if democracy is to work properly, quality leadership is required at every level of government, and Mary Lou has proven to be that type of leader. Because of Mary Lou's service, Enfield and the surrounding communities are a better place in which to live, work and raise a family.

Mr. Speaker, I would encourage the Members of the House of Representatives to join me in honoring the service of Mary Lou Strom as she leaves the political arena. She has been a blessing to her community and her country and will be greatly missed.

IN RECOGNITION OF PENNKNOLL VILLAGE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the Pennknoll Village located in Everett, Pennsylvania. On July 26, 2003 the retirement community will celebrate 25 years of service, and acknowledge the employees who have worked at Pennknoll Village since the inception of the institution.

In the late 1970s, Diakon Lutheran Social Services, which serves nearly 60,000 people annually, revamped the program and, with the help of the county, built a new nursing facility. Pennknoll Village has grown to become a vital part of the community and now accommodates 133 residents, including those in need of short-term care.

Mr. Speaker, it is an honor that I rise today to recognize Pennknoll Village and its 25 years of service. Central and western Pennsylvania are a better place because of workers like those employed by Pennknoll Village. I wish them continued success over the coming years.

ENSURE FAIR WAGES AND DUE PROCESS FOR DAY LABORERS

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. GUTIERREZ. Mr. Speaker, today I am introducing the "Day Laborer Fairness and Protection Act," a bill to ensure fair wages and due process for day laborers.

Day laborers are individuals who are hired by agencies to work on a day-to-day basis for employers who pay for the services of temporary laborers. Day labor is not of a clerical or professional nature. Most day laborers perform construction, warehouse, restaurant, janitorial, landscaping or light industrial work—often taking home far less than the minimum wage.

In the absence of federal guidelines, day laborers are often subjected to long, unpaid wait-periods before being assigned to a job. Commonly, these workers also face dangerous working conditions and are paid lower wages than full-time workers performing the same or similar jobs. Further, day laborers are frequently charged high (often undisclosed) fees for on-the-job meals, transportation to and from job sites and special attire and safety equipment necessary for jobs. Some agencies even ask workers to sign waivers in case they are injured on the job.

Partially due to these unfair labor conditions, many day laborers are caught in a cycle of poverty. A study by the University of Illinois Center for Urban Economic Development found that 65 percent of 510 surveyed day laborers receive $5.15 per hour. Taking into consideration the number of hours spent waiting to be assigned to work (often between 1.5 and 3 hours), the real value per hour of work is reduced to less than about four dollars per hour. This low figure does not reflect transportation and food and equipment fees, which are often deducted from day laborers' wages.

To address these problems, this Act requires day laborer wages that are equal to those paid to permanent employees who are performing substantially equivalent work, with consideration given to seniority, experience, skills and qualifications. Also, it will help ensure that workers are being properly trained before performing hazardous tasks. My bill would also ban fees and wage deductions for health and safety equipment and for transportation between the place of hire and the work site. Further, it requires itemized statements showing deductions made from day laborers' wages. It will also outlaw the unscrupulous practice of charging workers a fee for cashing paychecks. Some companies reap millions of dollars from this deceitful practice. Finally, it mandates that when a day laborer is hurt on the job, the employer who has requested the services of the day laborer provide for coverage of health care costs.

Mr. Speaker, I urge my colleagues to support this pro-labor legislation that will help ensure that people who work hard and pay taxes have the same employment protections as people in other jobs.

INTRODUCTION OF LEGISLATION TO GRANT CITIZENSHIP TO SOLDIERS OF OPERATION IRAQI FREEDOM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. RANGEL. Mr. Speaker, I rise to call to the attention of my colleagues a bill that would extend automatic citizenship to those immigrant soldiers who have served our country during Operation Iraqi Freedom.

I introduce this bill in honor of soldiers like Sgt. Riayan Tejeda of Washington Heights, who laid down their lives so that all of the people of the United States, regardless of immigration status, could continue to enjoy the freedoms that our Constitution lays out. To uphold and protect a Constitution that this august body continues to perfect through legislation and debate.

The Riayan Tejeda Memorial Act of 2003 goes beyond current congressional efforts by granting citizenship to all servicemembers that request naturalization and have served in a combat zone designated as part of Operation Iraqi Freedom. It ensures that not only spouses and unmarried children, but also parents of soldiers killed as a result of service in the U.S. military, can apply for citizenship or legalization of status beyond the death of that servicemember. It allows undocumented spouses, dependents and parents of servicemembers to stay in the country while they are legalizing their status. Finally, this bill honors our current and fallen soldiers for their service by prioritizing the naturalization applications of servicemembers and their families.

No one in this country who works hard and abides by the just laws of this country should have to die to receive the citizenship that they crave and deserve. For men and women who decide to don the uniform of the armed forces, their actions on the battlefield should be enough to prove their allegiance and dedication to this land and our families.

HONORING LUCILLE COUGHLIN

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. EMANUEL. Mr. Speaker, I am proud to rise today in recognition of a truly amazing woman, Lucille Coughlin. Last year, Lucille was named the top usher at Wrigley Field, home of the World Famous Chicago Cubs.

While we are all extremely proud of Lucille for becoming the Cubs' "top usher," we are even more impressed that she achieved this at 88 years young.

A true Chicago Northsider, Lucille is a graduate of Lakeview High School—one of Chicago's finest public schools. She was married at St. Andrew Parish and lived 40 years of her life in the Sauganash neighborhood. Lucille raised three children, one of whom is our own Chaplain, Reverend Daniel Coughlin. Today, she lives near Lake Michigan and enjoys spending time with her five grandchildren and eight great-grandchildren.

Approximately 15 years ago, Lucille and her friends at St. Andrew began looking for ways to stay involved in their community. After exploring a few options, they decided on working at Wrigley. Among the original group of St. Andrew's parishioners who began ushering at Wrigley Field, only Lucille remains, working nearly every day. Because she is universally loved and recognized for her cheerful and friendly demeanor, I share the joy felt by so many thousands of Cubs fans who are thrilled she has been honored with the Usher of the Year award for the 2002 season.

During her years at Wrigley, Lucille has witnessed the addition of lights to the field, rejoiced when the Cubs won the National League East title in 1989, lamented the retirement of Cub legend Ryan Sandberg, mourned the loss of Harry Carey, and celebrated many of Sammy Sosa's 505 home runs. Knowing Lucille, she'll be around when the Cubs finally return to the World Series.

But if you ask Lucille why she still works, she will tell you that it's partly to stay active, but mostly because of the great friends she has made. As an usher she has met some of the players, past and present, as well as many important public officials. But, as interesting as the VIPs are, it is the strong bonds she has made with co-workers and fans which keeps her coming back.

Mr. Speaker, I am proud to call Chicago home because of people like Lucille. When she retired, she chose to stay active and involved in the community she has called home for more than 88 years. This August, Lucille will turn 89, and I hope to see her at Wrigley for years to come. Lucille Coughlin is a great Chicagoan. I congratulate her on her successes, and I wish her a happy birthday and the best in whatever life sends her way.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

SPEECH OF

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes:

Mr. HAYWORTH. Mr. Chairman, I rise today to bring attention to a very important issue for my state. My intent is to demonstrate to the government of Mexico that they must start working with us to provide great health care services for its citizens.

As you know, the Emergency Medical Treatment and Active Labor Act (EMTALA) requires hospital emergency rooms to treat all patients who seek care, regardless of immigration status.

The cost of providing free medical care to illegal immigrants is a devastating burden particularly to hospitals in counties along Arizona's southern border. While this problem affects our national health care system, it has resulted in a health care crisis in states such as Arizona.

Many Arizona hospitals face serious financial difficulties. Some have cut back services and state residents are forced to stand in longer lines to see fewer doctors.

Last year, the U.S.-Mexico Border Counties Coalition released a report that should alarm and concern all of us. It found that health care facilities in 28 border counties lost nearly $200 million in one year in costs for the emergency medical treatment of illegal aliens, $31 million of which was lost in Arizona's border counties.

Because the federal government has failed to take financial responsibility for the costs associated with illegal immigration, much of the financial burden of emergency care for undocumented immigrants falls to state and local governments. I support efforts to ease that financial burden and I am proud to be a cosponsor of my colleague Mr. KOLBE's bill—H.R. 819—that will assist border states, localities, and health care providers. In addition, I will be sending a letter soon to Medicare conferees in support of a Senate provision that provides $250 million a year for 4 years to reimburse state and local governments and local health care providers for emergency health services provided to undocumented aliens.

The Congressional Budget Office says helping border states deal with this problem will cost $1.45 billion a year. The United States should not have to bear this burden alone. The Government of Mexico has an obligation to provide its citizens with greater health care services and help stem the tidal wave of illegal immigrants into this country. One way the Mexican government can be helpful is to provide matching funds for projects like the Nogales Trauma Center. It seems to me that the better job the Mexican government can do to provide medical care for its own people, the fewer Mexicans will be attracted to cross the border to obtain medical care. In Arizona and other border states the Mexican government needs to do more and I will work with you to urge them to take these matters seriously.

However, if the Mexican government is unwilling or unable to work with us over the next year, I fully intend to offer an amendment next year that would eliminate all aid provided to the government of Mexico in the Foreign Operations Appropriations Bill and redirect those funds to states, localities, and health care providers to help deal with the crushing burden of health care costs for illegal aliens.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes:

Mr. KOLBE. Mr. Chairman, I appreciate Congressman HAYWORTH's concern on the issue of medical care for undocumented aliens. He and I are both from Arizona. We know very well the concerns of our state.

Together, we are actively working to get the federal government to compensate state and local governments along the border for the costs resulting from illegal immigration or undocumented entries along the border. There is currently no federal or state policy to reimburse medical care providers for their treatment of illegal immigrants not in custody or who do not possess proof of residency in Arizona. During the past six years, Arizona has experienced a drastic surge in illegal immigration due to recent policy of sealing off Texas and California borders. Therefore, Arizona hospitals and ambulance service providers have had to shoulder an increasingly harsh economic burden.

If we fail to act quickly, our hospitals will go bankrupt leaving the citizens in many areas of Arizona without access to medical care.

Just this week, I introduced H.R. 2807, The Border Hospital Survival and Illegal Immigrant Care Act. This legislation aims to address the shortcomings created by Immigration and Naturalization Service policy instructing the Border Patrol to not apprehend illegal immigrants injured in the process of crossing the border thereby avoiding financial responsibility.

It is a bipartisan effort being supported by several Republicans and Democrats across the border region, including Representatives REYES, FILNER, PASTOR, RENZI, and GRIJALVA.

I know the intent of Congressman HAYWORTH's floor amendment to the Foreign Operations appropriations bill is to get greater Mexican attention and resources on this issue. I think that is appropriate.

There is an innovative pilot project underway that may actually yield commitment on a larger scale from the Mexican government on these issues.

Just recently USAID contributed resources to establish a triage and stabilization unit at the General Hospital in Nogales, Sonora located in Mexico just across from Nogales, Arizona.

This unit would seek to take care of most emergency medical needs of Mexican citizens on the Mexican side of the border in Nogales, Sonora. I encouraged and supported this leadership by USAID and the U.S. government.

In the spirit of public private partnerships, its funding composition has several components:

$350,000 from USAID/Mexico and a USAID Global Health agreement with EngenderHealth, a U.S. NGO,

Nearly $200,000 of cost-sharing support from Arizona partner organizations, principally the USAID grantee, Tucson's University Medical Center Foundation,

2,000,000 pesos from Mexican Federal and State Government, and

1,000,000 pesos from local Mexican business association.

I recognize the goal of Congressman HAYWORTH and I appreciate his willingness to withdraw the floor amendment to the Foreign Operations appropriations bill.

As I continue to work on this issue, I would propose that he and I work together to bring greater focus to this important issue.

Cooperation in support of Mexico's economic and social development and its consolidation of democratic institutions and practices ranks high in the range of U.S. policy interests. This national interest of the U.S. mirrors what is in our intense local Arizona interest.

I plan to work with the distinguished Member of Arizona on this issue. In the near future, I hope you can consider co-sponsoring H.R. 2807, The Border Hospital Survival and Illegal Immigrant Care Act.

HONORING GEN. LESTER L. LYLES ON HIS RETIREMENT

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to Gen. Lester L. Lyles, United States Air Force, who will soon be retiring from the U.S. military after 35 years of distinguished service to our nation.

Gen. Lester L. Lyles is currently the Commanding General of the Air Force Material Command, headquartered at Wright-Patterson Air Force Base in the 7th Congressional District. The command conducts research, development, test and evaluation, and provides acquisition management services and logistics support necessary to keep Air Force weapons systems combat-ready.

The general entered the Air Force in 1968 as a distinguished graduate of the Air Force ROTC program. He has served in various assignments, from the Headquarters of the U.S. Air Force, to the Air Force Systems Command (AFSC). The general became AFSC headquarters' Assistant Deputy Chief of Staff for Requirements in 1989, and Deputy Chief of Staff for Requirements in 1990.

From 1992 to 1996, he served consecutively as: Vice Commander and then Commander of the Ogden Air Logistics Center at Hill Air Force Base in Utah, and then commander of the Space and Missile Systems Center at Los Angeles Air Force Base in California.

The general became the Director of the Ballistic Missile Defense Organization in 1996, which is certainly one of the most politically charged offices in the Pentagon.

In May 1999, he was assigned as Vice Chief of Staff at Headquarters, U.S. Air Force. He assumed his current position in April 2000.

I have had the privilege to work with the General on many occasions, since we have the mutual goal of seeing the Air Force (and Wright-Patterson Air Force Base) maintain its role as the preeminent leader in aerospace and advanced technology research.

General Lyles has always understood what has needed to be done, and we have worked very well together to maintain a robust research atmosphere at Wright-Pat. In addition to being a great leader and administrator, General Lyles is also the only African-American four-star general in the Air Force.

This makes him an outstanding role model for the youth of today as an example of what can be accomplished through hard work and perseverance. In fact, in February of this year, General Lyles received the Black Engineer of the Year Award for lifetime achievement. This award is presented on behalf of the Council of Engineering Deans of the Historically Black Colleges and Universities, Lockheed Martin, Daimler Chrysler and U.S. Black Engineer & Information Technology Magazine.

As befitting a leader of his stature, General Lyles has an impressive academic background including: a Bachelor of Science degree in mechanical engineering from Howard University in Washington, D.C., and a Master of Science degree in mechanical and nuclear engineering from the Air Force Institute of Technology Program at New Mexico State University in Las Cruces.

Through his advancement in military rank, he has also attended: the Defense Systems Management College, the Armed Forces Staff College, the National War College, and most recently he completed a National and International Security Management Course at Harvard University.

And, like any successful person, General Lyles is supported by a strong family relationship with his wife of 33 years, Mina, and their four children.

During my tenure in Congress, it has been my honor to work with several consecutive commanding generals of the Air Force Material Command. Each one has been professional, dedicated and a credit to the caliber of general officers in the U.S. Air Force. However, General Lyles has greatly impressed not only myself, but also many business and community leaders in the Miami Valley. When General Lyles retires, we will be sorry to lose the man I consider to be the best leader in the distinguished history of the command.

As the Congressman who represents Wright-Patterson Air Force Base in the U.S. House of Representatives, I offer my sincere congratulations to Gen. Lyles on his well-deserved retirement and on behalf of the 7th Congressional District and thank him for all he has done to preserve our freedoms.

HONORING WILLIAM STRAUS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. WOOLSEY. Mr. Speaker, I rise today to honor William Straus, rancher, environmentalist, and father of the family whose Straus Family Creamery has set a new standard for organic dairy products. Mr. Straus, who lived in Marshall, CA, died on July 6, 2003, at the age of 88.

Born in Hamburg, Germany, in 1914, Bill, whose father was the first German Jew to earn a doctorate in agriculture, also studied agriculture before fleeing to British-controlled Palestine in 1936. Although he planned to settle there, relatives lured him to California where they were expecting to find oil near San Luis Obispo.

No oil was found, but Bill fell in love with the land. He earned a degree in agriculture from UC Berkeley and purchased a ranch in Marshall. In 1949, fearing he would not find a Jewish girl to marry in West Marin, he traveled to New York twice to meet Amsterdam-born Ellen Prins. The couple married soon after, and Ellen moved to the ranch where she too fell in love with the rolling hills and beautiful landscape.

The Strauses soon became leaders in efforts to protect the land and to develop environmentally sound farming practices. The couple understood that ranchers and conservationists needed to work together to preserve open spaces. Bill was the first rancher to join the Marin Conservation League, and in 1980 Ellen co-founded Marin Agricultural Land Trust (MALT). In 1994, son Albert Straus established the first organic dairy west of the Mississippi.

Bill and Ellen created a warm, hospitable household based on their Jewish roots and were welcoming to friends, family, and a parade of visitors. Ellen Straus died last November. Bill is survived by four children and four grandchildren.

Mr. Speaker, Bill Straus left a legacy based on stewardship of the land, close personal relationships, commitment to agriculture and love of the landscape. His spirit lives on in the beautiful hills of West Marin.

PERSONAL EXPLANATION

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to explain my absence on Friday, July 18, 2003 and Tuesday, July 22, 2003. I attended the funerals of Sgt. Roger Rowe, a Tennessee National Guardsman killed in Iraq, and Rose Barker, a longtime friend. I wanted to pay my respects to Sgt. Rowe and thank his family for his dedicated service to our country. I also wanted to say farewell to a very good friend in Rose.

INTRODUCING THE NATIONAL DROUGHT PREPAREDNESS ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today with my good friend from Montana, Mr. REHBERG, to introduce the National Drought Preparedness Act. The companion to our bill is also being introduced today in the other body by Senators PETE DOMENICI and MAX BAUCUS.

In 1998, Congress passed legislation creating the National Drought Policy Commission. The Commission was tasked with the responsibility to examine current U.S. policy on drought. To summarize the Commission's fifty-page report in a few short words, "The U.S. does not have a policy on drought."

I wish I had just made a joke. The fact that we don't have a drought policy, however, is a joke—and not a good one at that.

Drought is not just an agriculture issue, nor is it only a water management issue. When droughts occur, forest fires erupt, small businesses close, crop yields decrease, and in many instances, people die.

Here in Washington, it's been raining all month, so people aren't talking about drought. However, just because we aren't talking about it, doesn't mean that we shouldn't be doing something about it.

In my home State of Florida, we are always taking steps to mitigate the effects of hurricanes and floods—regardless of what season it is. In the Midwest, similar efforts are made to plan for tornadoes, and in the West, the same could be said for wildfire prevention and earthquakes.

It is time for America to move away from the costly, ad-hoc, and response-oriented approach to drought, and toward a more pro-active approach that focuses on preparation and planning. Coordination between Federal, State, and local governments, in addition to watershed groups, farmers and ranchers, and resource dependent businesses, is the only way we will successfully curb the effects of drought before we find ourselves in one. The bill we are introducing today provides a new focus on an otherwise often ignored natural disaster.

Our bill accomplishes four major goals:

First, the bill begins to move the country away from the costly, ad-hoc, and response-oriented approach to drought, and toward a more pro-active approach focused on preparation and planning. The new national policy will provide the tools and focus for Federal, State, tribal and local governments to address the diverse impacts and costs caused by drought.

Second, the bill will improve the delivery of Federal drought programs. To ensure improved program delivery, integration and leadership, the National Drought Preparedness Act establishes the National Drought Council under the direction of the Secretary of Agriculture. The Council will provide the coordinating and integrating function for the more than 80 Federal drought programs currently in existence.

Third, the bill establishes new tools for drought preparedness planning. Building on current water policy, the Drought Council will assist states, local governments, tribes, and other entities in the development and implementation of drought preparedness plans. The bill does not mandate state and local planning, but is intended to facilitate the development and implementation of drought plans through the establishment of a Drought Assistance Fund. Importantly, the bill also preserves State authority over water allocation.

Fourth, the bill improves our forecasting and monitoring abilities. Under our legislation, the Drought Council will facilitate the development of the National Integrated Drought System in order to improve the characterization of current drought conditions and the forecasting of future droughts, as well as provide a better basis to trigger Federal drought assistance.

Mr. Speaker, the creation of a coordinated and comprehensive National Drought Council will provide efficient and time sensitive coordination between Federal agencies in preparing for and responding to droughts, as well as assisting Congress in identifying our immediate and long term needs in providing drought relief.

I am looking forward to working with my colleagues and moving this bill forward. Americans are hurting throughout this country today because of water shortages and prolonged droughts. Congress must act immediately, and time is of the essence.

I ask my colleagues to support this bill, and I urge the House leadership to bring this bill to the floor for its swift consideration.

INTRODUCTION OF THE FEDERAL BUREAU OF INVESTIGATION REFORM ACT OF 2003

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. CONYERS. Mr. Speaker, today I am introducing the "Federal Bureau of Investigation Reform Act of 2003," legislation that strengthens the accountability, enhances the security and improves the management of the Federal Bureau of Investigation (FBI). I am joined by Representatives BERMAN, JACKSON-LEE, DELAHUNT, BLUMENAUER, WAXMAN, FARR, and CARSON of Indiana.

The report released today by the joint congressional committee investigating the September 11th attacks was quite disturbing. It provided ample evidence of key clues and signals that astute FBI agents should have picked up on. Line after line of the report reveals incidences of missed opportunities. Beginning with the FBI's neglect of the now infamous "phoenix" memo and ending with the mishandling of potentially valuable informants, the FBI engaged in a pattern and practice of activities that did very little, if anything, to protect this nation from the devastating attacks it experienced on 9–11.

To address some of the obvious miscues and intelligence failures highlighted in the report, we are introducing the FBI Reform Act of 2003. There are five key elements of our bill. First, it strengthens whistleblower protection for FBI employees and protects them from retaliation for reporting wrongdoing. Second, it addresses the issue of a double standard for discipline of senior executives by eliminating the disparity in authorized punishments between Senior Executive Service members and other Federal employees. Third, it establishes an FBI Counterintelligence Polygraph Program for screening personnel in exceptionally sensitive positions with specific safeguards. Fourth, it establishes an FBI Career Security Program, which would bring the FBI into line with other U.S. intelligence agencies that have strong career security professional cadres whose skills and leadership are dedicated to the protection of agency information, personnel, and facilities. Finally, it requires a set of reports that would enable Congress to engage the Executive branch in a constructive dialogue building a more effective FBI for the future.

The FBI Reform Act is designed to strengthen the FBI as an institution that has a unique role as both a law enforcement agency and a member of the intelligence community. As the Judiciary Committee continues its oversight work and more is learned about recent FBI performance, additional reforms may prove necessary. Especially important will be the lessons learned from the attacks of September 11th, the anthrax attacks, and implementation of the USA PATRIOT Act. I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

HONORING JAMES WILSON JACKSON AND HARRY BELLE FULLMORE ON THEIR GOLDEN WEDDING ANNIVERSARY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. LEE. Mr. Speaker, we rise today to honor the 50th wedding anniversary of James Wilson Jackson and Harry Belle Fullmore, better known as Honey.

James, a lieutenant in the United States Army was stationed at Fort Bliss in El Paso, Texas where he met Honey. And, like her name, Honey was the belle of Texas and James was swept off his feet. After numerous Sunday dinners prepared by Jesse Cook, Honey's mother and James' future mother-in-law, James proposed to Honey and the two married on August 14, 1953.

They had four children: James Wilson Jackson, Jr., Suzan Elizabeth Jackson, Barbara Ann Jackson and Michelle Jackson.

Having chosen a military career, James and Honey traveled throughout the world including the Orient, Europe and from coast to coast in the United States. Everywhere they settled, they developed a host of friends.

Upon retiring from the military, James and Honey chose Cleveland, Ohio as their new home. Since moving to Cleveland in 1970, they have dedicated themselves to contributing to their community and society at large. James chose the civic route, volunteering to serve on various Boards and Commissions. Honey chose to make her contributions more economic in nature, supporting upscale and specialty boutiques from coast to coast.

During the 50 years of their marriage, James and Honey have been faced with many obstacles and hurdles, but working together, they have persevered. We are honored to commend James and Honey Jackson on their Golden Anniversary.

IN RECOGNITION OF WILLIARD McDONALD ON THE OCCASION OF WILLARD McDONALD DAY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Willard McDonald on the occasion of the 6th Annual Willard McDonald Day in Ashland, Alabama.

Willard McDonald has a deep faith in God and a deep love for gospel music. He was the founder and editor of "Deep South Gospel Magazine," and the host of "Gospel Music Review" and the "Country Boy Eddie Show" in Birmingham, Alabama. He used his love of gospel music to organize gospel sings for twenty-five churches and for charity events.

Since his retirement, Willard McDonald has devoted his time to helping others, and six years ago, his friends, his family and the citizens of Ashland organized a Willard McDonald Day to show their appreciation.

Mr. Speaker, I pay tribute today to Willard McDonald as a great Alabamian and American, and I appreciate the House's acknowledgment of his legacy.

CELEBRATING THE 14TH EDITION OF PAN-AMERICAN GAMES IN THE DOMINICAN REPUBLIC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to the 14th edition of the Pan-American Games, this year to be held in Santo Domingo Dominican Republic, from August 1st to August 17th.

Since 1951, the games have carried the Olympic spirit of trying to build and strengthen international cooperation through friendly, but no less intense, competition between the countries of the Western Hemisphere. In a time when we are engaged in a global struggle against terrorism, poverty and disease, the sight of some of the region's best athletes coming and sharing the same stage peacefully gives the world hope that our current struggles are just a prologue to better days.

This year's games are also a source of pride to Dominicans all over the world, especially those who live in my district's neighborhood of Washington Heights. While putting on an event of such magnitude is a challenge for any nation, there is no doubt in my mind that the world will be treated to a world-class celebration full of the best of Dominican culture. It is also a chance to sow the seeds of future economic development by showing the world that any stage can shine brightly from Santo Domingo.

So it is with great enthusiasm that I ask my colleagues to join me in congratulating all the participants and organizers in advance for all their achievements and hard work. Let us hope that the Pan-American Games' motto, loosely translated as "The American spirit of friendship through sports," not only lasts beyond these two weeks in August, but also extends beyond sports and the island of Hispañola into the hearts of all of the world's citizens.

INTRODUCTION OF SENSE OF CONGRESS BILL ON LIBERIA

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce a resolution expressing the sense of the Congress that while we encourage a regional West African effort to resolve the Liberia crisis, the United States military has no role—either alone or as part of a multinational force—in that country.

We all recognize the tragedy in Liberia. A civil war has raged there for the past 14 years, leaving thousands dead and a million without homes. Horrific stories of atrocities abound. We wish for peace and a resolution to the conflict. But we must recognize that this resolution should come through regional West African efforts. These are the countries involved and affected; these are the countries with the most incentive to resolve the problem. Simply stated, there is no U.S. national security interest at stake in the conflict—no matter how widely "national interest" is defined.

But the administration is currently pondering repeated calls by some in the U.S. and especially the United Nations to commit thousands of troops to a full-fledged American operation in Liberia. According to press reports, the Pentagon has just ordered about 4,500 sailors and marines from the Horn of Africa into the Mediterranean Sea, so as to be closer to Liberia—just in case.

Before we commit our troops to yet another foreign intervention, Congress must at the very least consider the implications of further committing our already seriously overextended military. According to recent press reporting, of the 33 brigades that make up the entirety of the U.S. Army's active duty combat forces, all but just three brigades are either currently engaged in Iraq, Afghanistan, South Korea, are committed to other missions, or are reconstituting. This suggests that the U.S. military is in serious danger of becoming over-extended.

Mr. Speaker, there is no U.S. interest in the conflict and U.S. military involvement could well lead to resentment and more violence against U.S. troops, as we saw in Somalia. We must ponder this possibility before yet again putting our men and women in uniform in harm's way.

I hope very much that my colleagues will join me in this effort and that we may see a quick Floor vote on this very important measure.

ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ROTHMAN. Mr. Speaker, I rise today in remembrance of the 29th Anniversary of the Turkish Invasion of Cyprus and to commemorate this tragedy for the Greek Cypriot people.

On the 29th Anniversary of the Turkish Invasion of Cyprus, we solemnly remember the victims of the invasion. The invasion claimed 5,000 Cypriot lives, displaced 200,000 Greek Cypriots from their homes, and has created one of the most militarized areas in the world, with 40,000 Turkish troops continuing to occupy the island. The invasion also created hatred between Greek Cypriots and Turkish Cypriots that poisoned the way they thought of each other for years.

While we mourn the tragic losses of the past 29 years, we are also able to celebrate the future of a Cyprus integrated into the European Union. This is an historic year for Cyprus, and I would like to commend Cyprus and the Greek Cypriot people for their commitment and determination in reaching a settlement on the reunification of the island and especially membership in the European Union. On April 16, 2003, Cyprus signed the Accession Treaty to the European Union and will now have a host of new opportunities open to its people. Just this week, the Wall Street Journal ran an article describing the emotional meetings of Greek Cypriots and Turkish Cypriots going back to their former villages, and their realization that the hatred melted away once they met and spoke with people on the other side. If this is truly the case, then there is hope for a peaceful future.

Nevertheless, it is the obligation of the U.S. Congress to condemn the violence that separated the island nation of Cyprus, and to encourage Turkish Cypriot leaders as needed to negotiate in good faith with their Greek Cypriot counterparts to settle this dispute. The reunification of the island nation is a priority for this Congress and the international community. On this anniversary of the Turkish invasion of Cyprus, we mourn the deaths of those killed in the invasion and the lost opportunities over the years, and we look forward to a future of a reunited Cyprus in the European Union.

HONORING THE SACRIFICE OF CMDR. KEVIN A. BIANCHI

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. PAYNE. Mr. Speaker, I rise today to honor a true American hero. Kevin A. Bianchi, 40, was among three members of a Navy helicopter crew confirmed dead in a crash in Sicily on July 16, 2003. The fact that his older brother, Robert, a Navy helicopter pilot, was killed in a crash in the Philippines in 1986, adds to the enormous grief that his family now feels.

Kevin Bianchi came from a proud family tradition of Navy servicemen. Two of his three brothers served honorably with Kevin in the Navy. Indeed, Kevin himself graduated from the U.S. Naval Academy in Annapolis, Maryland, in May 1985 with a Bachelor of Science degree in Applied Science. He led fellow servicemen as captain of the Navy Wrestling team, and was commissioned and assigned to the Naval Academy staff as an Assistant Physical Education Instructor and Assistant Wrestling Coach. In June 1991, Cmdr. Bianchi reported to the Naval Postgraduate School in Monterey, California where he earned a Masters of Science degree in Information Systems Technology Management. Finally, in March 2001, he went to Newport, Rhode Island to attend the College of Naval Command and Staff at the United States Naval War College where he was awarded a Master of Arts degree in National Security and Strategic Studies.

His glittering academic career was mirrored by his successful service record. He served with honor on the Naval Air Force Atlantic Fleet in Virginia, and was promoted to the position of Air Operations Officer of the Pacific Fleet in San Diego, California. He was decorated on countless occasions in recognition of his service success. In addition to various service awards, Cmdr. Bianchi earned an Air Medal and Navy Commendation and Achievement Medals.

Mr. Speaker, I am sure that my colleagues here in the U.S. House of Representatives are inspired, as I am, by Cmdr. Bianchi's remarkable patriotism and exceptional valor. He was proud to serve his country, and refused to give up his career even after his family had been struck by tragedy. That Cmdr. Bianchi continued to put his life at risk on a regular basis, even after the loss of his brother in 1986, is proof of his unassailable courage and dedication. Let us join in extending our condolences to Cmdr. Bianchi's parents, who have now lost two sons in service to our Nation. Our thoughts and prayers will be with his loving wife Rita Barrie, and their three children, Kevin, Christopher and Julia.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. MOORE. Mr. Chairman, I was unavoidably detained due to a U.S. Airways plane malfunction and missed rollcall vote No. 357, the Ackerman-LaTourette amendment to the Agriculture appropriations bill which would require that the USDA expend no funds to approve meat from downed animals—animals that are too sick to walk or stand—for food. Had I been present, I would have voted "yea."

COMMUNITY PROTECTION AND RESPONSE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mrs. MALONEY. Mr. Speaker, today I introduce the Community Protection and Response Act of 2003 to eliminate confusion in terrorist prevention and response.

One of the major lessons learned in the aftermath of the September 11th attacks is that timely response is critical. Any delay complicates short-, medium-, and long-term recovery efforts. Sadly, many of the lessons that we have learned have gone without an appropriate response. For example, the Washington Post reported on June 4, 2003, that the United States remains highly vulnerable to a chemical terrorist attack, in large part because the Department of Health and Human Services and the Environmental Protection Agency still have not decided which agency would spearhead chemical testing. Clearly now is the time to learn from our past and prepare for the future. The Community Protection and Response Act does just that.

In response to the attacks of September 11th, Congress took a series of actions to bring relief to affected areas. These legislative actions along with existing statutes, including the Robert T. Stafford Relief and Emergency Act and the Disaster Mitigation Act of 2000, formed the framework for the federal government's response. The magnitude of the attacks and the need for Congress to take action before certain relief could be delivered added to the challenge of the recovery efforts and exposed critical weaknesses in federal authority to respond.

The Community Protection and Response Act would amend the Stafford Act along with other statutes and would give the President a series of policy options to chose from following a homeland security event. A homeland security event is defined as an event that poses a significant risk to the security of people and property and is in such a magnitude that effective response is beyond the scope and capability of the affected state and local government. Many of these options are based on congressional action following September 11th or other policy suggestions in reports by the Congressional Research Service, the General Accounting Office and the New York branch of the Federal Reserve. Specifically, in the event of homeland security event, the President can provide grants for lost tax revenue, aid to school systems, and assistance to medical facilities and utility companies. The bill also establishes guidelines to ensure the public health of area residents and disaster workers.

This legislation was introduced in the 107th Congress (H.R. 5164) and was offered as an amendment to the Bill that created the Department of Homeland Security. While the Committee on Government Reform passed the amendment by an unanimous vote, it was stripped out before floor consideration.

IN RECOGNITION OF JETT WILLIAMS, THE DAUGHTER OF HANK WILLIAMS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Jett Williams, the daughter of the legendary Hank Williams, for her outstanding professional achievements.

Jett Williams was born in Montgomery, Alabama, on January 6, 1953, five days after the death of her father, Hank Williams. She was adopted by her grandmother, Lillian Williams. When Ms. Williams passed away in 1954, Jett was adopted by a family living in Mobile, Alabama. It was not until adulthood that she began to search for her real identity. In 1989, the Alabama Supreme Court recognized Jett Williams as the daughter of Hank Williams.

Through her fight to be recognized as the daughter of Hank Williams, Jett Williams was assisted by attorney Keith Adkinson, who became her husband in 1986. The next year, she began her professional singing debut in Evergreen, Alabama. In 1990, she published her autobiography. Finally, on the occasion of the anniversary of the 75th birthday of Hank Williams, Jett Williams and Hank Williams, Jr. made their first appearance together, demonstrating their family relationship.

Carrying on the Hank Williams tradition, Jett Williams performs throughout the country, and on August 16, 2003, she will once again return to Alabama for her annual Kowliga Reunion on Lake Martin to honor her father and one of country music's best known legacies, Hank Williams.

A SPECIAL TRIBUTE IN RECOGNITION AND SUPPORT OF THE WORK OF SISTER JANET DOYLE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. KAPTUR. Mr. Speaker, I am pleased to take this opportunity today to recognize the contributions to Catholic education made by Sister Janet Doyle, O.P. of the Toledo Catholic Diocese. Sr. Janet leaves her position as Superintendent of the diocese's Catholic Youth and Social Services, having developed the office into a comprehensive network of services for young people including schools, sports, social activities, and ministry.

During her long tenure, Sr. Janet has overseen 83 elementary schools, 10 high schools, 4 private high schools, and 2 colleges in the diocese's nineteen county Northwest Ohio area through which tens of thousands of children have been educated. Under her leadership, the schools expanded enrollment to include children of all faiths, offering opportunities for them to learn in an interfaith environment.

Sr. Janet's stewardship has been marked by the Catholic educators' credo that "we believe our Catholic School is not only a school, but a community of Faith; we believe those entrusted to us are not only students, but children of God; we believe we are not only educators, but ministers of the Gospel; we believe the values we teach are not only character development, but a call to Holiness; we believe our courses of study are not only academic pursuits, but a search for Truth; we believe the purpose of education is not only for personal gain and the development of society, but for the Transformation of the world." Under her capable guidance, the diocese's schools have demonstrated they are at the forefront of a quality education with rigorous academic standards, and at the same time giving students a safe haven in which to learn and grow. Thank you Sister!

Sr. Janet leaves as her legacy the fulfillment of the mission of the office of Catholic Youth and School Services to "assist the Bishop in his teaching mission by serving, challenging, and supporting the leaders of youth formation and education who minister in schools and parishes in the Diocese of Toledo." Though her daily presence will be missed, Toledo's Catholic youth services bear her imprimatur.

TRIBUTE TO EDDIE MURRAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. CARDIN. Mr. Speaker, the words most often used to describe Eddie Murray are "team-player," "reliable," "steady," and "clutch-player." What these words fail to convey is just how much fun it was to watch Eddie play, particularly for the Orioles, particularly in Memorial Stadium where he spent his first 12 years as a professional baseball player. He helped the team excel in every way, from winning a World Series and a pair of American League Championships, to being an exciting home team to root for at the ballpark.

This wonderful and often under appreciated ball player known in my hometown simply as "Eddie" will be inducted into the Baseball Hall of Fame this weekend in the first year he is eligible. The statistics are important, and they show just how steady and yet remarkable Eddie's career was: Eddie Murray is one of three players (the other two are Hank Aaron and Willie Mays) to hit over a lifetime 500 home runs and 3,000 hits. He is the only switch hitter to accomplish this feat. He homered from both sides of the plate in 11 games—a Major League record. He was the 1977 American League Rookie of the Year, an 8-time All-Star (in both Leagues), a 3-time Golden Glove winner, and shares the distinction with Cal Ripken and Pete Rose of playing at least 150 games in 16 seasons—all in a career that was 20 years long. He ranks 2nd in all-time career grand slams with 19. He ranks 8th all-time in RBIs, 17th in home runs, 12th in hits. He holds the Major League record for games played and assists by a first baseman. He batted in 1,917 RBIs—more than 75 a season in 20 consecutive seasons.

He hit 996 RBIs in the 80's—the most any player hit in the decade—and was known for being able to play his best in situations where his team needed him the most. Murray was a career .410 hitter with the bases loaded. In fact, he hit 117 game-winning RBIs, an American League record, and hit a Major League record 128 sacrifice flies. Murray was in every way the ultimate clutch player and a team player who thought of the team and the game before his own glory. In total, he hit 504 home runs, 3,255 hits, and played for the Orioles, the Dodgers, the Mets, the Indians, and the Angels. But he started his career and hit his 500th home run in Baltimore, and he will be inducted on Sunday as an Oriole. We are proud to claim him.

Eddie Murray told the Baltimore Sun in January when he found out about the induction: "The 500 home runs, to me, is the most mind-boggling, because I didn't think I was strong enough. I never thought of myself as a home-run hitter." He gave back to other players, on the field with his selfless play and off. When Cal Ripken broke Lou Gehrig's record, he singled his former teammate out for praise, saying "when I got to the big leagues, there was a man—Eddie Murray—who showed me how to play this game, day in and day out. I thank him for his example and for his friendship. I was lucky to have him as my teammate for the years we were together . . ." Murray also gave to his community, starting, with Ripken, a program giving Orioles tickets to underprivileged children. He also created an outdoor education program in the second largest urban park in the nation, Leakin Park in Baltimore, named The Carrie Murray Nature Center in honor of his late mother.

Of sharing his achievement with Aaron and Mays, Murray said, "I'm not in their class." Mr. Murray, your fans in Baltimore and across the Country beg to disagree.

CELEBRATING NEW YORK'S DOMINICAN DAY PARADE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to one of New York's oldest celebrations of Dominican culture, Manhattan's Dominican Day Parade.

The annual parade, which once ran through the heart of Washington Heights, has grown to become one of August's most anticipated celebrations of cultural and ethnic pride on New York's Sixth Avenue.

This year's parade on August 10th not only comes on the heels of the Dominican Republic's hosting of the 14th edition of the Pan-American Games, it also kicks off Dominican Heritage Week in New York City. From then to August 16th, New Yorkers of all ages will get a chance to learn about some of the ways in which this vibrant community is transforming the nation.

We have begun to hear of Dominicans and Dominican-Americans in the context of stars like baseball slugger Sammy Sosa, designer Oscar de la Renta, and Miss Universe 2002 Amelia Vega. However, there are hundreds of Dominican professionals and an increasing amount of Dominican students that are blazing trails in government, law, science, and technology. They understand that they stand on the shoulders of not only the sacrifices that their parents have made but also on the achievements of members of other freedom-loving people.

In many ways, their journey is similar to other immigrant groups that have landed on our shores. But make no mistake, the people of the Dominican Republic have a style all their own. They are part of the wonderful mosaic that is America whose continuing empowerment can only help this country reach its full potential as a democracy.

LIVING WELL WITH FATAL CHRONIC ILLNESS ACT OF 2003

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. OBERSTAR. Mr. Speaker, I rise today to introduce the "Living Well with Fatal Chronic Illness Act of 2003", a bill to build the capacity to meet the challenge of growing numbers of people living with serious chronic illness for some time before death. I am joined in introducing this bill by my colleague, Representative JIM RAMSTAD.

The early ideas for this legislative initiative came from conversations around the dinner table with my wife, Jean. We have both lost spouses, who succumbed at an unusually early age to cancer, and we have tended to disabled and frail parents.

Many citizens have been personally touched by the experience of caring for disabled and frail parents or for spouses and children as they lived out their final days. My experience in these difficult situations has been that our health care system is a patchwork quilt of mismatched services that carry with them substantial expense. So, the challenges faced by those nearing the end of life, as well as by those caring for loved ones, are particularly meaningful to me.

Just in the last half-century, the way that most Americans come to the end of life has changed dramatically. Today, most people live for many months with a serious chronic illness before they die. In fact, statistics show that, on average, Americans will be unable to care for themselves for the last two years of their lives. However, the services that our health care system makes readily available were designed to cope with short-term threats, such as accidental injuries and heart attacks. Our nation's health care system has not been adapted to meet the needs of people facing the final phase of life or the many challenges faced by their caregivers.

Problems associated with end-of-life care are deeply rooted in federal policy. Unfortunately, we have been slow to see that these lapses are not just personal calamities and challenges, but rather, are built into federal policy. For example, while Medicare coverage makes operations and emergency services readily available to the elderly, services more appropriate for serious disability and dying are not easily found. Medicare, Medicaid, and Veteran's coverage do not provide for continuity in care, advance care planning, family support, or symptom relief for long-term fatal illnesses.

Further, end of life care uses a large portion of funding allocated to health care services. Those last few years of life are tremendously expensive, with the last year alone using 28% of the overall Medicare budget. It is estimated that half of Medicare costs—and even more of Medicaid for the elderly and Veteran's health care—go toward care of those who are very sick and will die, rather than get well. Although taxpayers spend money on end-of-life care, they do not get reliability and quality from that care.

This is a problem that will only increase in the coming years. The numbers of people facing serious illness and death will double within a quarter century, as the Baby Boomer generation reaches old age. Our nation must not only arrange and pay for services that can support the unprecedented number of people who will need care, but we must also learn how to support family caregivers. Facts show that a family member will spend nearly as many years—seventeen—caring for an elderly parent, as raising children—eighteen years. Further, a family caregiver can expect to lose more than one-half million dollars in net worth, (from having a lower pension, more time not covered by health insurance, and lost wages.)

The "Living Well with Fatal Chronic Illness Act of 2003" will meet the challenges faced by a growing number of people who must live with serious chronic illness for some time before death. This comprehensive legislation addresses three key initiatives—one affects caregivers, two relate to improving end-of-life care.

First, the legislation proposes a $3,000 per year refundable tax credit for the primary caregiver of a spouse or those they can claim as dependents, and certain other low income individuals, who have long-term care needs. This is important, because the United States is the only developed nation that does not support family caregivers. There is no federal government program to help improve skills, provide respite; indeed, we do not generally demonstrate that we honor caregivers' love and loyalty. The tax credit we propose is admittedly not enough to pay for the financial sacrifices of caregivers who provide long-term care, but it will demonstrate support and respect for the significant commitment and contributions made by those who help loved ones to live well despite serious illness.

We have been so focused on learning how to prevent and cure diseases that we have all but abandoned interest in what occurs as those possibilities run out. Most people now die of long-term irreversible conditions like dementia, frailty, heart failure, emphysema, cancer, and stroke; yet there is very little reliable evidence about serious illness and the end of life. This legislation will help provide guidance that the medical community needs to respond more effectively to unique end-of-life challenges.

In order to begin laying the foundation for evidence-based reforms to health care, the second section of the bill authorizes the Department of Health and Human Services to establish research, demonstration, and education programs to improve the quality of end-of-life care across multiple federal agencies.

Third, the bill authorizes the Department of Veterans Affairs to develop and implement programs to improve the delivery of appropriate health and support services for patients with fatal chronic illness. The Veterans Health Care System has been a leader in end-of-life care delivery and innovation, especially in advance care planning and pain management. This bill aims to support continued excellence through enhanced education and service delivery for this important care system that now serves so many disabled and elderly veterans.

Our nation will face major challenges in the next quarter century as baby boomers approach old age. We must ensure that people suffering from fatal chronic illnesses live out their lives in a dignified, comfortable, and meaningful way, and we must support and honor the invaluable work of caregivers.

HONORING ETHAN LINK FOR HIS OUTSTANDING INVOLVEMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. GORDON. Mr. Speaker, I rise today to congratulate Ethan Link of Gallatin, TN, for being selected as Gallatin High School's first YMCA Youth Governor.

Ethan has been involved in the YMCA Youth Legislature since the sixth grade. In 2001, at his freshman conference, he received the Outstanding Bill award for legislation concerning DNA testing for death-row inmates awaiting execution. During his junior year, he received the Outstanding Bill award for a measure to create a death penalty review commission and served as the Senate Floor Leader. This year, he was selected to attend the Conference on National Affairs and to serve as the Youth Governor for 2004.

Ethan marked the highlight of the conference as meeting with members of the White House staff, representatives and senators from several states—including myself—members of the Washington media, Judy Schneider of Congressional Research Service and many other "inspiring speakers."

Another aspect of Ethan's involvement in public service programs is his participation in the Model United Nations Program. He has been involved with this program for 4 years. At the 2002 MUN conference, he served as Jamaica's ambassador on the Security Council. The following year, he served as China's ambassador, giving him a more powerful role. Ethan will serve as Security Council president in 2004.

I commend Ethan for his many accomplishments and awards, and wish him the best of luck in future endeavors.

29TH ANNIVERSARY OF TURKISH INVASION OF CYPRUS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. CROWLEY. Mr. Speaker, I rise today to express my encouragement on behalf and to the international community for their continued efforts at resolving the Cyprus crisis. Twenty-nine years ago, without justification, and against international law, Turkish armed forces invaded the nation of Cyprus and today because of a lack of willingness from the Turkish Cypriot leadership; the international community's goal of attained peace is yet to be achieved.

I want to commend United Nations Secretary General Kofi Annan for his committed efforts to resolving this issue. From the international community's perspective, on several occasions there has been an initiative to resolve this issue, and yet because of the unwillingness of the Turkish Cypriot leadership and specifically Mr. Rauf Denktash, negotiations have collapsed. The most recent negotiations held this past March shows a prime example of unwillingness on the Turkish side. During the negotiations, Republic of Cyprus President Tassos Papadopoulos, accepted the Annan Plan aimed at reunifying Cyprus. However, Mr. Denktash bluntly rejected the plan, therefore denying his own Turkish Cypriot citizens the right to vote on the issue. In early April, after the meeting, Secretary General Annan issued a report to the Security Council, firmly declaring that Mr. Denktash bears the sole responsibility that lead to the failure of the UN effort.

Additionally, Mr. Speaker, there are several strong warnings in the form of protests for the UN peace process, that the Turkish Cypriot community does not support Mr. Denktash's obstructionist approach to governing their community.

Mr. Speaker, I strongly urge Congress to support the continued efforts of the United Nations led by Secretary General Annan, to bring peace and the reunification of Cyprus, through talks between the International community and the Turkish Cypriot leadership. The world must hold the Turkish Cypriot Leadership and specifically Mr. Denktash responsible for their actions. If this issue is not resolved, the people of Cyprus will not be re-united. These are the same Turkish Cypriots who support the reunification of Cyprus and the same Turkish Cypriots who Mr. Denktash thinks he is leading. Let Mr. Denktash know, that if he does not endorse the UN peace process, he will be doing a great disservice to his own people.

I thank the Speaker for allowing me to address the House today to express my concerns to my fellow colleagues regarding this issue.

ELLIS ISLAND MEDALS OF HONOR AWARDS CEREMONY—NECO CHAIRMAN WILLIAM DENIS FUGAZY LEADS DRAMATIC CEREMONY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. BURTON of Indiana. Mr. Speaker, I submit the following:

ELLIS ISLAND, NY, May 17.—Standing on the hallowed grounds of Ellis Island—the portal through which 17 million immigrants entered the United States—a cast of ethnic

Americans who have made significant contributions to the life of this nation were presented with the coveted Ellis Island Medal of Honor at an emotionally uplifting ceremony. This year's event was dedicated to our armed forces.

This year's ceremony date coincides with that of National Armed Forces Day. As such, we would like to pay special tribute to the men and women serving in the U.S. armed forces both here and abroad. Several of our Medalists also serve in the armed forces; many more are honored veterans.

NECO's annual medal ceremony and reception on Ellis Island in New York Harbor is the Nation's largest celebration of ethnic pride. Representing a rainbow of ethnic origins, this year's recipients received their awards in the shadow of the historic Great Hall, where the first footsteps were taken by the millions of immigrants who entered the U.S. in the latter part of the nineteenth century. "Today we honor great ethnic Americans who, through their achievements and contributions, and in the spirit of their ethnic origins, have enriched this country and have become role models for future generations," said NECO Chairman William Denis Fugazy. "In addition, we honor the immigrant experience—those who passed through this Great Hall decades ago, and the new immigrants who arrive on American soil seeking opportunity."

Established in 1986 by NECO, the Ellis Island Medals of Honor pay tribute to the ancestry groups that comprise America's unique cultural mosaic. To date, approximately 2000 American citizens have received medals.

NECO is the largest organization of its kind in the U.S. serving as an umbrella group for over 250 ethnic organizations and whose mandate is to preserve ethnic diversity, promote ethnic and religious equality, tolerance and harmony, and to combat injustice, hatred and bigotry. NECO has a new goal in its humanitarian mission: saving the lives of children with lifethreatening medical conditions. NECO has founded The Forum's Children Foundation, which brings children from developing nations needing life-saving surgery to the United States for treatment.

Ellis Island Medals of Honor recipients are selected each year through a national nomination process. Screening committees from NECO's member organizations select the final nominees, who are then considered by the Board Directors.

Past Ellis Island Medals of Honor recipients have included several U.S. Presidents, entertainers, athletes, entrepreneurs, religious leaders and business executives, such as William Clinton, Ronald Reagan, Jimmy Carter, Gerald Ford, George Bush, Richard Nixon, George Pataki, Mario Cuomo, Bob Hope, Frank Sinatra, Michael Douglas, Gloria Estefan, Coretta Scott King, Rosa Parks, Elie Wiesel, Muhammad Ali, Mickey Mantle, General Norman Schwarzkopf, Barbara Walters, Terry Anderson, Dr. Michael DeBakey, Senator John McCain, Rudy Giuliani and Attorney General Janet Reno.

Congratulations to the 2003 Ellis Island Medals of Honor Recipients:

Ruth J. Abram, President, Lower East Side Tenement Museum, Romanian/Irish/Prussian; Danny Aiello, Actor, Italian; Hon. Hagop S. Akiskal, Professor of Psychiatry, University of California at San Diego, Armenian; Hon. William Vollie Alexander, Managing Partner, Alexander & Associates, Scottish/English/Irish; Menelaos Anastasios Aliapoulios, M.D., Medical Director, General Electric Company, Hellenic; Hon. Hushang Ansary, Parman Group, Iranian; Angela Susan Anton, CEO & Publisher, Long Island Community Newspapers, Czechoslovakian/Italian; William Austin, Chairman & CEO, Starkey Laboratories Inc., English; Robert P. Badavas, Chief Operating Officer, Atlas Venture, Hellenic; Peter Balakian, Professor, Colgate University, Armenian; Roger Ballou, President & CEO, CDI Corporation, English/Scottish/French; Salvatore A. Balsamo, Chairman, Tac World Wide Companies, Italian; Peggy L.S. Barmore, Assistant to the President, NYSUT, African/Irish; Peter J. Barris, Managing General Partner, New Enterprise Associates, Hellenic; Anthony J. Bifaro, Assistant to the President, NYSUT, Italian; Michael Bolton, Bolton Music Company, Russian/English; Capt. Craig E. Bone, Commanding Officer & Commander of the Port NY & NJ, Coast Guard Activities, English/Irish/German; George Boyadjieff, Chairman, Varco International, Inc., Bulgarian/Russian; Albert A. Boyajian, President & CEO, Global Bakeries, Inc., Armenian; Albert A. Boyajian, President & CEO, Global Bakeries, Inc., Armenian; Roscoe C. Brown, Jr., President Emeritus, Bronx Community College—CUNY, African; Bishop William Brown, Pastor, Founder & Chairman, Salvation & Deliverance Church, South African;

John A. Canning Jr., President, Madison Dearborn Partners, Irish/Italian; Terrel L. Cass, President & General Manager, WLIW 21—NY Public Television, Irish/English; Myron Z. Chlavin, CEO, Desser Tire & Rubber Co., Austrian/Latvian; Msgr. Eugene V. Clark, Rector, St. Patrick's Cathedral, Irish/Dutch; Maj. Gen. Richard S. Colt, Commander, 77th Regional Support Command US Army Reserve, Scottish; Francis X. Comerford, President & General Manager, WNBC, Irish/Italian; Leo P. Condakes, President, Peter Condakes Co., Hellenic; Alexander A. Conti, Financial Representative, Northwestern Mutual Financial Network, Italian; Thomas J. Corcoran, Jr., President & CEO, FelCor Lodging Trust Inc., English; Thomas M. Coughlin, President & CEO, Wal-Mart Stores & Sam's Clubs USA, Irish; Hon. Anthony J. Cutrona, Supreme Court Justice—NYS Supreme Court, 2nd Judicial Department, Italian;

Salvatore A. Davino, President, Fidelity Land Development Corp., Italian; Commander Carlos Del Toro, US Naval Forces, Cuban; Vincent DeMentri, Anchor/Correspondent, WPIX–TV, Italian; John E. Durante, President, Rockledge Equities, Italian; Umberto P. Fedeli, Jr., President & CEO, The Fedeli Group, Italian; Charles A. Feghali, President, Interstate Resources, Inc., Lebanese; John J. Flynn, President, IU Bricklayers & Allied Craftsworkers, Irish; Colonel Warren J. Foersch, Commander, First Marine Corps District—US Marines, French/German/Irish; Hon. James S. Gallas, US Magistrate Judge, US District Court—Northern District of Ohio, Eastern Division, Hellenic; Luther R. Gatling, President, Budget & Credit Counseling Services, Inc., African; Richard Goldstein, Chairman & CEO, International Flavors & Fragrances Inc., Russian; Hon. Joseph G. Golia, Associate Justice, Appellate Term, 2nd & 11th Judicial District, Supreme Court of the State of NY, Italian; John George Gonis, D.D.S., Chairman & President, Dental Associates, LTD, Hellenic; Andy Granatelli, Former CEO & President (Retired), STP Corporation, Italian;

James T. Hackett, Chairman, President & CEO, Ocean Energy, Inc., Irish/German; Val J. Halamandaris, Esq., President, National Association for Homecare & Hospice, Hellenic; Thomas E. Hales, Chairman, President & CEO, Union State Bank, Italian/Irish; Taek Sun Han, Founder & CEO, Han Yang Supermarket/Han Yang Cultural Center/Morning Glory Stationery World, South Korean; Michael J. Handy, Director, Mayor's Office of Veterans Affairs, African/English/Native American; Russell Hotzler, Interim President, York College, CUNY, Italian/German; Sayed Jemal Houssein-Afghani, Inc., Humanitarian, Afghan/English; Ronald C. Jones, Secretary, United Federation of Teachers, Italian;

Georgia Kaloidis, CEO, Diskal, Inc., Hellenic; Frank S. Kamberos, Former VP Operations, Treasure Island Foods, Inc., Hellenic; I. Pano Karatassos, Founder/President, Buckhead Life Restaurant Group, Hellenic; Bruce E. Karatz, Chairman & CEO, KB Home, Russian; Elaine Kaufman, President, Elaine's Restaurant, Russian; Stella Kim, Executive Vice President, By Design L.L.C., South Korean; Michael B. Kitchen, President & CEO, CUNA Mutual Group, Canadian; Thomas M. Lamberti, Esq., Partner, Putney, Twombly, Hall & Hirson, LLP, Italian; Lou Lamoriello, President, CEO & General Manager, New Jersey Devils, CEO, NJ Nets, Italian; Henri Landwirth, Founder & Chairman, Give Kids the World & Dignity-U-Wear Foundation Inc., Belgian/Polish; Stewart F. Lane, President, Theatre Venture, Inc., Russian/Polish; A. Alexander Lari, Founder & Chairman, Claremont Group, LLC, Iranian; Denis Leary, President, The Leary Firefighters Foundation, Irish; Chung Wha Lee, President, Lee Chung Wha Diamond Corporation, Korean; Howard H. Lee, President & CEO, World Journal, Chinese; Simon S. Lee, CEO & President, STG, Inc., South Korean;

James P. Lemonias, Chairman & CEO, Whitman Company, Inc., Hellenic; Lt. Gen. William J. Lennox, Jr., Superintendent US Military Academy, Scottish/Irish; Hon. Phil Leventis, State Senator, State of South Carolina, Hellenic; Michael Yi-Sheng Liao, VP/Chief Information Officer, GM Asset Management, Chinese; Tony Lo Bianco, Actor, Director and Producer, Italian; Richard A. Loughlin, Vice Chairman, Willis, Irish; Constantine S. Macricostas, Chairman, Founder, Photronics, Hellenic; Sheldon Harris Malinou, DDS, Assistant to the Director, Cabrini Medical Center, Russian/Ukrainian; Anastasios E. Manessis, President, Manessis Marketing Corp., Hellenic; Puzant A. Markarian, Principal (Retired), Arlington Textiles, Inc., Armenian; John L. Marks, Chairman & CEO, Mark IV Realty, Inc., Hellenic; Patrick F. Martin, Chairman, President & CEO, StorageTek, Irish; Stanley Matthews, Founder, Matthews Diner & Pancake House, Hellenic; Hon. Roslynn R. Mauskopf, US Attorney, Eastern District, New York, Czechoslovakian; Hon. James E. McGreevey, Governor—State of New Jersey, Irish; Raymond Melville, Assistant Business Manager, Local Union #3, I.B.E.W., Irish; Robert G. Miller, Chairman & CEO, Rite Aid Corporation, Russian/English; Veronica Montgomery-Costa, President, Local 372 NYC Board of Education Employees Union, African; Patrick J. Moore, President & CEO, Smurfit-Stone Container Corporation, Irish/Scottish/Swedish; Donal J. Murphy, President, D.J. Murphy Assoc, Irish;

Albin D. Obal, President, Condor Contracting Company, Inc., Owner, Midland Enterprises, Polish; James E. O'Connor, Chairman & CEO, Republic Services, Inc., Irish; James F. Orr, Chairman, President & CEO, Convergys Corporation, Scottish/Irish/English/German; Nacy Panzica, Chairman, Panzica Construction Company, Italian; Steven Peter Papadatos, President, Papadatos Associates PC Architects, Hellenic; Frank Pellegrino, Sr., CEO, Rao's Specialty Foods, Italian; Stan Pelofsky, M.D., President, Neuroscience Specialists, Polish; James Tung Chiang Pi, President, Pi Trading Company, Inc., Chinese; John Politis, President & CEO, Apartment Realty Group, Inc., Hellenic; Gerry Puccio, Sr., Founder, Rockleigh Country Club/CEO Carrington Real Estate & Investment Group, Italian;

Lewis S. Ranieri, Chairman, Hyperion Partners, LLP, Italian; Subash Razdan, Advisor, Procurement Advisory Council, Coca Cola Company, Indian; Paul V. Reilly, President, Chairman & CEO, Mail-Well, Inc., Irish; Mary Lou Retton, U.S. Olympic Gold Medallist, Italian; Richard Romanoff, President, Nebraskaland, Inc., Russian; E. John Rumpakis, Owner, N.E.W.S., Hellenic; Michael Schenkler, Publisher, Queens Tribune, Russian/Polish; Martin Scorsese, President, Cappa Productions, Italian; Myron P. Shevell, Chairman & CEO, New England Motor Freight Inc./The Shevell Group, Russian/German; David J. Shim, Chairman & CEO, Riverside Park, Inc./Kiku Restaurant Inc., Korean; Richard Silverman, Vice-Chairman, Fleet Bank N.A., Romanian/English; Hon. Nirmal K. Sinha, Commissioner Ohio Civil Rights, Assistant Director Department of Public Utilities, Columbus, Indian; Curtis Sliwa, Founder and President, The Alliance of Guardian Angels, Italian/Polish; Thomas A. Smith, President & CEO, Oglethorpe Power Corporation, Norwegian/Scottish/German; Ralph Snyderman, M.D., Chancellor for Health Affairs, President and CEO, Duke University Health System, Russian; Rajesh K. Soin, Chairman & CEO, Soin International, Indian; Hon. Maria Sotiropoulos, Protocol Officer, The White House/US Department, of State, Cypriot; Sy Sternberg, Chairman & CEO, New York Life Insurance Company, Romanian/Polish/Lithuanian;

Nicolas Tabbal, M.D., F.A.C.S., Plastic Surgeon, Manhattan Eye Ear & Throat Hosp-NYU, Lebanese; Hon. Patrick N. Theros, Ambassador, President & Executive Director, US Qatar Business Council, Hellenic; Demetrios E. Tsintolas, President, Tsintolas Realty Company, Hellenic; Ben Vereen, Vereen Productions, African; Nicholas S. Vidalakis, Co-Founder, Chairman & CEO, VFP LLC, Hellenic; Vuksan Vuksanaj, President, New York Travel Agency, Inc., Albanian; Mike Wallace, Senior Correspondent, CBS News/60 Minutes, Russian; Donald Washkewicz, President & CEO, Parker-Hannifin Corporation, Polish/Czechoslovakian; Hon. Jim Wright, Speaker of the House 1987–1989, Texas Christian University, Australian/Irish/Scottish; Jeffrey Yarmuth, President & COO, Sonny's Franchise Co., Russian/Polish; Pan A. Yotopoulos, Distinguished Professor, University of Florence, Hellenic; Xenophon Zapis, Radio Broadcaster, Zapis Communications Corporation, Hellenic; Detective Sergeant Wallace R. Zeins, Commanding Officer, Manhattan Night Watch, NYPD, Russian.

A TRIBUTE TO THE CITY OF CORAL SPRINGS, FLORIDA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to the City of Coral Springs, FL, as the residents celebrate the fortieth birthday of this "City in the Country".

Incorporated in July of 1963, Coral Springs was a master-planned city established in the northwest corner of Broward County on 5,000 acres of land which had previously been used for farming and cattle ranching activities. The developers envisioned a family oriented city with a population projected at over 50,000 residents living in small neighborhoods throughout the community. The first land sale was made on July 22, 1964. In 1965, an additional 5,000 acres was acquired, increasing the area within the city to 16 square miles. The city's first official resident, George Knobel, moved into his home on July 9, 1965. In 1971, the last large increase in land was given to the city bringing the total to 13,400 acres.

Anxious to create a beautiful and natural looking town, the developer, Coral Ridge Properties, immediately enacted strict landscaping and sign ordinances. These rules have ensured that despite its growth, Coral Springs has maintained the ambiance that attracted so many of its residents, which now number over 116,000. In fact, as illustration of the strength of the sign restrictions, the Coral Springs McDonald's was the only one built without the famous golden arches.

Throughout its 40 years of existence, Coral Springs has seen its share of celebrities and firsts. In 1965, entertainer Johnny Carson helped with the second Coral Springs "Land Rush Sale" and bought 55 acres himself. Two U.S. presidents, President Ford and President Reagan have visited the city. In 1966, Coral Ridge Properties was acquired by Westinghouse Electric Corporation who viewed the new city as an "urban laboratory" to evaluate new products. In 1970, Westinghouse built the Electra Lab house which showcased new modern conveniences such as motion-detecting lights, electric kitchens and home security systems. Arnold Palmer stayed in the state-of-the-art home that year when he played in the Coral Springs Open. In 1982, actor Burt Reynolds filmed Smokey and the Bandit, Part 3, in Coral Springs.

In 1993, as growth accelerated, Coral Springs city government implemented a management program based on a business model with the goal of performing as a high performance municipal corporation, customer focused and quality-oriented. In 1997, Coral Springs became the first municipality to receive the Governor's Sterling Award for Corporate Excellence, modeled after the internationally acclaimed, Baldridge Criteria for Performance Excellence. In 2003, the City of Coral Springs became the first past recipient, public or private, to receive the award for a second time.

Today, Coral Springs is a premier South Florida community, known for its attractive neighborhoods, open spaces and parks, schools and youth programs. Mr. Speaker, I am proud to represent the City of Coral Springs in the U.S. House of Representatives and extend best wishes to the residents of Coral Springs as they celebrate their first 40 years.

IN HONOR OF THE MOSES AND AARON FOUNDATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. NADLER. Mr. Speaker, I rise today to call attention to a worthy organization, one committed to special children and their families. The Moses and Aaron Foundation's significant and enduring efforts deserve the highest praise, as do the philanthropists who have given of themselves to fulfill its mission.

The Moses and Aaron Foundation "Special Fund for Children" is dedicated to assisting children with disabilities and their families with a wide range of programs including social, physical, financial, and wheelchair assistance, as well as counseling and guidance.

It also provides scholarship funding to educational institutions, collects, purchases, and distributes clothing for children in need, and remembers them with presents at holiday time or when they are hospitalized.

In cooperation with Bally Fitness Centers and under the direction of its President Rabbi Yaacov Kaploun and Executive Vice President Yehuda Kaploun, the Foundation has been able to establish 27 physical fitness and therapy centers and has arranged for sound and musical equipment in other institutions.

In conjunction with Downtown Film Productions, The Moses and Aaron Foundation produced "Chazak—A Testament of Strength," an award winning documentary highlighting the effect of music on special children. This monumental documentary serves as a vehicle to sensitize and educate the entire community on the needs of its special and outstanding citizens.

On Saturday night, August 9th, 2003, at the Monticello Raceway in Monticello, New York, the Moses and Aaron Foundation under the Honorary Chairmanship of Nobel Laureate Eli Weisel, will sponsor its seventh Summer "Chazak—Strength" concert paying tribute to special children. The guests of honor will be the special and outstanding children, some of whom will perform with the entertainers on stage.

The corporate and individual sponsors of the Moses and Aaron Foundation include Metropolitan Lumber, Bally Total Fitness, Cohen's & General Vision Services, CD Inc, Mr. David Buntzman, Mr. Jonathan Fleisig, Mr. Robert Gans, Mr. and Mrs. Richard Gans, Mr. Avi and Dr. Laura Greenbaum, Mr. and Mrs. David Hirsch, Mr. and Mrs. Ira Rennert, Mr. Charles Rosenay, Mr. Eli Rothman, Mr. Mark Selden, and Mr. and Mrs. Neil Cohen. I recognize Mr. and Mrs. Clifford Stowe and Mr. and Mrs. Jules Cohen for their support for the Foundation, improving the quality of life of special children.

I also recognize the support given to the Moses and Aaron Foundation by Steve and Shirley Slesinger, who have brought a literary treasure into millions of young American hearts by bringing Winnie the Pooh and other characters to the screen and printed world, with particular credit to Shirley Slesinger Lasswell and Patti Slesinger for bringing to life one of the most adored bears in history.

The Moses and Aaron Foundation was founded in memory of Rabbi Dr. Maurice I. Hecht and Aaron Kaploun, both of whom led lives of exemplary community service. It is in this sentiment of communal dedication that the Moses and Aaron Foundation has devoted itself to serving the needs of a unique group in the community.

I urge my colleagues to join me in honoring the Moses and Aaron Foundation, an organization which exemplifies the generosity of spirit in American society.

THE 29TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. LEE. Mr. Speaker, I rise today to join my colleagues in the Hellenic Caucus in remembering the 29th anniversary of the Turkish invasion of Cyprus, which took place on July 20, 1974.

On that day, in clear violation of international law, Turkish forces invaded northern Cyprus expelling 200,000 Greek-Cypriots from their homes. Many of these Greek-Cypriots literally had to flee for their lives, taking what little belongings they could as paratroopers dropped from the sky.

Over 5,000 Cypriots were killed in the conflict, and to date 1,400 Greek-Cypriots are still missing. Today, Turkey occupies 37 percent of Cyprus, an island smaller than the State of Connecticut, with a force of 40,000 troops in a country of just under 1 million people.

Despite numerous United Nations General Assembly Resolutions urging Turkey to withdraw its forces, and the stationing of U.N. forces on the island, Turkey—in a further violation and disregard for international law—unilaterally declared the independence of the occupied territory of northern Cyprus in 1983. Aside from Turkey, no other country in the world has recognized the so-called "Turkish Republic of Northern Cyprus."

But in spite of the island's artificial division, Cyprus has managed to make considerable progress over the last three decades even as it continues to seek a peaceful resolution with Turkey. And now with a vibrant democracy and a robust economy, Cyprus is also poised to officially join the European Union next year and to bring the benefits of membership to all Cypriots.

Yet Turkey's intransigence continues. In November of 2002 U.N. Secretary General Kofi Annan presented both Greek and Turkish Cypriot sides with a comprehensive new plan aimed at reunifying Cyprus in advance of the island's accession to the EU. Though by no means perfect, this plan was a good faith attempt to create a workable solution that was fair to both sides. Initially, negotiations based on the U.N. plan provided hope to many that the Cyprus problem could finally be resolved after 30 years, due to the personal commitment of the Secretary General.

However, it soon became clear that the leader of the Turkish-Cypriot side, Mr. Rauf Denktash, and the Turkish government were not fully invested in the negotiating process.

In a last ditch effort to salvage the negotiations prior to the signing of the EU accession treaty, Secretary General Annan requested both Mr. Denktash and the Cypriot President, Tassos Papadopoulos, to join him at the Hague last March to discuss placing the U.N. plan before the Cypriot people in a separate, simultaneous referendum. Although President Papadopoulos was ready and willing to do so, Mr. Denktash, with support from Turkey, rejected that proposal.

The international response to the rejection of a referendum by the Turkish side was clear and unanimous in its characterization of Mr. Denktash as the principal impediment to negotiating a solution that all Cypriots very much want.

The current relaxation of longstanding travel prohibitions by the Turkish-Cypriots does not make up for a strong commitment to a negotiated settlement. In many cases this has only helped to underscore the depth of feeling of many Greek and Turkish Cypriots who long for the chance to return to their homes and villages.

I hope that this will one day be possible, and I fully expect that once a settlement is concluded and Cyprus is finally re-unified, that both Greek-Cypriots and Turkish-Cypriots will live together side-by-side in harmony.

But, today we stand in remembrance of those who were killed and those who were never found as a result of the illegal Turkish invasion. I hope that if Turkey is truly serious about joining Cyprus and Greece in the European Union that it immediately and unconditionally withdraws its forces and demonstrates a true commitment to a negotiated settlement.

HONORING THE PEOPLE OF LASALLE PARISH

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ALEXANDER. Mr. Speaker, I rise today to honor the people of LaSalle Parish for their tireless efforts to bring economic development to Northern Louisiana. Since I came to Congress, I have been working with local officials to encourage the Federal Government to use an empty prison located in the Town of Jena, Louisiana, and I have been impressed by their vigorous commitment to see their community prosper.

Recently, officials from the Department of Justice and the White House toured the LaSalle Correctional Facility to study the possibility of using this vacant prison as a place to detain illegal aliens or low-security Federal inmates. I had the pleasure of accompanying these officials on this tour and was personally impressed with the state-of-the-art, recently-constructed prison and its design. Furthermore, the prison is situated near two existing Federal prisons and a short drive from the U.S. Marshal's transportation hub in Alexandria. I believe its location and its design make the prison a logical choice for use by the Federal Government.

Mr. Speaker, I also wish to draw attention to two provisions contained in the Committee Report accompanying the Commerce, Justice, State, and the Judiciary Appropriations Bill we passed yesterday afternoon. These two provisions should benefit LaSalle Parish because they give the Federal Government the authority to use an empty private prison, such as the LaSalle Correctional Facility. One provision directs the Office of the Federal Detention Trustee to use existing state, local, and private detention space to house excess detainees; the other provision directs the Bureau of Prisons to use existing state, private, and local prison capacity to house excess BOP inmates. I want to thank my colleague from Louisiana (Mr. Vitter), the Vice Chairman of the Commerce, Justice, State, and Judiciary Appropriations Subcommittee for the strong support he has provided to these efforts.

Mr. Speaker, my colleague and I are working through both legislation and old-fashioned persuasion to get the LaSalle Correctional Facility back in use. This is a win-win situation for everyone involved. We can help our law enforcement agencies with their overcrowding problems and do so at a fraction of the cost it takes to build a new prison. Also, we can bring jobs and economic growth to Northern Louisiana. These provisions in the CJSJ Committee Report can really help us to re-open this facility, and I trust the two agencies will pay heed to this directive. I know my Louisiana colleagues in both the Senate and the House will join me in fighting to see that we make real progress on this issue, which is of such great importance to the honest, hard-working people of my district.

COMMEMORATING JULIE M. AUSTIN'S SERVICE WITH FOOTHILL TRANSIT JULY 24, 2003

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to pay special recognition to Ms. Julie M. Austin. On July 30, 2003, the Foothill Transit Executive Board will wish a fond farewell to Ms. Austin, who is leaving her position as Executive Director of Foothill Transit and Vice President of Transit Management for ATC/Forsythe & Associates, Inc., a post she has held since 1997.

Foothill Transit was created in 1988, making it one of the largest public-private transit partnerships in the United States. Since this time it has delivered cost-effective, safe and efficient bus service to commuters and residents in the San Gabriel and Pomona Valleys, located in the eastern portion of Los Angeles County in southern California. Foothill Transit now operates on 32 routes with nearly 300 buses and almost 17 million annual boardings, a marked increase from the 9.5 million boardings at the time of the creation of the transit agency. As Executive Director, Ms. Austin is responsible for implementing Executive Board policies, developing policy recommendations and providing leadership and vision for the nationally recognized Foothill Transit.

Throughout her tenure with Foothill Transit, Ms. Austin has ensured that southern California commuters are provided with the safest and most efficient transit system possible. Under her leadership, the American Public Transportation Association (APTA) recognized Foothill Transit in 2001 with a "Bus Safety Gold Award," dubbing Foothill Transit the safest transit agency of its size. Foothill Transit was also named "Outstanding Transit System" of its size by APTA in 1993 and 1995. The Greater Los Angeles Chapter of the National Safety Council recognized Foothill Transit in 1995, 1996, 1997, 1998 and 2001 with first-place awards for its safety programs.

Ms. Austin was also instrumental in both expanding and modernizing Foothill Transit's mode of operations. In 2002, Foothill Transit opened a new era in fuel-efficient technology by beginning its conversion to a compressed natural gas (CNG) fleet with plans to have an all-CNG fleet by 2011. That same year, Foothill Transit opened its second operations and maintenance facility in Irwindale, joining its first agency-owned facility in Pomona, which opened in 1997.

She has contributed to the success of public transit in Los Angeles County as Director of Management Support from 1993 to 1995 at the Los Angeles County Metropolitan Transportation Authority and as Senior Transit Analyst/Manager of Transportation Policy from 1989 to 1993 at the Los Angeles County Transportation Commission, where she oversaw a three-year evaluation of the Foothill Transit Zone. She also worked for the Southern California Association of Governments for three years and spent several years as a transportation consultant.

A resident of the City of Monrovia, California, Ms. Austin has a bachelor's degree in journalism from California Polytechnic State University, San Luis Obispo. She is active in the American Public Transit Association (Legislative Committee), California Transit Association (Executive Committee), San Gabriel Valley Commerce and Cities Consortium Board, Women's Transportation Seminar, San Gabriel Valley Council of Governments Transit Committee, and West Covina Chamber of Commerce.

I ask all Members of Congress to join me today in honoring this truly remarkable leader in the field of public transit and to wish her all the best in her future endeavors.

HONORING FALLEN HEROES OF OPERATION IRAQI FREEDOM

HON. MAX BURNS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. BURNS. Mr. Speaker, I rise today to honor those who have made the ultimate sacrifice for this Nation. During Operation Iraqi Freedom, Georgia's Third Infantry Division proudly led the way to Baghdad. The road to Baghdad, however, presented substantial challenges and, unfortunately, some of these brave soldiers will not return.

Today, I acknowledge this Congress' deep appreciation for lives that were dedicated to the safety and security of our citizens. The soldiers epitomized the best of our country through courage, selfless service, and honor. Their lives will be remembered by family and friends; their service will be appreciated by us all.

I pay tribute to Mrs. Chanel Pedersen and her daughter of Savannah, Georgia, who lost her husband Sergeant Michael F. Pedersen in the Iraqi conflict.

I pay tribute to Mrs. Meighan Adamouski of Savannah, Georgia, who lost her husband Captain James F. Adamouski in the Iraqi conflict.

I pay tribute to Mrs. Maria Forey-Aitken of Savannah, Georgia, who lost her husband Captain Tristan N. Aitken in the Iraqi conflict.

I pay tribute to Ms. Annette Hale of Savannah, Georgia, who lost her stepson Captain Edward J. Korn in the Iraqi conflict.

I pay tribute to Mrs. Jenna Cosbey Kaylor of Savannah, Georgia, who lost her husband Second Lieutenant Jeffrey J. Kaylor in the Iraqi conflict.

I pay tribute to the stepchildren and niece of Sergeant Keman Mitchell, who live in Hephzibah, Georgia, and lost their father and uncle in the Iraqi conflict.

Mr. Speaker, many families and friends mourn the loss of these and other lives lost during Operation Iraqi Freedom. I express my condolences to their families and friends and thank them for their dedication to a grateful Nation.

Thank you, Mr. Speaker.

HONORING MR. HARLEY COON OF BEAVERCREEK, OHIO

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to Harley Coon who resides in Beavercreek in the 7th Congressional District. I have had the honor of meeting Harley at different community events over the years, and it is very appropriate that he was honored today on Capitol Hill by the Korean War Veterans' Association on the 50th anniversary of the armistice that ended the Korean War.

At the age of 19, Harley Coon was captured on Nov. 17, 1950 while serving with the 25th Infantry Division in Korea. Over the next three years Mr. Coon suffered greatly as a prisoner of war from hunger, exposure, and brutal conditions in the various prison camps where he was detained.

On Aug. 31, 1953, Harley Coon was released to U.S. Forces after 33 months and four days of imprisonment. After the war, Coon became a successful businessman, never forgetting how lucky he was to be around to enjoy his freedom.

Coon was inducted into the Ohio Veterans Hall of Fame for all his commitment and caring in Ohio. He continues to travel nationally and internationally as the National President of the Korean War Veterans Association.

Harley received the Purple Heart, the Korean Service Medal with 10 battle stars, the U.N. Service Medal and the Presidential Unit Citation.

As the Congressman who represents Beavercreek in the U.S. House of Representatives, I offer my sincere congratulations to Harley Coon for this public recognition of his service to our country.

HONORING JOHN SEXTON OF CHICAGO, ILLINOIS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. EMANUEL. Mr. Speaker, I rise to congratulate John J. Sexton of Chicago on his recent retirement from his position as Superintendent of the Meter Division of the City of Chicago's Water Department.

For the last 30 years, John Sexton has risen through the ranks with the City, from machinist, to foreman, to Assistant Superintendent of the Meter Division, and finally Superintendent. His dedication to his job and the city he loves is an example of why Chicago is known as "The City That Works,"

John Sexton is very proud of the northwest side of Chicago, the area he has called home for his entire life, and of the Hiawatha Park neighborhood, the area where he and his wife have raised their family. John has been very active at the park and is a past president of the Hiawatha Boys Baseball Organization.

As church life plays such an important role in the lives of so many Chicagoans, John has been a member of several esteemed Northwest side parishes. He grew up in Presentation Parish, attended grammar school at St. Angela's and high school at St. Michael's. He currently is a member of St. Francis Borgia Parish.

The Northwest side has produced some of Chicago's finest leaders, and John Sexton has played an active part in the success of many of their careers. John's work in Chicago politics began when he was 16 as a precinct worker for former Alderman Thomas Casey. He is now a precinct captain in the mighty 36th Ward Regular Democratic Organization, working with Alderman William J.P. Banks and State Senator James A. DeLeo.

John would be the first to tell you that his family is his first priority, and they have provided support for all of his activities. He has been married for 31 years to his wonderful wife, Rosetta. His family also includes his daughter, Laurie Moran, and her husband Joseph, his son, John Jr., his daughter, Diana, and his sister Mary Kay Kuhter.

Mr. Speaker, I join with the people of Chicago in wishing John Sexton a happy and successful retirement, and wish him all of the best in the future.

TRIBUTE TO RINBAN KOSHO YUKAWA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. MATSUI. Mr. Speaker, I rise in tribute to Rinban Kosho Yukawa. Rinban of the Sacramento Betsuin is one of Sacramento's greatest citizen leaders. Rinban Kosho is retiring after forty-two years of wonderful service as an ambassador and teacher of Buddhism; Rinban Kosho will be retiring on August 31, 2003. As his friends and family gather to celebrate Rinban Kosho's numerous achievements, I ask all of my colleagues to join with me in saluting one of Sacramento's most respected and honorable citizens.

Rinban Kosho comes from a long line of Buddhist ministers of the Jodo Shinshu sect. A prominent branch in Japan and the faith embraced by the Buddhist Churches of America. Rinban Kosho's family has maintained a temple for about 250 years. Rinban Kosho's parents had immigrated to the United States, and he was born in Tacoma, Washington as the Depression started. In 1940, Rinban Kosho and his family moved to Japan, where they stayed until 1949. At the encouragement of his father, Rinban Kosho returned to San Francisco on his own to finish high school and junior college.

Rinban Kosho joined the U.S. Army and worked as an interrogator during the Korean War. Rinban Kosho's experience during the war affected him deeply, leading him to pursue a career in the ministry. After completing a seminary program in Japan, Rinban Kosho was ordained and assigned to the Sacramento church in 1961. During his first decade of service in Sacramento, Rinban Kosho served as a youth minister at a time when the baby boom was at its peak. At one time, Rinban Kosho had about 650 children enrolled in the Dharma School.

After his stint in Sacramento, Rinban Kosho worked at churches in Union City and San Jose before taking a five-year hiatus from the ministry to work in his brother's publishing business. The call to serve came back when Rinban Kosho was assigned to the Tacoma Buddhist Temple where his father had served.

In 1996 Rinban Kosho returned to the Buddhist Church of Sacramento. During his tenure, Rinban Kosho successfully made the Jodo Shinshu sect of Buddhism relevant to third and fourth generation Japanese Americans, as well as to other ethnic groups. Because of his great reputation as a minister, mentor, teacher of the Dharma and his popularity as a caring friend, the Sacramento Buddhist Church has become the largest membership temple within the Buddhist Churches of America.

Rinban Kosho's unparalleled success in the ministry and in the community truly makes him one of Sacramento's most accomplished and treasured citizens. His commitment to help others is a shining example to everyone who follows his leadership. In his retirement, Rinban Kosho plans to return to his native Tacoma/Seattle area with his wife, Michiko. The Yukawas look forward to being near and enjoying the company of their children and their families.

Mr. Speaker, as Rinban Kosho friends and family gather for his honorary farewell banquet, I am honored to pay tribute to one of Sacramento's most honorable residents. His success are considerable, and it is great honor for me to have the opportunity to pay tribute to his contributions. I ask all my colleagues to join with me in wishing Rinban Kosho Yukawa continue success in all his future endeavors.

TRIBUTE TO THE VILLAGE AND TOWNSHIP OF CALUMET, MICHIGAN ON ITS SELECTION AS A MICHIGAN MAIN STREET COMMUNITY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. STUPAK. Mr. Speaker, I rise today to recognize the achievements of historic Calumet, Michigan, which was named as one of four Michigan Main Street communities for 2003 in a statewide competition.

Calumet is in the northernmost part of my 1st Congressional District, halfway to the tip of the Keweenaw Peninsula. Between 1867 and 1884, Calumet alone produced half of this country's copper from the Calumet & Hecla Mining Company mines.

Parts of its historic downtown have formed an integral part of the Keweenaw National Historical Park, which tells the riveting economic and cultural story of the migration of miners and their families to the wilds of northern Michigan to work the copper range in the 19th and 20th centuries.

Recognizing the value of its historic resources and the economic benefits of the Main Street program, in January 2003 Calumet formed a steering committee and this spring submitted its application for the Main Street designation. A hallmark of the presentation was communitywide cooperation between public and private resources.

The managing director of the team from the Michigan Economic Development Corporation which administers the program said that out of literally hundreds of communities MEDC has worked with, Calumet's combination of public/private sector effort was very rare. As reported by the Houghton Daily Mining Gazette, the director described Calumet's presentation before an MEDC and Michigan State Housing Development panel in Lansing by saying, "[Calumet was] absolutely the top presentation we had in those two days . . . [It] left a buzz in that room."

Calumet had to come up with substantial seed money toward administrative costs, and it has done that through pledges from the Village of Calumet, Calumet Township, the Downtown Development Authority, Keweenaw National Historical Park and local businesses. Main Street program professionals will visit Calumet on a regular basis to work with local participants as they market Calumet's historical community and encourage economic development.

The aim of the program is to stimulate economic growth, and Calumet's successful application may result in a return of nearly $40 for every dollar it spends, according to Main Street's 2001 national re-investment statistics. The program was developed by the National Historic Preservation Trust.

Calumet already has embraced the concept of preserving its historical resources. It welcomes and entertains the many visitors it receives every year with proudly preserved facilities such as the Calumet Theatre, the Upper Peninsula Fire Fighters Memorial Museum, Larium Manor and the Keweenaw Heritage Center at St. Anne's. The work that resulted in the Main Street designation is just one more example of Calumet's legacy of community effort in support of its history. Calumet already knows the value of sharing that history with visitors and scholars, and will bloom even more beautifully as a Main Street community.

I ask you, Mr. Speaker, and my Colleagues in the House of Representatives to join me in congratulating everyone in Calumet who put their effort, heart and history into Calumet's selection as a Main Street community. I offer my heartiest congratulations.

With this honor, Calumet will move even more quickly to transform its downtown into a thriving, appealing Main Street center of commerce.

HONORING CHESTERFIELD SMITH

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Chesterfield Smith, a man of the highest principle, who in his long legal career has touched the lives of countless Floridians and left his mark on our state's and Nation's legal system.

After receiving a Bronze Star and a Purple Heart in World War II, Chesterfield returned to Florida to study law. He quickly rose to partner of Holland, Bevis and McRae and helped lead the firm through a successful merger with Knight, Jones, Whitaker and Germany in 1968. Under his watch, Holland & Knight LLP grew to become the Nation's eighth largest law firm.

Chesterfield had a passion for his work. Whether his client was rich or poor, as partner of Holland & Knight, he worked long hours fighting for justice with irrepressible conviction. Born and bred in a segregated society, Chesterfield was a leader in integrating the legal profession by hiring women and minorities.

In addition, Chesterfield, who strongly believed in the need to give back to one's community, pushed to incorporate pro bono work as regular practice for attorneys. Donating countless hours of service to Floridians in need helped earn him the nickname "Citizen Smith," as well as the Laurie D. Zelon Pro Bono Award, which was presented to him in 2002 by Supreme Court Justice Ruth Bader Ginsberg.

Chesterfield also served as president of the Florida Bar Association and chair of the Florida Constitutional Revision Commission, which drafted what became the new state Constitution of 1968. In 1997, former Gov. Lawton Chiles and the Cabinet, recognizing this work, named Chesterfield Smith one of the state's "Great Floridians."

However, Chesterfield may best be remembered for his service as president of the American Bar Association. Shortly after Chesterfield took the helm of the ABA in 1973, President Nixon dramatically fired special prosecutor Archibald Cox, assigned to investigate the Watergate scandal. The next day, Chesterfield became one of the first national leaders to publicly call for the President's resignation. In an ABA statement Chesterfield stated, "No man is above the law," and bravely refused to back down from the legal principles that he so cherished.

I am proud to have called Chesterfield a friend. I believe Justice Ginsberg said it well when she described Chesterfield as "among the brightest, boldest, bravest, all-around most effective lawyers ever bred in Florida and the USA." Chesterfield was a wonderful person.

On behalf of the Tampa Bay community, I would like to extend my deepest sympathies to Chesterfield's family. The people of Florida and of the Nation will always remember his enormous contributions.

CONGRATULATING THE CITY OF PAWTUCKET, RI

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. LANGEVIN. Mr. Speaker, today I rise to congratulate the city of Pawtucket, RI. The U.S. Conference of Mayors chose to profile Pawtucket as one of 28 cities exemplifying the nation's best small business practices. The city's Arts and Entertainment Initiative is an example of how government policies can encourage creativity, innovation, development and economic growth.

Pawtucket has been attractive to artists since Samuel Slater founded America's textile industry there in 1783. In 1998, Pawtucket created a 307-acre Arts and Entertainment District, which has gained nationwide recognition in four short years for being a great place to create and sell artwork.

The Pawtucket city government has encouraged artists to relocate by forgiving within the district sales tax for limited production works of art and state income tax for artists. In addition, studio space is available for one-third the rental rate of nearby Boston.

Mayor James Doyle has capitalized on the fact that artists fuel economic growth and has stated, "Some say a picture is worth a thousand words. But here in our City, we know that it's worth a lot more." The Rhode Island Statewide Planning Program estimates that for every three artists that relocate to Pawtucket, an additional two jobs are generated in the state's economy. The Arts and Entertainment District is generating more than $1 million annually for the statewide economy.

I am proud that a city in my state of Rhode Island has earned this distinction, and I hope that other cities follow Pawtucket's lead and develop innovative small business practices to contribute to economic growth.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. MANZULLO. Mr. Speaker, I rise today to inform you that on House rollcall vote No. 429, the Foreign Operations Appropriations Act for Fiscal Year 2004, I intended to vote "aye", but inadvertently voted "nay". I would like this statement to be included in the appropriate section of the CONGRESSIONAL RECORD.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. BONILLA. Mr. Chairman, I rise in support of the Fiscal Year 2004 Commerce, Justice, State and the Judiciary Appropriations Act. This bill includes funding which will help protect and strengthen the many communities in the 23rd district. I am particularly pleased that the report to accompany this bill includes language which will be beneficial to those communities which contract with the Federal Bureau of Prisons for the detention of inmates. The report originally included language encouraging the Bureau of Prisons to use existing state and private prison capacity to meet their bed space needs. At my request, this language was amended to add local prisons to the list of facilities which the Bureau of Prisons is directed to use. This small but important change will direct the Bureau of Prisons to take advantage of existing locally run detention facilities such as the Reeves County Detention Center. It is my sincere hope that the newest 1,000 bed facility at the Reeves County Detention Center will be utilized by the Bureau of Prisons to provide cost effective housing to federal prisoners. Use of this facility would be particularly beneficial to the Bureau given the low cost of housing inmates in this area. I thank Chairman FRANK WOLF for his attention to this matter which is of great importance to Reeves County and saves taxpayer dollars.

THE 29TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. SOLIS. Mr. Speaker, twenty-nine years ago, on July 20, 1974, Turkish forces invaded the Republic of Cyprus and seized control of over one third of the island. As a Member of the Congressional Caucus on Hellenic Issues, I rise today to remember that Cyprus remains divided by the green line, a 113–mile barbed wire fence that runs across the island, and partially occupied. Such division and occupation is harmful to both Greek and Turkish Cypriots: and must end.

The Turkish invasion of 1974 claimed the lives of 5,000 Cypriots, expelled another 200,000 from their homes and took control of 37 percent of Cyprus's territory. Such human devastation is deeply saddening. I stand with the Cypriot-American community and the Hellenic-American community in condemning this black anniversary hope that a settlement to the Cyprus problem can be facilitated. I am pleased that the House of Representatives unanimously passed a resolution "to give any assistance necessary for finding a just and durable settlement for the Cyprus problem," but we must not stop working on this issue until Cyprus is reunited and Greek and Turkish Cypriots can live peacefully together.

TRIBUTE TO BOYNE CITY, MICHIGAN ON ITS SELECTION AS A MICHIGAN MAIN STREET COMMUNITY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. STUPAK. Mr. Speaker, I rise today to recognize the achievements of Boyne City, Michigan, which has been named one of four Michigan Main Street communities for 2003 in a statewide competition sponsored by the Michigan Economic Development Corporation.

Boyne City in northwestern Lower Michigan recognizes as its greatest downtown assets scenic water resources and historic turn-of-the-century architecture. With the comprehensive community-wide proposal it developed over a period of several years, Boyne City could not be a better candidate for the kind of downtown makeover that Main Street communities receive as part of this commercial revitalization program.

The seeds of Boyne City's application to be a Main Street community were planted about five years ago, when local resident Tom Johnson, of the Northern Michigan Economic Alliance, attended a national Main Street Program conference. Recognizing the value of its historic resources and the economic benefits of the Main Street program, in 1999 a collaborative Boyne City group including citizens, business people, the Downtown Development Authority and City representatives formed the Boyne City Main Street committee with the goal of becoming a Main Street community.

Boyne City's years of effort met with success on June 19, 2003, when MEDC announced that Boyne City was one of four statewide winners in the very first year of operation of the Michigan program. Boyne City's selection was based on physical characteristics of the proposed Main Street area, the capacity of their downtown business organization and broad based support that evidenced willingness of the whole community to participate.

Along the way Boyne City had to commit to providing a minimum of $35,000 per year for three years for a full time Main Street coordinator.

National and state experts who work with the Main Street program will make dozens of visits to Boyne City over the next three years to work with local participants as they develop ways to market Boyne City's historical downtown, encourage economic development, develop loft apartments with the assistance of the Michigan State Housing Development Authority and preserve and rehabilitate historic structures.

The aim of the program is to stimulate economic growth, and Boyne City's successful application may result in a return of nearly $40 for every dollar it spends, according to Main Street's 2001 national re-investment statistics. The Main Street program was developed by the National Historic Preservation Trust.

With this honor, Boyne City will move even more quickly to transform its downtown into a thriving Main Street center of commerce and economic vitality.

I ask you, Mr. Speaker, and my colleagues in the House of Representatives to join me in congratulating everyone in Boyne City who put in the years of effort and community wide collaboration that made Boyne City a charter member of what I sincerely believe will be a long line of successful Michigan Main Street communities. I offer my heartiest congratulations.

IN HONOR OF THE 150TH ANNIVERSARY OF THE ARCHDIOCESE OF SAN FRANCISCO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to the Archdiocese of San Francisco on its 150th anniversary. When the Archdiocese was first established on July 29, 1853, it included all of Northern California. Joseph Sadoc Alemany, the first Archbishop of San Francisco, who served from 1853 to 1884, was a Dominican priest who was born in Spain and immigrated to the United States in 1840. Alemany initially was reluctant to come to California, but was told by Pope Pius IX, "You must go to California—Where others are drawn by gold, you must carry the cross."

In the first three decades of its history, the Archdiocese built an extensive system of schools, orphanages, hospitals, and homes for the elderly and other institutions of charity. These agencies could not have existed without the heroic efforts of the orders of women religious. By 1884, the Catholic Church was firmly established in San Francisco and Northern California. The Dominican Sisters, Notre Dame de Namur Sisters, Sisters of Charity, Presentation, Sisters, Mercy Sisters, Sisters of the Holy Family and women in other Catholic religious congregations served a significant role in forming the safety net of social services and built a continuing legacy of Catholic education.

In the Teamsters' Strike of 1901, Father Peter Yorke placed the Church of San Francisco firmly on the side of working people, making impassioned speeches to thousands of workers. To those who questioned a priest's involvement in the labor struggle, Yorke answered, "As a priest my duty is with workingmen, who are struggling for their rights, because that is the historical position of the priesthood and because that is the Lord's command."

The Archdiocese of San Francisco has served as an anchor for numerous immigrant groups from Europe, Asia and the Philippines and Central and Latin America and the Archdiocese of San Francisco continues to serve the people of San Francisco, San Mateo and Marin Counties in parishes and institutions of enormous historical, cultural and social value to the Bay Area like the Mission San Francisco (Dolores) (1776), Mission San Rafael (1817), St. Francis Shrine (first parish in 1849); Mission Dolores School (1852); St. Mary's Hospital (1857); St. Matthew's Parish, San Mateo (1863) St. Vincent's School for Boys (1855); and especially the 93 parishes and missions serving Bay Area Catholics.

The Archdiocese of San Francisco continues its mission of education in San Francisco, San Mateo and Marin Counties in its 66 Catholic elementary schools serving 28,266 students, and its fourteen high schools serving 8,262 students.

The parishioners of the many parishes of the Archdiocese make contributions to the economic, cultural and civic life of the San Francisco Bay Area. I commend the leadership of the Archdiocese of San Francisco on this occasion of its 150th Anniversary and offer best wishes for many more years of service.

CALIFORNIA GREY BEARS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the 30th Anniversary of an invaluable organization in my local community, the California Grey Bears. The Grey Bears is an organization of senior citizens, which encourages local seniors to contribute to their community while reaping the benefits of their work. The Grey Bears have been an integral force in the recycling movement in Santa Cruz County, keeping 11,000 tons of material out of landfills each year. They run a local thrift store, completely operated by senior volunteers, and each year they distribute over one million pounds of food to 2,100 local senior citizens.

They have instituted an outreach program to collect recyclables from businesses in the unincorporated areas of Santa Cruz County, and have also started a number of recycling projects at local landfill sites.

While donating their time and efforts, these seniors strive to combat loneliness while promoting self-reliance and prolonged independent living. The Grey Bears sponsor a number of gatherings each year, ranging from potlucks, and picnics, to Christmas parties. Through these events, local seniors can find much needed companionship. Additionally, they support other local charities with surplus food. Their commitment to Santa Cruz County is that no senior will go hungry.

The California Grey Bears has continuously worked for the past thirty years to effectively empower and ameliorate the lives of local seniors. Their accomplishments are truly honorable and the contributions they have made to their community are vital to the well being of a large number of people in Santa Cruz County.

HONORING THE SERVICE OF COURTNEY STADD

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. DELAY. Mr. Speaker, I rise today to recognize the outstanding service of Courtney Stadd, who recently left his position as Chief of Staff and White House Liaison at the National Aeronautics and Space Administration.

As I tell my constituents who live in the Clear Lake area in Houston, Texas, where the Johnson Space Center is located, I greatly admire the dedication, genius and passion of the people who dedicate their lives in the pursuit of exploration.

Courtney Stadd exemplifies those qualities.

For over twenty-five years, in both the public and private sectors, Courtney has remained committed to the importance of American leadership in technology, aeronautics and space. I have known Courtney in his various space-related roles for several years and have always been impressed by his creativity and passion for space exploration.

Courtney has led a distinguished career. He served in senior policy positions in both the Reagan and previous Bush Administrations, where he played leading roles in developing U.S. space policies. In the private sector, he has been associated with pioneering efforts, involving the establishment of the commercial launch industry, the emergence of the high resolution commercial remote sensing industry and efforts to protect and foster commercial applications of the Global Positioning System.

In December 2002, Courtney was appointed by President George W. Bush to lead the NASA transition effort, ensuring an effective and smooth agency transition into the new Administration. He has served the President and nation well. Courtney has demonstrated strong, compassionate leadership, put the needs of the NASA workforce paramount and remained steadfast in his support for a strong space program.

We will miss Courtney as he turns to the next chapter of his career. He leaves a legacy of solid leadership behind him at NASA. I wish Courtney the very best in his future endeavors and look forward to seeing his next achievements.

VA-HUD APPROPRIATIONS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. KIRK. Mr. Speaker, I will offer a technical amendment tomorrow that calls on the Department of Veterans Affairs (VA) to submit a report to Congress reporting on resource sharing agreements for services, programs and facilities the department undertakes with the Department of Defense (DoD).

Every American knows that the face of health care has changed dramatically over the past decades. This is no less true for military and veterans' health care. It is clear from all the studies undertaken by the departments of Defense and Veterans' Affairs that the integration of health care services—where possible—will enhance the quality of care for the men and women who are serving our country today and those who served our Nation in the past.

My district is home to the North Chicago VA Medical Center and the Great Lakes Naval Hospital. During the last Administration, officials made two attempts to close the North Chicago VA Medical Center. On June 19, 2001, the VA released its Capital Asset Realignment for Enhanced Services (CARES) study. The CARES study developed four options to improve veterans health care in the Chicago area, each of which recommended the preservation of services offered at North Chicago. The CARES study also recommended increasing the level of cooperation between North Chicago VA and the Great Lakes Naval Hospital, located less than a mile apart.

Integration of the two medical facilities is both practical and also urgent in North Chicago, Illinois, where the Great Lakes Naval Training Center Hospital and the North Chicago Veterans Medical Center both sit underutilized and in such close proximity. Combining these two facilities in a state of the art, federal health care center will maximize the use of tax payer dollars, enhance the training opportunities for young naval medical corps personnel and, most importantly, bring the health care we promised these men and women into the twenty-first century. By directing the VA to report to Congress on the issues facing resource sharing, Congress will be able to better understand and utilize resource sharing agreements when moving forward with the cost shaving approach.

I have met with Secretary Principi and Secretary Rumsfeld to discuss enhanced cooperation and health care resources sharing between the DoD and the VA. Both secretaries are committed to providing our men and women in uniform, veterans and retirees with world-class health care in an efficient manner. Both agree that cooperation between the two agencies, when possible, will enable the departments to meet the growing needs of active and retired soldiers.

As an officer in the Naval Reserve and fellow veteran, I understand the sacrifices made by the men and women who wore their country's uniform. Therefore, I urge my colleagues to support this amendment.

I would like to thank Chairman WALSH, ranking member MOLLOHAN, and the staff of the VA–HUD subcommittee for their help with this amendment. I hope to continue working with them on this issue as this bill moves into a conference committee with the other body.

ROBERT A. BORSKI POST OFFICE BUILDING

SPEECH OF

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, it is my honor to recognize the accomplishments of my dear friend and former colleague, Robert A. Borski. Today, we acknowledge his legacy with H.R. 2328 by designating a post office in his former district, the Robert A. Borski Post Office Building.

I've known Bob Borski for 25 years. He is a man who has always had the courage of conviction to fight for the City of Philadelphia. He is a man who spent 20 years "paving the way" for many people whose voices were not previously heard—how fitting that he was a member of the prestigious Transportation and Infrastructure Committee. He is a man that refused to be anything less than a tireless and forceful advocate for his community.

A role model to us all, Bob has spent his life as a public servant. Shortly after the completion of his educational pursuits, he became a member of the Pennsylvania State House. After three terms, he successfully won the bid for the Third Congressional District which encompassed Northeast Philadelphia, the River Wards, Society Hill and portions of Queen Village.

Bob Borski retired after 20 years of distinguished service to the Philadelphia area, the Commonwealth of Pennsylvania, and the United States of America. His mission has always been simple—to serve and represent the people of the great City of Philadelphia. I am proud and privileged to have had Bob as a colleague, a friend, and a mentor.

Although his tenure in the House has finished, Bob remains an active advocate for the City of Philadelphia and the Commonwealth of Pennsylvania here in Washington, DC.

Mr. Speaker, I urge you and all of my distinguished colleagues to honor Robert A. Borski with the passage of H.R. 2328.

SUPPORT FUNDING OF UNFPA, H.R. 1950: STATE DEPARTMENT APPROPRIATIONS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise before you today to speak on the matter of the U.N. family-planning program or the UNFPA. Last year, President Bush cancelled three years' worth of funding to the UNFPA after allegations that the UNFPA's program in China violated the Kemp-Kasten law. This law prohibits the United States from providing funding to any organization that supports or participates in involuntary sterilization. In May of last year, President Bush sent his own three person team to China to investigate but even after they returned finding no evidence in support of these rumors, the President still cancelled funding to this much needed organization, endangering the lives of women across the globe.

Over the past 33 years, the UNFPA has provided more than $6 billion in assistance to more than 160 countries for voluntary family planning and maternal and child health care. It has provided life-saving reproductive health services in over 150 poor countries around the world, but has not provided or paid for abortion services anywhere in the world. The UNFPA has actually worked to reduce the need for abortion by promoting voluntary family planning.

The fact remains that today nearly 600,000 die each year from causes related to pregnancy; 99 percent of these women are from developing countries. Many of these deaths could have been prevented by providing the means or information to choose the size and spacing of their families. And while contraceptive use has increased, there are 350 million women in developing countries who do not have access to a range of safe and effective family planning methods.

With the UNFPA program, it will provide reproductive health care, including family planning services but not abortion, to the world's poorest women. The loss of each year's funding will have a severe impact in the developing countries the UNFPA serves: $34 million would prevent 2 million unintended pregnancies; nearly 800,000 abortions; 4,700 maternal deaths; nearly 60,000 cases of serious maternal illness; and more than 77,000 infant and child deaths. These numbers are astounding and certainly something I would want to prevent.

The evidence is clear: funding to the UNFPA must be restored. The UNFPA has time and time again proven to be a necessary organization ensuring the safety and well being of women and their families. It will continue to provide safe methods of contraception to women, giving them a choice with their health and with their lives.

HONORING AMERICAN PRISONERS OF WAR FROM THE GREATEST GENERATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise to introduce legislation aimed at honoring American Prisoners of War from the Greatest Generation.

Over two years ago, two of my constituents who were POWs during World War II in the Pacific Theatre approached me about awards they felt they should have received. The Japanese has imprisoned each of the men, one of whom was a survivor of the Bataan Death March. These men were beaten, tortured and starved—one weighed 70 pounds when he was liberated. After their release, each of them was awarded the Prisoner of War Medal because of their internment. However, despite the harsh and sometimes violent treatment received at the hands of their captors, neither received the Purple Heart.

Current law for POWs held prior to 1962 requires documentation from the camps or detailed statements from former POW commanding officers in order to be eligible for the Purple Heart. But the Japanese, and later the North Koreans, certainly provided no documentation. Now when World War II and Korean war vets are dying by the thousands every day, it is becoming even harder to find survivors from specific camps.

The bill I am introducing recognizes the hardships borne by World War II and Korean war POWs by providing additional assistance to those who would have earned the award if they had today's record keeping. It requires the Department to provide some additional historical information from the period and gives them some benefit of the doubt with respect to injuries.

This legislation is not about lowering the standard for a sacred award—the Purple Heart. Instead it is about properly recognizing the realities of the horrible suffering endured in the Japanese and North Korean POW camps for a small number of surviving heroes.

CONGRATULATIONS TO THE AMERICAN POLITICAL SCIENCE ASSOCIATION (APSA) CONGRESSIONAL FELLOWSHIP PROGRAM ON ITS 50TH ANNIVERSARY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise to commend and congratulate the American Political Science Association on the occasion of having reached a milestone of 50 years of existence, 50 years of growth, and 50 years of providing opportunities for individuals to obtain first-hand experiences in learning about and being involved about and being involved in the art of public-policy decisionmaking. It has been my experience to have talented, energetic, and eager to learn individuals interact with me and members of my staff in a very professional and sincere way as we worked together in pursuit of mutual goal. I also take this opportunity to express my thanks and appreciation to the American Political Science Association (APSA) Congressional Fellowship Program for doing an excellent job of helping to prepare many of our future leaders. We thank you APSA and I yield back the balance of my time.

TRIBUTE TO THE MISCOWAUBIK CLUB ON THE 100TH ANNIVERSARY OF ITS FOUNDING

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. STUPAK. Mr. Speaker, I would like to take a few minutes today to extend my heartiest congratulations to the members, past and present, of the Miscowaubik Club in Calumet Township, Michigan. On August 16th, 2003, the Miscowaubik Club will proudly celebrate 100 years of existence with an evening of music, dancing and, no doubt, storytelling about the club's rich history.

Named after an Ojibwe Indian word for "copper," the Miscowaubik Club was founded in January, 1903 as a social haven and athletic facility for the executives of the Calumet & Hecla Mining Company and local businessmen, who were then placing their mark on the remote and spectacular Keweenaw Peninsula of Michigan. The club was modeled after the Tennis and Racket Club of Boston.

The period of the club's founding coincided with the heyday of community prosperity that accompanied the mining activity in Upper Michigan's copper range. At the peak of that activity between 1867 and 1884, Calumet & Hecla mines produced half of this country's supply of copper.

In 1903, 175 invitees paid $36 in fees and dues to become charter members. Guest book logs show visits to the club from visiting celebrities, including boxers Jack Dempsey, Jack Sharkie, and Max Schmelling.

Present membership has recognized the changing times, and the club elected its first woman president in 1994.

Mr. Speaker, I ask that you and my House colleagues join me in raising a figurative glass to toast the Miscowaubik Club on its 100th anniversary. I wish the club and its members a second happy century of social discourse.

CONGRATULATIONS TO MS. NICOLE JONES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to congratulate Ms. Nicole Jones on her graduation from Harvard University, July 24, 2003:

> *Whereas,* Harvard University, which celebrated its 350th anniversary in 1986, is the oldest institute of higher learning in the United States of America; and
>
> *Whereas,* Harvard University has grown from nine students with a single master to an enrollment of more than 18,000 degree candidates, including undergraduates and students in ten graduate and professional schools; and
>
> *Whereas,* Seven Presidents of the United States of America, John Adams, John Quincy Adams, Theodore and Franklin Roosevelt, Rutherford B. Hayes, John Fitzgerald Kennedy and George W. Bush were graduates of Harvard; and
>
> *Whereas,* its faculty has produced nearly 40 Nobel laureates; and
>
> *Whereas,* Harvard University continues to be recognized as one of the very best and most outstanding academic institutions in the world today; now therefore, be it resolved that I Danny K. Davis take this opportunity to congratulate my next door neighbor, Ms Nicole Jones on this outstanding milestone in her career; and be it further
>
> *Resolved,* That I commend and congratulate my neighbors Mr. George and Ms. Jenny Jones, her proud parents, for the contributions which they have made to Nicole's nurturing and development. We all wish her well as she moves on to the University of Michigan Law School to make further preparation for a lifetime of service.

GOD BLESS YOU, JONATHAN DAVID ROZIER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak of a brave young Dallas area resident, 2nd Lt. Rozier, who was killed in combat in Iraq on July 19, 2003. I am humbled and grateful that he was willing to make the ultimate sacrifice to this Nation.

He is our fallen hero. A grateful Nation should never forget that he had family, friends, and plans for the future. He was just 25 years of age, old enough to dedicate his life to protecting our country. The attack happened just three days after his birthday.

Lt. Rozier was born in Dallas. In 1991 moved his family to Katy, Texas. He is a graduate of the Texas A&M University with a bachelor's degree in economics, where he and his wife served in the Corps of Cadets together.

Lt. Rozier was a distinguished and decorated soldier. He earned a Bronze Star by bravely helping to rescue injured soldiers under fire, and by enlisting to serve our country in the armed forces he demonstrated his courage and sense of duty. Lt. Rozier made the ultimate sacrifice for all of us, and we all owe him immeasurable gratitude.

His uncle, a good and close friend of mine, former DeSoto Mayor Richard Rozier expressed to me the sadness of Rozier family the grief of those who knew and loved him, including his wife, Jessica and his son, Justin.

Mr. Speaker, Lt. Rozier will always be remembered by his friends, family and loved ones and will surely be honored by the entire constituency of the Dallas/Forth Worth Metroplex community for his bravery and heroism.

I join with this House and with the people of Dallas/Forth Worth Metroplex and Americans all across the country in saying God bless you, Jonathan David Rozier. And God bless America.

PASSING OF PAUL BERNAL, PUEBLO INDIAN ELDER

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. UDALL of New Mexico. Mr. Speaker, the Taos Pueblo and Native Americans across the country are mourning the loss of an elder, statesman, and military veteran. I rise today to pay tribute to this extraordinary man, whose death is a great loss not only for all Indian Nations but also for the entire country.

Paul Bernal, a Taos Pueblo leader in the fight for religious freedom, died this month at the age of 92. Also known as "Pa chal ma," or Deer Catcher, Paul was an activist who devoted his life to returning control of the Sacred Blue Lake to his Pueblo.

In creating the Carson National Forest in 1906, President Theodore Roosevelt carved away thousands of acres of Taos Pueblo land. This land, viewed as sacred by the Indians, surrounded and included Blue Lake, a vital religious shrine in Pueblo religion. Sixty-four years passed before the United States returned the land to the Indians.

According to Pueblo tradition, the Taos tribe was created out of the sacred waters of Blue Lake. The lake, a place of ritual worship and historical importance, was under U.S. Forest Service control beginning in 1906. Instrumental in the fight for the return of Blue Lake and the surrounding wilderness, Paul, served as the key interpreter for news reporters and government officials.

Returning the lake to the tribe was strenuously opposed by some powerful opponents: U.S. Senator Clinton Anderson, the U.S. Department of Agriculture, and the U.S. Forest Service. Under the Anderson proposal, jurisdiction would have remained with the U.S. Forest Service, which the Pueblo considered insensitive to their religious beliefs.

In 1966, Taos Pueblo turned down $10 million and land concessions from the federal government to settle the dispute.

My father, Stewart Udall, former Secretary of the Interior, championed the cause of returning Blue Lake to the Taos Pueblo. He met many times in the 1960's with Paul Bernal and other members of the Pueblo. My father has said many times that Paul Bernal was the "most effective leader in the fight to win back Blue Lake."

As Secretary of Interior in the 1960's, my father testified every two years before House and Senate committees to advocate for the return of Blue Lake.

In 1970, when Senator Anderson was ill and ailing but still in the Senate, an extraordinary bipartisan group of senators—Barry Goldwater (R–AZ), Fred Harris (D–Okla), and George McGovern (D–S.D.)—came together to pass the Blue Lake legislation.

President Nixon signed the legislation into law on December 15, 1970. Reflecting on his career, Richard Nixon later said that making the bill law was, "one of the most significant achievements of my administration."

Paul was a respected tribal elder, an icon whose knowledge and experience carried the native-rights movement forward for many decades. He served as Taos Pueblo tribal secretary for 24 years. He was also humble and gracious in sharing credit for restoring tribal control of the lake. During a celebration in August 1971, Paul was asked about being the leader of such a monumental struggle. His reply, "No one man. All together. The governor, the council, all the people."

I was honored to have known this distinguished man, and his death is a great loss for all of us. However, I am certain Paul would not have wanted his death to create a void where his work is concerned. We can all learn from this accomplished man and continue his work for Native American sovereignty and spiritual integrity of the land. There could be no better tribute to such a man as Paul Bernal.

INTRODUCTION OF LEGISLATION IN SUPPORT OF DESIGNATION AND GOALS OF HIRE A VETERAN WEEK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. HOLT. Mr. Speaker, as our nation honors and supports the ongoing efforts of our troops in Iraq and prays for the safety of all of our uniformed men and women still in the Gulf and Afghanistan, now is also an opportune time for Congress to do more to help our nation's new and old veterans in need. To this end, I am introducing legislation to urge the establishment of a "National Hire a Veteran Week" and to urge a presidential proclamation calling upon employers, labor organizations, veterans service organizations, and federal, state, and local governmental agencies to employ more veterans.

In spite of the best efforts of the U.S. Departments of Defense, Labor, and Veterans Affairs, imposing barriers continue to impede many deserving veterans from securing employment and achieving self-sufficiency. Unfortunately, many veterans struggle to find jobs, even with opportunities for increased training and education offered through government programs. Little more than half of our nation's veterans are employed today. Most startlingly, according to the 2000 Census, nearly 20 percent of Gulf War veterans are unemployed.

Moreover, it is troubling and shameful that so many of our veterans who risked their own lives to defend our freedom can't find jobs and must endure homelessness and lives of poverty after they return home. Indeed, American veterans comprise one-third of the homeless male population in America, while an estimated 250,000 veterans live on our city streets. In fact, the number of homeless Vietnam War veterans today exceeds the number of service persons who died during that war.

Mr. Speaker, even as we tend to the well-being of our men and women currently on active duty, we cannot forget those who have already served their country and deserve more assistance in moving to the next phase of their civilian lives. A presidential proclamation of "National Hire a Veteran Week" would provide an effective and more focused way to do more to help all of our veterans find good jobs and ensure better living standards for themselves and their families. I hope that all of my colleagues will support this legislation and will take one more step to help repay the debt we owe to all of our nation's defenders. I also hope it can be promptly enacted and signed into law in the next few weeks.

CELEBRATING NEW YORK'S DOMINICAN DAY PARADE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to one of New York's oldest celebrations of Dominican culture, Manhattan's Dominican Day Parade.

The annual parade, which once ran through the heart of Washington Heights, has grown to become one of August's most anticipated celebrations of cultural and ethnic pride on New York's Sixth Avenue.

This year's parade on August 10th not only comes on the heels of the Dominican Republic's hosting of the 14th edition of the Pan-American Games, it also kicks off Dominican Heritage Week in New York City. From then to August 16th, New Yorkers of all ages will get a chance to learn about some of the ways in which this vibrant community is transforming the Nation.

We have begun to hear of Dominicans and Dominican-Americans in the context of stars like baseball slugger Sammy Sosa, designer Oscar de la Renta, and Miss Universe 2002 Amelia Vega. However, there are hundreds of Dominican professionals and an increasing amount of Dominican students that are blazing trails in government, law, science, and technology. They understand that they stand on the shoulders of not only the sacrifices that their parents have made but also on the achievements of members of other freedom-loving people.

In many ways, their journey is similar to other immigrant groups that have landed on our shores. But make no mistake, the people of the Dominican Republic have a style all their own. They are part of the wonderful mosaic that is America whose continuing empowerment can only help this country reach its full potential as a democracy.

HONORING HOUSTON WALES—INTERN IN MY WASHINGTON, DC OFFICE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Mr. Houston Wales, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in national government.

Houston will be a freshman in the fall at the University of Missouri-Columbia and has distinguished himself as an intern in my Washington office by serving the great people of the 6th District of Missouri. Houston joined my staff for the 108th Congress as part of the House of Representatives intern program at the United States Capitol In Washington, D.C., a program designed to involve students in the legislative process through active participation. Through this program, Houston has had the opportunity to observe firsthand the inner workings of national government and has gained valuable insight into the process by which laws are made.

During his time as an intern in my office, Houston has successfully demonstrated his abilities in the performance of such duties as conducting research, helping with constituent services, and assuming various other responsibilities to make the office run as smoothly as possible. Houston has earned recognition as a valuable asset to the entire U.S. House of Representatives and my office through the application of his knowledge and skills acquired prior to his tenure as an intern and through a variety of new skills he has acquired while serving the people of Missouri and our Nation.

Mr. Speaker, I proudly ask you to join me in commending Mr. Houston Wales for his many important contributions to the U.S. House of Representatives during the current session, as well as joining with me to extend to him our very best wishes for continued success and happiness in all his future endeavors.

HONORING MARGARET ELDER

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Margaret Elder, a teacher at Anaheim High School for being selected as one of 32 teachers tapped for Disney's annual American Teacher Awards.

The 32 selected teachers are chosen from a field of over 185,000 from across the nation. Award winners are selected for their innovative approaches to teaching that are above and beyond the standard school curriculum.

In these tough economic times, as teachers work with limited resources and many programs in our schools being hurt by budget cuts and lack of proper funding, it is particularly inspiring to have teachers like Ms. Elder in our schools.

It is my privilege to congratulate her on this accomplishment. Our educational system and our teachers are our most important asset and we must support them: Not just for our children, but for our future.

AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT AMENDMENTS ACT OF 2003

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RAHALL. Mr. Speaker, I am pleased to join our colleague Congressman MARK UDALL in introducing the "American Indian Trust Fund Management Reform Act Amendments Act of 2003." This bill is a sound proposal for the reform of the management of assets and funds held in trust by the United States for individual Indians and federally recognized Indian tribes.

For well over a century the Federal Government has been the trustee of funds generated from leases on Indian lands. For almost as long, the Federal Government has been charged with mismanaging these funds. To this day tribal and individual Indian account holders cannot be assured that the balances the Department of Interior claims are in their accounts are accurate.

Much attention has been given to the Cobell v. Norton class action lawsuit which was filed in 1996 on behalf of some 300,000 individual Indian money account holders. But regardless of what happens in this case, the current management and administration of Indian trust lands and trust funds by the Department of the Interior (DOI) is inadequate and must be reformed.

Enactment of this bill would elevate trust fund management within DOI, affirm trust standards, and ensure Indian tribes have a greater management role over their assets and funds. These are all elements needed for reform of the system as determined by the Task Force on Trust Fund Reform, the Intertribal Monitoring Association and the National Congress of American Indians.

I commend Mr. UDALL for introducing this important bill and thereby starting the trust fund reform discussion in the House of Representatives. I remain open to other legislative proposals and am committed to working with Indian country towards true reform and protection of Indian trust funds.

HONORING THE TOWN OF CUMBERLAND GAP, TENNESSEE

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. WAMP. Mr. Speaker, I rise today to honor the historic town of Cumberland Gap, Tennessee as they celebrate their 200th anniversary of postal service.

Cumberland Gap has long been a place of historic passage. In pre-Colonial America, the Gap served Native Americans as a pivotal crossing for their trading and hunting routes through the Appalachian Mountains. Later, Daniel Boone and his 29 "axe men" blazed a 208 mile trail into central Kentucky providing a route for pioneer families to travel west. During the Civil War, Cumberland Gap gained military significance, becoming known as the "Gibraltar of America" and the "Keystone of the Confederacy."

Today however, in the age of flight, travelers through Cumberland Gap come not to get through the mountains, but to escape into them. The natural beauty of the surrounding area and the Gap's rich cultural history make it a popular destination for travelers of all ages and interests. From hikers to historians, people continue to be drawn to the "gap between the mountains."

Time has almost stood still in the small Appalachian town of Cumberland Gap. As you walk through the quiet streets, you are greeted with architecture from the late 1800's and the 1920's. The streets are snap shots from the past, illustrating the progression of history even through today. The town's rich history, quiet charm and natural beauty are especially appealing for cultural tourism.

Just as the historic parade marched through the Gap for more than 200 years, the procession is not yet finished. Today the town of Cumberland Gap, the natural starting point for a journey into the Cumberland Gap National Park, is a haven for day hikers, adventure hikers and cycle enthusiasts. Whether you are seeking history, culture or adventure, Cumberland Gap is always a great place to be.

On July 19, this historic town celebrates 200 years of postal service with a day of interpretive presentations of what life was like in the early 1800's including "living history" exhibits throughout the town. Mr. Speaker, I am honored to join them on this important day and I wish the town of Cumberland Gap many years of continued success.

CELEBRATING THE 14TH EDITION OF PAN-AMERICAN GAMES IN THE DOMINICAN REPUBLIC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to the 14th edition of the Pan-American Games, this year to be held in Santo Domingo Dominican Republic, from August 1st to August 17th.

Since 1951, the games have carried the Olympic spirit of trying to build and strengthen international cooperation through friendly, but no less intense, competition between the countries of the Western Hemisphere. In a time when we are engaged in a global struggle against terrorism, poverty and disease, the sight of some of the region's best athletes coming sharing the same stage peacefully gives the world hope that our current struggles are just a prologue to better days.

This year's games are also a source of pride to Dominicans all over the world, especially those who live in my district's neighborhood of Washington Heights. While putting on an event of such magnitude is a challenge for any nation, there is no doubt in my mind that the world will be treated to a world-class celebration full of the best of Dominican culture. It is also a chance to sow the seeds of future economic development by showing the world that any stage can shine brightly from Santo Domingo.

So it is with great enthusiasm that I ask my colleagues to join me in congratulating all the participants and organizers in advance for all their achievements and hard work. Let us hope that the Pan-American Games' motto, loosely translated as "The American spirit of friendship through sports," not only lasts beyond these two weeks in August, but also extends beyond sports and the island of Hispaniola into the hearts of all of the world's citizens.

HONORING STEPHANIE McCRAY—INTERN IN MY WASHINGTON, DC, OFFICE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ms. Stephanie McCray, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in national government.

Stephanie is a senior public policy studies major and economics and religion minor at Duke University and has distinguished herself as an intern in my Washington office by serving the great people of the 6th district of Missouri. Stephanie joined my staff for the 108th Congress as part of the House of Representatives intern program at the United States Capitol in Washington, D.C., a program designed to involve students in the legislative process through active participation. Through this program, Stephanie has had the opportunity to observe firsthand the inner workings of national government and has gained valuable insight into the process by which laws are made.

During her time as an intern in my office, Stephanie has successfully demonstrated her abilities in the performance of such duties as conducting research, helping with constituent services, and assuming various other responsibilities to make the office run as smoothly as possible. Stephanie has earned recognition as a valuable asset to the entire U.S. House of Representatives and my office through the application of her knowledge and skills acquired prior to her tenure as an intern and through a variety of new skills she has acquired while serving the people of Missouri and our Nation.

Mr. Speaker, I proudly ask you to join me in commending Ms. Stephanie McCray for her many important contributions to the U.S. House of Representatives during the current session, as well as joining with me to extend to her our very best wishes for continued success and happiness in all her future endeavors.

CONGRATULATIONS TO ST. JOSEPH BALLET COMPANY IN SANTA ANA, CALIFORNIA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to offer my congratulations to the St. Joseph Ballet Company in Santa Ana, California, for receiving the 2003 Coming Up Taller award.

The Coming Up Taller award recognizes programs that involve students in the arts and humanities.

The St. Joseph Ballet Company offers 42 dance classes every week, provides one on one tutoring with students at the University of California, Irvine and along with assistance in the college admission and financial aid process.

St. Joseph is more than just a dance program. They have been teaching children about dance, self-discipline, and the importance of academic excellence for over 20 years.

Children are given a sense of accomplishment, motivation in all aspects of life and an education that goes beyond standard core curriculum.

In these difficult economic times for education, I am pleased that there are still programs like St. Joseph's Ballet that provide invaluable tools to prepare our children for the future.

PHARMACEUTICAL MARKET ACCESS ACT OF 2003

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. STUPAK. Mr. Speaker, I rise in support of the Gutknecht bill.

I have always argued that while the reimportation safety-issues are of paramount importance, they are not insurmountable.

This bill includes many of the safety-provisions I've been calling for in my bill H.R. 2652, the "Internet Pharmacy Consumer Protection Act". In fact, when I first looked at the reimportation language included in the GOP prescription drug bill, I was glad to see many of these safety provisions included—until I noticed the ironic "poison pill" provision found in this language that would give the HHS Secretary the power to kill reimporation. The Gutknecht bill would remove this "poison pill" provision.

I have questioned the FDA in the past as to why they have refused to follow their own safety guidelines when importing prescription drugs for U.S. consumers under the "personal use" exemption. I have not received a satisfactory answer from the FDA and I've concluded that their decision to ignore their own guidelines was based on politics rather than public-safety. I was further convinced of this fact when I received highly unusual lobbying call from the FDA against this bill last week.

The truth is, this bill will force the FDA's hand—they can and they will be required to implement a safe reimportation program within six months.

The lobbying campaign by the Pharmaceutical Industry in opposition to this legislation has been very distasteful—many of the tactics they employed were just plain dishonest. Americans continue to pay prescription drug prices that are 30 to 300 percent more than in European and other industrialized nations including Canada. This bill will finally force the most profitable industry in the world to give American citizens some relief from this outlandish price discrimination.

Thank you Mr. Speaker and I yield back the balance of my time.

HONORING ELISHA GRAY

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. KIRK. Mr. Speaker, one hundred and thirty-three years ago, a man named Elisha Gray helped found the picturesque Chicago suburb of Highland Park, Illinois in my district. This extraordinary man was not only a pioneer in developing Chicago's North Shore, but also a prolific inventor.

Born in 1835 in a small Midwestern town, young Elisha Gray grew up among humble surroundings. Following the death of his father, he took on a part time job at the age of 12 in order to help support his family. Mr. Gray paid his way through college by using his boat building skills, acquired in his early years, to make specialized equipment for the science departments at Oberlin College.

Although he considered a life in the ministry, Mr. Gray always knew that his true calling was in engineering. In 1867, he received his first patent, capturing the interest of the Western Union Telegraph Company. Mr. Gray would have a lifetime association with the company. Soon after in 1870, Mr. Gray co-founded the firm of Gray and Barton, then relocated the company, named Western Electric Manufacturing Company, in the Chicago area.

While working in Chicago, Mr. Gray helped found the town of Highland Park, one of the many fine suburbs located today within my 10th Congressional District of Illinois. At home, Mr. Gray worked tirelessly on his inventions and scientific breakthroughs. In 1876, he filed a caveat, or a preliminary patent application, for an invention soon to be called the telephone. A. Edward Evenson, Gray's biographer and author of The Telephone Patent Conspiracy of 1876, believes that Mr. Gray's caveat predated that of Alexander Graham Bell's well known patent, which was filed on the same day. Regardless, Mr. Gray is undoubtedly a contributor to the vast body of science that underscored the modern uses of the telephone.

Throughout a life dedicated to the pursuit of technological prowess and the scientific advancement of mankind, Elisha Gray patented over 50 inventions in the United States. Besides his contributions to the telephone, Mr. Gray is most noted for his work on the first commercially successful fax machine, the Telautograph. Businesses and homes throughout the world are indebted to Mr. Gray's early work on this now widely used technology.

Elisha Gray also led the field in scientific publications and academic achievements. He wrote four books. He was a lecturer and professor at his alma mater, Oberlin College, and received a number of honorary degrees.

The entrepreneurial spirit of Mr. Gray must not pass unnoted. His Chicago area firm helped foster the growth of greater Chicagoland and Northeastern Illinois. In recognition of a life dedicated to the improvement of mankind, Mr. Gray received numerous awards, including the French Legion of Honor Medal, France's highest award. Elisha Gray should be honored as a man who not only founded one of my district's cities, but who, from that bucolic place, invented many things that we take for granted today.

HONORING THE DOMINICAN RESTORATION DAY HOLIDAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I rise today to recognize a very important national holiday in the Dominican Republic, Restoration Day or El Día de la Restauración, celebrated annually on August 16.

Although the Dominican Republic declared its independence from Spain in 1821, it wasn't until February 27, 1844, that they established constitutional self-rule. However, years later a series of internal events led a faction of government to call on Spain to reclaim their former Caribbean colony. With the United States in the middle of its own civil war, the Dominican people were left to their own resources to wage another battle for their country's freedom. Starting on August 16, 1863, nationalists launched a counteroffensive against the Spanish crown, ultimately leading Spain to withdraw from the island of Hispaniola on March 3, 1865.

For Dominicans, August 16 is a second Independence Day, a lasting symbol of the dedication of their community to be free. In the Dominican Republic, it has been, among other things, the traditional day when victorious candidates assume the presidency. In the United States, the day serves as a cultural holiday around which many hold concerts, festivals and other celebrations. In my own city of New York, there is a grand parade down Sixth Avenue, from 36th to 56th Streets. This year, it also marks the end of Dominican Heritage week, a time when New Yorkers of all ages get an opportunity to learn about this vibrant Latino community.

So I ask my colleagues to join me in celebrating this holiday with Dominicans all over the world. The success of our current democracy in many ways depends on us never forgetting the sacrifice of those who have fought for the cause of freedom and peaceful self-rule all over the world.

HONORING SARAH RICE—INTERN IN MY WASHINGTON, DC OFFICE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ms. Sarah Rice, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in national government.

Sarah is a senior political science major at Northwest Missouri State University and has distinguished herself as an intern in my Washington office by serving the great people of the 6th District of Missouri. Sarah joined my staff for the 108th Congress as part of the House of Representatives intern program at the United States Capitol in Washington, DC, a program designed to involve students in the legislative process through active participation. Through this program, Sarah has had the opportunity to observe firsthand the inner workings of national government and has gained valuable insight into the process by which laws are made.

During her time as an intern in my office, Sarah has successfully demonstrated her abilities in the performance of such duties as conducting research, helping with constituent services, and assuming various other responsibilities to make the office run as smoothly as possible. Sarah has earned recognition as a valuable asset to the entire U.S. House of Representatives and my office through the application of her knowledge and skills acquired prior to her tenure as an intern and through a variety of new skills she has acquired while serving the people of Missouri and our Nation.

Mr. Speaker, I proudly ask you to join me in commending Ms. Sarah Rice for her many important contributions to the U.S. House of Representatives during the current session, as well as joining with me to extend to her our very best wishes for continued success and happiness in all her future endeavors.

TRIBUTE TO DR. BILL MADIA

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. WAMP. Mr. Speaker, just over 3 years ago, the University of Tennessee-Battelle team took over the contract to operate the Department of Energy's Oak Ridge National Laboratory in Oak Ridge, TN. Our Lab Director, Dr. Bill Madia will soon be leaving ORNL to take a new position. I would like to take a moment today to recognize Bill's tremendous accomplishments and thank him for all he has done in East Tennessee.

Bill came to ORNL with over 25 years of experience in research and research management, with more than 15 years leading public and private research labs. That experience is evident in all the recent successes of ORNL, including receiving the laboratory's first-ever "outstanding" rating for overall performance from the Department of Energy for fiscal year 2002.

Under his watch, the construction of the Nation's largest civilian science project, the Spallation Neutron Source, has moved forward on time, on budget and on scope. Adjacent to SNS, atop Chestnut Ridge, is the site for the Center for Nanophase Materials Science, the first of DOE's Nanoscience centers. Another new facility is the recently completed Center for Computational Sciences, one of the world's most modern computer laboratories.

Along with these examples of cutting edge major research user facilities, Bill tackled the needs of a laboratory that dated back to the Manhattan Project. In June 2003, only 16 months after breaking ground, ORNL celebrated completion of the first of 12 new facilities in the Laboratory's ambitious modernization program. The new buildings represent an unprecedented partnership among the private, state, and federal sectors. This unique effort can be attributed to Dr. Bill Madia.

In the Oak Ridge community, Bill Madia has been active in promoting economic growth and providing leadership in the role that science and technology can play in education, the workplace, and our daily lives. He has served on the boards of the Oak Ridge Chamber of Commerce, East Tennessee Economic Council, and the Tennessee Technology Development Corporation. He has also been supportive of the next generation of scientists by supporting funding for high school science laboratories and the University of Tennessee's Academy for Math and Science.

Mr. Speaker, Bill has contributed mightily to the Lab's success during his tenure in East Tennessee. I am pleased he will continue his commitment to the lab and our community by serving as a member of the UT-Battelle Board of Directors. In my judgment, he is by far the greatest, most innovative "lab director" in the United States. He is my personal friend and I will miss him very much.

However, because of his amazing vision and tireless work, the people of Oak Ridge, East Tennessee and the Nation face a brighter, more prosperous future. I would like to thank Dr. Bill Madia for his remarkable leadership and extraordinary commitment to the great state of Tennessee.

CONGRATULATING MS. ADA SANDERS ON HER RETIREMENT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. KIRK. Mr. Speaker, I would like to honor Ms. Ada Sanders, who has recently retired from 30 years of teaching primary school in the state of Wisconsin.

Ada Sanders was originally hired as a substitute teacher but after demonstrating her immense talent and love of teaching, she was quickly hired as a full time teacher. In Ms. Sanders' 30 years devoted service to third and fourth grade students in Stevens Point, WI, she taught for 18 years at the Madison School and spent her last 12 years at the Bannach School.

Her caring demeanor and loving devotion to students has allowed her to touch the lives of many. Ms. Sanders is not only an extraordinary individual, but a role model to all.

Mr. Speaker, Ada Sanders deserves this special recognition for her 30 years of devotion to America's children. I wish her much success in all of her future endeavors.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. STUPAK. Mr. Chairman, I rise in strong opposition to H.R. 2210, the Republican Head Start reauthorization bill. This legislation tears at the heart of successful early childhood development services in the United States that have been in place since 1965.

Across the Nation, Head Start has helped to combat poverty and provide children with an enriched social, academic, and healthful base before kindergarten. In my own northern Michigan communities, Head Start has long provided valuable services to the 5,598 children and their families enrolled in 148 programs throughout the 1st Congressional District.

I am dismayed H.R. 2210 provides only a 2.9 percent increase over the last year in the already under-funded Head Start programs—barely keeping up with inflation, and I have very serious concerns about several of its provisions.

In particular, the bill completely fails to support Head Start teachers. These dedicated professionals earn about half of what typical kindergarten teachers make. Yet, H.R. 2210 only provides about $400,000 for teacher salaries and education next year—more than $300 million less than needed in fiscal year 2004. Funding for the following years is no better—$2 billion less than needed over the next 4 years.

To add insult to injury, H.R. 2210 increases teacher credential requirements so that 50 percent of Head Start teachers must have a Bachelor's degree by 2008. But the bill provides almost no money to help teachers advance their education, and it doesn't pay to increase teachers' salaries after they earn a Bachelor's degree! What incentive does that provide for quality teachers to remain dedicated to Head Start programs?

I am also concerned about block grant provisions in the bill. Shifting program money to state block grants, even in the eight test states, could allow states to change the Head Start program in substantive ways that may jeopardize the successes Head Start programs have long achieved. It is a pilot program as proposed, but as we all know these pilot programs tend to grow.

In the name of so-called "reform", H.R. 2210 allows selected states to increase Head Start class size and the child-to-staff ratio; decrease parental involvement; hinder disability assessment and treatment; and eliminate comprehensive health care services like vision, dental, and mental health screenings. Moreover, the Republican Head Start bill lets the eight test states move funds currently intended for local Head Start agencies to other pre-school and child care programs that may not offer the same critical services on which children and families depend.

Head Start has made a valuable contribution to the education of our Nation's children, and I will do everything possible to protect these locally designed and administered programs in northern Michigan.

I urge my colleagues to vote no on H.R. 2210. Vote no to dismantling Head Start.

FLORINE WARDEN'S 85TH BIRTHDAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RAHALL. Mr. Speaker, on August 26, Mrs. Florine Warden will be celebrating her 85th birthday. Her story is one of success. From the coalfields of West Virginia she has endlessly battled to preserve the liberties of her community. As her birthday approaches I wish to thank Mrs. Warden for the extraordinary effort she has put into our State.

Thomas Jefferson once said, "none deserve better than those who contribute to the amelioration of that form (government)." Mrs. Warden's life has been one of great service and citizenship. She has dedicated her life to voicing her opinion and striving to improve our form of government. Those who reside in Southern West Virginia know of her unwavering dedication to encouraging others to become active citizens. She has fought diligently on the political battlefield at the grassroots level. She brings a special enthusiasm to her community and the State of West Virginia. She has donated her time to improve and enhance our political process.

Mrs. Warden has spent countless hours working for the underprivileged. From picket lines to food drives, Mrs. Warden is a force for the less fortunate. She has sought to better her community by working as a booster for local high schools and colleges. This amazing woman has also devoted her time to the West Virginian Department of Highways, as well as the Department of Natural Resources. She has worked for the State, but more importantly for the people of West Virginia, which she cares for so dearly. She has worked tirelessly for the United Mine Workers of America. She is the true embodiment of the Mother Jones's mantra, "Mourn the dead, and fight like hell for the living."

Mrs. Warden's hard work has not gone unnoticed. Her many honors include the Distinguished West Virginian Award, the Beautification Award "Make West Virginia Shine," and an induction into the Democrat Hall of Fame. Just last year I was at hand when Mrs. Warden was presented the labor award in the 17th Annual Celebrate Women Awards. With these awards, the word of her hard work has spread from Southern West Virginia to the rest of the State, and across our great Nation. In her amazing eighty-five years, she has been dedicated to promoting labor services in West Virginia and with her hard work she is irreplaceable in the political world. She has continually fought for the betterment of our form of government. I agree with Mr. Jefferson and feel that none deserve better than Mrs. Warden.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SMITH of Washington. Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 227: H. Res. 159. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable vote on rollcall No. 228: H. Res. 195. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 229: H.R. 1465. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 230: S. 222. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 231: S. 273. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 232: S. 763. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 233: H. Amdt. to H. J. Res. 4. Had I been present, I would have voted "no."

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 234: Final passage of H. J. Res. 4. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 235: Motion to suspend the rules and pass H. Res. 231. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 236: on agreeing to H. Res. 257. Had I been present, I would have voted "no."

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 237: Motion to suspend the rules and pass H. Res. 177. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 238: Motion to suspend the rules and pass H. Res. 201. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 239: H.R. 1954. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 240: H. Amdt. 154 to H.R. 760. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 241: Motion to Recommit to H.R. 760. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 242: final passage of H.R. 760. Had I been present, I would have voted “no.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 243: On Ordering the Previous Question for H. Res. 256. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 244: H. Res. 258. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 245: H. Res. 258. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 246: on passage of H.R. 1474. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 247: S. 222. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 248: S. 273. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 249: H.R. 1610. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 250: H. Con Res. 162. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 251: S. 763. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 252: H. Res. 263 to H.R. 2143. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 253: H. Res. 263 to H.R. 2143. Had I been present, I would have voted “No.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 254: H. Amdt. 159 to H.R. 2143. Had I been present, I would have voted “No.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 255: Passage of H.R 2143. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 256: H. Res. 252: Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 257: On ordering the previous question for H.R. 2115. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 258: On agreeing to the rule for H.R. 2115. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 259: On passage of H. Con. Res. 110. Had I been present I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 260: On passage of H.R. 1320. Had I been present I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 261: H.R. 2350. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 262: H. Amdt. 5 to H.R. 2115. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 263: H. Amdt. 4 to H.R. 2115. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 264: On passage of H.R. 2115. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 265: H. Res. 269 to H.R. 1115. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 266: H. Res. 269 to H.R. 1115. Had I been present, I would have voted “no.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 268: H. Amdt. 168 to H.R. 1115. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 269: H. Amdt. 169 to H.R. 1115. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 270: H. Amdt. 170 to H.R. 1115. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 271: Motion to Recommit to H.R. 1115. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 272: Passage of H.R. 1115. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 273: H. Res. 270 to H.R 1308. Had I been present, I would have voted “no.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 274: Rule for H.R. 1308. Had I been present, I would have voted “no.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 275: Motion to Instruct Conferees H.R. 1308. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 276: H.R. 2254. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 277: H. Con. Res. 220. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 278: S. 703. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 279: H. Res. 276. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 280: H. Res. 171. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 281: Passage of H.R. 658. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 282: S. 342. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 283: Passage of S. Con. Res. 43. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 284: Previous Question to H. Res. 281. Had I been present, I would have voted “no.”

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 285: H. Res. 281 to H.R 8. Had I been present, I would have voted “no.”

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 286: Approving the Journal. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 287: H. Amdt. 171 to H.R. 8. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 288: Passage of H.R. 8. Had I been present, I would have voted “no”.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 289: H. Res. 283 to H.R. 660. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 290: H. Res. 283 to H.R. 660. Had I been present, I would have voted “no”.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 291: H. Amdt. 172 to H.R. 1528. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 292: Motion to Recommit H.R. 1528. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 293: Passage of H.R. 1528. Had I been present, I would have voted “no”.

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 294: Kind amendment to H.R. 660. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 295: On motion to recommit with instructions to H.R. 660. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 296: On final passage to H.R. 660. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 297: H. Res. 264. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 298: H. Res. 177. Had I been present, I would have voted “yes.”

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 299: H. Con.

Res. 209. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 300: Passage of H.R. 2465. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 301: Previous Question to H. Res. 293. Had I been present, I would have voted "no".

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 302: Agreeing to H. Res. 293. Had I been present, I would have voted "no".

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 303: Passage of H.R. 923. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 304: H.R. 1460. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 305: On sustaining the ruling of the chair on H.R. 2555. Had I been present, I would have voted "no".

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 306: Sustain ruling of the chair on H.R. 2555. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 307: H. Amdt. 176 to H.R. 2555. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 308: H. Amdt. 183 to H.R. 2555. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 309: H. Amdt. 188 to H.R. 2555. Had I been present, I would have voted "no".

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 310: Passage of H.R. 2555. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 311: Passage to H.R. 1416. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 312: S. 858. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 313: H.R. 2474. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 314: H. J. Res. 49. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 315: H. Con. Res. 49. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 316: H. Res. 199. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 317: H. Res. 294. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 318: On the Hastings amendment to H.R. 2417. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 319: On the Kucinich amendment to H.R. 2417. Had I been present, I would have voted "no".

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 320: On the Lee amendment to H.R. 2417. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 321: H. Res. 299 to H.R. 1 and H.R. 2596. Had I been present, I would have voted "no".

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 322: H. Res. 299 to H.R. 1 and H.R. 2596. Had I been present, I would have voted "no".

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 323: H. Res. 297 to H.R. 1 and H.R. 2596. Had I been present, I would have voted "no".

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 324: Ordering the previous question on H. Res. 298. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 325: Passage of H.R. 2559. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 326: Passage of H. Res. 277. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 327: On approval of the Journal. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 328: H.R. 2596. Had I been present, I would have voted "no".

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 330: H. Amdt. 197 to H.R. 1. Had I been present, I would have voted "no".

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 331: Motion to recommit with instructions to H.R. 1. Had I been present, I would have voted "yes."

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 332: Final passage of H.R. 1. Had I been present, I would have voted "no".

Mr. Speaker, due to family reasons, I was unable to vote on Rollcall No. 333: On passage of H.R. 2417. Had I been present, I would have voted "yes."

PHARMACEUTICAL MARKET ACCESS ACT OF 2003

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise in strong support of this legislation because it will provide our seniors and all American consumers the relief they need from skyrocketing drug prices through safe, FDA-approved prescription drugs reimported from Canada and Europe.

And I am pleased that a broad bipartisan coalition has come together to advance this important measure.

Currently, the same exact prescription drugs purchased in Canada and Europe cost only a fraction of the prices charged in the U.S.

This does not make sense when a number of our seniors must choose between spending their limited income on food or taking on their daily dosage of a prescribed medication.

Some have raised concerns about the safety of importing prescription drugs from outside the United States.

As a nurse, I am always concerned about safety and doing no harm.

This bill takes important steps to actually improve the safety of prescription drugs through:

State-of-the-art technology to prevent tampering with the packaging (the same type of technology used by the Dept. of Treasury to secure our currency);

Strict inspections by wholesalers to test each shipment;

And by allowing only FDA-approved drugs from FDA-approved facilities into the country.

Further, the legislation's enforcement authority is clear and very strong—Manufacturers or importers can be heavily fined or even face up to 10 years in prison for failing to comply with safety requirements.

The plain fact is that more than one million Americans already purchase their medicines from outside the American market and there has not been one reported death or illness from Americans taking such products.

Mr. Speaker, reimportation is a commonsense thing to do. It is probusiness, pro-consumer and it's a safe and effective way for Americans to pay less for prescription drugs.

I urge my colleagues to join me in voting "yes" for this legislation, our seniors can't wait.

HONORING THE CONTRIBUTIONS OF DOMINICAN BASEBALL PLAYERS TO THE ECONOMY OF THE DOMINICAN REPUBLIC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I wanted to take this time to highlight some of the contributions that baseball players of Dominican decent are making not only to America's national pastime, but also to communities in the Dominican Republic.

It isn't long into SportsCenter or any other sports highlight show before one notices that some of the game's greatest contemporary players hail from the DR. Perennial All-Stars like Sammy Sosa, Pedro Martinez, Alex Rodriguez and Manny Ramirez, joined now by youngsters like Odalis Perez, Albert Pujols, Carlos Delgado, Alfonso Soriano and Miguel Tejada, are redefining the game by challenging long-established records and moving the bar of excellence higher than many would have imagined.

Baseball has a long established tradition in the DR, showcasing Negro-League stars like Satchel Paige and Josh Gibson in winter league games at a time when the color-line barred African-Americans from playing with white players in America. And these new stars know that they follow in the footsteps of major league trailblazers like Felipe Alou, Joaquin Andujar, George Bell, Rico Carty, Tony Fernandez, Pedro Guerrero, Juan Marichal, and Jose Rijo.

However, what makes these ballplayers different from athletes of the past is that they can afford not only to be positive role models of behavior, but also economic role models of philanthropy. According to Major League Baseball, the 79 Dominican major league baseball players earn a combined salary of $210 million. Like many immigrants, they send money directly home to family members. However, they also contribute to the local economy by building homes, investing in business ventures and making contributions to charities based in their hometowns.

Their success in the major leagues has also brought in Major League Baseball as a partner in the island's economic development. According to a recent study, MLB has created 1,200 jobs, with $14.7 million going directly to the country through the operation of 30 baseball academies that are all looking to find the next diamond in the rough. These are academies that not only provide services, but also buy from local merchants, which has lead to the creation of as many as 900 new jobs.

Success in baseball is not based on the play of one player but on the efforts of the entire team. These Dominican athletes know that the best way that they can truly honor the sacrifices of their family and friends is making sure that they give back with both their hearts and their wallets. Collectively, they and other Dominicans around the world are helping to shatter the myth that some people are forever destined to be the recipients of handouts and hand-me-downs. That with an investment of faith and money, talent can surface to change a game—and the world.

WE MUST WORK TOWARD WINNING AND SUSTAINING PEACE IN IRAQ AND AFGHANISTAN

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, since President Bush declared an end to major combat operations on May 1, 2003, we continue to have loss of life of our brave service men and women in Iraq at a rate of one per day.

Just look at the figures—491 wounded and 93 killed. We've lost 7 soldiers in the last week alone.

Why? Because the administration failed to adequately plan for post-war peacekeeping in Iraq. And experts are beginning to warn that the window for postwar success is closing.

We need to make a decision—and we need to do it quickly—about increasing the end strength of our military. Two days ago, the Pentagon announced that our troops in Iraq and Afghanistan should expect one-year deployments.

We are walking a very fine line on having enough troops to support our missions around the globe, especially Iraq and Afghanistan.

Asking our troops to stay for longer and longer tours is not the answer. Our troops are stretched thin, and we must start talking about doing everything in our power to win and sustain the peace.

BILL TO REFORM AMERICAN INDIAN TRUST FUND MANAGEMENT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to provide the basis for reforming the way the federal government discharges its responsibilities regarding the assets and funds it holds in trust for federally recognized Indian tribes and individual Indians.

The bill is also sponsored by Representative RAHALL, the Ranking Democratic Member of the Resources Committee, and is identical to a measure being introduced in the Senate by Senators MCCAIN, DASCHLE, and JOHNSON. It is based on a bill (S. 175) they introduced earlier, with revisions that reflect comments and suggestions from a number of tribes and others who have interest and expertise in this subject, including representatives of the Great Plains tribes, the Native American Rights Fund, the National Congress of American Indians, and the InterTribal Monitoring Association.

We are introducing the bill today in the interests of contributing specific legislative proposals for consideration as part of what we hope and expect will be a bipartisan effort to develop legislation to resolve many of the problems in this important part of the duties of the Interior Department.

As we all know, Mr. Speaker, the Interior Department's management of Indian trust funds is the subject of deserved criticism and ongoing controversy. Last week, during debate on the Interior appropriations bill, the House was told that Chairman POMBO has indicated his commitment to having the Resources Committee work on resolving problems associated with that management—a commitment we welcome. Our bill is intended to be part of that effort.

Our bill includes two major changes to the 1994 American Indian Trust Fund Management Reform Act, the underlying law governing Indian trust funds management.

First, it elevates the importance of Indian trust management and other Indian affairs within the Interior Department by establishing the position of Deputy Secretary for Indian Affairs, to oversee the Bureau of Indian Affairs and all aspects of the management of Indian trusts.

There would no longer be an Assistant Secretary for Indian Affairs. The current Office of Special Trustee for American Indians would be abolished, with the duties of the Special Trustee being transferred to the new Deputy Secretary, who would be in charge of a new Office of Trust Reform Implementation and Oversight. In addition, there would be clear legislative affirmation of the fiduciary standards to be applied to the management of Indian trust funds and assets.

Second, the bill strengthens provisions for Indian tribes to participate in the management of trust funds and assets, based on successful self-determination policies. Toward that end, the bill would authorize a Tribe to use authority under existing law to manage trust funds and assets, without terminating the trust responsibilities of the Interior Department.

To further assess the way the Interior Department performs its fiduciary and management responsibilities with respect to Indian Tribes and individual Indian beneficiaries, the bill would establish a special 12-member Commission, with four members appointed by the President, two each appointed by the Majority and Minority leaders of the Senate, two each appointed by the Speaker and the Minority Leader of the House of Representatives. The bill specifies that a majority of members must be representatives of federally-recognized Indian tribes (at least one of whom must be the beneficiary of an individual Indian trust fund account). The Commission will choose one of its members to chair its proceedings.

The bill requires the Commission to review and assess Federal laws and policies relating to the management of Indian trust funds and to provide Congress a report about their conclusions and recommendations within three years after the Commission's first meeting.

Finally, the bill includes specific and detailed provisions to make clear that its enactment will not limit any of the findings, remedies, jurisdiction, authority, or discretion of the courts in the Cobell v. Norton litigation and that no funds appropriated to carry out an historical accounting of the individual Indian trust funds are to be used except as may be provided in an order of the court in that case entered after the date of the bill's enactment.

Mr. Speaker, I am convinced that the time has come for Congress to directly address the problems associated with this subject. The bill we are introducing today is not intended to either whitewash or redress past wrongs, and it will not forestall the courts from resolving matters properly before them. Instead, it is intended to take an important first step toward a better future for the Indian tribes and individuals in whose behalf the government is duty-bound to act.

For the benefit of our colleagues, here is a section-by-section outline of the bill:

OUTLINE OF "AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT AMENDMENTS ACT"

SECTION 1: Short Title—provides a short title for the bill.

SECTION 2: Definitions—amends section 2 of the American Indian Trust Fund Management Act of 1994 to provide definitions of the terms "audit," "tribal government," "trust asset," "trust funds," and "trustee."

SECTION 3: Responsibilities of Secretary—amends section 102 of the American Indian Trust Fund Management Reform Act of 1994 so as to clearly specify the responsibilities of the Secretary of the Interior with respect to accounting for Indian trust fund balances and with respect to other aspects of carrying out the trust responsibility of the United States.

SECTION 4: Affirmation of Standards—amends Title I of the American Indian Trust Fund Management Reform Act of 1994 by adding a Congressional affirmation of the standards for proper discharge of the trust responsibility of the United States.

SECTION 5: Indian Participation in Trust Fund Activities—amends the American Indian Trust Fund Management Reform Act of 1994 to explicitly authorize an Indian tribe to use authority provided under the Indian Self-Determination and Education Assistance Act to manage trust funds and trust assets without terminating the trust responsibility of the Secretary of the Interior or the trust status of the funds and assets involved.

SECTION 6: Deputy Secretary for Indian Affairs—amends the American Indian Trust Fund Management Reform Act of 1994 to establish the position of Deputy Secretary of the Interior for Indian Affairs, to specify the duties of the Deputy Secretary, and (effective upon appointment of the Deputy Secretary) to abolish the Office of Special Trustee for American Indians and transfer its functions to the Deputy Secretary.

SECTION 7: Commission for Review of Indian Trust Fund Management Responsibilities—establishes a Commission (with four Members appointed by the President, two each appointed by the Majority and Minority Leaders of the Senate, and two each by the Speaker and the Minority Leader of the House of Representatives) to assess the federal government's fiduciary and management responsibilities with respect to Indian tribes; specifies a majority of Commission members must be representatives of federally-recognized tribes (and at least one must be an individual beneficiary of an Indian trust account); requires the Commission to report its conclusions and recommendations to Congress and the Departments of Interior and Treasury within 32 months after Commission's first meeting.

SECTION 8: Regulations—directs Interior, in consultation with interested Tribes, to issue regulations to implement the bill.

SECTION 9: Effect of Act—States that nothing in the bill will limit the findings, remedies, jurisdiction, authority, or discretion of the courts in the Cobell v. Norton litigation; provides that no funds appropriated for an historical accounting of individual Indian trust funds shall be used except as provided in an order of the court in that case entered after the enactment of the bill.

PHARMACEUTICAL MARKET ACCESS ACT OF 2003

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mrs. MALONEY. Mr. Speaker, it is a disheartening reality in our country that the current administration refuses, so adamantly, to give seniors a real opportunity to obtain prescription drugs at a reasonable cost.

In times like these, when the economy is uncertain and prescription drug prices are soaring, it is essential to be creative in finding an affordable and effective way for Americans to obtain the drugs they so desperately deserve. H.R. 2427 gives our seniors, and other consumers, a tool they need to purchase lifesaving drugs.

How many seniors are currently disabled by an illness that they cannot afford to treat with the drugs that their European counterparts can purchase for between 30 and 300 percent less? There are too many, and Congress cannot stand by and watch them suffer.

I know that my constituents in the Fourteenth District are suffering as a result of this government's inability to take meaningful action. A year ago, I co-released a report, detailing the outrageous prices seniors face when purchasing prescription drugs. For Prilosec, an ulcer and heartburn medication, a senior citizen in New York will pay on average $144.60 per month. The same drug in Canada costs $53.17. That is a 172% difference.

Zocor, which is one of the most common cholesterol-reducing drugs in the country, costs almost three times as much in New York City as it does in Canada. These are just two examples of the outrages our citizens face every day.

The Gutknecht bill will greatly reduce the cost of prescription drugs, and it will also ensure that imported medications will be safe for all seniors. H.R. 2427 mandates the use of greater technology to prevent the importation of counterfeit drugs, and it requires each shipment of drugs to be tested appropriately.

Twenty-two percent of Americans who are prescribed medication are unable to fill their prescriptions. This is an unacceptable statistic, one that my colleague's bill would take great strides to ameliorate.

America's seniors and consumers are afflicted by a disease: the absurd overpricing of prescription drugs. The fight against this epidemic must begin today. Vote "yes" on the Gutknecht bill, and let's give Americans a fighting chance.

COMMEMORATING THE TURKISH INVASION OF CYPRUS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mrs. LOWEY. Mr. Speaker, today, we sadly commemorate the 29th anniversary of the Turkish occupation of Cyprus. Over one quarter century ago, more than 200,000 Cypriots were driven from their homes and forced to live under foreign occupation. Today, the legacy of this tragedy is the enormous Turkish military presence in Cyprus and the ongoing mystery of the fate of those who have disappeared. The occupation has gone on for far too long. We must strive for reunification, and we must achieve it soon, so that all Cypriots can benefit from Cyprus's new stature on the world stage.

Cyprus is well on its way to full EU membership—by this time next year it will be official. And, while Turkish Cypriot leader Denktash has continued to throw up roadblocks in front of a formal settlement, it seems the people of Cyprus are fed up with living on a divided island. We have been inspired by the stories of peace and kindness that have emerged from the opening of the borders—an opening that has taken place without the violence Mr. Denktash so stridently predicted. We all know that while leaders may make peace agreements, people make peace—and that is what we have witnessed in Cyprus.

As Ranking Democrat on the House Appropriations Subcommittee on Foreign Operations, it has been an honor to fight to achieve a substantial earmark for Cyprus each year. This assistance demonstrates our commitment to the people of Cyprus and our recognition of their struggle. These funds support measures aimed at reunifying the island and reducing tensions and promoting peace between the people of Cyprus. I believe this earmark sends a strong signal to the people of Cyprus that the United States is unflinchingly committed to realizing the goal of a reunified Cyprus. As the appropriations process continues, I will work to ensure the earmark once again reaches its traditional level of $15 million.

We must work together to keep up the pressure on Turkey to end its occupation of Cyprus and to allow the Cypriot people to live in peace and freedom. This year, more than ever, we must not let the opportunity for a resolution to this conflict pass.

IN HONOR OF THE 41ST ANNIVERSARY OF THE INDEPENDENCE OF TRINIDAD AND TOBAGO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I rise today to recognize and celebrate Trinidad on the forty-first anniversary of her Independence and the 169th anniversary of emancipation in Trinidad and Tobago and the Caribbean.

Trinidad and Tobago and the U.S. have long enjoyed a prosperous relationship that has hinged upon interests in investment, trade, and regional security. Often noted for holding one of the largest and most elaborate Carnival celebrations in the world, there is much to know about how this small island nation evolved and has come to be such a great friend to our nation.

Trinidad was settled by the Spanish a century after Columbus landed there. The original inhabitants—Arawak and Carib Indians—were largely wiped out by the Spanish colonizers, and the survivors were gradually assimilated. Although it attracted French, free Black, and other non-Spanish settlers, Trinidad remained under Spanish rule until the British captured it in 1797. During the colonial period, Trinidad's economy relied on large sugar and cocoa plantations.

Tobago's development was similar to other plantation islands in the Lesser Antilles and quite different from Trinidad's . The smaller island of the pair, Tobago became known first as Tavaco, then Tabagua, then as Tobago. This was the name given by its tribal people who used a long stemmed pipe in which they smoked a herb called Vcohiba, known today as tobacco.

During the colonial period, French, Dutch, and British forces fought over possession of Tobago, and the island changed hands 22 times—more often than any other West Indian island. Tobago was finally ceded to Great Britain in 1814. Trinidad and Tobago were incorporated into a single colony in 1888.

Trinidad became an oil economy in the 20th century. Oil was discovered in the

Guayguaygare, Point Fortin, and Forest Reserve areas in Trinidad. Over time oil and oil related exports came to dominate the economy.

The establishment of U.S. bases on the island in 1941 in exchange for 50 destroyers which at the time was sorely needed by an overstretched Britain, resulted in the construction of numerous roads. Additionally, the G.I.s injected American culture and money into a stagnant economy and shifted the focus of the country from Britain to the U.S.

In the 1950s, the British sponsored the West Indies Federation as a potential post-colonial model, in the belief that most of the Caribbean islands would be unable to survive politically or economically on their own. The Caribbean peoples thought otherwise and the Federation collapsed in the early 1960s.

In Trinidad and Tobago a movement was being born in the 1950s. After receiving his Ph.D. and serving as assistant professor at Howard University, Eric Williams returned to Trinidad and Tobago and formed the People's National Movement (PNM), a political party of which he became the leader. In September of 1956, the PNM won the national elections and he became the chief minister of the country from 1956 to 1959, premier from 1959 to 1962, and prime minister from 1962 to 1981. During his term as prime minister, Williams led Trinidad and Tobago into full independence within the Commonwealth in 1962. Eric Williams is considered the father of Trinidad and Tobago. He died in office on March 29, 1981.

After its 1962 independence, Trinidad joined the United Nations and the Commonwealth. In 1967, it became the first Commonwealth country to join the Organization of American States (OAS). A U.S. embassy was established in Port of Spain in 1962, replacing the former consulate general. Today, the Republic of Trinidad and Tobago remains a stable government with close ties and a working relationship to the United States.

Evidence of government stability is represented in the fact that U.S. investment in Trinidad and Tobago exceeds one and one-quarter billion dollars. In addition, Trinidad and Tobago is becoming the leading importer of liquefied natural gas to the U.S. It also is active in the U.S.-initiated Summit of the Americas process and fully supports the establishment of the Free Trade Area of the Americas.

With a population of 1.2 million people and the size of the state of Delaware, Trinidad and Tobago maintains strong relations with its Caribbean neighbors as well. As the most industrialized and second-largest country in the English-speaking Caribbean, Trinidad and Tobago has taken a leading role in the Caribbean Community and Common Market (CARICOM), and strongly supports CARICOM economic integration efforts.

The two countries also share its people and culture. There are large numbers of U.S. citizens and permanent residents of Trinidadian origin living in the United States. These individuals keep strong cultural ties to their country of origin. About 20,000 U.S. citizens visit Trinidad and Tobago on vacation or for business every year, and over 2,700 American citizens are residents. In addition, Trinidad like carnivals are held in numerous cities across the U.S. with a major celebration occurring in Brooklyn every Labor Day of which Trinidadians have played an integral role in sustaining.

The Trinidadian, Jessie Wardell was responsible for obtaining the first street permit to celebrate Carnival outdoors on Lenox Avenue in Harlem. Trinidadian, Rufus Gorin, moved the Carnival to Brooklyn where he paired with the Trinidadian, Carlos Lezama, and formed the West Indian American Day carnival Association (WIADCA), which for over thirty years has participated in attracting millions of people to New York to participate in the largest Carnival celebration in the U.S.

I take great pleasure in reflecting upon the magnitude of Trinidad and Tobago's contribution to New York City, our nation, and the world and expressing my personal appreciation for the association I have had with her people over the years. I salute the republic of Trinidad and Tobago and her accomplishments and ask that you join me in honoring her as she celebrates her 41st Anniversary.

HONORING EDGAR B. "PETE" DOWNS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Edgar B. "Pete" Downs on his 60th birthday and for his dedication to the wine industry of America. Pete will be celebrating his birthday on August 10, 2003.

Pete has been involved in the wine industry for over 30 years. His interest in wine was refined when he studied and received his Bachelor of Science in Fermentation Science at University of California, Davis in 1973. He specialized in enology, the study of wine, and brewing studies. This education led him to becoming a winemaker for several top wineries in California. In 1992, he became the General Manager of Lakeport, Edmeades and Vinwood, three of the wineries in the Kendall-Jackson family. His success with these wineries led to his promotion to be Vice President of Government Affairs of Kendall-Jackson Wine Estates.

Pete's involvement not only with the winery, but with members of the industry on every level has led him to be one of the most successful Vice Presidents of the wine industry in the United States. Pete is a board member of the American Vintners Association, the Family Winemakers of California and a professional member of the American Society for Enology and Viticulture. He is also Chairman of the Congressional Wine Foundation and active in Washington, DC wine efforts.

Mr. Speaker, I urge my colleagues to join me in recognizing Edgar B. "Pete" Downs on the occasion of his 60th birthday and his significant and steadfast national and international efforts to promote the wine industry of America.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mrs. McCARTHY of New York. Mr. Chairman, I rise in strong opposition to this legislation.

Mr. Chairman, this legislation changes the goal of Head Start from a level playing field for disadvantaged children and their parents to an undefined goal of school readiness. By creating block grants, this measure turns Head Start over to states, but without any of the current requirements related to high quality and comprehensive services that have made the program successful.

While states and localities, such as Nassau County, New York which I represent, are facing their own budget crunches, this legislation will only do further harm to school budgets.

Head Start is an important program for nearly 1 million low-income children and their families throughout the country and on Long Island. Throughout its 35-year history, Head Start has created not only high performance standards, but also a comprehensive system of evaluation and monitoring to guarantee that these standards are met.

The Head Start system for accountability reviews programs once every three years to ensure that the integrity of federal dollars is protected and that our nation's poorest children do not miss a single opportunity to grow and develop.

Head Start's accountability reaches far beyond the typical monitoring done in state preschool programs. A team totaling as many as 25 reviewers spend a week reviewing every aspect of a Head Start operation, including: the curriculum; family and community partnerships; human resources; program development; teacher qualifications and professional development; physical and mental health; disability services; and language and cultural appropriateness.

The new assessment in this legislation is a narrow one that only collects the data from a direct test of children's knowledge.

This test only asks questions related to literacy, language, and numbers. Child development experts agree that a single direct assessment does not produce quality data on learning.

Using this type of test to hold programs accountable could create a host of harsh results—such as the temptation to only enroll children who face few barriers to learning or to recruit children who will test well—and potentially leaving out children who desperately need Head Start services.

This is especially true for those students with language barriers or learning disabilities. As someone with a learning disability, I know first hand how hard it was to overcome education obstacles. I was lucky enough to come from a very supportive family, but not all children are as lucky.

Head Start is a success and historically has enjoyed bipartisan support. Unfortunately, with today's legislation, this would be for the first time in its 35-year lifetime that Head Start would be considered without strong bipartisan support. Although we should continue to improve the program, we should do nothing to dismantle it. Unfortunately, I think we are headed down that road today, and that is why I urge the defeat of this bill.

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT, H.R. 2738 AND UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT, H.R. 2739

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. POMEROY. Mr. Speaker, I am pleased to have the opportunity to vote for these two trade agreements, H.R. 2738 and 2739. I firmly believe that these trade agreements will provide exciting opportunities for the United States, including U.S. agricultural producers. For example, under the Chile agreement, more than three-quarters of U.S. farm goods will enter Chile duty-free within four years, and all tariffs will be phased out within 12 years. Many North Dakota agricultural products, such as soybeans, durum wheat, feed grains, corn, and potatoes will have greatly improved market access.

I am not, however, without concern regarding these, or future trade agreements. Chile and Singapore are examples of countries with laws that reflect core international labor principles. As such, the "enforce your own" laws provision that is included in these agreements is tolerable, although it would be preferable to have additional and independent enforcement mechanisms. Unfortunately, the same cannot be said of many of the countries and regions with which the United States is in the process of negotiating trade agreements.

For this reason, I will not support future agreements that do not open markets for United States agricultural products; that do not require adoption and enforcement of the basic prohibitions on exploitive child labor, forced labor, discrimination, and guarantee the right to associate and bargain collectively; or that provide greater rights for foreign investors than Americans in the United States. I look forward to working with my colleagues and the United States Trade Representative in ensuring that these important ideals are honored.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this misguided legislation.

The father of Head Start, Dr. Edward Zigler, once said, "Learning is not a purely cognitive enterprise—children learn better when they have good physical and mental health and have families whose own needs are met." I could not agree with him more.

The Head Start program merges literacy activities with lessons in good nutrition, vision screenings, and proper hygiene. It also recognizes the need to bring parents into the developmental process by providing them with support services in and out of the home, such as access to comprehensive health care and social workers, peer counseling, and parenting programs.

As a mother and grandmother, I know that it takes a lot more than basic reading skills to get our children prepared for learning. A kid's emotions, personality, and social surroundings are just as important as their I.Q. when first entering school.

Under this bill, however, instead of providing comprehensive family support, eight states could divert the funding to reading and language development-only programs—leaving behind the parental involvement and health components that are key to Head Start.

If the goal was to truly promote reading excellence, then we could expand and increase our investment in programs like Reading First, Literacy Through School Libraries, and Reading Is Fundamental.

Unfortunately, that is not what this proposal is about. Rather, it is a subtle acknowledgement that the Republican Congress has not fulfilled its promise to supersize the federal government's education budget. By giving states the right to divert this funding into education programs, Head Start will be likely be used to makeup for the funding shortfalls for the No Child Left Behind Act's programs.

My colleagues, our kids need balanced meals before, during, and after school. They need comfortable, clean clothing in order to learn. And they need safe, structured, and encouraging environments in which to study. Head Start teaches parents these lessons, while also providing our kids with the right tools and motivation to learn.

What happened to the saying—"if it's not broken, don't fix it?!" This program has a proven track record for effectiveness.

While I strongly support the provisions in the bill that improve teacher quality, create accountability measures, and increase Head Start's focus on educational skills—we simply cannot make the drastic changes that will eliminate the very initiatives that keep Head Start strong. I urge my colleagues to join me in fighting to maintain the critical nutrition and health components of Head Start by voting against this bill.

HONORING DUANE OSBORN

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SMITH of Washington. Mr. Speaker, I would like to take a moment to honor an individual from my district who is a true American hero, Duane A. Osborn. He is an ordinary man with an extraordinary story. Unless you are a friend or a family member you won't recognize his face, or ever have heard of his name. But there are millions of Americans like him—Americans who have sacrificed so much for our country and do not receive nearly enough recognition in return for their service. On this, the 50th Anniversary of the Signing of the Armistice of the Korean War, I'd like to introduce you to one of many forgotten warriors in a forgotten war.

Duane A. Osborn was born in Wapato, WA on May 30, 1934. In June of 1952, shortly after his 18th birthday, he enlisted in the United States Air Force with the 8th Division. Before he was sent to the Korean War he married Donna Elder.

From 1950 to 1953, the United States joined with United Nations forces in Korea to take a stand against what was deemed a threat to democratic nations worldwide. During the Korean War era, 6.8 million Americans served on active-duty and 1.8 million soldiers served in the Korean theater during the three-year period of hostilities. During the war, 36,940 service members made the ultimate sacrifice and lost their lives.

At war's end, millions of American veterans returned to a peacetime world of families, homes, and jobs—and to a country reluctant to view the Korean War as something to memorialize. But to the men and women who served, the Korean War could never be a forgotten war.

In October of 1955, following his service, Duane returned home to Washington state and settled in an unincorporated area that would become the city of SeaTac in my district. He worked building county roads until an accident in September of 1973 rendered him a paraplegic.

Duane's hardship duty in Korea had prepared him to meet this difficult physical challenge and in 17 years of participating in the National Veterans Wheelchair Games, he has won 100 gold, silver, and bronze medals—proving again and again his courage, commitment and dedication, as well as his passion for living.

Duane continues to contribute to his community and country as a board member of the Northwest Chapter of Paralyzed Veterans of America where he volunteers his time to make my district and Washington state more accessible for people with disabilities. He works tirelessly to ensure that all Americans are given the opportunities to live their lives to the fullest.

It is the regular men and women like Duane who honorably answered their country's call to duty and went to Korea over fifty years ago today that we must also remember. Countless Americans never won medals, never were labeled "heroes," yet they tirelessly fought for the causes they believed in—freedom and country.

Now home as proud veterans, these individuals know that freedom is not free, they know the costs and they continue to fight anonymously for liberties at home as they serve their communities, once again volunteering to make life better for all of us.

I thank Duane A. Osborn and the millions of other Korean War veterans for their contributions to my community and my country, both during that War and now at home, and I ask that we remember his service and the service of so many other ordinary, inspiring individuals today.

HONORING THE YOSEMITE ASSOCIATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Yosemite Association for celebrating 80 years of service to Yosemite National Park and the Park's visitors. To honor the anniversary, a special event will be held in front of the Yosemite Museum in Yosemite National Park on August 4th, 2003.

The Yosemite Association is a non-profit support group that has contributed more than $10 million to aid park programs in Yosemite. Established in 1923, the Association was the first cooperating association in the national park system and currently has a roster of over 9,000 members. The Yosemite Association has served as a model for almost 70 similar organizations that have been established throughout the country.

The Association has helped support numerous projects throughout the years. In 1925, they used donated funds to help build the Yosemite Museum. They also started an active publishing program. The Yosemite Association began publishing educational materials to improve the study of natural and human history in Yosemite and has expanded to produce award-winning books and maps. Other activities of the Yosemite Association include the operation of bookstores in park visitor centers, a program of outdoor courses, several wilderness-related initiatives, and educational programs. They also donate funds to the National Park Service to support education, research, and environmental efforts in Yosemite.

Mr. Speaker, it is my pleasure to congratulate the Yosemite Association on its accomplishments and contributions over the past 80 years. I urge my colleagues to join me in wishing the Yosemite Association many years of continued success.

IN HONOR OF THE 41ST ANNIVERSARY OF THE INDEPENDENCE OF JAMAICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I rise today to recognize and celebrate Jamaica on the forty-first anniversary of her Independence and the 169th anniversary of emancipation in Jamaica and the Caribbean. I take pleasure in reflecting upon the magnitude of Jamaica's contribution to New York City, our nation, and the world and expressing my personal appreciation for the association I have had with Jamaica and its people over the years.

I have been privileged to know and work with all of the Prime Ministers of Jamaica since my election to the Congress, beginning with Prime Minister Michael Manley's appeal for assistance to prevent retaliation by the U.S. Government in response to a justified increase in the royalty paid by U.S. aluminum companies for the exploitation of Jamaica's bauxite. I was privileged to work with Jamaican leaders in the creation and expansion of the Caribbean Basin Initiative which has in the last twenty years significantly increased the trade and commercial relationship between the U.S. and Jamaica and I continue to work in support of the Jamaican government's efforts to obtain U.S. government recognition of the need for special and differential treatment of small economies in the negotiation of the Free Trade Agreement of the Americas.

Jamaica has produced extraordinary leaders from Marcus Garvey to Alexander Bustamente to Norman and Michael Manley who have significantly contributed to the historical global struggle for freedom, self-determination and human rights. I salute Jamaica on this anniversary and the great legacy it has created for us all.

TWENTY-NINTH BLACK ANNIVERSARY FOR CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mrs. MALONEY. Mr. Speaker, it is my distinct honor and privilege to commemorate the 29th anniversary of the 1974 illegal Turkish invasion of Cyprus.

I have commemorated this day each year since I became a Member of Congress, and although the occupation has continued for almost three decades, there are signs that progress is being made.

PSEKA (The International Coordinating Committee Justice for Cyprus), The Cyprus Federation of America (an umbrella organization representing the Cypriot American community in the United States), SAE (World Council of Hellenes Abroad), and The Federation of Hellenic Societies, are all primarily located in the 14th Congressional district, which I am fortunate to represent. These individuals have refused to believe that peace will not come to Cyprus, and they have been strong advocates against the division of Cyprus and the human rights violations perpetrated by the Turkish army in Cyprus.

The fundamental fact is that the continued presence of Turkish troops represents a gross violation of human rights and international law.

Since they invaded Cyprus in July of 1974, Turkish troops have continued to occupy 37 percent of Cyprus. This is in direct defiance of numerous United Nations resolutions and has been a major source of instability in the eastern Mediterranean.

I support President Bush, like his predecessor President Clinton, in saying that true human rights are the goal of the U.S. Government.

A unified Cyprus would promote stability, both politically and economically, to the entire Mediterranean region.

Now is the time for a solution.

More than 20 years ago, (in 1977 and 1979) the leaders of the Greek and Turkish Cypriot communities reached two high-level agreements which provided for the establishment of a bi-communal, bi-zonal federation.

For the last 29 years, there has been a Turkish Cypriot leader presiding over a regime recognized only by Turkey and condemned as "legally invalid" by the U.N. Security Council in resolution 541 (1989) and 550 (1984).

Cyprus has been divided by the green line—a 113–mile barbed wire fence that runs across the island.

In April 2003, the Turkish occupation regime partially lifted restrictions on freedom across the artificial line of division created by Turkey's military occupation.

Since then, hundreds of thousands of Greek Cypriots and Turkish Cypriots have crossed the line, to visit homes and areas of their own country that were inaccessible to them for nearly 30 years.

With 35,000 Turkish troops illegally stationed on the island, it is one of the most militarized areas in the world.

This situation has also meant the financial decline of the once rich northern part of Cyprus to just one quarter of its former earnings.

The occupation of Cyprus is perhaps the single most destructive element of Turkey's fiscal and foreign policy.

We now have an atmosphere where there is no valid excuse for not resolving this long-standing problem.

Cyprus signed the Accession Treaty to the European Union on April 16, 2003 at which time President Papadopoulos pledged that the Greek Cypriot community and his government will "continue the efforts to reach a solution to the Cyprus question both before and after Cyprus joins the EU" in May 2004.

Of course, it would be desirable if a negotiated settlement to end the Turkish occupation and reunite the island were to be achieved prior to that date, Cyprus' EU accession will go forward regardless of a settlement. EU membership for Cyprus will clearly provide important economic, political, and social benefits for all Cypriots, both Greek and Turkish alike. This is why both sides must continue to negotiate.

There are also signs of a new climate of cooperation between Turkey and Greece. More has been achieved in the past several years than in many before.

The U.S., the EU, Greece and Cyprus have all acted to accommodate Turkish concerns, and it is time for Turkey to complete the peace process in good faith.

And make no mistake about it, if Turkey wants the Cyprus problem resolved, it will happen.

It will take diligent work by both sides, but with U.S. support and leadership, I am very hopeful that we will reach a peaceful and fair solution soon.

Twenty-nine years is too long to have a country divided. It is too long to be kept from your home. It is too long to be separated from family.

We have seen many tremendous changes around the world. It is time for the Cypriots to live in peace and security, with full enjoyment of their human rights.

I hope that when I speak in Congress on the same subject next year, that freedom and unification will have been achieved.

In recognition of the spirit of the people of Cyprus, I ask my colleagues to join me in honoring the Cyprus Federation of America, and in solemnly commemorating the 29th anniversary of the invasion of Cyprus. I hope that this anniversary will mark the advent of true freedom and peace for Cyprus.

Finally, I would like to say goodbye to a good friend and colleague Cyprus' Ambassador to the United States, Mrs. Erato Marcoullis. After nearly five years of service in our nation's capital, Ambassador Marcoullis will be leaving in August to assume a high-level post in the Foreign Ministry in the Cypriot capital of Nicosia. We will miss her, but next year I hope to join together and celebrate a unified Cyprus.

Long Live Freedom.
Long Live Cyprus.
Long Live Greece.

INTRODUCTION OF THE AMERICAN MANUFACTURING WORKS ACT OF 2003

HON. MARK UDALL

OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Friday, July 25, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to introduce H.R. 2908, American Manufacturing Works Act of 2003.

This bill will assist American manufacturing in four significant ways. It will establish an Undersecretary of Commerce for Manufacturing and Technology heading the Manufacturing and Technology Administration; it will create a manufacturing research and implementation program; it will provide full funding for the Manufacturing Extension Partnership program; and it will promote and fund education programs for manufacturing technicians.

Manufacturing is the primary source of productivity growth in our country. This sector remains critical to the nation's future prosperity and security. Yet U.S.-based manufacturers are facing a crisis today—a crisis marked by a steep decline in business investment, a sluggish global economy, and increased competition from low wage countries.

The American manufacturing sector has been hard hit by these forces, but neither this Congress nor the Administration has risen to meet this challenge in any direct way. The manufacturing sector has experienced 32 consecutive months of job losses, totaling 2.3 million jobs—fully 90 percent of the total jobs lost during this period. Although recent manufacturing statistics are mildly positive, the current manufacturing recovery is the weakest on record. Our manufacturing base remains fragile.

I think the federal government needs to take action now to respond to this crisis and to sustain our manufacturing base.

This is essential because despite significant job losses, manufacturing still employs 16.5 million people. Manufacturing contributes roughly 17% of GDP and provides 71% of our exports. Manufacturing funds 67% of our nation's total R&D investment. In addition, manufacturing companies are major customers for information and communications technology.

But if our manufacturing base continues to decline, the effect will be devastating not only in terms of individual job losses, but also in terms of the ripple effects that will be felt throughout our economy.

In short, we can't afford to stand idly by and watch our manufacturing base disappear.

The bill I am introducing today isn't based on trade policy or philosophical theory. It's based on the practical recommendations of manufacturing experts, industry associations, and labor unions—recommendations that can be acted on now to produce results in a very short time.

First, this bill creates a point of interaction for manufacturers in the Department of Commerce. Rather than creating a whole new bureaucracy, this bill restructures the Department of Commerce's Technology Administration to emphasize manufacturing as well as technology issues. This bill creates a Manufacturing and Technology Administration, headed by the Undersecretary of Manufacturing and Technology. An Assistant Secretary for Manufacturing will aid the Undersecretary for Manufacturing and Technology to develop a federal manufacturing agenda.

This legislation also creates a Manufacturing Advisory Board to provide guidance to the Undersecretary and to the National Institute of Standards and Technology regarding the manufacturing community's needs. The Manufacturing Advisory Board will be comprised of industry and industry association representatives, federal agencies with manufacturing initiatives, manufacturing experts, and labor representatives. This group will provide an array of views from the complete spectrum of our manufacturing base.

The bill also authorizes a significant research and implementation program for manufacturing. The National Institute of Standards and Technology (NIST) is authorized to develop a program along the lines of the Defense Advanced Research Projects Agency (DARPA) that will focus on manufacturing technologies. In addition, NIST's Advanced Technology Program is authorized to develop a focused program on manufacturing technologies.

The bill also authorizes funding for the Manufacturing Extension Partnership (MEP) program. This successful program leverages federal, state and private investment to assist small- and medium-sized manufacturers across the nation in meeting their increasing challenges.

One of the most critical elements of our manufacturing base is to have a technically trained workforce. To help develop this workforce, the bill leverages the National Science Foundation's (NSF) successful Advanced Technological Education Program to include preparation of students for manufacturing jobs. In addition, the bill authorizes funding for the Manufacturing Skill Standards Council to develop performance standards to certify job skills for manufacturing workers.

Mr. Speaker, the time is past for more studies on the challenges facing our manufacturing base. That has already been done, and recommendations have been made. This bill offers some concrete actions to help ensure the future health of our manufacturing base. I urge my colleagues to cosponsor this legislation.

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 24, 2003

Mr. WAXMAN. Mr. Speaker, despite serious reservations, I will support the U.S. Free Trade Agreements (FTA) with Chile and Singapore. I support these agreements because I believe Chile and Singapore are valuable economic partners and strategic international allies. I have serious concerns, however, that the agreements also have a number of provisions that, while acceptable in the case of Chile and Singapore, set bad precedents for the future.

Chile and Singapore are important markets for U.S. products and investment. As anchors of trade in Southeast Asia and Latin America, they are advanced economies with political openness and a growing middle class. The FTAs before us today are valuable because they offer a reduction of barriers to trade in financial services with Singapore, which is the largest U.S. export sector in Asia, and strong market access for U.S. goods in Chile.

The agreements have strong intellectual property protections to fight the theft of copyrighted work and bold new measures to challenge digital and online piracy. These measures will help protect the driving force of creativity and innovation that has made entertainment and information technology the fastest growing sectors and the biggest exporting industries in the United States and in California.

At the same time, the agreements unfortunately include provisions that set the wrong tone for the future of U.S. trade policy.

I am concerned, for example, that because the U.S. Trade Representative's (USTR) model for automatic across the board tariff reductions in agriculture includes tobacco, the FTAs with Chile and Singapore could lead to an increase in cigarette consumption. Similarly, in the area of services, I am concerned that more exceptions should have been made for public utilities in order to safeguard government authority to protect consumers in the event of a crisis.

I am deeply disappointed that the Administration refused to include the U.S.-Jordan FTA standards that require the enforcement of environmental laws and the adoption of labor laws consistent with the five core International Labor Organization (ILO) standards. While laws in Chile and Singapore may already meet these standards, the omission sends a wrong message that the basic principles of international workers rights and environmental protection are slipping from the U.S. trade agenda.

I am also disappointed that the Administration did not use the Chile and Singapore FTAs as an opportunity to explicitly clarify that the investor-to-state provisions of the agreement do not give foreign companies greater rights than U.S. investors have under U.S. law. Even though the definition of expropriation in the Singapore and Chile FTAs is narrower than NAFTA, more changes are necessary to fix this distorted mechanism. Experience tells us that it is being abused to challenge U.S. regulatory and environmental law.

Moreover, I strenuously object to the FTAs' grant of extended monopoly periods to pharmaceutical companies, during which they will face no competition from generic drugs. Many people describe these protections as a simple extension of the Hatch-Waxman legislation that applies to the American market to our trading partners, but this is a serious distortion of the bill I co-authored. Hatch-Waxman was passed to overcome existing regulatory barriers in the U.S. market to the approval of low-cost generic drugs. In exchange for this new authority, the law provided specified periods of exclusive marketing and patent extensions to pharmaceutical companies, allowing them to recoup development costs. The length of any exclusive marketing period, during which no generic version could be marketed, was tied to the degree of innovation represented by the drug.

As a co-author of Hatch-Waxman, I cannot emphasize enough that this carefully balanced legislation represented a tailored solution to a specific regulatory problem in the United States. By adding these provisions to trade agreements, the USTR is heedlessly extending the exclusive marketing periods of Hatch-Waxman (and, in some cases, even more generous exclusive marketing periods) to other countries whose generic drug markets and health-care regulatory systems may look nothing like those in the United States. Although the impact of these protections may be limited in developed countries like Chile and Singapore it would be devastating in other countries that lack affordable and available life saving medicines and endure dangerous health epidemics.

In voting for this legislation, I want to make it clear that the Chile and Singapore agreements should not be adopted as "cookie-cutter" prototypes for other FTA's currently being negotiated. The economic, social, and political diversity of Central America, Morocco, Australia, and the other countries slated for inclusion in the Free Trade Agreement of the Americas and the Southern Africa Customs Union are simply too diverse to be forced in the Chile and Singapore mold.

International trade has the potential to raise the standard of living and quality of life for millions of people around the world. To achieve this, however, we must work for progressive, forward-looking agreements that not only expand markets, but protect worker and consumer rights and the environment. What is acceptable for Chile and Singapore will not be adequate in other countries. We must negotiate future FTAs to ensure that our citizens and our trading partners have the opportunity to experience the full benefits of free and fair trade.

RECOGNIZING THE NOSOTROS ORGANIZATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to the Nosotros Organization, the nation's oldest Latino performing arts organization, which has been serving the Latino community since 1970. Through the leadership of founder Ricardo Montalban and President Jerry Velasco, the Nosotros Organization has worked to improve the image of Latinos through the entertainment industry by promoting Latino employment in front of and behind the camera and by providing educational opportunities for Hispanics in the performing arts.

Among its many functions, the Nosotros Organization offers theatre productions and theatre workshops to foster the creativity and talent of young Latinos and Latinas. Annually, the Nosotros Organization recognizes Hispanic leaders through the Golden Eagle Award, presented to those individuals who are committed to community service and work to fulfill the Nosotros mission. These awards are essential to raise funds to maintain the organization as a self-sustaining, financially independent arts organization. I had the pleasure of attending a recent Golden Eagle Award ceremony and was pleased to observe the tangible results of this organization's contribution to the Hispanic community and to the performing arts.

I am honored to acknowledge Nosotros and to commend the organization for its exemplary work and service in advancing diversity in the arts and promoting Hispanic leadership.

TRIBUTE TO FIESTA DAY IN LONG ISLAND, NY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Third Annual Fiesta Day at the Hampton Classic Horse Show in Long Island, NY, which will take place on August 29, 2003. This important event is eagerly anticipated by the Latino community of Long Island each year. It is a wonderful celebration of the noteworthy contributions of the Latino community to the horse industry in the United States.

First held in 2001, Fiesta Day developed after a few thoughtful members of the Long Island thoroughbred industry made the effort to recognize the dedicated Latino grooms for the thousand-plus horses that compete at the classic. After further discussion, it was agreed that a broader format for Fiesta Day would be more appropriate for an area of Long Island that is showing tremendous growth in its Latino population.

Mr. Speaker, today Fiesta Day reaches out to the entire Latino population of Long Island and offers special educational programs, cultural activities including music and horse-related performances from several Latin American countries, and special food booths that reflect the diversity of Latino cuisine. The Day also includes an on-field ceremony to honor leading members of different segments of the Latino community—local, regional, and national—with special recognition given to one outstanding horseman of Latino descent for his or her contributions to the horse industry.

In addition to the celebratory events of the day, the management of the Hampton Classic encourages the event's 75 corporate sponsors to staff booths promoting diversity in the workplace and to outline employment opportunities for qualified members of the Latino workforce.

Mr. Speaker, without the thousands of Latinos who work with the thoroughbred industry, this multi-million dollar establishment would come to an immediate halt. They serve as jockeys, trainers, blacksmiths, grooms, exercise riders as well as cooks, vendors and suppliers. Often unrecognized, they are the proverbial backbone of this industry.

Fiesta Day is a great opportunity not only to celebrate the contributions of these hard working Latino Americans to the horse industry but to celebrate the growth of the Latino community in this nation. Accordingly, I ask that my colleagues join me in honoring Fiesta Day.

MARQUETTE UNIVERSITY NURSES HELPING TO FIGHT HIV/AIDS IN AFRICA

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. KLECZKA. Mr. Speaker, the AIDS pandemic threatens stability, future economic growth and development throughout the world, particularly in Africa. Yet, nurses are an underutilized resource in HIV prevention and the care of those in Africa who suffer from AIDS. Marquette University's College of Nursing and the U.S. Agency for International Development recognize the important and unique role nurses and primary health care workers can play in this effort. They have collaborated to enhance nursing skills in the treatment and prevention of HIV/AIDS in Kenya.

I wish to enter into the CONGRESSIONAL RECORD an article that appeared in the Summer 2003 issue of Marquette Magazine, which highlights positive impact Marquette University has made in training Kenyan health care workers to treat Kenyans infected with HIV/AIDS.

HELPING HANDS

MARQUETTE PROGRAM PUTS NURSES ON THE FRONT LINE OF THE WAR ON HIV/AIDS IN KENYA

(By Kristen M. Scheuing)

In 1997, Sister Genovefa Maashao appealed to then-dean of Marquette's College of Nursing, Dr. Madeline Wake (now university provost), for help in dealing with the AIDS epidemic that was consuming her native Kenya. At Wake's invitation, Sister Genovefa came to Marquette to receive instruction in HIV/AIDS prevention and patient care. When she returned to her hometown of Voi, she was the only HIV/AIDS-trained health-care professional in a community of some 300,000 people, 20-40 percent of which were presumed to be infected.

Astounded by the numbers and inspired by a recent presidential declaration of war on HIV/AIDS in this country, the College of Nursing felt compelled to join Sister Genovefa's mission to harness the epidemic in Kenya.

Under the direction of Karen Ivantic-Doucette, Nurs '79 and '95, clinical assistant professor of nursing, and Margaret Murphy, clinical associate professor of nursing, a revolutionary 4-year program was designed that would put the skill and knowledge in the hands of those who actually administer the majority of care in Kenya: nurses and non-physician health-care workers, not doctors.

In collaboration with the U.S. Agency for International Development, the program will create a self-sustaining supply of caregivers trained in HIV/AIDS care and prevention in Kenya. The project was lauded at a January 2003 press conference by President George W. Bush, who cited the Marquette program as an example of how faith-based organizations can be successful partners with government agencies in the fight against HIV/AIDS.

As part of the first phase of the program, 12 nurses were recruited from various Kenyan governmental, health-care and educational institutions and brought to Marquette last spring for five weeks of intensive training. The nurses returned to Kenya to train other caregivers who will, in turn, train others. After four years more than 300 health workers will have been trained, directly enhancing the health-care infrastructure for more than 10,000 people.

Of the estimated 60 million people living with HIV/AIDS worldwide, nearly 80 percent are in Africa. The program aims to re-establish human dignity to those infected with the virus through the initiative of nurses.

CENTRAL NEW JERSEY RECOGNIZES AND HONORS THE LIFE OF JULIA BAXTER BATES, FIRST BLACK STUDENT AT DOUGLASS COLLEGE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HOLT. Mr. Speaker, I rise today to recognize and honor the courage, career and commitment of Douglass College's first black student, Julia Baxter Bates. Ms. Bates died earlier this month at the age of 86 after a distinguished life.

Julia Baxter Bates became the first black student admitted to what is now Rutgers University's Douglass College due to her courage, her resolve, and thank goodness, due to a fortunate error. In 1934, Ms. Baxter Bates sent her application, along with the required photograph, to the Admissions Office of Douglass College. In reviewing her application, an admissions officer mistook Bates, a light-skinned black woman, for a white woman, and invited her to interview. At that interview, administrators suggested she attend a school where she would be "more comfortable." At this moment, Ms. Baxter had a choice. She chose the more difficult path. With determination and courage and the assistance of her father, she convinced administrators to let her stay.

Displaying resolve and purpose, Ms. Bates succeeded in the face of intolerance. In 1938, she graduated magna cum laude. When she could not get her teaching license because no school district would let her student-teach, she earned a master's degree at Columbia University and began teaching English and American literature at Dillard University in New Orleans.

In response to her continued encounters with racism, Ms. Baxter Bates left the field of education and entered the world of legal justice and social activism. She joined the staff of the New York headquarters of the National Association for the Advancement of Colored People, the NAACP. There she spent a quarter-century helping form the research sector that later wrote the winning brief in the now-famous Brown v. Board of Education. She considered her involvement in Brown v. Board of Education her greatest achievement.

Bates returned to education in 1965 at Columbia's School of Social Work to work on urban education, and a few years later she finally became a New Jersey schoolteacher, in Newark. In 1984, she joined Essex County College as an administrator.

Mr. Speaker, I rise today to honor Julia Baxter Bates for her long career of social change and her commitment to education. From the courage and perseverance of individuals such as Julia, the institutions and the attitudes of our society progress. I ask my colleagues to join me in recognizing one of New Jersey's most significant daughters.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

July 24, 2003: Rollcall vote 443, on the motion to recommit on H.R. 2210, the School Readiness Act, I would have voted "no"; and Rollcall vote 446, on the motion to instruct conferees on the Tax Relief, Simplification and Equity Act, I would have vote "no."

HONORING GERRY L. NANNENGA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. VISCLOSKY. Mr. Speaker, I rise today to honor Mr. Gerry L. Nannenga for his lifelong contributions to the labor movement. This is a very special pleasure, as I have known Gerry for the better part of two decades and have seen firsthand the efforts of his dynamic accomplishments on behalf of the community. On Thursday, July 31, 2003, the Indiana Regional Council of Carpenters and Millwrights will salute Gerry for his dedicated work, serving the union members in the State of Indiana as Executive Secretary-Treasurer. Fortunately, Gerry will have the opportunity to continue his distinguished career in the labor movement, as he is being promoted to serve the needs of working carpenters nationwide.

Gerry Nannenga has dedicated a substantial portion of his life to the betterment of union members and the community of Northwest Indiana, as well as the entire State of Indiana.

Gerry's distinguished career in the labor movement has made the community and the State of Indiana a better place in which to live and work. For more than 28 years, Gerry Nannenga has served as a member of Local 1005 of the Carpenters Union. Additionally, Gerry served as Business Manager of the Northwest Indiana District Council of Carpenters and Millwrights, as well as, past President of the Northwest Indiana Federation of Labor. Gerry has always devoted his career toward the expansion of labor ideals and fair standards for all working people.

While Gerry Nannenga has dedicated considerable time and energy to his work with the Indiana Regional Council of Carpenters and Millwrights, he has always made an extra effort to give back to the community. He has served on the Indiana State Building Trades Executive Board and the Lake Area United Way Executive Committee. Additionally, in 1998, Governor Frank O'Bannon appointed him to the Indiana Port Commission.

Although his work and community service put extraordinary demands on his time, Gerry has never limited the time he gives to his most important interest, his family. He and his wife, Deborah, have three children: Staci, Christopher, and Samantha.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating Mr. Nannenga for his professional achievements and his many years of dedication to the betterment of our community. We in Northwest Indiana are truly thankful to have someone of Gerry's talents on our team. His work in the labor movement provided workers in Indiana opportunities they might not have otherwise had. Gerry Nannenga's leadership has and will continue to keep the region's labor force strong and help keep America working.

TAX TREATMENT OF MOTORSPORTS

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HAYWORTH. Mr. Speaker, today I am joined by Congressman JEFFERSON and eleven of our colleagues in introducing legislation that would clarify the tax treatment of motorsports properties under current law.

The IRS has created various categories of depreciable assets and assigned various depreciable lives to each. Since at least 1962, the IRS has listed "entertainment facilities" as one such class, and has excluded racetracks from its definition. However, in 1974 the IRS established a new category of assets called "theme and amusement facilities" that included a portion of the old entertainment facility category, but also expanded the types of assets that qualify as theme and amusement facilities. While retaining the exclusion of racetracks from the "entertainment facilities" category, the IRS dropped the exclusion from the theme and amusements category.

Since that time, the racetrack industry has relied on the theme and amusement facility category for depreciating investments. While it has varied over the years, today the depreciation period is seven years.

These taxpayers have made significant investments based on their reasonable reliance on the depreciation period for theme and amusement assets. Now, many years later, after many tax audits and reviews of tracks and track owners across the country, the IRS is questioning the right of motorsport facilities to be treated as theme and amusement assets.

Motorsports entertainment facilities have a tremendous positive economic impact, both regionally and nationally. Racing promotes travel and tourism, and for some venues, a race week or weekend significantly boosts the local economy by drawing tens of thousands of fans. The building and upgrading of these facilities is a capital-intensive activity—and taxpayers who make these investments deserve certainty in the manner in which our tax laws allow investments to be written off.

This clarification of the Internal Revenue Code will recognize the long-term reliance of this large and growing industry on a broadly accepted interpretation of tax law. The legislation will also provide the owners of motorsports entertainment facilities with the certainty they need to make new investments. I urge my colleagues to support this important and needed legislation.

SHELBYVILLE CHAUTAUQUA CENTENNIAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the citizens of Shelbyville, Illinois and their celebration of the Shelbyville Chautauqua's Centennial. The Chautauqua Auditorium is on the National Register of Historic Places, and on August 6th, the town will be celebrating the building's 100th birthday.

In the late 1800's and early 1900's, thousands of people would gather in Shelbyville every August for the 2-week celebration known as the Chautauqua. It was the event of the summer, and families from around Central Illinois drove miles by horse and buggy to attend. The Chautauqua started off as a kind of community tent meeting where people who lived miles apart would gather, share news, and visit for this one time every year.

Then, in 1903, the Shelbyville Chautauqua Auditorium opened in Shelbyville's Forest Park. The one-of-a-kind structure boasts a huge, round auditorium that is free of interior support posts that would obstruct the audience's view, instead relying on a unique series of beams in the ceiling. It is the largest building of its kind anywhere in the world.

With the new auditorium, the event transformed from a community tent meeting into a larger event where families came to hear many of the famous speakers and entertainers of the time. Presidential candidate William Jennings Bryan, evangelist Billy Sunday, and future President William Howard Taft all had turns taking the platform in Shelbyville.

The Shelbyville Chautauqua closed down in 1930, but the memories live on in events such as this Centennial Celebration. The Chautauqua brought a sense of community to the area that is unknown in our day, but with events like this, that sense is returning. I wish the people of Shelbyville the best in their celebration of a truly historic building that exemplifies what was so right about community life in the early 1900's.

IN HONOR OF EVE BUTLER-GEE, HOUSE JOURNAL CLERK, ON HER RETIREMENT FROM THE HOUSE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. WOLF. Mr. Speaker, I want to call to the attention of the House the impending retirement of Eve Butler-Gee, the Journal Clerk of the House, who is a resident of the 10th District of Virginia. According to research by the Congressional Research Service of the Library of Congress, Eve is the first woman Journal Clerk in the history of the U.S. House of Representatives.

She began her professional career in the House in her early 20's. She went on to work for a charitable foundation in the middle of her working life, then returned to the House in 1987 as the Minority Enrolling Clerk of the House, appointed by then Minority Leader Bob Michel of Illinois. She served in that position for eight years, before her appointment in 1997 as Chief Journal Clerk.

Eve and three assistant clerks are responsible for keeping the Journal of the House proceedings at the rostrum on the House floor. As you know, Mr. Speaker, the House Journal is the official record of the parliamentary proceedings of the House and is mandated to be kept pursuant to Article 1, Section 5, of the United States Constitution. The first order of business of each day, following the prayer by the House chaplain, is the vote on the Chair's approval of the Journal of the last day's proceedings.

The Journal Clerk's office also publishes the Journal of each session of Congress for use as a reference for the House parliamentarians, Members of Congress, regional libraries, state governments and the general public. During Eve's tenure, the publication of the House Journal has been brought up-to-date and publication procedures modernized.

During her time at the House rostrum, Eve has been a witness to history as the House voted on the Gulf War resolution and a presidential impeachment, authorized the use of force in Iraq, and grieved a gunman's killing of two U.S. Capitol Police officers. She was also in the Capitol when it was evacuated during the terrorist attacks of September 11, 2001, and like all offices on Capitol Hill, she had to deal with concerns raised by an anthrax attack.

Both Eve and her husband, Tom Gee, are active in the Episcopal Church. Eve serves on the Vestry and as head verger at the Church of the Holy Comforter in Vienna, Virginia, while Tom is director of lay liturgists. After her retirement, Eve plans to be a volunteer verger at the Washington National Cathedral. She also looks forward to spending her retirement years traveling, pursuing interests in writing and community theater, and enjoying the company of her family, including her daughter and son-in-law, Lora and John Williams, and grandson, Evan, welcoming a new grandchild expected in December.

Mr. Speaker, on behalf of the entire House—members and staff—we express our deep gratitude to Eve for her public service career and wish her the best in her retirement.

THE REAL MEANING OF RESPECT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SCHAKOWSKY. Mr. Speaker, I rise today to express my opposition and my outrage over the rule designed to govern the debate over the FY04 VA-HUD Appropriations bill. This rule, by not allowing two amendments to be made in order, severely restricts the ability of this body to take care of its obligations. These two amendments, one by Representative SMITH of New Jersey and Representative EVANS of Illinois would have increased the funding for veterans' health care to the level that we promised in the budget resolution passed earlier this year. The other, by Representative EDWARDS of Texas, would have provided an additional $2.2 billion for VA medical care by reducing the recently-passed tax cuts for taxpayers with yearly incomes in excess of a million dollars. Both amendments were shut-down by the Rules Committee on a party line vote. I am shocked that the House Republican leadership would make such a choice, but I am not surprised.

Repeatedly, we have seen the Republicans in this body choose to break their promises to millions of Americans so that they can give tax cuts to the already wealthy. They passed a Labor, Health and Human Services and Education Appropriations bill that left millions of children behind by failing to live up to their promise to provide enough funding to ensure that every child would receive a decent education. And now my colleagues on the other side of the aisle have turned their backs on veterans so that they can give their rich friends a slap on the back. I have heard my colleagues from the other side of the aisle speak at length about their deep respect for the service our veterans have performed for our country. But, I must ask if breaking promises to our veterans is the Republican way of showing them that respect. Is it respectful to mouth the words of respect while allowing our veterans to wait months for doctors' appointments and pay more for services?

These amendments offered a very clear choice: would you rather provide enough money to ensure that veterans receive decent healthcare services or would you rather provide massive tax cuts that benefit millionaires?

Who really cares about our nation's veterans? Who is really concerned about the people who have honorably served our country? Our veterans can not afford any more empty respect. I ask my colleagues to put the money where their mouths are and make the financial commitment to get veterans and their families the benefits they deserve.

I urge my colleagues to vote against this rule, to work to fulfill our obligations to our veterans and to show them our real respect.

RECOGNIZING THE CONTRIBUTIONS OF REBECA RANGEL

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. SOLIS. Mr. Speaker, I rise today to recognize Rebeca Rangel, a strong willed, intelligent and dedicated individual who I have been fortunate to have on my staff for close to two years.

Rebeca began in my office as a Congressional Hispanic Caucus Institute Fellow where she worked on a variety of issues, and acted as my liaison to the Congressional Hispanic Caucus. While in my office, she impressed me with her maturity and the ability to quickly grasp ideas. This is why when her fellowship ended, I did not hesitate to offer Rebeca the position of Legislative Aide. In this capacity, she dealt with issues on Cuba, banking, housing and Hispanic issues.

Showing her aptitude and insight by constantly challenging and questioning the issues brought before her, Rebeca quickly progressed in my office to the position of Legislative Assistant. With this promotion came additional responsibilities. Rebeca took on education, budget and women's issues. She assumed these responsibilities with style and grace. Working tirelessly on issues that are close to my heart and hers, Rebeca has played a key role in helping me to promote bills such as H. Con. Res. 177, honoring Dolores Huerta Resolution, the Multi-Cultural Domestic Violence Prevention Act and the Domestic Violence Courts Assistance Act. Rebeca has also been a tireless worker in my efforts to shed light on the unsolved rapes and killings of young women and girls in Ciudad Juarez, Mexico.

As Rebeca leaves my office to pursue her Masters degree at Harvard University, I wish her the best of luck. Through the course of these two years, she has been an integral part of my office and I have no doubt that she will accomplish anything she sets her mind to. "El futuro pertenece a quienes creen en sus propios sueños. As Eleanor Roosevelt said, "The future belongs to those who believe in their own dreams."

UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. WAXMAN. Mr. Speaker, despite serious reservations, I will support the U.S. Free Trade Agreements (FTA) with Chile and Singapore. I support these agreements because I believe Chile and Singapore are valuable economic partners and strategic international allies. I have serious concerns, however, that the agreements also have a number of provisions that, while acceptable in the case of Chile and Singapore, set bad precedents for the future.

Chile and Singapore are important markets for U.S. products and investment. As anchors of trade in Southeast Asia and Latin America, they are advanced economies with political openness and a growing middle class. The FTAs before us today are valuable because they offer a reduction of barriers to trade in financial services with Singapore, which is the largest U.S. export sector in Asia, and strong market access for U.S. goods in Chile.

The agreements have strong intellectual property protections to fight the theft of copyrighted work and bold new measures to challenge digital and online piracy. These measures will help protect the driving force of creativity and innovation that has made entertainment and information technology the fastest growing sectors and the biggest exporting industries in the United States and in California.

At the same time, the agreements unfortunately include provisions that set the wrong tone for the future of U.S. trade policy.

I am concerned, for example, that because the U.S. Trade Representative's (USTR) model for automatic across the board tariff reductions in agriculture includes tobacco, the FTAs with Chile and Singapore could lead to an increase in cigarette consumption. Similarly, in the area of services, I am concerned that more exceptions should have been made for public utilities in order to safeguard government authority to protect consumers in the event of a crisis.

I am deeply disappointed that the Administration refused to include the U.S.-Jordan FTA standards that require the enforcement of environmental laws and the adoption of labor laws consistent with the five core International Labor Organization (ILO) standards. While laws in Chile and Singapore may already meet these standards, the omission sends a wrong message that the basic principles of international workers rights and environmental protection are slipping from the U.S. trade agenda.

I am also disappointed that the Administration did not use the Chile and Singapore FTAs as an opportunity to explicitly clarify that the investor-to-state provisions of the agreement do not give foreign companies greater rights than U.S. investors have under U.S. law. Even though the definition of expropriation in the Singapore and Chile FTAs is narrower than NAFTA, more changes are necessary to fix this distorted mechanism. Experience tells us that it is being abused to challenge U.S. regulatory and environmental law.

Moreover, I strenuously object to the FTAs' grant of extended monopoly periods to pharmaceutical companies, during which they will face no competition from generic drugs. Many people describe these protections as a simple extension of the Hatch-Waxman legislation that applies to the American market to our trading partners, but this is a serious distortion of the bill I co-authored. Hatch-Waxman was passed to overcome existing regulatory barriers in the U.S. market to the approval of low-cost generic drugs. In exchange for this new authority, the law provided specified periods of exclusive marketing and patent extensions to pharmaceutical companies, allowing them to recoup development costs. The length of any exclusive marking period, during which no generic version could be marketed, was tied to the degree of innovation, I represented by the drug.

As a co-author of Hatch-Waxman, I cannot emphasize enough that this carefully balanced legislation represented a tailored solution to a specific regulatory problem in the United States. By adding these provisions to trade agreements, the USTR is heedlessly extending the exclusive marketing periods of Hatch-Waxman (and, in some cases, even more generous exclusive marketing periods) to other countries whose generic drug markets and health-care regulatory systems may look nothing like those in the United States. Although the impact of these protections may be limited in developed countries like Chile and Singapore it would be devastating in other countries that lack affordable and available life saving medicines and endure dangerous health epidemics.

In voting for this legislation, I want to make it clear that the Chile and Singapore agreements should not be adopted as "cookie-cutter" prototypes for other FTA's currently being negotiated. The economic, social, and political diversity of Central America, Morocco, Australia and the other countries slated for inclusion in the Free Trade Agreement of the Americas and the Southern Africa Customs Union are simply too diverse to be forced in the Chile and Singapore mold.

International trade has the potential to raise the standard of living and quality of life for millions of people around the world. To achieve this, however, we must work for progressive, forwardlooking agreements that not only expand markets, but protect worker and consumer rights and the environment. What is acceptable for Chile and Singapore will not be adequate in other countries. We must negotiate future FTAs to ensure that our citizens and our trading partners have the opportunity to experience the full benefits of free and fair trade.

RECOGNIZING THE 29TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. LANGEVIN. Mr. Speaker, as a proud member of the Hellenic Caucus, I rise today to recognize the 29th anniversary of Turkey's invasion of Cyprus. On this occasion, we mourn those who lost their lives and remember the barrier created in 1974 that still exists today. The island remains divided between the Turkish Cypriots and the Greek Cypriots, despite attempts by the United Nations for a reunification settlement. I thank Mrs. MALONEY and Mr. BILIRAKIS for their ongoing leadership in the Hellenic Caucus and for bringing much-needed attention to issues of importance to the Hellenic community.

The European Union has invited Cyprus to enter its membership next May, and on July 14, 2003, the Greek Cypriot parliament unanimously approved the bid to join. At this point in time, only pertains to the Greek Cypriot part of the island, since the Turkish Cypriot part is not formally recognized by the European Union. Shortly after Cyprus agreed to join the European Union, the Turkish Cypriot authorities opened the borders and allowed Cypriots to cross over the line for the first time in 30 years. This past April was the first time that Cypriots from either side were able to travel through the 120-mile barrier, which continues to be guarded by U.N. peacekeeping forces, since the invasion in 1974. Despite this step forward, the nation remains divided.

Along with my colleagues, I will continue to put pressure on the Bush Administration to help Cyprus work toward a peaceful solution. Although relations between the Turkish and Greek Cypriot sides have recently thawed, there is still a long way to go to reunification. The U.N. settlement cleared a path for all of Cyprus to unite once again, to share in the European Union's prosperity, and to end military zones. Now with just the Republic of Cyprus poised for EU membership in 2004, the divide between the two sides may grow without a push for future negotiations.

Rauf Denktash, the Turkish Cypriot Leader, has proven to be the biggest hindrance to reunification talks. He has ignored the calls from the majority of his own people who want reunification, and would rather fight for a two-state confederation, which is not supported by the Greek Cypriots or the United Nations. He has even stood in the way of his people's democratic choice by not allowing them to take part in a referendum on the decision of whether or not to join the European Union. Elections for the Turkish Cypriot authorities are expected in November, and I hope the will of the Turkish Cypriots will be heard.

The U.S. must continue its role in supporting negotiations so that there is still potential for all of Cyprus to join the EU. It has been a long, hard road, but with support from the United States, the European Union, and the United Nations, a reunification of Cyprus is still possible. We should heed the words of the Greek Cypriot President Tassos Papadopoulus on this special anniversary: "we are determined to try, until the end, in a peaceful manner and through negotiations, to end the invasion and occupation. The people should be brave, patient, and work hard."

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SANDLIN. Mr. Speaker, I rise today to express my support for the U.S. free trade agreements (FTAs) with Chile and Singapore. I do so, however, with serious reservations, and appreciate this opportunity to explain my concerns.

Critics of the Chile and Singapore trade agreements assert that these FTAs contain inadequate labor protections, and specifically note that they include only one labor rights provision that is enforceable through dispute resolution proceedings. While it is accurate that the Chile and Singapore agreements would subject only the "enforce your own laws" standard to dispute settlement, critics of these agreements are well aware that this is only the case because Chile and Singapore's labor laws currently exceed the International Labor Organization's (ILO) five core labor standards, and both countries (especially Chile) have strong, effective labor movements. Similarly tough labor laws and movements did not exist in Mexico during consideration of the North American Free Trade Agreement (NAFTA) and in Jordan during consideration of the U.S.-Jordan FTA. Consequently, NAFTA and the Jordan agreement needed multiple enforceable labor standards included in them.

Opponents of these trade agreements fear that the Office of the U.S. Trade Representative (USTR) will use the Chile and Singapore agreements as templates for future FTAs. I strongly believe that each free trade agreement should be examined on its own merits, and do not believe that these agreements should be used as templates for future trade agreements. The treatment of workers varies widely from country to country; accordingly, the numbers of enforceable labor standards in future trade agreements need to change to fit the particular circumstances of the parties involved in each agreement.

The USTR has indicated its intention to complete negotiations on the Central American Free Trade Agreement (CAFTA) by the end of this year, and, as both a member of the Ways and Means Committee and a member of the full House, I will be closely following the progress of these negotiations and the final terms of the agreement. Failure to include significant enforceable labor standards in CAFTA, which includes several Central American countries with disgraceful working conditions and histories of virtually nonexistent enforcement of labor statutes, will doom this agreement. I will vigorously oppose a weak Central American Free Trade Agreement, and will oppose any other future trade agreements that reward countries with poor labor conditions.

During my time in Congress, I have worked hard with my colleagues from both parties to ensure that core labor standards are both protected and enforced. In 2002, partly in response to serious concerns regarding labor protections in the Trade Promotion Authority Act, I voted against granting fast track authority to the President. I believed then, and continue to believe, that fast track authority contains within it the potential to adversely affect American workers through the loss of domestic jobs in Texas and across the country.

In general, I believe that many of our industries in Texas and the country at large, such as agriculture, financial services, telecommunications, and computers, can benefit from available and fair markets in other countries. Access to foreign markets for U.S. goods and services, however, must be balanced with a concern for domestic industries that are most threatened by uneven trade agreements. I have too often witnessed the downside of trade agreements that allow subsidized foreign imports to overwhelm domestic products such as steel and softwood lumber, which are significant sources of jobs for thousands of East Texans. My qualified support for the U.S.-Chile and U.S.-Singapore free trade agreements is based largely on my belief that these agreements will benefit American exports while not threatening domestic industries in America.

As Congress seeks to influence future trade negotiations and agreements, I will continue to work with my colleagues to craft trade deals that are fair to American workers, working people across the world, and our domestic industries.

HEALTH CENTER WEEK

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mrs. KELLY. Mr. Speaker, the week of August 10 through August 15, 2003, is "Health Center Week" in Peekskill, New York. Let me urge our citizens to recognize the important contributions of the Hudson River Community Health Centers in safeguarding health and improving the quality of life for the people of Peekskill.

Hudson River Community Health is a private, nonprofit corporation that provides high-quality, comprehensive primary health care to uninsured and medically underserved people in Peekskill, New York.

Hudson River Community Health has made great strides in expanding access to affordable health disparities while empowering the community to address special needs and decrease the cost of illness through preventative strategies.

Hudson River Community Health has improved the health status of Peekskill promoting health awareness and providing primary care and preventive health services of the highest quality to reduce preventable deaths, costly disabilities, and communicable diseases.

Hudson River Community Health serves as a vital safety net delivering care to Peekskill patients annually, regardless of insurance status or ability to pay, and contributes to the health and overall economy of the community with health services, jobs, leadership and investment.

Hudson River Community Health promotes 100 percent access and zero health disparities to help achieve primary care for all people.

The people of Peekskill are right to recognize this wonderful asset to our community. Let us applaud their fine work. Our citizens look forward to a better future because of the Hudson River Community Health Centers.

A TRIBUTE TO CAPTAIN JOHN M. HOLMES, U.S. COAST GUARD, ON THE OCCASION OF HIS RETIREMENT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. COX. Mr. Speaker, I rise today to pay tribute to an outstanding officer of the United States Coast Guard. Captain John M. Holmes has devoted almost three decades of his life in service to his country. Captain Holmes has excelled in his many assignments over the years in the Coast Guard, assignments which are as far ranging, varied and contemporary as the Service itself.

Captain Holmes' assignments include: Chief of Operational Intelligence, Seventh Coast Guard District in Miami, Florida; Operations Officer, Coast Guard Group, Seattle, Washington; Overseas Inspection Supervisor, Marine Safety Office, Honolulu, Hawaii; Chief of Compliance, Office of Marine Safety, Coast Guard Headquarters, Washington, D.C.; and Commanding Officer, Marine Safety Office, St. Louis, Missouri.

The experience, commitment and professionalism which Captain Holmes brought to the Service proved its value in assignments as Coast Guard Liaison to the Governor of American Samoa; staff officer for the United States Ambassador to the Government of Singapore; State Department delegate to the International Maritime Organization, London, England; and as Deputy Chief, Office of Congressional Affairs, Coast Guard Headquarters, Washington, D.C.

It has been under the most demanding circumstances that, as Commanding Officer, Marine Safety Office, Los Angeles-Long Beach, Captain Holmes has demonstrated the finest qualities of a military officer. The events of September 11, 2001, and the aftermath of those attacks on our country, presented Captain Holmes with challenges far beyond those faced by any previous Commanding Officer at this unit. Captain Holmes immediately initiated a series of skillfully coordinated actions in order to establish a robust, comprehensive maritime homeland security presence for this vital port complex, the largest and busiest in our Nation.

Expertly directing port security operations and carefully balancing security and safety with commerce, Captain Holmes achieved an unprecedented level of interagency cooperation with city, county, state and federal agencies that led the Nation in coordinated operations and planning. Establishing joint agency boarding teams, high-risk vessel water escorts, on-board Sea Marshals of high-risk vessels, and tighter port security boarding procedures, he moved without delay on September 11, 2001 to insure the continuation of maritime commerce and the confidence of the shipping community. Many of Captain Holmes' innovative methods were adopted Pacific-wide by the Coast Guard and will no doubt find their way to ports worldwide as we seek to enhance global maritime security.

This most distinguished Coast Guard officer, with his wife Carol, has two children, Lucas and Ava. They are as proud of him as am I, for he has provided all of us a shining example of all that is good and honorable in the American military.

Mr. Speaker, as Chairman of the Homeland Security Committee, I have had the distinct pleasure of working directly with Captain Holmes and seeing first-hand his professional expertise, commitment to his personnel, and dedication to his country. His stewardship in serving our Nation will long be remembered, and should serve as a model for all of us in the years to come. As he sets his course for new challenges, I'm sure my colleagues will join me in saluting John Holmes, and thanking him for a "job well done"—for the maritime community, for California, and for America.

INTRODUCTION OF THE KEEP AMERICA SECURE ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. SLAUGHTER. Mr. Speaker, if we are to maintain the most advanced military force, with the most advanced weaponry, we must have a dedicated stream of domestically produced parts. Regrettably, today this simply is not happening. We can blame it on the reluctance of the Department of Defense to "Buy American" or on the dearth of domestic electronic component producers. Either way, our armed forces dependence on foreign parts has major security ramifications. From missiles to computers, much of our crucial defense and homeland security equipment relies on sophisticated electronic components to function. We must act now to eliminate our reliance on foreign electronic components in our defense systems.

Today, Mr. Speaker, I am taking a bold step to keep America secure and rebuild our domestic electronics sector. I am introducing the "Keep America Secure Act," legislation that directs the Department of Defense (DoD) and the Department of Homeland Security (DHS) to purchase electronic components, including computer chips, communications devices, and guidance systems, that are manufactured in the United States. As an active member of the Defense Industrial Base Caucus, I see this bill as the perfect complement to ongoing efforts to enhance the "Buy American" requirement so that at least 65 percent of DoD equipment contains U.S.-made parts. My bill would go even further—requiring all component parts for all DoD and DHS equipment to be Made-In-America.

During the first Gulf War, the United States was forced to turn to Japan—not once, but on three separate occasions—for essential parts in the production of the Patriot Missile. Similarly, when Operation Iraqi Freedom began in March, a Swiss company stopped shipments of a crucial guidance system component for U.S. smart bombs. Both these incidents could have resulted in U.S. forces being in harm's way without necessary tools to defend themselves. Fortunately, neither incident caused threats to our troops, but they clearly demonstrate the need to protect our production supply lines from being cut, especially in times of war.

Additionally, Mr. Speaker, as one who is very concerned about the state of domestic manufacturing, I strongly believe that the Keep America Secure will help re-ignite our high-tech sector. Over the last two years, our economy has lost 2.6 million manufacturing jobs. The Keep America Secure Act would help promote the remaining U.S. high tech firms. We need to rebuild the domestic electronic components industry, and this bill will help us do it.

As our troops continue to rebuild Iraq and our first responders focus on homeland security, Congress must make a commitment to rebuilding our domestic manufacturing base and to ensuring that our courageous defenders continue to have the best equipment available. And as our economy suffers, let us give the manufacturing sector a needed shot in the arm. Unless the Congress stands up and puts a halt to it we will eventually be at the mercy of any adversary who controls the manufacture of our weapons or critical components of our weapons.

Mr. Speaker, in the days to come, I will look to my like-minded friends, on both sides of the aisle, to get action on this vital measure. I say to my colleagues: let's work together to keep America secure.

INTRODUCTION OF A HOUSE RESOLUTION URGING THE GOVERNMENT TO PURCHASE FAIR TRADE CERTIFIED COFFEE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. STARK. Mr. Speaker, I rise today with a group of my colleagues to introduce the Fair Trade Coffee Resolution. This resolution calls on the Legislative Branch and the Executive Agencies of the Federal Government to make fair trade coffee available at their events and food service venues. It also directs the Congress to provide information to the public about Fair Trade coffee. Last year, the House of Representatives passed H. Res 604, recommending that the Congress adopt a global strategy for resolving the coffee crisis. Since then we have not taken any legislative steps to do what we recommended. This small piece of legislation requires very little on our part and yet would promote efforts to give a decent standard of living to small coffee farmers around the world.

The current coffee crisis has driven coffee prices down to a hundred year low. On top of that, small farmers are at the mercy of ruthless middlemen and are not even receiving the fair market price. These middlemen take advantage of small farmers who have no other way to sell their coffee. Millions of small farmers are cheated out of their fair share of income as they receive as little as 1 percent of the final retail price of their coffee. This meager price is nowhere near enough to support their families and their communities. Instead of having enough money to spend on food, education and health care, coffee farmers are being thrust into a cycle of debt and poverty. The situation is so bad that some farmers have turned to producing cocaine and opium to support their families while others have given up in despair and even committed suicide.

As a major purchaser of coffee, the United States has a responsibility to ensure that small coffee farmers are being adequately compensated for their work. And here in Congress we should do our part to ensure that we pay a fair price for the coffee that is purchased for our own use. If companies like Starbucks and Dunkin' Donuts can successfully offer fair trade coffee in their stores, there is absolutely no reason why the federal government cannot do so as well. While fair trade coffee is already served in some of the House of Representatives cafeterias we need to do more to send a signal to the rest of the country.

The fair trade economic model is a unique way of providing small farmers with a living wage that has been proven to work. Coffee is fair trade certified when: (1) Coffee importers agree to purchase from small farmers included on the international trade register; (2) farmers are guaranteed a minimum "fair trade price" of $1.26 per pound for their coffee; (3) coffee importers provide a certain amount of credit to farmers against future sales to help the farmers stay out of debt to middlemen; (4) importers and roasters agree to develop long term relationships with producer groups that cut out the coffee middlemen.

Small farmers are certified to be producing fair trade coffee if they are organized into democratic cooperatives and use environmentally friendly and sustainable growing methods.

The development of these criteria has made the fair trade economic model a viable solution to the coffee crisis. Both major coffee trade associations, the National Coffee Association of U.S.A. and the Specialty Coffee Association of America have recognized this fact. So have numerous universities around our nation. UC Berkeley, Harvard and many others have already enacted policies promoting the sale of fair trade coffee on their campuses. It is time that Congress recognized that fair trade coffee is one step in solving the humanitarian emergency caused by the coffee crisis.

By providing $1.26 per pound for coffee, fair trade certification provides small farmers with enough money to sustain their families and be able to contribute to their communities. Furthermore, by cutting out the middlemen, the price of fair trade coffee for consumers is the same as any other specialty brand of coffee. Besides being comparable in cost to other specialty coffee it is also comparable in taste. Fair trade coffees from all over the world have won awards such as Food & Wine Magazine's "Best Coffee" award and 1st place in the Greater Philadelphia Tourism Board's Blind Coffee Tasting for 2002 competition. With comparable cost and taste compared to other coffee, it is hard to justify not purchasing fair trade coffee. Seeing how there is more than 165 million pounds of fair trade coffee being produced and only 35 million pounds being sold, there is plenty of it. All that needs to be done is to create an awareness of the benefits of fair trade coffee among the public and this resolution does exactly that.

This resolution sends an important message to the American public about the willingness of our Federal Government to aid poverty stricken farmers in other countries. We set an example for the rest of the country to follow by recommending that the Legislative Branch and the Executive Agencies make fair trade coffee available for all events and at all our government food service venues. Taking this small step on our part can go a long way toward helping thousands of small coffee farmers around the world. I urge my colleagues to support passage of this resolution.

IRAQ'S WEAPONS OF MASS DESTRUCTION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RUSH. Mr. Speaker, on April 8, 2003, the Congressional Liaison Office of the United States Marine Corps, came to my office to notify me of the death of First Sergeant Edward Smith, age 38, who was killed in the line of duty while participating in Operation Iraqi Freedom. On April 4, 2003, 1st Sgt. Smith was shot in the head while engaging with enemy forces in Iraq. He died on April 5, 2003 in Doha, Qatar as a result of his wounds.

My colleagues, Sgt. Edward Smith was not only a soldier, but a father, husband and son. According to the Defense Department, Smith was the ninth soldier from the Illinois area to die in Iraq. Sergeant Smith, a career soldier, was nearing the end of a 20-year military career and was anticipating retirement when he sustained his fatal wound. Born and raised in Chicago, Edward Smith graduated from CVS High School, moved to Anaheim, California in the 1980s, where he married and raised a family. He leaves behind a wife and two sons in California and a mom and dad and friends in the Chicago area. All of our thoughts and prayers are with Sergeant Smith's family.

Mr. Speaker, as this House begins a month-long district work period, we are still waiting for the answer to the question: Where are the weapons of mass destruction? Where are the weapons for which 1st Sergeant Edward Smith, and so many others, gave their lives?

With each passing day, the American people and I, continue to wait.

TRIBUTE TO JERRY CLARENCE PARKS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. MEEK of Florida. Mr. Speaker, I'm writing to express my condolences on the recent demise of the late Jerry Clarence Parks. Indeed, words are so inadequate at this time to personify my sadness. However, I hope that my humble prayers would somehow assuage the pain that now burdens the Parks family.

Indeed, the passing away of a good and faithful steward who toiled and sacrificed his life for countless people and this grateful community provides us with the sobering thought of the dignity of the human spirit and the fragility of life. Amidst the sorrows, however, let us remind ourselves that it is precisely during times like this that we must find the hope and assurance in Christ's words when He promised us: "I am the Resurrection and the Life; he who believes in me, even if he dies, shall live." For those of us bonded together in the Christian Faith, we firmly believe that Jerry's life has not ended; it merely changed for the better.

I pray that the Parks family anchors itself on these words. And while we remember Jerry Parks, his loyalty and commitment to the members of the Bible Baptist Church, the City of Miami Retired Fire and Police Association and the Veterans of Foreign Wars, let us thank God for having let him grace our lives with the full measure of his love and devotion to the ideals of Christian stewardship and caring for the less fortunate members of our society.

May God comfort Beverly Parks, his daughter and his family and loved ones with the blessed assurance of His love and peace in this period of bereavement.

IN SUPPORT OF H.R. 2815, LEGISLATION EXPANDING AND MAKING PERMANENT THE EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. BECERRA. Mr. Speaker, earlier this week, I introduced bipartisan tax legislation with the gentleman from Illinois, Mr. WELLER, and the gentlewoman from Connecticut, Mrs. JOHNSON, to expand and make permanent the expensing of environmental remediation costs of America's brownfields.

The Environmental Protection Agency (EPA) defines brownfields as abandoned, idled, or under-used industrial and commercial facilities where expansion, redevelopment or reuse is complicated by real or perceived environmental contamination. Estimates of the number of brownfield sites range from 500,000 to a million. In general, these sites face a paradox: they are generally not eligible for remediation funding under the Superfund program because they pose a relatively low public health risk while, at the same time, developers may avoid them because of significant cleanup costs thereby stalling economic development.

The Taxpayer Relief Act of 1997 included a tax incentive to address this concern and help spur the cleanup and redevelopment of brownfields in distressed urban and rural areas. Under the brownfields tax incentive, environmental cleanup costs are fully deductible in the year they are incurred by the developer, rather than having to be capitalized. This incentive has helped to bring thousands of abandoned and under-used industrial sites back into productive use, providing a foundation for neighborhood revitalization, job creation, and the restoration of hope in our nation's cities and distressed rural areas.

Unfortunately, this provision of the tax code is set to expire at the end of 2003. At a minimum, Congress must extend this provision for several more years. A better approach, however, an approach supported by the Bush administration in fact, would be enactment of the Weller-Becerra-Johnson legislation which would make this common-sense tax incentive a permanent part of the federal tax code. In addition, the bill would modify current law by amending the recapture provision and modestly expanding the class of substances that can be expensed to include petroleum, a contaminant commonly found at brownfields sites.

Mr. Speaker, I encourage all my colleagues to join me in supporting this legislation. Its passage will ensure the continued availability of this valuable tool for improving the livability and economic prospects of blighted, decaying communities and reclaiming idle land for more productive uses.

RECOGNIZING THE 100TH ANNIVERSARY OF FUGETSU-DO AND THE KITO FAMILY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to recognize Fugetsu-Do, a family-run bakery in my Congressional District, who this year celebrates its 100th anniversary.

In 1903, Seiichi Kito and his family began working in a small shop to produce batches of mochi, manju, and other Japanese sweets. This burgeoning business, however, was unexpectedly closed in 1942 when Executive Order 9066 forced the Kito family to relocate to an internment camp in Heart Mountain, Wyoming.

Like countless other Japanese American families, the Kitos endured dehumanizing and often cruel living conditions—including brutally cold and windy winters and scorching summers. Yet despite these hardships, Mr. Kito and his son Roy, a pastry chef, gave comfort to their fellow internees by creating desserts from their meager sugar rations.

At the end of the war, the Kito family returned to Los Angeles where Roy and his wife reopened the doors of Fugetsu-Do, overcoming great financial obstacles.

Today, Brian Kito—youngest son of Roy and Kazuko Kito and grandson of Seiichi—continues the legacy of Fugetsu-Do as head of the family business. Brian continues his family's tradition of community loyalty as an active member of the Little Tokyo community. Several times a year, he demonstrates to youngsters in the community how to make the tasty treats sold in his shop and he coordinates a citizen safety patrol in Little Tokyo with the Los Angeles Police Department.

As part of Fugetsu-Do's 100th anniversary celebration, more than 150 members of the Kito family will come together for a family reunion in Little Tokyo from August 7th through the 12th. It is my pleasure to welcome them to my Congressional District and to express my best wishes for a successful reunion.

For a century, the Kito family's dedication to the values of hard work and meticulous care in confectionary production has led Fugetsu-Do to much success.

Mr. Speaker, the 100th anniversary of Fugetsu-Do is yet another milestone in the rich history of the Kito family, the Little Tokyo community, and the City of Los Angeles and I join them in celebrating this wonderful legacy.

MEDICARE PAYMENT UPDATE FOR CERTIFIED NURSE-MIDWIVES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. TOWNS. Mr. Speaker, there are approximately 2 million women with disabilities in the Medicare program. The Agency for Healthcare Policy and Research reported that these women are without appropriate access to primary care services. Their average time between gynecological visits was 10–12 years. They were also less likely than the general population to have received a recent mammogram. Certified Nurse-Midwives and Certified Midwives are qualified through their unique training to deliver the appropriate health services to this population.

Research studies have shown that special populations seek out care from midwives and that their health outcomes are improved. The Medicare program reimburses Certified Nurse-Midwives at 65 percent of the physician fee schedule, resulting in an average payment of only $14 per annual exam. Midwives who serve these women are forced to subsidize care with their own money or turn away patients because they cannot afford to operate at a financial loss. Like physicians, skyrocketing professional liability premiums for midwives are leaving no monies to subsidize care. Congress has not provided an update in payment of midwifery services since 1988.

The legislation that I have reintroduced today with my colleague, the gentleman from Michigan, Mr. UPTON, increases the level of reimbursement to 95 percent of the physician fee schedule. This amount is based on studies using the relative value methodology. Additionally, Certified Nurse-Midwives serve as faculty members of medical schools. For over 20 years, they have supervised and trained residents. This legislation clarifies the fact that midwives who are medical school faculty members may bill for Medicare Part B services in accordance with CMS residency training regulations. The bill also includes technical corrections that will clarify the reassignment of billing rights for midwives who are employed by others and recognize that Certified Nurse-Midwives and Certified Midwives have hospital admitting privileges. I urge you to support this legislation, which is in the best interest of women with disabilities across this Nation.

INTRODUCTION OF LEGISLATION TO FACILITATE YAVAPAI RANCH LAND EXCHANGE

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RENZI. Mr. Speaker, along with Congressman J. D. HAYWORTH, I rise today to introduce the Northern Arizona National Forest Land Exchange Act of 2003. This legislation facilitates a land exchange in northern Arizona of private land within the Yavapai Ranch for Forest Service land in the northern portion of the state.

Mr. Speaker, in the past few months, I have received many letters and phone calls in support and in opposition to this exchange. I have visited and toured the Yavapai Ranch and witnessed first hand the beauty of this unique property. Bringing the Yavapai Ranch into federal ownership is in the best interest of the public, and the Forest Service has indicated that it would otherwise be unable to afford to acquire these parcels.

This legislation accomplishes many goals in northern Arizona. First, it provides the City of Flagstaff with the opportunity to acquire land to expand and improve Pulliam Airport. In addition, this legislation will allow the City of Flagstaff to develop a new city park and recreational areas and obtain ownership of land near their water treatment plant. This is critical to the City of Flagstaff's future by providing economic development and affordable housing.

The Northern Arizona National Forest Land Exchange Act will also allow the City of Williams to acquire land for its well sites, water storage tanks and wastewater facility and drinking water treatment plants. In addition, this will provide Williams with the opportunity to expand their airport, the municipal golf course and the town park.

In the Verde Valley, this bill provides Camp Verde with a unique opportunity to acquire land for open space to protect their view shed. The Camp Verde Fire District will be provided with land adjacent to Interstate 17 for an emergency response and urgent care facility for faster response. A planned development along Interstate 17 will provide Camp Verde with additional tax base and job opportunities.

A residential development in Clarkdale and Cottonwood will diversify the housing market and provide new lands to their tax base. I have ensured that language in this legislation ensures that water conservation and water use restrictions must be met for any future development.

Finally, this legislation ensures that five summer camps have the opportunity to acquire the land and benefit from full ownership and management of this land. Included in this exchange are Young Life Lost Canyon Camp, Friendly Pines Camp, YMCA Sky Y Camp, Temple Beth Israel's Camp Charles Pearlstein and the Roman Catholic Church of Phoenix Patterdell Pines Camp.

Mr. Speaker, I have held several town halls and town meetings in the district to discuss the many issues clouding this exchange. First, this exchange provides Camp Verde with land for open space for their view shed, but it is my understanding that plans are already underway to construct an interchange that would affect the view shed in the Verde Valley.

Second, this legislation addresses the water concerns associated with this exchange. Language is included to ensure that developments comply with water use and water conservation requirements. Covenants will limit the amount of water use to sustain the current zoning at 2 houses per acres. In addition, any development must comply with the State of Arizona's surface and groundwater laws.

Finally, this legislation addresses the issue of federal permittees that may be affected by this exchange. Under the Federal Land Policy Management Act, a permittee shall receive a "reasonable" compensation from the federal government if an action by the federal government, including disposal, cancels the permit. My goal in including this language is to properly address the possible hardship and injustice that could occur as a result of this exchange.

Mr. Speaker, my intent in introducing this legislation is to assist communities in northern Arizona in providing affordable housing and economic opportunities, while preserving the pristine areas of our forests for wildlife and recreation. The introduction of this legislation today represents another step in the legislative process. As a whole, this exchange will benefit the public, the many communities and camps in northern Arizona that will receive opportunities for future economic development, and the natural beauty of the Yavapai Ranch.

HONORING THE GROUNDBREAKING FOR THE NEW CLARK COUNTY REGIONAL CANCER CENTER

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HOBSON. Mr. Speaker, I rise today to call attention to a very positive development in health care for the residents of Springfield and Clark County, which are in the 7th Congressional District of Ohio. Federal, state and local officials and representatives from our two local hospitals are set to break ground on a new outpatient regional cancer center.

For years, I had heard from local health care providers and residents about how frustrating it was not having a local modern facility to perform outpatient cancer treatments.

With two outstanding health care centers already available in Springfield, it seemed strange to many people who needed basic oncology services to have to drive to Dayton, Columbus or even Cincinnati.

Traveling long distances to receive cancer treatment can be burdensome for a patient and his or her family, especially if they are elderly or have mobility problems.

I was able to work with my good friend Congressman RALPH REGULA of Navarre, who is the Chairman of the Labor/Health and Human Services Appropriations Subcommittee, to secure $1 million in federal funds for the establishment of this outpatient regional cancer center.

This funding helped to lay the groundwork for the construction of this new facility to improve the level of health care for the citizens of Springfield and Clark County.

This effort is a true public-private partnership that has brought together Mercy Health Partners, The Community Hospital, the Ohio EPA and the federal EPA.

Until that great day when there is a simple and affordable cure for the scourge known as cancer, it is vitally important that communities like Springfield have the best possible infrastructure to provide care.

This new cancer center will have a key role to play in our health care community and I was pleased to be able to support this worthwhile effort in Congress.

As the Congressman who represents Springfield and Clark County in the U.S. House of Representatives, I offer my sincere congratulations on this great achievement and look forward to the day when we will be able to dedicate the finished facility.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Ms. CORRINE BROWN of Florida. Mr. Chairman, Head Start works just fine the way it is. Why the Republicans want to change something that has been proven to work, just to put their name on it, is just ridiculous. Head Start works fine just the way it is. One of my constituents, Eddie Moore, and all of his brothers went on to college after being in Head Start. He also went on to play professional football and now he is an extremely successful business man.

Head Start is one of the most important education programs for low income children, and it is tragic that the House Republican leadership is set on dismantling it. The plan is not just to completely underfund the program, but to block grant the funding!

You know, Head Start kids are very prepared and do better in school than low-income children who don't receive Head Start. It's been proven that Head Start narrows the readiness gap between Head Start kids and children from the more affluent side of the tracks. Head Start should help children arrive at school more ready to learn—and it does just that—very successfully.

My best advice to the Republican leadership is: if it ain't broken, don't fix it, and more importantly, don't brake it! I strongly urge a "no" vote on this bill.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. POMEROY. Mr. Chairman, I rise today in opposition to H.R. 2210, the Majority's plan to reauthorize the Head Start program. While this bill makes a number of bipartisan improvements to the program, I am gravely concerned that the block grant pilot project included in this plan is the first step toward dismantling the successful Head Start program that we know today.

Over the last few months, I have traveled throughout North Dakota and heard compelling stories from Head Start teachers, volunteers and parents attesting to the success of this program in my state. More than just teaching children valuable early literacy skills, the program also encourages self-confidence, spontaneity, curiosity and self-discipline in its young pupils. In addition, Head Start recognizes the important role of parents and families in a child's empowerment by focusing on the educational, vocational and material needs of the entire family. While these aspects of the program are not easily quantified, they greatly enhance future learning potential, as well as overall development.

The plan before us today gravely endangers these comprehensive services that are—in my view—key to Head Start's success. Block granting Head Start to the states would result in a patchwork of untested state preschool programs across the country, many of which may lower educational standards, minimize comprehensive services, and provide less oversight and accountability. As it stands now, there is not a single state preschool program in the country that provides comprehensive services in accordance with Head Start standards. Equally alarming, states that are struggling with their own budget crises right now may be tempted to divert scarce Head Start dollars toward other programs once placed in their hands.

Mr. Speaker, I am convinced that we have a real opportunity with this reauthorization process to effect some positive changes for this exceptional program. We should concentrate on proposals that improve and build upon this tried-and-true program—like increasing access or enhancing teacher qualifications. I urge my colleagues to join me in taking steps to ensure the integrity of this program as the reauthorization process moves forward.

TRIBUTE TO MR. BRYAN DEBATES—TIME WARNER CABLE CRYSTAL APPLE TEACHER AWARD

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. GONZALEZ. Mr. Speaker, I rise today to pay tribute to Bryan DeBates, an inspirational and loving teacher in San Antonio, Texas. As a 5th grade teacher at Timberwilde Elementary School, Bryan DeBates dedicates his life to the success and education of his students. His outstanding work in the classroom was recognized by Time Warner Cable and given the Crystal Apple Teacher Award.

Each year, Time Warner Cable honors 20 classroom projects and the teachers who develop them with the Crystal Apple Teacher Award. This award recognizes outstanding teachers who create learning experiences using cable technology. Mr. DeBates' project involved a space experiment that used electrical circuits to repair and operate a space station. Thanks to the innovation and creativity of Mr. Bryan DeBates many 5th grade students learned how electrical circuits work within the confines of a space station.

Time Warner Cable seeks ways to support the educators and institutions that help shape our nation. Time Warner Cable strives to enhance the level of education in the classroom by expanding the power of cable television's 21st century technology and high-quality programming to teachers, students, and parents both inside and outside the classroom. It is remarkable to see how teachers like Bryan DeBates can use this technology to make this possible.

Mr. Speaker, it is my distinct pleasure to honor Bryan DeBates. It is the perseverance and dedication of teachers like him that will lead our youth to a brighter future.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. ALLEN. Mr. Chairman, nearly 4 decades ago, a program was introduced that would forever change the lives of more than 20 million American disadvantaged children and their families. The achievements of Head Start have become so legendary that I thought it was secure. I was wrong.

Instead of directly funding community-based Head Start programs, the School Readiness Act would allow some states to receive "block grant" funding. States could then use their own untested standards, avoid federal quality oversight, diminish services, weaken the role of parents, and shift money to shore up sagging state budgets.

I have seen examples of the positive impact of Head Start throughout Maine. At a meeting earlier this year, for example, a Head Start father movingly told of his struggle with illness and unemployment; he firmly believes that his children are thriving despite this hardship primarily because of their enrollment in Head Start.

At the same meeting, a graduate of Head Start credited her own success—being the first in her family to gain an advanced degree—to the program.

Another Mainer wrote to me about her son, whose many medical problems at birth led his doctor to predict he would be severely mentally disabled. Enrollment in Early Head Start provided the early intervention that vastly improved his prospects.

National studies confirm that Head Start works: the gap is narrowed significantly between Head Start children and other children in vocabulary and writing skills; once in kindergarten, they continue to make substantial progress in language and math skills. Head Start graduates are less likely than similarly situated children to repeat a grade, require special education, or be charged or convicted with a crime. They are more likely to complete high school and college and earn more as adults than those who did not have the benefit of this program.

Head Start benefits all Americans in the long term. Numerous studies show that for every dollar spent on Head Start, taxpayers save $4 to $7 in the future due to lower education, crime and welfare expenses. Yet, the President's budget for Head Start does not even keep up with the rate of inflation, let alone provide enough funding to serve all eligible children.

If it ain't broke, why does the Administration want to "fix" it? The track record of Head Start and those who benefit from its services are evidence that there is no need to restructure the program. We should instead address its real financial needs: to fully fund this program to provide the greatest assistance for low-income children and their families.

I urge my colleagues to vote for the Democratic substitute which will expand access to the program for more eligible children, improve teacher and program quality and strengthen the overall program. H.R. 2210 would simply undermine a program which has been a major success.

OFFSET OF FEDERAL TAX REFUNDS FOR STATE AND LOCAL TAX DEBTS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. MORAN of Virginia. Mr. Speaker, I am pleased today to be introducing legislation that would establish a federal tax refund offset program for state and local governments. Specifically, this program would require the federal government to withhold refunds from those individuals and corporations that still owe state or local government tax obligations.

Today, the reverse situation exists. A number of states allow their own state agencies, local governments and the Internal Revenue Service to submit a list of delinquent taxpayers. The state then matches these delinquent accounts against taxpayers who may qualify for a state tax refund. If a match is found, the state reduces the refund by the amount of the delinquency and remits the funds to the claimant. These programs have proven to be low-cost and highly effective. Congress recognized the effectiveness of these programs and directed the Internal Revenue Service to establish a similar program to cover claims by other federal agencies, as well as for past-due child support obligations. In 2000, Congress expanded the program by directing the Treasury Department to accept claims by states for income tax obligations.

The legislation I am introducing today builds on these successful programs by permitting local governments to participate. The local governments could submit their outstanding tax debts to the Department of the Treasury for an offset against any federal tax refund, just as federal agencies and states do now. This legislation would also permit a claim to be made for any legally enforceable tax obligation owed to the state or local government.

In an era of tight state and local government budgets, it is patently unfair to have the taxpaying citizenry bear the costs and burdens of those who do not pay their fair share. As President Kennedy recognized, "[t]o the extent that some people are dishonest or careless in their dealings with the government, the majority is forced to carry a heavier tax burden." (April 20, 1961) The legislation that I am introducing today will provide a means to help distribute that burden more equitably.

I urge my colleagues to support it.

REGARDING THE MIDDLE RIO GRANDE EMERGENCY WATER SUPPLY STABILIZATION ACT OF 2003

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. UDALL of New Mexico. I rise today to introduce the "Middle Rio Grande Emergency Water Supply Stabilization Act of 2003," a bill amending the Flood Control Act of 1948 with respect to the Middle Rio Grande Project to authorize programs for water conservation and control of phreatic vegetation, and for other purposes.

On June 12, 2003, the Tenth Circuit Court of Appeals upheld the Federal District Court's opinion determining that the Bureau of Reclamation "has the discretion to reduce deliveries of water . . . comply with the Endangered Species Act."

This lawsuit affirmation rekindled the passionate debate about how we use our water resources, about the sustainability of our current water practices, and whether we are using our water wisely.

This is a very difficult situation for everyone involved. Some have painted the situation as a crisis, as a people versus fish issue. Others state that this "crisis" should be taken as an indication that it is time to recognize the bottomline of the matter: water is a scarce commodity in New Mexico and should be treated accordingly.

In an effort to find a common-sense approach to sustainable water management in New Mexico and the west, I engaged in extensive discussions with the major stakeholders in the San Juan/Chama water dispute, and shared my concerns directly with United States Department of Interior Secretary Gale Norton, the person ultimately responsible for enforcing the 10th Circuit ruling.

As a result of these conversations, I am introducing legislation today that will address our outmoded water principles and practices.

First, the bill authorizes the Secretary of the Interior to contribute to a long-term solution for the Middle Rio Grande River in the State of New Mexico by preventing, reducing, or eliminating wasteful depletion of waters. This would entail the establishment of a water supply stabilization program at the local level. Under this program, the Secretary would provide financial and technical assistance to promote and encourage the adoption and implementation of water conservation measures within the Rio Grande Basin in New Mexico.

To accomplish this, the Secretary would enter into cost sharing and other agreements with the State and other entities including organizations, municipalities, Indian Tribes and Pueblos, and individuals, who use agricultural or municipal and industrial water from the Rio Grande River and its tributaries in New Mexico, including water supplied directly or indirectly from the Middle Rio Grande Project or the San Juan-Chama Project. These collaborative agreements will result in localized decisions regarding sustainable water management along the Rio Grande.

Second, the bill encourages the implementation of water conservation measures that will improve water quantity and water quality conditions needed to support a sustainable, living river environment within the Middle Rio Grande Basin, and will result in conservation, recreation, and other public benefits.

Third, the bill sets a goal to achieve, within three years of the date of enactment of this legislation, quantifiable improvements in irrigation efficiencies through the incorporation of measures such as lining canals and ditches, and the use of low-flow or drip irrigation systems and other modern hydrological technologies.

Fourth, the bill directs the Secretary to cooperate with the State of New Mexico, water use organizations, and affected landowners to develop and implement a comprehensive program to identify, remove, and control salt cedar vegetation in the flood plain of the Rio Grande River and its tributaries, and to replant and reestablish native vegetation if appropriate.

Fifth, the bill authorizes grants for basic research on technological solutions for accessing new sources of water including, but not limited to, desalinization, and the purification of brackish and other types of unpalatable water. Furthermore, the bill authorizes grants for basic research to increase water efficiency. For example, Los Alamos National Labs, located in my district, is working to improve technology so that less water will be required in manufacturing computer microchips. And, the bill authorizes funds to conduct studies to quantify the water needs, requirements and rights of tribes and pueblos in the Middle Rio Grande Basin.

Finally, the bill confirms the original intentions of Congress as set forth in the Colorado River Storage Project Act of 1956, and the San Juan-Chama Project Act 1962. These Acts set forth the principle purposes underlying the furnishing of federal water supplies in New Mexico, including water for municipal, domestic, and industrial uses, and for the conservation of, and I quote from the original authorizing legislation, "the scenery, the natural, historic, and archaeologic objects, and the wildlife" on lands affected by the project, and "to mitigate losses of, and improve conditions for, the propagation of fish and wildlife."

We are in the midst of a very serious drought, and in New Mexico and across the west. Our water resources are over-allocated, and an exploding growth in population is stretching these resources to the limits. This situation is compounded by a water infrastructure that is inefficient, outdated, and insufficient to meet our current needs.

My bill deals with these realities and many other crucial issues. It sets up incentives to conserve our water resources and develop collaborative solutions at the local level. It restores and protects the Rio Grande River and the surrounding Bosque, and encourages technological solutions for new sources of water and methods to harness such technology to increase water efficiency.

Considering the above, if we do not focus collaboratively and make every effort possible to conserve our water, I believe that New Mexico, and similarly situated western states, will continue to confront similar, if not worse, water scarcity problems indefinitely. We need greater and more conscientious efforts on the part of water users to conserve this precious commodity. And, these users must become more accountable for water waste. My bill provides the incentives to conserve our water resources to ensure that all New Mexicans will have water to use in the future.

Mr. Speaker, I introduce this legislation as a first step to solve a critical problem. We need to act now to ensure sustainable water management and conservation in New Mexico. I invite and welcome the support of my colleagues in the New Mexico Congressional Delegation as we continue to confront this problem together.

INTRODUCTION OF THE "SOCIAL SECURITY NUMBER PRIVACY AND IDENTITY THEFT PREVENTION ACT OF 2003"

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SHAW. Mr. Speaker, use of Social Security numbers is rampant. When Social Security numbers were created in 1936, their only purpose was to track a worker's earnings so that Social Security benefits could be calculated. But today, we literally have a culture of dependence on Social Security numbers.

Businesses and governments use the number as the primary way of identifying individuals. All of us know how difficult it is to conduct even the most mundane transactions without having to provide our Social Security number first. It's no wonder identity theft has become the fastest growing white collar crime.

Worse yet, terrorists, including those responsible for the September 11th attacks, misuse SSNs in order to assimilate into our society.

Barely a day goes by without hearing more examples of the truly devastating effects of identity theft. Just this month, at a Ways and Means Subcommittee on Social Security hearing, we learned about a widow whose husband died in the September 11th attacks on the World Trade Center—an illegal immigrant used her deceased husband's Social Security number to get a driver's license and to work. We also heard about individuals whose credit was ruined, who were arrested for crimes they did not commit, and who spent years and hundreds or even thousands of dollars out of their own pockets trying to clear their names because of identity theft often facilitated by obtaining the individual's Social Security number.

Concerns about identity theft are increasing dramatically. According to the Federal Trade Commission, identity theft is the number one consumer complaint—amounting to 43 percent of complaints received in 2002. In fact, my state, Florida, is sixth in the nation in the number of identity theft victims per 100,000 people.

Clearly, there is need for a comprehensive law to better protect the privacy of Social Security numbers and protect the American public from being victimized. Today, I re-introduce the "Social Security Number Privacy and Identity Theft Prevention Act of 2003," which is similar to bipartisan legislation introduced during the last Congress. In the public and private sector, the bill would restrict the sale and public display of Social Security numbers, limit dissemination of Social Security numbers by credit reporting agencies, make it more difficult for businesses to deny services if a customer refuses to provide his or her Social Security number and establish civil and criminal penalties for violations.

Based on the thoughtful comments we have received, this new legislation reflects a small number of fair and appropriate modifications, including the following:

In response to concerns about potentially preventing necessary disclosures of the SSN and the impact on businesses, customers, and the economy, the U.S. Attorney General will be able to authorize the sale, purchase and display of SSNs only when necessary and with restrictions to assure the Social Security number would not be used to commit fraud or crime and to prevent risk of individual harm.

Based on feedback from employee benefit plan administrators, the legislation makes clear that sale and purchase of Social Security numbers does not include its submission for administering employee benefits.

In response to concerns regarding vulnerabilities in the Social Security Administration's process of issuing Social Security numbers, the bill tightens controls by requiring a photo ID; raising the standards for issuing Social Security numbers to babies; and restricting reissuance of Social Security number cards.

In response to concerns about the need for stronger, clearer penalties for SSN misuse, the legislation provides enhanced criminal penalties for repeat offenders and for misuse associated with drug trafficking, crimes of violence, and terrorism. The legislation provides criminal penalties for Social Security employees who sell Social Security numbers or cards, as well as for individuals who sell their own Social Security number to another.

Congress must act to protect the very number it requires each of us to obtain and use throughout our lifetime. Providing for uses of Social Security numbers that benefit the public while protecting these numbers from being used by criminals, or even terrorists, is a complex balancing act. This bill achieves that balance by ensuring Social Security numbers are assigned accurately, exchanged only when necessary, and protected from indiscriminant disclosure. I urge Members to co-sponsor this important legislation.

50TH ANNIVERSARY OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION'S CONGRESSIONAL FELLOWSHIP PROGRAM

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. HART. Mr. Speaker, today it is my honor to commend the 50th anniversary of the American Political Science Association's Congressional Fellowship Program. This program provides academic political scientists, journalists, and members of the executive branch invaluable learning experiences about how Congress works from the inside. In turn, the fellows bring their unique professional expertise and fresh perspectives to Congressional offices.

When I first arrived in Congress back in 2001, an APSA fellow, Amy Black, worked in my office and helped me research and write legislation. Amy's work was a great benefit to our office, and her time in my office gave her new insights for her teaching and academic research. I hope other Members will avail themselves of this excellent opportunity to benefit from the many ways APSA fellows can contribute to their offices.

I congratulate APSA for the past half a century of providing an innovative learning experience, and look forward to many more decades of this important cooperative effort.

IN REMEMBRANCE OF THE 29TH ANNIVERSARY OF THE TURKISH OCCUPATION OF CYPRUS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate the 29th anniversary of the Turkish invasion and occupation of northern Cyprus. On July 20, 1974, Turkey invade Cyprus and Turkish forces occupied more than one-third of the island nation, in clear violation of international law.

Today, thousands of Turkish soldiers, armed with the latest weapons, are stationed in the occupied area, making it one of the most militarized regions in the world.

Eighty-five thousand Turks have been brought over from Turkey to colonize the occupied area with the aim of changing the demography of the island and controlling the political situation. The Greek Cypriot community that remains enclaved within the occupied villages continues to live under conditions of oppression, harassment, and deprivation. For 29 years, divided by a 113-mile barbed wire fence that runs across the island, Greek Cypriots were prohibited from visiting the northern Turkish-occupied towns and communities where their families had lived for generations.

Since 1974, the United Nations has been trying to encourage a solution to the Cyprus problem. U.N. Secretary Kofi Annan has sponsored proximity talks between the President of Cyprus, Glafcos Clerides, and Rauf Denktash, the self-proclaimed leader of the occupied area. Unfortunately, those talks were suspended due to Denktash's abrupt departure from the negotiating table.

In January 2002, U.N.-sponsored direct negotiations between the Greek and Turkish sides finally resumed. Later that year, Secretary-General Annan presented a comprehensive new plan aimed at reunifying Cyprus. Unfortunately, unlike the Government of Cyprus, which promptly accepted the Annan Plan as a basis for negotiations, the Turkish side rejected the plan. Furthermore, the newly elected Cypriot President, Tassos Papadopoulos, accepted Annan's proposal to submit the U.N. proposal to a referendum. Denktash, however, rejected a referendum, thereby denying the people in the occupied areas a chance to determine their future.

Mr. Speaker, the United States has a national interest in fostering peace and stability in the eastern Mediterranean region. We as a nation cannot continue to pretend our NATO partner is not in clear violation of international law for its continued illegal occupation of its neighbor.

We in the United States pride ourselves for our respect for fundamental freedoms. Human rights norms are the cornerstone of U.S. foreign policy. The war on terrorism and our efforts to restore democracy in Afghanistan and Iraq are centered on those principles. As we lead international efforts to rout out terrorists and dictators that usurp fundamental principles of justice and human rights, we should remain committed to finding a just and durable settlement to the Cyprus problem. An important first step to that commitment is our strong opposition to Turkey's 29-year occupation of Cyprus.

IN HONOR OF THE 50TH ANNIVERSARY OF SPORTS ILLUSTRATED AND AMERICA'S SPORTS ILLUSTRATED: 50 YEARS, 50 STATES, 50 SPORTS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Sports Illustrated, as they celebrate 50 years of being America's most respected and popular sports publication. I also stand to recognize America's Sports Illustrated. 50 Years, 50 States, 50 Sports, a yearlong, nationwide celebration building on the premise of sports being an enormous force for good and a major catalyst in giving Americans a sense of community.

Sports Illustrated is one of the most respected voices in sports media, a magazine that consistently sets the national agenda for debate and discussion. This magazine is an original American brand that each week tells us about ourselves through the prism of sports.

Time Inc. founder Henry Luce's dream that, "America will have a great National Sports Weekly" officially became a reality on August 16, 1954, with the launch of Sports Illustrated. In the years that have followed, Sports Illustrated has lived up to Luce's lofty notion. Americans turn to Sports Illustrated for a definitive word and the defining photographs, for the most in-depth analysis in sports.

Let us support Sports Illustrated as they launch their nationwide multi-media program: America's Sports Illustrated. 50 Years, 50 States, 50 Sports. This nationwide celebration consists of weekly state-specific sections in the magazine and four special 50th issues; a grassroots mobile marketing tour that will visit sporting events that are unique to the state being visited; a comprehensive and interactive web presence; and a community sports outreach program to enhance the quality of sports in America's communities through the YMCA of the USA and the National Recreation and Park Association. Let us commemorate America's most respected and popular Sports publication on their Golden Anniversary.

Mr. Speaker and Colleagues, please join me in honor and recognition of Sports Illustrated as it turns 50 in 2004 and celebrates its anniversary with the most ambitious initiative in the history of the magazine.

THE RAILROAD COMPETITION ACT OF 2003

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. BAKER. Mr. Speaker, today I am joined by Representatives Chris John, David Vitter, and Earl Pomeroy to introduce the Railroad Competition Act of 2003, a bill designed to restore a measure of competition to our nation's freight rail marketplace. This bill, I believe, captures the true intentions of railroad deregulation.

Like all Americans, Mr. Speaker, I want our national railroad industry to remain the most efficient in the world. Indeed, our railroad system is a model for other national systems. My home state of Louisiana in particular relies heavily on efficient railroads to deliver product to market and provide the feedstock for our manufacturing base. Without reliable rail service, Louisiana—and all of America—would be economically hamstrung.

Congress deregulated the railroad industry in 1980 when it passed the Staggers Act. This law revitalized the industry, built efficiencies in the system, and bolstered the railroads as a critical component to America's transportation infrastructure. As Chairman of the Louisiana House Committee on Transportation and Highways, I observed closely the implementation and success of the Act.

However, one lingering element of the Staggers Act provides for "differential pricing," which in effect allows railroads to "price gouge" customers served by a single railroad in order to help make up for revenue that is lost to customers served by more than one railroad. In other words railroads can overcharge a customer where the railroad is a monopoly to help recover the revenue it loses in a competitive, multiple-railroad environment.

Prior to the Staggers Act, the federal government administered the finances of railroads by imposing price controls. But by allowing railroads to institutionalize price gouging, are we not continuing the practice of price controls? Indeed, is differential pricing the thriving legacy of regulatory control? I believe it is. I assert that differential pricing is no more "deregulation" than the artificially imposed government price controls that existed before 1980.

I do not believe Congress intended to institutionalize price gouging when it passed the Staggers Act in 1980. Rather, the Staggers Act was an attempt to revive an important industry in America's economy. It was not enacted to allow the industry to thrive at its customers' expense. When the 108th Congress reflects back on the success of the Staggers Act, we can indeed take pride in "getting it right." Congress achieved its goal of resuscitating the ailing railroad industry, but Congress did not intend to sustain the life of this industry at the growing, unfair expense of other industries.

When Congress passed the Staggers Act in 1980 there were over 40 Class I railroads competing for business. Today, after over 50 mergers and consolidations there are only 7 Class I railroads in North America and four of them control over 95 percent of the railroad business.

This unprecedented consolidation has led to whole states, regions and entire industries becoming captive to a single railroad. This level of concentration and the lack of competition it has brought were never envisioned by Congress in the 1980 Act.

Over this same period the agency that administers rail law, the Surface Transportation Board, has produced rulings, which have skewed the freight rail market place to the point that it is now a Federally protected monopoly. Railroads are operating within the law, but that law is outdated given the current number of railroads and market conditions of the new century.

Mr. Speaker, as you may know, Louisiana industry is in dire straits. Every month companies announce closures, lay offs, and moves—depriving our economically struggling state of hundreds of important jobs. When these jobs are lost, so are the workers' pensions, salaries, and health benefits. When hundreds of jobs are lost, it affects other small businesses that rely on workers to keep them viable.

Though Louisiana industry faces many financial challenges, premier among them is the cost to do business—and aside from energy supply, the most expensive cost of business is the artificially inflated rates imposed on Louisiana companies that, through no fault of their own, exist under a railroad monopoly.

Mr. Speaker, this situation is not exclusive to Louisiana. It exists in West Virginia, North Dakota, Idaho, Georgia, Florida, Montana, Minnesota—in fact, Mr. Speaker, there is not a state in the union free from this blemish on the free enterprise system.

The bill we are introducing today will truly match the deregulation goals of the Staggers Act with the tried and true American tradition of a competitive free market.

Our bill takes deregulation to a higher level by fortifying healthy market competition. The bill would remove artificial protections maintained by an outdated policy which allows freight railroads to operate in an atmosphere which no other business in the country enjoys—including exemption from anti-trust law.

Mr. Speaker, I urge all pro-market, pro-consumer, pro-deregulation, pro-fairness, projobs, pro-economy, pro-transportation, and pro-railroad Members to join me in completing the deregulation goals of the Staggers Act of 1980 by cosponsoring the Railroad Competition Act of 2003.

THE RAILROAD COMPETITION ACT OF 2003

Clarification of National Rail Policy: Clarifies that the STB has the following primary objectives: (1) ensuring effective competition among rail carriers at origins and destinations; (2) maintaining reasonable rates in the absence of effective competition; (3) maintaining consistent and efficient rail transportation service for rail shippers, including the timely provision of rail cars; and (4) ensuring that small carload and intermodal shippers are not precluded from accessing the rail system.

Requirement that Railroads Must Quote Rates to Their Customers: In order to increase rail customer access to competition, railroads must quote rates between any two points on their systems where freight movements can originate, terminate or be transferred, when requested by the customer.

Arbitration of Certain Rail Rate, Service and Other Disputes: Provides final offer arbitration (baseball arbitration), at the choice of the non-rail parry to a dispute, for all rail rate matters and other disputes at the STB involving a railroad charge.

Removal of "Paper Barriers": Prohibits including paper barriers in future sales or leases of rail line to short line or regional railroads and allows the STB to invalidate such provisions that have been in existence for 10 years.

Removal of "Anti-Competitive Conduct" Test from Terminal Area and Switching Agreements Policy of ICC/STB: Changes the "antitrust" test added in mid–1980s by the former Interstate Commerce Commission to the statutory "public interest" test included in the terminal area and switching agreement provisions of the ICC Termination Act.

Tri-Annual DOT Study of Extent of Rail-to-Rail Competition.

Areas of Inadequate Rail Competition: On petition of a state, the STB may declare all or part of a state to be an area of inadequate rail competition. Special rail customer remedies apply in such areas.

Rail Customer Advocacy Office Established at Department of Agriculture.

THE HORN IN PERIL

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. MEEKS of New York. Mr. Speaker, I submit the following document for the CONGRESSIONAL RECORD.

[From the Financial Times, June 17, 2003]

THE HORN IN PERIL

When is a "final and binding" decision reached by a neutral body of legal experts open to negotiation? The international community is facing this question in the Horn of Africa, where the regional giant Ethiopia has rejected as "unacceptable" a Border Commission ruling on its border with tiny Eritrea.

The outside world was appalled when two of Africa's poorest countries went to war in 1998. It heaved a sigh of relief when both governments agreed, after losing at least 70,000 lives, to submit their frontier to international arbitration. But Ethiopia's rejection of the unanimous decision reached by a Border Commission sitting in The Hague has raised the prospect of, at worst, a new war and, at best, an indefinite stand-off.

External donors sympathise with the tricky position in which the ruling places Meles Zenawi, Ethiopia's prime minister. Undermined by hardliners in his own party, Mr. Meles is also resented by ordinary Ethiopians who have never accepted the independence of Eritrea, their former coastal province. Foreign governments know that losing Badme, the settlement that was the flashpoint for the war, represents a symbolic humiliation for the prime minister. They also nurse a certain distaste for an authoritarian Eritrean government that has jailed domestic dissenters and closed down the private press.

But if international arbitration were easy for losing parties to swallow, wars would never occur in the first place. If the Border Commission's decision on Badme were to go unenforced, Eritrea could reconsider its prompt pull-out from the contested Greater Hanish Island, allotted by an international court to Yemen in 1998. Nigeria could continue to defy the International Court of Justice's ruling last year that the oil-rich Bakassi Peninsula belongs to Cameroon. "Might is right" must not become the deciding principle in territorial disputes across Africa, where so many colonial borders cut across cultural and ethnic lines.

Ethiopia's rejection comes at a time when both countries are appealing for millions of dollars in food aid to alleviate a four-year drought. The failure to settle the border dispute will not come cheap. Maintaining a 4,000 strong United Nations buffer force has already cost about $500m (euro 420m), which could have been better spent feeding starving rural families.

Donor countries cannot sit idly by while positions harden to a point where future compromise becomes impossible. While there is an understandable reluctance to use humanitarian aid as a bargaining chip, they should leave Ethiopia in no doubt that longer-term development aid is at risk. And they should firmly spell out this link before Ethiopia's ruling party conference takes place this autumn, when Mr. Meles risks being boxed in by the impassioned nationalistic rhetoric of his colleagues. There is far more at stake here than the relationship between Ethiopia and Eritrea.

COMMENDING THE JAPANESE AMERICAN NATIONAL BOWLING ASSOCIATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HONDA. Mr. Speaker, I rise today to recognize the Japanese American National Bowling Association (JANBA). From its noble inception to oppose discrimination after World War II, JANBA continues to be a forum for social interaction and friendly competition for its thousands of members throughout the United States.

After internment in World War II, Japanese Americans trying to return to a life of normalcy discovered bowling as an engaging social pursuit. The sport quickly became a popular pastime with many joining bowling leagues and competitions. However, a restriction against Japanese Americans on the national stage was quickly realized.

In 1947, Mr. Rokuro "Fuzzy" Shimada was planning to bowl in a Santa Clara bowling league. However, he was denied acceptance due to the league's "whites only" membership policy set by the American Bowling Congress (ABC). In objection, the National Japanese American Citizens League (JACL) Nisei Bowling Tournament was birthed later that year. The selected venue was Salt Lake City, Utah, the headquarters of the National JACL at that time. Despite its inaugural year, the tournament was able to attract nearly 300 participants.

Admirably, Mr. "Fuzzy" Shimada was inducted into the ABC Hall of Fame as a Pioneer in 1997, after the discriminatory rules were absolved in 1951.

From 1947 to 1973, the National JACL Nisei Bowling Tournament was held annually at multiple locations across the United States. Then in 1974, the Japanese American National Bowling Association was spawned when it was agreed by the JACL Advisory Board of Bowling to form a separate organization from the JACL. Mr. Ozzie Shimada acted as the president pro tem for the first year.

The Annual JANBA Tournament has continued its heralded traditions passed down from the JACL. Recently, the 2003 JANBA tournament was held in San Francisco. Over 800 men and women bowlers of all ages enjoyed competing in multiple tournament formats during the weeklong event.

Mr. Speaker, I commend the Japanese American National Bowling Association (JANBA) for its courageous beginnings to oppose segregation in the aftermath of World War II and providing a venue for social interaction and friendly competition for fellow Americans.

EDUCATORS HONORED BY THE ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HOYER. Mr. Speaker, I rise today to recognize two faculty members of the College of Southern Maryland who have been honored by the Association of Community College Trustees. Chief Executive Officer, Dr. Elaine Ryan, is the recipient of the 2003 Chief Executive Officer Award and Professor Bill Morton is the recipient of the 2003 Faculty Member Award.

Mr. Speaker, the ACCT awards program is very competitive at a national level. This program annually recognizes the contributions made by trustees, chief executives and faculty members. The association is a non-profit educational organization of governing boards, representing more than 6,500 elected and appointed trustees.

Being selected the recipient of the 2003 Chief Executive Officer award is a great honor and privilege. Dr. Ryan has devoted over thirty years to the College of Southern Maryland and in 1998, was appointed the college's third president. She is the first female to hold such responsibility at this college. Under her leadership, the community college has become a regional institution serving three counties with four campuses. According to the 2003 Maryland Higher Education Commission Report on Retention, Transfer and Graduation Rates, the College of Southern Maryland ranked first in the State for the highest four-year graduation and transfer rates among Maryland community colleges for its first-time, full-time entering freshman class of 1998. This is a significant achievement for the college. Dr. Ryan, as CEO, no doubt has had a very active part in making the college as successful as it is today. She is admired and respected for her administrative ability, intellect, and love of her community. She is very active in her community serving on the Governor's Information Technology Board, the Southern Maryland Workforce Investment Board, the Charles County's Vision in Teamwork and Leadership organization and the Board of Directors for the Maryland Mentoring Partnerships, as well as many other community organizations. She is a role model for many young people in the community and has been nationally recognized for her efforts in education.

No college can be successful without the intelligent and caring men and women who strive everyday to make a difference in the lives of today's youth. Having professors who love to teach students is what makes a college the best that it can be. Professor Bill Morton has been recognized by the ACCT for his innovative instruction in accounting, economics and management. He is a pioneer in his field, utilizing distance learning through broadcast and video-based telecourses, interactive television, online courses, and cooperative education. He has devoted thirteen years to educating youth at the College of Southern Maryland. He believes that the only way to teach students is to reach students. Morton integrates his own life lessons into his teachings by drawing on his fifteen years of military and private sector experience. In 2000, the Association of Collegiate Business Schools and Programs (Region 2) awarded Morton the Teaching Excellence Award. For the past two years, the faculty at CSM selected the professor to receive the Faculty Excellence Award. Morton's expertise in his subject, positive attitude toward his students, and passion for teaching draw admiration from his peers and pupils alike.

On this day, I would like to recognize these individuals for their achievements in the field of education. Teaching is one of the most important professions in our Nation today and it is important to recognize those outstanding teachers for educating our Nation's youth and inspiring them to succeed in life. Dr. Elaine Ryan and Professor Bill Morton have worked hard to achieve this outstanding award presented by the ACCT. Their dedicated service to the College of Southern Maryland, to their profession and to their community has benefited and enriched the lives of so many. Southern Maryland is fortunate to have such committed professionals and we all thank and congratulate them for a job well done.

150TH ANNIVERSARY OF LODGE NO. 83 IN LEBANON, MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the 150th anniversary of the Laclede Lodge No. 83 of the Grand Lodge of Missouri, Ancient Free and Accepted Masons in Lebanon, Missouri. The Freemasons of this lodge have worked diligently and provided many hours of community service in Lebanon and Laclede County.

Lodge No. 83 was chartered in 1854 and the first Master of this lodge was Dr. I.W. Greenstreet. The lodge was first located on Wood Street in "Old Town" Lebanon. Currently the lodge is located at the corner of Second and Madison Streets in Lebanon.

The Laclede Lodge and its members have stood the test of time. From the beginning, the lodge had to survive a Civil War and hardships from local congregations who did not understand the mystic brotherhood. Today the lodge thrives in a wonderful community and gives back to that community at every turn.

Mr. Speaker, the Ancient Free and Accepted Masons can be proud of the 150 year history they have in Lodge No. 83 and with the Lebanon and Laclede County communities. I know the Members of the House will join me in congratulating Lodge No. 83 for 150 years of fine service.

HONORING OUTSTANDING TEACHERS IN THE 5TH CONGRESSIONAL DISTRICT OF TEXAS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HENSARLING. Mr. Speaker, today I am privileged to honor some of the most treasured individuals in the Fifth Congressional District of Texas, our public school teachers. As a product of the public school system, from kindergarten to graduate school, I am especially proud to recognize the work of teachers in my district.

Public school teachers are unsung heroes who labor tirelessly in the classrooms and on the playing fields. They are the backbone of our education system in Texas and truly worthy of high praise in this chamber.

While you will never find a teacher on a Fortune 500 list, teachers train and educate the men and women who become leaders in our nation's economy, government, and houses of worship. Teachers push our children to learn and make a contribution to our communities, and all too often they do so without the thanks that they so richly deserve. Public school teachers are some of our communities' most valued leaders.

Many school districts in the Fifth District of Texas honor their Teachers of the Year, and today I am pleased to showcase several individuals whose care, dedication and hard work have earned them that special recognition. They include: Nancy Bagwell—Dallas ISD; Paula Conditt—Malakoff ISD; Jason Cunningham—Malakoff ISD; Lisa Cunningham—Richardson ISD; Shannon Hansel—Palestine ISD; Joy Hounsel—Sunnyvale ISD; Betty Mendoilea—Elkhart ISD; Nancy Northcutt—Palestine ISD; Jennifer Pugh—Malakoff ISD; Cindy Smith—Malakoff ISD; Rick Urbanczyk—Richardson ISD; Ann Wilson—Mabank ISD.

Mr. Speaker, these teachers have gone above and beyond the call of duty. I thank them for their service to our children and our future.

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

SPEECH OF

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. EVANS. Mr. Speaker, I am here today to express my concerns regarding both the Chile Free Trade Agreement and the Singapore Free Trade Agreement.

While, I support free trade with Chile and Singapore in principle, this agreement is a serious erosion of the noble position we stood up for in prior agreements in regards to upholding labor rights. I recognize that free trade has the potential to provide an opportunity to expand markets for U.S. goods and services. However, if we do not first guarantee fair trade; we do not have free trade.

Fair trade agreements are an important way to maintain the United States' leadership in upholding fundamental human rights. By entering into free trade agreement with countries that already abide by labor standards equivalent to our own, we can prevent the exploitation of the weak, the uneducated, the poor, and others. Children should not be working 60 hour weeks in unsafe factories for pennies a day. Not one person in this Congress wants that to happen, but unfair trade agreements mitigate these abuses to occur by ignoring the opportunity to set minimum standards.

This is not to say that either Chile or Singapore do not abide by the five core, internationally-recognized, labor rights. However, the so-called "enforce your own labor protections" provisions in the Chile and Singapore Agreements are dangerous templates for future negotiations. The maintenance of minimal labor standards must be insured through explicit requirements outlining our expectations for workers' protection. Not only have we not defined labor standards in these current agreements, we have also not given ourselves a means to address any violation of labor rights in the future. This is simply unacceptable.

The negotiation of the U.S.-Jordan Free Trade Agreement sought this explicit protection for workers. The Chile and Singapore Free Trade Agreements are a definite step in the wrong direction in regards to labor rights. As a nation, we have continuously stood up for the rights and protection of all workers. We cannot sacrifice workers and their protection to save a buck on a pair of shoes simply because they are somewhere around the world. We must factor in the cost of abdicating our responsibility to protect both our workers and workers the world over. Without explicit protection for laborers it is not free trade because there is no price for human dignity.

Mr. Speaker, it is unfortunate that I come here to oppose these agreements. Congress gave away its ability to amend trade agreements last year and, therefore, the only option I have to express my opposition to the labor rights provisions is to vote against the trade agreements in whole. Therefore, I will oppose these agreements and urge my colleagues to vote them down.

HONORING SAM HALPERT AND JOHN DEEGAN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. DEUTSCH. Mr Speaker, I rise today with great pleasure to honor Mr. Sam Halpert and Mr. John Deegan of Pembroke Pines, FL, distinguished civil servants, contemporary American heroes, and great Floridians.

Now more than ever, our nation needs strong leaders—leaders who can be relied upon to protect the public from a growing number of natural disasters, the spread of terrorism, and crime in our city streets. Mr. Halpert and Mr. Deegan exemplify the types of heroes that describe a quarter century of service to local communities and to our country. Through hard work and effort, they have protected the South Florida community and its citizens for over a combined total of 50 years. Mr. Halpert, who began his career fighting fires as a volunteer in the 1970s, has most recently served as the city's fire marshal. Mr. Deegan began his service to South Floridians as a paramedic, and now he is to be commended upon his retirement as the division chief in charge of emergency medical services.

Although Halpert and Deegan pursued different paths, they remained bound by their shared commitment to community welfare. Since 1978, Pembroke Pines has experienced tremendous growth from about 14,000 to 160,000 residents. Surely, with this immense growth in population comes the enormous responsibility of protecting its citizens. Instead of viewing this growth as an obstacle, Halpert and Deegan saw providing care and services to all Pembroke Pines' residents as a challenge, and they ensured the utmost quality in fire protection and emergency medical services.

Upon their retirement, I am pleased to take this opportunity to celebrate their amazing service to Broward County. Clearly, dedicated citizens such as these individuals serve as an example to us all, highlighting the extent to which fellow citizens are actually everyday heroes. Though the Pembroke Pines Fire Department and EMS will surely miss their commitment and service, each man has left an indelible impression on their respective institutions that will last a lifetime.

Mr. Speaker, it is truly a special occasion for me to honor Mr. Halpert and Mr. Deegan, who have embodied community leadership and strength as upstanding Floridians for over 25 years.

HONORING PETE JIMENEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a courageous and dedicated veteran of our state, Pete Jimenez of Pueblo, Colorado. As a member of the Army's infamous E Company in World War II, Pete gallantly served, protecting our freedoms on the field of battle. Pete is the newest recipient of the Croix de Guerre, a medal given by the President of France for uncommon heroism, valor, and bravery during battle. Pete has also been named a Knight of the Legion of Honor. This is the most prestigious of French military awards, and past recipients include President Ronald Reagan, President George Bush, and Secretary of State Colin Powell. I would like to join my colleagues in congratulating Pete and recognizing his deeds here today.

Pete will receive these commendations for events that took place throughout World War II, but particularly on September 17, 1944. On this day, Pete voluntarily took command of a patrol whose mission was to enter the city and knock out an enemy 20mm embedded cannon that was holding up the Allied advance. They were also told to investigate a vast underground structure that was possibly holding an

American prisoner of war. In the destruction of the 20mm cannon, Pete single handedly killed two German soldiers while exposed to enemy fire. As Pete approached the underground structure, his squad encountered a number of enemy soldiers. After a significant struggle, they accepted the surrender of a 200 man fighting force positioned inside the structure. Due to the ferocity of Pete's squad, the enemy believed they were under attack from a much larger force and threw down their weapons.

This is just one of the many heroic events that Pete Jimenez participated in during World War II. As the war ended, Pete was decorated with several medals, representing the valor and courage he displayed. He would go on to receive the World War II Victory Medal, four Bronze Stars for participation in the Normandy, Northern France, Central Europe, and Rhineland campaigns and two Bronze Stars for heroism and valor. Pete would also receive the Good Conduct Medal and the Purple Heart, as Pete was wounded five times in battle.

Mr. Speaker, I join with my colleagues here today in congratulating Pete and in recognizing this prestigious honor. This recognition to Pete for the work he did for our country is long overdue, and I am proud to bring his achievements to the attention of this body of Congress today. Congratulations and thanks again, Pete, for your many years of hard work on behalf of the United States.

DR. DONALD M. TOPPING

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to remember the late Dr. Donald M. Topping of Huntington, West Virginia, who passed away at the age of 73 on June 29, 2003. He will be remembered for his contributions in preserving the Chamorro culture, especially his work with the Chamorro language of Guam and the Northern Marianas.

Dr. Topping leaves behind his wife, Priscilla Topping, and his children Miles and Lee Minh Topping, Jason Kesolei, Dee Johnson and Leslie Jensen. He also leaves behind eight grandchildren and four great-grandchildren.

Dr. Topping was Professor Emeritus of Linguistics at the University of Hawaii. He was also a founding member of the department. Dr. Topping was also responsible for cofounding the Drug Policy Forum of Hawaii in 1993. He served as its president until 2003 and received the Ho'omaluhia, or Peacemaker award, for advocating drug policy reforms on Hawaii. Dr. Topping was also the director of the Pacific and Asian Linguistics Institute from 1969–1974 and director of the Social Science Research Institute from 1974–1996.

Dr. Donald Topping was considered a modern pioneer of the Chamorro language and was the main voice for modernizing the Chamorro language through his work on the reference grammar and the orthography. As an English professor at the former Territorial College of Guam, Dr. Topping taught himself the Chamorro language with the help of friends and neighbors in an effort to help his students learn English. He went on to author the books, Spoken Chamorro, in 1969; Chamorro Reference Grammar, in 1973; and the Chamorro-English Dictionary, with Pedro Ogo and Bernadita Dungca, in 1975, which put the Chamorro language into written form.

Dr. Topping's work demonstrated that the Chamorro language had very unique features that could be best understood as an Austronesian Language rather than the popular misconception of Spanish origins. His work with the Bilingual Education Project was unprecedented in the efforts to protect the precious culture of the Chamorro people through their language. His genius and contributions to the Chamorro language as well as all the languages of Micronesia cannot be overstated.

On behalf of the people of Guam, I would like to extend our condolences to the family of the late Dr. Donald Topping. The people of Guam will always be grateful for his work with the Chamorro language. It is through the work of a man like Dr. Topping that a greater understanding and appreciation of the cultures of the world can be gained.

MILITARY RETIREE SURVIVOR COMFORT ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise today to introduce the Military Retiree Survivor Comfort Act. This legislation is a simple provision aimed to provide a small amount of relief to surviving beneficiaries of military retirees.

As my colleagues may be aware, federal regulations require the Defense Finance Accounting Service (DFAS) to terminate payment of the retired pay upon notification of the retiree's death. Once the surviving spouse or beneficiary notifies the finance center, DFAS then electronically withdraws the entirety of the last payment from the deceased retiree's checking account. Then several weeks later, the retiree's beneficiary will receive a check in the mail containing a pro-rated portion of the military pay for the days for which the retiree was still living.

The current process rightfully and sensibly seeks to only pay military retirees for when they are alive, but it can and often does have an adverse impact on the retiree's beneficiary. Many of these surviving spouses or caregivers are living on fixed incomes. When the retirement pay is deposited, they use those funds to pay things like rent, medical expenses, or other living expenses. Automatically withdrawing those funds can inadvertently cause rent checks to bounce and place great additional financial strain on a beneficiary when they are already faced with great loss and the prospect of additional costs associated with the military retiree's death.

In many respects, a military spouse has provided equal service and sacrifices as the military members themselves. While they may not face the perils of combat, they often raise families alone, endure long separations, and provide a mutual safety net for other military families. This legislation seeks to recognize that sacrifice by forgiving the overpayment made to the surviving beneficiary if that beneficiary has a joint bank account with the military retiree. In order to offset some of the minimal cost, the recipient receiving the overpayment would forgo the first month of Survivor Benefit Plan payments. The individual amounts will be small, but they will provide great comfort to those who are already losing much.

In closing, I would like to thank the Fleet Reserve Association for their great assistance in working with me on this legislation. They are dedicated advocates for military personnel and their families, and this is just one more example of their efforts. I look forward to working with the Fleet Reserve Association and many other colleagues in seeing enactment of this legislation.

PHARMACEUTICAL MARKET ACCESS ACT

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. COSTELLO. Mr. Speaker, I rise tonight in strong support of H.R. 2427, a bill that will help lower the cost of prescription drugs for our seniors. I applaud the efforts of Representatives EMERSON, GUTKNECHT and EMANUEL to get this bill to the floor for a vote.

For many years now, I have supported adding a prescription drug benefit to the Medicare program. While I have strong concerns about the bill that passed the House last month on this subject, I am hopeful a good final product can be worked out with the Senate that will indeed give prescription drug relief for our seniors. This bill tonight is an important part of that effort. While helping seniors with the costs of their drugs is critical, we must also take steps to lower the cost of prescription drugs.

It is no secret that U.S. seniors pay far more for the same drugs than seniors in Canada, Europe and other parts of the world. For example, the same prescription for Prilosec costs $112 in the U.S., but only $59.00 in Canada and $49.25 in Europe. H.R. 2427 would allow the reimportation of U.S.-produced drugs into the U.S. to take advantage of these lower prices.

However, the pharmaceutical industry is desperate to maintain its ability to force seniors to pay the highest possible prices for prescription drugs. Seniors in the U.S. should not have to supply the profit margin for the prescription drug industry. Too many people have to make the choice between eating dinner and buying their medicine. Too many people are cutting their pills in half to make their prescriptions last longer. We can do something about that by passing this bill tonight.

Mr. Speaker, the Senate prescription drug legislation contains a reimportation provision. I urge my colleagues to support this legislation so it can be included in the final version of the Medicare prescription drug bill. By conservative estimates, we can save our seniors $630 billion over the next decade by passing this legislation. Our seniors deserve equity with seniors elsewhere in the world. I urge my colleagues to vote in favor of H.R. 2427.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. LEACH. Mr. Chairman, Head Start is one of the semiannual innovations in education in the history of America. The bill before us, the School Readiness Act of 2003, is not as catastrophic as its critics tonight are suggesting. No program, however successful, is immune to improvement. On the other hand, the kind of demonstration block grant approach included in this legislation could over time transform Head Start programming in such a way as to weaken the federal nexus and allow states discretionary authority that could, in the name of seeking higher standards, actually diminish those standards.

Of particular concern to me is that the bill authorizes the removal of certain civil rights protections that have historically accompanied virtually all federal programs. I have voted in the past to allow religious organizations in their religious pursuits to be exempt from certain federal mandates, but organizations using federal funds for secular missions should not be allowed to operate outside the scope of the laws that apply to everyone else.

The irony of removing civil rights standards from Head Start programs is that Head Start is an opportunity initiative disproportionately aimed at disadvantaged kids. The message of removal of civil rights protections from Head Start programs is that kids would be asked to work hard but not expect to work here.

Under Title 1 of the School Readiness Act, there are certain quality improvements called for that were consensus in the committee and are acknowledged as steps forward by both sides in the debate this evening. The principal controversy relates to the block grant approach in Title 2 and on this subject, I support the amendment of Representative George Miller of California which embraces the Title 1 provisions of the bill but remolds Title 2 to more closely parallel the way Head Start services are currently provided.

My sense is that this evening's Floor debate has been rife with rhetorical excesses on both sides, but while I am convinced of the good will of the bill's architect, Mike Castle of Delaware, I share the reservations of experts in the field about the approach the majority proposes. While all federal programs deserve to be reviewed with an eye to improvement, the case for structural change of the kind envisioned in this legislation is uncompelling.

Head Start is an American success story. It deserves the respect of this body.

TRIBUTE TO CHESTERFIELD SMITH

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. HARRIS. Mr. Speaker, this nation lost one of its greatest lawyers, leaders, and statesmen last week. Chesterfield Smith was not only my neighbor and friend; he was a role model and an icon of probity, integrity, and decency.

Chesterfield Smith set the bar for anyone who aspires to a legal or public service career. His model of leadership, vision, and strength of character had an enormous impact upon my family. He sought the truth, regardless of the political consequences. His dedication to our nation's justice system rightly earned him recognition as "America's Lawyer" and as "the conscience of the legal profession."

Reared in the Southwest Florida town of Arcadia, Chesterfield Smith served his country heroically in World War II, earning the Bronze Star while fighting with General George S. Patton's 3rd Army in Europe. Following his discharge with the rank of major in 1945, he returned to his native Florida to attend law school at the University of Florida.

He began his law practice with the firm of Treadwell & Treadwell in Arcadia, joining the firm of Holland, Bevis, & McCrae in the neighboring community of Bartow one year and one-half later. Achieving the status of partner in record time, Chesterfield Smith began to build what would become the nation's eighth largest law firm upon a foundation of skilled professionalism, unassailable ethics, and dedicated public service.

In 1964, the Florida Bar recognized Chesterfield Smith's extraordinary leadership abilities by electing him its President. He was appointed Chairman of the Florida Constitutional Revision Commission in 1965, where he challenged and defeated the grip on power of the "Pork Chop Gang," a group of rural Florida legislators who had dominated Florida's state government through the repugnant device of malapportionment.

The entire nation became familiar with Chesterfield Smith's courage and unwavering commitment to principle during his presidency of the American Bar Association in 1973 and 1974. Stating his reasoning simply but powerfully through the words "no man is above the law," he issued the first public call for an investigation of President Nixon's role in the Watergate break-in.

While his potent sense of justice helped steer our nation through a period of great peril to our Constitution, Chesterfield Smith's fundamental sense of right and wrong helped guide his beloved Florida through the turmoil of the civil rights movement. He served as an outspoken opponent of segregation, while transforming his law firm into a model of diversity.

In 1997, Governor Lawton Chiles formally recognized Chesterfield Smith as a Great Floridian. In 2002, Supreme Court Justice Ruth Bader Ginsburg presented Smith with the Laurie D. Zelon Pro Bono Award, describing him as "among the brightest, boldest, bravest, all-around most effective lawyers ever bred in Florida and the USA."

Mr. Speaker, as we mourn the passing of this great American, may the light of his passionate commitment to the legal profession, to our nation, and to humanity at large continue to animate our dreams and aspirations as public servants.

BARBARA CRITTENDEN SCHOTT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to pay tribute to Barbara Crittenden Schott of Detroit, Michigan, who passed away in her home in Riverside, California on June 13, 2003 at the age of 90. Her unselfish efforts to better the lives of those around her will be remembered through her dedication and commitment to numerous volunteer organizations.

Barbara was the wife of the late General Wes Schott and mother of the late Christopher D. Schott. She is survived by her son, Kenneth and daughter-in-law, Marian Castro Schott of San Diego, California. She is also survived by her grandchildren, Derreth Schott Painter of Herndon, Virginia, Gwendolyn D. Schott of Hickory, North Carolina, and Charles Wesley Schott III of Escondido, California and four great-grandchildren.

Barbara Schott will be remembered for her volunteer work which began in 1940 with the American Red Cross. She was a tireless volunteer in both the military and private sectors, especially medical services organizations. Barbara served on the board of directors for both the Fort Worth and Roswell Good Neighbor Council. She also established the Arlington Ladies, a military wives club, and the Air Force-wide Dependents Assistance Program, now referred to as Family Services. But the people of Guam will especially remember Barbara for actively promoting broader military interaction with the civilian communities on Guam.

Barbara will also be remembered for her efforts to advance the Fine Arts. Her cultural contributions include the Guam Arts Society, the Children's Theater Guild, the Achievement Rewards for College Scientists, the Costume Club of Los Angeles, and the Auxiliary of the Neighborhood Youth Council. Barbara was also an active member in the Los Angeles and Santa Monica Pi Beta Phi Club.

On behalf of the people of Guam, I extend our condolences to the family of Barbara Crittenden Schott. Her selfless love of humanity will serve as an example for us to model our lives after.

INTORDUCTION OF A RESOLUTION RECOGNIZING THE NATIONAL RAILROAD HALL OF FAME IN GALESBURG, ILLINOIS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. EVANS. Mr. Speaker, I am here today to introduce a Resolution that would recognize the National Railroad Hall in Galesburg, Illinois.

The American Railroad industry has enjoyed a long history in this country. Its impact on the economy, science, technology, national defense, and our national lifestyle is immeasurable. For that reason, a private group has gathered in Galesburg, Illinois to create a National Railroad Hall of Fame. The mission of the Hall of Fame focuses on the men and women whose ingenuity and labor built, developed and maintained one of our nation's greatest forms of transportation. They are building this to remind us of the history of this industry and to inspire us to continue the American ingenuity that developed our railroad system.

For 2001, they introduced the first inductees. The people that they recognized were George Pullman, Sanford Fleming, and Louis Menk, all of whom provided enormous contributions to the success of the railroad industry. Instead of focusing on the founders of the industry, the inductees come from three eras in railroad history: Birth & Development 1800–1865, Golden Era 1866–1945, and Modern Era 1946–Present. In highlighting all these periods, the Hall of Fame seeks to show the continuing growth of the railroad industry.

Currently, the National Railroad Hall of Fame in Galesburg is simply looking for Congressional recognition. The same thing that they have been doing since 1995, when I first introduced this resolution. It is high time that we recognize this self-funded, self-directed program for the contribution that it is bringing to preserving the history of this mighty industry and therefore this nation.

HONORING HOWARD CASH AND GENE CODES CORPORATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. DINGELL. Mr. Speaker, I rise today to acknowledge and celebrate President Howard Cash and the employees of Gene Codes Corporation on their inexhaustible efforts and immense accomplishments in identifying the remains of those killed at the World Trade Center in New York on September 11, 2001. Over the course of the past few years, Mr. Cash and the Gene Codes employees have proven themselves to be truly amazing under some of the most challenging circumstances imaginable.

On September 26, 2001, Mr. Cash and his employees responded to a call to service when the New York City Office of the Chief Medical Examiner requested that the Gene Codes Corporation assist in the process of identifying the victims of the World Trade Center terrorist attack. The challenge was to create software capable of matching DNA extracted from thousands of remains at Ground Zero to the list of close to 3000 missing persons. Motivated by the anguish caused by the horrific attacks on our country, the Gene Codes staff unanimously agreed to undertake a complex project that was proving to be impossible using current technology. Moreover, Gene Codes decided to complete the project at cost. As a consequence, the Corporation suffered its first unprofitable quarter in eight-and-a-half years.

As thousands of families anxiously awaited the results, the entire technical staff began working solely on the Trade Center project, thus committing to extremely long hours and a great deal of emotional wear and tear. The employees' inexhaustible labor and long hours epitomize the indomitable spirit and unity of the American people. The precision and effectiveness of their software, Mass Fatality Identification System (M–FISys), embodies the limitless dedication and expertise of the Gene Codes staff.

Howard Cash and his corporation have been at the forefront of commercial bioinformatics developments since 1984. Former Michigan Governor John Engler appointed Howard Cash to the Michigan State Commission on Genetics, Privacy and Progress in 1997. In addition, Gene Codes was named one of the Future 50 of Greater Detroit in 2002. Howard Cash's leadership, patriotism and perseverance earned him the title of Entrepreneur of the Year in 2002 by both the New Enterprise Forum and Ernst & Young, and Person of the year in the Genome Technology All-Star Awards. Furthermore, in 2003 Michigan Governor Jennifer Granholm nominated Gene Codes Corporation for the National Medal of Technology.

Mr. Speaker, I ask that you and all of my colleagues join me in congratulating Mr. Howard Cash and his employees on their accomplishments and in wishing them many more years of success and service. The selfless acts of this amazing group of people should be commended. Through their teamwork, dedication and perseverance, these men and women have truly shown the nation what it means to be a hero.

SUPPORT OF THE AMERICORPS PROGRAM

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. CAPUANO. Mr. Speaker, I rise today in support of the AmeriCorps program and in support of an increase in funding for this important initiative. AmeriCorps engages our citizens in service to meet the nation's critical needs in the areas of education, public safety and environmental protection. AmeriCorps enlists 50,000 people nationwide, 1,400 of whom serve in Massachusetts. As you know, the program faces a serious financial crisis and without additional funding, 20,000 new service member positions will be cut and hundreds of programs will be at risk.

The other body has already added additional funding in its version of the Supplemental Appropriations bill. The House needs to act today to preserve this successful program. Without the full $100 million in additional funding, the service programs as well as the volunteers and communities that rely on them will be devastated. Teach for America and Habitat for Humanity will see a dramatic decrease in participants and the infrastructure of many programs in my district including, Just a Start, City Year and Youth Build, do not have the resources to sustain any cut to their budget. These important programs respond to the needs of communities and my district relies heavily on these AmeriCorps services. AmeriCorps members tutor children, serve as mentors for teens, renovate low-income housing, immunize children against preventable diseases, and restore parks. They work with community leaders and provide services to Head Start children, high school students and senior citizens. With a loss of funding, communities will no longer be able to provide these essential services.

While I remain concerned with the recent accounting errors and mismanagement by the Corporation for National and Community Service's executives, I do not believe we should punish thousands of volunteers for the mistakes made by the Corporation's leadership. These destructive cuts come at a time when our nation is depending on AmeriCorps service members to meet critical education, safety, homeland security and health needs. My district counts on AmeriCorps volunteers and we should be proud of their service. Let's fully fund AmeriCorps.

FIRST RESPONDERS ENHANCEMENT ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. HOOLEY of Oregon. Mr. Speaker, protecting the security of our communities requires that we have an adequate number of first responders, who form our first line of response to any terrorist attacks. But right now, there are law enforcement agencies all over the country who are being forced to turn back federal grants to hire additional law enforcement officers because they do not have the money to cover the local requirement.

During a time when our nation seems its most vulnerable and under its greatest threat, we have the responsibility to ensure that everyday Americans are safe and secure. We must protect and defend our cities at home during these troubling times by investing in first responders and providing local law enforcement with adequate manpower and resources to prevent any future attacks.

The Universal Hiring Program (UHP) is one of several programs developed by COPS to increase the number of officers on the beat. This program enables interested agencies to supplement their current sworn forces through three-year federal grants. Under current law, these grants cover up to 75 percent of the approved entry-level salary and benefits of each newly hired additional officer position over three years. There is a maximum of $75,000 per officer over the three-year grant period. A minimum 25 percent local match is required.

Although current law does allow for waivers of the local matching requirement may be requested under UHP due to extreme fiscal hardship, these waivers are rarely granted. One city in my district, Salem, Oregon, has had to decline four COPS Universal Hiring Program grants this year because they were unable to come up with the matching funds required by the program. Considering the budget crisis is resulting in police layoffs, this money is needed now more than ever to ensure that police agencies have the first responders needed to keep our communities safe and protect our homeland.

I am introducing legislation that would provide for a temporary two-year waiver of the local matching requirement for the Universal Hiring Program COPS grants. The maximum contribution of the federal government would also be raised to $150,000 over the three-year grant program. Finally, my legislation would waive the retention requirement during this two year waiver, so that law enforcement jurisdictions can hire officers without worrying about how they will pay them once the money runs out.

This legislation would provide law enforcement agencies with the resources they need to meet federal homeland security mandates during this time of increased threats and budget crises. I urge my colleagues to join me in supporting the First Responders Enhancement Act.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. EMANUEL. Mr. Chairman, I rise to address the proposed overhaul of the Head Start program. Created in 1965 as part of President Johnson's "Great Society," Head Start is a program that successfully extends educational opportunity to disadvantaged children across the country.

Recently, the President called into question the successes of this program, saying that Head Start is merely, "working OK." While I agree with the President that there is always room for improvement, I think he needs to take a closer look at the remarkable track record of this program.

Head Start has a long and proven record of success: Head Start narrows the achievement gap between disadvantaged and other children; Head Start children show IQ gains compared to children who are not in the program; and Head Start children are much more likely to graduate from high school and college.

Head Start has effectively opened doors and improved the quality of life for 20 million kids over its 38-year history.

Yet, today we consider a bill that threatens to cripple this successful program. I would like to take this opportunity to remind my colleagues across the aisle that a vow to "Leave No Child Behind" means that you can't turn your back on those who need your support the most.

By creating a system of block grants, this bill means that there is no longer a guarantee that federal money will go towards Head Start programs, leaving the burden on the states. In these times of economic hardship, there is a very real possibility that these funds could be diverted to fill holes in tight state budgets, leaving Head Start and our children with nothing.

A recent survey of state funded preschool programs confirms these fears. This study found that when states managed their own preschool programs they frequently failed to provide the same level of services as those required by Head Start.

I would like to applaud President Bush for his call to improve the quality of teaching in Head Start programs by putting a qualified teacher in every classroom.

But I would also remind the President that this is a meaningless promise unless he and the Congress can supply the estimated $2 billion needed to attract and pay more highly qualified teachers. The last thing the states need now is another unfunded mandate.

Head Start is one of our nation's great success stories. It has a proven track record, and what we should be doing is expanding it and giving it stronger support, not the opposite.

For the sake of the one million kids nationwide, 42,000 Illinoisans and 469 children in my district who depend on Head Start annually, I urge you to vote "no" on the bill.

TRIBUTE TO HER EXCELLENCY ERATO KOZAKOU-MARCOULLIS, THE AMBASSADOR OF CYPRUS TO THE UNITED STATES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to one of the most distinguished members of the diplomatic corps here in Washington, Her Excellency Erato Kozakou-Marcoullis, the Ambassador of Cyprus to the United States. Sometime next month, Ambassador Marcoullis will be leaving Washington, after nearly five years of service to her country in our nation's capital. The Ambassador will be assuming a major, high-level post in the Foreign Ministry in the Cypriot capital of Nicosia.

It is with mixed feelings that I come to the floor today to make this statement. In my capacity as co-chair of the Hellenic Issues Caucus, I have had the great honor and privilege of working with Ambassador Marcoullis. I have come to regard her not only as a determined, effective and articulate advocate for her country, but also as a friend. As the former co-chair of the Congressional Women's Caucus, I have always felt a particular bond with Ambassador Marcoullis, who is one of what is still unfortunately only a handful of women ambassadors here in Washington. So, for these reasons, I am sad to see the Ambassador go.

Still, I am extremely encouraged to report that the Ambassador has received an important diplomatic promotion. When she heads back to Nicosia, Ambassador Marcoullis will be in charge of the Division at the Foreign Ministry that has responsibility for what is generally known as the Cyprus Problem—the tragic division of Cyprus that began 29 years ago with the Turkish invasion of that Mediterranean island nation. Indeed, in commemoration of the anniversary of the Turkish invasion, which took place July 20, 1974, a number of my colleagues in this House have joined me in making statements of remembrance, as we do every year around this time.

During her five years here in Washington, there have been many important achievements for Cyprus, and in U.S.-Cypriot relations. Last year, after years of hard work, the Ambassador signed a Memorandum of Understanding with the State Department regarding the protection of antiquities from Cyprus. Last year also witnessed the signing of the U.S.-Cyprus Mutual Legal Assistance Treaty, bringing into force the reciprocal law enforcement treaty between the two nations. After the 9/11 terrorist attacks, Cyprus was among the first nations to express its solidarity with the U.S. Since then, Cyprus has taken many substantive steps to target the perpetrators and collaborators of terrorism, in close cooperation with the U.S.

In April of this year, Cyprus signed the Treaty of Accession to the European Union, one of the most important achievements in the modern history of Cyprus. Cyprus will become a full member of the EU next May. It was during the tenure of Ambassador Marcoullis that U.S. foreign policy on Cyprus began to move in the direction of helping drive Cyprus' admission into the EU, particularly during the Clinton Administration through the work of Ambassador Richard Holbrooke, with whom Ambassador Marcoullis worked very closely. I am pleased that the Bush Administration has continued to support this policy. Indeed, Ambassador Marcoullis has worked very closely with top officials of the current Administration to keep relations on track in a wide variety of areas.

Of course, the one area where we have not witnessed significant progress is in ending the ongoing Turkish military occupation of Cyprus. This is certainly not for lack of effort by the Ambassador or her fine staff at the Embassy in Washington. Nor is it the fault of the Government of the Republic of Cyprus, which has continued to negotiate in good faith to end the division of Cyprus. The fault lies with Turkey and with the occupation regime. I again urge my colleagues in Congress to continue working with me and many of our colleagues, on a bipartisan basis, to help convince Turkey to end its illegal occupation of one-third of Cypriot territory.

One of Ambassador Marcoullis' greatest achievements has been simply to sustain and enhance up the visibility of the Cyprus issue. Cyprus is a relatively small country, but it is at the center of a region of great importance to the U.S. and the Western Alliance. Ambassador Marcoullis has been tireless in her efforts to elevate the awareness of these issues. Owing in large measure to her efforts, it is now an issue that is regularly addressed by the White House, the State Department and Congress.

Ambassador Marcoullis presented her credentials to President Bill Clinton on September

10, 1998. In addition to her many responsibilities here in Washington, she is also accredited as High Commissioner to Canada, Guyana and Jamaica and Ambassador to Brazil. Throughout her distinguished diplomatic career, she has served as Ambassador to a number of European countries, as a Member of the Permanent Mission of Cyprus to the United Nations, as Consul of Cyprus in New York, and at the Ministry of Foreign Affairs at the First Political Division, dealing with the Cyprus Problem and as Director of the Office of the Permanent Secretary of the Ministry of Foreign Affairs. Ambassador Marcoullis has devoted particular attention to political, human rights and women's issues.

A native of Limassol, Cyprus, she is a graduate of Law and of Political Science/Public Law (University of Athens, Greece) and holds a Ph.D. in Sociology and Political Science (University of Helsinki, Finland). She is married to Dr. George Marcoullis, an Associate Professor of Medicine at New York Medical College, specializing in Oncology/Hematology. Their son Panos is a graduate of the University of Michigan.

Earlier this week, The Washington Times newspaper, in its "Embassy Row" column, reported on a dinner in honor of Ambassador Marcoullis hosted by Ambassador Arlette Conzemius of Luxembourg, who presented her credentials to President Clinton in 1998 on the same day as Mrs. Kozakou Marcoullis. They began an immediate friendship and helped organize the female ambassadors' caucus. Ambassador Conzemius congratulated Ambassador Marcoullis for maintaining Cyprus' high profile in Washington, saying "What you did for your country, the progress, the success. It's great to see what has been accomplished." Those words would be echoed by many here on Capitol Hill, where Ambassador Marcoullis was well known and well respected.

In closing, Mr. Speaker, we will miss Ambassador Marcoullis. But it is encouraging to know that she is going back to Cyprus to take a leading role in facing the Cyprus problem. This is a woman who's going to make a difference. I'll miss her, but I have complete confidence in her ability to manage this problem; I congratulate her on this diplomatic promotion; and I look forward to working with her for the peaceful reunification of Cyprus.

IN HONOR OF ENOLA MAXWELL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. PELOSI. Mr. Speaker, it is with deep personal sadness that I rise today to pay tribute to one of San Francisco's most beloved and admired social activists. Enola Maxwell passed away on June 24th at the age of 83. Enola lived an impassioned life, advocating for freedom and justice on behalf of people of all races, ethnicities, and ages. In living her life, Enola Maxwell changed countless people's lives for the better. I extend my deepest sympathies to Enola's daughters Sophie and Barbara; thank you for sharing your mother with us. She brightened our lives with her strength, her courage and her grace.

Ruth Passen, longtime friend and associate of Enola, wrote a beautiful obituary in The Potrero View, of which she is the editor. She captures Enola's essence and our feelings for her so well that I am privileged to share her words about "the Heart of Potrero Hill."

"She was the anchor for a whole neighborhood—the backbone of a community—known as "mom" by many, both young and old, and called Miz Maxwell by everybody else. Whoever assumes her role as the Executive Director of the Potrero Hill Neighborhood House will be the beneficiary of an extraordinary legacy but will be challenged to follow in her footsteps.

She was born on August 30, 1919 in Baton Rouge, La. to Clemus and Lena Dundy. After separating from Clemus, Lena moved to San Francisco and in 1949 Enola, together with her two children, joined her. They lived in several neighborhoods, including the Haight Ashbury, before moving into the government-owned public housing project on Carolina Street and 18th Street, known as the Carolina Projects, where they were living when Enola's third child, Sophie, was born. (The Potrero Hill Middle School was built on the site in 1971.) Potrero Hill old-timers will remember Enola's mother as the proprietor of the Little Red Door, a popular thrift store on 18th Street.

Enola supported her family by working a variety of jobs; she kept house with one family for several years, and was an employee of the U.S. Postal Service for a time.

Her activism began as a member of the Haight Ashbury Neighborhood Council where she met Sue Bierman and others who have remained lifelong friends. The council was successful in stopping a movement to build a freeway through Golden Gate Park. This first exhilarating venture into community activism changed the course of her life. She got a leave of absence from the Post Office and joined the Civil Rights March on Washington in 1968. After that experience she wanted to do more. She was "bitten by the activism bug," said daughter Sophie Maxwell.

Enola decided that she could help people from a pulpit, and enrolled at the San Francisco Theological Seminary in San Anselmo. She made history by being the first woman—and first black person—to be named as lay minister at the Potrero Hill Olivet Presbyterian Church on Missouri Street where she served from 1968 to 1971.

She wanted a church where people could feel comfortable and free. She foresaw a gathering where people and new ministers could talk about activism; she helped coin the name Street Ministers.

Her tenure at the Olivet provided the opportunity to put into action her dream of the Street Ministries, and she established a coffeehouse in the church's basement where ongoing dialogues about activism, and music flourished. In 1972, she was hired to be the Executive Director of the Potrero Hill Neighborhood House affectionately know as the Nabe—the first black person hired for any position at the Nabe. The Neighborhood House was established in the early 1920s by the Presbyterian Church.

Her instincts and down-to-earth good sense led her to initiate programs to help the community's youth, as well as to embellish services that the Nabe had offered Potrero Hill residents for more than 50 years. The Potrero Hill Neighborhood House was designated as Historical Landmark No. 86 in 1977 during Enola's tenure.

Enola was a compassionate leader in the civil rights movement, on women's rights issues, and as a peace activist. The walls of her office at the Neighborhood House are covered with plaques and awards honoring her services not only to the Potrero Hill neighborhood, but also to San Francisco residents city-wide and to the many organizations in which she played active roles.

Enola was feisty and fiery and caring. At times she was the only black woman in organizations that were primarily white. That didn't matter. What she offered any group with whom she worked was honesty in making sure that justice was the manifest result of their group efforts. She once remarked that "fear and hate are the most dangerous things because they take away your freedom."

Besides serving on many civic commissions, Enola was also on the founding committee and longtime member of the annual Martin Luther King, Jr. holiday celebration, and several committees organized through the Mayor's office. She received a Congressional Award from Congressman Phillip Burton, and I appointed her to the Senior Internship Program in Washington, D.C.

In 2001, the Potrero Hill Middle School was renamed the Enola D. Maxwell Middle School for the Arts. Enola had always spent time working with the schoolteachers and administrators. She was deeply honored by the name change and referred to the school as "my school."

It is an honor to stand before the House today to celebrate the life of this remarkable woman. The legacy of her service to and compassion for the San Francisco community will endure for generations.

RAYMOND ANTHONY AGRICOLA

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to honor Raymond Anthony Agricola who celebrated his 80th birthday on July 12th. Mr. Agricola was stationed in Guam during World War II as a U.S. Naval Aviator.

After Mr. Agricola left the Navy, he returned to Guam to work for Pan American World Airways. While working for Pan Am, Mr. Agricola continued to establish memorable relationships with our local people. Guam continues to hold special memories for Mr. Agricola. Even after he returned to the mainland, he continued to remain close to the friends he had made on Guam and became a member of the Guam Society of America.

On behalf of the people of Guam, I want to say, Si Yu'os Ma'ase to Raymond Agricola for his service to our island and wish him a very special Happy 80th Birthday.

LACK OF ADHERENCE TO DEMOCRATIC PRINCIPLES UNDERMINES FREE MARKET ECONOMICS IN RUSSIA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. ENGEL. Mr. Speaker, I rise to call to the attention of the House of Representatives an article in the Washington Post on July 10, 2003 entitled, "The Big Shakedown on Russian Business." This article by Masha Lipman, editor of the Moscow Carnegie Center's Pro et Contra Journal, exposes a pattern of arrests and investigations of prominent business executives in Russia. Calling this behavior by Russian security agencies "shakedown justice", Masha Lipman makes a strong case that "this mock justice compromises the credibility of the Russian President when he pledges that Russia is a lawful state."

One of the key factors in the development of a nascent democracy, like Russia, is the rule of law, as it underpins all aspects of the society. If Russia, or any other country for that matter, is to attract investment or create an environment conducive to business growth, it must be clear that investments and entrepreneurial activity will be protected under a system governed fairly and equitably according to the law.

The arrests and investigations described by Masha Lipman send precisely the wrong signals about Russian free-market economics, democracy, and the rule of law. Perceptions about a hostile business climate in Russia could have a chilling effect on foreign investment in Russia at a time when the country's economy is rapidly improving. I urge my colleagues to read this important article and join with me in urging the Russian government to take affirmative actions to support and uphold, and not to undermine, free market principles and democracy in Russia.

I submit the article by Masha Lipman into the RECORD at this point.

[From the Washington Post, July 10, 2003]

THE BIG SHAKEDOWN ON RUSSIAN BUSINESS

(By Masha Lipman)

MOSCOW.—Mikhail Khodorkovsky is an oil magnate and, by most accounts, Russia's wealthiest man. He is also having some difficulty with law enforcement. Late last week he was summoned to the chief prosecutor's office for interrogation regarding the activities of some of his associates. Of course, this kind of thing isn't unique to Russian business executives; Westerners have seen many important people led away in handcuffs over the years. But in the case of Khodorkovsky's associates and other prominent business executives here, it's not so much a matter of the rule of law as it is of what might be called shakedown justice. This mock justice compromises the credibility of the Russian president when he pledges that Russia is a lawful state. It is also detrimental to Russia's economic development. It threatens to stultify the country's efforts to attract badly needed foreign investment.

Several cases have been opened recently against people associated with Khodorkovsky's big and successful oil company, Yukos. The allegations include embezzlement, fraud and murder. Two people are in jail, one of them being Platon Lebedev, a billionaire and a co-holder of Yukos's controlling stake. Yesterday the prosecutor's office was also reported to be examining an alleged case of tax evasion by Yukos. (Also yesterday, the U.S. Embassy in Moscow formally asked the Russian government to explain its investigation of Khodorkovsky, according to a senior U.S. diplomat.) Theories abound as to what may be behind the shakedown, or nayezd, as this action is being commonly referred to in the media and among professional analysts. Nobody among them believes that the case against Lebedev, or any of the other cases related to Yukos, is a purely legal matter. In attacking Khodorkovsky and his company, the prosecutor's office and the state security agency, the FSB, appear to be acting on orders from somebody with huge political clout.

Khodorkovsky believes that Yukos was picked as a target because it's a world-class company and, especially after its recent proposed merger with another Russian oil giant, a tasty morsel attractive to a number of people in this country. Ultimately, Khodorkovsky claims, this is a struggle for power "between different wings in the inner circle of Vladimir Vladimirovich Putin." He offers no details to back up this allegation, but there is no doubt that whoever is attacking him would have to be very highly placed.

Early in his tenure as Russia's president, Putin announced as his guiding principle the "dictatorship of the law." But at the same time, the prosecutor's office and the FSB were used by the Kremlin to attack Putin's nemesis, media tycoon Vladimir Gusinsky (for whose company, I should note here, I worked for a time). The campaign against Gusinsky and his associates lasted more than a year and included various intimidating actions: raids by masked security agents, searches, arrests and investigations. The cases mostly fell apart, but the tactics worked: Gusinsky was forced to leave Russia, and his media business was ruined. Similar methods were used against another business tycoon, Boris Berezovsky, who currently lives abroad. As a result, people who felt they weren't getting their fair share of the goodies saw the benefits of "hiring" law enforcers to improve their position against a competitor, or just to extort money.

Igor Yurgens, vice president of the Russian Union of Industrialists and Entrepreneurs, a group of business tycoons, said in a recent interview that his organization gets "dozens or hundreds" of calls from provincial businessmen who complain of similar—if much more small-time—shakedowns. They tell stories of visitors calling on local businessmen and informing them that their businesses had not been properly registered some nine years before. The unfortunate entrepreneur then has a choice of paying the extortionists money or facing "variants," which means, according to Yurgens, "the use of law enforcement bodies with the purpose of redistributing property." In a similar fashion, Khodorkovsky's attackers may hope to rectify what they believe has been unfair distribution of the oil business or, for that matter, of political power.

Khodorkovsky may still be able to defend himself and defeat his attackers. He claims the president feels no hostility toward him. Because Putin is sure to be reelected next year, Khodorkovsky said, the current struggle is about "who's going to be in the second echelon of his team." If Khodorkovsky's guess is right and it is indeed a faction in the Kremlin—not the president himself—going after him, his connections, money, reputation and skilled advisers may be enough to repel the attack. But however this affair turns out, it will have little if anything to do with proper judicial procedure. The general understanding in Russia is that in cases such as this, the ultimate decision is made not in the courtroom but at the top level of the Kremlin.

Certainly one would think that Putin would be concerned if indeed his top aides are using law enforcers to engage in self-seeking pursuit of power and wealth. But there is an even more important reason why he should worry about this sort of thing. Putin has for some time emphasized the need to lure foreign capital to Russia. He has not had much success. During his grand visit to Britain recently, the Russian president did his best to tout his country's "favorable conditions for investors." The question is: How interested are foreign investors going to be when they see that even a world-class business cannot feel secure in Russia or expect to get justice in a court of law?

COMMEMORATING THE 50TH ANNIVERSARY OF THE KOREAN WAR

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. DINGELL. Mr. Speaker, I rise today to honor and commemorate the courageous men and women who served our country in the Korean War. On this 50th Anniversary of the end of the Korean War, it is my pleasure to honor and bear witness to those who fearlessly fought for our nation.

On July 27, 2003 the nation will solemnly reflect upon the dedicated, selfless, patriotic service of those great Americans who, at times of great peril, risked their lives, so that this great nation shall not perish from the earth. Through their service, they kept America strong and protected our way of life. Today, it is with great pride and patriotism that we remember these American heroes for their gallantry and bravery, for their roles in our community and their service to an eternally grateful nation.

Abraham Lincoln stated it plainly when he notably remarked that soldiers purchase liberty with "the price of their blood." We, the American people, are all the heirs of freedom paid for with the blood of patriots. This great nation will not forget the service of our soldiers, of our disabled veterans, of our POWs, and, most certainly, we do not forget our MIAs and families they represent. The men and women of our Armed Forces answered the call to service with courage, conviction and bravery.

We should never forget our obligation to these heroic men and women who courageously served the freedom loving people of the United States and throughout the world. Sometimes forgotten and often ignored, these patriots have been unable to get much needed care from the government that they inexhaustibly served. While it is imperative that we remember the service of our nation's veterans, it is equally incumbent upon decision-makers to ensure that our government meets its commitment to all of our veterans. I pledge today that I will continue to fight, as I have during my entire career, to ensure that these veterans get the care they were promised and to which they are entitled. We will make certain that the flame of memory never dies.

Mr. Speaker, I ask that my colleagues rise to join me in extending the appreciation of the U.S. House of Representatives to the remarkable men and women who valiantly served in the Korean War for their brave and outstanding service to the United States of America. There is no more noble a cause for an American than to actively participate in the defense of our nation and its values. May God bless the defenders of our freedom both living and fallen.

TRIBUTE TO REAR ADMIRAL GARY ROUGHEAD

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. HARRIS. Mr. Speaker, I wish to recognize and congratulate an outstanding Naval Officer, Rear Admiral Gary Roughead, upon his completion of more than two years of distinguished service as the Department of the Navy's Chief of Legislative Affairs for the United States Congress. I am honored as Admiral Roughead's United States Representative to commend his extraordinary achievements on the Navy's behalf from May 2001 thru August 2003 as well as his unparalleled devotion to our great Nation.

A 1973 graduate of the United States Naval Academy, Admiral Roughead became one of the Navy's finest Surface Warfare Officers. Through his tremendous leadership and vision, he navigated the Navy's legislative agenda through the tumultuous events following September 11, 2001, Operation Enduring Freedom and Operation Iraqi Freedom. This accomplishment alone has established Admiral Roughead's place in history.

Due to his incredible mastery of military issues and the legislative process, however, he also ensured favorable Congressional consideration of several high profile matters, such as Readiness and Range Preservation Initiatives (RRPI), DD (X)/ LCS, Vieques, and the Navy/Marine Corps Intranet. Additionally, Admiral Roughead nurtured strong personal bonds with many Members of Congress and their staff members, while positively impacting the Navy's current and future size, readiness and capabilities through the outstanding counsel and strategic insight that he provided to the Secretary of the Navy and to the Chief of Naval Operations.

Rear Admiral Roughead was recently nominated for an appointment to the rank of Vice Admiral. In connection with this promotion, he will be assigned as Commander, Second Fleet and Commander, Striking Fleet Atlantic, in Norfolk, VA.

Mr. Speaker, I wish Admiral Roughead continued success and fulfillment as he undertakes this new challenge. I know that my colleagues in the House join me in saluting this fine Naval Officer, who embodies the integrity, skill, and professionalism for which we venerate our brave men and women in uniform.

PHARMACEUTICAL MARKETING ACCESS ACT OF 2003

SPEECH OF

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise today in strong support of H.R. 2427 to allow affordable prescription drugs to be sold in this country. American consumers continue to pay drug prices that are 30 to 300 percent more than in Europe and other industrialized nations and this is wrong.

The citizens of the 3rd District of North Carolina are like the citizens across this nation—they are looking to the Congress for help—prescription drugs in this country must be more affordable.

H.R. 2427 would allow individuals, pharmacists and wholesalers in America access to FDA approved drugs from FDA approved facilities in industrialized nations.

Studies show that over 50 percent of our nation's current drug supply comes from FDA approved laboratories overseas; the only difference is that American consumers do not benefit from the lower prices available in these foreign countries.

Those outside of Congress who are opposed to this bill have spent millions of dollars to keep American consumers from benefiting from H.R. 2427. In my opinion they have taken the low road in this debate.

Mr. Speaker I will close by saying that the citizens of America have the right to have access to affordable prescription drugs. The costs of research and development by pharmaceutical companies should not be on the backs of American consumers.

Like President Reagan said, "markets are more powerful than armies." Allow for prescription drug importation and let the R&D costs be bourn by all the countries who are benefiting from these drugs.

It is my sincere hope that we can pass this legislation.

PHARMACEUTICAL MARKET ACCESS ACT OF 2003

SPEECH OF

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. LEACH. Mr. Speaker, consideration of H.R. 2427, the Pharmaceutical Market Access Act of 2003 involves a mosaic of liberal, conservative and moderate concerns which make the case for passage compelling.

From a liberal perspective it is clear that America's social fabric is being wrenched as many of our citizens confront drug costs they cannot meet. From a conservative perspective it is apparent that the current system involves the placing of restraints on trade that a country dedicated to free markets should philosophically find untenable. And from a moderate perspective, it is troubling that the worldwide cost of pharmaceutical research is borne disproportionately by the American consumer with the consequence that the cost of drug development, which is paid for by the American taxpayer through support of institutions like NIH and the American consumer through prescription drug prices, has come to represent one of the largest foreign aid programs in history.

The question is whether the cost of drug research and development should be borne on an even basis by all countries or almost exclusively by the U.S. consumer.

There are, of course, issues of safety raised by this measure before the House, but they will exist whether or not this legislation passes. Indeed, it may arguably be claimed that there is a greater incentive for counterfeiting drugs in a circumstance where American prices are inflated relative to those in other countries.

In addition, enormous safety concerns arise when individuals cannot afford the drugs they need and these must be taken into account in any equation attempting to balance all elements of the safety problem.

Critics of opening up trade in prescription drugs properly note that the bill under consideration does not provide increased resources for the FDA to adequately inspect overseas drug production and sales. It is my strong sense that there is consensus in this body that Congress must address this issue and provide the FDA with greater resources should this legislation pass.

Mr. Speaker, the cost of prescription drugs is not an issue exclusively for those who require them. Prescription drug are a significant component of healthcare costs in this country and this high cost of American healthcare is one of the factors incentivizing companies to invest and in many cases relocate abroad.

Bringing down drug costs is thus a jobs issue for all Americans as well as a cost concern for those individuals who rely on particular medicines.

Mr. Speaker, the pharmaceutical industry deserves our respect for having made scientific breakthroughs that have been of lifesaving significance to countless individuals. The revolution in sophistication of drug treatment is just beginning, and care must be taken not to radically erode the industry's research base, but the pharmaceutical industry should not be more protected from market forces than other industries.

Protectionism is generally counter-productive, but seldom has a set of laws designed to provide a protective cocoon for an industry proven more cost disadvantageous for the public. I know of no industry which has such a substantially higher price structure in this country than abroad. Indeed, the genius of the American marketing structure is that there is virtually no processed commodity that cannot be bought cheaper here than abroad. The singular major exception is prescription drugs.

The most effective antidote to this market malady is competition. The public interest requires adoption of the Pharmaceutical Market Access Act of 2003.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize readiness of disadvantaged children, and for other purposes.

Mr. COSTELLO. Mr. Chairman, I rise today in opposition to H.R. 2210 the School Readiness Act. This is a bad bill that will bring significant changes to one of our nation's greatest success stories: the Head Start program.

The Head Start program was established in 1965 as part of the War on Poverty. The program was created to give low-income youth an opportunity to receive quality preschool education, so that they would not enter kindergarten at a disadvantage. In addition to preschool classes, Head Start also emphasizes medical, dental, and mental health; nutrition; and parent involvement.

Since its inception, the program has grown and undergone some modifications, but has remained a federal program, with federal standards, and with funds provided to the local Head Start programs.

This bill proposes to change that. It will end Head Start as we know it by weakening educational standards and threatening to dismantle the effective and high-quality Head Start program that has helped more than 20 million children and their families.

While the bill would make quality improvements to Head Start that I support, virtually all of these improvements, as well as the existing quality requirements, would be undone by turning Head Start over to the States in the form of a block grant.

Under the block grant, states are not required to follow the Head Start performance standards. I fear that this will weaken educational standards, by increasing class size, increasing child-teacher ratio, shortening program duration, cutting off three-year-olds from services, and using unproven curricula. In addition, there is no guarantee that the pilot programs will maintain the comprehensive services, including elimination of parent classroom involvement, health and mental health screenings and services, adult literacy services, vision and dental services, and health and nutrition education, that have made Head Start so successful.

Mr. Chairman, I support Head Start, but I cannot support this bill. It takes a giant step backwards in providing vital services to our Nation's most precious assets, our children. I urge my colleagues to join me in voting no on this bill.

NINO JOACHIM TOLENTINO, 31ST ANNUAL SCRIPPS HOWARD REGIONAL SPELLING BEE CHAMPION (GUAM), 76TH ANNUAL SCRIPPS HOWARD NATIONAL SPELLING BEE PARTICIPANT (WASHINGTON, DC)

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate Nino Joachim Tolentino for winning the 31st Annual Scripps Howard Regional Spelling Bee on Guam and his advancement to the 76th Annual Scripps Howard National Spelling Bee in Washington, DC where he proudly represented our island.

Nino's spelling bee victory on Guam allowed him to compete nationally. At the national spelling bee, Nino successfully advanced to the third round. Although he was not ultimately victorious, Nino will walk away with an incredible experience, and a knowledge of the definition of "farouche", the word he spelled to propel him into the second round.

Nino is an eighth-grader at Santa Barbara School in Dededo, Guam. Nino has aspired to compete in the National Spelling Bee since placing third in his fifth grade regional competition. By studying the origin of words, their definitions and its pronunciation, Nino devised his own method for spelling new words. Additionally, the support of Santa Barbara School, particularly his vice principal and coach, Sister Maria Rosario Gaite, helped Nino prepare for competition. Nino's success illustrates the importance of dedication and commitment in pursuing goals.

On behalf of the people of Guam, I want to commend and congratulate Nino Tolentino for his accomplishments. Guam celebrates with Nino's mother, Joy Tolentino, and the faculty, staff and students of Santa Barbara School, in acknowledging his achievements. I look forward to Nino's continued success in the future.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. DINGELL. Mr. Speaker, I wish to thank Chairmen TAUZIN and BILIRAKIS for working in the true spirit of bipartisan cooperation on this issue. We have developed a compromise to protect health care coverage for hundreds of thousands of children under the State Children's Health Insurance Program (SCHIP).

The SCHIP program was enacted in 1997 and currently provides health care coverage to approximately 4.3 million children. But there have been some growing pains: the state funding allotment mechanism has not worked perfectly and as a result, some states have been left with excess funding and others with too little.

Nearly $1.2 billion of funding intended for children's health insurance coverage was returned to the Treasury over the past few years—not for lack of need, but as a result of these problems with the funding allocation.

Our bill will first preserve the $1.2 billion in funds for states to use through fiscal year 2004.

In addition, the bill extends for one additional year the availability of $1.5 billion in SCHIP funds from fiscal years 2000 and 2001 allotments, thereby allowing 50 percent of each year's unspent money to be retained by states that have not used their entire allotment.

The remaining 50 percent of unspent money would be distributed to states that have spent all of their respective year's allotment.

Finally, the bill will allow certain states to use a portion of their unspent funds for children covered through Medicaid.

I again thank the Chairman for his efforts to move this legislation forward and protect health care for children under SCHIP. I hope that the Senate will act quickly so that we can get this bill to the President's desk and expedite the flow of needed funding for children's health care.

NATIVE AMERICAN VETERANS BURIAL FAIRNESS ACT OF 2003

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. UDALL of New Mexico. I rise today to introduce the Native American Veterans Cemetery Act of 2003. This bill would make all Native American tribes eligible to apply for state cemetery grants. Under the current law, only states are eligible for veteran's cemetery grants. Supported by the Navajo Nation, the largest federally recognized tribe, this bill would not give preference or special exceptions to Native American tribes that apply for the state cemetery grants. It would simply allow tribes to apply for grants to establish, expand or improve tribal veterans cemeteries.

In addition to a resolution adopted by the Navajo Nation Council, the New Mexico and Arizona state legislatures have both passed memorials urging Congress to adopt this measure. New Mexico is home to almost 9,800 Native American Veterans, making it one of the top five states in the country with regard to its Native American veteran population. I believe it is time that Native American veterans who have served our country so honorably are allowed to pursue a decent, dignified resting place on their tribal lands.

HONORING MARCUS GARVEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I rise today to honor, recognize and celebrate the anniversary of his birth on the 16th of August and to praise Marcus Garvey for his seminal contribution to the civil rights movement.

Marcus Garvey, born in rural St. Ann's Bay, Jamaica rose from the humblest of beginnings to attain international stature. He brought African nationalism and pride to the oppressed African-American community. In doing so, he challenged mainstream white America and predominant racist stereotypes. The passion and fervor with which the African-American community responded to Marcus Garvey's arrival indicated the boiling energy and pride that existed but without leadership. Marcus Garvey provided that leader, took pride in his skin color, and demanded that others do the same. In doing so, he energized a generation of African-Americans and laid much of the groundwork for the civil-rights movement.

In 1914, Garvey formed the Universal Negro Improvement Association (UNIA) and the African Communities League (ACL) while studying in England. In doing so, Garvey sought "to work for the general uplift of the Negro peoples of the world." At its peak, in 1922–1924, Garvey's movement encompassed over 8 million proud followers. Through the hundreds of UNIA chapters throughout the world and the newspaper Negro World, Garvey encouraged and worked for economic success and political influence for his followers. He urged people of African descent to create their own businesses and to wield the influence that accompanies personal wealth. He refused the notion that African-Americans could not succeed as entrepreneurs in the mold of Rockefeller and Carnegie. Such notions were novel and exciting for oppressed minorities around the world.

In what would prove to be a fatal mistake, Mr. Garvey organized a steamship company called "Black Star Line." Garvey designed his company to realize his dream of a powerful African nation built on the foundations of black culture and independence. The fundamental principle of Garvey's repatriation to Africa movement was one of pride. He wanted people of African descent to celebrate themselves and raise their culture to international prominence. Garvey awakened, energized and cultivated the modern nationalist movements that eventually opposed European colonial domination and began African self-determination.

Garvey sought to combat the racism and the stigma of black skin that had seeped into the culture of his own people. He made black dolls for black children and called for separate black institutions under black leadership. Mr. Garvey's pride and his activism threatened white America, and J. Edgar Hoover quickly took notice. After failing to uncover any evidence of subversion, Marcus Garvey was arrested and convicted of mail fraud relating to "Black Star Line." His sentence was eventually commuted, and Garvey was deported to his native Jamaica.

Considering that Marcus Garvey spent only 10 of his 52 years in the United States, his impact on our culture was phenomenal. The ideas that Mr. Garvey espoused were not necessarily phenomenal in their originality, but Mr. Garvey's charisma and rhetorical excellence forced not only African-Americans, but mainstream America, to listen to his message. While I encourage my colleagues to reexamine H. Con. Res. 74, exonerating Marcus Garvey, I've risen today so that Mr. Garvey's legacy and his contributions to racial equality are not forgotten.

I would like to share with you an Op-ed that I wrote in March of last year in support of H. Con. Res. 74.

In 1987, the centenary of Marcus Garvey's birth when I first introduced legislation to exonerate the great civil rights leader, the New York Times cited a study of J. Edgar Hoover's role in Garvey's prosecution:

"Hoover saw the blacks and the reds as a larger conspiracy. The new Negro movement, which Garvey symbolized, Hoover saw as a terrible threat to the American way."

Even then, in 1987, Hoover remained a near sacrosanct figure in Washington, not yet fully exposed as a bully who wielded the power of the nation's preeminent law enforcement organization. Today, the late former director of the FBI is widely discredited as a power-hungry blackmailer of U.S. presidents and a hateful bigot and slanderer of Martin Luther King who shied away from prosecuting organized crime while doing everything in his power to intimidate and undermine leaders of civil rights aniti-war movements of the 1960's.

As Hoover's reputation declines—a pending bill in the U.S. House of Representatives would strike his name from FBI headquarters in Washington—Garvey's is rising. Last year's PBS documentary on Garvey placed his name among the giants of American 20th century Black history.

Marcus Garvey was one of America's great Black leaders and in the early 1920's he was wrongfully prosecuted and imprisoned on charges of mail fraud. It is time high time that the Congress of the United States of American recognizes this injustice and clear his name.

Born in St. Ann's Bay, Jamaica, August 17, 1887, Garvey epitomized the strength and pride of the people of the Caribbean. Garvey was virtually self-taught, reading voraciously from his father's extensive library. By 1910, and when residing in Kingston, he quickly established himself as a spellbinding orator and political organizer.

Garvey's philosophy and accomplishments challenged the myths of inferiority that demeaned people of African heritage in the 1920s. When lynching of Black men was commonplace, when house burning by Southern Klansmen and northern rioters were routine when theories of white supremacy were acceptable and notions of equality subversive, Marcus Garvey preached racial pride and economic independence.

He raised more than one million dollars from thousands of investors in the United States, the Caribbean, Africa and Europe to establish the Universal Negro Improvement Association (UNIA) and his well-known Black Star Line steamship company. The Black Star Line was established to purchase ships to initiate trade with and evenutually carry New World Blacks to Africa. Indeed, one of Garvey's most important legacies was his internationalism, his recognition that the struggles of the Black people of America were linked by blood and history to the quests for independence by people of color around the world.

Garvey's success inevitably drew suspicion of an ambitious J. Edgar Hoover, who ordered the surveillance and infiltration of Garvey's UNIA. When evidence of subversion failed to turn up, Garvey was indicted on a business offense. Garvey's trial was a mockery of justice. The charges were confused, the evidence flimsy, and the judge biased. To make matters worse, Garvey insisted on defending himself.

In 1923, Garvey was convicted of mail fraud and sentenced to five years in prison. His appeals to higher courts were promptly denied. Numerous petitions for Presidential pardons signed by thousands of the very people whom he was accused of defrauding were rebuffed.

Garvey's prosecution was one of this nation's great miscarriages of justice. This fact has been well documented by Prof. Robert Hill, editor of the Garvey papers at UCLA, historian John Henrik Clark and others.

Yet, the government has held firm in its conviction that Garvey was a "menace," as he was described by the young J. Edgar Hoover, who made Garvey one of his first targets, as FBI director. Among his last was Martin Luther King, a philosophical successor to Garvey, who was branded a "communist," wiretapped and hounded by the aging Hoover.

It may be difficult to comprehend today, but in the racial climate of the 1920's, Garvey success was his greatest liability. At a time when Black people were stigmatized as intellectually inferior—and were economically more disadvantaged than today accomplishments of the magnitude achieved by Garvey were immediately and almost universally dismissed as fraudulent. But as Garvey's mystique has grown, so too has our understanding of the wealth of his contributions and his historical importance as the trailblazer for the great civil rights leaders who followed.

In the United States, where he lived for 10 of his 53 years, Garvey inspired hundreds of thousands of Black American supporters with hope for a better future. Today, he stands out in the pantheon of Black America's greatest and most controversial leaders. But in the records of the U.S. Department of Justice and the Federal Courts, Garvey remains ex-convict number 19359.

Almost 75 years ago, Marcus Garvey was released from Atlanta Federal Penitentiary, his sentence commuted by President Calvin Coolidge. Deported to his native Jamaica, Garvey died 13 years later, and entered history as that nation's preeminent hero. As a role model to millions of common people in the Americas and the Third World, he would inspire the independence movements that liberated colonial Africa.

Despite the harassment and the weakness of the evidence against him, Garvey's prosecution may have been inevitable in the 1920's. But by unbiased standards, the charges were not substantiated and his conviction was not justified. We cannot overturn the verdict but we can prove that times have changed and that we now know better.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. CAPUANO. Mr. Chairman, I rise tonight in opposition to H.R. 2210, the School Readiness Act of 2003. Head Start has provided a strong foundation for millions of children over the past 38 years. The program was created in 1965 to help young children become more academically prepared for school and to encourage healthy families. Head Start, which currently assists over 900,000 children, is the only major federal effort to provide comprehensive social and educational services. Head Start targets the nation's poorest children, those living in families at or below the federal poverty level as well as children with disabilities and special needs. It emphasizes not only children's cognitive development but also their social, emotional, and physical development and encourages strong parent involvement.

H.R. 2210 reauthorizes the Head Start program through Fiscal Year 2008. While the measure seeks to improve the school readiness by increasing the focus on academic performance, the bill's authorization provides only 2.9 percent more than the FY03 appropriation, just barely enough to cover inflation. I have other serious concerns with this reauthorization legislation. In particular, H.R. 2210 changes current law to permit religious organizations who run Head Start programs to discriminate in hiring employees based on religious affiliation. The bill also establishes a demonstration program that permits eight states to integrate their own preschool programs with the federal Head Start programs. This is the first step in a concerted effort by the Majority to block grant Head Start and take oversight away from the federal government. I believe block granting will weaken performance standards and ultimately could lead to a dismantling of the entire program.

As a strong supporter of Head Start, I believe we should be focusing on ways to build upon the success of the program by strengthening school readiness, improving program quality and accountability, and expanding access to more eligible children. For that reason, I support the substitute offered by Representative MILLER. The substitute strengthens Head Start's focus on preliteracy, language and premath skills while improving teacher quality by requiring 50 percent of Head Start teachers to have bachelor's degrees by 2008 and prohibiting new hires without associate's degrees after 2005. The Miller proposal creates salary and scholarship funds to ensure Head Start teachers are able to remain with Head Start for several years. Most importantly, it expands access to all pre-school students, expands access to Early Head Start and increases the flexibility of Head Start programs to meet community local needs.

During a time where there is a lot of talk about "Leaving No Child Behind", let's truly stand up for the children who need our help the most. The research is clear—children who participate in Head Start arrive at school better prepared than low-income children who do not participate in the program. This high quality program must be preserved—it works and it works well. It is illogical to cut funding or weaken this proven program. I urge my colleagues to vote against H.R. 2210 and for the Miller substitute to ensure that vital, comprehensive services remain available to all Head Start participants.

THE ENVIRONMENTAL TERRORISM REDUCTION ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. HOOLEY of Oregon. Mr. Speaker, throughout our history, America has been a country committed to justice. In the wake of an 1837 mob lynching of an abolitionist newspaper editor, our great leader Abraham Lincoln urged his fellow Americans to "let reverence for the laws . . . become the political religion of the nation," to let legislatures and judges chosen by the people, rather than lynch-mobs motivated by passion and hatred, decide important issues. In the end, Lincoln's philosophy was vindicated. Our nation remains united, and we are committed to the rule of law.

But there is a minority of Americans who refuse to abide by this covenant. They believe the rule of law does not apply to them, and in the forests and communities of Oregon and the Western United States, their actions are a rapidly growing problem.

Oregon has seen a growing number of incidents of environmental terrorism. I have traveled to the site of one of these, a Boise Cascade building that was burned down by the Earth Liberation Front (ELF) on Christmas day a couple of years ago.

While environmental terrorists claim that they don't want to harm people, they need to sit down with the volunteer firefighters who were roused from their beds early on Christmas morning to fight the blaze they started.

You see, the way incendiary devices used in arsons work, the buildings targeted by environmental terrorists often fall in very quickly, and we are extremely lucky that none of the brave women and men who fight fires have been seriously hurt or killed in one of these blazes.

In 2001, poplar trees involved in a research project at Oregon State University were destroyed by a group expressing concern about genetically modified organisms. The ironic thing about this is that the trees were involved in research designed to prevent genetically modified organisms from spreading into the wild—a goal which the saboteurs probably support.

Unfortunately, neither side in the battle over the environment has a monopoly on the use of violence—both environmentalists and those who oppose increased protections of our natural resources have resorted to illegal tactics to advance their causes.

Federal land managers have been harassed, intimidated, and threatened by those who are opposed to environmental protections. For example, in 1997 ranchers in New Mexico threatened to kill Forest Service employees enforcing protections for endangered species.

Let me be clear: using violence or intimidation in the name of a political cause is wrong. In a democracy, we fight for change at the ballot box and in the halls of our legislatures, not with pipe bombs and incendiary devices.

I strongly urge my fellow colleagues to ensure that our local, state, and federal law enforcement officials are effectively upholding the law. That said, environmental terrorism poses additional challenges for the law enforcement community.

It is a well-know fact that very few environmental terrorists have been caught. These groups have no formal organization, and they act in small terrorist cells, which are autonomous from one another.

Because these crimes are investigated with limited resources and manpower, local law enforcement officials have little success in successfully closing these cases.

For the second Congress, I am attempting to reverse the current situation by sponsoring the Environmental Terrorism Reduction Act. This bill would provide federal assistance where it is needed most, at the local level.

This legislation would require the Attorney General to establish a national clearinghouse for information on incidents of ecoterrorism, with the hope that investigators stay ahead of the curve in preventing additional acts of terror.

In addition, it would establish the Environmental Terrorism Reduction Program in the Department of Justice. This program would authorize the Attorney General to designate any area as a high intensity environmental terrorism area. After making such a designation local law enforcement agencies could access federal funding to assist them in solving and preventing these types of crimes in the future.

This program is similar to the Department of Justice's High Intensity Drug Trafficking Area program (HIDTA), which has been extraordinarily useful in Oregon and other states in helping make our communities better places to live.

I ask my colleagues to join me in this goal, and to support the Environmental Terrorism Reduction Act.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong opposition to H.R. 2210. If you're looking for a way to dismantle a proven, beneficial, effective program, then this bill is for you.

The Head Start program has been a success for nearly 40 years. During that time, it has served over 20 million children. In fact, there are members in this House that were Head Start children who attest to the program's success. Instead of passing this bill, which could potentially increase class size, cut off services to 3-year-olds, and eliminate crucial health services, we should be improving Head Start by fully funding it.

Thousands of children in my district attend the Head Start program. To be exact 3,023 children in Northern New Mexico could be affected by this bill. Of those children, 86 percent live in families that have incomes below the federal poverty line. Ninety percent receive basic health care and are twice as likely as other low-income children to receive basic medical care. We have 60 Head Start centers in my district, and 162 classrooms. Passage of this bill means an unknown future for these children. Will the quality of their education be put in jeopardy? Will they continue to receive medical care? Will their teachers be hired on a discriminatory basis?

We must not ignore the successful history of the Head Start program. If we really want to improve the program, we should fully fund the program to expand access to all eligible preschoolers, improve access to Migrant and Seasonal Head Start, improve teacher quality by requiring that more teachers get bachelor's degrees, and enhance Head Start's focus on pre-literacy, language, and pre-math skills.

Groups in my district that oppose passage of this bill include the Jicarilla Apache Nation, the Pueblo of Isleta, and the Pueblo of Acoma. National groups opposing this bill include the NAACP, the National Education Foundation, the ACLU, the Coalition Against Religious Discrimination, the National League of Cities, and Catholic Charities USA, among many others. This long and diverse list is proof of the many problems with this bill.

I cannot conclude my statement without expressing my concern that this is a disturbing pattern for the Majority on education. Numerous programs—Head Start, college aid, public school education—are in danger of being dismantled. I will continue to defend programs that are proven to work, fight to fully fund those programs, and oppose efforts to dismantle them. This bill is no exception and I urge a no vote.

IN SUPPORT OF THE YEAR OF THE KOREAN WAR VETERAN RESOLUTION, H. CON. RES. 212

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RANGEL. Mr. Speaker, I rise in support of H. Con. Res. 212, the Year of the Korean War Veteran resolution, and I commend its sponsor, my colleague, Congressman SAM JOHNSON of Texas.

The resolution marks the final year of the United States' 50th anniversary of the Korean War Commemoration and the 50th year of the Armistice.

We celebrate the Armistice which ended the War, but we do so with the knowledge that no formal peace treaty was ever signed, and that only a fragile peace has endured across the tense demilitarized zone dividing North and South. The conflict, so aptly called "the Forgotten War, took 54,000 American lives. Another 103,000 Americans were wounded, 5,000 were missing in action, and 7,000 were held as prisoners of war. The sacrifices of America's fighting men and women transformed Korea into a thriving economic partner of the U.S. and a powerful front-line democracy against the tyranny of communism.

Fifty years after the end of hostilities, the guns across the border are still silent, but the region and the world are increasingly fearful of the possibility of a new war on the peninsula. With the announcement of its nuclear capability by the government in the North, not only the U.S., but our friends in the region—Japan, China, Russia, and particularly South Korea, are now searching for ways to diffuse an impending crisis.

North Korea's intentions are not entirely understood, but the country's militancy are clearly worsened by its poverty and isolation. The situation requires a skillful hand in dealing with a government that sometimes seems motivated by desperation.

I encourage President Bush to work with our allies in the region in pursuing negotiations and a peaceful resolution of a growing crisis. Threats and intimidation will not succeed in our dealings with North Korea.

FINANCIAL AID SIMPLIFICATION ACT OF 2003

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. EMANUEL. Mr. Speaker, today, along with Congressman BUCK MCKEON and 13 additional bipartisan cosponsors, I introduced the Financial Aid Simplification Act of 2003. This bill stands to make applying for financial aid significantly easier for students and families.

The process of applying for the Pell Grant and other student financial aid is unnecessarily complicated. The Free Application for Federal Student Aid (FAFSA) is a one hundred-plus question, extremely complicated form that creates an unnecessary barrier to students applying for aid.

The bill directs the Advisory Committee on Student Financial Assistance, which provides advice and counsel to Congress and the Secretary of Education on student financial aid matters, to conduct a thorough study, within two years, of how to streamline the aid process and make it easier for students. Within one year after the study is completed, the Secretary of Education must implement the recommended changes.

The Committee's goals will include significantly reducing the number of questions on the FAFSA, simplifying the language used on the form itself, revising the needs analysis formula to reduce the administrative burden for students, higher education institutions, and the federal government, and allowing certain students to be fast-tracked through the application process when they have already provided financial information to the federal government by qualifying for other forms of federal financial assistance.

In addition, Mr. Speaker, the Financial Aid Simplification Act of 2003 requires the Secretary of Education to make special efforts to notify students who qualify for free lunch or food stamps of their eligibility for the maximum Pell Grant. This bill will go a long way to help American families gain access to higher education. I strongly encourage my colleagues to support this important legislation.

ARTICLE BY AMBASSADOR ASMEROM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. ENGEL. Mr. Speaker, I rise to call to the attention of the House of Representatives an article by Girma Asmerom, Ambassador of Eritrea to the United States. His article celebrates July 4th, American Independence Day, and discusses the challenges of the young independent nation of Eritrea. Highlighting Eritrea's developing democratic system and successful campaign to stamp out corruption, Ambassador Asmerom states that his people seek "trade and investment, not handouts from our partners and taxpayers." I thank Ambassador Asmerom for his kind words during July, the month we celebrate America's independence, and wish the people of Eritrea well in the days ahead.

I submit the article by Ambassador Asmerom into the RECORD at this point.

[From the Metro Herald, July 4, 2003]

A TALE OF TWO INDEPENDENCE DAYS

(By Girma Asmerom)

When Americans celebrate their Independence Day on July 4, they commemorate 227 years of struggle to create a free and prosperous society. The fruits of that struggle are here around us, to observe and to enjoy.

America did not emerge from British colonial rule fully formed as a complete, liberal, democratic state. The outcome of the American Revolution was not a foregone conclusion on July 4, 1776, and even after the peace treaty with Britain was signed in 1783, it was unclear whether the 13 colonies along the eastern seaboard would continue to exist in harmony.

The American Constitution (1789) and the Bill of Rights (1791) laid the foundations for a free society. But bumps along the road were sure to come, and they did. The Alien and Sedition Acts of 1798 threatened the freedoms guaranteed by the First Amendment (freedoms not fully clarified through the judicial process until after World War II). The War of 1812 threatened a loss of independence through invasion by the former colonial power, Great Britain. And although the Declaration of Independence clearly stated that "all men are created equal," slavery did not end until the U.S. Civil War was fought and half a million Americans died in it.

Every American, no doubt, can relate a favorite story from American history that shows how, through trial and error, the United States has evolved—through blood, sweat, toil, and tears, as Winston Churchill put it in another context—making Independence Day celebrations that much more precious.

Imagine, then, what it must be like to live in a country that has been independent of foreign domination for only a few years—to be precise, twelve years.

That is what it is like for my country, Eritrea. After successive colonization by Turkey (1557–1865), Egypt (1865–1884), Italy (1890–1941), Britain (1942–1952), and Ethiopia (1952–1991), we commemorated 12 years of independence just a few weeks ago, on May 24.

For three relentless decades, the Eritrean people fought for independence against Ethiopian occupation and incredible odds without any assistance from governments or outside forces. We achieved self-determination through a U.S.-supervised referendum in 1993. We are developing a democratic system in keeping with the values of our people and with their full support. We have indeed taken measures to protect our national security, as is our right—indeed, our obligation to our people. We are proud of the achievements of our country over a little more than a decade.

In that time, Eritrea has challenged the scourge of developing countries, government corruption, which is, admittedly, endemic in much of Africa. I am happy to report that the U.S. Department of State pointed out in 1998: "Corruption is not a significant barrier or hindrance to investment or trade in Eritrea." The distinguished Canadian journalist, Peter Worthington, added: ". . . while [Eritrea is] the world's newest independent state (1993) and one of Africa's poorest countries, it's also the safest, least corrupt, most self-reliant."

Like the countries of Central and Eastern Europe, Eritrea has spent the past dozen years emerging from the strangulation of Soviet-backed Ethiopian occupation. Like the United States in its formative years, six years after its independence, under the pretext of border conflict, Eritrea suffered invasion by its former colonial overlord (Ethiopia), leading to the death of 120,000 Ethiopians and 19,000 Eritreans, as well as displacement of countless families. This war also brought massive economic destruction to both countries.

One of our major challenges is the current unprecedented famine. This is a temporary situation brought about as a consequence of a complete failure of rains last year, in addition to the dislocation resulting from Ethiopia's invasion. To overcome these circumstances, the Government of Eritrea and its people, with the assistance of the international community, are exerting relentless efforts. More can be done, of course, but we are doing the best we can with limited resources.

Success will come. We have as our model Eritrea's achievements in public health. The U.S. Agency for International Development notes: "Despite Eritrea's rank as one of the poorest countries in the world, it ranks 31st in healthy life expectancy." Eritrea has one of Africa's lowest rates of HIV/AIDS infection, only 2 to 2.5 percent; it has eradicated polio; and in 2002, it reduced malaria in children under five by half.

Eritreans, dedicated to their tested vision, as a matter of policy refuse to look for foreign economic assistance to bring economic development. We seek trade and investment, not handouts from our partners and taxpayers. Eritrean-Americans living in communities across the United States are natural lines of communication between our two countries and peoples, encouraging further engagement and future U.S.-Eritrean commercial ties.

Americans have much to celebrate on the Fourth of July. We Eritreans take this opportunity to salute and congratulate the American people on their Independence Day.

TRIBUTE TO FRANK MARTINEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress today to recognize Frank Martinez for his courageous act which saved the life of Kelly McNeil. The Carnegie Hero Fund Commission awarded Frank a Bronze Medal in recognition of the risk and valor he displayed in this selfless act. I am proud to join my colleagues here today in applauding Frank for his heroic action.

Kelly McNeil was fishing on San Luis Lake with his family when he suddenly fell from his boat into the lake. After an unsuccessful rescue attempt by Kelly's son, Frank swam 600 feet out into the lake to rescue Kelly. Frank proceeded to position Kelly on his back to keep him above water and then made his way back to shore. Thanks to Frank's heroism, Kelly recovered quickly after receiving treatment for hypothermia.

Mr. Speaker, I am honored to recognize Frank before this body of Congress today. His brave act serves as a reminder to all Americans of the courage upon which our great nation is founded. I congratulate Frank on the prestigious award that has been bestowed upon him and wish him all the best in his future endeavors.

HONORING THE LIFE OF STUART FINLEY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the life of my good friend, Mr. Stuart Finely.

Present-day Northern Virginia is characterized by swaths of economic and residential growth, traffic, and the frenetic pace of those eager to get ahead. But amid this hustle and bustle lies the unique community of Lake Barcroft—a place that holds a special place in my heart and in the hearts of all of those lucky enough to have lived along its shores.

Lake Barcroft is a man-made lake located in the vicinity of Seven Corners area of Northern Virginia, offering an oasis of peace and tranquility in an otherwise busy suburban region. As with many such places, the work of a few dedicated souls has been instrumental in creating and maintaining the special flavor so many now enjoy.

Stuart Finley was such an individual. A man whose dedication and industry were instrumental in making Lake Barcroft the special place it is today, and without whom the lake might not even exist.

Over a span of almost fifty years, Stuart dedicated innumerable hours to projects involving the lake. He was an early president of the Lake Barcroft Community Association, then later served as chairman of the engineering committee. But through the numerous positions with different organizations, perhaps the most fitting title for Stuart was "community problem solver." Be it organizing dredging projects or the purchase of the lake itself, Stuart was intimately involved.

Mr. Speaker, in closing, as a resident of Lake Barcroft, I wish to express my gratitude to Stuart Finley and pay tribute to his lifetime of community service. Northern Virginia is a better place due to his efforts, and I appreciate this opportunity to express my regret at his passing.

IN RECOGNITION OF JULY 26 DAY—LIBERIAN INDEPENDENCE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. PAYNE. Mr. Speaker, I stand today to mark the 156th anniversary of Liberian independence. On July 26, 1847 a young African American man from Virginia named Joseph Jenkins Roberts declared the colony of Liberia in West Africa an independent republic. The anniversary of this great day provides us with an opportunity to reflect on the history and progress of this nation. The recent civil strife and the impending humanitarian disaster add a sense of urgency to our thoughts.

In 1820, the American Colonization Society founded the Republic of Liberia, with a grant from President James Monroe as a place to send free Black Americans. Over the years, freed slaves and their offspring continued to settle in this small West-African state. In 1847, the people of Liberia declared their independence. They gave their country a flag and a constitution modeled on that of the United States.

However, independence did not spell the end of Liberia's close historical links with the United States. American companies, such as the Firestone Rubber and Tire Company, have played an important role in shaping the Liberian economy. Liberia has been an important political ally of the United States. During the two World Wars, the republic allowed the United States to station troops on its soil. As the Cold War reached its peak, a mutual defense pact was signed and the United States built communications facilities to relay a "Voice of America" signal throughout the continent.

Unfortunately, the progress that Liberia made over the years has been spoiled by over a decade of civil war. The war has claimed the lives of 300,000 people, and has recently intensified, causing a humanitarian disaster on a large scale. A half of the population has been forced to flee their homes. Disease, death and destruction have become everyday elements of Liberian life.

Mr. Speaker, I am sure my colleagues in the House will agree that immediate action is imperative in Liberia. Every day that we delay intervention, more lives are lost. The people of Liberia call out for our help. We have a moral obligation to act. Plans for a multinational peacekeeping force led by the United States in conjuncture with troops from the United Nations and the Economic Community of West African States have been suggested. I am pleased to note that the President announced this morning that the United States will be positioning our military forces off the coast of Liberia to begin the process of assisting in this situation. My only hope is that this offer of assistance will soon be translated into practical concrete aid.

Let us give the people of Liberia something to celebrate this Independence Day. Let us help this great people recover the liberty from which their country takes its name. Let Liberia live!

IN RECOGNITION OF DIANE FURNAS, NEWLY ELECTED CHAIRWOMAN OF THE BOARD OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize Diane Furnas, chief executive officer of Southwest Airlines Federal Credit Union in Dallas, TX, Ms. Furnas has recently been elected Chairwoman of the Board of the National Association of Federal Credit Unions (NAFCU).

Ms. Furnas' dedication to the credit union movement is illustrated by her thirty years of service to the credit union community, including more than 27 years in her current position as the CEO of Southwest Airlines FCU. Ms. Furnas has spent the last three years as the Vice-Chair of NAFCU and she is the first woman elected to chair the NAFCU Board.

Throughout her tenure at Southwest Airlines FCU, Ms. Furnas has worked diligently to ensure her credit union's 28,000 members have access to high quality financial expertise. As a member of the Board at NAFCU, Ms. Furnas has been equally diligent in advocating the goals of the credit union community as a whole. From financial literacy to predatory lending and identity theft, Ms. Furnas has ensured that America's 82 million credit union members have a voice here in the nation's capitol. I am certain she will carry on that good work in her role as Chairwoman of NAFCU.

NAFCU is the only national trade association that exclusively represents the interests of America's federal credit unions and Ms. Furnas will—no doubt—serve with distinction in her new post. I would like to congratulate Ms. Furnas on her election and wish her the best of luck.

ACTIONS TAKEN BY THE HOUSE OF REPRESENTATIVES

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. LOFGREN. Mr. Speaker, as the House prepares to go out on recess, I leave dumbfounded by many of the actions this House has taken in these last days. Last night, this Republican led House took the first steps in the destruction of an important program whose aim is to help the children of low income parents be better prepared to succeed when they go to school and ultimately succeed in their lives. Instead of making these changes that can only hurt this program, we should have been working together, regardless of party, to strengthen a program that has served so many children so well for almost forty years. Many in this House talk a great game about being "Compassionate Conservatives". What they did last night to Head Start was neither.

If this was the only mistake we were going to make this week, it would be one thing. Yet today, this House is poised to step up its attack on the lives and hopes of our most precious resource, the young people of this country. President Bush often speaks about the need to expand another program that directly benefits many of our younger constituents. That program is AmeriCorps.

President Bush often speaks about his respect and devotion to the concept of national service. Indeed in his last two State of the Union addresses and in numerous speeches around the country, this president has urged Americans to devote time and energy to community projects. In issuing this challenge he pledged his best efforts to expand government programs of national service.

It is difficult to understand how the main instrument of such service—the AmeriCorps program—could possibly be allowed to shrink on his watch. Indeed, the program is wildly popular among many local and faith-based agencies that often place AmeriCorps workers to help organize and coordinate local volunteers. We know that governors and mayors of both parties praise AmeriCorps daily. When President Bush was Governor Bush he often praised AmeriCorps.

Yet today, this House will be asked to approve a supplemental spending package that contains no additional funding for Americorps. I wonder why President Bush has not used his leadership skills to convince his Republican colleagues that having a vibrant, properly funded Americorps is indeed vital to our national interest.

If these two actions were not bad enough, today we will vote on a bill that dramatically skimps on programs for Americans who have answered our country's call to arms, our proud veterans. We should never break our promises to veterans. This VA–HUD Appropriations bill will not meet our veterans' needs. Its increase from last year is $1.4 billion, and does not even keep pace with hospital inflation or the growth in the numbers of veterans enrolled.

Mr. Speaker, I wonder if my fellow Americans know that an average of 200,000 veterans are forced to wait six months or more for an appointment at Veterans Administration hospitals. Some even die before they get to see a doctor. A new report, released by the American Legion this month reminds this Congress that veterans are waiting six months or more for medical care, as the overburdened Veterans Affairs health system fails to keep pace with an ever growing demand. All members of this House should be ashamed to face veterans when we return to our districts for considering this awful budget for our veterans.

Even the President's own Task Force to Improve Health Care Delivery for Our Nation's Veterans acknowledged the problem, stating "there is persistent concern about the inability of VA to provide care to enrolled veterans . . ."

The President's Task Force also noted that "the Federal Government has been more ambitious in authorizing veteran access to health care than it has been in providing the funding necessary to match declared intentions."

The VA–HUD bill that we will consider today contains a very disappointing but not surprising outcome for housing programs. Appropriators assert that if anyone is to blame it is HUD for an inadequate request, but Congress approved the budget request after hearing from advocates that the Department's request was inadequate.

This bill provides inadequate funding to address rising housing costs and the increasing number of low income people who are unable to afford a home. Funding for the Housing Choice Voucher program will not fully fund all vouchers currently in use. Two of the President's much-touted initiatives were not fully funded: The American Dream Downpayment initiative received only $125 million of the $200 million the President had requested, and his Samaritan Housing Initiative received no funding at all.

While public housing programs would receive slightly more than what the President requested we know that the funding needed for capital needs remains wholly inadequate, given the $20 billion estimated backlog in capital needs.

I am happy that the HOME production and rental assistance program was increased by $77 million from last year's funding level. Unfortunately, the committee lacked the funds needed to match the Administration's request of $2.2 billion, instead funding the program at $2.064 billion.

Mr. Speaker, in this time of increasing unemployment and economic turmoil, more people need our help in making certain that they have the opportunity to live in a home they can afford. Yet for some reason, this House is unwilling to face reality and provide adequate funding to address this nation's housing needs.

Mr. Speaker, perhaps it is time for Congress to adjourn for the August recess. This way we can be assured that this Republican led House will not be able to inflict anymore of its "Compassionate Conservativism" on America.

Sadly, President Bush's promises to America are just talk, not action. He should be ashamed.

HONORING FRED MACHADO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Fernando "Fred" Machado for being selected as this year's Ag One Foundation Community Salute honoree. An event will be held in his honor on Saturday, August 23rd in Easton, California.

The Ag One Foundation was formed more than twenty years ago to raise funds to provide scholarships and grants for the CSUF College of Agricultural Sciences and Technology. California Dairies is the naming sponsor of the event honoring Fred. The funds will be used to create an endowment in Machado's name, giving priority to students coming from the dairy industry.

Fred began as a tenant farmer and agricultural laborer during his early years. He now operates a 1,500-cow dairy and 730-acre farming operation that includes almonds, grapes, prunes and field crops. Machado is known for his long and devoted service to California agriculture which is why he was chosen for this honor. Through his work Fred has shown vigor and allegiance to agriculture, his community, and his country.

Machado has been given many honors and awards for his commitment to agricultural causes. He was appointed to serve on the USDA's Agricultural Trade Advisory Committee during the Regan Administration where he worked with committee members on major trade agreement negotiations. Fred received the Distinguished Service Award from both the California Farm Bureau Federation and the Fresno County Farm Bureau. Machado has also received recognition for his service on the boards of directors of the National Milk Producers Federation, Challenge Dairy, and Danish Creamy.

Mr. Speaker, I rise today to recognize Fred Machado for his lifelong commitment to agriculture and his community. I invite my colleagues to join me in wishing Fred many years of continued success.

INTRODUCTION OF THE COMMERCIAL FISHERMEN SAFETY ACT OF 2003

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SIMMONS. Mr. Speaker, since colonial days, Stonington Borough has been tied to fishing. Today it is the home to Connecticut's only commercial fishing fleet, and I am proud to be its congressional representative.

Commercial fishing continues to rank as one of the most hazardous occupations in America. According to the United States Coast Guard and the Bureau of Labor Statistics, the annual fatality rate for commercial fishermen is about 150 deaths per 100,000 workers.

In order to increase the level of safety in the fishing industry, the U.S. Coast Guard require all fishing vessels to carry safety equipment. Required equipment can include a life raft that automatically inflates and floats free should the vessel sink; personal flotation devices or immersion suits; Emergency Position Indicating Radio Beacons (EPIRB); visual distress signals; and fire extinguishers.

When an emergency arises, safety equipment is priceless. At all other times, the cost of purchasing or maintaining life rafts, immersion suits, and EPIRBs must compete with other expenses such as loan payments, fuel, wages, maintenance, and insurance. Meeting all of these obligations is made more difficult by a regulatory framework that uses measures such as trip limits, days at sea, and gear alterations to manage our marine resources.

Commercial fishermen should not have to choose between safety equipment and other expenses. That's why I am introducing the "Commercial Fishermen Safety Act of 2003," which would provide for a tax credit equal to 75 percent of the amount paid by fishermen to purchase or maintain required safety equipment. The tax credit is capped at $1,500 and includes expenses paid or incurred for maintenance of safety equipment required by federal regulation. Sens. Susan Collins (R–ME) and John Kerry (D–MA) have introduced identical legislation in the Senate.

The Commercial Fishermen Safety Act of 2003 could improve safety by giving commercial fishermen more of an incentive to purchase and care for safety equipment. I ask my colleagues to join me in helping commercial fishermen protect themselves while doing their jobs.

URGING FCC TO ADOPT NEUTRAL COMPETITION RULES

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. REYES. Mr. Speaker, since the passage of the 1996 Telecommunications Act, the cable industry has invested more than $75 billion of private risk capital nationally, or about $1,000 per customer. These investments—including $45 million by Time Warner Cable in the Sixteenth District of Texas alone—have transformed cable's one-way video delivery system into a two-way interactive digtal platform that offers consumers new competitive services—digital video, high-speed Internet access, cable telephony, and interactive and high-definition television.

Competition for residential high-speed Internet is here. Consumers today can choose among a variety of wireless and wire line providers. Cable's lead in the marketplace is due to its early investment in cable modem technology, aggressive marketing, generally lower prices and a consistently positive online experience for customers. I am proud that when Time Warner Cable launched Road Runner high-speed online service in El Paso in 1998, it was the first Road Runner launch in Texas, and the eighth in the nation. Time Warner provides free cable modems to the schools and libraries in its communities, as do many cable operators, ensuring that our young people benefit directly, even if they do not have access to computers at home. Cable is a proactive player in the effort to address the Digital Divide.

Cable was the first industry to aggressively upgrade its networks to offer broadband Internet access to consumers at home, thereby creating the first real alternative to the much slower dial-up modem systems offered by local phone companies. Cable's rapid deployment of its always-on, high-speed Internet product spurred phone companies to offer competing DSL technology, a broadband data technology that was invented over a decade ago.

Cable has taken an early lead in the investment and marketing of cable service, but there are a number of other providers in the broadband marketplace. Consumers today have access to an expanding choice of broadband providers, including wireless, satellite and alternative broadband suppliers.

According to a March 2003 report in Cable Datacom News, the cable modem and DSL residential customer total reached approximately 16.7 million in the U.S. at the end of 2002, out of an estimated 105 million who have access to broadband service. Of the 15 percent of residential customers currently purchasing wireline broadband service, approximately 67.4 percent are cable modem customers and 32.6 percent are DSL customers. Others purchase broadband service from providers of fixed wireless, satellite or other technologies. Every broadband provider has the same ability and opportunity to sell service to the remaining, large group of untapped potential customers and need not take a customer from another provider in order to gain one.

I urge the FCC to adopt rules that ensure the existence of true, head to head facilities-based competition for all types of communications services, especially voice telephony and broadband.

HONORING MERYL FEREN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the life of Mrs. Meryl Feren, a great Floridian, a caring wife and mother, and a charitable activist. Originally from Bronx, NY, Mrs. Feren moved to Sunrise, FL in 1980 and soon began a noted career in business and charity services.

Mrs. Feren, the wife of current Sunrise Mayor Steve Feren, made an indelible impression upon the South Florida community. The couple first met while studying at Queens College in New York City, and soon married and moved to South Florida. Since arriving to Sunrise, Meryl Feren started a successful mortgage-foreclosure research business. Her business expertise and ability to work with others garnered her the respect of many in the business community.

In addition to being an accomplished professional, Meryl Feren always took time to assist in her husband's political campaigns and public service as well. Her husband knew he could always rely on her for advice, enthusiasm on the campaign trail, and an undying commitment to his goals in public service. Besides campaigning for Mayor Feren, Meryl was a board member of the West Broward Democratic Club, where she volunteered in numerous community initiatives.

Mrs. Feren's charity work included helping out with Kids Crusaders, an organization for abused children. Also, Feren always found time to help an organization known as City of Hope, a fundraising group that sought money to fund a California research hospital that studies illnesses such as cancer. Clearly, Mrs. Feren placed a priority on volunteering her time for worthy causes, and she set out to assist others in need. –

Mr. Speaker, it is indeed an honor to stand here today and remember the life of an exemplary citizen of South Florida, one who remained devoted to her fellow neighbors and family, and always sought a better quality of life for her community. Her legacy as a wife, mother, and activist for a number of causes will surely last a lifetime. Mrs. Feren is survived by her husband Steve Feren; son Adam Feren; her mother, Anne Mallin of Sunrise; and a sister, Lori Mallin of Sunrise.

HONORING DR. JAMES L. WILLIAMSON

HON. CHET EDWARDS

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 25, 2003

Mr. EDWARDS. Mr. Speaker, I rise today to recognize and honor the distinguished career of Dr. James L. Williamson. At Baylor University in my hometown, he is not just a teacher, but he is also a mentor and an exemplar of professionalism upon the educational landscape. His service in the development of educational leadership, founded in the principle of integrity and manifested in research and the identification of best practice, continues to positively impact children. His passion for education has directly resulted in a growing association of principals, superintendents, and other school leaders who mirror his model of servant leadership. As a beacon of guidance and hope, Dr. Williamson has dedicated his life to creating a covenant between intellectual scholarship and the call to serve in building foundations for learning, leadership, and life. That is why I rise today to honor the dedication and service Dr. Williamson has given to both Baylor University and to the education profession.

CONTINUOUS RELIGIOUS FREEDOM CONCERNS IN ARMENIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Friday, July 25, 2003

Mr. SMITH of New Jersey. Mr. Speaker, I rise in my capacity as Chairman of the Helsinki Commission to voice concern over Armenia's refusal to register select religious groups and the continuing harassment of certain religious communities, actions which violate Armenia's commitments to religious freedom as a participating State in the Organization for Security and Cooperation in Europe (OSCE). Honoring the commitments enshrined in the Helsinki Final Act and subsequent OSCE documents would ensure Armenia upholds the freedom of the individual to profess and practice religion or belief, alone or in community with others.

With respect to registration, Armenian law requires all religious communities and organizations, other than the Armenian Apostolic Church, to register with the government. Obtaining registration is critical if a religious community wants to carry out basic functions, like renting property, publishing newspapers or magazines, broadcasting programs on television or radio, or officially sponsoring the visas of co-religionists or visitors.

To acquire registration, a petitioning religious organization must obtain an "expert opinion" from the government, in which four questions from Article 14 of the Freedom of Conscience and Religious Organizations Act must be affirmatively answered: (1) Is the religion based on a historically canonized holy book? (2) Does its faith belong to a system of modern worldwide religious church communities? (3) Is it of a purely spiritual orientation, not created for the pursuit of material goals? (4) Does it have at least 200 believing members, not including minors? A negative finding by the government on any of the four questions will terminate the registration application.

This type of approval system is extremely problematic, as it places the government in the role of determining what is or is not a religion, allowing it to make highly subjective decisions. For example, the government refuses to recognize the Jehovah's Witnesses as an official religion, despite having more than 6,000 Armenian members. Other small groups, including approximately 50 Baptist communities, are unable to pass the numerical threshold, so are not aualified to apply for registration. As a result these groups are indiscriminately denied basic rights enjoyed by those which have the government's stamp of approval.

Last September, Prime Minister Andranik Markarian reportedly stated that the Armenian Government must curb the activities of minority religious communities, even if these actions violate Council of Europe obligations. Mr. Speaker, considering this type of bias, I urge the Government of Armenia to revamp the registration process to prevent arbitrary or politicized decisions. Abolishing the registration requirement and ensuring any system facilitates, rather than hampers, the free exercise of religious freedom for individuals and communities, by methodically granting legal status to groups which seek registration would help bring Armenian policy into conformity with OSCE commitments.

Even more alarming is the Armenian Government's continued imprisonment of conscientious objectors, particularly from the Jehovah's Witnesses faith. According to the State Department's 2002 Annual Report on International Religious Freedom for Armenia, military and civilian security officials subject Jehovah's Witnesses who refuse to serve in the military to harsh treatment, because their refusal is seen as a threat to Armenia's survival. One particular example is the case of Araik Bedjanyan, sentenced on July 2nd to 11/2 years in a labor camp for refusing military service. Mr. Bedjanyan was sentenced under Article 75 of the criminal code, for "evasion of active military service." There are currently 24 Jehovah's Witnesses serving sentences for being conscientious objectors on religious grounds. Suren Hakopyan and Artur Torosyan, whom police arrested in Yerevan on July 3, are currently awaiting trial along with six others for their refusal to serve in the military. Seven more Jehovah's Witnesses are reportedly under house arrest for the same "crime." Despite Article 75 being replaced by Article 327 in the new criminal code, the amendment only reduces the potential sentence from three years to two.

One of the conditions for Armenia's admission to the Council of Europe in January 2001 involved the adoption of a law on alternative military service conforming to European standards within three years. However, while drafts continue to circulate, no laws have been passed that provide for alternative civilian service outside the framework of the army. In the meantime, conscientious objectors continue to receive harsh sentences. Should the Armenian Parliament pass such a law, the service length should not be punitive in nature, but rather be comparable to military service requirements.

As Chairman of the Helsinki Commission, I urge the Armenian Government to abide by its OSCE commitments regarding religious freedom. Armenia should overhaul its registration scheme, dropping the registration requirement, and liberalize its system for bestowing legal personality to religious communities and organizations. Furthermore, all Jehovah's Witnesses currently imprisoned for "evasion of military service" should be unconditionally freed, and a law in line with Council of Europe standards for alternative military service should be passed as soon as possible.

RETIREMENT OF EVE BUTLER-GEE, CHIEF JOURNAL CLERK

HON. JIM RYUN

OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 25, 2003

Mr. RYUN of Kansas. Mr. Speaker, it is my privilege to stand before you today to honor Mrs. Eve Butler-Gee, a Virginian by birth but a Kansan by marriage, on her 20 years of service in the House of Representatives. Eve's husband, Tom, was raised in Leavenworth, Kansas, and his mother, Gertrude, still lives there as a constituent of mine. In addition to seeing Eve on the House floor, we have run into each other at social events as we are both members of the Kansas Society.

In 1987, Eve was appointed as the Minority Enrolling Clerk of the House by Minority Leader Bob Michel. In 1995, she became the first woman appointed as Chief Journal Clerk of the House, and in this position she has faithfully served for the past 8 years.

Eve's many years of service were performed with character worthy of praise and emulation. Her attentiveness and thoroughness were proved by successfully fulfilling her duties as Journal Clerk, duties which require great attention to details. Her initiative, enthusiasm, and resourcefulness were proved by her promotion to Chief Journal Clerk. And her dependability, endurance, faithfulness, and loyalty were proved by her 20 years of selfless public service to the House of Representatives.

Not only does Eve serve others at her job, but she also actively serves others in her private life as well. She is Head Verger of the Church of the Holy Comforter in Vienna, Virginia, and she has recently been invited to serve as Volunteer Verger at the National Cathedral. Also, Eve plans on returning to her activities in the community theater, which she has been unable to participate in due to the demanding schedule of the House.

An ancient Hebrew Proverb teaches that, "A good name is rather to be chosen than great riches.” To earn the “good name” spoken of in this Proverb, one must be committed to utmost integrity. Eve's unwavering commitment to integrity has rewarded her with a “good name.” Moreover, Eve's shining inner character allows her to leave the House with truly significant “riches” worth far more than money or wealth—a legacy of 20 years of honorable service and an unscathed reputation of utmost integrity.

IN TRIBUTE TO EVE BUTLER-GEE, HOUSE JOURNAL CLERK, ON THE OCCASION OF HER FORTHCOMING RETIREMENT

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. WATERS. Mr. Speaker, the hard-working, dedicated employees who sit here on the dias behind the Well of the House are the heart and soul of this institution. Their sacrifice and service are the glue that enables the House to proceed with its business and that helps all of us to serve our constituents and the American people.

On a daily basis, the employees who sit on the dais are an invaluable resource to all of us who are privileged to serve in the House of Representatives. They serve all of us, without regard to party. Every day that the house is in session, and certainly when we have weeks as lengthy and as challenging as this one, we all surely have to admire the selfless devotion to service that keeps the House staff at their posts working to serve all of us.

Whether it is two or three o'clock in the morning during a heavy legislative week, or simply recording the proceedings on a routine Suspensions Monday, no matter what the challenges may be, our reading and journal clerks are always here to assist us and serve this institution.

It is all too rare that we say thank you for their hard work, their patience, their good humor, and their devotion to this body. Today, however, is a very special occasion and I want to take this time to thank and salute one of the giants of the staff of the House.

Mr. Speaker, I rise today to thank and pay tribute to the House's Chief Journal Clerk, Eve Butler-Gee, who will be retiring when we adjourn at the end of this legislative week for our Summer recess. According to the Congressional Research Service, Eve is the first woman Journal Clerk in the history of the House of Representatives.

Ms. Butler-Gee and her three Assistant Journal Clerks are always on duty at the rostrum to ensure that the House meets its constitutional responsibility to maintain an official record of the parliamentary proceedings of the House. Eve has done a great deal to modernize Journal procedures and enhance the professionalism of the Journal clerks.

Eve began her professional career in the House while in her early twenties. She left the House in the middle of her working years to work for a charitable foundation, and then returned to the House in 1987 when then Minority Leader Bob Michel appointed her as the Minority Enrolling Clerk of the House.

In her tenure as the Journal Clerk, like all those who have preceded her and all those Clerks who will follow her, Eve has been a witness to history, to events of great joy, those of great sadness, events that often truly have changed the shape of our world. What remarkable stories she will take with her as she concludes her service!

I could use my time to review more of Eve's professional accomplishments, but those of us who are privileged to know her, and to experience her wisdom, her humor, her warmth and friendliness, know that Eve is so much more than her resume.

Eve has been a good friend to all of us and a person whose service has brought great credit upon this institution. I understand that Eve intends to spend her retirement traveling, enjoying her family, pursuing her interests in writing and community theater, and continuing active service with the Episcopal Church.

I value Eve's ability and her diligent service greatly. What I value even more is the friendship and warmth that she brought to all of her contacts with me, and, I know, with so many other Members.

So I conclude simply by saying: Thank you, Eve for your pioneering service, for your professionalism, and for your friendship. I wish you well and know that the future will continue to hold great things for you. Congratulations and Godspeed in your retirement.

ON THE FCC'S RULING CONCERNING UNBUNDLED NETWORK ELEMENTS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. GOODLATTE. Mr. Speaker, when Congress enacted the Telecommunications Act of 1996, it created three ways to spur telecommunications competition—the interconnection of competing networks, use of parts of competitors' networks, called unbundled network elements (UNEs), and the resale of the incumbents' retail services. Congress intended that UNEs and resale, or wholesale, prices be set to equal the retail cost, minus the avoided costs of not having to sell to the public, such as advertising.

However, when the Federal Communications Commission wrote the rules, it set rates for UNEs at a bizarre below-cost rate called TELRIC. Furthermore, the FCC allowed competitors to put all the UNEs together into a platform, called UNE–P. For all intents and purposes, UNE–P and resale are the same product. While the Congressionally mandated rate for this service amounts to about a 20% discount, the FCC-created UNE–P price can have a discount of up to 55%.

In February, the FCC reviewed its UNE rules and decided to keep the current UNE–P regime for the mass market. This was an unfortunate decision. Business plans built on regulatory arbitrage rarely last, they witness reciprocal compensation and are certainly not going to create new investment and new innovation. If the FCC wanted a truly competitive telecommunications market, based on sound economic principles, with strong companies and resulting jobs, it should have eliminated the UNE–P regime for the mass market in February.

IN HONOR OF JACK WITTEN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HOYER. Mr. Speaker, I rise today to recognize Mr. Jack Witten, a man with a distinguished record of military and private sector service. Mr. Witten's career has spanned decades and encompassed a number of notable accomplishments in the field of aeronautical engineering. Mr. Witten has also had an accomplished personal life that I am sure his seven Eagle Scout grandchildren can attest to.

It was Charles Lindbergh's 1927 flight over the Atlantic Ocean that initially sparked Mr. Witten's interest in aviation. After that historic flight, Mr. Witten began spending much of his time observing local airport hangars and taking in Army air shows and national air races in his boyhood home of Illinois. He spent many a Saturday afternoon hitchhiking to the hangars and air shows with his cousin Tom.

In 1938, Mr. Witten quit his steeple-jacking job and joined the Navy Reserve. He was put on active duty at the Wright Reynolds Airport in Glenville, Illinois almost immediately. There, he and his fellow reservists maintained a fleet of 26 aircraft and trained a reserve squadron of 400 men. During the course of his service in the Navy Reserve, Mr. Witten instructed, developed, and reorganized training programs in aircraft maintenance and engineering for both pilots and ex-GI's.

Mr. Speaker, Mr. Witten has also spent much of his career serving our area through his work for the Navy Bureau of Aeronautics at the Pax River Naval Air Station. Mr. Witten first came to Pax River in 1943, just six days after the air station was commissioned. He was able to realize his dream of both working and living on the Atlantic Coast when he and his family later moved to St. Mary's County. During his time at Pax River, Mr. Witten helped to establish aeronautical maintenance engineering as both a term and function.

Mr. Speaker, Mr. Witten has had a number of other notable accomplishments throughout his distinguished career. He created the Aircraft Maintenance Officer category of military service, established the annual meeting of the Depot Aeronautical Engineering Superintendents, revised contract requirements for military hardware design changes, and conducted materials review of new aircraft designs. Mr. Witten also instituted the use of improved aircraft testing techniques and devices, such as the spectrographic analysis of engine oil to detect failing engines, now in worldwide use by all militaries, and the use of high visibility paint to prevent collisions. Additionally, Mr. Witten made major revisions to the standard design specifications for naval aircraft to increase safety and reliability and to reduce maintenance man-hours.

Mr. Speaker, Mr. Witten's lifetime of achievement and service deserves recognition. I know the members of the House will join me in thanking Mr. Witten for over 60 years of service to the military and to our local area. I rise now to congratulate him on this tremendous record of achievement.

TRIBUTE TO SGT 1ST CLASS CHRISTOPHER R. WILLOUGHBY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. ROGERS of Alabama. Mr. Speaker, Sgt. 1st Class Christopher R. Willoughby of Phenix City, Alabama, died this past Sunday in Baghdad. Sgt. Willoughby was a member of the Army's 221st Military Intelligence Battalion based at Fort Gillem, Georgia, and was killed when the vehicle he was riding in rolled over. He is survived by his wife Jeanine and his two sons, Blake, 9, and Collin 16 months.

Chris Willoughby always wanted to serve his country, Mr. Speaker. An Auburn University graduate, Willoughby had just begun a promising new career in accounting when his National Guard unit was called to active duty. Like every other soldier, he dutifully left behind his young family to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Sgt. Willoughby died serving not just the United States, but the entire cause of liberty, on a noble mission to help spread the cause of freedom in Iraq and liberate an oppressed people from tyrannical rule.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve.

Thank you, Mr. Speaker, for the House's remembrance on this day.

MEMORIALIZING MR. DANIEL VILLANUEVA HERNANDEZ

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. HONDA. Mr. Speaker, I rise to honor the life of a dedicated public servant, Daniel Villanueva Hernandez. Mr. Hernandez's unexpected passing on June 6, 2003 ended a life committed to his community, social justice, and most importantly, his family. The Bay Area has indeed lost an extremely great lawyer, who advocated for the rights of the less fortunate. His work and legacy will continue through the many lives he touched.

Born in 1944 to Ignacio and Maria Hernandez in Texas, Daniel traveled with his family across the Southwest as migrant farm workers. Every summer, his family would travel to Santa Clara County to pick prunes. From his experience as a migrant worker, he learned the values of hard work, determination, and the importance of education.

It was his father who made certain all nine children, including Daniel, graduated from high school. Daniel exceeded his father's dreams by attending San Jose State University, where his activism flourished, and he became a fiery leader. Daniel's goal during his life was to ensure others had access to the same opportunities he enjoyed.

At San Jose State University, Daniel started the organization called Student Initiative. As the leader of this organization of Latino students, Daniel became a leading voice for the rights of minorities. At this time in history, our country was engaged in the Vietnam War. Many of his friends were being drafted into the combat, and it was clear to Daniel that the underprivileged were not given equal treatment. Daniel did not stand on the sidelines. With passion and conviction, he organized students and led demonstrations against the war.

Knowing the importance of education, Daniel worked on enabling more Mexican American students to attend college. Through his creation of another organization, the Mexican American Student Confederation, he brought 200 students into the college system in one year alone.

Emboldened with the desire to make a difference, Daniel brought together students from different campuses across California to fight against discriminatory practices. He spoke out on the issues of poverty, civil rights, and affordable housing, and on many occasions, he civilly disobeyed laws that were unjust to Mexican Americans and the less fortunate.

Daniel reached out beyond the college campus, in order to work with United People Arriba. Through the organization, he helped bring a medical clinic and 193 affordable housing units to the predominantly Latino East Side of San Jose.

It was through the encouragement of his wife, Jessie Serna, that he decided to pursue a career in law. He had the ability and the heart to truly make a difference. He attended and earned his law degree from Golden Gate University.

During the 22 years he practiced law, Mr. Hernandez would represent the poorest people, and would take on the most difficult of cases. To him no case was hopeless. Knowing that a person was imprisoned falsely was a matter Mr. Hernandez could not accept. He made certain his clients were equally represented before the court of law.

In addition to decades of service fighting to protect the rights of the less fortunate, Daniel dedicated countless hours to the Mexican American community through his services as a community activist and mentor. He was, for example, an effective advocate for the Pro Bono Project. The Pro Bono Project allowed future lawyers to contribute their services to the poor in need of legal services. Mr. Hernandez was a mentor to many future attorneys through his service with the Pro Bono Project.

Mr. Speaker, I rise today to mourn the loss of a friend. I have had many opportunities to meet with Mr. Hernandez, and what amazed me most about him was his dedication and determination to help others. The passion and love he had for public service will be missed by all of us. The Bay Area was fortunate to have Mr. Hernandez as an activist, family man, and friend. I am personally fortunate to represent a district that Mr. Hernandez touched with his courageous works.

CONGRATULATIONS TO KFLR ON THE OCCASION OF THEIR 25TH ANNIVERSARY

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. FRANKS of Arizona. Mr. Speaker, American Founder Benjamin Rush once said, "The only foundation for a useful education in a republic is to be laid in religion. Without this there can be no virtue, and without virtue there can be no liberty . . ."

Listener-supported KFLR has been educating and communicating the gospel of Jesus Christ to listeners throughout Arizona for 25 years. The commitment of Family Life Radio to communicating the message of Christianity through the spoken word and through music has been unwavering. Each day KFLR strikes a chord of hope in many listening hearts that will continue to resonate throughout eternity.

I could never count the moments listening to KFLR that have dispelled discouragement and lifted my own heart. Family Life Radio truly is a family in Arizona, and I have been profoundly blessed to be part it.

Congratulations, KFLR, on your silver anniversary. May you continue to shine for another 25 years in such a way that "all may see your good works and glorify your Father in heaven."

IN HONOR OF NATIONAL MARINA DAY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. PORTER. Mr. Speaker, I rise today in strong support of House Resolution 323, honoring the goals and ideals of National Marina Day.

In every State in the country, marinas provide millions of Americans the opportunity to enjoy our greatest national treasure, our waters.

Marinas today are working with their communities to increase knowledge of the importance of our rivers, lakes, and oceans in our communities, and to provide opportunities for people from all areas and walks of life to experience our waterways firsthand.

The Marina Operators Association of America has designated August 9, 2003 as National Marina Day, and is using this opportunity to encourage Americans to learn more about their waterways and how they can be enjoyed safely while protecting the environment.

Across the country, marinas employ more than 140,000 people at more than 12,000 locations.

Marinas are often at the center of efforts to convert underused waterfronts into exciting cultural, recreational, and commercial areas that highlight the potential of a community.

National Marina Day exists to highlight these contributions, encourage community celebration of their waterways, and to facilitate ways to make our waterway environments healthy, safe, and accessible for future generations.

In my own State of Nevada, which is erroneously thought of as being just a desert State, the marinas at Lake Mead and along the Colorado River provide hundreds of thousands of people, not just the opportunity to relax and enjoy their vacations, but the opportunity to take a trip in time, from the ancient canyon walls of the Colorado River to the twentieth century wonder of the Hoover Dam complex, to the exciting resort community of Laughlin, Nevada.

I recently wrote a letter to the Secretary of the Interior asking her to support improvements to the boat ramps and adjacent facilities on Lake Mead to attract more users to this magnificent body of water.

I am pleased to be the sponsor of this bipartisan resolution, and look forward to its passage by this House. I urge all my colleagues to lend it their support.

GREEK-TURKISH COOPERATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. BEREUTER. Mr. Speaker, this Member rises to commend the governments of Greece and Turkey for the agreement that they have reached on confidence-building between their armed forces.

On Wednesday, Lord Robertson, the Secretary General of NATO, announced that the two NATO member countries have reached agreements on cooperation between their national defense colleges and on exchanges of military personnel for training purposes.

This Member is pleased to note that the talks between the two countries are expected to continue, with the aim of reaching further confidence-building measures.

Mr. Speaker, this Member commends Secretary General Robertson and the Greek and Turkish governments for this initiative.

CONSTANTINO BRUMIDI'S BICENTENNIAL IN 2005

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. MICA. Mr. Speaker, today, on Constantino Brumidi's 198th birthday, I have introduced a resolution which will honor, in conjunction with his bicentennial in 2005, the life and work of this Italian immigrant who spent 25 years painting, decorating and making beautiful the United States Capitol.

In January of 2005, the Capitol Visitor Center is scheduled to open, marking the largest expansion ever to the United States Capitol. I am introducing this resolution now in order to have time to coincide what will be a momentous occasion with the 200th anniversary of Brumidi's birth. Mr. Speaker, I believe it is fitting that we celebrate the opening of the CVC while concurrently honoring the man who sacrificed so much to adorn this very building with such beauty.

Constantino Brumidi was born almost 200 years ago in Italy and lived there until 1850, working as an artist in Rome and the Vatican where he had many commissions, including a famous portrait of Pope Pius IX. In 1852, due to political upheavals in Rome, Brumidi immigrated to the United States and immediately applied for citizenship. From then on, he dedicated the rest of his life to making the United States Capitol one of the most impressive structures in our great Nation.

In 1865, Brumidi spent 11 months dangerously high atop the Capitol Rotunda laboring on his masterpiece, "The Apotheosis of Washington," in the eye of the Capitol dome. Six years later he created the first tribute to an African-American in the Capitol when he placed the figure of Crispus Attucks at the center of his painting of the Boston Massacre. And in 1878, at the age of 72 and in poor health, Brumidi began work on the Rotunda frieze, which chronicles the history of the United States.

Constantino Brumidi's life and work exemplifies the lives of millions of immigrants who came to the United States, who came here to escape adverse conditions in their native lands, who through their skills and hard work bettered their lives and the lives of their children, while immensely enriching the United States.

Mr. Speaker, I urge prompt consideration of this resolution.

OFFSET OF FEDERAL TAX REFUNDS FOR STATE AND LOCAL TAX DEBTS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. MORAN of Virginia. Mr. Speaker, I am pleased today to be introducing legislation that would establish federal tax refund offset program for state and local governments. Specifically, this program would require the federal government to withhold refunds from those individuals and corporations that still owe state or local government tax obligations.

Today, the reverse situation exists. A number of states allow their own state agencies, local governments and the Internal Revenue Service to submit a list of delinquent taxpayers. The state then matches these delinquent accounts against taxpayers who may qualify for a state tax refund. If a match is found, the state reduces the refund by the amount of the delinquency and remits the funds to the claimant. These programs have proven to be low-cost and highly effective. Congress recognized the effectiveness of these programs and directed the Internal Revenue Service to establish a similar program to cover claims by other federal agencies, as well as for past-due child support obligations. In 2000, Congress expanded the program by directing the Treasury Department to accept claims by states for income tax obligations.

The legislation I am introducing today builds on these successful programs by permitting local governments to participate. The local governments could submit their outstanding tax debts to the Department of the Treasury for an offset against any federal tax refund, just as federal agencies and states do now. This legislation would also permit a claim to be made for any legally enforceable tax obligation owed to the state or local government.

In an era of tight state and local government budgets, it is patently unfair to have the taxpaying citizenry bear the costs and burdens of those who do not pay their fair share. As President Kennedy recognized, "[t]o the extent that some people are dishonest or careless in their dealings with the government, the majority is forced to carry a heavier tax burden." (April 20, 1961) The legislation that I am introducing today will provide a means to help distribute that burden more equitably.

I urge my colleagues to support it.

PHARMACEUTICAL MARKET ACCESS ACT OF 2003

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. ETHERIDGE. Mr. Speaker, I rise tonight in opposition to H.R. 2427, the so-called Pharmaceutical Market Access Act.

The high cost of prescription medicines is one of the most serious issues facing our seniors. Proponents of H.R. 2427 claim that if we would simply open our borders to medicines that are imported from other countries our problem would be solved. Unfortunately, the solution is not that easy.

I have consistently voted against unsafe importation measures because they subject consumers to medicines that may have been altered or are cheap imitations of medicines approved by the Food and Drug Administration. The bill before us seriously threatens the safety of U.S. consumers; therefore, I will vote against it.

Safety is the ultimate issue in this debate. H.R. 2427 would allow for the importation of prescription medicines from other countries without any assurance that those medicines are safe. The 106th Congress enacted legislation that would allow importation but only if the Secretary of Health and Human Services certifies those medicines are safe. But neither former Secretary Shalala nor Secretary Thompson has been able to do this. The Canadian government also recently stated that it cannot and will not assure the safety of the medicines exported to the U.S. Additionally, consumers will not be able to depend on their local pharmacies to screen their medicines. Importing medicines from foreign countries is the wrong prescription for America.

There are other ways to help lower the costs of medicines. Together Rx is an initiative developed by seven of the world's largest pharmaceutical companies to provide seniors and other eligible Medicare patients with access to savings on over 170 medicines using just one discount card. The card is free and requires patients to merely fill out an easy-to-understand registration form to qualify. Once approved for Together Rx, patients may fill their prescriptions at any pharmacy they choose and get a discount immediately at the register. This initiative, which is honored at almost every pharmacy in the U.S., has already saved nearly one million Medicare patients almost $100 million since its inception.

Instead of supporting risky plans like importation, we should encourage seniors to take advantage of initiatives, like Together Rx, that are safe, effective, and proven to provide Medicare patients with medicines at lower cost.

But Mr. Speaker, if the House really wants to address the issue of high drug costs, it would pass a real prescription medicine benefit for our seniors. The Congress needs to enact a prescription medicine plan that is simple, comprehensive, and a part of Medicare. I am hopeful that in conference we are able to come together in a bipartisan manner and pass a real prescription medicine benefit. That is part of the solution to this problem.

The bill before us is a threat to the safety of America's drug supply and its consumers. I urge my colleagues to oppose H.R. 2427 and the motion to recommit.

TRIBUTE TO OFFICER ARNOLD STRICKLAND, CORPORAL JAMES CRUMP AND DISPATCHER LESLIE MEALER

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. ADERHOLT. Mr. Speaker, on Saturday, June 7, 2003 the City of Fayette, the Fourth Congressional District and the State of Alabama lost three public servants in a senseless act of violence. Officer Arnold Strickland, Corporal James Crump and Dispatcher Leslie Mealer. These men were performing their duties inside the Fayette Police Department when they were tragically struck down.

Arnold Gunther Strickland was a veteran law enforcement officer with twenty-three years of experience with other departments in West Alabama and nearly three years with the Fayette Police Department.

James Eddie Crump was a 1994 graduate of the Tuscaloosa Law Enforcement Academy and had served in law enforcement for nine years, including over six years with the police department in his hometown of Hamilton and nearly three years in Fayette.

Leslie Franklin Mealer, better know as "Ace," had a fifteen year association with law enforcement in Fayette County. He served as a Reserve Deputy for the Fayette County Sheriff's Department, Reserve Officer with the Town of Berry Police Department, Dispatcher for the Fayette County Sheriff's Department and Dispatcher for Fayette County E–911.

We live in a world today that puts our police officers in harms way each and every day. More and more, these brave men and women find their lives at risk. The uneasy feeling that washes over their families as they do their jobs is heightened when such a tragedy occurs.

I wish I could offer some words that would comfort the loved ones left behind. Three families have had their hearts broken. Officer Arnold Strickland, Corporal James Crump and Dispatcher Ace Mealer were assets to their community. They were sons, husbands, fathers and friends. They were citizens and Americans who gave back to their community and had so much more to offer, so much more to give to make the world a better place. They made the ultimate sacrifice and we honor them today.

I am grateful to Officer Strickland, Corporal Crump and Dispatcher Mealer for their courage, dedication to duty and the protection they provided to the citizens of Fayette. As Fayette Mayor Ray Nelson has said, "These three men gave their ultimate sacrifice, but not in vain. They died doing what they loved best, and they gave their best." They will always be heroes.

PHARMACEUTICAL MARKET ACCESS ACT OF 2003

SPEECH OF

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SMITH of Michigan. Mr. Speaker, this legislation is designed to lower the high prices for prescription drugs in this country by allowing Americans to import from twenty-five developed countries including Canada and most of Western Europe. Prescription drug costs are significantly lower in these countries than they are in the United States. Drug companies have been charging more to Americans, I think, because we have been willing to pay.

But it is not right to expect American consumers to subsidize prescription drug prices for other industrial countries. By holding American consumers in a captive market, prices for drugs here have been able to climb an average of 77 percent above prices found in other countries.

Because of the huge difference between what Americans pay for prescription drugs here and what they can pay just across the border, these drugs are already making their way to Michigan by the busload. This bill will simply expand access to increased savings for all Americans and require FDA to ensure the authenticity and safety of these products.

The Medicare Prescription Drug bill we passed last month did nothing to address the skyrocketing costs of prescription drugs, and simply committed the government to picking up part of the tab. Unfortunately, this means that Americans can now get fleeced by these costs as both consumers and taxpayers. Opening up drug prices to an international market while limiting purchases to drugs approved by the FDA and produced in FDA approved facilities will help assure safety and help keep costs down.

MULTIEMPLOYER PENSION SECURITY ACT OF 2003

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. TIBERI. Mr. Speaker, today I am introducing legislation, the Multiemployer Pension Security Act of 2003, which will strengthen and protect the defined pension benefits of thousands of workers.

Of the nearly 44 million working men and women who participate in defined benefit pension plans almost ten million people, approximately 25 percent of all those who have defined benefit pensions, participate in multiemployer plans. These plans are managed under a wholly different structure than single-employer plans. Although recent policy debate has focused primarily on single-employer plans, in introducing this legislation today, I intend to broaden the pension debate to include the very important issues facing multiemployer plans.

Multiemployer pension reform legislation is necessary and overdue. The bold, structural reforms of the Multiemployer Pension Security Act will provide the millions of active and retired workers who participate in these plans with the long-term security of knowing their promised benefits will be funded and safeguarded.

People have spoken of the "perfect storm" that has ravaged funding levels in single-employer pension plans. Stock market losses, a sluggish economy and record-low interest rates have combined to create serious underfunding problems. Those events have impacted multiemployer plans also, but the issues for multiemployer plans are much broader than just a dip in the Dow. There are fundamental weaknesses in the system and structure under which these plans operate. For example, one key difference between single-employer plans and multiemployer plans is that there is no minimum funding level required in multi's. While a weakening single-employer plan will trigger remedial action, the same threshold is not present for multiemployer plans. Losses can continue until there is simply no more money and no more time, and benefits cannot be paid. The Multiemployer Pension Security Act of 2003 will correct this deficiency in current law.

The lack of adequate, minimum funding standards is just one of the many weaknesses of the multiemployer pension plan system which this legislation will correct. Not only do multiemployer plans lack the regulatory "stop-loss" measures of single employer plans, participants do not currently have the assurance of insurance. When a multiemployer pension plan fails, or when a company participant in a multiemployer plans goes bankrupt, there is no Pension Benefit Guaranty Corporation to rely on because multiemployer plans do not fall under the same PBGC structure. This legislation will address that and give men and women of multiemployer plans the same governmental oversight provided to participants of single-employer plans.

I am introducing the Multiemployer Pension Security Act because we, as a nation, must address these issues now to prevent further deterioration of these plans and to assure that promised pensions are available to existing retirees and to current participants when they retire. We cannot focus only on single-employer plans; we are also responsible to the almost ten million men and women in multiemployer pension plans. I urge my colleagues to review this legislation and join with me to urge its passage.

TRIBUTE TO DR. DAVID KELLY

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. McDERMOTT. Mr. Speaker, today I introduced a House Resolution extending the condolences of the United States House of Representatives to the family of Dr. David Kelly.

Dr. Kelly died on July 18th in an apparent suicide. The day before, he appeared in front of the House of Commons' Foreign Affairs committee where he was questioned about the role in the controversy between the British Broadcasting Corporation and the government of the United Kingdom over a British intelligence dossier on Iraq's weapons of mass destruction.

Dr. Kelly's professional integrity and dedication to finding the truth earned him great respect both at home in Great Britain as well as among his international colleagues. Between 1991 and 1998, Dr. Kelly played an essential role in the efforts of the United Nations Special Commission to dismantle Iraq's banned chemical, biological, and ballistic programs.

His professional integrity and dedication to finding the truth made the world safer for all of us.

[From The Guardian, July 24, 2003]

WHAT DAVID KELLY KNEW: THE KILLING OF SADDAM'S SONS WON'T DIVERT ATTENTION FOR LONG FROM THE SPECIOUS REASONS GIVEN FOR INVADING IRAQ

(By Richard Norton-Taylor)

Uday and Qusay are killed and the delighted British and American governments suggest that Iraq will be a safer place. Yes, Iraqis may well feel safer. And—with the dictator's brutal sons out of the way for evermore confident about continuing the resistance against the American occupiers.

Shortly before their deaths were announced, Richard Gephardt, Democrat presidential hopeful, delivered a blistering attack on Bush's foreign policy which was driven, he said, by "machismo" and "arrogant unilateralism". Bush, he continued, had treated US allies "like so many flies on America's windshield". He added: "Foreign policy isn't a John Wayne movie."

The attack on the villa where Saddam's sons were hiding might be seen as driving home the point. Instead, the announcement that they had been killed by US troops in a shoot-out is welcomed by Tony Blair as "great news".

Jack Straw was more circumspect. He said the death of what he called "extremely unpleasant psychopaths" would bring relief for the Iraqi people. But he added: "I am not rejoicing. I mourn the death of anybody, but it has to be said that it is a very great relief for all Iraqis."

Both the prime minister and the foreign secretary seized the opportunity to remind us about the brutality of Saddam's regime. This was something many of us pointed out more than 15 years ago. But then, Straw says, there was a Conservative government and, anyway, Iraq was at war with Iran. It was as though they were mightily relieved that attention had been diverted away from the increasingly damaging controversy over what weapons of mass destruction, if any, Iraq possessed when Bush and Blair decided to invade the country, and from the death of David Kelly in particular.

And it was another welcome opportunity to remind us of the nature of the Saddam regime. Uday and Qusay, Blair told journalists yesterday, were responsible for the torture and killing of thousands of Iraqis. That is not, of course, what we were told we were going to war for and is not the legal justification the attorney general gave for it. Never mind; let's milk the deaths of Saddam's sons as much as possible and hope the dictator soon shares their fate.

But Dr Kelly's death will continue to haunt the government. The man described by Blair after his death as a "fine public servant" was dismissed, before it, by those in Whitehall battling with the BBC as some kind of middle-ranking expert, pretty marginal in the general scheme of things.

In fact, he was a central figure in the government's continuing quest for evidence of banned weapons in Iraq. He had recently been to Iraq to advise the US-led Survey Group of scientists (including former UN inspectors damned so recently by Washington as incompetent), which Bush and Blair so desperately hopes will come up with credible evidence which could give them a post-hoc justification for war. It is a tragic irony that Kelly will not be able to continue the work. A fellow expert on biological and chemical weapons familiar with Iraq described Kelly yesterday as a "real loss—he knew the place so well, the individuals so well, he's not somebody you could easily replace".

Kelly was one of the toughest and most effective Unscom weapons inspectors in Iraq in the 1990s. He was convinced Saddam Hussein had possessed weapons of mass destruction. As a senior adviser to both the Ministry of Defence and Foreign Office on the threat posed by chemical and biological weapons he had to have access to up-to-date intelligence to do his job.

So when he told journalists he had misgivings about the government's now largely discredited September dossier it was extremely significant. If MPs on the Commons foreign affairs committee had bothered to listen to the substance of what he told them instead of scoring points in the battle between the government and the BBC—of which Kelly was a victim—they too would have heard important evidence.

Kelly told the committee there was only a 30 percent chance that Iraq had chemical or biological weapons. That Iraq could deploy them within 45 minutes of an order to do so—"ready" was the word Blair used in the dossier's foreword—was "highly unlikely", Kelly told the MPs. Between issuing orders and firing the weapons was a "long process", he said. He should know.

We are now told that what MI6's agent, an Iraqi brigadier-general, said when he was reactivated—conveniently, shortly before the September dossier was published—was that the Iraqis had a command, control and communications system (presumably bombed out of existence in the first days of the war, if not before) that would have enabled Saddam or his close military associates to contact commanders in the field within 45 minutes authorising the use of WMD. That does not mean deploying them, let alone having them "ready".

Kelly was a serious and senior source highly respected by his peers. These did not include the armed forces minister, Adam Ingram, who—after Kelly took the conscientious decision to admit to a senior MoD official that he had talked to the BBC reporter, Andrew Gilligan—told the world that "action has been taken against him accordingly". Challenging the BBC to rule out the scientist as the source, Ingram said: "Hopefully, that would allow Dr Kelly to carry on with his career in the MoD."

With such threats hanging over him, it is scarcely surprising if he was under stress before he gave evidence to the committee—even more so after he told the MPs he was not Gilligan's main source. That, too, was not what the MoD wanted him to say.

The world, let alone Iraq, would really have been a safer place had David Kelly been allowed to do his job. Some people in Downing Street and the MoD have a lot to answer for.

HONORING THE CAREER OF MTSU'S HAROLD SMITH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding career of Harold C. Smith, the director of Student Unions and Programming at Middle Tennessee State University, my alma mater. After 35 years of service to the university and its students, Harold has decided to retire.

Harold first came to the MTSU campus in my hometown of Murfreesboro, Tennessee, in 1963 as a student. From that point on, Harold was a fixture on campus and in the community. During his remarkable tenure at MTSU, Harold brought thousands of special events to the campus. Concerts featuring everyone from Elvis Presley to Garth Brooks have provided entertainment for scores of students and Middle Tennessee residents. Countless movies, seminars, festivals and everything else entertaining have also come to the campus as a result of Harold's dedication to his work.

Not only did Harold provide the entire region with entertaining events, but he also taught thousands of MTSU graduates how to succeed as a professional in the entertainment industry. Harold's style and approach to the business were key to his ability to bring top-notch entertainment to Middle Tennessee. And those same attributes endeared Harold to all who worked with and learned from him.

Harold's commitment and dedication to the university are unsurpassed. The MTSU community will sorely miss his influence and enthusiasm. I congratulate Harold for his untiring devotion to MTSU and its students. And I wish him the very best in his well-deserved retirement.

TRIBUTE TO MR. RICK MERRI

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. OSE. Mr. Speaker, I rise today to note the upcoming celebration of the 60th birthday of Mr. Rick Merri of Sacramento.

I have known Mr. Merri for many years. I have had the pleasure of being involved with the Merri family since the early 1980s. I have had the honor of conducting the marriage ceremony of his eldest son Rick Jr. I have had the privilege of coaching and playing soccer with each of Mr. Merri's three sons. I say with some measure of pride that I was a contributor in making each of these three young men into contributing members of our American society.

Mr. Merri has been a quiet and effective participant in various youth activities in and around Sacramento for at least two decades. He has consistently lent his insights and initiative to making our community better for those that come behind him.

He has not been alone in this effort. Paulette Merri has stood alongside him at every step of the way and provided valuable course corrections at every step. These two Americans, as a team, without regard to recognition or reward, have over the course of their lives strived to provide a safe and healthy and improving community for their three sons and many neighbors and friends. Truth be told, it is hard to distinguish where the efforts of one of these individuals ends and the other begins. They are emblematic of so many other Americans across this country.

August 9, 2003, will mark the occasion of the 60th birthday of Rick Merri. Rick and Paulette have done a remarkable job in successfully raising three sons, who now are each making their own way and mark on our country. It is fitting and appropriate that we wish Rick Merri the very best wishes on the occasion of his 60th birthday. Happy birthday, my friend.

75TH ANNIVERSARY OF THE PARISH OF ST. MARY MAGDALEN IN HAZEL PART, MICHIGAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. LEVIN. Mr. Speaker, I ask my colleagues to join me in recognizing the 75th anniversary of the parish of St. Mary Magdalen in Hazel Park, Michigan. The history of St. Mary Magdalen is one that reflects a deep dedication of the community at large and its parishioners. Volunteers worked for decades to create not only a place of worship, but an institution.

In 1928, the Catholic Church established a new parish in the growing community of Hazel Park. The first Mass of St. Mary Magdalen Church was held in the Odd Fellows Hall on Christmas Day of that year. Less than one year later, on Easter in 1929, St. Mary Magdalen Parish occupied their first new building. In 1932, the Sisters of Christian Charity arrived from Wilmette, Illinois. They worked hard to ready themselves for the first school classes to start in September of that year. Their first school buildings were purchased from the Clawson Board of Education, dismantled and reassembled in Hazel Park by men from the community donating their time.

The Parish continued to grow, the first hall was built in 1933 using second-hand and recycled lumber. In 1958 the present church was completed, followed three years later by the convent. The next decades saw the establishment of a number of important traditions in the church. The first Fall Festival, now an annual event, was held in September 1971.

Surely, since its establishment 75 years ago, St. Mary Magdalen Parish has continued to grow, flourish and serve the community of Hazel Park. It is indeed my great honor today to recognize those who have made it all possible.

TRIBUTE TO THE MICHIGAN AGRI-BUSINESS ASSOCIATION ON ITS 100TH ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. STUPAK. Mr. Speaker, I rise today to congratulate the Michigan Agri-Business Association on the august occasion of its 100th year of service to agricultural producers in Michigan.

On June 25th, 1903, in the gymnasium of the Y.M.C.A. building in Battle Creek, Michigan, the Michigan grain dealers met to organize the Michigan Grain Dealers Association. This was the first step on the Association's journey to becoming the industry-wide Michigan Agri-Business Association which today is indispensable to Michigan agricultural businesses.

Along the way, as the Grain Dealers Association added to its membership, it changed its name to indicate that hay producers and dealers, animal feed manufacturers and dealers, and fertilizer, ammonia and seed businesses had all come on board. It became the Michigan Agri-Business Association on June 11, 1990.

Today, the Association provides educational programs and member services to its individual members. Its public relations and legislative efforts include a newsletter to all members, trade shows, educational programs and up-to-date information and advice on all state and federal legislation that affects agriculture in Michigan.

Agriculture is a multi-billion dollar business in Michigan. Agricultural producers and dealers in Michigan are some of the most advanced in the country, because they know that efficient and effective use of natural resources and technological tools are how to provide a better product and a better industry.

Mr. Speaker and my colleagues in the House of Representatives, I invite you all to join me in applauding the Michigan Agri-Business Association and all its members in commemoration of the Association's 100th anniversary.

GIVE PARENTS SECURITY AND CHILDREN SAFETY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. SCHAKOWSKY. Mr. Speaker, today I am introducing a bill that would help prevent needless death and injury of young children. My bill would require that infant and toddler products are tested before they reach the marketplace. This bill is long overdue.

Many consumers believe that, because a product is on a shelf, it is safe. This is not always true. In most cases, manufacturers are not even required to test the safety of children's products, including baby carriers and high chairs, before putting them on the market. As a consequence, according to the Consumer Product Safety Commission (CPSC), an average of 65 children under the age of five die each year in incidences associated with nursery products. Furthermore, an estimated 69,500 children under the age of five were treated in U.S. hospital rooms in 2001 for injuries associated with nursery products.

Unfortunately, issuing a voluntary recall once one or more children have been hurt often becomes the only way to know if a product is unsafe. This is unacceptable. Parents and caregivers must have assurance that when they buy a product, it will be safe. Therefore, this bill would not only require the CPSC to issue mandatory safety standards for infant and toddler products, but it would require the testing and certification of these products by an independent third party.

Parents should not have to worry that the products they buy will threaten their children's health and safety. Nor should parents have to wait until they hear on the news that the carrier or crib or high chair that they use has been recalled before they become aware that their child could be in danger. Children's products were recalled, on average, nearly two times per week in 2002 and they accounted for over 11 million individual units. Instead of using recalls as the answer, we should require that the CPSC take steps to ensure that products do not present safety hazards to our children.

I would like to recognize and thank Kids In Danger, an organization in Chicago dedicated to protecting children, for their invaluable input and expertise on children's product safety. It is past due that we give parents the security they deserve and children the safety they need. This bill will accomplish those goals.

150TH CELEBRATION OF MITCHELL, INDIANA

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. BUYER. Mr. Speaker, I rise today to honor Mitchell, Indiana, on the occasion of the 150th anniversary of its founding. On September 29, 2003, the City of Mitchell will celebrate the establishment and naming of the town of Mitchel after Ormsby McKnight Mitchel.

The origins of Mitchell, Indiana dates back to the beginnings of the Ohio and Mississippi Railroad. George Cochran, a merchant from Cincinnati, wanted a more direct route to ship his merchandise, having previously shipped goods via the Mississippi River. On September 29, 1853, Cochran purchased the land that would become Mitchell from local landowner, John Sheeks. Shortly thereafter, Cochran contracted Ormsby McKnight Mitchel to survey a new route for a railroad to run through the land. As a part of the deal, Mitchel requested the new town be named after him. The second "l" in Mitchell would be added later due to a typographical error.

Mitchell developed as a "railroad town." Mitchell remained mostly agricultural until the early 1900s. There were several small manufacturing enterprises in town, but in 1902 Lehigh Portland Cement Company opened its first plant, changing the town from agricultural to industrial. Lehigh Portland Cement Company remains one of the area's largest employers. Mitchell is also home to Dana Corporation as well as Regal Beloit who are major employers in the community today.

Mitchell is a place where a sense of small town charm can be felt through its historic buildings and shops in the downtown area. The town of Mitchell is known for its production of cement, which has been used to build the historic downtown buildings and sidewalks where residents gather to share persimmon pie and cobbler with family and friends at the annual Persimmon Festival. In the early 1990s, the downtown area of Mitchell was designated a Historic District.

Most notably, Mitchell was the hometown of U.S. Astronaut Virgil "Gus" Grissom. NASA selected Grissom as one of the original seven Mercury astronauts in 1959. Grissom was one of three astronauts who perished in a fire in the early days of the Apollo program. The citizens of Mitchell have dedicated a memorial to his memory.

I am pleased to join with the citizens of Mitchell in celebrating its 150th Anniversary. I am pleased to give special recognition to Jeff Routh and the members of the Mitchell Chamber of Commerce, as well as those others who made it possible for present and future generations to enjoy the history of Mitchell through their research.

ASHLEY RUCKERT

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. VITTER. Mr. Speaker, today I rise to recognize and congratulate Ashley Ruckert. This week Ashley was unanimously selected as the Outstanding Player at the Louisiana High School All Star volleyball match in Baton Rouge, Louisiana. She had 11 kills and eight digs to help the East team win the match.

Her volleyball career began at Sacred Heart Academy in New Orleans where she had four outstanding seasons on the Varsity team, all of which the Rosary took home the state title. Ashley earned All-State, All-District, All-Metro and All-Orleans as a junior. She was named to the All-Tournament Team at the Louisiana State Championships twice and was a member of the Clarion Herald Elite Volleyball Team. A four-year letter winner and team captain, Ruckert was named Most Valuable Player at the recent State Championship.

Her athletic pursuits will continue at Elon University in North Carolina where she has received an athletic scholarship to play I-A volleyball for the Phoenix.

Ashley's athletic accomplishments are the result of her dedication, commitment and self discipline. Although known in the New Orleans area for her volleyball prowess—she is a very well rounded person. She balances well her extracurricular activities, academics and community service. Ashley is a wonderful example of the best and brightest in Louisiana. Her parents, John and Ellen Ruckert are to be commended.

Again, congratulations Ashley and best of luck in your future pursuits.

RECOGNIZING THE ACHIEVEMENTS OF SCOTT MAINE

SPEECH OF

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. SHAW. Mr. Speaker, I rise today to congratulate Scott Maine of Palm Beach Gardens, Florida for being named the South Florida Sun-Sentinel's Class 6A–5A–4A Player of the Year.

A pitcher for the William T. Dwyer Community High School baseball team, Scott Maine has proven himself to be a local athletic star while playing on the field. Having some of the best statistics in the county, Scott appropriately refers to himself as a "power pitcher." A credit to his hard work and dedication, Scott plays at an exceptional level. While some baseball players would be lucky to achieve an earned run average, or ERA, of as low as 2.00, Scott finished his senior season with an ERA of 0.10.

This past season, players on opposing teams were unable to produce much offense when facing the arm of Scott Maine. Having a repertoire of pitches, Scott's ratio for strikeouts to walks is 7.5:1. A ratio that places Scott far and above his fellow competitors.

Dwyer High School's baseball coach, Tony Gullo, considers Scott's arm to be one of his Godgiven tools. In fact, Scott's pitching is so valuable to the team that a pitch count was recorded during the 2003 high school season. For every game, Scott would throw up to sixty-five pitches, departing from games around the fourth or fifth innings.

This past spring, as the athletic season came to an end, and as the graduating seniors accepted their diplomas, Scott Maine departed Dwyer High School a legend. Mr. Speaker, I am proud to represent such an outstanding young man and extend my best wishes to Scott Maine as he begins a baseball career.

RECOGNIZING SKIPPACK TOWNSHIP'S 300TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. GERLACH. Mr. Speaker, I rise today to recognize Skippack Township, Montgomery County, Pennsylvania on its 300th Anniversary.

What began as a Mennonite community organizing the Lower Skippack Mennonite Church in 1702 is now a beautiful, mostly residential community known for an exceptional quality of life. The township has a history that dates back to the earliest years of our nation and was a camp and resting place for George Washington and his troops on more than one occasion.

The township as we know it today was created in 1886 when Perkiomen and Skippack, established from Mathias Van Bebber's purchase of land from William Penn in 1702, was divided into two townships. Skippack was comprised of three villages: Creamery, Lucon and Skippack. The area was heavily agricultural and domintated by Mennonite owned lands. The principal community is Skippack village located at the junction of Routes 73 and 113.

Two land acquisition programs had a tremendous impact on the makeup of the township. The first was the establishment of the Pennsylvania State Correctional Institution at Graterford in 1927. The second was the establishment of Evansburg State Park in 1970. These two sites occupy nearly half of the township's acreage, dedicating it to public use. In addition to Evansburg State Park, which lies along Skippack creek and provided countless recreational activities, there are two other parks. Privately owned Hallman's Grove provides a baseball field and pavilion to the community and a plot of land given to the township by J. Hansell French, Pennsylvania Secretary of Agriculture from 1935–1939 is used by local scout groups.

Mr. Speaker, I ask that my colleagues join me today in recognizing Skippack Township for 300 years of history, heritage and service.

RECOGNIZING CHESTERFIELD COUNTY, VIRGINIA, FOR THEIR CONTINUING SUPPORT OF OUR MEN AND WOMEN IN UNIFORM

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. FORBES. Mr. Speaker, I rise today to recognize Chesterfield County, Virginia for their continuing support of our men and women in uniform.

Chesterfield County rests between the James and Appomattox Rivers and is a total of 446 square miles. Its location offers a unique blend of suburbia and the options of driving to our nation's capital, Virginia's beautiful beaches or the scenic Blue Ridge Parkway.

The citizens of Chesterfield County not only share a beautiful community filled with spirit and values. They also share a sense of honor, duty and commitment through their support of Virginia's reservists.

It came to my attention in February 2003 that Chesterfield made a commitment to those working for the County—a promise to compensate those called up for duty as part of the Reserves. When a reservist is mobilized, and leaves his or her civilian job, their military salary is almost always much lower than their civilian salary.

Prior to the war in Iraq, there was an effort by military organizations to get the word out to their members that might be asked to serve in the war—that word was "save up now to help your family in the future." But, often, the small amount of time between hearing of a possible call-up of your unit, and preparing to leave is not enough to organize family finances. Families of those called to serve at a moment's notice often find themselves in a dire financial situation.

The citizens of Chesterfield wanted to take care of the 53 reservists and their families. Together, in a community-wide effort, the county decided to make up the difference in salary for the reservists who been asked to serve in support of Iraqi Freedom. I can't think of a better way to honor our men and women in uniform, who sacrifice so much in the name of freedom.

Mr. Speaker, I congratulate Chesterfield County as they share in the duty of those serving our country. Most of us only speak of helping the troops fighting for freedom each day, the people of Chesterfield County translated those words into actions. As a member of the House Armed Services Committee, and as a citizen of this great nation, it is an honor and a privilege to represent the people of Chesterfield County, true patriots of our country.

TRIBUTE TO THE KOREAN WAR VETERANS CITRUS CHAPTER 192

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Korean War Veterans Citrus Chapter 192 and all the brave men and women who answered the call to duty during the Korean War.

Sunday, July 27, commemorates the 50th Anniversary of the Armistice signing that officially ended hostilities in the war torn nation. This conflict enlisted the services of 6.8 million American men and women between 1950 and 1955. Despite the enormity of this effort, many who served regrettably feel that their sacrifice has been forgotten by a nation in the murky fog of time.

I commend the Veterans of Citrus Chapter 192 for their efforts to memorialize their comrades in arms who paid the ultimate sacrifice. On Saturday, July 26, the Korean War Memorial will be dedicated at the Citrus County Court House. This marker will serve as a reminder to our nation of the surviving Korean War Veterans, as well as the POW's and MIA's who never returned.

SCHOOL READINESS ACT OF 2003

SPEECH OF

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2210) to authorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes:

Mr. SHAYS. Mr. Chairman, I rise in opposition to H.R. 2210, the School Readiness Act, because, on balance, this legislation will not benefit vulnerable children and families in Connecticut.

Since its inception in 1965, Head Start has been helping low-income children in Connecticut start kindergarten with the skills necessary for success. The program not only prepares children for school by providing a solid foundation in cognitive learning and socialization skills, but also makes them "ready to learn" by providing comprehensive health, dental and nutritional services. By focusing on the whole child, Head Start children start school more eager and able to learn.

I do not support the School Readiness Act because in my judgment, the state demonstration project contained in the bill could dilute the comprehensive services and parental involvement Head Start children depend on. The bill's loosely-defined performance standards give states overly-broad flexibility to meet federal guidelines. Consequently, vulnerable children and their families may not be guaranteed the services necessary to overcome barriers to success, or the same level of services they currently receive.

There are a number of laudable provisions in H.R. 2210 which will strengthen and improve Head Start. I support efforts to raise academic standards and improve teacher quality to ensure children are given every opportunity to be productive students and citizens. Unfortunately, H.R. 2210 does not guarantee that vulnerable children will continue to receive the type and scope of services necessary to start kindergarten ready and able to learn.

Early childhood is a critical time for children to develop the physical, emotional, social and cognitive skills they will need for the rest of their lives. A child who enters school without these skills runs a significant risk of starting behind and staying behind. We must ensure all children have an unfettered start and an equal opportunity to achieve in both school and life.

Mr. Chairman, I urge my colleagues to oppose any reduction in Head Start standards, accountability and performance.

THANKING MRS. EMMA RICHARDSON FOR HER SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. NEY. Mr. Speaker, on the occasion of her retirement in July 2003, we rise to thank Mrs. Emma Richardson for 19 years of outstanding service to the U.S. House of Representatives.

Emma began her career at the House working as a Programmer Analyst and then was promoted to a Senior Programmer Analyst. In that capacity Emma has served this great institution for the last 19 years as a valuable employee at House Information Resources (HIR) within the Office of the Chief Administrative Officer. Emma has made many significant contributions in the development of the Office Equipment System, Furniture Resource Center system, and in the implementation of bar code technology for Office Systems Management (OSM).

Emma was also an invaluable team member in the development and implementation of the Fixed Assets and Inventory Management (FAIMS). FAIMS is a mission critical system used by the Chief Administrative Officer to collect, record and report official financial information on Fixed Assets, and report on Accounts Payable, Purchasing and General Ledger activities. Emma has been a customer-oriented employee who consistently took pride in delivering products to customers on a timely basis, with great attention to detail and has displayed great passion for her work. Emma has dedicated herself to ensuring that the needs of the House Support Services, House Information Resources and the Office of Finance are met by FAIMS. Emma's extensive knowledge of the inventory process and her excellent relationships with her customers have been invaluable in deploying FAIMS.

On behalf of the entire House community, we extend congratulations to Emma for her many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Emma many wonderful years in fulfilling her retirement dreams.

TRIBUTE TO HARRY COLEMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a good friend and an outstanding humanitarian, Harry Coleman. After ten years of service, Harry will be stepping down as President of the North Hills Community Coordinating Council (CCC).

Harry's leadership has been crucial to the success of the North Hills Community Coordinating Council. Under his guidance, the North Hills CCC successfully fought for the removal of barricades around the Columbus Street area that protected drug trafficking. Following the 1994 Northridge earthquake, Harry led the

CCC in working with elected officials and government officials to expedite the repair of dilapidated and high crime areas; his diligence and steadfast determination helped turn post-earthquake ghost towns into thriving, safe communities. After considerable effort, Harry and the North Hills CCC persuaded the city of Los Angeles to purchase land that ultimately became North Hills Community Park.

Although Harry was born in Rochester, New York, he made Southern California his home early in life and has done much for our community ever since. For example, he has served on the Committee for Patient Education at Sepulveda's Veterans' hospital, applying his unique knowledge of hospital bureaucracy from his days as Vice President of Sales at General Hospital and his personal experience as a veteran.

Harry's hard work was instrumental in the ultimate construction of the Therapeutic Fitness Center, a veteran's gym. Harry monitored every detail of the project with tenacious vigilance, inspired other veterans to stand up for themselves, and was the leading voice in the struggle for its rehabilitation. This gym is an important place where camaraderie, friendship, and healing thrive for those who have given so much for our country. He and I worked very closely together to make this happen, and it is clear that without Harry the gym might never have been reconstructed.

Harry was the Chairman for Lowman-Miller Schools Fund Raising Committee for Handicapped Children, a member of the Community Policy Advisory Committee, and he served in leadership positions in countless other organizations. He genuinely cares about people and has dedicated himself to public service ever since he "retired" at the early age of 34.

Even during his leisure hours, Harry has shared his knowledge and talents with the rest of the world. Harry is listed in the Guinness Book of Worlds Records for taking the longest trip in history, traveling around the world in a VW camper for a total of 143,776 miles, visiting 113 countries, and meeting with 14 heads of state in two years. He shared his journey with all of us by filming and producing a two-hour documentary, "Around the World on Wheels." He revealed his travel secrets in his book, "Camping Out With Your Van or Minibus." Closer to home, Harry has also been involved in over 150 chili cookoffs, organizing competitions whenever he can, and sharing his award winning recipes.

Harry's great effectiveness as a community advocate was at least doubled upon his marriage to our former colleague in the House of Representatives, former Congresswoman Bobbi Fiedler. The two of them are a formidable force. I am proud to count both Harry and Bobbi among my friends and I ask my colleagues to join me in saluting this wonderful man as Harry concludes his service as President of the North Hills Community Coordinating Council.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mrs. MYRICK. Mr. Speaker, due to exhaustion, I mistakenly voted on rollcall vote 445. I should have voted "nay."

PERSONAL EXPLANATION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 25, 2003

Mr. KIRK. Mr. Speaker, yesterday, I missed the following vote, rollcall No. 436, H.R. 2738. Had I been present I would have voted "yea" on the United States-Chile Free Trade Agreement Implementation Act.

UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

SPEECH OF

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2003

Mr. SHERMAN. Mr. Speaker, the Chile and Singapore Free Trade Agreements and related implementing legislation were put before the House this week. These agreements are far less objectionable than other free trade agreements of major economic importance which the United States has enacted in the last decade.

Viewed by themselves their disadvantages do not greatly exceed their advantages. These agreements are objectionable more for what is not in them than for what is in them. They will not in any event do much to decide our economic future.

What is left is symbolism. I used this opportunity to hopefully reduce slightly what has been interpreted as round of applause for our current trade policy by the House of Representatives this week.

Our current trade policy has produced the largest trade deficits in history. Our current accounts deficit for 2002 was $503 billion, our trade-in-goods deficit, about $485 billion. However you measure the deficit, it is now about 5 percent of GDP. At the beginning of the 1990s it was 1/5 of one percent of GDP. And our deficit has doubled in just about the last 3 years.

How far into the future can this continue—5 years, ten years? Either we will recognize this crisis in the middle years of this decade and take radical action, or we face an economic debacle, perhaps by the end of this decade, or certainly during the next.

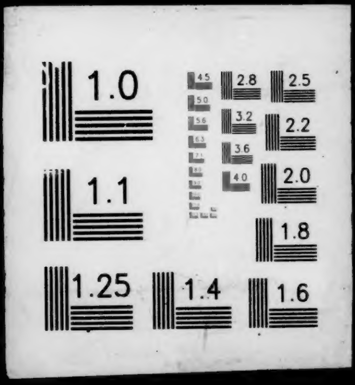
The best reason to vote against these two trade agreements is that they represent a slight readjustment of two deck chairs as the Titanic approaches the iceberg. Whether the chairs will now be positioned in a slightly more auspicious manner during the few minutes before the iceberg is struck, or whether their adjustment puts the chairs in a slightly less auspicious position, is hardly the point.

I voted "no" on these trade bills. Lets shake our trade policy-makers out of their stupor and work on trade and economic policies that will put us back on track, and put Americans back to work.

LIBRARY OF MICHIGAN

JUL 2 3 2007

U.S. DOCUMENT
RECEIVED DEPOSITORY


1.0
4.5
2.8
2.5
5.0
3.2
5.6
2.2
3.6
4.0
2.0
1.1
1.8
1.25
1.4
1.6